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HOUSE OF REPRESENTATIVES—*Wednesday, April 30, 2003*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 30, 2003.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

Rabbi Manny Behar, Executive Director, Queens Jewish Community Council, Forest Hills, New York, offered the following prayer:

Today people around the world remember the martyrdom of 6 million Jews who perished in the Holocaust. We also remember the leadership shown in this very Chamber, and the courage of our Armed Forces who brought an end to the Holocaust by defeating the Nazi regime.

Today, as always, we as a Nation stand for freedom and opportunity for ourselves and for all people. Once again, the men and women of this great body are called upon to make decisions that will impact on the future of individuals, of nations, of all humankind. Certainly such an awesome responsibility demands that we turn to God in prayer.

May God on this day and every day grant all the Members of the House of Representatives the wisdom to make the decisions that will make a nation and a world where all may enjoy peace, freedom, and opportunity. May you go from strength to strength in the service of God's children.

May God continue to grant success to our soldiers in Iraq, Afghanistan, and around the world. May they speedily achieve their mission and return home to the embrace of their families, and may God always bestow his blessings on the United States of America.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nebraska (Mr. TERRY) come forward and lead the House in the Pledge of Allegiance.

Mr. TERRY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a Concurrent Resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 39. Concurrent resolution supporting the goals and ideals of St. Tammany Day on May 1, 2003, as a national day of recognition for Tamanend and the values he represented.

The message also announced that pursuant to Public Law 105–83, the Chair, on behalf of the Democratic Leader, announces the appointment of the Senator from Nevada (Mr. REID) as a member of the National Council on the Arts, vice the Senator from Illinois (Mr. DURBIN).

WELCOMING RABBI MANNY BEHAR, EXECUTIVE DIRECTOR, QUEENS JEWISH COMMUNITY COUNCIL

(Mr. WEINER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEINER. Mr. Speaker, it is appropriate that today, as we commemorate Yom Hashoah, the commemoration of the Holocaust here in Washington, DC, that I ask the House to join me in welcoming Rabbi Manny Behar, who gave the invocation this morning.

Rabbi Behar is one of the most prominent spiritual leaders in the Queens community. Since 1992, he has been the executive director of the Queens Jewish Community Council, an umbrella organization for more than 90 synagogues and Jewish institutions throughout our borough.

In this position, he oversees a network of social service programs which include every service we can imagine, from counseling for victims of September 11 to assistance for homebound elderly to food distribution to job placement and training.

Rabbi Behar should feel at home here in the halls of Congress, because before coming to the Queens Jewish Community Council he had a distinguished career working in government. He was special assistant to Queens Borough president Claire Shulman, where he played a critical role in obtaining the historic New York State Supreme Court decision upholding the validity of Eruvim under American law.

During his tenure working for New York City controller Elizabeth Holtzman, he did research which led to the first conviction of an American company for participating in the Arab boycott of Israel.

It is my pleasure to also welcome Rabbi Behar's wife Evelyn, his two sons Moshe David and Nathan Benjamin, his father Moshe, and his cousins, Shalom and Cynthia Brilliant, who are here today. We wish Rabbi Behar's mom Rivka a speedy get well.

On behalf of the House of Representatives we would like to thank him, not only for his eloquent words this morning, but more importantly, for his service to his faith, his community, and to his country.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

URGING MEMBERS TO ENACT ROBUST ECONOMIC STIMULUS PLAN THAT PRIORITIZES THE TAXPAYER AND CREATES JOBS

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, our economy needs a boost, and it seems that lawmakers on both sides of the aisle agree on a couple of basic points: First, we must do something to stimulate the economy; Second, President Bush's tax proposal would create jobs.

Since we can agree that cutting taxes creates jobs, why would Democrats want to slash the proposed economic stimulus in half?

It is estimated that tax relief would create 700,000 jobs yearly throughout the country. In Kansas, this plan would create over 9,000 jobs per year over the next 5 years. Why do we choose to limit our success by cutting these numbers in half?

Some think the answer to our problem is to make the government a little larger. I believe the answer lies in empowering people with their own money so they can work, save, and invest in our economy.

I urge my colleagues to hold the line on spending and to enact a robust economic stimulus to prioritize taxpayers and create jobs.

THE ECONOMY

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to voice my strong concerns over the current state of the economy and the President's solution to stimulate this economy.

The President has defended his proposal for a tax cut of at least $550 billion, arguing that a large tax cut will create more jobs.

Now, let us see. The last tax cut that this President did was signed into law, and it was the largest tax cut in history, with a cost nearing $2 trillion. How effective has that been in creating jobs? Let us see. It is estimated that 53,000 United States workers lost their jobs this month alone. Unemployment is still hovering around 6 percent. So it looks to me like the President is using more of his fuzzy math here.

We need to work to come up with real solutions that reduce unemployment and that help us with respect to education, the environment, child care, and, yes, a prescription drug plan for seniors.

If Members want to cut taxes, then alleviate the tax burden on the working poor and on the middle class; do not do it to the wealthy, who are the least likely to get this economy turning.

CELEBRATING THE LIFE OF MR. CRUZ ACOSTA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to celebrate the life and spirit of Mr. Cruz Acosta, a wonderful constituent and an exceptional human being who remains high-spirited despite his struggle with cancer.

Cruz was the first in his family to leave the tyranny of Cuba in search of freedom, living his life in appreciation of the liberty he found here in the United States.

Throughout the last 11 years, he has fought bone marrow cancer and leukemia, but his continuous desire for better health would not have been possible without the loving care and prayers of his family and the dedicated attention of the nurses and the doctors at Baptist Hospital, an exceptional medical institution located in my district.

As he remains in the hospital today, my thoughts and my prayers are with his wife, Miriam, with Cruz, and his entire family.

CONGRESSIONAL TRIBUTE TO FIRST LIEUTENANT FREDERICK POKORNEY

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, United States Marine Corps First Lieutenant Frederick Pokorney was killed in action in Iraq on March 23, 2003. On that day, Nevada lost a true American patriot, a proud Marine, and a loving husband and father.

Fred was born in California and raised himself from an early age, until he moved to Tonopah, Nevada, to live with Wade and Susie Lieseke, whom he regarded as his parents.

Fred's first love was his family, with his favorite time being spent with his "best little helper," his daughter. His second love was the Marines and this great Nation.

When I spoke to Fred's wife, Chelle, she said that he embodied what it is to be a Marine: honor, courage, commitment.

Lieutenant Pokorney's daughter Taylor expressed her loss in these words: "My daddy, my hero, I will take care of mommy for you as you asked. We will be best friends. I will take her to Sea World for my birthday like you planned. I love you. I need you. I miss you."

The hearts of all Nevadans and all Americans go out to his family and friends. Our thoughts and prayers are with his wife, Shelly, and their 3-year-old daughter, Taylor.

CONDEMNING TERRORIST ATTACK IN TEL AVIV

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Mahmoud Abbas, also known as Abu Mazen, was approved yesterday as the first Palestinian prime minister. Hours before he was sworn in, a suicide bomber blew himself up at a popular nightclub known as Mike's Place, located right beside the U.S. embassy in Tel Aviv. At least three people were killed and 30 injured, including an American.

The world's attention is now focused on the new Palestinian leader, Abu Mazen. He has denounced terrorism, but words are not enough. Mazen must do everything possible to disarm terrorist groups such as Hamas and al-Aqsa Martyrs Brigade that are doing everything possible to derail the peace process.

President George W. Bush has a vision for the Middle East, a plan that was delivered this morning where Israelis and Palestinians live side by side in peace. We must not let terrorists thwart the important peace process that is now under way.

In conclusion, God bless our troops.

CALLING ON SENATOR RICK SANTORUM TO APOLOGIZE FOR REMARKS OFFENSIVE TO GAY AND LESBIAN COMMUNITY OR TO STEP DOWN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I waited patiently as the words of a Member of the other body permeated throughout our society with respect to negative comments on the gay and lesbian community.

As a Member of this great body and the Committee on the Judiciary, I have a great deal of respect and honor for the Bill of Rights and the first amendment, and the right for individuals to express their beliefs. I honor that.

But as an African American, I stand squarely and solidly against any form of discrimination. I think America loses its promise and its values and its beliefs in equal opportunity and equality for all and justice if there is a second-class discrimination.

I believe it is imperative for Senator RICK SANTORUM to apologize fully to the gay and lesbian community of this Nation and around the world or step down from leadership. We cannot tolerate this kind of reckless speech.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentlewoman from Texas (Ms. JACKSON-LEE) should not and must refrain from making inappropriate references to Members of the Senate.

ON THE DEATH OF DR. ELIZABETH KARNES

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. Mr. Speaker, I come to the floor today with a heavy heart. I am here to express the sadness and loss all Nebraskans feel at the passing of a selfless leader and volunteer, Dr. Liz Karnes.

Dr. Karnes embodied the best values of our State. Her good deeds and commitment to public service are greatly admired. She is well known for her 17 years of service on the District 66 School Board in Omaha and her work as a member of the Omaha Airport Authority, and her national policy work on behalf of children and schools.

But she is most known and committed to her finest work, raising her four daughters.

A 1967 graduate of Westside herself, Karnes went on to earn her doctoral degree in education administration. Along the way she graduated magna cum laude from the University of Nebraska, where she met her future husband, Dave Karnes. When Senator Karnes was appointed a U.S. Senator, Dr. Karnes accompanied her husband to Washington and worked as a volunteer assistant to First Lady Barbara Bush to advocate literacy.

□ 1015

In March 1991, Dr. Karnes was diagnosed with ovarian cancer. She began a courageous battle against the disease and she would survive. But in 2001 she developed kidney cancer which led to the complications that claimed her life late last week.

Dr. Karnes heroically fought cancer and its complications for 12 years. Her faith in God and the loving support of her family, friends, and colleagues kept her spirits strong, but Dr. Karnes was the real fighter. She continued to attend meetings and family events throughout her ordeal. She did not let her cancer come between her and her family, her work or her advocacy for the issues she believed in. Today we must redefine our definition of the word "hero." Our heros are closer to us. They are visible. They are walking among us. Dr. Karnes is such a hero.

UNBORN VICTIMS OF VIOLENCE ACT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, 84 percent of Americans say they think Scott Peterson should be held responsible for the deaths of his wife, Lacy, and their unborn son, Connor. I agree. Criminals who kill an unborn baby in the act of a crime should be held accountable.

On January 1, 1999, Deanna Mitts was 8 months pregnant. And after celebrating New Year's with her family, Deanna, her 3 year old daughter, Kayla, and her unborn daughter, were killed by a bomb explosion in their Connersville, Pennsylvania home.

Joseph Minerd, the father of the unborn child was arrested for Deanna and Kayla's murders but is not being held criminally liable for the death of the unborn child. That is not right.

If Scott Peterson should be held accountable, so should Joseph Minerd. The Unborn Victims of Violence Act would make sure that Joseph answers to all 3 of these deaths under Federal law. The bill would protect the innocent and defenseless against crime, and it would hold accountable the Scott Petersons and Joseph Minerds of this world. I urge the House to support the Unborn Victims of Violence Act.

FAITH-BASED ORGANIZATIONS AND THE AIDS EPIDEMIC

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, there is an epidemic of AIDS and HIV in Africa that can be described as a pandemic on that continent, 42 million infected with HIV, 8,500 deaths every day, entire villages in Africa where there is no single living adult.

Yesterday as I sat in the East Room of the White House, I heard President Bush describe a compassionate vision of moral obligation for the American people addressing this crisis that would bring with it not only $15 billion over 5 years, but to put a priority on the values of the American people, abstinence and monogamy, and then condom distribution, and would protect faith-based organizations in the process.

Sadly, Mr. Speaker, unless the House amends the bill we will consider tomorrow, the global AIDS bill will not reflect the values of the American people or the vision of the President of the United States of America. President Bush was right when he said we will not pass on the other side of the road, citing the good Samaritan in this crisis. But as we decide whether we will support abstinence first and protect the role of faith-based organizations in Africa, let us remember the good Samaritan not only stopped and provided money, but he took the man to a place where he could be made whole.

Faith-based organizations and those timeless values are such a place and I urge support of the Pitts and Smith amendments.

STOP UNNECESSARY MEDICATION OF CHILDREN

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, today the House will consider H.R. 1350, Improving Results for Children With Disabilities Act of 2003. This bill contains a broadly supported bipartisan provision that I have offered during full committee markup.

There is a significant problem facing children and their parents throughout the Nation. Some schools are actually requiring parents to place their child on drugs in order to attend school. This is wrong. My provision is not anti-school. It is not anti-teacher. It is not anti-medication. This provision is pro-children and pro-parents. This provision simply protects our children from unnecessary medication and it provides parents the decision-making power that they should have for their child's safety.

I urge my colleagues to support this and other sensible provisions contained in H.R. 1350.

SALUTING SERVICE ACADEMY STUDENTS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise this morning to salute our soldiers of tomorrow. That is the service-bound academy students of the Third District of the Texas. This district of Texas is home to some of the best and the brightest young people, and it is always an honor to recommend such fine students to our Nation's service academies.

On the heels of our swift victory in Iraq, I know they are ready to join the premier military force of the world. This year, north Texas is going to send five students to the United States Military Academy; two to the United States Naval Academy; four to the United States Air Force Academy; four to the Merchant Marine Academy with students hailing from Allen, Frisco, Garland, Plano and Richardson.

I think that this is something that every student wants to do. They want to become a member of the defense of our country.

The 15 appointees and their hometowns are as follows:

U.S. MILITARY ACADEMY

Brittany Ladner—Allen, Texas—Allen High School.

Chad Lorenz—Richardson, Texas—Home School.

Jennifer MacGibbon—Plano, Texas—Plano Senior High School.

Andrew Moore—Plano, Texas—Plano West Senior High School.

Nathan Navarro—Frisco, Texas—Frisco High School.

U.S. NAVAL ACADEMY

Eric McBee—Plano, Texas—Plano Senior High School.

Marcus Walters—Richardson, Texas—Pearce High School.

U.S. AIR FORCE ACADEMY

David Andrews—Richardson, Texas—Plano Senior High School.

Brian Campbell—Garland, Texas—Jesuit Preparatory School.

Benton Hall—Plano, Texas—Plano Senior High School.

Ronda Helart—Plano, Texas—Home School.

U.S. MERCHANT MARINE ACADEMY

Brendon Ball—Plano, Texas—Plano East Senior High School.

John Harman—Garland, Texas—Naaman Forest High School.

Scott Hughes—Plano, Texas—Plano West Senior High School.

Kartik Parmar—Plano, Texas—Plano Senior High School.

To these 15 appointees I say, God bless you. God bless America. I salute you.

IMPROVING EDUCATION RESULTS FOR CHILDREN WITH DISABILITIES ACT OF 2003

Mr. SESSIONS. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 206 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 206

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, the Committee on Rules met yesterday afternoon and granted a structured rule for H.R. 1350, Improving Education Results for Children With Disabilities Act of 2003. This rule makes a total of 14 amendments in order, including 3 minority and 1 bipartisan amendment. I am very proud of not only the Committee on Rules, but also the Committee on Education and the Workforce for preserving the greatest hallmarks for democracy while setting the stage for today's votes on H.R. 1350. I believe inclusion, deliberation and full participation was achieved in making sure that this important Act is brought forward.

Mr. Speaker, since I want original enactment in 1975, the purpose of IDEA has been to ensure free appropriate education is achieved nationwide for disabled students. When IDEA was first enacted, this was the goal. Today we are here to improve upon the things that we learned since the last IDEA reauthorization in 1997.

As you know, Mr. Speaker, as through IDEA, the Federal Government is, in fact, authorized to cover 40 percent of the costs that schools nationwide spend to educate special needs students. However, the Federal Government today picks up only about 18 percent of the total cost of educating our special needs students and we must do better than that.

The good news this year, Mr. Speaker, is that the budget agreement reached by the House and the Senate this month includes an increase of $2.2 billion for special education in 2004. This unprecedented funding to increase for special education programs means that the Federal share of the special education will be brought up to 21 percent this year. The good work for the Committee on the Budget this year also establishes a clear pattern to reach our State goal of funding fully 40 percent of the total cost of the special needs education within the next 7 years.

Mr. Speaker, I am very proud of the fact that from fiscal year 1996 to fiscal year 2003, overall IDEA funding has increased by nearly 21 percent, from $3.2 billion to $10 billion annually. In fact, the 2003 funding level is more than a 15 percent increase over the 2002 funding level. This is a positive trend and proves that we are serious about attaining our goals and meeting our commitment to special education needs. But there is so much more that this bill does, more than just increasing funding. And I would like to provide some of the major provisions of H.R. 13 where Members of Congress will be able to see that this committee and the committee work that was done not only by the gentleman from Ohio (Mr. BOEHNER) but also the subcommittee chairman, the gentleman from Delaware (Mr. CASTLE) really has made a difference in the life and ongoing life of IDEA.

The underlying bill ensures that State will align their accountability systems for students with disabilities to the No Child Left Behind Act system and requires each child's Individual Education Plan, known as an IEP, to specifically address that child's academic achievement.

H.R. 1350 makes significant changes to the Department of Education's activities on research of special education, establishes a center for special education research within the Institute of Education Science and authorizes the creation of a commissioner for special education research to oversee the Institute's research into special education and related services.

It incorporates elements of the gentleman from Florida's (Mr. KELLER) Paperwork Reduction Bill, H.R. 464, including the 3-year individualized education plan known as IEP; it creates a 10-State pilot program that allows State to reduce the IEP paperwork burden on teachers in order to increase instructional time and resources and improves results for disabled students.

For these and so many other reasons, Mr. Speaker, I have asked that you and each of my 434 other colleagues join me in supporting the dream of the greatest realization of our beloved, compassionate and democratic Nation. The realization that we have inherent worth and that here in America we will provide opportunity, love and compassion for every single one of our children.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume. I want to thank the gentleman from Texas (Mr. SESSIONS) for yielding me time.

Mr. Speaker, partisan battles are nothing new on the floor of this House, but there are many matters where broad bipartisan agreement and good will have traditionally been the rule. Education for disabled and special needs children has been one of those issues notable for its profound bipartisan consensus.

□ 1030

Therefore, it is a sad day for this House as we consider the rule for H.R. 1350, the IDEA reauthorization. This is not a bipartisan rule, and this bill certainly does not reflect a broad bipartisan consensus. If anything, H.R. 1350 represents consensus breaking, undermining many of the hard-won and carefully constructed checks and balances of existing law.

Education for disabled and special-needs children is a sensitive issue for all Americans. Some of our colleagues will be personally and directly affected by what we do here today. I am disappointed that we are considering this bill today because I believe we can do better and we should have done more to build a broad consensus around this bill among Members of this House and the constituencies most affected by this law.

During consideration of this bill in the Committee on Rules last night, I told every Member who testified before the committee that I supported their right to offer their amendments on the floor today. Unfortunately, the majority did not join me in that support. I am disappointed the majority has denied the opportunity for many Members to offer their amendments, but I am most disappointed that the majority has stifled debate on mandatory funding by denying the Woolsey/Van Hollen/McCollum amendment and the Bass/Simmons amendment, both of which would have required mandatory funding for IDEA.

There is a pattern in this body of saying one thing and doing another. The majority talks a good game about educating America's children but balks at providing the necessary funding when the time comes to back up their rhetoric with deeds. Today, we will hear about increases for special education in the budget resolution. But when it comes time to fully fund these programs, the majority denies debate on the only two amendments that would genuinely make that a reality.

This bill reneges on our 28-year commitment to fully fund the Federal share of special education part B grants to States, what is commonly referred to as fully funding IDEA. It denies mandatory funding that would ensure the Federal Government finally lives up to its legal commitment to provide States with 40 percent of these costs.

Time and time again Congress has passed meaningless sense of Congress resolutions supporting full funding for IDEA. But when it came to the point to require that these funds be provided, this bill, once again, turned its back on that promise. In fact, this bill actually sets caps, authorizing ceilings on the amount of funding that Congress may provide in any given year.

Even those groups representing teachers, principals, and school administrations that do support many of the changes in H.R. 1350 categorically state that the bill must be amended to require mandatory funding increases. Yet the majority on the Committee on Rules denied both Republican and Democratic amendments on this issue. So there will be no debate in the United States House of Representatives on the most critical issue facing special education today: Will the Congress finally put some money where its mouth has been for the past several years?

H.R. 1350 also undermines due process and discipline protections for children with disabilities, placing new restrictions on the ability of parents to seek legal representation when a violation of the law has occurred. It might even bring us back to the time when children with disabilities could be removed from the classroom or, worse, refused a public education simply because they had disabilities.

I have heard from so many parents of children with disabilities and from school counselors and other professionals about how this bill would adversely affect the lives and education of these children. Here is what one mother in my district wrote about H.R. 1350, and I quote:

"Leah is my 7-year-old daughter. She has Downs Syndrome. Leah is fully included in her class, learning to read and has many friends. Not only has she benefited from being in this class, I truly believe the children in Leah's school have benefited from knowing Leah and becoming her friend. I want Leah to continue in this inclusive environment because I feel this is the best way for her to develop independence and appropriate social skills for the future. But H.R. 1350 does not provide full funding for IDEA. H.R. 1350 would take away many protections for parents' rights that are in IDEA, called procedural safeguards. It is important for schools to give parents their rights so parents can use them to make sure their children get a good education. H.R. 1350 would prevent this. When you sign an important contract, you get notice of your rights. H.R. 1350 would let schools give a short description of rights to parents rather than fully explain these rights to parents, like they now have to do. Why are the schools so afraid for parents to know their rights?"

Another woman from my district, the mother of a 12-year-old boy with autism, is also extremely disturbed by the changes contained in H.R. 1350. She writes: "Under H.R. 1350, procedural rights would be greatly reduced. As a parent dealing with large teams of school district staff, these rights are critical to me in ensuring that my child's unique and individual needs are considered. Both school staff and I work very hard with my child to meet society's expectations. However, it is the nature of his disability that sometimes he cannot obey student codes of conduct. To subject my child to a segregated placement at the sole discretion of school staff anytime a rule is violated would be terrifying. Although some of the proposed changes in H.R. 1350 may appear sensible on the surface, as a person who has dealt with special education, I can easily see what their real-world impact would be, and it would be disastrous."

I am sure my colleagues have received scores of similar letters from parents and grandparents of children who need special education, as well as letters from school counselors, psychologists, and therapists who work with and support these families. They are asking us and they are pleading with us to reject H.R. 1350.

Surely we can find a way to give school administrators the flexibility they say they need without undermining the rights of the children and families they are charged to serve. Surely we can find a way to fulfill our promises and provide mandatory funding. We should send this bill back to committee and return with a genuine consensus on the IDEA reauthorization, as has been the tradition of this body for nearly 3 decades.

Mr. Speaker, this bill is opposed by nearly every major constituency directly involved in the lives of children requiring special education: parents, families, school counselors, psychologists and developmental specialists, disabilities advocates, and organizations involved in the professional development of teachers.

Mr. Speaker, I submit for the RECORD a list of organizations opposed to this bill:

The Council for Exceptional Children
The National Mental Health Association
The Higher Education Consortium for Special Education
The National Center for Learning Disabilities
The American Academy of Pediatrics
The School Social Work Association of America
The National Down Syndrome Society
Easter Seals
American Society for Deaf Children
National Coalition of Parent Centers
Epilepsy Foundation
Association of Maternal and Child Health Programs
National Alliance of Pupil Services Organizations
American Council of the Blind
National Parent Teacher Association
National Association of School Psychologists
National Association of School Nurses
American School Counselor Association
American Psychological Association

National Association for College Admission Counseling

National Association of Social Workers

The American Academy of Child and Adolescent Psychiatry

Mr. Speaker, I urge my colleagues to reject this rule and to oppose the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume, and with great respect to the gentleman from Massachusetts, I would tell him that I too have received a good number of letters which involve feedback from parents who are concerned about changes in the law; they are concerned about what any IDEA reauthorization would look like.

As a parent of a son, a person who has Downs Syndrome and is affected with the afflictions that come with that syndrome, I can tell my colleagues that I too am concerned about these things and approached this entire effort with an open mind, instead of saying I do not want any changes. I said, what are the things that we have learned from time; what are the things that we think we can do to get closer to not only better inclusion but to have better results from our children who fall within the IDEA guidelines?

Mr. Speaker, my son, who is 9 years old, and who is in first grade, is making progress. And I see where these things occur. But this committee and this subcommittee, under the leadership of the chairman, the gentleman from Ohio (Mr. BOEHNER), and the gentleman from Delaware (Mr. CASTLE), have done things to go in and instead of keeping the status quo, they have gone in and made things dynamic. We are going to be more inclusive, we are going to provide more money, we are going to do those things that will enhance the relationship that a parent has in an IEP, which are these individual times processes that one goes through where they sit down and look at their child and try to map out and plan out a way for them to fully meet their needs and also those educational opportunities that are ahead of them.

After looking at the entire package, not just a piece or a part, I am satisfied; and I believe that what has occurred here is a better bill. Is it perfect? Probably not. But under the current law, there are still parents and still students that suffer needlessly as a result of either people not understanding the law or people not complying completely. That will always be a part of the process. But the advantages of this new bill come about as a result of the intuitive nature of this committee and subcommittee, who wanted to enhance and learn from the past and make it better.

So as a parent of a child who is affected by what this legislation will do, and as an advocate on behalf of this community, I am asking those people who have written in, those people who have called, and I have talked to a good number of them, to allow us an opportunity to speak fully about the entire bill, to put it into context; and I believe that by the end of today, as the smoke has cleared, as we have talked about it, the advantages will be very apparent for not only the parents but also the students that are impacted.

It is ultimately the parents who are put out on the front line in trying to negotiate. Parents are scared and they are worried about this; but if we walk through the things that this bill will do, including providing more funding and more flexibility, they will see where the advantages will be true for each one of them and their children. So I would politely address the concerns that the gentleman from Massachusetts has, because it is a real question that does exist in real parents' minds; and I respect the gentleman for his discussion.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wilmington, Delaware (Mr. CASTLE), the chairman of the Subcommittee on Education Reform.

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Texas for yielding me this time, and I have a tremendous amount of empathy for his personal situation and have spent a great deal of time discussing that and his interest in this bill, as well as the gentleman from Massachusetts, who exhibited, I felt, at the hearing before the Committee on Rules, an understanding of the legislation as well.

I think it is very important that we begin this debate by understanding several background areas. One is that this is legislation which was created in 1975 with the help of a number of people who are still here today. One of those Members is the ranking member on the Committee on Education and the Workforce, and others who put language into this legislation, which I think has held up extraordinarily well over the past 30 or so years. I believe that the services that we provide to our children who have disabilities are tremendous, light years ahead of where we were just 30 years ago.

I believe that Republicans and Democrats alike have worked together every 5 or 6 years in the reauthorization process, and I know it was very difficult 5 or 6 years ago when I went through it in order to put together legislation which will be helpful in improving what we are doing in helping children with disabilities. But I believe that the legislation before us is another step in that direction.

Now, obviously, if this passes today, with some of the amendments which are before us, it will go into a conference with the Senate and may come out somewhat differently. But I would suggest that before the process is done, this may become both bipartisan and perhaps even some improvements in it from where it is at this point today, although I think it is a significant and good piece of legislation today.

I do rise in support of H. Res. 206, which provides for the consideration of H.R. 1350, which is the Improving Results for Children With Disabilities Act of 2003. I offer my thanks to the chairman of the committee, the gentleman from Ohio (Mr. BOEHNER), for his latitude in making sure that this legislation was worked out. We are very appreciative of that. I also want to thank the chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), and members of the Committee on Rules, particularly the gentleman from Texas (Mr. SESSIONS), for drafting what I find to be a fair and balanced rule.

I think we need to know the background of that too. For almost 2 years, we have been working to create a balanced piece of legislation to ensure that students with disabilities receive a quality education. In doing so, we have been committed to working with Democrats and parents and educators, and I think that rule today reflects that commitment. This has been an ongoing process, Mr. Speaker, which is exhibited in this rule.

There are a number of amendments that are the result of dialogue we have had with the minority. There are a number of other amendments that did not have to be introduced because we adopted them as part of the legislation. We have a manager's amendment with some technical aspects, which I am sponsoring.

But over the past 18 months, our committee, the House Committee on Education and the Workforce, has held seven different hearings on issues directly relating to the reauthorization of the Individuals With Disabilities on Education Act. And though that is probably not unparalleled, it is a little unusual to have that extensive number of hearings on any legislation in the House of Representatives.

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On June 6, 2002, I helped launch a Web-based project called Great IDEAs, designed to solicit input from stakeholders in special education across the Nation. Since that time we have had more than 3,000 responses from teachers, school administrators, parents of children with special needs, and others familiar with the unique needs of children with disabilities and incorporated many of these suggestions into H.R. 1350. So the point on that is there has been a great deal of effort put into the preparation of this legislation and the preparation of the rule which we have before us today.

Turning to the bill, I believe that this bill employs commonsense reforms to reduce the excessive amount of paperwork requirements, and that is the common complaint that we hear from everybody. It improves IDEA to provide greater parent involvement, seeks to reduce litigation, authorizes dramatic funding increases, and improves early intervention strategies.

The excessive amount of paperwork requirement simply, frankly, overwhelms teachers and robs them of valuable time to educate their students. Teachers must have the ability to spend more time in the classroom rather than spending endless hours filling out unnecessary forms. Additionally, these provisions will allow school districts to retain and recruit highly qualified special education teachers.

Throughout the bill we have made improvements to IDEA to provide greater flexibility to parents and greater input in developing the Individualized Education Program, which is known by the acronym IEP, for their child.

The bill gives parents discretion over who attends IEP team meetings, how they are conducted, or whether to have one at all. We have improved the parent training and information centers and the community-parent resource centers to serve as valuable tools for parents trying to work with schools to get a quality education for their child.

This bill seeks to reduce litigation and restore trust between parents and school districts by encouraging the use of alternative means or what we know as dispute resolution. All too often miscommunication damages this relationship and results in proliferation of litigation. Not only is this course of action costly, but it breeds an attitude of distrust.

H.R. 1350 authorizes dramatic increases in funding for special education, creates a clear path to attain full funding of the Federal Government's 40 percent goal within 7 years. Let me go through that carefully. We are going to hear that a lot in the course of the next 4 or 5 hours on the floor. Essentially, after IDEA was created, in the original language it said that the Federal Government will fund up to 40 percent of the cost of the education of these children beyond the normal cost of education. The Federal Government for whatever reasons did not live up to that.

Up until about 7 years ago, the Federal Government was funding 5 or 6 percent of that cost. In the last 7 years, and I am proud that Republicans have been involved with this, although Democrats have been supportive as well, but over the last 7 years, we have increased that dramatically so that instead of funding 5 percent, we are now funding 18 percent.

In this year's budget resolution, that funding number will take us up to 21 percent. The President of the United States has indicated his complete willingness to fund this in rapid increases to get us to that 40 percent in a 7-year glide path. This Congress, in the form of the Committee on Appropriations, has indicated doing it the same way. This is all under the discretionary spending which we have with constant review; and believe me, we need constant review of IDEA which is happening as a result of the fact that it is under discretionary spending. I do not believe when we go to mandatory spending we get those reviews.

I believe that particular commitment to getting there in 7 years is going to work. The mandatory spending side of it, the amendments that we are seeing, although they are not in this particular legislation, have a 6-year path to get us to that 40 percent funding. The real differences are rather minimal in terms of when we would get there, and the commitment to do it. Some Members say we need to do it in a mandatory way or it is not going to happen.

I do not agree with that. I have watched it happen year after year in most of the years that I have been in the Congress of the United States, and it is happening extremely well. I am proud of our record of dramatically increasing this funding for IDEA over the past 7 years and remain committed to building on that impressive record as far as the future is concerned. I am convinced that we are doing the right thing. We will hear a lot about it in a political sense today, but the bottom line is the commitment is there and that is happening.

The bill also improves early intervention strategies. Currently too many children with reading problems are being identified as learning disabled and placed in special education classes they do not necessarily belong in. We have given local school districts the flexibility to use up to 15 percent of their funds for prereferral services for students before they are identified as needing special education. I think that is a very important provision because of some of the overidentification that goes on, particularly in the African American community.

We also attempt to address that question of a disproportionate number of minority students wrongly placed in special education. We encourage school districts to provide positive behavioral interventions and support intensive educational interventions to prevent this overidentification and misidentification.

Mr. Speaker, there is a lot in this legislation. It is very difficult, frankly, to take a significant piece of legislation and be able to comprehend it unless one has lived it for a long time. I will tell Members there are many people who have come to my office and left pictures of their children behind, which I have on my desk in both Wilmington and here in Washington, DC. There are many Members of Congress who are involved very personally with children with disabilities and are very concerned with what is in this legislation.

Many steps have been taken in order to improve the legislation. We have tried to keep an open mind about amendments and suggestions and will do so through conference in order to help those children who truly need help in our schools. We are proud of our record and the legislation. I believe the Committee on Rules has done an outstanding job of sorting through amendments and preparing for today, and I would encourage everybody to support this rule.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to respond to the gentleman from Texas (Mr. SESSIONS), I wanted to make clear that those of us who have concerns about this bill do not want to maintain the status quo. We think this bill could be made much better. Our concerns are shared by a number of people who are directly impacted by this legislation, a number of constituency groups, parents, families, school counselors, psychologists, development specialists, disability advocates and other organizations. This is just a sampling of some of the correspondence I have received in the last 24 hours. People have very, very deep and legitimate concerns about this bill; and I think we should have tried to get a broader consensus before we brought this bill to the floor.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a member of the Committee on Education and the Workforce.

Ms. WOOLSEY. Mr. Speaker, I rise in strong opposition to this rule because it will not allow Members of this Congress to vote on an amendment and to debate an amendment that would fully fund IDEA and make the funding mandatory. We all know how the funding process works around here. Authorization levels may be fine, budget numbers may help, but what really counts is appropriations. There are many, many competing demands on appropriations, so we should remove that competition when the Federal Government has made a commitment to fund an education program at any level because our schools need to be able to count on those funds. We have told them they are coming. They need to be able to count on them.

To that end, Mr. Speaker, two amendments were submitted to the Committee on Rules, one by three Democrats and the other by three Republicans. Those amendments would have phased in full funding for the part B State grants in IDEA and at the same time made all new funding mandatory. Neither of these amendments were accepted; neither will be considered today. Without the opportunity to debate and vote on one or the other of these amendments, a vote for H.R. 1350 is a vote against fully funding special education programs, which in turn leaves our schools and our parents competing for scarce funds for needed programs that are needed equally for our special ed kids and for the rest of kids that need to be educated.

Mr. Speaker, I urge Members to vote down this rule and in so doing demand the opportunity to vote on an IDEA reauthorization bill that includes mandatory full funding.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from California (Mr. McKEON) were at the Committee on Rules last night and spoke eloquently about their desire to ensure the funding levels. There are several issues there, but one of the most important ones was requiring that additional increases in funding above fiscal year 2003 levels be passed down directly to the local level.

There was a very important discussion in the Committee on Rules about Governors and the responsibility they would have as they managed their State budgets. I would like to make sure that the Members of Congress understand this will be part of the debate that takes place today.

Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. LINDER), a member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, I urge my colleagues to join us in supporting this rule so we may move to debate on the underlying legislation, the Improving Education Results for Children With Disabilities Act of 2003.

This is a structured rule that makes in order a total of 14 amendments to H.R. 1350. These amendments allow the House to work its will on a variety of important issues and topics. It is a fair rule, and I hope it is overwhelmingly approved.

With respect to H.R. 1350, I want to commend the gentleman from Delaware (Mr. CASTLE), the chairman of the Subcommittee on Education Reform, and the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, for all of the time and effort they have invested in bringing this important, well-crafted legislation to the House floor.

Although IDEA has helped many children with special needs since it was enacted in 1975, some problems remain. The largest problem with IDEA is its focus on requiring compliance with complex rules, rather than producing the academic results that children with disabilities need. Streamlining and significant reforms are needed.

H.R. 1350 represents a step in the right direction. Not only does it strengthen accountability and results for students, it also gives States the freedom to reduce paperwork that is often duplicative and unnecessary. Doing this will allow teachers to focus less on complex forms and more on spending time in the classroom teaching students with needs.

Other reforms include greater flexibility for local school districts to improve early intervention strategies and thereby helping to lower the number of children who are improperly placed in special ed classes, and more innovative approaches to parental involvement and choice.

When the IDEA law was originally enacted in the mid-1970s, the Federal Government promised to fund 40 percent of its costs. Although the Federal Government has made dramatic improvements in the last 8 years by appropriating significantly higher funding, we are still falling short of the goal. However, to the credit of the gentleman from Delaware (Mr. CASTLE), the subcommittee chairman, and the gentleman from Ohio (Mr. BOEHNER), the full committee chairman, this bill puts the Federal Government on a glide path towards providing its full 40 percent share of IDEA costs within 7 years.

To those who would vote against a rule because it does not do what they did not do for the 22 years they controlled this House and the Senate and the White House is pure politics. It has nothing to do with children; it has nothing to do with special needs. When I came here 10 years ago, IDEA was funded to the tune of 5 percent. It is now 18, soon to be 23, and on a glide path to 40 percent; and that is real significant progress. Opposition to this bill because it does not do what was failed to have been done for 25 years is sheer politics.

I have always supported the right of children to a quality public education, and that remains a bedrock principle of mine. Unfortunately, in many local schools, special ed cannot be given the kind of treatment, attention, and care that it ought to receive. When this happens, families with special education children suffer.

H.R. 1350 will move us toward our goal of working to give families with special education children the choices and the support they deserve. Mr. Speaker, I urge Members to support this rule so we may proceed to debate the underlying legislation.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just say to the gentleman from Georgia (Mr. LINDER) what we would like to see happen is all of us, including those on the majority side, keep their word to the American people, that we provide full funding for IDEA.

There have been over 22 various resolutions and bills which have been voted on in this Chamber and the other body endorsing the idea of fully funding IDEA. We want them to keep their word. Let us put our appropriations where our rhetoric is.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I thank the gentleman from Delaware (Mr. CASTLE), the chairman of our subcommittee, for the gentleman's recognition and leading the committee toward an understanding of the disproportionately high number of African American males being placed in special education.

I raised the issue in subcommittee in the form of an amendment, and the gentleman from Delaware (Mr. CASTLE), to his credit, led us through a discussion of that which led to what I am sure is a real adjustment and a way to handle that issue by dealing with this disproportionately high number of individuals in a special group.

□ 1100

With that having been said, since we did not get to the point, though, of dealing with full funding for the legislation and without the resources needed, I am afraid that we cannot take care of the problems. Therefore, Mr. Speaker, I cannot support the rule. I think we have had an opportunity and could have had an excellent piece of legislation, but I am afraid that it falls short because it short-changes those in our society who need the help the most, children with disabilities.

Mr. SESSIONS. Mr. Speaker, I would like to inquire upon the time remaining for both sides.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas (Mr. SESSIONS) has 8 minutes remaining. The gentleman from Massachusetts (Mr. McGOVERN) has 18 minutes remaining.

Mr. SESSIONS. Mr. Speaker, I would like to let the gentleman know that I would be pleased to have them consume several speakers so that we can get more closely aligned on the time.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN), a valued member of the Committee on Education and the Workforce.

Mr. VAN HOLLEN. Mr. Speaker, I thank my colleague for yielding me this time.

I think it is extremely unfortunate that the Republican majority on the Committee on Rules has voted to deny this full body, all 435 Members of this Congress, the opportunity today to vote up or down on meeting the education commitments we have made to America's children. We many years ago said that the Federal Government was going to pay for 40 percent of the costs for special education; and as we sit here on this floor today, we are only at 18 percent. I know that in campaigns throughout this country when we all go before school boards, Republicans and Democrats, when we talk to parents groups, we have all said how important it is to keep our promise and make that 40 percent commitment. I am very pleased and I want to thank the chairman of the full committee and the chairman of the subcommittee for giving us the opportunity to debate that very issue and vote on it in committee. I was disappointed that it failed on party lines, and I think it is important that this full House have an opportunity to debate that. This is the reauthorization bill. This is the one time for the next 5 years we are going to be taking up this issue. This is the time to do it.

For those who say it is not important, we should leave it to the appropriations process, I would say to those listening it is the difference between giving a guarantee today and rolling the dice every year with the Committee on Appropriations, and we know from history that we have been unable to meet that commitment rolling the dice every year. Now is the time to make the guarantee. Just a little over a year ago, the President signed the No Child Left Behind bill and promised a great deal of more resources to our States and our school boards in exchange for numerous responsibilities that we put upon them; and yet just a little over a year later, we are already failing to make our commitment on No Child Left Behind. This year we are $9 billion short. We need to meet our commitments we made on special ed more than 20 years ago. We need to meet our commitments we made in No Child Left Behind. We should not be pitting these groups against each other. There should not be competition in funds between special education and all other education. Let us vote today to provide our schools and our children the resources we have promised. Give this House an opportunity to do it. Why are we afraid to let 435 Members vote on that issue?

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND), another valued member of the Committee on Education and the Workforce.

Mr. KIND. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. McGOVERN) for yielding me this time, and I appreciate the work he has put in in dealing with this rule as well as with the legislation.

Mr. Speaker, I am a member of the Committee on Education and the Workforce and a member of the Subcommittee on Early Childhood, Youth and Families in charge of the reauthorization of this bill. And while I will be supporting legislation at the end of the day, assuming the voucher amendments that will be offered today are not in fact adopted, I have to rise and express my opposition to the rule.

I do appreciate most sincerely the effort that the gentleman from Delaware (Mr. CASTLE), the subcommittee chairman, has put in with the outreach that he has provided to the members of the committee and also throughout the rest of the Nation in regards to the input on this important legislation; but this is really the most important education bill that is going to be appearing before this 108th session of Congress over the next couple of years, and all Members should have an opportunity to offer amendments and to express their concerns and to offer some improvements to the legislation that we have been working on for some time, not least of which the granddaddy of all the unfunded Federal mandates that is affecting our school district, which is full funding of special education.

I cannot comment on the remarks of the gentleman from Georgia (Mr. LINDER) in regards to what happened in previous Congresses and why they did not fully fund it, but I do recognize a promise, and a promise that is not being kept, when I see it. We should have the opportunity today to offer an amendment requiring mandatory full funding of special education so we can get away from pitting student against student in our classrooms.

This is an important piece of legislation. Children with special needs should have access to quality of education like any other child throughout the country, but this is an unfunded mandate because we have never lived up to the 40 percent cost share that was promised in the mid-1970s when it was first passed. We are on an encouraging trend line, though, to try to increase funding to that level, but excuse some of us on this side of the aisle if we are somewhat cynical or doubtful that this Congress or the administration is truly committed to achieving full funding in the 7 years that they claim they will achieve it under this legislation. It is just a little over a year since No Child Left Behind was passed; and yet, as my colleague before me just recognized, we are $9 billion short in funding that program.

This should be an open rule. We should not be closing the debate process. I encourage my colleagues to vote "no" on it and bring back an open rule to have a discussion on this important topic.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I rise in opposition to the rule and the bill.

In general, IDEA is a good program which works well. As a society, we have decided that all children have a right to a quality education. In 1954 our country made it clear that "all children" included racial minorities, and under IDEA we made it clear that "all children" included those with disabilities. The dream that all children are entitled to a quality education is an expensive dream to achieve, but we have decided that we mean to achieve that goal.

Many years ago, Congress promised to contribute 40 percent of the cost of achieving that goal, and this bill provides only a modest increase in authorization; but if No Child Left Behind is a guide, the appropriations will not follow. If we mandated the appropriations in the bill, we could be sure that the money would follow the authorization, but that mandate is not in the bill. We should remember, Mr. Speaker, that the Federal legislation to protect the educational rights of children with disabilities would not be necessary if school districts did a better job in carrying out their responsibilities.

Prior to the Federal mandate of Individuals with Disabilities Education Act, millions of children with disabilities receive no education at all. But this bill makes it more difficult for our children with disabilities to get the free and appropriate education to which they are entitled because many of the discipline provisions in the bill are inconsistent with that goal. Rather than making sure that children with disabilities are provided with good teachers who have appropriate training and professional development, the bill allows school districts to shuttle kids off to so-called interim alternative educational settings that will not provide a free and appropriate public education. In so doing, this bill makes it easier for local school systems to illegally place children with disabilities in inappropriate settings while at the same time reducing the parents' ability to challenge those placements. And so, Mr. Speaker, in the bill the removal of the current discipline protections will result in students with disabilities being expelled or removed for actions they cannot control.

Mr. Speaker, the revised discipline provisions in the bill were added to give school districts an opportunity to avoid providing the most challenging students with disabilities free and appropriate education; yet we should remember that even with the current protections, students with disabilities are already overrepresented among students who are expelled from schools. The elimination of the current discipline safeguards will remove the only legal safeguards that currently exist for these students with disabilities.

Mr. Speaker, for these reasons as well as others I ask my colleagues to oppose the rule and oppose final passage of H.R. 1350.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, wherever I have gone in my district meeting with my school superintendents and parents, teachers, and just proponents of good education for all of our children, one of the strongest issues has been the full funding of the authorization for children with disabilities. Full funding, full funding is the cry all over America. I would have hoped today that we could have moved forward with the concept of full funding, and I am gratified that this legislation has finally come to the floor; but clearly we are missing the boat if we believe that we are going to be able to reach again to America's commitment to equal education for every child if we do not provide full funding for children with disabilities.

And then, Mr. Speaker, I think it is clearly important that we again reassess these new provisions dealing with penalties for misbehavior in this legislation. Why are we penalizing the children who need the most help? Why are we penalizing the children who need the most incentive? Why are we penalizing the teachers who need the most help? We can find a much better guide, if the Members will, and provide the guiding mark for helping these children without providing them with extra burdens or penalties for misbehavior so they wind up being the children who are expelled and out of the system in the first place.

Have my colleagues ever spoken to a parent of a disabled child? Their greatest plea is to give their child that opportunity. And here we come with a bill that, one, does not have full funding; and, two, creates these extraordinary burdens on the school system, the teachers, and the parents.

I would also say that I think it is extremely important to support the McKeon-Woolsey amendment that clearly dictates to our school districts, and I know they are struggling with the funding resources that they have, to direct all funds beyond the administrative costs directly to the services so that all the moneys that we do have funded out of this legislation will directly go to serving our children.

I would like us to come forward as we have attempted to do in a bipartisan manner. I certainly appreciate the work of the Committee on Education and the Workforce, but we are falling short of America's children and America's promise of the educational opportunity for all children. If we do not provide full funding, we do not direct all moneys to the services and we get rid of these burdensome provisions, that will only send more special ed children into the streets away from equal opportunity of education for all of our children.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of the Committee on Appropriations.

Mr. CUNNINGHAM. Mr. Speaker, before I was selected to the Committee on Appropriations, I was subcommittee chairman of the Committee on Education. I went through the IDEA bill and the reauthorization. Taking the parent groups and the schools and putting them in the same room is like putting a Persian cat and a Siamese cat together. It was very difficult. We actually basically put them in a room, gave them no bread or water, and told them to come out with a solution. The solution they came out with was pretty reasonable, and there was balance except that when the final bill came out, for example, the trial lawyers changed the intent, we said the first time a parent goes to the school we do not want a trial lawyer there because it will raise the funding and it will cost schools. And they said let the schools provide a lawyer. The schools do not need a lawyer. But they do, and what happened is they got around it when we established that rule that a parent would go to school, the trial lawyers would still be paid, and it would cost the additional money.

I think the Democrats have really got their gall. For 20 years IDEA was supposed to be funded at 40 percent. The most it was ever funded was 5 percent of that 40 percent. When the Democrats had the White House, the House, and the Senate, they gave us the highest tax increase in history. They increased spending with a deficit at $330 billion forever; but, no, they did not increase the spending on IDEA. It stayed at 5 percent. Since we have taken the majority, we have put it up to 18 percent, over a 262 percent increase; and it is on a climb, and it will go on to climb. But they want to put this program on a mandatory level, on autopilot. None of these changes would be possible. People will retire on active duty just like the other mandatory spending programs. The Democrats talk about fiscal responsibility. Let us put veterans, let us put IDEA, let us put Impact Aid, let us put all those other things on mandatory spending. The budget in this place will go out of sight and the deficit and the debt will also go up. The real problem is Gray Davis, the Governor of California. He is cutting the money at the State level and running the whole IDEA engine on Federal money. He is cutting IDEA.

□ 1115

He is cutting Impact Aid. He is cutting Title I. So if you want to improve IDEA stop him from stealing the money, I do not want to add new money and have Governor Davis steal it. I do not want to add new money though and have it go to the trial lawyers with these cottage organizations. But the Democrats will not do that, because that is where they get their campaign money.

We need to change the system. Alan Bersin was Bill Clinton's Border Czar and is now the superintendent of the San Diego city schools. He has testified that IDEA is his biggest problem in schools. He wants to improve IDEA. IDEA has helped children with disabilities before they were left out. They were left behind. We are trying to improve the bill. But to make it mandatory after what the Democrats have done nothing for all of these years is hypocrisy and political demagoguery.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just say to the gentleman from California who just spoke that the government made a commitment to provide States with 40 percent of the costs for special education. We have broken that promise time and time again. We are breaking that promise again today. If the gentleman does not want to provide 40 percent of the costs to States, he can vote against one of the amendments that was offered in the Committee on Rules last night that was denied here on the floor today that would provide mandatory funding.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. DAVIS).

Mr. DAVIS of Tennessee. Mr. Speaker, I rise in objection to the rule.

Mr. Speaker, the Individuals with Disabilities Act, also known as IDEA, has made progressive strides for children with disabilities since it was first introduced in 1975. H.R. 1350, which reauthorizes this landmark legislation, is before the House today. This bill has some very positive attributes and, I think, perhaps some very negative points.

First, this bill provides for a 1-year statute of limitations on complaints for due process hearing. I think this is very helpful for school districts who are serving many of these students. The 1-year statute will prevent complaints from previous school years from reoccurring.

But at the same time, this bill weakens protections for parents and students that are provided by the current law. The bill gives the option for a school district to develop an individual education plan for the child every 3 years. The current law provides for the IEPs to be done every year. Three years is too long, I think, to track a student's progress. This bill needs to maintain the continued IEP for every school year.

Additionally, the bill allows students to be moved indefinitely to an alternative placement for any violation of a school's code of conduct. Current law allows a 45-day alternative placement unless it is for weapons, guns or drugs. Removing the child indefinitely may not be warranted by the facts of the particular situation of the child. The child should be entitled to a manifestation review to see if the disability has caused that conduct, but this bill eliminates the manifestation review that is in the current law. We should not permanently remove a child from school if the conduct was a result of his or her disability.

Mr. Speaker, I urge my colleagues to uphold the imposition of the rule so debate can continue on this bill.

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, let me thank my colleague from Texas for yielding me time and for his great work working with myself and the members of our committee and others to help craft the bill that we have before us today.

Let me also thank the gentleman from California (Chairman DREIER) and the Committee on Rules for their consideration of what I think is a very fair rule for Members on both sides of the political aisle. There is great opportunity for Members to offer amendments.

Let me also thank my good friend, the chairman of our Subcommittee on Education Reform, the gentleman from Delaware (Mr. CASTLE), for the tremendous work that he did, and the members of our committee and our staff, by the way, for all of their hard work in getting us here today.

I will have a lot more to say about the bill when we actually get into the bill, but we are on the rule.

Mr. Speaker, there has been a lot of conversation this morning about the issue of mandatory spending versus full funding. I just want to say that the amendments that were offered that were not made in order with regard to mandatory spending were not made in order because they violated the rules of the House. You cannot bring a mandatory funding amendment here without getting a waiver of the Budget Act. The fact is that neither of these amendments were crafted in such a way that they did not violate the rules of the House. That is why they were not made in order.

Let me also say that mandatory funding for this program is the wrong way to fund the program. We would not be here today making the improvements in this bill to help children with special needs and to help our teachers, principals, school board members and superintendents if it had not been for the fact that we have this bill on a 5-year reauthorization track. It forces the Congress to step back and look at this Act and to determine, is it working the way we intended it? Are there better ways to achieve our objective?

I would suggest to all of my colleagues that if it had been under mandatory spending, we know what happens with those programs; they get put on automatic pilot and are very seldom looked at. That is not in the best interests of special needs children, and it is not in the best interests of our schools.

Let me also say what my colleague from California pointed to. The first 20 years of this Act Congress never really stepped up to the plate. Our friends on the other side of the aisle were in charge. Even in 1993 and 1994, when they had control of the House and Senate and the White House, there was no move made to make this a mandatory funding program. So why do we hear about it now?

I would just suggest to my colleagues we do two things here in this town; we do public policy and we do politics. We would like to get the politics out of it, but it is kind of hard to take politics out of politics. But when we hear all of the discussion about mandatory funding, trust me, it is nothing more than politics.

Since 1996, all you have to do is look at the chart next to me and see the dramatic increases in funding. 1997, a 33.7 percent increase in IDEA spending. In 1998, a 22.3 percent increase in spending; then we raised it another 13.2 percent in 1999; how about the year 2000, 16 percent more on top of that; the year 2001, a 27.1 percent increase; or how about 2002, an 18.8 percent increase; or how about this year, 2003, a 17.8 percent increase.

All of these are built on top of the previous increases. And in the budget resolution that we adopted just several weeks ago we called for a 24.8 percent increase in IDEA spending.

For someone to suggest that we are not doing our job, we are not trying to meet our responsibilities, I think, misses the point entirely. In this bill that is before us, we have a glidepath to get from the 20 percent of funding, in round figures, 21 percent at the end of this year, to 40 percent. I think that is a reasonable approach, it is the right way to go, and none of us, none of us, should hang our heads when it comes to the question of whether we are meeting our obligations to fully fund IDEA.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume to close for our side.

Mr. Speaker, the vast majority of schools welcome children with disabilities as an integral part of their student body. They work with parents, teachers, medical professions and support personnel to provide these students with "free appropriate public education."

Unfortunately, there are still children with disabilities who are denied the education they need, the education that they deserve, and the education that they are entitled to by law.

H.R. 1350 does nothing. It does nothing to guarantee that the Federal Government will keep its commitment to fund 40 percent of the Part B grants to States.

It is astonishing that the new argument why we are being denied the right to vote up or down on the issue of mandatory funding is these amendments would require a budget waiver. The majority provides budget waivers and every other kind of waiver for all of their amendments all the time. So the real reason why we are not having these amendments on the floor is because the majority does not want us to vote on an amendment that would require the Federal Government to keep its word to the American people.

This bill also does not address the shortage of qualified special education teachers in a meaningful way. Currently unqualified and under-qualified special education teachers are teaching more than 600,000 children with disabilities. By significantly weakening both the discipline protections and due process rights in current law, H.R. 1350 makes it more likely that students with disabilities will be turned away from their neighborhood schools and segregated in alternative education settings until they eventually just drop out of school.

If H.R. 1350 becomes law, children with disabilities will not just be left behind, they will be left far behind.

Mr. Speaker, although this rule allows debate on several amendments, it denies the House the opportunity to debate the question of mandatory funding, the most fundamental question affecting special education programs. For this reason, I urge my colleagues to vote no on this rule and to vote no on H.R. 1350.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank several people who have been a part of our success today, not just the gentleman from Ohio (Chairman BOEHNER) and the gentleman from Delaware (Chairman CASTLE), but also from the Committee on Education and Workforce, David Cleary and Sally Lovejoy; from the staff of the gentleman from Delaware (Mr. CASTLE), Sarah Rittling; from the Committee on Rules, Adam Jarvis and Eileen Harley; and from my staff, Bobby Hillert and Tucker Anderson.

Mr. Speaker, this is about a decision that this House is going to make to debate today, IDEA. That is what the vote on the rule is about, are we going to proceed with regular order?

I am in favor of what we are doing. I believe that the clay that we have put in front of us today will be a better model. We will rebuild IDEA and we will make it better than what it is today.

As the parent of a child who will fall under IDEA, I can tell you obviously there are risks involved any time you get into a new circumstance. I am convinced beyond any reasonable doubt that the opportunity that this great body has to make IDEA better for every single student, for the teachers and the administrators who will work underneath these new processes and the students who come into contact with our children, will find that this will be a better way. We have learned from the last 7 years. We will learn on a going-forward basis. It is the right thing to do.

Mr. Speaker, I ask every single one of my colleagues, please support the rule. Let us debate IDEA, and let us get it passed today.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 211, nays 195, not voting 28, as follows:

[Roll No. 149]

YEAS—211

Aderholt
Akin
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—195

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Smith (WA)
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—28

Bachus
Becerra
Boehlert
Burr
Burton (IN)
Capuano
Cardin
Collins
Combest
Conyers
Cubin
Davis (AL)
DeMint
Dreier
Gephardt
Honda
Hyde
King (NY)
Kirk
Lewis (GA)
McCarthy (MO)
Oberstar
Owens
Pomeroy
Slaughter
Snyder
Tauzin
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON)(during the vote). The Chair announces that there are 2 minutes remaining in this vote.

□ 1152

Ms. VELÁZQUEZ and Messrs. EDWARDS, DAVIS of Tennessee, and GUTIERREZ changed their vote from "yea" to "nay."

Mr. GOSS changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COLLINS. Mr. Speaker, I was inevitably detained at the White House and was not able to be present on rollcall vote 149, providing for consideration of H.R. 1350; to reauthorize the Individuals with Disabilities Education Act. Had I been present, I would have voted "yea" on rollcall vote 149.

Mr. BACHUS. Mr. Speaker, on Wednesday April 30th I missed rollcall vote 149 due to attending an awards ceremony for the National Teacher of the Year at the White House. If I had been present I would have voted "yea" on rollcall vote 149.

The SPEAKER pro tempore (Mr. CAMP). Pursuant to House Resolution 206 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1350.

The Chair designates the gentleman from Georgia (Mr. LINDER) as chairman of the Committee of the Whole, and requests the gentleman from Idaho (Mr. SIMPSON) to assume the chair temporarily.

□ 1153

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes, with Mr. SIMPSON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentlewoman from California (Ms. WOOLSEY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased that we have a chance today to consider the Improving Education Results for Children with Disabilities Act, H.R. 1350, legislation that will strengthen our Nation's education law for children with special needs.

I am very grateful for the work of the gentleman from Delaware (Mr. CASTLE) on this important legislation, and for all of the hard work all of our committee members have put into this project over the last 18 months.

I also want to thank the ranking member and my friend, the gentleman from California (Mr. GEORGE MILLER), for his work during this process. While we are not in complete agreement with the bill that we have before us today, his efforts have been extraordinary and very helpful.

The issues addressed in this bill are important ones for our constituents. I hear more comments from Members about IDEA than I do about any other Federal education program. Today is a chance to do something that will make a real difference in our schools.

The bill that we have before us today is an important bill for our children and our schools. It is the next major step in education reform and the next step in the process of ensuring that Washington no longer spends billions of dollars a year on education programs without insisting on results for our children.

This bill is important as an opportunity for us as legislators. The reforms in H.R. 1350 are strongly supported by teachers, school administrators, principals, and other educators, those who have been asked to do the most under the bipartisan No Child Left Behind Act. This bill gives teachers and school leaders better tools to meet the high standards in No Child Left Behind, and they support it.

When Republicans and Democrats came together some 16 months ago to pass No Child Left Behind, we vowed to bring a generation of failed Federal education policy to an end. We acknowledged that money alone has failed to close the achievement gap between disadvantaged students and their peers. We declared that Washington would no longer pump billions of dollars a year into education without insisting on results for the children those dollars are supposed to serve.

No Child Left Behind was the beginning of this process, not the end of it. The No Child Left Behind law requires that every child in America be given the chance to learn and succeed, including children with special needs. When we passed the law, we promised we would follow up by giving teachers and educators the tools they need to meet these high standards.

We promised that we would revise laws like IDEA to ensure that the focus is on results being produced for our children, rather than on compliance with complicated rules and paperwork. We said that these things we could finally do, now that an accountability system was in place to ensure that parents know when their children are learning.

Mr. Chairman, we are here today to make good on that commitment. The measure before us provides powerful reforms requested for years by teachers, principals, local educators, the people on the front lines of education in our country. The American Association of School Administrators, which represents some 14,000 educational leaders nationwide, calls H.R. 1350 "the best special education policy revisions we have seen in decades."

The legislation aligns IDEA with No Child Left Behind and gives our school districts greater flexibility in reviewing the progress of a child by replacing benchmarks and short-term objectives with regular reporting requirements that are contained in No Child Left Behind.

The bill before us reduces the paperwork burden on teachers. Good special education teachers are leaving the profession in frustration because of the IDEA paperwork burden, and there is a growing shortage of quality teachers in special education. This legislation before us allows parents to choose the option of a 3-year individualized education plan instead of an annual one.

□ 1200

And it is at the option of school to offer it and at the option of parents if they want to move to a 3-year plan. And the gentleman from Florida (Mr. KELLER) has been promoting this idea for several years. I want to thank him for his contributions in this bill.

H.R. 1350 will reduce the numbers of students that are misidentified or overrepresented in special education, a problem that particularly effects minority children. As the Civil Rights Project at Harvard University has shown, African Americans are nearly 3 times more likely to be labeled as mentally retarded under the current IDEA system and almost twice as likely to be labeled emotionally disturbed. Thousands of children every year are inappropriately identified, while many others are not identified at all.

The gentleman from Pennsylvania (Mr. FATTAH), our colleague, gave us compelling testimony during committee sessions in the last Congress to help us address this, and I am proud to say that it is being addressed.

H.R. 1350 gives local school districts new flexibility and resources to improve early intervention and reduce misidentification of children into special education. The bill before us would reduce destructive lawsuits and litigation in special ed, it encourages the use of mediation as early as possible, and creates new opportunities for voluntary binding arbitration.

The bill encourages parental involvement and allows IDEA or school districts to use IDEA to support supplemental services for students with disabilities in high priority schools. It also allows parents to choose to keep their children with the same educational provider from the beginning of service until the child reaches school age. And I am grateful for the help from the gentleman from South Carolina (Mr. DEMINT) who helped devise these provisions.

The bill also charts a clear path to full funding within 7 years. Thanks to the gentleman from Nevada (Mr. PORTER), it authorizes a systematic increase in special education aid to the State that would result in the Federal Government paying an unprecedented 21 percent of the total cost of special ed in America next year. And as the chart shows, as this chart shows, we have had unprecedented increases over the last 7 years. And the budget resolution that we passed just several weeks ago brings an increase this year of over $2 billion and authorizes an additional $2.5 billion next year. This is by far the highest percentage in history; and the Porter language will allow appropriators to increase IDEA spending through the traditional spending process, the same process that Congress has used to increase IDEA spending by almost 300 percent over the past 8 years.

H.R. 1350, the bill before us, will enhance school safety, requiring districts to continue to provide educational services to students with disabilities while allowing the school district personnel to have one uniform discipline policy for our children. And the gentleman in Georgia (Mr. NORWOOD) has been a very effective member in leading the Congress to deal with this issue for many years. And I really do want to thank him for his willingness to work with the committee to craft the discipline provisions that we have in our bill.

Let me just say as I close, I want to commend my colleague from Delaware (Mr. CASTLE) for his leadership in bringing this legislation to this point. It is an excellent bill that will make a positive difference in the lives of parents with special needs children, teachers, school boards members and others, and I urge all of my colleagues today to join me in supporting this bill.

Mr. Chairman, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Education and the Workforce.

Mr. GEORGE MILLER of California. Mr. Chairman, this is a very important piece of legislation and I hope the Members will have an opportunity to listen to the debate. I wanted to thank my colleagues on the committee, the gentleman from Delaware (Mr. CASTLE), the gentlewoman from California (Ms. WOOLSEY), and the gentleman from Ohio (Mr. BOEHNER), the chairman of our committee, for the work and effort they have put in on behalf of this legislation. We went through an extensive mark-up. We had an opportunity to offer a number of amendments. Unfortunately, most of them from our side were not accepted. But I believe that, in fact, this is a matter of good intentions by both sides of this debate.

I must state, however, at this time I think this bill does considerable harm. I think that this bill falls short in protecting what is the basic civil rights of children with disabilities to get a free and appropriate education. That is the intent of the law. And I am concerned that this bill does not do what it says it should do with respect to guaranteeing the basic rights of those children.

This bill also falls short on another front, and that is the guaranteed full funding of this Act. The gentleman from Ohio (Mr. BOEHNER) is right, the Congress has done a much better job in the last 6 or 7 years in providing those fundings, but the fact is that the promise that has been made to the local school districts has not been kept; and even this year in an appropriations bill passed just a couple of weeks ago, we are $1 billion 200 million behind that curve; and yet we will not be allowed to offer amendments to require that that funding be mandatory and that full funding be achieved by this legislation. That is a 30 year-old promise that we made, and it is unfortunate that we will not be allowed to have that amendment.

Yes, many in the school establishment and the education establishment are for this Act. It probably makes their lives somewhat easier; but we ought to be thinking also about the rights of these children and the protections of these children and the needs of these children and their families; to make sure that, in fact, the educational opportunity is provided to these children with disabilities.

It is for that reason that after reviewing this legislation that the National PTA, the Children's Defense Fund, the National Association of Education of Young Children, and so many other organizations have contacted the Members of Congress and said that this bill is unacceptable, that they oppose this bill because it does not provide that protection along with 14,000 other people who have sent e-mails and petitions against this legislation, representing the parents and families of these children who know how difficult it is to get that education for the children. And yet at the same time, when we have not met full funding, when we are weakening the rights of the children and the families, we also see that this legislation allows for the diversion of funds, some of which are for good purposes, but when you do not have the funding in place, you have to raise the question of whether or not this money ought to be diverted from the system. And also, we have to look at that diversion of these Federal funds targeted for the education of children with disabilities at a time when these funds at the local level are becoming more and more scarce because of the budget problems of our States that is now so well documented.

Finally, let me say, Mr. Chairman, that I am deeply concerned about the waivers that are authorized in the name of paperwork reduction for the States. I am very concerned that this will allow the waivers of documentation to ensure access to a general education curriculum, documentation ensuring accommodations of State tests, information on a child's academic achievement, information on transition plans for post secondary education, procedural safeguard notices provided to parents so that they are aware of their rights, prior written notices to parents of the services and placements that their child will receive.

These are fundamental to these families. It is fundamental to these children. It is fundamental to making sure that they can get the education that they have sought for their child so that the child will have a full opportunity to participate in American society. And yet we see as we go into the due process hearings, you go in to enforce your child's civil rights, that you would be barred from raising new issues at a process hearing even if the evidence surfaces. If there is new evidence that comes to the attention of the school and the parents, you cannot raise it in these hearings. You cannot raise it. You cannot. All they have to decide is whether or not you are getting a free and appropriate education. But if there are errors made, the parent cannot raise them. Why are we precluding these parents?

The fact of the matter is that many school districts, we may not want to say it is one in our district, but there are a huge number of school districts that make it very difficult for parents to get the free and appropriate education, to get the services. Huge numbers of these children do not get services. They get put on the list for services. And there is a world of distinction between being on the list for services and getting services when your child is in an educational setting and you run the risk that they are going to fall further and further behind, and then you need additional services to have them catch up.

Then we have a cap on attorneys fees on this legislation, which says that it is going to be harder and harder for low income parents to find a lawyer to take these cases to challenge the school districts where that educational opportunity is being denied. But the school district, there is no limitation on their use of tax dollars paid for by these parents to defend what they have done. Now, nothing there. It is just that you cannot get attorney's fees when you bring a case because your child has been denied that education.

My concern, Mr. Chairman, is that this legislation is taking us back to another time. With the discipline provisions, where we are now going to determine this basic right to an education, this basic civil rights action based upon the code of conduct in individual schools, so that children with autism, children with cerebral palsy, severely emotionally disturbed children, are going to be determined by that code of conduct. You ought to read those codes of conduct and see whether or not that is how you would like your child to be measured up if they have Down syndrome, because unacceptable displays of affection are reasons for suspension.

You say a school district would not do that, but these are the same school districts that are throwing Harry Potter out of school. So we cannot take the educational needs of these children and the civil rights protections in this law and have them open to that kind of whim. And I think we ought to be very careful about that.

I would urge Members to vote against this legislation. It fails on the protections for children and it fails on the funding, and this will be our last chance to try and get and redeem the promise that every Member of this Congress has made to local school districts that we would provide the funding. We said we would provide the funding in No Child Left Behind. We are $5 billion behind on that one, and we are a $1.2 billion behind on this one this year. That is $7 billion that we are down at a time when the States are struggling, and at a time when it is becoming more and more expensive to educate these children. We ought not do that. We ought to have an amendment here on full funding and we ought to make it mandatory, and we ought to protect the rights of these children.

This is a very, very important bill that we take up here today. I urge members to listen carefully to this debate.

I first want to thank my colleagues on the Education Committee, Representative CASTLE, Representative WOOLSEY, and Chairman BOEHNER, for the time and effort they have put into this legislation. I appreciate the other side's willingness to discuss the issues in this bill, and to take the time in Committee over a 2-day mark-up to debate the 30-some amendments that members on both sides of the aisle offered. However, despite what I know were many good intentions on the other side of the aisle, this bill is fundamentally flawed.

The Bill Does Harm: The bill we will consider today has many, many provisions that jeopardize the quality of education provided to children with disabilities and their civil and due process rights under current law.

This Bill Falls Short In What It Does Not Do: Moreover, this bill breaks yet another promise to couple resources with reform. Despite promises made last year by the Administration, and by the Republican leadership of this Congress, the bill before us today fails to ensure that additional resources will accompany these major changes to the law.

Stakes Are High: The stakes in this reauthorization are very high. The reason we need a Federal law is that students with disabilities have special needs. They require extra attention and accommodations. And for a variety of reasons, without external pressure and assistance, many schools cannot or will not provide the services and accommodations necessary to ensure that every child has a free and appropriate public education.

Before 1975, approximately 1 million children with disabilities were excluded from public education. Millions more were given an inferior education even though they attended school. There are many provisions in this bill that would turn back the clock on the progress we have made. But you don't have to take my word for it. I have received stacks of letters on this from parents, educators, and experts who have expressed grave concerns about this bill. Dozens of national organizations—including the National PTA, the Children's Defense Fund, the National Association of Education of Young Children, and almost every group that exists to advocate on behalf of students with specific disabilities—opposes this bill. And an ever growing list—at current count 14,000—of individuals has signed an on-line petition expressing their opposition.

Many of the fights we will have today pit the interests of parents and students against those of school board members and administrators. What drives these fights primarily is the scarcity of resources. It is a problem we could easily solve. If we had the will.

Almost every member of the House is on record in support of full funding either as cosponsor of a bill, as a "yea" vote on non-binding resolution, or as a speaker on special orders. And all of the other vehicles we have in this body for pretending we are doing something.

But now the moment of truth has arrived. And suddenly the past supporters of full funding, under pressure from their leadership, are scrambling for cover. It would have taken only an additional $1.2 billion in the appropriations bill just passed in February to put us on the road to full funding.

The other side will tell you that we have done all that is possible. That there are no offsets to provide additional funding. With all due respect, those arguments do not stand up under scrutiny.

What we are asking for to ensure that children with disabilities have the accommodations, the aides, the qualified teachers, the curriculum, and other things they need to receive a quality education is chump change compared to other legislation this House has passed within the last couple of years.

No one asked for an offset when this Congress spent over a trillion dollars in tax cuts for the wealthiest Americans. No one asked for an offset when we provided $99 billion over 10 years to repeal the estate tax for the richest 2 percent of decedents. No one asked for an offset when we spent $87 billion over 10 years on the farm bill. No one asked for an offset when we spent $36 billion over 10 years on a pointless energy bill. But suddenly we cannot come up with a measly $1.2 billion. Shame on us. Shame on us.

Diversion of Funds: To add insult to injury, H.R. 1350 contains many provisions that allow States and school districts to divert funds—all IDEA funds—away from direct services to students with disabilities during the regular school day. Here is a partial list:

Fifteen percent of funds can be diverted to a new "pre-referral" program;

Twenty percent of funds can be used to supplant local education funds; and

An unlimited percentage of funds can be diverted to "supplemental services" required under the Title I program of Federal education law.

These are all worthy purposes. But because we fail to provide the necessary funding, we are setting an even more intense competition for scarce resources. Resources that—given State and local budget crises and the prolonged economic downturn—are becoming scarcer and scarcer every day.

H.R. 1350 authorizes a pilot project under which the Secretary of Education may grant waivers to up to 10 States under the auspices of "paperwork reduction." Under this authority, many bedrock requirements of IDEA could be waived, including:

Individualized Education Programs—

Documentation on ensuring access to general education curriculum;

Documentation ensuring accommodations on State tests;

Information on a child's academic achievement; and

Information on transition plans for postsecondary education or employment.

Procedural Safeguard Notices—Notices provided to parents to ensure they are aware of their rights.

Prior Written Notices—Notices to parents on the services and placement their child will receive.

Accountability and Public Reporting—State and local achievement and drop out data, disaggregation by race or LEP status, disproportionate representation of minorities in special education.

This bill Weakens Due Process Protections for Parents in All 50 States—even if children and their parents are lucky enough to live in one of the States that is not part of the waiver program, they cannot escape this bill's damage. The Republican bill would fundamentally undermine the due process rights of all parents:

Parents would be barred from raising new issues at due process hearings—even if new evidence has surfaced;

Hearing officers would be hamstrung to limit rulings to the denial of a Free and Appropriate Public Education (FAPE);

Schools would not be liable for procedural, due process, and other violations; and

Schools would have little to fear in denying parents due process rights because parents would effectively have no recourse, no remedy.

H.R. 1350 institutes a one-year statute of limitations on violations of IDEA. Virtually the only thing that would have a shorter statutory reach would be parking tickets and traffic violations.

H.R. 1350 Caps Attorneys' Fees Reimbursement to parents, requiring Governors to set the rate of attorneys' fees reimbursement when a parent wins a due process hearing. This would allow caps on attorneys' fees but only for parents. School districts would still be free to hire and pay, at public expense, the salaries of lawyers who are on the opposite side of the legal battle from parents. This provision will effectively prevent low- and moderate-income parents from acquiring legal representation to protect the rights of their disabled children.

H.R. 1350 would allow students to be expelled unilaterally and placed in an "alternative setting" for any violation of a school's "code of conduct." This is the single most egregious provision in this bill. It will set back the disability rights movement 30 years.

Under the guise of discipline, many children will confront the same obstacles they confronted before IDEA was passed—school districts that can say unilaterally: "You are not welcome here. We do not want to educate you."

Under this provision, a student could be expelled for virtually anything: chewing gum, shouting out in class, carrying a plastic eating utensil with their lunch, inappropriate displays of public affection, being late for class, not completing homework.

Moreover, placement in an alternative setting is unilateral. There is no "manifestation determination" that would mitigate the consequences for students whose violations are the result of their disability:

A child with Tourrete's syndrome could be expelled for shouting out in class;

A child with cerebral palsy could be expelled for inadvertently making contact with another student or teacher;

A developmentally disabled child (low IQ) could be expelled for an "inappropriate public affection;"

A child with Attention Deficit Disorder could be expelled for repeatedly being late for class or getting out of his or her seat.

As I said in my opening, I think many of the provisions in this bill are well-intentioned. Some make sensible improvements in the law. But overall the bill is fundamentally flawed.

I hope we are able to improve the bill here on the floor and in conference and look forward to working with my colleagues in that effort. I hope we can make these so that this law makes a positive change in lives of children with disabilities and their families. And so that it garners the strong bipartisan support and consensus it has long enjoyed.

Mr. BOEHNER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, with all due respect to my good friend from California (Mr. GEORGE MILLER), one of the authors of the original underlying legislation, there is a point that is being missed here.

In all, the conversation that we heard from my friend from California revolved around the current system and how the current system works and the changes to the current system. But there is one very large dynamic that is being changed, and it changed under No Child Left Behind when we require school districts to disaggregate data and we require them to disaggregate the test data by subgroups including special education children. For a school to succeed under No Child Left Behind, all the sub-groups have to show improvement. And so school districts under No Child Left Behind are going to have to ensure that their special needs students are improving and showing progress.

This is a dramatic change in terms of how we are going to deal with special ed students. And as a result, the changes that we are putting in the bill will allow school districts to have more flexibility to move this program to one that will bring results for our special ed students as opposed to being locked in the process.

Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding me time.

I just wanted to say that the committee has done a pretty good job on a very difficult issue. They are going to be up to 21 percent. The goal has been 40 percent for a long time. Let me just say that I have a personal interest in this issue. I did not have a few years ago but I do now. And I want to tell you that there are children being left behind and they are going to be left behind unless we get additional funds.

I have talked to school boards and school teachers and others and the funds are not there to give these children the educational additional attention they need, particularly children who are autistic. And we have 1 out of every 200 children in America now that are autistic. And we need to get to that 40 percent level before 6 years; and I know the gentleman is doing his absolute best to get there, but that is not enough. We are not moving fast enough. We waste a ton of money around here, and these kids who are autistic and who are Down syndrome children are going to be burdens on society as they grow up if they do not get the attention they need right now.

And it will cost 10, 20, 30 times more if we do not do it now by educating them and giving them a chance to be a productive member of society, than if we wait.

So what I would like to do is say to my colleagues in this Congress, and I know we are all well-intentioned and we care about these kids, the problem is real. Children are being left behind, and it is going to come back to bite us in the fanny in the future if we do not do something about it right now.

So I would like to say to my colleague who has worked very hard on this and his committee and the members of the Committee on Appropriations, let us get to the 40 percent level a lot quicker than 6 years from now because these kids cannot wait.

□ 1215

We are going to bear the responsibility 10, 20, 30 years from now when they grow up and they cannot produce.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the ranking member of the subcommittee that has jurisdiction over the IDEA, I have been struck by how very emotional people are about this very issue. In fact, before me I have a stack of mail that came to the Committee on Education and the Workforce just over the last few days, and that mail is against passage of H.R. 1350.

There are two things we can do in Congress to reduce the stress and the emotion that people feel about this issue. One is to fully fund it and make it mandatory; two is to make sure that children are treated fairly in the discipline process.

If we fully fund the Federal share of our costs and if we make funding mandatory, we will fulfill the commitment to our schools for the special education programs that we have promised here in the Congress. Unfortunately, H.R. 1350 does not do that. Without mandatory full funding, the authorization levels in the bill are meaningless because they are subject to the many, many competitive requests included in all and every appropriations process.

Amendments were offered during the committee, Mr. Chairman. Amendments were offered by the Democrats that would fully fund IDEA and make the funding mandatory. But those amendments were defeated on a partisan basis, and we do not have before us any amendment that would fully fund and allow for the debate here today to fully fund this issue of mandatory funding for IDEA.

To me, a vote for H.R. 1350 is a vote against fully funding the issue, and I oppose it for that reason alone. But there is another good reason to oppose H.R. 1350. And talk about getting emotional, this is where parents and educators have a lot to say, and that is the discipline provisions in the bill.

In the bill, a student with special needs can be removed from school for, and I quote, "any violation of a school's student code of conduct." Now, that is different in every single school, and a child can be kept out of school for an indefinite length of time. So a student with Tourette's syndrome, for example, who may shout out in class, can be expelled. A student who does not understand the dress code and wears shorts when long pants are required, could be expelled. A student with limited muscular control could be expelled for lashing out or possibly pushing another student. There is no requirement in H.R. 1350 to determine if the child's violation is the result of his or her disability.

This is going backwards. It is no way to reauthorize IDEA. Children, parents, and schools deserve an IDEA reauthorization where parents will not have to compete over education funds, where the goal will be to keep kids with special needs in school, where the legislation removes the emotion surrounding the issue, not increases it. Unfortunately, Mr. Chairman, H.R. 1350 is not that kind of reauthorization, and I will not be able to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from California (Mr. McKEON), a friend and member of the committee as well as the chairman of the Subcommittee on 21st Century Competitiveness.

Mr. McKEON. Mr. Chairman, I rise in strong support of H.R. 1350, which will make dramatic improvements in the Nation's special education law. I would like to thank my good friend and chairman of the committee, the gentleman from Ohio (Mr. BOEHNER), and the gentleman from Delaware (Mr. CASTLE), chairman of the Subcommittee on Education Reform, for their leadership in bringing this bill to the floor.

Nearly 2 years ago, the Committee on Education and the Workforce began holding hearings in preparation for the reauthorization of the Individuals With Disabilities Act. During conversations with actual practitioners in the classroom, many who were from my own State of California, we have been told that the burdensome, unnecessary paperwork is driving away teachers from the classroom, which will hurt these children. Priority is placed on complying with complicated rules rather than delivering academic achievement. This must be changed, and H.R. 1350 starts the process by creating a 10-State pilot program to reduce the IEP paperwork burden on teachers in order to increase instructional time and resources.

I also remain concerned that excessive and expensive litigation continues to be a large component of the special education system. It seems that all too often decisions that are reached are those that benefit the attorneys the most. Every single one of the school districts in my congressional district, from the suburban areas of Santa Clarita to the rural areas of Bishop, have told me the single most important thing that we can do is to reduce litigation and restore the trust between the parents and the school district.

Though I do not think this goes far enough, the legislation does make significant improvements by encouraging the use of mediation as soon as possible, creating opportunities for voluntary binding arbitration, and allowing States to set limits on attorneys' fees. By passing IDEA, this Congress moves closer to following through on a commitment made over 27 years ago to families and their children with special needs.

In closing, I want to say that I commend the members of the committee for their hard work; and I strongly urge my colleagues to support the underlying bill, which will increase accountability and reduce overidentification of nondisabled children.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE), a really important member of the committee.

Mr. KILDEE. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I rise today in opposition to the bill before us today. H.R. 1350 does not ensure full funding of IDEA and, worse, jeopardizes the civil rights of children with disabilities.

Reauthorization of IDEA has traditionally been a bipartisan effort. In Michigan, I was cosponsor of the Special Education Act, which was passed before this Congress addressed the education of children with special needs in the least restrictive environment. In my tenure here in Congress, I have always supported the reauthorization of IDEA, but I cannot support the bill before us today.

First, this legislation does not provide any additional resources for IDEA. It does not get us any closer, Mr. Chairman, to fully funding IDEA, an effort that many Members have worked on for many, many years. Democratic members of the Committee on Education and the Workforce attempted to address this issue in committee. We offered several amendments that would provide mandatory spending for IDEA. Unfortunately, these amendments were defeated on party-line votes. These amendments represent the only way to ensure full funding for IDEA in this legislation.

Second, the legislation jeopardizes the civil rights of children with disabilities. This bill would allow children with disabilities to be removed from their current educational placement for any violation of a code of student conduct. The bill also eliminates the current manifestation determination. Manifestation determinations ensure that children with disabilities are not unfairly punished for acts they cannot control. The discipline provisions in this legislation are simply unfair.

Last, I would like to express my disappointment that this legislation does not continue funding for the freely associated states. These former U.S. territories have an extremely high percentage of children with disabilities due to U.S. military testing of weapons around the islands that make up these nations. I hope this issue can be further addressed in conference, Mr. Chairman.

In closing, I urge Members to carefully consider the impact that this legislation will have on children with disabilities. The disabled children of our Nation are best served by defeating this legislation today.

Mr. Chairman, I rise in opposition to the bill before us today. H.R. 1350 does not ensure full funding of IDEA and worse, jeopardizes the civil rights of children with disabilities.

Reauthorization of IDEA has traditionally been a bipartisan effort.

In Michigan I was cosponsor of the Special Education Act, which was passed before this Congress, addressed the education of children with special needs in the least restrictive environment. In my tenure here in Congress I have always supported the reauthorization of IDEA.

But I cannot support the bill before us today.

The last time we reauthorized IDEA in 1997, we worked tirelessly with our majority colleagues to improve this program for children with disabilities and the schools which serve them.

Unfortunately, the pace at which this legislation has moved has left very little time for public input or bipartisan discussions.

This bill has fundamental flaws.

First, this legislation doesn't provide any additional resources for IDEA. It doesn't get us any closer to fully funding IDEA—an effort that many members have worked on for numerous years.

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These amendments represent the only way to ensure full funding for IDEA in this legislation.

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This bill would allow children with disabilities to be removed from their current educational placement for any violation of a code of student conduct.

The bill also eliminates the current manifestation determination. Manifestation determinations ensure that children with disabilities are not unfairly punished for acts they cannot control. The discipline provisions in this legislation are simply unfair.

In addition, the bill places a strait jacket on parents of children with disabilities by instituting a 1-year statute of limitations.

This restriction will prevent parents of disabled children from raising issues with the education of their children to those issues that are less than 1 year old. This unfairly constrains parents and their efforts to ensure their children receive an education.

Lastly, I'd like to express my disappointment that this legislation does not continue funding for the freely associated States.

These former U.S. territories have an extremely high percentage of children with disabilities due to U.S. military testing of weapons around the islands that make up these nations.

I believe it is our responsibility to ensure that the freely associated States receive funding under this legislation and their negotiated compacts of free association.

I hope this is an issue we can further address in conference.

In closing, I urge Members to carefully consider the impact that this legislation will have on children with disabilities. The disabled children of our Nation are best served by defeating this legislation today.

Mr. BOEHNER. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. NORWOOD), another member of our committee and a subcommittee chairman.

Mr. NORWOOD. Mr. Chairman, I thank the gentleman for yielding me this time, and I particularly appreciate the time right now.

We need to take just a minute and ask ourselves a question, and perhaps somebody can answer it. In 1975, IDEA was passed by a Democratic Congress and signed by a Republican President. From 1975 to 1995 the Congress was controlled by the Democrats. Where were my Democratic colleagues' amendments then to fund IDEA? Why did they not fund it in the 20 years while they were in control? Why has it been only since Republicans have been in control of this House that we have increased funding for IDEA?

There is a very good reason for that, my colleagues. If the Federal Government does not pay its share, it comes out of the school districts and that affects disabled children and nondisabled children.

I wish to advise the gentleman from California (Mr. GEORGE MILLER) that this bill protects the civil rights of 88 percent of our schoolchildren that are not in special education without reducing the civil rights of special education children. To say it otherwise is simply not the way it is done. It is not the truth.

I want to also just briefly mention the cap on attorneys' fees. The money from the school districts that is used to train our children is going into the pockets of attorneys rather than going to train our children, whether they are in special ed or whether they are not. There is no question in my mind that we need to deal with that.

Last, the discipline amendments in this bill. The discipline amendments in this bill are not unfair. What is unfair is how the bill was written in 1975. I strongly support this legislation. It does not go quite as far as I would like for it to go, but it greatly improves that bill that has been on the books for 25 years.

I have been trying to improve this discipline provision almost for 5 years. We have passed it in this House, I know, three different times. It has been taken out in the other body every time. I have done this because of my concern that the system we have today is a double-standard system for the behavior in our schools, one for special needs students and another for nonspecial needs students. It is critical to the safety of the special ed student that we pass these disciplinary provisions.

My colleagues know as well as I do that there are people, teachers, who have been harmed because they could not remove a dangerous child from school. Now, all we are really doing is saying that rather than after 10 days they can now have 55 days to discipline a special education student. They really do get a manifestation determination after 55 days. They do get special education.

The other very important part of this is that it says that State laws will prevail for students who bring weapons, drugs, or commit felonies in school. A special ed child who would bring a gun or a pair of scissors and kill one of my constituents does not make any difference to them whether the children in the classroom are in special ed or whether they are not. We cannot stand here and say that the disciplinary changes we are making in this bill are harmful to the students of America. It is very, very important for the students of America, the 12 percent that are special needs students and the 88 percent that are not.

I encourage my friend, the gentleman from Michigan (Mr. KILDEE), to vote for this bill. He is a good man. The gentleman from California (Mr. GEORGE MILLER) is a good man. They do want full funding for IDEA. They did not do it when they were in charge; but they do want it, just like we want it. This is the right thing to do at this stage. I plead with my colleagues to pass this thing and let us move forward with protecting the children in the classroom.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY), another important member of the committee.

□ 1230

Mr. TIERNEY. Mr. Chairman, I rise in opposition to H.R. 1350 in its present form. As proposed, it is designed to dramatically undermine the ideals of IDEA, and doing so in the name of reauthorizing it.

In response to the previous speaker's question about funding over a period of time, from 1980 to 1992, we had a Republican in the White House. So we had a division between the leadership in the White House and in Congress, and that may explain some reason why things were not funded. But this year we had a Republican majority in the House, one in the Senate, and in the White House. If they have the will, they certainly have the way to move forward for full funding.

I am joined in my position of opposition to this bill in its present form by parents, educators, and advocates for the disability community, all making clear that this bill is not responsive to the needs of the true consumers of the law, and that is children.

The majority is asserting something is better than nothing, and in this case I am afraid that is wrong. These counterproductive changes in the bill mean that the children would be better served by the Individuals with Disabilities Education Act in its current form. The civil rights of these children and the due process rights of their parents are not being quality protected in the legislation. Foremost, as has been mentioned, this bill fails to fully fund that 40 percent of the average per-pupil expenditure that Members have been promising for 30 years to fund in order to help our States and local governments as they try to educate children who, before 1975, and before the courts stepped in to make it, otherwise were ignored or mistreated.

We cannot afford to rely on promises from the majority that some day we are going to fully fund it. We have to make it positive and firm right now. As our President rather inarticulately tried to say some time ago, Fool me once, shame on me. Fool me twice, and I did it just like he did.

The problem is that we cannot do that. We cannot just rely on their promises. Nobody can rely on that statement as inarticulately set forth. The fact of the matter is that their promises have fallen behind on the education bill; their promises have fallen behind on this bill; their promises have fallen behind on civil rights, due process rights and on funding. I ask Members to not support the bill.

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. CARTER), a member of the Committee on Education and the Workforce.

Mr. CARTER. Mr. Chairman, I thank the gentleman for his hard work on this bill and the committee for bringing this bill forward. I am encouraged that the improvements in this bill will help reduce litigation, restore trust and refocus the system on improving the education of children with disabilities.

In 1997, Congress required the States to set up and maintain mediation systems that would allow school districts and parents to handle their disputes in less hostile fashion. The change significantly reduced the amount of litigation and helped restore trust between parents and school personnel. This bill builds upon the 1997 improvements by requiring States to establish and maintain voluntary arbitration systems. Given the interest in resolving disputes through nonlitigation, it is expected this will reduce the litigation burden and restore the focus on educating children.

Importantly, this system is voluntary, and voluntary means the parents can choose, the school can choose. If both parties do not choose voluntary arbitration, then the complaint goes through the regular due process system.

This bill also clarifies that the parent is obligated to provide clear and specific notice to the LEA or SEA before a due process hearing can be held. This change is important to ensure that a school district has a clear understanding of what the problem is. Without this clear and specific notice, the school district cannot attempt to resolve the issue.

The resolution session created by this bill allows parents and the school district officials to explore the problem and attempt to resolve the problem in a rapid time frame, so that the child can be better served. Instead of waiting to air concerns at the due process hearing, the parent and the school district will meet within 15 days of the filing of the complaint to see if they can resolve the problem. If they cannot, the parent can still go to a due process hearing. This does not delay the parent's right to a due process hearing in any way. The IDEA regulations require a due process hearing to commence within 45 days of a parent filing a complaint. The language in the bill does not modify or delay that timeline in any way. This resolution session gives parents and school districts a new opportunity to sit down and work out the issues and is a sensible change to ensure that everyone's efforts are focused on improving results for the child.

The improvements included in H.R. 1350 should clear some of the legal landmines and allow for more productive, less hostile relations between parents and schools that refocuses on the Act's primary role of educating children with disabilities. IDEA currently has no statute of limitations and leaves school districts open to litigation for all of the 12 years a child is in school, whether or not the child has been identified as a child with a disability. School districts are often surprised by claims from parents involving issues that occurred in an elementary school program when the child may currently be a high school student.

Such an unreasonably long threat of litigation hanging over a school district forces them to document every step they take with every child, even if the parent agrees with the action, because parents could later change their mind and sue. The fear of far-removed litigation raises the tension between the school and the parent. This improvement will align IDEA with other federal statutes that have explicit statutes of limitations (civil rights claims, federal tort claims, Social Security, ERISA) and allow for timely resolution of issues.

I encourage my colleagues to support this bill and these provisions as we continue to work to improve the education results for children with disabilities.

Ms. WOOLSEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in support of children with disabilities and their families and in opposition to H.R. 1350. They say, "If it ain't broke, don't fix it." The fundamentals of IDEA are widely appreciated by parents. In an e-mail I received, it says, "Do not dilute IDEA legislation in any way. Our family has personally benefited from almost every part of IDEA rights," says the father of an autistic son.

We say, "First, do no harm." Unfortunately, this legislation does do harm. It changes the features of the Individualized Education Program in a way that hurts children and makes it easier to kick children with disabilities out of their classrooms, even when they are doing their best to comply and to do everything right, and it may be the result of their disability.

Third, it diminishes the legal rights of parents to get the best education for children.

Finally, this legislation still is dismally underfunded. If we want to do something good for IDEA, we should provide full funding and vote against H.R. 1350.

Mr. CASTLE. Mr. Chairman, I yield myself 4 minutes.

I rise in strong support of this legislation. Sometimes when we hear debates, we do not get the full significance of what we are doing. We are dealing with a piece of legislation which the chairman and others on the Democrat side have worked very hard on to make educational opportunities better for children with disabilities in this country.

We have been involved for 2 years doing this. We have had 7 hearings, we started a Web site, we had something like 3,000 suggestions on that Web site. We have had many discussions with many people in trying to work out a lot of differences, and there are a lot of problems in dealing with this issue.

I have talked to many, many individual Members, but at the heart of it, this legislation is aimed at trying to help children with disabilities get a better education and help other children being educated in our schools. I thank the parents and children in Delaware, many of whom I have spent time with, and my judgment is this is good legislation, excellent legislation which is going to move us forward.

For too many years children who had disabilities were denied access to education. In 1975 Congress, this House and the Senate, provided that educational opportunity. According to the Department of Education, about 6.6 million students currently participate in these programs across the Nation. Of those, almost 50 percent of the children with disabilities spend 80 percent or more of their day in a regular education classroom. Mr. Chairman, 30 years ago that would not have happened. Probably zero of those children would have spent time in a regular classroom. That is happening today. Each 5 years, we come along in Congress and try to improve that. There is room for improvement.

These are children who are at the greatest risk of being left behind. We have to give children with disabilities access to an education that maximizes their unique abilities and provides them with tools for later successful, productive lives. We must work together to do this in every way we can. This bill aims to improve current law by focusing on improved education results, reducing the paperwork burden for special education teachers, and addressing the problem of overidentification of minority students as disabled.

In addition, the bill seeks to reduce litigation and reform special education financing and funding. One of the great benefits of No Child Left Behind, H.R. 1, is that we have raised expectations and will hold school districts accountable for the annual progress of all of their students, including students with disabilities.

Although we have made great progress in including students with disabilities in regular classrooms, we now must make equally great process in ensuring that they receive a quality education in a regular classroom. We need to align IDEA and No Child Left Behind.

This bill will help reduce the paperwork burden so school districts are able to retain and recruit highly qualified special education teachers. The excessive amount of paperwork currently inherent in special education continues to overwhelm and burden teachers. We hear that from all of them, robbing them of time with their students. Based on that, we have tried to amend the individual education plan without reconvening the entire IEP team at all times. We also establish a rule of construction stating that nothing beyond what is explicitly included in the Act is required in a child's IEP, and requires the secretary to develop model forms for the IEP, something a lot of people asked for.

Secondly, we permit the use of alternative means of meeting participation, such as teleconferencing and videoconferencing.

All of these measures will give teachers the ability to spend more time in classrooms. Furthermore, we are committed to implementing reforms that would reduce the number of students that are misidentified or overrepresented in special ed programs. Minorities are often significantly overrepresented in these programs. In fact, African Americans are nearly 3 times, more likely twice, to be labeled as mentally retarded and almost twice as likely to be labeled emotionally disturbed. Thousands of children are misidentified every year, while many are not identified early enough.

We address these issues in this legislation. By providing these services to children at an earlier age, we can prevent people from being identified as having learning disabilities and help them in their education process. We also seek to reduce litigation, restore trust between parents and school districts, and many other steps have been taken in this legislation that we think are tremendously helpful in improving the opportunities for children with disabilities. I urge Members to support the legislation.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA) who is also an important member of the committee.

Mr. HINOJOSA. Mr. Chairman, I rise to oppose H.R. 1350 in its present form. The Improving Results for Children With Disabilities Act is the bill that we are debating. It includes amendments that I offered in committee to improve our knowledge as to how well special education serves limited English-proficient children, and to support research on best practices for identifying, assessing and providing instructional and other services to these left children.

H.R. 1350 also ensures that disabled children in migrant worker families are not placed at risk because their school records are not transferred to their next school. I believe that these additions to the bill will put us on the right path to improving services to migrant children and left children with disabilities.

These improvements, however, do not compensate for the draconian discipline provisions that are in H.R. 1350. Under this bill, schools could suspend or expel a child with disabilities for any infraction of the school code of conduct without considering whether the behavior was the result of a disability. This manifestation determination has been one of the key protections for children with disabilities under the current law. Given the disproportionate suspension and expulsion rates for Hispanic and black youth in general, it is hard to imagine that H.R. 1350 will not push more of these young people out of school.

Finally, the fast pace of this bill has shortchanged debate and full discussion on this and other important issues. I have heard from respected flagship university experts in my State in the field of special education research who are very concerned about transfer of special education research to the Institute for Education Sciences. We all recognize the value of education research is its direct link to practice. Moving special education research outside of the special ed program undermines that link. Because of the serious deficiencies in the bill, I oppose and ask my colleagues to oppose H.R. 1350.

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. ISAKSON), a member of the Committee on Education and the Workforce.

Mr. ISAKSON. Mr. Chairman, I commend the gentleman from Delaware (Mr. CASTLE) and his great work on this bill. I have heard from a lot of Members about their concerns about the alignment of No Child Left Behind in IDEA. If there is ever a child that should not be left behind, it is a child with disabilities.

We are ensuring through this legislation and No Child Left Behind that goals are aligned, that we have meaningful goals and standards for children with disabilities, and that we give them meaningful assessments to determine whether schools need improvement. And then if that determination is made, we provide additional funds through subgrants so local education agencies can fund professional and staff development for special education and regular teachers alike who teach our children with disabilities.

If Members are for children with disabilities and the improvement of their education, if Members are for lifting their sights and raising standards, if Members are for funding professional and necessary staff development, Members should be for this bill, and I urge all Members to vote in favor of it.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I commend the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. GEORGE MILLER), the gentleman from Delaware (Mr. CASTLE), and the gentlewoman from California (Ms. WOOLSEY) for the spirited hearings and debate and discussions that we have had on this legislation.

While it is not supportable to me, I do believe we made some progress, and I thank the gentleman from Delaware (Mr. CASTLE), chairman of the subcommittee for his sensitivity to an issue which I raised through proposed amendment and which we subsequently worked out for inclusion in the base bill.

The issue related to the disproportionately high number of African American males being placed in special education. The new language states in the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities or the placement in particular educational settings of such children in accordance with paragraph (1), the State or the secretary, as the case may be, shall provide for the review and, if appropriate, revision of the policies, procedures and practices used in such identification or placement to ensure that such policies, procedures and practices comply with the requirements of this Act, and shall require any local educational agency identified under paragraph (1) to reserve the maximum amount of funds under section 613(f) to provide comprehensive coordinated prereferral support services to serve children in the local educational agency, particularly children in those groups that were significantly overidentified under paragraph (1).

Even though I am pleased with this section, the inability to provide full funding and some onerous discipline provisions makes this Act unacceptable to me. I urge a no vote.

Mr. CASTLE. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. KELLER), a member of the Committee on Education and the Workforce.

Mr. KELLER. Mr. Chairman, I rise today in support of the IDEA bill for two reasons. First, we have tripled the IDEA special education funding from $3 billion in over $10 billion since 1995, when Republicans took control of the House.

□ 1245

Second, this bill will help reduce the paperwork burden on teachers so that they are able to spend more time in the classroom with the students rather than wasting hours a day filling out forms and performing clerical duties.

I recently spent time in the classroom with some of our special education teachers. While working as a special education teacher for a day in an elementary and a high school in Orlando, Florida, I learned firsthand that special education teachers spend approximately 2 hours a day completing government-required paperwork. I have tried to address this problem head on by drafting the paperwork reduction provisions in this IDEA bill. These paperwork reduction provisions incorporate the good ideas we received from parents; teachers; the Council for Exceptional Education, which is a nonprofit, nonpartisan organization; and the President's Commission on Excellence in Special Education. For example, this IDEA legislation helps reduce the paperwork burden on teachers by requiring the Secretary to develop model forms for the IEP, by creating a pilot program for 10 States, and by allowing parents the flexibility to choose to develop the multiple-year IEP for their child to a maximum of 3 years.

Mr. Chairman, I urge my colleagues to vote "yes" on this IDEA bill because it will improve the lives of disabled children in Orlando, Florida, and all across the country by making a historic increase in special education funding and by reducing the paperwork on teachers.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentlewoman's courtesy in allowing me to speak on this bill.

Twenty years ago, Congress made a law and a commitment. The law was to extend equal education opportunity for all children. The commitment was to provide 40 percent funding to meet this goal. We have no reason to put off fulfilling this commitment for yet another decade. Nearly every State is facing serious financial difficulty, few as serious as my State of Oregon. We need help as never before. Yet we are told full funding is not realistic at this point. Yet we have the President and leadership of his party proposing a half trillion dollars in additional tax cuts for those who need help the least. Whatever dubious economic benefits claimed are clearly minuscule compared with investing in our communities and meeting the commitments to our schools and our children.

The authors of today's bill should be thanked for their commitment to move in the right direction and for some genuine improvements like dealing with some burdensome paperwork, which has been discussed here on the floor. But without providing full funding, the bill ought to be rejected until we do what we know is right and what is clearly within our power. I for one would be embarrassed to go home to a State that is stressed like many of my colleagues, giving cover for those who would avoid meeting this long-standing commitment for another decade. My community and my colleagues' deserve better. By all means, embrace the positive elements in this bill; but let us not pass it until we make sure we have fulfilled our commitment.

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Chairman, I thank the gentleman from Delaware (Mr. CASTLE) and the gentleman from Ohio (Mr. BOEHNER), the chairman, for their efforts to improve the Individuals with Disabilities Education Act.

As a new grandfather for the first time, as the husband of a very hardworking school teacher, and with 17 years' experience on the Education Committee in the South Carolina State senate, I know the most important aspect of improving education is ensuring each classroom has a teacher committed to the task of educating children. Special education also requires teachers with this dedication. Teachers who choose to work with children with disabilities are especially gifted and especially valued.

The particular legislation we have before us today brings some very positive changes. First, the bill focuses on reducing unnecessary paperwork which is not educationally relevant to the teacher's interaction with the child. Second, to further reduce the paperwork burden, the bill requires GAO to review paperwork requirements and report to Congress on strategic proposals to reduce paperwork burdens on teachers. Third, we have shifted the goal of the State Improvement Grant to focus grants entirely on the activities to support the professional development of regular and special education teachers and administrators.

Ms. WOOLSEY. Mr. Chairman, I reserve the balance of my time.

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BURNS), a member of the committee.

Mr. BURNS. Mr. Chairman, I rise in strong support of H.R. 1350. This is an important bill that contains much-needed improvements that address the needs of children with disabilities throughout this great Nation. I am especially grateful for the changes in this bill to help address the problem of misidentification of minority students as having a disability. I find it very troubling that we are continuing to identify three times as many African Americans as having mental retardation and twice as many African Americans as being emotionally disturbed. We must reduce these excessive figures.

This bill makes great strides in this area. I would like to point out that the bill permits local educational agencies to use funds for prereferral services for children not yet identified as needing special services. I believe that this will have a significant impact on the current overidentification of students, especially minority students, having disabilities. Finally, I am pleased that the bill allows personnel preparation programs, research and technical assistance projects to address the issue of overidentification of minority students. We must and we will solve this problem. I urge my colleagues to support this bill.

Ms. WOOLSEY. Mr. Chairman, I continue to reserve the balance of my time.

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise, first of all, to commend the gentleman from Delaware for the very hard work and the dedication he has for improving education for special needs children. I have some concerns about the bill, and I bring them up because I hope they will be addressed in conference. Number one, I read through the bill and spoke to staff. It does not seem to have any mechanism in there to inform parents of services that actually are available to them for their children. The second concern that I have is that a parent might choose a 3-year IEP because of a misunderstanding or being misinformed by the school district. We must ensure that parents are not intimidated by school districts into agreeing to a 3-year IEP when, indeed, there needs to be more follow-up for many students. And, third, we need to make sure that there are not any retaliation tactics that may occur at some school districts. Parents tell me that very often they fear retaliation. I would encourage the sponsor of the bill to make sure that these considerations are taken in when they do the conference.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, actually the key here is mandatory funding because no matter what we authorize on this committee, no matter what we vote for today on H.R. 1350, whether it is 18 percent of the 40 percent Federal commitment, whether it is 21 percent of the 40 percent commitment, or if it is 25 percent of the 40 percent Federal commitment, the funding has to be spent. We can authorize it, but the Committee on Appropriations spends it. Unless we tell the Committee on Appropriations through changing the rules of H.R. 1350 and IDEA, unless we tell them that it is mandatory that they spend what we authorize, it will not get spent; and it is going to be the year 2035 before we even come close to reaching 40 percent.

Later on today the gentleman from California (Mr. McKEON) and I have an amendment that will pass all new funding after the year 2003, pass any new funding that is appropriated directly to the school districts and to the schools. But if we do not get any new funding because indeed the appropriators do not choose to add funding, then we pass along nothing to school districts because 100 percent of nothing is still nothing.

The Federal commitment to IDEA 30 years ago was 40 percent that Federal Government would match the mandate that the States educate all kids, which is absolutely the right thing to do, and provide them a free education and equally educate all children in the public school system. That was 40 years ago. We are at 18 percent of that 40 percent today, and we are never going to get there if we do not say that it is something that must be done. And in so doing, we will be making it possible for schools to count on the funding they need, we will be removing the emotion that parents pit themselves against each other because there is so little funding available for education in the first place, and we will make sure that special education funding does not come out of the funding necessary for other programs.

We make promises. We do not fulfill them. Voting for H.R. 1350 would be another broken promise unless H.R. 1350 includes mandatory full funding over the next 6-year, 7-year period.

Mr. Chairman, I reserve the balance of my time.

Mr. CASTLE. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. GILLMOR).

Mr. GILLMOR. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in support of the bill.

Mr. Chairman, I rise today in support of H.R. 1350. Reauthorizing and improving the Individuals with Disabilities Education Act is important to the future of many American children and their families. The special education community is now in a state of crisis—teachers are leaving, students are being over-identified, and litigation has taken the place of education. The true spirit of this legislation has been lost and because of this lost vision many children have been denied an appropriate education.

I commend my colleagues on the Education Committee who, under the leadership of my colleague from Ohio, Chairman BOEHNER, reported a bill that brings back the spirit of the original legislation. This bill not only empowers local school districts, but more importantly it empowers parents with the freedom to choose what education plan best suits the needs of their child. Reducing bureaucratic red-tape, supporting teachers, and empowering parents are the keys to restoring faith in the special education community and the keys to providing those children with special needs a quality education. Mr. Chairman, I would urge all of my colleagues to support this legislation and insure that no child is ever left behind.

Mr. CASTLE. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I would like to take this 1½ minutes to address this issue of funding because I think there has been perhaps a misunderstanding here. Some of it, frankly, is a little bit political; but I think we need to sort of clear the air if we can.

This bill, as we all know, I think, now at this point, was first passed in 1975. From 1975 until 1995, which was a time, frankly, that the Congress was controlled by the Democrats for the most part here, the funding for the Federal share of this never got above 7 percent. Starting in 1996 and thereafter up until now in the year 2003 and then 2004, that funding as the percentage share of the Federal Government, even with the cost-of-living increases and everything else, has gone to 18 percent. The funding in the budget bill for this next year, 2004, which is the yellow line on this chart, is actually at 21 percent, on our way to 40 percent. In this legislation is a guide path by authorization to take that funding to the full 40 percent in 7 years. Even under the mandatory funding bills that those advocates are talking about in terms of handling the funding would not get there for 6 years. It would take an additional $10.2 billion, and everybody realizes that that cannot be done.

□ 1300

This Congress has committed to it. This Republican Party under this President has absolutely committed to doing this, and is making extraordinary gains. In fact, that increase is 282.3 percent in that period of time, from 1996 to 2003. We wish our stocks had increased that much in value. The average yearly funding for IDEA between 1996 and 2003 has grown at 18.6 percent per year. Those are astounding increases for any kind of Federal program, all of which usually increase, at best, at a rate of cost of living.

So, the truth of the matter is, the bottom line is that we have met our responsibilities, and I would encourage everyone to support the legislation.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the gentleman from Ohio (Chairman BOEHNER) and the gentleman from Delaware (Chairman CASTLE), and certainly my ranking member, the gentleman from California (Mr. GEORGE

MILLER), for what has gone into this legislation. We truly have worked hard to make this be something that we could all vote for, and I believe in your sincerity and I know you believe in our's and our passion on all of this.

There are reasons why I will not be able to vote for this. Reason number one is the discipline provisions. This bill will allow students to be moved indefinitely to alternative placements for any violation of a school code of conduct, and we have gone over that. That could severely affect a disabled child.

This bill has no guarantee of full funding. We can say we want full funding, but if we do not guarantee it, it probably is not going to happen. And, yes, we have done a much better job over the last few years. We have just gone through some really good prosperous years in this country. Now this country is in an economic downturn and the challenges for the same dollars are going to be much, much greater.

This bill weakens due process protection for parents. It would bar parents from raising new issues at due process hearings, even if new evidence has surfaced since the hearing was scheduled.

This bill has a pilot program for 10 State waivers. It permits the Secretary of Education to waive IDEA provisions to reduce paperwork. Criteria for the approach of these pilot programs are completely open-ended and would be defined by the Secretary.

Mr. Chairman, the other thing this bill does that will make it impossible for me to vote for it is it puts a cap on attorney fee reimbursements, which makes it even more difficult for low income parents to get their due process.

Mr. Chairman, I am hoping Democrats and those on the Republican side who want full funding and want that funding to be mandatory, who want our children's discipline provisions not to go backwards, but to go forward, will vote against this bill.

Mr. Chairman, I yield back the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me again thank my colleague, the gentleman from Delaware (Mr. CASTLE) and all of the members on our committee who have played an important role in bringing this bill to us today.

I also want to congratulate the members of our staff, including Sally Lovejoy, Krisann Pearce, David Cleary, Melanie Looney and Elisabeth Wheel; Sarah Rittling, a staff member of the gentleman from Delaware (Mr. CASTLE); and Jacqueline Norris, a staff member of the gentleman from Florida (Mr. KELLER), for all of their hard work and dedication over the last year or so as we were bringing this bill together.

Mr. Chairman, this is a very difficult piece of legislation. It has been very difficult for Congress to deal with it ever since they first brought it up in 1975. But I think that Members on both sides of the aisle have worked closely together to craft a bill that will help special needs children all across our country.

I think it is important to note that that is our goal here. It is to make sure that children with disabilities get the free and appropriate public education that they are entitled to in the least restrictive manner. We believe that the bill that we have before us today does, in fact, provide that, and does not weaken any safeguards for those children or their parents.

Let us not forget the importance of the requirements under No Child Left Behind where school districts are going to have to focus in on results for these children. This is a huge shift in dynamics for how schools are going to have to deal with their IDEA children. As a result, being able to change the paperwork requirements, to ease those for classroom teachers, to make the process more simple for school districts and administrators to enact, will not diminish the services for these students, because these same schools are going to have to show results for these children.

So this is a very big change, and I do believe it will lead to much better results for our special needs children.

The last point I would make is this is a bipartisan bill. We will talk about more of it as we get into the amendments.

Mr. UDALL of Colorado. Mr. Chairman, I rise today as a firm supporter of providing a free and quality education to students with and without disabilities, but also in opposition to H.R. 1350, the Reauthorization of the Individuals with Disabilities Act (IDEA).

When IDEA was initially enacted into law, Congress determined that the cost of educating a student with a disability was, on average, twice the cost of educating a student without a disability. In the original legislation, the Federal Government required States to provide an education to students with disabilities, but also agreed to help states fund the "extra cost" of educating disabled children by 40 percent of the total cost. It has been 28 years since the original implementation of IDEA, and Congress has yet to appropriate the full 40 percent to states for their special education programs. For 28 years, State and local governments have struggled to fulfill their obligation to disabled students with less than half of the funding that is necessary for the task.

This year, Congress again had the opportunity to fulfill the Federal Government's obligation. Members on both sides of the isle and education organizations representing not only administrators and teachers, but students and their parents have voiced their support of appropriating full funding. H.R. 1350 allocates the highest percentage ever to IDEA, yet the funding level is barely over half of that that is required, at 21 percent.

Even at a time when full funding for IDEA is almost unanimously supported, and education is touted as a priority by almost every Member of Congress, H.R. 1350 does not come close to backing IDEA's 28 year old promise. It is clear that in order to ensure substantial funding to the nation's disabled children, funding for IDEA must become a mandatory program that requires the Federal Government to appropriate the full 40 percent every appropriations cycle. It is past time for us to fulfill our obligation to this Nation's disabled children. H.R. 1350 does not appropriate full funding, and does not make full funding of IDEA mandatory, and so I feel it is my duty to oppose the bill.

I also have serious concerns with the discipline provisions of this bill. Under the "manifestation determination" previously required in IDEA, when students with disabilities are disciplined the potential that their disability was a fundamental reason for the problem must be considered. H.R. 1350 would no longer require schools to determine whether a student's action was the result of the disability. Under the bill a child with cerebral palsy could be expelled for accidentally making contact with his teacher or a developmentally disabled child could be expelled for "inappropriate public affection". While the majority of schools and administrators would not expel a student for minor infractions, the original intent of IDEA was to protect students with disabilities. If every school was enthusiastic and dedicated to the education of disabled students there would have never been any need for IDEA in the first place.

I understand the concerns voiced by national teachers and administrators regarding their need to have the authority to discipline students with and without disabilities. However, in order to protect the students from punishment for their disability, the law must include a requirement for the disability always to be taken into account before deciding on consequences. I have received many calls from parents in my district voicing anxiety over what will happen to their disabled children next time he or she makes a mistake related to their disability in school. I believe it is necessary to discipline disabled children, just as it is necessary to discipline children without disabilities, but we must ensure that the disabilities are always taken into account. H.R. 1350 would omit this requirement, and this was another reason that I cannot vote for the bill.

Mrs. MCCARTHY of New York. Mr. Chairman, I rise today with deep concerns with H.R. 1350, the bill to reauthorize the Individuals with Disabilities Education Act.

Prior to IDEA being passed in 1975, many children with disabilities did not receive access to education, and worse they were denied any educational services at all.

As a result of court decisions and congressional action, schools were required to offer children with disabilities a free appropriate public education.

Since then, Congress has acted to strengthen these laws time and time again regardless of whether it was a Republican-controlled or Democratic-controlled Congress.

Today under H.R. 1350, we are taking a large step backward especially with regards to disciplining students.

Current law allows a school to suspend or expel a student with disabilities if he or she brings a weapon or drugs to school, or is found by a hearing officer to be likely to injure themselves or others. Education services must be provided for up to 45 days in an alternative setting.

In addition, current law requires schools to determine if the problem which caused the student to be suspended or expelled was due to his or her disability. This bill removes these important safety provisions completely.

Mr. Chairman, H.R. 1350 allows students of all disabilities to be removed from classrooms for any behavior for an indefinite period of time.

Mr. Chairman, I am the first person to say we need to protect our children from violence in the classroom. Therefore if a student with attention deficit disorder hits another student, the student with attention deficit disorder can be expelled indefinitely.

As a nurse, I can tell you that attention deficit disorder is widely misunderstood by teachers and principals throughout the country. However, it is recognized by Congress as disability under the law we are amending today and the Americans with Disabilities Act.

Mr. Chairman, this provision in H.R. 1350 alone cuts out the very heart of IDEA. IDEA was created to prevent this type of discrimination against disabled students. If a student's health problem is the reason for causing trouble in the classroom, the health problem must be taken into account before the child is expelled indefinitely. We should be strengthening the current law instead of weakening it. It's just common sense.

As a student with disabilities, a nurse, a mother, and a Member of Congress, I am hopeful that we protect all children.

With that, I urge all my colleagues to vote against this bill that takes the heart out of IDEA.

We should be doing more not less for our students.

Mrs. CHRISTENSEN. Mr. Chairman, the Americans with Disabilities Act, ADA, and the Individuals with Disabilities Action IDEA, are two primary and most important laws that protect the rights of a special segment of our population—individuals with disabilities. Today, we debate the passage of H.R. 1350, a bill to reauthorize IDEA, which was created to ensure that all children with disabilities are afforded a free and appropriate public education within the least restrictive environment, and that the rights of children with disabilities and parents of such children are protected. H.R. 1350, undermines the original intent of the law and essentially guts the protections it was intended to provide.

I support, 100 percent improving the quality of education for children with disabilities, but despite the statements of its proponents, this bill would not achieve this goal.

The base bill undermines civil rights provisions, something that seems under attack on many fronts by this administration, and as in the Leave No Child Behind Act, fails to fully fund it. This reauthorization would make IDEA nothing more than an empty promise.

I am also very much opposed to the DeMint voucher proposal. Is this yet another opportunity for the Republicans to force one of their favorite programs upon the unsuspecting public. It has been said that the amendment that Representative DEMINT is scheduled to offer is not a voucher, since it allows vouchers without requiring them. That is a distinction without a difference. A voucher is a voucher is a voucher.

On behalf of approximately 1617 students with disabilities in my district, the U.S. Virgin Islands, and all the major organizations representing children with disabilities, I urge my colleagues to resolve the issues raised by voting for the Democratic amendments and to oppose final passage of the bill if these issues have not been successfully addressed.

Mr. CUMMINGS. Mr. Chairman, the Individuals With Disabilities Education Act, IDEA, is the Nation's main statute ensuring children with disabilities receive the special education they need for success. Today, Congress had the opportunity to make a difference in the lives of millions of children with the reauthorization of IDEA. However, H.R. 1350 squanders this opportunity and that is why I urge all of my colleagues to vote against this legislation.

Congress had the opportunity to support mandatory full funding for the IDEA. Two amendments that would have made IDEA a mandatory program and would have guaranteed that the Federal Government contribute 40 percent of the cost as promised in the original 1975 law were not allowed to be offered.

Congress authorized the Federal Government to pay up to 40 percent of each State's excess cost of educating children with disabilities. As we have learned with the No Child Left Behind Act, promises to fund education through authorizations are often not kept. It is time we renew our commitment to all of our Nation's children and pay our share of the cost of IDEA.

States across the Nation are dealing with an economic crisis, facing large State budget deficits and making deep cuts to services. IDEA's unfunded mandate is $10 billion—this is money our States and school districts could be spending to alleviate State budget crises, reduce class sizes, build and modernize schools and further technology advances in education. This is an unfortunate trade off that our States should not have to make.

Fully funding IDEA is not just about special education. It is about keeping the promise of funding the mandate the Federal Government has put on the States and relieving the school funding crisis that States across the Nation are facing.

Congress needs to focus on real increases in IDEA funding and on aiding our States and local communities in times of tight budgets. Congress must follow through on the promise made to our special needs students years ago.

H.R. 1350 in its current form does not fulfill that promise. Please oppose H.R. 1350.

Mr. GIBBONS. Mr. Chairman, I rise today in support of H.R. 1350. As a father of three, I know the importance of educating our children. There should be no greater priority then providing our children with the educational tools needed to succeed in life.

H.R. 1350 fulfills our commit to the youth of this Nation, by providing special education children with the mechanisms and funding needed for success.

Mr. Chairman, since the Republicans have controlled Congress we have increased IDEA part B funding by $6.5 billion or 282 percent. All the while, the political rhetoric continues to fly in the face of these facts.

However, this is still not enough. Since 1975, when IDEA was originally established, Congress committed to provide Federal funding at 40 percent. Since 1975, IDEA funding levels have not even come close to reaching the 40 percent level.

H.R. 1350 sets up a bold plan, by setting a clear 7-year path to reach the 40 percent goal to make the full funding of IDEA a reality. I strongly support this effort, and this is one of the reasons I will be voting in favor of this bill. Still, many on the other side of the aisle will confuse the issue, by asserting that this needs to be done by making IDEA a new Federal entitlement program.

Mr. Chairman, this is a misguided attempt. Making the program a mandatory Federal entitlement will only make it nearly impossible to make much needed reforms in IDEA for the future.

Making IDEA a new Federal entitlement spending program will cause an explosion of new paperwork and bureaucracy in special education at the very time teachers and parents are seeking a simpler process to ensure children with disabilities receive the education they deserve.

In addition, this could even prevent IDEA from receiving substantial funding increases in the upcoming years.

Finally, mandatory spending through a Federal entitlement will remove the accountability and oversight mechanisms that Congress provides through the annual discretionary appropriations process.

Instead, we need to continue our commitment to increasing the IDEA budget as well as the overall education budget to ensure real academic improvements results for children with disabilities and their peers.

Mr. Chairman, education is a top priority for this Republican-controlled House and Senate and this bill is a shining example of this continuing commitment to our children's education.

In spite of the continuing challenges of war and economic recovery—the Republican administration and Congress remain dedicated to funding our priorities. For this reason, I am proud to support the full funding of IDEA and H.R. 1350.

Mr. ETHERIDGE. Mr. Chairman, I rise to speak about this bill to reauthorize the Individuals with Disabilities Education Act.

As the only former State schools chief serving in Congress, I know firsthand the tremendous challenges facing our schools, teachers, parents and students when it comes to educating disabled children. Congress has an obligation to provide a fair share of funding for special education, and although this bill makes some progress toward that important goal, it unfortunately falls short.

Since 1975, the Federal Government has pledged to fund 40 percent of the costs of educating children with disabilities, but it has never made good on that promise. When I first arrived in this body, Congress was only funding its special education obligations at about 14 percent. This year that level will rise to about 18 percent, and this legislation will provide for additional increases perhaps as high as 21 percent. But Mr. Chairman, that still is not good enough. Congress must live up to its commitments and fully fund IDEA.

I also urge my colleagues to vote against the voucher amendments on this bill. Specifically, the DeMint amendment would siphon off precious public resources and funnel them to fund private schools. Vouchers are not good public policy. Taking taxpayer dollars to fund private school tuition is wrong. I urge my colleagues to vote against any and all voucher amendments.

Vouchers are a bad idea because they drain needed public resources away from our public schools, where more than 90 percent of the children in this country are educated, in favor of private schools that have no accountability to the American taxpayers. Rather than siphoning funds from the public schools, we need to invest more in initiatives like school construction, teacher training, class size reduction, tutoring and in other proven methods to raise academic achievement.

Finally, Mr. Chairman, let me state that this bill is not all bad, and I am hopeful it can be improved in the upcoming conference with the Senate. If the conference can fix its shortcomings, I could support the final version of this legislation. But this House can do better than the bill before us now, and I will vote no today on H.R. 1350.

Mr. STARK. Mr. Chairman, I rise today in opposition to H.R. 1350, the "Improving Education Results for Children with Disabilities Act."

Once again, the Republican majority is failing to match their rhetoric with their actions. This time the victims are children with disabilities. This bill will not improve education for children with disabilities as its title claims. it fails to invest the funds necessary to make that improvement real and it contains damaging provisions that actually inhibit such improvements. These are steps backward, not improvements at all.

The parents of children with disabilities are likely wondering why Congress is allowing this to happen? Well, its because the Republicans are refusing to honor the commitment Congress made almost 30 years ago to significantly invest in educating children with disabilities. Back then, the Federal Government promised to pay 40 percent of the national average per pupil for providing this education. Today, we only pay about 18 percent. Nothing in this bill improves on that. Talk about passing the buck to local schools. Its no wonder many school districts are cutting back on education for every child—not to mention their failing for children with disabilities.

As if the under-funding weren't bad enough, this bill goes further. This bill ignores the fact that the learning process for any child can be very sensitive to changes in their home lives or their health conditions. This is more likely to be true for children with disabilities, many of whom confront very difficult physical and mental health conditions that create barriers to their successful learning. it is critical for schools to constantly monitor the situation of students with disabilities and ensure that their educational needs are addressed as quickly as possible. Instead of promoting this need, the bill eliminates the requirement that every school have short-term instructional objectives for each student. This greatly decreases the chance for students with disabilities to succeed because their individual educational needs may well go unaddressed for what could be years.

In the biggest step backward, this bill provides schools with the right to unilaterally expel and child with a disability if they violate, even once, that school's code of conduct, regardless of the severity. Republicans eliminate the review process and the requirement for behavioral assessments and positive interventions in these discipline cases. Without these protections, there is no limit to the number of students with disabilities who can be kicked out of school with no questions asked. This provision is wrong and unfair and has no place in any legislation claiming to improve education for children with disabilities.

It is long overdue for Congress to make good on our promise to give children with disabilities a better chance to succeed. It is in that spirit that I urge my colleagues to join me in voting against the "Improving Education Results for Children with Disabilities Act" because it flatly fails that promise. I hope the Senate will fix many of the damaging provisions in this bill and pass an IDEA reauthorization bill that really does improve education and opportunity for children with disabilities. Then, maybe after a conference, we can vote on a bill that truly achieves the goal of its title.

Mr. RUSH. Mr. Chairman, I rise against this ill-conceived and ill-advised piece of legislation. Yet again the Republicans say that education is their number one priority but every time they have a chance to demonstrate their commitment to education they slash the funding or eliminate the programs designed to educate our children.

Since the enactment of the Individuals with Disabilities Education Act in 1975, we have failed to fully fund this worthy program. It has now been 28 years since we wrote children with disabilities a bad check and today its time to make good on that debt. The only way to ensure free appropriate public education is to fully fund special education. Let us not politicize this issue. We know that the program is working. Millions of children with special needs have benefitted greatly from IDEA. Let us not return to the dark ages where children with special needs were considered second class citizens. Our children deserve better.

Not only do we negate to fully fund special education but we do away with our children's basic civil rights protections. By removing due process procedures in this Act, many children with special needs will be the target of discriminatory practices. This is troubling to me because even with the current safeguard, minorities are disproportionately suspended or expelled from school compared to their majority counterparts. Its seems that this legislation is geared towards educating just the privileged few.

Again, I urge my colleagues on both sides of the aisle to rise on behalf of the 600,000 children with disabilities so that no child will be left behind.

Mr. LEVIN. Mr. Chairman, I rise in opposition to the rule and against the bill. The legislation before the House today fails to live up to our promises to fully fund special education. It fails the parents of children with disabilities. Worst of all, it fails the kids who need our help the most.

The Bush Administration and many in this Congress have said over and over that the education policies of this country should leave no child behind. If it becomes law, this bill would leave more than 600,000 children with disabilities behind.

For more than 28 years, Congress has pledged time and time again to provide full funding for special education in this country, but not once has Congress provided the promised 40 percent Federal cost share of the states' cost of educating children and disabilities. Currently, the Federal Government pays just 18 percent. To illustrate my point, this year my home state of Michigan, will receive $308 million in IDEA Part B grants. Michigan should receive almost $704 million, if this Congress would only meet its obligation to fully fund this program, as it has promised.

IDEA is really the poster child for unfunded federal mandates. The fiscal crisis confronting the states makes it increasingly difficult for them to pick up the unfunded federal share. Proponents of this legislation will claim that this bill fully funds IDEA by 1010. This House can authorize higher spending limits for IDEA until it is blue in the face, but it doesn't mean anything to our nation's disabled school children unless we follow up and actually appropriate the money to meet these authorization levels. And that's where the problem has been.

If the Majority is really serious about fully funding special education, as it claims, why not make the funding mandatory? It is ironic that at the same time the Majority is pushing to lock in a permanent $550 billion tax cut that chiefly benefits the very rich, it is unwilling to provide the same assurance of funding to disabled school kids. This speaks volumes about priorities around here.

I urge my colleagues to join me in opposing the rule and opposing this bill. We can do much better.

Mr. PAUL. Mr. Chairman, I rise to oppose H.R. 1350, the Improving Education Results for Children with Disabilities Act. I oppose this bill as a strong supporter of doing everything possible to advance the education of persons with disabilities. However, I believe this bill is yet another case of false advertising by supporters of centralized education, as it expands the federal education bureaucracy and thus strips control over education from local communities and the parents of disabled children. Parents and local communities know their children so much better than any federal bureaucrat, and they can do a better job of meeting a child's needs than we in Washington. There is no way that the unique needs of my grandchildren, and some young boy or girl in Los Angeles, CA or New York City can be educated by some sort of "Cookie Cutter" approach. In fact, the "Cookie Cutter" approach is especially inappropriate for special needs children.

At a time when Congress should be returning power and funds to the states, IDEA increases Federal control over education. Under this bill, expenditures on IDEA will total over $100 billion by the year 2011. After 2011, congressional appropriators are free to spend as much as they wish on this program. This flies in the face of many members' public commitment to place limits on the scope of the Federal bureaucracy.

There are attempts in this bill to reduce the role of bureaucracy and paperwork, and some provisions will benefit children. In particular, I applaud the efforts of the drafters of those who drafted it to address the over-prescription of psychotropic drugs, such as Ritalin by ensuring that no child shall be placed on these drugs without parental consent.

However, H.R. 1350 still imposes significant costs on state governments and localities. For example, this bill places new mandates on state and local schools to offer special services in areas with significant "overidentification" of disabled students. Mr. Chairman, the problem of overidentification is one created by the Federal mandates and federal spending of IDEA! So once again, Congress is using problems created by their prior mandates to justify imposing new mandates on the states!

When I think of imposing new mandates on local schools, I think of a survey of teachers my office conducted last year. According to this survey, over 65 percent of teachers felt that the federal mandates are excessive. In fact, the area where most teachers indicated there is too much federal involvement is disabilities education.

I would ask all my colleagues to consider whether we are truly aiding education by imposing new mandates, or just making it more difficult for hard-working, education professionals to properly educate our children?

The major federal mandate in IDEA is that disabled children be educated in the least restrictive setting. In other words, this bill makes mainstreaming the federal policy. Many children may thrive in a mainstream classroom environment; however, I worry that some children may be mainstreamed solely because school officials believe federal law requires it, even though the mainstream environment is not the most appropriate for that child.

On May 10, 1994, Dr. Mary Wagner testified before the Education Committee that disabled children who are not placed in mainstream classrooms graduate from high school at a much higher rate than disabled children who are mainstreamed. Dr. Wagner quite properly accused Congress of sacrificing children to ideology.

H.R. 1350 also burdens parents by requiring them to go through a time-consuming process of bureaucracy and litigation to obtain a proper education for their child. I have been told that there are trial lawyers actively soliciting dissatisfied parents of special needs children as clients for lawsuits against local schools! Parents and school districts should not be wasting resources that could go to educating children enriching trial lawyers.

Instead of placing more federal control on education, Congress should allow parents of disabled children the ability to obtain the type of education appropriate for that child's unique needs by passing my Help and Opportunities for Parents of Exceptional Children (HOPE for Children) Act of 2003, H.R. 1575. This bill allows parents of children with a learning disability a tax cut of up to $3,000 for educational expenses. Parents could use this credit to pay for special services for their child, or to pay tuition at private school or even to home school their child. By allowing parents of special needs children to control the education dollar, the HOPE for Children Act allows parents to control their child's education. Thus, this bill helps parents of special needs children provide their child an education tailored to the child's unique needs.

The HOPE for Children Act allows parents of special needs children to provide those children with an education that matches their child's unique needs without having to beg permission of education bureaucrats or engage in lengthy and costly litigation.

Mr. Chairman, it is time to stop sacrificing children on the altar of ideology. Every child is unique and special. Given the colossal failure of Washington's existing interference, it is clear that all children will be better off when we get Washington out of their classroom and out of their parents' pocketbooks. I therefore urge my colleagues to cast a vote for constitutionally limited government and genuine compassion by opposing H.R. 1350 and supporting the HOPE for Children Act.

Mr. HOLT. Mr. Chairman, none of the goals of IDEA can be achieved without full funding. Today, the majority is refusing even to allow amendments to improve the funding level in the bill.

Congress authorized full funding of IDEA 28 years ago and still has failed to deliver. In 1975, Congress authorized funding to cover 40 percent of the excess cost of educating a child with a disability.

President Bush has requested $1 billion increases for IDEA in each of his last 2 budgets. But according to the U.S. Department of Education, providing $1 billion increases each year will never allow IDEA to reach full funding.

When it comes to IDEA funding, Republicans are dwelling on the past, rather than focusing on the future. The majority consistently points to increases in IDEA funding in past years and this is true. However, this doesn't respond to the needs of school districts now. That is why we need to ensure full funding of IDEA over the next six years.

During debate on the No Child Left Behind Act, the majority claimed we had to reform IDEA before providing full funding. The bill before us supplies the Majority's reforms, yet reneges on full funding. What is the excuse now? Since 1977, 22 separate bills and resolutions have passed in the House and Senate calling for fund funding of IDEA with support of a majority of Republicans. It is time for Congress to make good on this promise.

In recent years, the Republican majority have said that there is not enough money to appropriate full funding, however they seem to be able to find enough money to give a large tax cut to those who don't need it.

I offered an amendment in the Education and the Workforce Committee with Representative Andrews to remove the funding cap from the bill. I did so because today seven states stand to lose IDEA funding under this cap, and another seven may soon be affected. While the Chairman did agree to move the cap to 13.5 percent—and I thank him for working with us—I still believe that a cap is fundamentally unfair. Not just unfair to the 50 states but also to the American children.

Even with this cap on funding, states and schools are still required to educate students that are identified as having special need even when the population exceeds the cap. So, why not allow the funding?

While I recognize that the cap reflects an attempt to reduce inappropriate identification of students as disabled, I believe that a cap does not get at the problem. Simply setting a cap does not address the issue of how students are being identified.

I believe that states and localities should be allowed to improve this inappropriate identification through professional development.

I applaud the chairman for including increased funding for professional development and research funding to reduce inappropriate identification of children with disabilities, including disproportionate assignment of minority children. We should allow these funds to work.

Let me point out a good point of today's bill. I am glad to see that section 674(c) recognizes the continued importance of funding an organization that "provides free educational materials, including textbooks, in accessible media for visually impaired and print-disabled students in elementary, secondary, postsecondary, and graduate schools." As you may know, Mr. Speaker, Recording for the Blind & Dyslexic, located in New Jersey in my district, has received federal funding for nearly thirty years to produce, distribute and promote the use of accessible-format versions of printed textbooks free to students. During this time, they have helped hundreds of thousands of students who would have otherwise not had access to the textbooks they need to receive the kind of "free and appropriate" education that is outlined under IDEA. I commend RFB&D and want to bring to the attention of my colleagues in the Congress the oustanding work of this organization.

I would to thank Chairman BOEHNER and Subcommittee Chairman CASTLE for maintaining this important program in the law. I would like to express my concern, however, that funding for this activity is no longer a requirement for the Secretary of Education, as is the case under current law. I believe this must be changed and this requirement should be restored, and I look forward to working with the Chairman and my colleagues to resolve this issue during conference with the Senate.

Mr. NUSSLE. Mr. Chairman, I rise in support of H.R. 1350, which reforms and re-Authorizes the Individuals with Disabilities Education Act (IDEA), the Nation's primary special education law. This reauthorization of IDEA offers an opportunity to renew our commitment to students with special needs in Iowa and across the country.

IDEA laws and funding decisions impact all students, regardless of whether they have special educational needs.

I commend the Education Committee for authorizing in this bill special education funding increases for the next two years in line with the amounts provided in the fiscal year 2004 conference budget resolution. This includes a $2.2 billion increase in 2004, followed by another $2.5 billion increases on top of that for 2005.

These funding increases would bring us more than halfway toward our ultimate goal of funding 40 percent of the national average per pupil expenditure for each child served under IDEA. These funding levels will result in the Federal Government paying 21 percent of these costs in 2004 and 25 percent the following year.

Let's take a moment to acknowledge just how far we have come in funding special education in recent years. The increases in this bill build upon the dramatic rise in special education funding already provided by the Republican Congress.

Since 1995, annual special education funding has risen from $2.3 billion to $8.9 billion. We've gone from 7 percent Federal funding to 17 percent.

In the first few years of the previous administration, special education funding remained essentially flat, with no increase in the Federal share.

I also want to point out that the fiscal year 2004 budget resolution includes mandatory funding to help address the national shortage of special education teachers by allowing Federal loan forgiveness of up to $17,500 for special education teachers who teach in disadvantaged school districts.

Funding is only one piece of the puzzle in improving education. We must ensure that significant improvements are made to the system. Iowa's students deserve no less. I am pleased this bill includes critical reforms to enhance educational performance while reducing the bureaucratic red tape that teachers and school administrators in Iowa tell me can get in the way of what is most important: teaching.

H.R. 1350 substantially reduces the paperwork requirement of annual individualized education plans (IEPS) by giving parents the option of choosing a three-year IEP, instead of having to craft a new one every year.

The bill grants school districts greater flexibility to more accurately classify students to avoid wrongly identifying as disabled those who may have a less severe condition. This growing problem hinders the progress of affected students and indirectly impacts all students.

There will be expanded choices for parents by allowing IDEA funds to be used in some cases to obtain supplemental education services, including services offered by private educational providers.

The bill also increases the flexibility of local school districts in making decisions about discipline for individual special education students. This flexibility can enhance the educational environment for all students. This is a necessary step I have been advocating for some time.

I support this bill and applaud the efforts of Mr. BOEHNER and Mr. CASTLE to improve the Nation's special education law at a time as we continue working to ensure that no child is left behind in America's classrooms.

Mr. BALLENGER. Mr. Chairman, not since Congress first passed legislation to help children with disabilities to receive a free and appropriate public education has a bill done so much for disabled students, parents, and their teachers. That is why I am proud to support the Improving Education Results for Children with Disabilities Act.

One important aspect of this legislation is that it helps to reduce the over-identification and mis-identification of non-disabled students. For far too long, students that were not disabled were classified as being disabled—stigmatizing these children for the rest of their education even though they were fully capable students.

H.R. 1350 encourages the use of early intervention strategies, which we all know that an ounce of prevention is worth a pound of cure. By reducing the number of non-disabled students receiving services, students who truly need assistance will have more resources available to them.

I would also like to point out that our litigious society has fostered an atmosphere of mistrust and apprehension between parents and teachers. H.R. 1350 gives parents and schools increased flexibility in resoling disputes. Through mediation and voluntary binding arbitration, the trust between parents and teachers can be restored.

While I understand the fears and concerns of some regarding changes to IDEA, I believe that H.R. 1350 goes a long way towards increasing accountability and flexibility for both teachers and parents. I strongly urge my colleagues to support this legislation.

Mr. KIND. Mr. Chairman, over a quarter century ago, President Ford signed historic legislation seeking to ensure educational equity for children with disabilities and special needs. This legislation, now known as the Individuals with Disabilities Education Act (IDEA), was a major milestone in the quest to end the chronic exclusion of students with exceptional needs. It helped open the door to fairness and access for millions of such youngsters and paved the way to greater educational success for many students with disabilities.

IDEA is both a grants statute and a civil rights statute. It mandates that all disabled students be provided a free appropriated public education in the least restrictive environment. Over six million children with disabilities are no longer limited by their families' ability to afford private education; they are no longer forced to attend costly state institutions, or worse, stay home and miss out entirely on the benefits of an education. IDEA ensures that children with disabilities may attend public school alongside their peers. There is no question about it: students, schools, communities are enriched when all children have a right to a free, appropriate public education.

As a member of the Education and Workforce Committee since 1997, I have worked hard to improve the quality of education for our children. Consistently, I have called on the federal government to fully fund IDEA. In fact, during reauthorization of the Elementary and Secondary Education Act I offered an amendment to fully fund IDEA. Unfortunately the House leadership prevented the amendment from being debated on the House floor.

Again, during committee consideration of H.R. 1350, I supported an amendment for mandatory full funding offered by Representative WOOLSEY. I am disappointed by the Committee's failure to adopt this important amendment. This is not the time to withhold necessary funds from out states. In the end, it is all our students nationwide, with an without disabilities, who suffer from the lack of federal funds for special education.

While I realize that H.R. 1350 is not a perfect bill, I feel that it resolves some significant issues that are problematic in Wisconsin, such as increasing instructional time with students through paperwork reduction, improving early intervention strategies, reducing overidentification and working to resolve conflicts between schools and parents early and with less litigation. I hope, that as we move forward we can continue to improve the bill and work with the Senate to produce the best bill possible.

Specially, I am pleased that H.R. 1350 includes several amendments I offered during committee that focus on professional development. Frequently, during my visits with special education personnel in Wisconsin I heard how difficult it is to access professional development, this being more pronounced in those rural school systems in my district. For example, in Wisconsin a special education teacher is required to obtain six credit hours of professional development training every five years.

Thus, my amendment encourages the use and development of state-of-the-art strategies to deliver professional development training for school personnel working with special education students through the use of technology, peer networks, and distance learning. The training will include special and regular education teachers, principals, superintendents, and other related services personnel.

Furthermore, to better assist states in encouraging the development and use of distance learning and technology for special education personnel, it is critical to raise awareness of what is currently available in the area of distance learning for professional development. Therefore, I requested GAO to research the existing and developing distance learning and technology program offered to special education personnel. This knowledge will help better focus resources and time on developing programs where they are needed.

I offered an additional professional development amendment that will include principals, superintendents, and administrators in the states personnel preparation programs. As district Special Education Directors leave, retire, or are cut due to budgetary shortfalls, principals, and superintendents are being tapped to fill this void. In the 423 school districts in Wisconsin, less than half, only 185 school districts presently have directors of special education. In the 238 districts without a director of special education, school principals and superintendents provide leadership of special education programs. Yet, few have had training needed to administer these complicated programs. This amendment will allow states to include administrators in special education professional development programs.

Finally, H.R. 1350 includes a new provision that permits states to establish and implement cost- and risk-sharing funds, consortiums or cooperatives to assist students with severe disabilities. I offered my amendment, which was accepted, that would allow states to prioritize a certain percentage of funding for school districts to finance these programs. High-cost, low-incidence students have a significant impact on the budgets of the school districts, and this can be very pronounced in rural areas. I am pleased this amendment was accepted and know it will have a positive impact for Wisconsin.

Mr. Chairman, our educators are doing everything they can to meet the needs of disabled students, despite the federal government's failure to fully-fund IDEA. Congress has gone less than half way in its promise to fund 40 percent of education costs for children with disabilities. Therefore, until it does, we have to provide whatever help we can and I feel that H.R. 1350 is a step forward in helping our local education communities reach the goal of providing the best possible education system for students with disabilities.

Ms. ESHOO. Mr. Chairman, it's with great disappointment that I rise today in opposition to H.R. 1350, the Individuals with Disabilities Education Act reauthorization.

H.R. 1350 fails special ed kids for these reasons: It undermines their civil rights and their educational opportunity by removing parental involvement in actions relating to the identification, evaluation and education of their child.

It limits the dialogue between school professionals and families. It institutes a one-year statute of limitations on parents to bring about any grievances with their child's education.

It eliminates short term objectives for a student's Individualized Education Program and limits a teacher of special ed to participate in the process.

It makes changes to disciplinary procedures which allow disabled children to be punished or removed for behavior due to their disability.

And H.R. 1350 fails to fully fund IDEA. It calls for full funding over seven years, but there isn't any guarantee that these dollars will be there in seven years.

Congress made a commitment in 1975 to our children and our school districts to fully fund special education at forty-percent. What an insult it is that twenty-eight years later, Congress is still funding less than half of this commitment. The budget passed by the House this year authorizes only $8.5 billion, far short of the $20.2 billion needed to fulfill our obligation.

Today every state across the nation is struggling fiscally, the worst condition of states since the Great Depression and school funding is being slashed.

It's critical that our nation's Governors unite with Congress now to uphold the special education commitment to school districts. I support the Woolsey-McKeon amendment which requires that any additional increases in IDEA federal funding be passed down directly to the local level.

I regret that the House is missing a critical opportunity to invest in our children and our schools through IDEA reauthorization. The reality of this bill is that it's bad for our children and it will set back the progress we've made.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I rise in support of H.R. 1350 as I believe it will make many necessary reforms to better serve our Nation's special-needs students, but wish to makes my reservations known about funding levels for part B of the Individuals with Disabilities Education Act. It is well known that Congress committed to contribute up to 40 percent of the average per pupil expenditure of educating special needs children, and Congress' failure to achieve even half of that 40 percent promise is even more well known. In fact, in 28 years Congress has never contributed more than 17.6 percent, leaving local school districts with too heavy a burden to provide for their special needs children. Thus, I am currently cosponsor to H.R. 1094, legislation that would authorize appropriations to achieve the full, 40 percent funding for part B of IDEA by 2008. I believe it is imperative that the Federal Government keep its promise to our Nation's special needs children.

While I am pleased that funding for IDEA has steadily risen in the last several years, Congress is long overdue in providing its promise of 40 percent. That said, I support H.R. 1350, although I realize that its funding levels for part B of IDEA are lower than those that would be authorized if H.R. 1094 were signed into law. While I realize this discrepancy, I do believe that H.R. 1350 puts forth a good-faith effort to dramatically increase the Federal Government's expenditure for special needs children. H.R. 1350 will set in motion a plan to finally achieve the 40 percent funding, and thus makes a statement that Congress realizes its current funding shortfall of IDEA. I will continue to fight for full funding for part B of IDEA in the budget for FY2004 and beyond.

Mr. BOEHNER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improving Education Results for Children With Disabilities Act of 2003".

TITLE I—GENERAL PROVISIONS

SEC. 101. SECTIONS 601 THROUGH 603 OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Sections 601 through 603 of the Individuals with Disabilities Education Act (20 U.S.C. 1400–1402) are amended to read as follows:

"SEC. 601. SHORT TITLE; TABLE OF CONTENTS; FINDINGS; PURPOSES.

"(a) SHORT TITLE.—This Act may be cited as the 'Individuals with Disabilities Education Act'.

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

"PART A—GENERAL PROVISIONS

"Sec. 601. Short title; table of contents; findings; purposes.
"Sec. 602. Definitions.
"Sec. 603. Office of Special Education Programs.
"Sec. 604. Abrogation of State sovereign immunity.
"Sec. 605. Acquisition of equipment; construction or alteration of facilities.
"Sec. 606. Employment of individuals with disabilities.
"Sec. 607. Requirements for prescribing regulations.
"Sec. 608. State administration.

"PART B—ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES

"Sec. 611. Authorization; allotment; use of funds; authorization of appropriations.
"Sec. 612. State eligibility.
"Sec. 613. Local educational agency eligibility.
"Sec. 614. Evaluations, eligibility determinations, individualized education programs, and educational placements.
"Sec. 615. Procedural safeguards.
"Sec. 616. Monitoring, enforcement, withholding, and judicial review.
"Sec. 617. Administration.
"Sec. 618. Program information.
"Sec. 619. Preschool grants.

"PART C—INFANTS AND TODDLERS WITH DISABILITIES

"Sec. 631. Findings and policy.
"Sec. 632. Definitions.
"Sec. 633. General authority.
"Sec. 634. Eligibility.
"Sec. 635. Requirements for statewide system.
"Sec. 636. Individualized family service plan.
"Sec. 637. State application and assurances.
"Sec. 638. Uses of funds.
"Sec. 639. Procedural safeguards.
"Sec. 640. Payor of last resort.
"Sec. 641. State Interagency Coordinating Council.
"Sec. 642. Federal administration.
"Sec. 643. Allocation of funds.
"Sec. 644. Authorization of appropriations.

"PART D—NATIONAL ACTIVITIES TO IMPROVE EDUCATION OF CHILDREN WITH DISABILITIES

"Sec. 651. Findings.

"SUBPART 1—STATE PROFESSIONAL DEVELOPMENT GRANTS

"Sec. 652. Purpose.
"Sec. 653. Eligibility and collaborative process.
"Sec. 654. Applications.
"Sec. 655. Use of funds.
"Sec. 656. State grant amounts.
"Sec. 657. Authorization of appropriations.

"SUBPART 2—SCIENTIFICALLY BASED RESEARCH; TECHNICAL ASSISTANCE; MODEL DEMONSTRATION PROJECTS; DISSEMINATION OF INFORMATION; AND PERSONNEL PREPARATION PROGRAMS

"Sec. 661. Purpose.
"Sec. 662. Administrative provisions.
"Sec. 663. Research to improve results for children with disabilities.
"Sec. 664. Technical assistance, demonstration projects, dissemination of information, and implementation of scientifically based research.
"Sec. 665. Personnel preparation programs to improve services and results for children with disabilities.
"Sec. 666. Studies and evaluations.
"Sec. 667. Authorization of appropriations.

"SUBPART 3—SUPPORTS TO IMPROVE RESULTS FOR CHILDREN WITH DISABILITIES

"Sec. 671. Purposes.
"Sec. 672. Parent training and information centers.
"Sec. 673. Community parent resource centers.
"Sec. 674. Technical assistance for parent training and information centers.
"Sec. 675. Technology development, demonstration, and utilization; and media services.

"(c) FINDINGS.—Congress finds the following:

"(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.

‘‘(2) Before the date of the enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94–142), the special educational needs of millions of children with disabilities were not being fully met and there were many children with disabilities participating in regular school programs whose undiagnosed disabilities prevented them from having a successful educational experience.

‘‘(3) Since the enactment and implementation of the Education for All Handicapped Children Act of 1975, this Act has been successful in ensuring children with disabilities and the families of such children access to a free appropriate public education and in improving educational results for children with disabilities.

‘‘(4) Over 25 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by—

‘‘(A) having high expectations for such children and ensuring their access to the general education curriculum in the regular classroom to the maximum extent possible in order—

‘‘(i) to meet developmental goals and, to the maximum extent possible, the challenging expectations that have been established for all children; and

‘‘(ii) to be prepared to lead productive and independent adult lives, to the maximum extent possible;

‘‘(B) strengthening the role and responsibility of parents and ensuring that families of such children have meaningful opportunities to participate in the education of their children at school and at home;

‘‘(C) coordinating this Act with other local, State, and Federal school improvement efforts, including efforts under the Elementary and Secondary Education Act of 1965, in order to ensure that children with disabilities benefit from such efforts and that special education can become a service for such children rather than a place where they are sent;

‘‘(D) supporting high-quality, intensive professional development for personnel who work with children with disabilities;

‘‘(E) providing incentives for scientifically based reading programs and prereferral intervention services to reduce the need to label children as disabled in order to address their learning needs;

‘‘(F) focusing resources on teaching and learning while reducing paperwork and requirements that do not assist in improving educational results; and

‘‘(G) supporting the development and use of technology, including assistive technology devices and services, to maximize accessibility for children with disabilities.

‘‘(5) While States, local educational agencies, and educational service agencies are primarily responsible for providing an education for all children with disabilities, it is in the national interest that the Federal Government has a supporting role in assisting State and local efforts to educate children with disabilities in order to improve results for such children and to ensure equal protection of the law.

‘‘(6) A more equitable allocation of resources is essential for the Federal Government to meet its responsibility to provide an equal educational opportunity for all individuals.

‘‘(7)(A) The Federal Government must, respond to the growing needs of an increasingly diverse society.

‘‘(B) America's ethnic profile is rapidly changing. In the year 2000, nearly one of every three persons in America was a member of a minority group or was limited English proficient.

‘‘(C) Minority children comprise an increasing percentage of public school students.

‘‘(D) With such changing demographics, recruitment efforts for special education personnel should focus on increasing the participation of minorities in the teaching profession in order to provide appropriate role models with sufficient knowledge to address the special education needs of these students.

‘‘(8)(A) The limited English proficient population is the fastest growing in our Nation, and the growth is occurring in many parts of our Nation.

‘‘(B) Studies have documented apparent discrepancies in the levels of referral and placement of limited English proficient children in special education.

‘‘(C) This poses a special challenge for special education in the referral, assessment, and provision of services for our Nation's students from non-English language backgrounds.

‘‘(9)(A) Greater efforts are needed to prevent the intensification of problems connected with mislabeling and high dropout rates among minority children with disabilities.

‘‘(B) More minority children continue to be served in special education than would be expected from the percentage of minority students in the general school population.

‘‘(C) African American children are overidentified as having mental retardation and emotional disturbance at rates greater than their white counterparts.

‘‘(D) In the 1998–99 school year, African American children represented just 14.8 percent of the population aged 6 through 21, but comprised 20.2 percent of all children with disabilities.

‘‘(E) Studies have found that schools with predominantly Caucasian students and teachers have placed disproportionately high numbers of their minority students into special education.

‘‘(10)(A) As the number of minority students in special education increases, the number of minority teachers and related services personnel produced in colleges and universities continues to decrease.

‘‘(B) The opportunity for full participation by minority individuals, organizations, and historically black colleges and universities in awards for grants and contracts, boards of organizations receiving assistance under this Act, peer review panels, and training of professionals in the area of special education is essential to obtain greater success in the education of minority children with disabilities.

‘‘(d) PURPOSES.—The purposes of this title are—

‘‘(1)(A) to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living;

‘‘(B) to ensure that the rights of children with disabilities and parents of such children are protected; and

‘‘(C) to assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities;

‘‘(2) to assist States in the implementation of a statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for infants and toddlers with disabilities and their families;

‘‘(3) to ensure that educators and parents have the necessary tools to improve educational results for children with disabilities by supporting system improvement activities; coordinated research and personnel preparation; coordinated technical assistance, dissemination, and support; and technology development and media services; and

‘‘(4) to assess, and ensure the effectiveness of, efforts to educate children with disabilities.

“SEC. 602. DEFINITIONS.

‘‘Except as otherwise provided, as used in this Act:

‘‘(1) ASSISTIVE TECHNOLOGY DEVICE.—The term ‘assistive technology device’ means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a child with a disability.

‘‘(2) ASSISTIVE TECHNOLOGY SERVICE.—The term ‘assistive technology service’ means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

‘‘(A) the evaluation of the needs of such child, including a functional evaluation of the child in the child's customary environment;

‘‘(B) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by such child;

‘‘(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;

‘‘(D) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

‘‘(E) training or technical assistance for such child, or, where appropriate, the family of such child; and

‘‘(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of such child.

‘‘(3) CHILD WITH A DISABILITY.—

‘‘(A) IN GENERAL.—The term ‘child with a disability’ means a child—

‘‘(i) with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (hereinafter referred to as ‘emotional disturbance’), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and

‘‘(ii) who, by reason thereof, needs special education and related services.

‘‘(B) CHILD AGED 3 THROUGH 9.—The term ‘child with a disability’ for a child aged 3 through 9 or any subset of that age range, including ages 3 through 5, may, at the discretion of the State and the local educational agency, include a child—

‘‘(i) experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and

‘‘(ii) who, by reason thereof, needs special education and related services.

‘‘(4) EDUCATIONAL SERVICE AGENCY.—The term ‘educational service agency’—

‘‘(A) means a regional public multiservice agency—

‘‘(i) authorized by State law to develop, manage, and provide services or programs to local educational agencies; and

‘‘(ii) recognized as an administrative agency for purposes of the provision of special education and related services provided within public elementary and secondary schools of the State; and

‘‘(B) includes any other public institution or agency having administrative control and direction over a public elementary or secondary school.

‘‘(5) ELEMENTARY SCHOOL.—The term ‘elementary school’ means a nonprofit institutional day or residential school that provides elementary education, as determined under State law.

''(6) EQUIPMENT.—The term 'equipment' includes—

''(A) machinery, utilities, and built-in equipment and any necessary enclosures or structures to house such machinery, utilities, or equipment; and

''(B) all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture; printed, published, and audio-visual instructional materials; telecommunications, sensory, and other technological aids and devices; and books, periodicals, documents, and other related materials.

''(7) EXCESS COSTS.—The term 'excess costs' means those costs that are in excess of the average annual per-student expenditure in a local educational agency during the preceding school year for an elementary or secondary school student, as may be appropriate, and which shall be computed after deducting—

''(A) amounts received—

''(i) under part B of this title;

''(ii) under part A of title I of the Elementary and Secondary Education Act of 1965; and

''(iii) under title III of that Act; and

''(B) any State or local funds expended for programs that would qualify for assistance under any of the provisions of law described in subparagraph (A).

''(8) FREE APPROPRIATE PUBLIC EDUCATION.—The term 'free appropriate public education' means special education and related services that—

''(A) have been provided at public expense, under public supervision and direction, and without charge;

''(B) meet the standards of the State educational agency;

''(C) include an appropriate preschool, elementary, or secondary school education in the State involved; and

''(D) are provided in conformity with the individualized education program required under section 614(d).

''(9) HIGHLY QUALIFIED.—The term 'highly qualified' has the same meaning as that term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(10) INDIAN.—The term 'Indian' means an individual who is a member of an Indian tribe.

''(11) INDIAN TRIBE.—The term 'Indian tribe' means any Federal or State Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaska Native village or regional village corporation (as defined in or established under the Alaska Native Claims Settlement Act).

''(12) INDIVIDUALIZED EDUCATION PROGRAM.—The term 'individualized education program' or 'IEP' means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with section 614(d).

''(13) INDIVIDUALIZED FAMILY SERVICE PLAN.—The term 'individualized family service plan' has the meaning given such term in section 636.

''(14) INFANT OR TODDLER WITH A DISABILITY.—The term 'infant or toddler with a disability' has the meaning given such term in section 632.

''(15) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education'—

''(A) has the meaning given that term in subsection (a) or (b) of section 101 of the Higher Education Act of 1965; and

''(B) also includes any community college receiving funding from the Secretary of the Interior under the Tribally Controlled Community College Assistance Act of 1978.

''(16) LOCAL EDUCATIONAL AGENCY.—

''(A) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools.

''(B) The term includes—

''(i) an educational service agency, as defined in paragraph (4); and

''(ii) any other public institution or agency having administrative control and direction of a public elementary or secondary school.

''(C) The term includes an elementary or secondary school funded by the Bureau of Indian Affairs, but only to the extent that such inclusion makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

''(17) NATIVE LANGUAGE.—The term 'native language', when used with reference to an individual of limited English proficiency, means the language normally used by the individual, or, in the case of a child, the language normally used by the parents of the child.

''(18) NONPROFIT.—The term 'nonprofit', as applied to a school, agency, organization, or institution, means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

''(19) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(20) PARENT.—The term 'parent'—

''(A) includes a legal guardian; and

''(B) except as used in sections 615(b)(2) and 639(a)(5), includes an individual assigned under either of those sections to be a surrogate parent.

''(21) PARENT ORGANIZATION.—The term 'parent organization' has the meaning given that term in section 672(g).

''(22) PARENT TRAINING AND INFORMATION CENTER.—The term 'parent training and information center' means a center assisted under sections 672 and 673.

''(23) RELATED SERVICES.—The term 'related services' means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

''(24) SECONDARY SCHOOL.—The term 'secondary school' means a nonprofit institutional day or residential school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12.

''(25) SECRETARY.—The term 'Secretary' means the Secretary of Education.

''(26) SPECIAL EDUCATION.—The term 'special education' means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including—

''(A) instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and

''(B) instruction in physical education.

''(27) SPECIFIC LEARNING DISABILITY.—

''(A) IN GENERAL.—The term 'specific learning disability' means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.

''(B) DISORDERS INCLUDED.—Such term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

''(C) DISORDERS NOT INCLUDED.—Such term does not include a learning problem that is primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

''(28) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

''(29) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

''(30) SUPPLEMENTARY AIDS AND SERVICES.—The term 'supplementary aids and services' means aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with section 612(a)(5).

''(31) TRANSITION SERVICES.—The term 'transition services' means a coordinated set of activities for a child with a disability that—

''(A) is designed within a results-oriented process, that is focused on improving the academic and developmental achievement of the child with a disability to facilitate the child's move from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

''(B) is based upon the individual child's needs, taking into account the child's skills, preferences, and interests; and

''(C) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

"SEC. 603. OFFICE OF SPECIAL EDUCATION PROGRAMS.

''(a) ESTABLISHMENT.—There shall be, within the Office of Special Education and Rehabilitative Services in the Department of Education, an Office of Special Education Programs, which shall be the principal agency in such Department for administering and carrying out this Act and other programs and activities concerning the education of children with disabilities.

''(b) DIRECTOR.—The Office established under subsection (a) shall be headed by a Director who shall be selected by the Secretary and shall report directly to the Assistant Secretary for Special Education and Rehabilitative Services.

''(c) VOLUNTARY AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary is authorized to accept voluntary and uncompensated services in furtherance of the purposes of this Act.''.

SEC. 102. SECTIONS 605 THROUGH 607 OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Sections 605 through 607 of the Individuals with Disabilities Education Act (20 U.S.C. 1404–1406) are amended to read as follows:

"SEC. 605. ACQUISITION OF EQUIPMENT; CONSTRUCTION OR ALTERATION OF FACILITIES.

"(a) IN GENERAL.—If the Secretary determines that a program authorized under this Act would be improved by permitting program funds to be used to acquire appropriate equipment, or to construct new facilities or alter existing facilities, the Secretary is authorized to allow the use of those funds for those purposes.

"(b) COMPLIANCE WITH CERTAIN REGULATIONS.—Any construction of new facilities or alteration of existing facilities under subsection (a) shall comply with the requirements of—

"(1) appendix A of part 36 of title 28, Code of Federal Regulations (commonly known as the 'Americans with Disabilities Accessibility Guidelines for Buildings and Facilities'); or

"(2) appendix A of part 101–19.6 of title 41, Code of Federal Regulations (commonly known as the 'Uniform Federal Accessibility Standards').

"SEC. 606. EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.

"The Secretary shall ensure that each recipient of assistance under this Act makes positive efforts to employ and advance in employment qualified individuals with disabilities, particularly as teachers, related services personnel, early intervention providers, and administrators, in programs assisted under this Act.

"SEC. 607. REQUIREMENTS FOR PRESCRIBING REGULATIONS.

"(a) IN GENERAL.—The Secretary may issue regulations under this Act only to the extent that such regulations are reasonably necessary to ensure that there is compliance with the specific requirements of this Act.

"(b) PROTECTIONS PROVIDED TO CHILDREN.—The Secretary may not implement, or publish in final form, any regulation prescribed pursuant to this Act that would—

"(1) violate or contradict any provision of this Act; and

"(2) procedurally or substantively lessen the protections provided to children with disabilities under this Act, as embodied in regulations in effect on July 20, 1983 (particularly as such protections relate to parental consent to initial evaluation or initial placement in special education, least restrictive environment, related services, timelines, attendance of evaluation personnel at individualized education program meetings, or qualifications of personnel), except to the extent that such regulation reflects the clear and unequivocal intent of the Congress in legislation.

"(c) PUBLIC COMMENT PERIOD.—The Secretary shall provide a public comment period of at least 60 days on any regulation proposed under part B or part C of this Act on which an opportunity for public comment is otherwise required by law.

"(d) POLICY LETTERS AND STATEMENTS.—The Secretary may not issue policy letters or other statements (including on issues of national significance) that—

"(1) would violate or contradict any provision of this Act; or

"(2) establish a rule that is required for compliance with, and eligibility under, this Act without following the requirements of section 553 of title 5, United States Code.

"(e) CORRESPONDENCE FROM DEPARTMENT OF EDUCATION DESCRIBING INTERPRETATIONS OF THIS PART.—

"(1) IN GENERAL.—The Secretary shall, on a quarterly basis, publish in the Federal Register, and widely disseminate to interested entities through various additional forms of communication, a list of correspondence from the Department of Education received by individuals during the previous quarter that describes the interpretations of the Department of Education of this Act or the regulations implemented pursuant to this Act.

"(2) ADDITIONAL INFORMATION.—For each item of correspondence published in a list under paragraph (1), the Secretary shall—

"(A) identify the topic addressed by the correspondence and shall include such other summary information as the Secretary determines to be appropriate; and

"(B) ensure that all such correspondence is issued, where applicable, in compliance with section 553 of title 5, United States Code.

"(f) EXPLANATION AND ASSURANCES.—Any written response by the Secretary under subsection (e) regarding a policy, question, or interpretation under this Act shall include an explanation in the written response that the response—

"(1) is issued, when required, in compliance with the requirements of section 553 of title 5, United States Code; and

"(2) is provided as informal guidance and represents only the interpretation by the Department of Education of the applicable statutory or regulatory requirements in the context of the specific facts presented in the original question.".

SEC. 103. SECTION 608 OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Part A of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) is amended by adding at the end the following:

"SEC. 608. STATE ADMINISTRATION.

"(a) RULEMAKING.—Each State that receives funds under this Act shall—

"(1) ensure that any State rules, regulations, and policies relating to this Act conform to the purposes of this Act; and

"(2) minimize the number of rules, regulations, and policies to which the State's local educational agencies and schools are subject to under this Act.

"(b) SUPPORT AND FACILITATION.—All State rules, regulations, and policies relating to this Act shall support and facilitate local educational agency and school-level systemic reform designed to enable children with disabilities to meet the challenging State student academic achievement standards.".

SEC. 104. GAO REVIEW; REPORT.

(a) REVIEW.—The Comptroller General shall conduct a review of all Federal requirements under the Individuals with Disabilities Education Act, and the requirements of a reasonable sample of State and local educational agencies relating to such Act, to determine which requirements result in excessive paperwork completion burdens for teachers, related services providers, and school administrators.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall prepare and submit to Congress a report that contains the results of the review under subsection (a).

SEC. 105. GAO REVIEW OF CERTAIN STATE DEFINITIONS AND EVALUATION PROCESSES.

(a) REVIEW.—The Comptroller General of the United States shall conduct a review of—

(1) variation among States in definitions, and evaluation processes, relating to the provision of services under the Individuals with Disabilities Education Act to children having conditions described in section 602(a)(3) of such Act using the terms "emotional disturbance", "other health impairments", and "specific learning disability"; and

(2) the degree to which these definitions and evaluation processes conform to scientific, peer-reviewed research.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall prepare and submit to Congress a report that contains the results of the review under subsection (a).

SEC. 106. ADDITIONAL GAO STUDY AND REPORT.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on existing or developing professional development programs for special education personnel delivered through the use of technology and distance learning.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report containing the findings from the study conducted under subsection (a) to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 107. STUDY ON LIMITED ENGLISH PROFICIENT STUDENTS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on how limited English proficient students are being served under the Individuals with Disabilities Education Act.

(b) REPORT.—Not later than 2 years after the date of the enactment of the Improving Education Results for Children With Disabilities Act of 2003, the Comptroller General of the United States shall submit a report containing the findings from the study conducted under subsection (a) to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

TITLE II—ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES

SEC. 201. AUTHORIZATION; ALLOTMENT; USE OF FUNDS; AUTHORIZATION OF APPROPRIATIONS.

Section 611 of the Individuals with Disabilities Education Act (20 U.S.C. 1411) is amended to read as follows:

"SEC. 611. AUTHORIZATION; ALLOTMENT; USE OF FUNDS; AUTHORIZATION OF APPROPRIATIONS.

"(a) GRANTS TO STATES.—

"(1) PURPOSE OF GRANTS.—The Secretary shall make grants to States and the outlying areas, and provide funds to the Secretary of the Interior, to assist them to provide special education and related services to children with disabilities in accordance with this part.

"(2) MAXIMUM AMOUNTS.—The maximum amount of the grant a State may receive under this section for any fiscal year is—

"(A) the number of children with disabilities in the State who are receiving special education and related services—

"(i) aged 3 through 5 if the State is eligible for a grant under section 619; and

"(ii) aged 6 through 21; multiplied by

"(B) 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States.

"(3) LIMITATION.—Notwithstanding subparagraphs (A) and (B) of paragraph (2), the maximum amount of the grant a State may receive under this section for a fiscal year may not be based on the number of children ages 3 through 17, inclusive, in excess of 13.5 percent of the number of all children in that age range in the State.

"(b) OUTLYING AREAS.—

"(1) FUNDS RESERVED.—From the amount appropriated for any fiscal year under subsection (i), the Secretary shall reserve not more than one percent, which shall be used to provide assistance to the outlying areas in accordance with their respective populations of individuals aged 3 through 21.

"(2) SPECIAL RULE.—The provisions of Public Law 95–134, permitting the consolidation of

grants by the outlying areas, shall not apply to funds provided to those areas under this section.

“(c) SECRETARY OF THE INTERIOR.—From the amount appropriated for any fiscal year under subsection (i), the Secretary shall reserve 1.226 percent to provide assistance to the Secretary of the Interior in accordance with subsection (h).

“(d) ALLOCATIONS TO STATES.—

“(1) IN GENERAL.—After reserving funds for payments to the outlying areas and the Secretary of the Interior under subsections (b) and (c), the Secretary shall allocate the remaining amount among the States in accordance with this subsection.

“(2) SPECIAL RULE FOR USE OF FISCAL YEAR 1999 AMOUNT.—If a State does not make a free appropriate public education available to all children with disabilities aged 3 through 5 in the State in any fiscal year, the Secretary shall compute the State's amount for fiscal year 1999, solely for the purpose of calculating the State's allocation in the subsequent year under paragraph (3) or (4), by subtracting the amount allocated to the State for fiscal year 1999 on the basis of those children.

“(3) INCREASE IN FUNDS.—If the amount available for allocations to States under paragraph (1) is greater than the amount allocated to the States under this paragraph for the preceding fiscal year, those allocations shall be calculated as follows:

“(A)(i) Except as provided in subparagraph (B), the Secretary shall allocate—

“(I) to each State the amount it received for fiscal year 1999;

“(II) 85 percent of any remaining funds to States on the basis of their relative populations of children aged 3 through 21 who are of the same age as children with disabilities for whom the State ensures the availability of a free appropriate public education under this part; and

“(III) 15 percent of those remaining funds to States on the basis of their relative populations of children described in subclause (II) who are living in poverty.

“(ii) For the purpose of making grants under this paragraph, the Secretary shall use the most recent population data, including data on children living in poverty, that are available and satisfactory to the Secretary.

“(B) Notwithstanding subparagraph (A), allocations under this paragraph shall be subject to the following:

“(i) No State's allocation shall be less than its allocation for the preceding fiscal year.

“(ii) No State's allocation shall be less than the greatest of—

“(I) the sum of—

“(aa) the amount it received for fiscal year 1999; and

“(bb) one-third of one percent of the amount by which the amount appropriated under subsection (i) exceeds the amount appropriated under this section for fiscal year 1999;

“(II) the sum of—

“(aa) the amount it received for the preceding fiscal year; and

“(bb) that amount multiplied by the percentage by which the increase in the funds appropriated from the preceding fiscal year exceeds 1.5 percent; or

“(III) the sum of—

“(aa) the amount it received for the preceding fiscal year; and

“(bb) that amount multiplied by 90 percent of the percentage increase in the amount appropriated from the preceding fiscal year.

“(iii) Notwithstanding clause (ii), no State's allocation under this paragraph shall exceed the sum of—

“(I) the amount it received for the preceding fiscal year; and

“(II) that amount multiplied by the sum of 1.5 percent and the percentage increase in the amount appropriated.

“(C) If the amount available for allocations under this paragraph is insufficient to pay those allocations in full, those allocations shall be ratably reduced, subject to subparagraph (B)(i).

“(4) DECREASE IN FUNDS.—If the amount available for allocations to States under paragraph (1) is less than the amount allocated to the States under this section for the preceding fiscal year, those allocations shall be calculated as follows:

“(A) If the amount available for allocations is greater than the amount allocated to the States for fiscal year 1999, each State shall be allocated the sum of—

“(i) the amount it received for fiscal year 1999; and

“(ii) an amount that bears the same relation to any remaining funds as the increase the State received for the preceding fiscal year over fiscal year 1999 bears to the total of all such increases for all States.

“(B)(i) If the amount available for allocations is equal to or less than the amount allocated to the States for fiscal year 1999, each State shall be allocated the amount it received for fiscal year 1999.

“(ii) If the amount available is insufficient to make the allocations described in clause (i), those allocations shall be ratably reduced.

“(e) STATE-LEVEL ACTIVITIES.—

“(1) IN GENERAL.—

“(A) Each State may retain not more than the amount described in subparagraph (B) for administration and other State-level activities in accordance with paragraphs (2), (3), and (4).

“(B) For each fiscal year, the Secretary shall determine and report to the State educational agency an amount that is 25 percent of the amount the State received under this section for fiscal year 1997, cumulatively adjusted by the Secretary for each succeeding fiscal year by the lesser of—

“(i) the percentage increase, if any, from the preceding fiscal year in the State's allocation under this section; or

“(ii) the rate of inflation, as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

“(C) A State may use funds it retains under subparagraph (A) without regard to—

“(i) the prohibition on commingling of funds in section 612(a)(18)(B); and

“(ii) the prohibition on supplanting other funds in section 612(a)(18)(C).

“(2) STATE ADMINISTRATION.—

“(A) For the purpose of administering this part, including section 619 (including the coordination of activities under this part with, and providing technical assistance to, other programs that provide services to children with disabilities)—

“(i) each State may use not more than 20 percent of the maximum amount it may retain under paragraph (1)(A) for any fiscal year or $500,000 (adjusted by the cumulative rate of inflation since fiscal year 1998, as measured by the percentage increase, if any, in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor), whichever is greater; and

“(ii) each outlying area may use up to 5 percent of the amount it receives under this section for any fiscal year or $35,000 (adjusted by the cumulative rate of inflation since fiscal year 1998, as measured by the percentage increase, if any, in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor), whichever is greater.

“(B) Funds described in subparagraph (A) may also be used for the administration of part C of this Act, if the State educational agency is the lead agency for the State under that part.

“(3) HIGH COST SPECIAL EDUCATION AND RELATED SERVICES.—Each State may use not more than 4 percent of the maximum amount it may retain under paragraph (1)(A) for any fiscal year to establish and implement cost or risk sharing funds, consortia, or cooperatives to assist local educational agencies in providing high cost special education and related services.

“(4) OTHER STATE-LEVEL ACTIVITIES.—Each State shall use any funds it retains under paragraph (1) and does not use under paragraph (2) or (3) for any of the following:

“(A) Support and direct services, including technical assistance and personnel development and training.

“(B) Administrative costs of monitoring and complaint investigation.

“(C) To establish and implement the mediation and voluntary binding arbitration processes required by sections 612(a)(17) and 615(e), including providing for the costs of mediators, arbitrators, and support personnel.

“(D) To assist local educational agencies in meeting personnel shortages.

“(E) Activities at the State and local levels to meet the performance goals established by the State under section 612(a)(15) and to support implementation of the State plan under subpart 1 of part D if the State receives funds under that subpart.

“(F) To support paperwork reduction activities, including expanding the appropriate use of technology in the IEP process under this part.

“(G) To develop and maintain a comprehensive, coordinated, prereferral educational support system for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade 3) who are not enrolled in special education but who need additional academic and behavioral support to succeed in a general education environment.

“(H) To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities.

“(I) For subgrants to local educational agencies for the purposes described in paragraph (5)(A).

“(5)(A) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES FOR ACCOUNTABILITY.—In any fiscal year in which the percentage increase in the State's allocation under this section exceeds the rate of inflation (as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor), each State shall reserve, from its allocation under this section, the amount described in subparagraph (B) to make subgrants to local educational agencies, unless that amount is less than $100,000, to provide technical assistance and direct services to local educational agencies identified as being in need of improvement under section 1116 of the Elementary and Secondary Education Act of 1965 on the basis, in whole or in part, of the assessment results of the disaggregated subgroup of students with disabilities, including providing professional development to special and regular education teachers, based on scientifically based research to improve educational instruction.

“(B) MAXIMUM SUBGRANT.—For each fiscal year, the amount referred to in subparagraph (A) is—

“(i) the maximum amount the State was allowed to retain under paragraph (1)(A) for the prior fiscal year, or for fiscal year 1998, 25 percent of the State's allocation for fiscal year 1997 under this section; multiplied by

“(ii) the difference between the percentage increase in the State's allocation under this section and the rate of inflation, as measured by

the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

"(6) REPORT ON USE OF FUNDS.—As part of the information required to be submitted to the Secretary under section 612, each State shall annually describe—

"(A) how amounts retained under paragraph (1) will be used to meet the requirements of this part;

"(B) how those amounts will be allocated among the activities described in this subsection to meet State priorities based on input from local educational agencies; and

"(C) the percentage of those amounts, if any, that will be distributed to local educational agencies by formula.

"(f) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

"(1) SUBGRANTS REQUIRED.—Each State that receives a grant under this section for any fiscal year shall distribute any funds it does not retain under subsection (e) to local educational agencies, including public charter schools that operate as local educational agencies, in the State that have established their eligibility under section 613, for use in accordance with this part.

"(2) PROCEDURE FOR ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—For each fiscal year for which funds are allocated to States under subsection (e), each State shall allocate funds under paragraph (1) as follows:

"(A) BASE PAYMENTS.—The State shall first award each agency described in paragraph (1) the amount that agency would have received under this section for fiscal year 1999, if the State had distributed 75 percent of its grant for that year under section 611(d), as then in effect.

"(B) ALLOCATION OF REMAINING FUNDS.—After making allocations under subparagraph (A), the State shall—

"(i) allocate 85 percent of any remaining funds to those agencies on the basis of the relative numbers of children enrolled in public and private elementary and secondary schools within the agency's jurisdiction; and

"(ii) allocate 15 percent of those remaining funds to those agencies in accordance with their relative numbers of children living in poverty, as determined by the State educational agency.

"(3) REALLOCATION OF FUNDS.—If a State educational agency determines that a local educational agency is adequately providing a free appropriate public education to all children with disabilities residing in the area served by that agency with State and local funds, the State educational agency may reallocate any portion of the funds under this part that are not needed by that local agency to provide a free appropriate public education to other local educational agencies in the State that are not adequately providing special education and related services to all children with disabilities residing in the areas they serve.

"(g) DEFINITIONS.—For the purpose of this section—

"(1) the term 'average per-pupil expenditure in public elementary and secondary schools in the United States' means—

"(A) without regard to the source of funds—

"(i) the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the 50 States and the District of Columbia); plus

"(ii) any direct expenditures by the State for the operation of those agencies; divided by

"(B) the aggregate number of children in average daily attendance to whom those agencies provided free public education during that preceding year; and

"(2) the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(h) USE OF AMOUNTS BY SECRETARY OF THE INTERIOR.—

"(1) PROVISION OF AMOUNTS FOR ASSISTANCE.—

"(A) IN GENERAL.—The Secretary of Education shall provide amounts to the Secretary of the Interior to meet the need for assistance for the education of children with disabilities on reservations aged 5 to 21, inclusive, enrolled in elementary and secondary schools for Indian children operated or funded by the Secretary of the Interior. The amount of such payment for any fiscal year shall be equal to 80 percent of the amount allotted under subsection (c) for that fiscal year. Of the amount described in the preceding sentence—

"(i) 80 percent shall be allocated to such schools by July 1 of that fiscal year; and

"(ii) 20 percent shall be allocated to such schools by September 30 of that fiscal year.

"(B) CALCULATION OF NUMBER OF CHILDREN.—In the case of Indian students aged 3 to 5, inclusive, who are enrolled in programs affiliated with the Bureau of Indian Affairs (hereafter in this subsection referred to as 'BIA') schools and that are required by the States in which such schools are located to attain or maintain State accreditation, and which schools have such accreditation prior to the date of enactment of the Individuals with Disabilities Education Act Amendments of 1991, the school shall be allowed to count those children for the purpose of distribution of the funds provided under this paragraph to the Secretary of the Interior. The Secretary of the Interior shall be responsible for meeting all of the requirements of this part for these children, in accordance with paragraph (2).

"(C) ADDITIONAL REQUIREMENT.—With respect to all other children aged 3 to 21, inclusive, on reservations, the State educational agency shall be responsible for ensuring that all of the requirements of this part are implemented.

"(2) SUBMISSION OF INFORMATION.—The Secretary of Education may provide the Secretary of the Interior amounts under paragraph (1) for a fiscal year only if the Secretary of the Interior submits to the Secretary of Education information that—

"(A) demonstrates that the Department of the Interior meets the appropriate requirements, as determined by the Secretary of Education, of sections 612 (including monitoring and evaluation activities) and 613;

"(B) includes a description of how the Secretary of the Interior will coordinate the provision of services under this part with local educational agencies, tribes and tribal organizations, and other private and Federal service providers;

"(C) includes an assurance that there are public hearings, adequate notice of such hearings, and an opportunity for comment afforded to members of tribes, tribal governing bodies, and affected local school boards before the adoption of the policies, programs, and procedures described in subparagraph (A);

"(D) includes an assurance that the Secretary of the Interior will provide such information as the Secretary of Education may require to comply with section 618;

"(E) includes an assurance that the Secretary of the Interior and the Secretary of Health and Human Services have entered into a memorandum of agreement, to be provided to the Secretary of Education, for the coordination of services, resources, and personnel between their respective Federal, State, and local offices and with State and local educational agencies and other entities to facilitate the provision of services to Indian children with disabilities residing on or near reservations (such agreement shall provide for the apportionment of responsibilities and costs including, but not limited to, child find, evaluation, diagnosis, remediation or therapeutic measures, and (where appropriate) equipment and medical or personal supplies as needed for a child to remain in school or a program); and

"(F) includes an assurance that the Department of the Interior will cooperate with the Department of Education in its exercise of monitoring, enforcement, and oversight of this application, and any agreements entered into between the Secretary of the Interior and other entities under this part, and will fulfill its duties under this part.

Section 616(a) shall apply to the information described in this paragraph.

"(3) PAYMENTS FOR EDUCATION AND SERVICES FOR INDIAN CHILDREN WITH DISABILITIES AGED 3 THROUGH 5.—

"(A) IN GENERAL.—With funds appropriated under subsection (i), the Secretary of Education shall make payments to the Secretary of the Interior to be distributed to tribes or tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act) or consortia of the above to provide for the coordination of assistance for special education and related services for children with disabilities aged 3 through 5 on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The amount of such payments under subparagraph (B) for any fiscal year shall be equal to 20 percent of the amount allotted under subsection (c).

"(B) DISTRIBUTION OF FUNDS.—The Secretary of the Interior shall distribute the total amount of the payment under subparagraph (A) by allocating to each tribe or tribal organization an amount based on the number of children with disabilities ages 3 through 5 residing on reservations as reported annually, divided by the total of those children served by all tribes or tribal organizations.

"(C) SUBMISSION OF INFORMATION.—To receive a payment under this paragraph, the tribe or tribal organization shall submit such figures to the Secretary of the Interior as required to determine the amounts to be allocated under subparagraph (B). This information shall be compiled and submitted to the Secretary of Education.

"(D) USE OF FUNDS.—The funds received by a tribe or tribal organization shall be used to assist in child find, screening, and other procedures for the early identification of children aged 3 through 5, parent training, and the provision of direct services. These activities may be carried out directly or through contracts or cooperative agreements with the BIA, local educational agencies, and other public or private nonprofit organizations. The tribe or tribal organization is encouraged to involve Indian parents in the development and implementation of these activities. The above entities shall, as appropriate, make referrals to local, State, or Federal entities for the provision of services or further diagnosis.

"(E) ANNUAL REPORT.—To be eligible to receive a grant pursuant to subparagraph (A), the tribe or tribal organization shall provide to the Secretary of the Interior an annual report of activities undertaken under this paragraph, including the number of contracts and cooperative agreements entered into, the number of children contacted and receiving services for each year, and the estimated number of children needing services during the year following the one in which the report is made. The Secretary of the Interior shall include a summary of this information on an annual basis in the report to the

Secretary of Education required under this subsection. The Secretary of Education may require any additional information from the Secretary of the Interior.

"(F) PROHIBITIONS.—None of the funds allocated under this paragraph may be used by the Secretary of the Interior for administrative purposes, including child count and the provision of technical assistance.

"(4) PLAN FOR COORDINATION OF SERVICES.—The Secretary of the Interior shall develop and implement a plan for the coordination of services for all Indian children with disabilities residing on reservations covered under this Act. Such plan shall provide for the coordination of services benefiting these children from whatever source, including tribes, the Indian Health Service, other BIA divisions, and other Federal agencies. In developing the plan, the Secretary of the Interior shall consult with all interested and involved parties. It shall be based on the needs of the children and the system best suited for meeting those needs, and may involve the establishment of cooperative agreements between the BIA, other Federal agencies, and other entities. The plan shall also be distributed upon request to States, State and local educational agencies, and other agencies providing services to infants, toddlers, and children with disabilities, to tribes, and to other interested parties.

"(5) ESTABLISHMENT OF ADVISORY BOARD.—To meet the requirements of section 612(a)(22), the Secretary of the Interior shall establish, under the BIA, an advisory board composed of individuals involved in or concerned with the education and provision of services to Indian infants, toddlers, children, and youth with disabilities, including Indians with disabilities, Indian parents or guardians of such children, teachers, service providers, State and local educational officials, representatives of tribes or tribal organizations, representatives from State Interagency Coordinating Councils under section 641 in States having reservations, and other members representing the various divisions and entities of the BIA. The chairperson shall be selected by the Secretary of the Interior. The advisory board shall—

"(A) assist in the coordination of services within the BIA and with other local, State, and Federal agencies in the provision of education for infants, toddlers, and children with disabilities;

"(B) advise and assist the Secretary of the Interior in the performance of the Secretary's responsibilities described in this subsection;

"(C) develop and recommend policies concerning effective inter- and intra-agency collaboration, including modifications to regulations, and the elimination of barriers to inter- and intra-agency programs and activities;

"(D) provide assistance and disseminate information on best practices, effective program coordination strategies, and recommendations for improved educational programming for Indian infants, toddlers, and children with disabilities; and

"(E) provide assistance in the preparation of information required under paragraph (2)(D).

"(6) ANNUAL REPORTS.—

"(A) IN GENERAL.—The advisory board established under paragraph (5) shall prepare and submit to the Secretary of the Interior and to the Congress an annual report containing a description of the activities of the advisory board for the preceding year.

"(B) AVAILABILITY.—The Secretary of the Interior shall make available to the Secretary of Education the report described in subparagraph (A).

"(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, other than section 619, there are authorized to be appropriated—

"(1) $11,074,398,000 for fiscal year 2004;

"(2) $13,374,398,000 for fiscal year 2005;

"(3) $15,746,302,000 for fiscal year 2006;

"(4) $17,918,205,000 for fiscal year 2007;

"(5) $20,090,109,000 for fiscal year 2008;

"(6) $22,262,307,000 for fiscal year 2009;

"(7) $25,198,603,000 for fiscal year 2010; and

"(8) such sums as may be necessary for fiscal year 2011 and each subsequent fiscal year.".

SEC. 202. STATE ELIGIBILITY.

(a) IN GENERAL.—(1) Section 612(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)) is amended in the matter preceding paragraph (1) by striking "demonstrates to the satisfaction of" and inserting "reasonably demonstrates to".

(2) Paragraphs (1) through (11) of section 612(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(1)–(11)) are amended to read as follows:

"(1) FREE APPROPRIATE PUBLIC EDUCATION.—

"(A) IN GENERAL.—A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school.

"(B) LIMITATION.—The obligation to make a free appropriate public education available to all children with disabilities does not apply with respect to children—

"(i) aged 3 through 5 and 18 through 21 in a State to the extent that its application to those children would be inconsistent with State law or practice, or the order of any court, respecting the provision of public education to children in those age ranges; and

"(ii) aged 18 through 21 to the extent that State law does not require that special education and related services under this part be provided to children with disabilities who, in the educational placement prior to their incarceration in an adult correctional facility—

"(I) were not actually identified as being a child with a disability under section 602(3) of this Act; or

"(II) did not have an individualized education program under this part.

"(2) FULL EDUCATIONAL OPPORTUNITY GOAL.—The State has established a goal of providing full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal.

"(3) CHILD FIND.—

"(A) IN GENERAL.—All children with disabilities residing in the State, including children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

"(B) CONSTRUCTION.—Nothing in this Act requires that children be classified by their disability so long as each child who has a disability listed in section 602 and who, by reason of that disability, needs special education and related services is regarded as a child with a disability under this part.

"(4) INDIVIDUALIZED EDUCATION PROGRAM.—An individualized education program, or an individualized family service plan that meets the requirements of section 636(d), is developed, reviewed, and revised for each child with a disability in accordance with section 614(d).

"(5) LEAST RESTRICTIVE ENVIRONMENT.—

"(A) IN GENERAL.—To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

"(B) ADDITIONAL REQUIREMENT.—

"(i) IN GENERAL.—If the State uses a funding mechanism by which the State distributes State funds on the basis of the type of setting in which a child is served, the funding mechanism does not result in placements that violate the requirements of subparagraph (A).

"(ii) ASSURANCE.—If the State does not have policies and procedures to ensure compliance with clause (i), the State shall provide the Secretary an assurance that it will revise the funding mechanism as soon as feasible to ensure that such mechanism does not result in such placements.

"(6) PROCEDURAL SAFEGUARDS.—

"(A) IN GENERAL.—Children with disabilities and their parents are afforded the procedural safeguards required by section 615.

"(B) ADDITIONAL PROCEDURAL SAFEGUARDS.—Procedures to ensure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of children with disabilities for services under this Act will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child.

"(7) EVALUATION.—Children with disabilities are evaluated in accordance with subsections (a) through (c) of section 614.

"(8) CONFIDENTIALITY.—Agencies in the State comply with section 617(d) (relating to the confidentiality of records and information).

"(9) TRANSITION FROM PART C TO PRESCHOOL PROGRAMS.—Children participating in early intervention programs assisted under part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(8). By the third birthday of such a child, an individualized education program or, if consistent with section 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under section 637(a)(8).

"(10) CHILDREN IN PRIVATE SCHOOLS.—

"(A) CHILDREN ENROLLED IN PRIVATE SCHOOLS BY THEIR PARENTS.—

"(i) IN GENERAL.—To the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary and secondary schools in the area served by such agency, provision is made for the participation of those children in the program assisted or carried out under this part by providing for such children special education and related services in accordance with the following requirements, unless the Secretary has arranged for services to those children under subsection (f):

"(I) Amounts to be expended for the provision of those services (including direct services to parentally-placed children) by a local educational agency shall be equal to a proportionate amount of Federal funds made available under this part.

"(II) In calculating the proportionate share of Federal funds, the local educational agency, after timely and meaningful consultation with representatives of children with disabilities parentally-placed in private schools as described in clause (iii), shall conduct a thorough and complete child-find process to determine the number of parentally-placed children with disabilities attending private schools located in the district.

"(III) Such services may be provided to children with disabilities on the premises of private, including religious, schools, to the extent consistent with law.

"(IV) State and local funds may supplement and in no case shall supplant the proportionate amount of Federal funds required to be expended under this paragraph.

"(V) Each local educational agency maintains in its records and provides to the State educational agency the number of children evaluated under this paragraph, the number of children determined to be children with disabilities, and the number of children served under this subsection.

"(ii) CHILD-FIND REQUIREMENT.—

"(I) IN GENERAL.—The requirements of paragraph (3) of this subsection (relating to child find) shall apply with respect to children with disabilities in the State who are enrolled in private, including religious, elementary and secondary schools.

"(II) EQUITABLE PARTICIPATION.—The child-find process must be designed to ensure the equitable participation of parentally-placed private school children and an accurate count of such children.

"(III) ACTIVITIES.—In carrying out this clause, the local educational agency, or where applicable, the State educational agency, shall undertake activities similar to those activities undertaken for its public school children.

"(IV) COST.—The cost of carrying out this clause, including individual evaluations, may not be considered in determining whether a local education agency has met its obligations under clause (i).

"(V) COMPLETION PERIOD.—Such child-find process shall be completed in a time period comparable to that for other students attending public schools in the local educational agency.

"(iii) CONSULTATION.—To ensure timely and meaningful consultation, a local educational agency, or where appropriate, a state educational agency, shall consult with representatives of children with disabilities parentally-placed in private schools during the design and development of special education and related services for these children including—

"(I) the child-find process and how parentally-placed private school children suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process;

"(II) the determination of the proportionate share of Federal funds available to serve parentally-placed private school children with disabilities under this paragraph, including the determination of how those funds were calculated;

"(III) the consultation process among the district, private school officials, and parents of parentally-placed private school children with disabilities including how such process will operate throughout the school year to ensure that parentally-placed children with disabilities identified through the child find process can meaningfully participate in special education and related services; and

"(IV) how, where, and by whom special education and related services will be provided for parentally-placed private school children, including a discussion of alternate service delivery mechanisms, how such services will be apportioned if funds are insufficient to serve all children, and how and when these decisions will be made.

"(iv) COMPLIANCE.—

"(I) IN GENERAL.—A private school official shall have the right to complain to the State educational agency that the local educational agency did not engage in consultation that was meaningful and timely, or did not give due consideration to the views of the private school official.

"(II) PROCEDURE.—If the private school official wishes to complain, the official shall provide the basis of the noncompliance with this section by the local educational agency to the State educational agency, and the local educational agency shall forward the appropriate documentation to the State educational agency. If the private school official is dissatisfied with the decision of the State educational agency, such official may complain to the Secretary by providing the basis of the noncompliance with this section by the local educational agency to the Secretary, and the State educational agency shall forward the appropriate documentation to the Secretary.

"(v) PROVISION OF SERVICES.—

"(I) DIRECTLY OR THROUGH CONTRACTS.—An agency may provide special education and related services directly or through contracts with public and private agencies, organizations, and institutions.

"(II) SECULAR, NEUTRAL, NONIDEOLOGICAL.—Special education and related services, including materials and equipment, shall be secular, neutral, and nonideological.

"(vi) PUBLIC CONTROL OF FUNDS.—

"(I) IN GENERAL.—The control of funds used to provide special education and related services under this section, and title to materials, equipment, and property purchased with those funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer the funds and property.

"(II) PROVISION OF SERVICES.—The provision of services under this Act shall be provided—

"(aa) by employees of a public agency; or

"(bb) through contract by the public agency with an individual, association, agency, organization, or other entity.

"(B) CHILDREN PLACED IN, OR REFERRED TO, PRIVATE SCHOOLS BY PUBLIC AGENCIES.—

"(i) IN GENERAL.—Children with disabilities in private schools and facilities are provided special education and related services, in accordance with an individualized education program, at no cost to their parents, if such children are placed in, or referred to, such schools or facilities by the State or appropriate local educational agency as the means of carrying out the requirements of this part or any other applicable law requiring the provision of special education and related services to all children with disabilities within such State.

"(ii) STANDARDS.—In all cases described in clause (i), the State educational agency shall determine whether such schools and facilities meet standards that apply to State and local educational agencies and that children so served have all the rights they would have if served by such agencies.

"(C) PAYMENT FOR EDUCATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS WITHOUT CONSENT OF OR REFERRAL BY THE PUBLIC AGENCY.—

"(i) IN GENERAL.—Subject to subparagraph (A), this part does not require a local educational agency to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if that agency made a free appropriate public education available to the child and the parents elected to place the child in such private school or facility.

"(ii) REIMBURSEMENT FOR PRIVATE SCHOOL PLACEMENT.—If the parents of a child with a disability, who previously received special education and related services under the authority of a public agency, enroll the child in a private elementary or secondary school without the consent of or referral by the public agency, a court or a hearing officer may require the agency to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the agency had not made a free appropriate public education available to the child in a timely manner prior to that enrollment.

"(iii) LIMITATION ON REIMBURSEMENT.—The cost of reimbursement described in clause (ii) may be reduced or denied—

"(I) if—

"(aa) at the most recent IEP meeting that the parents attended prior to removal of the child from the public school, the parents did not inform the IEP Team that they were rejecting the placement proposed by the public agency to provide a free appropriate public education to their child, including stating their concerns and their intent to enroll their child in a private school at public expense; or

"(bb) 10 business days (including any holidays that occur on a business day) prior to the removal of the child from the public school, the parents did not give written notice to the public agency of the information described in division (aa);

"(II) if, prior to the parents' removal of the child from the public school, the public agency informed the parents, through the notice requirements described in section 615(b)(7), of its intent to evaluate the child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the child available for such evaluation; or

"(III) upon a judicial finding of unreasonableness with respect to actions taken by the parents.

"(iv) EXCEPTION.—Notwithstanding the notice requirement in clause (iii)(I), the cost of reimbursement—

"(I) shall not be reduced or denied for failure to provide such notice if—

"(aa) the school prevented the parent from providing such notice;

"(bb) the parents had not received notice, pursuant to section 615, of the notice requirement in clause (iii)(I); or

"(cc) compliance with clause (iii)(I) would likely result in physical harm to the child; and

"(II) may, in the discretion of a court or a hearing officer, not be reduced or denied for failure to provide such notice if—

"(aa) the parent is illiterate or cannot write in English; or

"(bb) compliance with clause (iii)(I) would likely result in serious emotional harm to the child.

"(11) STATE EDUCATIONAL AGENCY RESPONSIBLE FOR GENERAL SUPERVISION.—

"(A) IN GENERAL.—The State educational agency is responsible for ensuring that—

"(i) the requirements of this part are met; and

"(ii) all educational programs for children with disabilities in the State, including all such programs administered by any other State or local agency—

"(I) are under the general supervision of individuals in the State who are responsible for educational programs for children with disabilities; and

"(II) meet the educational standards of the State educational agency.

"(B) LIMITATION.—Subparagraph (A) shall not limit the responsibility of agencies in the State other than the State educational agency to provide, or pay for some or all of the costs of, a free appropriate public education for any child with a disability in the State.

"(C) EXCEPTION.—Notwithstanding subparagraphs (A) and (B), the Governor (or another individual pursuant to State law), consistent with State law, may assign to any public agency in the State the responsibility of ensuring that the requirements of this part are met with respect to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons.".

(3) Paragraphs (13) through (22) of section 612(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(13)–(22)) are amended to read as follows:

"(13) PROCEDURAL REQUIREMENTS RELATING TO LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—The State educational agency will not make a final determination that a local educational agency is not eligible for assistance under this part without first affording that agency reasonable notice and an opportunity for a hearing.

"(14) PERSONNEL STANDARDS.—

"(A) IN GENERAL.—The State educational agency has established and maintains standards to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained.

"(B) STANDARDS DESCRIBED.—Such standards shall—

"(i) ensure that special education teachers who teach in core academic subjects are highly qualified in those subjects;

"(ii) be consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services in order to ensure that such individuals are qualified to provide such services; and

"(iii) allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulations, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education and related services to children with disabilities under this part.

"(C) INNOVATIVE STRATEGIES FOR PROFESSIONAL DEVELOPMENT.—The State educational agency encourages the development and use of research-based innovative strategies, such as strategies using technology, peer networks, and distance learning, to deliver intensive professional development programs for special and regular education teachers, administrators, principals, and related services personnel that—

"(i) improve educational results for students with disabilities; and

"(ii) are both cost-effective and easily accessible.

"(15) PERFORMANCE GOALS AND INDICATORS.—The State—

"(A) has established goals for the performance of children with disabilities in the State that—

"(i) promote the purposes of this Act, as stated in section 601(d);

"(ii) are the same as the State's definition of adequate yearly progress, including the State's objectives for progress by children with disabilities, under section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965;

"(iii) address dropout rates, as well as such other factors as the State may determine; and

"(iv) are consistent, to the extent appropriate, with any other goals and standards for children established by the State;

"(B) has established performance indicators the State will use to assess progress toward achieving those goals described in subparagraph (A), including measurable annual objectives for progress by children with disabilities under section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965; and

"(C) will annually report to the Secretary and the public on the progress of the State, and of children with disabilities in the State, toward meeting the goals established under subparagraph (A), which may include elements of the reports required under section 1111(h) of the Elementary and Secondary Education Act of 1965.

"(16) PARTICIPATION IN ASSESSMENTS.—

"(A) IN GENERAL.—(i) All children with disabilities are included in all general State and district-wide assessment programs, including assessments described under title I of the Elementary and Secondary Education Act of 1965, with appropriate accommodations, where necessary and as indicated in their respective individualized education programs.

"(ii) The State (or, in the case of a district-wide assessment, the local educational agency) has developed and implemented guidelines for the provision of accommodations described in clause (i).

"(iii) The State (or, in the case of a district-wide assessment the local educational agency)—

"(I) has developed and implemented guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in regular assessments under clause (i); and

"(II) conducts those alternate assessments.

"(B) REPORTS.—The State educational agency (or, in the case of a district-wide assessment, the local educational agency) makes available to the public, and reports to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children, the following:

"(i) The number of children with disabilities participating in regular assessments, and the number of those children who were provided accommodations in order to participate in those assessments.

"(ii) The number of children with disabilities participating in alternate assessments.

"(iii) The performance of children with disabilities on regular assessments and on alternate assessments (if the number of children with disabilities participating in those assessments is sufficient to yield statistically reliable information and reporting that information would not reveal personally identifiable information about an individual student), compared with the achievement of all children, including children with disabilities, on those assessments.

"(17) DISPUTE RESOLUTION.—The State has in effect systems of mediation and voluntary binding arbitration pursuant to section 615(e).

"(18) SUPPLEMENTATION OF STATE, LOCAL, AND OTHER FEDERAL FUNDS.—

"(A) EXPENDITURES.—Funds paid to a State under this part will be expended in accordance with all the provisions of this part.

"(B) PROHIBITION AGAINST COMMINGLING.—Funds paid to a State under this part will not be commingled with State funds.

"(C) PROHIBITION AGAINST SUPPLANTATION AND CONDITIONS FOR WAIVER BY SECRETARY.—Except as provided in section 613, funds paid to a State under this part will be used to supplement the level of Federal, State, and local funds (including funds that are not under the direct control of State or local educational agencies) expended for special education and related services provided to children with disabilities under this part and in no case to supplant such Federal, State, and local funds, except that, where the State provides clear and convincing evidence that all children with disabilities have available to them a free appropriate public education, the Secretary may waive, in whole or in part, the requirements of this subparagraph if the Secretary concurs with the evidence provided by the State.

"(19) MAINTENANCE OF STATE FINANCIAL SUPPORT.—

"(A) IN GENERAL.—The State does not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year.

"(B) REDUCTION OF FUNDS FOR FAILURE TO MAINTAIN SUPPORT.—The Secretary shall reduce the allocation of funds under section 611 for any fiscal year following the fiscal year in which the State fails to comply with the requirement of subparagraph (A) by the same amount by which the State fails to meet the requirement.

"(C) WAIVERS FOR EXCEPTIONAL OR UNCONTROLLABLE CIRCUMSTANCES.—The Secretary may waive the requirement of subparagraph (A) for a State, for one fiscal year at a time, if the Secretary determines that—

"(i) granting a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State; or

"(ii) the State meets the standard in paragraph (18)(C) of this section for a waiver of the requirement to supplement, and not to supplant, funds received under this part.

"(D) SUBSEQUENT YEARS.—If, for any year, a State fails to meet the requirement of subparagraph (A), including any year for which the State is granted a waiver under subparagraph (C), the financial support required of the State in future years under subparagraph (A) shall be the amount that would have been required in the absence of that failure and not the reduced level of the State's support.

"(20) PUBLIC PARTICIPATION.—Prior to the adoption of any policies and procedures needed to comply with this section (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities.

"(21) STATE ADVISORY PANEL.—

"(A) IN GENERAL.—The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.

"(B) MEMBERSHIP.—Such advisory panel shall consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, that is representative of the State population and that is composed of individuals involved in, or concerned with, the education of children with disabilities, including—

"(i) parents of children with disabilities (ages birth through 26);

"(ii) individuals with disabilities;

"(iii) teachers;

"(iv) representatives of institutions of higher education that prepare special education and related services personnel;

"(v) State and local education officials;

"(vi) administrators of programs for children with disabilities;

"(vii) representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;

"(viii) representatives of private schools and public charter schools;

"(ix) at least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities; and

"(x) representatives from the State juvenile and adult corrections agencies.

"(C) SPECIAL RULE.—A majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities ages birth through 26.

"(D) DUTIES.—The advisory panel shall—

"(i) advise the State educational agency of unmet needs within the State in the education of children with disabilities;

"(ii) comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;

"(iii) advise the State educational agency in developing evaluations and reporting on data to the Secretary under section 618;

"(iv) advise the State educational agency in developing corrective action plans to address findings identified in Federal monitoring reports under this part; and

"(v) advise the State educational agency in developing and implementing policies relating to the coordination of services for children with disabilities.

"(22) SUSPENSION AND EXPULSION RATES.—

"(A) IN GENERAL.—The State educational agency examines data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities—

"(i) among local educational agencies in the State; or

"(ii) compared to such rates for nondisabled children within such agencies.

"(B) REVIEW AND REVISION OF POLICIES.—If such discrepancies are occurring, the State educational agency reviews and, if appropriate, revises (or requires the affected State or local educational agency to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that such policies, procedures, and practices comply with this Act.".

(4) Section 612(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(13)–(22)) is amended by adding at the end the following:

"(23) INSTRUCTIONAL MATERIALS.—

"(A) IN GENERAL.—The State adopts the national instructional materials accessibility standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities in a timely manner after the publication of the standard by the Secretary in the Federal Register.

"(B) PURCHASE REQUIREMENT.—Not later than 2 years after the date of the enactment of the Improving Education Results for Children With Disabilities Act of 2003, the State educational agency, when purchasing instructional materials for use in public elementary and secondary schools within the State, requires the publisher of the instructional materials, as a part of any purchase agreement that is made, renewed, or revised, to prepare and supply electronic files containing the contents of the instructional materials using the national instructional materials accessibility standard.

"(C) DEFINITION.—For purposes of this paragraph, the term 'instructional materials' means printed textbooks and related core materials that are written and published primarily for use in elementary school and secondary school instruction and are required by a State educational agency or local educational agency for use by pupils in the classroom.

"(24) OVERIDENTIFICATION AND DISPROPORTIONALITY.—The State has in effect, consistent with the purposes of this Act and with section 618, policies and procedures designed to prevent the overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3).

"(25) PROHIBITION ON PSYCHOTROPIC MEDICATION.—The State educational agency develops and implements policies and procedures prohibiting school personnel from requiring a child to obtain a prescription for substances covered by section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) as a condition of attending school or receiving services.".

(b) STATE EDUCATIONAL AGENCY AS PROVIDER OF FREE APPROPRIATE PUBLIC EDUCATION OR DIRECT SERVICES.—Section 612(b) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(b)) is amended to read as follows:

"(b) STATE EDUCATIONAL AGENCY AS PROVIDER OF FREE APPROPRIATE PUBLIC EDUCATION OR DIRECT SERVICES.—If the State educational agency provides free appropriate public education to children with disabilities, or provides direct services to such children, such agency—

"(1) shall comply with any additional requirements of section 613(a), as if such agency were a local educational agency; and

"(2) may use amounts that are otherwise available to such agency under this part to serve those children without regard to section 613(a)(2)(A)(i) (relating to excess costs).".

(c) EXCEPTION FOR PRIOR STATE PLANS.—Section 612(c) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(c)) is amended to read as follows:

"(c) EXCEPTION FOR PRIOR STATE PLANS.—

"(1) IN GENERAL.—If a State has on file with the Secretary policies and procedures that demonstrate that such State meets any requirement of subsection (a), including any policies and procedures filed under this part as in effect before the effective date of the Improving Education Results for Children With Disabilities Act of 2003, the Secretary shall consider such State to have met such requirement for purposes of receiving a grant under this part.

"(2) MODIFICATIONS MADE BY STATE.—Subject to paragraph (3), an application submitted by a State in accordance with this section shall remain in effect until the State submits to the Secretary such modifications as the State deems necessary. This section shall apply to a modification to an application to the same extent and in the same manner as this section applies to the original plan.

"(3) MODIFICATIONS REQUIRED BY THE SECRETARY.—If, after the effective date of the Improving Education Results for Children With Disabilities Act of 2003, the provisions of this Act are amended (or the regulations developed to carry out this Act are amended), or there is a new interpretation of this Act by a Federal court or a State's highest court, or there is an official finding of noncompliance with Federal law or regulations, the Secretary may require a State to modify its application only to the extent necessary to ensure the State's compliance with this part.".

(d) APPROVAL BY THE SECRETARY.—Section 612(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(d)) is amended to read as follows:

"(d) APPROVAL BY THE SECRETARY.—

"(1) IN GENERAL.—If the Secretary determines that a State is eligible to receive a grant under this part, the Secretary shall notify the State of that determination.

"(2) NOTICE AND HEARING.—The Secretary shall not make a final determination that a State is not eligible to receive a grant under this part until after providing the State—

"(A) with reasonable notice; and

"(B) with an opportunity for a hearing.".

(e) ASSISTANCE UNDER OTHER FEDERAL PROGRAMS.—Section 612(e) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(e)) is amended to read as follows:

"(e) ASSISTANCE UNDER OTHER FEDERAL PROGRAMS.—Nothing in this title permits a State to reduce medical and other assistance available, or to alter eligibility, under titles V and XIX of the Social Security Act with respect to the provision of a free appropriate public education for children with disabilities in the State.".

SEC. 203. LOCAL EDUCATIONAL AGENCY ELIGIBILITY.

Section 613 of the Individuals with Disabilities Education Act (20 U.S.C. 1413) is amended to read as follows:

"SEC. 613. LOCAL EDUCATIONAL AGENCY ELIGIBILITY.

"(a) IN GENERAL.—A local educational agency is eligible for assistance under this part for a fiscal year if such agency reasonably demonstrates to the State educational agency that it meets each of the following conditions:

"(1) CONSISTENCY WITH STATE POLICIES.—The local educational agency, in providing for the education of children with disabilities within its jurisdiction, has in effect policies, procedures, and programs that are consistent with the State policies and procedures established under section 612.

"(2) USE OF AMOUNTS.—

"(A) IN GENERAL.—Amounts provided to the local educational agency under this part shall be expended in accordance with the applicable provisions of this part and—

"(i) shall be used only to pay the excess costs of providing special education and related services to children with disabilities;

"(ii) shall be used to supplement State, local, and other Federal funds and not to supplant such funds; and

"(iii) shall not be used, except as provided in subparagraphs (B) and (C), to reduce the level of expenditures for the education of children with disabilities made by the local educational agency from local funds below the level of those expenditures for the preceding fiscal year.

"(B) EXCEPTION.—Notwithstanding the restriction in subparagraph (A)(iii), a local educational agency may reduce the level of expenditures where such reduction is attributable to—

"(i) the voluntary departure, by retirement or otherwise, or departure for just cause, of special education personnel;

"(ii) a decrease in the enrollment of children with disabilities;

"(iii) the termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the State educational agency, because the child—

"(I) has left the jurisdiction of the agency;

"(II) has reached the age at which the obligation of the agency to provide a free appropriate public education to the child has terminated; or

"(III) no longer needs such program of special education; or

"(iv) the termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.

"(C) TREATMENT OF FEDERAL FUNDS IN CERTAIN FISCAL YEARS.—

"(i) Notwithstanding clauses (ii) and (iii) of subparagraph (A), for any fiscal year for which amounts appropriated to carry out section 611 exceeds $4,100,000,000, a local educational agency may treat as local funds, for the purpose of such clauses, up to 20 percent of the amount of funds it receives under this part that exceeds the amount it received under this part for the previous fiscal year.

"(ii) If a local educational agency chooses to use the authority under clause (i), then the agency shall use those local funds to provide additional funding for programs under the Elementary and Secondary Education Act of 1965, including, but not limited to, programs that address student achievement, comprehensive school reform, literacy, teacher quality and professional development, school safety, before- and after-school learning opportunities.

"(iii) Notwithstanding clause (i), if a State educational agency determines that a local educational agency is unable to establish and maintain programs of free appropriate public education that meet the requirements of subsection (a), the State educational agency shall prohibit the local educational agency from treating funds received under this part as local funds

under clause (i) for that fiscal year, but only if it is authorized to do so by the State constitution or a State statute.

"(D) SCHOOLWIDE PROGRAMS UNDER TITLE I OF THE ESEA.—Notwithstanding subparagraph (A) or any other provision of this part, a local educational agency may use funds received under this part for any fiscal year to carry out a schoolwide program under section 1114 of the Elementary and Secondary Education Act of 1965, except that the amount so used in any such program shall not exceed—

"(i) the number of children with disabilities participating in the schoolwide program; multiplied by

"(ii)(I) the amount received by the local educational agency under this part for that fiscal year; divided by

"(II) the number of children with disabilities in the jurisdiction of that agency.

"(3) PERSONNEL DEVELOPMENT.—The local educational agency shall ensure that all personnel necessary to carry out this part are appropriately and adequately prepared, consistent with the requirements of section 612 of this Act and section 1119 of the Elementary and Secondary Education Act of 1965.

"(4) PERMISSIVE USE OF FUNDS.—Notwithstanding paragraph (2)(A) or section 612(a)(18)(B) (relating to commingled funds), funds provided to the local educational agency under this part may be used for the following activities:

"(A) SERVICES AND AIDS THAT ALSO BENEFIT NONDISABLED CHILDREN.—For the costs of special education and related services and supplementary aids and services provided in a regular class or other education-related setting to a child with a disability in accordance with the individualized education program of the child, even if one or more nondisabled children benefit from such services.

"(B) PREREFERRAL SERVICES.—To develop and implement a system of comprehensive coordinated prereferral education support services in accordance with subsection (f).

"(C) HIGH COST EDUCATION AND RELATED SERVICES.—To establish and implement cost or risk sharing funds, consortia, or cooperatives for the agency itself, or for local educational agencies working in consortium of which the local educational agency is a part, to pay for high cost special education and related services.

"(D) CASE MANAGEMENT AND ADMINISTRATION.—To purchase appropriate technology for record keeping, data collection, and related case management activities of teachers and related services personnel who are providing services described in the individualized education program of children with disabilities necessary to the implementation of those case management activities.

"(E) SUPPLEMENTAL EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES IN SCHOOLS DESIGNATED FOR IMPROVEMENT.—For the reasonable additional expenses (as determined by the local educational agency) of any necessary accommodations to allow children with disabilities who are being educated in a school identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) to be provided supplemental educational services under section 1116(e) of such Act on an equitable basis.

"(5) TREATMENT OF CHARTER SCHOOLS AND THEIR STUDENTS.—In carrying out this part with respect to charter schools that are public schools of the local educational agency, the local educational agency—

"(A) serves children with disabilities attending those schools in the same manner as it serves children with disabilities in its other schools, including providing supplemental and related services on site at the charter school when the local educational agency has a policy or practice of providing those services on site to its other schools; and

"(B) provides funds under this part to those schools on the same basis as it provides those funds to its other public schools (including, at the option of such agency, proportional distribution based on relative enrollment of children with disabilities at such charter schools), and at the same time as such agency distributes other Federal funds to those schools, consistent with the State's charter law.

"(6) PURCHASE OF INSTRUCTIONAL MATERIALS.—Not later than 2 years after the date of the enactment of the Improving Education Results for Children With Disabilities Act of 2003, the local educational agency, when purchasing instructional materials for use in public elementary and secondary schools within the local educational agency, requires the publisher of the instructional materials, as a part of any purchase agreement that is made, renewed, or revised, to prepare and supply electronic files containing the contents of the instructional materials using the national instructional materials accessibility standard described in section 612(a)(23).

"(7) INFORMATION FOR STATE EDUCATIONAL AGENCY.—The local educational agency shall provide the State educational agency with information necessary to enable the State educational agency to carry out its duties under this part, including, with respect to paragraphs (15) and (16) of section 612(a), information relating to the performance of children with disabilities participating in programs carried out under this part.

"(8) PUBLIC INFORMATION.—The local educational agency shall make available to parents of children with disabilities and to the general public all documents relating to the eligibility of such agency under this part.

"(9) RECORDS REGARDING MIGRATORY CHILDREN WITH DISABILITIES.—The local educational agency shall cooperate in the Secretary's efforts under section 1308 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6398) to ensure the linkage of records pertaining to migratory children with a disability for the purpose of electronically exchanging, among the States, health and educational information regarding such children.

"(b) EXCEPTION FOR PRIOR LOCAL PLANS.—

"(1) IN GENERAL.—If a local educational agency or State agency has on file with the State educational agency policies and procedures that demonstrate that such local educational agency, or such State agency, as the case may be, meets any requirement of subsection (a), including any policies and procedures filed under this part as in effect before the effective date of the Improving Education Results for Children With Disabilities Act of 2003, the State educational agency shall consider such local educational agency or State agency, as the case may be, to have met such requirement for purposes of receiving assistance under this part.

"(2) MODIFICATION MADE BY LOCAL EDUCATIONAL AGENCY.—Subject to paragraph (3), an application submitted by a local educational agency in accordance with this section shall remain in effect until it submits to the State educational agency such modifications as the local educational agency deems necessary.

"(3) MODIFICATIONS REQUIRED BY STATE EDUCATIONAL AGENCY.—If, after the date of the enactment of the Improving Education Results for Children With Disabilities Act of 2003, the provisions of this Act are amended (or the regulations developed to carry out this Act are amended), or there is a new interpretation of this Act by Federal or State courts, or there is an official finding of noncompliance with Federal or State law or regulations, the State educational agency may require a local educational agency to modify its application only to the extent necessary to ensure the local educational agency's compliance with this part or State law.

"(c) NOTIFICATION OF LOCAL EDUCATIONAL AGENCY OR STATE AGENCY IN CASE OF INELIGIBILITY.—If the State educational agency determines that a local educational agency or State agency is not eligible under this section, the State educational agency shall notify the local educational agency or State agency, as the case may be, of that determination and shall provide such local educational agency or State agency with reasonable notice and an opportunity for a hearing.

"(d) LOCAL EDUCATIONAL AGENCY COMPLIANCE.—

"(1) IN GENERAL.—If the State educational agency, after reasonable notice and an opportunity for a hearing, finds that a local educational agency or State agency that has been determined to be eligible under this section is failing to comply with any requirement described in subsection (a), the State educational agency shall reduce or shall not provide any further payments to the local educational agency or State agency until the State educational agency is satisfied that the local educational agency or State agency, as the case may be, is complying with that requirement.

"(2) ADDITIONAL REQUIREMENT.—Any State agency or local educational agency in receipt of a notice described in paragraph (1) shall, by means of public notice, take such measures as may be necessary to bring the pendency of an action pursuant to this subsection to the attention of the public within the jurisdiction of such agency.

"(3) CONSIDERATION.—In carrying out its responsibilities under paragraph (1), the State educational agency shall consider any decision made in a hearing held under section 615 that is adverse to the local educational agency or State agency involved in that decision.

"(e) JOINT ESTABLISHMENT OF ELIGIBILITY.—

"(1) JOINT ESTABLISHMENT.—

"(A) IN GENERAL.—A State educational agency may require a local educational agency to establish its eligibility jointly with another local educational agency if the State educational agency determines that the local educational agency would be ineligible under this section because the local educational agency would not be able to establish and maintain programs of sufficient size and scope to effectively meet the needs of children with disabilities.

"(B) CHARTER SCHOOL EXCEPTION.—A State educational agency may not require a charter school that is a local educational agency to jointly establish its eligibility under subparagraph (A) unless it is explicitly permitted to do so under the State's charter school statute.

"(2) AMOUNT OF PAYMENTS.—If a State educational agency requires the joint establishment of eligibility under paragraph (1), the total amount of funds made available to the affected local educational agencies shall be equal to the sum of the payments that each such local educational agency would have received under section 611(f) if such agencies were eligible for such payments.

"(3) REQUIREMENTS.—Local educational agencies that establish joint eligibility under this subsection shall—

"(A) adopt policies and procedures that are consistent with the State's policies and procedures under section 612(a); and

"(B) be jointly responsible for implementing programs that receive assistance under this part.

"(4) REQUIREMENTS FOR EDUCATIONAL SERVICE AGENCIES.—

"(A) IN GENERAL.—If an educational service agency is required by State law to carry out programs under this part, the joint responsibilities

given to local educational agencies under this subsection shall—

"(i) not apply to the administration and disbursement of any payments received by that educational service agency; and

"(ii) be carried out only by that educational service agency.

"(B) Additional requirement.—Notwithstanding any other provision of this subsection, an educational service agency shall provide for the education of children with disabilities in the least restrictive environment, as required by section 612(a)(5).

"(f) Prereferral Services.—

"(1) In general.—A local educational agency may use not more than 15 percent of the amount such agency receives under this part for any fiscal year, in combination with other amounts (which may include amounts other than education funds), to develop and implement comprehensive coordinated prereferral educational support services for students in kindergarten through grade 12 (with a particular emphasis on students in grades kindergarten through 3) who have not been identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment.

"(2) Activities.—In implementing comprehensive coordinated prereferral educational services under this subsection, a local educational agency may carry out the following activities:

"(A) Professional development (which may be provided by entities other than local educational agencies) for teachers to enable them to deliver scientifically based academic and behavioral interventions, including scientifically based literacy instruction.

"(B) Providing educational evaluations, services, and supports, including scientifically based literacy instruction and speech therapy.

"(C) Providing behavioral evaluations and services and supports, including positive behavioral interventions and supports.

"(3) Exclusion.—Nothing in this subsection shall be construed to either limit or create a right to a free appropriate public education under this part.

"(4) Reporting.—Each local educational agency that develops and maintains comprehensive coordinated prereferral educational support services under this subsection shall annually report to the State educational agency on—

"(A) the number of students served under this subsection; and

"(B) the number of students served under this subsection who subsequently receive special education and related services under this Act during the preceding 2-year period.

"(5) Coordination with the Elementary and Secondary Education Act of 1965.—

"(A) In general.—Comprehensive coordinated prereferral educational support services provided under this subsection may be aligned with activities funded by, and carried out under, the Elementary and Secondary Education Act of 1965, such as the Reading First program under subpart 1 of part B of title I of such Act, the Early Reading First program under subpart 2 of part B of title I of such Act, reading and math supports under part A of title I of such Act, and behavior intervention supports, that improve results for children with disabilities.

"(B) Maintenance of effort.—Funds used under this section shall be used to supplement, and not supplant, funds made available under the Elementary and Secondary Education Act of 1965.

"(g) Direct Services by the State Educational Agency.—

"(1) In general.—A State educational agency shall use the payments that would otherwise have been available to a local educational agency or to a State agency to provide special education and related services directly to children with disabilities residing in the area served by that local agency, or for whom that State agency is responsible, if the State educational agency determines that the local education agency or State agency, as the case may be—

"(A) has not provided the information needed to establish the eligibility of such agency under this section;

"(B) is unable to establish and maintain programs of free appropriate public education that meet the requirements of subsection (a);

"(C) is unable or unwilling to be consolidated with one or more local educational agencies in order to establish and maintain such programs; or

"(D) has one or more children with disabilities who can best be served by a regional or State program or service-delivery system designed to meet the needs of such children.

"(2) Manner and location of education and services.—The State educational agency may provide special education and related services under paragraph (1) in such manner and at such locations (including regional or State centers) as the State agency considers appropriate. Such education and services shall be provided in accordance with this part.

"(h) State Agency Eligibility.—Any State agency that desires to receive a subgrant for any fiscal year under section 611(f) shall demonstrate to the satisfaction of the State educational agency that—

"(1) all children with disabilities who are participating in programs and projects funded under this part receive a free appropriate public education, and that those children and their parents are provided all the rights and procedural safeguards described in this part; and

"(2) the agency meets such other conditions of this section as the Secretary determines to be appropriate.

"(i) Disciplinary Information.—The State may require that a local educational agency include in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child and transmit such statement to the same extent that such disciplinary information is included in, and transmitted with, the student records of nondisabled children. The statement may include a description of any behavior engaged in by the child that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the child and other individuals involved with the child. If the State adopts such a policy, and the child transfers from one school to another, the transmission of any of the child's records must include both the child's current individualized education program and any such statement of current or previous disciplinary action that has been taken against the child.".

SEC. 204. EVALUATIONS, ELIGIBILITY DETERMINATIONS, INDIVIDUALIZED EDUCATION PROGRAMS, AND EDUCATIONAL PLACEMENTS.

Section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414) is amended to read as follows:

"SEC. 614. EVALUATIONS, ELIGIBILITY DETERMINATIONS, INDIVIDUALIZED EDUCATION PROGRAMS, AND EDUCATIONAL PLACEMENTS.

"(a) Evaluations, Parental Consent, and Reevaluations.—

"(1) Initial evaluations.—

"(A) In general.—A State educational agency, other State agency, or local educational agency shall conduct a full and individual initial evaluation, in accordance with this paragraph and subsection (b), before the initial provision of special education and related services to a child with a disability under this part.

"(B) Request for initial evaluation.—Consistent with subparagraph (D), either a parent of a child, a State educational agency, other State agency as appropriate, or local educational agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.

"(C) Procedures.—Such initial evaluation shall consist of procedures—

"(i) to determine whether a child is a child with a disability (as defined in section 602(3)); and

"(ii) to determine the educational needs of such child.

"(D) Parental consent.—

"(i) In general.—

"(I) Consent for initial evaluation.—The agency proposing to conduct an initial evaluation to determine if the child qualifies as a child with a disability as defined in section 602(3)(A) or 602(3)(B) shall obtain informed consent from the parent of such child before conducting the evaluation. Parental consent for evaluation shall not be construed as consent for placement for receipt of special education and related services.

"(II) Consent for services.—An agency that is responsible for making a free appropriate public education available to a child with a disability under this part shall seek to obtain informed consent from the parent of such child before providing special education and related services to the child.

"(ii) Absence of consent.—

"(I) For initial evaluation.—If the parent of such child does not provide consent for an initial evaluation under clause (i)(I), or the parent fails to respond to a request to provide the consent, the local educational agency may pursue the initial evaluation of the child through the procedures described in section 615, except to the extent inconsistent with State law relating to such parental consent.

"(II) For services.—If the parent of such child does not provide consent for services under clause (i)(II), or the parent fails to respond to a request to provide the consent, the local educational agency shall not provide special education and related services to the child through the procedures described in section 615.

"(III) Effect on agency obligations.—In any case for which there is an absence of consent for an initial evaluation under subclause (I), or for which there is an absence of consent for services under subclause (II)—

"(aa) the local educational agency shall not be required to convene an IEP meeting or develop an IEP under this section for the child; and

"(bb) the local educational agency shall not be considered to be in violation of any requirement under this part (including the requirement to make available a free appropriate public education to the child) with respect to the lack of an initial evaluation of the child, an IEP meeting with respect to the child, or the development of an IEP under this section for the child.

"(E) Rule of construction.—The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.

"(2) Reevaluations.—

"(A) In general.—A local educational agency shall ensure that a reevaluation of each child with a disability is conducted in accordance with subsections (b) and (c)—

"(i) if the local educational agency determines that the educational needs, including improved academic achievement, of the child warrant a reevaluation; or

"(ii) if the child's parent or teacher requests a reevaluation.

“(B) LIMITATION.—A reevaluation conducted under subparagraph (A) shall occur—

“(i) no more than once a year, unless the parent and the local educational agency agree otherwise; and

“(ii) at least once every three years, unless the parent and the local educational agency agree that a reevaluation is unnecessary.

“(b) EVALUATION PROCEDURES.—

“(1) NOTICE.—The local educational agency shall provide notice to the parent of a child with a disability, in accordance with subsections (b)(3), (b)(4), and (c) of section 615, that describes any evaluation procedures such agency proposes to conduct.

“(2) CONDUCT OF EVALUATION.—In conducting the evaluation, the local educational agency shall—

“(A) use multiple up-to-date measures and assessments to gather relevant functional, developmental, and academic information, including information provided by the parent, to assist in determining—

“(i) whether the child is a child with a disability; and

“(ii) the content of the child's individualized education program, including information related to enabling the child to be involved in and progress in the general education curriculum or, for preschool children, to participate in appropriate activities;

“(B) not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child; and

“(C) use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

“(3) ADDITIONAL REQUIREMENTS.—Each local educational agency shall ensure that—

“(A) assessments and other evaluation measures used to assess a child under this section—

“(i) are selected and administered so as not to be discriminatory on a racial or cultural basis;

“(ii) are provided and administered, to the extent practicable, in the language and form most likely to yield accurate academic and developmental data;

“(iii) are used for the purposes for which the assessments or measures are valid and reliable;

“(iv) are administered by trained and knowledgeable personnel; and

“(v) are administered in accordance with any instructions provided by the producer of such tests;

“(B) the child is assessed in all areas of suspected disability; and

“(C) assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.

“(4) DETERMINATION OF ELIGIBILITY AND EDUCATIONAL NEED.—Upon completion of the administration of assessments and other evaluation measures—

“(A) the determination of whether the child is a child with a disability as defined in section 602(3) and the educational needs of the child shall be made by a team of qualified professionals and the parent of the child in accordance with paragraph (5); and

“(B) a copy of the evaluation report and the documentation of determination of eligibility will be given to the parent.

“(5) SPECIAL RULE FOR ELIGIBILITY DETERMINATION.—In making a determination of eligibility under paragraph (4)(A), a child shall not be determined to be a child with a disability if the determinant factor for such determination is—

“(A) lack of scientifically based instruction practices and programs that contain the essential components of reading instruction (as that term is defined in section 1208(3) of the Elementary and Secondary Education Act of 1965);

“(B) lack of instruction in math; or

“(C) limited English proficiency.

“(6) SPECIFIC LEARNING DISABILITIES.—

“(A) IN GENERAL.—Notwithstanding section 607 of this Act, when determining whether a child has a specific learning disability as defined under this Act, the local educational agency shall not be required to take into consideration whether the child has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning.

“(B) ADDITIONAL AUTHORITY.—In determining whether a child has a specific learning disability, a local educational agency may use a process which determines if a child responds to scientific, research-based intervention.

“(c) ADDITIONAL REQUIREMENTS FOR EVALUATION AND REEVALUATIONS.—

“(1) REVIEW OF EXISTING EVALUATION DATA.—As part of an initial evaluation (if appropriate) and as part of any reevaluation under this section, the IEP Team described in subsection (d)(1)(B) and other qualified professionals, as appropriate, shall—

“(A) review existing evaluation data on the child, including evaluations and information provided by the parents of the child, current classroom-based local or State assessments, and classroom-based observations, and teacher and related services providers observations; and

“(B) on the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine—

“(i) whether the child is a child with a disability as defined in section 602(3), and the educational needs of the child, or, in case of a reevaluation of a child, whether the child continues to have such a disability and such educational needs;

“(ii) the present levels of academic achievement and related developmental needs of the child;

“(iii) whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and

“(iv) whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the individualized education program of the child and to participate, as appropriate, in the general education curriculum.

“(2) SOURCE OF DATA.—The local educational agency shall administer such assessments and other evaluation measures as may be needed to produce the data identified by the IEP Team under paragraph (1)(B).

“(3) PARENTAL CONSENT.—Each local educational agency shall obtain informed parental consent, in accordance with subsection (a)(1)(D), prior to conducting any reevaluation of a child with a disability, except that such informed parental consent need not be obtained if the local educational agency can demonstrate that it had taken reasonable measures to obtain such consent and the child's parent has failed to respond.

“(4) REQUIREMENTS IF ADDITIONAL DATA ARE NOT NEEDED.—If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability and to determine the child's educational needs, the local educational agency—

“(A) shall notify the child's parents of—

“(i) that determination and the reasons for it; and

“(ii) the right of such parents to request an assessment to determine whether the child continues to be a child with a disability and to determine the child's educational needs; and

“(B) shall not be required to conduct such an assessment unless requested to by the child's parents.

“(5) EVALUATIONS BEFORE CHANGE IN ELIGIBILITY.—A local educational agency shall evaluate a child with a disability in accordance with this section prior to graduation, and before determining that the child is no longer a child with a disability, only in instances where the IEP Team is not in agreement regarding the change in eligibility.

“(d) INDIVIDUALIZED EDUCATION PROGRAMS.—

“(1) DEFINITIONS.—As used in this title:

“(A) INDIVIDUALIZED EDUCATION PROGRAM.—

“(i) IN GENERAL.—The term ‘individualized education program’ or ‘IEP’ means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with this section and that includes—

“(I) a statement of the child's present levels of academic achievement, including—

“(aa) how the child's disability affects the child's involvement and progress in the general education curriculum;

“(bb) for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities; and

“(cc) until the beginning of the 2005–2006 school year, a description of benchmarks or short-term objectives, except in the case of children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives shall continue to be included;

“(II) a statement of measurable annual goals designed to—

“(aa) meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and

“(bb) meet the child's other educational needs that result from the child's disability;

“(III) a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child—

“(aa) to advance appropriately toward attaining the annual goals;

“(bb) to be involved in and make progress in the general education curriculum in accordance with subclause (I) and to participate in extracurricular and other nonacademic activities; and

“(cc) to be educated and participate with other children with disabilities and nondisabled children in the activities described in this paragraph;

“(IV) an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in subclause (III)(cc);

“(V)(aa) a statement of any individual appropriate accommodations in the administration of State or districtwide assessments of student achievement that are necessary to measure the academic achievement of the child consistent with section 612(a)(16)(A)(ii); and

“(bb) if the IEP Team determines that the child will not participate in a particular State or districtwide assessment of student achievement (or part of such an assessment), a statement of—

“(AA) why that assessment is not appropriate for the child; and

“(BB) how the child will be assessed consistent with 612(a)(16)(A);

"(VI) the projected date for the beginning of the services and modifications described in subclause (III), and the anticipated frequency, location, and duration of those services and modifications;

"(VII)(aa) beginning at age 14, and updated annually, a statement of the transition service needs of the child under the applicable components of the child's IEP that focuses on the child's courses of study (such as participation in advanced-placement courses or a vocational education program);

"(bb) beginning at age 16 (or younger, if determined appropriate by the IEP Team), a statement of needed transition services for the child, including, when appropriate, a statement of the interagency responsibilities or any needed linkages; and

"(cc) beginning at least 1 year before the child reaches the age of majority under State law, a statement that the child has been informed of his or her rights under this title, if any, that will transfer to the child on reaching the age of majority under section 615(l); and

"(VIII) a statement of—

"(aa) how the child's progress toward the annual goals described in subclause (II) will be measured; and

"(bb) how the child's parents will be regularly informed (by such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of the sufficiency of their child's progress toward the annual goals described in subclause (II).

"(ii) Rule of Construction.—Nothing in this subparagraph shall be construed to require—

"(I) that additional information be included in a child's IEP beyond what is required in this subsection; and

"(II) the IEP Team to include information under one component of a child's IEP that is already contained under another component of such IEP.

"(B) Individualized Education Program Team.—The term 'individualized education program team' or 'IEP Team' means a group of individuals composed of—

"(i) the parents of a child with a disability;

"(ii) a regular education teacher of such child, but such teacher shall not be required to attend a meeting or part of a meeting of the IEP Team involving issues not related to the child's participation in the regular education environment, nor shall multiple regular education teachers, if the child has more than one regular education teacher, be required to attend a meeting, or part of a meeting, of the IEP team;

"(iii) at least 1 special education teacher, or where appropriate, at least 1 special education provider of such child;

"(iv) a representative of the local educational agency who—

"(I) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

"(II) is knowledgeable about the general education curriculum; and

"(III) is knowledgeable about the availability of resources of the local educational agency;

"(v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);

"(vi) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

"(vii) whenever appropriate, the child with a disability.

"(2) Requirement That Program Be in Effect.—

"(A) In General.—At the beginning of each school year, each local educational agency, State educational agency, or other State agency, as the case may be, shall have in effect, for each child with a disability in its jurisdiction, an individualized education program, as defined in paragraph (1)(A).

"(B) Program for Child Aged 3 Through 5.—In the case of a child with a disability aged 3 through 5 (or, at the discretion of the State educational agency, a 2 year-old child with a disability who will turn age 3 during the school year), the IEP Team shall consider the individualized family service plan that contains the material described in section 636, and that is developed in accordance with this section, and the individualized family service plan may serve as the IEP of the child if using that plan as the IEP is—

"(i) consistent with State policy; and

"(ii) agreed to by the agency and the child's parents.

"(3) Development of IEP.—

"(A) In General.—In developing each child's IEP, the IEP Team, subject to subparagraph (C), shall consider—

"(i) the results of the initial evaluation or most recent evaluation of the child;

"(ii) the academic and developmental needs of the child;

"(iii) the strengths of the child; and

"(iv) the concerns of the parents for enhancing the education of their child.

"(B) Consideration of Special Factors.—The IEP Team shall—

"(i) in the case of a child whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior;

"(ii) in the case of a child with limited English proficiency, consider the language needs of the child as such needs relate to the child's IEP;

"(iii) in the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;

"(iv) consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and

"(v) consider whether the child needs assistive technology devices and services.

"(C) Requirement With Respect to Regular Education Teacher.—The regular education teacher of the child, if a member of the IEP Team pursuant to paragraph (1)(B)(ii), shall, to the extent appropriate, participate in the development of the IEP of the child, including the determination of appropriate positive behavioral interventions and supports, and other strategies and the determination of supplementary aids and services, program modifications, and support for school personnel consistent with paragraph (1)(A)(i)(III).

"(D) IEP Team Attendance.—The parent of a child with a disability and the local educational agency may jointly excuse any member of the IEP Team from attending all or part of an IEP meeting if they agree that the member's attendance is not necessary. The IEP Team shall obtain the member's input prior to an IEP meeting from which the member is excused.

"(E) Agreement on Meeting.—In making changes to a child's IEP after the annual IEP meeting, the parent of a child with a disability and the local educational agency may agree not to reconvene the IEP team and instead develop a written document to amend or modify the child's current IEP.

"(F) Consolidation of IEP Team Meetings.—To the extent possible, the local educational agency shall encourage the consolidation of IEP Team meetings for a child.

"(G) Amendments.—Changes to the IEP may be made either by the entire IEP Team or, as provided in subparagraph (E), by amending the IEP rather than by redrafting the entire IEP.

"(4) Review and Revision of IEP.—

"(A) In General.—The local educational agency shall ensure that, subject to subparagraph (B), the IEP Team—

"(i) reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and

"(ii) revises the IEP as appropriate to address—

"(I) any lack of expected progress toward the annual goals and in the general education curriculum, where appropriate;

"(II) the results of any reevaluation conducted under this section;

"(III) information about the child provided to, or by, the parents, as described in subsection (c)(1)(B);

"(IV) the child's anticipated needs; or

"(V) other matters.

"(B) Requirement With Respect to Regular Education Teacher.—The regular education teacher of the child, if a member of the IEP Team, shall, consistent with this section, participate in the review and revision of the IEP of the child.

"(5) Multi-Year IEP.—

"(A) Development.—The local educational agency may offer to the parent of a child with a disability the option of developing a comprehensive multi-year IEP, not to exceed 3 years, that is designed to cover the natural transition points for the child. With the consent of the parent, the IEP Team shall develop an IEP, as described in paragraphs (1) and (3), that is designed to serve the child for the appropriate multi-year period, which includes a statement of—

"(i) measurable goals pursuant to paragraph (1)(A)(i)(II), coinciding with natural transition points for the child, that will enable the child to be involved in and make progress in the general education curriculum and that will meet the child's other needs that result from the child's disability; and

"(ii) measurable annual goals for determining progress toward meeting the goals described in clause (i).

"(B) Review and Revision of Multi-Year IEP.—

"(i) Requirement.—The IEP Team shall conduct a review under paragraph (4) of the child's multi-year IEP at each of the child's natural transition points.

"(ii) Streamlined Annual Review Process.—In years other than a child's natural transition points, the local educational agency shall ensure that the IEP Team—

"(I) provides an annual review of the child's IEP to determine the child's current levels of progress and determine whether the annual goals for the child are being achieved; and

"(II) amends the IEP, as appropriate, to enable the child to continue to meet the measurable goals set out in the IEP.

"(iii) Comprehensive Review Process.—If the IEP Team determines, on the basis of the review under clause (i), that the child is not making sufficient progress toward the goals described in subparagraph (A), the local educational agency shall ensure that the IEP Team

reviews the IEP under paragraph (4), within 30 calendar days.

"(iv) PARENTAL PREFERENCE.—At the request of the parent, the IEP Team shall conduct a review under paragraph (4) of the child's multi-year IEP rather than a streamlined annual review under clause (ii).

"(C) DEFINITION.—As used in this paragraph, the term 'natural transition points' means those periods that are close in time to the transition of a child with a disability from preschool to elementary grades, from elementary grades to middle or junior high school grades, from middle or junior high school grades to high school grades, and from high school grades to post-secondary activities, but in no case longer than 3 years.

"(6) FAILURE TO MEET TRANSITION OBJECTIVES.—If a participating agency, other than the local educational agency, fails to provide the transition services described in the IEP in accordance with paragraph (1)(A)(i)(VII), the local educational agency shall reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in that program.

"(7) CHILDREN WITH DISABILITIES IN ADULT PRISONS.—

"(A) IN GENERAL.—The following requirements do not apply to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons:

"(i) The requirements contained in section 612(a)(16) and paragraph (1)(A)(i)(V) of this subsection (relating to participation of children with disabilities in general assessments).

"(ii) The requirements of items (aa) and (bb) of paragraph (1)(A)(i)(VII) of this subsection (relating to transition planning and transition services), do not apply with respect to such children whose eligibility under this part will end, because of their age, before they will be released from prison.

"(B) ADDITIONAL REQUIREMENT.—If a child with a disability is convicted as an adult under State law and incarcerated in an adult prison, the child's IEP Team may modify the child's IEP or placement notwithstanding the requirements of sections 612(a)(5)(A) and 614(d)(1)(A) if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

"(e) EDUCATIONAL PLACEMENTS.—Each local educational agency or State educational agency shall ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child.

"(f) ALTERNATIVE MEANS OF MEETING PARTICIPATION.—When conducting IEP team meetings and placement meetings pursuant to this section and 615, the parent of a child with a disability and a local educational agency may agree to use alternative means of meeting participation, such as video conferences and conference calls.".

SEC. 205. PROCEDURAL SAFEGUARDS.

(a) ESTABLISHMENT OF PROCEDURES.—Section 615(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(a)) is amended to read as follows:

"(a) ESTABLISHMENT OF PROCEDURES.—Any State educational agency, State agency, or local educational agency that receives assistance under this part shall establish and maintain procedures in accordance with this section to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of free appropriate public education by such agencies.".

(b) TYPES OF PROCEDURES.—Section 615(b) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(b)) is amended to read as follows:

"(b) TYPES OF PROCEDURES.—The procedures required by this section shall include—

"(1) an opportunity for the parents of a child with a disability to examine all records relating to such child and to participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to such child, and to obtain as appropriate an independent educational evaluation of the child;

"(2) procedures to protect the rights of the child whenever the parents of the child are not known, the agency cannot, after reasonable efforts, locate the parents, or the child is a ward of the State, including the assignment of an individual (who shall not be an employee of the State educational agency, the local educational agency, or any other agency that is involved in the education or care of the child) to act as a surrogate for the parents;

"(3) written prior notice to the parents of the child whenever such agency—

"(A) proposes to initiate or change; or

"(B) refuses to initiate or change;

the identification, evaluation, or educational placement of the child, in accordance with subsection (c), or the provision of a free appropriate public education to the child;

"(4) procedures designed to ensure that the notice required by paragraph (3) is in the native language of the parents, unless it clearly is not feasible to do so;

"(5) an opportunity for mediation and voluntary binding arbitration, in accordance with subsection (e);

"(6) an opportunity to present complaints—

"(A) with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child; and

"(B) which set forth a violation that occurred not more than one year before the complaint is filed;

"(7)(A) procedures that require the parent of a child with a disability, or the attorney representing the child, to provide notice (which shall remain confidential)—

"(i) to the local educational agency or State educational agency (if the State educational agency is the direct provider of services pursuant to section 613(g)), in the complaint filed under paragraph (6); and

"(ii) that shall include—

"(I) the name of the child, the address of the residence of the child (or, in the case of a homeless child or youth (within the meaning of section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), available contact information for the child), and the name of the school the child is attending;

"(II) a description of the specific issues regarding the nature of the problem of the child relating to such proposed initiation or change, including facts relating to such problem; and

"(III) a proposed resolution of the problem to the extent known and available to the parents at the time;

"(B) a requirement that a parent of a child with a disability may not have a due process hearing until the parent, or the attorney representing the child, files a notice that meets the requirements of this paragraph; and

"(8) procedures that require the State educational agency to develop a model form to assist parents in filing a complaint in accordance with paragraph (7).".

(c) CONTENT OF PRIOR WRITTEN NOTICE.—Section 615(c) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(c)) is amended to read as follows:

"(c) CONTENT OF PRIOR WRITTEN NOTICE.—The notice required by subsection (b)(3) shall include—

"(1) a description of the action proposed or refused by the agency;

"(2) an explanation of why the agency proposes or refuses to take the action and a description of each evaluation procedure, test, record, or report the agency used as a basis for the proposed or refused action;

"(3) a statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and

"(4) sources for parents to contact to obtain assistance in understanding the provisions of this part.".

(d) PROCEDURAL SAFEGUARDS NOTICE.—Section 615(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(d)) is amended to read as follows:

"(d) PROCEDURAL SAFEGUARDS NOTICE.—

"(1) IN GENERAL.—A copy of the procedural safeguards available to the parents of a child with a disability shall be given to the parents, at a minimum—

"(A) upon initial referral or parental request for evaluation;

"(B) annually, at the beginning of the school year; and

"(C) upon written request by a parent.

"(2) CONTENTS.—The procedural safeguards notice shall include a description of the procedural safeguards, written in the native language of the parents, unless it clearly is not feasible to do so, and written in an easily understandable manner, available under this section and under regulations promulgated by the Secretary relating to—

"(A) independent educational evaluation;

"(B) prior written notice;

"(C) parental consent;

"(D) access to educational records;

"(E) opportunity to present complaints;

"(F) the child's placement during pendency of due process proceedings;

"(G) procedures for students who are subject to placement in an interim alternative educational setting;

"(H) requirements for unilateral placement by parents of children in private schools at public expense;

"(I) mediation, early dispute resolution, and voluntary binding arbitration;

"(J) due process hearings, including requirements for disclosure of evaluation results and recommendations;

"(K) civil actions; and

"(L) attorneys' fees.".

(e) MEDIATION AND VOLUNTARY BINDING ARBITRATION.—Section 615(e) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(e)) is amended to read as follows:

"(e) MEDIATION AND VOLUNTARY BINDING ARBITRATION.—

"(1) MEDIATION.—

"(A) IN GENERAL.—Any State educational agency or local educational agency that receives assistance under this part shall ensure that procedures are established and implemented to allow parties to disputes involving any matter, including matters arising prior to the filing of a complaint pursuant to subsection (b)(6), to resolve such disputes through a mediation process.

"(B) REQUIREMENTS.—Such procedures shall meet the following requirements:

"(i) The procedures shall ensure that the mediation process—

"(I) is voluntary on the part of the parties;

"(II) is not used to deny or delay a parent's right to a due process hearing under subsection (f), or to deny any other rights afforded under this part; and

"(III) is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

"(ii) A local educational agency or a State agency may establish procedures to offer to parents who choose not to use the mediation process, an opportunity to meet, at a time and location convenient to the parents, with a disinterested party who is under contract with—

"(I) a parent training and information center in the State established under section 672; or

"(II) an appropriate alternative dispute resolution entity;

to encourage the use, and explain the benefits, of the mediation process to the parents.

"(iii) The State shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services.

"(iv) The State shall bear the cost of the mediation process, including the costs of meetings described in clause (ii).

"(v) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.

"(vi) An agreement reached by the parties to the dispute in the mediation process shall be set forth in a written mediation agreement.

"(vii) Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings and the parties to the mediation process may be required to sign a confidentiality pledge prior to the commencement of such process.

"(2) VOLUNTARY BINDING ARBITRATION.—

"(A) IN GENERAL.—A State educational agency that receives assistance under this part shall ensure that procedures are established and implemented to allow parties to disputes involving any matter described in subsection (b)(6) to resolve such disputes through voluntary binding arbitration, which shall be available when a hearing is requested under subsection (f) or (j).

"(B) REQUIREMENTS.—Such procedures shall meet the following requirements:

"(i) The procedures shall ensure that the voluntary binding arbitration process—

"(I) is voluntarily and knowingly agreed to in writing by the parties; and

"(II) is conducted by a qualified and impartial arbitrator.

"(ii) A local educational agency or a State agency shall ensure that parents who choose to use voluntary binding arbitration understand that the process is in lieu of a due process hearing under subsection (f) or (j) and that the decision made by the arbitrator is final, unless there is fraud by a party or the arbitrator or misconduct on the part of the arbitrator.

"(iii) The parties shall jointly agree to use an arbitrator from a list that the State shall maintain of individuals who are qualified arbitrators and knowledgeable in laws and regulations relating to the provision of special education and related services.

"(iv) The arbitration shall be conducted according to State law on arbitration or, if there is no such applicable State law, in a manner consistent with the Revised Uniform Arbitration Act.

"(v) The voluntary binding arbitration shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.".

(f) IMPARTIAL DUE PROCESS HEARING.—Section 615(f) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(f)) is amended to read as follows:

"(f) IMPARTIAL DUE PROCESS HEARING.—

"(1) IN GENERAL.—

"(A) ACCESS TO HEARING.—Whenever a complaint has been received under subsection (b)(6) or (j) of this section, the parents or the local educational agency involved in such complaint shall have an opportunity for an impartial due process hearing, which shall be conducted by the State educational agency.

"(B) RESOLUTION SESSION.—

"(i) IN GENERAL.—Prior to the opportunity for an impartial due process hearing under subparagraph (A), the local educational agency shall convene a meeting with the parents—

"(I) within 15 days of receiving notice of the parents' complaint; and

"(II) where the parents of the child discuss their complaint, and the specific issues that form the basis of the complaint, and the local educational agency is provided the opportunity to resolve the complaint;

unless the parents and the local educational agency agree in writing to waive such meeting.

"(ii) DUE PROCESS HEARING.—If the local educational agency has not resolved the complaint to the satisfaction of the parents within 30 days of the receipt of the complaint, the due process hearing shall occur in accordance with subparagraph (A).

"(iii) DEFINITION OF MEETING.—A meeting conducted pursuant to clause (i) shall not be considered—

"(I) a meeting convened as a result of an administrative hearing or judicial action; or

"(II) an administrative hearing or judicial action for purposes of subsection (h)(3).

"(2) DISCLOSURE OF EVALUATIONS AND RECOMMENDATIONS.—

"(A) IN GENERAL.—At least 5 business days prior to a hearing conducted pursuant to paragraph (1), each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing.

"(B) FAILURE TO DISCLOSE.—A hearing officer may bar any party that fails to comply with subparagraph (A) from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

"(3) LIMITATION ON HEARING.—

"(A) HEARING OFFICER.—A hearing conducted pursuant to paragraph (1)(A) may not be conducted by—

"(i) an employee of the State educational agency or the local educational agency involved in the education or care of the child; or

"(ii) any person having a personal or professional interest that would conflict with his or her objectivity in the hearing.

"(B) SUBJECT MATTER OF HEARING.—The parents of the child shall not be allowed to raise issues at the due process hearing that were not raised in the complaint or discussed during the meeting conducted pursuant to subparagraph (1)(B), unless the local educational agency agrees otherwise.

"(C) DECISION OF HEARING OFFICER.—A decision made by a hearing officer must be based on a determination of whether or not the child received a free appropriate public education.".

(g) APPEAL.—Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended by striking subsection (g).

(h) SAFEGUARDS.—Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended—

(1) by redesignating subsection (h) as subsection (g); and

(2) by amending subsection (g) (as redesignated) to read as follows:

"(g) SAFEGUARDS.—Any party to a hearing conducted pursuant to subsection (f) or (j) shall be accorded—

"(1) the right to be represented by counsel and by non-attorney advocates and to be accompanied and advised by individuals with special knowledge or training with respect to the problems of children with disabilities;

"(2) the right to present evidence and confront, cross-examine, and compel the attendance of witnesses;

"(3) the right to a written, or, at the option of the parents, electronic verbatim record of such hearing; and

"(4) the right to written, or, at the option of the parents, electronic findings of fact and decisions (which findings and decisions shall be made available to the public consistent with the requirements of section 617(d)) (relating to the confidentiality of data, information, and records).".

(i) ADMINISTRATIVE PROCEDURES.—Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended—

(1) by redesignating subsection (i) as subsection (h); and

(2) in subsection (h) (as redesignated)—

(A) in paragraph (1)—

(i) by striking "IN GENERAL.—" and all that follows through "A decision made in a hearing" and inserting "IN GENERAL.—A decision made in a hearing";

(ii) by striking "(k)" and inserting "(j)";

(iii) by striking "subsection (g) and"; and

(iv) by striking subparagraph (B);

(B) in paragraph (2)(A), by striking "subsection (f) or (k) who does not have the right to an appeal under subsection (g)" and inserting "subsection (f) or (j)"; and

(C) in paragraph (3), by amending subparagraph (C) to read as follows:

"(C) DETERMINATION OF AMOUNT OF ATTORNEYS' FEES.—

"(i) IN GENERAL.—Fees awarded under this paragraph shall be based on rates determined by the Governor of the State (or other appropriate State official) in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded under this subsection.

"(ii) NOTICE.—The Governor of the State (or other appropriate State official) shall make available to the public on an annual basis the rates described in clause (i).".

(j) MAINTENANCE OF CURRENT EDUCATIONAL PLACEMENT.—Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended—

(1) by redesignating subsection (j) as subsection (i); and

(2) by amending subsection (i) (as redesignated) to read as follows:

"(i) MAINTENANCE OF CURRENT EDUCATIONAL PLACEMENT.—Except as provided in subsection (j)(4), during the pendency of any proceedings conducted pursuant to this section, unless the State or local educational agency and the parents otherwise agree, the child shall remain in the then-current educational placement of such child, or, if applying for initial admission to a public school, shall, with the consent of the parents, be placed in the public school program until all such proceedings have been completed.".

(k) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended—

(1) by redesignating subsection (k) as subsection (j); and

(2) by amending subsection (j) (as redesignated) to read as follows:

"(j) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—

"(1) AUTHORITY OF SCHOOL PERSONNEL.—

"(A) IN GENERAL.—School personnel under this section may order a change in the placement of a child with a disability who violates a code of student conduct policy to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives would be applied to children without disabilities).

"(B) ADDITIONAL AUTHORITY.—Subject to subparagraph (C), and notwithstanding any other provision of this Act, school personnel under this section may order a change in the placement of a child with a disability who violates a code of student conduct policy to an appropriate interim alternative educational setting selected so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP, for not more than 45 school days (to the extent such alternative and such duration would be applied to children without disabilities, and which may include consideration of unique circumstances on a case-by-case basis), except that the change in placement may last beyond 45 school days if required by State law or regulation for the violation in question, to ensure the safety and appropriate educational atmosphere in the schools under the jurisdiction of the local educational agency.

"(C) SERVICES.—A child with a disability who is removed from the child's current placement under subparagraph (B) shall—

"(i) continue to receive educational services selected so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and

"(ii) continue to receive behavioral intervention services designed to address the behavior violation so that it does not recur.

"(2) DETERMINATION OF SETTING.—The alternative educational setting described in paragraph (1)(B) shall be determined by the IEP Team.

"(3) PARENT APPEAL.—

"(A) IN GENERAL.—If the parent of a child with a disability disagrees with any decision regarding placement or punishment under this section, the parent may request a hearing.

"(B) AUTHORITY OF HEARING OFFICER.—If a parent of a child with a disability disagrees with a decision regarding placement of the child or punishment of the child under this section, including duration of the punishment, the hearing officer may determine whether the decision regarding such action was appropriate.

"(4) PLACEMENT DURING APPEALS.—When a parent requests a hearing regarding a disciplinary action described in paragraph (1)(B) to challenge the interim alternative educational setting or the violation of the code of student conduct policy, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in paragraph (1)(B), whichever occurs first, unless the parent and the State or local educational agency agree otherwise.

"(5) PROTECTIONS FOR CHILDREN NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES.—

"(A) IN GENERAL.—A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violates a code of student conduct policy, may assert any of the protections provided for in this part if the local educational agency had knowledge (as determined in accordance with this paragraph) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

"(B) BASIS OF KNOWLEDGE.—A local educational agency shall be deemed to have knowledge that a child is a child with a disability if, before the behavior that precipitated the disciplinary action occurred—

"(i) the parent of the child has expressed concern in writing (unless the parent is illiterate or has a disability that prevents compliance with the requirements contained in this clause) to personnel of the appropriate educational agency that the child is in need of special education and related services;

"(ii) the parent of the child has requested an evaluation of the child pursuant to section 614; or

"(iii) the teacher of the child, or other personnel of the local educational agency, has expressed concern in writing about the behavior or performance of the child to the director of special education of such agency or to other personnel of the agency.

"(C) CONDITIONS THAT APPLY IF NO BASIS OF KNOWLEDGE.—

"(i) IN GENERAL.—If a local educational agency does not have knowledge that a child is a child with a disability (in accordance with subparagraph (B)) prior to taking disciplinary measures against the child, the child may be subjected to disciplinary measures applied to children without disabilities who engaged in comparable behaviors consistent with clause (ii).

"(ii) LIMITATIONS.—If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under paragraph (1) or (2), the evaluation shall be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with this part, except that, pending the results of the evaluation, the child shall remain in the educational placement determined by school authorities.

"(6) REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES.—

"(A) IN GENERAL.—Nothing in this part shall be construed to prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

"(B) TRANSMISSION OF RECORDS.—An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime.".

(l) RULE OF CONSTRUCTION.—Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended by redesignating subsection (l) as subsection (k).

(m) TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY.—Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended—

(1) by redesignating subsection (m) as subsection (l); and

(2) by amending subsection (l) (as redesignated) to read as follows:

"(l) TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY.—

"(1) IN GENERAL.—A State that receives amounts from a grant under this part may provide that, when a child with a disability reaches the age of majority under State law (except for a child with a disability who has been determined to be incompetent under State law)—

"(A) the public agency shall provide any notice required by this section to both the individual and the parents;

"(B) all other rights accorded to parents under this part transfer to the child;

"(C) the agency shall notify the individual and the parents of the transfer of rights; and

"(D) all rights accorded to parents under this part transfer to children who are incarcerated in an adult or juvenile Federal, State, or local correctional institution.

"(2) SPECIAL RULE.—If, under State law, a child with a disability who has reached the age of majority under State law, who has not been determined to be incompetent, but who is determined not to have the ability to provide informed consent with respect to the educational program of the child, the State shall establish procedures for appointing the parent of the child, or if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of eligibility of the child under this part.".

SEC. 206. MONITORING, ENFORCEMENT, WITHHOLDING, AND JUDICIAL REVIEW.

Section 616 of the Individuals with Disabilities Education Act (20 U.S.C. 1416) is amended—

(1) by amending the heading to read as follows:

"SEC. 616. MONITORING, ENFORCEMENT, WITHHOLDING, AND JUDICIAL REVIEW.";

(2) by redesignating subsections (a) through (c) as subsections (e) through (g), respectively; and

(3) by inserting before subsection (e) (as redesignated) the following:

"(a) FEDERAL MONITORING.—

"(1) IN GENERAL.—The Secretary shall monitor implementation of this Act.

"(2) FOCUSED MONITORING.—The primary focus of Federal monitoring activities shall be to improve educational results for all children with disabilities, while ensuring compliance with program requirements, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities.

"(b) INDICATORS.—

"(1) REQUIRED INDICATORS.—The Secretary shall examine relevant information and data related to States' progress on improving educational results for children with disabilities by reviewing—

"(A) achievement results of children with disabilities on State or district assessments, including children with disabilities taking State or district assessments with appropriate accommodations;

"(B) achievement results of children with disabilities on State or district alternate assessments;

"(C) graduation rates of children with disabilities and graduation rates of children with disabilities as compared to graduation rates of nondisabled children; and

"(D) dropout rates for children with disabilities and dropout rates of children with disabilities as compared to dropout rates of nondisabled children.

"(2) PERMISSIVE INDICATORS.—The Secretary also may establish other priorities for review of relevant information and data, including data provided by States under section 618, and also including the following:

"(A) PRIORITIES FOR THIS PART.—The Secretary may give priority to monitoring on the following areas under this part:

"(i) Provision of educational services in the least restrictive environment, including—

"(I) education of children with disabilities with nondisabled peers to the maximum extent appropriate;

"(II) provision of appropriate special education and related services;

"(III) access to the general curriculum with appropriate accommodations;

"(IV) provision of appropriate services to students whose behavior impedes learning; and

"(V) participation and performance of children with disabilities on State and local assessments, including alternate assessments.

"(ii) Secondary transition, including the extent to which youth exiting special education are prepared for post-secondary education, employment, and adult life, and are participants *in appropriate transition planning while in school.*

"(iii) State exercise of general supervisory authority, including effective monitoring and use of complaint resolution, mediation, and voluntary binding arbitration.

"(B) PRIORITIES FOR PART C.—The Secretary may give priority to monitoring on the following areas under part C:

"(i) Child find and public awareness to support the identification, evaluation and assessment of all eligible infants and toddlers, including the provision of culturally relevant materials to inform and promote referral.

"(ii) Provision of early intervention services in natural environments, evaluation and assessment to identify child needs and family needs related to enhancing the development of the child, and provision of appropriate early intervention services in natural environments to meet the needs of individual children.

"(iii) Effective early childhood transition to services under this part.

"(iv) State exercise of general supervisory authority, including—

"(I) effective monitoring and use of other mechanisms such as complaint resolution;

"(II) implementation of mediation and voluntary binding arbitration; and

"(III) coordination of parent and child protections.

"(3) DATA COLLECTION AND ANALYSIS.—The Secretary shall review the data collection and analysis capacity of States to ensure that data and information is collected, analyzed, and accurately reported to the Secretary. The Secretary may provide technical assistance to improve the capacity of States to meet data requirements.

"(c) ADDITIONAL PRIORITIES.—

"(1) IN GENERAL.—The Secretary may develop additional priorities for monitoring the effective implementation of this Act.

"(2) PUBLIC COMMENT.—The Secretary shall provide a public comment period of at least 30 days on any additional priority proposed under this part or part C.

"(3) DATE OF ENFORCEMENT.—The Secretary may not begin to enforce a new priority until one year from the date of publication of the priority in the Federal Register as a final rule.

"(d) COMPLIANCE.—

"(1) IN GENERAL.—The Secretary shall review State data to determine whether the State is in compliance with the provisions of this Act.

"(2) LACK OF PROGRESS.—If after examining data, as provided in section (b) or (c), the Secretary determines that a State is not making satisfactory progress in improving educational results for children with disabilities, the Secretary shall take one or more of the following actions:

"(A) Advise the State of available sources of technical assistance that may help the State address the lack of progress, which may include assistance from the Office of Special Education Programs, other offices of the Department of Education, other Federal agencies, technical assistance providers approved by the Secretary, and other federally funded nonprofit agencies. Such technical assistance may include—

"(i) the provision of advice by experts to address the areas of noncompliance, including explicit plans for ensuring compliance within a specified period of time;

"(ii) assistance in identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research;

"(iii) designating and using distinguished superintendents, principals, special education administrators, regular education teachers, and special education teachers to provide advice, technical assistance, and support; and

"(iv) devising additional approaches to providing technical assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under part D, and private providers of scientifically based technical assistance.

"(B) Direct the use of State level funds for technical assistance on the area or areas of unsatisfactory performance.

"(C) Each year withhold at least 20 but no more than 50 percent of the State's funds under section 611(e), after providing the State the opportunity to show cause why the withholding should not occur, until the Secretary determines that sufficient progress has been made in improving educational results for children with disabilities.

"(3) SUBSTANTIAL NON-COMPLIANCE.—

"(A) INITIAL DETERMINATION.—When the Secretary determines that a State is not in substantial compliance with any provision of this part, the Secretary shall take one or more of the following actions:

"(i) Request that the State prepare a corrective action plan or improvement plan if the Secretary determines that the State should be able to correct the problem within one year.

"(ii) Identify the State as a high-risk grantee and impose special conditions on the State's grant.

"(iii) Require the State to enter into a compliance agreement under section 457 of the General Education Provisions Act, if the Secretary has reason to believe that the State cannot correct the problem within one year.

"(iv) Recovery of funds under section 452 of the General Education Provisions Act.

"(v)(I) Withholding of payments under subsection (e).

"(II) Pending the outcome of any hearing to withhold payments under subsection (e), the Secretary may suspend payments to a recipient, suspend the authority of the recipient to obligate Federal funds, or both, after such recipient has been given reasonable notice and an opportunity to show cause why future payments or authority to obligate Federal funds should not be suspended.

"(B) CONTINUED NON-COMPLIANCE.—

"(i) SECRETARIAL ACTION.—If the Secretary has imposed special conditions on a grant under subparagraph (A)(ii) for substantially the same compliance problems for three consecutive years, and at the end of the third year the State has not demonstrated that the violation has been corrected to the satisfaction of the Secretary, the Secretary shall take such additional enforcement actions as the Secretary determines to be appropriate from among those actions specified in clauses (iii) through (v) of subparagraph (A).

"(ii) REPORT TO CONGRESS.—The Secretary shall report to Congress within 30 days of taking enforcement action pursuant to this paragraph on the specific action taken and the reasons why enforcement action was taken.".

SEC. 207. ADMINISTRATION.

Section 617 of the Individuals with Disabilities Education Act (20 U.S.C. 1417) is amended to read as follows:

"SEC. 617. ADMINISTRATION.

"(a) RESPONSIBILITIES OF SECRETARY.—In carrying out this part, the Secretary shall—

"(1) cooperate with, and (directly or by grant or contract) furnish technical assistance necessary to, the State in matters relating to—

"(A) the education of children with disabilities; and

"(B) carrying out this part; and

"(2) provide short-term training programs and institutes.

"(b) PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.—Nothing in this Act may be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content, curriculum, or program of instruction.

"(c) CONFIDENTIALITY.—The Secretary shall take appropriate action, in accordance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g), to ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary and by State and local educational agencies pursuant to this part.

"(d) PERSONNEL.—The Secretary is authorized to hire qualified personnel necessary to carry out the Secretary's duties under subsection (a) and under sections 618 and 661 without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates, except that no more than twenty such personnel shall be employed at any time.

"(e) PILOT PROGRAM.—The Secretary is authorized to grant waivers of paperwork requirements under this part for a period of time not to exceed 4 years with respect to not more than 10 States based on proposals submitted by States for addressing reduction of paperwork and non-instructional time spent fulfilling statutory and regulatory requirements.

"(f) REPORT.—The Secretary shall include in the annual report to Congress under section 426 of the Department of Education Organization Act information related to the effectiveness of waivers granted under subsection (e)—

"(1) in reducing the paperwork burden on teachers, administrators, and related services providers and non-instructional time spent by teachers in complying with this part, including any specific recommendations for broader implementation; and

"(2) in enhancing longer-term educational planning, improving positive outcomes for children with disabilities, promoting collaboration between IEP Team members, and ensuring satisfaction of family members, including any specific recommendations for broader implementation..

"(g) MODEL FORMS.—Not later than the date on which the Secretary publishes final regulations to implement this part (as amended by the Improving Education Results for Children With Disabilities Act of 2003), the Secretary shall publish and disseminate widely to States, local educational agencies, and parent training and information centers—

"(1) a model individualized education program form;

"(2) a model form for the procedural safeguards notice described in section 615(d); and

"(3) a model form for the prior written notice described in section 615(b)(3);

that would be consistent with the requirements of this part and be deemed to be sufficient to meet such requirements.".

SEC. 208. PROGRAM INFORMATION.

Section 618 of the Individuals with Disabilities Education Act (20 U.S.C. 1418) is amended to read as follows:

"SEC. 618. PROGRAM INFORMATION.

"(a) IN GENERAL.—Each State and local educational agency that receives assistance under this part, and the Secretary of the Interior, shall provide data each year to the Secretary—

"(1)(A) on—

"(i) the number and percentage of children with disabilities, by race, ethnicity, and disability category, who are receiving a free appropriate public education;

"(ii) the number and percentage of children with disabilities, by race and ethnicity, who are receiving early intervention services;

"(iii) the number and percentage of children with disabilities, by race, ethnicity, and disability category, who are participating in regular education;

"(iv) the number and percentage of children with disabilities, by race, ethnicity, and disability category, who are in separate classes, separate schools or facilities, or public or private residential facilities;

"(v) the number and percentage of children with disabilities, by race and ethnicity, and disability category who begin secondary school and graduate with a regular high school diploma, through the age of 21;

"(vi) the number and percentage of children with disabilities, by race, ethnicity, and disability category, who, for each year of age from age 14 to 21, stopped receiving special education and related services because of program completion or other reasons and the reasons why those children stopped receiving special education and related services;

"(vii) the number and percentage of children with disabilities, by race and ethnicity, who, from birth through age 2, stopped receiving early intervention services because of program completion or for other reasons;

"(viii)(I) the number and percentage of children with disabilities, by race, ethnicity, and disability category, who under subparagraph (A) or (B) of section 615(j)(1), are removed to an interim alternative educational setting;

"(II) the acts or items precipitating those removals;

"(III) the number of children with disabilities, by race, ethnicity, and disability category, who are subject to long-term suspensions or expulsions; and

"(IV) the incidence, duration, and type of disciplinary actions, by race and ethnicity, including suspension and expulsions;

"(ix) the number of complaints resolved through voluntary binding arbitration; and

"(x) the number of mediations held and the number of settlement agreements reached through mediation;

"(B) on the number and percentage of infants and toddlers, by race and ethnicity, who are at risk of having substantial developmental delays (as defined in section 632), and who are receiving early intervention services under part C; and

"(C) on the number of children served with funds under section 613(f); and

"(2) on any other information that may be required by the Secretary.

"(b) SAMPLING.—The Secretary may permit States and the Secretary of the Interior to obtain the data described in subsection (a) through sampling.

"(c) DISPROPORTIONALITY.—

"(1) IN GENERAL.—Each State that receives assistance under this part, and the Secretary of the Interior, shall provide for the collection and examination of data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the local educational agencies of the State with respect to—

"(A) the identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3);

"(B) the placement in particular educational settings of such children; and

"(C) the incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

"(2) REVIEW AND REVISION OF POLICIES, PRACTICES, AND PROCEDURES.—In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of such children, in accordance with paragraph (1), the State or the Secretary of the Interior, as the case may be—

"(A) shall provide for the review and, if appropriate, revision of the policies, procedures, and practices used in such identification or placement to ensure that such policies, procedures, and practices comply with the requirements of this Act;

"(B) shall require any local educational agency identified under paragraph (1) to reserve the maximum amount of funds under section 613(f) to provide comprehensive coordinated prereferral support services to serve children in the local educational agency, particularly children in those groups that were significantly overidentified under paragraph (1); and

"(C) shall require the local educational agency to publicly report on the revision of policies, practices, and procedures described under subparagraph (A).".

SEC. 209. PRESCHOOL GRANTS.

Section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1419) is amended to read as follows:

"SEC. 619. PRESCHOOL GRANTS.

"(a) IN GENERAL.—The Secretary shall provide grants under this section to assist States to provide special education and related services, in accordance with this part—

"(1) to children with disabilities aged 3 through 5, inclusive; and

"(2) at the State's discretion, to 2-year-old children with disabilities who will turn 3 during the school year.

"(b) ELIGIBILITY.—A State shall be eligible for a grant under this section if such State—

"(1) is eligible under section 612 to receive a grant under this part; and

"(2) makes a free appropriate public education available to all children with disabilities, aged 3 through 5, residing in the State.

"(c) ALLOCATIONS TO STATES.—

"(1) IN GENERAL.—The Secretary shall allocate funds among the States in accordance with paragraph (2) or (3), as appropriate.

"(2) INCREASE IN FUNDS.—If the amount available for allocations to States under paragraph (1) is equal to or greater than the amount allocated to the States under this section for the preceding fiscal year, those allocations shall be calculated as follows:

"(A)(i) Except as provided in subparagraph (B), the Secretary shall—

"(I) allocate to each State the amount it received for fiscal year 1997;

"(II) allocate 85 percent of any remaining funds to States on the basis of their relative populations of children aged 3 through 5; and

"(III) allocate 15 percent of those remaining funds to States on the basis of their relative populations of all children aged 3 through 5 who are living in poverty.

"(ii) For the purpose of making grants under this paragraph, the Secretary shall use the most recent population data, including data on children living in poverty, that are available and satisfactory to the Secretary.

"(B) Notwithstanding subparagraph (A), allocations under this paragraph shall be subject to the following:

"(i) No State's allocation shall be less than its allocation for the preceding fiscal year.

"(ii) No State's allocation shall be less than the greatest of—

"(I) the sum of—

"(aa) the amount it received for fiscal year 1997; and

"(bb) one third of one percent of the amount by which the amount appropriated under subsection (j) exceeds the amount appropriated under this section for fiscal year 1997;

"(II) the sum of—

"(aa) the amount it received for the preceding fiscal year; and

"(bb) that amount multiplied by the percentage by which the increase in the funds appropriated from the preceding fiscal year exceeds 1.5 percent; or

"(III) the sum of—

"(aa) the amount it received for the preceding fiscal year; and

"(bb) that amount multiplied by 90 percent of the percentage increase in the amount appropriated from the preceding fiscal year.

"(iii) Notwithstanding clause (ii), no State's allocation under this paragraph shall exceed the sum of—

"(I) the amount it received for the preceding fiscal year; and

"(II) that amount multiplied by the sum of 1.5 percent and the percentage increase in the amount appropriated.

"(C) If the amount available for allocations under this paragraph is insufficient to pay those allocations in full, those allocations shall be ratably reduced, subject to subparagraph (B)(i).

"(3) DECREASE IN FUNDS.—If the amount available for allocations to States under paragraph (1) is less than the amount allocated to the States under this section for the preceding fiscal year, those allocations shall be calculated as follows:

"(A) If the amount available for allocations is greater than the amount allocated to the States for fiscal year 1997, each State shall be allocated the sum of—

"(i) the amount it received for fiscal year 1997; and

"(ii) an amount that bears the same relation to any remaining funds as the increase the State received for the preceding fiscal year over fiscal year 1997 bears to the total of all such increases for all States.

"(B) If the amount available for allocations is equal to or less than the amount allocated to the States for fiscal year 1997, each State shall be allocated the amount it received for that year, ratably reduced, if necessary.

"(d) RESERVATION FOR STATE ACTIVITIES.—

"(1) IN GENERAL.—Each State may retain not more than the amount described in paragraph (2) for administration and other State-level activities in accordance with subsections (e) and (f).

"(2) AMOUNT DESCRIBED.—For each fiscal year, the Secretary shall determine and report to the State educational agency an amount that is 25 percent of the amount the State received under this section for fiscal year 1997, cumulatively adjusted by the Secretary for each succeeding fiscal year by the lesser of—

"(A) the percentage increase, if any, from the preceding fiscal year in the State's allocation under this section; or

"(B) the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

"(e) STATE ADMINISTRATION.—

"(1) IN GENERAL.—For the purpose of administering this section (including the coordination of activities under this part with, and providing technical assistance to, other programs that provide services to children with disabilities) a State may use not more than 20 percent of the maximum amount it may retain under subsection (d) for any fiscal year.

"(2) ADMINISTRATION OF PART C.—Funds described in paragraph (1) may also be used for the administration of part C of this Act, if the State educational agency is the lead agency for the State under that part.

"(f) OTHER STATE-LEVEL ACTIVITIES.—Each State shall use any funds it retains under subsection (d) and does not use for administration under subsection (e)—

"(1) for support services (including establishing and implementing the mediation and voluntary binding arbitration process required by section 615(e)), which may benefit children with disabilities younger than 3 or older than 5 as long as those services also benefit children with disabilities aged 3 through 5;

"(2) for direct services for children eligible for services under this section;

"(3) for activities at the State and local levels to meet the performance goals established by the State under section 612(a)(16) and to support implementation of the State plan under subpart 1 of part D if the State receives funds under that subpart; or

"(4) to supplement other funds used to develop and implement a Statewide coordinated services system designed to improve results for children and families, including children with disabilities and their families, but not to exceed one percent of the amount received by the State under this section for a fiscal year.

"(g) Subgrants to Local Educational Agencies.—

"(1) Subgrants required.—Each State that receives a grant under this section for any fiscal year shall distribute all of the grant funds that it does not reserve under subsection (d) to local educational agencies in the State that have established their eligibility under section 613, as follows:

"(A) Base payments.—The State shall first award each agency described in paragraph (1) the amount that agency would have received under this section for fiscal year 1997 if the State had distributed 75 percent of its grant for that year under section 619(c)(3), as then in effect.

"(B) Allocation of remaining funds.—After making allocations under subparagraph (A), the State shall—

"(i) allocate 85 percent of any remaining funds to those agencies on the basis of the relative numbers of children enrolled in public and private elementary and secondary schools within the agency's jurisdiction; and

"(ii) allocate 15 percent of those remaining funds to those agencies in accordance with their relative numbers of children living in poverty, as determined by the State educational agency.

"(2) Reallocation of funds.—If a State educational agency determines that a local educational agency is adequately providing a free appropriate public education to all children with disabilities aged 3 through 5 residing in the area served by that agency with State and local funds, the State educational agency may reallocate any portion of the funds under this section that are not needed by that local agency to provide a free appropriate public education to other local educational agencies in the State that are not adequately providing special education and related services to all children with disabilities aged 3 through 5 residing in the areas they serve.

"(h) Part C Inapplicable.—Part C of this Act does not apply to any child with a disability receiving a free appropriate public education, in accordance with this part, with funds received under this section.

"(i) Definition.—For the purpose of this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(j) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated to the Secretary $500,000,000 for fiscal year 2004 and such sums as may be necessary for each subsequent fiscal year.".

TITLE III—INFANTS AND TODDLERS WITH DISABILITIES

SEC. 301. SECTIONS 631 THROUGH 638 OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Sections 631 through 638 of the Individuals with Disabilities Education Act (20 U.S.C. 1431–1438) are amended to read as follows:

"SEC. 631. FINDINGS AND POLICY.

"(a) Findings.—The Congress finds that there is an urgent and substantial need—

"(1) to enhance the development of infants and toddlers with disabilities and to minimize their potential for developmental delay;

"(2) to reduce the educational costs to our society, including our Nation's schools, by minimizing the need for special education and related services after infants and toddlers with disabilities reach school age;

"(3) to minimize the likelihood of institutionalization of individuals with disabilities and maximize the potential for their independently living in society;

"(4) to enhance the capacity of families to meet the special needs of their infants and toddlers with disabilities; and

"(5) to enhance the capacity of State and local agencies and service providers to identify, evaluate, and meet the needs of historically underrepresented populations, particularly minority, low-income, inner-city, and rural populations.

"(b) Policy.—It is the policy of the United States to provide financial assistance to States—

"(1) to develop and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency system that provides early intervention services for infants and toddlers with disabilities and their families;

"(2) to facilitate the coordination of payment for early intervention services from Federal, State, local, and private sources (including public and private insurance coverage);

"(3) to enhance their capacity to provide quality early intervention services and expand and improve existing early intervention services being provided to infants and toddlers with disabilities and their families; and

"(4) to encourage States to expand opportunities for children under 3 years of age who would be at risk of having substantial developmental delay if they did not receive early intervention services.

"SEC. 632. DEFINITIONS.

"As used in this part:

"(1) At-risk infant or toddler.—The term 'at-risk infant or toddler' means an individual under 3 years of age who would be at risk of experiencing a substantial developmental delay if early intervention services were not provided to the individual.

"(2) Council.—The term 'council' means a State interagency coordinating council established under section 641.

"(3) Developmental delay.—The term 'developmental delay', when used with respect to an individual residing in a State, has the meaning given such term by the State under section 635(a)(1).

"(4) Early intervention services.—The term 'early intervention services' means developmental services that—

"(A) are provided under public supervision;

"(B) are provided at no cost except where Federal or State law provides for a system of payments by families, including a schedule of sliding fees;

"(C) are designed to address family-identified priorities and concerns that are determined by individualized family service plan team to relate to enhancing the child's development in any one or more of the following areas—

"(i) physical development;

"(ii) cognitive development;

"(iii) communication development;

"(iv) social or emotional development; or

"(v) adaptive development;

"(D) meet the standards of the State in which they are provided, including the requirements of this part;

"(E) include—

"(i) family training, family therapy, counseling, and home visits;

"(ii) special instruction;

"(iii) speech-language pathology and audiology services;

"(iv) occupational therapy;

"(v) physical therapy;

"(vi) psychological services;

"(vii) service coordination services;

"(viii) medical services only for diagnostic or evaluation purposes;

"(ix) early identification, screening, and assessment services;

"(x) health services necessary to enable the infant or toddler to benefit from the other early intervention services;

"(xi) social work services;

"(xii) vision services;

"(xiii) assistive technology devices and assistive technology services; and

"(xiv) transportation and related costs that are necessary to enable an infant or toddler and the infant's or toddler's family to receive another service described in this paragraph;

"(F) are provided by qualified personnel, including—

"(i) special educators;

"(ii) speech-language pathologists and audiologists;

"(iii) occupational therapists;

"(iv) physical therapists;

"(v) psychologists;

"(vi) social workers;

"(vii) nurses;

"(viii) registered dietitians;

"(ix) family therapists;

"(x) vision specialists, including ophthalmologists and optometrists;

"(xi) orientation and mobility specialists; and

"(xii) pediatricians and other physicians;

"(G) to the maximum extent appropriate, are provided in natural environments, including the home, and community settings in which children without disabilities participate; and

"(H) are provided in conformity with an individualized family service plan adopted in accordance with section 636.

"(5) Infant or toddler with a disability.—The term 'infant or toddler with a disability'—

"(A) means an individual under 3 years of age who needs early intervention services because the individual—

"(i) is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in one or more of the areas of cognitive development, physical development, communication development, social or emotional development, and adaptive development; or

"(ii) has a diagnosed physical or mental condition which has a high probability of resulting in developmental delay;

"(B) may also include, at a State's discretion, at-risk infants and toddlers; and

"(C) may also include, at a State's discretion, a child aged 3 through 5, who previously received services under this part and who is eligible for services under section 619, if—

"(i) services provided to this age group under this part include an educational component that promotes school readiness and incorporates scientifically based pre-literacy, language, and numeracy skills; and

"(ii) parents are provided a written notification of their rights and responsibilities in determining whether their child will continue to receive services under this part or participate in preschool programs assisted under section 619.

“SEC. 633. GENERAL AUTHORITY.

“The Secretary shall, in accordance with this part, make grants to States (from their allotments under section 643) to assist each State to maintain and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency system to provide early intervention services for infants and toddlers with disabilities and their families.

“SEC. 634. ELIGIBILITY.

“In order to be eligible for a grant under section 633, a State shall provide assurances to the Secretary that the State—

“(1) has adopted a policy that appropriate early intervention services are available to all infants and toddlers with disabilities in the State and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State; and

“(2) has in effect a statewide system that meets the requirements of section 635.

“SEC. 635. REQUIREMENTS FOR STATEWIDE SYSTEM.

“(a) IN GENERAL.—A statewide system described in section 633 shall include, at a minimum, the following components:

“(1) A definition of the term ‘developmental delay’ that will be used by the State in carrying out programs under this part.

“(2) A State policy that is in effect and that ensures that appropriate early intervention services based on scientifically based research are available to all infants and toddlers with disabilities and their families, including Indian infants and toddlers and their families residing on a reservation geographically located in the State.

“(3) A timely, comprehensive, multidisciplinary evaluation of the functioning of each infant or toddler with a disability in the State, and a family-directed identification of the needs of each family of such an infant or toddler, to appropriately assist in the development of the infant or toddler.

“(4) For each infant or toddler with a disability in the State, an individualized family service plan in accordance with section 636, including service coordination services in accordance with such service plan.

“(5) A comprehensive child find system, consistent with part B, including a system for making referrals to service providers that includes timelines and provides for participation by primary referral sources.

“(6) A public awareness program focusing on early identification of infants and toddlers with disabilities, including the preparation and dissemination by the lead agency designated or established under paragraph (10) to all primary referral sources, especially hospitals and physicians, of information to be given to parents, especially to inform parents with premature infants, or infants with other physical risk factors associated with learning or developmental complications, on the availability of early intervention services under this part and of services under section 619 of this Act, and procedures for assisting such sources in disseminating such information to parents of infants and toddlers.

“(7) A central directory that includes information on early intervention services, resources, and experts available in the State and research and demonstration projects being conducted in the State.

“(8) A comprehensive system of personnel development, including the training of paraprofessionals and the training of primary referral sources respecting the basic components of early intervention services available in the State that—

“(A) shall include—

“(i) implementing innovative strategies and activities for the recruitment and retention of early education service providers;

“(ii) promoting the preparation of early intervention providers who are fully and appropriately qualified to provide early intervention services under this part; and

“(iii) training personnel to coordinate transition services for infants and toddlers served under this part from a program providing early intervention services under this part and under part B (other than section 619), to a preschool program receiving funds under section 619, or another appropriate program; and

“(B) may include—

“(i) training personnel to work in rural and inner-city areas; and

“(ii) training personnel in the emotional and social development of young children.

“(9) Subject to subsection (b), policies and procedures relating to the establishment and maintenance of standards to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including the establishment and maintenance of standards that are consistent with any State-approved or recognized certification, licensing, registration, or other comparable requirements that apply to the area in which such personnel are providing early intervention services.

“(10) A single line of responsibility in a lead agency designated or established by the Governor for carrying out—

“(A) the general administration and supervision of programs and activities receiving assistance under section 633, and the monitoring of programs and activities used by the State to carry out this part, whether or not such programs or activities are receiving assistance made available under section 633, to ensure that the State complies with this part;

“(B) the identification and coordination of all available resources within the State from Federal, State, local, and private sources;

“(C) the assignment of financial responsibility in accordance with section 637(a)(2) to the appropriate agencies;

“(D) the development of procedures to ensure that services are provided to infants and toddlers with disabilities and their families under this part in a timely manner pending the resolution of any disputes among public agencies or service providers;

“(E) the resolution of intra- and interagency disputes; and

“(F) the entry into formal interagency agreements that define the financial responsibility of each agency for paying for early intervention services (consistent with State law) and procedures for resolving disputes and that include all additional components necessary to ensure meaningful cooperation and coordination.

“(11) A policy pertaining to the contracting or making of other arrangements with service providers to provide early intervention services in the State, consistent with the provisions of this part, including the contents of the application used and the conditions of the contract or other arrangements.

“(12) A procedure for securing timely reimbursements of funds used under this part in accordance with section 640(a).

“(13) Procedural safeguards with respect to programs under this part, as required by section 639.

“(14) A system for compiling data requested by the Secretary under, section 618 that relates to this part.

“(15) A State interagency coordinating council that meets the requirements of section 641.

“(16) Policies and procedures to ensure that, consistent with section 636(d)(5)—

“(A) to the maximum extent appropriate, early intervention services are provided in natural environments; and

“(B) the provision of early intervention services for any infant or toddler occurs in a setting other than a natural environment only when early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment.

“(b) POLICY.—In implementing subsection (a)(9), a State may adopt a policy that includes making ongoing good-faith efforts to recruit and hire appropriately and adequately trained personnel to provide early intervention services to infants and toddlers with disabilities, including, in a geographic area of the State where there is a shortage of such personnel, the most qualified individuals available who are making satisfactory progress toward completing applicable course work necessary to meet the standards described in subsection (a)(9), consistent with State law within 3 years.

“(c) TREATMENT OF CHILDREN AGED 3 THROUGH 5.—

“(1) IN GENERAL.—If a State includes children described in section 632(5)(C) in the system described in section 633, the State shall be considered to have fulfilled any obligation under part B with respect to the provision of a free appropriate public education to those children during the period in which they are receiving services under this part.

“(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed to alter or diminish the rights and protections afforded under this part to children described in such paragraph.

“SEC. 636. INDIVIDUALIZED FAMILY SERVICE PLAN.

“(a) ASSESSMENT AND PROGRAM DEVELOPMENT.—A statewide system described in section 633 shall provide, at a minimum, for each infant or toddler with a disability, and the infant's or toddler's family, to receive—

“(1) a multidisciplinary assessment of the unique strengths and needs of the infant or toddler and the identification of services appropriate to meet such needs;

“(2) a family-directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of the infant or toddler; and

“(3) a written individualized family service plan developed by a multidisciplinary team, including the parents, as required by subsection (e), including a description of the appropriate transition services for the child's entrance in school.

“(b) PERIODIC REVIEW.—The individualized family service plan shall be evaluated once a year and the family shall be provided a review of the plan at 6-month intervals (or more often where appropriate based on infant or toddler and family needs).

“(c) PROMPTNESS AFTER ASSESSMENT.—The individualized family service plan shall be developed within a reasonable time after the assessment required by subsection (a)(1) is completed. With the parents' consent, early intervention services may commence prior to the completion of the assessment.

“(d) CONTENT OF PLAN.—The individualized family service plan shall be in writing and contain—

“(1) a statement of the infant's or toddler's present levels of physical development, cognitive development, communication development, social or emotional development, and adaptive development, based on objective criteria;

“(2) a statement of the family's resources, priorities, and concerns relating to enhancing the development of the family's infant or toddler with a disability;

“(3) a statement of the major goals expected to be achieved for the infant or toddler and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the goals is being made and whether modifications or revisions of the goals or services are necessary;

"(4) a statement of specific early intervention services based on peer-reviewed research, to the extent practicable, necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity, and method of delivering services;

"(5) a statement of the natural environments in which early intervention services will appropriately be provided, including a justification of the extent, if any, to which the services will not be provided in a natural environment;

"(6) the projected dates for initiation of services and the anticipated length, duration, and frequency of the services;

"(7) the identification of the service coordinator from the profession most immediately relevant to the infant's or toddler's or family's needs (or who is otherwise qualified to carry out all applicable responsibilities under this part) who will be responsible for the implementation of the plan and coordination with other agencies and persons, including transition services; and

"(8) the steps to be taken to support the transition of the toddler with a disability to preschool or other appropriate services.

"(e) PARENTAL CONSENT.—The contents of the individualized family service plan shall be fully explained to the parents and informed written consent from the parents shall be obtained prior to the provision of early intervention services described in such plan. If the parents do not provide consent with respect to a particular early intervention service, then only the early intervention services to which consent is obtained shall be provided.

"SEC. 637. STATE APPLICATION AND ASSURANCES.

"(a) APPLICATION.—A State desiring to receive a grant under section 633 shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. The application shall contain—

"(1) a designation of the lead agency in the State that will be responsible for the administration of funds provided under section 633;

"(2) a designation of an individual or entity responsible for assigning financial responsibility among appropriate agencies;

"(3) information demonstrating eligibility of the State under section 634, including a description of services to be provided to infants and toddlers with disabilities and their families through the system;

"(4) if the State provides services to at-risk infants and toddlers through the statewide system, a description of such services;

"(5) a description of the State policies and procedures requiring the referral of a child under the age 3 who is involved in a substantiated case of child abuse or neglect consistent with section 635(a)(5) or who is born and identified with fetal alcohol effects, fetal alcohol syndrome, neonatal intoxication, or neonatal physical or neurological harm resulting from prenatal drug exposure;

"(6) a description of the uses for which funds will be expended in accordance with this part;

"(7) a description of the procedure used to ensure that resources are made available under this part for all geographic areas within the State;

"(8) a description of State policies and procedures that ensure that, prior to the adoption by the State of any other policy or procedure necessary to meet the requirements of this part, there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of infants and toddlers with disabilities;

"(9) a description of the policies and procedures to be used—

"(A) to ensure a smooth transition for toddlers receiving early intervention services under this part to preschool or other appropriate services, including a description of how—

"(i) the families of such toddlers will be included in the transition plans required by subparagraph (C); and

"(ii) the lead agency designated or established under section 635(a)(10) will—

"(I) notify the local educational agency for the area in which such a child resides that the child will shortly reach the age of eligibility for preschool services under part B, as determined in accordance with State law;

"(II) in the case of a child who may be eligible for such preschool services, with the approval of the family of the child, convene a conference among the lead agency, the family, and the local educational agency at least 90 days (and at the discretion of all such parties, up to 6 months) before the child is eligible for the preschool services, to discuss any such services that the child may receive; and

"(III) in the case of a child who may not be eligible for such preschool services, with the approval of the family, make reasonable efforts to convene a conference among the lead agency, the family, and providers of other appropriate services for children who are not eligible for preschool services under part B, to discuss the appropriate services that the child may receive;

"(B) to review the child's program options for the period from the child's third birthday through the remainder of the school year; and

"(C) to establish a transition plan;

"(10) a description of State efforts to promote collaboration between Early Head Start programs, child care, and services under part C of this Act; and

"(11) such other information and assurances as the Secretary may reasonably require.

"(b) ASSURANCES.—The application described in subsection (a)—

"(1) shall provide satisfactory assurance that Federal funds made available under section 643 to the State will be expended in accordance with this part;

"(2) shall contain an assurance that the State will comply with the requirements of section 640;

"(3) shall provide satisfactory assurance that the control of funds provided under section 643, and title to property derived from those funds, will be in a public agency for the uses and purposes provided in this part and that a public agency will administer such funds and property;

"(4) shall provide for—

"(A) making such reports in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this part; and

"(B) keeping such records and affording such access to them as the Secretary may find necessary to ensure the correctness and verification of those reports and proper disbursement of Federal funds under this part;

"(5) provide satisfactory assurance that Federal funds made available under section 643 to the State—

"(A) will not be commingled with State funds; and

"(B) will be used so as to supplement the level of State and local funds expended for infants and toddlers with disabilities and their families and in no case to supplant those State and local funds;

"(6) shall provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to ensure proper disbursement of, and accounting for, Federal funds paid under section 643 to the State;

"(7) shall provide satisfactory assurance that policies and procedures have been adopted to ensure meaningful involvement of underserved groups, including minority, low-income, and rural families, in the planning and implementation of all the requirements of this part; and

"(8) shall contain such other information and assurances as the Secretary may reasonably require by regulation.

"(c) STANDARD FOR DISAPPROVAL OF APPLICATION.—The Secretary may not disapprove such an application unless the Secretary determines, after notice and opportunity for a hearing, that the application fails to comply with the requirements of this section.

"(d) SUBSEQUENT STATE APPLICATION.—If a State has on file with the Secretary a policy, procedure, or assurance that demonstrates that the State meets a requirement of this section, including any policy or procedure filed under this part (as in effect before the date of the enactment of the Improving Education Results for Children With Disabilities Act of 2003), the Secretary shall consider the State to have met the requirement for purposes of receiving a grant under this part.

"(e) MODIFICATION OF APPLICATION.—An application submitted by a State in accordance with this section shall remain in effect until the State submits to the Secretary such modifications as the State determines necessary. This section shall apply to a modification of an application to the same extent and in the same manner as this section applies to the original application.

"(f) MODIFICATIONS REQUIRED BY THE SECRETARY.—The Secretary may require a State to modify its application under this section, but only to the extent necessary to ensure the State's compliance with this part, if—

"(1) an amendment is made to this Act, or a Federal regulation issued under this Act;

"(2) a new interpretation of this Act is made by a Federal court or the State's highest court; or

"(3) an official finding of noncompliance with Federal law or regulations is made with respect to the State.

"SEC. 638. USES OF FUNDS.

"In addition to using funds provided under section 633 to maintain and implement the statewide system required by such section, a State may use such funds—

"(1) for direct early intervention services for infants and toddlers with disabilities, and their families, under this part that are not otherwise funded through other public or private sources;

"(2) to expand and improve on services for infants and toddlers and their families under this part that are otherwise available;

"(3) to provide a free appropriate public education, in accordance with part B, to children with disabilities from their third birthday to the beginning of the following school year; and

"(4) in any State that does not provide services for at-risk infants and toddlers under section 637(a)(4), to strengthen the statewide system by initiating, expanding, or improving collaborative efforts related to at-risk infants and toddlers, including establishing linkages with appropriate public or private community-based organizations, services, and personnel for the purposes of—

"(A) identifying and evaluating at-risk infants and toddlers;

"(B) making referrals of the infants and toddlers identified and evaluated under subparagraph (A); and

"(C) conducting periodic followup on each such referral to determine if the status of the infant or toddler involved has changed with respect to the eligibility of the infant or toddler for services under this part.".

SEC. 302. SECTIONS 641 THROUGH 645 OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Sections 641 through 645 of the Individuals with Disabilities Education Act (20 U.S.C. 1441–1445) are amended to read as follows:

"SEC. 641. STATE INTERAGENCY COORDINATING COUNCIL.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—A State that desires to receive financial assistance under this part shall establish a State interagency coordinating council.

"(2) APPOINTMENT.—The council shall be appointed by the Governor. In making appointments to the council, the Governor shall ensure that the membership of the council reasonably represents the population of the State.

"(3) CHAIRPERSON.—The Governor shall designate a member of the council to serve as the chairperson of the council, or shall require the council to so designate such a member. Any member of the council who is a representative of the lead agency designated under section 635(a)(10) may not serve as the chairperson of the council.

"(b) COMPOSITION.—

"(1) IN GENERAL.—The council shall be composed as follows:

"(A) PARENTS.—At least 20 percent of the members shall be parents of infants or toddlers with disabilities or children with disabilities aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities. At least one such member shall be a parent of an infant or toddler with a disability or a child with a disability aged 6 or younger.

"(B) SERVICE PROVIDERS.—At least 20 percent of the members shall be public or private providers of early intervention services.

"(C) STATE LEGISLATURE.—At least one member shall be from the State legislature.

"(D) PERSONNEL PREPARATION.—At least one member shall be involved in personnel preparation.

"(E) AGENCY FOR EARLY INTERVENTION SERVICES.—At least one member shall be from each of the State agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families and shall have sufficient authority to engage in policy planning and implementation on behalf of such agencies.

"(F) AGENCY FOR PRESCHOOL SERVICES.—At least one member shall be from the State educational agency responsible for preschool services to children with disabilities and shall have sufficient authority to engage in policy planning and implementation on behalf of such agency.

"(G) AGENCY FOR HEALTH INSURANCE.—At least one member shall be from the agency responsible for the State governance of health insurance.

"(H) HEAD START AGENCY.—At least one representative from a Head Start agency or program in the State.

"(I) CHILD CARE AGENCY.—At least one representative from a State agency responsible for child care.

"(J) MENTAL HEALTH AGENCY.—At least one representative from the State agency responsible for children's mental health.

"(K) CHILD WELFARE AGENCY.—At least one representative from the State agency responsible for child protective services.

"(L) OFFICE OF THE COORDINATOR FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.—At least one representative designated by the Office of the Coordinator.

"(2) OTHER MEMBERS.—The council may include other members selected by the Governor, including a representative from the Bureau of Indian Affairs, or where there is no BIA-operated or BIA-funded school, from the Indian Health Service or the tribe or tribal council.

"(c) MEETINGS.—The council shall meet at least quarterly and in such places as it deems necessary. The meetings shall be publicly announced, and, to the extent appropriate, open and accessible to the general public.

"(d) MANAGEMENT AUTHORITY.—Subject to the approval of the Governor, the council may prepare and approve a budget using funds under this part to conduct hearings and forums, to reimburse members of the council for reasonable and necessary expenses for attending council meetings and performing council duties (including child care for parent representatives), to pay compensation to a member of the council if the member is not employed or must forfeit wages from other employment when performing official council business, to hire staff, and to obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out its functions under this part.

"(e) FUNCTIONS OF COUNCIL.—

"(1) DUTIES.—The council shall—

"(A) advise and assist the lead agency designated or established under section 635(a)(10) in the performance of the responsibilities set forth in such section, particularly the identification of the sources of fiscal and other support for services for early intervention programs, assignment of financial responsibility to the appropriate agency, and the promotion of the interagency agreements;

"(B) advise and assist the lead agency in the preparation of applications and amendments thereto;

"(C) advise and assist the State educational agency regarding the transition of toddlers with disabilities to preschool and other appropriate services; and

"(D) prepare and submit an annual report to the Governor and to the Secretary on the status of early intervention programs for infants and toddlers with disabilities and their families operated within the State.

"(2) AUTHORIZED ACTIVITY.—The council may advise and assist the lead agency and the State educational agency regarding the provision of appropriate services for children from birth through age 5. The council may advise appropriate agencies in the State with respect to the integration of services for infants and toddlers with disabilities and at-risk infants and toddlers and their families, regardless of whether at-risk infants and toddlers are eligible for early intervention services in the State.

"(f) CONFLICT OF INTEREST.—No member of the council shall cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under State law.

"SEC. 642. FEDERAL ADMINISTRATION.

"Sections 616, 617, and 618 shall, to the extent not inconsistent with this part, apply to the program authorized by this part, except that—

"(1) any reference in such sections to a State educational agency shall be considered to be a reference to a State's lead agency established or designated under section 635(a)(10);

"(2) any reference in such sections to a local educational agency, educational service agency, or a State agency shall be considered to be a reference to an early intervention service provider under this part; and

"(3) any reference to the education of children with disabilities or the education of all children with disabilities shall be considered to be a reference to the provision of appropriate early intervention services to infants and toddlers with disabilities.

"SEC. 643. ALLOCATION OF FUNDS.

"(a) RESERVATION OF FUNDS FOR OUTLYING AREAS.—

"(1) IN GENERAL.—From the sums appropriated to carry out this part for any fiscal year, the Secretary may reserve up to one percent for payments to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands in accordance with their respective needs.

"(2) CONSOLIDATION OF FUNDS.—The provisions of Public Law 95–134, permitting the consolidation of grants to the outlying areas, shall not apply to funds those areas receive under this part.

"(b) PAYMENTS TO INDIANS.—

"(1) IN GENERAL.—The Secretary shall, subject to this subsection, make payments to the Secretary of the Interior to be distributed to tribes, tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act), or consortia of the above entities for the coordination of assistance in the provision of early intervention services by the States to infants and toddlers with disabilities and their families on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The amount of such payment for any fiscal year shall be 1.25 percent of the aggregate of the amount available to all States under this part for such fiscal year.

"(2) ALLOCATION.—For each fiscal year, the Secretary of the Interior shall distribute the entire payment received under paragraph (1) by providing to each tribe, tribal organization, or consortium an amount based on the number of infants and toddlers residing on the reservation, as determined annually, divided by the total number of such children served by all tribes, tribal organizations, or consortia.

"(3) INFORMATION.—To receive a payment under this subsection, the tribe, tribal organization, or consortium shall submit such information to the Secretary of the Interior as is needed to determine the amounts to be distributed under paragraph (2).

"(4) USE OF FUNDS.—The funds received by a tribe, tribal organization, or consortium shall be used to assist States in child find, screening, and other procedures for the early identification of Indian children under 3 years of age and for parent training. Such funds may also be used to provide early intervention services in accordance with this part. Such activities may be carried out directly or through contracts or cooperative agreements with the BIA, local educational agencies, and other public or private nonprofit organizations. The tribe, tribal organization, or consortium is encouraged to involve Indian parents in the development and implementation of these activities. The above entities shall, as appropriate, make referrals to local, State, or Federal entities for the provision of services or further diagnosis.

"(5) REPORTS.—To be eligible to receive a grant under paragraph (2), a tribe, tribal organization, or consortium shall make an annual report to the Secretary of the Interior of activities undertaken under this subsection, including the number of contracts and cooperative agreements entered into, the number of children contacted and receiving services for each year, and the estimated number of children needing services during the year following the year in which the report is made. The Secretary of the Interior shall include a summary of this information on an annual basis to the Secretary of Education along with such other information as required under section 611(h)(3)(E). The Secretary of Education may require any additional information from the Secretary of the Interior.

"(6) PROHIBITED USES OF FUNDS.—None of the funds under this subsection may be used by the Secretary of the Interior for administrative purposes, including child count, and the provision of technical assistance.

"(c) STATE ALLOTMENTS.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3) from the funds remaining for

each fiscal year after the reservation and payments under subsections (a) and (b), the Secretary shall first allot to each State an amount that bears the same ratio to the amount of such remainder as the number of infants and toddlers in the State bears to the number of infants and toddlers in all States.

"(2) MINIMUM ALLOTMENTS.—Except as provided in paragraph (3) no State shall receive an amount under this section for any fiscal year that is less than the greater of—

"(A) one-half of one percent of the remaining amount described in paragraph (1); or

"(B) $500,000.

"(3) RATABLE REDUCTION.—

"(A) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under this subsection for such year, the Secretary shall ratably reduce the allotments to such States for such year.

"(B) ADDITIONAL FUNDS.—If additional funds become available for making payments under this subsection for a fiscal year, allotments that were reduced under subparagraph (A) shall be increased on the same basis they were reduced.

"(4) DEFINITIONS.—For the purpose of this subsection—

"(A) the terms 'infants' and 'toddlers' mean children under 3 years of age; and

"(B) the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(d) REALLOTMENT OF FUNDS.—If a State elects not to receive its allotment under subsection (c), the Secretary shall reallot, among the remaining States, amounts from such State in accordance with such subsection.

"SEC. 644. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $447,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2009.".

TITLE IV—NATIONAL ACTIVITIES TO IMPROVE EDUCATION OF CHILDREN WITH DISABILITIES

SEC. 401. NATIONAL ACTIVITIES TO IMPROVE EDUCATION OF CHILDREN WITH DISABILITIES.

Part D of the Individuals with Disabilities Education Act (20 U.S.C. 1451 et seq.) is amended to read as follows:

"PART D—NATIONAL ACTIVITIES TO IMPROVE EDUCATION OF CHILDREN WITH DISABILITIES

"SEC. 651. FINDINGS.

"The Congress finds the following:

"(1) The Federal Government has an ongoing obligation to support activities that contribute to positive results for children with disabilities, enabling them to lead productive and independent adult lives.

"(2) Systemic change benefiting all students, including children with disabilities, requires the involvement of States, local educational agencies, parents, individuals with disabilities and their families, teachers and other service providers, and other interested individuals and organizations, to develop and implement comprehensive strategies that improve educational results for children with disabilities.

"(3) State educational agencies, in partnership with local educational agencies, parents of children with disabilities, and other individuals and organizations, are in the best position to improve education for children with disabilities and to address their special needs.

"(4) An effective educational system serving students with disabilities should—

"(A) maintain high academic standards and clear achievement goals for children, consistent with the standards and expectations for all students in the educational system, and provide for appropriate and effective strategies and methods to ensure that all children with disabilities have the opportunity to achieve those standards and goals;

"(B) clearly define, in objective, measurable terms, the school and post-school results that children with disabilities are expected to achieve; and

"(C) promote transition services, as described in section 602(31), and coordinate State and local education, social, health, mental health, and other services, to address the full range of student needs, particularly the needs of children with disabilities who need significant levels of support to participate and learn in school and the community.

"(5) The availability of an adequate number of qualified personnel is critical in order to serve effectively children with disabilities, fill leadership positions in administrative and direct-service capacities, provide teacher training, and conduct high-quality research to improve special education.

"(6) High-quality, comprehensive professional development programs are essential to ensure that the persons responsible for the education or transition of children with disabilities possess the skills and knowledge necessary to address the educational and related needs of those children.

"(7) Models of professional development should be scientifically based and reflect successful practices, including strategies for recruiting, preparing, and retaining personnel.

"(8) Continued support is essential for the development and maintenance of a coordinated and high-quality program of research to inform successful teaching practices and model curricula for educating children with disabilities.

"(9) A comprehensive research agenda should be established and pursued to promote the highest quality and rigor in research on special education and related services, and to address the full range of issues facing children with disabilities, parents of children with disabilities, school personnel, and others.

"(10) Technical assistance, support, and dissemination activities are necessary to ensure that parts B and C are fully implemented and achieve quality early intervention, educational, and transitional results for children with disabilities and their families.

"(11) Parents, teachers, administrators, and related services personnel need technical assistance and information in a timely, coordinated, and accessible manner in order to improve early intervention, educational, and transitional services and results at the State and local levels for children with disabilities and their families.

"(12) Parent training and information activities assist parents of a child with a disability in dealing with the multiple pressures of parenting such a child and are of particular importance in—

"(A) creating and preserving constructive relationships between parents of children with disabilities and schools by facilitating open communication between such parents and schools, encouraging dispute resolution at the earliest point in time possible, and discouraging the escalation of an adversarial process between such parents and schools;

"(B) ensuring the involvement of such parents in planning and decision-making with respect to early intervention, educational, and transitional services;

"(C) achieving high-quality early intervention, educational, and transitional results for children with disabilities;

"(D) providing such parents information on their rights, protections, and responsibilities under this Act to ensure improved early intervention, educational, and transitional results for children with disabilities;

"(E) assisting such parents in the development of skills to participate effectively in the education and development of their children and in the transitions described in section 602(31);

"(F) supporting the roles of such parents as participants within partnerships seeking to improve early intervention, educational, and transitional services and results for children with disabilities and their families; and

"(G) supporting those parents who may have limited access to services and supports due to economic, cultural, or linguistic barriers.

"(13) Support is needed to improve technological resources and integrate technology into the lives of children with disabilities, parents of children with disabilities, school personnel, and others through curricula, services, and assistive technologies.

"Subpart 1—State Professional Development Grants

"SEC. 652. PURPOSE.

"The purpose of this subpart is to assist State educational agencies in reforming and improving their systems for professional development in early intervention, educational, and related and transition services in order to improve results for children with disabilities.

"SEC. 653. ELIGIBILITY AND COLLABORATIVE PROCESS.

"(a) ELIGIBLE APPLICANTS.—A State educational agency may apply for a grant under this subpart for a period of not less than 1 year and not more than 5 years.

"(b) PARTNERS.—

"(1) REQUIRED PARTNERS.—In order to be considered for a grant under this subpart, a State educational agency shall enter into a partnership agreement with local educational agencies, at least one institution of higher education in the State, and other State agencies involved in, or concerned with, the education of children with disabilities.

"(2) OPTIONAL PARTNERS.—In addition, a State educational agency may enter into a partnership agreement with any of the following:

"(A) The Governor.

"(B) Parents of children with disabilities ages birth through 26.

"(C) Parents of nondisabled children ages birth through 26.

"(D) Individuals with disabilities.

"(E) Organizations representing individuals with disabilities and their parents, such as parent training and information centers.

"(F) Community-based and other nonprofit organizations involved in the education and employment of individuals with disabilities.

"(G) The lead State agency for part C.

"(H) General and special education teachers, related services personnel, and early intervention personnel.

"(I) The State advisory panel established under part C.

"(J) The State interagency coordinating council established under part C.

"(K) Institutions of higher education within the State.

"(L) Individuals knowledgeable about vocational education.

"(M) The State agency for higher education.

"(N) The State vocational rehabilitation agency.

"(O) Public agencies with jurisdiction in the areas of health, mental health, social services, and juvenile justice.

"(P) Other providers of professional development that work with students with disabilities.

"(Q) Other individuals.

"SEC. 654. APPLICATIONS.

"(a) IN GENERAL.—

"(1) SUBMISSION.—A State educational agency that desires to receive a grant under this subpart shall submit to the Secretary an application at such time, in such manner, and including such information as the Secretary may require.

"(2) STATE PLAN.—The application shall include a plan that addresses the State and local needs for the professional development of administrators, principals, teachers, related services personnel, and individuals who provide direct supplementary aids and services to children with disabilities, and that—

"(A) is integrated, to the maximum extent possible, with State plans under the Elementary and Secondary Education Act of 1965, the Rehabilitation Act of 1973, and the Higher Education Act of 1965, as appropriate; and

"(B) is designed to enable the State to meet the requirements of section 612(a)(15) of this Act.

"(b) ELEMENTS OF STATE PLAN.—Each State plan shall—

"(1) describe a partnership agreement that—

"(A) specifies—

"(i) the nature and extent of the partnership among the State educational agency, local educational agencies, and other State agencies involved in, or concerned with, the education of children with disabilities, and the respective roles of each member of the partnership; and

"(ii) how such agencies will work in partnership with other persons and organizations involved in, and concerned with, the education of children with disabilities, including the respective roles of each of these persons and organizations; and

"(B) is in effect for the period of the grant;

"(2) describe how grant funds, including part B funds retained for use at the State level under sections 611(e) and 619(d), and other Federal funds will be used to support activities conducted under this subpart;

"(3) describe the strategies the State will use to implement the plan to improve results for children with disabilities, including—

"(A) how the State will align its professional development plan with the plans submitted by the State under sections 1111 and 2112 of the Elementary and Secondary Education Act of 1965;

"(B) how the State will provide technical assistance to local educational agencies and schools to improve the quality of professional development available to meet the needs of personnel that serve children with disabilities; and

"(C) how the State will assess, on a regular basis, the extent to which the strategies implemented under this subpart have been effective in meeting the achievement goals and indicators in section 612(a)(16);

"(4) describe, as appropriate, how the strategies described in paragraph (3) will be coordinated with public and private sector resources; and

"(5) include an assurance that the State will use funds received under this subpart to carry out each of the activities specified in the plan.

"(c) COMPETITIVE AWARDS.—

"(1) IN GENERAL.—The Secretary shall make grants under this subpart on a competitive basis.

"(2) PRIORITY.—The Secretary may give priority to applications on the basis of need.

"(d) PEER REVIEW.—

"(1) IN GENERAL.—The Secretary shall evaluate applications under this subpart using a panel of experts who are qualified by virtue of their training, expertise, or experience.

"(2) COMPOSITION OF PANEL.—A majority of a panel described in paragraph (1) shall be composed of individuals who are not employees of the Federal Government.

"(3) PAYMENT OF FEES AND EXPENSES OF CERTAIN MEMBERS.—The Secretary may use available funds appropriated to carry out this subpart to pay the expenses and fees of panel members who are not employees of the Federal Government.

"(e) REPORTING PROCEDURES.—Each State educational agency that receives a grant under this subpart shall submit annual performance reports to the Secretary. The reports shall—

"(1) describe the progress of the State in implementing its plan;

"(2) analyze the effectiveness of the State's activities under this subpart and of the State's strategies for meeting its goals under section 612(a)(16); and

"(3) identify any changes in such strategies needed to improve its performance.

"SEC. 655. USE OF FUNDS.

"(a) IN GENERAL.—

"(1) ACTIVITIES.—A State educational agency that receives a grant under this subpart shall use the grant funds, subject to subsection (b), for the following:

"(A) PROFESSIONAL DEVELOPMENT.—

"(i) Carrying out programs that support the professional development of early intervention personnel, related services personnel, and both special education and regular education teachers of children with disabilities, such as programs that—

"(I) provide teacher mentoring, team teaching, reduced class schedules, and intensive professional development;

"(II) use standards or assessments for guiding beginning teachers that are consistent with challenging State student academic achievement standards and with the definition of professional development in section 9101 of the Elementary and Secondary Education Act of 1965;

"(III) promote collaborative and consultive models of providing special education ad related services; and

"(IV) increase understanding as to the most appropriate placements and services for all students to reduce significant racial and ethnic disproportionality in eligibility, placement, and disciplinary actions.

"(ii) Encouraging and supporting the training of special education and regular education teachers and administrators to effectively integrate technology into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability.

"(iii) Providing professional development activities that improve the knowledge of special education and regular education teachers concerning—

"(I) the academic and developmental needs of students with disabilities; and

"(II) effective instructional strategies, methods, and skills, use of challenging State academic content standards and student academic achievement standards, and use of State assessments, to improve teaching practices and student academic achievement.

"(iv) Providing professional development activities that—

"(I) improve the knowledge of special education and regular education teachers and principals and, in appropriate cases, related services personnel and paraprofessionals, concerning effective instructional practices;

"(II) provide training in how to teach and address the needs of students with different learning styles;

"(III) involve collaborative groups of teachers and administrators;

"(IV) provide training in methods of—

"(aa) positive behavior interventions and supports to improve student behavior in the classroom;

"(bb) scientifically based reading instruction, including early literacy instruction; and

"(cc) early and appropriate interventions to identify and help students with disabilities;

"(V) provide training to enable special education and regular education teachers, related services personnel, and principals to involve parents in their child's education, especially parents of low-income and limited English proficient children with disabilities; or

"(VI) train administrators and other relevant school personnel in conducting facilitated individualized education program meetings.

"(v) Developing and implementing initiatives to promote retention of highly qualified special education teachers, including programs that provide—

"(I) teacher mentoring from exemplary special education teachers, principals, or superintendents;

"(II) induction and support for special education teachers during their first 3 years of employment as teachers; or

"(III) incentives, including financial incentives, to retain special education teachers who have a record of success in helping students with disabilities improve their academic achievement.

"(vi) Carrying out programs and activities that are designed to improve the quality of the teacher force that serves children with disabilities, such as—

"(I) innovative professional development programs (which may be provided through partnerships including institutions of higher education), including programs that train teachers and principals to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy, are consistent with the requirements of section 9101 of the Elementary and Secondary Education Act of 1965, and are coordinated with activities carried out under this part; and

"(II) development and use of proven, cost-effective strategies for the implementation of professional development activities, such as through the use of technology and distance learning.

"(B) STATE ACTIVITIES.—

"(i) Reforming special education and regular education teacher certification (including recertification) or licensing requirements to ensure that—

"(I) special education and regular education teachers have the training and information necessary, including an understanding of the latest scientifically valid education research and its applicability, to address the wide variety of needs of children with disabilities across disability categories;

"(II) special education and regular education teachers have the necessary subject matter knowledge and teaching skills in the academic subjects that the teachers teach;

"(III) special education and regular education teacher certification (including recertification) or licensing requirements are aligned with challenging State academic content standards; and

"(IV) special education and regular education teachers have the subject matter knowledge and teaching skills, including technology literacy, necessary to help students meet challenging State student academic achievement standards.

"(ii) Carrying out programs that establish, expand, or improve alternative routes for State certification of special education teachers for individuals who demonstrate the potential to become highly effective special education teachers, such as individuals with a baccalaureate or master's degree (including mid-career professionals from other occupations), paraprofessionals, former military personnel, and recent college or university graduates with records of academic distinction.

"(iii) Carrying out teacher advancement initiatives for special education teachers that promote professional growth and emphasize multiple career paths (such as paths to becoming a *career teacher, mentor teacher, or exemplary teacher) and pay differentiation.*

"(iv) Developing and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified special education teachers.

"(v) Reforming tenure systems, implementing teacher testing for subject matter knowledge, and implementing teacher testing for State certification or licensing, consistent with title II of the Higher Education Act of 1965.

"(vi) Developing and implementing mechanisms to assist schools in effectively recruiting and retaining highly qualified special education teachers.

"(vii) Funding projects to promote reciprocity of teacher certification or licensing between or among States for special education teachers, except that no reciprocity agreement developed under this clause or developed using funds provided under this subpart may lead to the weakening of any State teaching certification or licensing requirement.

"(viii) Developing or assisting local educational agencies to serve children with disabilities through the development and use of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.

"(ix) Developing, or assisting local educational agencies in developing, merit-based performance systems, and strategies that provide differential and bonus pay for special education teachers.

"(x) Supporting activities that ensure that teachers are able to use challenging State academic content standards and student academic achievement standards, and State assessments, to improve instructional practices and improve the academic achievement of children with disabilities.

"(xi) Coordinating with, and expanding, centers established under section 2113(c)(18) of the Elementary and Secondary Education Act of 1965 to benefit special education teachers.

"(2) CONTRACTS AND SUBGRANTS.—Each such State educational agency—

"(A) shall, consistent with its partnership agreement under section 654(b)(1), award contracts or subgrants to local educational agencies, institutions of higher education, and parent training and information centers, as appropriate, to carry out its State plan under this subpart; and

"(B) may award contracts and subgrants to other public and private entities, including the lead agency under part C, to carry out such plan.

"(b) USE OF FUNDS FOR PROFESSIONAL DEVELOPMENT.—A State educational agency that receives a grant under this subpart shall use—

"(1) not less than 90 percent of the funds it receives under the grant for any fiscal year for activities under subsection (a)(1)(A); and

"(2) not more than 10 percent of the funds it receives under the grant for any fiscal year for activities under subsection (a)(1)(B).

"(c) GRANTS TO OUTLYING AREAS.—Public Law 95–134, permitting the consolidation of grants to the outlying areas, shall not apply to funds received under this subpart.

"SEC. 656. STATE GRANT AMOUNTS.

"(a) IN GENERAL.—The Secretary shall make a grant to each State educational agency whose application the Secretary has selected for funding under this subpart in an amount for each fiscal year that is—

"(1) not less than $500,000, nor more than $2,000,000, in the case of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

"(2) not less than $80,000, in the case of an outlying area.

"(b) FACTORS.—The Secretary shall set the amount of each grant under subsection (a) after considering—

"(1) the amount of funds available for making the grants;

"(2) the relative population of the State or outlying area; and

"(3) the types of activities proposed by the State or outlying area, including—

"(A) the alignment of proposed activities with paragraphs (14) and (15) of section 612(a);

"(B) the alignment of proposed activities with the plans submitted under sections 1111 and 2112 of the Elementary and Secondary Education Act of 1965; and

"(C) the use, as appropriate, of scientifically based research.

"SEC. 657. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart $44,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2009.

"Subpart 2—Scientifically Based Research; Technical Assistance; Model Demonstration Projects; Dissemination of Information; and Personnel Preparation Programs

"SEC. 661. PURPOSE.

"The purpose of this subpart is to provide Federal funding for scientifically based research, technical assistance, model demonstration projects, information dissemination, and personnel preparation programs to improve early intervention, educational, and transitional results for children with disabilities.

"SEC. 662. ADMINISTRATIVE PROVISIONS.

"(a) COMPREHENSIVE PLAN.—

"(1) IN GENERAL.—The Secretary shall develop and implement a comprehensive plan for activities carried out under this subpart (other than section 663) in order to enhance the provision of educational, related, transitional, and early intervention services to children with disabilities under parts B and C. The plan shall include mechanisms to address educational, related services, transitional, and early intervention needs identified by State educational agencies in applications submitted under subpart 1.

"(2) PUBLIC COMMENT.—The Secretary shall provide a public comment period of at least 30 days on the plan.

"(3) DISTRIBUTION OF FUNDS.—In implementing the plan, the Secretary shall, to the extent appropriate, ensure that funds are awarded to recipients under this subpart to carry out activities that benefit, directly or indirectly, children with disabilities of all ages.

"(4) REPORTS TO CONGRESS.—The Secretary shall annually report to the Congress on the Secretary's activities under this subsection, including an initial report not later than the date that is 12 months after the date of the enactment of Improving Education Results for Children With Disabilities Act of 2003.

"(b) ELIGIBLE APPLICANTS.—

"(1) IN GENERAL.—Except as otherwise provided in this subpart, the following entities are eligible to apply for a grant, contract, or cooperative agreement under this subpart:

"(A) A State educational agency.

"(B) A local educational agency.

"(C) A public charter school that is a local educational agency under State law.

"(D) An institution of higher education.

"(E) Any other public agency.

"(F) A private nonprofit organization.

"(G) An outlying area.

"(H) An Indian tribe or a tribal organization (as defined under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)).

"(I) A for-profit organization if the Secretary finds it appropriate given the specific purpose of the competition.

"(2) SPECIAL RULE.—The Secretary may limit the entities eligible for an award of a grant, contract, or cooperative agreement to one or more categories of eligible entities described in paragraph (1).

"(c) SPECIAL POPULATIONS.—

"(1) APPLICATION REQUIREMENT.—In making an award of a grant, contract, or cooperative agreement under this subpart, the Secretary shall, as appropriate, require an applicant to demonstrate how the applicant will address the needs of children with disabilities from minority backgrounds.

"(2) REQUIRED OUTREACH AND TECHNICAL ASSISTANCE.—Notwithstanding any other provision of this Act, the Secretary shall reserve at least two percent of the total amount of funds appropriated to carry out this subpart for either or both of the following activities:

"(A) Providing outreach and technical assistance to historically black colleges and universities, and to institutions of higher education with minority enrollments of at least 25 percent, to promote the participation of such colleges, universities, and institutions in activities under this subpart.

"(B) Enabling historically black colleges and universities, and the institutions described in subparagraph (A), to assist other colleges, universities, institutions, and agencies in improving educational and transitional results for children with disabilities, if such grant applicants meet the criteria established by the Secretary under this subpart.

"(d) PRIORITIES.—The Secretary, in making an award of a grant, contract, or cooperative agreement under this subpart, may, without regard to the rulemaking procedures under section 553 of title 5, United States Code, limit competitions to, or otherwise give priority to—

"(1) projects that address one or more—

"(A) age ranges;

"(B) disabilities;

"(C) school grades;

"(D) types of educational placements or early intervention environments;

"(E) types of services;

"(F) content areas, such as reading; or

"(G) effective strategies for helping children with disabilities learn appropriate behavior in the school and other community-based educational settings;

"(2) projects that address the needs of children based on the severity or incidence of their disability;

"(3) projects that address the needs of—

"(A) low-achieving students;

"(B) underserved populations;

"(C) children from low-income families;

"(D) children with limited English proficiency;

"(E) unserved and underserved areas;

"(F) rural or urban areas;

"(G) children whose behavior interferes with their learning and socialization;

"(H) children with intractable reading difficulties; and

"(I) children in public charter schools;

"(4) projects to reduce inappropriate identification of children as children with disabilities, particularly among minority children; and

"(5) any activity that is expressly authorized in this subpart or subpart 3.

"(e) APPLICANT AND RECIPIENT RESPONSIBILITIES.—

"(1) DEVELOPMENT AND ASSESSMENT OF PROJECTS.—The Secretary shall require that an applicant for, and a recipient of, a grant, contract, or cooperative agreement for a project under this subpart—

"(A) involve individuals with disabilities, or parents of individuals with disabilities ages birth through 26, in planning, implementing, and evaluating the project; and

"(B) where appropriate, determine whether the project has any potential for replication and adoption by other entities.

"(2) ADDITIONAL RESPONSIBILITIES.—The Secretary may require a recipient of a grant, contract, or cooperative agreement for a project under this subpart—

"(A) to share in the cost of the project;

"(B) to prepare the research and evaluation findings and products from the project in formats that are useful for specific audiences, including parents, administrators, teachers, early intervention personnel, related services personnel, and individuals with disabilities;

"(C) to disseminate such findings and products; and

"(D) to collaborate with other such recipients in carrying out subparagraphs (B) and (C).

"(f) APPLICATION MANAGEMENT.—

"(1) STANDING PANEL.—

"(A) IN GENERAL.—The Secretary shall establish and use a standing panel of experts who are qualified, by virtue of their training, expertise, or experience, to evaluate applications under this subpart (other than section 663) that, individually, request more than $75,000 per year in Federal financial assistance.

"(B) MEMBERSHIP.—The standing panel shall include, at a minimum—

"(i) individuals who are representatives of institutions of higher education that plan, develop, and carry out high-quality programs of personnel preparation;

"(ii) individuals who design and carry out scientifically-based research targeted to the improvement of special education programs and services;

"(iii) individuals who have recognized experience and knowledge necessary to integrate and apply scientifically-based research findings to improve educational and transitional results for children with disabilities;

"(iv) individuals who administer programs at the State or local level in which children with disabilities participate;

"(v) individuals who prepare parents of children with disabilities to participate in making decisions about the education of their children;

"(vi) individuals who establish policies that affect the delivery of services to children with disabilities;

"(vii) individuals who are parents of children with disabilities ages birth through 26 who are benefiting, or have benefited, from coordinated research, personnel preparation, and technical assistance; and

"(viii) individuals with disabilities.

"(C) TERM.—No individual shall serve on the standing panel for more than 3 consecutive years.

"(2) PEER-REVIEW PANELS FOR PARTICULAR COMPETITIONS.—

"(A) COMPOSITION.—The Secretary shall ensure that each subpanel selected from the standing panel that reviews applications under this subpart (other than section 663) includes—

"(i) individuals with knowledge and expertise on the issues addressed by the activities authorized by the subpart; and

"(ii) to the extent practicable, parents of children with disabilities ages birth through 26, individuals with disabilities, and persons from diverse backgrounds.

"(B) FEDERAL EMPLOYMENT LIMITATION.—A majority of the individuals on each subpanel that reviews an application under this subpart (other than section 663) shall be individuals who are not employees of the Federal Government.

"(3) USE OF DISCRETIONARY FUNDS FOR ADMINISTRATIVE PURPOSES.—

"(A) EXPENSES AND FEES OF NON-FEDERAL PANEL MEMBERS.—The Secretary may use funds available under this subpart to pay the expenses and fees of the panel members who are not officers or employees of the Federal Government.

"(B) ADMINISTRATIVE SUPPORT.—The Secretary may use not more than 1 percent of the funds appropriated to carry out this subpart to pay non-Federal entities for administrative support related to management of applications submitted under this subpart.

"(g) PROGRAM EVALUATION.—The Secretary may use funds appropriated to carry out this subpart to evaluate activities carried out under the subpart.

"(h) MINIMUM FUNDING REQUIRED.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall ensure that, for each fiscal year, at least the following amounts are provided under this subpart to address the following needs:

"(A) $12,832,000 to address the educational, related services, transitional, and early intervention needs of children with deaf-blindness.

"(B) $4,000,000 to address the postsecondary, vocational, technical, continuing, and adult education needs of individuals with deafness.

"(C) $4,000,000 to address the educational, related services, and transitional needs of children with an emotional disturbance and those who are at risk of developing an emotional disturbance.

"(2) RATABLE REDUCTION.—If the total amount appropriated to carry out this subpart for any fiscal year is less than $130,000,000, the amounts listed in paragraph (1) shall be ratably reduced.

"(i) ELIGIBILITY FOR FINANCIAL ASSISTANCE.—Effective for fiscal years for which the Secretary may make grants under section 619(b), no State or local educational agency or educational service agency or other public institution or agency may receive a grant under this subpart which relates exclusively to programs, projects, and activities pertaining to children aged 3 through 5, inclusive, unless the State is eligible to receive a grant under section 619(b).

"SEC. 663. RESEARCH TO IMPROVE RESULTS FOR CHILDREN WITH DISABILITIES.

"(a) NATIONAL CENTER FOR SPECIAL EDUCATION RESEARCH.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—There is established, in the Institute of Education Sciences established under section 111 of the Education Sciences Reform Act of 2002 (Public Law 107–279; 116 Stat. 1944) (hereinafter in this section referred to as 'the Institute'), the National Center for Special Education Research.

"(B) COMMISSIONER.—The National Center for Special Education Research shall be headed by a Commissioner for Special Education Research (hereinafter in this section referred to as 'the Commissioner'). The Commissioner shall be appointed by the Director of the Institute (hereinafter in this section referred to as 'the Director') in accordance with section 117 of the Education Sciences Reform Act of 2002. The Commissioner shall have substantial knowledge of the Center's activities, including a high level of expertise in the fields of research and research management.

"(2) APPLICABILITY OF EDUCATION SCIENCE REFORM ACT OF 2002.—Parts A and E of the Education Sciences Reform Act of 2002, as well as the standards for peer review of applications and for the conduct and evaluation of research under sections 133(a) and 134 of such Act, shall apply to the Secretary, the Director, and the Commissioner in carrying out this section.

"(b) COMPETITIVE GRANTS.—The Director shall make competitive grants to, or enter into contracts or cooperative agreements with, eligible entities to expand the fundamental knowledge and understanding of the education of infants, toddlers, and children with disabilities in order to improve educational results for such individuals, in accordance with the priorities determined under this section.

"(c) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this section include research activities—

"(1) to improve services provided under this Act in order to improve academic achievement for children with disabilities;

"(2) to investigate scientifically based educational practices that support learning and improve academic achievement and progress for all students with disabilities;

"(3) to examine the special needs of preschool-aged children and infants and toddlers with disabilities, including factors that may result in developmental delays;

"(4) to investigate scientifically based related services and interventions that promote participation and progress in the general education curriculum;

"(5) to improve the alignment, compatibility, and development of valid and reliable assessment methods for assessing adequate yearly progress, as described under section 1111(b)(2)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B));

"(6) to improve the alignment, compatibility, and development of valid and reliable alternate assessment methods for assessing adequate yearly progress, as described under such section 1111(b)(2)(B);

"(7) to examine State content standards and alternate assessments for students with a significant cognitive impairment in terms of academic achievement, individualized instructional need, appropriate educational settings, and improved post-school results;

"(8) to examine the educational and developmental needs of children with high-incidence and low-incidence disabilities;

"(9) to examine the extent to which overidentification and underidentification of children with disabilities occurs, and the causes thereof;

"(10) to improve reading and literacy skills for children with disabilities;

"(11) to examine and improve secondary and postsecondary education and transitional needs of children with disabilities;

"(12) to examine methods of early intervention for children with disabilities who need significant levels of support;

"(13) to examine universal design concepts in the development of assessments, curricula, and instructional methods as a method to improve educational results for children with disabilities;

"(14) to improve the professional preparation for personnel who provide educational and related services to children with disabilities, including children with low-incidence disabilities, to increase academic achievement of children with disabilities;

"(15) to examine the excess costs of educating a child with a disability and expenses associated with high-cost special education and related services; and

"(16) to examine the special needs of limited English proficient children with disabilities.

"(d) PLAN.—The National Center for Special Education Research shall propose to the Director a research plan, with the advice of the Assistant Secretary for Special Education and Rehabilitative Services, that—

"(1) is consistent with the priorities and mission of the Institute of Educational Sciences and the mission of the Special Education Research Center and includes the activities described in paragraph (3);

"(2) shall be carried out pursuant to subsection (c) and, as appropriate, be updated and modified; and

"(3) carries out specific, long-term research activities that are consistent with the priorities and mission of the Institute of Educational Sciences, and are approved by the Director.

"(e) IMPLEMENTATION.—The National Center for Special Education Research shall implement the plan proposed under subsection (d) to carry out scientifically valid research that—

“(1) is consistent with the purposes of this Act;

“(2) reflects an appropriate balance across all age ranges of children with disabilities;

“(3) provides for research that is objective and that uses measurable indicators to assess its progress and results;

“(4) includes both basic research and applied research, which shall include research conducted through field-initiated studies and which may include ongoing research initiatives;

“(5) ensures that the research conducted under this section is relevant to special education practice and policy;

“(6) synthesize and disseminate, through the National Center for Education Evaluation and Regional Assistance as well as activities authorized under this part, the findings and results of education research conducted or supported by the National Center for Special Education Research; and

“(7) assist the Director in the preparation of a biennial report, as a described in section 119 of the Education Sciences Reform Act of 2003.

“(f) APPLICATIONS.—An eligible entity that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may reasonably require.

“SEC. 664. TECHNICAL ASSISTANCE, DEMONSTRATION PROJECTS, DISSEMINATION OF INFORMATION, AND IMPLEMENTATION OF SCIENTIFICALLY BASED RESEARCH.

“(a) IN GENERAL.—The Secretary shall make competitive grants to, or enter into contracts or cooperative agreements with, eligible entities including regional resource centers and clearinghouses to provide technical assistance, support model demonstration projects, disseminate useful information, and implement activities that are supported by scientifically based research.

“(b) REQUIRED ACTIVITIES.—Funds received under this section shall be used to support activities to improve services provided under this Act, including the practices of professionals and others involved in providing such services to children with disabilities, that promote academic achievement and improve results for children with disabilities through—

“(1) implementing effective strategies for addressing inappropriate behavior of students with disabilities in schools, including strategies to prevent children with emotional and behavioral problems from developing emotional disturbances that require the provision of special education and related services;

“(2) improving the alignment, compatibility, and development of valid and reliable assessments and alternate assessments for assessing adequate yearly progress, as described under section 1111(b)(2)(B) of the Elementary and Secondary Education Act of 1965;

“(3) providing training for both regular education teachers and special education teachers to address the needs of students with different learning styles;

“(4) identifying innovative, effective, and efficient curricula designs, instructional approaches, and strategies, and identifying positive academic and social learning opportunities, that—

“(A) provide effective transitions between educational settings or from school to post school settings; and

“(B) improve educational and transitional results at all levels of the educational system in which the activities are carried out and, in particular, that improve the progress of children with disabilities, as measured by assessments within the general education curriculum involved; and

“(5) demonstrating and applying scientifically based findings to facilitate systemic changes, related to the provision of services to children with disabilities, in policy, procedure, practice, and the training and use of personnel.

“(c) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this section include activities to improve services provided under this Act, including the practices of professionals and others involved in providing such services to children with disabilities, that promote academic achievement and improve results for children with disabilities through—

“(1) applying and testing research findings in typical service settings to determine the usefulness, effectiveness, and general applicability of such research findings in such areas as improving instructional methods, curricula, and tools, such as textbooks and media;

“(2) supporting and promoting the coordination of early intervention and educational services for children with disabilities with services provided by health, rehabilitation, and social service agencies;

“(3) promoting improved alignment and compatibility of general and special education reforms concerned with curricular and instructional reform, and evaluation of such reforms;

“(4) enabling professionals, parents of children with disabilities, and other persons to learn about, and implement, the findings of scientifically based research, and successful practices developed in model demonstration projects, relating to the provision of services to children with disabilities;

“(5) conducting outreach, and disseminating information, relating to successful approaches to overcoming systemic barriers to the effective and efficient delivery of early intervention, educational, and transitional services to personnel who provide services to children with disabilities;

“(6) assisting States and local educational agencies with the process of planning systemic changes that will promote improved early intervention, educational, and transitional results for children with disabilities;

“(7) promoting change through a multistate or regional framework that benefits States, local educational agencies, and other participants in partnerships that are in the process of achieving systemic-change outcomes;

“(8) focusing on the needs and issues that are specific to a population of children with disabilities, such as the provision of single-State and multi-State technical assistance and in-service training—

“(A) to schools and agencies serving deaf-blind children and their families;

“(B) to programs and agencies serving other groups of children with low-incidence disabilities and their families;

“(C) addressing the postsecondary education needs of individuals who are deaf or hard-of-hearing; and

“(D) to schools and personnel providing special education and related services for children with autism spectrum disorders;

“(9) demonstrating models of personnel preparation to ensure appropriate placements and services for all students and reduce disproportionality in eligibility, placement, and disciplinary actions for minority and limited English proficient children; and

“(10) disseminating information on how to reduce racial and ethnic disproportionalities identified under section 618.

“(d) BALANCE AMONG ACTIVITIES AND AGE RANGES.—In carrying out this section, the Secretary shall ensure that there is an appropriate balance across all age ranges of children with disabilities.

“(e) LINKING STATES TO INFORMATION SOURCES.—In carrying out this section, the Secretary shall support projects that link States to technical assistance resources, including special education and general education resources, and shall make research and related products available through libraries, electronic networks, parent training projects, and other information sources, including through the activities of the National Center for Evaluation and Regional Assistance established under the Education Sciences Reform Act.

“(f) APPLICATIONS.—

“(1) IN GENERAL.—An eligible entity that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(2) STANDARDS.—To the maximum extent feasible, each applicant shall demonstrate that the project described in its application is supported by scientifically valid research that has been carried out in accordance with the standards for the conduct and evaluation of all relevant research and development established by the National Center for Education Research.

“(3) PRIORITY.—As appropriate, the Secretary shall give priority to applications that propose to serve teachers and school personnel directly in the school environment.

“SEC. 665. PERSONNEL PREPARATION PROGRAMS TO IMPROVE SERVICES AND RESULTS FOR CHILDREN WITH DISABILITIES.

“(a) IN GENERAL.—The Secretary shall, on a competitive basis, make grants to, or enter into contracts or cooperative agreements with, eligible entities—

“(1) to help address State-identified needs for qualified personnel in special education, related services, early intervention, and regular education, to work with children with disabilities;

“(2) to ensure that those personnel have the necessary skills and knowledge, derived from practices that have been determined, through scientifically valid research, to be successful in serving those children;

“(3) to encourage increased focus on academics and core content areas in special education personnel preparation programs;

“(4) to ensure that regular education teachers have the necessary skills and knowledge to provide instruction to students with disabilities in the regular education classroom;

“(5) to provide high-quality professional development for principals, superintendents, and other administrators, including training in—

“(A) instructional leadership;

“(B) behavioral supports in the school and classroom;

“(C) paperwork reduction;

“(D) promoting improved collaboration between special education and general education teachers;

“(E) assessment and accountability;

“(F) ensuring effective learning environments; and

“(G) fostering positive relationships with parents; and

“(6) to ensure that all special education teachers teaching in core academic subjects are highly qualified.

“(b) PERSONNEL PREPARATION; AUTHORIZED ACTIVITIES.—

“(1) IN GENERAL.—In carrying out this section, the Secretary shall support activities, including activities for high-incidence and low-incidence disabilities, consistent with the objectives described in subsection (a).

“(2) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this subsection include the following:

“(A) Promoting activities undertaken by institutions of higher education, local educational agencies, and other local entities—

“(i) to improve and reform their existing programs, and to support effective existing programs, to prepare teachers and related services personnel—

"(I) to meet the diverse needs of children with disabilities for early intervention, educational, and transitional services; and

"(II) to work collaboratively in regular classroom settings; and

"(ii) to incorporate best practices and scientifically based research about preparing personnel—

"(I) so they will have the knowledge and skills to improve educational results for children with disabilities; and

"(II) so they can implement effective teaching strategies and interventions to ensure appropriate identification, and to prevent the misidentification or overidentification, of children as having a disability, especially minority and limited English proficient children.

"(B) Developing, evaluating, and disseminating innovative models for the recruitment, induction, retention, and assessment of highly qualified teachers to reduce shortages in personnel.

"(C) Developing and improving programs for paraprofessionals to assist in the provision of special education, related services, and early intervention services, including interdisciplinary training to enable them to improve early intervention, educational, and transitional results for children with disabilities.

"(D) Demonstrating models for the preparation of, and interdisciplinary training of, early intervention, special education, and general education personnel, to enable the personnel to acquire the collaboration skills necessary to work within teams to improve results for children with disabilities, particularly within the general education curriculum.

"(E) Promoting the transferability, across State and local jurisdictions, of licensure and certification of teachers and administrators working with such children.

"(F) Developing and disseminating models that prepare teachers with strategies, including behavioral interventions, for addressing the conduct of children with disabilities that impedes their learning and that of others in the classroom.

"(G) Developing and improving programs to enhance the ability of general education teachers, principals, school administrators, and school board members to improve results for children with disabilities.

"(H) Supporting institutions of higher education with minority enrollments of at least 25 percent for the purpose of preparing personnel to work with children with disabilities.

"(I) Developing and improving programs to train special education teachers with an expertise in autism spectrum disorders.

"(c) LOW-INCIDENCE DISABILITIES; AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—In carrying out this section, the Secretary shall support activities, consistent with the objectives described in subsection (a), that benefit children with low-incidence disabilities.

"(2) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this subsection include activities such as the following:

"(A) Preparing persons who—

"(i) have prior training in educational and other related service fields; and

"(ii) are studying to obtain degrees, certificates, or licensure that will enable them to assist children with low-incidence disabilities to achieve the objectives set out in their individualized education programs described in section 614(d), or to assist infants and toddlers with low incidence disabilities to achieve the outcomes described in their individualized family service plans described in section 636.

"(B) Providing personnel from various disciplines with interdisciplinary training that will contribute to improvement in early intervention, educational, and transitional results for children with low-incidence disabilities.

"(C) Preparing personnel in the innovative uses and application of technology to enhance learning by children with low-incidence disabilities through early intervention, educational, and transitional services.

"(D) Preparing personnel who provide services to visually impaired or blind children to teach and use Braille in the provision of services to such children.

"(E) Preparing personnel who provide services to deaf and hard-of-hearing children by providing direct language and communication access to the general education curriculum through spoken or signed languages, or other modes of communication.

"(F) Preparing personnel to be qualified educational interpreters, to assist children with low-incidence disabilities, particularly deaf and hard-of-hearing children in school and school-related activities and deaf and hard-of-hearing infants and toddlers and preschool children in early intervention and preschool programs.

"(3) DEFINITION.—As used in this section, the term 'low-incidence disability' means—

"(A) a visual or hearing impairment, or simultaneous visual and hearing impairments;

"(B) a significant cognitive impairment; or

"(C) any impairment for which a small number of personnel with highly specialized skills and knowledge are needed in order for children with that impairment to receive early intervention services or a free appropriate public education.

"(4) SELECTION OF RECIPIENTS.—In selecting recipients under this subsection, the Secretary may give preference to applications that propose to prepare personnel in more than one low-incidence disability, such as deafness and blindness.

"(5) PREPARATION IN USE OF BRAILLE.—The Secretary shall ensure that all recipients of assistance under this subsection who will use that assistance to prepare personnel to provide services to visually impaired or blind children that can appropriately be provided in Braille will prepare those individuals to provide those services in Braille.

"(d) LEADERSHIP PREPARATION; AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—In carrying out this section, the Secretary shall support leadership preparation activities that are consistent with the objectives described in subsection (a).

"(2) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this subsection include activities such as the following:

"(A) Preparing personnel at the graduate, doctoral, and postdoctoral levels of training to administer, enhance, or provide services to improve results for children with disabilities.

"(B) Providing interdisciplinary training for various types of leadership personnel, including teacher preparation faculty, related services faculty, administrators, researchers, supervisors, principals, and other persons whose work affects early intervention, educational, and transitional services for children with disabilities.

"(e) APPLICATIONS.—

"(1) IN GENERAL.—Any eligible entity that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) IDENTIFIED STATE NEEDS.—

"(A) REQUIREMENT TO ADDRESS IDENTIFIED NEEDS.—Any application under subsection (b), (c), or (d) shall include information demonstrating to the satisfaction of the Secretary that the activities described in the application will address needs identified by the State or States the applicant proposes to serve.

"(B) COOPERATION WITH STATE EDUCATIONAL AGENCIES.—Any applicant that is not a local educational agency or a State educational agency shall include information demonstrating to the satisfaction of the Secretary that the applicant and one or more State educational agencies or local educational agencies will cooperate in carrying out and monitoring the project.

"(3) ACCEPTANCE BY STATES OF PERSONNEL PREPARATION REQUIREMENTS.—The Secretary may require applicants to provide assurances from one or more States that such States—

"(A) intend to accept successful completion of the proposed personnel preparation program as meeting State personnel standards or other requirements in State law or regulation for serving children with disabilities or serving infants and toddlers with disabilities; and

"(B) need personnel in the area or areas in which the applicant proposes to provide preparation, as identified in the States' comprehensive systems of personnel development under parts B and C.

"(f) SELECTION OF RECIPIENTS.—

"(1) IMPACT OF PROJECT.—In selecting recipients under this section, the Secretary shall consider the impact of the project proposed in the application in meeting the need for personnel identified by the States.

"(2) REQUIREMENT ON APPLICANTS TO MEET STATE AND PROFESSIONAL STANDARDS.—The Secretary shall make grants under this section only to eligible applicants that meet State and professionally recognized standards for the preparation of special education and related services personnel, if the purpose of the project is to assist personnel in obtaining degrees.

"(3) PREFERENCES.—In selecting recipients under this section, the Secretary may—

"(A) give preference to institutions of higher education that are educating regular education personnel to meet the needs of children with disabilities in integrated settings and educating special education personnel to work in collaboration with regular educators in integrated settings; and

"(B) give preference to institutions of higher education that are successfully recruiting and preparing individuals with disabilities and individuals from groups that are underrepresented in the profession for which they are preparing individuals.

"(g) SERVICE OBLIGATION.—

"(1) IN GENERAL.—Each application for funds under subsections (b) and (c) shall include an assurance that the applicant will ensure that individuals who receive a scholarship under the proposed project will subsequently provide special education and related services to children with disabilities for a period of 2 years for every year for which assistance was received or repay all or part of the cost of that assistance, in accordance with regulations issued by the Secretary.

"(2) LEADERSHIP PREPARATION.—Each application for funds under subsection (d) shall include an assurance that the applicant will ensure that individuals who receive a scholarship under the proposed project will subsequently perform work related to their preparation for a period of 2 years for every year for which assistance was received or repay all or part of such costs, in accordance with regulations issued by the Secretary.

"(h) SCHOLARSHIPS.—The Secretary may include funds for scholarships, with necessary stipends and allowances, in awards under subsections (b), (c), and (d).

"SEC. 666. STUDIES AND EVALUATIONS.

"(a) IN GENERAL.—

"(1) PROGRESS ASSESSMENT.—The Secretary shall, in accordance with the priorities determined under this section and in section 663, directly or through competitive grants, contracts, or cooperative agreements, assess the progress in the implementation of this Act, including the effectiveness of State and local efforts to provide—

“(A) a free appropriate public education to children with disabilities; and

“(B) early intervention services to infants and toddlers with disabilities and infants and toddlers who would be at risk of having substantial developmental delays if early intervention services were not provided to them.

“(2) DELEGATION.—Notwithstanding any other provision of law, the Secretary shall designate the Director of the Institute for Education Sciences to carry out this section.

“(3) AUTHORIZED ACTIVITIES.—In carrying out this subsection, the Secretary may support objective studies, evaluations, and assessments, including studies that—

“(A) analyze issues identified in the research agenda in section 663(d);

“(B) meet the standards in section 663(c); and

“(C) undertake one or more of the following:

“(i) An analysis of the measurable impact, outcomes, and results achieved by State educational agencies and local educational agencies through their activities to reform policies, procedures, and practices designed to improve educational and transitional services and results for children with disabilities.

“(ii) An analysis of State and local needs for professional development, parent training, and other appropriate activities that can reduce the need for disciplinary actions involving children with disabilities.

“(iii) An assessment of educational and transitional services and results for children with disabilities from minority backgrounds, including—

“(I) data on—

“(aa) the number of minority children who are referred for special education evaluation;

“(bb) the number of minority children who are receiving special education and related services and their educational or other service placement;

“(cc) the number of minority children who graduated from secondary programs with a regular diploma in the standard number of years; and

“(dd) the number of minority children who drop out of the educational system without a regular diploma; and

“(II) the performance of children with disabilities from minority backgrounds on State assessments and other performance indicators established for all students.

“(iv) A measurement of educational and transitional services and results of children with disabilities served under this Act, including longitudinal studies that—

“(I) examine educational and transitional services and results for children with disabilities who are 3 through 17 years of age and are receiving special education and related services under this Act, using a national, representative sample of distinct age cohorts and disability categories; and

“(II) examine educational results, transition services, postsecondary placement, and employment status of individuals with disabilities, 18 through 21 years of age, who are receiving or have received special education and related services under this Act.

“(v) An identification and report on the placement of children with disabilities by disability category.

“(b) NATIONAL ASSESSMENT.—

“(1) IN GENERAL.—The Secretary shall carry out a national assessment of activities carried out with Federal funds under this Act in order—

“(A) to determine the effectiveness of this Act in achieving its purposes;

“(B) to provide timely information to the President, the Congress, the States, local educational agencies, and the public on how to implement the Act more effectively; and

“(C) to provide the President and the Congress with information that will be useful in developing legislation to achieve the purposes of this Act more effectively.

“(2) PUBLIC COMMENT.—

“(A) PLAN.—Not later than 12 months after the date of enactment of the Improving Education Results for Children With Disabilities Act of 2003, the Secretary shall publish in the Federal Register for public comment a comprehensive plan for developing and conducting the national assessment.

“(B) COMMENT PERIOD.—The Secretary shall provide a public comment period of at least 30 days on such plan.

“(3) SCOPE OF ASSESSMENT.—The national assessment shall assess the—

“(A) implementation of programs assisted under this Act and the impact of such programs on addressing the developmental needs of, and improving the academic achievement of, children with disabilities to enable them to reach challenging developmental goals and challenging State academic content standards based on State academic assessments;

“(B) types of programs and services that have demonstrated the greatest likelihood of helping students reach the challenging State academic content standards and developmental goals;

“(C) implementation of the professional development activities assisted under this Act and the impact on instruction, student academic achievement, and teacher qualifications to enhance the ability of special education teachers and regular education teachers to improve results for children with disabilities; and

“(D) effectiveness of schools, local educational agencies, States, other recipients of assistance under this Act, and the Secretary in achieving the purposes of this Act by—

“(i) improving the academic achievement of children with disabilities and their performance on regular statewide assessments as compared to nondisabled children,, and the performance of children with disabilities on alternate assessments;

“(ii) improving the participation of children with disabilities in the general education curriculum;

“(iii) improving the transitions of children with disabilities at natural transition points;

“(iv) placing and serving children with disabilities, including minority children, in the least restrictive environment appropriate;

“(v) preventing children with disabilities, especially children with emotional disturbances and specific learning disabilities, from dropping out of school;

“(vi) addressing the reading and literacy needs of children with disabilities;

“(vii) reducing the overidentification of children, especially minority and limited English proficient children, as having a disability;

“(viii) improving the participation of parents of children with disabilities in the education of their children; and

“(ix) resolving disagreements between education personnel and parents through alternate dispute resolution activities including mediation and voluntary binding arbitration.

“(4) INTERIM AND FINAL REPORTS.—The Secretary shall submit to the President and the Congress—

“(A) an interim report that summarizes the preliminary findings of the assessment not later than 30 months after the date of the enactment of the Improving Education Results for Children With Disabilities Act of 2003; and

“(B) a final report of the findings of the assessment not later than 5 years after the date of the enactment of such Act.

“(c) ANNUAL REPORT.—The Secretary shall provide an annual report to the Congress that—

“(1) summarizes the research conducted under section 663;

“(2) analyzes and summarizes the data reported by the States and the Secretary of the Interior under section 618;

“(3) summarizes the studies and evaluations conducted under this section and the timeline for their completion;

“(4) describes the extent and progress of the national assessment; and

“(5) describes the findings and determinations resulting from reviews of State implementation of this Act.

“SEC. 667. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out sections 663, 664, and 666 $171,861,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2009. There are authorized to be appropriated to carry out section 665 $90,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2009.

“Subpart 3—Supports To Improve Results for Children With Disabilities

“SEC. 671. PURPOSES.

“The purposes of this subpart are to ensure that—

“(1) children with disabilities and their parents receive training and information on their rights, responsibilities, and protections under this Act, in order to develop the skills necessary to cooperatively and effectively participate in planning and decisionmaking relating to early intervention, educational, and transitional services;

“(2) parents, teachers, administrators, early intervention personnel, related services personnel, and transition personnel receive coordinated and accessible technical assistance and information to assist them in improving early intervention, educational, and transitional services and results for children with disabilities and their families; and

“(3) appropriate technology and media are researched, developed, and demonstrated, to improve and implement early intervention, educational, and transitional services and results for children with disabilities and their families.

“SEC. 672. PARENT TRAINING AND INFORMATION CENTERS.

“(a) PROGRAM AUTHORIZED.—The Secretary may make grants to, and enter into contracts and cooperative agreements with, parent organizations to support parent training and information centers to carry out activities under this section.

“(b) REQUIRED ACTIVITIES.—Each parent and community training and information center that receives assistance under this section shall—

“(1) provide training and information that meets the needs of parents of children with disabilities living in the area served by the center, including underserved parents and parents of children who may be inappropriately identified, to enable children with disabilities—

“(A) to meet developmental and challenging academic achievement goals that have been established for all children; and

“(B) to be prepared to lead productive independent adult lives to the maximum extent possible;

“(2) ensure that the training and information provided meets the needs of low-income parents and parents of children with limited English proficiency;

“(3) serve the parents of infants, toddlers, and children with the full range of disabilities;

“(4) assist parents—

“(A) to better understand the nature of their children's disabilities and their educational, developmental, and transitional needs;

“(B) to communicate effectively and work collaboratively with personnel responsible for providing special education, early intervention, transition services, and related services;

“(C) to participate in decisionmaking processes and the development of individualized

education programs under part B and individualized family service plans under part C;

"(D) to obtain appropriate information about the range, type and quality of options, programs, services, and resources available to assist children with disabilities and their families in school and at home;

"(E) to understand the provisions of this Act for the education of, and the provision of early intervention services to, children with disabilities; and

"(F) to participate in activities at the school level which benefit their children;

"(5) assist parents in resolving disputes in the most expeditious way possible, including encouraging the use, and explaining the benefits, of alternative methods of dispute resolution, such as the use of individualized education program facilitators and mediation and voluntary binding arbitration processes described in section 615(e);

"(6) assist parents to understand the availability of, and how to effectively use, procedural safeguards under this Act;

"(7) network with appropriate clearinghouses, including organizations conducting national dissemination activities under subpart 2 and the Institute of Educational Sciences, and with other national, State, and local organizations and agencies, such as protection and advocacy agencies, that serve parents and families of children with the full range of disabilities; and

"(8) annually report to the Secretary on—

"(A) the number and demographics of parents to whom it provided information and training in the most recently concluded fiscal year; and

"(B) the effectiveness of strategies used to reach and serve parents, including underserved parents of children with disabilities.

"(c) OPTIONAL ACTIVITIES.—A parent training and community and information center that receives assistance under this section may—

"(1) provide information to teachers and other professionals to assist them in improving results for children with disabilities; and

"(2) assist students with disabilities to understand their rights and responsibilities under section 615(l) on reaching the age of majority.

"(d) APPLICATION REQUIREMENTS.—Each application for assistance under this section shall identify with specificity the special efforts that the applicant will undertake—

"(1) to ensure that the needs for training and information of underserved parents of children with disabilities in the area to be served are effectively met; and

"(2) to work with community-based organizations, including those that work with low-income parents and parents of children with limited English proficiency.

"(e) DISTRIBUTION OF FUNDS.—

"(1) IN GENERAL.—The Secretary shall make at least 1 award to a parent organization in each State, unless the Secretary does not receive an application from such an organization in each State of sufficient quality to warrant approval.

"(2) SELECTION REQUIREMENT.—The Secretary shall select among applications submitted by parent organizations in a State in a manner that ensures the most effective assistance to parents, including parents in urban and rural areas, in the State.

"(f) QUARTERLY REVIEW.—

"(1) REQUIREMENTS.—

"(A) MEETINGS.—The board of directors or special governing committee of each organization that receives an award under this section shall meet at least once in each calendar quarter to review the activities for which the award was made.

"(B) ADVISING BOARD.—Each special governing committee shall directly advise the organization's governing board of its views and recommendations.

"(2) CONTINUATION AWARD.—When an organization requests a continuation award under this section, the board of directors or special governing committee shall submit to the Secretary a written review of the parent training and information program conducted by the organization during the preceding fiscal year.

"(g) DEFINITION OF PARENT ORGANIZATION.—As used in this section, the term 'parent organization' means a private nonprofit organization (other than an institution of higher education) that—

"(1) has a board of directors—

"(A) the majority of whom are parents of children with disabilities ages birth through 26;

"(B) that includes—

"(i) individuals working in the fields of special education, related services, and early intervention; and

"(ii) individuals with disabilities; and

"(C) the parent and professional members of which are broadly representative of the population to be served, including low-income and limited English proficient parents of children with disabilities; or

"(2) has—

"(A) a membership that represents the interests of individuals with disabilities and has established a special governing committee that meets the requirements of paragraph (1); and

"(B) a memorandum of understanding between the special governing committee and the board of directors of the organization that clearly outlines the relationship between the board and the committee and the decisionmaking responsibilities and authority of each.

"SEC. 673. COMMUNITY PARENT RESOURCE CENTERS.

"(a) IN GENERAL.—The Secretary may make grants to, and enter into contracts and cooperative agreements with, local parent organizations to support parent training and information centers that will help ensure that underserved parents of children with disabilities, including low-income parents, parents of children with limited English proficiency, and parents with disabilities, have the training and information they need to enable them to participate effectively in helping their children with disabilities—

"(1) to meet developmental goals and, to the maximum extent possible, those challenging standards that have been established for all children; and

"(2) to be prepared to lead productive independent adult lives, to the maximum extent possible.

"(b) REQUIRED ACTIVITIES.—Each parent training and information center assisted under this section shall—

"(1) provide training and information that meets the training and information needs of parents of children with disabilities proposed to be served by the grant, contract, or cooperative agreement;

"(2) carry out the activities required of parent training and information centers under paragraphs (2) through (7) of section 672(b);

"(3) establish cooperative partnerships with the parent training and information centers funded under section 672; and

"(4) be designed to meet the specific needs of families who experience significant isolation from available sources of information and support.

"(c) DEFINITION.—As used is this section, the term 'local parent organization' means a parent organization, as defined in section 672(g), that either—

"(1) has a board of directors the majority of whom are from the community to be served; or

"(2) has—

"(A) as a part of its mission, serving the interests of individuals with disabilities from such community; and

"(B) a special governing committee to administer the grant, contract, or cooperative agreement, a majority of the members of which are individuals from such community.

"SEC. 674. TECHNICAL ASSISTANCE FOR PARENT TRAINING AND INFORMATION CENTERS.

"(a) IN GENERAL.—The Secretary may, directly or through awards to eligible entities (as defined in section 662(b)), provide technical assistance for developing, assisting, and coordinating parent training and information programs carried out by parent training and information centers receiving assistance under sections 672 and 673.

"(b) AUTHORIZED ACTIVITIES.—The Secretary may provide technical assistance to a parent training and information center under this section in areas such as—

"(1) effective coordination of parent training efforts;

"(2) dissemination of scientifically based research and information;

"(3) promotion of the use of technology, including assistive technology devices and assistive technology services;

"(4) reaching underserved populations, including parents of low-income and limited English proficient children with disabilities;

"(5) including children with disabilities in general education programs;

"(6) facilitation of transitions from—

"(A) early intervention services to preschool;

"(B) preschool to elementary school;

"(C) elementary school to secondary school; and

"(D) secondary school to postsecondary environments; and

"(7) promotion of alternative methods of dispute resolution, including mediation and voluntary binding arbitration.

"SEC. 675. TECHNOLOGY DEVELOPMENT, DEMONSTRATION, AND UTILIZATION; AND MEDIA SERVICES.

"(a) IN GENERAL.—The Secretary shall competitively make grants to, and enter into contracts and cooperative agreements with, eligible entities (as defined in section 662(b)) to support activities described in subsections (b) and (c).

"(b) TECHNOLOGY DEVELOPMENT, DEMONSTRATION, AND UTILIZATION.—

"(1) IN GENERAL.—In carrying out this section, the Secretary shall support activities to promote the development, demonstration, and utilization of technology.

"(2) AUTHORIZED ACTIVITIES.—The following activities may be carried out under this subsection:

"(A) Conducting research on, and promoting the demonstration and use of—

"(i) innovative and emerging technologies for children with disabilities; and

"(ii) improved transfer of technology from research and development to practice.

"(B) Supporting research, development, and dissemination of technology with universal-design features, so that the technology is accessible to individuals with disabilities without further modification or adaptation.

"(C) Demonstrating the use of systems to provide parents and teachers with information and training concerning early diagnosis of, intervention for, and effective teaching strategies for, young children with reading disabilities.

"(D) Supporting the implementation of research programs.

"(E) Communicating information on available technology and the uses of such technology to assist children with disabilities.

"(c) EDUCATIONAL MEDIA SERVICES; OPTIONAL ACTIVITIES.—In carrying out this section, the Secretary may support—

"(1) educational media activities that are designed to be of educational value in the classroom setting to children with disabilities;

"(2) providing video description, open captioning, or closed captioning of television programs, videos, or other materials with an education-based content for use in the classroom setting when such services are not provided by the producer or distributor of such information, including programs and materials associated with new and emerging technologies such as CDs, DVDs, video streaming, and other forms of multimedia;

"(3) distributing materials described in paragraphs (1) and (2) through such mechanisms as a loan service; and

"(4) providing free educational materials, including textbooks, in accessible media for visually impaired and print-disabled students in elementary, secondary, postsecondary, and graduate schools.

"(d) Applications.—Any eligible entity (as defined in section 662(b)) that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. For purposes of subsection (c)(4), such entity shall—

"(1) be a national, nonprofit entity with a track record of meeting the needs of students with print disabilities through services described in paragraph (4);

"(2) have the capacity to produce, maintain, and distribute in a timely fashion, up-to-date textbooks in digital audio formats to qualified students; and

"(3) have a demonstrated ability to significantly leverage Federal funds through other public and private contributions, as well as through the expansive use of volunteers.

"(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out section 674 $32,710,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2009. There are authorized to be appropriated to carry out sections 672 and 673 $26,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2009.".

SEC. 402. CONTINUATION OF FUNDING FOR COMMUNITY PARENT AND RESOURCE CENTERS.

Notwithstanding any other provision of law, the Secretary of Education is authorized to use amounts made available for a fiscal year to carry out subpart 3 of part D of the Individuals with Disabilities Education Act (as added by section 401) to continue to provide funding under grants made to, or contracts or cooperative agreements entered into with, local parent organizations under section 683 of such Act (as such section was in effect on October 1, 2002).

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 108–79. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider Amendment No. 1 printed in House Report 108–79.

AMENDMENT NO. 1 OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Chairman, pursuant to the rule, I offer Amendment No. 1.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. Castle:

Strike sections 104 through 107 of the bill and insert the following (and conform the table of contents accordingly):

SEC. 104. GAO REPORTS.

(a) Paperwork Study.—

(1) Review.—The Comptroller General shall conduct a review of all Federal requirements under the Individuals with Disabilities Education Act, and the requirements of a reasonable sample of State and local educational agencies relating to such Act, to determine which requirements result in excessive paperwork completion burdens for teachers, related services providers, and school administrators.

(2) Report.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall prepare and submit to the appropriate congressional committees a report that contains the results of the review under paragraph (1).

(b) Disability Definitions.—

(1) Review.—The Comptroller General of the United States shall conduct a review of—

(A) variation among States in definitions, and evaluation processes, relating to the provision of services under the Individuals with Disabilities Education Act to children having conditions described in section 602(a)(3) of such Act using the terms "emotional disturbance", "other health impairments", and "specific learning disability"; and

(B) the degree to which these definitions and evaluation processes conform to scientific, peer-reviewed research.

(2) Report.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall prepare and submit to the appropriate congressional committees a report that contains the results of the review under paragraph (1).

(c) Distance Learning Professional Development Programs.—

(1) Study.—The Comptroller General shall conduct a study on existing or developing professional development programs for special education personnel delivered through the use of technology and distance learning.

(2) Report.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit a report containing the findings from the study conducted under paragraph (1) to the appropriate congressional committees.

(d) Limited English Proficient Children With Disabilities.—

(1) Study.—The Comptroller General shall conduct a study on how limited English proficient students are being served under the Individuals with Disabilities Education Act.

(2) Report.—Not later than 2 years after the date of the enactment of the Improving Education Results for Children With Disabilities Act of 2003, the Comptroller General of the United States shall submit a report containing the findings from the study conducted under paragraph (1) to the appropriate congressional committees.

(e) Definition.—In this section, the term "appropriate congressional committees" means the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

In section 611(a)(3) of the Individuals with Disabilities Education Act (as amended by section 201 of the bill), strike "subparagraphs (A) and (B) of".

In section 611(e)(3) of the Individuals with Disabilities Education Act (as amended by section 201 of the bill), strike "4 percent" and insert "40 percent".

In section 611(i)(2) of the Individuals with Disabilities Education Act (as amended by section 201 of the bill), strike "$13,374,398,000" and insert "$13,574,398,000".

In section 614(a)(1)(D)(i)(I) of the Individuals with Disabilities Education Act (as amended by section 204 of the bill), strike "602(3)(A) or 602(3)(B)" and insert "602(3)".

In section 614(b)(3)(A)(ii) of the Individuals with Disabilities Education Act (as amended by section 204 of the bill), strike ", to the extent practicable,".

In section 614(b)(3)(A)(ii) of the Individuals with Disabilities Education Act (as amended by section 204 of the bill), add at the end before the semicolon the following: ", unless it is clearly not feasible to do so".

Strike subparagraphs (B) and (C) of section 615(f)(3) of the Individuals with Disabilities Education Act (as amended by section 205(f) of the bill), and insert the following:

"(B) Subject matter of hearing.—No party shall be allowed to raise issues at the due process hearing that were not raised in the complaint, discussed during the meeting conducted pursuant to paragraph (1)(B), or properly disclosed pursuant to paragraph (2), unless both parties agree otherwise.".

In section 617(b) of the Individuals with Disabilities Education Act (as amended by section 207 of the bill), after "content," insert "academic achievement standards and assessments,".

In section 665(c)(2) of the Individuals with Disabilities Education Act (as amended by section 401 of the bill), insert the following:

"(G) Preparing personnel who provide services to children with low-incidence disabilities with limited English proficiency.

In section 665(d)(2)(B) of the Individuals with Disabilities Education Act (as amended by section 401 of the bill), add at the end before the semicolon the following: ", including children with disabilities with limited English proficiency".

In the matter preceding subclause (I) of section 666(a)(3)(C)(iii) of the Individuals with Disabilities Education Act, strike "backgrounds, including" and insert "backgrounds or are limited English proficient, including".

In items (aa) through (dd) of section 666(a)(3)(C)(iii)(I) of the Individuals with Disabilities Education Act, strike "of minority" each place it appears and insert "of such".

In section 666(a)(3)(C)(iii)(II) of the Individuals with Disabilities Education Act, strike "children with disabilities from minority backgrounds" and insert "such children with disabilities".

In section 675(c)(2) of the Individuals with Disabilities Education Act, strike "videos, or other materials with an education based content for use in the classroom setting" and insert "videos or other materials that would be appropriate for use in the classroom setting, or news (until the end of fiscal year 2006),".

Strike section 402 of the bill (and conform the table of contents accordingly).

The CHAIRMAN. Pursuant to House Resolution 206, the gentleman from Delaware (Mr. Castle) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware (Mr. Castle).

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Nebraska (Mr. Osborne), the vice chairman of the Subcommittee on Education Reform.

Mr. OSBORNE. Mr. Chairman, as I have traveled my district, I hear a lot of concerns from teachers, administrators and parents, and the most common concerns that I have heard reflect on excessive paperwork and litigation.

This bill obviously addresses those. We attempt to streamline the administrative process. It provides for less legislation through arbitration.

The second major issue we have talked about a great deal here today is funding. I am convinced that the chairman of the committee, the subcommittee chairman and others, are fully committed to full funding of 40 percent within the next 7 years. The track record pretty much backs this up. In the last 8 years, we have seen a 300 percent increase in funding for IDEA. So we are very convinced that this full funding will occur.

The third issue I would like to address is over identification. We find that some schools have 40 to 50 percent of their student body identified as learning disabled, and, generally speaking, this is simply due to reading difficulties. So if we have adequate Head Start and early learning programs, we can eliminate this process.

Mr. Chairman, I urge support of the bill. It is a good bill, and I appreciate the chairman's offering it.

Ms. WOOLSEY. Mr. Chairman, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN. The gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we worked with the majority on this amendment. We do not oppose it, and would hope that it could be passed right now.

Mr. Chairman, I reserve the balance of my time.

Mr. CASTLE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, first I appreciate the bipartisan support for the amendment. Secondly, I think it would be worth taking this 2 minutes to try to read what is actually in this amendment so we will know what we are voting for.

It is a technical amendment, it clarifies and consolidates a series of GAO reports that were added during the consideration of the bill by the Committee on Education and Workforce.

It redefines the percentage of funds that the State can reserve out of its State level activities for programs designed to serve children with disabilities with high cost, special education-related services needs to reflect the common understanding.

It updates authorization levels that were modified by the fiscal year 2004 budget resolution. This level reflects the increased funding in the fiscal year 2004 budget resolution included for IDEA Part B State Grants.

It clarifies that evaluations are provided to children in the language and form designed to obtain useful information and includes longstanding terminology used throughout the implementing regulations and elsewhere in the Act.

It modifies language in the section prohibiting the Federal control of curriculum to ensure that this exact language is included in the No Child Left Behind Act. This is an important change, by the way, that ensures consistent language addressing local control over the curriculum.

It revises language in the Part D programs to ensure that the needs of limited English-proficient children with disabilities are met through the training of school personnel and effective data collection.

It modifies the section regarding support for captioning programs to enable news programs to be captioned until 2006, which is when Federal Communications Commission requirements require all news programs to be captioned.

These amendments, Mr. Chairman, continue our well-balanced approach toward improving IDEA. As with the remainder of the bill, these improvements will result in improved services for students and improved achievement for students.

I urge my colleagues to adopt this amendment.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank my colleague for yielding me time.

Mr. Chairman, I rise in support of the text any California amendment, but opposing the bill.

I guess some people are wondering why I have concern about this legislation. Having my first two terms in Congress on the Committee on Education and Workforce, but also for many years as a State legislator in the State Senate in Texas on the Education Committee, it has been frustrating, both in Congress and as a legislator dealing with IDEA and the special-ed programs.

For more than a quarter of a century, the Individuals With Disabilities Education Act, IDEA, has helped countless disabled youth to complete their education and become contributing members of our society. I see it every day when I go home every weekend.

Although this program has succeeded in its efforts to ensure that all American children receive a free and appropriate public education, this Congress, and I am not talking about the majority Republican, I am talking about my first term when we were in the majority, although IDEA was not up for reauthorization, we failed to fully fund IDEA. This is my sixth term, and for five of those terms, as Democrats, we have not been in the majority, so somewhere along the way you are going to have to quit pointing back a decade ago and saying "it is your all's fault."

I am sure that almost every Member of Congress, at one point or another, expressed their support for full funding of IDEA. But when it comes down to putting our money where our mouths are, we once again come up short.

I know the frustration, because we see it in our schools, we see it on our State level, we see it with our parents, instead of requiring Congress to live up to the promise and fully fund the 40 percent of IDEA costs that we agreed to do originally, this legislation continues to leave the funding subject to the appropriations process.

Children with disabilities have a hard enough time making it in this world. We should not make them compete against all the other very worthwhile projects that we have. We should live up to the promise and provide mandatory funding for IDEA.

We also should not make it harder for students to receive their education by the provisions in this bill on discipline. I do not want somebody bringing guns or knives or scissors to school to hurt someone, but I also know we should not let minor infractions cause a student to be removed from an educational setting that works for them.

Mr. Chairman, I urge opposition to the bill and support for the amendment.

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Mrs. BIGGERT), a member of the committee.

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Mrs. BIGGERT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in support of both this amendment and the underlying bill.

We all agree that we need to fully fund IDEA. This legislation will get us there sooner than ever before. We will be at 21 percent, over half of our promise, by 2004. We will reach full funding in 7 years.

But this bill contains more than financial matters. It makes it easier for parents and schools to meet to discuss the needs of a student. It frees teachers and administrators from a mountain of required paperwork that takes time away from their students.

Some parents have expressed concern over the 3-year Individualized Education Plan, or IEP. They are afraid that it may undermine their children's rights. I want to reassure them that this is simply an option. The parents must agree to a 3-year plan. Just like under current law, they can request a new IEP at any time.

Every single one of the due process rights parents have is continued under H.R. 1350. This bill will make special education work for all students.

Ms. WOOLSEY. Mr. Chairman, I yield the balance of my time to the gentleman from Wisconsin (Mr. KIND), a member of the committee.

Mr. KIND. Mr. Chairman, I thank the gentlewoman from California (Ms. WOOLSEY), my friend and the ranking member of the subcommittee, for yielding me this time and also for the work that she has put in with this important legislation. It has been invaluable. I also want to commend the gentleman from Delaware (Mr. CASTLE), my good friend, the chairman of the subcommittee, with the way he has conducted the process leading up to today's legislation, the outreach he has provided across the aisle and throughout the Nation looking for input on what I think is the most important piece of education legislation that we will be dealing with in this session of Congress. I do support the technical amendment before us right now.

This, Mr. Chairman, is an important piece of education legislation. It is about allowing children with special needs in our country to have access to quality education that the rest of our children now have. I think there was room for improvement on a variety of provisions. I think in a lot of respects this bill moves in the right direction to improving it: streamlining the IEP process, trying to reduce the paperwork burden, trying to increase some flexibility with regard to the disciplinary issues at the local level, and emphasizing the importance of professional development.

I especially appreciate the acceptance of a few amendments that I offered in committee during markup, one that does emphasize professional development and distance learning opportunities for our teachers and administrators, and one that calls for a GAO study that would encompass the entire country to determine what online materials are currently available for our teachers and administrators so that they can upgrade their skills.

But I especially appreciate a new provision that was accepted in committee that I offered that permits States to establish and implement costs and risk-sharing funds, consortiums and cooperatives to assist students with severe disabilities. This is an area that is the fastest-growing area of education funding at the local level. Children who normally would not have survived to school age are surviving today because of the miracle of the advancement of medical research and technologies. But they are also bringing with them some exceptionally high costs that school districts have borne.

The amendment I put forward allows school districts to address these high-risk and exceptionally expensive students.

We do have to work much harder in this Congress, this year and the years ahead, to try to achieve the full funding which virtually every Member of this body is on record of supporting. I appreciate the fact that the majority party has a 7-year trend line to get to full funding on that. I am a little bit skeptical in regards to the institutional willingness and the willingness of the administration to make sure we achieve full funding. This is the granddaddy of unfunded mandates that our local school districts have been wrestling with since the creation of this bill back in the 1970s. We must do a better job so that we can stop pitting student against student in the classroom and end this controversy where it is merely a matter of political and institutional will to do what I think we all recognize must be done, and that is make sure the resources follow the rhetoric after today's debate. I am confident, in working again with the chairman of the subcommittee and others who are like-minded on this issue, that we are going to focus very closely in regard to the appropriation process and hold people to their word. Because if No Child Left Behind is any indication, I am skeptical that we are going to get there.

Mr. CASTLE. Mr. Chairman, I yield myself the balance of the time.

We have no further speakers, and I think we have 1 minute. I will just close by encouraging all of us to support the technical amendment. I do not think there is any disagreement about that, so we can go on to the other amendments.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 108–79.

AMENDMENT NO. 2 OFFERED BY MR. VITTER

Mr. VITTER. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. VITTER:

In section 104 of the bill—

(1) in subsection (a), by adding at the end the following new sentence: "As part of such review, the Comptroller General shall include recommendations to reduce or eliminate the excessive paperwork burdens described in the preceding sentence."; and

(2) in subsection (b), after "Act," insert "and once every 2 years thereafter,".

The CHAIRMAN. Pursuant to House Resolution 206, the gentleman from Louisiana (Mr. VITTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Chairman, I yield myself such time as I may consume.

I bring before the House an important amendment with regard to a central problem in IDEA and that is the excessive burden of excessive paperwork. I think there is great clarity and great consensus on this point that in the present system there is just too much paperwork required which drains resources and takes up the time of teachers who could otherwise be with students who need their help.

National surveys show that teachers of special needs students spend between a quarter and a third of each work week on regulatory compliance rather than education. That is ridiculous. Parents, overwhelmed by the system's complexity, often turn to IDEA lawyers for advice. That has become the norm rather than the exception. That is ridiculous. Teachers of special needs students always cite excessive paperwork and too many meetings as leading reasons for their decision to cease teaching special needs students, thus exacerbating a serious existing shortage of personnel. In fact, the National Association of Elementary School Principals supports dramatic paperwork reduction, saying that the proposals "eliminate the dual-discipline system, streamline the due process system, and encourage professional development for principals."

In light of this background, my amendment is very straightforward. It does two things. Number one, in part A of the GAO review section, it mandates that the review will include recommendations to reduce or eliminate the excessive paperwork burdens. Number two, in part B of that GAO report section, it requires that a GAO report be submitted 2 years after the date of enactment and resubmitted every 2 years. The benefit of this is very clear. We want a regular way to track progress and to demand progress on reducing this excessive paperwork burden.

So in those two simple, but important, ways, this amendment emphasizes the need to reform, streamline, and update the forms and requirements mandated on both teachers and parents.

Mr. Chairman, I would like to thank the committee for all of its hard work in bringing forward a very positive bill.

Mr. Chairman, I reserve the balance of my time.

Mr. KIND. Mr. Chairman, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

There was no objection.

Mr. KIND. Mr. Chairman, I yield myself such time as I may consume, only to say that we have no objection to this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. VITTER. Mr. Chairman, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me this time. I also want to thank him for his amendment.

I do not want to prolong this debate, because I am in agreement with the other two speakers. But I think it is important to understand the impact of paperwork and the meetings and the whole process of dealing with IDEA. There is not a person in this Chamber who does not wish to help children with disabilities to be educated. But part of the problem is that a lot of the teachers drop out of the system, a lot of them just cannot face all of the bureaucracy that goes along with it. I believe that the Vitter amendment moves strongly in the direction of making sure that we are providing oversight to that and doing that through a GAO report.

I might also, from a personal point of view, just say that I believe it is one of the reasons that I am happy that we do go through this reauthorization process every 5 or 6 years, which is necessary under the discretionary form of spending which we have. I think it is very, very important that we, as Members of Congress, do keep an eye on this. So I do support the amendment, and I encourage all of my colleagues to support it.

Mr. VITTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. VITTER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. VITTER. Mr. Chairman, I demand a recorded vote; and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana (Mr. VITTER) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 108–79.

AMENDMENT NO. 3 OFFERED BY MR. BRADLEY OF NEW HAMPSHIRE

Mr. BRADLEY of New Hampshire. Mr. Chairman, pursuant to the rule, I offer amendment No. 3.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BRADLEY of New Hampshire:

In section 611(e)(2)(A)(i) of the Individuals with Disabilities Education Act (as proposed to be amended by section 201 of the bill)—

(1) strike "$500,000" and insert "$750,000"; and

(2) strike the parenthetical provision.

The CHAIRMAN. Pursuant to House Resolution 206, the gentleman from New Hampshire (Mr. BRADLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield myself such time as I may consume.

There are two ways that States are able to administer IDEA requirements. One way is for States to have $500,000 of administrative funds as part of the grant that are capped, but with an inflation adjustment; or, alternatively, States are able to use up to 20 percent of that grant for administration purposes. However, small States such as mine, New Hampshire, generally do not qualify for this provision to be able to use the 20 percent figure because it is less than the $500,000.

This $500,000 cap, which was authorized as part of the reauthorization law in 1997, therefore places large administrative burdens on small States such as New Hampshire as the accountability standards of not only the Individuals With Disabilities Education Act, but also the No Child Left Behind law have increased. This increases costs to small States, federally mandated costs on States such as mine.

Some of the issues that are involved are greater accountability requirements, improving academic performance, expanded data collection, as well as fiscal accounting requirements.

What my amendment does is lift the cap from $500,000 to $750,000. Amendment No. 3 does not increase costs to the Federal Government, as there is nothing that mandates the expenditure of these funds. Rather, it allows States to spend up to this new cap, as needed, in order to comply with the accountability provisions of this law and the No Child Left Behind law as it affects special education.

So for that reason, Mr. Chairman, I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

There was no objection.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume to say that we do not, on this side of the aisle, oppose the amendment.

Mr. Chairman, I yield back the remainder of my time.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by gentleman from New Hampshire (Mr. BRADLEY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 108–79.

AMENDMENT NO. 4 OFFERED BY MS. WOOLSEY

Ms. WOOLSEY. Mr. Chairman, pursuant to the rule, I offer amendment No. 4.

The CHAIRMAN. Is the gentlewoman from California the designee of the gentlewoman from California (Mrs. DAVIS)?

Ms. WOOLSEY. For the time being, yes.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. WOOLSEY:

In section 602(8)(C) of the Individuals with Disabilities Education Act (as proposed to be amended by section 101 of the bill), add at the end before the semicolon the following: "that is reasonably calculated to provide educational benefit to enable the child with a disability to access the general curriculum".

The CHAIRMAN. Pursuant to House Resolution 206, the gentlewoman from California (Ms. WOOLSEY), as the designee of the gentlewoman from California (Mrs. DAVIS), and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

Amendment No. 4 would change the definition of a free appropriate public education, the language changed in the Supreme Court decision known as Rowley, which states that the goal of a child with disabilities is the same as all other children, to have educational and related services necessary for that child to access the general curriculum.

Mr. Chairman, I reserve the balance of my time.

□ 1330

The CHAIRMAN. Does any Member seek time in opposition?

Mr. CASTLE. Although I do not oppose the amendment, Mr. Chairman, I ask to claim the time in opposition.

The CHAIRMAN. Without objection, the gentleman from Delaware (Mr. CASTLE) is recognized for the time in opposition.

There was no objection.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have had discussions on this, and it is our judgment that this is an amendment we should support. This clarifies what services are required to be provided by school districts. It specifies that the educational program and services provided under it must be reasonably calculated to provide an educational benefit that enables a child with a disability to access the general curriculum.

Children with disabilities should be provided instruction and services at public expense that meet the State's educational standards for the appropriate grade level that are reasonably calculated to enable the child to make progress in the general education curriculum and advance from grade to grade. That is what both No Child Left Behind and IDEA are really all about.

School districts have to provide the necessary services, but the act does not and should not require school districts to provide all services simply because a service exists that might have some benefit.

Essentially, this has been a matter of litigation, and it has been a matter of some interest. Our judgment is that the amendment encompasses improvements to IDEA. For that reason, I would encourage support for it.

Mr. Chairman, I yield back the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

For the purposes of legislative history, the intent of this amendment is to codify the interpretation of FAPE contained in the Supreme Court decision Board of Education of the Hendrick Hudson Central School District v. Rowley, 458 U.S. 176 (1982).

Mrs. DAVIS of California. Mr. Chairman, today Ms. WOOLSEY, as my designee, offered a very simple amendment to H.R. 1350, the Individuals with Disabilities Education Act. It does not change the law or the educational or related services that have long been provided in this act to each child with a disability—a free appropriate public education.

The language is simply designed to assure that when parents and teachers sit down at the table to craft an educational program appropriate for an individual child with a disability, everyone is on the same page about the goal.

The 18 words added to the definition are taken directly from an existing Supreme Court decision, Rowley, which provided controlling language on this issue. However, since most of us do not spend our time reading Supreme Court opinions, this places the language into the definition within the law, where it will be easily found. They are words that all of us can understand.

I want to share them with you. The phrase now reads that a "free appropriate public education means special education and related services that" are: Free—provided at public expense, under public supervision and without charge; meet the standards of the State education agency; and include an appropriate preschool, elementary, or secondary school education in the State involved. This amendment adds to that sentence the definition "reasonably calculated to provide educational benefit to enable the child with a disability to access the general curriculum."

Educators of special-needs children who requested placement of these words in the law believe it will help them work with parents as part of the child's Individual Education Program teams to be able to test their proposals against a clear standard. It gives parents a tool to assure that school districts are not dumbing down the goals of education for their children as happened too often in the past. It enables all parties to look at the promise and make sure the child"s needs are served.

In response to questions from some Members, I would point out that this does not in any way change the results of that individual program as to whether the child is mainstreamed or not—only that the goal of the child's education is to access the curriculum content offered to all students.

During the long period of time during which the Education Committee members have been struggling with making this reauthorization of IDEA a better bill, there have been some key themes. Funding is, of course, one, including helping local school districts recover costs for non-educational expenses. Some of these issues need continued work as this bill moves ultimately to conference.

However, another theme has been reducing conflict which leads to expensive litigation over choosing the program that will best help the special needs student. I believe that this simple placement of existing language into the context of the definition will help achieve this goal of reducing conflict in providing an appropriate education to each child.

I urge your support of this amendment.

Ms. WOOLSEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WOOLSEY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 108–79.

AMENDMENT NO. 5 OFFERED BY MR. DEMINT

Mr. DEMINT. Mr. Chairman, I offer amendment No. 5.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. DEMINT:

In section 612(a)(10)(A) of the Individuals with Disabilities Education Act, as proposed to be amended by the bill, add at the end the following:

"(vii) PARENT OPTION PROGRAM.—If a State has established a program described in section 664(c)(11) (whether statewide or in limited areas of the State) that allows a parent of a child with a disability to use public funds to pay some or all of the costs of attendance at a public or private school—

"(I) funds allocated to the State under section 611 may be used to supplement those public funds, if the Federal funds are distributed to parents who make a genuine independent choice as to the appropriate school for their child;

"(II) the authorization of a parent to exercise this option fulfills the State's obligation under paragraph (1) with respect to the child during the period in which the child is enrolled in the selected school; and

"(III) a private school accepting those funds shall be deemed, for both the programs and services delivered to the child, to be providing a free appropriate public education and to be in compliance with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

In section 664(c)(9) of the Individuals with Disabilities Education Act, as proposed to be inserted by the bill, strike "and" at the end;

In section 664(c)(10) of the Individuals with Disabilities Education Act, as proposed to be inserted by the bill, strike the period at the end and insert "; and".

In section 664(c) of the Individuals with Disabilities Education Act, as proposed to be inserted by the bill, add at the end the following:

"(11) supporting the post-award planning and design, and the initial implementation (which may include costs for informing the community, acquiring necessary equipment and supplies, and other initial operational costs), during a period of not more than 3 years, of State programs that allow the parent of a child with a disability to make a genuine independent choice of the appropriate public or private school for their child, if the program—

"(A) requires that the child—

"(i) have been determined to be a child with a disability in accordance with section 614;

"(ii) have spent the prior school year in attendance at a public elementary or secondary school unless the child was served under section 619 or part C during such year; and

"(iii) have in effect an individualized education program (as defined in section 614(d)(1)(A));

"(B) permits the parent to receive from the eligible entity funds to be used to pay some or all of the costs of attendance at the selected school (which may include tuition, fees, and transportation costs);

"(C) prohibits the selected school from discriminating against eligible students on the basis of race, color, or national origin; and

"(D) requires the selected school to be academically accountable to the parent for meeting the educational needs of the student.

The CHAIRMAN. Pursuant to House Resolution 206, the gentleman from South Carolina (Mr. DEMINT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise today to ask for Members' consideration of my amendment to promote specialized education and to empower parents with children who have special needs.

I would like to thank the gentleman from Ohio (Chairman BOEHNER) and my colleagues on the Committee on Education and the Workforce for their hard work and determination in bringing this bill to the floor.

Mr. Chairman, I have concerns with special education today. Instead of meeting the needs of the children who are truly disabled, special education is becoming a label for every child that learns differently or has not been taught basic skills. Nearly one in eight of U.S. schoolchildren is currently considered disabled. As a result, education for truly disabled children is becoming less and less special.

My amendment permits States and encourages States to develop new, innovative systems that promote customization of special education. Giving States the flexibility to develop new and innovative approaches to serving the needs of disabled children will help those children receive the customized and truly special education that they deserve.

Children with special needs deserve education services that are customized to their unique needs. This legislation will ultimately provide parents with more resources and opportunities for their children with disabilities. I am confident my colleagues will support giving States the option to develop creative solutions to educating special needs children.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek to control time in opposition?

Ms. WOOLSEY. Mr. Chairman, I claim time in opposition to the DeMint amendment.

The CHAIRMAN. The gentlewoman from California (Ms. WOOLSEY) is recognized for the time in opposition.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I strongly oppose this amendment. Federal funds should not be used for private school vouchers for any children, but it is particularly dangerous to do this for children with disabilities.

Vouchers undermine the very foundation of IDEA. IDEA guarantees children with disabilities a free and appropriate public education and provides important safeguards to the child and the parents to ensure that education is received.

When a special education child takes a voucher to a private school, all guarantees of rights under IDEA are lost. The McKay voucher program in Florida, which allows children with disabilities to use vouchers to go to private schools, is a perfect example of the pitfalls of an IDEA voucher program.

In the Florida special education voucher program, there are no State reviews of the education and services being provided, and there are no civil rights protections if the parents are not happy with the education and services their child is receiving.

Under the Florida IDEA voucher program, private schools can and do charge parents additional tuition and fees above the voucher, making it difficult or impossible for low-income parents to benefit from a voucher program.

Contrary to what people claim, vouchers do not increase parents' choice. Private schools can and do discriminate for a variety of reasons. They can refuse to take a student for any reason, including the student's disability. So when it comes to vouchers, it is not the parents who have the choice; it is the private school. Whatever choices a private school makes, it does not have to let parents or the public know why.

Vouchers give private schools public taxpayer dollars, but the private schools are not held to any of the same standards of accountability that public schools are held to. Public schools must hold open meetings and make their test scores, dropout rates, and other basic information public. Private schools are subject to no public oversight.

Accountability to the child, to the parents, and to the public is the touchstone of IDEA, and also, supposedly, No Child Left Behind. We must not allow vouchers to jeopardize that accountability. I urge my colleagues to reject this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DEMINT. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Ohio (Mr. BOEHNER), chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Chairman, let me thank my colleague, the gentleman from South Carolina, for offering this amendment and congratulate him on his effort in promoting new and innovative ways to deal with children with special needs.

These children require the utmost in flexibility in their education; and the amendment before us encourages innovative options and provides States with much-needed flexibility.

The amendment would accomplish three goals. First, it encourages States to establish innovative solutions by providing seed money to develop new programs. Second, it answers the call of parents of children with disabilities to ensure that educational opportunities are not withheld and that States may choose to implement as much or as little flexibility as the State deems appropriate. Third, it allows States to use Federal dollars in flexible programs already utilizing State resources to provide services for children with special needs.

The amendment does not, as has been claimed by some critics, provide vouchers. It simply affords States the flexibility they are seeking to provide individualized options for students with disabilities.

This amendment is not a mandate in any way, shape, or form; but it makes new options available for States who choose, these are only for States who choose, to want to look at new options and new technology and more flexibility in terms of meeting the needs of special needs children, of all of their children in their State.

Each participating State must determine which approach and what type of program will best serve the children with disabilities in their State, including options such as public schools, charter schools, or private schools, whatever is in the best interests of the child. So children with disabilities today deserve every effort that can be made to provide them with a high-quality education, and their options and the options of the States should not be limited.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I rise in opposition to this amendment. Yesterday, it was choice. Today, it is options. Tomorrow, there is no telling what we will call it. But by whatever name we may call it, however we may cloak it, this is about vouchers.

I believe, Mr. Chairman, in innovations, but not innovations that supplant the due process clause of the United States Constitution. That is exactly what this amendment will accomplish.

Let us take, for instance, just the issue of choice, if I might use that term today. I know that the proponents of this amendment talk all the time about providing choice for parents and teachers. This amendment provides little choice for parents and students, but provides the ultimate choice to schools and administrators.

It allows these schools to cream, if I might use that term, off all of those children that may be a little bit disabled; but those children whose parents would like to have them participate who may be a little more disabled than the schools would like to tolerate, this amendment will allow those children to be rejected, and take away any choice or any option from those children to participate.

So, Mr. Chairman, I believe that it is in the best interests of public education and choice for parents that we reject this amendment.

Mr. DEMINT. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, it may have been about choice the other day, it may have been about options the other day; it is about children today. No lesser authority than the United States Supreme Court has authorized the portability of Federal funds for students with special education needs.

There is not a Member of this body that does not represent a State that does not have students whose tuition to private schools is paid in full under their eligibility because of IDEA and because the State determines that it cannot meet the needs of those children.

This is not about mandating choice to a parent. This is about giving the option of portability to a public school system that determines that might be necessary in a special ed case; for example, a student with severe hearing disability who goes on to an audio trainer in a rural system who might be able to serve a semester or a year in another institution to learn how to use that audio trainer; or a cerebral palsy student profoundly disabled and handicapped who, through assistive technology, may have the ability to learn how to function in the public school classroom.

Should we say no if a State makes that determination, and a parent chooses, to send most of the money which is theirs, the State's, to follow that student? I think not.

I understand the legitimate debate, and I understand the smokescreens; but I married a special education teacher. I worked all my life with handicapped children. I am not for blind programs that seem to fix things that do not; but I am 100 percent for the flexibility to address the uniquely specified needs, sometimes only temporarily, on behalf of a child who deserves the opportunity to enjoy the richness of life that every one of us without those disabilities enjoys right now in this House.

It is an effort to make a start. It is not a mandate; it is permissive. It is about children and their parents and a better life for both of them.

Ms. WOOLSEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. DAVIS), a member of the Committee.

Mrs. DAVIS of California. Mr. Chairman, I wanted to address for a moment the issue of accountability within the special education system.

I know when I was a board member in San Diego, I would hear repeatedly about how difficult it was in many cases to keep up without accountability. Yet we know that it is important.

I am pleased that during our discussion on this bill, that we talked about the need to reduce the paperwork and to find ways that we would be accountable, and yet we would make it reasonable and easier for our schools to respond and to address the needs of our children. I commend the chairman, the gentleman from Ohio (Mr. BOEHNER), for that work within the committee.

But please, we need to be careful that we not give up accountability when we suggest that any school would be able to deal with those issues. The people who work with special education in our communities and in our public school systems, they have been doing this for a long time.

□ 1345

They understand the importance of it and they make sure that it works for our children. I cannot imagine what it would be like to throw that open to a tuition system or a voucher system that really had little understanding of that.

Mr. DEMINT. Mr. Chairman, I yield 1½ minutes to my distinguished colleague, the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman for yielding me time and congratulate the chairman of the committee for bringing this piece of legislation forward.

I think the amendment that is being proposed by my colleague is important. It is an important amendment to the underlying legislation. We have made significant progress in the IDEA legislation, and this amendment would take it one step further. Currently, educational choice does exist under IDEA; but too often educational choice exists only for those parents who are wealthy enough to litigate to get their child placed somewhere else. With the important changes in this bill to reduce costly and needless litigation, we must restore to parents opportunities to ensure that their child receives the best education possible.

This amendment is very straightforward. It does not require anything. What it says is it will allow the State to use research and innovation dollars to research and develop new education systems for IDEA children that promote customization.

The intent here is very simple. Let us make sure we get the right program, the right resources, and the right skills necessary and match them with the child and allow the State the opportunity to experiment and innovate to move this process forward. This is a very, very good amendment. I hope that we have the opportunity to put this in place and let the States move forward and help all of our children.

Ms. WOOLSEY. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Education and the Workforce.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, this amendment is a very bad idea. This law was built up about guaranteeing to these children and to their families that they would have certain rights that would provide them an access to a free and appropriate education in the least restrictive environment. And over the years we have built up a system of accountability to make sure that that education was, in fact, provided to these children.

Now we come along with this voucher amendment where immediately upon the exchange of money from the school district to the private school, or from the parent to the private school, those rights are eviscerated. Because this bill deems upon acceptance of the voucher that these children are getting a free and appropriate education. We do not know whether they will or not. If the children decide they are not and they come back to the public school system, does the school system get to bring some of the money back? Is the money stuck over there? Does the school system now have to pony up additional money to educate that child? I think the answer is yes, they do because they have an obligation.

The fact of the matter is these schools, they do not have to accept the child if the disability is too expensive. They do not have to accept the child. They get to pick and choose among the children. The public schools have to take the children as they come to give them a free and appropriate education. These schools do not have to be certified. They do not have to be qualified. They do not have to be State licensed.

What happens to the money? You just get to take this money, the taxpayers' money and not have these accountabilities. I can understand the desire; and, in fact, the law provides for parents who think their children can get a better education at a private school with special skills or special talents or a record of handling these children in the appropriate way. They can petition to go to these schools.

In 1997, we had so many people leaving the system that we said you cannot do that because you are sticking the school district for so much money. And there was no process, there was no determination whether or not this was a suitable placement. Now you can just opt out. If the parent is lucky and if the child is lucky and it works, fine. If it does not, the school district is out the money, the child is out the education, and we are back in the stew.

This is just an unacceptable amendment. Nobody is required to make adequate yearly progress with these children under Leave No Child Behind. There is no accountability under that. There is for the school. There is no accountability in this legislation. There is no accountability under, in many instances, State law. So I do not understand. The President, the Congress decided that we are going to build a system of accountability, and now, still, simply, you can opt out of that.

If students need supplemental services, your legislation provides for supplemental services without limit to provide for that child that is hearing impaired, that is sight impaired, where they can get additional services. I assume that is the purpose of the supplemental services. But this voucher goes far beyond that.

This voucher simply gives some level of scholarship to the parents to take. But that does not mean the parents will get into that school. They may settle for a school that does not quite provide those services. It turns out that does not work, and they are back in the public school system. Meanwhile, the public school system trying to hold on to a critical mass of people skilled to deal with the education of children with disabilities, finds out that the cost per service per child goes up.

Again, as we have seen in the McKay program, about 25 percent of these people go out into those things. They get their scholarships. They go to schools, and they are coming back. We do not know quite why yet they are coming back; but obviously as they come back to the public school system, they are more expensive than when they left.

There ought to be some screen to know that this, in fact, is going to enhance the children's education. We understand and deal with, all the time, parents who want another location for the child. That is not this system. This is just a wide open voucher system without any accountability. It ought to be rejected by the House.

The CHAIRMAN. All time has expired on the opposition side. The gentleman from South Carolina (Mr. DEMINT) is recognized.

Mr. DEMINT. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from South Carolina (Mr. DEMINT) has 2½ minutes.

Mr. DEMINT. Mr. Chairman, I yield 1½ minutes to my distinguished colleague, the gentleman from Florida (Mr. PUTNAM).

Mr. PUTNAM. Mr. Chairman, I thank the gentleman for yielding me time.

Florida set an example for the rest of the Nation by creating a program giving parents of children with disabilities the choice they deserve. The John McKay Scholarship Program was put in place to increase parental choice by allowing the parents of children with disabilities who had been attending a public school that was not addressing their needs to decide where their child would excel the most, be it private or parochial. Currently in Florida, those scholarships are funded by the State.

In passing this amendment we would be able to reach more of the 374,000 students in Florida alone who are eligible for these scholarships. Today, over 9,000 students utilize these scholarships to receive the education they would otherwise not be afforded. Fifty percent of those students qualify for free and reduced lunch, a higher percentage of low-income students than in the general education population in Florida. Thanks to these scholarships, we are helping low income students receive services they deserve.

This amendment will allow States to participate if they wish; a chance to benefit from the program like the McKay Scholarship Program; a program, by the way, which has an 89 percent reenrollment rate by those parents who are satisfied with the choice that the McKay scholarship affords them.

Mr. Speaker, Florida has received very positive feedback from these parents and from the educational system, and the McKay scholarship continues to grow. Let us not turn our backs on these children who deserve these educational services and let us continue to help them achieve their goals.

Mr. DEMINT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the concerns of my colleagues on the other side of the aisle, but unfortunately they have apparently read the propaganda from the Teachers' Union rather than reading the legislation itself.

This legislation does not establish a voucher program. It establishes no program at all. It simply encourages the States to innovate in a way that will empower parents with more voluntary choices so that they can meet the needs of their kids. It allows States to expand the rights of parents with more choices, to expand the accountability by giving parents more voluntary options.

Mr. Chairman, this vote today is a vote to empower parents and to do what IDEA is supposed to do, and that is to provide personalized, customized services for children with special needs.

Mr. BACA. Mr. Chairman, I rise in opposition to the DeMint and Musgrave amendments. These are thinly veiled efforts to privatize special education in our public schools by means of vouchers.

Not only would vouchers divert much-needed funds from our public schools, but children with disabilities who attend private schools with these vouchers will be enrolled selectively and that is discriminatory.

The DeMint and Musgrave voucher amendments drain resources for special education costs. Under these amendments, federal funding for special education services for all disabled children would instead be siphoned off to pay for private school tuition. These amendments would take away Federal dollars from public schools, and place additional burdens on schools and communities to serve more children with less funds.

These voucher amendments would allow discrimination by private schools and fail to provide real parental choice. Worried mothers of disabled children from across the country have called my office concerned that this bill and these amendments will make it harder for them to educate their very dear and special children. These children ought not to be ignored because of their special needs. How can we justify to a mother of one of these beautiful children that their kid is not deserving of an adequate education?

No child with a disability would be entitled to go to a private school of their choice under the DeMint or Musgrave amendments. These voucher amendments give veto power to private schools. The schools choose which students they will accept, not the parents.

Children with multiple disabilities and those that require high cost services would likely be excluded from the program. Further, the DeMint voucher program will not pay the entire cost of tuition at a private school, meaning that some families could not afford for their disabled child to go to private school.

For these reasons and the fundamental unfairness of these amendments, I urge my colleagues to oppose these amendments that deprive our Nation's disabled from the education they deserve.

Mr. DEMINT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. DEMINT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Ms. WOOLSEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from South Carolina (Mr. DEMINT) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House report 108–79.

AMENDMENT NO. 6 OFFERED BY MRS. MUSGRAVE

Mrs. MUSGRAVE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mrs. MUSGRAVE:

In section 612(a)(10)(A) of the Individuals with Disabilities Education Act, as proposed to be amended by the bill—

(1) redesignate clause (vi) as clause (vii); and

(2) insert after clause (v) the following:

"(vi) LOCAL EDUCATIONAL AGENCY OPTION.—A local educational agency may elect to fulfill its obligations under this subparagraph to children with disabilities enrolled by their parents in private elementary and secondary schools in the area served by the agency by offering certificates to all such parents for necessary special education and related services, if—

"(I) the certificates offered with respect to each child have an annual aggregate value that is equal to the lesser of—

"(aa) the per-pupil amount derived by dividing the proportionate share of Federal funds calculated under clause (i)(I) by the number of parentally-placed children with disabilities determined under clause (i)(II); and

"(bb) the actual cost of the necessary special education and related services for such child; and

"(II) the certificates may only be redeemed by the parents at eligible special education and related services providers, as determined by the local educational agency, that—

"(aa) provide information to the parents and such agency regarding the progress of the child as a result of the receipt of such services in a format and, to the extent practicable, a language that the parents can understand;

"(bb) meet all applicable Federal, State, and local health, safety, and civil rights laws;

"(cc) demonstrate that the provider has been lawfully operating as a business for not less than 1 year; and

"(dd) provide assurances to such agency that the provider is financially sound, is not in bankruptcy proceedings, and is not the subject of an investigation or legal judgment involving waste, fraud, or abuse on the part of the provider, or any employee of the provider, with respect to funds under the provider's control.

Clause (v)(II) shall not apply special education and related services furnished pursuant to such certificates. At the discretion of the local educational agency, and to the extent consistent with State law, State and local funds may be used to add to the value of such certificates.

The CHAIRMAN. Pursuant to House Resolution 206, the gentlewoman from Colorado (Mrs. MUSGRAVE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this amendment that I am offering today is all about local control. It is all about meeting the needs of a group of children that is in private schools, special ed students that are there; and each one of us would certainly agree that we need to meet the needs of these students. Quite frankly, they are not being met today. Although these children generate funds and are in the count that the public school uses, the Federal dollars flow to the public school, and then these dollars very often do not reach the child in regard to purchasing the special services that they need.

This amendment would rectify that by giving the local school districts an option of issuing a certificate to the parents of these special ed students on an average amount of $1,400 so that the parents could purchase the services that these children need.

This makes great sense since we want to educate all children well. The children in public school have due process right with their parents.

Mr. Chairman, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I rise in opposition to the Musgrave amendment and I yield myself such time as I may consume.

Mr. Chairman, I strongly oppose this amendment. Vouchers undermine the very foundation of IDEA. IDEA guarantees children with disabilities a free and appropriate public education and provides important safeguards to the child and the parents to ensure that education is actually received.

When a special education child takes a voucher to a private school, all guarantees and rights under IDEA are lost. The McKay Voucher Program in Florida, which allows children with disabilities to use vouchers to go to private schools, is a perfect example of the pitfalls of an IDEA voucher program gone wrong.

In the Florida special education voucher program, there are no State reviews of the education and services being provided, and there are no civil rights protections if parents are not happy with the education and services their children or their child is receiving. Under the Florida IDEA voucher program, private schools can and do charge parents additional tuition and fees above the voucher making it difficult and usually impossible for low income parents to benefit from vouchers.

Contrary to what some people claim, vouchers do not increase parents' choice. Private schools can and do discriminate for a variety of reasons. They can refuse to take a student for any reason including the student's disability. So when it comes to vouchers, it is not the parents who have the choice. It is the private school.

Mr. Chairman, I reserve the balance of my time.

Mrs. MUSGRAVE. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Chairman, I rise in support of the amendment by the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mr. Chairman, it has been said that the States are the laboratories of the Nation. In Arizona at this time, when the special needs child comes into the public system, oftentimes the public system recognizes that they are not fully capable of meeting that special need at that time and they provide a certificate for that child to go to a private school or a private institution to meet that child's needs.

All the Musgrave amendment really does is to allow this same option, and I emphasize the word "option," to be given to public schools in the context of the IDEA legislation. This is not a Federal mandate. This is not what people call vouchers. This is simply an option for the local schools to do this. And in those cases where they do, it gives those parents the opportunity to direct the resources on behalf of their child.

Mr. Chairman, no one knows and loves these children more than these parents. Mr. Chairman, I thank the gentlewoman for offering such a noble amendment.

□ 1400

Ms. WOOLSEY. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentlewoman from California (Ms. WOOLSEY) has 3 minutes remaining, and the gentlewoman from Colorado (Mrs. MUSGRAVE) has 3 minutes remaining.

Ms. WOOLSEY. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. PAYNE), a member of the committee.

Mr. PAYNE. Mr. Chairman, I stand in strong opposition to this amendment. Currently, IDEA guarantees every child with a disability a free and an appropriate public education. Diverting public funds to private and parochial schools through vouchers really undermines the public school system, and it undermines that guarantee that we have made to every youngster in this country. Vouchers would subsidize the enrollment of children in private schools that are not accountable nor subject to Federal civil rights laws.

Our Republican colleagues have pushed for accountability in education through the Leave No Child Behind Act; yet if this amendment passes, private schools would not be held to the same standards as public schools. We all know that. Public schools accept all children; but private and religious schools can and often do discriminate by rejecting students due to academic standards, disabilities, behavior problems, religious affiliations, and other criteria.

Public schools are simply that. They are public. Private and parochial are simply that. They are private and they are parochial. Under this amendment, private schools accepting voucher funds would not be required to recognize any of the parental rights contained within IDEA. It would be a step backwards.

We need to move forward in this new millennium. This is directly opposite to what IDEA was created to do, giving parents a voice in their children's education. Voucher programs will not pay for the entire cost; and, therefore, it would simply subsidize those. I strongly urge rejection of this amendment.

Mrs. MUSGRAVE. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank my colleague, the gentlewoman from Colorado, for yielding me this time.

I think this is an excellent amendment. Under current law, school districts are required to identify all children who have disabilities in a district, including private school children. All children. School districts are also obligated to provide special education and related services to these private school children as a group in an amount equal to the proportionate amount of Federal funds generated by these children to the district under IDEA.

Now, what does this mean? It means the school district receives a certain amount of dollars to provide services to these children. Under current law, however, no parentally placed private school child is entitled to individual services, even though the school district receives this money. The only requirement in the law is that the school's disabled population as a group must be helped.

In practicality, what this means is that many of the students who have been placed in a private or parochial school do not get the direct services specific to their needs; and when those services are available, they are often offered at times and at places that are inconvenient to the child's parents.

I support the Federal investment in meeting the education needs of all of our Nation's children with disabilities. Support this amendment.

Ms. WOOLSEY. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Education and the Workforce.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentlewoman for yielding me this time.

The arguments here are very similar to the previous amendment. One, it is a very bad idea in terms of policy and accountability and responsibility to these children, but it is also a bit of a hoax.

The idea that the parent can take the Federal share of the money, which the gentlewoman says is $1,400, maybe as high as $1,800, and go out and buy the same education they are going to get in the public school system for their children on the school-year basis, well, where does the rest of the money come from? At least if this bill had some intellectual integrity, it would say take all the money the school district is going to spend, take the $6,000 on a national average, give that to the parent and let them try to find this education.

Obviously, if the parent cannot come up with the additional money, they cannot provide for an education. Or if the child is severely disabled, this will not begin to cover those services. Remember, most of the people who go out to get these services end up suing the school district for those services and the school pays the whole amount. They pay $15,000, $20,000, $30,000, $40,000, or $50,000 because of the kind of intense services that these children need in order to qualify to get a free and appropriate education.

That is not what this amendment is about. This is just a shuck and a jive, that somehow you can go out and get these first-class services for a severely disabled child for $1,400. Again, the bill allows for, and I think it makes sense on one level, supplemental services. If $1,400 will buy the kind of services for a child that is moderately disabled or has a reading problem or something, and is labeled as disabled, fine, give them the supplemental services. But the notion someone can go out and buy an education for $1,400 is a hoax on the parents.

Mrs. MUSGRAVE. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, this is one of the few times I have ever been accused of shucking and jiving. It is not usually what I do for a living.

The gentleman from California (Mr. GEORGE MILLER) has actually made a couple of points that reinforce the point of this amendment. It is absolutely true that school districts have come to us repeatedly and said we do not have enough money to meet the IDEA standards to do the individual development plans and to meet the needs of our special needs students. It is the biggest complaint coming out of every school district in the country.

If the schools actually are paying $6,000 to $7,000 a student, which sometimes, quite frankly, I think is not an accurate claim, then they should be the first ones lining up behind an amendment that says for $1,400 we are going to take $6,000 to $7,000 pressure off your school system. The opposition of those who say that they are against this because there is not enough money, the parent can choose to go to the school. If they cannot get the plan, then they do not get the money.

There are groups in this country, in private schools, who are willing, through churches and others, to put up money to try to address these types of needs. We as a Federal Government are prohibiting them from addressing it and prohibiting those parents from getting the opportunity to meet those needs.

The CHAIRMAN pro tempore (Mr. TERRY). The time of the opposition has expired, and the gentlewoman from Colorado (Mrs. MUSGRAVE) is recognized.

Mrs. MUSGRAVE. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Currently, 7 percent of all students enrolled in Catholic schools are identified as disabled. Less than 1 percent of them get services. They generate $10 million in revenue for the schools in IDEA. The schools actually get about $78,000 out of that $10 million generated.

So when we talk about equity issues and we come to this floor to talk about the needs of all children, please consider the fact that these are children also. They happen to be in a different setting. They happen to be in a school that is not a government school. But that should not determine whether or not they are served.

We have time and time again stood on this floor arguing about whether or not we are really talking about children in these bills that we pass for education or whether or not we are just simply trying to support a particular system, a particular way of educating children. Should our concern not simply be about the children? We hear that word bandied about, so often used to describe our motives here, but when it is a child other than the one the government runs, we say they do not deserve it.

This is a great amendment. I hope we support it.

The CHAIRMAN pro tempore. All time having expired, the question is on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Ms. WOOLSEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE) will be postponed.

It is now in order to consider amendment No. 7 printed in House Report 108–79.

AMENDMENT NO. 7 OFFERED BY MR. SHADEGG

Mr. SHADEGG. Mr. Chairman, pursuant to the rule, I offer amendment No. 7.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. SHADEGG:

In section 204 of the bill, strike ``Section 614'' and insert ``(a) IN GENERAL.—Section 614''.

In section 204 of the bill, add at the end the following:

(b) FINDINGS; SENSE OF CONGRESS.—

(1) FINDINGS.—Congress finds the following:

(A) Certain of the categories of disability that allow students to qualify for benefits under the Individuals with Disabilities Education Act have not been scientifically established and, as a result, some children who do not have actual learning disabilities are classified as having disabilities under that Act.

(B) Nearly one in eight students is now labeled as disabled.

(C) Over one-half of those students are classified as having learning and behavioral challenges.

(D) Current definitions of disabilities in the Code of Federal Regulations, particularly the definition of ``emotional disturbance'', are vague and ambiguous.

(E) The absence of reliable methods for distinguishing children with a special learning disability from children who have lower than expected achievement leads to over-identification and misidentification of non-disabled students as students with disabilities.

(F) The lack of consistently applied diagnostic criteria for specific learning disabilities makes it possible to diagnose almost any low or underachieving child as a student with a disability.

(G) The President's Commission on Excellence in Special Education (PCESE) found in its July 1, 2002, report, ``A New Era: Revitalizing Special Education for Children and their Families'', that many of the current methods of identifying children with disabilities lack validity and, as a result, thousands of children are misidentified every year, while many others are not identified early enough or at all.

(H) The President's Commission also found that emotional and behavioral difficulties could be prevented through classroom-based approaches involving positive discipline and classroom management.

(I) According to testimony from a March 13, 2003, hearing before the Subcommittee on Education Reform of the Committee on Education and the Workforce of the House of Representatives, students are frequently referred to special education because they are not succeeding in the general education setting, and not because they are actually disabled.

(J) Students with controllable behavioral problems are often classified as having learning disabilities and therefore are not held responsible for their own behavior.

(K) According to testimony by Secretary of Education Rod Paige on October 4, 2001, before the Committee on Education and the Workforce of the House of Representatives, our educational system fails to teach many children fundamental skills like reading, then inappropriately identifies some of them as having disabilities, thus harming the educational future of those children who are misidentified and reducing the resources available to serve children with disabilities.

(2) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) students who have not been diagnosed by a physician or other person certified by a State health board as having a disability (as defined under the Individuals with Disabilities Education Act) should not be classified as children with disabilities for purposes of receiving services under that Act; and

(B) students with behavioral problems who have not been diagnosed by a physician or other person certified by a State health board as having a disability should be subject to the regular school disciplinary code.

The CHAIRMAN pro tempore. Pursuant to House Resolution 206, the gentleman from Arizona (Mr. SHADEGG) and a Member in opposition each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the purpose of this sense of the Congress amendment is simple and straightforward. It is intended to direct IDEA funds to those kids most in need.

We have a problem in this program at the present time of overidentifying. It has been discussed in the literature. It was discussed in the testimony before the committee. Quite frankly, all too often, sadly, some children are identified as being qualified for this program, and resources are devoted to them, when they are not, in fact, truly disabled.

The purpose of this amendment is to express the sense of the Congress that these resources should go to the truly disabled kids. We do not amend the definition of disabled or mentally ill. We do not attack the definition. We accomplish that by simply saying that the determination of who qualifies to be in the program ought to be made by either a psychiatrist or a psychologist or someone licensed by a State medical board.

Mr. Chairman, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I claim time in opposition, and I reserve the balance of my time.

Mr. SHADEGG. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Chairman, I want to compliment the gentleman from Arizona (Mr. SHADEGG) on the attempts he is making in this amendment because I think it is critically important that we are working to define very carefully those who are going to do evaluations on children.

However, what I would like to suggest is that we continue to work on this, perhaps that we move it to conference and try to refine some of the wording. Because I think some of the aspects that deal with physicians or trying to carefully define who may do these evaluations I believe we will get some more mileage on. It has been an important distinction over the years that I myself, as a psychologist, having done hundreds of these evaluations, have struggled with in trying to come up with the exact way to define special education and learning disabilities and the right tests. It is an issue that the Congress has been dealing with for many years as well and one that I think really requires our continued attention.

So again I compliment the Members for working on this. I hope we can continue to work on this and try to refine some of these definitions so that we can get to this end perhaps by another means.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise today to oppose this amendment, and let me just basically state the reason why.

We have in this country right now 4,000 young people who kill themselves every year in suicides. It is the third leading cause of death in this age group. We need to consider that two-thirds of young people who suffer from mental illness never even get help. Why? Because there is a stigma. People do not believe that there is any truth to mental illness.

While I am sure the gentleman who authored this amendment did not intend for the amendment to have this impact, what I worry about is that the impact of this amendment will be to further add to the stigma that exists towards people with mental illness by saying, basically all these kids really need is a good swift kick in the butt and they ought to pull themselves up by their bootstraps.

The fact of the matter is we know that there are some serious emotional disturbances that these young people are facing. To suggest that teachers right now in the classroom, administrators and principals do not already know which children need special ed and which children do not, I think is using the heavy hand of Congress to micromanage what school districts are trying to do to help these children.

So I would just ask the Members of the House to take a good hard look at this amendment and to consider the ramifications of voting for this because I think there is an unintended effect of passing this amendment that will further stigmatize people with mental illness.

Mr. SHADEGG. Mr. Chairman, I yield myself such time as I may consume to simply comment there is no intent to change the definition of mental illness nor to stigmatize in any way.

Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman from Arizona for yielding me this time.

As a Congress, we have a responsibility to not only fund special education but also to make sure the dollars spent on special education are targeted to the children who really need the extra assistance and learning. Each year, thousands of children are wrongly identified as needing special education while many others are not identified early enough or at all.

□ 1415

Mr. Chairman, this misidentification reduces the resources available to serve children who are actually disabled. Furthermore, it gives some children with controllable but negative behavior the ability to misbehave without fear of punishing.

H.R. 1350 takes important strides in addressing the problem of overidentification and the mislabeling of children with disabilities by way of prereferral services and early intervention strategies.

It also takes important strides in reforming current discipline procedures to make our schools safer for all of our children and teachers.

The Shadegg amendment supports the efforts of this legislation before us, and expresses a sense of Congress on reducing misidentification and ensuring that our schools are safe. I encourage Members to vote for this amendment.

Ms. WOOLSEY. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Education and the Workforce.

Mr. GEORGE MILLER of California. Mr. Chairman, I want to associate myself with the remarks of the gentleman from Rhode Island (Mr. KENNEDY) because I think this amendment causes a great deal of trouble in terms of the questions of the stigma of people.

I have talked to an awful lot of parents who have great qualms about whether their children should be identified in special education programs, whether to try to get the child into the program when they know the child needs help or not because they are concerned about what that means in the future. We have struggled with this in the committee and on both sides of the aisle, this question of underidentification, overidentification, and of the illnesses that we should be treating in this setting.

I do not think that this language, and maybe it can be improved before the end of this process, but I do not think that this language is proper. It suggests that only a select number of people are fit to pass judgment on whether or not these children are eligible or not, and I think it does create a problem in terms of the question of mental disability and of special education. I hope that we would not agree to this amendment. I think it is very damaging on the front that we have tried to make some progress on with the public.

Mr. SHADEGG. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I would say to the gentleman from California (Mr. GEORGE MILLER), we are not too far off on what we want to do here. Perhaps the gentleman does not like the language exactly like it is, but I am also absolutely certain the gentleman does not want children placed on the disability list when they should not be if it takes away from other children. I think the gentleman from Arizona (Mr. SHADEGG) is doing the right thing. I am sorry it is just a sense of Congress. It should be changed language in this legislation.

The system is suffering. We are putting people in disability situations that are not, and that is harmful, I believe, to the system. There are those that are being wrongfully identified, and I do not know who should make that decision. A physician might be a good possibility. If others are, it might be a smart idea to make sure we are right about them and have people who are certified by the State health board.

Ms. WOOLSEY. Mr. Chairman, I yield 30 seconds to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, right now we have no child psychiatrists in this country because there is no reimbursement because we have a discriminatory health care system that does not acknowledge mental illness as a health matter at all. So how we expect a very, very limited number of people who are experts in this area to somehow begin to determine all of these caseloads, I think, is absolutely impractical, unless the gentleman would commit to me that he would work with us to get mental health parity passed so we can get more clinicians in the area of mental health.

Mr. SHADEGG. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me try to conclude this debate in the positive spirit in which it has gone forward. I would be happy to work with Members on the other side of the aisle. The gentleman from Rhode Island said there are no child psychologists in America. I believe that is a misstatement. There are many I know, and work with some in Arizona. I would yield to the gentleman to correct that statement.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Obviously the gentleman understood what I was saying. There are hardly any. Ask any of your friends, and they will say there is a fraction of a percent in this country.

Mr. SHADEGG. Mr. Chairman, reclaiming my time, I understand the point. There are many.

But the point of the debate is that the goal of this sense of Congress amendment is, in fact, to direct the resources that we have for disabled children to those disabled children, and to make sure that we are putting into the program those kids, those young people, those children in our schools most in need. The reality is this is an incredibly important program that I take great pride that the Republican Congress has funded at an exceedingly higher level than it was in the past, but those resources need to go to the children most in need. I urge Members to support it.

Ms. WOOLSEY. Mr. Chairman, I yield 30 seconds to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I would like to work with the gentleman to see us be more constructive with our funds. We know there are a lot of ways to identify children that are going to have emotional disturbances and learning disabilities as a result early on before they get put into special education. This Congress and others ought to be focusing more on putting in intervention services for those children. That is where I think our attention should be, not unintentionally making mental illness a stigma.

The CHAIRMAN pro tempore (Mr. TERRY). All time has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. SHADEGG).

The amendment was agreed to.

It is now in order to consider amendment No. 8 printed in House Report 108–79.

AMENDMENT NO. 8 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. TANCREDO:

Strike subparagraph (A) of section 602(27) of the Individuals with Disabilities Education Act (as proposed to be amended by section 101 of the bill) and insert the following:

"(A) IN GENERAL.—The term 'specific learning 'disability' means a disorder due to a medically detectable and diagnosable physiological condition relying on physical and scientific evidence and not based on subjective criteria.

The CHAIRMAN pro tempore. Pursuant to House Resolution 206, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I yield myself 1 minute.

Much of the debate over this particular amendment, I think, we have actually heard over the previous amendment. It goes to the same issue, although this is not a sense of Congress, this is an amendment to the bill. It is designed specifically for the purpose of trying to identify those children who are truly in need of the services that we appropriate money for here, and distinguish them from those children who are not, but who are placed into these programs in ever-greater numbers, thereby diluting the pool of resources available to serve children who are truly in need.

This is a problem which has been with us since the beginning of this program. It was hoped it would be addressed in the reauthorization. That did not happen. The reauthorization does, in fact, what the gentleman from Rhode Island (Mr. KENNEDY) was asking for a minute ago, and that is emphasize early identification, and I am all for that. I do not believe that will change the problem.

If children are being misidentified today, they will be misidentified earlier. That is the real problem, misidentification, not the time at which it happens. The problem is with it intrinsically.

Mr. Chairman, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I claim the time in opposition to the Tancredo amendment.

The CHAIRMAN pro tempore. The gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment restricts local schools' methods of identifying students as having learning disabilities by redefining the language "specific learning disability" as a disorder "due to a medically detectable and diagnosable physiological condition relying on physical and scientific evidence."

Learning disabilities are not simply a medical condition that can only be determined by a doctor. Current definition includes disorders with psychological processes which have severe impact on learning and behavior. The Tancredo amendment creates a new and very narrow medical condition definition that would actually keep children from getting the special education services that they need, and they need those services so they can learn and be successful in school.

Mr. Chairman, I reserve the balance of my time.

Mr. TANCREDO. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Chairman, I rise today to talk about a very important issue, and that is overidentification and misidentification of children with suspected learning behavioral disabilities. If schools misdiagnose a child, it not only affects their report card, but it affects their future. We need to make sure that the right children receive special education.

The Tancredo-Graves amendment seeks to address this problem which is driving up the cost of IDEA and putting misdiagnosed kids into special needs programs. The majority of kids with disabilities are medically diagnosed and, therefore, receive special education services. Children with learning and behavioral disorders should be no different.

The bottom line is if a child has a medical disability, whether it be physical, mental, learning or behavioral, it should be diagnosed and have a medical opinion from a medical professional in order to receive the same special education services as those children that are medically diagnosed.

The Tancredo-Graves amendment would protect parents, and most importantly, it would protect children from being labeled with a disability that they may not have.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, this committee has struggled long and hard over many years to try and reduce litigation in this legislation. I think we have a magnet here in terms of litigation. And I also think because the definition of "medically detectable and diagnosable physiological condition," I am not quite sure how we are going to comply with that in the number of conditions that children have. The number of means by which we now diagnose children I am not sure fit within that definition. By the same token, I suggest that does not mean that they are not properly enrolled in these programs and do not have a disability that requires special attention in terms of their ability to get an education. I think this is a really bad amendment, and I would urge Members to oppose it.

Mr. TANCREDO. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, let me rise to support this amendment. This language really needs to go to conference. It needs to be in the bill. There are too many people placed in special education that should not be in special education, and that harms the system and it also harms those that should be in special education and the dollars that flow to them. All I am saying is let us put the right people in special ed, and those that should not be there not be there.

This amendment was read earlier stating, "The term 'specific learning disability' means a disorder due to a medically detectable and diagnosable physiological condition relying on physical and scientific evidence," and then the reading stopped. The important part of this language is, and I continue, "and not based on subjective criteria." I do not know that part was not read out, but that is the part that is so important because that is why so many people are in special education that should not be in special education. I urge Members to pass this and we will get into conference and talk further.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

□ 1430

Mr. KENNEDY of Rhode Island. Mr. Chairman, the problem we have in this country right now is not that there are too many people who are overidentifying themselves as having mental illness; it is that it is too few people. And the notion that people are readily just going in there and saying, oh, my child is disabled or I have a mental illness, you have got to be kidding me. Two thirds of those who need the help are not getting it, and if my colleagues think that the people who really are going to be at the lower-end socioeconomic levels are going to be able to go to a doctor, pay for it to try to get identified so they can get this program, who do they think is going to get it under their bill? I will tell them who. People with health insurance and money. They are the only ones who are going to be able to afford to see a doc to get this designation. In addition to that, this mentally detectable and diagnosable, physiological condition, that has got stigma and stereotype written all over it. It is language that is basically for those who are concerned about this issue, code language for discrimination against people with mental illness; and that is a fact. And my colleagues can talk to anyone who leads any mental health organization in this country, NAMI, National Alliance for the Mentally Ill, any of those, and they will say this language here plays upon the age-old stereotype of people with mental illness. And I urge my colleagues to reject this amendment.

Mr. TANCREDO. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Chairman, I believe the Member is headed in an important direction in terms of identifying a better way of evaluating children. And speaking as the only Member of this Chamber who has done hundreds of these tests, I would like to say medical doctors for the most part do not have the training or the tools to do these evaluations. We need to pursue a clearer definition. I am absolutely in agreement on that, but I am not sure this is the correct way to do this. Even the best neurologists, M.D., can say if brain tissue is malformed or damaged; but they cannot say if the brain is functioning properly and therefore give some explanation or diagnosis of such concerns as Asperger's, autism, or dyslexia at this time.

The CHAIRMAN pro tempore (Mr. TERRY). The gentlewoman from California has 1 minute. The gentleman from Colorado has 1½ minutes.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

I would like to repeat that this amendment creates a very narrow medical condition definition, and it would keep children from getting the special education services they need to learn and to be successful in school.

Mr. Chairman, I yield the balance of my time to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, once again I would just say, as my good friend has just said, the reason that doctors are not trained in identifying mental illness is that we still are living in a country where mental illness is not regarded as part of the body. In other words, brains are not considered an organ of the body currently in this country for purposes of insurance. So why should we be surprised when there are not any doctors out there who can have the training to do this? What the gentleman is doing is not helping us. It is hurting us. So I would just ask my colleagues once again please vote "no" on the Tancredo amendment.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

The dictionary definition of physiological psychology, a branch, by the way, of physiology, is that it is concerned with the relationship between the physical functioning of an organism and behavior. So I am quite sure that this definition will cover the kinds of folks, the kinds of problems that my colleague from the other side of the aisle has brought to our attention. It is certainly not my intention to discriminate against them. It is simply my intention to make sure that only the children who need help, be it physical or mental, get that help, and they are now being refused that help. We cannot get them into the program. We cannot give them the help they need because of the many kids who are there who should not be there. I sat through many processes that were designed. As a teacher, I sat through the process designed to determine which kids should go into special ed and which kids should not, and I will tell my colleagues everything in that process is designed to push the kid in. Everybody around that table is usually there to say yes, including the parent, who does want an excuse. More often than not, they do want an excuse for the problems they are having, and a lot of problems are behavioral. There are all kinds of kids in our classrooms today who are there in IDEA classrooms and handicapped education because their IQ does not fit their achievement level. But that is not necessarily a handicap and should not be a definition of a handicapping condition. We have title I for this kind of thing.

That is the problem, too many put there subjectively. It is not an attempt to discriminate between mental or physical handicap one iota. I assure my colleagues I have a personal concern about those issues. I assure them.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Ms. WOOLSEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment No. 2 offered by the gentleman from Louisiana (Mr. VITTER), amendment No. 5 offered by the gentleman from South Carolina (Mr. DEMINT), amendment No. 6 offered by the gentlewoman from Colorado (Mrs. MUSGRAVE), and amendment No. 8 offered by the gentleman from Colorado (Mr. TANCREDO).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. VITTER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 2 printed in House Report 108–79 offered by the gentleman from Louisiana (Mr. VITTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 413, noes 0, not voting 21, as follows:

[Roll No. 150]

AYES—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—21

Becerra
Cannon
Combest
Dooley (CA)
Dreier
Foley
Frost
Gephardt
Honda
Jackson-Lee (TX)
Kingston
Lampson
McCarthy (MO)
Otter
Owens
Renzi
Rogers (AL)
Slaughter
Snyder
Tiahrt
Whitfield

The CHAIRMAN pro tempore (Mr. TERRY) (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 1457

Mr. NADLER and Ms. LINDA T. SÁNCHEZ of California changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. LAMPSON. Mr. Chairman, on rollcall No. 150, had I been present, I would have voted "aye."

Mr. FOLEY. Mr. Chairman, on rollcall No. 150, I was at the White House for a bill signing. Had I been present, I would have voted "aye."

Mr. ROGERS of Alabama. Mr. Chairman, on rollcall No. 150, had I been present, I would have voted "aye."

Ms. JACKSON-LEE of Texas. Mr. Chairman, on rollcall No. 150, the Vitter amendment regarding the GAO study on IDEA paperwork. I was unavoidably detained in a business meeting.

If I had been able to be present. I would have voted "aye" on rollcall No. 150.

Mr. OTTER. Mr. Chairman, unfortunately I missed the vote on the Vitter amendment to H.R. 1350, Improving Education Results for Children With Disabilities Act of 2003. Had I been present I would have voted for the amendment.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to clause 6, rule XVIII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT NO. 5 OFFERED BY MR. DEMINT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina (Mr. DEMINT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 182, noes 240, not voting 12, as follows:

[Roll No. 151]

AYES—182

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Ehlers
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Northup
Norwood
Nunes
Nussle
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walsh
Wamp
Weldon (FL)
Weller
Wicker
Wolf
Young (AK)

NOES—240

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Ford
Frank (MA)
Frost
Gerlach
Gonzalez
Gordon
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley (OR)
Houghton
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (WA)
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—12

Becerra
Combest
Dreier
Gephardt
Honda
Kingston
McCarthy (MO)
Owens
Slaughter
Snyder
Whitfield
Wilson (SC)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. TERRY) (during the vote). Members are reminded there are 2 minutes remaining on this vote.

☐ 1507

Mr. CULBERSON changed his vote from "aye" to "no."

Mr. SWEENEY changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. WILSON of South Carolina. Mr. Chairman, on rollcall No. 151, had I been present, I would have voted "aye."

AMENDMENT NO. 6 OFFERED BY MRS. MUSGRAVE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 6 printed in House Report 108–79 offered by the gentlewoman from Colorado (Mrs. MUSGRAVE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 176, noes 247, not voting 11, as follows:

[Roll No. 152]

AYES—176

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonilla
Bonner
Bono
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Ehlers
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kline
Kolbe
LaHood
Latham
Lewis (KY)
Linder
Lipinski
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Murphy
Musgrave
Myrick
Northup
Norwood
Nunes
Nussle
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Putnam

Radanovich
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—247

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Ford
Frank (MA)
Frost
Gilchrest
Gonzalez
Gordon
Graves
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley (OR)
Houghton
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Knollenberg
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Rodriguez
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shuster
Simmons
Simpson
Skelton
Smith (WA)
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Becerra
Combest
Dreier
Gephardt
Honda
Kingston
McCarthy (MO)
Owens
Slaughter
Snyder
Whitfield

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are reminded there are 2 minutes remaining on this vote.

□ 1514

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1515

AMENDMENT NO. 8 OFFERED BY MR. TANCREDO

The CHAIRMAN pro tempore (Mr. TERRY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 54, noes 367, not voting 13, as follows:

[Roll No. 153]

AYES—54

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Blunt
Brown (SC)
Buyer
Cannon
Collins
Crenshaw
Cubin
Culberson
Deal (GA)
Doolittle
Duncan
Everett
Flake
Franks (AZ)
Graves
Greenwood
Gutknecht
Hastings (WA)
Hefley
Hensarling
Hostettler
Istook
Jenkins
Jones (NC)
King (IA)
Linder
Manzullo
Moran (KS)
Musgrave
Nethercutt
Norwood
Otter
Paul
Pence
Pitts
Ramstad
Rohrabacher
Royce
Ryun (KS)
Shadegg
Stearns
Tancredo
Taylor (MS)
Taylor (NC)
Tiahrt
Toomey
Wamp
Wicker

NOES—367

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin

Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Becerra
Combest
Dreier
Gephardt
Honda
Kingston
McCarthy (MO)
Owens
Rush
Slaughter
Snyder
Weller
Whitfield

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1523

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LAHOOD). It is now in order to consider amendment No. 9 printed in House Report 108–79.

AMENDMENT NO. 9 OFFERED BY MR. KIRK

Mr. KIRK. Mr. Chairman, I offer amendment No. 9.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. KIRK:

At the end of the bill, add the following:

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. SENSE OF CONGRESS RELATING TO SAFE AND DRUG-FREE SCHOOLS.

(a) FINDINGS.—Congress finds the following:

(1) Providing children with disabilities with a safe, productive, and drug-free learning environment is a laudable goal for our Nation's schools.

(2) Schools are a refuge for students, not a place where drugs and violence are to be tolerated.

(3) Every child with a disability in the Nation deserves access to a quality education, including a safe and drug-free learning environment.

(4) Local educational agencies, school boards, schools, teachers, administrators, and students all have a responsibility to keep school facilities, including lockers, drug-free.

(5) Random searches of student lockers to seize any illegal drugs or drug paraphernalia has been known to work as an effective method to address the problem of such drugs and paraphernalia. The time of day in which lockers are to be searched should be left to the discretion of the local educational agency.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that safe and drug-free schools are essential for the learning and development of children with disabilities.

The CHAIRMAN pro tempore. Pursuant to House Resolution 206, the gentleman from Illinois (Mr. KIRK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise today to commend the gentleman from Ohio (Chairman BOEHNER) and the gentleman from Delaware (Mr. CASTLE) for their hard work and dedication to improving our Nation's special education system.

I also want to thank Sage Lansing of my staff for her work on this issue.

Mr. Chairman, this issue of our education system is very important. I had raised an issue of Impact Aid for our military men and women in a conflict that is just ending today, and I hope and pray that the committee takes up that issue at another time.

But I am here to talk about protecting the most vulnerable students in our schools. My amendment before the House recognizes that special education students face various challenges throughout their school day, and not the least of which are the dangers posed by drugs on school property.

My amendment recommends, but does not mandate, that random locker searches are an effective way of reducing the severity of the drug problem in a particular school. The decision to employ this technique is left to the discretion of each school administrator.

Two high schools in my district, Libertyville High School and Vernon Hills High School, have conducted locker searches which have been hailed by parents, students, and staff as an effective and necessary method for indicating to students that the use of and sale of drugs on school property is not to be tolerated. These searches are a proactive technique that will hopefully discourage students from using or selling drugs in school.

A U.S. Supreme Court case entitled New Jersey v. T.L.O. in 1985 set the precedent that school searches fall under the fourth amendment's reasonableness standard. The majority Court opinion said: "Striking the balance between schoolchildren's legitimate expectations of privacy and a school's equally legitimate need to maintain an environment in which learning can take place requires some easing of the restrictions in which searches by public authorities are ordinarily subject. Thus, school officials need not obtain a warrant before searching a student who is their authority."

The goal of this amendment is not to infringe upon a student's right to privacy; rather, it is intended to protect the entire school community from the dangers and health problems associated with the use and sale of illegal drugs.

I urge my colleagues to express their support for safe and drug-free schools by supporting the amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I claim time in opposition to the amendment.

The CHAIRMAN pro tempore. Without objection, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

There was no objection.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KIRK. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I would like to thank the gentleman for his amendment.

As chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, few things are as important as trying to maintain order and safety in our schools.

This is a particular opportunity to point out what has been a current interest and the personal interest of the director of SAMSA, Charles Curry, on looking at co-occurring disorders.

Increasingly, we are seeing the narcotics traffickers, particularly in urban centers but also in schools and elsewhere, prey upon the most vulnerable population in this country: those people who have various disabilities. We are seeing in many of the public housing areas now, not only in the United States but around the world, the vulnerability of this population to marketing and aggressive sales.

I think that the point that this amendment makes, that one of the things that keeps our schools safer for these vulnerable students is to make sure that the illegal narcotics stay out of the schools, is very important. We need to have this resolution passed.

I commend the gentleman from Illinois (Mr. KIRK) for calling attention to the specific problem of drugs in schools, but also to the co-occurring disorders that are such a challenge in our society.

Ms. WOOLSEY. Mr. Chairman, I reserve the balance of my time.

Mr. KIRK. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM), the ace of the House.

Mr. CUNNINGHAM. Mr. Chairman, I rise in support of this amendment. I thank the gentleman for the caring amendment.

Both my daughters have gone through public school, and most of the Members here have done the same thing. We know that a war on terrorism is a war on drugs, as well.

If one is a mother with a child with special needs, or a child in a mainstream, drugs are a problem. A hearing-impaired child that sells cocaine in my opinion should be held accountable, because it has nothing to do with the actual disability.

This bill goes beyond that. It protects our schools. It makes sure that our schools and our lockers are free not just from drugs but from weapons.

□ 1530

We have seen Columbine and we have seen other issues that have occurred and this helps solve that problem. We spoke yesterday in a bipartisan way about Peter Yarrow and "Don't Laugh at Me." All of these issues are put in place to protect our students and our children, and I commend the gentleman.

Ms. WOOLSEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Illinois (Mr. KIRK).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 10 printed in House Report 108–79.

AMENDMENT NO. 10 OFFERED BY MR. MCKEON

Mr. MCKEON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. MCKEON:

In section 611(f) of the Individuals with Disabilities Education Act (as proposed to be amended by section 201 of the bill), add at the end the following:

"(4) SPECIAL RULE FOR INCREASED FUNDS.—

"(A) IN GENERAL.—If the amount available for allocations to States under subsection (d)(1) for a fiscal year is equal to or greater than the amount allocated to States for fiscal year 2003, then each State may retain not more than the amount of funds it had reserved under subsection (e)(1)(B) for fiscal year 2003.

"(B) EXCEPTION.—In any fiscal year in which the percentage increase of the amount available for allocations to States under subsection (d)(1) is equal to or greater than the rate of inflation, each State may increase its allocation under subsection (e)(1)(B) by the amount allowed under subsection (e)(4)(B), for the sole purpose of making grants under subsection (e)(4)(A).

The CHAIRMAN pro tempore. Pursuant to House Resolution 206, the gentleman from California (Mr. MCKEON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer an amendment to H.R. 1350, the Improving Education for Children with Disabilities Act of 2003 which will make dramatic improvements to the Nation's special education law.

The amendment that I, along with my colleague, the gentlewoman from California (Ms. WOOLSEY) am offering would amend current law to require that any additional increases in Federal spending above fiscal year 2003 levels be passed down directly to the local level.

Over the past 2 years, the State of California has substituted additional Federal education money for State funds, in most cases to mask the budget deficit. In effect, the State has used Federal dollars as the soul source of increase in special education over the last 2 years, allowing the State to spend the expected increase in Federal dollars to the State on other programs.

In 2003, the State of California received an increase of $151.5 million in Federal funding to go towards educating special needs kids, and in 2004, the State is slated to receive an increase of $82.8 million. This level is likely to be significantly higher for my State if Congress provides the significant increases in special education funding called for in the budget resolution.

Unfortunately, California school children have not seen the benefits of increase in the Federal Government. While this practice may not violate any law, I believe it violates the intent of our recent efforts to increase Federal education funding and is harmful to our Nation's school children.

In a Contra Costa Times article that appeared in February 2002, Sandy Harrison, spokesman for the State finance department, said "the governor substituted the new Federal funds for State funds because it was a tough budget year."

Even though the redirection of funds in California was only supposed to be for one year, the State has decided once again to use the Federal money to replace State funding for special education. Of additional concern is that this practice is no longer limited to only the State of California. The States of Kansas, Iowa and Oregon are contemplating similar efforts to retain Federal funding at the State level instead of sending it down to the local level where it can make the most difference.

Over the last few months and even during consideration of the bill by the House Committee on Education and the Workforce, we tried many avenues to deal with this concern. Unfortunately, most were unworkable and would have been difficult to administer.

The one alternative that is easy to administer and immediately solves the problem is to mandate that any additional Federal funding above fiscal year 2003 be distributed straight to the local education agencies.

The McKeon/Woolsey amendment has the strong support of teachers and local school officials, those on the front lines in California who want to ensure that children with disabilities receive the quality education they deserve. For example, the L.A. County Office of Education which serves as the Nation's largest regional education agency, assisting 81 school districts, serving 1.6 million students, responsible for serving 10,000 children with physical and mental disabilities said that this amendment will help us meet our responsibility to provide the highest quality education to our children by ensuring that funding reaches the local level where it is most needed.

They go on to say that the amendment enhances our Nation's investment in the future of our children and the attainment of our dreams and aspirations. By passing H.R. 1350, Congress moves closer to following through on a commitment made over 27 years ago to families and their children with special needs. If States are allowed to usurp Federal funds that are intended to supplement, not replace State funding, this commitment will never be realized.

Special needs children in my State cannot afford to be stripped of this desperately needed funding. Therefore, I am offering this amendment so that the unprecedented level of funding offered by Congress is not diluted because of States unwillingness to make special education funding a priority.

Mr. Chairman, I urge my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I claim time in opposition to the amendment, but I do not oppose it.

The CHAIRMAN pro tempore. Without objection, the gentlewoman is recognized for 5 minutes.

There was no objection.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there is strong bipartisan support for the McKeon/Woolsey amendment, amendment No. 10, because it guarantees that from now on, all increases in Federal IDEA funds go to local schools where they belong.

My Republican colleague and I came together to offer this amendment because we want to make certain that State do not use Federal increases in IDEA funds to solve their State budget problems. We are aware of at least 4 States, including our own California, that may be considering using IDEA funding increases at the State level for other purposes.

While we all here in this room are sympathetic to State budget problems, we agree that IDEA funding must not be used to solve those problems. The McKeon/Woolsey amendment ensures this will not happen by prohibiting States from keeping increases in IDEA funds for their own use.

Whenever I talk to the educators in my local school districts, the first thing they bring up is IDEA, and the first thing they bring up about IDEA is funding. As we all know, the Federal government has a long way to go to fully fund the Federal share of IDEA. It is our local school districts who fulfill the responsibility of providing every child with a free and appropriate public education. And it is these school districts, not the States, who must benefit from federal IDEA funds.

Local schools desperately need every penny of Federal IDEA funds, and the

McKeon/Woolsey amendment makes sure that they get them. I encourage my colleagues to vote aye on the McKeon/Woolsey amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. McKEON. Mr. Chairman, I yield 1 minute to the gentleman from San Diego, California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I have spent 12 years in this body, both in the authorization and the Committee on Appropriations. My sister-in-law is in charge of all special education in San Diego city schools. She works for Alan Bersin. And what he has stated that he has got two basic problems. One is that it is improper to say that the governor is taking Federal education money and cutting IDEA. What he is doing is reducing the State funds for IDEA and the Federal funds are supposed to go above that to enhance the IDEA funding, and the governor is doing that to balance his budget. This amendment prevents that.

There is much more that we could do in this body. I wish that we could reduce the maximum amount of paperwork. In California it is unbelievable. I wish we could cap lawyer fees, and put the money directly towards students. We cannot do all of those things. We do not have the votes on some of these issues. But this one is not only very thoughtful, and I would like to thank the gentlewoman from California (Ms. WOOLSEY) and the gentleman from California (Mr. McKEON), it is not only thoughtful, but it is needed to protect the funds that we have appropriated in a bipartisan way for IDEA.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. McKEON).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 11 printed in House Report 108–79.

AMENDMENT NO. 11 OFFERED BY MR. NETHERCUTT

Mr. NETHERCUTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. NETHERCUTT:

In section 635(a)(16)(B) of the Individuals with Disabilities Education Act (as proposed to be amended by section 301 of the bill), add at the end before the period the following: "or in a setting that is most appropriate, as determined by the parent and the individualized family service plan team".

The CHAIRMAN pro tempore. Pursuant to House Resolution 206, the gentleman from Washington (Mr. NETHERCUTT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the amendment that I propose today is intended to expand the service opportunities available to young children under IDEA in an appropriate facility or facilities in conjunction with a parent and the best recommendations of the individualized family service plan team. It is an expansion of services available to children, not a contraction under IDEA.

The reason for this amendment is for the following purposes: In my district of Spokane, Washington, eastern Washington, the City of Spokane, we have a great facility called the Spokane Guild School. They have a dedicated board of trustees and dedicated volunteers and operational people from Dick Boyser to Rick Melanson and to Jim O'Connell to many, many others who have looked at the services that are provided by the Spokane Guild School and found them to be so superior to other environments that may be available to young children who are experiencing muscular conditions or neuromuscular conditions that need attention at an early intervention age.

So what they have done over the years is determine that perhaps existing law would exclude them from providing services for these precious children because it is not necessarily in a natural environment. But my amendment intends to make sure that the definition of natural environment includes the kind of facilities like this, the Spokane Guild School and many others in our State of Washington, and perhaps around the country, so that the children are benefitted in conjunction with the requests and expectations of parents and the IFSP team. So this is not a threatening amendment. To the disability community it is an enhancement.

About a year or so ago about the request or suggestion of Mr. Melanson and others, we put $500,000 in to make sure that the government of the United States understands the value of this kind of environment for children suffering these kinds of conditions that need desperate help at an early age. We were able to get that money in to do some studies, to make sure that the model that exists in the State of Washington through the Spokane Guild School may be replicated around the rest of the country because it is enhancing for students and little children, not diminishing.

I have had Undersecretary Bob Pasternak from the Department of Education come to our district, and he did so willingly and with a critical eye, but also a welcoming expectation about the great services that are available even though they may not be precisely in a home environment. I will speak for him and say that we were delighted to have him come, and I believe he was delighted to be able to be there.

In the visit that Undersecretary Pasternak made, he made an impression on us as a caring person in the bureaucracy of the Department of Education and in government, but also a person who wants to, in his best expectations, have children served properly who are subject to the IDEA.

So we have a lot to offer in this environment. We have a State legislature in my State, the Senate passed legislation that said, Congress, please allow this expansion or interpretation of IDEA to cover a place like the Spokane Guild School. It passed the House by 96 to nothing. It passed the Senate in our State 49 to nothing. So it is a bipartisan, comprehensive, high-expectation measure that helps children.

☐ 1545

So I would just urge the chairman of the Committee on Education and the Workforce and the minority Member, certainly the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Delaware (Mr. CASTLE) are all dedicated to the best interest of young children, and I would hope this amendment could be accepted. It is a good amendment. It is going to help children at the best level for the parents and for the children and the team that supports the child. I urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I claim the time in opposition to the amendment, and I yield myself such time as I may consume to have a colloquy with the gentleman from Washington (Mr. NETHERCUTT).

Mr. Chairman, I first want to thank the gentleman for his amendment and for his support of young children and their families. I understand this amendment retains the integrity of the team process. We want to preserve the team approach and the philosophy that the decisions of the IFSP team are to be made in partnership with the family and the providers in determining together what is appropriate for the child.

I also understand that this amendment is not meant to understate the importance of even the youngest children with disabilities being able to be with their peers in their neighborhoods, child care or Head Start, or in other settings that will give them both the special services they need but the opportunities to be part of their communities. Is this correct?

Mr. NETHERCUTT. Mr. Chairman, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentleman from Washington.

Mr. NETHERCUTT. The gentlewoman is correct. Her interpretation of my amendment is exactly correct, and it is appropriate for children and the team approach to making sure that services for children are properly provided.

Ms. WOOLSEY. Reclaiming my time, Mr. Chairman, I thank the gentleman very much.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from Washington (Mr. NETHERCUTT) has 30 seconds remaining.

Mr. NETHERCUTT. Mr. Chairman, I yield myself the balance of my time to urge passage of this amendment.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. NETHERCUTT. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, let me suggest to our Members that our friend from the State of Washington makes a valuable contribution to the bill, and I would urge the Members to support his amendment.

Mr. NETHERCUTT. Reclaiming my time, Mr. Chairman, I thank the chairman and thank the minority Members who support this amendment. It is good for children, it is good for IDEA, and is a proper expansion, or I should say interpretation of existing law.

Mr. Chairman, I yield back the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Washington (Mr. NETHERCUTT).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 12 printed in House Report 108–79.

AMENDMENT NO. 12 OFFERED BY MRS. DAVIS OF CALIFORNIA

Mrs. DAVIS of California. Mr. Chairman, I offer this amendment on behalf of my colleague, the gentlewoman from California (Ms. LORETTA SANCHEZ).

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mrs. DAVIS of California:

In section 665(b)(2)(I) of the Individuals with Disabilities Education Act (as proposed to be amended by section 401 of the bill), add at the end before the period the following: ", including to train school safety personnel and first responders who work at qualified educational facilities".

The CHAIRMAN pro tempore. Pursuant to House Resolution 206, the gentlewoman from California (Mrs. DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Loretta Sanchez amendment would include language in the bill that would authorize the use of funds to develop and improve programs to train school safety personnel and first responders who work at educational facilities in the recognition of autism spectrum disorders.

The goal of the amendment is to train school safety personnel and other first responders to respond appropriately to persons exhibiting behaviors and/or characteristics of developmental disabilities and/or mental illness. We are not asking for additional funds in this amendment, but rather to use those funds that have been designated for this particular purpose.

Mr. Chairman, many years ago, back in the 1960s, I actually worked with autistic children and their families; and I worked with them in an institutionalized arena. I always marvel today that many of those children who I knew in these hospitals in California are now in our public school system. We have many children who years ago could not benefit from the many advantages of our public school system, but they are doing that today.

From time to time, unfortunately, they may display behaviors that people do not understand very well. We have tremendous medicines today, but now and then children either do not get those medications or for one reason or another they are not being as effective as they could be. What we need to be certain of is that people who are in the community can observe these children, can respond to them effectively, can work with bystanders as well who may in fact be troubled by their behaviors.

It is very important that if we have this funding mechanism available, that we utilize it to the best benefit of our children. I am very pleased that the gentlewoman from California (Ms. LORETTA SANCHEZ) has brought this amendment forward. I think it will be of immeasurable benefit. We need to be certain that the kind of aggressive or self-injurious behavior that sometimes is present in these children is dealt with appropriately.

Let us pass this amendment, understand its implications and its benefits, and be certain that children who suffer from autism, and there are many of them today in our country, autism affects nearly 1.5 million people, that these children have people who understand their behaviors, can respond to them, can help them and can help those around them in the school system, associates, friends, neighbors, to better deal with their problem as well.

We have seen that where we have trained our first responders, even in domestic violence, whatever it may be, to deal on the spot with the situation as they see fit, that we have all benefited. I cannot think of any better way to use these funds but in this way, and I am delighted that my colleague, the gentlewoman from California (Ms. LORETTA SANCHEZ), is here to speak further about this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CASTLE. Mr. Chairman, I seek the time in opposition.

The CHAIRMAN pro tempore. Without objection, the gentleman from Delaware (Mr. CASTLE) is recognized for 5 minutes.

There was no objection.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

Let me say that we, on this side, are in support of this amendment. I met, I think it was just yesterday actually, or the day before, but with family groups in Delaware, my home State, where we are concerned about autism; and this actually is one of the very areas they discussed.

We realize these children are very gifted, and we realize this can be very difficult. I happen to believe this is an amendment that has merit and adds to the bill.

Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, I appreciate the gentleman's remarks and appreciate the gentlewoman from California (Ms. LORETTA SANCHEZ) introducing this amendment.

Autism is one of the most misunderstood maladies that children have and adults have in this country, and it is a growing problem. We have one out of every 200 children in America now becoming autistic. It used to be one in 10,000. It has been multiplied by 50 the number who are affected.

Many of these children do have problems occasionally, where they flap their arms, they will bang their heads against the wall, they will even speak incoherently. It takes somebody who understands to be able to deal with them. It is very difficult on parents, but it is more difficult even for people who are trying to educate these children.

So I think this is a great amendment, and I appreciate the gentleman's comments, and I appreciate the amendment of the gentlewoman from California (Ms. LORETTA SANCHEZ) in introducing this amendment.

The parents of these autistic children for the past 5 or 6 months here in the Congress have been fighting a very difficult battle with pharmaceutical companies, because they think, and I believe, that many of these children were damaged by mercury in some of the vaccines that we had. So they have had a tough fight, and I am glad to see that we are showing a little concern about their problems by having this amendment on the floor; and I assume it will be adopted without any opposition.

So I thank the gentlewoman, and I thank the committee for accepting it.

Mr. CASTLE. Mr. Chairman, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Chairman, I yield myself such time as I may consume just to simply say that I appreciate the opportunity to have addressed this bill.

Mr. Chairman, I yield the balance of my time to the gentlewoman from

California (Ms. LORETTA SANCHEZ) and ask unanimous consent that she be allowed to control that time in order to speak further about the need for this important amendment.

The CHAIRMAN pro tempore. Without objection, the gentlewoman from California (Ms. LORETTA SANCHEZ) has 2 minutes remaining.

There was no objection.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, autism is currently the third most common developmental disability. It is more common than Downs syndrome. A majority of the public, including those who work in schools, do not really know, when they see it, what is happening. They are unaware of how autism affects people, and they are not trained well in how to work effectively with individuals who have autism.

Autism interferes with the normal development of the brain in areas of reasoning and social interaction, and so people with autism can, in particular in more extreme cases, exhibit unusual responses that most of us may not understand: aggressiveness, for example; committing self-injury to themselves. It is a behavior that is of special concern because in responding to situations, it is difficult. Especially if you are in the classroom or in a school situation, or even in the learning environment, how you respond to the child is important.

It is absolutely necessary to provide funding to train our special ed teachers regarding autism disorders, and it is also important to provide that training to school safety personnel and to other first responders who deal with the school setting.

What we have had in the past are people, law enforcement sometimes, who do not really understand what type of a child this may be. Therefore, they may handle them in a different way, in an incorrect way, where they might be more injurious towards the student. That is why the Sanchez amendment would include language in this bill that would authorize the use of funds to develop and to improve programs to train school safety personnel and first responders who work with our school facilities to recognize autism spectrum disorders.

The goal of the amendment, Mr. Chairman, is to train school safety personnel and other first responders.

Mr. CASTLE. Mr. Chairman, I yield myself the balance of my time just to say that we are in support of the amendment. We actually think it is a very good amendment on this side. We congratulate the gentlewoman, and we hope that everybody will support it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from California (Ms. Davis).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 13 printed in House Report 108–79.

AMENDMENT NO. 13 OFFERED BY MR. WU

Mr. WU. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. WU:

In section 654(c) of the Individuals with Disabilities Education Act (as proposed to be amended by section 401 of the bill), strike paragraph (2) and insert the following:

"(2) PRIORITY.—The Secretary may give priority to applications—

"(A) on the basis of need; and

"(B) that provide for the establishment of professional development programs regarding methods of early and appropriate identification of children with disabilities.

The CHAIRMAN pro tempore. Pursuant to House Resolution 206, the gentleman from Oregon (Mr. WU) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I yield myself such time as I may consume to simply say that it is my intention to submit a written statement with respect to this amendment, and I will make that request on behalf of the gentlewoman from Oregon (Ms. HOOLEY) as well.

Today, students with learning disabilities represent half of all students served under IDEA.

During the 1990s, the number of students in this category substantially increased by 34%. The President's Commission on Excellence in Special Education asserts that 80% of these students are identified as learning disabled because they have not learned how to read. The report further asserts that up to 40% of learning disabled students are in special education because they were never taught how to read.

These children do not need special education, they need an education.

The problem is that children are being misidentified and over-identified as learning disabled. Moreover, a recent National Research Council report indicates that minority students are over-represented in some special education categories, most notably mental retardation and emotional disturbance.

The role of teacher referral is critical. Unfortunately, many general education teachers are unprepared to identify students who may actually be at risk for a learning disability.

The underlying bill does provide professional development and research funding to reduce the over-identification of children and disabilities, including minority children. Specifically, this bill provides for a competitive grant program. Funding could be used for teacher training in many areas, including how to properly identify students with disabilities.

We must ensure that all states provide identification training. That is why my amendment gives priority to applications that provide for the establishment of professional development programs regarding methods of early and appropriate identification of children with disabilities.

The President's Commission demonstrated that over-identification is a problem that is rampant in our schools. My amendment would provide the necessary training to ensure that teachers, administrators and personnel are better equipped to determine if a child is learning disabled.

I urge my colleagues to support this important amendment.

Mr. Chairman, I might inquire as to whether the gentlewoman from California (Ms. WOOLSEY), our ranking subcommittee chair, or the chairman of the full committee, the gentleman from Ohio (Mr. BOEHNER), would care to take a moment to state their position on this amendment. It is my intention to make no further statements at this point in time.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. WU. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I appreciate the opportunity to work with my friend from Oregon. We have worked on this amendment during committee, and we have worked on it since. The committee and I are in full support of the gentleman's amendment and appreciate the opportunity to work with him to help fine-tune this and would recommend to our colleagues that we adopt the amendment.

Mr. WU. Mr. Chairman, reclaiming my time, I thank the chairman very much.

Ms. WOOLSEY. Mr. Chairman, will the gentleman yield?

Mr. WU. I yield to the gentlewoman from California.

Ms. WOOLSEY. Mr. Chairman, I would like to say that I support the gentleman's amendment and congratulate him on introducing it.

Mr. WILSON of South Carolina. Mr. Chairman, I'd like to thank Congressman WU for his amendment that provides greater opportunities to States in reducing over-identification of children with disabilities.

Each school district faces unique challenges in educating its youth. This amendment allows school districts and teachers to improve their ability to appropriately identify special education students. It also provides more support for early intervention so school districts can provide intensive reading and behavioral programs to help reduce the number of children identified as having a learning disability.

Steps like this amendment combined with my bill entitled Teacher Recruitment and Retention Act, which will provide $17,500 in loan forgiveness for Special Education teachers, will demonstrate our resolve to students with disabilities and those who teach them.

Ms. HOOLEY of Oregon. Mr. Chairman, I support his amendment and I support full funding of IDEA.

While I am pleased that this Congress is tackling the issue of special education today, I am disappointed that this bill does not substantively address several important issues including fully funding IDEA and the misidentification of children with disabilities.

Misidentification is a serious problem in our schools. Many general education teachers are not trained to identify learning disabilities and students are placed in special education when all they need is a little extra assistance. Not only is this detrimental to the student, but it diverts precious funding away from students with serious disabilities.

Full funding of IDEA has been one of my top priorities during my time in Congress. When Congress first addressed this issue in 1975, we made a commitment to provide children with disabilities access to a quality public education. But not once in the past 28 years has Congress lived up to its obligation to fund the services it requires states and school districts to provide, despite a commitment that it would do so.

My home state of Oregon, like so many states around the country, is suffering tremendous budget shortfalls. When the federal government doesn't pay its share, the remaining costs don't just disappear. The state and school districts are forced to pick up the additional costs, putting additional strain on our education funding. Living up to our promise and fully funding IDEA would help all States and all students.

It is high time we renew our commitment to all of our nation's children and pay our share of the cost of IDEA.

I urge my colleagues to support the Wu amendment and support full funding of IDEA.

Mr. WU. Mr. Chairman, I thank the gentlewoman from California (Ms. WOOLSEY) very much for her support, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oregon (Mr. WU).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 14 printed in House Report 108–79.

AMENDMENT NO. 14 OFFERED BY MR. GARRETT OF NEW JERSEY.

Mr. GARRETT of New Jersey. Pursuant to the rule, Mr. Chairman, I offer amendment No. 14.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. GARRETT of New Jersey:

Add at the end of the bill the following new title:

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. STUDY AND REPORT ON STATE COSTS UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) STUDY.—The Secretary of Education shall conduct a study on the amount of cost to States to comply with the requirements of the Individuals with Disabilities Education Act.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report that contains the results of the study conducted under subsection (a).

The CHAIRMAN pro tempore. Pursuant to House Resolution 206, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise today to offer what is probably one of the simpler amendments that we will see today and, hopefully, for that reason, a noncontroversial amendment to H.R. 1350, the Improving Education Results for Children with Disabilities Act of 2003.

☐ 1600

Mr. Chairman, before I speak on that amendment, let me offer my gratitude for all the work that the chairman and the ranking member of the committee have expended on this effort and the sponsorship of this legislation. Their efforts and work has basically seen to it that we are addressing the educational needs of all children, including those children with disabilities, to make sure that they receive a quality education. I commend them for their efforts.

My amendment will require that the Secretary of Education, within a 2-year period of time from enactment of this Act, to submit back to Congress a study and that study is to take a look at the cost to the States to comply with this Act. I believe this is necessary because any time that the Federal Government decides that it is going to involve itself with the States and ask the States and the local school boards to affect their education locally, it is imperative that the Federal Government looks to the cost side of the equation and looks to how much cost is being imposed on the local school districts and the States respectively.

I believe after this study, Congress will be in a better position to say how can we go forward and make sure that the goal of this bill is complemented and enacted as both sides of the aisle wish it to be done. I suggest that Members on both sides of the aisle look favorably on this amendment.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of New Jersey. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I think the gentleman from New Jersey (Mr. GARRETT) offers a very good amendment to the bill. We are, over the next 7 years, doubling the amount of money we will be spending on special ed. I think it is right to take a look at what are the total costs associated with this program, and I think the gentleman makes a good addition to the bill, and urge my colleagues to support it.

Mr. Chairman, I include two letters for the RECORD on H.R. 1350.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, April 29, 2003.

Hon. JOHN BOEHNER,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR CHAIRMAN BOEHNER: In recognition of the desire to expedite floor consideration of H.R. 1350, the Improving Education Results in Children with Disabilities Act of 2003, the Committee on the Judiciary hereby waives consideration of the bill. Section 205(i) makes changes to the attorneys' fees provisions for IDEA cases, and these provisions fall within the Committee on the Judiciary's Rule X jurisdiction. However, given the need to expedite this legislation, I will not seek a sequential referral based on their inclusion.

The Committee on the Judiciary takes this action with the understanding that the Committee's jurisdiction over these provisions is in no way diminished or altered. I would appreciate your including this letter in the Congressional Record during consideration of H.R. 1350 on the House floor.

Sincerely,
F. JAMES SENSENBRENNER, Jr.,
Chairman.

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES,
Washington, DC, April 29, 2003.

Hon. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary,
Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: This letter is to confirm our agreement regarding H.R. 1350, "Improving Education Results for Children With Disabilities Act of 2003," which was considered by the Committee on Education and the Workforce on April 9 and 10, 2003. I thank you for working with me, specifically regarding the amendments the Committee included in H.R. 1350, changing the attorney fees of current law in Section 615 of the Individuals with Disabilities Education Act, as included in Section 205(i) of the Committee reported bill, which is also within the jurisdiction of the Committee on the Judiciary.

While this provision is within the jurisdiction of the Committee on the Judiciary, I appreciate your willingness to work with me in moving H.R. 1350 forward without the need for a sequential referral to your Committee. I agree that this procedural route should not be construed to prejudice the jurisdictional interest and prerogatives of the Committee on the Judiciary on this provision or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to your Committee in the future.

I thank you for working with me regarding this matter. I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 1350 on the House floor.

Sincerely,
JOHN A. BOEHNER,
Chairman.

Mr. GARRETT of New Jersey. Mr. Chairman, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I claim the time in opposition to this amendment.

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Chairman, I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

The CHAIRMAN pro tempore. There being no further amendments in order, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BURTON of Indiana) having assumed the chair, Mr. LAHOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes, pursuant to House Resolution 206, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. WOOLSEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 251, nays 171, not voting 12, as follows:

[Roll No. 154]

YEAS—251

Aderholt
Akin
Andrews
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pascrell
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—171

Abercrombie
Ackerman
Alexander
Allen
Baca
Baldwin
Ballance
Bartlett (MD)
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—12

Becerra
Combest
Dreier
Evans
Gephardt
Honda
Kingston
McCarthy (MO)
Owens
Slaughter
Snyder
Whitfield

☐ 1625

Messrs. LEWIS of Georgia, MILLER of North Carolina, and ROSS changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OWENS. Mr. Speaker, because of an emergency in my district, I missed rollcall votes No. 149, No. 150, No. 151, No. 152, No. 153 and No. 154. If present, I would have voted "yea" on roll call No. 150; I would have voted "nay" on rollcall votes No. 149, No. 151, No. 152, No. 153 and No. 154.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 149, 150, 151, 152, 153, and 154 due to medical reasons. Had I been present, I would have voted "aye" on rollcall vote 150 and "nay" on rollcall votes 149, 151, 152, 153, and 154.

PERSONAL EXPLANATION

Mr. HONDA. Mr. Speaker, on rollcall votes Nos. 149, 150, 151, 152, 153, and 154 I was unavoidably detained with important matters in my district. Had I been present, I would have voted "no" on rollcall 149 regarding H. Res. 206, "yes" on rollcall vote 150, the Vitter amendment, "no" on rollcall vote 151, the DeMint amendment, "no" on rollcall vote 152, the Musgrave amendment, "no" on rollcall vote 153, the Tancredo amendment, and "no" on rollcall vote 154 on passage of H.R. 1350.

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 1350, which was just passed.

The SPEAKER pro tempore (Mr. BURTON of Indiana). Is there objection to the request of the gentleman from Ohio?

There was no objection.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 1350, IMPROVING EDUCATION RESULTS FOR CHILDREN WITH DISABILITIES ACT OF 2003

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1350, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MAKING IN ORDER MOTIONS TO SUSPEND THE RULES ON WEDNESDAYS THROUGH JUNE 25, 2003

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the Speaker may be permitted to entertain motions that the House suspend the rules on Wednesdays through June 25, 2003, as though under clause 1 of rule XV.

The SPEAKER pro tempore. Is there objection to the gentleman from Ohio?

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON SMALL BUSINESS

Mr. MENENDEZ. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 209) and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. Res. 209

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

Committee on Small Business: Mr. Miller of North Carolina.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

Committee on Transportation
and Infrastructure,
Washington, DC, April 30, 2003.

Hon. J. Dennis Hastert,
Speaker of the House,
The Capitol, Washington, DC.

Dear Mr. Speaker: Enclosed please find resolutions approved by the Committee on Transportation and Infrastructure on April 9, 2003, in accordance with 40 U.S.C. §3307.

Sincerely,

Don Young,
Chairman.

Enclosures.

Committee Resolutions—Lease—Department of Justice, 1401 H Street, NW, Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 116,064 rentable square feet of space for the Department of Justice currently located in leased space at 1401 H Street, NW, in Washington, DC, at a proposed total annual cost of $5,222,880 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution—Lease—Department of Justice, 600 E Street, NW, Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 347,020 rentable square feet of space for the Department of Justice currently located in leased space at 600 E Street, NW, in Washington, DC, at a proposed total annual cost of $15,615,900 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution—Lease—Department of Health and Human Services, Administration for Children and Families, Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 165,824 rentable square feet of space for the Department of Health and Human Services, Administration for Children and Families, currently located in leased space at 370 L'Enfant Promenade, SW, in Washington, DC, at a proposed total annual cost of $7,462,080 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution—Lease—Office of Government Ethics and Corporation for National Service, Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 118,754 rentable square feet of space for the Office of Government Ethics and Corporation for National Service currently located in leased space at 1201 and 1225 New York Avenue, in Washington, DC, at a proposed total annual cost of $5,343,930 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution—Lease—Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Suburban Maryland

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 251,527 rentable square feet of space for the Department of Health and Human Services Substance Abuse and Mental Health Services Administration currently located in leased space at 5515 Security Lane and 5600 Fishers Lane, Rockville, MD at a proposed total annual cost of $8,551,918 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution—Lease—Department of Defense, 5600 Columbia Pike, Northern Virginia

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C.

§3307, appropriations are authorized to lease up to approximately 162,696 rentable square feet of space for the Department of Defense, Defense Information Systems Agency currently located in leased space at 5600 Columbia Pike, in Falls Church, VA at a proposed total annual cost of $5,531,664 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution—Lease—Department of Defense, Crystal Plaza V, Northern Virginia

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 153,560 rentable square feet of space for the Department of Defense currently located in leased space at Crystal Plaza V, 2211 South Clark Place, in Arlington, VA, at a proposed total annual cost of $5,221,040 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution—Lease—Department of Defense, Hoffman Building 2, Northern Virginia

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 403,734 rentable square feet of space at Hoffman Building 2, 200 Stoval Street, in Alexandria, VA at a proposed total annual cost of $13,726,956 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution—Lease—Department of Defense, Secretary of the Army, Northern Virginia

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 524,867 rentable square feet of space for the Department of Defense, Secretary of the Army, Office of the Administrative Assistant currently located in leased space at the Pentagon and various leased locations, in Northern Virginia, at a proposed total annual cost of $17,845,478 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution—Lease—Department of the Interior, Department of Commerce, Northern Virginia

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 134,237 rentable square feet of space for the Department of the Interior, and the Department of Commerce currently located in leased space at 381 Elden Street, in Fairfax, VA at a proposed total annual cost of $4,564,058 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution—Lease—Department of Defense, Missile Defense Agency, Northern Virginia

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 144,552 rentable square feet of space for the Department of Defense, Missile Defense Agency currently located in leased space at Wing 8 of Federal Office Building #2, Arlington Naval Annex in Arlington, VA at a proposed total annual cost of $4,914,768 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution—Lease—Department of the Treasury, Financial Crimes Enforcement Network, Northern Virginia

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 149,040 rentable square feet of space for the Department of the Treasury, Financial Crimes Enforcement Network currently located in leased space at Tycon Courthouse, 2070 Chain Bridge Road in Fairfax, VA at a proposed total annual cost of $5,067,360 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution—Lease—Department of State, Northern Virginia

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 281,558 rentable square feet of space for the Department of State currently located in leased space at 1701 N. Fort Myer Drive, in Arlington, VA at a proposed total annual cost of $9,572,972 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution—Lease—Multiple Agencies, 999 18th Street, Denver, CO

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 231,981 rentable square feet of space for the Environmental Protection Agency Region VIII, GSA Federal Telecommunications Service, and the Department of Health and Human Services, Centers for Disease Control and Prevention, currently located in leased space at 999 18th Street, in Denver, CO, at a proposed total annual cost of $7,191,411 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution—Amendment—Byron G. Rogers Federal Building, United States Courthouse, Denver, Colorado

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized for the alteration of the Byron G. Rogers Federal Building and United States Courthouse, located in Denver, Colorado, at an additional construction cost for demolition and asbestos abatement of $9,000,000, a modified prospectus for which is attached to, and included in, this resolution. This resolution amends Committee resolution dated July 18, 2001, which authorized appropriations in the amount of $3,688,000 for advanced design.

Provided, That the construction of this project does not exceed construction benchmarks as established by the General Services Administration.

Committee Resolution—Amendment—United States Courthouse, Las Cruces, New Mexico

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized for the site acquisition for a 206,881 gross square foot United States courthouse, including 81 inside parking spaces, located in Las Cruces, New Mexico, at a cost of $600,000, a modified prospectus for which is attached to, and included in, this resolution. This resolution amends Committee resolution dated July 26, 2000, which authorized appropriations in the amount of $3,040,000 for design; and Committee resolution dated July 18, 2001, which authorized appropriations in the amount of $1,070,000 for additional design.

Provided, That the construction of this project does not exceed construction benchmarks as established by the General Services Administration.

COMMITTEE RESOLUTION—LEASE—DEPARTMENT OF TREASURY, INTERNAL REVENUE SERVICE, KANSAS CITY, MISSOURI

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 1,140,000 rentable square feet of space for the Department of Treasury, Internal Revenue Service, Service Center currently located at 2306 Bannister Road, 1500 East Bannister Road, and five leased locations in the Kansas City metropolitan area, at a proposed total annual cost of $34,200,000 for a lease term of fifteen years, a prospectus for which is attached to and included in this resolution.

The General Services Administration is further authorized to negotiate renewal options, provided, that no option shall be exercised by the General Services Administration without obtaining further authorization from the Committee.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

There was no objection.

□ 1630

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BURNS). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

UNIVERSITY OF MINNESOTA MEN'S HOCKEY TEAM REPEATS AS NATIONAL CHAMPIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, the University of Minnesota men's hockey team did it again. During our spring recess, Minnesota defeated New Hampshire 5 to 1 to win its second consecutive NCAA championship, the first time a team has repeated as NCAA hockey champion in 31 years.

Mr. Speaker, the key to these back-to-back titles has been hard work by talented athletes, superior coaching by Coach Don Lucia and his great staff, and the greatest fans in hockey anywhere.

In the title game, Minnesota and New Hampshire were tied 1 to 1 until the final period, but a three-goal outburst over 5 minutes and 20 seconds of the third period iced the team's second consecutive national championship.

Minnesota has a long and proud hockey tradition as the hockey capital of the world, and all Minnesotans are extremely proud of our national champion, Golden Gophers.

Unlike most repeat champions, Mr. Speaker, this one came as somewhat of a surprise. The Gophers started the season slowly, but that is to be expected of a team that lost so many players after beating Maine in overtime in last year's title game.

But thanks to Coach Lucia's inspiring leadership, great motivational skills and good chemistry, this year's team started gathering steam as players returned to the lineup from injuries. Each player, coach, trainer and manager played a pivotal role during the season, picking each other up at critical times.

Our University of Minnesota's men's hockey team also won the WCHA, the Western Collegiate Hockey Association, tournament on the road to its second consecutive national title.

Mr. Speaker, all Minnesotans and Gopher hockey fans everywhere are very proud of this great team. The 2002–2003 Gopher men's hockey team, our back-to-back national champions, are now part of college hockey history. We congratulate our national champions, for they are true champions, both on and off the ice.

Mr. OBERSTAR. Mr. Speaker will the gentleman yield?

Mr. RAMSTAD. I am glad to yield to the gentleman from hockey-rich Duluth, Minnesota.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for taking this special order, and I join him in paying tribute to the University of Minnesota Gopher men's hockey team back-to-back championships. The gentleman made a splendid case. We are proud of the men's hockey team.

But I also want to point out that the University of Minnesota-Duluth women's hockey team for the third consecutive year has won the NCAA hockey championship, trumping the men. It is a great tribute to our State that in the final frozen four in both the women's and men's hockey, our University of Minnesota teams have prevailed. That is a tribute to the great tradition of hockey in the northern part of our State, as well as in the gentleman's part of the State, an area that he now represents in Anoka County, that has a splendid four or more hockey rinks training the future champions.

Mr. RAMSTAD. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments, for his great support of University of Minnesota athletics, both in Minneapolis and Duluth, and I was just as proud to support the Gopher women's team, the University of Minnesota-Duluth, as I am here today. Both are great teams, and that is why Minnesota, as the gentleman knows, is the hockey capital of the world.

HONORING AVIATION'S PIONEER WOMEN OF COLOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, on Saturday, May 3, 2003, the Chicago "DODO" Chapter of Tuskegee Airmen, Incorporated, in concert with Black Pilots of America will honor three of Aviation's Pioneer African American Women of Color, Bessie Coleman, Willa Beatrice Brown and Janet Harmon, at a ceremony to be held on Saturday, May 3, at the Lincoln Cemetery, 123rd and Kedzie Avenue in Chicago.

I shall be pleased to join Mr. Rufus Hunt, aviation historian, and this group of aviation enthusiasts, flyers, former flyers, mechanics and others who love to fly and have dedicated themselves to keeping the legacy of these three women alive.

Bessie Coleman was the first African American female pilot. She grew up in poverty and discrimination, came to Chicago from Texas, decided that she wanted to fly, and, with encouragement from Robert Abbott, who was the owner of the Chicago Daily Defender newspaper, she was able to put together resources, go to Paris, go to France and learn to fly, which she did.

She returned to America as a heroine, flew many exhibitions, and ultimately though was unfortunately killed in an accident when a wrench got caught in the gears of her plane and she did not have her seat belt on and she was thrown out of the plane, and, unfortunately, died.

There is a Bessie Coleman Drive at O'Hare Airport in Chicago that has been dedicated in her memory, and, of course, she has been placed on a stamp by the United States Post Office.

Janet Harmon Bragg was born in Griffin, Georgia, grew up with her siblings, decided that she wanted to fly and ultimately was the first African American woman to get a commercial pilot's license.

Willa Brown, an African American woman, ended up purchasing her own airplane, as well as organizing groups and clubs and organizations promoting flying.

Mr. Speaker, all three of these women made tremendous contributions to the field of aviation, and every year people from the Tuskegee Airmen and other pilots groups fly over Bessie Coleman's grave. They have done this since 1931, and it is a way of paying tribute to women of color and the contributions that they have made to aviation. I commend them for this effort, for keeping these legacies alive.

Mr. Speaker, on Saturday, May 3, 2003, the Chicago "DODO" Chapter of Tuskegee Airman Incorporated, in concert with Black Pilots of America will honor three of Aviation's Pioneer Women of Color, Bessie Coleman, Willa Beatrice Brown and Janet Harmon at a ceremony to be held on Saturday May 3, at the

Lincoln Cemetry, 123rd and Kedzie Avenue in Chicago, Illinois. I shall be pleased to join Mr. Rufus Hunt, Aviation Historian and this group of aviation enthusiasts, flyers, former flyers, mechanics and others who love to fly and have dedicated themselves to keeping the legacy of these three great women alive.

Bessie Coleman (1892–1926). Bessie Coleman, the first African American female pilot, grew up in poverty and discrimination. The year after her birth in Atlanta, Texas, an African American man was tortured and burned to death in nearby Paris for allegedly raping a five year old girl. The incident was not unusual: lynchings were common throughout the South. African Americans were essentially barred from voting by literacy tests. They could not ride in railway cars with white people, or use a wide range of public facilities set aside for whites. When young Bessie first went to school at the age of six, it was to a one-room wooden shack, a four-mile walk from her home. Often there was not paper to write on or pencils to write with.

When Coleman turned 23 she moved to Chicago to live with two of her older brothers. When she decided that she wanted to learn to fly, the double stigma of race and gender meant that she would have to go to France in order to realize her dreams. It was soldiers returning from World War I with wild tales of flying exploits which first interested Coleman in aviation. It was also her brothers who taunted her with claims that French women were superior to African American women because they could fly. In fact, very few American women of any race had a pilots license in 1918. Those who did were predominantly white and wealthy. Every flying school that Coleman approached refused to admit her because she was both black and a woman. On the advice of Robert Abbott, the owner of the Chicago Defender Newspaper, one of the first African American millionaires, Coleman decided to learn to fly in France. She learned French at the Berlitz School in the Chicago Loop, withdrew the savings she had accumulated from her work as a manicurist and manger of a chili parlor, and with financial support from Robert Abbott and another African American business person she set off from New York for Paris on November 20, 1920. The only non-Caucasian in her class, it took her seven months to learn to fly. When she returned to the United States in 1921, she was greeted by great crowds and for more than five years performed at countless air shows. However, she refused to perform anyplace where Blacks were not permitted. In 1926, on her last flight in Jacksonville, Florida, an unsecured wrench got caught in the gas controls. The plane with a young mechanic, William Willis in the pilots seat, went out of control, and Bessie who was not wearing a seatbelt was thrown to her death. Ten thousand people turned out for her funeral. She has not been forgotten, beginning in 1931, a group of Black pilots instituted a annual fly over her grave, a postage stamp exists in her honor, Bessie Coleman Drive exists at Chicago's O'Hare airport and she continues to help others to know that they too can fly.

Willa B. Brown (1906–1992). The first African American woman to get a commercial pilots license. Willa B. Brown was born January 21, 1906 in Glasgow, Kentucky U.S.A. She received her bachelor's degree in 1927 at Indiana State Teacher's College. For a while, she taught school in Gary, Indiana and then, in 1932, after having divorced her husband, she moved to Chicago, Illinois. Influenced by Bessie Coleman, Willa started taking flying lessons in 1934. Soon she became a member of the flying club, the Challenger Air Pilot's Association, and the Chicago Girls Flight Club. She also purchased her own airplane. In 1937, she received her pilot's license and that same year, she received a master's degree from Northwestern University. Also in 1937, she cofounded the National Airmen's Association of America with her flight instructor, Cornelius R. Coffey. The association's goal was to promote African American aviation. In 1938, they started the Coffey School of Aeronautics, where approximately 200 pilots were trained in the next seven years. Some of those pilots later became part of the 99th Pursuit Squadron at Tuskegee Institute, also know as the Tuskegee Airmen.

Brown lobbied Washington for inclusion of African Americans in the Civilian Pilot Training Program and in the Army Air Corps, and in 1941, she became a training coordinator for the Civil Aeronautics Administration and a teacher in the Civilian Pilot Training Program. The following year, she became the first African American member of the Civil-Air-Patrol. She also promoted aviation on the radio and taught it in high schools. In 1972, Brown became a member of the Women's Advisory Committee on Aviation in the Federal Aviation Agency. Willa B. Brown died July 18, 1992.

Janet Harmon Bragg. Janet Harmon Bragg was born in Griffin, Georgia in 1912. She grew up with her mother, father and siblings, the youngest of seven children. After graduation from high school in Fort Valley, Georgia, she enrolled in the all girls, all Black Spelman College in Atlanta, Georgia. She earned her degree in nursing from Mac Bicar Hospital which was on Spelman's campus. She moved to Rockford, Illinois and later on to Chicago where she began a career in nursing. Although Mrs. Bragg started out in the field of nursing and made her living from it, her interest in flying started when she was a little girl. She put it this way, "As a child I always wanted to fly. . . . I used to watch the birds . . . . how they would take off and land. . . . It was interesting to see how they would drop this tail down when they would run and take off." One day in 1933, in Chicago as she was coming out of a house, she saw on a billboard across the street a drawing of a bird building a nest with chicks in the nest. A caption read, "Birds learn to fly. Why can't you? She said to herself, They do have to learn to fly." That incident cinched it, according to Mrs. Bragg. The owners of a Black Insurance Company in Chicago where she worked encouraged her to pursue her educational and other goals. She enrolled in the Aeronautical School of Engineering to begin her groundwork. Black and white students were segregated. She was the first Black female student to enter the class. Here she learned to fly and to take care of planes. She was able to take a few lessons at a private airport but the rate of $15 per hour in 1933 proved too costly. Therefore, she took $600 and bought her own plane. With the purchase of the plane, Mrs. Bragg and a few other Black pioneer aviators started their own airport in Robbins, Illinois, about 20 miles Southwest of Chicago. This group also formed the Challenger Aero Club. This group went on to establish the Coffy School of Aviation in 1939. This school and five other Black colleges participated in the civilian pilot training program and later fed students into the Army Air Corps training program at Tuskegee, Alabama. In short, Mrs. Bragg was at the heart of Black aviation in Chicago from its inception.

Mrs. Bragg, retired from flying in 1965 and from nursing in 1972. Since moving to Tucson, Arizona, she has been active with the Urban League and Habitat for Humanity. She has participated in the Adopt a Scholar Program at Pima College, as a member of the Tuskegee Airmen, lectures locally and nationally on such topics as aviation and women in science and aerospace. She was proclaimed outstanding citizen of Tucson in 1982.

Mr. Speaker, all three of these women have made outstanding contributions to the field of aviation and Chicago is indeed proud that we can lay claim to some part of their legacies.

PROVIDING REMEDIES FOR AUTISTIC CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, today we passed the IDEA bill, which was designed to help children who have learning disabilities to get the kind of attention they need in the educational systems across this country. The bill was not a bad bill. It did not go far enough. We only provide about 21 percent of the funds that are necessary. It should be 40 percent. That is what we promised the States. We are not there yet, but hopefully we will get there before too long.

The reason I am here on the floor tonight is because I have received thousands of letters from parents of children who are autistic, and, as autistic children, they do have these learning disabilities.

These parents believe, and I believe, after having hearings for the past 4 years that their children, many, many of their children, have been damaged by the mercury that was in children's vaccines. We have been putting mercury from a product called thimerosal in children's vaccines since the 1930s, and now that we are giving children 25 to 30 vaccinations before they start into kindergarten, you have a tremendous amount of mercury being built up in their systems.

Mercury has a cumulative effect in the brain. So when you were giving a child one shot, it might not have been so bad. Obviously, you do not want mercury in their system, but the mercury was getting into the brain, and in many cases it was not causing damage. But when you give a child 30 shots before they start into kindergarten, many, many, many of those children are going to have brain damage and neurological damage such as autism.

I have received, as I said, thousands of letters from parents of autistic children from around the country, and I have been coming down here showing pictures of these children and reading these letters, because the pharmaceutical companies and the Congress of the United States have a responsibility to those families who are suffering financially and mentally from the terrible trauma of autism their children are going through.

It used to be one in 10,000 children were autistic. Now it is 1 in 200. We have had a 50-fold increase in autism in the last 10 to 15 years. It is an absolute epidemic, and something has to be done about it. We have been debating how to handle it in the Congress of the United States.

Every child who is damaged by vaccine should have access to the Vaccine Injury Compensation Fund, but many of these children and their families who are autistic have not had access to that fund, and that is why this debate rages on.

In the other body we have had some real problems, and that is why we are trying to bring to the attention of the other body, the leader of the other body, as well as Members of Congress, how deep this problem is and how important it is to the people of this country that we get it solved.

I do not have time to read a lot of letters tonight, but I want to read part of one letter I received. It is many, many pages from a man named James W. Coll. James is from Hanover, Pennsylvania. He has a son, Jacob, who became autistic. He says in his letter, "Jacob is 5. There is no doubt in my mind that my son Jacob has thimerosal-induced autism."

Why does he say that? He says it for the same reason that I say that about my grandson. My grandson was a very normal child, as Jacob probably was, and he was speaking and he was laughing and he was a lot of fun to be around. He actually got nine shots in one day, seven which had mercury in them, and, 2 days later, he was running around banging his head against the wall, flapping his arms, had chronic diarrhea and constipation at the same time, and we lost him. He looked at you blankly. He would not talk any more. He became incommunicado, if you will.

That has happened to thousands and thousands of families across this country. We cannot leave them high and dry. It is costing them hundreds of thousands of dollars. They are mortgaging their homes, they selling everything they have to take care of their children. They did not realize they had access to the Vaccine Injury Compensation Fund until the 3-year statute of limitations ran out.

We need to reopen that fund so that every person who has an autistic child has a day in court, if you will, to make their case before the fund to get money to help their child and help their family.

There is $1.8 billion in that fund. We protected the pharmaceutical companies by allowing them to put so much money in the fund so that they would not be sued when people are damaged by vaccines. So the people who have been damaged by the vaccines ought to have access to that fund. It should be non-adversarial. It is adversarial right now. They have been keeping people out, they have been keeping children out, and damaged children have been suffering, their families have been suffering, and they have nowhere to turn.

So that is why every night I come down here and show pictures. These are called "The Faces of Autism." We have thousands of these children. I have probably 50 or 60 here. Here is a new one we have. It says on this, "Vaccines Stole My Health, Childhood and Future. Don't Steal My Rights." I think that is very important. We should not steal this child's rights, or any child's rights. They should have access to the Vaccine Injury Compensation Fund, they should have access to education.

If we do not deal with these children now, they are going to grow up, they have an average life expectancy, and if they cannot cope with society and we do not deal with them now, we are going to pay 10, 20, 30 times more to take care of them when they are adults and they cannot make a living and cannot function in our society. So it is absolutely imperative.

I say this to my colleagues in the other body and here, we need to pass legislation this year that will give these people access to the Vaccine Injury Compensation Fund so that they will have somewhere to turn and they won't be left high and dry.

I will be back here tomorrow night or several nights in the future to bring up other cases, and I hope that we will be able to make this case time and again to the American people until we get the job done.

Mr. Speaker, I include for the RECORD the letter from James W. Coll.

Dear Sir: I would like to begin this letter by telling you a little about myself and my wife Christine. We are both 31 yrs old and have two children. We live in Hanover, Pennsylvania. She is a stay-at-home mom and I am a paramedic for a private company in Washington, DC. My older son James is eight yrs old and my younger son Jacob is 5. There is no doubt in my mind that my son Jacob has thimeroSal-induced autism. I am going to tell you my family's story the best way I can. Before I get started I just want to tell you that my heart goes out to you, your daughter and grandchild. I know for me it is the most challenging thing I ever faced. I feel like I can related more to parents of autistic children than my own distant family.

My son Jacob was born on July 21, 1997 in Pittsburgh, PA. He was born by cesarean section because he weighed ten pounds and was too big for a vaginal delivery. His Apgars were normal at birth and there were no complications after delivery. He received his first vaccination, which was the hepatitis one, at the hospital, just like all children in America. During the first few weeks he was home, we noticed he vomited his formula a lot. Some took him to his pediatrician. He was then put on Soy formula and it was thought he might be lactose intolerant. This did not help much. He would still gag and vomit. It wasn't all the time. He was still able to hold enough down to thrive and grow. The pediatrician told us that this was a problem for some children and that it would subside in time. During the first year of his life he learned to crawl. This milestone appeared normal. There were some things that confused us. He did not like to be sat down in the grass outside, he would cry inconsolably and wanted to be picked up. His eye contact with us was not very good. You could not capture his interest with toys. He liked to be held close to us a lot and would put his face next to ours. He was quiet unless he was hungry or something disturbed him. Sometimes we would push him in the stroller and he would cry when we tried to push him back home. He was very hard to console at these times. We just thought he was different and this was his personality. My mother told me I was a fussy baby. At this point we never suspected autism. We didn't even know anything about autism, outside of the movie Rainman. At a year old he received more immunizations. They were given at one of his pediatrician's offices, Dr. Tuchin. After that we noticed that his glands in his neck, under his armpits and on the back of his head, swelled up. They appeared like little peas under his skin.

His pediatrician told us he had a virus and that this was normal because his body was fighting off infection. She did not feel any testing was necessary. Myself and my wife thought it was and a blood test was ordered at Children's Hospital of Pittsburgh. The results were unclear. The CMV virus was suspected or a virus that closely mimicked CMV. There wasn't real concern by the physicians in charge of Jacob's care. In fact, we seemed to bother his pediatrician because she was not very nice to us about this problem and wrote little sarcastic notes in his chart about the testing. Otherwise he continued to grow and thrive, despite his food sensitivity and everything else (as in his vital signs and physical appearance appeared normal). His lymph nodes stayed enlarged for about six months from when he was a year old. We were just told it takes a while for them to go back down and it was a good sign because his body was fighting off the virus. From 1½ years old to 2½ years old his food sensitivity continued to be a problem and a lot of solid food made him throw up. We were referred to Children's Hospital of Pittsburgh Occupational Food Sensitivity Clinic. They observed Jacob eat french fries. They wanted to feed him pudding, which to this day he dislikes. They told us that he had some food sensitivities of an unknown cause and that he needed therapy. The team of therapists who observed him wanted to send a therapist to our house a couple of times a week and teach him to eat different foods. This idea, to us, seemed unnatural. We did not think this would help him. We decided to just keep on feeding him what he liked and he would out grow this. The only things he would eat were chicken and fries, grilled cheese, cookies—basically, anything dry and tasty. He does not eat any vegetables to this day, or wet foods. He always coughed a lot too when he drank liquids. Our doctor told us not to worry, as long as he did not get pneumonia. His speech was very limited at 2 yrs old. Sometimes he could say Mom or Dad, but it wasn't all the time. He would jump up and down a lot and flap his hands in front of the TV. We thought he was just happy and playing. He did not have interests or imaginary play with his toys. He liked only push button toys. In the back of my mind and my wife's we knew he was a little different, but we thought if we just gave him some time he would start talking more and eat more foods, and not be so hyperactive. In February, 2000 we moved to the Washington, DC area because I got a job offer paying more money. We moved to a small 2 bedroom apartment in Woodbridge, VA. The people downstairs complained a lot because my son jumped up and down and they could hear it. We lived there six months and the management would not renew our lease because of the noise of the jumping and Jacob's tantrums. During this time my wife took Jacob to his new pediatrician, Dr. John Farber. When he was approximately 3 years. old, Dr. Farber diagnosed Jacob with Pervasive Developmental Disorder. He told us this term coincided with autism and that Jacob would improve in time or that we should go to Child Find Services in the county in Virginia in which we lived. My wife took Jacob there. It was a hot day and his evaluation took place in a trailer which was not air-conditioned. My son tantrumed and did not like it there. They could not even test him. They agreed with the diagnosis. We later learned that this term is routinely used with children when the child is young and that a physician is not ready to totally label the child autistic. We then took Jacob to Johns Hopkins University Hospital in Baltimore, Maryland for a second opinion. They had a special clinical therapy place called the Kennedy Krieger Institute. There at approximately 3½ years. old he was examined by a Dr. Andrew Zimmerman who diagnosed him with Autistic Spectrum Disorder. He also had some bloodwork done which ruled out Fragile X Syndrome. He told us to find a good speech therapist. At that time we had moved to Fredericksburg, Virginia where rent was cheaper and we could afford to live in a nice rental town-home community. We found a speech therapist, but we didn't think this was very effective. She was trying to teach Jacob to talk more with picture cards. We didn't feel this was intense enough. We then learned of a therapy called Applied Behavioral Analyses. We tried to get the Spotsylvania County School District to pay for a 40 hour week program which was recommended by all the six physicians that examined Jacob. We also had his diagnoses confirmed by other physicians. We have diagnoses letters from all of them. We were hoping for a better second opinion. We were hoping Dr. Farber was wrong. The county school services would only pay for 20 hours a week of in-home services. ABA is a therapy that consists of teaching your child tasks, by breaking them down into smaller steps and doing them over and over again, until the child understands. Every verbal sentence is given concrete meaning the child can associate with. This therapy was developed by Dr. Lovas of UCLA. I'm sure you probably heard of it. In September, 2001, we moved back to Pittsburgh, PA and rented a small house. We did this because we found out that Pittsburgh had the Allegheny intermediate unit which payed for these services. This was funded by the State of Pennsylvania. They had a Lovas replication site which taught ABA therapy.

We had Jacob evaluated and we are setting up an in-home therapy workshop for Jacob. After a couple of workshops, though we decided that we did not like the way he was treated they wanted to isolate Jacob when he had a tantrum and ignore him. This seemed very unnatural to us. A lot of people view this therapy as programming a child like a robot. Myself and my wife agree. At least in my son's case, we don't feel it's the answer. After that we decided there was no point in staying in Pittsburgh. Approximately one year ago we purchased a new home in Hanover, PA. My job was still in Washington, DC. When we lived in Pittsburgh, I drove 250 miles to work, stayed the weekend and drove home on Mondays. We chose Hanover because it's the closest you can be to the DC area, and still be in PA. If we ever decide in the future that PA is the way we want to go, we will still live in PA, which will pay for it. After we moved to Hanover in March 2002 we learned there were doctors who specialized in biologically treating children with autism. They follow a protocol that the Autism Research Institute in San Diego California developed. It's called the Don Protocol. The Autism Research Institute sent us a list of doctors nationwide who were trained by the Autism Research Institute and attend the lectures. Most of these doctors are into homeopathic medicine and don't take health insurance. I make about $70,000 a year. I definitely didn't have the money left over to privately pay for a physician. We were fortunate and found a doctor in Baltimore, MD which is about 35 miles south of Hanover. His name is Arnold Brenner. He has been treating children with autism and other disabilities for 20 yrs. When we first took Jacob he ordered blood work and a hair analysis. The purpose behind this was to look for a cause of Jacob's autism. Then you can give supplements or change the diet so the child's nervous system is not irritated, thus improving the symptoms. We found out that Jacob was allergic to gluten and casein, and that he had an abnormal reading of mercury in his hair. We were shocked! My son's mercury reading was in the low medium range. Most people don't have any in their body. This also proves that Jacob's body could not detoxify the thimerosal from the immunizations. I feel like my child has been assaulted by the pharmaceutical industry. Mercury is toxic to humans. Science has known this for a long time. Why then has the Ely Lilly Company produced it (thimerosal) for the pharmaceutical manufacturers? They have knowingly poisoned our children. The only thing that keeps me from going crazy is the fact that I love my son and my family. Jacob is being treated with a medication called Chemet. It was previously used to treat lead poisoning. The goal of the therapy is to remove the mercury from the body. His urine is tested every four weeks and sure enough, there are traces of mercury in it. Our doctor told us the only other way he could have gotten mercury in his body was from eating fish, and we don't eat any fish. He also takes daily vitamins that come from a place called Kirkmans Labs, which are specially formulated for artistic individuals. In addition to this, he takes about ten other supplements which support his liver and supplement any other abnormalities in his blood work. We also learned that mercury poisoning can cause allergies to casein and gluten. My son now is on a case/gluten-free-diet, which is also recommended during the chelation process. We don't know if the chelation is really working yet. The Doctor tells us that the 20 other children that he is chelating are all making improvements. I don't know if this will work in my son's case. I am hoping and praying. Chelation is a relatively new therapy. It has only been in use for about two years. Jacob's doctor feels Jacob was not born this way and that the immunizations may have caused it. He told me that he has found that when you remove the mercury, the symptoms improve. The Chemet costs about $500 for a one-month supply. Fortunately my insurance covers it, the blood work, and some of the urine testing. The vitamins are not covered. So far I've spent approximately $700, in all. My son is going to be six years old in July—July 21st. He is not potty-trained and doesn't understand to go to the bathroom when he has the urge. We are trying to work at this. His speech consists of loudly saying what he wants. Examples are: Cookies! Drink! Chocolate! We can understand it, but it's not real pronounced. He says "stair," to get help over the gate, which is in the doorway of his room. He eats with his fingers and throws the food he doesn't want on the floor. He rocks on a kitchen chair when he sits in it, on his knees. He'll rock the chair as he kneels on it, while holding onto the backrest with his hands. You have to tell him all day long to turn around and sit down. He'll listen, but thirty seconds later he'll get right back up and rock again. He also likes to jump on the couch and stand on the armrest. Again you have to tell him to get down all day long. He will get right back up and keep doing it. He doesn't understand about danger. Examples are: a hot stove, hot water, falling from heights, such as the couch. He needs to be watched and constantly supervised all day long. He doesn't understand the reasoning behind everything. Examples of this are: "Jacob don't rip the pages out of your book," "Jacob, don't run out in the street." He cannot bathe himself. He cannot write his name or draw simple pictures. We buy him toys that are at a 2-yr-old level. He cannot brush his teeth by himself. He will put it in his mouth, but usually just sucks the tooth paste off it. Sometimes he screams at the top of his lungs for no apparent reason. We know it's a nervous impulse he cannot control. If I tell him to shut the refrigerator door, he might go and do it, but it's after I say it 5 times. He can understand simple instructions, such as "stand up," "sit down," "Jacob, come here" (sometimes). He walks on his tiptoes, frontwards and backwards all day long. When he's home, he takes all his clothes off. He won't sit at our dinner table through the whole meal. He'll get up and run around with food in his mouth. Sometimes he's aggressive and he'll bite or pinch you if he's upset about something. Myself and my wife understand because we love him and we know he has a disorder. Our day consists of getting up, bathing him, getting him to take all his vitamins and Chemet. We use a syringe because he can't tolerate a spoon in his mouth. All his food has to be made and purchased at Health Food Stores. On top of this, you have to watch him while you do all this to make sure he doesn't fall and break his leg or something worse. He likes to take a ride in the car and he'll let you know he wants to, by carrying an article of clothing he wears, over to you, because he usually just walks around at home in his diaper. He knows he has to put clothes on to go outside—although the article of clothing he brings you may not always be his own. He cannot dress himself. You have to help him with zippers and buttons. He may, in the summer, be able to put a pair of stretch elastic shorts on, but he may put them on backwards. You cannot explain to him that the tag on the shorts goes in the back. His joints in his wrists are weak and he has poor muscle tone in his arms. Sometimes his wrists crack. He is very affectionate and will hug me and his mom. His brother, too. He likes to be around us and likes when I wrestle with him. He will say "mom," but sometimes has difficulty saying "dad." I took him in my backyard a couple of days ago and he will toss a big ball with me, if we stand about 3 feet apart. He looked in the sky, saw some birds and said "birds." This gives me hope that the Chemet is working. I hope this gives you a picture of what my son is like. This disorder has also affected my older boy greatly. I can't spend time with James because I have to help my wife watch Jacob. My wife watches Jacob by herself for 72 hours, Friday, Saturday, and Sunday every week. During that time I'm working a 72 hour shift in Washington, DC. I'm a paramedic and work for a private ambulance company. The company is not that busy at night so I am able to get sleep. I'm off Monday through Thursday every week, which is spent watching Jacob and changing his diapers. This works out well because it gives my wife a break and a chance to go out with my son James. Jacob takes melatonin at night, which helps him sleep. Ninety-five percent of the time now he sleeps a full night. Before he would stay up till 3 a.m. and wake up at 7 a.m. This was exhausting for me and my wife. He goes to bed at midnight now and wakes up at 10 a.m. To change jobs now would be very hard for me. I would like to, but my family needs this break every week. This disorder has limited my career, but I greatly appreciate the flexibility of my employer. When I found out a bill was sneaked into the Homeland Security Act, I was outraged that someone would try to cover this up. I am glad it was removed. As for a 3 year statute of limitations, this should not apply in thimerosal-induced autism. Nobody knowingly decided to inject a harmful substance into their child. We immunized our children because it was recommended to us by the health care industry. I am not proud to be an American. Our standard of living is good and this is also not just a U.S. problem, but a world-wide problem. Our country should have made sure that these immunizations were not given to children. Mercury is toxic! That's why it's not in thermometers. That's why they don't let kids play with it in science class anymore. As soon as they made this discovery about mercury, it should have been removed from the immunizations. I have heard they found out mercury was toxic to humans 20 years ago. But our country still let the Ely Lilly Co. manufacture it to be used in multidose vials of immunizations. Why is it recently that all the manufacturers removed thimerosal from the immunizations? Simply because they know it causes autism. I will only believe in this country again if every family in my situation is compensated, and I don't mean thousands, I mean millions of dollars for each family. And if chelotion does work, it needs to be paid for by our government, NO QUESTIONS ASKED. Whoever put thimerosal in immunizations and knew it could cause autism, needs to be punished to the fullest extent of the law! A life sentence for these people would be getting off easy. Congressman BURTON, if you need any copies of my son's testing or medical records, please let me know. I hope the good people on your side of the government are able to overcome the people who knew about this and didn't care about hurting innocent children like my son Jacob.

Yours truly,

JAMES W. COLL.

SELLING MASSIVE TAX CUTS THAT THE AMERICAN PEOPLE DO NOT WANT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, for the last 2 weeks, President Bush and his advisers have traveled the country, including a visit to my home State, trying to sell their massive tax cut to the American people.

□ 1645

They are wrapping it in fancy paper and calling it a "stimulus package" or an "economic plan." But the American people are not buying it. In fact, many members of the President's own party disagree with this reckless proposal. They can dress this tax cut up any way they want and it is still just that: a tax cut for the wealthiest 1 percent of Americans that does nothing to create jobs and will only sink our Nation further into debt. A tax cut of this size directed to the privileged few will not help our struggling economy no matter what it is called.

I represent the 11th congressional district of Ohio. Since 2001, Ohio alone has lost 167,800 jobs, which is more than 3 percent of its total workforce. In the city of Cleveland, 53,900 jobs have been lost since the President was sworn into office, which is 4.7 percent of its workforce.

Over the last few weeks, I have spoken with many members of the Cleveland business community and most agree on one thing: this tax cut is useless as a tool to help their struggling businesses. For example, local businesses tell me that they are much more likely to invest in new jobs and new technology if they are allowed to write off more of those investments on their taxes, and workers in the health care field feel they are best helped by increased provider reimbursements, not a dividend tax reduction.

What is more, the Republican budget will mean cuts in local services of all kinds. It means fewer qualified teachers in our public schools. It means fewer police to keep our neighborhoods safe. It means fewer firefighters and EMTs to respond to our emergencies, and it means fewer hospitals dedicated to caring for the veterans who have put their lives on the line to protect ours.

We can and we must do better than that.

Democrats are all for cutting taxes. The difference is that we believe in cutting taxes responsibly so that those cuts can serve as fuel to get our economic engines turning again. We believe responsible tax cuts take into account the future as well as the present and do not increase deficits, raise interest rates, or risk jobs.

That is why Democrats have proposed cutting taxes by $85 billion, and our tax cuts would go to those who really deserve it: hard-working Americans who are most likely to put the extra money back into our economy, and small businesses which need incentives to invest. Our tax cut is a part of a real stimulus package, a $135 billion plan to put Americans back to work by investing in the things that are most important to them: homeland security, education, health care, and transportation. The difference between these two plans is clear. It is simply a question of priorities.

FCC TOO QUICK TO REVISE MEDIA OWNERSHIP RULES

The SPEAKER pro tempore (Mr. BURNS). Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, I would like to take this opportunity to bring to the attention of the House the fact that I am now introducing a resolution to express the sense of the House of Representatives that the Federal Communications Commission should not revise its media ownership rules without more extensive review and comment by the public.

I am doing this because the chairman of the Federal Communications Commission, Mr. Powell, made an announcement in March that he was going to further revise the rules of the Federal Communications Commission which would make it possible for fewer owners to control the information distribution system in America. In doing so, he is continuing a process which effectively began in the early 1980s when such things as the right of people in communities to express themselves over the airwaves when editorial positions were taken by radio stations with which they did not agree was abolished. This was a provision that existed in the rules of the Federal Communications Commission, and effectively in the laws of our country since the period of the Second World War.

As a result of that change and others, what we have seen is, for example, in the radio area, 80 percent of the radio audience being in effect controlled by three major corporations. In other words, three major corporations broadcast to 80 percent of the radio audience. We have lost diversity in our radio programming. We have lost the very important aspect of local control. We have lost the sense of community in radio and television broadcasting as a result of the changes that were begun during the Reagan administration in the 1980s and, now, are being attempted to continue under the jurisdiction of Mr. Powell, the present chairman of the Federal Communications Commission.

What Mr. Powell under the direction of the present administration is doing, is this: he is now going to go beyond the fact that fewer people can control the electronic media, radio and television; he is also going to issue an order, he says, which will allow those same people that control the electronic media to now control increasingly the print media as well. So if one owns a radio station and a television station in a particular service area, one will be able to own the newspapers in that area as well, thanks to the ruling that Mr. Powell is putting forward as chairman of the Federal Communications Commission.

Mr. Speaker, I think that this is a very dangerous thing. I think it is important for us to do everything that we can to allow local aspects of communication to take place and local control of media, and diversity in the media and quality in the media. Much of this has been lost as a result of the present consolidation that has occurred over the course of now more than 20 years. Mr. Powell is now going to increase that and make it worse so that there will be less diversity of opinion, less local control, and more consolidation of views in our country. And he has done this, interestingly enough, without proper notice to the public and without adequate public hearings.

Now, one would think that a Federal agency embarking upon such a project would give adequate time for review by the Congress and, more importantly, by the general public. No, Mr. Powell has not conducted his activities in that way. One public hearing outside of Washington, DC was held. That was held conveniently in Richmond, Virginia. It is a very lovely city, but it is just down the road. There were no hearings held in Boston or San Diego or Chicago or Des Moines or Albuquerque or Dallas. No hearings held in other places across the country so that people could have an opportunity to understand what was happening to them, what was happening to the communication media in their country so that they could have an opportunity to react to it appropriately.

So this resolution, Mr. Speaker, which I am offering to the House of Representatives and I am asking my colleagues for their kind support, would call upon the chairman of the Federal Communications Commission to halt what he is doing, to provide for additional public hearings, to give the public ample time to understand what is happening with the communication media in our Nation. Because most of these activities have been below the radar. They have been carried out surreptitiously. They have been carried out in ways so as not to attract attention, and that has been done, I believe, consciously because the perpetrators of this activity have understood that if it attracted public attention, it would also attract public dissent and public opposition.

So we need to be more careful about the way in which the Federal Communications Commission acts. The Federal Communications Commission was set up by legislation passed by this Congress, but this Congress has not exercised its proper jurisdiction over the way the FCC operates. And, as a result, we are seeing this very invidious consolidation of communication which is acting contrary to the best interests of the American people.

PRACTICES OF FEDERAL PRISON INDUSTRIES COSTING AMERICAN JOBS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes as the designee of the majority leader.

Mr. HOEKSTRA. Mr. Speaker, tonight I rise to set in context a bill that I introduced with my colleagues, the gentleman from Massachusetts (Mr. FRANK), the gentlewoman from New York (Mrs. MALONEY), the gentleman from Georgia (Mr. COLLINS), the gentleman from Wisconsin (Mr. SENSENBRENNER), and the gentleman from Michigan (Mr. CONYERS), along with 98 other cosponsors just before the Easter recess. The bill is H.R. 1829. It deals with an issue of reforming Federal Prison Industries.

Some of our colleagues may ask, what is the importance of this bill? Or, what are you trying to get accomplished? Let me put that in a framework. What is Federal Prison Industries? Federal Prison Industries is a corporation, and many of the documents and many of the talking points that I will be using tonight come out of the annual report, which was just released by Federal Prison Industries within the last couple of weeks. But Federal Prison Industries was established on May 27, 1930 when Congress enacted H.R. 7412. One of the key provisions was to "reduce to a minimum competition with private industry or free labor." On June 23, 1934, this bill was signed into law, authorizing the establishment of Federal Prison Industries.

The key phrase is "reduce to a minimum competition with private industry or free labor." I am going to spend much of the evening talking about what Federal Prison Industries is doing to American workers and American companies. In effect, what Federal Prison Industries is doing is it is costing American workers and American taxpayers all across this country to lose their jobs, even though the underlying statute clearly states, "reduce to a minimum competition with private industry or free labor." Federal Prison Industries and this Justice Department has lost sight of the goal of this legislation and what the role of Federal Prison Industries was intended to be.

Now, some within the Justice Department today may say, this is our contribution to creating high-quality and high-paying jobs in America, and we will get into that in detail also as we go through this process. But the key point here is that when Federal Prison Industries was established, the mandate was you will reduce to a minimum the impact on American workers and free labor and American business.

The message from the current board of directors is very encouraging. It says on page 5 of their annual report, "Our mission is to do so without jeopardizing the job security of the American taxpayer." In 1930, the underlying statute says "reduce to a minimum." In 2003, reporting on their annual report for 2002 it says, "mission is to do so without jeopardizing the job security of the American taxpayer."

□ 1700

If we go a little further, we will start to see where I think we get into some problems.

Mr. Speaker, what we have talked about, laying the context, is in the 1930s up to 2003, the underlying legislation, the board says they should reduce to a minimum the impact on American workers, American taxpayers, their jobs, and free labor.

It is interesting, as we go to the ombudsman message in the annual report. The ombudsman says something different: "so that a balance can be achieved between protecting jobs for Americans while teaching inmates meaningful job skills." A balance.

It is a subtle shift, but it is a shift that FPI has been undergoing for the last 10 years. They have shifted from having a minimum impact on the American workforce to, in a number of different industries, having a devastating impact on American workers.

In Maine at Hathaway Shirts, that closed last year because of contracts, because of Federal Prison Industries going out and claiming contracts that otherwise would have gone to the private sector. Ask the workers at Hathaway Shirts as to whether Federal Prison Industries is having a minimal impact. I think they would tell us very clearly that when someone loses his job and the factory locks its doors, that is not a minimal impact; that is a devastating impact. Their jobs are gone. We have put more inmates to work.

It is outrageous that Federal Prison Industries and this Justice Department is talking about a balance as they are putting American workers out of business. What kind of balance is that? American taxpayers are out of a job and someone is asking for balance. It does not look like there is a whole lot of balancing going on. This Justice Department has no idea as to what a balancing act is when they weigh putting a prisoner to work at the expense of an American taxpayer.

By the way, when Members say, well, it is good to keep prisoners working, there is no debate with that. But what we do not want to do is we do not want to put them to work at the expense of American taxpayers.

On page 24, an interesting fact. They will say they make money for America. Here is what it says in their annual report about taxes: "As a wholly owned corporation of the Federal Government, FPI is exempt from Federal and State income taxes." That is not a bad deal. I wonder what kind of Federal and State income taxes Hathaway Shirts was paying. Of course, they are now out of business.

FPI is exempt from gross receipts taxes, and they are exempt from property taxes. That is an interesting thing. They pay no taxes, and they put Americans out of work. The Justice Department and FPI is looking for a balance. As far as I can see, it is an outrageous balance every time we put an American worker out of a job.

What do they make? Clothing and textiles; law enforcement, medical, military and institutional apparel; mattresses; bedding; linens; towels; embroidered screen printing on textiles; custom-made textiles and curtains; fleet management; vehicular components; rebuild and refurbish vehicle components; new vehicle retrofit services; fleet management customized services; dorm and quarters furnishings; package room solutions; industrial racking; catwalks; mezzanines; warehouse office shelving; custom fabricated industrial products; lockers; storage cabinets. It looks like a lot of stuff they make in my district.

They have an office furniture business group: office furnishings and accessories, seating products, case goods, training table products, office systems products, filing and storage products, package office solutions, turnkey solutions, distribution and mailing services, assembly and packing services, document conversion, call center, order for film and services, laundry services, recycling of electronic components, reuse and recovery of usable components for resale, recycling activities, custom engraving, printing and awards, promotional gifts, license plates, interior and exterior architectural signs, safety and recreational signs, printing and design services, remanufacturing of toner cartridges, exterior and interior task lighting systems, wire harness assemblies, circuit boards, electrical components and connectors, electrical cables, braided and cord assemblies. Wow. They make a lot of stuff that is made in my district.

The interesting advantage that Federal Prison Industries has, we think, well, hey, if they can go out and compete for this business and they can provide a better quality product at a better price and at a better service delivery than the private sector, so be it.

If that were only the case. Federal Prison Industries has this wonderful thing called mandatory sourcing. The balance that the ombudsman calls for, here is the balance that Federal Prison Industries has: if the Federal Government wants to buy something and Federal Prison Industries makes it, we have to buy from Federal Prison Industries. The private sector may make the product, they may make it in a better quality at a lower price and a better delivery schedule; but sorry, they do not qualify. We know they paid their taxes, but they cannot even compete for the Federal Government business.

Here is what they make. The law says they should have minimal impact on jobs and free labor, and they have an element called mandatory sourcing. They are quality jobs. This is great.

Here is what we do with our prisoners. We criticize China for their prison labor. Federal Prison Industries, and our Justice Department. Inmate pay rates: 23 cents to $1.15 per hour. Wow. It sounds more like China than it does America. The good thing is, of course, these people are covered by OSHA. Wrong. If we are paying them 23 cents to $1.15 an hour, we cannot cover them with OSHA laws.

These are the people that are putting American workers out of business around the country today. My district is heavily impacted by the recession, making a lot of office furniture products, and the industry is down by 40 percent.

I have been joined by one of my colleagues. I will give him a chance to have a little dialogue here. Before I do that, let me highlight one small fact. I am not sure my colleague has seen these numbers. I am sure the American people have not seen them.

As the American economy is struggling, here is a growth company. We can invest in the U.S. Government, and we may get one of the best growth companies in America today, Federal Prison Industries.

Federal Prison Industries, in the business segment clothing and textiles did not have a good year. They were only up 1 percent; electronics, not a bad year, 14 percent; fleet management, vehicular components, wow, this is a growth industry. This is a business segment that grew 216 percent. Graphics, they had a rough year. They were down 10 percent. Industrial products, they were down 54; office furniture, up 24 percent.

Not that great of a growth rate, office furniture up only 24 percent. The statistic they are now telling us is that the office furniture industry in the private sector was probably down 15 percent to 18 percent, so they grow by 24. The real manufacturer decreases by 18 percent, and Federal Prison Industries increases their market share. Overall, last year Federal Prison Industries grew by 16 percent.

It is the ugly little secret that this Justice Department, this Federal Prison Industries, whether it is in clothing or textiles, whether it is in office furniture, whether it is in automotive or whatever, as these industries are laying people off, Federal Prison Industries through mandatory sourcing and offering poor quality, higher-priced goods with longer delivery schedules is adding more and more jobs.

The Justice Department's answer or contribution to creating high-quality, high-paying jobs in America is to put more prisoners to work in prison, lay off taxpayers, and pay the new jobs at 23 cents to $1.15 an hour. That is Justice's idea of justice in America today. It is absolutely outrageous that the Federal Government is allowing this to go on. I encourage my colleagues to support H.R. 1829.

Mr. Speaker, the gentleman from Indiana (Mr. SOUDER) and I, it was not all that long ago that we visited a plant in his district, a company that made innovative products and wanted to sell to the military, and had sold to the military. What they found out, maybe my colleague is going to share the story with us, but again they were dramatically impacted by Federal Prison Industries to such an extent that they were jeopardizing jobs in their plants so that Federal Prison Industries could expand the sale of their goods and services.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I thank my colleague, the gentleman from Michigan, for yielding to me.

I would like to kind of restate in similar words the concerns that he has shared here so far this evening and thank him for taking leadership in this issue; because I believe if most Members actually looked at this bill, there is just no defensible rationale to be against it. It is something that is often under the radar.

One of the good things about the district of my colleague, the gentleman from Michigan, is that it is good to have an industrial sector where there is a large concentration; but one of the bad things is that where you have a concentration, you do not have as many Members affected by it. Therefore, they may not feel as much pressure to do what is just and right.

The Grand Rapids Holland area has long been the center of office furniture and supply-type furniture in the United States. I grew up in a furniture retailing factory, a family business started in 1907. Since the 1920s, we were retail furniture merchants. In the old days the whole furniture industry was centered in Grand Rapids. That used to be where the markets were before they moved to Chicago and then North Carolina.

What we saw was first southern competition, where they did not have the unions, kind of weakened some of the northern furniture companies. Then we saw cheaper wood because the wood grew faster in some of those areas. It was not as good wood in the South as the northern hardwoods, but we saw that. Then we saw most of the furniture industry in big percentages go offshore and then overseas.

But in office furniture, we had a success story. The companies, including the former employer of my colleague, the gentleman from Michigan, stayed, by innovation, at the front end of what we needed in the office furniture market, in the supply market in this country. It was a good-news story of how to fight off foreign competition. So what do we do? We develop internal domestic competition to the industry.

I have a company that was alluded to by my colleague, Wieland Furniture in my hometown of Grayville, Indiana, a town that is now up to almost 1,000 people. In their plant, and in full disclosure, it has now been purchased by Sauder Furniture out of Archbold, Ohio. It is spelled S-A-U, and I am spelled S-O. They are distant cousins. They now own this as a division.

They have 40 employees, and 20 percent of their business involves sales to the Federal Government that could be lost if FPI decides to revoke waivers on the military bases, and they have lost untold other jobs that they could have had.

As the gentleman from Michigan (Mr. HOEKSTRA) said when he visited this plant, they told him what is really completely irritating about this is that they sell it cheaper. We save dollars for the taxpayers.

Mr. HOEKSTRA. Mr. Speaker, excuse me. If the gentleman will clarify, who sells it cheaper?

Mr. SOUDER. The company, Wieland, the private sector company. Even though they have to follow all the laws that my colleagues alluded to, they sell it cheaper.

□ 1715

And because they can sell it cheaper, that would save taxpayers money in the Defense Department, at universities, in government offices, in anyplace else that Federal Prison Industries is doing it, we would save taxpayer dollars if you bought from the private sector. Not only that, it is built better. They are selling it cheaper. It last longer. So you save money because you do not have to repurchase the goods. The sofas hold together. The tables hold together.

You have now the combination of not only the immediate prices being cheaper, but the long-term cost of the value, even to the government and any agency buying it, increased exponentially, because you do not have to replace it. The wear and tear is not there. You do not have to repurchase.

Mr. HOEKSTRA. You say, well, why do the Federal procurement officers not support your bill? You know what? They do. Because as this Congress asks different agencies to do more with less, the Federal procurement officers come back and say, hey, we can buy better goods and services from the private sector for a lower price, but you make us go to Federal Prison Industries. If we are going to have to use Federal Prison Industries, then do not make us do more with less because we cannot buy the best products and we cannot buy the services. You are asking us to get more efficient and more effective in using vendors who do not meet the standards that we need to compete.

Mr. SOUDER. The extraordinary thing here is that if they can meet these standards, that the Federal procurement officers would like to do this. And they are doing this, as he has so eloquently pointed out, that they do not have OSHA, the Occupational Safety and Health Administration laws that say you got to have this over here and this over here. Nobody walks into their plant, and I have had OSHA come into little plants in my district much smaller than the House floor saying, you do not have your exits marked. You do not have this kind of thing over here and threaten to shut them down or fine them. They do not have any of that kind of pressure. They do not have minimum wage standards. They do not have civil rights standards to see which percentage of the population is at which direction. Often these institutions are violators of even laws on water and air pollution. They do not have the same pressures that you put on the private sector. And still the private sector makes it for less price with better quality.

The owners of the Wheeling Furniture ask me, could our employees get these contracts and get the points if they get busted for dealing drugs? Could our employees get these jobs if they go rob a bank? Could our employees, if they get arrested for other crimes, then become eligible to make this furniture?

This is absolutely crazy. I believe that the stumbling block here is that there are many Members here like me who want to work. I am a strong supporter of Prison Fellowship and Justice Fellowship and organizations as is my colleague, that say people need to develop a skill while they are in prison. They need to develop a skill that does not take jobs from American workers.

We are losing jobs all over the place. Figure out, jobs that are taken by overseas workers and give them to the prison industry people. It is not that we do not want to rehabilitate prisoners. It is not that we do not want them to learn a skill. It is not that we do not want them to have some income when they are done, and they are taking advantage of many Members here who think that, oh, well, this is the only way we can help them. If this was another industry that was represented in big numbers in their district like it was in my colleagues, if it was the building industry, they would be outraged if we said we would take prisoners to knock out your contractors. They would be outraged if we said we were going to knock out the restaurant business. They would be outraged if we said we were going to knock out telecommunications. But because this industry is concentrated in one area, and because of the general good will, there is this misunderstanding that the Justice Department continues to take advantage of, and it must be changed.

It should not be in America that if you rob somebody and deal drugs, you can make the furniture, but if you are honest, you cannot. There is something fundamentally wrong with that, even if it did not cost less and be better quality. And it is particularly stupid when it costs less, better quality, and you are taking jobs away from law abiding citizens and giving it to people who violate the laws. It makes no sense whatsoever.

Mr. HOEKSTRA. The interesting thing here is this is just not an office furniture industry issue. If you go through the numbers, they are selling $159 million worth of clothing and textiles. That is why if you go to the gentleman from Pennsylvania's (Mr. TOOMEY) district, our colleague, I visited up there. There are lots of cut and sew operations that are operating at 25, 30 percent capacities. These are great plants. The workers have been sent home. Federal Prison Industries has grown. It is what happened with Hathaway Shirts in Maine. The contracts went to Federal Prison Industries, and the last shirt manufacturer in the United States closed down. But they are still making shirts over at Federal Prison Industries. They are doing the electronics. They are doing fleet management. It is a fast growing area. I think somehow they got the Midwest on their target zone. I think they forgot that Michigan is part of the union. Stay away from office furniture. Stay away from automotive parts, but they have made that a key part of their business.

They are now also moving into the services industry so there is a lot of folks in here. It also talks about the coalition that we have been able to put together. The day I dropped the bill we had 104 co-sponsors. It was awesome. A bipartisan bill. The gentleman from Massachusetts (Mr. FRANK), the gentlewoman from New York (Mrs. MALONEY), two leading Democrats, the gentleman from Michigan (Mr. CONYERS), the ranking member on the Committee on the Judiciary, a Democrat, the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, me, the gentleman from Georgia (Mr. COLLINS), yourself, about 104 Members are joining us in this effort.

The sad thing is the way that we get co-sponsors.

Mr. SOUDER. Let me take a guess. Let me take a wild guess.

When a company closes and jobs are laid off in an individual's district and they say, why are they laid off? And they say it is competition from Prison Industries?

Mr. HOEKSTRA. That is right. Exactly.

The gentleman from Georgia (Mr. COLLINS), he has been just a yeoman on this for the last 5 years. But what really got him interested was a small company in his district which made a very specialize product, missile containers. Well, Federal Prison Industries thought that would be a nice business to get in.

How do they justify getting into the missile container business? They said, well, we are going to go into the container business. So we are going to take a very small piece of the container business so obviously it is a minimal impact on jobs in that industry.

Mr. SOUDER. You are far more informed on this because I clearly got involved because I had a company that got immediately impacted and was outraged by the injustice. Do they have any criteria and does the Justice Department have any response when you say why do you not pick a category that does not have U.S. competition?

Mr. HOEKSTRA. No. Actually what Federal Prison Industries does and what they did with office furniture was they took a growth industry in America and decided to piggyback on it. And now that that industry is facing some difficult times, the industry is down, there is more foreign competition coming in, and then they are looking over here and they are competing with their own government.

I just get absolutely enraged when I am back home in my district because these are my neighbors. It was just a week ago and I am speaking to a local group and a friend of mine that I would like to think of as still a young man, but somebody I worked with, somebody that I graduated with. He said, maybe you did not hear, but I got laid off last week. He had been with the company for 28 years. This is as the industry is going down 18 percent. Federal Prison Industries is growing by 24 percent. What does that mean? It means they grew from $174 million in the office furniture industry to a $217 million company in one year, as the industry in the private sector was going down and they deliver poorer quality products as at a higher price.

These people come up to me and say, how come I am out of a job? I pay taxes. The company paid taxes. We have got shuttered plants. Hathaway is now a shuttered plant. I am sure the folks up in Maine, they are not getting any State income taxes. You cannot explain to them and say, well, we have got to put these prisoners to work.

In our bill we do not just put these people in cells. We give them vocational training. We are increasing the investment in vocational training. We are allowing them and encouraging them to make stuff for not-for-profit organizations, to work with Habitat for Humanity. So they are going to be doing things and staying busy, but the thing that they are not going to be doing is they are not going to be putting American workers out of business and out of their jobs. And the other thing that my bill does is it says we are not going to shut you down. We are saying all you have to do is be able to compete.

All I want is the workers in west Michigan, the workers in Indiana, the workers in Maine and down south to be able to compete for the business that if he can, they can get a better product. If they can deliver a better product at a better price right, that they can get that business. Right now they cannot compete for the business.

Mr. SOUDER. I know the gentleman is a little more liberal than I am in some of this. I do not believe they should be competing at all.

It is particularly absurd to say that they are going to get a price advantage, and they get the regulations relaxed and they get the price advantage and the quality advantage. I would make it so they cannot flat out compete, but we have to work some kind of a compromise, because clearly, this has been very difficult for many years.

We have laws that say that companies cannot illegally dump from overseas. You cannot come in where the government is subsidizing. Why do these laws not apply here and how would the Justice Department defend themselves when this cannot be done in any other category except by prisons?

Mr. HOEKSTRA. Number one, I agree with you. I would like to go to the same place and say you are just not going to make stuff that competes with the private sector. The law called for minimal impact. But we have got to get the 218 votes. We need to pass this through the House. We need to get it through the Senate. And we need to get this done so at least these workers will have the opportunity to compete and fight for their jobs. They are, in many ways, fighting an uphill battle. They are fighting 23 cents an hour labor. They are fighting factories that have no OSHA regulations. They are fighting a bureaucracy that the capital is funded by us so there is no cost or a minimal cost of capital. But the surprising thing is they have shown that they can do it.

So I am willing to accept that as somewhat of a compromise, and the compromise that we have developed, not only do we have great bipartisan support here, but we have got support from the Federal Contracting Officers. Where else can you go and get a letter of endorsement from the AFL–CIO, the U.S. Chamber of Commerce, the Teamsters and the NFIB? I mean, this is where organized labor and the business groups all come together because we are all interested in one thing.

We are interested in creating, and maybe in this case, preserving high-quality, high-paying jobs in America where this Justice Department, this FPI, this Federal Prison Industries and some would say this administration, is bent on eliminating high-quality, high-paying jobs. It is outrageous.

Mr. SOUDER. I think many Americans who are watching this and our colleagues and staffers around the Hill are going, this absolutely does not make sense. If they have not listened to this debate before, it is like, how could this be happening? About the only people who could possibly defend this would be somebody in prison; but we are not saying they are not going to have a job or income, because you and I have both advocated for many years that, and have been personally interested in how you deal and rehabilitate people in prisons and give them job skills. That is not what this is about.

So who could possibly be blocking this? What is the problem? It makes no sense. It is one of these things that you hear the Federal Government does and you think, well, how does this keep happening? Is it the dollars that are generated by some benefit to employees in Federal Prison Industries who are contracted to supervise the prisoners? Is it the amount of money that has been given to different agencies? Is it inertia, that government will not do it? It is not a defensible policy. No one likes to stand up and defend this. And when they do, quite frankly, the few times we have ever had any kind of debate, the debate has not been anchored to reality. As I recall, some of our colleagues, they talk about the importance of employing prisoners, but they cannot deal with the fact that people in your district or my district have been following the law have been laid off to employ somebody who violated the law. They cannot defend that position and usually they do not try.

So who exactly has held this up, and what is the problem here and why do they not pay attention?

Mr. HOEKSTRA. The problem that we have, I believe, is within the bureaucracy of Federal Prison Industries. I think you used the word "inertia." They have got this momentum going.

They are building new plants. They are employing all of these workers. They cannot think outside of the box. They are wedded to the box that says we are going to make products that everybody can identify with.

Going out and starting a new relationship with Habit for Humanity and a new category of products that does not compete with the private sector, that is too hard to do. This is pretty easy. And I think that is what it is.

The scary thing here, this is where we are today. Over the next 5 years, the plan of this Justice Department, in their annual report, Attorney General John Ashcroft not only endorses these results of increasing sales by 16 percent and saying that is a wonderful thing, without thinking about what it has done in your district and my district and other districts around the country, they are requesting, and I think other documents would show that what they want is 30 percent growth over the next 5 years.

□ 1730

So I mean there are those within this group of people who see this as a wonderful opportunity, for whatever reason, a wonderful opportunity to put more Americans out of work. So my legislation is going to pass; I just do not know whether it will pass this year or whether it will pass in 3 to 5 years. Because each and every year when we go through this process, and the gentleman and I have worked on this for about 5 years together, but it becomes much clearer to Members.

We have been kind of tilling the soil, and the seed does not sprout and grow until it happens in their district. Then they come back and say, hey, PETE, MARK, I finally get it. I had a company that was selling this stuff to the Federal Government and they were doing a great job, and last week Federal Prison Industries came in and said, oh, by the way, that is now our business, we are going to make it. And they say, PETE, my folks make that. They had a better quality product, it is cheaper, and they cannot even bid for the business. Is that right? And I have to say, yes, that is exactly how it works. Glad to have you on board and glad to have you now being a supporter.

What we need is we need to get to the 218 Members this year so that we can get those folks in our districts and other districts back to work as soon as possible by at least providing them the opportunity to compete for this business.

Mr. SOUDER. If the gentleman will yield, one of my concerns is that this inertia starts to develop a bigger and bigger base; and I hope our colleagues understand that if they do not move soon, the bigger this machine gets, the more people that get involved in contracting and building the prison industry infrastructure itself, all of a sudden we will have a monster that starts to consume society.

The other day when I was driving to the airport, or being driven to the airport, I saw a crew out cleaning the roads who were on a work-release-type program. Imagine if our county and State governments picked this up and instead of doing a work-release program, they decided they will run the local gas station, which would be the equivalent here. So when you come up to an interstate exit or a highway exit you would now have gas stations operated by people who are in prison, restaurants operated by people in prison. There would be an outrage. But manufacturing is not as visible to the consumer eye as retailing. They are taking jobs away in the industrial sector and transferring them. And by the way, those industrial sector jobs have the biggest multiplier effect on our economy.

You know, I am a little older, too; and when I was getting my MBA back in 1974 from Notre Dame, one manufacturing job was the equivalent of seven. Now it is closer to 15 in its impact that brings dollars into the community. So when you rip those manufacturing jobs away, maybe they are in a building you cannot see. But if you start to visualize that you are taking as many jobs in my little hometown, say 40, as would be employed in the grocery store, plus the dairy sweet, plus the gas station, plus a couple of other small retailers in this town, and say all this retail infrastructure is going to be operated by prison industries, you would have more outrage in the community. Yet those retailing jobs do not extend dollars to the community like the manufacturing jobs.

We have to wake up. And lest I step on another sore point here in Congress, we years ago decided for good or ill that Indian gaming could be allowed. But Members started to realize that that same clause could be used for supergas stations or retailing operations that could be based and moved around similarly by exits. The best thing you can say about the comparison with the Native Americans and how they were using it was, hey, it was originally their land, we probably took the land unjustly, they are following the law. This group, which is doing in effect the same type of expansion of their categories of industry, putting law-abiding Americans out of work, do not have an injustice; they are there because they committed an injustice and we are trying to rehabilitate them. They do not have any prior claims, yet you see them stealthily moving through sectors of the economy threatening American jobs.

The fundamental question is: Why is this not like other types of illegal dumping from other countries, where they are subsidized? Why is this not like other countries, where we lose competition because they do not have to have the same American laws? And why is it not focused on trying to gain jobs that have gone outside of America in Federal Prison Industries rather than take law-abiding jobs?

How do you answer those questions? How does any Member of Congress answer the question, when some factory in America loses a job, and that person says, if I robbed a bank, if I abused cocaine, would I be able to keep my job? It is backwards, and it makes absolutely no sense.

I am worried that if we do not move here with a Justice Department that you would expect to be favorable and a Congress that should be paying attention that this momentum and this inertia is just going to overwhelm us. My esteemed colleague has been gaining sponsors, but not fast enough. And we really need to get a sense of urgency in this House and in this administration.

You know, you cannot talk about losing jobs in America, you cannot walk out there with a straight face and say we are trying to help the economy, and by the way we are taking away from law-abiding citizens. It does not fly.

Mr. HOEKSTRA. Well, if the gentleman will yield, under this Justice Department, what has happened? The gentleman talked about this, and the statistics are ugly. We have seen the growth numbers: 16 percent overall, 24 percent in office furniture, 216 percent in vehicular elements and those types of things. So under this Justice Department we are seeing growing sales.

The gentleman brought up a couple of great points that I want to respond to. The gentleman talked about dumping. Under this Justice Department, sanctioned by this administration, Federal Prison Industries has gone and signed contracts with Canadian companies, in the office furniture industry again. It is a Canadian company that could not necessarily penetrate or compete for government contracts here in the U.S., so what they did is they signed a contract with Federal Prison Industries. Basically, Federal Prison Industries either just passes the product through, or maybe does just a little bit of assembly, so we now in government offices around the country, government procurement officers, we are requiring those folks, through Federal Prison Industries, to buy Canadian-manufactured products.

And, by the way, Canada, thanks for helping us with Iraq. The country just north of us stiffed us on the war. The country just north of us stiffed us on the war, but Federal Prison Industries is embracing them and saying, hey, make a deal with us and you can sell your products. You do not have to compete for the business; we will make the Federal Government buy your stuff.

Mr. SOUDER. If the gentleman from Michigan will yield, let me see if I understand this. The company in my district or your district, where the employees that have been following the law are making something that is cheaper and better made, they go in to bid.

Mr. HOEKSTRA. They may never bid.

Mr. SOUDER. Or they would like to bid for, say, military training base equipment at a housing unit, tables, sofas, other things, file cabinets, whatever it is; and they go in, and because of the points that are in effect given to prison industries, that even though they are lower priced and better quality, they might not even be competing with Federal Prison Industries; they might be competing with a Canadian or foreign-owned company? So that not only are products made unfairly in prison, but the wholesaling and marketing profits are going to a company from overseas, knocking American law-abiding workers out. So we have a double whammy that would certainly not be allowed in any kind of international trade agreement.

Mr. HOEKSTRA. I want to make it very, very clear. Our companies are not even allowed to compete for the business. Federal Prison Industries gets right of first refusal.

Mr. SOUDER. So it is not points.

Mr. HOEKSTRA. It is not points. If Federal Prison Industries makes it, they can demand that that housing project that the gentleman just talked about buy from them, no matter what else they get. No matter what other kind of bid, they have to buy from Federal Prison Industries. The companies in our districts cannot even go compete for that business.

Mr. SOUDER. If the gentleman will yield, this is not like a veterans-owned company or a female-owned business or a minority-owned business where you say, okay, they get a 10 percent advantage; this is flat-out they cannot even bid, even if it was half price?

Mr. HOEKSTRA. No. There is a reason it is called mandatory sourcing. It is not preferential sourcing, where there is a scoring system and if you are within 5 or 10 percent of the private sector price you have to buy it from us. It is not preferential competition. It is mandatory sourcing. You must buy from Federal Prison Industries. If you want a waiver or seek a waiver, Federal Prison Industries determines whether you will get it.

It is absolutely outrageous. And I just want to mention one other thing the gentleman talked about. The inertia, the momentum where we build up this prison industrial complex; 111 different factories: Alderson, West Virginia; Atlanta, Georgia; Beaumont, Texas; Butler, North Carolina; Dublin, California; Edgefield, South Carolina; Fort Dix, New Jersey; Greenville, Illinois; Jessup, Georgia; Leavenworth, Kansas; Lee, Virginia; Manchester, Kentucky; Oakdale, Louisiana; Pollock, Louisiana; Ray Brook, New York; Safford, Arizona; Sandstone, Minnesota; Seagoville, Texas; Terre Haute, Indiana; Tucson, Arizona; Minnesota; Mississippi; Texas; Connecticut; New Jersey; Kentucky; California; Pennsylvania; Illinois; Tennessee; New York. 111 different factories. Absolutely they are building it up.

So we have this momentum put in place that just wants to gobble up more and more business. They want to grow and grow, grow by 30 percent after they have grown by 16 percent. They have come up with these creative marketing schemes, and what they are selling is they are selling their mandatory sourcing. They are going to these Canadian companies and saying if you sign these contracts with us, we may or may not do anything with the product except pass it through. It may not even stop at a prison, but if you sell through us we can make people buy your stuff that otherwise probably would go to an American company.

Thank you, Federal Prison Industries. Number one, you take our jobs. This is a new scheme that has come up within the last 12 to 18 months. So this is the direction this Justice Department is going. I guess they do not realize that there has been a little bit of an economic downturn in America. They think we have full employment. This Justice Department is now saying, before we put people in Michigan or Indiana back to work, we have to get those people in Ontario back to work. And when we get those people in Ontario back to work, we will take a look at Michigan and Indiana. But we have to first take care of those people in Ontario.

It is really too bad that the Attorney General and Federal Prison Industries are getting away with this. Probably Federal Prison Industries is getting away with this because the Attorney General is not paying any attention to it, although we have met with the White House. We have tried to get the attention of the Justice Department.

The President came to Michigan a couple of months ago, and he asked about this issue. I think he shares our passion. He thinks it is wrong. He made a comment along the lines of, hey, Pete, I think we have that issue done. But, Mr. President, no, we have not. Matter of fact, it has gone from bad to worse. This Federal Prison Industries is a fast-growing growth industry. That is what we want to have in the economy, but that is not what we want to have at Federal Prison Industries. But under your Justice Department, that is exactly what is happening.

Mr. SOUDER. If the gentleman will yield, my understanding is a lot of this is defense contracting.

Mr. HOEKSTRA. Well, a good part is defense. But a lot of these products are used throughout the Federal Government. A good portion is defense, yes.

Mr. SOUDER. We are about to mark up in the Committee on Government Reform a new defense procurement act, as is Armed Services; and I am trying to understand, again, as the Department of Defense came and talked with those of us on the committee last night, their argument was they are trying to reduce costs and get more flexibility in the Federal Government. Why would they then do something that costs more with less quality in another area? And how are they going to justify coming to Congress and asking us to vote for that acquisition act if they do not fix this?

Mr. HOEKSTRA. It will be very difficult. Again, the folks in the Defense Department are very much in support of this type of reform because they want to go to the private sector, or at least they want to have the opportunity to go to the private sector. Typically, the private sector is going to be more flexible. From experience, we know they can provide a more cost-effective product and a better quality product. So, again, that is why Federal procurement officers are with us.

The folks that are not with us are the bureaucracy within the Department of Justice; and I am hoping that somebody just rings the bell over there and says, wait a minute, guys, this is wrong. We need to stop this, and we cannot believe that on our watch this is what is happening.

☐ 1745

We are growing the inmate workforce at the same time that unemployment rates in many parts of the country are going up. Again, Federal Prison Industries and Office Furniture grew by 25 percent as the industry went down by 18 to 20 percent, a 45 percent differential. It is terrible to say, but I would probably have been overjoyed if Federal Prison Industries would have stayed level, but they did not even have the courtesy in this competitive, tough economy to not be greedy. They got greedy.

Mr. SOUDER. Mr. Speaker, this President has had few things as defining in his career as the principle of contracting out and not having things be done by the Federal Government that can be done by entrepreneurial, private sector people. He did that his first term as governor of Texas, second term as the governor of Texas, and campaigned on that. Sometimes he goes too far in contracting out.

My question is how can we have such a disconnect in the Department of Justice with the goals of the President of the United States that are explicit through every agency right now ordering contracting out, and this is not contracting out, it is contracting back. It is sucking jobs out of the private sector, bringing them, kind of a reverse contracting out, and then in the proposals, proposing to increase that. At the rate of growth that this category is going, what is the point of us in Congress trying to look at contracting out if they are going to be contracting in in this area.

Mr. HOEKSTRA. This is why Federal employees support us as well. What may happen is the Federal Government may decide to outsource and contract out certain things, and the winning contractor may be Federal Prison Industries.

Mr. SOUDER. Mr. Speaker, if the gentleman would yield, like when one goes to a national park and the individual greeting you is somebody who works for Federal Prison Industries.

Mr. HOEKSTRA. I would not go that far.

Mr. SOUDER. We do not know the way this is going. People in my hometown who have worked all their career building furniture, all of a sudden are put out from somebody from Federal Prison Industries. It shows graphically, if one visualizes it, what if your local park ranger works for Federal Prison Industries? Or what about if somebody doing the typing in for accountants would be?

Mr. HOEKSTRA. They are getting into services, into the telemarketing, into the processing and all of these kinds of things. Digitizing of photos and photo libraries. They are getting into an unbelievable number of things. Some are highly sensitive.

What the gentleman has laid out I would like to think is nowhere in the realm of possibility, but I should know better. I would never have thought that they could have grown by 25 percent in office furniture or 16 percent overall this past year. I would never have thought in their annual report that they would have publicized and highlighted the fact that they are paying all of 23 cents an hour up to $1.50. They are proud of it and proud of their results. This Department of Justice has demonstrated through their annual report, even though the original criteria said minimal impact on workers and American taxpayers, they are not abiding by that standard anymore.

They are ruthlessly and aggressively going out to try to transfer jobs from the private sector and move them into Federal Prison Industries. It is one thing for you and I to be talking here in a theoretical sense, and it is a very different thing, and I have seen it in the gentleman's district and in my district, where I run into folks who say I have been laid off. Are you making any progress on the Federal Prison Industries, knowing that this is not going to fix all of the problems, but it sure could help.

If we could just get some of those people back to work, it would get us moving in the right direction. We need that base volume because the next thing that is on the horizon after Federal Prison Industries is foreign competition. Our industries should not have to worry about competition from their own government at the same time they are worrying about competition from China, but that is exactly what they are doing. Our government has duplicated the China model: Invest in capital, they get their capital free, and then pay the workers very, very little. The American government, I guess they are teaching our companies how to compete against the Chinese by duplicating the Chinese model through Federal Prison Industries, and it is an outrage.

Mr. Speaker, I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Speaker, I congratulate the gentleman for his work on this and in trying to get the Department of Justice aware that they are in direct contradiction of the goals of this President and this Congress which has said we are looking at how to maximize the private sector and put Americans who are law-abiding citizens back to work.

I do not want to face people in my district who might have to wear a button that says "I follow the law, I am employed." We need to look for options for people to be trained. This is not about not giving people in prison an opportunity, but there is no reason that going to prison should give people an unfair advantage, particularly going through foreign countries, against people who in America have followed the law who are working hard who have actually outcompeted foreign companies to hold their sector until the U.S. Government behind them, waiving regulations and waiving capital costs, then giving them a mandatory advantage to go for higher prices with less quality and say you still must buy it, and then have the gall to come to Congress and say we are trying to contract out. We are trying to save money for the Federal Government when, in fact, they are putting people in our districts out of work.

It does not make sense and it does not fly, and I hope more Members and staff will pay attention to this debate. It is pretty much of a no-brainer. I hope that the Department of Justice will turn around on this. They are projecting this as a growth industry. It is incredible to me that they would not be humiliated by this, and instead look at it as a growth industry.

Mr. HOEKSTRA. That is what is coming down the road. It has been a growth industry. It is going to continue to be a growth industry. I am optimistic with the kind of support that we have for the bill on a bipartisan basis, we have had a coalition of the gentleman from Massachusetts (Mr. FRANK), the gentlewoman from New York (Mrs. MALONEY), the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Michigan (Mr. CONYERS) and myself, together for a number of years, and I am looking forward to this to move through the Committee on the Judiciary quickly, and am hopeful that we can get this bill to the floor and have a good debate.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1298, THE UNITED STATES LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA ACT OF 2003

Mr. LINCOLN DIAZ-BALART (during Special Order of Mr. HOEKSTRA) from the Committee on Rules submitted a privileged report (Rept. No. 108–80) on the resolution (H. Res. 210) providing for consideration of the bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THE PRINCIPLES OF RESPONSIBILITY, INTEGRITY AND COMMON SENSE APPLIED TO FEDERAL BUDGET AND TAX POLICY

The SPEAKER pro tempore (Mr. BURNS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Washington (Mr. BAIRD) is recognized for 60 minutes as the designee of the minority leader.

Mr. BAIRD. Mr. Speaker, we are here today to talk about fundamental principles, principles of responsibility, integrity and common sense as they apply to the Federal budget and to tax policy. Over the past 2 weeks, we had the opportunity to go home and hear from our constituents, and we hosted an event with the Concord Coalition. We had people in several of my communities get together to try to balance the Federal budget, and we learned some very interesting things from that process.

We learned, among other things, that in spite of the majority's recent claims that deficits do not matter, the American people say that common sense says deficits do matter. We cannot, year after year, run enormous deficits, pass those on to our kids and not expect somebody to have to pay the piper. With several of my colleagues tonight, we are going to talk about how we got into that deficit, how we ought to get out of it, and how the policies put forward by the majority and this administration will actually make the situation far worse rather than better.

The first speaker this evening is the gentleman from Texas (Mr. EDWARDS). He said to me tonight he has to speak first because he has to go home and tuck the kids in. It occurred to me that is really why most of us serve here, we want to create a better America for our kids. And part of that way we create a better world is facing up to fiscal responsibility and not passing on an enormous burden of debt to those children in order to gain easy election or political advantage in the short term.

Mr. Speaker, I yield to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I thank the gentleman for yielding to me, and for his outspoken and consistent leadership in fighting for fiscal responsibility, not just for this generation of Americans, but for our children and their children, future generations of Americans.

Mr. Speaker, more and more Americans, and certainly central Texans when I go home, are asking a very important question: Why has the Republican leadership in Washington, D.C. abandoned the values of fiscal responsibility and balanced budgets? That is a good question. Frankly, the party that used to pride itself and the party that fought for balanced budgets, led a fight for a balanced budget constitutional amendment has now become the party that is proposing the largest deficits in American history. Let me discuss some facts.

Fact number one, it is true that the administration in Congress this year are proposing the largest deficit in American history. Let me repeat that one more time because a lot of people do not believe it, but it is true. The White House, President Bush and Republican leaders have endorsed the largest deficit in our Nation's 200-year-plus history. $292 billion used to be the record for deficit spending. This year it could be well over $307 billion. That is more of a deficit than we had during World War I, World War II, the Vietnam War or the Korean War.

Fact number two, this proposed Republican historically high deficit does not include one dime for the cost of the Iraqi war or building a national health care system for Iraq which they propose, or helping build new schools for Iraqi families.

Fact three, if we do not count the billions of dollars being taken out of the Medicare and Social Security trust funds to fund this huge deficit, the real deficit to the American people is actually this year going to be over $400 billion if Washington Republicans get their way.

Fact number four, the House-passed Republican budget supports deficits not just this year, but for as far as the eye can see. In fact, over 214 Members of this House, Republicans, voted to increase the national debt by $6 trillion by the year 2013.

Mr. Speaker, let me put this in perspective. It took two centuries, in fact, over 200 years for America to build up a $1 trillion national debt. Yet in 10 years, Republicans will have been successful in increasing that national debt 6 times more than the amount that it took two centuries to create. $6 trillion in additional national debt in the next 10 years under their economic plans and schemes, versus $1 trillion developed over the first 200 years of American history. That is the kind of history we do not hear Republicans in this Chamber and across Washington talking about very much.

Mr. Speaker, I think it is fair to ask the question who in America should worry about these Republican deficits? Do they really matter? Do they affect the average American citizen? I think the answer is we should all care and be concerned about the historically high deficits for several reasons.

First, let us look at taxpayers. Taxpayers, according to Republican estimates, will have to pay $1 trillion in extra taxes over the next decade just to pay the extra interest on the national debt. That is money that could have been saved for our children and grandchildren's homes and cars, for building their futures, educating their children. That is money that could have been used to provide college student loans and grants through Federal programs.

Family businesses and farms ought to be concerned about the deficit because as thousands of economists and well-respected business leaders have said, once the economy gets back on its feet, having 3 and $400 billion deficits will increase the cost of doing business for family businesses and farms. When a farmer goes to borrow money to plant his crop or buy seed or fertilizer, that farmer is going to have to pay more in loans for interest back to the bank for loans. Small businesses wanting to create new jobs are going to have to pay more interest on the money that they have to borrow to expand their businesses. Deficits are bad for American taxpayers and American farmers, and they are bad for American family businesses.

How about American family workers, should they care about these deficits? Well, most workers are struggling to support their families, provide a decent home and quality education for their children. So now when American workers, under the new Republican Babe Ruths of deficits, go to borrow money to buy homes, they will pay thousands of dollars more for the cost of that home because of higher interest rates.

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They will pay more when they have to borrow money to buy a car; and they ought to be concerned because according to many economists, including Alan Greenspan, if we were to have hundreds of billions of dollars of additionally proposed tax cuts despite our historically high deficits this year, then we are going to potentially hurt economic growth. That means fewer jobs for American workers. American seniors ought to be worried about deficit spending because that deficit is being underwritten by borrowing money from the Social Security and Medicare trust funds. Baby boomers, our future seniors in the next few years, ought to be gravely concerned about undermining the fiscal integrity of the Social Security and Medicare trust funds just as they begin to retire in the next 7 or 8 years.

How about parents? Parents certainly should be concerned about deficit spending because they do not want, I do not want, we should not want to drown our children in a sea of national debt. It is morally wrong to do so. And as we Americans stand so proudly behind our soldiers and servicemen and women who fought in Iraq so courageously, as we honor our veterans with resolutions of words here on this floor in order to pay for some of this dividend tax cut and other proposed tax cuts, Republicans from the White House to Congress have proposed the following just this year, in the last few weeks, in fact: $28 billion in veterans cuts over the next 10 years, $1.5 billion in cuts this year for military construction programs that help train our servicemen and women and provide better quality of life, day care, housing for those servicemen and women; $175 million Republicans have proposed cutting in Impact Aid education that provides a better education for military children while Mom and Dad are fighting for our country in Iraq; and $172 billion Republicans have voted for in this House to cut Medicare and Medicaid. That means fewer seniors getting nursing home care, fewer seniors getting medical care that they need.

Mr. Speaker, 2 years ago, not that long ago, Republicans in Congress passed, over my objection, a $1.3 trillion tax cut; and when they did it, every Member, every Republican who spoke in the well of this House said we can have it both ways, we can have our cake and eat it too. We like the free-lunch philosophy. We can cut taxes by a massive amount and still balance the budget. These same economic gurus are now proposing $1 trillion more in tax cuts.

And let me clarify this point. The public debate is between $350 billion and $500 billion in tax cuts, but somebody needs to recognize that there are about six or seven or eight or nine other tax cuts that the administration and congressional Republican leaders have proposed. We add them all up and we are talking about more than $1 trillion of extra tax cuts despite the fact that we have got the largest deficit by far in American history.

I think before we buy into the next round of proposed trillion dollar free-lunch tax cuts, it is fair to ask how accurate were our Republican colleagues and leaders in predicting just 2 years ago we could cut taxes by over $1 trillion and balance the budget. Fact: Republican leaders were off by $12 trillion. Not million, not billion. $12 trillion, because just 2 years ago they were predicting we would have no national debt by the year 2013. The budget that they just voted on in the House, that they have passed in the House, suggests we will have $12 trillion in national debt.

Mr. Speaker, I would suggest that if a business had an economist that was $12 trillion off, not to mention the 2.5 million jobs we have lost in the last couple of years, $12 trillion off, 2 million jobs off in the economic growth projections, most companies would fire those economists summarily. They certainly would not be rehired to make more proposals and more economic suggestions.

Finally, I hope we could examine two assertions we are hearing from our Republican colleagues. The first is this massive new tax cut is really a growth plan. That is not what the Congressional Budget Office said recently after an extensive report; and by the way, the CBO, Congressional Budget Office, is headed by a former top economist in this Bush administration's White House. What that report said was basically that whatever short-term stimulative effect any tax cut might have would probably be offset by the massive deficits that would result from that.

In fact, the report says: "The overall macroeconomic effect of the proposals in the President's budget is not obvious." Is not obvious. That is bad news for the free-lunch crowd that believes we can promise everything to the American people and they will be gullible enough to believe it. We could have massive tax cuts, fight a war in Iraq, rebuild Iraq, increase our defense spending significantly, provide prescription drugs for seniors, and, by the way, we will balance the budget for our children. Just trust us. The last time the American people trusted them with their predictions of that free-lunch philosophy, they were off $12 trillion. Our children and grandchildren cannot afford another $12 trillion mistake.

Mr. Speaker, I would point out that in today's Washington Post, Alan Greenspan was basically quoted as saying that unless we offset these newest Republican tax cuts with spending cuts, it could well harm economic growth. The article in The Post said: "Greenspan endorsed the view of a recent study by Federal economists that rising budget deficits put upward pressure on long-term interest rates, which act as a drag on economic growth by raising the cost of borrowing for businesses and consumers."

The fact is that in yesterday's Washington Post there was a fascinating article. The article was entitled, "Bush Offers New Argument for His Tax-Cut Proposal." It talks about the immediate short-term growth this might create. But it is interesting that the article goes on and says this: "Beyond 2007, the tax package would actually do more harm than good, warned Joel Prakken of Macroeconomic Advisers, LLC, which developed the computer model the White House used." So the very economists that the White House depended upon to develop computer models to try to sell their tax cut admits that the administration's growth plan could actually be an antigrowth plan, a job depressant in the years ahead because of the massive deficit spending.

Finally, the Republicans say that we will pay for those tax cuts with tough new spending cuts. We have heard some proposals cutting Medicare and Medicaid by $172 billion, veterans by $28 billion, Impact Aid for military kids by $175 million; but once pressured by the public, it took about 2 weeks for Republicans to back off from some of those cuts.

But let me just state for the record, and I will finish with this: when Republicans talk about courageous spending cuts, look at what they do, not what they say, because if we look at the five programs that represent about three-fourths of all Federal spending, Social Security, Medicare, Medicaid, defense, and interest on the national debt, the administration and the Republicans in Congress are wanting to increase, increase, spending on three of those five programs. Massive increase, $1 trillion more over the next decade on interest in the national debt; massive increase in defense spending, which I support, but I am willing to pay for; and they are proposing a $400 billion Medicare plan for prescription drugs, which I am afraid seniors will probably never see.

Mr. Speaker, through fiscal responsibility and balanced budgets, we can create the economic foundation for America to have tremendous growth. That is what we did in the 1990s. The proof is in the pudding. That plan led to 22 million new jobs in America. The latest growth plan resulted in 2.5 million lost jobs. Let us look at the track record of these economic gurus before we sell our children and grandchildren into a lifetime of paying taxes just to pay interest on the national debt.

Mr. Speaker, I thank the gentleman for yielding.

Mr. BAIRD. Mr. Speaker, I commend my colleague from Texas (Mr. EDWARDS) for such an articulate presentation and a clear-cut explanation of what is wrong with the tax proposals and the budget plans of the majority party and the administration. The gentleman was, I think, astute in observing that when the Democrats controlled the White House and the House of Representatives, it was literally about 10 years ago, almost 10 years ago today, they had the courage to step forward and confront budget deficits, not to pooh-pooh them, not to say this does not matter, but to confront budget deficits and say we must enact fiscally responsible policies.

The other party, the majority party, claimed that if we did that, we would lose jobs, we would see interest rates skyrocket, we would see inflation go through the roof. What in fact happened? The longest economic expansion in the history of this country. More jobs were created. Unemployment went down. Healthcare was improved. Our education system was improved.

If my colleagues want to make a judgment by history, look at the recent history. When the Democrats set the fiscal policy of this country, we saw sustained economic growth. In the Republican administration, we have seen sustained unemployment and economic decline.

The gentleman from Virginia (Mr. SCOTT) is a member of the Committee on the Budget and will address precisely those issues now. I yield to the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding so we can continue to discuss the budget situation we are in.

I like to use charts because one uses a lot of adjectives and uses a lot of spin. One cannot spin charts because they just show us what the numbers are. This chart, for example, shows the deficit year by year over the years. Johnson, Nixon, Ford, Carter. We all remember that deficits ran up under Reagan and Bush; and we also remember that when President Clinton came in with a Democratic majority, we cast the tough votes to create a surplus for the first time in decades. We also know that during this administration, the Republican Congress, after they took over Congress, passed huge tax cuts that were vetoed time and time again. The Republicans passed the tax cuts; President Clinton vetoed them. They threatened to close down the government. He vetoed it anyway. They shut down the government. He vetoed it anyway, and we were able to have a straight line right up to surplus. Unfortunately, President Bush did not veto those irresponsible tax cuts, and we see what happened all of a sudden.

If anybody asks what is the Democratic plan now, we just point to the green. When the Democrats had control of the budget with Clinton and enough Democrats in Congress to sustain his vetoes, this was the Democratic plan. This is the Republican plan. Once we run up all those deficits, we have to pay interest on the national debt. This chart shows what the interest on the national debt would have been had we not messed up the budget. That is the green line showing what the interest on the national debt would have been. The red line is what the interest on the national debt will be as a result of messing up the budget. To put this in perspective, the blue line is the defense budget. By 2013 we will be paying almost as much interest on the national debt as we pay for defending the United States of America.

We also can make this personal. This is what we call the debt tax. A family of four, take all the interest on the national debt, divide it by population, multiply it by four. Right now a family of four's proportional share of the interest on the national debt, about $4,400, $4,500. It was going to zero. But by 2013, $8,500 and rising. And how did we get in this mess? The tax cuts. And who got the tax cuts? We can say who got it, but let us look at the chart. The bottom 20 percent, the blue is the 2001 tax cut, the green is the proposed 2003 tax cut, and we see who got a little of the tax cut. There is a line right here that is hard to see, but it shows that one half of the tax cut went to the top 1 percent of the population.

As a result of these tax cuts, we also have to consider the effect that they had on Social Security. This is a chart of the Social Security trust fund.

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We are bringing in more money in Social Security than we are paying out right now because the baby-boomers are retiring shortly, and we need to save the money for Social Security. We cannot balance the budget with a $150 billion surplus in Medicare and Social Security. In 2017 it is going to change. Look at what we are going to have to come up with as we go along.

Now, the interesting thing is it is challenging, and this is the $900 billion, over $1 trillion a year we are going to have to come up with in cash to pay this.

The embarrassing thing about this is if you go back to the tax cut, one-half of the tax cut of 2001, one-half, that is what the upper 1 percent got, had we, instead of giving a tax cut, allocated that amount of money to Social Security, we could have paid Social Security without reducing any benefits for 75 years. But, instead, we did the tax cut.

So we have jeopardized Social Security, we have ruined the budget in terms of deficits, we have run up the debt tax. And, why? To create jobs? Let us see how we did.

This is a job growth in the last 50-some years, going back to the Truman administration, Eisenhower-Nixon, Kennedy-Johnson, Johnson, Nixon, all the way through the worst job creation in over 50 years.

Now, we say, well, what do you expect? 9/11. That is why we could not create any jobs. But as you think of it, we were fighting the Korean War, we created jobs. We fought the Vietnam War, we created jobs. We had our hostages taken in Iran, we created jobs. We fought the Cold War all the way through. We fought in Grenada and in Panama. The Persian Gulf, we created jobs. Somalia, Kosovo, we created jobs. 9/11, why can we not create jobs?

We passed their plan. The worst investment growth since World War II. We had investment growth every year through the Korean War, Vietnam War, Cold War, all the way through, but not in this administration after we have wrecked the budget.

When we talk about sending people's money back on tax cuts, we are not sending their money back. As we pointed out, we are spending all of their money. What we are sending them back is their children's money that they will have to pay off.

My question is, how bad does this situation have to get? How much debt do you have to run up before you acknowledge that the plan did not work? How many jobs do you have to lose? We have lost almost 2.6 million jobs since this administration came. Unemployment is up. Long-term unemployment has tripled. How bad does it have to get before you acknowledge that it did not work?

We need fiscal responsibility. We need the Democratic plan and need to reject the plan offered by the Republicans that we are passing now.

I thank the gentleman for yielding so we could offer these graphs which show in numbers exactly how bad it is.

Mr. BAIRD. Mr. Speaker, I thank my colleague. What a clear-cut explanation of the situation we are in.

When I had those forums and town hall meetings back home, people asked me precisely the kind of questions the gentleman was addressing. What does this tax cut do for jobs? What does it do to provide prescription benefits for our senior citizens?

When I asked people, which would you rather do, a tax cut for the wealthiest people in this country, or invest in our transportation infrastructure and put people back to work? They said put people back to work.

When I asked which would you rather do, a tax cut for the wealthiest people in this country or invest in a prescription drug program so our seniors can stay healthy and actually lower the cost of health care in the long run, they said take care of our seniors.

One of the Members of this body who has done as much as anyone to keep the cost of prescription drugs down is my good friend and colleague the gentleman from Maine (Mr. ALLEN). I yield to the gentleman, who will not only talk about job growth and the tax cuts, but also about the fundamental principles of values and how those are manifested through the decisions we are making, and, unfortunately, through the decisions this body is not making.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding, and I want to commend him and all of my colleagues for being here tonight to try to present some factual evidence about what the Republican tax cuts are really all about.

One can see what is going on in part just by looking at the state of the economy under the Bush administration. This chart shows that with net growth of 1.5 percent, the Bush administration has now the worst real GDP growth since World War II. Every other administration has done better at creating jobs and growing the economy than the Bush administration has.

For example, the gentleman from Virginia (Mr. SCOTT) was just showing this other chart, which shows that it is the worst private sector job growth since World War II.

In fact, if you look at this chart again, what you see is that since President Bush took office, we have lost almost 2.6 million private sector jobs in this country. No wonder the administration is concerned. In every other administration, except only the second term of the Eisenhower administration, there has been job growth in this country. This has been a country where the economy has been strong, where it has been growing, even when we have had difficulty. But not in this administration.

Mr. BAIRD. If the gentleman will yield, when I look at that chart, you look at the graph where the numbers are going up, that is putting people back to work. That is helping people take care of their families, buy homes, invest in this economy.

When you see that chart going down, which has happened in this administration, that is people losing their jobs, losing hope, losing health care, losing the ability to take care of their families.

These are not just numbers. As the gentleman knows, these are real life stories of people whose lives are being ruined by the economy.

Mr. ALLEN. That is exactly right. Like the gentleman, I have been in my home State of Maine doing community meetings and talking to people throughout my district, and these are not very good times for many, many people. We are suffering losses in agriculture, we are suffering losses in manufacturing, and, for more and more people, it is difficult.

I sat with a group of people at one company which is doing okay right now, but she was talking about the cost of her health care, trying to raise her daughter, she is a single mom, trying to take care of a daughter, and she said what a lot of people are echoing: "I never thought it would be this hard."

This is a difficult economy. Young people coming out of college today, coming out of graduate school, are having a very tough time finding jobs, and many people are being laid off and losing their health care along with their employment.

Mr. BAIRD. When I talk to those folks, they do not tell me, "What I would like the President and Congress to do is give me a tax cut." What they say is, "We want jobs and we want health care."

Mr. ALLEN. Well, that is a different priority than the Republicans in Congress have. This is what the majority leader, the gentleman from Texas (Mr. DELAY), said just a few weeks ago: "Nothing is more important in the face of war than cutting taxes." "Nothing is more important in the face of war than cutting taxes."

What he meant by that is we are not going to ask anyone to sacrifice. We are certainly not going to ask anyone to sacrifice to improve the lives of their children and grandchildren.

So it is worth looking at what taxes he is actually talking about and who benefits.

This chart says how much of the 2003 proposed tax cuts do you get? Well, look at the chart. Let us leave off all of those earning less than $46,000 a year. Let us just talk about the group earning between $46,000 and $77,000 a year. That group, under the President's proposal, would get $657 on average per year. It is something, but the price to be paid for that is less money for schools, less money for health care, no prescription drugs for seniors and so on.

For those earning between $77,000 and $154,000 the average tax break is $1,800.

If you are much wealthier than that, if you are in the upper 5 percent in this country and you are earning between the 95th and 99th percentile, $154,000 to $374,000, you get $3,500 a year. I can tell you, that is not going to change the lives of many people in that income category.

But it is only when you get to the upper 1 percent that you strike megabucks. Only then do you strike the jackpot, because if you are earning over $374,000 a year on average, you get $30,000 a year in tax reductions. That is who is benefiting from these tax cuts that the President is talking about.

He is saying this is a plan for economic growth. You have to ask, is this about growth, or is it just about greed? Is it about those people who benefited most in the 1990s, who saw their incomes soar, who are now getting the benefit of more economic growth, more money just funneled to them by the Republicans in Congress, the people who are the richest people in this country getting the benefits of this tax package if it goes through?

Mr. PRICE of North Carolina. Mr. Speaker, if I can interrupt for one second, I wonder if the gentleman could talk about the effect of these tax cuts on the economy.

It is often said this is the way to stimulate the economy and that particularly the President's new round of tax cuts is going to be the key to turning the economy around. I just saw some figures released today by the Center on Budget and Policy Priorities, and they talk about how different measures would stimulate the economy.

If you extended emergency Federal unemployment benefits, for example, for every dollar that you use for that purpose you get $1.73 of economic stimulus, because these folks are going to use that extra money for the necessities of life and they are going to pour it right back into the economy.

If you help State governments, for example, with their Medicaid expenses, for every dollar you put into that you get $1.24 worth of stimulus.

But what about dividend tax reduction? For every dollar of revenue you lose to dividend tax reduction, the stimulative effect on the economy is all of 9 cents. Nine cents.

So would the gentleman say these upper bracket tax cuts do very much to improve our economic situation?

Mr. ALLEN. I thank the gentleman for his comments, and clearly not. Clearly, when you look at the economists, the bulk of the economists who have commented on these proposals, this is not about economic growth at all. The President can travel across the country and say over and over again that we are trying to grow the economy, and the truth is it is not true. It is just not true. It is about something else.

I want to just conclude by saying a few things about what I believe that something else is.

The President's proposal, the proposal of the Republicans in Congress, is essentially saying to the American people, think of yourself first. These are "me first" policies.

When the President said that after taking office, that it is not the government's money, it is your money, he was encouraging every person in this country to think of themselves first; not to think about the children in this country who are going to public schools and need some funds in order to have the quality of schools that they should have. Not to think about those people who have lost their jobs and need some job training assistance to get back to work. Not to think about those seniors who have to choose between prescription drugs and their food or their rent or their heating fuel. What he was saying to America was think of yourselves first.

When Republicans stand up and say we want people to keep more of their money, they are making the same pitch. Do not think about those things we have in common. Do not think about what it takes to build a strong country. Do not think about the resources that we need to put into transportation, into health care, into education, into those things that will lift the country and make it strong. They want people to think of themselves first.

That is not what this country is about. This country is better than that. We have invested in ourselves before, since the Second World War. We need to keep investing in the American people, and, if we do that, we will be a stronger and better country in the future than we are in the past.

I have great hope that we will get there, but these Republican tax cut plans for the richest people in the country are leading us down the wrong path. We need to get back to a policy of investing in people and making sure that the government plays its role in strengthening this economy.

Mr. Speaker, I thank the gentleman for his time.

Mr. BAIRD. I thank the gentleman. The gentleman has summarized it so well. The irony is, and let me just ask the gentleman to respond to this for second. You had that chart up there that showed that the vast bulk of the tax breaks go to the very wealthiest. The majority party, the Republicans, say we are engaging in class warfare. Not at all. I admire and respect people who have made wealth in this country.

But it is interesting, when I talk to those folks, they often say to me, "You know what? We are not asking for the tax cut." This assumption that everyone is venal and self-serving and does not put the country before their own immediate needs, I am not sure I buy it for most Americans.

□ 1830

I do not think so. I think most Americans say, we have to invest. I do not know about my colleagues, but I hear small business people saying, give me a little break so I can make ends meet, take care of my family and provide health care. I hear Mom saying, make sure that I have a job that pays a decent wage. I hear Dad saying, make sure that I can provide for my family and give my kids an education. I do not hear most Americans saying, let us make sure the people who have the most in this country get the most in the tax cuts. Is the gentleman hearing that from his constituents?

Mr. ALLEN. Mr. Speaker, I am really not. I do know some people in this upper 1 percent and none of them so far have said to me that we really need to have a tax cut of this magnitude. They are better than that.

So one has to wonder, what really is the underlying motivation. It seems to me that it is clearly not economic growth, because this is a plan that will not grow the economy. What is it? Mr. Speaker, that old hostility that so many Republicans have for Medicare and Social Security, we have to wonder whether or not something is going on here. If they succeed in stripping out revenues, billions, even trillions, of dollars from the Federal Government in the next few years, then there will not be money to take care of the baby boom generation when we enter Medicare and Social Security. We cannot let that happen. It is the wrong thing.

But I absolutely agree with the gentleman from Washington. Nobody, not one person in the 2 weeks I was back in Maine, not one person said to me, what we really need in this country is a tax cut weighted primarily to people earning $1 million a year. Nobody is for it.

Mr. BAIRD. Mr. Speaker, I agree. When the President asked rhetorically in his speeches, if a little bit of a tax cut is a good thing, what about a big tax cut, well, the answer is we have already had a pretty big darn tax cut; and the second answer is, most people are not going to get that tax cut. And the third answer is, that big tax cut comes with an awfully big debt, and there is something desperately wrong with an awfully big debt.

I would like to yield to the gentlewoman from Wisconsin (Ms. BALDWIN), a member of the Committee on the Budget, and an individual who has led efforts in this body on education, on health care, on social justice, making sure that all Americans share in the American dream and have an opportunity to benefit from the economic policies of this Congress.

Ms. BALDWIN. Mr. Speaker, in the spring of 2001, the President and some Members of Congress told the American people that we could afford a $1.6 trillion tax cut that was custom designed by, and primarily for, our wealthiest citizens, and still we would have money left over to shore up Social Security and Medicare, make investments in our education system, so that no child would be left behind. And still, we would have enough money left over beyond that to pay down our national debt.

Well, today we know that that was not true. Except for the passage of the tax cut, none of the rest of those things happened. And to make matters worse, the tax cut left no room for unexpected events like the terrorist attacks on September 11 or the economic downturn that our country is still experiencing. Projected surpluses have been replaced by deficits as far as the eye can see.

Fast forward 2 years to today and this Congress is debating yet another tax cut. President Bush has made ending double taxation of corporate dividends the centerpiece of his $1.4 trillion package, because he says that this tax is contraindicated by certain economic models.

Well, since January of 2001, our country has lost more than 2.3 million jobs, an average of 73,000 jobs per month. And the long-term unemployment level is the same as it was during the recession under the first Bush administration.

Now is not the time to have philosophical debates about economic models. Now is the time for this President and Congress to be acting on measures that would truly put America back to work.

The President said in an April 15 speech that Congress needed to take quick action on his plan to get the economy back on track. Well, I agree with the President that we must act quickly on a plan; but not the President's plan, because it is not a stimulus plan. His package provides no immediate stimulus and fails to create jobs. Studies predict that in the year 2003, the President's plan would only restore a small number of the jobs recently lost in our economy. Moreover, only about 5.5 percent of the President's plan would go into effect in calendar year 2003, while nearly 80 percent of the plan would be phased in in the future during the years 2005 through 2013. Well, people need jobs now. They cannot wait 2 weeks, let alone 2 years.

There is good reason why Americans are not sold on the President's tax cut. They realize that it is cast in the same mold as the first one, which was too much for too few. The President is proposing to accelerate the reduction of the 4 top income tax rates that was part of his original tax package.

Well, if you are a policeman, a forest ranger, an average service or retail sector employee, or one of our Nation's 400,000 enlisted servicemen or women, you would receive no tax relief from any sort of acceleration of these marginal tax rates. But consider yourself blessed if you are a professional athlete, for example, playing football, basketball, or hockey. Combined, these particular 4,000 professional athletes would get approximately $240 million in tax relief if this plan were signed into law.

The democratic economic stimulus plan is fast-acting, it is fair, and it is fiscally responsible. The entire $136 billion stimulus package would be injected into the economy right away, this year. It would also extend benefits for unemployed Americans whose emergency benefits right now are going to expire on May 31. Most importantly, it would provide tax relief to all Americans. It was designed for average working families, not just the wealthiest investors.

Congress just had a 2-week break where most of us could spend extended time meeting with our constituents. I like to ask my colleagues after a recess if their constituents are concerned about the same issues that mine care about in Wisconsin. Most of the time, our constituents' concerns are very similar. That is why it is hard for me to believe now that Congress can fathom this fiscally irresponsible and misguided tax cut.

When I have talked to unemployed workers in my district, they certainly have not come up to me pleading for accelerated tax cuts. They have asked how Congress plans to help put them and the rest of America back to work. They have asked for help in getting temporary health care coverage for their kids and their families in case they get sick. My constituents wonder if Medicare is going to be able to provide their parents health care or when their kids grow up, if they will be able to find a job that pays a livable wage. They are worried, and they should be. They should worry, because this budget places tax cuts for the wealthy ahead of job creation for families. They should worry, because this budget adds over $5 trillion to the national debt over the next 10 years.

This budget takes our country down the wrong path. While some Members of Congress complain about how long our budget and fiscal process is every year, I believe it is a good thing. It means we still have time to craft a better plan, one that does not put the fiscal health of our economy and the livelihood of our communities and our families and the ability of our children to have a better life in jeopardy. We must tackle that task.

Mr. BAIRD. Mr. Speaker, I thank the gentlewoman for her comments.

One of the issues this budget does not address that I know is important to the people of Wisconsin, as it is to my own State of Washington and, in fact, to the Committee on the Budget chairman's State of Iowa, is Medicare fairness. Many of our States are desperately underfunded in terms of Medicare compensation rates. This budget does nothing to fix that. My own State of Washington faces a terrible injustice, that we cannot deduct our sales taxes like other States can deduct their income tax. This budget does nothing to fix that. There are a host of problems with this budget. It was passed at 2 a.m. in the morning. The majority of the Members of this body who voted for it had never read it. They had seen summaries perhaps, but I guarantee they had not read it because there was not time. When you pass a budget that spends $2.2 trillion, that takes 24 hours to debate it and you have not read it, we have a problem on our hands and, unfortunately, our country has a much bigger problem.

We have heard from people from Maine tonight, from Texas, from my own State of Washington, Wisconsin, and Virginia. The distinguished ranking member of the Committee on the Budget hails from South Carolina. I think it is arguable that very few people, if anyone, in this Congress have more knowledge about the intricacies and the importance of the budget process than my dear friend and colleague, the distinguished ranking member of the Committee on the Budget, the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, as my colleagues can surmise, we are here tonight because my Republican colleagues have put another round of tax cuts on a fast track. In fact, by next week, early next week there may be what we call a markup of a bill we have yet to see in the Committee on Ways and Means. Within 24 hours after that markup, that bill may be on the House floor for fast track consideration, probably not amendable. And, in the blink of an eye, we could very well adopt another round of tax reduction equal to $500 billion to $600 billion even more, a reduction in the budget rammed through this House.

We have already seen taxes cut by $1.35 trillion. That happened in June of 2001. That was a historic tax cut, given its size. Let us just ask, what are the results of that tax cut?

Well, let us look at the economy today, barely eking out positive growth at 1 percent to 1.3 percent annual growth, barely growing, 2.5 million jobs in the private sector lost since January of 2001, 4 million Americans have literally quit looking for jobs, the unemployment rate is between 5.8 and 6 percent; but that is only because 4 million people since 2001 have dropped out of the job pool, quit looking for a job. All of this, and we had a tax cut which the administration said we needed to boost the economy. Where is the boost? Where is the economy? What were the effects?

The main effect was on the bottom line of the budget. We had the budget, when President Bush came to office, in the best shape in a generation. In 2000, the year 2000, the budget ran a surplus of $236 billion. It is hard to imagine today, 3 short years later, 2003, because today, all we have are debts as far as the eye can see. In 2001, when President Bush came to office, his Office of Management and Budget, his budget shop said we foresee surpluses equaling $5.6 trillion over the next 10 years. And on the basis of that estimate, despite our warnings that it was an inflated estimate, that there were storm clouds gathering over the economy that made us a blue sky estimate at best, he went ahead with a tax cut of $1.35 trillion; and today, the surplus is gone.

Do not take my word for it. When the President sent his budget up this year, this year, OMB, the Office of Management and Budget said, the surplus over the same period that we projected 2 years ago, 2002 to 2011, the cumulative surplus over that period is no longer $5.6 trillion as we thought back in 2001. Today, it is $2.4 trillion. Now, that is still a big number, $2.4 trillion; but here is the bad news. OMB went on to say, and of that $2.4 trillion, Congress and the President have already committed $2.5 trillion. So we start the year in the hole, despite the fact that we had a budget surplus in 2000, the year 2000 for the first time in 30 years, we are now back in the soup, back in the red, deep in deficit; and the deficits are getting worse.

So what does the administration order up for these dire circumstances? In the face of rising deficits, we no longer have a surplus. There is nothing that will mitigate tax cuts that may be offered now. In the face of these circumstances, the President is proposing more of the same: additional tax cuts, tax cuts in his proposal with his budget this year of $1.45 trillion and a budget, as I said, that is in deficit.

□ 1845

There is no surplus anymore out of which to offset or mitigate those tax cuts.

Mr. PRICE of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. The situation the gentleman is describing reminds one of the old saying: if you find yourself in a hole, the first thing to do is to stop digging.

Mr. SPRATT. Well, this administration is digging deeper and deeper and deeper. As I said, do not take my word for it. We have our own budget shop. As someone earlier said, it is now run by a very able economist who came from the Bush administration.

According to their projection of the President's budget, every year, if the President's budget is implemented, every year from 2003 through 2013 there will be a deficit. If we do not include the surplus in Social Security, there will be a deficit of over $400 billion.

The cumulative deficit over that 10-year period of time, 2003 to 2013, if Social Security is not included, is $4.398 trillion. That is the Congressional Budget Office speaking, a neutral, nonpartisan agency.

Mr. PRICE of North Carolina. Mr. Speaker, if the gentleman will again yield, that is simply an unprecedented situation. If we look back at previous Republican administrations, what is striking is that when they found themselves at a certain point in a deep enough hole, they did stop digging.

In the Reagan administration in 1982 under Senator Robert Dole's leadership, some of the tax cuts of earlier times were reversed and some spending was cut, and the fiscal erosion was halted.

Then in 1990, under the first President Bush, despite his "read my lips" pledge of no new taxes, when the fiscal hole got deep enough and the economy was in a severe downturn, the President, in a considerable act of statesmanship, worked with congressional Democrats and came up with a 5-year budget plan that set us on the path to more sensible fiscal policy.

So in those past Republican administrations, when the hole got deep enough, some leadership was exerted and they stopped digging. In this administration, it seems there is no limit to the fiscal folly.

Mr. SPRATT. The gentleman will search the budget the President sent us in vain for any such direction or inclination. There is no plan and no process for ridding ourselves of these perpetual deficits. Back out Social Security, as I think we must, and we will find, according to the Congressional Budget Office, that every year from 2003 through 2013 there is a deficit over $400 billion a year.

When the Republicans brought their budget resolution to the House floor the night before we adjourned for the Easter break, 2 o'clock in the morning, we scrambled to go through it and understand it as much as we could.

I never will forget finally coming upon page 93, page 93. It was a table summing up in their own figures the impact of the budget they were about to ram through the House in the early hours of that morning. It showed that the gross Federal debt this year will be $6.4 trillion. That is what it is today, because it is limited by statute at that level.

By voting for that particular budget resolution, they voted automatically to raise the debt ceiling by $893 billion, and they voted to put in train a budget with tax cuts that will lead to a debt accumulation of $6 trillion over the next 10 years.

The national debt, the gross national debt, subject to statutory limit, will grow from $6.4 trillion this year to $12.40 trillion in the year 2013. That is absolutely astounding, absolutely frightening, in my opinion, because I do not think the economy can possibly sustain that kind of increase in debt.

Not only do we see additional tax cuts proposed in the face of rising deficits, deficits, once again, as far as the eye can see. But if the White House would simply call next door to the Treasury, they would find that we are right now at this moment experiencing a tax cut, a revenue reduction. Let me give the numbers, because last year we had one of the biggest fall-offs in revenues we have seen in recent history. This year we are seeing that trend repeated.

Our budget office, the Congressional Budget Office, which is neutral and nonpartisan, projected the budget over the next year, next 10 years. They said this year in fiscal year 2003 they expected income taxes to be about $38 billion over last year, 2002. If we look at where we are thus far since April 15, or if we look at just until March 1, excuse me, we do not know April yet, we will find that the total tax take thus far this year is running $54 billion below last year, which means it is $92 billion below what CBO, the Congressional Budget Office, is projecting.

Even though we are having this follow-up of another year on the heels of last year where we have a natural reduction due to the economy and the Tax Code, a realignment of revenues, the administration is still ignoring that and pushing ahead with a mammoth tax cut which can do only one thing: it will make the budget deficits that we see here projected on paper virtually engraved in stone. They will become so difficult to unwind, resolve, work out, that they will become all but intractable. I have seen that happen.

I came here in 1983 when we were deep in deficits. The deficits were getting worse and worse and worse. But there is one factor now that is dramatically different from the 1980s. That is something called the baby boomers' retirement. Seventy-seven million baby boomers are marching to their retirement as we speak tonight. The first of them retires in 2008. By the time the peak retirement period is reached, the number of baby boomers on Social Security and Medicare will swell to 80 million, twice today's level of beneficiaries. It will change the budget demographically in ways we have only begun to imagine.

What we should be doing now is saving, not dissaving. That is what deficits are, it is dissaving, reaching into the private capital pool and spending that money that should be saved in preparation for facts, demographic facts that are going to occur when the baby boomers retire.

We have a package which we have presented since January and will present again next week which would stimulate the economy. If there is any case to be made now for cutting taxes, it would be to try to give this economy, this sluggish, slumping economy, some kind of a kick, some kind of a boost so we can put people back to work. Once they go back to work, it will make it easier for us to deal with some of these budget problems.

We have put forth a proposal which does that. But we do not need long-term, permanent tax cuts that have out-year consequences that mortgage the future. We can simply have a tax cut that is focused on 2003, the here and now, when we have the problem.

We have proposed such a tax cut: rebates to individual taxpayers, an immediate write-off of plant and equipment for businesses large and small, going after all sectors of the economy, trying to give the economy a boost. For one-seventh the cost we get, according to well-established economic models, twice the effect in resulting jobs in the first year from our economic proposal, and we do not have any out-year consequences. We simply do something on a one-time basis. We give the economy a boost, get it going again; and we do not have any out-year consequences. As a result, we accumulate about $1 trillion, 400 billion less in debt in the budget we propose than the Republicans propose.

What they are proposing is not necessary, by any means. It worsens our problem. That is why we are here tonight, to talk about a problem that very much needs to be understood by the American public.

Mr. BAIRD. Mr. Speaker, this has been an exciting discussion. We have talked about responsibility, common sense, about jobs, about health care, and about getting this budget back on balance.

FOCUSING ON THE ECONOMY

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from Hawaii (Mr. CASE) is recognized for 5 minutes.

Mr. CASE. Mr. Speaker, I want to thank my colleague, the gentleman from California (Mr. ROHRABACHER), for the accommodation. Perhaps after he hears the remarks, he may regret that; but as a consolation I will say to him that I share his passion for surfing and would be happy to show him a few waves in Hawaii, if that is agreeable.

We need to focus, as we have for some time, on what is clearly our number one national challenge, revitalizing our economy and balancing our Federal budget. I want to make two points and emphasize them up front.

First, I am happy that we all seem now finally to agree that it is all about the economy. There was some doubt in my mind, given the few months that I have been in Congress, but now there is no question about it.

There is also no question that the tragedy of September 11 and Operation Iraqi Freedom necessitated our full focus, our full energy on national security. But before, during, and after those events, it was and is and will be about a stagnating economy and a deteriorating budget.

Now, this is an issue not only, as we all know, of jobs, of being able to care for our children, for our parents, for our communities, and of adequate resources for our government to do what it must do for all of us. It is also, and this link is true, it is also about our basic ability to afford our national defense. Because as we focus on national security, as we ask ourselves, what do we need to assure our national security, we have to recall the painful lesson that the USSR learned, which is that defense spending resting on an insufficient economic foundation will get us every time in the end. It is all the same ball of wax.

Second, the point I want to make is it is not just the economy, it is the economy/the Federal budget. They are two halves of the same apple. To say otherwise, to pretend that somehow we can talk about the economy and about our remedies for the economy without asking ourselves, what is the impact on our Federal budget, just as it is ridiculous to talk about the Federal budget without asking ourselves, what is the impact back on the economy, is like saying in our family budget, I can take one of the three legs to any family's budget, how much money is coming in, how much money is going out, and how much debt am I carrying, take it and toss it out the window. We cannot do it; we are talking about the same thing.

Up to this point perhaps most of us are starting to agree, but after that I do not know. I am getting conflicting reports by this administration about the state of the economy.

Sometimes my President seems to be saying, everything is fine. Don't worry, it will take care of it itself. Nothing bad has happened on my watch. If that is the case, why are we granting a massive, massive second tax cut in 2 years?

Because, frankly, if our economy is doing just fine, I think we should use those revenues for other purposes. I think we should use those revenues to retire rapidly increasing national debt. Perhaps we should use those revenues to talk about many of the aspects that many of our communities are having problems with, whether they be national security, homeland security, prescription drug benefits. We do not need a tax cut if the economy is doing just fine.

Other times, the President seems to say, yes, the economy is in trouble and we need this massive tax cut to fix a failing economy. I can accept that, because at least at that point we are focusing on the issue. Not whether our economy needs help, but how to do it.

The point here is, we all need to get on the same page so we can debate how to fix the economy. I think that is it. My page is, and I think most of our country believes that the page is, that we do have a problem.

Do not take my word for it. Just take a look at the stats: almost 3 million jobs lost in the last couple of years, and Federal revenues falling well short of projections. That is a problem. A deficit closing in on $400 billion annually, that is a problem. Critical State and local government revenue shortfalls because of poor State and local economies, that is a problem. A single-year increase in our national debt ceiling of about $1 billion, or $1 trillion, excuse me. When I came up here from Hawaii, I had to add a few zeroes, and it still messes me up. One trillion dollars, that is a lot of zeroes. That is a big problem, too.

So let us stop talking about whether our economy and our Federal budget need help. We all know they do. In this building, sometimes I am not sure. But I think when we go out into our communities, we all know that is what is on people's minds. If we do not know it, the people we represent do know it.

The sooner we get to that problem, the sooner we say, it is our economy, it is our budget, and how exactly do we fix it, the better. Maybe we are closing in on that, but I am not so sure. I can tell the Members one thing, if we are going to talk about a huge tax cut, we have to get there pretty fast.

We have to ask ourselves whether economic revitalization will result from a general, massive tax cut focused on the very upper-income levels or targeted to business. We have to ask ourselves whether that much deficit, that much debt, is good and whether it will hurt us over the long run. That is the debate. Let us get to it real fast, and let us focus like a laser beam on the issue: fixing our economy and balancing our Federal budget.

□ 1900

REMOVE CUBA FROM U.N. HUMAN RIGHTS COMMISSION

The SPEAKER pro tempore (Mr. BURNS). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from California (Mr. ROHRABACHER) for allowing me to take this 5 minutes before the 1 hour that he has scheduled this evening.

Mr. Speaker, I rise today to discuss a disturbing development in Cuba's gross violation of human rights and recent crack down on its dissident community.

Yesterday Cuba was re-elected to its seat on the United Nations' Human Rights Commission. This comes only weeks after the Castro regime sentenced 78 independent journalists, librarians, and opposition leaders to lengthy prison terms and executed 3 alleged hijackers who tried to escape to the United States.

During this recent meeting of the Human Rights Commission, a resolution was passed that calls on Cuba to accept a visit by a human rights monitor. However, Cuba's reelection to the Commission still went uncontested. Mr. Speaker, it goes without saying that it is outrageous that Cuba has been reelected as a member of the Commission only weeks after systematically trampling on the tenants the Commission was designed to uphold. I find it hard to believe that the Commission could question the human rights practices of a nation and then, in the same breath, appoint that same nation as a member of the Commission. Cuba should not be a member of the Human Rights Commission. Cuba should be investigated and condemned by the Human Rights Commission and not sit as a voting member.

Mr. Speaker, this recent crackdown is considered by many to be Cuba's worst crackdown on its dissident community in the last decade. Unfortunately, these latest developments are nothing new and are simply the next step in the systematic denial of even the most basic human rights for the citizens of Cuba. I and many of my colleagues have spoken on this floor time and again of human rights violations in Cuba. We have called on the U.N. to condemn Cuba's continued violations of human rights standards, and their only reaction is to appoint the wolf in charge of the hen house.

On Monday before the United Nations' vote, Secretary of State Colin Powell publicly denounced Cuba's actions and criticized the Castro regime as an aberration in the Western Hemisphere. Powell also mentioned that the administration is reviewing their policies towards Cuba in light of Powell cited as the deteriorating human rights situation.

I would like to take this opportunity to applaud Secretary Powell for his strong statement on Cuba, and I urge the administration to take concrete actions against Castro's crackdown on its own people.

In closing, Mr. Speaker, the Human Rights Commission cannot continue to turn a blind eye to what has become a campaign by the Castro regime to silence all voices of peaceful opposition on the island. Allowing Cuba to remain a member only weakens the Commission's mandate. The United Nations must follow the leads of the United States and other nations that have condemned Cuba's action and remove Cuba as a member of the U.N. Human Rights Commission.

AMERICAN FOREIGN POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, I would like to identify myself with the gentleman's remarks and I am very happy I was able to yield those 5 minutes because I could not agree more with the gentleman.

Tonight I would like to discuss a matter very similar to what we were just hearing. I would like to talk about American foreign policy.

First and foremost, when we talk about America and talk about some of our basic policies, let us note that America is not like every other country. America is a unique country in the world, and I have always believed that God has a special place for the United States of America. Why is this? Because America, unlike other countries, represents every ethnic group, every religion, every race and every kind of human being that you can imagine. We represent the world here. We have people from all over the world who have come here to live in freedom and enjoy opportunity, to better the lives of their family, and they have come here from every place in the world to try to live in harmony with one another, but also to enjoy our freedom and opportunity. We have this place here between two oceans, this incredible land that was given to us that has vast natural resources.

Our Founding Fathers understood this. They thought that there was divine province in the establishment of America and that gives us a very special responsibility to the world. And also a responsibility to those Founding Fathers was not to waste this gift that they have given us.

Our Founding Fathers were extraordinary people. And they had a profound understanding of human nature and of special organization. The Declaration of Independence, to this day, is the most revolutionary of all national charters. It talks about God-given rights, about the consent of the governed, as these two things being the basis of freedom, of liberty. Later, our Constitution would detail a system of checks and balances and of limited and layered government that would protect the freedom of the people while ensuring our society stability and our society the type of government it would need to progress.

We were, back as long as our history started, back in 1776, through our history and on and all the way till today, the hope of the world. We were the hope to those people of the world who longed for liberty and justice, the people who hoped in the world that there was a better way, and we were there to show them a better way, and they could identify with us because we were the world. We are the people who represent every race and every religion. And we do not define ourselves by just a geographic area but instead by beliefs in liberty and justice for all. Beliefs that are at the heart of our system, instead of a religion or a race or even a locale.

This is not to say that the United States of America has been a perfect country. And I disagree with many of my conservative friends who try to idealize the past of our country and try to say that we were a bunch of puritan moralists or something like that and very religious. I am a religious person myself, but it is very easy to see that many Americans were very rambunctious people over the years ago. There were hell raisers. There were frontiersmen, and there were saloons and brothels in our history and gangsters. That does not mean those things should overshadow the fact that there were also churches and educators and philanthropists and people that helped each other and cared about each other.

Let us not say it was perfect here. Let us also remember that the taint of slavery was around from the very beginning, and how we treated our black population and the minority populations in the past should be an area of concern for us. We should not ignore it.

We should try to make sure that we commit ourselves for making up for that in building a better America for everybody in the future. But there was racism in the past and there is some racism that exists even today that we should be working on because we want America to live up to its promise.

We have seen in the past scandals and manipulation of government that match some of the very best in various parts of the world. But the fact is we also know that at the basis of America is a system of government that gives us the opportunity to correct the mistakes and to make things better and a system of ideals that call out for all Americans to respect each other and to work together to build a better country and to build a better world.

Constant vigilance on the part of our citizens and the part of every American is required to make sure that our country continues to be free and that we continue to solve problems as they emerge, and that is something that sometimes is a little hard to do. I mean, when you talk about constant vigilance, sometimes it becomes nothing more than a slogan or some sort of a phase that may or may not have any meaning. But what we have to do, I mean by constant vigilance is we have to make sure our people focus on these ideals of our country and focus on our government enough to make sure we are doing what is right.

And it is so easy for our citizens in a free country just to focus their own lives because they are free to do so, and they are free to try to improve the lives of their children. Thus, they are out with their children at ball games and they are helping their communities and, thus, sometimes these good and decent people who make up America just rely on our government, and especially on our government and the people who work for our government to do what is right, to do what is right domestically, but also to do what is right in those areas that our people really cannot focus on and know all the details on American foreign policy.

I would say that America has, at times, let the American people down, but the American people have not let us down. American people have remained the most charitable people in the world, bar none, and I know that. I am, by the way, just not talking about our government and the government's services. I do not consider that a reflection of benevolence. I consider that to be a bureaucratic solution. And quite often some government programs are just established so we do not have to think about a problem, and it is a way of soothing many people. The liberals soothe their consciences by setting up a program that may not work but at least they can say they are trying to work on a program rather than trying to do something in and of themselves. But our people are willing to commit themselves. And they have committed themselves and provide more charity and more help to each other and more help to people in need around the world than any other people.

Of course, liberals do not like to admit this because they claim we do not give enough; and, of course, most of the time they are just basing it on the level of foreign aid or the level of donations we make to the United Nations. But that is not the way to judge the benevolence of the people. No, that is not the way to judge at all.

How much are we giving as individuals to help people in need? Many of our groups, many ethnic groups, as I say, from various countries that return to their homeland where they came from or from where their ancestors came from and give all sorts of assistance, thousands and thousands of dollars and any help, not only just in times of crisis but in other times. This is part of the benevolence of our country that these people return to their homeland and give vast sums of money to help the people who were left behind.

Also, we have given in emergency situations. There are people that can always come to the United States and we are always there to help. But also in a crisis, but also what we have not been given credit for is our people are willing to go out and put their lives on the line to preserve the peace of the world. That we never get credit for. In fact, even in the United Nations, when we sent peacekeepers out, our peacekeepers and the amount of money that they cost, we pick up their paycheck and we are not even accredited for that in the United Nations as a contribution to the United Nations.

And then my liberal colleagues who criticize us for not giving what we should to the U.N. If you count in all the money for the peacekeeping operations and all what we have done to keep peace in the world, we probably give more money than the rest of them combined. But we need to make sure that when the United States takes a stand in the world, that we are doing it in a way that is consistent with the ideals of our Founding Fathers.

I am here tonight to discuss a morally-based American foreign policy. It is more than simply giving money in foreign aid or even benevolently giving money voluntarily as citizens to help people in other countries, and even more than participating in U.N. peacekeeping operations. It is what we stand for and what our government pushes for overseas and what we fight for at times.

In the last 100 years, we have saved the democratic world. We have saved western civilization in World War I in World War II. In the Cold War it was the American people that stepped forward to save civilization at a time of great peril. The threats that led to World War II and the threat during that Second World War and during the Cold War, of course, were much easier to understand than many of the challenges that we face today.

Today many of those challenges are less definable and they are less understandable. So today our role is much more complicated. But we must be willing to act just as our Americans moved in the last generation and the generations before were willing to act. In order to be a force in this world for the ideals that were laid forth back in 1776 by our country's founders and to make this world a more peaceful place and a place, because if this world is not peaceful, America will pay a price. Because technology has shrunk this planet so that each of us are affected when a terrorist or a dictator has his way in different parts of this planet.

So we must be willing to pay the price, and that price is involvement and that price is engagement and that price is, yes, there is an economic price in having the technology and the weapons and the military that is capable of defending the United States and having the foreign policy establishment educated and committed to the ideals of the United States engaged in pushing the world in the right direction.

September 11, I believe, was a result of bad policy. What we faced, the disaster there, and it was not a disaster that was a natural disaster. It was a man-made disaster. And it was something that could have been averted had we had different policies. Yet, we had policies that led to 9-11. And in 9-11 we lost more people, there were more casualties in New York on September 11 than there were casualties by the Japanese attack on Pearl Harbor.

□ 1915

And the Japanese attack on Pearl Harbor, the main target there, of course, were our soldiers and sailors, members of our military. So this heinous attack on 9-11 was much more brutal and much more aimed at our society and much more of an egregious assault on us than was the attack on Pearl Harbor.

I would submit that, as I say, 9-11 need not have happened. It started with our policy in Afghanistan. And just a short brief on that. People understand I have had a long history in Afghanistan, from the time I worked in the Reagan White House. I was in the Reagan White House for 7 years. During that time, as part of Ronald Reagan's strategy to defeat the Soviet Empire and bring it down and prevent it from being a threat to the United States and the free people of the world, we supported people in Afghanistan and elsewhere who were fighting Soviet expansionism.

We helped the Afghans fight against the Soviet Army that occupied their country. We provided them with weapons and equipment, and they fought bravely and courageously. It was their blood and their courage that helped end the Cold War because they drove the Soviets out of their country and broke the will of the communist bosses in Moscow. That is one of the major battles that helped us bring down the Berlin Wall and end the Cold War so that we were able then to enjoy a decade of relative peace and prosperity.

Yet the Afghans were left alone to fight each other in the rubble, with no assistance or help from the United States. We abandoned our Afghan friends after the Soviets left. We abandoned them because we made an agreement. I have not seen the agreement, but I am sure it was made. All the evidence is there. We made an agreement with the Pakistanis and the Saudis that they would be the ones to oversee Afghanistan. That in and of itself was not the right thing to do. It is the people of Afghanistan that we owed a debt to. It is the people of Afghanistan who fought bravely against the Soviets. Any agreement that was made about what would be happening in Afghanistan should have been focused on the consent of the governed, meaning the people of Afghanistan, and not a political power play among Pakistan, Saudi Arabia, and the United States.

So what ended up happening was that we simply left. We went and enjoyed our freedom and our prosperity at the expense of these people. What happened? Well, what emerged in Afghanistan was truly evil. It was a regime based on an extreme faction of Islam, based on the Wahhabi part of Islam, which is a very small faction of the Islamic religious faith. It was superimposed on them by Pakistan and Saudi Arabia.

Having been in Afghanistan during the war against the Soviets, and I was there working with the Afghans, fighting with the Afghans against Soviet troops back in 1988, I can tell you that those people are devout in their faith, but they are not fanatics like those that we picture when we think of the fanaticism of the Taliban. They were devout Muslims. They really hold God in their heart. They call God Allah, but it is the same that we say when we say God. They were not people who were insisting that everyone else pray the same way they did.

But the Taliban, as I say, is a derivative of the Wahhabis from Saudi Arabia who were superimposed on Afghanistan; and they had no help from us. The people of Afghanistan had no help from us, and the Taliban took over Afghanistan and turned it into a horror story for the people of Afghanistan and a horrible threat for the people of the Western world. But the Taliban, did, as I say, did not just emerge in power. It was there because the United States policy permitted it to be or even acquiesced to it or even supported the creation of the Taliban in agreement with Pakistan and Saudi Arabia.

I worked for years, after the fall of the Soviet Union, and after the Soviets left Afghanistan, to try to offer Afghanistan some help. I went to every country around Afghanistan to get support for a return to Afghanistan of the old king, Zahir Shah, who had been overthrown by the Soviet puppets back in 1973. Zahir Shah had been king of that country for 40 years, and they had peace and they had prosperity. He was a very moderate force in that society. His wife actually took the burqa off and threw it into the street one day. So he was trying to bring more democratic government. He was trying to bring more liberalization of their society.

But the communists manipulated the forces in that society, overthrew Zahir Shah with those forces, and then murdered the people who overthrew Zahir Shah and came to power themselves. And that is when the Soviets invaded Afghanistan.

Zahir Shah is a fine man. The people of Afghanistan loved him. We could have brought him back. Had we supported him, had the United States supported bringing him back, he would have ushered in democracy into that country. That is what he was pledged to do. Yet our government wrote him off.

And when I personally went to the countries around Afghanistan to try to get support for him rather than the Taliban, I was followed by a representative of the State Department at each of my meetings. At each of the meetings that I had with different political leaders in these countries, a representative of our embassy, meaning the United States State Department, was there saying Dana Rohrabacher is speaking for himself. He is not speaking for the United States of America. In other words, do not listen to Dana Rohrabacher.

For anybody who wants to know who is to blame for 9-11, you can thank those State Department elitists who decided that the Taliban was better than King Zahir Shah and undercut every effort to bring a moderate government to Afghanistan. They are the ones, whether they were in Pakistan or whether they were in Turkmenistan or whether they were in various countries of the world where meetings were taking place, who undercut those efforts of the Taliban's enemies, or let us say those people who would just offer an alternative to the Taliban. Every time the State Department interceded.

At one point, once the Taliban were in power, they became very vulnerable, because they had overstepped their bounds and their military had been defeated in the north and a swift reaction on the part of the anti-Taliban forces could have made the difference, could have eliminated them from power. President Clinton sent Bill Richardson, then our United Nations ambassador, and Under Secretary of State Inderforth to northern Afghanistan and convinced the anti-Taliban forces not to go into action but to seek a cease-fire, and to seek a cease-fire with an embargo of weapons, which would mean that they could talk out their differences.

Well, of course, with an emissary from the President and people at that high level to go up to talk to these so-called warlords in the northern part of Afghanistan, naturally they acquiesced. And, of course, immediately the resupply of weapons began to the Taliban and the cease-fire was immediately violated as soon as the Taliban were replenished with their weapons supply by Saudi Arabia and Pakistan. We could have eliminated the Taliban then, or we could have prevented the Taliban from coming to power had we supported an alternative, like Zahir Shah.

I was always so frustrated about this, because I knew that the United States Government had a policy of supporting or at least acquiescing to this monstrous regime. For years, I was asking for our Secretary of State Albright to provide the papers to me as a senior member of the Committee on International Relations to see about America's support for the Taliban. And, no, I could not get hold of them. I will have to say that some people on the other side of the aisle were very condescending towards me when I suggested we needed to see that because there might be support for the Taliban.

Well, what happened recently? About 2 months ago the foreign minister of Pakistan came to visit in California and got up and publicly acknowledged that it was not just Pakistan and Saudi Arabia that created the Taliban, but it was the United States, your representatives were in the room, and so quit blaming Pakistan and Saudi Arabia.

Well, thank you, President Clinton. If there was a representative of the United States Government in the room, it was a representative of President Bill Clinton. It was a representative of our State Department. Want to ask who is responsible for 9-11? There you go. We now are dealing with national security threats that were passed on to us during the Clinton administration.

The world lost respect for us, and they certainly did not fear us at all after 8 years of Bill Clinton. Human rights under that administration was turned into America's lowest priority. It became a joke in the sense that we would have the President of the United States going to China, talking about human rights, and then having business as usual, even though those same human rights violations were going on. Dealing with gangsters and dictators and the likes of the Taliban became the order of the day for 8 years under President Clinton.

The number three man in bin Laden's terrorist operation, this operation that conducted the 9-11 attack on the United States, has told investigators that it was America's weak response to the embassy bombings, our embassies that were bombed in Africa, killing hundreds of people and many Americans, it was our tepid response to that, where we shot a few cruise missiles out into the desert, because we did not respond any more than that, it convinced these terrorists to move forward with their plan to attack the World Trade Center and kill thousands of Americans. That is the number three man in bin Laden's operation who has confirmed that that is what was on their mind.

Well, thank God we now have a President who acts forcefully and thus will prevent gangsters and terrorists and people like the Taliban from thinking they can attack Americans and kill us by the thousands and get away with it. No, our President is sending another message. It is a message of strength; it is of resolve, moral courage, and principle.

I am sure our President must know what Teddy Roosevelt said. One of Teddy Roosevelt's most favorite quotes of mine was, "The greatest sin of all is to hit someone softly." You do not launch a couple of cruise missiles and hit the bare desert. After the attack on our embassies, they bombed a pharmaceutical factory that had nothing to do with the attack on our embassies. No, you do not do it that way. If someone attacks you and kills thousands of your people, you have got to act boldly, you have to act with courage, and you have to make them pay a price, or Americans will pay even higher prices in the years ahead. Again, thank God we now have a President that understands that principle.

In the months after 9-11, the President rose to the occasion. But let me add that in the months after just being elected President, in his first few months, I had three separate discussions in the White House about a policy that might eliminate the Taliban. So I was involved in discussions with the White House, this White House, the Bush White House, prior to 9-11, trying to make sure that we would move forward. I was having a very receptive audience on how we could rid the world of the Taliban regime. The President was, as I say, and his staff, were very, very receptive. And then 9-11 happened.

In fact, let me note that on 9-11 I called the National Security Adviser to the President. I actually called on 9-10, the day before the attack. Because of my contacts in Afghanistan and my analysis of what was going on, I realized our country was about to be attacked. I did not know exactly what form it would take, but I called the White House to warn the National Security Adviser. I called and I said this is an emergency, it is a national security emergency, I need to talk to Condoleezza Rice and the White House operative got back to me and said, Congressman, she is so busy today, but she will see you. He said she will see you tomorrow at 2 p.m. so on 9-11 I had an appointment at 2 p.m. in the afternoon to see Condoleezza Rice to warn her that our country was about to be attacked.

□ 1930

But let me just say that after the attack on 9-11, our President rose to the occasion. He has been an incredibly impressive human being in the days since 9-11. He has pledged to the American people that he will hunt down every one of those people involved, those terrorists, those murderers who killed our people on 9-11, and that we will do everything necessary to protect America's national security, and that is just what he has been doing over this last year and a half.

He has been handicapped, however, by the same State Department that traveled around after me all those years and stonewalled my efforts to get rid of the Taliban and to prevent them from getting into power, the same entrenched elite State Department is at play, and our President has had to deal with them all of this time in achieving his goals. They undermine elected officials whom they cannot control. And even with a world-class leader like Colin Powell at the helm, this entrenched foreign policy bureaucracy still seems to be in power and still has inordinate control over American foreign policy.

Afghanistan is an example. Even from the outside, the policy that we had towards Afghanistan seemed disjointed. It looked a little bit disjointed in the days after 9-11. It took our President and Secretary Rumsfeld to push aside a State Department that was committed, and get this, our State Department after 9-11 was still committed to keeping the Taliban in power, even after 9-11. It took all of the effort, as I said, our President and Rumsfeld to push that policy aside and trash-can it.

Let me note also, we were operating in Afghanistan after 9-11 almost blind. Members will hear that the CIA was involved in Afghanistan before the Green Berets, but let me tell Members and I cannot give the exact number but almost none, there was very limited CIA presence in Afghanistan. The State Department and the CIA did not know who the players were because they had pooh-poohed all of the anti-Taliban forces for so long they did not know who they were.

The plan at that point that the State Department was pushing was to leave the Taliban in power and to send a huge military force, an American force in through the south using Pakistan as a base of operations, and take control of perhaps Kabul or a city in southern Afghanistan and then to negotiate with the Taliban who controls the entire countryside for the return of bin Laden. That would have been a disaster, and it was based on leaving the Taliban in power, people who hated us, people who turned their country into a staging area for a terrorist operation intentionally. They knew what was going on. They hated America and hated the west, and we were going to leave them in power?

Well, let us put it this way. The best that our State Department could do and the CIA could do is probably that plan because they did not know anybody in the anti-Taliban forces. There was a team of people who went shortly after 9-11 to the Department of Defense, to the State Department, to the CIA, and made sure that our government at the highest levels knew the names and locations of those people who were fighting the Taliban who could provide thousands of fighters. We provided the names, the locations, the number of fighters available, and even the satellite telephone numbers of the so-called warlords who were in charge of tens of thousands of troops who would do our bidding on the battlefield against the Taliban.

That small team that went there to advise our government were made up of people like Charlie Santos, Paul Behrends, Al Santoli, Dusty Rhoades and myself. Meeting after meeting took place, and all this information was transmitted. At the DOD, people went to work immediately to try to put in place a plan that could dislodge the Taliban and destroy al Qaeda. The group in the DOD that took the ball and ran with it include Paul Wolfowitz, Peter Rodman, Bill Lutti and several others who acted immediately on this opportunity to work with the people of Afghanistan to help them throw out their tyrants.

We helped them liberate themselves from the tyranny of the Taliban. Thus, we accomplished our own foreign policy objectives by working with people and promoting our own ideals of freedom and democracy.

What was put into place was Task Force Dagger, one of the most successful military operations in U.S. history. It was turned from a plan into an historical accomplishment by the courage, skill and hard work of unsung heroes, yes, some of them in the CIA, and yes, many of them in the special forces. Special forces heroes like Captain Nutsch became legendary in Afghanistan but unknown to the people of the United States. Thanks to people like Special Forces Captain Nutsch, we won an incredible victory in Afghanistan, losing only about 35 people to hostile fire. We should be proud of our defenders and grateful to the Afghans who fought with them and destroyed the

Taliban and bin Laden's forces in Afghanistan. For a second time, these people in Afghanistan did our bidding, rose up and fought America's enemy and defeated that enemy.

I recently visited the grave of a CIA officer who was there on the scene and helped fight this battle and helped organize this magnificent victory. I went to the grave of Mike Spann who was buried in Mazar-e-Sharif. I was there about 10 days ago. The local people are so grateful to Mike Spann they had a ceremony to honor him. They built a monument to him. It is a very inspiring monument because they realize that the Taliban oppressors would have never been defeated had the special forces teams not been there to help them with the logistic supplies and the forces that they needed to defeat the Taliban.

But let us not forget that as the battle in Afghanistan progressed, voices were heard here that were less than supportive of what we were doing. This was even after 9-11. The pessimists and naysayers were at work and they started talking, even after a week or two, talking about a quagmire that we were in, and they started a propaganda campaign against, and they are the ones who came up with the word "warlords," they started labeling our people and trying to find out what was wrong with those forces who were fighting with us rather than being grateful that we had people who were working with us to destroy the Taliban and al Qaeda who had murdered thousands of our people.

Forces under commanders like General Dostum, Halli, Ata, Faheen, and Ishmail Khan led ground forces there in Afghanistan that drove the Taliban out of Afghanistan and defeated the al Qaeda forces. I will let Members know the al Qaeda were the Taliban's old home people who were engaged in this sort of cult, which represented about 10 percent of the people. They were Afghans, but al Qaeda was made up of foreigners, many from Pakistan but many Arabs as well, who had come into Afghanistan to use Afghanistan as a base of operations against the west. But also, anyone in Afghanistan that raised their head in opposition to the Taliban were brutally murdered by bin Laden and his thugs. They were grateful when we came to help free them from these radical fanatics who were coming in from outside their country and murdering them to keep the Taliban in power.

Yes, we can be grateful to those people in Afghanistan. We can also be grateful to our special forces and CIA, and we can be grateful to those people in the United States. Again, these things do not just happen. They happen because we have planned for them. What happened is we had the high-tech weapons system that we needed to do the job. Yes, Bill Clinton during his years did permit some of these weapons systems to be built. He dramatically cut the defense budget, but that is okay. These weapons systems were permitted within the budget left.

But with those high-tech weapons systems, we were able, with the courage and cooperation and alliance with those people in Afghanistan, to get this job done. But what has happened in Afghanistan is not over. We need to do what is right diplomatically and make the right political decisions if we are to make sure that this does not happen all over again, that Afghanistan does not get drawn back into a morass of evil.

What we must do first of all is help them rebuild their country. Our President has laid out a plan that has been very committed even through the Iraqi operation to making sure the people of Afghanistan have the help they need. We have not given them enough as of yet, and there have been bureaucratic roadblocks to the rebuilding of Afghanistan. Although there has been about $1 billion spent and there are signs that things will be getting better, the pace has been inexcusably slow. We need to speed that pace up, and we need to make sure that they can rebuild their country and their aqueducts, rebuild their roads and hospitals and schools.

Mr. Speaker, ten days ago I was in Afghanistan. I drove about half the distance of that country on back roads, and I will tell Members it was a sight to see. There were burned out Russian tanks everywhere and rubble strewn. I saw a gang of kids, probably about 100 of them, and I stopped the car and went over to see them. I had an interpreter with me. It was kids who had arranged the rubble of a building that had been destroyed so they could sit down, and they were teaching each other to read and write. They were teaching each other to read and write sitting in the rubble. We need to work with those young people so they can learn to read and write, do their numbers, and so that they can be part of the community of nations, part of this great new world that we are building rather than be manipulated in ignorance by some extremist religious sect.

We also need to really make solid and right decisions about what is going on politically. Let me note that those people who helped us defeat the Taliban were basically from the northern part of the country where there are five different ethnic groups. These are not warlords and warlord armies, these are ethnic group militias that knew they had to arm themselves to be safe, just like our forefathers armed themselves and had their militias. That represents about half of the country in the north. That represents 50 percent of the Afghan population. The other 50 percent of the Afghan population are Pashtuns. Their territory is along the Pakistani border. Because they represent 50 percent of it, they represent a much bigger portion. Thus, in a central government we can expect that the Pashtuns will have much more influence than those 5 ethnic groups in the north.

□ 1945

But it was the ethnic groups in the north that were America's friends. They were the ones who put their lives on the line for us, and to a certain degree the Pashtuns did not fight very much at all; and, in fact, many of them were relatively sympathetic in one way or the other or at least acquiesced to the Taliban because they were cousins or whatever. This is what is happening today. Unfortunately, I am sad to report after my trip to Afghanistan, our government is again siding with those people who are not our friends, and they are trying to undercut our friends. The people who fought for us and helped liberate Afghanistan from the Taliban, those forces in the north, are being undermined, and they are doing everything they can to try to disarm those people even as skirmishes with the Taliban still occur in the southern part of the country.

And of course our government, the United States Government, the State Department, if I can put that in a more correct term, is pushing to have a system in Afghanistan totally out of sync with the American experience. In fact, they are using the French model in Afghanistan. In Afghanistan what they are doing is asking for a strong central government that will appoint local leaders. That is not what we do in the United States. We have layered government. We have federalism. We have State and local people elected; thus, if someone takes over Washington, whether it is Bill Clinton or whoever, the whole country does not go crazy. They just say okay, we have different people in different parts of the country. We have checks and balances and separations of power. They want none of that in Afghanistan. They want a strong government that will be dominated by Pashtuns who were sympathetic to Taliban or dominated by an ethnic group that was sympathetic and at the expense of the people who fought for us.

The answer is very simple. Let us look to the American experience. Let us stand for American principles. Let us not model it after France. Let us have a government that we can support in Afghanistan that gives those people freedom like we have in the United States to control their own destiny through the ballot box.

And how should we do that? It is very simple. In Afghanistan let the people there enjoy the right to control their destiny through the ballot box through a federal system, and, that is, they should have the right to elect their local mayors like we do and like in Canada, like what is happening in Iraq.

We are insisting they have a system in Iraq where the Kurds and the Shiites and the Sunnies all get to elect their local mayors and provincial governors, but the State Department in Afghanistan is insisting that we go the opposite direction. Why? Because a deal has been cut somewhere. That is what everybody believes. I have no evidence right in front of me that there is a deal any more than I had evidence for a long time that there was a deal with Pakistan and Saudi Arabia about the Taliban to begin with; but in the end if we follow what the State Department is trying to push on the people of Afghanistan, we will have a strong central government and the people in the north who are our greatest friends will be denied the right to elect their own local and provincial leaders. This is wrong. It is wrong, and it will not work.

Our Government works because our Founding Fathers had an understanding of human nature. If people control their own police force or their own schools locally, they will be less threatened by a central government that is someone who controls it who is a bit different than they are, perhaps of a different ethnic group because that person only has control over the national army, which it should, and road systems and communication systems and health care and such that are of national importance, but the people locally can control their own destiny through the ballot box, through electing their own mayors and governors and control their police force. If a policeman is beating someone up, we call the mayor whom we have elected, and the mayor is not an appointee of Kabul. He is our friend because he has been elected there, and he will make sure that we are being treated right by our government.

Or if our kids are not learning in school, I should not have to convince our State Department, Americans, that it is right for people to elect their own leaders, but yet that is what they are trying to foist on the people of Afghanistan, and of course there is a reaction from the north. The so-called warlords, are they going to disarm for that? When I was there, I went and talked to three of the so-called warlords. They are really people who are military leaders of militias of the various ethnic groups, and I got a terrific and a tremendous positive response to the idea of this, and this is what I have offered as a compromise, and of course our State Department, just like when I tried to offer the king as an alternative to the Taliban, I imagine they were trying to undercut this alternative all the way; and that is the military leaders in the north have agreed to disband their armies, to totally demobilize and to disarm if the constitution in Afghanistan, which our government is involved with pushing, guarantees the right of local people to vote and control their own destiny through the ballot box, meaning they can vote for their provincial governors and for their local city councils and mayors. Is that too much?

These so-called warlords who we are going to hear being vilified over and over again, these warlords are willing to disarm, to trade in their bullets in exchange for ballots. Is that not a wonderful accomplishment? And of course I am pushing that as a compromise, and I would hope that our government, just as I know we had to shame the State Department into giving up its notion that the Taliban would stay in power, I hope that the State Department is made to understand that we are going to have a democratic system in Afghanistan that permits all the people guaranteed rights through the same sort of guarantees we have in the United States. We want to use the American model, not the French model, in Afghanistan. That is what will work. That is what we need to do, and I would hope that we do not have a corrupt deal with Pakistan again to try to force one group into a controlled situation of all of Afghanistan.

That is the type of immoral decision-making and political power, wheeling and dealing that does not work. What works, fascinatingly enough, and makes it a more peaceful world and works for the security of our country is not wheeling and dealing pragmatism, which the State Department talks about, but instead principled, principled and moral decision-making. How about that? Pragmatism does not work. It does not make a better world. Principled and moral decision-making does.

So, by the way, just let me just suggest that I think that we too can make it work not only in Afghanistan, but that same idea works with Iraq. Our President showed his incredible leadership and his strength and resolve in liberating Iraq. And as I say, we can help bring those people to a more democratic society and a society where they can elect their provincial leaders. That is our policy in Iraq to let provincial leaders be elected, their governors and their mayors, but not in Afghanistan.

Whether or not Iraq under Saddam Hussein had weapons of mass destruction is not relevant, and I know I keep getting asked this and my liberal friends keep pushing on this, when are we going to find the weapons of mass destruction? I do not care if we never find weapons of mass destruction. The fact is Saddam Hussein had a blood grudge against the people of the United States for what we did in eliminating him from power when he invaded Kuwait. We humiliated him in front of the world. He would have done everything possible to hurt and kill the people of the United States, the more power he got in his hands. And Iraq has vast new oil resources that are becoming available to it. Within a 5-year period had we not acted, Saddam Hussein would be the most economically powerful person not only in that region but in the world.

And is there any doubt he would have used that power to overthrow the weak and the fat Saudi regime and thus he would have become even more powerful, perhaps the most powerful man on the Earth, and we were going to let that happen? A man who hated us and had a blood grudge against us? Maybe he did, maybe he did not have a nuclear weapons program; but with the tens of billions of dollars available to him, 5 years down the road he would have bought as many nuclear weapons from China or Korea as he wanted to buy. That was definitely a threat. And unlike President Clinton, our great President, George Bush, decided not just to pass it on to a future generation. Now that the people of America were focused and willing to do what was necessary for our security, President Bush prudently decided that taking Saddam Hussein out and working with the people of Iraq to build a democratic Iraq was the most important thing we could do for our national security, and I am sure that President Bush is going to leave to the next generation of Americans a world that is safer and more secure and with more opportunity than what his predecessor left the world with, which was he left us with every problem that he did not solve.

I mean, President Clinton left us with the Taliban and al Qaeda; and, by the way, he also left us with a Korea that we now find has what? A nuclear weapon. By the way, the Clinton proposal that stopped the crisis over the nuclear weapons program in Korea was that President Clinton agreed to give lots and lots and lots of money to North Korea, one of the weirdest dictatorships in the world; and over the last 7 years, I guess it has been, over my objection and the gentleman from California's (Mr. COX) and others, North Korea has been the largest recipient of American foreign aid of any country in Asia; and now they tell us, guess what, we fed their people, and they use their own money to develop a nuclear bomb. Surprise, surprise.

If I have any complaint of our President during this crisis in our lead-up to Iraq was that he did not immediately talk about the moral basis for his decision-making. He was playing lots of games, and I am sure the State Department made him play those political power games at the United Nations and with NATO, but it took him a long time to do that, and he jumped through a lot of hoops trying to prove he was sincere; but I think that was a waste of our time, and, instead, it took him a while to get there, but when he gave a speech at the American Enterprise Institute, he laid the moral case out, and from that moment on we were out to liberate the people of Iraq, to work with them, to stand by them in building a more peaceful and a democratic society and to free them from this monster, Saddam Hussein, who not only had a blood grudge against the people of the United States but was the oppressor and the murderer of their people. So thus the moral case that the President made at AEI, I think it was a historic speech. I would recommend it to all of my colleagues, and I would suggest that was when our effort in Iraq took off. That was when the momentum was created that was unstoppable.

And sometimes I am asked why did the Iraqis not just jump up and start supporting us as we predicted? What had happened was 10 years before under President Bush, Sr., we had let the Iraqis down and they were not certain when our forces came in that we would stay there and actually help them liberate themselves from their tyrannical regime. But I think there is every evidence now that that country is going in the right direction and that country will be a light for democracy, and we will use this victory to spread democratic government and peace throughout this troubled region, a region that was handed to us by George Bush's predecessor in flames. The Shiite demonstrations that we see are much smaller than the people can see on TV. The Shiite people of Iraq are Arab-speaking people. The Shiites of Iran are Persian. They are not the same group of people. And also the people of Iraq just freed themselves, the Shiites, of a monstrous dictatorship. They are not going to replace it with another dictatorship of clerics or anybody else.

Our job in Iraq, as the President has stated, is to help those people build democracy, and we will not let anyone pressure their way into that government. I know the President has the respect of the people of the world now; and when he makes that statement, they listen to him unlike they would any other President.

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So I have every confidence that we will not permit anti-democratic forces to pressure their way into power, and that we will work with the good people of Iraq in building the infrastructure of a system that will permit them to democratically elect their leaders. And, when they do, we will leave, if that is what they want us to do. We will be happy to leave. The President has made that clear. The people of the United States have made that clear. Because in building democracy in Iraq and helping the other people of that region to have democratic government, it helps in our own security.

We are, with our commitment to freedom and democracy, building a better and more peaceful world. This is a world consistent with the dream of our Founding Fathers. This is a world that, again, is based on decision making, morally, in principle, based on decision making. That is the way to make a better world, not pragmatism that is making sort of power compromises and deals with people and regimes and gangsters.

It is when we stand up for our principles and we try to build democratic societies, that is when things get better. That is what works in this world.

So I am very grateful tonight to have had this opportunity to go into these details. We have challenges ahead of us, because there will always be people in the State Department and elsewhere who are thinking they are being pragmatic, but really are not living up to our principles. There always will be people who undercut our efforts and just do not believe that America can be a force for freedom overseas. That happened to President Reagan too, when he tried to fight the Soviets.

But we can, with courage, with a commitment from our people, we can build a world that is more prosperous, we can build a world at peace, and we can build a world that is more free. And our greatest allies are the people of Iraq, the people of Afghanistan and the people everywhere in those Third World countries and other developing countries that long for democratic process and for a better life for them and their children.

HELPING THE PEOPLE OF HAITI

The SPEAKER pro tempore (Mr. BURNS). Under the Speaker's announced policy of January 7, 2003, the gentlewoman from California (Ms. LEE) is recognized for 60 minutes.

GENERAL LEAVE

Ms. LEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. LEE. Mr. Speaker, tonight is another opportunity to once again highlight the ongoing humanitarian crisis in Haiti and the urgent need for action.

Many of us together have worked to send a message to this administration that it is time to revisit the United States policy toward Haiti. We have become increasingly aware of the humanitarian crisis which is brewing in Haiti. Much of this crisis can be directly pinned to the fact that the United States' eight financial institutions which we are part of are blocking social sector resources from reaching that small island nation. In fact, the United States representative to the Interamerican Development Bank directed the bank's president to block disbursal of four social sector loans to Haiti. These loans had already been approved by the bank's board of directors and were ratified by the Haitian parliament over 3 years ago.

Now, considering Haiti's current crisis, this action is inexcusable. While our government levies our political weight with the international financial institutions and the Organization of American States, Haitians continue to suffer. Further, this delayed delivery of international humanitarian aid to Haiti is fostering instability and anarchy in their struggling democracy.

Haiti's miserable poverty is indisputable. We can no longer bury our heads in the sand on this issue. Without strong leadership, the crisis will continue to spiral out of control. Already, the national rate of persons infected with HIV and AIDS in Haiti has risen to 300,000, or 4 percent of the entire population, leaving 163,000 children orphaned. Haiti makes up 90 percent of all HIV-AIDS cases in the Caribbean. And Haiti's health problems go well beyond HIV and AIDS. The infant mortality rate has increased to 74 deaths out of every 1,000 babies born, and now five mothers will die out of the same 1,000 babies born.

We must remember that many diseases know no boundaries, so it is in our strategic interest to help Haiti heal itself. The doctor-to-patient ratio has fallen to 1 to 11,000, leaving very little chance that sick persons in the rural areas will ever get even the basic health care. 125 Haitians die daily of illnesses. While most of the western world has eradicated diseases like polio, health officials report that many Haitians do not have the resources to pay for life-saving vaccinations for their children.

This is just morally unacceptable. Together, we must urge the President to do the right thing in Haiti. Jared Johnson, the IDB branch director for Haiti, said you cannot run a country through non-governmental organizations. What does this mean? It means we cannot continue to funnel money into USAID and then blame the government of Haiti for lack of resources and poor social services.

Our government and the international financial institutions should not continue to raise the political bar in order for Haiti to receive basic humanitarian assistance. It is unacceptable to simply stand by and watch a season of misery inflict pain, suffering and death on human beings right here in our own neighborhood.

We must address this injustice. We must release the IDB funds to Haiti and direct the international financial institutions to reengage and reengage now. It is our moral imperative, and it is our commitment.

Mr. Speaker, I yield to the gentleman from Florida (Mr. MEEK) a member of the Committee on Armed Services, a Member of the Haitian Task Force, and one who has led our efforts in terms of immigration issues and other issues that he so passionately cares for.

Mr. MEEK of Florida. Mr. Speaker, I thank the chairperson of the Congressional Black Caucus Task Force on Haiti for yielding.

Mr. Speaker, I must say that I concur with the gentlewoman's comments. I know that many of us in this Congress feel very strongly about U.S. involvement as it relates to the way of life in Haiti. What I can tell you is what this Bush administration has done is it has created an atmosphere of conflict.

What I mean by that is the fact that we are saying we want Haitians to stay in Haiti, but we are not creating an environment for Haitians to be in Haiti with a democracy that is functional because it has the resources to be able to work towards providing the kind of services that Haitians need.

I will say this: Haiti is the poorest country in the Western Hemisphere, and it is very disturbing to see this democracy in our hemisphere, the poorest country, and we are standing in front of dollars that were committed years ago to Haiti.

I would also say something else that is very disturbing, and that is why I cannot understand the policy. If we want Haitians to stay in Haiti, if we want to be able to have a strong government in Haiti, if we want to be able to provide drinking water and humanitarian efforts in Haiti, then we should not be standing in front of these dollars.

On the other hand, we should not have unfair immigration policies when Haitians are trying to seek political asylum due to the fact that Haiti is struggling right now, and we have conflict there, political conflict in Haiti.

General Ashcroft, the U.S. Attorney General, put forth a decision just this past week saying that when Haitians are migrating to the United States, that they would be indefinitely detained. This goes against decisions that have been made in the past. Immigration, the INS in Miami, has said we should detain Haitians, even though an immigration judge said they should be paroled while they are waiting for their political asylum case to be heard. But we decide to detain and incarcerate Haitians, thinking that that will stop a mass migration to Florida or to the United States under the auspices of homeland security.

I just want to share tonight with my colleagues that being on the Committee on Homeland Security, being on the Committee on Armed Services, I have not yet heard or seen an FBI report or a CIA report to show any level of or any indication of terrorism in Haiti, or any member of its government that condones terrorism in Haiti, or the Haitian people in general.

I can say that it is quite confusing, since we have a situation in South Florida that could very well, if we are going to live by that policy and use that policy to detain Haitians unfairly, this may very well set forth a policy as it relates to those that are trying to seek political asylum from the island of Cuba. If the Cuban Readjustment Act was brought onto this floor today I would vote for it, because it is the right thing to do. A dictatorship is in Cuba, and I think it is important that we should allow people who want to migrate towards liberation to be able to have that chance.

But Castro sided with Saddam Hussein. Cuba is also a communist country, and every day we have individuals that are migrating to South Florida.

We should be very careful as a country when we start using homeland security against individuals who cannot harm this government. I think it is very important for not only the Attorney General's office to hear this, but the Bush administration to hear this, that we cannot do nothing on both ends. We must do something on one of the ends, and provide aid now for Haiti, humanitarian efforts for Haiti.

I voted on a voice vote for the supplemental for Iraq. I feel that it is our obligation to go in and do the things we are doing in Iraq right now. But I think it is our obligation to do some of the same things in Haiti. And the Haitian people have had to hold off.

Mr. Speaker, I would just say to the gentlewoman from California (Chairman LEE), I just want to say representing the largest concentration of Haitians in the United States, I think it is so very, very important for this government to realize not only its humanitarian effort, but its effort towards fairness and equality. I think it is important that this administration stop standing in front of the dollars that have already been committed. These are not new dollars, the dollars that have already been committed to Haiti.

General Ashcroft's decision did more than stop those dollars that should have been going to Haiti years ago. He has also put questions in the minds of the humanitarian community that has been doing work there. They may feel Haiti is a terrorist state, which is not true. It is important that we fight against those forces.

So, I want to thank the gentlewoman from California (Ms. LEE) for yielding me time tonight, but I just want to say that our efforts have to continue. I want to commend the gentlewoman's efforts for being a stalwart in standing up on behalf of not only what America stands for, but being able to help those countries and individuals, those countries that are democracies, those countries in need, and Haiti is in need.

So the message tonight is to release the dollars to Haiti or the resources to Haiti that have already been committed, and, two, fairness in immigration policies.

Ms. LEE. Mr. Speaker, reclaiming my time, I would like to thank the gentleman from Florida for his leadership and for participating tonight in highlighting the very discriminatory policies and the very inconsistent policies in terms of our immigration policies as they relate to Haiti, and also for his leadership on each and every issue that he is providing to this Congress during his first 2 years. I thank the gentleman for participating with us.

Mr. Speaker, I would like to yield to my good friend the gentleman from North Carolina (Mr. BALLANCE). The gentleman serves as a member of the Committee on Small Business and a member of the Committee on Agriculture and has been involved in many, many issues since he has been in Congress. He is a new Member who has hit the ground running.

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Mr. BALLANCE. Mr. Speaker, HIV and AIDS infections represent a crippling medical crisis worldwide, and it is for that reason I want to sort of focus my remarks on that particular subject in the context of the subject we are discussing this evening. This problem is so pervasive around the world, but as we focus the microscope on the tiny Nation of Haiti, it is indeed an epidemic. I regret very much that America has not done its share to address this issue. In fact, for so long, most of us have been missing in action.

But there is a soldier who has been standing and fighting this battle for so many years. She is the chair of the CBC Brain Trust on Global AIDS and HIV, and that is the distinguished gentlewoman from California (Ms. LEE). I say to the gentlewoman, I do not wear a hat this time of year, but I take my hat off to you for standing so tall.

A lot of people, as we look back on this issue, were afraid to even speak out, were afraid to get involved. As I look back on my own career and on my own life and the life of my foreparents, I recall that it is a long journey from Africa to America. It is a long journey from slavery to freedom. But history tells me that my ancestors got on a boat involuntarily somewhere on the West Coast of Africa. We have been so journeying in America now for more than 400 years. Is it not amazing that we, as ancestors of those who were taken, now find ourselves in a position to provide some help and, hopefully, to provide some financial assistance and, hopefully, to lead our government to say that, in fact, we are compassionate beyond words, but we are compassionate in deeds. That is what it is going to take to address this issue.

So I have come today to add my voice to those who are crying aloud for attention and help on the subject of HIV and AIDS in this small, tiny Nation of about 8 million people in Africa.

We all have an obligation to make a contribution. Even though we may be healed of whatever ailment may have afflicted us, I believe we have the obligation to turn back and say "thank you."

We all remember the story from Luke, chapter 17 when the 10 lepers were passing by and Jesus was on the scene. And they asked for some help. And when they were healed, they went on their way, but one, and only one, turned back to say thank you. Jesus asked the question, what happened to the other nine?

As Members of this great body, in these historic halls of the United States, I am sure sometimes my colleague asks the question, where are the other 434? Well, there are a few of us here today to stand with the gentlewoman from California (Ms. LEE) to say, keep on fighting. To say that help is on the way, we believe, and we thank all who have joined in this recent struggle, including our President. I hope he is genuine in his assessment that he is going to try to make funds available. I hope we can convince some other nations who are concerned about our grain because of this very issue and the generic factor in our grain: a lot of times we can help others by helping ourselves. We can reach out to help this Nation and other nations. We can also help our farmers who have excess grain.

America is a great Nation. I am proud to be an American. But when we stand up to help others, our true greatness comes out. I believe on this issue, history will judge us harshly if we do not respond to this critical issue, not only in this country, but in particular, in a poor country where the income is so low, maybe $60 a year, that they have not the resources to address this problem. We must add our voice. We must turn back and say "thank you" by our actions and by our deeds.

Ms. LEE. Mr. Speaker, I would like to thank the gentleman for his very kind and generous and very humbling remarks, and also for his real leadership, and his real and honest commitment to those in need, whether here or abroad. I thank the gentleman for his comments.

Let me now yield to the gentleman from New York (Mr. MEEKS) whose leadership on the Committee on International Relations and on the Committee on Financial Services is making quite a difference in terms of the reordering of our domestic and our foreign policies.

Mr. MEEKS of New York. Mr. Speaker, today I want to thank my colleagues in the Congressional Black Caucus, the Chair, the gentleman from Maryland, (Mr. CUMMINGS), for organizing today's Special Order on Haiti. I want to salute the members of the Haitian Task Force and my good friend and colleague who is from California and shares the Committee on International Relations and the Committee on Financial Services with me, the gentlewoman from California (Ms. LEE), for her outstanding leadership and tireless commitment to the people of the Nation of Haiti and in combating the HIV/AIDS pandemic wherever it raises its ugly head. The Nation indeed owes the gentlewoman from California (Ms. LEE) a debt of gratitude.

There is a saying that all politics are local. And for me, Haiti is a local political issue. I am proud to represent the constituents of the sixth congressional district of New York which has one of the largest Haitian American communities in America.

But that is not the only reason why the Haitian people are important to me and why the Nation of Haiti is important to America. Haiti is important to me because America cannot and should not continue to have a foreign policy towards Haiti, which is one of the poorest nations, if not the poorest nation, in our hemisphere, a foreign policy which, in many ways, fails to support the rights of the Haitian people for democracy, human rights, and economic opportunity. This administration cannot talk with credibility and moral clarity about willingness to use our political, economic, military, and diplomatic foreign policy instruments in the name of spreading America's universal values globally. Yet, we only apply it selectively when it is in our national interests.

Mr. Speaker, the people of Haiti are a proud people, a people who have a long history of being at the forefront of struggles against slavery and for independence against European colonialism in this hemisphere; a history which connects the people of Haiti with African Americans. In 1791, Haitian slaves initiated a successful slave revolt against France. The Haitian slaves ousted Napoleon and by 1804, the island became the first black independent nation. At first, our Nation did not recognize Haiti as an independent Nation out of fear that Haiti could serve as an example to others to fight against any country which practiced slavery. It was not until 1862 that the United States finally granted Haiti diplomatic recognition and sent noted abolitionist Frederick Douglass as America's Consular Minister to Haiti.

But as we know today, for many developing nations, political independence from their former colonial masters did not automatically translate into stable democracies, economic independence, and sustainable development. Haiti, like many post-colonial developing nations, has struggled with internal civil wars and political instability. The people of Haiti have been dripped in decades of structural violence, dictatorship, human degradation, and economic poverty the likes of which are an affront to humanity.

While the reasons for such sufferings are complex, the fact that it exists in today's world of wealth and technology right here in our hemisphere is something that we cannot ignore. We cannot ignore that our immigration policy treats Haitians differently from other immigrants seeking to escape political violence. We cannot ignore that our foreign policy regarding Haiti has become tied to partisan politics. We cannot ignore that Haiti faces an HIV/AIDS epidemic and this administration has played a role in hindering international economic assistance to Haiti because we cannot come up with a policy approach that balances the needs of the Haitian people with our requirement that assistance be used properly.

So, Mr. Speaker, I stand here today to say that if America can muster the political will and mobilize billions of dollars in resources to wage a war thousands of miles away from our shores, what about Haiti? When will America mobilize the same kind of resources and political will to wage a war against poverty, against disease, against human suffering right here in our hemisphere? If such rights and values are truly universal, Haitians deserve nothing less. We can do more to support the people of Haiti so that they can reclaim their human dignity. We can and we must.

Again, I thank the gentlewoman from California (Ms. LEE), my friend, for her tireless effort, commitment, and hard work.

Ms. LEE. Mr. Speaker, I thank the gentleman from New York (Mr. MEEKS) for his very eloquent statement and his kind remarks, and also for reminding us of the history in terms of the connection to our own country and the fact that we do have many Haitian Americans here in our own country who are concerned about their country and have such representatives as the gentleman from New York (Mr. MEEKS) who so ably represents a diverse population of people.

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Mr. Speaker, I yield to my colleague, the gentlewoman from Southern California (Ms. WATSON), who has a wealth of experience as an ambassador, as a Chair of the Senate Health and Human Services Committee in the State of California, and one whose wisdom and counsel we all look to on so many issues.

Ms. WATSON. Mr. Speaker, I thank the gentlewoman from California. We are also very proud of the gentlewoman and her leadership.

Mr. Speaker, I see next to her the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), who was part of our entourage that went to Haiti, and had been there before. She helped to point out the problems and to analyze them while we were there.

I want to give another thanks, too, to the gentleman from California (Mr. ROHRABACHER). I was sitting in my office listening to his presentation. He talked about American democracy and that we were not really ready yet, because we had to realize that we had some problems in this country. We had enslaved a large group of people who make up a tremendous part of our population today.

He also said that we are going to have to correct that which is broken. This is what we come together to talk about, a nation that is broken in our own hemisphere.

Mr. Speaker, I am appalled by the unsubstantiated allegations made by the United States Attorney General, John Ashcroft, with respect to Haiti. He claimed that the Pakistanis, the Palestinians, and others are using Haiti as a staging point for trying to get into the United States. What a ridiculous statement.

I would ask him, has he been there, Mr. Attorney General? If not, he needs to go. He needs to scour every single part of that island nation. After what he is going to see he will be declaring another war, and that is on poverty, on starvation, on the fact that the people there have nothing; and we are allowing that to continue in this hemisphere.

Even the State Department's consular officers and officials are puzzled by his remarks. Jorge Martinez, a spokesman for Ashcroft's office, could not immediately say where the Attorney General got the information. Martinez then directed inquiries to the Department of Homeland Security, and a Homeland Security spokeswoman redirected questions right back to Martinez.

Mr. Speaker, according to the State Department, Haiti is not on the United States' terrorist watch list. Why is, then, the Justice Department and the State Department, our Department of Homeland Security, amending this list?

Haiti, a nation of 8.3 million people, is one of the most impoverished nations in the Western Hemisphere and the fourth poorest country in the world. The unemployment rate is estimated to be around 60 percent, the literacy rate is approximately 45 percent, and 90 percent of all HIV and AIDS infections in the Caribbean are in Haiti.

The current U.S. policy towards Haiti is one that discourages travel between the two countries. There is a de facto embargo on loans and grants from the multilateral development banks. Assistance from the United States Government has been put on hold in order to leverage change in the present political structure of the Haitian Government.

I say to the Attorney General, he needs to go and talk to the President. He needs to understand why he sent his fiscal people over here to Washington, D.C. to explain how they have developed their budget. He needs to understand why he is working on getting a police force put together, and why he has not formulated a court.

Remember, the past regimes were corrupt and there are many corrupt people still lurking around, so he has to be careful who he gives power to. That, indeed, takes time.

In effect, our current policy towards Haiti in the name of humanity promotes poverty and inhumanity. For example, on July 21, 1998, the Haitian Government and the IDB signed a $22.5 million loan for phase 1 of a project to decentralize and reorganize the Haitian health care system. The funds would be used to construct low-cost community health centers, train community health agents, and purchase medical equipment and essential medicines. The ultimate objective of phase 1 was to reduce the high infant mortality rate, reduce the high juvenile death rate, and reduce birth rates.

This health loan, as well as close to $150 million in humanitarian loans, has been blocked by the United States-led embargo against Haiti. This in itself is an inhumane policy.

It is time to stop this war on Haiti. External aid is essential to the future economic development of this nation. Comparative social and economic indicators show Haiti falling behind other low-income developing countries since the 1980s. Mr. Speaker, we cannot let our neighbor continue in this downward spiral.

Ms. LEE. Mr. Speaker, I thank the gentlewoman from California for her comprehensive statement, for her clarity on our government's policy as it relates to Haiti, and for bringing forth the facts of some very recent revelations with regard to the Attorney General which hopefully we will get some answers to.

Mr. Speaker, I yield to my colleague, the gentleman from Baltimore, Maryland (Mr. CUMMINGS), the Chair of the Congressional Black Caucus who has demonstrated for many, many years prior to coming to Congress, and now here in the United States Congress, his leadership on a myriad of issues.

I thank the gentleman for pulling this Special Order together and for ensuring that the Congressional Black Caucus is central to all of the policy debates that we engage in here in the United States House.

Mr. CUMMINGS. Mr. Speaker, I thank the gentlewoman for yielding to me. I also thank her for consistently standing up.

I thank the Congressional Black Caucus, a group of 39 men and women, as I have often said, who are ordinary people called to an extraordinary mission. In the process of doing the extraordinary, they have become extraordinary and have made it clear, Mr. Speaker, to God that the lives they live are not their own.

Consistent with that, we come here tonight to speak on behalf of Haiti. I thank the gentlewoman from California (Ms. LEE) for her leadership in initiating and organizing the Congressional Black Caucus's Special Order tonight urging the international community to let Haiti live.

Mr. Speaker, for several years now the Members of the Congressional Black Caucus have come to the floor of this great House to speak out on behalf of the 8.3 million people of Haiti, to draw attention to the unnecessary and horrible circumstances that they are forced to endure every day.

Mr. Speaker, the people of Haiti are suffering and dying. They are suffering and dying because of the seemingly sheer indifference to their plight. In just the last week, the United Nations reported that only 46 percent of Haiti's population has access to clean drinking water, and 56 percent of the Haitian population suffers from malnutrition in 2003. Fifty-six percent of 8.3 million people is 4,648,000 human beings, nearly as many people as the populations of Idaho, Mississippi, and the District of Columbia combined.

Mr. Speaker, denying the most basic human needs, such as food and water, is almost the equivalent of a death sentence by a judge or a jury. Unfortunately, for several years now the United States Government has made this situation worse. Our government, Mr. Speaker, has unfairly and unnecessarily linked humanitarian assistance to Haiti with trying to change and to pressure the current government in Haiti to make concessions to the opposition party as it relates to domestic politics.

How can we allow over 4 million people in that country to live in utter poverty while we play politics? Is not the argument about the suffering of the people the same argument that many of my colleagues on the other side of the aisle made as it relates to Iraq? It is imperative that we release the humanitarian assistance for the people of Haiti so they may simply just live another day.

Mr. Speaker, last week the United Nations also made a plea that I will second tonight and I know all the Members of the Congressional Black Caucus would second, too. The plea is that the international community immediately make funds available to help stem this humanitarian crisis in Haiti. Mr. Speaker, the United States of America is the richest country in the world and must answer that plea. We must help our neighbor, and we must help our neighbor now.

How will future generations judge our country when the history of our relationship with Haiti is written? We know the suffering. Members have heard a little bit about it already tonight. Think about the children, both here in America and in Haiti. What are we telling them by our actions?

The life expectancy in Haiti is 49 years. The unemployment rate is 60 percent. The infant mortality rate is 74 deaths for every 1,000 live births. Ninety percent of the HIV/AIDS infections in the Caribbean are in Haiti. There are over 200,000 children orphaned by HIV/AIDS. I could go on and on and on.

The fact is, Mr. Speaker, we have to do better. We must release those humanitarian assistance loans, and we must begin a new relationship with the country and the people of Haiti. The Congressional Black Caucus will not rest until we do. We will continue to advocate for justice at home and abroad.

Ms. LEE. Mr. Speaker, I thank the gentleman from Maryland once again for his leadership, but also for laying out the facts in terms of why we are here tonight. I thank the gentleman for putting his all into making sure that we understand that this is an emergency, that we should do the right thing, and that our policies are really resulting in the dire humanitarian crisis that we are seeing in Haiti.

I thank the gentleman again for his leadership. I appreciate his being here this evening.

Mr. CUMMINGS. Mr. Speaker, if the gentlewoman would yield for one second further, we see the President talk about the urgent situation in Iraq and how he wanted to do all that he did. As the gentlewoman probably well knows, we just allocated some $80 billion.

Here we have a small country simply trying to survive, having drinking water and sanitation. It makes us wonder sometimes. As one author said, it makes me want to holler and throw up both my hands.

Ms. LEE. I would say that $146 million is a mere drop in the bucket and would save many, many lives. It would get the country of Haiti back on track in terms of its development.

Mr. Speaker, I yield to my colleague, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), a leader on many, many issues; a woman who is a physician who chairs our Congressional Black Caucus Health Brain Trust, and who is leading the charge for universal health care.

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentlewoman for yielding to me. It is a pleasure to be here with her.

I just had to come over and join the gentlewoman on the floor here tonight because the problems of Haiti and the obstacles that we have been facing together that the gentlewoman has led us through so steadfastly continue to plague that country and cause suffering to the millions of people who live there. So it is important for us as a caucus to stand here with the gentlewoman tonight and once again to call on our colleagues and the President of these United States to let Haiti live.

□ 2045

Last week I traveled to the eastern end of Hispaniola and there on that side, and it is so different, even when you just fly over the island. It turns from gray to green. There I found a struggling but overcoming people, where jobs were being created, standard of living was being raised, children were being educated, the health care system was ever improving.

It was my second time in the Dominican Republic but I have been to Haiti many times, and it troubles me deeply that this situation is so startling different compared to that of the neighbor on this same island in the Caribbean of which I am a part. And why should this be? Because the people of Haiti have accepted democracy that we helped to bring to their nation, and they have accepted its promise. Though imperfect, that democracy is new, and building democracies take time.

As I am sure this country will find out in Iraq, but perhaps we will be a bit more patient there than with the people of Haiti because we certainly have not been patient or supporting of their efforts to make democracy work. The reason for the difference is clearly that our country, the United States of America, has stood in the way of allowing the people of Haiti to grow, to thrive and to actually allow the democracy that we so are so honored to thrive in this country of poor but proud, hard-working and spirited people of African decent.

We are here tonight again to say let Haiti live, first, by releasing the loans that are needed to build their sanitation, transportation, health and educational infrastructure, and also by fully supporting the OAS mission there, whose responsibility it is to ensure the changes that we claim to seek in their judiciary and their police system and in their electoral process.

Mr. Speaker, I want to say thank you to the gentlewoman from California (Ms. LEE) and the gentleman from Michigan (Mr. CONYERS) who have both led this fight for their faithfulness and steadfastness and the support of Haiti and their work on its behalf. We have under their leadership talked to people at Treasury. We have talked to leaders at USAID. We have talked to folks at the OAS. We have talked to the international lending institutions. I think we have done what we can. I guess we could do more. But we have done the things that have been open to us to do. There is no excuse for what this country is doing by holding back these so badly needed funds. As the gentlewoman said, 140 something million dollars is nothing to this country, but it means everything to the people of Haiti.

What Haiti is asking for is what has been done for every other country in this region that has been similarly situated. There is no reason for it to be treated different. Mr. President, our brothers and sisters are suffering, many are dying. And we are asking you once again to let that money go, to let our brothers and sisters go and to let Haiti live.

Ms. LEE. Mr. Speaker, I would like to thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for her very passionate and very clear statement, and also for making sure that on all of our HIV/AIDS initiatives, that the Caribbean is part of that effort. And it is because of the gentlewoman that now we hear the President and others talk about sub-Saharan Africa and the Caribbean and other parts of the world as being in need in terms of our resources and our assistance. So I thank her again. And, yes, we have done something, just our small efforts. We are going to move forward. Hopefully we can do more. And I believe tonight with her help and with all of those here, with the CBC and other Members of Congress, sooner or later the administration is going to wake up and realize that this is a political fight that they really do not need to have.

Haitian-Americans care about this. All Americans care about this and we have got to get those loans released.

Now, I would like to yield to the gentleman from Detroit, our dean and the chair of the Haitian task force, one who has provided leadership on so many issues and who has beat the drum for so many years on Haiti and our very cruel policy towards that country, the gentleman from Detroit, Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I would like to report a new bill that has been introduced by 16 Members of the House and the Senate to create employment in the Haitian textile industry by giving that country the opportunity to become a garment production center. It amends the Trade and Development Act of 2000 by granting duty free status to Haitian apparel articles that are assembled or knit to shape from countries with whom the United States has a free trade agreement or a regional agreement. And it departs from current law, which only allows duty free status to Haitian apparel articles if the articles are made from U.S. fabrics or yarn.

It would be a win/win proposition for our American workers because it would encourage the immigration of jobs from other parts of the world back to our hemisphere. I would like Members to know that this measure has been referred to our House Committee on Ways and Means. And at this point, Members should know that in addition to the junior Senator from Ohio, Mr. DEWINE, the senior Senator from Florida, Mr. GRAHAM, we have in the House the gentleman from California (Mr. BERMAN), myself, the gentleman from Florida (Mr. JIM DAVIS), the gentleman from Florida (Mr. GOSS), the gentlewoman from Texas (Ms. JACKSON-LEE), the gentleman from Florida (Mr. MEEK), the gentlewoman from the District of Columbia (Ms. NORTON), the gentleman from New York (Mr. RANGEL), the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the gentleman from Illinois (Mr. CRANE), the gentleman from Florida (Mr. FOLEY), the gentleman from Florida (Mr. HASTINGS), the gentlewoman from California (Ms. LEE), the gentlewoman from California (Ms. MILLENDER-MCDONALD), the gentleman from New York (Mr. OWENS) and the gentlewoman from California (Ms. WATSON).

This is a positive piece of legislation. We will be conferring with the ranking member of the Committee on Ways and Means for its hearings promptly and hope that we can move it forward. It is sponsored in both bodies of the legislature and we feel very confident that this measure will be an important beginning economic legislative initiative of which there will be more to come.

Tonight, I also rise with the rest of the Congressional Black Caucus to encourage my colleagues in Congress to support the Haitian people as they struggle to rebuild their nation. Not only does Haiti play an important role in the world community, but it is also strategically significant to the United States; particularly because it is located only 410 miles from the nearest U.S. shores. Further, historically the Haitian people's fight for freedom has been an inspiration to oppressed people throughout the globe. In 1804, the people of Haiti triumphed over colonial powers by gaining their independence and establishing the first black nation in the Western Hemisphere.

Nearly two hundred years later, the people of Haiti are engaged in a battle to preserve their way of life and their nation. Haiti is one of the most impoverished nations in the Western Hemisphere and the fourth poorest country in the world, where life expectancy is only 49 years. The unemployment rate is approximately 60%, only 45% of the population is literate, and half of the population earns $60 or less per year. In addition, the country of Haiti has been devastated by the AIDS epidemic. 90% of all HIV and AIDS infections in the Caribbean are in Haiti, and due to the spread of the disease, 163,000 children have been left orphaned. Furthermore, the infant mortality rate is alarming, with 75 deaths per 1,000 births. Given the statistics I have mentioned, it is not surprising that tuberculosis remains a major cause of adult mortality and there is only one doctor for every 10,000 people in Haiti.

Although Haiti is located in our backyard, we continue to endorse a policy that prevents the return of economic stability and democracy of Haiti. Instead of supporting the flow of aid to Haiti in order to resolve the political impasse, the U.S. has adopted a policy of embargos to punish the Haitian government and people. The U.S. government has the power to veto the disbursement of loans to Haiti from financial institutions such as the World Bank, IMF, and Inter-American Development Bank. To the detriment of the people of Haiti, the U.S. government, specifically the Departments of Treasury and State, has exercised this authority. For example, the Inter-American Development Bank has not released $146 million in aid to Haiti, which was initially approved by the IDB Board of Directors. It is more distressing that in the interim, Haiti has been forced to pay arrears payments to maintain its status with the IDB.

The Congressional Black Caucus as well as many Members of Congress are concerned about the humanitarian crisis and political situation in Haiti. Particularly, the caucus has worked to assist the people of Haiti by introducing legislation such as the Haitian Economic Recovery Opportunity Act, the Haiti Aid in Transition Initiative, and the Access to Capitol for Haiti bill. We also met with officials from the World Bank, IMF, IDB, and the Departments of State and Treasury to advocate that these institutions release badly needed funds. Further, we have supported economic initiatives, such as the Harding Enterprises proposal for a Hilton Hotel in Haiti, and worked to modify the Millennium Account, so that more African and poor countries like Haiti can access it. Lastly, the caucus has hosted a variety of forums, briefings, and braintrusts on Haiti, and is working on other proposals to assist the people of Haiti.

The Congressional Black Caucus is committed to aiding the people of Haiti in their struggle for democracy, the rule of law, and economic stability. I ask that this Congress support realistic policies that will help the people of Haiti, instead of destabilizing their nation.

Ms. LEE. Mr. Speaker, I thank the gentleman very much for his statement and for providing this information with regard to another piece of legislation that we know will let Haiti live, and, hopefully, we will be able to build cosponsorship and support for your legislation so we can have a hearing and move the bill to the floor and to the Senate and then to the White House.

Let me, in closing, just reiterate some of the facts we heard tonight and why members of the Congressional Black Caucus and other Members of Congress want to see Haiti live and want to see Haiti move forward into the 21st Century as a new democracy who we can support in a way that we know we should.

First of all, Haiti is the most impoverished nation in the Western Hemisphere. Haiti accounts for 90 percent of all HIV/AIDS cases in the Caribbean. HIV and AIDS infections have approached epidemic proportions. Over 300,000 infected people have been identified and deaths from HIV and AIDS have left 200,000 children orphaned. It is estimated that over 12,000 people in Haiti are living with HIV/AIDS. Between 150,000 to 350,000 children are AIDS orphans.

Haiti's infant mortality rate is staggering. It is 93 deaths per 1,000 live births. For every doctor in Haiti, there are 10,000 people. Tuberculosis remains a major cause of adult mortality. Cases of TB in Haiti are more than 10 times as high as those in other Latin American countries. Only 40 percent of Haitians have access to clean water, drinking water. The life expectancy rate which we heard earlier, I believe from the gentleman from Maryland (Mr. CUMMINGS), is 49 years of age. More than 75 percent of the population lives in abject poverty. The unemployment rate is approximately 60 percent. The literacy rate is approximately 45 percent. And half of the population of Haiti earns $60 or less, that is $60 or less per year, not per day but per year. The total expenditure on health per person is about $54 compared to about $4,400 in the United States and $483 in Mexico.

So with those kind of statistics, there is no way that our country can morally do what it is doing in terms of blocking the release of the $146 million. There is no way with these kinds of numbers and this kind of data, this kind of human misery and tragedy right next to us, that our efforts should be about blocking the release of loans that had been negotiated 3 years ago. That is outrageous. I do not even understand how we can believe that could even be half way right to do.

I think I have a couple more minutes. Mr. Speaker, I would like to yield to my colleague from Maryland (Mr. CUMMINGS) who has an additional statement he would like to make in the short time we have left.

Mr. CUMMINGS. Mr. Speaker, I would like to again thank the gentlewoman and thank the caucus. It has been said over and over again that the Congressional Black Caucus is the conscience of the Congress. But I have often said that we are the conscience of the country and of the world. And what we are doing tonight is pleading with the President and those who control the purse strings of this country to reach out and lift up a small country that is merely trying to survive.

I have often said that the most powerful thing that we can do is help children become all that God meant for them to be. And we heard speeches from this floor over and over again coming from the Bible about what we should be doing for our brothers and our sisters throughout the world. And this is just a small part of our efforts to say to the world, we will not allow, we will not stand by and allow people, our neighbors, in fact, to simply perish and live in the way that they are living. And I do appreciate the gentlewoman's leadership on this issue, consistently standing up, and again I am very appreciative of the Congressional Black Caucus for standing up.

Ms. LEE. Mr. Speaker, we are turning the heat up on this. We have been nice and we have played many, many roles in trying to let Haiti live. And we are going to become even more aggressive on this because I think after what we have heard tonight, I think the people in our country are going to begin to question our policies and why we are holding up $146 million. What that means in light of the fact that we are, yes, we should be doing this, building a universal health care system in Iraq and providing quality public education for people in Iraq. And yet, here in a country right next door and in our own country we cannot find the resources to help people of African decent. And that is a very important point, I think, that I want to leave tonight with in this body.

Ms. WATERS. Mr. Speaker, I thank the gentlewoman [Representative BARBARA LEE] for the time, and I applaud her efforts to draw attention to the needs of the Haitian people.

Haiti is the fourth poorest country in the world. Half of the population of the country earns no more than $60 per year. Haiti has an unemployment rate of about 60% and an illiteracy rate of only 45%. Only 40% of all Haitians have access to potable water. Tuberculosis cases in Haiti are ten times as high as those in other Latin American countries, and 90% of all HIV infections in the Caribbean are in Haiti.

The Inter-American Development Bank (IDB) is denying Haiti any access to loans for development assistance. Haiti has already had $145.9 million in development loans approved by the IDB. These loans include $50 million for rural road development, $22.5 million for reorganization of the health sector, $54 million for potable water and sanitation and $19.4 million for basic education programs. Haiti could also qualify for an additional $317 million in new loans for development projects, as well as a $50 million investment sector loan. However, the IDB is refusing to consider Haiti for any additional loans and has not even disbursed the loans that have been approved.

The IDB is effectively denying Haiti access to critical development assistance. Furthermore, Haiti is deeply in debt and has also been denied the opportunity to receive any debt relief for its existing debts.

The reasons provided by the IDB and the U.S. government concerning the suspension of lending and assistance to Haiti shift from day to day. None of the purported explanations provide any justification for withholding this vitally needed aid. While the IDB and the Administration dither, the people of Haiti suffer and continue to live in poverty.

On March 5, 2003, I introduced H.R. 1108, the Access to Capital for Haiti's Development Act. This bill would require the United States to use its voice, vote and influence to urge the Inter-American Development Bank to immediately resume lending to Haiti, disperse all previously approved loans, assist Haiti with the payment of its existing debts and consider providing Haiti debt relief. The Access to Capital for Haiti's Development Act would allow Haiti to build roads and infrastructure and provide basic education and health care services to the Haitian people. This bill currently has 24 cosponsors.

The United States is now spending billions of dollars to rebuild Iraq. Earlier this month, this Congress passed a Supplemental Appropriations Act that contained $1.7 billion to rebuild Iraq's infrastructure. That bill included funds for health care services for 13 million Iraqis and financed the repair or reconstruction of 25,000 schools, 20,000 houses and 3,000 miles of roads in Iraq. The bill also contained assistance for Colombia, Afghanistan, Israel, Jordan, Turkey, and the Eastern European countries of Poland, Hungary, the Czech Republic, Slovakia, Estonia, Latvia, Lithuania, Romania, Slovenia and Bulgaria.

Debt relief for Iraq is being discussed by officials of the Paris Club of creditor countries. Some Members of Congress have even suggested that France, Germany, and Russia can best contribute to the reconstruction of Iraq by the forgiveness of Iraq's debts.

Haiti is a deeply impoverished country on an island just off our shores. We cannot provide assistance to countries all over the world while ignoring the needs of people so close to our border. It is time for the United States and the Inter-American Development Bank to resume lending to Haiti and provide debt relief and development assistance to this impoverished country.

Mr. RANGEL. Mr. Speaker, today, like many members of the Congressional Black Caucus, I am moved to speak about the humanitarian and economic situation of the people of Haiti. It is no secret that the people there are suffering greatly. Haiti is the poorest country in the Western Hemisphere with roughly 70 percent of its 7 million population unemployed and 80 percent living in poverty. HIV/AIDS is devastating the country, with roughly 1 in 12 Haitians infected with HIV and the Center for Disease Control predicting 44,000 new HIV/AIDS cases this year. Additionally, AIDS has orphaned over 200,000 children, and that number is expected to increase to 350,000 over the next ten years.

While there are many explanations for the current situation in Haiti, it is clear that the Haitian government and international community disagree as to the cause and the solution. Regardless of who is to blame, the people of Haiti continue to suffer and I believe that it is time for their suffering to end. We must provide assistance to provide jobs and hope for the people of Haiti.

It is for this reason that I, in conjunction with Congressman JOHN CONYERS, Jr., introduced the Haitian Economic Recovery (HERO) Act, which would help in moving Haiti towards economic stability by providing labor and trade opportunities through investment in the apparel and other assembly industries. For similar reasons, I cosponsored the Haiti Aid in Transition Initiative and Access to Capitol for Haiti bills offered by my colleagues Congresswomen BARBARA LEE and MAXINE WATERS. Both of these bills urge that previously approved loans, totaling $146 million in humanitarian assistance, be released to Haiti.

I sincerely believe that the opportunity for change is ripe in Haiti and that an opportunity still exists to overcome the obstacles that have blocked the economic assistance so desperately needed by Haiti to relieve its humanitarian crisis. I know that this requires that the Haitian government resolve the alienation of the international community by further demonstrating that it is on the road to resolving its political and human rights concerns. I believe that it is still possible for both the U.S. and Haitian governments to work together to meet these goals. I will continue to do what I can to support the delivery of food, medicines, and other essentials to the people of Haiti that I know are desperately needed.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in solidarity with my colleagues on the Congressional Black Caucus, to speak against the United States' unfair treatment of the people of Haiti.

Haiti is one of the most impoverished countries in the western hemisphere and the fourth poorest country in the world. There are 8.3 million people residing in Haiti.

The people of Haiti are also facing a severe medical crisis as a result of their poverty. Haiti is the home of 90% of all HIV/AIDS patients in the Caribbean. Over 200,000 Haitian children will be orphaned by HIV/AIDS. Child mortality rates in Haiti are also excessively high. For every 1,000 births in Haiti, 74 infant deaths will occur.

The social conditions in Haiti are as deplorable as the medical condition. Of the millions of Haitian residents, only 46% have access to clean drinking water. Furthermore, 53% of all Haitian residents are malnourished.

Despite our close proximity to Haiti, and the widespread publication of the social and medical plight of Haitian residents, the U.S. government has insisted on blocking humanitarian aid. The U.S. government is attempting to shape the political landscape in Haiti to the severe detriment of the innocent people of Haiti.

The United States government owes Haiti substantial funds in foreign aid. Substantial loans have been negotiated for the people of Haiti. Some estimates have the loans valued at as much as $146 million. The United States government is delaying the disbursement of these funds to advance their political aims. While the U.S. government stubbornly maintains these restrictive policies the people of Haiti are suffering and dying.

The U.S. government has promised Iraq $80 billion in aid to rebuild their war torn country. The people of Haiti have suffered as well. But instead of providing much needed aid, the U.S. government blocks humanitarian efforts and refuses to honor outstanding loans.

Mr. Speaker, it is a disgrace that our Congress stands by while the people of Haiti suffer and die. I join my colleagues on the Congressional Black Caucus in imploring the U.S. government to let Haiti live.

Ms. LEE. Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KINGSTON (at the request of Mr. DELAY) for today on account of attending a memorial service for 34 members of the Third Infantry Division based at Fort Stewart, Georgia, who were killed in Operation Enduring Freedom.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. VAN HOLLEN) to revise and extend their remarks and include extraneous material:

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, today.

The following Members (at their own request) to revise and extend their remarks and include extraneous material:

Mrs. JONES of Ohio, for 5 minutes, today.

Mr. CASE, for 5 minutes, today.

SENATE BILL REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 39. Concurrent Resolution supporting the goals and ideals of St. Tammany Day on May 1, 2003, as a national day of recognition for Tamanend and the values he represented; to the Committee on Government Relations.

ADJOURNMENT

Ms. LEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, May 1, 2003, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the third and fourth quarters of 2002 and the first quarter of 2003, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. RICK BOUCHER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 15 AND FEB. 23, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Rick Boucher	2/15	2/18	England	739	1,197.00						1,197.00
	2/18	2/20	Belgium	[3] 1,418	1.5321.00						1,532.00
	2/20	2/23	Spain	([3])			5,613.04				5,613.04
Committee total					2,729		5,613.04				8,342.04

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] In Euro currency.

RICK BOUCHER, Chairman, Apr. 17, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Boehner [3]	11/23	11/29	Italy		2,080.00		([4])				2,080.00
	11/29	12/01	Greece		236.00		([4])				236.00
	12/01	12/02	Spain		196.00		([4])				196.00
Committee total					2,512.00						2,512.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] To participate in Congressional delegation of Hon. David L. Hobson.
[4] Military air transportation.

JOHN A. BOEHNER, Chairman, Apr. 3, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Michael Ennis, Staff	6/28	7/8	Europe and Africa		2,600.00						2,600.00
Commercial airfare							9,121.33				9,121.33
James Lewis, Staff	6/28	7/8	Europe and Africa		2,600.00						2,600.00
Commercial airfare							9,121.33				9,121.33
Hon. Nancy Pelosi	6/29	7/3	Europe		1,520.00		[3] 305.60		1,050.16		2,875.76
Hon. Sanford Bishop, Jr.	6/29	7/3	Europe		1,520.00	305.60	([3])	1,050.16		2,875.75	
Hon. Tim Roemer	6/29	7/3	Europe		1,520.00		[3] 305.00		1,050.16		2,875.76
Hon. Bud Cramer	6/29	7/3	Europe		1,520.00		[3] 305.60		1,050.16	2,875.76	
Michael Sheehy, staff	6/29	7/3	Europe		1,520.00		[3] 305.60		1,050.16		2,875.76
Joseph Jakub, staff	6/26	8/1	Asia		1,950.00						1,950.00
Commercial airfare							4,576.04				4,576.04
Hon. Collin Peterson	7/28	8/5	Europe		760.00						760.00
Commercial airfare							4,569.08				4,569.08
Hon. Jim Gibbons	8/5	8/9	Europe		1,250.00						1,250.00
Commercial airfare							6,389.86				6,389.86
Brant Bassett staff	8/5	8/9	Europe		1,250.00						1,250.00
Commercial airfare							6,389.86				6,389.86
Robert Emmett staff	8/5	8/13	South America		2,561.00						2,561.00
Commercial airfare							5,318.10				5,318.10
Wyndee Parker, staff	8/8	8/17	Africa and Europe		1,735.00						1,735.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2002—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Commercial airfare							6,368.39				6,368.39
Carolyn Bartholomew, staff	8/8	8/30	Africa and Europe		5,068.00						5,068.00
Commercial airfare							7,547.09				7,547.09
Kathleen Reilly, staff	8/12	8/20	Asia		2,070.00						2,072.00
Commercial airfare							3,571.07				3,571.07
Michele Lang, staff	8/12	8/20	Asia		2,072.00						2,072.00
Commercial airfare							3,571.07				3,571.07
Riley Perdue, Staff	8/19	8/23	Europe		1,198.00						1,198.00
Commercial airfare							6,572.33				6,572.33
Elizabeth Larson, staff	8/19	8/23	Europe		1,198.00						1,198.00
Commercial airfare							6,572.33				6,572.33
Timothy Sample, staff	8/27	8/30	Europe		1,158.00						1,158.00
Commercial airfare							3,452.77				3,452.77
Kathleen Reilly, staff	8/27	8/30	Europe		1,158.00						1,158.00
Commercial airfare							5,138.42				5,138.42
Hon. Jane Harman	8/30	9/3	Middle East		1,590.00						1,590.00
Commercial airfare							4,730.50				4,730.50
Committee total					37,820.00		94,537.57		5,250.80		137,608.37

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

PORTER J. GOSS, Chairman, Sept. 25, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Joseph Jakub, staff	9/28	10/2	Europe		1,930.00						1,930.00
Commercial airfare							6,726.16				6,726.16
Brant Bassett, staff	10/27	11/3	Europe		2,201.00						2,201.00
Commercial airfare							6,437.73				6,437.73
Timothy Sample, staff	10/30	10/31	Europe		318.00						3,118.00
Commercial airfare							7,334.19				7,334.19
Merrell Moorhead, staff	11/15	11/22	Europe		2,226.00						2,226.00
Commercial airfare							5,986.43				5,984.36
Joseph Jakub, staff	11/15	11/22	Europe		2,226.00						2,226.00
Commercial airfare							5,986.43				5,986.43
Elizabeth Laron, staff	11/14	11/19	Asia		1,860.00						1,860.00
Commercial airfare							5,861.13				5,861.13
Wyndee Parker, staff	11/14	11/19	Asia		1,860.00						1,860.00
Commercial airfare							5,861.13				5,861.13
Hon. Jim Gibbons	11/16	11/23	South America		1,392.00		(3)				1,392.00
Brant Bassett, staff	11/16	11/26	South America		1,865.00						1,865.00
Commercial airfare							3,499.20				3,499.20
Christopher Barton, staff	11/16	11/26	South America		1,865.00						1,865.00
Commercial airfare							3,499.20				3,499.20
Michele Lang, staff	11/17	11/26	South America		1,640.00						1,640.00
Commercial airfare							4,326.50				4,326.50
James Lewis, staff	11/18	11/23	Asia		1,321.00		112.00				1,426.50
Commercial airfare							10,106.38				10,106.38
Michael Ennis, staff	11/18	11/23	Asia		1,321.00		112.00				1,433.00
Commercial airfare							9,972.17				9,972.17
Robert Emmett, staff	11/18	11/23	Asia		678.00						678.00
Commercial airfare							6,108.83				6,108.83
Hon. Peter Hoekstra	12/2	12/6	Europe		845.00						845.00
Commercial airfare							6,478.04				6,478.03
James Lewis, staff	12/2	12/6	Europe		845.00						845.00
Commercial airfare							5,154.53				5,154.53
Riley Perdue, staff	12/15	12/22	Asia		1,984.00						1,984.00
Commercial airfare							3,976.12				3,976.12
Joseph Jakub, staff	12/17	12/20	Europe		1,192.00						1,192.00
Commercial airfare							6,039.09				6,039.09
Committee total					27,569.00		103,577.25				131,146.25

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

PORTER J. GOSS, Chairman, Apr. 29, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB GOODLATTE, Chairman, Apr. 3, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RICHARD POMBO, Apr. 9, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Todd Akin	1/12	1/18	New Zealand		587.00		(3)				587.00
	1/18	1/20	Australia		467.00		(3)				467.00
Hon. Roscoe Bartlett	1/12	1/18	New Zealand		587.00		(3)				587.00
	1/18	1/20	Australia		467.00		(3)				467.00
Hon. Sherwood Boehlert	1/12	1/18	New Zealand		587.00		(3)				587.00
	1/18	1/20	Australia		467.00		(3)				467.00
Hon. Wayne Gilchrest	1/12	1/18	New Zealand		587.00		(3)				587.00
	1/18	1/20	Australia		467.00		(3)				467.00
Hon. Nick Lampson	1/12	1/18	New Zealand		587.00		(3)				587.00
	1/18	1/20	Australia		467.00		(3)				467.00
Hon. Nick Smith	1/12	1/18	New Zealand		587.00		(3)				587.00
	1/12	1/20	Australia		467.00		(3)				467.00
Hon. Anthony Weiner	1/12	1/18	New Zealand		587.00		(3)				587.00
	1/18	1/20	Australia		467.00		(3)				467.00
Hon. Dan Byers	1/12	1/18	New Zealand		1,175.00		(3)				1,175.00
	1/18	1/20	Australia		460.00		(3)				460.00
Hon. Tim Clancy	1/12	1/18	New Zealand		587.00		(3)				587.00
	1/18	1/20	Australia		460.00		(3)				460.00
Hon. Scott Giles	1/12	1/18	New Zealand		587.00		(3)				587.00
	1/18	1/20	Australia		460.00		(3)				460.00
Hon. John Konkus	1/12	1/18	New Zealand		1,175.00		(3)				1,175.00
	1/18	1/20	Australia		460.00		(3)				460.00
Hon. James Turner	1/12	1/18	New Zealand		587.00		(3)				587.00
	1/18	1/20	Australia		460.00		(3)				460.00
Hon. Eric Webster	1/12	1/18	New Zealand		1,175.00		(3)				1,175.00
	1/18	1/20	Australia		460.00		(3)				460.00
Committee total					15,424.000						15,424.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

SHERWOOD L. BOEHLERT, Chairman, Apr. 14, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Ian Deason	3/1	3/12	China		[3] 2,532.00		2,170.00		856.00		3,026.00
Matthew Szymanski	3/1	3/12	China		[4] 2,532.00		2,170.00		1,038.00		3,208.00
Committee total					5,064.00		4,340.00		1,894.00		6,234.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Returned $1,676. [4] Returned $1,494.

DONALD A. MANZULLO, Chairman, Apr. 14, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOEL HEFLEY, Chairman, Apr. 2, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL THOMAS, Chairman, Apr. 7, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jim Gibbons	1/11	1/17	Africa		1,120.00				208.34		1,328.34
	1/17	1/18	Europe		632.00				209.80		841.80
Commercial airfare							7,584.12				7,584.12
Christopher Barton	1/11	1/17	Africa		1,120.00				208.34		1,328.34
	1/17	1/18	Europe		632.00				208.34		841.80
Commercial airfare							7,584.12				7,584.12
Brant Bassett	1/11	1/17	Africa		1,120.00				208.34		1,328.34
	1/17	1/18	Europe		632.00				209.80		841.80
Commercial airfare							6,591.80				6,591.80
Hon. Collin Peterson	1/11	1/16	South America		1,474.00						1,474.00
Commercial airfare							6,273.40				6,273.40
Hon. Porter J. Goss	1/12	1/22	Europe		3,840.00		(3)		576.97		4,416.97
Hon. Ray LaHood	1/12	1/22	Europe		3,840.00		(3)		576.97		4,416.97
Hon. Richard Burr	1/12	1/22	Europe		3,840.00		(3)		576.97		4,416.97
Hon. Terry Everett	1/12	1/22	Europe		3,840.00		(3)		576.97		4,416.97
Hon. Silvestre Reyes	1/12	1/22	Europe		3,840.00		(3)		576.97		4,416.97
Hon. Jane Harman	1/12	1/22	Europe		3,840.00				576.97		4,416.97
Commercial airfare							2,868.40				2,868.40
Timothy Sample	1/12	1/22	Europe		3,840.00				576.97		4,416.97
Commercial airfare							2,868.40				2,868.40
Michael Meermans	1/12	1/22	Europe		3,840.00		(3)		576.97		4,416.97
Joseph Jakub	1/12	1/22	Europe		3,840.00		(3)		576.97		4,416.97
Riley Perdue	1/15	1/21	Europe		1,934.00				576.97		2,510.97
Commercial airfare							6,537.77				6,537.77
Merrell Moorhead	1/12	1/22	Europe		3,840.00		(3)		576.97		4,416.97
Christine Healey	1/12	1/19	England		2,924.00						2,934.40
Commercial airfare							2,955.34				2,955.34
Brant Bassett	1/18	1/22	Europe		1,316.00		(3)		576.97		1,892.97
Hon. Peter Hoekstra	1/12	1/18	Europe		2,234.00						2,234.00
	1/19	1/20	Middle East		389.00						389.00
Commercial airfare							6,333.02				6,333.02
James Lewis	1/15	1/20	Middle East		1,643.00						1,643.00
Commercial airfare							5,570.00				5,570.00
Michael Ennis	1/15	1/20	Middle East		1,643.00						1,643.00
Commercial airfare							5,570.00				5,570.00
Elizabeth Larson	1/22	1/23	North America		223.00						223.00
Commercial airfare							978.82				978.82
Wyndee Parker	1/22	1/23	North America		223.00						223.00
Commercial airfare							978.82				978.82
James Lewis	2/12	2/23	Africa		2,626.00		178.00				2,804.00
Commercial airfare							8,215.26				8,215.26
Michele Lang	2/12	2/20	Africa		2,626.00		178.00				2,804.00
Commercial airfare							7,867.52				7,867.52
Robert Emmett	2/13	2/22	Europe		2,808.00						2,808.00
Commercial airfare							4,770.35				4,770.35
Elizabeth Larson	2/16	2/24	South America		2,310.00						2,310.00
Commercial airfare							6,336.40				6,336.40
Wyndee Parker	2/16	2/24	South America		2,310.00						2,310.00
Commercial airfare							6,336.40				6,336.40
Pat Murray	2/19	2/21	Germany		650.00						650.00
Commercial airfare							6,015.48				6,015.48
Joseph Jakub	2/19	2/21	Germany		650.00						650.00
Commercial airfare							6,015.48				6,015.48
Merrell Moorhead	2/19	2/21	Germany		650.00						650.00
Commercial airfare							6,015.48				6,015.48
Committee total					72,289.00		114,622.38		8,178.06		195,089.44

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

PORTER GOSS, Chairman, Apr. 7, 2003.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1938. A letter from the Assistant Secretary, Department of Education, transmitting Final Priority — Rehabilitation Engineering Research Centers Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

1939. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-79, "Inspector General Qualifications Temporary Amendment Act of 2003" received April 30, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1940. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-70, "Washington Convention Center Advisory Committee Continuity Temporary Amendment Act of 2003" received April 30, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1941. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-67, "Commercial Vehicle Parking Fines Temporary Amendment Act of 2003" received April 30, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1942. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-66, "Health Services Planning and Development Temporary

Amendment Act of 2003" received April 30, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1943. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-65, "Presidential Primary Election Amendment Act of 2003" received April 30, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1944. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-64, "Health-Care Decisions Act of 2003" received April 30, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1945. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-63, "Traffic Adjudication Appeal Fee Temporary Amendment Act of 2003" received April 30, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1946. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-62, "Service Improvement and Fiscal Year 2000 Budget Support Temporary Amendment Act of 2003" received April 30, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1947. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-60, "Georgetown Project Temporary Amendment Act of 2003" received April 30, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1948. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-59, "Kivie Kaplan Way Designation Temporary Amendment Act of 2003" received April 30, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1949. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-58, "Closing of a Public Alley in Square 377, S.O. 02-3683, Act of 2003" received April 30, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1950. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-57, "Rosedale Conservancy Real Property Tax Exemption and Relief Act of 2003" received April 30, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1951. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1952. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1953. A letter from the President and CEO, Overseas Private Investment Corporation, transmitting copies of several reports from the Corporation; to the Committee on Government Reform.

1954. A letter from the Inspector General Liaison, Selective Service System, transmitting a report in accordance with the Inspector General Act of 1978, as amended, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

1955. A letter from the Acting Chair, Federal Subsistence Board, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska, Subpart D — Subsistence Taking of Fish, Customary Trade (RIN: 1018-AI31) received April 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1956. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Maryland Regulatory Program [MD-049-FOR] received April 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1957. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 040703C] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1958. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Correction [Docket No. 011128283-3075-03; I.D. 111401B] (RIN: 0648-AN55) received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1959. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones, Security Zones, Drawbridge Operation Regulations and Special Local Regulations [USCG-2002-13968] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1960. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Patapsco River, Inner Harbor, Baltimore, MD [CGD05-02-069] (RIN: 2115-AE46) received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1961. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Pamlico River, Washington, North Carolina [CGD05-02-056] (RIN: 2115-AE46) received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1962. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Patuxent River, Solomons, Maryland [CGD05-02-051] (RIN: 2115-AE46) received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1963. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones, Security Zones, Drawbridge Operation Regulations and Special Local Regulations [USCG-2002-13968] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1964. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Collision Avoidance Systems [Docket No: FAA-2001-10910; Amendment Nos. 121-286, 125-41, and 129-37] (RIN: 2120-AG90) received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1965. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30361; Amdt. No. 3052] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1966. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30360; Amdt. No. 3051] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1967. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Repair Stations; Correction [Docket No. FAA-1999-5836] (RIN: 2120-AC38) received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1968. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Flightcrew Compartment Access and Door Designs [Docket No. FAA-2001-10770; SFAR 92-5] (RIN: 2120-AH97) received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1969. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Rome, NY [Airspace Docket No. 02-AEA-13] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1970. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Herington, KS [Docket No. FAA-2003-14457; Airspace Docket No. 03-ACE-10] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1971. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; and modification of Class E; Dubuque, IA [Docket No. FAA-2003-14463; Airspace Docket No. 03-ACE-16] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1972. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points [Docket No. FAA-2003-14698; Amendment Nos. 1-50; 71-32; 95-339; 97-1334] (RIN: 2120-AH77) received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1973. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E surface area airspace and modification of Class E airspace; Jefferson City, MO [Docket No. FAA-2002-14129; Airspace Docket No. 02-ACE-14] received April

21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1974. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Brookfield, MO [Docket No. FAA-2003-14243; Airspace Docket No. 03-ACE-3] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1975. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Proposed Audit Guidance for External Auditors of Qualified Intermediaries (Notice 2001-66) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of January 2, 2003]

Mr. NUSSLE: Committee on the Budget. Activities and Summary Report of the Committee on the Budget During the 107th Congress (Rept. 107–811). Referred to the Committee of the Whole House on the State of the Union.

[Submitted April 30, 2003]

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 210. Resolution providing for consideration of the bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes (Rept. 108–80). Referred to the House Calendar.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 100. A bill to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940; with an amendment (Rept. 108–81). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MANZULLO (for himself and Ms. Velázquez):

H.R. 1873. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for the health insurance costs of self-employed individuals be allowed in determining self-employment tax; to the Committee on Ways and Means.

By Mr. MARKEY (for himself and Mr. Smith of New Jersey):

H.R. 1874. A bill to establish a demonstration project to clarify the definition of homebound for purposes of determining eligibility for home health services under the Medicare Program, and to conditionally authorize that clarification; referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Mr. Hyde, Mr. Berman, Mr. Bereuter, and Mr. Ackerman):

H.R. 1875. A bill to strengthen the missile proliferation laws of the United States, and for other purposes; to the Committee on International Relations.

By Mr. ANDREWS:

H.R. 1876. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide, in the case of an employee welfare benefit plan providing benefits in the event of disability, an exemption from preemption under such title for State tort actions to recover damages arising from the failure of the plan to timely provide such benefits; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 1877. A bill to amend chapter 89 of title 5, United States Code, to make available to Federal employees the option of obtaining health benefits coverage for dependent parents; to the Committee on Government Reform.

By Mr. ANDREWS:

H.R. 1878. A bill to amend the Federal Election Campaign Act of 1971 to provide for public funding for House of Representatives elections, and for other purposes; to the Committee on House Administration.

By Mr. ANDREWS:

H.R. 1879. A bill to direct the National Highway Transportation Safety Administration to issue standards for the use of motorized skate boards; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 1880. A bill to amend title XVIII of the Social Security Act to provide certain Medicare beneficiaries living abroad a special Medicare part B enrollment period during which the late enrollment penalty is waived and a special Medigap open enrollment period during which no underwriting is permitted; referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 1881. A bill to modify the provision of law which provides a permanent appropriation for the compensation of Members of Congress, and for other purposes; referred to the Committee on Rules, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CORRINE BROWN of Florida:

H.R. 1882. A bill to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the "Arthur 'Pappy' Kennedy Post Office"; to the Committee on Government Reform.

By Ms. CORRINE BROWN of Florida:

H.R. 1883. A bill to designate the facility of the United States Postal Service located at 1601-1 Main Street in Jacksonville, Florida, as the "Eddie Mae Steward Post Office"; to the Committee on Government Reform.

By Mr. BURR:

H.R. 1884. A bill to amend the Internal Revenue Code of 1986 to provide that certain individuals under contract to perform fire fighting services for a local government shall be treated as employees of such government for pension plan purposes; to the Committee on Ways and Means.

By Mrs. DAVIS of California (for herself and Mr. Skelton):

H.R. 1885. A bill to amend title 37, United States Code, to ensure that military pay increases are comparable to private sector pay growth, as measured by the Employment Cost Index; to the Committee on Armed Services.

By Ms. DeLAURO (for herself, Mr. Abercrombie, Mr. Ackerman, Ms. Baldwin, Ms. Berkley, Mr. Berry, Mr. Bishop of New York, Mr. Blumenauer, Ms. Bordallo, Mr. Boswell, Mr. Boucher, Mr. Boyd, Mr. Brady of Pennsylvania, Ms. Corrine Brown of Florida, Mr. Brown of Ohio, Mrs. Capps, Mr. Capuano, Ms. Carson of Indiana, Mr. Case, Mrs. Christensen, Mr. Clay, Mr. Cooper, Mr. Costello, Mr. Crowley, Mr. Cummings, Mr. Davis of Illinois, Mr. Delahunt, Mr. Deutsch, Mr. Dicks, Mr. Dingell, Mr. Doyle, Mr. Emanuel, Mr. Engel, Mr. Etheridge, Mr. Evans, Mr. Farr, Mr. Fattah, Mr. Foley, Mr. Ford, Mr. Frank of Massachusetts, Mr. Frost, Mr. Gordon, Mr. Green of Texas, Mr. Grijalva, Mr. Gutierrez, Ms. Harman, Ms. Hart, Mr. Hinchey, Mr. Hinojosa, Mr. Hoeffel, Mr. Holden, Mr. Holt, Mr. Honda, Mr. Inslee, Mr. Israel, Ms. Jackson-Lee of Texas, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Ms. Kaptur, Mr. Kennedy of Rhode Island, Mr. Kildee, Mr. King of New York, Mr. Kleczka, Mr. Langevin, Mr. Lantos, Mr. Larsen of Washington, Mr. Larson of Connecticut, Ms. Lee, Mr. Levin, Mr. LoBiondo, Mrs. Lowey, Mr. Lynch, Ms. McCarthy of Missouri, Mrs. McCarthy of New York, Ms. McCollum, Mr. McDermott, Mr. McGovern, Mr. McHugh, Mr. McIntyre, Mr. McNulty, Mrs. Maloney, Mr. Markey, Mr. Matsui, Mr. Meehan, Mr. Menendez, Mr. Michaud, Ms. Millender-McDonald, Mr. George Miller of California, Mr. Moran of Virginia, Mr. Murtha, Mr. Nadler, Mrs. Napolitano, Ms. Norton, Mr. Oberstar, Mr. Olver, Mr. Owens, Mr. Pallone, Mr. Pastor, Mr. Payne, Mr. Reyes, Ms. Ros-Lehtinen, Mr. Ross, Mr. Rothman, Ms. Roybal-Allard, Mr. Rush, Mr. Ryan of Ohio, Ms. Loretta Sanchez of California, Mr. Sandlin, Ms. Schakowsky, Mr. Schiff, Mr. Serrano, Mr. Sherman, Mr. Simmons, Ms. Slaughter, Mr. Smith of New Jersey, Mr. Snyder, Mr. Strickland, Mrs. Tauscher, Mr. Taylor of Mississippi, Mr. Tierney, Mr. Towns, Mr. Thompson of Mississippi, Mr. Thompson of California, Mrs. Jones of Ohio, Mr. Udall of New Mexico, Mr. Vitter, Ms. Waters, Mr. Watt, Mr. Wexler, and Ms. Woolsey):

H.R. 1886. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer; referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTIERREZ:

H.R. 1887. A bill to treat arbitration clauses which are unilaterally imposed on consumers as an unfair and deceptive trade practice and prohibit their use in consumer transactions, and for other purposes; to the Committee on Financial Services.

By Mr. KLECZKA:

H.R. 1888. A bill to require public disclosure of noncompetitive contracting for the reconstruction of the infrastructure of Iraq, and for other purposes; to the Committee on Government Reform.

By Mrs. LOWEY (for herself, Mr. Abercrombie, Mr. Boehlert, Mr. Boswell, Mr. Capuano, Mr. Case, Mr. Conyers, Ms. Corrine Brown of Florida, Mr. Crowley, Ms. DeLauro, Ms. Eddie Bernice Johnson of Texas, Mr. Ford, Mr. Frost, Mr. Holden, Mrs. Kelly, Ms. Kilpatrick, Mr. Kleczka, Mr. Levin, Mr. LoBiondo, Mr. Michaud, Ms. Millender-McDonald, Ms. Norton, Mr. Larsen of Washington, Ms. Solis, Mr. Weiner, Mr. Gordon, Mr. Costello, Ms. Roybal-Allard, Mr. Sandlin, Mr. Gutierrez, Mr. Honda, Ms. Hooley of Oregon, Mr. Pallone, and Mr. Thompson of California):

H.R. 1889. A bill to amend title 49, United States Code, to improve the training requirements for and require the certification of cabin crew members, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. McCRERY (for himself, Mr. Cardin, Mr. Shaw, Mr. Rangel, Mr. Houghton, Mr. Stark, Mr. Herger, Mr. Matsui, Mr. Camp, Mr. Kleczka, Mr. Ramstad, Mr. Lewis of Georgia, Mr. Sam Johnson of Texas, Mr. Neal of Massachusetts, Ms. Dunn, Mr. Becerra, Mr. Portman, Mr. Pomeroy, Mr. English, Mr. Sandlin, Mr. Hayworth, Mrs. Jones of Ohio, Mr. Weller, Mr. McInnis, Mr. Foley, Mr. Cantor, and Mr. Levin):

H.R. 1890. A bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 1891. A bill to amend the Clean Air Act to prohibit liability for the effects of emissions, and emission byproducts, resulting from or caused by an act of nature, and for other purposes; referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAYNE:

H.R. 1892. A bill to provide authorizations of appropriations for the global initiative to end the continuing menace of polio; referred to the Committee on Energy and Commerce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRI (for himself, Mr. Kind, Mr. Sensenbrenner, Mr. Green of Wisconsin, Ms. Baldwin, and Mr. Ryan of Wisconsin):

H.R. 1893. A bill to amend the Age Discrimination in Employment Act of 1967 with respect to voluntary early retirement benefits and medical benefits; to the Committee on Education and the Workforce.

By Mr. RANGEL (for himself, Mr. Stark, Mr. Matsui, Mr. Levin, Mr. Cardin, Mr. McDermott, Mr. Kleczka, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, Mr. Jefferson, Mr. Becerra, Mr. Pomeroy, Mr. Sandlin, Mrs. Jones of Ohio, and Ms. DeLauro):

H.R. 1894. A bill to prohibit the implementation of discriminatory precertification requirements for the earned income tax credit; to the Committee on Ways and Means.

By Mr. ROTHMAN (for himself, Mr. Holt, Ms. Norton, Mr. Pallone, Ms. Corrine Brown of Florida, Mr. Wexler, Ms. Kilpatrick, Ms. Slaughter, Ms. Eddie Bernice Johnson of Texas, Mr. Crowley, Mr. McNulty, Ms. Baldwin, Mrs. Capps, Mr. Brown of Ohio, Mr. Serrano, Mr. McGovern, Mr. Rangel, Ms. McCollum, Ms. Millender-McDonald, Ms. Linda T. Sánchez of California, Mr. Doggett, Mr. Udall of New Mexico, and Mr. Cummings):

H.R. 1895. A bill to amend Federal crime grant programs relating to domestic violence to encourage States and localities to implement gun confiscation policies, reform stalking laws, create integrated domestic violence courts, and hire additional personnel for entering protection orders, and for other purposes; to the Committee on the Judiciary.

By Mr. SHAW (for himself, Mr. Matsui, Mr. McInnis, and Mrs. Jones of Ohio):

H.R. 1896. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 1897. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of social security benefits; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 1898. A bill to amend the Low-Income Home Energy Assistance Act of 1981 to extend energy assistance to households headed by certain senior citizens; referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 1899. A bill to resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation, and for other purposes; to the Committee on Resources.

By Mr. NEAL of Massachusetts (for himself, Mr. King of New York, Mr. Ford, Mr. Becerra, Mr. Towns, Mr. McDermott, Mr. Rush, Mr. Wynn, Ms. Jackson-Lee of Texas, Mr. Watt, Mr. Waxman, Mrs. Christensen, Mr. Rangel, Mr. Owens, Mr. Davis of Illinois, Mr. Cummings, Mr. Kennedy of Rhode Island, Mr. Upton, Mr. Brown of Ohio, Mr. Capuano, Mr. Olver, Mr. Ferguson, Ms. Lee, Mr. Ney, Mr. Ballance, Ms. Corrine Brown of Florida, Mr. Fattah, Ms. Majette, Mr. Meeks of New York, Mrs. Capito, Mr. Markey, Mr. Boehlert, Ms. Norton, Mr. Meehan, Mr. Sweeney, and Mr. Johnson of Illinois):

H.R. 1900. A bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of the Congress that there should be a national day in recognition of Jackie Robinson; to the Committee on Financial Services.

By Ms. WATERS:

H.R. 1901. A bill to require public disclosure of noncompetitive contracting for the reconstruction of the infrastructure of Iraq, and for other purposes; to the Committee on Government Reform.

By Ms. MILLENDER-McDONALD (for herself, Ms. Carson of Indiana, Ms. Lee, Mr. Snyder, Mr. Payne, Mr. Lantos, Mr. Towns, Ms. Kilpatrick, Mrs. Maloney, Mr. Conyers, Ms. Corrine Brown of Florida, Mr. Kildee, Ms. Slaughter, Mrs. Jones of Ohio, Ms. Norton, Mr. Grijalva, Mrs. Capps, Mr. McNulty, Mr. Rodriguez, Mr. McGovern, Ms. Waters, Mr. Stark, Mr. Kennedy of Rhode Island, Ms. Jackson-Lee of Texas, Mr. Farr, Mr. McDermott, Mr. Cummings, Mrs. Christensen, and Mr. Waxman):

H. Con. Res. 158. A concurrent resolution recognizing the importance of inheritance rights of women in Africa; to the Committee on International Relations.

By Mr. FOLEY (for himself, Ms. Ros-Lehtinen, Mr. Lincoln Diaz-Balart of Florida, Mr. DeLay, Mr. Blunt, Mr. Mario Diaz-Balart of Florida, Ms. Pryce of Ohio, Mr. Crenshaw, Ms. Ginny Brown-Waite of Florida, Mr. Feeney, Mr. Keller, Mr. Miller of Florida, Mr. Putnam, Mr. Deutsch, Mr. Mica, Mr. Shimkus, Mr. Paul, Mr. Garrett of New Jersey, Mr. Moran of Kansas, Mr. Nethercutt, Mr. Isakson, Mr. Reynolds, and Ms. Harris):

H. Res. 208. A resolution expressing the sense of the House of Representatives regarding the systematic human rights violations in Cuba committed by the Castro regime and calling for the immediate removal of Cuba from the United Nations Commission on Human Rights; to the Committee on International Relations.

By Mr. MENENDEZ:

H. Res. 209. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. LARSEN of Washington (for himself, Mr. Dicks, Mr. Nethercutt, Mr. Skelton, Ms. Dunn, Mr. Smith of Washington, Mr. Hastings of Washington, Mr. McDermott, Mr. Baird, and Mr. Inslee):

H. Res. 211. A resolution recognizing and commending the members of the Navy and Marine Corps who served on the USS *Abraham Lincoln* and welcoming them home from their recent mission abroad; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. Young of Alaska, Mr. Tancredo, Mr. Miller of Florida, and Mr. Gary G. Miller of California.

H.R. 33: Mr. Otter.

H.R. 100: Mr. Jones of North Carolina and Mr. Edwards.

H.R. 102: Mr. Frost, Mr. Allen, Mr. Israel, Mr. Stark, and Mr. Emanuel.

H.R. 111: Mrs. Davis of California, Mr. Young of Alaska, Mr. Markey, and Mr. Nethercutt.

H.R. 139: Mr. Ose.

H.R. 140: Mr. Peterson of Minnesota.

H.R. 141: Mr. Pickering and Mr. Peterson of Minnesota.

H.R. 179: Mr. Pitts and Mr. Sam Johnson of Texas.

H.R. 198: Ms. Ginny Brown-Waite of Florida and Mr. Sensenbrenner.

H.R. 278: Mr. Isakson.

H.R. 284: Mr. Green of Texas.

H.R. 303: Mrs. Lowey and Mr. Ryun of Kansas.

H.R. 442: Mr. Goode.

H.R. 463: Mr. Pomeroy, Mr. Ramsted, Mr. Weller, Mr. Becerra, Mrs. Musgrave, Ms. Dunn, and Mrs. Myrick.

H.R. 490: Mrs. Napolitano and Mr. McNulty.

H.R. 491: Mr. Isakson.

H.R. 496: Mr. Gordon.

H.R. 527: Mr. Barrett of South Carolina.

H.R. 531: Mr. Boucher, Ms. DeGette, and Ms. Kaptur.

H.R. 573: Mr. Renzi.

H.R. 627: Mr. Gordon.

H.R. 660: Mr. Moran of Virginia, Mr. Sullivan, Ms. Harris, Mr. Feeney, Mr. Smith of Michigan, Mr. Thompson of Mississippi, Mr. LaHood, Mr. Miller of Florida, Mr. Bonilla, Mr. Pitts, and Mr. Israel.

H.R. 684: Mr. Lewis of Kentucky.

H.R. 716: Mr. Grijalva, Mr. Frank of Massachusetts, Mr. Bell, Mr. Jenkins, Mr. Ballance, Mr. Peterson of Minnesota, Mr. Deutsch, Mr. Farr, Mr. Boehlert, and Mr. Nethercutt.

H.R. 737: Mr. Inslee, Mr. Smith of Washington, Mrs. Davis of California, and Ms. Eshoo.

H.R. 754: Mrs. Emerson, Mr. Lewis of Kentucky, Mr. Boozman, and Ms. Ginny Brown-Waite of Florida.

H.R. 759: Mr. Terry and Mr. Hoekstra.

H.R. 765: Mr. King of Iowa and Mr. Ryan of Ohio.

H.R. 766: Mr. Wu.

H.R. 768: Mr. Ehlers.

H.R. 771: Mr. Boswell.

H.R. 772: Mr. Houghton.

H.R. 791: Mr. Isakson and Mr. Shuster.

H.R. 823: Mr. Evans and Ms. Eshoo.

H.R. 857: Mr. Larsen of Washington.

H.R. 871: Mr. Lewis of Kentucky and Mr. Skelton.

H.R. 876: Mr. Boozman, Mr. Frelinghuysen, Mr. Baker, Mr. Saxton, Mr. Rogers of Michigan, Mr. Lewis of Kentucky, Mr. Peterson of Minnesota, and Mr. Pomeroy.

H.R. 898: Mr. Davis of Illinois, Mr. Peterson of Minnesota, Ms. Harman, and Mr. Doggett.

H.R. 906: Mr. Gary G. Miller of California, Mr. Skelton, Mrs. Kelly, Mr. Duncan, and Mrs. Capito.

H.R. 919: Mr. Towns, Mr. Pomeroy, Mr. Brown of South Carolina, and Mrs. Myrick.

H.R. 934: Mr. Hinchey.

H.R. 936: Mr. Bell.

H.R. 937: Mr. Ross, Mr. Strickland, and Mr. Peterson of Minnesota.

H.R. 941: Mr. Herger.

H.R. 953: Mr. Weldon of Pennsylvania.

H.R. 972: Mr. Udall of New Mexico.

H.R. 977: Mr. Cole.

H.R. 979: Mr. Costello.

H.R. 996: Mr. McHugh, Mr. Carson of Oklahoma, Mrs. Emerson, Mr. McIntyre Mr. Alexander, and Mr. Bereuter.

H.R. 998: Mr. Brown of Ohio.

H.R. 1013: Mr. Herger.

H.R. 1019: Mr. Honda.

H.R. 1022: Mr. McNulty.

H.R. 1024: Mr. Andrews.

H.R. 1032: Mr. Crane.

H.R. 1046: Mr. Grijalva and Mr. Rodriguez.

H.R. 1071: Mr. Bonilla.

H.R. 1105: Ms. Waters, Mr. Menendez, Mr. Reyes, Mr. Lynch, Mr. Rodriguez, Ms. Lofgren, Mr. Rangel, Ms. Watson, and Mr. Lampson.

H.R. 1111: Mr. Inslee and Mr. Platts.

H.R. 1118: Mr. Doggett, Mr. Ballance, and Mr. Ramstad.

H.R. 1136: Ms. Kaptur.

H.R. 1157: Mr. Moran of Virginia.

H.R. 1163: Ms. Ginny Brown-Waite of Florida.

H.R. 1202: Mr. Pence, Mr. Wicker, Mr. King of Iowa, Mr. Murphy, Mr. Janklow, Mr. English, Mr. Weldon of Florida, Mrs. Musgrave, and Mr. Cox.

H.R. 1205: Ms. Eshoo.

H.R. 1206: Mr. English.

H.R. 1212: Mr. Pallone, Mr. Holt, and Mr. Pascrell.

H.R. 1220: Ms. Ginny Brown-Waite of Florida.

H.R. 1229: Mr. King of Iowa, Mr. Green of Wisconsin, Mr. Rogers of Michigan, and Mr. DeMint.

H.R. 1231: Mr. Ramstad, Mr. Boehlert, Mr. Bishop of Utah, Mr. Miller of Florida, Mrs. Christensen, Ms. Harris, Mr. Frelinghuysen, Mr. Hastings of Washington, Mr. Price of North Carolina, Mrs. Maloney, Mr. Hoeffel, Mr. Sherman, Mr. Renzi, Mr. Dingell, and Mr. Honda.

H.R. 1251: Mr. Owens, Mr. McDermott, and Mr. Moran of Virginia.

H.R. 1258: Ms. Carson of Indiana, Mr. Walsh, Mr. Thompson of Mississippi, Mrs. McCarthy of New York, Mrs. Capps, and Mr. Stupak.

H.R. 1267: Ms. Solis, Mr. Bell, and Mr. Markey.

H.R. 1275: Mr. Hoyer and Mr. Ackerman.

H.R. 1276: Mr. Boozman and Ms. Ginny Brown-Waite of Florida.

H.R. 1294: Mr. Holt, Mr. Bishop of New York, and Mr. McNulty.

H.R. 1309: Mr. Farr.

H.R. 1315: Mr. Smith of New Jersey, Mr. Oberstar, Mr. Lipinski, Mr. Simmons, Mr. DeFazio, Ms. Hooley of Oregon, Mr. Abercrombie, Mr. Conyers, Mr. Grijalva, Mr. Sabo, Mr. Meehan, Ms. Jackson-Lee of Texas, and Mr. Frost.

H.R. 1323: Mr. Cummings and Mr. Goode.

H.R. 1340: Mr. Meehan and Mr. Olver.

H.R. 1367: Mr. Etheridge.

H.R. 1372: Mr. Inslee, Mr. Bishop of Utah, Mr. Doolittle, Mr. Royce, Mr. Walden of Oregon, and Mr. Flake.

H.R. 1373: Mr. Pitts, Mr. Tancredo, and Mr. Doolittle.

H.R. 1385: Ms. Lee, Mr. Lucas of Kentucky, Mr. Scott of Georgia, Mr. Quinn, Ms. Baldwin, Ms. Berkley, and Mr. Stark.

H.R. 1387: Ms. Veláquez, Mr. Frost, Mr. Allen, and Ms. Eddie Bernice Johnson of Texas.

H.R. 1414: Mr. Brown of Ohio.

H.R. 1422: Mr. Hoeffel, Mr. Engel, Mr. Jefferson, Ms. Kaptur, Mr. Green of Wisconsin, Mr. Dicks, Mr. Crenshaw, Mr. Payne, and Mr. Peterson of Minnesota.

H.R. 1426: Mr. Renzi, Mr. Stupak, Mr. Towns, Mr. Pallone, and Mr. Faleomavaega.

H.R. 1442: Mr. Doolittle, Mr. Moran of Virginia, Ms. Millender-McDonald, Mr. Gillmor, Mr. Calvert, Mr. Faleomavaega, Mrs. McCarthy of New York, Mr. LaTourette, Mr. Kennedy of Rhode Island, Ms. Kaptur, Mr. Ruppersberger, Mr. Deutsch, Mr. Dingell, Mr. Markey, Mr. Ford, Mr. Gordon, Mr. McInnis, Mr. Matheson, Mr. Ney, Mr. Saxton, and Mr. Tancredo.

H.R. 1443: Mr. Boehner.

H.R. 1472: Ms. Ros-Lehtinen, Mr. McNulty, Mr. Udall of Colorado, and Mr. Whitfield.

H.R. 1473: Mr. Grijalva.

H.R. 1479: Mr. Herger, Mr. Goode, Mr. Bonner, and Mr. Cunningham.

H.R. 1493: Mr. Udall of Colorado.

H.R. 1516: Mr. Murtha, Mr. Holden, Mr. Pitts, Mr. Fattah, Mr. English, Mr. Brady of Pennsylvania, Mr. Greenwood, Mr. Platts, Ms. Hart, Mr. Kanjorski, and Mr. Murphy.

H.R. 1536: Mr. Neal of Massachusetts.

H.R. 1576: Mr. Bell and Ms. Lee.

H.R. 1582: Mr. Udall of Colorado, Mrs. Musgrave, Mr. Leach, Mr. Franks of Arizona, and Mr. Latham.

H.R. 1615: Mr. Crowley.

H.R. 1617: Mrs. Tauscher and Ms. Watson.

H.R. 1628: Mr. Ney, Mr. Cunningham, Mr. Pallone, Mr. Doyle, Mr. Wicker, and Mr. Carson of Oklahoma.

H.R. 1634: Mr. Johnson of Illinois, Mr. McHugh, Mrs. McCarthy of New York, Mr. Hinchey, Mr. Andrews, Mr. Tancredo, Mr. Vitter, Mr. Jefferson, Mr. Nethercutt, and Mr. Calvert.

H.R. 1635: Mr. Gutierrez.

H.R. 1638: Mrs. Jo Ann Davis of Virginia, Mr. Sandlin, and Mr. Ryan of Ohio.

H.R. 1643: Mr. Houghton and Mr. Frank of Massachusetts.

H.R. 1652: Mr. Brown of Ohio, Ms. Corrine Brown of Florida, Mr. Kildee, Mr. Grijalva, Mr. Michaud, Ms. Norton, Mr. Olver, Mr. Ryan of Ohio, Ms. Baldwin, Ms. Kilpatrick, Ms. Schakowsky, Ms. Woolsey, Mr. Owens, Mr. Blumenauer, Mr. Waxman, Mr. Sherman, Mr. Deutsch, Mr. Bishop of New York, Mr. Rodriguez, Mr. Gordon, Mr. Costello, Ms. DeLauro, Mr. Udall of Colorado, and Mr. Cardoza.

H.R. 1675: Mr. King of Iowa, Mr. Hinojosa, Mr. Gordon, Mr. Costello, Mr. Camp, Mr. Otter, Mr. Cramer, Mrs. Emerson, Mr. Latham, Mr. Frost, Mr. Peterson of Minnesota, Mr. Rahall, and Mr. Turner of Texas.

H.R. 1676: Mr. Davis of Illinois and Mr. Sandlin.

H.R. 1708: Mr. Matheson, Mr. Langevin, Mr. Young of Alaska, Mr. Ney, Mr. Baca, Mr. Hayes, Mr. Simmons, Mr. McHugh, Ms. Ginny Brown-Waite of Florida, Mr. Farr, Mr. Walsh, and Mr. Rothman.

H.R. 1723: Mr. Faleomavaega and Mr. Owens.

H.R. 1725: Mr. Tiberi.

H.R. 1742: Mr. Brady of Texas and Mr. Edwards.

H.R. 1749: Mr. Tiberi, Mr. Kleczka, Mr. Boehner, Mr. Bachus, Mr. Ehlers, Mr. Oberstar, Ms. Hart, Mr. Wilson of South Carolina, and Mr. Goode.

H.R. 1814: Mr. Honda, Mr. Smith of New Jersey, Mr. Reyes, Mr. Rodriquez, and Mr. Evans.

H.R. 1861: Mr. Hinchey and Ms. Solis.

H.J. Res. 4: Mr. Lewis of Kentucky and Mr. Costello.

H.J. Res. 36: Ms. Eshoo, Mr. Michaud, Mr. Grijalva, Mr. Levin, Mr. Filner, Mr. George Miller of California, Mr. Frank of Massachusetts, Ms. Woolsey, and Mrs. Capito.

H. Con. Res. 56: Mr. Taylor of Mississippi and Mr. Engel.

H. Con. Res. 76: Mr. LaTourette, Mr. McNulty, Mr. Lipinski, Mr. Wamp, Mr. Udall of Colorado, and Mr. LaHood.

H. Con. Res. 151: Mr. Wilson of South Carolina, Mr. Stark, Mr. Fossella, Mr. Reynolds, Mr. Ehlers, and Mrs. Jones of Ohio.

H. Res. 136: Mr. LoBiondo and Mr. Wolf.

H. Res. 157: Mr. Davis of Illinois and Mr. Schiff.

H. Res. 194: Mr. Waxman.

PETITIONS, ETC.

Under clause 3 of rule XII,

11. The SPEAKER presented a petition of Board of Supervisors of Rockingham County, Virginia, relative to a Resolution petitioning the United States Congress to recognize the sacrifices being made by our citizens to protect the cause of freedom throughout the world; which was referred to the Committee on Armed Services.

SENATE—*Wednesday, April 30, 2003*

The Senate met at 10 a.m. and was called to order by the Honorable LINDSEY O. GRAHAM, a Senator from the State of South Carolina.

The PRESIDING OFFICER. Our morning prayer will be offered by the Reverend Canon Martyn Minns, Truro Episcopal Church of Fairfax, VA.

PRAYER

The guest Chaplain offered the following prayer:

Almighty God, You have given us this good land for our heritage, and You have blessed us with freedom, peace, and prosperity. Save us from pride and arrogance that we may be a people of peace among ourselves and a blessing to other nations of the Earth.

We ask that You direct the women and men of this Senate as they take counsel together and enact laws to govern this Nation. Give them wisdom to discern what is pleasing in Your sight and the courage to follow Your will. Remind them of Your love for the poor and oppressed, for those in prison, for children who are at risk, for refugees, and for those whose lives are without hope because of ill health or joblessness.

Protect them from selfish desires and petty divisions. Grant them the desire to do only those things that will glorify Your name and provide for the welfare of all Your people.

All this we pray because of the love first shown to us in the call of Abraham and Sarah and now revealed to us in the life and witness of Jesus the Christ. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINDSEY O. GRAHAM led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, April 30, 2003.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINDSEY GRAHAM, a Senator from the State of South Carolina, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. GRAHAM of South Carolina thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

SCHEDULE

Mr. ENZI. Mr. President, today the Senate will be in a period of morning business until 11 a.m. Following morning business, the Senate will begin consideration of S. 196, the digital and wireless technology program legislation. Under the consent agreement reached, there will be 1 hour for debate prior to the vote on passage. Senators should therefore expect a vote at approximately 12 noon today. Following that vote, the Senate may consider any other legislative or executive items ready for action.

The two leaders have been working on an agreement to allow for the consideration of several judicial nominations, and it is possible that those nominations would be considered today. The Senate may also resume consideration of the Owen nomination during today's session. As a reminder, a cloture motion was filed with respect to Priscilla Owen to be a U.S. circuit court judge for the Fifth Circuit. That cloture vote will occur tomorrow.

Finally, there are a number of other legislative matters that also may be considered this week, including the State Department authorization and the bioshield bill.

Mr. REID. Mr. President, we have scheduled to appear in the Capitol today Secretary Wolfowitz from 2 to 3. I think it would be to everyone's best interest if we were not in session at that time. I would ask the acting majority leader to visit with the majority leader and find out if we could enter into a unanimous consent that we could be in recess during that period of time.

Mr. ENZI. I will check with the leader and see if that cannot be arranged.

Mr. REID. We have had a lot of interest on this side. This is the first major briefing we will have the opportunity to have after the recess. I think a lot of people will want to attend.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to exceed beyond the hour of 11 a.m., with the time to be equally divided between the two leaders or their designees.

ORDER TO RECOMMIT—EXECUTIVE CALENDAR NO. 35

Mr. ENZI. As in executive session, I now ask unanimous consent that Executive Calendar No. 35, John Roberts, be recommitted to the Judiciary Committee.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Minnesota.

RECOGNITION OF THE GOLDEN GOPHERS

Mr. COLEMAN. Mr. President, I am proud to stand here with my distinguished colleague, the senior Senator from Minnesota, MARK DAYTON, to offer congratulations to a group of young men of great accomplishment. In these difficult and troubled times, it is wonderful to recognize the accomplishment of young people. This accomplishment is something that is very close to the hearts of Minnesotans and folks in other parts of the country. It is about hockey.

Hockey is a sport in which it is not about individual team stars. It is about folks working as a team and toughing it out and showing courage and determination. Hockey is a family sport. Moms and dads, hockey moms and dads are folks who get up at 4, 5 o'clock in the morning to find ice time for their kids. And if it is not in the formal rink, it is a little rink outside where you kind of dust away the snow so your kids can skate. It represents so much of the best of America.

I am proud to announce I will be introducing, with my colleague Senator DAYTON, a resolution later today commending the University of Minnesota Golden Gophers men's hockey team for winning the NCAA Division I National Championship. And again, I am pleased to be joined by my colleague.

Hockey is not a partisan sport. I don't know whether hockey players are Democrats or Republicans. They are good Americans, and they are good young people.

I understand that upon this resolution's introduction, the Senate will take up and pass this fitting tribute to the Golden Gophers.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

During their championship game against New Hampshire, a Gophers fan in attendance held up a sign that said, "The Dynasty Begins." With this as their second straight championship, the first team to accomplish this in 31 years, I would have to agree. At last year's Frozen Four, they defeated Maine in overtime 4 to 3, and this year's championship win came by a score of 5 to 1. Their first and second round games were also big wins, leading them to face Michigan in the semifinals, where they defeated the Wolverines in overtime.

With their achievements on the ice, it is clear this hockey team has exceptional athletic abilities. But they should also be recognized for their academic excellence; they maintained a grade point average above the university-wide average.

On a side note, allow me the opportunity to mention that the Minnesota-New Hampshire match in the final led to a similar competition here in the Senate between my good friend and colleague, Senator GREGG. As to that outcome, let me just say I am looking forward to my lobster and maple syrup. I will be presenting this very stylish Minnesota necktie with the Golden Gopher colors to my good friend, the senior Senator from New Hampshire, for him to wear proudly as a sign of the great triumph for the people of Minnesota over the folks from New Hampshire. On behalf of all Minnesotans, I am pleased to make this addition to his wardrobe and, again, I look forward to his wearing this good-looking gopher tie on one of his many high profile days in the Senate.

I am proud to stand today to commend the Golden Gophers hockey team for winning the national championship and to recognize the outstanding achievements of all the team players, their coach Don Lucia and his staff.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. DAYTON. I rise with my colleague on the morning after a difficult night for Minnesota sports fans with both of our teams, the Timberwolves and the Wild, losing playoff games at home. This is a way to remind ourselves of days of former glory, and certainly with my distinguished colleague, Senator COLEMAN, who was instrumental and probably deserves more credit than any other person in Minnesota for bringing professional hockey back to St. Paul and Minnesota. The Minnesota Wild, which is now in its third year, is performing so well, it is fitting that we can rise together here for the second time this year to pay tribute to a Minnesota team, its collegiate hockey team; in this case, the Golden Gophers of the University of Minnesota, who have repeated now as national champions for the second time, the first time in 31 years that a college team has repeated for the men's championship.

They join the University of Minnesota women's team, the Duluth Bulldogs women's team, who earlier this year won their third consecutive national collegiate hockey championship.

As they were playing the Golden Gophers for the national title, I happened to be flying across the Pacific Ocean on a codel headed by Majority Leader BILL FRIST, and it turns out that his press secretary was a graduate of the University of New Hampshire. So we had a friendly wager on the outcome. I am delighted to soon be the recipient of a quart of maple syrup, which makes it as sweet a victory for me as for the team, and certainly for all the hockey fans throughout Minnesota.

This was supposed to be a rebuilding year for this team. Nobody thought they would make the playoffs, much less win the national championship. They had a new goalie and were the defending national champions. That made them everyone's target. They kept getting better and better as the year went on. When they reached the playoffs, they were unbeatable. They won four straight victories to win the WCHA championship and then four straight victories, over stiff competition—the best in the Nation—in order to win the national championship for the second straight year. Once again, they accomplished this with almost entirely Minnesota talent.

Some people ask why it took 23 years—from 1979 to 1992—for Minnesota, which is the hockey capital of the Nation, to repeat as the national collegiate champion. In 1979, when they won, there were only two Division I college teams in Minnesota. Presently there are five. There is that increase in competition among the Minnesota colleges themselves and for our Minnesota hockey talent. In addition, the other programs—in the West, WCHA, and in the east, the CCHA—recruited extensively in Minnesota, and even eastern hockey spent heavily on Canadian talent. In my days of playing, in the 1960s, for example, in Division I hockey, it used to be said that Canadian boys dreamed of playing in the National Hockey League, and if those hopes and dreams were dashed, they went on to college in the United States.

Despite all that fierce competition for the talent and the pressures on that team, Coach Don Lucia has built, in just 5 years, an extraordinary program, a world class program in Minnesota that has restored collegiate hockey to its rightful place, at the very top in Minnesota. It is a real tribute to Coach Lucia and his entire team, all the players who performed extraordinarily well under the circumstances, and who are now, once again, the national collegiate champions.

It is Senator COLEMAN's and my hope that the President will be gracious enough to invite our two teams, the University of Minnesota Golden Gophers men's team and the University of Minnesota Duluth women's team, to the White House for recognition, as he had in the previous year with both teams, and before that with the women's team.

I went to college with the President. He was a year ahead of me, and he was not a hockey player. He was a rugby player. He was a sports fan. He roomed in college with a college All-American from Minnesota, Jack Morrison. He was a frequent attendee at our hockey games at Yale University. Two years ago, when the UMD women won the first championship, the President was gracious and responded instantaneously and invited the women's team, as he had previously invited the men's championship team from Boston College, to be feted at the White House. It could not have been a more exciting moment for the players, their families, friends, and the coaches at the University of Minnesota Duluth. Last year, we had the good fortune of having both championship teams, and the President was gracious enough to invite them both, along with the families, friends, and coaches, to the White House.

Senator COLEMAN and I have put in our request and soon expect that the President will be gracious enough to once again invite the teams and commend all those who play sports throughout the Nation, such as hockey, as they should be played—with all the enthusiasm and the best of their talent and ability, learning the values of sportsmanship, teamwork, competition. Sometimes they don't come out as well as they would like, but every once in a while they may reach the pinnacle of success of a national championship. I am sure the President would concur with that.

Again, I salute my favorite teams in Minnesota.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

(The remarks of Mr. ENZI, Mr. BAUCUS, and Mr. DORGAN pertaining to the introduction of S. 950 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

BIPARTISAN SENATORIAL TRIP TO JAPAN, TAIWAN, SOUTH KOREA, AND CHINA

Mr. DAYTON. Mr. President, I want to share some of my experiences over the last 2 weeks as part of a bipartisan delegation of Senators who traveled to Japan, Taiwan, South Korea, and China. Upon my return to Minnesota last week, directly from Beijing, I never had so many inquiries from people meeting with me as to my health and well-being. Fortunately, I assured them I was not carrying SARS, which is something to be taken obviously very seriously.

The trip was led by our Senate majority leader BILL FRIST, and was led extraordinarily well by him. I cannot say enough to reflect my respect and admiration for his demeanor, his leadership, his poise, and his presence when facing the heads of state when we had these meetings in China, South Korea, and Taiwan.

We may be Republicans and Democrats, but occasionally we need to be reminded that at our core all of us are Americans. Ultimately, we all succeed or we do not succeed together, and that was certainly the spirit of this bipartisan delegation of five Republican Senators and three Democratic Senators. We got along very well. I do not think there was a cross word among us. We enjoyed very much the privilege of representing the United States of America as we did, and I believe under Senator FRIST's leadership we did so responsibly and hopefully honorably.

After careful consideration, at the end of our trip, the principal reason we decided to go through with our plans to go to China was the opportunity it presented to meet with the new Chinese leadership and particularly to discuss the situation concerning North Korea's nuclear weapons program. We certainly carefully considered and Senator FRIST, of course, being a doctor, was in the forefront of considering very carefully the exposure we would have, the risks that would be entailed in regard to SARS. We took every possible precaution. I washed my hands and face more in 2 and a half days in Beijing than I usually do in about 2 weeks in Minnesota. So far, knock on wood, it seems to have been effective.

As I said, we believed the opportunity to converse directly with the new President of China, President Hu Jintao, as well as the other new Chinese leadership, and to press upon them the urgency we felt about resolving the nuclear situation in North Korea was worth that trip, and it proved to be. I was pleasantly surprised to learn that, in fact, China shares our goal, as their leadership expressed several times, to bring about a nuclear-free Korean peninsula, and that position which was stated by them was corroborated by our Ambassador, Clark T. Randt, Jr., who apparently was a classmate of the President who appointed him, President Bush. Both of them, it turns out, were fraternity brothers of mine back in college.

I had a chance to reminisce with him. He reassured all of us that the Chinese Government had been very influential in bringing North Korea to the negotiating table last week, the trilateral talks that commenced in Beijing. They could have been more timely but at least they are underway. Hopefully, they will continue actively with the top-level attention they certainly need.

It was a signal of a great opportunity to work in partnership with the new Chinese Government to reach the shared objective of ridding North Korea of its nuclear weapons and to create a nuclear-free Korean peninsula. What a great way to build a partnership for the next 10, 20 years, which is what this Government in China now professes it wants with the United States. President Hu said himself their primary objective for the next two decades is to increase and expand the economic progress that has been made in their country, to raise the standard of living of more and more of their citizens through the United States and other foreign investment through additional trade and economic growth there which has been staggering in the last 10 to 15 years. As they pointed out, especially in the middle and western parts of the country, so much more needs to be done to bring those areas up to the eastern seaboard, mainland of China.

That, hopefully, will be their priority and one that will serve to increase the likelihood of peace and economic and international security throughout the world. There would be nothing we could do that would be any more beneficial to our national interests than to encourage their economic progress and to build a relationship that is economic, that is cultural and social after they have resolved their current health crisis, and also provide the strong influence of both countries for peaceful resolution of the situation in North Korea and others that will arise inevitably in that part of the world.

They also stressed, as did the South Korean and Taiwanese Governments, the importance of peacefully resolving the situation in North Korea. Anyone who believes a military resolution would be advisable should go over and meet with the leaders of those three respective countries—South Korea, China, and Taiwan, and even in Japan, as well. From the leadership with whom we met there, there is no one in that part of the world in responsible positions who wants to see a military threat or military action initiated there.

There has been a great deal of economic progress in the areas of South Korea and Taiwan. While claiming to suffer from the worldwide economic slowdown, the rates of economic growth they are realizing in those countries, from 3.5- to 5-percent growth annually, is something that certainly this country and other nations in the world would be delighted to achieve. For them, that is a slowdown, creating unemployment they have not had heretofore and economic and social problems and welfare and safety net problems they have not had to deal with for the last decade.

They also have a vital stake in having North Korea's nuclear program eliminated, as the President has said properly so, but continued so in a way that does not threaten the security and the stability of that region of the world.

We also had the opportunity to travel to the demilitarized zone between North Korea and South Korea and had dinner with the 2nd Army Division—"second to none" is one of their mottos, and appropriately so. They are second to none in their dedication and courage and commitment for being there. We stood right there on the DMZ and looked, as they do night after night, across the border. Another motto of theirs is "fight tonight." They are in a constant State of readiness and alert, and all Americans should be mindful and respectful and enormously grateful to those brave men and women who put their lives on the line day and night, one after the other, without the kind of recognition their compatriots get in other parts of the globe—just as well trained, just as well prepared, every bit as willing to stand and defend the beacon of freedom in Korea as our forces have done so outstandingly in Iraq and previously in Afghanistan and anywhere else in the world.

That is a reminder, once again, that freedom is priceless, but it is not free. It has to be won and preserved through dedication of the brave men and women in the 2nd Army Division. And to all of them, and their leader, GEN Leon LaPorte, commander of the United States forces in Korea, we all have the utmost respect and admiration.

It reminded me why I introduced, along with Senator SESSIONS last year, legislation that would provide for financial incentive for troops involved, particularly those who reenlist in areas of the world such as Korea where they are separated from their families for long periods of time. It is one of the most difficult places in the military, we are told by the commanders, in which to recruit and especially re-recruit men and women to serve terms of duty because of the hardships, because of the additional costs that have to be borne because usually their families are left behind and that involves two parallel tracks of expenses—separation and phone bills. Senator SESSIONS and I proposed an income tax exemption for troops who serve in far-flung areas of the world such as Korea. I will renew my efforts this year to see that legislation enacted because it is the least we can do and the least that is deserved by these brave men and women.

The commanders in those areas have asserted it would be invaluable in recruiting efforts.

I see the real leader and the commander of the Senate when it comes to the Armed Services, my very distinguished chairman of the committee on which I am proud to serve, the chairman of the Senate Armed Services Committee, the Senator from Virginia.

I yield the floor.

Mr. WARNER. Before my colleague departs, I commend him for the interest the Senator has taken in the men and women of the Armed Forces, the national security policy of this country as a Member of the Senate Armed Services Committee. Well done, sir.

I have been privileged to be on that committee now, this being my 25th year in the Senate, and the personal rewards from it for the association that the Senator has as a member of the committee with the men and women in uniform is beyond expectation. I thank the Senator for his service.

(The remarks of Mr. WARNER and Mr. DAYTON pertaining to the introduction of S. 951 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WARNER. I thank the Presiding Officer for his courtesies, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DIGITAL AND WIRELESS NETWORK TECHNOLOGY ACT OF 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. 196. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 196) to establish a digital and wireless network technology program, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the committee amendments are agreed to.

AMENDMENT NO. 532

Mr. ALLEN. Mr. President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. ALLEN], for himself, Mr. HOLLINGS, and Mr. MCCAIN, proposes an amendment numbered 532.

Mr. ALLEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that the assistance is focused on supporting science, mathematics, engineering, and technology at eligible institutions, and provide for appropriate review of grant proposals)

On page 2, strike lines 2 and 3, and insert the following:

This Act may be cited as the "Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2003".

On page 2, line 6, insert "Minority Serving Institution" before "Digital".

On page 2, line 7, strike "Network".

On page 3, strike lines 1 through 5, and insert the following:

(2) to develop and provide educational services, including faculty development, related to science, mathematics, engineering, or technology;

On page 3, line 18, after "development" insert "in science, mathematics, engineering, or technology".

On page 4, line 18, after "accept" insert "and review".

On page 4, line 24, strike "section 3." and insert section 3, and for reviewing and evaluating proposals submitted to the program.".

On page 5, line 7, after "issues." insert "Any panel assembled to review a proposal submitted to the program shall include members from minority serving institutions. Program review criteria shall include consideration of—

(1) demonstrated need for assistance under this Act; and

(2) diversity among the types of institutions receiving assistance under this Act.".

Mr. ALLEN. Mr. President, I ask unanimous consent that the managers' amendment be agreed to on S. 196.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 532) was agreed to.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour for debate to be equally divided by the Senator from Virginia, Mr. ALLEN, and the ranking member, with 5 minutes of the time under majority control for the Senator from Arizona, Mr. MCCAIN.

The Senator from Virginia is recognized.

Mr. ALLEN. Mr. President, Senator MCCAIN, the chairman of the Commerce Committee, is tied up right now, but I thank him for his thoughtful leadership and his continued effort and dedication on this important bipartisan measure.

I rise today to respectfully urge my colleagues to support S. 196, the minority-serving institution Digital and Wireless Technology Opportunity Act of 2003. This legislation will provide vital resources to address the technology gap that exists at many minority-serving institutions. It establishes a new grant program within the National Science Foundation that provides annually for 5 years up to $250 million to help historically black colleges and universities, Hispanic serving institutions, and tribal colleges to close what is often called the digital divide, when, in fact, what it really is is an "economic opportunity divide."

Since the days before I was elected to the Senate, my goal was to look for ways to improve education and empower all our young people, regardless of race, ethnicity, gender, religious beliefs, or their economic background, so that they can compete and succeed in life.

Additionally, I strongly believe we need to embrace the advancements and innovations in technology—especially as a means to provide greater opportunities or security for Americans.

In my view, increasing access to technology provides our young people with an important tool for success, both in the classroom and in the workforce.

We all know that the best jobs in the future will go to those who are the best prepared. However, I am increasingly concerned that when it comes to high-technology jobs, which pay higher wages, this country runs the risk of economically limiting many college students in our society. It is important for all Americans that we close this opportunity gap.

Now, we know the demand for workers with skills in science and technology continues to grow. Unfortunately, since 1996, the number of bachelor degrees awarded in the physical sciences has dropped 29 percent, mathematics is down 19 percent, and engineering is down 21 percent.

We also know that information technology companies are still relying on H-1B visas and using foreign workers to fill important IT jobs and positions. I want to be clear that I am not against legal immigration, but I say let's properly educate and train Americans so they can get those good high-technology jobs.

Now, minority-serving institutions, when one looks at them, still lack desired information and digital technology infrastructure in many cases. I encourage my colleagues to read the Commerce Committee report findings on minority-serving institutions' technology deficiencies.

I will share with you some of the pertinent facts from this report and, in particular, a study completed by the Department of Commerce and the National Association for Equal Opportunity in Higher Education, which indicated, among other facts, that no historically black college or university requires computer ownership for their undergraduate students; 13 HBCUs reported having no students—not one—owning their own personal computer; over 70 percent of the students at historically black colleges and universities rely on the college or the university to provide computers, but only 50 percent of those universities can provide their students with access to computers and computer labs, libraries, classrooms, or other locations; most of these minority-serving colleges do not have the private foundation resources to provide financial support to upgrade their network infrastructure.

So it is not surprising that most HBCUs do not have high-speed Internet access, especially the desired ATM or asynchronous transfer mode technology and that only 3 percent of historically black colleges and universities have financial aid available to help students close the computer ownership gap.

Access to the Internet is no longer a luxury, it is a necessity. Because of the rapid advancement and growing dependence on technology, being technologically proficient has become more essential to educational achievement. The fact is, 60 percent of all jobs require information technology skills. Jobs in information technology pay significantly higher salaries than jobs in the noninformation technology fields. Thus, students who lack access to these information technology tools are at an increasing disadvantage. Consequently, it is vitally important that all institutions of higher education provide their students with access to the most current IT and digital equipment. It would also help those universities to attract professors if they have that equipment to help them impart that knowledge to their students.

This proposed technology program will allow eligible historically black colleges and universities, Hispanic-serving institutions, and tribal institutions the opportunity to acquire equipment, networking capability, hardware and software, digital network technology, and wireless technology and infrastructure, such as wireless fidelity, or Wi-Fi, to develop and provide educational services. Additionally, the funds in this bill could be used to offer students much needed universal access to campus networks, dramatically increasing their connectivity rates or make necessary infrastructure improvements.

At the request of some of my colleagues, we recently added provisions to assure that diversity among these minority serving institutions includes public and private colleges and universities, both 2-year and 4-year institutions, and public and private postsecondary technical institutions.

Under Chairman MCCAIN's leadership, and with the ranking member, Senator HOLLINGS, and colleagues from across the aisle, the Commerce Committee heard testimony from the presidents of various colleges and universities representing each of the major national associations—the Hispanics Association of Colleges and Universities, the American Indian Higher Education Consortium, National Association for Equal Opportunity in Higher Education, the United Negro College Fund, and also we heard specifically from former Congressman Floyd Flake, who is president of Wilberforce University; and Dr. Marie McDemmond, president of Norfolk State University; Dr. William DeLauder, president of Delaware State; Dr. Ricardo Fernandez, president of Herbert Lehman College in New York; and Dr. Cary Monette, president of Turtle Mountain Community College testified in support of S. 196.

In testimony before the committee, it was estimated that in 10 years minorities will comprise nearly 40 percent of all college-age Americans. One-third of all African Americans with undergraduate degrees, earned them from an HBCU. According to the Hispanic Association of Colleges and Universities, their institutions educate two-thirds of the 1.6 million Hispanic Americans enrolled in higher education today.

There are over 200 Hispanic Serving Institutions; over 100 Historically Black Colleges and Universities and 34 tribal colleges throughout our country.

It is clear that minority-serving institutions in the United States are providing a valuable service to the educational strength and future growth of our Nation. And these institutions must upgrade their technology capabilities for their students.

I am proud to say Virginia is home to 5 HBCUs—Norfolk State University, St. Paul's College, Virginia Union University, Hampton University, and Virginia State University.

I will continue to look for ways to improve education, create new jobs, and seek out new opportunities to benefit the people of my Commonwealth and indeed our entire Nation. By improving technology-education programs in minority-serving institutions, we can accomplish all three of these goals for students throughout our Nation.

S. 196 is also supported by the technology industry—The Information Technology Association of America; Computer Associates International; Oracle; Gateway Computers; BearingPoint Technologies; and Motorola all support this measure.

We all recognize the technology requirements on the 21st century workforce call for tangible action, not rhetoric. Our future economic and national security needs depend on and demand that all of our eager young students have the highly technical skills needed to compete and succeed in the workforce.

We must tap the underutilized talent of our minority serving institutions to ensure that America's workforce is prepared to lead the world.

I thank my colleagues for joining me today. I thank the chairman of our committee, Senator MCCAIN, and other sponsors of this measure, including Senators STEVENS, HOLLINGS, MILLER, WARNER, DEWINE, SANTORUM, TALENT, COCHRAN, GRASSLEY, HUTCHISON, SESSIONS, GRAHAM of South Carolina, the occupant of the chair, FITZGERALD, LOTT, DOMENICI, CAMPBELL, KERRY, BINGAMAN, DASCHLE, MURKOWSKI, and JOHNSON.

I also thank our former colleague, Max Cleland, for his work last year on a measure that is similar to what we will soon be voting on. I thank Floyd DesChamps of the Commerce Committee staff, who has done a great job, and my staff, Frank Cavaliere.

Indeed, this legislation is a significant, constructive, and positive action to ensure that many more of our college students are provided access to better technology and education; and most importantly, even greater opportunities in life. And, with the passage of this bill, we will close the opportunity gap. We will leave no college student behind.

I yield the floor.

Mr. WARNER. Mr. President, I wish to applaud my distinguished colleague, Senator ALLEN, for his leadership. We are privileged in Virginia, primarily in the northern area, and then to an extent in the Tidewater and Richmond areas, to have a very heavy concentration of technology firms.

Under the leadership of Senator ALLEN and other Senate colleagues we are addressing the needs of the technology improvements at historically black colleges and universities. Sixty percent of all jobs require information technology skills, and jobs in information technology can pay significantly higher salaries than jobs in other fields.

At the same time, many of our historically black colleges and universities often lack the resources and the capital to offer an educational program and assistance to their students to bridge the digital divide that exists in many places in America.

The bill will establish a grant program for these institutions of higher learning to bring increased access to computer technology and the Internet to their student populations.

In Virginia, there are five historically black colleges and universities that will be given an opportunity for grants and/or matching funds to achieve this most noble goal of bridging the digital divide.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I begin by congratulating Senator ALLEN for his very important work on this legislation. Senator ALLEN has long been an advocate of equal opportunity, but he has also displayed a great deal of expertise and knowledge on a number of high-tech issues. As a member of the Commerce Committee, he has continuously displayed that leadership and worked actively, particularly on telecommunications and high-tech issues. So I commend him for his leadership and his commitment to this important legislation. He had a lot of help, but the fact is that Senator ALLEN was the leader in this legislation, and I thank him for his outstanding work. This legislation could provide an opportunity for those who would never have an opportunity in America to grow and to prosper and to take advantage of incredible opportunities that this legislation provides.

The Digital and Wireless Network Technology Act of 2003 would establish a $250 million per year program within the National Science Foundation for fiscal years 2004 to 2008. The purpose of the grant program is to help strengthen the ability of minority-serving institutions, which includes Historically Black Colleges and Universities, Hispanic-Serving Institutions, and tribal colleges and universities, to provide educational instructions through digital and wireless network technologies.

As we look at the scenes of the war in Iraq, we are amazed at the technological capabilities of our Armed Forces. They are able to do things that we simply were not available to do just a few years ago. Nevertheless, this superiority must be supplied with a constant supply of new technologies, which are the result of the Nation's investment in a research and development infrastructure.

During these times of economic slowdown and global threat, it is imperative that our Nation's institutions of higher education are prepared to produce a technologically advanced workforce. As the demographics of the Nation become more and more diverse, minority institutions of higher education take on an even greater importance. It is estimated that in 10 years, minorities will comprise 40 percent of the college-age Americans, the pool from which the Nation's future engineers and scientist will emerge.

Rita Colwell, Director of the National Science Foundation, stated in a letter earlier this year to new members of Congress that, ". . . American science and technology is failing to tap a vast pool of talent among our women and ethnic minorities." In an effort to enable the Nation to tap this underutilized pool of future engineers and scientists, it is essentially to provide assistance to minority institutions. The hundreds of MSI's should be provided with the resources to ensure that we are indeed utilizing their large student populations.

The legislation before us is not the result of any special interest groups or highly financed lobbying efforts. It is based upon data provided by 80 of the 118 HBCUs in a study entitled, "HBCU Technology Assessment Study," funded by the U.S. Department of Commerce and conducted by a national black college association and a minority business.

The study assessed the computing resources, networking, and connectivity of HBCUs and other institutions that provide educational services to predominately African-American populations.

The study concluded that [During this era of continuous innovation and change, continual upgrading of networking and connectivity systems is critical if HBCUs are to continue to cross the digital divide and not fall victim to it. Failure to do this may result in what is a manageable digital divide today, evolving into an unmanageable digital gulf tomorrow. Based upon testimony provided during the February hearing held by the Commerce Committee, we concluded that the findings from the study also would apply to Hispanic-serving institutions, and tribal colleges and universities.

This legislation builds upon the work begun by Senator Cleland and many others during the last Congress. In testimony before the Commerce Committee last year, the President of the United Negro College Fund, Congressman William Gray, stated that we can ill afford to promote college graduates who enter the workforce without mastering the basic computer skills and understanding how information technology applies to their work or profession.

This point was further illuminated by the Dr. Marie McDemmond, President of Norfolk State University, when she testified at the Commerce Committee's February hearing that over 175,000 foreign nationals have come to our country in efforts to fill quality, high paying jobs in science and technology, mainly because our own workforce does not possess the skills and training necessary to fill these essential jobs.

At the same hearing, other college presidents from the Nation's HBCU's Hispanic-serving institutions and Native-American schools also testified about the daunting task of building their technology infrastructure. While these problems apply to all of our Nation's universities, they are more severe at many of our minority-serving institutions. Within the State of Arizona, for example, many of the tribal colleges and universities and Hispanic-serving institutions are facing daily technical challenges of the new millennium. They struggle, as do many other institutions, to keep up with an ever-changing networking technology environment.

I again thank Senator ALLEN for his leadership on this important issue. I think he had it right when he said this bill is about closing an economic opportunity divide. In this case, it is a divide that exists primarily because of the difference in the educational base of our citizens which affects economic opportunities.

I especially thank Senator ALLEN for including the Hispanic and tribal institutions in this legislation. I remind my friend from Virginia that in my State of Arizona, one of the poorest areas of our Nation exists in northern Arizona on the Navajo Reservation, the largest Indian reservation by far in America. These Native Americans have been left behind, as well as have African Americans and Hispanics. I thank the Senator for including especially our Native Americans but also our Hispanic populations and institutions in this legislation.

Again, I congratulate him for his commitment in this time of economic difficulties and perhaps less opportunities, and because of that, he is making, I believe, a significant step forward.

I yield the floor.

Mr. HOLLINGS. Mr. President, I would like to thank Senator ALLEN for bringing this legislation, S. 196, to the floor today. As many of you know, this bill had its genesis with our former colleague, Senator Max Cleland.

Senator Cleland knew that access to the Internet is no longer a luxury, but a necessity, and he wanted to make sure that all of our institutions of higher learning could provide their students with access to the most current technologies. That is why he introduced this legislation last Congress and I am glad that Senator ALLEN and I can bring Senator Cleland's vision to fruition today.

After all, according to a 2000 study, African Americans, Hispanics, and Native Americans constitute one-quarter of the total U.S. workforce and 30 percent of the college-age population. Yet, members of these minorities comprise only 7 percent of the U.S. computer and information science labor force: 6 percent of the engineering workforce; and less than 2 percent of the computer science faculty. These statistics are all the more important because 60 percent of all jobs require information technology skills. Furthermore, jobs in information technology pay significantly higher salaries than jobs in non-information technology fields.

So you can see, technology is rapidly advancing and we are increasingly growing dependent on it. Being digitally connected is becoming ever more critical to economic and educational advancement. Now that a multitude of Americans regularly use the Internet to conduct daily activities, people who lack access to these tools are at an increasing disadvantage. Consequently, it is crucial that all institutions of higher education provide their students with access to the most current information technology.

Unfortunately, however, due to economic constraints, many minority-serving institutions are unable to provide adequate access to the Internet and other information technology tools and applications. According to a 2000 study completed by the Department of Commerce and the National Association for Equal Opportunity in Higher Education, while 98 percent of Historically Black Colleges and Universities, HBCUs, have a campus network, half of those surveyed did not have computers available in the location most accessible to students, their dormitories. Additionally, most HBCUs do not have high-speed connectivity to the Internet, and only 3 percent of these colleges and university indicated that financial aid was available to help their students close the computer ownership gap.

While minority-serving institutions are making progress in upgrading their network capacity, progress is not quick enough. In his testimony before the Commerce Committee on February 13, 2003, Dr. Ricardo Fernandez, president of Herbert H. Lehman College in New York City explained the challenge these institutions face:

> At my own institution . . . we are struggling to provide network access to students and faculty. Providing fiber and copper cabling, switches, and routers to every building and classroom is simply very expensive for us and cost prohibitive. . . . At the pace that we are moving, the technology we are installing may well be obsolete before the project is finished.

S. 196, the Digital and Wireless Technology Program Act of 2003, seeks to help institutions such as Lehman College or the eight eligible South Carolina colleges and universities by authorizing a program at the National Science Foundation to bring digital technologies to minority-serving institutions. These funds could be used for a variety of activities from campus wiring, to equipment upgrades, and to technology training. We need to pass this bill now so these colleges and universities—and their students—don't have to wait until the technology is obsolete before they get it.

Working with Senator ALLEN and Senator McCAIN, we have made several changes to the bill before we brought it to the floor. At the request of the HELP Committee, we have clarified that training grants under S. 196 would be used for technology-related training and professional development. By narrowing the scope of the training, however, we do not think we would narrow the scope of the bill. Infrastructure projects like wiring classrooms or dorms could still be eligible for funding under this bill if they fit into an overall program to strengthen an institution's technological capacity.

We have also tried to address some concerns about the NSF's peer review process. I have said it before, peer review is all well and good—if you are one of the peers. Too often, the institutions that S. 196 is trying to serve are left out of NSF's peer review process. We hope that NSF, working with the advisory council established under section 4, will develop a fair and equitable process for reviewing these grants. To that end, we have added a requirement that any peer review panel should include members from eligible institutions.

Finally, we have instructed NSF to review the program with an eye toward insuring that grant recipients have demonstrated the need for this assistance so that we can address the most trenchant problems first. In addition, the grants should go to a wide variety of institutions, large and small, throughout the country.

I thank Senator ALLEN and Senator McCAIN for helping us move this legislation. I thank the staff who worked on this bill, particularly Allison McMahan, Chan Lieu, and Jean Toal Eisen of my Commerce Committee staff and Floyd DesChamps of the majority staff. Moreover, I commend my friend Max Cleland for bringing this issue to the Senate's attention. I look forward to the passage of S. 196.

Mr. REID. Mr. President, the Senator from Iowa is yielded such time as he may consume. Rather, the Senator from Illinois.

Mr. McCAIN. It is all the same.

Mr. DURBIN. I thank the Senator from Nevada, and I assure the Senator that Iowa and Illinois are not the same, as my colleague said. Iowa does grow more corn, but we grow more soybeans. I make that clear now.

I support this bill. This bill is introduced by Senator ALLEN and cosponsored by many of my colleagues, and I am sure it will pass with flying colors. It is a great bill that seeks to address the technology gap that exists at many minority-serving institutions across America. I commend Senator ALLEN for his leadership on this bill. I am sure that it is going to make a difference.

I also take the floor to acknowledge a man who is not here today. His name is Max Cleland. Max Cleland, during the 107th Congress, introduced S. 414, the Digital Network Technology Program Act. The bill was a work product that Senator Cleland put together with Atlanta University Center, as well as national organizations such as the Historically Black Colleges and Universities, Hispanic-serving institutions, tribal colleges and universities, and other minority-serving institutions.

Senator Cleland pushed for the Commerce Committee to hold a hearing on the bill which he chaired on February 27, 2002. After that, the committee reported the bill favorably. The bill was held on the floor by another Member of the Senate, as Senator Cleland was up for reelection. It is not uncommon when a Senator is up for reelection that people in the Senate want to try to hold back passage of legislation so that it does not create an advantage for them in the campaign. So Senator Cleland fell victim to that particular strategy. He was not a vengeful or spiteful man. I am sure he understands it, but this concept underlying this bill meant a lot to him personally.

I stand here today to make sure, as Senator ALLEN has mentioned, Senator McCAIN mentioned, that Max Cleland's name be part of this debate. I think it should be much more than just an acknowledgment in the CONGRESSIONAL RECORD that Max Cleland worked so hard for this concept. Max Cleland, former colleague of ours, a Senator from Georgia, used to have his chair right behind me. Max became one of our favorites in the Senate over a period of 6 years. We came to know and love Max Cleland.

This is a man who was a triple amputee, a Vietnam veteran, with a disability that might have stopped the lives of so many but never stopped his will and determination. He came out of a veterans hospital with extensive rehabilitation, dealt with his disability, and became a leader in so many different areas. He, of course, was the head of the Veterans' Administration under President Carter, Secretary of State in the State of Georgia, and then ran successfully for the Senate. He came here and was one of the hardest working Members.

Those who got up this morning and felt a little tired should stop and think about what every morning was like for Max Cleland, getting out of bed and facing the reality of being a triple amputee as a Vietnam veteran. But he came to his job with joy and determination, identified causes that made a difference, and dedicated his career to pursuing them. This bill was one of them.

I am sorry that Max Cleland's name is not included within the bill. It should be. But I stand here today and say to those who follow these debates that many times those who have been the precursors and the early pioneers on ideas may not be in the Senate when the day comes for their final passage. I have seen that happen time and again in the history of this body. But I know Max Cleland can take pride, as we all do, that Senator ALLEN has picked up this torch and ran with it. He has taken the original Cleland bill, made improvements to it, changes to it, and now we have a bill which carried on in Max Cleland's tradition and I hope will serve this Nation well. I am certain that it will.

I commend Senator ALLEN and want to pay special recognition to Max Cleland for initiating conversations which led to this moment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. TALENT. I thank my friend from Virginia for yielding, and I congratulate him for his great work in getting this bill together. It is very much needed.

We cannot operate a modern college or university today without being up to date with information technology. The range of uses and needs for that kind of technology are almost unlimited. They cover everything from long distance learning to access to research for students to the ability to teach your students about information technology. Of course, most jobs include a requirement that you be up to date in that kind of technology.

Another important use for universities is helping the communities around them. I will talk about an example of that in just a few minutes. Most modern colleges and universities, whatever their background, are networking very close to the communities which they serve. As centers of excellence in information technology there is a wide variety of ways to make a difference. That is an important contribution that historically black universities and minority institutions make.

It is important to understand these institutions are not just important for the students who attend. That is their primary function, but they are very important centers of achievement and community activities in the communities of which they are a part. That is the reason this bill is so important and why I am pleased to cosponsor it and pleased to speak for just a few minutes today on its behalf.

Most of the background has been given here and I appreciate very much the work of the chairman and Senator ALLEN in supporting this bill and assembling this information. They had a great hearing.

Let me talk about a couple of historically black colleges in Missouri that would benefit from this bill. One is Lincoln University in Jefferson City. Lincoln was founded in 1866 by former officers and soldiers of the Union Army. It has 2,500 undergraduates, 200 graduate students. David Henson, the president of Lincoln University, told us that the passage of the bill would give Lincoln the opportunity to acquire equipment, networking capability, digital network technology, wireless technology, and infrastructure to develop and provide educational services to its students, its faculties, and its staff, and also give Lincoln students universal access to campus networks around the country.

Another historically black college is Harris-Stowe State College with a rich tradition in the St. Louis area. Henry Givens, Jr., the president of Harris-Stowe State College, said this would enable their students and faculty to take advantage of a variety of sources, such as distance learning, online services, and continuing education.

I mentioned before that the colleges are very important parts of the communities they serve. Harris-Stowe helps educate young kids from the community. This kind of a grant would benefit the local public elementary school. It sends its children ranging from first to fifth grade to learn at the Southwestern Bell Library and Technology Resource Center at Harris-Stowe College. Harris-Stowe got a grant to build the center, but the technology is now very much out of date. This is another aspect that this bill will help address, and I think it is important.

Of course, most historically black colleges and minority-serving institutions have not had a lot of money and do not have access to a lot of money to build these kinds of information technology centers in the first place. But even when they can get the money to do that, it is extremely difficult for them to maintain and upgrade and update that technology. There is no area where it is more important to be up to date than the area of information technology. That is the situation with Harris-Stowe. Their resource center is 5 years old. It is greatly in need of a technology upgrade. Without Federal legislation of this type, as a practical matter that is simply not going to be possible on an ongoing basis.

But with this support it will be possible, not only because of the Federal dollars we can help provide but also because the Federal dollars will be leveraged by these institutions with foundations, with State money, and will be an important way for them to gather resources from around the community and help serve their students and their communities with information technology.

I am grateful the Senator from Virginia has taken up this legislation and pushed it. A lot of what we do here is an attempt to directly fund or subsidize what some people are doing. It works so much better when we work through institutions that already have strong records of performance and strong records of service to constituencies around the country. That is what this bill does. I am very pleased to support it.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. LOTT. Mr. President, I want to take this opportunity to rise in support of what I consider to be very significant legislation, S. 196, the Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2003.

We have a very important opportunity in this country to make sure our universities and colleges not only do a good job in education in general, but in particular in addressing the technology gap. We know in our Historically Black Colleges and Universities and Hispanic-serving Institutions and Tribal Colleges, our Native-Hawaiian-serving Institutions and Alaska-Native-serving Institutions, there is a digital divide. This legislation would create a new grant program within the National Science Foundation that provides up to $250 million to help these colleges and universities.

In my own State of Mississippi I decided a few years ago we were trying to shoot at too many targets and we were not hitting many of them. We were missing them or we were not doing enough to make a difference. So I concluded the best thing to do was try to get a targeted focus on where we were going to put our efforts and where we were going to put our money. Those areas have been education, transportation—which can also be referred to as infrastructure, and jobs. It is not just about highways and bridges, it is also about ports and harbors and railroads and aviation, the whole package, as well as industrial sites where you can have the physical and technological infrastructure and roads that lead to jobs.

So education, transportation, and jobs are critical all over this country and in my own State, which has been one that has struggled for years to have advancement in education and economic opportunity.

I think this legislation is really important in helping to provide the up-to-date technological education that today's society demands. As we focus on education, not only at the higher education level where the Federal Government plays a critical role, but also when you look at what we need to do in kindergarten, and elementary, and secondary education—if you are going to have the whole package, you have to make sure our young people have access to a good education that allows them to read and write and do basic arithmetic. Furthermore, they must be able to perform these basic skills at the fifth grade level, at the eighth grade level, and in high school, but then be able to get into a community college, some sort of a vocational training program, or our colleges and universities, and when they get there that they will have the tools and resources that they need.

It is fair to say I am from the generation that has been struggling with technology and computers. We are sort of computer illiterates. Yet we see our children who are able to do astonishing things because they have had the exposure to the new technology.

We have to make sure that the Nation's focus applies not only to our major colleges and universities in America that primarily get the students who make very high scores on the SATs, but we also have to make sure all students—whether they attend a private university or college or a State university or our historically Black or other minority institutions—have access to good education and what is needed in the technology field. Not just computers, but the whole high-tech area.

My own State of Mississippi is home to roughly 9 percent of the Nation's Historically Black Colleges and Universities. I am pleased to be able to recognize these great eight schools in Mississippi: Alcorn State University, Coahoma Community College, Hinds Community College—Utica, Jackson State University, Mary Holmes College, Mississippi Valley State University, Rust College and Tougaloo College.

I am happy to be a cosponsor of the minority serving institution Digital and Wireless Technology Opportunity Act of 2003, because it provides another opportunity to help expand the digital and telecommunications infrastructure at the Historically Black Colleges and Universities in Mississippi. I always pay careful attention to legislation that could be beneficial for higher education institutions in my state. In fact, earlier this year, I cosponsored an amendment to the omnibus appropriations bill for fiscal year 2003 that authorizes additional funding for grants to preserve and restore historic buildings at Historically Black Colleges and Universities.

Additionally, I would like to note an example of my ongoing commitment to assist Mississippi's Historically Black Colleges and Universities in bridging the technology gap. In 2001, I worked with Allstate Insurance in their $17 million donation of a facility to establish the Mississippi e-Center at Jackson State. The e-Center is an impressive state-of-the-art complex with advanced computing and network infrastructure, and information technology faculty and support staff. Through the e-Center, Jackson State is able to fulfill its educational mission and leverage its unique strengths in the areas of remote sensing, engineering, and science and technology. I am also pleased to report that Jackson State is the only Historically Black College or University in the Nation with three supercomputers. We are making strides in Mississippi to provide all our students with access to information technology, but the Nation still has much progress to make when it comes to providing these opportunities to our minority serving institutions of higher learning and all Americans.

It is clear that while our minority serving institutions of higher learning stand ready to drive from the "on ramp" onto the Information Superhighway, they still lag far behind other universities in America when adjusting to the new technological innovations and changes on the forefront, such as third generation technology. I urge the passage of this legislation today so that we can hand some of America's best institutions of higher learning the technology keys they need to compete with their peers.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI.) Who yields time?

Mr. ALLEN. Madam President, we were supposed to vote on this measure at noon. There is a question of whether or not we will be voting at noon. There is a Holocaust Memorial Service at noon. At this moment, until we determine how we are going to correlate all of that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I rise today in support of S. 196, the Digital and Wireless Technology Program Act, which will provide $250 million annually for the next 5 years to address the technology needs of Historically Black Colleges and Universities, as well as colleges and universities that serve substantial numbers of Hispanic and Native American students. The "digital divide" has been the subject of much discussion in both the public and private sectors, and this bipartisan bill, introduced by Senators ALLEN and HOLLINGS, will help to bridge that divide.

Internet access is an increasingly critical part of the educational process. The Internet provides a critical research tool, especially for students at institutions that cannot afford to offer world-class libraries and other facilities. Indeed, internet access can be a great democratizing force if we can make it universal.

Although almost all Historically Black Colleges and Universities have a campus network in place, only about half have computers available to students in their dormitories, and only 3 percent offer financial aid to students looking to buy a computer. In addition, a majority of these schools do not use high-speed connections, even when those connections are available in their areas. Additional funding for these colleges should make a difference.

The schools struggling most mightily are those that serve Native American students. Nearly 85 percent of students at tribal colleges live at or below the poverty level, so few if any students can afford their own computers. But at Dull Knife Memorial College in Montana, 240 students must share two computers with internet access. Fewer than half of the 32 tribal colleges have access to a T–1 line. There are some success stories, however, and with additional Federal assistance we can create more.

While I am concerned about the lack of internet access among minority students, I do hope that these colleges and universities will work closely with their local communities in siting wireless facilities. The 1996 Telecommunications Act regrettably cut out local communities in deciding where new towers for wireless devices are located. The new grant program created by this bill should not be used to exacerbate this problem.

This issue is not new to the Senate. Senator Cleland introduced very similar legislation in the last Congress, and his bill was reported by the Commerce committee. Regrettably, it was held up by the Republican leadership in the Senate, presumably in order to deny Senator Cleland any victory as he sought re-election. Given the dire state of many of the schools this bill seeks to help, it is quite frustrating that Senator Cleland's bill fell victim to political machinations. It is doubly unfortunate that suggestions to name this program after Senator Cleland were rebuffed by the Republican side. It would have been a fitting tribute to the Senator who brought this and many other issues to the Senate's attention.

Despite my disappointment about that issue, however, I still believe that this is a good bill that deserves every Senator's support. It will help institutions around our Nation provide the education that their students need and deserve.

Mr. ALLEN. Madam President, I ask unanimous consent that all time be yielded back on S. 196. I believe all Senators—and I thank those who have spoken in favor of this legislation: Senators MCCAIN, TALENT, DURBIN, and LOTT, as well as myself—who wanted to speak on the legislation have.

Madam President, I yield back all time on S. 196. I also ask unanimous consent that the vote occur on passage at 1:30 p.m. today.

Mr. REID. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, it is my understanding the distinguished Senator from Virginia has spoken with the majority leader, and the majority leader is going to let this vote go for some time. It is my understanding there are people on both sides who are doing other things—early and late—and this vote may have to be dragged for some time.

Is that right?

Mr. ALLEN. I say to the Senator from Nevada, that is correct. Due to the Holocaust Memorial and a variety of other things that have arisen at noon, the vote will be at 1:30. But it will be held open. It will not be a 15-minute vote. The vote will undoubtedly stay open for at least a half an hour. And at 2 o'clock there is the top-secret briefing with those officials from Defense.

Mr. REID. Madam President, further reserving the right to object, as I indicated early today, I certainly think we should be in recess during the Wolfowitz briefing, but there is a ranking member's meeting, for example, that does not end until 2 o'clock. So I ask that there be some consideration given to extending the vote for 5 or 10 minutes past 2 o'clock.

Mr. ALLEN. Madam President, I think that would be the intention. It is not just a Republican or Democrat scheduling conflict, and it will not be a 15-minute vote as such. It will be held open until all Members who are going to be here have an opportunity to vote on this measure.

Mr. REID. Madam President, I am wondering if my friend would also allow me to modify the unanimous consent request, that following the closure of the vote the Senate stand in recess until 3 o'clock.

Mr. ALLEN. Madam President, I say to the Senator from Nevada, that is under consideration. I do not have the authority to make that decision. I suspect there will not be many people here. There are a variety of things people need to do. And I certainly want to listen to Secretary Wolfowitz, but at this point I do not have the authority to make that decision. All I can say is, being patron of this measure, I want to make sure everyone is allowed to vote on it, and the vote will be held open.

Mr. REID. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Madam President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

MORNING BUSINESS

Mr. ALLEN. Madam President, I ask unanimous consent that there now be a period of morning business until 1:30 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. KYL are printed in today's RECORD under "Morning Business.")

Mr. KYL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

DIGITAL AND WIRELESS NETWORK TECHNOLOGY ACT OF 2003—Continued

Mr. ALLEN. Mr. President, I ask unanimous consent we now proceed to the vote on S. 196.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM) and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

The PRESIDING OFFICER (Mr. SUNUNU). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—97

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—3

Graham (FL)
Inhofe
Sarbanes

The bill (S. 196), as amended, was passed, as follows:

S. 196

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2003".

SEC. 2. ESTABLISHMENT OF OFFICE.

(a) IN GENERAL.—There is established within the National Science Foundation an Office of Minority Serving Institution Digital and Wireless Technology to carry out the provisions of this Act..

(b) PURPOSE.—The Office shall—

(1) strengthen the ability of eligible institutions to provide capacity for instruction in digital and wireless network technologies by providing grants to, or executing contracts or cooperative agreements with, those institutions to provide such instruction; and

(2) strengthen the national digital and wireless infrastructure by increasing national investment in telecommunications and technology infrastructure at eligible institutions.

SEC. 3. ACTIVITIES SUPPORTED.

An eligible institution shall use a grant, contract, or cooperative agreement awarded under this Act—

(1) to acquire the equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure;

(2) to develop and provide educational services, including faculty development, related to science, mathematics, engineering, or technology;

(3) to provide teacher education, library and media specialist training, and preschool and teacher aid certification to individuals who seek to acquire or enhance technology skills in order to use technology in the classroom or instructional process;

(4) to implement joint projects and consortia to provide education regarding technology in the classroom with a State or State education agency, local education agency, community-based organization, national non-profit organization, or business, including minority businesses;

(5) to provide professional development in science, mathematics, engineering, or technology to administrators and faculty of eligible institutions with institutional responsibility for technology education;

(6) to provide capacity-building technical assistance to eligible institutions through remote technical support, technical assistance workshops, distance learning, new technologies, and other technological applications;

(7) to foster the use of information communications technology to increase scientific, mathematical, engineering, and technology instruction and research; and

(8) to develop proposals to be submitted under this Act and to develop strategic plans for information technology investments.

SEC. 4. APPLICATION AND REVIEW PROCEDURE.

(a) IN GENERAL.—To be eligible to receive a grant, contract, or cooperative agreement under this Act, an eligible institution shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require. The Director, in consultation with the advisory council established under subsection (b), shall establish a procedure by which to accept and review such applications and publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

(b) ADVISORY COUNCIL.—The Director shall establish an advisory council to advise the Director on the best approaches for involving eligible institutions in the activities described in section 3, and for reviewing and evaluating proposals submitted to the program. In selecting the members of the advisory council, the Director may consult with representatives of appropriate organizations, including representatives of eligible institutions, to ensure that the membership of the advisory council reflects participation by technology and telecommunications institutions, minority businesses, eligible institution communities, Federal agency personnel, and other individuals who are knowledgeable about eligible institutions and technology issues. Any panel assembled to review a proposal submitted to the program shall include members from minority serving institutions. Program review criteria shall include consideration of—

(1) demonstrated need for assistance under this Act; and

(2) diversity among the types of institutions receiving assistance under this Act.

(c) Data Collection.—An eligible institution that receives a grant, contract, or cooperative agreement under section 2 shall provide the Office with any relevant institutional statistical or demographic data requested by the Office.

(d) Information Dissemination.—The Director shall convene an annual meeting of eligible institutions receiving grants, contracts, or cooperative agreements under section 2 for the purposes of—

(1) fostering collaboration and capacity-building activities among eligible institutions; and

(2) disseminating information and ideas generated by such meetings.

SEC. 5. MATCHING REQUIREMENT.

The Director may not award a grant, contract, or cooperative agreement to an eligible institution under this Act unless such institution agrees that, with respect to the costs to be incurred by the institution in carrying out the program for which the grant, contract, or cooperative agreement was awarded, such institution will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to ¼ of the amount of the grant, contract, or cooperative agreement awarded by the Director, or $500,000, whichever is the lesser amount. The Director shall waive the matching requirement for any institution or consortium with no endowment, or an endowment that has a current dollar value lower than $50,000,000.

SEC. 6. LIMITATIONS.

(a) In General.—An eligible institution that receives a grant, contract, or cooperative agreement under this Act that exceeds $2,500,000, shall not be eligible to receive another grant, contract, or cooperative agreement under this Act until every other eligible institution that has applied for a grant, contract, or cooperative agreement under this Act has received such a grant, contract, or cooperative.

(b) Awards Administered by Eligible Institution.—Each grant, contract, or cooperative agreement awarded under this Act shall be made to, and administered by, an eligible institution, even when it is awarded for the implementation of a consortium or joint project.

SEC. 7. ANNUAL REPORT AND EVALUATION.

(a) Annual Report Required From Recipients.—Each institution that receives a grant, contract, or cooperative agreement under this Act shall provide an annual report to the Director on its use of the grant, contract, or cooperative agreement.

(b) Evaluation by Director.—The Director, in consultation with the Secretary of Education, shall—

(1) review the reports provided under subsection (a) each year; and

(2) evaluate the program authorized by section 3 on the basis of those reports every 2 years.

(c) Contents of Evaluation.—The Director, in the evaluation, shall describe the activities undertaken by those institutions and shall assess the short-range and long-range impact of activities carried out under the grant, contract, or cooperative agreement on the students, faculty, and staff of the institutions.

(d) Report to Congress.—The Director shall submit a report to the Congress based on the evaluation. In the report, the Director shall include such recommendations, including recommendations concerning the continuing need for Federal support of the program, as may be appropriate.

SEC. 8. DEFINITIONS.

In this Act:

(1) Eligible institution.—The term "eligible institution" means an institution that is—

(A) a historically Black college or university that is a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)), an institution described in section 326(e)(1)(A), (B), or (C) of that Act (20 U.S.C. 1063b(e)(1)(A), (B), or (C)), or a consortium of institutions described in this subparagraph;

(B) a Hispanic-serving institution, as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

(C) a tribally controlled college or university, as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3));

(D) an Alaska Native-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b));

(E) a Native Hawaiian-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)); or

(F) an institution determined by the Director, in consultation with the Secretary of Education, to have enrolled a substantial number of minority, low-income students during the previous academic year who received assistance under subpart I of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) for that year.

(2) Director.—The term "Director" means the Director of the National Science Foundation.

(3) Minority business.—The term "minority business" includes HUBZone small business concerns (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p)).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Director of the National Science Foundation $250,000,000 for each of the fiscal years 2004 through 2008 to carry out this Act.

The PRESIDING OFFICER. The majority leader.

RECESS

Mr. FRIST. Mr. President, I ask unanimous consent the Senate now stand in recess until 3 p.m. today.

There being no objection, the Senate, at 2:11 p.m., recessed until 3 p.m. and reassembled when called to order by the Presiding Officer (Mrs. Dole).

EXECUTIVE SESSION

NOMINATION OF PRISCILLA RICHMAN OWEN, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to resume consideration of Executive Calendar No. 86, which the clerk will report.

The legislative clerk read the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I wish to speak about the nomination of Priscilla Owen. I thank the Senator from North Dakota for allowing me to go first.

I rise in opposition to the nomination of Priscilla Owen to the U.S. Court of Appeals for the Fifth Circuit. I know the President has the constitutional responsibility to appoint Federal judges. I respect that right. In fact, I have voted for President Bush's judicial nominations 97 percent of the time. Yet the Senate also has the constitutional responsibility to advise and consent. We cannot rubberstamp nominations. Our courts are charged with safeguarding the very principles on which our country was built: justice, equality, individual liberty, and the basic implicit right of privacy.

When I look at a nominee, I have three criteria: judicial competence, personal integrity, and a commitment to core constitutional principles.

I carefully reviewed Judge Owen's rulings and opinions. I read the dissenting opinions of other judges and the views of legal scholars. I have concluded that Judge Owen does not meet my criteria. Her decisions appear to be driven by ideology—not by law. She appears to be far outside the mainstream of judicial thinking, and her extreme and ideological agenda would make her unsuitable to sit on the Court of Appeals for the Fifth Circuit.

What we are considering with an appellate nomination is a lifetime appointment for a court that is only one step below the Supreme Court. The decisions made by this court have a lasting impact on the lives of all Americans for generations to come. This court's decisions will affect America's fundamental protections involving civil rights, individual liberty, health, and safety, and the implicit right of privacy. We need to be very careful about what we do.

That is why President Bush and all Presidents should nominate competent, moderate judges who reflect broad American values. No President should try to place ideologues on the court. If they do, I am concerned that it will slow the pace of confirmations, backlog our courts, and deny justice for too many Americans. Yet in nominating Judge Owen, the President has chosen someone with an extreme ideological agenda on civil rights, individual rights, and the rights of privacy.

Judge Owen has pursued an extreme activist agenda. Can anyone be surprised that this nomination has so many flashing yellow lights?

When President Bush discussed what would be his criteria for nominating judges, he said his standard for judicial nominees would be that they "share a commitment to follow and apply the law, not to make law from the bench."

We applaud that criteria from the President. But I must say when we look at Priscilla Owen, that is exactly what she does. She makes law and does not limit herself to interpreting law, and, therefore, fails the President's own criteria.

The Texas court-watching journal, Juris Publici, said that Owen is a "conservative judicial activist." That means she has a consistent pattern of putting her ideology above the law and ignoring statutory language and substituting her own views.

She has offered over 16 significant activist opinions and joined 15 others. Even White House counsel Judge Alberto Gonzales, who served with Judge Owen on the Texas Supreme Court, once called her dissent in the case "unconscionable . . . judicial activist."

In a different case, Judge Gonzales called a dissent by Judge Owen an attempt to "judicially amend" a Texas statute. A number of dissents she wrote or joined in would have effectively rewritten or disregarded the law usually to the detriment of ordinary citizens.

An example: Quantum Chemical Corp v. Toennies was a case concerning age discrimination based on a civil rights statute. The majority of the Texas Supreme Court found for the plaintiff. Owen's dissent stated that the plaintiff needed to show that discrimination was a motivating factor. Her dissent would have changed Texas law and weakened Texas civil rights protections.

On the issue of individual rights to seek justice, I think we all believe the courthouse door must always be open. When you walk through that door, you must find an independent judiciary. Yet Owen's rulings show a bias against the rights of consumers, victims, and individuals. She has consistently ruled against workers, accident victims, and victims of discrimination. These decisions would impair the rights of ordinary people from having access to the courts to obtain justice.

In Montgomery Independent School District v. Davis, a case concerning a teacher whose contract was not renewed, the teacher requested a hearing, which is allowed under the Texas Education Code. The hearing examiner found that the school district didn't have a justification to fire the teacher and said her contract should be renewed. The school board fired her.

The majority of the Texas Supreme Court found the school board went over its legal authority, and Judge Owen's dissent ignored the language and it would have weakened the rights of this teacher and all of those before the court. The majority of the court found that Owen's dissent showed "disregard of the procedural elements the legislation established to ensure the hearing examiner's process is fair and efficient for both teachers and school boards."

On the right to privacy, zealous opposition to women's rights to choose is a hallmark of Judge Owen's legal rulings. She used her position on the Texas Supreme Court to restrict women's rights to choose by ignoring the statute to create additional barriers for women seeking an abortion. Her opinions have been biased and unfair.

An example: Texas law requires that a minor's parent be notified before she can obtain an abortion. Many of us agree with that. But we also agree with the fact that there is a judicial bypass enabling a mature, well-informed minor to obtain a court order permitting abortion without parental notification, which in several cases Judge Owen dissented vigorously from the majority of the court. That would have resulted in the rewriting of Texas law to place more hurdles in front of minors.

In Jane Doe, the majority actually included an extremely unusual section explaining the proper role of judges admonishing the dissent, including Owen's duty to interpret the law and not attempt to create policy. Judge Owen has ignored the law, seeking to impose new and impossibly high standards for minors who seek abortions.

Based on her rulings and written arguments, I can only conclude that Judge Owen would use her position to undermine existing laws and the constitutional protection of a woman's right to choose. When you do that, you undermine the principles related to the implicit right of privacy.

Also very troubling to me is that in her opinions Judge Owen has often substituted her authority for that of civil juries. She has a consistent and persistent pattern of overriding juries' decisions. When the jury has taken a position of awarding claims to accident victims and victims of discrimination, Judge Owen has tried to undermine them.

In Uniroyal Goodrich Tire Company v. Martinez, in a product liability suit brought by a man who was severely injured when a tire he was working on exploded, a jury found in favor of the plaintiff. A key issue was whether the manufacturer could be held liable because it knew of a safer alternative product design.

The majority of the Texas Supreme Court sided with the jury's verdict. But Owen dissented. Had her opinion prevailed, it would have overturned a jury verdict.

I could give example after example. I am not going to go on just for the sake of going on. There are others who wish to speak. I believe we should have full debate on the Owen nomination.

Let me conclude by saying that the President does have the right to nominate judges, but I cannot consent to the nomination of Judge Owen. My advice to the President is to give us moderate judges. We have approved of many of them. We want to be supportive. But in this instance, she is so far outside the mainstream of judicial thinking.

My advice to the President is to withdraw the nomination and appoint a nominee who will fairly interpret the law for all Americans, and follow the Bush test of interpreting the law and not making the law.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I listened to my colleague from Maryland and appreciate her comments. Let me make a couple of additional comments with respect to this issue of judgeships.

I have spoken previously on the floor of the Senate about the Estrada nomination. What I indicated then was that Mr. Estrada, who aspires to have a lifetime seat on the second highest court in the country, the DC Circuit Court, did not answer basic questions put to him by the Judiciary Committee at his hearing.

The administration has not released the information that has been requested by Members of the Senate with respect to Mr. Estrada's work at the Solicitor General's Office. That is information that has been requested of him and the administration so we might understand a bit more about Mr. Estrada and his qualifications. Despite the fact that Mr. Estrada did not answer the basic questions at his hearing, the administration has not released the information that has been requested of his nomination.

There are some in the Senate—and perhaps some in the country—who believe there is a requirement for the Senate to proceed in any event to give Mr. Estrada his vote. There is no such requirement.

The Constitution provides the mechanism by which we give citizens of this country lifetime appointments to the judiciary on the Federal bench. And that Constitution provides two steps: One, the President shall propose, by sending a nomination to the Senate; and, second, the Senate shall advise and consent, by deciding whether they wish this candidate to have a lifetime appointment on the Federal bench. It is not some entitlement that any President—Republican or Democratic—has to be able to send a nomination to the Senate and have that nomination automatically considered. In fact, in recent years, this particular circuit court, the DC Circuit Court, has had a number of nominations sent to the Senate from another President of a different party, and the Senate not only did not bring it to the floor, the candidates did not even get a hearing—not a 5-minute hearing—let alone a hearing and a vote in the committee and then going to the floor and having a vote.

Those candidates never even got a hearing. Mr. Estrada got a hearing. He received the hearing I think he should have received, but he did not answer the questions at the hearing. And the administration and Mr. Estrada have not provided information requested of him. Therefore, Mr. Estrada's nomination is not proceeding.

The Members of the Senate have the right, and perhaps the obligation, if they choose, to stop a nomination they think represents a nomination offered by a President trying to stack the judiciary or pack the judiciary with those of a certain extreme philosophy. It is not out of bounds for any group of Senators to decide to say to the President: This is a partnership. You propose; we dispose. You nominate; we provide advice and consent.

In order to have candidates on the Federal bench, they have to be candidates who are going to be approved by the Senate. I expect a Republican President will nominate Republican judges. In North Dakota, we have had two recent open judgeships—one in Bismarck, one in Fargo. Both judgeships have now been filled by Republican judges. I am a Democrat. I supported both candidates. Both are exceptionally well qualified. I am proud of both of them. They have both assumed their duties. I voted for both. I told the President I fully supported both. That is the way this process should work.

Regrettably, it is not working that way with respect to some nominations. The White House, instead, is saying: We intend to strain candidates through a philosophical filter, and notwithstanding what we think might or might not happen in the Senate, we are going to send people to the Senate who are to the far edge of the philosophical spectrum. If the Senate does not like it, tough luck; we are somehow going to auger up a lot of noise around the country that says the Senate has an obligation to proceed. We have no such obligation. The President and the Senate have an obligation in this partnership to make sure we get good judges on the Federal bench.

I just want everyone to be clear. I have voted for almost all of the nominations for Federal judges sent to us by the President. I voted, I believe, for 112 of them. I have only voted against a very few. I intend to support most of the President's nominees.

But when the President sends us the nomination of a candidate whose positions are well off the norm, way off to the side of the philosophical chart, we have every right—in fact, an obligation—to make our judgment known in the Senate. That is what is going to happen if Mr. Gonzales and President Bush decide they are going to try to stack or pack, as it were, circuit judgeships with candidates for those judgeships who philosophically are not anywhere near the center of Republican and Democratic philosophies in this country.

In any event, I just wanted to make that point. I think the comments made by the Senator from Maryland are right on point, and I hope at some point we are able to move ahead.

We have another Hispanic judge who has been waiting who has been cleared on the Judiciary Committee. We are wondering why that judge is not on the floor. He should be on the floor. Perhaps his nomination is coming to the floor, but we have been calling for that. I believe the minority leader yesterday asked unanimous consent to bring that judgeship to the floor. He has the support of most everyone.

FREE TRADE AGREEMENT WITH SINGAPORE

Mr. DORGAN. Madam President, on Thursday of next week, U.S. officials will sign a trade agreement with Singapore. It will be the first free trade agreement that is negotiated under so-called fast track. Fast track, incidentally, is a procedure that the Senate adopted in a Byzantine way. They did it without my vote, but enough Senators did it so that we have a fast-track procedure, which is a guarantee that your trade negotiators can go overseas, go in a closed room, close the door, keep the public out, and then you reach a negotiation with another country.

When you bring it back to the Senate, we will agree that none of us will be able to offer any amendment at any time. What we have said is, bring us a straitjacket so we can put it on and we can all grin.

It makes no sense. That is what the Senate has done. So now we will have a free trade agreement coming back to the Senate, the first one under the so-called fast-track procedure, and it is done with the country of Singapore.

Let me read what is in the trade agreement, just one piece. There are many, and I will talk about them in future days. All of this is cloaked in language that is hard to understand, but the implications are not hard to understand because it is related to American jobs. It all relates to waving goodbye to American manufacturing jobs. Article 32, treatment of certain products, under chapter 3: A party shall consider a good listed in annex 2 when imported into its territory from the territory of another port to be an originating good. Within 6 months after entry into force of the agreement, the parties shall meet to explore the expansion of the product coverage of annex 2.

This sounds like six or eight people sitting around drinking, but these are pretty smart people who have reached a trade agreement. This is the way they write it: A party shall consider a good listed in annex 2 when imported into its territory from the territory of another party to be an originating good.

What does that mean? What that means is that, in the circumstances of a free trade agreement with Singapore, products such as electronics, semiconductors, computers, telecommunications equipment, cell phones, fiber cables, optical cables, photocopy equipment, medical instruments, appliances, a wide range of high-tech products can come in through the free trade agreement with Singapore, even if they are not produced there. If they are produced elsewhere, they come through Singapore and come into this country under a free trade agreement.

It is fascinating to me that in the last 12 years we have lost 2 million jobs. I am not talking about decreasing the rate of growth of jobs. This country has lost over 2 million jobs. We are off negotiating new trade agreements—and, incidentally, proposing new fiscal policies that will exacerbate the loss of jobs with huge Federal deficits—and we say to other countries, by the way, we will give you a special deal. We don't care much about providing basic protection of fair competition for America's domestic manufacturers. We will give you a special deal.

The special deal is this, Singapore: You can move goods through Singapore, high-tech goods, the product of high-skilled labor, good jobs. You can move them through Singapore through a free trade agreement into the United States and displace American jobs. That is what this says.

In every single circumstance we have negotiated trade agreements—United States-Canada, NAFTA, the WTO—in agreement after agreement, we have said to American workers and companies producing goods, we want you to compete with others overseas that don't have to meet any basic standards. It doesn't matter if the country will not allow them to organize as workers, if they don't have worker rights, if they hire kids, work them 16 hours a day, pay them 16 cents an hour. That doesn't matter. They should be able to produce those products, these agreements say, and run them through Singapore, some other country, run them through Mexico, for that matter, and move them into Toledo and Pittsburgh and Bismarck and Los Angeles and Pierre, and then have American workers and businesses compete with that labor.

What does it mean? It means we can't compete. Is there an American worker who decides they can compete against 16-cents-an-hour labor performed by a 14-year-old who works 16 hours a day in a plant where they don't have basic safety standards, where they can pump pollution into the air and water; is there anybody who can compete with that? The answer is no. And they should not be expected to.

This Singapore free trade agreement is coming here under fast track. We cannot offer amendments. There isn't one single parliamentary step that will be missed as we move to try to consider this. When they sign this next

Thursday—and they certainly should not sign it with this provision in it; this is a loophole big enough to drive a semi truck through—let them understand that there will be no unanimous consent agreement for anything under any circumstance at any step of the way to get this considered by the Senate.

They will get it considered, no doubt, and no doubt those Senators who decided they would like to put themselves in the straitjacket and prevent themselves from offering an amendment—God forbid they should try to correct this—they will vote for it. And no doubt the Senate will ratify this free trade agreement. I am just serving notice that it is going to take some time. We will have some lengthy discussion about it.

There is no justification, in my judgment, for this kind of nonsense. I will come to the floor in a day or so to also talk about China. We did a bilateral trade agreement with them 2 years ago that has not meant a thing. It is like spitting in a high wind. They agreed to everything so they could join the World Trade Organization. We have a $103 billion trade deficit with China. Our jobs have been exported.

The fact is, China has not done what they said they would do in the bilateral agreement. And nobody seems to care. We have all these bureaucrats running around, most of them negotiating incompetent trade agreements. We have a few of them down at the Department of Commerce who are supposed to enforce the trade agreements.

Take a look at what we have. We have this miserable skeleton of an enforcement unit. We have no more than a dozen people who are supposed to enforce the trade agreements in China. If you gave them a pop quiz, they would not have the foggiest idea of what is in the agreements, let alone enforce them. I think we have a growing scandal with the imbalance in Chinese trade, especially since we had a bilateral agreement 2 years ago with them and they have complied with none of it.

Madam President, I want to serve notice on the Singapore free trade agreement that there is a lot to fix in this agreement. It doesn't mean a thing when people such as I talk about this because our trade negotiators don't care; they don't see; they are in their little cocoon, and they will negotiate, and the success of their life is reaching an agreement—even if it is bad. They did a bad agreement with Canada, with NAFTA, and with the WTO, and a bad agreement with Singapore. Apparently, they have not done a bad one with Chile yet because we didn't know where they stood on Iraq. The fact is, it is time for them to stop doing bad agreements and time for them, on behalf of American workers and companies, to say we demand and insist on fair trade. That certainly will not be the case with respect to the agreements we expect in future free trade deals, with respect to labor protections and a whole range of issues in the Singapore agreement.

THE SIZE OF THE TAX CUT

Madam President, I want to talk for a moment about the front-page issue every day these days, and that is how big will be the tax cut. That misses the point. Our press almost always reports all this as a horserace. It is never much about the horse or jockey; it is about who is ahead down the stretch. Does he or doesn't he have the support to get 350, 550, or 750? What would be much more important would be to have a report that talked about: What does this really mean for our country? What are the experts really saying? What are the consequences? Where will this come from? Now, a tax cut.

Well, we have lost slightly more than 2.6 million jobs in the last nearly 2 ½ years, and that is unusual because in the last 50 years every single administration has seen a growth in jobs—some less than others; nonetheless, a growth. We have, in this circumstance, lost jobs—2.6 million in 2 ½ years.

You can make a case—and I think part of it is valid—that we had 9/11, the war on terror, the war in Iraq, the technology bubble bust, the collapse of the stock market, the bursting of the tech bubble, and we had the largest corporate scandals in the history of the country. So you can make a pretty good case that all of these things intersecting at the same time have caused a lot of havoc with this country and our economy.

But it is the easiest lifting in American politics for any politician at any time to say: Do you know what I stand for? I stand perpetually for reducing taxes and tax cuts.

If, in fact, cutting taxes always creates jobs, sign me up for $2 trillion in tax cuts. Just sign me up. Then I think the President's $700 billion proposal of permanent tax cuts is way too short. If this in fact creates jobs, let's do $4 trillion in tax cuts. But we know what is happening here. We know that 2 years ago we were told if we had very large tax cuts, and Congress voted for them, what we would be doing was giving back surpluses that would exist in our budget as long as 10 years down the line, as far as the eye could see. So the Congress supported very large permanent tax cuts. I did not, because I said at the time I thought we should do them on a temporary basis, in order to be a business conservative, and then figure out what is going to happen in the future.

What if something happens? It did. We found ourselves in a recession, a war, the bubble burst, and corporate scandals. Congress said: The heck with that; we see surpluses forever. Two years later, we have projections by all economists that we are going to have deficits forever. Even the President's budget has deficits predicted for 10 straight years. The President's budget—which was on our desks right here, and the Senate voted for it—said let's increase the Federal indebtedness from $6 trillion to $12 trillion in 10 years.

I am not making that up. It is on page 6 of the Budget Act that the Senate voted for and the President supported. It is what he wanted. Let's double the Federal debt. Now they say let's have very large tax cuts. Where do they come from? Every single dollar of the tax cut is to be borrowed. So we send our sons and daughters to war; and then we say: By the way, when you come back, you are going to pay the bill because we are not paying for that.

Just yesterday, the Wall Street Journal pointed out that the Federal Government will need to borrow $79 billion in this quarter. That is a reversal of the more than $100 billion that was estimated for this quarter. So we missed the economic results by $100 billion in this quarter. I think the Government spends too much in a range of areas. I think we ought to cut spending. I think we ought to make sure that those things that improve the lives of people in this country are the things in which we invest. I think we ought to make sure we deal with education, health care, roads, and the kinds of things that represent infrastructure that make this a great country.

But having said all that, I think to borrow $6 trillion more in 10 years in order to provide tax cuts, the bulk of which will go to the largest income earners in the country—if you do that, look at the economic data. They say if you earn $1 million a year, good, you are lucky because you are going to get an $80,000-a-year tax cut with the President's plan, on average. At this point, when we are choking on red ink and proposing to double the Federal debt from $6 trillion to $12 trillion, do we think those who earn a million dollars a year, on average, should receive an $80,000 a year tax cut? I don't think so. That ought not be the priority.

The very first priority might be to reduce the Federal debt and get our fiscal house in order; second, to invest in those things that make life worthwhile, improve our schools, do a range of things like that. In addition to that, we should, as many colleagues say, cut spending in areas where we spend too much—and there are plenty of them.

I find it bizarre that we are having a national discussion about this without any requirement for their being specific. If you want, at a time when we have very large budget deficits, to reduce the tax revenue by $550 billion or $750 billion over 10 years, then what don't you want to do? Do you want to increase defense spending? That is going to happen. Increase homeland security spending? That is going to happen. Have very large tax cuts? That is going to happen. So what don't you want to do? What is it in domestic discretionary spending? Educating our kids? Making sure grandma and grandpa have access to adequate health care? Having safe neighborhoods? What is it you don't want to do in that batch? How about building roads and bridges to make sure we have a good infrastructure? What is it you don't want to do? I think that is a question that needs to be answered.

Madam President, it is not answered by anybody. All the reporting is on the horserace—who is ahead coming around the turn? Does the President have the vote or not? Is this Senator or that Senator finally going to turn or relent? That is not the issue.

Take a look at the best economic thinkers in this country, 10 Nobel laureates, and ask them what they think of this country's economic future if we don't have some basic fiscal responsibility. I come from a small town, with 380 people or so. It has shrunk a bit since then. But most people in America's towns and cities think about all this in practical, candid terms, making sure it adds up. They say let's handle this as a business or a family.

Well, let's do that then. If you are short of revenue, do you want to cut your revenue further and increase spending? How does that add up? I didn't take higher math, but I learned that 1 plus 1 equals 2 in Kansas, in North Dakota, in New York, and all over the country—except in fiscal policy in Washington, DC, where 1 plus 1 equals 3, and apparently $12 trillion in additional debt. That is not a fiscal policy, in my judgment, that is good for my kids, your kids, or America's kids.

I am not saying one party is all right or wrong. I am saying this: There isn't any way we can reconcile this with what is happening in the country today. We have turned the largest surplus in American history into the largest deficits. Yes, you can make a case that a lot of things have happened that have intervened to make that happen that are outside of the control of the Congress and the President; yes, that is true. But if that is the case, then should we not recognize that? If 9/11 says we need more spending for homeland security, we just charge it to the future and say, well, we need to do that, but let's have tax cuts, too. If 9/11 says and Iraq means we need more money for defense spending, we say, let's just charge that and we will have tax cuts, too. One way or another this has to be reconciled.

I am in favor of some tax cuts. I would like to see some tax cuts. I think the American people would like tax cuts. But when someone says let's have the American people keep more of their own money, the answer to that on the reverse side of the same coin is let's charge more to the American people because they are going to have to pay for it. One can argue trade deficits are going to have to be paid by a lower standard of living in this country, but our kids and grandkids are going to pay for a fiscal policy deficit. It is a selfish fiscal policy, in my judgment, and one we ought to reverse.

We ought to try to call on the best of what both parties have to offer this country, not the worst of each. In my judgment, the best both parties have to offer this country is some basic conservative values of saying let's do what is right to invest in what makes this a good country and at the same time let's pay for that which we want to consume. Let's have a fiscal policy that says to every American, this adds up. Let's say to our kids we are not going to have them shoulder the burden of what we are doing today. That is what our fiscal policy ought to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I will speak to the pending business, which is the nomination of Priscilla Owen to the circuit court of appeals. She is a highly qualified person who really needs to be recognized. We need to move through this rapidly.

The last 2 years, I was honored to be able to serve on the Judiciary Committee. We held extensive hearings on Priscilla Owen to be a circuit court judge. She went through those hearings in an extraordinary fashion. It was a learning experience. It was as if a professor was there teaching and going through with us, here is how I decided this case, here is hornbook law on this, here is how this should be decided, here is how I viewed the issue. She really has a fine-tuned legal mind. I was impressed by the legal mind she has.

I was impressed by the common sense she had with it as well. It was as if this was a highly trained legal mind well adapted to being able to judge, but also with a sense of values of the people, which is as one would expect because she was elected to the Texas Supreme Court. She has been around the public. She knows how people think.

When a lot of people look at the judiciary in the United States, they do not feel like they get a sensible approach to judging a fair amount of time. She is an extraordinary person to have both that depth of mental training and ability and a sensible touch that the people really desire and want to have in somebody on the judiciary.

What I am most distressed about is it appears as if now we are going to get our second filibuster of a circuit court judge from the Democratic Party. In the past, we have not had filibusters of judges. We have had them at a Supreme Court level but not the circuit or district court level. Now it appears as if we are going to get our second filibuster of a judge in a matter of a couple of months. This, of course, is to raise the vote standard so she does not have to get 51 votes, she has to get 60 votes to be able to go on the circuit court of appeals.

This is not advice and consent of the Senate, which is what our standard is held to. We are to give advice and consent on judges. They should be appointed by the administration and then there should be advice and consent. That should be a 51-vote margin. It should not be a 60-vote margin that now the other side is attempting to establish. This is a very distressing situation we are getting into.

How many more judges are we going to see like that who are nominated for the circuit court? Are we going to continue to put them forward and the other side will say we are going to filibuster for whatever reason? How many of these is it to be?

I recognize what the strategy is. It is to keep the circuit court reduced of judges, not to allow this President to appoint his judges, not to allow him to put his print upon the judiciary. I recognize that is what is happening on the other side of the aisle, but when they do that, one needs to recognize the long-term policy implications of so doing. Now they are saying a President cannot appoint his or her judges to the bench; that when they were elected and selected by the people of the United States, now they cannot appoint people to the court; that the other party, if they can control 51 votes, can block the President. This is not about advice and consent. It is about blocking a President from appointing his judges to the Federal bench.

We have not seen this strategy before. It was always the President puts forward his nominees, we hold hearings, and then if they can be blocked with 51 votes, they are blocked, but not filibustering of circuit court judges. This is a dangerous area.

On the other hand, we could say the other party is looking at this saying this represents a two-fer for us: We cannot only block the President from getting his judges on the bench, we can block the Senate from doing other business.

We do not normally take weeks on end to do a Federal circuit court nominee, but that is what we are ending up doing with Miguel Estrada and now with Priscilla Owen. We are spending weeks on end of Senate floor time on a circuit court judge. That is not how the system is set up.

These nominations should be taking a couple of hours, at most, for debate and voting, and then we should be moving on and debating fiscal stimulus, how do we get this economy growing, how do we create more jobs. We have a number of issues in regard to rural development. How do we get more people to move out into rural areas of Kansas. We have plenty of issues on foreign policy to debate. What about the new

Iraqi leadership? What about the relationship of the United States to the U.N.? There is a whole litany of issues we could be taking floor time up with, but instead we are on circuit court judges that should be debated in an hour or two, voted up or down by advice and consent of the Senate, as it says in the Constitution, and moving forward. We are taking up valuable time instead, weeks on end, with circuit court judges that should have a clear vote up or down.

This hurts the country on two fronts. It hurts on the judiciary, on not having the people appointed to the bench that we need to have, and it hurts us by not being able to do other business we should be focused on in the Senate. That is not a useful way for us to conduct business in the Senate.

I urge the other side of the aisle to please step forward and stop the filibuster of circuit court judges. That is not the way we need to operate to be able to get the business done.

On top of that, we have circuit courts around the country that in some cases have only half of the judges that are necessary. The other half have resigned or left office and so we have enormous vacancies. Some people would say they like it that way because then two circuit court judges can pick a third one—maybe it is two liberal circuit court judges can pick a district court judge, bring them up to a three-judge panel to have a liberal-leaning panel and we can set policy and set law that way. But that is not the way the system is set to operate, even though it does operate that way. We really need to move forward in this area.

I do not normally come to the floor to harangue about what is taking place in the judiciary, but in this case this is beyond the pale. This is not what should be taking place. It is hurting us and it is hurting the country.

GROWING THE ECONOMY

I will take a minute or two to address some of the topics that came up about the economy. We need to get this economy growing and going. I will make a couple of brief observations.

At the Federal level, we have two major tools to grow the economy. We have monetary policy and we have fiscal policy. Monetary policy is set by the Fed, not by the Congress but by the Fed. The Fed can set interest rates high or low, control the supply of money. The Fed is doing the exact right thing to grow the economy today with low interest rates. That is as it should be.

On the other side of that is fiscal policy, and that is what the Congress does. We have tools at our disposal to try to grow the economy. One of the major tools is tax policy. Do we increase taxes, do we decrease taxes, in a way to stimulate the economy?

The most stimulative tool that is available to us is to lower tax rates. That grows the economy. It grew the economy when President Reagan cut taxes. It grew the economy when President Kennedy cut taxes. That is the way the economy grows.

Some people would say, look at the deficit we are in now; we cannot afford to reduce the taxes at this point in time. I would answer, we cannot afford not to reduce taxes to stimulate the economy. In the last 2 years, we have seen a reduction in Federal receipts of 9 percent, and an increase of Federal expenditures of around 12 percent. Quick math tells us we are going to be in a real problem when we have those two trend lines.

The Federal receipts have gone down 9 percent. That is not as a result of changes of tax policy. That is a result of the economy being soft and not producing the economic lift and push we need. And, frankly, the rest of the world needs a strong and robust U.S. economy as well.

How do we get the economy going again? We need to stimulate growth with tax cuts. I will give one quick fact. Last year we saw a reduction in capital gains tax receipts of about $80 billion. There has been $80 billion in loss in capital gains tax receipts. That is not the result of a tax policy shift. That is primarily the result of the stock market falling dramatically the last couple of years, the tech boom going bust, problems and fears of what has taken place around the world, 9/11, a series of things where people pulled funds out of the market; instead of having capital gains, they had capital losses.

Some say the stock market does not affect most people. Yet half of Americans have some investment or retirement tied into the stock market. What can we do there? We can do away with that double taxation of corporate dividends as a way to stimulate investment and stimulate growth in the stock market. Plus, it is just good tax policy to not tax something twice.

What about balancing the budget? I have been a part of a Congress that has balanced the budget. I came to the House of Representatives in 1994. One of our major pushes was to balance the budget, which had not been done since 1969, and then it was actually an accounting move that allowed us to balance the budget in 1969. It had not been done for 20 years prior to that, but from 1969 until we balanced it about 5 years ago, the budget had not been balanced.

One of our key pushes was to balance the budget. So I have been a part of a Congress that has actually balanced the budget. It is the Congress that balances the budget. We are the ones who write the checks. The administration, the Presidency, spends the money. They can spend less if they choose in some situations, but we are the ones who actually authorize and appropriate.

How do we balance the budget? I think we have found the formula for doing it. We grow the economy and we restrain your growth in Federal spending until the lines intersect and you get the economy growing strong, and then you restrain your growth in Federal spending until those intersect. That is how we balance the budget. We had a growing economy, but instead of spending this increase in Federal receipts, we restrained the growth of Federal spending and those intersected and we got 3 years of significantly balanced budgets, done by a Republican Congress. That is how you get it done.

What is our key now? Our key now is to get the economy growing, cut taxes to stimulate the growth, and restrain the growth of Federal spending. I put forward a bill with several people as one way of restraining Federal spending, to create a domestic program equivalent to the Base Closure Commission. We have a Base Closure Commission that has been very successful saying we have too many military bases; we need to eliminate some of those, consolidate them in fewer areas. To remove one or two at a time is an impossible task. So we have a commission that recommends 50 closures taking place and gives Congress one vote up or down whether to eliminate the bases altogether. It has been very successful in consolidating resources.

What about doing that in domestic discretionary programs where we have thousands of domestic discretionary programs? Have a commission to say these 100 were good when they started, but the reason for their creation has gone. They are effective but not yielding as much as they should. These 100 should be eliminated. The commission reports to Congress and requires Congress to vote up or down whether they agree or disagree, eliminate all 100 or keep all 100. It is a domestic Base Closure Commission equivalent type of program, so we can try to restrain some of the growth in Federal spending, consolidate it in fewer areas. Those are the sorts of things we need to do to balance the budget and get our spending under control.

We also need trade agreements to take place. I point out that Presidents of both parties have requested trade promotion authority and trade agreements. You cannot negotiate with another country and say, OK, give us your best offer and then do that; and then say, OK, we have to take it to the Congress, which may agree or disagree, and they will amend it and we will come back to you again. That sort of trade agreement does not work. The other country says: We want to wait and see your final offer. That is why the trade promotion authority is in place.

Trade has been good for this country and has expanded jobs and economic opportunities in the United States. It has been the right thing for us to do.

WAR IN IRAQ

I end with a personal comment about how the Bush administration has conducted the war in Iraq and the followon. I think one has to compliment this administration and the soldiers in the field for the way they have conducted this activity. Agree or disagree with going to Iraq, in the first place, we have liberated the people, the face of liberty of Baghdad looks the same as the face of liberty in Berlin when they see liberty. It has a beautiful face, to see liberty and see them kissing and hugging our soldiers developing liberty and finding a treasure trove of information of terroristic activities to make the world a freer place.

We have to compliment and say God bless the soldiers who have been over there, and we say thank you to them and to this administration for taking so bold a step forward for liberty in a tough region of the world, in Iraq.

I hope they continue to press for liberty in places such as North Korea against Kim Jong Il and his regime—this is the 50th year of the armistice we signed with North Korea—which has oppressed its own people. In North Korea you have a regime that exports missiles, technology around the world, that has a third of its people living on international food donations, many of them starving, walking out of the country. We think somewhere between 20,000 and 300,000 have walked from North Korea into China. We have a regime that operates a gulag system in North Korea, continues to operate a Soviet-style gulag. We have a regime there that imports millions of dollars a year in luxury cars and alcohol and tobacco. So while their own people by the millions starve, the regime that sits on top drives around in a Mercedes Benz, drinks fine wines, and smokes fine tobaccos.

When you turn the rock over in North Korea you will see the same, if not worse, type of deplorable living conditions for the people, and extraordinary situations of high-life living for the elite. I have no doubt from what we know already what has taken place in that regime. We will see a level of depravity from liberty and from the basics of human life from the North Korean people that would rival any on the planet. I hope the administration keeps the pressure on Kim Jong Il and his decrepit Stalinist regime so that the 22 million people of North Korea can one day be free.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF EDWARD C. PRADO

Mr. LEAHY. Mr. President, I begin by thanking the Democratic leader and assistant Democratic leader for going to bat for Judge Edward Prado. They apparently are now working on an arrangement, that I understand is close to being worked out with the Republican leadership, so this nomination can be considered without further delay. I appreciate the fact that the majority leader and the deputy majority leader, Senator MCCONNELL, are going to work with us to do that.

As I have noted on the floor before, basically before the recess, and since, we had checked on our side of the aisle and knew that nobody objected to going forward with a vote on Judge Prado. In fact, I suspect most are going to vote for him. I was not quite able to figure out why there was objection on the Republican side to going forward with his nomination. So I thank the leaders for now getting together so he will be allowed to go forward.

I also thank the Congressional Hispanic Caucus for its support for this nomination, working with the Senate to go forward.

I noted on the floor on Monday that Judge Edward Prado, being nominated to the United States Court of Appeals for the Fifth Circuit, was cleared by all of us on this side; all Democratic Senators serving on the Judiciary Committee had voted to report the nomination favorably. That is why we were concerned when it was held up on the other side.

We have worked hard to find judges who might be consensus judges, as he is. Interestingly enough, Judge Prado was originally appointed by Ronald Reagan. He is not a Democrat. He is a Republican. He considers himself a conservative Republican, but has a judicial record where he fits the test that I and many of us on both sides of the aisle certainly thought a judge should meet: When you walk into a courtroom, you should be able to look at that judge and say, Whether I am a Republican or a Democrat, rich or poor, White or Black, plaintiff or defendant, whatever, that judge is going to give me a fair hearing.

The current occupant of the chair has served as attorney general and justice of the Texas Supreme Court and he knows whereof I speak. Anyone who spends time in a court knows, looking at a judge, if they are going to get a fair shake with the judge or not. We all know there are some judges you want to avoid, other judges about whom you say, fine. I have to prove my case, but I feel I have a fair chance. I think that is the kind of judge Judge Prado will be.

When the Democrats took over the majority of the Senate in the summer of 2001, we inherited 110 judicial vacancies, primarily because during the last few years of President Clinton's term Republicans had blocked an unprecedented number of judges from going forward. But during the next 17 months, we confirmed 100 of President Bush's nominees, including some who had been rated as not qualified by the ABA, several who were divisive and controversial.

Forty new vacancies occurred during the normal course of deaths and resignations at that time. We still took the 110 vacancies we inherited and brought that down to 60, which is considerably less than what the Republicans have always referred to as being full employment.

On the Senate executive calendar, we also have the nomination of Cecilia M. Altonaga, of Florida, to be a Federal judge in Florida. She will be the first Cuban-American to be confirmed to the Federal bench—expedited at the request of Senator GRAHAM of Florida. I might say this is another case where we are ready to go forward any time he wants. The decision has not been made to go forward yet on the Republican side of the aisle. We hope to go forward soon. We have cleared that. We have cleared her and are happy to go forward.

Mr. President, we have another nomination before us—again from the State of Texas, the State represented ably by the distinguished Presiding Officer. We have had really unprecedented debate. We are asked to reconsider the nomination of Priscilla Owen to the United States Court of Appeals for the Fifth Circuit.

We have never had a case where President resubmitted a circuit court nominee that had already been rejected by the Senate Judiciary Committee for the same vacancy. Until a few weeks ago, never before had the Judiciary Committee proceeded for a second time on a nominee.

I have spoken about my concerns relating to Priscilla Owen. I have detailed some of the cases in which Judge Owen's views were sharply criticized by her colleagues on the Texas Supreme Court. I explained why I believe she should not be confirmed to the seat on the Fifth Circuit. Today I would like to talk about some more of the cases, involving a variety of legal issues, which show Priscilla Owen to be a judicial activist, willing to make law from the bench rather than follow the language and intent of the legislature.

I heard Senator CORNYN say the other day that just because you disagree with the outcome of a particular case does not give you the right to call the judge who wrote it an activist. I agree. I wish more Republicans had followed that rule when President Clinton was nominating qualified people to the Federal bench and a Republican majority was holding them up anonymously and voting against them. There are many cases before the courts of this

Nation where reasonable people, reasonable lawyers and judges, could disagree on the outcome, could have a difference of opinion about interpreting a statute. There are many times when a statute is ambiguous, or a legal precedent unclear, and there is no right or wrong result. I could not agree more with the junior Senator from Texas on this fundamental point. I wish more Republicans had followed that rule when President Clinton nominated qualified people to the Federal bench and anonymous hold after anonymous hold was made on the Republican side. They were not allowed to go forward.

It is interesting when we talk about political background of judges. Vermont is allowed one seat by tradition on the Second Circuit Court of Appeals. New York and Connecticut have the rest of the seats.

I went to President Clinton when there was a vacancy and recommended a sitting Federal judge in our State. He had been a Republican Deputy Attorney General—a conservative. I disagreed with some of his decisions. I disagreed with his legal reasoning. I thought he did a careful and reasoned job. I went to President Clinton knowing that there were a number of people who might be considered for that position—a number of them leading Democrats in our State. I told the President I thought this would make a good person, and it involved the nomination which he could rest easy on and not have to worry about. Shortly before he was about to make his decision, the Federal judge ruled strongly against a position of President Clinton. And when the President asked me about that, I said he could have made the ruling a week after you sent his nomination up, but that I thought he was honest. The President admired his courage, honesty and ability, and he nominated him. And this Senate voted as I recall unanimously to put him on the Second Circuit Court of Appeals where he does very, very well.

I voted on hundreds of hundreds of Republicans nominated by Republican Presidents. But just as I voted against those nominated by Democratic Presidents, I will vote against those nominated by Republican Presidents when they show that they are going to be activist judges who are not going to follow the law but rather follow the dictates of their own philosophy.

That is why I will continue to oppose Priscilla Owen. I did do as the President asked when I was chairman. I held a hearing for her. We had a very fair hearing, according to her, and actually put her on the agenda for markup on the day the President of the United States requested that she be put on. She was put over at a Republican request, but then she was voted down by the committee.

When I look at Justice Owen's record, I am not looking at the outcome of the cases in which Justice Owen ruled, and criticizing her as an activist just because I do not agree with a ruling or even a couple of rulings. I am looking at the substance of a number of her decisions, how she approached those cases and the propriety of her legal analysis. The conservative justices on the other sides of these cases, in many, many of those cases, are themselves extremely critical of her approach, her reasoning, her judging—in short, her activism. They have called her an activist, said one of her opinions was just "inflammatory rhetoric," noted in other cases that she went beyond the language of the law, ignored legislative intent, and gutted laws passed by the people's elected representatives. Like them, I disagree with Priscilla Owen's methods and activist judging.

In my last statement, I touched on some of the criticism received from the majority in the series of parental notification cases. In addition to cases dealing with parental notification, Justice Owen's activism and extremism is noteworthy in a variety of other cases, including those dealing with business interests, malpractice, access to public information, employment discrimination and Texas Supreme Court jurisdiction, in which she rules against individual plaintiffs time and time again.

In one case that is perhaps the exception that proves the rule, Justice Owen wrote a majority opinion that was bitterly criticized by the dissent for its activism. In In re City of Georgetown, 53 S.W. 3d 328, Tex. 2001, Justice Owen wrote a majority opinion finding that the city did not have to give the Austin American-Statesman a report prepared by a consulting expert in connection with pending and anticipated litigation. The dissent is extremely critical of Justice Owen's opinion, citing the Texas law's strong preference for disclosure and liberal construction. Accusing her of activism, Justice Abbott, joined by Chief Justice Phillips and Justice Baker, noted that the legislature, "expressly identified eighteen categories of information that are 'public information' and that must be disclosed upon request . . . [sec. (a)] The Legislature attempted to safeguard its policy of open records by adding subsection (b), which limits courts' encroachment on its legislatively established policy decisions." The dissent further protests:

> But if this Court has the power to broaden by judicial rule the categories of information that are "confidential under other law," then subsection (b) is eviscerated from the statute. By determining what information falls outside subsection (a)'s scope, this Court may evade the mandates of subsection (b) and order information withheld whenever it sees fit. This not only contradicts the spirit and language of subsection (b), it guts it. Id.

Finally, the opinion concluded by asserting that Justice Owen's interpretation, "abandons strict construction and rewrites the statute to eliminate subsection (b)'s restrictions."

These examples, together with the unusually harsh language directed at Justice Owen's position by the majority in the Doe cases, show a judge out of step with the conservative Republican majority of the Texas Supreme Court, a majority not afraid to explain the danger of her activist views.

I am also greatly concerned about Justice Owen's record of ends-oriented decision making as a Justice on the Texas Supreme Court. As one reads case after case, particularly those in which she was the sole dissenter or dissented with the extreme right wing of the court, her pattern of activism becomes clear. Her legal views in so many cases involving statutory interpretation simply cannot be reconciled with the plain meaning of the statute, the legislative intent, or the majority's interpretation, leading to the conclusion that she sets out to justify some preconceived idea of what the law ought to mean. This is not an appropriate way for a judge to make decisions. This is a judge whose record reflects that she is willing and sometimes eager to make law from the bench.

Justice Owen's activism and extremism is noteworthy in a variety of cases, including those dealing with business interests, malpractice, access to public information, employment discrimination and Texas Supreme Court jurisdiction, in which she writes against individual plaintiffs time and time again, in seeming contradiction of the law as written.

One of the cases where this trend is evident is FM Properties v. City of Austin, 22 S.W. 3d 868, Tex. 1998. I asked Justice Owen about this 1998 environmental case at her hearing last July. In her dissent from a 6-3 ruling, in which Justice Alberto Gonzales was among the majority, Justice Owen showed her willingness to rule in favor of large private landowners against the clear public interest in maintaining a fair regulatory process and clean water. Her dissent, which the majority characterized as, "nothing more than inflammatory rhetoric," was an attempt to favor big landowners.

In this case, the Texas Supreme Court found that a section of the Texas Water Code allowing certain private owners of large tracts of land to create "water quality zones," and write their own water quality regulations and plans, violated the Texas Constitution because it improperly delegated legislative power to private entities. The Court found that the Water Code section gave the private landowners, "legislative duties and powers, the exercise of which may adversely affect public interests, including the constitutionally-protected public interest in water quality." The Court also found that certain aspects of the Code and the factors surrounding its implementation weighed against the delegation of power, including the lack of meaningful government review, the lack of adequate representation of citizens affected by the private owners' actions, the breadth of the delegation, and the big landowners' obvious interest in maximizing their own profits and minimizing their own costs.

The majority offered a strong opinion, detailing its legal reasoning and explaining the dangers of offering too much legislative power to private entities. By contrast, in her dissent, Justice Owen argued that, "[w]hile the Constitution certainly permits the Legislature to enact laws that preserve and conserve the State's natural resources, there is nothing in the Constitution that requires the Legislature to exercise that power in any particular manner," ignoring entirely the possibility of an unconstitutional delegation of power. Her view strongly favored large business interests to the clear detriment of the public interest, and against the persuasive legal arguments of a majority of the Court.

When I asked her about this case at her hearing in July, I found her answer perplexing. In a way that she did not argue in her written dissent, at her hearing Justice Owen attempted to cast the F.M. case not as, "a fight between and City of Austin and big business, but in all honesty, . . . really a fight about . . . the State of Texas versus the City of Austin." In the written dissent however, she began by stating the, "importance of this case to private property rights and the separation of powers between the judicial and legislative branches. . .", and went on to decry the Court's decision as one that, "will impair all manner of property rights." That is 22 S.W. 3d at 889. At the time she wrote her dissent, Justice Owen was certainly clear about property rights for corporations.

At her second hearing, I know that Chairman HATCH tried to recharacterize the F.M. Properties v. City of Austin case in an effort to make it sound innocuous, just a struggle between two jurisdictions over some unimportant regulations. I know how, through a choreography of leading questions and short answers, they tried to respond to my question from last July, which was never really answered, about why Justice Owen thought it was proper for the legislature to grant large corporate landowners the power to regulate themselves. Again, I am unconvinced. The majority in this case, which invalidated a state statute favoring corporations, does not describe the case or the issues as the chairman and the nominee have. A fair reading of the case shows no evidence of a struggle between governments. This is all an attempt at after-the-fact justification where there really is none to be found.

Justice Owen and Chairman HATCH's explanation of the case also lacked even the weakest effort at rebutting the criticism of her by the F.M. Properties majority. As I mentioned, the six justice majority said that Justice Owen's dissent was, "nothing more than inflammatory rhetoric." They explained why her legal objections were mistaken, saying that no matter what the state legislature had the power to do on its own, it was simply unconstitutional to give the big landowners the power they were given.

Another case that concerned me is the case of GTE Southwest, Inc. v. Bruce, 990 S.W.2d 605, where Justice Owen wrote in favor of GTE in a lawsuit by employees for intentional infliction of emotional distress. The rest of the Court held that three employees subjected to what the majority characterized as "constant humiliating and abusive behavior of their supervisor" were entitled to the jury verdict in their favor. Despite the Court's recitation of an exhaustive list of sickening behavior by the supervisor, and its clear application of Texas law to those facts, Justice Owen wrote a concurring opinion to explain her difference of opinion on the key legal issue in the case—whether the behavior in evidence met the legal standard for intentional infliction of emotional distress.

Justice Owen contended that the conduct was not, as the standard requires, "so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency. . ." The majority opinion shows Justice Owen's concurrence advocating an inexplicable point of view that ignores the facts in evidence in order to reach a predetermined outcome in the corporation's favor.

At her first hearing, in answer to Senator EDWARDS' questions about this case, Justice Owen again gave an explanation not to be found in her written views. She told him that she agreed with the majority's holding, and wrote separately only to make sure that future litigants would not be confused and think that out of context, any one of the outrages suffered by the plaintiffs would not support a judgment. Looking again at her dissent, I do not see why, if that was what she truly intended, she did not say so in language plain enough to be understood, or why she thought it necessary to write and say it in the first place. It is a somewhat curious distinction to make—to advocate that in a tort case a judge should write a separate concurrence to explain which part of the plaintiff's case, standing alone, would not support a finding of liability. Neither her written concurrence, nor her answers in explanation after the fact, is satisfactory explanation of her position in this case.

In City of Garland v. Dallas Morning News, 22 S.W. 3d 351, Tex. 2000, Justice Owen dissented from a majority opinion and, again, it is difficult to justify her views other than as based on a desire to reach a particular outcome. The majority upheld a decision giving the newspaper access to a document outlining the reasons why the city's finance director was going to be fired. Justice Owen made two arguments: that because the document was considered a draft it was not subject to disclosure, and that the document was exempt from disclosure because it was part of policy making. Both of these exceptions were so large as to swallow the rule requiring disclosure. The majority rightly points out that if Justice Owen's views prevailed, almost any document could be labeled draft to shield it from public view. Moreover, to call a personnel decision a part of policy making is such an expansive interpretation it would leave little that would not be "policy."

Quantum Chemical v. Toennies, 47 S.W. 3d 473, Tex. 2001, is another troubling case where Justice Owen joined a dissent advocating an activist interpretation of a clearly written statute. In this age discrimination suit brought under the Texas civil rights statute, the relevant parts of which were modeled on Title VII of the federal Civil Rights Act, and its amendments, the appeal to the Texas Supreme Court centered on the standard of causation necessary for a finding for the plaintiff. The plaintiff argued, and the five justices in the majority agreed, that the plain meaning of the statute must be followed, and that the plaintiff could prove an unlawful employment practice by showing that discrimination was "a motivating factor." The employer corporation argued, and Justices Hecht and Owen agreed, that the plain meaning could be discarded in favor of a more tortured and unnecessary reading of the statute, and that the plaintiff must show that discrimination was "the motivating factor," in order to recover damages.

The portion of Title VII on which the majority relies for its interpretation was part of Congress's 1991 fix to the United States Supreme Court's opinion in the Price Waterhouse case, which held that an employer could avoid liability if the plaintiff could not show discrimination was "the" motivating factor. Congress's fix, in Section 107 of the Civil Rights Act of 1991, does not specify whether the motivating factor standard applies to both sorts of discrimination cases, the so-called "mixed motive" cases as well as the "pretext" cases.

The Texas majority concluded that they must rely on the plain language of the statute as amended, which could not be any clearer that under Title VII discrimination can be shown to be "a" motivating factor. Justice Owen joined Justice Hecht in claiming that federal case law is clear—in favor of their view—and opted for a reading of the statute that would turn it into its polar opposite, forcing plaintiffs into just the situation legislators were trying to avoid. This example of Justice Owen's desire to change the law from the bench, instead of interpret it, fits President Bush's definition of activism to a "T."

Justice Owen has also demonstrated her tendency toward ends-oriented decision making quite clearly in a series of dissents and concurrences in cases involving a Texas law providing for a judicial bypass of parental notification requirements for minors seeking abortions.

The most striking example is Justice Owen's expression of disagreement with the majority's decision on key legal issues in Doe 1. She strongly disagreed with the majority's holding on what a minor would have to show in order to establish that she was, as the statute requires, "sufficiently well informed" to make the decision on her own. While the conservative Republican majority laid out a well-reasoned test for this element of the law, based on the plain meaning of the statute and well-cited case law, Justice Owen inserted elements found in neither authority.

Specifically, Justice Owen insisted that the majority's requirement that the minor be "aware of the emotional and psychological aspects of undergoing an abortion" was not sufficient and that among other requirements with no basis in the law, she, "would require . . . [that the minor] should . . . indicate to the court that she is aware of and has considered that there are philosophic, social, moral, and religious arguments that can be brought to bear when considering abortion." That is In re Doe 1, 19 S.W.3d 249, 256, Tex. 2000.

In her written concurrence, Justice Owen indicated, through legal citation, that support for this proposition could be found in a particular page of the Supreme Court's opinion in Planned Parenthood v. Casey. However, when one looks at that portion of the Casey decision, one finds no mention of requiring a minor to acknowledge religious or moral arguments. The passage talks instead about the ability of a State to "enact rules and regulations designed to encourage her to know that there are philosophic and social arguments of great weight that can be brought to bear." That is Casey at 872. Justice Owen's reliance on this portion of a United States Supreme Court opinion to rewrite Texas law was simply wrong.

As she did in answer to questions about a couple of other cases at her July hearing, Justice Owen tried to explain away this problem with an after the fact justification. She told Senator CANTWELL that the reference to religion was not to be found in Casey after all, but in another U.S. Supreme Court case, H.L. v. Matheson. She explained that in, "Matheson they talk about that for some people it raises profound moral and religious concerns, and they're talking about the desirability or the State's interest in these kinds of considerations in making an informed decision." But again, on reading Matheson, one sees that the only mention of religion comes in a quotation meant to explain why the parents of the minor are due notification, not about the contours of what the government may require someone to prove to show she was fully well informed. Her reliance on Matheson for her proposed rewrite of the law is just as faulty as her reliance on Casey. Neither one supports her reading of the law. She simply tries a little bit of legal smoke and mirrors to make it appear as if they did. This is the sort of ends-oriented decision making that destroys the belief of a citizen in a fair legal system. And most troubling of all was her indicating to Senator FEINSTEIN that she still views her dissents in the Doe cases as the proper reading and construction of the Texas statute.

I have read her written answers to questions from Senators after her second hearing, many newly formulated, that attempt to explain away her very disturbing opinions in the Texas parental notification cases. Her record is still her record, and the record is clear. She still does not satisfactorily explain why she infuses the words of the Texas legislature with so much more meaning than she can be sure they intended. She adequately describes the precedents of the Supreme Court of the United States, to be sure, but she simply does not justify the leaps in logic and plain meaning she attempted in those decisions.

As I have mentioned with regard to some specific cases, Justice Owen's responses at her second hearing failed to alleviate these serious concerns nor did Senator HATCH's "testimony" at her second hearing, where he attempted to explain away cases about which I had expressed concern.

The few explanations offered for the many other examples of the times her Republican colleagues criticized her were unavailing. The tortured reading of Justice Gonzales' remarks in the Doe case were unconvincing. He clearly said that to construe the law in the way that Justice Owen's dissent construed the law would be activism. Any other interpretation is just not credible.

Or why in Montgomery Independent School District v. Davis, the majority criticized her for her disregard for legislative language, saying that, "the dissenting opinion misconceives the hearing examiner's role in the . . . process," which it said stemmed from "its disregard of the procedural elements the Legislature established . . . to ensure that the hearing-examiner process is fair and efficient for both teachers and school boards." Or why, in Collins v. Ison-Newsome, a dissent joined by Justice Owen was so roundly criticized by the Republican majority, which said the dissent agrees with one proposition but then "argues for the exact opposite proposition . . . [defying] the Legislature's clear and express limits on our jurisdiction."

I have said it before, but I am forced to say it again. These examples, together with the unusually harsh language directed at Justice Owen's position by the majority in the Doe cases, show a judge out of step with the conservative Republican majority of the Texas Supreme Court, a majority not afraid to explain the danger of her activist views. No good explanation was offered for these critical statements last year, and no good explanation was offered two weeks ago. Politically motivated rationalizations do not negate the plain language used to describe her activism at the time.

I would like to explain again that Justice Owen has been nominated to fill a vacancy that has existed since January, 1997. In the intervening 5 years, President Clinton nominated Judge Jorge Rangel, a distinguished Hispanic attorney from Corpus Christi, to fill that vacancy. Despite his qualifications, and his rating of well qualified by the ABA, Judge Rangel never received a hearing from the committee, and his nomination was returned to the President without Senate action at the end of 1998, after a fruitless wait of 15 months.

On September 16, 1999, President Clinton nominated Enrique Moreno, another outstanding Hispanic attorney, to fill that same vacancy. This Harvard educated attorney, who received a unanimous well qualified from the ABA, did not receive a hearing on his nomination either—for more than 17 months. President Bush withdrew the nomination of Enrique Moreno to the Fifth Circuit and later sent Justice Owen's name in its place. It was not until May of last year, at a hearing chaired by Senator SCHUMER, that the Judiciary Committee heard from any of President Clinton's three unsuccessful nominees to the 5th Circuit. Last May, Mr. Moreno and Mr. Rangel testified along with a number of other Clinton nominees about their treatment by the Republican majority. Thus, Justice Owen was the third nominee to this vacancy but the first to be accorded a hearing before the committee.

In fact, when the committee held its hearing on the nomination of Judge Edith Clement to the Fifth Circuit in 2001, it was the first hearing on a Fifth Circuit nominee in seven years. By contrast, Justice Owen was the third nomination to the Fifth Circuit on which the Judiciary Committee, under my chairmanship, held a hearing in less than one year. In spite of the treatment by the former Republican-majority of so many moderate judicial nominees of the previous President, we proceeded last July with a hearing on Justice Owen and, for that matter, with hearings for Judge Charles Pickering. We proceeded with committee debate and votes on all three of President Bush's Fifth Circuit nominees despite the treatment of President Clinton's nominees by the Republican majority.

President Bush has said on several occasions that his standard for judging judicial nominees would be that they "share a commitment to follow and apply the law, not to make law from the bench." Priscilla Owen's record, as I have described it today, and as we described it a few weeks ago in committee and last September, does not qualify her for a lifetime appointment to the Federal bench.

As I have demonstrated many times, I am ready to consent to the confirmation of consensus, mainstream judges, and I have on hundreds of occasions. But the President has resent the Senate a nominee who raises serious and significant concerns. I oppose this nomination.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I come to the floor today to join my colleagues to discuss the nomination of Priscilla Owen to the Fifth Circuit Court.

Mr. President, someone watching this debate on C-SPAN today might wonder why the Senate is spending so much time on a judicial nomination. They may watch all our discussions about circuit courts and wonder, how does this affect me? Well, the truth is that it affects all of us. Our Federal courts impact the opportunities, rights, and lives of every citizen, and that is why the appointments to our courts must be made with great care.

Since the founding of our Nation, our courts have changed our history, helping us to live up to our ideals as a society by protecting our rights and defending our freedoms. Our courts affect us at the broadest level, from interpreting environmental standards of clean air and water, to guarding important safety and consumer protections.

Our courts have changed millions of lives at the individual level by knocking down barriers. The courts have helped end the segregation of our schools, worked to stop discrimination, and protected the voting rights of our citizens.

Mr. President, these decisions don't just happen. They are made by people. According to our Constitution, those people are appointed by the President and confirmed by the Senate. Today, we are at an important step in that constitutional process. I care about our judges because I was elected to ensure that the people of my State have opportunities and to protect their rights. That is why I work on issues such as health care, education, economic development, to give Washingtonians opportunities. But those opportunities would mean nothing if the basic rights and freedoms of our citizens were undermined by judicial decisions.

This debate is also about the legacy that we leave. As Senators, our legacy is not just in the bills we pass or the laws we change, it is in the people we approve to interpret those laws. Those judges serve lifetime appointments. The precedents they set or break will impact the opportunities of American citizens long after all of us are gone.

So the debate we are having today is part of a process that impacts the rights and freedoms of every American, and we have a responsibility under the Constitution to carry out our role in this critical process. Now, some in the majority may suggest this filibuster is somehow new or unique. It is neither. Every Senator is familiar with the filibuster process. It is one of the many tools available to every Senator. It has been used for decades. It has been used on judicial nominations, and even on Supreme Court nominees.

In fact, a filibuster has been used on judicial nominees by members of the current majority party. This is nothing new. At the same time, a filibuster is not a step we take often or lightly, especially on judicial nominations, but I believe in this case it is clearly warranted.

As I look at what Americans expect from our judges, I see that this particular nominee falls far short. Not only that, but this nominee's confirmation poses such a risk that the Senate must send a signal we will not confirm judges who represent an attack on the basic rights and freedoms which the courts themselves must safeguard.

What are those qualities we look for in those who serve on the Federal bench? Qualities such as fairness, trust, experience, temperament, and the ability to represent all Americans, and safeguard their rights. It is our duty in the Senate to defend these principles. We are setting no new precedent with this debate. We are simply exercising our right as Senators to defend the principles we believe we must defend.

Why do we feel so strongly about the nomination of Priscilla Owen? Justice Owen's record clearly illustrates she fails the test of meeting the requirements that she be fair, that she engender trust, that she has the proper experience and temperament, or that she has the ability to represent all Americans, and safeguard their rights. Justice Owen has frequently ignored current Supreme Court precedent and State law in favor of imposing her own personal moral and religious beliefs from the bench.

Do not just take my word for it. Let's examine what others, including White House counsel Alberto Gonzales, have said about some of Justice Owen's decisions. Justice Owen is a vigorous dissenter, and her colleagues, including Justice Gonzales, have had a lot to say about her opinions. In one, her colleagues described her dissent as "nothing more than inflammatory rhetoric." In another instance, Justice Gonzales wrote that Owen's dissenting opinion, if enacted, "would be an unconscionable act of judicial activism."

Those are pretty strong statements and they provide a window into what kind of judge Priscilla Owen would be on the Fifth Circuit.

It is the judgment of this Senator that Priscilla Owen cannot render impartial justice to the people who appear before her court, that she will not seek to safeguard individual rights, and that her temperament is incompatible with serving on the Fifth Circuit.

This is not an easy decision for me. Thus far, the Senate has confirmed, if my math is correct, 119 of President Bush's judicial nominees. By any standard, that is a notable record. We have tried hard to work with the administration to fill court vacancies in a fair and thoughtful manner. Unfortunately, by every measure, this nomination fails the test. If I agreed to put this judge on the Fifth Circuit Court, I would not be doing my job of protecting the citizens I am here to represent.

This is a critical debate. It is worth the time it takes because the judges we appoint will affect the lives of millions of Americans. We have a special responsibility. Let us carry out that responsibility well, because our legacy is not just in the laws we pass. It is also in the people we appoint who will interpret those laws over a lifetime. The precedents they will set or break will live on longer than any of us.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Madam President, I rise to speak on the pending business.

The PRESIDING OFFICER. The Senator may proceed.

Ms. CANTWELL. Madam President, I rise as a former member of the Senate

Judiciary Committee to discuss something that is very important to all of us: How we should proceed on nominees for our Federal court system. And how we make sure we confirm nominees who will enforce the law and not nominees who might seek to bend the law or interpret it to their own desires. The American people deserve judges who hold the mainstream values of our country and our legal system. They deserve a Federal judiciary willing to interpret the laws as they are, rather than as the judges might want them to be.

The American people believe that the Senate needs to do our job. Not to be a rubberstamp on nominees, but to thoroughly evaluate judicial nominees and determine whether they will continue the tradition of the Federal judiciary by being balanced and impartial, and serving as a countercheck for the executive branch and for us, the legislative branch. That was the role the Founding Fathers gave to the Senate, and I believe that is a role the American people think we should play.

That is why I don't think it is surprising, that 74 percent of the public believes that the question of judicial views and judicial philosophy should be something we consider in the Senate confirmation process, and that we should get answers to questions about judicial philosophy from nominees.

More importantly, a majority of Americans also believe we should not vote to confirm a nominee who might otherwise be qualified if we don't think their views on these important issues reflect mainstream American viewpoint. I believe that the nominee we are debating, Justice Priscilla Owen, fails to meet this test.

As a former member of the Judiciary Committee, I attended a hearing on Priscilla Owen that lasted a full day. During that hearing, Owen's record showed a particular disregard for precedent and the plain meaning of the law.

Anyone who walks into a courtroom as a plaintiff or a defendant in this country should do so having the full confidence that there is impartiality on the part of the judge on the bench. They should have total confidence that the rule of law will be followed, and believe the issues will be judged on their merits rather than viewed through the prism of an individual judge's personal values or beliefs.

There is reason to be concerned about the record of Priscilla Owen. Time after time, even her own Republican colleagues, on a predominantly Republican Texas Supreme Court bench, criticized her for failing to follow precedent or interpreting statutes in ways that ignore the clear intent of the law. Just yesterday a key newspaper in her State, the Austin American Statesman, wrote:

> Owen is so conservative that she places herself out of the broad mainstream of jurisprudence. She seems all too willing to bend the law to fit her views.

I ask unanimous consent to have that editorial printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From American-Stateman, Apr. 29, 2003]

OWEN DESERVES A NOTE BUT NOT A CONFIRMATION

The U.S. Senate is expected to resume debate soon over President Bush's nomination of Texas Supreme Court Justice Priscilla Owen to the 5th U.S. Circuit Court of Appeals, which hears federal appeals from Texas, Louisiana and Mississippi. We have argued before that she deserved a hearing, and she finally got one from the Senate Judiciary Committee. That said, however, she should not be confirmed.

There's no question that Owen is qualified for the 5th Circuit by her legal training and experience. She was a standout at the top of her Baylor University Law School class; she became a partner at a major Houston law firm, Andrews & Kurth, where she practiced commercial litigation for 17 years; and she was elected in 1994 to the Texas Supreme Court, and re-elected in 2000. She received the highest rating, "well-qualified," from an American Bar Association committee that reviews judicial nominations.

But Owen is so conservative that she places herself out of the broad mainstream of jurisprudence. She seems all too willing to bend the law to fit her views, rather than the reverse.

One example was the state Supreme Court's interpretation of the then-new Parental Notification Act regarding abortions sought by minors. In early 2000, the nine justices, all Republicans, took up a series of "Jane Doe" cases to determine under what circumstances a girl could get a court order to avoid telling a parent that she intended to get an abortion.

Owen and Justice Nathan Hecht consistently argued for interpretations of the law that would make it virtually impossible for a girl to get such an order.

Finally, in one Jane Doe case, another justice complained that "to construe the Parental Notification Act so narrowly as to eliminate bypasses, or to create hurdles that simply are not to be found in the words of the statute, would be an unconscionable act of judicial activism."

The justice who wrote that was Alberto Gonzales, who is now Bush's general counsel.

Owen also could usually be counted upon in any important case that pitted an individual or group of individuals against business interests to side with business.

Owen is being appointed to a lifetime position in the judicial branch of government, not to a post in which her duty is to carry out the will of the president. And given the narrowness of his 2000 election victory, Bush is not in a position to argue that the public has said it wants ultra-conservative judges.

If the Senate Democrats invoke their power to filibuster, Owen would be the second judge nominated by Bush to be blocked in such a way. The other is Miguel Estrada, who was nominated to the U.S. Circuit Court of Appeals for the District of Columbia, and who Democrats suspect is a radical, ideological conservative.

Democrats are not blindly opposing all of the president's judicial nominees. Many have been confirmed by the Senate, and others have won committee approval without controversy, including Edward Prado of San Antonio, a federal district judge who was nominated to the 5th Circuit.

But Owen should not be confirmed.

Ms. CANTWELL. What some of Owen's colleagues on the bench have said about her opinions I think is important. In a case dealing with a developer seeking to evade Austin's clean water laws, her dissent was called "nothing more than inflammatory rhetoric."

In another case, her statutory interpretation was called "unworkable." In yet another case, the dissent she joined was called "an unconscionable act of judicial activism."

Some of our other colleagues have already mentioned that particular quote. One of the reasons we all find it somewhat unbelievable is the fact that it was made by her then-colleague on the Texas Supreme Court, now the White House General Counsel Alberto Gonzales, who is in charge of pushing her nomination.

But the criticism of Owen comes not only from her colleagues but from across the country. The San Antonio Express calls her nomination misguided. The Atlanta Journal called the Judiciary Committee's original objection to her nomination "the right decision for the American people." The New York Times wrote last week that it was abundantly clear at her hearing that her ideology drives her decisions. The Kansas City Star even said there are better nominees and better ways for the executive branch to spend its time than re-fighting these battles.

There is another reason this nomination is so important. I believe this is critical to all the nominees we are considering for appointment to the Federal bench. That is, what is the judicial philosophy and commitment to upholding current law as it relates to a citizen's right to privacy. I asked Justice Owen at her hearing about her beliefs on the right to privacy. I asked her if she believed there was a constitutional right to privacy and where she found that right in the Constitution.

She declined at the time to answer that question without the relevant case information and precedents before her. When Senator FEINSTEIN followed up with a similar question, Owen again would not answer whether she believes a right to privacy does exist within the Constitution.

The question of whether a nominee believes that the right to privacy exists with regard to the ability to make decisions about one's own body is only the tip of the privacy iceberg. I believe that we are in an information age that poses new challenges in protecting the right to privacy. We are facing difficult issues including whether U.S. citizens have been treated as enemy combatants in a prison without access to counsel or trial by jury, whether businesses have access to some of your most personal information, whether the Government has established a process for eavesdropping or tracking U.S. citizens without probable cause, and whether the Government has the ability to develop new software that might track the use of your own computer and places where you might go on the Internet without your consent or knowledge. There are a variety of issues that are before us on an individual's right to privacy and how that right to privacy is going to be interpreted. A clear understanding of a nominee's willingness to follow precedent on protecting privacy is a very important criterion for me, and it should be a concern for all Members.

Of course, some of my concern and skepticism about Justice Owen's views on privacy results from the opinions she wrote in a series of cases interpreting the Texas law on parental notification. In 2000 the State of Texas passed a law requiring parental notification. But they also included a bypass system for extreme cases.

Eleven out of 12 times Owen analyzed whether a minor should be entitled to bypass the notice requirement, she voted either to deny the bypass or to create greater obstacles to the bypass.

Owen wrote in dissent that she would require a minor to demonstrate that she had considered religious issues surrounding the decision and that she had received specific counseling from someone other than a physician, her friend, or her family. Requirements, I believe, that go far beyond what the Texas law requires.

In interpreting the "best interest" arm of the statute, Owen held that a minor should be required to demonstrate that the abortion itself—not avoiding notification—was in the individual's best interests. In this particular case, I think she went far beyond what the statute required.

Where does that put us? Women in this country rely on the right to choose. It is an issue on which we have had 30 years of settled law and case precedent. In the Fifth Circuit, there are three States that continue to have unconstitutional laws on the books, and legislatures that are hostile to that right to choose. The Federal courts are the sole protector of women's right to privacy in these states. I do not believe that the rights of the women of the Fifth Circuit can be trusted to Justice Priscilla Owen.

Owen's rulings on privacy and not following precedent raise grave concerns. But this is not the only area where Justice Owen has been criticized. She also has been criticized in areas of consumer rights and environmental law.

The Los Angeles Times singles her out as a nominee who disdains workers' rights, civil liberties and abortion rights. And even a predominantly Republican court—one considered by legal observers and scholars to be one of the most conservative in this country—Justice Owen still seems to go further than a majority on that court. Time after time, Justice Owen has ruled in favor of business interests over working people, against women, against victims of crime and negligence, and against the environment. Over a career a judge can have many controversial cases. But, as the Austin Statesman points out, Justice Owen is widely known as a nominee that "could usually be counted on to side in any important case that pitted an individual against business interests to side with business."

I don't think that is the type of representation that we want to have on our courts. Her controversial rulings include an opinion that a distributor who failed to conduct a background check on a salesman was not liable for the rape of a woman by that salesman.

In a case challenging the ability of Texas cities to impose basic clean water control, she held the legislature had the power to exempt a single developer from city water pollution controls by allowing the developer to write their own water pollution plan. The majority called her dissent "nothing more than inflammatory rhetoric."

There are other cases dealing with Texas public information law which I think are important for all of us, for all of our citizens to have access to public information.

She wrote that a memo prepared by a city agency about an employee should not be subject to disclosure under the Texas Public Information Law because it discussed "policy," an exemption that a majority of others on the board said would be "the same as holding there is no disclosure requirement at all."

In another similar case about public information laws, she held that a report prepared by the city of Houston and financed by taxpayers could not be disclosed under the Texas Public Information Act. Again, her colleagues criticized her decision not only as "contradicting the spirit and language of the statute, but gutting it."

It is possible to find cases or points to argue in the record of almost any judge, but because of the reaction of her own colleagues to her decisions. I find the constant criticism and rebukes that run through the opinions of Owen's colleagues surprising. They consistently indicate that they think she has overstepped or misinterpreted the law to such a degree that they have used the words "gutting" or "judicial activism" or "overreaching."

As do many of my colleagues, I believe that we should move off this nomination and on to more important matters. We in the Northwest have an economy that has failed to recover. We in America are looking for an economic plan to move our country forward. There are many issues of national security that we must continue to debate.

I think that we could do better than renominating Priscilla Owen, and others who have already been rejected by a previous Senate Judiciary Committee. The fact that we are even debating this nominee is unprecedented. While I respect the President's right to renominate her, I find his decision to do so given the breadth of opposition and genuine questions that have been raised by her troubling.

The American public cares about us doing our job on nominees. It cares about us asking the right questions. It cares about us making sure that judicial nominees are following important laws that are already on the books. I believe the majority of Americans are becoming more and more concerned about their right to privacy and how it might be protected in the future.

With all the issues that we are facing on our judicial nominees, I say to my colleagues that it is time to move off this nominee—not to move forward on it and instead to the important business that needs to be done for this country and specifically for the Northwest.

I ask my colleagues to oppose the motion to proceed to a vote on this nomination and turn instead to the business that the people of America want us to address: our economic livelihood and how we can all work together to provide better opportunities for Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Thank you, Madam President.

I think it was a young kid who turned to "Shoeless Joe" Jackson when members of the Chicago White Sox were charged with corruption in baseball and said, "Say it ain't so, Joe."

Tell me that we are not back again in these hallowed halls visiting the issue of a nomination of a circuit court judge, trying to do what the Constitution has given us the authority to do since the birth of this magnificent country, the right to advise and consent but ultimately to choose, to advise and consent and cast your vote up or down for a judicial nomination.

I am here to talk about the nomination of Texas Supreme Court Justice Priscilla Owen to sit on the U.S. Court of Appeals for the Fifth Circuit in support of that nomination.

The American public is going to hear these facts again and again. They are going to hear about Judge Owen, who has been unanimously rated well qualified by the American Bar Association, which my colleagues on the other side have called the gold standard in the past; the way you want to measure; you don't want to measure them by political affiliation, you don't want to measure them by what an interest group thinks.

The American Bar Association, certainly not a bastion of conservative American values, unanimously has rated Justice Owen as well qualified. She comes before us with a history of serving presently as a justice on the Texas Supreme Court. She has been partner at a law firm and has handled a broad range of legal matters. She has been admitted to practice at various State and Federal trial courts.

She is a leader in her community. I understand she teaches Sunday school. She serves as the head of an altar guild. She is a great American. She is well qualified. She has an opportunity now to serve on the Federal bench. And all that is being sought is for this Senate to do its constitutional duty.

I have made some of these remarks in regard to the Estrada nomination, and we may well be getting back to that. I fear we are getting back to another filibuster, with my colleagues on the other side not allowing the Senate to do its business.

We have a lot of business to do in America. These are difficult times and challenging times. We have just seen the miracle of the American military do great things in Iraq. But there is work to be done, and our citizens at home are worried about jobs and worried about health care, worried about the future. We need to get to those issues. We can get to those issues if we simply do our business and move on.

If you do not support Priscilla Owen, if you do not think she has the qualifications, if you do not agree with her principles, vote against her, but give us a chance to have a vote. That is my concern.

What we are doing here, and what we saw first happen with the Estrada nomination—and I fear we are stepping into the same swampland—is we are undermining the Constitution of this great country. The Constitution is one of those certifiable miracles of the modern age. It has flourished and survived for 214 years. And I think providence has inspired it. When you think how delicate and finely balanced the document is, it has survived a Civil War, and several wise and unwise attempts to amend it, and many constitutional crises. That is our strength. I think our adversaries do not understand the strength of this country lies in this remarkable document and the care of our leaders to live within its boundaries.

That is why an attempt to tamper with this delicate balance of power must be met with suspicion, and repelled with conviction. I said that in regard to Miguel Estrada. I say that in regard to Priscilla Owen: An attempt to tamper with the delicate balance of the Constitution must be met with suspicion and repelled with conviction.

We have the opportunity to have endless debate in this body, but, in the end, in the history of this country, we have had circuit court nominees getting a chance to be voted on. The Estrada nomination set a terrible new trend, one I hope we overcome. Never before have we had a partisan filibuster of a circuit court nominee, and now it appears we have not one but two. Say it ain't so. Say it ain't so.

I told a story in regard to the Estrada nomination. I want to repeat that story. It is a true story. A friend of mine who worked here for many years gave it to me. He told me, many years ago, when the Senate was the Supreme Court's upstairs neighbor in this building, a significant event took place which provides us with a further warning. A young architect of the Capitol wanted to improve the sight lines in the Supreme Court Chamber on the first floor.

Calculating that one of the supporting pillars was unnecessary, he brought in a crew to remove it from that Supreme Court Chamber. Halfway through the project, the ceiling fell in on the Supreme Court Chamber, which was also the floor of the Senate above, destroying both Chambers for a while.

The lesson is when you tamper with one branch of Government, it can affect the others in ways you cannot anticipate. That is what is really going on here.

The Constitution of the United States gives this Senate the important authority to advise and consent, and we do it by a majority vote. Treaties, on the other hand, require a supermajority. But when you have a filibuster, as we have seen with Estrada, and we now, I fear, will see with Priscilla Owen—and I hope not and again say: Say it ain't so—what happens is we are changing the constitutional standard.

You have to think about some of the consequences. Some of the obvious ones. There may be some we do not see today. One of them is if this is now the standard, that you need 60 votes, we are not going to get qualified and talented people to serve on our highest courts in the land. They are not going to make it through. I dare say, Justice Scalia would probably not make it through. Ruth Bader Ginsburg, a liberal Supreme Court Justice, who graduated from the same high school I graduated from in Brooklyn, New York, James Madison High School, may not have made it through. Anybody who has been out there articulating a particular position, a perspective, would not make it through.

Here is the fallacy of the argument of my distinguished colleagues on the other side. They want fealty to their judicial philosophy. They want the candidate to say: Here is a principle in which I believe, and you have to tell me you believe in that. But that is not what our system is supposed to be. What judges are supposed to do is not to say this is their own vision and their own view and their own philosophy, and regardless of what the constitution says, that is what they are going to apply. What the Constitution requires, what rules of court require, what we as Americans should require is that judges simply uphold the Constitution and to say they will follow established case law, that they will follow established precedence, by the way, even if they do not agree with it.

That is what we require of judges. It is not about taking your own judicial philosophy and kind of driving it forward, come heck or high water. It is about a willingness and a commitment to uphold judicial precedent. That is what Justice Owen understands. That is what she represents. That is what Miguel Estrada represents.

We have business to pursue, important business. But of all the things we do, if we take this Constitution and we disregard it, if we, in the halls of this Senate Chamber, in the year 2003 simply say we are going to cast the Constitution aside, we are going to set a new standard—not a majority but a supermajority, 60 votes—that we on one side—and this time it is my distinguished colleagues across the aisle; they are going to turn down folks because they are not pledging abeyance, not giving fealty to their philosophy; and down the road, if there is a Democrat President who puts forth candidates, if the folks on our side say, hey, the rules have been changed, the Constitution, we are no longer listening to it, it is now 60 votes, and we are not going to approve anybody who is a Democrat who has some philosophies different than our own—our country is going to be in deep trouble.

I hope I get to serve in this institution a long time. The people of the State of Minnesota have given me an opportunity to serve. They have given me at least 6 years. But I will tell you, I will try to conduct myself in a way that when a candidate comes forward, I apply the same standard, whether that candidate is being put forth by a Republican President or a Democratic President. That standard is pretty simple: Are they willing to commit themselves to follow established case law. Do they have the right kind of judicial temperament. And—again, we have the American Bar Association giving the gold standard—then we should not be having these debates right now. Again, let us be very wary of efforts to change the constitutional standards.

Let us discuss the merits of these nominees, their qualifications, judicial temperament, but then let us follow the constitutional process we have followed for two centuries and vote yes or no on our advice and consent to the President's nominee to the court of appeals.

I hope, Madam President, we give Justice Owen that right. I am going to be voting yea. My colleagues on the other side may disagree and vote nay, but let's make sure we get a vote, that we do not change the constitutional standard.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to discuss the nomination of Priscilla Owen to the Fifth Circuit Court of Appeals. I begin by saying, as have others, that the Senate has a constitutional obligation to advice and consent on a Federal judicial nominee. This is a responsibility I take seriously, as do my Senate colleagues from both sides of the aisle. Unlike other nominations that come before the Senate such as ambassadorships or executive nominees, Federal judicial nominations are lifetime appointments. These are not decisions that will affect our courts for 3 years or 4 years but, rather, 30 years or 40 years, making it even more important that the Senate not act as a rubberstamp.

Having said that, to review the record of where we are under this President and his judicial nominations, to date the Senate has confirmed 119 Federal justices and rejected two—not exactly a partisan example of how we are moving forward on judgeships: 119 approved; two rejected. Ironically, one of those already rejected is the person now in front of the Senate again.

As a part of the important responsibility we have, I have examined Justice Owen's record. I am concerned that this is a nominee who has repeatedly disregarded the language of the law and has instead substituted her own political and personal views. This is a nominee who has been criticized by her own Republican colleagues on the bench for being a judicial activist. She is one who has consistently overreached in her decisions to justify her extreme personal positions.

I begin by talking briefly about the Texas Supreme Court. In Texas, Supreme Court judges are elected for 6-year terms. They run as party candidates, as they do in many States, as Republicans or Democrats. This is a conservative court and currently an all-Republican court. This is important because when one reads Texas Supreme Court opinions, Justice Owen is outside of the mainstream even among those of her own party who have been recognized as serving on a conservative court.

In fact, a review of the court's opinions shows that since Justice Owen joined the court in January of 1995 through June of 2002, just prior to her July 2002 judicial committee hearing, she was the second most frequent dissenter among the justices then serving on the court. The content of these dissents also shows that she is often out of touch with the law and significantly more extreme than her Republican colleagues on the court.

For example, in the 12 cases before her involving minors seeking judicial bypass to obtain an abortion under Texas parental notification laws, Owen joined the majority in granting a bypass only once. That was a case which was decided after her nomination to the Fifth Circuit.

In re Jane Doe 1, where a bypass was granted, the Republican majority opinion sharply rebuked Owen and the other dissenter's attempts to substitute their own personal views for the law instead of interpreting the law itself. They stated:

> We recognize that judges' personal views may inspire inflammatory and irresponsible rhetoric. Nonetheless, the issue's highly charged nature does not excuse judges who impose their own personal convictions into what must be a strictly legal inquiry.

Those are harsh words.

> As judges, we cannot ignore the statute or the record before us. Whatever our personal feelings may be, we must respect the rule of law.

How many times have we heard colleagues speak about respecting the rule of law? Here was someone rebuked by her own Republican colleagues for not respecting the rule of law.

In a concurring opinion on the same case, then Justice Alberto Gonzales, the Bush administration's current White House counsel, described the dissenters, including Justice Owen, as attempting to engage in "an unconscionable act of judicial activism." These are the words of the current White House counsel when he was serving with her, that she attempted to engage in "an unconscionable act of judicial activism." Those are very powerful words.

This criticism is very serious. It does not come from Senators. It comes from Justice Owen's own Republican colleagues. That is significant.

In another parental notification case, In re Jane Doe 3, the minor testified that her father was an alcoholic who would take out his anger toward his children by beating the mother. Justice Owen once again substituted her own personal views for the law and would have required a higher evidentiary standard for showing the possibility of abuse under the law. Republican Justice Enoch wrote, specifically to rebuke Justice Owen and her fellow dissenters for misconstruing the definition of the sort of abuse that may occur under the bypass law—a Republican colleague on the bench—"Abuse is abuse. It is neither to be trifled with nor its severity to be second-guessed."

Justice Owen's judicial activism extends way beyond these cases. Justice Owen has been out of step with Republican justices of the Texas Supreme Court on everything from environmental cases to consumer protection to workplace discrimination cases. In Read v. Scott Fetzer, Kristi Read was raped in her home by a door-to-door salesman hired by the Kirby vacuum distributor. If the distributor had conducted a background check or even checked the salesman's employment references, they would have learned that women at his previous places of employment had complained about his sexually inappropriate behavior and that he had pled guilty to a charge of sexual indecency with a child and was fired as a result of that incident.

The Republican majority in this case ruled that the victim was entitled to damages from the distributor that hired the salesman. Justice Owen, however, joined a dissenting opinion saying the victim was not entitled to any damages from the distributor, arguing that since the salesman was considered an independent contractor, the distributor had no duty to perform any background checks. This is yet another example where Priscilla Owen is out of step with even her colleagues on the Texas Supreme Court, much less mainstream America.

President Bush has said he wants judges who are not judicial activists and who will interpret the law, not make the law. Justice Owen fails this test by any measure. When one examines Justice Owen's record, her pattern of judicial activism becomes clear.

During her tenure on this conservative Republican court—and I say that only to say that these were Republican colleagues on the court who were making the statements about the inappropriate judicial activism—Justice Owen has dissented in 66 cases and has been criticized by her colleagues, including White House Counsel Alberto Gonzales, on the bench for her judicial overreaching.

This is a nominee who has been divisive not only on the Texas Supreme Court but in the U.S. Senate. I have received over 2,500 letters and e-mails from my constituents in Michigan opposing Priscilla Owen's nomination. I have received letters from over 60 different organizations, including civil rights groups, advocacy groups, women's groups, environmental groups, and other citizens opposing this nomination.

In addition, Justice Owen's nomination was rejected last year by the Senate Judiciary Committee, and her reconsideration is unprecedented. Never before has a nominee been voted on and rejected by the committee or the Senate and subsequently renominated for the same seat.

Mr. President, I urge my colleagues to say yes to a balanced Federal judiciary that will interpret and not make the law, and to say no to the Owen nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I want to share some comments about Priscilla Owen. I could not disagree with my distinguished colleague more. Priscilla Owen, I believe, is one of the great justices in America. She has served on the Texas Supreme Court with distinction. She has received support from all the Texas Supreme Court judges. They like and admire her. She has an extraordinary record—a record of public service and private litigation.

Her background and study capabilities have been reviewed by the American Bar Association—the gold standard, the Democrats tell us, for whether or not a person should be confirmed. They have—15 lawyers—reviewed her record. I think it is normally 15. They are lawyers in the community and others who review the record. They interviewed litigants who come before Judge Owen. They interviewed her law partners in the firm where she worked as a private attorney. They interviewed opposing lawyers in cases she was on, judges in the community who know her, leaders of the bar association and presidents of the bar association. They evaluate whether or not a judge is a fair and objective judge. After a complete evaluation of this excellent jurist's career, they have unanimously voted that she is "well qualified," which is the highest rating they can give.

So to come in here and say she is an "extremist" who will not follow the law and abuses the law is simply not correct. To just say that she dissents on cases is not fair. Great judges who love the law and care about the law tend to dissent more. It is easy just to sign on to majority opinions. Judges who really care and are really concerned tend to review opinions and offer either concurring opinions or objections. Oftentimes, that is a great compliment—that the jurist is concerned about the law and wants to do it right.

Prior to her election in 1994 to the Supreme Court of Texas, she was with the Houston law firm of Andrews and Kurth, where she practiced commercial litigation for 17 years. In private practice, she handled a broad range of civil matters at both the trial and appellate levels. She was admitted to practice before various State and Federal courts, as well as U.S. courts of appeals—Federal courts—for the Fourth, Fifth, Eighth, and Eleventh Circuits. She is nominated to be a member of what I call the old Fifth Circuit. Alabama and Georgia used to be in the Fifth and they split.

Priscilla Owen is a member of the American Law Institute, American Judicature Society, American Bar Association, and a Fellow of the American and Houston Bar Foundations. She was elected to the Supreme Court of Texas in 2000, garnering 84 percent of the vote, having been endorsed by every major newspaper in Texas. A pretty good record. Is this the record of some sort of extremist? No, it is not.

She served as a liaison to the Supreme Court of Texas's Court-Annexed Mediation Task Force, and that is a good thing. We need to have more mediation and conciliation and less litigation, frankly. I am glad to see she is concerned with that. She has been on statewide committees on providing legal services to the poor and pro bono legal services. She was part of a committee that successfully encouraged the Texas Legislature to enact legislation that has resulted in millions of dollars a year in additional funds for providers of legal services to the poor.

Priscilla Owen also served as a member of the board of the A.A. White Dispute Resolution Institute. Additionally, Judge Owen was instrumental in organizing a group known as Family Law 2000—an interesting group. It seeks to find ways to educate parents about the effects a dissolution of a marriage can have on children, and to lessen the adversarial nature of legal proceedings while a marriage is being dissolved. This is a lady who cares about children, who cares about families, and wants to do the right thing for them.

Among her community activities, Justice Owen served on the Board of Texas Hearing and Service Dogs for the Disabled. She is a member of the St. Barnabas Episcopal Mission in Austin, TX, where she teaches Sunday school and serves as head of the altar guild. I guess some might think that maybe she is too religious. We are hearing complaints about that today. I, frankly, think that being a member of the Episcopal mission, serving on the altar guild, and being a Sunday school teacher is an honorable thing to be recognized and is a positive contribution to the community. I suggest it demonstrates certain values.

She has a tremendous academic record. She earned her bachelor's degree cum laude from Baylor University, where she also graduated from law school, in 1977, cum laude with honors. She was a member of the Baylor Law Review, for graduating seniors or juniors to participating in the school's law review, is the highest honor a good law student can receive. It goes beyond grades, but grades are an important part of it. She was honored as the Baylor Young Lawyer of the Year and received the Baylor University Outstanding Young Alumna award.

If anybody has any doubts about her abilities—and you cannot always tell from grades—she made the highest score in the State of Texas on the bar exam. I am telling you, they have people from Harvard, Yale, the University of Texas, and all of those schools taking this exam. She made the highest score on the Texas bar exam. I suggest to you there were some talented people taking that exam. She made the highest possible score. She has the intellectual capabilities that everybody who knows her says she has.

So what does this boil down to? It boils down to a complaint about her interpretation of a poorly written—because I was at the committee hearing—Texas statute dealing with parental notification. The Supreme Court of the United States and 80 percent of the American people believe that if a young minor, a child, is contemplating an abortion, she ought not to be able to go to the abortion doctor and have that done without at least notifying her parents.

Parents love children. I know there are some parents who are abusive and there are difficult circumstances, but most parents are not that way. Most parents love their children. Most parents would be helpful to a child who has difficulties and most parents would be able to discuss that with them in a rational way.

The Texas law was attempting to provide that. It was not a bad law, but it was not written with sufficient clarity that a group of judges could get together and always agree on exactly what it meant. Anybody here knows if someone practices law that those circumstances happen. So this is basically what the complaint about her is, over this one subject.

A parental notification law says a parent of a young minor girl seeking an abortion should be notified if the teenager is going to have the abortion. Notification does not mean a parent has to agree to the abortion, or to even say it is okay. That would be a consent requirement. Parental notification laws do not require consent. Notification is simply telling a parent a child is about to undergo a major medical procedure.

School teachers will not allow a child to take an aspirin without calling the parent, and yet the pro-abortionists think it is perfectly all right for a 13, 14 or 15-year-old, who has gotten themselves in trouble, gotten themselves pregnant, that they should not even tell their parents and go off with some older man perhaps and conduct this procedure. That is the sad reality of it.

So even if a parent were to object to this abortion, the teenager could still go forward with it. It would not stand in the way of them going to an abortion clinic.

Eighty percent of Americans believe that it is appropriate that parents should get notification. Let me explain how these laws work in Texas. If a teenage girl becomes pregnant and does not want to follow the notification law to give her parents an FYI, she is allowed to petition the court for a waiver. In other words, she can go to the court and say, judge, I do not want to have to tell my parents I am pregnant and I am contemplating an abortion. Tell me I do not have to do so. Give me authority not to do so.

She might want the waiver for several reasons. She might be afraid to tell her parents because she is afraid they would become angry or because there might be violence.

A teenage girl is given an opportunity to explain to a trial judge what her problem with notification is and to demonstrate to the judge she is mature enough to make a decision on her own. That is what the Texas law provides. A trial court hears that and he observes the teenager. The trial judge sees the teenager personally and is able to enter into a discussion and colloquy with her. After discussing the steps she has taken to become informed, such as talking to a counselor or considering alternatives to an abortion, the judge makes a decision on whether or not the waiver should be granted and whether the girl should be allowed to have an abortion without the knowledge of a parent.

Because some of my colleagues seem to be so determined about their support of abortion on demand, I assume they consider this as a right of privacy or something, they insist that no one, for any reason, can even be advised that a minor child would have an abortion. They are not happy with these laws and object to these laws. The National Abortion Rights League and that type of group have opposed these laws, but these laws have been supported by the American people consistently and they have passed.

But I guess they would want the judge to grant a waiver in every single case. Well, I do not think anyone would say the court should grant a waiver in every case. Every case is different. So each case should be evaluated and be ruled on on the merits. It is the court's duty to examine the facts in each waiver case to determine if the waiver is suitable. That is what a judge does.

If the teenager goes before the trial court and the trial court grants her waiver and says you do not have to notify your parents, she can get an abortion without notifying either one of her parents. If the trial court denies that waiver after a hearing and says she should tell the parents, the teenager can either notify one of the parents or can appeal to the court of civil appeals.

At the court of civil appeals level, a minimum of at least three judges review the record of the trial judge to determine whether or not the judge made an error and whether or not the teenager should be able to have an abortion without notifying either parent. The judges look again at the reason behind the waiver request, the maturity of the teenager and her decision-making process. After a complete review of the trial judge's decision, the appeals court either grants the waiver and allows the abortion to go forward without notification or affirms the trial court's denial.

If the court of appeals denies the waiver, the girl either notifies one of her parents or can appeal to the state supreme court, such as the Texas Supreme Court where Justice Owen sits.

So by the time this case reaches the supreme court where Justice Owen sits, at least four judges will have either seen the teenager or reviewed the record carefully and ruled a notification should be made to at least one parent before an abortion takes place. So that is how the system works. By the time the case reaches the Texas Supreme Court, two other lower courts will have already said the girl should provide the parents the courtesy of telling them their daughter is about to undergo such a major operation.

So this is what the issue is all about. This is what the opponents are unhappy about, and they talk about it aggressively.

Justice Owen has never made an initial decision to deny a waiver. Her position on the Texas Supreme Court does not permit that. Her position only allows her to review denials of waivers already made by lower courts. In upholding the lower court's denial of a waiver, Justice Owen is only agreeing with the trial judge, the judge who had the opportunity to visualize and see the teenager and to observe her, and also the judges on the court of appeals, the intermediate level court. Justice Owen simply did what appellate judges do. Appellate judges allow the trial court to be the trier of fact and in most instances only review their decisions on abuse of discretion grounds.

So to break it down, Justice Owen merely ruled in a few parental notification cases that a trial judge and at least three judges on the court of civil appeals did not abuse their discretion by having a teenage girl notify her parents she intended to have an abortion. That is, I submit, far from being some sort of judicial activist, rogue judge who does not adhere to the law.

An FYI to a parent before a major surgery, that is what this filibuster is all about. Some of my colleagues are really strongly committed to an almost absolutist position on abortion. They oppose limiting partial-birth abortion. They oppose any limitation whatever.

Now we are at the point of seeing this sterling nominee, so well qualified, subjected to a filibuster because she did her best to evaluate and interpret the Texas law. In each case, her decision was in conjunction with and to affirm the decision of a trial judge and a three-judge civil appeals panel below her.

When my colleagues talk about being out of the mainstream, I suggest they should look at themselves. This accusation against Justice Owen is the only thing that is out of the mainstream. We are not talking about requiring parental consent for abortions. We are only talking about notice. If a parent objects, a doctor is still required to perform the abortion and allowed to perform the abortion if the child wants. In Justice Owen's State of Texas, the law does not allow a teenager to get an aspirin in school without parental consent. If a teenager wants to get a tattoo, the law requires parental consent. If a teenage girl wants to get her ear pierced, parental consent is required. So if a girl wants to take an aspirin in school, get a tattoo or have her ear pierced, her parents not only have to have notification, they have to consent. They have to sign off on it. That is not the case with abortion. In my view, giving a parent notice about an abortion for a teenage girl is nowhere outside the mainstream of American policy or American law.

Justice Owen is one of the finest nominees this Senate has ever had the opportunity to consider. For her nomination to be filibustered is an atrocity of the confirmation process and to the tradition of this Senate. I strongly support her confirmation. I believe if logic and reason prevail, we will confirm her instead of filibustering this nomination.

This nominee is sterling. She has the highest possible rating of her peers. She has performed as one of Texas's finest litigators and has won election to the Supreme Court of Texas with 80 percent of the vote, having the support of every major newspaper in her State. I find it difficult to see how we now are not even allowing her to have a vote in this body.

They say she was rejected once. I was on the committee. That was when the Democrats were in the majority. They voted a straight party line in committee after I thought she testified brilliantly in examination. That never happened in the 8 years President Clinton was President.

Never did we vote down a nominee in committee on a party-line vote. They say, well, only two of them have been blocked here. In 8 years, there were 377 confirmations of President Clinton's judges. One was voted down. None were voted down in committee. She was voted down on a party-line vote in the Senate Judiciary Committee, but she had not been rejected by the full committee.

If they think she is going to be rejected again, why don't they let us have a vote? Let's vote on it. I suggest this nominee is going to win a majority of the votes in this Senate.

The Constitution makes clear that the Senate has an advice and consent power. It notes, with regard to treaties, that the Senate shall advise and consent provided two-thirds agree. Then with regard to the confirmation of all other offices, it just says the Senate shall advise and consent.

Since the founding of this country, we have understood that to mean the

Senate will have a majority vote on the confirmation. There is no other logical thing it could mean. So now we have ratcheted up the game.

I recall distinctly a little over 2 years ago when my Democrat colleagues went to a private retreat. A number of law professors, Lawrence Tribe, Cass Sunstein, and Marsha Greenberg went there, professors all who advised them to change the ground rules on the judicial nominations. It is written in the New York Times. Since then, there has been a systematic change in the ground rules of judicial confirmations. When they had the majority, they attempted to kill nominees in committee on a party-line vote, which had never been done before. And now, amazingly, they are going to the filibuster.

The American people need to understand something important. In the history of this country, there has never been a filibuster of a circuit or district judge. Never. It has always been an up-or-down vote.

I remember when some did not like some of President Clinton's judges and they said we should filibuster; Chairman HATCH said, No, we do not filibuster judges.

When holds went on too long—the way you defeat a hold is to file a motion for cloture—and a cloture vote was moved for by Republican leader TRENT LOTT to bring up Democratic Bill Clinton's judges. I voted for cloture on each one of them. Sometimes I voted against the judge, but I voted for cloture to bring the vote up because I did not want to participate in a filibuster.

We have a big deal here. Why someone would seek out this magnificent nominee, this person who is not only qualified for the Fifth Circuit Court of Appeals but qualified to sit on the U.S. Supreme Court, and filibuster their nomination, is beyond me. It is just beyond me.

I conclude by saying I spent over 15 years of my professional career trying cases in Federal court as a U.S. attorney and assistant U.S. attorney. I appeared before courts of appeal. I wrote briefs to courts of appeal. I appeared before Federal judges. I think I have looked at her record carefully. I have heard the explanations she has made in committee. I think they are imminently sound and reasonable. I think President Bush could not have found a finer nominee. I have every confidence that she would be a superior judge on the court of appeals, and I am absolutely confident, were she given an up-or-down vote, she would be confirmed.

We need to take seriously our responsibilities here. Let's have an up-or-down vote. Let's confirm this fine nominee. She will serve us and America well.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, for the past 2 days, we have been working on an agreement looking for an orderly, systematic process by which we could consider some of the pending judicial nominations. It had been our hope we could reach an agreement to consider these nominations this week and early next week. Unfortunately, after a lot of discussions—and we worked on both sides of the aisle in good faith—but after a lot of discussions, it does not appear we will be able to reach the consent agreement.

On our side, we have been prepared to consider and vote on all of the circuit court nominations that are on the calendar now. I believe my Democratic colleagues, at this point, are prepared to vote on just one of these judges. Therefore, unless we can reach a consent agreement tomorrow, following the cloture vote in the morning on the pending Owen nomination, it will be my intention to proceed to the Prado nomination. And following disposition of the Prado nomination, it would be my expectation to proceed to the Cook nomination. I hope both of these nominations, which have received, by the way, bipartisan support, will be considered and confirmed this week.

I think at this point I will go ahead and put forth the unanimous consent request. And then we will have some comment and discussion about where we are.

Mr. President, I ask unanimous consent that on Thursday, at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to executive session and the consideration of calendar No. 105, the nomination of Edward Prado, of Texas, for the Fifth Circuit; further, that there be 3 hours for debate, equally divided between the chairman and ranking member or their designees; I further ask consent that following the use or yielding back of time, the Senate vote, without intervening action, on the confirmation of calendar No. 105; I further ask consent that following the vote, the President be immediately notified of the Senate's action.

I further ask unanimous consent that on Monday, May 5, at a time to be determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to executive session for the consideration of calendar No. 34, the nomination of Deborah Cook, of Ohio, to be a U.S. circuit judge for the Sixth Circuit; provided further, that there be 4 hours for debate, equally divided between the chairman and ranking member or their designees; further, I ask consent that following the use or yielding back of that time, the Senate proceed to a vote on the confirmation of the nomination, again, with no intervening action or debate.

Finally, I ask unanimous consent that when the Judiciary Committee reports the Roberts nomination, it be in order for the majority leader to proceed to its consideration, and it be considered under a 2-hour time limitation, and that following that time, the Senate proceed to a vote on the confirmation, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, reserving the right to object, I have, along with Senator DASCHLE, worked very hard on this request the majority leader has read into the RECORD. Senator MCCONNELL and the majority leader have also worked very hard. Over the years I have been involved in other matters where we have had very complicated, substantive issues we have been able to work out. I am very disappointed we cannot work this out because this really does not compare to some of the difficult issues we have been able to resolve previously. But we have not been able to resolve this.

I am really disappointed for a number of reasons. It involves individual Senators who have also devoted a lot of time on this issue, both Democrats and Republicans. But if there were ever an effort in good faith by the two sides, this has been it.

I hope my objection, which I will enter in just a few moments, will not be the end of this. I hope we can, with a night's rest, work something out. For the last two nights we have come within a whisker of an agreement on these three judges. But in the Senate sometimes a whisker stops us, and it has done that.

So I reluctantly object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I say to my friend from Nevada, I share his frustration. These are three nominations that are going to be approved, one of them probably unanimously. The assistant Democratic leader and I have wrestled around with this now for the last 2 days, and we find ourselves still not in a position to lock in a vote on Cook and Roberts.

So tomorrow is another day, and we will try again. But it is sort of an indication of where the Senate stands these days, that even in a situation where you have three judges we know are going to be confirmed, we have not been able to reach an agreement after 2 days' work to conclude the inevitable, which is confirmation of these three judges.

Hopefully tomorrow will bring better results.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I am very hopeful we will be able to make progress. Again, the three Senators who are speaking now, with Senator DASCHLE, have been working very hard with our colleagues to try to reach an agreement. But we have been unsuccessful. We will keep moving ahead, and I am optimistic these three nominees will be confirmed shortly.

I do want to add, really for the benefit of my colleagues, that progress is being made. As my colleagues know, one of the nominees, Roberts, went back to committee, and the understanding was that with him going back to committee, we would have votes, up-or-down votes, on both Roberts and Cook. That is the background. We have been working on that for actually several weeks, and that process is underway. So we look forward to having that become a reality.

That first step, with Roberts going back to committee, was taken. And now the expectation is, and the general agreement is, we are moving in the direction that we will, at some point in time—we have not been able to lock in the time—have votes on both Roberts and Cook.

Mr. REID. Mr. President, if the majority leader will yield, I know the hour is late. I don't want to talk longer than necessary. I just want the record to be spread with the fact that we have a couple of Senators who have a different understanding as to what the majority leader and the minority leader and Senator MCCONNELL and I thought had been agreed to. Senator MCCONNELL was not on the floor; just the three of us thought it had been agreed to. There is an honest dispute as to a fact or two. This is just me speaking personally, not for my colleagues. I really think we should be able to work our way through this. It should not be as difficult as it is.

The Democratic leader and I acknowledge that the majority leader intervened right before the recess to get Roberts back for a hearing. We know that wasn't easy for him to do. We acknowledge that. We appreciate that. And we hope we can resolve this procedural quagmire. There certainly has been no bad faith by the leadership on the Republican side or the Democratic side.

Mr. FRIST. Mr. President, let me say, once again, that we will have a cloture vote on Owen tomorrow. And if cloture fails, we will go to Prado and, once Prado is completed, go to the Cook nomination. That will be the general plan.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF PRISCILLA OWEN

Mr. KYL. Mr. President, I rise in morning business for a moment to speak about the nomination of Priscilla Owen of Texas to the Federal bench.

This is really an extraordinary nomination. It is very troubling to me that it appears most of our colleagues on the other side of the aisle are willing to keep Justice Owen from getting a vote. In the past, even with very controversial votes on Justices to the Supreme Court—and I have, for example, Justice Clarence Thomas in mind, and there was significant opposition to the confirming of Justice Thomas, primarily by Members of the other side of the aisle—the leaders of the Democratic Party understood that tradition called for a vote—probably knowing they would lose the vote. They, nevertheless, refused to support any kind of filibuster and they voted against Justice Thomas's confirmation. But he was confirmed 52–48.

I always respected the things they said at or about the time of that confirmation—that they would not ever support a filibuster, regardless of their particular feelings about the nominee. I thought that took courage, and I respected it, coming, as it did, from some of the key leaders of the Democratic side of the Senate. It confirmed to me that the tradition of the Senate relationship of comity we have with the President in dealing with his nominees, and the importance of our responsibilities with respect to confirming Justices of the Supreme Court and members of the Federal bench generally, is such that partisanship and tactical advantage could be laid to the side for the good of the country and these nominations could be voted on.

Now, there have been votes—sometimes—where the nominee lost. Most of the time, when votes are allowed to happen, the nominees prevail. But the new situation we have in this body, starting out with the President's nomination of Miguel Estrada—and now sadly, it seems, with the nomination of Priscilla Owen—we are going to require that unless 60 Members of the Senate agree to allow a vote, we don't get a vote. A filibuster, in other words, becomes the benchmark, the standard for confirmation of judges.

It has never been that way. There has only been one successful filibuster, and that was a very strange situation. There has never been a partisan filibuster in this body until now. It is especially remarkable because, in the case of Justice Owen, for example, one cannot claim, as has been claimed with regard to Miguel Estrada, that her record is unknown or unclear, or that there is more information that needs to be gleaned. She appeared not once but twice before the Judiciary Committee. The reason I wanted to take the floor briefly today is to say to my friends I don't think I have ever seen a nominee who handled herself or himself better than Justice Owen did at those hearings. She was forthcoming, brilliant in her exposition of the law, measured, and she clearly has the temperament to be a good judge.

She has been serving as a justice of the State Supreme Court of Texas. She has the support of another former justice of that court, Judge Gonzales, who obviously is now acting as the President's counsel, and the support of Democrats and Republicans alike.

The American Bar Association, as with Miguel Estrada, has recommended her for confirmation. She stayed at the hearing for as long as Members wanted her to stay. She answered all of the questions. So the same argument cannot be made that has been made about Miguel Estrada.

In fact, one of my colleagues on the other side of the aisle made it clear, in discussing the nomination of Miguel Estrada, that the only thing standing in the way of a vote—they would not necessarily commit to voting for him but at least allowing a vote on him—was producing this information which they say they want from the Justice Department about his prior employment. But for that, that vote could occur, seeming to suggest that the same thing would be the case with any other nominee—that as long as the information was forthcoming and they knew about the individual, that therefore they could vote.

In fact, the last line, after this colleague talked to others in the Democratic Party, states: Look, if we can just get this information, do you think we can vote? And the answer was: Affirmative, to a person, because, frankly, then we would know for whom we were voting.

There was no commitment to vote for Miguel Estrada but at least they would allow the vote to go forward because they would then know "for whom we are voting."

Well, we do know who we are voting for in the case of Justice Owen. Her record is out there for everyone to see. There has never been a suggestion by anybody that she needs to produce more in the way of a record. It is there to be evaluated.

I suspect the reason Members on the other side of the aisle will not allow her to come to a vote is because they fear she will be more conservative as a justice than they would like to see. Let's be honest about it.

I voted for numerous circuit court nominees of President Clinton knowing they were far more liberal than I am. On my own circuit, the Ninth Circuit

Court of Appeals, I voted for several who I knew were more liberal, and their voting record subsequently has borne that. They were confirmed. I voted for them. I felt President Clinton was the President; he was elected by all of the people. He had the right to nominate his own people, and if they were otherwise qualified, then I ought to vote for them. That has always been the tradition, that has always been the standard, by which we have judged these candidates for circuit court. So it is very troubling now to have a new standard imposed on us.

I come this morning to note that we are soon going to go back to the nomination of Priscilla Owen. I implore my colleagues to think about what they are doing by creating the 60-vote standard. There is no way that can be the standard only for Republican Presidents and not Democratic Presidents. It is either going to be the standard or it is not. If it becomes the standard for all Presidents, then I believe it is only a very short period of time before the confirmation process is going to grind to a halt because there will always be political differences.

By and large, that is what divides the Democrat and Republican Parties. We view life a little bit differently. We are all great Americans. We all support the troops and all want the judiciary to succeed, but we have some philosophical differences. That is fine, but they should not be the basis for not confirming judges or, more importantly, for requiring 60 votes to confirm because it is a very rare Senate in which one party has more than 60 votes in controlling the Senate. So it is basically going to grind the confirmation process to a halt.

That is a breach of our comity to the judicial branch; it is a breach of our obligations to the American people, to ensure justice is done. We know that justice delayed is justice denied. We have already heard from the Supreme Court Chief Justice about the emergencies that exist because we cannot fill these vacancies.

We have a crisis. We have to find a way to resolve this crisis. I suggest that the simplest way to do this, that is fair to everybody, is the way we have always done it: Express yourself, allow the vote to occur, vote your conscience and then move on. But do not hold up the votes simply because you have a philosophical disagreement with the President who nominates these candidates.

I urge my colleagues to think carefully because in the case of Priscilla Owen, as the bar association found, as the Judiciary Committee concluded in its most recent action by passing her out on the Executive Calendar, she is a fine justice. She would make a fine member of the Federal bench. There is no legitimate reason to oppose her.

I urge my colleagues to think about this as we focus on her qualifications, on the relationship between the Senate and the House, and on the obligation we have to the courts and to the American people. This is serious and we ought to be acting in a serious way. I urge my colleagues to support the nomination of Justice Priscilla Owen.

TRIBUTE TO EMILIE WANDERER

Mr. REID. Mr. President, I would like to pay tribute to Emilie Wanderer, of Henderson, NV, on the occasion of her 101st birthday, which she celebrated earlier this month.

Emilie Wanderer is the oldest member of the Nevada bar, but her significance goes well beyond her longevity. She both contributed to, and exemplifies, the progress our society has made in terms of quality. She broke down barriers for herself and for others. During a time when many women were discouraged from pursuing higher education and many were excluded from professional opportunities, Emilie Wanderer embarked on a legal career in addition to raising her children.

Her noteworthy accomplishments include becoming the first woman to practice law in Las Vegas, being the first woman to run for district judge in Nevada, and joining with her son John Wanderer in the first mother-son legal practice in the State. She has been an inspiration and a role model for Nevadans, especially for women pursuing careers in fields traditionally dominated by men.

Through her legal work and through her life, she has made our State a better, kinder, fairer, and more just place.

Emilie Wanderer is considered a legend in the southern Nevada civil rights community. Several decades ago, racism and segregation plagued Las Vegas like so many places throughout America. Earlier this year when we celebrated African American History Month we rightfully recalled the role that Black leaders played in the civil rights movement, but I think it is important also to recognize that some whites—not only famous and prominent people but also those who never received much attention or credit—were committed to the pursuit of justice and fairness.

Emilie Wanderer is one such person who helped bring about progress in race relations in Nevada. Early in her career, she served as legal counsel for the Nevada chapter of the National Association for the Advancement of Colored People, and she held NAACP meetings within her own home, even at the risk of harassment, threats and intimidation. She believed it was the right thing to do, and she had the courage of her convictions.

Emilie Wanderer's commitment to, and contributions to, promoting social justice and securing equal rights for all the people of Nevada deserve to be recognized and praised. On behalf of our State, I thank her and send my best wishes.

COMMEMORATING THE 35TH ANNIVERSARY OF THE DEATH OF MARTIN LUTHER KING, JR.

Mr. DURBIN. Mr. President, 35 years ago on April 4, 1968, Martin Luther King, Jr.'s life was tragically cut short by an assassin's bullet. Dr. King was just 39 years old. In 1963, Dr. King delivered a funeral eulogy for the children who were killed by a firebomb at the 16th Street Baptist Church in Birmingham, Alabama. Dr. King said: "Your children did not live long, but they lived well. The quantity of their lives was disturbingly small, but the quality of their lives was magnificently big." Dr. King's own words could be said about himself.

Only three Americans have ever had a Federal holiday named for them by Congress. Two were presidents George Washington helped create our Nation and Abraham Lincoln helped preserve it. The third, Martin Luther King, Jr., never held an elected office but he redeemed the moral purpose of the United States. He reminded us that since we are all created equal, all of us are equally entitled to be treated with dignity, fairness, and humanity.

Last month I had an opportunity to visit the State of Alabama for the first time. I went there with Democratic and Republican Members of Congress, on a delegation led by Republican John Lewis from Atlanta, GA. We paid a visit to some of the most important spots in American civil rights history. Dr. King's fingerprints are on these and countless other watershed events in American civil rights history.

We went to Montgomery and stood on the street corner where Rosa Parks boarded the bus in 1955 and refused to give up her seat to a white rider, as was required by city law. After Rosa Parks was arrested, Dr. King led a bus boycott in Montgomery, where he had just moved for his first pastorate.

We went to Birmingham and visited the 16th Street Baptist Church. Before the tragic bombing in 1963, the church had been used for civil rights rallies and desegregation protests, and Dr. King had spoken there and throughout Birmingham on many occasions. He wrote his famous "Letter from a Birmingham Jail" 40 years ago after being arrested for leading a protest in April 1963. We went to Selma and stood at the spot on the Edmund Pettus Bridge where, in 1965, a young John Lewis was beaten unconscious by Alabama State troopers, at the time the 52-mile voting rights march from Selma to Montgomery was turned back. In response, Dr. King led a second march, and these brave actions led to Congressional passage of the Voting Rights Act of 1965. Dr. King is the pre-eminent civil rights figure in our Nation's history, but he would not have been as successful had it not been for a handful of courageous federal judges who despite death threats to themselves and family members used the judiciary to help dismantle the legacy of Jim Crow. For example, Alabama Judge Frank Johnson was part of a three-judge panel that struck down Montgomery's bus-segregation law, holding that separate but equal facilities were violations of the due process and equal protection clauses of the Fourteenth Amendment. And after Governor George Wallace banned the Selma-to-Montgomery march, Judge Johnson issued the order that allowed Dr. King and Rep. Lewis to conduct the march, calling the right to march "commensurate with the enormity of the wrongs that are being protested." Dr. King called Judge Johnson a jurist who had "given true meaning to the word 'justice.'"

Dr. King was keenly aware of the importance of the federal judiciary to ensure equality and justice in our society. In a 1958 speech at Beth Emet synagogue in Evanston, Illinois, Dr. King said: "As we look to Washington, so often it seems that the judicial branch of the Government is fighting the battle alone. The executive and legislative branches of the Government have been all too slow and stagnant and silent, and even apathetic, at points. The hour has come now for the federal government to use its power, its constitutional power, to enforce the law of the land."

Regrettably, President George W. Bush has been appointing Federal judges who have tried to limit the ability of the federal government to use its constitutional power to enforce the law of the land. Many of his judicial nominees are conservative ideologues who believe that the Federal Government lacks the constitutional power to provide meaningful remedies and access to the courts for victims of discrimination. In the name of States rights, these nominees have urged federal courts to strip Congress of its powers and citizens of their remedies. I question whether the President is appointing men and women to the federal judiciary who will make courageous decisions and, in the words of Dr. King, give true meaning to the word justice.

Despite this unfortunate trend, I think Dr. King would have remained optimistic. In a 1965 speech of Dr. King's entitled "A Long, Long Way to Go"—published for the first time this month in a new book called "Ripples of Hope: Great American Civil Rights Speeches"—Dr. King said:

> There are dark moments in this struggle, but I want to tell you that I've seen it over and over again, that so often the darkest hour is that hour that just appears before the dawn of a new fulfillment.

Dr. King's optimism in the face of dark moments is one of his enduring legacies. On this 35th anniversary of his death, I pay tribute to his optimism, courage, and heroism that transformed our Nation.

LETTER FROM A CONNECTICUT SAILOR

Mr. LIEBERMAN. Mr. President, we are all so proud of the American men and women in uniform who risked and gave their lives to liberate the Iraqi people. They performed bravely and brilliantly, proving once again that there has never been a fighting force in the history of the world as well trained, well equipped, and well motivated as the United States of America's.

Of course, their work is not done. Far from it: serious danger remains. Winning the peace will take a sustained commitment. But we can already look back with so much gratitude at the sacrifices the men and women of our Army, Navy, Air Force, Marines, and Coast Guard have made for our security and the security of the world.

In my service in the Senate and on the Senate Armed Services Committee, I have heard countless stories of the heroism of those who protect us. But just when you think nothing can deepen your conviction about the extraordinary character of these men and women, something does. Two proud parents from Bristol, CT, passed on to me a letter written on February 15, 2003, by their daughter, Barbara. She is an Operations Specialist Second Class in the U.S. Navy—she was Third Class when she wrote it—serving aboard the U.S.S. *Pearl Harbor*, which was then on deployment to the Middle East. The letter was sent to a newspaper in reaction to some coverage that Barbara had read about war protests here at home. In it, Barbara explains, more eloquently than I ever could, what drives those who risk their lives for our freedom, and she reminds us of the unbreakable bonds between those serving half a world away and our communities here at home.

I ask unanimous consent to print the letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> DEAR EDITOR,
>
> I currently serve as an Operations Specialist 3rd class in the United States Navy, and there are a few things I would like to clear up for you and for everyone. I serve my country for many reasons, some of which include: pride, love and responsibility. Let me explain . . .
>
> I am proud to be an American. It may sound cliché, but it's true. I am proud to be a part of the greatest and strongest nation in the world, and I am proud to serve her. It is my duty and my privilege to serve in the United States Military, and I am thankful for the chance to do so. I am by no means an exemplary sailor; by anyone's standards I'm mediocre at best. However, I do what I can. I was raised to be thankful for the freedoms that we, as Americans, take for granted on a daily basis: the freedom of speech, the freedom of religion, the freedom to bear arms and many more. Many countries around the world laugh at our government for allowing us these 'privileges' that we take for granted. After all, they ask, how can you maintain authority when dissent is allowed? But we say, how can you not? And that is what makes our country great.
>
> I am not a warmonger, nor a dissenter. I do not carry guns or cry 'fire' in a crowded theater. I am simply someone who realizes that these freedoms that we cherish are not free of cost. I am aware that the cost these freedoms is human lives. A familiar saying, often attributed to Voltaire, captures the spirit of the American military perfectly: "I [may] disapprove of what you say, but I will defend to the death your right to say it."
>
> Every day we hear reports of people speaking out against the U.S. military, saying that we spend too much, waste too much, and are an archaic set of muscles our government flexes to tell the world that we are still pertinent. I disagree wholeheartedly for one reason: If I were not here spending too much, wasting too much, and flexing my protective muscles, then they would not be able to say that. If they lived in a country like Iraq, they and their families could be put to death for saying that. Think about that before you say that we should do nothing. Think also that the man who runs that country, Saddam Hussein, is building long-range weapons and weapons of mass destruction, intending to aim them at us.
>
> I love my country, and I love my family and friends. I would rather die than see either of them hurt. I would rather put my life on the line so that they don't have to. That is why I am here on a ship, ready to go to into danger. I'm not saying I'm not scared; I'm terrified. However, I'm more scared of inaction. More scared that if I don't do this, then this man will reach out his hand from his palace and try to hurt the ones I love. I will not allow that to happen. I am on my way, right now, to stand ready to remove this man from power before he can hurt the people I hold dear. Right now, the man I love is over there getting ready to stand against those who wish to hurt the people we love. I pray every day that this does not come to war. I do not want to fight, and I do not want my love to be in harm's way. However, we have already made our decisions. We have realized that inaction now will lead to greater bloodshed farther down the road, and we will do anything to protect the lives of our fellow countrymen. This is our mission.
>
> I believe every American has a responsibility to America. I don't mean that everyone should join the military. The military life is a hard one, and not a path easily trod. Once my four years are completed, I will more than likely rejoin the ranks of civilians that I work so hard to protect now. However, I have fulfilled at least a part of what I owe America. Everyone has a part to play, be it military, politics, being an activist, or even just helping an elderly neighbor rake their lawn. Each American has a responsibility to every other person in our country. Each of us has a responsibility to every other person in this world. Ani DiFranco wrote ". . . the world owes me nothing, but we owe each other the world . . ." I believe this to be one of the most true statements I've ever heard. We, as a species, could not survive without each other, even though it seems at times that we are hell-bent on destroying ourselves.
>
> I want every person in America to know this: I stand for you. I will take your place

in line when the final bell tolls, and I will do it gladly, for I believe that your life is worth it. You are worth every hardship, every effort, and every last breath in my body. I love you. Even if I do not know you, have never seen your face, have never heard your voice, I love you. I do this today and every day for you. So please, do not wave off my gift to you. Don't say you don't want it, just accept that I love you, and will defend you, even if it means my life.

May your life be blessed,

BARBARA MARIE O'REILLY,
OS3 USN.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred October 9, 2001 in Los Angeles, CA. While a Sikh in traditional clothing was out on an evening walk close to his home, four men attacked, beat, and punched him. The attackers yelled "terrorist" as they beat him.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

VOTE EXPLANATION

Mr. LIEBERMAN. Mr. President, I unfortunately had to miss the vote yesterday on the nomination of Jeffrey Sutton to serve on the U.S. Court of Appeals for the Sixth Circuit, but I would like to explain why, had I been here, I would have voted against the nomination.

I take very seriously the Senate's constitutional duty to review Presidential nominees, especially those to the Federal bench. Once confirmed by the Senate, judges have lifetime tenure, meaning that there is no real opportunity to correct poor choices for judicial positions. Given the nature of a judge's job—they hold power not only over the liberty, but in many cases, the lives of those before them—Members of the Senate must be convinced that the nominee is right for the job before offering our consent to their nominations.

This does not mean that we should confirm only those whose views comport precisely or even largely with their own; indeed, the President must be given broad leeway to nominate those who he believes are right for the job, which is why I have supported most of this President's nominees, to the bench or otherwise, regardless of whether I would consider them the best candidates for the job. But the Senate has a constitutional obligation to review, and, when necessary, serve as a check on the President's choices, and when a nominee's views and positions lie far from the mainstream or are so at odds with what I consider to be needed for the job, I must respectfully withhold my consent from their nomination, especially when the stakes are as high as they are for the bench.

After reviewing Mr. Sutton's record, I have concluded that I cannot support his nomination. Although his professional credentials are impressive and I have little doubt that he is a good lawyer, I believe that his legal views lie far out of the mainstream and that his presence on the Federal bench could do serious harm to the values about which our Nation cares deeply, particularly when it comes to our national desire to fight discrimination and protect individual rights. Mr. Sutton has devoted a significant part of his legal career to advancing an extreme vision of federalism that restricts both the power of Congress to pass civil rights laws and the ability of individuals who have been harmed by discriminatory acts of State governments to seek redress. He has used that vision of federalism to convince activist judges to restrict congressional enactments. He has argued against the Americans with Disabilities Act, the Age Discrimination in Employment Act and the Violence Against Women Act. These were laws with strong, mainstream support, and the records justifying them were strong. I have deep concern that when future civil rights and similar laws come before him, he will argue against them on federalism grounds as well. I cannot in good conscience support putting him in a position where he will be able to further restrict these good laws.

VA FINDS FLU SHOTS PROTECT ELDERLY

Mr. GRAHAM of Florida. Mr. President, throughout its history, the Department of Veterans Affairs, VA, has made great strides in medical research. At a time when VA's medical and prosthetic research program is being starved of vital funding, as ranking member of the Committee on Veterans' Affairs, I would like to draw attention to a significant discovery the program recently has made.

As highlighted in an April 22, 2003, article in The Washington Post, researchers at the Minneapolis VA Medical Center found that not only do seniors who get vaccinated against the flu gain protection from the disease, but they also reduce their risk of hospitalization from pneumonia, cardiac disease and stroke. The VA study, published in the April 3, 2003, issue of The New England Journal of Medicine, also found that during a given flu season, vaccinated elderly patients were half as likely to die as their unvaccinated peers.

Since its inception, the VA research program has made landmark contributions to the well-being of veterans and the Nation as a whole. Past VA research projects have resulted in the first successful kidney transplant performed in the U.S., as well as the development of the cardiac pacemaker, a vaccine for hepatitis, and the CAT and MRI scans. This new discovery is yet another example of the crucial research work done by the VA, and of why we must keep the research program sufficiently funded.

I ask unanimous consent that the article from The Washington Post highlighting the VA research study on the benefits of the flu vaccine be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 22, 2003]

FLU SHOTS SAVE LIVES

(By Jennifer Huget and Associated Press)

Seniors who get vaccinated against the flu not only protect themselves from that deadly disease but also reduce their risk of hospitalization for pneumonia, cardiac disease and stroke. Plus, a study in the April 3 issue of the New England Journal of Medicine shows, vaccinated elderly patients were half as likely to die as their unvaccinated peers during a given flu season.

The study, conducted by the Department of Veterans Affairs at the Minneapolis VA Medical Center, tracked 286,000 men and women age 65 and over through two flu seasons. Although the vaccinated folks were on average older and in worse overall health than the unvaccinated, they were about a third less likely to have pneumonia and about a fifth less likely to be hospitalized for cardiac care of suffer a stroke during the flu season.

Influenza kills about 36,000 people of all ages each year, according to the Centers for Disease Control and Prevention (CDC); about 90 percent of those deaths are among the elderly. Yet the CDC says that only 63 percent of those over age 65 got flu shots in 2001. Flu shots confer benefits for one flu season only. Since this year's flu season is now winding down, experts suggest that seniors start seeking new shots in October.

IDEA FULL FUNDING

Mr. ROBERTS. Mr. President, today I am proud to cosponsor the Hagel IDEA bill, S. 939, which will finally make Congress pay its promised share of special education funding. I have long been a supporter of fully funding IDEA and I am pleased today to support this important piece of legislation.

Nearly 30 years ago, Congress made a promise to our schools to share the cost of special education. The promise was simple—the Federal Government pays 40 percent of the excess cost of educating a special needs child. Sadly, we have yet to fulfill that promise and I believe it is well beyond time that Congress relieves our State and local governments of the financial burden they have been forced to shoulder. This bill will fully fund IDEA in 8 years by increasing funding by $2 billion annually for 7 years and $1.8 billion in 2011. This funding will have a tremendous impact in my home State of Kansas. The Kansas Department of Education estimates that this legislation will provide the State an increase of $19 million in overall funding for IDEA each year. Kansas schools may then spend these newly freed-up dollars in areas where they need it the most, such as professional development, title I programs, or technology.

In the State of Kansas, special education costs have skyrocketed to over $530 million for 2002. Unfortunately, the Federal Government only picks up about 16 percent of that figure, leaving 84 percent of the funding to State and local governments. In dollar amounts, the State of Kansas pays over $251 million in special education costs, while local schools must fork out an additional $200 million to cover the costs of special education. This is unacceptable. IDEA is the "granddaddy" of all unfunded mandates and I can assure my colleagues that funding IDEA at the promised level of 40 percent would not only relieve schools in my home State of Kansas, but would also relieve schools in each and every State in our great Nation. I stress to my colleagues that there is no better time than now to help our local schools by fully funding IDEA.

I would like to share with my colleagues the current budget situation in Kansas. Like many other States, Kansas is facing ominous cuts in the State budget, and schools across the State are worried about shortfalls in their own budgets. Rural schools all over Kansas are considering consolidation to alleviate budget woes. Schools in western Kansas are cutting the school week to 4 days in order to save money. Schools in eastern Kansas are cutting academic programs in order to cut costs. If Congress would pay its promised share of special education funding, then our schools would be able to use those freed-up dollars for other educational needs. We are talking about real dollars for real people. Fully funding IDEA is not just something that Congress should do, it is something we promised to do.

I would like to thank my colleagues for the commitment to education funding. I do believe that Congress is on the right path to fully funding IDEA, and I am pleased that education funding has been a top priority over the last few years. Since 2000, Federal special education funding has increased by approximately 58 percent and title I funding has increased by nearly 45 percent.

I am proud of this support for education funding, and I urge my colleagues to continue on the course to fully funding IDEA. It is our duty to once and for all meet the promise we made nearly 30 years ago.

MORATORIUM ON EXECUTIONS IN ILLINOIS

Mr. FEINGOLD. Mr. President, I want to take a moment to comment on Governor Rod Blagojevich's recent decision to continue the moratorium on executions in Illinois initiated by former Governor George Ryan. The leadership we have now seen from two successive Illinois Governors—one Republican and one Democrat—sends the right message for the Nation. This is not a partisan issue. All Americans who value fairness and justice can agree that executions should not take place—in Illinois or elsewhere in the Nation—under a flawed death penalty system, a system that risks executing the innocent.

Three years ago, Governor Ryan, a death penalty supporter, made national headlines when he was the first Governor in the Nation to place a moratorium on executions. He did so after considering irrefutable evidence that the system in Illinois risks executing the innocent. Since the death penalty was reinstated in Illinois in 1977, Illinois had executed 12 people. But, during this same time, another 13 death row inmates were found to be innocent and to have been wrongfully sentenced to death.

Governor Ryan did not stop there. He created an independent, blue ribbon commission, including former U.S. Attorney Thomas Sullivan, one of our former colleagues, Senator Paul Simon, and lawyer and novelist Scott Turow. He instructed the commission, composed of death penalty proponents and opponents, to review the State's death penalty system and to advise him on how to reduce the risk of executing the innocent and to ensure fairness in the system.

After an exhaustive 2-year study, the commission issued a comprehensive report and set forth 85 recommendations for reform of the Illinois death penalty system. These recommendations address difficult issues like inadequate defense counsel, executions of the mentally retarded, coerced confessions, and the problem of wrongful convictions based solely on the testimony of a jailhouse snitch or a single eyewitness. The commission's work is the first and, so far, only comprehensive review of a death penalty system undertaken by a State or Federal Government in the modern death penalty era.

Earlier this year, the Illinois legislature responded with a bill that included some of the recommendations of the commission. Governor Blagojevich, however, rightly reviewed the legislation and determined that the bill did not go far enough. And last week, he concluded that executions should not resume.

But, the series of mistakes that led to a moratorium are not unique to Illinois. Death penalty systems across the country are fraught with errors and the risk that an innocent person may be condemned to die. There have been over 800 executions in the United States in the modern death penalty era. During that same period, 107 people who were sentenced to death were later exonerated. That means that for approximately every eight persons executed, an innocent person has been wrongly condemned to die.

Evidence that race plays a role in who is sentenced to death continues to mount. A recent report on race and the death penalty released last week by Amnesty International tells us that while African Americans comprise 12 percent of the U.S. population, they are more than 40 percent of the current death row population and one in three of those executed since 1977. The U.S. could soon carry out the 300th execution of an African American inmate since executions resumed in 1977. The report also highlighted that 80 percent of people executed in the modern death penalty era in the U.S. were executed for murders involving white victims, even though blacks and whites are murder victims in almost equal numbers in our society.

We should all be startled by this statistic. There is something particularly insidious, particularly un-American about racial discrimination in the application of the death penalty. A system that treats people differently in administering the ultimate punishment based on their race or the race of the victim is immoral.

In the face of these and other startling pieces of evidence that the death penalty is broken, our Nation is not, as it should be, ceasing or slowing the use of capital punishment. Instead, executions are being carried out at an alarming pace. Already this year, 28 people have been executed, and over the last 6 years, the average annual number of executions is well above that of previous years in the modern death penalty era. In 1999 alone, 99 people were executed in America.

It is my hope that we do not break any records this year. With an eight-to-one executed-to-exonerated ratio, however, we are clearly in a race—a race against time. Because with 107 death row inmates exonerated to date, I do not think any American can be sure that an innocent person has not been executed in this country, and we most certainly cannot guarantee that it will never happen. We must suspend executions and study the flaws in the death penalty system. I have introduced the National Death Penalty Moratorium Act, which would place a moratorium on Federal executions and call on the States to do the same, while an independent, blue ribbon commission conducts a thorough study of the flaws in the system.

As public concern about the accuracy and fairness of the use of the death penalty deepens, I commend Governor Blagojevich for taking this opportunity to continue Illinois' commitment to justice and fairness.

Governor Blagojevich did the right thing last week when he decided to continue the death penalty moratorium in Illinois. We in the Senate have a unique opportunity to look to the State of Illinois as a model for the Nation in ensuring fairness in the Federal death penalty system. I urge my colleagues to co-sponsor the National Death Penalty Moratorium Act.

The time for a moratorium is now.

INTERPRETATION OF TITLE IX OF THE SARBANES-OXLEY ACT OF 2002, H.R. 3763

Mr. BIDEN. Mr. President, on April 11, 2003, I submitted for inclusion in the official RECORD of the Senate a section-by-section discussion and analysis of title IX of the Sarbanes-Oxley Act of 2002, P.L. 107-204. At the end of that statement, the full text of a letter to me from the United States Department of Justice, dated December 26, 2002, should have appeared. In that letter, Assistant Attorney General Daniel J. Bryant confirms my view that the Department may use existing criminal provisions to prosecute corporate executives who fail to file a certification attesting to the accuracy of a company's financial reports, pursuant to Section 906 of the Sarbanes-Oxley Act. Unfortunately, the letter was inadvertently excluded from the RECORD, so I now resubmit it and ask unanimous consent that its text be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, December 26, 2002.

Hon. JOSEPH R. BIDEN, Jr.,
U.S. Senate,
Washington, DC.

DEAR SENATOR BIDEN: This is in response to your letter of October 16, 2002 to the Attorney General and the Chairman of the Securities and Exchange Commission regarding enforcement of section 906 of the Sarbanes-Oxley Act of 2002 ("the Act"). The Department thanks you for your leadership in corporate governance reform and, in particular, commends your efforts as primary author of section 906 of the Act (18 U.S.C. §1350), which requires corporate executives to make certain certifications with respect to their financial statements.

The Department is fully committed to using the tools Congress provided in the Act in our continuing efforts to uncover and punish corporate fraud. As the President noted when he signed the Act, "this law gives my administration new tools for enforcement. We will use them to the fullest." In keeping with the President's statement, Attorney General Ashcroft has directed all United States Attorneys and FBI Special-Agents-in-Charge to review the Act and to take all appropriate steps to implement its provisions fully and expeditiously.

The Department continues to consult with the Commission staff regarding certain legal and technical issues associated with implementing section 906. In particular, questions have arisen regarding the form, location, method of filing and scope of the certification required under section 906. We want to assure you that the Department will continue to work closely with the Commission and we are confident that these questions will be resolved to your satisfaction and with the full input of all affected parties in the near future.

The Department does believe that it is in a position to respond to one question you raised in your letter. You have inquired whether covered individuals who willfully fail to file the certifications required by 18 U.S.C. §1350(a) are subject to the penalties provided in 15 U.S.C. §78ff. While the facts and circumstances determine which tools our prosecutors utilize in each individual case, we believe that section 78ff's criminal penalties are applicable when an individual willfully fails to file the required certification under section 906.

Section 1350(a) of the Act mandates that each periodic report containing financial statements filed by an issuer with the Securities and Exchange Commission pursuant to Sections 13(a) or 15(d) of the Securities Exchange Act of 1934 shall be accompanied by the required written certification. In addition, Section 3(d) of the Act states that: "a violation by any person of this Act, any rule or regulation of the Commission issued under this Act, or any rule of the Board shall be treated for all purposes in the same manner as a violation of the Securities Exchangee Act of 1934 (15 U.S.C. §§78a et seq.) or the rules and regulations issued thereunder, consistent with the provisions of this Act, and any such person shall be subject to the same penalties, and to the same extent, as for a violation of that Act or such rules and regulations."

The criminal provisions of the Securities Exchange Act of 1934 (15 U.S.C. §78ff) state that "any person who willfully violates any provision of this chapter (other than section 78dd-1), or any rule or regulation thereunder the violation of which is made unlawful or the observance of which is required under the terms of this chapter . . . shall upon conviction be fined not more than $1,000,000, or imprisoned not more than 10 years, or both." Therefore, as you have suggested, the Department may utilize section 78ff's criminal penalties to prosecute executives who violate the Sarbanes-Oxley Act by willfully failing to file section 906's required certifications.

The Department believes that it is critically important to work with the Commission to resolve the remaining issues you have raised in a timely and thoughtful manner, and we are committed to moving forward expeditiously to achieve consensus on those issues. We also will continue, where appropriate, to formulate guidance for our prosecutors and investigators who must enforce the new law and to provide clarity for the corporate community which must comply with it.

We appreciate your attention to these issues, and look forward to continuing to work with you and others in Congress on the implementation of the Sarbanes-Oxley Act.

Sincerely,

DANIEL J. BRYANT,
Assistant Attorney General.

HONORING OUR ARMED FORCES

Mr. LIEBERMAN. Mr. President, I rise to pay tribute to the second fallen son of Connecticut in the war against Saddam Hussein's regime in Iraq: Marine CPL Kemaphoom "Ahn" Chanawongse, 1st Battalion, 2nd Marine Regiment, 2nd Marine Expeditionary Brigade, United States Marine Corps, who was killed in an ambush outside of Nasiriyah, Iraq, on March 23rd, 2003. This brave young man was just 22 when he lost his life.

Corporal Chanawongse had been listed as missing in action for 3 weeks: three weeks of what I can only imagine was, for his family, a time of unimaginable uncertainty and trepidation. We can only hope that the news of their son's death has given the Corporal's family some sense of closure, and an opportunity to come to terms with his passing with God's help and the help of their friends.

Corporal Chanawongse was not the first to fall for his country in Iraq, and sadly, it is safe to say that his death will not be the last. Nonetheless it is important for us to honor each of the fallen in their own right: to say, "these few gave their lives so that many could live without fear." There is no greater measure of compassion than the sacrifice that Corporal Chanawongse and his fallen brothers- and sisters-in-arms made. In the stories of the fallen soldiers we will learn more about the stuff that this country is made of and the values on which it is built. It is our duty as Americans, and as citizens of the world who believe in freedom, to always remember their names, their faces, and their stories.

This young man and his family came to the United States when he was 8 years old, and they settled in the wonderful town of Waterford, CT. Ahn graduated from Waterford High School in 1999 and joined the Marines shortly thereafter. It is a story similar to the stories of countless other young men and women who choose to serve their country for the chance to be a part of something greater than themselves: for a chance to build a noble life for themselves and the children they might someday have: for a chance to join a select brotherhood and sisterhood that has, throughout history, responded to our country's call and the call of others in danger and distress around the world.

I extend my deepest condolences to Corporal Chanawongse's mother, Tan Patchem, his stepfather, Paul Patchem, and his older brother, Awe. I tell you plainly that I am humbled by your family's sacrifice, and I am honored to pay tribute to your son in this Chamber today.

Paul, Tan, and Awe, our prayers are with you in this difficult time.

TRIBUTE TO THE LATE SENATOR SPARK MATSUNAGA

Mr. INOUYE. Mr. President, 13 years ago this month, our late colleague, the Honorable Spark Matsunaga of Hawaii, died while serving in office, abruptly cutting short a distinguished 28-year career in the United States Senate and the House of Representatives.

His legacy should not be forgotten, particularly since in recent months, the war has dominated discussions in our Chamber and throughout the world. Sixty years ago, circumstances compelled Senator Matsunaga to become a warrior, and he acted with bravery and valor that resulted in our country awarding him the Bronze Star and two Purple Hearts. Even as a war hero, however, Senator Matsunaga knew the importance of peace and believed that the peaceful resolution of disputes should always be our primary goal.

"After serving as a soldier, he went into public service to find a way to end war," his son, former Hawaii State Senator Matt Matsunaga, once said.

Like other prominent Americans such as Woodrow Wilson, Jennings Randolph, and Everett Dirksen, Senator Matsunaga envisioned a "Department of Peace" that ideally would be on equal footing with the Department of Defense. In 1979, he was successful in having a provision added to an education appropriations bill that called for the establishment of the Commission on Proposals for the National Academy of Peace and Conflict Resolution.

Senator Matsunaga chaired the newly created nonpartisan panel, which became known as the Matsunaga Commission. After numerous public hearings and meetings with scholars, government, and military officials, and representatives from religious and ethnic organizations, the Commission recommended the creation of a national peace academy. Subsequently, Senator Matsunaga spearheaded a bipartisan drive that led to the passage of a bill that was signed into law by President Reagan establishing the United States Institute of Peace in Washington, D.C.

The Institute's mission is to "support the development, transmission, and use of knowledge to promote peace and curb violent international conflict."

Following Senator Matsunaga's death in 1990, the University of Hawaii paid tribute to him by establishing the Matsunaga Institute for Peace, where scholars could study and advise on ways to settle regional and international disputes without turning to violence.

Senator Matsunaga's belief in peace began early. In 1930, as a student at the University of Hawaii, he wrote a short essay, titled "Let Us Teach Our Children to Want Peace":

> Wants are the drives of all human action. If we want peace we must educate people to want peace. We must replace attitudes favorable to war with attitudes opposed to war. Parents should protect the child from experiences with materials of warfare. Teachers should let the generals fall into the background and bring into the foreground leaders in social reform as heroes. We must help our young men to see that there are other types of bravery than that which is displayed on the battlefield. If in our teaching we emphasize the life and work of out great contributors instead of our great destroyers, people will come to realize that moral courage is bravery of the highest type, and America will be called the Champion of Peace.

Senator Matsunaga lived by those words throughout his life. I ask my colleagues to join me in paying tribute to the late Senator Matsunaga.

THE DISTINGUISHED CAREER OF JAY CUTLER

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to the distinguished career of Jay Cutler, who is retiring this year as the Director of Government Relations and Special Counsel for the American Psychiatric Association, where he has served for 25 years. During that quarter century, he has been a powerful advocate for America's psychiatrists, for the patients they serve, and for the broader cause of mental health. He is well known to virtually every Senator as an outstanding advocate and a fine human being.

I first came to know Jay many years ago, when he served on what was then known as the Senate Human Resources Committee and is today our Health, Education, Labor and Pensions Committee. Jay was Senator Jacob Javits' top staff person on the committee. I worked closely with him on a wide range of issues, especially on health care.

Jay's career has had a remarkable breadth and depth. There is no cause in which he has been more deeply involved than better treatment for persons suffering from mental illness and substance abuse. Over the course of his career, there has been a remarkable shift in the perception of mental illness and substance abuse by policy makers and the public. The Nation has made a remarkable transition from the long held and destructive view that mental illness and substance abuse are character flaws, and has achieved a new understanding, that they are diseases which can and should receive the best treatment that medical science can provide. In many ways, Jay's tireless dedication to the cause of mental illness reform and substance abuse treatment has been at the core of this profound shift in public awareness and understanding of these disorders.

Among many other accomplishments during Jay's years in the Senate tenure, he had played the central staff role in the drafting, introduction and passage of the landmark Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, P.L. 91-616, that established the National Institute on Alcohol Abuse and Alcoholism. He worked side by side with Senator Javits and Senator Harold Hughes to change the perception of national policymakers towards alcoholism and the effects of alcohol abuse.

As a Senate aide and later as APA's Director of Government Relations. Jay had a direct impact on virtually every major bill on health policy and mental illness and substance abuse treatment legislation over more than 30 years. Even a selective list of the policies and laws that bear Jay's imprint includes: the landmark Employee Retirement Income Security Act; expansion of the community mental health centers program; public oversight to protect patients in mental health treatment against abuse; reauthorization and reorganization of the Alcohol, Drug Abuse, and Mental Health Administration; the exemption of psychiatric hospitals and units from the Medicare prospective payment methodology, ensuring their fiscal viability for nearly 20 years; the expansion of Medicare's limited coverage of outpatient treatment for mental illness, first by lifting the $250 annual dollar limit to $500, then to $1,200, and ultimately repealing the discriminatory dollar limit altogether; enactment of the landmark 1996 Federal Mental Health Parity Act; increased funding for veterans', children's, and Indian mental health services; medical records privacy legislation, especially assuring the confidentiality of medical records for psychiatric and substance abuse treatment.

The historic decision by President Clinton to issue an Executive Order requiring non-discriminatory coverage of treatment for mental illness, including alcohol and substance abuse disorders, in the Federal Employees' Health Benefits Program; the APA's successful efforts to enact "parity" laws in some 30 States; the bipartisan national campaign to double the NIH research budget, including the budgets on mental illness and substance abuse disorders.

For more than 30 years, Jay has dedicated his professional career to the eradication of any stigma against persons with mental illness, including those struggling with alcohol and substance abuse disorders. He has greatly assisted in educating the public and key national policymakers on these vital issues. he has also been at the forefront of efforts to eliminate discrimination against persons with mental illness. He has a record that few can match as an advocate for education, research, and treatment of all mental disorders.

Jay's personal qualities have not only contributed immeasurably to his success but have made him countless friends in the Senate, the House, administrations of both parties, and the health policy community. All his interactions are marked by an extraordinary degree of candor and openness and by the incisive intellect and political skill that has made him a valuable counselor to so many of us.

Jay has always fought hard and effectively for the interests of the physicians represented by the American Psychiatric Association. Jay's wisest counsel to the APA was to place the public policy needs of its patients first. To his enduring credit, throughout Jay's service as Director of Government Relations, APA could be relied upon to fight just as hard for its patients as its members.

No tribute to Jay can fail to mention Jay's beloved wife and lifelong partner, Randy. When the APA hired Jay Cutler, it got Randy as part of the deal. Her generosity of spirit, keen intellect, and strong commitment have meant the world to Jay, to his colleagues at the APA, and to the nation.

Throughout his remarkable career, Jay Cutler—with Randy Cutler beside him—has worked to improve the lives of millions of Americans who, for no fault of their own, have struggled to overcome mental illness. Much of the distance that we have come in recognizing their needs and meeting them over the years of Jay's outstanding services and dedication is the result of Jay's ability.

On the occasion of Jay's retirement, I comment his brilliant service to Congress, to the American Psychiatric Association, and to the millions of Americans with mental illness. I wish Jay and Randy great happiness and success as they begin this new chapter in their lives.

ADDITIONAL STATEMENTS

EL DÍA DE LOS NIÑOS

• Mr. BINGAMAN. Mr. President, I rise today to recognize the celebration of El día de los niños, a day for parents, families, and communities to celebrate, value, and uplift all children in the United States. As cochair of the Senate Democratic Hispanic Task Force, I believe it is important that we set aside a time to commemorate the essential role of children in the future of every nation. On this day, April 30, cities throughout the United States are promoting the well-being of children by hosting a variety of special events, including parades, book festivals, and health fairs. In my own State, for example, the New Mexico State University Library, in conjunction with the Southern New Mexico Engaging Latino Communities for Education Collaborative, ENLACE, is hosting an exhibit of bilingual, Spanish-English, children's books. This activity serves to help communities celebrate and promote the importance of reading in many languages.

As we continue to discuss the well-being of our children, I invite my colleagues to join with me in taking time on this day, El día de los niños, to rededicate ourselves to working together and acting on behalf of our children throughout the year.•

PREPARING FOR NATIONAL COMPETITION ON CONSTITUTIONAL KNOWLEDGE

• Mr. CARPER. Mr. President, this May, more than 1,200 students from across the United States will visit Washington, D.C. to compete in the national finals of the We the People... The Citizen and the Constitution program. It is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights.

I am proud to announce that a class from Smyrna High School will represent the State of Delaware in this national event. These students, with the leadership of their teacher Marc Deisem, have worked diligently to reach the national finals. Through their experience, they have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

This 3-day national competition is modeled after hearings in the United States Congress. The hearings consist of oral presentations by high school students before a panel of adult judges on constitutional topics. The students' testimony is followed by a period of questioning by the judges who probe their depth of understanding and ability to apply their knowledge.

Administered by the Center for Civic Education, the We the People... program has provided curricular materials at upper elementary, middle and high school levels for more than 26.5 million students nationwide. The program affords students a working knowledge of our Constitution, Bill of Rights, and the principles of democratic government.

It is inspiring to see these young people advocate the principles of our Government. These principles identify us as a people and bind us together as a Nation. It is important for our next generation to understand the values and principles that serve as the foundation in our ongoing effort to preserve and realize the promise of democracy.

These students from Smyrna High School are currently conducting research and preparing for their upcoming participation in the national competition in Washington, DC. I wish these young "constitutional experts" the best of luck at the We the People... national finals. They represent the future of our State and Nation, and they give us cause for great hope as we look to the future.•

RECOGNIZING ONCOLOGY NURSING MONTH—MAY 2003

• Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to oncology nurses. May is the ninth annual Oncology Nursing Month. The celebration kicks off on Thursday, May 1, 2003, on Oncology Nursing Day, during the opening ceremonies of the Oncology Nursing Society's 28th Annual Congress in Denver, CO, and continues until May 31, 2003.

Oncology Nursing Month recognizes oncology nurses, educates the public about oncology nursing, provides an opportunity for special educational events for oncology nurses, and celebrates the accomplishments of oncology nurses.

The Oncology Nursing Society, ONS, is the largest professional oncology group in the United States composed of more than 30,000 nurses and other health professionals. It exists to promote excellence in oncology nursing and the provision of quality care to those individuals affected by cancer.

As part of its mission, the society honors and maintains nursing's historical and essential commitment to advocacy for the public good. ONS was founded in 1975, and held its first Annual Congress in 1976. Since the society was established, 218 local chapters have been formed to provide a network for education and peer support at the community level.

In my State of California, there are more than 2,515 oncology nurses and health professionals who care for individuals with cancer and their families. In addition, California has 18 local Oncology Nursing Society chapters including the areas of Pacific Grove, Fresno, Brentwood, Lompoc, Simi Valley, Palm Springs, Greater Los Angeles, Redding, Sacramento, Colton, Chico, Lodi, Orange County, San Diego, San Francisco, Santa Clara, Sonoma County, and Lakewood.

Over the last 10 years, the setting where treatment for cancer is provided has changed dramatically. An estimated 80 percent of all Americans receive cancer care in community settings including cancer centers, physicians' offices, and hospital outpatient departments. Treatment regimens are as complex, if not more so, than regimens given in the inpatient setting a few short years ago.

Oncology nurses are on the frontlines of the provision of quality cancer care for individuals with cancer. Nurses are involved in the care of a cancer patient from the beginning through the end of treatment. Oncology nurses are the frontline providers of care by administering chemotherapy, managing patient therapies and sideeffects, working with insurance companies to ensure that patients receive the appropriate treatment, and providing counseling to patients and family members, in addition to many other daily acts on behalf of cancer patients.

With an increasing number of people with cancer needing high quality health care, and an inadequate supply of nurses, our Nation could well be facing a cancer care crisis of serious proportion, with limited access to quality cancer care.

I was proud to support the passage of the "Nurse Reinvestment Act" in the 107th Congress. This important piece of legislation expanded and implemented programs at the Health Resources Services Administration, HRSA, to address the multiple problems contributing to the nationwide nursing shortage, including the decline in nursing student enrollments, shortage of faculty, and dissatisfaction with nurse workplace environments.

I commend the Oncology Nursing Society for all of its hard work to prevent and reduce suffering from cancer and to improve the lives of those 1.3 million Americans who will be diagnosed with cancer in 2003.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations and two treaties which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 274. An act to authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Blackwater National Wildlife Refuge.

The message also announced that the House has passed the following bill, without amendment:

S. 162. An act to provide for the use and distribution of certain funds awarded to the Gila River Pima-Maricopa Indian Community, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 149. Concurrent resolution expressing the support for the celebration of Patriots' Day and honoring the Nation's first patriots.

H. Con. Res. 156. Concurrent resolution extending congratulations to the United States Capitol Police on the occasion of its 175th anniversary and expressing gratitude to the men and women of the United States Capitol Police and their families for their devotion to duty and service in safeguarding the freedoms of the American people.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 274. An act to authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Blackwater National Wildlife Refuge; to the Committee on Environment and Public Works.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 149. Concurrent resolution expressing support for the celebration of Patriots' Day and honoring the Nation's first patriots; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 14. A bill to enhance the energy security of the United States, and for other purposes.

The following joint resolution was read the first time:

H.J. Res. 51. Joint resolution increasing the statutory limit on the public debt.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1982. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice (Notice 2003–23)" received on April 22, 2003; to the Committee on Finance.

EC–1983. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Special Estimated Tax Payments (Rev. Rul. 2003–34)" received on April 22, 2003; to the Committee on Finance.

EC–1984. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Abusive Offshore Deferred Compensation Arrangements (Notice 2003–22)" received on April 22, 2003; to the Committee on Finance.

EC–1985. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—February 2003 (Rev. Rul. 2003–42)" received on April 22, 2003; to the Committee on Finance.

EC–1986. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—May 2003 (Rev. Rul. 2003–45)" received on April 22, 2003; to the Committee on Finance.

EC–1987. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Action on Decision: Coordinated Issue: Contingent Liabilities (AOD 2003–17)" received on April 22, 2003; to the Committee on Finance.

EC–1988. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice of Significant Reduction in the Rate of Future Benefit Accrual (1545–BA08)" received on April 22, 2003; to the Committee on Finance.

EC–1989. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Overrecovered Fuel Costs (Rev. Rul. 2003–39)" received on April 22, 2003; to the Committee on Finance.

EC–1990. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Regarding the Active Trade or Business Requirement under Section 355(b) (Rev. Rul. 2003–38)" received on April 22, 2003; to the Committee on Finance.

EC–1991. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Accounting Period Change Term and Condition (Rev. Proc. 2003–34)" received on April 22, 2003; to the Committee on Finance.

EC–1992. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 9100 relief for 338 elections (Rev. Proc. 2003–33)" received on April 22, 2003; to the Committee on Finance.

EC–1993. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tax Return Preparers—Electronic Filing (1545–BC12)" received on April 28, 2003; to the Committee on Finance.

EC–1994. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Depreciation of Tires (Rev. Proc. 2002–27)" received on April 22, 2003; to the Committee on Finance.

EC–1995. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Aircraft Engines CT7 Series Turboprop Engines; Docket No. 99–NE–48 (2120–AA64) (2003–0168)" received on April 28, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1996. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300B2 and B4 Series Airplanes; and A300 B4-600, B4-600R, and F4-600R Series Airplanes; docket no. 2001-NM-378 (2120-AA64) (2003-0169)" received on April 28, 2003; to the Committee on Commerce, Science, and Transportation.

EC-1997. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Model Hawker 800XP and 800 Airplanes; docket no. 2001-NM-18 (2120-AA64) (2003-0170)" received on April 28, 2003; to the Committee on Commerce, Science, and Transportation.

EC-1998. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Saab Model SAAB SF340A Series Airplanes; Docket no. 2000-NM-420 (2120-AA64) (2003-0171)" received on April 28, 2003; to the Committee on Commerce, Science, and Transportation.

EC-1999. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Surface Area Airspace and Modification of Class E Airspace; Jefferson City, MO; CORRECTION (2120-AA66) (2003-0072)" received on April 28, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2000. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Emmetsburg, IA; Docket no. 03-ACE-18 (2120-AA66) (2003-0073)" received on April 28, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2001. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Circleville, OH; CORRECTION; Docket no. 02-AGL-08 (2120-AA66) (2003-0074)" received on April 28, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2002. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Hampton, IA; Docket no. 03-ACE-20 (2120-AA66) (2003-0075)" received on April 28, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2003. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Fairont, NE; Docket no. 03-ACE-1 (2120-AA66) (2003-0078)" received on April 28, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2004. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Kookuk, IA; Docket no. 03-ACE-22 (2120-AA66) (2003-0077)" received on April 28, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2005. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Hazen, ND; Docket no. 00-AGL-25 (2120-AA66) (2003-0076)" received on April 28, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2006. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757-200, 757-200CB, and 757-200PF Series Airplanes; Docket no. 2002-NM-315 (2120-AA64) (2003-0167)" received on April 28, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2007. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Designation of Class A, B, C, D, and E, Airspace Areas; Air Traffic Service Routes for Comments; Docket no. FAA-2003-14698 (2120-AH77)" received on April 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2008. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 145 Review: Repair Stations; Correction; Docket No. FAA-1999-5836 (2120-AC38) (2003-0002)" received on April 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2009. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Flightcrew Compartment Access and Door Designs; Docket no. FAA-2001-10770; SFAR 92-5 (2120-AH97)" received on April 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2010. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Protection Against Certain Flights Within the Territory and Airspace of Iraq; Docket no. FAA-2003-14766; SFAR 77; technical amendment (2120-ZZ41)" received on April 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2011. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (19); Amdt. No. 3052 (2120-AA65) (2003-0020)" received on April 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2012. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (48); Amdt. No. 3051 (2120-AA65) (2003-0019)" received on April 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2013. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Correction; Herington, KS; Docket no. 03-ACE-10 (2120-AA66) (2003-0070)" received on April 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2014. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Rome, NY; Delay of Effective Date; Docket no. 02-AEA-13 (2120-AA66) (2003-0071)" received on April 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2015. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Surface Area Airspace and Modification of Class E Airspace; Jefferson City, MO; docket no. 02-ACE-14 (2120-AA66) (2003-0069)" received on April 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2016. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; and Modification of Class E Airspace; Dubuque, IA; Docket no. 03-ACE-16 (2120-AA66) (2003-0068)" received on April 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2017. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace; Brookfield, MO; Docket no. 03-ACE-3 (2120-AA66) (2003-0067)" received on April 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2018. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Collision Avoidance Systems; Docket no. FAA-2001-10910 (2120-AG90)" received on April 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2019. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Wiscasset, ME, Maine Yankee Reactor Pressure Vessel Removal (CGD01-03-019)" received on April 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2020. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regatta and Marine Parade Regulations; SLR; Miami Beach Super Boat Race, Miami Beach, Florida (CGD07-03-041)" received on April 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2021. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Mississippi River, Iowa and Illinois (CGD08-02-020) (1625-AA09) (2003-0007)" received on April 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2022. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regatta and Marine Parade Regulations; SLR; (Including 3 regulations) [CGD05-02-0511] [CGD05-02-056] [CGD05-02-069] (1625-AA08) (2003-0002)" received on April 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2023. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Protection of Tank Ships, Puget Sound, WA (CGD13-02-018) (1625-AA00) (2003-0009)" received on April 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2024. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Waters Adjacent to San Diego County, CA [COTP San Diego 03-014] (1625-AA00) (2003-0008)" received on April 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2025. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Coronado Bay, San Diego, California [COTP San Diego 03-013] (1625-AA00) (2003-0007)" received on April 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2026. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area: Olympic View Resource Area EPA Superfund Cleanup Site, Commencement Bay, Tacoma, WA (CGD13-02-016) (1625-AA11) (2003-0002)" received on April 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2027. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area: (Including 2 Regulations) [CGD08-03014] [CGD09-03-209] (1625-AA11) (2000-0003)" received on April 28, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2028. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; (Including 3 Regulations) [CGD01-03-031] [CGD05-03-037] (1625-AA09) (2003-0009)" received on April 28, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2029. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Anchorage Areas/Anchorage Grounds Regulations/Security Zones: Oahu, Maui, Hawaii, and Kauai, HI (CGD14-03-001)" received on April 28, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2030. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Passenger Vessels, Portland, Maine, Captain of the Port Zone (CGD01-03-001) (1625-AA00) (2003-0011)" received on April 28, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2031. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: (Including 3 Regulations) [COTP San Juan 03-047] [COPT Southeast Alaska 03-001] [CGD01-03-028] (1625-AA00) (2003-0011)" received on April 28, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2032. A communication from the Attorney/Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Administrator, Federal Motor Carrier Safety Administration, Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-2033. A communication from the Legal Advisor, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 2, 73, 74, 80, 90, and 97 of the Commission's Rules to Implement Decisions from World Radiocommunication Conferences Concerning Frequency Brands Below 28000 kHz (ET Doc. 02-16, FCC Number 03-39)" received on April 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2034. A communication from the General Counsel, Office of the General Counsel, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Requirement for Low-Speed Electric Bicycles (FR Doc. 03-3423, 68 FR 7072)" received on April 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2035. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the 41st Annual Report of the activities of the Federal Maritime Commission for fiscal year 2002, which ended September 30, 2002" received on April 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2036. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report relative to the certification that Moldova is committed to the courses of action described in section 1203(d) of the Cooperative Threat Reduction Act of 1993, received on April 25, 2003; to the Committee on Armed Services.

EC-2037. A communication from the Assistant Secretary of Defense, Reserve Affiars, transmitting, pursuant to law, the Department of Defense STARBASE Program Management Report, received on April 22, 2003; to the Committee on Armed Services.

EC-2038. A communication from the Assistant Secretary of Defense, Health Affairs, transmitting, pursuant to law, the report relative to providing benefits to Veterans, received on April 16, 2003; to the Committee on Armed Services.

EC-2039. A communication from the Assistant Secretary of Defense, International Security Policy, transmitting, pursuant to law, the report entitled "Cooperative Threat Reduction to Congress Fiscal Year 2004" received on April 22, 2003; to the Committee on Armed Services.

EC-2040. A communication from the Assistant Secretary of Defense, Health Affairs, transmitting, pursuant to law, the report relative to the Veterans Affairs Department furnishing health care to members of Armed Forces of active duty during and immediately following a national disaster as declared by the President of the United States, received on April 22, 2003; to the Committee on Armed Services.

EC-2041. A communication from the Secretary of Labor, transmitting, pursuant to law, the report entitled "Department of Labor's 2002 Finding on the Worst Forms of Child Labor" received on April 24, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-2042. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the report entitled "FY 2002 Management and Performance Highlights" received on April 22, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-2043. A communication from the General Counsel, Department of the Treasury, transmitting, pursuant to law, the report of proposed legislation relative to providing permanent, indefinite appropriation to allow the Department of the Treasury's Financial Management Service to reimburse financial institutions directly, received on April 28, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-2044. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the Twenty-Fifth Annual Report to Congress Pursuant to Section 815 of the Fair Debt Collection Practices Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-2045. A communication from the Assistant General Counsel, Banking and Finance, Departmental Offices, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "31 CFR Part 50—Terrorism Risk Insurance Program (1505-AA98)" received on April 16, 2003; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 26. A concurrent resolution condemning the punishment of execution by stoning as a gross violation of human rights, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

Treaty Doc. 108-4 Protocols to North Atlantic Treaty of 1949 on Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia (Exec. Rept. No. 108-6)

Resolution of ratification as recommended by the Committee on Foreign Relations:

Resolved (two-thirds of the Senators present concurring therein),

Section 1. SENATE ADVICE AND CONSENT SUBJECT TO DECLARATIONS AND CONDITIONS.

The Senate advises and consents to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia (as defined in section 4(6)), which were opened for signature at Brussels on March 26, 2003, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty, subject to the declarations of section 2 and the conditions of section 3.

Sec. 2. DECLARATIONS.

The advice and consent of the Senate to ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia is subject to the following declarations:

(1) Reaffirmation that United States Membership in NATO Remains a Vital National Security Interest of the United States. The Senate declares that

(A) for more than 50 years the North Atlantic Treaty Organization (NATO) has served as the preeminent organization to defend the countries in the North Atlantic area against all external threats;

(B) through common action, the established democracies of North America and Europe that were joined in NATO persevered and prevailed in the task of ensuring the survival of democratic government in Europe and North America throughout the Cold War;

(C) NATO enhances the security of the United States by embedding European states in a process of cooperative security planning, by preventing the destabilizing re-nationalization of European military policies, and by ensuring an ongoing and direct leadership role for the United States in European security affairs;

(D) the responsibility and financial burden of defending the democracies of Europe and North America can be more equitably shared through an alliance in which specific obligations and force goals are met by its members;

(E) the security and prosperity of the United States is enhanced by NATO's collective defense against aggression that may threaten the security of NATO members;

(F) with the advice and consent of the United States Senate, Hungary, Poland, and the Czech Republic became members of NATO on March 12, 1999;

(G) on May 17, 2002, the Senate adopted the Freedom Consolidation Act of 2001 (S. 1572 of the 107th Congress), and President George W. Bush signed that bill into law on June 10, 2002, which "reaffirms support for continued enlargement of the North Atlantic Treaty Organization (NATO) Alliance; designated Slovakia for participation in the Partnership for Peace and eligible to receive certain security assistance under the NATO Participation Act of 1994; [and] authorizes specified amounts of security assistance for [fiscal year] 2002 for Estonia, Latvia, Lithuania, Slovakia, Slovenia, Bulgaria and Romania"; and

(H) United States membership in NATO remains a vital national security interest of the United States.

(2) Strategic Rationale for NATO Enlargement. The Senate finds that

(A) notwithstanding the collapse of communism in most of Europe and the dissolution of the Soviet Union, the United States and its NATO allies face threats to their stability and territorial integrity;

(B) an attack against Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, or Slovenia, or their destabilization arising from external subversion, would threaten the stability of Europe and jeopardize vital United States national security interests;

(C) Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, having established democratic governments and having demonstrated a willingness to meet all requirements of membership, including those necessary to contribute to the defense of all NATO members, are in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area; and

(D) extending NATO membership to Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, will strengthen NATO, enhance security and stability in Central Europe, deter potential aggressors, and advance the interests of the United States and its NATO allies.

(3) Full Membership for New NATO Members. The Senate understands that Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, in becoming NATO members, will have all the rights, obligations, responsibilities, and protections that are afforded to all other NATO members.

(4) The Importance of European Integration.

(A) Sense of the Senate. It is the sense of the Senate that

(i) the central purpose of NATO is to provide for the collective defense of its members;

(ii) the Organization for Security and Cooperation in Europe is an institution for the promotion of democracy, the rule of law, crisis prevention, and post-conflict rehabilitation and, as such, is an essential forum for the discussion and resolution of political disputes among European members, Canada, and the United States; and

(iii) the European Union is an essential organization of the economic, political, and social integration of all qualified European countries into an undivided Europe.

(B) Policy of the United States. The policy of the United States is

(i) to utilize fully the institutions of the Organization for Security and Cooperation in Europe to reach political solutions for disputes in Europe; and

(ii) to encourage actively the efforts of the European Union to continue to expand its membership, which will help to strengthen the democracies of Central and Eastern Europe.

(5) Future Consideration of Candidates for Membership in NATO.

(A) Senate Findings. The Senate finds that

(i) Article 10 of the North Atlantic Treaty provides that NATO members by unanimous agreement may invite the accession to the North Atlantic Treaty of any other European state in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area;

(ii) in its Prague Summit Declaration of November 21, 2002, NATO stated that the Alliance

(I)(aa) will keep its door open "to European democracies willing and able to assume the responsibilities and obligations of membership, in accordance with Article 10 of the Washington Treaty";

(bb) will keep under review through the Membership Action Plan (MAP) the progress of those democracies, including Albania, Croatia, and the Former Yugoslav Republic of Macedonia, that seek NATO membership, and continue to use the MAP as the vehicle to measure progress in future round of NATO enlargement;

(cc) will consider the MAP as a means for those nations that seek NATO membership to develop military capabilities to enable such nations to undertake operations ranging from peacekeeping to high-intensity conflict, and help aspirant countries achieve political reform that includes strengthened democratic structures and progress in curbing corruption;

(dd) concurs that Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia have successfully used the MAP to address issues important to NATO membership; and

(ee) maintains that the nations invited to join NATO at the Prague Summit "will not be the last";

(II)(aa) in response to the terrorist attacks on September 11, 2001, and its subsequent decision to invoke Article 5 of the Washington Treaty, will implement the approved "comprehensive package of measures, based on NATO's Strategic Concept, to strengthen our ability to meet the challenges to the security of our forces, populations and territory, from wherever they may come"; and

(bb) recognizes that the governments of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia have successfully used the MAP to address important issues and have showed solidarity with the United States after the terrorist attacks on September 11, 2001;

(III) will create ". . . a NATO Response Force (NRF) consisting of a technologically advanced, flexible, deployable, interoperable, and sustainable force including land, sea, and air elements ready to move quickly to wherever needed, as decided by the Council";

(IV) will streamline its "military command arrangements" for "a leaner, more efficient, effective, and deployable command structure, with a view to meeting the operational requirements for the full range of Alliance missions";

(V) will "approve the Prague Capabilities Commitment (PCC) as part of the continuing Alliance effort to improve and develop new military capabilities for modern warfare in a high threat environment"; and

(VI) will "examine options for addressing the increasing missile threat to Alliance territory, forces and populations centres" and tackle the threat of weapons of mass destruction (WMD) by enhancing the role of the WMD Centre within the International Staff;

(iii) as stated in the Prague Summit Declaration, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia have "demonstrated their commitment to the basic principles and values set out in the Washington Treaty, the ability to contribute to the Alliance's full range of missions including collective defence, and a firm commitment to contribute to stability and security, especially in regions of crisis and conflict";

(iv) Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia have been acting as de facto NATO allies through their contributions and participation in peacekeeping operations in the Balkins, Operation Enduring Freedom, and the International Security Assistance Force (ISAF);

(v) Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, together with Albania, Croatia and the Former Yugoslav Republic of Macedonia, issued joint statements on November 21, 2002, and February 5, 2003, expressing their support for the international community's efforts to disarm Iraq; and

(vi) the United States will not support the accession to the North Atlantic Treaty of, or the invitation to begin accession talks with, any European state (other than Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia), unless

(I) the President consults with the Senate consistent with Article II, section 2, clause 2 of the Constitution of the United States (relating to the advice and consent of the Senate to the making of treaties); and

(II) the prospective NATO member can fulfill the obligations and responsibilities of membership, and the inclusion of such state in NATO would serve the overall political and strategic interests of NATO and the United States.

(B) Requirement for Consensus and Ratification. The Senate declares that no action or agreement other than a consensus decision by the full membership of NATO, approved by the national procedures of each NATO member, including, in the case of the United States, the requirements of Article II, section 2, clause 2 of the Constitution of the United States (relating to the advice and consent of the Senate to the making of treaties), will constitute a commitment to collective defense and consultations pursuant to Article 4 and 5 of the North Atlantic Treaty.

(6) Partnership for Peace. The Senate declares that

(A)(i) the Partnership for Peace between NATO members and the Partnership for Peace countries is an important and enduring complement to NATO in maintaining and enhancing regional security; and

(ii) the Partnership for Peace has greatly enhanced security and ability throughout the Euro-Atlantic area, with Partnership for Peace countries, especially countries that seek NATO membership, and has encouraged them to strengthen political dialogue with NATO allies and to undertake all efforts to work with NATO allies, as appropriate, in the planning, conduct, and oversight of those activities and projects in which they participate and to which they contribute, including combating terrorism;

(B) the Partnership for Peace serves a critical role in promoting common objectives of NATO members and the Partnership for Peace countries, including

(i) increasing the transparency of national defense planning and budgeting processes;

(ii) ensuring democratic control of defense forces;

(iii) maintaining the capability and readiness of Partnership for Peace countries to contribute to operations of the United Nations and the Organization for Security and Cooperation in Europe;

(iv) developing cooperative military relations with NATO;

(v) enhancing the interoperability between forces of the Partnership for Peace countries and forces of NATO members; and

(vi) facilitating cooperation of NATO members with countries from Central Asia, the Caucasus and eastern and southeastern Europe.

(7) The NATO-Russia Council. The Senate declares that

(A) it is in the interest of the United States for NATO to continue to develop a new and constructive relationship with the Russian Federation as the Russian Federation pursues democratization, market reforms, and peaceful relations with its neighbors; and

(B) the NATO-Russia Council, established by the Heads of State and Government of NATO and the Russian Federation on May 28, 2002, will

(i) provide an important forum for strengthening peace and security in the Euro-Atlantic area, and where appropriate for consensus building, consultations, joint decisions, and joint actions;

(ii) permit the members of NATO and Russia to work as equal partners in areas of common interest;

(iii) participate in joint decisions and joint actions only after NATO members have consulted, in advance, among themselves about what degree any issue should be subject to the NATO-Russia Council;

(iv) not provide the Russian Federation with a voice or veto in NATO's decisions or freedom of action through the North Atlantic Council, the Defense Planning Committee, or the Nuclear Planning Committee; and

(v) not provide the Russian Federation with a veto over NATO policy.

(8) Compensation for victims of the Holocaust and of Communism. The Senate finds that

(A) individuals and communal entities whose property was seized during the Holocaust or the communist period should receive appropriate compensations;

(B) Bulgaria, Estonia, Lativia, Lithuania, Romania, Slovakia, and Slovenia have put in place publicly declared mechanism for compensation for property confiscated during the Holocaust and the communist era, including the passage of statutes, and for the opening of archives and public reckoning with the past;

(C) Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia have each adjudicated and resolved numerous specific claims for compensation for property confiscated during the Holocaust or the communist era over the past several years;

(D) Bulgaria, Estsonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia have each established active historical commissions or other bodies to study and report on their governments and society's role in the Holocaust or the communist era; and

(E) the governments of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia have made clear their openness to active dialogue with other governments, including the United States Government, and with nongovernmental organizations, on coming to grips with the past.

(9) Treaty Interpretation. The Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997, relating to condition (1) of the resolution of ratification of the Intermediate-Range Nuclear Forces (INF) Treaty approved by the Senate on May 27, 1988.

Sec. 3. Conditions.

The advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia is subject to the following conditions, which shall be binding upon the President:

(1) Costs, Benefits, Burden-sharing, and Military Implications of the Enlargement of NATO

(A) Presidential Certification. Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate that

(i) the inclusion of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia in NATO will not have the effect of increasing the overall percentage share of the United States in the common budgets of NATO; and

(ii) the inclusion of Bulgaria, Estonia, Lithuania, Romania, Slovakia, and Slovenia in NATO does not detract from the ability of the United States to meet or to fund its military requirements outside the North Atlantic area.

(B) Annual Reports. Not later than April 1 of each year during the 3-year period following the date of entry into force of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, the President shall submit to the appropriate congressional committees a report, which may be submitted in an unclassified and classified form, and which shall contain the following information:

(i) The amount contributed to the common budgets of NATO by each NATO by each NATO member during the preceding calendar year.

(ii) The proportional share assigned to, and paid by, each NATO member under NATO's cost-sharing arrangements.

(iii) The national defense budget of each NATO member, the steps taken by each NATO member to meet NATO force goals, and the adequacy of the national defense budget of each NATO member in meeting common defense and security obligations.

(C) Reports on Future Enlargement of NATO.

(i) Reports Prior to Commencement of Accession Talks. Prior to any decision by the North Atlantic Council to invite any country (other than Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia) to begin accession talks with NATO, the President shall submit to the appropriate congressional committees a detailed report regarding each country being actively considered for NATO membership, including

(I) an evaluation of how that country will further the principles of the North Atlantic Treaty and contribute to the security of the North Atlantic area;

(II) an evaluation of the eligibility of that country for membership based on the principles and criteria identified by NATO and the United States, including the military readiness of that country;

(III) an explanation of how an invitation to that country would affect the national security interests of the United States;

(IV) a United States Government analysis of the common-funded military requirements and costs associated with integrating that country into NATO, and an analysis of the shares of those costs to be borne by NATO members, including the United States; and

(V) a preliminary analysis of the implications for the United States defense budget and other United States budgets of integrating that country into NATO.

(ii) Updated Reports Prior to Signing Protocol of Accession. Prior to the signing of any protocol to the North Atlantic Treaty on the accession of any country, the President shall submit to the appropriate congressional committees a report, in classified and unclassified forms

(I) updating the information contained in the report required under clause (i) with respect to that country; and

(II) including an analysis of that country's ability to meet the full range of the financial burdens of NATO membership, and the likely impact upon the military effectiveness of NATO of the country invited for accession talks, if the country were to be admitted to NATO.

(D) Review and Reports by the General Accounting Office. The Comptroller General of the United States shall conduct a review and assessment of the evaluations and analyses contained in all reports submitted under subparagraph (C) and, not later than 90 days after the date of submission of any report under subparagraphs (C)(ii), shall submit a report to the appropriate congressional committees setting forth the assessment resulting from that review.

(2) Reports on Intelligence Matters.

(A) Progress Report, Not later than January 1, 2004, the President shall submit a report to the congressional intelligence committees on the progress of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia in satisfying the security sector and security vetting requirements for membership in NATO.

(B) Reports Regarding Protection of Intelligence Sources and Methods. Not later than January 1, 2004, and again not later than the date that is 90 days after the date of accession to the North Atlantic Treaty by Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, the Director of Central Intelligence shall submit a detailed report to the congressional intelligence committees

(i) identifying the latest procedures and requirements established by Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia for the protection of intelligence sources and methods; and

(ii) including an assessment of how the overall procedures and requirements of such countries for the protection of intelligence sources and methods compare with the procedures and requirements of other NATO members for the protection of intelligence sources and methods.

(C) Definitions. In this paragraph:

(i) Congressional Intelligence Committees. The term "congressional intelligence committees" means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(ii) Date of Accession to the North Atlantic Treaty by Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia. The term "date of accession to the North Atlantic Treaty by Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia" means the latest of the following dates:

(I) The date on which Bulgaria accedes to the North Atlantic Treaty.

(II) The date on which Estonia accedes to the North Atlantic Treaty.

(III) The date on which Latvia accedes to the North Atlantic Treaty.

(IV) The date on which Lithuania accedes to the North Atlantic Treaty.

(V) The date on which Romania accedes to the North Atlantic Treaty.

(VI) The date on which Slovakia accedes to the North Atlantic Treaty.

(VII) The date on which Slovenia accedes to the North Atlantic Treaty.

(3) Requirement of Full Cooperation with United States Efforts to Obtain the Fullest Possible Accounting of Captured and Missing United States Personnel From Past Military Conflicts or Cold War Incidents. Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that each of the governments of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia are fully cooperating with United States efforts to obtain the fullest possible accounting of captured or missing United States personnel from past military conflicts or Cold War incidents, to include

(A) facilitating full access to relevant archival material; and

(B) identifying individuals who may possess knowledge relative to captured or missing United States personnel, and encouraging such individuals to speak with United States Government officials.

Sec. 4. DEFINITIONS.

In this resolution:

(1) Appropriate Congressional Committees. The term "appropriate congressional committees" means the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate and the Committee on International Relations, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

(2) NATO. The term "NATO" means the North Atlantic Treaty Organization.

(3) NATO Members. The term "NATO members" means all countries that are parties to the North Atlantic Treaty.

(4) North Atlantic Area. The term "North Atlantic area" means the area covered by Article 6 of the North Atlantic Treaty, as applied by the North Atlantic Council.

(5) North Atlantic Treaty. The term "North Atlantic Treaty" means the North Atlantic Treaty, signed at Washington on April 4, 1949 (63 Stat. 2241; TIAS 1964), as amended.

(6) Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia. The term "Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia" refers to the following protocols transmitted by the President to the Senate on April 10, 2003 (Treaty Document No. 108-4):

(A) The Protocol to the North Atlantic Treaty on the Accession of the Republic of Bulgaria, signed at Brussels on March 26, 2003.

(B) The Protocol to the North Atlantic Treaty on the Accession of the Republic of Estonia, signed at Brussels on March 26, 2003.

(C) The Protocol to the North Atlantic Treaty on the Accession of the Republic of Latvia, signed at Brussels on March 26, 2003.

(D) The Protocol to the North Atlantic Treaty on the Accession of the Republic of Lithuania, signed at Brussels on March 26, 2003.

(E) The Protocol to the North Atlantic Treaty on the Accession of the Republic of Romania, signed at Brussels on March 26, 2003.

(F) The Protocol to the North Atlantic Treaty on the Accession of the Republic of Slovakia, signed at Brussels on March 26, 2003.

(G) The Protocol to the North Atlantic Treaty on the Accession of the Republic of Slovenia, signed at Brussels on March 26, 2003.

(7) United States Instrument of Ratification. The term "United States instrument of ratification" means the instrument of ratification of the United States of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia.

(8) Washington Treaty. The term "Washington Treaty" means the North Atlantic Treaty, signed at Washington on April 4, 1949 (63 Stat. 2241; TIAS 1964), as amended.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DOMENICI:

S. 14. A bill to enhance the energy security of the United States, and for other purposes; read the first time.

By Mr. ENZI (for himself, Mr. DORGAN, Mr. BAUCUS, Mr. DAYTON, Mr. BINGAMAN, Mr. CHAFEE, Mr. CRAIG, Mr. JOHNSON, and Mrs. MURRAY):

S. 950. A bill to allow travel between the United States and Cuba; to the Committee on Foreign Relations.

By Mr. WARNER (for himself, Mr. DAYTON, and Ms. COLLINS):

S. 951. A bill to amend the Internal Revenue Code of 1986 to allow medicare beneficiaries a refundable credit against income tax for the purchase of outpatient prescription drugs; to the Committee on Finance.

By Mr. CORZINE:

S. 952. A bill to amend title XVIII of the Social Security Act to reduce the work hours and increase the supervision of resident-physicians to ensure the safety of patients and resident-physicians themselves; to the Committee on Finance.

By Ms. LANDRIEU:

S. 953. A bill to amend chapter 53 of title 5, United States Code, to provide special pay for board certified Federal Employees who are employed in health science positions, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SHELBY (for himself, Mr. MILLER, Mr. LOTT, Ms. LANDRIEU, Mr. SESSIONS, Mr. COCHRAN, and Mr. CHAMBLISS):

S. 954. A bill to amend the Federal Power Act to provide for the protection of electric utility customers and enhance the stability of wholesale electric markets through the clarification of State regulatory jurisdiction; to the Committee on Energy and Natural Resources.

By Mr. ALLEN:

S. 955. A bill to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. JEFFORDS, Mr. DAYTON, and Mr. LEAHY):

S. 956. A bill to amend the Elementary and Secondary Education Act of 1965 to permit States and local educational agencies to decide the frequency of using high quality assessments to measure and increase student academic achievement, to permit States and local educational agencies to obtain a waiver of certain testing requirements, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 957. A bill to amend title 49, United States Code, to improve the training requirements for and require the certification of cabin crew members, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself, Mr. REID, Mr. NELSON of Florida, Mr. ROCKEFELLER, Mrs. LINCOLN, Ms. LANDRIEU, Mr. BINGAMAN, Mr. MILLER, and Mr. BREAUX):

S. 958. A bill to amend titles XVIII and XIX of the Social Security Act to prevent abuse of recipients of long-term care services under the Medicare and Medicaid programs; to the Committee on Finance.

By Mr. INHOFE (for himself, Mr. KYL, Mr. BURNS, Mr. THOMAS, and Mr. GRASSLEY):

S. 959. A bill to limit the age restrictions imposed by the Administrator of the Federal Aviation Administration for the issuance or renewal of certain airman certificates, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA:

S. 960. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii and to amend the Hawaii Water Resources Act of 2000 to modify the water resources study; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 961. A bill to expand the scope of the HUBZone program to include difficult development areas; to the Committee on Small Business and Entrepreneurship.

By Mrs. LINCOLN (for herself, Mr. ROCKEFELLER, Mr. BINGAMAN, and Mr. BREAUX):

S. 962. A bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the child tax credit and to expand refundability of such credit, and for other purposes; to the Committee on Finance.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 963. A bill to require the Commandant of the Coast Guard to convey the United States Coast Guard Cutter BRAMBLE, upon its decommissioning, to the Port Huron Museum of Arts and History, Port Huron, Michigan, for use for education and historical display, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LOTT (for himself and Mr. ROCKEFELLER):

S. 964. A bill to reauthorize the essential air service program under chapter 471 of title 49, United States Code, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COLEMAN (for himself and Mr. DAYTON):

S. Res. 126. A resolution commending the University of Minnesota Golden Gophers for winning the 2002-2003 National Collegiate Athletic Association Division I National Collegiate Men's Ice Hockey Championship; considered and agreed to.

By Mr. COLEMAN:

S. Res. 127. A resolution expressing the sense of the Senate that the Secretary of Agriculture should reduce the interest rate on loans to processors of sugar beets and sugarcane by 1 percent to a rate equal to the cost of borrowing to conform to the intent of Congress; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 128. A resolution to commend Sally Goffinet on thirty-one years of service to the United States Senate; considered and agreed to.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. Res. 129. A resolution recognizing and commending the members of the Navy and Marine Corps who served in the U.S.S. Abraham Lincoln and welcoming them home from their recent mission abroad; to the Committee on Armed Services.

By Mrs. CLINTON (for herself and Mr. HAGEL):

S. Con. Res. 40. A concurrent resolution designating August 7, 2003, as "National Purple Heart Recognition Day"; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. CORZINE, and Mr. FEINGOLD):

S. Con. Res. 41. A concurrent resolution directing Congress to enact legislation by October 2005 that provides access to comprehensive health care for all Americans; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 56

At the request of Mr. JOHNSON, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 56, a bill to restore health care coverage to retired members of the uniformed services.

S. 138

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 138, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 196

At the request of Mr. ALLEN, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Delaware (Mr. CARPER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 196, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 196

At the request of Mrs. LINCOLN, her name was added as a cosponsor of S. 196, supra.

S. 243

At the request of Mr. ALLEN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 243, a bill concerning participation of Taiwan in the World Health Organization.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 269

At the request of Mr. INHOFE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 269, a bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

S. 300

At the request of Mr. KERRY, the name of the Senator from Montana (Mr. BURNS) was withdrawn as a cosponsor of S. 300 a bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

S. 300

At the request of Mr. KERRY, the names of the Senator from Mississippi (Mr. LOTT), the Senator from California (Mrs. FEINSTEIN), the Senator from Missouri (Mr. BOND), the Senator from Utah (Mr. HATCH) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 300, supra.

S. 310

At the request of Mr. THOMAS, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 310, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

S. 363

At the request of Ms. MIKULSKI, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 363, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 374

At the request of Mr. BAUCUS, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 374, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. 395

At the request of Mr. GRASSLEY, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 395, a bill to amend the Internal Revenue Code of 1986 to provide a 3-year extension of the credit for producing electricity from wind.

S. 448

At the request of Mr. DODD, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 448, a bill to leave no child behind.

S. 459

At the request of Mr. LEAHY, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 459, a bill to ensure that a public safety officer who suffers a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public safety officer survivor benefits.

S. 460

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 460, a bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2004 through 2010 to carry out the State Criminal Alien Assistance Program.

S. 466

At the request of Mr. DASCHLE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 466, a bill to provide financial assistance to State and local governments to assist them in preventing and responding to acts of terrorism in order to better protect homeland security.

S. 470

At the request of Mr. SARBANES, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 470, a bill to extend the authority for the construction of a memorial to Martin Luther King, Jr.

S. 517

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 517, a bill to amend title 38, United States Code, to provide improved benefits for veterans who are former prisoners of war.

S. 544

At the request of Mr. KENNEDY, his name was added as a cosponsor of S. 544, a bill to establish a SAFER Firefighter Grant Program.

S. 560

At the request of Mr. CRAIG, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 560, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 569

At the request of Mr. ENSIGN, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 569, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 596

At the request of Mr. ENSIGN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 596, a bill to amend the Internal Revenue Code of 1986 to encourage the investment of foreign earnings within the United States for productive business investments and job creation.

S. 597

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 597, a bill to amend the Internal Revenue Code of 1986 to provide energy tax incentives.

S. 626

At the request of Mr. SANTORUM, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 626, a bill to reduce the amount of paperwork for special education teachers, to make mediation mandatory for all legal disputes related to individualized education programs, and for other purposes.

S. 641

At the request of Mrs. LINCOLN, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 641, a bill to amend title 10, United States Code, to support the Federal Excess Personal Property program of the Forest Service by making it a priority of the Department of Defense to transfer to the Forest Service excess personal property of the Department of Defense that is suitable to be loaned to rural fire departments.

S. 654

At the request of Ms. SNOWE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 654, a bill to amend title XVIII of the Social Security Act to enhance the access of medicare beneficiaries who live in medically underserved areas to critical primary and preventive health care benefits, to improve the Medicare+Choice program, and for other purposes.

S. 665

At the request of Mr. GRASSLEY, the names of the Senator from Oregon (Mr. SMITH), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 665, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fisherman, and for other purposes.

S. 686

At the request of Mr. DEWINE, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 686, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 756

At the request of Mr. THOMAS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 756, a bill to amend the Internal Revenue Code of 1986 to modify the qualified small issue bond provisions.

S. 764

At the request of Mr. LEAHY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 764, a bill to extend the authorization of the Bulletproof Vest Partnership Grant Program.

S. 774

At the request of Ms. SNOWE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 774, a bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts.

S. 796

At the request of Ms. COLLINS, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 796, a bill to provide for the appointment of a Director of State and Local Government Coordination within the Department of Homeland Security and to transfer the Office for Domestic Preparedness to the Office of the Secretary of Homeland Security.

S. 822

At the request of Mr. KERRY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 822, a bill to create a 3-year pilot program that makes small, non-profit child care businesses eligible for SBA 504 loans.

S. 827

At the request of Mr. SARBANES, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 827, a bill to amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed.

S. 829

At the request of Mr. SARBANES, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 829, a bill to reauthorize and improve the Chesapeake Bay Environmental Restoration and Protection Program.

S. 838

At the request of Ms. COLLINS, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Vermont (Mr. LEAHY), the Senator from Hawaii (Mr. AKAKA) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 838, a bill to waive the limitation on the use of funds appropriated for the Homeland Security Grant Program.

S. 847

At the request of Mr. SMITH, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 847, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low income individuals infected with HIV.

S. 862

At the request of Mr. ROCKEFELLER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 862, a bill to promote the adoption of children with special needs.

S. 888

At the request of Mr. GREGG, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from South Carolina (Mr. GRAHAM), the Senator from Rhode Island (Mr. CHAFEE), the Senator from California (Mrs. FEINSTEIN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 888, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 890

At the request of Mrs. MURRAY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 890, a bill to amend the Individuals with Disabilities Education

Act to provide grants to State educational agencies to establish high cost funds from which local educational agencies are paid a percentage of the costs of providing a free appropriate public education to high need children and other high costs associated with educating children with disabilities, and for other purposes.

S. 896

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 896, a bill to establish a public education and awareness program relating to emergency contraception.

S. 908

At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 908, a bill to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, and for other purposes.

S. 939

At the request of Mr. HAGEL, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 939, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part, to provide an exception to the local maintenance of effort requirements, and for other purposes.

S. CON. RES. 14

At the request of Mr. SMITH, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution expressing the sense of Congress regarding the education curriculum in the Kingdom of Saudi Arabia.

S. CON. RES. 26

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Con. Res. 26, a concurrent resolution condemning the punishment of execution by stoning as a gross violation of human rights, and for other purposes.

S. RES. 75

At the request of Mr. CAMPBELL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 75, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 75

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Res. 75, supra.

S. RES. 125

At the request of Mr. GREGG, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. Res. 125, a resolution designating April 28, 2003, through May 2, 2003, as "National Charter Schools Week", and for other purposes.

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STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 14. A bill to enhance the energy security of the United States, and for other purposes; read the first time.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 14

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "The Energy Policy Act of 2003".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short Title.
Sec. 2. Table of Contents.

TITLE I—OIL AND GAS

Subtitle A—Production Incentives

Sec. 101. Permanent Authority to Operate the Strategic Petroleum Reserve and Other Energy Programs.
Sec. 102. Study on Inventory of Petroleum and Natural Gas Storage.
Sec. 103. Program on Oil and Gas Royalties in Kind.
Sec. 104. Marginal Property Production Incentives.
Sec. 105. Comprehensive Inventory of OCS Oil and Natural Gas Resources.
Sec. 106. Royalty Relief for Deep Water Production.
Sec. 107. Alaska Offshore Royalty Suspension.
Sec. 108. Orphaned, Abandoned, or Idled Wells on Federal Lands.
Sec. 109. Incentives for Natural Gas Production from Deep Wells in the Shallow Waters of the Gulf of Mexico.
Sec. 110. Alternate Energy-Related Uses on the Outer Continental Shelf.
Sec. 111. Coastal Impact Assistance.
Sec. 112. National Energy Resource Database.
Sec. 113. Oil and Gas Lease Acreage Limitation.
Sec. 114. Assessment of Dependence of State of Hawaii on Oil.

Subtitle B—Access to Federal Lands

Sec. 121. Office of Federal Energy Permit Coordination.
Sec. 122. Pilot Project to Improve Federal Permit Coordination.
Sec. 123. Federal Onshore Leasing Programs for Oil and Gas.
Sec. 124. Estimates of Oil and Gas Resources Underlying Onshore Federal Lands.
Sec. 125. Split-Estate Federal Oil & Gas Leasing and Development Practices.
Sec. 126. Coordination of Federal Agencies to Establish Priority Energy Transmission Rights-of-way.

Subtitle C—Alaska Natural Gas Pipeline

Sec. 131. Short Title.
Sec. 132. Definitions.
Sec. 133. Issuance of Certificate of Public Convenience and Necessity.
Sec. 134. Environmental Reviews.
Sec. 135. Pipeline Expansion.
Sec. 136. Federal Coordinator.
Sec. 137. Judicial Review.
Sec. 138. State Jurisdiction over In-State Delivery of Natural Gas.
Sec. 139. Study of Alternative Means of Construction.
Sec. 140. Clarification of ANGTA Status and Authorities.
Sec. 141. Sense of Congress.
Sec. 142. Participation of Small Business Concerns.
Sec. 143. Alaska Pipeline Construction Training Program.
Sec. 144. Loan Guarantee.
Sec. 145. Sense of Congress on Natural Gas Demand.

TITLE II—COAL

Subtitle A—Clean Coal Power Initiative

Sec. 201. Authorization of Appropriations.
Sec. 202. Project Criteria.
Sec. 203. Reports.
Sec. 204. Clean Coal Centers of Excellence.

Subtitle B—Federal Coal Leases

Sec. 211. Repeal of the 160-Acre Limitation for Coal Leases.
Sec. 212. Mining Plans.
Sec. 213. Payment of Advance Royalties Under Coal Leases.
Sec. 214. Elimination of Deadline for Submission of Coal Lease Operation and Reclamation Plan.
Sec. 215. Application of Amendments.

Subtitle C—Powder River Basin

Sec. 221. Resolution of Federal Resource Development Conflicts in the Powder River Basin.

TITLE III—INDIAN ENERGY

Sec. 301. Short Title.
Sec. 302. Office of Indian Energy Policy and Programs.
Sec. 303. Indian Energy.

"TITLE XXVI—INDIAN ENERGY

"Sec. 2601. Definitions.
"Sec. 2602. Indian Tribal Energy Resource Development.
"Sec. 2603. Indian Tribal Energy Resource Regulation.
"Sec. 2604. Leases, Business Agreements, and Rights-of-way Involving Energy Development or Transmission.
"Sec. 2605. Federal Power Marketing Administrations.
"Sec. 2606. Indian Mineral Development Review.
"Sec. 2607. Wind and Hydropower Feasibility Study.
Sec. 304. Four Corners Transmission Line Project.
Sec. 305. Energy Efficiency in Federally Assisted Housing.
Sec. 306. Consultation with Indian Tribes.

TITLE IV—NUCLEAR

Subtitle A—Price-Anderson Amendments

Sec. 401. Short Title.
Sec. 402. Extension of Indemnification Authority.
Sec. 403. Maximum Assessment.
Sec. 404. Department of Energy Liability Limit.
Sec. 405. Incidents Outside the United States.
Sec. 406. Reports.
Sec. 407. Inflation Adjustment.
Sec. 408. Treatment of Modular Reactors.
Sec. 409. Applicability.
Sec. 410. Civil Penalties.

Subtitle B—Deployment of Commercial Nuclear Plants
Sec. 421. Short Title.
Sec. 422. Definitions.
Sec. 423. Responsibilities of the Secretary of Energy.
Sec. 424. Limitations.
Sec. 425. Regulations.
Subtitle C—Advanced Reactor Hydrogen Co-Generation Project
Sec. 431. Project Establishment.
Sec. 432. Project Definition.
Sec. 433. Project Management.
Sec. 434. Project Requirements.
Sec. 435. Authorization of Appropriations.
Subtitle D—Miscellaneous Matters
Sec. 441. Uranium Sales and Transfers.
Sec. 442. Decommissioning Pilot Program.
TITLE V—RENEWABLE ENERGY
Subtitle A—General Provisions
Sec. 501. Assessment of Renewable Energy Resources.
Sec. 502. Renewable Energy Production Incentive.
Sec. 503. Renewable Energy on Federal Lands.
Sec. 504. Federal Purchase Requirement.
Sec. 505. Insular Area Renewable and Energy Efficient Plans.
Subtitle B—Hydroelectric Relicensing
Sec. 511. Alternative Conditions and Fishways.
Subtitle C—Geothermal Energy
Sec. 521. Competitive Lease Sale Requirements.
Sec. 522. Geothermal Leasing and Permitting on Federal Lands.
Sec. 523. Leasing and Permitting on Federal Lands Withdrawn for Military Purposes.
Sec. 524. Reinstatement of Leases Terminated for Failure to Pay Rent.
Sec. 525. Royalty Reduction and Relief.
Sec. 526. Royalty Exemption for Direct Use of Low Temperature Geothermal Energy Resources.
Subtitle D—Biomass Energy
Sec. 531. Definitions.
Sec. 532. Biomass Commercial Utilization Grant Program.
Sec. 533. Improved Biomass Utilization Grant Program.
Sec. 534. Report.
TITLE VI—ENERGY EFFICIENCY
Subtitle A—Federal Programs
Sec. 601. Energy Management Requirements.
Sec. 602. Energy Use Measurement and Accountability.
Sec. 603. Federal Building Performance Standards.
Sec. 604. Energy Savings Performance Contracts.
Sec. 605. Procurement of Energy Efficient Products.
Sec. 606. Congressional Building Efficiency.
Sec. 607. Increased Federal Use of Recovered Mineral Components in Federally Funded Projects Involving Procurement of Cement or Concrete.
Sec. 608. Utility Energy Service Contracts.
Sec. 609. Study of Energy Efficiency Standards.
Subtitle B—State and Local Programs
Sec. 611. Low Income Community Energy Efficiency Pilot Program.
Sec. 612. Energy Efficient Public Buildings.
Sec. 613. Energy Efficient Appliance Rebate Programs.
Subtitle C—Consumer Products
Sec. 621. Energy Conservation Standards for Additional Products.
Sec. 622. Energy Labeling.
Sec. 623. Energy Star Program.
Sec. 624. HVAC Maintenance Consumer Education Program.
Subtitle D—Public Housing
Sec. 631. Capacity Building for Energy-Efficient, Affordable Housing.
Sec. 632. Increase of CDBG Public Services Cap for Energy Conservation and Efficiency Activities.
Sec. 633. FHA Mortgage Insurance Incentives for Energy Efficient Housing.
Sec. 634. Public Housing Capital Fund.
Sec. 635. Grants for Energy-Conserving Improvements for Assisted Housing.
Sec. 636. North American Development Bank.
Sec. 637. Energy-Efficient Appliances.
Sec. 638. Energy Efficiency Standards.
Sec. 639. Energy Strategy for HUD.
TITLE VII—TRANSPORTATION FUELS
Subtitle A—Alternative Fuel Programs
Sec. 701. Use of Alternative Fuels by Dual-Fueled Vehicles.
Sec. 702. Fuel Use Credits.
Sec. 703. Neighborhood Electric Vehicles.
Sec. 704. Credits for Medium and Heavy Duty Dedicated Vehicles.
Sec. 705. Alternative Fuel Infrastructure.
Sec. 706. Incremental Cost Allocation.
Sec. 707. Review of Alternative Fuel Programs.
Sec. 708. High Occupancy Vehicle Exception.
Sec. 709. Alternate Compliance and Flexibility.
Subtitle B—Automobile Fuel Economy
Sec. 711. Automobile Fuel Economy Standards.
Sec. 712. Dual-Fueled Automobiles.
Sec. 713. Federal Fleet Fuel Economy.
Sec. 714. Railroad Efficiency.
Sec. 715. Reduction of Engine Idling in Heavy-Use Vehicles.
TITLE VIII—HYDROGEN
Subtitle A—Basic Research Programs
Sec. 801. Short Title.
Sec. 802. Matsunaga Act Amendment.
Sec. 803. Hydrogen Transportation and Fuel Initiative.
Sec. 804. Interagency Task Force and Coordination Plan.
Sec. 805. Review by the National Academies.
Subtitle B—Demonstration Programs
Sec. 811. Definitions.
Sec. 812. Hydrogen Vehicle Demonstration Program.
Sec. 813. Stationary Fuel Cell Demonstration Program.
Sec. 814. Hydrogen Demonstration Programs in National Parks.
Sec. 815. International Demonstration Program.
Sec. 816. Tribal Stationary Hybrid Power Demonstration.
Sec. 817. Distributed Generation Pilot Program.
Subtitle C—Federal Programs
Sec. 821. Public Education and Training.
Sec. 822. Hydrogen Transition Strategic Planning.
Sec. 823. Minimum Federal Fleet Requirement.
Sec. 824. Stationary Fuel Cell Purchase Requirement.
Sec. 825. Department of Energy Strategy.
TITLE IX—RESEARCH AND DEVELOPMENT
Sec. 901. Short Title.
Sec. 902. Goals.
Sec. 903. Definitions.
Subtitle A—Energy Efficiency
Sec. 911. Energy Efficiency.
Sec. 912. Next Generation Lighting Initiative.
Sec. 913. National Building Performance Initiative.
Sec. 914. Secondary Electric Vehicle Battery Use Program.
Sec. 915. Energy Efficiency Science Initiative.
Subtitle B—Distributed Energy and Electric Energy Systems
Sec. 921. Distributed Energy and Electric Energy Systems.
Sec. 922. Hybrid Distributed Power Systems.
Sec. 923. High Power Density Industry Program.
Sec. 924. Micro-Cogeneration Energy Technology.
Sec. 925. Distributed Energy Technology Demonstration Program.
Sec. 926. Office of Electric Transmission and Distribution.
Sec. 927. Electric Transmission and Distribution Programs.
Subtitle C—Renewable Energy
Sec. 931. Renewable Energy.
Sec. 932. Bioenergy Programs.
Sec. 933. Biodiesel Engine Testing Program.
Sec. 934. Concentrating Solar Power Research Program.
Sec. 935. Miscellaneous Projects.
Subtitle D—Nuclear Energy
Sec. 941. Nuclear Energy.
Sec. 942. Nuclear Energy Research Programs.
Sec. 943. Advanced Fuel Cycle Initiative.
Sec. 944. University Nuclear Science and Engineering Support.
Sec. 945. Security of Nuclear Facilities.
Sec. 946. Alternatives to Industrial Radioactive Sources.
Subtitle E—Fossil Energy
Sec. 951. Fossil Energy.
Sec. 952. Oil and Gas Research Programs.
Sec. 953. Research and Development for Coal Mining Technologies.
Sec. 954. Coal and Related Technologies Program.
Sec. 955. Complex Well Technology Testing Facility.
Subtitle F—Science
Sec. 961. Science.
Sec. 962. United States Participation in ITER.
Sec. 963. Spallation Neutron Source.
Sec. 964. Support for Science and Energy Facilities and Infrastructure.
Sec. 965. Catalysis Research Program.
Sec. 966. Nanoscale Science and Engineering Research.
Sec. 967. Advanced Scientific Computing for Energy Missions.
Sec. 968. Genomes to Life Program.
Sec. 969. Fission and Fusion Energy Materials Research Program.
Sec. 970. Energy-Water Supply Technologies Program.
Subtitle G—Energy and Environment
Sec. 971. United States-Mexico Energy Technology Cooperation.
Sec. 972. Coal Technology Loan.
Subtitle H—Management
Sec. 981. Availability of Funds.
Sec. 982. Cost Sharing.
Sec. 983. Merit Review of Proposals.
Sec. 984. External Technical Review of Departmental Programs.

Sec. 985. Improved Coordination of Technology Transfer Activities.
Sec. 986. Technology Infrastructure Program.
Sec. 987. Small Business Advocacy and Assistance.
Sec. 988. Mobility of Scientific and Technical Personnel.
Sec. 989. National Academy of Sciences Report.
Sec. 990. Outreach.
Sec. 991. Competitive Award of Management Contracts.
Sec. 992. Reprogramming.
Sec. 993. Construction with Other Laws.
Sec. 994. Improved Coordination and Management of Civilian Science and Technology Programs.
Sec. 995. Educational Programs in Science and Mathematics.
Sec. 996. Other Transactions Authority.
Sec. 997. Report on Research and Development Program Evaluation Methodologies.

TITLE X—PERSONNEL AND TRAINING

Sec. 1001. Workforce Trends and Traineeship Grants.
Sec. 1002. Research Fellowships in Energy Research.
Sec. 1003. Training Guidelines for Electric Energy Industry Personnel.
Sec. 1004. National Center on Energy Management and Building Technologies.
Sec. 1005. Improved Access to Energy-related Scientific and Technical Careers.
Sec. 1006. National Power Plant Operations Technology and Education Center.
Sec. 1007. Federal Mine Inspectors.

TITLE XI—ELECTRICITY

Sec. 1101. Definitions.

Subtitle A—Reliability

Sec. 1111. Electric Reliability Standards.

Subtitle B—Regional Markets

Sec. 1121. Implementation Date for Proposed Rulemaking for Standard Market Design.
Sec. 1122. Sense of the Congress on Regional Transmission Organizations.
Sec. 1123. Federal Utility Participation in Regional Transmission Organizations.
Sec. 1124. Regional Consideration of Competitive Wholesale Markets.

Subtitle C—Improving Transmission Access and Protecting Service Obligations

Sec. 1131. Service Obligation Security and Parity.
Sec. 1132. Open Non-Discriminatory Access.
Sec. 1133. Transmission Infrastructure Investment.

Subtitle D—Amendments to the Public Utility Regulatory Policies Act of 1978

Sec. 1141. Net Metering.
Sec. 1142. Smart Metering.
Sec. 1143. Adoption of Additional Standards.
Sec. 1144. Technical Assistance.
Sec. 1145. Cogeneration and Small Power Production Purchase and Sale Requirements.
Sec. 1146. Recovery of Costs.

Subtitle E—Provisions Regarding the Public Utility Holding Company Act of 1935

Sec. 1151. Definitions.
Sec. 1152. Repeal of the Public Utility Holding Company Act of 1935.
Sec. 1153. Federal Access to Books and Records.
Sec. 1154. State Access to Books and Records.
Sec. 1155. Exemption Authority.
Sec. 1156. Affiliate Transactions.
Sec. 1157. Applicability.
Sec. 1158. Effect on Other Regulations.
Sec. 1159. Enforcement.
Sec. 1160. Savings Provisions.
Sec. 1161. Implementation.
Sec. 1162. Transfer of Resources.
Sec. 1163. Effective Date.
Sec. 1164. Conforming Amendment to the Federal Power Act.

Subtitle F—Market Transparency, Anti-Manipulation and Enforcement

Sec. 1171. Market Transparency Rules.
Sec. 1172. Market Manipulation.
Sec. 1173. Enforcement.
Sec. 1174. Refund Effective Date.

Subtitle G—Consumer Protections

Sec. 1181. Consumer Privacy.
Sec. 1182. Unfair Trade Practices.
Sec. 1183. Definitions.

Subtitle H—Technical Amendments

Sec. 1191. Technical Amendments.

TITLE I—OIL AND GAS

Subtitle A—Production Incentives

SEC. 101. PERMANENT AUTHORITY TO OPERATE THE STRATEGIC PETROLEUM RESERVE AND OTHER ENERGY PROGRAMS.

(a) AMENDMENT TO TITLE I OF THE ENERGY POLICY AND CONSERVATION ACT.—Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended—

(1) by striking section 166 (42 U.S.C. 6246) and inserting—

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 166. There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this part and part D, to remain available until expended.";

(2) by striking section 186 (42 U.S.C. 6250(e)); and

(3) by striking part E (42 U.S.C. 6251); relating to the expiration of title I of the Act).

(b) AMENDMENT TO TITLE II OF THE ENERGY POLICY AND CONSERVATION ACT.—Title II of the Energy Policy and Conservation Act (42 U.S.C. 6271 et seq.) is amended—

(1) by striking section 256(h) (42 U.S.C. 6276(h)) and inserting—

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this part, to remain available until expended.";

(2) by inserting before section 273 (42 U.S.C. 6283) the following:

"PART C—SUMMER FILL AND FUEL BUDGETING PROGRAMS";

(3) by striking section 273(e) (42 U.S.C. 6283(e)); relating to the expiration of summer fill and fuel budgeting programs); and

(4) by striking part D (42 U.S.C. 6285); relating to the expiration of title II of the Act).

(c) TECHNICAL AMENDMENTS.—The table of contents for the Energy Policy and Conservation Act is amended—

(1) by amending the items relating to part D of title I to read as follows:

"PART D—NORTHEAST HOME HEATING OIL RESERVE

"Sec. 181. Establishment.
"Sec. 182. Authority.
"Sec. 183. Conditions for release; plan.
"Sec. 184. Northeast Home Heating Oil Reserve Account.
"Sec. 185. Exemptions.";

(2) by amending the items relating to part C of title II to read as follows:

"PART C—SUMMER FILL AND FUEL BUDGETING PROGRAMS

"Sec. 273. Summer fill and fuel budgeting programs."; and

(3) by striking the items relating to part D of title II.

(d) NORTHEAST HOME HEATING OIL.—Section 183(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6250(b)(1)) is amended by striking all after "increases" through to "mid-October through March" and inserting "by more than 60 percent over its 5-year rolling average for the months of mid-October through March (considered as a heating season average)".

SEC. 102. STUDY ON INVENTORY OF PETROLEUM AND NATURAL GAS STORAGE.

(a) DEFINITION.—For purposes of this section "petroleum" means crude oil, motor gasoline, jet fuel, distillates and propane.

(b) STUDY.—The Secretary of Energy shall conduct a study on petroleum and natural gas storage capacity and operational inventory levels, nationwide and by major geographical regions.

(c) CONTENTS.—The study shall address—

(1) historical normal ranges for petroleum and natural gas inventory levels;

(2) historical and projected storage capacity trends;

(3) estimated operation inventory levels below which outages, delivery slowdown, rationing, interruptions in service or other indicators of shortage begin to appear;

(4) explanations for inventory levels dropping below normal ranges; and

(5) the ability of industry to meet U.S. demand for petroleum and natural gas without shortages or price spikes, when inventory levels are below normal ranges.

(d) REPORT TO CONGRESS.—Not later than one year from enactment of this Act, the Secretary of Energy shall submit a report to Congress on the results of the study, including findings and any recommendations for preventing future supply shortages.

SEC. 103. PROGRAM ON OIL AND GAS ROYALTIES IN KIND.

(a) APPLICABILITY OF SECTION.—Notwithstanding any other provision of law, the provisions of this section shall apply to all royalties-in-kind accepted by the Secretary (referred to in this section as "Secretary") under any Federal oil or gas lease or permit under section 36 of the Mineral Leasing Act (30 U.S.C. 192), section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353), or any other mineral leasing law beginning on the date of the enactment of this Act through September 30, 2013.

(b) TERMS AND CONDITIONS.—All royalty accruing to the United States under any Federal oil or gas lease or permit under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) shall, on the demand of the Secretary, be paid in oil or gas. If the Secretary makes such a demand, the following provisions apply to such payment:

(1) Delivery by, or on behalf of, the lessee of the royalty amount and quality due under the lease satisfies the lessee's royalty obligation for the amount delivered, except that transportation and processing reimbursements paid to, or deductions claimed by, the lessee shall be subject to review and audit.

(2) Royalty production shall be placed in marketable condition by the lessee at no cost to the United States.

(3) The Secretary may—

(A) sell or otherwise dispose of any royalty production taken in kind (other than oil or gas transferred under section 27(a)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1353(a)(3)) for not less than the market price; and

(B) transport or process (or both) any royalty production taken in kind.

(4) The Secretary may, notwithstanding section 3302 of title 31, United States Code, retain and use a portion of the revenues from the sale of oil and gas royalties taken in kind that otherwise would be deposited to miscellaneous receipts, without regard to fiscal year limitation, or may use royalty production, to pay the cost of—

(A) transporting the royalty production;

(B) processing the royalty production;

(C) disposing of the royalty production; or

(D) any combination of transporting, processing, and disposing of the royalty production.

(5) The Secretary may not use revenues from the sale of oil and gas royalties taken in kind to pay for personnel, travel, or other administrative costs of the Federal Government.

(6) Notwithstanding the provisions of paragraph 5, the Secretary may use a portion of the revenues from the sale of oil royalties taken in kind, without fiscal year limitation, to pay transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve.

(c) Reimbursement of Cost.—If the lessee, pursuant to an agreement with the United States or as provided in the lease, processes the royalty gas or delivers the royalty oil or gas at a point not on or adjacent to the lease area, the Secretary shall—

(1) reimburse the lessee for the reasonable costs of transportation (not including gathering) from the lease to the point of delivery or for processing costs; or

(2) allow the lessee to deduct such transportation or processing costs in reporting and paying royalties in value for other Federal oil and gas leases.

(d) Benefit to the United States Required.—The Secretary may receive oil or gas royalties in kind only if the Secretary determines that receiving such royalties provides benefits to the United States greater than or equal to those likely to have been received had royalties been taken in value.

(e) Report to Congress.—

(1) No later than September 30, 2005, the Secretary shall provide a report to Congress that addresses—

(A) actions taken to develop businesses processes and automated systems to fully support the royalty-in-kind capability to be used in tandem with the royalty-in-value approach in managing Federal oil and gas revenue; and

(B) future royalty-in-kind businesses operation plans and objectives.

(2) For each of the fiscal years 2004 through 2013 in which the United States takes oil or gas royalties in kind from production in any State or from the Outer Continental Shelf, excluding royalties taken in kind and sold to refineries under subsections (h), the Secretary shall provide a report to Congress describing—

(A) the methodology or methodologies used by the Secretary to determine compliance with subsection (d), including performance standard for comparing amounts received by the United States derived from such royalties in kind to amount likely to have been received had royalties been taken in value;

(B) an explanation of the evaluation that led the Secretary to take royalties in kind from a lease or group of leases, including the expected revenue effect of taking royalties in kind;

(C) actual amounts received by the United States derived from taking royalties in kind and cost and savings incurred by the United States associated with taking royalties in kind, including but not limited to administrative savings and any new or increased administrative costs; and

(D) an evaluation of other relevant public benefits or detriments associated with taking royalties in kind.

(f) Deduction of Expenses.—

(1) Before making payments under section 35 of the Mineral Leasing Act (30 U.S.C. 191) or section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)) of revenues derived from the sale of royalty production taken in kind from a lease, the Secretary of the Interior shall deduct amounts paid or deducted under subsections (b)(4) and (c), and shall deposit such amounts to miscellaneous receipts.

(2) If the Secretary allows the lessee to deduct transportation or processing costs under subsection (c), the Secretary may not reduce any payments to recipients of revenues derived from any other Federal oil and gas lease as a consequence of that deduction.

(g) Consultation with States.—The Secretary shall consult—

(1) with a State before conducting a royalty in-kind program under this section within the State, and may delegate management of any portion of the Federal royalty in-kind program to such State except as otherwise prohibited by Federal law; and

(2) annually with any State from which Federal oil or gas royalty is being taken in kind to ensure to the maximum extent practicable that the royalty in-kind program provides revenues to the State greater than or equal to those likely to have been received had royalties been taken in value.

(h) Provisions for Small Refineries.—

(1) If the Secretary determines that sufficient supplies of crude oil are not available in the open market to refineries not having their own source of supply for crude oil, the Secretary may grant preference to such refineries in the sale of any royalty oil accruing or reserved to the United States under Federal oil and gas leases issued under any mineral leasing law, for processing or use in such refineries at private sale at not less than the market price.

(2) In disposing of oil under this subsection, the Secretary may prorate such oil among such refineries in the area in which the oil is produced.

(i) Disposition to Federal Agencies.—

(1) Any royalty oil or gas taken by the Secretary in kind from onshore oil and gas leases may be sold at not less than market price to any department or agency of the United States.

(2) Any royalty oil or gas taken in kind from Federal oil and gas leases on the outer Continental Shelf may be disposed of only under section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353).

(j) Preference for Federal Low-Income Energy Assistance Programs.—In disposing of royalty oil or gas taken in kind under this section, the Secretary may grant a preference to any person, including any State or Federal agency, for the purpose of providing additional resources to any Federal low-income energy assistance program.

SEC. 104. MARGINAL PROPERTY PRODUCTION INCENTIVES.

(a) Marginal Property Defined.—Until such time as the Secretary of the Interior issues rules under subsection (e) that prescribe a different definition, for purposes of this section, the term "marginal property" means an onshore unit, communitization agreement, or lease not within a unit or communitization agreement that produces on average the combined equivalent of less than 15 barrels of oil per well per day or 90 million British thermal units of gas per well per day calculated based on the average over the three most recent production months, including only those wells that produce more than half the days in the three most recent production months.

(b) Conditions for Reduction of Royalty Rate.—Until such time as the Secretary of the Interior promulgates rules under subsection (e) that prescribe different thresholds or standards, the Secretary shall reduce the royalty rate on—

(1) oil production from marginal properties as prescribed in subsection (c) when the spot price of West Texas Intermediate crude oil at Cushing, Oklahoma, is, on average, less than $15 per barrel for 90 consecutive trading days; and

(2) gas production from marginal properties as prescribed in subsection (c) when the spot price of natural gas, delivered at Henry Hub, Louisiana, is, on average, less than $2.00 per million British thermal units for 90 consecutive trading days.

(c) Reduced Royalty Rate.—

(1) When a marginal property meets the conditions specified in subsection (b), the royalty rate shall be the lesser of—

(A) 5 percent; or

(B) the applicable rate under any other statutory or regulatory royalty relief provision that applies to the affected production.

(2) The reduced royalty rate under this subsection shall be effective on the first day of the production month following the date on which the applicable price standard prescribed in subsection (b) is met.

(d) Termination of Reduced Royalty Rate.—A royalty rate prescribed in subsection (d)(1)(A) shall terminate—

(1) on oil production from a marginal property, on the first day of the production month following the date on which—

(A) the spot price of West Texas Intermediate crude oil at Cushing, Oklahoma, on average, exceeds $15 per barrel for 90 consecutive trading days, or

(B) the property no longer qualifies as a marginal property under subsection (a); and

(2) on gas production from a marginal property, on the first day of the production month following the date on which

(A) the spot price of natural gas delivered at Henry Hub, Louisiana, on average, exceeds $2.00 per million British thermal units for 90 consecutive trading days, or

(B) the property no longer qualifies as a marginal property under subsection (a).

(e) Rules Prescribing Different Relief.—

(1) The Secretary of the Interior, after consultation with the Secretary of Energy, may by rule prescribe different parameters, standards, and requirements for, and a different degree or extent of, royalty relief for marginal properties in lieu of those prescribed in subsections (a) through (d).

(2) The Secretary of the Interior, after consultation with the Secretary of Energy, and within 1 year after the date of enactment of this Act, shall, by rule—

(A) prescribe standards and requirements for, and the extent of royalty relief for, marginal properties for oil and gas leases on the outer Continental Shelf; and

(B) define what constitutes a marginal property on the outer Continental Shelf for purposes of this section.

(3) In promulgating rules under this subsection, the Secretary of the Interior may consider—

(A) oil and gas prices and market trends;

(B) production costs;

(C) abandonment costs;

(D) Federal and State tax provisions and their effects on production economics;

(E) other royalty relief programs; and

(F) other relevant matters.

(f) Savings Provision.—Nothing in this section shall prevent a lessee from receiving royalty relief or a royalty reduction pursuant to any other law or regulation that provides more relief than the amounts provided by this section.

SEC. 105. COMPREHENSIVE INVENTORY OF OCS OIL AND NATURAL GAS RESOURCES.

(a) In General.—The Secretary of the Interior shall conduct an inventory and analysis of oil and natural gas resources beneath all of the waters of the United States Outer Continental Shelf ("OCS"). The inventory and analysis shall—

(1) use available data on oil and gas resources in areas offshore of Mexico and Canada that will provide information on trends of oil and gas accumulation in areas of the OCS;

(2) use any available technology, except drilling, but including 3-D seismic technology to obtain accurate resources estimates;

(3) analyze how resource estimates in OCS areas have changed over time in regards to gathering geological and geophysical data, initial exploration, or full field development, including areas such as the deepwater and subsalt areas in the Gulf of Mexico;

(4) estimate the effect that understated oil and gas resource inventories have on domestic energy investments; and

(5) identify and explain how legislative, regulatory, and administrative programs or processes restrict or impede the development of identified resources and the extent that they affect domestic supply, such as moratoria, lease terms and conditions, operational stipulations and requirements, approval delays by the federal government and coastal states, and local zoning restrictions for onshore processing facilities and pipeline landings.

(b) Reports.—The Secretary of Interior shall submit a report to the Congress on the inventory of estimates and the analysis of restrictions or impediments, together with any recommendations, within six months of the date of enactment of the section. The report shall be publically available and updated at least every five years.

SEC. 106. ROYALTY RELIEF FOR DEEP WATER PRODUCTION.

(a) In General.—For all tracts located in water depths of greater than 400 meters in the Western and Central Planning Area of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, any oil or gas lease sale under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) occurring within 5 years after the date of the enactment of this Act shall use the bidding system authorized in section 8(a)(1)(H) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)(H)), except that the suspension of royalties shall be set at a volume of not less than—

(1) 5 million barrels of oil equivalent for each lease in water depths of 400 to 800 meters;

(2) 9 million barrels of oil equivalent for each lease in water depths of 800 to 1,600 meters; and

(3) 12 million barrels of oil equivalent for each lease in water depths greater than 1,600 meters.

SEC. 107. ALASKA OFFSHORE ROYALTY SUSPENSION.

Section 8(a)(3)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337), is amended with the following: add "and in the Planning Areas offshore Alaska" after "West longitude" and before "the Secretary".

SEC. 108. ORPHANED, ABANDONED OR IDLED WELLS ON FEDERAL LANDS.

(a) In General.—The Secretary of the Interior, in cooperation with the Secretary of Agriculture, shall establish a program within 1 year after the date of enactment of this Act to remediate, reclaim, and close orphaned, abandoned, or idled oil and gas wells located on lands administered by the land management agencies within the Department of the Interior and Agriculture. The program shall—

(1) include a means of ranking orphaned, abandoned, or idled wells sites for priority in remediation, reclamation and closure, based on public health and safety, potential environmental harm, and other land use priorities;

(2) provide for identification and recovery of the costs of remediation, reclamation and closure from persons or other entities currently providing a bond or other financial assurance required under State or Federal law for an oil or gas well that is orphaned, abandoned or idled; and

(3) provide for recovery from the persons or entities identified under paragraph (2), or their sureties or guarantors, of the costs of remediation, reclamation, and closure of such wells.

(b) Cooperation and Consultations.—In carrying out this program, the Secretary of the Interior shall work cooperatively with the Secretary of Agriculture and the States within which the Federal lands are located and consult with the Secretary of Energy and the Interstate Oil and Gas Compact Commission.

(c) Plan.—Within 1 year after the date of enactment of the section, the Secretary of the Interior, in cooperation with the Secretary of Agriculture, shall prepare a plan for carrying out the program established under subsection (a) and transmit copies of the plan to the Congress.

(d) Technical Assistance Program for Non-Federal Lands.—

(1) The Secretary of Energy shall establish a program to provide technical assistance to the various oil and gas producing States to facilitate State efforts over a 10-year period to ensure a practical and economical remedy for environmental problems caused by orphaned or abandoned oil and gas exploration or production well sites on State or private lands.

(2) The Secretary shall work with the States, through the Interstate Oil and Gas Compact Commission, to assist the States in quantifying and mitigating environmental risks of onshore orphaned abandoned oil or gas wells on State and private lands.

(3) The program shall include—

(A) mechanisms to facilitate identification, if possible, of the persons or other entities currently providing a bond or other form of financial assurance required under State or Federal law for an oil or gas well that is orphaned or abandoned;

(B) criteria for ranking orphaned or abandoned well sites based on factors such as public health and safety, potential environmental harm, and other land use priorities; and

(C) information and training programs on best practices for remediation of different types of sites.

(e) Definition.—For purposes of this section, a well is idled if it has been non-operational for 7 years and there is no anticipated beneficial use of the well.

(f) Authorization.—To carry out this section there is authorized to be appropriated to the Secretary of the Interior $25,000,000 for each of the fiscal years 2004 through 2008. Of the amounts authorized, $5,000,000 is authorized for activities under subsection (d).

SEC. 109. INCENTIVES FOR NATURAL GAS PRODUCTION FROM DEEP WELLS IN THE SHALLOW WATERS OF THE GULF OF MEXICO.

(a) Royalty Incentive Regulations.—Not later than 90 days after enactment, the Secretary of the Interior shall promulgate final regulations providing royalty incentives for natural gas produced from deep wells, as defined by the Secretary, on oil and gas leases issued under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and issued prior to January 1, 2001, in shallow waters of the Gulf of Mexico, wholly west of 87 degrees, 30 minutes West longitude that are less than 200 meters deep.

(b) Royalty Incentive Regulations for Ultra Deep Gas Wells.—

(1) No later than 90 days after the date of enactment of this Act, in addition to any other regulations that may provide royalty incentives for natural gas produced from deep wells on oil and gas leases issued pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), the Secretary of the Interior shall promulgate new regulations granting royalty relief suspension volumes of not less than 35 billion cubic feet with respect to the production of natural gas from 'ultra deep wells' on leases issued prior to January 1, 2001, in shallow waters less than 200 meters deep located in the Gulf of Mexico wholly west of 87 degrees, 30 minutes West longitude. For purposes of this subsection, the term 'ultra deep wells' means wells drilled with a perforated interval, the top of which is at least 20,000 feet true vertical depth below the datum at mean sea level.

(2) The Secretary shall not grant the royalty incentives outlined in this subsection if the average annual NYMEX natural gas price exceeds for one full calendar year the threshold price of $5 per million Btu, adjusted from the year 2000 for inflation.

(3) This subsection shall have no force or effect after the end of the 5-year period beginning on the date of the enactment of this Act.

SEC. 110. ALTERNATE ENERGY-RELATED USES ON THE OUTER CONTINENTAL SHELF.

(a) Amendment to Outer Continental Shelf Lands Act.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following new subsection:

"(p) Easements or Rights-of-way for Energy and Related Purposes.—

"(1) The Secretary may grant an easement or right-of-way on the outer Continental Shelf for activities not otherwise authorized in this Act, the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.), or the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 et seq.), or other applicable law when such activities—

"(A) support exploration, development, or production of oil or natural gas, except that such easements or rights-of-way shall not be granted in areas where oil and gas preleasing, leasing and related activities are prohibited by a Congressional moratorium or a withdrawal pursuant to section 12 of this Act;

"(B) support transportation of oil or natural gas;

"(C) produce or support production, transportation, or transmission of energy from sources other than oil and gas; or

"(D) use facilities currently or previously used for activities authorized under this Act.

"(2) The Secretary shall promulgate regulations to ensure that activities authorized under this subsection are conducted in a manner that provides for safety, protection of the environment, conservation of the natural resources of the outer Continental Shelf, appropriate coordination with other Federal agencies, and a fair return to the Federal government for any easement or right-of-way granted under this subsection. Such regulations shall establish procedures for—

"(A) public notice and comment on proposals to be permitted pursuant to this subsection;

"(B) consultation and review by State and local governments that may be impacted by activities to be permitted pursuant to this subsection;

"(C) consideration of the coastal zone management program being developed or administered by an affected coastal State pursuant to section 305 or section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1454, 1455); and

"(D) consultation with the Secretary of Defense and other appropriate agencies prior to the issuance of an easement or right-of-way under this subsection concerning issues related to national security and navigational obstruction.

"(3) The Secretary shall require the holder of an easement or right-of-way granted under this subsection to furnish a surety bond or other form of security, as prescribed by the Secretary, and to comply with such other requirements as the Secretary may deem necessary to protect the interests of the United States.

"(4) This subsection shall not apply to any area within the exterior boundaries of any unit of the National Park System, National Wildlife Refuge System, or National Marine Sanctuary System, or any National Monument.

"(5) Nothing in this subsection shall be construed to amend or repeal, expressly by implication, the applicability of any other law, including but not limited to, the Coastal Zone Management Act (16 U.S.C. 1455 et seq.) or the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).".

(b) Conforming Amendment.—The text of the heading for section 8 of the Outer Continental Shelf Lands Act is amended to read as follows: "Leases, Easements, and Rights-of-Way on the Outer Continental Shelf.".

SEC. 111. COASTAL IMPACT ASSISTANCE.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end:

"SEC. 32 COASTAL IMPACT ASSISTANCE FAIRNESS PROGRAM.

"(a) Definitions.—When used in this section:

"(1) The term 'coastal political subdivision' means a county, parish, or any equivalent subdivision of a Producing Coastal State in all or part of which subdivision lies within the coastal zone (as defined in section 304(1) of the Coastal Zone Management Act (16 U.S.C. 1453(1))) and within a distance of 200 miles from the geographic center of any leased tract.

"(2) The term 'coastal population' means the population of all political subdivisions, as determined by the most recent official data of the Census Bureau, contained in whole or in part within the designated coastal boundary of a State as defined in a State's coastal zone management program under the Coastal Zone Management Act (16 U.S.C. 1451 et seq.).

"(3) The term 'Coastal State' has the same meaning as provided by subsection 304(4) of the Coastal Zone Management Act (16 U.S.C. 1453(4)).

"(4) The term 'coastline' has the same meaning as the term 'coast line' as defined in subsection 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).

"(5) The term 'distance' means the minimum great circle distance, measured in statute miles.

"(6) The term 'leased tract' means a tract maintained under section 6 or leased under section 8 for the purpose of drilling for, developing, and producing oil and natural gas resources.

"(7) The term 'Producing Coastal State' means a Coastal State with a coastal seaward boundary within 200 miles from the geographic center of a leased tract other than a leased tract within any area of the Outer Continental Shelf where a moratorium on new leasing was in effect as of January 1, 2002 unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2002.

"(8) The term 'qualified Outer Continental Shelf revenues' means all amounts received by the United States from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of this Act, or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any Producing Coastal State, including bonus bids, rents, royalties (including payments for royalties taken in kind and sold), net profit share payments, and related late payment interest. Such term shall only apply to leases issued after January 1, 2003 and revenues from existing leases that occurs after January 1, 2003. Such term does not include any revenues from a leased tract or portion of a leased tract that is included within any area of the Outer Continental Shelf where a moratorium on new leasing was in effect as of January 1, 2002, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2002.

"(9) The term 'Secretary' means the Secretary of Interior."

"(b) Authorization.—For fiscal years 2004 through 2009, an amount equal to not more than 12.5 percent of qualified Outer Continental Shelf revenues is authorized to be appropriated for the purposes of this section.

"(c) Impact Assistance Payments to States and Political Subdivisions.—The Secretary shall make payments from the amounts available under this section to Producing Coastal States with an approved Coastal Impact Assistance Plan, and to coastal political subdivisions as follows:

"(1) Of the amounts appropriated, the allocation for each Producing Coastal State shall be calculated based on the ratio of qualified Outer Continental Shelf revenues generated off the coastline of the Producing Coastal State to the qualified Outer Continental Shelf revenues generated off the coastlines of all Producing Coastal States for each fiscal year. Where there is more than one Producing Coastal State within 200 miles of a leased tract, the amount of each Producing Coastal State's allocation for such leased tract shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each leased tract or portion of the leased tract (to the nearest whole mile) that is within 200 miles of that coastline, as determined by the Secretary.

"(2) Thirty-five percent of each Producing Coastal State's allocable share as determined under paragraph (1) shall be paid directly to the coastal political subdivisions by the Secretary based on the following formula:

"(A) Twenty-five percent shall be allocated based on the ratio of such coastal political subdivision's coastal population to the coastal population of all coastal political subdivisions in the Producing Coastal State.

"(B) Twenty-five percent shall be allocated based on the ratio of such coastal political subdivision's coastline miles to the coastline miles of a coastal political subdivision in the Producing Coastal State except that for those coastal political subdivisions in the State of Louisiana without a coastline, the coastline for purposes of this element of the formula shall be the average length of the coastline of the remaining coastal subdivisions in the state.

"(C) Fifty percent shall be allocated based on the relative distance of such coastal political subdivision from any leased tract used to calculate the Producing Coastal State's allocation using ratios that are inversely proportional to the distance between the point in the coastal political subdivision closest to the geographic center of each leased tract or portion, as determined by the Secretary, except that in the State of Alaska, the funds for this element of the formula shall be divided equally among the two closest coastal political subdivisions. For purposes of the calculations under this subparagraph, a leased tract or portion of a leased tract shall be excluded if the leased tract or portion is located in a geographic area where a moratorium on new leasing was in effect on January 1, 2002, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2002.

"(3) Any amount allocated to a Producing Coastal State or coastal political subdivision but not disbursed because of a failure to have an approved Coastal Impact Assistance Plan under this section shall be allocated equally by the Secretary among all other Producing Coastal States in a manner consistent with this subsection except that the Secretary shall hold in escrow such amount until the final resolution of any appeal regarding the disapproval of a plan submitted under this section. The Secretary may waive the provisions of this paragraph and hold a Producing Coastal State's allocable share in escrow if the Secretary determines that such State is making a good faith effort to develop and submit, or update, a Coastal Impact Assistance Plan.

"(4) For purposes of this subsection, calculations of payments for fiscal years 2004 through 2006 shall be made using qualified Outer Continental Shelf revenues received in fiscal year 2003, and calculations of payments for fiscal years 2007 through 2009 shall be made using qualified Outer Continental Shelf revenues received in fiscal year 2006.

"(d) Coastal Impact Assistance Plan.—

"(1) The Governor of each Producing Coastal State shall prepare, and submit to the Secretary, a Coastal Impact Assistance Plan. The Governor shall solicit local input and shall provide for public participation in the development of the plan. The plan shall be submitted to the Secretary by July 1, 2004. Amounts received by Producing Coastal States and coastal political subdivisions may be used only for the purposes specified in the Producing Coastal State's Coastal Impact Assistance Plan.

"(2) The Secretary shall approve a plan under paragraph (1) prior to disbursement of amounts under this section. The Secretary shall approve the plan if the Secretary determines that the plan is consistent with the uses set forth in subsection (f) of this section and if the plan contains—

"(A) the name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this section;

"(B) a program for the implementation of the plan which describes how the amounts provided under this section will be used;

"(C) a contact for each political subdivision and description of how coastal political subdivisions will use amounts provided under this section, including a certification by the Governor that such uses are consistent with the requirements of this section;

"(D) certification by the Governor that ample opportunity has been accorded for public participation in the development and revision of the plan; and

"(E) measures for taking into account other relevant Federal resources and programs.

"(3) The Secretary shall approve or disapprove each plan or amendment within 90 days of its submission.

"(4) Any amendment to the plan shall be prepared in accordance with the requirements of this subsection and shall be submitted to the Secretary for approval or disapproval.

"(e) Authorized Uses.—Producing Coastal States and coastal political subdivisions shall use amounts provided under this section, including any such amounts deposited in a State or coastal political subdivision administered trust fund dedicated to uses consistent with this subsection, in compliance with Federal and State law and only for one or more of the following purposes—

"(1) projects and activities for the conservation, protection or restoration of coastal areas including wetlands;

"(2) mitigating damage to fish, wildlife or natural resources;

"(3) planning assistance and administrative costs of complying with the provisions of this section;

"(4) implementation of Federally approved marine, coastal, or comprehensive conservation management plans; and

"(5) mitigating impacts of Outer Continental Shelf activities through funding onshore infrastructure and public service needs.

(f) Compliance With Authorized Uses.—If the Secretary determines that any expenditure made by a Producing Coastal State or coastal political subdivision is not consistent with the uses authorized in subsection (e) of this section, the Secretary shall not disburse any further amounts under this section to that Producing Coastal State or coastal political subdivision until the amounts used for the inconsistent expenditure have been repaid or obligated for authorized uses.

SEC. 112. NATIONAL ENERGY RESOURCE DATABASE.

(a) Short Title.—This section may be cited as the "National Energy Data Preservation Program Act of 2003".

(b) Program.—The Secretary of the Interior (in this section, referred to as "Secretary") shall carry out a National Energy Data Preservation Program in accordance with this section—

(1) to archive geologic, geophysical, and engineering data and samples related to energy resources including oil, gas, coal, and geothermal resources;

(2) to provide a national catalog of such archival material; and

(3) to provide technical assistance related to the archival material.

(c) Energy Data Archive System.—

(1) The Secretary shall establish, as a component of the Program, an energy data archive system, which shall provide for the storage, preservation, and archiving of subsurface, and in limited cases surface, geological, geophysical and engineering data and samples. The Secretary, in consultation with the Association of American State Geologists and interested members of the public, shall develop guidelines relating to the energy data archive system, including the types of data and samples to be preserved.

(2) The system shall be comprised of State agencies and agencies within the Department of the Interior that maintain geological and geophysical data and samples regarding energy resources and that are designated by the Secretary in accordance with this subsection. The Program shall provide for the storage of data and samples through data repositories operated by such agencies.

(3) The Secretary may not designate a State agency as a component of the energy data archive system unless it is the agency that acts as the geological survey in the State.

(4) The energy data archive system shall provide for the archiving of relevant subsurface data and samples obtained during energy exploration and production operations on Federal lands—

(A) in the most appropriate repository designated under paragraph (2), with preference being given to archiving data in the State in which the data was collected; and

(B) consistent with all applicable law and requirements relating to confidentiality and proprietary data.

(5)(A) Subject to the availability of appropriations, the Secretary shall provide financial assistance to a State agency that is designated under paragraph (2) for providing facilities to archive energy material.

(B) The Secretary, in consultation with the Association of American State Geologists and interested members of the public, shall establish procedures for providing assistance under this paragraph. The procedures shall be designed to ensure that such assistance primarily supports the expansion of data and material archives and the collection and preservation of new data and samples.

(d) National Catalog.—

(1) As soon as practicable after the date of the enactment of this section, the Secretary shall develop and maintain, as a component of the Program, a national catalog that identifies

(A) energy data and samples available in the energy data archive system established under subsection (c);

(B) the repository for particular material in such system; and

(C) the means of accessing the material.

(2) The Secretary shall make the national catalog accessible to the public on the site of the Survey on the World Wide Web, consistent with all applicable requirements related to confidentiality and proprietary data.

(3) The Secretary may carry out the requirements of this subsection by contract or agreement with appropriate persons.

(e) Technical Assistance.—

(1) Subject to the availability of appropriations, as a component of the Program, the Secretary shall provide financial assistance to any State agency designated under subsection (c)(2) to provide technical assistance to enhance understanding, interpretation, and use of materials archived in the energy data archive system established under subsection (c).

(2) The Secretary, in consultation with the Association of American State Geologists and interested members of the public, shall develop a process, which shall involve the participation of representatives of relevant Federal and State agencies, for the approval of financial assistance to State agencies under this subsection.

(f) Costs.—

(1) The Federal share of the cost of an activity carried out with assistance under subsections (c) or (e) shall be no more than 50 percent of the total cost of that activity.

(2) The Secretary—

(A) may accept private contributions of property and services for technical assistance and archive activities conducted under this section; and

(B) may apply the value of such contributions to the non-Federal share of the costs of such technical assistance and archive activities.

(g) Reports.—

(1) Within one year after the date of the enactment of this Act, the Secretary shall submit an initial report to the Congress setting forth a plan for the implementation of the Program.

(2) Not later than 90 days after the end of the first fiscal year beginning after the submission of the report under paragraph (1) and after the end of each fiscal year thereafter, the Secretary shall submit a report to the Congress describing the status of the Program and evaluating progress achieved during the preceding fiscal year in developing and carrying out the Program.

(3) The Secretary shall consult with the Association of American State Geologists and interested members of the public in preparing the reports required by this subsection.

(h) Definitions.—As used in this section, the term:

(1) "Association of American State Geologists" means the organization of the chief executives of the State geological surveys.

(2) "Secretary" means the Secretary of the Interior acting through the Director of the United States Geological Survey.

(3) "Program" means the National Energy Data Preservation Program carried out under this section.

(4) "Survey" means the United States Geological Survey.

(i) Maintenance of State Effort.—It is the intent of the Congress that the States not use this section as an opportunity to reduce State resources applied to the activities that are the subject of the Program.

(j) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary $30,000,000 for each of fiscal years 2003 through 2007 for carrying out this section.

SEC. 113. OIL AND GAS LEASE ACREAGE LIMITATION.

Section 27(d)(1) of the Mineral Leasing Act (30 U.S.C. 184(d)(1)) is amended by inserting after "acreage held in special tar sands area" the following: "as well as acreage under any lease any portion of which has been committed to a federally approved unit or cooperative plan or communitization agreement, or for which royalty, including compensatory royalty or royalty-in-kind, was paid in the preceding calendar year,".

SEC. 114. ASSESSMENT OF DEPENDENCE OF STATE OF HAWAII ON OIL.

(a) Assessment. The Secretary of Energy shall assess the economic implication of the dependence of the State of Hawaii on oil as the principal source of energy for the State, including—

(1) the short- and long-term prospects for crude oil supply disruption and price volatility and potential impacts on the economy of Hawaii;

(2) the economic relationship between oil-fired generation of electricity from residual fuel and refined petroleum products consumed for ground, marine, and air transportation;

(3) the technical and economic feasibility of increasing the contribution of renewable energy resources for generation of electricity, on an island-by-island basis, including—

(A) siting and facility configuration;

(B) environmental, operational, and safety considerations;

(C) the availability of technology;

(D) effects on the utility system including reliability;

(E) infrastructure and transport requirements;

(F) community support; and

(G) other factors affecting the economic impact of such an increase and any effect on the economic relationship described in paragraph (2);

(4) the technical and economic feasibility of using liquefied natural gas to displace residual fuel oil for electric generation, including neighbor island opportunities, and the effect of such displacement on the economic relationship described in paragraph (2) including—

(A) the availability of supply;

(B) siting and facility configuration for onshore and offshore liquefied natural gas receiving terminals;

(C) the factors described in subparagraphs (B) through (F) of paragraph (3); and

(D) other economic factors;

(5) the technical and economic feasibility of using renewable energy sources (including hydrogen) for ground, marine, and air transportation energy applications to displace the use of refined petroleum products, on an island-by-island basis, and the economic impact of such displacement on the relationship described in (2); and

(6) an island-by-island approach to—

(A) the development of hydrogen from renewable resources; and

(B) the application of hydrogen to the energy needs of Hawaii.

(b) CONTRACTING AUTHORITY.—The Secretary of Energy may carry out the assessment under subsection (a) directly or, in whole or in part, through one or more contracts with qualified public or private entities.

(c) REPORT.—Not later than 300 days after the date of enactment of this Act, the Secretary of Energy shall prepare, in consultation with agencies of the State of Hawaii and other stakeholders, as appropriate, and submit to Congress, as report detailing the findings, conclusions, and recommendations resulting from the assessment.

(d) APPROPRIATION.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle B—Access to Federal Lands

SEC. 121. OFFICE OF FEDERAL ENERGY PERMIT COORDINATION.

(a) ESTABLISHMENT.—The President shall establish the Office of Federal Energy Permit Coordination (in this section, referred to as "Office") within the Executive Office of the President in the same manner and mission as the White House Energy Projects Task Force established by Executive Order 13212.

(b) STAFFING.—The Office shall be staffed by functional experts from relevant federal agencies and departments on a nonreimbursable basis to carry out the mission of this office.

(c) REPORTING.—The Office shall provide an annual report to Congress, detailing the activities put in place to coordinate and expedite Federal decisions on energy projects. The report shall list accomplishments in improving the federal decision making process and shall include any additional recommendations or systemic changes needed to establish a more effective and efficient federal permitting process.

SEC. 122. PILOT PROJECT TO IMPROVE FEDERAL PERMIT COORDINATION.

(a) CREATION OF PILOT PROJECT.—The Secretary of the Interior (in this section, referred to as "Secretary") shall establish a Federal Permit Streamlining Pilot Project. The Secretary shall enter into a Memorandum of Understanding with the Secretary of Agriculture, Administrator of the Environmental Protection Agency, and the Chief of the Corps of Engineers within 90 days after enactment of this Act. The Secretary may also request that the Governors of Wyoming, Montana, Colorado, and New Mexico be signatories to the Memorandum of Understanding.

(b) DESIGNATION OF QUALIFIED STAFF.—Once the Pilot Project has been established by the Secretary, all Federal signatory parties shall assign an employee on a nonreimbursable basis to each of the field offices identified in section (c), who has expertise in the regulatory issues pertaining to their office, including, as applicable, particular expertise in Endangered Species Act section 7 consultations and the preparation of Biological Opinions, Clean Water Act 404 permits, Clean Air Act regulatory matters, planning under the National Forest Management Act, and the preparation of analyses under the National Environmental Policy Act. Assigned staff shall report to the Bureau of Land Management (BLM) Field Managers in the offices to which they are assigned, and shall be responsible for all issues related to the jurisdiction of their home office or agency, and participate as part of the team of employees working on proposed energy projects, planning, and environmental analyses.

(c) FIELD OFFICES.—The following BLM Field Offices shall serve as the Federal Permit Streamlining Pilot Project offices:

(1) Rawlins, Wyoming;

(2) Buffalo, Wyoming;

(3) Miles City, Montana;

(4) Farmington, New Mexico;

(5) Carlsbad, New Mexico; and

(6) Glenwood Springs, Colorado.

(d) REPORTS.—The Secretary shall submit a report to the Congress 3 years following the date of enactment of this section, outlining the results of the Pilot Project to date and including a recommendation to the President as to whether the Pilot Project should be implemented nationwide.

(e) ADDITIONAL PERSONNEL.—The Secretary shall assign to each of the BLM Field Offices listed in subsection (c) such additional personnel as is necessary to ensure the effective implementation of—

(1) the Pilot Project; and

(2) other programs administered by such offices, including inspection and enforcement related to energy development on federal lands, pursuant to the multiple use mandate of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq).

(f) SAVINGS PROVISION.—Nothing in this section shall affect the operation of any federal or state law or any delegation of authority made by a Secretary or head of an Agency whose employees are participating in the program provided for by this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to implement this section.

SEC. 123. FEDERAL ONSHORE LEASING PROGRAMS FOR OIL AND GAS.

(a) TIMELY ACTION ON LEASES AND PERMITS.—To ensure timely action on oil and gas leases and applications for permits to drill on lands otherwise available for leasing, the Secretary of the Interior shall—

(1) ensure expeditious compliance with the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C));

(2) improve consultation and coordination with the States; and

(3) improve the collection, storage, and retrieval of information related to such leasing activities.

(b) IMPROVED ENFORCEMENT.—The Secretary shall improve inspection and enforcement of oil and gas activities, including enforcement of terms and conditions in permits to drill.

(c) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2004 through 2007, in addition to amounts otherwise authorized to be appropriated for the purpose of carrying out section 17 of the Mineral Leasing Act (30 U.S.C. 226), there are authorized to be appropriated to the Secretary of the Interior—

(1) $40,000,000 for the purpose of carrying out paragraphs (1) through (3) of subsection (a); and

(2) $20,000,000 for the purpose of carrying out subsection (b).

SEC. 124. ESTIMATES OF OIL AND GAS RESOURCES UNDERLYING ONSHORE FEDERAL LANDS.

Section 604 of the Energy Act of 2000 (42 U.S.C. 6217) is amended by striking "(a) IN GENERAL" and all thereafter and inserting—

"(a) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretaries of Agriculture and Energy, shall conduct an inventory of all onshore Federal lands and take measures necessary to update and revise this inventory. The inventory shall identify for all federal lands—

"(1) the United States Geological Survey estimates of the oil and gas resources underlying these lands;

"(2) the extent and nature of any restrictions or impediments to the exploration, production and transportation of such resources, including—

"(A) existing land withdrawals and the underlying purpose for each withdrawal;

"(B) restrictions or impediments affecting timeliness of granting leases;

"(C) post-lease restrictions or impediments such as conditions of approval, applications for permits to drill, applicable environmental permits;

"(D) permits or restrictions associated with transporting the resources; and

"(E) identification of the authority for each restriction or impediment together with the impact on additional processing or review time and potential remedies; and

"(3) the estimates of oil and gas resources not available for exploration and production by virtue of the restrictions identified above.

"(b) REPORTS.—The Secretary shall provide a progress report to the Congress by October 1, 2006 and shall complete the inventory by October 1, 2010.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to implement this section.".

SEC. 125. SPLIT-ESTATE FEDERAL OIL & GAS LEASING AND DEVELOPMENT PRACTICES.

(a) REVIEW.—In consultation with affected private surface owners, oil and gas industry and other interested parties, the Secretary of the Interior shall undertake a review of the current policies and practices with respect to management of federal subsurface oil and gas development activities and their effects on the privately owned surface. This review shall include—

(1) a comparison of the rights and responsibilities under existing mineral and land law for the owner of a federal mineral lease, the private surface owners and the Department;

(2) a comparison of the surface owner consent provisions in section 714 of the Surface Mining Control and Reclamation Act (30 U.S.C. 1304) concerning surface mining of federal coal deposits and the surface owner consent provisions for oil and gas development, including coalbed methane production; and

(3) recommendations for administrative or legislative action necessary to facilitate reasonable access for federal oil and gas activities while addressing surface owner concerns and minimizing impacts to private surface.

(b) REPORT.—The Secretary of the Interior shall report the results of such review to the Congress no later than 180 days after enactment of this section.

SEC. 126. COORDINATION OF FEDERAL AGENCIES TO ESTABLISH PRIORITY ENERGY TRANSMISSION RIGHTS-OF-WAY.

(a) DEFINITIONS.—For purposes of this section:

(1) The term "utility corridor" means any linear strip of land across Federal lands of approved width, but limited by technological, environmental, and topographical factors for use by a utility facility.

(2) The term "Federal authorization" means any authorization required under Federal law in order to site a utility facility, including but not limited to such permits, special use authorizations, certifications, opinions, or other approvals as may be required, issued by a Federal agency.

(3) The term "Federal lands" means all lands owned by the United States, except

(A) lands in the National Park System;

(B) lands held in trust for an Indian or Indian tribe; and

(C) lands on the Outer Continental Shelf.

(4) The term "Secretary" means the Secretary of Energy.

(5) The term "utility facility" means any privately, publicly, or cooperatively owned line, facility, or system (A) for the transportation of oil and natural gas, synthetic liquid or gaseous fuels, any refined product produced therefrom, or for transportation of products in support of production, or for storage and terminal facilities in connection therewith; or (B) for the generation, transmission and distribution of electric energy.

(b) UTILITY CORRIDORS.—

(1) No later than 24 months after the date of enactment of this section, the Secretary of the Interior, with respect to public lands, and the Secretary of Agriculture, with respect to National Forest System lands, in consultation with the Secretary, shall—

(A) designate utility corridors pursuant to section 503 of the Federal Land Policy and Management Act (43 U.S.C. 1763) in the eleven contiguous Western States, as identified in section 103(o) of such Act (43 U.S.C. 1702(o)); and

(B) incorporate the utility corridors designated under paragraph (A) into the relevant departmental and agency land use and resource management plans or their equivalent.

(2) The Secretary shall coordinate with the affected Federal agencies to jointly identify potential utility corridors on Federal lands in the other States and jointly develop a schedule for the designation, environmental review and incorporation of such utility corridors into relevant departmental and agency land use and resource management plans or their equivalent.

(c) FEDERAL PERMIT COORDINATION.—The Secretary, in consultation with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Defense, shall develop a memorandum of understanding ("MOU") for the purpose of coordinating all applicable Federal authorizations and environmental reviews related to a proposed or existing utility facility. To the maximum extent practicable under applicable law, the Secretary shall coordinate the process developed in the MOU with any Indian tribes, multi-State entities, and State agencies that are responsible for conducting any separate permitting and environmental reviews of the affected utility facility to ensure timely review and permit decisions. The MOU shall provide for—

(1) the coordination among affected Federal agencies to ensure that the necessary Federal authorizations are conducted concurrently with applicable State siting processes and are considered within a specific time frame to be identified in the MOU;

(2) an agreement among the affected Federal agencies to prepare a single environmental review document to be used as the basis for all Federal authorization decisions; and

(3) a process to expedite applications to construct or modify utility facilities within utility corridors.

Subtitle C—Alaska Natural Gas Pipeline

SEC. 131. SHORT TITLE.

This subtitle may be cited as the "Alaska Natural Gas Pipeline Act".

SEC. 132. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) The term "Alaska natural gas" means natural gas derived from the area of the State of Alaska lying north of 64 degrees North latitude.

(2) The term "Alaska natural gas transportation project" means any natural gas pipeline system that carries Alaska natural gas to the border between Alaska and Canada (including related facilities subject to the jurisdiction of the Commission) that is authorized under either—

(A) the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 et seq.); or

(B) section 133.

(3) The term "Alaska natural gas transportation system" means the Alaska natural gas transportation project authorized under the Alaska Natural Gas Transportation Act of 1976 and designated and described in section 2 of the President's decision.

(4) The term "Commission" means the Federal Energy Regulatory Commission.

(5) The term "President's decision" means the decision and report to Congress on the Alaska natural gas transportation system issued by the President on September 22, 1977, pursuant to section 7 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719(e) and approved by Public Law 95-158 (91 Stat. 1268).

SEC. 133. ISSUANCE OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

(a) AUTHORITY OF THE COMMISSION.—Notwithstanding the provisions of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 et seq.), the Commission may, pursuant to section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)), consider and act on an application for the issuance of a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project other than the Alaska natural gas transportation system.

(b) ISSUANCE OF CERTIFICATE.—

(1) The Commission shall issue a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project under this section if the applicant has satisfied the requirements of section 7(e) of the Natural Gas Act (15 U.S.C. 717f(e)).

(2) In considering an application under this section, the Commission shall presume that—

(A) a public need exists to construct and operate the proposed Alaska natural gas transportation project; and

(B) sufficient downstream capacity will exist to transport the Alaska natural gas moving through such project to markets in the contiguous United States.

(c) EXPEDITED APPROVAL PROCESS.—The Commission shall issue a final order granting or denying any application for a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)) and this section not more than 60 days after the issuance of the final environmental impact statement for that project pursuant to section 134.

(d) PROHIBITION ON CERTAIN PIPELINE ROUTE.—No license, permit, lease, right-of-way, authorization, or other approval required under Federal law for the construction of any pipeline to transport natural gas from lands within the Prudhoe Bay oil and gas lease area may be granted for any pipeline that follows a route that traverses—

(1) the submerged lands (as defined by the Submerged Lands Act) beneath, or the adjacent shoreline of, the Beaufort Sea; and

(2) enters Canada at any point north of 68 degrees North latitude.

(e) OPEN SEASON.—Except where an expansion is ordered pursuant to section 135, initial or expansion capacity on any Alaska natural gas transportation project shall be allocated in accordance with procedures to be established by the Commission in regulations governing the conduct of open seasons for such project. Such procedures shall include the criteria for and timing of any open seasons; promote competition in the exploration, development, and production of Alaska natural gas; and, for any open season for capacity beyond the initial capacity, provide the opportunity for the transportation of natural gas other than from the Prudhoe Bay and Point Thompson units. The Commission shall issue such regulations not later than 120 days after the date of enactment of this Act.

(f) PROJECTS IN THE CONTIGUOUS UNITED STATES.—Applications for additional or expanded pipeline facilities that may be required to transport Alaska natural gas from Canada to markets in the contiguous United States may be made pursuant to the Natural Gas Act. To the extent such pipeline facilities include the expansion of any facility constructed pursuant to the Alaska Natural Gas Transportation Act of 1976, the provisions of that Act shall continue to apply.

(g) STUDY OF IN-STATE NEEDS.—The holder of the certificate of public convenience and necessity issued, modified, or amended by the Commission for an Alaska natural gas transportation project shall demonstrate that it has conducted a study of Alaska in-State needs, including tie-in points along the Alaska natural gas transportation project for in-State access.

(h) Alaska Royalty Gas.—The Commission, upon the request of the State of Alaska and after a hearing, may provide for reasonable access to the Alaska natural gas transportation project for the State of Alaska or its designee for the transportation of the State's royalty gas for local consumption needs within the State; except that the rates of existing shippers of subscribed capacity on such project shall not be increased as a result of such access.

(i) Regulations.—The Commission may issue regulations to carry out the provisions of this section.

SEC. 134. ENVIRONMENTAL REVIEWS.

(a) Compliance With NEPA.—The issuance of a certificate of public convenience and necessity authorizing the construction and operation of any Alaska natural gas transportation project under section 133 shall be treated as a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)).

(b) Designation of Lead Agency.—The Commission shall be the lead agency for purposes of complying with the National Environmental Policy Act of 1969, and shall be responsible for preparing the statement required by section 102(2)(c) of that Act (42 U.S.C. 4332(2)(c)) with respect to an Alaska natural gas transportation project under section 133. The Commission shall prepare a single environmental statement under this section, which shall consolidate the environmental reviews of all Federal agencies considering any aspect of the project.

(c) Other Agencies.—All Federal agencies considering aspects of the construction and operation of an Alaska natural gas transportation project under section 133 shall cooperate with the Commission, and shall comply with deadlines established by the Commission in the preparation of the statement under this section. The statement prepared under this section shall be used by all such agencies to satisfy their responsibilities under section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)) with respect to such project.

(d) Expedited Process.—The Commission shall issue a draft statement under this section not later than 12 months after the Commission determines the application to be complete and shall issue the final statement not later than 6 months after the Commission issues the draft statement, unless the Commission for good cause finds that additional time is needed.

SEC. 135. PIPELINE EXPANSION.

(a) Authority.—With respect to any Alaska natural gas transportation project, upon the request of one or more persons and after giving notice and an opportunity for a hearing, the Commission may order the expansion of such project if it determines that such expansion is required by the present and future public convenience and necessity.

(b) Requirements.—Before ordering an expansion, the Commission shall—

(1) approve or establish rates for the expansion service that are designed to ensure the recovery, on an incremental or rolled-in basis, of the cost associated with the expansion (including a reasonable rate of return on investment);

(2) ensure that the rates as established do not require existing shippers on the Alaska natural gas transportation project to subsidize expansion shippers;

(3) find that the proposed shipper will comply with, and the proposed expansion and the expansion of service will be undertaken and implemented based on, terms and conditions consistent with the then-effective tariff of the Alaska natural gas transportation project;

(4) find that the proposed facilities will not adversely affect the financial or economic viability of the Alaska natural gas transportation project;

(5) find that the proposed facilities will not adversely affect the overall operations of the Alaska natural gas transportation project;

(6) find that the proposed facilities will not diminish the contract rights of existing shippers to previously subscribed certificated capacity;

(7) ensure that all necessary environmental reviews have been completed; and

(8) find that adequate downstream facilities exist or are expected to exist to deliver incremental Alaska natural gas to market.

(c) Requirement for a Firm Transportation Agreement.—Any order of the Commission issued pursuant to this section shall be null and void unless the person or persons requesting the order executes a firm transportation agreement with the Alaska natural gas transportation project within a reasonable period of time as specified in such order.

(d) Limitation.—Nothing in this section shall be construed to expand or otherwise affect any authorities of the Commission with respect to any natural gas pipeline located outside the State of Alaska.

(e) Regulations.—The Commission may issue regulations to carry out the provisions of this section.

SEC. 136. FEDERAL COORDINATOR.

(a) Establishment.—There is established, as an independent office in the executive branch, the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects.

(b) Federal Coordinator.—The Office shall be headed by a Federal Coordinator for Alaska Natural Gas Transportation Projects, who shall

(1) be appointed by the President, by and with the advice and consent of the Senate;

(2) for a term equal to the period required to design, permit and construction the project plus one year; and

(3) be compensated at the rate prescribed for level III of the Executive Schedule (5 U.S.C. 5314).

(c) Duties.—The Federal Coordinator shall be responsible for—

(1) coordinating the expeditious discharge of all activities by Federal agencies with respect to an Alaska natural gas transportation project; and

(2) ensuring the compliance of Federal agencies with the provisions of this subtitle.

(d) Reviews and Actions of Other Federal Agencies.—

(1) All reviews conducted and actions taken by any Federal officer or agency relating to an Alaska natural gas transportation project authorized under this section shall be expedited, in a manner consistent with completion of the necessary reviews and approvals by the deadlines set forth in this subtitle.

(2) No Federal officer or agency shall have the authority to include terms and conditions that are permitted, but not required, by law on any certificate, right-of-way, permit, lease, or other authorization issued to an Alaska natural gas transportation project if the Federal Coordinator determines that the terms and conditions would prevent or impair in any significant respect the expeditious construction and operation, or an expansion, of the project.

(3) Unless required by law, no Federal officer or agency shall add to, amend, or abrogate any certificate, right-of-way, permit, lease, or other authorization issued to an Alaska natural gas transportation project if the Federal Coordinator determines that such action would prevent or impair in any significant respect the expeditious construction and operation of, or an expansion of, the project.

(4) The Federal Coordinator's authority shall not include the ability to override—

(A) the implementation or enforcement of regulations issued by the Commission pursuant to Section 133(e); or

(B) an order by the Commission to expand the project pursuant to Section 135.

(5) Nothing in this section shall give the Federal Coordinator the authority to impose additional terms, conditions or requirements beyond those imposed by the Commission or any agency with respect to construction and operation, or an expansion of, the project.

(e) State Coordination.—The Federal Coordinator shall enter into a Joint Surveillance and Monitoring Agreement, approved by the President and the Governor of Alaska, with the State of Alaska similar to that in effect during construction of the Trans-Alaska Oil Pipeline to monitor the construction of the Alaska natural gas transportation project. The Federal Government shall have primary surveillance and monitoring responsibility where the Alaska natural gas transportation project crosses Federal lands and private lands, and the State government shall have primary surveillance and monitoring responsibility where the Alaska natural gas transportation project crosses State lands.

(f) Transfer of Federal Inspector Functions and Authority.—Upon appointment of the Federal Coordinator by the President, all of the functions and authority of the Office of Federal Inspector of Construction for the Alaska Natural Gas Transportation System vested in the Secretary of Energy pursuant to section 3012(b) of Public Law 102–486 (15 U.S.C. 719e(b)), including all functions and authority described and enumerated in the Reorganization Plan No. 1 of 1979 (44 Fed. Reg. 33,663), Executive Order No. 12142 of June 21, 1979 (44 Fed. Reg. 36,927), and section 5 of the President's decision, shall be transferred to the Federal Coordinator.

SEC. 137. JUDICIAL REVIEW.

(a) Exclusive Jurisdiction.—Except for review by the Supreme Court of the United States on writ of certiorari, the United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction to determine—

(1) the validity of any final order or action (including a failure to act) of any Federal agency or officer under this subtitle;

(2) the constitutionality of any provision of this subtitle, or any decision made or action taken under this subtitle; or

(3) the adequacy of any environmental impact statement prepared under the National Environmental Policy Act of 1969 with respect to any action under this subtitle.

(b) Deadline for Filing Claim.—Claims arising under this subtitle, may be brought not later than 60 days after the date of the decision or action giving rise to the claim.

(c) Expedited Consideration.—The United States Court of Appeals for the District of

Columbia Circuit shall set any action brought under subsection (a) for expedited consideration, taking into account the national interest of enhancing national energy security by providing access to the significant gas reserves in Alaska needed to meet the anticipated demand for natural gas.

(d) Amendment to ANGTA.—Section 10(c) of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719h) is amended by inserting after paragraph (1) the following:

"(2) The United States Court of Appeals for the District of Columbia Circuit shall set any action brought under this section for expedited consideration, taking into account the national interest described in section 2.".

SEC. 138. STATE JURISDICTION OVER IN-STATE DELIVERY OF NATURAL GAS.

(a) Local Distribution.—Any facility receiving natural gas from the Alaska natural gas transportation project for delivery to consumers within the State of Alaska shall be deemed to be a local distribution facility within the meaning of section 1(b) of the Natural Gas Act (15 U.S.C. 717(b)), and therefore not subject to the jurisdiction of the Commission.

(b) Additional Pipelines.—Nothing in this subtitle, except as provided in section 133(d), shall preclude or affect a future gas pipeline that may be constructed to deliver natural gas to Fairbanks, Anchorage, Matanuska-Susitna Valley, or the Kenai peninsula or Valdez or any other site in the State of Alaska for consumption within or distribution outside the State of Alaska.

(c) Rate Coordination.—Pursuant to the Natural Gas Act, the Commission shall establish rates for the transportation of natural gas on the Alaska natural gas transportation project. In exercising such authority, the Commission, pursuant to section 17(b) of the Natural Gas Act (15 U.S.C. 717p(b)), shall confer with the State of Alaska regarding rates (including rate settlements) applicable to natural gas transported on and delivered from the Alaska natural gas transportation project for use within the State of Alaska.

SEC. 139. STUDY OF ALTERNATIVE MEANS OF CONSTRUCTION.

(a) Requirement of Study.—If no application for the issuance of a certificate or amended certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project has been filed with the Commission not later than 18 months after the date of enactment of this Act, the Secretary of Energy shall conduct a study of alternative approaches to the construction and operation of the project.

(b) Scope of Study.—The study shall consider the feasibility of establishing a Government corporation to construct an Alaska natural gas transportation project, and alternative means of providing Federal financing and ownership (including alternative combinations of Government and private corporate ownership) of the project.

(c) Consultation.—In conducting the study, the Secretary of Energy shall consult with the Secretary of the Treasury and the Secretary of the Army (acting through the Commanding General of the Corps of Engineers).

(d) Report.—If the Secretary of Energy is required to conduct a study under subsection (a), the Secretary shall submit a report containing the results of the study, the Secretary's recommendations, and any proposals for legislation to implement the Secretary's recommendations to Congress.

SEC. 140. CLARIFICATION OF ANGTA STATUS AND AUTHORITIES.

(a) Savings Clause.—Nothing in this subtitle affects any decision, certificate, permit, right-of-way, lease, or other authorization issued under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719(g)) or any Presidential findings or waivers issued in accordance with that Act.

(b) Clarification of Authority To Amend Terms and Conditions To Meet Current Project Requirements.—Any Federal officer or agency responsible for granting or issuing any certificate, permit, right-of-way, lease, or other authorization under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719(g)) may add to, amend, or abrogate any term or condition included in such certificate, permit, right-of-way, lease, or other authorization to meet current project requirements (including the physical design, facilities, and tariff specifications), so long as such action does not compel a change in the basic nature and general route of the Alaska natural gas transportation system as designated and described in section 2 of the President's decision, or would otherwise prevent or impair in any significant respect the expeditious construction and initial operation of such transportation system.

(c) Updated Environmental Reviews.—The Secretary of Energy shall require the sponsor of the Alaska natural gas transportation system to submit such updated environmental data, reports, permits, and impact analyses as the Secretary determines are necessary to develop detailed terms, conditions, and compliance plans required by section 5 of the President's decision.

SEC. 141. SENSE OF CONGRESS.

It is the sense of Congress that an Alaska natural gas transportation project will provide significant economic benefits to the United States and Canada. In order to maximize those benefits, Congress urges the sponsors of the pipeline project to make every effort to use steel that is manufactured or produced in North America and to negotiate a project labor agreement to expedite construction of the pipeline.

SEC. 142. PARTICIPATION OF SMALL BUSINESS CONCERNS.

(a) Sense of Congress.—It is the sense of Congress that an Alaska natural gas transportation project will provide significant economic benefits to the United States and Canada. In order to maximize those benefits, Congress urges the sponsors of the pipeline project to maximize the participation of small business concerns in contracts and subcontracts awarded in carrying out the project.

(b) Study.—

(1) The Comptroller General shall conduct a study on the extent to which small business concerns participate in the construction of oil and gas pipelines in the United States.

(2) Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report containing the results of the study.

(3) The Comptroller General shall update the study at least once every 5 years and transmit to Congress a report containing the results of the update.

(4) After the date of completion of the construction of an Alaska natural gas transportation project, this subsection shall no longer apply.

(c) Small Business Concern Defined.—In this section, the term "small business concern" has the meaning given such term in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

SEC. 143. ALASKA PIPELINE CONSTRUCTION TRAINING PROGRAM.

(a) Establishment of Program.—The Secretary of Labor (in this section referred to as the "Secretary") may make grants to the Alaska Department of Labor and Workforce Development to—

(1) develop a plan to train, through the workforce investment system established in the State of Alaska under the Workforce Investment Act of 1998 (112 Stat. 936 et seq.), adult and dislocated workers, including Alaska Natives, in urban and rural Alaska in the skills required to construct and operate an Alaska gas pipeline system; and

(2) implement the plan developed pursuant to paragraph (1).

(b) Requirements for Planning Grants.—The Secretary may make a grant under subsection (a)(1) only if—

(1) the Governor of Alaska certifies in writing to the Secretary that there is a reasonable expectation that construction of an Alaska gas pipeline will commence within 3 years after the date of such certification; and

(2) the Secretary of the Interior concurs in writing to the Secretary with the certification made under paragraph (1).

(c) Requirements for Implementation Grants.—The Secretary may make a grant under subsection (a)(2) only if—

(1) the Secretary has approved a plan developed pursuant to subsection (a)(1);

(2) the Governor of Alaska requests the grant funds and certifies in writing to the Secretary that there is a reasonable expectation that the construction of an Alaska gas pipeline system will commence within 2 years after the date of such certification; and

(3) the Secretary of the Interior concurs in writing to the Secretary with the certification made under paragraph (2) after considering—

(A) the status of necessary State and Federal permits;

(B) the availability of financing for the pipeline project; and

(C) other relevant factors and circumstances.

(d) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary such sums as may be necessary, but not to exceed $20,000,000, to carry out this section.

SEC. 144. LOAN GUARANTEES.

(a) Authority.

(1) The Secretary may enter agreements with 1 or more holders of a certificate of public convenience and necessity issued under section 133(b) of this Act or section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) to issue Federal guarantee instruments with respect to loans and other debt obligations for a qualified infrastructure project.

(2) Subject to the requirements of this section, the Secretary may also enter into agreements with 1 or more owners of the Canadian portion of a qualified infrastructure project to issue Federal guarantee instruments with respect to loans and other debt obligations for a qualified infrastructure project as though such owner were a holder described in paragraph (1).

(3) The authority of the Secretary to issue Federal guarantee instruments under this section for a qualified infrastructure project shall expire on the date that is 2 years after the date on which the final certificate of public convenience and necessity (including any Canadian certificates of public convenience and necessity) is issued for the project. A final certificate shall be considered to have been issued when all certificates of public convenience and necessity have been issued that are required for the initial transportation of commercially economic quantities of natural gas from Alaska to the continental United States.

(b) CONDITIONS.—

(1) The Secretary may issue a Federal guarantee instrument for a qualified infrastructure project only after a certificate of public convenience and necessity under section 133(b) of this Act or an amended certificate under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) has been issued for the project.

(2) The Secretary may issue a Federal guarantee instrument under this section for a qualified infrastructure project only if the loan or other debt obligation guaranteed by the instrument has been issued by an eligible lender.

(3) The Secretary shall not require as a condition of issuing a Federal guarantee instrument under this section any contractual commitment or other form of credit support of the sponsors (other than equity contribution commitments and completion guarantees), or any throughput or other guarantee from prospective shippers greater than such guarantees as shall be required by the project owners.

(c) LIMITATIONS ON AMOUNTS.—

(1) The amount of loans and other debt obligations guaranteed under this section for a qualified infrastructure project shall not exceed 80 percent of the total capital costs of the project, including interest during construction.

(2) The principal amount of loans and other debt obligations guaranteed under this section shall not exceed, in the aggregate, $18,000,000,000, which amount shall be indexed for United States dollar inflation from the date of enactment of this Act, as measured by the Consumer Price Index.

(d) LOAN TERMS AND FEES.—

(1) The Secretary may issue Federal guarantee instruments under this section that take into account repayment profiles and grace periods justified by project cash flows and project-specific considerations. The term of any loan guaranteed under this section shall not exceed 30 years.

(2) An eligible lender may assess and collect from the borrower such other fees and costs associated with the application and origination of the loan or other debt obligation as are reasonable and customary for a project finance transaction in the oil and gas sector.

(e) REGULATIONS.—The Secretary may issue regulations to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to cover the cost of loan guarantees, as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)). Such sums shall remain available until expended.

(g) DEFINITIONS.—In this section, the following definitions apply:

(1) The term "Consumer Price Index" means the Consumer Price Index for all-urban consumers, United States city average, as published by the Bureau of Labor Statistics, or if such index shall cease to be published, any successor index or reasonable substitute thereof.

(2) The term "eligible lender" means any non-Federal qualified institutional buyer (as defined by section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933), including

(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986 (26 U.S.C. 4974(c)) that is a qualified institutional buyer; and

(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986 (26 U.S.C. 414(d)) that is a qualified institutional buyer.

(3) The term "Federal guarantee instrument" means any guarantee or other pledge by the Secretary to pledge the full faith and credit of the United States to pay all of the principal and interest on any loan or other debt obligation entered into by a holder of a certificate of public convenience and necessity.

(4) The term "qualified infrastructure project" means an Alaskan natural gas transportation project consisting of the design, engineering, finance, construction, and completion of pipelines and related transportation and production systems (including gas treatment plants), and appurtenances thereto, that are used to transport natural gas from the Alaska North Slope to the continental United States.

(5) The term "Secretary" means the Secretary of Energy.

SEC. 145. SENSE OF CONGRESS ON NATURAL GAS DEMAND.

It is the sense of Congress that:

(1) North American demand for natural gas will increase dramatically over the course of the next several decades.

(2) Both the Alaska Natural Gas Pipeline and the McKenzie Delta Natural Gas project in Canada will be necessary to help meet the increased demand for natural gas in North America.

(3) Federal and state officials should work together with officials in Canada to ensure both projects can move forward in a mutually beneficial fashion.

(4) Federal and state officials should acknowledge that the smaller scope, fewer permitting requirements and lower cost of the McKenzie Delta project means it will most likely be completed before the Alaska Natural Gas Pipeline.

(5) Lower 48 and Canadian natural gas production alone will not be able to meet all domestic demand in the coming decades.

(6) As a result, natural gas delivered from Alaska's North Slope will not displace or reduce the commercial viability of Canadian natural gas produced from the McKenzie Delta nor production from the Lower 48.

TITLE II—COAL

Subtitle A—Clean Coal Power Initiative

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary of Energy (in this subtitle, referred to as "Secretary") to carry out the activities authorized by this subtitle $200,000,000 for each of the fiscal years 2003 through 2011, to remain available until expended.

SEC. 202. PROJECT CRITERIA.

(a) IN GENERAL.—The Secretary shall not provide funding under this subtitle for any project that does not advance efficiency, environmental performance, and cost competitiveness well beyond the level of technologies that are in operation or have been demonstrated as of the date of the enactment of this Act.

(b) TECHNICAL CRITERIA FOR GASIFICATION.—In allocating the funds made available under section 201, the Secretary shall ensure that at least 80 percent of the funds are used for coal-based gasification technologies or coal-based projects that include gasification combined cycle, gasification fuel cells, gasification co-production, or hybrid gasification/combustion. The Secretary shall set technical milestones specifying emissions levels that coal gasification projects must be designed to and reasonably expected to achieve. The milestones shall get more restrictive through the life of the program. The milestones shall be designed to achieve by 2020 coal gasification projects able to—

(1) remove 99 percent of sulfur dioxide;

(2) emit no more than .05 lbs of NO_X per million BTU;

(3) achieve substantial reductions in mercury emissions; and

(4) achieve a thermal efficiency of—

(A) 60 percent for coal of more than 9,000 Btu;

(B) 59 percent for coal of 7,000 to 9,000 Btu; and

(C) 57 percent for coal of less than 7,000 Btu.

(c) TECHNICAL CRITERIA FOR OTHER PROJECTS.—For projects not described in subsection (b), the Secretary shall set technical milestones specifying emissions levels that the projects must be designed to and reasonably expected to achieve. The milestones shall get more restrictive through the life of the program. The milestones shall be designed to achieve by 2010 projects able to—

(1) remove 97 percent of sulfur dioxide;

(2) emit no more than .08 lbs of NO_X per million BTU;

(3) achieve substantial reductions in mercury emissions; and

(4) achieve a thermal efficiency of—

(A) 45 percent for coal of more than 9,000 Btu;

(B) 44 percent for coal of 7,000 to 9,000 Btu; and

(C) 42 percent for coal of less than 7,000 Btu.

(d) EXISTING UNITS.—In the case of projects at existing units, in lieu of the thermal efficiency requirements set forth in paragraphs (b)(4) and (c)(4), the projects shall be designed to achieve an overall thermal design efficiency improvement compared to the efficiency of the unit as operated, of not less than—

(A) 7 percent for coal of more than 9,000 Btu;

(B) 6 percent for coal of 7,000 to 9,000 Btu; or

(C) 4 percent for coal of less than 7,000 Btu.

(e) PERMITTED USES.—In allocating funds made available in this section, the Secretary may allocate funds to projects that include, as part of the project, the separation and capture of carbon dioxide.

(f) CONSULTATION.—Before setting the technical milestones under subsections (b) and (c), the Secretary shall consult with the Administrator of the Environmental Protection Agency and interested entities, including coal producers, industries using coal, organizations to promote coal or advanced coal technologies, environmental organizations, and organizations representing workers.

(g) FINANCIAL CRITERIA.—The Secretary shall not provide a funding award under this title unless the recipient has documented to the satisfaction of the Secretary that—

(1) the award recipient is financially viable without the receipt of additional Federal funding;

(2) the recipient will provide sufficient information to the Secretary for the Secretary to ensure that the award funds are spent efficiently and effectively; and

(3) a market exists for the technology being demonstrated or applied, as evidenced by statements of interest in writing from potential purchasers of the technology.

(h) FINANCIAL ASSISTANCE.—The Secretary shall provide financial assistance to projects that meet the requirements of this section and are likely to—

(1) achieve overall cost reductions in the utilization of coal to generate useful forms of energy;

(2) improve the competitiveness of coal among various forms of energy; and

(3) demonstrate methods and equipment that are applicable to 25 percent of the electricity generating facilities that use coal as the primary feedstock as of the date of the enactment of this Act.

(i) Federal Share.—The Federal share of the cost of a coal or related technology project funded by the Secretary shall not exceed 50 percent.

(j) Applicability.—No technology, or level of emission reduction, shall be treated as adequately demonstrated for purposes of section 111 of the Clean Air Act, achievable for purposes of section 169 of that Act, or achievable in practice for purposes of section 171 of that Act solely by reason of the use of such technology, or the achievement of such emission reduction, by one or more facilities receiving assistance under this title.

SEC. 203. REPORTS.

(a) Ten-Year Plan.—By September 30, 2004, the Secretary shall transmit to Congress a report, with respect to section 202(a), a 10-year plan containing—

(1) a detailed assessment of whether the aggregate funding levels provided under section 201 are appropriate funding levels for that program;

(2) a detailed description of how proposals will be solicited and evaluated, including a list of all activities expected to be undertaken;

(3) a detailed list of technical milestones for each coal and related technology that will be pursued; and

(4) a detailed description of how the program will avoid problems enumerated in General Accounting Office reports on the Clean Coal Technology Program, including problems that have resulted in unspent funds and projects that failed either financially or scientifically.

(b) Technical Milestones.—Not later than 1 year after the date of the enactment of this Act, and once every 2 years thereafter through 2011, the Secretary, in consultation with other appropriate Federal agencies, shall transmit to the Congress, a report describing—

(1) the technical milestones set forth in section 212 and how those milestones ensure progress toward meeting the requirements of subsections (b) and (c) of section 212; and

(2) the status of projects funded under this title.

SEC. 204. CLEAN COAL CENTERS OF EXCELLENCE.

As part of the program authorized in section 211, the Secretary shall award competitive, merit-based grants to universities for the establishment of Centers of Excellence for Energy Systems of the Future. The Secretary shall provide grants to universities that can show the greatest potential for advancing new clean coal technologies.

Subtitle B—Federal Coal Leases

SEC. 211. REPEAL OF THE 160-ACRE LIMITATION FOR COAL LEASES.

Section 3 of the Mineral Leasing Act (30 U.S.C. 203) is amended by striking all the text in the first sentence after "upon" and inserting the following:

"a finding by the Secretary that it (1) would be in the interest of the United States, (2) would not displace a competitive interest in the lands, and (3) would not include lands or deposits that can be developed as part of another potential or existing operation, secure modifications of the original coal lease by including additional coal lands or coal deposits contiguous or cornering to those embraced in such lease, but in no event shall the total area added by such modifications to an existing coal lease exceed 320 acres, or add acreage larger than that in the original lease.".

SEC. 212. MINING PLANS.

Section 2(d)(2) of the Mineral Leasing Act (30 U.S.C. 202a(2)) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following:

"(B) The Secretary may establish a period of more than forty years if the Secretary determines that the longer period will ensure the maximum economic recovery of a coal deposit, or the longer period is in the interest of the orderly, efficient, or economic development of a coal resource.".

SEC. 213. PAYMENT OF ADVANCE ROYALTIES UNDER COAL LEASES.

Section 7(b) of the Mineral Leasing Act of 1920 (30 U.S.C. 207(b)) is amended by striking all after "Secretary)." through to "a lease." and inserting:

"The aggregate number of years during the period of any lease for which advance royalties may be accepted in lieu of the condition of continued operation shall not exceed twenty. The amount of any production royalty paid for any year shall be reduced (but not below 0) by the amount of any advance royalties paid under such lease to the extent that such advance royalties have not been used to reduce production royalties for a prior year.".

SEC. 214. ELIMINATION OF DEADLINE FOR SUBMISSION OF COAL LEASE OPERATION AND RECLAMATION PLAN.

Section 7(c) of the Mineral Leasing Act (30 U.S.C. 207(c)) is amended by striking "and not later than three years after a lease is issued,".

SEC. 215. APPLICATION OF AMENDMENTS.

The amendments made by this Act apply with respect to any coal lease issued on or after the date of enactment of this Act, and, with respect to any coal lease issued before the date of enactment of this Act, upon the date of readjustment of the lease as provided for by section 7(a) of the Mineral Leasing Act, or upon request by the lessee, prior to such date.

Subtitle C—Powder River Basin Shared Mineral Estates

SEC. 221. RESOLUTION OF FEDERAL RESOURCE DEVELOPMENT CONFLICTS IN THE POWDER RIVER BASIN.

The Secretary of the Interior shall—

(1) undertake a review of existing authorities to resolve conflicts between the development of Federal coal and the development of Federal and non-Federal coalbed methane in the Powder River Basin in Wyoming and Montana; and

(2) not later than 6 months after the enactment of this Act, report to the Congress on alternatives to resolve these conflicts and identification of a preferred alternative with specific legislative language, if any, required to implement the preferred alternative.

TITLE III—INDIAN ENERGY

SEC. 301. SHORT TITLE.

This title may be cited as the "Indian Tribal Energy Development and Self-Determination Act of 2003".

SEC. 302. OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS.

(a) In General.—Title II of the Department of Energy Organization Act (42 U.S.C. 7131 et seq.) is amended by adding at the end the following:

"OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS

"Sec. 217. (a) Establishment.—There is established within the Department an Office of Indian Energy Policy and Programs (referred to in this section as the 'Office'). The Office shall be headed by a Director, who shall be appointed by the Secretary and compensated at a rate equal to that of level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(b) Duties of Director.—The Director shall in accordance with Federal policies promoting Indian self-determination and the purposes of this Act, provide, direct, foster, coordinate, and implement energy planning, education, management, conservation, and delivery programs of the Department that—

"(1) promote Indian tribal energy development, efficiency, and use;

"(2) reduce or stabilize energy costs;

"(3) enhance and strengthen Indian tribal energy and economic infrastructure relating to natural resource development and electrification; and

"(4) electrify Indian tribal land and the homes of tribal members.

"COMPREHENSIVE INDIAN ENERGY ACTIVITIES

"Sec. 218. (a) Indian Energy Education Planning and Management Assistance.—

"(1) The Director shall establish programs within the Office of Indian Energy Policy and Programs to assist Indian tribes in meeting energy education, research and development, planning, and management needs.

"(2) In carrying out this section, the Director may provide grants, on a competitive basis, to an Indian tribe or tribal consortium for use in carrying out—

"(A) energy, energy efficiency, and energy conservation programs;

"(B) studies and other activities supporting tribal acquisition of energy supplies, services, and facilities;

"(C) planning, construction, development, operation, maintenance, and improvement of tribal electrical generation, transmission, and distribution facilities located on Indian land; and

"(D) development, construction, and interconnection of electric power transmission facilities located on Indian land with other electric transmission facilities.

"(3)(A) The Director may develop, in consultation with Indian tribes, a formula for providing grants under this section.

"(B) In providing a grant under this subsection, the Director shall give priority to an application received from an Indian tribe with inadequate electric service (as determined by the Director).

"(4) The Secretary may promulgate such regulations as the Secretary determines are necessary to carry out this subsection.

"(5) There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2004 through 2011.

"(b) Loan Guarantee Program.—

"(1) Subject to paragraph (3), the Secretary may provide loan guarantees (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) for not more than 90 percent of the unpaid principal and interest due on any loan made to any Indian tribe for energy development.

"(2) A loan guaranteed under this subsection shall be made by—

"(A) a financial institution subject to examination by the Secretary; or

"(B) an Indian tribe, from funds of the Indian tribe.

"(3) The aggregate outstanding amount guaranteed by the Secretary at any time under this subsection shall not exceed $2,000,000,000.

"(4) The Secretary may promulgate such regulations as the Secretary determines are necessary to carry out this subsection.

“(5) There are authorized to be appropriated such sums as are necessary to carry out this subsection, to remain available until expended.

“(6) Not later than 1 year from the date of enactment of this section, the Secretary shall report to the Congress on the financing requirements of Indian tribes for energy development on Indian land.

“(c) INDIAN ENERGY PREFERENCE.—

“(1) In purchasing electricity or any other energy product or byproduct, a Federal agency or department may give preference to an energy and resource production enterprise, partnership, consortium, corporation, or other type of business organization the majority of the interest in which is owned and controlled by 1 or more Indian tribes.

“(2) In carrying out this subsection, a Federal agency or department shall not—

“(A) pay more than the prevailing market price for an energy product or byproduct; and

“(B) obtain less than prevailing market terms and conditions.”.

(b) CONFORMING AMENDMENTS.—

(1) The table of contents of the Department of Energy Organization Act (42 U.S.C. prec. 7101) is amended—

(A) in the item relating to section 209, by striking “Section” and inserting “Sec.”; and

(B) by striking the items relating to sections 213 through 216 and inserting the following:

“Sec. 213. Establishment of policy for National Nuclear Security Administration.
“Sec. 214. Establishment of security, counterintelligence, and intelligence policies.
“Sec. 215. Office of Counterintelligence.
“Sec. 216. Office of Intelligence.
“Sec. 217. Office of Indian Energy Policy and Programs.
“Sec. 218. Comprehensive Indian Energy Activities.”.

(2) Section 5315 of title 5, United States Code, is amended by inserting “Director, Office of Indian Energy Policy and Programs, Department of Energy.” after “Inspector General, Department of Energy.”.

SEC. 303. INDIAN ENERGY.

Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended to read as follows:

“TITLE XXVI INDIAN ENERGY

“SEC. 2601. DEFINITIONS.

“For purposes of this title:

“(1) The term ‘Director’ means the Director of the Office of Indian Energy Policy and Programs.

“(2) The term ‘Indian land’ means—

“(A) any land located within the boundaries of an Indian reservation, pueblo, or rancheria;

“(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

“(i) in trust by the United States for the benefit of an Indian tribe;

“(ii) by an Indian tribe, subject to restriction by the United States against alienation; or

“(iii) by a dependent Indian community; and “(C) land conveyed to a Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

“(3) The term ‘Indian reservation’ includes—

“(A) an Indian reservation in existence in any State or States as of the date of enactment of this paragraph;

“(B) a public domain Indian allotment;

“(C) a former reservation in the State of Oklahoma;

“(D) a parcel of land owned by a Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and

“(E) a dependent Indian community located within the borders of the United States, regardless of whether the community is located—

“(i) on original or acquired territory of the community; or

“(ii) within or outside the boundaries of any particular State.

“(4) The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(5) The term ‘Native Corporation’ has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

“(6) The term ‘organization’ means a partnership, joint venture, limited liability company, or other unincorporated association or entity that is established to develop Indian energy resources.

“(7) The term ‘Program’ means the Indian energy resource development program established under section 2602(a).

“(8) The term ‘Secretary’ means the Secretary of the Interior.

“(9) The term ‘tribal consortium’ means an organization that consists of 2 or more entities, at least 1 of which is an Indian tribe.

“(10) The term ‘tribal land’ means any land or interests in land owned by any Indian tribe, band, nation, pueblo, community, rancheria, colony or other group, title to which is held in trust by the United States or which is subject to a restriction against alienation imposed by the United States.

“(11) The term ‘vertical integration of energy resources’ means any project or activity that promotes the location and operation of a facility (including any pipeline, gathering system, transportation system or facility, or electric transmission facility), on or near Indian land to process, refine, generate electricity from, or otherwise develop energy resources on, Indian land.

“SEC. 2602. INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT.

“(a) IN GENERAL.—To assist Indian tribes in the development of energy resources and further the goal of Indian self-determination, the Secretary shall establish and implement an Indian energy resource development program to assist Indian tribes and tribal consortia in achieving the purposes of this title.

“(b) GRANTS AND LOANS.—In carrying out the Program, the Secretary shall—

“(1) provide development grants to Indian tribes and tribal consortia for use in developing or obtaining the managerial and technical capacity needed to develop energy resources on Indian land;

“(2) provide grants to Indian tribes and tribal consortia for use in carrying out projects to promote the vertical integration of energy resources, and to process, use, or develop those energy resources, on Indian land; and

“(3) provide low-interest loans to Indian tribes and tribal consortia for use in the promotion of energy resource development and vertical integration or energy resources on Indian land.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2004 through 2014.

“SEC. 2603. INDIAN TRIBAL ENERGY RESOURCE REGULATION.

“(a) GRANTS.—The Secretary may provide to Indian tribes and tribal consortia, on an annual basis, grants for use in developing, administering, implementing, and enforcing tribal laws (including regulations) governing the development and management of energy resources on Indian land.

“(b) USE OF FUNDS.—Funds from a grant provided under this section may be used by an Indian tribe or tribal consortium for—

“(1) the development of a tribal energy resource inventory or tribal energy resource on Indian land;

“(2) the development of a feasibility study or other report necessary to the development of energy resources on Indian land;

“(3) the development and enforcement of tribal laws and the development of technical infrastructure to protect the environment under applicable law; or

“(4) the training of employees that—

“(A) are engaged in the development of energy resources on Indian land; or

“(B) are responsible for protecting the environment.

“(c) OTHER ASSISTANCE.—To the maximum extent practicable, the Secretary and the Secretary of Energy shall make available to Indian tribes and tribal consortia scientific and technical data for use in the development and management of energy resources on Indian land.

“SEC. 2604. LEASES, BUSINESS AGREEMENTS, AND RIGHTS-OF-WAY INVOLVING ENERGY DEVELOPMENT OR TRANSMISSION.

“(a) LEASES AND AGREEMENTS.—Subject to the provisions of this section—

“(1) an Indian tribe may, at its discretion, enter into a lease or business agreement for the purpose of energy development, including a lease or business agreement for—

“(A) exploration for, extraction of, processing of, or other development of energy resources on tribal land; and

“(B) construction or operation of an electric generation, transmission, or distribution facility located on tribal land; or a facility to process or refine energy resources developed on tribal land; and

“(2) a lease or business agreement described in paragraph (1) shall not require the approval of the Secretary under section 2103 of the Revised Statutes (25 U.S.C. 81) or any other provision of law, if—

“(A) the lease or business agreement is executed in accordance with a tribal energy resource agreement approved by the Secretary under subsection (e);

“(B) the term of the lease or business agreement does not exceed—

“(i) 30 years; or

“(ii) in the case of a lease for the production of oil and gas resources, 10 years and as long thereafter as oil or gas is produced in paying quantities; and

“(C) the Indian tribe has entered into a tribal energy resource agreement with the Secretary, as described in subsection (e), relating to the development of energy resources on tribal land (including an annual trust asset evaluation of the activities of the Indian tribe conducted in accordance with the agreement).

“(b) RIGHTS-OF-WAY FOR PIPELINES OR ELECTRIC TRANSMISSION OR DISTRIBUTION LINES.—An Indian tribe may grant a right-of-way over tribal land for a pipeline or an electric transmission or distribution line without specific approval by the Secretary if—

“(1) the right-of-way is executed in accordance with a tribal energy resource agreement approved by the Secretary under subsection (e);

“(2) the term of the right-of-way does not exceed 30 years;

"(3) the pipeline or electric transmission or distribution line serves—

"(A) an electric generation, transmission, or distribution facility located on tribal land; or

"(B) a facility located on tribal land that processes or refines energy resources developed on tribal land; and

"(4) the Indian tribe has entered into a tribal energy resource agreement with the Secretary, as described in subsection (e), relating to the development of energy resources on tribal land (including an annual trust asset evaluation of the activities of the Indian tribe conducted in accordance with the agreement.

"(c) RENEWALS.—A lease or business agreement entered into or a right-of-way granted by an Indian tribe under this section may be renewed at the discretion of the Indian tribe in accordance with this section.

"(d) VALIDITY.—No lease, business agreement, or right-of-way under this section shall be valid unless the lease, business agreement, or right-of-way is authorized in accordance with tribal energy resource agreements approved by the Secretary under subsection (e).

"(e) TRIBAL ENERGY RESOURCE AGREEMENTS.—

"(1) On promulgation of regulations under paragraph (9), an Indian tribe may submit to the Secretary for approval a tribal energy resource agreement governing leases, business agreements, and rights-of-way under this section.

"(2)(A) Not later than 180 days after the date on which the Secretary receives a tribal energy resource agreement submitted by an Indian tribe under paragraph (1) (or such later date as may be agreed to by the Secretary and the Indian tribe), the Secretary shall approve or disapprove the tribal energy resource agreement.

"(B) The Secretary shall approve a tribal energy resource agreement submitted under paragraph (1) if—

"(i) the Secretary determines that the Indian tribe has demonstrated that the Indian tribe has sufficient capacity to regulate the development of energy resources of the Indian tribe; and

"(ii) the tribal energy resource agreement includes provisions that, with respect to a lease, business agreement, or right-of-way under this section—

"(I) ensure the acquisition of necessary information from the applicant for the lease, business agreement, or right-of-way;

"(II) address the term of the lease or business agreement or the term of conveyance of the right-of-way;

"(III) address amendments and renewals;

"(IV) address consideration for the lease, business agreement, or right-of-way;

"(III) address amendments and renewals;

"(IV) address consideration for the lease, business agreement, or right-of-way;

"(V) address technical or other relevant requirements;

"(VI) establish requirements for environmental review in accordance with subparagraph (C);

"(VII) ensure compliance with all applicable environmental laws;

"(VIII) identify final approval authority;

"(IX) provide for public notification of final approvals;

"(X) establish a process for consultation with any affected States concerning potential off-reservation impacts associated with the lease, business agreement, or right-of-way; and

"(XI) describe the remedies for breach of the lease, agreement, or right-of-way.

"(C) Tribal energy resource agreements submitted under paragraph (1) shall establish, and include provisions to ensure compliance with, an environmental review process that, with respect to a lease, business agreement, or right-of-way under this section, provides for—

"(i) the identification and evaluation of all significant environmental impacts (as compared with a no-action alternative), including effects on cultural resources;

"(ii) the identification of proposed mitigation;

"(iii) a process for ensuring that the public is informed of and has an opportunity to comment on any proposed lease, business agreement, or right-of-way before tribal approval of the lease, business agreement, or right-of-way (or any amendment to or renewal of the lease, business agreement, or right-of-way); and

"(iv) sufficient administrative support and technical capability to carry out the environmental review process.

"(D) A tribal energy resource agreement negotiated between the Secretary and an Indian tribe in accordance with this subsection shall include—

"(i) provisions requiring the Secretary to conduct an annual trust asset evaluation to monitor the performance of the activities of the Indian tribe associated with the development of energy resources on tribal land by the Indian tribe; and

"(ii) in the case of a finding by the Secretary of imminent jeopardy to a physical trust asset, provisions authorizing the Secretary to reassume responsibility for activities associated with the development of energy resources on tribal land.

"(3) The Secretary shall provide notice and opportunity for public comment on tribal energy resource agreements submitted under paragraph (1).

"(4) If the Secretary disapproves a tribal energy resource agreement submitted by an Indian tribe under paragraph (1), the Secretary shall—

"(A) notify the Indian tribe in writing of the basis for the disapproval;

"(B) identify what changes or other actions are required to address the concerns of the Secretary; and

"(C) provide the Indian tribe with an opportunity to revise and resubmit the tribal energy resource agreement.

"(5) If an Indian tribe executes a lease or business agreement or grants a right-of-way in accordance with a tribal energy resource agreement approved under this subsection, the Indian tribe shall, in accordance with the process and requirements set forth in the Secretary's regulations adopted pursuant to subsection (e)(9), provide to the Secretary—

"(A) a copy of the lease, business agreement, or right-of-way document (including all amendments to and renewals of the document); and

"(B) in the case of a tribal energy resource agreement or a lease, business agreement, or right-of-way that permits payment to be made directly to the Indian tribe, documentation of those payments sufficient to enable the Secretary to discharge the trust responsibility of the United States as appropriate under applicable law.

"(6) The Secretary shall continue to have a trust obligation to ensure that the rights of an Indian tribe are protected in the event of a violation of the terms of any lease, business agreement or right-of-way by any other party to the lease, business agreement, or right-of-way.

"(7)(A) The United States shall not be liable for any loss or injury sustained by any party (including an Indian tribe or any member of an Indian tribe) to a lease, business agreement, or right-of-way executed in accordance with tribal energy resource agreements approved under this subsection.

"(B) On approval of a tribal energy resource agreement of an Indian tribe under paragraph (1), the Indian tribe shall be stopped from asserting a claim against the United States on the ground that Secretary should not have approved the Tribal energy resource agreement.

"(8)(A) In this paragraph, the term 'interested party' means any person or entity the interests of which have sustained or will sustain a significant adverse impact as a result of the failure of an Indian tribe to comply with a tribal energy resource agreement of the Indian tribe approved by the Secretary under paragraph (2).

"(B) After exhaustion of tribal remedies, and in accordance with the process and requirements set forth in regulations adopted by the Secretary pursuant to subsection (e)(9), an interested party may submit to the Secretary a petition to review compliance of an Indian tribe with a tribal energy resource agreement of the Indian tribe approved under this subsection.

"(C) If the Secretary determines that an Indian tribe is not in compliance with a tribal energy resource agreement approved under this subsection, the Secretary shall take such action as is necessary to compel compliance, including—

"(i) suspending a lease, business agreement, or right-of-way under this section until an Indian tribe is in compliance with the approved tribal energy resource agreement; and

"(ii) rescinding approval of the tribal energy resource agreement and reassuming the responsibility for approval of any future leases, business agreements, or rights-of-way associated with an energy pipeline or distribution line described in subsections (a) and (b).

"(D) If the Secretary seeks to compel compliance of an Indian tribe with an approved tribal energy resource agreement under subparagraph (C)(ii), the Secretary shall—

"(i) make a written determination that describes the manner in which the tribal energy resource agreement has been violated;

"(ii) provide the Indian tribe with a written notice of the violation together with the written determination; and

"(iii) before taking any action described in subparagraph (C)(ii) or seeking any other remedy, provide the Indian tribe with a hearing and a reasonable opportunity to attain compliance with the tribal energy resource agreement.

"(E)(i) An Indian tribe described in subparagraph (D) shall retain all rights to appeal as provided in regulations promulgated by the Secretary.

"(ii) The decision of the Secretary with respect to an appeal described in clause (i), after any agency appeal provided for by regulation, shall constitute a final agency action.

"(9) Not later than 180 days after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act of 2003, the Secretary shall promulgate regulations that implement the provisions of this subsection, including—

"(A) criteria to be used in determining the capacity of an Indian tribe described in paragraph (2)(B)(i), including the experience of the Indian tribe in managing natural resources and financial and administrative resources available for use by the Indian tribe in implementing the approved tribal energy resource agreement of the Indian tribe; and

"(B) a process and requirements in accordance with which an Indian tribe may—

"(i) voluntarily rescind an approved tribal energy resource agreement approved by the Secretary under this subsection; and

"(ii) return to the Secretary the responsibility to approve any future leases, business agreements, and rights-of-way described in this subsection.

"(f) NO EFFECT ON OTHER LAW.—Nothing in this section affects the application of—

"(1) any Federal environmental law;

"(2) the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); or

"(3) except as otherwise provided in this title, the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.).

"SEC. 2605. FEDERAL POWER MARKETING ADMINISTRATIONS.

"(a) DEFINITIONS.—In this section:

"(1) The term 'Administrator' means the Administrator of the Bonneville Power Administration and the Administrator of the Western Area Power Administration.

"(2) The term 'power marketing administration' means—

"(A) the Bonneville Power Administration;

"(B) the Western Area Power Administration; and

"(C) any other power administration the power allocation of which is used by or for the benefit of an Indian tribe located in the service area of the administration.

"(b) ENCOURAGEMENT OF INDIAN TRIBAL ENERGY DEVELOPMENT.—Each Administrator shall encourage Indian tribal energy development by taking such actions as are appropriate, including administration of programs of the Bonneville Power Administration and the Western Area Power Administration, in accordance with this section.

"(c) ACTION BY THE ADMINISTRATOR.—In carrying out this section, and in accordance with existing law—

"(1) each Administrator shall consider the unique relationship that exists between the United States and Indian tribes.

"(2) power allocations from the Western Area Power Administration to Indian tribes may be used to meet firming and reserve needs of Indian-owned energy projects on Indian land;

"(3) the Administrator of the Western Area Power Administration may purchase power from Indian tribes to meet the firming and reserve requirements of the Western Area Power Administration; and

"(4) each Administrator shall not pay more than the prevailing market price for an energy product nor obtain less than prevailing market terms and conditions.

"(d) ASSISTANCE FOR TRANSMISSION SYSTEM USE.—

"(1) An Administrator may provide technical assistance to Indian tribes seeking to use the high-voltage transmission system for delivery of electric power.

"(2) The costs of technical assistance provided under paragraph (1) shall be funded by the Secretary of Energy using nonreimbursable funds appropriated for that purpose, or by the applicable Indian tribes.

"(e) POWER ALLOCATION STUDY.—Not later than 2 years after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act of 2003, the Secretary of Energy shall submit to the Congress a report that—

"(1) describes the use by Indian tribes of Federal power allocations of the Western Area Power Administration (or power sold by the Southwestern Power Administration) and the Bonneville Power Administration to or for the benefit of Indian tribes in service areas of those administrations; and

"(2) identifies—

"(A) the quantity of power allocated to Indian tribes by the Western Area Power Administration;

"(B) the quantity of power sold to Indian tribes by other power marketing administrations; and

"(C) barriers that impede tribal access to and use of Federal power, including an assessment of opportunities to remove those barriers and improve the ability of power marketing administrations to facilitate the use of Federal power by Indian tribes.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $750,000, which shall remain available until expended and shall not be reimbursable.

"SEC. 2606. INDIAN MINERAL DEVELOPMENT REVIEW.

"(a) IN GENERAL.—The Secretary shall conduct a review of all activities being conducted under the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.) as of that date.

"(b) REPORT.—Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act of 2003, the Secretary shall submit to the Congress a report that includes—

"(1) the results of the review;

"(2) recommendations to ensure that Indian tribes have the opportunity to develop Indian energy resources; and

"(3) an analysis of the barriers to the development of energy resources on Indian land (including legal, fiscal, market, and other barriers), along with recommendations for the removal of those barriers.

"SEC. 2607. WIND AND HYDROPOWER FEASIBILITY STUDY.

"(a) STUDY.—The Secretary, in coordination with the Secretary of the Army and the Secretary of the Interior, shall conduct a study of the cost and feasibility of developing a demonstration project that would use wind energy generated by Indian tribes and hydropower generated by the Army Corps of Engineers on the Missouri River to supply firming power to the Western Area Power Administration.

"(b) SCOPE OF STUDY.—The study shall—

"(1) determine the feasibility of the blending of wind energy and hydropower generated from the Missouri River dams operated by the Army Corps of Engineers;

"(2) review historical purchase requirements and projected purchase requirements for firming and the patterns of availability and use of firming energy;

"(3) assess the wind energy resource potential on tribal land and projected cost savings through a blend of wind and hydropower over a 30-year period;

"(4) determine seasonal capacity needs and associated transmission upgrades for integration of tribal wind generation; and

"(5) include an independent tribal engineer as a study team member.

"(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary and Secretary of the Army shall submit to Congress a report that describes the results of the study, including—

"(1) an analysis of the potential energy cost or benefits to the customers of the Western Area Power Administration through the blend of wind and hydropower;

"(2) an evaluation of whether a combined wind and hydropower system can reduce reservoir fluctuation, enhance efficient and reliable energy production, and provide Missouri River management flexibility;

"(3) recommendations for a demonstration project that could be carried out by the Western Area Power Administration in partnership with an Indian tribal government or tribal consortium to demonstrate the feasibility and potential of using wind energy produced on Indian land to supply firming energy to the Western Area Power Administration or any other Federal power marketing agency; and

"(4) an identification of—

"(A) the economic and environmental costs or benefits to be realized through such a Federal-tribal partnership; and

"(B) the manner in which such a partnership could contribute to the energy security of the United States.

"(d) FUNDING.—

"(1) There is authorized to be appropriated to carry out this section $500,000, to remain available until expended.

"(2) Costs incurred by the Secretary in carrying out this section shall be nonreimbursable.".

SEC. 304. FOUR CORNERS TRANSMISSION LINE PROJECT.

The Dine Power Authority, an enterprise of the Navajo Nation, shall be eligible to receive grants and other assistance as authorized by section 302 of this title and section 2602 of the Energy Policy Act of 1992, as amended by this title, for activities associated with the development of a transmission line from the Four Corners Area to southern Nevada, including related power generation opportunities.

SEC. 305. ENERGY EFFICIENCY IN FEDERALLY ASSISTED HOUSING.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall promote energy conservation in housing that is located on Indian land and assisted with Federal resources through—

(1) the use of energy-efficient technologies and innovations (including the procurement of energy-efficient refrigerators and other appliances);

(2) the promotion of shared savings contracts; and

(3) the use and implementation of such other similar technologies and innovations as the Secretary of Housing and Urban Development considers to be appropriate.

(b) AMENDMENT.—Section 202(2) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(2)) is amended by inserting 'improvement to achieve greater energy efficiency,' after 'planning,'.

SEC. 306. CONSULTATION WITH INDIAN TRIBES.

In carrying out this Act and the amendments made by this Act, the Secretary of Energy and the Secretary shall, as appropriate and to the maximum extent practicable, involve and consult with Indian tribes in a manner that is consistent with the Federal trust and the government-to-government relationships between Indian tribes and the United States.

TITLE IV—NUCLEAR MATTERS

Subtitle A—Price-Anderson Act Amendments

SEC. 401. SHORT TITLE.

This subtitle may be cited as the "Price-Anderson Amendments Act of 2003".

SEC. 402. EXTENSION OF INDEMNIFICATION AUTHORITY.

(a) INDEMNIFICATION OF NUCLEAR REGULATORY COMMISSION LICENSEES.—Section 170c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

(1) in the subsection heading, by striking "LICENSES" and inserting "LICENSEES";

(2) by striking "licenses issued between August 30, 1954, and December 31, 2003" and

inserting "licenses issued after August 30, 1954"; and

(3) by striking "With respect to any production or utilization facility for which a construction permit is issued between August 30, 1954, and December 31, 2003, the requirements of this subsection shall apply to any license issued for such facility subsequent to December 31, 2003."

(b) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking ", until December 31, 2004.".

(c) INDEMNIFICATION OF NONPROFIT EDUCATIONAL INSTITUTIONS.—Section 170k.of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended—

(1) by striking "licenses issued between August 30, 1954, and August 1, 2002" and replacing it with "licenses issued after August 30, 1954"; and

(2) by striking "With respect to any production or utilization facility for which a construction permit is issued between August 30, 1954, and August 1, 2002, the requirements of this subsection shall apply to any license issued for such facility subsequent to August 1, 2002."

SEC. 403. MAXIMUM ASSESSMENT.

Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended—

(1) in the second proviso of the third sentence of subsection b.(1)

(A) by striking "$63,000,000" and inserting "$94,000,000"; and

(B) by striking "$10,000,000 in any 1 year" and inserting "$15,000,000 in any 1 year (subject to adjustment for inflation under subsection t.)"; and

(2) in subsection t.(1)

(A) by inserting "total and annual" after "amount of the maximum";

(B) by striking "the date of the enactment of the Price-Anderson Amendments Act of 1988" and inserting "July 1, 2003"; and

(C) by striking "such date of enactment" and inserting "July 1, 2003".

SEC. 404. DEPARTMENT OF ENERGY LIABILITY LIMIT.

(a) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

"(2) In an agreement of indemnification entered into under paragraph (1), the Secretary—

"(A) may require the contractor to provide and maintain financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity; and

"(B) shall indemnify the persons indemnified against such liability above the amount of the financial protection required, in the amount of $10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with the contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.".

(b) CONTRACT AMENDMENTS.—Section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is further amended by striking paragraph (3) and inserting the following—

"(3) All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person under this section shall be deemed to be amended, on the date of enactment of the Price-Anderson Amendments Act of 2003, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection.".

(c) LIABILITY LIMIT.—Section 170e.(1)(B) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(1)(B)) is amended by:

(1) striking "the maximum amount of financial protection required under subsection b. or"; and

(2) striking "paragraph (3) of subsection d., whichever amount is more" and inserting "paragraph (2) of subsection d.".

SEC. 405. INCIDENTS OUTSIDE THE UNITED STATES.

(a) AMOUNT OF INDEMNIFICATION.—Section 170d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking "$100,000,000" and inserting "$500,000,000".

(b) LIABILITY LIMIT.—Section 170e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended by striking "$100,000,000" and inserting "$500,000,000".

SEC. 406. REPORTS.

Section 170p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking "August 1, 1998" and inserting "August 1, 2013".

SEC. 407. INFLATION ADJUSTMENT.

Section 170t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(t)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by adding after paragraph (1) the following:

"(2) The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following July 1, 2003, in accordance with the aggregate percentage 'change in the Consumer Price Index since—

"(A) that date, in the case of the first adjustment under this paragraph; or

"(B) the previous adjustment under this paragraph.".

SEC. 408. TREATMENT OF MODULAR REACTORS.

Section 170 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)) is amended by adding at the end the following:

"(5)(A) For purposes of this section only, the Commission shall consider a combination of facilities described in subparagraph (B) to be a single facility having a rated capacity of 100,000 electrical kilowatts or more.

"(B) A combination of facilities referred to in subparagraph (A) is 2 or more facilities located at a single site, each of which has a rated capacity of 100,000 electrical kilowatts or more but not more than 300,000 electrical kilowatts, with a combined rated capacity of not more than 1,300,000 electrical kilowatts.".

SEC. 409. APPLICABILITY.

The amendments made by sections 403, 404, and 405 do not apply to a nuclear incident that occurs before the date of the enactment of this Act.

SEC. 410. CIVIL PENALTIES.

(a) REPEAL OF AUTOMATIC REMISSION.—Section 234Ab.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(b)(2)) is amended by striking the last sentence.

(b) LIMITATION FOR NOT-FOR-PROFIT INSTITUTIONS.—Subsection d. of section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(d)) is amended to read as follows:

"d.(1) Notwithstanding subsection a., in the case of any not-for-profit contractor, subcontractor, or supplier, the total amount of civil penalties paid under subsection a. may not exceed the total amount of fees paid within any one-year period (as determined by the Secretary) under the contract under which the violation occurs.

"(2) For purposes of this section, the term "not-for-profit" means that no part of the net earnings of the contractor, subcontractor, or supplier inures to the benefit of any natural person or for-profit artificial person.".

(c) EFFECTIVE DATE.—The amendments made by this section shall not apply to any violation of the Atomic Energy Act of 1954 occurring under a contract entered into before the date of enactment of this section.

Subtitle B—Deployment of New Nuclear Plants

SEC. 421. SHORT TITLE.

This subtitle may be cited as the "Nuclear Energy Finance Act of 2003."

SEC. 422. DEFINITIONS.

For purposes of this subtitle:

(1) The term "advanced reactor design" means a nuclear reactor that enhances safety, efficiency, proliferation resistance, or waste reduction compared to commercial nuclear reactors in use in the United States on the date of enactment of this Act.

(2) The term "eligible project costs" means all costs incurred by a project developer that are reasonably related to the development and construction of a project under this subtitle, including costs resulting from regulatory or licensing delays.

(3) The term "financial assistance" means a loan guarantee, purchase agreement, or any combination of the foregoing.

(4) The term "loan guarantee" means any guarantee or other pledge by the Secretary to pay all or part of the principal and interest on a loan or other debt obligation issued by a project developer and funded by a lender.

(5) The term "project" means any commercial nuclear power facility for the production of electricity that uses one or more advanced reactor designs.

(6) The term "project developer" means an individual, corporation, partnership, joint venture, trust, or other entity that is primarily liable for payment of a project's eligible costs.

(7) The term "purchase agreement" means a contract to purchase the electric energy produced by a project under this subtitle.

(8) The term "Secretary" means the Secretary of Energy.

SEC. 423. RESPONSIBILITIES OF THE SECRETARY.

(a) FINANCIAL ASSISTANCE.—Subject to the requirements of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), the Secretary may, subject to appropriations, make available to project developers for eligible project costs such financial assistance as the Secretary determines is necessary to supplement private-sector financing for projects if he determines that such projects are needed to contribute to energy security, fuel or technology diversity, or clean air attainment goals. The Secretary shall prescribe such terms and conditions for financial assistance as the Secretary deems necessary or appropriate to protect the financial interests of the United States.

(b) REQUIREMENTS.—Approval criteria for financial assistance shall include—

(1) the creditworthiness of the project;

(2) the extent to which financial assistance would encourage public-private partnerships and attract private-sector investment;

(3) the likelihood that financial assistance would hasten commencement of the project; and,

(4) any other criteria the Secretary deems necessary or appropriate.

(c) CONFIDENTIALITY.—The Secretary shall protect the confidentiality of any information that is certified by a project developer to be commercially sensitive.

(d) FULL FAITH AND CREDIT.—All financial assistance provided by the Secretary under this subtitle shall be general obligations of the United States backed by its full faith and credit.

SEC. 424. LIMITATIONS.

(a) FINANCIAL ASSISTANCE.—The total financial assistance per project provided by this subtitle shall not exceed fifty percent of eligible project costs.

(b) GENERATION.—The total electrical generation capacity of all projects provided by this subtitle shall not exceed 8,400 megawatts.

SEC. 425. REGULATIONS.

Not later than 12 months from the date of enactment of this Act, the Secretary shall issue regulations to implement this subtitle.

SUBTITLE C—ADVANCED REACTOR HYDROGEN Co-Generation Project

SEC. 431. PROJECT ESTABLISHMENT.

The Secretary is directed to establish an Advanced Reactor Hydrogen Co-Generation Project.

SEC. 432. PROJECT DEFINITION.

The project shall conduct the research, development, design, construction, and operation of a hydrogen production co-generation testbed that, relative to the current commercial reactors, enhances safety features, reduces waste production, enhances thermal efficiencies, increases proliferation resistance, and has the potential for improved economics and physical security in reactor siting. This testbed shall be constructed so as to enable research and development on advanced reactors of the type selected and on alternative approaches for reactor-based production of hydrogen.

SEC. 433. PROJECT MANAGEMENT.

(a) MANAGEMENT.—The project shall be managed within the Department by the Office of Nuclear Energy Science and Technology.

(b) LEAD LABORATORY.—The lead laboratory for the program, providing the site for the reactor construction, shall be the Idaho National Engineering and Environmental Laboratory (“INEEL”).

(c) STEERING COMMITTEE.—The Secretary shall establish a national steering committee with membership from the national laboratories, universities, and industry to provide advice to the Secretary and the Director of the Office of Nuclear Energy, Science and Technology on technical and program management aspects of the project.

(d) COLLABORATION.—Project activities shall be conducted at INEEL, other national laboratories, universities, domestic industry, and international partners.

SEC. 434. PROJECT REQUIREMENTS.

(a) RESEARCH AND DEVELOPMENT.—The project shall include planning, research and development, design, and construction of an advanced, next-generation, nuclear energy system suitable for enabling further research and development on advanced reactor technologies and alternative approaches for reactor-based generation of hydrogen.

(1) The project shall utilize, where appropriate, extensive reactor test capabilities resident at INEEL.

(2) The project shall be designed to explore technical, environmental, and economic feasibility of alternative approaches for reactor-based hydrogen production.

(3) The industrial lead for the project must be a United States-based company.

(b) INTERNATIONAL COLLABORATION.—The Secretary shall seek international cooperation, participation, and financial contribution in this program.

(1) The project may contract for assistance from specialists or facilities from member countries of the Generation IV International Forum, the Russian Federation, or other international partners where such specialists or facilities provide access to cost-effective and relevant skills or test capabilities.

(2) International activities shall be coordinated with the Generation IV International Forum.

(3) The Secretary may combine this project with the Generation IV Nuclear Energy Systems Program.

(c) DEMONSTRATION.—The overall project, which may involve demonstration of selected project objectives in a partner nation, must demonstrate both electricity and hydrogen production and may provide flexibility, where technically and economically feasible in the design and construction, to enable tests of alternative reactor core and cooling configurations.

(d) PARTNERSHIPS.—The Secretary shall establish cost-shared partnerships with domestic industry or international participants for the research, development, design, construction and operation of the demonstration facility, and preference in determining the final project structure shall be given to an overall project which retains United States leadership while maximizing cost sharing opportunities and minimizing federal funding responsibilities.

(e) TARGET DATE.—The Secretary shall select technologies and develop the project to provide initial testing of either hydrogen production or electricity generation by 2010 or provide a report to Congress why this date is not feasible.

(f) WAIVER OF CONSTRUCTION TIMELINES.—The Secretary is authorized to conduct the Advanced Reactor Hydrogen Co-Generation Project without the constraints of DOE Order 413.3 as deemed necessary to meet the specified operational date.

(g) COMPETITION.—The Secretary may fund up to two teams for up to one year to develop detailed proposals for competitive evaluation and selection of a single proposal and concept for further progress. The Secretary shall define the format of the competitive evaluation of proposals.

(h) USE OF FACILITIES.—Research facilities in industry, national laboratories, or universities either within the United States or with cooperating international partners may be used to develop the enabling technologies for the demonstration facility. Utilization of domestic university-based testbeds shall be encouraged to provide educational opportunities for student development.

(i) ROLE OF NUCLEAR REGULATORY COMMISSION.—The Secretary shall seek active participation of the Nuclear Regulatory Commission throughout the project to develop risk-based criteria for any future commercial development of a similar reactor architecture.

(j) REPORT.—A comprehensive project plan shall be developed no later than April 30, 2004. The project plan shall be updated annually with each annual budget submission.

SEC. 435. AUTHORIZATION OF APPROPRIATIONS.

(a) RESEARCH, DEVELOPMENT AND DESIGN PROGRAMS.—The following sums are authorized to be appropriated to the Secretary for all activities under this subtitle except for reactor construction:

(1) For fiscal year 2004, $35,000,000;

(2) For each of fiscal years 2005–2008, $150,000,000; and

(3) For fiscal years beyond 2008, such funds as are needed are authorized to be appropriated.

(b) REACTOR CONSTRUCTION.—The following sum is authorized to be appropriated to the Secretary for all project-related construction activities, to be available until expended, $500,000,000.

Subtitle D—Miscellaneous Matters

SEC. 441. URANIUM SALES AND TRANSFERS.

Section 3112 of the USEC Privatization Act (42 U.S.C. 2297h–10) is amended by striking subsections (d) and (e) and inserting the following:

“(d)(1)(A) The aggregate annual deliveries of uranium in any form (including natural uranium concentrates, natural uranium hexafluoride, enriched uranium, and depleted uranium) sold or transferred for commercial nuclear power end uses by the United States Government shall not exceed 3,000,000 pounds U_3O_8 equivalent per year through calendar year 2009. Such aggregate annual deliveries shall not exceed 5,000,000 pounds U_3O_8 equivalent per year in calendar years 2010 and 2011. Such aggregate annual deliveries shall not exceed 7,000,000 pounds U_3O_8 equivalent in calendar year 2012. Such aggregate annual deliveries shall not exceed 10,000,000 pounds U_3O_8 equivalent per year in calendar year 2013 and each year thereafter. Any sales or transfers by the United States Government to commercial end users shall be limited to long-term contracts of no less than 3 years duration.

“(B) The recovery and extraction of the uranium component from contaminated uranium bearing materials from United States Government sites by commercial entities shall be the preferred method of making uranium available under this subsection. The uranium component contained in such contaminated materials shall be counted against the annual maximum deliveries set forth in this section, provided that uranium is sold to end users.

“(C) Sales or transfers of uranium by the United States Government for the following purposes are exempt from the provisions of this paragraph—

“(i) sales or transfers provided for under existing law for use by the Tennessee Valley Authority in relation to the Department of Energy's high-enriched uranium or tritium programs;

“(ii) sales or transfers to the Department of Energy research reactor sales program;

“(iii) the transfer of up to 3,293 metric tons of uranium to the United States Enrichment Corporation to replace uranium that the Secretary transferred, prior to privatization of the United States Enrichment Corporation in July 1998, to the Corporation on or about June 30, 1993, April 20, 1998, and May 18, 1998, and that does not meet commercial specifications;

“(iv) the sale or transfer of any uranium for emergency purposes in the event of a disruption in supply to end users in the United States;

“(v) the sale or transfer of any uranium in fulfillment of the United States Government's obligations to provide security of supply with respect to implementation of the Russian HEU Agreement; and

“(vi) the sale or transfer of any enriched uranium for use in an advanced commercial nuclear power plant in the United States with nonstandard fuel requirements.

“(D) The Secretary may transfer or sell enriched uranium to any person for national security purposes, as determined by the Secretary.

“(2) Except as provided in subsections (b) and (c), and in paragraph (1)(B), clauses (i) through (iii) of paragraph (1)(C), and paragraph (1)(D) of this subsection, no sale or transfer of uranium in any form shall be made by the United States Government unless—

"(A) the President determines that the material is not necessary for national security needs;

"(B) the price paid to the Secretary, if the transaction is a sale, will not be less than the fair market value of the material, as determined at the time that such material is contracted for sale;

"(C) prior to any sale or transfer, the Secretary solicits the written views of the Department of State and the National Security Council with regard to whether such sale or transfer would have any adverse effect on national security interests of the United States, including interests related to the implementation of the Russian HEU Agreement; and

"(D) neither the Department of State nor the National Security Council objects to such sale or transfer.

The Secretary shall endeavor to determine whether a sale or transfer is permitted under this paragraph within 30 days. The Secretary's determinations pursuant to this paragraph shall be made available to interested members of the public prior to authorizing any such sale or transfer.

"(3) Within 1 year after the date of enactment of this subsection and annually thereafter the Secretary shall undertake an assessment for the purpose of reviewing available excess Government uranium inventories, and determining, consistent with the procedures and limitations established in this subsection, the level of inventory to be sold or transferred to end users.

"(4) Within 5 years after the date of enactment of this subsection and biennially thereafter the Secretary shall report to the Congress on the implementation of this subsection. The report shall include a discussion of all sales or transfers made by the United States Government, the impact of such sales or transfers on the domestic uranium industry, the spot market uranium price, and the national security interests of the United States, and any steps taken to remediate any adverse impacts of such sales or transfers.

"(5) For purposes of this subsection, the term 'United States Government' does not include the Tennessee Valley Authority.".

SEC. 442. DECOMMISSIONING PILOT PROGRAM.

(a) PILOT PROGRAM.—The Secretary shall establish a decommissioning pilot program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas in accordance with the decommissioning activities contained in the August 31, 1998 Department of Energy report on the reactor.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $16,000,000.

TITLE V—RENEWABLE ENERGY

Subtitle A—General Provisions

SEC. 501. ASSESSMENT OF RENEWABLE ENERGY RESOURCES.

(a) RESOURCE ASSESSMENT.—Not later than 6 months after the date of enactment of this title, and each year thereafter, the Secretary of Energy shall review the available assessments of renewable energy resources within the United States, including solar, wind, biomass, ocean (tidal and thermal), geothermal, and hydroelectric energy resources, and undertake new assessments as necessary, taking into account changes in market conditions, available technologies, and other relevant factors.

(b) CONTENTS OF REPORTS.—Not later than 1 year after the date of enactment of this title, and each year thereafter, the Secretary shall publish a report based on the assessment under subsection (a). The report shall contain—

(1) a detailed inventory describing the available amount and characteristics of the renewable energy resources; and

(2) such other information as the Secretary believes would be useful in developing such renewable energy resources, including descriptions of surrounding terrain, population and load centers, nearby energy infrastructure, location of energy and water resources, and available estimates of the costs needed to develop each resource, together with an identification of any barriers to providing adequate transmission for remote sources of renewable energy resources to current and emerging markets, recommendations for removing or addressing such barriers, and ways to provide access to the grid that do not unfairly disadvantage renewable or other energy producers.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of this section, there are authorized to be appropriated to the Secretary of Energy $10,000,000 for each of fiscal years 2004 through 2008.

SEC. 502. RENEWABLE ENERGY PRODUCTION INCENTIVE.

(a) INCENTIVE PAYMENTS.—Section 1212(a) of the Energy Policy Act of 1992 (42 U.S.C. 13317(a)) is amended by striking "and which satisfies" and all that follows through "Secretary shall establish." and inserting ". If there are insufficient appropriations to make full payments for electric production from all qualified renewable energy facilities in any given year, the Secretary shall assign 60 percent of appropriated funds for that year to facilities that use solar, wind, geothermal, or closed-loop (dedicated energy crops) biomass technologies to generate electricity, and assign the remaining 40 percent to other projects. The Secretary may, after transmitting to the Congress an explanation of the reasons therefor, alter the percentage requirements of the preceding sentence.".

(b) QUALIFIED RENEWABLE ENERGY FACILITY.—Section 1212(b) of the Energy Policy Act of 1992 (42 U.S.C. 13317(b)) is amended—

(1) by striking "a State or any political" and all that follows through "nonprofit electrical cooperative" and inserting "a not-for-profit electric cooperative, a public utility described in section 115 of the Internal Revenue Code of 1986, a State, Commonwealth, territory, or possession of the United States or the District of Columbia, or a political subdivision thereof, or an Indian tribal government of subdivision thereof,"; and

(2) by inserting "landfill gas," after "wind, biomass,".

(c) ELIGIBILITY WINDOW.—Section 1212(c) of the Energy Policy Act of 1992 (42 U.S.C. 13317(c)) is amended by striking "during the 10-fiscal year period beginning with the first full fiscal year occurring after the enactment of this section" and inserting "after October 1, 2003, and before October 1, 2013".

(d) AMOUNT OF PAYMENT.—Section 1212(e)(1) of the Energy Policy Act of 1992 (42 U.S.C. 13317(e)(1)) is amended by inserting "landfill gas," after "wind, biomass,".

(e) SUNSET.—Section 1212(f) of the Energy Policy Act of 1992 (42 U.S.C. 13317(f)) is amended by striking "the expiration of" and all that follows through "of this section" and inserting "September 30, 2023".

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 1212(g) of the Energy Policy Act of 1992 (42 U.S.C. 13317(g)) is amended to read as follows:

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal years 2003 through 2023.

"(2) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) shall remain available until expended.".

SEC. 503. RENEWABLE ENERGY ON FEDERAL LANDS.

(a) REPORT.—Within 24 months after the date of enactment of this Act, the Secretary of the Interior, in cooperation with the Secretary of Agriculture, shall develop and report to the Congress recommendations on opportunities to develop renewable energy on public lands under the jurisdiction of the Secretary of the Interior and National Forest System lands under the jurisdiction of the Secretary of Agriculture. The report shall include—

(1) 5-year plans developed by the Secretary of the Interior and the Secretary of Agriculture, respectively, for encouraging the development of renewable energy consistent with applicable law and management plans; and

(2) an analysis of—

(A) the use of rights-of-way, leases, or other methods to develop renewable energy on such lands;

(B) the anticipated benefits of grants, loans, tax credits, or other provisions to promote renewable energy development on such lands; and

(C) any issues that the Secretary of the Interior or the Secretary of Agriculture have encountered in managing renewable energy projects on such lands, or believe are likely to arise in relation to the development of renewable energy on such lands;

(3) a list, developed in consultation with the Secretary of Energy and the Secretary of Defense, of lands under the jurisdiction of the Department of Energy or Defense that would be suitable for development for renewable energy, and any recommended statutory and regulatory mechanisms for such development; and

(4) any recommendations pertaining to the issues addressed in the report.

(b) NATIONAL ACADEMY OF SCIENCES STUDY.—

(1) Not later than 90 days after the date of the enactment of this section, the Secretary of the Interior shall contract with the National Academy of Sciences to—

(A) study the potential for the development of wind, solar, and ocean (tidal and thermal) energy on the Outer Continental Shelf;

(B) assess existing Federal authorities for the development of such resources; and

(C) recommend statutory and regulatory mechanisms for such development.

(2) The results of the study shall be transmitted to the Congress within 24 months after the date of the enactment of this section.

SEC. 504. FEDERAL PURCHASE REQUIREMENT.

(a) REQUIREMENT.—The President, acting through the Secretary of Energy, shall seek to ensure that, to the extent economically feasible and technically practicable, of the total amount of electric energy the Federal Government consumes during any fiscal year, the following amounts shall be renewable energy—

(1) not less than 3 percent in fiscal years 2005 through 2007,

(2) not less than 5 percent in fiscal years 2008 through 2010, and

(3) not less than 7.5 percent in fiscal year 2011 and each fiscal year thereafter.

(b) Definition.—For purposes of this section—

(1) the term "biomass" means any solid, nonhazardous, cellulosic material that is derived from—

(A) any of the following forest-related resources: mill residues, precommercial thinnings, slash, and brush, or nonmerchantable material;

(B) solid wood waste materials, including waste pallets, crates, dunnage, manufacturing and construction wood wastes (other than pressure-treated, chemically-treated, or painted wood wastes), and landscape or right-of-way tree trimmings, but not including municipal solid waste (garbage), gas derived from the biodegradation of solid waste, or paper that is commonly recycled; or

(C) agriculture wastes, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues, and livestock waste nutrients; or

(D) a plant that is grown exclusively as a fuel for the production of electricity.

(2) the term "renewable energy" means electric energy generated from solar, wind, biomass, geothermal, municipal solid waste, or new hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project.

(c) Calculation.—For purposes of determining compliance with the requirement of this section, the amount of renewable energy shall be doubled if—

(1) the renewable energy is produced and used on-site at a Federal facility;

(2) the renewable energy is produced on Federal lands and used at a Federal facility; or

(3) the renewable energy is produced on Indian land as defined in Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) and used at a Federal facility.

(d) Report.—Not later than April 15, 2005, and every 2 years thereafter, the Secretary of Energy shall provide a report to the Congress on the progress of the Federal Government in meeting the goals established by this section.

SEC. 505. INSULAR AREA RENEWABLE AND ENERGY EFFICIENCY PLANS.

The Secretary of Energy shall update the energy surveys, estimates, and assessments for the insular areas of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau undertaken pursuant to section 604 of Public Law 96–597 (48 U.S.C. 1492) and revise the comprehensive energy plan for the insular areas to reduce reliance on energy imports and increase use of renewable energy resources and energy efficiency opportunities. The update and revision shall by undertaken in consultation with the Secretary of the Interior and the chief executive officer of each insular area and shall be completed and submitted to Congress and to the chief executive officer of each insular area by December 31, 2005.

Subtitle B—Hydroelectric Licensing

SEC. 511. ALTERNATIVE CONDITIONS AND FISHWAYS.

(a) Federal Reservations.—Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended by inserting after "adequate protection and utilization of such reservation." at the end of the first proviso the following: "The license applicant shall be entitled to a determination on the record, after opportunity for an agency trial-type hearing of any disputed issues of material fact, with respect to such conditions.".

(b) Fishways.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by inserting after "and such fishways as may be prescribed by the Secretary of Commerce." the following: "The license applicant shall be entitled to a determination on the record, after opportunity for an agency trial-type hearing of any disputed issues of material fact, with respect to such fishways.".

(c) Alternative Conditions and Prescriptions.—Part I of the Federal Power Act (16 U.S.C. 791a et seq.) is amended by adding the following new section at the end thereof:

"SEC. 33. ALTERNATIVE CONDITIONS AND PRESCRIPTIONS.

"(a) Alternative Conditions.—

"(1) Whenever any person applies for a license for any project works within any reservation of the United States, and the Secretary of the Department under whose supervision such reservation falls (referred to in this subsection as 'the Secretary') deems a condition to such license to be necessary under the first proviso of section 4(e), the license applicant may propose an alternative condition.

"(2) Notwithstanding the first proviso of section 4(e), the Secretary shall accept the proposed alternative condition referred to in paragraph (1), and the Commission shall include in the license such alternative condition, if the Secretary determines, based on substantial evidence provided by the license applicant or otherwise available to the Secretary, that such alternative condition—

"(A) provides for the adequate protection and utilization of the reservation; and

"(B) will either—

"(i) cost less to implement; or

"(ii) result in improved operation of the project works for electricity production, as compared to the condition initially deemed necessary by the Secretary.

"(3) The Secretary concerned shall submit into the public record of the Commission proceeding with any condition under section 4(e) or alternative condition it accepts under this section, a written statement explaining the basis for such condition, and reason for not accepting any alternative condition under this section. The written statement must demonstrate that the Secretary gave equal consideration to the effects of the condition adopted and alternatives not accepted on energy supply, distribution, cost, and use; flood control; navigation; water supply; and air quality (in addition to the preservation of other aspects of environmental quality); based on such information as may be available to the Secretary, including information voluntarily provided in a timely manner by the applicant and others. The Secretary shall also submit, together with the aforementioned written statement, all studies, data, and other factual information available to the Secretary and relevant to the Secretary's decision.

"(4) Nothing in this section shall prohibit other interested parties from proposing alternative conditions.

"(5) If the Secretary does not accept an applicant's alternative condition under this section, and the Commission finds that the Secretary's condition would be inconsistent with the purposes of this part, or other applicable law, the Commission may refer the dispute to the Commission's Dispute Resolution Service. The Dispute Resolution Service shall consult with the Secretary and the Commission and issue a non-binding advisory within 90 days. The Secretary may accept the Dispute Resolution Service advisory unless the Secretary finds that the recommendation will not adequately protect the reservation. The Secretary shall submit the advisory and the Secretary's final written determination into the record of the Commission's proceeding.

"(b) Alternative Prescriptions.—

(1) Whenever the Secretary of the Interior or the Secretary of Commerce prescribes a fishway under section 18, the license applicant or licensee may propose an alternative to such prescription to construct, maintain, or operate a fishway. The alternative may include a fishway or an alternative to a fishway.

"(2) Notwithstanding section 18, the Secretary of the Interior or the Secretary of Commerce, as appropriate, shall accept and prescribe, and the Commission shall require, the proposed alternative referred to in paragraph (1), if the Secretary of the appropriate department determines, based on substantial evidence provided by the licensee or otherwise available to the Secretary, that such alternative—

"(A) will be no less protective of the fish resources than the fishway initially prescribed by the Secretary; and

"(B) will either—

"(i) cost less to implement; or

"(ii) result in improved operation of the project works for electricity production, as compared to the fishway initially deemed necessary by the Secretary.

"(3) The Secretary concerned shall submit into the public record of the Commission proceeding with any prescription under section 18 or alternative prescription it accepts under this section, a written statement explaining the basis for such prescription, and reason for not accepting any alternative prescription under this section. The written statement must demonstrate that the Secretary gave equal consideration to the effects of the condition adopted and alternatives not accepted on energy supply, distribution, cost, and use; flood control; navigation; water supply; and air quality (in addition to the preservation of other aspects of environmental quality); based on such information as may be available to the Secretary, including information voluntarily provided in a timely manner by the applicant and others. The Secretary shall also submit, together with the aforementioned written statement, all studies, data, and other factual information available to the Secretary and relevant to the Secretary's decision.

"(4) Nothing in this section shall prohibit other interested parties from proposing alternative prescriptions.

"(5) If the Secretary concerned does not accept an applicant's alternative prescription under this section, and the Commission finds that the Secretary's prescription would be inconsistent with the purposes of this part, or other applicable law, the Commission may refer the dispute to the Commission's Dispute Resolution Service. The Dispute Resolution Service shall consult with the Secretary and the Commission and issue a non-binding advisory within 90 days. The Secretary may accept the Dispute Resolution Service advisory unless the Secretary finds that the recommendation will not adequately protect the fish resources. The Secretary shall submit the advisory and the Secretary's final written determination into the record of the Commission's proceeding.".

Subtitle C—Geothermal Energy

SEC. 521. COMPETITIVE LEASE SALE REQUIREMENTS.

(a) In General.—Section 4 of the Geothermal Steam Act of 1970 (30 U.S.C. 1003) is amended by striking the text and inserting the following:

"(a) NOMINATIONS.—The Secretary shall accept nominations at any time from companies and individuals of lands to be leased under this Act.

"(b) COMPETITIVE LEASE SALE REQUIRED.—The Secretary shall hold a competitive lease sale at least once every 2 years for lands in a State in which there are nominations pending under subsection (a) where such lands are otherwise available for leasing.

"(c) NONCOMPETITIVE LEASING.—The Secretary shall make available for a period of 2 years for noncompetitive leasing any tract for which a competitive lease sale is held, but for which the Secretary does not receive any bids in the competitive lease sale.".

(b) PENDING LEASE APPLICATIONS.—It shall be a priority for the Secretary of the Interior and, with respect to National Forest lands, the Secretary of Agriculture, to ensure timely completion of administrative actions necessary to conduct competitive lease sales for lands with pending applications for geothermal leasing as of the date of enactment of this section where such lands are otherwise available for leasing.

SEC. 522. GEOTHERMAL LEASING AND PERMITTING ON FEDERAL LANDS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary of the Interior and the Secretary of Agriculture shall enter into and submit to the Congress a memorandum of understanding in accordance with this section regarding leasing and permitting for geothermal development of public lands and National Forest System lands under their respective jurisdictions.

(b) LEASE AND PERMIT APPLICATIONS.—The memorandum of understanding shall—

(1) identify known geothermal resources areas on lands included in the National Forest System and, when necessary, require review of management plans to consider leasing under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) as a land use; and

(2) establish an administrative procedure for processing geothermal lease applications, including lines of authority, steps in application processing, and time limits for application processing.

(c) DATA RETRIEVAL SYSTEM.—The memorandum of understanding shall establish a joint data retrieval system that is capable of tracking lease and permit applications and providing to the applicant information as to their status within the Departments of the Interior and Agriculture, including an estimate of the time required for administrative action.

SEC. 523. LEASING AND PERMITTING ON FEDERAL LANDS WITHDRAWN FOR MILITARY PURPOSES.

Not later than 1 year after the date of the enactment of this Act, the Secretary of the Interior and the Secretary of Defense, in consultation with interested states, counties, representatives of the geothermal industry, and interested members of the public, shall submit to the Congress a joint report concerning leasing and permitting activities for geothermal energy on Federal lands withdrawn for military purposes. Such report shall—

(1) describe any differences, including differences in royalty structure and revenue sharing with states and counties, between—

(A) the implementation of the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other applicable Federal law by the Secretary of the Interior; and

(B) the administration of geothermal leasing under section 2689 of title 10, United States Code, by the Secretary of Defense;

(2) identify procedures for interagency coordination to ensure efficient processing and administration of leases or contracts for geothermal energy on federal lands withdrawn for military purposes, consistent with the defense purposes of such withdrawals; and

(3) provide recommendations for legislative or administrative actions that could facilitate program administration, including a common royalty structure.

SEC. 524. REINSTATEMENT OF LEASES TERMINATED FOR FAILURE TO PAY RENT.

Section 5(c) of the Geothermal Steam Act of 1970 (30 U.S.C. 1004(c)), is amended in the last sentence by inserting "or was inadvertent," after "reasonable diligence,".

SEC. 525. ROYALTY REDUCTION AND RELIEF.

(a) RULEMAKING.—Within one year after the date of enactment of this Act, the Secretary shall promulgate a final regulation providing a methodology for determining the amount or value of the steam for purposes of calculating the royalty due to be paid on such production pursuant to section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004). The final regulation shall provide for a simplified methodology for calculating the royalty. In undertaking the rulemaking, the Secretary shall consider the use of a percent of revenue method and shall ensure that the final rule will result in the same level of royalty revenues as the regulation in effect on the date of enactment of this provision.

(b) LOW TEMPERATURE DIRECT USE.—Notwithstanding the provisions of section 5(a) of the Geothermal Steam Act of 1979 (30 U.S.C. 1004(a)), with respect to the direct use of low temperature geothermal resources for purposes other than the generation of electricity, the Secretary shall establish a schedule of fees and collect fees pursuant to such schedule in lieu of royalties based upon the total amount of geothermal resources used. The schedule of fees shall ensure that there is a fair return to the public for the use of the low temperature geothermal resource. With the consent of the lessee, the Secretary may modify the terms of a lease in existence on the date of enactment of this Act in order to reflect the provisions of this subsection.

Subtitle D—Biomass Energy

SEC. 531. DEFINITIONS.

For the purposes of this subtitle:

(1) The term "eligible operation" means a facility that is located within the boundaries of an eligible community and uses biomass from federal or Indian lands as a raw material to produce electric energy, sensible heat, transportation fuels, or substitutes for petroleum-based products.

(2) The term "biomass" means pre-commercial thinnings of trees and woody plants, or non-merchantable material, from preventative treatments to reduce hazardous fuels, or reduce or contain disease or insect infestations.

(3) The term "green ton" means 2,000 pounds of biomass that has not been mechanically or artificially dried.

(4) The term "Secretary" means—

(A) with respect to lands within the National Forest System, the Secretary of Agriculture; or

(B) with respect to Federal lands under the jurisdiction of the Secretary of the Interior and Indian lands, the Secretary of the Interior.

(5) The term "eligible community" means any Indian Reservation, or any county, town, township, municipality, or other similar unit of local government that has a population of not more than 50,000 individuals and is determined by the Secretary to be located in an area near federal of Indian lands which is at significant risk of catastrophic wildfire, disease, or insect infestation or which suffers from disease or insect infestation.

(6) The term "Indian tribe" has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(7) The term "person" includes—

(A) an individual;

(B) a community;

(C) an Indian tribe;

(D) a small business or a corporation that is incorporated in the United States; or

(E) a nonprofit organization.

SEC. 532. BIOMASS COMMERCIAL UTILIZATION GRANT PROGRAM.

(a) IN GENERAL.—The Secretary may make grants to any person that owns or operates an eligible operation to offset the costs incurred to purchase biomass for use by such eligible operation with priority given to operations using biomass from the highest risk areas.

(b) LIMITATION.—No grant provided under this subsection shall be paid at a rate that exceeds $20 per green ton of biomass delivered.

(c) RECORDS.—Each grant recipient shall keep such records as the Secretary may require to fully and correctly disclose the use of the grant funds and all transactions involved in the purchase of biomass. Upon notice by the Secretary, the grant recipient shall provide the Secretary reasonable access to examine the inventory and records of any eligible operation receiving grant funds.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of this section, there are authorized to be appropriated $12,500,000 each to the Secretary of the Interior and the Secretary of Agriculture for each fiscal year from 2004 through 2008, to remain available until expended.

SEC. 533. IMPROVED BIOMASS UTILIZATION GRANT PROGRAM.

(a) IN GENERAL.—The Secretary may make grants to persons in eligible communities to offset the costs of developing or researching proposals to improve the use of biomass or add value to biomass utilization.

(b) SELECTION.—Grant recipients shall be selected based on the potential for the proposal to—

(1) develop affordable thermal or electric energy resources for the benefit of an eligible community;

(2) provide opportunities for the creation or expansion of small businesses within an eligible community;

(3) create new job opportunities within an eligible community, and

(4) reduce the hazardous fuels from the highest risk areas.

(c) LIMITATION.—No grant awarded under this subsection shall exceed $500,000.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of this section, there are authorized to be appropriated $12,500,000 each to the Secretary of the Interior and the Secretary of Agriculture for each fiscal year from 2004 through 2008, to remain available until expended.

SEC. 534. REPORT.

Not later than 3 years after the date of enactment of this subtitle, the Secretary of the Interior and the Secretary of Agriculture shall jointly submit to the Congress a report that describes the interim results of the programs authorized under this subtitle.

TITLE VI—ENERGY EFFICIENCY

Subtitle A—Federal Programs

SEC. 601. ENERGY MANAGEMENT REQUIREMENTS.

(a) Energy Reduction Goals.—Section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)) is amended by striking "its Federal buildings so that" and all that follows through the end and inserting "the Federal buildings of the agency (including each industrial or laboratory facility) so that the energy consumption per gross square foot of the Federal buildings of the agency in fiscal years 2004 through 2013 is reduced, as compared with the energy consumption per gross square foot of the Federal buildings of the agency in fiscal year 2000, by the percentage specified in the following table:

"Fiscal Year	Percentage reduction
2004	2
2005	4
2006	6
2007	8
2008	10
2009	12
2010	14
2011	16
2012	18
2013	20.".

(b) Effective Date.—The energy reduction goals and baseline established in paragraph (1) of section 543(a) of the National Energy Conservation Policy Act, as amended by subsection (a) of this section, supersede all previous goals and baselines under such paragraph, and related reporting requirements.

(c) Review of Energy Performance Requirements.—Section 543(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)) is further amended by adding at the end the following:

"(3) Not later than December 31, 2011, the Secretary shall review the results of the implementation of the energy performance requirement established under paragraph (1) and submit to Congress recommendations concerning energy performance requirements for fiscal years 2014 through 2022.".

(d) Exclusions.—Section 543(c)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)(1)) is amended by striking "An agency may exclude" and all that follows through the end and inserting—

"(A) An agency may exclude, from the energy performance requirement for a fiscal year established under subsection (a) and the energy management requirement established under subsection (b), any Federal building or collection of Federal buildings, if the head of the agency finds that—

"(i) compliance with those requirements would be impracticable;

"(ii) the agency has completed and submitted all federally required energy management reports;

"(iii) the agency has achieved compliance with the energy efficiency requirements of this Act, the Energy Policy Act of 1992, Executive Orders, and other Federal law; and

"(iv) the agency has implemented all practicable, life-cycle cost-effective projects with respect to the Federal building or collection of Federal buildings to be excluded.

"(B) A finding of impracticability under subparagraph (A)(i) shall be based on—

"(i) the energy intensiveness of activities carried out in the Federal building or collection of Federal buildings; or

"(ii) the fact that the Federal building or collection of Federal buildings is used in the performance of a national security function.".

(e) Review by Secretary.—Section 543(c)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)(2)) is amended—

(1) by striking "impracticability standards" and inserting "standards for exclusion"; and

(2) by striking "a finding of impracticability" and inserting "the exclusion".

(f) Criteria.—Section 543(c) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)) is further amended by adding at the end the following:

"(3) Not later than 180 days after the date of enactment of this paragraph, the Secretary shall issue guidelines that establish criteria for exclusions under paragraph (1).".

(g) Retention of Energy Savings.—Section 546 of the National Energy Conservation Policy Act (42 U.S.C. 8256) is amended by adding at the end the following new subsection:

"(e) Retention of Energy Savings.—An agency may retain any funds appropriated to that agency for energy expenditures, at buildings subject to the requirements of section 543(a) and (b), that are not made because of energy savings. Except as otherwise provided by law, such funds may be used only for energy efficiency or unconventional and renewable energy resources projects.".

(h) Reports.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended

(1) in the subsection heading, by inserting "The President and" before "Congress"; and

(2) by inserting "President and" before "Congress".

(i) Conforming Amendment.—Section 550(d) of the National Energy Conservation Policy Act (42 U.S.C. 8258b(d)) is amended in the second sentence by striking "the 20 percent reduction goal established under section 543(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a))." and inserting "each of the energy reduction goals established under section 543(a).".

SEC. 602. ENERGY USE MEASUREMENT AND ACCOUNTABILITY.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is further amended by adding at the end the following:

"(e) Metering of Energy Use.—

"(1) Deadline.—By October 1, 2010, in accordance with guidelines established by the Secretary under paragraph (2), all Federal buildings shall, for the purposes of efficient use of energy and reduction in the cost of electricity used in such buildings, be metered or submetered. Each agency shall use, to the maximum extent practicable, advanced meters or advanced metering devices that provide data at least daily and that measure at least hourly consumption of electricity in the Federal buildings of the agency. Such data shall be incorporated into existing Federal energy tracking systems and made available to Federal facility energy managers.

"(2) Guidelines.—

"(A) In General.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in consultation with the Department of Defense, the General Services Administration, representatives from the metering industry, utility industry, energy services industry, energy efficiency industry, national laboratories, universities, and Federal facility energy managers, shall establish guidelines for agencies to carry out paragraph (1).

"(B) Requirements for Guidelines.—The guidelines shall—

"(i) take into consideration

"(I) the cost of metering and submetering and the reduced cost of operation and maintenance expected to result from metering and submetering;

"(II) the extent to which metering and submetering are expected to result in increased potential for energy management, increased potential for energy savings and energy efficiency improvement, and cost and energy savings due to utility contract aggregation; and

"(III) the measurement and verification protocols of the Department of Energy;

"(ii) include recommendations concerning the amount of funds and the number of trained personnel necessary to gather and use the metering information to track and reduce energy use;

"(iii) establish priorities for types and locations of buildings to be metered and submetered based on cost effectiveness and a schedule of one or more dates, not later than 1 year after the date of issuance of the guidelines, on which the requirements specified in paragraph (1) shall take effect; and

"(iv) establish exclusions from the requirements specified in paragraph (1) based on the de minimis quantity of energy use of a Federal building, industrial process, or structure.

"(3) Plan.—No later than 6 months after the date guidelines are established under paragraph (2), in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing how the agency will implement the requirements of paragraph (1), including—

"(A) how the agency will designate personnel primarily responsible for achieving the requirements; and

"(B) demonstration by the agency, complete with documentation, of any finding that advanced meters or advanced metering devices, as defined in paragraph (1), are not practicable.".

SEC. 603. FEDERAL BUILDING PERFORMANCE STANDARDS.

Section 305(a) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)) is amended—

(a) in paragraph (2)(A), by striking "CABO Model Energy Code, 1992" and inserting "the 2000 International Energy Conservation Code"; and

(b) by adding at the end the following:

"(3) Revised Federal Building Energy Efficiency Performance Standards.—

"(A) In General.—Not later than 1 year after the date of enactment of this paragraph, the Secretary of Energy shall establish, by rule, revised Federal building energy efficiency performance standards that require that, if cost-effective, for new Federal buildings—

"(i) such buildings be designed so as to achieve energy consumption levels at least 30 percent below those of the most recent version of the International Energy Conservation Code, as appropriate; and

"(ii) sustainable design principles are applied to the siting, design, and construction of all new and replacement buildings.

"(B) Additional revisions.—Not later than 1 year after the date of approval of amendments to ASHRAE Standard 90.1 or the 2000 International Energy Conservation Code, the Secretary of Energy shall determine, based on the cost-effectiveness of the requirements under the amendments, whether the revised standards established under this paragraph should be updated to reflect the amendments.

"(C) Statement on Compliance of New Buildings.—In the budget request of the Federal agency for each fiscal year and each report submitted by the Federal agency under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)), the head of each Federal agency shall include—

"(i) a list of all new Federal buildings owned, operated, or controlled by the Federal agency; and

"(ii) a statement concerning whether the Federal buildings meet or exceed the revised standards established under this paragraph.".

SEC. 604. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) PERMANENT EXTENSION.—Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is repealed.

(b) REPLACEMENT FACILITIES.—Section 801(a) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)) is amended by adding at the end the following new paragraph:

"(3)(A) In the case of an energy savings contract or energy savings performance contract providing for energy savings through the construction and operation of one or more buildings or facilities to replace one or more existing buildings or facilities, benefits ancillary to the purpose of such contract under paragraph (1) may include savings resulting from reduced life-cycle costs of operation and maintenance at such replacement buildings or facilities when compared with costs of operation and maintenance at the buildings or facilities being replaced, established through a methodology set forth in the contract.

"(B) Notwithstanding paragraph (2)(B), aggregate annual payments by an agency under an energy savings contract or energy savings performance contract referred to in subparagraph (A) may take into account (through the procedures developed pursuant to this section) savings resulting from reduced costs of operation and maintenance as described in that subparagraph.".

(c) ENERGY SAVINGS.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended to read as follows:

"(2) The term 'energy savings' means—

"(A) a reduction in the cost of energy or water, from a base cost established through a methodology set forth in the contract, used in an existing federally owned building or buildings or other federally owned facilities as a result of—

"(i) the lease or purchase of operating equipment, improvements, altered operation and maintenance, or technical services;

"(ii) the increased efficient use of existing energy sources by co-generation or heat recovery, excluding any co-generation process for other than a federally owned building or buildings or other federally owned facilities; or

"(iii) the increased efficient use of existing water sources; or

"(B) in the case of a replacement building or facility described in section 801(a)(3), a reduction in the cost of energy, from a base cost established through a methodology set forth in the contract, that would otherwise be utilized in one or more existing federally owned buildings or other federally owned facilities by reason of the construction and operation of the replacement building or facility.".

(d) ENERGY SAVINGS CONTRACT.—Section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(3)) is amended to read as follows:

"(3) The terms 'energy savings contract' and 'energy savings performance contract' mean a contract which provides for—

"(A) the performance of services for the design, acquisition, installation, testing, and, where appropriate, operation, maintenance and repair, of an identified energy or water conservation measure or series of measures at one or more locations; or

"(B) energy savings through the construction and operation of one or more buildings or facilities to replace one or more existing buildings or facilities. Such contracts shall, with respect to an agency facility that is a public building as such term is defined in section 13(1) of the Public Buildings Act of 1959 (40 U.S.C. 612(1)), be in compliance with the prospectus requirements and procedures of section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606).".

(e) ENERGY OR WATER CONSERVATION MEASURE.—Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended to read as follows:

"(4) The term 'energy or water conservation measure' means—

"(A) an energy conservation measure, as defined in section 551(4) (42 U.S.C. 8259(4)); or

"(B) a water conservation measure that improves water efficiency, is life-cycle cost-effective, and involves water conservation, water recycling or reuse, more efficient treatment of wastewater or stormwater, improvements in operation or maintenance efficiencies, retrofit activities, or other related activities, not at a Federal hydroelectric facility.".

(f) PILOT PROGRAM FOR NON-BUILDING APPLICATIONS.—

(1) The Secretary of Defense, and the heads of other interested Federal agencies, are authorized to enter into up to 10 energy savings performance contracts under Title VIII of the National Energy Conservation Policy Act (42 U.S.C. 8287 et seq.) for the purpose of achieving energy or water savings, secondary savings, and benefits incidental to those purposes, in non-building applications, provided that the aggregate payments to be made by the Federal government under such contracts shall not exceed **$100,000,000**.

(2) The Secretary of Energy, in consultation with the Secretary of Defense and the heads of other interested Federal agencies, shall select projects that demonstrate the applicability and benefits of energy savings performance contracting to a range of non-building applications.

(3) For the purposes of this subsection:

(A) The term "non-building application" means—

(i) any class of vehicles, devices, or equipment that is transportable under its own power by land, sea, or air that consumes energy from any fuel source for the purpose of such transportability, or to maintain a controlled environment within such vehicle, device, or equipment; or

(ii) any Federally owned equipment used to generate electricity or transport water.

(B) The term "secondary savings", means additional energy or cost savings that are a direct consequence of the energy or water savings that result from the financing and implementation of the energy savings performance contract, including, but not limited to, energy or cost savings that result from a reduction in the need for fuel delivery and logistical support, or the increased efficiency in the production of electricity.

(4) Not later than 3 years after the date of enactment of this section, the Secretary of Energy shall report to the Congress on the progress and results of the projects funded pursuant to this section. Such report shall include a description of projects undertaken; the energy, water and cost savings, secondary savings and other benefits that resulted from such projects; and recommendations on whether the pilot program should be extended, expanded, or authorized permanently as a part of the program authorized under Title VIII of the National Energy Conservation Policy act (42 U.S.C. 8287 et seq.).

(5) Section 546(c)(3) of the National Energy Conservation Policy Act (42 U.S.C. 8256) is amended by striking the word "facilities", and inserting the words "facilities, equipment and vehicles", in lieu thereof.

(g) REVIEW.—Within 180 days after the date of the enactment of this section, the Secretary of Energy shall complete a review of the Energy Savings Performance Contract program to identify statutory, regulatory, and administrative obstacles that prevent Federal agencies from fully utilizing the program. In addition, this review shall identify all areas for increasing program flexibility and effectiveness, including audit and measurement verification requirements, accounting for energy use in determining savings, contracting requirements, including the identification of additional qualified contractors, and energy efficiency services covered. The Secretary shall report these findings to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, and shall implement identified administrative and regulatory changes to increase program flexibility and effectiveness to the extent that such changes are consistent with statutory authority.

SEC. 605. PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

Part 3 of title V of the National Energy Conservation Policy Act is amended by adding at the end the following:

"SEC. 552. FEDERAL PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

"(a) DEFINITIONS.—In this section:

"(1) The term 'Energy Star product' means a product that is rated for energy efficiency under an Energy Star program.

"(2) The term 'Energy Star program' means the program established by section 324A of the Energy Policy and Conservation Act.

"(3) The term 'executive agency' has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

"(4) The term 'FEMP designated product' means a product that is designated under the Federal Energy Management Program of the Department of Energy as being among the highest 25 percent of equivalent products for energy efficiency.

"(b) PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.—

"(1) REQUIREMENT.—To meet the requirements of an executive agency for an energy consuming product, the head of the executive agency shall, except as provided in paragraph (2), procure an Energy Star product or a FEMP designated product.

"(2) EXCEPTIONS.—The head of an executive agency is not required to procure an Energy Star product or FEMP designated product under paragraph (1) if the head of the executive agency finds in writing that—

"(A) an Energy Star product or FEMP designated product is not cost-effective over the life of the product taking energy cost savings into account; or

"(B) no Energy Star product or FEMP designated product is reasonably available that meets the functional requirements of the executive agency.

"(3) PROCUREMENT PLANNING.—The head of an executive agency shall incorporate into the specifications for all procurements involving energy consuming products and systems, including guide specifications, project specifications, and construction, renovation, and services contracts that include provision of energy consuming products and systems, and into the factors for the evaluation of offers received for the procurement, criteria for energy efficiency that are consistent with the criteria used for rating Energy Star products and for rating FEMP designated products.

"(c) LISTING OF ENERGY EFFICIENT PRODUCTS IN FEDERAL CATALOGS.—Energy Star products and FEMP designated products shall be clearly identified and prominently displayed in any inventory or listing of products by the General Services Administration or the Defense Logistics Agency. The General Services Administration or the Defense Logistics Agency shall supply only Energy Star products or FEMP designated products for all product categories covered by the Energy Star program or the Federal Energy Management Program, except in cases where the agency ordering a product specifies in writing that no Energy Star product or FEMP designated product is available to meet the buyer's functional requirements, or that no Energy Star product or FEMP designated product is cost-effective for the intended application over the life of the product, taking energy cost savings into account.

"(d) DESIGNATION OF ELECTRIC MOTORS.—In the case of electric motors of 1 to 500 horsepower, agencies shall select only premium efficient motors that meet a standard designated by the Secretary. The Secretary shall designate such a standard within 120 days after the date of the enactment of this section, after considering the recommendations of associated electric motor manufacturers and energy efficiency groups.

"(e) REGULATIONS.—Not later than 180 days after the date of the enactment of this section, the Secretary shall issue guidelines to carry out this section.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the National Energy Conservation Policy Act (42 U.S.C. 8201 note) is amended by inserting after the item relating to the end of the items relating to part 3 of title V the following:

"Sec. 552. Federal procurement of energy efficient products.".

SEC. 606. CONGRESSIONAL BUILDING EFFICIENCY.

(a) IN GENERAL.—Part 3 of title V of the National Energy Conservation Policy Act is further amended by adding at the end:

"SEC. 553. CONGRESSIONAL BUILDING EFFICIENCY.

"(a) IN GENERAL.—The Architect of the Capitol—

"(1) shall develop, update, and implement a cost-effective energy conservation and management plan (referred to in this section as the 'plan') for all facilities administered by the Congress (referred to in this section as 'congressional buildings') to meet the energy performance requirements for Federal buildings established under section 543(a)(1); and

"(2) shall submit the plan to Congress, not later than 180 days after the date of enactment of this section.

"(b) PLAN REQUIREMENTS.—The plan shall include—

"(1) a description of the life-cycle cost analysis used to determine the cost-effectiveness of proposed energy efficiency projects;

"(2) a schedule of energy surveys to ensure complete surveys of all congressional buildings every 5 years to determine the cost and payback period of energy and water conservation measures;

"(3) a strategy for installation of life-cycle cost-effective energy and water conservation measures;

"(4) the results of a study of the costs and benefits of installation of submetering in congressional buildings; and

"(5) information packages and 'how-to' guides for each Member and employing authority of Congress that detail simple, cost-effective methods to save energy and taxpayer dollars in the workplace.

"(c) ANNUAL REPORT.—The Architect shall submit to Congress annually a report on congressional energy management and conservation programs required under this section that describes in detail—

"(1) energy expenditures and savings estimates for each facility;

"(2) energy management and conservation projects; and

"(3) future priorities to ensure compliance with this section.".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the National Energy Conservation Policy Act is amended by adding at the end of the items relating to part 3 of title V the following new item:

"SEC. 553. Energy and water savings measures in congressional buildings.".

(c) REPEAL.—Section 310 of the Legislative Branch Appropriations Act, 1999 (40 U.S.C. 166i), is repealed.

(d) ENERGY INFRASTRUCTURE.—The Architect of the Capitol, building on the Master Plan Study completed in July 2000, shall commission a study to evaluate the energy infrastructure of the Capital Complex to determine how the infrastructure could be augmented to become more energy efficient, using unconventional and renewable energy resources, in a way that would enable the Complex to have reliable utility service in the event of power fluctuations, shortages, or outages.

(e) AUTHORIZATION.—There are authorized to be appropriated to the Architect of the Capitol to carry out subsection (d), not more than $2,000,000 for fiscal year 2004.

SEC. 607. INCREASED USE OF RECOVERED MINERAL COMPONENT IN FEDERALLY FUNDED PROJECTS INVOLVING PROCUREMENT OF CEMENT OR CONCRETE.

(a) AMENDMENT.—Subtitle F of the Solid Waste Disposal Act (42 U.S.C. 6961 et seq.) is amended by adding at the end the following new section:

"SEC. 6005. INCREASED USE OF RECOVERED MINERAL COMPONENT IN FEDERALLY FUNDED PROJECTS INVOLVING PROCUREMENT OF CEMENT OR CONCRETE.

"(a) DEFINITIONS.—In this section:

"(1) AGENCY HEAD.—The term 'agency head' means—

"(A) the Secretary of Transportation; and

"(B) the head of each other Federal agency that on a regular basis procures, or provides Federal funds to pay or assist in paying the cost of procuring, material for cement or concrete projects.

"(2) CEMENT OR CONCRETE PROJECT.—The term 'cement or concrete project' means a project for the construction or maintenance of a highway or other transportation facility or a Federal, State, or local government building or other public facility that—

"(A) involves the procurement of cement or concrete; and

"(B) is carried out in whole or in part using Federal funds.

"(3) RECOVERED MINERAL COMPONENT.—The term 'recovered mineral component' means—

"(A) ground granulated blast furnace slag;

"(B) coal combustion fly ash; and

"(C) any other waste material or byproduct recovered or diverted from solid waste that the Administrator, in consultation with an agency head, determines should be treated as recovered mineral component under this section for use in cement or concrete projects paid for, in whole or in part, by the agency head.

"(b) IMPLEMENTATION OF REQUIREMENTS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator and each agency head shall take such actions as are necessary to implement fully all procurement requirements and incentives in effect as of the date of enactment of this section (including guidelines under section 6002) that provide for the use of cement and concrete incorporating recovered mineral component in cement or concrete projects.

"(2) PRIORITY.—In carrying out paragraph (1) an agency head shall give priority to achieving greater use of recovered mineral component in cement or concrete projects for which recovered mineral components historically have not been used or have been used only minimally.

"(3) CONFORMANCE.—The Administrator and each agency head shall carry out this subsection in accordance with section 6002.

"(c) FULL IMPLEMENTATION STUDY.—

"(1) IN GENERAL.—The Administrator, in cooperation with the Secretary of Transportation and the Secretary of Energy, shall conduct a study to determine the extent to which current procurement requirements, when fully implemented in accordance with subsection (b), may realize energy savings and environmental benefits attainable with substitution of recovered mineral component in cement used in cement or concrete projects.

"(2) MATTERS TO BE ADDRESSED.—The study shall—

"(A) quantify the extent to which recovered mineral components are being substituted for Portland cement, particularly as a result of current procurement requirements, and the energy savings and environmental benefits associated with that substitution;

"(B) identify all barriers in procurement requirements to fuller realization of energy savings and environmental benefits, including barriers resulting from exceptions from current law; and

"(C) (i) identify potential mechanisms to achieve greater substitution of recovered mineral component in types of cement or concrete projects for which recovered mineral components historically have not been used or have been used only minimally;

"(ii) evaluate the feasibility of establishing guidelines or standards for optimized substitution rates of recovered mineral component in those cement or concrete projects; and

"(iii) identify any potential environmental or economic effects that may result from greater substitution of recovered mineral component in those cement or concrete projects.

"(3) REPORT.—Not later than 30 months after the date of enactment of this section, the Administrator shall submit to the Committee on Appropriations and Committee on Environment and Public Works of the Senate and the Committee on Appropriations, Committee on Energy and Commerce, and Committee on Transportation and Infrastructure of the House of Representatives a report on the study.

"(d) ADDITIONAL PROCUREMENT REQUIREMENTS.—Unless the study conducted under subsection (c) identifies any effects or other problems described in subsection (c)(2)(C)(iii) that warrant further review or delay, the Administrator and each agency head shall, within 1 year of the release of the report in accordance with subsection (c)(3), take additional actions authorized under this section to establish procurement requirements and incentives that provide for the use of cement and concrete with increased substitution of recovered mineral component in the construction and maintenance of cement or concrete projects, so as to—

"(1) realize more fully the energy savings and environmental benefits associated with increased substitution; and

"(2) eliminate barriers identified under subsection (c).

"(e) Effect of Section.—Nothing in this section affects the requirements of section 6002 (including the guidelines and specifications for implementing those requirements).".

(b) Table of Contents Amendment.—The table of contents of the Solid Waste Disposal Act is amended by adding after the item relating to section 6004 the following new item:

"Sec. 6005. Increased use of recovered mineral component in federally funded projects involving procurement of cement or concrete.".

SEC. 608. UTILITY ENERGY SERVICE CONTRACTS.

Section 546(c)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended to read as follows:

"(1) Agencies are authorized and encouraged to participate in programs, including utility energy services contracts, conducted by gas, water and electric utilities and generally available to customers of such utilities, for the purposes of increased energy efficiency, water conservation or the management of electricity demand.".

SEC. 609. STUDY OF ENERGY EFFICIENCY STANDARDS.

The Secretary of Energy shall contract with the National Academy of Sciences for a study, to be completed within one year of enactment of this section, to examine whether the goals of energy efficiency standards are best served by measurement of energy consumed, and efficiency improvements, at the actual site of energy consumption, or through the full fuel cycle, beginning at the source of energy production. The Secretary shall submit the report of the Academy to the Congress.

Subtitle B—State and Local Programs

SEC. 611. LOW INCOME COMMUNITY ENERGY EFFICIENCY PILOT PROGRAM.

(a) Grants.—The Secretary of Energy is authorized to make grants to units of local government, private, non-profit community development organizations, and Indian tribe economic development entities to improve energy efficiency, identify and develop alternative, renewable and distributed energy supplies, and increase energy conservation in low income rural and urban communities.

(b) Purpose of Grants.—The Secretary may make grants on a competitive basis for—

(1) investments that develop alternative, renewable and distributed energy supplies;

(2) energy efficiency projects and energy conservation programs;

(3) studies and other activities that improve energy efficiency in low income rural and urban communities;

(4) planning and development assistance for increasing the energy efficiency of buildings and facilities; and

(5) technical and financial assistance to local government and private entities on developing new renewable and distributed sources of power or combined heat and power generation.

(c) Definition.—For purposes of this section, the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(d) Authorization of Appropriations.—For the purposes of this section there are authorized to be appropriated to the Secretary of Energy $20,000,000 for fiscal year 2004 and each fiscal year thereafter through fiscal year 2006.

SEC. 612. ENERGY EFFICIENT PUBLIC BUILDINGS.

(a) Grants.—The Secretary of Energy may make grants to the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322), or, if no such agency exists, a State agency designated by the Governor of the State, to assist units of local government in the State in improving the energy efficiency of public buildings and facilities—

(1) through construction of new energy efficient public buildings that use at least 30 percent less energy than a comparable public building constructed in compliance with standards prescribed in chapter 8 of the 2000 International Energy Conservation Code, or a similar State code intended to achieve substantially equivalent efficiency levels; or

(2) through renovation of existing public buildings to achieve reductions in energy use of at least 30 percent as compared to the baseline energy use in such buildings prior to renovation, assuming a 3-year, weather-normalized average for calculating such baseline.

(b) Administration.—State energy offices receiving grants under this section shall—

(1) maintain such records and evidence of compliance as the Secretary may require; and

(2) develop and distribute information and materials and conduct programs to provide technical services and assistance to encourage planning, financing, and design of energy efficient public buildings by units of local government.

(c) Authorization of Appropriations.—For the purposes of this section, there are authorized to be appropriated to the Secretary of Energy such sums as may be necessary for each of fiscal years 2003 through 2012. Not more than 30 percent of appropriated funds shall be used for administration.

SEC. 613. ENERGY EFFICIENT APPLIANCE REBATE PROGRAMS.

(a) Definitions.—In this section:

(1) The term "eligible State" means a State that meets the requirements of subsection (b).

(2) The term "Energy Star program" means the program established by section 324A of the Energy Policy and Conservation Act.

(3) The term "residential Energy Star product" means a product for a residence that is rated for energy efficiency under the Energy Star program.

(4) The term "State energy office" means the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322).

(5) The term "State program" means a State energy efficient appliance rebate program described in subsection (b)(1).

(b) Eligible States.—A State shall be eligible to receive an allocation under subsection (c) if the State—

(1) establishes (or has established) a State energy efficient appliance rebate program to provide rebates to residential consumers for the purchase of residential Energy Star products to replace used appliances of the same type;

(2) submits an application for the allocation at such time, in such form, and containing such information as the Secretary may require; and

(3) provides assurances satisfactory to the Secretary that the State will use the allocation to supplement, but not supplant, funds made available to carry out the State program.

(c) Amount of Allocations.—

(1) Subject to paragraph (2), for each fiscal year, the Secretary shall allocate to the State energy office of each eligible State to carry out subsection (d) an amount equal to the product obtained by multiplying the amount made available under subsection (f) for the fiscal year by the ratio that the population of the State in the most recent calendar year for which data are available bears to the total population of all eligible States in that calendar year.

(2) For each fiscal year, the amounts allocated under this subsection shall be adjusted proportionately so that no eligible State is allocated a sum that is less than an amount determined by the Secretary.

(d) Use of Allocated Funds.—The allocation to a State energy office under subsection (c) may be used to pay up to 50 percent of the cost of establishing and carrying out a State program.

(e) Issuance of Rebates.—Rebates may be provided to residential consumers that meet the requirements of the State program. The amount of a rebate shall be determined by the State energy office, taking into consideration—

(1) the amount of the allocation to the State energy office under subsection (c);

(2) the amount of any Federal or State tax incentive available for the purchase of the residential Energy Star product; and

(3) the difference between the cost of the residential Energy Star product and the cost of an appliance that is not a residential Energy Star product, but is of the same type as, and is the nearest capacity, performance, and other relevant characteristics (as determined by the State energy office) to the residential Energy Star product.

(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $50,000,000 for each of the fiscal years 2004 through 2008.

Subtitle C—Consumer Products

SEC. 621. ENERGY CONSERVATION STANDARDS FOR ADDITIONAL PRODUCTS.

(a) Definitions.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) in subparagraph (30)(S), by striking the period and adding at the end the following: "but does not include any lamps specifically designed to be used for special purpose applications, and also does not include any lamp not described in subparagraph (D) that is excluded by the Secretary, by rule."; and

(2) by adding at the end the following:

"(32) The term 'battery charger' means a device that charges batteries for consumer products.

"(33) The term 'commercial refrigerator, freezer and refrigerator-freezer' means a refrigerator, freezer or refrigerator-freezer that—

``(A) is not a consumer product regulated under this Act; and

``(B) incorporates most components involved in the vapor-compression cycle and the refrigerated compartment in a single package.

``(34) The term `external power supply' means an external power supply circuit that is used to convert household electric current into either DC current or lower-voltage AC current to operate a consumer product.

``(35) The term `illuminated exit sign' means a sign that—

``(A) is designed to be permanently fixed in place to identify an exit; and

``(B) consists of an electrically powered integral light source that illuminates the legend `EXIT' and any directional indicators and provides contrast between the legend, any directional indicators, and the background.

``(36)(A) Except as provided in subparagraph (B), the term `low-voltage dry-type transformer' means a transformer that—

``(i) has an input voltage of 600 volts or less;

``(ii) is air-cooled;

``(iii) does not use oil as a coolant; and

``(iv) is rated for operation at a frequency of 60 Hertz.

``(B) The term `low-voltage dry-type transformer' does not include—

``(i) transformers with multiple voltage taps, with the highest voltage tap equaling at least 20 percent more than the lowest voltage tap;

``(ii) transformers, such as those commonly known as drive transformers, rectifier transformers, auto-transformers, Uninterruptible Power System transformers, impedance transformers, harmonic transformers, regulating transformers, sealed and nonventilating transformers, machine tool transformers, welding transformers, grounding transformers, or testing transformers, that are designed to be used in a special purpose application and are unlikely to be used in general purpose applications; or

``(iii) any transformer not listed in clause (ii) that is excluded by the Secretary by rule because the transformer is designed for a special application and the application of standards to the transformer would not result in significant energy savings.

``(37)(A) Except as provided in subsection (B), the term `distribution transformer' means a transformer that—

``(i) has an input voltage of 34.5 kilovolts or less;

``(ii) has an output voltage of 600 volts or less; and

``(iii) is rated for operation at a frequency of 60 Hertz.

``(B) The term `distribution transformer' does not include—

``(i) transformers with multiple voltage taps, with the highest voltage tap equaling at least 15 percent more than the lowest voltage tap;

``(ii) transformers, such as those commonly known as drive transformers, rectifier transformers, autotransformers, Uninterruptible Power System transformers, impedance transformers, harmonic transformers, regulating transformers, sealed and nonventilating transformers, machine tool transformers, welding transformers, grounding transformers, or testing transformers, that are designed to be used in a special purpose application, and are unlikely to be used in general purpose applications; or

``(iii) any transformer not listed in clause (ii) that is excluded by the Secretary by rule because the transformer is designed for a special application, is unlikely to be used in general purpose applications, and the application of standards to the transformer would not result in significant energy savings.

``(38) The term `standby mode' means the lowest amount of electric power used by a household appliance when not performing its active functions, as defined on an individual product basis by the Secretary.

``(39) The term `torchiere' means a portable electric lamp with a reflector bowl that directs light upward so as to give indirect illumination.

``(40) The term `transformer' means a device consisting of two or more coils of insulated wire that transfers alternating current by electromagnetic induction from one coil to another to change the original voltage or current value.

``(41) The term `unit heater' means a self-contained fan-type heater designed to be installed within the heated space, except that such term does not include a warm air furnace.

``(42) The term `traffic signal module' means a standard 8-inch (200mm) or 12-inch (300mm) traffic signal indication, consisting of a light source, a lens, and all other parts necessary for operation, that communicates movement messages to drivers through red, amber, and green colors.''

(b) Test Procedures.—Section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293) is amended—

(1) in subsection (b), by adding at the end the following:

``(9) Test procedures for illuminated exit signs shall be based on the test method used under Version 2.0 of the Energy Star program of the Environmental Protection Agency for illuminated exit signs.

``(10) Test procedures for low voltage dry-type distribution transformers shall be based on the `Standard Test Method for Measuring the Energy Consumption of Distribution Transformers' prescribed by the National Electrical Manufacturers Association (NEMA TP 2 1998). The Secretary may review and revise this test procedure.

``(11) Test procedures for traffic signal modules shall be based on the test method used under the Energy Star program of the Environmental Protection Agency for traffic signal modules, as in effect on the date of enactment of this paragraph.

``(12) Test procedures for medium base compact fluorescent lamps shall be based on the test methods used under the August 9, 2001 version of the Energy Star program of the Environmental Protection Agency and Department of Energy for compact fluorescent lamps. Covered products shall meet all test requirements for regulated parameters in section 325(bb). However, covered products may be marketed prior to completion of lamp life and lumen maintenance at 40% of rated life testing provided manufacturers document engineering predictions and analysis that support expected attainment of lumen maintenance at 40% rated life and lamp life time.''; and

(2) by adding at the end the following:

``(f) Additional Consumer and Commercial Products.—The Secretary shall within 24 months after the date of enactment of this subsection prescribe testing requirements for suspended ceiling fans, refrigerated bottled or canned beverage vending machines, and commercial refrigerators, freezers and refrigerator-freezers. Such testing requirements shall be based on existing test procedures used in industry to the extent practical and reasonable. In the case of suspended ceiling fans, such test procedures shall include efficiency at both maximum output and at an output no more than 50 percent of the maximum output.''.

(c) New Standards.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by adding at the end the following:

``(u) Standby Mode Electric Energy Consumption.—

``(1) Initial Rulemaking.—

``(A) The Secretary shall, within 18 months after the date of enactment of this subsection, prescribe by notice and comment, definitions of standby mode and test procedures for the standby mode power use of battery chargers and external power supplies. In establishing these test procedures, the Secretary shall consider, among other factors, existing test procedures used for measuring energy consumption in standby mode and assess the current and projected future market for battery chargers and external power supplies. This assessment shall include estimates of the significance of potential energy savings from technical improvements to these products and suggested product classes for standards. Prior to the end of this time period, the Secretary shall hold a scoping workshop to discuss and receive comments on plans for developing energy conservation standards for standby mode energy use for these products.

``(B) The Secretary shall, within 3 years after the date of enactment of this subsection, issue a final rule that determines whether energy conservation standards shall be promulgated for battery chargers and external power supplies or classes thereof. For each product class, any such standards shall be set at the lowest level of standby energy use that—

``(i) meets the criteria of subsections (o), (p), (q), (r), (s) and (t); and

``(ii) will result in significant overall annual energy savings, considering both standby mode and other operating modes.

``(2) Designation of Additional Covered Products.—

``(A) Not later than 180 days after the date of enactment of this subsection, the Secretary shall publish for public comment and public hearing a notice to determine whether any non-covered products should be designated as covered products for the purpose of instituting a rulemaking under this section to determine whether an energy conservation standard restricting standby mode energy consumption, should be promulgated; except that any restriction on standby mode energy consumption shall be limited to major sources of such consumption.

``(B) In making the determinations pursuant to subparagraph (A) of whether to designate new covered products and institute rulemakings, the Secretary shall, among other relevant factors and in addition to the criteria in section 322(b), consider—

``(i) standby mode power consumption compared to overall product energy consumption; and

``(ii) the priority and energy savings potential of standards which may be promulgated under this subsection compared to other required rulemakings under this section and the available resources of the Department to conduct such rulemakings.

``(C) Not later than 1 year after the date of enactment of this subsection, the Secretary shall issue a determination of any new covered products for which he intends to institute rulemakings on standby mode pursuant to this section and he shall state the dates by which he intends to initiate those rulemakings.

“(3) Review of Standby Energy Use in Covered Products.—In determining pursuant to section 323 whether test procedures and energy conservation standards pursuant to this section should be revised, the Secretary shall consider for covered products which are major sources of standby mode energy consumption whether to incorporate standby mode into such test procedures and energy conservation standards, taking into account, among other relevant factors, the criteria for non-covered products in subparagraph (B) of paragraph (2) of this subsection.

“(4) Rulemaking.—

“(A) Any rulemaking instituted under this subsection or for covered products under this section which restricts standby mode power consumption shall be subject to the criteria and procedures for issuing energy conservation standards set forth in this section and the criteria set forth in subparagraph (B) of paragraph (2) of this subsection.

“(B) No standard can be proposed for new covered products or covered products in a standby mode unless the Secretary has promulgated applicable test procedures for each product pursuant to section 323.

“(C) The provisions of section 327 shall apply to new covered products which are subject to the rulemakings for standby mode after a final rule has been issued.

“(5) Effective Date.—Any standard promulgated under this subsection shall be applicable to products manufactured or imported 3 years after the date of promulgation.

“(6) Voluntary Programs.—The Secretary and the Administrator shall collaborate and develop programs, including programs pursuant to section 324A (relating to Energy Star Programs) and other voluntary industry agreements or codes of conduct, which are designed to reduce standby mode energy use.

“(v) Suspended Ceiling Fans, Vending Machines, and Commercial Refrigerators, Freezers and Refrigerator-freezers.—The Secretary shall within 36 months after the date on which testing requirements are prescribed by the Secretary pursuant to section 323(f), prescribe, by rule, energy conservation standards for suspended ceiling fans, refrigerated bottled or canned beverage vending machines, and commercial refrigerators, freezers and refrigerator-freezers. In establishing standards under this subsection, the Secretary shall use the criteria and procedures contained in subsections (l) and (m). Any standard prescribed under this subsection shall apply to products manufactured 3 years after the date of publication of a final rule establishing such standard.

“(w) Illuminated Exit Signs.—Illuminated exit signs manufactured on or after January 1, 2005 shall meet the Version 2.0 Energy Star Program performance requirements for illuminated exit signs prescribed by the Environmental Protection Agency.

“(x) Torchieres.—Torchieres manufactured on or after January 1, 2005—

“(1) shall consume not more than 190 watts of power; and

“(2) shall not be capable of operating with lamps that total more than 190 watts.

“(y) Distribution Transformers.—The efficiency of low voltage dry-type transformers manufactured on or after January 1, 2005 shall be the Class I Efficiency Levels for distribution transformers specified in Table 4–2 of the ‘Guide for Determining Energy Efficiency for Distribution Transformers’ published by the National Electrical Manufacturers Association (NEMA TP–1-2002).

“(z) Traffic signal modules.—Traffic signal modules manufactured on or after January 1, 2006 shall meet the performance requirements used under the Energy Star program of the Environmental Protection Agency for traffic signals, as in effect on the date of enactment of this paragraph, and shall be installed with compatible, electrically-connected signal control interface devices and conflict monitoring systems.

“(aa) Unit Heaters.—Unit heaters manufactured on or after the date that is three years after the date of enactment of the Energy Policy Act of 2003 shall be equipped with an intermittent ignition device and shall have either power venting or an automatic flue damper.

“(bb) Medium Base Compact Fluorescent Lamps.—Bare lamp and covered lamp (no reflector) medium base compact fluorescent lamps manufactured on or after January 1, 2005 shall meet the following requirements prescribed by the August 9, 2001 version of the Energy Star Program Requirements for CFLs, Energy Star Eligibility Criteria, Energy-Efficiency Specification issued by the Environmental Protection Agency and Department of Energy: minimum initial efficacy; lumen maintenance at 1000 hours; lumen maintenance at 40% of rated life; rapid cycle stress test; and lamp life. The Secretary may, by rule, establish requirements for color quality (CRI); power factor; operating frequency; and maximum allowable start time based on the requirements prescribed by the August 9, 2001 version of the Energy Star Program Requirements for CFLs. The Secretary may, by rule, revise these requirements or establish other requirements considering energy savings, cost effectiveness, and consumer satisfaction.

“(cc) Effective date.—The provisions of section 327 shall apply—

“(1) to products for which standards are to be set pursuant to subsection (v) of this section on the date on which a final rule is issued by the Department of Energy, except that any state or local standards prescribed or enacted for any such product prior to the date on which such final rule is issued shall not be preempted until the standard set pursuant to subsection (v) for that product takes effect; and

“(2) to products for which standards are set in subsections (w) through (bb) of this section on the date of enactment of the Energy Policy Act of 2003, except that any state or local standards prescribed or enacted prior to the date of enactment of the Energy Policy Act of 2003 shall not be preempted until the standards set in subsections (w) through (bb) take effect.”.

SEC. 622. ENERGY LABELING.

(a) Rulemaking on Effectiveness of Consumer Product Labeling.—Paragraph (2) of section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended by adding at the end the following:

“(F) Not later than 3 months after the date of enactment of this subparagraph, the Commission shall initiate a rulemaking to consider the effectiveness of the current consumer products labeling program in assisting consumers in making purchasing decisions and improving energy efficiency and to consider changes to the labeling rules that would improve the effectiveness of consumer product labels. Such rulemaking shall be completed within 2 years after the date of enactment of this subparagraph.”.

(b) Rulemaking on Labeling for Additional Products.—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) is further amended by adding at the end the following:

“(5) The Secretary or the Commission, as appropriate, may for covered products referred to in subsections (u) through (aa) of section 325, prescribe, by rule, pursuant to this section, labeling requirements for such products after a test procedure has been set pursuant to section 323. In the case of products to which TP–1 standards under section 325(y) apply, labeling requirements shall be based on the “Standard for the Labeling of Distribution Transformer Efficiency” prescribed by the National Electrical Manufacturers Association (NEMA TP-3) as in effect upon the date of enactment of this Act.”.

SEC. 623. ENERGY STAR PROGRAM.

(a) Amendment.—The Energy Policy and Conservation Act (42 U.S.C. 6201 et. seq.) is amended by inserting the following after section 324:

“SEC. 324A. ENERGY STAR PROGRAM.

“There is established at the Department of Energy and the Environmental Protection Agency a voluntary program to identify and promote energy-efficient products and buildings in order to reduce energy consumption, improve energy security, and reduce pollution through voluntary labeling of or other forms of communication about products and buildings that meet the highest energy efficiency standards. Responsibilities under the program shall be divided between the Department of Energy and the Environmental Protection Agency consistent with the terms of agreements between the two agencies. The Administrator and the Secretary shall—

“(1) promote Energy Star compliant technologies as the preferred technologies in the marketplace for achieving energy efficiency and to reduce pollution;

“(2) work to enhance public awareness of the Energy Star label, including special outreach to small businesses;

“(3) preserve the integrity of the Energy Star label;

“(4) solicit the comments of interested parties in establishing a new Energy Star product category, specifications, or criteria, or in revising a product category, and upon adoption of a new or revised product category, specifications, or criteria, publish a notice of any changes in product categories, specifications or criteria along with an explanation of such changes, and, where appropriate, responses to comments submitted by interested parties; and

“(5) unless waived or reduced by mutual agreement between the Administrator, the Secretary, and the affected parties, provide not less than 12 months lead time prior to implementation of changes in product categories, specifications, or criteria as may be adopted pursuant to this section.”.

(b) Table of Contents Amendment. The table of contents of the Energy Policy and Conservation Act is amended by inserting after the item relating to section 324 the following new item:

“Sec. 324A. Energy Star program.”.

SEC. 624. HVAC MAINTENANCE CONSUMER EDUCATION PROGRAM.

Section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) is amended by adding at the end the following:

“(c) HVAC Maintenance.—For the purpose of ensuring that installed air conditioning and heating systems operate at their maximum rated efficiency levels, the Secretary shall, within 180 days of the date of enactment of this subsection, carry out a program to educate homeowners and small business owners concerning the energy savings resulting from properly conducted maintenance of air conditioning, heating, and ventilating systems. The Secretary shall carry out the program in a cost-shared manner in cooperation with the Administrator of the Environmental Protection Agency and such other entities as the Secretary considers appropriate, including industry trade associations, industry members, and energy efficiency organizations.

"(d) SMALL BUSINESS EDUCATION AND ASSISTANCE.—The Administrator of the Small Business Administration, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall develop and coordinate a Government-wide program, building on the existing Energy Star for Small Business Program, to assist small business to become more energy efficient, understand the cost savings obtainable through efficiencies, and identify financing options for energy efficiency upgrades. The Secretary and the Administrator shall make the program information available directly to small businesses and through other Federal agencies, including the Federal Emergency Management Program, and the Department of Agriculture.".

Subtitle D—Public Housing

SEC. 631. CAPACITY BUILDING FOR ENERGY-EFFICIENT, AFFORDABLE HOUSING.

Section 4(b) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note) is amended—

(a) in paragraph (1), by inserting before the semicolon at the end the following: ", including capabilities regarding the provision of energy efficient, affordable housing and residential energy conservation measures"; and

(b) in paragraph (2), by inserting before the semicolon the following: ", including such activities relating to the provision of energy efficient, affordable housing and residential energy conservation measures that benefit low-income families".

SEC. 632. INCREASE OF CDBG PUBLIC SERVICES CAP FOR ENERGY CONSERVATION AND EFFICIENCY ACTIVITIES.

Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended

(a) by inserting "or efficiency" after "energy conservation";

(b) by striking ", and except that" and inserting "; except that"; and

(c) by inserting before the semicolon at the end the following: "; and except that each percentage limitation under this paragraph on the amount of assistance provided under this title that may be used for the provision of public services is hereby increased by 10 percent, but such percentage increase may be used only for the provision of public services concerning energy conservation or efficiency".

SEC. 633. FHA MORTGAGE INSURANCE INCENTIVES FOR ENERGY EFFICIENT HOUSING.

(a) SINGLE FAMILY HOUSING MORTGAGE INSURANCE.—Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended, in the first undesignated and indented paragraph beginning after subparagraph (B)(iii) (relating to solar energy systems)—

(1) by inserting "or paragraph (10)" before the first comma; and

(2) by striking "20 percent" and inserting "30 percent".

(b) MULTIFAMILY HOUSING MORTGAGE INSURANCE.—Section 207(c) of the National Housing Act (12 U.S.C. 1713(c)) is amended, in the second undesignated paragraph beginning after paragraph (3) (relating to solar energy systems and residential energy conservation measures), by striking "20 percent" and inserting "30 percent".

(c) COOPERATIVE HOUSING MORTGAGE INSURANCE.—Section 213(p) of the National Housing Act (12 U.S.C. 1715e(p)) is amended by striking "20 per centum" and inserting "30 percent".

(d) REHABILITATION AND NEIGHBORHOOD CONSERVATION HOUSING MORTGAGE INSURANCE.—Section 220(d)(3)(B)(iii) of the National Housing Act (12 U.S.C. 1715k(d)(3)(B)(iii)) is amended by striking "20 per centum" and inserting "30 percent".

(e) LOW-INCOME MULTIFAMILY HOUSING MORTGAGE INSURANCE.—Section 221(k) of the National Housing Act (12 U.S.C. 1715l(k)) is amended by striking "20 per centum" and inserting "30 percent".

(f) ELDERLY HOUSING MORTGAGE INSURANCE.—The proviso at the end of section 231(c)(2) of the National Housing Act (12 U.S.C. 1715v(c)(2)) is amended by striking "20 per centum" and inserting "30 percent".

(g) CONDOMINIUM HOUSING MORTGAGE INSURANCE.—Section 234(j) of the National Housing Act (12 U.S.C. 1715y(j)) is amended by striking "20 per centum" and inserting "30 percent".

SEC. 634. PUBLIC HOUSING CAPITAL FUND.

Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) is amended—

(a) in subsection (d)(1)—

(1) in subparagraph (I), by striking "and" at the end;

(2) in subparagraph (J), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(K) improvement of energy and water-use efficiency by installing fixtures and fittings that conform to the American Society of Mechanical Engineers/American National Standards Institute standards A112.19.2-1998 and A112.18.1-2000, or any revision thereto, applicable at the time of installation, and by increasing energy efficiency and water conservation by such other means as the Secretary determines are appropriate; and

"(L) integrated utility management and capital planning to maximize energy conservation and efficiency measures."; and (b) in subsection (e)(2)(C)

(1) by striking "The" and inserting the following:

"(i) IN GENERAL. The"; and

(2) by adding at the end the following:

"(ii) THIRD PARTY CONTRACTS.—Contracts described in clause (i) may include contracts for equipment conversions to less costly utility sources, projects with resident-paid utilities, and adjustments to frozen base year consumption, including systems repaired to meet applicable building and safety codes and adjustments for occupancy rates increased by rehabilitation.

"(iii) TERM OF CONTRACT.—The total term of a contract described in clause (i) shall not exceed 20 years to allow longer payback periods for retrofits, including windows, heating system replacements, wall insulation, site-based generations, advanced energy savings technologies, including renewable energy generation, and other such retrofits.".

SEC. 635. GRANTS FOR ENERGY-CONSERVING IMPROVEMENTS FOR ASSISTED HOUSING.

Section 251(b)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8231(1)) is amended—

(a) by striking "financed with loans" and inserting "assisted";

(b) by inserting after "1959," the following: "which are eligible multifamily housing projects (as such term is defined in section 512 of the Multi-family Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note)) and are subject to mortgage restructuring and rental assistance sufficiency plans under such Act,"; and

(c) by inserting after the period at the end of the first sentence the following new sentence: "Such improvements may also include the installation of energy and water conserving fixtures and fittings that conform to the American Society of Mechanical Engineers/American National Standards Institute standards A112.19.2-1998 and A112.18.1-2000, or any revision thereto, applicable at the time of installation.".

SEC. 636. NORTH AMERICAN DEVELOPMENT BANK.

Part 2 of subtitle D of title V of the North American Free Trade Agreement Implementation Act (22 U.S.C. 290m 290m-3) is amended by adding at the end the following:

"SEC. 545. SUPPORT FOR CERTAIN ENERGY POLICIES.

"Consistent with the focus of the Bank's Charter on environmental infrastructure projects, the Board members representing the United States should use their voice and vote to encourage the Bank to finance projects related to clean and efficient energy, including energy conservation, that prevent, control, or reduce environmental pollutants or contaminants.".

SEC. 637. ENERGY-EFFICIENT APPLIANCES.

In purchasing appliances, a public housing agency shall purchase energy-efficient appliances that are Energy Star products or FEMP-designated products, as such terms are defined in section 553 of the National Energy Policy and Conservation Act (as amended by this Act), unless the purchase of energy-efficient appliances is not cost-effective to the agency.

SEC. 638. ENERGY EFFICIENCY STANDARDS.

Section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709) is amended—

(1) in subsection (a)

(A) in paragraph (1)

(i) by striking "1 year after the date of the enactment of the Energy Policy Act of 1992" and inserting "September 30, 2003";

(ii) in subparagraph (A), by striking "and" at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(C) rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), where such standards are determined to be cost effective by the Secretary of Housing and Urban Development."; and

(B) in paragraph (2), by striking "Council of American" and all that follows through "90.1—1989') and inserting "2000 International Energy Conservation Code";

(2) in subsection (b)—

(A) by striking "1 year after the date of the enactment of the Energy Policy Act of 1992" and inserting "September 30, 2003"; and

(B) by striking "CABO" and all that follows through "1989" and inserting "the 2000 International Energy Conservation Code"; and

(3) in subsection (c)—

(A) in the heading, by striking "MODEL ENERGY CODE" and inserting "INTERNATIONAL ENERGY CONSERVATION CODE"; and

(B) by striking "CABO" and all that follows through "1989" and inserting "the 2000 International Energy Conservation Code".

SEC. 639. ENERGY STRATEGY FOR HUD.

The Secretary of Housing and Urban Development shall develop and implement an integrated strategy to reduce utility expenses through cost-effective energy conservation and efficiency measures and energy efficient design and construction of public and assisted housing. The energy strategy shall include the development of energy reduction goals and incentives for public housing agencies. The Secretary shall submit a report to Congress, not later than one year after the date of the enactment of this Act, on the energy strategy and the actions taken by the Department of Housing and Urban Development to monitor the energy usage of public housing agencies and shall submit an update every two years thereafter on progress in implementing the strategy.

TITLE VII—TRANSPORTATION FUELS

Subtitle A—Alternative Fuel Programs

SEC. 701. USE OF ALTERNATIVE FUELS BY DUAL-FUELED VEHICLES.

Section 400AA(a)(3)(E) of the Energy Policy and Conservation Act (42 U.S.C. 6374(a)(3)(E)) is amended to read as follows:

"(E)(i) Dual fueled vehicles acquired pursuant to this section shall be operated on alternative fuels unless the Secretary determines that an agency qualifies for a waiver of such requirement for vehicles operated by the agency in a particular geographic area where—

"(I) the alternative fuel otherwise required to be used in the vehicle is not reasonably available to retail purchasers of the fuel, as certified to the Secretary by the head of the agency; or

"(II) the cost of the alternative fuel otherwise required to be used in the vehicle is unreasonably more expensive compared to gasoline, as certified to the Secretary by the head of the agency.

"(ii) The Secretary shall monitor compliance with this subparagraph by all such fleets and shall report annually to the Congress on the extent to which the requirements of this subparagraph are being achieved. The report shall include information on annual reductions achieved from the use of petroleum-based fuels and the problems, if any, encountered in acquiring alternative fuels.".

SEC. 702. FUEL USE CREDITS.

(a) In General.—Section 312 of the Energy Policy Act of 1992 (42 U.S.C. 13220) is amended to read as follows:

"SEC. 312. FUEL USE CREDITS.

"(a) Allocation.—

"(1) The Secretary shall allocate one credit under this section to a fleet or covered person for each qualifying volume of alternative fuel or biodiesel purchased for use in an on-road motor vehicle operated by the fleet that weighs more than 8,500 pounds gross vehicle weight rating.

"(2) No credits shall be allocated under this section for purchase of an alternative fuel or biodiesel that is required by Federal or State law.

"(3) A fleet or covered person seeking a credit under this section shall provide written documentation to the Secretary supporting the allocation of a credit to such fleet or covered person under this section.

"(b) Use.—At the request of a fleet or covered person allocated a credit under subsection (a), the Secretary shall, for the year in which the purchase of a qualifying volume is made, treat that purchase as the acquisition of one alternative fueled vehicle the fleet or covered person is required to acquire under this title, title IV, or title V.

"(c) Treatment.—A credit provided to a fleet or covered person under this section shall be considered a credit under section 508.

"(d) Issuance of Rule.—Not later than 6 months after the date of enactment of this section, the Secretary shall issue a rule establishing procedures for the implementation of this section.

"(e) Definitions.—For the purposes of this section—

"(1) the term "biodiesel" means a diesel fuel substitute produced from non-petroleum renewable resources that meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act; and

"(2) the term "qualifying volume" means—

"(A) in the case of biodiesel, when used as a component of fuel containing at least 20 percent biodiesel by volume, 450 gallons, or if the Secretary determines by rule that the average annual alternative fuel use in light duty vehicles by fleets and covered persons exceeds 450 gallons or gallon equivalents, the amount of such average annual alternative fuel use; or

"(B) in the case of an alternative fuel, the amount of such fuel determined by the Secretary to have an equivalent energy content to the amount of biodiesel defined as a qualifying volume pursuant to subparagraph (A)."

(b) Table of Contents Amendment.—The table of contents of the Energy Policy Act of 1992 is amended by adding at the end of the items relating to title III the following new item:

"Sec. 312. Fuel use credits."

SEC. 703. NEIGHBORHOOD ELECTRIC VEHICLES.

Section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) is amended—

(1) in paragraph (3), by striking "or a dual fueled vehicle" and inserting ", a dual fueled vehicle, or a neighborhood electric vehicle";

(2) by striking "and" at the end of paragraph (13);

(3) by striking the period at the end of paragraph (14) and inserting "; and"; and

(4) by adding at the end the following:

"(15) the term 'neighborhood electric vehicle' means a motor vehicle—

"(A) which meets the definition of a low-speed vehicle, as such term is defined in part 571 of title 49, Code of Federal Regulations;

"(B) which meets the definition of a zero-emission vehicle, as such term is defined in section 86.1702–99 of title 40, Code of Federal Regulations;

"(C) which meets the requirements of Federal Motor Vehicle Safety Standard No. 500; and

"(D) which has a top speed of not greater than 25 miles per hour.".

SEC. 704. CREDITS FOR MEDIUM AND HEAVY DUTY DEDICATED VEHICLES.

Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended by adding at the end the following:

"(e) Credit for Purchase of Medium and Heavy Duty Dedicated Vehicles.—

"(1) Definitions.—In this subsection:

"(A) The term 'medium duty dedicated vehicle' means a dedicated vehicle that has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds.

"(B) The term 'heavy duty dedicated vehicle' means a dedicated vehicle that has a gross vehicle weight rating of more than 14,000 pounds.

"(2) Credits for Medium Duty Vehicles.—The Secretary shall issue 2 full credits to a fleet or covered person under this title, if the fleet or covered person acquires a medium duty dedicated vehicle.

"(3) Credits for Heavy Duty Vehicles.—The Secretary shall issue 3 full credits to a fleet or covered person under this title, if the fleet or covered person acquires a heavy duty dedicated vehicle.

"(4) Use of Credits.—At the request of a fleet or covered person allocated a credit under this subsection, the Secretary shall, for the year in which the acquisition of the dedicated vehicle is made, treat that credit as the acquisition of 1 alternative fueled vehicle that the fleet or covered person is required to acquire under this title.".

SEC. 705. ALTERNATIVE FUEL INFRASTRUCTURE.

Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is further amended by adding at the end the following:

"(f) Credit for Investment in Alternative Fuel Infrastructure.—

"(1) Definitions.—In this subsection, the term 'qualifying infrastructure' means—

"(A) equipment required to refuel or recharge alternative fueled vehicles;

"(B) facilities or equipment required to maintain, repair, or operate alternative fueled vehicles;

"(C) such other activities the Secretary considers to constitute an appropriate expenditure in support of the operation, maintenance, or further widespread adoption of or utilization of alternative fueled vehicles.

"(2) Issuance of Credits.—The Secretary shall issue a credit to a fleet or covered person under this title for investment in qualifying infrastructure if the qualifying infrastructure is open to the general public during regular business hours.

"(3) Amount.—For the purposes of credits under this subsection—

"(A) 1 credit shall be equal to a minimum investment of $25,000 in cash or equivalent expenditure, as determined by the Secretary; and

"(B) except in the case of a Federal or State fleet, no part of the investment may be provided by Federal or State funds.

"(4) Use of Credits.—At the request of a fleet or covered person allocated a credit under this subsection, the Secretary shall, for the year in which the investment is made, treat that credit as the acquisition of 1 alternative fueled vehicle that the fleet or covered person is required to acquire under this title.".

SEC. 706. INCREMENTAL COST ALLOCATION.

Section 303(c) of the Energy Policy Act of 1992 (42 U.S.C. 13212(c) is amended by striking "may" and inserting "shall".

SEC. 707. REVIEW OF ALTERNATIVE FUEL PROGRAMS.

(a) In General.—Not later than 1 year after the date of enactment of this section, the Secretary shall complete a study to determine the effect that titles III, IV and V of the Energy Policy Act of 1992 (42 U.S.C. 13211 et seq.) have had on the development of alternative fueled vehicle technology, its availability in the market, and the cost of light duty motor vehicles that are alternative fueled vehicles.

(b) Topics.—As part of such study, the Secretary shall specifically identify—

(1) the number of alternative fueled vehicles acquired by fleets or covered persons required to acquire alternative fueled vehicles;

(2) the amount, by type, of alternative fuel actually used in alternative fueled vehicles acquired by fleets or covered persons;

(3) the amount of petroleum displaced by the use of alternative fuels in alternative fueled vehicles acquired by fleets or covered persons;

(4) the cost of compliance with vehicle acquisition requirements by fleets or covered persons; and

(5) the existence of obstacles preventing compliance with vehicle acquisition requirements and increased use of alternative fuel in alternative fueled vehicles acquired by fleets or covered persons.

(c) REPORT.—Upon completion of the study, the Secretary shall submit to the Congress a report that describes the results of the study conducted under this section and includes any recommendations of the Secretary for legislative or administrative changes concerning the alternative fueled vehicle requirements under titles III, IV and V of the Energy Policy Act of 1992 (42 U.S.C. 13211 et seq.). Such study shall be updated on a regular basis as deemed necessary by the Secretary.

SEC. 708. HIGH OCCUPANCY VEHICLE EXCEPTION.

Notwithstanding section 102(a)(1) of title 23, United States Code, a State may permit a vehicle with fewer than 2 occupants to operate in high occupancy vehicle lanes if such vehicle is a dedicated vehicle (as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211)).

SEC. 709. ALTERNATIVE COMPLIANCE AND FLEXIBILITY.

(a) ALTERNATIVE COMPLIANCE.—Title V of the Energy Policy Act of 1992 is amended by adding at the end the following:

"SEC. 515. ALTERNATIVE COMPLIANCE.

"(a) APPLICATION FOR WAIVER.—Any covered person subject to the requirements of section 501 and any State subject to the requirement of section 507(o) may petition the Secretary for a waiver of the applicable requirements of section 501 or 507(o).

"(b) GRANT OF WAIVER.—The Secretary may grant a waiver of the requirements of section 501 or 507(o) upon a showing that the fleet owned, operated, leased, or otherwise controlled by the State or covered person—

"(1) will achieve a reduction in its annual consumption of petroleum fuels equal to the reduction in consumption of petroleum that would result from compliance with section 501 or 507(o); and

"(2) is in compliance with all applicable vehicle emission standards established by the Administrator under the Clean Air Act.

"(c) REVOCATION OF WAIVER.—The Secretary shall revoke any waiver granted under this section if the State or covered person fails to comply with the requirements of subsection (b).".

(b) CREDIT FOR HYBRID VEHICLES, DEDICATED ALTERNATIVE FUEL VEHICLES, AND INFRASTRUCTURE.—Section 507 of the Energy Policy Act of 1992 (42 U.S.C. 13258) (as amended by section 705) is amended by adding at the end the following:

"(r) CREDITS FOR NEW QUALIFIED HYBRID MOTOR VEHICLES.—

"(1) DEFINITIONS.—In this subsection:

"(A) 2000 MODEL YEAR CITY FUEL EFFICIENCY.—The term '2000 model year city fuel efficiency', with respect to a motor vehicle, means fuel efficiency determined in accordance with the following tables:

"(i) In the case of a passenger automobile:

"If vehicle inertia weight class is:	**The 2000 model year city fuel efficiency is:**
1,500 or 1,750 lbs	43.7 mpg
2,000 lbs	38.3 mpg
2,250 lbs	34.1 mpg
2,500 lbs	30.7 mpg
2,750 lbs	27.9 mpg
3,000 lbs	25.6 mpg
3,500 lbs	22.0 mpg
4,000 lbs	19.3 mpg
4,500 lbs	17.2 mpg
5,000 lbs	15.5 mpg
5,500 lbs	14.1 mpg
6,000 lbs	12.9 mpg
6,500 lbs	11.9 mpg
7,000 to 8,500 lbs	11.1 mpg.

"(ii) In the case of a light truck:

"If vehicle inertia weight class is:	**The 2000 model year city fuel efficiency is:**
1,500 or 1,750 lbs	37.6 mpg
2,000 lbs	33.7 mpg
2,250 lbs	30.6 mpg
2,500 lbs	28.0 mpg
2,750 lbs	25.9 mpg
3,000 lbs	24.1 mpg
3,500 lbs	21.3 mpg
4,000 lbs	19.0 mpg
4,500 lbs	17.3 mpg
5,000 lbs	15.8 mpg
5,500 lbs	14.6 mpg
6,000 lbs	13.6 mpg
6,500 lbs	12.8 mpg
7,000 to 8,500 lbs	12.0 mpg.

"(B) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(C) ENERGY STORAGE DEVICE.—The term 'energy storage device' means an onboard rechargeable energy storage system or similar storage device.

"(D) FUEL EFFICIENCY.—The term 'fuel efficiency' means the percentage increased fuel efficiency specified in table 1 in paragraph (2)(C) over the average 2000 model year city fuel efficiency of vehicles in the same weight class.

"(E) MAXIMUM AVAILABLE POWER.—The term 'maximum available power', with respect to a new qualified hybrid motor vehicle that is a passenger vehicle or light truck, means the quotient obtained by dividing—

"(i) the maximum power available from the electrical storage device of the new qualified hybrid motor vehicle, during a standard 10-second pulse power or equivalent test; by

"(ii) the sum of—

"(I) the maximum power described in clause (i); and

"(II) the net power of the internal combustion or heat engine, as determined in accordance with standards established by the Society of Automobile Engineers.

"(F) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given the term in section 216 of the Clean Air Act (42 U.S.C. 7550).

"(G) NEW QUALIFIED HYBRID MOTOR VEHICLE.—The term 'new qualified hybrid motor vehicle' means a motor vehicle that—

"(i) draws propulsion energy from both—

"(I) an internal combustion engine (or heat engine that uses combustible fuel); and

"(II) an energy storage device;

"(ii) in the case of a passenger automobile or light truck—

"(I) in the case of a 2001 or later model vehicle, receives a certificate of conformity under the Clean Air Act (42 U.S.C. 7401 et seq.) and produces emissions at a level that is at or below the standard established by a qualifying California standard described in section 243(e)(2) of the Clean Air Act (42 U.S.C. 7583(e)(2)) for that make and model year; and

"(II) in the case of a 2004 or later model vehicle, is certified by the Administrator as producing emissions at a level that is at or below the level established for Bin 5 vehicles in the Tier 2 regulations promulgated by the Administrator under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)) for that make and model year vehicle; and

"(iii) employs a vehicle braking system that recovers waste energy to charge an energy storage device.

"(H) Vehicle inertia weight class. The term 'vehicle inertia weight class' has the meaning given the term in regulations promulgated by the Administrator for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

"(2) ALLOCATION.—

"(A) IN GENERAL.—The Secretary shall allocate a partial credit to a fleet or covered person under this title if the fleet or person acquires a new qualified hybrid motor vehicle that is eligible to receive a credit under each of the tables in subparagraph (C).

"(B) AMOUNT.—The amount of a partial credit allocated under subparagraph (A) for a vehicle described in that subparagraph shall be equal to the sum of—

"(i) the partial credits determined under table 1 in subparagraph (C); and

"(ii) the partial credits determined under table 2 in subparagraph (C).

"(C) TABLES.—The tables referred to in subparagraphs (A) and (B) are as follows:

"Table 1

"Partial credit for increased fuel efficiency:	**Amount of credit:**
At least 125% but less than 150% of 2000 model year city fuel efficiency	0.14
At least 150% but less than 175% of 2000 model year city fuel efficiency	0.21
At least 175% but less than 200% of 2000 model year city fuel efficiency	0.28
At least 200% but less than 225% of 2000 model year city fuel efficiency	0.35
At least 225% but less than 250% of 2000 model year city fuel efficiency	0.50.

"Table 2

"Partial credit for 'Maximum Available Power':	**Amount of credit:**
At least 5% but less than 10%	0.125
At least 10% but less than 20%	0.250
At least 20% but less than 30%	0.375
At least 30% or more	0.500.

"(D) USE OF CREDITS.—At the request of a fleet or covered person allocated a credit under this subsection, the Secretary shall, for the year in which the acquisition of the qualified hybrid motor vehicle is made, treat that credit as the acquisition of 1 alternative fueled vehicle that the fleet or covered person is required to acquire under this title.

"(3) REGULATIONS.—The Secretary shall promulgate regulations under which any Federal fleet that acquires a new qualified hybrid motor vehicle will receive partial credits determined under the tables contained in paragraph (2)(C) for purposes of meeting the requirements of section 303.

"(s) CREDIT FOR SUBSTANTIAL CONTRIBUTION TOWARDS USE OF DEDICATED VEHICLES IN NONCOVERED FLEETS.—

"(1) DEFINITIONS.—In this subsection:

"(A) DEDICATED VEHICLE.—The term 'dedicated vehicle' includes—

"(i) a light, medium, or heavy duty vehicle; and

"(ii) a neighborhood electric vehicle.

"(B) MEDIUM OR HEAVY DUTY VEHICLE.—The term 'medium or heavy duty vehicle' includes a vehicle that—

"(i) operates solely on alternative fuel; and

"(ii) (I) in the case of a medium duty vehicle, has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds; or

"(II) in the case of a heavy duty vehicle, has a gross vehicle weight rating of more than 14,000 pounds.

"(C) SUBSTANTIAL CONTRIBUTION.—The term 'substantial contribution' (equal to 1 full credit) means not less than $15,000 in cash or in kind services, as determined by the Secretary.

"(2) Issuance of credits.—The Secretary shall issue a credit to a fleet or covered person under this title if the fleet or person makes a substantial contribution toward the acquisition and use of dedicated vehicles by a person that owns, operates, leases, or otherwise controls a fleet that is not covered by this title.

"(3) Multiple credits for medium and heavy duty dedicated vehicles.—The Secretary shall issue 2 full credits to a fleet or covered person under this title if the fleet or person acquires a medium or heavy duty dedicated vehicle.

"(4) Use of credits.—At the request of a fleet or covered person allocated a credit under this subsection, the Secretary shall, for the year in which the acquisition of the dedicated vehicle is made, treat that credit as the acquisition of 1 alternative fueled vehicle that the fleet or covered person is required to acquire under this title.

"(5) Limitation.—Per vehicle credits acquired under this subsection shall not exceed the per vehicle credits allowed under this section to a fleet for qualifying vehicles in each of the weight categories (light, medium, or heavy duty).

"(t) Credit for Substantial Investment in Alternative Fuel Infrastructure.—

"(1) Definitions.—In this section, the term 'qualifying infrastructure' means—

"(A) equipment required to refuel or recharge alternative fueled vehicles;

"(B) facilities or equipment required to maintain, repair, or operate alternative fueled vehicles;

"(C) training programs, educational materials, or other activities necessary to provide information regarding the operation, maintenance, or benefits associated with alternative fueled vehicles; and

"(D) such other activities the Secretary considers to constitute an appropriate expenditure in support of the operation, maintenance, or further widespread adoption of or utilization of alternative fueled vehicles.

"(2) Issuance of credits.—The Secretary shall issue a credit to a fleet or covered person under this title for investment in qualifying infrastructure if the qualifying infrastructure is open to the general public during regular business hours.

"(3) Amount.—For the purposes of credits under this subsection—

"(A) 1 credit shall be equal to a minimum investment of $25,000 in cash or in kind services, as determined by the Secretary; and

"(B) except in the case of a Federal or State fleet, no part of the investment may be provided by Federal or State funds.

"(4) Use of credits.—At the request of a fleet or covered person allocated a credit under this subsection, the Secretary shall, for the year in which the investment is made, treat that credit as the acquisition of 1 alternative fueled vehicle that the fleet or covered person is required to acquire under this title.".

(c) Lease Condensate Fuels.—Section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) is amended—

(1) in paragraph (2), by inserting "mixtures containing 50 percent or more by volume of lease condensate or fuels extracted from lease condensate;" after "liquified petroleum gas;";

(2) in paragraph (15), by inserting "mixtures containing 50 percent or more by volume of lease condensate or fuels extracted from lease condensate; " after "liquified petroleum gas;"; and

(3) by adding at the end the following:

"(16) the term 'lease condensate' means a mixture, primarily of pentanes and heavier hydrocarbons, which is recovered as a liquid from natural gas in lease separation facilities.".

Subtitle B—Automobile Fuel Economy

SEC. 711. AUTOMOBILE FUEL ECONOMY STANDARDS.

(a) Title 49 Amendment.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

"(f) Considerations.—When deciding maximum feasible average fuel economy under this section, the Secretary of Transportation shall consider the following matters:

"(1) technological feasibility;

"(2) economic practicability;

"(3) the effect of other motor vehicle standards of the Government on fuel economy;

"(4) the need of the United States to conserve energy;

"(5) the effects of fuel economy standards on motor vehicle and passenger safety; and

"(6) the effects of compliance with average fuel economy standards on levels of employment in the United States.".

(b) Clarification of Authority.—Section 32902(b) of title 49, United States Code, is amended by inserting before the period at the end the following: "or such other number as the Secretary prescribes under subsection (c)".

(c) Environmental Assessment.—When issuing final regulations setting forth increased average fuel economy standards under section 32902(a) or section 32902(c) of title 49, United States Code, the Secretary of Transportation shall also issue an environmental assessment of the effects of the increased standards on the environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) Authorization of Appropriations.—For the purposes of this section, there are authorized to be appropriated to the Secretary of Transportation $5,000,000 for each of fiscal years 2004 through 2008.

SEC. 712. DUAL-FUELED AUTOMOBILES.

(a) Manufacturing Incentives.—Section 32905 of title 49, United States Code, is amended—

(1) in subsections (b) and (d), by striking "1993–2004" and inserting "1993–2008";

(2) in subsection (f), by striking "2001" and inserting "2005".

(3) in subsection (f)(1), by striking "2004" and inserting "2008";

(4) in subsection (g), by striking "September 30, 2000" and inserting "September 30, 2004".

(b) Maximum Fuel Economy Increase.—Subsection (a)(1) of section 32906 of title 49, United States Code, is amended—

(1) in subparagraph (A), by striking "the model years 1993–2004" and inserting "model years 1993–2008"; and

(2) in subparagraph (B), by striking "the model years 2005–2008" and inserting "model years 2009–2012".

SEC. 713. FEDERAL FLEET FUEL ECONOMY.

Section 32917 of title 49, United States Code, is amended to read as follows:

"§ 32917. Standards for executive agency automobiles.

"(a) Baseline Average Fuel Economy.—The head of each executive agency shall determine, for all automobiles in the agency's fleet of automobiles that were leased or bought as a new vehicle in fiscal year 1999, the average fuel economy for such automobiles. For the purposes of this section, the average fuel economy so determined shall be the baseline average fuel economy for the agency's fleet of automobiles.

"(b) Increase of Average Fuel Economy.—The head of an executive agency shall manage the procurement of automobiles for that agency in such a manner that not later than September 30, 2005, the average fuel economy of the new automobiles in the agency's fleet of automobiles is not less than 3 miles per gallon higher than the baseline average fuel economy determined under subsection (a) for that fleet.

"(c) Calculation of Average Fuel Economy.—Average fuel economy shall be calculated for the purposes of this section in accordance with guidance which the Secretary of Transportation shall prescribe for the implementation of this section.

"(d) Definitions.—In this section:

"(1) The term 'automobile' does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.

"(2) The term 'executive agency' has the meaning given that term in section 105 of title 5.

"(3) The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the agency, after September 30, 1999.".

SEC. 714. RAILROAD EFFICIENCY.

(a) Establishment.—The Secretary of Energy, in cooperation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall establish a cost-shared, public-private research partnership to develop and demonstrate railroad locomotive technologies that increase fuel economy, reduce emissions, and lower costs of operation. Such partnership shall involve the Federal Government, railroad carriers, locomotive manufacturers and equipment suppliers, and the Association of American Railroads.

(b) Authorization of Appropriations.—For the purposes of this section, there are authorized to be appropriated to the Secretary of Energy $25,000,000 for fiscal year 2004, $35,000,000 for fiscal year 2005, and $50,000,000 for fiscal year 2006.

SEC. 715. REDUCTION OF ENGINE IDLING IN HEAVY-DUTY VEHICLES.

(a) Identification.—Not later than 180 days after the date of enactment of this section, the Secretary of Energy, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall commence a study to analyze the potential fuel savings and emissions reductions resulting from use of idling reduction technologies as they are applied to heavy-duty vehicles. Upon completion of the study, the Secretary of Energy shall, by rule, certify those idling reduction technologies with the greatest economic or technical feasibility and the greatest potential for fuel savings and emissions reductions, and publish a list of such certified technologies in the Federal Register.

(b) Vehicle Weight Exemption.—Section 127(a) of Title 23, United States Code, is amended by adding at the end the following:

"In order to promote reduction of fuel use and emissions due to engine idling, the maximum gross vehicle weight limit and the axle weight limit for any motor vehicle equipped with an idling reduction technology certified by the U.S. Department of Energy will be increased by an amount necessary to compensate for the additional weight of the idling reduction system, provided that the weight increase shall be no greater than 400 pounds."

(c) Definitions.—For the purposes of this section:

(1) The term "idling reduction technology" means a device or system of devices utilized to reduce long-duration idling of a vehicle.

(2) The term "heavy-duty vehicle" means a vehicle that has a gross vehicle weight rating greater than 8,500 pounds and is powered by a diesel engine.

(3) The term "long-duration idling" means the operation of a main drive engine, for a period greater than 30 consecutive minutes, where the main drive engine is not engaged in gear. Such term does not apply to routine stoppages associated with traffic movement or congestion.

TITLE VIII—HYDROGEN

Subtitle A—Basic Research Programs

SEC. 801. SHORT TITLE.

This subtitle may be cited as the "George E. Brown, Jr. and Robert S. Walker Hydrogen Future Act of 2003".

SEC. 802. MATSUNAGA ACT AMENDMENT.

The Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401 et seq.) is amended by striking sections 102 through 109 and inserting the following:

"SEC. 102. DEFINITIONS.

In this Act—

"(a) the term 'advisory committee' means the Hydrogen and Fuel Cell Technical Advisory Committee established under section 107.

"(b) the term 'Department' means the Department of Energy.

"(c) the term 'fuel cell' means a device that directly converts the chemical energy of a fuel into electricity by an electrochemical process.

"(d) the term 'infrastructure' means the equipment, systems, or facilities used to produce, distribute, deliver, or store hydrogen.

"(e) the term 'Secretary' means the Secretary of Energy.

"SEC. 103. HYDROGEN RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall conduct a research and development program on technologies related to the production, distribution, storage, and use of hydrogen energy, fuel cells, and related infrastructure.

(b) GOAL.—The goal of such program shall be to enable the safe, economic, and environmentally sound use of hydrogen energy, fuel cells, and related infrastructure for transportation, commercial, industrial, residential, and electric power generation applications.

(c) FOCUS.—In carrying out activities under this section, the Secretary shall focus on critical technical issues including, but not limited to—

"(1) the production of hydrogen from diverse energy sources, with emphasis on cost-effective production from renewable energy sources;

"(2) the delivery of hydrogen, including safe delivery in fueling stations and use of existing hydrogen pipelines;

"(3) the storage of hydrogen, including storage of hydrogen in surface transportation;

"(4) fuel cell technologies for transportation, stationary and portable applications, with emphasis on cost-reduction of fuel cell stacks; and

"(5) the use of hydrogen energy and fuel cells, including use in—

"(A) isolated villages, islands, and areas in which other energy sources are not available or are very expensive; and

"(B) foreign markets, particularly where an energy infrastructure is not well developed.

"(d) CODES AND STANDARDS.—The Secretary shall facilitate the development of domestic and international codes and standards and seek to resolve other critical regulatory and technical barriers preventing the introduction of hydrogen energy and fuel cells into the marketplace.

"(e) SOLICITATION.—The Secretary shall carry out the research and development activities authorized under this section through solicitation of proposals, and evaluation using competitive merit review.

"(f) COST SHARING. The Secretary shall require a commitment from non-Federal sources of at least 20 percent of the cost of proposed research and development projects. The Secretary may reduce or eliminate the cost sharing requirement—

"(1) if the Secretary determines that the research and development is of a basic or fundamental nature, or

"(2) for technical analyses, outreach activities, and educational programs that the Secretary does not expect to result in a marketable product.

"SEC. 104. DEMONSTRATION PROGRAMS.

"(a) REQUIREMENT.—In conjunction with activities conducted under section 103, the Secretary shall conduct demonstrations of hydrogen energy and fuel cell technologies in order to evaluate the commercial potential of such technologies.

"(b) SOLICITATION.—The Secretary shall carry out the demonstrations authorized under this section through solicitation of proposals, and evaluation using competitive merit review.

"(c) COST SHARING.—The Secretary shall require a commitment from non-Federal sources of at least 50 percent of the costs directly relating to a demonstration project under this section. The Secretary may reduce such non-Federal requirement if the Secretary determines that the reduction is appropriate considering the technological risks involved in the project.

"SEC. 105. TECHNOLOGY TRANSFER.

"The Secretary shall conduct programs to—

"(a) transfer critical hydrogen energy and fuel cell technologies to the private sector in order to promote wider understanding of such technologies and wider use of research progress under this Act;

"(b) to accelerate wider application of hydrogen energy and fuel cell technologies in foreign countries in order to increase the global market for the technologies and foster global development without harmful environmental effects;

"(c) foster the exchange of generic, nonproprietary information and technology developed pursuant to this Act, among industry, academia, and the Federal agencies; and

"(d) inventory and assess the technical and commercial viability of technologies related to production, distribution, storage, and use of hydrogen energy and fuel cells.

"SEC. 106. COORDINATION AND CONSULTATION.

"The Secretary shall have overall management responsibility for carrying out programs under this Act. In carrying out such programs, the Secretary—

"(a) shall establish a central point for the coordination of all hydrogen energy and fuel cell research, development, and demonstration activities of the Department;

"(b) in carrying out the Secretary's authorities pursuant to this Act, shall consult with other Federal agencies as appropriate, and may obtain the assistance of any Federal agency, on a reimbursable basis or otherwise and with the consent of such agency;

"(c) shall attempt to ensure that activities under this Act do not unnecessarily duplicate any available research and development results or displace or compete with privately funded hydrogen and fuel cell energy activities.

"SEC. 107. ADVISORY COMMITTEE.

"(a) ESTABLISHMENT.—There is hereby established the Hydrogen and Fuel Cell Technical Advisory Committee, to advise the Secretary on the programs under this Act.

"(b) MEMBERSHIP.—The advisory committee shall be comprised of not fewer than 12 nor more than 25 members appointed by the Secretary based on their technical and other qualifications from domestic industry, automakers, universities, professional societies, Federal laboratories, financial institutions, and environmental and other organizations as the Secretary deems appropriate. The advisory committee shall have a chairperson, who shall be elected by the members from among their number.

"(c) TERMS.—Members of the advisory committee shall be appointed for terms of 3 years, with each term to begin not later than 3 months after the date of enactment of the Energy Policy Act of 2003, except that one-third of the members first appointed shall serve for 1 year, and one-third of the members first appointed shall serve for 2 years, as designated by the Secretary at the time of appointment.

"(d) REVIEW.—The advisory committee shall review and make any necessary recommendations to the Secretary on—

"(1) implementation and conduct of programs under this Act;

"(2) economic, technological, and environmental consequences of the deployment of technologies related to production, distribution, storage, and use of hydrogen energy, and fuel cells;

"(3) means for resolving barriers to implementing hydrogen and fuel cell technologies; and

"(4) the coordination plan and any updates thereto prepared by the Secretary pursuant to section 108.

"(e) RESPONSE.—The Secretary shall consider any recommendations made by the advisory committee, and shall provide a response to the advisory committee within 30 days after receipt of such recommendations. Such response shall either describe the implementation of the advisory committee's recommendations or provide an explanation of the reasons that any such recommendations will not be implemented.

"(f) SUPPORT.—The Secretary shall provide such staff, funds and other support as may be necessary to enable the advisory committee to carry out its functions. In carrying out activities pursuant to this section, the advisory committee may also obtain the assistance of any Federal agency, on a reimbursable basis or otherwise and with the consent of such agency.

"SEC. 108. COORDINATION PLAN.

"(a) PLAN.—The Secretary, in consultation with other Federal agencies, shall prepare and maintain on an ongoing basis a comprehensive plan for activities under this Act.

"(b) DEVELOPMENT.—In developing such plan, the Secretary shall—

"(1) consider the guidance of the National Hydrogen Energy Roadmap published by the Department in November 2002 and any updates thereto;

"(2) consult with the advisory committee;

"(3) consult with interested parties from domestic industry, automakers, universities, professional societies, Federal laboratories, financial institutions, and environmental and other organizations as the Secretary deems appropriate.

"(c) CONTENTS.—At a minimum, the plan shall provide—

"(1) an assessment of the effectiveness of the programs authorized under this Act, including a summary of recommendations of the advisory committee for improvements in such programs;

"(2) a description of proposed research, development, and demonstration activities planned by the Department for the next five years;

"(3) a description of the role Federal laboratories, institutions of higher education, small businesses, and other private sector firms are expected to play in such programs;

"(4) cost and performance milestones that will be used to evaluate the programs for the next five years; and

"(5) any significant technical, regulatory, and other hurdles that stand in the way of achieving such cost and performance milestones, and how the programs will address those hurdles; and

"(6) to the extent practicable, an analysis of Federal, State, local, and private sector hydrogen research, development, and demonstration activities to identify areas for increased intergovernmental and private-public sector collaboration.

"(d) REPORT.—Not later than January 1, 2005, and biennially thereafter, the Secretary shall transmit to Congress the comprehensive plan developed for the programs authorized under this Act, or any updates thereto.

"SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out the purposes of this Act—

"(1) such sums as may be necessary for fiscal years 1992 through 2003;

"(2) $105,000,000 for fiscal year 2004;

"(3) $150,000,000 for fiscal year 2005;

"(4) $175,000,000 for fiscal year 2006;

"(5) $200,000,000 for fiscal year 2007; and

"(6) $225,000,000 for fiscal year 2008.".

SEC. 803. HYDROGEN TRANSPORTATION AND FUEL INITIATIVE.

(a) VEHICLE TECHNOLOGIES.—The Secretary shall carry out a research, development, demonstration, and commercial application program on advanced hydrogen-powered vehicle technologies. Such program shall address—

(1) engine and emission control systems;

(2) energy storage, electric propulsion, and hybrid systems;

(3) automotive materials;

(4) hydrogen-carrier fuels; and

(5) other advanced vehicle technologies.

(b) HYDROGEN FUEL INITIATIVE.—In coordination with the program authorized in subsection (a), the Secretary of Energy, in partnership with the private sector, shall conduct a research, development, demonstration and commercial application program designed to enable the rapid and coordinated introduction of hydrogen-fueled vehicles and associated infrastructure into commerce. Such program shall address—

(1) production of hydrogen from diverse energy resources, including—

(A) renewable energy resources;

(B) fossil fuels, in conjunction with carbon capture and sequestration;

(C) hydrogen-carrier fuels; and

(D) nuclear energy;

(2) delivery of hydrogen or hydrogen-carrier fuels, including—

(A) transmission by pipeline and other distribution methods; and

(B) safe, convenient, and economic refueling of vehicles, either at central refueling stations or through distributed on-site generation;

(3) storage of hydrogen or hydrogen-carrier fuels, including development of materials for safe and economic storage in gaseous, liquid or solid forms at refueling facilities or onboard vehicles; and

(4) development of advanced vehicle technologies, such as efficient fuel cells and direct hydrogen combustion engines, and related component technologies such as advanced materials and control systems; and

(5) development of necessary codes, standards, and safety practices to accompany the production, distribution, storage and use of hydrogen or hydrogen-carrier fuels in transportation.

(c) MATSUNAGA ACT.—In carrying out programs and projects under subsections (a) and (b), the Secretary shall ensure that such programs and projects are consistent with, and do not unnecessarily duplicate, activities carried out under the programs authorized under the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401 et seq.).

(d) ADVISORY COMMITTEE.—The Hydrogen and Fuel Cell Technical Advisory Committee authorized under section 107 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12408), as amended in this title, shall also advise the Secretary on the programs and activities carried out under this section.

(e) SOLICITATION.—The Secretary shall carry out the programs authorized under this section through solicitation of proposals, and evaluation using competitive merit review.

(f) COST SHARING.—The Secretary shall require a commitment from non-Federal sources of at least 50 percent of the costs directly relating to a demonstration project under this section. The Secretary may reduce such non-Federal requirement if the Secretary determines that the reduction is appropriate considering the technological risks involved in the project.

(g) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of this section, there are authorized to be appropriated to the Secretary—

(1) for activities pursuant to subsection (a), to remain available until expended—

(A) $100,000,000 for each of fiscal years 2004 and 2005;

(B) $110,000,000 for each of fiscal years 2006 and 2007; and

(C) $120,000,000 for fiscal year 2008; and

(2) for activities pursuant to subsection (b), to remain available until expended—

(A) $125,000,000 for fiscal year 2004;

(B) $150,000,000 for fiscal year 2005;

(C) $175,000,000 for fiscal year 2006;

(D) $200,000,000 for each of fiscal years 2007 and 2008.

SEC. 804. INTERAGENCY TASK FORCE AND COORDINATION PLAN.

(a) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish an interagency task force to coordinate Federal hydrogen and fuel cell energy activities.

(b) COMPOSITION.—The task force shall be chaired by a designee of the Secretary, and shall include representatives of—

(1) the Office of Science and Technology Policy;

(2) the Department of Transportation;

(3) the Department of Defense;

(4) the Department of Commerce (including the National Institute for Standards and Technology);

(5) the Environmental Protection Agency;

(6) the National Aeronautics and Space Administration;

(7) the Department of State; and

(8) other Federal agencies as the Director considers appropriate.

(c) COORDINATION PLAN.—The task force shall prepare a comprehensive coordination plan for Federal hydrogen and fuel cell energy activities, which shall include a summary of such activities.

(d) REPORT.—Not later than one year after it is established, the task force shall report to Congress on the coordination plan in subsection (c) and on the interagency coordination of Federal hydrogen and fuel cell energy activities.

SEC. 805. REVIEW BY THE NATIONAL ACADEMIES.

Not later than two years after the date of enactment of this Act, and every four years thereafter, the Secretary shall enter into a contract with the National Academies. Such contract shall require the National Academies to perform a review of the progress made through Federal hydrogen and fuel cell energy programs and activities, including the need for modified or additional programs, and to report to the Congress on the results of such review. There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the requirements of this section.

Subtitle B—Demonstration Programs

SEC. 811. DEFINITIONS.

For the purposes of this subtitle and subtitle C—

(a) the term "fuel cell" means a device that directly converts the chemical energy of a fuel into electricity by an electrochemical process.

(b) the term "hydrogen-carrier fuel" means any hydrocarbon fuel that is capable of being thermochemically processed or otherwise reformed to produce hydrogen;

(c) the term "infrastructure" means the equipment, systems, or facilities used to produce, distribute, deliver, or store hydrogen or hydrogen-carrier fuels.

(d) the term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(b) the term "Secretary" means the Secretary of Energy;

SEC. 812. HYDROGEN VEHICLE DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a program for demonstration and commercial application of hydrogen-powered vehicles and associated hydrogen fueling infrastructure in a variety of transportation-related applications, including—

(1) fuel cell vehicles in light-duty vehicle fleets;

(2) heavy-duty fuel cell on-road and offroad vehicles, including mass transit buses;

(3) use of hydrogen-powered vehicles and hydrogen fueling infrastructure (including multiple hydrogen refueling stations) along major transportation routes or in entire regions; and

(4) other similar projects as the Secretary may deem necessary to contribute to the rapid demonstration and deployment of hydrogen-based technologies in widespread use for transportation.

(b) ELIGIBILITY.—Federal, State, tribal, and local governments, academic and other nonprofit organizations, private entities, and consortia of these entities shall be eligible for these projects.

(c) SELECTION.—In selecting projects under this section, the Secretary shall—

(1) consult with Federal, State, local and private fleet managers to identify potential projects where hydrogen-powered vehicles may be placed into service;

(2) identify not less than 10 sites at which to carry out projects under this program, 2 of which must be based at Federal facilities;

(3) select projects based on the following factors—

(A) geographic diversity;

(B) a diverse set of operating environments, duty cycles, and likely weather conditions;

(C) the interest and capability of the participating agencies, entities, or fleets;

(D) the availability and appropriateness of potential sites for refueling infrastructure and for maintenance of the vehicle fleet;

(E) the existence of traffic congestion in the area expected to be served by the hydrogen-powered vehicles;

(F) proximity to non-attainment areas as defined in section 171 of the Clean Air Act (42 U.S.C. 7501); and

(G) such other criteria as the Secretary determines to be appropriate in order to carry out the purposes of the program.

(d) Infrastructure.—In funding projects under this section, the Secretary shall also support the installation of refueling infrastructure at sites necessary for success of the project, giving preference to those infrastructure projects that include co-production of both—

(1) hydrogen for use in transportation; and

(2) electricity that can be consumed on site.

(e) Operation and Maintenance Period.—Vehicles purchased for projects under this section shall be operated and maintained by the participating agencies or entities in regular duty cycles for a period of not less than 12 months.

(f) Training and Technical Support.—In funding proposals under this section, the Secretary shall also provide funding for training and technical support as may be necessary to assure the success of such projects, including training and technical support in—

(1) the installation, operation, and maintenance of fueling infrastructure;

(2) the operation and maintenance of fuel cell vehicles; and

(3) data collection necessary to monitor project performance.

(g) Cost-sharing.—Except as otherwise provided, the Secretary shall require a commitment from non-Federal sources of at least 50 percent of the costs directly relating to a demonstration project under this section. The Secretary may reduce such non-Federal requirement if the Secretary determines that the reduction is appropriate considering the technological risks involved in the project.

(h) Authorization of Appropriations.—For the purposes of this section, there are authorized to be appropriated to the Secretary $50,000,000 for each of fiscal years 2006 through 2010, to remain available until expended.

SEC. 813. STATIONARY FUEL CELL DEMONSTRATION PROGRAM.

(a) In General.—The Secretary shall establish a program for demonstration and commercial application of hydrogen fuel cells in stationary applications, including—

(1) fuel cells for use in residential and commercial buildings;

(2) portable fuel cells, including auxiliary power units in trucks;

(3) small form and micro fuel cells of 20 watts or less;

(4) distributed generation systems with fuel cells using renewable energy; and

(5) other similar projects as the Secretary may deem necessary to contribute to the rapid demonstration and deployment of hydrogen-based technologies in widespread use.

(b) Competitive Evaluation.—Proposals submitted in response to solicitations issued pursuant to this section shall be evaluated on a competitive basis using peer review. The Secretary is not required to make an award under this section in the absence of a meritorious proposal.

(c) Preference.—The Secretary shall give preference, in making an award under this section, to proposals that—

(1) are submitted jointly from consortia that include two or more participants from institutions of higher education, industry, State, tribal, or local governments, and Federal laboratories; and

(2) that reflect proven experience and capability with technologies relevant to the projects proposed.

(d) Training and Technical Support.—In funding proposals under this section, the Secretary shall also provide funding for training and technical support as may be necessary to assure the success of such projects, including training and technical support in the installation, operation, and maintenance of fuel cells and the collection of data to monitor project performance.

(e) Cost-Sharing.—Except as otherwise provided, the Secretary shall require a commitment from non-Federal sources of at least 50 percent of the costs directly relating to a demonstration project under this section. The Secretary may reduce such non-Federal requirement if the Secretary determines that the reduction is appropriate considering the technological risks involved in the project.

(f) Authorization of Appropriations.—For the purposes of this section, there are authorized to be appropriated to the Secretary $50,000,000 for each of fiscal years 2006 through 2010, to remain available until expended.

SEC. 814. HYDROGEN DEMONSTRATION PROGRAMS IN NATIONAL PARKS.

(a) Study.—Not later than 1 year after the date of enactment of this section, the Secretary of the Interior and the Secretary of Energy shall jointly study and report to Congress on—

(1) the energy needs and uses at National Parks; and

(2) the potential for fuel cell and other hydrogen-based technologies to meet such energy needs in—

(A) stationary applications, including power generation, combined heat and power for buildings and campsites, and standby and backup power systems; and

(B) transportation-related applications, including support vehicles, passenger vehicles and heavy-duty trucks and buses.

(b) Pilot Projects.—Based on the results of the study conducted under subsection (a), the Secretary of the Interior shall fund not fewer than 3 pilot projects in national parks to provide for demonstration of fuel cells or other hydrogen-based technologies in those applications where the greatest potential for such use in National Parks has been identified. Such pilot projects shall be geographically distributed throughout the United States.

(c) Definition.—For the purpose of this section, the term "National Parks" means those areas of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of the Interior $1,000,000 for fiscal year 2004, and $15,000,000 for fiscal year 2005, to remain available until expended.

SEC. 815. INTERNATIONAL DEMONSTRATION PROGRAM.

(a) In General.—The Secretary, in consultation with the Administrator of the U.S. Agency for International Development, shall conduct demonstrations of fuel cells and associated hydrogen fueling infrastructure in countries other than the United States, particularly in areas where an energy infrastructure is not already well developed.

(b) Eligible Technologies.—The program may demonstrate—

(1) fuel cell vehicles in light-duty vehicle fleets;

(2) heavy-duty fuel cell on-road and off-road vehicles;

(3) stationary fuel cells in residential and commercial buildings; or

(4) portable fuel cells, including auxiliary power units in trucks.

(c) Participants.—

(1) Eligibility.—Foreign nations, non-profit organizations, and private companies shall be eligible for these pilot projects.

(2) Cooperation.—Eligible entities may perform the projects in cooperation with United States non-profit organizations and private companies.

(3) Cost-sharing.—The Secretary may require a commitment from participating private companies and from participating foreign countries.

(d) Authorization of Appropriations.—For activities conducted under this section, there are authorized to be appropriated to the Secretary $25,000,000 for each of fiscal years 2006 through 2010, to remain available until expended.

SEC. 816. TRIBAL STATIONARY HYBRID POWER DEMONSTRATION.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with Indian tribes, shall develop and transmit to Congress a strategy for a demonstration and commercial application program to develop hybrid distributed power systems on Indian lands that combine—

(1) one renewable electric power generating technology of 2 megawatts or less located near the site of electric energy use; and

(2) fuel cell power generation suitable for use in distributed power systems.

(b) Definition.—For the purposes of this section, the terms "Indian tribe" and "Indian land" have the meaning given such terms under Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.), as amended by this Act.

(c) Authorization of Appropriations.—For activities under this section, there are authorized to be appropriated to the Secretary of Energy $1,000,000 for fiscal year 2005, and $5,000,000 for each of fiscal years 2006 through 2008.

SEC. 817. DISTRIBUTED GENERATION PILOT PROGRAM.

(a) Establishment.—The Secretary shall support a demonstration program to develop, deploy, and commercialize distributed generation systems to significantly reduce the cost of producing hydrogen from renewable energy for use in fuel cells. Such program shall provide the necessary infrastructure to test these distributed generation technologies at pilot scales in a real-world environment.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Energy, to remain available until expended, for the purposes of carrying out this section:

(1) $10,000,000 for fiscal year 2004;

(2) $15,000,000 for fiscal year 2005; and

(3) $20,000,000 for each of fiscal years 2006 through 2008.

Subtitle C—Federal Programs

SEC. 821. PUBLIC EDUCATION AND TRAINING.

(a) Education.—The Secretary shall conduct a public education program designed to increase public interest in and acceptance of hydrogen energy and fuel cell technologies.

(b) TRAINING.—The Secretary shall conduct a program to promote university-based training in critical skills for research in, production of, and use of hydrogen energy and fuel cell technologies. Such program may include research fellowships at institutions of higher education, centers of excellence in critical technologies, internships in industry, and such other measures as the Secretary deems appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—For activities pursuant to this section, there are authorized to be appropriated to the Secretary $7,000,000 for each of fiscal years 2004 through 2008.

SEC. 822. HYDROGEN TRANSITION STRATEGIC PLANNING.

(a) IN GENERAL.—Not later than September 30, 2004, the head of each federal agency with annual outlays of greater than $20,000,000 shall submit to the Director of the Office of Management and Budget and to the Congress a hydrogen transition strategic plan containing a comprehensive assessment of how the transition to a hydrogen-based economy could to assist the mission, operation and regulatory program of the agency.

(b) CONTENTS.—At a minimum, each plan shall contain—

(1) a description of areas within the agency's control where using hydrogen and/or fuel cells could benefit the operation of the agency, assist in the implementation of its regulatory functions or enhance the agency's mission; and

(2) a description of any agency management practices, procurement policies, regulations, policies, or guidelines that may inhibit the agency's transition to use of fuel cells and hydrogen as an energy source;

(c) DURATION AND REVISION.—The strategic plan shall cover a period of not less than the five years following the fiscal year in which it is submitted, and shall be updated and revised at least every three years.

SEC. 823. MINIMUM FEDERAL FLEET REQUIREMENT.

(a) Section 303(b) of the Energy Policy Act of 1992 (42 U.S.C. 13212(b)) is amended by adding at the end the following:

"(4) HYDROGEN VEHICLES.—

"(A) Of the number of vehicles acquired under paragraph (1)(D) by a Federal fleet of 100 or more vehicles, not less than—

(i) 5 percent in fiscal years 2006 and 2007;

(ii) 10 percent in fiscal years 2008 and 2009;

(iii) 15 percent in fiscal years 2010 and 2011; and

(iv) 20 percent in fiscal years 2012 and thereafter,

shall be hydrogen-powered vehicles that meet standards for performance, reliability, cost, and maintenance established by the Secretary.

"(B) The Secretary may establish a lesser percentage, or waive the requirement under subparagraph (A) for any fiscal year entirely, if hydrogen-powered vehicles meeting the standards set by the Secretary pursuant to subparagraph (A) are not available at a purchase price that is less than 150 percent of the purchase price of other comparable alternative fueled vehicles.

"(C) The Secretary may by rule, delay the implementation of the requirements under subparagraph (A) in the event that the Secretary determines that hydrogen-powered vehicles are not commercially or economically available, or that fuel for such vehicles is not commercially or economically available.

"(D) The Secretary, in consultation with the Administrator of General Services, may for reasons of refueling infrastructure use and cost optimization, elect to allocate the acquisitions necessary to achieve the requirements in subparagraph (A) to certain Federal fleets in lieu of requiring each Federal fleet to achieve the requirements in subparagraph (A).".

(b) REFUELING.—Section 304 of the Energy Policy Act of 1992 (42 U.S.C. 13213) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in the second sentence of subsection (a), by striking "If publicly" and inserting the following:

"(b) COMMERCIAL ARRANGEMENTS.—

"(1) IN GENERAL.—If publicly"; and

(3) in subsection (b) (as designated by paragraph (2)), by adding at the end the following:

"(2) MANDATORY ARRANGEMENTS.—

"(A) IN GENERAL.—In a case in which publicly available fueling facilities are not convenient or accessible to the locations of 2 or more Federal fleets for which hydrogen-powered vehicles are required to be purchased under section 303(b)(4), the Federal agency for which the Federal fleets are maintained (or the Federal agencies for which the Federal fleets are maintained, acting jointly under a memorandum of agreement providing for cost sharing) shall enter into a commercial arrangement as provided in paragraph (1).

"(B) SUNSET.—Subparagraph (A) ceases to be effective at the end of fiscal year 2013.".

SEC. 824. STATIONARY FUEL CELL PURCHASE REQUIREMENT.

(a) REQUIREMENT.—The President, acting through the Secretary of Energy, shall seek to ensure that, to the extent economically practicable and technically feasible, of the total amount of electric energy the Federal Government consumes during any fiscal year, the following amounts shall be generated by fuel cells—

(1) not less than 1 percent in fiscal years 2006 through 2008;

(2) not less than 2 percent in fiscal years 2009 and 2010; and

(3) not less than 3 percent in fiscal year 2011 and each fiscal year thereafter.

(b) COMPLIANCE.—In complying with the requirements of subsection (a), Federal agencies are encouraged to—

(1) use innovative purchasing practices;

(2) use fuel cells at the site of electricity usage and in combined heat and power applications; and

(3) use fuel cells in stand alone power functions, such as but not limited to battery power and backup power.

(c) DEFINITIONS.— For purposes of this section—

(1) the term "fuel cells" means an integrated system comprised of a fuel cell stack assembly and balance of plant components that converts a fuel into electricity using an electrochemical means.

(2) the term "electrical energy" includes on and off grid power, including premium power applications, standby power applications and electricity generation.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of this section, there are authorized to be appropriated to the Secretary of Energy $30,000,000 for fiscal years 2004, $70,000,000 for fiscal year 2005, and $100,000,000 for each of fiscal years 2006 and thereafter.

SEC. 825. DEPARTMENT OF ENERGY STRATEGY.

Not later than 1 year after the date of enactment of this Act, the Secretary shall publish and transmit to Congress a plan identifying critical technologies, enabling strategies and applications, technical targets, and associated timeframes that support the commercialization of hydrogen-fueled fuel cell vehicles.

TITLE IX—RESEARCH AND DEVELOPMENT

SEC. 901. SHORT TITLE.

This Title may be cited as the "Energy Research, Development, Demonstration, and Commercial Application Act of 2003".

SEC. 902. GOALS.

(a) IN GENERAL.—In order to achieve the purposes of this title, the Secretary shall conduct a balanced set of programs of energy research, development, demonstration, and commercial application, focused on—

(1) increasing the efficiency of all energy intensive sectors through conservation and improved technologies,

(2) promoting diversity of energy supply,

(3) decreasing the nation's dependence on foreign energy supplies,

(4) improving United States energy security, and

(5) decreasing the environmental impact of energy-related activities.

(b) GOALS.—The Secretary shall publish measurable cost and performance-based goals with each annual budget submission in at least the following areas:

(1) energy efficiency for buildings, energy-consuming industries, and vehicles;

(2) electric energy generation (including distributed generation), transmission, and storage;

(3) renewable energy technologies including wind power, photovoltaics, solar thermal systems, geothermal energy, hydrogen-fueled systems, biomass-based systems, biofuels, and hydropower;

(4) fossil energy including power generation, onshore and offshore oil and gas resource recovery, and transportation; and

(5) nuclear energy including programs for existing and advanced reactors, and education of future specialists.

(c) PUBLIC COMMENT.—The Secretary shall provide mechanisms for input on the annually published goals from industry, university, and other public sources.

(d) EFFECT OF GOALS.—Nothing in subsection (a) or the annually published goals creates any new authority for any Federal agency, or may be used by a Federal agency to support the establishment of regulatory standards or regulatory requirements.

SEC. 903. DEFINITIONS.

For purposes of this title:

(1) The term "Department" means the Department of Energy.

(2) The term "departmental mission" means any of the functions vested in the Secretary of Energy by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) or other law.

(3) The term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) The term "National Laboratory" means any of the following laboratories owned by the Department:

(A) Ames Laboratory.

(B) Argonne National Laboratory.

(C) Brookhaven National Laboratory.

(D) Fermi National Accelerator Laboratory.

(E) Idaho National Engineering and Environmental Laboratory.

(F) Lawrence Berkeley National Laboratory.

(G) Lawrence Livermore National Laboratory.

(H) Los Alamos National Laboratory.

(I) National Energy Technology Laboratory.

(J) National Renewable Energy Laboratory.

(K) Oak Ridge National Laboratory.

(L) Pacific Northwest National Laboratory.

(M) Princeton Plasma Physics Laboratory.

(N) Sandia National Laboratories.

(O) Stanford Linear Accelerator Center.

(P) Thomas Jefferson National Accelerator Facility.

(5) The term "nonmilitary energy laboratory" means the laboratories listed in (4) with the exclusion of (4)(G), (4)(H), and (4)(N).

(6) The term "Secretary" means the Secretary of Energy.

(7) The term "single-purpose research facility" means any of the primarily single-purpose entities owned by the Department or any other organization of the Department designated by the Secretary.

Subtitle A—Energy Efficiency

SEC. 911. ENERGY EFFICIENCY.

(a) In General.—The following sums are authorized to be appropriated to the Secretary for energy efficiency and conservation research, development, demonstration, and commercial application activities, including activities authorized under this subtitle:

(1) for fiscal year 2004, $616,000,000;

(2) for fiscal year 2005, $695,000,000;

(3) for fiscal year 2006, $772,000,000;

(4) for fiscal year 2007, $865,000,000; and

(5) for fiscal year 2008, $920,000,000.

(b) Allocations.—From amounts authorized under subsection (a), the following sums are authorized:

(1) For activities under section 912—

(A) for fiscal year 2004, $20,000,000; and

(B) for fiscal year 2005, $30,000,000.

(2) For activities under section 914—

(A) for fiscal year 2004, $4,000,000; and

(B) for each of fiscal years 2005 through 2008, $7,000,000.

(3) For activities under section 915—

(A) for fiscal year 2004, $20,000,000;

(B) for fiscal year 2005, $25,000,000;

(C) for fiscal year 2006, $30,000,000;

(D) for fiscal year 2007, $35,000,000; and

(E) for fiscal year 2008, $40,000,000.

(c) Extended Authorization.—There are authorized to be appropriated to the Secretary for activities under section 912, $50,000,000 for each of fiscal years 2006 through 2013.

(d) None of the funds authorized to be appropriated under this section may be used for—

(1) the promulgation and implementation of energy efficiency regulations;

(2) the Weatherization Assistance Program under part A of title IV of the Energy Conservation and Production Act;

(3) the State Energy Program under part D of title III of the Energy Policy and Conservation Act; or

(4) the Federal Energy Management Program under part 3 of title V of the National Energy Conservation Policy Act.

SEC. 912. NEXT GENERATION LIGHTING INITIATIVE.

(a) In General.—The Secretary shall carry out a Next Generation Lighting Initiative in accordance with this section to support research, development, demonstration, and commercial application activities related to advanced solid-state lighting technologies based on white light emitting diodes.

(b) Objectives.—The objectives of the initiative shall be to develop advanced solid-state organic and inorganic lighting technologies based on white light emitting diodes that, compared to incandescent and fluorescent lighting technologies, are longer lasting; more energy-efficient; cost-competitive and have less environmental impact.

(c) Industry Alliance.—The Secretary shall, within 3 months from the date of enactment of this section, competitively select an Industry Alliance to represent participants who are private, for-profit firms which, as a group, are broadly representative of United States solid state lighting research, development, infrastructure, and manufacturing expertise as a whole.

(d) Research.—

(1) The Secretary shall carry out the research activities of the Next Generation Lighting Initiative through competitively awarded grants to researchers, including Industry Alliance participants, national laboratories and institutions of higher education.

(2) The Secretary shall annually solicit from the Industry Alliance—

(A) comments to identify solid-state lighting technology needs;

(B) assessment of the progress of the Initiative's research activities; and

(C) assistance in annually updating solid-state lighting technology roadmaps.

(3) The information and roadmaps under (2) shall be available to the public.

(e) Development, Demonstration, and Commercial Application.—The Secretary shall carry out a development, demonstration, and commercial application program for the Next Generation Lighting Initiative through competitively selected awards. The Secretary may give preference to participants of the Industry Alliance selected pursuant to subsection (c).

(f) Cost Sharing.—The Secretary shall require cost sharing according to 42 U.S.C. 13542.

(g) Intellectual Property.—The Secretary may require, in accordance with the authorities provided in 35 U.S.C. 202(a)(ii), 42 U.S.C. 2182 and 42 U.S.C. 5908, that for any new invention from subsection (d)—

(1) that the Industry Alliance members who are active participants in research, development and demonstration activities related to the advanced solid-state lighting technologies that are the subject of this legislation shall be granted first option to negotiate with the invention owner, at least in the field of solid-state lighting, non-exclusive licenses and royalties on terms that are reasonable under the circumstances;

(2) that the invention owner must offer to negotiate licenses with the Industry Alliance participants cited in (1), in good faith, for at least 1 year after U.S. patents are issued on any such new invention; and

(3) such other terms as the Secretary determines are required to promote accelerated commercialization of inventions made under the Initiative.

(h) National Academy Review.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct periodic reviews of the Next Generation Lighting Initiative.

(i) Definitions.—As used in this section:

(1) The term "advanced solid-state lighting" means a semiconducting device package and delivery system that produces white light using externally applied voltage.

(2) The term "research" includes basic research on the technologies, materials and manufacturing processes required for white light emitting diodes.

(3) The term "Industry Alliance" means an entity selected by the Secretary under subsection (c).

(4) The term "white light emitting diode" means a semiconducting package, utilizing either organic or inorganic materials, that produces white light using externally applied voltage.

SEC. 913. NATIONAL BUILDING PERFORMANCE INITIATIVE.

(a) Interagency Group.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall establish an interagency group to develop, in coordination with the advisory committee established under subsection (e), a National Building Performance Initiative (in this section referred to as the "Initiative"). The interagency group shall be co-chaired by appropriate officials of the Department and the Department of Commerce, who shall jointly arrange for the provision of necessary administrative support to the group.

(b) Integration of Efforts.—The Initiative shall integrate Federal, State, and voluntary private sector efforts to reduce the costs of construction, operation, maintenance, and renovation of commercial, industrial, institutional, and residential buildings.

(c) Plan.—Not later than 1 year after the date of enactment of this Act, the interagency group shall submit to Congress a plan for carrying out the appropriate Federal role in the Initiative. The plan shall include—

(1) research, development, demonstration, and commercial application of systems and materials for new construction and retrofit relating to the building envelope and building system components; and

(2) the collection, analysis, and dissemination of research results and other pertinent information on enhancing building performance to industry, government entities, and the public.

(d) Department of Energy Role.—Within the Federal portion of the Initiative, the Department shall be the lead agency for all aspects of building performance related to use and conservation of energy.

(e) Advisory Committee.—The Director of the Office of Science and Technology Policy shall establish an advisory committee to—

(1) analyze and provide recommendations on potential private sector roles and participation in the Initiative; and

(2) review and provide recommendations on the plan described in subsection (c).

(f) Construction.—Nothing in this section provides any Federal agency with new authority to regulate building performance.

SEC. 914. SECONDARY ELECTRIC VEHICLE BATTERY USE PROGRAM.

(a) Definitions.—For purposes of this section:

(1) The term "battery" means an energy storage device that previously has been used to provide motive power in a vehicle powered in whole or in part by electricity.

(2) The term "associated equipment" means equipment located where the batteries will be used that is necessary to enable the use of the energy stored in the batteries.

(b) Program.—The Secretary shall establish and conduct a research, development, demonstration, and commercial application program for the secondary use of batteries. Such program shall be—

(1) designed to demonstrate the use of batteries in secondary applications, including utility and commercial power storage and power quality;

(2) structured to evaluate the performance, including useful service life and costs, of such batteries in field operations, and the

necessary supporting infrastructure, including reuse and disposal of batteries; and

(3) coordinated with ongoing secondary battery use programs at the National Laboratories and in industry.

(c) SOLICITATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall solicit proposals to demonstrate the secondary use of batteries and associated equipment and supporting infrastructure in geographic locations throughout the United States. The Secretary may make additional solicitations for proposals if the Secretary determines that such solicitations are necessary to carry out this section.

(d) SELECTION OF PROPOSALS.—

(1) The Secretary shall, not later than 90 days after the closing date established by the Secretary for receipt of proposals under subsection (c), select up to 5 proposals which may receive financial assistance under this section once the Department is in receipt of appropriated funds.

(2) In selecting proposals, the Secretary shall consider diversity of battery type, geographic and climatic diversity, and life-cycle environmental effects of the approaches.

(3) No one project selected under this section shall receive more than 25 percent of the funds authorized for this Program.

(4) The Secretary shall consider the extent of involvement of State or local government and other persons in each demonstration project to optimize use of federal resources.

(5) The Secretary may consider such other criteria as the Secretary considers appropriate.

(e) CONDITIONS.—The Secretary shall require that—

(1) relevant information be provided to the Department, the users of the batteries, the proposers, and the battery manufacturers; and

(2) the proposer provide at least 50 percent of the costs associated with the proposal.

SEC. 915. ENERGY EFFICIENCY SCIENCE INITIATIVE.

(a) ESTABLISHMENT.—The Secretary shall establish an Energy Efficiency Science Initiative to be managed by the Assistant Secretary in the Department with responsibility for energy conservation under section 203(a)(9) of the Department of Energy Organization Act (42 U.S.C. 7133(a)(9)), in consultation with the Director of the Office of Science, for grants to be competitively awarded and subject to peer review for research relating to energy efficiency.

(b) REPORT.—The Secretary shall submit to the Congress, along with the President's annual budget request under section 1105(a) of title 31, United States Code, a report on the activities of the Energy Efficiency Science Initiative, including a description of the process used to award the funds and an explanation of how the research relates to energy efficiency.

Subtitle B—Distributed Energy and Electric Energy Systems

SEC. 921. DISTRIBUTED ENERGY AND ELECTRIC ENERGY SYSTEMS.

(a) IN GENERAL.—

(1) The following sums are authorized to be appropriated to the Secretary for distributed energy and electric energy systems activities, including activities authorized under this subtitle:

(A) for fiscal year 2004, $190,000,000;

(B) for fiscal year 2005, $200,000,000;

(C) for fiscal year 2006, $220,000,000;

(D) for fiscal year 2007, $240,000,000; and

(E) for fiscal year 2008, $260,000,000.

(2) For the Initiative in subsection 927(e), there are authorized to be appropriated—

(A) for fiscal year 2004, $15,000,000;

(B) for fiscal year 2005, $20,000,000;

(C) for fiscal year 2006, $30,000,000;

(D) for fiscal year 2007, $35,000,000; and

(E) for fiscal year 2008, $40,000,000.

(b) MICRO-COGENERATION ENERGY TECHNOLOGY.—From amounts authorized under subsection (a), $20,000,000 for each of fiscal years 2004 and 2005 shall be available for activities under section 924.

SEC. 922. HYBRID DISTRIBUTED POWER SYSTEMS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and transmit to the Congress a strategy for a comprehensive research, development, demonstration, and commercial application program to develop hybrid distributed power systems that combine—

(1) one or more renewable electric power generation technologies of 10 megawatts or less located near the site of electric energy use; and

(2) nonintermittent electric power generation technologies suitable for use in a distributed power system.

SEC. 923. HIGH POWER DENSITY INDUSTRY PROGRAM.

The Secretary shall establish a comprehensive research, development, demonstration, and commercial application program to improve energy efficiency of high power density facilities, including data centers, server farms, and telecommunications facilities. Such program shall consider technologies that provide significant improvement in thermal controls, metering, load management, peak load reduction, or the efficient cooling of electronics.

SEC. 924. MICRO-COGENERATION ENERGY TECHNOLOGY.

The Secretary shall make competitive, merit-based grants to consortia for the development of micro-cogeneration energy technology. The consortia shall explore the use of small-scale combined heat and power in residential heating appliances, the use of excess power to operate other appliances within the residence and supply of excess generated power to the power grid.

SEC. 925. DISTRIBUTED ENERGY TECHNOLOGY DEMONSTRATION PROGRAM.

The Secretary, within the sums authorized under section 921(a)(1), may provide financial assistance to coordinating consortia of interdisciplinary participants for demonstrations designed to accelerate the utilization of distributed energy technologies, such as fuel cells, microturbines, reciprocating engines, thermally activated technologies, and combined heat and power systems, in highly energy intensive commercial applications.

SEC. 926. OFFICE OF ELECTRIC TRANSMISSION AND DISTRIBUTION.

(a) CREATION OF AN OFFICE OF ELECTRIC TRANSMISSION AND DISTRIBUTION.—Title II of the Department of Energy Organization Act is amended by inserting the following after section 217 (42 U.S.C. 7144d):

"OFFICE OF ELECTRIC TRANSMISSION AND DISTRIBUTION

"Sec. 218. (a) There is established within the Department an Office of Electric Transmission and Distribution. This Office shall be headed by a Director, who shall be appointed by the Secretary. The Director shall be compensated at the annual rate prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(b) The Director shall—

"(1) coordinate and develop a comprehensive, multi-year strategy to improve the Nation's electricity transmission and distribution;

"(2) ensure that the recommendations of the Secretary's National Transmission Grid Study are implemented;

"(3) carry out the research, development, and demonstration functions;

"(4) grant authorizations for electricity import and export;

"(5) perform other electricity transmission and distribution-related functions assigned by the Secretary; and

"(6) develop programs for workforce training in power and transmission engineering.".

(b) CONFORMING AMENDMENTS.—

(1) The table of contents of the Department of Energy Act is amended by inserting after the item relating to section 217 the following new item:

"218. Office of Electric Transmission and Distribution.".

(2) Section 5315 of title 5, United States Code, is amended by inserting "Director, Office of Electric Transmission and Distribution, Department of Energy." after "Inspector General, Department of Energy.".

SECTION 927. ELECTRIC TRANSMISSION AND DISTRIBUTION PROGRAMS.

(a) DEMONSTRATION PROGRAM.—The Secretary, acting through the Director of the Office of Electric Transmission and Distribution, shall establish a comprehensive research, development, and demonstration program to ensure the reliability, efficiency, and environmental integrity of electrical transmission and distribution systems. This program shall include—

(1) advanced energy and energy storage technologies, materials, and systems, giving priority to new transmission technologies, including composite conductor materials and other technologies that enhance reliability, operational flexibility, or power-carrying capability;

(2) advanced grid reliability and efficiency technology development;

(3) technologies contributing to significant load reductions;

(4) advanced metering, load management, and control technologies;

(5) technologies to enhance existing grid components;

(6) the development and use of high-temperature superconductors to—

(A) enhance the reliability, operational flexibility, or power-carrying capability of electric transmission or distribution systems; or

(B) increase the efficiency of electric energy generation, transmission, distribution, or storage systems;

(7) integration of power systems, including systems to deliver high-quality electric power, electric power reliability, and combined heat and power;

(8) supply of electricity to the power grid by small scale, distributed and residential-based power generators;

(9) the development and use of advanced grid design, operation and planning tools;

(10) any other infrastructure technologies, as appropriate; and

(11) technology transfer and education.

(b) PROGRAM PLAN.—Not later than 1 year after the date of the enactment of this legislation, the Secretary, in consultation with other appropriate Federal agencies, shall prepare and transmit to Congress a 5-year program plan to guide activities under this section. In preparing the program plan, the Secretary shall consult with utilities, energy services providers, manufacturers, institutions of higher education, other appropriate State and local agencies, environmental organizations, professional and technical societies, and any other persons the Secretary considers appropriate.

(c) IMPLEMENTATION.—The Secretary shall consider implementing this program using a consortium of industry, university and national laboratory participants.

(d) REPORT.—Not later than 2 years after the transmittal of the plan under subsection (b), the Secretary shall transmit a report to Congress describing the progress made under this section and identifying any additional resources needed to continue the development and commercial application of transmission and distribution infrastructure technologies.

(e) POWER DELIVERY RESEARCH INITIATIVE.—The Secretary shall establish a research, development and demonstration initiative specifically focused on power delivery utilizing components incorporating high temperature superconductivity.

(1) Goals of this Initiative shall be to—

(A) establish world-class facilities to develop high temperature superconductivity power applications in partnership with manufacturers and utilities;

(B) provide technical leadership for establishing reliability for high temperature superconductivity power applications including suitable modeling and analysis;

(C) facilitate commercial transition toward direct current power transmission, storage, and use for high power systems utilizing high temperature superconductivity; and

(D) facilitate the integration of very low impedance high temperature superconducting wires and cables in existing electric networks to improve system performance, power flow control and reliability.

(2) The Initiative shall include—

(A) feasibility analysis, planning, research, and design to construct demonstrations of superconducting links in high power, direct current and controllable alternating current transmission systems;

(B) public-private partnerships to demonstrate deployment of high temperature superconducting cable into testbeds simulating a realistic transmission grid and under varying transmission conditions, including actual grid insertions; and

(C) testbeds developed in cooperation with national laboratories, industries, and universities to demonstrate these technologies, prepare the technologies for commercial introduction, and address cost or performance roadblocks to successful commercial use.

(g) TRANSMISSION AND DISTRIBUTION GRID PLANNING AND OPERATIONS INITIATIVE.—The Secretary shall establish a research, development and demonstration initiative specifically focused on tools needed to plan, operate and expand the transmission and distribution grids in the presence of competitive market mechanisms for energy, load demand, customer response and ancillary services. Goals of this Initiative shall be to:

(1) develop and utilize a geographically distributed Center, consisting of research universities and national laboratories, with expertise and facilities to develop the underlying theory and software for power system application, and to assure commercial development in partnership with software vendors and utilities;

(2) provide technical leadership in engineering and economic analysis for reliability and efficiency of power systems planning and operations in the presence of competitive markets for electricity;

(3) model, simulate and experiment with new market mechanisms and operating practices to understand and optimize such new methods before actual use; and

(4) provide technical support and technology transfer to electric utilities and other participants in the domestic electric industry and marketplace.

Subtitle C—Renewable Energy

SEC. 931. RENEWABLE ENERGY.

(a) IN GENERAL.—The following sums are authorized to be appropriated to the Secretary for renewable energy research, development, demonstration, and commercial application activities, including activities authorized under this subtitle:

(1) for fiscal year 2004, $480,000,000;

(2) for fiscal year 2005, $550,000,000;

(3) for fiscal year 2006, $610,000,000;

(4) for fiscal year 2007, $659,000,000; and

(5) for fiscal year 2008, $710,000,000.

(b) BIOENERGY.—From the amounts authorized under subsection (a), the following sums are authorized to be appropriated to carry out section 932:

(1) for fiscal year 2004, $135,425,000;

(2) for fiscal year 2005, $155,600,000;

(3) for fiscal year 2006, $167,650,000;

(4) for fiscal year 2007, $180,000,000; and

(5) for fiscal year 2008, $192,000,000.

(c) BIODIESEL ENGINE TESTING.—From amounts authorized under subsection (a), $5,000,000 is authorized to be appropriated in each of fiscal years 2004 and 2008 to carry out section 933.

(d) CONCENTRATING SOLAR POWER.—From amounts authorized under subsection (a), the following sums are authorized to be appropriated to carry out section 934:

(1) for fiscal year 2004, $20,000,000;

(2) for fiscal year 2005, $40,000,000; and

(2) for each of fiscal years 2006, 2007 and 2008, $50,000,000.

(e) LIMITS ON USE OF FUNDS.—

(1) None of the funds authorized to be appropriated under this section may be used for Renewable Support and Implementation.

(2) Of the funds authorized under subsection (b), not less than $5,000,000 for each fiscal year shall be made available for grants to Historically Black Colleges and Universities, Tribal Colleges, and Hispanic-Serving Institutions.

(f) CONSULTATION.— In carrying out this section, the Secretary, in consultation with the Secretary of Agriculture, shall demonstrate the use of advanced wind power technology, including combined use with coal gasification; biomass; geothermal energy systems; and other renewable energy technologies to assist in delivering electricity to rural and remote locations.

SEC. 932. BIOENERGY PROGRAMS.

(a) IN GENERAL.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for bioenergy, including—

(1) biopower energy systems;

(2) biofuels;

(3) bioproducts;

(4) integrated biorefineries that may produce biopower, biofuels and bioproducts;

(5) cross-cutting research and development in feedstocks; and

(6) economic analysis.

(b) BIOFUELS AND BIOPRODUCTS.—The goals of the biofuels and bioproducts programs shall be to develop, in partnership with industry—

(1) advanced biochemical and thermochemical conversion technologies capable of making fuels from cellulosic feedstocks that are price-competitive with gasoline or diesel in either internal combustion engines or fuel cell-powered vehicles; and

(2) advanced biotechnology processes capable of making biofuels and bioproducts with emphasis on development of biorefinery technologies using enzyme-based processing systems.

(c) DEFINITION.—For purposes of (b), the term "cellulosic feedstock" means any portion of a crop not normally used in food production or any non-food crop grown for the purpose of producing biomass feedstock.

SEC. 933. BIODIESEL ENGINE TESTING PROGRAM.

(a) IN GENERAL.—Not later that 180 days after enactment of this Act, the Secretary shall initiate a partnership with diesel engine, diesel fuel injection system, and diesel vehicle manufacturers and diesel and biodiesel fuel providers to include biodiesel testing in advanced diesel engine and fuel system technology.

(b) SCOPE.—The study shall provide for testing to determine the impact of biodiesel on current and future emission control technologies, with emphasis on

(1) the impact of biodiesel on emissions warranty, in-use liability, and anti-tampering provisions;

(2) the impact of long-term use of biodiesel on engine operations;

(3) the options for optimizing these technologies for both emissions and performance when switching between biodiesel and diesel fuel; and

(4) the impact of using biodiesel in these fueling systems and engines when used as a blend with 2006 Environmental Protection Agency-mandated diesel fuel containing a maximum of 15-parts-per-million sulfur content.

(c) REPORT.—Not later than 2 years after the date of enactment, the Secretary shall provide an interim report to Congress on the findings of this study, including a comprehensive analysis of impacts from biodiesel on engine operation for both existing and expected future diesel technologies, and recommendations for ensuring optimal emissions reductions and engine performance with biodiesel.

(d) DEFINITION.—For purposes of this section, the term "biodiesel" means a diesel fuel substitute produced from non-petroleum renewable resources that meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545) and that meets the American Society for Testing and Materials D6751-02a "Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels."

SEC. 934 CONCENTRATING SOLAR POWER RESEARCH PROGRAM.

(a) IN GENERAL.—The Secretary shall conduct a program of research and development to evaluate the potential of concentrating solar power for hydrogen production, including co-generation approaches for both hydrogen and electricity. Such program shall take advantage of existing facilities to the extent possible and shall include—

(1) development of optimized technologies that are common to both electricity and hydrogen production;

(2) evaluation of thermo-chemical cycles for hydrogen production at the temperatures attainable with concentrating solar power;

(3) evaluation of materials issues for the thermo-chemical cycles in (2);

(4) system architectures and economics studies; and

(5) coordination with activities in the Advanced Reactor Hydrogen Co-generation Project on high temperature materials, thermo-chemical cycle and economic issues.

(b) ASSESSMENT.—In carrying out the program under this section, the Secretary is directed to assess conflicting guidance on the economic potential of concentrating solar power for electricity production received from the National Research Council report entitled "Renewable Power Pathways: A Review of the U.S. Department of Energy's Renewable Energy Programs" in 2000 and subsequent DOE-funded reviews of that report and provide an assessment of the potential impact of this technology before, or concurrent with, submission of the fiscal year 2006 budget.

(c) Report.—Not later than 5 years after the date of enactment of this section, the Secretary shall provide a report to Congress on the economic and technical potential for electricity or hydrogen production, with or without co-generation, with concentrating solar power, including the economic and technical feasibility of potential construction of a pilot demonstration facility suitable for commercial production of electricity and/or hydrogen from concentrating solar power.

SEC. 935. MISCELLANEOUS PROJECTS.

The Secretary shall conduct research, development, demonstration, and commercial application programs for—

(1) ocean energy, including wave energy;

(2) the combined use of renewable energy technologies with one another and with other energy technologies, including the combined use of wind power and coal gasification technologies; and

(3) renewable energy technologies for cogeneration of hydrogen and electricity.

Subtitle D—Nuclear Energy

SEC. 941. NUCLEAR ENERGY.

(a) Core Programs.—The following sums are authorized to be appropriated to the Secretary for nuclear energy research, development, demonstration, and commercial application activities, including activities authorized under this subtitle, other than those described in subsection (b):

(1) for fiscal year 2004, $273,000,000;

(2) for fiscal year 2005, $305,000,000;

(3) for fiscal year 2006, $330,000,000;

(4) for fiscal year 2007, $355,000,000; and

(5) for fiscal year 2008, $495,000,000.

(b) Nuclear Infrastructure Support.—The following sums are authorized to be appropriated to the Secretary for activities under section 942(f):

(1) for fiscal year 2004, $125,000,000;

(2) for fiscal year 2005, $130,000,000;

(3) for fiscal year 2006, $135,000,000;

(4) for fiscal year 2007, $140,000,000; and

(5) for fiscal year 2008, $145,000,000.

(c) Allocations.—From amounts authorized under subsection (a), the following sums are authorized:

(1) For activities under section 943—

(A) for fiscal year 2004, $140,000,000;

(B) for fiscal year 2005, $145,000,000;

(C) for fiscal year 2006, $150,000,000;

(D) for fiscal year 2007, $155,000,000; and

(E) for fiscal year 2008, $275,000,000.

(2) For activities under section 944—

(A) for fiscal year 2004, $33,000,000;

(B) for fiscal year 2005, $37,900,000;

(C) for fiscal year 2006, $43,600,000;

(D) for fiscal year 2007, $50,100,000; and

(E) for fiscal year 2008, $56,000,000.

(3) For activities under section 946, for each of fiscal years 2004 through 2008, $6,000,000.

(d) None of the funds authorized under this section may be used for decommissioning the Fast Flux Test Facility.

SEC. 942. NUCLEAR ENERGY RESEARCH PROGRAMS.

(a) Nuclear Energy Research Initiative.—The Secretary shall carry out a Nuclear Energy Research Initiative for research and development related to nuclear energy.

(b) Nuclear Energy Plant Optimization Program.—The Secretary shall carry out a Nuclear Energy Plant Optimization Program to support research and development activities addressing reliability, availability, productivity, component aging, safety and security of existing nuclear power plants.

(c) Nuclear Power 2010 Program.—The Secretary shall carry out a Nuclear Power 2010 Program, consistent with recommendations in the October 2001 report entitled "A Roadmap to Deploy New Nuclear Power Plants in the United States by 2010" issued by the Nuclear Energy Research Advisory Committee of the Department. The Program shall include—

(1) utilization of the expertise and capabilities of industry, universities, and National Laboratories in evaluation of advanced nuclear fuel cycles and fuels testing;

(2) consideration of a variety of reactor designs suitable for both developed and developing nations;

(3) participation of international collaborators in research, development, and design efforts as appropriate; and

(4) encouragement for university and industry participation.

(d) Generation IV Nuclear Energy Systems Initiative.—The Secretary shall carry out a Generation IV Nuclear Energy Systems Initiative to develop an overall technology plan and to support research and development necessary to make an informed technical decision about the most promising candidates for eventual commercial application. The Initiative shall examine advanced proliferation-resistant and passively safe reactor designs, including designs that—

(1) are economically competitive with other electric power generation plants;

(2) have higher efficiency, lower cost, and improved safety compared to reactors in operation on the date of enactment of this Act;

(3) use fuels that are proliferation resistant and have substantially reduced production of high-level waste per unit of output; and

(4) use improved instrumentation.

(e) Reactor Production of Hydrogen.—The Secretary shall carry out research to examine designs for high-temperature reactors capable of producing large-scale quantities of hydrogen using thermo-chemical processes.

(f) Nuclear Infrastructure Support.—The Secretary shall develop and implement a strategy for the facilities of the Office of Nuclear Energy, Science, and Technology and shall transmit a report containing the strategy along with the President's budget request to the Congress for fiscal year 2006. Such strategy shall provide a cost-effective means for—

(1) maintaining existing facilities and infrastructure, as needed;

(2) closing unneeded facilities;

(3) making facility upgrades and modifications; and

(4) building new facilities.

SEC. 943. ADVANCED FUEL CYCLE INITIATIVE.

(a) In General.—The Secretary, through the Director of the Office of Nuclear Energy, Science and Technology, shall conduct an advanced fuel recycling technology research and development program to evaluate proliferation-resistant fuel recycling and transmutation technologies which minimize environmental or public health and safety impacts as an alternative to aqueous reprocessing technologies deployed as of the date of enactment of this Act in support of evaluation of alternative national strategies for spent nuclear fuel and the Generation IV advanced reactor concepts, subject to annual review by the Secretary's Nuclear Energy Research Advisory Committee or other independent entity, as appropriate. Opportunities to enhance progress of this program through international cooperation should be sought.

(b) Reports.—The Secretary shall report on the activities of the advanced fuel recycling technology research and development program as part of the Department's annual budget submission.

SEC. 944. UNIVERSITY NUCLEAR SCIENCE AND ENGINEERING SUPPORT.

(a) Establishment.—The Secretary shall support a program to invest in human resources and infrastructure in the nuclear sciences and engineering and related fields (including health physics and nuclear and radiochemistry), consistent with departmental missions related to civilian nuclear research and development.

(b) Duties.—In carrying out the program under this section, the Secretary shall establish fellowship and faculty assistance programs, as well as provide support for fundamental research and encourage collaborative research among industry, national laboratories, and universities through the Nuclear Energy Research Initiative. The Secretary is encouraged to support activities addressing the entire fuel cycle through involvement of both the Offices of Nuclear Energy, Science and Technology and Civilian Radioactive Waste Management. The Secretary shall support communication and outreach related to nuclear science, engineering and nuclear waste management.

(c) Maintaining University Research and Training Reactors and Associated Infrastructure.—Activities under this section may include—

(1) converting research reactors currently using high-enrichment fuels to low-enrichment fuels, upgrading operational instrumentation, and sharing of reactors among institutions of higher education;

(2) providing technical assistance, in collaboration with the United States nuclear industry, in relicensing and upgrading training reactors as part of a student training program; and

(3) providing funding for reactor improvements as part of a focused effort that emphasizes research, training, and education.

(d) University National Laboratory Interactions.—The Secretary shall develop sabbatical fellowship and visiting scientist programs to encourage sharing of personnel between national laboratories and universities.

(e) Operating and Maintenance Costs.—Funding for a research project provided under this section may be used to offset a portion of the operating and maintenance costs of a research reactor at an institution of higher education used in the research project.

SEC. 945. SECURITY OF NUCLEAR FACILITIES.

The Secretary, through the Director of the Office of Nuclear Energy, Science and Technology shall conduct a research and development program on cost-effective technologies for increasing the safety of nuclear facilities from natural phenomena and the security of nuclear facilities from deliberate attacks.

SEC. 946. ALTERNATIVES TO INDUSTRIAL RADIOACTIVE SOURCES.

(a) Survey.—Not later than August 1, 2004, the Secretary shall provide to the Congress results of a survey of industrial applications of large radioactive sources. The survey shall—

(1) consider well-logging sources as one class of industrial sources;

(2) include information on current domestic and international Department, Department of Defense, State Department and commercial programs to manage and dispose of radioactive sources; and

(3) discuss available disposal options for currently deployed or future sources and, if deficiencies are noted for either deployed or future sources, recommend legislative options that Congress may consider to remedy identified deficiencies.

(b) Plan.—In conjunction with the survey in subsection (a), the Secretary shall establish a research and development program to develop alternatives to such sources that reduce safety, environmental, or proliferation risks to either workers using the sources or the public. Miniaturized particle accelerators for well-logging or other industrial applications and portable accelerators for production of short-lived radioactive materials at an industrial site shall be considered as part of the research and development efforts. Details of the program plan shall be provided to the Congress by August 1, 2004.

Subtitle E—Fossil Energy

SEC. 951. FOSSIL ENERGY.

(a) In General.—The following sums are authorized to be appropriated to the Secretary for fossil energy research, development, demonstration, and commercial application activities, including activities authorized under this subtitle:

(1) for fiscal year 2004, $523,000,000;

(2) for fiscal year 2005, $542,000,000;

(3) for fiscal year 2006, $558,000,000;

(4) for fiscal year 2007, $585,000,000; and

(5) for fiscal year 2008, $600,000,000.

(b) Allocations.—From amounts authorized under subsection (a), the following sums are authorized:

(1) For activities under section 952(b)(2), $28,000,000 for each of the fiscal years 2004 through 2008.

(2) For activities under section 953—

(A) for fiscal year 2004, $12,000,000;

(B) for fiscal year 2005, $15,000,000; and

(C) for each of fiscal years 2006 through 2008, $20,000,000.

(3) For activities under section 954, to remain available until expended.—

(A) for fiscal year 2004, $200,000,000;

(B) for fiscal year 2005, $210,000,000; and

(C) for fiscal year 2006, $220,500,000.

(4) For the Office of Arctic Energy under section 3197 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398), $25,000,000 for each of fiscal years 2004 through 2008.

(c) Extended Authorization.—There are authorized to be appropriated to the Secretary for the Office of Arctic Energy under section 3197 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398), $25,000,000 for each of fiscal years 2009 through 2012.

(d) Limits on Use of Funds.—

(1) None of the funds authorized under this section may be used for Fossil Energy Environmental Restoration or Import/Export Authorization.

(2) Of the funds authorized under subsection (b)(2), not less than 20 percent of the funds appropriated for each fiscal year shall be dedicated to research and development carried out at institutions of higher education.

SEC. 952. OIL AND GAS RESEARCH PROGRAMS.

(a) Oil and Gas Research.—The Secretary shall conduct a program of research, development, demonstration, and commercial application on oil and gas, including—

(1) exploration and production;

(2) gas hydrates;

(3) reservoir life and extension;

(4) transportation and distribution infrastructure;

(5) ultraclean fuels;

(6) heavy oil and oil shale; and

(7) related environmental research.

(b) Fuel Cells.—

(1) The Secretary shall conduct a program of research, development, demonstration, and commercial application on fuel cells for low-cost, high-efficiency, fuel-flexible, modular power systems.

(2) The demonstrations shall include fuel cell proton exchange membrane technology for commercial, residential, and transportation applications, and distributed generation systems, utilizing improved manufacturing production and processes.

(c) Natural Gas and Oil Deposits Report.—Not later than 2 years after the date of the enactment of this Act, and every 2 years thereafter, the Secretary of the Interior, in consultation with other appropriate Federal agencies, shall transmit a report to the Congress of the latest estimates of natural gas and oil reserves, reserves growth, and undiscovered resources in Federal and State waters off the coast of Louisiana and Texas.

(d) Integrated Clean Power and Energy Research.—

(1) The Secretary shall establish a national center or consortium of excellence in clean energy and power generation, utilizing the resources of the existing Clean Power and Energy Research Consortium, to address the nation's critical dependence on energy and the need to reduce emissions.

(2) The center or consortium will conduct a program of research, development, demonstration and commercial application on integrating the following six focus areas:

(A) efficiency and reliability of gas turbines for power generation;

(B) reduction in emissions from power generation;

(C) promotion of energy conservation issues;

(D) effectively utilizing alternative fuels and renewable energy;

(E) development of advanced materials technology for oil and gas exploration and utilization in harsh environments; and

(F) education on energy and power generation issues.

SEC. 953. RESEARCH AND DEVELOPMENT FOR COAL MINING TECHNOLOGIES.

(a) Establishment.—The Secretary shall carry out a program of research and development on coal mining technologies. The Secretary shall cooperate with appropriate Federal agencies, coal producers, trade associations, equipment manufacturers, institutions of higher education with mining engineering departments, and other relevant entities.

(b) Program.—The research and development activities carried out under this section shall—

(1) be guided by the mining research and development priorities identified by the Mining Industry of the Future Program and in the recommendations from relevant reports of the National Academy of Sciences on mining technologies;

(2) include activities exploring minimization of contaminants in mined coal that contribute to environmental concerns including development and demonstration of electromagnetic wave imaging ahead of mining operations;

(3) develop and demonstrate coal bed electromagnetic wave imaging and radar techniques for horizontal drilling in order to increase methane recovery efficiency, prevent spoilage of domestic coal reserves and minimize water disposal associated with methane extraction; and

(4) expand mining research capabilities at institutions of higher education.

SEC. 954. COAL AND RELATED TECHNOLOGIES PROGRAM.

(a) In General.—In addition to the program authorized under Title II of this Act, the Secretary of Energy shall conduct a program of technology research, development and demonstration and commercial application for coal and power systems, including programs to facilitate production and generation of coal-based power through—

(1) innovations for existing plants;

(2) integrated gasification combined cycle;

(3) advanced combustion systems;

(4) turbines for synthesis gas derived from coal;

(5) carbon capture and sequestration research and development;

(6) coal-derived transportation fuels and chemicals;

(7) solid fuels and feedstocks; and (8) advanced coal-related research.

(B) Cost and Performance Goals.—In carrying out programs authorized by this section, the Secretary shall identify cost and performance goals for coal-based technologies that would permit the continued cost-competitive use of coal for electricity generation, as chemical feedstocks, and as transportation fuel in 2007, 2015, and the years after 2020. In establishing such cost and performance goals, the Secretary shall—

(1) consider activities and studies undertaken to date by industry in cooperation with the Department of Energy in support of such assessment;

(2) consult with interested entities, including coal producers, industries using coal, organizations to promote coal and advanced coal technologies, environmental organizations and organizations representing workers;

(3) not later than 120 days after the date of enactment of this section, publish in the Federal Register proposed draft cost and performance goals for public comments; and

(4) not later than 180 days after the date of enactment of this section and every four years thereafter, submit to Congress a report describing final cost and performance goals for such technologies that includes a list of technical milestones as well as an explanation of how programs authorized in this section will not duplicate the activities authorized under the Clean Coal Power Initiative authorized under Title II of this Act.

SEC. 955. COMPLEX WELL TECHNOLOGY TESTING FACILITY.

The Secretary of Energy, in coordination with industry leaders in extended research drilling technology, shall establish a Complex Well Technology Testing Facility at the Rocky Mountain Oilfield Testing Center to increase the range of extended drilling technologies.

Subtitle F—Science

SEC. 961. SCIENCE.

(a) In General.—The following sums are authorized to be appropriated to the Secretary for research, development, demonstration, and commercial application activities of the Office of Science, including activities authorized under this subtitle, including the amounts authorized under the amendment made by section 967(c)(2)(D), and including basic energy sciences, advanced scientific and computing research, biological and environmental research, fusion energy sciences, high energy physics, nuclear physics, and research analysis and infrastructure support:

(1) for fiscal year 2004, $3,785,000,000;

(2) for fiscal year 2005, $4,153,000,000;

(3) for fiscal year 2006, $4,586,000,000

(4) for fiscal year 2007, $5,000,000,000; and

(5) for fiscal year 2008, $5,400,000,000.

(b) ALLOCATIONS.—From amounts authorized under subsection (a), the following sums are authorized:

(1) For activities of the Fusion Energy Sciences Program, including activities under section 962—

(A) for fiscal year 2004, $335,000.000;

(B) for fiscal year 2005, $349,000,000;

(C) for fiscal year 2006, $362,000,000;

(D) for fiscal year 2007, $377,000,000; and

(E) for fiscal year 2008, $393,000,000.

(2) For the Spallation Neutron Source—

(A) for construction in fiscal year 2004, $124,600,000;

(B) for construction in fiscal year 2005, $79,800,000; and

(C) for completion of construction in fiscal year 2006, $41,100,000; and

(D) for other project costs (including research and development necessary to complete the project, preoperations costs, and capital equipment related to construction), $103,279,000 for the period encompassing fiscal years 2003 through 2006, to remain available until expended through September 30, 2006.

(3) For Catalysis Research activities under section 965—

(A) for fiscal year 2004, $33,000,000;

(B) for fiscal year 2005, $35,000,000;

(C) for fiscal year 2006, $36,500,000;

(D) for fiscal year 2007, $38,200,000; and

(E) for fiscal year 2008, $40,100,000.

(4) For Nanoscale Science and Engineering Research activities under section 966—

(A) for fiscal year 2004, $270,000,000;

(B) for fiscal year 2005, $290,000,000;

(C) for fiscal year 2006, $310,000,000;

(D) for fiscal year 2007, $330,000,000; and

(E) for fiscal year 2008, $375,000,000.

(5) For activities under subsection 966(c), from the amounts authorized under subparagraph (4)—

(A) for fiscal year 2004, $135,000,000;

(B) for fiscal year 2005, $150,000,000;

(C) for fiscal year 2006, $120,000,000;

(D) for fiscal year 2007, $100,000,000; and

(E) for fiscal year 2008, $125,000,000.

(6) For activities in the Genomes to Life Program under section 968—

(A) for fiscal year 2004, $100,000,000;

(B) for fiscal year 2005, $170,000,000;

(C) for fiscal year 2006, $325,000,000;

(D) for fiscal year 2007, $415,000,000; and

(E) for fiscal year 2008, $455,000,000.

(7) For construction and ancillary equipment of the Genomes to Life User Facilities under section 968(d), of funds authorized under (6)—

(A) for fiscal year 2004, $16,000,000;

(B) for fiscal year 2005, $70,000,000;

(C) for fiscal year 2006, $175,000,000;

(D) for fiscal year 2007, $215,000,000; and

(E) for fiscal year 2008, $205,000,000.

(8) For activities in the Water Supply Technologies Program under section 970, $30,000,000 for each of fiscal years 2004 through 2008.

(c) In addition to the funds authorized under subsection (b)(1), the following sums are authorized for construction costs associated with the ITER project under section 962—

(1) for fiscal year 2006, $55,000,000;

(2) for fiscal year 2007, $95,000,000: and

(3) for fiscal year 2008, $115,000,000.

SEC. 962. UNITED STATES PARTICIPATION IN ITER.

(a) PARTICIPATION.—

(1) The Secretary of Energy is authorized to undertake full scientific and technological cooperation in the International Thermonuclear Experimental Reactor project (referred to in this title as "ITER").

(2) In the event that ITER fails to go forward within a reasonable period of time, the Secretary shall send to Congress a plan, including costs and schedules, for implementing the domestic burning plasma experiment known as the Fusion Ignition Research Experiment. Such a plan shall be developed with full consultation with the Fusion Energy Sciences Advisory Committee and be reviewed by the National Research Council.

(3) It is the intent of Congress that such sums shall be largely for work performed in the United States and that such work contributes the maximum amount possible to the U.S. scientific and technological base.

(b) PLANNING.—

(1) Not later than 180 days of the date of enactment of this act, the Secretary shall present to Congress a plan, with proposed cost estimates, budgets and potential international partners, for the implementation of the goals of this section. The plan shall ensure that—

(A) existing fusion research facilities are more fully utilized;

(B) fusion science, technology, theory, advanced computation, modeling and simulation are strengthened;

(C) new magnetic and inertial fusion research facilities are selected based on scientific innovation, cost effectiveness, and their potential to advance the goal of practical fusion energy at the earliest date possible, and those that are selected are funded at a cost-effective rate;

(D) communication of scientific results and methods between the fusion energy science community and the broader scientific and technology communities is improved;

(E) inertial confinement fusion facilities are utilized to the extent practicable for the purpose of inertial fusion energy research and development; and

(F) attractive alternative inertial and magnetic fusion energy approaches are more fully explored.

(2) Such plan shall also address the status of and, to the degree possible, costs and schedules for—

(A) in coordination with the program in section 969, the design and implementation of international or national facilities for the testing of fusion materials; and

(B) the design and implementation of international or national facilities for the testing and development of key fusion technologies.

SEC. 963. SPALLATION NEUTRON SOURCE.

(a) DEFINITION.—For the purposes of this section, the term "Spallation Neutron Source" means Department Project 9909E 09334, Oak Ridge National Laboratory, Oak Ridge, Tennessee.

(b) REPORT.—The Secretary shall report on the Spallation Neutron Source as part of the Department's annual budget submission, including a description of the achievement of milestones, a comparison of actual costs to estimated costs, and any changes in estimated project costs or schedule.

(c) AUTHORIZATION OF APPROPRIATIONS.—The total amount obligated by the Department, including prior year appropriations, for the Spallation Neutron Source may not exceed—

(1) $1,192,700,000 for costs of construction;

(2) $219,000,000 for other project costs; and

(3) $1,411,700,000 for total project cost.

SEC. 964. SUPPORT FOR SCIENCE AND ENERGY FACILITIES AND INFRASTRUCTURE.

(a) FACILITY AND INFRASTRUCTURE POLICY.—The Secretary shall develop and implement a strategy for facilities and infrastructure supported primarily from the Office of Science, the Office of Energy Efficiency and Renewable Energy, the Office of Fossil Energy, or the Office of Nuclear Energy, Science and Technology Programs at all national laboratories and single-purpose research facilities. Such strategy shall provide cost-effective means for—

(1) maintaining existing facilities and infrastructure, as needed;

(2) closing unneeded facilities;

(3) making facility modifications; and

(4) building new facilities.

(b) REPORT.—

(1) The Secretary shall prepare and transmit, along with the President's budget request to the Congress for fiscal year 2006, a report containing the strategy developed under subsection (a).

(2) For each national laboratory and single-purpose research facility, for the facilities primarily used for science and energy research, such report shall contain—

(A) the current priority list of proposed facilities and infrastructure projects, including cost and schedule requirements;

(B) a current ten-year plan that demonstrates the reconfiguration of its facilities and infrastructure to meet its missions and to address its long-term operational costs and return on investment;

(C) the total current budget for all facilities and infrastructure funding; and

(D) the current status of each facility and infrastructure project compared to the original baseline cost, schedule, and scope.

SEC. 965. CATALYSIS RESEARCH PROGRAM.

(A) ESTABLISHMENT.—The Secretary, through the Office of Science, shall support a program of research and development in catalysis science consistent with the Department's statutory authorities related to research and development. The program shall include efforts to—

(1) enable catalyst design using combinations of experimental and mechanistic methodologies coupled with computational modeling of catalytic reactions at the molecular level;

(2) develop techniques for high throughput synthesis, assay, and characterization at nanometer and sub-nanometer scales in situ under actual operating conditions,

(3) synthesize catalysts with specific site architectures;

(4) conduct research on the use of precious metals for catalysis; and

(5) translate molecular understanding to the design of catalytic compounds.

(b) DUTIES OF THE OFFICE OF SCIENCE.—In carrying out this program, the Director of the Office of Science shall—

(1) support both individual investigators and multidisciplinary teams of investigators to pioneer new approaches in catalytic design;

(2) develop, plan, construct, acquire, share, or operate special equipment or facilities for the use of investigators in collaboration with national user facilities such as nanoscience and engineering centers;

(3) support technology transfer activities to benefit industry and other users of catalysis science and engineering; and

(4) coordinate research and development activities with industry and other federal agencies.

(c) TRIENNIAL ASSESSMENT.—The National Academy of Sciences shall review the catalysis program every three years to report on gains made in the fundamental science of catalysis and its progress towards developing new fuels for energy production and material fabrication processes.

SEC. 966. NANOSCALE SCIENCE AND ENGINEERING RESEARCH.

(a) Establishment.—The Secretary, acting through the Office of Science, shall support a program of research, development, demonstration, and commercial application in nanoscience and nanoengineering. The program shall include efforts to further the understanding of the chemistry, physics, materials science, and engineering of phenomena on the scale of nanometers and to apply this knowledge to the Department's mission areas.

(b) Duties of the Office of Science.—In carrying out the program under this section, the Office of Science shall—

(1) support both individual investigators and teams of investigators, including multidisciplinary teams;

(2) carry out activities under subsection (c);

(3) support technology transfer activities to benefit industry and other users of nanoscience and nanoengineering; and

(4) coordinate research and development activities with other DOE programs, industry and other Federal agencies.

(c) Nanoscience and Nanoengineering Research Centers and Major Instrumentation.—

(1) The Secretary shall carry out projects to develop, plan, construct, acquire, operate, or support special equipment, instrumentation, or facilities for investigators conducting research and development in nanoscience and nanoengineering.

(2) Projects under paragraph (1) may include the measurement of properties at the scale of nanometers, manipulation at such scales, and the integration of technologies based on nanoscience or nanoengineering into bulk materials or other technologies.

(3) Facilities under paragraph (1) may include electron microcharacterization facilities, microlithography facilities, scanning probe facilities, and related instrumentation.

(4) The Secretary shall encourage collaborations among DOE programs, institutions of higher education, laboratories, and industry at facilities under this subsection.

SEC. 967. ADVANCED SCIENTIFIC COMPUTING FOR ENERGY MISSIONS.

(a) In General.—The Secretary, acting through the Office of Science, shall support a program to advance the Nation's computing capability across a diverse set of grand challenge, computationally based, science problems related to departmental missions.

(b) Duties of the Office of Science.—In carrying out the program under this section, the Office of Science shall—

(1) advance basic science through computation by developing software to solve grand challenge science problems on new generations of computing platforms in collaboration with other DOE program offices;

(2) enhance the foundations for scientific computing by developing the basic mathematical and computing systems software needed to take full advantage of the computing capabilities of computers with peak speeds of 100 teraflops or more, some of which may be unique to the scientific problem of interest;

(3) enhance national collaboratory and networking capabilities by developing software to integrate geographically separated researchers into effective research teams and to facilitate access to and movement and analysis of large (petabyte) data sets;

(4) maintain a robust scientific computing hardware infrastructure to ensure that the computing resources needed to address departmental missions are available; and

(5) explore new computing approaches and technologies that promise to advance scientific computing including developments in quantum computing.

(c) High-Performance Computing Act of 1991 Amendments.—The High-Performance Computing Act of 1991 is amended—

(1) in section 4 (15 U.S.C. 5503)—

(A) in paragraph (3) by striking "means" and inserting "and 'networking and information technology' mean", and by striking "(including vector supercomputers and large scale parallel systems)"; and

(B) in paragraph (4), by striking "packet switched".

(2) in section 203 (15 U.S.C. 5523)—

(A) in subsection (a), by striking all after "As part of the" and inserting—

"Networking and Information Technology Research and Development Program, the Secretary of Energy shall conduct basic and applied research in networking and information technology, with emphasis on supporting fundamental research in the physical sciences and engineering, and energy applications; providing supercomputer access and advanced communication capabilities and facilities to scientific researchers; and developing tools for distributed scientific collaboration.";

(B) in subsection (b), by striking "Program" and inserting "Networking and Information Technology Research and Development Program"; and

(C) by amending subsection (e) to read as follows:

"(e) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Energy to carry out the Networking and Information Technology Research and Development Program such sums as may be necessary for fiscal years 2004 through 2008.".

(d) Coordination.—The Secretary shall ensure that the program under this section is integrated and consistent with—

(1) the Accelerated Strategic Computing Initiative of the National Nuclear Security Administration; and

(2) other national efforts related to advanced scientific computing for science and engineering.

SEC. 968. GENOMES TO LIFE PROGRAM.

(a) Establishment.—The Secretary shall carry out a program of research, development, demonstration, and commercial application, to be known as the Genomes to Life Program, in systems biology and proteomics consistent with the Department's statutory authorities.

(b) Planning.—

(1) The Secretary shall prepare a program plan describing how knowledge and capabilities would be developed by the program and applied to Department missions relating to energy security, environmental cleanup, and national security.

(2) The program plan will be developed in consultation with other relevant Department technology programs.

(3) The program plan shall focus science and technology on long-term goals, including—

(A) contributing to U.S. independence from foreign energy sources, including production of hydrogen;

(B) converting carbon dioxide to organic carbon;

(C) advancing environmental cleanup;

(D) providing the science and technology for new biotechnology industries; and

(E) improving national security and combating bioterrorism.

(4) The program plan shall establish specific short-term goals and update these goals with the Secretary's annual budget submission.

(c) Program Execution.—In carrying out the program under this Act, the Secretary shall

(1) support individual investigators and multidisciplinary teams of investigators;

(2) subject to subsection (d), develop, plan, construct, acquire, or operate special equipment or facilities for the use of investigators conducting research, development, demonstration, or commercial application in systems biology and proteomics;

(3) support technology transfer activities to benefit industry and other users of systems biology and proteomics; and

(4) coordinate activities by the Department with industry and other federal agencies.

(d) Genomes to Life User Facilities and Ancillary Equipment.—

(1) Within the funds authorized to be appropriated pursuant to this Act, the amounts specified under section 961(b)(7) shall, subject to appropriations, be available for projects to develop, plan, construct, acquire, or operate special equipment, instrumentation, or facilities for investigators conducting research, development, demonstration, and commercial application in systems biology and proteomics and associated biological disciplines.

(2) Projects under paragraph (1) may include—

(A) the identification and characterization of multiprotein complexes;

(B) characterization of gene regulatory networks;

(C) characterization of the functional repertoire of complex microbial communities in their natural environments at the molecular level; and

(D) development of computational methods and capabilities to advance understanding of complex biological systems and predict their behavior.

(3) Facilities under paragraph (1) may include facilities, equipment, or instrumentation for—

(A) the production and characterization of proteins;

(B) whole proteome analysis;

(C) characterization and imaging of molecular machines; and

(D) analysis and modeling of cellular systems.

(4) The Secretary shall encourage collaborations among universities, laboratories and industry at facilities under this subsection. All facilities under this subsection shall have a specific mission of technology transfer to other institutions.

SEC. 969. FISSION AND FUSION ENERGY MATERIALS RESEARCH PROGRAM.

In the President's fiscal year 2006 budget request, the Secretary shall establish a research and development program on material science issues presented by advanced fission reactors and the Department's fusion energy program. The program shall develop a catalog of material properties required for these applications, develop theoretical models for materials possessing the required properties, benchmark models against existing data, and develop a roadmap to guide further research and development in this area.

SEC. 970. ENERGY-WATER SUPPLY TECHNOLOGIES PROGRAM.

(a) Establishment.—There is established within the Office of Science, Office of Biological and Environmental Research, the

"Energy-Water Supply Technologies Program," to study energy-related issues associated with water resources and municipal waterworks and to study water supply issues related to energy production.

(b) DEFINITIONS.—

(1) The term "Foundation" means the American Water Works Association Research Foundation.

(2) The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) The term "Program" means the Water Supply Technologies Program established by section 970(a).

(c) PROGRAM AREAS.— The program shall conduct research and development, including—

(1) arsenic removal under subsection (d);

(2) desalination research program under subsection (e);

(3) the water and energy sustainability program under subsection (f); and

(4) other energy-intensive water supply and treatment technologies and other technologies selected by the Secretary.

(d) ARSENIC REMOVAL PROGRAM.—

(1) As soon as practicable after the date of enactment of this Act, the Secretary shall enter into a contract with the Foundation to utilize the facilities, institutions and relationships established in the "Consolidated Appropriations Resolution, 2003" as described in Senate Report 107–220 that will carry out a research program to develop and demonstrate innovative arsenic removal technologies.

(2) In carrying out the arsenic removal program, the Foundation shall, to the maximum extent practicable, conduct research on means of—

(A) reducing energy costs incurred in using arsenic removal technologies;

(B) minimizing materials, operating, and maintenance costs incurred in using arsenic removal technologies; and

(C) minimizing any quantities of waste (especially hazardous waste) that result from use of arsenic removal technologies.

(3) The Foundation shall carry out peer-reviewed research and demonstration projects to develop and demonstrate water purification technologies.

(4) In carrying out the arsenic removal program—

(A) demonstration projects will be implemented with municipal water system partners to demonstrate the applicability of innovative arsenic removal technologies in areas with different water chemistries representative of areas across the United States with arsenic levels near or exceeding EPA guidelines; and

(B) not less than 40 percent of the funds of the Department used for demonstration projects under the arsenic removal program shall be expended on projects focused on needs of and in partnership with rural communities or Indian tribes.

(5) The Foundation shall develop evaluations of cost effectiveness of arsenic removal technologies used in the program and an education, training, and technology transfer component for the program.

(6) The Secretary shall consult with the Administrator of the Environmental Protection Agency to ensure that activities under the arsenic removal program are coordinated with appropriate programs of the Environmental Protection Agency and other federal agencies, state programs and academia.

(7) Not later than 1 year after the date of commencement of the arsenic removal program, and annually thereafter, the Secretary shall submit to Congress a report on the results of the arsenic removal program.

(e) DESALINATION PROGRAM.—

(1) The Secretary, in cooperation with the Commissioner of Reclamation, shall carry out a desalination research program in accordance with the desalination technology progress plan developed in Title II of the Energy and Water Development Appropriations Act, 2002 (115 Stat. 498), and described in Senate Report 107–39 under the heading "WATER AND RELATED RESOURCES" in the "BUREAU OF RECLAMATION" section.

(2) The desalination program shall—

(A) draw on the national laboratory partnership established with the Bureau of Reclamation to develop the January 2003 national Desalination and Water Purification Technology Roadmap for next-generation desalination technology;

(B) focus on research relating to, and development and demonstration of, technologies that are appropriate for use in desalinating brackish groundwater, wastewater and other saline water supplies; disposal of residual brine or salt; and

(C) consider the use of renewable energy sources.

(3) Under the desalination program, funds made available may be used for construction projects, including completion of the National Desalination Research Center for brackish groundwater and ongoing facility operational costs.

(4) The Secretary and the Commissioner of Reclamation shall jointly establish a steering committee for the desalination program. The steering committee shall be jointly chaired by 1 representative from this Program and 1 representative from the Bureau of Reclamation.

(f) WATER AND ENERGY SUSTAINABILITY PROGRAM.—

(1) The Secretary shall carry out a research program to develop understanding and technologies to assist in ensuring that sufficient quantities of water are available to meet present and future requirements.

(2) Under this program and in collaboration with other programs within the Department including those within the Offices of Fossil Energy and Energy Efficiency and Renewable Energy, the Secretary of the Interior, Army Corps of Engineers, Environmental Protection Agency, Department of Commerce, Department of Defense, state agencies, non-governmental agencies and academia, the Secretary shall assess the current state of knowledge and program activities concerning—

(A) future water resources needed to support energy production within the United States including but not limited to the water needs for hydropower and thermo-electric power generation;

(B) future energy resources needed to support development of water purification and treatment including desalination and long-distance water conveyance;

(C) reuse and treatment of water produced as a by-product of oil and gas extraction;

(D) use of impaired and non-traditional water supplies for energy production and other uses; and

(E) technologies to reduce water use in energy production.

(3) In addition to the assessments in (2), the Secretary shall—

(A) develop a research plan defining the scientific and technology development needs and activities required to support long-term water needs and planning for energy sustainability, use of impaired water for energy production and other uses, and reduction of water use in energy production;

(B) carry out the research plan required under (A) including development of numerical models, decision analysis tools, economic analysis tools, databases, planning methodologies and strategies;

(C) implement at least three planning demonstration projects using the models, tools and planning approaches developed under subparagraph (B) and assess the viability of these tools at the scale of river basins with at least one demonstration involving an international border; and

(D) transfer these tools to other federal agencies, state agencies, non-profit organizations, industry and academia for use in their energy and water sustainability efforts.

(4) Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the water and energy sustainability program that describes the research elements described under paragraph (2), and makes recommendations for a management structure that optimizes use of Federal resources and programs.

(g) COST SHARING.—

(1) Research projects under this section shall not require cost-sharing.

(2) Each demonstration project carried out under the Program shall be carried out on a cost-shared basis, as determined by the Secretary.

(3) With respect to a demonstration project, the Secretary may accept in-kind contributions, and waive the cost-sharing requirement in appropriate circumstances.

Subtitle G—Energy and Environment

SEC. 971. UNITED STATES-MEXICO ENERGY TECHNOLOGY COOPERATION.

(a) PROGRAM.—The Secretary shall establish a research, development, demonstration, and commercial application program to be carried out in collaboration with entities in Mexico and the United States to promote energy efficient, environmentally sound economic development along the United States-Mexico border which minimizes public health risks from industrial activities in the border region.

(b) PROGRAM MANAGEMENT.—The program under subsection (a) shall be managed by the Department of Energy Carlsbad Environmental Management Field Office.

(c) TECHNOLOGY TRANSFER.—In carrying out projects and activities under this section, the Secretary shall assess the applicability of technology developed under the Environmental Management Science Program of the Department.

(d) INTELLECTUAL PROPERTY.—In carrying out this section, the Secretary shall comply with the requirements of any agreement entered into between the United States and Mexico regarding intellectual property protection.

(e) AUTHORIZATION OF APPROPRIATIONS.—The following sums are authorized to be appropriated to the Secretary to carry out activities under this section:

(1) For each of fiscal years 2004 and 2005, $5,000,000; and

(2) For each of fiscal years 2006, 2007, and 2008, $6,000,000.

SEC. 972. COAL TECHNOLOGY LOAN.

There are authorized to be appropriated to the Secretary $125,000,000 to provide a loan to the owner of the experimental plant constructed under United States Department of Energy cooperative agreement number DE–FC–22–91PC90544 on such terms and conditions as the Secretary determines, including interest rates and upfront payments.

Subtitle H—Management

SEC. 981. AVAILABILITY OF FUNDS.

Funds authorized to be appropriated to the Department under this title shall remain available until expended.

SEC. 982. COST SHARING.

(a) Research and Development.—Except as otherwise provided in this title, for research and development programs carried out under this title, the Secretary shall require a commitment from non-Federal sources of at least 20 percent of the cost of the project. Cost sharing is not required for research and development of a basic or fundamental nature.

(b) Demonstration and Commercial Application.—Except as otherwise provided in this subtitle, the Secretary shall require at least 50 percent of the costs directly and specifically related to any demonstration or commercial application project under this subtitle to be provided from non-Federal sources. The Secretary may reduce the non-Federal requirement under this subsection if the Secretary determines that the reduction is necessary and appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this title.

(c) Calculation of Amount.—In calculating the amount of the non-Federal commitment under subsection (a) or (b), the Secretary may include personnel, services, equipment, and other resources.

SEC. 983. MERIT REVIEW OF PROPOSALS.

Awards of funds authorized under this title shall be made only after an impartial review of the scientific and technical merit of the proposals for such awards has been carried out by or for the Department.

SEC. 984. EXTERNAL TECHNICAL REVIEW OF DEPARTMENTAL PROGRAMS.

(a) National Energy Research and Development Advisory Boards.—

(1) The Secretary shall establish one or more advisory boards to review Department research, development, demonstration, and commercial application programs in energy efficiency, renewable energy, nuclear energy, and fossil energy.

(2) The Secretary may designate an existing advisory board within the Department to fulfill the responsibilities of an advisory board under this subsection, and may enter into appropriate arrangements with the National Academy of Sciences to establish such an advisory board.

(b) Utilization of Existing Committees.—The Secretary shall continue to use the scientific program advisory committees chartered under the Federal Advisory Committee Act by the Office of Science to oversee research and development programs under that Office.

(c) Membership.—Each advisory board under this section shall consist of persons with appropriate expertise representing a diverse range of interests.

(d) Meetings and Purposes.—Each advisory board under this section shall meet at least semi-annually to review and advise on the progress made by the respective research, development, demonstration, and commercial application program or programs. The advisory board shall also review the measurable cost and performance-based goals for such programs as established under section 902, and the progress on meeting such goals.

(e) Periodic Reviews and Assessments.—The Secretary shall enter into appropriate arrangements with the National Academy of Sciences to conduct periodic reviews and assessments of the programs authorized by this title, the measurable cost and performance-based goals for such programs as established under section 902, if any, and the progress on meeting such goals. Such reviews and assessments shall be conducted every 5 years, or more often as the Secretary considers necessary, and the Secretary shall transmit to the Congress reports containing the results of all such reviews and assessments.

SEC. 985. IMPROVED COORDINATION OF TECHNOLOGY TRANSFER ACTIVITIES.

(a) Technology Transfer Coordinator.—The Secretary shall designate a Technology Transfer Coordinator to perform oversight of and policy development for technology transfer activities at the Department. The Technology Transfer Coordinator shall coordinate the activities of the Technology Transfer Working Group, shall oversee the expenditure of funds allocated to the Technology Transfer Working Group, and shall coordinate with each technology partnership ombudsman appointed under section 11 of the Technology Transfer Commercialization Act of 2000 (42 U.S.C. 7261c).

(b) Technology Transfer Working Group.—The Secretary shall establish a Technology Transfer Working Group, which shall consist of representatives of the National Laboratories and single-purpose research facilities, to—

(1) coordinate technology transfer activities occurring at National Laboratories and single-purpose research facilities;

(2) exchange information about technology transfer practices, including alternative approaches to resolution of disputes involving intellectual property rights and other technology transfer matters; and

(3) develop and disseminate to the public and prospective technology partners information about opportunities and procedures for technology transfer with the Department, including those related to alternative approaches to resolution of disputes involving intellectual property rights and other technology transfer matters.

(c) Technology Transfer Responsibility.—Nothing in this section shall affect the technology transfer responsibilities of Federal employees under the Stevenson-Wydler Technology Innovation Act of 1980.

SEC. 986. TECHNOLOGY INFRASTRUCTURE PROGRAM.

(a) Establishment.—The Secretary shall establish a Technology Infrastructure Program in accordance with this section.

(b) Purpose.—The purpose of the Technology Infrastructure Program shall be to improve the ability of National Laboratories and single-purpose research facilities to support departmental missions by—

(1) stimulating the development of technology clusters that can support departmental missions at the National Laboratories or single-purpose research facilities;

(2) improving the ability of National Laboratories and single-purpose research facilities to leverage and benefit from commercial research, technology, products, processes, and services; and

(3) encouraging the exchange of scientific and technological expertise between National Laboratories or single-purpose research facilities and entities that can support departmental missions at the National Laboratories or single-purpose research facilities, such as institutions of higher education; technology-related business concerns; nonprofit institutions; and agencies of State, tribal, or local governments.

(c) Projects.—The Secretary shall authorize the Director of each National Laboratory or single-purpose research facility to implement the Technology Infrastructure Program at such National Laboratory or facility through projects that meet the requirements of subsections (d) and (e).

(d) Program Requirements.—Each project funded under this section shall meet the following requirements:

(1) Each project shall include at least one of each of the following entities: a business; an institution of higher education; a nonprofit institution; and an agency of a State, local, or tribal government.

(2) Not less than 50 percent of the costs of each project funded under this section shall be provided from non-Federal sources. The calculation of costs paid by the non-Federal sources to a project shall include cash, personnel, services, equipment, and other resources expended on the project after start of the project. Independent research and development expenses of Government contractors that qualify for reimbursement under section 3109205 0918(e) of the Federal Acquisition Regulations issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)) may be credited towards costs paid by non-Federal sources to a project, if the expenses meet the other requirements of this section.

(3) All projects under this section shall be competitively selected using procedures determined by the Secretary.

(4) Any participant that receives funds under this section may use generally accepted accounting principles for maintaining accounts, books, and records relating to the project.

(5) No Federal funds shall be made available under this section for construction or any project for more than 5 years.

(e) Selection Criteria.—

(1) The Secretary shall allocate funds under this section only if the Director of the National Laboratory or single-purpose research facility managing the project determines that the project is likely to improve the ability of the National Laboratory or single-purpose research facility to achieve technical success in meeting departmental missions.

(2) The Secretary shall consider the following criteria in selecting a project to receive Federal funds—

(A) the potential of the project to promote the development of a commercially sustainable technology cluster following the period of Department investment, which will derive most of the demand for its products or services from the private sector, and which will support departmental missions at the participating National Laboratory or single-purpose research facility;

(B) the potential of the project to promote the use of commercial research, technology, products, processes, and services by the participating National Laboratory or single-purpose research facility to achieve its mission or the commercial development of technological innovations made at the participating National Laboratory or single-purpose research facility;

(C) the extent to which the project involves a wide variety and number of institutions of higher education, nonprofit institutions, and technology-related business concerns that can support the missions of the participating National Laboratory or single-purpose research facility and that will make substantive contributions to achieving the goals of the project;

(D) the extent to which the project focuses on promoting the development of technology-related business concerns that are small businesses or involves such small businesses substantively in the project; and

(E) such other criteria as the Secretary determines to be appropriate.

(f) ALLOCATION.—In allocating funds for projects approved under this section, the Secretary shall provide—

(1) the Federal share of the project costs; and

(2) additional funds to the National Laboratory or single-purpose research facility managing the project to permit the National Laboratory or single-purpose research facility to carry out activities relating to the project, and to coordinate such activities with the project.

(g) REPORT TO CONGRESS.—Not later than July 1, 2006, the Secretary shall report to Congress on whether the Technology Infrastructure Program should be continued and, if so, how the program should be managed.

(h) DEFINITIONS.—In this section:

(1) The term “technology cluster” means a concentration of technology-related business concerns, institutions of higher education, or nonprofit institutions, that reinforce each other's performance in the areas of technology development through formal or informal relationships.

(2) The term “technology-related business concern” means a for-profit corporation, company, association, firm, partnership, or small business concern that conducts scientific or engineering research; develops new technologies; manufactures products based on new technologies; or performs technological services.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for activities under this section $10,000,000 for each of fiscal years 2004, 2005, and 2006.

SEC. 987. SMALL BUSINESS ADVOCACY AND ASSISTANCE.

(a) SMALL BUSINESS ADVOCATE.—The Secretary shall require the Director of each National Laboratory, and may require the Director of a single-purpose research facility, to designate a small business advocate to—

(1) increase the participation of small business concerns, including socially and economically disadvantaged small business concerns, in procurement, collaborative research, technology licensing, and technology transfer activities conducted by the National Laboratory or single-purpose research facility;

(2) report to the Director of the National Laboratory or single-purpose research facility on the actual participation of small business concerns in procurement and collaborative research along with recommendations, if appropriate, on how to improve participation;

(3) make available to small businesses training, mentoring, and information on how to participate in procurement and collaborative research activities;

(4) increase the awareness inside the National Laboratory or single-purpose research facility of the capabilities and opportunities presented by small business concerns; and

(5) establish guidelines for the program under subsection (b) and report on the effectiveness of such program to the Director of the National Laboratory or single-purpose research facility.

(b) ESTABLISHMENT OF SMALL BUSINESS ASSISTANCE PROGRAM.—The Secretary shall require the Director of each National Laboratory, and may require the Director of a single-purpose research facility, to establish a program to provide small business concerns—

(1) assistance directed at making them more effective and efficient subcontractors or suppliers to the National Laboratory or single-purpose research facility; or

(2) general technical assistance, the cost of which shall not exceed $10,000 per instance of assistance, to improve the small business concern's products or services.

(c) USE OF FUNDS.—None of the funds expended under subsection (b) may be used for direct grants to the small business concerns.

(d) DEFINITIONS.—In this section:

(1) The term “small business concern” has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632).

(2) The term “socially and economically disadvantaged small business concerns” has the meaning given such term in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for activities under this section $5,000,000 for each of fiscal years 2004 through 2008.

SEC. 988. MOBILITY OF SCIENTIFIC AND TECHNICAL PERSONNEL.

Not later than 2 years after the date of enactment of this section, the Secretary shall transmit a report to the Congress identifying any policies or procedures of a contractor operating a National Laboratory or single-purpose research facility that create disincentives to the temporary transfer of scientific and technical personnel among the contractor-operated National Laboratories or contractor-operated single-purpose research facilities and provide suggestions for improving inter-laboratory exchange of scientific and technical personnel.

SEC. 989. NATIONAL ACADEMY OF SCIENCES REPORT.

Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into an arrangement with the National Academy of Sciences for the Academy to—

(1) conduct a study on—

(A) the obstacles to accelerating the research, development, demonstration, and commercial application cycle for energy technology; and

(B) the adequacy of Department policies and procedures for, and oversight of, technology transfer-related disputes between contractors of the Department and the private sector; and

(2) report to the Congress on recommendations developed as a result of the study.

SEC. 990. OUTREACH.

The Secretary shall ensure that each program authorized by this title includes an outreach component to provide information, as appropriate, to manufacturers, consumers, engineers, architects, builders, energy service companies, institutions of higher education, facility planners and managers, State and local governments, and other entities.

SEC. 991. COMPETITIVE AWARD OF MANAGEMENT CONTRACTS.

None of the funds authorized to be appropriated to the Secretary by this title may be used to award a management and operating contract for a nonmilitary energy laboratory of the Department unless such contract is competitively awarded or the Secretary grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver and shall submit to the Congress a report notifying the Congress of the waiver and setting forth the reasons for the waiver at least 60 days prior to the date of the award of such a contract.

SEC. 992. REPROGRAMMING.

(a) DISTRIBUTION REPORT.—Not later than 60 days after the date of the enactment of an Act appropriating amounts authorized under this title, the Secretary shall transmit to the appropriate authorizing committees of the Congress a report explaining how such amounts will be distributed among the authorizations contained in this title.

(b) PROHIBITION.—

(1) No amount identified under subsection (a) shall be reprogrammed if such reprogramming would result in an obligation which changes an individual distribution required to be reported under subsection (a) by more than 5 percent unless the Secretary has transmitted to the appropriate authorizing committees of the Congress a report described in subsection (c) and a period of 30 days has elapsed after such committees receive the report.

(2) In the computation of the 30-day period described in paragraph (1), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) REPROGRAMMING REPORT.—A report referred to in subsection (b)(1) shall contain a full and complete statement of the action proposed to be taken and the facts and circumstances relied on in support of the proposed action.

SEC. 993. CONSTRUCTION WITH OTHER LAWS.

Except as otherwise provided in this title, the Secretary shall carry out the research, development, demonstration, and commercial application programs, projects, and activities authorized by this title in accordance with the applicable provisions of the Atomic Energy Act of 1954 (42 U.S.C. et seq.), the Federal Nonnuclear Research and Development Act of 1974 (42 U.S.C. 5901 et seq.), the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.), the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), chapter 18 of title 35, United States Code (commonly referred to as the Bayh-Dole Act), and any other Act under which the Secretary is authorized to carry out such activities.

SEC. 994. IMPROVED COORDINATION AND MANAGEMENT OF CIVILIAN SCIENCE AND TECHNOLOGY PROGRAMS.

(a) EFFECTIVE TOP-LEVEL COORDINATION OF RESEARCH AND DEVELOPMENT PROGRAMS.—Section 202(b) of the Department of Energy Organization Act (42 U.S.C. 7132(b)) is amended to read as follows:

“(b)(1) There shall be in the Department an Under Secretary for Energy and Science, who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary shall be compensated at the rate provided for at level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(2) The Under Secretary for Energy and Science shall be appointed from among persons who—

“(A) have extensive background in scientific or engineering fields; and

“(B) are well qualified to manage the civilian research and development programs of the Department of Energy.

“(3) The Under Secretary for Energy and Science shall—

“(A) serve as the Science and Technology Advisor to the Secretary;

“(B) monitor the Department's research and development programs in order to advise the Secretary with respect to any undesirable duplication or gaps in such programs;

“(C) advise the Secretary with respect to the well-being and management of the multipurpose laboratories under the jurisdiction of the Department;

"(D) advise the Secretary with respect to education and training activities required for effective short- and long-term basic and applied research activities of the Department;

"(E) advise the Secretary with respect to grants and other forms of financial assistance required for effective short- and long-term basic and applied research activities of the Department; and

"(F) exercise authority and responsibility over Assistant Secretaries carrying out energy research and development and energy technology functions under sections 203 and 209, as well as other elements of the Department assigned by the Secretary.".

(b) RECONFIGURATION OF POSITION OF DIRECTOR OF THE OFFICE OF SCIENCE.—

(1) Section 209 of the Department of Energy Organization Act (41 U.S.C. 7139) is amended to read as follows:

"OFFICE OF SCIENCE

"SEC. 209. (a) There shall be within the Department an Office of Science, to be headed by an Assistant Secretary for Science, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(b) The Assistant Secretary for Science shall be in addition to the Assistant Secretaries provided for under section 203 of this Act.

"(c) It shall be the duty and responsibility of the Assistant Secretary for Science to carry out the fundamental science and engineering research functions of the Department, including the responsibility for policy and management of such research, as well as other functions vested in the Secretary which he may assign to the Assistant Secretary.".

(2) Notwithstanding section 3345(b)(1) of title 5, United States Code, the President may designate the Director of the Office of Science immediately prior to the effective date of this Act to act in the office of the Assistant Secretary of Energy for Science until the office is filled as provided in section 209 of the Department of Energy Organization Act, as amended by paragraph (1). While so acting, such person shall receive compensation at the rate provided by this Act for the office of Assistant Secretary for Science.

(c) ADDITIONAL ASSISTANT SECRETARY POSITION TO ENABLE IMPROVED MANAGEMENT OF NUCLEAR ENERGY ISSUES.—

(1) Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended by striking "There shall be in the Department six Assistant Secretaries" and inserting "Except as provided in section 209, there shall be in the Department seven Assistant Secretaries".

(2) It is the sense of the Congress that the leadership for departmental missions in nuclear energy should be at the Assistant Secretary level.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 202 of the Department of Energy Organization Act (42 U.S.C. 7132) is further amended by adding the following at the end:

"(d) There shall be in the Department an Under Secretary, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions and duties as the Secretary shall prescribe, consistent with this section. The Under Secretary shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(e) There shall be in the Department a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions and duties as the Secretary shall prescribe. The General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.".

(2) Section 5314 of title 5, United States Code, is amended by striking "Under Secretaries of Energy (2)" and inserting "Under Secretaries of Energy (3)".

(3) Section 5315 of title 5, United States Code, is amended by—

(A) striking "Director, Office of Science, Department of Energy."; and

(B) striking "Assistant Secretaries of Energy (6)" and inserting "Assistant Secretaries of Energy (8)".

(4) The table of contents for the Department of Energy Organization Act (42 U.S.C. 7101 note) is amended—

(A) by striking "Section 209" and inserting "Sec. 209";

(B) by striking "213." and inserting "Sec. 213.";

(C) by striking "214." and inserting "Sec. 214.";

(D) by striking "215." and inserting "Sec. 215."; and

(E) by striking "216." and inserting "Sec. 216.".

SEC. 995. EDUCATIONAL PROGRAMS IN SCIENCE AND MATHEMATICS

(a) Section 3165a of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) is amended by adding at the end:

"(14) Support competitive events for students, under supervision of teachers, designed to encourage student interest and knowledge in science and mathematics."

(b) Section 3169 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381e), as redesignated by this Act, is amended by inserting before the period: "; and $40,000,000 for each of fiscal years 2004 through 2008."

SEC. 996. OTHER TRANSACTIONS AUTHORITY.

Section 646 of the Department of Energy Organization Act (42 U.S.C. 7256) is amended by adding at the end the following:

"(g)(1) In addition to other authorities granted to the Secretary under law, the Secretary may enter into other transactions on such terms as the Secretary may deem appropriate in furtherance of research, development, or demonstration functions vested in the Secretary. Such other transactions shall not be subject to the provisions of section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908).

"(2)(A) The Secretary shall ensure that

"(i) to the maximum extent the Secretary determines practicable, no transaction entered into under paragraph (1) provides for research, development, or demonstration that duplicates research, development, or demonstration being conducted under existing projects carried out by the Department; and

"(ii) To the extent the Secretary determines practicable, the funds provided by the Government under a transaction authorized by paragraph (1) do not exceed the total amount provided by other parties to the transaction.

"(iii) To the extent the Secretary determines practicable, competitive, merit-based selection procedures shall be used when entering into transactions under paragraph (1).

"(B) A transaction authorized by paragraph (1) may be used for a research, development, or demonstration project only if the Secretary determines the use of a standard contract, grant, or cooperative agreement for the project is not feasible or appropriate.

"(3)(A) The Secretary shall protect from disclosure, including disclosure under section 552 of title 5, United States Code, for up to 5 years after the date the information is received by the Secretary—

"(i) a proposal, proposal abstract, and supporting documents submitted to the Department in a competitive or noncompetitive process having the potential for resulting in an award to the party submitting the information entering into a transaction under paragraph (1); and

"(ii) a business plan and technical information relating to a transaction authorized by paragraph (1) submitted to the Department as confidential business information.

"(B) The Secretary may protect from disclosure, for up to 5 years after the information was developed, any information developed pursuant to a transaction under paragraph (1) which developed information is of a character that it would be protected from disclosure under section 552(b)(4) of title 5, United States Code, if obtained from a person other than a Federal agency.

"(4) Not later than 90 days after the date of enactment of this section, the Secretary shall prescribe guidelines for using other transactions authorized by the amendment under subsection (a). Such guidelines shall be published in the Federal Register for public comment under rulemaking procedures of the Department.

"(5) The authority of the Secretary under this subsection may be delegated only to an officer of the Department who is appointed by the President by and with the advice and consent of the Senate and may not be delegated to any other person.".

SEC. 997. REPORT ON RESEARCH AND DEVELOPMENT PROGRAM EVALUATION METHODOLOGIES.

Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into appropriate arrangements with the National Academy of Sciences to investigate and report on the scientific and technical merits of any evaluation methodology currently in use or proposed for use in relation to the scientific and technical programs of the Department by the Secretary or other Federal official. Not later than 6 months after receiving the report of the National Academy, the Secretary shall submit such report to Congress, along with any other views or plans of the Secretary with respect to the future use of such evaluation methodology.

TITLE X—PERSONNEL AND TRAINING

SEC. 1001. WORKFORCE TRENDS AND TRAINEESHIP GRANTS.

(a) WORKFORCE TRENDS.—

(1) The Secretary of Energy (in this title referred to as the "Secretary"), in consultation with the Secretary of Labor and utilizing statistical data collected by the Secretary of Labor, shall monitor trends in the workforce of skilled technical personnel supporting energy technology industries, including renewable energy industries, companies developing and commercializing devices to increase energy efficiency, the oil and gas industry, the nuclear power industry, the coal industry, and other industrial sectors as the Secretary may deem appropriate.

(2) The Secretary shall report to the Congress whenever the Secretary determines that significant national shortfalls of skilled

technical personnel in one or more energy industry segments are forecast or have occurred.

(b) TRAINEESHIP GRANTS FOR SKILLED TECHNICAL PERSONNEL.—The Secretary, in consultation with the Secretary of Labor, may establish grant programs in the appropriate offices of the Department of Energy to enhance training of skilled technical personnel for which a shortfall is determined under subsection (a).

(c) DEFINITION.—For purposes of this section, the term "skilled technical personnel" means journey and apprentice level workers who are enrolled in or have completed a State or federally recognized apprenticeship program and other skilled workers in energy technology industries.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of this section, there are authorized to be appropriated to the Secretary $20,000,000 for each of fiscal years 2004 through 2008, to remain available until expended.

SEC. 1002. RESEARCH FELLOWSHIPS IN ENERGY RESEARCH.

(a) POSTDOCTORAL FELLOWSHIPS.—The Secretary shall establish a program of fellowships to encourage outstanding young scientists and engineers to pursue postdoctoral research appointments in energy research and development at institutions of higher education of their choice.

(b) DISTINGUISHED SENIOR RESEARCH FELLOWSHIPS.—The Secretary shall establish a program of fellowships to allow outstanding senior researchers in energy research and development and their research groups to explore research and development topics of their choosing for a fixed period of time. Awards under this program shall be made on the basis of past scientific or technical accomplishment and promise for continued accomplishment during the period of support, which shall not be less than 3 years.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of this section, there are authorized to be appropriated to the Secretary $40,000,000 for each of fiscal years 2004 through 2008, to remain available until expended.

SEC. 1003. TRAINING GUIDELINES FOR ELECTRIC ENERGY INDUSTRY PERSONNEL.

The Secretary of Labor, in consultation with the Secretary of Energy and jointly with the electric industry and recognized employee representatives, shall develop model personnel training guidelines to support electric system reliability and safety. The training guidelines shall, at a minimum—

(1) include training requirements for workers engaged in the construction, operation, inspection, and maintenance of electric generation, transmission, and distribution, including competency and certification requirements, and assessment requirements that include initial and ongoing evaluation of workers, recertification assessment procedures, and methods for examining or testing the qualification of individuals performing covered tasks; and

(2) consolidate existing training guidelines on the construction, operation, maintenance, and inspection of electric generation, transmission, and distribution facilities, such as those established by the National Electric Safety Code and other industry consensus standards.

SEC. 1004. NATIONAL CENTER ON ENERGY MANAGEMENT AND BUILDING TECHNOLOGIES.

The Secretary shall support the establishment of a National Center on Energy Management and Building Technologies, to carry out research, education, and training activities to facilitate the improvement of energy efficiency and indoor air quality in industrial, commercial, and residential buildings. The National Center shall be established by—

(1) recognized representatives of employees in the heating, ventilation, and air-conditioning industry;

(2) contractors that install and maintain heating, ventilation, and air-conditioning systems and equipment;

(3) manufacturers of heating, ventilation, and air-conditioning systems and equipment;

(4) representatives of the advanced building envelope industry, including design, windows, lighting, and insulation industries; and

(5) other entities as the Secretary may deem appropriate.

SEC. 1005. IMPROVED ACCESS TO ENERGY-RELATED SCIENTIFIC AND TECHNICAL CAREERS.

(a) DEPARTMENT OF ENERGY SCIENCE EDUCATION PROGRAMS.—Section 3164 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) is amended by adding at the end the following:

"(c) PROGRAMS FOR STUDENTS FROM UNDER-REPRESENTED GROUPS.—In carrying out a program under subsection (a), the Secretary shall give priority to activities that are designed to encourage students from under-represented groups to pursue scientific and technical careers.".

(b) PARTNERSHIPS WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, HISPANIC-SERVICING INSTITUTIONS, AND TRIBAL COLLEGES.—The Department of Energy Science Education Enhancement Act (42 U.S.C. 7381 et seq.) is amended—

(1) by redesignating sections 3167 and 3168 as sections 3168 and 3169, respectively; and

(2) by inserting after section 3166 the following:

"SEC. 3167. PARTNERSHIPS WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, HISPANIC-SERVING INSTITUTIONS, AND TRIBAL COLLEGES.

"(a) DEFINITIONS. In this section:

"(1) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' has the meaning given that term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

"(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically Black college or university' has the meaning given the term 'part B institution' in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

"(3) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given that term in section 903(5) of the Energy Policy Act of 2003.

"(4) SCIENCE FACILITY.—The term 'science facility' has the meaning given the term 'single-purpose research facility' in section 903(8) of the Energy Policy Act of 2003.

"(5) TRIBAL COLLEGE.—The term 'tribal college' has the meaning given the term 'tribally controlled college or university' in section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)).

"(b) EDUCATION PARTNERSHIP.—The Secretary shall direct the Director of each National Laboratory, and may direct the head of any science facility, to increase the participation of historically Black colleges or universities, Hispanic-serving institutions, or tribal colleges in activities that increase the capacity of the historically Black colleges or universities, Hispanic-serving institutions, or tribal colleges to train personnel in science or engineering.

"(c) ACTIVITIES.—An activity under subsection (b) may include—

"(1) collaborative research;

"(2) equipment transfer;

"(3) training activities conducted at a National Laboratory or science facility; and

"(4) mentoring activities conducted at a National Laboratory or science facility.

"(d) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the Congress a report on the activities carried out under this section.".

SEC. 1006. NATIONAL POWER PLANT OPERATIONS TECHNOLOGY AND EDUCATION CENTER.

(a) ESTABLISHMENT.—The Secretary shall support the establishment of a National Power Plant Operations Technology and Education Center (in this section referred to as the "Center"), to address the need for training and educating certified operators for electric power generation plants.

(b) ROLE.—The Center shall provide both training and continuing education relating to electric power generation plant technologies and operations. The Center shall conduct training and education activities on site and through Internet-based information technologies that allow for learning at remote sites.

(c) CRITERIA FOR COMPETITIVE SELECTION.—The Secretary shall support the establishment of the Center at an institution of higher education with expertise in power plant technology and operation and with the ability to provide on-site as well as Internet-based training.

SEC. 1007. FEDERAL MINE INSPECTORS.

In light of projected retirements of Federal mine inspectors and the need for additional personnel, the Secretary of Labor shall hire, train, and deploy such additional skilled Federal mine inspectors as necessary to ensure the availability of skilled and experienced individuals and to maintain the number of Federal mine inspectors at or above the levels authorized by law or established by regulation.

TITLE XI—ELECTRICITY

SEC. 1101. DEFINITIONS.

(a) ELECTRIC UTILITY.—Section 3(22) of the Federal Power Act (16 U.S.C. 796(22)) is amended to read as follows:

"(22) 'electric utility' means any person or Federal or State agency (including any municipality) that sells electric energy; such term includes the Tennessee Valley Authority and each Federal power marketing agency;".

(b) TRANSMITTING UTILITY.—Section 3(23) of the Federal Power Act (16 U.S.C. 796(23)) is amended to read as follows:

"(23) 'transmitting utility' means an entity, including any entity described in section 201(f), that owns or operates facilities used for the transmission of electric energy—

"(A) in interstate commerce; or

"(B) for the sale of electric energy at wholesale;".

(c) ADDITIONAL DEFINITIONS.—At the end of section (3) of the Federal Power Act, add the following:

"(26) 'unregulated transmitting utility' means an entity that—

"(A) owns or operates facilities used for the transmission of electric energy in interstate commerce, and

"(B) is an entity described in section 201(f) or a rural electric cooperative with financing from the Rural Utilities Service.

"(27) 'distribution utility' means an electric utility that does not own or operate transmission facilities or an unregulated transmitting utility that provides 90 percent of the electric energy it transmits to customers at retail."

(d) For the purposes of this title, the term "the Commission" means the Federal Energy Regulatory Commission.

Subtitle A—Reliability

SEC. 1111. ELECTRIC RELIABILITY STANDARDS.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding the following:

"ELECTRIC RELIABILITY

"SEC. 215. (a) For the purposes of this section:

"(1) The term 'bulk-power system' means—

"(A) facilities and control systems necessary for operating an interconnected electric energy transmission network (or any portion thereof); and

"(B) electric energy from generation facilities needed to maintain transmission system reliability.

The term does not include facilities used in the local distribution of electric energy.

"(2) The terms 'Electric Reliability Organization' and 'ERO' mean the organization certified by the Commission under subsection (c), the purpose of which is to establish and enforce reliability standards for the bulk-power system, subject to Commission review.

"(3) The term 'reliability standard' means a requirement, approved by the Commission under this section, to provide for reliable operation of the bulk-power system. The term includes requirements for the operation of existing bulk-power system components and the design of planned additions or modifications to such components to the extent necessary to provide for reliable operation of the bulk-power system, but the term does not include any requirement to enlarge such components or to construct new transmission capacity or generation capacity.

"(4) The term 'reliable operation' means operating the components of the bulk-power system within equipment and electric system thermal, voltage, and stability limits so that instability, uncontrolled separation, or cascading failures of such system will not occur as a result of a sudden disturbance or unanticipated failure of system components.

"(5) The term 'Interconnection' means a geographic area in which the operation of bulk-power system components is synchronized such that the failure of one or more of such components may adversely affect the ability of the operators of other components within the system to maintain reliable operation of the portion of the system within their control.

"(6) The term 'transmission organization' means an RTO or other transmission organization finally approved by the Commission for the operation of transmission facilities.

"(7) The term 'regional entity' means an entity having enforcement authority pursuant to subsection (e)(4).

"(b) The Commission shall have jurisdiction, within the United States, over the ERO certified by the Commission under subsection (c), any regional entities, and all users, owners and operators of the bulk-power system, including the entities described in section 201(f), for purposes of approving reliability standards established under this section and enforcing compliance with this section. All users, owners and operators of the bulk-power system shall comply with reliability standards that take effect under this section. The Commission shall issue a final rule to implement the requirements of this section not later than 180 days after the date of enactment of this section.

"(c) Following the issuance of a Commission rule under subsection (b), any person may submit an application to the Commission for certification as the Electric Reliability Organization. The Commission may certify one such ERO if the Commission determines that such ERO—

"(1) has the ability to develop and enforce, subject to subsection (d)(2), reliability standards that provide for an adequate level of reliability of the bulk-power system; and

"(2) has established rules that—

"(A) assure its independence of the users and owners and operators of the bulk-power system, while assuring fair stakeholder representation in the selection of its directors and balanced decisionmaking in any ERO committee or subordinate organizational structure;

"(B) allocate equitably reasonable dues, fees, and other charges among end users for all activities under this section;

"(C) provide fair and impartial procedures for enforcement of reliability standards through the imposition of penalties in accordance with subsection (e) (including limitations on activities, functions, or operations, or other appropriate sanctions);

"(D) provide for reasonable notice and opportunity for public comment, due process, openness, and balance of interests in developing reliability standards and otherwise exercising its duties; and

"(E) provide for taking, after certification, appropriate steps to gain recognition in Canada and Mexico.

"(d)(1) The ERO shall file each reliability standard or modification to a reliability standard that it proposes to be made effective under this section with the Commission.

"(2) The Commission may approve by rule or order a proposed reliability standard or modification to a reliability standard if it determines that the standard is just, reasonable, not unduly discriminatory or preferential, and in the public interest. The Commission shall give due weight to the technical expertise of the ERO with respect to the content of a proposed standard or modification to a reliability standard and to the technical expertise of a regional entity organized on an Interconnection-wide basis with respect to a reliability standard to be applicable within that Interconnection, but shall not defer with respect to the effect of a standard on competition. A proposed standard or modification shall take effect upon approval by the Commission.

"(3) The ERO shall rebuttably presume that a proposal from a regional entity organized on an Interconnection-wide basis for a reliability standard or modification to a reliability standard to be applicable on an Interconnection-wide basis is just, reasonable, and not unduly discriminatory or preferential, and in the public interest.

"(4) The Commission shall remand to the ERO for further consideration a proposed reliability standard or a modification to a reliability standard that the Commission disapproves in whole or in part.

"(5) The Commission, upon its own motion or upon complaint, may order the ERO to submit to the Commission a proposed reliability standard or a modification to a reliability standard that addresses a specific matter if the Commission considers such a new or modified reliability standard appropriate to carry out this section.

"(6) The final rule adopted under subsection (b) shall include fair processes for the identification and timely resolution of any conflict between a reliability standard and any function, rule, order, tariff, rate schedule, or agreement accepted, approved, or ordered by the Commission applicable to a transmission organization. Such transmission organization shall continue to comply with such function, rule, order, tariff, rate schedule or agreement accepted, approved, or ordered by the Commission until—

"(A) the Commission finds a conflict exists between a reliability standard and any such provision;

"(B) the Commission orders a change to such provision pursuant to section 206 of this part; and

"(C) the ordered change becomes effective under this part.

If the Commission determines that a reliability standard needs to be changed as a result of such a conflict, it shall order the ERO to develop and file with the Commission a modified reliability standard under paragraph (4) or (5) of this subsection.

"(e)(1) The ERO may impose, subject to paragraph (2), a penalty on a user or owner or operator of the bulk-power system for a violation of a reliability standard approved by the Commission under subsection (d) if the ERO, after notice and an opportunity for a hearing—

"(A) finds that the user or owner or operator has violated a reliability standard approved by the Commission under subsection (d); and

"(B) files notice and the record of the proceeding with the Commission.

"(2) A penalty imposed under paragraph (1) may take effect not earlier than the 31st day after the ERO files with the Commission notice of the penalty and the record of proceedings. Such penalty shall be subject to review by the Commission, on its own motion or upon application by the user, owner or operator that is the subject of the penalty filed within 30 days after the date such notice is filed with the Commission. Application to the Commission for review, or the initiation of review by the Commission on its own motion, shall not operate as a stay of such penalty unless the Commission otherwise orders upon its own motion or upon application by the user, owner or operator that is the subject of such penalty. In any proceeding to review a penalty imposed under paragraph (1), the Commission, after notice and opportunity for hearing (which hearing may consist solely of the record before the ERO and opportunity for the presentation of supporting reasons to affirm, modify, or set aside the penalty), shall by order affirm, set aside, reinstate, or modify the penalty, and, if appropriate, remand to the ERO for further proceedings. The Commission shall implement expedited procedures for such hearings.

"(3) On its own motion or upon complaint, the Commission may order compliance with a reliability standard and may impose a penalty against a user or owner or operator of the bulk-power system, if the Commission finds, after notice and opportunity for a hearing, that the user or owner or operator of the bulk-power system has engaged or is about to engage in any acts or practices that constitute or will constitute a violation of a reliability standard.

"(4) The Commission shall establish regulations authorizing the ERO to enter into an agreement to delegate authority to a regional entity for the purpose of proposing reliability standards to the ERO and enforcing reliability standards under paragraph (1) if—

"(A) the regional entity is governed by an independent board, a balanced stakeholder board, or a combination independent and balanced stakeholder board;

"(B) the regional entity otherwise satisfies the provisions of subsection (c)(1) and (2); and

"(C) the agreement promotes effective and efficient administration of bulk-power system reliability.

The Commission may modify such delegation. The ERO and the Commission shall rebuttably presume that a proposal for delegation to a regional entity organized on an Interconnection-wide basis promotes effective and efficient administration of bulk-power system reliability and should be approved. Such regulation may provide that the Commission may assign the ERO's authority to enforce reliability standards under paragraph (1) directly to a regional entity consistent with the requirements of this paragraph.

"(5) The Commission may take such action as is necessary or appropriate against the ERO or a regional entity to ensure compliance with a reliability standard or any Commission order affecting the ERO or a regional entity.

"(6) Any penalty imposed under this section shall bear a reasonable relation to the seriousness of the violation and shall take into consideration the efforts of such user, owner, or operator to remedy the violation in a timely manner.

"(f) The ERO shall file with the Commission for approval any proposed rule or proposed rule change, accompanied by an explanation of its basis and purpose. The Commission, upon its own motion or complaint, may propose a change to the rules of the ERO. A proposed rule or proposed rule change shall take effect upon a finding by the Commission, after notice and opportunity for comment, that the change is just, reasonable, not unduly discriminatory or preferential, is in the public interest, and satisfies the requirements of subsection (c).

"(g) The ERO shall conduct periodic assessments of the reliability and adequacy of the bulk-power system in North America.

"(h) The President is urged to negotiate international agreements with the governments of Canada and Mexico to provide for effective compliance with reliability standards and the effectiveness of the ERO in the United States and Canada or Mexico.

"(i)(1) The ERO shall have authority to develop and enforce compliance with reliability standards for only the bulk-power system.

"(2) This section does not authorize the ERO or the Commission to order the construction of additional generation or transmission capacity or to set and enforce compliance with standards for adequacy or safety of electric facilities or services.

"(3) Nothing in this section shall be construed to preempt any authority of any State to take action to ensure the safety, adequacy, and reliability of electric service within that State, as long as such action is not inconsistent with any reliability standard.

"(4) Within 90 days of the application of the ERO or other affected party, and after notice and opportunity for comment, the Commission shall issue a final order determining whether a State action is inconsistent with a reliability standard, taking into consideration any recommendation of the ERO.

"(5) The Commission, after consultation with the ERO, may stay the effectiveness of any State action, pending the Commission's issuance of a final order.

"(j) The Commission shall establish a regional advisory body on the petition of at least two-thirds of the States within a region that have more than one-half of their electric load served within the region. A regional advisory body shall be composed of one member from each participating State in the region, appointed by the Governor of each State, and may include representatives of agencies, States, and provinces outside the United States. A regional advisory body may provide advice to the ERO, a regional entity, or the Commission regarding the governance of an existing or proposed regional entity within the same region, whether a standard proposed to apply within the region is just, reasonable, not unduly discriminatory or preferential, and in the public interest, whether fees proposed to be assessed within the region are just, reasonable, not unduly discriminatory or preferential, and in the public interest and any other responsibilities requested by the Commission. The Commission may give deference to the advice of any such regional advisory body if that body is organized on an Interconnection-wide basis.

"(k) The provisions of this section do not apply to Alaska or Hawaii.".

Subtitle B—Regional Markets

SEC. 1121. IMPLEMENTATION DATE FOR PROPOSED RULEMAKING ON STANDARD MARKET DESIGN.

The Commission's proposed rulemaking entitled "Remedying Undue Discrimination through Open Access Transmission Service and Standard Electricity Market Design" (Docket No. RM01–12–000) is remanded to the Commission for reconsideration. No final rule pursuant to the proposed rulemaking, including any rule or order of general applicability within the scope of the proposed rulemaking, may be issued before July 1, 2005. Any final rule issued by the Commission pursuant to the proposed rulemaking, including any rule or order of general applicability within the scope of the proposed rulemaking, shall be proceeded by a notice of proposed rulemaking issued after the date of enactment of this Act and an opportunity for public comment.

SEC. 1122. SENSE OF THE CONGRESS ON REGIONAL TRANSMISSION ORGANIZATIONS.

It is the sense of Congress that, in order to promote fair, open access to electric transmission service, benefit retail consumers, facilitate wholesale competition, improve efficiencies in transmission grid management, promote grid reliability, remove opportunities for unduly discriminatory or preferential transmission practices, and provide for the efficient development of transmission infrastructure needed to meet the growing demands of competitive wholesale power markets, all transmitting utilities in interstate commerce should voluntarily become members of independently administered Regional Transmission Organizations ("RTO") that have operational or functional control of facilities used for the transmission of electric energy in interstate commerce and do not own or control generation facilities used to supply electric energy for sale at wholesale.

SEC. 1123. FEDERAL UTILITY PARTICIPATION IN REGIONAL TRANSMISSION ORGANIZATIONS.

(a) DEFINITIONS.—For purposes of this section:

(1) The term "appropriate Federal regulatory authority" means—

(A) with respect to a Federal power marketing agency, the Secretary of Energy, except that the Secretary may designate the Administrator of a Federal power marketing agency to act as the appropriate Federal regulatory authority with respect to the transmission system of that Federal power marketing agency; and

(B) with respect to the Tennessee Valley Authority, the Board of Directors of the Tennessee Valley Authority.

(2) The term "Federal utility" means a Federal power marketing agency or the Tennessee Valley Authority.

(3) The term "transmission system" means electric transmission facilities owned, leased, or contracted for by the United States and operated by a Federal utility.

(b) TRANSFER.—

(1) The appropriate Federal regulatory authority is authorized to enter into a contract, agreement or other arrangement transferring control and use of all or part of the Federal utility's transmission system to a Regional Transmission Organization ("RTO"). Such contract, agreement or arrangement shall be voluntary and include—

(A) performance standards for operation and use of the transmission system that the head of the Federal utility determines necessary or appropriate, including standards that assure recovery of all the Federal utility's costs and expenses related to the transmission facilities that are the subject of the contract, agreement or other arrangement, consistency with existing contracts and third-party financing arrangements, and consistency with said Federal utility's statutory authorities, obligations, and limitations;

(B) provisions for monitoring and oversight by the Federal utility of the RTO fulfillment of the terms and conditions of the contract, agreement or other arrangement, including a provision that may provide for the resolution of disputes through arbitration or other means with the RTO or with other participants, notwithstanding the obligations and limitations of any other law regarding arbitration; and

(C) a provision that allows the Federal utility to withdraw from the RTO and terminate the contract, agreement or other arrangement in accordance with its terms.

(2) Neither this section, actions taken pursuant to it, nor any other transaction of a Federal utility using an RTO shall serve to confer upon the Commission jurisdiction or authority over the Federal utility's electric generation assets, electric capacity or energy that the Federal utility is authorized by law to market, or the Federal utility's power sales activities.

(c) EXISTING STATUTORY AND OTHER OBLIGATIONS.—

(1) Any statutory provision requiring or authorizing a Federal utility to transmit electric power, or to construct, operate or maintain its transmission system shall not be construed to prohibit a transfer of control and use of its transmission system pursuant to, and subject to all requirements of subsection (b).

(2) This subsection shall not be construed to—

(A) suspend, or exempt any Federal utility from any provision of existing Federal law, including but not limited to any requirement or direction relating to the use of the Federal utility's transmission system, environmental protection, fish and wildlife protection, flood control, navigation, water delivery, or recreation; or

(B) authorize abrogation of any contract or treaty obligation.

SEC. 1124. REGIONAL CONSIDERATION OF COMPETITIVE WHOLESALE MARKETS.

(a) STATE REGULATORY COMMISSIONS.—Not later than 90 days after the date of enactment of this Act, the Commission shall convene regional discussions with State regulatory commissions, as defined in section

3(21) of the Federal Power Act. The regional discussions should address whether wholesale electric markets in each region are working effectively to provide reliable service to electric consumers in the region at the lowest reasonable cost. Priority should be given to discussions in regions that do not have, as of the date of enactment of this Act, a Regional Transmission Organization "(RTO"). The regional discussions shall consider—

(1) the need for an RTO or other organizations in the region to provide non-discriminatory transmission access and generation interconnection;

(2) a process for regional planning of transmission facilities with State regulatory authority participation and for consideration of multi-state projects;

(3) a means for ensuring that costs for all electric consumers, as defined in section 3(5) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602(5)), and buyers of wholesale energy or capacity are reasonable and economically efficient;

(4) a means for ensuring that all electric consumers, as defined in section 3(5) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602(5)), within the region maintain their ability to use the existing transmission system without incurring unreasonable additional costs in order to expand the transmission system for new customers;

(5) whether the integrated transmission and electric power supply system can and should be operated in a manner that schedules and economically prioritizes all available electric generation resources, so as to minimize the costs of electric energy to all consumers ("economic dispatch") and maintaining system reliability;

(6) a means to provide transparent price signals to ensure efficient expansion of the electric system and efficiently manage transmission congestion;

(7) eliminating in a reasonable manner, consistent with applicable State and Federal law, multiple, cumulative charges for transmission service across successive locations within a region ("pancaked rates");

(8) resolution of seams issues with neighboring regions and inter-regional coordination;

(9) a means of providing information electronically to potential users of the transmission system;

(10) implementation of a market monitor for the region with State regulatory authority and Commission oversight and establishment of rules and procedures that ensure that State regulatory authorities are provided access to market information and that provides for expedited consideration by the Commission of any complaints concerning exercise of market power and the operation of wholesale markets;

(11) a process by which to phase-in any proposed RTO or other organization designated to provide non-discriminatory transmission access so as to best meet the needs of a region, and, if relevant, shall take into account the special circumstances that may be found in the Western Interconnection related to the existence of transmission congestion, the existence of significant hydroelectric capacity, the participation of unregulated transmitting utilities, and the distances between generation and load; and,

(12) a timetable to meet the objectives of this section.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall report to Congress on the progress made in addressing the issues in subsection (a) of this section in discussions with the States.

(c) SAVINGS.—Nothing in this section shall affect any discussions between the Commission and State or other retail regulatory authorities that are on-going prior to enactment of this Act.

Subtitle C—Improving Transmission Access and Protecting Service Obligations

SEC. 1131. SERVICE OBLIGATION SECURITY AND PARITY.

The Federal Power Act (16 U.S.C. 824e) is amended by adding the following:

"SEC. 220. (a)(1) The Commission shall exercise its authority under this Act to ensure that any load-serving entity that, as of the date of enactment of this section—

"(A) owns generation facilities, markets the output of federal generation facilities, or holds rights under one or more long-term contracts to purchase electric energy, for the purpose of meeting a service obligation, and

"(B) by reason of ownership of transmission facilities, or one or more contracts or service agreements for firm transmission service, holds firm transmission rights for delivery of the output of such generation facilities or such purchased energy to meet such service obligation, is entitled to use such firm transmission rights, or equivalent financial transmission rights, in order to deliver such output or purchased energy, or the output of other generating facilities or purchased energy to the extent deliverable using such rights, to meet its service obligation.

"(2) To the extent that all or a portion of the service obligation covered by such firm transmission rights is transferred to another load-serving entity, the successor load-serving entity shall be entitled to use the firm transmission rights associated with the transferred service obligation. Subsequent transfers to another load-serving entity, or back to the original load-serving entity, shall be entitled to the same rights.

"(3) The Commission shall exercise its authority under this Act in a manner that facilitates the planning and expansion of transmission facilities to meet the reasonable needs of load-serving entities to satisfy their service obligations.

"(b) Nothing in this section shall affect any methodology for the allocation of transmission rights by a Commission-approved entity that, prior to the date of enactment of this section, has been authorized by the Commission to allocate transmission rights.

"(c) Nothing in this Act shall relieve a load-serving entity from any obligation under State or local law to build transmission or distribution facilities adequate to meet its service obligations."

"(d) Nothing in this section shall provide a basis for abrogating any contract or service agreement for firm transmission service or rights in effect as of the date of the enactment of this subsection.

"(e) For purposes of this section:

"(1) The term 'distribution utility' means an electric utility that has a service obligation to end-users.

"(2) The term 'load-serving entity' means a distribution utility or an electric utility (including an entity described in section 201(f) or a rural cooperative) that has a service obligation to end-users or a distribution utility.

"(3) The term 'service obligation' means a requirement applicable to, or the exercise of authority granted to, an electric utility (including an entity described in section 201(f) or a rural cooperative) under Federal, State or local law or under long-term contracts to provide electric service to end-users or to a distribution utility."

"(f) Nothing in the section shall apply to an entity located in an area referred to in section 212(k)(2)(A)."

SEC. 1132. OPEN NON-DISCRIMINATORY ACCESS.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by inserting after section 211 the following:

"OPEN ACCESS BY UNREGULATED TRANSMITTING UTILITIES

"SEC. 211A. (a) Subject to section 212(h), the Commission may, by rule or order, require an unregulated transmitting utility to provide transmission services—

"(1) at rates that are comparable to those that the unregulated transmitting utility charges itself; and

"(2) on terms and conditions (not relating to rates) that are comparable to those under which such unregulated transmitting utility provides transmission services to itself and that are not unduly discriminatory or preferential.

"(b) The Commission shall exempt from any rule or order under this subsection any unregulated transmitting utility that—

"(1) is a distribution utility that sells no more than 4,000,000 megawatt hours of electricity per year; or

"(2) does not own or operate any transmission facilities that are necessary for operating an interconnected transmission system (or any portion thereof); or

"(3) meets other criteria the Commission determines to be in the public interest.

"(c) Whenever the Commission, after a hearing held upon a complaint, finds any exemption granted pursuant to subsection (b) adversely affects the reliable and efficient operation of an interconnected transmission system, it may revoke the exemption.

"(d) The rate changing procedures applicable to public utilities under subsections (c) and (d) of section 205 are applicable to unregulated transmitting utilities for purposes of this section.

"(e) In exercising its authority under paragraph (1) of subsection (a), the Commission may remand transmission rates to an unregulated transmitting utility for review and revision where necessary to meet the requirements of subsection (a).

"(f) The provision of transmission services under subsection (a) does not preclude a request for transmission services under section 211.

"(g) The Commission may not require a State or municipality to take action under this section that constitutes a private business use for purposes of section 141 of the Internal Revenue Code of 1986 (26 U.S.C. 141).

"(h) Nothing in this Act authorizes the Commission to require an unregulated transmitting utility to transfer control or operational control of its transmitting facilities to an RTO or any other Commission-approved organization designated to provide non-discriminatory transmission access.".

SEC. 1133. TRANSMISSION INFRASTRUCTURE INVESTMENT.

Part II of the Federal Power Act is amended by adding the following:

"SUSTAINABLE TRANSMISSION NETWORKS RULEMAKING

"SEC. 221. Within six months of enactment of this section, the Commission shall issue a final rule establishing transmission pricing policies applicable to all public utilities and policies for the allocation of costs associated with the expansion, modification or upgrade of existing interstate transmission facilities and for the interconnection of new transmission facilities for utilities and facilities which are not included within a Commission approved RTO. Consistent with section 205 of this Act, such rule shall, to the maximum extent practicable:

"(1) promote capital investment in the economically efficient transmission systems;

"(2) encourage the construction of transmission and generation facilities in a manner which provides the lowest overall risk and cost to consumers;

"(3) encourage improved operation of transmission facilities and deployment of transmission technologies designed to increase capacity and efficiency of existing networks;

"(4) ensure that the costs of any transmission expansion or interconnection be allocated in such a way that all users of the affected transmission system bear the appropriate share of costs; and

"(5) ensure that parties who pay for facilities necessary for transmission expansion or interconnection receive appropriate compensation for those facilities.".

Subtitle D—Amendments to the Public Utility Regulatory Policies Act of 1978

SEC. 1141. NET METERING.

(a) Adoption of Standard.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(11) Net metering.—

"(A) Each electric utility shall make available upon request net metering service to any electric consumer that the electric utility serves.

"(B) For purposes of implementing this paragraph, any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of this paragraph.

"(C) Notwithstanding subsections (b) and (c) of section 112, each State regulatory authority shall consider and make a determination concerning whether it is appropriate to implement the standard set out in subparagraph (A) not later than 1 year after the date of enactment of this paragraph.".

(b) Special Rules for Net Metering.—Section 115 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625) is further amended by adding at the end the following:

"(i) Net Metering.—In undertaking the consideration and making the determination under section 111 with respect to the standard concerning net metering established by section 111(d)(13), the term net metering service shall mean a service provided in accordance with the following standards:

"(1) An electric utility—

"(A) shall charge the owner or operator of an on-site generating facility rates and charges that are identical to those that would be charged other electric consumers of the electric utility in the same rate class; and

"(B) shall not charge the owner or operator of an on-site generating facility any additional standby, capacity, interconnection, or other rate or charge.

"(2) An electric utility that sells electric energy to the owner or operator of an on-site generating facility shall measure the quantity of electric energy produced by the onsite facility and the quantity of electric energy consumed by the owner or operator of an on-site generating facility during a billing period in accordance with reasonable metering practices.

"(3) If the quantity of electric energy sold by the electric utility to an on-site generating facility exceeds the quantity of electric energy supplied by the on-site generating facility to the electric utility during the billing period, the electric utility may bill the owner or operator for the net quantity of electric energy sold, in accordance with reasonable metering practices.

"(4) If the quantity of electric energy supplied by the on-site generating facility to the electric utility exceeds the quantity of electric energy sold by the electric utility to the on-site generating facility during the billing period—

"(A) the electric utility may bill the owner or operator of the on-site generating facility for the appropriate charges for the billing period in accordance with paragraph (2); and

"(B) the owner or operator of the on-site generating facility shall be credited for the excess kilowatt-hours generated during the billing period, with the kilowatt-hour credit appearing on the bill for the following billing period.

"(5) An eligible on-site generating facility and net metering system used by an electric consumer shall meet all applicable safety, performance, reliability, and interconnection standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and Underwriters Laboratories.

"(6) The Commission, after consultation with State regulatory authorities and unregulated electric utilities and after notice and opportunity for comment, may adopt, by rule, additional control and testing requirements for on-site generating facilities and net metering systems that the Commission determines are necessary to protect public safety and system reliability.

"(7) For purposes of this subsection—

"(A) The term 'eligible on-site generating facility' means a facility on the site of a residential electric consumer with a maximum generating capacity of 10 kilowatts or less that is fueled by solar energy, wind energy, or fuel cells; or a facility on the site of a commercial electric consumer with a maximum generating capacity of 500 kilowatts or less that is fueled solely by a renewable energy resource, landfill gas, or a high efficiency system.

"(B) The term 'renewable energy resource' means solar, wind, biomass, or geothermal energy.

"(C) The term 'high efficiency system' means fuel cells or combined heat and power.

"(D) The term 'net metering service' means service to an electric consumer under which electric energy generated by that electric consumer from an eligible on-site generating facility and delivered to the local distribution facilities may be used to offset electric energy provided by the electric utility to the electric consumer during the applicable billing period.".

SEC. 1142. SMART METERING.

(a) In General.—Section 111(d) of the Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(12) Time-based metering and communications.

"(A) Each electric utility shall offer each of its customer classes, and provide individual customers upon customer request, a time-based rate schedule under which the rate charged by the electric utility varies during different time periods and reflects the variance in the costs of generating and purchasing electricity at the wholesale level. The time-based rate schedule shall enable the electric consumer to manage energy use and cost through advanced metering and communications technology.

"(B) The types of time-based rate schedules that may be offered under the schedule referred to in subparagraph (A) include, among others—

"(i) time-of-use pricing whereby electricity prices are set for a specific time period on an advance or forward basis, typically not changing more often than twice a year. Prices paid for energy consumed during these periods shall be pre-established and known to consumers in advance of such consumption, allowing them to vary their demand and usage in response to such prices and manage their energy costs by shifting usage to a lower cost period or reducing their consumption overall;

"(ii) critical peak pricing whereby time-of-use prices are in effect except for certain peak days, when prices may reflect the costs of generating and purchasing electricity at the wholesale level and when consumers may receive additional discounts for reducing peak period energy consumption; and

"(iii) real-time pricing whereby electricity prices are set for a specific time period on an advanced or forward basis and may change as often as hourly.

"(C) Each electric utility subject to subparagraph (A) shall provide each customer requesting a time-based rate with a time-based meter capable of enabling the utility and customer to offer and receive such rate, respectively.

"(D) For purposes of implementing this paragraph, any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of this paragraph.

"(E) In a State that permits third-party marketers to sell electric energy to retail electric consumers, such consumers shall be entitled to receive that same time-based metering and communications device and service as a retail electric consumer of the electric utility.

"(F) Notwithstanding subsections (b) and (c) of section 112, each State regulatory authority shall, not later than twelve (12) months after enactment of this paragraph conduct an investigation in accordance with section 115(i) and issue a decision whether it is appropriate to implement the standards set out in subparagraphs (A) and (C).".

(b) State Investigation of Demand Response and Time-based Metering.—Section 115 of the Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 2625) is amended by adding the at the end the following:

"(k) Time-based Metering and Communications.—Each State regulatory authority shall conduct an investigation and issue a decision whether or not it is appropriate for electric utilities to provide and install time-based meters and communications devices for each of their customers which enable such customers to participate in time-based pricing rate schedules and other demand response programs.".

(c) Federal Assistance on Demand Response.—Section 132(a) of the Public Utility Regulatory Polices Act of 1978 (16 U.S.C. 2642(a)) is amended by striking "and" at the end of paragraph (3), striking the period at the end of paragraph (4) and inserting "; and", and by adding the following at the end thereof:

"(5) technologies, techniques and ratemaking methods related to advanced metering and communications and the use of these technologies, techniques and methods in demand response programs.".

(d) Federal Guidance.—Section 132 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2643) is amended by adding the following at the end thereof:

"(d) Demand Response.—The Secretary shall be responsible for—

"(1) educating consumers on the availability, advantages and benefits of advanced metering and communications technologies, including the funding of demonstration or pilot projects;

"(2) working with States, utilities, other energy providers and advanced metering and communications experts to identify and address barriers to the adoption of demand response programs; and

"(3) not later than 180 days after the date of enactment of the Energy Policy Act of 2003, providing the Congress with a report that identifies and quantifies the national benefits of demand response and makes a recommendation on achieving specific levels of such benefits by January 1, 2005.".

(e) Demand Response and Regional Coordination.—

(1) It is the policy of the United States to encourage States to coordinate, on a regional basis, State energy policies to provide reliable and affordable demand response services to the public.

(2) The Secretary of Energy shall provide technical assistance to States and regional organizations formed by two or more States to assist them in—

(A) identifying the areas with the greatest demand response potential;

(B) identifying and resolving problems in transmission and distribution networks, including through the use of demand response; and

(C) developing plans and programs to use demand response to respond to peak demand or emergency needs.

(3) Not later than 1 year after the date of enactment of this Act, the Commission shall prepare and publish an annual report, by appropriate region, that assesses demand response resources, including those available from all consumer classes, and which identifies and reviews—

(A) saturation and penetration rate of advanced meters and communications technologies, devices and systems;

(B) existing demand response programs and time-based rate programs;

(C) the annual resource contribution of demand resources;

(D) the potential for demand response as a quantifiable, reliable resource for regional planning purposes; and

(E) steps taken to ensure that, in regional transmission planning and operations, demand resources are provided equitable treatment as a quantifiable, reliable resource relative to the resource obligations of any load-serving entity, transmission provider, or transmitting party.

(f) Federal Encouragement of Demand Response Devices.—It is the policy of the United States that time-based pricing and other forms of demand response, whereby electricity customers are provided with electricity price signals and the ability to benefit by responding to them, shall be encouraged and the deployment of such technology and devices that enable electricity customers to participate in such pricing and demand response systems shall be facilitated.

SEC. 1143. ADOPTION OF ADDITIONAL STANDARDS.

(a) Adoption of Standards.—Section 113(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2623(b)) is amended by adding at the end the following:

"(6) Each electric utility shall provide distributed generation, combined heat and power, and district heating and cooling systems competitive access to the local distribution grid and competitive pricing of service, and shall use simplified standard contracts for the interconnection of generating facilities that have a power production capacity of 250 kilowatts or less.

"(7) No electric utility may refuse to interconnect a generating facility with the distribution facilities of the electric utility if the owner or operator of the generating facility complies with technical standards adopted by the State regulatory authority and agrees to pay the costs established by such State regulatory authority.

"(8) Each electric utility shall develop a plan to minimize dependence on one fuel source and to ensure that the electric energy it sells to consumers is generated using a diverse range of fuels and technologies, including renewable technologies.

"(9) Each electric utility shall develop and implement a ten-year plan to increase the efficiency of its fossil fuel generation.".

(b) Time for Adopting Standards.—Section 113 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2623) is further amended by adding at the end the following:

"(d) Special Rule.—For purposes of implementing paragraphs (6), (7), (8), and (9) of subsection (b), any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of this subsection.".

SEC. 1144. TECHNICAL ASSISTANCE.

Section 132(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2642(c)) is amended to read as follows:

"(c) Technical Assistance for Certain Responsibilities.—The Secretary may provide such technical assistance as determined appropriate to assist State regulatory authorities and electric utilities in carrying out their responsibilities under section 111(d)(11) and paragraphs (6), (7), (8), and (9) of section 113(b).".

SEC. 1145. COGENERATION AND SMALL POWER PRODUCTION PURCHASE AND SALE REQUIREMENTS.

(a) Termination of Mandatory Purchase and Sale Requirements.—Section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–3) is amended by adding at the end the following:

"(m) Termination of Mandatory Purchase and Sale Requirements.-

"(1) Obligation to purchase.—After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to purchase electric energy from a qualifying cogeneration facility or a qualifying small power production facility under this section if the Commission finds that the qualifying cogeneration facility or qualifying small power production facility has access to an independently administered, auction-based day ahead and real time wholesale market for the sale of electric energy.

"(2) Obligation to sell.—After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to sell electric energy to a qualifying cogeneration facility or a qualifying small power production facility under this section if competing retail electric suppliers are able to provide electric energy to the qualifying cogeneration facility or qualifying small power production facility.

"(3) No effect on existing rights and remedies.—Nothing in this subsection affects the rights or remedies of any party under any contract or obligation, in effect on the date of enactment of this subsection, to purchase electric energy or capacity from or to sell electric energy or capacity to a facility under this Act (including the right to recover costs of purchasing electric energy or capacity).

"(4) Recovery of costs.—"(A) Regulation.—The Commission shall promulgate such regulations as are necessary to ensure that an electric utility that purchases electric energy or capacity from a qualifying cogeneration facility or qualifying small power production facility in accordance with any legally enforceable obligation entered into or imposed under this section before the date of enactment of this subsection recovers all prudently incurred costs associated with the purchase.

"(B) Enforcement.—A regulation under subparagraph (A) shall be enforceable in accordance with the provisions of law applicable to enforcement of regulations under the Federal Power Act (16 U.S.C. 791a et seq.).".

(b) Elimination of Ownership Limitations.—Section 3 of the Federal Power Act (16 U.S.C. 796) is amended

(1) by striking paragraph (17)(C) and inserting the following:

"(C) 'qualifying small power production facility' means a small power production facility that the Commission determines, by rule, meets such requirements (including requirements respecting minimum size, fuel use, and fuel efficiency) as the Commission may, by rule, prescribe;"; and

(2) by striking paragraph (18)(B) and inserting the following:

"(B) 'qualifying cogeneration facility' means a cogeneration facility that the Commission determines, by rule, meets such requirements (including requirements respecting minimum size, fuel use, and fuel efficiency) as the Commission may, by rule, prescribe;".

SEC. 1146. RECOVERY OF COSTS.

(a) Regulation.—To ensure recovery by any electric utility that purchases electricity or capacity from a qualifying facility pursuant to any legally enforceable obligation entered into or imposed under section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–3) before the date of enactment of this Act of all costs associated with the purchases, the Commission shall promulgate and enforce such regulations as are required to ensure that no utility shall be required directly or indirectly to absorb the costs associated with the purchases.

(b) Treatment.—A regulation under subsection (a) shall be treated as a rule enforceable under the Federal Power Act (16 U.S.C. 791a et seq.).

Subtitle E—Provisions Regarding the Public Utility Holding Company Act of 1935

SEC. 1151. DEFINITIONS.

For the purposes of this subtitle:

(1) The term "affiliate" of a company means any company 5 percent or more of the outstanding voting securities of which are owned, controlled, or held with power to vote, directly or indirectly, by such company.

(2) The term "associate company" of a company means any company in the same holding company system with such company.

(3) The term "Commission" means the Federal Energy Regulatory Commission.

(4) The term "company" means a corporation, partnership, association, joint stock company, business trust, or any organized group of persons, whether incorporated or not, or a receiver, trustee, or other liquidating agent of any of the foregoing.

(5) The term "electric utility company" means any company that owns or operates

facilities used for the generation, transmission, or distribution of electric energy for sale.

(6) The terms "exempt wholesale generator" and "foreign utility company" have the same meanings as in sections 32 and 33, respectively, of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79z–5, 79z–5b), as those sections existed on the day before the effective date of this subtitle.

(7) The term "gas utility company" means any company that owns or operates facilities used for distribution at retail (other than the distribution only in enclosed portable containers or distribution to tenants or employees of the company operating such facilities for their own use and not for resale) of natural or manufactured gas for heat, light, or power.

(8) THE TERM "HOLDING COMPANY" MEANS—

(A) any company that directly or indirectly owns, controls, or holds, with power to vote, 10 percent or more of the outstanding voting securities of a public utility company or of a holding company of any public utility company; and

(B) any person, determined by the Commission, after notice and opportunity for hearing, to exercise directly or indirectly (either alone or pursuant to an arrangement or understanding with one or more persons) such a controlling influence over the management or policies of any public utility company or holding company as to make it necessary or appropriate for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this subtitle upon holding companies.

(9) The term "holding company system" means a holding company, together with its subsidiary companies.

(10) The term "jurisdictional rates" means rates established by the Commission for the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, and the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use.

(11) The term "natural gas company" means a person engaged in the transportation of natural gas in interstate commerce or the sale of such gas in interstate commerce for resale.

(12) The term "person" means an individual or company.

(13) The term "public utility" means any person who owns or operates facilities used for transmission of electric energy in interstate commerce or sales of electric energy at wholesale in interstate commerce.

(14) The term "public utility company" means an electric utility company or a gas utility company.

(15) The term "State commission" means any commission, board, agency, or officer, by whatever name designated, of a State, municipality, or other political subdivision of a State that, under the laws of such State, has jurisdiction to regulate public utility companies.

(16) The term "subsidiary company" of a holding company means—

(A) any company, 10 percent or more of the outstanding voting securities of which are directly or indirectly owned, controlled, or held with power to vote, by such holding company; and (B) any person, the management or policies of which the Commission, after notice and opportunity for hearing, determines to be subject to a controlling influence, directly or indirectly, by such holding company (either alone or pursuant to an arrangement or understanding with one or more other persons) so as to make it necessary for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this subtitle upon subsidiary companies of holding companies.

(17) The term "voting security" means any security presently entitling the owner or holder thereof to vote in the direction or management of the affairs of a company.

SEC. 1152. REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.

The Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq.) is repealed, effective 12 months after the date of enactment of this Act.

SEC. 1153. FEDERAL ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Each holding company and each associate company thereof shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records as the Commission determines are relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(b) AFFILIATE COMPANIES.—Each affiliate of a holding company or of any subsidiary company of a holding company shall maintain, and make available to the Commission, such books, accounts, memoranda, and other records with respect to any transaction with another affiliate, as the Commission determines are relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(c) HOLDING COMPANY SYSTEMS.—The Commission may examine the books, accounts, memoranda, and other records of any company in a holding company system, or any affiliate thereof, as the Commission determines are relevant to costs incurred by a public utility or natural gas company within such holding company system and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(d) CONFIDENTIALITY.—No member, officer, or employee of the Commission shall divulge any fact or information that may come to his or her knowledge during the course of examination of books, accounts, memoranda, or other records as provided in this section, except as may be directed by the Commission or by a court of competent jurisdiction.

SEC. 1154. STATE ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Upon the written request of a State commission having jurisdiction to regulate a public utility company in a holding company system, and subject to such terms and conditions as may be necessary and appropriate to safeguard against unwarranted disclosure to the public of any trade secrets or sensitive commercial information, a holding company or any associate company or affiliate thereof, wherever located, shall produce for inspection books, accounts, memoranda, and other records that—

(1) have been identified in reasonable detail in a proceeding before the State commission;

(2) the State commission determines are relevant to costs incurred by such public utility company; and (3) are necessary for the effective discharge of the responsibilities of the State commission with respect to such proceeding.

(b) EFFECT ON STATE LAW.—Nothing in this section shall preempt applicable State law concerning the provision of books, accounts, memoranda, or other records, or in any way limit the rights of any State to obtain books, accounts, memoranda, or other records, under Federal law, contract, or otherwise.

(c) COURT JURISDICTION.—Any United States district court located in the State in which the State commission referred to in subsection (a) is located shall have jurisdiction to enforce compliance with this section.

SEC. 1155. EXEMPTION AUTHORITY.

(a) RULEMAKING.—Not later than 90 days after the date of enactment of this title, the Commission shall promulgate a final rule to exempt from the requirements of section 203 any person that is a holding company, solely with respect to one or more—

(1) qualifying facilities under the Public Utility Regulatory Policies Act of 1978;

(2) exempt wholesale generators; or

(3) foreign utility companies.

(b) OTHER AUTHORITY.—If, upon application or upon its own motion, the Commission finds that the books, accounts, memoranda, and other records of any person are not relevant to the jurisdictional rates of a public utility company or natural gas company, or if the Commission finds that any class of transactions is not relevant to the jurisdictional rates of a public utility company, the Commission shall exempt such person or transaction from the requirements of section 203.

SEC. 1156. AFFILIATE TRANSACTIONS.

Nothing in this subtitle shall preclude the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to determine whether a public utility company, public utility, or natural gas company may recover in rates any costs of an activity performed by an associate company, or any costs of goods or services acquired by such public utility company, public utility, or natural gas company from an associate company.

SEC. 1157. APPLICABILITY.

No provision of this subtitle shall apply to, or be deemed to include—

(1) the United States;

(2) a State or any political subdivision of a State;

(3) any foreign governmental authority not operating in the United States;

(4) any agency, authority, or instrumentality of any entity referred to in paragraph (1), (2), or (3); or

(5) any officer, agent, or employee of any entity referred to in paragraph (1), (2), or (3) acting as such in the course of such officer, agent, or employee's official duty.

SEC. 1158. EFFECT ON OTHER REGULATIONS.

Nothing in this subtitle precludes the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to protect utility customers.

SEC. 1159. ENFORCEMENT.

The Commission shall have the same powers as set forth in sections 306 through 317 of the Federal Power Act (16 U.S.C. 825e–825p) to enforce the provisions of this subtitle.

SEC. 1160. SAVINGS PROVISIONS.

(a) IN GENERAL.—Nothing in this subtitle prohibits a person from engaging in or continuing to engage in activities or transactions in which it is legally engaged or authorized to engage on the date of enactment of this Act, if that person continues to comply with the terms of any such authorization, whether by rule or by order.

(b) EFFECT ON OTHER COMMISSION AUTHORITY.—Nothing in this subtitle limits the authority of the Commission under the Federal Power Act (16 U.S.C. 791a and following) (including section 301 of that Act) or the Natural Gas Act (15 U.S.C. 717 and following) (including section 8 of that Act).

SEC. 1161. IMPLEMENTATION.

Not later than 12 months after the date of enactment of this title, the Commission shall—

(1) promulgate such regulations as may be necessary or appropriate to implement this subtitle; and

(2) submit to Congress detailed recommendations on technical and conforming amendments to Federal law necessary to carry out this subtitle and the amendments made by this subtitle.

SEC. 1162. TRANSFER OF RESOURCES.

All books and records that relate primarily to the functions transferred to the Commission under this subtitle shall be transferred from the Securities and Exchange Commission to the Commission.

SEC. 1163. EFFECTIVE DATE.

This subtitle shall take effect 12 months after the date of enactment of this title.

SEC. 1164. CONFORMING AMENDMENT TO THE FEDERAL POWER ACT.

Section 318 of the Federal Power Act (16 U.S.C. 825q) is repealed.

Subtitle F—Market Transparency, Anti-Manipulation and Enforcement

SEC. 1171. MARKET TRANSPARENCY RULES.

Part II of the Federal Power Act is amended by adding:

"MARKET TRANSPARENCY RULES

"SEC. 222. (a) Not later than 180 days after the date of enactment of this section, the Commission shall issue rules establishing an electronic information system to provide the Commission and the public with access to such information as is necessary or appropriate to facilitate price transparency and participation in markets subject to the Commission's jurisdiction. Such systems shall provide information about the availability and market price of wholesale electric energy and transmission services to the Commission, State commissions, buyers and sellers of wholesale electric energy, users of transmission services, and the public. The Commission shall have authority to obtain such information from any electric and transmitting utility, including any entity described in section 201(f).

"(b) The Commission shall exempt from disclosure information it determines would, if disclosed, be detrimental to the operation of an effective market or jeopardize system security. This section shall not apply to an entity described in section 212(k)(2)(B) with respect to transactions for the purchase or sale of wholesale electric energy and transmission services within the area described in section 212(k)(2)(A).".

SEC. 1172. MARKET MANIPULATION.

Part II of the Federal Power Act is amended by the following:

"PROHIBITION ON FILING FALSE INFORMATION

"SEC. 223. It shall be a violation of this Act for any person or any other entity (including entities described in section 201(f)) willfully and knowingly to report any information relating to the price of electricity sold at wholesale, which information the person or any other entity knew to be false at the time of the reporting, to any governmental entity with the intent to manipulate the data being compiled by such governmental entity.

"PROHIBITION ON ROUND TRIP TRADING

"SEC. 224. (a) It shall be a violation of this Act for any person or any other entity (including entities described in section 201(f)) willfully and knowingly to enter into any contract or other arrangement to execute a 'round-trip trade' for the purchase or sale of electric energy at wholesale.

"(b) For the purposes of this section, the term 'round trip trade' means a transaction, or combination of transactions, in which a person or any other entity—

"(1) enters into a contract or other arrangement to purchase from, or sell to, any other person or other entity electric energy at wholesale;

"(2) simultaneously with entering into the contract or arrangement described in paragraph (1), arranges a financially offsetting trade with such other person or entity for the same such electric energy, at the same location, price, quantity and terms so that, collectively, the purchase and sale transactions in themselves result in no financial gain or loss; and "(3) enters into the contract or arrangement with the intent to deceptively affect reported revenues, trading volumes, or prices.".

SEC. 1173. ENFORCEMENT.

(a) COMPLAINTS.—Section 306 of the Federal Power Act (16 U.S.C. 825e) is amended by

(1) inserting "electric utility (including entities described in section 201(f) and rural cooperative entities)," after "Any person,"; and

(2) inserting "transmitting utility," after "licensee" each place it appears.

(b) INVESTIGATIONS.—Section 307(a) of the Federal Power Act (16 U.S.C. 825f(a)) is amended by inserting "or transmitting utility" after "any person" in the first sentence.

(c) REVIEW OF COMMISSION ORDERS.—Section 313(a) of the Federal Power Act (16 U.S.C. 8251) is amended by inserting "electric utility," after "Any person," in the first sentence.

(d) CRIMINAL PENALTIES.—Section 316 of the Federal Power Act (16 U.S.C. 825o) is amended—

(1) in subsection (a), by striking "$5,000" and inserting "$1,000,000", and by striking "two years" and inserting "five years";

(2) in subsection (b), by striking "$500" and inserting "$25,000"; and (3) by striking subsection (c).

(e) CIVIL PENALTIES.—Section 316A of the Federal Power Act (16 U.S.C. 825o-1) is amended

(1) in subsections (a) and (b), by striking "section 211, 212, 213, or 214" each place it appears and inserting "Part II"; and

(2) in subsection (b), by striking "$10,000" and inserting "$1,000,000".

(f) GENERAL PENALTIES.—Section 21 of the Natural Gas Act (15 U.S.C. 717t) is amended—

(1) in subsection (a), by striking "$5,000" and inserting "$1,000,000", and by striking "two years" and inserting "five years'; and

(2) in subsection (b), by striking "$500" and inserting "$50,000".

SEC. 1174. REFUND EFFECTIVE DATE.

Section 206(b) of the Federal Power Act (16 U.S.C. 824e(b)) is amended by (1) striking "the date 60 days after the filing of such complaint nor later than 5 months after the expiration of such 60-day period" in the second sentence and inserting "the date of the filing of such complaint nor later than 5 months after the filing of such complaint";

(2) striking "60 days after" in the third sentence and inserting "of";

(3) striking "expiration of such 60-day period" in the third sentence and inserting "publication date"; and

(4) striking the fifth sentence and inserting: "If no final decision is rendered by the conclusion of the 180-day period commencing upon initiation of a proceeding pursuant to this section, the Commission shall state the reasons why it has failed to do so and shall state its best estimate as to when it reasonably expects to make such decision.".

Subtitle G—Consumer Protections

SEC. 1181. CONSUMER PRIVACY.

The Federal Trade Commission shall issue rules protecting the privacy of electric consumers from the disclosure of consumer information in connection with the sale or delivery of electric energy to a retail electric consumer. If the Federal Trade Commission determines that a State's regulations provide equivalent or greater protection than the provisions of this section, such State regulations shall apply in that State in lieu of the regulations issued by the Commission under this section.

SEC. 1182. UNFAIR TRADE PRACTICES.

(a) SLAMMING.—The Federal Trade Commission shall issue rules prohibiting the change of selection of an electric utility except with the informed consent of the electric consumer or if determined by the appropriate State regulatory authority to be necessary to prevent loss of service.

(b) CRAMMING.—The Federal Trade Commission shall issue rules prohibiting the sale of goods and services to an electric consumer unless expressly authorized by law or the electric consumer.

(c) STATE AUTHORITY.—If the Federal Trade Commission determines that a State's regulations provide equivalent or greater protection than the provisions of this section, such State regulations shall apply in that State in lieu of the regulations issued by the Commission under this section.

SEC. 1183. DEFINITIONS.

For purposes of this subtitle—

(1) "State regulatory authority " has the meaning given that term in section 3(21) of the Federal Power Act (16 U.S.C. 796(21)).

(2) "electric consumer" and "electric utility" have the meanings given those terms in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602).

Subtitle H—Technical Amendments

SEC. 1191. TECHNICAL AMENDMENTS.

(a) Section 211(c) of the Federal Power Act (16 U.S.C. 824j(c)) is amended by—

(1) striking "(2)';

(2) striking "(A)" and inserting "(1)""

(3) striking "(B)" and inserting "(2)"; and

(4) striking "termination of modification" and inserting "termination or modification".

(b) Section 211(d)(1) of the Federal Power Act (16 U.S.C. 824j(d)) is amended by striking "electric utility" the second time it appears and inserting "transmitting utility".

(c) Section 315 of the Federal Power Act (16 U.S.C. 825n) is amended by striking "subsection" and inserting "section".

By Mr. ENZI (for himself, Mr. DORGAN, Mr. BAUCUS, Mr. DAYTON, Mr. BINGAMAN, Mr. CHAFEE, Mr. CRAIG, Mr. JOHNSON, and Mrs. MURRAY):

S. 950. A bill to allow travel between the United States and Cuba; to the Committee on Foreign Relations.

Mr. ENZI. Mr. President, today I offer a bill that will make a very small change in our Cuba policy. It deals only with travel provisions to Cuba.

I have been watching Cuba since the 1960s. I went to George Washington University, and I was there at the time of the Cuban missile crisis. I have had the opportunity to watch what has happened with Cuba throughout the years. I am reminded of something my dad used to say, which was that if you keep on doing what you always have been doing, you are going to wind up getting what you already got. That is kind of the situation with Cuba. We have been trying the same thing for over 40 years, and it hasn't worked.

I am suggesting just a small change to maybe get a few more people in there to increase conversation with people who understand the way the United States works and the way Cuba works and how they ought to drift more rapidly toward where we are.

In recent weeks, as we shared the joy of the Iraqi people as they were liberated from the ruthless regime of Saddam Hussein, we also felt the pain of those in Cuba who had dared to speak out in a vain but valiant effort to demand those same freedoms for themselves. As they did, 75 Cuban citizens were arrested and received harsh sentences—some for more than 20 years—all for the crime of yearning to be free. Once again, Castro has shown himself to be his own worst enemy when it comes to Cuba's image overseas, and so, when faced with an outcry from around the world about his actions, he quickly tried to blame the United States for his own actions. It was a hard sell at best, and, given the reactions we've seen from all sides of this issue, I don't think anyone is buying it.

Still, Castro's cruelty might tempt us to tighten the already strong restrictions on the relations between our two countries, but I hope we will not do that. If we increase the diplomatic pressure on the Cuban government that is now emanating from every corner of the world, we might be successful in bringing about a better way of life for the Cuban people.

If, however, we stop Cuban-Americans from bringing financial assistance to their families in Cuba, and end the people to people exchanges that have been so successful, and stop the sale of agricultural and medicinal products to Cuba, we will not be hurting the Cuban government nearly as badly as we will be hurting the Cuban people by diminishing their faith and trust in the United States and reducing the strength of the ties that bind the people of our two countries.

If we allow more and freer travel to Cuba, if we increase trade and dialogue, we take away Castro's ability to blame the hardships of the Cuban people on the United States. In a very real sense, the better we try to make things for the Cuban people, the more we will reduce the level and the tone of the rhetoric used against us by Fidel Castro.

I have often heard it said that it is foolish to do the same thing over and over again and expect different results. In a way, that is what we are doing in Cuba. We are continuing to try to exert pressure from our side and, as we do, we are giving Castro a scapegoat to blame for the poor living conditions in his country in the process. It's time for a different policy, one that goes further than embargoes and replaces a restrictive and confusing travel policy with a new one that will more effectively help us to achieve our goals in that country.

Today, Senators DORGAN, BAUCUS, and BINGAMAN and I are introducing the Freedom to Travel to Cuba Act.

Our bill is very straightfoward. It states that the President shall not prohibit, either directly or indirectly, travel to or from Cuba by United States citizens or transactions incident to such travel.

In 1958 the Supreme Court affirmed our Constitutional right to travel, but the U.S. government then prohibited Americans from spending money in Cuba. We simply said, okay, you have a right to travel, but try traveling without spending a dime.

Most of us know that certain people can and do continue to travel to Cuba. Cuban Americans can apply for a license to travel for humanitarian reasons to visit ailing family members and such, but not always conveniently.

The way I got involved in this whole process was a Cuban American from Jackson, WY, who had been in Cuba visiting his family, doing his one visit a year. As he left and was on the plane coming back to Wyoming, one of his parents died. He could not go back there for a year. That is not a good situation for any family.

Educational groups can apply for licenses to travel for scholarly reasons, for educational opportunities and conferences. Members of the U.S. Government can travel for fact-finding reasons, but for the average American, that process is too complicated.

Even with the proper licenses, the regulations on where you can go and whom you can talk to are confusing, misleading, and frustrating. Each year the Office of Foreign Assets Control levies fines on travelers who followed the law to the best of their ability. Fines and punishments were imposed without guidelines and seemingly at the whim of a nameless bureaucrat.

I must ask my colleagues, why are we continuing to support a policy that was basically implemented 40 years ago? Why are we supporting a policy that has had little effect on the Government we oppose? Why do we not improve our policy so that it will improve conditions for the Cuban people and their image of the United States?

The bill we are introducing today makes real change in our policy toward Cuba that will lead to a real change for the people of Cuba. What better way to let the Cuban people know of our concern for their plight than for them to hear it from their friends and their extended family in the United States, or let them hear it from the American people who will go there?

The people of this country are our best ambassadors, and we should let them show the people of Cuba what we as a nation are all about. One thing we should not do is to play into Castro's hand by enacting stricter and more stringent regulations and create a situation where the United States is easy to blame for the problems in Cuba. Unilateral sanctions will not improve human rights for Cuban citizens. The rest of the world is not doing what we are doing. Cuba is being supplied by the rest of the world with everything they need.

Open dialog and exchange of ideas and commerce can move a country toward democracy. What better way to share the rewards of democracy than through people-to-people exchanges? We cannot stop that program. If the United States Government continues on its current course to put an economic stranglehold on the Cuban Government, the people of Cuba will suffer. Unilateral sanctions stop not just the flow of goods but the flow of ideas. Ideas of freedom and democracy are the keys to change in any nation.

Some may ask why we want to increase dialog right now, why open the door to Cuba when Castro is behaving so poorly? No one is denying that the actions of Castro and his government are deplorable, as is his refusal to provide basic human rights to his people. But if we truly believe Castro is a dictator with no good intentions, how can we say we should wait for him to behave before we engage? He controls the entire media in Cuba. The entire message that is coming out, unless we have people interacting, is his message. Keeping the door closed and hollering at Castro on the other side does not do anything.

Mr. DORGAN. Mr. President, this morning, my colleague from Wyoming, Senator ENZI, has introduced a piece of legislation I am an original cosponsor of. I want to make a point about the legislation.

The legislation deals with the freedom of the American people to travel in the country of Cuba. I want to talk about that just for a moment. I support that legislation. The legislation has nothing to do with supporting Fidel Castro. We do not support Fidel Castro. It has nothing to do with making life easier for Fidel Castro. This issue is not about Fidel Castro: it is about the American people.

Ninety miles off our shores sits a country ruled by communists, a communist government run by Fidel Castro. We have a communist government in the country of China, with 1.3 billion people half way around the globe. We have a communist government in the country of Vietnam. I have visited both.

In both of those countries, we have an American Chamber of Commerce.

They are doing business in those countries. We have engaged in trade and tourism. People travel there. People do business there. Why? Because our country thinks engagement is the right way to move these communist countries in the right direction toward greater personal freedom and greater liberty for the people of China and Vietnam.

But Cuba is 90 miles off the coast of Florida, and we are told that Cuba is different. Instead of engagement being constructive for Cuba, we are told a 40-year embargo, which has not worked, should be retained. That embargo includes not only an embargo on trade with Cuba, but it also includes a restriction on the American people's ability to travel to Cuba. And the restriction is so absurd and so byzantine, here is what it has provoked.

I had a hearing on this about a year and a half ago. We have people down in the Treasury Department who are spending their days, with taxpayers' money, tracking Americans who have traveled to Cuba, so they can levy a civil fine on those Americans.

Let me tell you of one: A retired school teacher in Illinois. She is a cyclist, loves to bicycle. She answered an ad in a cycling magazine and signed up for a 10-day cycling trip in Cuba. This retired school teacher—I hope she won't mind me saying, a little, old, retired schoolteacher—from Illinois, bicycles in Cuba for 10 days with a cycling group, organized by a Canadian cycling company, and she gets back to this country only to receive in the mail a notice by the U.S. Treasury Department that she has been fined $9,600 for traveling in Cuba.

She would not be fined for traveling in China, a communist country. She would not be fined for traveling in Vietnam, a communist country. But she is fined for traveling in Cuba.

Or do you want one better? How about the guy whose dad died, who was a Cuban citizen who came to this country, and the last thing he wanted was for his ashes to be taken back to Cuba and spread on Cuban soil. So his son did that. But guess what? That son gets caught in the net of the U.S. Treasury Department, because at a time when we are worried about terrorism, we have people down at the Treasury Department who are chasing retired school teachers and sons of deceased American citizens who used to live in Cuba who want to take their parents' ashes back to Cuba.

We have people down there spending the taxpayers' dollars and their time, their effort, and energy to see if we can't levy a civil fine against Americans who travel in Cuba. My colleague, Senator ENZI, has introduced legislation, with myself and others, to say it is not hurting Fidel Castro by limiting the freedom and choice of the American people to travel in Cuba. Cuba and the Cuban people would be much better off with additional travel by Americans and expanded trade. The same circumstances that lead people to believe that engagement with China and Vietnam is helpful ought to understand that it would be helpful with Cuba as well.

I have been to Cuba. I have visited with the dissidents. Frankly, they believe the embargo is counterproductive, and they believe lifting the embargo and the travel restrictions would be helpful to their cause.

Fidel Castro is a Communist and a dictator. What he has done in recent weeks is appalling to me. He has thrown people in jail, dissidents, for what they have said and what they think. He has executed several people in recent weeks who attempted to allow others to escape. Shame on him. But it makes no sense for us to continue a policy that is counterproductive.

Again, talk to the dissidents in Cuba and they will tell you that allowing people to travel to Cuba and allowing our family farmers to sell grain to Cuba is constructive.

We are finally for the first time able to sell some products into the Cuban marketplace because I and then former Senator John Ashcroft, now Attorney General, offered legislation that opened that embargo of 40 years that did not work, and for the first time in 40 years, 22 train carloads of dried peas left North Dakota to go to the Cuban market, purchased by the Cubans.

Our farmers for the first time in 42 years sold some food to Cuba. That makes good sense. We should never use food as a weapon. Travel is the same circumstance. Limiting the freedom of the American people makes no sense to me.

The Enzi bill, which I am proud to cosponsor, moves in the direction of eliminating that limitation on travel by the American people.

Mr. BAUCUS. Madam President, I rise today to offer legislation, along with my colleagues Senator ENZI and Senator DORGAN, that would end the restrictions placed on travel to Cuba.

I understand our colleagues in the House will introduce companion legislation in the coming weeks. I look forward to working with my colleagues in both chambers, and on both sides of the aisle, as we move forward.

With this legislation, we are undertaking a serious cause. Repeal of the travel ban is long overdue.

There are numerous reasons to introduce this legislation, but I want to focus today on just two: first, the current situation in Cuba; and second, our troubled economy here at home.

Introduction of this legislation comes at a crucial time in U.S.-Cuba relations. Last month, nearly 80 Cuban dissidents were arrested. All of them have been sentenced to an average of almost 20 years in prison.

Democratic governments around the world, as well as human rights organizations and others, including myself and my colleagues in the Senate and House Cuba Working Groups, have harshly criticized the Castro regime for these appalling acts of repression. Yet, throughout all of this, the Castro regime has remained defiant and undaunted.

Why? In my view it is because Castro wants the embargo to continue. Observers have noted an emerging pattern: every time we get close to more open relations, Castro shuts the process down with some repressive act, designed to have a chilling effect on U.S.-Cuban relations.

Castro fears an end to the embargo. He knows the day the embargo falls is the day he runs out of excuses. Without the embargo, Castro would have no one to blame for the failing Cuban economy.

Nor would his way of governing be able to survive the influx of Americans and democratic ideas that would flood his island if the embargo were lifted.

Now, some Cuba watchers have predicted that the dissident arrests and the resulting decline of U.S.-Cuba relations are a death knell to the engagement debate in Washington.

I strongly disagree. And I think now, more than ever, a genuine, honest debate about the merits of the embargo is needed.

Some people seem to think tightening the embargo is a rational response to the Castro regime. I guess if you think an embargo can hurt Castro without hurting the Cuban people, then tightening the embargo might make some sense.

But it does not work that way. The embargo actually hurts the Cuban people much more than it hurts Castro.

This is why many Cuban dissidents, including Oswaldo Paya, the founder of the Varela Project, oppose our embargo and support engagement.

Indeed, after 43 years, it ought to be clear to everyone that the embargo has failed to weaken Castro. A better approach is to reach out to the Cuban people. Ending the travel ban is the first and best way to do this.

If Castro fears contact between the Cuban people and the American people, the rational American response is to send more Americans, not fewer.

Of course, ending the travel ban would have benefits not only for the Cuban people, but also for Americans. Ending the travel ban would have an immediate and direct economic impact, beyond even the immediate travel sector.

Most importantly for my home state of Montana, ending the travel ban would help farmers and ranchers.

Americans are currently allowed to sell food and medicine to Cuba on a cash basis. But there is a lot of red tape thrown in their way. And without the ability to travel to Cuba and develop the business contacts, the full potential of these sales is not realized.

In fact, one study has suggested that lifting the travel ban could result in an additional quarter billion dollars of agricultural sales, and create thousands of new jobs.

Ending the travel ban would bring benefits to both Cubans and to Americans. And that, after all, is what this debate should be about. Supporters of the embargo are so focused on hurting Castro that they actually strengthen him—at the expense of the Cuban people, and at the expense of our own economy.

I hope my colleagues will join me in co-sponsoring this important legislation. I believe it is the best way to show that we truly care about the Cuban people

And indeed, if we truly care about democracy, then let us send Cuba exactly that. Let us travel to Cuba and show them democracy in action.

I yield the floor.

Mr. DAYTON. I commend my colleague from Wyoming and his leadership in relationship to Cuba, which is of strong interest to businesses and farmers in my home State of Minnesota. I ask unanimous consent to be added as a cosponsor to his legislation. I look forward to working with him as part of his caucus to further those relationships. I again commend the Senator for his leadership in this important area and look forward to working with him.

By Mr. WARNER (for himself, Mr. DAYTON, and Ms. COLLINS):

S. 951. A bill to amend the Internal Revenue Code of 1986 to allow medicare beneficiaries a refundable credit against income tax for the purchase of outpatient prescription drugs; to the Committee on Finance.

Mr. WARNER. Mr. President, I rise today to introduce this morning a bill on which my distinguished colleagues from Minnesota and Maine and I have collaborated. That is the Older Americans Prescription Drug Tax Relief Act. I will speak a minute or two on it, then should the Senator from Minnesota desire to speak to this, I will yield to the Senator and then resume the balance of my statement.

By way of introduction, all Members of this body have heard the tragic stories about older Americans who must choose between paying for their groceries and paying for their medicines. Many older Americans are forced into this choice because, unbelievably, the Medicare program still lacks an outpatient prescription drug benefit. America's seniors deserve much better.

Our President, the House of Representatives, and every single Member of this Senate, all 100 Members, share the common goal of enacting a comprehensive Medicare prescription drug benefit. Over the years, we worked diligently to achieve those goals but have yet not reached what I would consider, and I think others would consider, success. We have all worked in support of this vitally important goal, but, again, success has alluded us. Unfortunately, we have not been able to reach a consensus.

I hope this bill might be a new initiative that would merit the attention of my colleagues, and that it might provide a basis for that consensus. As we here in the Nation's Capital debate how best to add a Medicare prescription drug benefit and continue to debate the specifics of such benefits such as premiums, co-pays, deductibles, formularies, and whether to run the program through the existing Medicare system or through a public-private partnership, our seniors continue to suffer. Medicare beneficiaries have waited far too long for Congress to provide some sort of relief for their prescription drug costs.

I remain committed, as are my distinguished colleagues from Minnesota and Maine, to working with our colleagues on creating a comprehensive prescription drug benefit in the Medicare program. I believe we must act now, however, to provide some relief at this point in time. We cannot defer this decision any longer. The Warner-Dayton-Collins proposal will provide real relief to Medicare beneficiaries. The legislation is simple and can be described in three points.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I thank the senior Senator from Virginia, a leader on this measure. I will be brief because I am scheduled to meet in my office in just a few moments with the nominee for the new superintendent of the Air Force Academy, which is a matter on which the Senator from Virginia has also exhibited great leadership on behalf of this country.

I am very proud to join with Senator WARNER in sponsoring this legislation. I agree and associate myself with everything the Senator has said regarding this matter.

I came to the Senate a little over 2 years ago, believing the most urgent matter facing our country in the area of social legislation was to provide prescription drug coverage for all of our elderly. I have been dismayed at our inability—all of us—to reach necessary agreements so such legislation could be enacted.

I could not agree more with the Senator from Virginia that this is something I hope our colleagues will consider. If there is a better approach that we can all agree on this year, then so be it. But in the absence of that, as there has been that failure during the last 2 years, I hope our colleagues will look at this as a very feeling alternative. Even if long-term legislation is enacted, I believe it will be at least a year or two before that is available to our senior citizens, before that program is set up. This is an approach that could be implemented very swiftly, could be available almost immediately, and could provide, on an interim basis if not a long-term basis, the financial assistance our elderly citizens desperately need.

I thank the senior Senator from Virginia. I am proud to associate myself with this legislation.

I yield the floor.

Mr. WARNER. I thank my distinguished colleague for responding. I wish to emphasize a very important point the Senator from Minnesota made.

This may not be the final resolution of this complex set of issues. But given the desperate circumstances of so many who have to make the choice between food and drugs, I think it is a very carefully crafted interim step that could be enacted into law and later quickly superseded should that hoped-for event occur in the future of a more comprehensive piece of legislation.

I think the emphasis on that is very important.

I would say, all of us here in the Senate benefit greatly by professional staff. On my staff, Chris Yianilos really worked diligently to bring this legislation into being and he collaborated with a distinguished member of your staff, Mr. Bob Hall. I also thank Priscilla Hanley, who worked with Senator COLLINS on the legislation.

The first is that the Warner-Dayton-Collins bill provides Medicare beneficiaries with a refundable—I repeat—a refundable tax credit of 50 cents on every dollar of out-of-pocket prescription drug costs. Whether you actually pay income taxes or not, you are eligible to get the benefit of this tax credit.

The benefit is capped at $500 for the expenses of an individual senior. Married seniors would be eligible for a credit up to $1,000. The cap is based on a recent study by the Kaiser Family Foundation that estimates that the average senior's out-of-pocket prescription drug costs is almost $1,000. Thus the proposal will cover 50 percent of the out-of-pocket drug costs for the average senior.

To take advantage of this refundable tax credit, Medicare beneficiaries will not have to worry about whether their drug is covered under some formulary. In addition, there are no premiums, no deductibles. Medicare beneficiaries will simply take their prescriptions, get them filled, and then apply for their refundable tax credit.

Second, in recognition that a generous but necessary refundable tax credit such as this can be costly, we have imposed a responsible income phase-out on older Americans who can benefit from this tax credit. The phase-out level begins for individuals who earn $75,000 per year. Married Medicare beneficiaries begin to phase-out of the benefit at $150,000 a year. This cost containment mechanism will affect less than 10 percent of all Medicare beneficiaries but allows us to responsibly provide a refundable tax credit that will cover about 50 percent of the average Medicare beneficiary's out-of-pocket drug costs.

Again 90 percent of all Medicare beneficiaries will not be affected by the phase-out. In other words, they are beneath the phase-out caps. Only those individuals who are blessed with a larger income among America's seniors, who can afford in large measure to pay for their prescription drugs, will be phased-out.

Third, the legislation will sunset once a comprehensive Medicare prescription drug benefit is signed into law. Again, as my colleague from Minnesota mentioned, and others, this is an interim proposal. Therefore, it can be superseded by a more comprehensive bill.

We wholeheartedly agree this legislation is not a substitute for a comprehensive prescription drug Medicare benefit, and we will continue to work with the President and our colleagues from both sides of the aisle in the Senate who support a more comprehensive piece of legislation. But as I stated earlier, America's seniors cannot wait any longer for relief, and this proposal provides a real benefit to America's seniors.

I am pleased to be joined by Senator DAYTON and Senator COLLINS in introducing the Older Americans Prescription Drug Tax Relief Act. I urge my colleagues to give this matter consideration and, hopefully, it can be enacted into law.

Let us do something. Let us open the door and talk to the Cuban people.

Travel and other policies that deal with Cuba will continue to be a top priority for those of us in the newly formed Senate Cuba Working Group. The working group members have expressed their support for changes in our policies toward Cuba, and we will continue to be a part of the dialogue. I do encourage all of my colleagues to join us in that effort.

I encourage all of my colleagues to take a look at this bill that has been introduced today. I know there are people looking at it. I expect a lot more cosponsors on it. This is the most reasonable provision dealing with Cuba that has been presented during the 6 years I have been here. We have tried some bigger bites at the apple. They have not worked. So we are moving back to the travel restrictions, a bill that is very limited. It allows one to travel and to have those things that are necessary for travel. For instance, the right to take baggage to Cuba cannot be cut off. That is another way the law can be subverted. So it is a very straightforward travel policy that will get Americans into Cuba to talk to Cubans to promote the ideas we believe in. I ask my colleagues to join me in this effort.

By Mr. CORZINE:

S. 952. A bill to amend title XVIII of the Social Security Act to reduce the work hours and increase the supervision of resident-physicians to ensure the safety of patients and resident-physicians themselves; to the Committee on Finance.

Mr. CORZINE. Mr. President, I rise today to reintroduce my legislation, the Patient and Physician Safety and Protection Act of 2003, to limit medical resident work hours to 80 hours a week and to provide real protections for patients and resident physicians who are negatively affected by excessive work hours. I feel strongly that as Congress begins to consider proposals to reduce medical malpractice premiums and improve quality of care, we must consider the role that excessive work hours play in exacerbating medical liability problems and reducing quality of care.

It is very troubling that hospitals across the Nation are requiring young doctors to work 36 hour shifts and as many as 120 hours a week in order to complete their residency programs. These long hours lead to a deterioration of cognitive function similar to the effects of blood alcohol levels of 0.1 percent. This is a level of cognitive impairment that would make these doctors unsafe to drive—yet these physicians are not only allowed but in fact are required to care for patients and perform procedures on patients under these conditions.

The Patient and Physician Safety and Protection Act of 2003 will limit medical resident work hours to 80 hours a week. Not 40 hours or 60 hours. 80 hours a week. It is hard to argue that this standard is excessively strict. In fact, it is unconscionable that we now have resident physicians, or any physicians for that matter, caring for very sick patients 120 hours a week and 36 hours straight with fewer than 10 hours between shifts. This is an outrageous violation of a patient's right to quality care.

In addition to limiting work hours to 80 hours a week, my bill limits the length of any one shift to 24 consecutive hours, while allowing for up to three hours of patient transition time, and limits the length of an emergency room shift to 12 hours. The bill also ensures that residents have at least one out of seven days off and "on-call" shifts no more often that every third night.

Since I first introduced the Patient and Physician Safety and Protection Act in the 107th Congress, the medical community and the Accreditation Council for Graduate Medical Education, ACGME, specifically have taken critical steps to address the problem of excessive work hours. The ACGME's recommendations to reduce resident work hours are commendable. If appropriately enforced, these new work hour guidelines will go a long way toward reducing the number of hours that residents must work, thereby improving the health of our Nation's medical residents and ensuring the safety of the patients.

Despite the medical community's best intentions to reduce work hours, however, I am very concerned that the ACGME's policy lacks the enforcement mechanisms that are essential to ensure compliance with the new work hour rules. Too many hospitals failed to comply with previous work hour requirements mandated by the ACGME because there was insufficient oversight and enforcement. While the new policy establishes more stringent work hours reductions, it fails to create effective enforcement and oversight tools. These rules are meaningless without enforcement.

That is why Federal legislation is necessary. The Patient and Physician Safety and Protection Act of 2003 not only recognizes the problem of excessive work hours, but also creates strong enforcement mechanisms. The bill also provides funding support to teaching hospitals to implement new work hour standards. Without enforcement and financial support efforts to reduce work hours are not likely to be successful.

Finally, my legislation provides meaningful enforcement mechanisms that will protect the identity of resident physicians who file complaints about work hour violations. The ACGME's guidelines do not contain any whistleblower protections for residents that seek to report program violations. Without this important protection, residents will be reluctant to report these violations, which in turn will weaken enforcement.

My legislation also makes compliance with these work hour requirements a condition of Medicare participation. Each year, Congress provides $8 billion to teaching hospitals to train new physicians. While Congress must continue to vigorously support adequate funding so that teaching hospitals are able to carry out this important public service, these hospitals must also make a commitment to ensuring safe working conditions for these physicians and providing the highest quality of care to the patients they treat.

In closing I would like to read a quote from an Orthopedic Surgery Resident from Northern California, which I think illustrates why we need this legislation.

I quote, "I was operating post-call after being up for over 36 hours and was holding retractors. I literally fell asleep standing up and nearly face-planted into the wound. My upper arm hit the side of the gurney, and I caught myself before I fell to the floor. I nearly put my face in the open wound, which would have contaminated the entire field and could have resulted in an infection for the patient."

This is a very serious problem that must be addressed before medical errors like this occur. I hope every member of the Senate will consider this legislation and the potential it has to reduce medical errors, improve patient care, and create a safer working environment for the backbone of our Nation's health system.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patient and Physician Safety and Protection Act of 2003".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Federal Government, through the medicare program, pays approximately $8,000,000,000 per year solely to train resident-physicians in the United States, and as a result, has an interest in assuring the safety of patients treated by resident-physicians and the safety of resident-physicians themselves.

(2) Resident-physicians spend as much as 30 to 40 percent of their time performing activities not related to the educational mission of training competent physicians.

(3) The excessive numbers of hours worked by resident-physicians is inherently dangerous for patient care and for the lives of resident-physicians.

(4) The scientific literature has consistently demonstrated that the sleep deprivation of the magnitude seen in residency training programs leads to cognitive impairment.

(5) A substantial body of research indicates that excessive hours worked by resident-physicians lead to higher rates of medical error, motor vehicle accidents, depression, and pregnancy complications.

(6) The medical community has not adequately addressed the issue of excessive resident-physician work hours.

(7) The Federal Government has regulated the work hours of other industries when the safety of employees or the public is at risk.

(8) The Institute of Medicine has found that as many as 98,000 deaths occur annually due to medical errors and has suggested that 1 necessary approach to reducing errors in hospitals is reducing the fatigue of resident-physicians.

SEC. 3. REVISION OF MEDICARE HOSPITAL CONDITIONS OF PARTICIPATION REGARDING WORKING HOURS OF MEDICAL RESIDENTS, INTERNS, AND FELLOWS.

(a) In General.—Section 1866 of the Social Security Act (42 U.S.C. 1395cc) is amended—

(1) in subsection (a)(1)—

(A) by striking "and" at the end of subparagraph (R);

(B) by striking the period at the end of subparagraph (S) and inserting ", and"; and

(C) by inserting after subparagraph (S) the following new subparagraph:

"(T) in the case of a hospital that uses the services of postgraduate trainees (as defined in subsection (j)(4)), to meet the requirements of subsection (j)."; and

(2) by adding at the end the following new subsection:

"(j)(1)(A) In order that the working conditions and working hours of postgraduate trainees promote the provision of quality medical care in hospitals, as a condition of participation under this title, each hospital shall establish the following limits on working hours for postgraduate trainees:

"(i) Subject to subparagraphs (B) and (C), postgraduate trainees may work no more than a total of 24 hours per shift.

"(ii) Subject to subparagraph (C), postgraduate trainees may work no more than a total of 80 hours per week.

"(iii) Subject to subparagraph (C), postgraduate trainees—

"(I) shall have at least 10 hours between scheduled shifts;

"(II) shall have at least 1 full day out of every 7 days off and 1 full weekend off per month;

"(III) subject to subparagraph (B), who are assigned to patient care responsibilities in an emergency department shall work no more than 12 continuous hours in that department;

"(IV) shall not be scheduled to be on call in the hospital more often than every third night; and

"(V) shall not engage in work outside of the educational program that interferes with the ability of the postgraduate trainee to achieve the goals and objectives of the program or that, in combination with the program working hours, exceeds 80 hours per week.

"(B)(i) Subject to clause (ii), the Secretary shall promulgate such regulations as may be necessary to ensure quality of care is maintained during the transfer of direct patient care from 1 postgraduate trainee to another at the end of each shift.

"(ii) Such regulations shall ensure that, except in the case of individual patient emergencies, the period in which a postgraduate trainee is providing for the transfer of direct patient care (as referred to in clause (i)) does not extend such trainee's shift by more than 3 hours beyond the 24-hour period referred to in subparagraph (A)(i) or the 12-hour period referred to in subparagraph (A)(iii)(III), as the case may be.

"(C) The work hour limitations under subparagraph (A) and requirements of subparagraph (B) shall not apply to a hospital during a state of emergency declared by the Secretary that applies with respect to that hospital.

"(2) The Secretary shall promulgate such regulations as may be necessary to monitor and supervise postgraduate trainees assigned patient care responsibilities as part of an approved medical training program, as well as to assure quality patient care.

"(3) Each hospital shall inform postgraduate trainees of—

"(A) their rights under this subsection, including methods to enforce such rights (including so-called whistle-blower protections); and

"(B) the effects of their acute and chronic sleep deprivation both on themselves and on their patients.

"(4) For purposes of this subsection, the term 'postgraduate trainee' means a postgraduate medical resident, intern, or fellow.".

(b) Designation.—

(1) In general.—The Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall designate an individual within the Department of Health and Human Services to handle all complaints of violations that arise from a postgraduate trainee (as defined in paragraph (4) of section 1886(j) of the Social Security Act, as added by subsection (a)) who reports that the hospital operating the medical residency training program for which the trainee is enrolled is in violation of the requirements of such section.

(2) Grievance rights.—A postgraduate trainee may file a complaint with the Secretary concerning a violation of the requirements under such section 1886(j). Such a complaint may be filed anonymously. The Secretary may conduct an investigation and take such corrective action with respect to such a violation.

(3) Enforcement.—

(A) Civil money penalty enforcement.—Subject to subparagraph (B), any hospital that violates the requirements under such section 1886(j) is subject to a civil money penalty not to exceed $100,000 for each medical residency training program operated by the hospital in any 6-month period. The provisions of section 1128A of the Social Security Act (other than subsections (a) and (b)) shall apply to civil money penalties under this paragraph in the same manner as they apply to a penalty or proceeding under section 1128A(a) of such Act.

(B) Corrective action plan.—The Secretary shall establish procedures for providing a hospital that is subject to a civil monetary penalty under subparagraph (A) with an opportunity to avoid such penalty by submitting an appropriate corrective action plan to the Secretary.

(4) Disclosure of violations and annual reports.—The individual designated under paragraph (1) shall—

(A) provide for annual anonymous surveys of postgraduate trainees to determine compliance with the requirements under such section 1886(j) and for the disclosure of the results of such surveys to the public on a medical residency training program specific basis;

(B) based on such surveys, conduct appropriate on-site investigations;

(C) provide for disclosure to the public of violations of and compliance with, on a hospital and medical residency training program specific basis, such requirements; and

(D) make an annual report to Congress on the compliance of hospitals with such requirements, including providing a list of hospitals found to be in violation of such requirements.

(c) Whistleblower Protections.—

(1) In general.—A hospital covered by the requirements of section 1866(j) of the Social Security Act, as added by subsection (a), shall not penalize, discriminate, or retaliate in any manner against an employee with respect to compensation, terms, conditions, or privileges of employment, who in good faith (as defined in paragraph (2)), individually or in conjunction with another person or persons—

(A) reports a violation or suspected violation of such requirements to a public regulatory agency, a private accreditation body, or management personnel of the hospital;

(B) initiates, cooperates, or otherwise participates in an investigation or proceeding brought by a regulatory agency or private accreditation body concerning matters covered by such requirements;

(C) informs or discusses with other employees, with a representative of the employees, with patients or patient representatives, or with the public, violations or suspected violations of such requirements; or

(D) otherwise avails himself or herself of the rights set forth in such section or this subsection.

(2) GOOD FAITH DEFINED.—For purposes of this subsection, an employee is deemed to act "in good faith" if the employee reasonably believes—

(A) that the information reported or disclosed is true; and

(B) that a violation has occurred or may occur.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first July 1 that begins at least 1 year after the date of enactment of this Act.

SEC. 4. ADDITIONAL FUNDING FOR HOSPITAL COSTS.

There are hereby appropriated to the Secretary of Health and Human Services such amounts as may be required to provide for additional payments to hospitals for their reasonable additional, incremental costs incurred in order to comply with the requirements imposed by this Act (and the amendments made by this Act).

By Mr. SHELBY (for himself, Mr. MILLER, Mr. LOTT, Ms. LANDRIEU, Mr. SESSIONS, Mr. COCHRAN, and Mr. CHAMBLISS):

S. 954. A bill to amend the Federal Power Act to provide for the protection of electric utility customers and enhance the stability of wholesale electric markets through the clarification of State regulatory jurisdiction; to the Committee on Energy and Natural Resources.

Mr. SHELBY. Mr. President, on July 31, 2002, the Federal Energy Regulatory Commission, FERC, issued a notice of proposed rulemaking to create a one-size-fits-all template for electric markets referred to as "standard market design," SMD.

The SMD rule would bring about numerous sweeping changes, the degree and consequences of which are still being assessed. The proposed rule would require customers to pay for transmission facility upgrades caused by new generators, even if the customer does not need or use the power from those generators.

FERC's proposal would also usurp State authority to obligate utilities to serve customers, set generation reserve margins, centrally control generation dispatch, and set rates for retail transmission service. FERC's proposed rulemaking will effectively eliminate a State's ability to make decisions on issues specific to their State. Such sweeping changes to the energy industry should only be made after careful consideration of all potential consequences. After hearing these concerns, FERC promised a white paper to speak to the many concerns of myself and many others.

On April 28, the Federal Energy Regulatory Commission released its long-awaited white paper on Wholesale Power Markets and Standard Market Design. I and others had hoped that the release of that paper would signal a shift in the approach that the Commission has been taking with respect to the "federalization" of electricity regulation and markets. Disappointingly, despite some modest changes in approach, the Commission and Chairman Pat Wood have decided to move away from a partnership with the States toward Federal domination of the electricity system and electricity regulation.

In the document, the Commission reasserts its authority to regulate the terms and conditions of retail transmission, mandates the formation of Regional Transmission Organizations, and limits State authority to protect existing native load customers from the loss of transmission rights. The paper promises more "technical conferences" and consultation with the States, but does not change the premise upon which the Commission's Standard Market Design, "SMD", Notice of Proposed Rulemaking rests—that the States and regions serve only as adjuncts to the Commission as it devises new wholesale market rules that directly impinge upon retail markets.

In light of the Commission's white paper and the Senate's intention of quickly addressing energy policy, my colleagues and I present legislation today to ensure the concerns of my constituents and the constituents of my colleagues are addressed. This crucial legislation will ensure that States maintain their jurisdiction over retail utilities, that native load customers can be assured of reliability of service, that customers are not forced to socialize the cost of new transmission developed in their area but intended for other regions, and finally the legislation will prohibit the FERC from implementing its current SMD rule nor any rule that is of similar substance.

By Mr. FEINGOLD (for himself, Mr. JEFFORDS, Mr. DAYTON, and Mr. LEAHY):

S. 956. A bill to amend the Elementary and Secondary Education Act of 1965 to permit States and local educational agencies to decide the frequency of using high quality assessments to measure and increase student academic achievement, to permit States and local educational agencies to obtain a waiver of certain testing requirements, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, as millions of public school students and teachers around the country prepare to complete their first school year under the No Child Left Behind Act, NCLB, I am introducing a bill that would help to return a measure of local control that was taken from school districts and States by its enactment last year.

I am pleased to be joined in this effort by Senators JEFFORDS, DAYTON, and LEAHY.

I have heard a lot of concern from my constituents about various aspects of the President's education bill. Following the enactment of the bill last year, the drumbeat of concern has continued to reverberate throughout my State, and has gotten even louder, as students, teachers, parents, administrators, school counselors and social workers, and others are learning first-hand about the effect of the NCLB.

I strongly support maintaining local control over decisions affecting our children's day-to-day classroom experiences. I also believe that the Federal Government has an important role to play in supporting our State educational agencies and local school districts as they carry out their most important responsibility—the education of our children.

I voted against the President's education bill in large part because of the new annual testing mandate for students in grades 3–8. While I agree that there should be a strong accountability system in place to ensure that public school students are making progress, I strongly oppose over-testing students in our public schools. I agree that some tests are needed to ensure that our children are keeping pace, but taking time to test students has to take a back seat to taking the time to teach students in the first place.

I have heard a lot about these new annual tests from the people of Wisconsin, and their response has been almost universally negative. My constituents are concerned about this additional layer of testing for many reasons, including the cost of developing and implementing these tests, the loss of teaching time every year to prepare for and take the tests, and the extra pressure that the tests will place on students, teachers, schools, and school districts.

I share my constituents' concerns about this new Federal mandate. I find it interesting that proponents of the NCLB say that it will return more control to the States and local school districts. In my view, however, this massive new Federal testing mandate runs counter to the idea of local control.

Many States and local school districts around the country, including Wisconsin, already have comprehensive testing programs in place. The Federal Government should leave decisions about the frequency of using high quality assessments to measure and increase student academic achievement up to the States and local school districts that bear the responsibility for educating our children. Every State and every school district is different. A uniform testing policy may not be the best approach.

I have heard from many education professionals in my State that this new testing requirement is a waste of money and a waste of time. These people are dedicated professionals who are committed to educating Wisconsin's children, and they don't oppose testing. I think we can all agree that testing has its place. What they oppose is the magnitude of testing that is required by this law.

Beginning in the 2005-2006 school year, the NCLB will pile more tests on our Nation's public school students. And of course, when those tests are piled on students, they burden our teachers as well, because teachers must spend more and more time preparing students to take these exams.

This kind of teaching, sometimes called “teaching to the test,” is becoming more and more prevalent in our schools as testing has become increasingly common. The dedicated teachers in our classrooms will now be constrained by teaching to yet more tests, instead of being able to use their own judgment about what subject areas the class needs to spend extra time studying. This additional testing time could also reduce the opportunity for teachers to create and implement innovative learning experiences for their students.

Teachers in my State are concerned about the amount of time that they will have to spend preparing their students to take the tests and administering the tests. They are concerned that these additional tests will disrupt the flow of education in their classrooms. One teacher said the preparation for the tests Wisconsin already requires in grades 3, 4, 8, and 10 can take up to a month, and the administration of the test takes another week. That is five weeks out of the school year. And now the Federal Government is requiring teachers to take a huge chunk out of instruction time each year in grades 3–8. In my view, and in the view of the people of my state, this time can be better spent on regular classroom instruction.

The legislation that I am introducing today, the Student Testing Flexibility Act of 2003, would give States and local school districts that have demonstrated academic success the flexibility to apply to waive the new annual testing requirements in the NCLB. States and school districts with waivers would still be required to administer high quality tests to students in, at a minimum, reading or language arts and mathematics at least once in grades 3-5, 6-9, and 10-12 as required under the law.

This bill would allow States and school districts that meet the same specific accountability criteria outlined for school-level excellence under the State Academic Achievement Award Program to apply to the Secretary of Education for a waiver from the new annual reading or language arts and mathematics tests for students in grades 3–8. The waiver would be for a period of three years and would be renewable, so long as the state or school district meets the criteria.

To qualify for the waiver, the State or school district must have significantly closed the achievement gap among a number of subgroups of students as required under Title I, or must have exceeded their adequate yearly progress, AYP, goals for two or more consecutive years. The bill would require the Secretary to grant waivers to states or school districts that meet these criteria and apply for the waiver. Individual districts in states that have waivers would not be required to apply for a separate waiver.

The Federal Government should not impose an additional layer of testing on states that are succeeding in meeting or exceeding their AYP goals or on closing the achievement gap. Instead, we should allow those States that have demonstrated academic success to use their share of Federal testing money to help those schools that need it the most.

The bill I am introducing today would do just that by allowing states with waivers to retain their share of the Federal funding appropriated to develop and implement the new annual tests. These important dollars would be used for activities that these States deem appropriate for improving student achievement at individual public elementary and secondary schools that have failed to make AYP.

I am pleased that this legislation is supported by the American Association of School Administrators, the National PTA, the National Association of Elementary School Principals, the National Association of Secondary School Principals, the School Social Work Association of America, the Wisconsin Department of Public Instruction, the Wisconsin Education Association Council, the Wisconsin Association of School Boards, the Milwaukee Teachers' Education Association, and the Wisconsin School Administrators Alliance, which includes the Association of Wisconsin School Administrators, the Wisconsin Association of School District Administrators, the Wisconsin Association of School Business Officials, and the Wisconsin Council for Administrators of Special Services.

While this bill focuses on the over-testing of students in our public schools, I would like to note that my constituents have raised a number of other concerns about the NCLB that I hope will be addressed by Congress. My constituents are concerned about, among other things, the new AYP requirements, the effect that the Act will have on rural school districts, and about finding the funding necessary to implement all of these provisions of this new law. I share these concerns.

I regret that, for the second year in a row, the President's budget request did not fully fund NCLB requirements and failed to provide any funding to crucial programs such as rural education and school counseling. If we are to truly leave no child behind, we must provide adequate funding for programs such as Title I, special education and professional development in order to ensure that all students have the means to succeed. To do less sets up some of our most vulnerable students for failure.

I hope that my bill, the Student Testing Flexibility Act, will help to focus attention on the perhaps unintended consequences of the ongoing implementation of the President's education bill for states, school districts, and individual schools, teachers, and students.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Student Testing Flexibility Act of 2003”.

SEC. 2. FINDINGS.

Congress finds that—

(1) State and local governments bear the majority of the cost and responsibility of educating public elementary school and secondary school students;

(2) State and local governments often struggle to find adequate funding to provide basic educational services;

(3) the Federal Government has not provided its full share of funding for numerous federally mandated elementary and secondary education programs;

(4) underfunded Federal education mandates increase existing financial pressures on States and local educational agencies;

(5) the cost to States and local educational agencies to implement the annual student academic assessments required under section 1111(b)(3)(C)(vii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(vii)) remains uncertain;

(6) public elementary school and secondary school students take numerous tests each year, from classroom quizzes and exams to standardized and other tests required by the Federal Government, State educational agencies, or local educational agencies;

(7) multiple measures of student academic achievement provide a more accurate picture of a student's strengths and weaknesses than does a single score on a high-stakes test; and

(8) the frequency of the use of high quality assessments as a tool to measure and increase student achievement should be decided by State educational agencies and local educational agencies.

SEC. 3. WAIVER AUTHORITY.

Section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) is amended by adding at the end the following:

“(E) WAIVER AUTHORITY.—

“(i) STATES.—Upon application by a State educational agency, the Secretary shall waive the requirements of subparagraph (C)(vii) for a State if the State educational agency demonstrates that the State—

“(I) significantly closed the achievement gap among the groups of students described in paragraph (2)(C)(v); or

“(II) exceeded the State's adequate yearly progress, consistent with paragraph (2), for 2 or more consecutive years.

“(ii) LOCAL EDUCATIONAL AGENCIES.—Upon application of a local educational agency located in a State that does not receive a waiver under clause (i), the Secretary shall waive the application of the requirements of subparagraph (C)(vii) for the local educational agency if the local educational agency demonstrates that the local educational agency—

“(I) significantly closed the achievement gap among the groups of students described in paragraph (2)(C)(v); or

“(II) exceeded the local educational agency's adequate yearly progress, consistent with paragraph (2), for 2 or more consecutive years.

“(iii) PERIOD OF WAIVER.—A waiver under clause (i) or (ii) shall be for a period of 3 years and may be renewed for subsequent 3-year periods.

“(iv) UTILIZATION OF CERTAIN FEDERAL FUNDS.—

“(I) PERMISSIVE USES.—Subject to subclause (II), a State or local educational agency granted a waiver under clause (i) or (ii) shall use funds, that are awarded to the State or local educational agency, respectively, under this Act for the development and implementation of annual assessments under subparagraph (C)(vii), to carry out educational activities that the State educational agency or local educational agency, respectively, determines will improve the academic achievement of students attending public elementary schools and secondary schools in the State or local educational agency, respectively, that fail to make adequate yearly progress (as defined in paragraph (2)(C)).

“(II) NONPERMISSIVE USE OF FUNDS.—A State or local educational agency granted a waiver under clause (i) or (ii) shall not use funds, that are awarded to the State or local educational agency, respectively, under this Act for the development and implementation of annual assessments under subparagraph (C)(vii), to pay a student's cost of tuition, room, board, or fees at a private school.”.

By Mrs. BOXER:

S. 957. A bill to amend title 49, United States Code, to improve the training requirements for and require the certification of cabin crew members, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, I am pleased to introduce the “Flight Attendant Certification Act.”

Since September 11, flight attendants have become a last line of defense against terrorist attacks. As we all know, the terrorists hijacked four commercial jets—all of which were heading to California. That day forever changed air travel in this country, and in turn forever changed the security functions of flight attendants.

No one can forget that it was a flight attendant who discovered that Richard Reid was trying to ignite a bomb on his shoe. If not for the aware flight attendant, the bomb could have gone off over the Atlantic and all the passengers and crew would have been lost.

Today, I can say with certainty that air travel is more secure than it was a year and a half ago. But that does not mean that more should not be done. We must continue to take the appropriate steps to ensure that we are doing everything in our power to prevent terrorist attacks and protect the American people. That is why I am proud to offer this legislation.

This bill would make American air travel safer by requiring that flight attendants be certified by the Federal Aviation Administration, FAA. Currently, flight attendants are not required to receive formal certification even though they have the responsibility for safety, security, and emergency response.

In addition, the legislation would close the growing gap in the quality and content of training programs between airlines by creating a single training standard across the industry. This bill would require uniform training standards and establish a central approval process for certification of flight attendants at the FAA.

The FAA already recognizes the training of other airline personnel by issuing certification to pilots, mechanics, air-traffic controllers and others. Flight attendants deserve the same recognition and certification.

By Mr. KOHL (for himself, Mr. REID, Mr. NELSON of Florida, Mr. ROCKEFELLER, Mrs. LINCOLN, Ms. LANDRIEU, Mr. BINGAMAN, Mr. MILLER, and Mr. BREAUX):

S. 958. A bill to amend titles XVIII and XIX of the Social Security Act to prevent abuse of recipients of long-term care services under the Medicare and Medicaid programs; to the Committee on Finance.

Mr. KOHL. Mr. President, I rise today to reintroduce the Patient Abuse Prevention Act, which will go a long way in protecting patients in long-term care from abuse and neglect. This legislation will establish a National Registry of abusive long-term care workers and require criminal background checks for potential employees. It is necessary so we can ensure that people with violent and abusive backgrounds cannot find work in nursing homes and home health and prey on our elderly relatives. After many years of refinement so that the background checks will run smoothly, and with the strong support of both patient advocates and the American Association of Homes and Services for the Aging, I sincerely hope that this is the year when we will finally take action and enact these common-sense protections.

There is absolutely no excuse for abuse or neglect of the elderly and disabled at the hands of those who are supposed to care for them. Our parents and grandparents made our country what it is today, and they deserve to live with dignity and the highest quality care.

Unfortunately, this is not always the case. We know that the majority of caregivers are dedicated, professional, and do their best under difficult circumstances. But it only takes a few abusive staff to cast a dark shadow over what should be a healing environment.

Current State and national safeguards are inadequate to screen out abusive workers. All States are required to maintain registries of abusive nurse aides. But nurse aides are not the only workers involved in abuse, and other workers are not tracked at all. Even worse, there is no system to coordinate information about abusive nurse aides between States. A known abuser in Iowa would have little trouble moving to Wisconsin and continuing to work with patients there.

In addition, there is no Federal requirement that long-term care facilities conduct criminal background checks on prospective employees. People with violent criminal backgrounds—people who have already been convicted of murder, rape, and assault—could easily get a job in a nursing home or other health care setting without their past ever being discovered.

Our legislation will go a long way toward solving this problem. First, it will create a National Registry of abusive long-term care employees. States will be required to submit information from their current State registries to the National Registry. Facilities will be required to check the National Registry before hiring a prospective worker. Any worker with a substantiated finding of patient abuse will be prohibited from working in long-term care.

Second, the bill provides a second line of defense to protect patients from violent criminals. If the National Registry does not contain information about a prospective worker, the facility is then required to initiate an FBI background check. Any conviction for patient abuse or a relevant violent crime would bar that applicant from working with patients.

A disturbing number of cases have been reported where workers with criminal backgrounds have been cleared to work in direct patient care, and have subsequently abused patients in their care. Unfortunately, these news reports have tragically become commonplace over the years. In 1997, the Milwaukee Journal-Sentinel ran a series of articles describing this problem, including a Green Bay employee who was convicted of sexually assaulting a disabled woman, an Oshkosh employee who physically and emotionally abused nursing home residents, and a Milwaukee employee who charged more than $2,000 on a home health client's credit card. All had prior criminal convictions. A 1999 Bergen Record study of home health workers found that in nearly every county, criminals were working in the homes of the elderly and infirm. Many aides had committed offenses against patients in their care, but they were still listed as certified and eligible for work in State records. Most recently, the Chicago Sun-Times ran an article on November 1, 2002, in which a home care aide beat his disabled client to death with a hammer. That caregiver had previously been convicted of shooting a man in the face.

In 1998, at my request, the Senate Special Committee on Aging held a hearing that focused on how easy it is for known abusers to find work in long-term care and continue to prey on patients. At that hearing, the HHS Inspector General presented a report which found that, in the two States they studied, between 5 to 10 percent of employees currently working in nursing homes had serious criminal convictions in their past. They also found that among aides who had abused patients, 15 to 20 percent of them had at least one conviction in their past.

In 1998, I offered an amendment which became law that allowed long-term care providers to voluntarily use the FBI system for background checks. So far, 7 percent of those checks have come back with criminal convictions, including rape and kidnapping.

And on July 30, 2001, the House Government Reform Committee's Special Investigations Division of the Minority staff issued a report which found that in the past two years, over 30 percent of nursing homes in the U.S. were cited for a physical, sexual, or verbal abuse violation that had the potential to harm residents. Even more striking, the report found that nearly 10 percent of nursing homes had violations that caused actual harm to residents.

Let me say again that despite this evidence, I know that the vast majority of caregivers in nursing homes and home health care do an excellent job and have their patients' best interests at heart. But clearly, a national background check system is a critical tool that all long-term care providers should have—after all, they don't want abusive caregivers working for them any more than families do. I am pleased that the nursing home industry has worked with me over the years to refine this legislation, and I greatly appreciate their continued support of the bill. This bill reflects their input and will help ensure a smooth transition to an efficient, accurate background check system. This is a common-sense, cost-effective step we can and should take to protect patients by helping long-term care providers thoroughly screen potential caregivers.

I realize that this legislation will not solve all instances of abuse. We still need to do more to stop abuse from occurring in the first place. But this bill will ensure that those who have already abused an elderly or disabled patient, and those who have committed violent crimes against people in the past, are kept away from vulnerable patients.

I want to repeat again that I strongly believe that most long-term care providers and their staff work hard to deliver the highest quality care. However, it is imperative that Congress act immediately to get rid of those that don't.

This bill is the product of collaboration and input from the health care industry, patient and employee advocates—who all have the same goal I do: protecting patients in long-term care. I look forward to continuing to work with my colleagues, the Administration, and the health care industry in this effort. Protecting our nation's seniors and disabled deserves our full attention.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 958

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patient Abuse Prevention Act".

SEC. 2. ESTABLISHMENT OF PROGRAM TO PREVENT ABUSE OF NURSING FACILITY RESIDENTS.

(a) SCREENING OF SKILLED NURSING FACILITY AND NURSING FACILITY EMPLOYEE APPLICANTS.—

(1) MEDICARE PROGRAM.—Section 1819(b) of the Social Security Act (42 U.S.C. 1395i-3(b)) is amended by adding at the end the following:

"(8) SCREENING OF SKILLED NURSING FACILITY WORKERS.—

"(A) BACKGROUND CHECKS ON APPLICANTS.—Subject to subparagraph (B)(ii), before hiring a skilled nursing facility worker, a skilled nursing facility shall—

"(i) give the worker written notice that the facility is required to perform background checks with respect to applicants;

"(ii) require, as a condition of employment, that such worker—

"(I) provide a written statement disclosing any conviction for a relevant crime or finding of patient or resident abuse;

"(II) provide a statement signed by the worker authorizing the facility to request the search and exchange of criminal records;

"(III) provide in person to the facility a copy of the worker's fingerprints or thumb print, depending upon available technology; and

"(IV) provide any other identification information the Secretary may specify in regulation;

"(iii) initiate a check of the data collection system established under section 1128E in accordance with regulations promulgated by the Secretary to determine whether such system contains any disqualifying information with respect to such worker; and

"(iv) if that system does not contain any such disqualifying information—

"(I) request through the appropriate State agency that the State initiate a State and national criminal background check on such worker in accordance with the provisions of subsection (e)(6); and

"(II) submit to such State agency the information described in subclauses (II) through (IV) of clause (ii) not more than 7 days (excluding Saturdays, Sundays, and legal public holidays under section 6103(a) of title 5, United States Code) after completion of the check against the system initiated under clause (iii).

"(B) PROHIBITION ON HIRING OF ABUSIVE WORKERS.—

"(i) IN GENERAL.—A skilled nursing facility may not knowingly employ any skilled nursing facility worker who has any conviction for a relevant crime or with respect to whom a finding of patient or resident abuse has been made.

"(ii) PROVISIONAL EMPLOYMENT.—After complying with the requirements of clauses (i), (ii), and (iii) of subparagraph (A), a skilled nursing facility may provide for a provisional period of employment for a skilled nursing facility worker pending completion of the check against the data collection system described under subparagraph (A)(iii) and the background check described under subparagraph (A)(iv). Such facility shall maintain direct supervision of the covered individual during the worker's provisional period of employment.

"(C) REPORTING REQUIREMENTS.—A skilled nursing facility shall report to the State any instance in which the facility determines that a skilled nursing facility worker has committed an act of resident neglect or abuse or misappropriation of resident property in the course of employment by the facility.

"(D) USE OF INFORMATION.—

"(i) IN GENERAL.—A skilled nursing facility that obtains information about a skilled nursing facility worker pursuant to clauses (iii) and (iv) of subparagraph (A) may use such information only for the purpose of determining the suitability of the worker for employment.

"(ii) IMMUNITY FROM LIABILITY.—A skilled nursing facility that, in denying employment for an applicant (including during the period described in subparagraph (B)(ii)), reasonably relies upon information about such applicant provided by the State pursuant to subsection (e)(6) or section 1128E shall not be liable in any action brought by such applicant based on the employment determination resulting from the information.

"(iii) CRIMINAL PENALTY.—Whoever knowingly violates the provisions of clause (i) shall be fined in accordance with title 18, United States Code, imprisoned for not more than 2 years, or both.

"(E) CIVIL PENALTY.—

"(i) IN GENERAL.—A skilled nursing facility that violates the provisions of this paragraph shall be subject to a civil penalty in an amount not to exceed—

"(I) for the first such violation, $2,000; and

"(II) for the second and each subsequent violation within any 5-year period, $5,000.

"(ii) KNOWING RETENTION OF WORKER.—In addition to any civil penalty under clause (i), a skilled nursing facility that—

"(I) knowingly continues to employ a skilled nursing facility worker in violation of subparagraph (A) or (B); or

"(II) knowingly fails to report a skilled nursing facility worker under subparagraph (C),

shall be subject to a civil penalty in an amount not to exceed $5,000 for the first such violation, and $10,000 for the second and each subsequent violation within any 5-year period.

"(F) DEFINITIONS.—In this paragraph:

"(i) CONVICTION FOR A RELEVANT CRIME.—The term 'conviction for a relevant crime' means any Federal or State criminal conviction for—

"(I) any offense described in paragraphs (1) through (4) of section 1128(a); and

"(II) such other types of offenses as the Secretary may specify in regulations, taking into account the severity and relevance of such offenses, and after consultation with representatives of long-term care providers, representatives of long-term care employees, consumer advocates, and appropriate Federal and State officials.

"(ii) DISQUALIFYING INFORMATION.—The term 'disqualifying information' means information about a conviction for a relevant crime or a finding of patient or resident abuse.

"(iii) FINDING OF PATIENT OR RESIDENT ABUSE.—The term 'finding of patient or resident abuse' means any substantiated finding by a State agency under subsection (g)(1)(C) or a Federal agency that a skilled nursing facility worker has committed—

"(I) an act of patient or resident abuse or neglect or a misappropriation of patient or resident property; or

"(II) such other types of acts as the Secretary may specify in regulations.

"(iv) SKILLED NURSING FACILITY WORKER.—The term 'skilled nursing facility worker' means any individual (other than a volunteer) that has access to a patient of a skilled nursing facility under an employment or other contract, or both, with such facility. Such term includes individuals who are licensed or certified by the State to provide such services, and nonlicensed individuals providing such services, as defined by the Secretary, including nurse assistants, nurse aides, home health aides, and personal care workers and attendants.".

(2) MEDICAID PROGRAM.—Section 1919(b) of the Social Security Act (42 U.S.C. 1396r(b)) is amended by adding at the end the following new paragraph:

"(8) SCREENING OF NURSING FACILITY WORKERS.—

"(A) BACKGROUND CHECKS ON APPLICANTS.—Subject to subparagraph (B)(ii), before hiring a nursing facility worker, a nursing facility shall—

"(i) give the worker written notice that the facility is required to perform background checks with respect to applicants;

"(ii) require, as a condition of employment, that such worker—

"(I) provide a written statement disclosing any conviction for a relevant crime or finding of patient or resident abuse;

"(II) provide a statement signed by the worker authorizing the facility to request the search and exchange of criminal records;

"(III) provide in person to the facility a copy of the worker's fingerprints or thumb print, depending upon available technology; and

"(IV) provide any other identification information the Secretary may specify in regulation;

"(iii) initiate a check of the data collection system established under section 1128E in accordance with regulations promulgated by the Secretary to determine whether such system contains any disqualifying information with respect to such worker; and

"(iv) if that system does not contain any such disqualifying information—

"(I) request through the appropriate State agency that the State initiate a State and national criminal background check on such worker in accordance with the provisions of subsection (e)(8); and

"(II) submit to such State agency the information described in subclauses (II) through (IV) of clause (ii) not more than 7 days (excluding Saturdays, Sundays, and legal public holidays under section 6103(a) of title 5, United States Code) after completion of the check against the system initiated under clause (iii).

"(B) PROHIBITION ON HIRING OF ABUSIVE WORKERS.—

"(i) IN GENERAL.—A nursing facility may not knowingly employ any nursing facility worker who has any conviction for a relevant crime or with respect to whom a finding of patient or resident abuse has been made.

"(ii) PROVISIONAL EMPLOYMENT.—After complying with the requirements of clauses (i), (ii), and (iii) of subparagraph (A), a nursing facility may provide for a provisional period of employment for a nursing facility worker pending completion of the check against the data collection system described under subparagraph (A)(iii) and the background check described under subparagraph (A)(iv). Such facility shall maintain direct supervision of the worker during the worker's provisional period of employment.

"(C) REPORTING REQUIREMENTS.—A nursing facility shall report to the State any instance in which the facility determines that a nursing facility worker has committed an act of resident neglect or abuse or misappropriation of resident property in the course of employment by the facility.

"(D) USE OF INFORMATION.—

"(i) IN GENERAL.—A nursing facility that obtains information about a nursing facility worker pursuant to clauses (iii) and (iv) of subparagraph (A) may use such information only for the purpose of determining the suitability of the worker for employment.

"(ii) IMMUNITY FROM LIABILITY.—A nursing facility that, in denying employment for an applicant (including during the period described in subparagraph (B)(ii)), reasonably relies upon information about such applicant provided by the State pursuant to subsection (e)(8) or section 1128E shall not be liable in any action brought by such applicant based on the employment determination resulting from the information.

"(iii) CRIMINAL PENALTY.—Whoever knowingly violates the provisions of clause (i) shall be fined in accordance with title 18, United States Code, imprisoned for not more than 2 years, or both.

"(E) CIVIL PENALTY.—

"(i) IN GENERAL.—A nursing facility that violates the provisions of this paragraph shall be subject to a civil penalty in an amount not to exceed—

"(I) for the first such violation, $2,000; and

"(II) for the second and each subsequent violation within any 5-year period, $5,000.

"(ii) KNOWING RETENTION OF WORKER.—In addition to any civil penalty under clause (i), a nursing facility that—

"(I) knowingly continues to employ a nursing facility worker in violation of subparagraph (A) or (B); or

"(II) knowingly fails to report a nursing facility worker under subparagraph (C),

shall be subject to a civil penalty in an amount not to exceed $5,000 for the first such violation, and $10,000 for the second and each subsequent violation within any 5-year period.

"(F) DEFINITIONS.—In this paragraph:

"(i) CONVICTION FOR A RELEVANT CRIME.—The term 'conviction for a relevant crime' means any Federal or State criminal conviction for—

"(I) any offense described in paragraphs (1) through (4) of section 1128(a); and

"(II) such other types of offenses as the Secretary may specify in regulations, taking into account the severity and relevance of such offenses, and after consultation with representatives of long-term care providers, representatives of long-term care employees, consumer advocates, and appropriate Federal and State officials.

"(ii) DISQUALIFYING INFORMATION.—The term 'disqualifying information' means information about a conviction for a relevant crime or a finding of patient or resident abuse.

"(iii) FINDING OF PATIENT OR RESIDENT ABUSE.—The term 'finding of patient or resident abuse' means any substantiated finding by a State agency under subsection (g)(1)(C) or a Federal agency that a nursing facility worker has committed—

"(I) an act of patient or resident abuse or neglect or a misappropriation of patient or resident property; or

"(II) such other types of acts as the Secretary may specify in regulations.

"(iv) NURSING FACILITY WORKER.—The term 'nursing facility worker' means any individual (other than a volunteer) that has access to a patient of a nursing facility under an employment or other contract, or both, with such facility. Such term includes individuals who are licensed or certified by the State to provide such services, and nonlicensed individuals providing such services, as defined by the Secretary, including nurse assistants, nurse aides, home health aides, and personal care workers and attendants.".

(3) FEDERAL RESPONSIBILITIES.—

(A) DEVELOPMENT OF STANDARD FEDERAL AND STATE BACKGROUND CHECK FORM.—The Secretary of Health and Human Services, in consultation with the Attorney General and representatives of appropriate State agencies, shall develop a model form that an applicant for employment at a nursing facility may complete and Federal and State agencies may use to conduct the criminal background checks required under sections 1819(b)(8) and 1919(b)(8) of the Social Security Act (42 U.S.C. 1395i–3(b), 1396r(b)) (as added by this section).

(B) PERIODIC EVALUATION.—The Secretary of Health and Human Services, in consultation with the Attorney General, periodically shall evaluate the background check system imposed under sections 1819(b)(8) and 1919(b)(8) of the Social Security Act (42 U.S.C. 1395i–3(b), 1396r(b)) (as added by this section) and shall implement changes, as necessary, based on available technology, to make the background check system more efficient and able to provide a more immediate response to long-term care providers using the system.

(4) NO PREEMPTION OF STRICTER STATE LAWS.—Nothing in section 1819(b)(8) or 1919(b)(8) of the Social Security Act (42 U.S.C. 1395i–3(b)(8), 1396r(b)(8)) (as so added) shall be construed to supersede any provision of State law that—

(A) specifies a relevant crime for purposes of prohibiting the employment of an individual at a long-term care facility (as defined in section 1128E(g)(6) of the Social Security Act (as added by section 3(f) of this Act) that is not included in the list of such crimes specified in such sections or in regulations promulgated by the Secretary of Health and Human Services to carry out such sections; or

(B) requires a long-term care facility (as so defined) to conduct a background check prior to employing an individual in an employment position that is not included in the positions for which a background check is required under such sections.

(5) Technical amendments.—Effective as if included in the enactment of section 941 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A-585), as enacted into law by section 1(a)(6) of Public Law 106-554, sections 1819(b) and 1919(b) of the Social Security Act (42 U.S.C. 1395i-3(b), 1396r(b)), as amended by such section 941 (as so enacted into law) are each amended by redesignating the paragraph (8) added by such section as paragraph (9).

(b) Federal and State Requirements Concerning Background Checks.—

(1) Medicare.—Section 1819(e) of the Social Security Act (42 U.S.C. 1395i-3(e)) is amended by adding at the end the following:

"(6) Federal and state requirements concerning criminal background checks on skilled nursing facility employees.—

"(A) In general.—Upon receipt of a request by a skilled nursing facility pursuant to subsection (b)(8) that is accompanied by the information described in subclauses (II) through (IV) of subsection (b)(8)(A)(ii), a State, after checking appropriate State records and finding no disqualifying information (as defined in subsection (b)(8)(F)(ii)), shall immediately submit such request and information to the Attorney General and shall request the Attorney General to conduct a search and exchange of records with respect to the individual as described in subparagraph (B).

"(B) Search and exchange of records by attorney general.—Upon receipt of a submission pursuant to subparagraph (A), the Attorney General shall direct a search of the records of the Federal Bureau of Investigation for any criminal history records corresponding to the fingerprints and other positive identification information submitted. The Attorney General shall provide any corresponding information resulting from the search to the State.

"(C) State reporting of information to skilled nursing facility.—Upon receipt of the information provided by the Attorney General pursuant to subparagraph (B), the State shall—

"(i) review the information to determine whether the individual has any conviction for a relevant crime (as defined in subsection (b)(8)(F)(i));

"(ii) immediately report to the skilled nursing facility in writing the results of such review; and

"(iii) in the case of an individual with a conviction for a relevant crime, report the existence of such conviction of such individual to the database established under section 1128E.

"(D) Fees for performance of criminal background checks.—

"(i) Authority to charge fees.—

"(I) Attorney general.—The Attorney General may charge a fee to any State requesting a search and exchange of records pursuant to this paragraph and subsection (b)(8) for conducting the search and providing the records. The amount of such fee shall not exceed the lesser of the actual cost of such activities or $50. Such fees shall be available to the Attorney General, or, in the Attorney General's discretion, to the Federal Bureau of Investigation until expended.

"(II) State.—A State may charge a skilled nursing facility a fee for initiating the criminal background check under this paragraph and subsection (b)(8), including fees charged by the Attorney General, and for performing the review and report required by subparagraph (C). The amount of such fee shall not exceed the actual cost of such activities.

"(ii) Prohibition on charging applicants or employees.—An entity may not impose on an applicant for employment or an employee any charges relating to the performance of a background check under this paragraph.

"(E) Regulations.—

"(i) In general.—In addition to the Secretary's authority to promulgate regulations under this title, the Attorney General, in consultation with the Secretary, may promulgate such regulations as are necessary to carry out the Attorney General's responsibilities under this paragraph and subsection (b)(9), including regulations regarding the security confidentiality, accuracy, use, destruction, and dissemination of information, audits and recordkeeping, and the imposition of fees.

"(ii) Appeal procedures.—The Attorney General, in consultation with the Secretary, shall promulgate such regulations as are necessary to establish procedures by which an applicant or employee may appeal or dispute the accuracy of the information obtained in a background check conducted under this paragraph. Appeals shall be limited to instances in which an applicant or employee is incorrectly identified as the subject of the background check, or when information about the applicant or employee has not been updated to reflect changes in the applicant's or employee's criminal record.

"(F) Report.—Not later than 2 years after the date of enactment of this paragraph, the Attorney General shall submit a report to Congress on—

"(i) the number of requests for searches and exchanges of records made under this section;

"(ii) the disposition of such requests; and

"(iii) the cost of responding to such requests.".

(2) Medicaid.—Section 1919(e) of the Social Security Act (42 U.S.C. 1396r(e)) is amended by adding at the end the following:

"(8) Federal and state requirements concerning criminal background checks on nursing facility employees.—

"(A) In general.—Upon receipt of a request by a nursing facility pursuant to subsection (b)(8) that is accompanied by the information described in subclauses (II) through (IV) of subsection (b)(8)(A)(ii), a State, after checking appropriate State records and finding no disqualifying information (as defined in subsection (b)(8)(F)(ii)), shall immediately submit such request and information to the Attorney General and shall request the Attorney General to conduct a search and exchange of records with respect to the individual as described in subparagraph (B).

"(B) Search and exchange of records by attorney general.—Upon receipt of a submission pursuant to subparagraph (A), the Attorney General shall direct a search of the records of the Federal Bureau of Investigation for any criminal history records corresponding to the fingerprints and other positive identification information submitted. The Attorney General shall provide any corresponding information resulting from the search to the State.

"(C) State reporting of information to nursing facility.—Upon receipt of the information provided by the Attorney General pursuant to subparagraph (B), the State shall—

"(i) review the information to determine whether the individual has any conviction for a relevant crime (as defined in subsection (b)(8)(F)(i));

"(ii) immediately report to the nursing facility in writing the results of such review; and

"(iii) in the case of an individual with a conviction for a relevant crime, report the existence of such conviction of such individual to the database established under section 1128E.

"(D) Fees for performance of criminal background checks.—

"(i) Authority to charge fees.—

"(I) Attorney general.—The Attorney General may charge a fee to any State requesting a search and exchange of records pursuant to this paragraph and subsection (b)(8) for conducting the search and providing the records. The amount of such fee shall not exceed the lesser of the actual cost of such activities or $50. Such fees shall be available to the Attorney General, or, in the Attorney General's discretion, to the Federal Bureau of Investigation, until expended.

"(II) State.—A State may charge a nursing facility a fee for initiating the criminal background check under this paragraph and subsection (b)(8), including fees charged by the Attorney General, and for performing the review and report required by subparagraph (C). The amount of such fee shall not exceed the actual cost of such activities.

"(ii) Prohibition on charging applicants or employees.—An entity may not impose on an applicant for employment or an employee any charges relating to the performance of a background check under this paragraph.

"(E) Regulations.—

"(i) In general.—In addition to the Secretary's authority to promulgate regulations under this title, the Attorney General, in consultation with the Secretary, may promulgate such regulations as are necessary to carry out the Attorney General's responsibilities under this paragraph and subsection (b)(8), including regulations regarding the security, confidentiality, accuracy, use, destruction, and dissemination of information, audits and recordkeeping, and the imposition of fees.

"(ii) Appeal procedures.—The Attorney General, in consultation with the Secretary, shall promulgate such regulations as are necessary to establish procedures by which an applicant or employee may appeal or dispute the accuracy of the information obtained in a background check conducted under this paragraph. Appeals shall be limited to instances in which an applicant or employee is incorrectly identified as the subject of the background check, or when information about the applicant or employee has not been updated to reflect changes in the applicant's or employee's criminal record.

"(F) Report.—Not later than 2 years after the date of enactment of this paragraph, the Attorney General shall submit a report to Congress on—

"(i) the number of requests for searches and exchanges of records made under this section;

"(ii) the disposition of such requests; and

"(iii) the cost of responding to such requests.".

(c) Application to Other Entities Providing Home Health or Long-Term Care Services.—

(1) Medicare.—Part D of title XVIII of the Social Security Act (42 U.S.C. 1395x et seq.) is amended by adding at the end the following:

"APPLICATION OF SKILLED NURSING FACILITY PREVENTIVE ABUSE PROVISIONS TO ANY PROVIDER OF SERVICES OR OTHER ENTITY PROVIDING HOME HEALTH OR LONG-TERM CARE SERVICES

"Sec. 1897. (a) In General.—The requirements of subsections (b)(8) and (e)(6) of section 1819 shall apply to any provider of services or any other entity that is eligible to be paid under this title for providing home health services, hospice care (including routine home care and other services included in hospice care under this title), or long-term care services to an individual entitled to benefits under part A or enrolled under part B, including an individual provided with a Medicare+Choice plan offered by a Medicare+Choice organization under part C (in this section referred to as a 'medicare beneficiary').

"(b) Supervision of Provisional Employees.—

"(1) In general.—With respect to an entity that provides home health services, such entity shall be considered to have satisfied the requirements of section 1819(b)(8)(B)(ii) or 1919(b)(8)(B)(ii) if the entity meets such requirements for supervision of provisional employees of the entity as the Secretary shall, by regulation, specify in accordance with paragraph (2).

"(2) Requirements.—The regulations required under paragraph (1) shall provide the following:

"(A) Supervision of a provisional employee shall consist of ongoing, good faith, verifiable efforts by the supervisor of the provisional employee to conduct monitoring and oversight activities to ensure the safety of a medicare beneficiary.

"(B) For purposes of subparagraph (A), monitoring and oversight activities may include (but are not limited to) the following:

"(i) Follow-up telephone calls to the medicare beneficiary.

"(ii) Unannounced visits to the medicare beneficiary's home while the provisional employee is serving the medicare beneficiary.

"(iii) To the extent practicable, limiting the provisional employee's duties to serving only those medicare beneficiaries in a home or setting where another family member or resident of the home or setting of the medicare beneficiary is present.".

(2) Medicaid.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in paragraph (64), by striking "and" at the end;

(B) in paragraph (65), by striking the period and inserting "; and"; and

(C) by inserting after paragraph (65) the following:

"(66) provide that any entity that is eligible to be paid under the State plan for providing home health services, hospice care (including routine home care and other services included in hospice care under title XVIII), or long-term care services for which medical assistance is available under the State plan to individuals requiring long-term care complies with the requirements of subsections (b)(8) and (e)(8) of section 1919 and section 1897(b) (in the same manner as such section applies to a medicare beneficiary).".

(3) Expansion of State Nurse Aide Registry.—

(A) Medicare.—Section 1819 of the Social Security Act (42 U.S.C. 1395i-3) is amended—

(i) in subsection (e)(2)—

(I) in the paragraph heading, by striking "Nurse aide registry" and inserting "Employee registry";

(II) in subparagraph (A)—

(aa) by striking "By not later than January 1, 1989, the" and inserting "The";

(bb) by striking "a registry of all individuals" and inserting "a registry of (i) all individuals"; and

(cc) by inserting before the period the following: ", (ii) all other skilled nursing facility employees with respect to whom the State has made a finding described in subparagraph (B), and (iii) any employee of any provider of services or any other entity that is eligible to be paid under this title for providing home health services, hospice care (including routine home care and other services included in hospice care under this title), or long-term care services and with respect to whom the entity has reported to the State a finding of patient neglect or abuse or a misappropriation of patient property"; and

(III) in subparagraph (C), by striking "a nurse aide" and inserting "an individual"; and

(ii) in subsection (g)(1)—

(I) by striking the first sentence of subparagraph (C) and inserting the following: "The State shall provide, through the agency responsible for surveys and certification of skilled nursing facilities under this subsection, for a process for the receipt and timely review and investigation of allegations of neglect and abuse and misappropriation of resident property by a nurse aide or a skilled nursing facility employee of a resident in a skilled nursing facility, by another individual used by the facility in providing services to such a resident, or by an individual described in subsection (e)(2)(A)(iii).";

(II) in the fourth sentence of subparagraph (C), by inserting "or described in subsection (e)(2)(A)(iii)" after "used by the facility";

(III) in subparagraph (D)—

(aa) in the subparagraph heading, by striking "NURSE AIDE";

(bb) in clause (i), in the matter preceding subclause (I), by striking "a nurse aide" and inserting "an individual"; and

(cc) in clause (i)(I), by striking "nurse aide" and inserting "individual".

(B) Medicaid.—Section 1919 of the Social Security Act (42 U.S.C. 1396r) is amended—

(i) in subsection (e)(2)—

(I) in the paragraph heading, by striking "Nurse aide registry" and inserting "Employee registry";

(II) in subparagraph (A)—

(aa) by striking "By not later than January 1, 1989, the" and inserting "The";

(bb) by striking "a registry of all individuals" and inserting "a registry of (i) all individuals"; and

(cc) by inserting before the period the following: ", (ii) all other nursing facility employees with respect to whom the State has made a finding described in subparagraph (B), and (iii) any employee of an entity that is eligible to be paid under the State plan for providing home health services, hospice care (including routine home care and other services included in hospice care under title XVIII), or long-term care services and with respect to whom the entity has reported to the State a finding of patient neglect or abuse or a misappropriation of patient property"; and

(III) in subparagraph (C), by striking "a nurse aide" and inserting "an individual"; and

(ii) in subsection (g)(1)—

(I) by striking the first sentence of subparagraph (C) and inserting the following: "The State shall provide, through the agency responsible for surveys and certification of nursing facilities under this subsection, for a process for the receipt and timely review and investigation of allegations of neglect and abuse and misappropriation of resident property by a nurse aide or a nursing facility employee of a resident in a nursing facility, by another individual used by the facility in providing services to such a resident, or by an individual described in subsection (e)(2)(A)(iii)."; and

(II) in the fourth sentence of subparagraph (C), by inserting "or described in subsection (e)(2)(A)(iii)" after "used by the facility"; and

(III) in subparagraph (D)—

(aa) in the subparagraph heading, by striking "NURSE AIDE"; and

(bb) in clause (i), in the matter preceding subclause (I), by striking "a nurse aide" and inserting "an individual"; and

(cc) in clause (i)(I), by striking "nurse aide" and inserting "individual".

(d) Reimbursement of Costs for Background Checks.—The Secretary of Health and Human Services shall reimburse nursing facilities, skilled nursing facilities, and other entities for costs incurred by the facilities and entities in order to comply with the requirements imposed under sections 1819(b)(8) and 1919(b)(8) of such Act (42 U.S.C. 1395i-3(b)(8), 1396r(b)(8)), as added by this section.

SEC. 3. INCLUSION OF ABUSIVE WORKERS IN THE DATABASE ESTABLISHED AS PART OF NATIONAL HEALTH CARE FRAUD AND ABUSE DATA COLLECTION PROGRAM.

(a) Inclusion of Abusive Acts Within a Long-Term Care Facility or Provider.—Section 1128E(g)(1)(A) of the Social Security Act (42 U.S.C. 1320a-7e(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by inserting after clause (iv), the following:

"(v) A finding of abuse or neglect of a patient or a resident of a long-term care facility, or misappropriation of such a patient's or resident's property.".

(b) Coverage of Long-Term Care Facility or Provider Employees.—Section 1128E(g)(2) of the Social Security Act (42 U.S.C. 1320a-7e(g)(2)) is amended by inserting ", and includes any individual of a long-term care facility or provider (other than any volunteer) that has access to a patient or resident of such a facility under an employment or other contract, or both, with the facility or provider (including individuals who are licensed or certified by the State to provide services at the facility or through the provider, and nonlicensed individuals, as defined by the Secretary, providing services at the facility or through the provider, including nurse assistants, nurse aides, home health aides, individuals who provide home care, and personal care workers and attendants)" before the period.

(c) Reporting by Long-Term Care Facilities or Providers.—

(1) In general.—Section 1128E(b)(1) of the Social Security Act (42 U.S.C. 1320a-7e(b)(1)) is amended by striking "and health plan" and inserting ", health plan, and long-term care facility or provider".

(2) Correction of information.—Section 1128E(c)(2) of the Social Security Act (42 U.S.C. 1320a-7e(c)(2)) is amended by striking "and health plan" and inserting ", health plan, and long-term care facility or provider".

(d) Access to Reported Information.—Section 1128E(d)(1) of the Social Security Act (42 U.S.C. 1320a-7e(d)(1)) is amended by striking "and health plans" and inserting ", health plans, and long-term care facilities or providers".

(e) Mandatory Check of Database by Long-Term Care Facilities or Providers.—Section 1128E(d) of the Social Security Act (42 U.S.C. 1320a–7e(d)) is amended by adding at the end the following:

"(3) Mandatory check of database by long-term care facilities or providers.—A long-term care facility or provider shall check the database maintained under this section prior to hiring under an employment or other contract, or both, any individual as an employee of such a facility or provider who will have access to a patient or resident of the facility or provider (including individuals who are licensed or certified by the State to provide services at the facility or through the provider, and nonlicensed individuals, as defined by the Secretary, that will provide services at the facility or through the provider, including nurse assistants, nurse aides, home health aides, individuals who provide home care, and personal care workers and attendants).".

(f) Definition of Long-Term Care Facility or Provider.—Section 1128E(g) of the Social Security Act (42 U.S.C. 1320a–7e(g)) is amended by adding at the end the following:

"(6) Long-term care facility or provider.—The term 'long-term care facility or provider' means a skilled nursing facility (as defined in section 1819(a)), a nursing facility (as defined in section 1919(a)), a home health agency, a provider of hospice care (as defined in section 1861(dd)(1)), a long-term care hospital (as described in section 1886(d)(1)(B)(iv)), an intermediate care facility for the mentally retarded (as defined in section 1905(d)), or any other facility or entity that provides, or is a provider of, long-term care services, home health services, or hospice care (including routine home care and other services included in hospice care under title XVIII), and receives payment for such services under the medicare program under title XVIII or the medicaid program under title XIX.".

(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out the amendments made by this section, $10,200,000 for fiscal year 2003.

SEC. 4. PREVENTION AND TRAINING DEMONSTRATION PROJECT.

(a) Establishment.—The Secretary of Health and Human Services shall establish a demonstration program to provide grants to develop information on best practices in patient abuse prevention training (including behavior training and interventions) for managers and staff of hospital and health care facilities.

(b) Eligibility.—To be eligible to receive a grant under subsection (a), an entity shall be a public or private nonprofit entity and prepare and submit to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.

(c) Use of Funds.—Amounts received under a grant under this section shall be used to—

(1) examine ways to improve collaboration between State health care survey and provider certification agencies, long-term care ombudsman programs, the long-term care industry, and local community members;

(2) examine patient care issues relating to regulatory oversight, community involvement, and facility staffing and management with a focus on staff training, staff stress management, and staff supervision;

(3) examine the use of patient abuse prevention training programs by long-term care entities, including the training program developed by the National Association of Attorneys General, and the extent to which such programs are used; and

(4) identify and disseminate best practices for preventing and reducing patient abuse.

(d) Authorization of Appropriations.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by the Act shall take effect on the date that is 6 months after the effective date of final regulations promulgated to carry out this Act and such amendments.

By Mr. INHOFE (for himself, Mr. Kyl, Mr. Burns, Mr. Thomas, and Mr. Grassley):

S. 959. A bill to limit the age restrictions imposed by the Administrator of the Federal Aviation Administration for the issuance or renewal of certain airman certificates, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INHOFE. Mr. President, as the Senate's only commercially licensed pilot, I rise today, along with my colleagues, Senator Kyl, Senator Burns, Senator Thomas and Senator Grassley, to introduce a bill that will help end age discrimination among airline pilots.

This bill will abolish the Federal Aviation Administration's, FAA, Age 60 Rule—the regulation that for 43 years has forced the retirement of airline pilots the day they turn 60—and replace it with a rational plan that raises the retirement age to 63 immediately and then incrementally increases the age limit to 65.

Most nations have abolished mandatory age 60 retirement rules. The United States is one of only two countries in the Joint Aviation Authorities that requires its commercial pilots to retire at the age of 60. Some countries, including Canada, Australia, and New Zealand have no upper age limit at all.

The Age 60 Rule has no basis in science or safety and never did. FAA data shows that pilots over age 60 are as safe as, and in some cases safer than, their younger colleagues. In 1981, the National Institute of Aging stated that "the Age 60 Rule appears indefensible on medical grounds" and "there is no convincing medical evidence to support age 60, or any other specific age, for mandatory pilot retirement."

This bill will allow our most experienced pilots—demonstrably healthy, and fit for duty—to retain their jobs, a step that will benefit pilots, the financially burdened airlines, and most importantly, passengers. Now, more than ever before, we need to keep our best pilots flying.

Again, there is no scientific justification for requiring pilots to retire at age 60. Our pilots, our airlines, and our passengers deserve our consideration. I urge the rest of my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 959

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATION ON AGE RESTRICTIONS.

Section 44703 of title 49, United States Code, is amended by adding at the end the following:

"(k) Limitation on Age Restrictions.—

"(1) In general.—Notwithstanding any other provision of law, the Administrator may not, solely by reason of a person's age, if such person is 65 years of age or younger—

"(A) refuse to issue to, or renew for, such person an airman certificate for the operation of aircraft engaged in operations under part 121 or part 135 of title 14, Code of Federal Regulations; or

"(B) require an air carrier to terminate the employment of, or refuse to employ, such person as a pilot on such an aircraft owned or operated by the air carrier.

"(2) Applicability.—Paragraph (1) shall only apply to persons who have not reached the age of 64 as of the date of enactment of this subsection.".

By Mr. AKAKA:

S. 960. A bill to amend the reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii and to amend the Hawaii Water Resources Act of 2000 to modify the water resources study; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, I rise today to introduce legislation to authorize three important water reclamation projects in the State of Hawaii. In addition, this bill increases the amount authorized for the Federal share of the activities under P.L. 106–566, the Hawaii Water Resources Act of 2000.

The Hawaii Water Resources Act of 2000 was an important first step in addressing Hawaii's irrigation and water delivery systems. It allowed the Bureau of Reclamation to survey irrigation and water delivery systems in Hawaii. It also instructed the Bureau to identify new opportunities for reclamation and reuse of water and wastewater for agriculture and non-agricultural purposes. In addition, the Act included Hawaii in the Bureau of Reclamation's wastewater reclamation program and extended drought relief programs to Hawaii. While this was an important beginning, more needs to be done, particularly since the Honolulu Board of Water Supply predicts that even with improved conservation methods, the island of Oahu will run out of potable water by 2018. This means that the use rate exceeds the recharge rate and Oahu residents and visitors will be "mining" for water. Even more disconcerting is the fact that Oahu will run out of fresh water by 2018. It is vitally important for the State of Hawaii to begin working on water reclamation projects.

This legislation authorizes three water reclamation projects. The first project, in Honolulu, will provide reliable potable water through resource diversification to meet existing and future demands, particularly in the Ewa area of Oahu where water demands are outpacing the availability of drinking water. The second project, in North Kona, will address the issue of effluent being discharged into a temporary disposal sump from the Kealakehe Wastewater Treatment Plant. The third project, in Lahaina, will reduce the use of potable water by extending the County of Maui's main recycled water pipeline. The legislation also authorizes an additional $1.7 million for the Bureau of Reclamation to complete its study of Hawaii's irrigation and water delivery systems. This is a challenging task as the Bureau is reviewing the water systems in the State.

I urge my colleagues to support this legislation which is vital to the people of Hawaii.

By Ms. MURKOWSKI:

S. 961. A bill to expand the scope of the HUBzone program to include difficult development areas; to the Committee on Small Business and Entrepreneurship.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation to correct an inequity in the HUBzone contracting program administered by the Small Business Administration, SBA. This bill amends the criteria by which areas are designated as HUBzone under the Small Business Act by adding a new category designated as "Difficult Development Areas." These "Difficult Development Areas" are already recognized by the Internal Revenue Service and the Department of Housing and Urban Development. For reasons I will explain, the businesses and people in the community of Ketchikan, AK have been wrongly denied participation in the HUBzone program. This bill will take care of that problem.

The current HUBzone qualifications have two tiers. The first is that the county in which a business seeking to participate in the program must not be located in a Metropolitan Statistical Area, MSA. The second level has three separate criteria. If an area meets any one of the second level criteria, it qualifies as a HUBzone area. One of the criteria simply relates to whether a business is located in an Indian Reservation. The other two are correlated to the characteristics of the resident population.

The first of the characteristics is that the area is not located in a metropolitan statistical area at the time of the most recent census, the second criterion is that the unemployment rate in the area is not less than 140 percent of the statewide average unemployment. In the case of Ketchikan, the community is not located in a metropolitan statistical area. In February of this year the Alaska statewide unemployment rate was 7.1 percent—almost 2 percent higher than the national average. But Ketchikan's preliminary unemployment rate for February is 11 percent and the reviewed rate for January was 11.9 percent. The Ketchikan figure currently exceeds the requirement. In June of 2002 the rate was 8.6 percent in the Ketchikan Gateway Borough in comparison to 7.4 percent statewide at that same time. But because of the timing of the compiling of the information by the Census Bureau, Ketchikan has been denied participation in the program although it routinely exceeds the statewide rate. The anomaly is that for a few short months in the summer Ketchikan does not exceed 140 percent of the statewide average due to the influx of workers from the area related to the tourism industry.

The SBA has the best intentions and understands the problems. However, the SBA has stated to me that nothing short of a legislative change can fix the problem. Part of the problem as I understand it is that the SBA's current use of the median income and unemployment rate criteria makes the assumption that the populations are relatively immobile. Further, the SBA criterion assumes that the area in question has a fully developed labor market. The criteria assume a community model more closely aligned to the traditional urban areas.

In Alaska, our largest community, Anchorage is rightfully not considered a HUBzone area. But the SBA's criteria based on the use of the Census Bureau statistics fails to accurately reflect the true unemployment and labor market in one place in particular in Alaska—Ketchikan. The program now uses a Qualified Census Tract.

Ketchikan is a small coastal community that was highly dependent on the timber industry which has been shut down as a result of changes in Federal policies and activities of the U.S. Forest Service. As a result, the population has become highly dependent on the tourism industry. Further, the labor pool is highly transient and leaves to collect unemployment after the summer tourist season is over.

The Census Bureau data taken when the summer population is higher and more fully employed does not reflect the reality of the area. As a result the Ketchikan Gateway Borough is not considered a HUBzone. There is a drydock and ship repair facility located in Ketchikan that could provide year round employment. But it cannot compete for government vessel repair contracts offered by the U.S. Coast Guard and the NOAA that have been set aside for HUBzone. These vessels operate in Alaska and could be better repaired near where they operate. Now they must leave the State and perhaps be out of service longer.

The bill adds a fourth area to qualify as a HUBzone. The Deptartment of Housing and Urban Development already has a program that recognizes not only the Qualified Census Tracts but also denotes a "Non-metropolitan Difficult Development Area." The amendment simply adds this Difficult Development Area. Many of these areas already qualify as HUBzones under the prior three criteria. I have asked the SBA to advise me how much this would expand their program but in reality I expect the addition to be only a minor expansion of the HUBzone program. However small the change is, the change will be significant to the people and businesses located in Ketchikan, AK.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF HUBZONE PROGRAM.

Section 3(p)(4)(B)(ii) of the Small Business Act (15 U.S.C. 632(p)(4)(B)(ii)) is amended—

(1) in subclause (I), by striking "or" at the end;

(2) in subclause (II), by striking the period at the end and inserting "; or"; and

(3) by adding after subclause (II) the following:

"(III) there is located a difficult development area, as designated by the Secretary of Housing and Urban Development in accordance with section 42(d)(5)(C)(iii) of the Internal Revenue Code of 1986.".

By Mrs. LINCOLN (for herself, Mr. ROCKEFELLER, Mr. BINGAMAN, and Mr. BREAUX):

S. 962. A bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the child tax credit and to expand refundability of such credit, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I am pleased to cosponsor legislation being introduced today that will dramatically improve the child tax credit. I thank my friend and colleague, Senator LINCOLN, for her hard work on behalf of our Nation's working families.

In the 6 years since the child tax credit was first enacted, it has provided important tax relief to families across the country. Income taxes can be particularly burdensome to moderate income families who are facing increased costs for food, housing, medicine, education, and other basic needs for their children. Indeed, almost half of the benefits of this credit are enjoyed by families with taxable income under $50,000 per year. This is important in States like mine; in West Virginia, almost 80 percent of the taxpayers have annual incomes below $50,000.

While the current child tax credit is excellent—it could be even better. The $600 credit, which is available only for children under the age of 17, does not truly recognize the costs that face many families raising children. Moreover, many working families do not have enough income to qualify for the credit. Make no mistake, I am talking about hard-working parents who go to their jobs every day and take their responsibilities to their children very seriously. These parents are paying payroll taxes, but cannot provide for some of the basic needs of their children. The legislation introduced today would improve the law so that a greater portion of the child tax credit could be refunded to these admirable parents.

Specifically, this legislation includes two important improvements to the current child tax credit that will benefit all families who claim the credit. First, the legislation would increase the amount of the tax credit from $600 to $1,000 immediately. Second, the bill increases the age of children who are eligible for the credit from 16 to 18. We know that 17- and 18-year-old children are facing enormous educational expenses in order to attend college or technical school. We ought to help parents pay for this education by allowing them to continue to receive the child tax credit until their child is a legal adult. The bill also includes two important improvements to the eligibility criteria for the refundable credit. By lowering the income threshold for the refundable credit and increasing the percentage of income eligible for the refundable credit, we can ensure that more of the families most in need of assistance can benefit from this credit.

The child tax credit is one of the most important ways that Congress can demonstrate its support for America's families. And I hope that my colleagues will support this legislation which would dramatically improve the child tax credit.

By Ms. STABENOW (for herself and Mr. Levin):

S. 963. A bill to require the Commandant of the Coast Guard to convey the United States Coast Guard Cutter *Bramble*, upon its decommissioning, to the Port Huron Museum of Arts and History, Port Huron, Michigan, for use for education and historical display, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. STABENOW. Mr. President, I rise today to speak on behalf of a bill I am introducing to turn the historic United States Coast Guard Cutter *Bramble*, into a floating maritime museum in Port Huron, MI, after she is decommissioned later this year.

Once you hear the history of the *Bramble*, I am sure you will all agree that not only should she be preserved, but the Port Huron Museum of Arts and History will be able to provide the ideal home.

The *Bramble* has been part of many important missions since it was first launched on October 23, 1943.

But—along with her sister ships, *Spar* and *Storis*—the *Bramble* is best known for being part of the first mission by United States vessels to steam from the Pacific Ocean to the Atlantic Ocean via the Northwest Passage. Upon completing this mission, *Bramble* and her sister ships went on to become the first to circumnavigate the North American continent—a dream of sailors for more than 400 years.

The *Bramble* set out on this historic mission from Miami, Florida, on May 24, 1957. Steaming through the Panama Canal to the Pacific Ocean, the *Bramble* then headed to Seattle.

On July 1, 1957, the *Bramble* left Seattle and headed toward the Atlantic Ocean via the Bering Straights and the Arctic Ocean. Sixty-four days and 4,500 miles later, the *Bramble* and her sister ships reached the Atlantic and on December 2, 1957, she tied up again in Miami—completing the first circumnavigation of the North American continent.

For that reason alone, the *Bramble* would be worth saving as a museum of maritime history.

But over her 60 year history, the *Bramble* has seized tons of illegal drugs, saved hundreds of lives in search and rescue missions, helped train maritime police in 10 Caribbean nations, maintained buoys and other aids to navigation, performed icebreaking duties in the Great Lakes and been the recipient of numerous awards, service ribbons and commendations.

The *Bramble* also has a long history with Michigan and Port Huron and that is why I believe my State would make an excellent home once this historic ship is retired.

The *Bramble* first came to Detroit, MI, in 1962, where she performed search and rescue, icebreaking, law enforcement and navigation missions throughout the Great Lakes.

Since 1975, the *Bramble*'s homeport has been Port Huron. And that is where I think she should stay after she is decommissioned.

The Coast Guard motto is Semper Paratus—or Always Ready.

For 60 years the *Bramble* has been there—always ready to serve our country in waters close to home and far away.

And I believe that as a museum of maritime history, she can continue serving us for years to come—still Semper Paratus—still Always Ready.

I ask unanimous consent that the text of this legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER BRAMBLE.

(a) In General.—Upon the scheduled decommissioning of the United States Coast Guard Cutter BRAMBLE (WLB 406), the Commandant of the Coast Guard shall convey all right, title, and interest of the United States in and to that vessel to the Port Huron Museum of Arts and History, a nonprofit corporation organized under the laws of the State of Michigan, located in Port Huron, Michigan, without consideration, if—

(1) the Museum agrees—

(A) to use the vessel for purposes of education and historical display;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the United States harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel under this subsection, except for claims arising from the use by the United States under subparagraph (C);

(2) the Museum has funds available, in the form of cash, liquid assets, or a written loan commitment, in the amount of at least $700,000 that the Museum agrees to commit to operate and maintain the vessel in good working condition; and

(3) the Museum agrees to any other conditions the Commandant considers appropriate.

(b) Maintenance of Vessel.—Prior to conveyance of the vessel under this section, the Commandant shall, to the extent practicable, and subject to other Coast Guard mission requirements, maintain the integrity of the vessel and its equipment until the delivery to the Museum.

(c) Delivery.—If a conveyance of the United States Coast Guard Cutter BRAMBLE is made under this section, the Commandant shall deliver the vessel at the place where the vessel is located, in its present condition, and without cost to the United States.

(d) Conveyance Not a Distribution in Commerce.—The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of the Toxic Substances Control Act (15 U.S.C. 2605(e)).

(e) Other Excess Equipment.—The Commandant may convey to the Museum any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the operability and function of the United States Coast Guard Cutter BRAMBLE as an historical display.

By Mr. LOTT (for himself and Mr. Rockefeller):

S. 964. A bill to reauthorize the essential air service program under chapter 471 of title 49, United States Code, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LOTT. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Community and Rural Air Service Revitalization Act of 2003".

SEC. 2. REAUTHORIZATION OF ESSENTIAL AIR SERVICE PROGRAM.

Section 41742(a) of title 49, United States Code, is amended to read as follows:

"(a) In General.—There are authorized to be appropriated to the Secretary of Transportation to carry out the essential air service under this subchapter, $113,000,000 for each of fiscal years 2004 through 2007, $50,000,000 of which for each such year shall be derived from amounts received by the Federal Aviation Administration credited to the account established under section 45303 of this title or otherwise provided to the Administration.".

SEC. 3. INCENTIVE PROGRAM.

(a) In General.—Chapter 417 of title 49, United States Code, is amended by adding at the end the following:

"SUBCHAPTER IV—MARKETING INCENTIVE PROGRAM

"Sec. 41781. Purpose.
"Sec. 41782. Marketing program.
"Sec. 41783. State marketing assistance.
"Sec. 41784. Definitions.
"Sec. 41785. Authorization of appropriations.

"§ 41781. Purposes

"The purposes of this subchapter are—

"(1) to enable essential air service communities to increase boardings and the level of passenger usage of airport facilities at an eligible place by providing technical, financial, and other marketing assistance to such communities and to States;

"(2) to reduce subsidy costs under subchapter II of this chapter as a consequence of such increased usage; and

"(3) to provide such communities with opportunities to obtain, retain, and improve transportation services.

"§ 41782. Marketing program

"(a) In General.—The Secretary of Transportation shall establish a marketing incentive program for eligible essential air service communities receiving assistance under subchapter II under which the airport sponsor in such a community may receive a grant of not more than $50,000 to develop and implement a marketing plan to increase passenger boardings and the level of passenger usage of its airport facilities.

"(b) Matching Requirement; Success Bonuses——

"(1) In general.—Except as provided in paragraphs (2) and (3), not less than 25 percent of the publicly financed costs associated with the marketing plan shall come from non-Federal sources. For purposes of this paragraph—

"(A) the non-Federal portion of the publicly financed costs may be derived from contributions in kind; and

"(B) State or local matching contributions may not be derived, directly or indirectly, from Federal funds, but the use by a state or local government of proceeds from the sale of bonds to provide the matching contribution is not considered to be a contribution derived directly or indirectly from Federal funds, without regard to the Federal income tax treatment of interest paid on those bonds or the Federal income tax treatment of those bonds.

"(2) Bonus for 25-percent increase in usage.—Except as provided in paragraph (3), if, after any 12-month period during which a marketing plan has been in effect, the Secretary determines that the marketing plan has increased average monthly boardings, or the level of passenger usage, at the airport facilities at the eligible place, by 25 percent or more, then only 10 percent of the publicly financed costs associated with the marketing plan shall be required to come from non-Federal sources for the following 12-month period.

"(3) Bonus for 50-percent increase in usage.—If, after any 12-month period during which a marketing plan has been in effect, the Secretary determines that the marketing plan has increased average monthly boardings, or the level of passenger usage, at the airport facilities at the eligible place, by 50 percent or more, then no portion of the publicly financed costs associated with the marketing plan shall be required to come from non-Federal sources for the following 12-month period.

"§ 41783. State marketing assistance

The Secretary of Transportation may provide up to $50,000 in technical assistance to any State within which an eligible essential air service community is located for the purpose of assisting the State and such communities to develop methods to increase boardings in such communities. At least 10 percent of the costs of the activity with which the assistance is associated shall come from non-Federal sources, including contributions in kind.

"§ 41784. Definitions

"In this subchapter:

"(1) Eligible place.—The term 'eligible place' has the meaning given that term in section 41731(a)(1).

"(2) Eligible essential air service community.—The term 'eligible essential air service community' means an eligible place that—

"(A) submits an application to the Secretary in such form, at such time, and containing such information as the Secretary may require, including a detailed marketing plan, or specifications for the development of such a plan, to increase average boardings, or the level of passenger usage, at its airport facilities; and

"(B) provides assurances, satisfactory to the Secretary, that it is able to meet the non-Federal funding requirements of section 41782(b)(1).

"(3) Passenger boardings.—The term 'passenger boardings' has the meaning given that term by section 47102(10).

"(4) Sponsor.—The term 'sponsor' has the meaning given that term in section 47102(19).

"§ 41785. Authorization of appropriations

"There are authorized to be appropriated to the Secretary of Transportation $12,000,000 for each of fiscal years 2004 through 2007, not more than $200,000 per year of which may be used for administrative costs.".

(b) Conforming Amendment.—The chapter analysis for chapter 417 of such title is amended by inserting after the item relating to section 41767 the following:

"SUBCHAPTER IV—MARKETING INCENTIVE PROGRAM

"41781. Purpose.
"41782. Marketing program.
"41783. State marketing assistance.
"41784. Definitions.
"41785. Authorization of appropriations.".

SEC. 4. PILOT PROGRAMS.

(a) In General.—Subchapter II of chapter 417 of title 49, United States Code, is amended by adding at the end the following:

"§ 41745. Other pilot programs

"(a) In General.—If the entire amount authorized to be appropriated to the Secretary of Transportation by section 41785 is appropriated for fiscal years 2004 through 2007, the Secretary of Transportation shall establish pilot programs that meet the requirements of this section for improving service to communities receiving essential air service assistance under this subchapter or consortia of such communities.

"(b) Programs Authorized.—

"(1) Community flexibility.—The Secretary shall establish a pilot program for not more than 10 communities or consortia of communities under which the airport sponsor of an airport serving the community or consortium may elect to forego any essential air service assistance under preceding sections of this subchapter for a 10-year period in exchange for a grant from the Secretary equal in value to twice the annual essential air service assistance received for the most recently ended calendar year. Under the program, and notwithstanding any provision of law to the contrary, the Secretary shall make a grant to each participating sponsor for use by the recipient for any project that—

"(A) is eligible for assistance under chapter 471;

"(B) is located on the airport property; or

"(C) will improve airport facilities in a way that would make such facilities more usable for general aviation.

"(2) Equipment changes.—

"(A) In general.—The Secretary shall establish a pilot program for not more than 10 communities or consortia of communities under which, upon receiving a petition from the sponsor of the airport serving the community or consortium, the Secretary shall authorize and request the essential air service provider for that community or consortium to use smaller equipment to provide the service and to consider increasing the frequency of service using such smaller equipment. Before granting any such petition, the Secretary shall determine that passenger safety would not be compromised by the use of such smaller equipment.

"(B) Alternative services.—For any 3 aiport sponsors participating in the program established under subparagraph (A), the Secretary may establish a pilot program under which—

"(i) the Secretary provides 100 percent Federal funding for reasonable levels of alternative transportation services from the eligible place to the nearest hub airport or small hub airport;

"(ii) the Secretary will authorize the sponsor to use its essential air service subsidy funds provided under preceding sections of this subchapter for any airport-related project that would improve airport facilities; and

"(iii) the sponsor may make an irrevocable election to terminate its participation in the pilot program established under this paragraph after 1 year.

"(3) Cost-sharing.—The Secretary shall establish a pilot program under which the sponsors of airports serving a community or consortium of communities share the cost of providing air transportation service greater than the basic essential air service provided under this subchapter.

"(4) EAS local participation program.—

"(A) In general.—The Secretary of Transportation shall establish a pilot program under which designated essential air service communities located in proximity to hub airports are required to assume 10 percent of their essential air service subsidy costs for a 3-year period.

"(B) Designation of communities.—

"(i) In general.—The Secretary may not designate any community under this paragraph unless it is located within 100 miles by road of a hub airport and is not located in a noncontiguous State. In making the designation, the Secretary may take into consideration the total traveltime between a community and the nearest hub airport, taking into account terrain, traffic, weather, road conditions, and other relevant factors.

“(ii) ONE COMMUNITY PER STATE.—The Secretary may not designate—

“(I) more than 1 community per State under this paragraph; or

“(II) a community in a State in which another community that is eligible to participate in the essential air service program has elected not to participate in the essential air service program.

“(C) APPEAL OF DESIGNATION.—A community may appeal its designation under this section. The Secretary may withdraw the designation of a community under this paragraph based on—

“(i) the airport sponsor's ability to pay; or

“(ii) the relative lack of financial resources in a community, based on a comparison of the median income of the community with other communities in the State.

“(D) NON-FEDERAL SHARE.—

“(i) NON-FEDERAL AMOUNTS.—For purposes of this section, the non-Federal portion of the essential air service subsidy may be derived from contributions in kind, or through reduction in the amount of the essential air service subsidy through reduction of air carrier costs, increased ridership, pre-purchase of tickets, or other means. The Secretary shall provide assistance to designated communities in identifying potential means of reducing the amount of the subsidy without adversely affecting air transportation service to the community.

“(ii) APPLICATION WITH OTHER MATCHING REQUIREMENTS.—This section shall apply to the Federal share of essential air service provided this subchapter, after the application of any other non-Federal share matching requirements imposed by law.

“(E) ELIGIBILITY FOR OTHER PROGRAMS NOT AFFECTED.—Nothing in this paragraph affects the eligibility of a community or consortium of communities, an airport sponsor, or any other person to participate in any program authorized by this subchapter. A community designated under this paragraph may participate in any program (including pilot programs) authorized by this subchapter for which it is otherwise eligible—

“(i) without regard to any limitation on the number of communities that may participate in that program; and

“(ii) without reducing the number of other communities that may participate in that program.

“(F) SECRETARY TO REPORT TO CONGRESS ON IMPACT.—The Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on—

“(i) the economic condition of communities designated under this paragraph before their designation;

“(ii) the impact of designation under this paragraph on such communities at the end of each of the 3 years following their designation; and

“(iii) the impact of designation on air traffic patterns affecting air transportation to and from communities designated under this paragraph.

“(c) CODE-SHARING.—Under the pilot program established under subsection (a), the Secretary is authorized to require air carriers providing service to participating communities and major air carriers (as defined in section 41716(a)(2)) serving large hub airports (as defined in section 41731(a)(3)) to participate in multiple code-share arrangements consistent with normal industry practice whenever and wherever the Secretary determines that such multiple code-sharing arrangements would improve air transportation services. The Secretary may not require air carriers to participate in such arrangements under this subsection for more than 10 such communities.

“(d) TRACK SERVICE.—The Secretary shall require essential air service providers to track changes in service, including on-time arrivals and departures.

“(e) ADMINISTRATIVE PROVISIONS.—In order to participate in a pilot program established under this section, the airport sponsor for a community or consortium of communities shall submit an application to the Secretary in such form, at such time, and containing such information as the Secretary may require.”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 417 of such title is amended by inserting after the item relating to section 41744 the following:

“41745. Other pilot programs”.

SEC. 5. EAS PROGRAM AUTHORITY CHANGES.

(a) RATE RENEGOTIATION.—If the Secretary of Transportation determines that essential air service providers are experiencing significantly increased costs of providing service under subchapter II of chapter 417 of title 49, United States Code, the Secretary of Transportation may increase the rates of compensation payable under that subchapter within 30 days after the date of enactment of this Act without regard to any agreements or requirements relating to the renegotiation of contracts. For purposes of this subsection, the term “significantly increased costs” means an average monthly cost increase of 10 percent or more.

(b) RETURNED FUNDS.—Notwithstanding any provision of law to the contrary, any funds made available under subchapter II of chapter 417 of title 49, United States Code, that are returned to the Secretary by an airport sponsor because of decreased subsidy needs for essential air service under that subchapter shall remain available to the Secretary and may be used by the Secretary under that subchapter to increase the frequency of flights at that airport.

(c) SMALL COMMUNITY AIR SERVICE DEVELOPMENT PILOT PROGRAM.—Section 41743(h) of such title is amended by striking “an airport” and inserting “each airport”.

Mr. ROCKEFELLER. Mr. President, the continuing economic crisis facing the U.S. airline industry also imperils the future of hundreds of small and rural communities across our country as air carriers drastically reduce service to small and rural communities. While small and rural communities have long had to cope with limited and unreliable service, these problems have been exacerbated by the weakened financial condition of most major U.S. airlines.

Faced with declining revenues brought on by the Nation's economic downturn, the events of September 11, 2001 and the war in Iraq most carriers have substantially reduced or eliminated service to many communities. In the last month, United Air Lines, US Airways and Continental Airlines announced significant service cuts to West Virginia.

Last month, this Congress provided $3.5 billion in direct and indirect benefits to the Nation's airlines. I strongly supported this package because our economy requires a strong and vibrant airline industry. In my own aviation relief package, I had provided resources to the airlines to continue to provide air service to small and rural communities. Even in the best of times, these communities face a difficult time maintaining and developing new air service options. Today, their challenge is preventing the complete loss of air service. In these difficult economic and uncertain times, I strongly believe that the Federal Government must continue to assist our most vulnerable communities stay connected to the Nation's aviation network—a network paid for by all Americans.

The reduction or elimination of air service had a devastating effect on the economy of a community. Having adequate air service is not just a matter of convenience, but a matter of economic survival. Without access to reliable air service, no business is willing to locate their operations in these areas of the country no matter how attractive the quality of life. Airports are economic engines that attract critical new development opportunities and jobs.

West Virginia has been able to attract firms from around the world because corporate executives know they can visit their operations with ease. Rural and small town America must continue to be adequately linked to the Nation's air transportation network if its people and businesses are to compete economically with larger urban areas in this country and around the world.

In the Aviation Investment and Reform Act for the 21st Century, we began to address the need to improve air service in small and rural communities. I, along with many of my colleagues, supported the creation of the Small Community Air Service Development Pilot Program, a competitive grant program to provide communities with the resources they needed to attract new air service to their communities. The program is an enormous success. Over 180 communities applied for 40 grants in the first year funds were available. The Department of Transportation has announced the next round of funding.

In West Virginia, Charleston received money under the program and has used it to successfully attract a new service connection to Houston, an important gateway to the markets of Latin America. This program gave local communities the ability and flexibility to meet local air transportation needs.

The Aviation Investment and Revitalization Vision Act, cosponsored by myself and Senator LOTT, reauthorizes the expands the successful Small Community Air Service Development Program. The bill authorizes the participation of 120 communities over 3 years.

Many of our most isolated and vulnerable communities whose only service is through the Essential Air Service Program have indicated that they would like to develop innovative and flexible programs that communities who received Small Community Air Service Development grants to improve the quality of their air service.

It is for this reason that I, along with Senator LOTT, have introduced the Small Community and Rural Air Service Revitalization Act of 2003. The legislation reauthorizes the Department of Transportation's Essential Air Service, EAS, program and creates a series of pilot programs for EAS communities to participate to stimulate passenger demand for air service in their communities.

Under the bill, communities are given the option on continuing their EAS as is or they may apply to participate in new incentive programs to help them develop new and innovative solutions to increasing local demand for air service. The EAS Marketing and Community Flexibility Programs would provide communities new resources and tools to implement locally developed plans to improve their air service. By providing communities the ability to design their own air service proposals, a community has the ability to develop a plan that meets it locally determined needs, improves air service choices, and gives the community a greater stake in the EAS program.

Specifically, these new EAS pilot programs include authorization for the use of smaller planes to decrease cost or increase frequency, communities to cost-share for service above base EAS subsidy level, alternative service at up to 3 EAS points if a community applies, an opt out of the EAS program with a one-time infusion of funding to assist in transition out of the program, and DOT to mandate multiple code-sharing arrangements for EAS providers.

A pilot program added at the request of Senator LOTT would allow DOT to require a cost-share for up to 10 communities within 100 miles of a hub. I have significant reservations about forcing communities to pay for a service the Federal Government promised them.

In addition, the communities that participate in EAS are small and isolated and have lower than average per captia incomes than urban or suburban communities. Cash-strapped communities will have to provide anywhere between $50,000 and $120,000 in local funds to continue their EAS service. I worked with Senator LOTT to make sure DOT considers a variety of relevant factors when selecting communities, to provide communities appeal rights, and to make sure they have access to all other pro-active pilot programs. I will monitor DOT's implementation of this pilot program closely.

Small and rural communities are the first to bear the brunt of bad economic times and the last to see the benefits of good times. The general economic downturn and the dire straits of the aviation industry have placed exceptional burdens on air service to our most isolated communities. The Federal Government must provide additional resources and tools for small communities to help themselves attract adequate air service. The Federal Government must make sure that our most vulnerable towns and cities are linked to the rest of the Nation. My legislation builds on existing programs and strengthens them. If these bills are enacted, our constituents will have the tools and resources necessary to attract air service, related economic development, and most importantly expand their connections to the national and global economy.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 126—COMMENDING THE UNIVERSITY OF MINNESOTA GOLDEN GOPHERS FOR WINNING THE 2002–2003 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I NATIONAL COLLEGIATE MEN'S ICE HOCKEY CHAMPIONSHIP

Mr. COLEMAN (for himself and Mr. DAYTON) submitted the following resolution; which was considered and agreed to:

S. RES. 126

Whereas on Saturday, April 12, 2003, the defending NCAA Division I National Collegiate Men's Ice Hockey Champions, the University of Minnesota Golden Gophers, won the National Championship for the second straight year;

Whereas the University of Minnesota defeated the University of New Hampshire in the championship game by the score of 5 to 1, having defeated the University of Michigan 3 to 2 in overtime in the semifinals;

Whereas the Golden Gophers reached the 56th Annual Frozen Four by defeating Mercyhurst College 9 to 2 and Ferris State University 7 to 4;

Whereas the University of Minnesota received an automatic bid to the 2002–2003 NCAA Division I National Collegiate Men's Ice Hockey Tournament by defeating Colorado College 4 to 2 in the Western Collegiate Hockey Association Tournament Championship;

Whereas the Golden Gophers became the first repeat NCAA National Collegiate Men's Ice Hockey Champion in 31 years;

Whereas the University of Minnesota won their fifth NCAA National Collegiate Men's Ice Hockey title;

Whereas the team displayed academic excellence by maintaining an average grade point average above the university-wide average; and

Whereas all the team's players showed dedication throughout the season toward the goal of winning the National Championship: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Minnesota Golden Gophers for winning the 2002–2003 NCAA Division I National Collegiate Men's Ice Hockey Championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff; and

(3) directs the Secretary of the Senate to make available enrolled copies of this resolution to the University of Minnesota for appropriate display, and to transmit an enrolled copy of this resolution to every coach and member of the 2002–2003 NCAA Division I National Collegiate Men's Ice Hockey Championship Team.

SENATE RESOLUTION 127—EXPRESSING THE SENSE OF THE SENATE THAT THE SECRETARY OF AGRICULTURE SHOULD REDUCE THE INTEREST RATE ON LOANS TO PROCESSORS OF SUGAR BEETS AND SUGARCANE BY 1 PERCENT TO A RATE EQUAL TO THE COST OF BORROWING TO CONFORM TO THE INTENT OF CONGRESS

Mr. COLEMAN submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 127

Whereas section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283) established the monthly Commodity Credit Corporation interest rate applicable to loans provided for agricultural commodities by the Corporation at 100 basis points greater than the rate determined under the applicable interest rate formula in effect on October 1, 1995;

Whereas the interest rate formula in effect on October 1, 1995, for agricultural commodity loans reflected the interest rate charged to the Commodity Credit Corporation by the Treasury for the applicable month;

Whereas the interest rate charged to the Commodity Credit Corporation by the Treasury for a month is based on the 4- to 5-week average price of 1-year constant maturity securities sold on the market by the Treasury in the previous month;

Whereas the Commodity Credit Corporation had used such cost of borrowing interest rates for all commodity loans since January 1, 1982, and this practice was understood by Congress when enacting section 163 of the Federal Agriculture Improvement and Reform Act of 1996;

Whereas section 1401(c)(2) of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171) amended section 163 of the Federal Agriculture Improvement and Reform Act of 1996 to provide that raw cane sugar, refined beet sugar, and in-process sugar eligible for a loan under section 156 of that Act (7 U.S.C. 7272) shall not be considered an agricultural commodity for the purposes of section 163 of that Act;

Whereas Congress intended that loans to processors of sugar be exempted from the 100-basis point surcharge and that the loans should be subject to interest at the rate that is charged to the Commodity Credit Corporation by the Treasury for the applicable month;

Whereas, during deliberations on the Farm Security and Rural Investment Act of 2002, the Congressional Budget Office estimated the cost of eliminating the interest rate surcharge on loans to processors of sugar at $5,000,000 per year in reduced revenues and Congress enacted the amendment to section 163 of the Federal Agriculture Improvement and Reform Act of 1996 with this understanding of its purpose and effect;

Whereas the final regulations of the Commodity Credit Corporation to implement the sugar loan program recognized that the amendment of section 163 of the Federal Agriculture Improvement and Reform Act of 1996 by section 1401(c)(2) of the Farm Security and Rural Investment Act of 2002 eliminated the requirement that the Commodity Credit Corporation add 1 percentage point to the interest rate as calculated by the procedure in place prior to October 1, 1995; and

Whereas the Commodity Credit Corporation regulations require that a loan to a processor of sugar beets or sugarcane be subject to interest at rates equal to those applicable to all other agricultural commodities, including the 100-basis point surcharge, notwithstanding the clear intent of Congress in enacting section 1401(c)(2) of the Farm Security and Rural Investment Act of 2002: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Secretary of Agriculture should reduce the interest rate on loans to processors of sugar beets and sugarcane by 100 basis points to a rate equal to the cost of borrowing from the Treasury to conform to the intent of Congress in enacting the Farm Security and Rural Investment Act of 2002 (Public Law 107–171).

SENATE RESOLUTION 128—TO COMMEND SALLY GOFFINET ON THIRTY-ONE YEARS OF SERVICE TO THE UNITED STATES SENATE

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 128

Whereas Sally Goffinet became an employee of the United States Senate in 1972, and has ably and faithfully upheld the high standards and traditions of the staff of the United States Senate;

Whereas Sally Goffinet created the position of Parliamentary Assistant in the Parliamentarian's Office in the Office of the Secretary of the Senate;

Whereas Sally Goffinet has ably assisted the last four Senate Parliamentarians in a host of clerical, administrative and substantive matters;

Whereas Sally Goffinet has faithfully discharged the difficult duties and responsibilities of Parliamentary Assistant of the United States Senate with great pride, energy, efficiency, dedication, integrity, and professionalism;

Whereas she has earned the respect, affection, and esteem of the United States Senate; and

Whereas Sally Goffinet will retire from the United States Senate on April 30, 2003, with 31 years of Service to the United States Senate: Now, therefore, be it

Resolved, That the United States Senate commends Sally Goffinet for her exemplary service to the United States Senate and the Nation, and wishes to express its deep appreciation and gratitude for her long, faithful, and outstanding service.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to Sally Goffinet.

SENATE RESOLUTION 129—RECOGNIZING AND COMMENDING THE MEMBERS OF THE NAVY AND MARINE CORPS WHO SERVED ON THE U.S.S. "ABRAHAM LINCOLN" AND WELCOMING THEM HOME FROM THEIR RECENT MISSION ABROAD

Mrs. MURRAY (for herself and Ms. CANTWELL) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 129

Whereas the U.S.S. Abraham Lincoln (CVN–72) is the fifth Nimitz-class aircraft carrier of the United States and has its homeport at Naval Station Everett in Washington;

Whereas the U.S.S. Abraham Lincoln serves as home to 5,000 brave members of the Navy and Marine Corps and carries approximately 70 combat and support aircraft;

Whereas the U.S.S. Abraham Lincoln is scheduled to return to its homeport on May 6, 2003, after nearly ten months on deployment in support of Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Southern Watch;

Whereas the deployment of the U.S.S. Abraham Lincoln was the longest for a nuclear-powered aircraft carrier since 1973;

Whereas in December 2002, the U.S.S. Abraham Lincoln completed a six-month deployment in the Persian Gulf conducting operations in support of the Global War on Terrorism and was returning to its homeport when it was ordered back to the Persian Gulf in January 2003 to support what was to become Operation Iraqi Freedom;

Whereas during the nearly ten-month deployment of the U.S.S. Abraham Lincoln, there were 12,700 takeoffs and trap landings and 16,500 sorties from the U.S.S. Abraham Lincoln, 265,118 pounds of ordinance were expended from the U.S.S. Abraham Lincoln during Operation Enduring Freedom and Operation Southern Watch, and 1,600,000 pounds of ordinance were expended from U.S.S. Abraham Lincoln during Operation Iraqi Freedom;

Whereas the deployment of the U.S.S. Abraham Lincoln featured numerous firsts, including the first use of the Super Hornet and the first operational availability of the "Man Overboard Indicator" onboard the U.S.S. Abraham Lincoln; and

Whereas the citizens of the City of Everett, the County of Snohomish, the State of Washington, and the United States are proud of the members of the Navy and Marine Corps who serve on the U.S.S. Abraham Lincoln: Now, therefore, be it

Resolved, That the Senate recognizes and commends the members of the Navy and Marine Corps who serve on the U.S.S. Abraham Lincoln (CVN–72) and welcomes them home from their recent mission abroad.

SENATE CONCURRENT RESOLUTION 40—DESIGNATING AUGUST 7, 2003, AS "NATIONAL PURPLE HEART RECOGNITION DAY"

Mrs. CLINTON (for herself and Mr. HAGEL) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 40

Whereas the Order of the Purple Heart for Military Merit, commonly known as the Purple Heart, is the oldest military decoration in the world in present use;

Whereas the Purple Heart is awarded in the name of the President of the United States to members of the Armed Forces who are wounded in conflict with an enemy force, or while held by an enemy force as a prisoner of war, and posthumously to the next of kin of members of the Armed Forces who are killed in conflict with an enemy force, or who die of a wound received in conflict with an enemy force;

Whereas the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit, or the Decoration of the Purple Heart;

Whereas the award of the Purple Heart ceased with the end of the Revolutionary war, but was revived out of respect for the memory and military achievements of George Washington in 1932, the 200th anniversary of his birth; and

Whereas the designation of August 7, 2003, as "National Purple Heart Recognition Day" is a fitting tribute to General Washington, and to the over 1,535,000 recipients of the Purple Heart Medal, approximately 550,000 of whom are still living: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) designates August 7, 2003, as "National Purple Heart Recognition Day";

(2) encourages all Americans to learn about the history of the Order of the Purple Heart for Military Merit and to honor its recipients; and

(3) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for the Order of the Purple Heart for Military Merit.

SENATE CONCURRENT RESOLUTION 41—DIRECTING CONGRESS TO ENACT LEGISLATION BY OCTOBER 2005 THAT PROVIDES ACCESS TO COMPREHENSIVE HEALTH CARE FOR ALL AMERICANS

Mr. KENNEDY (for himself, Mr. CORZINE, and Mr. FEINGOLD) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 41

Whereas the United States has the most expensive health care system in the world in terms of absolute costs, per capita costs, and percentage of gross domestic product (GDP);

Whereas despite being first in spending, the World Health Organization has ranked the United States 37th among all nations in terms of meeting the needs of its people;

Whereas 42,000,000 Americans, including 8,000,000 children, are uninsured;

Whereas tens of millions more Americans are inadequately insured, including medicare beneficiaries who lack access to prescription drug coverage and long term care coverage;

Whereas racial, income, and ethnic disparities in access to care threaten communities across the country, particularly communities of color;

Whereas health care costs continue to increase, jeopardizing the health security of working families and small businesses;

Whereas dollars that could be spent on health care are being used for administrative costs instead of patient needs;

Whereas the current health care system too often puts the bottom line ahead of patient care and threatens safety net providers who treat the uninsured and poorly insured; and

Whereas any health care reform must ensure that health care providers and practitioners are able to provide patients with the quality care they need: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress shall enact legislation by October 2005 to guarantee that every person in the United States, regardless of income, age, or employment or health status, has access to health care that—

(1) is affordable to individuals and families, businesses and taxpayers and that removes financial barriers to needed care;

(2) is as cost efficient as possible, spending the maximum amount of dollars on direct patient care;

(3) provides comprehensive benefits, including benefits for mental health and long term care services;

(4) promotes prevention and early intervention;

(5) includes parity for mental health and other services;

(6) eliminates disparities in access to quality health care;

(7) addresses the needs of people with special health care needs and underserved populations in rural and urban areas;

(8) promotes quality and better health outcomes;

(9) addresses the need to have adequate numbers of qualified health care caregivers, practitioners, and providers to guarantee timely access to quality care;

(10) provides adequate and timely payments in order to guarantee access to providers;

(11) fosters a strong network of health care facilities, including safety net providers;

(12) ensures continuity of coverage and continuity of care;

(13) maximizes consumer choice of health care providers and practitioners; and

(14) is easy for patients, providers and practitioners to use and reduces paperwork.

Mr. KENNEDY. Mr. President, I submit this measure today to call attention to one of the most serious injustices in our country. 42 million Americans lack access to quality, affordable health care because they have no health insurance. Most of these Americans work in full-time jobs, but still cannot afford the high cost of health care. As a result, hospital emergency rooms are their only doctor. They face impossible choices in paying for the medicine they need on top of paying the rent, or putting food on the table. As a result, they die younger. Yet, the richest and most powerful Nation in the world looks the other way.

For half a century, the United States has led the world in scientific and medical advances. We have more Nobel Prize winners in medicine than any other Nation. We were the first to successfully decode the entire human genome. And yet, we cannot see that every American child gets vaccinated against deadly and disabling diseases. We fail to guarantee that all Americans can obtain the medical treatments that could save their lives.

Every year, 8 million uninsured Americans fail to take their medications because they can't afford to pay for their prescriptions. 300,000 children with asthma never get treated by a doctor. Uninsured women diagnosed with breast cancer are 50 percent more likely to die from the disease, because their cancer is diagnosed too late. 32,000 Americans with heart disease go without life-saving bypass surgery or other treatments.

And the problem is getting worse. For most of the past 16 years, the number of people without health insurance has increased. Now, when our economy is weak, health care costs are rising at double-digit rates. People are losing jobs and their health insurance too. States are cutting back on Medicaid care for the poor. If we do nothing, the number of uninsured could reach more than 52 million by 2010. Clearly, the time to act is now.

We must pass legislation to ensure that every man, woman, and child in the United States has access to high quality, affordable health care. And we must do it soon.

Some say we cannot afford the cost of covering the uninsured. But as a country, we are already paying the much higher costs of failing to provide good care for all. We pay for it when we fail to detect cancer early by using the preventive screening that we know is effective. We pay for it in every person with diabetes who becomes blind because of a disease we know how to control. We pay for it by failing to give every child the same opportunity for good health and a productive life.

We know that the battle for affordable health care has never been easy. But to solve this problem, we must commit to working together to find a solution. That is why I am submitting this resolution. This measure does not endorse a specific plan to cover the uninsured, but it does state unequivocally that universal health care is our goal, and it sets a time for Congress to get the job done.

A similar resolution has already been submitted in the House of Representatives and has received the strong support of our 470 organizations, including many groups representing patients, health providers, and faith-based organizations.

Democrats are leading the charge in Congress in the fight for quality health care for all Americans—and, as Congressman GEPHARDT has shown with his recent proposal, Democrats are prepared to take this issue to the White House as well.

I urge my colleagues to join in supporting this resolution to enact bipartisan legislation to provide health care for all Americans by the end of the year 2005. Perhaps we can do it earlier, but at least we are setting a realistic goal—the end of the first session of the Congress elected in 2004. The time is long overdue for the United States of America to join the rest of the industrial world in recognizing this fundamental right.

AMENDMENTS SUBMITTED & PROPOSED

SA 532. Mr. ALLEN (for himself, Mr. HOLLINGS, and Mr. MCCAIN) proposed an amendment to the bill S. 196, to establish a digital and wireless network technology program, and for other purposes.

TEXT OF AMENDMENTS

SA 532. Mr. ALLEN (for himself, Mr. HOLLINGS, and Mr. MCCAIN) proposed an amendment to the bill S. 196, to establish a digital and wireless network technology program, and for other purposes; as follows:

On page 2, strike lines 2 and 3, and insert the following:

This Act may be cited as the "Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2003".

On page 2, line 6, insert "Minority Serving Institution" before "Digital".

On page 2, line 7, strike "Network".

On page 3, strike lines 1 through 5, and insert the following:

(2) to develop and provide educational services, including faculty development, related to science, mathematics, engineering, or technology;

On page 3, line 18, after "development" insert "in science, mathematics, engineering, or technology".

On page 4, line 18, after "accept" insert "and review".

On page 4, line 24, strike "section 3." and insert "section 3. and for reviewing and evaluating proposals submitted to the program.".

On page 5, line 7, after "issues." insert "Any panel assembled to review a proposal submitted to the program shall include members from minority serving institutions. Program review criteria shall include consideration of—

(1) demonstrated need for assistance under this Act; and

(2) diversity among the types of institutions receiving assistance under this Act.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 30, 2003, at 9:30 a.m., on the Fire Research Act in SR-253

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, April 30, 2003, at 10 a.m., to consider comprehensive energy legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 30, 2003, at 10 a.m., to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 30, 2003, at 2:30 p.m., to hold a hearing on "U.S. Energy Security: Russia and the Caspian."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Indian affairs be authorized to meet on Wednesday, April 30, 2003, at 2 p.m., in room 485 of the Russell Senate Office Building to conduct a hearing on S. 519, the Native American Capital Formation and Economic Development Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a nominations hearing on Wednesday, April 30, 2003, at 10 a.m., in the Dirksen Senate Office Building Room 226.

Panel I: [Senators].

Panel II: John G. Roberts, Jr., to be United States Circuit Judge for the District of Columbia Circuit.

Panel III: David G. Campbell to be United States District Judge for the District of Arizona, and S. Maurice Hicks, Jr., to be United States District Judge for the Western District of Louisiana.

Panel IV: William Emil Moschella to be Assistant Attorney General, Office of Legislative Affairs, United States Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a roundtable entitled "SBA Re-Authorization: Credit Program, Part I," and other matters on Wednesday, April 30, 2003, beginning at 9:30 a.m., in Room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. DAYTON. Mr. President, I ask unanimous consent that Katie Pass of my staff be permitted the privilege of the floor during my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMENDING SALLY GOFFINET

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 128 which was submitted earlier today by majority leader FRIST and minority leader DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 128) to commend Sally Goffinet on Thirty-One Years of Service to the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 128) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 128

Whereas Sally Goffinet became an employee of the United States Senate in 1972, and has ably and faithfully upheld the high standards and traditions of the staff of the United States Senate;

Whereas Sally Goffinet created the position of Parliamentary Assistant in the Parliamentarian's Office in the Office of the Secretary of the Senate;

Whereas Sally Goffinet has ably assisted the last four Senate Parliamentarians in a host of clerical, administrative and substantive matters;

Whereas Sally Goffinet has faithfully discharged the difficult duties and responsibilities of Parliamentary Assistant of the United States Senate with great pride, energy, efficiency, dedication, integrity, and professionalism;

Whereas she has earned the respect, affection, and esteem of the United States Senate; and

Whereas Sally Goffinet will retire from the United States Senate on April 30, 2003, with 31 years of Service to the United States Senate: Now, therefore, be it

Resolved, That the United States Senate commends Sally Goffinet for her exemplary service to the United States Senate and the Nation, and wishes to express its deep appreciation and gratitude for her long, faithful, and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Sally Goffinet.

COMMENDING UNIVERSITY OF MINNESOTA GOLDEN GOPHERS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 126 which was submitted earlier today by Senators COLEMAN and DAYTON.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 126) commending the University of Minnesota Golden Gophers for winning the 2002–2003 National Collegiate Athletic Association Division I National Collegiate Men's Ice Hockey Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 126) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 126

Whereas on Saturday, April 12, 2003, the defending NCAA Division I National Collegiate Men's Ice Hockey Champions, the University of Minnesota Golden Gophers, won the National Championship for the second straight year;

Whereas the University of Minnesota defeated the University of New Hampshire in the championship game by the score of 5 to 1, having defeated the University of Michigan 3 to 2 in overtime in the semifinals;

Whereas the Golden Gophers reached the 56th Annual Frozen Four by defeating Mercyhurst College 9 to 2 and Ferris State University 7 to 4;

Whereas the University of Minnesota received an automatic bid to the 2002–2003 NCAA Division I National Collegiate Men's Ice Hockey Tournament by defeating Colorado College 4 to 2 in the Western Collegiate Hockey Association Tournament Championship;

Whereas the Golden Gophers became the first repeat NCAA National Collegiate Men's Ice Hockey Champion in 31 years;

Whereas the University of Minnesota won their fifth NCAA National Collegiate Men's Ice Hockey title;

Whereas the team displayed academic excellence by maintaining an average grade point average above the university-wide average; and

Whereas all the team's players showed dedication throughout the season toward the goal of winning the National Championship: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Minnesota Golden Gophers for winning the 2002–2003 NCAA Division I National Collegiate Men's Ice Hockey Championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff, and invites them to the United States Capitol Building to be honored; and

(3) directs the Secretary of the Senate to make available enrolled copies of this resolution to the University of Minnesota for appropriate display, and to transmit an enrolled copy of this resolution to every coach and member of the 2002-2003 NCAA Division I National Collegiate Men's Ice Hockey Championship Team.

CONGRATULATING THE U.S. CAPITOL POLICE ON THE OCCASION OF ITS 175TH ANNIVERSARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 156.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 156) extending congratulations to the United States Capitol Police on the occasion of its 175th anniversary and expressing gratitude to the men and women of the United States Capitol Police and their families for their devotion to duty and service in safeguarding the freedoms of the American people.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H. Con. Res. 156) was agreed to.

The preamble was agreed to.

Mr. REID. Mr. President, I believe I am the only former Capitol Policeman serving in the Senate. I am quite sure that is true. I didn't serve 175 years ago, although it seems like it. I have great affection and a real soft spot in my heart for the Capitol Police, having been a former Capitol Policeman.

The men and women of the Capitol Police today are different than during the years I served. Now they do very extraordinary things in protecting this beautiful Capitol, the employees here, the tourists, and the Members of the Senate. When I was a Capitol Policeman, the most dangerous thing I did was direct traffic. I didn't have their qualifications, but I am certainly just as proud as I think they are, having been a Capitol Policeman.

Mr. FRIST. Mr. President, there is not an hour that goes by that we don't either pass in the hallway or on the Capitol grounds our Capitol Police. On the occasion of this 175th anniversary, it gives us this formal opportunity to express our gratitude to the men and women of the Capitol Police. It is nice to be able to put H. Con. Res 156 forward because we have a lot to be thankful for each and every day for their tremendous work.

MEASURE READ THE FIRST TIME—S. 14

Mr. FRIST. Mr. President, I understand that S. 14, introduced earlier today, is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 14) to enhance the energy security of the United States, and for other purposes.

Mr. FRIST. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk.

MEASURE READ THE FIRST TIME—H. J. RES. 51

Mr. FRIST. Mr. President, I understand that H.J. Res. 51 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the joint resolution for the first time.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 51) increasing the statutory limit on the public debt.

Mr. FRIST. Mr. President, I ask for its second reading and object to further proceeding on this matter.

The PRESIDING OFFICER. Objection is heard. The joint resolution will remain at the desk.

MEASURE INDEFINITELY POSTPONED—S. 760

Mr. FRIST. Mr. President, I ask unanimous consent that Calendar No. 62, S. 760, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT 108-5 AND TREATY DOCUMENT 108-6

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on April 30, 2003, by the President of the United States: Amendments to Constitution and Convention of International Telecommunication Union, Geneva 1992, Treaty Document No. 108-5, and Protocol of Amendment to International Convention on Simplification and Harmonization of Customs Procedures, Treaty Document 108-6.

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification, the amendments to the Constitution and Convention of the International Telecommunication Union (ITU) (Geneva 1992), as amended by the Plenipotentiary Conference (Kyoto 1994), together with declarations and reservations by the United States as contained in the Final Acts of the Plenipotentiary Conference (Minneapolis 1998). I transmit also, for the information of the Senate, the report of the Department of State concerning these amendments.

Prior to 1992, and as a matter of general practice, previous Conventions of the ITU were routinely replaced at successive Plenipotentiary Conferences held every 5 to 10 years. In 1992, the ITU adopted a permanent Constitution and Convention. The Constitution contains fundamental provisions on the organization and structure of the ITU, as well as substantive rules applicable to international telecommunications matters. The ITU Convention contains provisions concerning the functioning of the ITU and its constituent organs.

Faced with a rapidly changing telecommunication environment, the ITU in 1994 adopted a few amendments to the 1992 Constitution and Convention. These amendments were designed to enable the ITU to respond effectively to new challenges posed.

The pace at which the telecommunication market continues to evolve has not eased. States participating in the 1998 ITU Plenipotentiary Conference held in Minneapolis submitted numerous proposals to amend the Constitution and Convention. As discussed in the attached report of the Department of State concerning the amendments, key proposals included the following: amendments to clarify the rights and obligations of Member States and Sector Members; amendments to increase private sector participation in the ITU with the understanding that the ITU is to remain an intergovernmental organization; amendments to strengthen the finances of the ITU; and amendments to provide for alternative procedures for the adoption and approval of questions and recommendations.

Consistent with longstanding practice in the ITU, the United States, in signing the 1998 amendments, made certain declarations and reservations. These declarations and reservations are discussed in the report of the Department of State, which is attached hereto.

The 1992 Constitution and Convention and the 1994 amendments thereto entered into force for the United States on October 26, 1997. The 1998 amendments to the 1992 Constitution and Convention as amended in 1994 entered into force on January 1, 2000, for those states, which, by that date, had notified the Secretary General of the ITU of their approval thereof. As of the beginning of this year, 26 states had notified the Secretary General of the ITU of their approval of the 1998 amendments.

Subject to the U.S. declarations and reservations mentioned above, I believe the United States should ratify the 1998 amendments to the ITU Constitution and Convention. They will contribute to the ITU's ability to adapt to a rapidly changing telecommunication environment and, in doing so, will serve the needs of the United States Government and U.S. industry.

I recommend that the Senate give early and favorable consideration to these amendments and that the Senate give its advice and consent to ratification.

GEORGE W. BUSH.
THE WHITE HOUSE, *April 30, 2003.*

To the Senate of the United States:

I transmit herewith for Senate advice and consent to accession, the Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedures done at Brussels on June 26, 1999. The Protocol amends the International Convention on the Simplification and Harmonization of Customs Procedures done at Kyoto on May 18, 1973, and replaces the Annexes to the 1973 Convention with a General Annex and 10 Specific Annexes (together, the "Amended Convention"). I am also transmitting, for the information of the Senate, the report of the Department of State on the Amended Convention.

The Amended Convention seeks to meet the needs of international trade and customs services through the simplification and harmonization of customs procedures. It responds to modernization in business and administrative methods and techniques and to the growth of international trade, without compromising standards of customs control. Accession by the United States would further the U.S. interest in reducing non-tariff barriers to international trade.

By acceding to the Protocol, a state consents to be bound by the amended 1973 Convention and the new General Annex. At the same time, or anytime thereafter, Parties have the option of accepting any of the Specific Annexes (or Chapters thereof), and may at that time enter reservations with respect to any Recommended Practices contained in the Specific Annexes. In accordance with these terms, I propose that the United States accept seven of the Specific Annexes in their entirety and all the Chapters, but one of each of two other Specific Annexes (A–E, G, and H, as well as Chapters 1, 2, and 3 of F, and Chapters 1, 3, 4, and 5 of J), and enter the reservations proposed by the Bureau of Customs and Border Protection as set forth in the enclosure to the report of the Department of State. The provisions for which reservation is recommended conflict with current U.S. legislation or regulations. With these proposed reservations, no new implementing legislation is necessary in order to comply with the Amended Convention.

Accession to the Protocol by the United States would contribute to important U.S. interests. First, accession by the United States would benefit the United States and U.S. businesses by facilitating greater economic growth, increasing foreign investment, and stimulating U.S. exports through more predictable, standard, and harmonized customs procedures governing cross-border trade transactions. Setting forth standardized and simplified methods for conducting customs business is important for U.S. trade interests in light of the demands of increased trade flows, as is the use of modernized technology and techniques for customs facilitation. These achievements can best be pursued by the United States as a Party to the Amended Convention. Second, through early accession, the United States can continue to take a leadership role in the areas of customs and international trade facilitation as the U.S. accession would encourage other nations, particularly developing nations, to accede as well.

I recommend that the Senate give early and favorable consideration to the Protocol and give its advice and consent to accession.

GEORGE W. BUSH.
THE WHITE HOUSE, *April 30, 2003.*

ORDERS FOR THURSDAY, MAY 1, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:15 a.m., Thursday, May 1. I further ask that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day, and there then be 1 hour for debate equally divided in the usual form prior to the vote on cloture on the nomination of Priscilla Owen to be a circuit judge for the Fifth Circuit. I further ask unanimous consent that if cloture is not invoked, the Senate immediately proceed to the consideration of Executive Calendar No. 105, the nomination of Edward Prado to be a circuit judge for the Fifth Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. For the information of all Senators, the Senate will vote on the motion to invoke cloture on the nomination of Priscilla Owen at 10:15 tomorrow. If cloture is not invoked, the Senate will begin consideration of the nomination of Edward Prado to be a circuit judge for the Fifth Circuit. It is my hope that we can reach a short time agreement, with the vote on the nomination to occur by early afternoon. I also hope the Senate can vote on the Cook nomination during tomorrow's session.

In addition to those executive matters, the Senate may also consider the FISA legislation, the State Department authorization bill, the bioshield legislation, or additional judicial nominations during tomorrow's session. Therefore, Senators should expect rollcall votes throughout the day.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:09 p.m., adjourned until Thursday, May 1, 2003, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate April 30, 2003:

DEPARTMENT OF STATE

ROBERT W. FITTS, OF NEW HAMPSHIRE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO PAPUA NEW GUINEA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SOLOMON ISLANDS AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VANUATU.

JOHN E. HERBST, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO UKRAINE.

WILLIAM B. WOOD, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COLOMBIA.

HARRY K. THOMAS, JR., OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF BANGLADESH.

TRACEY ANN JACOBSON, OF THE DISTRICT OF COLUMBIA, A FOREIGN SERVICE OFFICER OF CLASS ONE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TURKMENISTAN.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

LISA GENEVIEVE NASON, OF ALASKA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING OCTOBER 18, 2004, VICE THOMAS A. THOMPSON, TERM EXPIRED.

GEORGIANNA E. IGNACE, OF WISCONSIN, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING OCTOBER 18, 2004, VICE KENNETH BLANKENSHIP, TERM EXPIRED.

JOHN RICHARD GRIMES, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2006, VICE JAYNE G. FAWCETT.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. BEN F. GAUMER, 1618

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MICHAEL U. RUMP, 9024

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

WILLIAM A. DAVIES, 2249
GARY S. TOLLERENE, 3653

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DOUGLAS W. FENSKE, 0137
MICHAEL J. KAUTZ, 0088

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

BRIAN H. MILLER, 1992
DAVID N. RIDLEY, 4737
PERRY T. TUEY, 9840

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

GERALD W. CLUSEN, 9176
KAREN J. HARD, 9083
CHERYL A. LOCKE, 9078
VICTORIA E. MAZZARELLA, 6719
DANIEL L. SCHAFER, 4793
MARK A. WILSON, 5042

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

KENNETH J. BRAITHWAITE, 9527
GORDON J. DELCAMBRE JR., 3871
MARY E. HANSON, 7587
TERRI KAISH, 6197
PHILLIP B. MCGUINN, 6720
FRANK A. MERRIMAN, 0127
ANDREW H. WILSON, 2452

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

CHRISTOPHER M. BALLISTER, 6893
THOMAS BARANEK, 4747
JAMES J. BILLMAN, 3821
JEFFREY G. CANCLINI, 0571
CHRISTOPHER L. CROSS, 9085
JEANNE E. FRAZIER, 9779
CARL M. M. LEE, 2899

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JEFFREY D. ADAMSON, 9961
JOSEPH F. AHLSTROM, 4005
CHRISTOPHER S. BEGLEY, 3135
WARREN J. BRAGG, 3747
EUGENE M. DAWYDIAK, 5446
MICHAEL B. JEWELL, 6947
PAUL A. LONDYNSKY, 9364
MARCUS K. NEESON, 2329

EXTENSIONS OF REMARKS

HONORING JOE SHOVELS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. KILDEE. Mr. Speaker, I rise today to congratulate Joseph Shovels as he retires from Big Brothers Big Sisters of Greater Flint. Joe has worked for the organization for 39 years. A party in his honor will be held on April 30th in my hometown of Flint, Michigan.

Joe began his career working for Big Brothers Big Sisters of Greater Flint after graduating from Michigan State University. A lifelong caseworker with the organization, Joe stayed dedicated to this vital job ever since his graduation. His dedication to ensuring that the children are provided for is legendary. Going above and beyond has been a hallmark of his career. The longest serving employee with Big Brothers Big Sisters of Greater Flint, Joe has characterized his work as a ministry instead of a job.

His attitude toward children has garnered recognition from his peers and from the community. Big Brothers Big Sisters has named him Caseworker of the Year. In February, Priority Children gave him the Roy E. Peterson Caring Adult Award for his steadfastness to bettering the lives of the children in the Flint community.

Big Brothers Big Sisters of Greater Flint will inaugurate an award to be given to their employees and volunteers called the "Good Joe Award" in his honor. The kickoff for this award will take place at a dinner to be held later this month.

I ask the House of Representatives to join me in congratulating Joe Shovels on an exceptional career and a job well done. The children of Genesee County have benefited from his conscientiousness, his compassion, and his commitment to improving their lives.

A PROCLAMATION RECOGNIZING ELIZABETH GREAVES

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. NEY. Mr. Speaker,

Whereas, Elizabeth Greaves has devoted herself to serving others through her membership in the Girl Scouts; and

Whereas, Elizabeth Greaves has shared her time and talent with the community in which she resides; and

Whereas, Elizabeth Greaves has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Elizabeth Greaves must be commended for the hard work and dedication she put forth in earning the Girl Scout Gold Award;

Therefore, I join with the Girl Scouts, the residents of Granville and the entire 18th Congressional District in congratulating Elizabeth Greaves as she receives the Girl Scout Gold Award.

NATIONAL ASSOCIATION OF LETTER CARRIERS' 11TH ANNUAL NATIONAL FOOD DRIVE

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Ms. BALDWIN. Mr. Speaker, I rise today to encourage my constituents and everyone across America to participate in the National Association of Letter Carriers' 11th Annual National Food Drive, which will take place on May 10th of this year. Every year, on the second Saturday of May, the National Association of Letter Carriers (NALC) collects non-perishable goods that generous people have donated to those in need.

Those interested in donating should place a non-perishable food item near their mailboxes or bring it to their local post office. All of the donations will be distributed to local food banks, shelters, and pantries to help people in need in the local community. This is a great opportunity to share with people right in our local communities.

Over the past ten years, the NALC has collected over half of a billion pounds of food for those less fortunate. In 2002 alone, over 60 million pounds of food was collected. Nearly 1,500 offices of the NALC—in every state in the nation—will be involved in the drive. In fact, it is part of the largest one day food drive in the nation. This is an impressive record. I hope that everyone who is able to participate will contribute what they can, and that this year's food drive will be the most successful ever.

IN RECOGNITION OF THE 22ND ANNUAL CONGRESSIONAL ART COMPETITION WINNER, MS. ELISE BAKER

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. SHAW. Mr. Speaker, I rise today in recognition of Miss Elise Baker, first-place winner of the 2003 Congressional Art Competition, "An Artistic Discovery". This unique competition provides Members with the opportunity to showcase the artistic achievements of high school students within their districts, thereby acknowledging our Nation's gifted young artists. Since the first competition in 1982, nearly 5,000 local contests have been conducted, involving more than 650,000 high school students. In its 22nd year, the competition has recognized Ms. Elise Baker for her outstanding artistic talent.

Elise was born at Holy Cross Hospital in Fort Lauderdale, Florida, on March 31, 1986. The daughter of Don and Susan Baker, Elise also has a 12-year-old brother, Robby. For her elementary education, she attended St. Paul Lutheran School, where she developed a serious interest in art. Since enrolling at A.D. Henderson University School of Florida Atlantic University for middle school, she has taken a number of honors art classes and has been awarded as an outstanding art student on several occasions. Elise is currently a Junior at Grandview Preparatory School in Boca Raton, Florida.

Elise's interests are not limited to the realm of art, and she has energetically pursued numerous extra-curricular activities. Fostering a lifelong love of dance, Elise began her formal dance education at the Dance Academy of Boca Raton during pre-school. She has studied ballet, jazz, tap, and modern dance and has performed in many student talent competitions over the years. She has furthermore been a member of the South Florida Youth Ballet, a repertory company which put on many performances in Palm Beach County, and has danced with the Miami City Ballet in "The Nutcracker" at the Kravis Center in West Palm Beach. Her colorful dancing background undoubtedly contributed to her leadership as captain of the Grandview Cheerleading Team during the past two years of high school. She has attended several Universal Cheerleading Association (UCA) instructional camps, from which she has been honored with various awards, including the opportunity to perform a cheerleading routine during the New Year's Day Parade in London, England in 2003. Last summer, Elise completed Culver Military Academy's six-week program in Culver, Indiana and earned her Tuxis Medal.

Today, Elise enjoys babysitting and performing volunteer work in her spare time. She is a member of the First United Methodist Church of Boca Raton and actively participates in their Youth Group, as well as other youth-oriented activities in the area.

Elise's natural gift for art runs in her family, as she is the great grand-niece of Edward Buyck, a famous artist from Albany, New York, who is renowned for his pre-inaugural portrait of Franklin D. Roosevelt in 1933 and for his countless works presently on display at the Governor's office in Albany and in the Smithsonian American Art Museum in Washington, D.C.

As Elise's art teacher at Grandview, Mr. Robert Williams, said, "'A' talent and hard work pay off." We would like to recognize both Elise's talent and hard work and congratulate her on winning this year's competition. We also wish her the best of luck in her pursuit of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

artistic studies in college, which she plans on continuing, particularly in the fields of decorating and fashion design.

QUOTA CLUBS INTERNATIONAL IN TEMPLE CITY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to honor the Temple City chapter of the Quota Clubs International and the men and women who have shaped the club into the influential force that it is today in the San Gabriel Valley. For over 50 years, the Quotarians of Temple City have provided immeasurable support to the city, fully living up to their stated purpose: "To serve country and community."

Among the many events in which the Quota Club has participated is the City's annual Camellia festival and youth parade, an event that celebrates Temple City's rich history and culture. Other events demonstrate the Quotarians' commitment to excellence in our youth: they have sponsored student trips to Washington, D.C., supported teacher exchanges, and have helped in the purchase of band uniforms.

The main focus of the Quota Club has been its service in education, testing, and aid to the hearing impaired. Over the years, they have provided no less than five help dogs to the deaf and have immeasurably improved the lives of those they have assisted.

These incredible achievements have been made possible by the upstanding members of the Quota Club, who exemplify the best in our communities. The club boasts among its members five former Temple City Chamber of Commerce presidents, including Penny Graham, the first woman to hold that office, Mary Lou Swain, another member, was the first woman to be elected to the City Council of Temple City.

Through the efforts of such organizations as the Quota Club and the individuals that comprise them, we can make real the ideals set forth in the Quota Club's charter: righteousness, justice, international understanding, and good will. It is for their tremendous efforts toward realizing these ideals that I ask all Members of Congress to stand with me today and salute the men and women of the Quota Club of Temple City.

A PROCLAMATION RECOGNIZING KELLY HELLER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. NEY. Mr. Speaker,

Whereas, Kelly Heller has devoted herself to serving others through her membership in the Girl Scouts; and

Whereas, Kelly Heller has shared her time and talent with the community in which she resides; and

Whereas, Kelly Heller has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Kelly Heller must be commended for the hard work and dedication she put forth in earning the Girl Scout Gold Award;

Therefore, I join with the Girl Scouts, the residents of Coshocton and the entire 18th Congressional District in congratulating Kelly Heller as she receives the Girl Scout Gold Award.

RUMOR MILL BAKERY

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. OTTER. Mr. Speaker, I rise today to acknowledge and praise the singular vision of a family business in my district whose proprietors understand the value of service. John and Tona Henderson own The Rumor Mill Bakery at 4th and Washington Streets in Emmett, Idaho. Tona does all the baking for the shop, which has become known for its patriotic spirit as well as its pastries.

One day in July 2002, six gentlemen from the community met for their usual coffee and conversation when the idea came up of putting photographs on the walls of local veterans and active duty military personnel. Tona approved, and made theirs the first photographs to go up. More than 100 photos have since been added to the walls of The Rumor Mill Bakery, and Tona has a story to go with each and every one. The tears in her eyes reveal the heartfelt patriotism and pride she feels in sharing each tale. Tona hopes someday to completely cover the walls of her business with the images of American heroes, past and present. Her expression of support for community and country is an inspiration to everyone who stops by The Rumor Mill Bakery. I'm proud to represent the Hendersons, as well as the men and women of our Armed Forces who are honored on their walls.

TRIBUTE TO OATS VOLUNTEERS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. SKELTON. Mr. Speaker, let me take this means to pay tribute to OATS, Inc., an organization that provides transportation to Missouri's rural areas through the use of volunteer service. Founded in 1971, OATS has continued to rely heavily on volunteers for fund raising, scheduling, and publicity.

The nation will commemorate the 30th annual National Volunteer Week, April 27–May 3, 2003, in recognition and celebration of volunteers at the state, local, and national level. The Week's theme, "Celebrate Volunteers—The Spirit of America!" reflects Americans' resolve to maintain the tradition of neighbor helping neighbor. Sponsored by the Points of Light Foundation, this annual event is an opportunity for organizations to take a moment to thank the many millions of volunteers all over America who donate their time to worthy causes.

In each of the counties that OATS serves, there is a County Support Committee comprised of 8–20 people in the community who volunteer on behalf of OATS. These volunteers serve as contacts, taking phone calls in their home from people who wish to schedule a ride; raise much of the funding needed to replace vehicles; and serve as media contacts, helping get the word out about OATS and getting the bus schedules printed in the local papers. Last January, 639 people reported over 4,200 hours to OATS, which would cost $46,634.16 if dollar value was assessed for the hours they gave.

Mr. Speaker, the OATS organization provides a valuable service to the people of rural Missouri. I know the Members of the House will join me in recognizing OATS and their volunteers for their many hours of commendable service.

CONGRATULATIONS TO ANGIE BRIGGS OF GIRL SCOUT TROOP 4017

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. EVANS. Mr. Speaker, today I would like to salute an outstanding young woman who has been honored with the Girl Scouts of the USA Gold Award by Girl Scouts of the Mississippi Valley, Inc. in Rock Island, Illinois. She is Angie Briggs of Girl Scout Troop 4017.

She is being honored for earning the highest achievement award in Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The Girl Scout Gold Award can be earned by girls ages 14–17 or in grades 9–12.

Girl Scouts of the USA, an organization serving over 2.6 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: earn four interest project patches, earn the Career Exploration Pin, earn the Senior Girl Scout Leadership Award, earn the Senior Girl Scout Challenge, and design and implement a Girl Scout Gold project. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

As a member of the Girl Scouts of the Mississippi Valley, Inc., Angie began working toward the Girl Scout Gold Award in August 2001. Angie created handmade books and toys for the children in a homeless shelter.

The earning of the Girl Scout Gold Award is a major accomplishment for Angie and I believe she should receive the public recognition due her for this significant service to her community and her country.

IN HONOR OF THE CITY OF ALHAMBRA'S CENTENNIAL CELEBRATION

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to honor the people of the City of Alhambra, California, as the city celebrates its centennial anniversary. Located eight miles east of downtown Los Angeles, Alhambra is often referred to as the "Gateway to the San Gabriel Valley." The site on which the city now rests was first included in a 1771 land grant that led to the establishment of the nearby San Gabriel Mission.

While Alhambra's history and origins retain a heavy Spanish influence, the City's current population of 85,804 consists of a wide range of ethnic groups and many businesses in and around Alhambra have ties to international commerce. The dramatic population growth in Alhambra over the past two decades has been largely attributable to well-educated and highly skilled immigrants, who have brought both material wealth and cultural resources to the City of Alhambra.

Alhambra is first and foremost a residential community, characterized by its charming, well-manicured residential neighborhoods. It lies within the "Sixty Mile Circle" that centers on Los Angeles, putting it at the heart of a dynamic concentration of population, employment, business, industry, and finance; two-thirds of the state's 100 largest corporations are headquartered within this circle. High quality educational, medical and transportation services abound and Alhambra has some of the region's strongest retail centers, drawing sales from auto dealerships and shopping districts. Numerous boutiques and restaurants line the downtown landscape, providing an attractive destination for persons to shop, dine and be entertained locally. Numerous recreational and sporting venues are also available.

In recent years, Alhambra has been an economic powerhouse as well, aggressively seeking to bring new business to the city, leading to more than 30 new businesses in the downtown area alone. The renaissance of Downtown Main Street has been a top priority. According to a national survey, Alhambra ranks first among 15 surrounding cities in terms of cost of doing business and level of development. Its largest venture, a $30 million entertainment complex—the Alhambra Renaissance Cineplex opened in November 2002.

In the last century, the City of Alhambra has come to be one that exemplifies everything that we expect our communities to be. It is one that we can look to for an example for other communities to follow, and one that will continue to enrich the San Gabriel Valley's cultural diversity for years to come. I ask all Members of Congress to join me in recognizing the City of Alhambra on its centennial.

A PROCLAMATION RECOGNIZING ROXANA CAPPER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. NEY. Mr. Speaker,

Whereas, Roxana Capper has devoted herself to serving others through her membership in the Girl Scouts; and

Whereas, Roxana has shared her time and talent with the community in which she resides; and

Whereas, Roxana Capper has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Roxana Capper must be commended for the hard work and dedication she put forth in earning the Girl Scout Gold Award;

Therefore, I join with the Girl Scouts, the residents of Granville and the entire 18th Congressional District in congratulating Roxana Capper as she receives the Girl Scout Gold Award.

IN HONOR OF ROBERT R. SNASHALL

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. REYNOLDS. Mr. Speaker, I rise today to pay tribute to a good friend and an outstanding public servant.

There's no doubt that in my home state of New York, there remain to this day many unsung heroes who provided aid, comfort and support to the victims of September 11th's vicious and cowardly attacks on New York. Ordinary people rose to extraordinary challenges and through their service, helped both in the rescue and recovery of a great city.

One of those unsung heroes is the man I rise to honor today, Robert R. Snashall, Chairman of the state's Workers' Compensation Board. First appointed to that post by Governor George Pataki in 1995, Chairman Snashall will soon retire from that post.

And perhaps the defining moment of Mr. Snashall's tenure at the Workers' Compensation Board was in his handling of the crisis arising from the September 11th terror attacks in New York City.

The attacks on the World Trade Center on September 11, 2001 created unprecedented challenges for the Workers' Compensation Board. In a single day, New York suffered 5 years' worth of workers' compensation death claims. In fast response, Chairman Snashall and the Workers' Compensation Board established new regulations to accelerate the processing of claims and created a special World Trade Center adjudication team to process claims emanating from the terror attacks while enabling the Board to maintain a focus on other claims from across the state.

Chairman Snashall acted quickly to contact and in some cases visit various insurers, legislators, claimant organizations and employer associations to discuss the challenges facing the workers' compensation system as a result of the attacks. In doing so, he was successful in impressing upon the various parties of interest the urgency of providing assistance to the families in need. As a result the Board has, to date, fully resolved 92 percent of death claims, 80 percent of injury claims and has conducted more than 7,000 hearings to resolve WTC claims.

Since 1995, the Workers' Compensation Board has undergone the most sweeping reforms in the history of the Board including the landmark 1996 reforms, which have led to unprecedented reductions in workers' compensation costs. In addition, since 1996, under the leadership of Chairman Snashall, the Board has reformed its administrative processes and become more accessible to the people of New York State.

Through Bob Snashall's leadership, New York State's Workers' Compensation Board has become a nationwide model, and I ask that this Congress join me in saluting his commitment, leadership and hard work; and that this Honorable Body further extend to him our thanks for a job well done.

IN HONOR OF MARINE CPL. KEMAPHOOM A. CHANAWONGSE

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to bring to my colleagues' attention the tragic death of a young man from my home state of Connecticut, Marine Cpl. Kemaphoom Chanawongse, known as "Ahn."

On March 23, 2003, Marine Cpl. Chanawongse came under fire during a heroic attempt to secure a bridge over the Euphrates River near An Nasiriyah and was killed when the vehicle he commanded took a direct hit. "Ahn" was just 22 years old when he sacrificed his life for his new country.

Ahn's family immigrated to the United States from Thailand when he was 9 years old. He was an excellent student and skilled artist, and developed a keen interest in law enforcement. Following the steps of his grandfather who was a Group Commander in the Royal Thai Air Force, Marine Corporal Chanawongse was dedicated to his mission and proud of being a U.S. Marine. Both his grandfather and his brother, who is a student and teaches English in Thailand, have traveled here for the funeral services at Arlington National Cemetery.

Nicknamed "Chuckles" for his sense of humor, Ahn was highly respected and well-liked by his fellow marines. He served the United States in the 2nd Assault Amphibious Battalion, 2nd Marine Division of Camp Lejeune, North Carolina.

News of Marine Corporal Chanawongse's death reached his family and friends after three painful weeks of waiting while he was listed as missing in action. The Town of Waterford, Connecticut quickly rallied in support in many ways, including the establishment of a memorial fund and a scholarship fund at Waterford High School for students with high aspirations like Ahn's.

In honor of Ahn, Connecticut Governor John Rowland ordered the state and national flags to fly at half-staff from Wednesday, April 16 until sunset tomorrow, April 30, when Ahn will be buried at Arlington. Today, a traditional Thai merit-making ceremony is being held in his memory at the Thai Buddhist temple "Wat Thai Washington D.C." after which his remains will be cremated.

Mr. Speaker, I urge my colleagues to join me in paying tribute to Marine Cpl. Kemaphoom A. Chanawongse, who sacrificed his life for the just causes of our war on terrorism. Let us wish for him, according to the Thai sentiment, "kor joang pai su sukah-ti tert."

IN COMMEMORATION OF YOM HASHOAH, HOLOCAUST REMEMBRANCE DAY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to join with millions throughout the world to commemorate the tragic and horrific events of the Holocaust as we observe Yom HaShoah. It has been 59 years to the day since the Jews of the Warsaw Ghetto rose in revolt against the Nazis. Perhaps now more than ever, the courage of these individuals to fight against anti-Semitism, racism, and prejudicial discrimination is to be honored and remembered.

On April 23, 1943, Jewish resistance fighters in the Warsaw Ghetto made their final appeal to the international community for assistance in their struggle against the Nazis. They wrote, "A battle is being waged for your freedom as well as ours. For you and our human, civic, and national honor and dignity." Indeed, these brave and courageous men, women, and children were correct, and we were wrong for allowing their appeals to go unanswered.

Sadly, the fight against bigotry is an ongoing struggle, as I well know from my own personal experience. I have experienced racism all over the world—in Europe, in the Middle East, in Asia and, of course, here in the United States. Today, anti-Semitism, racism, and xenophobia continue to plague humanity. Those of us who preach and practice tolerance recognize that the fight for equality and acceptance continues in the 21st century.

Jews throughout the world, more than 50 years after the Holocaust, are forced to combat insidious acts of anti-Semitism on a regular basis. Likewise, here in the U.S., we have come a long way since the blatant and institutionalized discrimination that was the norm for African-Americans a generation ago. However, in each case, we are certainly not home yet.

A few years ago, many believed that anti-Semitism was gradually declining and restricted to fringe elements of our society. However, recent developments suggest that there is a resurgent anti-Semitism with a much broader base that includes elements of the far right, the far left, and components of immigrant communities from North Africa and the Middle East.

In the Middle East itself, it appears that the stalled peace process has been a convenient excuse to allow anti-Semitism to become a staple of the media and mainstream politics. Also, in Europe, there has been a resurgence of anti-Semitic and race-based attacks and murders. While European governments have begun to crack down on this unfortunate reality, their initial smugness toward the problem was quite troubling. Now is not a time for us to be silent, and Europe and the Middle East are not places where we can afford to be complacent.

Mr. Speaker, we shall never forget the horrific crimes of murder and destruction committed by the Nazis; and we must commit ourselves to ensuring that future generations shall never be forced to endure the suffering, humiliation, and ultimate death experienced by the victims of the Holocaust. As this body honors these memories, we must commit ourselves—as a country and as human beings—to never allow the pleas of those in need to ever again go unanswered.

We have but one world, and we have been given the great responsibility to make it ours. People of all shapes and sizes, colors and religions have been placed here by powers far beyond us to live together. It is up to us to decide what we make of our time and our world. Thus, as we craft a world in which our children and grandchildren will grow up, the days of religious and racial intolerance must be left behind. For I refuse to live in a day and age where it is acceptable for bigotry and intolerance to trump acceptance and coexistence.

We shall never forget.

GAY AND LESBIAN ACTIVISTS ALLIANCE OF WASHINGTON, DC 32ND ANNIVERSARY RECEPTION HONORING DISTINGUISHED SERVICE AWARD RECIPIENTS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Ms. NORTON. Mr. Speaker, I rise today to recognize a Washington, DC institution that has been in the forefront of the lesbian, gay, bisexual, and transgendered civil rights movement, and that I have the distinct honor and pleasure of representing in this body: the Gay and Lesbian Activists Alliance of Washington, DC (GLAA), the oldest continuously active gay and lesbian rights organization in the United States.

Since its founding in April 1971, GLAA has been a respected and persistent advocate in District politics, tirelessly asserting equal rights and social equality for lesbians and gay men living in the city.

GLAA has long fought to improve relations among the District's gay, lesbian, bisexual and transgendered communities and DC's public safety agencies. GLAA also has long been at the forefront of the efforts to strengthen enforcement of the DC Human Rights Act of 1977.

On April 15th, GLAA held its 32nd Anniversary Reception honoring the 2003 recipients of its Distinguished Service Awards: Councilmember Kathy Patterson; the Gay and Lesbian Liaison Unit of the Metropolitan Police Department; longtime District activist Karen Armagost; the Gay Men's Chorus of Washington, DC; and former GLAA President Bob Summersgill.

Councilmember Kathy Patterson has been an ally of gay citizens and a leading force for government reform and accountability. Councilmember Patterson wrote and secured passage of the law that established the DC Office of Human Rights as a separate, independent agency. She has supported strengthening diversity and sensitivity training in the police and fire departments and establishing an effective Office of Citizen Complaint Review.

DC Metropolitan Police Department Chief Charles Ramsey created the Gay and Lesbian Liaison Unit (GLLU) in June 2000. The work of Sgt. Brett Parson, head of the GLLU, and Ofc. Kelly McMurry, its founder, along with community volunteers, active, auxiliary and reserve police officers, has resulted in a dramatic improvement in community-police relations; an increase in the mutual respect of gay people and the police; and a focus on previously ignored problems in the community.

Karen Armagost has been an activist in Washington, DC for over fifteen years. As a professional canvasser, GLBT activist, and past President of the Gertrude Stein Democratic Club, Karen has exemplified the dedication and hard work that makes grassroots organizing a powerful political force. Karen works for the repeal of the "Don't Ask, Don't Tell" policy through the Servicemembers Legal Defense Network.

This year marks the Gay Men's Chorus of Washington, DC's 22nd season. The Chorus has performed at inaugurals of a mayor and a president, and most recently performed in tribute to Elizabeth Taylor at the Kennedy Center Honors Gala before President and Mrs. Bush.

Bob Summersgill is the immediate past President of GLAA. He has led efforts to secure legal protection against harassment in our schools and workplaces; to open the DC HIV/AIDS Administration to public accountability; and to ensure the full rights of transgender and intersex people under the DC Human Rights Act.

GLAA's thirty-two year fight to secure equal rights for the LGBT citizens of Washington, DC is more poignant because it is being celebrated on April 15th. It is a reminder to us all that United States citizens living in our Nation's Capital, who have fought in every American war, including the present war in Iraq, are taxed without representation.

I ask the House to join me in congratulating the Gay and Lesbian Activists Alliance and its honorees.

TRIBUTE TO EDGEWOOD ELEMENTARY SCHOOL

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to the Edgewood Elementary School in Okemos, Michigan for its

39 years of service to the community. This institution has continuously provided a nurturing atmosphere of learning and support for all the staff that serve there and the students who pass through its doors.

Edgewood Elementary School has a history of academic excellence. In both 2001 and 2002, it received the Golden Apple Awards for high achievement, an honor presented by the State of Michigan. Yet the school provides more than just a space to learn. It is a trusted pillar in the neighborhood, a place where students, staff, parents, and community members come together and build lifelong relationships.

Mr. Speaker, Edgewood Elementary School's dedication to promoting superior education while fostering an environment of care is an example to all institutions. I ask my colleagues to join me in recognizing its many achievements.

INTRODUCTION OF THE HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AMENDMENTS ACT OF 2003

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. EHLERS. Mr. Speaker, today, I am pleased to introduce the Harmful Algal Bloom and Hypoxia Research Amendments Act of 2003. Harmful algal blooms and hypoxia are a significant threat to human health, commercial fishing, and recreational water use throughout the United States. My legislation will authorize funding for research to improve our response to this threat and to develop a deeper understanding of these problems.

Harmful algal blooms occur in both marine and freshwater environments, and are often referred to as red tides or brown tides. These dense mats of algae produce toxins dangerous to aquatic life and to humans, some of which are so potent that eating just one contaminated mussel could result in anything from mild nausea to paralysis, and even death in some cases.

Hypoxia occurs when an algal bloom dies and is decomposed by bacteria in the water. This process depletes oxygen to levels so low they cannot support aquatic life, which decreases fisheries production and can produce terrible odors that make the water undesirable for recreational use.

It is estimated that harmful algal blooms cost the U.S. $50 million a year, while hypoxia causes severe conditions in many locations, including the Gulf of Mexico, where a "dead" zone the size of New Jersey develops each summer.

Harmful algal blooms and hypoxia are also causing problems closer to my home region, the Great Lakes, where these events are more frequently fouling the water. In the past 30 years, major advances were made to improve Great Lakes water quality, but recently scientists have observed an increase in both harmful algal blooms and hypoxia. The reasons for this are unclear, but may be related to invasive species changing the way nutrients are cycled in the lakes.

In 1998, Congress passed the Harmful Algal Bloom and Hypoxia Research and Control Act. The Act created a Task Force to examine these problems and authorized $19 million annually for research and monitoring activities related to harmful algal blooms and hypoxia. This March, the Subcommittee on Environment, Technology and Standards, of which I serve as chairman, held a hearing on this subject and found that we need to expand our research efforts to include freshwater blooms, update our assessments of these threats every five years, and improve communication with local resource managers about these efforts. The legislation I am introducing today seeks to address these findings.

More specifically, the legislation expands the authorization of funding to $30 million annually (over the next three years) for research and monitoring efforts on harmful algal blooms and hypoxia. It also requires the Task Force to develop research plans on previously overlooked aspects of harmful algal blooms and hypoxia, such as: Great Lakes harmful algal blooms; and prevention, control and mitigation methods to reduce the impact of harmful algal blooms.

This legislation also provides a mechanism for regional and local assessments of harmful algal blooms and hypoxia, because the causes of harmful algal blooms and hypoxia vary with regional water use, land use, and environment. Additionally, it increases the participation of local resource managers in this process, ensuring that our investment in research produces useful tools for the people dealing with the problems on a day-to-day basis.

The bill reauthorizes funding for programs that have been effective in improving our scientific understanding of harmful algal blooms and hypoxia, namely the Ecology and Oceanography of Harmful Algal Blooms (ECOHAB) program and the Monitoring and Event Response to Harmful Algal Blooms (MERHAB) program. It also requires scientific assessments of harmful algal blooms and hypoxia on a regular basis, providing a means to continuously target our resources in an effective manner.

In conclusion, my legislation provides a research framework for addressing the nationwide problem of harmful algal blooms and hypoxia. It improves our ability to understand and predict harmful algal bloom events, adds the Great Lakes as an important area for harmful algal bloom and hypoxia research, and ensures the participation of local resource managers in developing research plans so that the research can be fully utilized by everyone concerned with these important issues. I have been working with my colleague from Ohio, Senator GEORGE VOINOVICH, who is introducing companion legislation in the Senate today. I look forward to working with all of my colleagues to pass this important bill.

CONGRATULATIONS TO MOUNTAIN CREST HIGH SCHOOL ADVANCED PLACEMENT AMERICAN GOVERNMENT AND LAW CLASS

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. BISHOP of Utah. Mr. Speaker, I rise today to congratulate Mountain Crest High School's Advanced Placement American Government and Law class, in Hyrum Utah, for their achievement in the "We the People: The Citizen and the Constitution" competition. The class won their state competition in February and is currently preparing to participate on the National level soon.

In order to compete, the students had to establish a base knowledge of the Constitution and the workings of our government. They then prepared speeches concerning different aspects of the Constitution, the amendments, and significant Supreme Court cases. The topics range from the founding ideals of the young nation, to the values and principles embodied in the Constitution, Civil Rights, and the evolution of our current republican democracy.

In addition to acknowledging the hard work and dedication of these students, I would also like to recognize the work of their teacher Margaret Obray. She is an exemplary teacher who is devoted to educating all of her students. Together they represent Utah well.

As I believe the Constitution is a divinely inspired document I feel it is important for all Americans to know and defend its principles. The "We the People" program is an excellent way to get students involved in the Constitution and compete with others from around the country. Again, congratulations to the students of Mountain Crest.

VOLUNTEER SPIRIT IN COLUMBIA, TENNESSEE

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. DAVIS of Tennessee. Mr. Speaker, the backbone of a strong community is the people. I am proud to say that the volunteer spirit is alive and well in Columbia, Tennessee.

It was back in 1919 when Post 19 of the American Legion was established in Columbia. The following year Legion Auxiliary Unit 19 was chartered. Since their establishment both organizations have provided the city of Columbia, in Maury County, and many of the local citizens with a true sense of pride. Unit 19 was recently honored at the National Convention for their outstanding work in providing care to veterans.

The priorities of both organizations are not just associated with assisting our veterans. They also have a long history of providing services that directly benefit many youths. In the summer they sponsor different athletic events which help foster teamwork and sportsmanship all while giving them a sense of self-worth. They send individuals to attend Boy's State and Girl's State, which teaches leadership skills. They also award scholarships to individuals using funds they raise through bake sales, breakfasts, yard sales and so on.

During the 50th Anniversary of World War II legionnaires and auxiliary members made up a committee, appointed by the County Executive, to help celebrate the anniversary. They helped bring the history of those who served abroad and in the states to those generations who weren't alive during that period in our history. They are now doing the same to highlight the 50th Anniversary of the Korean War.

Recently, when the National Guard was called up for active duty these two organizations made sure they let the troops know they supported them. On the weekend before the Guard departed they hosted a breakfast and a lunch, and on the day of departure the members were at the armory to give them a proper sendoff.

I am proud to be a witness to the actions of Post and Unit 19 in Columbia, Tennessee. They are selfless in their pursuit of making our communities stronger and improving the lives of others.

HONORING SERGEANT FIRST CLASS RANDY REHN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I stand before you today to honor a man tragically taken from us while in the service of his country. Sergeant First Class Randy Rehn, a graduate of Niwot High School in Colorado, was killed while serving in the conflict in Iraq. In the Army, Randy directed a crew that operated a Multiple Launch Rocket System. I am truly humbled to honor him before this body of Congress and this nation. The sacrifice of Randy and his fellow soldiers will be long remembered by our grateful Nation.

Randy was known as an athlete and a prankster. In high school, he was a football player and an all-state wrestler. He was a loving husband and the new father of a six-month-old girl. I know that Randy's daughter, family and friends take pride in the uniform he wore and the ideals for which he fought. Our Nation will long endure due to the strength and character of the men and women like Randy who serve our country.

Each generation must renew its commitment to defend our liberties. Today in Iraq, a new generation of young Americans is fighting bravely for the freedom of others. I know that those who seek the true meaning of duty, honor, and sacrifice will find it in dedicated servants like Sergeant First Class Randy Rehn.

Mr. Speaker, I cannot fully express my deep sense of gratitude for the sacrifice of this soldier and his family. Throughout our history, men and women in uniform have fought our battles with distinction and courage. At the dawn of this new century, the United States military has once again been called to defend our freedom against a new and emerging threat. Soldiers like Randy embody America's determination to lead the world in confronting that threat, and Sergeant Rehn's devotion to that cause will not be forgotten. Randy has done all Americans proud and I know he has the respect, admiration and gratitude of all of my colleagues here today.

REMEMBERING JOSEPH FRED POWE

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Ms. WATERS. Mr. Speaker, I rise today to pay tribute to a constituent of mine. Joseph Powe was a remarkable man. He was a fixture in our community and he will be missed by many. Joe passed on March 20, 2003. He leaves behind a wonderful wife, two daughters, five granddaughters and a host of friends and loved ones.

In many ways Joe was a pioneer. He was among the first African-American Certified Public Accountants. And, he was the only African-American ever to serve as Regional Audit Manager in the Department of Defense's Defense Contract Audit Agency. Joe served his country in the U.S. Air Force from 1954 through 1958. He also served on the Board of Directors of the United Defense Credit Union as well as several other positions. In 1982, he served the Association of Government Accountants (AGA) as the Regional Vice President, Western Region. I understand, as a tribute to his hard work and dedication to the CPA community, his certificate number will be retired. A terrific honor for this wonderful man.

My thoughts and prayers are with his wife, Opalane, his daughters, Valarie and Alison, and the rest of his family. I hope they are comforted by the fond memories they have of him with a fishing pole in hand or the smile that always seemed to be on his face. He will be missed but for those who knew him, he will always remain with us.

TRIBUTE TO MILNER-RUSHING DRUGS OF NORTHWEST ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. CRAMER. Mr. Speaker, I rise today to honor a landmark in my Congressional District, Milner-Rushing Drugs. This pharmacy celebrated its 150th anniversary on April 25, 2003. This milestone anniversary is quite a testament to the successful practice of caring, professional, and personal service that this pharmacy has provided to residents of the Shoals for 150 years.

Milner Drugs was founded in downtown Florence, Alabama in 1833 by Joseph Milner. After numerous owners and a name change to Milner-Rushing Drugs, it was purchased by John M. Lawson in 1995. And since, it has grown from two employees at one location to more than 40 employees at 4 different locations in the Shoals area today.

From compounding special prescription needs to delivering prescriptions to shut-in patients at their homes, Milner-Rushing Drugs is not just a business, but a part of the Northwest Alabama community. This fine staff at Milner-Rushing Drugs includes a Registered Pharmacist, a Registered Respiratory Therapist, and a complete durable medical equipment staff certified by the Alabama Durable Medical Equipment Association. This exceptional staff and history of unique and personalized service keep customers coming back to Milner-Rushing Drugs, which has become a cornerstone of the Shoals area.

Mr. Speaker, on the occasion of the pharmacy's 150th Anniversary, I rise to honor and commend this exceptional company and its staff. I send my best wishes for a happy 150th Anniversary to Milner-Rushing Drugs and for a long and successful future in the Shoals.

NO HURRY ON EXTENDING PATRIOT ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. UDALL of Colorado. Mr. Speaker, some of the most far-reaching provisions of the "USA PATRIOT" Act will expire at the end of 2005 unless Congress acts to extend them. That is nearly three years from now. But reports persist that some think the time has already come for an indefinite extension of those temporary provisions.

I disagree. I think the Denver Post got it just right in a recent editorial: "Not so fast."

For the information of our colleagues, here is the full text of that editorial:

KEEP PATRIOT ACT TEMPORARY

> When Congress passed the Patriot Act in October 2001, it wisely included a "sunset" provision that would cause the sweeping legislation to expire on Dec. 31, 2005, unless lawmakers vote to extend it.
>
> Now, Sen. ORRIN HATCH of Utah is leading Republicans in a push to make the legislation permanent.
>
> Not so fast.
>
> The legislation, passed in the emotional aftermath of the Sept. 11, 2001, terrorist attacks on the World Trade Center and Pentagon, gives the government unprecedented (civil libertarians would say excessive) powers to snoop on Americans, including eavesdropping on communications, surveillance, access to financial and computer records, and other constitutionally deleterious practices.
>
> The U.S. Department of Justice claims the Patriot Act has given the FBI the ability to respond more quickly to stop terrorists before they can act, and given the still-potent threat posed by al-Qaeda and other terrorist organizations bent on doing harm to the United States, that might be a good thing. According to The New York Times, though, Justice wants the expiration date on the Patriot Act excised. And that may not be a good thing, especially considering that the Patriot Act was passed only because Democrats and moderate Republicans insisted on a sunset date.

From our perspective, the Patriot Act is an extreme measure meant to deal with a crisis—much in the same way that martial law can be proclaimed by a state's governor in time of emergency. Once the danger has passed, martial law is revoked. No one wants troops and tanks in their streets forever.

Another argument against extending the Patriot Act indefinitely is that we still don't know how its application ultimately will shake out. Will it be used to harass and intimidate unpopular groups expressing unpopular opinions? Will it be used against political enemies of this or future administrations?

Fact is, the feds have been playing their cards very close to the vest on how they've used the Patriot Act. And Congress still doesn't have a handle on how the FBI and other government agencies have used this extreme legislation that treads so heavily on the Bill of Rights.

Even if, in the final analysis, it's shown that the government hasn't abused the act, it should never become permanent. We repeat: Never.

American liberty is too precious a commodity bought at a too high price in blood and treasure to be tossed aside in a panic. What does it profit us to bring freedom to Iraq while throwing our own away?

CELEBRATING THE 31ST ANNIVERSARY OF ST. GENEVIEVE'S FRIENDSHIP CLUB

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. EMANUEL. Mr. Speaker, today I rise to recognize The Friendship Club of St. Genevieve's church. On April 23, 2003, the Friendship Club celebrated 31 years of service to Chicago's Northwest side. Led by Jean Juske, the group's president of the past 17 years, the club of 550 active members has worked to educate seniors on issues important to them. Throughout the years, the Friendship Club has held bi-monthly meetings on issues such as personal finance, public safety and politics. The group also helps seniors find safe and affordable housing. My friends at St. Gens, however, say that some of their most popular activities are the social ones such as dinner theatre trips. Whatever the activity, I salute the Friendship Club for their service to Chicago. Neighborhood organizations like this one form the backbone of communities, and Chicago is a much stronger place because of the Friendship Club. Mr. Speaker, I thank the Friendship Club for all they have done in service to our community and wish them the best of luck for their next three decades and beyond.

10TH ANNIVERSARY OF THE SOUTHEAST TEXAS COMMUNITY DEVELOPMENT CORPORATION

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. LAMPSON. Mr. Speaker, I rise today to recognize the Southeast Texas Community Development Corporation, Inc. (SETCDC) on the occasion of its 10th Anniversary.

SETCDC which serves the Beaumont—Port Arthur area of Southeast Texas was founded and incorporated on May 20, 1993, by State Representative Al Price and received its tax-exempt status in January, 1994. SETCDC has contributed to neighborhood redevelopment and revitalization by eradicating blight and building new homes throughout Southeast Texas.

During these ten years, the Southeast Texas CDC has constructed 73 new homes and 19 units of multi-family housing and rehabilitated 28 existing homes. With the support and cooperation of local officials it has had a significant and positive impact on the lives of children and families of the region.

Mr. Speaker, SETCDC has had an economic and business impact of over $10 million in the local community through construction loans and mortgages, through purchase of construction materials and through contracts with local small businesses.

I ask my colleagues to join me in sending congratulations to Representative PRICE and all those associated with the Southeast Texas Community Development Corporation as they celebrate ten years of outstanding service to the citizens of Southeast Texas.

"IT MUST NOT BE FORGOTTEN, LEST IT BE REPEATED," A TRIBUTE TO THE LIFE OF MAX LEWIN, ON NATIONAL HOLOCAUST REMEMBRANCE DAY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. RAHALL. Mr Speaker, "It must not be forgotten, lest it be repeated." This is the message of the life of West Virginia Holocaust Survivor Max Lewin. Though Max left us this year, his community in southern West Virginia recently honored him. Today, on National Holocaust Remembrance Day I wish to share with my colleagues the story of Max Lewin, a proud West Virginian and a brave Survivor.

No phrase should ever weigh heavier upon our collective conscience than, "it must not be forgotten, lest it be repeated," as we consider world history, and negotiate America's foreign policy and humanitarian priorities. The lesson of what happened during the Holocaust surely shows us that every day we live in a world of diversity, filled with respect for peoples of various religious, ethnic, and racial backgrounds is a day that assaults the vile teachings of the Nazi regime. Every day that as legislators of this great Nation we look across the globe and make certain no person or group of people are singled out to live lives of indignity, is a day we truly remember the lesson of the Holocaust. Today, on Holocaust Remembrance Day, let us come together to remember our great teachers of this lesson.

So that I may share with my colleagues the story of Max Lewin, I ask that this recent article in the Beckley Register-Herald be printed in the RECORD.

The article follows:

[From the Register-Herald Reporter, Apr. 7, 2003]

HOLOCAUST MEMORIAL TO HONOR MAX LEWIN

(By Mannix Porterfield)

Even before his health began to fail, Max Lewin made sure his tortured life as a Holocaust victim and the lessons of the 20th century's darkest hours were never forgotten.

What he did was make a pact with a 10-year-old girl to keep alive not only his excruciating memories but those of the Holocaust in general.

That promise was kept, and Margaux Siegel, now 11, will cover Lewin's heroic struggles Sunday in this year's Holocaust Memorial, set to begin at 1 p.m. in Mountain State University's Carter Hall.

"Max felt his greatest fear was that the story would die with him and its lessons wouldn't be learned," explained Margaux's father, Dr. Normal Siegel.

Lewin was the key figure in past Holocaust services in Beckley, a difficult assignment for a man who lost most of his family after German troops stormed into Poland in 1939, signaling the start of World War II.

"I think certainly he had an authentic voice, though sometimes it was difficult to hear precisely what he was saying," Siegel said.

"I think, through his accent and tears, everyone felt the pain."

Lewin died last Aug. 24 at the age of 83.

A slight man with an ever-present smile belying the pain of surviving the murderous regime of the Nazis, he often sought to rekindle interest in the Holocaust by calling on schools in West Virginia to teach its lessons.

In several newspaper interviews, Lewin voiced a fear that future generations, as the adage holds, would be condemned to repeat history if such lessons were ignored.

This year's service, in fact, marks the first such occasion in which the Lewin story is told in the third person.

A gifted writer who won an award last year in elementary school competition, Margaux relied on numerous newspaper clippings chronicling Lewin's storied life from 1978 forward. In addition, an old friend of his, Helen Huzoski of Pax, provided access to his personal papers.

Affidavits also were researched, and a letter from a German court confirmed his concentration camp serial numbers.

Actually, Margaux has delivered her vivid account of Lewin's life on other occasions, where the audience was limited to two or three. Come Sunday, the audience will be considerably larger. "She had promised him she would tell his story when he wasn't around, so this is sort of fulfilling it," her father said.

Strangers would never have guessed the kind, gentle Lewin, a fixture in Beckley's business community for years, had suffered unimaginable pain at the hands of the Nazis, although a trace of sorrow never quite escaped his smile.

Even those familiar with his story couldn't have stepped into his shoes for a full appreciation of his life.

In a eulogy at Lewin's funeral, Rabbi Victor Urecki put it succinctly: "None of us could ever imagine what it was like to be Max Lewin. He always tried to smile. He never lost his respect for humanity, his love for humanity."

For Lewin, the placid, country life of a farm family was shaken at the roots when his native land was invaded.

In a tear-laden 1996 interview, he recounted for The Register-Herald the horrific scenes that ensued.

Some 100 robust young men were gathered by the invaders, given shovels and ordered to dig a 4-foot-deep trench. Jews were lined on either side, then gunned down, and the youths were then directed to spread dirt over the victims, some still writhing in agony.

Lewin lost most of his family in a mass execution March 10, 1943. A sister succumbed in a concentration camp. A brother died in another mass murder a few weeks afterward.

Lewin's wife, Fruma, only 19, vanished, presumably a victim of the Nazi execution squads.

Arriving in America after surviving Auschwitz, he joined older brother Harry in launching Harry's Men's Shop, a business he inherited and kept running after Harry's death in 1982.

Lewin lent his experiences to the Governor's Commission for Holocaust Education that works to keep alive the tragic lessons of the past.

As she has done in past observances, Sam Armstein will serve as master of ceremonies at the Sunday memorial.

Amie Lamborn of Charleston and Michelle Levin, wife of Dr. Barry Levin, will conduct the "Lighting of the Candles," followed by Huzoski's narrative, "Understanding," another look at Lewin's life.

"Max, Mountain University and Me" will be performed by James Silosky, the school's executive vice president and provost for extended learning.

Another tradition, this one embracing the audience, "The Tearing of the Cloth," will be led by Mark Lamborn, also of Charleston. Dr. Joseph Golden of Beckley will offer a commentary on Holocaust prevention.

"Growing Up With Survivors" will be presented by Dr. Levin, after which Tom Sopher will perform a poetic reading.

The Holocaust claimed a known 6 million Jews in Europe and some of them will be recalled personally with the traditional "Reading of the Names," led this year by Beckley attorney Stan Selden. Members of the audience will be invited to help with the reading.

Rabbi Paul Jacobson, acting rabbi at Temple Beth-El, will perform a song, "El Malei Rachamin," and say the kaddish, a Jewish mourner's prayer. Pianist for the program will be Becky Leach, also of Beckley.

Seven years ago, MSU dedicated a special section of its campus to the memory of the city's most renowned Holocaust survivor with "The Lewin Family Bell Tower."

Inscribed on it are the names of Lewin's parents, Yechiel and Sarah; wife Fruma; and his siblings, Awner, Joseph, Harry, Leah, Hannah and Chaia.

Just above those names, a phrase captures the reason for revisiting the horrors of the Third Reich in such ceremonies:

"It must not be forgotten, lest it be repeated."

CHARLOTTE REICKS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor an outstanding woman who has gone far out of her way to help others. Charlotte Reicks of Grand Junction, Colorado has ridden her bicycle all over the country to raise money and awareness for a number of charitable causes.

Charlotte began her adventures in 1997 with a 400-mile ride around Colorado for the Make-a-Wish Foundation. On another occasion, this intrepid grandmother pedaled 700 miles in 10 days and helped raise $7,000 for Habitat for Humanity. During the spring and summer of 1999, she rode from California to Maine, down the coast to Florida, and back across the country again. The 8,800 mile journey lasted six months and benefited the American Bible Society and the Lutheran Hour Ministries. So far, she has ridden about 14,000 miles for various organizations and has no plans to stop any time soon. This summer she is slated to ride across Texas to raise money and awareness for Huntington's disease.

Mr. Speaker, it is a great privilege to honor Charlotte for her outstanding service to humanity. Her courage, tenacity, and dedication to various worthwhile causes certainly deserve the praise of this body and this nation. She is an extraordinary woman who has truly gone to great lengths to help others.

HONORING THE LIFE OF NINA SIMONE

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Ms. WATERS. Mr. Speaker, I rise tonight to honor a jazz artist who was truly inspiration both on stage and off

Nina Simone was a consummate artist who defied classification. A jazz singer, a pianist, a jazz-rock-pop-folk-black musician, an arranger, a composer and a protest singer—she was all of these and more.

She was a social activist, unafraid to speak out or sing out against the social ills of racism and war.

One of eight children, Nina Simone was born Eunice Kathleen Waymon on February 21, 1933 in Tryon, North Carolina. Early on, she demonstrated prodigious talent as a pianist and singer. She played and sang with her sisters in their mother's choir in the local church. It was not until the age of six that Eunice began formal training on the piano.

By the time she was 10, she had given her first recital in her hometown. This recital at the town library produced her first applause and her first encounter with racism. Her parents were forced to move from the first row to make room for whites to be seated. This incident formed the basis of her commitment to the fight for civil rights.

Eunice left North Carolina in 1950 to continue her musical education at the Juilliard School of Music in New York, after which, her family moved to Philadelphia. She applied for a scholarship at the prestigious Curtis Institute in Philadelphia, but was rejected. Her talent was cited as the reason for the rejection, but the Juilliard graduate believed it had more to do with her color than her musical skill.

Discouraged, she became an accompanist for a singing teacher and then, in 1954, she went to work as a singer-pianist in an Atlantic City, New Jersey bar. It was there she adopted the name Nina Simone: Nina, her boyfriend's pet name for her; and Simone, after French actress Simone Signoret, for its dignified sound. Three years later, in 1957, she had her first recording contract.

In 1958, her first album produced her first hit, George Gershwin's "I Love You Porgy," a song that made her an international star and has been synonymous with the name Nina Simone ever since. Her star continued to shine through the '60s and '70s, as did her commitment to the civil rights struggle.

She performed in concert at the world's most prestigious houses of music, with a repertoire ranging from jazz, gospel, blues, folk and classical music to songs of protest against the injustice of racism.

She became a strong voice in the civil rights movement with her song "Mississippi Goddam," which she wrote and performed in protest of the murders of Medgar Evers in Mississippi and four black schoolchildren in Alabama. Later, she wrote and performed the inspirational "To Be Young, Gifted and Black."

Like many American jazz artists before her, Nina Simone found a greater appreciation for her music and more freedom abroad than at home. Embittered by racism, she renounced the United States in 1969 and became a "Citizen of the world." She left the United States in 1973 and lived in Liberia, Barbados, Switzerland, Africa, Trinidad, the Netherlands, Belgium and the United Kingdom before finally settling in France. In 1978, Nina Simone was arrested abroad for failing to pay taxes from 1971 to 1973 in protest of the war in Vietnam, but she was quickly released.

Nina Simone remained a top recording artist and concert draw throughout her life and performed at Carnegie Hall just two years ago in 2001. Nina Simone will always be remembered for her talent and her passion, her sultry, yet forceful voice, her incomparable style and a regal presence on stage.

Nina Simone, whose inimitable voice helped define the civil rights movement, died April 21, 2003 at her home in France at the age of 70. She is survived by her daughter, Lisa Celeste Stroud.

TRIBUTE TO BARBARA MURPHY AND THE EIGHTH GRADE GIFTED STUDENTS OF STONE MIDDLE SCHOOL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. CRAMER. Mr. Speaker, I rise today to recognize a group of 8th Grade students in my Congressional District who have been in Ms. Barbara Murphy's gifted class at Stone Middle School in Huntsville, Alabama since the 6th Grade. These outstanding girls and boys have written a book they aptly named "Reality Street".

The students have compiled their thoughts on various subjects that include their school, neighborhoods, families, conflicts and challenges. Stone Middle school is a Title I school, and these students hope to show people through their book that truly no child will be left behind in any community across the United States. The stories these students tell are powerful and eye opening and are an excellent insight into their community. Everyone can find inspiration in this book, including author Homer Hickam who wrote the Foreword and John L. Stallworth who contributed the Introduction.

Mr. Speaker, I would like to share with you an excerpt from a poem written by one of the students:

"My memories run deep like the sea,
From some of them I want to flee.
But deep in my heart, I truly know
That in the end they all help me to grow."

These kinds of children, ones who decide to grow and learn from every level of their experiences, form the future leaders of our great country. These young folks are to be commended. On behalf of the people of North Alabama and the U.S. House of Representatives, I send them each my best wishes and hopes for a very bright future.

INDEFINITE DETENTION OF ASYLUM SEEKERS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. UDALL of Colorado. Mr. Speaker, many things have changed since the September 11, 2001 terrorist attacks on our country.

But one thing that has not changed is the importance of respecting the Constitution and its limits on the powers of the national government.

That is the point of a recent editorial in the Rocky Mountain News concerning the Attorney General's assertion of authority to indefinitely detain people seeking asylum in America, regardless of the rulings of the courts.

I am also troubled by the Attorney General's actions, and I share the editorial's view that "The government has every right to deport illegal immigrants, but if it's going to detain them for any lengthy period, it has to accord them certain rights.

For the benefit of our colleagues, here is the full text of the editorial:

[From the Rocky Mountain News, April 29, 2003]

U.S. CAN'T JUST THROW AWAY THE KEY

Attorney General John Ashcroft has given himself the power to lock up indefinitely, without hearings, whole classes of illegal immigrants even if he does not deem them individually to be a threat to national security.

The decisions about which illegal aliens should be locked up properly belong to the immigration courts, and certainly should not be made on a wholesale basis.

In asserting this new power, Ashcroft overrode an appeals panel of immigration judges that had upheld a lower court decision granting bond to an 18-year-old Haitian who entered the country illegally last fall. Ashcroft said he wasn't trying to block the right to seek asylum, only to deter "unlawful and dangerous mass migrations by sea." While the intent may be laudable, it's a stretch to label it a matter of national security—even if Ashcroft is right in describing Haiti as a staging ground for some Muslim immigrants from the Mideast who are trying to get into the United States.

The Constitution says no person shall be deprived of life, liberty or property without due process of law. It doesn't make exceptions for noncitizens or people without the proper paperwork. Our protections for civil liberties are one of the reasons refugees are drawn to this country.

Some argue that the Founding Fathers never anticipated the war on terrorism and such issues as illegal immigration. Maybe so, but they had a lot of experience with arbitrary use of government authority. The government has every right to deport illegal immigrants, but if it's going to detain them for any lengthy period, it has to accord them certain rights.

HONORING THE 30TH ANNIVERSARY OF THE CHICAGO BOARD OPTIONS EXCHANGE

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. EMANUEL. Mr. Speaker, I rise today to recognize one of Chicago's most venerable and longstanding institutions, the Chicago Board Options Exchange, on its 30th anniversary. The CBOE began as a spin-off of the Chicago Board of Trade in 1973, and in short order revolutionized options trading by creating standardized, listed options and an exchange-based market. Individual investors the world over quickly adopted the concept of listed options, and the CBOE soon became the world's largest options exchange. As a result of superior management and cutting-edge product offerings, the CBOE has never looked back. Today, the CBOE is responsible for more than 51 percent of all options trading as well as 91 percent of all index options trading in the United States.

The CBOE has maintained its leadership position because of the dedicated efforts of all of those who work in its state-of-the-art 45,000 square foot facility, led by Chairman and CEO William J. Brodsky and Vice Chairman Mark F. Duffy. CBOE management has led the industry on issues ranging from corporate governance to investor education. In fact, Mr. Brodsky was recently commended by the Securities and Exchange Commission for his efforts at maintaining market integrity in the face of several recent corporate scandals. The CBOE is also a key employer in the Chicago region and an important driver of the local economy.

Mr. Speaker, I congratulate the Chicago Board Options Exchange on reaching the important milestone of its 30th anniversary, and I look forward to continuing to work together in the months and years ahead to ensure that the CBOE maintains its competitive superiority and remains a pillar of Chicago's business community.

STEVE MASSANO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. McINNIS. Mr. Speaker, I have the distinct honor and privilege today to honor a real-life hero from my district by the name of Steve Massano of Montrose, Colorado.

Steve serves as a Montrose County Sheriff's Deputy, but what I'm about to share with you here did not happen in the course of his duties, but rather as a concerned citizen. On December 2nd of last year, Steve came across an accident in the town of Olathe. After getting out of his truck to help, he came across an eight-year-old girl who had been ejected from her vehicle and had stopped breathing. Two adults hovered over her, pleading for the child to breathe.

Steve quickly and calmly assessed the situation, and after checking to be sure the child was not breathing, began to administer CPR. Less than a minute later, the girl began kicking and sputtering and breathing on her own. She returned home from the hospital a day or two later with no serious injuries and returned to school a short time later.

For his heroic actions, Montrose County Sheriff Warren Waterman recently presented Steve with the department's Life Saving Medal along with a letter of commendation from the Olathe Ambulance Service for "going above and beyond the call of duty."

Mr. Speaker, we rejoice in the life of that eight-year-old girl, and we are thankful that Steve came across the scene of the accident that day. His quick-thinking and life-saving heroics will be remembered everyday by the family and friends of that young girl. Steve is a true asset to the Montrose County Sheriffs Department, his community, and the state of Colorado, and I wish him all the best in his future endeavors.

NUEL BROWN

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. CARDOZA. Mr. Speaker, I rise today to honor the achievements of Reverend Nuel Brown, who will be retiring after the close of the California State Association of Free Will Baptist Convention on May 2, 2003.

Nuel Brown has been the Free Will Baptist Ministries in California since 1953. He began his work as a pastor and community leader with youth in the California League Youth Organization of the Golden State in Mountain View, California. By selling diversified church bonds, he secured the property for the First Free Will Baptist Church of Mountain View, California where he served five years before moving to Kerman, California. Nuel served the Kerman Free Will Baptist Church for twenty years. He also worked as a chaplain for the Kerman Police Department, served on the Planning Commission and worked with youth. He continued to serve the community through the Ministerial Alliance, Kerman High School Boosters Club and serving youth throughout the surrounding areas. All of Nuel's children are graduates of Kerman High School.

In 1986, Reverend Brown accepted the position of Executive Secretary Promotional Director for the Free Will Baptist State Association. During his tenure, Reverend Brown served all the Free Will Baptist Churches in the State of California. Reverend Brown has served in the State Office for the past 17 years. He has continued to be an activist in the community and a voice for the people. He has great working relationships with elected officials throughout the region and is considered a source for information to the community.

Nuel will now enjoy his retirement with his wife, Yvonne, their children and their grandchildren. Please join me in honoring Reverend Nuel Brown's distinguished career as he enters the next chapter in his life.

HONORING THE LIFE OF ISADORE LOURIE

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. WILSON of South Carolina. Mr. Speaker, on April 24, 2003, a bright light went out in South Carolina. One of our state's favorite sons, Isadore Lourie, passed away. Isadore was a widely respected South Carolina legislator, admired for his passion and integrity. We will all miss his vibrant personality and our thoughts and prayers are with his family and friends.

I particularly will miss the wise counsel of Senator Isadore Lourie (D-Richland), because as a gentleman he very warmly welcomed me to the South Carolina State Senate in 1985. On the first day of my service I introduced several procedural reforms with my colleague Senator John Courson (R-Richland) and Senator Warren Giese (R-Richland). As each was debated no one was more civil in rejecting our arguments than Isadore Lourie.

On the last day of his service, I remember walking with Senator David Thomas (R-Greenville) and Senator Lourie to his car where he gave us the highest compliment of being proclaimed a "mensch" which is Yiddish for a respected friend. Isadore Lourie is indeed a Southern statesman as revealed in the following news article. It is taken from the Friday, April 25, 2003 edition of The State newspaper into the RECORD, and describes the extraordinary life of Isadore Lourie.

"ISADORE LOURIE DIES AT 70: RETIRED SENATOR HAILED AS 'SO GREAT BECAUSE HE WAS SO GOOD'"

(By Carolyn Click and Lee Bandy)

His great, good heart is what people remember.

Isadore Lourie's heart was soft enough to embrace people of all races and creeds, steely enough to buck the established order, gracious enough to forgive, and ask forgiveness, of his antagonists.

On Thursday, as word spread of his death from a rare brain disorder related to Parkinson's disease, people statewide hailed the attorney and former state senator from Richland County for his political courage and his personal integrity. He was 70.

"During the turbulent time of the '60s, Isadore was, for a time, the most meaningful voice that connected black people and white people," said Alex Sanders, the former College of Charleston president, who served with Lourie in the Legislature. "He was so great because he was so good."

The son of Jewish immigrants, Lourie showed up Sunday after Sunday in black churches, Sanders recalled, serving as a bridge from the state's segregationist past to an as yet unknown future.

"Izzy was truly one of the great progressive leaders of South Carolina during a very difficult time, a time of integration, a time of trying to replace centuries of bad times for African-American citizens and poor white citizens," said former Gov. Dick Riley.

Lourie had great empathy for those who could not speak for themselves, in part because of his family's immigrant story.

"He saw the grand sweep of the American dream," said Charleston Mayor Joe Riley. "He saw his part in it . . . and he wanted to extend that to everybody he possibly could."

Lourie, along with a group of "Young Turk" Democrats that included Sanders, Joe Riley and Dick Riley, stormed the white, rural establishment that controlled life in South Carolina from the courthouse to the capitol.

In the House and later in the Senate, the Young Turks backed school integration and "fought like hell," Lourie once recalled, to institute such reforms as compulsory school attendance and reapportionment.

Lourie was a freshman lawmaker in 1965 when he confronted the House speaker over what he deemed an egregious practice: the refusal to introduce black visitors sitting in the House gallery.

He held "an eyeball-to-eyeball" session with the late Speaker Sol Blatt, Lourie later recalled, during a time when white lawmakers were reluctant to cede long-denied rights to African-Americans. But Lourie prevailed.

"WE KNEW WE WERE JEWISH"

Lourie grew up in St. George above the family department store founded by his father, Louis Lourie, a Russian immigrant who arrived in America knowing no English and with little money in his pockets.

But Louis Lourie had cousins in St. Matthews and Orangeburg and came to South Carolina to work for room and board. In 1920, he met Anne Friedman, a young Polish Jew who had come with her family to Charleston to escape European persecution. They were married in 1921 and moved to St. George.

Lourie's father established the L. Lourie Department Store in St. George and ran a wholesale shoe business out of Augusta, Ga. The family grew to include six children—Isadore was the youngest—but his mother continued to manage the household and the business after her husband suffered a heart attack in 1939.

Long after he was grown, Isadore Lourie remembered the quiet of Sunday mornings in the small town, his Christian friends packed off to Sunday school and church. By Sunday afternoon, he said, his solitude had ended and he was back running with his schoolboy chums.

"We knew we were Jewish—my mother strongly felt her Jewish identity—but we got along well with our non-Jewish neighbors," Lourie recalled in 2000.

His mother kept a kosher house, and the family would travel to Charleston for High Holy Days.

After Isadore completed high school in 1948, his mother closed the St. George store and, with her two eldest sons, Solomon and Mick, opened the new Lourie's Department Store in Columbia, now a fixture in the capital city.

Sen. Jake Knotts, R-Lexington, still buys his suits from Lourie's, recalling the kindness of the late senator in helping Knotts arrange credit to buy his first suit after becoming a Columbia detective.

"He looked out for the little man," said Knotts. "I looked up to him for that."

GREAT TIME TO BE A DEMOCRAT

Lourie, who earned his undergraduate and law degrees from USC, was first elected to the House in 1964. In 1971, he was elected to the Senate, where he battled the old crony system and served, many of his colleagues say, as the body's conscience.

He once described the administration of Gov. Dick Riley as "eight glorious years." He said, "It was a wonderful time to be a progressive Democrat in South Carolina."

Lourie clashed later with former Republican Gov. Carroll Campbell. Their feud dated to Campbell's bitter 1978 congressional campaign against former Greenville Mayor Max Heller, who is Jewish.

Those deep-seated feelings surfaced in a keynote address to the Richland County Democratic convention in 1990, when Lourie urged the party faithful to fight against Campbell and his "crew of thugs" on every street corner.

Lourie apologized, saying he got carried away. The two later patched things up. Thursday, Campbell hailed Lourie as the consummate public servant.

He worked for and witnessed the election of the first black candidates to the Legislature. Today, 32 blacks serve in the Legislature.

Eventually, Lourie represented a redrawn, black-majority Senate district. He almost lost the seat in 1984. Then, after meeting with black leaders in 1992 at the height of his power, he decided to give up his seat voluntarily.

"He paid the ultimate political sacrifice. He gave up his political career," said state Sen. Darrell Jackson, D-Richland, who won Lourie's old seat.

After his retirement, Lourie continued his civic activities. In 1994, he was the founding president of the Jewish Historical Society of South Carolina and cleared the way for the development of the Jewish Heritage Collection at the College of Charleston, which already had a vibrant Jewish Studies program.

"The thing about him, he was a politician, a good politician," said Dale Rosengarten, curator of the collection. "But he was what we call in Yiddish a 'mensch.' He had character, unimpeachable integrity and a heart as big as a house."

He also had a running joke of 40 years that he shared with his old Turk buddy Sanders.

That joke won't be told again, Sanders said, but he did reveal this: Lourie "was the straight man, and I'll miss him for the rest of my life."

A service will be held at 3 p.m. today in Beth Shalom Synagogue, with burial in Hebrew Benevolent Society Cemetery.

KENT STATE UNIVERSITY'S WASHINGTON PROGRAM IN NATIONAL ISSUES: CELEBRATING 30 YEARS IN WASHINGTON, DC

HON. TIMOTHY J. RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. RYAN of Ohio. Mr. Speaker, I rise today in recognition of Kent State University's Washington Program in National Issues, known as WPNI. On May 1, 2003, WPNI will celebrate its 30th Anniversary. This anniversary not only marks WPNI's 30th year in Washington, DC, but also symbolizes the impressive achievements of those faculty, staff, alumni and students who are and who have been dedicated to the success of WPNI. Dr. Carol Cartwright, President of Kent State University, has been a very strong supporter of the program and has contributed significantly to its continued success.

WPNI has three primary objectives: (1) to facilitate learning about the U.S. political system and its policy issues; (2) to develop an understanding of the interrelationship of public issues and structures of government; and (3) to encourage individual initiative and provide for experiences in internship and research. Dr. Carol Cartwright and Dr. Richard Robyn, Director of WPNI, have worked extremely hard to ensure that these objectives are met.

WPNI is a full 15-week academic program offered each Spring semester by Kent State University. Since its creation in 1973, WPNI has sent more than 600 selected juniors and seniors from various academic disciplines to Washington, DC to live, work and study. Throughout the course of the program, the students are required to participate in an academic curriculum and maintain an internship position in government, a company or an organization of their choice. The academic and professional benefits this program brings to its students are extraordinary. At the same time, government entities, companies and organizations benefit enormously. I know this first-hand as my Washington office had the good fortune to have Sarah Jones from Hubbard, Ohio, as a WPNI intern since February 2003. Sarah made an invaluable contribution to the day-today operation of my office and we will miss her greatly.

I commend Dr. Cartwright and those at Kent State involved in the foundation and the continuation of this meaningful program. I also congratulate all of the students who have taken part in this wonderful experience over the past 30 years. I am certain, that with continued support, the Washington Program in National Issues will celebrate many more anniversaries to come.

ASHLEY DURMAS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize an outstanding athlete and a pioneer from my district in the sport of woman's snowmobile racing. Ashley Durmas of Whitewater, Colorado is only 17 years old, though she is already an accomplished professional snowmobile racer.

Ashley started racing in junior competitions during the winter of 1999–2000 against a field of all boys. She crashed nearly every race, but Ashley is a winner, and she refused to give up. She continued riding and racing. She improved so much that last year she turned professional and finished second overall in the Colorado women's pro class. She still competes in the male division and usually finishes at or near the top. She recently entered the Colorado state championships in the sport class and beat 21 of the 23 men who competed against her.

Ashley is not only successful on the snow, but she excels in the classroom too. Even though her busy schedule often requires her to study while on the road to out-of-state events, this high school junior still finds the time and energy to hit the books and earn As and Bs on her report cards.

Ashley's tenacity, hard work, and dedication have truly made her community and the state of Colorado proud. It is my privilege to bring her example to the attention of my colleagues here in this body today. Ashley embodies the old maxim, "If at first you don't succeed, try, try again." Ashley not only tried again, but has developed into an outstanding athlete and an inspiration to us all. I congratulate her on her success and wish her the best with all of her future endeavors.

HONORING OFFICER MARYANN COLLURA OF THE FAIR LAWN POLICE DEPARTMENT

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday April 29, 2003

Mr. PALLONE. Mr. Speaker, I rise today to honor the life and work of Officer MaryAnn Collura of the Fair Lawn Police Department in Fair Lawn, New Jersey.

Mr. Speaker, it pains me to report that on Thursday, April 17, 2003, at the age of 43, MaryAnn Collura was killed in the line of duty. Officer Collura is only the fifth female to be killed while serving as a police officer in the State of New Jersey. Her loss has sent shockwaves through the members of her department, the people of Fair Lawn, and the entire State of New Jersey.

MaryAnn Collura was born in New York City, the youngest daughter of Pasquale and Helen Collura. MaryAnn was a lifelong resident of the Borough of Fair Lawn, New Jersey. She lived in the same home on Morlot Avenue in Fair Lawn where she and her siblings had grown up. She attended the same church where she had been baptized as a baby and taken her first holy communion as a young girl. The streets that MaryAnn patrolled each day as a police officer were the same streets that she ran as a child. Fair Lawn was home in every sense of the word.

MaryAnn was known for her devotion to the community and to its people. So, it came as no surprise when MaryAnn decided to join the Fair Lawn Police Department in 1985, after serving for two years as a special officer. MaryAnn broke new ground in the department, becoming the first female officer in the town's history.

It was her compassion for her neighbors, combined with her courage and skill as an officer, that made MaryAnn an inspiration to other young women and men who wished to dedicate their lives to becoming officers of the peace. MaryAnn cared about the details of her community. She went as far as to initiate a program for children to carry glow sticks on Halloween to make them more visible to cars. It goes without saying that MaryAnn was well liked and well respected, both by the members of her community and by her fellow police officers. But more importantly, during her eighteen years on the force, MaryAnn made a difference.

Although I am not the Representative in Congress for the community of Fair Lawn, the loss of Officer Collura is one that hits particularly close to home. MaryAnn Collura was the aunt of my longtime staff member and campaign manager, Scott Snyder. To Scott, I would like to take this opportunity to say that the thoughts and prayers of the entire Pallone family and the Pallone staff are with you and your family in your time of loss.

Mr. Speaker, it is at these times that we are reminded of the sacrifice that police officers and their families make in the name of community service. To a police officer, each call presents dangers and threats that we cannot begin to imagine. To the outside world, a police officer's uniform represents unwavering and selfless dedication to the protection of our community and the defense and enforcement of our nation's laws. This is something that all police officers understand, and something MaryAnn died upholding.

Mr. Speaker, I ask my colleagues to join with me in honoring the life and work of Officer MaryAnn Collura. I urge my colleagues to take a moment and recognize the bravery and selflessness of all of our nation's police officers, and all of our heroes in uniform.

To MaryAnn's family; her mother, Helen; her siblings Paul, Patricia, and Linda; and to Scott and his entire family—please know that MaryAnn's commitment and sacrifice will never be forgotten by the people of Fair Lawn, the State of New Jersey or by the Congress of the United States.

HONORING LIEUTENANT THOMAS A. PETRELLA, UNITED STATES NAVY

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. SIMMONS. Mr. Speaker, during this time of war, our thoughts are constantly with our active duty military personnel overseas, and also with all of the men and women who wore the uniform of the United States military through the years. I rise today to honor an individual who will retire this month following a long tour of service to this country.

Lieutenant Thomas A. Petrella enlisted in the United States Navy in 1980 and served as an intelligence specialist aboard four different aircraft carriers, a cruiser, and a nuclear attack submarine. Thom served 10 great years of commissioned service using his knowledge and extensive experience to better his community.

Throughout his successful 23-year career, Thom focused on his duties to aid our Nation and the United States Navy. He concludes his spectacular career as a Vietnam War analyst at the Department of Defense where he analyzed cases of Americans missing from the Vietnam War, including that of Captain Arnold Holm, a resident of Connecticut's Second District of whose greatness I have spoken here before.

Lieutenant Petrella epitomizes the type of person we would like to have serving in our Armed Forces, someone who believes in this country, in its values, someone who believes in faith and family and hard work, and someone who has a great appreciation for the blessings of freedom and who worked during his years to promote the values that have made this country a great place to be.

I ask my colleagues to join me in thanking and congratulating Lieutenant Thomas Petrella for his dedicated and committed service to this Nation. Your best years are still to come. I would also like to extend these wishes to his wife Renee and their children Kara, Ryan and Cody.

IN HONOR OF WILLIAM T. "BILL" ROBINSON

HON. KEN LUCAS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. LUCAS of Kentucky. Mr. Speaker, I rise to congratulate William T. ("Bill") Robinson III for receiving the prestigious Themis Award. The criteria for this award is "Extraordinary service by an attorney to the Cincinnati Bar Association, the legal profession and/or the general community, which displays a high level of commitment, dedication or courage." Bill Robinson has certainly met this criteria.

Bill currently serves as Chair of the Finance Committee and Member of the Executive Committee of the Board of Governors of the American Bar Association (ABA). He has served as State Delegate to the ABA Nominating Committee, President of the National Caucus of State Bar Associations, member of the Executive Committee of the National Conference of Bar Presidents and is chairing the ABA Standing Committee on Bar Activities and Services and the ABA Standing Committee on Substance Abuse. Bill served as 50th President of the Kentucky Bar Association, founding Chair of the Kentucky IOLTA Fund, President of the Kentucky Bar Foundation, Co-Founder & President of the Salmon P. Chase American Inn of Court. Bill is a Fellow of the International Society of Barristers, a Fellow of the American Academy of Appellate Lawyers, a Sustaining Member of the American Bar Foundation, Member of the Sixth Circuit Judicial Conference, and a Sustaining Member of The American Law Institute.

In addition to his significant accomplishments in his chosen profession, Bill has a distinguished history of serving our local business community. As a co-founder of the Metropolitan Growth Alliance of Greater Cincinnati, he played a key role in the creation of the "Gallis Report" which has become a catalyst for a multi-jurisdictional, regional approach toward a wide range of strategic policy, planning and development initiatives throughout our Tri-State region. Bill also was a Founding Board Member and Secretary/Treasurer of the Tri-County Economic Development Corporation, the Vice Chair for Economic Development for the Greater Cincinnati Chamber of Commerce, and the Chair of the Partnership for Greater Cincinnati, a multi-million dollar initiative for economic development in the region; and a Founding Board Member of CINCY–TECH USA, the new economy initiative of the Greater Cincinnati Chamber. Bill is the Vice Chair of the Board of Directors and Chair of the Finance Committee Board of Directors of the Cincinnati/Northern Kentucky International Airport where he has served on the Board and helped direct the airport's emergence as one of the world's most modern and efficient airports.

Bill grew up in Cincinnati, was educated at the Anthenaeum of Ohio and St. Gregory Seminary, Thomas More College and the College of Law at the University of Kentucky. He is an educator and serves on the Board of Mount St. Joseph College. He has served on the Board of Thomas More College, the Board of the Anthenaeum of Ohio, the Board of Covington Latin School and on the Board of the Greater Cincinnati Literacy Task Force, the Visiting Committee at the College of Law, University of Kentucky, the Visiting Committee at Chase College of Law, Northern Kentucky University, Adjunct Professor at Chase, and President of Redwood School and Rehabilitation Center where he is currently Chair of the Dorothy Wood Foundation.

Bill has served and continues to serve the legal profession, the community, and the Cincinnati Bar Association with the highest level of dedication, professionalism, and commitment. Bill can be proud of the positive impact that he has had on the quality of life in our regional community and I commend him on his many accomplishments.

DONALD JOHNSTONE FINNIE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I take this opportunity to pay tribute to the life and memory of an outstanding resident of my state. Mr. Donald Johnstone Finnie of Lakewood, Colorado passed away recently at the age of 84. As we mourn his passing, I think it is fitting to remember this outstanding husband, father, and friend who spent a lifetime in service to others.

Mr. Finnie, like so many members of his great generation, contributed to the Allied victory in World War II. He fought for our country in New Guinea and Germany before returning home to Colorado, where in 1948 he joined the El Jebel Shrine, which does charity work with the Shriners Hospitals. He became president of the Jefferson County Shrine Club a decade later. Mr. Finnie and his beloved wife Doris also participated in a number of youth programs in support of their two daughters, including the Jefferson County YMCA and the Campfire Girls.

Donald Finnie knew the meaning of the word dedication. In his 43-year association with the Rotary Club, Mr. Finnie never missed a meeting. His good works also extended into the political arena as district chairman of the Republican Party and as a founding father of the city. In 1968, Mr. Finnie served on the incorporation committee for Jefferson City, which later changed its name to Lakewood.

Mr. Speaker, we are all saddened by the loss of Donald Johnstone Finnie, but take comfort knowing that our grief is overshadowed by the legacy of courage, selflessness, and generosity he left with all who knew him. Donald's life embodies the virtues that helped make this country great, and I am deeply honored for the opportunity to pay tribute to him today. Donald Johnstone Finnie will be missed by his family, friends and the many people in his community who were fortunate enough to have known him.

FAIRNESS FOR AMERICA'S HEROES ACT

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. GUTIERREZ. Mr. Speaker, I rise today to announce the introduction of my bill, the "Fairness for America's Heroes Act."

Currently, there are more than 37,000 non-citizens on active duty in our military and each year approximately 7,000 new non-citizens join the armed forces.

These brave men and women are willing to die defending our nation, and it is imperative that we recognize their selflessness and spirit—not only when someone is killed in battle, but from the moment they are called up for combat duty.

We need laws that reflect non-citizen soldiers' heroism and their patriotism. That say we are grateful for your sacrifice; we understand the risks and dangers of combat duty; and to honor your dedication and devotion, we are granting you citizenship. This is a right that these men and women have earned and deserve.

Throughout history non-citizen soldiers have stood shoulder-to-shoulder with native-born Americans in defense of our nation. They fight with vigor and valor to protect the American dream, and they risk their lives everyday for the safety and security of our country.

All of those who serve—regardless of race, regardless of gender, regardless of country of origin—are without hesitation recognized as America's heroes. The legislation I am introducing today will allow them, rightfully and justly, to also be recognized as Americans. This is a distinction they have certainly earned and deserve.

The "Fairness for America's Heroes Act" grants citizenship automatically to non-citizen soldiers assigned to combat duty.

The legislation says that no soldier will ever again have to come home in a body bag to be recognized as an American. No soldier's family will ever again have to sort through mounds of paperwork so their loved ones can receive citizenship posthumously. It also says that no soldier will ever again have to be preoccupied or worry what will happen to their family's immigration status if they are killed in battle.

It enables immediate family members of servicemen and servicewomen to receive expedited processing of their immigration status, and, perhaps most important, it honors the enormous contributions immigrants make to our military and to our society every day.

To understand these contributions, you have to look no further than the young men who heroically and valiantly served their adopted country in the war against Iraq: Lance Corporal Jose Gutierrez, Corporal Jose Garibay, Private First Class Francisco Martinez-Flores, Lance Corporal Jesus Suarez del Solar.

These brave young men, barely in their twenties, died fighting for our country, but the ideals and principles they fought for must not.

Those ideals can be summed up most eloquently with the words of Lance Corporal Gutierrez' brother, who said that Jose joined the Marines "to pay a little back of what he'd gotten from the U.S."

These young men, many of whom left wartorn, war-ravaged countries, understood that America is the type of place that permits you to dream as big as your heart will allow. They were willing to fight and die for that dream, and our immigration system should reflect and respect that sacrifice.

You see, Mr. Speaker, immigrants' presence in our military is nothing new. Immigrants have fought in every war since the American Revolution. In fact, immigrants account for 20 percent of the recipients of the Congressional Medal of Honor.

In Silvis, Illinois, just west of Chicago, Ill., there is a street called Hero Street U.S.A. This street stands as a tribute to honor eight young Latino men who lost their lives courageously defending our country during World War II and Korea. They went to war without hesitation even though people often ignored them or treated them as second-class individuals. The sacrifice and strength of these young men sparked an unrivaled and unmatched wave of service in their community.

The Department of Defense has documented that no street of comparable size has sent as many men and women to serve in the Armed Forces.

While tributes like these are important, and speeches are moving, we must back up our rhetoric with action. The swift passage of this legislation is an important place to begin.

It will say to these heroic young servicemembers that we recognize and respect your contributions; we honor your spirit and your service; and that you personify the pride and patriotism that makes this Nation so great.

I urge my colleagues to properly recognize these brave men and women by supporting the "Fairness for America's Heroes Act."

TRIBUTE TO JAMES L. FERMAN SR.

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of the late James L. Ferman Sr., a pillar in the Tampa Bay society, whose devotion to his company was second only to his dedication to family and his remarkable commitment to strengthening his community.

A native of Tampa, Ferman joined the Navy in 1942 after graduating from H.B. Plant High School and Emory University. After serving his country in both the Atlantic and Pacific as an intelligence officer and commander of a submarine chaser, James Ferman Sr. came home to oversee the expansion of his father's automobile company. Under his watch, Ferman Motor Car Company became the oldest continuously operating dealership in the country and one of the biggest dealerships in the state.

Today Ferman Motor Car Company employs almost 1,000 people in four counties, and James Ferman Sr., the father of this company, was known for treating these employees like his own family. The integrity with which he led Ferman Motor explains why so many employees have stayed with the company for decades.

James Ferman Sr. was also known for his work outside of the company. The 1966 Civitan Club's Citizen of the Year dedicated much of his life and wealth to charitable causes in Tampa Bay and beyond. Ferman served the community in countless capacities including as a board member of the Port Authority, the Chamber of Commerce, the United Way and the University of Tampa, and as an active member of the Hyde Park United Methodist Church.

James Ferman Sr.'s contributions to making Tampa Bay a better place to live will never be forgotten and will continue to inspire generations of citizens to serve and lead their communities as he did. On behalf of all of us, I would like to extend my deepest sympathies to his family.

PREVENTION OF PREDATORY LENDING THROUGH EDUCATION ACT

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. SCOTT of Georgia. Mr. Speaker, thank you for the opportunity to discuss legislation that I am introducing today that will coordinate government agencies and non profit organizations that provide education counseling to consumers who have been victims of predatory lending practices. This legislation is intended to improve consumer literacy, reduce harmful mortgage lending practices, and provide borrowers with a nationwide toll-free telephone number to receive complaints regarding predatory lenders and create a resource database of information.

While expanded access to credit from both prime and subprime lenders has contributed to the highest homeownership rates in the nation's history, there is growing evidence that some lenders are engaging in predatory lending practices—excessive front-end fees, single premium credit life insurance, and exorbitant prepayment penalties—that make homeownership much more costly for families that can least afford it. Predatory loans are said to have grown rapidly in minority neighborhoods, often stripping away wealth that may have taken homeowners decades or a lifetime to accumulate. Some communities which lacked access to traditional institutions were being victimized by second mortgage lenders, home improvement contractors, and finance companies who peddled high interest rate home equity loans with high loan fees to cash-poor homeowners.

A joint report by the Department of Housing and Urban Development and the Treasury Department, issued June 21, 2000, Curbing Predatory Home Mortgage Lending, urged Congress to adopt legislation that would restrict abusive terms and conditions on high-cost loans, prohibit harmful sales practices in mortgage markets, improve consumer literacy and disclosures, and prohibit government-sponsored enterprises from purchasing loans with predatory features and establishing predatory lending as a factor in CRA evaluations.

Therefore, I urge my colleagues to support this legislation that will assist borrowers who already have predatory loans, educate consumers about the dangers and pitfalls of entering into a home loan, and refer consumers to appropriate governmental agencies or consumer protection organizations for assistance.

I ask unanimous consent that the text of the legislation and my statement are printed into the RECORD.

HONORING FLANNERY DAVIS AND GUS JOLLEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Flannery Davis and Gus Jolley for their creativity in sharing their love of horses. Flannery and Gus run the Walk On Therapeutic Riding Center in Florence, Colorado and offer programs that give disabled people the opportunity to experience riding in Colorado's beautiful mountains. Today I want to honor their efforts before this body of Congress and this nation.

Gus began thinking about offering services for disabled riders when he was driving a shuttle van for the disabled as a part-time job in Santa Fe. Both he and Flannery spent two years volunteering with therapeutic riding centers and undergoing training as riding instructors before starting Walk On. Walk On Riding Center helps to make riding accessible to diverse groups of people by using adaptive teaching techniques and equipment to accommodate disabilities, both physical and mental. Their programs build independence, confidence, and self-esteem by introducing disabled citizens to the freedom and fun that riding can provide.

Mr. Speaker, it is a great privilege to recognize Flannery Davis and Gus Jolley for their outreach to the disabled in their community. On horseback and off, disabled riders can feel capable, empowered, independent, and healthy. Everyone deserves the opportunity to experience a slice of our western tradition, and I am proud to salute a program that expands access to one of the best recreational opportunities Colorado has to offer.

COMMEMORATING YOM HASHOAH

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. WAXMAN. Mr. Speaker, I rise today to commemorate Yom Hashoah, Holocaust Martyrs' and Heroes' Remembrance Day, which memorializes the six million Jews murdered by the Nazis during World War II.

Each year this day is one of grief and hope. We mourn the innocent lives and vibrant communities destroyed while the world shamefully stood silent, and encourage the strides being taken to advance Holocaust education and the battle against resurgent anti-Semitism and intolerance around the world.

We observe the anniversary of the Warsaw ghetto uprising, when a brave cadre of fighters battled a Nazi siege to liquidate the community's last remaining Jews, and resolve ourselves to provide comfort and support for the aging community of Holocaust survivors who continue to battle the horrors of their past.

This year, as we mark the 50th anniversary of the dedication of Yad Vashem in Israel and the 10th anniversary of the founding of the U.S. Holocaust Memorial Museum in Washington, we have tremendous accomplishments to be proud of, but difficult challenges remain ahead.

In European and Arab countries, where the dramatic rise of anti-Semitic and Holocaust denial is fomenting attacks against Jews and exacerbating tensions in the Middle East, we must do more to counteract the steady stream of hatred.

In the United States and around the world, where elderly holocaust survivors are struggling to find adequate health and home care to alleviate the traumatic scars of their experiences, communities must join together to find ways to meet these vital needs.

And in the vast settlements negotiated by the United States with European governments and corporations to atone for the crimes of slave labor and theft of assets, companies responsible for Holocaust-era insurance policies must be held accountable for their denials, delays, and stonewalling tactics against survivors and families seeking restitution.

The wrongful denial of claims in violation of the standards set by the International Commission on Holocaust-Era Insurance Claims (ICHEIC) must be reviewed and overturned. Companies routinely extending the 90–day period allotted by ICHEIC to research the validity of claims into year-long sagas with no status updates to the claimant must be mandated to act more expeditiously. And most urgently, companies refusing to publish the basic policyholder information from their archives must be penalized for their inaction.

Survivors who are still alive were only children when the Holocaust began. While many have vivid recollections about insurance agents visiting their home or policies their family spoke of, few have documents to identify the right company and cannot do so because the companies haven't provided comprehensive lists for them to search for the names of their parents and relatives. As a result, more than 80 percent of the claims filed with ICHEIC are incomplete, and barely 2 percent of the over 88,000 claims submitted to ICHEIC have received offers.

Today I am encouraged that some progress is being made. This week, the German insurance industry agreed to publish the names on 363,232 policies issued by German companies to people identified on a comprehensive list of Jews who lived in Germany before the war. This is a vast improvement over the meager 308 policyholder names previously made available from Germany's largest insurer, Allianz.

More must be done, however, to get Generali, Axa, Winterthur, and Zurich to live up to their responsibilities as ICHEIC members. In November 2001, when I organized a hearing on the Government Reform Committee to shed light on these problems, Axa had provided 191 names to ICHEIC, Zurich had given 40 names and Winterthur just 31. Generali, a company that was the most popular pre-war insurer among Jews in Poland and Hungary, had released only 8,740 names out of the nearly 90,000 policies in effect when the war began. It is unacceptable and reprehensible that these companies have still not taken any steps to provide more information.

We must pressure these companies to do more. If they will not open their archives voluntarily, we must compel them to do so by supporting the implementation of state laws like California's Holocaust Victims Insurance Relief Act or the enactment of federal legislation like H.R. 1210, the Holocaust Victims Insurance Relief Act, which I introduced earlier this year.

Justice delayed is justice denied. Today, on Yom Hashoah as we mourn the victims of the Holocaust we must renew our determination to help the remaining survivors attain justice in their lifetimes.

PRESIDENT OF POLISH HERITAGE ALLIANCE, JOHN J. WALLOCH, TO BE HONORED

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. KLECZKA. Mr. Speaker, on Sunday, May 4, 2003, the Pulaski Council of Milwaukee will be honoring John Walloch, President of Polish Heritage Alliance, at its twenty-third Heritage Award Dinner.

Mr. Walloch's ties in our Polish community run deep. The proud son of Leonard and Helen Walloch, John grew up on Milwaukee's southside where he graduated from my alma mater, Don Bosco High School. Following his time at Don Bosco, he entered the Milwaukee Institute of Mortuary Science and graduated in 1961 with certification as both a Funeral Director and Embalmer. With the assistance of his parents, he opened the John J. Walloch Funeral Home in 1966 and has been overseeing its operations ever since.

Despite his hectic professional schedule, John has always found time to serve his fellow Milwaukeeans. He has previously held leadership roles for the South Side Business Club and Xaverian Missionary Fathers Advisory Board, and is currently a member of St. Joseph's Foundation, the Knights of Columbus, St. Alexander's, and St. Roman's Parishes.

For many years, John has also played an important role in the Polish-American community in the Milwaukee area. He is an active member, and past president, of the Milwaukee Society of Polish National Alliance, a fraternal Polish-Americans organization. In 2002, he assumed the presidency of the Polish Heritage Alliance. Under John's leadership, the Polish Heritage Alliance has continued to gain notoriety as the directing organization for Milwaukee's famous Polish Fest, America's largest Polish Festival. During each visit to the festival, attendees are sure to see him dancing the polka while donning a red czapka.

John, the avid outdoorsman, likes to spend his "free time" boating, hiking and entertaining friends and his two daughters, Linda and Christi, and his son, Jason, at his recently refurbished second home on Elkhart Lake. In the past years, John has been collecting stamps in his passport, and had the opportunity to visit the homeland of his ancestors, Poland.

Mr. Speaker, it is with great pride that I extend my congratulations to John Walloch for his exemplary work in the Polish-American community. May he continue to be blessed with happiness and success for years to come. Sto Lat!

EL DÍA DE LOS NIÑOS

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. HINOJOSA. Mr. Speaker, tomorrow is a very important day. It is "El Día De Los Niños (The Day of the Children)—Celebrating Young Americans. This traditional Latin American holiday has been observed nationally since April 30, 1998.

In preparation for that first El Día De Los Niños, young Americans in dozens of cities across the nation signed petitions and testified before city councils to ask for local recognition of the celebration. It is a day for parents, families and communities to value and uplift Latino children and all other children in the United States.

Across the Nation, communities are organizing their own activities to celebrate their children on April 30th. I am proud that my 15th Congressional district of Texas celebrates El Día De Los Niños with great enthusiasm and fanfare. This week 600 hundred elementary school children will enjoy a day of festivities at Edinburg Municipal Park. Another 600 children will be celebrating in McAllen at Seguin Elementary School.

These celebrations are possible because the entire community—schools, community-based organizations, colleges, and local businesses come together to uplift the children of the Lower Rio Grande Valley to show them how much we care about them, and how important they are to our future.

El Día De Los Niños has a powerful message for us all. El Día De Los Niños provides a bridge for children to learn more about being an American.

Their first hands-on civics lesson is to ask their city council to declare and celebrate the Day of the Children. Young Americans have told the Nation what it should be doing. They have accepted the gift of a special day from the Latino community and are building a national celebration of hope and diversity for all children in the United States—a gift we can all cherish.

I encourage my colleagues to help celebrate this important day in their own communities and with their own children.

TRIBUTE TO LINDA MOSEMAN RAYMOND

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. HINCHEY. Mr. Speaker, I rise today to pay tribute to my constituent, Linda Moseman Raymond, for her exceptional leadership and community service. Mrs. Raymond is a resident of Woodstock, New York and is currently serving as Department President of the American Legion Auxiliary, Department of New York. The American Legion Auxiliary is the largest women's patriotic service organization in the world. Their primary goals are to serve veterans, their families, and children in their communities and to promote patriotism and Americanism.

Mrs. Raymond is a charter member of the Woodstock Unit #1026 in Ulster County. She is presently employed at AMETEK Rotron as the Customer Service Manager. She manages the Department and is responsible for all European accounts and export compliance for the company.

Mrs. Raymond has been very active in her community, serving as an EMT on the Woodstock Rescue Squad, a firefighter in the Woodstock Fire Department and an Instructor in CPR and Water Safety.

Each year the Department President chooses a project of particular interest to her and raises funds to assist in that effort. Having dealt closely with community emergency situations, Mrs. Raymond has chosen to raise funds for two children's burn camps—the New York City Firefighters Burn Center Foundation and the Strong Memorial Hospital Burn Camp through the Rochester Medical Center Burn Unit. Both burn camps provide the opportunity for children having suffered the devastating effects of burns to spend some time in a summer camp with specially trained counselors, nurses, psychologists and firefighters. Through her community volunteer work, Mrs. Raymond has seen first hand the tragic effects that severe burns have on the lives of children. To be able to spend time with other children that do not stare or judge, tease or ridicule their burn injuries is necessary for these children. To date, more than $40,000 has been raised through the efforts of the members in The American Legion Auxiliary in New York.

Mrs. Raymond has always been a strong supporter of children's programs, and she has clearly demonstrated her dedication again as she promotes this worthwhile cause. The American Legion Auxiliary is proud of the efforts on her behalf. During these difficult times for our nation, Mrs. Raymond's service to these children is most noteworthy.

Mr. Speaker, I am delighted to join the American Legion Auxiliary in honoring Linda Moseman Raymond for her ongoing commitment to children and to her community.

HONORING BONIFACIO COSYLEON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Mr. Bonifacio "Boney" Cosyleon for his leadership in the Pueblo, Colorado business community. In addition to becoming a successful businessman himself, Boney has volunteered his time to a wide range of community organizations and today I want to honor his accomplishments before this body of Congress and this nation.

"Boney" has served the Pueblo community for nearly twenty-three years as a member of the Greater Pueblo Chamber of Commerce and the Pueblo Economic Development Corporation. As the owner of a construction company, Byerly and Cosyleon, Inc., he has been an instrumental player in the Colorado Contractors Association's outreach to minority businesses. From 1988 to 1992, "Boney" served as chairman of the CCA's Affirmative Action Committee, helping to develop the Emerging Small Businesses Program. ESB offers training opportunities, technical assistance and referrals to eligible small businesses and has helped to secure almost $60 million in construction contracts for these businesses. Recently the Colorado Department of Transportation presented him with the Emerging Small Business Award for his work on ESB and for his advocacy on behalf of small business.

Mr. Speaker, it is a great privilege to recognize "Boney" Cosyleon for his service to Colorado. His work has helped innumerable new small businesses achieve success in the construction industry. His community involvement is a credit to small businesses everywhere, and it is my distinct pleasure to honor him here today.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 1, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 6

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine media ownership.

SR–253

10 a.m.

Appropriations

Homeland Security Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2004 for border and transportation security.

SD–124

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 324, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for certain trails in the National Trails System, S. 634, to amend the National Trails System Act to direct the Secretary of the Interior to carry out a study on the feasibility of designating the Trail of the Ancients as a national historic trail, S. 635, to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, and S. 651, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System.

SD–366

Aging

To hold hearings to examine Medicare reform and competition.

SD–562

Joint Economic Committee

To hold joint hearings to examine financing the nation's roads.

SD–628

2:30 p.m.

Judiciary

Constitution, Civil Rights and Property Rights Subcommittee

To hold hearings to examine judicial nominations, filibusters, and the Constitution, focusing on when a majority is denied its right to consent.

SD–226

Armed Services

Emerging Threats and Capabilities Subcommittee

Closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense.

SR–222

Energy and Natural Resources

To hold oversight hearings to examine the Department of the Interior program's addressing western water issues.

SD–366

3:30 p.m.
Armed Services
SeaPower Subcommittee
Closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense.
SR–232A

4:30 p.m.
Armed Services
Personnel Subcommittee
Closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense.
SR–222

MAY 7

9 a.m.
Armed Services
Airland Subcommittee
Closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense.
SR–232A

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine climate change.
SR–253

Judiciary
To hold hearings to examine the nominations of Consuelo Maria Callahan, of California, to be United States Circuit Judge for the Ninth Circuit, and Michael Chertoff, of New Jersey, to be United States Circuit Judge for the Third Circuit.
SD–226

10 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings to examine the impact of the global settlement.
SD–538

Armed Services
Readiness and Management Support Subcommittee
Closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense.
SR–222

10:15 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine the National Guard and Reserve.
SD–192

11:30 a.m.
Armed Services
Strategic Forces Subcommittee
Closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense.
SR–232A

2:30 p.m.
Armed Services
Closed business meeting to mark up proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense.
SR–222

Commerce, Science, and Transportation
To hold hearings to examine Hydrogen.
SR–253

MAY 8

9:30 a.m.
Armed Services
Closed business meeting to mark up proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense.
SR–222

Commerce, Science, and Transportation
To hold hearings to examine the nomination of Annette Sandberg, of Washington, to be Administrator of the Federal Motor Carrier Safety Administration, to be immediately followed by hearings to examine the reauthorization of National Highway Traffic Safety Administration.
SR–253

1:30 p.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Secretary of the Senate and the Architect of the Capitol.
SD–124

MAY 9

9:30 a.m.
Armed Services
Closed business meeting to mark up proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense.
SR–222

MAY 13

10 a.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 452, to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, S. 500, to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era, S. 601, to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, for inclusion in the Fort Vancouver National Historic Site, S. 612, to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona, H.R. 788, to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona, S. 630, to authorize the Secretary of the Interior to conduct a study of the San Gabriel River Watershed, and H.R. 519, to authorize the Secretary of the Interior to conduct a study of the San Gabriel River Watershed.
SD–366

MAY 14

9:30 a.m.
Foreign Relations
To hold hearings to examine an original bill to authorize foreign assistance for fiscal year 2004, to make technical and administrative changes to the Foreign Assistance and Arms Export Control Acts and to authorize a Millennium Challenge Account.
SD–419

MAY 15

9:30 a.m.
Foreign Relations
To continue hearings to examine an original bill to authorize foreign assistance for fiscal year 2004, to make technical and administrative changes to the Foreign Assistance and Arms Export Control Acts and to authorize a Millennium Challenge Account.
SD–419

Governmental Affairs
To hold hearings to examine the Department of Homeland Security, focusing on state and local governments.
SD–342

10 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings to examine the Fair Credit Reporting Act and issues presented by the Re-authorization of the Expiring Preemption Provisions.
SD–538

Indian Affairs
To hold hearings to examine S. 575, to amend the Native American Languages Act to provide for the support of Native American language survival schools.
SR–485

2 p.m.
Governmental Affairs
To hold hearings to examine the nominations of Susanne T. Marshall, of Virginia, to be Chairman of the Merit Systems Protection Board, Neil McPhie, of Virginia, to be a Member of the Merit Systems Protection Board, Terrence A. Duffy, of Illinois, to be a Member of the Federal Retirement Thrift Investment Board, and Thomas Waters Grant, of New York, to be a Director of the Securities Investor Protection Corporation.
SD–342

MAY 20

2:30 p.m.
Foreign Relations
To hold hearings to examine the future of U.S. economic relations in the Western Hemisphere.
SD–419

MAY 22

10 a.m.
Indian Affairs
To hold oversight hearings to examine the status of telecommunications in Indian Country.
SR–485

JUNE 3

10 a.m.
Indian Affairs
To hold hearings to examine the status of tribal fish and wildlife management programs.
SR–485

JUNE 4

10 a.m.
Indian Affairs
To hold hearings to examine the impacts on tribal fish and wildlife management programs in the Pacific Northwest.
SR–485

2 p.m.
Indian Affairs
To hold hearings to examine S. 281, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes, to provide for training and technical assistance to Native Americans who are interested in commercial vehicle driving careers.
SR–485

JUNE 11

10 a.m.
Indian Affairs
To hold hearings to examine the nomination of Charles W. Grim, of Oklahoma, to be Director of the Indian Health Service, Department of Health and Human Services.
SR–485

JUNE 18

10 a.m.
Indian Affairs
To hold oversight hearings to examine Indian sacred places.
SR–485

HOUSE OF REPRESENTATIVES—*Thursday, May 1, 2003*

The House met at 10 a.m.

The Reverend Steven M. Torrence, Chaplain, Key West Police Department, Key West, Florida, offered the following prayer:

Almighty God, I thank You for the privilege and the honor to be here this morning in these hallowed halls on this, our Nation's National Day of Prayer. We as a people of many faiths and religions and backgrounds come together in a sign of unity to ask for Your guidance and blessings on this very important day.

We not only remember those who have given their lives to protect our great country in military service, but we also remember the men and women in law enforcement who risk daily and give their lives to protect each and every one of us.

As a Nation, let us remember that all people have one common origin. Fill our hearts with compassion for our neighbors and the desire to ensure justice for all. Help us share all the blessings You give us, and help us to secure justice and equality for every human being.

O God, help us bring an end to division and to continue to build our country on peace and love. Let us always remember that despite our differences, we are one human family.

Almighty God, bless our leaders with vision and foresight and with a clarity of purpose as they lead our country. Bless our country on this very special day of prayer. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 156. Concurrent resolution extending congratulations to the United States Capitol Police on the occasion of its 175th anniversary and expressing gratitude to the men and women of the United States Capitol Police and their families for their devotion to duty and service in safeguarding the freedoms of the American people.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 196. An act to establish a digital and wireless network technology program, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There will be 10 1-minutes on each side after that of the gentlewoman from Florida (Ms. ROS-LEHTINEN).

WELCOMING THE REVEREND STEVEN M. TORRENCE OF KEY WEST, FLORIDA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, today we welcome a distinguished member of the clergy, Reverend Steven M. Torrence, from my district of Key West, Florida.

Reverend Torrence was ordained in the Universal Fellowship of Metropolitan Community Churches, and in 1985 was called to pastor the Metropolitan Community Church in Key West. Among his many community accomplishments, he was instrumental in organizing a nonprofit community-based AIDS organization, AIDS HELP, that serves Monroe County.

For over 12 years, Reverend Torrence has also served as a fully sworn officer, and is the Department Chaplain in the Key West Police Force.

Reverend Torrence has witnessed many tragedies as well as victories and always offered comforting spiritual guidance and gladsome praise. Monroe County, and especially Key West citizens, are grateful, and blessed to have him help us through difficult times and join us in joyful celebrations.

We welcome Reverend Torrence to the people's House.

INTRODUCTION OF LEGISLATION TO HELP HOLOCAUST SURVIVORS COLLECT ON INSURANCE POLICIES

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, today at 12:30 I, along with my Democratic cosponsor, the gentleman from New York (Mr. ISRAEL), and Minnesota Senator NORM COLEMAN will introduce our legislation to help Holocaust survivors and their families collect on Holocaust-era insurance policies.

Mr. Speaker, I am fed up watching insurance companies thumb their noses at Holocaust survivors. I urge the Supreme Court to rule in favor of the survivors and their heirs in a case pending before the Supreme Court.

Holocaust survivors and their heirs are being denied what is rightfully theirs. This is nothing more than white collar theft, and it is morally reprehensible. These heirs and survivors deserve what is rightfully theirs, and we will not give up until they are fully compensated.

AMERICA MUST REMAIN ENGAGED FOR PEACE TO TAKE HOLD IN THE MIDDLE EAST

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, on this day of focusing on national prayer for those who wish to express their faith in their different ways, I think it is an appropriate time to reinforce the importance of peace throughout this world. Particularly as the road map for Mideast peace has been unveiled, it is important to reinforce the key element of that process.

Two years ago, approximately, in February of 2001, I rose to the floor of the House to indicate that the only way that we would have peace in the Middle East is if the United States remained engaged. Unfortunately, that did not occur for a number of months, but I do believe that we are now on the road to peace.

The key element again will be, even if there are difficulties, we must remain engaged. Even as we work with the Palestinians to cease immediately the violence, to break up the terrorist groups, to remove the illegal weapons, we must work with the Israelis as it relates to the road map in stopping the

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

expanding of the settlements, and, as well, the attacks on Palestinians.

These are not easy challenges, and we cannot be daunted by failure. We must continue to work for peace, because it is worth it for all of the people of that region.

THE JUDICIAL NOMINATION OF PRISCILLA OWENS

(Mr. HENSARLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENSARLING. Mr. Speaker, I rise today to express my outrage with the treatment of Justice Priscilla Owen, a fellow Texan and a highly qualified nominee for the Fifth Circuit U.S. Court of Appeals.

Mr. Speaker, despite unanimously receiving the highest possible rating from the American Bar Association, despite appearing before the Senate Committee on the Judiciary twice to answer every single question posed to her, despite the fact that the bench to which she has been nominated has been designated a judicial emergency, despite the strong bipartisan support of former Texas supreme court judges and 15 past presidents of the state bar of Texas, Justice Priscilla Owen has still not received an up-or-down vote in the Senate for almost 2 years.

When Republicans held the majority during President Clinton's term, no judicial nominee was ever deprived of a vote due to a filibuster. Now Democrats want to undermine our Constitution and change the rules.

Mr. Speaker, the President has a right to get a vote on his nominee.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all Members that it is not appropriate to characterize the action or inaction of the other body.

TELECOMMUNICATIONS AND THE ECONOMY

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, I would like to comment on telecommunications and the economy. The telecommunications industry, Mr. Speaker, is in a state of crisis. Telecom jobs continue to shrink and capital continues to flow away from the industry.

When given the opportunity to help lead the telecommunications industry back on the road to health and fitness, the Federal Communications Commission failed miserably. I completely agree with the Communication Workers of America that the FCC "missed an opportunity to set out an effective national policy that would promote facilities-based competition in telecommunications."

Instead, the FCC left in place rules that require carriers to lease their network, or pieces of it, to competitors for below-cost rates. This policy has had a disastrous effect on the industry. Over half a million telecom jobs have been lost and investors have lost billions of dollars. The industry is in crisis, and some of that crisis can be traced directly to bad policy at the FCC. It is clear to me that the FCC did not adopt the right rules to promote telecommunications investment.

I sincerely hope that the FCC fixes this mess, or Congress will have to fix it.

FAITH-BASED ORGANIZATIONS AND THE AIDS EPIDEMIC

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, there is an epidemic of AIDS and HIV in Africa. It is heartbreaking to report this pandemic affecting 42 million souls, 8,500 deaths every day, and entire villages without a single adult.

Earlier this week we heard the President describe a compassionate vision of moral obligation for the American people addressing this crisis that would bring not only $15 billion, but would put a priority on the values of the American people, namely, abstinence and faithfulness to marriage, over condom distribution.

Sadly, Mr. Speaker, unless the House amends the bill today and adopts the Hyde-Pitts amendment that specifies that 33 percent of the prevention money will be spent on abstinence and monogamy programs first over and above condom distribution, the global AIDS bill will not reflect the values of the American people or the vision of the President of the United States of America.

The timeless values of abstinence and marital faithfulness before condom distribution are the cure for what ails the families of Africa. It is important that we not just send them money, but we must send them values that work.

□ 1015

AMERICAN PRIORITIES

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, perhaps some of us on our side of the aisle have been a little bit too critical of President Bush. After all he has in his budget a universal health care plan for 23 million people. He has in his budget money for school construction, 25,000 new schools, renovated schools, repaired schools.

The problem, Mr. Speaker, that is the President's budget for Iraq. Universal health coverage for 23 million Iraqis, school construction of 25,000 and renovation of 25,000 schools, but not a penny in the President's budget for school construction in this country, in spite of the fact that our school buildings, many of them are in awful shape, and not a penny for universal coverage of 40 million Americans without health insurance.

The reason? The tax cuts the President has asked for of $500 billion in tax cuts. Half of those tax cuts go to the richest one percent of the people in the country. The people whose incomes average $968,000. Money for school construction and health care in Iraq. No money for school construction and health care in the United States and tax cuts for the most privileged. It is the wrong priorities.

ISRAELI AND PALESTINIAN PEACE

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, I rise to note an encouraging sign that yesterday, the President of the United States evinced a willingness to become an active player in seeking a peaceful resolution of the Israeli/Palestinian conflict. And I do so because it is clear that the United States of America is the only world force that has the ability to offer both peoples meaningful hope in this region. And as such, it is very important that our President of whatever party be engaged in that process. This President evinced some reluctance to do so early in his term. But I believe now has, by issuing this road map, stated an interest to become personally involved in trying to find a resolution of this dispute.

Both Democrats and Republicans have to note that is a positive step at a very difficult time. Ending the violence by the Palestinians is paramount. And there is going to be daunting challenges working with our Israeli allies involving settlement issues; but the American President has to stay engaged. This is a first step. We welcome it. We look forward to its successes.

PROVIDING FOR CONSIDERATION OF H.R. 1298, UNITED STATES LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA ACT OF 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 210 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 210

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LaTourette). The gentleman from Florida (Mr. Lincoln Diaz-Balart) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to my good friend, the gentleman from Florida (Mr. Hastings), pending which I yield myself such time as I may consume. During consideration of this resolution, Mr. Speaker, all time yielded is for the purpose of debate only.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

MODIFICATION TO AMENDMENT NO. 8 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 1298, pursuant to House Resolution 206, it shall be in order to consider the amendment that I have placed at the desk as amendment No. 8 in House Report 108-80.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Modification to Amendment No. 8 printed in House Report 108-80 offered by Mr. Lincoln Diaz-Balart of Florida:

Page 83, line 14, strike "For" and insert "(a) Therapeutic Medical Care.—For".

Page 83, after line 22, add the following new subsection:

(b) Orphans and Vulnerable Children.—For fiscal years 2006 through 2008, not less than 10 percent of the amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance for each such fiscal year shall be expended for assistance for orphans and vulnerable children affected by HIV/AIDS, of which such amount at least 50 percent shall be provided through non-profit, nongovernmental organizations, including faith-based organizations, that implement programs on the community level.

Mr. LINCOLN DIAZ-BALART of Florida (during the reading). Mr. Speaker, I ask unanimous consent that the modification be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Without objection, the modification is agreed to.

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 210 is a structured rule providing for the consideration of H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. The rule provides 1 hour of general debate evenly divided and controlled by the chairman and ranking minority member of the Committee on International Relations.

Additionally, this rule makes 11 out of 13 amendments submitted to the Committee on Rules in order. Nearly half, 5 of the 11 of the amendments made in order were sponsored by members of the minority party. This is a fair rule that will allow all Members ample opportunity to debate the important issues associated with this bill.

The underlying legislation is as crucial as I think it is timely. The AIDS pandemic has affected the world like no other in recent history. The epidemic has claimed, just in the year 2002 alone, more than 3 million lives. I think we need to pause for a second and think about what that means, 3 million lives in one year. Also, an estimated 5 million people acquired the virus, the human immuno-deficiency virus, HIV, in 2002, according to the best estimate, bringing the number of people globally living with the virus to over 40 million.

This is, by all means, by every conceivable estimation, a catastrophe. However, this is not just a moral question, this critical situation has begun to threaten the security of the world, especially the developing world. The fragile governments often do not have the resources or the capability to handle threats as dangerous and as growing as this one. If states in the developing world begin to implode, collapse, the effects on the United States' national security and on the security of the international community could be absolutely disastrous.

A state absent of all order makes for a perfect climate for terrorists and drug traffickers to grow their enterprises to develop their enterprises. For example, Mr. Speaker, in key states in Africa, including Nigeria, South Africa and Kenya, it has been reported that over a third of their armed forces may be infected with this deadly virus. This is an inconceivable catastrophe.

The pandemic of AIDS also threatens on the prospects for democracy and economic prosperity, especially in Africa. According to the U.S. National Intelligence Council, "AIDS and the health problems associated with AIDS will hurt prospects for transition to democratic regimes as these problems undermine civil society, hamper the evolution of sound political and economic institutions, and intensify the struggle for power and resources."

The National Intelligence Council also estimates that the disease could reduce gross domestic product in some sub-Saharan African countries by 20 percent or more by the year 2010. We should consider the following fact from the most recent U.N. AIDS epidemic update, "In 4 southern African countries national adult HIV prevalence has risen higher than thought possible, exceeding 30 percent."

If the necessary investments, Mr. Speaker, to combat this pandemic is not made today, there will undoubtedly be significantly higher costs for all, including for the United States in the future. It is time for the Congress to act.

At the podium before you, Mr. Speaker, the President, President George W. Bush, laid before Congress a bold vision in his State of the Union address. This legislation will make President Bush's vision a reality.

The underlying legislation authorizes $3 billion for the executive branch, for the President under his leadership to combat HIV/AIDS worldwide in each of the next 5 years for a total of $15 billion. Additionally, this legislation will create the position of coordinator for HIV/AIDS assistance at the State Department to administer the Global AIDS Initiative Fund. Response to the AIDS crisis cannot come too soon when one considers the far reaching effects of this horrible disease.

A fact that gives us all pause is that, for example, in Malawi alone, some 470,000 children under the age of 15 have been orphaned by AIDS. The underlying bill supports United States participation in the global fund and specifically authorizes up to $1 billion in fiscal year 2004 and such sums as may be necessary through 2008.

The underlying legislation was reported favorably out of committee by a bipartisan vote of 37 to 8. I would like to thank the gentleman from Illinois (Mr. HYDE) for his extraordinary leadership on this issue, as well as the distinguished ranking member, another extraordinary leader, the gentleman from California (Mr. LANTOS).

Mr. Speaker, this bill provides crucial relief for those directly as well as indirectly affected by this crippling disease. This has been a bipartisan effort throughout the consideration of the bill, from consideration in the Committee on International Relations to this very balanced rule that has been reported out of the Committee on Rules, which continues this constructive debate by allowing nearly every Democrat amendment in order. I repeat that this process has been bipartisan, Mr. Speaker.

Accordingly, I urge my colleagues to support both the rule and the underlying legislation. I think there are few things that we could do in this Congress of more importance that will help more of our fellow human beings.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank my good friend and neighbor to the south, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) for yielding me the customary time, and I yield myself such time as I may consume.

Mr. Speaker, I rise today to voice my support in the strongest possible terms for the United States leadership against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, H.R. 1298.

□ 1030

I have long been concerned with the problem of HIV/AIDS, not just in our own country but also as it affects the poor countries of the world. I am proud that the response to this disease has been truly a bipartisan one. AIDS is blind to party stripes or political affiliation.

Mr. Speaker, this bill provides $15 billion over the next 5 years to increase and expand in a significant way our program to fight HIV/AIDS in sub-Saharan Africa and the Caribbean. The scientific community has not yet found a cure for HIV/AIDS, but there is a vast body of knowledge that has greatly improved the quality of treatment for those who have HIV and AIDS.

Sub-Saharan Africa is far more severely affected by AIDS than any other part of the world. In fact, AIDS has surpassed malaria as a leading cause of death in sub-Saharan Africa, and it kills many more people than armed conflicts. The statistics, Mr. Speaker, are startling. Africa, where an estimated 3½ million people were newly infected with HIV in 2002, has approximately 10 percent of the world's population but more than 70 percent of the worldwide total of people infected with HIV.

In 2002, the joint United Nations program on HIV/AIDS, commonly referred to as UNAIDS, reported 29.4 million people were living with HIV/AIDS in sub-Saharan Africa. According to the Congressional Research Service, at the end of 2001 an estimated 19 million Africans had lost their lives to AIDS, including an estimated 2.2 million who had died during that year alone. UNAIDS estimates that by the year 2020 an additional 55 million Africans will lose their lives to this awful disease.

Additionally, this pandemic is having a much greater impact on children in Africa than is the case in other parts of the world. According to UNAIDS, more than 600,000 African infants become infected with HIV each year through mother-to-child transmission, either at birth or through breast-feeding. These children have short life expectancies, and the number of them currently alive with HIV is approximately about 1 million. In 2001, about 11 million children became orphans because of AIDS in Africa. And because of the stigma attached to AIDS, children who become orphans through AIDS are at a high risk of being malnourished, abused, and denied an education.

In the Caribbean, the AIDS epidemic does not compare to the severity of the pandemic in Africa, but it has reached alarming levels. There are an estimated 420,000 people living with AIDS in Caribbean countries. Moreover, the HIV/AIDS adult prevalence rate in several countries in the Caribbean is among the highest outside of sub-Saharan Africa. Haiti, the Dominican Republic, and Guiana are the countries crying out for assistance.

Every day AIDS claims the lives of thousands of innocent people. According to the latest United Nations AIDS report, roughly 600,000 people die of AIDS on a daily basis. While this legislation directs action toward the AIDS problem in Africa and the Caribbean, the disease wreaks havoc in other regions of the world, including the United States. The fastest growing HIV/AIDS epidemic is in Eastern Europe and Eurasia. Further, Asia and the Pacific may also face a huge growth in this epidemic.

The impact of AIDS can extend beyond the direct loss of life. It has indirect effects on life and health costs not normally associated directly with the disease. Recently, for example, AIDS fueled deadly famines in east and southern Africa. The HIV/AIDS pandemic is a global human challenge that demands a global comprehensive response, and I am proud that the United States has signified that it is going to take the lead. This legislation authorizes up to $1 billion for the global fund as a way to show our international leadership in the fight against the HIV/AIDS pandemic and to leverage funds out of other countries to reach the levels needed annually to address this problem.

I had the good fortune during the break to meet with the executive director of the Global Fund and our own Secretary of Health and Human Services and the minister for health in Italy when they signed an agreement indicating the Italian-American understandings with reference to approaching this problem. And I assured, and I am sure many of my colleagues can as well, the director of the Global Fund that we would do everything that we can to ensure appropriate resources are in the Global Fund to fight HIV/AIDS and malaria and tuberculosis.

This is a good bill. In fact, it mirrors many of the provisions of a bill I introduced on Tuesday. Mr. Speaker, the toll of this disease has brought unspeakable sorrow and distress to Africa, the Caribbean and other areas of the world. Our government has not done enough to address this disease in Africa and elsewhere. We should be proud of this effort and view it as a new start on the road to eradicating AIDS. That is the purpose of this legislation, Mr. Speaker. With the additional resources, both financial and human, provided for in this legislation, we can begin to stem the tide of this disease. We know what works in the effort to combat HIV and AIDS, and we need to get on about the business of doing it.

Mr. Speaker, America is a great country in many ways. In the long history of humankind, our greatness will be measured as much by what we do for the needy and the less fortunate of the world and in our country as it is by the quality of life we achieve right here in America. The real measure of our humanity as a Nation is our ability to share our treasure, our time, and our talents with truly needy people.

Mr. LANTOS. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to my good friend, the gentleman from California and the ranking member of the Committee on International Relations.

Mr. LANTOS. Mr. Speaker, I want to thank my distinguished colleague for yielding to me, and since he may not participate in the debate on the bill itself, I wished to publicly pay tribute to his leadership role on this most important issue.

Mr. HASTINGS of Florida. Reclaiming my time, Mr. Speaker, I thank the gentleman from California (Mr. LANTOS). I appreciate that very much.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I have no speakers at the present time, and I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from California (Ms. LEE), who has, since she has been a Member of Congress, been totally committed to trying to alleviate AIDS in the world and has been the leader in legislation with reference to this problem, and certainly working with the gentleman from Illinois (Mr. HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), has been directly involved in this particular piece of legislation.

Ms. LEE. Mr. Speaker, let me thank my colleague, the gentleman from Florida, for yielding me this time and for his leadership and his assistance and guidance throughout this entire process.

Since I have been here in Congress and since 1998, we began to introduce and bring forward to this Congress the notion, really, of an AIDS Marshall Plan, which former Congressman Ron Dellums, my predecessor, conceived, brought to us, and indicated why the Congress should begin to go on record to take the lead in the world to fight this global pandemic.

I would like to thank our chairman, the gentleman from Illinois (Mr. HYDE), and our ranking member, the gentleman from California (Mr. LANTOS), for their leadership and for making sure that this continues to be a bipartisan effort. This is not really a political issue. Both gentlemen have made sure that throughout this overall process that the people and their needs and the issues with regard to this pandemic stayed foremost in our mind and would not allow us to break down into our partisan squabbles that oftentimes we break down into. So I thank them both for their leadership.

I would like to now talk just a little bit about the Uganda model of success, which is, of course, the model the President has cited as the model he is looking to to address this pandemic in this bill, and also why I believe the 33 percent set-aside offered by the gentleman from Pennsylvania (Mr. PITTS) is an amendment that goes counter to what the President's intentions and stated reasons for moving forward in the Uganda fashion.

First of all, each country, each village, each organization knows what strategies work best in terms of how they address this pandemic. This pandemic is killing so many people, there are so many orphans, there is so much disaster on the continent of Africa, that we have to marshal each and every effective way to stop it. So we should not in any way constrain this bill to a 33 percent set-aside that places for the most part abstinence as a priority.

Again, this flies in the face of what our agreement was in committee, and that is the ABC approach, which is the Uganda approach: abstinence, be faithful, use a condom. The three-pronged approach should be balanced, is balanced, and should be the approach we use in this bill. I do not know why this requirement now, after our committee debate and committee discussion, would be put into the bill when we know the President has called for all three approaches. In fact, the Washington Times today indicated its support for the three-pronged approach and not for us prioritizing one versus the others.

And let me just read what the Uganda model really is. I do not think we should be misled or misinformed about what Uganda is doing. Sophia Monico, who was the director of TASO, which is Uganda's premier HIV/AIDS group, said, and this is quoted in The New York Times article, she said: "It is so unfair to pull out one element of a bigger picture, a very small percentage of the whole picture, and say 'this is what works.'" She goes on to say that "Uganda is indeed a model for nations fighting AIDS, but it is not quite the model the religious right would like to believe. Ugandans are responding to a campaign known as ABC, which says: Abstain. If you can't abstain, be faithful. If you can't be faithful, use a condom. Contrary to the assertions," the article goes on to say, "of Mr. PITTS and others, there is really nothing unusual about this slogan."

The WHO has sanctioned this. This is the standard public health approach to prevent sexually transmitted diseases.

And so, Mr. Speaker, today, as we debate this bill, I hope Members of Congress will understand that setting aside 33 percent for abstinence only flies in the face of ABC. It flies in the face of the Uganda model. It does us a disservice as we put forward this very good bill to now take a step backwards and put a requirement on our organizations that makes no sense, that will not work, and, quite frankly, that was defeated in committee.

So I want to see this move forward in a way I know the President wants to see it move forward, and that is the ABC approach, the standard multifaceted approach that gives all three approaches equal weight.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, precisely because issues like these are so important and need to be discussed is why we have made them in order in the Committee on Rules for discussion.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I want to call attention to something in the committee report that I consider an error, and I would like to make a suggestion so that it might not occur again. This particular legislation, not the rule as much as the legislation, I am not in support of for various reasons.

□ 1045

One, I think the odds are very slim that it is going to do a whole lot of good. It is very well-intended. I am a physician, and I cannot think of anything better than to wipe out AIDS in Africa, or in the United States, for that matter. But $15 billion going to Africa on a questionable program bothers me because at the same time, we are cutting benefits to our veterans and also the elderly have a hard time getting medical care here. So there is a practical argument against the legislation.

In the bill and in the amendments, there is a lot of social engineering going on. I think if we are going to do any social engineering or social suggestions, it ought to be here and we ought not be naive enough to think we can change habits that exist in Africa.

But the point I wanted to bring up is the authority for doing programs like this. We have a rule in the House that we have to cite the constitutional authority, for the legislation we're dealing with. The committee report cites the authority from a very important section of the Constitution, article I, section 8, because literally we, the Congress, get our marching orders from article I, section 8, which is the section of the Constitution relating to making all laws necessary and proper for carrying into execution the powers vested by the Constitution.

Well, that is where the shortcoming comes because if we read the Constitution, at the end of article I, section 8, it says, "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers." Therefore, the "necessary and proper" clause is explicitly designed to give the authority to write the laws for the foregoing powers. Believe me, we will not find any authority in article I, section 8 for dealing with medical care problems in Africa.

I find it interesting here because quite often one side of the aisle when they do not like legislation will use my argument in this case, and other times it is the other side of the aisle. So everybody makes my argument one time or the other. My suggestion is if the Constitution means anything, and if article I, section 8 means anything, it ought to be applied across the board or we ought to change the Constitution and say this is a mandate from the American people that we should pursue missionary work in Africa.

But most likely nobody is going to propose a change in the Constitution, the Constitution will not be changed, so the Congress chooses to ignore the Constitution when it feel like it: therefore, we have reduced the Constitution to something that has very little value anymore.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. WYNN) who has stood out on this issue for all the time he and I have served here in Congress.

Mr. WYNN. Mr. Speaker, let me begin by thanking the gentleman from Florida for yielding me this time and for his leadership on this issue.

It is very good to stand here in support of a bipartisan bill that addresses some of the real problems in the world today. Particularly in the wake of the situation in Iraq, it is important for the United States to show the world that we care about the big problems that affect other people in other countries as well as issues that affect American interests.

Let me take a moment to thank the gentlewoman from California (Ms. LEE) for her leadership. If anyone in this body has stood up on this issue, it is the gentlewoman from California (Ms. LEE), as well as the gentleman from California (Mr. LANTOS), and the gentleman from Illinois (Mr. HYDE). This is truly a bipartisan bill. I would also like to applaud the President because he has pushed this issue $15 billion to fight AIDS in Africa. I think that is a very good thing.

I hasten to note that many of these programs started under the Clinton administration, and for years, Democratic activists have been fighting for additional money to fight AIDS in Africa. I intend to support this bill; however, the rule allows amendments which I believe are problems.

Some of my conservative brethren come to this debate and argue that we ought to give more priority to abstinence. In a tone of some self-righteousness they suggest that abstinence ought to be the preferred method, and that this reflects American values. I think on the issue of fighting AIDS, the American value is saving as many lives as we possibly can. And for that reason when later today we have this amendment to prioritize and single out abstinence, I am going to oppose it.

I think our responsibility is to make resources available to be used in the best, most efficient way possible. Abstinence does have merit, I will be the first to say that. And where it can be used effectively and advocated to young people, I would support that. But to say that abstinence should get a specific share of the money, even if it is not the most effective proposal, does not make sense. The American value is to save lives.

Now, it seems to me that we ought to use all available approaches and use our money most effectively and most efficiently. My conservative colleagues say look at the Uganda model. And as the gentlewoman from California (Ms. LEE) just pointed out, they have somewhat distorted it. They would have us believe that Uganda, which has been very successful in reducing AIDS, primarily relies on abstinence. That is not true.

It is true that Uganda has been successful in reducing infection rates from 26 percent to 6 percent over a 20-year period. It is not true that they rely solely or even primarily on abstinence. Abstinence is only part of their Anti-aids program. In fact, Ugandans used 80 million condoms last year. 80 million condoms. Condom use by prostitutes in Kampala, the capital city of Uganda, has increased from zero to 95 percent. It has been proven that condom use is an important part of the program.

What we are saying today is that we need to include all approaches: Abstinence, faithfulness, and condom use, and not single out any particular approach. Let the affected communities in Africa decide what works best and spend the money accordingly. If we do that, this is truly a great bill and we should be proud to support it.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2½ minutes to the gentleman from Oregon (Mr. BLUMENAUER) who also has been in the leadership on this matter and serves on the Committee on International Relations.

Mr. BLUMENAUER. Mr. Speaker, I am proud of what transpired in the Committee on International Relations this last couple of months in moving this legislation forward. It was reported out of committee by an overwhelming bipartisan majority, and it shows what we can do when we come together in a bipartisan fashion. I commend the administration for its support of a creative solution for the HIV-AIDS epidemic that Members from both parties can support.

It has been referenced that some of our colleagues have interpreted ABC as "anything but condoms," and we are going to talk about that on the floor as various amendments come forward; but I think it is critical that we take a step back and not put a political agenda ahead of a program with proven success.

I hope that my colleagues can withhold their desire to impose their standards on hundreds of millions of people that live in different countries with different cultures, in wildly different communities. There is too much at risk for global health, which certainly includes our own in this country. Addressing the AIDS epidemic, tuberculosis, and malaria not only benefits the health of those individuals, it is going to stabilize communities and regions that are devastating. And, yes, it is going to help us at home as we work to alleviate global issues of health, safety and security.

The SARS epidemic provides the most recent, graphic, current example of the need to address epidemics at a global level before they affect us here in America. I hope we can reflect not just on the hard work of the administration, our chairman, the gentleman from Illinois (Mr. HYDE), the gentleman from California (Mr. LANTOS), active leaders like the gentlewoman from California (Ms. LEE), but reflect on how when the legislative process works when we put the imperative of problem solving ahead of political concerns.

We have more at stake these days than just dealing with the AIDS epidemic. I hope that this will be a template not just moving forward in this critical area, important as it is, but this is the way that we can solve homeland security issues, economic issues, and the great issues on the international arena as well.

Mr. Speaker, I commend our friends who were there, and I urge adoption of the rule and moving forward with approval of this and then going home this weekend thinking about what we have accomplished, how we have done it and where we can take it from here.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Florida (Mr. HASTINGS). I reiterate and strongly believe there are few things that we could do more important than what we are going to do today. I am very proud to have been able to bring forward this rule to provide for consideration of this extraordinarily important legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill H.R. 1298, which we are about to consider.

The SPEAKER pro tempore (Mr. LINCOLN DIAZ-BALART of Florida). Is there objection to the request of the gentleman from Illinois?

There was no objection.

UNITED STATES LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA ACT OF 2003

The SPEAKER pro tempore. Pursuant to House Resolution 210 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1298.

☐ 1058

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, not since the bubonic plague swept across the world in the last millennium killing more than 250 million people has our world confronted such a horrible, unspeakable curse as we are now witnessing with the growing HIV/AIDS pandemic.

In the very short time that we will spend today considering this legislation, thousands of people around the world will die of HIV/AIDS. The number of dead or dying is grotesquely high: 25 million already dead worldwide and growing at the rate of 8,500 every day, with the horror of entire villages populated only by orphans because the adults are dead or dying from AIDS.

I do not mean to demean the work of this House, but so much of what we do is really unimportant and trivial; but not today. Today we have an opportunity, the opportunity to do something significant and of lasting importance. Today we have an obligation, the obligation to do something reflecting our commitment to human solidarity. We have a privilege today, the privilege of doing something truly compassionate.

It is no exaggeration to compare the AIDS pandemic in Africa to the bubonic plague in medieval Europe. This plague took one-third of Europe's entire population, creating political chaos and set the course of civilization back for decades, perhaps centuries. AIDS in Africa is well on its way to doing something terribly similar, and similarly terrible. Tuesday's Wall Street Journal tells us 42 million people are infected with HIV/AIDS, 30 million in sub-Saharan Africa alone.

☐ 1100

Today we need to consider H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. We would not be here today with this bill, that I think is an excellent one, without the sincere and heartfelt and invaluable assistance of the gentleman from California (Mr. LANTOS), which makes this a truly bipartisan effort.

This legislation authorizes the President's 5-year $15 billion emergency plan for treatment and prevention of AIDS in those countries already facing crisis. The legislation creates a more responsive, coordinated, and effective approach among the various agencies of the U.S. Government involved in this global fight. The legislation promotes an approach that provides funds for antiretroviral therapy for more than 2 million people living with HIV. It encourages a strategy that extends palliative care for people living with AIDS. It supports efforts to find vaccines for HIV/AIDS and malaria. It emphasizes the need to keep families together with particular focus on the assistance needs of children and young people with HIV. It endorses prevention programs that stress sexual abstinence and monogamy as a first line of defense against the spread of this disease and contributes to multilateral initiatives that leverage the funds of other donor nations.

The HIV/AIDS pandemic is more than a humanitarian crisis. Increasingly, it is a threat to the security of the developed world. Left unchecked, this plague will further rip the fabric of developing societies, pushing fragile governments and economies to the point of collapse. So to those who suggest the U.S. has no stake in this pandemic, let me observe that the specter of failed states across the world certainly is our concern.

Africa is a central concern. Today radical Islam is spreading in several African countries, especially Nigeria. This threatens to undercut democracy and make Nigeria a failed state. It is in our interest to counter this movement by doing what we can to build democracy and a growing economy in Nigeria and elsewhere. The spread of HIV/AIDS frustrates this important mission. We also have a strong interest in seeing the development of professional African militaries, militaries capable of maintaining stability in their country, but also capable of contributing to peacekeeping operations elsewhere in Africa. Yet an examination of the HIV/AIDS rates among the armed forces of key African countries, including Nigeria, South Africa, and Kenya, reveals infection rates between 30 and 40 percent. HIV/AIDS is a national security issue for those countries and for us.

The President's proposal is based on America's deep conviction about the dignity of every human life, and these proposed remedies for the AIDS crisis in Africa recognize that human dignity. In adopting this proposal, we show the world that conviction and compassion go together as we demonstrate that compassion is not a sign of weakness but of strength. America does not have to take on the African AIDS crisis alone; but as is often the case, American leadership, political or financial, is necessary if our friends around the world are to bear their fair share of the burden. That is what the President's proposal does. It sets a pattern of American leadership that others we believe will follow.

This bill is a compromise, a delicately arrived at, painstakingly negotiated compromise between various factions interested in this legislation; but it hangs together, and it works and it will advance the cause that we so desperately need to support. AIDS is a mortal challenge to our civilization. Let us today be animated by compassion and, yes, vision that always have defined what it means to be an American.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

I rise in strong support of this grand humanitarian legislation, and I urge all of my colleagues to make history today by securing its passage.

Mr. Chairman, we could not have reached this day had it not been for the heroic efforts of the gentleman from Illinois (Mr. HYDE), my distinguished chairman and good friend. His leadership on this issue has been a true profile in courage, and I salute him. I also want to identify myself with his powerful and eloquent opening statement. Our colleagues on the Committee on International Relations, the gentlewoman from California (Ms. LEE) and the gentleman from Iowa (Mr. LEACH) on the Republican side, have also been critically instrumental to our success thus far as have many other members of the committee. With the support of every single Democrat and most Republicans on the Committee on International Relations, we have crafted a bipartisan piece of legislation worthy of this body's support.

Mr. Chairman, the $15 billion authorized in this legislation to combat HIV/AIDS, tuberculosis and malaria worldwide is an enormous sum by any measure. It is five times the amount we considered authorizing for this cause just last year. For those of us who have long called for a real commitment of resources to address the HIV/AIDS crisis, our day has arrived. As impressive as these amounts are, they are no more than the crisis demands. Every day AIDS claims the lives of thousands of innocent men, women, and, yes, children, old and young, sick and able-bodied, destitute and affluent, unemployed and professional, African, Asian, and American. This disease, Mr. Chairman, does not discriminate. It targets us all; and in doing so, it ruins families, decimates communities, and fuels the violence and bloodshed that destroys whole nations. The political, economic, social, and humanitarian impact of this scourge cannot be contained to one region or to one population. It is a global human challenge that demands a global humanitarian response with the United States in the lead.

The tragic history of this disease has shown that there are no silver bullets. We must use every means at our disposal to defeat it. All legislation builds to a significant extent upon Uganda's success in curbing the spread of AIDS through a combination of abstinence, monogamy, and condom use. In lending his support to this bill earlier this week, President Bush endorsed this three-pronged approach. In the President's words, preventing spread of HIV/AIDS requires a strategy emphasizing abstinence, marital fidelity, as well as condoms. Each element is crucial. Uganda's success in combating HIV/AIDS required not only abstinence and marital fidelity education programs but the distribution of nearly 80 million condoms per year. Countless lives will be lost if we fail to learn this lesson and undermine the balanced approach exquisitely negotiated and embodied in this bill.

Mr. Chairman, in the his State of the Union address earlier this year, the President issued a challenge to Congress to join him in a new global campaign to combat HIV/AIDS. Today we take up the President's challenge and seek to fully fund this bold initiative. An overwhelming vote by the House of Representatives today to pass H.R. 1298 without crippling amendments will bring the President's vision, a vision most of us share, close to reality. The time for words has passed and the time for action has arrived in our struggle against HIV/AIDS. I urge my colleagues to join me today to pass this historic legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Chairman, I thank the gentleman for yielding me this time.

Perspective is the most important and most difficult thing to apply to issues of the day. If one were to look at the 14th century, clearly the seminal event was the Bubonic plague in which some 20 million people died. Now, as many have died from AIDS as of the plague. Within a decade it will be a multiple of that figure. If sitting on the Moon, one might suggest that the most important public policy issue of our day is dealing with disease control, most particularly AIDS. In a very moral sense, it is probably the deepest philosophical issue of our time. Indeed, the global AIDS epidemic might be considered an epidemic of Biblical proportions.

Everyone in this Congress understands that foreign assistance is controversial, but we are, after all, our brother's keeper and we must be concerned for the global family. We also have to be concerned for our own families. To the degree AIDS is not thwarted abroad, it threatens our own shores. As a Congress, obviously we have to be concerned with the allocation of the people's resources. This bill is a lot of money, but it is an extraordinarily sparse amount compared with the need; and I think of all the bills we are going to vote on in the near future, this is going to be the most justified financial expense the United States Congress has undertaken.

In conclusion, let me just say we are all indebted to a lot of people from the outside, the President of the United States; the singer, Bono; and then our colleagues, the gentleman from California (Mr. LANTOS), the gentlewoman from California (Ms. LEE), and from a distinct perspective the gentleman from Pennsylvania (Mr. PITTS) for raising concerns of America's faith-based community. But most of all I want to simply express my appreciation for the gentleman from Illinois (Mr. HYDE). This is the most important bill he has ever shepherded through Congress. It is going to be a seminal mark in his career, and we are all in his debt.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Before yielding to our distinguished whip, let me also underscore the important contribution to the fight against HIV/AIDS of Bono who has worked with us on all aspects of this problem and whose leadership worldwide is deeply appreciated by all of us concerned with this issue.

Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip, a leader on this and all issues in this body.

Mr. HOYER. Mr. Chairman, I thank my friend for yielding me this time.

I join the gentleman from Iowa (Mr. LEACH) in congratulating the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), ranking member, as well as the extraordinary work that has been done by the gentlewoman from California (Ms. LEE) as a Member of Congress and before she got to Congress.

☐ 1115

Mr. Chairman, the great Dr. Martin Luther King, one of the world's great humanitarians, once said, "We are caught in an inescapable network of mutuality tied in a single garment of destiny. Whatever affects one directly affects all indirectly."

Today, through this truly historic, bipartisan legislation authorizing $15 billion over the next 5 years for overseas care, treatment and prevention of AIDS, we recognize that our Nation has a moral obligation and a national security interest in combating the HIV/AIDS pandemic, as well as malaria and tuberculosis.

We ignore the world's increasing interdependence at our own peril, Mr. Chairman. And, frankly, while many of my colleagues have fought for many years to bring needed resources to bear on this problem, their call to arms has not, until now, been fully embraced.

The source scourge of AIDS knows no borders. It does not discriminate. It targets every one of us, infecting some 42 million people around the world, two-thirds of them from Africa.

As my good friend the gentleman from California (Mr. LANTOS), who has worked with the gentleman from Illinois (Chairman HYDE) to bring this legislation to the floor today, stated in the markup of this bill, this health care crisis ruins families, communities and whole nations, fueling violence and bloodshed across borders. It cannot be contained in one region or in one population. And, thus, it is a global challenge that demands a global, humanitarian response with the United States in the lead.

The ranking member, the gentleman from California (Mr. LANTOS), the gentlewoman from California (Ms. LEE), and certainly the gentleman from Illinois (Chairman HYDE), deserve our congratulations, our thanks and admiration for their leadership in crafting this bill's balanced approach to treatment and prevention. It is a real commitment to addressing the HIV/AIDS crisis.

I would hope that amendments to be offered later today that would upset this carefully crafted, balanced piece of legislation, that those amendments would be rejected. In particular, the Pitts amendment would upset the balanced HIV/AIDS prevention approach called for in the bill by requiring that one-third of the prevention funds be used solely for abstinence-only programs. Certainly we are supportive of abstinence, but not to wall it off for sole use resources.

This historic legislation reflects our values, protects our interests, and extends, Mr. Chairman, a handle of hope to millions of vulnerable people across the world.

We need not ask for whom the bell tolls; it tolls for us. This legislation is a response by us to reach out to save lives, to heal, and to make our Nation and our global community more secure.

Mr. HYDE. Mr. Chairman, I am very pleased to yield 5 minutes to the distinguished gentleman from Florida (Mr. WELDON) who, as an original cosponsor of this legislation, has made an invaluable contribution.

Mr. WELDON of Florida. Mr. Chairman, I rise today in strong support of this legislation, and I want to commend the chairman and ranking member for their open-mindedness in allowing me to be a part of this process.

The bill before us today is a demonstration of the American people extending the hand of compassion and hope to millions of people suffering worldwide from AIDS.

The level of commitment to end HIV/AIDS demonstrated in this bill before us today is long overdue. Previous attempts to address the issue of global HIV/AIDS channeled millions of dollars into unaccountable multilateral efforts and programs that showed little effectiveness and did little to stem the death toll.

H.R. 1298 reforms the status quo, ensures the most effective use of every dollar and puts new policies in place to help save lives. The bill sets a new course by focusing on real solutions, such as the model provided by Uganda.

The bill requires financial accountability and opens doors to programs that have a history of doing much with little. H.R. 1298 features a strong abstinence education component that has been proven to save lives by eliminating risky sexual behavior.

This is a very important point.

One of the key components of H.R. 1298 is a clear focus on prevention through education. The bill promotes primary prevention by funding activities that help individuals avoid HIV infection. Instead of just working towards reducing the prevalence of HIV/AIDS, this bill seeks to help young people adopt behaviors where the risk of HIV/AIDS can be eliminated. No longer do we just seek to manage the sure death of HIV infection. This bill empowers young people to participate in a future free from the behavioral risks of contracting HIV/AIDS.

The bill distinguishes between true primary prevention efforts, such as abstinence education, from intervention activities that promote condoms under the guise of prevention. The bill distinguishes between prevention services that are appropriate for everyone and preventive intervention that helps a segment of the population engaging in risky behavior. As a physician who previously cared for AIDS patients, I know that encouraging this primary prevention approach will save lives, and save money.

Another key component of the bill is bringing faith-based organizations into full participation with efforts to combat HIV/AIDS. Local churches and faith-based groups promote behavior change to prevent HIV, reduce the stigma associated with HIV infection, and treat those afflicted with the disease and care for orphans.

The Catholic Church alone currently cares for one in four people being treated by HIV/AIDS worldwide. Mission organizations already possess much of the infrastructure, experience, knowledge and compassion necessary to combat AIDS. They also have a history of respecting the culture and values of indigenous communities and peoples so that lasting relationships and change can occur. And faith-based groups are doing this in the most remote areas with the greatest need.

Up until now, resources that could have helped the efforts of churches and faith-based approaches have been soaked up by large international special interests. My missionary friends in Africa tell me about the many hats, T-shirts and conferences that UNAIDS provides to promote condoms and HIV/AIDS awareness. Unfortunately, few real resources are provided to help prevent HIV/AIDS infection.

I am personally aware of faith-based organizations that have been in-country for years, that have the support of the community, that have the support of the government and have brought people of different faiths together around strategies that are culturally and age-appropriate, but yet have been refused resources through USAID and UN-funded programs. Or they have been given a deal to promote condoms or get nothing.

H.R. 1298 will open up new avenues to fund powerful faith-based efforts that save lives in the poorest and most remote places. I strongly encourage all of my colleagues on both sides of the aisle to support this legislation.

Mr. Chairman, I am delighted to be an original cosponsor of the bill, and I again commend the chairman, the ranking member and their staff for crafting what I feel is a very, very good piece of legislation.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 5 minutes to my good friend, the distinguished gentlewoman from California (Ms. LEE), who has brought boundless energy and bold passion to this legislation. She has been the leader on our side on this entire matter.

Ms. LEE. Mr. Chairman. Let me first thank our ranking member, the gentleman from California (Mr. LANTOS), for those very kind and generous remarks, and let me thank the gentleman for his leadership in helping to ensure that our Democrats really saw the goal and understood our mission and helped to work to make sure that this was a bipartisan bill.

I want to thank the gentleman from Illinois (Chairman HYDE) for his leadership, and for, again, I think, setting an example that on issues of common concern and where the survival of the human family is at stake, we all can come together and agree that we should work together.

I also want to thank our staffs, especially Christos on my staff, and Pearl Alice, Peter and the entire committee staff, for their very diligent, competent and dedicated work.

Mr. Chairman, today we really do stand at the crossroads in this global battle against HIV/AIDS. With an estimated 42 million individuals infected worldwide, the disease has already devastated the African continent, where 30 million people, 30 million, are currently living with AIDS and over 11 million children have been orphaned by this pandemic.

Throughout Africa, AIDS has had a devastating impact, not only on health, but on education, agriculture, the economy, the military, on governments, as people at all levels of society have struggled to cope with this disease.

Even now, the ongoing famine in Sub-Saharan Africa has been aggravated by the AIDS crisis. Food Insecurity and malnutrition have contributed to the spread of the virus, and both have sped up the onset of AIDS in HIV-infected individuals.

The Caribbean, which is ranked as the second most affected region behind Africa, is also facing a devastating situation because of AIDS. In Haiti, where over 90 percent of all AIDS cases in the Caribbean are, Haiti has the unfortunate distinction of being the only country outside of Africa with an adult prevalence rate of over 6.5 percent.

Despite the devastation that HIV and AIDS has caused within Africa and the Caribbean, the disease is truly a global killer. Even here at home, in my own district in Alameda County, we have been forced to declare a state of emergency to deal with the AIDS crisis. Now the disease is poised to run rampant through India, China and Russia, where a lack of information is contributing to the spread of the disease among poor and rural populations.

So without a truly global effort to halt the spread of this disease, to provide care and treatment to those who are infected and affected by HIV and AIDS, we will all face a humanitarian disaster, the likes of which the world has never seen before.

But there is hope. We have the know-how to stop the spread of HIV, and we have the drugs to prolong the lives of those infected with AIDS. The challenge is how we translate this know-how and these resources to people living in the developing world.

Yet even in a country as poor as Haiti, there are already programs on the ground that are making a difference with minimal resources, like the Zanmi Lasante Clinic, run by Dr. Paul Farmer and the dedicated people at Partners in Health.

And we also know from the indication of Uganda that when a country unites in the battle against AIDS, through the leadership, through its president, members of the government and civil society, and when everyone really engages in open dialogue about sex and AIDS, the need for abstinence, faithfulness and safe sex through the use of condoms, the HIV/AIDS rate can be reversed. In this case, it came down from 15 percent in 1991 to 5 percent 10 years later. But it took all three strategies. No preference is given to one over the other.

This bill we have before us today really recognizes these possibilities. But, more importantly, it sends a message to the world that the United States will not sit idly by and allow AIDS to wreak havoc on the human family.

By committing $3 billion a year to fighting global HIV/AIDS and the two largest opportunistic infections that feed off of AIDS, tuberculosis and malaria, we will virtually double our global AIDS budget in the next year.

Several years ago when we won a $40 million increase in global AIDS spending in 2000 under the leadership of our distinguished minority leader, the gentlewoman from California (Ms. PELOSI), we felt that that was a major victory and a major accomplishment. This legislation now puts those living with AIDS and those at greatest risk of getting infected ahead of ideological and political differences, and that is why the Pitts amendment does such a disservice to the bill and to those who desperately need our help. This bill attempts to create a comprehensive strategy to deal with the AIDS pandemic. Comprehensive.

Finally, let me just say how important it is that this be new money. The President said that this was new money. We must make sure that this is new money. We face many challenges as this bill moves forward, but we hope that the President will receive the bill on his desk intact and sign it before Memorial Day, as he said he wanted to do.

Mr. Chairman I want to thank again the chairman of our committee and the gentleman from California (Mr. LANTOS) for their leadership, and once again hope that we can pass this bill intact, as it moved out of committee.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the learned gentleman from Wisconsin (Mr. GREEN).

□ 1130

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman from Illinois (Mr. HYDE) for yielding me this time.

During the course of the debate today, we will hear a lot of numbers, thousands and millions of percentiles. We will have a lot of platitudes. Platitudes are important, numbers are important; but they are just lines on a page.

Let me give my colleagues an image that may help us put this all into perspective. Not so very long ago, I met a missionary who had served in the very area where I taught high school in Africa some 15 years ago, and I asked her what the changes were that she had seen over her time. I thought she would say to me, cell phones, electricity, running water, which we did not have; and she said, no, that is not it. She said, now as you walk down that mud path, you will stop and suddenly say to yourselves, my God, there are no adults here. There are children and there are grandparents, but there is an entire generation missing.

Mr. Chairman, so many here are talking about why we must do this for the sake of the impoverished and the needy around the world, and it is true. I would also suggest we need to pass this legislation for our sake. Two reasons: number one, it makes us more human. Every one of the great faiths in this world calls upon its followers to care for their neighbor. I know my faith does. My faith requires me to take up issues like this. Secondly, it is a matter of national security. If we do not get our arms around this pandemic, this plague, entire regions of the world will be destabilized; and when they are destabilized, we will see openings for radicalism, and where radicalism grows, dangers emerge, dangers to us and our way of life.

So yes, we must do this for the impoverished and the needy around the world, but we do this for us too. We are Americans. It is in our nature. It is the thing that we should do. This is important legislation. It is historic legislation. I commend the chairman. I agree with one of the previous speakers that this will be our most important legislation. It will save lives; it will shape history. I am proud to be part of this.

Mr. LANTOS. Mr. Chairman, before yielding to our next speaker, I want to express my deep appreciation to several members of our staff. Pearl Alice Marsh, David Abramowitz, Peter Yeo, Bob King, and on the staff of the gentlewoman from California (Ms. LEE), Christos Tsentas. They have done an outstanding job in bringing this legislation to the floor.

Mr. Chairman, I am delighted to yield 1 minute to my good friend, the gentleman from New York (Mr. CROWLEY), a distinguished member of the Committee on International Relations and a leader on this issue.

Mr. CROWLEY. Mr. Chairman, I thank the gentleman from California (Mr. LANTOS) for yielding me this time.

I want to applaud the gentleman from Illinois (Chairman HYDE) for his work on this bill. I want to voice my strong support for the United States Leadership Against the HIV/AIDS, Malaria, and Tuberculosis Act of 2003. Make no mistake, this bill is a big step in the right direction. This bill means more help for those infected with HIV/AIDS. It means more hope and help for children who are dying from malaria. It means that fewer families will live in fear of tuberculosis.

This bill is a true victory. But we must take the steps to ensure that what this bill stands for, protecting the health of individuals around the world, is also protected. And that is why we must see that this bill is not the end of the debate, but rather a step in the right direction.

The prevention and treatment of these diseases requires funding; but, of course, it requires even more. It requires accurate information, cultural sensitivity, rapid response. It requires real dedication.

Mr. Chairman, $15 billion over 5 years is real assistance for some of the world's most vulnerable, but only if it is allowed to be spent as those on the ground see fit. This bill can mean real hope for countless people around the world. I only hope that what this bill stands for survives as well.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. Mr. Chairman, one of our Nation's seminal principles holds that all human beings have a right to life, liberty, and the pursuit of happiness. Inherent in this principle, in this promise, rests the belief that to truly and fully live, every human heart needs hope.

National borders neither define nor diminish this need. And today, millions of our fellow human beings throughout the world have no hope, for they suffer under the perceived certainty of an AIDS death sentence. For years they have done so with no hope for relief or reprieve until our Nation brought them this proposal's promising ray of hope.

Due to this historic legislation, millions of ravaged bodies have hearts beating with hope. And thus, it is morally imperative that we pass this historic legislation, continue tending and kindling the sick and sufferings' faint rays of hope and, as Americans, reaffirm and retain our revolutionary role as a herald of hope for all humanity.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 1½ minutes to the distinguished gentleman from New Jersey (Mr. PAYNE), the ranking member of the Subcommittee on Africa of the Committee on International Relations, my good friend who has been one of the strongest leaders on this whole issue in the Congress.

Mr. PAYNE. Mr. Chairman, let me express my strong support for this legislation and begin by commending the Bush administration for this initiative of 15 billion new dollars. I would like to also commend the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations, for standing up to criticism primarily from his own friends. In spite of the criticism, the gentleman from Illinois showed that he still has the competitive drive that he had as an outstanding basketball player, that when the game got close, when it got tough, when it was needed, that last push, he stayed the course; and I would like to certainly commend him for that.

We appreciate the work of the gentleman from California (Mr. LANTOS) and the gentlewoman from California (Ms. LEE) and the gentleman from Iowa (Mr. LEACH). We have all come together.

But let me just say that I have seen the devastation with my own eyes. Over the 15 years that I have been in Congress, I have spent time during my first year visiting hostels and hospitals where HIV and AIDS patients were dying, and it was a time when many people throughout the world were crying out for help. I was devastated because their voices were not being heard. People were dying all around us.

Voltaire said, "Nothing is as powerful as a dream whose time has come." The dream that we should really fight this devastating disease, the fact that people around the world are being devastated, not because of anything that is abnormal, but because of something that has just entered into this society. And so I hope that we will keep the legislation intact. I am proud to stand here and say that we are doing probably the greatest thing that we have done since I have been in the Congress, as has been mentioned earlier today.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I want to commend the administration as well, as a lot of others have spoken to today. The leadership of this House, and particularly the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), two extraordinary Members who really care about issues such as this.

This is important legislation that will dramatically increase the United States' participation and role in combating HIV and AIDS. The HIV/AIDS scourge is not only an international health threat killing millions and spreading each year, but it is also a major detriment to the economic security and well-being of our Nation and many countries around the world. As we have seen with the current SARS virus, economic partners as close as Canada have been seriously impacted in just a very short time period. While SARS is a new major health risk that experts are working to halt in recent weeks, we must not forget that HIV/AIDS is a killer disease that continues to plague the entire world.

Specifically, the legislation before us today will authorize more than $15 billion for combating HIV/AIDS globally over the next 5 years. In President Bush's State of the Union address he called for an increase in the U.S. commitment to combat the global AIDS pandemic. I am pleased that today we are debating a holistic approach to combat such a destructive disease. The legislation creates a more responsive, coordinated, and effective approach among the various agencies of the United States Government involved in the war against HIV/AIDS and approves up to $1 billion for the Global Fund for AIDS, Tuberculosis, and Malaria for fiscal year 2004.

I have seen firsthand the devastation that AIDS has had on the people of Africa, and I firmly believe that the United States and the rest of the developed world must act now to help end the suffering and hardship caused by this terrible disease.

When I visited Zimbabwe, Nigeria, and South Africa several years ago, I saw the overwhelming impact that AIDS was having, not only on those adults afflicted with the disease, but also on thousands of orphans that the disease creates. In some countries, one-fifth to one-third of the children have already been orphaned by the disease. I am pleased that today's measure authorizes the President to establish pilot programs to create and treat orphans and young children.

Through the work of my constituent, Jeff Busch, I have learned about and supported the work of the Safe Blood for Africa Corps. This small, not-for-profit company has the goal of safeguarding the blood supply in sub-Saharan Africa from infectious diseases such as HIV, Hepatitis B, and Hepatitis C.

I have supported their efforts to fund a first-strike program of HIV/AIDS prevention in sub-Saharan Africa that would immediately begin to save between 350,000 and 500,000 lives by utilizing rapid blood testing to provide for the transfusion of safe blood. The President has cited Uganda as the model country for putting together an effective plan to combat HIV/AIDS. Uganda has been very aggressive in their approach, and it is important to note that they first addressed the problem of cleaning the blood supply.

In conclusion, the Bush administration has designated the war on HIV/AIDS in developing countries a top priority, and I strongly believe that this important legislation will push this goal forward. Mr. Chairman, 40 million people are currently infected and 25 million have died of AIDS worldwide, including more than 3 million people last year alone. Now is the time for our Nation to step up and halt this most deadly disease.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 1 minute to my good friend, the gentleman from Pennsylvania (Mr. HOEFFEL), a distinguished member of the Committee on International Relations and a strong leader on this and on so many other issues.

Mr. HOEFFEL. Mr. Chairman, I rise in strong support of H.R. 1298. I want to salute the great work of the gentleman from Illinois (Chairman HYDE); the ranking member, the gentleman from California (Mr. LANTOS); and President Bush for coming together to make this $15 billion commitment over 5 years to help curb the spread of AIDS around the world.

One of the best parts of this bill is its balanced approach that treats equally importantly abstinence, marital fidelity, and the use of condoms to fight the spread of AIDS. I salute that balanced approach, and that is why it is so important to defeat the Pitts amendment and the Smith amendment. The Smith amendment would allow faith-based organizations that can be funded under this bill under the terms of the legislation to actively discourage the use of condoms. That makes no sense, and that destroys the balance that is currently in this legislation. The Pitts amendment would allow a particular amount of funding to go specifically and only for programs that only promote abstinence.

Listen, abstinence works perfectly if it is used perfectly, but it is not. Not everybody abstains. We need to pass this bill as is. It is balanced and it is very good.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, our Nation is greatly blessed. We have a responsibility to our fellow man. When rampaging machete mobs began massacring Rwandans, I believed then and I believe now that we should have deployed troops to save them.

I agree with the principles expressed by President Bush in this very Chamber in his State of the Union speech when he said: "We exercise power without conquest and we sacrifice for the liberty of strangers. Americans are a free people who know that freedom is a right of every person and the future of every nation. The liberty we prize is not America's gift to the world; it is God's gift to all humanity."

Now we face an AIDS crisis in Africa. It is severe. We have the unique opportunity to help save and extend the lives of Africans. However, we must ensure that our efforts to fight AIDS in Africa do not infringe upon their liberty, their freedom, and the right to life of unborn Africans.

The travesty of family planning and population control funding being used to subsidize abortion providers and counseling is not new to Congress. In fact, in 1970, Congressman John Schmitz of California accurately predicted the consequences of providing funding without restrictions.

□ 1145

We know the results of that. He said on that day: "The bill before us today . . . would commit the U.S. Government to the life prevention business at an initial cost of more than a quarter of a billion dollars." As we know, the rise in the cost of the program is under way, with no end in sight. Congressman Schmitz was right. In 1999, Planned Parenthood received $51 million. Effectively, we are subsidizing abortion services.

Today we are poised to distribute AIDS assistance to those who are currently without hope in Africa. Hopefully, a large portion will go to proven abstinence, medical treatment, and as a last resort, condom distribution.

However, none of the billions for relief in Africa should be used to fund abortions. No United States taxpayer money should fund groups that provide abortion services or counseling. We will save lives by providing humanitarian AIDS relief to Africa. No lives are as innocent as those lives of babies taken by abortion.

We must show compassion for Africans and ensure that the words of Congressman Schmitz when we committed the United States to the life prevention business do not come true with this excellent bill.

Mr. LANTOS. Mr. Chairman, I am very pleased to yield 1 minute to my good friend and distinguished colleague, the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding time to me, Mr. Chairman.

Mr. Chairman, I rise in support of the bill and in opposition to the Pitts amendment. Devoting significant resources to the biggest health threat in the world, the global HIV/AIDS pandemic, is an excellent use of taxpayer dollars, as long as we focus on prevention efforts that work.

For example, the people of Uganda have had great success controlling the spread of HIV/AIDS, and they did it with a comprehensive program that did stress abstinence and fidelity, but also emphasized the importance of using condoms.

The Pitts amendment would move significant dollars away from that proven model by providing $5 billion to strictly abstinence-only programs. It will push aside proven comprehensive programs in favor of questionable models designed to appease a right-wing constituency.

Let us not miss the opportunity to do good by misspending precious resources on abstinence-only programs. We should not condemn more people to death by AIDS by tying hands with ideology. I urge my colleagues to vote "no" on the Pitts amendment and strongly support H.R. 1298.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in my capacity as chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs on the Committee on Appropriations to discuss this bill, H.R. 1298. It is our subcommittee that will be called upon to fund this authorization.

The legislation has three critical elements that are important to the issue of funding: first, the requirement for the President to establish within 9 months a comprehensive 5-year strategy to combat AIDS; second, within the Department of State the establishment of a new coordinator of U.S. activity to combat HIV/AIDS; and, third, providing statutory authority and sufficient authorization for additional United States contributions to the Global Fund to fight AIDS, tuberculosis, and malaria.

There are many other provisions, some of which appear unnecessary to this Member, others of which are clearly contradictory; but I want to address these three core provisions in the time that I have available.

I commend the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for their work in crafting legislation that could bring much-needed policy coherence and effective management to the outpouring of well-meaning but, frankly, scattershot Presidential and congressional initiatives designed to arrest the worldwide HIV/AIDS pandemic.

I would ask the gentleman from Illinois (Chairman HYDE) and the members of the Committee on International Relations to take into consideration several of our subcommittee's concerns as they move this bill toward enactment.

First, as the proposed 5-year strategy will not be in place, at the earliest, until midway through the next fiscal year, the funds appropriated for fiscal year 2004 will have to reflect the strategies and use the delivery systems now in place. For that reason, I would caution against legislating the Uganda model on a global basis or limiting increased funding to only 14 countries before that strategy is in place or Congress has had an opportunity to review it.

Second, the legislation under consideration today proposes to turn the role of the AIDS coordinator into a de facto agency administrator. I have serious reservations about giving someone who was designated a coordinator within the State Department the authority to make grants, operate in foreign countries, or to, in effect, replace the Global Health Bureau of USAID or the Centers for Disease Control. Why are we creating an entire new Federal bureaucracy to administer the program when one already exists?

I also object to the language which would allow the coordinator to transfer money from prior-year appropriations or to establish a new account in the Treasury for which no funds have been appropriated.

Third, I welcome the flexibility to continue funding for the Global Fund at or above the current level of almost $350 million. But in all candor, the budget resolution does not permit fiscal 2004 funding anywhere near the $1 billion authorized by this legislation. Thus, we are only creating false expectations about what our Committee on Appropriations might be able to do this year.

Mr. Chairman, having spent much time over many years on the critical issues addressed by this bill, I am really pleased to see that the Congress is grappling with HIV/AIDS as an international issue. The legislation before us today is a helpful start, but much work remains to be done if we are to have effective implementation of programs to combat HIV/AIDS around the world.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 1½ minutes to my good friend, the gentlewoman from New York (Mrs. LOWEY), the distinguished ranking member of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mrs. LOWEY. Mr. Chairman, I rise today in support of this bill. I congratulate the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for their important work. I have always believed that dealing with the AIDS crisis is both a national security priority and a moral imperative for the United States. I am pleased to see that we are authorizing a significant infusion of resources and broad-based commitment.

However, I caution my colleagues that despite strong administration and bipartisan congressional support for this bill, the $3 billion authorized for the upcoming fiscal year simply does not exist in the bill. The administration's request for 2004 for all global HIV/AIDS, tuberculosis, and malaria programs is about $1.7 billion, not $3 billion. While my colleagues and I on the Committee on Appropriations will try to find the $1.3 billion necessary to fill the massive funding gap, it will be difficult in an already tight budget.

I would urge the administration to request the funds necessary to fulfill the President's promise. I hope our Republican leadership will make sure we have the resources we need to fully fund this historic initiative.

Mr. Chairman, we have before us today an opportunity to do a great deal of good in the world: to improve the lives of people living with AIDS, to help AIDS orphans survive and thrive, and to prevent millions of those who are most at risk from contracting this horrible virus. Our efforts will have massive implications for the stability and prosperity of whole communities, societies, and regions of the world, a tremendous privilege and an awesome burden.

It is not every day that Members of Congress have the opportunity to jumpstart a process. So let us appropriate the money, let us fulfill the promise, and let us make sure we use it wisely and well.

Mr. LANTOS. Mr. Chairman, I am very pleased to yield 1 minute to my good friend and distinguished colleague, the gentlewoman from Minnesota (Ms. MCCOLLUM), a member of the Committee on International Relations.

Ms. MCCOLLUM. Mr. Chairman, today, while Congress debates this bill, every 15-year-old boy in Botswana is living with a 90 percent, a 90 percent chance of dying from AIDS during his life. AIDS is destroying millions of lives, families, and entire nations in Africa. Congress should and must act now.

America possesses the wealth, the knowledge, the leadership to partner with the people of Africa to save lives, offer dignity to the dying, and provide opportunity to orphans struggling for survival. Our fight against AIDS at home, in Africa, and around the world is both a strategic and humanitarian battle that reflects the greatest strengths and the absolute goodness of the American people.

Standing together, let us pass this bill today and empower the people of Africa to use every means available and necessary to treat and stop the spread of AIDS. Today, the people of America and Africa stand together in our fight against AIDS. I thank the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for their work.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 1 minute to my good colleague, the gentlewoman from California (Ms. WATERS), a distinguished Member of this body and a leader on this issue.

Ms. WATERS. Mr. Chairman, I thank the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for their superb leadership on attacking the HIV/AIDS disaster in Africa.

I take this moment to rise in strong support of H.R. 1298, and to thank my friends and colleagues for the many years of struggle and hard work that has brought us to this point of getting President Bush to support this effort.

Thanks to all of the AIDS activists, the developmental activists. Thanks to the work of the gentlewoman from California (Ms. PELOSI) when she served on the Committee on Appropriations; and the gentlewoman from California (Ms. LEE) for the leadership she has provided; and the gentleman from New Jersey (Mr. PAYNE) and all the other Members of Congress.

Thanks to President Bill Clinton for establishing the Global AIDS Fund we are putting the money in today. Thanks for the trip that he made to Africa, where we all had the opportunity to visit what was going on, the clinics in Uganda and other countries of Africa.

It has been a lot of hard work. I am pleased and delighted that we are here today working in a bipartisan way to put money into this Global Fund, but it did not happen overnight. Again, I thank Members for all the years of work and struggle.

Mr. LANTOS. Mr. Chairman, I am very pleased to yield 1½ minutes to my good friend and distinguished colleague, the gentleman from New York (Mr. ENGEL), a valued member of the Committee on International Relations.

Mr. ENGEL. Mr. Chairman, I thank my friend for yielding time to me.

I want to congratulate the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE) and the gentleman from Iowa (Mr. LEACH) for their strong support and leadership on this bill. I particularly want to single out my colleague, the gentlewoman from California (Ms. LEE), who has led a good, long fight for so many years. This is truly something all of us can take pride in. The gentlewoman from California (Ms. LEE) has certainly led the way.

Mr. Chairman, this is a bipartisan, middle-of-the-road bill, a good bill. We should allow no ideological fights in this bill. This is not a fight about abortion; it is a fight about saving lives. The Uganda approach, which has abstinence and marital fidelity and condoms, and we have to have condoms if we are going to fight this battle, is a very well-balanced approach.

Let us look at AIDS. AIDS has killed over 20 million people since the epidemic began. Another 8,000 people die each day, with 68,000,000 deaths predicted by 2020 unless the world takes action. Experts say a strong global response could prevent nearly two-thirds of those new infections, saving tens of millions of lives.

What this bill does is respond to this crisis. It authorizes the bold initiative announced by President Bush. I want to say I was pleased to be in the White House 2 days ago with President Bush when he announced this initiative. This will provide $15 billion, including $10 billion in new money to fight HIV/AIDS in Africa and the Caribbean.

The proposed bill will help prevent 7 million new infections, provide care and support for 10 million HIV-infected individuals and AIDS orphans, and offer antiretroviral therapy for 2 million of those in need.

H.R. 1298 is only an authorization bill. We need to fight in the appropriations process for real resources to match the promises made in H.R. 1298.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 1 minute to my good friend, the gentlewoman from New York (Mrs. MALONEY), a distinguished Member of this body.

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding time to me, and for his leadership.

I rise in strong support of the bill and in opposition to the Pitts amendment. We must remember that HIV/AIDS is preventable. That is why I support the ABC approach to prevention, which encourages a balanced approach to preventing the spread of HIV/AIDS.

While we all believe that abstinence and fidelity are important methods of prevention, a full, balanced, and comprehensive range of options, including condoms, is a more responsible plan of attack; and attack is what we must do. We must attack this rampant epidemic with full force, full funding, and full freedom of information.

I remember when then Ambassador Richard Holbrooke first brought the issue of HIV/AIDS as a national security crisis to the U.N. Security Council. We quickly learned that HIV/AIDS is not only a public health crisis; it is an economic crisis, an international security crisis, and a moral crisis.

□ 1200

In Africa the need and the will to combat the spread of AIDS is there. What is missing is the resources. That is what this bill brings in. No country should struggle to rise out of poverty while fighting a disease that can cut life expectancy by as much as 30 years.

I strongly support this bill and commend the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), the ranking member, and the gentlewoman from California (Ms. LEE) and the gentleman from Iowa (Mr. LEACH) for their leadership.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Indiana (Mr. PENCE) for the purposes of a colloquy.

Mr. PENCE. Mr. Chairman, I want to thank the gentleman for his tireless efforts in crafting this HIV/AIDS relief bill.

I have, as the gentleman knows personally, the utmost respect for him and for his distinguished career and leadership of this committee in particular. I appreciate him granting me this colloquy.

Many of us have learned, Mr. Chairman, that there are a number of foreign countries that actually use abortion as a means of preventing mother to child transmission of HIV/AIDS. It is my hope that the distinguished chairman would today confirm that in carrying out this foreign assistance program, that it is the policy of the United States that abortion is not prevention of or treatment of mother to child transmission of HIV/AIDS.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. PENCE. I yield to the gentleman from Illinois.

Mr. HYDE. The gentleman is correct. Nothing this in this legislation should suggest that it is United States' policy that abortion is a proper and appropriate method for prevention of or treatment of mother to child transmission of HIV/AIDS.

Mr. PENCE. Mr. Chairman, I thank the gentleman.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to my good friend, the gentleman from Ohio (Mr. BROWN), a distinguished member of the Committee on International Relations, our ranking member on the Subcommittee on Health.

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman from California (Mr. LANTOS) for his leadership.

The Global Fund to fight AIDS, TB and malaria represents the best tool we have to provide relief on a scale that matters. Some of my colleagues want to eliminate the U.S. commitment to the Global Fund. They will say it is effective when it only began disbursing funds in the past year. They will say it is a blow to bureaucracy, when, in fact, it is a model of efficiency in coordination. They will say that evidence shows that it does not work, and then fail to produce any evidence.

The Global Fund stresses accountability. Each proposal is reviewed by 22 physicians and health experts from a variety of nations. Forty percent only of the applications are accepted. Only the best are approved. Each proposal is for 5 years. After 2 years a major audit of the program is done. If it is not effective funding is cut off.

Both the House and the Senate supported its creation unanimously. It is transparent. The Global Funds Web site contains downloads of every single country's proposal that is approved.

Fifty million people in the last 25 years have died of malaria, tuberculosis and AIDS, 50 million people. The Global Fund will help history's worst epidemic.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to my good friend, the gentleman from Massachusetts (Mr. OLVER), a distinguished member of the Committee on Appropriations.

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, H.R. 1298 is the best bill the full House has ever considered on the international HIV/AIDS crisis. This bill provides $1.7 billion in fiscal 2004 to the Global Fund to fight AIDS, tuberculosis, and malaria. Our support for the Global Fund demonstrates American commitment to the international fight against HIV/AIDS and is vital for gaining funds from other donor countries.

In his State of the Union address President Bush announced his 5-year plan to fight HIV/AIDS but he only allotted $200 million each year to the Global Fund. This bill greatly increases the U.S. commitment to the Global Fund.

As HIV/AIDS ravages Africa, the Caribbean and now explodes in Asia and the former Soviet Union,. clearly no single nation has the ability to prevent the spread of AIDS or to adequately treat its victims. This international disease must be stopped with international and multi-lateral action.

Mr. Speaker, we must support this bill and the Global Fund to fight AIDS, TB, and malaria. It is the least we can do.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a historic moment in dealing with global humanitarian legislation. What we were doing today on a bipartisan basis will save the lives of tens of millions of innocent people across the globe. We are doing it on a bipartisan basis with the typical generosity and humanitarian instincts of the American people.

This is legislation we must all be proud of. It should pass with an overwhelming majority. We are supportive of the legislation. We are grateful for the President's support and we fully anticipate that lives around the globe will be improved as a result of our efforts.

Mr. Chairman, I yield back the balance of our time.

Mr. HYDE. Mr. Chairman, I yield the balance of our time to the distinguished gentlewoman from Florida (Ms. HARRIS).

Ms. HARRIS. Mr. Chairman, I thank the gentleman from Illinois (Mr. HYDE) for yielding me this time.

Mr. Chairman, as our Nation confronts the threats of terrorism, tyranny, and weapons of mass destruction, we must not forget the ethical and practical imperative to fight nature's weapons of mass destruction which manifests themselves in the form of global epidemics, such as AIDS.

President Bush and this Congress have demonstrated extraordinary courage and moral leadership in focussing our Nation's attention on this critical matter of national security. H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act, implements the President's visionary proposal to combat AIDS and other infectious diseases in Africa as well as on a global scale. This legislation models programs that have experienced tremendous success throughout the world, most notably a program that has proven effective in Uganda.

Such programs work with within existing cultural dynamics to combat the existing humanitarian crisis, while promoting the essential long-term societal changes that will stop the spread of these dreadful diseases.

As a freshmen Member of Congress, I am heartened to note the bipartisan support and the healthy debate that has accompanied our consideration of this vital legislation. The speed and effectiveness with which we have joined the fight against the global scourge of AIDS tuberculosis, and malaria shows the American people that we can indeed work together to make the world freer, safer, healthier and more just.

I thank the gentleman from Illinois (Mr. HYDE) for his extraordinary vision and leadership in this momentous bill. I urge the passage of the legislation.

Mr. LARSON of Connecticut. Mr. Chairman, I rise today in support of H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. While much of our focus over the past two years has been on the eradication of terrorist threats from radical fringe groups and evil dictators, we must not forget the threat posed by a nonhuman terrorist: HIV/AIDS. More than 42 million people in the world are living with HIV/AIDS. Nearly 30 million of those people live on the continent of Africa and that includes 3 million children under the age of fifteen. As many of us in Congress have worked hard over the years to strengthen HIV/AIDS programs, I was particularly pleased to hear the President acknowledge this threat during his State of the Union address in January. Today Congress has a chance to address this global pandemic.

Specifically, this bill would authorize $15 billion over five years to fight the HIV/AIDS pandemic, including up to $1 billion for the Global Fund to Combat HIV/AIDS, Tuberculosis, and Malaria in Fiscal Year 2004. It would also create a five-year comprehensive, integrated, global strategy to strength the U.S. capacity to respond to the HIV/AIDS pandemic. Additionally, an HIV/AIDS Response Coordinator within the Department of State would be created to oversee this plan.

I am particularly pleased by the bipartisan support that this legislation has garnered. I thank the gentleman from Illinois (Mr. HYDE) for introducing this bill and working with both sides of the aisle to bring to the floor today a bill that can be widely supported. Our goal should not be to impose our values on another culture, but to exhibit our values by showing care and compassion for our global neighbors. By supporting programs like the successful Ugandan ABC campaign (which says Abstain; if you can't abstain, Be Faithful; if you can't be faithful, use a Condom) we can effectively address this crisis.

Again, I support this legislation and encourage my colleagues to join me. We have the opportunity today to make a commitment to improve the lives of millions of people and ease the suffering of an entire continent. However, the fight against HIV/AIDS is far from over and we must live up to the commitment we make today by fully funding these programs in the future.

Mr. TOWNS. Mr. Chairman, I support the attempt in this bill to provide basic medical assistance to prevent and treat HIV/AIDS. To understand the importance of this assistance, we must get a firm grasp on the enormity of this problem. AIDS is truly a global killer. The virus respects no national boundaries, no religious affiliation, no race, no gender, and no age. In Sub-Sahara Africa, the region of the world most severely affected by HIV and AIDS, there are an estimated 25.3 million persons infected with the virus. In 7 African countries, 20 percent of the population is affected. In Botswana, it is estimated that 36 percent of the adult population is infected with HIV.

Other regions of the world have equally alarming statistics. In Asia, the world's most populous continent, 3.5 million people are infected with HIV. Eastern Europe has the most rapid rate of growth in HIV infections. In 20 short months, the number of infected persons in the Russian Federation rose from 10,000 to 70,000. In Latin America, an estimated 1.9 million people are infected with HIV. In the Caribbean, HIV has impacted about 400,000 people.

HIV and AIDS is the leading cause of death in Africa and the fourth leading cause of death worldwide. In the countries most affected in

Africa, life expectancy has declined by 10 years and the infant death rates have doubled.

This disease has ravaged families. In the developing world, the loss of one parent can lead to a loss of income, the end of educational opportunities for children and an increase in child labor. The loss of both parents can be devastating. It has been estimated that by 2010 there will be 40 million children in Africa who have been orphaned because of the AIDS virus. That is equivalent to every child living east of the Mississippi River in this country.

I know this is a grim picture, but to paint a rosy scenario would be inappropriate. Compassion and concern are not enough. We must take concrete action, here and now. This epidemic can be stabilized and reversed. We must work effectively with leaders of the world to achieve these outcomes. Africa's tragedy can be reversed and a similar cataclysm can be avoided in other countries. This legislation is a good step forward in addressing this issue. But we must be prepared to take the next step and assist countries impacted by these diseases.

Mr. SCHIFF. Mr. Chairman, I rise in support of this important legislation that will enable us to effectively combat the global scourges of HIV/AIDS, tuberculosis, and malaria. I am grateful for the bipartisan leadership of my colleagues who authored and were original cosponsors of this bill especially Chairman HYDE, Ranking Member LANTOS, Mr. WELDON, Ms. LEE, and Mr. LEACH.

This legislation enables the United States to take strong leadership role to ameliorate, and, we hope, ultimately to eradicate one of the most devastating diseases that man has ever encountered. We count the victims of HIV/AIDS in the tens and hundreds of millions, worldwide. It is a disease that affects men and women, adults and children. Its impact is most devastating on the poorest, those with the least capacity to deal with the ravages of this disease or to act effectively to prevent its spread. By affecting so many millions across societal cross-sections, this disease presents a humanitarian crisis of unprecedented magnitude. Furthermore, the HIV/AIDS pandemic is a potentially destabilizing force that presents a grave threat to international security.

The African nations have been especially hard hit by the epidemic of HIV/AIDS and other diseases. Together, HIV/AIDS, tuberculosis, malaria, and related diseases are undermining agriculture production throughout Africa—aggravating disease with hunger.

This bill will address these global problems by authorizing $15 billion to combat HIV/AIDS, tuberculosis, and malaria, through a comprehensive five-year integrated strategy. This legislation will use these funds effectively by promoting inter-agency coordination, supporting the expansions of public/private partnerships, and using targeted programs that will especially benefit children and families affected by HIV/AIDS.

Of course we must continue to work aggressively to combat the spread of this disease here in the United States and to continue our efforts to research a cure and to aid our own countrymen afflicted with this terrible illness.

I am proud to be a co-sponsor of this vital legislation to attack one of the most significant threats to global health. I am pleased with the bill that the International Relations Committee passed, and I urge my colleagues to support his bill.

Mr. PAUL. Mr. Chairman, as a physician I am particularly concerned about terrible diseases like AIDS. I have great sympathy for those—in increasing numbers—who suffer and die around the world. The question is not whether each and every one of us is concerned or would like to do something about this terrible problem. The question is whether yet another massive government foreign aid program will actually do anything at all to solve the problem. The United States has been sending billions and billions of dollars overseas for decades to do fine-sounding things like "build democracy" and "fight drugs" and "end poverty." Yet decades later we are told that in every category these things have actually gotten worse rather than better. Our money has disappeared into bank accounts of dictators and salaries for extremely well-paid consultants and U.S. Government employees. Yet we refuse to learn from these mistakes; we are about to make another multi-billion dollar mistake with this bill.

Though I have not been in favor of Federal Government funding of healthcare, if this money is going to be spent why shouldn't it be spent in this country, on American citizens? One legitimate function of government is to protect its citizens and taxpayers. Yet thousands of Americans who have contracted this terrible disease find themselves without any healthcare at all. Thousands of these Americans, as they become ill, are no longer able to work and therefore lose their insurance coverage. Drugs to treat the disease become impossible to afford; those with disease end up along and in misery. I seriously wonder whether negative perceptions of those at risk in this country do not drive this push to send billions abroad rather than address the disease here at home. I believe that if this money is to be spend it should be spent on Americans, regardless of what some may think about those high-risk groups.

Bills like the one we are considering today also force Americans to fund programs and organizations that many find morally objectionable, such as those that distribute condoms and perform abortion. While some amendments we are voting on today admirably seek to address some of these concerns, the fact remains that this bill even if amended unconstitutionally sends U.S. taxpayer money overseas and inappropriately engages in social engineering abroad. None of the amendments address the immorality of forcing Americans to fund organizations engaged in family planning, performing abortions, and distributing condoms. As Thomas Jefferson famously said, "To compel a man to furnish funds for the propagation of ideas be disbelieves and abhors is sinful and tyrannical." That is why I have introduced H.R. 1548, a bill to prohibit any Federal official from expending any Federal funds for any population control or population planning program or any family planning activity. What we are seeing today on the floor just underscores the need to pass H.R. 1548—to end this tyrannical and sinful practice of forcing Americans to pay for programs they believe to be immoral and evil.

Mr. Chairman, at a time when the government is running record deficits, is engaged in an enormously expensive war in Iraq and Afghanistan and elsewhere, and is even cutting veterans benefits, I find it extremely irresponsible that we are discussing sending additional billions overseas in yet another dubious program. Additionally, I am greatly concerned that the billions we are contributing to the "Global Fund" will be going to organizations that support and perform abortions, prostitution, infanticide and other horrors. There is nothing in this bill to prevent this, only faith that the Coordinator will exercise good judgment in these matters. That is simply not sufficient. I strongly oppose this bill and urge my colleagues to do likewise.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of H.R. 1298, the "United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003." I also rise to applaud the efforts of Mr. HYDE, Mr. LANTOS, Mr. WELDON, Ms. LEE, and Mr. LEACH to get this bill on the floor so that the members of the House of Representatives can do our part to fight the spread of infectious diseases.

I support H.R. 1298, because HIV/AIDS, tuberculosis, and malaria are killing men, women, and children in countries across the globe. And the United States, a country blessed with expert physicians, scientists, corporations, and governmental agencies should take the lead in worldwide efforts to combat the effects of these infectious diseases.

H.R. 1298 contains many provisions that help in the battle to contain the spread of these diseases and to provide assistance to those suffering from HIV/AIDS, TB, and malaria. Among other provisions, H.R. 1298 establishes a five-year global strategy to combat HIV/AIDS, TB, and malaria. It also supports voluntary contributions to the international vaccine funds, establishes pilot programs to place health care professionals in overseas areas and provide assistance for children and families affected by HIV/AIDS.

I, along with several other members of the House of Representatives, have also proposed amendments to supplement the provisions already written into the bill. These provisions will also help combat the spread of HIV/AIDS, TB, and malaria.

As the Chair of the Children's Caucus, I am particularly troubled by the pandemic of HIV/AIDS and the devastating impact this disease has had on children in Africa and worldwide. It has been over 20 years since AIDS was first diagnosed. Since then over 57 million people have been infected, 25 million people have perished, 4 million of which were children.

According to a study by UNAIDS, if the AIDS epidemic in Africa is not controlled, AIDS related deaths will make 40 million children orphans by the year 2010. Presently, there are more children orphaned in Africa due to parental AIDS deaths than there are children in America's public school system. In Botswana, there are more deaths annually from AIDS than there are childbirths.

I have had the opportunity to see for myself the devastating effect of HIV/AIDS, TB, and malaria on the citizens of African countries. I was a member of one of the first presidential missions to Africa. I have visited Zambia, Uganda, and South Africa and seen the physical and emotional damage caused by infectious diseases. I have supported programs to change personal behaviors like the ABC Program which encourages youths to practice Abstinence, Be faithful, and use Condoms.

Congressional trips to Africa and support of initiatives are positive steps in the fight against aids. However, we can do much more to provide funding, actively participate in developing programs, conduct studies, and disburse medicines to the victims of HIV/AIDS, tuberculosis, and malaria in sub-Saharan Africa.

I reiterate my unwavering support for H.R. 1298. I encourage every member of the House of Representatives to also support H.R. 1298, as well as give serious consideration to the various amendments that have been offered to the bill. We must take swift and decisive action to prevent the further spread of infectious diseases. Each day that we delay the passage of H.R. 1298, thousands of people worldwide will die or be infected with HIV/AIDS, TB, and malaria. I commend Mr. HYDE, Mr. LANTOS, Mr. WELDON, Ms. LEE, and Mr. LEACH's efforts to prevent further infectious disease deaths. I support H.R. 1298, and I urge my colleagues to do the same.

Mrs. CHRISTENSEN. Mr. Chairman, I rise today to urge for the passage of H.R. 1298, and I want to commend my colleagues BARBARA LEE and TOM LANTOS, as well as Chairman HYDE and the entire CBC for getting us to where we are today.

The White House has also come a long way.

And so I am pleased to support this bill, which now provides $1 billion for the global Fund where it can be leveraged to greater levels of funding through contributions from other sources.

Hopefully as we see its success, the U.S. will increase its contribution to the global Fund where I am convinced we can do the most good.

This bill wisely builds on the program in Uganda, where the three pronged approach of abstinence, being faithful to one partner, and condom use has seen much success.

This is a major victory, not for those of us who have urged this approach but for the people whose lives will be saved.

Lastly, I am very pleased that the Caribbean is included, specifically Haiti and Guyana, but here too, I hope that we can see this funding expanded to other countries in the region, which also bear a heavy burden of HIV and AIDS.

We have come a long way in these two years, and even since the announcement of the $15 billion in the President's State of the Union Address this year.

Although we can still improve upon this effort, passage of H.R. 1298 will mark a great step forward in responding to this strong moral imperative. We look forward to working with our colleagues and the White House to continue to match what will surely be growing need, and to do the same for the HIV and AIDS epidemic right here at home.

Mr. NADLER. Mr. Chairman, I rise in strong support of H.R. 1298. This is an excellent bill that will save millions of lives throughout the world. It's an outstanding example of the kind of leadership the United States should be showing on public health issues, and I hope it's just the beginning of our work in this area.

I'm particularly pleased that President Bush has stood up to the extremists in his party who wished to hijack this bill to push their ideological agenda. The radical right wing forces who oppose even the discussion as well as distribution of condoms as part of a balanced approach play a dangerous game with people's lives. Instead of allowing proven strategies to work, there are some who would rather watch a whole continent die than see condoms used. An abstinence-only approach is a death sentence for millions of people.

As I said, however, I applaud President Bush for standing up to these extremists and supporting this balanced bill. When the Traditional Values Coalition and the Family Research Council are opposed to legislation, we must be doing something right.

Mr. Chairman, for too long this nation has stood by and paid closer attention to our wallet than to the millions of people dying of AIDS throughout the world. Up until now, we've been unwilling to spend the money necessary to combat this terrible disease. But today, we are hopefully reversing this trend and beginning a new era of American leadership on this issue.

We've seen incredible devastation throughout the world as a result of AIDS. Millions of children will grow up orphans and entire nations have been unable to sustain a healthy workforce, driving them even deeper into poverty. These are tragedies that we can help stop, but it takes money and political will. With this bill today, we take an important step in that direction.

I urge my colleagues to support this legislation and to oppose any amendments that weaken it.

Mr. HYDE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Purpose.
Sec. 5. Authority to consolidate and combine reports.

TITLE I—POLICY PLANNING AND COORDINATION

Sec. 101. Development of a comprehensive, five-year, global strategy.
Sec. 102. HIV/AIDS Response Coordinator.

TITLE II—SUPPORT FOR MULTILATERAL FUNDS, PROGRAMS, AND PUBLIC-PRIVATE PARTNERSHIPS

Sec. 201. Sense of Congress on public-private partnerships.
Sec. 202. Participation in the Global Fund to Fight AIDS, Tuberculosis and Malaria.
Sec. 203. Voluntary contributions to international vaccine funds.

TITLE III—BILATERAL EFFORTS

Subtitle A—General Assistance and Programs

Sec. 301. Assistance to combat HIV/AIDS.
Sec. 302. Assistance to combat tuberculosis.
Sec. 303. Assistance to combat malaria.
Sec. 304. Pilot program for the placement of health care professionals in overseas areas severely affected by HIV/AIDS, tuberculosis, and malaria.
Sec. 305. Report on treatment activities by relevant executive branch agencies.

Subtitle B—Assistance for Children and Families

Sec. 311. Findings.
Sec. 312. Policy and requirements.
Sec. 313. Annual reports on prevention of mother-to-child transmission of the HIV infection.
Sec. 314. Pilot program of assistance for children and families affected by HIV/AIDS.
Sec. 315. Pilot program on family survival partnerships.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

Sec. 401. Authorization of appropriations.
Sec. 402. Sense of Congress.
Sec. 403. Allocation of funds.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) During the last 20 years, HIV/AIDS has assumed pandemic proportions, spreading from the most severely affected regions, sub-Saharan Africa and the Caribbean, to all corners of the world, and leaving an unprecedented path of death and devastation.

(2) According to the Joint United Nations Programme on HIV/AIDS (UNAIDS), more than 65,000,000 individuals worldwide have been infected with HIV since the epidemic began, more than 25,000,000 of these individuals have lost their lives to the disease, and more than 14,000,000 children have been orphaned by the disease. HIV/AIDS is the fourth-highest cause of death in the world.

(3)(A) At the end of 2002, an estimated 42,000,000 individuals were infected with HIV or living with AIDS, of which more than 75 percent live in Africa or the Caribbean. Of these individuals, more than 3,200,000 were children under the age of fifteen and more than 19,200,000 were women.

(B) Women are four times more vulnerable to infection than are men and are becoming infected at increasingly high rates, in part because many societies do not provide poor women and young girls with the social, legal, and cultural protections against high risk activities that expose them to HIV/AIDS.

(C) Women and children who are refugees or are internally displaced persons are especially vulnerable to sexual exploitation and violence, thereby increasing the possibility of HIV infection.

(4) As the leading cause of death in sub-Saharan Africa, AIDS has killed more than 19,400,000 individuals (more than 3 times the number of AIDS deaths in the rest of the world) and will claim the lives of one-quarter of the population, mostly adults, in the next decade.

(5) An estimated 2,000,000 individuals in Latin America and the Caribbean and another

7,100,000 individuals in Asia and the Pacific region are infected with HIV or living with AIDS. Infection rates are rising alarmingly in Eastern Europe (especially in the Russian Federation), Central Asia, and China.

(6) HIV/AIDS threatens personal security by affecting the health, lifespan, and productive capacity of the individual and the social cohesion and economic well-being of the family.

(7) HIV/AIDS undermines the economic security of a country and individual businesses in that country by weakening the productivity and longevity of the labor force across a broad array of economic sectors and by reducing the potential for economic growth over the long term.

(8) HIV/AIDS destabilizes communities by striking at the most mobile and educated members of society, many of whom are responsible for security at the local level and governance at the national and subnational levels as well as many teachers, health care personnel, and other community workers vital to community development and the effort to combat HIV/AIDS. In some countries the overwhelming challenges of the HIV/AIDS epidemic are accelerating the outward migration of critically important health care professionals.

(9) HIV/AIDS weakens the defenses of countries severely affected by the HIV/AIDS crisis through high infection rates among members of their military forces and voluntary peacekeeping personnel. According to UNAIDS, in sub-Saharan Africa, many military forces have infection rates as much as five times that of the civilian population.

(10) HIV/AIDS poses a serious security issue for the international community by—

(A) increasing the potential for political instability and economic devastation, particularly in those countries and regions most severely affected by the disease;

(B) decreasing the capacity to resolve conflicts through the introduction of peacekeeping forces because the environments into which these forces are introduced pose a high risk for the spread of HIV/AIDS; and

(C) increasing the vulnerability of local populations to HIV/AIDS in conflict zones from peacekeeping troops with HIV infection rates significantly higher than civilian populations.

(11) The devastation wrought by the HIV/AIDS pandemic is compounded by the prevalence of tuberculosis and malaria, particularly in developing countries where the poorest and most vulnerable members of society, including women, children, and those individuals living with HIV/AIDS, become infected. According to the World Health Organization (WHO), HIV/AIDS, tuberculosis, and malaria accounted for more than 5,700,000 deaths in 2001 and caused debilitating illnesses in millions more.

(12) Together, HIV/AIDS, tuberculosis, malaria and related diseases are undermining agricultural production throughout Africa. According to the United Nations Food and Agricultural Organization, 7,000,000 agricultural workers throughout 25 African countries have died from AIDS since 1985. Countries with poorly developed agricultural systems, which already face chronic food shortages, are the hardest hit, particularly in sub-Saharan Africa, where high HIV prevalence rates are compounding the risk of starvation for an estimated 14,400,000 people.

(13) Tuberculosis is the cause of death for one out of every three people with AIDS worldwide and is a highly communicable disease. HIV infection is the leading threat to tuberculosis control. Because HIV infection so severely weakens the immune system, individuals with HIV and latent tuberculosis infection have a 100 times greater risk of developing active tuberculosis diseases thereby increasing the risk of spreading tuberculosis to others. Tuberculosis, in turn, accelerates the onset of AIDS in individuals infected with HIV.

(14) Malaria, the most deadly of all tropical parasitic diseases, has been undergoing a dramatic resurgence in recent years due to increasing resistance of the malaria parasite to inexpensive and effective drugs. At the same time, increasing resistance of mosquitoes to standard insecticides makes control of transmission difficult to achieve. The World Health Organization estimates that between 300,000,000 and 500,000,000 new cases of malaria occur each year, and annual deaths from the disease number between 2,000,000 and 3,000,000. Persons infected with HIV are particularly vulnerable to the malaria parasite. The spread of HIV infection contributes to the difficulties of controlling resurgence of the drug resistant malaria parasite.

(15) HIV/AIDS is first and foremost a health problem. Successful strategies to stem the spread of the HIV/AIDS pandemic will require clinical medical interventions, the strengthening of health care delivery systems and infrastructure, and determined national leadership and increased budgetary allocations for the health sector in countries affected by the epidemic as well as measures to address the social and behavioral causes of the problem and its impact on families, communities, and societal sectors.

(16) Basic interventions to prevent new HIV infections and to bring care and treatment to people living with AIDS, such as voluntary counseling and testing and mother-to-child transmission programs, are achieving meaningful results and are cost-effective. The challenge is to expand these interventions from a pilot program basis to a national basis in a coherent and sustainable manner.

(17) Appropriate treatment of individuals with HIV/AIDS can prolong the lives of such individuals, preserve their families, prevent children from becoming orphans, and increase productivity of such individuals by allowing them to lead active lives and reduce the need for costly hospitalization for treatment of opportunistic infections caused by HIV.

(18) Nongovernmental organizations, including faith-based organizations, with experience in health care and HIV/AIDS counseling, have proven effective in combating the HIV/AIDS pandemic and can be a resource in assisting indigenous organizations in severely affected countries in their efforts to provide treatment and care for individuals infected with HIV/AIDS.

(19) Faith-based organizations are making an important contribution to HIV prevention and AIDS treatment programs around the world. Successful HIV prevention programs in Uganda, Jamaica, and elsewhere have included local churches and faith-based groups in efforts to promote behavior changes to prevent HIV, to reduce stigma associated with HIV infection, to treat those afflicted with the disease, and to care for orphans. The Catholic Church alone currently cares for one in four people being treated for AIDS worldwide. Faith-based organizations possess infrastructure, experience, and knowledge that will be needed to carry out these programs in the future and should be an integral part of United States efforts.

(20)(A) Uganda has experienced the most significant decline in HIV rates of any country in Africa, including a decrease among pregnant women from 20.6 percent in 1991 to 7.9 percent in 2000.

(B) Uganda made this remarkable turnaround because President Yoweri Museveni spoke out early, breaking long-standing cultural taboos, and changed widespread perceptions about the disease. His leadership stands as a model for ways political leaders in Africa and other developing countries can mobilize their nations, including civic organizations, professional associations, religious institutions, business and labor to combat HIV/AIDS.

(C) Uganda's successful AIDS treatment and prevention program is referred to as the ABC model: "Abstain, Be faithful, use Condoms", in order of priority. Jamaica, Zambia, Ethiopia and Senegal have also successfully used the ABC model. Beginning in 1986, Uganda brought about a fundamental change in sexual behavior by developing a low-cost program with the message: "Stop having multiple partners. Be faithful. Teenagers, wait until you are married before you begin sex.".

(D) By 1995, 95 percent of Ugandans were reporting either one or zero sexual partners in the past year, and the proportion of sexually active youth declined significantly from the late 1980s to the mid-1990s. The greatest percentage decline in HIV infections and the greatest degree of behavioral change occurred in those 15 to 19 years old. Uganda's success shows that behavior change, through the use of the ABC model, is a very successful way to prevent the spread of HIV.

(21) The magnitude and scope of the HIV/AIDS crisis demands a comprehensive, long-term, international response focused upon addressing the causes, reducing the spread, and ameliorating the consequences of the HIV/AIDS pandemic, including—

(A) prevention and education, care and treatment, basic and applied research, and training of health care workers, particularly at the community and provincial levels, and other community workers and leaders needed to cope with the range of consequences of the HIV/AIDS crisis;

(B) development of health care infrastructure and delivery systems through cooperative and coordinated public efforts and public and private partnerships;

(C) development and implementation of national and community-based multisector strategies that address the impact of HIV/AIDS on the individual, family, community, and nation and increase the participation of at-risk populations in programs designed to encourage behavioral and social change and reduce the stigma associated with HIV/AIDS; and

(D) coordination of efforts between international organizations such as the Global Fund to Fight AIDS, Tuberculosis and Malaria, the Joint United Nations Programme on HIV/AIDS (UNAIDS), the World Health Organization (WHO), national governments, and private sector organizations, including faith-based organizations.

(22) The United States has the capacity to lead and enhance the effectiveness of the international community's response by—

(A) providing substantial financial resources, technical expertise, and training, particularly of health care personnel and community workers and leaders;

(B) promoting vaccine and microbicide research and the development of new treatment protocols in the public and commercial pharmaceutical research sectors;

(C) making available pharmaceuticals and diagnostics for HIV/AIDS therapy;

(D) encouraging governments and faith-based and community-based organizations to adopt policies that treat HIV/AIDS as a multisectoral public health problem affecting not only health but other areas such as agriculture, education, the economy, the family and society, and assisting them to develop and implement programs corresponding to these needs;

(E) promoting healthy lifestyles, including abstinence, delaying sexual debut, monogamy, marriage, faithfulness, use of condoms, and avoiding substance abuse; and

(F) encouraging active involvement of the private sector, including businesses, pharmaceutical and biotechnology companies, the medical and scientific communities, charitable foundations, private and voluntary organizations

and nongovernmental organizations, faith-based organizations, community-based organizations, and other nonprofit entities.

(23) Prostitution and other sexual victimization are degrading to women and children and it should be the policy of the United States to eradicate such practices. The sex industry, the trafficking of individuals into such industry, and sexual violence are additional causes of and factors in the spread of the HIV/AIDS epidemic. One in nine South Africans is living with AIDS, and sexual assault is rampant, at a victimization rate of one in three women. Meanwhile in Cambodia, as many as 40 percent of prostitutes are infected with HIV and the country has the highest rate of increase of HIV infection in all of Southeast Asia. Victims of coercive sexual encounters do not get to make choices about their sexual activities.

(24) Strong coordination must exist among the various agencies of the United States to ensure effective and efficient use of financial and technical resources within the United States Government with respect to the provision of international HIV/AIDS assistance.

(25) In his address to Congress on January 28, 2003, the President announced the Administration's intention to embark on a five-year emergency plan for AIDS relief, to confront HIV/AIDS with the goals of preventing 7,000,000 new HIV/AIDS infections, treating at least 2,000,000 people with life-extending drugs, and providing humane care for millions of people suffering from HIV/AIDS, and for children orphaned by HIV/AIDS.

(26) In this address to Congress, the President stated the following: "Today, on the continent of Africa, nearly 30,000,000 people have the AIDS virus—including 3,000,000 children under the age of 15. There are whole countries in Africa where more than one-third of the adult population carries the infection. More than 4,000,000 require immediate drug treatment. Yet across that continent, only 50,000 AIDS victims—only 50,000—are receiving the medicine they need.".

(27) Furthermore, the President focused on care and treatment of HIV/AIDS in his address to Congress, stating the following: "Because the AIDS diagnosis is considered a death sentence, many do not seek treatment. Almost all who do are turned away. A doctor in rural South Africa describes his frustration. He says, 'We have no medicines. Many hospitals tell people, you've got AIDS, we can't help you. Go home and die.' In an age of miraculous medicines, no person should have to hear those words. AIDS can be prevented. Anti-retroviral drugs can extend life for many years ... Ladies and gentlemen, seldom has history offered a greater opportunity to do so much for so many.".

(28) Finally, the President stated that "[w]e have confronted, and will continue to confront, HIV/AIDS in our own country", proposing now that the United States should lead the world in sparing innocent people from a plague of nature, and asking Congress "to commit $15,000,000,000 over the next five years, including nearly $10,000,000,000 in new money, to turn the tide against AIDS in the most afflicted nations of Africa and the Caribbean".

SEC. 3. DEFINITIONS.

In this Act:

(1) AIDS.—The term "AIDS" means the acquired immune deficiency syndrome.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(3) GLOBAL FUND.—The term "Global Fund" means the public-private partnership known as the Global Fund to Fight AIDS, Tuberculosis and Malaria established pursuant to Article 80 of the Swiss Civil Code.

(4) HIV.—The term "HIV" means the human immunodeficiency virus, the pathogen that causes AIDS.

(5) HIV/AIDS.—The term "HIV/AIDS" means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

(6) RELEVANT EXECUTIVE BRANCH AGENCIES.—The term "relevant executive branch agencies" means the Department of State, the United States Agency for International Development, and any other department or agency of the United States that participates in international HIV/AIDS activities pursuant to the authorities of such department or agency or the Foreign Assistance Act of 1961.

SEC. 4. PURPOSE.

The purpose of this Act is to strengthen United States leadership and the effectiveness of the United States response to certain global infectious diseases by—

(1) establishing a comprehensive, integrated five-year, global strategy to fight HIV/AIDS that encompasses a plan for phased expansion of critical programs and improved coordination among relevant executive branch agencies and between the United States and foreign governments and international organizations;

(2) providing increased resources for multilateral efforts to fight HIV/AIDS;

(3) providing increased resources for United States bilateral efforts, particularly for technical assistance and training, to combat HIV/AIDS, tuberculosis, and malaria;

(4) encouraging the expansion of private sector efforts and expanding public-private sector partnerships to combat HIV/AIDS; and

(5) intensifying efforts to support the development of vaccines and treatment for HIV/AIDS, tuberculosis, and malaria.

SEC. 5. AUTHORITY TO CONSOLIDATE AND COMBINE REPORTS.

With respect to the reports required by this Act to be submitted by the President, to ensure an efficient use of resources, the President may, in his discretion and notwithstanding any other provision of this Act, consolidate or combine any of these reports, except for the report required by section 101 of this Act, so long as the required elements of each report are addressed and reported within a 90-day period from the original deadline date for submission of the report specified in this Act. The President may also enter into contracts with organizations with relevant expertise to develop, originate, or contribute to any of the reports required by this Act to be submitted by the President.

TITLE I—POLICY PLANNING AND COORDINATION

SEC. 101. DEVELOPMENT OF A COMPREHENSIVE, FIVE-YEAR, GLOBAL STRATEGY.

(a) STRATEGY.—The President shall establish a comprehensive, integrated, five-year strategy to combat global HIV/AIDS that strengthens the capacity of the United States to be an effective leader of the international campaign against HIV/AIDS. Such strategy shall maintain sufficient flexibility and remain responsive to the ever-changing nature of the HIV/AIDS pandemic and shall—

(1) include specific objectives, multisectoral approaches, and specific strategies to treat individuals infected with HIV/AIDS and to prevent the further spread of HIV infections, with a particular focus on the needs of families with children (including the prevention of mother-to-child transmission), women, young people, and children (such as unaccompanied minor children and orphans);

(2) as part of the strategy, implement a tiered approach to direct delivery of care and treatment through a system based on central facilities augmented by expanding circles of local delivery of care and treatment through local systems and capacity;

(3) assign priorities for relevant executive branch agencies;

(4) provide that the reduction of HIV/AIDS behavioral risks shall be a priority of all prevention efforts in terms of funding, educational messages, and activities by promoting abstinence from sexual activity and substance abuse, encouraging monogamy and faithfulness, promoting the effective use of condoms, and eradicating prostitution, the sex trade, rape, sexual assault and sexual exploitation of women and children;

(5) improve coordination among relevant executive branch agencies, foreign governments, and international organizations;

(6) project general levels of resources needed to achieve the stated objectives;

(7) expand public-private partnerships and the leveraging of resources; and

(8) maximize United States capabilities in the areas of technical assistance and training and research, including vaccine research.

(b) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report setting forth the strategy described in subsection (a).

(2) REPORT CONTENTS.—The report required by paragraph (1) shall include a discussion of the elements described in paragraph (3) and may include a discussion of additional elements relevant to the strategy described in subsection (a). Such discussion may include an explanation as to why a particular element described in paragraph (3) is not relevant to such strategy.

(3) REPORT ELEMENTS.—The elements referred to in paragraph (2) are the following:

(A) The objectives, general and specific, of the strategy.

(B) A description of the criteria for determining success of the strategy.

(C) A description of the manner in which the strategy will address the fundamental elements of prevention and education, care, and treatment (including increasing access to pharmaceuticals and to vaccines), the promotion of abstinence, monogamy, avoidance of substance abuse, and use of condoms, research (including incentives for vaccine development and new protocols), training of health care workers, the development of health care infrastructure and delivery systems, and avoidance of substance abuse.

(D) A description of the manner in which the strategy will promote the development and implementation of national and community-based multisectoral strategies and programs, including those designed to enhance leadership capacity particularly at the community level.

(E) A description of the specific strategies developed to meet the unique needs of women, including the empowerment of women in interpersonal situations, young people and children, including those orphaned by HIV/AIDS and those who are victims of the sex trade, rape, sexual abuse, assault, and exploitation.

(F) A description of the programs to be undertaken to maximize United States contributions in the areas of technical assistance, training (particularly of health care workers and community-based leaders in affected sectors), and research, including the promotion of research on vaccines and microbicides.

(G) An identification of the relevant executive branch agencies that will be involved and the assignment of priorities to those agencies.

(H) A description of the role of each relevant executive branch agency and the types of programs that the agency will be undertaking.

(I) A description of the mechanisms that will be utilized to coordinate the efforts of the relevant executive branch agencies, to avoid duplication of efforts, to enhance on-site coordination efforts, and to ensure that each agency undertakes programs primarily in those areas

where the agency has the greatest expertise, technical capabilities, and potential for success.

(J) A description of the mechanisms that will be utilized to ensure greater coordination between the United States and foreign governments and international organizations including the Global Fund, UNAIDS, international financial institutions, and private sector organizations.

(K) The level of resources that will be needed on an annual basis and the manner in which those resources would generally be allocated among the relevant executive branch agencies.

(L) A description of the mechanisms to be established for monitoring and evaluating programs, promoting successful models, and for terminating unsuccessful programs.

(M) A description of the manner in which private, nongovernmental entities will factor into the United States Government-led effort and a description of the type of partnerships that will be created to maximize the capabilities of these private sector entities and to leverage resources.

(N) A description of the ways in which United States leadership will be used to enhance the overall international response to the HIV/AIDS pandemic and particularly to heighten the engagement of the member states of the G–8 and to strengthen key financial and coordination mechanisms such as the Global Fund and UNAIDS.

(O) A description of the manner in which the United States strategy for combating HIV/AIDS relates to and supports other United States assistance strategies in developing countries.

(P) A description of the programs to be carried out under the strategy that are specifically targeted at women and girls to educate them about the spread of HIV/AIDS.

(Q) A description of efforts being made to address the unique needs of families with children with respect to HIV/AIDS, including efforts to preserve the family unit.

(R) An analysis of the emigration of critically important medical and public health personnel, including physicians, nurses, and supervisors from sub-Saharan African countries that are acutely impacted by HIV/AIDS, including a description of the causes, effects, and the impact on the stability of health infrastructures, as well as a summary of incentives and programs that the United States could provide, in concert with other private and public sector partners and international organizations, to stabilize health institutions by encouraging critical personnel to remain in their home countries.

(S) A description of the specific strategies developed to promote sustainability of HIV/AIDS pharmaceuticals (including antiretrovirals) and the effects of drug resistance on HIV/AIDS patients.

(T) A description of the specific strategies to ensure that the extraordinary benefit of HIV/AIDS pharmaceuticals (especially antiretrovirals) are not diminished through the illegal counterfeiting of pharmaceuticals and black market sales of such pharmaceuticals.

(U) An analysis of the prevalence of Human Papilloma Virus (HPV) in sub-Saharan Africa and the impact that condom usage has upon the spread of HPV in sub-Saharan Africa.

SEC. 102. HIV/AIDS RESPONSE COORDINATOR.

(a) ESTABLISHMENT OF POSITION.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 265(a)) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f) HIV/AIDS RESPONSE COORDINATOR.—

"(1) IN GENERAL.—There shall be established within the Department of State in the immediate office of the Secretary of State a Coordinator of United States Government Activities to Combat HIV/AIDS Globally, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary.

"(2) AUTHORITIES AND DUTIES; DEFINITIONS.—

"(A) AUTHORITIES.—The Coordinator, acting through such nongovernmental organizations (including faith-based and community-based organizations) and relevant executive branch agencies as may be necessary and appropriate to effect the purposes of this section, is authorized—

"(i) to operate internationally to carry out prevention, care, treatment, support, capacity development, and other activities for combatting HIV/AIDS;

"(ii) to transfer and allocate funds to relevant executive branch agencies; and

"(iii) to provide grants to, and enter into contracts with, nongovernmental organizations (including faith-based and community-based organizations) to carry out the purposes of section.

"(B) DUTIES.—

"(i) IN GENERAL.—The Coordinator shall have primary responsibility for the oversight and coordination of all resources and international activities of the United States Government to combat the HIV/AIDS pandemic, including all programs, projects, and activities of the United States Government relating to the HIV/AIDS pandemic under the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 or any amendment made by that Act.

"(ii) SPECIFIC DUTIES.—The duties of the Coordinator shall specifically include the following:

"(I) Ensuring program and policy coordination among the relevant executive branch agencies and nongovernmental organizations, including auditing, monitoring, and evaluation of all such programs.

"(II) Ensuring that each relevant executive branch agency undertakes programs primarily in those areas where the agency has the greatest expertise, technical capabilities, and potential for success.

"(III) Avoiding duplication of effort.

"(IV) Ensuring coordination of relevant executive branch agency activities in the field.

"(V) Pursuing coordination with other countries and international organizations.

"(VI) Resolving policy, program, and funding disputes among the relevant executive branch agencies.

"(VII) Directly approving all activities of the United States (including funding) relating to combatting HIV/AIDS in each of Botswana, Cote d'Ivoire, Ethiopia, Guyana, Haiti, Kenya, Mozambique, Namibia, Nigeria, Rwanda, South Africa, Tanzania, Uganda, Zambia, and other countries designated by the President, which other designated countries may include those countries in which the United States is implementing HIV/AIDS programs as of the date of the enactment of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

"(VIII) Establishing due diligence criteria for all recipients of funds section and all activities subject to the coordination and appropriate monitoring, evaluation, and audits carried out by the Coordinator necessary to assess the measurable outcomes of such activities.

"(C) DEFINITIONS.—In this paragraph:

"(i) AIDS.—The term 'AIDS' means acquired immune deficiency syndrome.

"(ii) HIV.—The term 'HIV' means the human immunodeficiency virus, the pathogen that causes AIDS.

"(iii) HIV/AIDS.—The term 'HIV/AIDS' means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

"(iv) RELEVANT EXECUTIVE BRANCH AGENCIES.—The term 'relevant executive branch agencies' means the Department of State, the United States Agency for International Development, the Department of Health and Human Services (including the Public Health Service), and any other department or agency of the United States that participates in international HIV/AIDS activities pursuant to the authorities of such department or agency or this Act.".

(b) RESOURCES.—Not later than 90 days after the date of enactment of this Act, the President shall specify the necessary financial and personnel resources, from funds appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance, that shall be assigned to and under the direct control of the Coordinator of United States Government Activities to Combat HIV/AIDS Globally to establish and maintain the duties and supporting activities assigned to the Coordinator by this Act and the amendments made by this Act.

(c) ESTABLISHMENT OF SEPARATE ACCOUNT.—There is established in the general fund of the Treasury a separate account which shall be known as the "Activities to Combat HIV/AIDS Globally Fund" and which shall be administered by the Coordinator of United States Government Activities to Combat HIV/AIDS Globally. There shall be deposited into the Fund all amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance, except for amounts appropriated for United States contributions to the Global Fund.

TITLE II—SUPPORT FOR MULTILATERAL FUNDS, PROGRAMS, AND PUBLIC-PRIVATE PARTNERSHIPS

SEC. 201. SENSE OF CONGRESS ON PUBLIC-PRIVATE PARTNERSHIPS.

(a) FINDINGS.—Congress makes the following findings:

(1) Innovative partnerships between governments and organizations in the private sector (including foundations, universities, corporations, faith-based and community-based organizations, and other nongovernmental organizations) have proliferated in recent years, particularly in the area of health.

(2) Public-private sector partnerships multiply local and international capacities to strengthen the delivery of health services in developing countries and to accelerate research for vaccines and other pharmaceutical products that are essential to combat infectious diseases decimating the populations of these countries.

(3) These partnerships maximize the unique capabilities of each sector while combining financial and other resources, scientific knowledge, and expertise toward common goals which neither the public nor the private sector can achieve alone.

(4) Sustaining existing public-private partnerships and building new ones are critical to the success of the international community's efforts to combat HIV/AIDS and other infectious diseases around the globe.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the sustainment and promotion of public-private partnerships should be a priority element of the strategy pursued by the United States to combat the HIV/AIDS pandemic and other global health crises; and

(2) the United States should systematically track the evolution of these partnerships and work with others in the public and private sector to profile and build upon those models that are most effective.

SEC. 202. PARTICIPATION IN THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS AND MALARIA.

(a) AUTHORITY FOR UNITED STATES PARTICIPATION.—

(1) UNITED STATES ' PARTICIPATION.—The United States is hereby authorized to participate in the Global Fund.

(2) PRIVILEGES AND IMMUNITIES.—The Global Fund shall be considered a public international organization for purposes of section 1 of the International Organizations Immunities Act (22 U.S.C. 288).

(b) REPORTS TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the duration of the Global Fund, the President shall submit to the appropriate congressional committees a report on the Global Fund, including contributions pledged to, contributions (including donations from the private sector) received by, and projects funded by the Global Fund, and the mechanisms established for transparency and accountability in the grant-making process.

(c) UNITED STATES FINANCIAL PARTICIPATION.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds authorized to be appropriated for bilateral or multilateral HIV/AIDS, tuberculosis, or malaria programs, of the amounts authorized to be appropriated under section 401, there are authorized to be appropriated to the President up to $1,000,000,000 in the fiscal year 2004, and such sums as may be necessary for the fiscal years 2005–2008, for contributions to the Global Fund.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under paragraph (1) are authorized to remain available until expended.

(3) REPROGRAMMING OF FISCAL YEAR 2001 FUNDS.—Funds made available for fiscal year 2001 under section 141 of the Global AIDS and Tuberculosis Relief Act of 2000—

(A) are authorized to remain available until expended; and

(B) shall be transferred to, merged with, and made available for the same purposes as, funds made available for fiscal years 2004 through 2008 under paragraph (1).

(4) LIMITATION.—

(A)(i) At any time during fiscal years 2004 through 2008, no United States contribution to the Global Fund may cause the total amount of United States Government contributions to the Global Fund to exceed 33 percent of the total amount of funds contributed to the Global Fund from all other sources. Contributions to the Global Fund from the International Bank for Reconstruction and Development and the International Monetary Fund shall not be considered in determining compliance with this paragraph.

(ii) If, at any time during any of the fiscal years 2004 through 2008, the President determines that the Global Fund has provided assistance to a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has repeatedly provided support for acts of international terrorism, then the United States shall withhold from its contribution for the next fiscal year an amount equal to the amount expended by the Fund to the government of each such country.

(B) Any amount made available under this subsection that is withheld by reason of subparagraph (A) shall be contributed to the Global Fund as soon as practicable, subject to subparagraph (A), after additional contributions to the Global Fund are made from other sources.

(C)(i) The President may suspend the application of subparagraph (A) with respect to a fiscal year if the President determines that an international health emergency threatens the national security interests of the United States.

(ii) The President shall notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate not less than 5 days before making a determination under clause (i) with respect to the application of subparagraph (A)(i) and shall include in the notification—

(I) a justification as to why increased United States Government contributions to the Global Fund is preferable to increased United States assistance to combat HIV/AIDS, tuberculosis, and malaria on a bilateral basis; and

(II) an explanation as to why other government donors to the Global Fund are unable to provide adequate contributions to the Fund.

(d) INTERAGENCY TECHNICAL REVIEW PANEL.—

(1) ESTABLISHMENT.—The Coordinator of United States Government Activities to Combat HIV/AIDS Globally, established in section 1(f)(1) of the State Department Basic Authorities Act of 1956 (as added by section 102(a) of this Act), shall establish in the executive branch an interagency technical review panel.

(2) DUTIES.—The interagency technical review panel shall serve as a "shadow" panel to the Global Fund by—

(A) periodically reviewing all proposals received by the Global Fund; and

(B) providing guidance to the United States persons who are representatives on the panels, committees, and boards of the Global Fund, on the technical efficacy, suitability, and appropriateness of the proposals, and ensuring that such persons are fully informed of technical inadequacies or other aspects of the proposals that are inconsistent with the purposes of this or any other Act relating to the provision of foreign assistance in the area of AIDS.

(3) MEMBERSHIP.—The interagency technical review panel shall consist of qualified medical and development experts who are officers or employees of the Department of Health and Human Services, the Department of State, and the United States Agency for International Development.

(4) CHAIR.—The Coordinator referred to in paragraph (1) shall chair the interagency technical review panel.

(e) MONITORING BY COMPTROLLER GENERAL.—

(1) MONITORING.—The Comptroller General shall monitor and evaluate projects funded by the Global Fund.

(2) REPORT.—The Comptroller General shall on a biennial basis prepare and submit to the appropriate congressional committees a report that contains the results of the monitoring and evaluation described in paragraph (1) for the preceding 2-year period.

SEC. 203. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL VACCINE FUNDS.

(a) VACCINE FUND.—Section 302(k) of the Foreign Assistance Act of 1961 (22 U.S.C. 2222(k)) is amended—

(1) by striking "$50,000,000 for each of the fiscal years 2001 and 2002" and inserting "such sums as may be necessary for each of the fiscal years 2004 through 2008"; and

(2) by striking "Global Alliance for Vaccines and Immunizations" and inserting "Vaccine Fund".

(b) INTERNATIONAL AIDS VACCINE INITIATIVE.—Section 302(l) of the Foreign Assistance Act of 1961 (22 U.S.C. 2222(l)) is amended by striking "$10,000,000 for each of the fiscal years 2001 and 2002" and inserting "such sums as may be necessary for each of the fiscal years 2004 through 2008".

(c) SUPPORT FOR THE DEVELOPMENT OF MALARIA VACCINE.—Section 302 of the Foreign Assistance Act of 1961 (22 U.S.C. 2222)) is amended by adding at the end the following new subsection:

"(m) In addition to amounts otherwise available under this section, there are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2004 through 2008 to be available for United States contributions to malaria vaccine development programs, including the Malaria Vaccine Initiative of the Program for Appropriate Technologies in Health (PATH).".

TITLE III—BILATERAL EFFORTS

Subtitle A—General Assistance and Programs

SEC. 301. ASSISTANCE TO COMBAT HIV/AIDS.

(a) AMENDMENT OF THE FOREIGN ASSISTANCE ACT OF 1961.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended—

(1) in section 104(c) (22 U.S.C. 2151b(c)), by striking paragraphs (4) through (7); and

(2) by inserting after section 104 the following new section:

"SEC. 104A. ASSISTANCE TO COMBAT HIV/AIDS.

"(a) FINDING.—Congress recognizes that the alarming spread of HIV/AIDS in countries in sub-Saharan Africa, the Caribbean, and other developing countries is a major global health, national security, development, and humanitarian crisis.

"(b) POLICY.—It is a major objective of the foreign assistance program of the United States to provide assistance for the prevention, treatment, and control of HIV/AIDS. The United States and other developed countries should provide assistance to countries in sub-Saharan Africa, the Caribbean, and other countries and areas to control this crisis through HIV/AIDS prevention, treatment, monitoring, and related activities, particularly activities focused on women and youth, including strategies to protect women and prevent mother-to-child transmission of the HIV infection.

"(c) AUTHORIZATION.—

"(1) IN GENERAL.—Consistent with section 104(c), the President is authorized to furnish assistance, on such terms and conditions as the President may determine, for HIV/AIDS, including to prevent, treat, and monitor HIV/AIDS, and carry out related activities, in countries in sub-Saharan Africa, the Caribbean, and other countries and areas.

"(2) ROLE OF NGOS.—It is the sense of Congress that the President should provide an appropriate level of assistance under paragraph (1) through nongovernmental organizations (including faith-based and community-based organizations) in countries in sub-Saharan Africa, the Caribbean, and other countries and areas affected by the HIV/AIDS pandemic.

"(3) COORDINATION OF ASSISTANCE EFFORTS.—The President shall coordinate the provision of assistance under paragraph (1) with the provision of related assistance by the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), the United Nations Development Programme (UNDP), the Global Fund to Fight AIDS, Tuberculosis and Malaria and other appropriate international organizations (such as the International Bank for Reconstruction and Development), relevant regional multilateral development institutions, national, state, and local governments of foreign countries, appropriate governmental and nongovernmental organizations, and relevant executive branch agencies.

"(d) ACTIVITIES SUPPORTED.—Assistance provided under subsection (c) shall, to the maximum extent practicable, be used to carry out the following activities:

"(1) PREVENTION.—Prevention of HIV/AIDS through activities including—

"(A) programs and efforts that are designed or intended to impart knowledge with the exclusive purpose of helping individuals avoid behaviors that place them at risk of HIV infection, including integration of such programs into health programs and the inclusion in counseling programs of information on methods of avoiding infection of HIV, including delaying sexual debut, abstinence, fidelity and monogamy, reduction of casual sexual partnering, and where appropriate, use of condoms;

"(B) assistance to establish and implement culturally appropriate HIV/AIDS education and

prevention programs that focus on helping individuals avoid infection of HIV/AIDS, implemented through nongovernmental organizations, including faith-based and community-based organizations, particularly those organizations that utilize both professionals and volunteers with appropriate skills, experience, and community presence;

"(C) assistance for the purpose of providing voluntary testing and counseling (including the incorporation of confidentiality protections with respect to such testing and counseling);

"(D) assistance for the purpose of preventing mother-to-child transmission of the HIV infection, including medications to prevent such transmission and access to infant formula and other alternatives for infant feeding;

"(E) assistance to ensure a safe blood supply and sterile medical equipment; and

"(F) assistance to help avoid substance abuse and intravenous drug use that can lead to HIV infection.

"(2) TREATMENT.—The treatment and care of individuals with HIV/AIDS, including—

"(A) assistance to establish and implement programs to strengthen and broaden indigenous health care delivery systems and the capacity of such systems to deliver HIV/AIDS pharmaceuticals and otherwise provide for the treatment of individuals with HIV/AIDS, including clinical training for indigenous organizations and health care providers;

"(B) assistance to strengthen and expand hospice and palliative care programs to assist patients debilitated by HIV/AIDS, their families, and the primary caregivers of such patients, including programs that utilize faith-based and community-based organizations; and

"(C) assistance for the purpose of the care and treatment of individuals with HIV/AIDS through the provision of pharmaceuticals, including antiretrovirals and other pharmaceuticals and therapies for the treatment of opportunistic infections, nutritional support, and other treatment modalities.

"(3) PREVENTATIVE INTERVENTION EDUCATION AND TECHNOLOGIES.—(A) With particular emphasis on specific populations that represent a particularly high risk of contracting or spreading HIV/AIDS, including those exploited through the sex trade, victims of rape and sexual assault, individuals already infected with HIV/AIDS, and in cases of occupational exposure of health care workers, assistance with efforts to reduce the risk of HIV/AIDS infection including post-exposure pharmaceutical prophylaxis, and necessary pharmaceuticals and commodities, including test kits, condoms, and, when proven effective, microbicides.

"(B) Bulk purchases of available test kits, condoms, and, when proven effective, microbicides that are intended to reduce the risk of HIV/AIDS transmission and for appropriate program support for the introduction and distribution of these commodities, as well as education and training on the use of the technologies.

"(4) MONITORING.—The monitoring of programs, projects, and activities carried out pursuant to paragraphs (1) through (3), including—

"(A) monitoring to ensure that adequate controls are established and implemented to provide HIV/AIDS pharmaceuticals and other appropriate medicines to poor individuals with HIV/AIDS;

"(B) appropriate evaluation and surveillance activities;

"(C) monitoring to ensure that appropriate measures are being taken to maintain the sustainability of HIV/AIDS pharmaceuticals (especially antiretrovirals) and ensure that drug resistance is not compromising the benefits of such pharmaceuticals; and

"(D) monitoring to ensure appropriate law enforcement officials are working to ensure that HIV/AIDS pharmaceuticals are not diminished through illegal counterfeiting or black market sales of such pharmaceuticals.

"(5) PHARMACEUTICALS.—

"(A) PROCUREMENT.—The procurement of HIV/AIDS pharmaceuticals, antiviral therapies, and other appropriate medicines, including medicines to treat opportunistic infections.

"(B) MECHANISMS FOR QUALITY CONTROL AND SUSTAINABLE SUPPLY.—Mechanisms to ensure that such HIV/AIDS pharmaceuticals, antiretroviral therapies, and other appropriate medicines are quality-controlled and sustainably supplied.

"(C) DISTRIBUTION.—The distribution of such HIV/AIDS pharmaceuticals, antiviral therapies, and other appropriate medicines (including medicines to treat opportunistic infections) to qualified national, regional, or local organizations for the treatment of individuals with HIV/AIDS in accordance with appropriate HIV/AIDS testing and monitoring requirements and treatment protocols and for the prevention of mother-to-child transmission of the HIV infection.

"(6) RELATED ACTIVITIES.—The conduct of related activities, including—

"(A) the care and support of children who are orphaned by the HIV/AIDS pandemic, including services designed to care for orphaned children in a family environment which rely on extended family members;

"(B) improved infrastructure and institutional capacity to develop and manage education, prevention, and treatment programs, including training and the resources to collect and maintain accurate HIV surveillance data to target programs and measure the effectiveness of interventions; and

"(C) vaccine research and development partnership programs with specific plans of action to develop a safe, effective, accessible, preventive HIV vaccine for use throughout the world.

"(7) COMPREHENSIVE HIV/AIDS PUBLIC-PRIVATE PARTNERSHIPS.—The establishment and operation of public-private partnership entities within countries in sub-Saharan Africa, the Caribbean, and other countries affected by the HIV/AIDS pandemic that are dedicated to supporting the national strategy of such countries regarding the prevention, treatment, and monitoring of HIV/AIDS. Each such public-private partnership should—

"(A) support the development, implementation, and management of comprehensive HIV/AIDS plans in support of the national HIV/AIDS strategy;

"(B) operate at all times in a manner that emphasizes efficiency, accountability, and results-driven programs;

"(C) engage both local and foreign development partners and donors, including businesses, government agencies, academic institutions, nongovernmental organizations, foundations, multilateral development agencies, and faith-based organizations, to assist the country in coordinating and implementing HIV/AIDS prevention, treatment, and monitoring programs in accordance with its national HIV/AIDS strategy;

"(D) provide technical assistance, consultant services, financial planning, monitoring and evaluation, and research in support of the national HIV/AIDS strategy; and

"(E) establish local human resource capacities for the national HIV/AIDS strategy through the transfer of medical, managerial, leadership, and technical skills.

"(e) ANNUAL REPORT.—

"(1) IN GENERAL.—Not later than January 31 of each year, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the implementation of this section for the prior fiscal year.

"(2) REPORT ELEMENTS.—Each report shall include—

"(A) a description of efforts made by each relevant executive branch agency to implement the policies set forth in this section, section 104B, and section 104C;

"(B) a description of the programs established pursuant to such sections; and

"(C) a detailed assessment of the impact of programs established pursuant to such sections, including—

"(i)(I) the effectiveness of such programs in reducing the spread of the HIV infection, particularly in women and girls, in reducing mother-to-child transmission of the HIV infection, and in reducing mortality rates from HIV/AIDS; and

"(II) the number of patients currently receiving treatment for AIDS in each country that receives assistance under this Act.

"(ii) the progress made toward improving health care delivery systems (including the training of adequate numbers of staff) and infrastructure to ensure increased access to care and treatment;

"(iii) with respect to tuberculosis, the increase in the number of people treated and the increase in number of tuberculosis patients cured through each program, project, or activity receiving United States foreign assistance for tuberculosis control purposes; and

"(iv) with respect to malaria, the increase in the number of people treated and the increase in number of malaria patients cured through each program, project, or activity receiving United States foreign assistance for malaria control purposes.

"(f) FUNDING LIMITATION.—Of the funds made available to carry out this section in any fiscal year, not more than 7 percent may be used for the administrative expenses of the United States Agency for International Development in support of activities described in section 104(c), this section, section 104B, and section 104C. Such amount shall be in addition to other amounts otherwise available for such purposes.

"(g) DEFINITIONS.—In this section:

"(1) AIDS.—The term 'AIDS' means acquired immune deficiency syndrome.

"(2) HIV.—The term 'HIV' means the human immunodeficiency virus, the pathogen that causes AIDS.

"(3) HIV/AIDS.—The term 'HIV/AIDS' means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

"(4) RELEVANT EXECUTIVE BRANCH AGENCIES.—The term 'relevant executive branch agencies' means the Department of State, the United States Agency for International Development, the Department of Health and Human Services (including its agencies and offices), and any other department or agency of the United States that participates in international HIV/AIDS activities pursuant to the authorities of such department or agency or this Act.".

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to funds available under section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) for such purpose or under any other provision of that Act, there are authorized to be appropriated to the President, from amounts authorized to be appropriated under section 401, such sums as may be necessary for each of the fiscal years 2004 through 2008 to carry out section 104A of the Foreign Assistance Act of 1961, as added by subsection (a).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(3) ALLOCATION OF FUNDS.—Of the amount authorized to be appropriated by paragraph (1) for the fiscal years 2004 through 2008, such sums as may be necessary are authorized to be appropriated to carry out section 104A(d)(4) of the

Foreign Assistance Act of 1961 (as added by subsection (a)), relating to the procurement and distribution of HIV/AIDS pharmaceuticals.

(c) RELATIONSHIP TO ASSISTANCE PROGRAMS TO ENHANCE NUTRITION.—In recognition of the fact that malnutrition may hasten the progression of HIV to AIDS and may exacerbate the decline among AIDS patients leading to a shorter life span, the Administrator of the United States Agency for International Development shall, as appropriate—

(1) integrate nutrition programs with HIV/AIDS activities, generally;

(2) provide, as a component of an antiretroviral therapy program, support for food and nutrition to individuals infected with and affected by HIV/AIDS; and

(3) provide support for food and nutrition for children affected by HIV/AIDS and to communities and households caring for children affected by HIV/AIDS.

(d) ELIGIBILITY FOR ASSISTANCE.—An organization that is otherwise eligible to receive assistance under section 104A of the Foreign Assistance Act of 1961 (as added by subsection (a)) or under any other provision of this Act (or any amendment made by this Act) to prevent, treat, or monitor HIV/AIDS shall not be required, as a condition of receiving the assistance, to endorse or utilize a multisectoral approach to combatting HIV/AIDS.

(e) LIMITATION.—No funds made available to carry out this Act, or any amendment made by this Act, may be used to promote or advocate the legalization or practice of prostitution or sex trafficking. Nothing in the preceding sentence shall be construed to preclude the provision to individuals of palliative care, treatment, or post-exposure pharmaceutical prophylaxis, and necessary pharmaceuticals and commodities, including test kits, condoms, and, when proven effective, microbicides.

(f) LIMITATION.—No funds made available to carry out this Act, or any amendment made by this Act, may be used to provide assistance to any group or organization that does not have a policy explicitly opposing prostitution and sex trafficking.

SEC. 302. ASSISTANCE TO COMBAT TUBERCULOSIS.

(a) AMENDMENT OF THE FOREIGN ASSISTANCE ACT OF 1961.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), as amended by section 301 of this Act, is further amended by inserting after section 104A the following new section:

"SEC. 104B. ASSISTANCE TO COMBAT TUBERCULOSIS.

"(a) FINDINGS.—Congress makes the following findings:

"(1) Congress recognizes the growing international problem of tuberculosis and the impact its continued existence has on those countries that had previously largely controlled the disease.

"(2) Congress further recognizes that the means exist to control and treat tuberculosis through expanded use of the DOTS (Directly Observed Treatment Short-course) treatment strategy, including DOTS-Plus to address multi-drug resistant tuberculosis, and adequate investment in newly created mechanisms to increase access to treatment, including the Global Tuberculosis Drug Facility established in 2001 pursuant to the Amsterdam Declaration to Stop TB and the Global Alliance for TB Drug Development.

"(b) POLICY.—It is a major objective of the foreign assistance program of the United States to control tuberculosis, including the detection of at least 70 percent of the cases of infectious tuberculosis, and the cure of at least 85 percent of the cases detected, not later than December 31, 2005, in those countries classified by the World Health Organization as among the highest tuberculosis burden, and not later than December 31, 2010, in all countries in which the United States Agency for International Development has established development programs.

"(c) AUTHORIZATION.—To carry out this section and consistent with section 104(c), the President is authorized to furnish assistance, on such terms and conditions as the President may determine, for the prevention, treatment, control, and elimination of tuberculosis. .

"(d) COORDINATION.—In carrying out this section, the President shall coordinate with the World Health Organization, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, and other organizations with respect to the development and implementation of a comprehensive tuberculosis control program.

"(e) PRIORITY TO DOTS COVERAGE.—In furnishing assistance under subsection (c), the President shall give priority to activities that increase Directly Observed Treatment Short-course (DOTS) coverage and treatment of multi-drug resistant tuberculosis where needed using DOTS-Plus, including funding for the Global Tuberculosis Drug Facility, the Stop Tuberculosis Partnership, and the Global Alliance for TB Drug Development. In order to meet the requirement of the preceding sentence, the President should ensure that not less than 75 percent of the amount made available to carry out this section for a fiscal year should be expended for antituberculosis drugs, supplies, direct patient services, and training in diagnosis and treatment for Directly Observed Treatment Short-course (DOTS) coverage and treatment of multi-drug resistant tuberculosis using DOTS-Plus, including substantially increased funding for the Global Tuberculosis Drug Facility.

"(f) DEFINITIONS.—In this section:

"(1) DOTS.—The term 'DOTS' or 'Directly Observed Treatment Short-course' means the World Health Organization-recommended strategy for treating tuberculosis.

"(2) DOTS-PLUS.—The term 'DOTS-Plus' means a comprehensive tuberculosis management strategy that is built upon and works as a supplement to the standard DOTS strategy, and which takes into account specific issues (such as use of second line anti-tuberculosis drugs) that need to be addressed in areas where there is high prevalence of multi-drug resistant tuberculosis.

"(3) GLOBAL ALLIANCE FOR TUBERCULOSIS DRUG DEVELOPMENT.—The term 'Global Alliance for Tuberculosis Drug Development' means the public-private partnership that brings together leaders in health, science, philanthropy, and private industry to devise new approaches to tuberculosis and to ensure that new medications are available and affordable in high tuberculosis burden countries and other affected countries.

"(4) GLOBAL TUBERCULOSIS DRUG FACILITY.—The term 'Global Tuberculosis Drug Facility (GDF)' means the new initiative of the Stop Tuberculosis Partnership to increase access to high-quality tuberculosis drugs to facilitate DOTS expansion.

"(5) STOP TUBERCULOSIS PARTNERSHIP.—The term 'Stop Tuberculosis Partnership' means the partnership of the World Health Organization, donors including the United States, high tuberculosis burden countries, multilateral agencies, and nongovernmental and technical agencies committed to short- and long-term measures required to control and eventually eliminate tuberculosis as a public health problem in the world.".

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to funds available under section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) for such purpose or under any other provision of that Act, there are authorized to be appropriated to the President, from amounts authorized to be appropriated under section 401, such sums as may be necessary for each of the fiscal years 2004 through 2008 to carry out section 104B of the Foreign Assistance Act of 1961, as added by subsection (a).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(3) TRANSFER OF PRIOR YEAR FUNDS.—Unobligated balances of funds made available for fiscal year 2001, 2002, or 2003 under section 104(c)(7) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)(7) (as in effect immediately before the date of enactment of this Act) shall be transferred to, merged with, and made available for the same purposes as funds made available for fiscal years 2004 through 2008 under paragraph (1).

SEC. 303. ASSISTANCE TO COMBAT MALARIA.

(a) AMENDMENT OF THE FOREIGN ASSISTANCE ACT OF 1961.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), as amended by sections 301 and 302 of this Act, is further amended by inserting after section 104B the following new section:

"SEC. 104C. ASSISTANCE TO COMBAT MALARIA.

"(a) FINDING.—Congress finds that malaria kills more people annually than any other communicable disease except tuberculosis, that more than 90 percent of all malaria cases are in sub-Saharan Africa, and that children and women are particularly at risk. Congress recognizes that there are cost-effective tools to decrease the spread of malaria and that malaria is a curable disease if promptly diagnosed and adequately treated.

"(b) POLICY.—It is a major objective of the foreign assistance program of the United States to provide assistance for the prevention, control, and cure of malaria.

"(c) AUTHORIZATION.—To carry out this section and consistent with section 104(c), the President is authorized to furnish assistance, on such terms and conditions as the President may determine, for the prevention, treatment, control, and elimination of malaria.

"(d) COORDINATION.—In carrying out this section, the President shall coordinate with the World Health Organization, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, the Department of Health and Human Services (the Centers for Disease Control and Prevention and the National Institutes of Health), and other organizations with respect to the development and implementation of a comprehensive malaria control program.".

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to funds available under section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) for such purpose or under any other provision of that Act, there are authorized to be appropriated to the President, from amounts authorized to be appropriated under section 401, such sums as may be necessary for fiscal years 2004 through 2008 to carry out section 104C of the Foreign Assistance Act of 1961, as added by subsection (a), including for the development of anti-malarial pharmaceuticals by the Medicines for Malaria Venture.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(3) TRANSFER OF PRIOR YEAR FUNDS.—Unobligated balances of funds made available for fiscal year 2001, 2002, or 2003 under section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c) (as in effect immediately before the date of enactment of this Act) and made available for the control of malaria shall be transferred to, merged with, and made available for the same

purposes as funds made available for fiscal years 2004 through 2008 under paragraph (1).

(c) CONFORMING AMENDMENT.—Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)), as amended by section 301 of this Act, is further amended by adding after paragraph (3) the following:

"(4) RELATIONSHIP TO OTHER LAWS.—Assistance made available under this subsection and sections 104A, 104B, and 104C, and assistance made available under chapter 4 of part II to carry out the purposes of this subsection and the provisions cited in this paragraph, may be made available notwithstanding any other provision of law that restricts assistance to foreign countries, except for the provisions of this subsection, the provisions of law cited in this paragraph, subsection (f), section 634A of this Act, and provisions of law that limit assistance to organizations that support or participate in a program of coercive abortion or involuntary sterilization included under the Child Survival and Health Programs Fund heading in the Consolidated Appropriations Resolution, 2003 (Public Law 108–7).".

SEC. 304. PILOT PROGRAM FOR THE PLACEMENT OF HEALTH CARE PROFESSIONALS IN OVERSEAS AREAS SEVERELY AFFECTED BY HIV/AIDS, TUBERCULOSIS, AND MALARIA.

(a) IN GENERAL.—The President should establish a program to demonstrate the feasibility of facilitating the service of United States health care professionals in those areas of sub-Saharan Africa and other parts of the world severely affected by HIV/AIDS, tuberculosis, and malaria.

(b) REQUIREMENTS.—Participants in the program shall—

(1) provide basic health care services for those infected and affected by HIV/AIDS, tuberculosis, and malaria in the area in which they are serving;

(2) provide on-the-job training to medical and other personnel in the area in which they are serving to strengthen the basic health care system of the affected countries;

(3) provide health care educational training for residents of the area in which they are serving;

(4) serve for a period of up to three years; and

(5) meet the eligibility requirements in subsection (d).

(c) ELIGIBILITY REQUIREMENTS.—To be eligible to participate in the program, a candidate shall—

(1) be a national of the United States who is a trained health care professional and who meets the educational and licensure requirements necessary to be such a professional such as a physician, nurse, physician assistant, nurse practitioner, pharmacist, other type of health care professional, or other individual determined to be appropriate by the President; or

(2) be a retired commissioned officer of the Public Health Service Corps.

(d) RECRUITMENT.—The President shall ensure that information on the program is widely distributed, including the distribution of information to schools for health professionals, hospitals, clinics, and nongovernmental organizations working in the areas of international health and aid.

(e) PLACEMENT OF PARTICIPANTS.—

(1) IN GENERAL.—To the maximum extent practicable, participants in the program shall serve in the poorest areas of the affected countries, where health care needs are likely to be the greatest. The decision on the placement of a participant should be made in consultation with relevant officials of the affected country at both the national and local level as well as with local community leaders and organizations.

(2) COORDINATION.—Placement of participants in the program shall be coordinated with the United States Agency for International Development in countries in which that Agency is conducting HIV/AIDS, tuberculosis, or malaria programs. Overall coordination of placement of participants in the program shall be made by the Coordinator of United States Government Activities to Combat HIV/AIDS Globally (as described in section 1(f) of the State Department Basic Authorities Act of 1956 (as added by section 102(a) of this Act)).

(f) INCENTIVES.—The President may offer such incentives as the President determines to be necessary to encourage individuals to participate in the program, such as partial payment of principal, interest, and related expenses on government and commercial loans for educational expenses relating to professional health training and, where possible, deferment of repayments on such loans, the provision of retirement benefits that would otherwise be jeopardized by participation in the program, and other incentives.

(g) REPORT.—Not later than 18 months after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report on steps taken to establish the program, including—

(1) the process of recruitment, including the venues for recruitment, the number of candidates recruited, the incentives offered, if any, and the cost of those incentives;

(2) the process, including the criteria used, for the selection of participants;

(3) the number of participants placed, the countries in which they were placed, and why those countries were selected; and

(4) the potential for expansion of the program.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available for such purpose, there are authorized to be appropriated to the President, from amounts authorized to be appropriated under section 401, such sums as may be necessary for each of the fiscal years 2004 through 2008 to carry out the program.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

SEC. 305. REPORT ON TREATMENT ACTIVITIES BY RELEVANT EXECUTIVE BRANCH AGENCIES.

(a) IN GENERAL.—Not later than 15 months after the date of enactment of this Act, the President shall submit to appropriate congressional committees a report on the programs and activities of the relevant executive branch agencies that are directed to the treatment of individuals in foreign countries infected with HIV or living with AIDS.

(b) REPORT ELEMENTS.—The report shall include—

(1) a description of the activities of relevant executive branch agencies with respect to—

(A) the treatment of opportunistic infections;

(B) the use of antiretrovirals;

(C) the status of research into successful treatment protocols for individuals in the developing world;

(D) technical assistance and training of local health care workers (in countries affected by the pandemic) to administer antiretrovirals, manage side effects, and monitor patients' viral loads and immune status;

(E) the status of strategies to promote sustainability of HIV/AIDS pharmaceuticals (including antiretrovirals) and the effects of drug resistance on HIV/AIDS patients; and

(F) the status of appropriate law enforcement officials working to ensure that HIV/AIDS pharmaceutical treatment is not diminished through illegal counterfeiting and black market sales of such pharmaceuticals;

(2) information on existing pilot projects, including a discussion of why a given population was selected, the number of people treated, the cost of treatment, the mechanisms established to ensure that treatment is being administered effectively and safely, and plans for scaling up pilot projects (including projected timelines and required resources); and

(3) an explanation of how those activities relate to efforts to prevent the transmission of the HIV infection.

Subtitle B—Assistance for Children and Families

SEC. 311. FINDINGS.

Congress makes the following findings:

(1) Approximately 2,000 children around the world are infected each day with HIV through mother-to-child transmission. Transmission can occur during pregnancy, labor, and delivery or through breast feeding. Over ninety percent of these cases are in developing nations with little or no access to public health facilities.

(2) Mother-to-child transmission is largely preventable with the proper application of pharmaceuticals, therapies, and other public health interventions.

(3) The drug nevirapine reduces mother-to-child transmission by nearly 50 percent. Universal availability of this drug could prevent up to 400,000 infections per year and dramatically reduce the number of AIDS-related deaths.

(4) At the United Nations Special Session on HIV/AIDS in June 2001, the United States committed to the specific goals with respect to the prevention of mother-to-child transmission, including the goals of reducing the proportion of infants infected with HIV by 20 percent by the year 2005 and by 50 percent by the year 2010, as specified in the Declaration of Commitment on HIV/AIDS adopted by the United Nations General Assembly at the Special Session.

(5) Several United States Government agencies including the United States Agency for International Development and the Centers for Disease Control are already supporting programs to prevent mother-to-child transmission in resource-poor nations and have the capacity to expand these programs rapidly by working closely with foreign governments and nongovernmental organizations.

(6) Efforts to prevent mother-to-child transmission can provide the basis for a broader response that includes care and treatment of mothers, fathers, and other family members who are infected with HIV or living with AIDS.

(7) HIV/AIDS has devastated the lives of countless children and families across the globe. Since the epidemic began, an estimated 13,200,000 children under the age of 15 have been orphaned by AIDS, that is they have lost their mother or both parents to the disease. The Joint United Nations Program on HIV/AIDS (UNAIDS) estimates that this number will double by the year 2010.

(8) HIV/AIDS also targets young people between the ages of 15 to 24, particularly young women, many of whom carry the burden of caring for family members living with HIV/AIDS. An estimated 10,300,000 young people are now living with HIV/AIDS. One-half of all new infections are occurring among this age group.

SEC. 312. POLICY AND REQUIREMENTS.

(a) POLICY.—The United States Government's response to the global HIV/AIDS pandemic should place high priority on the prevention of mother-to-child transmission, the care and treatment of family members and caregivers, and the care of children orphaned by AIDS. To the maximum extent possible, the United States Government should seek to leverage its funds by seeking matching contributions from the private sector, other national governments, and international organizations.

(b) REQUIREMENTS.—The 5-year United States Government strategy required by section 101 of this Act shall—

(1) provide for meeting or exceeding the goal to reduce the rate of mother-to-child transmission of HIV by 20 percent by 2005 and by 50 percent by 2010;

(2) include programs to make available testing and treatment to HIV-positive women and their family members, including drug treatment and therapies to prevent mother-to-child transmission; and

(3) expand programs designed to care for children orphaned by AIDS.

SEC. 313. ANNUAL REPORTS ON PREVENTION OF MOTHER-TO-CHILD TRANSMISSION OF THE HIV INFECTION.

(a) In General.—Not later than one year after the date of the enactment of this Act, and annually thereafter for a period of five years, the President shall submit to appropriate congressional committees a report on the activities of relevant executive branch agencies during the reporting period to assist in the prevention of mother-to-child transmission of the HIV infection.

(b) Report Elements.—Each report shall include—

(1) a statement of whether or not all relevant executive branch agencies have met the goal described in section 312(b)(1); and

(2) a description of efforts made by the relevant executive branch agencies to expand those activities, including—

(A) information on the number of sites supported for the prevention of mother-to-child transmission of the HIV infection;

(B) the specific activities supported;

(C) the number of women tested and counseled; and

(D) the number of women receiving preventative drug therapies.

(c) Reporting Period Defined.—In this section, the term "reporting period" means, in the case of the initial report, the period since the date of enactment of this Act and, in the case of any subsequent report, the period since the date of submission of the most recent report.

SEC. 314. PILOT PROGRAM OF ASSISTANCE FOR CHILDREN AND FAMILIES AFFECTED BY HIV/AIDS.

(a) In General.—The President, acting through the United States Agency for International Development, should establish a program of assistance that would demonstrate the feasibility of the provision of care and treatment to orphans and other children and young people affected by HIV/AIDS in foreign countries.

(b) Program Requirements.—The program should—

(1) build upon and be integrated into programs administered as of the date of enactment of this Act by the relevant executive branch agencies for children affected by HIV/AIDS;

(2) work in conjunction with indigenous community-based programs and activities, particularly those that offer proven services for children;

(3) reduce the stigma of HIV/AIDS to encourage vulnerable children infected with HIV or living with AIDS and their family members and caregivers to avail themselves of voluntary counseling and testing, and related programs, including treatments;

(4) provide, in conjunction with other relevant executive branch agencies, the range of services for the care and treatment, including the provision of antiretrovirals and other necessary pharmaceuticals, of children, parents, and caregivers infected with HIV or living with AIDS;

(5) provide nutritional support and food security, and the improvement of overall family health;

(6) work with parents, caregivers, and community-based organizations to provide children with educational opportunities; and

(7) provide appropriate counseling and legal assistance for the appointment of guardians and the handling of other issues relating to the protection of children.

(c) Report.—Not later than 18 months after the date of enactment of this Act, the President should submit a report on the implementation of this section to the appropriate congressional committees.

(d) Authorization of Appropriations.—

(1) In general.—In addition to amounts otherwise available for such purpose, there are authorized to be appropriated to the President, from amounts authorized to be appropriated under section 401, such sums as may be necessary for each of the fiscal years 2004 through 2008 to carry out the program.

(2) Availability of funds.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 315. PILOT PROGRAM ON FAMILY SURVIVAL PARTNERSHIPS.

(a) Purpose.—The purpose of this section is to authorize the President to establish a program, through a public-private partnership, for the provision of medical care and support services to HIV positive parents and their children identified through existing programs to prevent mother-to-child transmission of HIV in countries with or at risk for severe HIV epidemic with particular attention to resource constrained countries.

(b) Grants.—

(1) In general.—The President is authorized to establish a program for the award of grants to eligible administrative organizations to enable such organizations to award subgrants to eligible entities to expand activities to prevent the mother-to-child transmission of HIV by providing medical care and support services to HIV infected parents and their children.

(2) Use of funds.—Amounts provided under a grant awarded under paragraph (1) shall be used—

(A) to award subgrants to eligible entities to enable such entities to carry out activities described in subsection (c);

(B) for administrative support and subgrant management;

(C) for administrative data collection and reporting concerning grant activities;

(D) for the monitoring and evaluation of grant activities;

(E) for training and technical assistance for subgrantees; and

(F) to promote sustainability.

(c) Subgrants.—

(1) In general.—An organization awarded a grant under subsection (b) shall use amounts received under the grant to award subgrants to eligible entities.

(2) Eligibility.—To be eligible to receive a subgrant under paragraph (1), an entity shall—

(A) be a local health organization, an international organization, or a partnership of such organizations; and

(B) demonstrate to the awarding organization that such entity—

(i) is currently administering a proven intervention to prevent mother-to-child transmission of HIV in countries with or at risk for severe HIV epidemic with particular attention to resource constrained countries, as determined by the President;

(ii) has demonstrated support for the proposed program from relevant government entities; and

(iii) is able to provide HIV care, including antiretroviral treatment when medically indicated, to HIV positive women, men, and children with the support of the project funding.

(3) Local health and international organizations.—For purposes of paragraph (2)(A)—

(A) the term "local health organization" means a public sector health system, nongovernmental organization, institution of higher education, community-based organization, or nonprofit health system that provides directly, or has a clear link with a provider for the indirect provision of, primary health care services; and

(B) the term "international organization" means—

(i) a nonprofit international entity;

(ii) an international charitable institution;

(iii) a private voluntary international entity; or

(iv) a multilateral institution.

(4) Priority requirement.—In awarding subgrants under this subsection, the organization shall give priority to eligible applicants that are currently administering a program of proven intervention to HIV positive individuals to prevent mother-to-child transmission in countries with or at risk for severe HIV epidemic with particular attention to resource constrained countries, and who are currently administering a program to HIV positive women, men, and children to provide life-long care in family-centered care programs using non-Federal funds.

(5) Selection of subgrant recipients.—In awarding subgrants under this subsection, the organization should—

(A) consider applicants from a range of health care settings, program approaches, and geographic locations; and

(B) if appropriate, award not less than 1 grant to an applicant to fund a national system of health care delivery to HIV positive families.

(6) Use of subgrant funds.—An eligible entity awarded a subgrant under this subsection shall use subgrant funds to expand activities to prevent mother-to-child transmission of HIV by providing medical treatment and care and support services to parents and their children, which may include—

(A) providing treatment and therapy, when medically indicated, to HIV-infected women, their children, and families;

(B) the hiring and training of local personnel, including physicians, nurses, other health care providers, counselors, social workers, outreach personnel, laboratory technicians, data managers, and administrative support personnel;

(C) paying laboratory costs, including costs related to necessary equipment and diagnostic testing and monitoring (including rapid testing), complete blood counts, standard chemistries, and liver function testing for infants, children, and parents, and costs related to the purchase of necessary laboratory equipment;

(D) purchasing pharmaceuticals for HIV-related conditions, including antiretroviral therapies;

(E) funding support services, including adherence and psychosocial support services;

(F) operational support activities; and

(G) conducting community outreach and capacity building activities, including activities to raise the awareness of individuals of the program carried out by the subgrantee, other communications activities in support of the program, local advisory board functions, and transportation necessary to ensure program participation.

(d) Reports.—The President shall require that each organization awarded a grant under subsection (b)(1) to submit an annual report that includes—

(1) the progress of programs funded under this section;

(2) the benchmarks of success of programs funded under this section; and

(3) recommendations of how best to proceed with the programs funded under this section upon the expiration of funding under subsection (e).

(e) Funding.—There are authorized to be appropriated to the President, from amounts authorized to be appropriated under section 401, such sums as may be necessary for each of the fiscal years 2004 through 2008 to carry out the program.

(f) LIMITATION ON ADMINISTRATIVE EXPENSES.—An organization shall ensure that not more than 7 percent of the amount of a grant received under this section by the organization is used for administrative expenses.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the President to carry out this Act and the amendments made by this Act $3,000,000,000 for each of the fiscal years 2004 through 2008.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in subsection (a) are authorized to remain available until expended.

(c) AVAILABILITY OF AUTHORIZATIONS.—Authorizations of appropriations under subsection (a) shall remain available until the appropriations are made.

SEC. 402. SENSE OF CONGRESS.

(a) INCREASE IN HIV/AIDS ANTIRETROVIRAL TREATMENT.—It is a sense of the Congress that an urgent priority of United States assistance programs to fight HIV/AIDS should be the rapid increase in distribution of antiretroviral treatment so that—

(1) by the end of fiscal year 2004, at least 500,000 individuals with HIV/AIDS are receiving antiretroviral treatment through United States assistance programs;

(2) by the end of fiscal year 2005, at least 1,000,000 such individuals are receiving such treatment; and

(3) by the end of fiscal year 2006, at least 2,000,000 such individuals are receiving such treatment.

(b) EFFECTIVE DISTRIBUTION OF HIV/AIDS FUNDS.—It is the sense of Congress that, of the amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance, an effective distribution of such amounts would be—

(1) 55 percent of such amounts for treatment of individuals with HIV/AIDS;

(2) 15 percent of such amounts for palliative care of individuals with HIV/AIDS;

(3) 20 percent of such amounts for HIV/AIDS prevention consistent with section 104A(d) of the Foreign Assistance Act of 1961 (as added by section 301 of this Act); and

(4) 10 percent of such amounts for orphans and vulnerable children.

SEC. 403. ALLOCATION OF FUNDS.

For fiscal years 2006 through 2008, not less than 55 percent of the amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance for each such fiscal year shall be expended for therapeutic medical care of individuals infected with HIV, of which such amount at least 75 percent should be expended for the purchase and distribution of antiretroviral pharmaceuticals and at least 25 percent should be expended for related care.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 108–80. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 108–80.

AMENDMENT NO. 1 OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. TAUZIN:

Page 2, in the table of contents at section 1(b), after the item relating to section 305, insert the following:

Sec. 306. Strategies to improve injection safety.
Sec. 307. Study on illegal diversions of prescription drugs.

Page 20, line 19, insert “and reduce duplication” after “improve coordination”.

Page 20, line 25, strike “resources; and” and insert “resources;”.

Page 21, line 3, strike “research.” and insert “research;”.

Page 21, after line 3, insert the following:

(9) establish priorities for the distribution of resources based on factors such as the size and demographics of the population with HIV/AIDS, tuberculosis, and malaria and the needs of that population and the existing infrastructure or funding levels that may exist to cure, treat, and prevent HIV/AIDS, tuberculosis, and malaria; and

(10) include initiatives describing how the President will maximize the leverage of private sector dollars in reduction and treatment of HIV/AIDS, tuberculosis, and malaria.

Page 26, after line 13, insert the following:

(c) STUDY; DISTRIBUTION OF RESOURCES.—

(1) STUDY.—Not later than 3 years after the date of the enactment of this Act, the Institute of Medicine shall publish findings comparing the success rates of the various programs and methods used under the strategy described in subsection (a) to reduce, prevent, and treat HIV/AIDS, tuberculosis, and malaria.

(2) DISTRIBUTION OF RESOURCES.—In prioritizing the distribution of resources under the strategy described in subsection (a), the President shall consider the findings published by the Institute of Medicine under this subsection.

Page 34, line 21, strike “in the fiscal year 2004” and insert “for the period of fiscal year 2004 beginning on January 1, 2004”.

Page 36, after line 13, insert the following:

(iii) If at any time the President determines that the expenses of the Governing, Administrative, and Advisory Bodies (including the Partnership Forum, the Foundation Board, the Secretariat, and the Technical Review Board) of the Global Fund exceed 10 percent of the total expenditures of the Fund for any 2-year period, the United States shall withhold from its contribution for the next fiscal-year an amount equal the to the average annual amount expended by the Fund for such 2-year period for the expenses of the Governing, Administrative, and Advisory Bodies in excess of 10 percent of the total expenditures of the Fund.

(iv) The President may waive the application of clause (iii) if the President determines that extraordinary circumstances warrant such a waiver. No waiver under this clause may be for any period that exceeds 1 year.

Page 36, line 14, strike “(B) Any amount made available under this subsection that is withheld by reason of subparagraph (A)” and insert “(B)(i) Any amount made available under this subsection that is withheld by reason of subparagraph (A)(i)”.

Page 36, after line 19, insert the following:

(ii) Any amount made available under this subsection that is withheld by reason of subparagraph (A)(iii) shall be transferred to the Activities to Combat HIV/AIDS Globally Fund and shall remain available under the same terms and conditions as funds appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance.

Page 39, after line 9, insert the following:

(f) PROVISION OF INFORMATION TO CONGRESS.—The Coordinator of United States Government Activities to Combat HIV/AIDS Globally shall make available to the Congress the following documents within 30 days of a request by the Congress for such documents:

(1) All financial and accounting statements for the Global Fund and the Activities to Combat HIV/AIDS Globally Fund, including administrative and grantee statements.

(2) Reports provided to the Global Fund and the Activities to Combat HIV/AIDS Globally Fund by organizations contracted to audit recipients of funds.

(3) Project proposals submitted by applicants for funding from the Global Fund and the Activities to Combat HIV/AIDS Globally Fund, but which were not funded.

(4) Progress reports submitted to the Global Fund and the Activities to Combat HIV/AIDS Globally Fund by grantees.

Page 69, after line 3, insert the following:

SEC. 306. STRATEGIES TO IMPROVE INJECTION SAFETY.

Section 307 of the Public Health Service Act (42 U.S.C. 242l) is amended by adding at the end the following:

“(d) In carrying out immunization programs and other programs in developing countries for the prevention, treatment, and control of infectious diseases, including HIV/AIDS, tuberculosis, and malaria, the Director of the Centers for Disease Control and Prevention, in coordination with the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, the National Institutes of Health, national and local government, and other organizations, such as the World Health Organization and the United Nations Children's Fund, shall develop and implement effective strategies to improve injection safety, including eliminating unnecessary injections, promoting sterile injection practices and technologies, strengthening the procedures for proper needle and syringe disposal, and improving the education and information provided to the public and to health professionals.”.

SEC. 307. STUDY ON ILLEGAL DIVERSIONS OF PRESCRIPTION DRUGS.

Not later than 180 days after enactment of this Act, the Secretary of Health and Human Services, in coordination with other agencies, shall submit a report to the Congress that includes the following:

(1) A thorough accounting of evidence indicating illegal diversion into the United States of prescription drugs donated or sold for humanitarian efforts, and an estimate of the extent of such diversion.

(2) Recommendations to increase the administrative and enforcement powers of the United States to identify, monitor, and prevent the illegal diversion into the United States of prescription drugs donated or sold for humanitarian efforts.

(3) Recommendations and guidelines to advise and provide technical assistance to developing countries on how to implement a program that minimizes diversion into the United States of prescription drugs donated or sold for humanitarian efforts.

The CHAIRMAN. Pursuant to House Resolution 210 the, gentleman from Louisiana (Mr. TAUZIN) and a Member opposed each will control 10 minutes.

Does the gentleman from California (Mr. LANTOS) claim the time in opposition?

Mr. LANTOS. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise today to urge all Members of the House to support the passage of the Tauzin-Brown amendment to H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. I want to commend my colleague from the Committee on Energy and Commerce, the gentleman from Ohio (Mr. BROWN) for his assistance and support and advocacy of this amendment.

First, the Tauzin-Brown amendment strengthens H.R. 1298 by adding additional accountability measures to ensure that our fight against HIV/AIDS and TB and malaria has a greater chance of success. That is what we all want.

Our amendment establishes priorities to be followed by the global AIDS coordinator for the distribution of resources based on factors such as size and demographics of specific nations to ensure that the countries who need assistance the most receive it first.

Next, our amendment utilizes an independent third party to examine the success of strategies implemented by the global AIDS coordinator. The Institutes of Medicine, the IOM, will be responsible for examining the achievements of the programs funded by the global AIDS coordinator and then comparing the success rates of various methods that have been used by the coordinator.

Second, the Tauzin-Brown amendment also strengthens the existing authority and the accountability measures in H.R. 1298. Our amendment specifically states that if at any point administrative expenses within the Global Fund exceed 10 percent of total expenditures of the fund for any 2-year period, then the U.S. will withhold an equal amount from its contribution the following year. This is to ensure that this fund does not get gobbled up in bureaucrats and administrative expenses. We believe this is fair and, at the same time, will ensure that the Global Fund remains fiscally responsible to its purpose. That is, getting dollars in to actually combat AIDS, malaria, and tuberculosis in the world.

These two accountability measures represent provisions ensure our approach to this problem is not only morally responsible, it is fiscally responsible as well.

Finally, the amendment requires that the HIV/AIDS coordinator make available to Congress basic information on the Global Fund. Specifically, the coordinator is required to submit to Congress a detailed report outlining all financial and accounting statements, copies of the reports provided to the Global Fund by organizations contracted to audit recipients, and project proposals submitted by applicants and grantees. In the past we have had great difficulty getting this information from the Global Fund. We are confident the coordinator will do a wonderful job in delivering this information to Congress. I urge my colleagues to support the Tauzin-Brown amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank my good friend from Louisiana (Mr. TAUZIN) and my good friend from Ohio (Mr. BROWN) for their thoughtful contribution to our legislation. Their amendment includes a number of complex initiatives, many of which reflect improvements to the bill. For example, I believe that the amendment's efforts to explicitly prioritize U.S. programs authorized by this Act to countries based on the size and demographics of the HIV/AIDS populations and the needs of those populations is a wise measure.

I am concerned about several other provisions in the amendment. For example; the limitation on administrative expenditures of the Global Fund is well meaning, but when the fund may be going through a massive expansion of operations, there may be a need for some significant investments to make sure that the Global Fund can properly administer its programs.

I was pleased that the sponsors added a waiver, and I believe that the President should consider the actual operations of the fund as he applies this provision.

Finally, Mr. Chairman, I remain concerned regarding the provision requiring numerous reports to be provided to Congress within 30 days of the request. I am uncertain whether any Member could make this request or whether it must be a relevant committee or by resolution. Moreover, my experience with international organizations is that some of the documents may be considered confidential, such as unfunded proposals, and it may not be possible to get these documents within the time frame provided in the amendments. Nevertheless, Mr. Chairman, I am prepared to accept the amendment, and I look forward to working with the sponsors to clarify and further refine these provisions.

Mr. Chairman, I ask unanimous consent to yield the balance of my time to my friend, the gentleman from Ohio (Mr. BROWN) for the purposes of controlling time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in support of the Tauzin-Brown amendment. I thank the gentleman from Louisiana (Mr. TAUZIN) for his good faith and bipartisan work in drafting this amendment, especially his staff, Patrick Ronan, for his hard work and others on his staff.

The Committee on Energy and Commerce has jurisdiction over agencies that play a pivotal role in successful efforts to reduce the spread of HIV/AIDS, TB, and malaria in our country and worldwide. Some of the world's most promising research and best treatment on these diseases are carried out by agencies within the Department of Health and Human Services. CDC provides technical and scientific support for international agencies like USAID as well as national infectious disease programs in developing countries, in addition to the work that NIH and other agencies do.

Secretary Thompson is the newly appointed chairman of the Global Fund to fight AIDS, TB, and malaria, the best tool this world has to fight three diseases that kill 6 million people every year. The success of this bipartisan Global AIDS Initiative depends on collaboration of the world's most important and best resources. One of the reasons why the Global Fund is such a critical component of the U.S. Global AIDS Initiative and a crucial part of the bill we are considering today, is it recognizes the need to fight tuberculosis, a lesser known infectious disease that has been around longer and kills 2 million people a year, including 1,100 people every day in the country of India.

□ 1215

TB infects one-third of the world's population. Two million people carry the TB bacteria, and it is the leading killer of young women and people with HIV worldwide.

HIV and TB form a lethal combination, each speeding the other's progress. HIV promotes rapid progression of primary TB infection to active disease. It is the most powerful known risk factor for reactivation of latent TB infection to active disease. Most HIV patients, in fact, will actually die of TB before they succumb to AIDS. The intersection of AIDS and TB is like the perfect storm.

The Global Fund is a public-private partnership which draws contributions from governments, from private corporations, from faith-based organizations and foundations. The Global Fund has shown signs that it works. Government entities, in coordination with nongovernment organizations, submit 5-year plans. Each plan is unique to each country, not a one-size-fits-all that comes from Washington or Geneva or any other country. The

Global Fund recognizes cultural differences. What works in Christian Uruguay may not work the same in Muslim Bangladesh.

No overriding, international political agenda is attached to the Global Fund's assistance. No litmus test, only a judgment by the Global Fund, in collaboration with local citizens and health workers of what works best for each country. The Global Fund demands results, quantifiable results. The money supports activities, including access to health care services, purchasing of drugs, training of personnel, and training of community workers. If a country fails or an NGO fails to show results within 2 years, the money is cut off.

About 60 percent of the Global Fund's money goes to HIV/AIDS, about 20 to TB, about 20 to malaria. Fighting these diseases together, which the Global Fund does, is a cost-effective approach. For example, the infrastructure created in the treatment of TB, having health workers in place who sit with patients every day for about 6 months, has been proven, that infrastructure, to help in the treatment of HIV/AIDS, of malaria and other public health issues.

If we can fully commit to the Global Fund, and fully commit means at least $1 billion every year, 2 million patients will be treated for TB, a half million AIDS orphans will receive support, and 16 million new malaria nets will be distributed over the next few years.

Access to these lifesaving treatments means children will not be pulled out of school to work or to care for a sick parent. It means an HIV-positive father in the developing world has a few more years of life to provide for his family. It means children with TB, otherwise facing a virtual death sentence, will live.

What AIDS and TB experts know, but policymakers consistently underestimate, is that preventing and treating HIV/AIDS without preventing and treating TB is a virtual death sentence for the developing world. If HIV does not kill you, TB might or malaria might. The Global Fund is the best tool in the world to address all three of these infectious diseases together.

Our investment in the Global Fund, rather than a unilateral or bilateral U.S.-waged effort, will help leverage support from other countries. Funneling U.S. dollars through U.S. programs alone will do nothing to promote a united global front against these killers. If we put in money to the Global Fund, so will other nations and so will major philanthropists.

In a short time, the Global Fund has shown it is capable of tremendous progress. In just two rounds of grants, the fund has approved 160 proposals in 94 low- income countries. With significant U.S. funding the fund will continue to support countries committed to addressing the epidemic killing their people. Without U.S. leadership, it will be a fund in name only. AIDS, TB, and malaria would remain a virtual death sentence in the developing world.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I am honored to yield 1 minute to the distinguished gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations.

Mr. HYDE. Mr. Chairman, I am pleased to say we are very pleased with this amendment. We are happy to accept it. It adds to the bill, and so I will not repeat what the other people have already said in outlining its terms. But it is a good amendment, and we hope everyone accepts it.

Mr. TAUZIN. Mr. Chairman, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentleman from Ohio (Mr. BROWN) for yielding me this time and for his leadership. Also I want to thank the gentleman from Louisiana (Mr. TAUZIN) for this amendment, and with the cautions which our ranking member laid out, I rise in support of this amendment.

I would like to just briefly mention the history and our debate here in Congress with regard to the background of this Global Fund. The idea for the Global Fund really started back somewhere around 1998 and 1999, when my friend and former colleague, Congressman Ron Dellums, had the vision and the foresight for an AIDS Marshall Plan in Africa. Refined under the leadership of our good friend, the gentleman from Iowa (Mr. LEACH), who was then Chair of the Committee on Banking and Financial Services, we introduced the World Bank AIDS Trust Fund, and this fund became the basis for the Global Fund. This fund was signed into law in, I believe it was August of 2000, under the Global AIDS and Tuberculosis Relief Act of 2000, signed by President Bill Clinton.

I cite this history because I think it is important for us to remember how important this fund is and that we fully debated this fund, and on a bipartisan basis voted it out and it was signed into law. So I think this amendment really strengthens the fund and its accountability.

The United Nations, in I believe it was June 2001, picked up the idea of the fund, and Secretary General Kofi Annan made an impassioned plea for the creation of a Global Fund to fight AIDS, TB, and malaria, which again moved forward the World Bank AIDS Trust Fund, in terms of the foundation, the parameters and the guidelines. So this fund was established in 2002 and really has made significant strides in over just a year of operation. Not only has it created a novel approach to grant-making and approval-processing, but it has also made really a very determined commitment to maintain as lean an operation as possible in order to focus its activities on getting money out to those in need.

The current system that the fund has set up provides several layers of accountability. On a country level, the proposals are gathered and voted upon by an advisory body that represent government, civil society, the private sector, faith-based groups, and nongovernmental organizations. Proposals that are submitted to the Global Fund then undergo a technical review from an independent body composed of leading global health experts. And now our own Secretary of Health and Human Services Tommy Thompson is leading this effort.

So I believe this amendment will help further strengthen the Global Fund system of accountability, and I encourage Members to vote for its inclusion. And also, with regard to the comments of the gentleman from California (Mr. LANTOS), I hope we can move forward, as he has so eloquently outlined, and fix what he thinks needs to be fixed in it.

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from the great State of Michigan (Mr. UPTON), the distinguished chairman of the Subcommittee on Telecommunications and the Internet.

Mr. UPTON. Mr. Chairman, I rise for many reasons in support of this amendment. One of the main reasons that I rise in support of this amendment is because of language that I was able to get inserted as part of it, and I thank my chairman, the gentleman from Louisiana (Mr. TAUZIN), and the gentleman from Ohio (Mr. BROWN) for accepting this language so we did not need a separate amendment but make this as part of a comprehensive amendment.

Part of this amendment reads, the language I was able to insert, says this: "In carrying out immunization programs and other programs in developing countries for the prevention, treatment, and control of infectious diseases, including HIV/AIDS, TB, and malaria, the director of the CDC and Prevention, in coordination with the coordinator of the U.S. Government to combat AIDS globally, the National Institutes of Health, national and local government, and other organizations such as the World Health Organization, and the United Nations Children's Fund, shall development and implement effective strategies to improve injection safety, including eliminating unnecessary injections."

Now, why is this important? A couple of years ago I participated in a bipartisan lunch here in the Capitol, and they talked about many villages in Africa that are really led by children because there are no more adults there.

It became quite clear that for many of these injections they used syringes that were used over and over and over again. As a consequence, if one person had HIV/AIDS in that community, they all got it. They all died. They all got this terrible disease.

In fact, we know from data provided by the Safe Injection Global Network, an organization affiliated with the WHO, that unsafe injection practices in developing countries cause 8 to 16 million hepatitis B infections, 2 to almost 5 million Hepatitis C infections, and the original 1976 Ebola epidemic in Zaire was traced to the reuse of three syringes.

This language that was included will prevent that. I look forward to its adoption, and I again compliment the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Ohio (Mr. BROWN) for including the language.

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman from Michigan (Mr. UPTON) for his comments, and I yield the balance of my time to the gentleman from Minnesota (Mr. GUTKNECHT).

The CHAIRMAN. The gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 30 seconds.

Mr. GUTKNECHT. Mr. Chairman, with 30 seconds, I will be very brief.

Mr. Chairman, there is a term "illegal diversion" used twice in section 307. I just want to make clear that the authors have the intent to keep us from reimporting drugs that are being donated for AIDS in central Africa; that this will not be used to block what we may do in the future in terms of allowing Americans to have access to drugs from other countries.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, the intent of the language is to study the question of the illegal diversion of drugs for improper purposes, that is, for resale and that sort of thing. We describe the purposes within that amendment. So the gentleman is accurate in his statement.

Mr. Chairman, I yield myself such time as I may consume.

I simply wanted to thank the gentleman from Ohio (Mr. BROWN) and the members of the Committee on Energy and Commerce who worked on this amendment, as I said, to help coordinate the fine work done by the chairman and the gentleman from California (Mr. LANTOS) on this underlying bill. This is an excellent piece of legislation. I hope we have improved it.

I will commit to the gentleman from California (Mr. LANTOS) that we will continue to work with him to clarify the concerns he has. We do not want to create those problems. We are simply trying to add more accountability, not less; and more clarity, less confusion.

Finally, let me point out to the gentleman from Ohio (Mr. BROWN) that it has obviously come to our committee's attention that a great deal of work is going on domestically by a number of pharmaceutical companies in testing, et cetera, in attempts to find some sort of vaccine to combat HIV/AIDS and some of these other diseases, particularly HIV/AIDS. And when and if that discovery is made, as we all hope it is, we will be back on the floor with legislation to establish some sort of national framework for us to utilize that scientific breakthrough, when and if it does occur, in a way that humanely administers that kind of a hope and expectation of cure and prevention to all Americans without regard to the Americans' capabilities or financial capabilities to take advantage of it.

We will have to think that through, how do we make sure everybody gets to take advantage of those scientific breakthroughs when they occur. We have done some preliminary work on it; and I invite my colleague from Ohio, and others, to stay in touch with us as we move forward. As we see these breakthroughs coming, we will want to talk with the gentleman and others on the committee to see if we cannot advance legislation to make sure that every American has the advantage of those breakthroughs when they occur.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I appreciate the efforts of the gentleman from Louisiana (Mr. TAUZIN) and appreciate his offer. And I think the work we are doing with the gentleman from Illinois (Mr. HYDE), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from California (Mr. LANTOS), the gentlewoman from California (Ms. LEE), and the gentleman from Iowa (Mr. LEACH) today is outstanding, especially because with the Global Fund and with all of these efforts we can address all of these diseases, encourage philanthropists and other governments to contribute and make a difference in people's lives.

Mr. TAUZIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank the chairman and the ranking member on our subcommittee, and I rise in support of the legislation.

Mr. Chairman, I rise today in support of H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

The global devastation caused by these three diseases cannot be understood. The HIV/AIDS pandemic has killed more than 25 million of the 65 million individuals affected by this disease worldwide.

More than 14 million children have been orphaned because of this awful disease.

Tuberculosis, the leading killer of individuals with HIV/AIDS, is an equally serious threat. An estimated 2 billion persons—one third of the world's population—are infected with the bacteria that cause TB, and approximately 2 million persons die each year from TB.

This isn't just a problem overseas—after years of decline in the United States, the number of reported TB cases increased 20 percent during 1985–1992.

It is particularly problematic in my home State of Texas. According to the Centers for Disease Control and Prevention, we rank 5th in the country in TB case rates.

With approximately 264 million persons crossing the United States-Mexico border northbound annually, and 23 percent of all U.S. foreign-born tuberculosis, TB, patients in the United States originating from Mexico, the implications are clear—we have to act on a global level if we are going to win the battle against this killer.

That is why I am pleased to support H.R. 1298, important legislation which will provide $3 billion annually for global AIDS, TB and malaria in 2004–2008.

The legislation provides up to $1 billion specifically for the Global Fund to Fight AIDS, TB and Malaria in 2004—a key multilateral mechanism for expanding prevention and treatment.

This bill also allows the U.S. share of total contributions to the Global Fund of up to 33 percent, which solidifies our commitment to eradicating these diseases worldwide.

This legislation is carefully crafted, bipartisan, and will be truly effective in our efforts to combat HIV/AIDS, Tuberculosis and Malaria.

I urge my colleagues to support this bill, and oppose any efforts to weaken or amend it.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume, and let me again offer my sincere thanks to the chairman and to the gentleman from California (Mr. LANTOS) for accepting this legislation and urge adoption of it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time on this amendment has expired. The question is on the amendment offered by the gentleman from Louisiana (Mr. TAUZIN).

The amendment was agreed to

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 108–80.

AMENDMENT NO. 2 OFFERED BY MR. CROWLEY

Mr. CROWLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CROWLEY:

Page 22, after line 22, insert the following (and redesignate subsequent paragraphs accordingly):

(F) a description of the specific strategies developed to encourage men to be responsible in their sexual behavior, child rearing and to respect women including the reduction of sexual violence and coercion;

(G) a description of the specific strategies developed to increase women's access to employment opportunities, income, productive resources, and microfinance programs;

Page 43, line 10, after "sexual partnering," insert "reducing sexual violence and coercion, including child marriage, widow inheritance, and polygamy,".

Page 43, after line 21, insert the following (and redesignate subsequent paragraphs accordingly):

(C) assistance for the purpose of encouraging men to be responsible in their sexual behavior, child rearing, and to respect women;

Page 44, line 7, strike "and" at the end.

Page 44, line 10, strike the period at the end and insert "and".

Page 44, after line 10, insert the following:

(G) assistance for the purpose of increasing women's access to employment opportunities, income, productive resources, and microfinance programs, where appropriate.

The CHAIRMAN. Pursuant to House Resolution 210, the gentleman from New York (Mr. CROWLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in support of my amendment on preventing women's vulnerability. The social empowerment of women and girls is critical to reducing the spread of HIV worldwide. Today, heterosexual sex is the primary factor in HIV transmission worldwide.

□ 1230

Women and girls now make up more than 50 percent of those infected with HIV worldwide and more than 58 percent of those in sub-Saharan Africa. Women and girls often are not able to control when and with whom they have sex, or to influence the behavior of their partners. In fact, each year millions of monogamous married women are infected by their husbands or their partners.

Irrefutable evidence now links a range of discriminatory practices that violate the fundamental human rights of women and girls and lead to high rates of HIV infection. These include, but are not limited to, sexual violence and coercion, child marriage, widow inheritance in which male relatives of the deceased gain sexual access to the widow, polygamy, and the practice in which men engage in sex with virgins as a "cure" for HIV/AIDS.

During a visit to Malawi, I personally saw some of the horrific realities confronting women and girls today. I know many of us have heard the awful stories of babies raped in South Africa to cure themselves of AIDS. U.S. programs must work at every level to change the beliefs that support these life-threatening traditions and behaviors.

My amendment would begin to address this appalling problem and require a curriculum of gender equity in HIV/AIDS training, so that adolescent boys and men learn to respect women and not just view them as sex partners.

While men and boys learn about HIV/AIDS prevention, including abstinence, being faithful and using condoms, ABC as it is called, they also learn what we call the big R, respect, respect for girls and women as their co-equals.

This is a great bill. My amendment can make it better by adding this curriculum to HIV/AIDS prevention education programs under the Global Fund. I urge passage of the Crowley amendment.

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

Mr. CROWLEY. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, I strongly support this amendment introduced by the gentleman from New York (Mr. CROWLEY).

There is no question that the HIV/AIDS pandemic is disproportionately affecting women and compounding the egregious inequalities poor women live with all over the world. It is absolutely necessary that we deal with both genders if we are to reduce the impact of this disease on women's life and offer them opportunities to live with respect and dignity, free from sexual violence and coercion.

The Crowley amendment requires that we include in the 5-year strategy a plan to make sure that men take responsibility for their sexual behavior and that they do respect women. It will also increase opportunities for women seeking access to employment. I urge Members to support this amendment.

Mr. CROWLEY. Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I claim the time in opposition; however, I do not oppose the amendment.

The CHAIRMAN pro tempore (Mr. SWEENEY). Without objection, the gentleman from Illinois (Mr. HYDE) is recognized for 5 minutes.

There was no objection.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

This is a good amendment, a thoughtful amendment. It adds to the bill, so we are pleased to accept this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. CROWLEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Crowley amendment, and I commend my colleague for his leadership on this important issue.

The amendment addresses one of the core issues driving HIV/AIDS infection rates in the hardest hit countries: The disproportionate vulnerability of women to contracting HIV.

The facts speak for themselves, women and adolescent girls make up more than 50 percent of those infected with HIV worldwide, more than 58 percent of those infected in sub-Saharan Africa. The reasons for this are clear, gender violence and sexual coercion make it difficult, and even impossible, for women to say no to sex with an infected person. Widespread poverty has turned many younger women to having sex with older men in return for the food and shelter their families cannot provide. Poverty, as well, is a factor in the prevalence of early marriage, subjecting adolescent girls to marriages with unfaithful partners who often bring HIV home.

The Crowley amendment would provide a solution requiring U.S. programs to prevent HIV/AIDS to work toward empowering women to negotiate their sexual activity, and working with men to understand and respect women's rights. I urge adoption of this amendment.

Mr. CROWLEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentleman from New York (Mr. CROWLEY) for yielding me this time, and thank the gentleman for this amendment. It is very important to this bill. I thank the gentleman from Illinois (Chairman HYDE) for accepting the amendment.

The empowerment of women is critical in developing an AIDS strategy that is effective. In many parts of the developing world, women are still treated as second-class citizens. They lack basic protections of civil rights laws in their own country, and oftentimes are left at a disadvantage when it comes to accessing resources, owning land and in their general relationships to men.

The Crowley amendment would fix this by encouraging men to develop a healthy relationship that treats women with respect. That is so important as we address this pandemic. In addition, it supports the development of specific strategies to increase women's access to employment, land and financial resources like microfinance programs that, in many instances, have encouraged women to set up their own small businesses and avoid having to turn to a life of prostitution in order to make ends meet.

I urge Members to thank the gentleman from New York (Mr. CROWLEY) for his wisdom in moving forward with this amendment. I thank the gentleman from Illinois (Mr. HYDE) for accepting this very important amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. CROWLEY).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 3 printed in House Report 108–80.

AMENDMENT NO. 3 OFFERED BY MRS. BIGGERT

Mrs. BIGGERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mrs. BIGGERT:

Page 33, after line 20, insert the following:

(a) FINDINGS.—The Congress finds as follows:

(1) The establishment of the Global Fund in January 2002 is consistent with the general principles for an international AIDS trust fund first outlined by the Congress in the Global AIDS and Tuberculosis Relief Act of 2000 (Public Law 106-264).

(2) Section 2, Article 5 of the bylaws of the Global Fund provides for the International Bank for Reconstruction and Development to serve as the initial collection trustee for the Global Fund.

(3) The trustee agreement signed between the Global Fund and the International Bank for Reconstruction and Development narrows the range of duties to include receiving and investing funds from donors, disbursing the funds upon the instruction of the Global Fund, reporting on trust fund resources to donors and the Global Fund, and providing an annual external audit report to the Global Fund.

Page 33, line 20, strike "(a)" and insert "(b)".

Page 34, line 5, strike "(b)" and insert "(c)".

Page 34, line 14, strike "(c)" and insert "(d)".

Page 37, line 18, strike "(d)" and insert "(e)".

Page 38, line 25, strike "(e)" and insert "(f)".

Page 39, after line 9, insert the following:

(g) SENSE OF THE CONGRESS REGARDING ENCOURAGEMENT OF PRIVATE CONTRIBUTIONS TO THE GLOBAL FUND.—It is the sense of the Congress that the President should—

(1) conduct an outreach campaign that is designed to—

(A) inform the public of the existence of—

(i) the Global Fund; and

(ii) any entity that will accept private contributions intended for use by the Global Fund; and

(B) encourage private contributions to the Global Fund; and

(2) encourage private contributions intended for use by the Global Fund by—

(A) establishing and operating an Internet website, and publishing information about the website; and

(B) making public service announcements on radio and television.

The CHAIRMAN pro tempore. Pursuant to House Resolution 210, the gentlewoman from Illinois (Mrs. BIGGERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, let me thank the gentleman from Illinois (Mr. HYDE) for all of his work on this necessary initiative. I also applaud the bipartisan manner in which he and the ranking member, the gentleman from California (Mr. LANTOS), have completed this difficult task.

In addition, the gentleman from Iowa (Mr. LEACH) and the gentlewoman from California (Ms. LEE) should be commended for the groundwork that they laid with their previous efforts in creating a World Bank/AIDS Trust Fund.

This amendment does two things: First, it states that the World Bank, or the IBID, the International Bank for Reconstruction and Development, is the trustee for contributions made by sovereign nations. This makes the underlying bill consistent with both the charter of the Global Fund and with legislation previously passed and signed into law concerning the global fight against HIV/AIDS. This amendment in no way restricts the movement of the trustee role to any other financial institution if the board of the Global Fund deems it necessary some time down the road.

Second, it expresses the sense of Congress that we wish to encourage individuals and private entities to make contributions to the Global Fund. The President, in his State of the Union address, specifically requested that $1 billion of emergency relief for AIDS go towards the Global AIDS Fund over a 5-year period. The Hyde bill has authorized $1 billion in the first year alone and more money to be authorized in subsequent years, if necessary.

While we all agree that government contributions on a multilateral level should be the main source of funding for the Global Fund, we also must agree that individual and private entity donations should not be discounted, discouraged, or dismissed. They should be encouraged. Governments alone cannot concur this enemy. There is so much more that individual citizens and charitable foundations can and will do if we give them the avenue, the information and the opportunity.

To illustrate my point, we are all aware of the $100 million contribution made by two very well known and generous Americans from the Bill and Melissa Gates Foundation. This single contribution from an American-based foundation is roughly half the amount that was pledged by the governments of Italy and Japan combined to this Global Fund.

The amendment seeks to encourage and enable other foundations and generous individuals, even those who might be thinking more in the neighborhood of a $10 or $100 contribution to contribute to the Global AIDS Fund to combat the HIV/AIDS pandemic. These funds promote expansion of public-private partnerships.

Mr. HYDE. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, we certainly accept the amendment. It is an excellent addition to the bill, and congratulate the gentlewoman from Illinois (Mrs. BIGGERT).

Mr. LANTOS. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, we are in complete agreement with the gentlewoman on the value of the Global Fund and on the importance of private contributions to the fund. Contributions from the Gates Foundation and others significantly enhance the functioning of the fund, and we agree that the President should do even more to encourage private donations here.

I am not aware of any objections to the gentlewoman's amendment on this side of the aisle. We would be pleased to accept it. I commend the gentlewoman from Illinois (Mrs. BIGGERT) for her important initiative.

Ms. LEE. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentlewoman from California.

Ms. LEE. Mr. Chairman, I want to thank the gentlewoman from Illinois (Mrs. BIGGERT) for this amendment. I think it strengthens the bill. It strengthens the fund.

One point I would like to make about the Global Fund which has been mentioned is the leveraging ability of the fund. $1 billion could leverage up to $4 to $5 billion. It has been estimated that $9 to $10 billion is needed just to begin to scratch the surface on this pandemic. The importance of the fund cannot be overstated, and I thank the gentlewoman for this amendment. Now that Secretary Tommy Thompson is chair of the executive board, both sides should feel confident that he will move forward. And once we insist that our side put $1 billion in, at least we know that should lead to $4 to $5 billion immediately. I offer my support of the amendment.

Mrs. BIGGERT. Mr. Chairman, I thank the gentlewoman from California (Ms. LEE) and thank the chairman and the ranking member for their support of this amendment. I urge its passage.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on amendment offered by the gentlewoman from Illinois (Mrs. BIGGERT).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 4 printed in House Report 108-80.

AMENDMENT NO. 4 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. STEARNS:

Page 36, after line 13, insert the following:

(iii) If, at any time during any of the fiscal years 2004 through 2008, the President determines that the salary of any individual employed by the Global Fund exceeds the salary of the Vice President of the United States (as determined under section 104 of title 3, United States Code) for that fiscal year, then the United States shall withhold from its contribution for the next fiscal year an amount equal to the aggregate amount by which the salary of each such individual exceeds the salary of the Vice President of the United States.

Page 36, line 14, strike "(B)" and insert "(B)(i)".

Page 36, beginning on each of lines 15 and 17, strike "subparagraph (A)" and insert "subparagraph (A)(i)".

Page 36, after line 19, insert the following:

(ii) Any amount made available under this subsection that is withheld by reason of clause (ii) or (iii) of subparagraph (A) is authorized to be made available to carry out section 104A of the Foreign Assistance Act of 1961 (as added by section 301 of this Act). Amounts made available under the preceding sentence are in addition to amounts appropriated pursuant to the authorization of appropriations under section 401 of this Act for HIV/AIDS assistance.

The CHAIRMAN pro tempore. Pursuant to House Resolution 210, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the opportunity to offer this simple amendment. It will ensure that the money that the United States spends, which is taxpayers' money, to address the AIDS crisis will be spent treating patients rather than spent in bureaucratic, administrative costs.

It requires that at the Global Fund, individual salaries may not exceed the salary of the Vice President of the United States. The criteria that I came up with, being the Vice President's salary, is because in the Homeland Security Act, we specified that no Federal employee may earn a salary in excess of the vice presidential salary. So that is the criteria I used. I think it is pretty simple, and back in our districts, $192,000 is a lot of money.

Given that the Global Fund's mission is to help people dying from AIDS and prevent others from getting and eventually dying from AIDS, it would seem reasonable that administrative costs should be held to a minimum so that every dollar that taxpayers spend overseas will move to the patients and to the people who need it. As long as the U.S. Government is the largest single contributor to the fund, it is appropriate that we place this modest restriction on the salaries. We do it for our Federal employees here in the United States, why not do it in the Global Fund. With hundreds of millions of dollars at risk, it is the responsibility of all of us to ensure that dollars are spent wisely. Mr. Chairman, I think the amendment is pretty simple. I could point out a lot more.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, we are prepared to accept the amendment.

Mr. STEARNS. Mr. Chairman, I thank the gentleman.

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, we expect the Global Fund to recruit and hire the most competent and competitive international experts to manage this very complex organization.

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I feel strongly that exorbitant executive salaries would only go to undermine the credibility of the organization. There are lots of skeptics who oppose the Global Fund and wish it to fail. These naysayers are looking for any means to discredit the work of the Global Fund. It is very important that the Global Fund salaries should be realistic and competitive and attract the most competent professionals in the world, but they should not be set at levels that would undermine the credibility of the good work that we hope to accomplish.

I urge my colleagues to support my friend's amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

I just will conclude by saying we all want this bill to save lives. That is why we are here. But I think we must have some kind of strict accountability with this organization sanctioned by the world to meet this dire need, and I thank the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE), distinguished chairman and ranking member. I appreciate their support. We must have confidence that these organizations are using American taxpayers' dollars wisely.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. SWEENEY). The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

It is now in order to consider amendment No. 5 printed in House Report 108-80.

AMENDMENT NO. 5 OFFERED BY MR. BALLANCE

Mr. BALLANCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. BALLANCE:

Page 55, after line 10, insert the following:

(g) SENSE OF CONGRESS RELATING TO FOOD ASSISTANCE FOR INDIVIDUALS LIVING WITH HIV/AIDS.—

(1) FINDINGS.—Congress finds the following:

(A) The United States provides more than 60 percent of all food assistance worldwide.

(B) According to the United Nations World Food Program and other United Nations agencies, food insecurity of individuals infected or living with HIV/AIDS is a major problem in countries with large populations of such individuals, particularly in African countries.

(C) Although the United States is willing to provide food assistance to these countries in need, a few of the countries object to part or all of the assistance because of fears of benign genetic modifications to the foods.

(D) Healthy and nutritious foods for individuals infected or living with HIV/AIDS are an important complement to HIV/AIDS medicines for such individuals.

(E) Individuals infected with HIV have higher nutritional requirements than individuals who are not infected with HIV, particularly with respect to the need for protein. Also, there is evidence to suggest that the full benefit of therapy to treat HIV/AIDS may not be achieved in individuals who are malnourished, particularly in pregnant and lactating women.

(2) SENSE OF CONGRESS.—It is therefore the sense of Congress that United States food assistance should be accepted by countries with large populations of individuals infected or living with HIV/AIDS, particularly African countries, in order to help feed such individuals.

Page 69, line 19, strike "The drug nevirapine reduces" and insert "Certain antiretroviral drugs reduce".

The CHAIRMAN pro tempore. Pursuant to House Resolution 210, the gentleman from North Carolina (Mr. BALLANCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BALLANCE).

Mr. BALLANCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am thankful for this opportunity to offer this amendment to the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. I would like to commend the efforts of my friends and colleagues on both sides of the aisle. I thank the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS), ranking member, for their leadership; but I also want to take a moment to point my finger at the honorable gentlewoman from California (Ms. LEE), our good friend and long-time leader in this effort who has stood tall on this issue for so many years, and I would like to take the opportunity to commend our President for getting involved in this issue.

I have been in this Congress now for about 4 months, and there have not been many issues that have touched me. This one has. So I have come today to add my voice on behalf of a growing problem compounding the HIV/AIDS crisis in many African nations. America stands ready to help provide food assistance to our brothers and sisters in Africa suffering from this devastating disease, HIV/AIDS. We already provide more than 60 percent of all food aid around the world, and yet some parts of the world question the quality of our foods on the basis of unscientific concerns. Thus it is that some nations object to our food aid; and one I would point out, Zambia, has completely rejected our help.

Mr. Chairman, I am concerned that America may not be doing enough to educate foreign countries about genetically modified foods. Many poor nations lack infrastructure to determine if food is safe. With images on television of epidemics like Mad Cow Disease, many African leaders are very hesitant to go on the findings of food safety inspections and research services of another nation.

With many countries in Africa dealing with HIV/AIDS, their leaders are hesitant to introduce any item into the food supply that they suspect might further complicate health problems. Without adequate information, it is no wonder many of these countries have come to different conclusions about food products they allow into their country.

Mr. Chairman, if we asked most HIV/AIDS victims in Africa what they need most, I would venture to say that they will tell us that they need food. More than any medication, providing proper nutrition to regions without adequate food can prolong lives. The most at risk in this debilitating crisis are women and children. The links between malnutrition and AIDS deaths is undeniable. Malnutrition accelerates the progression from HIV to AIDS and leaves those with HIV/AIDS vulnerable to opportunistic infections that often are fatal.

The devastation that this disease causes in Africa, the hundreds of thousands of orphans, the decimated communities and the economic damage can be alleviated with a combined program of medical aid and good nutrition.

Food is much less expensive than antiretroviral drugs, and good nutrition can prolong the lives of AIDS victims for many years and sometimes decades. According to the recently published Demographic Health Survey and the 2000 Census of Population and Housing by the United Nations, children born between 1970 and 1975 in Zambia could expect to live 47.2 years. That same study now has shown that their life expectancy has decreased to 40.5 years.

Unfounded fears should not hold up food aid. This amendment I believe will go a long way to alleviate those concerns, and I would urge my colleagues to adopt this amendment.

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

Mr. BALLANCE. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, I strongly support the amendment introduced by the gentleman from North Carolina (Mr. BALLANCE), and I want to commend him for his initiative. We think this is a significant improvement to the underlying bill. We have no objections, and we strongly support it.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BALLANCE. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I am delighted to associate myself with the remarks of the distinguished gentleman from California (Mr. LANTOS). This is an excellent amendment, and I urge all our colleagues to support it.

Mr. BALLANCE. Mr. Chairman, reclaiming my time, one other thing I wanted to say which was not in my prepared remarks was we grow a lot of corn in North Carolina.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from North Carolina (Mr. BALLANCE).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 6 printed in House Report 108–80.

It is now in order to consider amendment No. 7 printed in House report 108–80.

AMENDMENT NO. 7 OFFERED BY MR. LANTOS

Mr. LANTOS. Mr. Chairman, I offer an amendment as the designee of the gentlewoman from California (Ms. MILLENDER-MCDONALD).

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. LANTOS:

Page 74, after line 10, insert the following (and redesignate subsequent paragraphs accordingly):

(4) ensure the importance of inheritance rights of women, particularly women in African countries, due to the exponential growth in the number of young widows, orphaned girls, and grandmothers becoming heads of households as a result of the HIV/AIDS pandemic;

Page 75, line 4, add at the end the following new sentence: "Such report should include a description of activities undertaken to carry out subsection (b)(4).".

Page 75, line 11, add at the end the following new sentence: "A significant percentage of the amount appropriated pursuant to the authorization of appropriations under the preceding sentence for a fiscal year should be made available to carry out subsection (b)(4).".

The CHAIRMAN pro tempore. Pursuant to House Resolution 210, the gentleman from California (Mr. LANTOS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD), my good friend and colleague, deals with a very important issue. The HIV/AIDS pandemic has had a frightening impact on women, particularly in Africa where 55 percent of all HIV/AIDS victims are women. Unequal inheritance rights all over the world, but particularly in Africa, favor men over women. Poor women are abandoned because of their HIV/AIDS status, widowed by the premature death of a husband, or left as orphans by the death of parents. Left with nothing but their desperation, these women and girls are exploited by sex traffickers, pimps, and abusive employers.

Mr. Chairman, it is crucial that programs funded by this emergency program include the promotion and protection of women's inheritance rights, but we should not stop there. Women's equal rights across the board are absolutely essential to overcoming the poverty that underpins the seeming hopelessness of this disease.

Mr. Chairman, I urge all of my colleagues to support this amendment.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding. I am pleased to say that the majority accepts the amendment. It is an excellent addition to what I think is an excellent bill. So we are pleased to accept it.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I want to take this time to thank Chairman HYDE and Ranking Member LANTOS for being the driving force behind such an important bill, H.R. 1298, United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. This bill embodies true leadership on the part of the United States, dramatically increasing the U.S. participation in addressing the pandemic that is ravaging whole regions and millions upon millions of people. This unprecedented bill acknowledges our moral responsibility to address the pandemic that has already resulted in the deaths of millions. I am so proud to be a part of this legislation, this distinguished body and this country.

The bill as reported out of the International Relations Committee contains a provision of mine included in the Committee markup which my good friend, Congresswoman NAPOLITANO, offered for me as a member of that Committee. While much attention is being paid to preventing mother-to-child transmission (MTCT) of HIV/AIDS, we must turn to addressing the needs and rights of that child to grow up with parents, so that millions more are not orphaned before he or she can even walk. My language gives priority preference for federal funds to groups that are currently administering a program with non-federal funds to: prevent mother-to-child transmission; and provide life-long care and treatment in family-centered programs so that children do not grow up as orphans.

This would benefit programs such as the MTCT-Plus Initiative, which is supported by United Nations Secretary General Kofi Annan and the First Ladies of Africa, and which has $50 million in funding from several private philanthropic foundations including the Bill and

Melinda Gates, the William and Flora Hewlett, the Robert Wood Johnson and other foundations. Such family-survival programs are critical to address the issues of millions of children orphaned by HIV/AIDS on a scale unrivaled in history. In sub-Saharan Africa, family and societal structures are breaking down because of the deaths of a generation of parents. The number of children in the developing world who have been orphaned by the AIDS pandemic will nearly double from 13.4 million to 25.4 million by the end of this decade. Today, 5.5 million children in Africa have lost both parents and in most cases, at least one of them to AIDS, and that number will rise to 7.9 million by 2010. Older women are also profoundly affected since the responsibility for caring for and supporting grandchildren orphaned by AIDS infected parents often falls on the shoulders of the elderly.

Thank you again, Chairman HYDE and Ranking Member LANTOS, for agreeing to include my amendment in the bill as reported, and to Congresswoman NAPOLITANO for agreeing to offer my amendment during the Committee markup.

Mr. Chairman, my amendment today concerns Section 314 which calls for a pilot program of assistance for children and families affected by HIV/AIDS. My amendment requires that pilot program to ensure the importance of inheritance rights of women, particularly women in African countries are included in this program. The relationship of the denial of inheritance rights for women, increased HIV/AIDS infection in women and the resulting exponential growth in the numbers of young widows, orphaned girls, and grandmothers becoming heads of households needs to be further studied and documented. My amendment does just that.

My amendment is necessary because a majority of those infected by HIV/AIDS in Africa are women of all classes, ethnic groups, and levels of education. Women with AIDS are condemned to an early death when their homes, lands, and other property are taken. They not only lose assets they could use for medical care, but also the shelter they need to endure this disease.

The failure to ensure equal property and inheritance rights upon separation or divorce discourages women from leaving violent marriages. HIV risk is especially high for women in situations of domestic violence, which often involves coercive sex, diminished ability to negotiate with partners for safer sex, and impede women from seeking health information and treatment.

In some places, widows are forced to undergo sexual practices such as "wife inheritance" or ritual "cleansing" in order to keep their property. "Wife inheritance" occurs when a male relative of the dead husband takes over the widow as a wife, often in a polygamous environment. "Cleansing" usually involves sex with a social outcast who is paid by the dead husband's family, supposedly to cleanse the women of her dead husband's evil spirits. In both of these rituals, safe sex is seldom practiced and often forced. Such women are at increased risk of contracting and spreading HIV.

For example, there are areas in Kenya where the wife inheritance and cleansing practices have created an alarmingly high rate of HIV/AIDS infection. Fully 22 percent of the population between ages 15 and 49 in the Nyanza province are infected, and 35 percent of ante-natal women in one district within that province are infected. Girls and young women in the Nyanza province are infected at six times the rate of their male counterparts.

The underlying bill calls for the President to report on this pilot program, as described under Section 314(c). My amendment calls for that report to include in it a description of activities undertaken to ensure that the inheritance rights of women as just described are part of this program.

Finally, in the last Congress, Rep. Eva Clayton and I introduced H. Con. Res. 421, recognizing the importance of inheritance rights of women in Africa, and its relationship to the HIV/AIDS pandemic. I have also chaired two briefings on this issue. Our resolution was very strongly supported by this body. It had 90 original cosponsors with bipartisan support. My amendment today to the underlying bill includes the crux of H. Con. Res. 421.

Thank you so much and I hope you support my amendment to H.R. 1298.

Mr. LANTOS. Mr. Chairman, we have no further requests for time, and we yield back the balance of our time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. LANTOS).

The amendment was agreed to.

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The CHAIRMAN pro tempore (Mr. SWEENEY). It is now in order to consider Amendment No. 8 printed in House Report 108–80, as modified by the order of the House of earlier today.

AMENDMENT NO. 8 OFFERED BY MS. MCCOLLUM

Ms. McCOLLUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. MCCOLLUM:

Page 83, line 14, strike "For" and insert "(a) THERAPEUTIC MEDICAL CARE.—For".

Page 83, after line 22, add the following new subsection:

(b) ORPHANS AND VULNERABLE CHILDREN.—For fiscal years 2006 through 2008, not less than 10 percent of the amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance for each such fiscal year shall be expended for assistance for orphans and vulnerable children affected by HIV/AIDS, of which such amount at least 50 percent shall be provided through non-profit, nongovernmental organizations, including faith-based organizations, that implement programs on the community level.

The CHAIRMAN pro tempore. Pursuant to House Resolution 210, the gentlewoman from Minnesota (Ms. MCCOLLUM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. McCOLLUM. Mr. Chairman, I yield myself of such time as I may consume.

Mr. Chairman, I want to begin by thanking once again the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for their hard work on this critical legislation. President Bush should also be congratulated for his leadership on this important legislation. This bill is a huge step forward in our global leadership to respond to the AIDS pandemic.

The gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS) have recognized AIDS orphans and vulnerable children and have included them in this historic bill expressing the sense of Congress that they receive a portion of funding. Nonetheless, I believe we can and we must do more to ensure that some of our planet's most vulnerable children are protected.

The amendment I am offering today would ensure that 10 percent of the appropriated funds in this bill be expended for HIV/AIDS assistance for millions of orphans and vulnerable children affected by AIDS.

As we prepare to authorize this groundbreaking legislation, I urge my colleagues to join me in committing this funding for children who are being left behind to survive on their own as a result of the AIDS pandemic.

This funding will go far in providing the most basic health, education and economic needs to millions of children throughout the work of community and faith-based groups, as well as NGOs and host country governments.

Today there are more than 12 million children, 12 million children in Africa, that have lost one or both parents to HIV/AIDS. By the year 2005, there will be more than 20 million AIDS orphans around the world.

Children in Africa are suffering the loss of parents, extended family members, teachers, health care providers and peers. Every community affected by AIDS is being robbed of a generation of adults in their most productive years, leaving behind children to be raised by relatives, left on their own in households headed by other children, or, even worse, to be totally left alone to forage in rural villages and on the streets of cities across the continent of Africa.

The scope and complexity of the challenges facing children affected by AIDS cannot be overstated. Children become responsible for their own survival while providing care for dying parents. They are forced to abandon school and face the stigma and isolation far too frequently associated with AIDS. Tragically, orphan children who are the most vulnerable are often forced into labor, sexual exploitation, and the hopelessness of a life of mere survival.

This amendment can help transform the future of communities filled with AIDS orphans by committing to reinvest into communities that have faith-based organizations and other groups that are committed to working with orphans. We are ensuring by doing this that an entire generation of children in Africa will not be lost.

We have the responsibility today to make a firm commitment to ensure that the resources in this bill go to provide the most basic needs of every child; food, shelter, safety, medicine, education, and, most importantly of all, hope for the future.

I urge my colleagues to join me today in supporting the millions of children orphaned by AIDS. I respectfully ask my colleagues to support this amendment and to make a strong commitment to the millions of AIDS orphans and vulnerable children who desperately need our help today.

Mr. HYDE. Mr. Chairman, will the gentlewoman yield?

Ms. McCOLLUM. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, the children and orphans who are affected by this scourge could have no better champion than the gentlewoman from Minnesota, and we are very pleased to accept her excellent amendment.

Mr. LANTOS. Mr. Chairman, will the gentlewoman yield?

Ms. McCOLLUM. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, I want to congratulate and commend my friend from Minnesota for offering this most important amendment, which dramatically improves the underlying bill. On this side we are proud and pleased to accept her amendment.

Ms. McCOLLUM. Mr. Chairman, reclaiming my time, I am very honored to have this amendment accepted, and I thank both my mentors for their help in preparing this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Minnesota (Ms. McCOLLUM).

The amendment was agreed to.

Mr. HYDE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GREEN of Wisconsin) having assumed the chair, Mr. SWEENEY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes, had come to no resolution thereon.

MAKING IN ORDER CONSIDERATION OF AMENDMENT NO. 6 OUT OF SEQUENCE DURING FURTHER CONSIDERATION OF H.R. 1298, UNITED STATES LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA ACT OF 2003

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that Amendment No. 6 in House Report 108–80 be considered out of sequence in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

UNITED STATES LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA ACT OF 2003

The SPEAKER pro tempore. Pursuant to House Resolution 210 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1298.

☐ 1306

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes, with Mr. SWEENEY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, Amendment No. 8 printed in House Report 108-80 offered by the gentlewoman from Minnesota (Ms. McCOLLUM) had been disposed of.

Under the recent order of the House, it is now in order to consider Amendment No. 6 printed in House Report 108-80.

AMENDMENT NO. 6 OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. SMITH of Michigan:

Page 81, beginning on line 22, strike "$30,000,000,000 for each of the fiscal years 2004 through 2008" and insert "$2,000,000,000 for fiscal year 2004, $2,500,000,000 for fiscal year 2005, $3,000,000,000 for fiscal year 2006, $3,500,000,000 for fiscal year 2007, and $4,000,000,000 for fiscal year 2008".

The CHAIRMAN pro tempore. Pursuant to House Resolution 210, the gentleman from Michigan (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment brings back the level of funding for the first year to the level recommended by the President, the amount of $2 billion, which is the amount that is also in our budget resolution.

The third reason is I would like to document and persuade to my colleagues, expert witnesses from Africa that are suggesting that it is going to be much more effective to start gradually and then increase the spending over the year.

My amendment does not decrease the total 5 year commitment of $15 billion, but, rather, is consistent with what the President has requested, starting at $2 billion and then growing each year.

I would like to read a letter from a former United States ambassador to several of those African countries.

"As the son of a medical missionary to Africa, a career State Department diplomat with over 28 years of service, mainly in Africa, and as the former United States Ambassador to Rwanda and Mali, I am well aware of the problems making foreign aid genuinely benefit the populations it was intended to impact. Throughout my career, I have been involved in rural health initiatives in Africa, and while there is great need to meet the challenge of AIDS in Africa, front-loading a program might well do more harm than good. There is great risk in squandering precious funds when expenditures are made without adequate controls or accountability. We also risk forcing our big-ticket solutions on Africans who may need more modest help in finding local solutions and building up their own capacity to deal with the challenge in the early year.

"Accordingly, I support the original emergency plan for AIDS relief proposed by the President that would launch this new initiative to $2 billion in '04 and steadily escalate spending over 5 years."

Again, because we can maximize this money over the 5-year period, because it would be consistent with the President and the budget resolution, I hope Members support the amendment.

Mr. LANTOS. Mr. Chairman, I claim the time in opposition to this amendment.

The CHAIRMAN pro tempore. The gentleman from California (Mr. LANTOS) is recognized for 5 minutes.

Mr. LANTOS. Mr. Chairman, I am delighted to yield such time as he may consume to my distinguished friend the gentleman from California (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I thank the distinguished gentleman from California for yielding me time.

Mr. Chairman, it is with extreme regret that I must oppose the amendment offered by my good friend, the gentleman from Michigan (Mr. SMITH). He never offers an amendment, but what it is not well thought out, and this is a well thought-out amendment. But, unfortunately, it disturbs the balance that we have carefully, and as I have said, painstakingly negotiated with the many different elements of our body who have particular points of view.

The $2 billion limitation which the gentleman from Michigan would impose is indeed what the President said in his budget, but I hasten to point out that the President supports our bill, and our bill authorizes, and I stress the word "authorizes," $3 billion for 5 years.

The gentleman from Michigan's formula does not, in any way, deduct this money, the total is still $15 million over 5 years, but it is a question of how much for the first year and how much for the succeeding years.

I respectfully request that this amendment be defeated, because it would unbalance what has been very carefully put together. I suggest that the President does support our bill and has issued a statement this morning doing so.

Mr. Chairman, I thank the gentleman for his contribution. We considered the gentleman's amendment in committee and it was defeated, and, with great respect and admiration, I hope this is defeated too.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, our distinguished chairman, the gentleman from Illinois (Mr. HYDE), expressed my views. In order to save time, I merely concur with his comments. I also oppose the amendment.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I rise in strong opposition to this amendment. As our chairman indicated, we did defeat this amendment in committee.

Several days ago at the White House, the President illustrated quite well the cost of delaying these funds to those who are so desperately in need. As President Bush said, time is not on our side. Since the State of the Union address, he said that an estimated 760,000 people have died from AIDS, 1.2 million people have become infected and more than 175,000 babies have been born with the virus.

Imagine how many more will die and become infected if we accept this amendment and deny the $1 billion in funding this year to those who desperately need this help? Clearly we cannot wait. There are programs out there that can use our funding immediately. Even the executive director of UNAIDS, Dr. Piot, has said Africa could absorb $6.57 billion in AIDS funding without any improvements toward infrastructure.

Therefore, I urge all my colleagues to vote against this bill and to maintain the compromise that we worked so hard to negotiate with the gentleman from Illinois (Chairman HYDE).

Mr. SMITH of Michigan. Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Chairman, I rise today in support of the amendment offered by my friend and colleague, the gentleman from Michigan (Mr. SMITH), and, in deference to my chairman, for whom I have great respect, I am still speaking.

I think that this would ensure that we stay within the President's plan originally and within the budget. He did say on the 29th of April that, with the approval of Congress, this plan will direct $15 billion to fight AIDS abroad over the next 5 years, but beginning with $2 billion in 2004.

□ 1315

The reason I think it is important to stay within our budget is because due to the war and the economic downturn we, unfortunately, are running the largest budget deficits in American history this year and next. We cannot continue to just overspend every year, piling debt on our children and grandchildren. It does not mean this program is not important. I support it. But there are many important programs, and there is a limited amount of money.

So passing the President's proposal, with this amendment, is still a huge increase in our commitment to this problem.

The CHAIRMAN pro tempore (Mr. SWEENEY). The Chair would inform Members that the gentleman from California (Mr. LANTOS) has 2 minutes remaining, and the gentleman from Michigan (Mr. SMITH) has 2 minutes remaining.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 1 minute to my good friend, the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I rise in opposition to this amendment. I understand the good heart of the gentleman from Michigan (Mr. SMITH) and where he is coming from. But, Mr. Chairman, this is money that is needed now.

The President has stated, "Seldom has history offered a greater opportunity to do so much for so many." This year, the President made an unprecedented commitment to fight HIV/AIDS on a global scale, and we must not thwart that momentum by cutting this year's authorization by a third.

The President, has stated that his HIV/AIDS initiative is intended to prevent 7 million new infections, treat 2 million HIV-infected people, and care for 10 million HIV-infected individuals and AIDS orphans. There is no reason I can think of to limit the immediate flow of money. There are children in Africa going to school without teachers and then going to a home without parents, and we have to deal with that.

Mr. Chairman, I commend President Bush for taking such a bold step in committing these funds and the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for moving it through this Chamber. I think we need to maintain the full $3 billion authorization as it is.

Mr. SMITH of Michigan. Mr. Chairman, I would just say that this is exactly what the President recommended. My amendment is what the President recommended.

Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding me this time.

I too rise in reluctance to support this amendment in that the chairman does not support it. But I respect the gentleman from Michigan (Mr. SMITH), and I believe that we need to take into account that this is the first bill of the year, I believe, that actually goes over budget. We are 50 percent over budget. What the President asked for was $2 billion in the first year. We are going for $3 billion. I think it sets a bad precedent for the rest of the year if we are starting out this way.

As the gentleman from Michigan (Mr. SMITH) also pointed out, the U.N. Global Fund and others that will absorb this money may have a hard time absorbing it that quickly anyway, and I believe that is why the President only asked for $2 billion in the first place.

We should note that the Global Fund has been criticized by its head, who is currently Secretary Tommy Thompson, who said that it has some inefficiencies. One thing that has been noted is that the Office of the Secretariat spent $11 million on salaries last year for 65 staff members. That is an average of $170,000 per employee.

I would challenge those who say that we need to put this money in that quickly. We ought to go with the original request from the President, and I would urge support of the amendment.

Mr. LANTOS. Mr. Chairman, I yield the remaining 1 minute of our time to my good friend, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I want to express my great appreciation for the leadership of the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), and the Members of the Committee on International Relations. Might I remind this body that the Global Fund was implemented in 2000, signed by President Clinton, and worked on very hard by Members of this body, Democrats, and certainly we were joined by members of the Republican Conference.

Mr. Chairman, 40 million children will be orphaned in sub-Saharan Africa on the basis of losing their parents to HIV/AIDS. This is a time when we cannot wait. It is imperative that the funding be as it is designated in the legislation to begin fighting this crisis now. I join with the chairman and the ranking member to say we are fighting an epidemic, a pandemic, a crisis; lives are being lost. Absolutely we cannot stop one moment to defer funding to this Global Fund and the necessity of moving on this as fast as we can.

Mr. Chairman, I ask my colleagues to reject this amendment.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself the remaining time.

Let me conclude by simply saying that this is what the President suggested, starting at $2 billion. It is consistent with our budget resolution that we passed just 2 weeks ago. It still maintains the $15 billion over 5 years. So there is no disagreement; there is no reduction in total funding.

Again, I quote from Ambassador Rawson who says, "While there is great need to meet the challenge of AIDS in Africa, front-loading a program might well do more harm than good," and he recommends that we support the Smith amendment, which is the President's suggestion, to launch this new initiative at $2 billion in 2004 and steadily escalating that spending.

Mr. Chairman, I also am reluctant to go against my chairman on this amendment, but I thought sure that the gentleman from Illinois would support this amendment with all of the good, rational, logical reasons that I have. I yield my remaining time to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, it is always a pleasure to engage with the gentleman from Michigan in debates, but the gentleman keeps citing the President. That has been overtaken by a statement of position from the White House supporting our version and in opposition to yours. The fact is, under the Smith amendment, there is no net saving. There is a reshuffling of money within the 5-year framework, but it still adds up to $15 billion. With respect, I hope the gentleman loses the amendment.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan (Mr. SMITH) has expired.

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent for 5 additional seconds.

The CHAIRMAN pro tempore. That request may not be entertained.

All time has expired. The question is on the amendment offered by the gentleman from Michigan (Mr. SMITH).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. SMITH of Michigan. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan (Mr. SMITH) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 4 offered by Mr. STEARNS of Florida and amendment No. 6 offered by Mr. SMITH of Michigan.

The Chair will reduce to 5 minutes the time for the second vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. STEARNS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 4 printed in House Report 108-80 offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 276, noes 145, not voting 13, as follows:

[Roll No. 155]

AYES—276

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
LaHood
Lampson
Lantos
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—145

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Crowley
Cummings
Davis (AL)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Frank (MA)
Frost
Gonzalez
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
Matsui
McCarthy (NY)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Rothman
Roybal-Allard
Rush

Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (VA)
Serrano
Solis
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Towns
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—13

Becerra
Boyd
Buyer
Combest
Conyers
Dreier
Gephardt
McCarthy (MO)
Ortiz
Owens
Sandlin
Slaughter
Whitfield

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SWEENEY) (during the vote). The Chair wishes to inform Members that there are 2 minutes remaining on this vote.

□ 1343

Mrs. NAPOLITANO and Messrs. DEUTSCH, LANGEVIN, and MENENDEZ changed their vote from "aye" to "no."

Ms. MCCOLLUM and Messrs. BACA, DAVIS of Tennessee, RUPPERSBERGER, ROSS, CRAMER, SHERMAN, TIERNEY, and MEEHAN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, the remaining question will be a 5-minute vote.

AMENDMENT NO. 6 OFFERED BY MR. SMITH OF MICHIGAN

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. SMITH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 130, noes 288, not voting 16, as follows:

[Roll No. 156]

AYES—130

Alexander
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonilla
Boozman
Brady (TX)
Brown-Waite, Ginny
Burgess
Burr
Burton (IN)
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Ehlers
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kolbe
LaHood
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Norwood
Nussle
Otter
Paul
Pence
Petri
Pitts
Pombo
Putnam
Radanovich
Rehberg
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Smith (MI)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Taylor (MS)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Upton
Vitter
Wamp
Weldon (FL)
Wicker

NOES—288

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Ballenger
Bell
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Bonner
Bono
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Calvert
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gonzalez
Gordon
Goss
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kline
Knollenberg
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
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Meek (FL)
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Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
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Nadler
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Rogers (AL)
Ros-Lehtinen
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Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
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Smith (WA)
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Weiner
Weldon (PA)
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Wexler
Wilson (NM)
Wolf
Woolsey
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Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Becerra
Boswell
Boyd
Buyer
Combest
Conyers
Cox
Dreier
Gephardt
McCarthy (MO)
Ortiz
Owens
Sandlin
Slaughter
Whitfield
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SWEENEY) (during the vote). The Chair will advise Members that there are less than 2 minutes remaining in the vote.

□ 1350

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. KIRK. Mr. Chairman, on May 1, 2003, on rollcall vote No. 156, an amendment by Mr. NICK SMITH of Michigan to H.R. 1298, I voted "yea" in error mistaking this amendment which I opposed for one by Mr. SMITH of New Jersey, which I support. I meant to vote "no".

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 9 printed in House Report 108–80.

AMENDMENT NO. 9 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. JACKSON-LEE of Texas:

At the end of the bill, add the following (and conform the table of contents accordingly):

SEC. 404. ASSISTANCE FROM THE UNITED STATES PRIVATE SECTOR TO PREVENT AND REDUCE HIV/AIDS IN SUB-SAHARAN AFRICA.

It is the sense of Congress that United States businesses should be encouraged to provide assistance to sub-Saharan African countries to prevent and reduce the incidence of HIV/AIDS in sub-Saharan Africa. In providing such assistance, United States businesses should be encouraged to consider the establishment of an HIV/AIDS Response Fund in order to provide for coordination among such businesses in the collection and distribution of the assistance to sub-Saharan African countries.

The CHAIRMAN pro tempore. Pursuant to House Resolution 210, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, to the ranking member and the chairman, I am not sure how momentous a day or how historic a day this will eventually be, whether or not it translates to the American psyche or the international psyche.

This is probably a day long in coming. And that is this bipartisan but very responsible response to a devastating deadly disease permeating the entire world, if you will. I think it is appropriate to thank the ranking member and chairman of this committee and all of the negotiators, including my good friend, the gentlewoman from California (Ms. LEE) for where we are today.

All I would like to do with this amendment, Mr. Chairman, is to be helpful, to be able to move the process along. And what I think is so innovative and so particularly unique about this particular initiative, H.R. 1298, is that we are dealing with HIV, tuberculosis and malaria.

One of the challenges that many of us who have dealt with this issue for a long period of time was the conflicting themes that may have been throughout to have been coming from sub-Saharan Africa. I recall a period of time in our history when the head of state of South Africa, the present president, made a very, very startling point, and that is how nutrition impacts on the condition of individuals. I recall the debate about nutrition. Here we have come full circle to understand that there are many variables that impact the devastation of HIV/AIDS malaria and tuberculosis.

This legislation goes right to the heart and understands the interrelatedness of the crisis in sub-Saharan Africa. It applauds nations that have been able to move forward such as the Ugandan effort, the ABC. It recognizes that we must do this collaboratively. And it also acknowledges, as I said on the floor of the House just a few minutes earlier, 40 million sub-Saharan children will be orphaned by this disease; but more importantly, Mr. Chairman, businesses, industries, are being devastated because young and vibrant workers are being cut down by AIDS.

This is sub-Saharan Africa, Mr. Chairman. I have been to India. It is growing there. China, it is growing there. So this amendment is based upon my experience in history that there are many who want to contribute to the finality of this disease, and that is by encouraging the business community to be able to contribute to the U.N. Global Fund, in particular, and to contribute to a resource pool that will shuttle those monies to the U.N. Global Fund, as I indicated, a fund established just a few years ago in 2000 by many of us who worked on this with the leadership of this Committee on International Relations, President Clinton and many Members of Congress. This amendment that will engage the business community in a very real way.

Mr. HYDE. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank the gentlewoman for yielding. We are very pleased to accept this amendment which adds to the quality of bill. I thank the gentlewoman and we are pleased to accept it.

Mr. LANTOS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, I want to commend my friend, the gentlewoman from Texas (Ms. JACKSON-LEE) for her excellent amendment. We are delighted to accept it on this side.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I thank both the chairman and the ranking member.

I close by simply saying that this language squarely places a very firm hand of encouragement on our business community and a firm hand toward the U.N. Global Fund and a firm hand to finally or maybe moving towards stamping out this terrible devastation of HIV/AIDS, along with tuberculosis and malaria. I ask my colleagues to support it.

Mr. Chairman, I offer this amendment to the "United States Leadership Against HIV/AIDS, Tuberculosis, and malaria Act of 2003" to encourage American businesses to help sub-Saharan African governments and communities fight the spread of HIV/AIDS in their countries.

Many U.S. corporations operate in sub-Saharan Africa. From my home State of Texas, the oil industry conducts business operations in Africa. Businesses such as pharmaceutical companies, computer companies, food companies, and businesses from practically every economic segment of the country operate in Africa.

These companies earn substantial profits from their operations in Africa. Accordingly, they should be encouraged to provide financial assistance to sub-Saharan communities and participate in fighting the spread of HIV/AIDS.

I fully support and applaud the efforts of the Global Fund. My amendment, which establishes a Response Fund, will neither conflict with the activities and mission of the Global Fund, nor create unnecessary bureaucracy. The Global Fund was established by the United Nations Secretary General in April of 2001. The stated purpose is to, "attract, manage and disburse additional resources through a new public-private partnership that will make a sustainable and significant contribution to the reduction of infections, illness and death, thereby mitigating the impact caused by HIV/AIDS, tuberculosis, and malaria in countries in need."

The Response Fund that I propose in my amendment will work in conjunction with the Global Fund not in opposition to it. My Response Fund will create more flexibility for corporations to contribute to the fight against HIV/AIDS, and give corporations more options. My Response Fund will be a vehicle to getting funds to sub-Saharan communities, medical facilities and patients with utmost speed.

The Response Fund and the Global Fund will share the same goal, and they would certainly have opportunities to collaborate and work together in the fight against infectious diseases. I want to be clear that the Response Fund will not create an extra step in getting funds to sub-Saharan Africans suffering from HIV/AIDS.

I encourage U.S. businesses to contribute to both the Response Fund established in my amendment and also to the United Nations Global Fund.

Mr. Chairman, I offer this amendment because the fight against HIV/AIDS should be waged by the Congress, the sub-Saharan African community, and the American business community as well. I encourage the American business community to contribute needed funds to both the Response Fund in my amendment and The United Nations Global Fund.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 10 printed in House Report 108-80.

AMENDMENT NO. 10 OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. SMITH of New Jersey:

Page 54, line 21, insert before the period the following: ", or to endorse, utilize, or participate in a prevention method or treatment program to which the organization has a religious or moral objection".

The CHAIRMAN pro tempore. Pursuant to House Resolution 210, the gentleman from New Jersey (Mr. SMITH) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

First of all, let me begin by thanking the gentleman from Illinois (Mr. HYDE), our chairman, for the extraordinary job he as done in this legislation. This has been a work in progress as we all know for several months, over last year and into this year. This legislation, in the end, is something that will save millions of lives and something we can be proud of.

I have an amendment that is co-sponsored by the gentleman from Illinois (Mr. HYDE), the gentleman from Michigan (Mr. STUPAK) and the gentleman from Arizona (Mr. RENZI) that I think is a critical clarification needed to make sure that the many successful and compassionate organizations are not inadvertently disqualified from participating in our international HIV/AIDS prevention and treatment efforts.

The amendment is a one-phrase all-important clarification of the existing language in the bill. It will ensure that a qualified grantee that does not want to participate in all aspects of a treatment or prevention strategy is not disqualified from participating in our HIV/AIDS efforts. For example, if a Muslim or Catholic organization is excellent in abstinence education or AIDS testing, they should not be disqualified from U.S. funding because they have a moral objection to condoms.

The bill already says, I would point out, that organizations shall not be required as a condition of receiving the assistance to endorse or utilize a multi-sectorial approach to combatting HIV/AIDS. While this language is intended to protect organizations that are qualified in one phase of prevention or treatment from being disqualified if they have a moral or religious objection, the concern is that the language might be too vague. The word "multi-sectorial" has many meanings and might not protect organizations. That ambiguity—that infirmity—in the underlying bill is remedied by our amendment.

Thus the amendment which we are offering today would clarify, according to the original intent of the bill, that organizations should not be disqualified if they have moral or religious objections to one part of a treatment or prevention strategy. The one phrase that would be added is this: "To endorse, utilize or participate in a prevention method or treatment program to which the organization has a religious or moral objection."

☐ 1400

It could not be more clear. It could not be more transparent.

Some of my colleagues may say faith-based organizations do not need this protection, but I assure them that the problem is real. In one case, a Catholic doctor who worked in sub-Saharan Africa for 31 years, caring for thousands of young people suffering from AIDS, was approached by USAID in Uganda and asked to draw up a program to prevent HIV/AIDS. Her group presented a project proposal which involved AIDS awareness and behavior change programs. In the project proposal, the emphasis was on abstinence and faithfulness as a way of preventing the spread of HIV and was for people of all faiths. USAID, however, responded by asking them to put in a component of promoting and distributing condoms. When this organization said they were not prepared to do so because of a religious objection, they were denied funding.

This is one of many stories. And the ones who are harmed when this kind of action takes place are those who are suffering the most and are at greatest risk and need services. This provision would not require, I would say to my colleagues, a change in the overall strategy to fight HIV/AIDS. The overall strategy would stay the same even if certain groups only worked on parts of that strategy where they are qualified and successful.

Let me say, finally, the Catholic Church, today, cares for one out of every four AIDS patients. One out of every four. If the bill remains unclear, this could potentially prohibit, could proscribe the funding of many of the initiatives of the Church, and I said earlier Muslim groups or Catholic Relief Services, which today cares for about 2 million people who are at risk or perhaps have been affected by AIDS, mostly in Africa but around the world as well. Two million by one Catholic agency alone

We want inclusion. We want more people involved. I ask that this amendment be approved. This conscience protection is real and it would be impossible for anyone, at anytime to misconstrue Congressional intent.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore (Mr. SWEENEY). The gentleman from California (Mr. LANTOS) is recognized for 10 minutes.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the Smith amendment.

First, I would like to thank the gentleman from New Jersey (Mr. SMITH) for his long-standing leadership on human rights' matters and for his support for this critically important legislation. His vote in committee in favor of H.R. 1298 was greatly appreciated.

I would also like to note that the amendment being offered today is different from the one that was offered in committee. The amendment offered in committee during markup was deeply offensive in that consciences were only granted to faith-based organizations.

The amendment before us today builds upon language already in H.R. 1298. The bill currently states that an organization receiving funds under this act shall not be required to endorse or utilize a multisectoral approach to combating HIV/AIDS. In other words, a group does not need to endorse condom use or hand out condoms or endorse abstinence and promote abstinence education to receive money under this act.

The Smith amendment adds a new clause to the current language. It states that groups shall not be required to endorse, utilize, or participate in a prevention method or treatment program to which the organization has a religious or moral objection. I certainly agree, Mr. Chairman, that no organization should be required to have anything to do with a program to which it has religious or moral objections. However, I remain concerned that some organizations will use this clause to implement programs designed to undermine other HIV/AIDS prevention strategies, including effective condom use.

I am also concerned that groups utilizing one approach to HIV/AIDS prevention and treatment will refuse to refer someone to another organization, which offers a different method of HIV/AIDS prevention.

Mr. Chairman, it is critically important that organizations which receive HIV/AIDS funds from the United States work closely and collaboratively supporting each other's work. Abstinence-only groups should not use United States' funds to tell men and women in Uganda that condoms do not work and are morally wrong and condoms-only groups should not use U.S. funds to denigrate abstinence.

Mr. Chairman, I greatly respect the work of faith-based organizations around the world, which are playing a critical role in battling HIV/AIDS; but until we clarify these questions, I cannot support the amendment in its current form.

Mr. Chairman, I would like to ask my good friend, the gentleman from New Jersey (Mr. SMITH), whether he would be willing to add the following words at the end of his amendment by unanimous consent: "Except that such organization may not undermine interventions that it does not endorse, utilize or participate in."

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, I thank my friend, and with all due respect, and I have a great deal of respect for the gentleman from California (Mr. LANTOS), I would have to respectfully decline.

Earlier we had spoken, and the gentleman had indicated he wanted to do a colloquy on identical language. The problem is the word "undermine." If a group opposes a certain type of prevention such as condom use that could be construed in the eyes of someone who is making a grant or letting a grant, that organization should not get funded. The proposed Lantos language nullifies any conscience clause so I must reject it.

Our hope with our amendment is that we empower the maximum army of volunteers and professional people to care and assist people who are at risk of HIV/AIDS as well as people who have already contracted this horrific disease. We should not limit our response to this crisis; we need to have a more flexible response. Be reminded, we are talking about grant money. So it is still up to the grantor—the United States Government—to decide whether or not the grant request that we are in receipt of meets the criteria in terms of what the project is all about, whether it be dealing with actual treatment of AIDS patients or hospice care or some prevention strategy or mother to child transmission initiatives.

So with all due respect, I would have to decline.

Mr. LANTOS. Reclaiming my time, Mr. Chairman, I want to thank my good friend from New Jersey for his very clear answer.

Mr. Chairman, the sponsor's unwillingness to make this clarification makes me even more concerned about the amendment as it is drafted. I believe that this amendment could be used by some organizations to undermine and denigrate the effective use of condoms and other HIV prevention strategies overseas.

Mr. Chairman, use of condoms is an effective way to prevent HIV/AIDS. If we allow this clause, conceivably scientific misinformation could be disseminated and it would undermine a proven prevention strategy, which means people would die. I must, therefore, reluctantly oppose the passage of the Smith amendment and ask all of my colleagues to join me in voting "no."

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. RENZI), one of the sponsors of the amendment.

Mr. RENZI. Mr. Chairman, I thank the gentleman from New Jersey for yielding me this time, and I am grateful for his leadership on this important amendment.

It is said to those that have been given much, much will be expected. It is with this sense of duty and obligation that the President has turned the Nation's attention, America's attention, to the realization that our Nation can use a portion of its wealth to help eradicate the devastating effects of AIDS in some of the most impoverished portions and regions of our world.

Yet without passage of the Smith amendment, certain worthy organizations, who have proven themselves successful in taking on this fight, organizations who have been there from day one on the front lines, would not qualify, possibly would be disqualified if they have moral or religious objections to just one part of a three-part strategy. This amendment makes necessary distinctions which ensure that faith-based organizations can continue to educate and change people's hearts, minds, and souls towards a more moral way of life.

While it has been said they undermine, the fact is, again, reiterating, these faith-based organizations, particularly the Catholic-based organizations, care for one out of every four AIDS sufferers in the world. I urge support of the amendment.

Mr. LANTOS. Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. LEE), and I ask unanimous consent that she be allowed to control that time.

The CHAIRMAN pro tempore (Mr. DUNCAN). Without objection, the gentlewoman from California (Ms. LEE) is recognized for the balance of the time.

There was no objection.

Ms. LEE. Mr. Chairman, I yield myself such time as I may consume, and I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to this amendment offered by my colleague, the gentleman from New Jersey (Mr. SMITH). Early on in the drafting of this bill, we decided really not to let ideology drive the process and drive the contents of this bill. I believe, as our ranking member said, that the language we worked on and negotiated in committee addresses the issues and concerns raised in this amendment, and it addresses it quite well.

Now, it seems to me, quite frankly, that social conservatives are looking at a way to carve out a specific exemption. All of us support faith-based organizations, but it looks like one group of individuals in this country wants to carve out for religious organizations a specific exemption. The amendment looks tame on its face, but I really think there is another motive behind this amendment.

I do not believe that we should subject this very important piece of legislation to the ideological whims of either side. The compromise that we negotiated in the bill was specifically intended to avoid this. Both sides made some major concessions with an understanding that the needs of those who are living and dying with AIDS would trump our political differences. It appears now that this amendment would give an organization the ability to affirmatively tell those suffering and dying of AIDS not to use one method over another. This could be deadly.

Now, there were several amendments that I would have offered to shape the bill more to my liking, more to many of my colleagues' liking on our side; but we refrained from doing this because we felt quite strongly that the delicate balance established in the bill should not be upset. So I would encourage Members to oppose this amendment. The language in the bill is very clear with regard to faith-based organizations, and I ask the gentleman to withdraw his amendment.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentlewoman yield?

Ms. LEE. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentlewoman from California has 2 minutes remaining.

Ms. LEE. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, first of all, I just want to make it very clear, and I wish the gentlewoman had not gone the route of saying there is another motive here. The motive—my motive—is to say that there are a vast array of other people who are very competent in mitigating this crisis called AIDS, and maybe even ending it some day who are on the ground providing essential services as we speak. Others—if the wherewithal exists—will soon join them.

I mentioned Catholic Relief Services earlier in the debate. Catholic Relief Services, today, provides HIV/AIDS services to 2 million people. They do it without a brass band or self promoting press releases and are very much underheralded. These saints who care for the afflicted are on the ground, village after village, heavily embedded in Africa, helping people with this horrible scourge and helping the people who are trying to cope with it and prevent it. Catholic Relief Services is made up of the most caring and compassionate people on earth. Let's hope they apply for more funding.

I mentioned earlier the one case of a diocese, five dioceses in Uganda in the 1990s that had hoped to develop an AIDS plan with some funding augmented by the United States Government. And because the organization said they did not want to embrace the condom part, they were precluded from U.S. funding. So there is a real world tragedy and dark consequence as a direct result of not having an air-tight conscience clause.

Again, we can fund condoms till the cows come home in this bill; but we are saying there are providers among the best an earth—the CRS—who are deeply respected in the community, with access to the at risk populations, yet who would not get funding without real conscience clause protection. Catholic and Muslim groups are the ones we are mostly talking about, and it seems to me that it is counterproductive in the extreme to everything we are trying to do here—to prevent their full participation.

I thank the gentlewoman for yielding to me.

Ms. LEE. Mr. Chairman, I yield myself the balance of my time, and I thank the gentleman for his comments, but let me just say that the language that was negotiated that is in the base bill, in the bill before us today, takes care of all of the issues that we care about in terms of allowing for a multifaceted, multisectoral approach to addressing this pandemic.

What we do not want to do, and what I believe will happen with the gentleman's amendment, is that organizations now will be allowed to say "do not use one method versus the other." We crafted the language in a way that would allow organizations, if for whatever reasons decided that they were not going to promote abstinence, to be faithful, or condom use, that they would not necessarily have to promote it.

☐ 1415

But what I believe the gentleman's amendment will do will be to allow organizations to tell individuals that one approach is not going to work, or there is danger in an approach that allows for the distribution of condoms. I think that is downright wrong. The ABC approach is the approach that works. Organizations can choose whichever approach they want to address.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I rise in strong support of the Smith amendment.

Mr. Chairman, in Congress we talk. It is what we do. But in Africa at this very hour, as the gentleman from New Jersey (Mr. SMITH) just said with passion, there are Catholic Relief workers and Christian missionaries in medical missions elbow deep in a crisis that has struck 42 million souls and rising, the AIDS pandemic. Only by passing the Smith amendment will we make certain that not only those who would be willing to come to the aid of people, but the overwhelming majority of those who are thanklessly, and without the klieg lights of publicity or public support, are coming to their aid at this very hour.

Only by creating a conscience exception for faith-based organizations to say that they can accept some of this $15 billion that will avalanche from Washington, D.C. into Africa without violating their own moral conscience, will we ensure that those who do the work continue.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I am on the floor here today to support an amendment that will simply clarify existing language in this bill. Our amendment is short and simple. It says that otherwise qualified organizations shall not be required as a condition of receiving assistance to endorse, utilize or participate in a prevention method or treatment program to which the organization has a religious or moral objection.

We should all be working together, Muslims and Catholics, to fight AIDS. In fact, Catholic organizations alone are caring for one in every four AIDS victims in the world. It makes no sense to disqualify them.

Our language will give organizations of all faith an opportunity to join in this monumental effort to fight the pandemic. This provision will make sure that we do not arbitrarily disqualify organizations that have proven their ability to provide excellent care to those afflicted with this dreaded disease. I congratulate my colleagues for joining together to address this tragedy that can no longer be ignored.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise to support this conscience protection amendment. Faith-based organizations are often the most effective in preventing the spread of HIV; and despite their effectiveness in caring for millions with the disease and working to prevent the spread of it, many relief organizations continue to disregard the right of faith-based organizations to object to condom distribution.

In the hearing we had, we cited the quotations from the U.N. representatives in this regard. This amendment will provide protection for faith-based groups, like the Catholic Church, who apply for Federal funds but who object to distributing condoms as a form of HIV prevention. It is meant to make sure that we do not arbitrarily disqualify any organization from one part of our strategy because they do not participate in another.

We should have the best organizations working within our overall plan on parts of the plan that they do best. We should not discriminate against organizations that are saving lives. I urge Members to support the amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois (Mr. HYDE) to close debate on the bill.

The CHAIRMAN pro tempore (Mr. DUNCAN). The gentleman from Illinois (Mr. HYDE) is recognized for 2 minutes.

Mr. HYDE. Mr. Chairman, this is an effort to make the army in opposition, the army that is fighting AIDS as inclusive as possible. Just think for a moment, put biases aside. Here is an organization that takes care of 1 in 4 people afflicted with AIDS, the Catholic Relief Services. Without this amendment, they stand very much in jeopardy of being excluded from this program. Why should we hobble ourselves as we are attacking the deadly scourge of AIDS?

There are religious people who do not believe in condoms who can teach, who can go from village to village administering medicines. There are so many things that need to be done on the human level, and why should we exclude them because they have moral scruples against condoms. This is a 3-part attack: Abstinence, as well as being faithful and using condoms. We can certainly do some good teaching abstinence, teaching fidelity in the family, and many other creature comforts that can be administered by Muslim groups that do not support condoms. Why exclude people from this force that is going to attack AIDS?

I think it is irrational. The purpose of the bill is to get as many forces together to attack AIDS. If we exclude people because they do not believe in condoms, we are tying our hands and it is a big mistake. I hope this amendment passes. It in no way at this diminishes the efficacy of this bill. It simply says there are people who do not subscribe to the "C" of the ABC, but they do to the "A" and "B," and we need all of the people we can muster in this struggle. I hope the Smith amendment passes.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from New Jersey (Mr. SMITH).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 11 printed in House Report 108-80.

AMENDMENT NO. 11 OFFERED BY MR. PITTS

Mr. PITTS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. PITTS:

Page 83, line 10, insert before the semicolon the following: ", of which such amount at least 33 percent should be expended for abstinence-until-marriage programs".

Page 83, line 22, add at the end the following new sentence: "For fiscal years 2006 through 2008, not less than 33 percent of the amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS prevention consistent with section 104A(d) of the Foreign Assistance Act of 1961 (as added by section 301 of this Act) for each such fiscal year shall be expended for abstinence-until-marriage programs.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 210, the gentleman from Pennsylvania (Mr. PITTS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, H.R. 1298 endorses Uganda's ABC model that focuses on abstinence, but it does not ensure that money is actually directed to abstinence programs.

Abstinence works. In Uganda, which has been cited as the ABC model, "A" for abstinence first; "B" for being faithful to one partner; and "C," condom use, and this focus on abstinence first lowered HIV infection rates from 21 percent in 1991 to 6 percent in 2000. The ABC model saves lives, and this amendment will ensure that these funds save more lives by moving taxpayer dollars to life-saving strategies that have been proven to work.

It mandates a percentage: 33 percent of the prevention funds disbursed under the bill for abstinence. Now that is not all of the bill, that is just prevention funds, and one-third of those.

Other countries have begun implementation of the ABC model and are already showing great success, as they did dramatically in Uganda. But countries like Kenya, which have stuck mainly to the social marketing of condoms, are experiencing huge increases in HIV prevalence rates, and this amendment takes that fact seriously.

It makes sense to guarantee that this money will fund what works. This amendment makes sure that there is sufficient flexibility for the AIDS coordinator. It only mandates 33 percent of the prevention funds to go to abstinence. It leaves the remaining 67 percent of prevention money to be disbursed as the coordinator sees fit.

Opponents claim that abstinence just is not possible. Dr. Edward Green, a researcher at Harvard University was an opponent of the ABC model, in particular abstinence, until he saw what happened in Uganda. He testified before the Committee on Energy and Commerce, and he said, "Many of us in the AIDS and public health communities did not believe that abstinence, or delay, and faithfulness, were realistic goals. It now seems we were wrong."

In Uganda the proportion of young males age 15 to 24 reporting premarital sex decreased from 60 percent in 1989 to 23 percent in 1995. For females, the decline was 53 percent to 16 percent. The program actually changed the behavior in women and men, a fact I hope my colleagues take seriously.

This amendment will make sure that funds get to what works. It maintains flexibility, makes the bill better. It will save lives. I urge Members to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from California (Mr. LANTOS) is recognized for 10 minutes.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I had the honor on Tuesday to join Senators LUGAR and BIDEN and the gentleman from Illinois (Chairman HYDE) at the White House as the President called for Congress to quickly approve comprehensive HIV/AIDS legislation. The President has since announced his strong support for our bill. When the President spoke to us, he asked that Congress make the ABC strategy used in Uganda and elsewhere as the model for our prevention efforts. I could not agree more with the President. To quote him, "The ABC strategy is effective by emphasizing abstinence, marital fidelity as well as condoms to prevent HIV transmission."

Mr. Chairman, I quote President Bush on the ABC strategy because there is some confusion in Washington as to what it means. Some Members of Congress attribute the dramatic success of Uganda's HIV/AIDS prevention program solely to abstinence and marital fidelity programs. While these components of the ABC strategy have been effective, Ugandans also use an average of 80 million condoms per year, and that figure is increasing.

While I certainly respect the fact that some religions may have moral objections to the use of condoms, many other faiths actively promote their use as a medically proven way to stop the transmission of HIV. The legislation before us explicitly authorizes the use of funds to promote programs which promote abstinence and faithfulness. However, the Pitts amendment would require that one-third of the HIV/AIDS prevention funds be set aside for the exclusive use of abstinence before marriage programs.

Mr. Chairman, I agree with the President of the United States. The ABC approach does work, but the Pitts amendment undermines the ABC approach by earmarking funds solely for the abstinence program. The Pitts amendment also raises a whole series of very disturbing questions to which we have been given no answers.

☐ 1430

Does the Pitts amendment seek to replicate certain abstinence-only programs under which educators are explicitly prohibited from giving full and complete information about condoms to high-risk populations? Under these abstinence set-aside programs, will people who are already sexually active be given any information about condoms? Will any information provided about condoms be medically accurate and complete? Will faith-based groups such as the Anglican Church of Uganda be eligible to receive these abstinence funds if their priests discuss condom use in the context of abstinence education? Do abstinence programs that are part of a multisectoral approach count towards this set-aside? And questions along these lines too numerous to mention.

Mr. Chairman, all of these questions remain unanswered. I therefore urge all of my colleagues to support the ABC approach to HIV/AIDS prevention and to oppose the Pitts amendment. I also want to call my colleagues' attention to the fact that today in an editorial, the Washington Times, no liberal publication, says, "The revision expected to be offered by Representative Joe Pitts, Pennsylvania Republican, which would set aside up to one third of the money specifically for abstinence and monogamy programs, seems less wise since such decisions should be made by the experts in the field."

I fully agree on this issue with the Washington Times, the President of the United States, and the experts working in the field; and I urge all of my colleagues to reject the Pitts amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. PITTS. Mr. Chairman, the Uganda model was developed by Ugandans themselves.

Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise in strong support of the Pitts amendment. According to the World Health Organization data, abstinence education programs work to reduce the premarital sex rate for Ugandan males, as the gentleman from Pennsylvania earlier said, in 1989 60 percent to 23 percent. For females the decline was 53 percent to 16 percent. The proportion of males reporting three or more sexual partners fell from 15 percent to 3 percent. With each successive sexual partner one has, their probability of contracting HIV goes up proportionally and by reducing the income of sexual partners, increasing the age of sexual debut, by increasing the incidence of abstinence before marriage, faithfulness in marriage, the rate in Uganda declined by half.

I think this is a very modest amendment. I actually think we should be putting substantially more money than he is proposing into abstinence education because it has been shown scientifically to be the most effective way and cost-effective way to prevent the spread of this disease. I strongly urge all of my colleagues on both sides of the aisle to support the Pitts amendment, a very well-thought-out amendment.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE), who has led this fight on our side.

Ms. LEE. Mr. Chairman, I thank the gentleman from California (Mr. LANTOS) for yielding me this time.

I rise in strong and very vigorous opposition to this amendment offered by the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from Illinois (Mr. HYDE). Again, we see attempts to unravel the delicate compromise established by our negotiations on this bill. We have already dealt with this issue in another forum in the Committee on International Relations when the gentleman from Pennsylvania (Mr. PITTS) pushed for the prioritization of abstinence over condom use in the ABC model of prevention. Abstinence, fidelity, and the use of condoms should all be placed on equal footing; and that is what we agreed to in committee. So I hope that we similarly defeat this amendment. Even the Washington Times, as the gentleman from California (Mr. LANTOS) points out, agrees that a balanced approach should be implemented and should be part of this bill.

The Uganda model is based upon the ABC approach, which is prevention, abstinence, and condoms. In fact, the former director of the largest organization in Uganda dealing with HIV and AIDS treatment says that that is what has worked and that it is wrong for those who want only one approach to pull out one element of a bigger picture. And she said this is a very small percentage of the whole picture. What works is what worked in Uganda, and that is abstinence, be faithful, condoms; and that is the only strategy that makes sense.

Mr. PITTS. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Mr. Chairman, as we look at a disaster such as this, it is hard to comprehend the misery and the suffering. We look at women and the children and the men that are dying such horrible deaths, and it is hard to take it all in. But what we look for in Africa is a ray of hope, a ray of hope for these people; and we see this ray of hope in Uganda. And we see a ray of hope with abstinence education. Abstinence is not just a moral issue. It is an issue of whether or not we will teach people what the healthy life-style is. If we are compassionate about the people in Africa, if our hearts go out to the people that are dying, that are in incredible suffering and misery, we want to do something that works. We want to have something that will give these people hope, that will give them life; and I am in strong support of this amendment.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I rise in strong opposition to this amendment. My colleagues and the chairman have worked very hard to ensure a proven approach to HIV and AIDS funding which is based on the successful Ugandan model. The President himself has seen the wisdom of this approach and supports it. We agree that abstinence is a great approach, but it cannot be used alone, and it cannot be dictated where it absolutely cannot work. And where it works best is in a comprehensive educational program. Our own CDC experience attests to this; and as a family physician who has worked in family planning and HIV and AIDS, I know this is the best approach. It is the one that delays sexual activity, reduces partners, and more importantly saves lives.

I strongly urge all of my colleagues, no matter what their personal or religious convictions might be, not to impose them on others but to allow these funds that are so very important to the lives of millions of people to be used how and where they can be most effective. And this needs to be done globally as well as in our domestic programs.

Mr. Chairman, I urge my colleagues to reject this amendment and do a great thing here today by passing H.R. 1298 with the good amendments that have already been passed.

Mr. PITTS. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I rise in strong support of the Pitts amendment, and along with the gentleman from California (Mr. LANTOS), ranking member, whom I have labored with on other issues and will labor still, I was there in the East Room of the White House when the President of the United States described a compelling and compassionate vision for addressing this pandemic AIDS crisis in Africa. The President insisted that we not just send billions of dollars to Africa, but we send values that work; and he encouraged us in this Congress to put a priority on the values of abstinence and monogamy before condom distribution in that room. In fact, in a statement of administration policy, Mr. Chairman, the administration said they, quote, "support additional provisions that would prioritize the abstinence component of the ABC approach which has been successfully implemented in Uganda."

The administration supports the Pitts amendment; and those who would embrace this vision of abstinence and endorsement of faithfulness in marriage and then condom distribution must, and by all means should, support the Pitts amendment to this bill.

Mr. LANTOS. Mr. Chairman, I yield 45 seconds to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I strongly oppose this amendment. Abstinence or monogamy or condom use, it just does not work. What worked in Uganda was abstinence and be faithful and condom use. It is essential to pursue all approaches to prevention. Promote and value abstinence, encourage monogamy in both men and women, and teach that lifesaving use of condoms works. Using all three options, men and women can be approached differently according to the cultural values of a village or religion or a region. United States policy reflects that by funding faith-based organizations as well as secular organizations that may focus on one area or health concern.

Abstinence, be faithful and condom use worked in Uganda.

Each approach is different, and may be suitable at different stages in life. But each approach can and does work together.

Many of us believe that abstinence is most realistic in the years before sexual activity begins—because it can delay sexual activity, and that's important. But abstinence may not be an appropriate message for a girl who has no say in the extent of her sexual activity.

Once sexual activity begins—keeping in mind that the sexual activity may not be consensual—it's critical that accurate information about condoms and other prevention methods be available, to limit exposure to sexually transmitted diseases, including HIV.

It is essential to pursue all approaches to prevention. Promote and value abstinence, encourage monogamy in both men and women and teach the life saving use of condoms. And, if married, monogamy is both a social and a public health value, and it should be strongly promoted for both men and women.

Using all three options, men and women can be approached differently, according to the cultural values of a village, a religion, or a region. U.S. policy reflects that, by funding faith-based organizations as well as secular organizations that may focus on one area or health concern.

Many Members have spoken about Uganda, a country in east central Africa. But I want to focus on another part of Africa—the West African region, and the countries of Cote d'Ivoire and Burkina Faso. About 10 percent of the population in each of these countries is infected with HIV.

In both countries, the health care infrastructure is poor and strained—18 months ago, Cote d'Ivoire was in better shape than Burkina Faso, but the civil war has had a devastating impact on its health care sector. In Burkina Faso, a HIV diagnosis has been akin to a death certificate, because there has been no access to treatment at all.

In these countries, it's not uncommon to arrive in a village and see that the local business is coffinmaking.

In these countries, it's not unusual to see children who are raising each other because there are no parents.

In West Africa, many villages are politically, culturally, and economically dominated by men. Women are married as young as 12 or 13, and begin bearing children immediately. The cultural values of these villages enforce monogamy for women, but positively encourage men to have multiple partners. Men make all the decisions, and the community reinforces that tradition.

Economic realities also impact behavior. Men often travel to find employment—even work in another country, hitchhiking up and down major roadways, looking for work in trade centers where prostitutes gather. He might be away for months, or seasons, at a time. Whether single or married, these men often have sexual encounters while on the road, and subsequently bring HIV into their home villages.

In fact, HIV can be tracked from cities, to major highways, and into completely rural, isolated villages, simply by following the travels of the men who call those villages home.

Many women in Africa infected with HIV were abstinent before marriage, and monogamous in it, and yet still they are wasting away from AIDS.

That's today's reality. And to combat that reality, we believe it's essential to pursue all approaches to prevention—promote and value abstinence, encourage monogamy in both men and women, and teach about the life-saving use of condoms.

Each of those approaches involves education. People must learn that it's possible to refuse sexual activity. And if refusing isn't realistic, they can learn to negotiate with their partner to wear a condom. In West Africa, health workers put on plays for villages and at trading centers, to show an audience gathered by music and comedy how a wife might persuade her husband to wear a condom, or how a migrant worker can use condoms to protect himself—and his wife—from devastating disease. Villagers of all ages, men and women, attend. Local cafes offer condoms, alongside information about monogamy and abstinence.

This kind of education is respectful of local tradition, but it's also appropriate to the public health emergency that is AIDS in Africa. It will take years of sustained effort to make it easier for women to negotiate more equally with men, because it's an issue that goes well beyond sexual relationships. It will take years of effort to end prostitution as a means of supporting a family, because in some places, it's all there is.

While these societies work to change behavior, and the world unites to help them—young women bear 5, 6, 7 children in rapid succession by a husband who may have infected her with HIV.

Again, she's married, she's faithful . . . she's dying.

We can have it all—we can have monogamy and condoms, we can have abstinence before marriage and access to condoms too. It's just a matter of deciding that saving lives matters more than how it's done.

Because abstinence works. Monogamy works. Condom use works. Together.

Mr. PITTS. Mr. Chairman, I yield 45 seconds to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Chairman, the global HIV epidemic issue cannot and must not be ignored. People are dying from this disease, and we know how to help them. Our duty is to promote good public policy that saves lives, and we have an opportunity today to do that. As we look for the method of reducing HIV/AIDS infection rate, we have to look no further than to Uganda to find a very successful program. Uganda has led the way in drastically reducing its infection rate of HIV/AIDS from 21 percent in 1991 to 5 percent in 2001. This has been accomplished through the ABC program, a model of behavior that we need to follow. First of all, abstinence; second, be faithful; and, third, using a condom. The stunning drop in HIV proves that the behavior can change and save lives, and I encourage my colleagues to support this Pitts amendment.

Mr. LANTOS. Mr. Chairman, I yield 45 seconds to the distinguished gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Chairman, I thank the gentleman for yielding me this time.

I agree with my colleague from Pennsylvania on the value of abstinence. I would be opposed to a penny of this money going to any program that did not preach and teach abstinence. It is absolutely necessary. My concern with the amendment is it would allow money to go to programs that do abstinence only. The problem with that, and I have friends from Africa who are with us today who have just explained to us, if we take a woman whose husband has contracted HIV and she needs a condom and the only program in her community is a program that simply does abstinence and nothing else, then we have done nothing for her and it will cost her her life, and it will cost the lives of the children that she bears. If every program provided abstinence, I would be for the Pitts amendment completely. But the Pitts amendment, by allowing a third of the money to go to programs that provide abstinence, will allow programs that provide abstinence only and that certainly is insufficient, as everyone has agreed.

Mr. PITTS. Mr. Chairman, I yield 45 seconds to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Chairman, I think we all serve here with the same purpose. Each of us in our own hearts would like somehow to make the world a better place and we have before us an amendment, and the technology of this amendment is very straightforward. It is very simple. Abstinence is the only tool we have that works 100 percent. So it is not a matter of whether we like the morality of abstinence or not. The fact is that technology-wise it works. It is the only thing that is 100 percent effective. We are only talking about one third of the money. So we could pass a law here to repeal the law of gravity, but it would not do us much good. The scientific fact is a flat fact that abstinence works, and that is why we have to use the very best tool with at least a portion of this money to deal with this serious crisis.

Mr. LANTOS. Mr. Chairman, I yield 45 seconds to the distinguished gentleman from Maryland (Mr. CUMMINGS), chairman of the Congressional Black Caucus.

Mr. CUMMINGS. Mr. Chairman, I rise in opposition to the Pitts amendment which detracts from this consensus bill.

This bill endorses the successful ABC Ugandan model of abstinence, be faithful, and condom. This system works, and it should be the only prevention program that receives funding. The Pitts amendments would devote 33 percent of precious prevention resources to disproportionately fund an abstinence-until-marriage model that has not proven to be effective.

Mr. Chairman, we do not have time to play Russian Roulette with millions of lives while testing politically charged prevention methods. In fact, a 2001 report issued by the National Institutes of Health concluded that beyond mutual lifelong monogamy among uninfected couples, condom use is the only method for reducing the risk of HIV infection and STDs available to sexually active individuals.

I urge my colleagues to oppose this amendment.

Mr. PITTS. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. TAUZIN), the distinguished chairman of the Committee on Energy and Commerce.

Mr. TAUZIN. Mr. Chairman, I rise in strong support of the Pitts amendment.

The Federal program on abstinence is not a mandated program on the States. In fact, States have to put up dollars to get into the abstinence program. And States readily do. Do my colleagues know why? Because it works. We have heard story after story after story before the Committee on Energy and Commerce that abstinence works. Not only does it help prevent the kinds of disease we are talking about, but it literally is the best way to make sure that other venereal diseases are not spread and other cases of awful calamity are avoided for young women as they are growing up.

□ 1445

We learned, for example, that condoms do not stop the spread of many new venereal diseases that are viral in nature, and nevertheless ruin a woman's chance of reproduction as they grow up and try to become young married women and have a family.

We learned a great deal in the Committee on Energy and Commerce. The most important thing we learned is that abstinence works. It works in our States, it works in this country, and it can work in this program.

The second thing to keep in mind is that every time we have promoted abstinence programs in this country, the argument on the other side is abstinence-only should not be the deal. This is not abstinence-only, this is abstinence as one-third of the program.

I urge Members to support the Pitts amendment.

Mr. LANTOS. Mr. Chairman, I am delighted and honored to yield the balance of my time to my good friend and neighbor, the gentlewoman from California (Ms. PELOSI), the distinguished Democratic Leader.

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to the Pitts amendment. First I want to commend the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for the strong, and effective bipartisan bill they produced in the Committee on International Relations.

I also want to acknowledge the tireless efforts of the gentlewoman from California (Ms. LEE), who has fought for years to strengthen our efforts in the fight against the AIDS pandemic, both domestically and internationally.

We know the statistics. They are staggering, and they should move us to action. Every day, over 16,000 people become infected with HIV, primarily in the developing world. This crisis is too severe and our response is too important to let our efforts be undermined by politics.

We must support what works. We are talking about saving lives. If we do, experts say that a strong global response could prevent nearly two-thirds of the 45 million new infections that are projected by 2020, saving tens of millions of lives.

The successes are there for us to replicate. We can look to Uganda as a model and for inspiration. We can learn a lot from their experience. Over the past decade, Uganda's infection rates have dropped from 30 percent to 5 percent. It can be done. This success was achieved using the model of prevention that is a key component of the Hyde-Lantos bill, a model that gives equal weight to the full range of options and relies on the best scientific information.

H.R. 1298 is not anti-abstinence. It supports a balanced approach to HIV-AIDS prevention. This is a debate about whether or not we use the model that has been effective in Uganda and that gives flexibility to those fighting this disease on the ground.

In July 2001, NIH confirmed the effectiveness of condoms in preventing HIV transmission. The Pitts amendment asks us to abandon what we know and has been proven to work.

H.R. 1298 is a bipartisan bill that we can all proudly support. It is a bill that President Bush supports. Why sacrifice that broad support in the name of politics, especially when so many lives are at stake?

Keeping information from people does not keep them safe. And when that information is about AIDS, it can be a death sentence.

I strongly urge my colleagues to oppose the Pitts amendment and to support the original Hyde-Lantos bill, and again commend the gentleman from Illinois (Mr. HYDE), the distinguished chairman, the very distinguished chairman, the about-to-have-his-picture-unveiled chairman, and the gentleman from California (Mr. LANTOS), for their very important contribution to saving lives.

The CHAIRMAN pro tempore (Mr. DUNCAN). All time of the gentleman from California (Mr. LANTOS) has expired.

Mr. PITTS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the distinguished majority leader.

Mr. DELAY. Mr. Chairman, I have heard a lot of speeches on this floor supporting the President's program and supporting ABC and the program of Uganda, yet being opposed to the Pitts amendment. The Pitts amendment is the Uganda program. It is the President's program. So we should support the Pitts amendment because it is what the President is asking us to do.

Every day, 2,000 more children are infected with the HIV/AIDS virus. Entire generations of communities in Sub-Saharan Africa are being obliterated by a preventible disease.

AIDS in Africa is not just an epidemic, it is an emergency. But there is something we can do about it. President Bush, I wish Members on the other side of the aisle would listen, has called upon us to marshal the virtue and resources of the American people to help save a continent in crisis. This is his initiative, and, as such, our legislation should reflect his ideals for it.

Mr. Chairman, abstinence-based prevention programs work, and the President supports the Pitts amendment. After years of trial and error and research, the facts, and the striking success of Uganda's abstinence program, are very clear. No other method has produced the success rates or saved as many lives as Uganda's ABC approach.

Because of this, the discovery of a new and effective weapon in the war against AIDS, the President has endorsed the Uganda model. So have experts in the field, who were once skeptical of abstinence as a solution.

Despite the evidence, some still suspect proponents of abstinence-based prevention of simply being on a moral crusade. I would say in response that this entire bill is a moral crusade. Not to impose our values on anyone, but to save a continent of the Great Plague of our age.

This debate is not about supporting one political agenda over another. It is about supporting proven methods of AIDS prevention over the failed policies that have tragically contributed to the infection of 30 million Africans. The disease is running rampant across Sub-Saharan Africa, and the only places returning encouraging news are those nations committed to abstinence-based prevention programs. It works, and we cannot let the fog of politics obscure that fact.

In Uganda, 10 years of the abstinence-based approach have slowed the march of the disease, and in Zambia recent results are showing similar success.

To meet the moral responsibility of this crisis, we must promote policies that work, not ones that have been proven failures.

So, Mr. Chairman, I believe this amendment is a test of our seriousness about this issue. People are dying and politics will not save them. The United States has a real chance to do good in the world with this bill, but only if we do the job right.

Mr. PITTS. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois (Chairman HYDE), the cosponsor of this amendment, to close.

The CHAIRMAN pro tempore. All time of the gentleman from Pennsylvania has expired.

Mr. LANTOS. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on International Relations, be granted such time as he may consume to make a concluding statement.

The CHAIRMAN pro tempore. By unanimous consent, the Chair will provide an equal amount of time on both sides.

The gentleman from Illinois (Mr. HYDE) is recognized for 2 minutes.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Needless to say, I am very moved by the generosity of my friend from California.

Mr. Chairman, I have just a couple of simple thoughts in closing on the Pitts amendment. First of all, please note what the amendment actually does. It simply says 33 percent of the funds to be expended for prevention under this total program shall go to support abstinence. That is all it says. It does not downgrade or denigrate condoms or family fidelity, marital fidelity. It simply says as we move forward in this war, do not forget abstinence, which is the one sure preventative for AIDS. One need not be a microbiologist to know that if abstinence were practiced, you would have far less of a serious problem.

So, this amendment does not distort the balance of ABC. This amendment reinforces the balance by saying abstinence, family fidelity and condoms, but to not forget abstinence. That is all it says.

I hope those of you who are convinced with me that this is a bill that has to pass, that this is a statement that has to be made, will understand that this amendment does not distort the spirit nor the principle nor the thrust of our bill in chief. It actually reinforces the balance.

I hope Members will support this so we can pass this bill this afternoon and say we did a great day's work.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The time of the gentleman from Illinois (Mr. HYDE) has expired.

All time of the gentleman from Pennsylvania (Mr. PITTS) has expired.

The gentleman from California (Mr. LANTOS) is recognized for 2 minutes under the unanimous consent request.

Mr. LANTOS. Mr. Chairman, I yield such time as she may consume to my friend, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, with great respect for the chairman of this committee, I humbly oppose this amendment, because I do believe in abstinence and I believe in options, and I believe in options to save lives. We need to pass this legislation with the ABC in place and the flexibility in place in order to save lives.

Mr. Chairman, I rise in opposition to the amendment offered by Mr. PITTS and Mr. HYDE to H.R. 1298, the "United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003." I oppose this amendment because it severely diminishes the flexibility and choices available to those suffering from infectious diseases by allocating funds to organizations that only promote abstinence until marriage programs.

I am a strong proponent of the ABC Model used in Uganda. The elements of the ABC Model are: Abstinence, Being Faithful, and Condom use. The ABC Model recognizes that in communities worldwide, whether in sub-Saharan Africa, India, China, or the United States, there are different approaches and different preferences for fighting HIV/AIDS and other infectious diseases. When the patient and the health care administrator cannot agree on the method of prevention, yet another life may be lost to HIV/AIDS.

The amendment offered by Mr. PITTS and Mr. HYDE will limit the prevention methods available to those suffering with infectious diseases. Organizations that only promote abstinence and refuse to promote condom use deny those at risk with a reliable prevention tool. I agree with the sponsors of this amendment that abstinence is the only 100 percent effective means of preventing the transmission of infectious diseases, and should be fully endorsed by the House of Representatives as a prevention tool.

However, for many in sub-Saharan Africa and around the world, abstinence is not a reasonable option. In the cases of those individuals, health care advocates should present several prevention methods as options. The ABC Model provides those options, the amendment sponsored by Mr. PITTS and Mr. HYDE does not.

I am a proponent of HIV/AIDS prevention. I am a proponent of abstinence, and I am a proponent of options, flexibility, and choice. The amendment offered by Mr. PITTS and Mr. HYDE will allocate one-third of the funds allocated under H.R. 1298 to programs that do not promote condom use. By doing so, the amendment limits the infectious disease prevention options available to millions of people at risk to contract HIV/AIDS. I do not support limiting life-saving prevention methods to anyone at risk.

For that reason, Mr. Chairman, I oppose the amendment offered by Mr. PITTS and Mr. HYDE, and I urge my colleagues to do the same.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank my colleagues on all sides. Particularly I want to thank my friend, the gentleman from Illinois (Chairman HYDE), I want to thank the gentleman from Iowa (Mr. LEACH) on the other side, and I want to pay tribute to the gentlewoman from California (Ms. LEE), who has done an outstanding job.

We are on the verge of passing one of the most significant pieces of legislation in this session. I am deeply grateful for the contribution of all of my friends on the Republican and the Democratic side.

Ms. SLAUGHTER. Mr. Chairman, I rise today to express my opposition to the Pitts/Hyde amendment to H.R. 1298, the Global AIDS bill. The President's commitment to supporting Global AIDS outreach is commendable, and this bill, without amendments, has the approval of the Bush Administration. It is widely supported by Republicans and Democrats.

However, some of my colleagues want to "improve" this bill with a controversial amendment that further wages war against family planning and reproductive health. At the heart of my concern with the "abstinence-only" curricula is its insistence that a "mutually faithful monogamous relationship in the context of marriage is the expected standard of human sexual activity." This program emphasizes that sex outside of marriage is physically and psychologically harmful and should be avoided for these reasons.

Abstinence-only education is simply not effective. Many of the women who are infected with HIV/AIDS are in monogamous marital relationships. Abstinence education that elevates the marital relationship as the only place where sex is appropriate would still leave these women vulnerable to infection. Abstinence education would also ignore the needs of women involved in the sex trade. Prostitution is a reality in all parts of the world, and it is one of the most vicious vehicles for spreading diseases. The Pitts amendment would do nothing for these women and for the children they will bear.

Abstinence-only education has been proven to be ineffective time and time again, while only truly comprehensive sex education really prevents unwanted pregnancies and deadly diseases. There is no scientific evidence that abstinence-only education is effective. Congress should not tie the hands of health care professionals as they attempt to stop the spread of AIDS.

This discussion is about more than promoting "proper" sexual behavior. This is a matter of life and death. We should not be willing to gamble with the lives of millions of men, women, and children across the globe.

It is pure common sense that if you are trying to prevent a disease, you apply the remedy that has been shown to work, rather than fueling millions of dollars into an idea that has been proven not to work. If what we care about is AIDS prevention, then we should put our money into programs, like the Ugandan ABC program, where it might actually be effective.

Mr. LANTOS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PITTS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LANTOS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 220, noes 197, not voting 18, as follows:

[Roll No. 157]

AYES—220

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bereuter
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kildee
King (IA)
Kingston
Kline
Knollenberg
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crowley

Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ose
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Sweeney
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—18

Becerra
Boyd
Buyer
Combest
Dreier
Gephardt
Gibbons
Honda
McCarthy (MO)
McHugh
Obey
Ortiz
Owens
Ros-Lehtinen
Sandlin
Scott (VA)
Slaughter
Whitfield

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. DUNCAN) (during the vote). The Chair announces that there are 2 minutes remaining in this vote.

□ 1519

Mr. RYAN of Ohio changed his vote from "aye" to "no."

Mr. RAHALL changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. There being no further amendments in order, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SWEENEY) having assumed the chair, Mr. DUNCAN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes, pursuant to House Resolution 210, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LANTOS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 375, noes 41, not voting 19, as follows:

[Roll No. 158]

AYES—375

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bass
Beauprez
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Olver
Osborne
Ose
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—41

Bartlett (MD)
Barton (TX)
Bishop (UT)
Bonilla
Brown-Waite, Ginny
Burgess
Carter
Culberson
Davis, Jo Ann
Deal (GA)
Duncan

Everett
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Goode
Graves
Hayes
Hostettler
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
King (IA)
Miller (FL)
Miller, Gary
Musgrave
Norwood
Otter
Paul
Petri
Schrock
Sensenbrenner
Sessions
Shadegg
Smith (MI)
Stearns
Tancredo
Taylor (MS)

NOT VOTING—19

Becerra
Berman
Boyd
Brown (OH)
Buyer
Combest
Dreier
Gephardt
Green (TX)
McCarthy (MO)
McHugh
Obey
Ortiz
Owens
Ros-Lehtinen
Sandlin
Scott (VA)
Slaughter
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY) (during the vote). The Chair reminds Members that there are less than 2 minutes remaining in this vote.

☐ 1537

Mr. COLLINS changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BROWN of Ohio. Mr. Speaker, on rollcall vote 158, I was unavoidably detained. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 155, 156, 157, and 158 due to medical reasons. Had I been present, I would have voted "aye" on rollcall vote 158 and "nay" on rollcall votes 155, 156, and 157.

PERSONAL EXPLANATION

Mr. OWENS. Mr. Speaker, because of an emergency in my district, I missed rollcall votes Nos. 155, 156, 157, and 158. If present I would have voted "nay" on rollcall votes Nos. 155, 156, and 157. I would have voted "yea" on rollcall No. 158.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 1261, WORKFORCE REINVESTMENT AND ADULT EDUCATON ACT OF 2003

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. The Committee on Rules may meet the week of May 5 to grant a rule which could limit the amendment process for floor consideration of H.R. 1261, the Workforce Reinvestment and Adult Education Act of 2003. The Committee on Education and the Workforce ordered the bill reported on March 27, 2003, and filed the report with the House today, May 1, 2003.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H-312 of the Capitol by 5 p.m. on Tuesday, May 6th. Members should draft their amendments to the text of the bill as reported by the Committee on Education and the Workforce, which is available for their review on the Web sites of both the Committee on Education and the Workforce and the Committee on Rules today.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1119

Mr. PETRI. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1119.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise to inquire about the schedule for next week.

Mr. BLUNT. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Georgia. I yield to the gentleman from Missouri.

Mr. BLUNT. Mr. Speaker, I would like to respond to the gentleman that the House will convene on Tuesday at 12:30 for morning hour and at 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to the Members' offices by the end of this week. Any votes called on those measures will be rolled until 6:30 p.m.

On Wednesday we may consider additional bills under suspension of the rules, as well as H.R. 766, the Nanotechnology Research and Development Act. On Thursday and the balance of the week, we plan to consider H.R. 1261, the Workforce Reinvestment and Adult Education Act and the President's economic growth and jobs package that the Committee on Ways and Means will mark up early next week.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend for the information, but I would like to have additional information, and I will continue to yield for that information.

Our side would be interested in knowing will the tax bill come up next week? The gentleman is calling the economic growth proposal the tax bill, right?

Mr. BLUNT. The President's economic growth bill, which will do things that stimulate the economy and create jobs by reducing people's tax burden, will come up next Friday. My understanding is that the chairman and the ranking member of the Committee on Ways and Means have reached an understanding and will be marking that bill up on Tuesday, file the report on Thursday, and we will have floor action on that bill on Friday.

Mr. LEWIS of Georgia. Mr. Speaker, could the gentleman tell us whether the minority side will be allowed to offer a substitute on the floor?

Mr. BLUNT. Mr. Speaker, I appreciate my friend's request. I think I should leave that up to the Committee on Rules, but tradition would certainly indicate that that would be normally the case.

Mr. LEWIS of Georgia. If we deal with the tax bill on Friday, does the gentleman think our work will be completed 2 p.m. on Friday?

Mr. BLUNT. We would hope to be done by 2 p.m. I hope as the week progresses we may get agreement to start Friday an hour earlier, at 9, but that will be something we will work out with our friends on the other side during the week. And if that is the case, I do not see any reason to believe that we would not be done by 2 o'clock or so on Friday.

Mr. LEWIS of Georgia. On the Workforce Investment Act, will you allow a substitute on this bill on the floor?

Mr. BLUNT. Again, I think that will be left up to the Committee on Rules. I think an announcement was just made about that Act by a member of Committee on Rules, and that will be a decision that they will make pursuant to the announcement that was just made.

Mr. LEWIS of Georgia. I will continue to yield to the gentleman for additional information for the body. I notice the comp time bill is not on the schedule for next week in your announcement, but we keep hearing that this bill is coming. Can you tell us when the bill might come to the floor.

Mr. BLUNT. My friend, it is one of those many things that are out there now. Our committees are doing their work. There are several bills that are ready through the committee process. We are trying to find time on the floor for several bills and that is one of them.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the Whip.

ADJOURNMENT TO MONDAY, MAY 5, 2003

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON TUESDAY, MAY 6, 2003

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, May 5, 2003, it adjourn to meet at 12:30 p.m. on Tuesday, May 6, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

☐ 1545

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FEENEY). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE NATIONAL DAY OF PRAYER 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, today is the National Day of Prayer. On the first Thursday of each May, people across our Nation gather together to pray to the God who is the very foundation of this great country. Without any court challenge or liberal protestors to avoid, praying Americans meet on courthouse steps, town squares, and in local parks to praise God for his blessing and ask God to continue to bless America.

This year I can assure my colleagues that millions of prayers will be offered in appreciation for our men and women in uniform who have paid the highest price for our freedom. Yet even as we stand today in prayer for our heroes, there are those who stand against the freedom that we enjoy.

Even though the Founding Fathers spoke of "Nature's God" and of the "Creator" in the Declaration of Independence, the Federal courts are increasingly trying to drive every vestige of faith from public life. Yesterday, April 30, was the most recent example, coming from the Fourth Circuit Court of Appeals. And I will read from the Boston Globe, which said, "Judges bar prayer at public colleges. In a precedent-setting ruling against prayer at a State college, a Federal appeals court has barred the Virginia Military Institute from writing and reciting a prayer before cadets eat their evening meals."

In addition, Mr. Speaker, the Citadel, down in South Carolina, is reviewing its policy since that Federal court ruling. And also, Mr. Speaker, I hate to even mention this, but the academy in Annapolis is also reviewing its policy. The American Civil Liberties Union of Maryland is calling on the academy to review its practices of leading the students in prayer.

Mr. Speaker, let me also share with my colleagues that it was just a few months ago that the Ninth Circuit Court of Appeals ruled to have "under God" taken from our Pledge of Allegiance.

How much longer will we stand by and allow others to ignore the very God upon whom our Nation was founded? Our Constitution demands the freedom to worship freely; and our future leaders, our men and women in the military academies across the country, are now being denied the very freedom that many have died to ensure for all of us.

Mr. Speaker, it is not just sad; it is completely detestable. And on this National Day of Prayer, let us honor our heroes, those who have returned home and those who sacrificed their lives, by standing against those liberals who would seek to challenge their God-given right to pray for a living Lord.

In closing, Mr. Speaker, I believe this quote says it best, and it comes from the days of Jefferson and Adams. And the quote is this, Mr. Speaker: "Religion can survive in the absence of freedom. But freedom without religion is dangerous and unstable."

Mr. Speaker, I have three military bases in my district, Camp Lejeune, Cherry Point, and Seymour Johnson Air Force Base. I want to close by asking God to please bless our men and women in uniform and their families, and the families of those who have lost loved ones defending freedom in this country. I close by asking three times, "God, please, God, please, God, please continue to bless America.

COMING HOME: WELCOMING OUR TROOPS WITH CUTS IN VETERANS PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise to express my concern for the men and women of our armed services who will be returning and are returning from Iraq. My colleagues are aware that our troops were funded during the period of fighting last month at the rate of about $1 billion, $1 billion, every 2 or 3 days.

Now, we did not want our troops to go without having everything that they needed for success, but if we have the money to send our troops to war, we must, Mr. Speaker, have the money for them when they return. To abandon them upon their return shows disrespect for those who have willingly risked all when their Nation called them to serve.

In the next few months, Congress will be voting on the veterans budget. The House Republican budget that came through this House was outrageous. It cut veterans benefits by $25 billion over the next 10 years, and they took that vote right after a resolution expressing support for our troops. Now, the final budget resolution we passed corrected some of the most glaring problems in that budget, but it is still $1 billion less for the health care for our veterans in the coming year. One billion dollars. That would fund approximately 5,000 doctors, 10,000 nurses, or three million additional outpatient visits.

Over the next 10 years, the budget falls far short of what will be needed to keep up with inflation and with the growing number of veterans who were using the veterans health care system. We must fight during the appropriation process for a budget that is worthy of our returning veterans. We cannot ignore their rights and their needs. Veterans health care is one of the most important issues that we fund.

We hope and pray that we do not have veterans from the current conflict who become ill with Gulf War illness, but we must prepare for that possibility. And we must not forget the warriors of the first Gulf War who are sick, tens of thousands of them, and are still waiting to learn the cause and the cure for their illnesses.

Of course, Mr. Speaker, we need to change the whole process of funding our veterans health care. Right now, each year in Congress, as we are doing this year, we have to fight for a health care budget. In the last session, there was legislation to change VA health care funding so that the amount of funding would automatically, automatically rise each year to accommodate inflation and new enrollees, that is, for example, to accommodate the returning veterans from Iraq. I will again, and I urge all my colleagues, to cosponsor this bill when it is reintroduced this session. And we must work hard for its passage.

Right now, Mr. Speaker, 200,000 veterans are waiting more than 6 months for their first health care appointment. In fact, veterans will die while waiting for that first appointment. We must resolve to change this immoral situation.

When our active-duty soldiers from the war in Iraq leave service, many are qualified for educational benefits under the Montgomery GI bill. This is an earned benefit that allows them to reenter civilian life as educated and productive members. But the current GI bill benefits are woefully inadequate to do the job. Back in 1944, this bill paid for the full cost of college tuition. But now it barely pays for two-thirds of the average cost of attending a 4-year public college. We must work to provide funding for the full cost of tuition fees, books, and supplies for those who do serve 4 years of active duty in the military service.

I could go on and on, Mr. Speaker, because there are so many other areas that need more funding than is currently budgeted. We will soon be commemorating Memorial Day. We will be hearing words of support for our veterans from all Members of Congress as they speak to Memorial Day crowds. But words can be cheap. What is important is how we vote.

We have the money. We have the resources. It is a question of priorities. It is a question of will. Let us make our veterans, who are returning from war, proud of us.

There is one final thing I want to say. A substantive way we can assist our veterans is to guarantee them jobs with companies that are awarded government contracts to rebuild Iraq, and I have introduced a bill to do just that. It is called the Let U.S. Veterans Rebuild Iraq Act, which will treat our veterans with the respect they deserve and provide a tangible way to better their lives. They fought for freedom in Iraq, who better to get involved in securing the future for Iraq?

H.R. 361, THE SPORTS AGENT RESPONSIBILITY AND TRUST ACT (SPARTA)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, last weekend, the National Football League draft was conducted. Over 200 players were selected in the draft. Each player eventually will be represented by an agent. The difficult thing is that many of these people who call themselves agents have no special qualifications.

We find that many of them have no legal training, no expertise in writing contracts, some misrepresent themselves, some offer illegal inducements, particularly to undergraduates, such as cars, cash, clothes, and sometimes even drugs, to get young people to commit to a contract while they still have eligibility, which makes them ineligible, of course. A few even have criminal records. Most of them will tell a player that they will get them drafted higher.

The NFL committee will say, well, you are going to be a fourth-round pick; and these agents say, well, if you come with me, I will get you a trainer and a nutritionist, and we will make you a first-round pick, which obviously does not happen. And then some even get the power of attorney, which sometimes bankrupts these individuals.

The National Football League Players Association currently says that roughly one-half of the players leaving the National Football League have no money. The minimum salary is several hundred thousand dollars. Some guys make millions of dollars; some sign for $10 million or $11 million. Yet at the end of their career, nearly one-half have no money left. A lot of that is due simply to the issue of the way they are treated by their agents.

Every coach and athletic director that I know says this is a huge problem and that we need some type of uniform standards and regulations to govern sports agents. One of the biggest problems that we have is these people come on the campus and nobody knows they are there. They see the players in the dorms; they harass them and call them on the phone. Some of the better players end up having to get unlisted phone numbers because of all the harassment.

Currently, Mr. Speaker, there are only 15 States that have tough laws regulating actions by sports agents. There are 17 States, including my home State of Nebraska, that have no laws at all regulating sports agents, and then there are 18 States remaining that have some laws. It is kind of a hodgepodge, a patchwork; and there is no consistency and no teeth in the regulations. So the majority of young people coming out of college really are not protected by any laws that would govern sports agents.

With this problem in mind, the gentleman from Tennessee (Mr. GORDON) and I have introduced H.R. 361, the Sports Agent Responsibility and Trust Act, which is also known as SPARTA. SPARTA protects student athletes by making it illegal for sports agents to entice student athletes with false or misleading information, promises, or representations in order to lure them into a contract. SPARTA would protect student athletes when they travel to other States.

Some student athletes are in States with some laws, but once they go home for the summer in another State or go to a bowl game, sometimes they are preyed upon by sports agents in those areas. So this provides a uniform Federal backstop. It does not supplant State laws, and we feel it is a very sound piece of legislation.

As of April 2002, the National Football League Players Association reported 1,200 certified football agents. Eight hundred of those represent no clients. Now, those are the guys that are really not very well qualified, and they are particularly dangerous because they are desperate to represent somebody. So they will make almost any kind of a deal, any kind of a promise to get someone committed.

We think, of course, that this is obviously a huge problem. But let me just cite two cases from my own experience. One: we were getting on the bus to go to the Orange Bowl, and I could not find my quarterback two hours before kickoff. I finally located him in one corner of the lobby cornered by two agents that he had never seen before, I had never heard of before, and were obviously unscrupulous; and they are hammering this guy to try to get him to sign a contract right before a kickoff. Well, of course, this did not do the quarterback any good, and it did not do me any good either.

In one other case we had a young man who was contacted at his home during the summer and he signed a contract. He did not really understand what he signed, but buried in the fine print was a 13 percent commission for the agent. So the agent got several hundred thousand dollars from this young man. Fortunately, the agent was from a State that did have some laws governing agents, and this agent had not registered. So we were able to recover $300,000 of this young man's money because of some sports agent legislation.

So what we are saying is we need this kind of protection for all athletes in all States. It is a Federal backstop. We think this is sound legislation, and I urge my colleagues to cosponsor H.R. 361, the Sports Agent Responsibility and Trust Act.

PEACE RETURNS TO VIEQUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ) is recognized for 5 minutes.

Mr. ACEVEDO-VILÁ. Mr. Speaker, a couple of years ago, I met a young girl from Vieques by the name of Marakiani Olivencia. She came up to me with a small container of sand in her hand and shared with me her desire to return that sand to Vieques with me after the Navy bombing practices ended.

With passion and sincerity this girl represented what so many had felt for so long. I told her that sooner or later such a day would come, and we would return that sand to Vieques together.

☐ 1600

Indeed, such a day is upon us. As of today, Vieques is no longer a Navy bombing range, and has become the newest addition to the National Wildlife Refuge System. I have with me a copy of the letter and memorandum of agreement signed between the Navy and the Fish and Wildlife Service making official that land transfer and ask that it be made part of the RECORD.

For the first time in over 60 years, Viequeses awoke this morning, their island not having been bombed last night, the island not to be bombed today, and knowing for certain that the island shall never be bombed again. Now the shore of Vieques will be dominated only by the sound of the surf, the birds, and the wind. The thousands of Puerto Ricans living in Vieques achieved their long-sought peace. Today "Pas para Vieques" is a reality.

For generations, the Viequeses have not known life without bombing. Thousands of families have lived their whole life with the concussion of bombs and shells upon their island at night, during the day, in the coastal waters.

Vieques became a bombing and training range for the Navy in the 1940s during World War II. Without a doubt, much has been changed since then. While the bombing has continued, awareness about the island of Vieques has grown. Viequeses and Puerto Ricans reached out, and shared with people what was happening to their island. Well, over a hundred Members of Congress actively supported bringing an end to the bombing. I must note a few of them, particularly the members of the Congressional Hispanic Caucus and my colleagues, the gentleman from Illinois (Mr. GUTIERREZ), the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from New York (Mr. SERRANO). I must also thank the gentleman from Missouri (Mr. SKELTON), ranking member of the Committee on Armed Services, the Congressional Black Caucus, activists, and many common citizens of the United States and elsewhere who became involved in the effort to return peace and to end bombing of the island of Vieques.

Puerto Ricans also enjoyed strong leadership on this issue by President Bill Clinton and President Bush, who both realized that this was an issue of human rights and the citizens of Puerto Rico have suffered for too long. Having worked with the White House and both Commanders-in-Chief on this issue, I know that our national security and the well-being of thousands of citizens in Vieques were taken into consideration when making this determination.

On behalf of Puerto Rico, I thank President Clinton and President Bush for ending the bombing of Vieques. Puerto Rico will never forget your resolute commitment. Today is a day of discovery, wonderment and joy.

Unfortunately, last night a small group of people rushed the fence of the range and recklessly overturned vehicles, set fires and destroyed government property. It is unfortunate that some have undermined the peaceful protest of the past. Prayers of thanks, fireworks, parades and excitement will accompany the joy of today. I strongly condemn those few who have shown disrespect to the United States, Puerto Rico and Vieques. All must know that the overwhelming majority of Puerto Ricans are proud of their bond with the United States, and our support for the common defense is resolute.

While we celebrate the end of the bombing, much work remains. Over 60 years of explosions, bombings, waste disposal and burning have left much of the Vieques range littered with a deadly combination of unexploded ordnance and toxic chemicals. I am confident that in cooperation with EPA, Fish and Wildlife, the Pentagon, the Puerto Rican government and Vieques, we will be able to reclaim this land.

So to Markiani, the young girl who brought me the sand from Vieques, I say our day is upon us and we may return to the free shores of Vieques and take with us the sand to fulfill the dream you shared with me. But Markiani, you cannot yet play safely on all of the beaches until the cleanup is completed. Your ultimate dream is that the lands be returned finally to the people of Vieques. One day all of Vieques will be reclaimed, safe for the people to fully enjoy without fears of bombing or the residue of Naval training. As one era ends and another begins, we celebrate the long-awaited peace for Vieques.

The aforementioned letter is as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, DC, April 30, 2003.

Hon. CRAIG MANSON,
Assistant Secretary of the Interior for Fish, Wildlife and Parks, U.S. Department of the Interior, Washington, DC.

DEAR MR. MANSON: Public Law 106–398, as amended by Public Law 107–107, directs that upon termination of Navy and Marine Corps operations on the Island of Vieques, the Secretary of the Navy shall transfer to the Secretary of the Interior, without reimbursement, approximately 14,572.791 acres located on the eastern end of Vieques Island, Puerto Rico. A description of the property is attached. Note that this transfer excludes the approximately 96-acre parcel known as Parcel C, which was acquired on April 29, 2003 by the Department of the Interior.

As agreed to by Mr. Sam Hamilton, Southeast Regional Director, Fish and Wildlife Service, all Navy and Marine Corps operations on the Island of Vieques will terminate at noon, April 30, 2003, and the Department of the Navy hereby transfers its interests in and jurisdiction over the approximately 14,572.791 acres of East Vieques to the Department of the Interior at that time.

The Commander, Atlantic Division, Naval Facilities Engineering Command is responsible for implementing this transfer on behalf of the Department of the Navy. He may be reached at the following address and phone number: Rear Admiral Michael K. Loose, CEC, USN, Commander, Atlantic Division, Naval Facilities Engineering Command, 1510 Gilbert Street, Norfolk, Virginia 23511–2699, 757–322–8000.

I request that you acknowledge the Department of the Interior's acceptance of jurisdiction, custody, and control for this property by signing and returning a copy of this letter. Please do not hesitate to contact my staff or me with any questions on this transfer.

Sincerely,
HANSFORD T. JOHNSON,
Secretary of the Navy Acting.

Attachment.

ATTACHMENT

Acknowledgement of the Acceptance of transfer for Jurisdiction over, Custody of, and Control for approximately 14,572.791 acres located on the eastern end of Vieques Island, Puerto Rico. This transfer shall be effective at 11:59 A.M., EDT April 30, 2003.

CRAIG MANSON,
Assistant Secretary of the Interior for Fish, Wildlife and Parks.

RECOGNIZING NATIONAL AUCTIONEERS DAY

The SPEAKER pro tempore (Mr. FEENEY). Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise today as a proud lifetime Member of the National Auctioneers Association. We want to recognize today National Auctioneers Day, which takes place annually on the third Saturday of April. This year it fell on April 19. And I suppose some of my colleagues are wondering can he really do that? Yes, I do a lot of auctions even today: "And now 35. I'll give you 40, now 5. Anybody bid 45? I'll give you 50."

I have had the privilege of auctioneering events to raise money for the American Cancer Society, the Boys and Girls Club, Safari Club, Ducks Unlimited, the list goes on and on. As a matter of fact, since I was elected to Congress, I have raised almost $2 million for charity. Every year billions of dollars are poured into our economy from auctions of estates, of vehicles, thoroughbred horses, antiques and other goods. And auctions of homes and other real estate are increasingly more important as more and more realtors and homeowners see the advantages of selling by auction as their first choice.

On Auctioneer's Day this year, auctioneers across the country held a special fund-raiser for the Saint Jude Children's Hospital in Memphis, Tennessee, the chosen charity of the National Auctioneers Association. Auctioneers are generous and patriotic Americans, and I rise to salute their contributions to our great country.

HONORING STATE SENATOR CLARENCE W. BLOUNT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise today to pay tribute to Maryland Senator Clarence W. Blount, a man whose life exemplified the greatness that lives within all of us.

I am saddened to inform this body that in the afternoon of April 12, 2003, State Senator Clarence Blount passed away from complications related to a stroke at the age of 81. He is survived by his wife Gordine, and his two sons, Michael and Mark, and many more friends and family in Maryland who mourn the loss of this great statesman.

Mr. Speaker, W.E.B. DuBois once wrote that "the roots of the tree, rather than its leaves, are the source of its life." Today I honor a man who devoted his life to that principle.

When Clarence Blount died, he was best known as the former majority leader of the Maryland Senate where he served the people of Maryland for over 31 years, after stepping aside last year to let in some "new blood," and as a champion of public education. However, I recall this wonderful human being as my teacher, my mentor and friend. Clarence Blount, by his own self-description, was an ordinary man called to an extraordinary mission of uplifting the lives of others. He remained steadfast in pursuit of that calling. In the process, he became extraordinary himself. When Clarence Blount was born to Lottie and Charles Johnson Blount, Sr., in South Creek, North Carolina on April 20, 1921, I doubt whether anyone outside of his own family could have anticipated just how far his determination and talent would carry him in life.

His father worked on a tobacco farm. His mother would die when he was just 5 years old. The Blount family was so poor they could not afford to buy their children shoes. It was only after the family moved to Baltimore that Clarence Blount was able to begin school at the age of 10. At that time he was unable to read or count on his fingers, but through determination and with the help of dedicated teachers, he graduated from Frederick Douglass High School at the age of 21.

He became one of the greatest champions of American public education ever known. One month after Clarence Blount entered Morgan State University, he was drafted into the then-segregated United States Army to fight in World War II. He served with distinction in Italy as a member of the all-black Buffalo Division of the 92nd Infantry.

The courage and dedication to duty that he demonstrated while removing mines from a river passage earned him a battlefield commission. After fighting for his country against both the enemy and the barriers of Jim Crow, Mr. Blount returned to Morgan State in 1946 and graduated in 1950. He became a teacher, earned a master's degree in education from Johns Hopkins University, and eventually advanced to become the principal of Baltimore's Dunbar High School.

Mr. Speaker, the education of children became Clarence Blount's passion and mission in life. He used his own prior hardships and life experiences as a passport to help other people improve their lives. As a teacher, principal, and later chairman of the Social Services Department of the Community College of Baltimore, Clarence Blount opened the doors to educational opportunities for thousands of young people in our community.

That same calling and that same determination, to address the inadequate funding of our public schools, led Mr. Blount into public life. He sought and won election to the Maryland Senate in 1971. He became the first African American to chair a Senate committee in 1987, and he became Maryland's first African American majority leader in 1983, a post that he held until his retirement last year.

It was during that period of public service that Clarence Blount directly influenced the course of my life. When I was a young legislator serving my second year in the Maryland House of Delegates, Senator Blount, then chair of the Maryland Legislative Black Caucus, encouraged me to run for and win that position. He had seen something in me that I had not seen in myself. Our personal relationship became even closer when we traveled together to Israel in the 1980s. He became like a second father to me.

He later encouraged me to run for the second highest position in the State of Maryland House of Delegates, Speaker pro tempore. He was the first person to encourage me to run for Congress in 1996. I recount these personal influences because Clarence Blount's impact upon my life was not unique. He touched everybody he could. He never ceased being a teacher who found his greatest reward in the accomplishments of his students.

About a year and a half ago, Clarence Blount and I were both asked to speak at a neighborhood housing event in the Ashburton section of Baltimore. I thanked him for being such a magnificent and significant part of my life, for seeing qualities in me that I had not realized in myself. I also thanked him for fighting for our neighborhoods in Baltimore and for giving our communities a voice in Annapolis.

So, Mr. Speaker, I stand today to salute a great American who came up through difficult times, an ordinary man called to an extraordinary mission.

EXPANSION OF MANDATE OF DEPARTMENT OF DEFENSE-VETERANS AFFAIRS JOINT EXECUTIVE COMMITTEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BOOZMAN) is recognized for 5 minutes.

Mr. BOOZMAN. Mr. Speaker, I rise today to introduce a bill that would greatly expand the mandate of the Department of Defense-Veterans Affairs Joint Executive Committee. This committee would be tasked to oversee the realm of collaborative efforts of not just health, but also benefits and other areas to promote increased resource sharing between the two departments.

While statutory authority to allow resource sharing has existed for more than 20 years, the latest figures tell us that the level of sharing between the VA and DOD remains relatively low. The Federal Government can and must do more to increase resource sharing whenever and wherever feasible.

This bill would allow the Joint Executive Committee to identify changes in policies, to improve services, efficiencies and opportunities for collaboration in order to deliver benefits and services to beneficiaries of both departments. Inefficiencies and duplication not only waste taxpayer dollars, they shortchange military personnel, retirees and veterans seeking the services offered by VA and DOD.

I believe the expansion of this Joint Executive Committee would facilitate necessary discussions and decisions that will ultimately lead to greater efficiencies within and between the two departments. I would like to thank the gentleman from New Jersey (Mr. SMITH) of the Veterans Affairs Committee for his cooperation in developing this very important piece of legislation. It is time that these departments seize the opportunity and take full advantage of the benefits that come from sharing their extensive resources.

EXTENDING THE TEMPORARY EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise today to bring attention to the many hard-working families in our country that cannot make ends meet as this economy slows and the job market continues to weaken.

□ 1615

These families are the main reason we must absolutely extend the temporary emergency unemployment compensation program, TEUC; and they are the reason we must do it now. With the current high unemployment rate of 5.8 percent, unemployment benefits are the same as when the TEUC program was first established in March of 2002, over a year ago, and reextended in January, 2003. Just last week the Department of Labor reported that new applications for unemployment insurance hit the high number of 455,000 applicants for the week ending April 19. This is the highest level in more than a year. And it does not count families who have exhausted their benefits and still are not working.

Mr. Speaker, in March of this year, millions of workers had exhausted their regular unemployment benefits which continues the pattern of the past 24 months, where the numbers of unemployed workers receiving aid is absolutely and actually increasing. Mr. Speaker, there is no question that there is a real need for unemployed worker relief in this Nation, but we do not need numbers and we do not need statistics to alert us to this growing problem. Just listen to the words from letters I have received from my constituents in the Sixth Congressional District of California. And when the Members hear their words, they will know that there is immediacy for additional unemployment insurance benefits, and they will know that it is important that people in districts like mine, Marin and Sonoma Counties, where the unemployment is not as dire as some other areas in the country, still have needs as well as the rest of the Nation.

One constituent writes: "I have a master's degree and have not been able to find work. I also deal with a chronic illness. I find myself applying for food stamps and soon will be unable to pay any bills. I'm not sure I will have a roof over my head before long. A lot of people are having a very difficult time. Please try to make unemployment benefits a top priority."

Another writes: "I have been actively seeking work since the end of March, 2002, without success. I am a 55-year-old man who has never had a problem staying fully employed until this year. I have never before been affected by the reluctance of employers to hire older people. That, coupled with the stagnant economy, has made my ability to earn a living terrifyingly difficult. Unemployment compensation has kept food on my table for my family, but I worry what will happen next month."

These letters show how desperately workers need help. They need help just to keep their heads above water so their families can have the food and shelter they need to be healthy and safe, so their families can eat while their parents continue to search for work.

It is important that this Congress take action to make sure no family goes without basic needs like food or money for bills. That is why I support the gentleman from New York's (Congressman RANGEL) bill, H.R. 1652, the Unemployment Benefits Extension Act. This would provide 26 weeks of extended benefits through November, 2003. The consideration of this bill is critical as many unemployed workers once again find themselves reaching the end of unemployment benefits. If these benefits are not extended, in most States workers exhausting their regular benefits after May 31 of this year will receive no further assistance.

Extending these benefits would also give the economy a boost, Mr. Speaker, because unemployed workers would have money for purchases. Otherwise, without these benefits, these workers, unemployed workers, will have to curtail their spending, which would weaken the economy and continue the domino effect, causing even more job loss.

Economy.com analysis found that extension of the Federal unemployment insurance benefits would be the single most effective action that Congress could take now to boost the economy and protect jobs.

TERRORISM

The SPEAKER pro tempore (Mr. FEENEY). Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, I wanted to take this opportunity to comment on some recent developments in the Middle East.

Yesterday President Bush, the United States, and others in the so-called "quartet" presented a roadmap for Middle East peace. There has been a lot of talk about the roadmap, a lot of euphoria about a new Palestinian leadership with Abu Mazen; but I wanted to take some time just to backstep a little bit and, in this rush to euphoria, talk about some very, very serious things.

Everyone wants peace in the Middle East, and everyone knows that ultimately the key to peace is having two states side by side, Israel as a Jewish state and a Palestinian state side by side with security. The question is how do we get there? Oslo, which many of us supported, ultimately was a failure; and in my opinion it was a failure because Yasser Arafat's feet were never held to the fire. There were promises. There was empty rhetoric. There was saying one thing in English that sounded good and quite another thing in Arabic to the Palestinians that did not talk about peace; and we looked the other way because we so much wanted peace between Israelis and Palestinians that we never made Arafat's actions live up to his speech.

We should not make the same mistake again. Yes, there is a new Palestinian prime minister named Abu Mazen; and, yes, there is a modicum of hope that Abu Mazen will be a moderate. But the fact of the matter is as long as there is terrorism in the Middle East, as long as there is no Palestinian crackdown on suicide bombers or on terrorism, as long as terrorism is still attempted to be used as a negotiating tool by the Palestinian side, there can never really be peace.

At the end of the Oslo process, there was a proposal put forth. The proposal was two states side by side and the Palestinians were offered 100 percent of Gaza, 97 percent of the West Bank, a state of their own, billions of dollars of international aid; and Yasser Arafat turned down the deal. Not only did he turn it down and not offer a counterproposal, but he unleashed the Intifada and thought he could use terrorism as a negotiating tool. If that happens again, the roadmap will go the way of Oslo, which is nowhere.

So what needs to happen here is there needs to be a crackdown on terror. There needs to be a real visible, sustained antiterrorism effort on the part of Abu Mazen and the Palestinians. It is no coincidence that three hours after the roadmap was announced there was another suicide bombing in Tel Aviv, which killed three innocent people and injured 40-some-odd other innocents. This cannot be left to stand. We have to judge Abu Mazen by seeing if he really cracks down on terrorism. That has to be first.

I believe that the roadmap should be performance based, not time based. A Palestinian state projection is in 2004 and then in 2005 the final status. That should happen only if the Palestinians live up to their agreements, which they had not done previously under Oslo. Once terrorism is stopped, then the Israelis can make the concessions that are also necessary in order to have a just and viable peace. But let me make it clear, there cannot be negotiations or Israeli concessions while terrorism is still being used as a negotiating tool.

Let me also talk a little bit about Syria. I am the author of the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003, and we call to the Syrians to stop their support for international terror. Hezbollah, which is in Lebanon's south/Israel's northern border, is used as a proxy by Syria to continue its support of terrorism. Hezbollah is the group which bombed U.S. Marines in 1983 and killed more than 200 of our Marines in Beirut. Syria must stop its support for international terrorism. Syria is on the list of countries of our State Department which supports international terrorism. Syria has been on that State Department list since the inception of the list in 1979, and yet it is the only country with which we have normal diplomatic relations on that list. That makes no sense. So the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 calls on Syria to stop its support for terrorism, to end its occupation of Lebanon, and to end the continuation of its production of weapons of mass destruction.

We also know that Syria is harboring some of the Saddam Hussein crowd which has fled Iraq and is in Syria, and we also know that during the war in Iraq the Syrians allowed all kinds of armaments and weapons and night goggles and other things to pass through

Syria into Iraq to be used against U.S. forces.

President Bush has gotten tough with Syria. Colin Powell is visiting Syria. We hope he tells the Syrians to stop their support of terrorism.

WALL STREET ROBBER BARONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I have never met New York's Attorney General Eliot Spitzer, but on behalf of the citizens of Ohio, I want to thank him. The people of New York should be very proud of their Attorney General, Mr. Spitzer, for he is bringing to justice the robber barons of Wall Street who stole the money in our 401(k)s, who lied to our shareholders about the worth of various investments, who issued fraudulent reports about the value of stocks, and frankly destroyed a great deal of the confidence of our people in our so-called free markets. In fact, some might say they have been a free-for-all market. Some might say what these Wall Street fellows have done is a big heist, a big heist right out of people's pocketbooks and a big heist right out of people's dividends. Because of work that he did, and our Securities and Exchange Commission following behind, the regulators found fault with every single investment banking firm on Wall Street.

I want to include in the RECORD much of what they said: "Analysts wittingly duped investors to curry favor with certain corporate clients. Investment houses received secret payments from companies they gave strong recommendations to buy. And for top executives whose companies were clients, stock underwriters offered special access to hot initial public offerings."

It really is staggering, when we think about the recession that we are in, about the malfunctioning of our own stock markets which lie at the heart of this free enterprise system that has been hijacked time and again.

□ 1630

It started with Enron. Then we saw WorldCom. Then it was Tyco. Now it is every single money manager on Wall Street that has your money.

So far, they have been fined as follows: $400 million is to be paid by Citigroup; $200 million each by Credit Suisse and Merrill Lynch, which included an earlier Merrill settlement of $100 million in fines; $100 million in fines by Goldman Sachs; $80 million in fines by Bear Stearns; $80 million by JP Morgan; and fines of the same amount to Lehman and to UBS Warburg; $32.5 million in fines by Piper Jaffray. These are names we see advertised in our newspapers. They have got enough money to buy ads all over the country, yet they take your hard-earned money and they gamble it away.

I have to ask myself as a Member of Congress, I am not going to trust those folks with the Social Security funds of this country. Do not tell me to put our people's hard-earned dollars in that stock market that you cannot trust from one day to the next, and do not ask this Member of Congress to vote for a Bush administration tax scheme that rewards some of the same fellows that just ran away with our money in our own equity market. Why was not anybody watching? Why did it take so long?

Now, they tell you anything to get your money. That is what Mr. Spitzer found. And they did tell you anything to get your money. The news articles really say everything. What jumps off the page in the documents is the Wall Street firms' utter, utter disregard for the individual investor in pursuit of their own personal benefit. These are institutions that are supposed to be working for us, and they all, not one, not two, all, the major firms on Wall Street failed the American people.

One investor told a colleague he was trying to make the company look good with his questions. A few moments later he said, "We got paid for it, and I am going to Cancun tomorrow because of what I did." That is someone that took your money.

Here is somebody, Sanford Weill, Citigroup's chairman. He persuaded an analyst to change a rating. This is not some guy in the back closet. This is the head of the largest investment banking firm in this country.

What are they doing up there? What is the matter with them? You know how many people in my district have lost their retirement savings in the 401(k) plans alone? These are the highest paid people in our country that the Bush administration is about to open up the Treasury for. They do not deserve a dime. They ought to pay more of it back to us for what they have done.

Mr. Speaker, I congratulate Attorney General Elliott Spitzer of New York. He is a hero in my book.

Mr. Speaker, I include the three newspaper articles for the RECORD.

[From the New York Times, Apr. 29, 2003]

TEN WALL ST. FIRMS SETTLE WITH U.S. IN ANALYST INQUIRY: AGREE TO PAY $1.4 BILLION

(By Stephen Labaton)

WASHINGTON, APR. 28.—Prosecutors announced a settlement today with the nation's biggest investment firms that bars the heads of the largest bank from talking to his analysts, details a far greater range of conflicts of interest than previously disclosed, and leaves the industry exposed both to further regulation and costly litigation.

The $1.4 billion settlement by 10 firms and 2 well-known stock analysts reached tentatively last December but completed in the last few days, resolved accusations that the firms lured millions of investors to buy billions of dollars worth of shares in companies they knew were troubled and which ultimately either collapsed or sharply declined.

The Securities and Exchange Commission, state prosecutors and market regulators accused three firms in particular—Citigroup's Salomon Smith Barney, Merrill Lynch, and Credit Suisse First Boston—of fraud. But the thousands of pages of internal e-mail messages and other evidence that regulators made public today painted a picture up and down Wall Street of an industry rife with conflicts of interest during the height of the Internet and telecommunications bubble that burst three years ago.

At firm after firm, according to prosecutors, analysts wittingly duped investors to curry favor who corporate clients. Investment houses received secret payments from companies they gave strong recommendations to buy. And for top executives whose companies were clients, stock underwriters offered special access to hot initial public offerings.

"These cases reflect a sad chapter in the history of American business—a chapter in which those who reaped enormous benefits based on the trust of investors profoundly betrayed that trust," said William H. Donaldson, the new chairman of the Securities and Exchange Commission. "The cases also represent an important new chapter in our ongoing efforts to restore investors' faith and confidence in the fairness and integrity of our markets."

In a reflection of regulators' concerns about the prospect for conflicts of interest at Citigroup, Wall Street's biggest bank, the settlement bars its chairman and chief executive, Sanford I. Weill, from communicating with his firm's stock analysts about the companies they cover, unless a lawyer is present.

But the regulators found fault with every major bank on Wall Street.

In addition to the three firms accused of fraud, five others—Bear Stearns, Goldman, Sachs, Lehman Brothers, Piper Jaffray and UBS Warburg—were accused of making unwarranted or exaggerated claims about the companies they analyzed. UBS Warburg and Piper Jaffray, were accused of receiving payments for research without disclosing such payments.

And Salomon Smith Barney and First Boston were accused of currying favor with their corporate clients by selling hot stock offerings to senior executives, who then could turn around and sell the shares for virtually guaranteed profits.

The two banks agreed to end that practice, known as spinning.

In settling the cases, the firms neither admitted nor denied the allegations, following the standard practice in resolving such disputes with the commission.

In monetary terms, the $1.4 billion in fines, restitution and other payments equals nearly 7 percent of the industry's profits last year, which was Wall Street's worst year since 1995. Of that sum, $387.5 million will go to repaying investors who file claims with the government. But armed with the regulators' findings, lawyers are sure to seek many times that total in private litigation.

The firms also agreed to abide by what officials said were significant new ethics rules and to build barriers between investment bankers and stock analysts in hopes of relieving analysts from the business pressures that many succumbed to during the 1990's. For example, the compensation of analysts is to be based on the quality of their research, not their contribution to the firm's investment banking business.

As part of the agreement, two analysts whose fortunes rose with the markets, Jack B. Grubman of Salomon Smith Barney and Henry Blodget of Merrill Lynch, agreed to lifetime bans from the industry, along with significant fines.

The singling out of Mr. Weill stemmed in part from his efforts to try to influence Mr. Grubman to change his view of AT&T—a Citigroup client that had Mr. Weill on its board—to positive from negative. He and Citigroup's other senior officers—whose contacts with the banks' research analysts are also restricted under the settlement—were the only Wall Street executives to agree specifically to such a prohibition. Any top Wall Street executive directly involved in investment banking, however, would be barred from discussions with his company's analysts under the terms of the agreements.

For all the anticipation of today's announcement, the voluminous record of complaints and damaging evidence left many unresolved questions for both investors and the securities industry.

Foremost among those was what long-term impact the settlement will have on the culture of Wall Street, the integrity of stock analysis and the confidence of investors. Concerned that the settlement might not be far reaching enough—and might also have unintended consequences—officials at the S.E.C. are considering the adoption of a new set of regulations governing stock analysts.

"It's critically important that we now step back and thoroughly examine the issues," said Harvey Goldschmid, one of the commissioners. Wondering whether the settlement might discourage research for smaller markets, he added, "No research is certainly better than skewed research, but honest research would be even better."

Critics who fear that the settlement falls short of protecting investors said that they welcomed further efforts by regulators.

"What they have imposed is a solution where they will try to regulate behavior, ethics and business practices," said Scott Cleland, the chief executive of Precursor Group and a member of a coalition of small research firms without ties to investment banks that have been seeking broader changes. "What they didn't do is address the conflict at its source—the commingling of trading, research and banking commissions."

"The analogy is that if this were an operating room, they disinfected everything but the scalpel," Mr. Cleland said. "The scalpel is left dirty."

While providing $375.5 million in restitution that can be sought by investors, the cases leave unresolved how much investors might ultimately recoup after relying on the analysts to make what turned out to have been calamitous investments. Federal and state officials said today that one aim of the settlement was to shake out enough strong evidence to assist shareholders in private lawsuits and arbitration efforts.

"This is very much the beginning," said New York Attorney General Eliot Spitzer, whose early inquiry into conflicts on Wall Street prompted federal and market regulators to begin focusing on the issue—and who supporters say might try to ride his success in the case to the governor's office in Albany. "One of our objectives was to put information into the marketplace to permit investors on their own to seek relief."

Wall Street executives acknowledged that the findings of the regulators would probably draw more lawsuits against their firms.

"It's sort of like throwing a party and inviting a lot of people in, isn't it?" E. Stanley O'Neal, Merrill's chief executive, said at the firm's annual shareholders meeting in Plainsboro, N.J.

Government officials also emphasized today that the settlements did not preclude them from further investigation—pointedly noting, for example, that they were examining whether any top executives at the investment firms had failed to adequately supervise the analysts.

"Just wait," said Stephen M. Cutler, the head of enforcement at the commission and a leading architect of the agreement.

In addition to the restitution, the firms also agreed to pay $487.5 million in penalties, $432.5 million to fund independent research, and $80 million for investor education. Mr. Blodget agreed to pay $4 million and Mr. Grubman $15 million to settle the charges against them.

The fines, restitution and other penalties were divided as follows: $400 million will be paid by Citigroup; $200 million each by Credit Suisse and Merrill Lynch (which includes an earlier Merrill settlement of $100 million); $125 million by Morgan Stanley; $110 million by Goldman Sachs; $80 million each by Bear Stearns, J.P. Morgan, Lehman and UBS Warburg; and $32.5 million by Piper Jaffray.

One of the final issues that had been negotiated involved which companies would bear the brunt of the penalties and how much might be covered by insurance policies and deductible from the firms' taxes.

Under tax law, none of the $487.5 million in penalties is deductible, and the firms agreed not to seek reimbursement under their insurance policies.

Prosecutors also inserted a clause in the settlement that might make it harder for the firms to try to deduct any of the $512.5 million in independent research and investor education.

[From the New York Times, Apr. 29, 2003]

IN A WALL ST. HIERARCHY, SHORT SHIFT TO LITTLE GUY

(By Gretchen Morgenson)

Documents disclosed as part of yesterday's settlement show how Wall Street firms, in pursuit of investment banking fees, put the interests of their individual clients dead last.

As an analyst at Lehman Brothers told an institutional investor in an e-mail message, "well, ratings and price targets are fairly meaningless anyway," later adding, "but, yes, the 'little guy' who isn't smart about the nuances may get misled, such is the nature of my business."

In a newly disclosed tactic, Morgan Stanley and four other brokerage firms paid rivals that had agreed to publish positive reports on companies whose shares Morgan and others issued to the public. This practice made it appear that a throng of believers were recommending these companies' shares.

From 1999 through 2001, for example, Morgan Stanley paid about $2.7 million to approximately 25 other investment banks for these so-called research guarantees, regulators said. Nevertheless, the firm boasted in its annual report to shareholders that it had come through investigations of analyst conflicts of interest with its "reputation for integrity" maintained.

Among the firms receiving payments for their bullish research on companies whose offerings they did not manage were UBS Warburg and U.S. Bancorp Piper Jaffray. UBS received $213,000 and Piper Jaffray, more than $1.8 million.

What jumps off the page in these documents is the Wall Street firms' disregard for the individual investor in pursuit of personal benefit.

One comment made by a Bear, Stearns analyst is telling. While participating in a conference call by SonicWall, an Internet company whose shares Bear, Stearns had sold to the public, the analyst told a colleague that he was trying to make the company look good with his questions. A few moments later, he said, "we got paid for this," adding, "and I am going to Cancun tomorrow b/c of them."

But because greed is a part of human nature and human nature seldom seems to change, Alan Bromberg, professor of securities law at Southern Methodist University, remains skeptical that the terms of the settlement will bring substantive change to Wall Street.

"I don't see this as a great reformation," Mr. Bromberg said. "I don't see this as a new world we are moving into. The pressures are still going to be there. Brokerage firms don't make money other than by selling securities so they're going to inevitably be encouraging people to buy and will always have pressures to hype what they think is good or what they're otherwise involved in."

The heaviest penalties in the settlement went to Salomon Smith Barney, Credit Suisse First Boston and Merrill Lynch. Regulators contended that analysts at these firms committed securities fraud by recommending stocks to the public they had expressed misgivings about privately.

But securities regulators also found that all the firms failed to supervise adequately the research analysts and investment banking professionals they employed. They failed, therefore, to protect clients who were basing investment decisions on research that had been written to attract or maintain investment banking clients.

While the symbiotic relationship between Wall Street research analysts and investment bankers harmed investors, it was beneficial to the firms. Lehman Brothers and Goldman, Sachs, according to regulators, encouraged analysts to work closely with investment bankers to generate deals.

Goldman, Sachs aligned its research, equities and investment banking divisions to work collaboratively and fully leverage its limited research resources. In 2000, Goldman noted happily that "research analysts, on 429 different occasions, solicited 328 transactions in the first 5 months" and that "research was involved in 82 percent of all won business solicitations."

Crucial to the firms' failure to supervise themselves was the tendency by their analysts to publish research that was not based on sound analysis or principles of fair dealing or good faith, the regulators said. Eight of the 10 firms that settled—Bear, Stearns; Credit Suisse First Boston; Goldman, Sachs; Lehman Brothers; Merrill Lynch; Piper Jaffray; Salomon Smith Barney; and UBS Warburg—issued such reports. The firms' research also contained exaggerated or unwarranted assertions about companies, or opinions for which there were no reasonable bases.

For example, at Credit Suisse, regulators contend that its analyst covering Winstar, a small telecommunications concern that never turned a profit and that filed for bankruptcy two years ago, failed to disclose the risks inherent in the company. The firm had initiated equity research coverage of Winstar in May 2000, with a "strong buy" rating and a 12-month target price of $79.

Credit Suisse retained the $79 target from Jan. 5 to April 3, 2001, even as the stock plummeted to 31 cents a share from approximately $17 and the company's market capitalization fell to $30 million from $1.6 billion.

Some of the most entertaining reading in the masses of evidence that regulators have made public for use by aggrieved investors in their own lawsuits is the commentary by Salomon Smith Barney brokers about Jack B. Grubman's performance as the firm's top telecommunications analyst.

As far back as 2000, brokers were expressing outrage and betrayal over Mr. Grubman's woeful stock picking, which many noted was related to his dual roles as investment banker and analyst. Yet even as the brokers howled about Mr. Grubman's tendency to keep recommending stocks as they collapsed in price, the analyst retained his job at Salomon until last August.

Here are some outtakes from Salomon brokers late in 2000. Mr. Grubman "should be publicly flogged," one said. "Under the category, Bonus for Creating Tax Loss Carry Forwards for Retail Clients, Grubman should be recognized accordingly as our best analyst."

Many said the analyst should be fired, while another broker said, "If Jack Grubman is a top 'research analyst' then I have a bridge to sell."

Another remarked: "Boo Hiss. Banking showed its ugly head."

During the year these comments were made, Mr. Grubman was paid $14.2 million in salary and bonus.

As a result, Salmon's brokers emerge as yet another group victimized by Mr. Grubman's conflicted status. As one broker, or financial consultant, put it: "Grubman has zero credibility with me or my clients. He is collecting from two masters" at financial consultant expense.

Then referring to investment banking functions, he continued: "He brings IB business to the firm and loses his objectivity. I am sure that nothing will come of my comments. The spin-masters will say that everyone else does it. Is there an honest person left?"

Finding Fraud on Wall St. May Be a Step to Higher Post

(By Raymond Hernandez)

Washington, Apr. 28.—The question was about tax loopholes and whether the 10 securities firms that agreed to pay $1.4 billion to resolve charges of wrongdoing by their research analysts would be able to squirm out of their plight by writing off their fines. It put the men behind the lectern at the Securities and Exchange Commission's headquarters on the spot.

But not Eliot Spitzer. "Maybe I can be a little less discreet," Mr. Spitzer, the attorney general from New York, chimed in. "I always try to be."

With that, he shifted the focus to Congress, urging lawmakers to act to close the loopholes, and insisting his office and the S.E.C. had done their jobs.

"Spoken like a man whose Hill is in Albany and not in Washington," said William H. Donaldson, the chairman of the S.E.C., to laughter.

Mr. Spitzer's hill, some say, is just about anywhere he wants it to be these days, having been indiscreet enough to take on the biggest names on Wall Street during a relentless investigation of securities fraud. For more than a year, he has plunged forward, making cases and headlines along the way, and some say paving his future with stepping stones bearing the names of Henry Blodget, Jack B. Grubman and the like.

At the news conference here today announcing the settlement of the case against the 10 firms, Mr. Spitzer was just one player of many. Nonetheless, it was a defining moment for Mr. Spitzer, who just five years ago took a gamble and used his family's vast wealth to oust Dennis C. Vacco, the Republican attorney general at the time.

As attorney general, Mr. Spitzer revived the long-dormant Martin Act, a 1921 state law giving the attorney general of New York, jurisdiction over securities trading.

Mr. Spitzer uncovered, among other things, damaging e-mail messages among stock analysts at Merrill Lynch & Company, the nation's biggest brokerage firm and a main-stay of New York's financial community. He accused the analysts of urging customers to buy stocks that the analysts believed where losing bets just so that Merrill could curry favor with companies it wanted as clients.

In doing the job, Mr. Spitzer, 43, has followed in the tradition of activist and consumer-oriented attorneys general, like Louis J. Lefkowitz, who set the standard, and Robert Abrams.

But in his prepared remarks, he likened the pursuit of Wall Street evildoers to another crusader, Theodore Roosevelt, the populist Republican president who dubbed himself a Trust Buster and crusaded against unchecked corporate wealth and power.

"We are at a rare moment," he said. "It is akin to the moment we were at 100 years ago."

Before he was president, Mr. Roosevelt was New York's governor, and many say that is the real goal of Mr. Spitzer.

Indeed, many of those who make their living from Wall Street are seething over Mr. Spitzer, blaming him for pursuing scandal at the expense of their livelihoods and New York's economy. Many complain, quietly, of course, that Mr. Spitzer has relentlessly undermined the public's trust in the stock market while boosting his own political fortunes.

Many of Mr. Spitzer's fellow Democrats, however, feel otherwise.

"New York Democrats need someone who can galvanize them," said Hank Sheinkopf, a Democratic consultant in New York who was one of Mr. Spitzer's campaign advisers in 1988. "Eliot Spitzer appears to be that person right now."

"This is not without its perils," Mr. Sheinkopf added. "The danger is that he has angered a large portion of New York's traditional fund-raising base, Wall Street."

Mr. Spitzer, in an interview after the news conference, acknowledged the potential difficulties. "This case has left me without some friends I had before," he said.

But, he said, it might have made him friends elsewhere. "I've got a job to do and I'm going to do it," he said. "I hate to sound overly moralistic, but it's the only way to do this job."

Mr. Spitzer also said it was premature for him to talk about a possible campaign for governor, though people in both parties say he is the man to beat should be choose to run for governor in 2006. "All I can tell you is that I have made no decision about that," he said.

ILLEGAL NARCOTICS PROBLEM IN THE UNITED STATES AND THE WORLD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Indiana (Mr. Souder) is recognized for 60 minutes as the designee of the majority leader.

Mr. SOUDER. Mr. Speaker, tonight I would like to focus on the illegal narcotics problem in the United States, as well as a little bit around the world.

We have several legislative initiatives that are about to come in front of this Congress, including one moving through my subcommittee, the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform, which is the Office of National Drug Control Policy reauthorization bill. The ONDC Director, commonly known as the Drug Czar of the United States, is John Walters. This bill will reauthorize for 5 years the entire oversight of the narcotics programs of the United States.

In addition, in our emergency terrorism bill, we had money for Colombia. We will have in a number of appropriations bills in front of us money for the Andean region and other international narcotics control programs.

So I thought tonight would be a good time to start with my colleagues and staff and others who are watching this discussion, laying out a little bit of the big picture on what we are tackling, mostly focusing tonight on the international drug problem, some on our domestic and some oversight, and then as we move into the markup in the next few weeks in subcommittee and full committee on this House floor, we will be spending a lot more time discussing the millions, and, in fact, billions of dollars that we spend fighting illegal narcotics.

First, it is very important to understand that while tonight we are going to be talking about a lot of international concerns, this is directly a concern that hits every Congressional district. In every city and town, no matter how small or large, drug and alcohol problems in America account for, depending on the judge or prosecutor, 70 to 85 percent of all crime in America. Not just drug crime, this counts robberies, this counts rapes. This even counts child support payment problems, because often the people not making their child support payments, the people declaring bankruptcy, are having problems with drug and alcohol addiction.

The use of illegal narcotics have gone up and down in our country. We will never eliminate them. It is a false goal to say we will eliminate the use of illegal drugs in the United States. There will always be, every day, new kids exposed in junior high, elementary school and high school. Somebody will lose a job. Somebody will have a problem in their marriage, and they will look for a way out. Rather than confronting their problem directly, they will look for a way out. So every day hundreds of thousands of people are exposed for the first time to the temptations of illegal narcotics.

Furthermore, where there is a market, there will be a demand meeting that market, and we will never completely stop this. We have some people in this body and others who say well, if we cannot eliminate it, why are we spending all this money on it?

I would ask the same question about child abuse. I would ask the same question about spouse abuse. I would ask the same question about rape. I would ask the same question about breast cancer and about other types of disease, heart disease and others.

We do it because we need to keep tackling it. We need to make as much progress as we can. Particularly for those things that are controllable by individuals, such as rape, spouse abuse, child abuse, narcotics abuse and other things, we need to stay on top of it so the problems do not get bigger.

It may be that that all we can do is hold it even, and sometimes we will make progress. There has been a lot of misinformation in the United States that we have not made progress on drug abuse. In fact, drug abuse in the United States is way down compared to at the peak point when former President Ronald Reagan and First Lady Nancy Reagan said "just say no." We constantly hear "just say no" being mocked, but "just say no" was the centerpiece of an aggressive program in interdiction, enforcement, treatment and prevention, that in the 1980s had a dramatic reduction.

After the late sixties, where I went to college and early seventies, where you saw an overwhelming majority of kids on the college campuses using marijuana, at least, and Ecstasy and LSD and all these psychedelic drugs, by Timothy Leary and all the romancing of it in the '70s.

In the '80s we made tremendous progress. In the '90s we were making some progress, and it started to level off. From 1992 to 1994 we saw a surge in drug use in the United States that would now, in those 2 years, require us to have a 50 percent reduction to get back to where we were when the former President took office.

Now, that was still a lower point than when the Reagans took over in 1980 and made 10 years of steady progress. The bottom line is it is wrong to say we have not made progress, it is wrong to say that you cannot make progress, and there are points in our American history where relaxed government policies, of joking about inhaling, cutting back drug interdiction, you see it soar, and we have to recover again.

But the trend line over a long period has actually been down, and you would never guess that from all the people who say that there is no hope in this battle. There is hope, but we will never completely win.

Right now, we have a goal annually, according to President Bush, to reduce this by 5 percent a year. To do that, we have to stay aggressive in all fronts and be vigilant in all parts of the war on narcotics, because even that said, we have tens of thousands of people killed every year by the abuse of drug and alcohol.

To give an example of proportion, the World Trade Center disaster, which was absolutely terrible, was around 3,000. In illegal narcotics, it is somewhere between 20,000 and 30,000 a year, depending on how you want to count it.

In my hometown, we see it on a weekly basis practically of a murder, or an accident, or some type of drug-related death, either through murder or through somebody in the highways. Often they get attributed to alcohol. It is usually poly-drug use, marijuana, LSD. Most police departments do not test for Ecstasy or LSD after an accident, and often the people involved have done that. We have had cases of young kids high on multiple different drugs hitting a car. One killed a senior, rolled through the interstate, killed another person. The person high on drugs actually lived through it.

We have had a really visible case in my hometown of Fort Wayne, Indiana, where the conflict got so great that one of the kids, one of the little gang groups, basically took another young person to a field in a rural area and burned them, in effect, at the stake. As one of the other kids at school threatened to bring that up, they took her up and burned her as well. One defended themselves by saying they had a gun at their head and they had to light the match.

This is what people who are whacked out on narcotics will start to do to each other. We see this corruption in every community in America, big or small, and we have to stay vigilant and aggressive.

Now, let me lay out a little bit of the challenge we are facing. The number one entry level, if you are an underage person, it is a combination usually of tobacco, alcohol and marijuana. You start hanging around with kids who abuse those drugs. They are all illegal, and you get in an illegal cluster, and sooner or later somebody is going to expose you to marijuana. The gateway to all other narcotics is marijuana.

Furthermore, we have a terrible misnomer in the United States that marijuana would be forms of what we called historically in Indiana "ditch weed." Some areas might compare it to hemp, where you are looking at THC contents of about 8 percent.

The new marijuana that is on the streets today is not what your "parents smoked," if they did. It is THC contents from 15 to 28 percent. In my hometown of Fort Wayne, Indiana, BC Bud, one of these high form things coming in from Canada, marijuana, and other high grade marijuana, as well as in New York and Boston, sells for the same as cocaine, because its kick and danger to the body, this marijuana, is the same as cocaine and heroin.

It is ridiculous for those who would downplay marijuana. There are wide ranges of marijuana. At the least harmful form, it still causes harm and long-term damage to the body worst than alcohol or tobacco, if you use it regularly. But in the high grades it is more like cocaine and heroin. It is not a harmless substance. That is our number one problem. Number two is cocaine, number three is heroin.

We hear most about meth, because it is the newest, and it is out in the rural areas in particular. So there are many Members of this body involved in the Meth Caucus because it is the newest challenge to those communities.

But the fact is that methamphetamines are not as much of a national threat at this point as cocaine, heroin and marijuana. It is just our fastest growth category, and in my district, as well as elsewhere, we are really going after methamphetamine.

Ecstasy is another synthetic drug that has been at the rave clubs. It kind of goes up and down in fads as do other psychedelic drugs, and it will probably come and go, depending on the awareness of people about it, but there will be replacements in these dance clubs and other places where kids are exposed to the dangers of those.

Now, for cocaine and heroin in particular, there are two major source areas, and for marijuana as well. The two major source areas are the Andean nations, which would be Colombia, Peru, Bolivia, Ecuador, edges of Venezuela and Brazil, and Mexico. There are other primary source countries, but those are the biggest areas, the Andean region and Mexico.

The other areas would include Southeast Asia for heroin, Afghanistan where it was the predominant way that al Qaeda was funded, and the so-called Golden Triangle, a triangle area around Burma, Thailand and China, less so there, and most of those narcotics are moving to Europe, only about 25 percent to the United States, to our West Coast. But it is a direct threat.

Afghanistan is one we have kind of turned the other way on, and, unfortunately, they are replanting the poppy, and because we do not at this point directly going to al Qaeda, we have not been aggressive enough.

Quite frankly, we need to be aggressive with the Northern Alliance and our allies in the Afghan War, not just on those who fought us through the terrorists. It may not anymore be directly funding the terrorists, we are still watching that closely, the Afghan heroin, clearly other times of narcotics are, but we still have to get control of that heroin production in Afghanistan or it is going to flow through the entire world.

We also have Canada that is a major supplier of this high grade marijuana, and also almost all of the precursor chemicals coming in seem to be coming in through Canada right now.

Now, in all fairness to Canada, we are their big exporter. Often this BC Bud, Quebec Gold, meth precursors are coming into the United States in return for cocaine and heroin flowing through the United States. So we are also a drug exporter, and we are the biggest to Canada. So that border is more or less a swap border. Sometimes they trade marijuana for guns.

The Netherlands has become the world center of transporting meth precursors, as well as Ecstasy, and it is a major drug center for synthetic drugs. We also grow a lot of marijuana and manufacture meth domestically, so we are also a primary source country as well as a primary user, although we do not ship, other than to Canada, in most cases, drugs out.

There are many other transit countries. The Bahama islands are a major way that the drugs come up through the Andean region or even Mexico, but mostly through the Andean region. Some of what comes from South America bounces over to Spain, to Madrid, and then bounces back into its United States. We see it come also through Vietnam and places in Southeast Asia that are transit areas.

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But let me look at now some more particulars. This map is a map of Colombia. To orient, the United States is further north, central America comes down, Panama connects to Colombia. Panama years ago was part of Colombia. It was separated by Teddy Roosevelt so we could build a canal there. It is in the northwest corner of South America. It is a beautiful country. It is the oldest democracy in South America. It is mountainous for most of its region, and the Andes start to move up to 20,000 feet down in this region.

Coca grows in the Andean region because you are near the Amazon, the center of the equator; the equator runs somewhere about right in here. So you have damp areas, warm areas that you can grow year-round, and yet you have some mountainous zones where you can get a little bit, not completely wet, but still have plenty of water. In addition, you can have access to the Pacific Ocean and the Atlantic Ocean.'

Furthermore, in this area, heroin poppy grows best at about 12,000 feet, between 8,000 and 12,000 feet, which is why you see it over in Southeast Asia and Afghanistan and why you see it in the Andean region, because these are the places that have been best in the world to grow high-grade coca and heroin poppy.

Colombia is the oldest democracy, and has produced many products that we in the United States use. They are our biggest supplier of flowers. Approximately 70 percent of all U.S. flowers that you buy come from Colombia. Historically, coffee is what you think of. You think of Colombian emeralds. They were our eighth largest supplier or sixth largest supplier of oil until the pipeline came under attack by the narcotics and terrorist groups in Colombia. Now they are net even, but they were one of our primary suppliers of oil. They also export many other products to us. Textiles, all sorts of other types of things.

Their democracy has been steadily undermined by American drug use and, to a lesser degree, European drug use. They have had 30,000 police officers killed in Colombia. They have had constant terrorist attacks. The current President of Colombia who was here yesterday and today and we met with him this afternoon, his father was assassinated by the narcoterrorists years ago. They have made multiple attempts on his life, including when I was at his inauguration, the FARC launched from a Howitzer shells at the building where we were, blew off the corner of the presidential palace during the inauguration. For those of my colleagues who may have read Tom Clancy's book "Clear and Present Danger" or seen the movie, I asked former Ambassador Busby whether the movie was fairly accurate; and he said, mostly, although I did not die like in the movie.

The fact is that they shot and murdered a big percentage of their supreme court. They kill mayors, they kidnap, and they are doing it because of our drug abuse. This was not because they were using the narcotics. It is because we were using the narcotics, providing billions of dollars with which to arm the FARC, in particular, as well as other groups that are providing protection.

Now, in Colombia, President Uribe has made fairly dramatic changes and gone aggressively after the coca and heroin production. I would like a few of these things to be put in the RECORD, because we had a fairly close vote in this House on assistance to Colombia because President Uribe is heavily under attack, he is trying to be aggressive, and lots of misinformation was distributed here about the ineffectiveness of what was happening.

Now, here are a couple of key statistics. Terrorist attacks have increased in Colombia if you flatten the line, but they have in fact gone up and down. And basically they go up when you squeeze the coca and the heroin. So when we read in our newspapers, as there was yesterday and a few weeks ago, as we had a few Americans kidnapped a month or so, 2 months ago, that when we read that, we need to understand that those incidents are increasing when we are successfully pressing on the coca and the heroin.

But, even with that, this government, President Uribe's government in Colombia has increased, almost doubled, the efforts to go after the illegal self-defense groups and so-called paramilitaries; they have gone aggressively after the subversive groups, increasing, in both of those cases, almost doubling the efforts of going after these terrorist groups. They have been so aggressive that while it seems like in the United States that we are reading more about Colombia because we have put money down there, the plain truth of the matter is that since President Uribe started these attacks, though some of them are now getting more publicity because they are in Bogota or they are trying to go after Americans to try to get us to be squeamish, just like they initially tried to do with the attacks in Iraq, by trying not to win a war, but trying to back up the American people so we give up rather than going on through, these attacks have actually been dramatically reduced under President Uribe.

Whether it be kidnapping of mayors, they are down; whether it is kidnappings of people are down, the number of attacks on bridges are down, the number of attacks on schools are down, because they have a President who is being more aggressive and successful. But because of where they are doing some of them, because our attention is up, it seems like it is not working in Colombia when in fact it is working in Colombia.

Let me give an example. One of the business groups from Colombia that was in my office when they were there and they had, a few years ago, under former President Pastrana when we had a so-called temporary peace agreement, they were there and the phone rang and one of them took it and at the school where many of their kids were, a pregnant mom and her daughter had just been trapped on a bridge and kidnapped; and they were each trying to check to see whether it was their family. This happens all the time.

Gabriel Garcia Marques' book, "Diary of a Kidnapper," talks about this particular phenomenon that has just gone rampant in Colombia. But the fact is that as we have a president there and a government committed to going after this, they have actually reduced the number of incidents. The question is, will we in the United States Congress have the courage to continue this pressure, or can they, through public relations and high-profile attacks, convince the American people that we are actually losing in Colombia when we are actually winning the battle in Colombia?

Furthermore, we have had the most dramatic reduction in coca that we have ever seen in Colombia. I have been down to Colombia seven times or nine times, I lose track. I got elected in

1994; I have been there at least once a year ever since then and sometimes twice, particularly the last few years as chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources.

What we see in Colombia is a case like happened in Bolivia and Peru where often we will eradicate one time the coca crop, but we will not stay focused, and because they can grow year around, they come back in with it. What President Uribe has done is he has basically hit these areas three times. Now, you can imagine if you are a farmer, think of it in terms like in the Midwest and Indiana and elsewhere, I am from Indiana, we have soybeans and corn. And if we hit that three times, obviously, the corn growers and the soybean growers would not be happy. They are used to being hit maybe once and going back to a very profitable crop.

Just like kids on our street corners can make $400 as a lookout, but only, say, $6 at McDonald's, so they would rather be a lookout if there is not a punishment. But if you arrest them, if they are afraid they are going to get shot, if there is a penalty for being the $400 lookout, then maybe the $6 at McDonald's is not such a bad deal. You can work your way up and maybe someday get $20. You are never going to get $400 an hour most likely, but you are also not going to kill people with the illegal narcotics.

Well, if there was not any pressure on the people growing it on a steady basis, like they sometimes grew palm heart or pineapples, and then you would see underneath it the coca hiding in the fields. Well, President Uribe has gone aggressively after it. His own wife and two sons at the inauguration afterwards, after they attacked the palace, they were panicked. They know that there is a good chance that their husband is going to be killed, or that they are going to be killed. They talked about coming to the United States and he said, no, we are going to stay here. We are going to go after these illegal drugs. The problem is the United States' problem, but we are going to go after them, because it is wrecking our country too.

When somebody shows that courage, we need to show the courage in this Congress to stand behind them. There are some Members in this body who have gone to towns in Colombia and seen the terror. It is unbelievable. First one group comes through that is the leftist narcogroup, and they kill anybody who is not willing to help them. Then, groups that are often contracted initially to try to stop that group will come through and kill anybody who takes the other side. Pretty soon the group that was supposed to be providing the protection gets into narcotrafficking too, then they fight over who gets to have the little village. Several of my colleagues have visited those villages even this year, and there are several that are still overrun.

But here are the facts. Since President Uribe has taken over in Colombia, they have reestablished control over most of the country. The glass is not full; the glass is half full. It is not emptying out, however; it is filling up, and we are making progress. Now is not the time to turn and run. Now is the time to back up the bold people in Colombia and our advisors down there and say, we are going to go after the illegal narcotics that are killing 30,000 Americans a year, and the biggest pressure point is Colombia. It used to be in the region. In the region, Colombia used to be only 30 percent. But as Bolivia went after it and as Peru went after it, it moved to Colombia. Now, if we can take out Colombia, there is going to be some seepage back.

Earlier this morning I met with a number of members of the Peruvian Parliament, as well as their military navy and army and talked about their worry about spillover. If we are successful in Colombia, will the coca and heroin production move to Peru? Possibly. Possibly to Ecuador. Possibly back to Bolivia where the Cocaleros are fighting really hard and destabilizing the government of Bolivia. But it looks like a lot of it is moving to Venezuela on the north border, because President Chavez has been a weak President. He has been flirting most of the time with Castro, does not have the same commitment to help the United States and to go after terrorists in that nation. They are the biggest trading partner with Colombia. It is right up here on the north border. We have a huge stake in this.

This area right here is the biggest oil provider to the United States or was until Chavez could not keep it flowing. If you go to a Citgo station in the United States, not that long ago, Venezuela was running ads in all of our papers saying we own the Citgo stations. So it was at that point about 12 percent of the U.S. market. To give you an idea, Alaska may be 3, Kuwait may be 2 or 3. Venezuela, in this area of Colombia, has one of the richest oil fields in the world. We cannot let that area be controlled by narcotrafficking. Plus straight to the north you move towards Florida and the Caribbean Sea as far as the transit area into the United States. We have to maintain control in Venezuela and Suriname. And then, in the western side of Brazil where the Amazon basin is, you have mostly jungle, and it is very difficult.

So if we squeeze in Colombia, some of it is going to move in that direction, and some is going to move in that direction, and some is going to move in that direction. So that is why we have an Andean strategy. But the primary focus is Colombia because they are people who have the labs that process it. And it is easiest and the cocaine comes into the United States cheapest and purest if it comes out of Colombia. If we scatter them, at least we will get the prices up and the purity down.

I next want to move to the Caribbean Sea. As it comes out of the Andean region, it can move several ways. About a third moves through the Caribbean Sea, about two-thirds through Mexico. And when it comes into the Caribbean out of Colombia down here, it moves up; and the biggest vulnerability we have are all of these Bahamian islands. There are a thousand islands. They can pick which island they want to come in on. By the way, everything I say today about narcotics and narcotics terrorists are also true about Islamic or any kind of terrorists; IRA, anybody who wants to hit us. Because if we cannot find a drug person coming in, we also cannot find an al Qaeda person coming in. If we cannot find an illegal immigrant coming across the Mexican border, we also cannot find an al Qaeda person coming across the Mexican border. It is one and the same.

So when we are talking about illegal narcotics and we are talking about terrorism, we are not only talking about the primary way terrorists are funded, we are talking about how they get into our country. And while we do not talk about specific incidents, let us just say we have been intercepting them coming in the south and the Mexican border as well as the primary method which would be the Canadian border or our airports. But as they come through, you have major points. Dominican Republic. They have huge networks of Dominicans in the United States where they can hide among. Most Dominicans would not be involved in drug trafficking; but where there are big communities, a few people can get involved with that. Similar with Jamaican communities, and similar with Puerto Rican communities.

□ 1700

So in certain areas, for example Jamaica is the primary transit to England. In this sea of islands, some are very small. Some are Dutch, French, Spanish, Portuguese. Most of those countries are part of the European Common Market.

What Libya, for example, has figured out is that if they move people into these islands, in a period of years they become citizens of those islands. When we look at their visas to try to see if they are part of a terrorist-supporting nation, such as Libya, they do not show up as Libyan; they show up as European.

For example, Curacao is Dutch. If they can get citizenship on a Dutch island and get European citizenship, we do not flag them in our system as Libyan; they are going to look like they are Dutch. It is a vulnerability on the south that we are going to have to figure out in terrorism as well as in narcotics. But the Caribbean Sea is one of our vulnerabilities.

Another, and the biggest transit point for most of the United States, is Mexico. Under President Vincente Fox, there has been a dramatic improvement in Mexico. It is still, bottom line, a mess; but a dramatic improvement. Their police forces are paid virtually nothing. Compared to the couple hundred thousand dollars they can be offered to let a semi load of narcotics go through, their salary is nothing. It is a fraction of the U.S. salary. Even U.S. salaries can be overwhelmed with the dollars that are being offered, so we have had an incredible corruption problem along the border.

The President of Mexico, understanding that this was a tremendous pressure, has located additional forces there. He is aggressively trying to clean up the forces, but this is a huge challenge.

Let me talk a little bit in particular about that fact that we have had a series of hearings on the north and south border looking at homeland security issues. I also now serve on the new Select Committee on Homeland Security. We will be holding a hearing in the Buffalo-Niagara area in conjunction with my Subcommittee on Criminal Justice, Drug Policy and Human Resources, which also has oversight over the Justice Department and other agencies, and the new Subcommittee on Infrastructure and Border Security chaired by my colleague, the gentleman from Michigan (Mr. CAMP). We will be holding a hearing up on the north border.

We have just held a hearing over here on Tohono O'odham Indian Nation lands in southwest Arizona, and then just during the last break we were down at El Paso where we had a hearing and spent about 4 days on the Texas border.

Let me describe some of our challenges on this border.

Starting with California, San Isidro by San Diego is the biggest human cross point. More people cross at San Isidro than anywhere else. It is easy to hide to some degree just because of the sheer volume of people. But because we have a fence there now, we have changed some of the dynamic. Years ago, I believe in my second or first term when I was down in the area east of San Diego, I saw, at about 2 in the morning, approximately somewhere between 800 and 1,200 people massed, ready to make a dash for the U.S. border.

Their penalty if we catch them is that they are detained to see if they have any other violations, and then they are sent back. I learned they had packages for $1,500 or $2,000 where you can get guaranteed that in 7 days you would make it through to the United States or you got your money back. That sounds ridiculous, but why would you not start to offer those packages? Why would capitalists not start to offer that if there is no penalty for constantly crossing, other than if you have another crime?

Now, the fact is that what I saw that night was people playing frizbees, eating their picnic lunches. For that package they get a place to sleep, two meals, and they are guaranteed to make it in 7 days. Like I say, that was about 6 years ago.

Over in Texas, we ran into the same thing. I think it is now $2,000 guaranteeing the crossing in Texas. It does not always work, by the way. We are starting to crack down on those kinds of things. In particular, we are going after the people who are doing the packages. The fact is that those types of market things will develop.

Unfortunately, some of the people now, because we have tightened the fence here and we do not see that massing, they used to mass to about 1,200 and make a run at the five Border Patrol agents they would see, and most would not even get stopped.

But as we put the fence up, as we passed more Border Patrol agents, we have moved it to the open lands, so at the Tohono O'odham Nation, west of Nogales and east of Yuma, in Arizona, in that area, west of Nogales and east of Yuma, we have basically sand. We have an Indian nation, and we have the Organ Pipe National Monument, where a ranger was killed in a shootout, one of the first of the rangers killed, a national park ranger. We have a fish and wildlife area, and we have a little bit of the Barry Goldwater Air Force range where they do bombing runs.

Now, what happens, because we have done a better job of sealing off Nogales, a better job of sealing off California, we are starting to make some progress over in the eastern side of Arizona in Douglas. What we see are these people who sell these packages and others trying to make a run through the desert. As we drove along this border a little over a month ago, we could see the people huddled getting ready to make their late afternoon run. We could see the fences cut.

There was one area where it was just hard for me to conceive of this happening. Unless Members see it with their own eyes, they may not believe it either. This is how bold some of the people on the border are. We have a barbed wire fence along the border. At one place, the farmer on the other side was having trouble keeping his cattle in, so he took the fence from our border, put it across the road that runs across and over on his land in Mexico.

We have not moved the fence back to the U.S. side because in fact it is serving a good purpose. At least it is not getting cut this way. They go around the Mexican farmer, they go on the road, they have a clear way in, but it has detained more people on the Mexican side than it did on our side. But think of the boldness to actually steal the fence, move it, and claim it as their own property when it is a United States Federal Government protection border.

It is snipped. We can see where they will make the runs in along the wash. One of the most popular hiking trails in Arizona is basically sealed off right now because so many illegals are moving through, and it is so violent and so many drugs are moving through that area it is not safe to backpack there right now. You can see discarded milk cartons, the larger plastic containers. If they are clear, it meant they were water; if they were black, it meant they were narcotics for a pick-up. We see trash all along the border as they discard it and move.

Also, the poor illegals who are coming across are often misinformed. They have been dumped here on the border or have been told it is just a couple hours' walk to Phoenix. It is a couple days' walk to Phoenix across desert with no water or food, and we are having tremendous human casualties in this area because of the misinformation of the people who want to take advantage of the people who are coming across.

When we were having the hearing in the little town of Sells, Arizona, when Members hear about narcotics busts in their hometown, think about this. We are having a hearing. We have the room filled with people from Phoenix and Tucson. We have, in effect, gathered the Customs and Border Patrol, the DEA, the National Park Service, Fish and Wildlife, the local police, the State police in the town of Sells, which is a town of 5,000 people, or maybe 10,000 at maximum. And I may have doubled their population at 5,000. It is a relatively some small town, capital of the Tohono O'odham that used to be the Papago. This Tohono O'odham capital had been complaining that as we squeezed other areas, drug runners were running through and destroying their Native American culture.

While we were having the hearing, showing the stupidity of drug runners, if nothing else, they had one bust of 300 pounds, one bust of 500 pounds, one bust of 400 pounds; and at 100 they don't even bother with them. Later that night, a run of seven SUVs as we were leaving were coming across the border. They had two Blackhawks on them and another helicopter chasing them. They got most of them. One shot his way out. They got, I think, another 500 pounds.

To put it in perspective, think of 500 pounds, and then take that in one day what they managed to catch was close to, I think, 1,400. The previous rest of the year had been 1,500. The previous year had been approximately 1,500. In other words, it has gone so exponentially to that open area.

We do not really know how much is coming across these borders. Furthermore, remember, in addition to funding the killing in narcotics, they are also funding primary sources for any terrorist networks. As we seize the assets of things like the Holy Land Foundation and other fronts, they move to illegal monies, child trafficking and drug trafficking being the two primary.

Secondly, wherever you can move narcotics, you can move weapons of mass destruction or anything else. In other words, if we cannot stop one, what makes us think we can stop the other? That is why we need to be more aggressive. That is why the President created the Department of Homeland Security. That is why he put Border Patrol, Customs, and Coast Guard agencies in the Department of Homeland Security, which is really the Department of Border Security. It does not have FBI, CIA. It is predominantly to focus on the border. We have to get control of this border.

The Mexican border with Texas is a huge problem, as well. Long-term, we are going to have to have some realistic discussions about immigration strategies in the United States, because every State has been benefiting from having many of these low-income workers come in and take jobs that Americans do not want to take.

We have duck and chicken processing plants in my district; and there is very little English spoken there, and not very many people who speak English will apply there. If we go to a gas station or motel almost anywhere in the United States, there are not a lot of people willing to take those jobs, just like our ancestors as they came in as immigrants took those jobs. We have to figure out how we are going to accommodate in a reasonable way those who want to come here to work and make a living here, most of whom send as much as 50 percent of their income back not only to Mexico, but Guatemala, Honduras, Ecuador and other countries; and those who are coming in for illegal purposes to sell narcotics or to terrorize our Nation.

If we cannot make that distinction between those who want to be law-abiding but are violating the immigration laws and have some kind of balance here, what we are going to have is just huge holes in our system that will move around, and we will never have enough money to seal this big a border.

Now, this is, to be blunt, nothing compared to the problem on the terrorism side, the northern border, where we do not even have sand to serve as a deterrent, or the Rio Grande River. From Glacier National Park in Montana to Lake of the Woods in Minnesota, we have thousands of miles of basically flat, open land.

The good news is if a terrorist walks across in northwest North Dakota we can probably see him from about 500 miles away. The bad news is that that is about how far it is to the next policeman. It is a huge challenge in these big open spaces of the Northwest as we look how to control, and as the narcotraffickers and other terrorists probe to see where our vulnerabilities are. We are constantly changing. We have a lot of methods they do not see, but we have to be aggressive.

We have intercepted, on the terrorist side, probably 125-or-so attempts at us since 9-11. It is because we have done a better job of sealing our borders. With the PATRIOT Act, we have done a better job of getting people who are suspects who then talk about other people and breaking up the networks.

Let me give the most famous example on the Canadian border, the Millenium Bomber. Had he succeeded at LAX Airport, more people would have died than at the World Trade Center. But he was intercepted, but it showed us how these networks worked.

He was in Montreal and back and forth from the United States apparently multiple times. We do not know how many. He is the person who identified some of the al Qaeda cells later, because after we captured him, he decided to sing; and it was not the national anthem. He fingered the networks of other places and other people.

He had rented a car in Montreal, drove across all of Canada over to the West to Vancouver, then took a ferry from Vancouver to Victoria, then took another ferry in the late afternoon to Port Angeles, a small city in northwest Washington State right outside of Olympic Park.

There Deanna Dean and the other Customs agents detained him. They thought he seemed nervous so they asked him a few questions. When they sealed his car, he decided to make a run for it. They intercepted him. They brought him back.

They opened his trunk, and they thought they had a meth lab. It had lots of white powder substances, a couple of big gallon jugs of some kind of materials. They carried it to their local station. It turned out it was two huge jugs of nitroglycerine, with maps of LAX Airport. He told of his plans, how he was to meet somebody else.

Now, think of the challenges when somebody is willing to rent a car and move clear across the country, take two ferries, come late in the afternoon to a town of 14,000, and drive all the way from Seattle to Los Angeles to meet up with somebody else to do the attack; but we got him. The good news is that we were successful. The bad news is it is going to be hard to get all of them.

What is true for narcotics, what is true for illegal immigration, is also true for terrorism. We have to be vigilant on the north border as well as the south border.

Detroit and Buffalo are the two biggest places where we have transshipments of goods. In Fort Wayne, Indiana, in my hometown, the GM plant, according to a former GM official, there are 100 crossings from Canada to the U.S. involved in the making of every pick-up, the largest pick-up plant in the United States.

We cannot squeeze trade; we are too interconnected. We have to figure out how to do personal clearance systems, how to make sure they are monitored, how to have more VACA systems so we can see inside the trucks; so we have more drug dogs, bomb dogs, more methods to detect radiation devices. We have to make sure that our borders are secure from multiple threats to the United States, and the Canadian border is one of those critical things.

We have had multiple meetings, and this hearing in Buffalo will include several Canada parliamentarians, as did the one in Seattle and British Columbia, and the one in Quebec-New York and the Vermont border.

We have huge problems on the north border that are actually growing. On the South border it has been open for a long time, and we are actually making that a little more secure. I am pleased that the Canadians are working with us, as well as, better than in the past, the Mexican authorities, although that is still problematic.

Let me talk a little bit about a few other issues. I have spent most of the time on our borders and on the transit countries, but I want to conclude here with a few minutes looking at the ONDCP reauthorization, the Office of Narcotics Drug Control Policy.

□ 1715

We have to be aggressive on the domestic side as well as the interdiction side. And as we look at this reauthorization, in addition to the Colombia money we will see, in addition to the Office of Drug Control Policy and the State Department, in addition to the multiple problems in the Justice Department, drug czar John Walters oversees a broad range of programs. Several are specific inside ONDCP. One is the HIDTAs, the High Intensity Drug Trafficking Areas. To some degree this program has been diluted. While they are meritorious programs, these were supposed to provide our primary protection. And unless Members of Congress and the American people understand some of what we laid out tonight, they will not understand what the purpose of a HIDTA is.

Every area has a drug problem. Every area drug tracks. If you are in the southwest border, they will come across. If you are in Dallas, they will come through. If you are in the Midwest they are transiting through. Furthermore, if you are in a city like Chicago, you become a supplier not only to Chicago but the Midwest. If you are in a city like Fort Wayne, you become a supplier not only to Fort Wayne, but the mid-sized cities around it like Muncie, Anderson, and Warsaw. If you are in Muncie you become a supplier to the mall. So every area is a drug trafficking area.

But what was the point of this program? It was for the high intensity drug trafficking areas so we could, before it gets to the Midwest, seize the stuff at the major ports and major ports of entry. But this has become a pork program where everybody wants a HIDTA. Therefore, once everybody has it, it is not that it is not doing good work, but we are losing the point of the program which was to seize it at the highest intense area before it got to those areas.

We are going to be looking at some of those hard issues and lots of Congressmen are going to receive local pressure to say, oh, we have a drug problem. We know that. That is why we have community drug initiatives. That is why we have all kinds of prevention programs. That is why we have drug free workplace bills. That is why we have drug free school bills. We have local law enforcement. State police. This was a program intended particularly for the southwest border and the major drug trafficking areas so that it did not overwhelm us at the local level.

Next, the National Ad Campaign. The National Ad Campaign has served a valuable function to make Americans more aware of the problems of drug use. We are inundated, with all due respect, by rock music, by much of what we see in the movies. I saw an article, I think it was yesterday, saying that we thought that the heroin look was out, but they are praising this new group that is coming in that has this emaciated death look that once again promotes intense drug use in the United States by promoting a look and an action that you get from basically destroying your body.

To combat that we have to have an organized effort such as the anti-terrorism campaign which was very successful in making that link, the current anti-marijuana campaign which is one of the least understood issues in America, the dangers of this particular hydrochloride impact marijuana has on America. We need to make sure that ad campaign is functioning and targeted. We also have a very important technology transfer program to make sure that local law enforcement gets the equipment that they need to be able to battle in these HIDTA areas and also at the local area.

I have many small towns ranging from a couple thousand people up to 15,000 people that have been particularly pleased with the technology transfer program because they would not, in their small budgets, have been able to afford the type of equipment that they need to match up with these drug trafficking organizations that have billions of dollars behind them.

So I want to conclude tonight by saying that this problem is complex. Over the next few weeks, we will be talking about this more and more on the floor as these pieces of legislation move. But what I do hope that my colleagues will not repeat on this floor is that we have failed because we have not. We have made steady progress, if you take a line with ups and downs in it for nearly 20 years. We have made steady progress in Colombia and the Andean region. But the more we squeeze the narcotraffickers, the more we squeeze the drug traffickers, the more violence there will be because we are actually hurting business. They cannot just write it off as a bad loss which they kind of do now because they abandon loads. But the more we squeeze them, they will not be able to abandon loads. The more we squeeze them the higher the prices are in the streets. The more we squeeze, the more the purity goes down, the less harmed our kids and families and people are, the more kids will have a dad or mom home that night who is not whacked out on drugs, the safer you will be as you drive down the highway.

This is a very important effort that we were undertaking in Congress. Often it gets lost in all the others. But I hope the Members of Congress will focus on this because every dime we spend is likely to save another life in America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GREEN of Texas (at the request of Ms. PELOSI) for today after 3:00 p.m. on account of family business.

Mr. ORTIZ (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. SANDLIN (at the request of Ms. PELOSI) for today on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. ACEVEDO-VILÁ, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mr. BOOZMAN, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 196. An act to establish a digital and wireless network technology program, and for other purposes; to the Committee on Science, in addition to the Committee on Education and the Workforce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT

Mr. SOUDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 21 minutes p.m.), under its previous order, the House adjourned until Monday, May 5, 2003, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1976. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Tuberculosis in Cattle and Bison; State Designations; California [Docket No. 03-005-1] received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1977. A communication from the President of the United States, transmitting a request for FY 2004 budget amendments for the Department of Defense; (H. Doc. No. 108-67); to the Committee on Appropriations and ordered to be printed.

1978. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bishopville and Lamar, South Carolina) [MB Docket No. 02-197; RM-10509] received April 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1979. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Releasing Part of a Power Reactor Site or Facility for Unrestricted Use Before the NRC Approves the License Termination Plan (RIN: 3150-AG56) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1980. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—West Virginia Regulatory Program [WV-092-FOR] received May 1, 2003, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Resources.

1981. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Quarter I Fishery for Loligo Squid [Docket No. 021017239-2322-02; I.D. 032003B] received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1982. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Spiny Dogfish Fishery; 2003 Specifications [Docket No. 030227050-3082-02; I.D. 020603D] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1983. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 040203B] received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1984. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel and Pacific Cod with Trawl Gear in the Bering Sea and Aleutian Islands [Docket No. 021212307-3037-02; I.D. 032803E] received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1985. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation; Illinois Waterway, Illinois [CGD08-03-009] (RIN: 1625-AA09) received April 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1986. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zones; Passenger Vessels, Portland, Maine, Captain of the Port Zone [CGD01-03-001] (RIN: 1625-AA00) (Formerly 2115-AA97) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1987. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Elizabeth River Southern Branch, AICWW, Virginia [CGD05-03-037] (RIN: 1625-AA09) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1988. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Wiscasset, ME, Maine Yankee Reactor Pressure Vessel Removal [CGD01-03-019] (RIN: 1625-AA00) received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1989. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations; Miami Beach Super Boat Race, Miami Beach, Florida [CGD07-03-041] (RIN: 1625-AA08) received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1990. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Area; Olympic View Resource Area EPA Superfund Cleanup Site, Commencement Bay, Tacoma WA [CGD13-02-016] (RIN: 1625-AA11 [Formerly 2115-AA97]) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1991. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Emmetsburg, IA [Docket No. FAA-2003-14595; Airspace Docket No. 03-ACE-18] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1992. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Hazen, ND [Docket No. FAA-2003-14352; Airspace Docket No. 00-AGL-25] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1993. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Keokuk, IA [Docket No. FAA-2003-14599; Airspace Docket No. 03-ACE-22] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1994. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Fairmont, NE [Docket No. FAA-2003-14195; Airspace Docket No. 03-ACE-1] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1995. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Prohibition Against Certain Flights Within the Territory and Airspace of Iraq [Docket No. FAA-2003-14766; SFAR 77] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1996. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters (Rev. Proc. 2003-33) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1997. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Active Conduct of a Trade or Business (Rev. Rul. 2003-38) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1998. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Gross Income (Rev. Rul. 2003-39) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1999. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in Accounting Periods and Methods of Accounting (Rev. Proc. 2003-34) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2000. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 2003-23] received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2001. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories (Rev. Rul. 2003-42) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2002. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Offshore Deferred Compensation Arrangements [Notice 2003-22] received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2003. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Notice of Significant Reduction in the Rate of Future Benefit Accrual (RIN: 1545-BA08) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2004. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue All Industries Contingent Liabilities (UIL: 9300.17-00) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2005. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2003-45) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2006. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Industry Issue Resolution Program (Rev. Proc. 2003-36) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2007. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Publication of Inflation Adjustment Factor, Nonconventional Source Fuel Credit, and Reference Price for Calendar Year 2002—received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2008. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Exclusions from Gross Income of Nonresident Alien Individuals (Rev. Rul.2001-48) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2009. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Effect of the Family and Medical Leave Act on the Operation of Cafeteria Plans [TD 8966] (RIN: 1545-AT47) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 1261. A bill to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes; with an amendment (Rept. 108–82). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1527. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003 through 2006, and for other purposes (Rept. 108–83). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 281. A bill to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the "Tony Hall Federal Building and United States Courthouse" (Rept. 108–84). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1018. A bill to designate the building located at 1 Federal Plaza in New York, New York, as the "James L. Watson United States Court of International Trade Building" (Rept. 108–85). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 53. Resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; with an amendment (Rept. 108–86). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 96. Resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service (Rept. 108–87). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 128. Resolution authorizing the use of the Capitol Grounds for the D.C. Special Olympics Law Enforcement Torch Run (Rept. 108–88). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FOLEY (for himself, Mr. Capuano, Mr. English, Mr. Camp, Mr. Israel, Mr. Fossella, Mr. Payne, Mr. Goodlatte, Mr. Waxman, Mr. Upton, Mr. Hinchey, Mr. Abercrombie, Mr. McNulty, Mr. Watt, Mr. Engel, Mr. Weldon of Florida, Mr. Michaud, Mr. Serrano, Mrs. Christensen, Mr. Kennedy of Rhode Island, Mr. Hoeffel, Mr. Towns, Mr. Frost, Mr. Allen, Mr. Lynch, Mr. Doyle, Ms. Corrine Brown, of Florida, and Mr. Simmons):

H.R. 1902. A bill to amend title XVIII of the Social Security Act to improve outpatient vision services under part B of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FARR:

H.R. 1903. A bill to amend the Defense Base Closure and Realignment Act of 1990 to improve the surplus property disposal process for closed or realigned military installations; to the Committee on Armed Services.

By Mr. McINNIS (for himself, Mr. Walden of Oregon, Mr. Pombo, Mr. Goodlatte, Mr. Akin, Mr. Alexander, Mr. Ballenger, Mr. Barton of Texas, Mr. Beauprez, Mr. Berry, Mr. Bishop of Utah, Mr. Blunt, Mr. Boehner, Mr. Boozman, Mr. Brady of Texas, Mr. Burgess, Mr. Calvert, Mr. Cannon, Mr. Cole, Mr. Cramer, Mrs. Cubin, Mr. Davis of Alabama, Mr. Doolittle, Mr. Dooley of California, Mr. Duncan, Mrs. Emerson, Mr. Everett, Mr. Flake, Mr. Gallegly, Mr. Gibbons, Mr. Gilchrest, Mr. Gingrey, Mr. Graves, Mr. Green of Wisconsin, Mr. Gutknecht, Mr. Hastings of Washington, Mr. Hayes, Mr. Hayworth, Mr. Hefley, Mr. Herger, Mr. Hunter, Mr. Issa, Mr. Janklow, Mr. John, Mr. Jones of North Carolina, Mr. Kolbe, Mr. LaHood, Mr. Lewis of California, Mr. Linder, Mr. McKeon, Mr. Gary G. Miller of California, Mr. Moran of Kansas, Mrs. Musgrave, Mr. Nethercutt, Mr. Norwood, Mr. Nunes, Mr. Oberstar, Mr. Otter, Mr. Osborne, Mr. Ose, Mr. Pearce, Mr. Peterson of Minnesota, Mr. Peterson of Pennsylvania, Mr. Pickering, Mr. Radanovich, Mr. Rehberg, Mr. Renzi, Mr. Rogers of Alabama, Mr. Ross, Mr. Ryun of Kansas, Mr. Sandlin, Mr. Sessions, Mr. Shadegg, Mr. Shimkus, Mr. Sherwood, Mr. Simpson, Mr. Smith of Michigan, Mr. Souder, Mr. Stenholm, Mr. Stupak, Mr. Tancredo, Mr. Taylor of North Carolina, Mr. Terry, Mr. Thomas, Mr. Thompson of Mississippi, Mr. Thornberry, Mr. Tiahrt, Mr. Turner of Texas, Mr. Tauzin, Mr. Vitter, Mr. Wicker, Mrs. Wilson of New Mexico, Mr. Wilson of South Carolina, and Mr. Young of Alaska):

H.R. 1904. A bill to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY (for himself, Mr. Israel, Ms. Ros-Lehtinen, Mr. Markey, Mr. McNulty, Mr. Frost, and Mr. Crowley):

H.R. 1905. A bill to clarify the authority of States to establish conditions for insurers to conduct the business of insurance within a State based on provision of information regarding Holocaust era insurance policies of the insurer and to establish a Federal cause of action for claims for payment of such insurance policies, and for other purposes; to the Committee on Financial Services.

By Mr. EVANS:

H.R. 1906. A bill to amend title 10, United States Code, to revise the Transition Assistance Program for persons separating from active duty in the Armed Forces to make that program mandatory for all separating members and to provide for the furnishing to such members of information about homelessness; to the Committee on Armed Services.

By Mr. LUCAS of Oklahoma (for himself and Mr. Holden):

H.R. 1907. A bill to amend the Food Security Act of 1985 to ensure the availability of funds to provide technical assistance for certain conservation programs of the Department of Agriculture; to the Committee on Agriculture.

By Mr. DAVIS of Illinois (for himself, Mr. Evans, Mr. Rush, Mr. Jackson of Illinois, Mr. Lipinski, Mr. Gutierrez, Mr. Emanuel, Mr. Hyde, Mr. Crane, Ms. Schakowsky, Mr. Kirk, Mr. Costello, Mrs. Biggert, Mr. Hastert, Mr. Johnson of Illinois, Mr. Manzullo, Mr. LaHood, Mr. Shimkus, Mr. McDermott, Mr. Grijalva, Mr. Edwards, Mr. Moran of Virginia, Mr. Filner, Mr. Frost, Mr. Wynn, Mr. Kanjorski, Mr. Faleomavaega, Mr. Owens, and Mr. Weller):

H.R. 1908. A bill to name the health care facility of the Department of Veterans Affairs located at 820 South Damen Avenue in Chicago, Illinois, as the "Jesse Brown Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mr. ISTOOK:

H.R. 1909. A bill to amend the National Labor Relations Act to provide for inflation adjustments to the mandatory jurisdiction thresholds of the National Labor Relations Board; to the Committee on Education and the Workforce.

By Ms. SLAUGHTER (for herself, Mr. Abercrombie, Mr. Ackerman, Mr. Allen, Ms. Berkley, Mr. Berman, Mrs. Biggert, Mr. Bishop of New York, Ms. Bordallo, Mr. Boswell, Mr. Boyd, Mr. Burton of Indiana, Mrs. Capps, Mr. Capuano, Mr. Cardin, Ms. Carson of Indiana, Mr. Case, Mrs. Christensen, Mr. Cooper, Mr. Costello, Mr. Crowley, Mr. Cummings, Mr. Davis of Florida, Mrs. Davis of California, Mr. DeFazio, Ms. DeGette, Ms. DeLauro, Mr. Dicks, Mr. Dingell, Mr. Doyle, Mr. Engel, Mr. Farr, Mr. Foley, Mr. Frank of Massachusetts, Mr. Frelinghuysen, Mr. Frost, Mr. Gilchrest, Mr. Gillmor, Mr. Gordon, Ms. Granger, Mr. Green of Texas, Mr. Gutierrez, Mr. Hefley, Mr. Hinchey, Mr. Hinojosa, Mr. Hoeffel, Mr. Holt, Mr. Hyde, Mr. Inslee, Mr. Israel, Ms. Jackson-Lee of Texas, Ms. Eddie Bernice Johnson of Texas, Mrs. Jones of Ohio, Mr. Kanjorski, Ms. Kaptur, Mrs. Kelly, Mr. Kennedy of Rhode Island, Mr. Kildee, Mr. King of New York, Mr. Kucinich, Mr. Lantos, Mr. LaTourette, Mr. Leach, Mr. LoBiondo, Ms. Lofgren, Mrs. Lowey, Mrs. Maloney, Mr. Markey, Mr. Matsui, Mrs. McCarthy of New York, Mr. McDermott, Mr. McHugh, Mr. McIntyre, Mr. McNulty, Mr. Meehan, Mr. Menendez, Mr. Mica, Ms. Millender-McDonald, Mr. George Miller of California, Mr. Moore, Mr. Moran of Virginia, Mr. Nadler, Mr. Ney, Mrs. Northup, Ms.

Norton, Mr. Obey, Mr. Owens, Ms. Pelosi, Mr. Platts, Mr. Rangel, Mr. Rothman, Ms. Roybal-Allard, Ms. Linda T. Sánchez of California, Ms. Loretta Sanchez of California, Mr. Sanders, Ms. Schakowsky, Mr. Schiff, Mr. Serrano, Mr. Shays, Mr. Sherman, Mr. Simmons, Mr. Stark, Mr. Strickland, Mrs. Tauscher, Mr. Tierney, Mr. Udall of New Mexico, Ms. Velázquez, Mr. Walsh, Mr. Wamp, Mr. Waxman, Mr. Wexler, and Ms. Woolsey):

H.R. 1910. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOOZMAN (for himself, Mr. Smith of New Jersey, Mr. Evans, Mr. Simmons, Mr. Miller of Florida, and Mr. Rodriguez):

H.R. 1911. A bill to amend title 38, United States Code, to enhance cooperation and the sharing of resources between the Department of Veterans Affairs and the Department of Defense; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMP (for himself, Mr. Doolittle, Mr. Herger, Mr. Hayworth, and Mr. English):

H.R. 1912. A bill to amend the Internal Revenue Code of 1986 to modify the unrelated business taxable income rules; to the Committee on Ways and Means.

By Mr. DAVIS of Alabama (for himself, Mr. Leach, Mr. Ross, Mr. Hinojosa, and Mr. Lucas of Kentucky):

H.R. 1913. A bill to amend the Internal Revenue Code of 1986 to allow a first time homebuyer credit for the purchase of principal residences located in rural areas; to the Committee on Ways and Means.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. Schrock, Mr. Scott of Virginia, Mr. Forbes, Mr. Goode, Mr. Goodlatte, Mr. Cantor, Mr. Moran of Virginia, Mr. Boucher, Mr. Wolf, Mr. Tom Davis of Virginia, Mr. Abercrombie, and Mr. Farr):

H.R. 1914. A bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement; to the Committee on Financial Services.

By Mr. DeFAZIO (for himself and Mr. Bell):

H.R. 1915. A bill to waive the limitation on the use of funds appropriated for the Homeland Security Grant Program; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DeGETTE (for herself, Mr. Nethercutt, Mr. Weldon of Pennsylvania, Mr. Becerra, Ms. Solis, Mrs. Christensen, Mr. Wu, Mr. Honda, Mr. Kildee, Mr. Bonilla, Mr. Doyle, Mr. Kennedy of Rhode Island, Mr. Green of Texas, Mr. Hinojosa, Ms. Norton, Mr. Lewis of Georgia, Mr. Hoeffel, Mr. Gutierrez, Mr. Jackson of Illinois, Mr. Davis of Illinois, Mr. Reyes, Mr. Carson of Oklahoma, Mr. Rodriguez, Mr. Stenholm, Mr. Scott of Georgia, Mr. Wynn, Ms. Lee, Mr. Kind, Mr. Lynch, Mr. Price of North Carolina, Mr. Crowley, Mrs. Capps, Ms. Schakowsky, Ms. Woolsey, Mr. McIntyre, Mr. Hill, Mr. Berman, Mr. Bell, Ms. Kilpatrick, Mr. Pastor, Ms. Watson, Ms. Waters, Mr. Lampson, Mr. Deutsch, Mr. Olver, Mr. Pomeroy, Ms. Majette, Mr. Serrano, Mr. McDermott, Mr. Filner, Ms. Kaptur, Mr. Cummings, Mr. Mollohan, Mr. Kanjorski, Ms. DeLauro, Mr. Kucinich, Mr. Towns, Mr. Etheridge, Mr. Ferguson, Mr. Meeks of New York, Mr. Thompson of Mississippi, Mr. Ford, Mr. Murtha, Mr. Levin, Mr. Bishop of New York, and Mr. Pallone):

H.R. 1916. A bill to prevent and cure diabetes and to promote and improve the care of individuals with diabetes for the reduction of health disparities within racial and ethnic minority groups, including the African-American, Hispanic American, Asian American and Pacific Islander, and American Indian and Alaskan Native communities; to the Committee on Energy and Commerce.

By Mr. FILNER:

H.R. 1917. A bill to amend title 10, United States Code, to authorize military recreational facilities to be used by any veteran with a compensable service-connected disability; to the Committee on Armed Services.

By Mr. FILNER:

H.R. 1918. A bill to amend title 10, United States Code, to extend commissary and exchange store privileges to veterans with a service-connected disability rated at 30 percent or more and to the dependents of such veterans; to the Committee on Armed Services.

By Mr. FILNER:

H.R. 1919. A bill to amend title 10, United States Code, to authorize transportation on military aircraft on a space-available basis for veterans with a service-connected disability rated 50 percent or more; to the Committee on Armed Services.

By Mr. FILNER:

H.R. 1920. A bill to require that contracts entered into by the Federal Government for reconstruction in Iraq include a condition that the contractor, when hiring employees to carry out the contract, provide a preference for the hiring of veterans; to the Committee on Government Reform.

By Mr. FILNER:

H.R. 1921. A bill to amend title 38, United States Code, to increase from one month to three months the quantity of supply of certain prescriptions furnished by the Department of Veterans Affairs to veterans with chronic conditions; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 1922. A bill to amend the Internal Revenue Code of 1986 to provide a one-time increase in the amount excludable from the sale of a principal residence by taxpayers who have attained age 50; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 1923. A bill to amend title II of the Social Security Act to reduce from 60 to 55 the age at which an individual who is otherwise eligible may be paid widow's or widower's insurance benefits; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 1924. A bill to amend title 38, United States Code, to extend the time limitation for use of eligibility and entitlement for educational assistance under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGREY (for himself, Mr. Boehner, Mr. George Miller of California, Mr. Hoekstra, Mr. Porter, Mr. Greenwood, Mr. Norwood, Mr. Hinojosa, Mr. Wilson of South Carolina, and Mr. Burns):

H.R. 1925. A bill to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HAYWORTH:

H.R. 1926. A bill to amend the Internal Revenue Code of 1986 to apply an excise tax to excessive attorneys fees for legal judgments, settlements, or agreements that operate as a tax; to the Committee on Ways and Means.

By Mr. HULSHOF (for himself and Mr. Becerra):

H.R. 1927. A bill to amend the Internal Revenue Code of 1986 to include wireless telecommunications equipment in the definition of qualified technological equipment for purposes of determining the depreciation treatment of such equipment; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself and Mr. Rangel):

H.R. 1928. A bill to amend the Internal Revenue Code of 1986 to clarify the eligibility of certain expenses for the low-income housing credit; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island (for himself, Mr. Platts, Mr. George Miller of California, Mr. McDermott, Mr. Grijalva, Mr. Frost, Mr. Frank of Massachusetts, Mr. Owens, and Ms. Kaptur):

H.R. 1929. A bill to amend the Public Health Service Act to authorize formula grants to States to provide access to affordable health insurance for certain child care providers and staff, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KENNEDY of Rhode Island:

H.R. 1930. A bill to adjust the immigration status of certain Liberian nationals who were provided refuge in the United States; to the Committee on the Judiciary.

By Mr. KLECZKA (for himself, Mr. Frost, Mr. Stark, Mr. Kucinich, Mr. McNulty, Mr. Faleomavaega, and Mr. Kingston):

H.R. 1931. A bill to protect the privacy of the individual with respect to the Social Security number and other personal information, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH:

H.R. 1932. A bill to designate the diplomacy center of the Department of State as the Colin Powell Center for American Diplomacy and to provide for appropriate museum visitor and educational outreach services at the center; to the Committee on International Relations.

By Ms. LOFGREN (for herself, Mr. DeFazio, Mr. Frank of Massachusetts, and Ms. Harman):

H.R. 1933. A bill to reduce unsolicited commercial electronic mail and to protect children from sexually oriented advertisements; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. Tom Davis of Virginia, Mr. Hoyer, Ms. Norton, Mr. Abercrombie, Mr. Owens, Mr. Wynn, Mr. Ackerman, Mr. Engel, Mr. Kildee, Mr. Cummings, Mr. Filner, Mr. Moran of Virginia, Ms. Lee, Mrs. Capps, Ms. McCarthy of Missouri, Mr. Lynch, Mr. Dingell, Ms. Corrine Brown of Florida, Mr. Gutierrez, Ms. DeLauro, Ms. Roybal-Allard, Ms. Schakowsky, Mr. Waxman, and Mr. McNulty):

H.R. 1934. A bill to amend title 5, United States Code, to provide that, of the total amount of family leave available to a Federal employee based on the birth of a child or the placement of a child with the employee for adoption or foster care, at least one-half of that time shall be leave with pay; to the Committee on Government Reform.

By Mrs. MALONEY (for herself, Mr. Quinn, Mr. Serrano, Mrs. McCarthy of New York, Mr. Fossella, Mr. Engel, Mr. Owens, Mr. Rush, Mr. Sanders, Mr. Gutierrez, Mr. Cummings, Mr. Hoeffel, Mrs. Jones of Ohio, Mr. Holden, Ms. McCollum, Ms. Corrine Brown of Florida, Mr. Conyers, Mr. Grijalva, Mr. Gillmor, Ms. Woolsey, Mr. Bishop of Georgia, Ms. Schakowsky, Mr. Frost, and Mr. Wynn):

H.R. 1935. A bill to amend title 38, United States Code, to provide housing loan benefits for the purchase of residential cooperative apartment units; to the Committee on Veterans' Affairs.

By Mr. MOORE (for himself, Mr. Holden, Mrs. Tauscher, Mr. Kind, Mr. Ross, Mr. Abercrombie, Mr. Boyd, Mr. Turner of Texas, Mr. Berry, Mr. Stenholm, and Mr. Sandlin):

H.R. 1936. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small business health plans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOORE:

H.R. 1937. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small business health plans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Virginia (for himself, Mrs. Jo Ann Davis of Virginia, Mr. Tom Davis of Virginia, Mr. Scott of Virginia, Mr. Schrock, and Mr. Abercrombie):

H.R. 1938. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Resources.

By Mr. NEAL of Massachusetts:

H.R. 1939. A bill to amend the Internal Revenue Code of 1986 to provide a revenue-neutral simplification of the individual income tax; to the Committee on Ways and Means.

By Mr. OSE (for himself, Mr. Thompson of California, and Mr. Otter):

H.R. 1940. A bill to improve the provision of telehealth services under the Medicare Program, to provide grants for the development of telehealth networks, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 1941. A bill to enforce the guarantees of the first, fourteenth, and fifteenth amendments to the Constitution of the United States by prohibiting certain devices used to deny the right to participate in certain elections; to the Committee on House Administration.

By Mr. PETERSON of Minnesota (for himself and Mr. Lucas of Kentucky):

H.R. 1942. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the use of biodiesel as a fuel; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PITTS:

H.R. 1943. A bill to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PITTS:

H.R. 1944. A bill to revise eligibility requirements applicable to essential air service subsidies; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of California (for himself, Mr. Simpson, Mr. Cunningham, Mrs. Tauscher, Mr. Greenwood, Mr. Wu, Ms. Woolsey, Mr. Farr, Mrs. Davis of California, Mr. Stark, Mr. Matsui, Mr. Smith of Washington, and Mr. Udall of Colorado):

H.R. 1945. A bill to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects in coastal waters and upland drainages, and for other purposes; to the Committee on Resources.

By Mr. WALDEN of Oregon (for himself, Mr. Blumenauer, and Mr. Dicks):

H.R. 1946. A bill to amend title 35, United States Code, to clarify the applicability of certain provisions relating to railroad cars; to the Committee on the Judiciary.

By Mr. WICKER (for himself, Mr. Norwood, Mr. McGovern, Mr. Simpson, Mr. Towns, Mr. Pickering, Mr. Ose, and Mr. Grijalva):

H.R. 1947. A bill to ensure that members of the Armed Forces who are married and have minor dependents are eligible for military family housing containing more than two bedrooms; to the Committee on Armed Services.

By Mr. MORAN of Kansas:

H. Con. Res. 159. Concurrent resolution declaring Emporia, Kansas, to be the founding city of the Veterans Day holiday and recognizing the contributions of Alvin J. King and Representative Ed Rees to the enactment into law of the observance of Veterans Day; to the Committee on Veterans' Affairs.

By Mr. HINCHEY (for himself and Mr. Brown of Ohio):

H. Res. 212. A resolution to express the sense of the House of Representatives that the Federal Communications Commission should not revise its media ownership rules without more extensive review and comment by the public; to the Committee on Energy and Commerce.

By Mr. DAVIS of Illinois (for himself, Mrs. Jo Ann Davis of Virginia, Mr. Waxman, Mr. Tom Davis of Virginia, Mr. Owens, Ms. Norton, Mr. Van Hollen, Mr. Towns, Mr. Wynn, Mr. Ruppersberger, and Mr. Cummings):

H. Res. 213. A resolution expressing the sense of the House of Representatives that public service employees should be commended for their dedication and service to the Nation during Public Service Recognition Week; to the Committee on Government Reform.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. Towns, Mr. Wynn, Ms. Kilpatrick, and Ms. Velázquez):

H. Res. 214. A resolution expressing the sense of the House of Representatives that small and minority-owned businesses in the United States should be involved in rebuilding Iraq; to the Committee on Small Business, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LINDER (for himself, Mr. Kingston, Mr. Evans, Mr. Gingrey, Mr. Scott of Georgia, Mr. Houghton, Mr. Collins, Ms. Majette, Mr. Kline, Mr. Isakson, Mr. Burns, Mr. Snyder, Mr. Norwood, Mr. Lewis of Georgia, Mr. Gilchrest, Mr. Deal of Georgia, Mr. Bishop of Georgia, and Mr. Marshall):

H. Res. 215. A resolution expressing the sense of the House of Representatives that the President should award the Presidential Medal of Freedom to General Raymond G. Davis, United States Marine Corps (retired); to the Committee on Government Reform.

By Mr. OSBORNE:

H. Res. 216. A resolution congratulating the Hastings College women's basketball team for winning 2 consecutive National Association of Intercollegiate Athletics (NAIA) Division II national championships; to the Committee on Education and the Workforce.

By Mr. SABO (for himself, Mr. Oberstar, Mr. Peterson of Minnesota, Ms. McCollum, Mr. Gutknecht, Mr. Kennedy of Minnesota, Mr. Kline, and Mr. Ramstad):

H. Res. 217. A resolution commending the University of Minnesota Golden Gophers for winning the 2003 National Collegiate Athletic Association Division I Men's Ice Hockey Championship; to the Committee on Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII.

Mr. FILNER introduced a bill (H.R. 1948) for the relief of Shigeru Yamada; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. GARRETT of New Jersey, Mr. TURNER of Ohio, Mr. PUTNAM, and Mr. LAHOOD.

H.R. 19: Mr. COOPER.

H.R. 20: Mr. DAVIS of Florida and Mr. MEEKS of New York.

H.R. 40: Mrs. JONES of Ohio.

H.R. 43: Mr. OSE.

H.R. 111: Ms. DELAURO, Ms. LINDA T. SÁNCHEZ of California, Mr. POMEROY, and Mr. HASTINGS of Florida.

H.R. 158: Mr. OSE.

H.R. 218: Mrs. BLACKBURN.

H.R. 223: Mr. GOODE, Mr. NORWOOD, Mr. HENSARLING, Mr. CHABOT, Mr. BARTLETT of Maryland, Mr. AKIN, Mr. CHOCOLA, Mr. TOOMEY, Mrs. MYRICK, and Mr. PITTS.

H.R. 284: Mr. CARDIN, Mr. KNOLLENBERG, Mr. CUMMINGS, Mr. KLECZKA, Mr. PETERSON of Pennsylvania, Mr. WAMP, Mr. GREENWOOD, and Ms. HART.

H.R. 286: Mr. UDALL of Colorado.

H.R. 288: Mr. HOUGHTON, Mr. SMITH of Washington, Mr. OWENS, Mr. PALLONE, Mr. LARSEN of Washington, Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Mr. SANDERS, Ms. NORTON, Mr. MORAN of Virginia, Mr. GRIJALVA, and Ms. BORDALLO.

H.R. 290: Mr. OLVER and Mr. WELDON of Pennsylvania.

H.R. 296: Mr. KENNEDY of Rhode Island.

H.R. 303: Mr. PALLONE, Mr. FERGUSON, Mr. MURTHA, and Mr. BOUCHER.

H.R. 339: Mr. GALLEGLY, Mr. GOODE, Mrs. JO ANN DAVIS of Virginia, Mr. GOODLATTE, and Mrs. BLACKBURN.

H.R. 348: Mr. DOYLE.

H.R. 375: Mr. GREEN of Texas.

H.R. 384: Mr. NETHERCUTT.

H.R. 391: Mrs. WILSON of New Mexico, Mr. HAYES, and Mr. ROYCE.

H.R. 463: Mr. TERRY.

H.R. 466: Mr. MICHAUD, Mr. MORAN of Virginia, Mr. LUCAS of Kentucky, Mr. RYUN of Kansas, Mr. GEORGE MILLER of California, Mr. BRADY of Texas, Ms. NORTON, Mr. HOYER, and Mr. PETERSON of Minnesota.

H.R. 476: Mr. RUPPERSBERGER and Mr. MCINTYRE.

H.R. 527: Mrs. KELLY and Mr. FOSSELLA.

H.R. 528: Mrs. NAPOLITANO and Ms. ESHOO.

H.R. 548: Mr. UPTON, Mr. KUCINICH, and Mr. STUPAK.

H.R. 570: Mr. BONILLA.

H.R. 571: Mr. PICKERING and Mr. GORDON.

H.R. 610: Mr. DEFAZIO.

H.R. 648: Mr. BARRETT of South Carolina.

H.R. 655: Mr. BARTLETT of Maryland.

H.R. 677: Mr. EMANUEL.

H.R. 728: Mr. BARRETT of South Carolina and Mr. SCHROCK.

H.R. 737: Ms. DEGETTE.

H.R. 781: Mr. SANDLIN, Mr. TERRY, Mr. KLECZKA, Mr. FROST, and Mr. MCCRERY.

H.R. 801: Mr. LEVIN.

H.R. 829: Mr. ABERCROMBIE, Mr. LEACH, and Mr. MCGOVERN.

H.R. 834: Mr. FALEOMAVAEGA.

H.R. 846: Ms. CORRINE BROWN of Florida, Mr. LIPINSKI, Mr. MILLER of North Carolina, Mr. RANGEL, Mr. KENNEDY of Rhode Island, Mr. SANDERS, and Ms. SLAUGHTER.

H.R. 857: Mr. DEAL of Georgia and Mr. OLVER.

H.R. 859: Ms. LINDA T. SÁNCHEZ of California.

H.R. 861: Mr. OSE.

H.R. 873: Mr. WAXMAN and Mr. LEWIS of Georgia.

H.R. 876: Mr. MURPHY, Mr. LAHOOD, Mr. BERRY, Mr. SHAYS, and Mr. PETERSON of Pennsylvania.

H.R. 883: Mr. CASE and Mr. WOLF.

H.R. 891: Mrs. LOWEY and Mr. DOGGETT.

H.R. 898: Mr. ANDREWS and Mrs. MUSGRAVE.

H.R. 918: Mr. RANGEL, Mr. RAMSTAD, Ms. KILPATRICK, Mr. PICKERING, Mr. CAPUANO, Mrs. CAPITO, Mr. MATSUI, Mr. FLETCHER, Mr. ISRAEL, Mr. GRIJALVA, and Mr. GREEN of Wisconsin.

H.R. 919: Mrs. JO ANN DAVIS of Virginia, Mr. MATSUI, and Mr. RAMSTAD.

H.R. 927: Mr. GORDON, Mr. EHLERS, Mr. BONILLA, Mr. LEWIS of Kentucky, and Mr. ROGERS of Kentucky.

H.R. 935: Mr. HONDA, Mr. SERRANO, Mr. HINCHEY, Mr. KENNEDY of Rhode Island, Mr. SANDERS, Mr. ALLEN, and Mr. GRIJALVA.

H.R. 944: Mr. TERRY, Mr. CARSON of Oklahoma, Mr. BRADY of Texas, Mr. RENZI, and Ms. DELAURO.

H.R. 962: Mr. UDALL of Colorado, Mr. VAN HOLLEN, Mr. HONDA, Mr. BISHOP of New York, Mr. ALLEN, Mr. GORDON, Mr. STARK, Mr. TIERNEY, Ms. KILPATRICK, Mr. ENGEL, and Ms. LOFGREN.

H.R. 995: Mr. FILNER.

H.R. 997: Mr. WAMP, Mr. GOODLATTE, and Mr. BOEHNER.

H.R. 1004: Mr. ACKERMAN.

H.R. 1022: Ms. MCCARTHY of Missouri.

H.R. 1049: Mr. GOODLATTE and Mr. OTTER.

H.R. 1052: Mr. CAPUANO.

H.R. 1066: Mr. HONDA.

H.R. 1070: Ms. WATSON.

H.R. 1071: Mr. GONZALEZ.

H.R. 1080: Mr. CALVERT, Ms. ESHOO, Mr. LARSON of Connecticut, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. BONNER, and Mr. JOHNSON of Illinois.

H.R. 1081: Mr. CALVERT, Ms. ESHOO, Mr. LARSON of Connecticut, Ms. SCHAKOWSKY, Mr. GRIJALVA, and Mr. BONNER.

H.R. 1096: Mr. UDALL of Colorado.

H.R. 1097: Mr. KUCINICH, Mr. MATSUI, Ms. MCCOLLUM, Mr. FALEOMAVAEGA, Mr. COOPER, Mr. BISHOP of New York, Mr. TIERNEY, Mr. MEEKS of New York, and Mr. ANDREWS.

H.R. 1110: Mr. THOMPSON of Mississippi, Mr. WYNN, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. KILPATRICK.

H.R. 1125: Mr. JENKINS, Mr. PASTOR, Mr. SABO, Mr. LEVIN, Mr. MILLER of North Carolina, Ms. CARSON of Indiana, Mr. CAPUANO, Ms. LORETTA SANCHEZ of California, Mr. PRICE of North Carolina, Mr. NORWOOD, Mr. WICKER, Mr. BERRY, Mr. FLETCHER, Mr. SIMPSON, and Mr. KANJORSKI.

H.R. 1126: Ms. Hart.

H.R. 1154: Mr. BONILLA.

H.R. 1157: Mr. VAN HOLLEN and Ms. VELAZQUEZ.

H.R. 1160: Mr. BAKER, Mr. CONYERS, Mr. ALLEN, Mr. MOLLOHAN, Mr. OBERSTAR, Mr. CARDOZA, Mr. MATHESON, Mr. SAXTON, Mr. KIND, Mr. DEAL of Georgia, Mr. KING of New York, Mr. WICKER, Mr. GRAVES, Mr. UDALL of New Mexico, Mrs. MUSGRAVE, Mr. PEARCE, Mr. SKELTON, Mr. BAIRD, Mr. MCINTYRE, Mr. BURR, Mr. BALLANCE, Mr. COBLE, and Mr. MURPHY.

H.R. 1170: Mr. CASE.

H.R. 1179: Mr. NEY and Mr. GOODE.

H.R. 1196: Mr. GREENWOOD and Mr. WAXMAN.

H.R. 1202: Mr. MILLER of Florida, Mrs. MILLER of Michigan, Mr. SULLIVAN, Mrs. EMERSON, Mrs. BLACKBURN, Mr. MARIO DIAZ-BALART of Florida, Mr. MCKEON, Mr. WAMP, Mr. COLE, Mr. TANCREDO, Mr. HENSARLING, and Mr. BOOZMAN.

H.R. 1210: Mr. MARKEY, Mr. MCGOVERN, and Mr. PALLONE.

H.R. 1212: Mr. LOBIONDO, Mr. PAYNE, and Mr. ANDREWS.

H.R. 1222: Mr. KELLER and Mr. ANDREWS.

H.R. 1229: Mr. KENNEDY of Minnesota and Mr. MANZULLO.

H.R. 1236: Mr. OTTER.

H.R. 1261: Mr. BEREUTER.

H.R. 1275: Mr. ISRAEL.

H.R. 1279: Mr. SAXTON, Mr. SNYDER, Mr. EVANS, and Mr. AKIN.

H.R. 1288: Mr. GUTIERREZ, Mr. MANZULLO, Mr. LEACH, Mr. TANNER, Mr. PRICE of North Carolina, Mr. WELDON of Florida, Mr. RYAN of Wisconsin, Ms. ROYBAL-ALLARD, Mr. DOOLEY of California, Mr. ANDREWS, Mr. JEFFERSON, Mr. PETERSON of Minnesota, Mr. CUNNINGHAM, and Mr. HOSTETTLER.

H.R. 1295: Ms. KAPTUR.

H.R. 1301: Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. REYES, Mr. ROGERS of Michigan, Mr. PLATTS, Mr. BERRY, and Mr. EVANS.

H.R. 1305: Mr. VITTER.

H.R. 1311: Mr. BAIRD, Mr. GREEN of Wisconsin, Mr. HILL, Mr. DELAHUNT, Mr. SIMMONS, Mr. PETERSON of Minnesota, Mr. LUCAS of Oklahoma, Mr. KILDEE, and Mrs. MCCARTHY of New York.

H.R. 1322: Mr. GRIJALVA.

H.R. 1328: Mr. FILNER and Mr. STENHOLM.

H.R. 1336: Mr. POMEROY, Mr. DAVIS of Illinois, Mr. MATSUI, Mr. DOOLITTLE, Mr. GORDON, Mr. EVANS, and Ms. HOOLEY of Oregon.

H.R. 1337: Mr. OTTER.

H.R. 1345: Mr. BRADY of Pennsylvania.

H.R. 1348: Mr. KUCINICH.

H.R. 1372: Mr. BLUMENAUER and Mr. DAVIS of Alabama.

H.R. 1376: Ms. LOFGREN.

H.R. 1415: Ms. ESHOO.

H.R. 1422: Mr. SANDLIN and Mr. FROST.

H.R. 1426: Mr. WELLER.

H.R. 1430: Mr. RANGEL, Mr. FILNER, and Mr. OLVER.

H.R. 1443: Mr. NADLER and Mr. DEFAZIO.

H.R. 1448: Mr. BRADY of Pennsylvania and Mr. BERMAN.

H.R. 1466: Mr. KENNEDY of Rhode Island.

H.R. 1472: Mr. PALLONE, Mrs. CHRISTENSEN, Mr. MARKEY, Mr. FALEOMAVAEGA, and Mr. KOLBE.

H.R. 1483: Mr. OLVER, Ms. WOOLSEY, and Mr. WEXLER.

H.R. 1502: Ms. CARSON of Indiana.

H.R. 1513: Mr. ISAKSON.

H.R. 1515: Mr. FRANKS of Arizona.

H.R. 1518: Mr. BISHOP of Utah.

H.R. 1523: Mr. LAHOOD, Mrs. JONES of Ohio, Mr. GERLACH, Mr. BRADY of Texas, Mr. PAUL, Mr. HOSTETTLER, Mr. WICKER, Mr. ENGLISH, Mr. PUTNAM, Mr. KINGSTON, Mr. FROST, Mr. BALLENGER, Mr. NETHERCUTT, and Mr. HOYER.

H.R. 1534: Mr. WAXMAN, Ms. WOOLSEY, Mr. WEXLER, Ms. ESHOO, Mr. MEEHAN, and Mr. CARDOZA.

H.R. 1554: Mr. PAUL and Mr. FALEOMAVAEGA.

H.R. 1580: Mr. BONILLA, Mr. BRADY of Pennsylvania, Mr. CHOCOLA, and Mr. FLETCHER.

H.R. 1582: Mr. FLAKE and Mr. BAIRD.

H.R. 1587: Mr. HONDA.

H.R. 1611: Mr. DAVIS of Alabama, Mr. WEXLER, Mr. STENHOLM, Mr. ABERCROMBIE, Mr. MCNULTY, and Mr. FILNER.

H.R. 1612: Mr. OSE and Mrs. CUBIN.

H.R. 1613: Mr. CROWLEY, Ms. DELAURO, Mr. SHIMKUS, Mr. LANTOS, Mr. SERRANO, and Mr. BROWN of Ohio.

H.R. 1622: Mr. BURR, Mr. HINOJOSA, Mr. MCNULTY, Mr. WELDON of Florida, Ms.

SLAUGHTER, Mr. TOWNS, Ms. WOOLSEY, and Mr. FROST.

H.R. 1639: Ms. WOOLSEY.

H.R. 1652: Mr. SCHIFF and Mr. KUCINICH.

H.R. 1660: Mr. GILLMOR.

H.R. 1662: Mr. KING of Iowa, Mr. PICKERING, and Mr. MILLER of Florida.

H.R. 1663: Mr. OWENS and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1675: Mr. KENNEDY of Minnesota and Mr. SKELTON.

H.R. 1676: Mr. MICA.

H.R. 1677: Ms. LOFGREN.

H.R. 1710: Mr. SMITH of New Jersey.

H.R. 1714: Ms. GINNY BROWN-WAITE of Florida and Mr. KELLER.

H.R. 1717: Mr. KUCINICH and Mr. THOMPSON of California.

H.R. 1724: Mr. FALEOMAVAEGA, Mr. GOODE, and Mr. CUMMINGS.

H.R. 1725: Mr. JENKINS and Mr. MORAN of Kansas.

H.R. 1726: Mr. FOLEY, Mr. GORDON, and Mr. GREEN of Wisconsin.

H.R. 1733: Mr. ISRAEL.

H.R. 1734: Mr. PASCRELL and Ms. CORRINE BROWN of Florida.

H.R. 1738: Mr. MCDERMOTT, Mr. FROST, Ms. CORRINE BROWN of Florida, Mr. BISHOP of New York, Mr. MEEHAN, Mr. MARKEY, Mr. GEORGE MILLER of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MURTHA, Mr. ABERCROMBIE, Mr. BERMAN, Mr. ISRAEL, Mr. KUCINICH, and Mr. COSTELLO.

H.R. 1739: Mr. ACEVEDO-VILÁ.

H.R. 1742: Ms. LORETTA SANCHEZ of California.

H.R. 1746: Mr. RANGEL, Mr. BONILLA, Mr. DEUTSCH, Mr. SAXTON, and Mr. LAHOOD.

H.R. 1750: Mr. KENNEDY of Rhode Island.

H.R. 1751: Mr. HINCHEY, Mr. WEXLER, Mr. HASTINGS of Florida, Mr. RYAN of Ohio, Mr. FILNER, and Ms. LOFGREN.

H.R. 1759: Mr. BURR.

H.R. 1767: Mr. CULBERSON, Mrs. MUSGRAVE, Mr. BURGESS, Mr. BRADY of Texas, and Mr. KING of Iowa.

H.R. 1769: Mr. DEMINT and Mr. STARK.

H.R. 1778: Mr. CANTOR and Mr. RAMSTAD.

H.R. 1795: Mr. KENNEDY of Minnesota and Mr. RANGEL.

H.R. 1799: Mr. TOWNS, Mr. FRANK of Massachusetts, Mrs. MILLER of Michigan, Mr. SMITH of New Jersey, Mr. RYAN of Ohio, and Mr. COBLE.

H.R. 1828: Mr. BROWN of Ohio, Ms. GINNY BROWN-WAITE of Florida, Mr. CARTER, Mr. DAVIS of Alabama, Mr. DEUTSCH, Mr. EVERETT, Mr. FRANK of Massachusetts, Mr. GORDON, Mr. HERGER, Mrs. KELLY, Mr. LEVIN, Mr. LINDER, Mr. MARKEY, Mr. OSE, Mr. OWENS, Mr. PLATTS, Mr. RENZI, Mr. ROTHMAN, Ms. SCHAKOWSKY, Mr. SCOTT of Georgia, Mr. SHAW, Mr. SHAYS, Mr. TANCREDO, Mr. TIBERI, and Mr. WILSON of South Carolina.

H.R. 1859: Mrs. KELLY.

H.R. 1861: Mr. MCDERMOTT.

H.R. 1888: Mr. FRANK of Massachusetts, Mr. FROST, Mr. COSTELLO, Mr. DEFAZIO, Mr. BROWN of Ohio, and Mr. KUCINICH.

H.R. 1889: Mrs. MCCARTHY of New York, Mr. LAMPSON, Mrs. MALONEY, and Mr. CUMMINGS.

H.J. Res. 4: Ms. HART and Mr. GORDON.

H.J. Res. 22: Mr. KIRK, Mr. RAMSTAD, Mr. WILSON of South Carolina, and Mr. ALEXANDER.

H.J. Res. 48: Mr. GIBBONS.

H.J. Res. 50: Mr. BURGESS, Mrs. MUSGRAVE, Mr. BACHUS, and Mr. OSE.

H. Con. Res. 21: Mr. MOORE and Mr. RYUN of Kansas.

H. Con. Res. 61: Mr. ENGEL.

H. Con. Res. 93: Mr. BRADY of Texas, Mr. LEWIS of California, and Mr. GOODE.

H. Con. Res. 98: Mr. WATT and Mr. BERRY.

H. Con. Res. 111: Mr. KUCINICH.

H. Con. Res. 122: Mr. BROWN of Ohio, Mr. HASTINGS of Florida, Mr. DOOLEY of California, Ms. JACKSON-LEE of Texas, Ms. DEGETTE, Mr. STARK, and Mr. CASE.

H. Con. Res. 148: Mr. CUMMINGS, Mr. RODRIGUEZ, Mr. HONDA, Mr. GEORGE MILLER of California, Mr. FROST, Ms. DELAURO, Mr. LEWIS of Georgia, Mr. SERRANO, Mr. FRANK of Massachusetts, Mr. BROWN of Ohio, Mr. ACKERMAN, Mr. MCGOVERN, Ms. WOOLSEY, Mr. FARR, and Mr. ISRAEL.

H. Con. Res. 150: Mr. KELLER and Mr. AKIN.

H. Con. Res. 151: Ms. HARMAN, Mr. MCNULTY, Ms. JACKSON-LEE of Texas, Mr. SCHIFF, Mr. PRICE of North Carolina, Mr. RYAN of Ohio, Mr. MATHESON, Mr. RANGEL, Mr. TERRY, and Mr. KELLER.

H. Res. 21: Mr. FALEOMAVAEGA, Mr. RANGEL, Ms. BERKLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ANDREWS, Mr. EMANUEL, and Ms. MAJETTE.

H. Res. 103: Mr. FOSSELLA.

H. Res. 136: Mr. TERRY.

H. Res. 193: Mr. WOLF, Mrs. JO ANN DAVIS of Virginia, Mr. NORWOOD, Mr. BUYER, Mr. THOMPSON of California, and Mr. WAXMAN.

H. Res. 208: Mr. WELDON of Florida.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1119: Mr. PETRI.

SENATE—*Thursday, May 1, 2003*

The Senate met at 9:15 a.m. and was called to order by the President pro tempore (Mr. STEVENS.)

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, the Rev. Canon Martyn Minns of Fairfax, VA.

PRAYER

The guest Chaplain offered the following prayer:

Almighty God, we thank You for blessing us as a nation. We pray that we would always be a generous people, eager to share the gifts of freedom, respect for human dignity, and commitment to service, with all the peoples of the world.

We pray for all who suffer and are afflicted in body or mind, especially those who face the devastation of HIV/AIDS and the unfolding terror of SARS. Grant them healing and comfort, and stir up in us the will and patience to minister to their needs.

We commend to Your gracious care all the men and women of our Armed Forces. Defend them day-by-day with Your heavenly grace, and give them a sense of Your abiding presence wherever they may be.

We thank You for the men and women of this Senate, and for all who serve in this place. Grant them the spirit of wisdom, charity and justice; that with steadfast purpose they may faithfully carry out the work set before them.

All this we pray because of the love first shown us in the call of Abraham and Sarah and now revealed to us in the life and witness of Jesus the Christ. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TED STEVENS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SUNUNU). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The Senator from Utah is recognized.

SCHEDULE

Mr. HATCH. Mr. President, for the information of all Senators, this morning the Senate will resume consideration of the Owen nomination. Under the order, at 10:15 the Senate will proceed to a rollcall vote on the motion to invoke cloture on the nomination of Priscilla Owen to be a circuit judge for the Fifth Circuit. If cloture is not invoked, the Senate will begin consideration of the nomination of Edward Prado to be circuit judge. It is hoped we will reach a short time agreement with a vote on that nomination to occur by early afternoon.

In addition to the Owen and Prado nominations, the Senate may also consider the Cook nomination. As the majority leader stated last night, we have attempted to work out a unanimous consent agreement to process these judicial nominations. Unfortunately, we were unable to reach an understanding last night. There continues to be hope that as these nominations are considered we would be able to reach reasonable time limitations for their consideration.

In addition, the leader is still working toward agreements for considering and completing a number of other legislative matters, including the FISA legislation, the State Department authorization bill, the Bioshield legislation, or additional judicial nominations during today's session. Therefore, Senators should expect rollcall votes throughout the day.

MEASURES PLACED ON THE CALENDAR—S. 14 AND H.J. RES. 51

Mr. HATCH. I understand there is a bill and a joint resolution at the desk which are due for a second reading.

The PRESIDING OFFICER. The Senator is correct.

Mr. HATCH. I ask unanimous consent it be in order to read the titles of the measures en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will read the titles of the bills en bloc.

The legislative clerk read as follows:

> A bill (S. 14) to enhance the energy security of the United States, and for other purposes.
>
> A joint resolution (H.J. Res. 51), increasing the statutory limit on the debt.

Mr. HATCH. I ask that the Senate proceed en bloc to the measures, and I object to further proceeding en bloc.

The PRESIDING OFFICER. The objection having been heard, the bills will be placed on the calendar.

Mrs. BOXER. Will the Senator yield for a question? Just on the matter of timing.

Mr. HATCH. I will be delighted.

Mrs. BOXER. Mr. President, I have a markup at 9:30. I wanted to make a 5-minute statement on the judicial nomination. If we can do that and I will give Senator HATCH that 5 minutes back on his time, would that be acceptable?

Mr. HATCH. I think the 5 minutes will be taken from the minority side.

Mrs. BOXER. Yes, that is what I suggested.

Mr. HATCH. I am happy to yield so the Senator can make her statement.

Mrs. BOXER. That is very kind. I appreciate it.

EXECUTIVE SESSION

NOMINATION OF PRISCILLA OWEN TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session. The clerk will report the pending business.

The legislative clerk read the nomination of Priscilla Richmond Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. Under the previous order, there will now be 1 hour of debate divided in the usual form, prior to the vote on the nomination of Priscilla Owen to be circuit court judge for the Fifth Circuit.

The Senator from California.

Mrs. BOXER. Mr. President, I again thank my colleague for allowing me to move forward on this because of a commitment to a markup in the Commerce Committee.

I rise to express my deep concerns regarding the nomination of Priscilla Owen to the U.S. Fifth Circuit Court of Appeals. I have noted there is a lot of politics around this particular nomination, as there is around the Miguel Estrada nomination. I read the Republican Party is planning to run ads against those of us who vote against these nominees, saying we do not want to see diversity on the bench.

Let me say that is extraordinary because as someone who worked so hard to support qualified minorities and women. I have been praised by many in my State for doing just that. But I have to tell you, if you place on the bench a minority or a woman who has animosity toward the goals of minorities and women, you are dealing a great setback to both minorities and women. I will make that point when I have to.

But as for today, I point out I voted for well over 90 percent of the President's appointees up to this point in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

time, but I cannot support this nomination. This is why.

President Bush pledged to govern from the center. Those were his words. Yet this nominee is so far from the center that she is almost off, to the right. She is barely on that line at all. That differs from the mainstream values of my constituents and I believe of the majority of Americans.

In such important areas as reproductive rights, civil rights, consumer rights, and environmental protection, this nominee has legislated from the bench. She inserted her personal beliefs into the judicial process.

I have to say even members of her own party, and even Mr. Gonzales, who is White House counsel, has criticized her for that.

What is particularly troubling to me is that I believe in the advice and consent role of Senators in the nomination and the confirmation of judicial nominees of any President, be that President a Democrat or a Republican. As we have heard many times from historians, the selection of judges and the confirmation of judges is a shared responsibility. So it is not a question of whether they are Clinton judges or Carter judges or Bush judges; they are America's judges. As such, there has to be a role for the Senate and for the executive.

This President knew very well that this particular nominee was well off the center. He knew very well there was deep objection to her. She was voted down once before. Yet he comes right back with this nomination.

I have made it a priority of mine in this Senate to stand up for the mainstream values of people of my State. So I cannot possibly support this nomination. I wish to outline a case that illustrates Priscilla Owen's callous attitude toward individuals who are fighting against large corporate interests and their well-paid legal defense teams.

A young man in Texas was paralyzed in a car accident. His injuries were made much worse because of a malfunctioning seatbelt, and his family took the automaker to court. The case made its way to the Texas Supreme Court on appeal.

Judge Owen waited 16 months before issuing a decision in that case, in that Ford Motor case. When she did, she essentially sent the case back and created a substantial roadblock for this paralyzed teenager to receive funds to pay for his medical care. There were 2 years of delay on a procedure issue that was never raised in the case but was raised by her, and this young man died. This young man died. His family couldn't afford around-the-clock monitoring of his ventilator. This is a truly tragic example of delayed justice.

I could go into detail about the fundamental right to choose in which Justice Owen set up a barrier to a young woman who was seeking to end her pregnancy. When she issued her opinion, it dealt with having to seek religious counseling, which was not part of the law. In that case, Judge Gonzales, who as you know is White House counsel to this President, said:

> To create hurdles that simply are not to be found in the words of the statute would be an unconscionable act of judicial activism.

That is a quote from Mr. Gonzales regarding Judge Priscilla Owen, criticizing her for judicial activism.

I know the issues of judges are very touchy. Senator HATCH, when President Clinton was President, told me—he said it with a twinkle in his eye: Senator, don't send me judges that are outside the mainstream.

You know, I didn't. Senator HATCH helped me. He helped me get these wonderful people confirmed.

Now we have a circumstance where we are not getting our judges from the mainstream. We are getting some. I have supported 90 percent of these judges. But in this case——

Mr. HATCH. Will the Senator yield for a question?

Mrs. BOXER. I certainly will. I just want to finish my thought.

In this particular case, I think this is a nominee who is outside the mainstream and who was criticized for that by the President's White House counsel.

I am happy to yield to my friend.

Mr. HATCH. Is the Senator aware that there is an ample record that even Judge Gonzales admits he was not criticizing her as an activist, he was criticizing the court. She didn't write the opinion. That has been more than established. Yet we keep hearing Senators on the floor of the Senate and elsewhere saying Judge Gonzales directly criticized her. He didn't. I think the record is pretty clear on that.

Mrs. BOXER. I will have printed in the RECORD my understanding of what actually happened here.

In the case of the 2-year delay, I find that was unconscionable.

The point is this: I will support candidates who are from the mainstream. I want to do that. The chair of the Judiciary Committee has changed his attitude about who is going to get through this Senate. During the Clinton years, you had to have someone from the mainstream. During the Bush years, you can have people from the far right of the spectrum. My constituents do not think that is fair. We had a situation during the Clinton years that two Senators had to sign off on a judge before there would even be a hearing. Oh, no, now the committee has changed its mind. Suddenly, because they have a Republican in the White House, two Senators don't have to sign off and they are pushing forward with hearings.

It is wrong. It is not right. I would say regarding this particular nominee, you have very moderate Members of this Senate saying she is a judicial activist and any words to the contrary can be disproven by her record. I think this is someone who does not come from the center, does not come from the mainstream. I think this is a President who, in this case, has not sought the advice and consent, really, of the Senate. He is essentially saying we don't care that you Democrats—none of you—vote for her. I should not say none—maybe one. Certainly none on the committee. We are going to go right back and bring her back here.

This is a lifetime appointee. I think when we make these types of appointments, we have to make sure the person who is being nominated is not going to be an activist, make sure the person has demonstrated the types of qualities we want on the bench.

I don't think it is a quality you want on the bench when a woman waits 2 years before she renders a decision in a case of a paralyzed teenager whose parents didn't have the money to keep their teenager on a ventilator. And the record shows otherwise? I know what the record is. We have people combing that record. That is why you are going to see very many women in this Senate take this floor. I will repeat, when you put a woman on the bench who has a record of not really helping women—I have seen it in this case, and I have seen it with other nominees who will be coming before us. I will take a second seat to no one in the advancement of women. Every time I have sought the support of bipartisan women's groups, I have gotten it because of that. Anyone who says Democratic women coming here speaking up against this nominee are not for women ought to study that record as well.

I think the Federal courts deserve better than this nominee. I think the American people deserve better than this nominee. I could go on and on about the record.

Let me briefly outline a case that illustrates Priscilla Owen's callous attitude towards individuals who are facing large corporate interests and their well-paid legal defense teams.

A young man in Texas was paralyzed in a car accident. His injuries were made much worse because of a malfunctioning seatbelt. His family took the automaker to court. The case made its way to the Texas Supreme Court on appeal. Justice Owen's unexplained 16-month delay in writing the court's opinion in the Ford Motor Company v. Miles case created a substantial roadblock for this paralyzed teenager to receive funds to pay for his medical care. Priscilla Owen was responsible for two of the five years of delay and finally issued a decision that was based on a procedural issue never raised in the case. All of her colleagues on the court believed she had improperly delayed the case.

The young man died approximately seven years after his accident because his family could no longer afford round-the-clock monitoring of his ventilator. To date, his family has not received any funds. This is truly a tragic example of delayed justice. This is an unprecedented attempt to manipulate the Senate's role in the confirmation process. The Judiciary Committee rejected this nominee last year.

The committee performed its constitutional rule and voted against Justice Owen. However, the White House renominated her to the same position. How could they not have gotten the message the first time?

This process makes a mockery out of the Senate's constitutional "advice and consent" role. The blatant disregard of the Senate's constitutional role is leading us into uncharted territory. Let me say this again that Justice Owen was rejected by the Senate Judiciary Committee—10–9 on September 5, 2002. The long list of concerns about her record that caused the majority of committee members to vote against her last year still exist.

I have made it a priority in my career to stand up for consumers and those who find themselves up against huge corporate interests. The people of California know all too well how difficult it is to take on powerful companies. The playing field is far from balanced.

In other areas, Justice Owen has consistently attempted to chip away at women's fundamental reproductive rights.

In the case of Doe I—2000—Justice Owen argued that a minor must meet a restrictive standard to establish that she is sufficiently well informed about her choice to have an abortion. Among other things, she would have to show that she had received counseling about the religious arguments surrounding abortion, despite the fact that the law in no way involves religious considerations.

The Texas statute states that a minor need not inform her parents before seeking an abortion if the court finds one of three things.

No. 1, that the minor is mature and sufficiently well informed to make a decision; or

No. 2, that parental notifications would not be in her best interest; or

No. 3, that notification may lead to physical, sexual, or emotional abuse.

That is all it says.

I have to go to a markup. But we can try to rewrite the facts all we want. We can rewrite and put another spin on it. We can say, oh, the criticism wasn't toward her, when in essence my belief is that was her point of view that was being espoused. But that is fine. I understand this is a fight. I am willing to take this fight. I was very proud to say that the people in my State want me to stand up in these situations because it goes to the heart of the role of the Senate and it goes to the heart of what kind of country we will have. It goes to the heart of what kind of judges we will have. Will they be compassionate? Will they be fair? Will they stand up for the rights of women? Will they stand up for the little guy against the big corporation? You have to look at this particular record. You are not going to find someone who doesn't.

I thank my colleague, Senator HATCH. I know he strongly disagrees with me. I think that is fine. But he is very kind to allow me to go first so I can go to my hearing for the reauthorization of the FAA.

Thank you very much. I yield the floor and reserve the remainder of the Democratic time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have listened to my distinguished colleague. I have to say that if there has been any attempt to rewrite the facts, it is by those who have spoken as my friend from California has.

First of all, they seem to think on that side that they advance women when they only advance women who agree with their particular position. They don't even realize that Priscilla Owen agrees with many of their positions as she does with other well-thought-out positions. They think the advancement of women depends only on if you have women who are going to be pro-abortion.

I might add that I don't know where Priscilla Owen is with regard to abortion because she has not told me. She has not told the committee that, but she has said what has to be the hallmark of what judgeship nominees should say—that she will uphold Roe v. Wade as a court judge, which is all you can ask of anybody. Regardless of what her personal views are, she is going to uphold it. Yet we hear this argument that they are advancing women because they are keeping a woman who is unanimously well qualified by their gold standard—the American Bar Association, which is not a conservative organization by any stretch of the imagination—they are keeping her from serving this country. They continue to misquote Judge Gonzales as though he was directly attacking Priscilla Owen when he himself admits he was not—and other judges from that Supreme Court of the State of Texas say he was not.

Senator CORNYN, who served with her and was sitting beside her, said those criticisms weren't directed directly at her. That is distortion. It is unworthy of this body. But it is going on all the time.

On the tort case—I know the distinguished Senator from Texas is here, and I will yield to her as soon as she is ready—they bring up again the distortion that she held a case up until this young boy died. Let me make some important observations about the majority opinion Justice Owen wrote in Ford Motor Company v. Miles because I think there has been some serious confusion about the case and it is very apparent that the distinguished Senator from California is confused. This is the case involving a car accident victim named Willie Searcy who, tragically, passed away years after his accident but before the litigation was resolved. I have addressed this issue over and over. But it looks as if I must go through it again.

The accusation was once made that the victim passed away before the Texas Supreme Court ruled on his appeal. Justice Owen more than set the record straight last July. The victim passed away 3 years after the opinion was issued. Yet we hear this again on the floor.

When are the Democrats going to quit distorting President Bush's nominee's record?

I have to admit that I used to think this was—well, just interesting. But it has gone on and on. And after you show them the facts, they still distort it. I would have thought that issue moot because the opinion was issued 3 years before he died. But some interest groups continue to make this allegation in spite of the facts. I suspect that the New York Times just copies the letters in the editorials of People for the American Way. It is unbelievable.

The allegation was made that Justice Owen's opinion was improper based on the issue of venue; in other words, the question of whether plaintiff's lawyers filed the case in the county that didn't have jurisdiction over the dispute. Some allege that this issue had not been raised by the parties in the lower courts. Again, Justice Owen set the record straight in no uncertain terms. The venue issue was properly considered in the Texas Supreme Court. The entire court agreed that it was appropriate for the court to resolve the venue issue.

Again, they are wrong, and they are distorting this case.

I don't think there is any reason for that type of distortion. We have explained it over and over. Justice Owen was more than clear. Yet they are smearing this judge who has the highest rating of the American Bar Association—unanimously well qualified. That doesn't happen very often.

It must also be emphasized that under Texas law the court was required to address the issue of venue. The court found that the case was filed in the wrong venue. It was required to reverse the verdict. It had no other option. The Texas statute governing this issue read:

> On appeal from the trial on the merits, if venue was improper, it shall in no event be harmless error and shall be reversible error.

In other words, the court must reverse if improper venue is found.

In all honesty, to ensure there is no confusion about the problem with venue, let me say there was no question but that Dallas County was the proper place to bring the suit because the plaintiffs lived there, bought their truck there, and that is where the accident took place. Inexplicably, the lawyers filed in another county, Russ County—having absolutely no connection whatsoever to the plaintiffs or the accident. It looked like forum shopping—something that should not be permitted by the courts, under any circumstances, no matter how badly a person might have been injured.

If we read between the lines, we can see that the lawyers were forum shopping—looking for a favorable jury—something that should not be allowed by any court in this land, especially when it is clear cut that the venue was in Dallas County.

It must also be noted that the court's decision did not prevent the case from being filed in Dallas County or refiled.

I am a little tired of the smearing of these nominees. I am not saying intentional smearing, although it is reaching that point when you have to say over and over, when the justice explained herself and made it so abundantly clear, and we have made it over and over ourselves, and the record is so doggone clear. Why would we have, time after time, people coming out here saying they are advancing the cause of women by smearing this woman justice and keeping her from serving her country on the circuit court of appeals?

One last thing: The Senator also complained because she has objected to another nominee when we have the blue slip back from the other Senator from the State. There has never been a rule, since Senator KENNEDY was the chairman of the committee and was the one who established the rule that I followed, that says a single Senator can stop a circuit court of appeals nominee of the President of the United States.

Senator KENNEDY's ruling, even with regard to district courts, was that the opinions of the Senators with regard to blue slips will have great weight, but they will not be dispositive, especially where there is no reason for the withholding of a blue slip. And in this case, there is basically no reasoning, and in this other case of Carolyn Kuhl.

So I want to set the record straight there. No President would agree to, and this Senate should not agree to, one solitary Senator, for political reasons, refusing to return a blue slip on a circuit court of appeals court nominee where that circuit court of appeals nominee, once on the court, will be representing the whole country, but, of course, all the States in that particular circuit.

I notice the distinguished Senator from Texas is in the Chamber, so I will yield——

Mrs. HUTCHISON. Up to 10 minutes.

Mr. HATCH. Up to 10 minutes to the distinguished Senator from Texas. I will continue my remarks afterwards.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President. And I thank the chairman for yielding time to me to talk about someone I know well, someone I have observed over the years, and who is one of the most outstanding people I have ever seen nominated for a Federal bench. She is a legal scholar. She has the temperament for a judge. And I think nothing shows her temperament better than her demeanor during the ordeal through which she has been put.

She has been held up since May 9, 2001. She has had two hearings—not one—in which she was grilled by members of the Judiciary Committee, and she came out spotlessly clean. And even Members who today are going to vote against her have said she is one of the most qualified legal scholars they have seen before their committee. In fact, I have to say, I think there are a number of Democrats who really think she should be confirmed, but they are being held back by the special interest groups and the pressures not to confirm this qualified woman.

Justice Priscilla Owen is an 8-year veteran of the Texas Supreme Court. She graduated cum laude from Baylor Law School. She earned the highest score on the Texas bar exam that year. She was a practicing lawyer before she was nominated for the supreme court. And she has been elected since her nomination and won over 80 percent of the vote of Texans and was endorsed by every newspaper in Texas.

She enjoys broad support. The American Bar Association, as the distinguished chairman mentioned, has voted her unanimously well qualified. The Dallas Morning News called her record one of accomplishment and integrity.

The Houston Chronicle wrote: She has the proper balance of judicial experience, solid legal scholarship, and real world knowhow. This is exactly what we want in judges, people who have been in the real world, who have practiced law, who know what it is to be in a courtroom and see two sides of the issue. She also has the academic qualifications that you would want in a judge.

I cannot think of any better qualification. She has been supported across the board by people with whom she has served, both Democrat and Republican.

Let me read the words of former Texas Supreme Court Chief Justice John Hill, who also served our State as attorney general. He is a Democrat. He denounced the false accusations about Priscilla Owen's record by special interest groups. He said:

> Their attacks on Justice Owen in particular are breathtakingly dishonest, ignoring her long held commitment to reform, and grossly distorting her rulings.

Tellingly, the groups made no effort to assess whether her decisions are legally sound. He said:

> I know Texas politics and can clearly say that these assaults on Justice Owen's record are false, misleading, and deliberate distortions.

In addition, another judge with whom she served on the Texas Supreme Court, Raul Gonzales, gave her a sterling endorsement.

Two former State bar presidents who are women—there have not been but three or four women State bar presidents, one of whom is Harriet Miers, who supports Justice Owen; she is now counsel to President Bush—yesterday Colleen McHugh, a Republican, a former State bar president, and Lynne Liberato, a Democrat, a former State bar president, ringingly endorsed Justice Owen.

These are the people who have seen her in action, who have seen her opinions, who have worked before her court on both sides. They have won, they have lost, and they have given her the ringing endorsement.

I think there are two areas where the other side has distorted the facts. It has continually been quoted, Judge Gonzales' opinion dissenting from the opinion of Justice Owen—hers was the dissent; his was the majority—in which he said he thought she was being judicially active. But Judge Gonzales is the very person who recommended her to the President for the Fifth Circuit slot because he looked at the totality of her record, and he felt that she was the best qualified person for this nomination.

He held her in such high regard that he singled her out and took her from the supreme court to suggest that she should be on the Fifth Circuit because he knows that she follows the law as she sees it and does not allow her personal opinions to interfere, which is why I think she has been attacked by the pro-abortion groups who misunderstand her opinions.

Texas has a parental notification statute on abortion. The law was passed in the year 2000. This is not parental consent; it is parental notification. So in the years since the law was passed, the supreme court has been called upon to look at the lower court opinions. Justice Owen has voted with the majority 11 times out of 14. And, in fact, out of those 14 cases that have come before the court, only 3 have reversed the lower court opinions.

I think the reason Justice Owen has so adhered to the lower court fact finding is for the very reason we want her on the bench; that is, that she believes the trier of fact is the court that should make the decisions on fact; and unless there is a reason to believe that lower court has misconstrued the intent of the legislature under the law, that court should not be reversed. Even if she believes that maybe the court made a mistake on the facts, she does not put herself in the place of the fact finders since she is not the one who heard the facts in person.

She is not a judicial activist. She is the opposite. In fact, her record shows that she has gone far beyond what most judges do not to put her personal opinions in place. I do not know what her views on abortion are. She has never told anyone what her views on abortion are because she does not ever intend to let her personal views skew an opinion on this very sensitive issue.

She also said, in defending her record on these issues, that she took the Supreme Court of the United States interpretation of the words that would define when a young woman under the age of consent would be able to make the decision on her own without notifying her parents. She took the U.S. Supreme Court, which is exactly what a judge should do.

So I think Justice Owen has been put into the political meat grinder in Washington, DC. Anyone in Texas you would ask—now, I am not saying that everyone in Texas would say she is their choice; I am not saying that because I have not talked to everyone in Texas about her in particular, but the vast majority of people who know her best, who have practiced before her court, who know the supreme court and what it takes to be a good judge, they have come up here, Democrats and Republicans—not just Democrats and Republicans, leading Democrats and Republicans, the former Democratic attorney general, the former Democratic supreme court chief justice, and another former Democratic justice on the supreme court—they have come forward to say she should be confirmed, that they support her, that she is the right kind of person for a judgeship.

I hope we will be able to meet the 60-vote standard the Democrats are now setting for many judges. That 60-vote standard is wrong. It is against the Constitution. She deserves a vote. She should have the 51-vote standard as the Constitution intended. I hope the Democrats will give her that chance. She is the most qualified person for this position we could ever put forward. I know her personally. I know her integrity. I know what a wonderful human being she is. I have seen her demeanor as she has gone through this meat grinder.

I hope the Senate will give her the dignity she deserves and confirm her today.

Mr. HATCH. Madam President, how much time do I have?

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Utah has 11 minutes remaining.

Mr. HATCH. Let me continue then.

This body is in danger of blowing up. I just read a letter Senator SCHUMER sent to the President yesterday suggesting that we should take this authority from the President to nominate the judges and set up judicial nominating commissions in every State. There is no President in his right mind who would consider doing that. There is no reason a President should. To make a long story short, the Senate is broken. The process is broken. Senator SCHUMER admits it. He writes:

> DEAR MR. PRESIDENT: Six months ago you described the judicial nomination confirmation process as "broken" and declared we have a "duty to repair it." I could not agree with you more.

The other side of this body understands this process is broken because they are filibustering now two of the President's nominees for the first time in history.

Both of these nominees, Miguel Estrada and Priscilla Owen, have unanimously well qualified ratings from the American Bar Association, which during the Clinton years the Democrats were saying was the gold standard. Once they have a qualified rating, which is a passable rating, they should be confirmed. These two not only have qualified, they have well qualified, and unanimously. Only a select few have achieved that rating. It is outrageous that we hear again and again, without a single pause, that a nominee rated unanimously well qualified for Federal judicial service is "out of the mainstream."

Those who have served with her on the Texas Supreme Court know that charge is false. Former Texas Supreme Court Justices John Hill, Jack Hightower, Raul Gonzalez, all Democrats, call Justice Owen unbiased and restrained in her decisionmaking, and they praise her impeccable integrity, character, and scholarship.

Senator CORNYN, whom we all respect, who served with Justice Owen on the Texas Supreme Court, has made it clear that the charge is false. Alberto Gonzales, who also served with Justice Owen, said the charge is false. Senator CORNYN and Judge Gonzales believe Justice Owen is a terrific judge. The two individuals who are repeatedly drafted as prosecution witnesses to discredit Justice Owen as an activist judge, Judge Alberto Gonzales and Senator CORNYN, are actually two of her biggest supporters. All you can conclude is that they are smearing this very fine, unanimously well qualified woman in their comments and also through this filibuster. Nothing can change the fact that the two they use to criticize her are her biggest supporters. I fit in that category, too, as one of her biggest supporters.

No matter how hard they try, they cannot distort that. The unqualified endorsement of 15 past presidents of the Texas State Bar, Democrats and Republicans alike, also shows that the charge is false. Justice Owen is a well qualified, mainstream jurist. And to say that the bar association is wrong, all these Democrats down in Texas are wrong, shows the paucity of the argument.

Some criticize a few rulings made by Justice Owen in some parental notification cases which involve a minor girl seeking an abortion. This is really the basis of it because my colleagues on the other side are getting so enamored with abortion that that becomes the single litmus test on every judge. And they are so afraid that this woman judge might be pro-life, even though I don't know what she is and she didn't say what she believes, but she did say she would follow Roe v. Wade as settled law. I don't know what more you can have. And because she is unanimously well qualified for honor, integrity, impeccability, and so forth, we can take her word for it.

Texas happens to have a statute requiring that a minor notify one parent before she has an abortion. The statute allows the minor girl's parents to be involved in this very important decision. Our colleagues on the other side apparently don't think that is a good idea. It upholds the right of parents in the upbringing and care of their children, and the American people support the principle.

According to a January 2003 CNN/USA Today/Gallup poll, 73 percent of Americans favor requiring minor girls to obtain parental consent before obtaining an abortion. The Texas statute doesn't even go that far; it requires only notice. This broad support is also found in the individual States. Currently, 32 States across the country enforce laws requiring parental involvement in a minor girl's decision to obtain an abortion. Fully 18 States enforce parental consent laws, including Louisiana, Massachusetts, Michigan, North Carolina, North Dakota—where both parents must consent—Rhode Island, and Wisconsin. These are States represented in the Senate by both Republican and Democratic Senators, pro-life and pro-choice Senators. These are States inhabited by people of a variety of beliefs and positions.

Simply being pro-life or pro-choice does not make a person out of the mainstream. That is the only argument they have. How can you call somebody who has a unanimously well qualified rating from the American Bar Association out of the mainstream? That is the height of absurdity, and it shows the ridiculousness of the argument being used against her.

Another 14 States have less stringent parental involvement laws requiring parental notification before a minor has an abortion, including the States of Arkansas, Delaware, Georgia, Iowa, Maryland, Minnesota, Texas, and West Virginia. New Hampshire, which is known as a pro-choice State because of widespread support for abortion rights among State citizens, is close to passing a parental notification law. Notably, the bill's main sponsor in New Hampshire openly supports abortion rights.

Even in States with no laws requiring parental involvement in a minor's abortion decision, popular support for such legislation runs high. In the State of Vermont, more than 70 percent of State citizens support requiring a minor to notify her parents before having an abortion. You would think anybody with a brain would want to do that. These are kids. The parents ought to be involved.

But by comparison, parental consent and notification laws are consistently opposed by the same abortion rights interest groups. These organizations are the ones that do not reflect the thinking of mainstream America on parental rights. Mainstream America supports the fundamental rights of parents in the rearing of their children, including the right to be involved in their minor daughter's reproductive choices.

The abortion rights interest groups, as they do over and over, predict doom and gloom if Justice Owen is allowed to take a seat on the Federal bench. They trot out the excited rhetoric about the nominee's hostility and extreme insensitivity to abortion rights. Occasionally they even top themselves. According to one group, Justice Owen must be opposed because "at this time of global turmoil, we don't need extremists in the courts willing to make a Dred Scott decision in the area of women's fundamental rights."

Give me a break. I would be ashamed to make those arguments, yet that is what they are doing. They are smearing this woman with these kinds of arguments that fly in the face of the vast majority of people who believe parents do have some role with regard to their children, especially in something as important as whether or not their daughter should have an abortion.

By now we know these outside groups' track record leaves much to be desired when it comes to predicting how judicial nominees will vote. These groups have cried wolf far too many times to be taken seriously any longer. We know they missed on Justice David Souter, Justice John Paul Stevens, Justice Lewis Powell, when they predicted at their hearings they would ignore the Constitution and put an end to freedom in America. No matter how much some would prefer to argue the point, these cases were not about the right to an abortion.

The opposition to Justice Owen may show that the abortion litmus test is alive and well, but there was never any question about the girls' right to an abortion in these cases.

Indeed, Justice Owen argued in one such case that, based on Supreme Court precedent, a statute requiring a girl to notify both parents would also be questionable under the Constitution. She even went that far toward their position. Justice Owen recognizes a woman's right to obtain an abortion. She said so explicitly. Yet, they treat her like she is going to throw out Roe V. Wade all by herself and ignore precedent.

Justice Owen has been well within the mainstream of her court in the 14 decided notification cases, joining the majority judgment in 11 of those cases. And out of the close to 800 bypass cases since the Texas statute was passed, a mere 12 girls out of 800 have appealed all the way to the Texas Supreme Court. These are usually the toughest cases. The Democrats take the position that they ought to all be decided against the parents and in favor of the girl or of abortion rights. My gosh. By this time, two courts—the trial and the appeals courts—have already considered the bypass petition and turned it down. In other words, the right of a court to give a girl a bypass to avoid having to tell her parents. In these cases, they turned them down. Given the deference appellate courts must pay to the findings of the trial court, the decision is likely to affirm the lower court rulings denying a bypass. That should be no great surprise.

Certainly, Justice Owen and her colleagues on the Texas Supreme Court disagreed in some cases—that is no surprise either; that happens on State supreme courts—but in all cases there was a genuine effort to apply applicable precedent. These parental consent cases show Justice Owen takes Supreme Court precedent seriously. She looks to precedent for guidance, she cites it, and she makes a good faith effort to apply it to the case at hand. She is a judge who defers to the legislature's considered judgment in their policy choices and earnestly seeks to ascertain legislative intent in her ruling. None of her opinions, to quote the Washington Post, "seem[s] to us [to be] beyond the range of reasonable judicial disagreement."

What is beyond the range of reasonable disagreement is the charge that Justice Owen is not qualified to sit on the Fifth Circuit Court of Appeals.

A native of Texas, Justice Owen attended Baylor University and Baylor University School of Law. She graduated cum laude from both institutions. She finished third in her law school class.

Justice Owen earned the highest score on the Texas bar exam and thereafter worked for the next 17 years as a commercial litigator specializing in oil and gas matters.

Justice Owen is known for her services for the poor and for her work on gender and family law issues. Justice Owen has taken a genuine interest in improving access to justice for the poor. She successfully fought with others for more funding for legal aid services for the indigent.

Justice Owen is committed to creating opportunities for women in the legal profession. She has been a member of the Texas Supreme Court Gender Neutral Task Force, and she served as one of the editors of the Gender Neutral Handbook. Incredibly, this is the same woman the usual interest groups mischaracterize as "anti-woman."

Justice Owen's confirmation may not be cheered by the well-funded and partisan Texas trial-attorney interest groups, but she is backed by Texas lawyers such as E. Thomas Bishop, president of the Texas Association of Defense Counsel, and William B. Emmons, a Texas trial attorney and a Democrat who says that Justice Owen "will serve [the Fifth Circuit] and the United States exceptionally well."

Justice Owen has served on the Texas Supreme Court since 1994, winning reelection to another 6-year term in the year 2000 with 84 percent support.

This kind of support—running across the board and across party lines—leaves no doubt that Justice Owen is a fair-minded, mainstream jurist.

Mr. President, Justice Priscilla Owen will be a terrific Federal judge. As I said earlier, we have a choice this morning. Will we block another highly qualified nominee for partisan reasons or will we allow each Senator to decide the merits of the nomination for himself or herself. I know my choice: we should allow a vote. I hope my colleagues will do the right thing and make the same choice.

I will conclude by saying, look, when I hear on the other side that they are standing up for women's rights, while they are rejecting one of the leading woman jurists in the Nation who has said she will uphold their wonderful standard of Roe v. Wade, I have to say that is pure bunk. It is time to quit smearing these judges.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, how much time is available to the Senator from Vermont?

The PRESIDING OFFICER. There are 18 minutes 15 seconds remaining.

Mr. LEAHY. I thank the distinguished Presiding Officer.

Madam President, I regret we have to be here today, but we are here because the President has picked another fight with the Senate by renominating a divisive and controversial activist to another circuit court. That is regrettable. The Republican leadership in the Senate is forcing this confrontation at this time, and it is neither necessary nor constructive. I am sorry the White House has chosen to make these matters into partisan political fights, rather than working with Senators on both sides of the aisle to fill judicial vacancies with qualified consensus nominees.

I have been here with six Presidents. Five of them, from both parties, would work with members on both sides of the aisle for consensus nominees. This is the first President who has not. Despite what is really a historic low level of cooperation from the White House—and it is the lowest level of cooperation from any White House I have ever had experience with in my 30 years in the Senate—we have already confirmed 120 of President Bush's judicial nominees. We have confirmed 120. We have rejected 2 out of 120. That is not a bad record. Some of them we voted for, including some of the most divisive and controversial nominees sent up by any President. So 120 passed, 2 are being held up. I don't know where that shows an obstructionist Senate. This week the Senate debated and voted on the nomination of Jeffrey Sutton to the Sixth Circuit. This was a divisive one, and I think the fact that it is so divisive is shown by the fact he got the fewest number of favorable votes of any confirmation in almost 20 years—barely a majority. He got 52. That is the lowest number of votes any judge has had in about 20 years. That reflects the fact we have reached the point in the queue where many of these nominations divide the American people and the Senate far more than they unite us. I urge the President to be a uniter, not a divider. This is the third controversial judicial nominee of this President against whom more than 40 negative votes were cast.

Our Senate Democratic leadership is working hard to correct some of the problems that arose with some of the earlier hearings and actions of the Judiciary Committee this year. Just yesterday, we were able to hold a hearing on the nomination of John Roberts to the District of Columbia Circuit. He was put in almost as an afterthought. There was a massive day of hearings, and he was not able to get a full hearing. This was done by the Republican leadership. I appreciate the fact they recognized that was wrong and they had another hearing yesterday. We are all working hard to complete committee consideration of that nomination at the earliest opportunity.

The distinguished chairman of the Senate Judiciary Committee said he will put off that nomination today for a hearing sometime next week, and we will have a vote on him.

I am optimistic our leadership will be able to work out a procedure for Senate consideration of the nomination of Deborah Cook to the Sixth Circuit. So a number of controversial nominations are being considered. I point out there are other nominations, such as that of Judge Edward Prado of Texas, a distinguished Hispanic jurist. Every Democratic Senator said they are willing to go forward with a vote on him. He has been held up on the Republican side. I don't know if we are going to be blamed for holding up this judge or not. We have all agreed we are ready to go forward with a short time agreement and a vote. He will be confirmed. He is not being held up on the Democratic side, but by the Republican side, even though he is one of President Bush's nominees.

There is also Judge Cecilia Altonaga, on whom we have been seeking consideration for some time. I hope the Republican leadership will let them go forward.

We are making progress. The glass is not full, but it is more full than empty. More has been achieved than some want to acknowledge. There have been 120 lifetime confirmations in less than 2 years. That is better than in any 2-year period from 1995 through the year 2000. Why do I mention that time? Because the Republicans were in charge and President Clinton was the President. We have done better in less than 2 years than in any 2-year period when they were in charge. This time, 17 months of that was under Democratic control, where we set a record with the number of Senatorial confirmations of Presidential nominations.

We have reduced judicial vacancies to 48, which is the lowest percentage in more than 12 years. During the entire 8-year term of President Clinton, the Republicans never allowed the vacancy rate to get this low. We have made tremendous progress.

The Republicans continue their drumbeat of political recriminations. We ought to talk about how far we have come with the 110 vacancies Democrats inherited from the Republican majority in the summer of 2001. We have cut those vacancies in half.

Under the Republican majority, circuit vacancies more than doubled and overall vacancies increased significantly. Despite the fact that more than 40 additional vacancies have arisen since the summer of 2001, we have cut those vacancies by more than in half, from 110 to 48. If we had a little bit of cooperation from the other end of Pennsylvania Avenue and from the other side of the aisle, we could achieve so much more.

This is a nomination that should not have been made in the first place and never should have been remade in the second place. It was rejected by the Judiciary Committee last year after a fair hearing and extensive and thoughtful substantive consideration. I think the White House would rather play politics with judicial nominations than solve problems. This unprecedented renomination of a person voted down by the Senate Judiciary Committee is proof of that.

I thank the Democratic leader, the assistant leader, and my Democratic colleagues who have spoken so eloquently and passionately to these matters. Particularly the statements of Senators MIKULSKI, MURRAY, CANTWELL, and STABENOW yesterday were outstanding.

This nomination is extreme. This nominee has shown herself to be a judicial activist and extremist even on the very conservative Texas Supreme Court where her conservative colleagues have criticized her judgements as activist. They have done it not once, not twice but again and again.

The nomination process starts with the President. It is high time for the White House to stop the partisanship and campaign rhetoric. Work with us not to divide us but to unite us, and work with us to ensure the independence and impartiality of the Federal judiciary, something that Presidents have cherished for over 200 years, so that all the American people, whether they are Republicans or Democrats, rich, poor, White, Black, plaintiff or defendant, can go into every Federal courtroom across the country and know that they will receive a fair hearing and justice under the law: that they will come into the one place that is supposed to be impartial, the one place that is supposed to be nonpolitical, the one place that is supposed to look only at the litigants and the law, and so they will not go instead into a politicized, partisan Federal judiciary. That would be a mistake that would hurt us all and that is what we are trying to avoid now.

How much time is remaining on this side?

The PRESIDING OFFICER. Nine minutes twenty seconds remaining.

Mr. LEAHY. I yield such time as he may consume to the distinguished senior Senator from New York.

Mr. SCHUMER. Madam President, I want to thank our leader on the Judiciary Committee for his indefatigable efforts to keep the bench nonpartisan, or bipartisan, or at least moderate, as much as he has done. History will look back very kindly on the leadership of the Senator from Vermont and say that he made a courageous fight. Many of us are proud to be at his side in that fight.

I will speak for a few minutes about the nomination of Judge Owen. The issue is not whether Judge Owen is a conservative; it is whether she will take her own views and subrogate them to the views of what the law is. If we look at her history, time and time again Judge Owen has been unwilling to follow the law and instead impose her own very conservative ideology on the courts. She is clearly not a moderate, but it is not even that she is a conservative that bothers many of us. I have voted for over 100 judges that the President has nominated, and the vast majority could clearly be classified as conservative. In fact, what worries us about Judge Owen is that she is what conservatives used to excoriate, an activist, somebody who will impose her own views because she feels them so strongly and passionately.

I respect people who feel things passionately. I do. But when someone is a judge, that is not what they should bring to the bench. It is not really passion, except in rare instances, that serves the bench well. It is, rather, an ability to understand the law and follow it.

I do not have many doubts that Judge Owen understands the law. She is a bright person. I have very real doubts whether she will follow it.

Conservative members of the Texas bench, none other than Judge Gonzales, now the President's counsel, have pointed out in instance after instance where Judge Owen has simply gone far afield and imposed her own views rather than do what the Founding Fathers wanted. I speak of the Founding Fathers, and it is a timely coincidence that our leader from West Virginia has come in. He has been the guardian of the Constitution, and he could tell us better than anyone else that the Founding Fathers asked—judges to interpret the law, not make law. The great irony, as we go through these debates, is that in the 1960s and 1970s the hue and cry of people of Judge Owen's philosophy was that judges are making law from the bench.

I had some sympathy for those arguments then. I have sympathy now, even though I might be very sympathetic to the laws they were making. But now, all of a sudden we have had nominee after nominee who are not activists from the left but activists from the right. It is quite logical that if one is on either the far left or the far right, they will have much more of a desire—there are exceptions to every rule but much more of a desire to impose law rather than interpret law, and of all the nominees who have come before us, Judge Owen seems to be the apotheoses of that view because in case after case that is exactly what she has done.

Many of us believe, for instance, that Miguel Estrada would do the same thing, but he does not have a record and he refuses to answer questions. But with Judge Owen, the record is crystal clear that in instance after instance she has not subrogated her own personal feelings but, rather, let them dominate her decisionmaking. That is not what a judge ought to be.

We will defeat this motion for cloture, and I am glad we will. History will look kindly on that as well because never has a President of the United States been more ideological in his selection of judges, never.

I have been studying the history and for the first time, this President—whether because he wants to win political favor of the hard right or because he believes it himself, I do not know; I have not discussed it with him—this President wishes to change America through the article III section of Government, the judiciary. And so nominee after nominee is not just a mainstream conservative but somebody who wears their views on their sleeve and is not at all shy about imposing those views on court decisions.

So those of us on this side who are opposing Judge Owen, and some of the other judges, believe that we are fighting for the Constitution, we are fighting for what the Founding Fathers intended judges to be, we are fighting a President who is more ideological in his selection of judges than any, and we will continue this fight.

I have seen our caucus. We were hesitant when we took the first steps. We are stronger. I think we feel this issue more passionately than before, not at all for political reasons. I can't tell you where the political chips fall out on this one. It is a rather esoteric issue. A few people in America on each side feel strongly about the issue but most do not. We know we are doing the right thing.

I am proud of our caucus. I am proud of this moment today. I think it is so important to try to get the President to back off this plan, which is so out of the thinking of the Founding Fathers, to make law from the one nonelected section of the Government, the judiciary, the article III section.

So I will stand proudly today and move that we not go to vote on Judge Owen, not because she has not answered questions. To her credit, she was more forthright than Miguel Estrada and, frankly, than John Robert of yesterday but, rather, because she does not represent the kind of judge the Founding Fathers wanted and America should have. I hope we can defeat her.

I yield my remaining time back to our leader from Vermont.

Mr. KOHL. Mr. President, I rise today in opposition to the nomination of Priscilla Owen to the U.S. Court of Appeals for the Fifth Circuit and also in opposition to ending debate on consideration of her nomination.

I believe that a filibuster of a judicial nominee is an extraordinary measure, a step to be taken only in the most compelling circumstances. The case of Justice Owen is one of those rare situations. In Justice Owen, we are presented with a nominee whose record demonstrates that she is so far outside the mainstream and so clearly prone to substitute her personal preferences for the legally required result as to compel this conclusion.

Our debate today is not, of course, the first time the Senate has considered Justice Owen's nomination. She was nominated for a seat on the Fifth Circuit last year, and we held an extensive hearing at the Judiciary Committee on her nomination. After meeting with her, and thoroughly reviewing her record and her testimony, I opposed her nomination. Despite her defeat in the Judiciary Committee last year, the President saw fit to renominate Justice Owen for the Fifth Circuit once again this year. Nothing at her most recent confirmation hearing alters my conclusion that she is fundamentally unfit for a federal appellate judgeship.

My opposition to Justice Owen is not because of any doubts regarding her intellectual ability—we all recognize her legal talents. And, unlike Miguel Estrada, my primary concern with respect to Justice Owen does not center on her unwillingness to answer questions at her confirmation hearing. Quite the contrary: Justice Owen's answers to our questions made one thing crystal clear—her consistent record of judicial activism, and her demonstrated willingness to substitute her judgment and policy preferences for those of the legislature.

As Justice Owen's record became known last year, we grew increasingly concerned about her willingness to bend the law to suit her own strongly held opinions under the guise of "interpretation." We should not be concerned that her views are conservative on many issues. However, when those beliefs interfere with her ability to apply the law, we are forced to oppose her nomination.

Merely reviewing the comments of her fellow Texas Supreme Court justices compels us to the unfortunate conclusion she cannot be trusted to accurately interpret the law. In a variety of cases, her colleagues have criticized her opinions for not being grounded in the law. She is clearly and consistently outside of the mainstream in many cases. In an environmental case, FM Properties, she was criticized for basing her arguments on "flawed premises" and "inflammatory rhetoric." In an age discrimination suit, Quantum Chemical, she was criticized by the majority for not following the plain meaning of the statute. In a consumer lawsuit, Texas Department of Transportation, the majority criticized her, writing that "the statute's plain meaning" indicated that she was wrong. And, finally, in Doe I, a choice case in which she dissented, then Justice Alberto Gonzales called her dissent "an unconscionable act of judicial activism."

There is a pattern to this criticism that should not be ignored. She repeatedly alters the law to fit her views in ways that the legislature did not intend and that the majority of her own court condemns.

We all know that the law is subject to interpretation and manipulation. The manner in which a judge interprets law is particularly important when considering a nominee to an appellate court. On the circuit court, subject only to the infrequent supervision of the U.S. Supreme Court, a judge has considerable leeway to make policy if she chooses with little concern of being overruled.

Justice Owen's willingness to bend the law to suit her policy preferences are unacceptable, especially for a nominee to an appellate court judgeship. Justice Owen's nearly decade long record as a Texas Supreme Court Justice gives us little confidence that she will faithfully discharge her obligations as a federal appellate judge. To proceed with Justice Owen's nomination would mean taking the risk of placing on a Federal court of appeals for life someone who has repeatedly demonstrated little hesitance to disregard clear statutory language to rewrite the law to suit her personal preferences. This is a risk we cannot take.

Anyone who reviews my record on judicial nominations knows that I have not reached my decision to support extended debate here—indeed my decision to oppose Justice Owen's confirmation—lightly. Justice Owen is only one of only seven judicial nominees I have opposed in my entire 14 years in the Senate. But this nominee's extreme record leaves me no choice. I will vote to oppose cloture on her nomination.

Mr. BAUCUS. Mr. President, I would like to briefly explain why I will vote against cloture on the nomination of Priscilla R. Owen to the U.S. Court of Appeals for the Fifth Circuit.

Ms. Owen's record reveals that she is a judicial activist and an ideologue. As newspaper editorials and several of our colleagues have pointed out, she has created a strong record of rewriting the law when it does not match her personal convictions and beliefs. For those reasons, she does not deserve a lifetime appointment to the U.S. Circuit Court of Appeals. I cannot in good conscience, exercising my duty under the Constitution, allow her to be appointed to as powerful and influential a body as the Fifth Circuit.

Appointees to the Federal bench must be able to set aside their personal philosophies and beliefs. They must be able to administer and enforce the law in a fair and impartial manner. Because the U.S. Supreme Court hears fewer and fewer cases each year, the circuit courts are the court of last resort for many ordinary citizens and businesses. The circuit courts often have the last word on important cases dealing with civil rights, environmental protection, labor issues, and many others. Circuit court judges must demonstrate a record of integrity, honesty, fairness, and a willingness to uphold the law. Ms. Owen fails this test.

For example, Ms. Owen has published opinions and dissents that have drawn criticism from other conservatives and Republicans as inconsistent with the law or facts in front of her. We've heard over and over about her decision in FM Properties v. City of Austin, where the majority on the Texas Supreme Court—consisting of two current Bush appointees and current White House counsel Alberto Gonzales—called her dissent "nothing more than inflammatory rhetoric."

Additionally, in her dissent to the Texas Supreme Court decision In re Jane Doe 1, Owen proposed to require a minor to show knowledge of religious arguments against abortion. In a separate concurrence, Mr. Gonzales said that to the interpret the law as Owen did "would be an unconscionable act of judicial activism."

The administration has every right to appoint judges who share the President's philosophy and beliefs. That is entirely proper. However, that does not give the President the right to appoint judicial activists who have not demonstrated a respect for the law, or an ability to set aside their personal beliefs in order to interpret the law in a fair and impartial manner.

Additionally, a President has never resubmitted a previously rejected circuit court nominee for the same vacancy, as this President has with Ms. Owen. And, the Judiciary Committee for the first time approved a nominee that it had previously rejected. That nominee is Ms. Owen.

So not only does her record of judicial activism disqualify her for a lifetime appointment to the Fifth Circuit, her approval by the Judiciary Committee and consideration by the full Senate is highly unusual and without precedent.

For all of the above reasons, I must oppose Ms. Owen's nomination to the Fifth Circuit and vote against cloture on her nomination.

Mr. FEINGOLD. Mr. President, I will vote no on the nomination of Priscilla Owen to be a judge on the U.S. Court of Appeals for the Fifth Circuit and no on cloture. I'd like to take a moment to explain my decision.

There are a number of factors that I believe require us to give this nomination very careful consideration. First, we should consider that judges on our Courts of Appeals have an enormous influence on the law. Whereas decisions of the District Courts are always subject to appellate review, the decisions of the Courts of Appeals are subject only to discretionary review by the Supreme Court. The decisions of the Courts of Appeals are in almost all cases final, as the Supreme Court agrees to hear only a very small percentage of the cases on which its views are sought. That means that the scrutiny that we give to Circuit Court nominees must be greater than that we give to District Court nominees.

Another important consideration is the ideological balance of the Fifth Circuit. The Fifth Circuit is comprised of Texas, Louisiana, and Mississippi. The Fifth Circuit contains the highest percentage of minority residents—over 40 percent—of any circuit other than the D.C. Circuit. It is a court that during the civil rights era issued some of the most significant decisions supporting the rights of African American citizens to participate as full members of our society. As someone who believes strongly in freedom, liberty, and equal justice under law, and the important role of the Federal courts to defend these fundamental American principles, I am especially concerned about the make-up of our circuit courts and their approaches to civil rights issues.

Even after 8 years of a Democratic President, the Fifth Circuit had twice as many Republican appointees as Democratic appointees. That is because during the last 6 years of the Clinton administration, the Judiciary Committee did not report out a single judge to the Fifth Circuit. And as we all know, that was not for lack of nominees to consider. President Clinton nominated three well-qualified lawyers to the Fifth Circuit—Jorge Rangel, Enrique Moreno, and Alson Johnson. None of these nominees even received a hearing before this Committee. When then-Chairman LEAHY held a hearing in July 2001 on the nomination of Judge Clement for a seat on the Fifth Circuit, only a few months after she was nominated, and less than 2 months after Democrats took control of the Senate, it was the first hearing in this committee for a Fifth Circuit nominee since September 1994. Judge Clement, of course, was confirmed later in the year.

So, there's a history here, and a special burden on President Bush to consult with our side on nominees for this Circuit. Otherwise, we would simply be rewarding the obstructionism that the President's party engaged in over the last 6 years by allowing him to fill with his choices seats that his party held open for years, even when qualified nominees were advanced by President Clinton. And I say once again, my colleagues on the Republican side bear some responsibility for this situation, and they can help resolve it by urging the administration to address the injustices suffered by so many Clinton nominees. One step in the right direction would be for my Republican colleagues to urge the President to renominate some of those Clinton nominees that never received a hearing or vote in this committee. That includes Clinton nominees to the Fifth Circuit.

With that background, let me outline the concerns that have caused me to reach the conclusion that Justice Owen should not be confirmed.

Justice Owen has had a successful legal career. She graduated at the top of her class from Baylor University Law School, worked as an associate and partner at the law firm of Andrews and Kurth in Houston, and has served on the Texas Supreme Court since January 1995. These are great accomplishments.

But Justice Owen's record as a member of the Texas Supreme Court leads me to conclude that she is not the right person for a position on the Fifth Circuit. I am not convinced that Justice Owen will put aside her personal views and ensure that all litigants before her on the Fifth Circuit received a fair hearing. Her decisions in cases involving consumers' rights, worker's rights, and reproductive rights suggest to me that she would be a judge who would be unable to maintain an open mind and provide all litigants a fair and impartial hearing.

Justice Owen has a disturbing record of siding against consumers or victims of personal injury and in favor of business and insurance companies. When the Texas Supreme Court, which is a very conservative and pro-business court, rules in favor of consumers or victims of personal injury, Justice Owen frequently dissents. According to Texas Watch, during the period 1999–2002, Justice Owen dissented almost 40 percent of time in cases in which a consumer prevailed. But in cases where the consumer position has not succeeded, Justice Owen never dissented.

At her first hearing, Senator KENNEDY and Senator EDWARDS asked Justice Owen to cite cases in which she dissented from the majority and sided in favor of consumers. Justice Owen could cite only one case, *Saenz* v. *Fidelity Guaranty Ins. Underwriters*, 925 S.W. 2d 607, Tex. 1996. But Justice Owen's opinion in this case hardly took a pro-consumer position since it still would have deprived the plaintiff of the entire jury verdict. She did not join Justice Spector's dissent, which would have upheld the jury verdict in favor of Ms. Saenz.

Also during that first hearing, Senators FEINSTEIN and DURBIN questioned Justice Owen about *Provident American Ins. Co.* v. *Castaneda*, 988 S.W. 2d 189, Tex. 1998. In that case, the plaintiff sought damages against a health insurer for denying health care benefits, after the insurer had already provided pre-operative approval for the surgery. Justice Owen, writing for the majority, reversed the jury's verdict in favor of the plaintiff and rejected the plaintiff's claim that the health insurer violated the Texas Insurance Code and the Deceptive Trade Practices Act. At the hearing, Justice Owen defended her opinion by saying that she believed that the plaintiff was seeking extra-contractual damages and that the plaintiff had already received full coverage under the policy and statutory penalties. But, in the words of her colleague, Justice Raul Gonzalez, who wrote a dissent, Justice Owen's opinion "may very well eviscerate the bad-faith tort as a viable case of action in Texas." *Id.* at 212, Gonzalez, J., joined by Spector, J., dissenting. The cause of action for bad faith is designed to deter insurers from engaging in bad faith practices like denying coverage in the first place.

In addition, with respect to several decisions involving interpretation and application of the Texas parental notification law, I am deeply troubled by Justice Owen's apparently ignoring the plain meaning of the statute and injecting her personal beliefs concerning abortion that have no basis in Texas or U.S. Supreme Court law. In 2000, the Texas legislature enacted a parental notification law that allows a minor to obtain an abortion without notification of her parents if she demonstrates to a court that she has complied with one of three "judicial bypass" provisions: (1) that she is "mature and sufficiently well informed" to make the decision without notification to either of her parents, (2) that notification would not be in her best interest, or (3) that notification may lead to her physical, sexual, or emotional abuse.

During Justice Owen's first confirmation hearing, Senator CANTWELL questioned Justice Owen about her positions in cases interpreting this law, focusing on Justice Owen's insistence in In re Jane Doe, 19 S.W. 3d 249, 264–65, 2000, Owen, J., concurring, Doe 1 (I)), that teenagers be required to consider "philosophic, social, moral, and religious" arguments before seeking an abortion. In her opinion, Justice Owen cited the Supreme Court's decision in *Planned Parenthood of Southeastern Pennsylvania* v. *Casey*, 505 U.S. 833, 1992, to support her contention that states can require minors to consider religious views in their decision to have an abortion. But, as Senator CANTWELL noted, Casey in no way authorizes States to require minors to consider religious arguments in their decision on whether to have an abortion. Upon this further questioning, Justice Owen then said that she was referring to another Supreme Court case, *H.L.* v. *Matheson*, 450 U.S. 398, 1981, even though her opinion only cited Casey for this proposition. And even Matheson does not say that minors can be required by state law to consider religious arguments. It is my view that Justice Owen was going beyond not only a plain reading of the Texas statute, but Supreme Court case law, and inappropriately injecting her own personal views to make it more difficult for a minor to comply with the statute and obtain an abortion.

I was also not satisfied with Justice Owen's responses to my questions about bonuses to Texas Supreme Court law clerks. I asked her at the hearing whether she saw any ethical concerns with allowing law clerks to receive bonuses from their prospective employers during their clerkships. I also explored the topic further with her in followup written questions. Justice Owen stated repeatedly in her written responses to my questions that she is not aware of law clerks actually receiving bonuses while they were employed by the Court. She reaffirmed that testimony in her second hearing. This seems implausible given the great amount of publicity given to an investigation pursued by the Travis County Attorney of exactly that practice and the well publicized modifications to the Texas Supreme Court's rules that resulted from that investigation and the accompanying controversy.

Even more disturbing, Justice Owen took the position, both at the first hearing and in her responses to written questions, that because the Texas Supreme Court Code of Conduct requires law clerks to recuse themselves from matters involving their prospective employers, there really is no ethical concern raised by law clerks accepting bonuses while employed with the Court. I disagree. It is not sufficient for law clerks to recuse themselves from matters involving their prospective employers if they have received thousands of dollars in bonuses while they are working for the court. The appearance of impropriety and unfairness that such a situation creates is untenable. As I understand it, the federal courts have long prohibited federal law clerks both from receiving bonuses during their clerkships and from working on cases involving their prospective employers. I'm pleased that the Texas Supreme Court finally recognized this ethical problem and changed its code of conduct for clerks. Justice Owen, in contrast, seems intent on defending the prior, indefensible, practice.

Finally, I want to note the unusual nature of this particular nomination. Unlike so many nominees during the Clinton years, Justice Owen was considered in the Judiciary Committee under Senator LEAHY's leadership last year. She had a hearing, and she had a vote. Her nomination was rejected. This is the first time in history that a Circuit nominee who was formally rejected by the Committee, or the full Senate for that matter, has been renominated by the same President to the same position. I do not believe that defeated judicial nominations should be reconsidered like legislation that is not enacted. After all, legislation can be revisited after it is enacted. If Congress makes a mistake when it passes a law, it can fix that mistake in subsequent legislation. Judicial appointments are for life. Confirmations cannot be taken back or fixed. A vote to confirm a nominee is final. A vote to reject that nominee should be final as well. For the President to renominate a defeated nominee and the Senate to reconsider her simply because of the change of a few seats in an election cheapens the nomination process and the Senate's constitutional role in that process.

I believe Justice Owen is bright and accomplished. But I sincerely believe that based on her judicial record, Justice Owen is not the right choice for this position. I wish her well in her continued work on the Texas Supreme Court, and I hope the President will put forward a nominee for this circuit who the committee can have confidence will enforce the law fairly and impartially to all litigants.

Mrs. BOXER. Mr. President, I want to respond to my colleague from Utah, Mr. HATCH, regarding Priscilla Owen's dissent in the case In re Doe, 19 S.W.3d 346, Texas 2000.

Let me emphasize the fact that Justice Owen wrote her own dissenting opinion in this case. Justice O'Neill delivered the opinion of the court, joined by Justice Enoch, Justice Baker, Justice Hankinson, and Justice Gonzales and by Chief Justice Phillips as to Parts II and III. Justice Enoch filed a concurring opinion, joined by Justice Baker. Justice Gonzales filed a concurring opinion, joined by Justice Enoch.

Three Justices dissented in this case, each filing the own separate opinion. The dissenting opinions were written by Justice Hecht, Justice Owen, and Justice Abbott.

Justice Gonzales, in his concurring opinion, very clearly voices criticism of the dissenting opinions:

> The dissenting opinions suggest that the exceptions to the general rule of notification should be very rare and require a high standard of proof. I respectfully submit that these are policy decisions for the Legislature. . . . Thus, to construe the Parental Notification Act so narrowly as to eliminate bypasses, or to create hurdles that simply are not to be found in the words of the statute, would be an unconscionable act of judicial activism. As a judge, I hold the rights of parents to protect and guide the education, safety, health, and development of their children as one of the most important rights in our society. But I cannot rewrite the statute to make parental rights absolute, or virtually absolute, particularly when, as here, the Legislature has elected not to do so.

The chairman of the Judiciary Committee states that Justice Owen did not write the opinion that Justice Gonzales criticized. I fail to see how Senator HATCH can reach that conclusion. Justice Gonzales clearly refers to "the dissenting opinions"—plural—and Justice Owen wrote one of those dissenting opinions.

I trust that this resolves any dispute regarding this matter.

Mr. LEAHY. Madam President, how much time remains for the Senator from Vermont?

The PRESIDING OFFICER. One minute and 40 seconds.

Mr. LEAHY. I yield back our time.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 86, the nomination of Priscilla R. Owen of Texas to be United States Circuit Judge for the Fifth Circuit:

Bill Frist, Orrin Hatch, Kay Bailey Hutchison, John Cornyn, Mitch McConnell, Jon Kyl, Wayne Allard, Sam Brownback, Jim Talent, Mike Crapo, Gordon Smith, Peter Fitzgerald, Jeff Sessions, Lindsey Graham, Lincoln Chafee, Saxby Chambliss.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the nomination of Priscilla R. Owen, to be United States Circuit Judge for the Fifth Circuit, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 44, as follows:

[Rollcall Vote No. 137 Ex.]

YEAS—52

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Schumer
Stabenow
Wyden

NOT VOTING—4

Graham (FL)
Inhofe
Lieberman
Sarbanes

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business between 11 a.m. and 12 noon, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Without objection, it is so ordered.

Mr. REID. Mr. President, the Senator from Texas wishes to speak as in morning business. I ask unanimous consent that he be allowed to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

HONORING OUR ARMED FORCES

Mr. CORNYN. Mr. President, I rise this morning to offer a tribute to our men and women in uniform.

As we all know, President Bush will speak this evening to the Nation and mark the end of a major conflict in Iraq and acknowledge the heroism and sacrifice of our brave men and women in the Armed Forces. I know I speak for the people of my State of Texas and for all Americans when I give thanks that this operation has reached such a swift end, with so few coalition lives lost.

Over the April recess, I took the opportunity to visit most of the military bases in my home State, along with my distinguished colleague Senator HUTCHISON. One in 10 active duty military personnel call Texas their home. As a member of the Armed Services Committee, I am dedicated to looking after their interests and the interests of all of our military personnel.

We must ensure that the United States military continues to have the training, the equipment, and the facilities they need to remain the greatest fighting force the world has ever known, both in war and in peace. The military bases we have in Texas are some of the strongest components of our military readiness in the current war against terror, from Afghanistan to Iraq and across the world. We must use these valuable assets to maintain our status as the world's lone superpower, as we transform our military to face the challenges of the future.

Seeing our soldiers face to face reminds us that they are not just numbers or statistics. They are real Americans, true patriots, with real families. When someone leaves their home to fight for American interests abroad, it affects their entire community; it affects their friends and, most profoundly, it affects their families.

We must remember not just the sacrifices of the brave men and women who fight on the battlefield but the sacrifices of the families they leave behind. I remember, most poignantly, as the deployment was occurring from Camp Lejeune, on CNN a young mother with her child was saying goodbye to her husband, the father of that child. I will never forget the comments she made. She said:

> I used to think that if he loved us, he would never leave us. But now I know that he is leaving us because he loves us.

We must remember the sons who have never seen the faces of their fathers, and mothers who are separated from their children. We must remember the families whose loved ones will not be coming back, who paid the ultimate price so that others can live free.

Our own freedom was not won without cost but bought and paid for by the sacrifices of generations that have gone before. We must honor these heroic dead for their courage and their commitment to the dream that is freedom.

On this same trip with Senator HUTCHISON, visiting our Texas military bases, I had the chance to meet with several of the former prisoners of war who had just returned to their homes. It was especially meaningful to me, because my dad was a POW in World War II. On a bombing mission over Mannheim, Germany, he was shot down and captured and spent 4 months in a prison camp before General Patton and his Army came along and liberated him and others. Knowing the impact of my dad's experience, I have sensed a glimmer of the pain, the anxiety, and ultimately the joy of the families of these former POWs.

I know, in time, as both the former captives and their loved ones learn the names of the rescuers, they will want to express their gratitude in person and continue to be thankful to a nation that recognizes the value of each and every human life.

It strikes me that the Iraqi people's experience was much the same. No doubt the captivity of their nation was longer, more brutal, and more terrible than what our soldiers experienced. The pain of the Iraqi people was immeasurable. But now, at long last, their country has returned to them.

In 1944, Winston Churchill spoke in the Royal Albert Hall to the British troops and reminded them that they served a cause greater than themselves. He said:

> We are joined together in this union of action which has been forced upon us by our common hatred of tyranny. Shedding our blood side by side, struggling for the same ideals, until the triumph of the great causes which we serve shall be made manifest. . . . Then, indeed, there will be a day of thanksgiving, one in which all the world will share.

There is a lot of work to be done in Iraq. But the difference our forces have made in such a short time is undeniable. Just a few short months ago, the idea that the Iraqi people could live free was a concept that some found hard to treat seriously. Now the dream of a free Iraq is in sight. The day of thanksgiving is not here yet, but it is coming. And thanks to the sacrifices of American families and America's warriors, it is coming soon.

We as a grateful nation continue to wish our men and women in uniform godspeed, and we hope and pray for their swift return to the loving arms of their families.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—JUDICIAL NOMINATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the vote on the pending Prado nomination occur at 2:15 today with the remaining time until then equally divided between the chairman and the ranking member. I further ask consent that following the vote, the President immediately be notified of the Senate's action. I also ask consent that on Monday, May 5, at a time determined by the majority leader after consultation with the Democratic leader, the Senate proceed to executive session for the consideration of Calendar No. 34, the nomination of Deborah Cook to be a U.S. district judge for the Sixth Circuit; provided further there be 4 hours for debate equally divided between the chairman and ranking member or their designees. Further, I ask that following the use or yielding of that time the Senate proceed to a vote on the confirmation of the nomination, again with no intervening action.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. I ask that the consent be modified so we have a vote on Prado at 2:15 today.

Mr. FRIST. I believe that was the way it was requested.

Mr. REID. I am sorry. I missed that. I was visiting with someone else.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding that the distinguished majority leader wishes to have a vote on Cook at 4:45 on Monday. Is that true?

Mr. FRIST. That is correct. The first vote on Monday will be 4:45, and that would be on the Cook nomination.

Mr. REID. I ask consent that that be part of what we are doing today. I ask consent that the vote occur at 4:45 and there be a period prior to that of 4 hours for debate on the Cook nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. And that 1 hour of that time be reserved for Senator KENNEDY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I thank all of the Senators who have been involved in leadership on the Democratic side and the Republican side in working on this agreement. I particularly thank Senator MCCONNELL for his perseverance and counsel over the course of the past several days. Both sides have worked in good faith to come to this conclusion.

I now would ask for a further clarification with respect to the nomination of John Roberts. That nomination will be reported a week from today. We have been assured by the other side of the aisle that there would be no filibuster on the nomination of John Roberts; also, that the Senate would vote up or down on his confirmation. I know Members will want to speak on that nomination and we will be prepared to provide time on Thursday for that debate.

I, therefore, expect that prior to completing our business next week we will vote on the nomination. I yield to my colleague with regard to this understanding.

Mr. REID. The statement of the Senator is absolutely correct. There will be no filibuster. I would only ask, as the Senator has already indicated, that there be ample time—it may take as much as 6 hours of debate—prior to a vote on that. The Senator said it would be on Thursday. It may have to spill over until Friday. We may not be able to do all 6 hours on Thursday.

I was just saying—I know the Senator was preoccupied—we may take as much as 6 hours, 3 hours on our side; the other side may not need as much time, and so we may not be able to complete all that on Thursday. That is strictly up to the leader, but we have already indicated we would need up to that much time.

Mr. FRIST. Mr. President, I want to make sure there is adequate time for debate. I would like to try to have the vote by the end of next week, if at all possible.

Mr. REID. Mr. President, Senator MCCONNELL and I worked as much as we could to get this to a point where we are today. I do not like to acknowledge this often, but we were unable to do that. It was only because of the intervention of the two leaders that we were able to arrive at this point. We need not go into all the details of what went into this agreement, but I want to publicly acknowledge the good work of the Democratic leader and the majority leader in allowing us to get to this point. This has been done very quickly on the Senate floor, but to arrive at this point has taken literally hours of time.

This is a significant breakthrough. I think, with all the difficulty we have been having with judicial nominations, that this is a significant advancement. It is typical of what has to be done when dealing with legislation. A lot of people have to give up what they felt was something they could not give up.

I also would say that Senator HATCH and Senator LEAHY have been involved. I think they have helped the advancement of the Senate by their agreeing to things to which a little while ago they would not have agreed. I wish to publicly commend the two leaders, and the chairman of the committee and the ranking member of the Judiciary Committee, Senators HATCH and LEAHY, for some excellent work. This is not anything that will ever be written in the history books but in my mind I have some knowledge of what is good for the Senate and I am convinced that what we have done today is some of the best work we have done all year.

Mr. FRIST. Mr. President, I thank my colleague for his comments and agree wholeheartedly in terms of the efforts that have been made in good faith on both sides of the aisle. It has been difficult in terms of negotiations but everybody has been involved at the leadership level, as well as working with the respective leaders of the committee. We have come to a satisfactory conclusion. By the end of next week we will have accomplished the goals we all have, and that is to keep the process working—it is not always pretty—in a way that will deliver what the American people deserve.

We will have more to say later today, but we will expect to have two votes on Monday, the first at 4:45 and then a vote later, which we will set up the time agreement probably an hour or so after that vote, with consideration to Miguel Estrada. Again, we will make specific announcements but we will have two votes on Monday. I point out the first one is at 4:45, which we have tried to announce a few days ago to make sure people are back for that particular vote.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent the distinguished Senator from New York, Mrs. CLINTON, and I control the next half hour as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUNSHINE IN IRAQI RECONSTRUCTION CONTRACTING ACT

Mr. WYDEN. Mr. President, we rise today to discuss the call of a bipartisan coalition for some badly needed sunshine in the process of awarding Iraqi reconstruction contracts. I particularly commend several of my colleagues for joining me in the bipartisan legislation, the Sunshine in Iraqi Reconstruction Contracting Act introduced April 10.

First, Senator CLINTON and I are especially grateful to the chair of the Governmental Affairs Committee, Senator COLLINS of Maine. Not only is she an excellent chair of the committee that will take up this legislation, she is also an expert on procurement law, a real authority on the very issue we have addressed in our legislation. We are very proud to have her as our lead bipartisan coalition builder on this legislation because her leadership qualities on the committee and special proficiency on this topic give me great confidence this bill is the right move for America, the right move for the Senate, particularly the right move for our taxpayers, and we are very grateful for Senator COLLINS' support and participation in this effort.

Our legislation has a simple aim. It says if a Federal agency awards an Iraqi reconstruction contract without the benefit of open and competitive bidding, that agency must publicly justify their decision to do so. I will tell the Senate and my colleagues the events and news reports of the 21 days since our bill's introduction have only strengthened our bipartisan conviction that Iraqi reconstruction contracts must be awarded in the sunshine and not behind a smokescreen.

There are two primary reasons we believe it is so important American taxpayers deserve additional details about this closed and secretive process. First, there is a huge amount of money on the line, a projected $100 billion in taxpayer funds. Second, the General Accounting Office has already reported sole-source or limited-source contracts almost always are not the best buy for the taxpayer.

In my view, the need for explanation increases a hundredfold if Federal agencies are going to employ a process that may expose taxpayers to additional cost. When we introduced this legislation, we were concerned that the U.S. Agency on International Development had already awarded four of eight major Iraqi contracts through a closed bid or no-bid process. Even at that time, sole-source and limited-source contracts already seemed to be the rule and not the exception for rebuilding Iraq. USAID announced it would limit competition to companies they felt had the technical ability and accounting ability to handle these matters.

But since our legislation was introduced, not only have a number of Federal agencies continued to award no-bid or closed-bid contracts, but once the bids have been solicited, they even started to ignore or circumvent their own publicly stated criteria for limiting the pool of applicants. More than ever, our bipartisan coalition believes if the Federal Government chooses not to use free market competition to get the most reasonable price from the most qualified contractor, then at a minimum they should tell the American people why that is necessary. Sunshine is the best disinfectant and the news reports of recent days simply beg for a clearing of the air.

On April 11, the day after we introduced our bill, one firm secured a $2 million Iraq school contract through an invitation-only process. On April 18, USAID awarded the biggest contract yet through an invitation-only bid process. A $680 million contract to rebuild Iraq's infrastructure was awarded to Bechtel. On April 19, a $50 million policing contract was awarded through a closed bidding process. On the same day, the Washington Post reported that a renewable $7.9 billion contract for personnel services in Iraqi reconstruction was awarded February 25, nearly a month before the war began, with a single company invited to bid for the job. According to the press reports, that invitation came a full 55 days before the start of the hostilities.

As each of the contracts was awarded, Federal agencies justified the no-bid or closed-bid process only by saying that they simply had to move quickly. That is basically one of the only arguments the agencies have left. Originally, USAID said the only companies with security clearances could be invited to apply. But that argument fell apart just a couple of days ago. USAID's own inspector general revealed that USAID waived the security clearance requirement when one bid was awarded. It turned out that the winner of a $4 million ports contract, in fact, did not have the security clearance that was supposedly essential when the limited bid process started. In effect, USAID eliminated the very criteria it used to limit bidders on the project. USAID suddenly said the outbreak of war in Iraq simply made the security clearance process unnecessary.

The only reason the United States would be awarding contracting to rebuild Iraq would be if the United States went to war. So if the requirement for security clearance was needed before the war broke out, it is hard to see what would have changed once the war started. As a Member of the Senate Intelligence Committee, I thought the argument was a bit shaky at the outset. I was not certain why you would need all of the security clearances to fix the sewer system. Weeks ago, it was clear that most of the Iraqi work would be subcontracted out to companies who did not meet the security requirements in the first place. But the report from the inspector general this week has significantly increased my concern. It turned the agency's argument about security clearances from suspect to essentially ludicrous.

This incident makes the case better than any other that agencies should have to clearly and publicly state how they are choosing companies for these invitation-only bids. Perhaps if they know they have to face the public on these issues they will have better explanations or a more open process.

We want to be clear, in the presence of actual security concerns, our legislation assures the protection of classified information. But at the same time, it does give the Congress oversight over the billions in taxpayer money that Americans are being asked to commit in Iraq and that is desperately needed. Historically, open and competitive bidding by Federal agencies has been the tool to get the best value for the taxpayers of our Nation.

Again, independent reports from the General Accounting Office show that in the past, the sole-source or limited-source contracts have not been before the buy. According to the General Accounting Office, military leaders have often simply accepted the level of services given by a contractor without ever asking if it could be done more efficiently or at a lower cost. In the case of Iraq, again, with estimates being low-balled at $25 billion and some exceeding $100 billion, taxpayers in our country have a great interest in making sure this money is spent efficiently.

I also note in wrapping up that many of these contracts are so-called cost-plus contracts. They pay a company's expenses, plus a guaranteed profit of 1 to 8 percent. There are no limits on total costs, so the more a firm charges in expenses, the more profit it is going to make. If the Federal Government is going to spend the money of the people of Oregon in this fashion without asking for competitive bids, I think the people of Oregon and the people of this country deserve to know why. There simply should not be a place for waste when you are talking about at least $100 billion of taxpayers' cash.

I understand the argument that these contracts need to be awarded quickly. I understand in many cases the companies receiving them have a long history of international work. I simply believe if the need for speed can adequately justify these closed-bid processes that may expose the taxpayers to additional expenditures, then those agencies need to make public why they would take these extraordinary measures that could very well waste significant amounts of taxpayer money.

I want to yield my time to Senator CLINTON. I thank her. She is on the Senate Armed Services Committee. She and I and Senator COLLINS have been a bipartisan coalition.

I would also like to note a number of other Senators—Senator BYRD in particular, who serves on the Appropriations Committee and the Armed Services Committee—have been very helpful as well. But I yield to Senator CLINTON and particularly express my support to her. With Senator COLLINS, we have tried to make the focus that there is a bipartisan need for protecting taxpayers, to make sure this money is spent wisely at a time when there is so much economic hurt across the Nation.

I yield to the distinguished Senator from New York.

Mrs. CLINTON. Mr. President, will my distinguished colleague yield for a question?

Mr. WYDEN. I will.

Mrs. CLINTON. Mr. President, it is a great privilege to be working in this bipartisan coalition with the chairman of the Governmental Affairs Committee, Senator COLLINS, and with a long-time champion of taxpayers and consumers like Senator WYDEN.

Is it the understanding of the Senator from Oregon that the buck really stops with Congress? It is the Congress's responsibility to ensure the funds we appropriate for reconstruction in Iraq are spent in a fair and open manner?

Mr. WYDEN. The Senator from New York has summed it up. This is Congress's call. The buck in fact does stop with the Congress.

What we are talking about here is making sure Congress keeps in place vigorous oversight about the process. The process is what has, in our view, put taxpayers' dollars in some peril. People have focused on one company or another. There are inquiries underway. What we are going to do is protect the process that ensures, as the Senator from New York suggests, that the taxpayers are protected and Congress in fact has the last word in making sure this money is spent responsibly.

Mrs. CLINTON. Mr. President, that is an eloquent summation as to why I have joined with my colleagues in introducing the Sunshine In Iraqi Reconstruction Contracting Bill.

Tonight President Bush will address our Nation and will tell the world that Operation Iraqi Freedom's military action is over, at least insofar as major military engagements may be required. We know we will have continuing problems, like those we have seen in the last few days. But it is true we are now moving toward the second phase, which is the rebuilding of Iraq. So this colloquy we are having today is especially timely because of the President's announcement this evening.

With respect to our going forward, I think the important points the Senator from Oregon has made need to be underscored because, for many of us, we want to see the plans that have been explained in the last several weeks about the rebuilding effort move forward as expeditiously and cost-effectively as possible.

We know, as we just heard from the distinguished Senator, that a number of contracts have already been let. They have been no-bid or closed-bid contracts. As one follows the information about these contracts in the press, it has become clearer and clearer this has been in the planning for quite some time and it has been largely the province of a rather small group of insiders.

I think it is imperative, not only for the integrity of our procurement process, for the integrity of the congressional appropriation and oversight process, but for the integrity of the entire operation that has been undertaken in Iraq, to be transparent and open before the world.

If I may ask the Senator from Oregon another question, is it correct the legislation we have introduced would require when contracts are awarded without a full and open competition, behind closed doors, that the awarding agency—whether it is the Department of Defense or USAID—would have to publicly explain why they could not have had an open process?

Mr. WYDEN. The Senator is correct. Again, that is what the legislation is about. There is a certain irony in that that information is in fact already available. The bipartisan legislation we have put together with the Chair of the Governmental Affairs Committee, Senator COLLINS, says what is already completed work, in terms of the analysis and justification, simply would be made public so as to reinforce the proposition that there be the maximum amount of transparency, the maximum amount of accountability, and so the public can see why, if necessary, a special process that doesn't involve open bids would be necessary.

Mrs. CLINTON. You know, our bill also requires as part of that transparency, letting the sunshine come in, that the agencies would make public the amount of the contract, the scope of the contract, would provide information about how contractors were identified, as well as the justification and determination of the documents that led to the decision not to use full and open competition.

I find that very reassuring. I do not understand why this would not be legislation we could literally pass by unanimous consent this afternoon. I don't think it is in our Government's interest nor is it in America's interest that there be any doubt at all, any shadow cast over this process so people in our own country or elsewhere can say there is something funny going on, this is not being done straight.

Would the Senator agree, in addition to fulfilling what we know to be the appropriate procurement procedures, the fact that no-bid or closed-bid contracts time and time again lead to overruns, to excessive costs, that we are also, through this legislation, trying to send a warning, in a sense holding out a helping hand to the Government, to say let's do this in the open so nobody can ever go back and question motive or process with respect to what we are attempting to do with the reconstruction of Iraq?

Mr. WYDEN. The point of the Senator about the credibility of the Government I think is fundamental. I think we all know if people see something taking place behind closed doors, in secret, without the open and full process of competitive bidding, it just engenders suspicion, it just engenders a sense of skepticism and cynicism about government that just does not have to be.

It is particularly troubling here because the General Accounting Office, the nonpartisan organization of auditors, has already documented there is a problem. So we have a combination of taxpayer skepticism about work done in secret coupled with the long history of the General Accounting Office's skepticism about these reports, and here is an area that just cries out for sunshine.

I talked about sunshine being the best disinfectant, but certainly since we introduced this bill with Senator COLLINS over the last 21 days, the fact we have seen all these contracts—in fact, one of them where the agency just waives their own process, without an explanation—I think highlights the Senator's point that the Government's credibility is at stake.

Mrs. CLINTON. Mr. President, I hope we will have an even larger bipartisan coalition supporting this legislation, working with us, perhaps even convincing the Government agencies responsible for letting these contracts to think very hard about the process they are now following.

Again, I thank my colleague from Oregon and my colleague from Maine for providing such leadership. It is a pleasure to work with them. But it is also a duty. I think all of us feel a heavy responsibility to make sure the billions and billions of dollars—maybe as much as $100 billion that will be spent on reconstructing Iraq—is spent in the most effective way. Because, while we are looking at the extraordinary costs of this kind of task awaiting us in Iraq, we are also in this body hearing from our constituents, as many of us did over the previous 2 weeks, about what is happening to their schools, what is happening to their hospitals.

So we have to be especially conscious that this money can be justified; that we can look our constituents in the eyes when they say, I don't understand, Senator. I thought we were going to get more help for our poor schools. Senator, I don't understand. Our hospital has just closed down because we can't get enough reimbursements from the Federal Government.

This is not only about all of the good government principles. It is not even only about the integrity and credibility of our government. It is about the choices that are being made. These choices are not only important with respect to contracting, but they are important with respect to our values.

I hope our colleagues will join us in moving this piece of important legislation through so that we can begin to practice what many of us preach about transparency and openness and also making sure we get the very best deal. Our dollars are limited. If there is any excess on justified dollars going to Iraq that could go to my kids and schools in New York City, or to Ron's hospital in Oregon, that is our responsibility.

Let me again thank my colleagues. I look forward to being successful with this bipartisan coalition and getting this legislation passed at the earliest possible time.

Mr. WYDEN. Mr. President, to wrap up, I would like to reaffirm a point that the distinguished Senator from New York mentioned with respect to the feeling of our citizens at a time when there are so many schools that are underfunded and seniors can't afford their medicine and other services. When I was home over the break—perhaps the Senator from New York heard this as well—many constituents came up to me and said: We are really glad that you are pushing this bill at more competitive bidding and reconstruction contracts. But, to tell you the truth, why don't you just have Iraqi oil pay for all of the reconstruction? We don't need the taxpayer money.

There already is a sense about the Nation that we have to be careful about how these funds are being used. I think there is a role for the United States to play. I think it is clear that is a part of an important contribution that our country can make with the conflict winding down. But it just reaffirms in my mind how critical it is to use this money wisely. With the American people hurting now with what one might say is the highest unemployment rate of our country, you can't explain to the taxpayers of this Nation frittering away dollars on contracts that are let without competitive bids.

We look forward to colleagues of both political parties joining us in this effort. It seems to me a bill such as this should be passed unanimously with all 100 Senators onboard. We look forward to seeing the resolution of this legislation to protect the taxpayers.

Again, I want to close by expressing my thanks to the chairman of the committee where this legislation was sent. Senator COLLINS has been a critical partner in this effort to direct procurement law. Senator BYRD, who holds, of course, a longstanding interest in this matter and serves on both the Appropriations and the Armed Services Committees, has been invaluable to me in particular in providing counsel with respect to how to move this legislation forward. Together we look forward to passing this bill and protecting the taxpayers' interests as perhaps $100 billion of taxpayer money is spent in the rebuilding of Iraq.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF EDWARD C. PRADO, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

The PRESIDING OFFICER (Mr. BUNNING). Under the previous order, the Senate will now proceed to the consideration of Executive Calendar No. 105, which the clerk will report.

The assistant legislative clerk read the nomination of Edward C. Prado, of Texas, to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed for the next 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DEWINE are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. Who yields time?

The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, on behalf of the majority leader FRIST, I ask unanimous consent that the vote on Executive Calendar No. 105, the nomination of Edward C. Prado, occur at 2:05 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I am pleased we are going to move to the nomination of Judge Edward Prado. While my friend, the distinguished senior Senator from Ohio, is on the floor, I want to extend early congratulations because it appears that on Monday we are going to approve a judge on which he has worked so hard. Because of his advocacy and a number of others, we have been able to move through this circuit court process a little more quickly. The Senator from Ohio told me how much he thought of Judge Cook, and being the fine lawyer the Senator is, I am certain we are going to get a good addition to the court. His recommendation goes a long way with me. I congratulate the Senator from Ohio for his advocacy on the part of someone he knows and speaks so well of.

Mr. President, I am pleased we now are on the nomination of Judge Edward Prado, a well-qualified nominee for the Fifth Circuit Court of Appeals. Judge Prado is being considered for the same court as Justice Priscilla Owen, a nominee we on this side find to be a divisive choice for the circuit court. The swift consideration of Judge Prado's nomination illustrates again how the nomination process can work when the President sends up fairminded and mainstream choices for lifetime seats on our Federal bench. It happens quickly.

This came about as a result of our being involved in another judicial nomination that was not going anywhere, and on this side we moved to the nomination of Judge Prado. I think that and other reasons moved us along the path very quickly.

While some have decried the confirmation process is broken, certainly the numbers belie that charge. With the two district court judges confirmed before we recessed and Mr. Sutton on Tuesday, the number of confirmations has already risen to 120. This afternoon it will be 121. These numbers dwarf the confirmations achieved by my Republican colleagues under President Clinton.

Last year alone, in an election year, the Democratic-led Senate confirmed 72 judicial nominees, more than in any of the prior 6 years of Republican control. Overall, in the 17 months of Senate Democratic control, we were able to confirm 100 judges and vastly reduce judicial vacancies. We were able to do so despite the refusal of the administration to consult with Democrats on circuit court vacancies and many district court vacancies.

As I have indicated, if we confirm Judge Prado, which I am confident we will do, he will be the 121st judge. He will also be the 11th Latino judge serving in our circuit courts. Judge Prado is supported by the Congressional Hispanic Caucus, the Mexican American Legal Defense Fund, and many others.

I ask unanimous consent that a letter from the Congressional Hispanic Caucus expressing their unanimous support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 29, 2003.

Hon. BILL FRIST,
U.S. Senate Majority Leader,
U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER FRIST: On behalf of the Congressional Hispanic Caucus (CHC), we write today regarding Edward Charles Prado's nomination to the United States Court of Appeals for the Fifth Circuit. Earlier this year, the CHC voted unanimously to endorse the nomination of Judge Prado. Subsequently, Judge Prado received the unanimous bipartisan support of the Senate Judiciary Committee, and it is our understanding that Senate Democratic leadership has since asked that this non-controversial nomination be immediately called up for a vote.

Unfortunately, it is now being reported that Senate Republican leadership is holding up confirmation of Judge Prado as part of a political ploy to characterize Democratic opposition to certain individual judicial nominees as a Democratic assault on women and minorities. If this in fact is the case, then it is reprehensible that the Senate Republican leadership would engage in such offensive and malicious tactics for mere political gain.

It is ironic that although Judge Prado has received bipartisan and unanimous support so far, Republican leadership has not yet allowed the full Senate a final vote on his nomination. Intentionally delaying a vote on this nomination casts doubt on the sincerity of Republican rhetoric about supporting and confirming qualified Hispanic judges.

Furthermore, it would be a travesty for Judge Prado, a qualified and respected Hispanic judicial nominee, to fall victim to a disingenuous politically motivated campaign to label Democrats as anti-minority by highlighting Democratic opposition to a select few while ignoring Democratic support for the vast majority of President Bush's Hispanic judicial nominees.

President Bush's nominations of Jose Martinez to a District Court in Florida, Jose Linares to a District Court in New Jersey, Christina Armijo to a District Court in New Mexico, James Otero to a District Court in California, as well as Alia Ludlum, Philip Martinez, and Randy Crane to District Courts in Texas all received Democratic support and all were confirmed by the U.S. Senate. In addition to Judge Prado, another pending Hispanic judicial nominee, Cecilia Altonaga of Florida, is also expected to be confirmed by the Senate with Democratic support.

Clearly, Senate Democrats have displayed a willingness to support President Bush's Hispanic nominees, and any assertions to the contrary are unnecessary and counterproductive to efforts to increase diversity on our Nation's federal courts.

As you know, the judicial nomination process is important to the CHC because we believe that our Nation's courts should reflect the diversity of thought and action that enrich America. To that extent, we established the Hispanic Judiciary Initiative to further formalize our involvement in this issue by establishing a set of evaluation criteria and an internal process for endorsing nominees. Since its inception the CHC Hispanic Judiciary Initiative has worked to improve diversity within the federal judiciary. For this effort to be hindered due to political maneuvering, absent concern for the best interest of the Hispanic community, is both irresponsible and neglectful.

Once again, we believe that Judge Prado's qualifications and distinguished career in law, as well as his dedication to the Hispanic community make him a judicial nominee deserving of confirmation. We respectfully urge you to schedule a vote to confirm Edward Charles Prado to the United States Court of Appeals for the Fifth Circuit without any further delay.

Sincerely,

CIRO D. RODRIGUEZ,
Chair, Congressional Hispanic Caucus
CHARLES A. GONZALEZ,
Chair, CHC Hispanic Judiciary Initiative.

Mr. REED. Judge Prado has served 19 years in the United States district court. As some of my colleagues have noted, it is sometimes more challenging to review nominees who come to us from private practice and universities. We have to extrapolate from their record in those different roles as to how they would perform as a judge. With Judge Prado, we certainly do not have that problem. We know how he has performed as a judge.

With the nomination of Priscilla Owen, the same applies. We have the Priscilla Owen and Judge Prado judicial records we can directly evaluate. In the case of Justice Owen, it is a record many on our side find troubling. If all the Members had been present today, it would have been 47 people voting against cloture.

In the case of Judge Prado, it is a record we find evinces an evenhandedness and fairness befitting a circuit court judge. Not that I would decide every case the way Judge Prado has—I would not—but overall he has won the support of all Democratic Senators, as far as I know, on the Judiciary Committee, and other Democratic Senators, because they found his record one of balance and fairness. Unlike Justice Owen and Mr. Estrada, no colleague or supervisor has questioned his ability to apply the law faithfully. Unlike Justice Owen and Mr. Estrada, no single person or organization has submitted a letter of concern or opposition to Judge Prado's nomination.

Judge Prado has generated no controversy. He is experienced. While I am sure he is conservative, it does not matter: He is an evenhanded judge.

There is something to be said for conservative judges. If conservatism means the law is followed, stare decisis, the precedent set, I think that is good.

Judge Prado will be confirmed today because he is a fine person and an excellent judge. As I have noted in the past, eight of the sitting Latino judges were appointed by President Clinton. Several of these judges were denied Senate consideration for years while the Republicans controlled the Senate. Judge Richard Paez, nominee for the Ninth Circuit, waited over 1,500 days. He was well qualified, had the support of his hometown Senators, and 39 Republicans voted against his nomination. There is nothing wrong with that.

They had different views as to how he would serve as a judge.

Judge Sonia Sotomayor, a nominee to the Second Circuit, was similarly stalled. Her confirmation took 433 days. Then there were the Hispanic nominees who were denied hearings or votes by Republicans during the Clinton administration: Jorge Rangel, Enrique Moreno, Christine Arguello, Richard Morado, Anabelle Rodriquez.

These facts and the expected confirmation of Judge Prado belie the anti-Hispanic charges some have made in the context of the Estrada debate. The extended debate Democrats have sought to have on just a handful of judicial nominees affects our constitutional advice and consent duty.

While the number of judges who have been confirmed demonstrates our good faith in working with our colleagues and the President, we will not simply rubberstamp ideologically driven individuals for lifetime seats on our Federal courts.

I am pleased that today we are moving forward on this qualified judge, Edward Prado. I believe the way Judge Prado's nomination has been received in the Senate points the way through some of the conflict that has occurred in the Senate over a very small number of judicial nominees.

If my math is correct, by today's end there will be 121 versus 2. That is a good record in anyone's book.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, as I understand it we are on the Prado nomination.

The PRESIDING OFFICER. The Senator is correct.

Mr. HATCH. Mr. President, I am pleased that we are considering the nomination of Edward C. Prado, who has been nominated by President Bush to serve on the United States Court of Appeals for the Fifth Circuit. He has an outstanding record of distinguished public service and will be a great addition to the Fifth Circuit, especially since the seat to which he has been nominated has been designated a judicial emergency by the Judicial Conference of the United States.

Judge Prado currently serves as a United States District Judge for the Western District of Texas, having been unanimously confirmed by the Senate in 1984. His 18 years on the bench, plus prior service as a Texas state court district judge has given him the experience and background to make an outstanding Fifth Circuit Judge.

In addition to his judicial experience, Judge Prado has had a distinguished legal career. After graduating from the University of Texas School of Law in 1972, he began his legal career as an Assistant District Attorney in the Bexar County, TX, District Attorney's Office. In 1976 he accepted a position with the Federal Public Defender's Office for the Western District of Texas where he served as an Assistant Federal Public Defender representing indigent criminal defendants in the federal courts.

During 1980, he served as a Texas state district judge, filling the unexpired term of the incumbent. In this position, he presided over several hundred cases, including felony criminal trials. In 1981, he was unanimously confirmed by the Senate and appointed as United States Attorney for the Western District of Texas, where he managed one of the largest United States Attorney's Offices in the Nation. In 1984, President Reagan nominated and the Senate confirmed Judge Prado as a United States District Judge for the Western District of Texas. In this capacity he has handled thousands of cases and hundreds of trials.

Judge Prado is a man of exceptional character, impeccable ethics, and is well qualified to serve as a Circuit Judge. He has received many honors and awards for his work in the law, including the St. Thomas Moore Award from St. Mary's University School of Law in 2000, the LULAC State Award for Excellence in 1981, the Achievement Award from the U.S. Attorney General in 1980, and recognition as an Outstanding Federal Public Defender in 1978.

Judge Prado is a native of San Antonio, Texas and has served his community, state and nation in a variety of ways. Not only has he served in his professional capacity, but also he believes in community service and has been involved in community service organizations such as St. Mark's Catholic Church, Witte Museum Community Advisory Committee, the Philosophical Society of Texas, the Rotary Club of San Antonio, and Leadership San Antonio. Additionally, Judge Prado served in the U.S. Army Reserve as an Infantry Officer from 1972–1987.

In addition to his public and community service, Judge Prado has been actively involved in efforts to improve the legal and judicial process. He has been a leader in numerous bar associations and law-related organizations. For example, he has been a member of the Texas and San Antonio Bar Associations since 1972, including service as President, and later Director and Chairman of the Board of Trustees, of the San Antonio Bar Foundation. Judge Prado serves on the Texas State Bar Crime Victims Committee, and was appointed by Chief Justice Rehnquist to serve as the Chairman of the Criminal Justice Act Review Committee from 1991–1993.

As a District Judge, he has made efforts to reach out to youth groups to help them learn about the law and the judicial process. He gives motivational speeches and conducts events in his courtroom as an introduction to the law.

Judge Prado comes highly recommended by those with whom he serves and by those who appear in his courtroom. Let me read a few statements made by Texas attorneys, as reported in the Texas Lawyer, February 10, 2003. Laurence R. Macon said of Judge Prado, "I've known him for 30 years, and he doesn't have any outrageous positions. He won't be there trying to make law." Seagal Wheatley stated, "If the Judiciary Committee looks at his qualifications, he should be a shoo-in. I'm not aware of any recent opinion that will cause him problems." A third attorney, Van Hilley, said, "Judge Prado has a varied background and an open mind about things. The reason his docket ran so smooth is he wasn't viewed as pro-government or pro-defense."

The legal bar's wide regard for Judge Prado is reflected in his evaluation by the American Bar Association. The ABA evaluates judicial nominees based on their professional qualifications, their integrity, their professional competence, and their judicial temperament. The ABA has bestowed upon Judge Prado its highest rating of Unanimously Well Qualified.

Furthermore, Judge Prado has been endorsed by his hometown newspaper, The San Antonio Express-News, which declared, "The Senate should confirm Prado's nomination without undue controversy or delay. . . . His credentials are unquestioned." Mr. President, I ask unanimous consent that the complete San Antonio Express-News editorial be printed in the RECORD, following my remarks.

The PRESIDING OFFICER. Without objection it is so ordered. (See exhibit No. 1)

Mr. HATCH. Mr. President, the record is clear that Judge Prado is a man of ability and character. This Senate, on two previous occasions, has found Judge Prado worthy of confirmation for positions of high responsibility in the government, and I am confident it will do so again today. I strongly support his confirmation and urge my colleagues to do likewise.

EXHIBIT NO. 1

U.S. District Judge Edward C. Prado has compiled an admirable record in his almost two decades on the federal trial bench.

Last week, President Bush nominated the San Antonio judge for a well-deserved promotion to the 5th U.S. Circuit Court of Appeals.

The Senate should confirm Prado's nomination without undue controversy or delay.

Prado, a graduate of Edgewood High School, was appointed to his federal district court post by President Reagan in 1984 and has performed consistently as a non-ideological moderate.

His credentials are unquestioned. Prado first became a judge in 1980 when Gov. Bill

Clements named him to a state district court bench.

In addition, U.S. Sens. KAY BAILEY HUTCHISON and JOHN CORNYN of Texas swiftly recommended a solid replacement for Prado if he is elevated.

The lawmakers forwarded the name of former Texas Supreme Court Justice Xavier Rodriguez of San Antonio to the White House to fill Prado's seat.

Gov. Rick Perry appointed Rodriguez to the state's high court, but he was defeated in last year's GOP primary.

A bright lawyer with solid legal qualifications, Rodriguez was apolitical before being appointed to the Texas Supreme Court, and that is one of many factors that make him a strong candidate for a federal bench.

We urge Bush to accept the recommendation of the Texas senators and nominate Rodriguez when Prado's post is officially vacated.

Mr. KOHL. Mr. President, I rise today in support of the nomination of Judge Edward Prado to be a Circuit Court Judge for the Fifth Circuit Court of Appeals. Judge Prado has earned my support and that of my colleagues for his distinguished record in public service and for the integrity with which he has gone through the Senate confirmation process.

Judge Prado has been a public servant for his entire professional life. From the assistant district attorney position he took just after receiving his law degree, to his experience as a U.S. attorney for the Western District of Texas, to the 19 years he has served as a district court judge for the Western District of Texas, Judge Prado's commitment to public service is evident.

During his tenure as a Federal district court judge, Judge Prado has heard and decided hundreds of cases. This experience helps make him a well-prepared and well-qualified nominee to the Fifth Circuit. He has developed an extensive record of achievement for the Senate to consider and review in our endeavor to evaluate his nomination.

Further, Judge Prado should be commended both for his willingness to be honest and forthcoming in the questionnaire he submitted to the committee, and for his comportment at his committee confirmation hearing. Judge Prado directly and fully addressed some of his more controversial rulings in his questionnaire, and provided honest, complete answers to all questions asked of him at his hearing. I do not agree with all of Judge Prado's decisions; in fact, we may hold different views on significant issues. Yet I am convinced that he will apply the law in a capable and responsible manner.

Finally, it should be noted that I support the elevation of Judge Prado to the Court of Appeals for the same reasons that make me unable to support the nomination of Miguel Estrada to the D.C. Circuit. Where Judge Prado has 19 years of experience on the Federal bench, Mr. Estrada has no experience of any kind as a judge. And, more importantly, Judge Prado has voluntarily and directly addressed any controversial issues in his record, while Mr. Estrada has made a habit of concealing such information and refusing to submit documents which would be of substantial assistance to the committee.

Mr. Prado is the kind of experienced, well-qualified nominee that the Senate can confirm with speed and ease. I support his nomination.

Mr. LEAHY. Will the Senator yield?

Mr. HATCH. I am happy to yield.

Mr. LEAHY. I know we have set a time. I wonder if the Senator from Vermont might have a minute or so to speak about this nomination.

The PRESIDING OFFICER. Each side has 3 minutes remaining at this time.

Mr. HATCH. I will yield to the distinguished Senator from Vermont, and I yield my remaining 3 minutes to the distinguished Senator from Texas.

Mr. LEAHY. Mr. President, I begin by thanking the democratic leader and assistant leader for going to bat for Judge Edward Prado and working out this arrangement with the Republican leadership so that this consensus nomination can be considered without further delay. I appreciate that the majority leader and Senator MCCONNELL have been willing to work with us to allow this nomination to go forward today.

I was disappointed to hear on Tuesday that the Republican position was that this matter should be further delayed and I did not understand the logic or motivation behind that position.

I cannot recall a time when the Senate or either party leadership insisted on strict adherence to consideration of nominations based on their calendar number. Indeed, during the period 1995 through 2001, quite the opposite was true and Democrats had to work very hard to get the Republican leadership to take up nominations that were stalled on the Senate Executive Calendar for weeks, months and sometimes years. This year we have continued to make progress on filling judicial vacancies not by holding up all nominations reported after that of Mr. Estrada but, on the contrary, by moving to those on which there is agreement and on which we can proceed most efficiently.

In fact, all 20 judicial confirmations this year were nominations reported and considered after that of Mr. Estrada and after debate on the Estrada nomination had begun.

We still do not know who on the Republican side delayed consideration of the consensus nomination of Judge Prado for the last month. I thank the Congressional Hispanic Caucus for its support of this nomination and for working with the Senate to bring this matter forward at this time. I also want to thank the Republican leadership for changing position and working with us to move forward.

I came to the floor on Monday to make the point that the nomination of Judge Edward Prado to the United States Court of Appeals for the Fifth Circuit was cleared on the Democratic side and that we were prepared to proceed. Senator DASCHLE and Senator REID came before the Senate on Tuesday to urge that the Prado nomination be considered rather than be held captive on the Senate calendar. All Democratic Senators serving on the Judiciary Committee voted to report this nomination favorably. All Democratic Senators had indicated that they were eager to proceed to this nomination and, after a reasonable period of debate, voting on the nomination. I am confident this nomination will be confirmed by an extraordinary majority—maybe unanimously.

It is most unfortunate that so many partisans in this administration and on the other side of the aisle insist on bogging down consensus matters and consensus nominees in order to focus exclusively on the most divisive and controversial of this President's nominees as he continues his efforts to pack the courts. Democratic Senators have worked very hard to cooperate with this administration in order to fill judicial vacancies. What the other side seeks to obscure is that effort, that fairness and the progress we have been able to achieve without much help from the other side or the administration.

This week, again, despite Democratic willingness to proceed to a vote on the controversial nomination of Jeffrey Sutton to the Sixth Circuit, the other side then insisted we proceed to the unprecedented renomination of Priscilla Owen. Mr. Sutton was confirmed with the fewest votes in favor of any judicial nominee in the last 20 years and with more than enough negative votes to have sustained a filibuster. Rather than proceed to a consensus nominee and fill a judicial emergency vacancy on the Fifth Circuit with an experienced and respected Hispanic federal judge, Judge Prado, Republicans insisted on pressing forward with another of the President's most controversial and divisive nominations.

The fact is that when Democrats became the Senate majority in the summer of 2001 we inherited 110 judicial vacancies. Over the next 17 months, despite constant criticism from the administration, the Senate proceeded to confirm 100 of President Bush's nominees, including several who were divisive and controversial, several who had mixed peer review ratings from the ABA and at least one who had been rated not qualified. Despite the additional 40 vacancies that arose, we reduced judicial vacancies to 60, a level below that termed "full employment" by Senator HATCH. Since the beginning of this year, in spite of the fixation of the Republican majority on the President's most controversial nominations, we have worked hard to reduce judicial vacancies even further.

As of today, the Senate Judiciary Committee website lists the number of judicial vacancies at 48. That is the lowest it has been in 13 years. That is lower than at any time during the entire eight years of the Clinton administration. We have already reduced judicial vacancies from 110 to 48, in less than two years. We have reduced the vacancy rate from 12.8 percent to 5.6 percent, the lowest it has been in the last two decades. With some cooperation from the administration think of the additional progress we could be making.

Even after the consideration of Judge Prado, for example, there is another distinguished Hispanic nominee who was reported unanimously by the Judiciary Committee last month on which the Senate will not yet have acted: on the Senate executive calendar is the nomination of Cecilia Altonaga to be a Federal judge in Florida. We expedited consideration of this nominee at the request of Senator GRAHAM of Florida. She will be the first Cuban-American woman to be confirmed to the Federal bench when Republicans choose to proceed to that nomination. Indeed, Democrats in the Senate have worked to expedite fair consideration of every Latino nominee this President has made to the Federal trial courts in addition to the nomination of Judge Prado.

Another example may be the nomination of Consuelo Callahan to the Ninth Circuit Court of Appeals. Unlike the divisive nomination of Carolyn Kuhl to the same court, both home State Senators returned their blue slips and support a hearing for Judge Consuelo Callahan. I have asked that she receive a hearing in the near future and look forward to learning more about her record as an appellate judge for the State of California. Rather than disregarding time-honored rules and Senate practices, I urge my friends on the other side of the aisle to help us fill more judicial vacancies more quickly by bringing those nominations that have bipartisan support to the front of the line for Committee hearings and floor votes.

As I have noted throughout the last 2 years, the Senate is able to move expeditiously when we have consensus, mainstream nominees to consider. Nationally-respected columnist David Broder made this point in an April 16 column that appeared in the Washington Post. I referenced this column earlier this week and inserted it in the CONGRESSIONAL RECORD. In his column, Mr. Broder noted that when he asked Alberto Gonzales if there might be a lesson in Judge Prado's easy approval, Mr. Gonzales missed the point. In Mr. Broder's mind: "The lesson seems obvious. Conservatives can be confirmed for the courts when they are well known in their communities and a broad range of their constituents have reason to think them fair-minded."

To date the Senate has proceeded to confirm 120 of President Bush's nominees, 100 in the 17 months in which Democrats made up the Senate majority. The lesson that less controversial nominees are considered and confirmed more easily was the lesson of the last two years and that lesson has been lost on this White House.

Unfortunately, far too many of this President's nominees raise serious concerns about whether they will be fair judges to all parties on all issues. Those types of nominees should not be rushed through the process. I regret the administration's refusal to work with us to end the impasse it has created in connection with the Estrada nomination.

The partisan politics of division that the administration is practicing with respect to that nomination are not helpful and not respectful of the damage done to the Hispanic community by insisting on so divisive a nominee.

I invite the President to work with us and to nominate more mainstream individuals like Judge Prado. His proven record and bipartisan support makes it easier for us to uphold our constitutional duty of advise and consent. I encourage those on the other side of the aisle to allow us to consider his nomination. I look forward to casting a vote in favor of his confirmation.

Judge Prado is an exceptional candidate for elevation to the appeals court. He has significant experience as a public servant in west Texas. Perhaps the fact that he has bipartisan support is the reason why he is not being brought forward at this time for a floor vote. That does not fit the Republican message but reveals the truth: That Democratic Senators, having already acted on 120 judges nominated by President Bush, are prepared to support even more of his nominations when they are mainstream, consensus nominees. Perhaps the fact that Democrats unanimously supported his nomination in committee is seen as a drawback for Mr. Prado in the Republican world of nomination politics. I hope that is not the case.

I also hope the fact that Judge Prado is Hispanic has not been a factor in the Republican delay. Some have suggested that Judge Prado has been delayed because Democratic Senators are likely to vote for him and thereby undercut the Republican's shameless charge that the opposition to Miguel Estrada is based on his ethnicity. Republican partisans have made lots of partisan hay attacking Democrats in connection with the Estrada nomination. We all know that the White House could have cooperated with the Senate by producing his work papers and the Senate could have proceeded to a vote on the Estrada nomination months ago. The request for his work papers was sent last May.

Rather than respond as every other administration has over the last 20 years and provide access to those papers, this White House has stonewalled. Rather than follow the policy of openness outlined by Attorney General Robert Jackson in the 1940's, this administration has stonewalled. And Republican Senators and other partisans could not wait to claim that the impasse created by the White House's change in policy and practice with respect to nominations was somehow attributable to Democrats being anti-Hispanic. The charge would be laughable if it were not so calculated to do political damage and to divide the Hispanic community. That is what Republican partisans hope is the result. That is wrong.

So some have come to the conclusion that Republican delay in connection with the consideration of Judge Prado's nomination may be related to the political strategy of the White House to characterize Democrats unfairly. Might the record be set straight if Democrats were seen to be supporting this Hispanic nominee to the Fifth Circuit? Might the Republicans' own record of opposing President Clinton's nominations of Judge Jorge Rangel and Enrique Moreno to that same circuit court be contrasted unfavorably with Democrats' support of Judge Prado?

Might Judge Prado, a conservative from Texas with a public record of service as a Federal district court judge, become the first Hispanic appointed by President Bush to the circuit courts with widespread support from Senate Democrats? Might this more mainstream, consensus nominee stand in stark contrast to the ideological choices intended to pack the courts on which the White House and Senate Republicans concentrate almost exclusively?

Judge Prado has 19 years of experience as a U.S. District Court judge, which provides us with a significant judicial career to evaluate. A review of Judge Prado's actions on the bench demonstrates a solid record of fairness and evenhandedness.

While I may not agree with each and every one of his rulings or with every action he has taken as a lawyer or judge, my review of his record leads me to conclude that he will be a fair judge. No supervisor or colleague of Judge Prado's has questioned his ability or willingness to interpret the law fairly. Judge Prado enjoys the full support of the Congressional Hispanic Caucus and the Mexican American Legal Defense and Education Fund. Not a single person or organization has submitted a letter of opposition or raised concerns about Judge Prado. No controversy. No red flags. No basis for concern. No opposition. This explains why his nomination was voted out of the Judiciary Committee with a unanimous, bipartisan vote on an expedited basis.

To understand the importance of Judge Prado's nomination, we must put it in the context of prior nominations to the Fifth Circuit Court of Appeals. Until Judge Prado's hearing, it had been more than a decade since a Latino nominee to that Court had even been allowed a hearing by the Senate Judiciary Committee, let alone a vote on the floor. I recall President Clinton's two Hispanic nominations to the Fifth Circuit and the poor treatment they received from the Republican-led Senate.

Judge Jorge Rangel was a former Texas State judge and a dedicated attorney in private practice in Corpus Christi, TX when President Clinton nominated him to the United States Court of Appeals for the Fifth Circuit in 1997. Judge Rangel is a graduate of the University of Houston and the Harvard Law School and earned a rating of "Well Qualified" by the American Bar Association. Yet, under Republican leadership, he never received a hearing on his nomination, let alone a vote by the Committee or by the full Senate. His nomination languished without action for 15 months. Despite his treatment, this outstanding gentleman has recently written us in support of a judicial nominee of President Bush.

After Judge Rangel, disappointed with his treatment at the hands of the Republican majority, asked the President not to resubmit his nomination, President Clinton nominated Enrique Moreno, a distinguished attorney in private practice in El Paso, TX. Mr. Moreno is a graduate of Harvard University and the Harvard Law School. He was given the highest rating of unanimously "Well Qualified" by the ABA. Mr. Moreno also waited 15 months, but was never allowed a hearing before the Senate Judiciary Committee. President Clinton renominated him at the beginning of 2001, but President Bush, squandering an opportunity for bipartisanship, withdrew the nomination and refused to renominate him.

In addition, President Clinton nominated H. Alston Johnson to the Fifth Circuit in 1999. This talented Louisianan came to the Senate with the support of both of his home state Senators but he never received a hearing on his nomination or a vote by the Committee or the full Senate in 1999, 2000, or the beginning of 2001. His nomination languished without action for 23 months.

In contrast, when I served as Chair of the Judiciary Committee last Congress, we granted Edith Clement a hearing within months of her nomination. At that time there had been no hearings on Fifth Circuit nominees since 1994 and no confirmations since 1995.

We also proceeded to hearings, committee debate and committee votes on the divisive and controversial nominations of Judge Priscilla Owen and Judge Charles Pickering. We granted hearings and votes on all four of this President's nominees to the Fifth Circuit in spite of the treatment Republicans accorded President Clinton's qualified nominees to that same circuit. Under Republican leadership, none of President Clinton's nominees to this Court received a hearing during his entire second term of office.

Some of my friends on the other side of the aisle have made the outrageous claim that Democratic Senators are anti-Hispanic or anti-Latino. I think it is important to set the record straight.

Of the ten Latino appellate judges currently seated in the Federal courts, 8 were appointed by President Clinton. Three other Latino nominees of President Clinton to the appellate courts were blocked by Republicans—as well as several others for the district court. In fact, in contrast to the President's selection of only one Latino circuit court nominee in his first 2 years in office, 3 of President Clinton's first 14 judicial nominees were Latino, and he nominated more than 30 Latino nominees to the Federal courts.

During President Clinton's tenure, 10 of his more than 30 Latino nominees, including Judge Rangel, Enrique Moreno, and Christine Arguello to the circuit courts, were delayed or blocked from receiving hearings or votes by the Republican leadership.

Republicans delayed consideration of Judge Richard Paez for over 1,500 days, and 39 Republicans voted against him. The confirmations of Latina circuit nominees Rosemary Barkett and Sonia Sotomayor were also delayed by Republicans. Judge Barkett was targeted for delay and defeat by Republicans based on claims about her judicial philosophy, but those efforts were not successful. After significant delays, 36 Republicans voted against the confirmation of this nominee who received a "Well Qualified" rating by the ABA. Additionally, Judge Sotomayor, who also received a "Well Qualified" rating and had been appointed to district court by President George H.W. Bush, was targeted by Republicans for delay or defeat when she was nominated to the Second Circuit. She was confirmed, although 29 Republicans voted against her.

The fact is that the Latino nominations that the Senate has received from this administration have been acted upon in a expeditious manner. They have overwhelmingly enjoyed bipartisan support. Under the Democratically-led Senate, we swiftly granted hearings for and eventually confirmed Judge Christina Armijo of New Mexico, Judge Phillip Martinez and Randy Crane of Texas, Judge Jose Martinez of Florida, U.S. Magistrate Judge Alia Ludlum, and Judge Jose Linares of New Jersey to the district courts.

This year, we also confirmed Judge James Otero of California, and we would have held his confirmation hearing last year if his ABA peer rating had been delivered to us in time for the scheduling of our last hearing. As I have noted, we also have the nomination of Cecilia Altonaga to be a Federal judge in Florida already on the Senate Executive Calendar.

I, again, urge those on the other side of the aisle to help us fill more judicial vacancies more quickly by bringing those nominations that have bipartisan support to the front of the line for Committee hearings and floor votes. As I have noted throughout the last 2 years, the Senate is able to move expeditiously when we have consensus, mainstream nominees to consider.

That is the way to achieve 100 confirmations in 17 months and 120 in less than 2 years. The lesson that less controversial nominees are considered and confirmed more easily was the lesson of the last 2 years and that lesson has been lost on this White House.

Unfortunately, far too many of this President's nominees raise serious concerns about whether they will be fair judges to all parties on all issues. Those types of nominees should not be rushed through the process. I invite the President to nominate more mainstream individuals like Judge Prado. His proven record and bipartisan support makes it easier for us to uphold our constitutional duty of advise and consent. I encourage those on the other side of the aisle to allow us to consider his nomination. I look forward to casting a vote in favor of his confirmation.

I, again, thank the Senate Republican leadership for working with us to proceed to this consensus nomination, to provide adequate time for debate and to proceed to a vote without further delay. Judge Prado's nomination has been delayed on the Senate executive calendar for several weeks, unnecessarily in my view. I recall all too vividly when anonymous Republican holds delayed Senate action on the nomination of Judge Sonia Sotomayor to the Second Circuit for 7 months. Let us work together. I thank all Senators, even those Republicans who have anonymously held up consideration of Judge Prado's nomination for the last month, for agreeing to proceed with this nomination at this time. I congratulate the nominee and his family on his elevation to the Fifth Circuit and look forward to his continuing judicial service.

Again, I thank the Congressional Hispanic Caucus for its support of this nomination and for working with the Senate to bring this matter forward at this time. I do thank the Republican leadership for changing its position and working with us to move forward.

I see the distinguished senior Senator from Texas in the Chamber, and if I have further time, I withhold it. I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Texas.

Mrs. HUTCHISON. I would like to be notified when I have 1 minute remaining so Senator HATCH can take that last minute of our 3 minutes.

The PRESIDING OFFICER. The Senator will be notified.

Mrs. HUTCHISON. Mr. President, I am pleased, of course, the Senate will be voting on Judge Ed Prado to move to the Fifth Circuit Court of Appeals. He has been a judge on the district bench for a number of years—actually, since 1984—and he has an outstanding record. He was a great choice by the President, and this is a circuit that needs these vacancies filled. There is no question it is a judicial emergency. We hope to fill this seat with Judge Prado, and then we hope Justice Priscilla Owen will also fill the other vacancy for the Fifth Circuit, that is open, from Texas.

Judge Prado has an outstanding record. He graduated from the University of Texas and the University of Texas Law School, a great university in our Nation. He also has served as U.S. Attorney for the Western District. He served as judge on the State district court. This is a man who has made public service his career, and an outstanding one at that. He is so well regarded in San Antonio and by the people who have gone before him. They know they will get fair and impartial justice in his court. That is why I am pleased to support his nomination.

This nomination has moved very quickly. We are very pleased because of the vacancies on the Fifth Circuit. But the ABA agreed that he had the "well qualified" unanimous approval of their committee.

There is just no controversy at all with this wonderful judge. It is my pleasure as a Texan to support and urge my colleagues to support the nomination of Judge Ed Prado.

The PRESIDING OFFICER. One minute remains.

Who yields time?

The Senator from Utah.

Mr. HATCH. Mr. President, I ask for an additional 2 minutes equally divided in addition to the 1 minute I have remaining.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I am pleased that my Democratic colleagues are willing to join us in confirming Judge Prado to the Fifth Circuit Court of Appeals.

I regret that there has been any discussion that somehow the Republican leadership has held up this nominee. That is not true. What is particularly troubling is the suggestion that there is some Republican delay in the consideration of Judge Prado's nomination related to the Estrada nomination.

I would point out that Democrats who support the nomination of Judge Prado to the Fifth Circuit are leading the opposition to Mr. Estrada, nominated to the D.C. Circuit. Those Democrats have characterized the D.C. Circuit as "the second most important court in the land." Senator KENNEDY stated recently that the D.C. Circuit makes decisions with national impact on the lives of all of the American people. Senator SCHUMER echoed these sentiments just yesterday. It does seem to me that there is a different standard being applied to Miguel Estrada—a nominee to the second highest court in the land—than to Judge Prado—a nominee to one of twelve other Circuit Courts—although they are important.

In any event, neither the confirmation of Judge Prado nor the confirmation of any judge justifies or excuses the continued obstruction on Miguel Estrada. I repeat that the arguments put forth by opponents of Mr. Estrada just do not hold up under scrutiny. Their repeated accusations that he failed to answer the questions has been refuted again and again. The demand for confidential memoranda he authored as a line attorney for the Department of Justice is both extraordinary and ill-advised, as I and others, including all the living former Solicitors General, have repeatedly demonstrated.

So my Democratic colleagues have had unlimited opportunities to make their case on Mr. Estrada. Some of them oppose him; others support him. But one thing has remained clear through this debate: There is no good reason to deny Mr. Estrada an up or down vote on his nomination.

The time has come to end the debate on Mr. Estrada's nomination and give him and up or down vote, as the Senate will now do on Judge Prado. It is the fair thing to do.

I urge all of my colleagues to join me in voting for Judge Prado's nomination at this time.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I am glad my friends on the Republican side now allow Judge Prado's nomination to go forward. I intend to vote for him.

I yield the remainder of my time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Edward C. Prado, of Texas, to be United States Circuit Judge for the Fifth Circuit?

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

Mr. REID. I announce that the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 138 Ex.]

YEAS—97

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—3

Inhofe
Lieberman
Sarbanes

The nomination was confirmed.

The PRESIDING OFFICER. The President will be notified of this action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

The Senator from Illinois.

MORNING BUSINESS

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FITZGERALD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

HONORING THE UNITED STATES CAPITOL POLICE ON THE DEPARTMENT'S 175TH ANNIVERSARY

Mr. DASCHLE. Mr. President, tomorrow marks a special milestone in the history of the Capitol: The 175th anniversary of the U.S. Capitol Police Department.

Those of us who are privileged to work in the Capitol know, perhaps better than anyone, what a difficult and demanding job it is to protect the Capitol, and how extraordinarily well the men and women of the Capitol Police perform that job.

We also know how dedicated they are to their duty.

After September 11 and the anthrax attack on the Capitol itself, no one showed more courage, no one showed more determination, and no one was more critical to ensuring that the "People's House" remained open to the people, than the members of the Capitol Police force.

We, and all Americans, owe them an enormous debt of gratitude.

Today, on the eve of the 175th anniversary of the department, we say "thank you" to Chief Gainer and all of the men and women of the Capitol Police.

When we look at the highly trained, highly skilled professionals who protect the Capitol today, it is hard to imagine sometimes that the department is descended from such humble beginnings.

The Capitol Police department traces its origins to 1801, when Congress moved from Philadelphia to Washington. At the time, the department had exactly one member, a watchman named John Goldin, who was not armed, had no power of arrest, and was paid an annual salary of $371.75.

In 1827, the force was expanded for the first time, to four watchmen: two to work the day shift, one to work the night shift, and one to fill in as needed.

One-hundred and seventy-five years ago tomorrow, on May 2, 1828, Congress passed a milestone piece of legislation titled, appropriately, "the Act of May 2, 1828," bringing responsibility for policing the Capitol, for the first time, under the direction of the presiding officers of the House and Senate.

This same law also empowered the Capitol watchmen with full law enforcement authority. It transformed a corps of watchmen into a police department.

In 1854, the Capitol Police were armed for the first time with heavy hickory canes.

In 1867, responsibility of the Capitol Police was transferred to the Sergeant of Arms in the House and Senate, where it remains today.

In 1873, the U.S. Capitol Police Board was formed to oversee the department.

At the beginning of the 20th century, the department had grown to 67 members.

In 1909, the department expanded to just over 100 members; a move necessitated by the construction of the Russell Senate Office Building and the Cannon House Office Building. This also marked the first time the authority of the Capitol Police stretched outside the Capitol building itself.

In 1935, the Capitol Police Board, for the first time, set qualification standards for Capitol Police officers.

In 1974, the first women officers joined the force.

In 1981, the Capitol Police were authorized to protect Members and officers of Congress, and their families, anywhere in the United States.

Since September 11, all Members of the House and Senate leadership have been required to have Capitol police protection whenever we travel, and throughout the day as we go outside the Capitol building. One happy result of that, for me, is that I have been able to show off my home State to a number of officers.

And I am proud to say that a few of them now consider themselves almost honorary South Dakotans.

From the beginning, protecting the Capitol has always carried the risk of personal injury, or worse.

In 1814, during the War of 1812, the British set fire to the Capitol building.

During the Civil War, the Capitol Police kept the "People's House" open to the public from sunrise to sunset, despite the fact that military troops were stationed around, and at times even in this building.

Three times in the last century—in 1915, 1917, and 1983—bombs were exploded in the Capitol by groups seeking to advance political agendas.

In 1954, four members of a Puerto Rican nationalist group entered the House gallery and fired more than 16 shots with .38 caliber pistols at the 243 Members who were then on the floor. Five Congress Members were injured.

In response to each of these attacks, the Capitol Police Department strengthened its training procedures, and strengthened its ability to prevent and respond to such attacks.

The fact that schoolchildren and other visitors can sit in the galleries today and watch their Government in action is a powerful symbol of America's commitment to democracy, and a testimony to the skill and courage of the Capitol Police.

Given the risks, it seems almost miraculous that the department did not lose a single member in the line of duty until 1984, when Sergeant Christopher Eney was killed in a training exercise.

And we all remember the terrible Friday afternoon, July 24, 1998, when Officer JJ Chestnut and Detective John Gibson were killed preventing a severely mentally ill man with a gun from entering the Capitol and killing others. We still honor and miss them today.

Their deaths brought into sharp relief how difficult it is to protect "the People's House" and keep it open to the people at the same time. It is a complex balancing act that few other police departments in the world even attempt, and none performs better.

On September 11 and during the anthrax attacks, the Capitol Police reacted with great courage and professionalism under circumstances few people could have imagined even a few years ago.

Since then, the department has undergone an intensive process to be able to prevent, and respond to, the new threats posed by global terrorism.

Capitol Police officers continue to work long days and long weeks in order to respond to the need for increased vigilance. It is not unusual to see an officer guarding a door to the Capitol when we arrive in the morning—and see that same officer, still on duty, when we leave at night.

Without them, we could not do our jobs. And this Capitol could not keep its doors open to the more than 1 million people who visit it each year from across this Nation and the world.

Over the years, many fine men and women have served on the Capitol Police Force—including my dear friend, the assistant minority leader, HARRY REID.

As they prepare to celebrate 175 years of proud service to our Nation, we thank them all for their devotion to duty, their great skill and professionalism, and for their unyielding courage and sacrifice.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. NELSON of Florida. Mr. President, I rise to speak about the depleted condition of our national economy and what we ought to do.

It is timely to point out that next week this Chamber, the U.S. Senate, will consider legislation raising the debt limit; that is, the limit set by law under which the Federal Government can borrow money that is a debt obligation of the United States. That debt limit is approximately $6.3 trillion. Next week, we will consider the House bill which has been sent to us to raise that by the largest amount ever in the history of the Union, almost $1 trillion. Specifically, $984 billion will be the vote that we will cast next week to raise the debt limit.

The Federal Government has to pay its obligations. So by law we have to raise the debt limit so that the Federal Government can pay its obligations. But it is illustrative of the fact that the national debt is growing larger and larger, and we are adopting fiscal policies that add to that national debt each year by increasing the deficit financing that we engage in by the budgets we adopt and then all of the legislation with which we implement those budgets—the tax cuts, the spending bills, financing the war, all of those necessary expenditures. But a fiscal policy has been advocated by the White House, one of dropping off over the next 10 years tax revenues by some $720 billion. And what is likely to pass the Senate is the commitments that were made several weeks ago that that level will be in the range of $350 billion over 10 years instead of the level passed by or to be passed by the House of Representatives in the range of about $550 billion over 10 years.

Is any elected official not for tax cuts? Of course, we are. But that is not the decision with which we are confronted. What we are confronted with is, what do we do to better stabilize a sick economy and to get our economy moving again? Almost unanimously, the economists—I say almost unanimously because it is probably a ratio of 9 to 1 among the economists, including statements issued yesterday by the Chairman of the Federal Reserve, Alan Greenspan—are basically saying: Watch out. If you deficit finance, long-term interest rates are going to go up. It is going to depress the economy coming out of this near recession. It is going to be difficult for us to get the economy moving again.

That is particularly true of the financial condition in which we find ourselves now. In the first 6 months of this fiscal year, the Government has had to go out and deficit spend to the tune of $250 billion. Annualized, that means we will deficit finance, if that trend holds up, a half a trillion dollars.

What does deficit financing mean? That means we are going to adopt budgetary policies of spending and tax revenues by which we are going to spend a half a trillion dollars, $500 billion, more than we have coming in in tax revenue. And you wonder why the stock market is languishing so much. The stock market is a reflection of the American people's confidence in the future of the economy and economic activity. So is it any wonder the stock market just keeps kind of languishing along? Do people have the confidence we are going to come out of these economic doldrums and get the economy moving again? I think you see how they are voting with their pocketbooks on the stock market. The people do not have that confidence. Why should they if, in this year, we are going to spend a half trillion dollars more than we have coming in in tax revenue?

This leads me, then, to next week. Next week, in addition to taking up the debt ceiling bill of raising the debt almost a trillion dollars more so we can pay our bills, we are also going to take up the tax bill. The tax bill, as presented to this body, is at least going to be $350 billion. There are many in this body who would like that tax bill to be even more over a 10-year period.

To me, it is not wise fiscal policy if that causes our deficit financing to go up continually, just like we are seeing in this present fiscal year. If that debt keeps getting added to the national debt, then it won't be too long—another couple years—and we will be right back here asking to raise the debt limit from about $7.3 trillion—another trillion dollars—up to about $8.5 trillion. That is not sound fiscal policy.

That is not going to bring us back on the road to economic recovery. What we can do is balance interests. We can have some tax cuts that will get the economy moving again, that will provide economic growth, that will provide jobs so we get more dollars into the economy and circulating to offset the sickly economy, offset the lack of economic activity, some of which has been brought on by September 11 but some of which has also been brought on by an economic policy that is embracing deficit financing.

I will never forget over two decades ago when I was in the House of Representatives. One of the most prolific writers and great speakers who had articulated balanced budgets suddenly changed his tune and started speaking the message that we will not worship at the shrine of balanced budgets anymore. Well, in the early 1980s, that kind of worship didn't work. The fiscal policies adopted in the early 1980s were so out of whack with the deficits annually soaring up to as high as $250 billion in 1 year, finally those policies had to be reversed—not once but three times.

Now we have a situation that is double the annual deficits ever experienced in the 1980s. We best get about the process of getting our economic and fiscal house in order if we want America to have the economic prosperity our citizens should enjoy.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE HIV/AIDS EPIDEMIC

Mr. DEWINE. Mr. President, a number of us had the honor of attending an event at the White House on Tuesday in which President Bush urged Congress to act quickly in passing an emergency plan for global HIV/AIDS relief.

I come to the Senate floor this afternoon to applaud the President for his remarks and for his continuing commitment to ease the worldwide suffering caused by the HIV/AIDS epidemic around the world.

I also want to thank Secretary of State Colin Powell and also my colleagues in both the House of Representatives and in the Senate for their leadership in fighting this dread disease. There are so many people to thank. Let me commend Senators LUGAR, BIDEN, FRIST, SANTORUM, DURBIN, and KERRY for their tireless efforts and their dedication to this fight, as well as Congressmen HENRY HYDE and TOM LANTOS for their great leadership and their great vision. I am encouraged by what they have done with their leadership.

I believe we will soon pass a comprehensive global AIDS relief initiative. As the President said, time is not on our side. It is imperative that we in the U.S. Congress move quickly. As President Bush so correctly said on Tuesday:

> Fighting AIDS on a global scale is a massive and complicated undertaking. Yet, this cause is rooted in the simplest of moral duties. When we see this kind of preventable suffering—when we see a plague leaving graves and orphans across a continent—we must act.

The President of the United States is absolutely right. This is a moral issue. We as a nation and as a people have an obligation to act. We as a nation and we as a people have the ability to fight this disease. We have the tools. And it is our duty and it is our obligation to help ease this grave and global public health crisis.

In February, I made my 12th trip to Haiti and my first visit to Guyana, both nations in our hemisphere that President Bush has cited as countries in dire need of our assistance to fight this HIV/AIDS problem. We traveled there to learn more about the AIDS situation and determine what kind of health infrastructure is in place to fight the disease. What we saw in these visits was devastating, with so many children and adults dying of this horrible disease and too few drugs to go around to help treat them and keep them alive.

Without question, HIV/AIDS is a human tragedy of grave proportions—not just in Africa but right here in our own backyard in our own hemisphere.

When you travel to the AIDS-infested regions of the world, as my wife Fran and I have, and as so many of my colleagues here in the Senate have, such as Majority Leader FRIST, Senator INHOFE, Senator DURBIN, Senator NELSON of Florida, and Senator CHAFEE, when you see the children with AIDS, when you hold them, when you touch them, when you talk to the people who care for them, when you know that these children will in all likelihood die, it truly does change you forever. Then when you leave those countries, and when you leave those children, you know you cannot just leave; you know you have to try to do something to help.

Our trip in February reinforced what we already knew about the devastation of the disease in Haiti, and allowed us to see what efforts are now underway in Guyana.

This afternoon, I would like to take a few minutes to tell my colleagues about what we learned on that visit.

I was pleased that Senator CHAFEE and his wife Stephanie were able to join Fran and me on that trip. We learned a great deal about what is and what is not being done in both of these impoverished nations.

We were fortunate to have Senator DURBIN and Senator NELSON of Florida and his wife Grace and Congressman KENDRICK MEEK join us on an earlier trip to Haiti in January, where we saw the tragic effects of the abject poverty and disease that engulfs Haiti today.

While there is certainly some miraculous work being done in Haiti to ease the suffering—work done by people such as Father Tom Hagan and his organization Hands Together—there remains so much work to be done.

When you view the HIV/AIDS rates in Haiti and Guyana in the context of the disease's overall prevalence rate in our hemisphere—Haiti has the highest rate and Guyana, either the second or third highest rate—the moral imperative of helping these two troubled nations becomes absolutely crystal clear.

In Haiti today, a nation of approximately 8 million people, 300,000 currently live with AIDS—300,000 people out of a country of 8 million people.

Guyana follows close behind. In Guyana, a nation of roughly 800,000 people, 35,000—35,000—have been identified as HIV positive or as having AIDS. Of those 35,000 people who have been identified as HIV positive or as having AIDS, only 200—less than 1 percent—are getting antiretroviral drug treatment. Of those 200, only one—only one—is a child. So virtually none of the children in Guyana are getting any kind of drug treatment at all—virtually none. Only one child in all of Guyana is getting any drug treatment for AIDS. What a great tragedy.

Consequently, the disease is having a devastating impact on these nations, and especially on the children.

In Haiti, there are more than 150,000 orphans due to AIDS. This number has been increasing for over a decade and is expected to rise even more. Specifically, the percentage of Haitian AIDS orphans has gone from 7 percent in 1990 to 43 percent in 2001 and is estimated to increase to 49 percent by 2010. That will be a sevenfold increase in 20 years.

Rates are equally troubling in Guyana. In 1990, there were no children orphaned due to AIDS, none, but by 2001, 21 percent of the orphans were the result of AIDS, and that number is projected to double to 41 percent by 2010.

Not only is AIDS orphaning these children, but many of them are also suffering from the disease.

Today, in Haiti, there are hundreds of orphanages spread throughout the country, hundreds actually just in the capital of Port-au-Prince, but there are less than just a handful that are serving or even taking care of children who have AIDS or who are HIV positive.

We visited one of these orphanages in February, one of the orphanages that is taking care of children with AIDS. It is a wonderful place. It is a place called Arc en Ciel or "Rainbow House Orphanage." This is a place that is doing just wonderful work.

A Canadian couple—Danielle and Robert Penette—came in and restored the home there, and today it is a wonderful, bright, cheery, clean, and beautifully maintained orphanage for about 37 Haitian children. I think about 30 of them actually are HIV positive or already have AIDS.

What we saw there was truly inspiring: children playing, laughing, and learning in the classroom. They sang songs for us. They were happy and healthy and content. They did not seem like orphans at all really but more like one big happy family—one healthy family. It was hard to imagine that any of these little children were sick at all.

But of the HIV-positive children at the Rainbow House Orphanage, about 15 of them are currently in need of antiretroviral drugs. Those 15 children, fortunately, are now receiving these drugs.

One of the important lessons we learned about these children and about the Rainbow House is that by providing these drugs, and by providing love and consistent nutrition—this good health care—clean water, the Penettes, this wonderful couple, are making an unbelievable impact on the quality of life for these very sick children.

What they, in effect, are doing is prolonging the time it takes before these children actually need to be on AIDS treatment drugs. So half the children are not even on the drugs yet. Half of them are on the drugs.

There are other places in Haiti, places where there are good, decent, loving people, such as the Penettes, who are also working miracles.

For example, at another orphanage we visited in January, we saw wonderful people doing the best they could to care for some very sick, very malnourished children. At this particular orphanage, many children are brought there who are on the verge of death. The parents bring them there to try to save them.

The good people who run these orphanages—saints really—love these children. They care for them. They feed them, give them what little medicine they have access to. These people bring many of these dying children back to life. They save them and they nourish them.

But, tragically, for many of these children, they have AIDS. Unfortunately, the people who care for them in these orphanages—these other orphanages—do not have access to what the Penettes have; that is, the lifesaving drugs, antiretroviral drugs to keep these children with AIDS alive.

They can give them love. They can give them food and clean water—and that helps—but they cannot give them the drugs that ultimately will save them.

At this orphanage that Fran and I saw, they have an entire floor just for children—these young babies with AIDS. What you see when you go there really does change you forever. It is truly tragic—row after row of steel cribs with babies at various stages of disease, none of whom are receiving any sort of antiretroviral drug treatment.

I remember seeing a little boy. He was about 4 or 5 years old, a little boy whose name was Francois. He had AIDS. The day we were there, when we saw him, he was very close to death. He was laid out on a makeshift bed on the cold, concrete floor. He had an IV attached to him, and he was getting some fluids.

The wonderful people who were caring for him explained that he was no longer able to keep any food down. They explained to us that he would probably die within a couple days.

There were no drugs available to treat him. So the people who were caring for him, were loving him, nurturing him, were doing what they could to give him the love they could and to make him as comfortable in the little time this poor little boy had remaining. I will not ever forget that little boy. I will not forget him for the rest of my life. I don't think anybody else who was in our group and who saw that little boy will forget him either.

Another little boy I won't forget was about 7 years old. He also had AIDS. But he appeared to be, when you looked at him, very healthy. He was lively and content and thriving. But when we talked to the people in the orphanage, sadly we found out that will not last because this little boy also has AIDS. Very likely, unless something changes, unless drugs are made available to him, this little 7-year-old boy, who I also can't get out of my mind, will also eventually die.

His death will be a needless one because these drugs are available. It is just that the folks caring for this little boy do not have access to them. Money is not available. The drugs are not available. That is an injustice. It is wrong. It is a human tragedy.

When we see children who are healthy now and who could remain healthy if treated properly, we feel so helpless because we know they are eventually going to die if we don't do something. That is why we must try to do something. I believe we must take action to save these children.

This is one of the children my wife Fran and I had the opportunity to see at the orphanage I just described in Haiti. This is one of the little children who does in fact have AIDS. This is one of the little children who does not have access today to the drugs that will save this child. So when the President talks about a moral imperative, as he so eloquently does, and says we in the United States have a moral obligation to stop the suffering, to reach out and help these children, these are not just statistics. These are children who are in Africa, Asia, Haiti, Guyana. This is just one of the real faces of the children.

This is a picture of one of the many AIDS babies we saw and actually held when we were in Haiti. When you look at that innocent, helpless little child, a child who has acquired AIDS through no fault of her own, you realize we as a Nation have a moral obligation to help. Children like this little girl, who in all likelihood may have already died in the time that has passed since we were in Haiti, will continue to die because they are not getting the drugs they need. These drugs are available, but they are not getting them.

It is clear we are not doing enough. It is also clear this Congress must act. We cannot just walk away from nations such as Haiti and Guyana and these children and say this problem is too big for us to fix. We cannot walk away and say these are resource-strapped Third World countries and there is nothing we can do. We cannot walk away and say we should not funnel more resources into those nations because it will be too difficult to get compliance with the reforms; in other words, that lack of education and a weak and feeble infrastructure will impede any progress. We cannot walk away and simply say these are poor people, illiterate people, and we cannot teach them how to take the drugs. We cannot walk away and say there is no hope, because the evidence is that is not true. There is hope.

The evidence is good doctors have already demonstrated, in countries like Haiti, that no matter how poor, how illiterate, people can take the drugs. They can do it very well and effectively, and their lives can be saved. In fact, doctors in Haiti have already demonstrated—Dr. Pape, Dr. Farmer, who I will talk about in a moment—through the compliance rate, in other words, the rate people taking these drugs and doing it consistently and saving their own lives, that they can do it just as well as you or I can do it in the United States or someone who has AIDS in the United States can do it.

The fact is, despite the enormity of the despair, there is an equal if not greater amount of hope. There is hope because we can help. There is hope because a great deal is being done already. In Guyana, there is an energetic President, President Jagdeo, and a dedicated health minister who are committed to fighting this disease and building a health infrastructure in their nation that will in fact save lives. They have a long way to go, but I am encouraged by their current education efforts and by their commitment to getting more drug treatment into their nation. As they work to build this infrastructure, they can learn a great deal from the success stories in Haiti. I will tell you a couple.

First there is Dr. Bill Pape who was with us at the White House just 2 days ago and who the President talked about and cited as a great example. He is director of GESHKIO, a health organization with 27 clinics in the Port-au-Prince area dedicated to the prevention and treatment of AIDS. I met with Dr. Pape several times in the past. I am always amazed at what this man has accomplished. Through his work, Dr. Pape is showing that in places as poor as Haiti, a nation with an average yearly per capita income of only $250, a nation where there are very limited health resources and, frankly, a nation with all kinds of problems with the government, HIV treatment and prevention can and does work.

At the 27 GESHKIO clinics, they see over 11,000 children, of whom 589 are HIV positive. Sadly, of those children, only 29 are currently on antiretroviral drugs, but that is changing. At the same time, GESHKIO is working hard to treat infected mothers to help prevent mother-to-child HIV transmission.

At Dr. Pape's clinics, they have found 30 percent of children were being born with HIV/AIDS if the mother was HIV positive and not receiving treatment. But of the HIV-positive mothers receiving treatment, only 8.7 percent of the children born are HIV positive. Clearly, this shows what can be accomplished, and this is one of the President's major initiatives—the mother-to-child transmission. It shows what you can do when you can go from a 30 percent AIDS incidence to at least 8.7, and possibly even lower. Think of all the children whose lives are being saved, who are not getting HIV, who are not HIV positive because of that.

Mr. President, the medical science is clear: If we can reach these mothers early enough before they give birth to that child who will have AIDS because the mom has AIDS, and if we can get medical treatment to the mother and get her the proper drugs, we can save that child. We can save that child at comparatively little economic cost. We should think of the savings not just in dollars and cents, but in lives saved.

I was pleased to have the opportunity in February to also meet with Dr. Paul Farmer, who is fighting AIDS in the rural and remote parts of Haiti. He runs an organization called "Partners in Health" and operates clinics in Cange. Dr. Farmer is making tremendous progress. Since 1999, his organization has tracked a population of 3,500 HIV/AIDS patients and has been able to treat more than 350 of them with antiretroviral drugs. Of those receiving drugs since 1999, zero percent—no one—has died. Yet, tragically, of those not receiving drug treatment, 35 percent, so far, have died.

Both Dr. Pape and Dr. Farmer have received grants from the Global AIDS Fund to supplement their efforts. And I point out that money is being put into proven organizations that can get the job done. This tells us we are willing to invest efforts that are working and making a difference and saving lives. While Dr. Farmer and Dr. Pape have empirically proven there is success in treatment in a Third World nation, and there is hope, we still must do more. We must act, and we must act now.

I am encouraged we have moved forward in terms of our AIDS spending level—a level that has gone up significantly over the last few years. I compliment my colleagues on the Appropriations Committee, and particularly Senator TED STEVENS for his efforts and dedication to increasing our funds to fight AIDS.

Earlier this year, Senator DURBIN and I were successful in amending the fiscal year 2003 omnibus appropriations bill to include an additional $100 million to fight the global AIDS pandemic. That money will go a long way. If that money is used to implement a holistic approach to fighting AIDS, I believe we can make significant advances worldwide. That means focusing funds on education and prevention and treatment—treatment in terms of mother-to-child transmission, treatment of mothers who already have children, and treatment of all infected adults. This type of comprehensive approach can and will make a difference.

Let me turn my colleagues' attention to two other photographs from our recent trip to Guyana. You will see two men who are stricken with AIDS. They are patients of the only public hospital in that nation's capital of Georgetown. When you look at these pictures, you can see the anguish in these poor men's eyes. You can see their suffering and you can certainly see their heartbreak. This shows you the ward in this hospital in Georgetown. This poor gentleman has AIDS. Though the staggering and shocking statistics can be at once overwhelming and seemingly unreal, when you hold babies dying from the disease, or when you see the real faces of these men, the people suffering, as in these photographs, it has to move you. It changes you. It certainly makes the statistics real.

Mr. President, in a guest column recently in the Washington Post, prominent AIDS activist Bono quoted something President Harry Truman once said. This is what Truman said:

> I trust the people because when they know the facts, they do the right thing.

That certainly is the case, I believe, when it comes to the global AIDS problem. We have the opportunity to do the right thing. I believe we will do the right thing.

The House plans to take final action on its bill today, and I am encouraged by the continued good-faith efforts of my colleagues in the Senate. We are moving forward on a bipartisan basis. The majority leader, Dr. BILL FRIST, has been a real leader in this. My colleague, Senator LUGAR, on a bipartisan basis, is working with others and moving forward on this as well. I am encouraged that we will be able to get a bill put together.

Mr. President, every 50 seconds a child somewhere in the world dies of an AIDS-related illness, and another becomes infected with HIV. We have to do something to stop this. The United States has an obligation to lead this fight, and we are leading it and moving forward. I look forward to continuing to work with my colleagues as we move ahead. It is our duty, it is our moral obligation, and it is the right thing to do.

I yield the floor.

IMMIGRANT CHILDREN'S HEALTH IMPROVEMENT ACT

Mr. DASCHLE. Mr. President, I would like to bring a matter to the attention of my colleagues. This is a clear example of misplaced priorities in the President's budget.

Last January, a number of Senators wrote to the President requesting that he include a provision in his budget to allow states to provide Medicaid and SCHIP health care coverage for women and children who are legal immigrants.

Yesterday, Senator GRAHAM received a letter in response to that request. The letter makes a number of claims that are, at best, disingenuous.

Just to remind my colleagues of the history of this issue: the 1996 welfare law banned legal immigrants from receiving Federal benefits under a number of programs, including Medicaid, for 5 years. The argument was made that people shouldn't come to this country if they are going to be a public charge.

The reality is that many legal immigrants and their families, because of language barriers and other issues, agree to take some of the lowest paying jobs in this country. They don't come here to take welfare; they come because they want to make better lives for themselves and for their children. Most of these jobs, as we well know, do not provide health insurance for citizen families or immigrant families.

Legal immigrants play an important role in our overall economy. They take low-paying jobs that businesses rely on. They pay taxes. Immigrant children are also required to register for the Selective Service when they turn 18. According to the American Immigrant Law Foundation, 60,000 legal immigrants are on active duty in the U.S. Armed Forces.

But now, as a result of this policy, when a woman becomes pregnant, or a child gets sick, they have no where to turn but to emergency care, which is the most expensive means of providing health care.

A number of States have realized that this is not an efficient or acceptable means of addressing the health care needs of these families. Some 20 States now provide health care services to legal immigrants using their own funds. The result of the 1996 policy has not been the one desired by the authors of the language. Instead, it has resulted in transferring the burden of caring for these people to States and hospitals. Unfortunately, the severe fiscal crisis is forcing some States to reexamine their coverage.

To respond to this situation, Senator GRAHAM introduced S. 845, the Immigrant Children's Health Improvement Act, or ICHIA. It would allow States to use Federal Medicaid and SCHIP funding to provide coverage for pregnant women and children who are legal immigrants. This proposal has strong bipartisan support, not only in the Senate but also in the House. In fact, last year, it was adopted on a bipartisan basis in the Finance Committee during debate on a bill to reauthorize welfare programs.

The administration's letter suggests that this proposal would somehow create a new burden on the States. In fact, the proposal gives States the option to provide this coverage, and allows them to use Federal resources to do so, thus giving them significant fiscal relief. No new burden would be imposed on the States. In addition, the National Governors Association and the National Conference of State Legislatures have made restoring these benefits a priority.

The long-term economic and health consequences of inadequate health care services for pregnant women and children is well-established. The administration's letter tries to minimize the importance of this issue for immigrants, by talking about other, less effective health care proposals, such as the Medicaid block grant, and by pointing out that the fetuses of immigrants are covered by SCHIP.

It is important to recognize, however, that more than 5 million children live in poor or "near-poor" non-citizen families. That is more than one-quarter of the total population of poor or "near-poor" children. Almost half of all low-income immigrant children are uninsured—and they are more than twice as likely to be uninsured as low-income citizen children with native-born parents.

Most of these children will eventually become American citizens. By denying all but emergency health care, and especially by denying preventive care, we increase the risk that these children will suffer long-term health consequences—consequences that could reduce their ability to learn and develop and become productive, contributing citizens; consequences that increase the possibility these children will need more expensive health care later on.

The administration claims credit for providing coverage for fetuses, presumably because when these children are born they will be citizens. But it is worth noting that the Medicaid/SCHIP ban is having an impact on citizen children living in immigrant families. As many as 85 percent of immigrant families have at least one child who is a citizen. Although many of these children are eligible for Medicaid and SCHIP, receipt among eligible citizen children of non-citizen parents is significantly below that for other poor children. Parents may be confused about their children's eligibility, or concerned that somehow claiming these benefits will affect the status of other family members.

Finally, the letter suggests that, at a cost of $2.24 billion over 10 years, providing this coverage is too expensive. It also reminds us that this issue must be considered in the context of competing priorities. That is precisely my point. Making sure that pregnant immigrant women, and their children, have access to health care, including preventive care, is an investment in the future workforce of this Nation. Denying them the care they need on an appropriate and timely basis could have dire consequences not only for these individuals, but for our businesses that will depend on a healthy population for their future workers.

I believe providing health care for all of our citizens, including pregnant women and children who are immigrants, is vital for our future economic strength. It should be a much higher priority than providing a $1.2 trillion tax cut for the richest people in the country. It is the right thing to do.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred October 21, 2001, in Anaheim, CA. A 27 year-old Indian physical therapist was mistaken for a Middle Easterner and assaulted while celebrating his birthday at a karaoke bar. The victim was leaving the bar at about 1 a.m. with a group of his friends and family when several men picked a fight with him. Witnesses heard at least two people yell racial slurs about "Middle Easterners." The man suffered a shattered jaw and was released from the hospital 2 days later after undergoing surgery to have his mouth wired shut.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

A RECKLESS GUN INDUSTRY

Mr. LEVIN. Mr. President, a recent report published by the Brady Campaign to Prevent Gun Violence cites numerous examples of reckless sales and distribution practices by gun manufacturers, distributors and dealers. The report, entitled "Smoking Guns: Exposing the Gun Industry's Complicity in the Illegal Gun Market," reveals a disturbing pattern of negligence by some in the gun industry.

In one example, in 1996, according to the report, the owner and six employees of a California gun store were arrested for numerous Federal firearms offenses. The violations included selling illegally converted, fully automatic AK–47 assault rifles and having employees encourage customers to obtain false identification in order to skirt legal requirements for gun ownership. Even after the owner of the store was sent to prison, Heckler & Koch and other gun manufacturers, according to the report, continued to supply the store. In a letter explaining their ongoing business with the gun store, Heckler & Koch wrote that it "is not our intention to turn away business."

More recently, the sniper shootings that paralyzed the Washington, DC, area last year were committed with a rifle traced to a gun store in Tacoma, WA. According to the report, the Bushmaster semi-automatic assault rifle possessed by the sniper suspects was only one of 238 guns missing from the store's inventory. Despite previous ATF audits which revealed dozens of missing weapons and evidence linking a Bushmaster rifle from the store to the sniper killings, according to the report, a Bushmaster executive announced that his company still considered the same store a "good customer" and would continue to sell to it.

These examples of gun industry negligence are by no means isolated. The Brady Campaign report contains numerous other examples of careless behavior on the part of gun manufacturers and dealers, many of which surfaced only after civil liability suits were filed. The Brady report reveals the disregard of some in the gun industry for even basic self-regulation. The Lawful Commerce in Arms Act that recently passed the House and that has been referred to the Senate Judiciary Committee would shield the gun industry from many legitimate civil lawsuits. Certainly, those in the industry who conduct their business negligently or recklessly should not be shielded from the civil consequences of their actions.

THE BROAD-BASED STOCK OPTION PLAN TRANSPARENCY ACT OF 2003

Mrs. BOXER. Mr. President, the Financial Accounting Standards Board, FASB, issued a tentative decision last week to mandate the expensing of stock options. As a result of this decision, the FASB will develop a mechanism for determining the cost of the options granted to employees and then force firms to deduct that cost from earnings in their financial statements.

If finalized and enforced, expensing rules would kill broad-based options programs available to rank-and-file workers and punish companies that treat employees as partners in innovation rather than just as simple factors of production. But worst of all, it would misrepresent a firm's earnings because experts have said again and again that stock options cannot be priced accurately in the short term.

The FASB received more than 250 comment letters during the period leading up to its current project on expensing stock options. Those letters presented a range of views on whether stock options constitute a cost that should be deducted from earnings. Many respected economists and accountants stated clearly that options should not be expensed. But expensing seems to be the only mechanism that the FASB is willing to consider for improving investor understanding of a firm's financial condition.

The experts I have worked with believe that better, more detailed disclosure of stock option programs is the best mechanism for informing investors on those programs. And I do not believe that the FASB has adequately considered greater disclosure as an alternative to expensing. Greater disclosure would provide investors with the information they need without discouraging the use of stock option programs at innovative firms. At the very least, greater disclosure should be tried and evaluated prior to imposing a new, disruptive expensing regime.

Stock option programs mean opportunity for workers across gender lines and wage scales in my state. In Silicon Valley, the median home price is $530,000. I know of single women working in Silicon Valley who have only been able to own a home because of the stock options their companies offer them. For small businesses in my state, stock options permit cash-strapped businesses to attract and retain employees who want to share in the fruits of a growing company. The Woman's High Tech Coalition wrote to me last year:

> The education process on stock options needs to be complete in its understanding of what this opportunity has meant to so many women, in particular, in terms of their ability to lift themselves and their children out of a cycle that can affect several generations.

Unfortunately, the process at the FASB is not designed to consider the broader economic benefits of stock-option programs in its rule-making process. In failing to consider these benefits, the FASB's actions may end up doing more harm than good. And before we allow unaccountable officials to create new rules that effectively eliminate stock option programs, I strongly believe that we should be fully informed about the broader impact on workers and productivity. A recently published book, "In the Company of Owners: The Truth About Stock Options (And Why Every Employee Should Have Them)" includes extensive research showing that broad-based stock option plans, over the past 20 years, enhanced productivity, spurred capital formation, and enhanced shareholder value. We should carefully review the implications of any new policy on stock options programs before implementing them and hoping for positive results.

As a result of FASB's decision and the refusal to consider alternatives to expensing, I am joining Senator ENSIGN in introducing legislation that calls for the Securities and Exchange Commission to undertake a thorough review of stock option programs and an assessment of the value of greater disclosure as an alternative to expensing. The bill sets a 3-year framework for evaluating this alternative to expensing during which the SEC could not enforce any new accounting standard on options that the FASB establishes.

If the SEC's studies indicate that greater disclosure is not getting enough information to investors, then we can revisit the issue. But we should not let unelected, unaccountable FASB officials dictate policy through a rushed accounting standard. We must exercise our oversight function and carefully weigh alternatives that would be better for workers, investors, and the economy as a whole.

TAIWAN SUPPORT

Mr. CRAPO. Mr. President, I rise today to bring to the attention of my colleagues the importance of U.S. relations with Taiwan.

Most Americans have been focused on the two media showpiece events in recent weeks—the conflict in Iraq and the SARS pandemic. I would note to the Senate that our relations with Taiwan—a key strategic ally for the United States and a critical regional trading partner—should not be overlooked.

In addition to its strategic role with the U.S., Taiwan has a strong market-based economy and burgeoning multiparty democratic system. It has helped lead the modernization of Southeast Asia by demonstrating the importance of respecting civil liberties and the rule of law.

A component of U.S. efforts to ensure regional stability is to maintain strong relations with Taiwan, including assurances to protect the island against military attacks. To support this effort, the U.S. has a tradition of providing military assistance to Taiwan for the purpose of its self-defense. In recent years, this assistance has primarily been in the form of sales of aircraft and advanced warning radars to the Taiwanese government. Most recently, the Bush administration announced it would sell Taiwan a new assortment of defense articles, including diesel submarines, P-3C anti-submarine aircraft, and *Kidd*-class destroyers. I support this decision because it recognizes the legitimate self-defense requirements of Taiwan, but does not destabilize the sensitive relations between Taipei and Beijing.

The key to ensuring peace and stability in the region is to promote healthy U.S. relations with Taiwan and support efforts to encourage the People's Republic of China and Taiwan to resolve their differences peacefully. We should continue to pursue a means of supporting Taiwan without harming U.S. interests in China.

IN MEMORY OF HENRY BERMAN

Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to a very dear friend and colleague of mine, Henry Berman, who died on Tuesday, April 27. He was just 92 years old.

He was a true Renaissance man—a man who loved life and loved people. Indeed, there was not a sweeter, gentler, or more generous person on earth than Henry Berman.

Born in 1910, in New Haven, CT, Henry made his way to San Francisco in the early 1930s. During the Great Depression he worked as a laborer, then sold butter and eggs, until he settled down as a consultant for Joseph Seagrams & Sons, where he worked for 56 years.

Long active in San Francisco politics and a dedicated philanthropist, I was lucky enough to have Henry serve as the Chairman of the Fire Commission during my tenure as mayor.

I was also fortunate enough to have him serve as my campaign treasurer, in 1992, when I first ran for the United States Senate. I never had a more loyal supporter.

He served the city of San Francisco up until the very end of his life, when he was the president of the airport commission. According to his son Ron, Henry was on the phone with airport leaders even during the last days of his illness.

That's classic Henry for you: if he could walk, sure enough he would be there. He was truly one of a kind.

He was also involved in a wide range of civic and charitable work, including the Anti-Defamation League of B'Nai B'rith, the American Jewish Committee, Meals on Wheels and "Mo's Kitchen," which provides daily meals at Glide Memorial Methodist Church in San Francisco.

Henry was also an overseer of UC-San Francisco, a trustee of the McLaren School of Business at the University of San Francisco, and a board member of USF's Fromm Institute of Lifelong Learning.

When someone lives as long as Henry did—92 long, prosperous, and productive years you can't conceive of the world without them.

My heartfelt condolences go out to his wonderful wife Sally, to his sons Ron and Bob, and to his grandchildren and great-grandchildren.

I will miss him greatly, but consider myself so very privileged to have known Henry Berman to be able to call him my loyal colleague and my dear, dear friend.

ADDITIONAL STATEMENTS

RALPH KRISKA PERDUE

• Ms. MURKOWSKI. Mr. President, today I honor a pillar of the Fairbanks business community and a respected Athabaskan Elder, Ralph Kriska Perdue, who passed on early Tuesday morning at the age of 73. I doubt that most folks in Interior Alaska knew his real age. You see, for years Ralph's wife, Dorothy, conducted a 39th birthday sale, every Christmas, at the family store, Perdue's Jewelers.

Ralph was born on December 16, 1929 in the village of Koyukuk on the Yukon River. He became interested in making jewelry around 1946 and in 1961 opened a jewelry store in downtown Fairbanks. Ralph was a determined individual. He once told a reporter for the Fairbanks Daily News-Miner, "To me, there is satisfaction that something is done the way it should be done, whether it's a piece of jewelry or anything that confronts me." The Fairbanks economy has experienced booms and busts, but Perdue's Jewelers has grown and prospered.

Ralph will be remembered in Interior Alaska for many things. A bridge between the Native community and the broader community, he served for 6 years as president of the Tanana Chiefs Conference and as a member of the Fairbanks North Star Borough Assembly and the Fairbanks North Star Borough School Board.

He will be dearly remembered as the father of the Fairbanks Native Association, which he helped found in 1963. Today, the Fairbanks Native Association has an annual operating budget of about $13 million and a workforce of 300 people. It provides a variety of social services to the people of Fairbanks, including a very successful regional alcoholism treatment center, which was appropriately named the "Ralph Perdue Center."

Annette Freiburger, executive director of the Fairbanks Native Association (FNA), is quoted in the News-Miner as follows, "Ralph has always served as a guide and inspiration for FNA. We recognized him as our FNA chief, the only chief we have in Fairbanks."

Ralph was also the devoted father of Karen Perdue Bettisworth, the distinguished former commissioner of the Alaska Department of Health and Social Services, and of Mona Perdue Jones. I extend to Dorothy, to Karen and to Mona, my deepest condolences and I join with the Fairbanks community in extending my appreciation to the late Chief Ralph Kriska Perdue for a job well done.•

RECOGNIZING LORRAINE JOHNSON, 2003 GEORGIA TEACHER OF THE YEAR

• Mr. MILLER. Mr. President, I would like to pay tribute to Lorraine Johnson, Georgia's 2003 Teacher of the Year and a finalist for National Teacher of the Year.

This Coweta County seventh grade teacher was selected as one of four finalists for the National Teacher of the Year award by a panel made up of members from 15 national education organizations. She attended a ceremony yesterday at the White House where the President recognized this great achievement, and I was honored to be part of the audience.

Ms. Johnson has been an outstanding educator for over 18 years and has taught seventh-grade English and language arts at Arnall Middle School in Newnan, GA, for the past 8 years. This past year, Ms. Johnson has been on a sabbatical to travel across the State of Georgia giving speeches and conducting workshops for her peers at other Georgia schools.

Ms. Johnson told a reporter recently that she hopes she can inspire other teachers to have pride in their profession, and I think she is achieving that goal. Though her commitment and dedication to teaching she has influenced hundreds of students and made Georgia and our entire country a better place.●

● Mr. CHAMBLISS. Mr. President, I rise today to pay a special tribute to Lorraine Johnson of Newnan, GA. Lorraine Johnson is an outstanding Georgia educator.

Lorraine Johnson was recently honored and recognized as one of four finalists by President George W. Bush at the White House for the National Teacher of the Year award.

Top notch teachers, like Lorraine Johnson, work day and night to make a difference to our Nation's young people as they prepare for their future. These are our true American heroes in our communities, in our States and in our Nation. As the husband of a retired teacher who spent 35 years in the classroom, I know first hand the deep commitment, tough challenges, and endless efforts that go along with being a dedicated teacher. There is no doubt about it: Lorraine Johnson is a dedicated educator.

Lorraine Johnson teaches seventh grade language arts at Arnall Middle School in Newnan, GA. In my home State of Georgia, Lorraine's excellence is no secret. She was named Georgia's Teacher of the Year for 2003 for her remarkable efforts.

It was a real honor and a privilege to share in a special White House ceremony praising Lorraine's hard work and dedication. President George W. Bush, U.S. Secretary of Education Rodney Paige and many other lawmakers also commended Lorraine Johnson for her accomplishments.

Lorraine Johnson of Newnan, GA, is truly an outstanding educator. Not only is she an inspiration to Georgians, but she is an inspiration to all Americans.●

HONORING BOB PROFT

● Mr. COLEMAN. Mr. President, I ask that the following two tributes honoring the life of the late Bob Proft—a proud Minnesotan, respected author, and brave World War II veteran—be printed in the RECORD.

The tributes follow.

[From the Star Tribune, Jan. 1996]

A TRIBUTE TO HEROES

(By Chuck Haga)

Fifty years ago, Congress awarded a Medal of Honor to Jimmy LaBelle, a 19-year-old Marine from Columbia Heights and one of Bob Proft's best friends.

Proft, a B-17 radio operator during the war, always wondered what his buddy had done to receive the country's highest military decoration, but he could find no lists, no compilation of citations.

So Proft published a book. Working out of his sign-painter's garage in Columbia Heights, he researched the history of the medal, compiled lists of the recipients and their citations—from the Civil War through Vietnam—and in 1980 assembled an encyclopedic document of more than 1,100 pages. With co-publisher Mitch DeMars of Columbia Heights, he brought out an updated edition last year.

Now anybody can look up Jimmy LaBelle's name and find out just what he did before he died on March 8, 1945, on Iwo Jima.

"I don't think there's anything else I've ever done that's given me more satisfaction," Proft said.

He is a fit man of 70, earnest in his cause but self-effacing when talking about his own military service. "I didn't do anything heroic whatsoever," he said.

But heroes matter to him.

"It bothers me that you can talk to young people and they don't even know what the Medal of Honor is," he said. "They know John Wayne. They know 'Rambo.' Real heroes are forgotten."

LaBelle was a soft-spoken, unassuming teenager, "Just one of the guys growing up in the Heights," Proft said. During high school, he worked at a hamburger joint called Virg's on Central Ave. He boxed in intramurals.

About 15 years after the war, Proft was painting a sign near Virg's. As he passed the hamburger joint, he thought about LaBelle and his Medal of Honor.

"It struck me that I didn't know anything about what he had done," he said.

He went to his local library, then to the Minneapolis Public Library. He wrote to government and military sources. A friend helped with the search, but they came up empty-handed.

In the late 1960s, the U.S. Government Printing Office compiled lists of recipients with their citations, he said, but that material was distributed only to federal depository libraries and couldn't be checked out.

Proft thought there should be something that could go in school libraries, something that young hamburger-flippers could stumble across.

"You can't sit and read this book like a novel," he said. "The citations would start blending together. But if you pick out a few citations at a time, they can really grip you."

The honor roll lists 47 Minnesotans, including Dale Wayrynen of McGregor, who received the medal posthumously for gallantry in Vietnam. Ten of the Minnesotans were natives of other countries: Germany, Austria, Norway, England, Ireland and Canada.

Proft's favorite is the citation for Nathanial Gwynne, who was 15 and trying to talk his way into the 13th Ohio Cavalry on July 30, 1864, at Petersburg, Va. When the unit charged a Confederate position, Gwynne rode along.

The Yankees were forced to retreat, leaving their flag and battle standards. Young Gwynne charged back along, gathered up the colors and—despite having an arm almost shot off—brought them back.

"Somebody said, 'That young man should get the Medal of Honor,'" Proft said. "Somebody else said, 'Yes, but we'd better get him mustered first.'"

Since the medal was first presented in 1863, 3,420 have been awarded. Eighteen people received two medals.

An award requires at least two witnesses, and the action must involve "gallantry beyond the call of duty" and the risk of death.

In 1916, a congressional panel reviewed records of medals awarded to that point and rescinded 910, Proft said, because they didn't meet those standards.

Proft's book includes the citation for Alvin York, of course, the conscientious objector from Tennessee who became a World War I hero. Gary Cooper portrayed him in the film "Sgt. York."

And there are the stories of two living Minnesotans who received the Medal of Honor: Don Rudolph of Bovey, for actions in the Philippines during World II, and Mike Colalillo of Duluth, for actions against German forces near the end of the war in Europe.

Proft's labor was a good thing, said Rudolph, 74. "It gets it into the schools and the city libraries."

The Veterans of Foreign Wars post in Grand Rapids, Minn., bought 12 of the books for local schools and libraries, he said.

Rudolph has had his own copy of the book signed by about 200 recipients of the medal. Today, only 184 recipients are living.

"I've read the citations of everybody in the book," he said.

His own citation tells of his actions Feb. 5, when his platoon had been pinned down at Munoz, on Luzon: "While administering first aid on the battlefield, he observed enemy fire issuing from a nearby culvert. Crawling to the culvert with rifle and grenades, he killed three of the enemy concealed there. He then worked his way across open terrain toward a line of enemy pillboxes. . . ."

He used grenades, a pick and his rifle to put seven pillboxes out of commission. "Later, when his platoon was attacked by an enemy tank, he advanced under covering fire, climbed to the top of the tank and dropped a white phosphorous grenade through the turret, destroying the crew."

Rudolph said he made it through all that without a scratch.

"I've said many times that I really don't know why I did it or why I got the medal," he said. "But I knew I had to do it. Otherwise we were going to lose more men."

It was about a month later that LaBelle died on Iwo Jima.

He was a private in the 5th Marine Division. On the night of March 8, as Japanese forces tried to break through American lines, a grenade landed in the foxhole that LaBelle shared with two other Marines.

He shouted a warning, then fell on the grenade, absorbing most if its impact with his body.

"His dauntless courage, cool decision and valiant spirit of self-sacrifice in the face of certain death reflect the highest credit on Pfc. LaBelle," his posthumous citation reads.

Medals of Honor awarded in major conflicts: Civil War 1,520; Indian campaigns (1861–1898) 428; Spanish-American War 109; World War I 124; World War II 433; Korean Conflict 131; Vietnam 239. Source: United States of America's Congressional Medal of Honor Recipients.

[From the Star Tribune, Apr. 13, 2003]

REMEMBERING A WRITER

(By Lou Gelfand)

Often he offered a touch of whimsy or a sweet bow to tradition, rarely a cheap shot or a critical word.

Those elements characterized the many hundreds of letters submitted to the Star Tribune editorial page over the years by Bob Proft, a retired Columbia Heights business owner.

His short missives filled with expressive words were an antidote to the stream of letters to the editor exhorting the citizenry to rise in anger and slay the dragon of the day.

That he knew only one letter every 30 days could qualify for publication didn't faze him.

His profundity could come in 14 words or less, as when Americans began packing their bags for Iraq: "Many things change from war to war, but never this: The goodbye kiss."

His change of pace was delightful: "The media exclaimed recently that Princess Diana has been dead four years. That means Mother Teresa has too. Ah, priorities."

That is not to say Proft had no passion.

"We cannot abide a government of the people, by the lobbyists, for the privileged and remain a bona-fide democracy. If this government of We the People is not, in fact and spirit, of us and by us and for us, we are operating with half-truths at best. And we are mocked by crafty hypocrites every time we are unctuously assured that we control this carefully designed system. In whatever manner and to whatever degree our representation is tainted, that is the manner and degree our government is a counterfeit of what our founding fathers created."

He lost his fettle for sports, but not for columnist Patrick Reusse.

"Older now, I seldom read the sports pages. However, thumbing through, I can't pass up Pat Reusse. For all the proper reasons I'm attracted to that face. It just came to me he reminds me of New York's Jimmy Breslin. With that face Reusse had to be a sportswriter or some guy living under the Third Avenue bridge. Now don't get me wrong, I still don't know if I should like this guy. But my, my, how he can write! I'll bet my dentures Reusse is a closet poet. Robert Browning or Robert Service type, I don't know."

His love for holiday and tradition, spring and freedom and, above all, for family is expressed in these letters some readers may have saved to savor:

"Contracted Christmas greeting: Ho!"

"Sure signs autumn cometh: falling leaves, long sleeves."

"Our nation is free. For that reason we own everything we have to those we remember this day."

"Any force at any time in any country that can keep a loving father from a loving son for one second is a force of evil. A mob at any time in any country may have the power to prevent a loving father from reaching his loving son but it will never have the right."

His Veterans Day letter made him dear to the editor:

"While it is fitting and proper that we enjoy the fruits of our power and plenty, we must not forget those who destiny decreed should pay that price. Today is Veterans Day, set aside to commemorate that unique fraternity. Please, you needn't genuflect. Just give a knowing nod, and maybe a smile."

Proft enlisted in World War II and was training to fly bombers when peace came.

His love for country was funneled into publishing a 1,248-page book listing Medal of Honor Recipients and their official citations. Humility dictated that his initials, not his name, be on the cover.

The final letter from Proft, 78, arrived last week. He died at home early Thursday morning after a short illness.●

HONORING DR. MARTHA MYERS

● Mr. SESSIONS. Mr. President, I rise today to remember a selfless American, Dr. Martha Myers. Many know Dr. Myers as one of the two Southern Baptist missionaries recently murdered by extremists in Yemen. She represents the bests in missionary service. She was, by her aid to those in need, a demonstrated friend of the people of Yemen and in the end, she laid down her life for them. Greater love hath no one than this. Her death has touched me deeply as it has touched many worldwide. It has also, unfortunately, heightened our concern for Christian missionaries throughout the world.

Dr. Myers was educated in my home State of Alabama where she earned degrees from both Samford University and University of Alabama Medical School. The daughter of the State of Alabama's long time health officer, Dr. Ira Myers, she was educated and trained as an obstetrician. Instead of seeking monetary gain, like a modern day Nehemiah she dedicated the rest of her life in selfless service to the indigent families of Yemen. She spent 24 years as a medical missionary in Yemen ministering by example. Her colleagues have stated that she often slept in her office cubicle to save money to give to poor families in communities surrounding the hospital.

I find it particularly telling that it was her choice to be buried on the grounds of the hospital in Yemen. I find this important because it shows a total and complete devotion to the difficult and selfless work she felt called to do. It demonstrated her total commitment without thought of turning back. Former professors and college friends say that her sense of calling to the field of missions was "crystal clear." They also said it was evident to everyone around her that this clear call to serve others empowered and motivated her even as a college freshman in 1963.

Dr. Martha Myers' ability to rise above personal interest in service of others goes far beyond what most people can conceive. Dr. Mike Howell, her former biology professor, summarized her life and commitment well in saying "There aren't many people willing to dedicate their life to people. That is the greatest calling of a Christian."

While the world has lost a selfless servant, We may hope that the life of Martha Myers will serve as an inspiration for others. It demonstrates that religious faith can be the basis for a life dedicated to others, even if those served have a different religion. Dr. Myers did not limit her patients to Christians. She served all in need, and she never forced her views on anyone.

In these days of terrorism and the prospect of war, our world should think deeply about the well lived life of Dr. Martha Myers. In such loving humility can come the seeds of a more peaceful world.

Some may say that this senseless murder proves that radicalism rules the day and that such acts can only be dealt with by war. But, perhaps not. Certainly, some radicalized terrorist, someone with a twisted view of their faith, can end a lifetime of work. Still, such evil acts cannot erase the good she has done. And, maybe, just maybe, the thousands of poor, sick, and dying that she treated and comforted will have a different view of the United States, a different view of the West, and a different view of freedom and faith as a result of her life well lived. In that we can all take comfort.●

JARISSE J. SANBORN, B.G. U.S. AIR FORCE

● Ms. MURKOWSKI. Mr. President, I rise today to honor a great Alaskan upon the occasion of her promotion to Brigadier General in the United States Air Force.

I am speaking of Jarisse J. Sanborn who, on April 1, 2003, became the first active duty woman ever promoted to Brigadier General in the Judge Advocate Corps of any armed service in this country. Upon her promotion, General Sanborn was assigned to U.S. Transportation Command and the Air Mobility Command, where she serves as the Staff Judge Advocate to both commands.

General Sanborn, the daughter of a career Navy officer, began her Air Force career after graduating Magna Cum Laude from Randolph-Macon Woman's College in Virginia. After serving as a squadron and wing executive officer, she was selected for the Air Force-funded legal education program, graduating from Creighton Law School in Omaha, NE, again Magna Cum Laude. She is also a graduate of the National War College.

General Sanborn has had a distinguished legal career, including her most recent assignment as the Staff Judge Advocate for the North American Aerospace Defense Command, better known by its acronym NORAD, and U.S. Northern Command, the newly created unified command responsible for the homeland defense of the United States. General Sanborn also has been the Staff Judge Advocate for U.S. Space Command, Air Force Space Command, and Alaska Command.

From her time as head of Alaska Command at Fort Richardson in Anchorage, she remains a resident of Alaska, where she and her husband Al still own a home in Eagle River. They have two sons: Tyler and John.

Brigadier General Sanborn is a veteran of Operation Desert Storm, where she earned the Bronze Star as the Staff Judge Advocate for the Fourth Fighter Wing deployed to Oman and Saudi Arabia.

Now, at a time when women are making such important contributions to our efforts in Iraq, it's very appropriate that we recognize the success of this fine officer. It is also appropriate that we celebrate this important step for all women in the military. General Sanborn truly makes all Americans proud of the capabilities and accomplishments of our Armed Forces.●

MASSACHUSETTS STATE TROOPER SCOTT McDONALD

• Mr. KENNEDY. Mr. President, I pay tribute to one of Massachusetts' finest law enforcement officers—Massachusetts State Trooper Scott McDonald. Recently, Trooper McDonald was honored by the Massachusetts State Police with a Medal of Lifesaving, awarded to bestow recognition upon troopers who undertake significant actions in the saving of another life.

On August 4, 2002, Trooper Scott McDonald was on patrol when he was dispatched to a motor vehicle accident in the town of Deerfield. Upon arrival, he observed a truck overturned on the road. As the driver was without a pulse and not breathing, he immediately began CPR. While a passing motorist stopped, identified herself as a doctor and said she would pronounce the victim dead, Scott continued lifesaving efforts. Amazingly, the driver was ultimately revived and flown to Baystate Medical Center in Springfield.

Trooper McDonald is a fine example of the Commonwealth's outstanding first responder community. I rise to join the Massachusetts State Police, the City of Holyoke, and Scott's family and friends in honoring a great American, Massachusetts State Trooper Scott McDonald.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:36 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1350. An act to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

The message also announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398), the Minority Leader reappoints the following individuals to the United States-China Security Review Commission: Mr. George Becker of Pennsylvania, for a term to expire on December 31, 2005 and Mr. Michael Wessel of Virginia, for a term to expire on December 31, 2004.

The message further announced that pursuant to 40 U.S.C. 188a(b)(2), Mr. Vernon J. Ehlers, Vice-chairman of the Joint Committee of the Library appoints the following Member of the House of Representatives as his designee to the Capitol Preservation Commission: Mr. John Mica of Florida.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 162. An act to provide for the use and distribution of certain funds awarded to the Gila River Pima-Maricopa Indian community, and for other purposes.

MEASURE REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1350. An act to reauthorize the Individuals with Disabilities Education Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bill and joint resolution were read the second time, and placed on the calendar:

H.J. Res. 51. Joint resolution increasing the statutory limit on the public debt.

S. 14. A bill to enhance the energy security of the United States, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2046. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled "Approval and Promulgation of Air Quality Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Wisconsin (FRL 7484-2)" received on April 16, 2003; to the Committee on Environment and Public Works.

EC–2047. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Maryland, Virginia; Post 1996 Rate-of-Progress Plans; and One-Hour Ozone Attainment Demonstrations (FRL 7484–6)" received on April 16, 2003

EC–2048. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled "Approval and Promulgation of Implementation Plans; Louisiana: Revision to the Ozone Maintenance Plans for Beauregard, St. Mary, Lafayette, and Grant Parishes and the New Orleans Consolidated Metropolitan Statistical Area (FRL 7485-6)" received on April 16, 2003; to the Committee on Environment and Public Works.

EC–2049. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled "Approval and Promulgation of State Implementation Plans, and Designation of Areas for Air Quality Planning Purposes; California—Coachella Valley (FRL 7473–4)" received on April 16, 2003; to the Committee on Environment and Public Works.

EC–2050. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled "Approval and Promulgation of State Implementation Plans; California—South Coast (FRL 7473–3)" received on April 16, 2003; to the Committee on Environment and Public Works.

EC–2051. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled "Clean Air Act Approval of Operating Permits Program Revision; District of Columbia (FRL 7483–6)" received on April 16, 2003; to the Committee on Environment and Public Works.

EC–2052. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled "Oil Pollution Prevention and Response; Non-Transportation-Related Onshore and Offshore Facilities (FRL 7484–7)" received on April 16, 2003; to the Committee on Environment and Public Works.

EC–2053. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled "Texas: Final Authorization of Staten Hazardous Waste Management Program Revisions (FRL 7482–3)" received on April 16, 2003; to the Committee on Environment and Public Works.

EC–2054. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled "Approval and Promulgation of the State Air Quality Plans for Designated Facilities and Pollutants, State of West Virginia; Control of Emissions from Commercial and Industrial Solid Waste Incinerator Units (FRL 7479–9)" received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2055. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled "Approval and Promulgation of State Plan for Designated Facilities and Pollutants Florida (FRL 7481–8)" received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2056. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled "Control of Emissions From New Nonroad Diesel Engines: Amendments to the Nonroad Engine Definition (FRL 7482–1)" received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2057. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled "Nebraska: Final Authorization of State Hazardous Waste Management Program Revision (FRL 7480-9)" received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2058. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled "Oklahoma: Final Authorization of State Hazardous Waste Management Program Revisions (FRL 7479–1)" received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2059. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled "Tennessee: Final Authorization of State Hazardous Waste Management Program Revision (FRL 7478–5)" received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2060. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled "Texas: Final Authorization of State Hazardous Waste Management Program Revisions (FRL 7482–3)" received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2061. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled "Utah: Final Authorization of State Hazardous Waste Management Program Revision (FRL 7480–6)" received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2062. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled "Notice of Withdrawal of October 2, 2003, Attainment Date Extension, Determination of Nonattainment as November 15, 1999, and Reclassification of the Baton Rouge Ozone Nonattainment Area (FRL 7487–4)" received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2063. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled "Approval and Promulgation of Implementation Plans Florida: Revision to Jacksonville, Florida Ozone Air Quality Maintenance Plan (FRL 7486–7)" received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2064. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled "Approval and Promulgation of Implementation Plans to the Alabama State Implementation Plan (FRL 7487–1)" received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2065. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled "Approval and Promulgation of State Implementation Plans; Prevention of Significant Deterioration (PSD); Idaho and Oregon (FRL 7487–2)" received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2066. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled "Guidance on Awarding Section 319 Grant to Indian Tribes in FY 2003" received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2067. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled "Minnesota: Final Authorization of State Hazardous Waste Management Program Revision (FRL 7486–4)" received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2068. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of a document entitled "Chemical Specification of PM2.5 in urban and Rural Areas: Background Information" received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2069. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of a document entitled "National Air Quality Standards for Fine Particles: Guidance for Designating Areas" received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2070. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of a document entitled "National Air Quality Standards for Fine Particles Guidance for Designating Areas" received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2071. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of a document entitled "National Air Quality Standards for Fine Particles Guidance for Designating Areas" received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2072. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of a document entitled "Stationary Gas Turbines: Proposed Amendments to Air Toxics Performance Standards: Fact Sheet" received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2073. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of a document entitled "Guidance on Generation and Submission of Grandfathered Cryptosporidium Data for Bin Classification Under the Long Term 2 Enhanced Surface Water Treatment Rule" received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2074. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of a document entitled "Ozone Transport: Proposed Rule Revision: Fact Sheet" received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2075. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of a document entitled "Small Entity Compliance Guide for the Tier 2/Gasoline Sulfur Final Rule (EPA420–B–03–005)" received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2076. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of a document entitled "Use of CERCLA Section 114(c) Service Station Dealers Exemption" received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2077. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of a document entitled "Revised Guidance Manual for Selecting Lead and Copper Control Strategies" received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2078. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to the law, the "Report to Congress on Abnormal Occurrences, Fiscal Year 2002" received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2079. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to the law, the report entitled "Monthly Status Report on the Licensing Activities and Regulatory Duties of the United States Nuclear Regulatory Commission, January 2003" received on April 22, 2003; to the Committee on Environment and Public Works.

EC–2080. A communication from the Acting Chair, Federal Subsistence Board, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of rule entitled "Subsistence Management Regulations for Public Lands in Alaska, Subpart D—Subsistence Taking of Fish, Customary Trade (1018–AI31)" received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2081. A communication from the Acting General Counsel, Department of Homeland Security, transmitting, pursuant to the law, the report of a rule entitled "Assistance to Firefighters Grant Program 68 FR 12544 (3067–AD21)" received on April 16, 2003; to the Committee on Environment and Public Works.

EC–2082. A communication from the Director, Office of Congressional Affairs, Office of the General Counsel, Nuclear Regulatory Commission, transmitting, pursuant to the law, the report of a rule entitled "Availability of Official Records (3150–AC07)" received on April 22, 2003; to the Committee on Environment and Public Works.

EC–2083. A communication from the Director, Office of Congressional Affairs, Office of Nuclear Material Safety and Safeguards Nuclear Regulatory Commission, transmitting, pursuant to the law, the report of a rule entitled "Medical Use of Byproduct Material: Clarifying and Minor Amendments (10 CFR Part 35) (RIN3150–AH08)" received on April 22, 2003; to the Committee on Environment and Public Works.

EC–2084. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to the law, the report of a violation of the Antideficiency Act by the Department of the Navy, case no. 02–04, totaling $2,763,000; to the Committee on Appropriations.

EC–2085. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to the law, the report of a violation of the Antideficiency Act by the Department of the Navy, case no. 00–03, totaling $1,629,233.61; to the Committee on Appropriations.

EC-2086. A communication from the President of the United States, transmitting, pursuant to law, the report that provides "the aggregate number, locations, activities, and lengths of assignment for all temporary and permanent U.S. military personnel and U.S. individual civilians retained as contractors involved in the antinarcotics campaign in Colombia" received on April 25, 2003; to the Committee on Appropriations.

EC-2087. A communication from the Assistant Chief Counsel, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Administrative Waivers of the Coastwise Trade Laws for Eligible Vessels (2133–AB49)" received on April 28, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2088. A communication from the Senior Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Reporting of Information and Documents about potential Defects; Defect & Noncompliance Reports (2127–AI92)" received on April 28, 2003; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 75. A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. Con. Res. 15. A concurrent resolution commemorating the 140th anniversary of the issuance of the Emancipation Proclamation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. McCAIN for the Committee on Commerce, Science, and Transportation.

Coast Guard nomination of Lewis J. Buckley.

By Mr. HATCH for the Committee on the Judiciary.

J. Leon Holmes, of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

Patricia Head Minaldi, of Louisiana, to be United States District Judge for the Western District of Louisiana.

Adam Noel Torres, of California, to be United States Marshal for the Central District of California for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for himself, Mr. Chafee, Mr. Corzine, Mr. Sarbanes, and Mr. Lieberman):

S. 965. A bill to require the Secretary of the Interior to implement the final rule to phase out snowmobile use in Yellowstone National Park, John D. Rockefeller Jr. Memorial Parkway, and Grand Teton National Park, and snowplane use in Grand Teton National Park; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. Specter, Mr. Daschle, Mr. Smith, Mr. Leahy, Ms. Collins, Mr. Lieberman, Ms. Snowe, Mr. Wyden, Mr. Jeffords, Mr. Schumer, Mr. Chafee, Mr. Akaka, Mr. Ensign, Mr. Bayh, Mr. Biden, Mr. Bingaman, Mrs. Boxer, Mr. Breaux, Ms. Cantwell, Mr. Carper, Mrs. Clinton, Mr. Corzine, Mr. Dayton, Mr. Dodd, Mr. Dorgan, Mr. Durbin, Mr. Edwards, Mrs. Feinstein, Mr. Graham of Florida, Mr. Harkin, Mr. Inouye, Mr. Johnson, Mr. Kerry, Ms. Landrieu, Mr. Levin, Mrs. Lincoln, Ms. Mikulski, Mr. Miller, Mrs. Murray, Mr. Nelson of Nebraska, Mr. Nelson of Florida, Mr. Reed, Mr. Reid, Mr. Rockefeller, Mr. Sarbanes, Ms. Stabenow, Mr. Lautenberg, and Mr. Pryor):

S. 966. A bill to provide Federal assistance to States and local jurisdictions to prosecute hate crimes; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 967. A bill to require the Secretary of Veterans Affairs to replace with a more equitable formula the current formula, known as the Veterans Equitable Resource Allocation (VERA), for the allocation of funds appropriated to the Department of Veterans Affairs for medical care to different geographic regions of the Nation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SESSIONS:

S. 968. A bill to amend the Internal Revenue Code of 1986 to provide capital gain treatment under section 631(b) of such Code for outright sales of timber by landowners; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. Kennedy, Mr. Corzine, and Mr. Reed):

S. 969. A bill to enhance the security and safety of the Nation by increasing the time allowed to track terrorists during periods of elevated alert, closing loopholes that have allowed terrorists to acquire firearms, maintaining records of certain handgun transfers during periods of heightened terrorist risk, and for other purposes; to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 970. A bill to amend the Internal Revenue Code of 1986 to preserve jobs and production activities in the United States; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. Specter, Mr. Kennedy, Mr. Cochran, Mr. Biden, Ms. Landrieu, Mr. Kerry, Mr. Corzine, Mr. Schumer, Mrs. Clinton, and Mr. Dayton):

S. 971. A bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes; to the Committee on Finance.

By Mr. COLEMAN:

S. 972. A bill to clarify the authority of States to establish conditions for insurers to conduct the business of insurance within a State based on the provision of information regarding Holocaust era insurance policies of the insurer, to establish a Federal cause of action for claims for payment of such insurance policies, and for other purposes; to the Committee on the Judiciary.

By Mr. NICKLES (for himself and Mr. Breaux):

S. 973. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. Santorum):

S. 974. A bill to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER (for himself and Mr. Santorum):

S. 975. A bill to revise eligibility requirements applicable to essential air service subsidies; to the Committee on Commerce, Science, and Transportation.

By Mr. WARNER (for himself and Mr. Allen):

S. 976. A bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FITZGERALD (for himself, Mr. Kennedy, and Ms. Snowe):

S. 977. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage from treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 978. A bill to amend title 38, United States Code, to provide housing loan benefits for the purchase of residential cooperative apartment units; to the Committee on Veterans' Affairs.

By Mr. ENSIGN (for himself, Mrs. Boxer, Ms. Cantwell, Mr. Crapo, Mr. Craig, Mr. Allen, Mrs. Murray, Mrs. Feinstein, Mr. Reid, Mr. Allard, Mr. Burns, Mr. Warner, Mr. Bennett, Mr. Smith, Ms. Stabenow, and Mr. Coleman):

S. 979. A bill to direct the Securities and Exchange Commission to require enhanced disclosures of employee stock options, to require a study on the economic impact of broad-based employee stock option plans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRAHAM of South Carolina (for himself and Mr. Miller):

S. 980. A bill to conduct a study on the effectiveness of ballistic imaging technology and evaluate its effectiveness as a law enforcement tool; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 981. A bill to limit the period for which the Federal Government may procure property or services using noncompetitive procedures during emergency and urgent situations; to the Committee on Governmental Affairs.

By Mrs. BOXER (for herself and Mr. Santorum):

S. 982. A bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes; to the Committee on Foreign Relations.

By Mr. CHAFEE (for himself, Mr. Reid, Mr. Hatch, Ms. Mikulski, Ms. Collins, Mr. Leahy, Mr. Warner, Mr.

KENNEDY, Mr. VOINOVICH, Mr. BIDEN, Mr. ALLEN, Mrs. CLINTON, Mr. FITZGERALD, Mrs. MURRAY, Ms. SNOWE, Mr. JOHNSON, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. REED, and Mr. CORZINE):

S. 983. A bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS:

S. 984. A bill to direct the Secretary of the Interior to evaluate opportunities to enhance domestic oil and gas production through the exchange of nonproducing Federal oil and gas leases located in the Lewis and Clark National Forest, in the Flathead National Forest, and on Bureau of Land Management land in the State of Montana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DODD (for himself, Ms. COLLINS, Mrs. CLINTON, Mr. CORZINE, Ms. CANTWELL, Mr. DURBIN, Mr. GRASSLEY, Mr. LEAHY, Ms. SNOWE, Mr. REED, Mr. BIDEN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. LIEBERMAN, Mr. WARNER, Mr. JOHNSON, Mrs. MURRAY, Mr. CARPER, Mr. KERRY, Mr. BAUCUS, Mr. REID, Mr. SARBANES, and Mr. JEFFORDS):

S. 985. A bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. AKAKA (for himself, Mr. FITZGERALD, Ms. COLLINS, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. DURBIN, Mr. COLEMAN, and Mr. LEVIN):

S. Res. 130. A resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week; to the Committee on Governmental Affairs.

By Mr. MILLER (for himself, Mr. BURNS, Mr. WARNER, Mr. CHAMBLISS, and Mr. ROBERTS):

S. Res. 131. A resolution expressing the sense of the Senate that the President should award the Presidential Medal of Freedom to General Raymond G. Davis, USMC (retired); to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. KYL, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 13, a bill to provide financial security to family farm and small business owners while by ending the unfair practice of taxing someone at death.

S. 50

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 50, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care, and for other purposes.

S. 55

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 55, a bill to amend title 38, United States Code, to modify the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 146

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 146, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 271

At the request of Mr. SMITH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 271, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 300

At the request of Mr. KERRY, the names of the Senator from Montana (Mr. BURNS), the Senator from Ohio (Mr. DEWINE), the Senator from Texas (Mrs. HUTCHISON) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 300, a bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

S. 300

At the request of Mr. MCCAIN, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 300, supra.

S. 340

At the request of Mr. BUNNING, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 340, a bill to authorize the Secretary of Health and Human Services to make grants to nonprofit tax-exempt organizations for the purchase of ultrasound equipment to provide free examinations to pregnant women needing such services, and for other purposes.

S. 379

At the request of Mr. BINGAMAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 379, a bill to amend title XVIII of the Social Security Act to improve the medicare incentive payment program.

S. 392

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 392, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 518

At the request of Ms. COLLINS, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 545

At the request of Mr. LOTT, his name was withdrawn as a cosponsor of S. 545, a bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees.

S. 567

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 567, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants.

S. 589

At the request of Mr. AKAKA, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 589, a bill to strengthen and improve the management of national security, encourage Government service in areas of critical national security, and to assist government agencies in addressing deficiencies in personnel possessing specialized skills important to national security and incorporating the goals and strategies for recruitment and retention for such skilled personnel into the strategic and performance management systems of Federal agencies.

S. 595

At the request of Mr. HATCH, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Alabama (Mr. SESSIONS), the Senator from Idaho (Mr. CRAPO), the Senator from Washington (Ms. CANTWELL), the Senator from Ohio (Mr. VOINOVICH) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 632

At the request of Mr. CRAIG, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 632, a bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular disease.

S. 647

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 647, a bill to amend title 10, United States Code, to provide for Department of Defense funding of continuation of health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents, and for other purposes.

S. 652

At the request of Mr. CHAFEE, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 652, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

S. 661

At the request of Mr. SCHUMER, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 661, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 764

At the request of Mr. CAMPBELL, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 764, a bill to extend the authorization of the Bulletproof Vest Partnership Grant Program.

S. 774

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 774, a bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts.

S. 789

At the request of Mr. NELSON of Florida, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 789, a bill to change the requirements for naturalization through service in the Armed Forces of the United States.

S. 874

At the request of Mr. TALENT, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 877

At the request of Mr. BURNS, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 877, a bill to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

S. 881

At the request of Mr. BINGAMAN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 881, a bill to amend title XVIII of the Social Security Act to establish a minimum geographic cost-of-practice index value for physicians' services furnished under the medicare program.

S. 897

At the request of Mr. CORNYN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 897, a bill to amend the Immigration and Nationality Act to change the requirements for naturalization through service in the Armed Forces of the United States, and for other purposes.

S. 922

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 922, a bill to change the requirements for naturalization through service in the Armed Forces of the United States, to extend naturalization benefits to members of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces, to extend posthumous benefits to surviving spouses, children, and parents, and for other purposes.

S. 939

At the request of Mr. HAGEL, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 939, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part, to provide an exception to the local maintenance of effort requirements, and for other purposes.

S. 942

At the request of Mr. BROWNBACK, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 942, a bill to amend title XVIII of the Social Security Act to provide for improvements in access to services in rural hospitals and critical access hospitals.

S. CON. RES. 33

At the request of Mr. CRAIG, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Con. Res. 33, a concurrent resolution expressing the sense of the Congress regarding scleroderma.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. DASCHLE, Mr. SMITH, Mr. LEAHY, Ms. COLLINS, Mr. LIEBERMAN, Ms. SNOWE, Mr. WYDEN, Mr. JEFFORDS, Mr. SCHUMER, Mr. CHAFEE, Mr. AKAKA, Mr. ENSIGN, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. GRAHAM of Florida, Mr. HARKIN, Mr. INOUYE, Mr. JOHNSON, Mr. KERRY, Ms. LANDRIEU, Mr. LEVIN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MILLER, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Ms. STABENOW, Mr. LAUTENBERG, and Mr. PRYOR):

S. 966. A bill to provide Federal assistance to States and local jurisdictions to prosecute hate crimes; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, it's a privilege to join my colleagues in introducing this legislation to combat hate crimes. Hate crimes are a violation of all our country stands for. They send the poisonous message that some Americans deserve to be victimized solely because of who they are. Like acts of terrorism, hate crimes have an impact far greater than the impact on the individual victims. They are crimes against entire communities, against the whole Nation, and against the fundamental ideals on which America was founded. As Attorney General Ashcroft has said, "Criminal acts of hate run counter to what is best in America—our belief in equality and freedom."

Although there was a significant overall reduction in violent crimes during the 1990s, the number of hate crimes continued to grow. According to the Federal Bureau of Investigation, 9,730 hate crimes were reported in the United States in 2001. That is over 26 hate crimes a day, every day. More than 83,000 hate crimes have been reported since 1991.

The need for an effective national response is as compelling as it has ever been. Hate crimes against Arabs and Muslims rose dramatically in the weeks following the September 11 terrorist attacks. These hate crimes included murder, beatings, arson, attacks on mosques, shootings, and other assaults. In 2001, anti-Islamic incidents were the second highest-reported type of hate crimes based on religion—second only to anti-Jewish hate crimes.

Los Angeles and Chicago reported a massive increase in the number of anti-Arab and anti-Muslim crimes after 9/11.

Hate crimes based on sexual orientation continue to be a serious danger, constituting 14 percent of all hate crimes reported.

Each person's life is valuable, and even one life lost is too many. It is not the frequency of hate crimes alone that makes these acts of violence so serious. It is the terror and intimidation they inflict on the victims, their families, their communities, and, in some cases, the entire Nation.

Congress cannot sit silent while this hatred spreads. It is long past time for us to do more to end hate-motivated violence. The Local Law Enforcement Enhancement Act will strengthen the ability of Federal, State and local governments to investigate and prosecute these vicious and senseless crimes. Our legislation is supported by over 175 law enforcement, civil rights, civic, and religious organizations.

The current Federal law on hate crimes was passed soon after the assassination of Dr. Martin Luther King Jr. Today, however, it is a generation out of date. It has two significant deficiencies. It does not cover hate crimes based on sexual orientation, gender, or disability. And even in cases of hate crimes based on race, religion, or ethnic background, it contains excessive restrictions requiring proof that the victims were attacked because they were engaged in certain "federally protected activities."

Our bill is designed to close these substantial loopholes. It has six principal provisions: 1. It removes the "federally protected activity" barrier. 2. It adds sexual orientation, gender and disability to the existing categories of race, color, religion, and national origin. 3. It protects State interests with a strict certification procedure that requires the Federal Government to consult with local officials before bringing a Federal case. 4. It offers federal assistance to State and local law enforcement officials to investigate and prosecute heated crimes in any of the federal categories. 5. It offers training grants for local law enforcement. 6. It amends the Federal Hate Crime Statistics Act to add gender to the existing categories of race, religion, ethnic background, sexual orientation, and disability.

These much needed changes in current law will help ensure that the Department of Justice has what it needs to combat the growing problem of hate-motivated violence more effectively.

Nothing in the bill prohibits or punishes speech, expression, or association in any way—even "hate speech." It addresses only violent actions that result in death or injury. The Supreme Court has ruled repeatedly—and as recently as this year, in the cross-burning decision Virginia v. Black—that a hate crimes statute that considers bias motivation directly connected to a defendant's criminal conduct does not violate the First Amendment. No one has a First Amendment right to commit a crime.

A strong Federal role in prosecuting hate crimes is essential, because crimes have an impact far greater than their impact on individual victims. Nevertheless, our bill fully respects the primary role of state and local law enforcement in responding to violent crime. The vast majority of hate crimes will continue to be prosecuted at the state and local level. The bill authorizes the Justice Department to assist State and local authorities in hate crimes cases, but it authorizes Federal prosecutions only when a state does not have jurisdiction, or when it asks the Federal Government to take jurisdiction, or when it fails to act against hate-motivated violence. In other words, the bill establishes an appropriate back-up for State and local law enforcement, to deal with hate crimes in cases where states request assistance, or cases that would not otherwise be effectively investigated and prosecuted.

Working cooperatively, State, local and Federal law enforcement officials have the best chance to bring the perpetrators of hate crimes to justice. Federal resources and expertise in the identification and proof of hate crimes can provide invaluable assistance to state and local authorities without undermining the traditional role of states in prosecuting crimes. As Attorney General Ashcroft has said of current law, "Cooperation between federal agents and local law enforcement officers and between Justice Department prosecutors and local prosecutors has been outstanding." And it will continue to be so, and be even more effective, when this legislation is enacted into law.

Now is the time for Congress to speak with one voice and insist that all Americans will be guaranteed the equal protection of the laws. Now is the time to make combating hate crimes a high national priority. The Local Law Enforcement Enhancement Act is a needed response to a serious problem that continues to plague the nation, and I urge the Senate to support it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Local Law Enforcement Enhancement Act of 2003".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) The prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including—

(A) by impeding the movement of members of targeted groups and forcing such members to move across State lines to escape the incidence or risk of such violence; and

(B) by preventing members of targeted groups from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(7) Perpetrators cross State lines to commit such violence.

(8) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(9) Such violence is committed using articles that have traveled in interstate commerce.

(10) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(11) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct "races". Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(12) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(13) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions.

SEC. 3. DEFINITION OF HATE CRIME.

In this Act, the term "hate crime" has the same meaning as in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

SEC. 4. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) Assistance Other Than Financial Assistance.—

(1) In general.—At the request of a law enforcement official of a State or Indian tribe, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(B) constitutes a felony under the laws of the State or Indian tribe; and

(C) is motivated by prejudice based on the race, color, religion, national origin, gender, sexual orientation, or disability of the victim, or is a violation of the hate crime laws of the State or Indian tribe.

(2) Priority.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than 1 State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) Grants.—

(1) In general.—The Attorney General may award grants to assist State, local, and Indian law enforcement officials with the extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) Office of justice programs.—In implementing the grant program, the Office of Justice Programs shall work closely with the funded jurisdictions to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) Application.—

(A) In general.—Each State that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) Date for submission.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) Requirements.—A State or political subdivision of a State or tribal official applying for assistance under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, political subdivision, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, political subdivision, or tribal official has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) Deadline.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(5) Grant amount.—A grant under this subsection shall not exceed $100,000 for any single jurisdiction within a 1 year period.

(6) Report.—Not later than December 31, 2004, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2004 and 2005.

SEC. 5. GRANT PROGRAM.

(a) Authority To Make Grants.—The Office of Justice Programs of the Department of Justice shall award grants, in accordance with such regulations as the Attorney General may prescribe, to State and local programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 6. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 2004, 2005, and 2006 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 7.

SEC. 7. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) In General.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§ 249. Hate crime acts

"(a) In General.—

"(1) Offenses involving actual or perceived race, color, religion, or national origin.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

"(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(i) death results from the offense; or

"(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(2) Offenses involving actual or perceived religion, national origin, gender, sexual orientation, or disability.—

"(A) In general.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, or disability of any person—

"(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(I) death results from the offense; or

"(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(B) Circumstances described.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

"(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

"(I) across a State line or national border; or

"(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

"(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

"(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

"(iv) the conduct described in subparagraph (A)—

"(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

"(II) otherwise affects interstate or foreign commerce.

"(b) Certification Requirement.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

"(1) he or she has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

"(2) he or his designee or she or her designee has consulted with State or local law enforcement officials regarding the prosecution and determined that—

"(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

"(B) the State has requested that the Federal Government assume jurisdiction;

"(C) the State does not object to the Federal Government assuming jurisdiction; or

"(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

"(c) Definitions.—In this section—

"(1) the term 'explosive or incendiary device' has the meaning given the term in section 232 of this title; and

"(2) the term 'firearm' has the meaning given the term in section 921(a) of this title.".

(b) Technical and Conforming Amendment.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"249. Hate crime acts.".

SEC. 8. DUTIES OF FEDERAL SENTENCING COMMISSION.

(a) AMENDMENT OF FEDERAL SENTENCING GUIDELINES.—Pursuant to the authority provided under section 994 of title 28, United States Code, the United States Sentencing Commission shall study the issue of adult recruitment of juveniles to commit hate crimes and shall, if appropriate, amend the Federal sentencing guidelines to provide sentencing enhancements (in addition to the sentencing enhancement provided for the use of a minor during the commission of an offense) for adult defendants who recruit juveniles to assist in the commission of hate crimes.

(b) CONSISTENCY WITH OTHER GUIDELINES.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

(2) avoid duplicative punishments for substantially the same offense.

SEC. 9. STATISTICS.

Subsection (b)(1) of the first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended by inserting "gender," after "race,".

SEC. 10. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

By Mr. SESSIONS:

S. 968. A bill to amend the Internal Revenue Code of 1986 to provide capital gain treatment under section 631(b) of such Code for outright sales of timber by landowners; to the Committee on Finance.

Mr. SESSIONS. Mr. President, I rise today to introduce legislation which will simplify and update a provision of the tax code that affects the sale of timber. It is both a simplification measure and a fairness measure. I call it the Timber Tax Simplification Act.

Under current law, landowners that are occasional sellers of timer are often classified by the Internal Revenue Service as "dealers." As a result, the small landowner is forced to choose, because of the tax code, between two different methods of selling their timber. The first method, "lump sum sales provides for good business practice but is subjected to a high income tax. The second method "pay-as-cut" sales, allows for lower capital gains tax treatment, but often results in an underrealization of the fair value of the contract. Why, one might ask, do these conflicting incentives exist for our Nation's timber growers?

Ealier in this century, outright, or "lump sum," sales on a cash in advance, sealed basis, were associated with a "cut and run" mentality that did not promote good forest management. "Pay-as-cut sales," however, in which a timber owner is only paid for timber that is harvested, were associated with "enlighted" resource management. Consequently, in 1943, Congress, in an effect to provide an incentive for improved forest management, passed legislation that allowed capital gains treatment under 631(b) of the IRS Code for pay-as-cut sales, leaving lump-sum sales to pay the much higher rate of income tax. It is said that President Roosevelt opposed the bill and almost vetoed it.

Today, however, Section 631(b) like so many provisions in the IRS Code, is outdated. Forest management practices are much different from what they were in 1943 and lump-sum sales are no longer associated with poor forest management. And while there are occasional special situations where other methods may be more appropriate, most timber owners prefer this method over the "pay-as-cut" method. The reasons are simple: title to the timber is transferred upon the closing of the sale and the buyer assumes the risk of any physical loss of timber to fire, insects, disease, storms, etc. Furthermore, the price to be paid for the timber is determined and received at the time of the sale.

Unfortunately, in order for timber owners to qualify for the favorable capital gains treatment, they must market their timber on a "pay-as-cut" basis under Section 631(b) which requires timber owners to sell their timber with a "retained economic interest." This means that the timber owner, not the buyer, must bear the risk of any physical loss during the timber sale contract period and must be paid only for the timber that is actually harvested. As a result, this type of sale can be subject to fraud and abuse by the timber buyer. Since the buyer pays only for the timber that is removed and scaled, there is an incentive to waste poor quality timber by breaking the tree during the logging process, underscaling the timber, or removing the timber without scaling. But because 631(b) provides for the favorable tax treatment, many timber owners are forced into exposing themselves to unnecessary risk of loss by having to market their timber in this disadvantageous way instead of the more preferable lump-sum method.

Like many of the provisions in the tax code, Section 631(b) is outdated and prevents good forestry business management. Timber farmers, who have usually spent decades producing their timber "crop," should be able to receive equal tax treatment regardless of the method used for marketing their timber.

In the past, the Joint Committee on Taxation has studied this legislation to consider what impact it might have on the Treasury and found that it would have no real cost—only a "negligible change" according to their analysis.

The IRS has no business stepping in and dictating the kind of sales contract a landowner must choose. My legislation will provide greater consistency by removing the exclusive "retained economic interest" requirement in the IRC Section 631(b). Reform of 631(b) is important to our Nation's non-industrial, private landowners because it will improve the economic viability of their forestry investments and protect the taxpayer from unnecessary exposure to risk of loss. This in turn will benefit the entire forest products industry, the U.S. economy and especially small landowners.

By Mr. LAUTENBERG (for himself, Mr. KENNEDY, Mr. CORZINE, and Mr. REED):

S. 969. A bill to enhance the security and safety of the Nation by increasing the time allowed to track terrorists during periods of elevated alert, closing loopholes that have allowed terrorists to acquire firearms, maintaining records of certain handgun transfers during periods of heightened terrorist risk, and for other purposes; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise to introduce a critical piece of legislation, the Homeland Security Gun Safety Act.

In the aftermath of the tragic events of 9–11, the Federal Government has reassessed the Nation's vulnerabilities to acts and threats of terrorism.

And in response, the United States Congress gave the Department of Justice expanded powers to detain suspected terrorists, conduct surveillance and obtain confidential information on American citizens. In addition, we have created the new Department of Homeland Security—the largest reorganization of the Federal Government since the 1940s.

In short, the events of 9–11 required us to reevaluate our safety concerns and the security of the Nation.

Echoing this need, President Bush said before the United Nations on November 10, 2001, that "we have the responsibility to deny weapons to terrorists and to actively prevent private citizens from providing them."

I wholeheartedly agree with this statement. And I believe the American people want the U.S. Senate to follow through with concrete legislative action.

However, we have failed to address a significant remaining threat: the accessibility to firearms and explosives within our own borders.

How can we truly protect this Nation, if we do not enact legislation which prevents terrorists and potential terrorists from acquiring guns in the United States?

Terrorists have identified the lax gun laws of the United States as a means to advance their evil goal to terrorize and harm the American people.

In December 2001, during the war on terror, we attacked a terrorist training facility south of Kabul. Found among the rubble at that facility was a manual called: "How I Can Train Myself for Jihad."

This manual, contains an entire section on "Firearms Training" and singles out the United States for its easy availability of firearms. It stipulates that terrorists living in the U.S. should "obtain an assault weapon legally, preferably AK-47 or variations." It also advises would-be terrorsts on how they should conduct themselves in order to avoid arousing suspicion as they amass and transport firearms.

There are other examples where terrorists have sought to take advantage of this nation's lax gun laws.

On the eve of the September 11 terrorist attack, on September 10, 2001, a Federal jury convicted Ali Boumelhem, a known member of the terrorist group Hezbollah on seven counts of weapons charges and conspiracy to ship weapons and ammunition to Lebanon.

And we have seen how firearms can be used to terrorize an entire community.

We are all familiar with the case of John Muhammad and John Malvo, who terrorized the Washington, DC area for more than three weeks as they embarked on a shooting spree with a sniper rifle, shooting 13 innocent people before being caught.

Homeland Security Secretary Tom Ridge agrees that there is a dangerous link between guns and terror. During his confirmation hearing before Governmental Affairs Committee on January 17, 2003, in response to a question I asked him about guns and terror, Secretary Ridge said:

> [W]hen anyone uses a firearm, whether it's the kind of terrorism that we are trying to combat with al Qaeda and these non-state terrorists, or as a former district attorney involved in the conviction of an individual who used firearms against innocent citizens—regardless of how we define terrorism, that individual and that family felt that they were victims of a terrorist act. Brandishing a firearm in front of anybody under any set of circumstances is a terrorist act and needs to be dealt with.

Well, the Homeland Security Gun Safety Act deals with it. The Act deals with this threat that leaves America especially vulnerable to future terrorist attacks.

The Homeland Security Gun Safety Act would enact specific measures that would help prevent terrorists from acquiring firearms within our own borders.

Under current law, there are cases when law enforcement is blocked from conducting an adequate investigation when a terrorist or criminal tries to buy a gun.

Current law says if law enforcement takes over three days to conduct a background check on someone who wants a weapon—just hand over the gun.

That is ludicrous—especially when we are in an elevated state of terrorist threat.

When we are at Code Yellow, the Department of Homeland Security has determined that we are at a significant risk of terrorist attack.

The bill I am introducing today would suspend these loopholes in our gun safety laws when we are at Code Yellow or above in the interest of homeland security.

The three-day limit on law enforcement is nothing more than a loophole in our laws put there by the gun lobby.

And it's a dangerous loophole—a recent study showed that, from December 1998 to June 2001, nearly 10,000 people who should not have been permitted to buy guns, did receive guns because the three-day period passed before law enforcement could finish a background check.

Our bill will also require that the Federal Government retain records of weapons transactions while we are in an elevated state of alert. There is no reason we should handicap law enforcement during such a dangerous time.

This bill will also close a number of loopholes that have allowed rogue gun dealers to skirt the law. These are the same few gun dealers that are now the subject of lawsuits across the country.

These dangerous loopholes that the gun lobby built into our gun laws now pose a major threat to homeland security.

This bill will help shut down those loopholes. The bill would require gun dealers to: immediately report "missing" guns or face suspension of their license; and put appropriate security measures in place to prevent theft of their weapons; and check with the FBI's Stolen Gun Registry to make sure that secondhand weapons they purchase are not stolen.

This bill will also step up enforcement of gun dealers: law enforcement would not be restricted in its ability to inspect dealers. Currently, law enforcement is only allowed one unannounced inspection per year.

The bill will also increase the penalties for violations of gun dealer laws to a felony. Right now, the maximum penalty is only a misdemeanor. It has no teeth.

I know the NRA will cry wolf to gun owners about this bill. But this bill will not affect the vast majority of honest, law abiding Americans who want to purchase guns. This bill focuses on preventing weapons from getting into the hands of terrorists and criminals.

Over 75 percent of background checks are performed in mere minutes. However, there are those purchasers who raise red flags that require further investigation.

Those are red flags we can no longer afford to ignore.

When we are at Code Yellow, everyday Americans are prevented from taking a tour of the White House—but a terrorist can buy weapons.

It makes no sense.

This bill offers Congress a clear choice: protect our homeland or protect the gun lobby.

I ask unanimous consent that a summary of my bill, the Homeland Security Gun Safety Act, be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

THE HOMELAND SECURITY GUN SAFETY ACT OF 2003

In the aftermath of the tragic events of September 11, 2001, the Federal Government has reassessed the Nation's vulnerabilities to acts and threats of terrorism. However, actions taken thus far have failed to address a major remaining threat: accessibility to firearms and explosives within our own borders. The Homeland Security Gun Safety Act of 2003 addresses this threat that leaves America especially vulnerable to future terrorist attacks.

The Act would enact specific measures that would help prevent terrorists from acquiring firearms and explosives in the United States. Specifically, the Act: 1. enacts increased homeland security measures regarding firearm sales when the terrorist risk level of the Homeland Security Advisory System is raised to "Elevated"; 2. closes loopholes that have allowed rogue gun dealers to abuse existing law and supply weapons to terrorists and criminals; and 3. strengthens the enforcement of laws federally licensed gun dealers are required to follow.

"We have the responsibility to deny weapons to terrorists and to actively prevent private citizens from providing them."—President George W. Bush, Address to the United Nations, November 10, 2001.

THE PROBLEM: TERRORISM AND GUNS

There are a number of cases in which terrorists, both domestic and international, have been acquiring firearms in our country and are using them here and abroad for despicable acts of violence. Firearms are being acquired by prohibited persons due to the weakness and lack of enforceability of existing gun laws.

Examples of the link between terrorism and firearms in the U.S. include:

In December, 2001, a manual titled "How I Can Train Myself for Jihad" was found among the rubble at a training facility for a radical Pakistan-based Islamic terrorist organization in Afghanistan. This manual contains an entire section on "Firearms Training" and singles out the United States for its easy availability of firearms. It stipulates that terrorists living in the U.S. "obtain an assault weapon legally, preferably AK-47 or variations." It also advises would-be terrorists on how they should conduct themselves in order to avoid arousing suspicion as they amass and transport firearms.

In November 2000, Ali Bourmelhem, was arrested for shipping guns and ammunition to Hezbollah militants in Lebanon by hiding the arms in cargo crates. Boumelhem, who was a resident of Detroit and Beirut, was observed by authorities traveling to gun shows to buy gun parts and ammunition for shipment overseas. He was arrested just before he was scheduled to travel to Lebanon.

In September 2000, Conor Claxton, an admitted member of the IRA, bought dozens of handguns, rifles and rounds of high-powered ammunition through illegal multiple sales and at gun shows. Police in Northern Ireland intercepted 23 of the packages which contained 122 guns and other weapons originating from the group. Claxton's team enlisted the assistance of a licensed firearms dealer in Florida who sold at least 43 handguns to associates of Claxton. The dealer agreed not to report all of the sales on required Federal forms in exchange for an extra $50 per gun. The dealer admitted that he suspected the guns could wind up in the hands of assassins. The dealer later cooperated with prosecutors and pleaded guilty to conspiring to export guns illegally. According to the FBI Agent interviewing Claxton: "Claxton stated that it is common knowledge that obtaining weapons in the United States is easy," and that "Claxton blamed the United States government for not having tougher gun laws."

In 1993, the owners of the Al Fajr Trading Company in Atlanta were convicted of illegally shipping hundreds of guns to Muslim street gangs and drug dealers in New York, Detroit and Philadelphia. Among the customers was a gang associated with Sheik Omar Abdel-Rahman, the Egyptian cleric who was involved in the 1993 terrorist bombing of the World Trade Center. Al Fajr was a licensed dealer but intentionally failed to maintain firearms transaction records of nearly 1,000 guns that were trafficked to the Northeast.

In 1992, an Iranian immigrant in the United States was shot and killed execution style outside her home in Northern New Jersey by a suspected Iranian terrorist. The gun was bought at a Virginia gun shop that was preferred by straw purchasers, high-volume buyers, gun traffickers and convicted felons. The Virginia gun shop owners were arrested 2 months prior to the murder and pleaded guilty to charges stemming from straw purchases.

Cases of the use of firearms for terrorist acts include:

In 2002, John Muhammad and John Malvo terrorized the Washington, DC area for more than 3 weeks by embarking on a shooting spree with a sniper rifle. The weapon used to shoot 13 innocent victims was a Bushmaster XM–15 rifle purchased at the Bull's Eye Shooter Supply in Tacoma, WA. Muhammad could not have legally purchased it because he is under a domestic violence restraining order and Malvo at age 17 is disqualified as a minor and an illegal immigrant. Two employees of the store admitted that they noticed that the .223 caliber Bushmaster was "missing" from a display case but the store's owner did not report the loss as required by Federal law. Following the sniper killings, the shop revealed that over 200 guns went "missing" in the last several years. Bull's Eye Shooter Supply remains in operation today.

In February 1997, Ali Abu Kamal opened fire on a crowd of tourists at the Empire State Building, killing one person and wounding six others. Kamal arrived in New York from Cairo on a tourist visa. After a short stay in New York, he traveled to Melbourne, FL where he checked into a motel. He showed the motel receipt as proof of residency to obtain a Florida ID card which he used to buy a 14-shot, semi-automatic Beretta handgun. Total time from arrival in this country to purchase of the gun was 37 days. The same gun store in Melbourne sold a Ruger Mini 14 rifle to mass-murderer William Cruse a month before he went on a shooting spree in Palm Bay, FL. Cruse killed six people and wounded two dozen others.

"[W]hen anyone uses a firearm, whether it's the kind of terrorism that we are trying to combat with al Qaeda and these non-state terrorists, or as a former district attorney involved in the conviction of an individual who used firearms against innocent citizens—regardless of how we define terrorism, that individual and that family felt that they were victims of a terrorist act. Brandishing a firearm in front of anybody under any set of circumstances is a terrorist act and needs to be dealt with."—Tom Ridge, January 17, 2003, at his confirmation hearing for Secretary of Homeland Security, before the Senate Government Affairs Committee.

CONFRONTING THE THREAT: THE HOMELAND SECURITY GUN SAFETY ACT OF 2003

The Homeland Security Gun Safety Act of 2003 integrates gun safety into our national homeland security strategy. The bill will suspend the current restrictions on law enforcement's investigative powers during periods of "Elevated" terror threat.

Currently, law enforcement is severely limited in its ability to conduct background checks on suspicious gun purchasers. While over 70 percent of background checks are completed within seconds, and approximately 95 percent are completed within 2 hours, red flags raised on some people's records require further investigation. Under current law, law enforcement only has 3 days to conduct a background check. Given the complexity of tracing court records, the 3-day period often does not give law enforcement enough time to complete a check in some important cases. However, under current law, after the 3-day period has expired, the firearm is handed over to the purchaser—even if the person is a convicted felon or part of a terrorist organization.

Under the Homeland Security Gun Safety Act, when the Department of Homeland Security determines that the nation is in an "Elevated" (yellow) risk of attack or above, the 3-day rule would be suspended and law enforcement would have as much time as needed to complete a background check on an individual seeking a weapon or explosive. Upon reverting to a "Low," green, risk for a period of 180 consecutive days, the 3-day rule would resume.

The Homeland Security Gun Safety Act would suspend this record destruction rule, and require that all records of firearms transfers subject to background checks and records of the National Instant Criminal Background Check system be maintained indefinitely when the Department of Homeland Security determines that the nation is at an "elevated," yellow, risk of terrorist attack or above. Upon reverting to a "Low," green, risk for a period of 180 consecutive days, the standard destruction of records rule resumes. This information will be critical to investigators who are tracking potential terrorists within our borders while we are in a heightened state of alert.

Federal Firearms Dealer Responsibilities

The Homeland Security Gun Safety Act requires more responsibility on the part of Federal Firearms Licensees: FFLs; to prevent the flow of illegal firearms. Under the current regime, rules gun dealers are "required" to follow are routinely ignored, as the gun laws provide for little enforcement, and even restrict the ability of law enforcement to check gun dealer compliance. In addition, the current system allows terrorists and criminals to travel from dealer to dealer to attempt to purchase a gun until they "score"—without worrying about detection of their failed purchases. The Homeland Security Gun Safety Act would close these loopholes that allow rogue gun dealers to evade the law and sell guns to criminals and terrorists. Specifically, the Act would:

Require FFLs to report missing weapons immediately and satisfy record keeping requirements, for multiple handgun sales, theft or loss of firearm registration documents, trace requests, out of business and demand records, or face suspension of their licenses. As the ATF's ability to trace crime guns depends on the records kept by FFLs, it is imperative that FFLs fulfill their responsibility to timely report missing weapons and relevant records.

Requires FFLs not to sell a firearm to an individual when they have reasonable cause to believe that a gun will be used in the commission of a crime.

If a FFL has reasonable cause to believe that a purchaser is not buying a firearm for his or her own use, but intends to transfer it to another individual who would not qualify for a legal gun purchase, he or she will be prohibited from making the transfer. This is commonly known as a "straw purchase" and is a major problem in firearm trafficking in the United States.

Require FFLs to abide by security standards for the storage and display of firearms. According to the ATF, in 1998 and 1999, FFLs filed reports on over 27,287 missing or stolen firearms. The Act would authorize suspensions and fines of FFLs who fail to abide by security standards for the display and storage of firearms.

Require FFLs to check all secondhand firearm purchases through the FBI's Stolen Gun Registry to confirm that the firearm was not stolen prior to the purchase.

Require that FFLs notify NICS immediately upon receiving a request from a prospective transferee, of any check conducted within the previous 30 days that did not result in the transfer of a handgun.

Increase the number of permissible inspections of gun dealers from one unannounced inspection per year, current law, to an unlimited amount of inspections for any violation. If a licensee has a poor compliance record, such as one of the 1.2 percent of firearms dealers who account for 57 percent of crime guns, multiple compliance inspections within the 1-year period are necessary for adequate supervision.

Increase penalties for FFLs who fail to account for missing weapons, fail to timely record or maintain records, record keeping violations or knowingly make false statements in connection with firearms from 1 year to 5 years and assess fines up to $10,000 per violation. The current penalty for this violation is a misdemeanor.

Prohibit any licensed firearms dealer from selling two or more handguns to an unlicensed individual during any 30-day period. This prohibition will be inapplicable to an exchange of one handgun for one handgun.

Increase the penalties for persons who unlawfully transfer handguns to juveniles from a misdemeanor to a felony.

Suspend a FFL's license if the licensee is charged with a crime. Currently, a gun dealer can remain in operation if charged with a crime.

Require the termination of a FFLs license upon a conviction of a felony. Under current law, a licensee convicted of a felony may continue to conduct business until appeal rights are exhausted. This is a serious loophole which jeopardizes public safety by allowing convicted felons to continue buying and selling large quantities of firearms in interstate commerce pending the resolution of their appeals.

Require criminal background checks of gun industry employees who deal with firearms, including gun shops, manufacturers and distributors.

Increase the penalty for persons who unlawfully transfer firearms to a juvenile, from a misdemeanor to a felony.

Decrease the amount of black powder explosive one is able to acquire without a permit from 50 pounds to 5 pounds.

According to the ATF report on Commerce in Firearms in the United States, only 1.2 percent of Federal firearms licensees—1,020 of the approximately 83,200 FFL retail dealers—account for over half, 57 percent, of the crime guns traced to current FFLs. This is a staggering number that depicts the disregard of existing laws by these rogue gun dealers. The Homeland and Security Gun Safety Act will strengthen current regulatory control and enforcement in order to protect the safety of the public, while allowing law-abiding Americans to purchase firearms for their own use.

"It's our position at the Justice Department and the position of this Administration that we need to unleash every possible tool in the fight against terrorism and do so promptly."—Attorney General John Ashcroft, Testimony before Congress, September 24, 2001.

It is time we take a common sense approach to the terrorist threats that face our country today. Terrorists are well aware of our lax gun laws, and we must act preemptively to prevent future tragedies. It is time for action to prevent terrorism by strengthening our country's current gun laws. Our citizens demand it and our homeland security depends on it.

It is time we take a common sense approach to the terrorist threats that face our country today. Terrorists are well aware of our lax gun laws, and we must act preemptively to prevent future tragedies. It is time for action to prevent future tragedies by strengthening our country's current gun laws. Our homeland security depends on it.

By Mr. HOLLINGS:

S. 970. A bill to amend the Internal Revenue Code of 1986 to preserve jobs and production activities in the United States; to the Committee on Finance.

Mr. HOLLINGS. Mr. President, March marked the 32nd consecutive month, since July 2000), that manufacturing employment has declined in the United States. This is the longest consecutive monthly decline in the post World War II era. Already, more than 2 million manufacturing jobs are gone.

In South Carolina, we have seen a steady erosion of our manufacturing job base, and if we don't come up with new concepts to create and maintain domestic manufacturing jobs, America will go out of business.

For all of 2002, industrial production fell 0.6 percent following a 3.5 percent decline in 2001. That represented the first back-to-back annual declines in industrial output since 1974–1975.

Quite frankly, this is unacceptable.

We must act to save our manufacturing jobs. Earlier this Congress, I introduced S. 592, the "Save American Manufacturing Act of 2003," that seeks to eliminate the tax incentives for offshore production. Today, I introduce complementary legislation to provide tax incentives to produce in the United States.

The legislation I'm introducing today would provide tax benefits to domestic producers. These tax incentives would become increasingly beneficial as the percentage of manufacturing done in the United States increases. Conversely, as the percentage of domestic production decreases the incentives would also decrease.

This mechanism will provide a strong incentive for manufacturers to maintain U.S. production and to return runaway production to the United States.

Our communities, our industries and our workers are being harmed by the erosion of our manufacturing base. Today's legislation is one additional way that we can provide assistance to these vital groups.

This legislation is the companion to H.R. 1769 introduced earlier this session in the House by Representatives RANGEL and CRANE.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Job Protection Act of 2003".

SEC. 2. REPEAL OF EXCLUSION FOR EXTRATERRITORIAL INCOME.

(a) IN GENERAL.—Section 114 of the Internal Revenue Code of 1986 is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Subpart E of part III of subchapter N of chapter 1 of such Code (relating to qualifying foreign trade income) is hereby repealed.

(2) The table of subparts for such part III is amended by striking the item relating to subpart E.

(3) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 114.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to transactions occurring after the date of the enactment of this Act.

(2) BINDING CONTRACTS.—The amendments made by this section shall not apply to any transaction in the ordinary course of a trade or business which occurs pursuant to a binding contract—

(A) which is between the taxpayer and a person who is not a related person (as defined in section 943(b)(3) of such Code, as in effect on the day before the date of the enactment of this Act), and

(B) which is in effect on April 11, 2003, and at all times thereafter.

For purposes of this paragraph, a binding contract shall include a purchase option, renewal option, or replacement option which is included in such contract.

(d) REVOCATION OF SECTION 943(e) ELECTIONS.—

(1) IN GENERAL.—In the case of a corporation that elected to be treated as a domestic corporation under section 943(e) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act)—

(A) the corporation may revoke such election, effective as of the date of the enactment of this Act, and

(B) if the corporation does revoke such election—

(i) such corporation shall be treated as a domestic corporation transferring (as of the date of the enactment of this Act) all of its property to a foreign corporation in connection with an exchange described in section 354 of the Internal Revenue Code of 1986, and

(ii) no gain or loss shall be recognized on such transfer.

(2) EXCEPTION.—Subparagraph (B)(ii) of paragraph (1) shall not apply to gain on any asset held by the revoking corporation if—

(A) the basis of such asset is determined in whole or in part by reference to the basis of such asset in the hands of the person from whom the revoking corporation acquired such asset,

(B) the asset was acquired by transfer (not as a result of the election under section 943(e) of such Code) occurring on or after the 1st day on which its election under section 943(e) of such Code was effective, and

(C) a principal purpose of the acquisition was the reduction or avoidance of tax.

(e) GENERAL TRANSITION.—

(1) IN GENERAL.—In the case of a taxable year ending after the date of the enactment of this Act and beginning before January 1, 2009, for purposes of chapter 1 of such Code, each current FSC/ETI beneficiary shall be allowed a deduction equal to the transition amount determined under this subsection with respect to such beneficiary for such year.

(2) CURRENT FSC/ETI BENEFICIARY.—The term "current FSC/ETI beneficiary" means any corporation which entered into one or more transactions during its taxable year beginning in calendar year 2001 with respect to which FSC/ETI benefits were allowable.

(3) TRANSITION AMOUNT.—For purposes of this subsection—

(A) IN GENERAL.—The transition amount applicable to any current FSC/ETI beneficiary for any taxable year is the phaseout percentage of the adjusted base period amount.

(B) PHASEOUT PERCENTAGE.—

(i) IN GENERAL.—In the case of a taxpayer using the calendar year as its taxable year, the phaseout percentage shall be determined under the following table:

"Years:	**The phaseout percentage is:**
2004 and 2005	100
2006	75
2007	75
2008	50
2009 and thereafter	0

(ii) SPECIAL RULE FOR 2003.—The phaseout percentage for 2003 shall be the amount that bears the same ratio to 100 percent as the number of days after the date of the enactment of this Act bears to 365.

(iii) SPECIAL RULE FOR FISCAL YEAR TAXPAYERS.—In the case of a taxpayer not using the calendar year as its taxable year, the phaseout percentage is the weighted average of the phaseout percentages determined under the preceding provisions of this paragraph with respect to calendar years any portion of which is included in the taxpayer's taxable year. The weighted average shall be determined on the basis of the respective portions of the taxable year in each calendar year.

(4) ADJUSTED BASE PERIOD AMOUNT.—For purposes of this subsection—

(A) IN GENERAL.—In the case of a taxpayer using the calendar year as its taxable year, the adjusted base period amount for any taxable year is the base period amount multiplied by the applicable percentage, as determined in the following table:

“Years:	The applicable percentage is:
2003	100
2004	100
2005	105
2006	110
2007	115
2008	120
2009 and thereafter	0

(B) Base period amount.—The base period amount is the aggregate FSC/ETI benefits for the taxpayer's taxable year beginning in calendar year 2001.

(C) Special rules for fiscal year taxpayers, etc.—Rules similar to rules of clauses (ii) and (iii) of paragraph (3)(B) shall apply for purposes of this paragraph.

(5) FSC/ETI benefit.—For purposes of this subsection, the term ‘FSC/ETI benefit’ means—

(A) amounts excludable from gross income under section 114 of such Code, and

(B) the exempt foreign trade income of related foreign sales corporations from property acquired from the taxpayer (determined without regard to section 923(a)(5) of such Code (relating to special rule for military property), as in effect on the day before the date of the enactment of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000).

In determining the FSC/ETI benefit there shall be excluded any amount attributable to a transaction with respect to which the taxpayer is the lessor unless the leased property was manufactured or produced in whole or in part by the taxpayer.

(6) Special rule for farm cooperatives.—Under regulations prescribed by the Secretary, determinations under this subsection with respect to an organization described in section 943(g)(1) of such Code, as in effect on the day before the date of the enactment of this Act, shall be made at the cooperative level and the purposes of this subsection shall be carried out by excluding amounts from the gross income of its patrons.

(7) Certain rules to apply.—Rules similar to the rules of section 41(f) of such Code shall apply for purposes of this subsection.

(8) Coordination with binding contract rule.—The deduction determined under paragraph (1) for any taxable year shall be reduced by the phaseout percentage of any FSC/ETI benefit realized for the taxable year by reason of subsection (c)(2). The preceding sentence shall not apply to any FSC/ETI benefit attributable to a transaction described in the last sentence of paragraph (5).

(9) Special rule for taxable year which includes date of enactment.—In the case of a taxable year which includes the date of the enactment of this Act, the deduction allowed under this subsection to any current FSC/ETI beneficiary shall in no event exceed—

(A) 100 percent of such beneficiary's adjusted base period amount for calendar year 2003, reduced by

(B) the aggregate FSC/ETI benefits of such beneficiary with respect to transactions occurring during the portion of the taxable year ending on the date of the enactment of this Act.

SEC. 3. DEDUCTION RELATING TO INCOME ATTRIBUTABLE TO UNITED STATES PRODUCTION ACTIVITIES.

(a) In General.—Part VIII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to special deductions for corporations) is amended by adding at the end the following new section:

“SEC. 250. INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.

“(a) In General.—In the case of a corporation, there shall be allowed as a deduction an amount equal to 10 percent of the qualified production activities income of the corporation for the taxable year.

“(b) Phasein.—In the case of taxable years beginning in 2006, 2007, 2008 or 2009, subsection (a) shall be applied by substituting for the percentage contained therein the transition percentage determined under the following table:

“Taxable years beginning in:	The transition percentage is:
2006	1
2007	2
2008	4
2009	9

“(c) Qualified Production Activities Income.—For purposes of this section, the term ‘qualified production activities income’ means the product of—

“(1) the portion of the modified taxable income of the taxpayer which is attributable to domestic production activities, and

“(2) the domestic/foreign fraction.

“(d) Determination of Income Attributable to Domestic Production Activities.—For purposes of this section—

“(1) In general.—The portion of the modified taxable income which is attributable to domestic production activities is so much of the modified taxable income for the taxable year as does not exceed—

“(A) the taxpayer's domestic production gross receipts for such taxable year, reduced by

“(B) the sum of—

“(i) the costs of goods sold that are allocable to such receipts,

“(ii) other deductions, expenses, or losses directly allocable to such receipts, and

“(iii) a ratable portion of other deductions, expenses, and losses that are not directly allocable to such receipts or another class of income.

“(2) Allocation method.—Except as provided in regulations, allocations under clauses (ii) and (iii) of paragraph (1)(B) shall be made under the principles used in determining the portion of taxable income from sources within and without the United States.

“(3) Special rule.—

“(A) For purposes of determining costs under clause (i) of paragraph (1)(B), any item or service brought into the United States without a transfer price meeting the requirements of section 482 shall be treated as acquired by purchase, and its cost shall be treated as not less than its value when it entered the United States. A similar rule shall apply in determining the adjusted basis of leased or rented property where the lease or rental gives rise to domestic production gross receipts.

“(B) In the case of any property described in subparagraph (A) that had been exported by the taxpayer for further manufacture, the increase in cost (or adjusted basis) under subparagraph (A) shall not exceed the difference between the value of the property when exported and the value of the property when brought back into the United States after the further manufacture.

“(4) Modified taxable income.—The term ‘modified taxable income’ means taxable income computed without regard to the deduction allowable under this section.

“(e) Domestic Production Gross Receipts.—For purposes of this section—

“(1) In general.—The term ‘domestic production gross receipts’ means the gross receipts of the taxpayer which are derived from—

“(A) any sale, exchange, or other disposition of, or

“(B) any lease, rental or license of,

qualifying production property which was manufactured, produced, grown, or extracted in whole or in significant part by the taxpayer within the United States.

“(2) Special rule.—The term ‘domestic production gross receipts’ includes gross receipts of the taxpayer from the sale, exchange, or other disposition of replacement parts if—

“(A) such parts are sold by the taxpayer as replacement parts for qualified production property produced or manufactured in whole or significant part by the taxpayer in the United States, and

“(B) the taxpayer (or a related party) owns the designs for such parts.

“(3) Related party.—The term ‘related party’ means any corporation which is a member of the taxpayer's expanded afiliated group.

“(f) Qualifying Production Property.—For purposes of this section—

“(1) In general.—Except as otherwise provided in this paragraph, the term ‘qualifying production property’ means—

“(A) any tangible personal property,

“(B) any computer software, and

“(C) any films, tapes, records, or similar reproductions.

“(2) Exclusions from qualifying production property.—The term ‘qualifying production property’ shall not include—

“(A) consumable property that is sold, leased, or licensed by the taxpayer as an integral part of the provision of services,

“(B) oil or gas (or any primary product thereof),

“(C) electricity,

“(D) water supplied by pipeline to the consumer,

“(E) any unprocessed timber which is softwood,

“(F) utility services, or

“(G) any property (not described in paragraph (1)(B)) which is a film, tape, recording, book, magazine, newspaper, or similar property the market for which is primarily topical or otherwise essentially transitory in nature.

For purposes of subparagraph (E), the term ‘unprocessed timber’ means any log, cant, or similar form of timber.

“(g) Domestic/Foreign Fraction.—For purposes of this section—

“(1) In general.—The term ‘domestic/foreign fraction’ means a fraction—

“(A) the numerator of which is the value of the domestic production of the taxpayer, and

“(B) the denominator of which is the value of the worldwide production of the taxpayer.

“(2) Value of domestic production.—The value of domestic production is the excess of—

“(A) the domestic production gross receipts, over

“(B) the cost of purchased inputs allocable to such receipts that are deductible under this chapter for the taxable year.

“(3) Purchased inputs.—

“(A) In general.—Purchased inputs are any of the following items acquired by purchase:

“(i) Services (other than services of employees) used in manufacture, production, growth, or extraction activities.

“(ii) Items consumed in connection with such activities.

“(iii) Items incorporated as part of the property being manufactured, produced, grown, or extracted.

“(B) Special rule.—Rules similar to the rules of subsection (d)(3) shall apply for purposes of this subsection.

“(4) Value of worldwide production.—

“(A) In general.—The value of worldwide production shall be determined under the principles of paragraph (2), except that—

“(i) worldwide production gross receipts shall be taken into account, and

“(ii) paragraph (3)(B) shall not apply.

“(B) Worldwide production gross receipts.—The worldwide production gross receipts is the amount that would be determined under subsection (e) if such subsection were applied without any reference to the United States.

“(5) Special rule for affiliated groups.—

“(A) In general.—In the case of a taxpayer that is a member of an expanded affiliated group, the domestic/foreign fraction shall be the amount determined under the preceding provisions of this subsection by treating all members of such group as a single corporation.

“(B) Expanded affiliated group.—The term ‘expanded affiliated group’ means an affiliated group as defined in section 1504(a), determined—

“(i) by substituting ‘50 percent’ for ‘80 percent’ each place it appears, and

“(ii) without regard to paragraphs (2), (3), and (4) of section 1504(b).

“(h) Definitions and Special Rules.—

“(1) United states.—For purposes of this section, the term ‘United States’ includes the Commonwealth of Puerto Rico and any other possession of the United States.

“(2) Special rule for partnerships.—For purposes of this section, a corporation's distributive share of any partnership item shall be taken into account as if directly realized by the corporation.

“(3) Coordination with minimum tax.—The deduction under this section shall be allowed for purposes of the tax imposed by section 55; except that for purposes of section 55, alternative minimum taxable income shall be taken into account in determining the deduction under this section.

“(4) Ordering rule.—The amount of any other deduction allowable under this chapter shall be determined as if this section had not been enacted.

“(5) Coordination with transition rules.—For purposes of this section—

“(A) domestic production gross receipts shall not include gross receipts from any transaction if the binding contract transition relief of section 2(c)(2) of the Job Protection Act of 2003 applies to such transaction, and

“(B) any deduction allowed under section 2(e) of such Act shall be disregarded in determining the portion of the taxable income which is attributable to domestic production gross receipts.”.

(b) Clerical Amendment.—The table of sections for part VIII of subchapter B of chapter 1 of such Code is amended by adding at the end the following new item:

“Sec. 250. Income attributable to domestic production activities.”.

(c) Effective Date.—

“(1) In general.—The amendments made by this section shall apply to taxable years beginning after 2005.

“(2) Application of section 15.—Section 15 of the Internal Revenue Code of 1986 shall apply to the amendments made by this section as if they were changes in a rate of tax.

By Mr. HARKIN (for himself, Mr. Specter, Mr. Kennedy, Mr. Cochran, Mr. Biden, Ms. Landrieu, Mr. Kerry, Mr. Corzine, Mr. Schumer, Mrs. Clinton, and Mr. Dayton):

S. 971. A bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes; to the Committee on Finance.

Mr. HARKIN. Mr. President, today Senator Specter and I and others introduce the Medicaid Community-Based Attendant Services and Supports Act of 2003, MICASSA. This legislation is needed to truly bring people with disabilities into the mainstream of society and provide equal opportunity for employment and community activities.

In order to work or live in their own homes, Americans with disabilities and older Americans need access to community-based services and supports. Unfortunately, under current Federal Medicaid policy, the deck is stacked in favor of living in an institution. The purpose of our bill is to level the playing field and give eligible individuals equal access to community-based services and supports.

The Medicaid Community Attendant Services and Supports Act accomplishes four goals.

First, the bill amends Title XIX of the Social Security Act to provide a new Medicaid plan benefit that would give individuals who are currently eligible for nursing home services or an intermediate care facility for the mentally retarded equal access to community-based attendant services and supports.

Second, for a limited time, States would have the opportunity to receive additional funds to support community attendant services and supports and for certain administrative activities. Each State currently gets Federal money for their Medicaid program based on a set percentage. This percentage is the Medicaid match rate. This bill would increase that percentage to provide some additional funding to States to help them reform their long term care systems.

Third, the bill provides States with financial assistance to support “real choice systems change initiatives” that include specific action steps to increase the provision of home and community based services.

Finally, the bill establishes a demonstration project to evaluate service coordination and cost sharing approaches with respect to the provision of services and supports for individuals with disabilities under the age of 65 who are dually eligible for Medicaid and Medicare.

Some States have already recognized the benefits of home and community based services. Every State offers certain services under home and community based waiver programs, which serve a capped number of individuals with an array of home and community based services to meet their needs and avoid institutionalization. Some States also are now providing the personal care optional benefit through their Medicaid program.

However, despite this market progress, home and community based services are unevenly distributed within and across states and only reach a small percentage of eligible individuals.

Those left behind are often needlessly institutionalize because they cannot access community alternatives. A person with a disability's civil right to be integrated into his or her community should not depend on his or her address. In Olmstead v. LC, the Supreme Court recognized that needless institutionalization is a form of discrimination under the Americans With Disabilities Act. We in Congress have a responsibility to help States meet their obligations under Olmstead.

This MICASSA legislation is designed to do just that and make the promise of the ADA a reality. It will help rebalance the current Medicaid long term care system, which spends a disproportionate amount on institutional services. For example, in 2000, 49.5 billion dollars were spent on institutional care, compared to 18.2 billion on community based care. In the same year, only 3 States spent 50 percent or more of their long term care funds under the Medicaid program on home and community based care.

And that means that individuals do not have equal access to community based care throughout this country. An individual should not be asked to move to another state in order to avoid needless segregation. They also should not be moved away from family and friends because their only choice is an institution.

For example, I know a young man in Iowa, Ken Kendall, who is currently living in a nursing home because he cannot access home and community based care. Ken was injured in a serious accident at the age of 17 and sustained a spinal chord injury. With the help of community based services covered by his insurance company, Ken could live in his home in Iowa City. Remaining independent made a tremendous difference in his life.

However, several years ago, Ken lost his health insurance and after a time, he went onto Medicaid. As a Medicaid recipient, Ken was only given the option to live in a nursing home in Waterloo, almost two hours from his friends and family in Iowa City. In the nursing home, Ken has become isolated. He is very far from his family and friends and does not have access to transportation. He has not been to a restaurant or a movie since he moved to the nursing home over two years ago. His life has dramatically changed from when he lived in his own apartment and hired his own attendants to care for him. MICASSA would give him that choice again—the choice to control his own life and live a full and meaningful life in his home community surrounded by his friends and family.

Federal Medicaid policy should reflect the consensus reached in the ADA that Americans with Disabilities should have equal opportunity to contribute to our communities and participate in our society as full citizens. That means no one has to sacrifice their full participation in society because they need help getting out of the house in the morning or assistance with personal care or some other basic service.

I am very pleased that the administration has included the Real Choice Systems Change grants in its budget this year at $40 million dollars. Senator Specter and I have supported these grants for several years now. I also applaud the administration's commitment to The President's New Freedom Initiative for People with Disabilities and believe that this legislation helps promote the goals of that initiative.

Community based attendant services and supports allow people with disabilities to lead independent lives, have jobs, and participate in the community. Some will become taxpayers, some will get an education, and some will participate in recreational and civic activities. But all will experience a chance to make their own choices and govern their own lives.

This bill will open the door to full participation by people with disabilities in our workplaces, our economy, and our American Dream, and I urge all my colleagues to support us on this issue. I want to thank Senator SPECTER for his leadership on this issue and his commitment to improving access to home and community based services for people with disabilities. I would also like to thank Senators KENNEDY, COCHRAN, BIDEN, LANDRIEU, KERRY, CORZINE, SCHUMER, and CLINTON for joining me in this important initiative.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicaid Community-Based Attendant Services and Supports Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—ESTABLISHMENT OF MEDICAID PLAN BENEFIT

Sec. 101. Coverage of community-based attendant services and supports under the medicaid program.
Sec. 102. Enhanced FMAP for ongoing activities of early coverage States that enhance and promote the use of community-based attendant services and supports.
Sec. 103. Increased Federal financial participation for certain expenditures.

TITLE II—PROMOTION OF SYSTEMS CHANGE AND CAPACITY BUILDING

Sec. 201. Grants to promote systems change and capacity building.
Sec. 202. Demonstration project to enhance coordination of care under the medicare and medicaid programs for non-elderly dual eligible individuals.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Long-term services and supports provided under the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) must meet the ability and life choices of individuals with disabilities and older Americans, including the choice to live in one's own home or with one's own family and to become a productive member of the community.

(2) Research on the provision of long-term services and supports under the medicaid program (conducted by and on behalf of the Department of Health and Human Services) has revealed a significant funding bias toward institutional care. Only about 27 percent of long term care funds expended under the medicaid program, and only about 9 percent of all funds expended under that program, pay for services and supports in home and community-based settings.

(3) In the case of medicaid beneficiaries who need long term care, the only long-term care service currently guaranteed by Federal law in every State is nursing home care. Only 27 States have adopted the benefit option of providing personal care services under the medicaid program. Although every State has chosen to provide certain services under home and community-based waivers, these services are unevenly available within and across States, and reach a small percentage of eligible individuals. In fiscal year 2000, only 3 States spent 50 percent or more of their medicaid long term care funds under the medicaid program on home and community-based care.

(4) Despite the funding bias and the uneven distribution of home and community-based services, 2½ times more people are served in home and community-based settings than in institutional settings.

(5) The goals of the Nation properly include providing families of children with disabilities, working-age adults with disabilities, and older Americans with—

(A) a meaningful choice of receiving long-term services and supports in the most integrated setting appropriate to their needs;

(B) the greatest possible control over the services received and, therefore, their own lives and futures; and

(C) quality services that maximize independence in the home and community, including in the workplace.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To reform the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to provide equal access to community-based attendant services and supports.

(2) To provide financial assistance to States as they reform their long-term care systems to provide comprehensive statewide long-term services and supports, including community-based attendant services and supports that provide consumer choice and direction, in the most integrated setting appropriate.

TITLE I—ESTABLISHMENT OF MEDICAID PLAN BENEFIT

SEC. 101. COVERAGE OF COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS UNDER THE MEDICAID PROGRAM.

(a) MANDATORY COVERAGE.—Section 1902(a)(10)(D) of the Social Security Act (42 U.S.C. 1396a(a)(10)(D)) is amended—

(1) by inserting "(i)" after "(D)";

(2) by adding "and" after the semicolon; and

(3) by adding at the end the following new clause:

"(ii) subject to section 1935, for the inclusion of community-based attendant services and supports for any individual who—

"(I) is eligible for medical assistance under the State plan;

"(II) with respect to whom there has been a determination that the individual requires the level of care provided in a nursing facility or an intermediate care facility for the mentally retarded (whether or not coverage of such intermediate care facility is provided under the State plan); and

"(III) who chooses to receive such services and supports;".

(b) COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(A) by redesignating section 1935 as section 1936; and

(B) by inserting after section 1934 the following:

"COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS

"SEC. 1935. (a) REQUIRED COVERAGE.—

"(1) IN GENERAL.—Not later than October 1, 2007, a State shall provide through a plan amendment for the inclusion of community-based attendant services and supports (as defined in subsection (g)(1)) for individuals described in section 1902(a)(10)(D)(ii) in accordance with this section.

"(2) ENHANCED FMAP AND ADDITIONAL FEDERAL FINANCIAL SUPPORT FOR EARLIER COVERAGE.—Notwithstanding section 1905(b), during the period that begins on or after October 1, 2003, and ends on September 30, 2007, in the case of a State with an approved plan amendment under this section during that period that also satisfies the requirements of subsection (c) the Federal medical assistance percentage shall be equal to the enhanced FMAP described in section 2105(b) with respect to medical assistance in the form of community-based attendant services and supports provided to individuals described in section 1902(a)(10)(D)(ii) in accordance with this section.

"(b) DEVELOPMENT AND IMPLEMENTATION OF BENEFIT.—In order for a State plan amendment to be approved under this section, a State shall provide the Secretary with the following assurances:

"(1) ASSURANCE OF DEVELOPMENT AND IMPLEMENTATION COLLABORATION.—That the State has developed and shall implement the provision of community-based attendant services and supports under the State plan through active collaboration with—

"(A) individuals with disabilities;

“(B) elderly individuals;

“(C) representatives of such individuals; and

“(D) providers of, and advocates for, services and supports for such individuals.

“(2) ASSURANCE OF PROVISION ON A STATEWIDE BASIS AND IN MOST INTEGRATED SETTING.—That community-based attendant services and supports will be provided under the State plan to individuals described in section 1902(a)(10)(D)(ii) on a statewide basis and in a manner that provides such services and supports in the most integrated setting appropriate for each individual eligible for such services and supports.

“(3) ASSURANCE OF NONDISCRIMINATION.—That the State will provide community-based attendant services and supports to an individual described in section 1902(a)(10)(D)(ii) without regard to the individual's age, type of disability, or the form of community-based attendant services and supports that the individual requires in order to lead an independent life.

“(4) ASSURANCE OF MAINTENANCE OF EFFORT.—That the level of State expenditures for optional medical assistance that—

“(A) is described in a paragraph other than paragraphs (1) through (5), (17) and (21) of section 1905(a) or that is provided under a waiver under section 1915, section 1115, or otherwise; and

“(B) is provided to individuals with disabilities or elderly individuals for a fiscal year, shall not be less than the level of such expenditures for the fiscal year preceding the fiscal year in which the State plan amendment to provide community-based attendant services and supports in accordance with this section is approved.

“(c) REQUIREMENTS FOR ENHANCED FMAP FOR EARLY COVERAGE.—In addition to satisfying the other requirements for an approved plan amendment under this section, in order for a State to be eligible under subsection (a)(2) during the period described in that subsection for the enhanced FMAP for early coverage under subsection (a)(2), the State shall satisfy the following requirements:

“(1) SPECIFICATIONS.—With respect to a fiscal year, the State shall provide the Secretary with the following specifications regarding the provision of community-based attendant services and supports under the plan for that fiscal year:

“(A)(i) The number of individuals who are estimated to receive community-based attendant services and supports under the plan during the fiscal year.

“(ii) The number of individuals that received such services and supports during the preceding fiscal year.

“(B) The maximum number of individuals who will receive such services and supports under the plan during that fiscal year.

“(C) The procedures the State will implement to ensure that the models for delivery of such services and supports are consumer controlled (as defined in subsection (g)(2)(B)).

“(D) The procedures the State will implement to inform all potentially eligible individuals and relevant other individuals of the availability of such services and supports under the this title, and of other items and services that may be provided to the individual under this title or title XVIII.

“(E) The procedures the State will implement to ensure that such services and supports are provided in accordance with the requirements of subsection (b)(1).

“(F) The procedures the State will implement to actively involve individuals with disabilities, elderly individuals, and representatives of such individuals in the design, delivery, administration, and evaluation of the provision of such services and supports under this title.

“(2) PARTICIPATION IN EVALUATIONS.—The State shall provide the Secretary with such substantive input into, and participation in, the design and conduct of data collection, analyses, and other qualitative or quantitative evaluations of the provision of community-based attendant services and supports under this section as the Secretary deems necessary in order to determine the effectiveness of the provision of such services and supports in allowing the individuals receiving such services and supports to lead an independent life to the maximum extent possible.

“(d) QUALITY ASSURANCE PROGRAM.—

“(1) STATE RESPONSIBILITIES.—In order for a State plan amendment to be approved under this section, a State shall establish and maintain a quality assurance program with respect to community-based attendant services and supports that provides for the following:

“(A) The State shall establish requirements, as appropriate, for agency-based and other delivery models that include—

“(i) minimum qualifications and training requirements for agency-based and other models;

“(ii) financial operating standards; and

“(iii) an appeals procedure for eligibility denials and a procedure for resolving disagreements over the terms of an individualized plan.

“(B) The State shall modify the quality assurance program, as appropriate, to maximize consumer independence and consumer control in both agency-provided and other delivery models.

“(C) The State shall provide a system that allows for the external monitoring of the quality of services and supports by entities consisting of consumers and their representatives, disability organizations, providers, families of disabled or elderly individuals, members of the community, and others.

“(D) The State shall provide for ongoing monitoring of the health and well-being of each individual who receives community-based attendant services and supports.

“(E) The State shall require that quality assurance mechanisms appropriate for the individual be included in the individual's written plan.

“(F) The State shall establish a process for the mandatory reporting, investigation, and resolution of allegations of neglect, abuse, or exploitation in connection with the provision of such services and supports.

“(G) The State shall obtain meaningful consumer input, including consumer surveys, that measure the extent to which an individual receives the services and supports described in the individual's plan and the individual's satisfaction with such services and supports.

“(H) The State shall make available to the public the findings of the quality assurance program.

“(I) The State shall establish an ongoing public process for the development, implementation, and review of the State's quality assurance program.

“(J) The State shall develop and implement a program of sanctions for providers of community-based services and supports that violate the terms or conditions for the provision of such services and supports.

“(2) FEDERAL RESPONSIBILITIES.—

“(A) PERIODIC EVALUATIONS.—The Secretary shall conduct a periodic sample review of outcomes for individuals who receive community-based attendant services and supports under this title.

“(B) INVESTIGATIONS.—The Secretary may conduct targeted reviews and investigations upon receipt of an allegation of neglect, abuse, or exploitation of an individual receiving community-based attendant services and supports under this section.

“(C) DEVELOPMENT OF PROVIDER SANCTION GUIDELINES.—The Secretary shall develop guidelines for States to use in developing the sanctions required under paragraph (1)(J).

“(e) REPORTS.—The Secretary shall submit to Congress periodic reports on the provision of community-based attendant services and supports under this section, particularly with respect to the impact of the provision of such services and supports on—

“(1) individuals eligible for medical assistance under this title;

“(2) States; and

“(3) the Federal Government.

“(f) NO EFFECT ON ABILITY TO PROVIDE COVERAGE UNDER A WAIVER.—

“(1) IN GENERAL.—Nothing in this section shall be construed as affecting the ability of a State to provide coverage under the State plan for community-based attendant services and supports (or similar coverage) under a waiver approved under section 1915, section 1115, or otherwise.

“(2) ELIGIBILITY FOR ENHANCED MATCH.—In the case of a State that provides coverage for such services and supports under a waiver, the State shall not be eligible under subsection (a)(2) for the enhanced FMAP for the early provision of such coverage unless the State submits a plan amendment to the Secretary that meets the requirements of this section.

“(g) DEFINITIONS.—In this title:

“(1) COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.—

“(A) IN GENERAL.—The term ‘community-based attendant services and supports’ means attendant services and supports furnished to an individual, as needed, to assist in accomplishing activities of daily living, instrumental activities of daily living, and health-related functions through hands-on assistance, supervision, or cueing—

“(i) under a plan of services and supports that is based on an assessment of functional need and that is agreed to by the individual or, as appropriate, the individual's representative;

“(ii) in a home or community setting, which may include a school, workplace, or recreation or religious facility, but does not include a nursing facility or an intermediate care facility for the mentally retarded;

“(iii) under an agency-provider model or other model (as defined in paragraph (2)(C)); and

“(iv) the furnishing of which is selected, managed, and dismissed by the individual, or, as appropriate, with assistance from the individual's representative.

“(B) INCLUDED SERVICES AND SUPPORTS.—Such term includes—

“(i) tasks necessary to assist an individual in accomplishing activities of daily living, instrumental activities of daily living, and health-related functions;

“(ii) the acquisition, maintenance, and enhancement of skills necessary for the individual to accomplish activities of daily living, instrumental activities of daily living, and health-related functions;

“(iii) backup systems or mechanisms (such as the use of beepers) to ensure continuity of services and supports; and

“(iv) voluntary training on how to select, manage, and dismiss attendants.

"(C) EXCLUDED SERVICES AND SUPPORTS.—Subject to subparagraph (D), such term does not include—

"(i) the provision of room and board for the individual;

"(ii) special education and related services provided under the Individuals with Disabilities Education Act and vocational rehabilitation services provided under the Rehabilitation Act of 1973;

"(iii) assistive technology devices and assistive technology services;

"(iv) durable medical equipment; or

"(v) home modifications.

"(D) FLEXIBILITY IN TRANSITION TO COMMUNITY-BASED HOME SETTING.—Such term may include expenditures for transitional costs, such as rent and utility deposits, first month's rent and utilities, bedding, basic kitchen supplies, and other necessities required for an individual to make the transition from a nursing facility or intermediate care facility for the mentally retarded to a community-based home setting where the individual resides.

"(2) ADDITIONAL DEFINITIONS.—

"(A) ACTIVITIES OF DAILY LIVING.—The term 'activities of daily living' includes eating, toileting, grooming, dressing, bathing, and transferring.

"(B) CONSUMER CONTROLLED.—The term 'consumer controlled' means a method of providing services and supports that allow the individual, or where appropriate, the individual's representative, maximum control of the community-based attendant services and supports, regardless of who acts as the employer of record.

"(C) DELIVERY MODELS.—

"(i) AGENCY-PROVIDER MODEL.—The term 'agency-provider model' means, with respect to the provision of community-based attendant services and supports for an individual, a method of providing consumer controlled services and supports under which entities contract for the provision of such services and supports.

"(ii) OTHER MODELS.—The term 'other models' means methods, other than an agency-provider model, for the provision of consumer controlled services and supports. Such models may include the provision of vouchers, direct cash payments, or use of a fiscal agent to assist in obtaining services.

"(D) HEALTH-RELATED FUNCTIONS.—The term 'health-related functions' means functions that can be delegated or assigned by licensed health-care professionals under State law to be performed by an attendant.

"(E) INSTRUMENTAL ACTIVITIES OF DAILY LIVING.—The term 'instrumental activities of daily living' includes meal planning and preparation, managing finances, shopping for food, clothing, and other essential items, performing essential household chores, communicating by phone and other media, and traveling around and participating in the community.

"(F) INDIVIDUAL'S REPRESENTATIVE.—The term 'individual's representative' means a parent, a family member, a guardian, an advocate, or an authorized representative of an individual.".

(c) CONFORMING AMENDMENTS.—

(1) MANDATORY BENEFIT.—Section 1902(a)(10)(A) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)) is amended, in the matter preceding clause (i), by striking "(17) and (21)" and inserting "(17), (21), and (27)".

(2) DEFINITION OF MEDICAL ASSISTANCE.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) by striking "and" at the end of paragraph (26);

(B) by redesignating paragraph (27) as paragraph (28); and

(C) by inserting after paragraph (26) the following:

"(27) community-based attendant services and supports (to the extent allowed and as defined in section 1935); and".

(3) IMD/ICFMR REQUIREMENTS.—Section 1902(a)(10)(C)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by inserting "and (27)" after "(24)".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section (other than the amendment made by subsection (c)(1)) take effect on October 1, 2003, and apply to medical assistance provided for community-based attendant services and supports described in section 1935 of the Social Security Act furnished on or after that date.

(2) MANDATORY BENEFIT.—The amendment made by subsection (c)(1) takes effect on October 1, 2007.

SEC. 102. ENHANCED FMAP FOR ONGOING ACTIVITIES OF EARLY COVERAGE STATES THAT ENHANCE AND PROMOTE THE USE OF COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.

(a) IN GENERAL.—Section 1935 of the Social Security Act, as added by section 101(b), is amended—

(1) by redesignating subsections (d) through (g) as subsections (f) through (i), respectively;

(2) in subsection (a)(1), by striking "subsection (g)(1)" and inserting "subsection (i)(1)";

(3) in subsection (a)(2), by inserting ", and with respect to expenditures described in subsection (d), the Secretary shall pay the State the amount described in subsection (d)(1)" before the period;

(4) in subsection (c)(1)(C), by striking "subsection (g)(2)(B)" and inserting "subsection (i)(2)(B)"; and

(5) by inserting after subsection (c), the following:

"(d) INCREASED FEDERAL FINANCIAL PARTICIPATION FOR EARLY COVERAGE STATES THAT MEET CERTAIN BENCHMARKS.—

"(1) IN GENERAL.—Subject to paragraph (2), for purposes of subsection (a)(2), the amount and expenditures described in this subsection are an amount equal to the Federal medical assistance percentage, increased by 10 percentage points, of the expenditures incurred by the State for the provision or conduct of the services or activities described in paragraph (3).

"(2) EXPENDITURE CRITERIA.—A State shall—

"(A) develop criteria for determining the expenditures described in paragraph (1) in collaboration with the individuals and representatives described in subsection (b)(1); and

"(B) submit such criteria for approval by the Secretary.

"(3) SERVICES AND ACTIVITIES DESCRIBED.—For purposes of paragraph (1), the services and activities described in this subparagraph are the following:

"(A) One-stop intake, referral, and institutional diversion services.

"(B) Identifying and remedying gaps and inequities in the State's current provision of long-term services, particularly those services that are provided based on such factors as age, disability type, ethnicity, income, institutional bias, or other similar factors.

"(C) Establishment of consumer participation and consumer governance mechanisms, such as cooperatives and regional service authorities, that are managed and controlled by individuals with significant disabilities who use community-based services and supports or their representatives.

"(D) Activities designed to enhance the skills, earnings, benefits, supply, career, and future prospects of workers who provide community-based attendant services and supports.

"(E) Continuous improvement activities that are designed to ensure and enhance the health and well-being of individuals who rely on community-based attendant services and supports, particularly activities involving or initiated by consumers of such services and supports or their representatives.

"(F) Family support services to augment the efforts of families and friends to enable individuals with disabilities of all ages to live in their own homes and communities.

"(G) Health promotion and wellness services and activities.

"(H) Provider recruitment and enhancement activities, particularly such activities that encourage the development and maintenance of consumer controlled cooperatives or other small businesses or microenterprises that provide community-based attendant services and supports or related services.

"(I) Activities designed to ensure service and systems coordination.

"(J) Any other services or activities that the Secretary deems appropriate.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2003.

SEC. 103. INCREASED FEDERAL FINANCIAL PARTICIPATION FOR CERTAIN EXPENDITURES.

(a) IN GENERAL.—Section 1935 of the Social Security Act, as added by section 101(b) and amended by section 102, is amended by inserting after subsection (d) the following:

"(e) INCREASED FEDERAL FINANCIAL PARTICIPATION FOR CERTAIN EXPENDITURES.—

"(1) ELIGIBILITY FOR PAYMENT.—

"(A) IN GENERAL.—In the case of a State that the Secretary determines satisfies the requirements of subparagraph (B), the Secretary shall pay the State the amounts described in paragraph (2) in addition to any other payments provided for under section 1903 or this section for the provision of community-based attendant services and supports.

"(B) REQUIREMENTS.—The requirements of this subparagraph are the following:

"(i) The State has an approved plan amendment under this section.

"(ii) The State has incurred expenditures described in paragraph (2).

"(iii) The State develops and submits to the Secretary criteria to identify and select such expenditures in accordance with the requirements of paragraph (3).

"(iv) The Secretary determines that payment of the applicable percentage of such expenditures (as determined under paragraph (2)(B)) would enable the State to provide a meaningful choice of receiving community-based services and supports to individuals with disabilities and elderly individuals who would otherwise only have the option of receiving institutional care.

"(2) AMOUNTS AND EXPENDITURES DESCRIBED.—

"(A) EXPENDITURES IN EXCESS OF 150 PERCENT OF BASELINE AMOUNT.—The amounts and expenditures described in this paragraph are an amount equal to the applicable percentage, as determined by the Secretary in accordance with subparagraph (B), of the expenditures incurred by the State for the provision of community-based attendant services and supports to an individual that exceed 150 percent of the average cost of providing nursing facility services to an individual who resides in the State and is eligible for such services under this title, as determined in accordance with criteria established by the Secretary.

"(B) APPLICABLE PERCENTAGE.—The Secretary shall establish a payment scale for the expenditures described in subparagraph (A) so that the Federal financial participation for such expenditures gradually increases from 70 percent to 90 percent as such expenditures increase.

"(3) SPECIFICATION OF ORDER OF SELECTION FOR EXPENDITURES.—In order to receive the amounts described in paragraph (2), a State shall—

"(A) develop, in collaboration with the individuals and representatives described in subsection (b)(1) and pursuant to guidelines established by the Secretary, criteria to identify and select the expenditures submitted under that paragraph; and

"(B) submit such criteria to the Secretary.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2003.

TITLE II—PROMOTION OF SYSTEMS CHANGE AND CAPACITY BUILDING

SEC. 201. GRANTS TO PROMOTE SYSTEMS CHANGE AND CAPACITY BUILDING.

(a) AUTHORITY TO AWARD GRANTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall award grants to eligible States to carry out the activities described in subsection (b).

(2) APPLICATION.—In order to be eligible for a grant under this section, a State shall submit to the Secretary an application in such form and manner, and that contains such information, as the Secretary may require.

(b) PERMISSIBLE ACTIVITIES.—A State that receives a grant under this section may use funds provided under the grant for any of the following activities, focusing on areas of need identified by the State and the Consumer Task Force established under subsection (c):

(1) The development and implementation of the provision of community-based attendant services and supports under section 1935 of the Social Security Act (as added by section 101(b) and amended by sections 102 and 103) through active collaboration with—

(A) individuals with disabilities;

(B) elderly individuals;

(C) representatives of such individuals; and

(D) providers of, and advocates for, services and supports for such individuals.

(2) Substantially involving individuals with significant disabilities and representatives of such individuals in jointly developing, implementing, and continually improving a mutually acceptable comprehensive, effectively working statewide plan for preventing and alleviating unnecessary institutionalization of such individuals.

(3) Engaging in system change and other activities deemed necessary to achieve any or all of the goals of such statewide plan.

(4) Identifying and remedying disparities and gaps in services to classes of individuals with disabilities and elderly individuals who are currently experiencing or who face substantial risk of unnecessary institutionalization.

(5) Building and expanding system capacity to offer quality consumer controlled community-based services and supports to individuals with disabilities and elderly individuals, including by—

(A) seeding the development and effective use of community-based attendant services and supports cooperatives, independent living centers, small businesses, microenterprises and similar joint ventures owned and controlled by individuals with disabilities or representatives of such individuals and community-based attendant services and supports workers;

(B) enhancing the choice and control individuals with disabilities and elderly individuals exercise, including through their representatives, with respect to the personal assistance and supports they rely upon to lead independent, self-directed lives;

(C) enhancing the skills, earnings, benefits, supply, career, and future prospects of workers who provide community-based attendant services and supports;

(D) engaging in a variety of needs assessment and data gathering;

(E) developing strategies for modifying policies, practices, and procedures that result in unnecessary institutional bias or the overmedicalization of long-term services and supports;

(F) engaging in interagency coordination and single point of entry activities;

(G) providing training and technical assistance with respect to the provision of community-based attendant services and supports;

(H) engaging in—

(i) public awareness campaigns;

(ii) facility-to-community transitional activities; and

(iii) demonstrations of new approaches; and

(I) engaging in other systems change activities necessary for developing, implementing, or evaluating a comprehensive statewide system of community-based attendant services and supports.

(6) Ensuring that the activities funded by the grant are coordinated with other efforts to increase personal attendant services and supports, including—

(A) programs funded under or amended by the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170; 113 Stat. 1860);

(B) grants funded under the Families of Children With Disabilities Support Act of 2000 (42 U.S.C. 15091 et seq.); and

(C) other initiatives designed to enhance the delivery of community-based services and supports to individuals with disabilities and elderly individuals.

(7) Engaging in transition partnership activities with nursing facilities and intermediate care facilities for the mentally retarded that utilize and build upon items and services provided to individuals with disabilities or elderly individuals under the medicaid program under title XIX of the Social Security Act, or by Federal, State, or local housing agencies, independent living centers, and other organizations controlled by consumers or their representatives.

(c) CONSUMER TASK FORCE.—

(1) ESTABLISHMENT AND DUTIES.—To be eligible to receive a grant under this section, each State shall establish a Consumer Task Force (referred to in this subsection as the "Task Force") to assist the State in the development, implementation, and evaluation of real choice systems change initiatives.

(2) APPOINTMENT.—Members of the Task Force shall be appointed by the Chief Executive Officer of the State in accordance with the requirements of paragraph (3), after the solicitation of recommendations from representatives of organizations representing a broad range of individuals with disabilities, elderly individuals, representatives of such individuals, and organizations interested in individuals with disabilities and elderly individuals.

(3) COMPOSITION.—

(A) IN GENERAL.—The Task Force shall represent a broad range of individuals with disabilities from diverse backgrounds and shall include representatives from Developmental Disabilities Councils, Mental Health Councils, State Independent Living Centers and Councils, Commissions on Aging, organizations that provide services to individuals with disabilities and consumers of long-term services and supports.

(B) INDIVIDUALS WITH DISABILITIES.—A majority of the members of the Task Force shall be individuals with disabilities or representatives of such individuals.

(C) LIMITATION.—The Task Force shall not include employees of any State agency providing services to individuals with disabilities other than employees of entities described in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.).

(d) ANNUAL REPORT.—

(1) STATES.—A State that receives a grant under this section shall submit an annual report to the Secretary on the use of funds provided under the grant in such form and manner as the Secretary may require.

(2) SECRETARY.—The Secretary shall submit to Congress an annual report on the grants made under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $50,000,000 for each of fiscal years 2004 through 2006.

(2) AVAILABILITY.—Amounts appropriated to carry out this section shall remain available without fiscal year limitation.

SEC. 202. DEMONSTRATION PROJECT TO ENHANCE COORDINATION OF CARE UNDER THE MEDICARE AND MEDICAID PROGRAMS FOR NON-ELDERLY DUAL ELIGIBLE INDIVIDUALS.

(a) DEFINITIONS.—In this section:

(1) NON-ELDERLY DUALLY ELIGIBLE INDIVIDUAL.—The term "non-elderly dually eligible individual" means an individual who—

(A) has not attained age 65; and

(B) is enrolled in the medicare and medicaid programs established under titles XVIII and XIX, respectively, of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq.).

(2) PROJECT.—The term "project" means the demonstration project authorized to be conducted under this section.

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(b) AUTHORITY TO CONDUCT PROJECT.—The Secretary shall conduct a project under this section for the purpose of evaluating service coordination and cost-sharing approaches with respect to the provision of community-based services and supports to non-elderly dually eligible individuals.

(c) REQUIREMENTS.—

(1) NUMBER OF PARTICIPANTS.—Not more than 5 States may participate in the project.

(2) APPLICATION.—A State that desires to participate in the project shall submit an application to the Secretary, at such time and in such form and manner as the Secretary shall specify.

(3) DURATION.—The project shall be conducted for at least 5, but not more than 10 years.

(d) EVALUATION AND REPORT.—

(1) EVALUATION.—Not later than 1 year prior to the termination date of the project,

the Secretary, in consultation with States participating in the project, representatives of non-elderly dually eligible individuals, and others, shall evaluate the impact and effectiveness of the project.

(2) REPORT.—The Secretary shall submit a report to Congress that contains the findings of the evaluation conducted under paragraph (1) along with recommendations regarding whether the project should be extended or expanded, and any other legislative or administrative actions that the Secretary considers appropriate as a result of the project.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Mr. SPECTER. Mr. President, I have sought recognition to join Senator TOM HARKIN, my colleague and distinguished ranking member of the Appropriations Subcommittee on Labor, Health and Human Services and Education, which I chair, in introducing the "Medicaid Attendant Care Services and Supports Act of 2003." This creative proposal addresses a glaring gap in Federal health coverage, and assists one of our Nation's most vulnerable populations, persons with disabilities.

In an effort to improve the delivery of care and the comfort of those with long-term disabilities, this vital legislation would allow for reimbursement for community-based attendant care services, in lieu of institutionalization, for eligible individuals who require such services based on functional need, without regard to the individual's age or the nature of the disability. The most recent data available tell us that 58.5 million individuals receive care for disabilities under the Medicaid program. The number of disabled who are not currently enrolled in the program who would apply for this improved benefit is not easily counted, but would likely be substantial given the preference of home and community-based care over institutional care.

Under this proposal, States may apply for grants for assistance in implementing "systems change" initiatives, in order to eliminate the institutional bias in their current policies and for needs assessment activities. Further, if a state can show that the aggregate amounts of Federal expenditures on people living in the community exceeds what would have been spent on the same people had they been in nursing homes, the state can limit the program. No limiting mechanism is mandated under this bill, And finally, States would be required to maintain expenditures for attendant care services under other Medicaid community-based programs, thereby preventing the states from shifting patients into the new benefit proposed under this bill.

Let me speak briefly about why such a change in Medicaid law is so desperately needed. In 1999 the Supreme Court held in Olmstead v. L.C., 119 S. Ct. 2176 (1999), that the Americans with Disabilities Act, ADA, requires States, under some circumstances, to provide community-based treatment to persons with mental disabilities rather than placing them in institutions. This decision and several lower court decisions have pointed to the need for a structured Medicaid attendant-care services benefit in order to meet obligations under the ADA. Disability advocates strongly support this legislation, arguing that the lack of Medicaid community-based services options is discriminatory and unhealthful for disabled individuals. Virtually every major disability advocacy group supports this bill, including ADAPT, the Arc, the National Council on Independent Living, Paralyzed Veterans of America, and the National Spinal Cord Injury Association.

Senator HARKIN and I recognize that such a shift in the Medicaid program is a huge undertaking—but feel that it is a vitally important one. We are introducing this legislation today in an attempt to move ahead with the consideration of crucial disability legislation and to provide a starting point for debate. The time has come for concerted action in this arena.

I urge the Congressional leadership, including the appropriate committee chairmen, to move forward in considering this legislation, and take the significant next step forward in achieving the objective of providing individuals with disabilities the freedom to live in their own communities.

By Mr. COLEMAN:

S. 972. A bill to clarify the authority of States to establish conditions for insurers to conduct the business of insurance within a State based on the provision of information regarding Holocaust era insurance policies of the insurer, to establish a Federal cause of action for claims for payment of such insurance policies, and for other purposes; to the Committee on the Judiciary.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the bill I introduce today to clarify the authority of States to establish conditions for insurers to conduct the business of insurance within a State based on the provision of information regarding Holocaust era insurance policies of the insurer, to establish a Federal cause of action for claims of payment of such insurance policies, and for other purposes be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Holocaust Accountability in Insurance Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Between 1933 and 1945, the Nazi regime and its collaborators conducted systematic, bureaucratic, and State-sponsored persecution and murder of approximately 6,000,000 Jews—the genocidal act known as the Holocaust.

(2) Before and during World War II, millions of European Jews purchased, in good faith, life insurance policies with certain European insurance companies because these policies were a popular form of savings and investment that provided a means of safeguarding family assets, assisting in retirement planning, providing for a dowry, or saving for the education of children.

(3) After the Nazis came to power in Germany, they systematically confiscated the insurance assets, including the cash value of life insurance policies, of Jews and other designated enemies of the Nazi regime.

(4) After the conclusion of World War II, European insurers often rejected insurance claims of Holocaust victims and heirs who lacked required documentation, such as death certificates.

(5) During the 50 years since the end of the war, only a small percentage of Holocaust victims and their families have been successful in collecting on their policies.

(6) In 1998, the International Commission on Holocaust Era Insurance Claims (ICHEIC) was established by State insurance regulators in the United States, European insurers, and certain nongovernmental organizations to act as a facilitator between insurers and beneficiaries to help expedite payouts on contested insurance policies.

(7) To date ICHEIC has received more than 90,000 claims and has only made 2,281 settlement offers, which amounts to a resolution rate of less than a 3 percent.

(8) These insurance payments should to be expedited to the victims of the most heinous crime of the 20th Century to ensure that they do not become victims a second time.

(9) States should be allowed to collect Holocaust-era insurance information from foreign-based insurance companies that want to do business in such States.

(10) Holocaust victims and their families should be able to recover claims on Holocaust era insurance policies in Federal court when they consider it necessary to seek redress through the judicial system.

SEC. 3. STATE AUTHORITY TO ESTABLISH REQUIREMENTS FOR CONDUCTING INSURANCE BUSINESS.

(a) IN GENERAL.—A State may establish requirements on insurers as a condition of doing insurance business in that Scate, to the extent such requirements are consistent with the due process guarantees of the Constitution of the United States, as follows:

(1) INFORMATION REQUIREMENTS.—The State may require that an insurer provide to the State the following information regarding Holocaust era insurance policies:

(A) Whether the insurer, or any affiliate or predecessor company, sold any such policies.

(B) The number of such policies sold by the insurer, and any affiliates and predecessor companies, and the number the insurer and its affiliates currently have in their possession.

(C) The identity of the holder and beneficiary of each such policy sold or held and the current status of each such policy.

(D) The city of origin, domicile, and address for each policyholder listed.

(E) If an insurer has no such policies to report because records are no longer in the possession of the insurer or its affiliates, a statement explaining the reasons for the lack of possession of such records.

(F) Any other information regarding such policies as the State considers appropriate.

(2) REQUIREMENTS REGARDING PAYMENT OF POLICIES.—A State may require that an insurer certify that, with respect to any Holocaust era insurance policies sold or at any time held by the insurer—

(A) the proceeds of the policy were paid;

(B) the beneficiaries of the policy or heirs or such beneficiaries could not, after diligent search, be located, and the proceeds were distributed to Holocaust survivors or charities;

(C) a court of law has certified a plan for the distribution of the proceeds; or

(D) the proceeds have not been distributed.

(b) HOLOCAUST ERA INSURANCE POLICIES.—In this section, the term "Holocaust era insurance policy" means a policy for insurance coverage that—

(1) was in force at any time during the period beginning with 1920 and ending with 1945; and

(2) has a policy beneficiary, policyholder, or insured life that is a listed Holocaust victim.

SEC. 4. FEDERAL CAUSE OF ACTION FOR COVERED CLAIMS.

(a) FEDERAL CAUSE OF ACTION.—

(1) IN GENERAL.—There shall exist a Federal cause of action for any covered claim.

(2) STATUTE OF LIMITATIONS.—Any action brought under paragraph (1) shall be filed not later than 10 years after the date of the enactment of this Act.

(b) SUBJECT MATTER JURISDICTION.—The district courts shall have original jurisdiction of any civil action on a covered claim (whether brought under subsection (a) or otherwise).

(c) PERSONAL JURISDICTION.—Notwithstanding any provision of Rule 4 of the Federal Rules of Civil Procedure to the contrary, in a civil action on a covered claim (whether brought under subsection (a) or otherwise) commenced in a district where the defendant is not a resident—

(1) the court may exercise jurisdiction over such defendant on any basis not inconsistent with the Constitution of the United States; and

(2) service of process, summons, and subpoena may be made on such defendant in any manner not inconsistent with the Constitution of the United States.

(d) DEFINITIONS.—In this section:

(1) COVERED CLAIM.—The term "covered claim" means a claim against a covered foreign insurance company that arises out of the insurance coverage involved in an original request.

(2) ORIGINAL REQUEST.—The term "original request" means a request that—

(A) seeks payment of any claim on insurance coverage that—

(i) was provided by a covered foreign insurance company;

(ii) had as the policyholder, insured, or beneficiary a listed Holocaust victim; and

(iii) was in effect during any portion of the 13-year period beginning with 1933 and ending with 1945; and

(B) was made by a listed Holocaust victim, or the heirs of beneficiaries of such victim, to the covered foreign insurance company or the International Commission on Holocaust Era Insurance Claims.

(3) COVERED FOREIGN INSURANCE COMPANY.—The term "covered foreign insurance company" means each of the following companies, and its affiliates and predecessor companies:

(A) Assicurazioni Generali S.p.A.

(B) Union Des Assurances de Paris.

(C) Victoria Lebenversicherungs AG.

(D) Winterthur Lebensversicherungs Gesellschaft.

(E) Allianz Lebensversicherungs AG.

(F) Wiener Allianz Versicherungs AG.

(G) Riunione Adriatica di Sicurta.

(H) Vereinte Lebensversicherungs AG.

(I) Basler Lebens-Versicherungs Gesellschaft.

(J) Deutscher Ring Lebensversicherungs AG.

(K) Nordstern Lebensversicherungs AG.

(L) Gerling Konzern Lebensversicherungs AG.

(M) Manheimer Lebensversicherung AG.

(N) Der Anker.

(O) Allgemeine Versicherungs AG.

(P) Zuerich Lebensversicherungs Gesellschaft.

(Q) Any other foreign insurance company that a State or the Attorney General determines was in a position to have financial dealings with any individual who was a victim of the Holocaust.

SEC. 5. LISTED HOLOCAUST VICTIMS.

In this Act, the term "listed Holocaust victim" means the following individuals:

(1) LIST OF SURVIVORS.—Any individual whose name is on the list of Jewish Holocaust Survivors maintained by the United States Holocaust Memorial Museum in Washington, D.C.

(2) LIST OF DECEASED.—Any individual whose name is on the list of individuals who died in the Holocaust maintained by the Yad Veshem of Jerusalem in its Hall of Names.

(3) OTHER LISTS.—Any individual whose name is on any list of Holocaust victims that is designated as appropriate for use under this Act by the chief executive officer of a State or a State insurance commissioner or other principal insurance regulatory authority of a State.

By Mr. NICKLES (for himself and Mr. BREAUX):

S. 973. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings; to the Committee on Finance.

Mr. NICKLES. Mr. President, I rise today to introduce legislation to provide that restaurant buildings are depreciated over 15 years instead of the current-law 39 years. My legislation will ensure that the tax laws more accurately reflect the true economic life of restaurant buildings.

Under current law, real estate property and any improvements thereto generally must be depreciated over 39 years. However, restaurant buildings undergo excessive wear and tear, and are renovated on average every 6 to 8 years. Requiring restaurant owners to depreciate these renovations over 39 years leads to a mismatch of income and expenses, thereby increasing the tax consequence of making such improvements. The long depreciation period simply makes no economic sense.

In recent years, Congress has changed the depreciation schedules for competitors of owner-occupied restaurants. For example, convenience stores are depreciated over 15 years. In addition, leased properties, including leased restaurant space, can take advantage of the temporary bonus depreciation incentives contained in the 2001 economic stimulus bill.

I believe that our tax laws should be updated to treat restaurant property in a more rational manner. That is why I am introducing legislation to reduce the depreciable life of restaurant property from 39 years to 15 years. My legislation would ensure that all restaurants, either leased or owner-occupied, are treated equally. It would also ensure a level playing field between restaurants and their competitors. By reducing the time period over which all restaurants are depreciated, my bill will more accurately align a restaurant's income and expenses. According to the National Restaurant Association, enacting this legislation would generate an additional $3.7 billion in cash flow for restaurants over the next 10 years. This is money that could be reinvested and, in turn, generate new jobs.

I look forward to working with my colleagues to enact my legislation that will provide more rational tax-treatment of restaurants on a permanent basis. by doing so, we will take an incremental step toward modernizing the tax code's outdated depreciation rules.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 974. A bill to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce legislation designed to permit certain youths, those exempt from attending school, between the ages of 14 and 18 to work in sawmills under special safety conditions and close adult supervision. I introduced identical measures in the past three Congresses. Similar legislation introduced by my distinguished colleague, Representative JOSEPH R. PITTS, has already passed in the House in the 105th and 106th Congresses. I am hopeful the Senate will also enact this important issue.

As Chairman of the Labor, Health and Human Services and Education Appropriations Subcommittee, I have strongly supported increased funding for the enforcement of the important child safety protections contained in the Fair Labor Standards Act. I also believe, however, that accommodation must be made for youths who are exempt from compulsory school-attendance laws after the eighth grade. It is extremely important that youths who are exempt from attending school be provided with access to jobs and apprenticeships in areas that offer employment where they live.

The need for access to popular trades is demonstrated by the Amish community. In 1998, I toured an Amish sawmill in Lancaster County, PA, and had the opportunity to meet with some of my Amish constituency. In December

2000, Representative PITTS and I held a meeting in Gap, PA with over 20 members of the Amish community to hear their concerns on this issue. On May 3, 2001, I chaired a hearing of the Labor, Health and Human Services and Education Appropriations Subcommittee to examine these issues.

At the hearing the Amish explained that while they once made their living almost entirely by farming, they have increasingly had to expand into other occupations as farmland has disappeared in many areas due to pressure from development. As a result, many of the Amish have come to rely more and more on work in sawmills to make their living. The Amish culture expects youth, upon the completion of their education at the age of 14, to begin to learn a trade that will enable them to become productive members of society. In many areas, work in sawmills is one of the major occupations available for the Amish, whose belief system limits the types of jobs they may hold. Unfortunately, these youths are currently prohibited by law from employment in this industry until they reach the age of 18. This prohibition threatens both the religion and lifestyle of the Amish.

Under my legislation, youths would not be allowed to operate power machinery, but would be restricted to performing activities such as sweeping, stacking wood, and writing orders. My legislation requires that the youths must be protected from wood particles or flying debris and wear protective equipment, all while under strict adult supervision. The Department of Labor must monitor these safeguards to insure that they are enforced.

The Department of Justice has raised serious concerns under the Establishment Clause with the House legislation. The House measure conferred benefits only to a youth who is a "member of a religious sect or division thereof whose established teachings do not permit formal education beyond the eighth grade." By conferring the "benefit" of working in a sawmill only to the adherents of certain religions, the Department argues that the bill appears to impermissibly favor religion to "irreligion." In drafting my legislation, I attempted to overcome such an objection by conferring permission to work in sawmills to all youths who "are exempted from compulsory education laws after the eighth grade." Indeed, I think a broader focus is necessary to create a sufficient range of vocational opportunities for all youth who are legally out of school and in need of vocational opportunities.

I also believe that the logic of the Supreme Court's 1972 decision in Wisconsin v. Yoder supports my bill. In Yoder, the Court held that Wisconsin's compulsory school attendance law requiring children to attend school until the age of 16 violated the Free Exercise Clause. The Court found that the Wisconsin law imposed a substantial burden on the free exercise of religion by the Amish since attending school beyond the eighth grade "contravenes the basic religious tenets and practices of the Amish faith." I believe a similar argument can be made with respect to Amish youth working in sawmills. As their population grows and their subsistence through an agricultural way of life decreases, trades such as sawmills become more and more crucial to the continuation of their lifestyle. Barring youths from the sawmills denies these youths the very vocational training and path to self-reliance that was central to the Yoder Court's holding that the Amish do not need the final two years of public education.

I offer my legislation with the hope that my colleagues will work with me to provide relief for the Amish community.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 975. A bill to revise eligibility requirements applicable to essential air service subsidies; to the Committee on Commerce, Science, and Transportation.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce legislation designed to improve the Department of Transportation's Essential Air Services program and reinstate Lancaster, PA's eligibility to receive subsidized air service.

The Essential Air Services program provides operating subsidies to airlines, enabling them to serve smaller markets which would otherwise be unable to attract or retain commercial flights. To be eligible to receive such a subsidy, the community where the airport is located must be greater than 70 miles from the nearest large or medium hub airport. If the airport is located within 70 miles of a hub airport, the Secretary of Transportation may use his or her discretion to award a subsidy if the most commonly used highway route between both places is greater than 70 miles. It is up to the Department of Transportation to determine what route is used in making this mileage determination.

Residents and businesses in many rural and smaller communities throughout the United States rely heavily upon air service to provide a necessary link to larger cities. Lancaster, PA is one such community which had been designated as an Essential Air Services city since the Airline Deregulation Act of 1978. Up until the events of September 11, when the Airport faced a sharp decline in passenger revenue, Lancaster had never required a subsidy under this program.

When Lancaster ultimately found it necessary to seek a subsidy for its three daily flights to Pittsburgh, the Department of Transportation issued an Order to Show Cause on March 8, 2002, stating that Lancaster was not eligible for an Essential Air Services subsidy because it was located within 70 miles of Philadelphia International Airport. The Secretary of Transportation declined to use his discretion to award the subsidy because the Department identified a driving route of less than 70 miles between Lancaster City and Philadelphia Airport. While there is no question that such a route exists, it is by no means the most commonly used highway route as required by law.

The route selected by the Department of Transportation is one which the average person would never travel, via back roads and seldom used streets. In making its distance determination, the Department used a 66 mile route along Route 30 which would take over three hours to drive. The more commonly used highway route to the Philadelphia International Airport would be along US 222 to the Pennsylvania Turnpike, and then on to I-76, which is over 70 miles.

The legislation I am introducing today addresses this issue by designating an area's local metropolitan planning organization, rather than the Department of Transportation, as the organization responsible for determining the most commonly used highway route. If no such organization exists, the Governor of the State in which the airport is located, or the Governor's designee will make the determination. I believe that a local entity, not the Department of Transportation, is better suited to identify the route most travelers would drive. In such cases where that route exceeds 70 miles, the Department should be required to designate a community as eligible to receive subsidized air service.

My legislation will not place too great a burden upon the Essential Air Services program by allowing additional airports to participate. I am advised that there are only eight other communities, including Lancaster, which could become newly eligible to receive subsidized air service as a result of the changes I am proposing. Further, I would note that of the $113 million the program received in Fiscal Year 2002, there was an excess of $10.9 million which remained unspent and which carried over into Fiscal Year 2003.

Lancaster Airport's only commercial air carrier, Colgan Air, ceased operations on March 23, 2003, because it could not sustain service without a subsidy. The loss of commercial air service has already had a serious impact upon the Lancaster community. I am confident that my legislation will not only reinstate Lancaster's eligibility for subsidized air service and allow for the return of commercial air service, but it will also provide for a greater level of fairness for other communities which rely so heavily upon this important program.

By Mr. WARNER (for himself and Mr. Allen):

S. 976. A bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement; to the Committee on Banking, Housing, and Urban Affairs.

Mr. WARNER. Mr. President, I rise today to introduce legislation, along with my colleague, Senator Allen, to mint a commemorative coin celebrating the 400th anniversary of the founding of Jamestown, VA in 2007.

The lasting significance of Jamestown stretches far beyond its contributions to the Commonwealth of Virginia. Our Nation is indebted to the 104 original inhabitants of Jamestown who, after completing a harrowing journey across the Atlantic in May of 1607, established the first permanent English settlement in America.

The legacies of Jamestown extend from the founding of our representative democracy in which we serve today, to the free market enterprise system on which our economy has flourished. Our unshakeable traditions of common law, agricultural production, manufacturing, and our free market economy received their humble beginnings from the entrepreneurial spirit of the Jamestown colonists.

The colonists established and implemented the principles of a representative government to build our American democracy that has withstood the test of time and internal conflict. The Jamestown settlers elected America's first democratic assembly, the Virginia House of Burgesses. The structure and procedures of this first legislative body still resonates in the chamber we serve in today. Our political philosophies and traditions took hold in the untamed landscape of Jamestown Island and remain the cornerstone of our republic today.

Jamestown also marked the beginning of the American cultural identity, hosting a combination of diverse cultural traditions. The settlement united English, Native American, and African cultures compelling each one to learn valuable lessons from the others. The colonists at Jamestown were the first immigrants to travel to America, making us a nation of immigrants of which we are so proud today.

The colony at Jamestown showcased the triumph of American ingenuity and hard work. Colonists at Jamestown were forced to battle starvation, disease, and the weather of their new home. Life in Jamestown was a struggle, and the determination shown by the colonists set the foundation for the revolutionary ideas that guided Americans through the colonial era.

Now 395 years later, the history of our Nation continues to come alive in Jamestown. Since 1994, archaeologists have found the remains of the original Jamestown fort constructed in 1607 and over 350,000 artifacts from the colonial period. These fascinating discoveries have given scholars, visitors, and most importantly, America's young people, a realistic view of 17th century American life. The continuing restoration and discovery of the original Jamestown colony provides all Americans with a window on their roots, and to the foundation on which this great Nation was built.

The proceeds from this commemorative coin will help both the National Park Service and the Association for the Preservation of Virginia Antiquities continue their research at the Jamestown site, complete necessary construction projects at the Jamestown National Park, and provide funds for events surrounding the 400th anniversary celebration. In addition, this legislation would help ensure that the Jamestown Rediscovery project will have adequate funds to continue educating the American public on our colonial history. In the 106th Congress, the House and Senate created the Jamestown 400th Commemoration Commission to ensure that the anniversary in 2007 is a truly national event. This legislation that I introduce today continues along this same line.

Recent events have brought about a renewed reverence and interest in our nation's history among the American people. This legislation would help bring national attention to this important anniversary and would serve as a fitting tribute to America's first permanent settlers. This event celebrates America's colonial history and gives every American a chance to help support America's Hometown, Jamestown, VA.

I ask my colleagues in the Senate to join me in supporting our Nation's and Virginia's colonial traditions with this important legislation. I ask unanimous consent that the text of this legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jamestown 400th Anniversary Commemorative Coin Act of 2003".

SEC. 2. FINDINGS.

Congress finds that—

(1) the founding of the colony at Jamestown, Virginia in 1607, the first permanent English colony in America, and the capital of Virginia for 92 years, has major significance in the history of the United States;

(2) the Jamestown settlement brought people from throughout the Atlantic Basin together to form a multicultural society, including English, other Europeans, Native Americans, and Africans;

(3) the economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, manufacturing, and economic structure and status;

(4) the National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown;

(5) in 2000, Congress established the Jamestown 400th Commemoration Commission to ensure a suitable national observance of the Jamestown 2007 anniversary and to support and facilitate marketing efforts for a commemorative coin, stamp, and related activities for the Jamestown 2007 observances;

(6) a commemorative coin will bring national and international attention to the lasting legacy of Jamestown, Virginia; and

(7) the proceeds from a surcharge on the sale of such commemorative coin will assist the financing of a suitable national observance in 2007 of the 400th anniversary of the founding of Jamestown, Virginia.

SEC. 3. COIN SPECIFICATIONS.

(a) $5 Gold Coins.—The Secretary of the Treasury (in this Act referred to as the "Secretary") shall issue not more than 100,000 $5 coins, which shall—

(1) weigh 8.359 grams;

(2) have a diameter of 0.850 inches; and

(3) contain 90 percent gold and 10 percent alloy.

(b) $1 Silver Coins—The Secretary shall issue not more than 500,000 $1 coins, which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(c) Legal Tender.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(d) Numismatic Items.—For purposes of section 5132(a)(1) of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

(e) Sources of Bullion.—

(1) Gold.—The Secretary shall obtain gold for minting coins under this Act pursuant to the authority of the Secretary under section 5116 of title 31, United States Code.

(2) Silver.—The Secretary shall obtain silver for the coins minted under this Act only from stockpiles established under the Strategic and Critical Minerals Stock Piling Act (50 U.S.C. 98 et seq.).

SEC. 4. DESIGN OF COINS.

(a) Design Requirements.—

(1) In general.—The design of the coins minted under this Act shall be emblematic of the settlement of Jamestown, Virginia, the first permanent English settlement in America.

(2) Designation and inscriptions.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2007"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) Design Selection.—Subject to subsection (a), the design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with—

(A) the Jamestown 2007 Steering Committee, created by the Jamestown-Yorktown Foundation of the Commonwealth of Virginia;

(B) the National Park Service; and

(C) the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the period beginning on January 1, 2007, and ending on December 31, 2007.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins minted under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (c) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(c) BULK SALES.—The Secretary shall make bulk sales of the coins minted under this Act at a reasonable discount.

(d) SURCHARGE.—All sales of coins minted under this Act shall include a surcharge of—

(1) $35 per coin for the $5 coin; and

(2) $10 per coin for the $1 coin.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) RECIPIENTS.—

(1) IN GENERAL.—All surcharges received by the Secretary from the sale of coins minted under this Act shall be promptly paid by the Secretary to the recipients listed under paragraphs (2) and (3).

(2) JAMESTOWN-YORKTOWN FOUNDATION.—The Secretary shall distribute 50 percent of the surcharges described under paragraph (1) to the Jamestown-Yorktown Foundation of the Commonwealth of Virginia, to support programs to promote the understanding of the legacies of Jamestown.

(3) OTHER RECIPIENTS.—

(A) IN GENERAL.—The Secretary shall distribute 50 percent of the surcharges described under paragraph (1) to the entities specified under subparagraph (B), in, equal shares, for the purposes of—

(i) sustaining the ongoing mission of preserving Jamestown;

(ii) enhancing the national and international educational programs;

(iii) improving infrastructure and archaeological research activities; and

(iv) conducting other programs to support the commemoration of the 400th anniversary of Jamestown.

(B) ENTITIES SPECIFIED.—Entities specified under this subparagraph are—

(i) the Secretary of the Department of the Interior;

(ii) the President of the Association for the Preservation of Virginia Antiquities; and

(iii) the Chairman of the Jamestown Yorktown Foundation.

(b) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the entities specified in subsection (a), as may be related to the expenditure of amounts distributed under subsection (a).

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution, the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration.

By Mr. FITZGERALD (for himself, Mr. KENNEDY, and Ms. SNOWE):

S. 977. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide "coverage from treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease; to the Committee on Health, Education, Labor, and Pensions.

Mr. FITZGERALD. Mr. President, I rise today to introduce the Children's Deformities Act of 2003, which will require insurance companies to cover corrective surgeries for children with congenital or developmental deformities.

According to the March of Dimes, 3.8 percent of babies born annually—about 150,000 babies per year suffer from birth defects. Approximately 50,000 of these babies require reconstructive surgery. Examples of these deformities include cleft lip, cleft palate, skin lesions, vascular anomalies, malformations of the ear, hand, or foot, and other more profound craniofacial deformities.

Plastic surgeons are able to correct many of these problems, and doing so is critical to both the physical and mental health and development of the child. On average, children with congenital deformities or developmental anomalies will need three to five surgical procedures before normalcy is achieved. An increasing number of insurance companies are denying access to care by labeling the surgical procedures cosmetic or nonfunctional in nature. In some cases, carriers may provide coverage for initial procedures, but resist covering later, necessary procedures, claiming that they are cosmetic and not medically necessary.

Although insurance companies ultimately have decided to cover some of these procedures, families have had to battle through the appeals process of insurance companies for extended periods of time, thereby forcing children to wait unnecessarily for needed surgeries. The treatment plan for children with congenital defects usually requires staged surgical care in accordance with the child's growth pattern. Onerous and time-consuming appeals procedures can jeopardize the physical and psychological health of children with deformities.

The American Medical Association defines cosmetic surgery as being performed to reshape normal structures of the body in order to improve the patient's appearance and self-esteem. In contrast, reconstructive surgery is defined as being performed on abnormal structures of the body, caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease. According to the American Society of Plastic Surgeons, reconstructive surgery is performed in order to improve function and approximate a normal appearance.

The Treatment of Children's Deformities Act of 2003 will prohibit insurers from denying coverage for reconstructive surgery for children. This bill identifies the difference between cosmetic and reconstructive surgery and incorporates the American Medical Association's definition of reconstructive surgery. The measure requires group and individual health insurers and group health plans to provide coverage for treatment of a minor child's congenital or developmental deformity, disease, or injury. The legislation defines "treatment" to include reconstructive surgical procedures. These are procedures that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease.

The Treatment of Children's Deformities Act of 2003 has been endorsed by the American Society of Plastic Surgeons, the American Medical Association, the American Academy of Pediatrics, and several other medical organizations. Fifteen States have already enacted legislation that to different degrees require insurance companies to cover treatment of craniofacial and congenital anomalies. While governor of Texas, George W. Bush signed into law legislation that is similar to the legislation I introduce today.

I would like to thank Senator KENNEDY and Senator SNOWE for cosponsoring this important legislation. I urge all of my colleagues to join me in supporting this bill so that children who suffer from congenital deformities or developmental anomalies do not have to wait unnecessarily for needed treatment.

I ask unanimous consent that the text of the bill be printed in the RECORD following the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 977

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Treatment of Children's Deformities Act of 2003".

SEC. 2. COVERAGE OF MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

(a) GROUP HEALTH PLANS.—

(1) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—

(A) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

"SEC. 2707. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

"(a) REQUIREMENTS FOR RECONSTRUCTIVE SURGERY.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

"(2) REQUIREMENTS.—Any coverage provided under paragraph (1) shall be subject to pre-authorization or pre-certification as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

"(3) TREATMENT DEFINED.—

"(A) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

"(i) procedures that do not materially affect the function of the body part being treated; and

"(ii) procedures for secondary conditions and follow-up treatment.

"(B) EXCEPTION.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.

"(b) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 714(b) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.".

(B) CONFORMING AMENDMENT.—Section 2723(c) of the Public Health Service Act (42 U.S.C. 300gg-23(c)) is amended by striking "section 2704" and inserting "sections 2704 and 2707".

(2) ERISA AMENDMENTS.—

(A) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

"SEC. 714. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

"(a) REQUIREMENTS FOR RECONSTRUCTIVE SURGERY.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

"(2) REQUIREMENTS.—Any coverage provided under paragraph (1) shall be subject to pre-authorization or pre-certification as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

"(3) TREATMENT DEFINED.—

"(A) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

"(i) procedures that do not materially affect the function of the body part being treated; and

"(ii) procedures for secondary conditions and follow-up treatment.

"(B) EXCEPTION.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.

"(b) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan; except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.".

(B) CONFORMING AMENDMENTS.—

(i) Section 731(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191(c)) is amended by striking "section 711" and inserting "sections 711 and 714".

(ii) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(a)) is amended by striking "section 711" and inserting "sections 711 and 714".

(iii) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following:

"Sec. 714. Standards relating to benefits for minor child's congenital or developmental deformity or disorder.".

(3) INTERNAL REVENUE CODE AMENDMENTS.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(A) in the table of sections, by inserting after the item relating to section 9812 the following:

"Sec. 9813. Standards relating to benefits for minor child's congenital or developmental deformity or disorder."; and

(B) by inserting after section 9812 the following:

"SEC. 9813. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

"(a) REQUIREMENTS FOR RECONSTRUCTIVE SURGERY.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

"(2) REQUIREMENTS.—Any coverage provided under paragraph (1) shall be subject to pre-authorization or pre-certification as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

"(3) TREATMENT DEFINED.—

"(A) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

"(i) procedures that do not materially affect the function of the body part being treated; and

"(ii) procedures for secondary conditions and follow-up treatment.

"(B) EXCEPTION.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.".

(b) INDIVIDUAL HEALTH INSURANCE.—

(1) IN GENERAL.—Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2752 the following:

"SEC. 2753. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

"(a) REQUIREMENTS FOR RECONSTRUCTIVE SURGERY.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

"(2) REQUIREMENTS.—Any coverage provided under paragraph (1) shall be subject to pre-authorization or pre-certification as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

"(3) TREATMENT DEFINED.—

"(A) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

"(i) procedures that do not materially affect the function of the body part being treated; and "(ii) procedures for secondary conditions and follow-up treatment.

"(B) Exception.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.

"(b) Notice.—A health insurance issuer under this part shall comply with the notice requirement under section 714(b) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) as if such section applied to such issuer and such issuer were a group health plan.".

(2) Conforming amendment.—Section 2762(b)(2) of the Public Health Service Act (42 U.S.C. 300gg-62(b)(2)) is amended by striking "section 2751" and inserting "sections 2751 and 2753".

(c) Effective Dates.—

(1) Group health coverage.—The amendments made by subsection (a) shall apply with respect to group health plans for plan years beginning on or after January 1, 2004.

(2) Individual health coverage.—The amendment made by subsection (b) shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after such date.

(d) Coordinated Regulations.—Section 104(1) of Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 300gg-92 note) is amended by striking "this subtitle (and the amendments made by this subtitle and section 401)" and inserting "the provisions of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, the provisions of parts A and C of title XXVII of the Public Health Service Act, and chapter 100 of the Internal Revenue Code of 1986".

Mr. KENNEDY. Mr. President, it is a privilege to join Senator Fitizgerald and Senator Snowe in introducing the Treatment of Children's Deformities Act. The purpose of our bill is to see that health insurers and health plans cover the treatment of children's congenital and developmental deformities and disorders.

About 7 percent of all children are born with significant problems, including cleft lips or cleft palates, serious skin lesions such as port wine stains, malformations of the ear, or facial deformities. Plastic surgery can correct many of these conditions, but too often parents face significant barriers in obtaining care for their children. More than half of all plastic surgeons report that these patients are denied insurance coverage or had the struggle to receive it. Too often, insurers deny coverage by calling the treatment cosmetic or not medically necessary.

The medical, developmental, and psychological problems associated with denied or delayed treatment of these deformities are enormous. Treatment often requires a series of treatments as the child grow. No child should be forced to live with an untreated cleft lip or a facial deformity while parents appeal an insurer's unfair denial. Delayed or denied treatment puts a child's physical and mental health at risk.

Our bill requires health insurers and health plans to provide coverage to treat a child's congenial or developmental deformity, or disorders caused by disease, trauma, infection, or tumor. It is supported by many medical organizations, including the American Academy of Pediatrics, the American Medical Association, and the American Society of Plastic Surgeons. I urge the Senate to support this important bill, and give children and families the support they deserve.

By Mr. ENSIGN (for himself, Mrs. Boxer, Ms. Cantwell, Mr. Crapo, Mr. Craig, Mr. Allen, Mrs. Murray, Mrs. Feinstein, Mr. Reid, Mr. Allard, Mr. Burns, Mr. Warner, Mr. Bennett, Mr. Smith, Ms. Stabenow, and Mr. Coleman):

S. 979. A bill to direct the Securities and Exchange Commission to require enhanced disclosures of employee stock options, to require a study on the economic impact of broad-based employee stock options plans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ENSIGN. Mr. President, I rise today, along with my good friend, the junior Senator from California, to introduce legislation on an issue that could have a significant impact on the economy.

The financial scandals which occurred last year at Enron, WorldCom, and other corporations rocked our financial markets and greatly diminished investor confidence in this country. In response to abuses by a few high-profile corporate executives, Congress passed the Sarbanes-Oxley Corporate Responsibility Act, which closed loopholes that led to those scandals and sought to restore investor confidence in our markets.

However, in the wake of those scandals, I believe that stock options have been incorrectly equated with abuse.

Stock option plans reflect America's best business values—the willingness to take risks, the vision to develop new entrepreneurial companies and technologies, and a way to broaden ownership and participation among all employees.

Last week, the Financial Accounting Standards Board made a tentative decision to mandate the expensing of stock options. This would effectively kill broad-based stock option plans which are used by many high-growth, entrepreneurial companies. Such board-based plans distribute options to rank-and-file employees, not just to senior executives. This is a very different approach than that used by companies associated with the scandals of last year.

This issue was brought to my attention by a couple hundred chief executive officers and leaders in the high-tech world. This is their No. 1 issue because, when they are properly structured, stock options are valuable incentives for productivity and growth. They also help startup companies recruit and retain workers—an essential tool in a struggling economy.

I think it is absolutely ludicrous that we would risk destroying growth when there isn't even a workable model available to accurately expense stock options. Not only is the plan wrong, it is not doable.

The legislation that we are introducing today would provide shareholders with accurate information about a company's use of stock options, while also preserving this critical tool for all company employees. It would enhance the availability of financial reporting by requiring the SEC to take very specific steps to give shareholders and investors the important financial information they need.

Additionally, this bill places a 3-year moratorium on the mandatory expensing of stock options. This will allow the Department of Commerce to take a very detailed look at the negative impact that mandating expensing of stock options could have on our economy.

It is important that we do not react to the corporate scandals of last year by stifling this vital tool for economic growth. It would be bad for the economy, bad for workers in this country, and bad for potential investors.

Mr. President, before I yield the floor, I would like to thank the Senator from California, Mrs. Boxer, for her hard work on this issue. I would also like to recognize and thank my colleagues who have signed on in support of this bill. Senators George Allen, Mike Crapo, Larry Craig, Maria Cantwell, Patty Murray, Dianne Feinstein, Harry Reid, Wayne Allard, Conrad Burns, Gordon Smith, Robert Bennett and John Warner.

I yield the floor.

I ask unanimous consent that the text of the bill be printed in the Record in the appropriate place.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Broad-Based Stock Option Plan Transparency Act of 2003".

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds that—

(1) innovation and entrepreneurship, particularly in the high technology industry, helped propel the economic growth of the 1990s, and will continue to be the essential building blocks of economic growth in the 21st century;

(2) broad-based employee stock option plans enable entrepreneurs and corporations to attract quality workers, to incentivize worker innovation, and to stimulate productivity, which in turn increase shareholder value;

(3) broad-based employee stock options plans that expand corporate ownership to

rank-and-file employees spur capital formation, benefit workers, and improve corporate performance to the benefit of investors and the economy;

(4) concerns raised about the impact of employee stock option plans on shareholder value raise legitimate issues relevant to the current level of disclosure and transparency of those plans to current and potential investors; and

(5) investors deserve to have accurate, reliable, and meaningful information about the existence of outstanding employee stock options and their impact on the share value of a going concern.

SEC. 3. IMPROVED EMPLOYEE STOCK OPTION TRANSPARENCY AND REPORTING DISCLOSURES.

(a) ENHANCED DISCLOSURES REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Securities and Exchange Commission (in this Act referred to as the "Commission") shall, by rule, require, for each company required to file periodic reports under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78o(d)), that such reports include detailed information regarding stock option plans, stock purchase plans, and other arrangements involving an employee acquisition of an equity interest in the company, particularly with respect to the dilutive effect of such plans, including—

(1) a discussion, written in "plain English" (in accordance with the Plain English Handbook published by the Office of Investor Education and Assistance of the Commission), of the dilutive effect of stock option plans, including tables or graphic illustrations of such dilutive effects;

(2) expanded disclosure of the dilutive effect of employee stock options on the earnings per share number of the company;

(3) prominent placement and increased comparability of all stock option related information; and

(4) a summary of the stock options granted to the 5 most highly compensated executive officers of the company, including any outstanding stock options of those officers.

(b) EQUITY INTEREST.—As used in this section, the term "equity interest" includes common stock, preferred stock, stock appreciation rights, phantom stock, and any other security that replicates the investment characteristics of such securities, and any right or option to acquire any such security.

SEC. 4. EVALUATION OF EMPLOYEE STOCK OPTION PLANS TRANSPARENCY AND REPORTING DISCLOSURES AND REPORT TO CONGRESS.

(a) STUDY AND REPORT.—

(1) STUDY.—During the 3-year period following the date of issuance of a final rule under section 3(a), the Commission shall conduct a study of the effectiveness of the enhanced disclosures required by section 3 in increasing transparency to current and potential investors.

(2) REPORT.—Not later than 180 days after the end of the 3-year period referred to in paragraph (1), the Commission shall transmit a report of the results of the study conducted under paragraph (1) to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(b) MORATORIUM ON NEW ACCOUNTING STANDARDS RELATED TO STOCK OPTIONS.—During the period beginning on the date of enactment of this Act and ending 60 days after the date of transmission of the report required under subsection (a)(2), the Commission shall not recognize as generally accepted accounting principles for purposes of enforcing the securities laws any accounting standards related to the treatment of stock options that the Commission did not recognize for that purpose before April 1, 2003.

SEC. 5. STUDY ON THE ECONOMIC IMPACT OF BROAD-BASED EMPLOYEE STOCK OPTION PLANS AND REPORT TO CONGRESS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Commerce shall conduct a study and analysis of broad-based employee stock option plans, particularly in the high technology and any other high growth industries.

(2) CONTENT.—The study and analysis required by paragraph (1) shall include an examination of—

(A) the impact of such plans on expanding employee corporate ownership to workers at a wide-range of income levels, with a particular focus on rank-and-file employees;

(B) the role of such plans in the recruitment and retention of skilled workers; and

(C) the role of such plans in stimulating research and innovation;

(D) the impact of such plans on the economic growth of the United States; and

(E) the role of such plans in strengthening the international competitiveness of companies organized under the laws of the United States.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Commerce shall submit a report on the study and analysis required by subsection (a) to—

(1) the Committee on Energy and Commerce and the Committee on Financial Services of the House of Representatives; and

(2) the Committee on Commerce, Science, and Transportation and the Committee on Banking, Housing, and Urban Affairs of the Senate.

Mrs. FEINSTEIN. Mr. President, I rise in support of legislation introduced by Senators BOXER and ENSIGN to improve disclosure of stock option grants in company financial statements while, at the same time, delaying the adoption of new accounting standards that could fundamentally distort reported earnings.

I believe that at this time of continued economic weakness it is critical that we take action to both increase transparency and improve corporate governance, without which we cannot hope to restore investor confidence.

The Broad-Based Stock Option Plan Transparency Act would increase the transparency of stock option grants at all levels of public companies, particularly executive compensation, and would provide investors with additional tools to make investment decisions.

Increased disclosure provisions in the bill include: expanded disclosure of the dilutive effect of employee stock options on reported earnings per share; a "plain English" discussion of share value dilution, which would allow individual investors to understand the impact of options grants on their investment; more prominent placement and increased comparability of stock option-related footnotes; and a summary of stock options granted to the 5 most highly compensated executives of the company.

These provisions help us fulfill the goal of greater transparency in our markets and improved corporate governance. With passage of the Sarbanes-Oxley accounting reform legislation last summer, we took a major step in that direction, and I believe this bill adds to those achievements.

If individual investors do not feel comfortable with the information reported by public companies or the advice given by banks and other major players in our financial markets, they will not feel comfortable making new investments and our markets are unlikely to recover.

In addition to requiring new disclosure of the impact of employee stock options on a company's earnings per share, this bill also requires the SEC to monitor the effectiveness of increased disclosure requirements for 3 years.

The bill also specifies that the SEC must examine the impact of broad-based stock option plans on worker productivity and the performance of the firms which use such plans.

As anyone who has spent time in Silicon Valley can attest, the phenomenal achievements of high tech companies in California and across the country would not have been possible without employee stock options.

Stock options give employees a stake in the success of their company and create a degree of employee loyalty, productivity, and achievement that simply would not be possible if cash were the only form of compensation available. Moreover, it has allowed start-ups that are cash-poor to hire and retain talent that might otherwise have been available only to established firms.

A mandatory expensing standard will sharply limit the use of stock options, particularly for rank and file workers, and will slow our economic recovery.

Without a strong high tech sector developing new technologies and bringing new products to market, we cannot hope to return to the robust economic growth of the last decade.

Moreover, mandatory expensing could actually decrease transparency for the average investor. The Financial Accounting Standards Board (FASB) has indicated it will implement such a rule within the next year, but has not come up with an adequate means of valuing those options for expensing purposes.

The binomial pricing model currently used to value short-term derivatives, also known as Black/Scholes, does not work with the types of long-term, restricted options packages granted to employees. Without an accurate valuation methodology, we risk giving investors a much less accurate picture of a company's financial health than they would have otherwise.

I have spoken with the chief executive officers of a number of companies in my state, including John Chambers, CEO of Cisco Systems, Craig Barrett, CEO of Intel, and Richard Kovacevich, CEO of Wells Fargo. Each one of those corporate leaders has told me that a mandatory expensing standard would lead them to sharply limit the number of options he grants to his employees.

They also told me that it would lead them cut back on hiring and possibly send more jobs abroad. I found those comments disturbing, and they should give us pause and compel us to act prudently. That is why we should support further study of the accounting treatment of stock options, during which period no new accounting rules pertaining to stock options could be adopted.

I would like to describe briefly the impact of employee stock options on the value of an investor's holdings in the company that granted the option.

In order for employee stock options not to be counted as an expense, they must be set at or above the average closing price of the company's stock during a fixed period. They are also generally restricted, and usually cannot be exercised for several years after their grant date.

Should the value of the underlying shares fall during the life of the option, the options are underwater and are effectively worthless. Should the share price increase, however, the exercise of those options creates no cash charge to the company whatsoever. Instead, it increases the total number of shares outstanding.

To take one concrete example, Cisco Systems recently reported approximately 7.3 billion shares outstanding in their latest annual report. They also reported approximately 600 million options to purchase shares that were "in the money," or had an exercise price below the current share price.

If all those options were exercised, and no shares were repurchased, each share would be entitled to approximately 8 percent less in dividends than before. In fact, the actual dilution would likely be somewhat less.

If options are expensed, however, the impact on Cisco's bottom line would be dramatic, despite the fact that their only tangible impact is on the number of shares outstanding. Had Cisco expensed their stock options for the 2001 fiscal year, their reported profits would have been 171 percent lower. A roughly $1 billion profit would instead have been a nearly $1 billion loss.

Yet the actual value of those options now is almost nil. They were all granted at exercise prices well above the current share price, and may never be exercised.

Options are not a cash expense and represent no tangible exchange of assets. They are a form of incentive pay that may ultimately be worthless. In short, they are nothing like a cash salary.

The legislation introduced by Senators BOXER and ENSIGN recognizes the need for further study, but does not place an indefinite moratorium on FASB action. It is a balanced bill that will help the average investor and ultimately strengthen our financial markets.

I urge my colleagues to support the Broad-Based Stock Option Transparency Act.

By Mr. GRAHAM of South Carolina (for himself and Mr. MILLER):

S. 980. A bill to conduct a study on the effectiveness of ballistic imaging technology and evaluate its effectiveness as a law enforcement tool; to the Committee on the Judiciary.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ballistic Imaging Evaluation and Study Act of 2003".

SEC. 2. PURPOSES.

The purposes of this Act are the following:

(1) To conduct a comprehensive study of ballistic imaging technology and evaluate design parameters for packing and shipping of fired cartridge cases and projectiles.

(2) To determine the effectiveness of the National Integrated Ballistic Information Network (NIBIN) as a tool in investigating crimes committed with handguns and rifles.

(3) To establish the cost and overall effectiveness of State-mandated ballistic imaging systems and the sharing and retention of the data collected by the systems.

SEC. 3. STUDY.

(a) IN GENERAL.—Not later than six (6) months after the date of the enactment of this Act, the Attorney General shall enter into an arrangement with the National Research Council of the National Academy of Sciences, which shall have sole responsibility for conducting under the arrangement a study to determine the following:

(1) The design parameters for an effective and uniform system for packing fired cartridge cases and projectiles, and for collecting information that will accompany a fired cartridge case and projectile and be entered into a ballistic imaging system.

(2) The most effective method for projectile recovery that can be used to collect fired projectiles for entry into a ballistic imaging system and the cost of such recovery equipment.

(3) Which countries are employing ballistic imaging systems and the results of the systems as a tool in investigating crimes committed with handguns and rifles.

(4) The comprehensive cost, to date, for Federal, State, and local jurisdictions that have implemented a ballistic imaging system to include startup, operating costs, and outlays for personnel and administration.

(5) The estimated yearly cost for administering a ballistic imaging system, the storage of cartridge cases and projectiles on a nationwide basis, and the costs to industry and consumers of doing so.

(6) How many revolvers, manually operated handguns, semiautomatic handguns, manually operated rifles, and semiautomatic rifles are sold in the United States each year, the percentage of crimes committed with revolvers, other manually operated handguns, and manually operated rifles as compared with semiautomatic handguns and semiautomatic rifles, and the percentage of each currently on record in the NIBIN system.

(7) Whether in countries where ballistic identification has been implemented, a shift has occurred in the number of semiautomatic handguns and semiautomatic rifles, compared with revolvers, other manually operated handguns, and manually operated rifles that are used to commit a crime.

(8) A comprehensive list of environmental and nonenvironmental factors, including modifications to a firearm, that can substantially alter or change the identifying marks on a cartridge case and projectile so as to preclude a scientifically reliable comparison between specimens and the stored image from the same firearm being admissible as evidence in a court of law.

(9) The technical improvements in database management that will be necessary to keep pace with system growth and the estimated cost of the improvements.

(10) What redundant or duplicate systems exist, or have existed, the ability of the various systems to share information, and the cost and time it will take to integrate operating systems.

(11) Legal issues that need to be addressed at the Federal and State levels to codify the type of information that would be captured and stored as part of a national ballistic identification program and the sharing of the information between State systems and NIBIN.

(12) What storage and retrieval procedures guarantee the integrity of cartridge cases and projectiles for indefinite periods of time and insure proper chain of custody and admissibility of ballistic evidence or images in a court of law.

(13) The time, cost, and resources necessary to enter images of fired cartridge cases and fired projectiles into a ballistic imaging identification system of all new handguns and rifles sold in the United States and those possessed lawfully by firearms owners.

(14) Whether an effective procedure is available to collect fired cartridge cases and projectiles from privately owned handguns and rifles.

(15) Whether the cost of ballistic imaging technology is worth the investigative benefit to law enforcement officers.

(16) Whether State-based ballistic imaging systems, or a combination of State and Federal ballistic imaging systems that record and store cartridge cases and projectiles can be used to create a centralized list of firearms owners.

(17) The cost-effectiveness of using a Federal, NIBIN-based approach to using ballistic imaging technology as opposed to State-based initiatives.

SEC. 4. CONSULTATION.

In carrying out this Act, the National Research Council of the National Academy of Sciences shall consult with—

(1) Federal, State, and local officials with expertise in budgeting, administering, and using a ballistic imaging system, including the Bureau of Alcohol, Tobacco and Firearms, and the Federal Bureau of Investigation, and the Bureau of Forensic Services at the California Department of Justice, and the National Institute for Forensic Sciences in Brussels, Belgium;

(2) law enforcement officials who use ballistic imaging systems;

(3) entities affected by the actual and proposed uses of ballistic imaging technology, including manufacturers, distributors, importers, and retailers of firearms and ammunition, firearms purchasers and owners and their organized representatives, the Sporting Arms and Ammunition Manufacturers' Institute, Inc., and the National Shooting Sports Foundation, Inc.;

(4) experts in ballistics imaging and related fields, such as the Association of Firearm and Tool Mark Examiners, projectile recovery system manufacturers, and ballistic imaging device manufacturers;

(5) foreign officials administering ballistic imaging systems;

(6) individuals or organizations with significant expertise in the field of ballistic imaging technology, as the Attorney General deems necessary.

SEC. 5. REPORT.

Not later than 30 days after the National Research Council of the National Academy of Sciences completes the study conducted under section 3, the National Research Council shall submit to the Attorney General a report on the results of the study, and the Attorney General shall submit to the Congress a report, which shall be made public, that contains—

(1) the results of the study; and

(2) recommendations for legislation, if applicable.

SEC. 6. SUSPENSION OF USE OF FEDERAL FUNDS FOR BALLISTIC IMAGING TECHNOLOGY.

(a) IN GENERAL.—Notwithstanding any other provision of law, a State shall not use Federal funds for ballistic imaging technology until the report referred to in section 5 is completed and transmitted to the Congress.

(b) WAIVER AUTHORITY.—On request of a State, the Secretary of the Treasury may waive the application of subsection (a) to a use of Federal funds upon a showing that the use would be in the national interest.

SEC. 7. DEFINITIONS.

In this Act:

(1) The term "ballistic imaging technology" means software and hardware that records electronically, stores, retrieves, and compares the marks or impressions on the cartridge case and projectile of a round of ammunition fired from a handgun or rifle.

(2) The term "handgun" has the meaning given the term in section 921(a)(29) of title 18, United States Code.

(3) The term "rifle" has the meaning given the term in section 921(a)(7) of title 18, United States Code.

(4) The term "cartridge case" means the part of a fully assembled ammunition cartridge that contains the propellant and primer for firing.

(5) The terms "manually operated handgun" and "manually operated rifle" mean any handgun or rifle, as the case may be, in which all loading, unloading, and reloading of the firing chamber is accomplished through manipulation by the user.

(6) The term "semiautomatic handgun" means any repeating handgun which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, which requires a pull of the trigger to fire each cartridge.

(7) The term "semiautomatic rifle" has the meaning given the term in section 921(a)(28) of title 18, United States Code.

(8) The term "projectile" means that part of ammunition that is, by means of an explosive, expelled through the barrel of a handgun or rifle.

By Mrs. BOXER:

S. 981. A bill to limit the period for which the Federal Government may procure property or services using noncompetitive procedures during emergency and urgent situations; to the Committee on Governmental Affairs.

Mrs. BOXER. Mr. President, today I am introducing legislation to ensure that American taxpayers and American businesses are protected when the Federal Government procures property or services.

The purpose of this legislation is to close certain loopholes that allow Federal agencies to enter into contracts through a process that does not ensure full and open competition. Current law provides several exceptions that allow Federal agencies to limit competition or provide a sole-source contract. My legislation does not eliminate any of these exceptions, but it does place a 90-day limitation on the broadest exceptions to ensure that a full and fair bidding process takes place as soon as possible.

This bill does not extend the 90-day limitation on sole-source or limited-source contracts when full and open competition is not practicable. For example, the legislation will continue to allow sole-source or limited-source contracts when there is a threat to the national security of the United States or when the property or service is only available from one party.

But we must take a common-sense approach to shield taxpayers from waste and abuse. This bill does just that. I have heard from people throughout my state who believe that the administration is abusing its authority in providing sole-source and limited-source contacts in Iraq.

One example is the sole-source contract worth up to $7 billion that was awarded earlier this year to Kellogg, Brown and Root—a subsidiary of Halliburton—to extinguish oil fires in Iraq. The exception under Federal law used to provide KBR with the sole-source contract was that a full and open bid process would cause unacceptable delays. While it is understandable that oil fires cannot be allowed to burn while an open bid process takes place, it is not acceptable that the term of this contract was 2 years.

Recently, the administration announced that this contract would be terminated and an open bid process take place. While I applaud this move, I fear it would not have happened without the outcry of the American people. My legislation will ensure that certain sole-source contracts will be limited to 90 days. During the 90-day period, a full and open competition would take place so that the long-term contract is awarded to the qualified low-bidder.

It is the responsibility of Congress to ensure that these contracts are awarded in a competitive manner whenever possible. This legislation is a step in the right direction.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Business and Taxpayer Procurement Protection Act."

SECTION 2. LIMITATION ON CONTRACTS AWARDED ON A NONCOMPETITIVE BASIS.

(a) IN GENERAL.—Notwithstanding any other provision of law or regulation, including the Federal Property and Administrative Services Act of 1949, section 2304 of title 10, United States Code, and the Federal Acquisition Regulation—

(1) any procurement for property or services that is not subject to competitive procedures under a provision of law or regulation set forth in subsection (b) may not exceed 90 days; and

(2) if any property or services procured under the limitations of paragraph (1) are required beyond the 90 days referred to in paragraph (1), such property or services shall—

(A) during the 90-day period, be the subject of a full and open competition in accordance with the appropriate law or regulation; and

(B) shall not be procured using procedures other than competitive procedures under a provision of law or regulation set forth in subsection (b).

(b) APPLICABILITY.—The provisions of law and regulations referred to in subsection (a) are the following:

(1) Subsections (c)(2), (c)(3)(A), (c)(7), and (d)(1)(B)(ii) of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253).

(2) Subsections (c)(2), (c)(3)(A), (c)(7), and (d)(1)(B)(ii) of section 2304 of title 10, United States Code.

(3) Any other provision of law or regulation that provides for the use of noncompetitive procedures for the same or a similar reason as those referred to in clauses (1) and (2).

SECTION 3. EFFECTIVE DATE.

This Act shall apply with respect to contracts entered into after the date of the enactment of this Act.

By Mrs. BOXER (for herself and Mr. SANTORUM):

S. 982. A bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes; to the Committee on Foreign Relations.

Mrs. BOXER. Mr. President, today I am reintroducing the Syria Accountability Act, a bill that aims to end Syrian support for terrorism by diplomatic and economic means.

It is well known that terrorist organizations like Hizballah, Hamas, and the Popular Front for the Liberation of Palestine maintain offices, training camps, and other facilities on Syrian territory and in areas of Lebanon occupied by the Syrian armed forces. We must address this issue not with saber rattling but by confronting the Government of Syria in a diplomatic way that shows the seriousness of our concerns.

The Syria Accountability Act works to achieve our foreign policy goals by expanding economic and diplomatic sanctions against Syria until the President certifies that Syria has ended its support of terrorism, withdrawn from Lebanon, ceased its chemical and biological weapons program, and no longer illegally imports Iraqi oil. The bill provides flexibility to the President by allowing him to choose from a variety of sanctions, as well as the authority to waive sanctions if it is in the interest of United States national security.

I hope this legislation will receive the support of the Administration and Congress because it provides the President with the flexibility to target specific sanctions against Syria, but in no way threatens or condones the use of military force against Syria.

By Mr. CHAFEE (for himself, Mr. REID, Mr. HATCH, Ms. MIKULSKI, Ms. COLLINS, Mr. LEAHY, Mr. WARNER, Mr. KENNEDY, Mr. VOINOVICH, Mr. BIDEN, Mr. ALLEN, Mrs. CLINTON, Mr. FITZGERALD, MRS. MURRAY, Ms. SNOWE, Mr. JOHNSON, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. REED, and Mr. CORZINE):

S. 983. A bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer; to the Committee on Health, Education, Labor, and Pensions.

Mr. CHAFEE. Mr. President, I am pleased to be joined today by Senator HARRY REID and others in introducing the Breast Cancer and Environmental Research Act of 2003. This bill would establish research centers that would be the first in the Nation to specifically study the environmental factors that may be related to the development of breast cancer. The lack of agreement within the scientific community and among breast cancer advocates on this question highlights the need for further study.

It is generally believed that the environment plays some role in the development of breast cancer, but the extent of that role is not understood. The Breast Cancer and Environmental Research Act of 2003 will enable us to conduct more conclusive and comprehensive research to determine the impact of the environment on breast cancer. Before we can find the answers, we must determine the right questions we should be asking.

While more research is being conducted into the relationship between breast cancer and the environment, there are still several issues that must be resolved to make this research more effective. They are as follows:

There is no known cause of breast cancer. There is little agreement in the scientific community on how the environment affects breast cancer. While studies have been conducted on the links between environmental factors like pesticides, diet, and electromagnetic fields, no consensus has been reached. There are other factors that have not yet been studied that could provide valuable information. While there is much speculation, it is clear that the relationship between environmental exposures and breast cancer is poorly understood.

There are challenges in conducting environmental research. Identifying linkages is difficult. Laboratory experiments and cluster analyses, such as those in Long Island, New York, cannot reveal whether an environmental exposure increases a woman's risk of breast cancer. Epidemiological studies must be designed carefully, because environmental exposures are difficult to measure.

Coordination between the National Institutes of Health, NIH, the National Cancer Institute, NCI, and the National Institute of Environmental Health Sciences, NIEHS, needs to occur. NCI and NIEHS are the two institutes in the NIH that fund most of the research related to breast cancer and the environment; however, comprehensive information is not currently available.

This legislation would establish eight Centers of Excellence to study these potential links. These "Breast Cancer Environmental Research Centers" would provide for multi-disciplinary research among basic, clinical, epidemiological and behavioral scientists interested in establishing outstanding, state-of-the-art research programs addressing potential links between the environment and breast cancer. The NIEHS would award grants based on a competitive peer-review process. This legislation would require each Center to collaborate with community organizations in the area, including those that represent women with breast cancer. The bill would authorize $30 million for the next five years for these grants.

"Genetics loads the gun, the environment pulls the trigger," as Ken Olden, the Director of NIEHS, frequently says. Many scientists believe that certain groups of women have genetic variations that may make them more susceptible to adverse environmental exposures. We need to step back and gather evidence before we come to conclusions—that is the purpose of this bill. People are hungry for information, and there is a lot of inconclusive data out there, some of which has no scientific merit whatsoever. We have the opportunity through this legislation to gather legitimate and comprehensive data from premier research institutions across the nation.

According to the American Cancer Society, each year 800 women in Rhode Island are diagnosed with breast cancer, and 200 women in my state will die of this terrible disease this year. We owe it to these women who are diagnosed with this life-threatening disease to provide them with answers for the first time.

I urge my colleagues to join me in supporting and cosponsoring this important legislation, and ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 983

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Breast Cancer and Environmental Research Act of 2003".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Breast cancer is the second leading cause of cancer deaths among American women.

(2) More women in the United States are living with breast cancer than any other cancer (excluding skin cancer). Approximately 3,000,000 women in the United States are living with breast cancer, 2,000,000 of which have been diagnosed and an estimated 1,000,000 who do not yet know that they have the disease.

(3) Breast cancer is the most commonly diagnosed cancer among women in the United States and worldwide (excluding skin cancer). In 2003, it is estimated that 258,600 new cases of breast cancer will be diagnosed among women in the United States, 211,300 cases of which will involve invasive breast cancer and 47,300 cases of which will involve ductal carcinoma in situ (DCIS).

(4) Breast cancer is the second leading cause of cancer death for women in the United States. Approximately 40,000 women in the United States die from the disease each year. Breast cancer is the leading cause of cancer death for women in the United States between the ages of 20 and 59, and the leading cause of cancer death for women worldwide.

(5) A woman in the United States has a 1 in 8 chance of developing invasive breast cancer in her lifetime. This risk was 1 in 11 in 1975. In 2001, a new case of breast cancer will be diagnosed every 2 minutes and a woman will die from breast cancer every 13 minutes.

(6) All women are at risk for breast cancer. About 90 percent of women who develop breast cancer do not have a family history of the disease.

(7) The National Action Plan on Breast Cancer, a public private partnership, has recognized the importance of expanding the scope and breadth of biomedical, epidemiological, and behavioral research activities related to the etiology of breast cancer and the role of the environment.

(8) To date, there has been only a limited research investment to expand the scope or coordinate efforts across disciplines or work with the community to study the role of the environment in the development of breast cancer.

(9) In order to take full advantage of the tremendous potential for avenues of prevention, the Federal investment in the role of the environment and the development of breast cancer should be expanded.

(10) In order to understand the effect of chemicals and radiation on the development of cancer, multi-generational, prospective studies are probably required.

SEC. 3. NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES; AWARDS FOR DEVELOPMENT AND OPERATION OF RESEARCH CENTERS REGARDING ENVIRONMENTAL FACTORS RELATED TO BREAST CANCER.

Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 285L et seq.) is amended by adding at the end the following section:

"SEC. 463B. RESEARCH CENTERS REGARDING ENVIRONMENTAL FACTORS RELATED TO BREAST CANCER.

"(a) IN GENERAL.—The Director of the Institute, based on recommendations from the Breast Cancer and Environmental Research Panel established under subsection (b) (referred to in this section as the 'Panel') shall make grants, after a process of peer review and programmatic review, to public or nonprofit private entities for the development and operation of not more than 8 centers for the purpose of conducting multidisciplinary and multi-institutional research on environmental factors that may be related to the etiology of breast cancer. Each such center shall be known as a Breast Cancer and Environmental Research Center of Excellence.

"(b) BREAST CANCER AND ENVIRONMENTAL RESEARCH PANEL.—

"(1) ESTABLISHMENT.—The Secretary shall establish in the Institute of Environmental Health Sciences a Breast Cancer and Environmental Research Panel.

"(2) COMPOSITION.—The Panel shall be composed of—

"(A) 9 members to be appointed by the Secretary, of which—

"(i) six members shall be appointed from among physicians, and other health professionals, who—

"(I) are not officers or employees of the United States;

"(II) represent multiple disciplines, including clinical, basic, and public health sciences;

"(III) represent different geographical regions of the United States;

"(IV) are from practice settings or academia or other research settings; and

"(V) are experienced in biomedical review; and

"(ii) three members shall be appointed from the general public who are representatives of individuals who have had breast cancer and who represent a constituency; and

"(B) such nonvoting, ex officio members as the Secretary determines to be appropriate.

"(3) CHAIRPERSON.—The members of the Panel appointed under paragraph (2)(A) shall select a chairperson from among such members.

"(4) MEETINGS.—The Panel shall meet at the call of the chairperson or upon the request of the Director, but in no case less often than once each year.

"(5) DUTIES.—The Panel shall—

"(A) oversee the peer review process for the awarding of grants under subsection (a) and conduct the programmatic review under such subsection;

"(B) make recommendations with respect to the funding criteria and mechanisms under which amounts will be allocated under this section; and

"(C) make final programmatic recommendations with respect to grants under this section.

"(c) COLLABORATION WITH COMMUNITY.—Each center under subsection (a) shall establish and maintain ongoing collaborations with community organizations in the geographic area served by the center, including those that represent women with breast cancer.

"(d) COORDINATION OF CENTERS; REPORTS.—The Director of the Institute shall, as appropriate, provide for the coordination of information among centers under subsection (a) and ensure regular communication between such centers, and may require the periodic preparation of reports on the activities of the centers and the submission of the reports to the Director.

"(e) REQUIRED CONSORTIUM.—Each center under subsection (a) shall be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute. Each center shall require collaboration among highly accomplished scientists, other health professionals and advocates of diverse backgrounds from various areas of expertise.

"(f) DURATION OF SUPPORT.—Support of a center under subsection (a) may be for a period not exceeding 5 years. Such period may be extended for one or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director of the Institute and if such group has recommended to the Director that such period should be extended.

"(g) GEOGRAPHIC DISTRIBUTION OF CENTERS.—The Director of the Institute shall, to the extent practicable, provide for an equitable geographical distribution of centers under this section.

"(h) INNOVATIVE APPROACHES.—Each center under subsection (a) shall use innovative approaches to study unexplored or under-explored areas of the environment and breast cancer.

"(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $30,000,000 for each of the fiscal years 2004 through 2009. Such authorization is in addition to any other authorization of appropriations that is available for such purpose.".

Mr. REID. Mr. President, I am pleased to join Senator CHAFEE in reintroducing the Breast Cancer and Environmental Research Act. Senator CHAFEE and I serve together on the Environment and Public Works Committee where we have had the opportunity to take a closer look at different environment-related health concerns. After a number of children in the small town of Fallon, NV, were diagnosed with leukemia, the committee traveled to Nevada to investigate what environmental factors may have contributed to the cancer cluster.

The Fallon hearing reminded me how little we know about what causes cancer and what, if any, connection exists between the environment and cancer. Three decades have passed since President Nixon declared the "War on Cancer" and scientists are still struggling with these and other crucial unanswered questions about cancer. This is particularly true in the case of breast cancer. We still don't know what causes breast cancer. We don't know if the environment plays a role in the development of breast cancer, and if it does, we don't know how significant that role is. In our search for answers about breast cancer, we need to make sure we are asking the right questions.

To date, there has been only a limited research investment to study the role of the environment in the development of breast cancer. More research needs to be done to determine the impact of the environment on breast cancer. The Breast Cancer and Environmental Research Act would give scientists the tools they need to pursue a better understanding about what links between the environment and breast cancer may exist. Specifically, our bill would authorize $30 million to the National Institute of Environmental Health Sciences to establish eight Centers of Excellence that would focus on breast cancer and the environment.

In the year 2003 alone, it is estimated that 258,600 new cases of breast cancer will be diagnosed among women in the United States. In Nevada, an estimated 1400 new cases will be diagnosed in 2003, and tragically, approximately 300 women in Nevada will die of breast cancer this year. If we miss promising research opportunities because of Congress' failure to act, millions of women and their families will face critical unanswered questions about breast cancer. During the 107th Congress, almost half of the Senate cosponsored this important legislation. There is no reason we should not be able to work together during this session to pass this bill so we can find answers for the millions of Americans affected by breast cancer. I urge my colleagues to join in our quest for answers about this deadly disease and to support the Breast Cancer and Environmental Research Act.

By Mr. BAUCUS:

S. 984. A bill to direct the Secretary of the Interior to evaluate opportunities to enhance domestic oil and gas production through the exchange of nonproducing Federal oil and gas leases located in the Lewis and Clark National Forest, in the Flathead National Forest, and on Bureau of Land Management land in the State of Montana, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BAUCUS. Mr. President, I am introducing a bill today that I hope will take us one step closer to achieving permanent protections for Montana's magnificent Rocky Mountain Front.

The Front, as we call it back home, is part of one of the largest and most intact wild places left in the lower 48. To the North, the Front includes a 200 square mile area known as the Badger-Two Medicine in the Lewis and Clark National Forest. This area sits just south-east of Glacier National Park, one of our greatest national treasures. The Badger-Two Medicine area is sacred ground to the Blackfeet Tribe. In January of 2002, portions of the Badger-Two, known as the Badger-Two Medicine Blackfoot Traditional Cultural District, were declared eligible for listing in the National Register of Historic Places.

South of the Badger-Two, the Front includes a 400 square mile strip of national forest land and about 20 square miles of BLM lands, including three BLM Outstanding Natural Areas.

Not only does the Front still retain almost all its native species, but it also harbors the country's largest bighorn sheep herd and second largest elk herd. The Rocky Mountain Front supports one of the largest populations of grizzly bears south of Canada and is the only place in the lower 48 states where grizzly bears still roam from the mountains to their historic range on the plains.

Because of this exceptional habitat, the Front offers world renowned hunting, fishing and recreational opportunities. Sportsmen, local land owners, hikers, local communities and many other Montanans have worked for decades to protect and preserve the Front for future generations.

In short, a majority of Montanans feel very strongly that oil and gas development, and Montana's Rocky Mountain Front, just don't mix. The habitat is too rich, the landscape too important, to subject it to the roads, drills, pipelines, industrial equipment, chemicals, noise and human activity that come with oil and gas development.

Building upon a significant public and private conservation investment and following an extensive public comment process, the Lewis and Clark National Forest decided in 1997 to withdraw for 15 years 356,000 acres in the Front from any new oil and gas leasing. This was a significant first step in protecting the Front from development that I wholeheartedly supported.

However, in many parts of the Rocky Mountain Front, oil and gas leases exist that pre-date the 1997 decision or are located in the Badger-Two Medicine area, where the lease suspension could be lifted soon. These leaseholders have invested time and resources in acquiring their leases. Several leaseholders have applied to the federal government for permits to drill. These leases are the subject of my proposed bill.

History has shown that energy exploration and development in the Front is likely to result in expensive and time-consuming environmental studies and litigation. This process rarely ends with a solution that is satisfactory to the oil and gas lessee. For example, in the late 1980's both Chevron and Fina applied for permits to drill in the Badger Two Medicine portion of the Front. After millions of dollars spent on studies and years of public debate, Chevron abandoned or assigned all of its lease rights, and Fina sold its lease rights back to the original owner.

Therefore, I think we should be fair to those leaseholders. We want them to continue to provide for our domestic oil and gas needs, but they are going to have a long, difficult and expensive road if they wish to develop oil and gas in the Rocky Mountain Front.

My legislation would direct the Interior Department to evaluate non-producing leases in the Rocky Mountain Front and look at opportunities to cancel those leases, in exchange for allowing leaseholders to explore for oil and gas somewhere else, namely in the Gulf of Mexico or in the State of Montana. In conducting this evaluation, the Secretary would have to consult with leaseholders, with the State of Montana, the public and other interested parties.

When Interior concludes this study in two years, the bill calls for the agency to make recommendations to Congress and the Energy and Natural Resources Committee on the advisability of pursuing lease exchanges in the Front and any changes in law and regulation needed to enable the Secretary to undertake such an exchange.

Finally, in order to allow the Secretary to conduct this study, my bill would continue the current lease suspension in the Badger-Two Medicine Area for three more years. This lease suspension would only apply to the Badger-Two Medicine Area, not the entire Front.

That's it, that's all my bill does. It doesn't predetermine any outcome, it doesn't impact any existing exploration activities or environmental processes. It just creates a process through which the federal government, the people of Montana and leaseholders can finally have a real, open and honest discussion about the fate of the Rocky Mountain Front.

I would also point out that the Administration recently completed an inventory of the onshore oil and gas reserves on federal lands in five basins in the Interior West, including the Rocky Mountain Front, also known as the Montana Thrust Belt. The Administration's study found that this area contains the smallest volumes of oil and gas resources of all five of the Western inventory areas. For example, the mean estimate of all natural gas reserves in the Uinta/Pinceance Basin in Colorado and Utah is 22 trillion cubic feet. In the Front, the mean estimate is only 8.6 trillion cubic feet.

Additionally, the study concluded that in reality, the vast majority of Federal lands in the interior West are available for leasing with few if any restrictions. Although a large percentage of federal lands in the Front are currently unavailable for leasing, many of those lands are unavailable because they lie under Glacier National Park, Indian lands, and already established wilderness areas, which comprise much of the Federal land in the Front. So, not only is the Front relatively poor in terms of oil and gas reserves, many of those reserves—by Congressional mandate, executive order or treaty—will never be available for leasing.

We should look for ways to fairly compensate leaseholders for investments they've made in their leases if they decide to leave the Front rather than waste years and millions fighting to explore for uncertain—and small—oil and gas reserves. A lot of Montanans just don't want to see the Front developed, and they will fight to protect it. Including me.

So, developers can wait years, or decades, or most likely never, for oil and gas to flow from the Front. Or we can look at ways to encourage domestic production much sooner, in much more cost effective, appropriate and efficient ways somewhere else.

That is what I hope this legislation will accomplish Mr. President, and I hope my colleagues in the Senate will support it.

By Mr. DODD (for himself, Ms. COLLINS, Mrs. CLINTON, Mr. CORZINE, Ms. CANTWELL, Mr. DURBIN, Mr. GRASSLEY, Mr. LEAHY, Ms. SNOWE, Mr. REED, Mr. BIDEN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. LIEBERMAN, Mr. WARNER, Mr. JOHNSON, Mrs. MURRAY, Mr. CARPER, Mr. KERRY, Mr. BAUCUS, Mr. REID, Mr. SARBANES, and Mr. JEFFORDS):

S. 985. A bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes; to the Committee on Governmental Affairs.

Mr. DODD. Mr. President, I rise today to introduce legislation that is important to America's Federal law enforcement officers and the people they protect across the country. I am joined today by Senator COLLINS, Senator CLINTON, Senator CORZINE, Senator CANTWELL, Senator DURBIN, Senator GRASSLEY, Senator LEAHY, Senator SNOWE, Senator REED, Senator BIDEN, Senator FEINSTEIN, Senator SCHUMER, Senator LIEBERMAN, Senator WARNER, Senator JOHNSON, Senator MURRAY, Senator CARPER, Senator KERRY, Senator BAUCUS, Senator REID, Senator SARBANES, and Senator JEFFORDS.

The legislation that we are offering will amend the Federal Law Enforcement Pay Reform Act of 1990 to ensure that the government treats Federal law enforcement officers fairly. This bill will partially increase the locality pay adjustments paid to Federal agents in certain high cost areas. These areas have pay disparities so high they are negatively affecting our Federal law enforcement officers, since locality pay adjustments have either not been increased since 1990, or have been increased negligibly.

All over America, Federal law enforcement personnel are enduring tremendous stress associated with our Nation's effort to protect citizens from the threat of terrorism. Unfortunately, that stress has been compounded by ongoing pressing concerns among many such personnel about their pay. I have heard from officers who have described long commutes, high personal debts, and in some cases, almost all-consuming concerns about financial insecurity. Many of these problems occur when agents or officers are transferred from low-cost parts of the country to high-cost areas. I have been told that some Federal officers are forced to separate from their families and rent rooms in the cities to which they have been transferred because they cannot afford to rent or buy homes large enough for a family.

Unfortunately, the raise in the cost of living in many cities across America has outstripped our Federal pay system. I recognize that this is a problem for other Federal employees and I am prepared to work with my colleagues to address this larger issue. The cost of living has also had a very negative impact on non-federal employees as well and I have consistently worked to ensure that all working Americans enjoy a truly livable wage. The legislation that we are introducing today in no way suggests that the needs of other workers should be ignored, but it acknowledges that as we continue to ask Federal law enforcement personnel to put in long hours and remain on heightened alert, we must provide them with a salary sufficient to allow them to focus on their vital work without nagging worries about how to provide their families with the essentials of food, clothing, and shelter.

The Federal Law Enforcement Officers Association, representing more than 19,000 Federal agents, along with the Fraternal Order of Police, National Association of Police Organizations, National Troopers Coalition, National Organization of Black Law Enforcement Executives, International Brotherhood of Police, and the Police Executive Research Forum have endorsed this legislative proposal.

In these difficult times, we must remain committed to recruiting, hiring, and retaining law enforcement officers of the highest caliber. However, we must also recognize that the Federal government is in competition with State and Local police departments that often pay more and provide better standards of living.

I urge all of my colleagues to join us in this effort. I hope that we can quickly pass this important legislation because it will improve the lives of the men and women who are dedicated to protecting us. In so doing, it will improve the Nation's domestic security.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADJUSTED DIFFERENTIALS.

(a) IN GENERAL.—Paragraph (1) of section 404(b) of the Federal Law Enforcement Pay Reform Act of 1990 (5 U.S.C. 5305 note) is amended by striking the matter after "follows:" and inserting the following:

"Area	Differential
Atlanta Consolidated Metropolitan Statistical Area	16.82%
Boston-Worcester-Lawrence, MA-NH-ME-CT-RI Consolidated Metropolitan Statistical Area	24.42%
Chicago-Gary-Kenosha, IL-IN-WI Consolidated Metropolitan Statistical Area	25.68%
Cincinnati-Hamilton, OH-KY-IN Consolidated Metropolitan Statistical Area	21.47%
Cleveland Consolidated Metropolitan Statistical Area	17.83%
Columbus Consolidated Metropolitan Statistical Area	16.90%
Dallas Consolidated Metropolitan Statistical Area	18.51%
Dayton Consolidated Metropolitan Statistical Area	15.97%
Denver-Boulder-Greeley, CO Consolidated Metropolitan Statistical Area	22.78%
Detroit-Ann Arbor-Flint, MI Consolidated Metropolitan Statistical Area	25.61%
Hartford, CT Consolidated Metropolitan Statistical Area	24.47%
Houston-Galveston-Brazoria, TX Consolidated Metropolitan Statistical Area	30.39%
Huntsville Consolidated Metropolitan Statistical Area	13.29%
Indianapolis Consolidated Metropolitan Statistical Area	13.38%
Kansas City Consolidated Metropolitan Statistical Area	14.11%
Los Angeles-Riverside-Orange County, CA Consolidated Metropolitan Statistical Area	27.25%
Miami-Fort Lauderdale, FL Consolidated Metropolitan Statistical Area	21.75%
Milwaukee Consolidated Metropolitan Statistical Area	17.45%
Minneapolis-St. Paul, MN-WI Consolidated Metropolitan Statistical Area	20.27%
New York-Northern New Jersey-Long Island, NY-NJ-CT-PA Consolidated Metropolitan Statistical Area	27.11%
Orlando, FL Consolidated Metropolitan Statistical Area	14.22%
Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD Consolidated Metropolitan Statistical Area	21.03%
Pittsburgh Consolidated Metropolitan Statistical Area	14.89%
Portland-Salem, OR-WA Consolidated Metropolitan Statistical Area	20.96%
Richmond Consolidated Metropolitan Statistical Area	16.46%
Sacramento-Yolo, CA Consolidated Metropolitan Statistical Area	20.77%
San Diego, CA Consolidated Metropolitan Statistical Area	22.13%
San Francisco-Oakland-San Jose, CA Consolidated Metropolitan Statistical Area	32.98%
Seattle-Tacoma-Bremerton, WA Consolidated Metropolitan Statistical Area	21.18%
St. Louis Consolidated Metropolitan Statistical Area	14.69%
Washington-Baltimore, DC-MD-VA-WV Consolidated Metropolitan Statistical Area	19.48%
Rest of United States Consolidated Metropolitan Statistical Area	14.19%".

(b) SPECIAL RULES.—For purposes of the provision of law amended by subsection (a)—

(1) the counties of Providence, Kent, Washington, Bristol, and Newport, RI, the counties of York and Cumberland, ME, and the city of Concord, NH, shall be treated as if located in the Boston-Worcester-Lawrence, MA-NH-ME-CT-RI Consolidated Metropolitan Statistical Area; and

(2) members of the Capitol Police shall be considered to be law enforcement officers within the meaning of section 402 of the Federal Law Enforcement Pay Reform Act of 1990.

(c) EFFECTIVE DATE.—The amendment made by subsection (a)—

(1) shall take effect as if included in the Federal Law Enforcement Pay Reform Act of 1990 on the date of the enactment of such Act; and

(2) shall be effective only with respect to pay for service performed in pay periods beginning on or after the date of the enactment of this Act.

Subsection (b) shall be applied in a manner consistent with the preceding sentence.

SEC. 2. SEPARATE PAY, EVALUATION, AND PROMOTION SYSTEM FOR FEDERAL LAW ENFORCEMENT OFFICERS.

(a) STUDY.—Not later than 6 months after the date of the enactment of this Act, the Office of Personnel Management shall study and submit to Congress a report which shall contain its findings and recommendations regarding the need for, and the potential benefits to be derived from, the establishment of a separate pay, evaluation, and promotion system for Federal law enforcement officers. In carrying out this subsection, the Office of Personnel Management shall take into account the findings and recommendations contained in the September 1993 report of the Office entitled "A Plan to Establish a New Pay and Job Evaluation System for Federal Law Enforcement Officers".

(b) DEMONSTRATION PROJECT.—

(1) IN GENERAL.—If, after completing its report under subsection (a), the Office of Personnel Management considers it to be appropriate, the Office shall implement, within 12 months after the date of the enactment of this Act, a demonstration project to determine whether a separate system for Federal law enforcement officers (as described in subsection (a)) would result in improved Federal personnel management.

(2) APPLICABLE PROVISIONS.—Any demonstration project under this subsection shall be conducted in accordance with the provisions of chapter 47 of title 5, United States Code, except that a project under this subsection shall not be taken into account

for purposes of the numerical limitation under section 4703(d)(2) of such title.

(3) PERMANENT CHANGES.—Not later than 6 months before the demonstration project's scheduled termination date, the Office of Personnel Management shall submit to Congress—

(A) its evaluation of the system tested under the demonstration project; and

(B) recommendations as to whether or not that system (or any aspects of that system) should be continued or extended to other Federal law enforcement officers.

(c) FEDERAL LAW ENFORCEMENT OFFICER DEFINED.—In this section, the term "Federal law enforcement officer" means a law enforcement officer as defined under section 8331(20) or 8401(17) of title 5, United States Code.

SEC. 3. LIMITATION ON PREMIUM PAY.

(a) IN GENERAL.—Section 5547 of title 5, United States Code, is amended—

(1) in subsection (a), by striking "5545a,";

(2) in subsection (c), by striking "or 5545a"; and

(3) in subsection (d), by striking the period and inserting "or a criminal investigator who is paid availability pay under section 5545a.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 1114 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1239).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 130—EXPRESSING THE SENSE OF THE SENATE THAT PUBLIC SERVANTS SHOULD BE COMMENDED FOR THEIR DEDICATION AND CONTINUED SERVICE TO THE NATION DURING PUBLIC SERVICE RECOGNITION WEEK

Mr. AKAKA (for himself, Mr. FITZGERALD, Ms. COLLINS, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. DURBIN, Mr. COLEMAN, and Mr. LEVIN) submitted the following resolution; which was referred to the Committee on Governmental Affairs:

S. RES. 130

Whereas Public Service Recognition Week provides an opportunity to honor and celebrate the commitment of individuals who meet the needs of the Nation through work at all levels of government;

Whereas over 20,000,000 men and women work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas Federal, State, and local officials perform essential services the Nation relies upon every day;

Whereas the United States of America is a great and prosperous Nation, and public service employees have contributed significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) help the Nation recover from natural disasters and terrorist attacks;

(2) fight crime and fire;

(3) deliver the mail;

(4) teach and work in the schools;

(5) deliver social security and medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and national parks;

(8) defend and secure critical infrastructure;

(9) improve and secure transportation and the quality and safety of water and food;

(10) build and maintain roads and bridges;

(11) provide vital strategic and support functions to our military;

(12) keep the Nation's economy stable;

(13) defend our freedom; and

(14) advance United States interests around the world;

Whereas public servants at the Federal, State, and local level are the first line of defense in maintaining homeland security;

Whereas public servants at every level of government are hard-working men and women, committed to doing a good job regardless of the circumstances;

Whereas Federal, State, and local government employees have risen to the occasion and demonstrated professionalism, dedication, and courage while fighting the war against terrorism;

Whereas the men and women serving in the Armed Forces of the United States, as well as those Federal employees who provide support to their efforts, contribute greatly to the security of the Nation and the world;

Whereas May 5 through 11, 2003, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week will be celebrated through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the Senate—

(1) commends government employees for their outstanding contributions to this great Nation;

(2) salutes their unyielding dedication and spirit for public service;

(3) honors those public servants who have given their lives in service to their country;

(4) calls upon a new generation of workers to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

Mr. AKAKA. Mr. President. Today I rise to pay tribute to the hard-working men and women who dedicate their lives to public service. Whether it is on the Federal, State, or local level, public servants perform essential functions that Americans rely on every day. For this reason, it is a privilege to submit a resolution to honor these employees for Public Service Recognition Week. I am delighted to be joined in this effort by Senators FITZGERALD, COLLINS, LIEBERMAN, VOINOVICH, DURBIN, COLEMAN, and LEVIN.

Public Service Recognition Week takes place the week of May 5, 2003. Since 1985, the first week in May showcases the talented men and women who serve America as Federal, State and local government employees. Throughout the Nation and around the world, public employees use the week to educate their fellow citizens how government serves them, and how government services make life better for all of us.

For example, public servants help the Nation recover from natural disasters and terrorist attacks; fight crime and fire; deliver the mail; teach our children; provide local transportation; protect the environment; fight disease and promote better health; improve the quality and safety of water and food; and defend our freedom. Since September 11, 2001, public servants at the Federal, State, and local level worked around the clock to prevent terrorist attacks and reduce our vulnerability to future attacks in addition to carrying out their other job related responsibilities. Such dedication and hard work deserve our recognition.

I would like to pay particular attention to the men and women who serve in our armed forces, and the civilian employees who support their missions. These employees are key to the security and defense of our Nation. From the war against terrorism to Operation Iraqi Freedom, our military and civilian support staff show courage in the face of adversity. They too are ready, willing, and able to make this a safer world.

While Public Service Recognition Week represents an opportunity for us to honor and celebrate the commitment of individuals who serve the needs of the Nation as government and municipal employees, it is also a time to call on a new generation of Americans to consider public service. As my colleagues know, the Federal Government is facing a crisis in its recruitment and retention efforts. The problem is so critical that the General Accounting Office, GAO, has placed the so-called 'human capital crisis' on its High Risk List. According to the GAO, nearly 50 percent of the Federal workforce will be eligible to retire by 2005. Although no one knows how many will actually retire, this situation poses serious challenges for succession planning in addition to mission performance. Public Service Recognition Week provides an opportunity for individuals to gain a deeper understanding of the exciting and challenging work in the Federal Government and career opportunities available.

I invite my colleagues to honor the patriotic commitment to public service that our Federal employees exemplify and to join in the Federal Government's annual celebration. During the week there will be an extensive exhibit on the National Mall in Washington, D.C., showcasing many of our Federal agencies and branches of the military, as well as highlighting the services these agencies provide. In addition to the Mall exhibits, I encourage my colleagues to recognize Federal employees in their states, as well as State and local government employees, to let them know how much their work is appreciated.

SENATE RESOLUTION 131—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD AWARD THE PRESIDENTIAL MEDAL OF FREEDOM TO GENERAL RAYMOND G. DAVIS, USMC (RETIRED)

Mr. MILLER (for himself, Mr. BURNS, Mr. WARNER, Mr. CHAMBLISS, and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 131

Whereas General Raymond G. Davis courageously served his country as a Marine in World War II, Korea, and Vietnam during 33 years of highly distinguished service;

Whereas General Davis was presented with the Medal of Honor by President Harry Truman for his heroic action in Korea;

Whereas General Davis culminated his extraordinary career in the Marines by serving as Assistant Commandant to the Marine Corps in 1972;

Whereas General Davis has worked tirelessly on behalf of military veterans since his retirement;

Whereas General Davis' determination and initiative led to the approval of the Korean War Veterans Memorial design, construction, and dedication in July of 1995;

Whereas General Davis has devoted a significant amount of time and energy to the ongoing construction of a Georgia War Veterans Memorial Park in Rockdale County, Georgia; and

Whereas General Davis, as an active duty Marine and as a private citizen, has demonstrated exemplary courage, unwavering devotion to duty, inspiring leadership, and sound judgment: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should award the Presidential Medal of Freedom to General Raymond G. Davis, USMC (retired).

AMENDMENTS SUBMITTED & PROPOSED

SA 533. Mr. McCONNELL (for Mr. LUGAR) proposed an amendment to the joint resolution S.J. Res. 3, expressing the sense of Congress with respect to human rights in Central Asia.

SA 534. Mr. McCONNELL (for Mr. LUGAR) proposed an amendment to the joint resolution S.J. Res. 3, supra.

TEXT OF AMENDMENTS

SA 533. Mr. McCONNELL (for Mr. LUGAR) proposed an amendment to the joint resolution S.J. Res. 3, expressing the sense of Congress with respect to human rights in Central Asia; as follows:

Strike all after the resolving clause and insert the following:

That it is the sense of Congress that—

(1) the governments of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan should accelerate democratic reforms and fulfill their human rights obligations, including, where appropriate, by—

(A) releasing from prison anyone jailed for peaceful political activism or the nonviolent expression of their political or religious beliefs;

(B) fully investigating any credible allegations of torture and prosecuting those responsible;

(C) permitting the free and unfettered functioning of independent media outlets, independent political parties, and nongovernmental organizations, including by easing registration processes;

(D) permitting the free exercise of religious beliefs and ceasing the persecution of members of religious groups and denominations that do not engage in violence or political change through violence;

(E) holding free, competitive, and fair elections; and

(F) making publicly available documentation of their revenues and punishing those engaged in official corruption;

(2) the President, the Secretary of State, and the Secretary of Defense should—

(A) continue to raise at the highest levels with the governments of the nations of Central Asia specific cases of political and religious persecution, and to urge greater respect for human rights and democratic freedoms at every diplomatic opportunity;

(B) take progress in meeting the goals specified in paragraph (1) into account when determining the scope and nature of our diplomatic and military relations and assistance with each of such governments;

(C) ensure that the provisions of foreign operations appropriations Acts are fully implemented to ensure that no United States assistance benefits security forces in Central Asia that are implicated in violations of human rights;

(D) press the Government of Turkmenistan to implement the helpful recommendations contained in the so-called "Moscow Mechanism" Report of the Organization for Security and Cooperation in Europe (OSCE) respect the right of all prisoners to due process and a fair trial and release democratic activists and their family members from prison;

(E) urge the Government of Russia not to extradite to Turkmenistan members of the political opposition of Turkmenistan;

(F) work with the Government of Kazakhstan to create a political climate free of intimidation and harassment, including releasing political prisoners and permitting the return of political exiles, and to reduce official corruption, including by urging the Government of Kazakhstan to cooperate with the ongoing Department of Justice investigation;

(G) support through United States assistance programs individuals, nongovernmental organizations, and media outlets in Central Asia working to build more open societies, to support the victims of human rights abuses, and to expose official corruption; and

(H) press the Government of Uzbekistan to implement fully the recommendations made to the Government of Uzbekistan by the United Nation's Special Rapporteur on Torture; and

(3) increased levels of United States assistance to the governments of the nations of Central Asia made possible by their cooperation in the war in Afghanistan can be sustained only if there is substantial and continuing progress towards meeting the goals specified in paragraph (1).

SA 534. Mr. McCONNELL (for Mr. LUGAR) proposed an amendment to the joint resolution S.J. Res. 3, expressing the sense of Congress with respect to human rights in Central Asia; as follows:

Strike the preamble and insert the following:

Whereas the Central Asian nations of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan are providing the United States with assistance in the war in Afghanistan, from military basing and overflight rights to the facilitation of humanitarian relief;

Whereas in turn the United States victory over the Taliban in Afghanistan provides important benefits to the Central Asian nations by removing a regime that threatened their security and by significantly weakening the Islamic Movement of Uzbekistan, a terrorist organization that had previously staged armed raids from Afghanistan into the region;

Whereas the United States has consistently urged the nations of Central Asia to open their political systems and economies and to respect human rights, both before and since the attacks of September 11, 2001;

Whereas Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan are members of the United Nations and the Organization for Security and Cooperation in Europe (OSCE), both of which confer a range of obligations with respect to human rights on their members;

Whereas while the United States recognizes marked differences among the social structures and commitments to democratic and economic reform of the Central Asian nations, the United States notes nevertheless, according to the State Department Country Reports on Human Rights Practices, that all five governments of such nations, to differing degrees, restrict freedom of speech and association, restrict or ban the activities of human rights organizations and other non-governmental organizations, harass or prohibit independent media, imprison political opponents, practice arbitrary detention and arrest, and engage in torture and extrajudical executions;

Whereas by continuing to suppress human rights and to deny citizens peaceful, democratic means of expressing their convictions, the nations of Central Asia risk fueling popular support for violent and extremist movements, thus undermining the goals of the war on terrorism;

Whereas President George W. Bush has made the defense of human dignity, the rule of law, limits on the power of the state, respect for women and private property, free speech, equal justice, religious tolerance strategic goals of United States foreign policy in the Islamic world, arguing that "a truly strong nation will permit legal avenues of dissent for all groups that pursue their aspirations without violence"; and

Whereas Congress has expressed its desire to see deeper reform in Central Asia in past resolutions and other legislation, most recently conditioning assistance to Uzbekistan and Kazakhstan on their progress in meeting commitments to the United States on human rights and democracy: Now, therefore, be it

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 1, 2003, at 9:30 a.m. in SR–253 on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 1, 2003, at 2:30 p.m. in SR–253 on Nanotechnology.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Thursday, May 1, at 10 a.m. to consider Comprehensive Energy Legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 1, 2003 at 10 a.m. to hold a Nomination Hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, May 1, 2003 at 10:00 a.m. for a hearing entitled "Investing in Homeland Security: Streamlining and Enhancing Homeland Security Grant Programs."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Thursday, May 1, 2003, at 10:30 a.m. in Dirksen Room 226.

I. Nominations: Carolyn B. Kuhl to be U.S. Circuit Judge for the Ninth Circuit, John G. Roberts, Jr. to be U.S. Circuit Judge for the District of Columbia Circuit, J. Leon Holmes to be U.S. District Judge for the Eastern District of Arkansas, and Patricia Head Minaldi to be U.S. District Judge for the Western District of Louisiana.

II. Bills: S. Res. 75, A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers [CAMPBELL, LEAHY, HATCH, BIDEN, DURBIN].

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a roundtable entitled "SBA Re-Authorization: Credit Programs (Part II)" and other matters on Thursday, May 1, 2003, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

THE PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, May 1, 2003 at 2:30 p.m. to hold a closed mark-up.

THE PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

AMENDED FROM 2002 4TH QUARTER—CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1, TO DEC. 31, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jon Kamarck:									
Japan	Dollar		1,356.00		7,155.21				8,511.21
Total			1,356.00		7,155.21				8,511.21

TED STEVENS,
Chairman, Committee on Appropriations, Apr. 2, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bill Nelson:									
Haiti	Dollar		46.00						46.00
Karen Cully:									
Haiti	Dollar						110.00		110.00
Senator John McCain:									
Germany	Euro		518.00						518.00
Senator Joseph I. Lieberman:									
Germany	Euro		600.00						600.00
Senator Jack Reed:									
Germany	Euro		476.95						476.95
Senator Lindsey Graham:									
Germany	Euro		650.00						650.00
Frederick M. Downey:									
Germany	Euro		632.00						632.00
Daniel C. Twining:									
Germany	Euro		720.00						720.00
Senator John Warner:									
Italy	Dollar		109.00						109.00
Qatar	Dollar		305.00						305.00
Pakistan	Dollar		46.00						46.00
Kuwait	Dollar		258.00						258.00
United Kingdom	Dollar		223.00						223.00
Senator Carl Levin:									
Qatar	Dollar		290.00						290.00
Pakistan	Dollar		46.00						46.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2003—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kuwait	Dollar		258.00						258.00
United Kingdom	Dollar		449.00						449.00
Senator Pat Roberts:									
Italy	Dollar		189.00						189.00
Qatar	Dollar		568.00						568.00
Pakistan	Dollar		320.00						320.00
Kuwait	Dollar		439.00						439.00
United Kingdom	Dollar		449.00						449.00
Judith A. Ansley:									
Italy	Dollar		111.00						111.00
Qatar	Dollar		391.00						391.00
Pakistan	Dollar		87.00						87.00
Kuwait	Dollar		259.00						259.00
United Kingdom	Dollar		278.00						278.00
Richard D. DeBobes:									
Qatar	Dollar		393.00						393.00
Italy	Dollar		119.00						119.00
Pakistan	Dollar		67.00						67.00
Kuwait	Dollar		270.00						270.00
United Kingdom	Dollar		261.00						261.00
John F. Eisold:									
Italy	Dollar		59.00						59.00
Qatar	Dollar		305.50						305.50
Pakistan	Dollar		300.00						300.00
Kuwait	Dollar		303.00						303.00
United Kingdom	Dollar		295.00						295.00
Charles W. Alsup:									
Colombia	Peso		445.70		1,451.90		31.25		1,928.85
Evelyn N. Farkas:									
Colombia	Peso		385.12		1,451.90				1,837.02
Total			11,921.27		2,903.80		141.25		14,966.32

JOHN WARNER,
Chairman, Committee on Armed Services, Apr. 1, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 17504(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby:									
United States	Dollar				7,954.40				7,954.40
United Kingdom	Pound		772.00		3,041.39				3,813.39
Switzerland	Franc		952.00						952.00
Kathleen L. Casey:									
United States	Dollar				8,308.32				8,308.32
United Kingdom	Pound		1,144.00						1,144.00
Total			2,868.00		19,304.11				22,172.11

RICHARD SHELBY,
Chairman, Committee on Banking, Housing, and Urban Affairs,
Mar. 19, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jo-Ellen Darcy:									
United States	Dollar				4,975.50				4,975.50
Chile	Peso		910.00						910.00
Patricia Doerr:									
United States	Dollar				5,718.50				5,718.50
Chile	Peso		910.00						910.00
Genevieve Erny:									
United States	Dollar				5,718.50				5,718.50
Chile	Peso		910.00						910.00
Edward Michaels:									
United States	Dollar				5,718.50				5,718.50
Chile	Peso		910.00						910.00
Christy Plumer:									
United States	Dollar				5,718.50				5,718.50
Chile	Peso		910.00						910.00
Senator James Jeffords:									
United States	Dollar				6,993.00				6,993.00
France	Euro		2,116.00				3,937.25		6,053.25
Edward Barron:									
United States	Dollar				6,993.00				6,993.00
France	Euro		2,116.00				3,937.25		6,053.25
Erik Smulson:									
United States	Dollar				6,993.00				6,993.00
France	Euro		2,116.00				3,937.25		6,053.25
Jeffrey Squires:									
United States	Dollar				6,846.36				6,846.36
France	Euro		2,116.00				3,937.25		6,053.25

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2002—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			13,014.00		55,674.86		15,749.00		84,437.86

JAMES INHOFE,
Chairman, Committee on Evironment and Public Works, Apr. 24, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph Biden:									
Switzerland	Dollar		1,262.80						1,262.80
Senator Lincoln Chafee:									
Panama	Dollar		174.00						174.00
Colombia	Dollar		175.00						175.00
Guyana	Dollar		66.00						66.00
Haiti	Dollar		234.00						234.00
Senator Christopher Dodd:									
Ireland	Dollar		439.00						439.00
Spain	Euro		240.00						240.00
United States	Dollar				4,663.24				4,663.24
Senator Russell Feingold:									
Botswana	Pula		262.00						262.00
South Africa	Rand		625.00						625.00
United States	Dollar				8,827.94				8,827.94
Jonah Blank:									
India	Dollar		3,900.00						3,900.00
Bangladesh	Dollar		210.00						210.00
Nepal	Dollar		890.00						890.00
Bhutan	Dollar		680.00						680.00
United States	Dollar				7,020.18				7,020.18
Deborah Brayton:									
Panama	Dollar		174.00						174.00
Colombia	Dollar		175.00						175.00
Guyana	Dollar		198.00						198.00
Haiti	Dollar		234.00						234.00
Michelle Gavin:									
Botswana	Pula		262.00						262.00
South Africa	Rand		625.00						625.00
United States	Dollar				8,827.94				8,827.94
Michael Haltzel:									
United Kingdom	Pound		1,197.00						1,197.00
United States	Dollar				5,823.63				5,823.63
Frank Jannuzi:									
South Korea	Won		646.00						646.00
China	Yuan		1,806.00						1,806.00
United States	Dollar				4,669.11				4,669.11
Jofi Joseph:									
Belgium	Euro		903.00						903.00
France	Euro		450.00						450.00
United States	Dollar				6,306.41				6,306.41
MaryEllen McGuire:									
Afghanistan	Dollar		1,016.00		800.00				1,816.00
United Arab Emirates	Dollar		856.00						856.00
United States	Dollar				6,578.48				6,578.48
Janice O'Connell:									
Spain	Euro		1,184.00						1,184.00
United States	Dollar				4,159.41				4,159.41
Jennifer Simon:									
France	Euro		632.00						632.00
United States	Dollar				6,020.69				6,020.69
Total			19,515.80		63,697.03				83,212.83

RICHARD LUGAR,
Chairman, Committee on Foreign Relations, Apr. 7, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON JUDICIARY FOR TRAVEL FROM OCT. 1, 2002 TO DEC. 31, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Chung [Sean] Woo:									
China	Yuan		1,407.00				350.00		1,757.00
Korea	Won		792.00				150.00		942.00
United States	Dollar				4,394.66				4,394.66
Total			2,199.00		4,394.66		500.00		7,093.66

ORRIN HATCH,
Chairman, Committee on Judiciary, Apr. 23, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
James Barnett			194.00						194.00
Ann O'Donnell			194.00						194.00
James Barnett			647.00						647.00
Laura Parker			264.00						264.00
Senator John D. Rockefeller			1,191.00						1,191.000
Senator Mike DeWine			725.00						725.00
Ann O'Donnell			694.00						694.00
Total			3,909.00						3,909.00

PAT ROBERTS,
Chairman, Committee on Intelligence, Mar. 26, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SENATOR TOM DASCHLE, DEMOCRATIC LEADER FOR TRAVEL FROM SEPT. 30 TO DEC. 31, 2002

Name	Country	Name of currency	Per diem (U.S. Dollar Equivalent)	Transportation (U.S. Dollar Equivalent)	Miscellaneous (U.S. Dollar Equivalent)	Total
Senator Joseph Lieberman:						
United States	Dollar			5,742.50		5,742.50
Israel	Shekel		2,368.00			2,368.00
Bahrain	Dinar		321.00			321.00
Saudi Arabia	Riyal		271.13			271.13
Fred Downey:						
United States	Dollar			5,990.50		5,990.50
Israel	Shekel		2,900.00			2,900.00
Bahrain	Dinar		321.00			321.00
Saudi Arabia	Riyal		171.00			171.00
Delegation Expenses:*						
Israel	Shekel				20,653.00	20,653.00
Saudi Arabia	Riyal				823.34	823.34
Total			6,352.13	11,733.00	21,476.34	39,561.47

*Delegation expenses include payments and reimbursements to the Department of State under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

TOM DASCHLE,
Democratic Leader, Mar. 31, 2003.

UNANIMOUS CONSENT AGREEMENT—S. 14

Mr. McCONNELL. Mr. President, I ask unanimous consent that on Tuesday, May 6, at a time to be determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of calendar No. 79, S. 14, the energy bill; provided further, that no amendments be in order to the bill prior to Thursday, May 8, or one day following the report's availability, whichever is later.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

Mr. McCONNELL. Mr. President, in executive session, I ask unanimous consent that the Senate resume consideration of calendar No. 21, the nomination of Miguel Estrada.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The assistant legislative clerk read as follows:

Nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION.

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 21, the nomination of Miguel A. Estrada to be United States Circuit Judge for the District of Columbia Circuit.

Bill Frist, Orrin Hatch, Judd Gregg, Norm Coleman, John E. Sununu, John Cornyn, Larry E. Craig, Saxby Chambliss, Lisa Murkowski, Jim Talent, Olympia Snowe, Mike DeWine, Michael B. Enzi, Lindsey Graham, Jeff Sessions.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the live quorum under Rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to consider the following nominations on today's executive calendar: Calendar Nos. 56, 103, 157, 158, 159, 161, 162, 163, 164, and all nominations on the Secretary's desk in the Army and Marine Corps.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF ENERGY

Linton F. Brooks, of Virginia, to be Under Secretary for Nuclear Security, Department of Energy.

DEPARTMENT OF THE TREASURY

Mark W. Everson, of Texas, to be Commissioner of Internal Revenue for a term of five years.

DEPARTMENT OF DEFENSE

Lawrence Mohr, Jr., of South Carolina, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2003.

Sharon Falkenheimer, of Texas, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2007.

MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Henry P. Osman, 9358

The following named officer for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Douglas M. Stone, 0227

NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Thomas K. Burkhard, 8249

ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. James J. Lovelace, Jr., 0304

TENNESSEE VALLEY AUTHORITY

Richard W. Moore, of Alabama, to be Inspector General, Tennessee Valley Authority. (New Position)

NOMINATIONS PLACED ON THE SECRETARY'S DESK

ARMY

PN208 Army nominations (68) beginning CURTIS J ALITX, and ending MARY J WYMAN, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003

PN210 Army nominations (24) beginning RICHARD P BEIN, and ending KELLY E TAYLOR, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003

PN211 Army nominations (18) beginning DEBORAH K BETTS, and ending DAVID WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003

PN444 Army nominations of James R. Kerin, Jr., which was received by the Senate and appeared in the Congressional Record of March 26, 2003

PN462 Army nominations (60) beginning HENRY E ABERCROMBIE, and ending MICHELLE F YARBOROUGH, which nominations were received by the Senate and appeared in the Congressional Record of March 26, 2003

PN463 Army nominations (27) beginning MICHAEL P ARMSTRONG, and ending CRAIG M WHITEHILL, which nominations were received by the Senate and appeared in the Congressional Record of March 26, 2003

PN464 Army nominations (47) beginning JOHN F AGOGLIA, and ending JEFFREY R WITSKEN, which nominations were received by the Senate and appeared in the Congressional Record of March 26, 2003

PN465 Army nominations (320) beginning PAUL F ABEL, JR., and ending X4432, which nominations were received by the Senate and appeared in the Congressional Record of March 26, 2003

PN507 Army nomination of William T. Boyd, which nomination was received by the Senate and appeared in the Congressional Record of April 7, 2003

PN508 Army nominations (5) beginning RICHARD D DANIELS, and ending GEORGE G PERRY, III, which nominations were received by the Senate and appeared in the Congressional Record of April 7, 2003

PN509 Army nominations (5) beginning GARY L HAMMETT, and ending DAVID L SMITH, which nominations were received by the Senate and appeared in the Congressional Record of April 7, 2003

PN522 Army nominations (3) beginning EDWARD A HEVENER, and ending ZEB S REGAN, JR., which nominations were received by the Senate and appeared in the Congressional Record of April 10, 2003

MARINE CORPS

PN327 Marine Corps nomination of Kenneth O. Spittler, which was received by the Senate and appeared in the Congressional Record of February 11, 2003

PN329 Marine Corps nominations (3) beginning THOMAS DUHS, and ending WILLIAM M LAKE, which nominations were received by the Senate and appeared in the Congressional Record of February 11, 2003

PN339 Marine Corps nominations (3) beginning PATRICK W BURNS, and ending DANIEL S RYMAN, which nominations were received by the Senate and appeared in the Congressional Record of February 11, 2003

PN424 Marine Corps nominations (112) beginning DONALD J ANDERSON, and ending DONALD W ZAUTCKE, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2003

PN445 Marine Corps nominations (2) beginning SEAN T MULCAHY, and ending STEVEN H MATTOS, which nominations were received by the Senate and appeared in the Congressional Record of March 24, 2003

PN446 Marine Corps nomination of Franklin McLain, which was received by the Senate and appeared in the Congressional Record of March 24, 2003

PN447 Marine Corps nominations (29) beginning BRYAN DELGADO, and ending PAUL A ZACHARZUK, which nominations were received by the Senate and appeared in the Congressional Record of March 24, 2003

PN466 Marine Corps nomination of Michael H. Gamble, which was received by the Senate and appeared in the Congressional Record of March 26, 2003

PN467 Marine Corps nomination of Jeffrey L. Miller, which was received by the Senate and appeared in the Congressional Record of March 26, 2003

PN489 Marine Corps nomination of Barett R. Byrd, which was received by the Senate and appeared in the Congressional Record of April 2, 2003

PN510 Marine Corps nominations (99) beginning JEFFREY ACOSTA, and ending JOHN G WEMETT, which were received by the Senate and appeared in the Congressional Record of April 7, 2003

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

UNDERGROUND STORAGE TANK COMPLIANCE ACT OF 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar item No. 25, S. 195.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 195) to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with an amendment.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Underground Storage Tank Compliance Act of 2003".

[SEC. 2. LEAKING UNDERGROUND STORAGE TANKS.

[Section 9004 of the Solid Waste Disposal Act (42 U.S.C. 6991c) is amended by adding at the end the following:

["(f) TRUST FUND DISTRIBUTION.—

["(1) IN GENERAL.—

["(A) AMOUNT AND PERMITTED USES OF DISTRIBUTION.—The Administrator shall distribute to States not less than 80 percent of the funds from the Trust Fund that are made available to the Administrator under section 9014(2)(A) for each fiscal year for use in paying the reasonable costs, incurred under a cooperative agreement with any State, of—

["(i) actions taken by the State under section 9003(h)(7)(A);

["(ii) necessary administrative expenses, as determined by the Administrator, that are directly related to corrective action and compensation programs under subsection (c)(1);

["(iii) any corrective action and compensation program carried out under subsection (c)(1) for a release from an underground storage tank regulated under this subtitle to the extent that, as determined by the State in accordance with guidelines developed jointly by the Administrator and the State, the financial resources of the owner or operator of the underground storage tank (including resources provided by a program in accordance with subsection (c)(1)) are not adequate to pay the cost of a corrective action without significantly impairing the ability of the owner or operator to continue in business;

["(iv) enforcement by the State or a local government of State or local regulations pertaining to underground storage tanks regulated under this subtitle; or

["(v) State or local corrective actions carried out under regulations promulgated under section 9003(c)(4).

["(B) USE OF FUNDS FOR ENFORCEMENT.—In addition to the uses of funds authorized under subparagraph (A), the Administrator may use funds from the Trust Fund that are not distributed to States under subparagraph (A) for enforcement of any regulation promulgated by the Administrator under this subtitle.

["(C) PROHIBITED USES.—Except as provided in subparagraph (A)(iii), under any similar requirement of a State program approved under this section, or in any similar State or local provision as determined by the Administrator, funds provided to a State by the Administrator under subparagraph (A) shall not be used by the State to provide financial assistance to an owner or operator to meet any requirement relating to underground storage tanks under part 280 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

[“(2) ALLOCATION.—

[“(A) PROCESS.—Subject to subparagraph (B), in the case of a State with which the Administrator has entered into a cooperative agreement under section 9003(h)(7)(A), the Administrator shall distribute funds from the Trust Fund to the State using the allocation process developed by the Administrator.

[“(B) REVISIONS TO PROCESS.—The Administrator may revise the allocation process referred to in subparagraph (A) with respect to a State only after—

[“(i) consulting with—

[“(I) State agencies responsible for overseeing corrective action for releases from underground storage tanks;

[“(II) owners; and

[“(III) operators; and

[“(ii) taking into consideration, at a minimum—

[“(I) the total tax revenue contributed to the Trust Fund from all sources within the State;

[“(II) the number of confirmed releases from federally regulated underground storage tanks in the State;

[“(III) the number of federally regulated underground storage tanks in the State;

[“(IV) the percentage of the population of the State that uses groundwater for any beneficial purpose;

[“(V) the performance of the State in implementing and enforcing the program;

[“(VI) the financial needs of the State; and

[“(VII) the ability of the State to use the funds referred to in subparagraph (A) in any year.

[“(3) DISTRIBUTIONS TO STATE AGENCIES.—Distributions from the Trust Fund under this subsection shall be made directly to a State agency that—

[“(A) enters into a cooperative agreement referred to in paragraph (2)(A); or

[“(B) is enforcing a State program approved under this section.

[“(4) COST RECOVERY PROHIBITION.—Funds from the Trust Fund provided by States to owners or operators under paragraph (1)(A)(iii) shall not be subject to cost recovery by the Administrator under section 9003(h)(6).”.

[SEC. 3. INSPECTION OF UNDERGROUND STORAGE TANKS.

[Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended—

[(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

[(2) by inserting before subsection (b) (as redesignated by paragraph (1)) the following:

[“(a) INSPECTION REQUIREMENTS.—Not later than 2 years after the date of enactment of the Underground Storage Tank Compliance Act of 2003, and at least once every 2 years thereafter, the Administrator or a State with a program approved under section 9004, as appropriate, shall require that all underground storage tanks regulated under this subtitle undergo onsite inspections for compliance with regulations promulgated under section 9003(c).”.

[SEC. 4. OPERATOR TRAINING.

[Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by striking section 9010 and inserting the following:

[“SEC. 9010. OPERATOR TRAINING.

[“(a) GUIDELINES.—

[“(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Underground Storage Tank Compliance Act of 2003, in cooperation with States, owners, and operators, the Administrator shall publish in the Federal Register, after public notice and opportunity for comment, guidelines that specify methods for training operators of underground storage tanks.

[“(2) CONSIDERATIONS.—The guidelines described in paragraph (1) shall take into account—

[“(A) State training programs in existence as of the date of publication of the guidelines;

[“(B) training programs that are being employed by owners and operators as of the date of enactment of this paragraph;

[“(C) the high turnover rate of operators;

[“(D) the frequency of improvement in underground storage tank equipment technology;

[“(E) the nature of the businesses in which the operators are engaged; and

[“(F) such other factors as the Administrator determines to be necessary to carry out this section.

[“(b) STATE PROGRAMS.—

[“(1) IN GENERAL.—Not later than 2 years after the date on which the Administrator publishes the guidelines under subsection (a)(1), each State shall develop and implement a strategy for the training of operators of underground storage tanks that is consistent with paragraph (2).

[“(2) REQUIREMENTS.—A State strategy described in paragraph (1) shall—

[“(A) be consistent with subsection (a);

[“(B) be developed in cooperation with owners and operators; and

[“(C) take into consideration training programs implemented by owners and operators as of the date of enactment of this subsection.

[“(3) FINANCIAL INCENTIVE.—The Administrator may award to a State that develops and implements a strategy described in paragraph (1), in addition to any funds that the State is entitled to receive under this subtitle, not more than $50,000, to be used to carry out the strategy.”.

[SEC. 5. REMEDIATION OF MTBE CONTAMINATION.

[Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended—

[(1) in paragraph (7)(A)—

[(A) by striking “paragraphs (1) and (2) of this subsection” and inserting “paragraphs (1), (2), and (12)”; and

[(B) by striking “, and including the authorities of paragraphs (4), (6), and (8) of this subsection” and inserting “and the authority under sections 9005(a) and 9011 and paragraphs (4), (6), and (8),”; and

[(2) by adding at the end the following:

[“(12) REMEDIATION OF MTBE CONTAMINATION.—

[“(A) IN GENERAL.—The Administrator and the States may use funds made available under section 9014(2)(B) to carry out corrective actions with respect to a release of methyl tertiary butyl ether that presents a threat to human health or welfare or the environment.

[“(B) APPLICABLE AUTHORITY.—The Administrator or a State shall carry out subparagraph (A)—

[“(i) in accordance with paragraph (2), except that a release with respect to which a corrective action is carried out under subparagraph (A) shall not be required to be from an underground storage tank; and

[“(ii) in the case of a State, in accordance with a cooperative agreement entered into by the Administrator and the State under paragraph (7).”.

[SEC. 6. RELEASE PREVENTION, COMPLIANCE, AND ENFORCEMENT.

[(a) RELEASE PREVENTION AND COMPLIANCE.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 4) is amended by adding at the end the following:

[“SEC. 9011. USE OF FUNDS FOR RELEASE PREVENTION AND COMPLIANCE.

[“Funds made available under section 9014(2)(D) from the Trust Fund may be used to conduct inspections, issue orders, or bring actions under this subtitle—

[“(1) by a State, in accordance with a grant or cooperative agreement with the Administrator, of State regulations pertaining to underground storage tanks regulated under this subtitle; and

[“(2) by the Administrator, under this subtitle (including under a State program approved under section 9004).”.

[(b) GOVERNMENT-OWNED TANKS.—Section 9003 of the Solid Waste Disposal Act (42 U.S.C. 6991b) is amended by adding at the end the following:

[“(i) GOVERNMENT-OWNED TANKS.—

[“(1) IMPLEMENTATION REPORT.—

[“(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, each State shall submit to the Administrator an implementation report that—

[“(i) lists each underground storage tank described in subparagraph (B) in the State that, as of the date of submission of the report, is not in compliance with this subtitle; and

[“(ii) describes the actions that have been and will be taken to ensure compliance by the underground storage tank listed under clause (i) with this subtitle.

[“(B) UNDERGROUND STORAGE TANK.—An underground storage tank described in this subparagraph is an underground storage tank that is—

[“(i) regulated under this subtitle; and

[“(ii) owned or operated by the State government or any local government.

[“(C) PUBLIC AVAILABILITY.—The Administrator shall make each report received under subparagraph (A) available to the public on the Internet.

[“(2) FINANCIAL INCENTIVE.—The Administrator may award to a State that develops an implementation report described in paragraph (1), in addition to any funds that the State is entitled to receive under this subtitle, not more than $50,000, to be used to carry out the implementation report.

[“(3) NOT A SAFE HARBOR.—This subsection does not relieve any person from any obligation or requirement under this subtitle.”.

[(c) INCENTIVES FOR PERFORMANCE.—Section 9006 of the Solid Waste Disposal Act (42 U.S.C. 6991e) is amended by adding at the end the following:

[“(e) INCENTIVES FOR PERFORMANCE.—In determining the terms of a compliance order under subsection (a), or the amount of a civil penalty under subsection (d), the Administrator, or a State under a program approved under section 9004, may take into consideration whether an owner or operator—

[“(1) has a history of operating underground storage tanks of the owner or operator in accordance with—

[“(A) this subtitle; or

[“(B) a State program approved under section 9004;

[“(2) has repeatedly violated—

[“(A) this subtitle; or

[“(B) a State program approved under section 9004; or

[“(3) has implemented a program, consistent with guidelines published under section 9010, that provides training to persons responsible for operating any underground storage tank of the owner or operator.”.

[(d) AUTHORITY TO PROHIBIT CERTAIN DELIVERIES.—Section 9006 of the Solid Waste

Disposal Act (42 U.S.C. 6991e) (as amended by subsection (c)) is amended by adding at the end the following:

["(f) Authority To Prohibit Certain Deliveries.—

["(1) In general.—Subject to paragraph (2), beginning 180 days after the date of enactment of this subsection, the Administrator or a State may prohibit the delivery of regulated substances to underground storage tanks that are not in compliance with—

["(A) a requirement or standard promulgated by the Administrator under section 9003; or

["(B) a requirement or standard of a State program approved under section 9004.

["(2) Limitations.—

["(A) Specified geographic areas.—Subject to subparagraph (B), under paragraph (1), the Administrator or a State shall not prohibit a delivery if the prohibition would jeopardize the availability of, or access to, fuel in any specified geographic area.

["(B) Applicability of limitation.—The limitation under subparagraph (A) shall apply only during the 180-day period following the date of a determination by the Administrator that exercising the authority of paragraph (1) is limited by subparagraph (A).

["(C) Guidelines.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall issue guidelines that define the term 'specified geographic area' for the purpose of subparagraph (A).

["(3) Authority to issue guidelines.—Subject to paragraph (2)(C), the Administrator, after consultation with States, may issue guidelines for carrying out this subsection.

["(4) Enforcement, compliance, and penalties.—The Administrator may use the authority under the enforcement, compliance, or penalty provisions of this subtitle to carry out this subsection.

["(5) Effect on state authority.—Nothing in this subsection affects the authority of a State to prohibit the delivery of a regulated substance to an underground storage tank.".

[(e) Public Record.—Section 9002 of the Solid Waste Disposal Act (42 U.S.C. 6991a) is amended by adding at the end the following:

["(d) Public Record.—

["(1) In general.—The Administrator shall require each State and Indian tribe that receives Federal funds to carry out this subtitle to maintain, update at least annually, and make available to the public, in such manner and form as the Administrator shall prescribe (after consultation with States and Indian tribes), a record of underground storage tanks regulated under this subtitle.

["(2) Considerations.—To the maximum extent practicable, the public record of a State or Indian tribe, respectively, shall include, for each year—

["(A) the number, sources, and causes of underground storage tank releases in the State or tribal area;

["(B) the record of compliance by underground storage tanks in the State or tribal area with—

["(i) this subtitle; or

["(ii) an applicable State program approved under section 9004; and

["(C) data on the number of underground storage tank equipment failures in the State or tribal area.

["(3) Availability.—The Administrator shall make the public record of each State and Indian tribe under this section available to the public electronically.".

[SEC. 7. FEDERAL FACILITIES.

[Section 9007 of the Solid Waste Disposal Act (42 U.S.C. 6991f) is amended by adding at the end the following:

["(c) Review of, and Report on, Federal Underground Storage Tanks.—

["(1) Review.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in cooperation with each Federal agency that owns or operates 1 or more underground storage tanks or that manages land on which 1 or more underground storage tanks are located, shall review the status of compliance of those underground storage tanks with this subtitle.

["(2) Implementation report.—

["(A) In general.—Not later than 2 years after the date of enactment of this subsection, each Federal agency described in paragraph (1) shall submit to the Administrator and to each State in which an underground storage tank described in paragraph (1) is located an implementation report that—

["(i) lists each underground storage tank described in paragraph (1) that, as of the date of submission of the report, is not in compliance with this subtitle; and

["(ii) describes the actions that have been and will be taken to ensure compliance by the underground storage tank with this subtitle.

["(B) Public availability.—The Administrator shall make each report received under subparagraph (A) available to the public on the Internet.

["(3) Not a safe harbor.—This subsection does not relieve any person from any obligation or requirement under this subtitle.

["(d) Applicability of Certain Requirements.—Section 6001(a) shall apply to each department, agency, and instrumentality covered by subsection (a).".

[SEC. 8. TANKS UNDER THE JURISDICTION OF INDIAN TRIBES.

[Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 6(a)) is amended by adding at the end the following:

["SEC. 9012. TANKS UNDER THE JURISDICTION OF INDIAN TRIBES.

["(a) In General.—The Administrator, in coordination with Indian tribes, shall—

["(1) not later than 1 year after the date of enactment of this section, develop and implement a strategy—

["(A) giving priority to releases that present the greatest threat to human health or the environment, to take necessary corrective action in response to releases from leaking underground storage tanks located wholly within the boundaries of—

["(i) an Indian reservation; or

["(ii) any other area under the jurisdiction of an Indian tribe; and

["(B) to implement and enforce requirements concerning underground storage tanks located wholly within the boundaries of—

["(i) an Indian reservation; or

["(ii) any other area under the jurisdiction of an Indian tribe;

["(2) not later than 2 years after the date of enactment of this section and every 2 years thereafter, submit to Congress a report that summarizes the status of implementation and enforcement of the underground storage tank program in areas located wholly within—

["(A) the boundaries of Indian reservations; and

["(B) any other areas under the jurisdiction of an Indian tribe; and

["(3) make the report described in paragraph (2) available to the public on the Internet.

["(b) Not a Safe Harbor.—This section does not relieve any person from any obligation or requirement under this subtitle.

["(c) State Authority.—Nothing in this section applies to any underground storage tank that is located in an area under the jurisdiction of a State, or that is subject to regulation by a State, as of the date of enactment of this section.".

[SEC. 9. STATE AUTHORITY.

[Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 8) is amended by adding at the end the following:

["SEC. 9013. STATE AUTHORITY.

["Nothing in this subtitle precludes a State from establishing any requirement that is more stringent than a requirement under this subtitle.".

[SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

[Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 9) is amended by adding at the end the following:

["SEC. 9014. AUTHORIZATION OF APPROPRIATIONS.

["There are authorized to be appropriated to the Administrator—

["(1) to carry out subtitle I (except sections 9003(h), 9005(a), and 9011) $25,000,000 for each of fiscal years 2004 through 2008; and

["(2) from the Trust Fund, notwithstanding section 9508(c)(1) of the Internal Revenue Code of 1986—

["(A) to carry out section 9003(h) (except section 9003(h)(12)) $150,000,000 for each of fiscal years 2004 through 2008;

["(B) to carry out section 9003(h)(12), $125,000,000 for each of fiscal years 2004 through 2008;

["(C) to carry out section 9005(a)—

["(i) $35,000,000 for each of fiscal years 2004 and 2005; and

["(ii) $20,000,000 for each of fiscal years 2006 through 2009; and

["(D) to carry out section 9011—

["(i) $50,000,000 for fiscal year 2004; and

["(ii) $30,000,000 for each of fiscal years 2005 through 2009.".

[SEC. 11. CONFORMING AMENDMENTS.

[(a) Definitions.—Section 9001 of the Solid Waste Disposal Act (42 U.S.C. 6991) is amended—

[(1) by striking "For the purposes of this subtitle—" and inserting "In this subtitle:";

[(2) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) as paragraphs (10), (7), (4), (3), (8), (5), (2), and (6), respectively, and reordering the paragraphs so as to appear in numerical order;

[(3) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:

["(1) Indian tribe.—

["(A) In general.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community that is recognized as being eligible for special programs and services provided by the United States to Indians because of their status as Indians.

["(B) Inclusions.—The term 'Indian tribe' includes an Alaska Native village, as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)."; and

[(4) by inserting after paragraph (8) (as redesignated by paragraph (2)) the following:

["(9) Trust fund.—The term 'Trust Fund' means the Leaking Underground Storage Tank Trust Fund established by section 9508 of the Internal Revenue Code of 1986.".

[(b) Conforming Amendments.—

[(1) Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended in the table of contents—

[(A) in the item relating to section 9002, by inserting “and public records” after “Notification”; and

[(B) by striking the item relating to section 9010 and inserting the following:

[“Sec. 9010. Operator training.
[“Sec. 9011. Use of funds for release prevention and compliance.
[“Sec. 9012. Tanks under the jurisdiction of Indian tribes.
[“Sec. 9013. State authority.
[“Sec. 9014. Authorization of appropriations.”.

[(2) Section 9002 of the Solid Waste Disposal Act (42 U.S.C. 6991a) is amended in the section heading by inserting “AND PUBLIC RECORDS” after “NOTIFICATION”.

[(3) Section 9003(f) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)) is amended—

[(A) in paragraph (1), by striking “9001(2)(B)” and inserting “9001(7)(B)”; and

[(B) in paragraphs (2) and (3), by striking “9001(2)(A)” each place it appears and inserting “9001(7)(A)”.

[(4) Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended in paragraphs (1), (2)(C), (7)(A), and (11) by striking “Leaking Underground Storage Tank Trust Fund” each place it appears and inserting “Trust Fund”.

[(5) Section 9009 of the Solid Waste Disposal Act (42 U.S.C. 6991h) is amended—

[(A) in subsection (a), by striking “9001(2)(B)” and inserting “9001(7)(B)”; and

[(B) in subsection (d), by striking “section 9001(1) (A) and (B)” and inserting “subparagraphs (A) and (B) of section 9001(10)”.

[SEC. 12. TECHNICAL AMENDMENTS.

[(a) Section 9001(4)(A) of the Solid Waste Disposal Act (42 U.S.C. 6991(4)(A)) (as amended by section 11(a)(2)) is amended by striking “sustances” and inserting “substances”.

[(b) Section 9003(f)(1) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)(1)) is amended by striking “subsection (c) and (d) of this section” and inserting “subsections (c) and (d)”.

[(c) Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991c(a)) is amended by striking “in 9001(2) (A) or (B) or both” and inserting “in subparagraph (A) or (B) of section 9001(7)”.

[(d) Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) (as amended by section 3) is amended—

[(1) in subsection (b), by striking “study taking” and inserting “study, taking”;

[(2) in subsection (c)(1), by striking “relevent” and inserting “relevant”; and

[(3) in subsection (c)(4), by striking “Evironmental” and inserting “Environmental”.]

SECTION 1. SHORT TITLE.

This Act may be cited as the “Underground Storage Tank Compliance Act of 2003”.

SEC. 2. LEAKING UNDERGROUND STORAGE TANKS.

Section 9004 of the Solid Waste Disposal Act (42 U.S.C. 6991c) is amended by adding at the end the following:

“(f) TRUST FUND DISTRIBUTION.—

“(1) IN GENERAL.—

“(A) AMOUNT AND PERMITTED USES OF DISTRIBUTION.—The Administrator shall distribute to States not less than 80 percent of the funds from the Trust Fund that are made available to the Administrator under section 9014(2)(A) for each fiscal year for use in paying the reasonable costs, incurred under a cooperative agreement with any State, of—

“(i) actions taken by the State under section 9003(h)(7)(A);

“(ii) necessary administrative expenses, as determined by the Administrator, that are directly related to corrective action and compensation programs under subsection (c)(1);

“(iii) any corrective action and compensation program carried out under subsection (c)(1) for a release from an underground storage tank regulated under this subtitle to the extent that, as determined by the State in accordance with guidelines developed jointly by the Administrator and the State, the financial resources of the owner or operator of the underground storage tank (including resources provided by a program in accordance with subsection (c)(1)) are not adequate to pay the cost of a corrective action without significantly impairing the ability of the owner or operator to continue in business;

“(iv) enforcement by the State or a local government of State or local regulations pertaining to underground storage tanks regulated under this subtitle; or

“(v) State or local corrective actions carried out under regulations promulgated under section 9003(c)(4).

“(B) USE OF FUNDS FOR ENFORCEMENT.—In addition to the uses of funds authorized under subparagraph (A), the Administrator may use funds from the Trust Fund that are not distributed to States under subparagraph (A) for enforcement of any regulation promulgated by the Administrator under this subtitle.

“(C) PROHIBITED USES.—Except as provided in subparagraph (A)(iii), under any similar requirement of a State program approved under this section, or in any similar State or local provision as determined by the Administrator, funds provided to a State by the Administrator under subparagraph (A) shall not be used by the State to provide financial assistance to an owner or operator to meet any requirement relating to underground storage tanks under part 280 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

“(2) ALLOCATION.—

“(A) PROCESS.—Subject to subparagraph (B), in the case of a State with which the Administrator has entered into a cooperative agreement under section 9003(h)(7)(A), the Administrator shall distribute funds from the Trust Fund to the State using the allocation process developed by the Administrator.

“(B) REVISIONS TO PROCESS.—The Administrator may revise the allocation process referred to in subparagraph (A) with respect to a State only after—

“(i) consulting with—

“(I) State agencies responsible for overseeing corrective action for releases from underground storage tanks;

“(II) owners; and

“(III) operators; and

“(ii) taking into consideration, at a minimum—

“(I) the total tax revenue contributed to the Trust Fund from all sources within the State;

“(II) the number of confirmed releases from federally regulated underground storage tanks in the State;

“(III) the number of federally regulated underground storage tanks in the State;

“(IV) the percentage of the population of the State that uses groundwater for any beneficial purpose;

“(V) the performance of the State in implementing and enforcing the program;

“(VI) the financial needs of the State; and

“(VII) the ability of the State to use the funds referred to in subparagraph (A) in any year.

“(3) DISTRIBUTIONS TO STATE AGENCIES.—Distributions from the Trust Fund under this subsection shall be made directly to a State agency that—

“(A) enters into a cooperative agreement referred to in paragraph (2)(A); or

“(B) is enforcing a State program approved under this section.

“(4) COST RECOVERY PROHIBITION.—Funds from the Trust Fund provided by States to owners or operators under paragraph (1)(A)(iii) shall not be subject to cost recovery by the Administrator under section 9003(h)(6).”.

SEC. 3. INSPECTION OF UNDERGROUND STORAGE TANKS.

Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by inserting before subsection (b) (as redesignated by paragraph (1)) the following:

“(a) INSPECTION REQUIREMENTS.—Not later than 2 years after the date of enactment of the Underground Storage Tank Compliance Act of 2003, and at least once every 2 years thereafter, the Administrator or a State with a program approved under section 9004, as appropriate, shall require that all underground storage tanks regulated under this subtitle undergo onsite inspections for compliance with regulations promulgated under section 9003(c).”.

SEC. 4. OPERATOR TRAINING.

Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by striking section 9010 and inserting the following:

“SEC. 9010. OPERATOR TRAINING.

“(a) GUIDELINES.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Underground Storage Tank Compliance Act of 2003, in cooperation with States, owners, and operators, the Administrator shall publish in the Federal Register, after public notice and opportunity for comment, guidelines that specify methods for training operators of underground storage tanks.

“(2) CONSIDERATIONS.—The guidelines described in paragraph (1) shall take into account—

“(A) State training programs in existence as of the date of publication of the guidelines;

“(B) training programs that are being employed by owners and operators as of the date of enactment of this paragraph;

“(C) the high turnover rate of operators;

“(D) the frequency of improvement in underground storage tank equipment technology;

“(E) the nature of the businesses in which the operators are engaged; and

“(F) such other factors as the Administrator determines to be necessary to carry out this section.

“(b) STATE PROGRAMS.—

“(1) IN GENERAL.—Not later than 2 years after the date on which the Administrator publishes the guidelines under subsection (a)(1), each State shall develop and implement a strategy for the training of operators of underground storage tanks that is consistent with paragraph (2).

“(2) REQUIREMENTS.—A State strategy described in paragraph (1) shall—

“(A) be consistent with subsection (a);

“(B) be developed in cooperation with owners and operators; and

“(C) take into consideration training programs implemented by owners and operators as of the date of enactment of this subsection.

“(3) FINANCIAL INCENTIVE.—The Administrator may award to a State that develops and implements a strategy described in paragraph (1), in addition to any funds that the State is entitled to receive under this subtitle, not more than $50,000, to be used to carry out the strategy.”.

SEC. 5. REMEDIATION OF MTBE CONTAMINATION.

Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended—

(1) in paragraph (7)(A)—

(A) by striking “paragraphs (1) and (2) of this subsection” and inserting “paragraphs (1), (2), and (12)”; and

(B) by striking “, and including the authorities of paragraphs (4), (6), and (8) of this subsection” and inserting “and the authority

under sections 9005(a) and 9011 and paragraphs (4), (6), and (8),"; and

(2) by adding at the end the following:

"(12) REMEDIATION OF MTBE CONTAMINATION.—

"(A) IN GENERAL.—The Administrator and the States may use funds made available under section 9014(2)(B) to carry out corrective actions with respect to a release of methyl tertiary butyl ether that presents a threat to human health or welfare or the environment.

"(B) APPLICABLE AUTHORITY.—The Administrator or a State shall carry out subparagraph (A)—

"(i) in accordance with paragraph (2), except that a release with respect to which a corrective action is carried out under subparagraph (A) shall not be required to be from an underground storage tank; and

"(ii) in the case of a State, in accordance with a cooperative agreement entered into by the Administrator and the State under paragraph (7).".

SEC. 6. RELEASE PREVENTION, COMPLIANCE, AND ENFORCEMENT.

(a) RELEASE PREVENTION AND COMPLIANCE.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 4) is amended by adding at the end the following:

"SEC. 9011. USE OF FUNDS FOR RELEASE PREVENTION AND COMPLIANCE.

"Funds made available under section 9014(2)(D) from the Trust Fund may be used to conduct inspections, issue orders, or bring actions under this subtitle—

"(1) by a State, in accordance with a grant or cooperative agreement with the Administrator, of State regulations pertaining to underground storage tanks regulated under this subtitle; and

"(2) by the Administrator, under this subtitle (including under a State program approved under section 9004).".

(b) GOVERNMENT-OWNED TANKS.—Section 9003 of the Solid Waste Disposal Act (42 U.S.C. 6991b) is amended by adding at the end the following:

"(i) GOVERNMENT-OWNED TANKS.—

"(1) IMPLEMENTATION REPORT.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, each State shall submit to the Administrator an implementation report that—

"(i) lists each underground storage tank described in subparagraph (B) in the State that, as of the date of submission of the report, is not in compliance with this subtitle; and

"(ii) describes the actions that have been and will be taken to ensure compliance by the underground storage tank listed under clause (i) with this subtitle.

"(B) UNDERGROUND STORAGE TANK.—An underground storage tank described in this subparagraph is an underground storage tank that is—

"(i) regulated under this subtitle; and

"(ii) owned or operated by the State government or any local government.

"(C) PUBLIC AVAILABILITY.—The Administrator shall make each report received under subparagraph (A) available to the public on the Internet.

"(2) FINANCIAL INCENTIVE.—The Administrator may award to a State that develops an implementation report described in paragraph (1), in addition to any funds that the State is entitled to receive under this subtitle, not more than $50,000, to be used to carry out the implementation report.

"(3) NOT A SAFE HARBOR.—This subsection does not relieve any person from any obligation or requirement under this subtitle.".

(c) INCENTIVES FOR PERFORMANCE.—Section 9006 of the Solid Waste Disposal Act (42 U.S.C. 6991e) is amended by adding at the end the following:

"(e) INCENTIVES FOR PERFORMANCE.—In determining the terms of a compliance order under subsection (a), or the amount of a civil penalty under subsection (d), the Administrator, or a State under a program approved under section 9004, may take into consideration whether an owner or operator—

"(1) has a history of operating underground storage tanks of the owner or operator in accordance with—

"(A) this subtitle; or

"(B) a State program approved under section 9004;

"(2) has repeatedly violated—

"(A) this subtitle; or

"(B) a State program approved under section 9004; or

"(3) has implemented a program, consistent with guidelines published under section 9010, that provides training to persons responsible for operating any underground storage tank of the owner or operator.".

(d) AUTHORITY TO PROHIBIT CERTAIN DELIVERIES.—Section 9006 of the Solid Waste Disposal Act (42 U.S.C. 6991e) (as amended by subsection (c)) is amended by adding at the end the following:

"(f) AUTHORITY TO PROHIBIT CERTAIN DELIVERIES.—

"(1) IN GENERAL.—Subject to paragraph (2), beginning 180 days after the date of enactment of this subsection, the Administrator or a State may prohibit the delivery of regulated substances to underground storage tanks that are not in compliance with—

"(A) a requirement or standard promulgated by the Administrator under section 9003; or

"(B) a requirement or standard of a State program approved under section 9004.

"(2) LIMITATIONS.—

"(A) SPECIFIED GEOGRAPHIC AREAS.—Subject to subparagraph (B), under paragraph (1), the Administrator or a State shall not prohibit a delivery if the prohibition would jeopardize the availability of, or access to, fuel in any specified geographic area.

"(B) APPLICABILITY OF LIMITATION.—The limitation under subparagraph (A) shall apply only during the 180-day period following the date of a determination by the Administrator that exercising the authority of paragraph (1) is limited by subparagraph (A).

"(C) GUIDELINES.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall issue guidelines that define the term 'specified geographic area' for the purpose of subparagraph (A).

"(3) AUTHORITY TO ISSUE GUIDELINES.—Subject to paragraph (2)(C), the Administrator, after consultation with States, may issue guidelines for carrying out this subsection.

"(4) ENFORCEMENT, COMPLIANCE, AND PENALTIES.—The Administrator may use the authority under the enforcement, compliance, or penalty provisions of this subtitle to carry out this subsection.

"(5) EFFECT ON STATE AUTHORITY.—Nothing in this subsection affects the authority of a State to prohibit the delivery of a regulated substance to an underground storage tank.".

(e) PUBLIC RECORD.—Section 9002 of the Solid Waste Disposal Act (42 U.S.C. 6991a) is amended by adding at the end the following:

"(d) PUBLIC RECORD.—

"(1) IN GENERAL.—The Administrator shall require each State and Indian tribe that receives Federal funds to carry out this subtitle to maintain, update at least annually, and make available to the public, in such manner and form as the Administrator shall prescribe (after consultation with States and Indian tribes), a record of underground storage tanks regulated under this subtitle.

"(2) CONSIDERATIONS.—To the maximum extent practicable, the public record of a State or Indian tribe, respectively, shall include, for each year—

"(A) the number, sources, and causes of underground storage tank releases in the State or tribal area;

"(B) the record of compliance by underground storage tanks in the State or tribal area with—

"(i) this subtitle; or

"(ii) an applicable State program approved under section 9004; and

"(C) data on the number of underground storage tank equipment failures in the State or tribal area.

"(3) AVAILABILITY.—The Administrator shall make the public record of each State and Indian tribe under this section available to the public electronically.".

SEC. 7. FEDERAL FACILITIES.

Section 9007 of the Solid Waste Disposal Act (42 U.S.C. 6991f) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) APPLICABILITY OF SUBTITLE.—

"(1) IN GENERAL.—Section 6001(a) shall apply to each department, agency, and instrumentality in the executive, legislative, or judicial branch of the Federal Government having jurisdiction over—

"(A) any underground storage tank or underground storage tank system (as defined in section 280.12 of title 40, Code of Federal Regulations (or any successor regulation)); or

"(B) any release response activity relating to an underground storage tank or underground storage tank system.

"(2) REQUIREMENTS.—For purposes of this section, requirements respecting the control and abatement of solid waste or hazardous waste disposal and management referred to in section 6001(a) include requirements respecting—

"(A) control, installation, operation, management, or closure of any underground storage tank or underground storage tank system containing any regulated substance; and

"(B) release response activities relating to an activity described in subparagraph (A)."; and

(2) by adding at the end the following:

"(c) REVIEW OF, AND REPORT ON, FEDERAL UNDERGROUND STORAGE TANKS.—

"(1) REVIEW.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in cooperation with each Federal agency that owns or operates 1 or more underground storage tanks or that manages land on which 1 or more underground storage tanks are located, shall review the status of compliance of those underground storage tanks with this subtitle.

"(2) IMPLEMENTATION REPORT.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, each Federal agency described in paragraph (1) shall submit to the Administrator and to each State in which an underground storage tank described in paragraph (1) is located an implementation report that—

"(i) lists each underground storage tank described in paragraph (1) that, as of the date of submission of the report, is not in compliance with this subtitle; and

"(ii) describes the actions that have been and will be taken to ensure compliance by the underground storage tank with this subtitle.

"(B) PUBLIC AVAILABILITY.—The Administrator shall make each report received under subparagraph (A) available to the public on the Internet.

"(3) NOT A SAFE HARBOR.—This subsection does not relieve any person from any obligation or requirement under this subtitle.".

SEC. 8. TANKS UNDER THE JURISDICTION OF INDIAN TRIBES.

Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 6(a)) is amended by adding at the end the following:

"SEC. 9012. TANKS UNDER THE JURISDICTION OF INDIAN TRIBES.

"(a) IN GENERAL.—The Administrator, in coordination with Indian tribes, shall—

"(1) not later than 1 year after the date of enactment of this section, develop and implement a strategy—

"(A) giving priority to releases that present the greatest threat to human health or the environment, to take necessary corrective action in response to releases from leaking underground storage tanks located wholly within the boundaries of—

"(i) an Indian reservation; or

"(ii) any other area under the jurisdiction of an Indian tribe; and

"(B) to implement and enforce requirements concerning underground storage tanks located wholly within the boundaries of—

"(i) an Indian reservation; or

"(ii) any other area under the jurisdiction of an Indian tribe;

"(2) not later than 2 years after the date of enactment of this section and every 2 years thereafter, submit to Congress a report that summarizes the status of implementation and enforcement of the underground storage tank program in areas located wholly within—

"(A) the boundaries of Indian reservations; and

"(B) any other areas under the jurisdiction of an Indian tribe; and

"(3) make the report described in paragraph (2) available to the public on the Internet.

"(b) NOT A SAFE HARBOR.—This section does not relieve any person from any obligation or requirement under this subtitle.

"(c) STATE AUTHORITY.—Nothing in this section applies to any underground storage tank that is located in an area under the jurisdiction of a State, or that is subject to regulation by a State, as of the date of enactment of this section.".

SEC. 9. STATE AUTHORITY.

Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 8) is amended by adding at the end the following:

"SEC. 9013. STATE AUTHORITY.

"Nothing in this subtitle precludes a State from establishing any requirement that is more stringent than a requirement under this subtitle.".

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 9) is amended by adding at the end the following:

"SEC. 9014. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Administrator—

"(1) to carry out subtitle I (except sections 9003(h), 9005(a), and 9011) $25,000,000 for each of fiscal years 2004 through 2008; and

"(2) from the Trust Fund, notwithstanding section 9508(c)(1) of the Internal Revenue Code of 1986—

"(A) to carry out section 9003(h) (except section 9003(h)(12)) $150,000,000 for each of fiscal years 2004 through 2008;

"(B) to carry out section 9003(h)(12), $125,000,000 for each of fiscal years 2004 through 2008;

"(C) to carry out section 9005(a)—

"(i) $35,000,000 for each of fiscal years 2004 and 2005; and

"(ii) $20,000,000 for each of fiscal years 2006 through 2009; and

"(D) to carry out section 9011—

"(i) $50,000,000 for fiscal year 2004; and

"(ii) $30,000,000 for each of fiscal years 2005 through 2009.".

SEC. 11. CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 9001 of the Solid Waste Disposal Act (42 U.S.C. 6991) is amended—

(1) by striking "For the purposes of this subtitle—" and inserting "In this subtitle:";

(2) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) as paragraphs (10), (7), (4), (3), (8), (5), (2), and (6), respectively, and reordering the paragraphs so as to appear in numerical order;

(3) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:

"(1) INDIAN TRIBE.—

"(A) IN GENERAL.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community that is recognized as being eligible for special programs and services provided by the United States to Indians because of their status as Indians.

"(B) INCLUSIONS.—The term 'Indian tribe' includes an Alaska Native village, as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)."; and

(4) by inserting after paragraph (8) (as redesignated by paragraph (2)) the following:

"(9) TRUST FUND.—The term 'Trust Fund' means the Leaking Underground Storage Tank Trust Fund established by section 9508 of the Internal Revenue Code of 1986.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended in the table of contents—

(A) in the item relating to section 9002, by inserting "and public records" after "Notification"; and

(B) by striking the item relating to section 9010 and inserting the following:

"Sec. 9010. Operator training.
"Sec. 9011. Use of funds for release prevention and compliance.
"Sec. 9012. Tanks under the jurisdiction of Indian tribes.
"Sec. 9013. State authority.
"Sec. 9014. Authorization of appropriations.".

(2) Section 9002 of the Solid Waste Disposal Act (42 U.S.C. 6991a) is amended in the section heading by inserting "AND PUBLIC RECORDS" after "NOTIFICATION".

(3) Section 9003(f) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)) is amended—

(A) in paragraph (1), by striking "9001(2)(B)" and inserting "9001(7)(B)"; and

(B) in paragraphs (2) and (3), by striking "9001(2)(A)" each place it appears and inserting "9001(7)(A)".

(4) Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended in paragraphs (1), (2)(C), (7)(A), and (11) by striking "Leaking Underground Storage Tank Trust Fund" each place it appears and inserting "Trust Fund".

(5) Section 9009 of the Solid Waste Disposal Act (42 U.S.C. 6991h) is amended—

(A) in subsection (a), by striking "9001(2)(B)" and inserting "9001(7)(B)"; and

(B) in subsection (d), by striking "section 9001(1) (A) and (B)" and inserting "subparagraphs (A) and (B) of section 9001(10)".

SEC. 12. TECHNICAL AMENDMENTS.

(a) Section 9001(4)(A) of the Solid Waste Disposal Act (42 U.S.C. 6991(4)(A)) (as amended by section 11(a)(2)) is amended by striking "sustances" and inserting "substances".

(b) Section 9003(f)(1) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)(1)) is amended by striking "subsection (c) and (d) of this section" and inserting "subsections (c) and (d)".

(c) Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991c(a)) is amended by striking "in 9001(2) (A) or (B) or both" and inserting "in subparagraph (A) or (B) of section 9001(7)".

(d) Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) (as amended by section 3) is amended—

(1) in subsection (b), by striking "study taking" and inserting "study, taking";

(2) in subsection (c)(1), by striking "relevent" and inserting "relevant"; and

(3) in subsection (c)(4), by striking "Evironmental" and inserting "Environmental".

Mr. MCCONNELL. I ask unanimous consent that the committee substitute be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 195), as amended, was read the third time and passed.

PARTICIPATION OF TAIWAN IN THE WORLD HEALTH ORGANIZATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 61, S. 243.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 243) concerning participation of Taiwan in the World Health Organization.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 243) was read the third time and passed, as follows:

S. 243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONCERNING THE PARTICIPATION OF TAIWAN IN THE WORLD HEALTH ORGANIZATION (WHO).

(a) FINDINGS.—The Congress makes the following findings:

(1) Good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve the public health.

(2) Direct and unobstructed participation in international health cooperation forums and programs is beneficial for all parts of the world, especially with today's greater potential for the cross-border spread of various infectious diseases such as the human immunodeficiency virus (HIV), tuberculosis, and malaria.

(3) Taiwan's population of 23,500,000 people is greater than that of three-fourths of the member states already in the World Health Organization (WHO).

(4) Taiwan's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, the eradication of such infectious diseases as cholera, smallpox, and the plague, and the first to eradicate polio and provide children with hepatitis B vaccinations.

(5) The United States Centers for Disease Control and Prevention and its Taiwan counterpart agencies have enjoyed close collaboration on a wide range of public health issues.

(6) In recent years Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the WHO.

(7) On January 14, 2001, an earthquake, registering between 7.6 and 7.9 on the Richter scale, struck El Salvador. In response, the Taiwanese government sent 2 rescue teams, consisting of 90 individuals specializing in firefighting, medicine, and civil engineering. The Taiwanese Ministry of Foreign Affairs also donated $200,000 in relief aid to the Salvadoran Government.

(8) The World Health Assembly has allowed observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974, the Order of Malta, and the Holy See in the early 1950s.

(9) The United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations.

(10) Public Law 106–137 required the Secretary of State to submit a report to the Congress on efforts by the executive branch to support Taiwan's participation in international organizations, in particular the WHO.

(11) In light of all benefits that Taiwan's participation in the WHO can bring to the state of health not only in Taiwan, but also regionally and globally, Taiwan and its 23,500,000 people should have appropriate and meaningful participation in the WHO.

(12) On May 11, 2001, President Bush stated in his letter to Senator Murkowski that the United States "should find opportunities for Taiwan's voice to be heard in international organizations in order to make a contribution, even if membership is not possible", further stating that his Administration "has focused on finding concrete ways for Taiwan to benefit and contribute to the WHO".

(13) In his speech made in the World Medical Association on May 14, 2002, Secretary of Health and Human Services Tommy Thompson announced "America's work for a healthy world cuts across political lines. That is why my government supports Taiwan's efforts to gain observership status at the World Health Assembly. We know this is a controversial issue, but we do not shrink from taking a public stance on it. The people of Taiwan deserve the same level of public health as citizens of every nation on earth, and we support them in their efforts to achieve it".

(14) The Government of the Republic of China on Taiwan, in response to an appeal from the United Nations and the United States for resources to control the spread of HIV/AIDS, donated $1,000,000 to the Global Fund to Fight AIDS, Tuberculosis and Malaria in December 2002.

(b) PLAN.—The Secretary of State is authorized—

(1) to initiate a United States plan to endorse and obtain observer status for Taiwan at the annual week-long summit of the World Health Assembly in May 2003 in Geneva, Switzerland; and

(2) to instruct the United States delegation to Geneva to implement that plan.

(c) REPORT.—Not later than 14 days after the date of the enactment of this Act, the Secretary of State shall submit a report to Congress in unclassified form describing the action taken under subsection (b).

HUMAN RIGHTS IN CENTRAL ASIA

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 63, S.J. Res. 3.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 3) expressing the sense of the Congress with respect to human rights in Central Asia.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. McCONNELL. I ask unanimous consent that the Lugar amendment, which is at the desk, be agreed to; further, that the joint resolution, as amended, be read a third time and passed and the motion to reconsider be laid upon the table; further, that the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 533) was agreed to, as follows:

Strike all after the resolving clause and insert the following:

That it is the sense of Congress that—

(1) the governments of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan should accelerate democratic reforms and fulfill their human rights obligations, including, where appropriate, by—

(A) releasing from prison anyone jailed for peaceful political activism or the nonviolent expression of their political or religious beliefs;

(B) fully investigating any credible allegations of torture and prosecuting those responsible;

(C) permitting the free and unfettered functioning of independent media outlets, independent political parties, and nongovernmental organizations, including by easing registration processes;

(D) permitting the free exercise of religious beliefs and ceasing the persecution of members of religious groups and denominations that do not engage in violence or political change through violence;

(E) holding free, competitive, and fair elections; and

(F) making publicly available documentation of their revenues and punishing those engaged in official corruption;

(2) the President, the Secretary of State, and the Secretary of Defense should—

(A) continue to raise at the highest levels with the governments of the nations of Central Asia specific cases of political and religious persecution, and to urge greater respect for human rights and democratic freedoms at every diplomatic opportunity;

(B) take progress in meeting the goals specified in paragraph (1) into account when determining the scope and nature of our diplomatic and military relations and assistance with each of such governments;

(C) ensure that the provisions of foreign operations appropriations Acts are fully implemented to ensure that no United States assistance benefits security forces in Central Asia that are implicated in violations of human rights;

(D) press the Government of Turkmenistan to implement the helpful recommendations contained in the so-called "Moscow Mechanism" Report of the Organization for Security and Cooperation in Europe (OSCE) respect the right of all prisoners to due process and a fair trial and release democratic activists and their family members from prison;

(E) urge the Government of Russia not to extradite to Turkmenistan members of the political opposition of Turkmenistan;

(F) work with the Government of Kazakhstan to create a political climate free of intimidation and harassment, including releasing political prisoners and permitting the return of political exiles, and to reduce official corruption, including by urging the Government of Kazakhstan to cooperate with the ongoing Department of Justice investigation;

(G) support through United States assistance programs individuals, nongovernmental organizations, and media outlets in Central Asia working to build more open societies, to support the victims of human rights abuses, and to expose official corruption; and

(H) press the Government of Uzbekistan to implement fully the recommendations made to the Government of Uzbekistan by the United Nation's Special Rapporteur on Torture; and

(3) increased levels of United States assistance to the governments of the nations of Central Asia made possible by their cooperation in the war in Afghanistan can be sustained only if there is substantial and continuing progress towards meeting the goals specified in paragraph (1).

The amendment (No. 534) was agreed to, as follows:

Strike the preamble and insert the following:

Whereas the Central Asian nations of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan are providing the United States with assistance in the war in Afghanistan, from military basing and overflight rights to the facilitation of humanitarian relief;

Whereas in turn the United States victory over the Taliban in Afghanistan provides important benefits to the Central Asian nations by removing a regime that threatened their security and by significantly weakening the Islamic Movement of Uzbekistan, a terrorist organization that had previously staged armed raids from Afghanistan into the region;

Whereas the United States has consistently urged the nations of Central Asia to open their political systems and economies and to respect human rights, both before and since the attacks of September 11, 2001;

Whereas Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan are members of the United Nations and the Organization for Security and Cooperation in Europe (OSCE), both of which confer a range of obligations with respect to human rights on their members;

Whereas while the United States recognizes marked differences among the social structures and commitments to democratic and economic reform of the Central Asian nations, the United States notes nevertheless, according to the State Department Country Reports on Human Rights Practices, that all five governments of such nations, to differing degrees, restrict freedom of speech and association, restrict or ban the activities of human rights organizations and other non-governmental organizations, harass or prohibit independent media, imprison political opponents, practice arbitrary detention and arrest, and engage in torture and extrajudicial executions;

Whereas by continuing to suppress human rights and to deny citizens peaceful, democratic means of expressing their convictions, the nations of Central Asia risk fueling popular support for violent and extremist movements, thus undermining the goals of the war on terrorism;

Whereas President George W. Bush has made the defense of human dignity, the rule of law, limits on the power of the state, respect for women and private property, free speech, equal justice, religious tolerance strategic goals of United States foreign policy in the Islamic world, arguing that "a truly strong nation will permit legal avenues of dissent for all groups that pursue their aspirations without violence"; and

Whereas Congress has expressed its desire to see deeper reform in Central Asia in past resolutions and other legislation, most recently conditioning assistance to Uzbekistan and Kazakhstan on their progress in meeting commitments to the United States on human rights and democracy: Now, therefore, be it

The preamble, as amended, was agreed to.

The joint resolution, as amended, with its preamble, as amended, was read the third time and passed, as follows:

S.J. RES. 3

Whereas the Central Asian nations of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan are providing the United States with assistance in the war in Afghanistan, from military basing and overflight rights to the facilitation of humanitarian relief;

Whereas in turn the United States victory over the Taliban in Afghanistan provides important benefits to the Central Asian nations by removing a regime that threatened their security and by significantly weakening the Islamic Movement of Uzbekistan, a terrorist organization that had previously staged armed raids from Afghanistan into the region;

Whereas the United States has consistently urged the nations of Central Asia to open their political systems and economies and to respect human rights, both before and since the attacks of September 11, 2001;

Whereas Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan are members of the United Nations and the Organization for Security and Cooperation in Europe (OSCE), both of which confer a range of obligations with respect to human rights on their members;

Whereas while the United States recognizes marked differences among the social structures and commitments to democratic and economic reform of the Central Asian nations, the United States notes nevertheless, according to the State Department Country Reports on Human Rights Practices, that all five governments of such nations, to differing degrees, restrict freedom of speech and association, restrict or ban the activities of human rights organizations and other non-governmental organizations, harass or prohibit independent media, imprison political opponents, practice arbitrary detention and arrest, and engage in torture and extrajudicial executions;

Whereas by continuing to suppress human rights and to deny citizens peaceful, democratic means of expressing their convictions, the nations of Central Asia risk fueling popular support for violent and extremist movements, thus undermining the goals of the war on terrorism;

Whereas President George W. Bush has made the defense of human dignity, the rule of law, limits on the power of the state, respect for women and private property, free speech, equal justice, religious tolerance strategic goals of United States foreign policy in the Islamic world, arguing that "a truly strong nation will permit legal avenues of dissent for all groups that pursue their aspirations without violence"; and

Whereas Congress has expressed its desire to see deeper reform in Central Asia in past resolutions and other legislation, most recently conditioning assistance to Uzbekistan and Kazakhstan on their progress in meeting commitments to the United States on human rights and democracy: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of Congress that—

(1) the governments of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan should accelerate democratic reforms and fulfill their human rights obligations, including, where appropriate, by—

(A) releasing from prison anyone jailed for peaceful political activism or the nonviolent expression of their political or religious beliefs;

(B) fully investigating any credible allegations of torture and prosecuting those responsible;

(C) permitting the free and unfettered functioning of independent media outlets, independent political parties, and nongovernmental organizations, including by easing registration processes;

(D) permitting the free exercise of religious beliefs and ceasing the persecution of members of religious groups and denominations that do not engage in violence or political change through violence;

(E) holding free, competitive, and fair elections; and

(F) making publicly available documentation of their revenues and punishing those engaged in official corruption;

(2) the President, the Secretary of State, and the Secretary of Defense should—

(A) continue to raise at the highest levels with the governments of the nations of Central Asia specific cases of political and religious persecution, and to urge greater respect for human rights and democratic freedoms at every diplomatic opportunity;

(B) take progress in meeting the goals specified in paragraph (1) into account when determining the scope and nature of our diplomatic and military relations and assistance with each of such governments;

(C) ensure that the provisions of foreign operations appropriations Acts are fully implemented to ensure that no United States assistance benefits security forces in Central Asia that are implicated in violations of human rights;

(D) press the Government of Turkmenistan to implement the helpful recommendations contained in the so-called "Moscow Mechanism" Report of the Organization for Security and Cooperation in Europe (OSCE) respect the right of all prisoners to due process and a fair trial and release democratic activists and their family members from prison;

(E) urge the Government of Russia not to extradite to Turkmenistan members of the political opposition of Turkmenistan;

(F) work with the Government of Kazakhstan to create a political climate free of intimidation and harassment, including releasing political prisoners and permitting the return of political exiles, and to reduce official corruption, including by urging the Government of Kazakhstan to cooperate with the ongoing Department of Justice investigation;

(G) support through United States assistance programs individuals, nongovernmental organizations, and media outlets in Central Asia working to build more open societies, to support the victims of human rights abuses, and to expose official corruption; and

(H) press the Government of Uzbekistan to implement fully the recommendations made to the Government of Uzbekistan by the United Nation's Special Rapporteur on Torture; and

(3) increased levels of United States assistance to the governments of the nations of Central Asia made possible by their cooperation in the war in Afghanistan can be sustained only if there is substantial and continuing progress towards meeting the goals specified in paragraph (1).

OTTAWA NATIONAL WILDLIFE REFUGE COMPLEX EXPANSION AND DETROIT RIVER INTERNATIONAL WILDLIFE REFUGE EXPANSION ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 67, H.R. 289.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 289) to expand the boundaries of the Ottawa National Wildlife Refuge Complex and a Detroit River International Wildlife Refuge.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 289) was read the third time and passed.

COMMEMORATING THE 140TH ANNIVERSARY OF THE EMANCIPATION PROCLAMATION

Mr. McCONNELL. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 81, S. Con. Res. 15, which was reported earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 15) commemorating the 140th anniversary of the issuance of the Emancipation Proclamation.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. McCONNELL. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 15) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 15

Whereas Abraham Lincoln, the sixteenth President of the United States, issued a proclamation on September 22, 1862, declaring that on the first day of January, 1863, "all persons held as slaves within any State or designated part of a State the people whereof shall then be in rebellion against the United States shall be then, thenceforward, and forever free";

Whereas the proclamation declared "all persons held slaves within the insurgent States"—with the exception of Tennessee, southern Louisiana, and parts of Virginia, then within Union lines—"are free";

Whereas, for two and half years, Texas slaves were held in bondage after the Emancipation Proclamation became official and only after Major General Gordon Granger and his soldiers arrived in Galveston, Texas, on June 19, 1865, were African-American slaves in that State set free;

Whereas slavery was a horrendous practice and trade in human trafficking that continued until the passage of the Thirteenth Amendment to the United States Constitution ending slavery on December 18, 1865;

Whereas the Emancipation Proclamation is historically significant and history is regarded as a means of understanding the past and solving the challenges of the future;

Whereas one hundred and forty years after President Lincoln's Emancipation Proclamation, African Americans have integrated into various levels of society; and

Whereas commemorating the 140th anniversary of the Emancipation Proclamation highlights and reflects the suffering and progress of the faith and strength of character shown by slaves and their descendants as an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the historical significance of the 140th anniversary of the Emancipation Proclamation as an important period in the Nation's history; and

(2) encourages its celebration in accordance with the spirit, strength, and legacy of freedom, justice, and equality for all people of America and to provide an opportunity for all people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation.

COMMEMORATION OF LAW ENFORCEMENT OFFICERS

Mr. McCONNELL. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 82, S. Res. 75, which was reported earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 75) commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Mr. President, I am happy that the Senate is passing S. Res. 75, a resolution that would designate May 15, 2003, as National Peace Officers Memorial Day. Senator CAMPBELL and I introduced this resolution to keep alive in the memory of all Americans the sacrifice and commitment of those law enforcement officers who lost their lives serving their communities. We are joined by 20 cosponsors, including Judiciary Committee Chairman HATCH, and Judiciary Committee members BIDEN, DURBIN, SCHUMER and KOHL.

I commend Senator CAMPBELL for his leadership in this issue. As a former deputy sheriff, he has experienced firsthand the risks faced by law enforcement officers every day while they protect our communities. I also want to thank each of our nation's brave law enforcement officers for the jobs they do. They are real-life heroes, too many of whom often give the ultimate sacrifice, and they remind us of how important it is to support our state and local police.

Currently, more than 850,000 men and women who serve this Nation as our guardians of law and order do so at a great risk. Each year, 1 in 15 officers is assaulted, 1 in 46 officers is injured, and 1 in 5,255 officers is killed in the line of duty somewhere in America every other day. After the hijacked planes hit the World Trade Center in New York City on September 11, 72 peace officers died while trying to ensure that their fellow citizens in those buildings got to safety. That act of terrorism resulted in the highest number of peace officers ever killed in a single incident in the history of this country.

In 2002, over 152 law enforcement officers died while serving in the line of duty, well below the decade-long average of 165 deaths annually, and a major drop from 2001 when a total of 237 officers were killed. A number of factors contributed to this reduction including better equipment and the increased use of bullet-resistant vests, improved training, longer prison terms for violent offenders, and advanced emergency medical care. And, in total, more than 16,700 men and women have made the ultimate sacrifice.

National Peace Officers Memorial Day will provide the people of the United States with the opportunity to honor that extraordinary service and sacrifice. More than 15,000 peace officers are expected to gather in Washington to join with the families of their fallen comrades who, by their last full measure of devotion to their responsibilities and the right and security of their fellow citizens, have rendered a dedicated service to our nation. I look forward to passage of this important resolution, a fitting tribute for this special and solemn occasion.

Mr. McCONNELL. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statement related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 75) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 75

Whereas the well-being of all citizens of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 700,000 men and women, at great risk to their personal safety, presently serve their fellow citizens as guardians of peace;

Whereas peace officers are on the front line in preserving the right of the children of the United States to receive an education in a crime-free environment, a right that is all too often threatened by the insidious fear caused by violence in schools;

Whereas more than 145 peace officers across the Nation were killed in the line of duty during 2002, well below the decade-long average of 165 deaths annually, and a major drop from 2001 when 230 officers were killed, including 72 officers in the September 11th terrorist attacks;

Whereas a number of factors contributed to this reduction in deaths, including better equipment and the increased use of bullet-resistant vests, improved training, longer prison terms for violent offenders, and advanced emergency medical care;

Whereas every year, 1 out of every 9 peace officers is assaulted, 1 out of every 25 peace officers is injured, and 1 out of every 4,400 peace officers is killed in the line of duty somewhere in America every other day; and

Whereas on May 15, 2003, more than 15,000 peace officers are expected to gather in Washington, D.C. to join with the families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes May 15, 2003, as Peace Officers Memorial Day, in honor of Federal, State, and local officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe this day with appropriate ceremonies and respect.

AUTHORIZATION FOR COMMITTEE TO FILE

Mr. McCONNELL. I ask unanimous consent that notwithstanding the Senate's adjournment, the Commerce Committee have from 10 a.m. until 12 noon on Friday, May 2, to file S. 824, the FAA reauthorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Would the distinguished majority whip yield?

Mr. McCONNELL. I yield.

Mr. REID. Mr. President, we have completed a number of unanimous consent requests this evening. A number of them—about 10 in number—deal with various positions that have been confirmed by the Senate this evening. These we read off by virtue of numbers. We do this almost every night, but I think sometimes we fail to realize these are real people and they are more than just numbers. The people on this list that we have read off today, they will have celebrations tonight. These are extremely important days in the life of every one of these people whose names we have read off today.

I think it does us good to once in a while just pause and recognize that the things we do here deal with more than just numbers. I ask we all once in a while stop and join in the celebration of these victories that these people have.

It is difficult, with the present situation—present situation? I think it has been going on for 20 years, how difficult it is to get nominations that the President sends to us, Democrat or Republican. The process is not very good.

We are now into the second year of this administration and we are just getting approved people he submitted earlier—some of whom he didn't submit earlier—just because the process is so slow. I hope someday a bipartisan commission or some organization can be set up so we can do this separate and apart from the situation that involves the judiciary. But just on nominations that come from the President, we need a system that works much better, more quickly than what we have.

I don't want to prolong the point other than to say congratulations to all these people who have been approved tonight.

Mr. McCONNELL. Mr. President, let me say to my friend, the assistant Democratic leader, his points are well made both on the congratulations that are certainly due these individuals who have been confirmed tonight and on the need to improve the process by which we get individuals confirmed here in the Senate. I must say, without the able and effective assistance of the assistant Democratic leader, we would not have been able to clear some of these nominations tonight. I thank him for his perseverance in making that possible.

ORDERS FOR MONDAY, MAY 5, 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until noon, Monday, May 5. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 12:45, with the time equally divided between the majority leader and Senator DORGAN or their designees, provided that at 12:45 the Senate proceed to executive session to consider Executive Calendar No. 34, the nomination of Deborah Cook to be United States Circuit Judge for the Sixth Circuit as provided under the previous order.

I further ask unanimous consent that upon the completion of the vote on the Cook nomination, the Senate resume consideration of the nomination of Miguel Estrada, with the remaining time until 6 p.m. equally divided between the chairman and ranking member of the Judiciary Committee, provided further that at 6 p.m. the Senate proceed to a cloture vote on the Estrada nomination.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, for the information of all Senators, on Monday the Senate will be in a period of morning business until 12:45. Following morning business, the Senate will begin consideration of the Cook nomination to the Sixth Circuit. Under the agreement entered into earlier today, there will be up to 4 hours of debate on the nomination prior to a vote on confirmation. Therefore, the first vote on Monday will occur at 4:45 p.m.

Upon the disposition of the Cook nomination, the Senate will debate the nomination of Miguel Estrada until 6 p.m. At 6 p.m., the Senate will conduct its fifth cloture vote on the Estrada nomination.

In addition to judicial nominations, the Senate may proceed to any of the following items next week: The NATO expansion bill, the energy bill, the bioshield legislation, the State Department authorization bill, the FISA legislation, and any other items that can be cleared for floor action. Therefore, I encourage our colleagues to prepare for a very busy week, with numerous rollcall votes occurring throughout next week.

ADJOURNMENT UNTIL MONDAY, MAY 5, 2003

Mr. McCONNELL. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:38 p.m., adjourned until Monday, May 5, 2003, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 1, 2003:

THE JUDICIARY

D. MICHAEL FISHER, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE CAROL LOS MANSMANN, DECEASED.

ROGER T. BENITEZ, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE A NEW POSITION CREATED BY PUBLIC LAW 107-273, APPROVED NOVEMBER 2, 2002.

LARRY ALAN BURNS, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE A NEW POSITION CREATED BY PUBLIC LAW 107-273, APPROVED NOVEMBER 2, 2002.

KATHLEEN CARDONE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS, VICE A NEW POSITION CREATED BY PUBLIC LAW 107-273, APPROVED NOVEMBER 2, 2002.

JAMES I. COHN, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE A NEW POSITION CREATED BY PUBLIC LAW 107-273, APPROVED NOVEMBER 2, 2002.

MARCIA A. CRONE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS, VICE A NEW POSITION CREATED BY PUBLIC LAW 107-273, APPROVED NOVEMBER 2, 2002.

DALE S. FISCHER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE A NEW POSITION CREATED BY PUBLIC LAW 107-273, APPROVED NOVEMBER 2, 2002.

WILLIAM Q. HAYES, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE A NEW POSITION CREATED BY PUBLIC LAW 107-273, APPROVED NOVEMBER 2, 2002.

JOHN A. HOUSTON, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE A NEW POSITION CREATED BY PUBLIC LAW 107-273, APPROVED NOVEMBER 2, 2002.

FRANK MONTALVO, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS, VICE A NEW POSITION CREATED BY PUBLIC LAW 107-273, APPROVED NOVEMBER 2, 2002.

R. DAVID PROCTOR, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA, VICE A NEW POSITION CREATED BY PUBLIC LAW 107-273, APPROVED NOVEMBER 2, 2002.

XAVIER RODRIGUEZ, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS, VICE EDWARD C. PRADO.

DANA MAKOTO SABRAW, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE A NEW POSITION CREATED BY PUBLIC LAW 107-273, APPROVED NOVEMBER 2, 2002.

EARL LEROY YEAKEL III, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS, VICE JAMES R. NOWLIN, RETIRED.

DEPARTMENT OF JUSTICE

GRETCHEN C. F. SHAPPERT, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE ROBERT J. CONRAD, JR.

DEPARTMENT OF STATE

GEORGE A. KROL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BELARUS.

DEPARTMENT OF DEFENSE

THOMAS W. O'CONNELL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE BRIAN E. SHERIDAN.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JEFFERSON L. SEVERS, 4514

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

AMADO F. ABAYA, 2180
DOUGLAS J. ADKISSON, 6110
NEAL D. AGAMAITE, 2535
CHRISTOPHER J. ATKINSON, 4911
CHARLES F. BABB, 1157
WILLIAM H. BAXTER, 1804
JOHN E. CAGE, 0896
WILLIAM C. CHAMBERS, 1347
GRANT A. DUNN, 8871
WILLIAM D. ERWIN, 2863
JON R. GABRIELSON, 1112
FRANK E. GIANOCARO, 8672
RICKY L. GILBERT, 9823
GREGORY S. GORDON, 5978
LANCE A. HARPEL, 7750
CHRISTOPHER C. HARRINGTON, 7298
SCOTT A. HARVEY, 9966
FRASER P. HUDSON, 6505
SEAN D. KEARNS, 3044
LARRY D. KNOCK, 2816
JEFFREY D. LAMB, 1353
JEFFREY E. LAMPHEAR, 2042
THOMAS A. MAYS, 4478
ROY W. MCKAY, 7330
BRIAN A. MINARD, 7404

WILLIAM J. OSSENFORT, 2991
JAMES D. OZOLS, 0903
ADAM D. PALMER, 3757
JOHN J. PUDLOSKI, 3693
KENNETH W. RICE, 8598
STEVEN M. RIEDEL, 2002
MATTHEW P. ROBERTS, 2206
MATTHEW I. SAVAGE, 5775
BRIAN J. SHEAKLEY, 3787
TRAVIS D. SISK, 0223
LOREN J. SMITH, 3766
DEAN M. SPRINGSTUBE, 5290
TORY J. SWANSON, 2475
SHANNON J. WELLS, 8020

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DANFORD S. K. AFONG, 2660
PHILIP G. ALVAREZ, 9172
DAN L. AMMONS, 5548
MARK D. ANDERSON, 0962
JAMES A. ANTONELLIS, 4719
ROBERT M. ARAKI, 7435
DOUGLAS J. ASBJORNSEN, 6062
CLAYTON B. AUSTIN, 9747
WILLIAM P. AUVIL, 2679
KURT F. BAKER, 6101
MICHAEL S. BARRY, 7470
LYNETTE M. BASON, 8943
ROBERT A. BERNARDON, 7561
ROBERT M. BOLAND, 0220
SUZANNE BONNER, 0307
DERRICK S. BOONE, 4304
FREDERICK BOURASSA, 4972
EARL R. BOWEN, 2176
CHARLES S. BOWERS III, 3242
EDWARD P. BRANDS, 8966
GREGORY D. BRANNON, 3051
JAMES B. BRIDGE, 1923
JOSEPH L. BRIDGE, 0002
JAMES W. BROWN, 8109
PHILIP A. BUCHIARELLI, 1139
JACK W. BURGESS, 1127
SCOTT R. BUTLER, 0824
GARY M. BUTTER, 8925
MARK S. CAMPAGNA, 8085
JEFFREY F. CAMPBELL, 8132
STEVEN E. CAMPBELL, 5359
TIMOTHY G. CANOLL, 7919
CHARLES K. CARODINE, 0628
CHARLES L. CARTLEDGE, 1952
DAVID A. CASE, 5310
CHARLES E. CASH, 1364
SILVIA K. CHANG, 4069
JOHN C. COCHRANE JR., 7012
ARTHUR C. CODY, 5515
PETER D. COFFIN, 3250
ROBERT J. COLE, 8028
STARLING T. CORUM, 6633
DAVID R. COUGHLIN, 7360
IAIN A. CURRIE, 0882
IRISH O. CURRY, 8556
JOHN R. CYRMIQUELON JR., 0244
WILLIAM K. DAILEY, 3069
MARC L. DAPAS, 9800
TIMOTHY A. DEAK, 8624
PAUL A. DENHAM, 1770
JOHN R. DENICOLA, 8481
GREGORY A. DEVER, 0082
RODOLFO R. DIAZ JR., 3084
KENNETH T. DICKERSON, 8870
KELVIN N. DIXON, 3891
CHRISTOPHER A. DOERING, 6661
GREGORY W. EATON, 9060
MARK E. ECKEL, 8216
SANDRA N. ELLIS, 6084
BENEDICT A. ENG, 4376
STEPHEN B. ENGELHARDT, 3473
KEVIN M. ERNST, 8142
DOUGLAS J. EVANS, 3926
GARY W. EVANS, 5218
CHRISTOPHER L. EVERSON, 3211
MICHAEL R. EWING, 5980
RANDAL D. FARLEY, 1424
LYNNE A. FARLOW, 2096
DANIEL C. FINK, 2591
GERALD N. FITZMORRIS, 1779
NEIL K. FLINT, 5182
JEROME D. FRECHETTE, 4812
MICHAEL E. FREDETTE, 0045
JOHN T. FRIEDLANDER, 0608
JAMES J. FRITSCHE, 4182
JEFFERY E. FROST, 9214
DAVID B. GARVEY, 3716
PETER D. GATES, 6812
MADISON B. GENTSCH, 9432
JEFFREY L. GIDEON, 4871
DONALD P. GLANDEN, 0159
DAVID N. GLASS, 0816
CRAIG W. GOODMAN, 4886
TONY A. GRAYSON, 9850
ROBERT L. GREENE, 3310
WILLIAM S. J. GRIPMAN, 2621
MICHAEL R. GUIMOND, 2691
MICHAEL W. GULLEDGE, 6002
PATTI R. GUREKIAN, 0569
BRUCE B. GUTHRIE, 5080
ANTHONY R. HALL, 3354
MARK D. HARPER, 2406
FRANK E. HARRIS, 8400
DAVID J. HARRISON, 7715
ROBERT L. HAWKINS, 2895
SHERRILL J. HAZARD III, 3281
STEPHEN C. HEID, 5226
RICHARD A. HENNING, 8951
MICHAEL V. HENSON, 8521
PAUL G. HILLENBRAND, 3588
MARK M. HODGE, 4170
WILLIAM J. HOLLMAN, 8221
EDWARD F. HOLSTEIN II, 1634
MICHAEL W. HOPPE, 6207
KATHRYN C. HOWELL, 4989
ROGER B. HOYT, 0917
CLARENCE G. HULL IV, 3001
TIMOTHY P. HUNT, 8841
GORDON J. JACOBSON, 4238
JEFFREY C. JAEGER, 6673
JAMES B. JONES, 9782
RANDALL E. JONES, 4801
JOHN W. JUDGE, 6420
CLIFFORD Y. KAISER, 7110
MARK W. KAMINSKI, 9571
CHARLES B. KENNEDY, 6548
BYRON W. KING, 0983
RODNEY J. KING, 9092
FARIS A. KIRKLAND, 8040
PHILIP A. KUMLER, 1345
CHARLES J. LABEE III, 5419
JOHN H. LACKIE, 2308
SCOTT J. LANDIS, 2047
SANFORD D. LANSING, 0976
JOSEPH R. LAWRENCE, 9673
DOUGLAS E. LEMASTERS, 2089
JOHN T. LINDGREN IV, 1518
WALLACE H. LLOYD III, 2983
PETER J. LOHR, 3087
DEBORAH A. LYLE, 4970
MORGAN E. MAHONEY, 5609
ANDREW J. MAKAR, 8017
MARK MCDONAGH, 4896
JAMES L. MCGINLEY, 2809
MARTIN H. MCKOWN JR., 2298
ROCK E. MCNULTY, 1323
MATHEW W. MERRIMAN, 4356
ROBERT H. G. MEYERS, 9827
THOMAS M. MILLARD, 4530
IRA L. MINOR JR., 2892
JAMES E. MITCHELL, 4080
CLARENCE T. MORGAN, 0916
JOHNNY D. MORGAN, 2478
ELISA R. MORRELL, 5504
MARK F. MORRIS, 6433
MATTHEW B. MOURY, 6937
MARTIN W. MULLAN, 6927
ROBERT D. MURO, 9329
KATHRYNE O. MURPHEY, 1107
ROBERT F. MURPHY, 7972
LLOYD M. MUSTIN II, 6082
SAMUEL L. NETH, 7843
ALVIN E. NIX JR., 3376
ANNE J. NOLAN, 6865
STEVEN D. OAKS, 2913
DAVID J. OCONNOR JR., 3440
DAVID J. OESER, 8931
DIANNE M. OHNSTAD, 2518
LAWRENCE E. OLSEN, 4781
KAY M. OSBORNE, 2718
LUTHER M. OTT, 0908
DAVID F. OZEROFF, 8819
DAVID B. PABINQUIT, 2836
THOMAS R. PARRY, 4109
RICHARD G. PATSY, 9475
CHRISTOPHER J. PAUL, 6296
THOMAS J. PAULOSKI, 8435
KURT E. PAVLAT, 9595
PHILIP C. PEYTON, 3113
WILLIAM J. PFLUGRATH, 2743
KENNETH R. PHILLIPS, 6857
DAVID S. PICOU, 1697
BRYAN A. PLATON, 1185
KENNETH E. POSEY, 9600
ROBERTO N. POSSUMATO, 6339
DANIEL PRIJIC, 5361
LYNNE E. PUCKETT, 9727
CHARLES L. RATTE, 3240
MARK R. REID, 1175
JOSEPH E. REYNOLDS, 9174
DAVID L. RICHARDS, 7286
PETER G. ROSS, 8644
ROBERT R. ROSSETTI, 1616
VINCENT E. ROTHWALL, 1071
STEPHEN H. ROUSSEAU, 8721
ADALBERTO RUIZ III, 5638
FRANK R. RUSSO JR., 6769
CRAIG J. RYNIEWICZ, 0887
JOHN C. SADLER, 9559
TERRY R. SARGENT, 1158
RICHARD A. SCHOENBERG JR., 7212
JAMES S. SCHWARTZ, 1712
JAN SCHWARZENBERG, 6799
JOHN A. SEVERINO, 8855
JOSEPH S. SHELLENBERGER, 7856
ANDREW P. SHELTER, 0003
BILLY J. SHILLING, 1303
TRACY L. SKEELS, 8071
DONALD E. SMALLWOOD JR., 4759
DAVID P. SMITH, 6087
JEFFREY R. SMITH, 5668
JON C. SMITH, 2166
MICHAEL W. SMITH, 6056
WARREN T. SMITH, 0061
JOHN G. SPEAR, 5842
JONATHAN H. STAIRS, 6553
MICHAEL L. STANFORD, 2166
KURT A. STONEY, 1212
JOHN W. SWAIN, 5992
WILLIAM F. SWINTON, 9742
DONALD S. THIESSE, 0303
WILLIAM H. THOMPSON, 2407
JAMES E. TORMEY JR., 3141
DAVID A. TOWNSEND, 9728
GLENN M. TRACY, 0547
DAVID W. TRUMPOLDT, 8677
GREGORY E. UPRIGHT, 0613
CHARLES R. VALENTINO, 4267
SCOTT R. VASINA, 3529
JOYCE L. VIETTI, 9682
HENRY R. VITALI JR., 5725
RICHARD K. VOGEL, 7632
THEODORE J. WADDELL III, 6653
RICHARD E. WAKELAND, 5221
STEVEN J. WALTER, 1194
CHRISTOPHER R. WANSTALL, 3703
JOHN G. WATSON, 0872
PAUL S. WEHR, 7747
LAWRENCE E. WEILL, 5798
PAUL W. WERNER, 8261
JOSEPH C. WESTON, 2412
RICHARD T. WHEATLEY, 7567
TIMOTHY G. WILD, 6503
DAVID S. WILSON, 1083
NELSON W. C. WINBUSH, 2644
THEODORE A. WYKA, 9666

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

SCOTT F. BOHNENKAMP, 9676
DONALD J. BURNS, 5114
ROBERT D. BUXTON, 6159
KATHY L. CALLAHANARAGON, 5033
STEPHEN P. CARMICHAEL, 1201
RICHARD S. CLINE, 2859
JOHN E. COLE, 0179
KATHLEEN FARRELL, 4964
MICHAEL J. FITZGERALD, 5386
GERALD D. GOLDEN, 3000
MICHAEL D. HERMAN, 5710
GARY N. HETZEL, 6454
EUGENE S. HOWARD, 6452
LOTHROP S. LITTLE, 1617
LYNN A. MCCARTHY, 6676
ROBERT B. MONROE, 2765
CHRISTOPHER A. PATTON, 5822
ELIEZER J. PEREZVERGARA, 7748
MICHAEL S. REMINGTON, 0752
ROBERT J. SHEA, 5647
RANDALL C. SNYDER, 9194
ANDREW J. TURNLEY, 6263
CHRISTOPHER L. WALL, 8990

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

CHARLES L. COLLINS, 6891
WILLIAM C. DOSKOCIL, 9787
HAROLD A. KOUSSA, 5725
RICHARD H. LAGDON JR., 1480
RICHARD D. MARKINGCAMUTO, 4263
CHARLES D. MASSEY, 1233
DONALD S. MUEHLBACH JR., 6704
RONALD E. OROURKE, 4793
GREGG R. PELOWSKI, 621[illegible]
ROBERT V. PELTIER, 4906
ROBERT S. ROSEN, 7927
CHARLOTTE V. SCOTTMCKNIGHT, 3220
JEFFREY C. SEN, 8264
ROBERT L. SKINNER, 7991
CYNTHIA R. SUGIMOTO, 8455

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

GREGORY S. ADAMS, 4652
HARRY W. ALLEN, 0182
RICHARD C. BAFFA, 3552
DANIEL A. BUBACZ, 4040
HENRY S. DOMERACKI, 0831
ALEXANDER DREW, 5320
LANCE B. GORDON, 3804
BRIAN J. HICKMAN, 2490
RONALD L. HOOVER, 4237
JAMES A. JACKMORE JR., 7709
ANTHONY H. JOHNSON, 1294
HOWARD T. KAUDERER, 6504
RAYMOND KELLER JR., 3458
LEEROY LANCE JR., 9249
DENNIS L. LOVEJOY, 2057
PATRICIA A. LUCAS, 2399
C. C. MAGRUDER, 7144
THOMAS C. MALONEY JR., 2289
DAVID W. MAREADY, 0566
MARK D. NEY, 4898
GARY R. REEVES, 4901
CHARLES T. ROBERTS, 4722
JOHN A. RODGAARD, 2465
STEPHAN A. ROGGE, 9696

JOHN VOLKOFF, 2260
KEVIN C. WARNKE, 1705
MICHAEL K. WEBB, 3013
PATRICIA G. WILLIAMS, 5524
PETER A. WITHERS, 3045

CONFIRMATIONS

Executive nominations confirmed by the Senate May 1, 2003:

DEPARTMENT OF ENERGY

LINTON F. BROOKS, OF VIRGINIA, TO BE UNDER SECRETARY FOR NUCLEAR SECURITY, DEPARTMENT OF ENERGY.

DEPARTMENT OF THE TREASURY

MARK W. EVERSON, OF TEXAS, TO BE COMMISSIONER OF INTERNAL REVENUE FOR A TERM OF FIVE YEARS.

DEPARTMENT OF DEFENSE

LAWRENCE MOHR, JR., OF SOUTH CAROLINA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

SHARON FALKENHEIMER, OF TEXAS, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

TENNESSEE VALLEY AUTHORITY

RICHARD W. MOORE, OF ALABAMA, TO BE INSPECTOR GENERAL, TENNESSEE VALLEY AUTHORITY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

EDWARD C. PRADO, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. HENRY P. OSMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DOUGLAS M. STONE

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. THOMAS K. BURKHARD

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES J. LOVELACE, JR.

ARMY NOMINATIONS BEGINNING CURTIS J ALITZ AND ENDING MARY J WYMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

ARMY NOMINATIONS BEGINNING RICHARD P BEIN AND ENDING KELLY E TAYLOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

ARMY NOMINATIONS BEGINNING DEBORAH K BETTS AND ENDING DAVID WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

ARMY NOMINATION OF JAMES R. KERIN, JR.

ARMY NOMINATIONS BEGINNING HENRY E ABERCROMBIE AND ENDING MICHELLE F YARBOROUGH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 26, 2003.

ARMY NOMINATIONS BEGINNING MICHAEL P ARMSTRONG AND ENDING CRAIG M WHITEHILL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 26, 2003.

ARMY NOMINATIONS BEGINNING JOHN F AGOGLIA AND ENDING JEFFREY R WITSKEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 26, 2003.

ARMY NOMINATIONS BEGINNING PAUL F ABEL, JR. AND ENDING X4432, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 26, 2003.

ARMY NOMINATION OF WILLIAM T. BOYD.

ARMY NOMINATIONS BEGINNING RICHARD D. DANIELS AND ENDING GEORGE G. PERRY III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 7, 2003.

ARMY NOMINATIONS BEGINNING GARY L. HAMMETT AND ENDING DAVID L. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 7, 2003.

ARMY NOMINATIONS BEGINNING EDWARD A. HEVENER AND ENDING ZEB S. REGAN, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 10, 2003.

MARINE CORPS NOMINATION OF KENNETH O. SPITTLER.

MARINE CORPS NOMINATIONS BEGINNING THOMAS DUHS AND ENDING WILLIAM M. LAKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 11, 2003.

MARINE CORPS NOMINATIONS BEGINNING PATRICK W. BURNS AND ENDING DANIEL S. RYMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 11, 2003.

MARINE CORPS NOMINATIONS BEGINNING DONALD J ANDERSON AND ENDING DONALD W ZAUTCKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2003.

MARINE CORPS NOMINATIONS BEGINNING SEAN T. MULCAHY AND ENDING STEVEN H. MATTOS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 24, 2003.

MARINE CORPS NOMINATION OF FRANKLIN MCLAIN.

MARINE CORPS NOMINATIONS BEGINNING BRYAN DELGADO AND ENDING PAUL A. ZACHARZUK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 24, 2003.

MARINE CORPS NOMINATION OF MICHAEL H. GAMBLE.

MARINE CORPS NOMINATION OF JEFFREY L. MILLER.

MARINE CORPS NOMINATION OF BARETT R. BYRD.

MARINE CORPS NOMINATIONS BEGINNING JEFFREY ACOSTA AND ENDING JOHN G WEMETT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 7, 2003.

EXTENSIONS OF REMARKS

APPOINTING A SPECIAL ENVOY FOR HUNGER

SPEECH OF

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. WOLF. Mr. Speaker, Africa is on the brink of a crisis of biblical proportions. I traveled to Ethiopia and Eritrea earlier this year to see the famine conditions, and never imagined that I'd see conditions as bad as I saw in 1984.

In 1984, 8 million were in need of food aid. In January, more than 11 million people struggled for their next meal. I saw women and children that were too weak to feed themselves. This is absolutely tragic in a world with food as plentiful as ours.

Today, the situation is even more distressing. I recently read a cable from the American ambassador in Ethiopia describing a grimmer outlook for the coming months than had previously been expected. I will be submitting into the RECORD the cable and the latest NOAA weather forecast, which revises expectations for crop viability downward. This paints a bleak outlook for millions more Ethiopians for months to come.

In March, I wrote U.N. Secretary General Kofi Annan urging him to appoint a special envoy for hunger. Many European news outlets have run stories in recent days on the growing number of Africans, whose lives are now in jeopardy. The Ethiopian Government is planning another "Live-Aid" concert to re-energize the donor community and draw international attention to the situation. The momentum of this concert, coupled with the appointment of a U.N. special envoy, may help draw enough attention and resources to the continent and save the lives of millions of women and children.

In Matthew 25, Jesus talks about the obligation to feed the hungry. The United States has responded to this crisis with an enormous amount of compassion. Many countries have the ability to give more, and may just be waiting to be asked. Time, resources and attention must be devoted to mobilizing and coordinating the resources required. This is a crisis that will require enormous coordination between international aid agencies, religious leaders and governments from every corner of the globe.

The war in Iraq has demanded our attention, but we can not allow this silent emergency to grow worse. The lives of millions of women and children depend on this story being shared loudly and boldly. I hope you'll do your part.

FROM AMEMBASSY ADDIS ABABA
TO SECSTATE WASHDC 1559

SUMMARY

1. The mission believes that the number of people in need of emergency assistance will continue to increase from current levels of 11.3 million to 14 million people over the course of the year, forcing a deliberate shift from the mid-case to the worst-case scenario as described in the October 2002 USAID/Ethiopia Contingency Plan.

2. Life-saving interventions are ongoing throughout Ethiopia, with special attention to pocket areas with high malnutrition. However, poor belg rains to date continue to raise vulnerability and needs and potentially threaten grave consequences, including increased mortality.

3. The sheer magnitude, severity and duration of Ethiopia's food security emergency has left people in an extreme state of vulnerability where coping strategies have been exhausted and livelihoods destroyed leading to widespread destitution. Increased destitution and continued shocks threaten a sharp increase in mortality levels as any possible harvest is still months away and health status of the most affected continues to decline.

4. Pre-famine indicators are present in Ethiopia for a significant portion of the at-need population and support the movement of contingency planning efforts to a worst-case scenario.

BACKGROUND

5. As per Reftel (A), USAID/Ethiopia issued a contingency plan (October 2002) to the horn response working group in USAID/W outlining a mid-case and two worst-case scenarios as well as a mitigation and response plan.

6. The mission believes that the response to date, particularly led by the GFDRE and the USG, has provided the necessary resources to mitigate against the absolute worst-case scenario (Worst-Case Scenario Two as per the plan). However, current rains are again inadequate and NOAA projections indicate "normal to below normal" rainfall is anticipated.

7. Continued drought can be expected to increase the beneficiary caseload beyond current levels of 11.3 million people to 14 million or more over a wider geographic area. Thus, we can expect to meet criteria for the plan's Worst-Case Scenario One.

8. A worst-case scenario will result in unacceptable levels of mortality over a wide area and further breakdowns of long-term livelihood and coping strategies. In addition, one can anticipate further depletion of productive assets (destitution), distress migration, increased rural and urban vulnerability, malnutrition, and mortality will occur over the coming months based on current indicators. The pre-famine indicators will only worsen if rains continue to be much below average.

9. The current crisis is not likely to result in the mortality levels of the 1980's, in large part due to an early response by the GFDRE, donors, and institutions such as the Emergency Food Security Reserve, and early warning systems. In the likely event of pipeline breaks and/or epidemic outbreaks, the worst-case scenario could result in a significant spike in mortality.

FACTORS LEADING TO A WORST-CASE SCENARIO

A. MASSIVE CROP FAILURE AND NUMBERS OF PEOPLE IN NEED

10. Following the December 2002 crop assessment (estimated 25 percent decrease from the 2001/2002 harvest and 21 percent decrease from the last five-year average (FAO) production decline), DPPC and multi-agency teams concluded that 11.3 million people would require emergency assistance. a further 2.9 million people were identified as being under close monitoring.

11. A March 14 addendum to the appeal (SEPTEL C) increased needs slightly from 1.44 to 1.46 million metric tons and those under close monitoring from 2.9 to 3.1 million.

12. Production is most severely affected in Eastern Ethiopia, particularly in lowland areas, where losses range from 70 to 100 percent. However, food production is also down in surplus areas in the west. Reduction in food production in surplus areas will limit timely local purchase of food aid and cereal prices will increase further through the hungry season (July-September) when more than 90 percent of farmers' cereal holdings will be depleted.

13. Note: The 1999–2000 food shortage emergency (labeled as localized famine retrospectively by CDC with respect to excess mortality in the Gode Zone of Somali Region and low-level famine in the Ethiopian highlands by experts such as Stephen Devereaux) was largely limited to belg producing and pastoral areas. This is not true in 2003. Current pre-famine indicators are found in many areas that are main meher-season producers. In the 1999 and 2000 contingency plans, the mission warned that a true worst-case scenario would be a failure of production in main season agricultural areas. This is in fact the situation that we now face in Ethiopia.

B. CHANGED DISEASE ENVIRONMENT

14. As per Reftels B and E, mortality and morbidity indicators are deteriorating. Of the 130 worst drought-affected districts, surveys with mortality data are now available for 30. Of these, 18 districts with a total surveyed population of 2.1 million report mortality rates at or above emergency thresholds of 1 per 10,000 per day for crude mortality or 2 per 10,000 children under five years of age per day.

15. Recent nutrition surveys in areas where interventions are ongoing suggest that nutritional status has stabilized or improving in a number of districts. Other areas, particularly those in the southern nations, nationalities and peoples region (SNNPR) and other pocket areas in the north-central highlands, However, are now deteriorating (including the development of pellagra).

16. Of particular concern are reports of pellagra and other micronutrient deficiencies from UNICEF nutrition experts traveling in North Wello. Pellagra results from a lack of niacin, often occurring in populations reliant on a homogenous diet of corn. After several months of dependency upon relief food comprised of corn or wheat only, (blended foods and pulses are in short supply), micronutrient deficiencies such as pellagra are not surprising. UNICEF nutrition experts reported seeing cases in most villages they visited. As the rash-like symptoms of pellagra are only visible at advanced stages of the micronutrient deficiency, pellagra is very likely to be affecting a much larger proportion of the population than was observed.

17. Since early February, measles outbreaks have been reported in Bale Zone in Oromiya, Silti Zone in SNNPR and the WAG HAMRA Zone in Amhara.

18. Cases of meningitis have been reported in Tigray, SNNPR, Afar, Benishangul and Amhara. The ministry of health is making aggressive efforts to determine the strain. The threat of cholera increases with the advent of rain in the northern part of the country. Malaria cases are increasing and will likely increase further as people move to lowlands

C. A DEEPENING CRISIS, COUPLED WITH POOR RAINS IN 2003

19. On March 25, 2003, the Disaster Prevention and Preparedness Commission (DPPC) launched a multi-agency assessment team to Tigray, Amhara, Oromiya and Southern Nations, Nationalities and Peoples Regions (SNNPR). The assessments will revise the status of 3.1 million people under the "close-monitoring" category and verify any additional need. Early indications point to an increase in needs beginning May 1, 2003, of 1.5 million people as a result of the emerging and deepening crisis and the lack of relief provided by the current belg season. Assessment results will be known on April 25, 2003.

20. On April 9, the DPPC Commissioner commented that he believes the assessment would show significant movement of those under "close-monitoring" to the beneficiary group requiring immediate assistance.

21. Fews net assessments of the rains to date indicate that although there are sporadic intensive rains in a few pocket areas, the belg is below-average to much below-average in the eastern portion of Ethiopia generally, and specifically in the Afar, Somali, West Hararghe and SNNPR regions. Given that a good belg season in recent years is more the exception than the rule, we anticipate, based on experience, that the outcome this year will likely be much below-average. A significant reduction in area-planted for belg producers are already being reported over a widespread area.

D. INCREASING NUMBER OF PEOPLE IN NEED

22. To date, the effect of the much below-average belg is a deepening of the severity of the drought in already affected food deficit areas, pastoral areas, and newly emerging areas (SNNPR and some parts of the Oromiya Region). Assuming at this time, a much below-average belg performance (and poor pastoral rains), but not a total failure, we expect an increase of an additional 1 million people in need of assistance over a widespread area beginning in July or a revised total beneficiary caseload of 13.8 million (initial caseload of 11.3 million beneficiaries, projected may increase of 1.5 million people, and July increase of 1 million).

23. Based on this estimate, the following can be expected:

—Rather than needs peaking between April and June and declining in July, the mission believes that overall needs will increase initially in May and then remain at peak levels for the period June, July and August, and possibly through September.

—The overall increase in beneficiaries by 2.5 million people will result in increased cereal needs by some 170,000 mt (using 12.5 kg/person) and blended food requirements of 39,375 mt between May and September. This will increase overall needs during the appeal period from 1.46 mt to 1.66 mt (or an increase of about 210,000 mt overall (cereals and blended food) for the five month period).

E. PIPELINE BREAK FOR CEREALS AND BLENDED FOOD

24. The most recent USG contribution totaling 186,500 mt, as well as new contributions from other donors, brings the total pledges against CY 2003 to more than 1 million mt including 939,252 mt of cereals, 65,685 mt of blended food and 15,267 mt of vegetable oil. This represents some 70 percent of the estimated needs for 2003.

25. However, it should be noted that these are pledges, not deliveries and continued coordination and robust deliveries are necessary to avert a pipeline break. Any delay could result in a pipeline break, which will have lasting repercussions for relief deliveries for the rest of the year, and could cause all major indicators to spike (morbidity, malnutrition, mortality, migration, etc.)

26. Actual deliveries are lagging. For example, the USG has pledged some 535,000 mt in CY 2003, but over 250,000 mt has not yet been purchased or shipped from the US and remains unscheduled in terms of delivery to Ethiopia. Consequences of a prolonged pipeline break include:

—Sharp increase of severe malnutrition and mortality;

—Ration reductions further compounding high levels of malnutrition;

—Limited pre-positioning of food to inaccessible areas;

—Reduction in distributions, requiring parallel import measures to the distribution sites and the emergency food security reserve, or partner warehouse;

—Mass migration during the agricultural season will affect this year's overall production and next years' assistance requirements; and

—Mass displacement and rural to urban migration.

27. With the addition of some 2.5 million people in need, it is expected that current pledges and delivery schedules for cereals will fall short of needs beginning in late-July with delivery lulls and gaps as early as May.

28. The blended food availability remains dangerously low with only 50 percent of the supplementary food needs pledged. Current available information points to a break of supplementary food availability in the middle of June.

29. Maintaining a pipeline at a minimum of 83 percent (representing the reduced ration of 12.5 kg-per person) of needs is necessary, not just to meet less-than-minimal nutritional requirements and limit spontaneous migration in search of food, but also to ensure that stability is maintained.

30. The mission is concerned about continued targeting difficulties and dilution of rations from the reduced level of 12.5 kg per person-per month, to even lower-levels as local officials stretch food available for an increasing number of people in need. The long-term impact on health status of keeping people barely within nutritional requirements is a serious concern.

31. The mission continues to stress the importance of improved targeting to increase the effectiveness of the emergency aid and in particular the present supplementary distributions. However, this often falls on deaf ears at the local level where absolute numbers in need are immediately apparent.

PLAN TO MEET INCREASING NEEDS

32. To date, the major stabilizing factor has been the USG contribution of 712,000 mt ($319 million) of emergency food aid since the crisis emerged in July 2002. Non-food contributions include ofda grants ($7.2 million with additional grants expected in the coming weeks), and USAID/Ethiopia grants totaling $17 million. Accordingly, the USG has played the leading role to meet critical needs.

33. Recently signed grants will complement and increase the immediate health response, including increasing the number of nutritional surveys, health services and measles campaigns in the worst affected areas. Funds will also support services to emerging hotspots, increase potable water and expand the school-feeding program through the summer and fall.

A. Health and Non-Food Interventions:

34. But more is needed. One of the most significant and damning criticisms of the 1999–2000 response in the Somali Region of Ethiopia, was the inability of the UN Agencies and non-government organizations to undertake a timely measles immunization campaign and appropriately link food and health interventions to minimize excess mortality. The following critical actions need to be undertaken by the GFDRE, DONORS, NGOS, etc. In the next ninety days in order to avoid further excess deaths:

—Implement mass measles immunization campaigns (currently underway). In all, 16.2 million people under the age of 15 will be reached by June.

—Provide basic health, water and sanitation services at food distribution and supplementary feeding sites.

—Provide food and basic health services to displaced, mobile and other difficult to reach populations, including out-reach services;

—Improve targeting and ensure that food distributions are integrated generally with an overall health response;

—Increase availability and improve targeting of CSB;

—Implement an aggressive outbreak investigation and response to diseases of epidemic potential (e.g., meningitis);

—Implement a nutrition and mortality survey to cover the worst drought affected districts in order to obtain a better estimate of the overall magnitude of the problem (this is a follow-on to previous Center for Disease Control (CDC) support. USAID/Ethiopia is working with OFDA to identify appropriate assistance.); and

—Increase preparedness for therapeutic feeding by creating mobile teams of trained medical personnel that can move to sites where malnutrition rates rise to require specialized therapeutic feeding.

B. Support a Livelihoods Approach To Meeting Needs:

35. It is critical that the USG look to an increasing broad pool of implementing agencies to meet the widening humanitarian needs in Ethiopia. A significant surge-capacity is required to integrate food, non-food, livelihood and counter-famine responses to address the depth of the crisis.

36. Millions of families have lost their assets and require protection from further asset losses. Households also require access to a safety net and other opportunities for asset building. Provision of drought and disease resistant crops and pastoral interventions to assist in the recovery of populations in need, is critical prior to the onset on the main rains and the hunger-season in June.

C. Support Counter-Famine Measures:

37. Counter-famine measures such as the introduction of marketing interventions to improve access to grains and support the stabilization of, and access to, food and seeds, must be identified and funded now to ensure a continuation of the proactive and robust emergency response.

38. In support of USG efforts to minimize the effects of the food crisis in Ethiopia, the mission began receiving technical assistance from the Feinstein International Famine Center (FIFC) At Tufts University, through joint funding from OFDA and USAID/Ethiopia. The assistance will project the wide-

spread nature of the current crisis, identify pre-famine level indicators in Ethiopia, AND assist in the identification and design of strategies to support livelihood and counter-famine measures and interventions that directly mitigate and minimize outcomes such as malnutrition, destitution and mortality.

39. Comment. The characteristics of the current crisis depict one of widespread and severe-hunger where 20 percent of Ethiopian households are dependent on relief distributions. This is a crisis that could be exacerbated immensely with a pipeline break, an epidemic outbreak or continued under-response relative to needs. Pre-famine indicators are in place in Ethiopia, including: irreversibility, increased morbidity and mortality beyond acceptable levels and migration.

RECOMMENDATIONS

40. Given the continued deterioration of the situation, and the likelihood of increased needs and a wider affected population experiencing irreversible outcomes of the crisis, the mission recommends the following:

A. Issue demarche to other donor countries and request further assistance (see Reftel F).

B. Establish a reserve allocation of 150,000 MT from the Emerson Trust that can be used to respond to needs at the height of the hungry-season (July–September). Food would be distributed through NGOS and the World Food Program.

C. Continue CSB contributions and deliveries through NGOS and the World Food Program to meet the deterioration of nutritional status in developing hot-spots. Based upon needs, up to 25,000 MT of CSB should be made available for delivery in July and August 2003.

D. Use additional agency funding to meet immediate needs and put in place livelihood interventions and counter-famine measures particularly through U.S. non-governmental organizations now implementing the joint emergency operation.

E. Broaden the normal pool of implementing agencies and the tools to meet needs (i.e., beyond traditional food and non-food programs). It has become clear over the last several months that our NGO partners are quickly coming to a saturation point regarding their capacity and additional surge capacity is needed.

F. Provide follow-up CDC assistance to track epidemic outbreaks and implement appropriate nutritional and mortality surveys to deepen the understanding of the overall magnitude of the crisis.

G. Press the United Nations for the appointment of a special envoy and/or a senior operational humanitarian coordinator to establish an effective and credible emergency response across UN agencies. This point cannot be over-stated. Brazeal.

FREEDOM'S OBLIGATION

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. HASTERT. Mr. Speaker, I rise today to submit the words of John Marc Sianghio, Jr., a young man from Oswego, Illinois, to the CONGRESSIONAL RECORD. John was recently named a winner in the Veterans of Foreign Wars Voice of Democracy scriptwriting contest for 2003.

The Veterans of Foreign Wars holds a Voice of Democracy competition each year in order to give high school students an opportunity to express their patriotism. This year, an overwhelming 80,000 students across the country participated in the contest. John's essay reflects upon the responsibilities inherent to life in a free nation—freedom's obligation.

I commend the Veterans of Foreign Wars for their continued commitment to fostering a sense of patriotism and responsibility in the youth of our great nation. And I congratulate John on his success and wish him the best of luck in his future endeavors.

2002–2003 VFW VOICE OF DEMOCRACY SCHOLARSHIP CONTEST

"FREEDOM'S OBLIGATION"

(Illinois Winner.—John Marc Sianghio, Jr.)

Lady Liberty stands vigil over a city, and a nation that does not sleep. In her torch shines perpetual daylight, fueled by the great virtue that is tireless action. "Action" she demands. Even her silence cries out to the world, "Give me your tired, your poor, your huddled masses yearning to breathe free."

Though the words say "give me" the subtext shouts "come!" It is not an invitation, it is a command: not a gift, a demand. The imprisoned lightning in her torch thunders with a message understood in every language, that the Republic over which she stands with its liberties and justices, is not for all. It stands only for all those with the boldness to take it, for all those willing to pay its price. This precious freedom is open only to those who can meet its obligation.

That obligation can only be action, for America is a republic born of a hard and painful labor, a republic that earned its freedom at the point of a gun, and that has held its freedom with the same. America is a nation that did not emerge as the random offspring of intercoursing tribes. It emerged by the active will of its people. Nor was its revolution won in the minds of inert philosophers, rather in the hearts of the masses; hearts that not only had passive sentiment, but that physically pumped charged blood into live limbs, stirring them to action: Hearts that bled freely so that the flag of independence might be striped in scarlet . . . But that once vibrant crimson has faded through uncounted years of stagnancy.

Stagnancy is the greatest treason. We justify it in this age by referring to it by an alias. Like the devil it is, it has many names. It is called caution, debate, delay, filibuster, complaint, apathy, and inaction. If it is not action . . . it is treason.

Treason was not a word in my vocabulary when I immigrated to this country. I was two at the time. Freedom when I first set foot on American soil meant that I would be out of the coach class seat that held me for twenty two hours, that I could stretch my legs on solid ground. Was that true freedom? Of course not. I had to learn freedom. I had to earn freedom.

From the moment I was first old enough to realize the opportunities and liberties gifted to me by American Freedom, the enormity of Freedom's obligation was already creeping onto my shoulders. As I have grown older and learned more and more about my rights, the responsibilities wrapped inside these rights also began to emerge.

As immigrants to this country, there was a long difficult process which my family and I had to undertake to stay in this country. This process required much sacrifice by each individual involved. However, we wanted to work to earn the freedoms we enjoyed. Had we not done it, we would have debased our honor and lowered ourselves to the state of common thieves. The sacrifices I have made earned me my freedom. Your story, your struggles, your road to earning freedom is probably much different. However, our obligations to freedom are in essence the same.

So what is the spirit of our obligation? What is the common labor that must be undertaken to be worthy of Lady Liberty's embrace? It is simply love. Patriotic love.

I speak of a patriot's love, not as the lust of a fool who thinks he serves his country by ignoring her laws and making his own rules because he believes they are better. I speak of true love, like that in marriage. Freedom's obligation is the marriage of our minds and our souls. It is a dreamer's desire for the ideal, guided by the rational hands of what is real. Our obligation is to strive for that ideal. Realistically, we know that true freedom can only come when every human being is rid of their every chain, chains of poverty, chains of addiction, and chains of hatred. Still we are obligated as individuals to strive for the ideal of freedom. The ideal that every person is created equal because every person creates himself equal. It starts with one. It starts with me, and it starts with you. If we do not meet our obligations, this ideal can never be reached. If we do not meet our obligations, we cheapen freedom, and we cheapen ourselves.

For it is freedom's obligation, the great price at which freedom comes, that gives it its value. That is why we must act, so freedom may retain its value, and that we as individuals may maintain our integrity and human worth as well. For the obligation of freedom is Lady Liberty's call to the individual who longs to be free. Who, like a newborn child that struggles for its first life sustaining breath, expands his lungs against the weight of apathy so that he may breathe free.

HONORING 2002 PRE-TEEN AMERICA SR. TITLEHOLDER KATIE BECK

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. ROSS. Mr. Speaker, I would like to take a moment to recognize and honor Katie Beck for being named 2002 Pre-Teen America National Sr. Titleholder, and thank her for her outstanding contributions to her community. Competing against talented young ladies from all across the country, Katie distinguished herself through a demonstrated commitment to community, steadfast character, and drive: all the values that we, as parents, teachers, community members, and legislators, hope to instill in our next generation.

As a parent, I understand the demands that our young people face, which is why I am so encouraged by what Katie has accomplished. In addition to being an active member of her church, captain of the dance team, and the starting pitcher for her softball team, Katie has maintained an A average in school from grades first through eighth. Her energy and dedication have earned her numerous accolades and honors including: Duke University TIP Award, President's Education Award, and the National Science Award. At a time when our country needs youth leadership more than ever, Katie has answered the challenge and set a course that can serve as an example for us all. This is a young lady who exemplifies the Arkansas spirit, and who is destined for great things.

Just qualifying for the rigorous Pre-Teen program speaks volumes for the character and accomplishments of the young women who compete; however, by being named Pre-Teen America Sr. Titleholder, Katie has also shown maturity and poise beyond her years on top of her many accomplishments. And already, at such a young age, Katie has demonstrated leadership, and exemplary character and grace.

Again, I say to Katie, "Congratulations." You are a credit to yourself, your wonderful parents, your community, and your state, which is why it is such an honor for me to be able to thank you again for your contributions to the community and residents of White Hall.

RECOGNITION OF AL HENDERSON

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. OTTER. Mr. Speaker, I rise today to recognize Al Henderson of Boise, Idaho as the recipient of The Salvation Army's William Booth Award for service to community. The William Booth Award is one of the highest awards that may be conveyed upon an individual by The Salvation Army.

Al Henderson's many past civic associations include being co-founder of Idaho Working Partners and the World Sports Humanitarian Hall of Fame, The Salvation Army advisory board chairman, Chamber of Commerce board member, Rotary Club member, American Cancer Society, West Side Optimists Club and the Boise City Library Board. Mr. Henderson is also closely involved with the good works of the University Christian Church in Boise. Currently he serves part time as an employee for the Federal Emergency Management Administration.

Mr. Speaker, I wish to congratulate Al Henderson for his receipt of this distinguished award. I have had the honor of being personally acquainted with Al for many years, and I can think of no other person more worthy or deserving of such an award. I have been inspired by Al's principled character and his steadfast commitment to the State of Idaho. His achievements, continued unselfish work, and sense of community serve as a lustrous model of exemplary citizenship.

IN HONOR OF A DECADE OF MARK SIMON'S PENINSULA INSIDER COLUMN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Ms. ESHOO. Mr. Speaker, I rise to honor Mark Simon, who for ten years has educated, amused, irritated, informed and instructed the readers of the San Francisco Chronicle with his well-written, well-read column.

"From beaches to redwoods," Mark Simon loves the region of which he writes. Over the years, the people, politics and problems of our region have all become grist for his Chronicle column. He has regaled us with tales of John Madden's taste for tamales and kept us up to date on the unfolding of the Century Loan scandals. He has raised awareness and informed his readers on issues as diverse as campaign finance reform, gunshot locators, Devils Slide, and breast cancer treatment for low income women in our community. Mark has reported on every side of Stanford, from sports to the opening of the Cantor Art Museum. His columns have traced the dynamic changes in our community: Silicon Valley's ups and downs, the birth and death of a San Francisco Bay Olympic bid, and the constant rising and falling of housing prices. He has filled the narrative of our region with a variety of colorful events and characters, spotlighting the Tour de Peninsula, former monks, great achievers such as LaDoris Cordell, and even his own beloved sons. We know them all now and we're grateful to Mark as a son of the Peninsula, for his unswerving love of it.

Mr. Speaker, I ask my colleagues to join me in honoring Mark Simon for his service to our community as the Chronicle's chronicler of life on the San Francisco Peninsula and the magnificent 14th Congressional District. No one has done it better or with as much knowledge, guts, intelligence or love of our area.

APPLAUDING THE ANAHEIM CITY SCHOOL DISTRICT

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to praise the Anaheim City School District for emphasizing the importance of literacy in their curriculum.

With a few thousand dollars left in its Proposition 10 budget, the early childhood education office put together "literacy baskets" that included crayons, alphabet books, puzzles, and other educational materials.

These baskets will be given to adults to take home and throw "literacy parties" where they can invite neighbors, friends and relatives over and discuss practical tips on teaching toddlers how to read. The program has been so successful, that it is quickly running out of baskets.

A survey by UCLA and the Field Institute shows that nearly half of all adults do not read to their children. Educators believe that rate is worse for low-income families.

I want to applaud the Anaheim City School District for working hard to promote literacy to young children. The "literacy baskets" will help to improve early literacy and make a difference for thousands of kids.

WARREN HIGH SCHOOL'S CONTINUED TRADITION OF EXCELLENCE

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. ROSS. Mr. Speaker, it was only two years ago that I was congratulating the Warren High School Lumberjacks, and their head coach, Bo Hembree, for winning the Arkansas AAA Boys High School State Football Championship, and here we are again. It is an impressive feat just to win one state title, but winning two in three years is a real testament to preparation, character, and purpose. I think it also demonstrates the spirit of determination and hard work that has always distinguished Arkansans.

As a concerned parent, I understand even more that paramount among my duties as a U.S. Congressman is to provide the necessary resources to our students, teachers, and schools that will enable our young men and women to excel and succeed in all their endeavors. Educating the next generation is an important issue not only in the classroom, and the halls of Congress, but also around our kitchen tables at home.

I have long been an advocate of athletics and extracurricular activities as a supplement to academic excellence for their ability to instill leadership, character, and perseverance. Activity outside the classroom instills a habit of serving the community, preparing them to take leadership roles and eventually shape the larger world around them.

Championships are won in the heart as much as on the field. The will to overcome adversity, the daily drive to succeed, and the mental toughness to perform under pressure carried the young men during their championship season, and will provide them with a well to draw from throughout their entire lives.

That is why it brings me so much pleasure to again congratulate the Warren High School football program on winning the AAA Boys High School Football Championship: It is evidence of a culture of excellence and hard work among the student body, coaching staff, Warren High School faculty, and the community. We can all take great pride in the accomplishments of this team, and how they achieved their goals. I am proud of you. It is an honor for me to salute the coaches, parents, and players who stayed the course, and met adversity and challenge to become champions.

RECOGNITION OF COURTNEY FLOYD

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. OTTER. Mr. Speaker, I rise today to bring to the attention of the House the distinguished accomplishments of Courtney Floyd of Boise, Idaho. Courtney is the recipient of the Salvation Army's Emily Reno award for service to community.

Courtney, the daughter of Greg and Suzanne Floyd, is a senior at Centennial High School in Boise, Idaho, where she serves as a student council officer, cheerleader, and member of the Key Club. In addition to her extensive involvement in school activities, Courtney has served her community in various volunteer capacities—through her involvement with Special Olympics, soup kitchens, humanitarian aid projects, and retirement centers.

A key element in the Salvation Army's Christmas food drives; Courtney has initiated the collection of more than 590,000 pounds of food for the needy during the past 3 years. Mr. Speaker, I wish to convey a special thanks to Courtney Floyd for her hard work and sense of community. Courtney's unselfish actions epitomize the ministry and mission of the Salvation Army.

IN HONOR OF WILLIAM R. BRODY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Ms. ESHOO. Mr. Speaker, I rise to honor William R. Brody, M.D., Ph.D., who has earned the J.E. Wallace Sterling Lifetime Achievement Award and will be presented with it by the Stanford Medical Alumni Association and its Board of Governors on May 2, 2003.

Dr. Brody is a native of Stockton, California, who earned his B.S. and M.S. degrees from MIT and his M.D. and Ph.D. from Stanford University. Following post-graduate training in cardiovascular surgery and radiology at Stanford, the National Institutes of Health and the University of California, San Francisco, Dr. Brody was professor of radiology and electrical engineering at Stanford. He's been a cofounder of three medical device companies, is responsible for over 100 publications and one U.S. patent in the field of medical imaging. He has made contributions in the fields of medical acoustics, computed tomography, digital radiography and magnetic resonance imaging.

Dr. Brody, who became the 13th president of the Johns Hopkins University on September 1, 1996, has extensive ties to the 14th Congressional District which I'm proud to represent. He and his family lived in Palo Alto for many years and his children attended several years of school in our community. In addition to his extraordinary accomplishments ,in the fields of engineering, medicine and education, Dr. Brody is a talented musician, a great athlete, a loving husband, a proud father, and an exceptional friend to many.

Mr. Speaker, I ask my colleagues to join me in honoring Dr. William R. Brody for his lifetime of service to others and for his extraordinary contributions to medicine. He has made our country stronger and better, and for this we salute and honor him.

HONORING CATHERINE SPEAR OF ORANGE COUNTY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor Catherine Spear of Orange County, California.

A published poet, and leader in her community, Catherine was recently named executive director of the nonprofit Catholic Charities of Orange County.

Catherine is known in her community as an expert fundraiser, raising millions for schools in Orange County. This talent serves her well as executive director, bringing sound business experience to a nonprofit to help Catholic Charities serve the community.

The agency's mission is to serve the poor, help immigrants settle into their new communities, and serve food to needy families. The agency is open to persons of other religious faiths, and is separate from the Diocese of Orange.

Catholic Charities served over 92,000 people last year. And with the leadership of Catherine, I believe that Catholic Charities will become even more of an asset to its community. I wish Catherine the best of luck.

A TRIBUTE TO BART LINDSEY

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. ROSS. Mr. Speaker, today, I rise to pay tribute to Bart Lindsey, a beloved resident of the community of Helena and a distinguished Arkansan, who recently passed away at age 56. Mr. Lindsey's life-long contributions to family, community, and country will be missed.

Bart Lindsey first made a name for himself in the banking business. Always active in the community, and with an early interest in banking, Bart would come home for summer breaks from the University of Arkansas at Fayetteville to work as a teller for First National Bank of Phillips County. After graduating college and serving in the military, where he earned a Bronze Star and Army Commendation Medal for his service in Vietnam, Bart returned home to the community he loved and accepted a position at that same bank, where he would eventually rise to become chief executive officer.

Bart's life provided an example to us all. He found time to serve as an elder in his church, and to serve as vice chairman of the Board of Directors of the Arkansas-Oklahoma Presbyterian Foundation. He served his State and community by sitting on the Board of Directors of the American Bankers Association, and by serving as chairman of the Board of Trustees of the University of Arkansas, and president of the Helena-West Helena Rotary and Kiwanis clubs.

But of all his professional accomplishments, I think the one that demonstrates the true depth of Bart Lindsey's character was the Best Boss Award. For 5 years running, Bart held this title because, as one employee put it, "All of the employees loved him and he always took time to speak to everyone." It is a fantastic tribute to Bart's memory that he put people first, and was able to leave for us a lasting legacy of hard work, service, and compassion. While Bart Lindsey may no longer be with us, his spirit and his legacy live on in the example he set and the many lives he touched.

PERSONAL EXPLANATION

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. FOSSELLA. Mr. Speaker, I am not recorded on rollcall Nos. 146, 147, and 148. I was unavoidably detained and was not present to vote. Had I been present, I would have voted "yea" on rollcall Nos. 146, 147, and 148.

RECOGNIZING THE CONTRIBUTIONS OF FRED LUND TO THE CITY OF SOMERVILLE, MASSACHUSETTS

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. CAPUANO. Mr. Speaker, I rise today to thank Fred Lund for his many years of public service. Fred devoted fifty years working for the City of Somerville and his contributions to the community he served are numerous.

Fred Lund began working for the City of Somerville in 1953. Over the past fifty years he worked with eleven different mayors, including myself. In his capacity as Somerville's senior draftsman, Fred has drawn every map for the City of Somerville by hand. He also prepared mayoral citations by hand, creating pieces of art.

When the City of Somerville's Office of Housing and Community Development honors Fred on April 30th for his fifty years of service, this will not be the first time his community has honored Fred. The Art Department at the Cummings School was named in his honor.

Fred is not only an accomplished public servant, but an avid historian as well. He plans various historic events in the City of Somerville and attends them in his Colonial Soldier uniform. He can be found every New Year's Day on Prospect Hill for the flag raising reenactment, celebrating the first raising of the Colonial Flag.

After fifty years, Fred Lund has no intention of stopping his service. He comes into work every day and has no plans to retire. His dedication is remarkable and an inspiration to those around him. Fred Lund deserves our admiration and our thanks.

FIVE-YEAR ANNIVERSARY OF THE UNITED COMMUNITY BANK IN DENTON COUNTY, TEXAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. BURGESS. Mr. Speaker, I rise today to honor the five-year anniversary of the United Community Bank in Denton County, Texas. The United Community Bank opened its doors on May 27, 1998, in Highland Village to provide hometown service to the local community. Coordinated by local area shareholders, the customers in need of exceptional attention to both their individual as well as commercial needs are provided with outstanding service. Not only has United Community Bank been honored with the Reader's Choice Award as the #1 financial institution in Denton County, but it was also selected as the Business of the Month by the Lewisville, Flower Mound and Old Town Business Association during 2002.

Today I honor the employees of United Community Bank for their continued hard work in garnering the community support that has significantly contributed to the expansion of the bank's assets as well as to a contented customer base. I also thank the numerous customers of United Community Bank who have shared in creating such success over the last five years. May there be many more years of thriving business in Denton County.

ENSURE TRANSPARENCY IN IRAQ RECONSTRUCTION CONTRACTS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. KLECZKA. Mr. Speaker, earlier this month it came to light that a limited number of companies were invited to bid on post-war reconstruction contracts in Iraq. Most prominently, Bechtel, an engineering and construction firm, was awarded an initial contract of $34.6 million that could potentially grow to $680 million over the next year and a half. It is critical that openness and transparency are the hallmarks of the reconstruction process, and for that reason, I am introducing the "Sunshine in Iraq Reconstruction Contracting Act."

Although legal, the bidding process thus far leaves much to be desired. Left unanswered are questions about why open competition was not allowed, and the size and scope of the reconstruction contracts awarded. We should all be able to agree that the U.S. government's reconstruction bidding process should be as open to disclosure as possible to ensure that there is no question of political favoritism or backroom deal making. After all, these contracts are spending hard-earned taxpayer dollars, and our constituents deserve to know to whom their money is going and why.

My legislation, which mirrors a bipartisan Senate measure, simply requires federal agencies that award contracts for Iraqi reconstruction activities to publicly disclose how a non-competitive contract was awarded, and the justification for foregoing an open-bid process.

These details, along with a brief description of the contract's cost and scope, would have to be published in the Federal Register within 30 days of the date the contract was awarded. Any classified information would only be provided to the chairmen and ranking members of the House and Senate Government Reform Committees, as well as whichever committee has jurisdiction over an agency that awards a non-competitive contract.

It only makes it more difficult for the United States to hold ourselves up as a model for a future Iraqi government if the contracts the Federal Government awards are done with little or no competition and without adequate public disclosure. The Iraq reconstruction process should be as open as possible. This is not a partisan issue, but one that concerns the public interest and American credibility. I urge my colleagues to cosponsor this measure.

IN LASTING MEMORY OF RONALD LaGRONE

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. ROSS. Mr. Speaker, today, I would like to acknowledge the life and legacy of Ronald LaGrone, a colleague and a friend of mine from Hamburg, Arkansas. I was honored to have known Mr. LaGrone, a man who, in deed and action, distinguished himself as a husband, father, businessman, and church and community leader.

Ronnie LaGrone owned and ran the LaGrone Drug Store in Hamburg with his brother Fred. For 38 years, he helped to care for the health of his friends and neighbors. Ronnie leaves behind him a proud legacy of service and compassion. He served as Deacon of the First Baptist Church, as Hamburg City Councilman, and as board member of the Arkansas Pharmacy Association.

As a pharmacy owner, I owe him a debt of gratitude for his long service of leadership to our profession. Ronnie set out to improve the lives of others through both his professional and his private life. As a member of a small community, I know what men like Ronnie mean to their neighbors; his service was out of true concern for their livelihood.

Ronnie's contributions were recently recognized by the Hamburg Chamber of Commerce, as he was named winner of the Fred LaGrone Lifetime Achievement Award for his role as community pharmacist and as community leader. Clearly, his community mourned his loss. I know Ronnie's passing was especially difficult for his wife, Patricia, and their three daughters, Terri, Kelli, and Staci, and I have kept all of them in my thoughts and in my prayers. While Ronnie LaGrone may no longer be with us, his spirit and his legacy live on in the example he set and the many lives he touched.

HONORING THE 75TH ANNIVERSARY OF DOWNINGTOWN LIONS CLUB

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. GERLACH. Mr. Speaker, I rise today to honor the Downingtown Lions Club during its 75th anniversary celebration. The Downingtown Lions Club was chartered in January 1928 and they were sponsored by the Coatesville Lions Club.

As we all know, Lions Clubs across the nation are made up of active and energetic citizens who undertake numerous initiatives and projects to make their communities better places to live and raise families. They are particularly committed to providing help and service to the blind through a wide variety of support activities. The Downingtown Lions Club hosts four major fundraising events each year—White Cane Day, a golf outing, Good Neighbor Day and a pancake breakfast. These efforts have helped many charitable organizations over the years, including the Chester County Association for the Blind and the Downingtown Area Senior Center.

The good works of the Club have also resulted in contributions to the Downingtown Area Veterans Memorial Fund, Downingtown Historical Society and various health appeals. And the entire community has benefited from the Club's particular attention to the development of Kerr Park, including a pavilion, the war memorial, and a water fountain.

I am proud to be a member of and represent an organization that has spent so many years in the service of others. I wish to extend my thanks, and the thanks of all those who have been helped by members of the Club. I encourage my colleagues to join me in saluting Downingtown Lions Club on reaching this milestone.

IN RECOGNITION OF MR. BURNEY L. ADAMS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. PAYNE. Mr. Speaker, it is with great pride that I rise today to recognize a great man and leader, Mr. Burney L. Adams. A man who has given much to his community, Mr. Adams will be honored this Friday, May 2, 2003, by Florida Agricultural and Mechanical University's National Alumni Association with their 2003 Distinguished Alumni Award.

After graduating from Florida A&M, Mr. Adams was signed with the Canadian Professional Football team, the Hamilton Tigers. Upon release, he journeyed to Newark, New Jersey, where he took a job with the Newark Board of Education. Mr. Adams made Newark his home, and has been a role model and significant contributor to the community for the past 40 years.

Through his work with the Board of Education as well as Football Coach at

Weequahic High School, Mr. Adams saw the need for assistance of minority students in pursuing higher educational goals. Since 1963 he has been instrumental in obtaining college scholarship assistance for more than 900 youth in both my district as well as neighboring areas.

As a former teacher and current member of the Education and the Workforce Committee here in the House of Representatives, I appreciate the drive and determination of educators such as Mr. Adams. Coach Adams has a dedication and devotion not only to his players on the field but also to the youth of his community. Investing personal time, effort, and money into his students, Coach Adams believes in the spirit of his students to succeed. It is members of our community like Mr. Adams who give so selflessly of their time that enables our youngest citizens to reach their dreams.

Mr. Speaker, I know that my colleagues here in the U.S. House of Representatives join me today as I recognize Burney Adams and his well deserved award from Florida A&M University. I wish him the very best on this special occasion and best wishes in all his future endeavors.

POSTHUMOUS TRIBUTE TO THE LATE FAMU COACH, PROFESSOR ROBERT T. "BOB" MUNGEN

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. MEEK of Florida. Mr. Speaker, though it is a sad day for the entire Florida A&M University family, I find it a great privilege to pay this posthumous tribute to the late Coach and Professor Robert T. "Bob" Mungen. His untimely demise this past Sunday, April 20, 2003, leaves a great void in our historic institution. He is survived by his beloved wife Doretha, his son Robert, and daughters Toyka and Sonya Lynn.

Coach Mungen's magnificent contributions to the personal and professional growth of countless students and scholar-athletes at FAMU, Edward Waters College, and Knoxville College are legendary and now emblaze the halls of academia. To his credit, young men and young women who came under his tutelage found a caring professor and an indomitable coach, who was at the same time highly regarded and loved as a confidant and a doting father-figure.

Nowhere has his role of advocating played out so genuinely in the lives of his students than in the indelible mark he left on Barbara Thompson, a former student and colleague of his. Captured recently by the daily paper, The Tallahassee Democrat, she cogently characterized him as ". . . someone I could go and get real good advice from like a daughter . . . As a student, I confided in him. As a colleague, I confided in him."

A Jacksonville native, "Bob" Mungen played under the legendary Coach A.S. Jake Gaither in three choice positions as quarterback, defensive back and running back on the FAMU football team. His prowess in playing those positions were so remarkable that Coach Gaither superlatively dubbed him as ". . . the most versatile athlete I ever coached."

Professor Mungen served as head football coach at Edward Waters College in Jacksonville and later on at Knoxville College in Tennessee before coming back to FAMU in 1961. Assigned to the physical education department, he took over the men's tennis program and served in this capacity until his retirement in 1997.

In his role as teacher and coach, he gained the confidence of countless parents who saw in him as the educator par excellence. They entrusted him with the future of their children, fully confident that they too would learn from him the tenets of scholarship and the pursuit of academic excellence under the rigors of a no-nonsense discipline and personal responsibility. In times of crises crowding his students' quest for learning, his forthright guidance was one that verged on faith in God and confidence in one's ability to survive the vicissitudes of life.

Indeed, our FAMU family is deeply touched and comforted by the undaunted leadership and personal warmth he exuded to those who came to him through the longevity of his service. This is the genuine legacy he bequeathed to those of us he left behind. In a special way, I am privileged to be a grateful alumnus of a great institution of learning, graced bountifully by his remarkable contributions.

NOMINATION OF JEFFREY SUTTON TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. ISRAEL. Mr. Speaker, I rise to express my deep concern over the President's nomination of Jeffrey Sutton to the United States Court of Appeals for the Sixth Circuit. According to a recent editorial in the New York Times, Mr. Sutton has pursued an extremist agenda against the employment rights of women with breast cancer as well as victims of domestic violence.

Here is what the New York Times reported on April 28th.

"Mr. Sutton argued a landmark disability rights case in the Supreme Court. Patricia Garrett, a nurse at an Alabama state hospital, asserted that her employer fired her because she had breast cancer, violating the Americans with Disabilities Act. Mr. Sutton argued that the Act did not protect state employees like Ms. Garrett. His states'-rights argument narrowly won over the court, and deprived millions of state workers of legal protection. He also invoked federalism to urge the court to strike down the Violence Against Women Act. It did so, 5 to 4, dismantling federal protection for sexual assault victims."

Mr. Speaker, I am proud to be a moderate and independent Member of this House. I don't believe that extremism on either end of the spectrum can solve the challenges facing our nation. But I am concerned about a pattern of judicial nominations by the Administration which would fill our benches with the most ideologically driven nominees at the most extreme right of the conservative movement. Nominating an individual who has sought to dismantle federal protections against victims of domestic violence and who has advocated denying a woman with breast cancer legal protection is deeply disturbing.

I insert "Another Ideologue for the Courts" in today's RECORD, and urge my colleagues to consider it:

[From the New York Times, Apr. 28, 2003]

ANOTHER IDEOLOGUE FOR THE COURTS

It seems likely that Jeffrey Sutton, a nominee to the United States Court of Appeals for the Sixth Circuit in Cincinnati, will be confirmed by the Senate this week. But it is important to recognize why he was selected, and how he fits the Bush administration's plan for an ideological takeover of the courts. Whichever way the Senate votes on him, it must insist that the administration start selecting judges who do not come with a far-right agenda.

There is no shortage of worthy judicial nominees. Federal courts are filled with district court judges, Republicans and Democrats, who have shown evenhandedness and professionalism, and many would make fine appeals court judges. State courts are overflowing with judges and lawyers known for their excellence, not their politics.

The Bush administration, however, has sought nominees whose main qualification is a commitment to far-right ideology. Mr. Sutton is the latest example. He is an activist for "federalism," a euphemism for a rigid states'-rights legal philosophy. Although federalism commands a narrow majority on the Supreme Court, advocates like Mr. Sutton are taking the law in a disturbing direction, depriving minorities, women and the disabled of important rights.

Mr. Sutton argued a landmark disability rights case in the Supreme Court. Patricia Garrett, a nurse at an Alabama state hospital, asserted that her employer fired her because she had breast cancer, violating the Americans With Disabilities Act. Mr. Sutton argued that the act did not protect state employees like Ms. Garrett. His states'-rights argument narrowly won over the court, and deprived millions of state workers of legal protection. He also invoked federalism to urge the court to strike down the Violence Against Women Act. It did so, 5 to 4, dismantling federal protection for sexual assault victims. Mr. Sutton has said that he was only doing his job, and that his concern was building a law practice, not choosing sides. But throughout his career, he has taken on major cases that advance the conservative agenda. He has left little doubt in his public statements that he supports these rulings.

At his confirmation hearing, Mr. Sutton faced protesters with guide dogs and wheelchairs, who were upset about his role in rolling back disability law. Naturally, they urged the Senate to reject him. But the senators' duty to advise and consent goes beyond their vote on any particular nominee. They must make it clear that in a nation brimming with legal talent, it is unacceptable to focus the search for federal judges on a narrow group of ideologues.

U.S. GOLD AWARD FOR MEREDITH ELLIS OF GIRL SCOUT TROOP 4043

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. EVANS. Mr. Speaker, today I would like to salute an outstanding young woman who has been honored with the Girl Scouts of the USA Gold Award by Girl Scouts of the Mississippi Valley, Inc. in Rock Island, Illinois. She is Meredith Ellis of Girl Scout Troop 4043.

She is being honored for earning the highest achievement award in Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The Girl Scout Gold Award can be earned by girls ages 14–17 or in grades 9–12.

Girl Scouts of the USA, an organization serving over 2.6 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: earn four interest project patches, earn the Career Exploration Pin, earn the Senior Girl Scout Leadership Award, earn the Senior Girl Scout Challenge, and design and implement a Girl Scout Gold project. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

As a member of the Girl Scouts of the Mississippi Valley, Inc., Meredith began working toward the Girl Scout Gold Award in June 1999. Meredith worked with her partner Maria Witte on painting a wall mural for a local gymnastics facility.

The earning of the Girl Scout Gold Award is a major accomplishment for Meredith and I believe she should receive the public recognition due her for this significant service to her community and her country.

HONORING JUDGE VERNELIS K. ARMSTRONG

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Ms. KAPTUR. Mr. Speaker, I rise today to honor a very special constituent, United States District Court Magistrate Judge Vernelis K. Armstrong, on the occasion of her receipt of the Ohio Women's Bar Association's Justice Alice Robie Resnick Award of Distinction. This award is the OWBA's highest award for professional excellence and is bestowed annually on a deserving attorney who exhibits leadership in the areas of advancing the status and interests of women and in improving the legal profession in the state of Ohio. It gives me great pleasure to wish Judge Armstrong my warmest congratulations on this truly special occasion.

The Honorable Vernelis K. Armstrong is a U.S. Magistrate Judge for the Northern District of Ohio, assigned to the Western Division in Toledo. She has served as a United States District Court Magistrate since she was appointed to the Federal bench in September of 1994.

Judge Armstrong is a 1956 graduate of Wayne State University, and also received her law degree from Wayne State University Law School in 1960. Prior to her appointment as a Federal Magistrate, Judge Armstrong served as an Assistant United States Attorney in Toledo for fifteen years, primarily handling civil litigation matters.

Judge Armstrong has been a member of the Ohio Women's Bar Association since 1993. She is currently a member of the Toledo Bar Association Round Table, the Minorities in the Profession and Federal Court Committees. In the past, she served as Secretary for the Board of Trustees for the Toledo Bar Association, on the Bankruptcy Committee, as liaison to the Bankruptcy and Minorities in the Legal Profession Committees and on the Pro Bono Advisory Board.

Judge Armstrong's past recognitions and awards include receiving the Arabella Mansfield Award by the Toledo Women's Bar Association in 1988, the Excellence in Law Award by the Black American Law Students' Association (BALSA) in 1989 and 1997, the Milestones Award by the Young Women's Christian Association in 1997, and in 1999 she was the recipient of the Athena Award by the Chamber of Commerce.

The OWBA was initially formed in 1991 and is the only statewide bar association within Ohio solely dedicated toward advancing the interests of women attorneys while encouraging networking and the creation of a statewide mentor program for women attorneys.

On May 1, 2003, Ohio Supreme Court Justice Alice Robie Resnick will be presenting Judge Armstrong with the Ohio Women's Bar Association's Justice Alice Robie Resnick Award of Distinction at its Annual Meeting in Cleveland, Ohio.

It gives me great pleasure to rise today, Mr. Speaker, and join the OWBA in congratulating Magistrate Judge Vernelis Armstrong and wishing her continued success.

TRIBUTE TO MR. CHARLES BOUCHER

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. LANGEVIN. Mr. Speaker, I rise today to recognize Mr. Charles Boucher, an exceptional teacher and role model from Burriville, RI. Mr. Boucher has been named the Rhode Island Teacher of the Year for 2003. As an Applied Science and Technology teacher at Burriville High School, he has shown exemplary commitment to making education engaging and exciting. Under his tutelage, Mr. Boucher's students have received more than 30 state and national awards and his Bio Technology class was featured on a Discovery Channel program. His work and creativity have helped hundreds of students transition from school to the working world.

Mr. Speaker, I find it heartening that there are educators in this country who devote so much time and effort to shaping the minds of our young people. I hope you and our colleagues will join me in recognizing Mr. Charles Boucher for his dedication to education and vocational training.

HONORING MR. DAVID CHUBB FOR HIS CAREER AND SERVICE

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor Mr. David Chubb upon the conclusion of his career in education as an Elementary School Principal. Throughout his career in education, David has demonstrated a strong aptitude for and commitment to the field of school administration.

The conclusion of the 2002–2003 school year sees David retiring from his position as the Camelot Elementary School Principal after working as an educator in Fairfax County for more than twenty years. Always held in high regard by his colleagues, he has served as Principal at Fairhill Elementary School and Camelot Elementary School. In addition, David served as Assistant Principal at Newington Forest Elementary School and Bailey's Elementary School. Of course, he first logged many an hour in the classroom. In fact, he almost broke the two-decade mark as a teacher, spending 18 years at the front of the class.

In his 15 years as Assistant Principal and Principal, David developed into a consummate administrator. His relationship with his staff is excellent, fostered by an open-door policy and consistent fair treatment. He is also known for his skill in finances, which will certainly be missed by the Fairfax Association of Elementary School Principals.

Above all, David commits himself to the school with all of his energy. As his staff warmly noted, "the school is like his home." At Camelot, he knows the names of every single student—all 500 of them! He personally greets the buses as they arrive at school every morning and says goodbye to them at night, thereby achieving a remarkable rapport with the students. David pitches in with any project in need of help, even the smallest jobs that are someone else's responsibility: he's been known to help the custodians with cleaning or painting. He will be greatly missed by his colleagues at Camelot Elementary and warmly remembered by all who were lucky enough to encounter him.

Mr. Speaker, in closing, it gives me great pleasure to extend my warmest congratulations to David Chubb for his continuing commitment to making a difference in children's lives through education. From his very first students, to the staff who speak so warmly of their supervisor, everyone touched by David Chubb's energy and commitment recalls him fondly and has benefited from his help. Fairfax County is grateful for his service and can only hope that our education system will continue to attract teachers and principals of his caliber.

I call upon all my colleagues to join me in applauding David Chubb's remarkable career.

PETRI-KIND TEACHER VOLUNTARY EARLY RETIREMENT INCENTIVE ACT OF 2003

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. PETRI. Mr. Speaker, today with my colleague from Wisconsin, RON KIND, I am introducing the Teacher Voluntary Early Retirement Incentive Act.

It is a common practice across the country for school districts to provide senior employees an opportunity or incentive to voluntarily retire before the age at which they could receive Medicare coverage and full retirement benefits from a state or municipal retirement system. These early retirement incentive plans, ERIPs, are truly a win-win proposition for school districts and employees. School districts are able to lower overall payroll costs and pass the savings on to early retirees in the form of greater retirement options and supplemental benefits. In a profession where many experience "burnout" before full retirement age, ERIPs are a highly valued option among teachers, retirees, and school boards.

Despite the popularity and mutual benefits of these plans, school districts in Wisconsin, Minnesota, and Iowa over the past several years have been threatened with age discrimination charges by the Equal Opportunity Employment Commission for their voluntary early retirement incentive plans, and many school districts in other states may be at risk for similar action. We do not believe that it was the intent of Congress that voluntary benefits, negotiated between unions and employers and offered to all employees who reach a certain age, should come under the definition of age discrimination. The Petri-Kind Teacher Voluntary Early Retirement Incentive Act of 2003 would clarify the Congress' intent by carving out an exemption in federal age discrimination law for voluntary early retirement plans offered to elementary and secondary school teachers, similar to the exemption that already exists for teachers in colleges and universities.

This bill will go a long way in clearing up the legal uncertainty surrounding voluntary ERIPs, thus making available greater retirement options for teachers and giving school districts more flexibility in managing their workforce.

HONORING ALMA MARTINEZ AND HER THIRD-GRADE CLASS FROM FENLEY-FLANDERS ELEMENTARY SCHOOL

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. RODRIGUEZ. Mr. Speaker, educators from Fenley-Flanders Elementary, which is located in my Congressional district, have been preparing their third grade classes for the Texas Assessment of Knowledge and Skills (TAKS) test. The Express News from San Antonio followed third grade teacher Alma Martinez and her eleven students as they prepared for the test, which they took on March 4, 2003. During Spring Break the results of the test came back, and an overwhelming majority of Ms. Martinez's class passed the test, which allows them to advance onto fourth grade.

Starting this year, third graders will be among the 2 million elementary, middle and high school students taking a TAKS test. Students who do not pass the exam will have two more opportunities to pass the TAKS test.

I would personally like to congratulate Ms. Martinez and her third grade class on an outstanding job in the preparing for and taking the TAKS test and their advancement onto the fourth grade next year.

Schools are a reflection of our community and it takes everyone working together to make them quality institutions. The administration, teachers, staff, students and their families should be commended for their hard work and dedication in preparing the children of Fenley-Flanders Elementary for their performance on the TAKS tests.

CONGRATULATING UNITED STATES CAPITOL POLICE ON 175TH ANNIVERSARY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. LARSON of Connecticut. Mr. Speaker, I am an original co-sponsor of H. Con. Res. 156, honoring the men and women of the U.S. Capitol Police as they celebrate the 175th anniversary of the police force.

Congress established the Capitol Police during the administration of John Quincy Adams. Ponder how different the world was then, when the U.S. Congress was a young and largely untested deliberative body located in a relatively isolated town that was as much wilderness as it was settled territory.

In the last 175 years, the world has changed immeasurably, and so has the work of the Capitol Police.

Today the U.S. Capitol—which is simultaneously a national shrine, tourist attraction, and working office building—imposes extraordinary security requirements.

For example, more than three million tourists visited the Capitol complex in 2000. At the same time, the Capitol hosted more than 1,200 American and foreign dignitaries and 1,000 special events, and was the site of nearly 500 scheduled demonstrations. In addition to lawmakers and their staffs, a sizable number of journalists, concerned citizens, lobbyists, and service personnel also work within the Capitol complex.

To address these security requirements while keeping Congress as open and accessible as the Framers of the Constitution intended, the mission of the Capitol Police has expanded to provide the Congressional community and visitors with the highest possible quality of a full range of police services. These services are provided through the use of a variety of specialty support units and a network of foot patrols, vehicular patrols, and fixed posts.

In modern times, the Capitol Police have also had to cope with emergencies, bombings and shootings, including the tragic 1998 murders of Officer J.J. Chestnut and Detective John Gibson, that remain so painfully fresh in our memories.

After that tragic event, Congress properly heightened Capitol security, adopting a posture that requires considerable additional manpower. Recent events in the Middle East and elsewhere have obviously underscored the need for more officers and greater security. Fortunately, additional resources have been provided.

Congress has appropriated money to fund all the additional officers the Capitol Police can hire and train. Supplemental funds have also been provided to address needs identified since September 11, 2001.

Today, the Capitol Police face evolving threats from those who, for whatever reason, wish our country and our democracy harm. What was unthinkable only 18 months ago, has been done. We must remain vigilant and prepared as we work to rid the world of the scourge of terrorism and preserve and expand the promise of peace and democracy.

We will continue to rely on the Capitol Police as the first line of defense for the People's House and all who work and visit here.

The men and women of the Capitol Police meet their challenges with courage and a level of professionalism not exceeded anywhere. Since the dastardly attacks of September 11, and again after the heightened security level of the past few months, Capitol Police officers, under the able leadership of Chief Terrance Gainer, have worked long hours under adverse conditions. These men and women clearly represent the best that America has to offer.

I want to express my personal thanks for a job well done and wish the United States Capitol Police a sincere and happy 175th anniversary.

Mr. Speaker, I urge adoption of the H. Con. Res. 156.

COMMENDING THE CENTER FOR RURAL HEALTH DEVELOPMENT FOR WEST VIRGINIA

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mrs. CAPITO. Mr. Speaker, I rise today to commend an exceptional organization in West Virginia on its receipt of a prestigious certification of the U.S. Department of the Treasury.

The Center for Rural Health Development has been working since 1994 to make sure that West Virginians in rural communities have access to the highest standards of health care services. Its dedicated Board of Directors and professional staff have worked effectively to bring essential infrastructure, equipment, technical assistance, and skilled health care providers of all types to rural counties in our beloved State.

Ever mindful of the fact that a community's economic health is linked to the quality of its health care delivery system, the center has played a vital role in the growth and development of many rural and underserved areas, opening up opportunities for jobs, both in health care fields and in new businesses attracted to the high quality of life in West Virginia.

Its loan partners in the private sector and sponsors, including the Claude Worthington Benedum Foundation, the Robert Wood Johnson Foundation, the U.S. Department of Agriculture, Appalachian Regional Commission and the State of West Virginia, have long recognized the financial expertise of the Center for Rural Health Development.

It is now my pleasure to note that the U.S. Department of the Treasury, through its Community Development Financial Institutions Fund, has certified the Center for Rural Health Development as a "Community Development Financial Institution". The CDFI designation is a testament to high standards of practice and exceptional results, and serves as a signal to financial markets and West Virginia communities that the confidence they place in the Center for Rural Health Development is well deserved.

I ask that my colleagues join me in commending the Center for Rural Health Development and its Director, Ms. Sharon Lansdale, on its CDFI certification, and in expressing our appreciation for the vital role they have played in the lives of so many West Virginians.

PROCLAMATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. DAVIS of Illinois. Mr. Speaker, on Saturday, May 3, 2003, the Chicago "DODO" Chapter of Tuskegee Airmen Incorporated, in concert with Black Pilots of America will honor three of aviation's pioneer women of color, Bessie Coleman, Willa Beatrice Brown and Janet Harmon;

Bessie Coleman journeyed to France in 1920 to enter the field of aviation, planning to return to America to open an aviation program for African Americans; and

Bessie Coleman died on April 30, 1926, while preparing for an air show to benefit the Negro Welfare League of Jacksonville, Florida;

In 1939, Willa B. Brown held a limited commercial pilot's license issued by the United States Commerce Department; and

Managed the Coffey School of Aeronautics, which was awarded a government contract to train the first group of African-American aviators, and was the first African-American woman to hold a United States Civil Air Patrol Commission;

Janet Harmon was one of the first African-American women to purchase an airplane, which she then made available to the Challenger Air Pilots Association for training purposes; and

Served as surrogate advisor to the first group of African-American aviation cadets for the United States Army Air Force:

Now, therefore be it resolved that I, Danny K. Davis, duly elected by the people of the Illinois 7th Congressional District, do hereby join with the "DODO" Chapter of Tuskegee Airmen Incorporated, in concert with Black Pilots of America hereby proclaim;

Saturday, May 3, 2003, to be the day we celebrate as Aviation Pioneer Women of Color Day in Chicago and all over America; and urge all people to take note of the pioneering contributions to aviation made by these women of color;

Done, this 3rd day of May, 2003.

ENERGY POLICY

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong opposition to H.R. 6, the Energy Policy Act of 2003. We should be using this opportunity today to pass an effective and balanced energy bill that will help conserve our nation's resources and lessen our dependence on energy sources that are detrimental to our environment and even our national security. Instead, the bill being debated today harms the environment, threatens public health, endangers wildlife, and hurts consumers.

I believe a balanced national energy policy would be one that helps consumers by increasing energy production and reducing energy demand. Further, I feel that America's current and future energy needs should be met through a balanced approach that supports our fundamental environmental values. We must focus on becoming more energy efficient, investing in innovative technologies, and ensuring that energy markets are fair and competitive. We must also focus on reducing America's dependence on international oil suppliers and developing clean and renewable energy sources. Unfortunately, this bill accomplishes none of these goals.

Before consideration of the bill, I testified before the Rules Committee and requested that I be allowed to offer three amendments. The first would have required retail electricity suppliers to obtain 15% of their power production from a portfolio of renewable energy resources by 2020 and within 5 years add an additional 5%. This would allow us to enhance our nation's energy independence and national security while lowering prices for consumers by mitigating the effects of energy shortages and natural gas spikes. In addition, I believe including a Renewable Portfolio Standard in our nation's energy policy would create jobs and expand economic development, while simultaneously reducing air pollution and the threat of global warming.

The second amendment I hoped to bring to the floor was in support of the thousands of farmers, ranchers and homeowners across the west that are directly impacted by oil, gas and coal bed methane development activities on their lands. This amendment would have required surface use agreements between landowners and the oil and gas industry prior to any development of subsurface mineral rights owned by the federal government. Many farmers and ranchers own split estate interests, meaning that they own the surface resources and the federal government owns the subsurface mineral rights that it leases to the oil and gas industry. Currently, it is not required that the oil and gas companies repair and clean up a project site during or after its completion. Instead, the surface use agreements are only voluntary. Oftentimes as a result, many surface owners suffer loss of income, impairment of water quality, erosion and contamination of soil, harm to livestock and wildlife species, and they have no recourse because they did not have surface use agreements with the oil and gas companies. My amendment would have given these landowners the legal recourse they deserve.

Unfortunately, neither of these amendments was accepted by the Rules Committee. However, I was able to offer before the full House an important amendment that would strike an unnecessary and potentially dangerous subsidy included in H.R. 6 pertaining to uranium in situ leach mining. As written, the subsidy allots $30 million to the domestic uranium industry. The in situ leach mining procedure could cause radioactive uranium and other toxic chemicals to leach into groundwater. The area where this mining could potentially be undertaken in my district is near a high-quality aquifer, which is the sole source of scarce drinking water for over 10,000 people of the Navajo Nation in New Mexico. This subsidy compounds past disasters by promoting mining that could have dangerous health and environmental implications. Although my amendment was defeated, the roll call made it clear that there is bipartisan backing for striking this unfair and unwise subsidy. As this bill is negotiated in conference, I will continue to work to protect my constituents in New Mexico who have suffered so much from uranium related activities near their homes.

As we move into the future, we must act responsibly in ways that take into account the changing landscape of the world's energy situation instead of exacerbating the already dire energy dependence problem our nation faces. Conservation—getting the maximum value out of every bit of energy we use—must become a central feature of our nation's energy philosophy. We praise those who maximize the value of every dollar they spend; we should do the same with our energy. America should prize efficient and productive use of all our important resources, including energy. Conservation is real, achievable, and crucial.

Again, in those areas, this energy bill falls short. H.R. 6 weakens consumers protections, allows companies to contaminate water, allots over $18 billion in unnecessary subsidies to big oil and gas corporations, and takes one more step toward drilling in the untouched wilderness of the Arctic National Wildlife Refuge (ANWR). This will not enhance conservation or provide for the security of the energy supply for the American people as proponents of this bill claim. What it will do is reward the energy companies and leave the responsibility of keeping secure the nation's energy supply to yet another generation.

It is my hope that a conference committee will help produce a more sound compromise energy bill that does not threaten the future of either the environment or the country's energy needs. I will continue to work to see that our nation implements an energy plan that is balanced and addresses environmental concerns in a way that also provides for our continued economic success.

A TRIBUTE TO MELISSA ELLIS BARTLETT

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. BURR of North Carolina. Mr. Speaker, I rise today to pay special tribute to a fellow North Carolinian and an outstanding member of our community, Melissa Ellis Bartlett. I commend her for her dedication to children and education.

Melissa has been a distinguished teacher for the past 18 years, sharing her gift of teaching both nationally and internationally. For the past four years, Melissa has taught at Iredell-Statesville Schools, where she is a cherished language arts educator. Previously, Melissa taught social studies and worked with at-risk students in central North Carolina. She also taught English in Cairo, Egypt, and remedial reading to students in the U.S. Virgin Islands.

Melissa's commitment to her students and her excellence in the classroom has brought her to Washington today to be honored by President George W. Bush at the National Teachers of the Year ceremony. Melissa represents the finest of teaching professionals nationwide, and I am proud of all that she has accomplished. Teachers who share Melissa's dedication are a true treasure.

I ask my colleagues and fellow North Carolinians to join me in extending our congratulations and heartfelt thanks to Melissa Bartlett for her years of selfless service. May she continue to inspire and enlighten students for many years to come.

INTRODUCTION OF THE MILITARY PAY COMPATIBILITY ACT OF 2003

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mrs. DAVIS of California. Mr. Speaker, I rise today to introduce the Military Pay Compatibility Act of 2003. Joining me is my dear friend and colleague Representative IKE SKELTON, the ranking Member of the House Armed Services Committee. He is a man of great wisdom and preeminence with respect to all things military and I appreciate his guidance and support.

In short, this legislation will ensure that military pay raises keep pace with civilian pay growth.

Please allow me to explain why this is important. Military pay tables were overhauled in 1971, with the advent of the all-volunteer force, and basic pay was set to provide reasonable pay comparability with private sector pay for civilian workers with similar skills, education and experience.

But military raises were capped for budgetary reasons during the 1970's, and serious retention and readiness shortfalls followed. These problems were addressed with double-digit raises in 1981 and 1982, after which it was generally acknowledged that military pay was reasonably comparable with private sector pay.

Despite this hard-learned lesson, the extended retention rebound of the 1980's, coupled with rising budget deficits, led multiple Administrations and Congress to continue capping military raises below private sector pay growth in 12 of the next 16 years.

In 1999, the cumulative military pay raise shortfall since 1982 had reached 13.5 percent—predictably accompanied by a new retention and readiness crisis.

Congress responded by enacting provisions in the FY 2000 Defense Authorization Act specifying that, for years 2000 through 2006, each year's military pay raise is to exceed the civilian pay growth, as measured by the Bureau of Labor Statistics' Employment Cost Index, or ECI, by ½ percent per year. The 2001, 2002 and 2003 pay raises actually exceeded this standard and cut the gap from 13.5 percent to 6.4 percent.

In May 2002, the Department of Defense released its Ninth Quadrennial Review of Military Compensation (QRMC), which acknowledged that current pay structure lags considerably behind pay for civilians of comparable age and education. And, the Department of Defense has been supportive of increased raises to restore a new comparability standard.

In summary, the capping of military pay raises below private sector pay growth for extended periods during the past 30 years has led to significant retention problems among second-term and career members of the Armed Forces.

Such retention problems cost the United States more in terms of lost military experience, decreased readiness, and increased training costs than maintaining the principle of pay comparability.

The remaining so-called pay comparability gap should be eliminated as quickly as possible, and military pay increases must sustain full comparability with increases in the Employment Cost Index.

My bill would ensure that military pay raises never again lag civilian pay raises. Existing authority to close the pay gap expires in 2006. This legislation adds to that authority by specifying that military pay raises must be at least at the level of civilian wage growth beginning in 2007.

I have been asked if I am doing this because of our troops returning from the Middle East and the war in Iraq. The answer is no and yes. No because this legislation builds on the legislation I offered in the 107th Congress and addresses the same problem of the pay gap with a different approach. This issue is not new to me.

The answer is also yes because I can think of no better way to show continued support for our troops than to send them a clear signal that the Congress and the nation value their service and sacrifice, both today and in the future.

This measure has the full endorsement of the Fleet Reserve Association and the Military Coalition, and I have attached their letter of endorsement.

Mr. Chairman, I urge my colleagues to cosponsor this important legislation and work to ensure its quick passage. Nearly identical legislation was introduced in the Senate yesterday. Working together with our Senate colleagues, I urge my colleagues on the House Armed Services Committee to include this legislation as a provision of the National Defense Authorization Act for Fiscal Year 2004.

THE MILITARY COALITION,
Alexandria, VA, April 30, 2003.

Hon. SUSAN A. DAVIS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DAVIS: The Military Coalition (TMC), a consortium of nationally prominent uniformed services and veterans' organizations representing more than five and one half million current and former members of the seven uniformed services, plus their families and survivors, strongly supports legislation you are preparing to introduce that would amend title 37, United States Code, concerning future military pay raises and their comparison with private sector pay growth. Under the provisions of your proposal, increases in pay for members of the uniformed services would match the growth in the Employment Cost Index (ECI).

This is a priority issue, and the Coalition strongly supports the introduction of such legislation. The Office of Management and Budget (OMB) already recommended that future military pay raises be based on the Consumer Price Index (CPI). If that were adopted, military personnel would not receive comparable pay increases with those in the private sector, thus halting progress in closing the pay gap between military and civilian pay levels. In addition, the Administrations budget request would cap FY2004 pay increases for NOAA and PHS personnel at the CPI level.

The ECI measures private-sector wage increases, while the CPI is an inflation gauge to preserve the purchasing power of retired pay, veterans' benefits and other programs. Retaining the ECI will ensure that pay increases for all seven of the uniformed services mirror those in the civilian economy. This is important to maintaining adequate recruiting and retention within the services and subsequently to our Nation's military readiness.

The Coalition appreciates your leadership on this issue and will work toward the enactment of this legislation into law.

Sincerely,

THE MILITARY COALITION.

TRIBUTE TO AMANDA BEAVER AND ASHLEY WATSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to recognize Amanda Beaver and Ashley Watson of Grand Junction, Colorado. Amanda and Ashley are making a difference in their community and touching the lives of many of their neighbors in the Grand Valley, and today I would like to honor their accomplishments before this body of Congress and this nation.

Amanda and Ashley are fourteen-year-old students at Grand Mesa Middle School. This past year, they planned a fundraiser, "Answer to Cancer," to honor families who have been touched by cancer and to support the American Cancer Society. The girls, who both have grandparents with cancer, have spent nearly a year planning the event, which features dancing, games, and refreshments. They have seen outstanding support from the local community, receiving donations from local businesses and numerous individuals.

Mr. Speaker, Amanda Beaver and Ashley Watson have shown extraordinary leadership as young citizens of Grand Junction. Their volunteer efforts are offering hope to an important segment of the community and creating greater awareness of cancer among their peers as well as their elders. These two talented and determined young women clearly have great things ahead of them, and it is my great honor to recognize their hard work before this body of Congress and this nation today. I wish them all the best in the future.

HONORING THOMAS RONAYNE

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. ISRAEL. Mr. Speaker, I rise today in honor of Thomas Ronayne, a decorated veteran and Commander of the Huntington Station Veterans of Foreign Wars.

After entering the United States Navy in January of 1980, Tom served aboard the USS *Vogelgesang* and the USS *Vreeland.* In September of 1983, he was Honorably Discharged from the Navy. For his service, Tom was awarded the Navy Expeditionary Medal, the Armed Forces Expeditionary Medal, two Navy Battle "E" Ribbons, Navy Sea Service Deployment Ribbon, the Navy Pistol Expert Ribbon, one Atlantic Fleet Command "Golden Grammy Awards" for Gram Analysis Excellence and two "Silver Grammy" Awards for Gram Analysis Excellence.

Tom became a member of Veterans of Foreign Wars of the United States in 1996, joined Post #1469 in Huntington Station in 1998 and held various offices before being elected Commander in 2000. He still serves as Commander of the Huntington Station VFW, Nathan Hale Post 1469, the oldest VFW Post on Long Island and largest in downstate New York.

Tom also participated significantly in the operations and efforts at Ground Zero. He was injured as a result of the attacks on the World Trade Center and remained on scene for over seven months, participating in the recovery, clean-up and rebuilding efforts. Tom still visits regularly with the workers at Ground Zero.

Tom has three sons and lives in Greenlawn, NY with his wife Linda. I commend Tom Ronayne for his dedicated service to our country during his time in the Navy and in the aftermath of the attacks on the World Trade Center, and for his hard work on behalf of veterans on Long Island.

TRIBUTE TO FRED FLOWER, JR.

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. MCINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity and pay tribute to an icon of the Montrose, Colorado community who recently passed away. Leo Fred Flower, Jr. died at the age of 84 and as his family and friends mourn his loss, I think it is appropriate that we remember Fred for his many contributions throughout his life.

Fred was a longtime civic and business leader in Montrose whose affiliations ranged from the Western Slope Livestock Commission to the Montrose Industrial Development Board. He graduated from Montrose High School in 1934 and began working at a grocery store, later driving a truck for the Montrose Flour Milling Co. and pursuing further education. Eventually Fred began doing office work for the flour mill and for a local ranch and livestock business, which he would later purchase.

In 1940 Fred began a career in banking, interrupted by his service in the Army from 1942 to 1946. He eventually became president of Montrose National Bank and Montrose Savings and Loan, and also spent a few years as a rancher. In 1968 he bought the family business, Flower Motor Company, which his son now owns.

Fred was a dedicated community leader and played an integral role in establishing Montrose Memorial Hospital. He established the first Kiwanis Club in Montrose, and served on the local school board and on the board of the Colorado Western College. He gave his time and efforts to innumerable community organizations, and was most recently involved in Montrose's senior center.

Mr. Speaker it is with profound sadness that we remember the life and memory of Fred Flower who so deeply touched the Montrose community. As family and friends mourn his passing, I would like to recognize the wonderful life Charlie lived. He will be missed.

HONORING LIEUTENANT COMMANDER GLENN SULMASY

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. SIMMONS. Mr. Speaker, I rise today to honor a member of my staff for his tireless efforts on behalf of the good people of Connecticut's Second Congressional District. Lieutenant Commander Glenn Sulmasy will soon conclude his service in my Norwich, Connecticut office and become a distinguished teacher of International Law at the Naval War College in Newport, Rhode Island.

Since my term started, Glen has been a liaison in my office to the Coast Guard Academy. As the vice-chairman of the Coast Guard Subcommittee, I came to rely on this relationship. What's more, I rely on his input and his perspective—built from years of expertise and driven by his faith in our country.

Glenn's commitment to me and to my congressional office should be no surprise—he has long had a passion for public service. A 1988 graduate of the U.S. Coast Guard Academy and 1997 graduate of the University of Baltimore School of Law, Glenn has given 15 years of service as a "coastie" in the U.S. Coast Guard—with time spent in the Persian Gulf during Desert Storm, and more recently as a teacher of law at the Coast Guard Academy.

Using his experience to enhance that of our other cadets, Glenn demonstrates an admirable loyalty to his values and the Coast Guard tradition. He has also taught at the Roger William School of Law in Bristol, Rhode Island and serves on the Board of Directors of the Center for International and Comparative Law, the National Coast Guard Museum Association, the New London Parks Conservancy, and the Connecticut Anti-Terrorism Task Force.

Mr. Speaker, Glenn Sulmasy lives by the daily commitment of the Coast Guard's core values of honor, respect and devotion to duty. And while I will miss Glenn's presence in my Connecticut office, I wish him well and feel confident that I can still count on him.

On behalf of the rest of my staff, I wish to express our affection and gratitude to Lieutenant Commander Glen Sulmasy for his dedicated work.

Glenn, thank you for your service to me, best wishes and Semper Paratus.

HONORING DREAM WEAVERS OF SOUTHERN COLORADO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to recognize an outstanding community organization in my district, Dream Weavers of Southern Colorado. For twenty-one years, Dream Weavers has been working hard to grant the wishes of children with life-threatening illnesses and today I would like to honor their efforts before this body of Congress and this nation.

Dream Weavers is an inspirational all-volunteer organization founded in 1982. Over the last twenty years Dream Weavers has fulfilled the dreams of nearly 230 children, organizing vacations at Disney World, fishing trips and family reunions. Sometimes a child simply wishes for a computer, which the organization is only happy to provide. Dream Weavers also hosts frequent events and parties for its wish recipients, providing critical and continuing support for children and their families. To achieve its goals, Dream Weavers depends on community support from local corporations and individuals as well as its annual Bowl-A-Thon fundraiser.

Mr. Speaker, Dream Weavers of Pueblo is an inspirational organization that truly makes a difference in the lives of children struggling with life-threatening diseases. By focusing on family involvement, Dream Weavers provides wonderful opportunities and memories for children, parents and siblings, and I am honored to have such a compassionate program serving the citizens of my district.

10 YEARS OF REMEMBRANCE: THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. SMITH of New Jersey. Mr. Speaker, today I want to pay special tribute on the 10th anniversary of the United States Holocaust Memorial Museum. During the past decade, the institution and its dedicated staff members have worked tirelessly to promote remembrance of the Holocaust and to draw lessons for the future from this very dark chapter of mankind's recent history. When the Museum was dedicated and formally opened in late April 1993, this event culminated over 10 years of preparation that started in 1980 with the chartering of the institution by a unanimous Act of Congress. Recognizing the work of the Museum this week is very fitting, as it is the week of Holocaust Remembrance Day, a time for honoring the millions of Jews who died almost 60 years ago under Nazi tyranny.

As set forth in its mission statement, the Holocaust Memorial Museum has become America's national institution for the documentation, study, and interpretation of Holocaust history, and is this country's memorial to the millions of people murdered during the Holocaust. The Museum and its International Archives Project focuses on all individuals who suffered during the Holocaust, in addition to the six million executed Jews, the horrific Nazi treatment of millions of Roma, disabled, religious and political prisoners, and prisoners of war. The Museum plays a critical role in advancing and disseminating information, documenting the historicity of the Holocaust, while also preserving the memory of individuals who suffered.

While insuring that the lessons of the past will not be forgotten, the Museum has actively and creatively developed ways to work towards a better future. The institution's dedication to dealing with the horrors of genocide, whether in Nazi Germany, Bosnia, Rwanda or Cambodia is a critical part of the effort to mobilize international action against this plague on all humanity. The Committee on Conscience plays a particularly significant role in bringing timely attention to acts of genocide or related crimes against humanity.

The Museum has rightfully become one of Washington's most revered attractions. The hundreds of thousands of visitors who have toured the Museum since its opening have left with an unforgettable experience and the opportunity to reflect on the deep moral questions stemming from the tragedy of the Holocaust. The Museum's research center has served as a critical resource for scholars who try to help us better understand the lessons of this terrible chapter of human history. The creation of the United States Holocaust Memorial Museum has also encouraged other countries to move to establish comparable institutions including, most significantly, in Berlin, Germany.

The U.S. Helsinki Commission, which I co-chair, has worked with the Museum on several occasions, from pushing for the release of documents from the Romani concentration camp in Lety, Czech Republic, to urging Romania to give greater meaning to its stated commitment of rejecting anti-Semitism by removing Antonescu statues from public lands. In response to the alarming spike of anti-Semitic incidents found last summer in Europe, myself and other Members of the Commission have been very active in urging governments and elected officials to denounce the violence and ensure their laws are enabled to prosecute the perpetrators. In support of this effort, I have introduced H. Con. Res. 49, urging, among other things, European states to "promote the creation of educational efforts throughout the region encompassing the participating States of the OSCE to counter anti-Semitic stereotypes and attitudes among younger people, increase Holocaust awareness programs, and help identify the necessary resources to accomplish this goal." It is my hope that other countries will copy the unique and effective model of the United States Holocaust Memorial Museum.

Congress has designated April 27th to May 4th as "Days of Remembrance," when our nation will commemorate again the victims of the Holocaust. May we use this time of reflection that will reinforce our common determination to learn from history's harsh lessons.

TRIBUTE TO TOM SHARP

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Tom Sharp, a helicopter pilot from Telluride, Colorado and thank him for the contributions he has made to local search and rescue efforts. Tom recently risked his life and his helicopter to save two avalanche victims trapped on a steep slope near Telluride Ski Area, and today I would like to honor his service before this body of Congress and this nation.

Tom has been a pilot with Helitrax, a heli-ski guide service, for over twelve years. When he was called to assist in the rescue of two skiers caught in an avalanche, he immediately responded along with two Helitrax guides, braving a dangerous landing near one of the injured skiers before picking up more rescuers and dropping off more medical supplies. Then Tom made a daring attempt to reach the other skier, flying close to dangerous jagged rock in spite of unpredictable afternoon winds. Though he was unsuccessful, Tom and his fellow rescuers dropped supplies to the stranded skier that allowed him to climb out of the couloir and communicate with rescuers.

Mr. Speaker, pilots with the expertise and skill of Tom Sharp are crucial to successful search and rescue operations, and it is a great privilege to honor Tom here today. His years of experience and his willingness to take risks are a tremendous asset to the citizens of Telluride and to all of Colorado.

TRIBUTE TO MR. MISHLER

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. SHUSTER. Mr. Speaker, on May 4, 2003 the Pennsylvania Historical and Museum Commission, in conjunction with the Altoona Area School District and the Blair County Arts Foundation, will be dedicating a long-deserved historical marker commemorating Isaac Charles Mishler, the original owner of the Mishler Theater, located in downtown Altoona, Pennsylvania.

I rise today to pay tribute to Mr. Mishler for his vision of bringing the arts to his fellow citizens. The theater and the community's dedication to the arts have stood the test of time. Indeed, since its opening in 1906, the Mishler Theater has hosted the cream of the entertainment crop for almost 100 years.

The hallowed halls of the Mishler have seen the likes of John Drew, the Barrymores, Houdini, the Zeigfeld Follies, Bernadette Peters and George Burns. With over $1.3 million in improvements over the years, the Mishler continues to provide the community with top-notch entertainment today.

Mr. Speaker, I am pleased to have had the opportunity today to recognize the efforts of the Altoona community and the numerous organizations that have worked together to preserve the Mishler Theater. Their efforts are a fitting tribute to Isaac Mishler's vision of a theater that serves as a center of arts and entertainment for the entire community.

TRIBUTE TO REV. HOLMES ROLSTON III

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to inform this body of a brilliant man from my home state.

The Reverend Holmes Rolston III, a philosophy professor at Colorado State University, is the winner of this year's Templeton Prize. The award recognizes research and discoveries that advances the understanding of God and spiritual realities. In winning this prestigious award, Reverend Rolston joins such luminaries as Mother Teresa, Billy Graham, and Aleksandr Solzhenitsyn.

Holmes grew up poor in rural Virginia in a home without running water or electricity. From that humble beginning, he rose to become what many consider the father of environmental ethics. Along the way he has lectured on all seven continents, written books that are used as texts at more than 150 universities, and co-founded the leading journal in his field, "Environmental Ethics."

Even though he has degrees in physics, theology, and philosophy, he still—at the age of 70—sits in on science classes. Learning is so important to this professor that he plans to donate his prize, which is worth more than $1 million, to establish an endowed chair in science and religion at his alma mater.

Mr. Speaker, Reverend Holmes has distinguished himself as a professor, theologian, ethicist, environmentalist and philanthropist. He is not only a model citizen, but also an inspiration to his students, peers, and the community. It is an honor and a privilege to inform this body of his achievements. Congratulations on winning the Templeton Prize, Reverend Holmes, and best of luck with your future endeavors.

CONFERENCE REPORT ON H.R. 1559, EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, April 12, 2003

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 1559, the Emergency Wartime Supplemental bill. I support this bill to honor our troops and provide relief to Americans suffering through these difficult economic times.

In this time of war and economic crisis, we do not need massive tax cuts. I applaud my Democratic colleagues on the Appropriations Committee for their tireless efforts to reach a Budget Resolution that achieves mutual reconciliation, supports our military, and helps to stabilize the economy in this time of economic crisis. We need mutual reconciliation right now, not disagreement.

I applaud the supplemental funds allocated for homeland security. I applaud the 26-week provision designed to help provide relief to the unemployed. Since the tragic events of September 11, 2001, I have fought on this floor for the employees of the airline industry. I believe this bill goes a long way to providing the employees of the airline industry economic relief.

My Democratic colleagues on Appropriations did a wonderful job reducing many of the Administration's inflated fund requests. We lowered the President's request for a "flexibility fund" from $59.9 billion to $15.7 billion. We reduced the alien nations fund from $50 million to $25 million. These fund reductions, and the many others included in the supplemental will provide relief to every American.

The original emergency supplemental was illogical legislation. Never before have I seen such an outrageous departure from established Congressional procedure. The Senate approved an emergency supplemental bill for $350 billion. Instead of following the wisdom of the Senate, the House proposes an emergency supplemental bill for $550 billion. Never before have I seen Congress make such a frivolous budget decision.

I congratulate the hard work of the Appropriators. However, I would have preferred to see funds, such as a portion of the $2.4 billion used for the reconstruction of Iraq, used to help domestically. I would like to see funds allocated to reach out to our small and minority-owned businesses, and not to large conglomerates and multi-national corporations.

I am on my way to visit Tommy Franks, and the many brilliant military strategists at Central Command. Plus, I recently visited several of the valiant soldiers who suffered injuries fighting in Operation Iraqi Freedom. Having met these brave young men, I know how much their sacrifice means to America.

I support H.R. 1559 to support our troops and to support the U.S. Economy.

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. HONDA. Mr. Speaker, on rollcall vote Nos. 146, 147, and 148, I was unavoidably detained with important matters in my district.

Had I been present, I would have voted "yea" on rollcall vote 146, Congratulating Charter Schools Across the United States, "yea" on rollcall vote 147, Extending Congratulations to the United States Capitol Police on the Occasion of its 175th Anniversary, and "yea" on rollcall vote 148, Expressing Support for the Celebration of Patriots' Day and Honoring the Nation's First Patriots.

COMMENDING ARMY RESERVE SPECIALIST ROY RUSSELL BUCKLEY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and respect that I wish to commend Army Reserve Specialist Roy Russell Buckley for his bravery in the field of battle and his willingness to fight for his country. Specialist Buckley lost his life on Wednesday, April 23, 2003 in Baghdad, Iraq while transporting fuel trucks for the 685th Transportation Company, part of the United States Army's 3rd Infantry Division. His sacrifice will be remembered at funeral services on Saturday, May 3, 2003 by a community that has been struck hard by the devastating loss of one of its own.

A native of Merrillville, IN, Specialist Buckley graduated from Merrillville High School in 1996. He was a gifted athlete, with an orange belt in karate and possessed the strength to lift over 950 pounds. After graduating from high school, Specialist Buckley decided to join the Army Reserves with the hope that it would assist him financially with college, help him learn a trade, and allow him to find himself through the discipline and order that it provides.

It came as no surprise to those who knew Specialist Buckley that he would serve his country. A true patriot, his love for his country was evident from the time that he was a child. He collected items with patriotic themes, and his bedroom remains adorned with symbols of his patriotism. A poster of the Declaration of Independence hangs above his bed, and an "Army of One" poster hangs by the door. He once hung an American flag next to a bright light in his bedroom because he wanted to see the flag glow, and now a flag serves as the curtain for his window. Specialist Buckley felt tremendous pride for his country, and he was willing to endanger his own life to protect the lives of his fellow citizens. His courage and heroism will always be remembered, and his sacrifice will forever live in the hearts and minds of those for whom he battled.

Mr. Speaker, Specialist Buckley, along with 160 other local reservists with the 685th Transportation Company, left for Fort Campbell, KY on January 24, 2003 after being called into active duty. His unit was deployed to Kuwait in February, and was instrumental in the battle to liberate the Iraqi people. Specialist Buckley was riding in a large fuel truck when an accident occurred and he was thrown from the vehicle. He gave his life so that the freedoms and values that he treasured could be enjoyed by those around the world.

Although he loved his unit and his country, Specialist Buckley treasured his family above all else. He is survived by his mother, Janie Espinoza, his stepfather, Phillip Espinoza, his four siblings, his fiance, Jenina Bellina, and his 6-year-old daughter, Alicia Faith Buckley. Jenina is stationed in Iraq with the same reservist unit for which her fiance gave his life. These individuals were the heroes to a man that we will forever call a hero, and we should honor them in this tumultuous moment as well.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in honoring a fallen hero, U.S. Army Reserve Specialist Roy Russell Buckley. Specialist Buckley is the third resident of Northwest Indiana to sacrifice his life during Operation Iraqi Freedom, and his passing comes as a difficult setback to a community already shaken by the realities of war. Specialist Buckley will forever remain a hero in the eyes of his family, his community, and his country; thus, let us never forget the sacrifice he made to preserve the ideals of freedom and democracy.

IN HONOR AND REMEMBRANCE OF JOSEPH J. GOLUBSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Joseph J. Golubski—beloved family man, community leader, and friend and mentor to many.

Mr. Golubski graduated from South High School in 1946 He earned a Bachelor's degree from John Carroll University, and a law degree from John Marshall College. In 1950, he married Rita D. Krysinski. Together they raised seven children. In 1952 Mr. Golubski became a licensed funeral director, continuing the family business that his father established in 1913. With a keen intellect and high energy for learning, Mr. Golubski became a licensed attorney in 1953.

Despite his exceptional scholastic and business achievements, Mr. Golubski's foremost priorities were his family and native community—the Slavic Village neighborhood. His family, community, faith and heritage were central within his life. Mr. Golubski was very active in and supportive of the community along Fleet Avenue. He supported many projects at several area churches, including St. Stanislaus, Immaculate Heart of Mary Church, St. Hyacinth Church, Sacred Heart of Jesus Church, and the former Transfiguration Church. Additionally, Mr. Golubski was an active member of the St. Stan's Dad's Club, Knights of Columbus South East Council, Cleveland Society of Poles, Slavic Village Merchant's Guild, and the National Funeral Director's Association, among many others.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Joseph J. Golubski, beloved husband of Rita; beloved father of Linda, Joseph E., Robert, Nancy, Steven, Cheryl, and Pamela; and adoring grandfather of Stephanie, Denise, Rita, Anne, Matthew, Adam, Martha and Joseph. Mr. Golubski's joyous life was defined by his deep dedication to family and friends, and his exceptional service to his community. His strong spirit, integrity, energy and good works have served to uplift the lives of countless individuals, families—and the entire Cleveland community.

IN HONOR OF SISTER ROSE THERING

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Sister Rose Thering for her dedication to promoting religious understanding and providing educational opportunities for her community. Sister Thering was the keynote speaker at the annual Holocaust Remembrance Day Observance on April 29, 2003 at the Bayonne City Council Chambers.

Professor Emerita at Seton Hall University, Sister Thering has been an active writer, speaker, and lecturer on Judeo-Christian and Holocaust studies for over 30 years. Sister Thering has organized and directed the annual Seton Hall University Study Tour to Israel since 1972, and has traveled to Israel on over 50 occasions during her tenure at Seton Hall. As an active member of a number of academic, religious, and community organizations, she continues to be a strong advocate for building relations between Jews and Christians.

Sister Thering currently serves on the Newark Archdiocesan Commission for Interreligious Affairs and is executive director of the National Christian Leadership. She was appointed to the Board of Trustees of Kean University in 1994 and has been a member of the New Jersey Commission for Holocaust Education since 1980. She also served on the U.S. Bishops' Advisory Committee to the Secretariat for Catholic-Jewish Relations for 20 years. At Seton Hall University, she continues to improve the Endowment Fund established in her honor, which provides scholarship assistance to school teachers furthering their education in Holocaust studies.

Sister Thering is a life member of Hadassah, the National Council of Jewish Women, and the Hebrew Immigrant Aid Society. As a leader and educator on an issue as important as the Holocaust, I want to praise her for decades of tireless determination and dedicated work. She has touched so many lives by reminding us of the unspeakable horrors of the Holocaust during human kind's darkest hour.

Today, I ask my colleagues to join me in honoring Sister Rose Thering for her commitment to pursuing religious understanding and for her desire to educate and serve members of our community.

RECOGNIZING BONNIE JEAN LONG FOR HER OUTSTANDING SERVICE TO THE PEOPLE OF ST. HELENA, CALIFORNIA AT THE TIME OF HER RETIREMENT AS CITY MANAGER

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the distinguished service of Bonnie Jean Long, the city manager of St. Helena, California. Her outstanding leadership and commitment to community service has significantly benefited the people of St. Helena and she will be sorely missed upon her retirement.

When looking to hire the first-ever city manager in St. Helena, our community would have had a truly difficult task trying to find someone more qualified than Bonnie. Prior to taking office, Bonnie served as the Cotati, California city manager. Adding to her preparation were the years she spent as the assistant city manager for the cities of Davis and Modesto, California.

Mrs. Long's expertise is matched only by her dedication to improving her community and her tremendous work ethic. As city manager, she has worked tirelessly to manage St. Helena's budgets, to maximize our resources and to handle the needs of our growing population. Somehow she has managed to make this difficult task look easy.

While serving our community as city manager, Bonnie has found additional ways to get involved in bettering St. Helena through her volunteer work. Bonnie is a member of the St. Helena Rotary club, the Kiwanis club and she sits on the REMIF Board of Directors.

Mr. Speaker, as impressive as Mrs. Long's professional contributions and service to St. Helena are, she would be the first to tell you that her real success has been as a dedicated wife, a loving mother and an adoring grandmother. Whether traveling with her husband John, giving advise to her daughter Samantha or playing with her grandson Zachary, Bonnie has been a shining example of how to keep your priorities straight. For Bonnie, family is the true joy of life.

Mr. Speaker, because of the many contributions she has made to the town of St. Helena and for her excellence and dedication, it is proper for us to honor Bonnie Jean Long today as she retires from the office city manager.

HONORING HENRY COVELLO

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. McGOVERN. Mr. Speaker, I rise today to honor Henry Covello, a veteran of World War II and Korea.

Mr. Covello served our country in World War II as a young man. His honor and bravery earned him a Purple Heart for his service in the war. His lifelong dedication to the United States Army is reflected by the prestige of the Purple Heart, among the highest honors an American citizen can receive. Following his service in World War II, Mr. Covello went off to serve in Korea where he earned his second Purple Heart. I am proud to tell my colleagues that this weekend Mr. Covello will posthumously receive his third Purple Heart.

Mr. Covello served in the United States Army with the 82nd Airborne Division, 504th Parachute Regiment, the 5th Airborne Ranger Co., 25th Division, and D Company, 19 Regiment, 24th Division. He served for nearly 25 years in the Army before permanently retiring to Worcester, Massachusetts.

Mr. Covello is an example for all Americans. Devoting himself to our armed forces, Mr. Covello's awards are the sign of a grateful nation. His service in the fight against tyranny and oppression should not be forgotten.

Mr. Speaker, I extend my sincere thanks to Mr. Covello, and to all of our veterans, for bravely fighting to protect our security and liberty. I am confident that my colleagues in the U.S. House of Representatives will join me in thanking Mr. Covello for his service.

INTRODUCTION OF H.R. 1906, THE SERVICEMEMBERS' TRANSITION ASSISTANCE PROGRAM AND SERVICES ENHANCEMENT ACT OF 2003

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. EVANS. Mr. Speaker, I rise today to introduce the Servicemembers' Transition Assistance Program and Services Enhancement Act of 2003. This legislation would improve our servicemembers' often challenging transition process from active-duty military service back into civilian life. In the Homeless Veterans Comprehensive Assistance Act of 2001 (Public Law 107–95), Congress made a commitment to end chronic homelessness among veterans within this decade. This legislation is a strong step forward to honoring that commitment.

Mr. Speaker, I am proud to say that this bill is a proactive measure; it aims to educate our separating servicemembers about the risk factors associated with homelessness, as well as provide them with the tools they need to obtain quality long-term employment.

Unemployment and continual underemployment can lead to poverty, which is the common denominator and root cause of homelessness. This measure would ensure that all servicemembers have the opportunity to participate and take advantage of important Transition Assistance Program (TAP) services prior to leaving military service.

TAP is jointly administered by the Departments of Defense, Labor, and Veterans Affairs. These services generally include employment counseling, career assistance, and veterans' benefits guidance for active-duty servicemembers returning to civilian life. Currently, only the Marine Corps requires mandatory TAP attendance for all of its separating or retiring servicemembers. The Marine Corps again leads the way!

Mr. Speaker, every veteran and servicemember I have spoken with concerning TAP has said that attending a transition workshop was a positive experience, and that the services truly helped them in their civilian job search. Additionally, as we all know, the military is comprised of a substantial number of married servicemembers. This measure acknowledges the special people that make up our military community, and encourages full spousal participation in TAP services.

Further, this important legislation would also require that TAP workshops include homelessness risk awareness assessments. As servicemembers leave military life to become civilians, they must adjust to new responsibilities and in certain ways a new lifestyle. This transition can be particularly challenging to veterans who are at greater risk of becoming homeless.

According to recent studies, veterans: comprise 23 percent of the overall homeless population and 33 percent of the homeless male population; are twice as likely to become homeless as non-veterans; female veterans are approximately four times as likely to become homeless as their non-veteran counterparts; 40 percent of homeless veterans reported mental health problems; 49 percent reported alcohol abuse; 31 percent reported drug use; 52 percent reported chronic medical conditions.

Lastly, Mr. Speaker, I want to thank Linda Boone and the entire staff of the National Coalition for Homeless Veterans. I very much appreciate their advocacy on behalf of homeless veterans.

I encourage all my colleagues to support this proactive legislation.

HONORING DR. ARTHUR O. HAZARABEDIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Dr. Arthur O. Hazarabedian posthumously for his vast contributions to his community and to the Armenian culture. His passing on March 31st of this year was a tragic loss to all who knew him.

Arthur graduated from U.C. Berkeley with a Bachelor of Science in Agriculture Economics in 1953. He then received a Degree in Veterinary Medicine in 1959 from U.C. Davis. Dr. Hazarabedian's compassion for the animal community was shown in his ownership of Harmar Veterinary Services in the East Bay of San Francisco. Most of his career as a veterinarian was dedicated to aiding pets, and he offered his services to four veterinary hospitals over the span of 40 years. Dr. Hazarabedian's love for helping other creatures is evident in his being a founding member of many veterinary organizations, including the American Veterinary Medical Association and their Business Management Committee. He also served as a representative of the California Board of Equalization and was a Charter member of the California Academy of Veterinary Medicine.

Dr. Hazarabedian has made a significant impact on many lives in the Armenian community. One of Dr. Hazarabedian's greatest accomplishments was the founding of the Armenian Technology Group, Inc. He, and the other ATG co-founders, formed the organization to assist Armenia in its transition from a subject state of the Soviet Union to a free and independent nation. Under Dr. Hazarabedian's leadership, the goal of ATG has been the advancement of democracy in Armenia through the development of a modern agricultural base in a free-market economy. ATG has sought to introduce modem farming practices and technologies to Armenian farmers and government representatives through programs designed to promote independent action and knowledge sharing.

In 1990, he received the Distinguished Alumni Achievement Award from the Faculty at the University of California, Davis, School of Veterinary Medicine, which is the highest award for contributions, public service and excellence in the veterinary profession. Three weeks before he passed away, on March 8, Dr. Hazarabedian received the Man-of-the-Year award from the Armenian National Committee of America—Bay Area Chapter, at a ceremony held in San Francisco, CA for his outstanding service to Armenia and Armenian-American causes.

Mr. Speaker, I rise today to recognize Dr. Arthur O. Hazarabedian for his exceptional services to the protection of the humanitarian cause. I invite my colleagues to join me in commending Arthur for an exceptional career and for his everlasting contributions.

HONORING THE DEDICATED LIFE AND WORK OF MR. JAMES A. WILDING

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Mr. James A. Wilding, an outstanding citizen of Northern Virginia who has served his community and country for almost half a century.

Mr. Wilding will retire from the Metropolitan Washington Airports Authority this month after 43 years of service. Revered as a leader in both the public and private sectors, Jim will leave behind a legacy of dedication and excellence beyond compare.

Jim graduated from the Catholic University of America as a Civil Engineer in 1959. He then joined the Federal Aviation Administration, where his key role in the transformation of the Washington region began. Jim was one of the original planners of Washington Dulles International Airport. En route to his position as Chief Engineer, Jim advanced through the ranks of the FAA, working in many different engineering capacities on both Washington Dulles International and Ronald Reagan Washington National Airport. By 1979, Jim had successfully mastered the positions of Chief Engineer, Deputy Director, and finally Director of the FAA's Metropolitan Washington Airports.

Upon the 1987 transfer of the region's airports to the new Metropolitan Washington Airports Authority, Jim began his tenure as that organization's President. He continued to implement his vision of a globally connected Washington area, easily accessible by world-class air facilities. Of course, this vision was far removed from reality; the region's current economic prosperity may obscure the collective memory of the wholly government-centered Metropolitan area of 50 years ago. Mr. Wilding's involvement in the region's air service played a large role in changing that. He oversaw a capital development program of more than 3 billion dollars at the two federally owned airports in the region and led the modernization of Reagan National Airport. Dulles also underwent major growth in the 1990's. Under Jim's leadership, passenger activity at the two airports has almost doubled to 31 million passengers in 2002.

Widely acknowledged as an expert in the aviation industry, Jim has won numerous awards, including the highest award in the Transportation Department: the Secretary of Transportation's Gold Medal. He has served namely as Chairman of the Airports Council International—North America, as President of the Aero Club of Washington, and has served on the Board of Directors of the regional organization, and on the Board of its worldwide parent based in Geneva, Switzerland. Currently, he serves on the Policy Review Committee of the American Association of Airport Executives.

The United Way Campaign of Arlington County, Virginia is only one of the many regional groups indebted to Jim for his support and active participation. Jim is a member of the Economic Development Commission of Arlington County and has served on the Board of Directors as well as the Executive Committee of the Arlington County Chamber of Commerce. He has served on the Advisory Board of the Eno Transportation Foundation, and currently serves on the Board of the Washington, DC Convention and Tourism Corporation, on both the Board of Directors and Executive Committee of the Dulles Area Transportation Association, and has served on the Executive Committee of the Transportation Research Board.

The people of Northern Virginia join these organizations in their debt of gratitude to Jim Wilding, and extend him heartfelt thanks for his continuing role in advancing the prosperity of the Washington region. Mr. Chairman, the life and service of this Virginian serve as a shining example to all who wish to improve the well-being of their community through dynamic public and private activity.

TRIBUTE TO DR. MYLES MARTEL

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. CAMP. Mr. Speaker, I rise to pay tribute to Dr. Myles Martel in celebration of his 60th birthday.

Dr. Martel has been involved with the United States political process for decades, leaving behind him a legacy of leadership. He came to prominence serving as former President Ronald Reagan's personal debate advisor, after which he moved on to become an advisor to the White House Office of Communications. Dr. Martel has also served as a speech advisor to ambassadors, congressmen, senators, governors and cabinet members. His expertise has awarded him many honors, including the George Washington Honor Medal, and the Distinguished Alumni Award for Outstanding Professional from the University of Connecticut. Dr. Martel has published five books, and has been quoted by many nationally recognized newsmagazines and newspapers.

I am honored today to recognize Dr. Myles Martel for his many accomplishments, and to wish him the best on the celebration of his 60th birthday.

TRIBUTE TO REVEREND RONALD L. BAILEY, D. MIN.

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to an outstanding individual who has dedicated his life to serving others, the Reverend Dr. Ronald L. Bailey, D. Min., who on April 26 of this year was elevated to the position of Bishop by the Love Gospel Assembly, a non-denominational church serving over 2,500 members within my Congressional district in the South Bronx.

Dr. Bailey was born and raised in Harlem, New York, and is the Senior Pastor of Love Gospel Assembly, one of the larger multifaceted, multicultural ministries in New York City.

Dr. Bailey was ordained in 1987 by the late Bishop Gerald Julius Kaufman, founder of Love Gospel Assembly, who also mentored Dr. Bailey in full-time ministry for eight years. Dr. Bailey's life and work as he labored beside Dr. Kaufman have built on the foundation of ministry to and for the poor and inner cities that was clearly articulated and demonstrated by Dr. Kaufman and continued the important work of Love Gospel Assembly.

Dr. Bailey has a Bachelor of Arts in Theological Studies, a Master of Arts in Theology from Evangelical Theological Seminary and a Doctor of Ministry (D. Min) from United Theological Seminary in conjunction with Robert Schuller's School for Preaching (Fuqua School of Communication).

Dr. Bailey sits on the Board of Directors for The Urban Youth Alliance Inc., the Steering Committee for the Bronx National Day of Prayer, and the Board of Directors for the Concerts of Prayer, Greater New York.

Dr. Ronald L. Bailey has been married for 35 years to Dorothy Bailey and they have three children, Ron, Jr., Rachel, and Danielle and one grandchild, Anaiah.

Among other things, Dr. Bailey serves meals to over 700 people weekly, conducts a food pantry and provides clothing to the needy.

As it is written in Hebrews 6:10, "for God is not unjust; he will not forget your work and the love you have shown him as you have helped his people and continue to help them," the community recognizes him and honors him with this consecration.

Mr. Speaker, I ask my colleagues to join me in paying tribute to and in congratulating the Reverend Dr. Ronald L. Bailey, D. Min. on his consecration as Bishop of Love Gospel Assembly.

CONGRATULATIONS, MONSIGNOR JOSEPH SEMANCIK ON 50TH ANNIVERSARY OF ORDINATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and sincerity that I wish to congratulate Monsignor Joseph Semancik as he celebrates the 50th anniversary of his ordination into the priesthood. He will be honored by his parishioners with a luncheon following an 11:00 am Mass at Sacred Heart Parish in East Chicago, Indiana on Sunday, May 2, 2003.

A native of Northwest Indiana, Monsignor Semancik was born in Whiting on March 3, 1929 to Frank Semancik and Lillian Duray. He attended St. John the Baptist School and Catholic Central High School. After graduating from high school, Monsignor Semancik's passion for his faith led him to study at Sacred Heart Seminary in Fort Wayne, Indiana, and later at St. Meinrad Seminary in Southern Indiana. He was ordained into the priesthood on May 1, 1953, and this important event became a stepping stone for his lifelong dedication to the citizens of Northwest Indiana.

Monsignor Semancik began his career as an Assistant Priest for Assumption Parish in East Chicago and at St. Catherine of Siena in Hammond, Indiana. He was appointed administrator at Sacred Heart Parish in 1960, a position he held until being named pastor at Holy Trinity Church in Gary in 1969. After five years as pastor for Holy Trinity, Monsignor Semancik returned to Sacred Heart as pastor, a position he has held to this day.

Mr. Speaker, in addition to his exceptional efforts to guide his congregation at Sacred Heart, Monsignor Semancik also has worked extensively with Catholic Charities in Northwest Indiana. He began his mission with Catholic Charities in 1960, and was named Diocesan Director in 1962, a position he held until 1998. Under his guidance, the agency provided social services throughout the four counties that comprise Northwest Indiana and expanded to seven offices throughout the region. Monsignor Semancik has also served Catholic Charities, USA as a member of the Board of Directors, as well as serving as a member of the Study Cadre that redirected the mission of Catholic Charities. He also ably served as Chairman of various Catholic Charities committees.

Monsignor Semancik has also enriched the Northwest Indiana community through his work in other community organizations, such as serving as the President of both the Lake County Economic Opportunity Council and the Lake County Community Development Council. He was one of the founders of the Indiana Catholic Conference and of the Hospice of the Calumet Area. He has received many commendations for his work, including the Sagamore of the Wabash Award, the highest honor bestowed by the Governor of Indiana.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in congratulating Monsignor Joseph Semancik as he celebrates the 50th anniversary of his ordination into the priesthood. Monsignor Semancik has been a fixture in Northwest Indiana throughout his career in the ministry, and he has touched the lives of many throughout the community. His unselfish and lifelong dedication to those in need is worthy of the highest commendation, and I am proud to represent him in Congress.

IN HONOR OF THE POLISH AMERICAN CONGRESS OHIO DIVISION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Polish American Congress, Ohio Division, as they celebrate their 54th anniversary—sharing their cultural gifts along a parade route lined with food, song and joyous celebration.

On May 18, 1949, the Ohio Division of the Polish American Congress was founded. The Polish American Congress is composed of individuals of Polish ancestry as well as Polish organizations. The group serves as a unifying force for both Polish Americans and Polish citizens living in America. Taking a positive stand on issues concerning the people of Poland, the group strives to attain a free market economy within the framework of a democratic society.

The goal of the Polish American Congress is to make Americans of Polish heritage more successful U.S. citizens by encouraging them to assume the responsibilities of citizenship. In addition, the group supports fraternal, professional, religious, and civic associations dedicated to the improvement of the status of all Americans of Polish heritage.

It is evident that the Polish American Congress has played a crucial role in the Polish Community, and in its many years of service has been an invaluable contribution to the Cleveland Community.

Mr. Speaker and Colleagues, please join me in honor and celebration of the Polish American Congress, as they celebrate 54 years of service to their members and to the Cleveland community.

IN HONOR OF DR. DEVARAJAN P. IYENGAR

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Dr. Devarajan P. Iyengar for his contributions to the medical field and his dedication to the people of Jersey City, Kearny, and Bayonne, New Jersey. He was honored by the Bayonne Community Cancer Support Group at Puccini's Restaurant on April 26, 2003 in Bayonne.

For over 20 years, Dr. Iyengar has dedicated himself to providing quality care for the people of Bayonne and surrounding areas. Currently director of oncology at Bayonne Medical Center and chairperson of the Transfusion and Cancer Care Committees, Dr. Iyengar has served on the staffs of Christ Hospital, Greenville Hospital and Union Hospital in Jersey City; West Hudson Hospital in Kearny; and Bayonne Medical Center since 1993. Dr. Iyengar is committed to providing a level of care that goes beyond the average standard of health care. He recently helped found the Bayonne Community Cancer Support Group and is well known for taking the time to provide additional support for his patients and their families.

Dr. Iyengar earned his degree in medicine from the University in Baroda, India and completed his residency at the University of Medicine and Dentistry in New Jersey. After finishing his fellowship in oncology and hematology at Newark Beth Israel Medical Center, he was a research associate and later an attending physician for Newark Beth Isreal. Dr. Iyengar is a fellow at the Academy of Medicine of New Jersey and a member of the American Society of Breast Disease.

Dr. Iyengar and his wife, Dr. Rekha Iyengar, a radiation oncologist, have three sons, Arjun, Ashwin and Arvind.

Today, I ask my colleagues to join me in honoring Dr. Devarajan P. Iyengar for his years of service and dedication to the medical community and to the people of New Jersey.

IN RECOGNITION OF THE 30TH ANNIVERSARY OF THE SONOMA VALLEY CHORALE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the Sonoma Valley Chorale as this organization celebrates its 30th anniversary.

The Sonoma Valley Chorale was founded in 1973 by Jim Griewe. Its first performance space was in the Pioneer Chapel of the First Congregational Church of Sonoma. As the membership grew, the Chorale relocated, first to St. Francis Solano Church and finally to the Veterans' Memorial Building.

Sonoma Valley Chorale, Inc. has a member-administered Board of Directors and serves as an umbrella organization for the 130 voice Choral, Chamber Ensemble, Orchestra, Sonoma Valley Children's Chorus and for community programs promoting small ensemble performances.

During its 30 year history, the Chorale has received many musical honors and has toured France, Italy, the United Kingdom and the New England states. The Chorale was featured during both the 10th anniversary concert series of the Napa Valley Symphony and the 50th anniversary concert gala of the Santa Rosa Symphony.

Guest conductors have included world renowned composer-conductor Jester Hariston. In 2000 the Chorale performed the world premier of "Come Life, Shaker Life" by American composer Gwyneth Walker. This work was commissioned by and composed specifically for the Sonoma Valley Chorale and its music director, Jim Griewe.

The Chorale's repertoire ranges from 1100 AD to the present and spans musical genres from Gregorian chants to Broadway show tunes.

Mr. Speaker, the Sonoma Valley Chorale is an integral part of the cultural landscape of the First Congressional District and a true treasure for the people of the Sonoma Valley. It is therefore appropriate that we acknowledge and honor the Sonoma Valley Chorale, its founder and director Jim Griewe, and the hundreds voices who have contributed to the legacy and success of this organization.

HONORING HERBERT ADAMS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. McGOVERN. Mr. Speaker, today I rise to honor a distinguished veteran of our armed forces, Herbert Adams.

Mr. Adams served our nation as a member of the United States Army where he was awarded numerous medals for his distinguished service on the battlefield. Following his service in World War Two, the governments of Belgium and the Netherlands recognized Mr. Adams' role in freeing those nations from the Nazi regime.

In addition to the European medals awarded to Mr. Adams, he received numerous American medals including the Purple Heart; the Bronze Star; the Combat Infantry Badge; the Army Occupation with German Clasp; the Honorable Service Lapel Button for World War Two; and the European-African-Middle Eastern Campaign Medal with four Bronze Service Stars.

I am grateful for Mr. Adams' service. He distinguished himself on the battlefield through bravery, strength, and commitment to the American cause of ridding Europe of the Nazi menace.

Mr. Speaker, I extend my sincere thanks to Mr. Adams for bravely fighting in defense of our nation. In addition, I am confident that my colleagues in the U.S. House of Representatives join me in honoring Mr. Adams for his service.

USA GOLD AWARD FOR MARIA WITTE OF GIRL SCOUT TROOP 4043

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. EVANS. Mr. Speaker, today I would like to salute an outstanding young woman who has been honored with the Girl Scouts of the USA Gold Award by Girl Scouts of the Mississippi Valley, Inc. in Rock Island, Illinois. She is Maria Witte of Girl Scout Troop 4043.

She is being honored for earning the highest achievement award in Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The Girl Scout Gold Award can be earned by girls ages 14–17 or in grades 9–12.

Girl Scouts of the USA, an organization serving over 2.6 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: earn four interest project patches, earn the Career Exploration Pin, earn the Senior Girl Scout Leadership Award, earn the Senior Girl Scout Challenge, and design and implement a Girl Scout Gold project. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

As a member of the Girl Scouts of the Mississippi Valley, Inc., Maria began working toward the Girl Scout Gold Award in June 1999. Maria worked with her partner on painting a wall mural for a local gymnastics facility.

The earning of the Girl Scout Gold Award is a major accomplishment for Maria and I believe she should receive the public recognition due her for this significant service to her community and her country.

HONORING THOMAS CHARLES TURK

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to honor former Undersheriff of Madera County, Thomas Charles Turk on the occasion of his retirement. The event commemorating the occasion will be held in Madera County at the Fairgrounds in Chowchilla, California on Saturday, April 26th, 2003.

Thomas Turk has dedicated half of his life to law enforcement. As a young man he was drafted into the United States Army and served for two years as a military policeman. When he came out of active duty, he joined the Madera County Sheriff's department and was assigned to the jail. After one year, he began patrolling the Chowchilla streets working out of a substation. He was respected and admired by the community. For much of his career, Tom was on a first name basis with most of Madera County. He was later appointed to the Detective Division and then to Sergeant. There, he learned that every time you get promoted you get moved to the graveyard shifts. Tom worked his way up through the ranks, from Sergeant to Lieutenant, and then to Undersheriff.

Undersheriff Turk dedicated his life to his department and the people of Madera County. He never stopped promoting the integrity of the Department and the honor of his position. Tom has worked countless overnight shifts, which accounts for his two "Officer of the Year" commendations, and has done so with the utmost humility. Tom's dedication to his job makes great departments such as the one in Madera County.

Mr. Speaker, I rise today to honor Undersheriff Thomas Charles Turk for his service to the County of Madera and for his outreach to the community of which he served. I invite my colleagues to join me in commending Thomas for his devotion throughout his career and in wishing him many years of continued success.

HONORING THE SELECTION OF MS. ELIZABETH ANN KRABILL AS THE 2003 UNITED STATES CHERRY BLOSSOM QUEEN

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor Ms. Elizabeth Ann Krabill upon her selection as the 2003 United States Cherry Blossom Queen.

Elizabeth, a sophomore Economics major at Cornell University, was selected as the U.S. Cherry Blossom Queen on April 4, 2003. The tradition of crowning a national Cherry Blossom Queen is a long one, started by the National Conference of State Societies in 1948. Elizabeth joins her 53 predecessors in representing America as a Goodwill Ambassador. In fact, she will depart for a goodwill visit to Japan on May 1, 2003—less than a month after her coronation. In Japan, Elizabeth will participate in a series of celebrations and conferences over two weeks.

Before her ascent to the national crown, Elizabeth was chosen as Virginia's 2003 Cherry Blossom Princess. Elizabeth finds herself in familiar company: Elizabeth's mother, aunt and sister all preceded her as Cherry Blossom Princesses at one time. Elizabeth grew up in McLean, Virginia and graduated from National Cathedral School. She excelled at competitive swimming in high school and was twice chosen as captain of her swim team. She has spent two summers sharing her swimming talents with children as a swimming lesson instructor at Beauvoir Summer Camp. At Cornell, Elizabeth is active in her sorority, Alpha Phi, as the Vice President of Marketing.

Virginia is proud to send one of her native daughters into the international arena to represent the United States. A well-rounded and gifted individual, Elizabeth Krabill will represent her country with dignity and poise, and I applaud her initiative in seeking this great honor.

TRIBUTE TO DR. WILLIAM A. SEDERBURG OF FERRIS STATE UNIVERSITY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to Dr. William A. Sederburg for his faithful service as president of Ferris State University in Big Rapids, Michigan. After eight years as president and one year as interim president at Ferris, Dr. Sederburg is retiring from his position.

He became the 16th president of the college in 1995 after a distinguished career as a professor, Michigan state senator, and successful businessman. Dr. Sederburg's experience in higher education is exemplary. He has held numerous leadership positions in higher education, including serving on the State Board of Education, chairing the Senate Select Committee on the Future of Higher Education, chairing the Senate Standing Committee on Higher Education and Technology, and chairing the Senate Appropriations Subcommittee on Higher Education.

Throughout his career and efforts, Dr. Sederburg has positively affected the lives of thousands of students. He is seen as a leader by his peers, as well as an educator and trusted advisor to his students. Dr. Sederburg has worked tirelessly to improve the facilities and infrastructure on the Ferris State campus, and his dedication is an example to everyone.

I am honored today to recognize Dr. William A. Sederburg for his many complishments, and thank him for his work.

TRIBUTE TO BRONX COMMUNITY COLLEGE ON ITS SILVER ANNIVERSARY HALL OF FAME 10K RUN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. SERRANO. Mr. Speaker, it is with joy that I rise today to once again pay tribute to Bronx Community College, which will hold its 25th Anniversary Hall of Fame 10K Run on Saturday, May 3, 2003.

The Hall of Fame 10K Run was founded in 1978 by Bronx Community College's third president, Dr. Roscoe C. Brown and today continues to be an event of great significance. Its mission is to highlight the Hall of Fame for Great Americans, a national institution dedicated to those who have helped to make America great.

The 10K race tradition continues under the stewardship of Dr. Carolyn G. Williams. Dr. Williams has endorsed and follows the commitment made by Dr. Brown to promote physical fitness and highlight higher education.

As one who has run the Hall of Fame 10K Run, I can attest that the excitement it generates brings the entire City together. It is a celebration and an affirmation of life. It feels wonderful to enable more than 400 people to have this experience—one that will change the lives of many of them. It is an honor for me to join once again the hundreds of joyful people who will run along the Grand Concourse, University Avenue and West 181 Street and to savor the variety of their celebrations. There is no better way to see our Bronx community.

The Annual Hall of Fame 10K Run is joined by a 2 Mile Fitness Walk and, for the second year, a Hall of Fame Excalibur One Mile Boys and Girls Youth Challenge for 9 to 18 year olds.

Mr. Speaker, I ask my colleagues to join me in recognizing the individuals and participants who are making the Bronx Community College's 25th Annual Hall of Fame 10K run possible.

CONGRATULATIONS TO CROATION SONS LODGE NUMBER 170

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the Croatian Sons Lodge Number 170 of the Croatian Fraternal Union of America on the festive occasion of its 96th Anniversary and Golden Member banquet on Sunday, April 27, 2003. In addition to honoring thirty new 50-year members, the Lodge will also honor Martha J. Woss with the Woman of the Year Award, and Valentine-Walter Bahun with the Man of the Year Award.

This year, the Croatian Fraternal Union will hold this gala event at the Croatian Center in Merrillville, Indiana. Traditionally, the anniversary celebration entails a formal recognition of the Union's Golden Members, those who have achieved fifty years of membership. This year's honorees include: Richard D. Bekelya, Josephine Blaschke, Violet Marie Boatman, Josephine Bobinac, Tom Bobinac, Nettie Brooks, Bernadette Chelich, Catherine Child, Yvonne Drysdale, Alice Erbesti, Matthew Erdelac, Sandra C. Giorgi, Marija Jugovic, Pauline Muraida, George Nosich, Carol Jean Pettit, John L. Ramuscak, Rudolph J. Ramuscak, Mary C. Rozmanich, Joanna Russ, Annie Jane Seral, Bartol Sikich, Jr., Rosemary Smith, Gertrude Studanich, Jean O. Surig, Dolores Teel, Jo Ann Tull, Irene Weger, Josephine Williamson, and Mary Yurkas.

These loyal and dedicated individuals share this prestigious honor with over 300 additional Lodge members who have previously attained this important designation.

Mr. Speaker, Martha Woss has been a fixture with the Croatian Fraternal Union for 78 years. She has served as president, vice president, recording secretary, and scribe, as well as serving as the chair for numerous committees. Martha also wrote a weekly column reporting the events of her Lodge, as well as other area Lodges. She was the first woman to bowl in the Joe Rady Tourney, and she was awarded a plaque from the national president for this honor. Martha has been a dedicated member of the Lodge since 1925, and because of her commitment and hard work, she has achieved the honor of being designated as Woman of the Year.

On January 17, 2003, Valentine-Walter "Wally" Bahun celebrated not only his 83rd birthday, but also 65 years of service for Lodge 170 of the Croatian Fraternal Union of America. Wally has served in various positions throughout his time with the Lodge, including president, vice president, and trustee. He was also elected as a delegate to the Toronto 15th Convention in 1979, and has been elected as a delegate each year since for his dedication to Lodge 170. His commitment to the Croatian community of Northwest Indiana serves as an example of the dedication we all must show to keep our nation great.

Mr. Speaker, I urge you and my other distinguished colleagues to join me in commending Lodge President Betty Morgavan, and all the other members of the Croatian Fraternal Union Lodge Number 170, for their loyalty and ongoing display of passion for their ethnicity. The Croatian community has played a key role in enriching the quality of life and culture of Northwest Indiana. It is my hope that this year will bring renewed hope and prosperity for all members of the Croatian community and their families. I am proud to represent these gifted residents of the First Congressional District of Indiana.

SALUTING THE CARGILL SALT MINERS OF TEAMSTERS LOCAL NO. 436 IN THEIR STRUGGLE TO RETAIN REPRESENTATION AND END A LOCK-OUT DESPITE COMPANY EFFORTS TO BREAK THE UNION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. KUCINICH. Mr. Speaker, I rise in support of the members of Teamsters Local No. 436. This racially and ethnically diverse group of salt miners constitutes the bargaining unit at Cargill's Cleveland salt mine in Ohio's 10th Congressional District. Many of them are locked out of the mine in a labor dispute, the outcome of which will have major implications for working men and women everywhere.

In May 2002, the salt miners went on strike. Between May and August, the miners and the company met on several occasions to resolve the dispute and draft a mutually agreeable labor contract. On August 13, 2002, while still engaged in good faith negotiations with Cargill, the union miners made an unconditional offer to return to work. When the miners attempted to return to their jobs, they learned that Cargill hired permanent replacement workers who were either hired before August 13, or their dates of hiring were backdated prior to August 13. All but 26 of the union miners were locked out. The hiring of replacement workers in this manner violates the National Labor Relations Act as an act of bad faith in labor negotiations.

Shortly after the lockout, one of the replacement workers filed a decertification petition with the National Labor Relations Board. In a strong show of support, the working and locked out union miners showed up at the mine at 6:00 in the morning on April 10, 2003, to support the union. One locked out miner drove 150 miles from Columbus for the vote while another left his hospital bed to vote. The result of the election was a 63–58 victory for the union. Even though the Cargill-supported replacement workers appealed the election, the union workers again rallied to oppose the decertification and voted 64–61 to retain the union.

The union workers have my full support. The replacement workers, too, should understand that the good pay and benefits they enjoy at Cargill were hard-fought by the Teamsters locally and the national organized labor movement in general. Once the union is gone, no one will be there to represent them in gaining and retaining their pay, rights, and benefits. Unions are good for workers and companies alike. I support the union workers' efforts to stop the decertification of their union and to end the lock-out so they can return to work as soon as possible. I call on Cargill to accept the democratic process built into our nation's labor law, accept the will of the workers to retain union representation, and return immediately to good faith negotiations with the Teamsters.

IN HONOR OF LUDO NOLFO, RECIPIENT OF BAYONNE UNICO FOUNDATION'S 2003 MAN OF THE YEAR AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Ludo Nolfo, for his outstanding dedication to the community of Bayonne, New Jersey. Mr. Nolfo was named the 2003 Man of the Year by the Bayonne Chapter of UNICO National on April 5, 2003 at the Chandelier Restaurant in Bayonne.

An Italian immigrant at age 16, and a graduate of New York University with a degree in accounting, Mr. Nolfo served two years in the United States military before working with Manufacturers Hanover in New York. For over 27 years, Mr. Nolfo worked for First Union National Bank, where he was Vice President of Trade Services. He is currently Vice President of International Trade Banking at the New York Branch of Rabobank Nederland.

In addition to his remarkable professional record and successful career, Mr. Nolfo has a distinguished record of community service. As trustee of the Bayonne Board of Education and Our Lady of the Assumption Roman Catholic Church, commissioner of the Bayonne Housing Authority, and treasurer of the Board of the Bayonne Visiting Nurses Association, Mr. Nolfo continues to demonstrate an impressive level of commitment to serving the people of Bayonne.

A past president and district governor of the Bayonne Chapter of UNICO National, Mr. Nolfo has been committed to serving the Italian community throughout our region. He is a founding member and formal grand marshal of the Bayonne Columbus Committee; a member and past president of the Bayonne Sicilian Citizens Club; and a member of the Sons of Italy of Bayonne. He also served on the Committee on Italian Migration, sponsored by the Italian Consulate.

Today, I ask my colleagues to join me in honoring Mr. Nolfo for his exceptional service to the people of Bayonne and in congratulating him on being named Bayonne UNICO's 2003 Man of the Year.

IN RECOGNITION OF DOMAINE CHANDON OF NAPA VALLEY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Domaine Chandon, the Napa Valley leading sparkling wine producer, as it celebrates its 30th Anniversary.

Domaine Chandon was founded in 1973 as the first American sparkling wine venture established by the French Champagne house, Moet et Chandon. As pioneers in producing California sparkling wine, Domaine Chandon has had a far-reaching impact on winemaking in the Napa Valley and is continuing to break new ground with its foodloving wines, both sparking and varietal stills.

Before Domaine Chandon was established, American-made sparkling wine was overshadowed by French Champagne. When Moet et Chandon, makers of Dom Perignon and other fine Champagnes, selected the Napa Valley as the next world class sparkling wine regions, it helped establish California's reputation as one of the world's top wine producing regions.

In addition to producing premium sparking wine and a highly regarding line of still wines, Domaine Chandon has proven that sparkling wines shouldn't be limited to New Year's Eve and weddings. With eight sparkling wine cuvees available nationally and five specialty wines available at the winery, Domaine Chandon offers a full range of flavors and styles that are very well matched with foods. As the only Napa Valley winery with an on-site restaurant, Domaine Chandon showcases the pairing sparkling wine with food and in doing so, has helped establish the region as a world-renowned dining destination.

Mr. Speaker, as Domaine Chandon celebrates its 30th anniversary with a showcase 30-course dinner and other signature events the weekend of May 2 through May 4, 2003, it is appropriate that we recognize them today for their many contributions to fine wine and fine dining in California's Napa Valley.

CONGRATULATIONS TO EMPLOYEES OF SERENITY HOUSE OF GARY, INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great sincerity and enthusiasm that I congratulate the employees of Serenity House of Gary, Inc. as they celebrate 25 years of assisting those in the Gary, Indiana community as they recover from alcohol and drug addiction. These devoted individuals will commemorate their Silver Anniversary at a banquet to be held on April 26, 2003.

Serenity House of Gary, Inc. is a transitional facility that nurtures residents as they recover from the mental, physical, and spiritual effects of alcohol and drug addiction, as well as providing employment counseling and referrals to ensure that the reintegration into the community is successful for both the patient and those in the surrounding area. The employees at Serenity House are committed to supporting addicts and their families through every step of the recovery process. By promoting each individual's talents and skills, these employees teach all those committed to recovering to develop meaningful, productive lives without the reliance upon narcotics and alcohol.

Mr. Speaker, Serenity House opened in August 1980 to fulfill the need for a residential treatment facility in Lake County, Indiana. It provides a supportive environment for patients to recover from their addiction as they simultaneously learn important life skills, such as obtaining and maintaining both employment and housing in order to enrich the quality of their lives. The employees are trained to counsel and assist those who are recovering from dependency, and are therefore able to create a positive atmosphere in which the patients are prepared to enjoy the benefits of their success.

The physical and emotional suffering caused by addiction affects not only the individual, but also hovers like a storm cloud over all those who have a vested interest in his or her well-being. Serenity House provides a safe haven for those who wish to recover from their dependency but are unable to do so on their own. It is within these walls that those who are looking for the opportunity to improve their lives can find solace.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in congratulating the employees of Serenity House of Gary, Inc. for 25 years of service to the residents of Lake County, Indiana. Through their efforts, many in the Northwest Indiana community have had the opportunity to enhance their lives and recover from a debilitating illness. It is this compassion and commitment to their fellow man that makes Northwest Indiana a great community, and I am honored to represent these outstanding individuals in Congress.

IN HONOR OF JAMES WHITLEY, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Metroparks Rangers Chief James Whitley Jr., on the occasion of his recent retirement from service with the Cleveland Metroparks.

Raised in Cleveland, Chief Whitley graduated from John Hay High School in 1976. He enlisted in the U.S. Navy shortly thereafter. While stationed in England, Chief Whitley earned a Bachelor's degree in Psychology. Following four years of exemplary service to his country, he came home to Cleveland where he worked as a caseworker for Cuyahoga County. In that capacity, Chief Whitley helped troubled veterans obtain shelter, food and benefits.

In 1982, Chief Whitley began his service as a police officer with the City of Cleveland Heights. His outstanding work and personal dedication to helping others was clearly rejected throughout his tenure of service. He rose quickly through the department ranks and was promoted to Commander of the Traffic Bureau in 1990. Significantly and historically, Chief Whitley broke through racial barriers by becoming the first African-American Sergeant within the Cleveland Heights Police Department, which paved the way for other men and women to follow.

As Chief of the Metroparks Ranger, Chief Whitley's vision and leadership brought new life to the Ranger Special Units and was a significant force behind the newly constructed headquarters operations facilities, opening this fall. A tireless supporter of continued education, Chief Whitley was a strong advocate for post-secondary education for rangers and staff.

Mr. Speaker and Colleagues, please join me in honor, admiration, gratitude and recognition of Chief Ranger James of our country and on behalf of the citizens of our Cleveland community have served to lift the spirits Whitley, Jr. Chief Whitley's exceptional work ethic, law enforcement expertise and commendable service on behalf and the lives of countless individuals and families and we extend our best wishes throughout his future endeavors.

IN HONOR OF GREEK INDEPENDENCE DAY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the 182nd Anniversary of Greek Independence Day. On March 25, 1821, the people of Greece began their quest for freedom from the Ottoman Turks, and we commemorate their resolve and their country's enduring independence.

The birth of democracy in Greece ushered in one of the true golden ages of Western Civilization, and the democratic ideals of ancient Greece provided an inspiration and foundation for American democracy. The peoples of Greece and the United States enjoy a rich friendship based on our common devotion to the ideals of freedom and democracy. Our nation continues to strive for high standards of equality and justice championed by Greek philosophy; and, in shaping their new democracy, the Greeks used the Declaration of Independence as a guide.

The celebration of Greek Independence Day provides a chance for Americans and Greeks alike to reflect on and celebrate a common history that shares the same principles of freedom and democracy.

The Greek Independence Day parade continued its grand tradition this year, marking the 65th annual parade along Fifth Avenue in New York City. I praise the efforts of the Federation of Hellenic Societies of Greater New York for making such a celebration of Greek Independence possible. This annual tradition provides a chance for Greeks and Americans to celebrate Greek culture and to continue the great partnership between our peoples and cultures.

The commemoration of the Independence of Greece is an important reminder of the contributions of Greece to democracy in America and worldwide. Today, I ask my colleagues to join me in celebrating Greek Independence Day and to pay tribute to the shared traditions of Greek and American democracy.

RECOGNIZING BROTHER TIMOTHY DIENER FOR HIS OUTSTANDING SERVICE TO THE PEOPLE OF NAPA COUNTY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize and honor Brother Timothy Diener for his outstanding commitment to serving the Napa Valley community in my home state of California.

June 2003 will mark the 75th anniversary (diamond jubilee) of Brother Timothy's entry into the De La Salle Christian Brothers.

Brother Timothy, a lifelong Catholic and the son of German immigrants, was born in 1910 in New Jersey. In 1918 his family moved to Los Angeles, where he graduated from Cathedral High School. He joined the Christian Brothers in 1928 and made two significant discoveries, wine and teaching.

At the age of 25, Brother Timothy became heavily involved in the new Christian Brothers winery. Officially his title was "wine chemist" but it was common to find him performing such additional duties as digging ditches, being the hose dragger, scrubbing the tank, driving the trucks and operating the cement mixer. Half a century of hard work and excellence have since passed and today Brother Timothy is considered a pioneer in the Napa Valley wine industry and is treasured as a master vintner.

Much like the spectacular wine he makes, Brother Timothy gets better with age. Though he turns 93 in November, Brother Timothy maintains an enthusiasm for life and a deep dedication to serving others. Not surprisingly, he continues to serve the cause of Christian Brothers' education as an honorary founding member of the Lasallian Education Fund. He uses his position to assist the underserved youth of our community.

Mr. Speaker, Brother Timothy represents much more than Napa's wine roots or our communities commitment to promoting education. Quite simply, Brother Timothy represents the heart of the Napa Valley. His life has been a legacy of hard work, faith and passionate living. For all of these reasons and countless more, it is most appropriate that we honor Brother Timothy Diener at this time and congratulate him on 75 years with the De La Salle Christian Brothers.

CONGRATULATIONS TO NORTHWEST INDIANA EDUCATORS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and enthusiasm that I wish to congratulate an exceptional group of Northwest Indiana educators. The Indiana State Teacher's Association will present these outstanding individuals with the 2002–2003 Crystal Apple Award for excellence in education during a banquet on Wednesday, May 7, 2003 in Schererville, Indiana. This year's recipients are: Darlene M. Vassil, Linda Johnson, Estelle Becke, Judith Thayer, Renee Kouris, James Crist, and Sherry Peters.

Darlene Vassil is a 22-year veteran of art education, and she effectively uses this wealth of experience to enrich the lives of her students. She was awarded a grant from the Indiana Department of Education to develop an electronic portfolio program so that her students can learn to enhance creativity through technology. Darlene's enthusiasm and dedication for her work led to her involvement in the Fine Arts and Music Education (FAME) organization. She was instrumental in the organization of the Northwest Indiana FAME Festivals Imaginarium for the past two years, and has been responsible for various art displays from other cultures being brought to her community.

Linda Johnson has served in the Hanover Community School Corporation for 28 years, and her dedication and professionalism is unsurpassed. She has taught students at various grade levels throughout the elementary and intermediate system. She currently teaches fifth grade at Lincoln Elementary and will retire after the school year is completed. Known for her intelligence and wisdom, Linda is a source of advice for both her students and her peers. Her devotion and humor will be greatly missed.

Estelle Becke began her career as an elementary school teacher in the Highland school system, and currently teaches seventh grade geography. She is a bold, strong, and loyal person who has a passion for both her subject area and her craft. Estelle has sponsored her school's Geography Bee, and has also emceed the school-wide event. She has spent her career teaching her students tolerance for those from diverse cultures and backgrounds.

Judith Thayer has dedicated 30 of her 34½ years of teaching to the Lake Central School Corporation. She currently teaches fourth grade at Kolling Elementary School in St. John, Indiana. Her efforts and excellence in the classroom have undoubtedly contributed to the status of Kolling as one of Indiana's Four Star Schools. Although Judith has a principal's certificate, she chooses to be in the classroom because of her love for the students.

Renee Kouris has touched the lives not only of her theater students, but also the lives of those who watch their performances. Her compassion for her students and her desire to include every student in her productions has made Renee one of the most popular teachers at Munster High School. Last year, her theater class participated in a state-wide competition and placed second for the original work that they wrote, produced, and presented. Her ability to challenge students and faculty while remaining humorous, compassionate, and sincere makes her an excellent choice for the 2002–2003 Crystal Apple Award.

James Crist is known for his ability to connect with students in a way that few other teachers are able to duplicate. He directs the Pupils Reached by Individual Direct Education (PRIDE) program, which reaches out to students who have difficulty adapting to standard teaching methods. He teaches them to take pride in themselves and their work. James promotes fairness, acceptance, and stability to students who otherwise would have given up on their education. His adaptability to meet the needs of his students is remarkable, and we are deeply indebted to him for his dedication to his pupils.

Sherry Peters uses her work ethic, dedication, and creative spirit to improve her teaching methods and effectiveness. She does not simply rely on her lesson plans from previous years, but she constantly updates her materials and evaluates her methods in an attempt to reach her pupils. She has the ability to understand her students and connect with them in the classroom, and she uses this ability to take them far beyond their previous limitations. She uses creative strategies to enrich the lives of her students, and the seniors at Lowell High School have elected her the Most Influential Teacher on many occasions.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in congratulating these tremendous educators as they accept the 2002–2003 Crystal Apple Award from the Indiana State Teacher's Association. Their tireless dedication to enriching the minds of today's youth is invaluable, and I am proud to represent these outstanding teachers in Congress.

IN HONOR AND REMEMBRANCE OF MIKE REINERI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Mr. Mike Reineri—family man, friend, and outstanding radio personality.

Mr. Reineri had a long and distinguished career within the broadcasting industry. He was sworn into the Radio & Television Broadcasting Hall of Fame in November of 2001, and throughout his career, he served in every aspect of broadcasting in cities across the country.

Mr. Reineri's first major appearance on radio was in 1959 with WFVG in North Carolina. He stayed there for about a year and soon moved to WKIK, where he did a rock-n-roll show from 7–11 pm at a remote studio at the Piggy-Park Drive-In in Raleigh. His highly entertaining style of broadcasting drew crowds from across the Carolinas.

Besides his natural ability to entertain, Mr. Reineri also possessed a kind and generous heart. While broadcasting in Cleveland, he created and promoted the very successful "Shoes for Kids" program that provides underprivileged and homeless children with footwear. This annual campaign grows stronger every year, and continues to assist Cleveland's neediest children.

Wherever he's lived, Mr. Reineri always sought to be of service to others. He was deeply dedicated and civically active in Miami. For more than two decades, Mr. Reineri served as a member of the Board of Directors of the Boys and Girls Club of Miami and was awarded the Service to Youth Award and Service Bar. In 1991 he was awarded the Easter Seals Man of the Year Award in Miami and the Miami Power Squadron Award for Outstanding Contribution to Safe Boating.

Mr. Speaker and Colleagues, please join me in honor and recognition of Mr. Mike Reineri. I extend my sincerest condolences to his family and friends, especially to wife Barbara. Mr. Reineri's exceptional broadcasting talents and achievements will be known for generations to come. Moreover, his exceptional sense of kindness and compassion for others—through word and deed—will live on forever.

HONORING ROBERT B. HILLE

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to a dear friend of mine and of the Bergen County community, Robert B. Hille, who is about to become the 105th President of the Bergen County Bar Association. Robert Hille and I began our careers together as young lawyers in the Bergen County Bar Association. It was there that I got to see firsthand what a remarkable person Robert Hille is. He has been and continues to be an extraordinarily gifted attorney and loving husband of Leslie and father of Erin and Tara.

Throughout the course of his career, Robert Hille has handled himself in a highly professional and dignified manner that has won him the great admiration and respect of his peers. His election as the 105th Bergen County Bar Association President is a reflection of the high esteem that not only I have for him, but that everyone in the Bergen County legal community has for him.

Robert Hille is a man who strives to do what is right and just in his profession. I extend my heartfelt congratulations to him and his family on his election as President of this most prestigious organization, I wish him the very best.

SUPPORT FOR H.R. 832, PERMANENT PARTNERS IMMIGRATION ACT

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. SHERMAN. Mr. Speaker, H.R. 832, the Permanent Partners Immigration Act would allow US citizens and lawful permanent residents, who are in a permanent partnership, to sponsor their partner for immigration purposes in the same way that opposite-sex spouses now can. This proposal would also hold these partners to the same legal commitments of a legal marriage, in that if a person is found to have entered into a fraudulent permanent partnership for the purpose of obtaining a visa for another person, they will be subject to the same five year maximum imprisonment, or $250,000 maximum fine, or both.

According to the Human Rights Campaign, this legislation would affect the status of thousands of couples who currently are separated or risk permanent separation from the ones they love. Fourteen countries—including Belgium, Canada, Denmark, France, Israel, the United Kingdom and South Africa—recognize same sex partnerships for purposes of immigration.

I have co-sponsored H.R. 832 because I strongly believe in its purposes and I am confident that its text will be fine tuned as it goes through the legislative process. I called upon the Congressional leadership to begin that process.

HONORING NINE NEW MEMBERS OF THE INDIANA FOOTBALL HALL OF FAME

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great joy and enthusiasm that I wish to congratulate the nine new members of the Indiana Football Hall of Fame. The 2003 honorees for this prestigious designation include: Louie (Lou) Karras, Mike Jennings, Bob Johnson, Larry L. Johnson, Keith A. Johnson, John Forchetti, Tom Herbert, Roderick G. Moore II, and George Pappas. These men have shown a commitment to high school and collegiate football programs across Northwest Indiana, and they will be honored at a reception on May 18, 2003 in Merrillville, Indiana.

Mr. Speaker, Lou Karras graduated from Gary Emerson High School in 1945 after earning All-State honors for three years. He went on to have an outstanding career at Purdue University from 1946–1950. As a senior, he was chosen as the Most Valuable Player and was selected to play in the East-West Game, the Hula Bowl, and in the Chicago All-Star game against the Philadelphia Eagles. He started for the Washington Redskins as a rookie before an eye injury cut his career short. Lou's mother is the only woman inducted into the National Football League Hall of Fame for raising three NFL players: Lou Karras, Alex Karras, and Ted Karras. After his playing career, Lou served as President of the Purdue Alumni Association in Lake County, Indiana. He also presided as the Democratic City Chairman in Gary, Indiana, as well as President of the Gary City Common Council.

Mike Jennings attended Gary Wirt High School and excelled in football, basketball, and track. He graduated in 1957 having earned All-City, All-Conference, and All-State honors. He went on to attend Southwestern Missouri University, where he was a four-year letter winner and a three year starter as a fullback and linebacker. He also attended Texas A&M, where he honed his skills under the legendary coach Paul "Bear" Bryant. After his playing career, Mike became the head coach at Chesterton High School, where he amassed a record of 95–81–1 in 18 seasons.

Bob Johnson was an outstanding football player for Valparaiso High School until his graduation in 1976. He was named the Most Valuable Player in 1975, and was named to the Duneland All-Conference Team, the All-Area Team, and the All-State Team in 1974 and 1975. Bob's excellence on the field also earned him a position on the North-South All Star Team in 1976. After high school, Bob attended Manchester College, where he was named to the All-Conference Team in 1978, 1979, and 1980. He was also named an NAIA All-American in 1980, and was named the Most Valuable Player for that season.

Larry L. Johnson was a standout at Munster High School in football, wrestling, and track. By the time he graduated in 1970, he had been named the captain of his football and wrestling team. He was named to the All-Conference Team in football, as well as the 1st Team All-State. He also played in the North-South All-Star game. He attended the University of Michigan, where he was a four-year letterman and was awarded the Arthur Robinson Award for Most Outstanding Student Athlete on the football squad. In 1975 he was awarded the prestigious Fielding Yost Award.

Keith A. Johnson attended Munster High School and was a three-year letterman. He was awarded All-Star honors in 1971 as a defensive back while leading his team as a captain. He went on to attend the University of Michigan, where he was a three-year letterman at wide receiver. His team was named the Big Ten Conference Co-Champion in 1973–1974, and he was a participant in the Orange Bowl on New Year's Day in 1976.

John Forchetti has been the team physician for Chesterton High School for over 37 years. He graduated from Villanova University in 1958 and Jefferson Medical School in 1962. He served as a medical doctor for the United States Navy from 1963 to 1965, when he began his career as the Trojan's team physician.

Tom Herbert graduated from Gary's Lou Wallace High School in 1965 and went on to attend Ball State University. Considered the dean of Big Ten officials, Tom has been with the prestigious conference for 25 years, and has officiated in ten bowl games. His most recent game was the Holiday Bowl in San Diego on December 27, 2002.

Roderick Moore has spent his career as an athletic trainer with the Valparaiso community. He was the athletic trainer for all of the high schools and junior high schools in Valparaiso from 1972–1976. He was associated with the 1975 State Championship Team and the 1985 State Runner-up Team. He is currently the head athletic trainer for his alma mater, Valparaiso University, and was a charter member of the Indiana Athletic Trainers Association.

George Pappas played high school football for Hammond High School and was twice selected as an All-State player. In 1960, George was chosen as a High School All-American. He played on two undefeated teams, and in four years his teams lost a total of two games. He was named the Most Outstanding Lineman in 1959 and 1960. George went on to attend Purdue University, where he was selected by his teammates as the Most Valuable Player and Outstanding Freshman Lineman. After his playing career, George became a Graduate Assistant at Purdue from 1965–1966. He was an assistant coach at North Central High School in 1969, and he became the head coach at North Central in 1975. During his 17 years as head coach, George compiled an impressive record of 126–53.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in congratulating these nine men for their achievements within the Indiana football system. Their success serves as an inspiration to those involved in Indiana athletics, and our youth can be proud to have them as role models after whom to pattern their careers.

IN HONOR AND REMEMBRANCE OF EDWARD JOHN WOJNIAK, SR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Edward John Wojniak, Sr.—Beloved family man, World War II veteran, community leader, and friend and mentor to many.

Mr. Wojniak was born in 1919 in the St. Hyacinth area of Cleveland. As a young boy, he moved with his family to West Virginia where his father found work as a coal miner. Tragically, in 1935, Mr. Wojniak's father died in a mining accident. His family remained in West Virginia for a few years. After Mr. Wojniak graduated from high school, his family relocated to Pittsburgh. Soon after, World War II broke out. Mr. Wojniak enlisted in the U.S. Army 815 Engineers Corps, and fought in Italy and Northern Africa. He returned to Cleveland after the war, and enrolled in college at Western Reserve University. In 1951, he graduated with a Bachelor of Arts degree, and in 1954, he graduated with a Master of Science degree in Social Administration. During college, he met and married Jennie Pogroszewski.

Together, Mr. and Mrs. Wojniak raised four children. His life revolved around family, community, faith and heritage. His professional life was dedicated to helping others. For more than a quarter century, Mr. Wojniak worked on behalf of our elderly at the State of Ohio Department of Aging. His deep affection for his Cleveland community and his Polish heritage were clearly reflected through his civic involvement and volunteer spirit. Mr. Wojniak worked diligently to secure an official proclamation to name the Broadway-Forman area of Slavic Village as "Solidarity Square. " Throughout his adult life, Mr. Wojniak was highly active in veterans' groups and Polish fraternal organizations, including the Polish National Alliance and the Polish American Congress. Notably, Mr. Wojniak was the longest-serving President of Polish-Americans, Inc.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Edward John Wojniak, beloved husband of Jennie, beloved father of Barbara, Elizabeth, Edward and Michael; beloved grandfather of nine; beloved brother, and trusted and loyal friend to many. Mr. Wojniak's joyous life was defined by his deep dedication to family, and his exceptional service to community and country. His strong spirit, energy and good works have served to uplift the lives of countless individuals, families—and the entire Cleveland community.

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INTERNATIONAL SUPPORT FOR CUBAN OPPOSITION DAY

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I ask that the following Proclamation by the Miami-Dade County Office of the Mayor and the Board of County Commissioners be included in the RECORD.

Whereas: As the Apostle of the Cuban Independence Jose Marti once said: "Liberty is very expensive and it is necessary either to resign oneself to live without it or to decide to pay its price;" and

Whereas: Realizing that Cubans are persecuted and exiled in their own land, deprived of their most elemental rights, fired from their jobs, subjected to a cruel and systematic hate campaign, and suffering defamation towards them and their families, the thousands of men and women, that for years have confronted with civic activism that tyranny, deserve the admiration and support of all; and

Whereas: On Monday, May 13, 2002, coinciding with the 71st Anniversary of Pedro Luis Boitel's birthday, a Cuban murdered by the Castro regimen, a group of Cuban exile institutions have agreed to declare May 13th, "International Support for the Cuban Opposition Day," and

Whereas: The efforts of these Cuban organizations are not only against the Fidel Castro dictatorship, but against all forms of oppression anywhere on earth, because the defense of human rights does not know boundaries of any particular nation, thus the representatives of these organizations invite Cubans, inside and outside the island, as well as those sympathetic to this worthy cause, to join this noble effort; and

Whereas: It is fitting and proper that official acknowledgement be given to the organizers, and participants of these plethora of organizations, and wish them complete success in their quest for a Cuba with liberty and justice for all;

Now Therefore: Be It Resolved, That I, Alex Penelas, Mayor of Miami-Dade County, Florida, On Behalf Of The Board of County Commissioners And This Community, do hereby proclaim Monday, May 13, 2002, as International Support for the Cuban Opposition Day.

In Observance Thereof: I call upon the good people of Miami-Dade County to join me in recognizing the importance of this endeavor aimed to obtain the most laudable aspirations of the human race—to live in freedom.

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IN RECOGNITION OF 55 YEARS OF ISRAELI INDEPENDENCE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. PALLONE. Mr. Speaker, I would like to acknowledge that on May 7, 2003 the State of Israel will be celebrating its independence and fifty five years of statehood. Since its founding in 1948, Israel has served as a staunch ally on behalf of America's vital interests in the Middle East and internationally.

Mr. Speaker, being that the citizens of the United States and Israel maintain a deeply rooted friendship based upon a commonality of interests and shared core ideals, including a dedication to democracy and individual freedoms, I ask that we rise up in recognition of Israel's independence.

I would also like to recognize the special sister relationship that the State of New Jersey has forged with the State of Israel, through the New Jersey-Israel Commission. Israel has repeatedly proven itself as a valued partner in trade and mutual cultural exchange, and has earned the support of New Jersey's citizens.

Mr. Speaker, at this time I would like to recognize a special group of constituents from the 6th District of New Jersey who will be showing their support for this unique relationship by "Walking For Israel" on May 4th. I ask that my colleagues join me in commending the Jewish Federation of Greater Middlesex County for sponsoring such an event. It is my hope that America's citizens will mark this occasion and demonstrate their support for the US-Israeli relationship with similar events across the country.

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HONORING FATHER EVAGORAS CONSTANTINIDES

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great sincerity and enthusiasm that I wish to congratulate Father Evagoras Constantinides for his numerous contributions to the citizens of Northwest Indiana. Father Constantinides has been a fixture of the community since 1969, and he will be honored at a dinner presented by Friends of Hospice on Friday, May 2, 2003.

Mr. Speaker, Father Constantinides was born in Lapithos, Cyprus in 1918 and was educated in his village through his second year of high school, where he graduated with the Gold Medal Award for academic excellence. He entered Athens College in 1932, where he was accepted on a yearly scholarship with the school's science section. Father Constantinides had no trouble maintaining his scholarship for six years, and he graduated with honors while receiving the Delta Public Speaking Prize and the English Language Prize. This dedication and commitment to his studies exemplifies the hard work on which Father Constantinides prides himself.

After finishing his collegiate studies in Greece, Father Constantinides journeyed across the world to America to continue his studies and broaden his experiences. In 1938, he enrolled at Fenn College, which is now Cleveland State University, to study civil engineering. During his four years at the University, he served as a Greek teacher and as the Hellenic Board of Education Secretary for the Greek Orthodox Community of the Annunciation of Cleveland, Ohio. Although he enjoyed his time in Cleveland, his final year was interrupted by World War II. As a British subject, Father Constantinides entered the Canadian Army as a private in the fall of 1942. After completing his basic training, he was enrolled in the officer training program, from which he graduated as a 2nd Lieutenant in the Engineer Corps with proficiency in explosives, mines, and demolitions. His outstanding ability as a military officer, coupled with his excellent intellect, allowed Father Constantinides the opportunity to work for the United States Central Intelligence Group translating Japanese documents and the Greek Constitution into English.

After returning to the United States following his discharge in 1947, Father Constantinides began extensively studying theology, and on March 11, 1956 he was ordained into the priesthood. He was appointed pastor of the SS. Constantine and Helen parish in Gary on September 1, 1969, and his gracious presence has been felt throughout Northwest Indiana since his arrival. In 1971, Father Constantinides was instrumental in the construction of the Hellenic Cultural Center in Merrillville. His efforts also led to the design and construction of the SS. Constantine and Helen Cathedral, one of the ten largest Orthodox churches in the Americas, in 1975. It was during this time that Father Constantinides became deeply involved in the work of Hospice of the Calumet Area.

In addition to the many contributions within his own parish, Father Constantinides has dedicated his talents to improving the community, the Nation, and the world. During his 26-year tenure at SS. Constantine and Helen, he trained ten assistants who are now serving the Greek Orthodox Church with distinction. He was honored with the office of Protopresbyter in 1972, and he served as the Treasurer and member of the National Presbyters Council from 1970–1974, and again from 1980–1982. He received the Greek Orthodox Archdiocese of North and South America Service Award and Gold Cross in 1976 for his struggles and lobbying activities for the liberation of invaded Cyprus, a cause he continues to pursue. Father Constantinides offered his wisdom and his faith in various countries, including Russia, Kenya, Uganda, and India. He has also authored four Sunday school books for children, and has translated six Orthodox Service books from Greek to English.

Since his retirement in June 1995, Father Constantinides has devoted his time to the Orthodox Christian Mission Center, as well as writing, lecturing, and substituting at churches in the Chicago Diocese. In September and October 2002, he traveled to Argentina, Chile, and Ecuador at the behest of His Eminence Metropolitan Taraslos of Buenos Aires to perform missionary work. Father Constantinides also devotes much of his time to his loving wife, Maria, and their four children.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in thanking Father Evagoras Constantinides for his contributions to the citizens of Northwest Indiana, and to citizens of countries throughout the world. His love for his fellow man is an inspiration to us all, and I am proud to represent him in Congress.

A TRIBUTE TO TEMPLE SINAI OF GLENDALE, CA

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to honor Temple Sinai in Glendale, California. This week, Temple Sinai celebrates its 75th Anniversary, marking the extraordinary history of the synagogue and its congregation.

Temple Sinai was incorporated under California State Law on June 22, 1928, as the Sinai Community Center. At that time, the fledgling congregation consisted of fewer than a dozen Jewish families and met in the Masonic Hall located above the Ralph's Grocery Store at the corner of Orange and Broadway in Glendale. Using various venues for its functions until 1939, the congregation found its first permanent home at 425 West Windsor Road. Ten years later, the congregation constructed the first segment of its current home at 1212 North Pacific Avenue, and it has since grown both in physical plant and congregational census.

Today the congregation has 300 member families—including mine—of all ages and backgrounds, serving Jews who live in Glendale, Burbank, Los Angeles, La Canada, La Crescenta, Pasadena, South Pasadena, San Marino, and Thousand Oaks. There are 240 students in the combined Religious and Hebrew Schools. A larger cadre of volunteers manages the many opportunities for involvement in the community, from ritual and religious services to advisory and policy-making bodies.

The goals of the congregation embody the values of Judaism and its continuity. The congregation strengthens Judaism and Jewish values within and among the members of the local Jewish community, provides strength and support to members of the community who experience tragedy and grief in their lives, celebrates with members of the community the joyous occasions of their families, provides leadership experiences for Jews in the community so that they can undertake leadership of the synagogue in the future, and educates non-Jews as to the norms and traditions of Judaism.

I am proud to be able to recognize Temple Sinai for its 75 years of offering a place of solemn and joyous worship to the people of Glendale and the nearby foothill communities. My heartfelt "Mazel Tov" on this milestone. Today, Temple Sinai exemplifies the role congregations of every faith have within communities as a refuge for all who come to worship together regardless of differences. I ask all Members to join me in congratulating Temple Sinai for their 75 years of remarkable achievement and to wish Temple Sinai all the best as your congregation grows from strength to strength.

PROPOSAL SEEKS TO CURTAIL IDENTITY THEFT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. KLECZKA. Mr. Speaker, for the fourth consecutive session of Congress, I am introducing the Personal Information Privacy Act (PIPA), which would help restore individuals' control over the use of their Social Security numbers and personal information.

Over the years, the Social Security number (SSN) has unfortunately become a *de facto* national identifier. SSNs are required to receive a driver's license from every state, and many companies require consumers to provide their SSN as a condition of doing business. This means that should one's SSN fall into the wrong hands, it can be used to steal one's identity, run up thousands of dollars of false charges in your name, and wreak havoc on your credit history.

The issue of identity theft has grown to be the largest single complaint received by the Federal Trade Commission (FTC), and curbing the rampant use of the SSN—"the key to identity theft"—is paramount in reducing identity theft and restoring citizens' ability to protect their personal information.

Under this legislation, PIPA, businesses would be prohibited from refusing to sell goods or services to individuals that do not want to provide their SSN. Furthermore, without written consent, one's SSN could not be used for commercial purposes or used as an identifier. Neither could information on products or services bought by an individual and where they were purchased—known as transaction histories—be sold to third parties.

Lastly, individuals would be permitted to seek redress for violations of this measure in civil courts, with the statute of limitations beginning to toll three years after the offense was discovered. PIPA would also establish penalties for the use of Social Security numbers without a consumer's consent of up to $25,000 for a single offense, and up to $500,000 for repeated violations.

Any victim of identity theft could tell you the difficulty of restoring one's credit and good name. Identity theft is on the rise, and topped the FTC's consumer fraud list for the third year in a row. Unless action is taken to curb the widespread use of SSNs as identifiers or as a condition of doing business, this crime will continue to harm increasing numbers of our citizens.

I urge my colleagues to cosponsor this legislation, and give Americans the ability to better safeguard themselves from identity theft.

RECOGNITION OF MASSACHUSETTS STATE TROOPER SCOTT McDONALD

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. OLVER. Mr. Speaker, I rise to call your attention to the story of a citizen of the First Congressional District of Massachusetts, State Trooper Scott McDonald. Recently, the Massachusetts State Police awarded Scott a Medal of Lifesaving, an honor bestowed upon Troopers who undertake significant actions in the saving of another life.

During patrol on August 4, 2002, Trooper McDonald responded to a motor vehicle accident in the town of Deerfield. He arrived at the scene to find a truck overturned on the road. The driver was unconscious, without a pulse and not breathing. Immediately, Scott administered CPR on the accident victim. While performing resuscitation, a passing motorist stopped, identified herself as a doctor and said she would pronounce the victim dead. However, Trooper McDonald continued lifesaving efforts. Amazingly, the driver was ultimately revived and flown to Baystate Medical Center in Springfield.

Mr. Speaker, Trooper McDonald is a fine example of the Commonwealth's outstanding first responder community. Troopers like Scott are especially important in the First Congressional District, as many of the towns rely on the State Police for their emergency and law enforcement needs. I join the Massachusetts State Police, the City of Holyoke, and Scott's family and friends in honoring Massachusetts State Trooper Scott McDonald.

TRIBUTE TO FRED LEVY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. FARR. Mr. Speaker, I rise today to honor the life of Fred Levy, an extremely gifted educator who dedicated much of his life to expanding horizons for his students. Mr. Levy, an instructor at Cabrillo College for over 30 years, passed away April 9, 2003, at the age of 69. A valued teacher, husband and father, all who knew him respected Fred for his passion and sincerity. Mr. Levy is survived by his wife, Robley Levy; three children Rebecca, Barnaby, and Elizabeth; and six grandchildren.

Mr. Levy was born in 1934 in Cairo, Egypt, where his father was working as a correspondent for the New York Times. At the age of 7, Sadie Miller, a family friend took him under her wing and fled Egypt to escape impeding Nazi troops. They went to great lengths to avoid the Nazis and eventually traveled up the coast of South America and the United States until they reached New York. Fred's parents arrived shortly thereafter, and the family remained in the city until Fred graduated from Amherst College in 1955. Mr. Levy went on to serve in the United States Army, retiring only to pursue a master's degree in poetry at Stanford University.

Mr. Levy was appointed to the Cabrillo College faculty in 1963 as an instructor in both English and speech. Immediately deemed an integral part of the staff, Fred became a much loved teacher that students would seek out for advice and support. Fred was a proactive educator and successfully introduced new academic programs to Cabrillo with the intentions of increasing the variety of subject matter presented in the classroom. Colleagues marveled at his ability to turn shy first-year students into confident university bound scholars through these programs along with his engaging lectures. Not only was Fred passionate about teaching, he also enjoyed acting and directing in Cabrillo College's theater production company. Those who knew Fred best noted that he was also a Shakespeare zealot and frequently organized trips to Oregon for the Shakespeare Festival. Fred retired after a long and successful career in 1995.

Mr. Speaker, I wish to express my condolences to Robley and the Levy family during these difficult times. His legacy as a devoted teacher and scholar will blossom as his students apply the lessons taught in his classroom to succeed in life. Those who had the pleasure of sharing Fred's company have and will continue to benefit from his sincere appreciation of life and education.

UPON INTRODUCTION OF THE ESSENTIAL AIR SERVICE ELIGIBILITY FAIRNESS ACT OF 2003

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. PITTS. Mr. Speaker, today, I introduced the Essential Air Service Eligibility Fairness Act of 2003, a bill to provide much needed financial relief to the Lancaster Airport and other airports throughout the United States that are adversely impacted by the existing law.

Under current law, if an airport is located fewer than 70 highway miles from the nearest large or medium hub airport, the airport is ineligible to receive a subsidy from the Essential Air Service Program.

However, current law allows the Department of Transportation to determine whether or not a given airport meets the criteria for receiving the EAS subsidy.

State and local officials are better able to determine the most commonly traveled routes in their communities.

In my own Congressional District, the Lancaster Airport has been affected by this debate.

On March 21, 2003, the 3rd Circuit Court of Appeals affirmed the Department of Transportation's decision to deny Lancaster Airport an EAS subsidy because Lancaster Airport was deemed to be located within 70 highway miles of Philadelphia Airport.

The Lancaster Airport and my constituents were dismayed at this decision.

The route that the Department of Transportation used is not the most commonly used highway route and would take over three hours to drive. The most commonly traveled route is located 80 highway miles from Philadelphia Airport, but takes only one and a half hours to drive.

I am introducing this legislation today, to empower a Governor or a local Metropolitan Planning Organization (MPO) to determine eligibility for local EAS subsidies.

Having worked with local MPOs in my district, I am confident that these determinations should be made at the state and local level.

A Lancaster County rank seventh in the state for air service demand and generates over 876,000 annual originating air trips. Additionally, these air travelers pay more than $20 million per year in aviation taxes.

Lancaster County with over 11,000 businesses and a population of over 472,000 needs and deserves commercial air service.

This legislation will ensure that communities like Lancaster County continue to receive quality local air service. I urge Congress to support this legislation.

HONORING STAFF SERGEANT SCOTT SATHER, SERGEANT MICHAEL F. PEDERSON, SPECIALIST RICHARD A. GOWARD, AND PRIVATE FIRST CLASS JASON M. MEYER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. KILDEE. Mr. Speaker, it is a great honor to rise before you today to pay tribute to the honorable service to this country and its citizens given by Staff Sergeant Scott Sather, Sergeant Michael F. Pederson, Specialist Richard A. Goward and Private First Class Jason M. Meyer. On May 5, members of the community will gather at a benefit concert given by the Carriage Town Ministries in Flint, Michigan, to honor Staff Sergeant Scott Sather, Sergeant Michael F. Pederson, Specialist Richard A. Goward and Private First Class Jason M. Meyer for their service to this nation.

Staff Sergeant Sather graduated from Clio High School in 1991 where he excelled in baseball and football. Staff Sergeant Sather joined the United States Air Force in 1992 serving in Washington and England. During his service, Staff Sergeant Sather earned several honors, including a Bronze Star. Staff Sergeant Sather and his wife, Melanie, were married in July of 2002. Staff Sergeant Sather made the ultimate sacrifice for his nation on April 8, 2003 while serving in Iraq.

Sergeant Michael F. Pederson graduated from Flint Northern High School in 1996. Following graduation from high school, Sergeant Pederson joined the United States Army where he was assigned to Hunter Army Airfield in Georgia. Sergeant Pederson made many achievements while in the Army as well as at home, where he helped support a large family, including his 7–year-old daughter. Sergeant Pederson made the ultimate sacrifice for his nation on April 2, 2003 while serving in Iraq.

Specialist Richard A. Goward graduated from Merrill High School in 1989. Following his graduation from high school, Specialist Goward joined the United States Army where he served from 1990 to 1996. Sergeant Goward married his wife, Karen, and they had two children. Sergeant Goward attended the Corrections Officers Training Academy and was employed at the St. Louis Corrections Facility until the events of September 11, 2001 once again called Sergeant Goward to duty and prompted him to enlist in the Michigan National Guard. Sergeant Goward made the ultimate sacrifice for his nation on April 14, 2003 while serving in Iraq.

Private First Class Jason M. Meyer graduated from Howell High School in 1999. Following his graduation from high school, Private First Class Meyer joined the United States Army where he was assigned to Fort Stewart in Georgia. Private First Class Meyer married his wife, Melissa in March of 2002 and lived in Hinesville Georgia at the time of his deployment. Private First Class Meyer made the ultimate sacrifice for his nation on April 8, 2003 while serving in Iraq.

Mr. Speaker, Staff Sergeant Sather, Sergeant Pederson, Specialist Goward and Private First Class Meyer are sons, they are fathers, husbands and friends. They are true Americans, deserving of our respect and gratitude not only for their devotion to the United States and its ideals, but for their devotion to their families, their friends and their communities. These men are a symbol of excellence to everyone in this nation, and are a shining example of the best our society has to offer. I ask my colleagues in the 108th Congress to please join me in paying tribute to these men, their families and their achievements. May their sacrifices to be remembered always.

HONORING CHATTANOOGA BAR ASSOCIATION

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. WAMP. Mr. Speaker, I rise today to honor the work of the Chattanooga Bar Association in my hometown of Chattanooga, Tennessee and join them in celebrating their upcoming Law Day luncheon on May 7, 2003.

In 1957, American Bar Association President Charles S. Rhyne, a Washington, DC attorney, envisioned a special day for celebrating our legal system and the freedoms we enjoy as Americans. In 1958, President Dwight D. Eisenhower proclaimed a "Law Day" to strengthen our great heritage of liberty, justice, and equality under the law. In 1961, May 1st was designated by a joint resolution of Congress as the official date for celebrating Law Day.

On this Law Day 2003, we have the opportunity to re-examine how we, as a nation, want our judiciary to function. At a time when partisanship and special interests try to shape a judiciary, we have the responsibility to reaffirm our commitment to an independent third branch of government.

This year on May 7th, the Chattanooga Bar Association will honor the legal community of Chattanooga, Tennessee with their annual

Law Day luncheon. During the luncheon, the Chattanooga Bar Association will honor Judith P. Medearis with the 2003 "Liberty Bell Award." This award, given to a person who is not in the legal profession, is one of the CBA's highest honors. The purpose of the "Liberty Bell Award" is to recognize community service that has strengthened the American system of freedom under law. In selecting the recipient of this award, the Chattanooga Bar Association considers activities which (1) promote a better understanding of our Constitution and the Bill of Rights; (2) encourage a greater respect for the law and the courts; (3) stimulate a deeper sense of individual responsibility so that citizens recognize their duties as well as their rights; (4) contribute to the effective functioning of our institutions of government; and (5) foster a better understanding and appreciation of the rule of law. I ask all Members of the House of Representatives to join me in congratulating Judith Medearis for her contribution to the Chattanooga community.

Beginning in 1999, the CBA began awarding a college scholarship to the winner of the Annual Law Day Essay Contest. This year's theme was "Celebrate Your Freedom—Independent Courts Protect Our Liberties". Megan Galbreth, a Junior at Girls Preparatory School is the winner for 2003. I join the CBA in congratulating Megan for her award-winning essay.

Mr. Speaker, I ask the United States House of Representatives join me in thanking the Board of Governors of the Chattanooga Bar Association for their contributions and commitment to the legal profession and to the Chattanooga community. The members of the Board of Governors Executive Committee are: Lynda Minks Hood, Executive Director; Honorable Rebecca J. Stern, President; Alan L. Cates, President-Elect; Michael K. Alston, Secretary-Treasurer; Harold L. North, Jr., Immediate Past President. Board members include: William H. Cox, III; James M. Haley, IV; Cynthia D. Hall; Steven M. Jacoway; Jason L. Thomas; Joseph R. White and Wade Hinton.

COMMENDING EDWARD J. McELROY OF THE BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. ACKERMAN. Mr. Speaker, I'd like to call to the attention of the House Mr. Edward J. McElroy, an extraordinary federal employee—a person who would typically be referred to in this chamber as a bureaucrat. Indeed, he is one, the interim director of the Department of Justice's new Bureau of Immigration and Customs Enforcement in New York. But in my community in New York, we don't think of him as a bureaucrat, or as a cog in the impersonal and vast machinery of the federal government. In Queens, Ed McElroy is a hero.

About 3 weeks ago I called him after discovering that a young man in my community, Mohammad Sarfaraz Hussain, was on the verge of being deported. Now eighteen, this young man came to New York from Pakistan when he was a seven year old little boy, to be with his mother as she died in the hospital. Only a few short years later, his father died of a heart attack leaving him an orphan.

Despite these tragedies, Mohammad thrived in Queens. Living with his aunt and uncle, and with the support of his siblings and cousins, his school and his friends, Mohammad has grown to be the kind of young man all of us hope our society produces: decent, modest and responsible, a varsity basketball player with a crowd of friends and a bright future ahead of him.

But in February, after reporting to immigration officials in New York under the special registration program implemented after 9/11 to screen male aliens from high-risk states, Mohammad was told that he was in our country illegally and that our federal government would seek his deportation. He was supposed to appear before a federal judge today.

A terrible tragedy was unfolding, a young man, an orphan, who since he was in second grade had only known life in America, was only weeks away from being sent to Pakistan, where he had no family and knew no one.

Mr. Speaker, this scenario is not what we had in mind when the special screening procedures were put in place. The new screening policy makes a lot of sense for the security of our nation, it made no sense when applied in this case. The most threatening thing about Mohammad Hussain is his jump shot.

But the story has a happy ending Mr. Speaker because in New York, the federal government is lucky enough to have Ed McElroy making decisions about the enforcement of immigration laws.

Instead of ducking his head, instead of hiding behind rules and regulations to avoid making a decision, Ed McElroy did the kind of job we all hope our federal employees will do. He investigated, he looked deeper, he performed due diligence, he protected the interests of the United States and most importantly, he did the right thing.

After taking all the steps necessary to ensure that America's interests were met first, Ed McElroy notified me that he had reviewed Mr. Hussain's case would exercise prosecutorial discretion in not removing him from the United States.

Mr. Speaker, there is a lot to be proud of in a case like this. There is, of course, Mohammad Hussain, a young man like millions of others who has come to this country in tragic circumstances and has come to know, love and live the American dream.

And, making the continuation of this American story possible is a federal employee, a bureaucrat. A hero named Ed McElroy who understands that his responsibility as a guardian of our nation's borders and laws is not just the implementation of regulations, but the use of judgement in the pursuit of justice.

Mr. Speaker, I am proud to call the House's attention to the great job Ed McElroy has done, and I know the whole House will join me in thanking him for his service, which is a credit to the entire United States government.

CONGRATULATIONS TO WEST ANCHORAGE HIGH SCHOOL STUDENTS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to applaud the more than 1200 students from across the United States that traveled to Washington, D.C. this past weekend to compete in the national finals of the We the People: The Citizen and the Constitution program. Administered by the Center for Civic Education and funded by the U.S. Department of Education, We the People is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights.

I am proud to announce that students from West Anchorage High School in Anchorage represented the state of Alaska in this national event. These young scholars have worked conscientiously to reach the national finals by participating at local and statewide competitions. As a result of their experience, they have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy. For the first time in the competition's history, a team from Alaska participated in the events' final round and finished the competition in 4th Place.

The three-day We the People national competition is modeled after hearings in the United States Congress. The hearings consist of oral presentations by high school students before a panel of adult judges on constitutional topics. The students are given an opportunity to demonstrate their knowledge while they evaluate, take, and defend positions on relevant historical and contemporary issues. Their testimony is followed by a period of questioning by the judges who probe the students' depth of understanding and ability to apply their constitutional knowledge.

The We the People program provides curricular materials at upper elementary, middle, and high school levels. The curriculum not only enhances students' understanding of the institutions of American constitutional democracy, it also helps them identify the contemporary relevance of the Constitution and Bill of Rights. Critical thinking exercises, problem-solving activities, and cooperative learning techniques help develop participatory skills necessary for students to become active, responsible citizens.

Independent studies by the Educational Testing Service (ETS) revealed that students enrolled in the We the People program at upper elementary, middle, and high school levels "significantly outperformed comparison students on every topic of the tests taken." Another study by Richard Brody at Stanford University discovered that students involved in the We the People program develop greater commitment to democratic principles and values than do students using traditional textbooks and approaches.

I am proud to have the class from West Anchorage High School represent my home state of Alaska and I applaud their historic 4th Place finish. It is inspiring to see these young people advocate the fundamental ideals and principles of our government, ideas that identify us as a people and bind us together as a nation. It is important for future generations to understand these values and principles, which we hold as standards in our endeavor to preserve and realize the promise of our constitutional democracy. I wish these young "constitutional experts" the best of luck in all of their future endeavors.

IMPROVING EDUCATION RESULTS FOR CHILDREN WITH DISABILITIES ACT OF 2003

SPEECH OF

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes:

Mr. SANDLIN. Mr. Chairman, I rise today to speak regarding H.R. 1350, the Individuals with Disabilities Education Act.

It is with great regret that I feel compelled to vote against the IDEA reauthorization bill. I had looked forward to voting on a bill that finally provides adequate resources for students with disabilities, their families, and teachers. I had looked forward to voting on a bill that would continue to protect the unique needs of children with disabilities. Unfortunately, the measure offered by the majority failed on both these counts and does a disservice to the teachers and the children that they serve.

I am profoundly disappointed that once again our Congress has failed to live up to the funding promises of the original Individuals with Disabilities Education Act, passed in 1975. The original bill recognized our federal responsibility to help states provide a free and appropriate public education to students with disabilities. While the original law promised to fund 40% of states' costs to educate these special needs children, Congress has never funded more than 18%. Without appropriate funds, schools are caught in a failing balancing act, trying to provide adequate resources to students with disabilities while also meeting the needs of typical students. I know the rural schools in the First District of Texas simply cannot wait any longer for the relief they so badly need. We should have finally committed ourselves to fulfilling the promise of IDEA with mandatory funding for these students. Anything less is unacceptable.

I am also deeply concerned regarding the discipline provisions in H.R. 1350 for children with disabilities. No one believes that teachers and principals should not have the right to discipline students. However, this bill eliminates protections that children with disabilities deserve in consideration of their limitations. Current law requires schools to determine whether a student's actions were the result of a disability before determining a punishment. This new bill does not do so and puts more students at risk for suspension or expulsion. It is important that we retain protections for the best interests of these children, and remember the challenges they endure.

This IDEA bill also fails to protect families who feel their school system is not complying with their children's needs. Previously there was no statute of limitations on parents' rights to file grievances against the schools. This new bill requires that they do so within one year of the incident. Often times parents aren't aware of the rights that their children are entitled to under IDEA and do not fully understand what services would best suit their child. While we should discuss the need for closure on potential liability for schools, certainly parents should have more than one year to appeal their schools' decisions.

My mother was a school teacher for 30 years and has well impressed upon me the challenges of teaching children with disabilities without the resources to back it up. I have talked with parents of special needs children at length about the struggles they face in getting their children the services they so badly need. Our parents and teachers desperately need our help and this bill fails to meet the mark. For these reasons, I cannot support the IDEA re-authorization bill, but will continue to fight in Congress to give our communities the educational resources they deserve.

TRIBUTE TO AIR FORCE LT. GENERAL ROGER DEKOK

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Ms. HARMAN. Mr. Speaker, I rise to pay tribute to the life and career of my friend, Air Force Lt. General Roger DeKok.

General DeKok died suddenly last week while on a business trip. My heartfelt condolences, and those of the many individuals in the South Bay he commanded and who were his friends, go to his wife, Carol, and family.

I first met General DeKok when he assumed command in August 1996 of the Space and Missile Systems Center (SMC) at Los Angeles Air Force Base in my district. SMC is the Air Force's pre-eminent procurement center for space-based systems, including the nation's sophisticated surveillance satellites and technology to track and intercept enemy missiles.

Commander of SMC for only two years, General DeKok excelled in motivating people. His loyalty, warmth and kind personality are virtues for which he will be remembered. Under his leadership, SMC continued its tradition of excellence and continued to produce many of the high quality space-based systems necessary for the war fighter of the 21st century.

General DeKok's activities and passion centered on the frontiers of outer space. He served in numerous space plans and operations positions, from detachment level to space policy work in the White House, and commanded two space wings.

While serving at the Pentagon in 1983, he coordinated the Air Force Space Plan. During his assignment to the White House National Security Council, he helped develop and coordinate the U.S. National Space Policy that was signed by President Reagan in January 1988. Prior to assuming his last position as vice commander of Air Force Space Command at Peterson AFB, he served as deputy chief of staff for plans and programs at Headquarters U.S. Air Force, where he was responsible to the secretary of the Air Force and the chief of staff for planning, programming and manpower activities within the corporate Air Force.

General DeKok retired from the Air Force in April 2002 after 34 years of service and joined TRW Inc., which was later acquired by Northrop Grumman Corp. At the time of his passing, he was vice president and deputy general manager of Northrop Grumman's Command, Control & Intelligence Division.

Roger DeKok deserves the thanks of a grateful nation. He will be sorely missed by his family, friends and the communities he served.

CONGRATULATING CHARTER SCHOOLS ACROSS THE UNITED STATES FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. KIND. Mr. Speaker, as a member of the House Education and Workforce Committee, as well as co-chair of National Charter School Week, I strongly support the H. Res. 204, legislation honoring National Charter Schools Week.

Public schools are America's commitment to providing a high quality education for every child. I am dedicated to ensuring that all children have the opportunity to receive a quality education regardless of what public school they attend. This includes charter schools, which are models of successful education reform and one of the fastest growing education innovations working to improve our public education.

As a National Co-Chair of Charter Schools, I would like to take a minute to celebrate the first decade of Charter Schools in the United States. Traditionally, charter schools are independent public schools, designed and operated by educators, parents, community members and others. Since the first charter school began operation in 1992 in St. Paul, Minnesota, the number of charter schools has grown to nearly 2,700, serving 500,000 students around the country.

I am proud to say that we currently have 128 charter schools operating across the state of Wisconsin. In my congressional district alone, we have 20 charter schools presently and that number grows each year.

Just last week, I took the opportunity to visit the LaCrosseroads Charter School in my hometown of La Crosse, Wisconsin, and was impressed by all of the wonderful things that have been accomplished there in just the past several years. The interests, involvement and stewardship of these charter school students extend well beyond La Crosse and reach out beyond the borders of this country with their active participation in the Red Cross School Chest Program. For this program, LaCrosseroads students have been collecting school supplies for Red Cross distribution to children in other countries, who are unable to attend school because of war or natural disasters.

Charter schools have consistently been at the forefront of my priority list, and I am pleased that Wisconsin is one of seven states with over 100 exceptional charter schools. I have consistently advocated for increased funding for Charter Schools and supported the Charter School Facilities Financing Demonstration Program during consideration of the No Child Left Behind Act (NCLB) of 2001.

Mr. Speaker, I recognize that charter schools give parents options when determining the best public school in which to enroll their children. Thus, we must ensure that all our students reach their highest academic potential, which may require attending a charter school that provides a model better suited towards an individual student's needs.

H.R. 1350, IMPROVING EDUCATION RESULTS FOR CHILDREN WITH DISABILITIES ACT OF 2003

SPEECH OF

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. WALSH. Mr. Chairman, I rise today in support of H.R. 1350, Improving Education Results for Children with Disabilities Act of 2003.

More than two decades ago, the federal government imposed special education mandates on states and local school districts. Ever since then, the federal government has struggled to fund those mandates.

Our nation's special needs children require a special commitment. And I'm pleased that this Congress has met that commitment with this IDEA renewal and reauthorization bill.

It is important to note that since 1996 when Republicans regained the majority of this body, overall federal IDEA funding to states and school districts has increased by 282.3%. From 1996 to 2003, IDEA spending has increased an average of 18.6% per year—that's more than double the average annual increases from 1988 to 1995 when Democrats held the majority.

This bill reauthorizes that renewed commitment that our party has brought to our nation's education policy. Not only is it Congress' responsibility to financially support the provision of special education by local school districts, it is our duty to ensure that no child is left behind in America's classrooms. Today, with this legislation we reaffirm this important priority.

In addition to renewing our continued commitment to special needs education funding, H.R. 1350 increases accountability and improves education results for children with disabilities by deemphasizing compliance with complicated rules, diverting that attention to delivering academic results. It ensures that parents of special needs children will receive report cards from schools showing academic progress indicators beginning in 2005, just as the No Child Left Behind reforms implemented such policies for mainstream students.

H.R. 1350 reduces the Individualized Education Plan, or IEP, paperwork burden on districts and special education teachers, lengthening the required IEP filing from every one to three years, though these provisions in the bill are options for BOTH states and parents. If parents opt for an annual IEP, this package continues to guarantee that right. By amending lengthy paperwork requirements, we ensure that teachers will spend more of their time on instructing students and less on filing government forms.

In addition, H.R. 1350 improves early intervention strategies to reduce overidentifying or even misidentifying students as those with special needs. This legislation will give flexibility to local districts to use a percentage of funds for pre-referral services.

Finally, this legislation supports general education and special education teachers by providing for appropriate professional development and encouraging innovative approaches to parental involvement and parental choice.

Mr. Chairman, local school districts throughout my congressional district in New York State face uncertain fiscal times this coming budget year and, quite possibly, well into the near future. Funding instructional services for students with special needs is an enormous burden these districts bear. I urge my colleagues to vote in favor of H.R. 1350 to more fully share in this responsibility.

REGULATORY CERTAINTY

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mrs. BONO. Mr. Speaker, I rise today on an issue of critical importance to our economy.

Throughout the broadband debate over the past two years, we have all heard from carriers of all shapes and sizes. They have very different business plans and different opinions on the way competition should proceed. The one common message from all of these disparate companies, however, is a strong and urgent call for regulatory certainty. Individual investors, Wall Street analysts and companies alike all demand it.

I fear that the recent FCC action on the Triennial Review threatens to exponentially increase regulatory uncertainty for the telecommunications sector. I fear lawsuits all across the country that will drag out resolution of these important issues for many years to come. Our world of digital packets of information traveling at the speed of light knows no geographic boundaries. However the resulting state-by-state patchwork of burdensome regulations threatens to pose yet another obstacle to getting reasonably priced broadband to our constituents.

The old adage is true, you can't make everyone happy, all of the time. But if we level the playing field and let the markets work, the smart people in these companies can at least develop business plans and investors can judge their strategy on the merits. These companies need some clear direction so they can plan their futures, adjust, adapt and deliver for their shareholders and consumers.

Just ten short years ago we watched as the telecommunications sector drove the greatest economic expansion in the history of the world. The American people that are suffering through this depressed economy demand leadership. We must provide certainty and stability to the telecommunications sector so that our markets can work and drive our economy to greatness once again.

IN HONOR OF THE U.S. CHAMPION MOORPARK HIGH SCHOOL DECATHLON TEAM

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. GALLEGLY. Mr. Speaker, I rise to recognize the Moorpark High School Academic Decathlon Team as the United States Academic Decathlon Champions.

This is the second time in five years that Moorpark High School's team has won this premiere scholastic contest. Prior to its win in 1999, no team from Ventura County, California, had even competed in the nationals.

Team members Lindsay Hebert, Nathaniel Jones, Adam Abed, Paul Ideal, Kevin Randolf, Ashlee Scott, Grant Volk, Tracy Yagi and Max Geiger are now recognized as the best and the brightest in the country. They are the pride of their school, their community and their country.

These youngsters won by literally dedicating their lives to the challenge. For nine months they put in up to 40 hours a week beyond their school days to study and hone their skills. They gave up weekends, vacations, part-time jobs and time with their families.

Their hard work paid off. Last weekend, Moorpark scored 51,423 points out of a possible 60,000 points to win the national title against 37 other teams from throughout the country. They brought home 15 gold, nine silver and seven bronze medals.

Their coach, Larry Jones, worked as hard, if not harder, than his students and is as deserving of high praise. Coach Jones has said he will retire from the team after 12 years of leading dozens of students to victory at the county, state and national level. He said the same thing after winning the 1999 championship, but this time he says he means it. At a minimum, he has earned some relaxation in the glow of a job well done—again. I know my colleagues will join me in wishing him the best in whatever his future brings.

Mr. Speaker, I also know my colleagues will join me in applauding nine outstanding students who achieved a very prestigious goal—Lindsay Hebert, Nathaniel Jones, Adam Abed, Paul Ideal, Kevin Randolf, Ashlee Scott, Grant Volk, Tracy Yagi and Max Geiger—the U.S. champion Moorpark High School Academic Decathlon Team.

VOTER PROTECTION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce the Voter Protection Act. Unlike most so-called "campaign reform" proposals, the Voter Protection Act enhances fundamental liberties and expands the exchange of political ideas. The Voter Fairness Act accomplishes this goal by lowering and standardizing the requirements for, and the time required to get, signatures to qualify a Federal candidate for the ballot. Many states have unfair rules and regulations that make it virtually impossible for minor party and independent candidates to get on the ballot.

I want to make 4 points about this bill. First, it is constitutional. Article I, section 4, explicitly authorizes the U.S. Congress to, "At any time by law make or alter such regulations regarding the manner of holding elections." This is the authority that was used for the Voter Rights Act of 1965.

The second point I would like to make is an issue of fairness. Because so many states require independent candidates to collect an excessive amount of signatures in a short period of time, many individuals are excluded from the ballot. For instance, there has not been one minor party candidate on the Georgia ballot since 1943, because of Georgia's overly strict ballot access requirements. This is unfair. The Voter Protection Act corrects this.

My third point addresses those who worry about overcrowding on the ballot. In fact, there have been statistical studies made of states that have minimal signature requirements and generous grants of time to collect the signatures. Instead of overcrowding, these states have an average of 3.3 candidates per ballot.

The fourth point that I would like to make is that complying with ballot access rules drains resources from even those minor party candidates able to comply with these onerous rules. This obviously limits the ability of minor party candidates to communicate their message and ideas to the general public. Perhaps the ballot access laws are one reason why voter turnout has been declining over the past few decades. After all, almost 42 percent of eligible voters have either not registered to vote or registered as something other than Democrat or Republican.

The Voter Protection Act is a constitutional way to reform campaign laws to increase voter participation by making the election process fairer and open to new candidates and ideas. I hope all my colleagues will join me in supporting this true campaign reform bill.

CONTINUING SUPPORT OF U.S. ARMED FORCES

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to pay tribute to the men and women of the United States Armed Forces, who continue to act with honor, courage, valor, and respect. Operation Iraqi Freedom was fought with precision and ended decisively.

Through the sweat and blood of our troops a vicious dictator's regime has ended, the American people are safer, and an oppressed people have new hope for the future. These extraordinary men and women risked their lives for this noble cause, while many nations stood on the sidelines, once again proving that America is the symbol of liberty and freedom in the world.

I encourage Americans to continue their support of our troops and their families, even long after the war no longer headlines on our nightly news. I commend radio host Mike Gallagher for doing his part, in organizing a benefit concert, featuring the Marshall Tucker Band, for military families in Spartanburg, South Carolina, and I hope others follow his lead.

May God bless our troops and may God bless America.

IN RECOGNITION OF WORLD WAR I VETERAN AL ROSS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. SHAW. Mr. Speaker, today I bring sad news of the passing of an American hero, Mr. Al Ross of Palm Beach County, Florida at the age of 101. Al Ross was one of the last remaining veterans of World War I.

Al was a living legend in Palm Beach County, who freely gave of his time to educate many generations of Americans on the true meaning of service to our nation and deep understanding of the Pledge of Allegiance. In countless schools and public appearances around the county, he was a fiery champion for all veterans and a defender of the flag. Up until the very last moment that continued to be his mission.

In 2002, fewer than 500 veterans of World War I remained and Al was the last known survivor in Palm Beach County and the Treasure Coast. Still wearing his 1918 Navy uniform, I last saw him this past July 4th speaking to a Town of Palm Beach picnic celebrating America. As always, he had something new to share with his audience, and this month was looking forward to again being a featured speaker at this year's Memorial Day services at the National Cemetery.

We in Congress should remember Al Ross, along with his fellow soldiers and sailors from the Great War who are rapidly departing God's green earth which they ably defended with honor and dignity.

Mr. Speaker, Al Ross, small in stature, big in heart will be missed. He lived to see our military go from trench warfare to laser guided missiles, from Verdun to Baghdad. Yet as Al Ross would say, our flag was still there bringing freedom and hope to people around the world.

In Al's honor I close with his favorite, The Pledge of Allegiance, which he recited many hundreds of times and explained its meaning in his own colorful way.

"I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible with liberty and justice for all."

Mr. Speaker, I salute Al Ross on behalf of a grateful nation.

HONORING THE MEMORY OF BRIG. GEN. AUSTIN SHOFNER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. GORDON. Mr. Speaker, I rise today to recognize the memory of a great American hero and warrior, Brig. Gen. Austin C. Shofner, who retired from the U.S. Marine Corps in 1959 to return back to his home of Shelbyville, Tennessee.

At the time of his death in 1999, Gen. Shofner was the state's most decorated veteran, having survived the Bataan Death March during World War II. Not only did the tenacious Marine survive this harrowing experience, but he escaped his captors to report the atrocity to the rest of the world. Once he recovered from the starvation and severe beatings inflicted on him during his captivity, he was given command of a battalion that ferociously fought on the western Pacific shores of Peleliu, where he was badly wounded.

Refusing to be sidelined for long, Gen. Shofner recovered from his wounds and led another battalion of Marines that attacked the enemy on the island of Okinawa. He was only 28 years old at the end of World War II. Through the courageous actions of warriors like Gen. Shofner, the United States of America has persevered against its enemies. We are once again facing uncertain times and an unconventional enemy, so it is appropriate that we remember our nation's past heroes. Their deeds and acts of bravery are an inspiration to America's current breed of fighting men and women who go in harm's way to protect us and the interests of this great nation.

God bless the brave men and women who wear and have worn the uniforms of our Armed Forces. And God bless the sacrifices they have made and will continue to make to keep this country free. Brig. Gen. Austin Shofner made many sacrifices when his country depended on him the most. He is the epitome of courage and honor and will forever be remembered as a true hero.

INTRODUCTION OF THE RUNAWAY, HOMELESS, AND MISSING CHILDREN PROTECTION ACT

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. GINGREY. Mr. Speaker, today I introduce the Runaway, Homeless, and Missing Children Protection Act. This legislation contains the reauthorization of both the Runaway and Homeless Youth Act and the Missing Children's Assistance Act. This bill strengthens the programs and services authorized under these acts in order to better address the needs of the at-risk youth served.

The changes that were made to the Runaway and Homeless Youth Act will allow for a larger percentage of the allocation to go toward Transitional Living Programs. This will help to meet the need that exists for these programs so older runaway and homeless youth can develop the skills and resources to promote their independence and prevent future dependency on social services. Additionally, youth who are participating in the Transitional Living Program who come to the end of their 18 month stay before they reach the age of 18 will now be able to receive an exception to stay in the Transitional Living Program until they are 18 years old. The bill clarifies that term "group homes" in the Transitional Living Program includes "maternity group homes." These group homes operate currently and have been successful at providing child development, family budgeting, health and nutrition, and other skills to promote the parent's long-term economic independence in order to ensure the well-being of the child. The Runaway, Homeless, and Missing Children Protection Act authorizes parts A (Basic Centers Program), B (Transitional Living Program), C (National Communications System), and D (Coordination, Training, Research, and Other Activities) at $105 million for fiscal year 2004 and at such sums for fiscal years 2005 through 2008 and authorizes part E (Street Outreach Program) at such sums for fiscal years 2004 through 2008.

Additionally, the bill addresses the needs of missing, abducted, and sexually exploited children by reauthorizing the Missing Children's Assistance Act. This legislation increases the authorization level of the National Center for Missing and Exploited Children from $10,000,000 to $20,000,000 for fiscal years 2004 through 2008 to mirror the Prosecutorial Remedies and Other Tools to End the Exploitation of Child Today Act of 2003 (PROTECT Act), and extends the authorization of the remaining activities under the Act through 2008. The Runaway, Homeless, and Missing Children Protection Act also allows the National Center for Missing and Exploited Children to coordinate the operation of a cyber tipline to provide online users an effective means of reporting Internet-related child sexual exploitation in the areas of distribution of child pornography, online enticement of children for sexual acts, and child prostitution.

This piece of legislation has been worked out in a very bipartisan fashion and I am happy that we were able to come together to help address the needs of runaway, homeless, missing and exploited youth. These at-risk youth receive much needed services through these Acts and I urge my colleagues to support this important piece of legislation.

HONORING MR. FRED LEWIS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. HYDE. Mr. Speaker, I would like to bring to your attention today the exemplary work and most commendable public service of a fine and most outstanding music teacher, Mr. Fred Lewis. After 45 years as director of the Fenton High School Band located in Bensenville, Illinois, Mr. Fred Lewis is retiring in June of 2003.

During his tenure, he has instructed over 2000 band members and conducted hundreds of community concerts. Since 1955 the band has toured every two years throughout the United States and Europe gaining national and international recognition.

Mr. Lewis' final concert will be held on May 10, 2003. At that time, a scholarship fund will be established in Mr. Lewis' name at Fenton High School. Each year the Fred Lewis Scholarship Fund Committee will provide a cash award to a graduating senior band member to be used for continuing music education. Also, the Fenton Auditorium will be renamed Lewis/Huffman Auditorium.

I hope my colleagues will join me in honoring and offering congratulations to this outstanding teacher of 45 years for his selfless dedication to his students and to Fenton High School.

TRIBUTE TO THE MARINES FROM THE 2ND BATTALION, 23RD MARINE REGIMENT, 4TH MARINE DIVISION

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to the Marines from the 2nd Battalion, 23rd Marine Regiment, 4th Marine Division, headquartered in Encino, CA and to their families who support them, give them strength, and struggle heroically to keep things going at home while they serve overseas.

I am particularly pleased to join Major General John J. McCarthy, Commanding General, 4th Marine Division, Judge Harry Pregerson and all of the family members of this Battalion in celebrating our own special "Marine Family Day," an event which is planned both to provide some recreation for the family members of our reservists and to honor the more than 900 members of this Marine Forces Reserve unit who served in Iraq, and especially those 38 who were wounded in action. Sadly, one Marine, Staff Sergeant James Cawley was killed in action during this conflict.

Since the creation of the 2nd Battalion, 23rd Marines in July 1942, the battalion has valiantly fought in numerous campaigns from World War II where its members saw action at Iwo Jima and Saipan to Desert Shield, Operation Desert Storm, and, of course, Operation Iraqi Freedom. They were deployed in February of this year, and have earned the distinction of being the longest-serving reserve unit in theater. While this status has earned them honor and respect, it was gained at enormous sacrifice on the part of both them and their loved ones.

Not only have these reservists risked their lives, many have taken steep pay cuts and put their careers on hold to do so. They have missed birthdays, holidays, and other important family events. These men and women are police officers, firemen, doctors, lawyers, executives, and workers of every stripe and variety; people who make up the fabric of our communities. They are our husbands, wives, fathers, mothers, brothers, sisters and friends. They are patriots.

I am proud that many of these reservists and their families live and work in my congressional district and I am honored to be celebrating with them this Saturday. I ask my colleagues to join with me in saluting the men, women, and families of the 2nd Battalion, 23rd Marine Regiment, 4th Marine Division.

CELEBRATING POLISH CONSTITUTION DAY

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. EMANUEL. Mr. Speaker, today I rise in celebration of Polish Constitution Day, Saturday, May 3rd. More than 111,000 people of Polish descent live in the Fifth Congressional District of Illinois. Amazingly, Chicago has more people of Polish descent than any other city except Warsaw, and I know they will all be reflecting on their proud heritage this Saturday.

Members of this body may not be aware of the Third of May Constitution, but passed on May 3, 1791, it was the second constitution in the world—second only to the Constitution of the United States. It was the first in Europe. This important event in the history of Poland, indeed the history of the world, is too often overlooked. Recently, however, there has been a movement to resurrect the memory of this important event, and today I stand before you in honor of its significance.

Slavic in origin, Poland has a tremendous history of more than a thousand years. During that time it has been invaded, occupied and liberated on numerous occasions. Yet, throughout a tumultuous history, Poland has remained uniquely Polish. Today Poland plays a vital role in Eastern Europe and is a friend to the United States.

Like most of Europe, Poland began life as a feudal state. But it also has a rich democratic history. In 1346 Casimir the Great established the first Polish legal code and in 1364 laid the foundation of Krakow University, providing two vital ingredients for democracy—rule of law and an educated populace. In 1430, Poland established the "Nieminem Captivabimus," similar to our Habeas Corpus. By 1493, Poland established a Parliament with two houses, a Senate of dignitaries, and the Sejm which consisted of elected representatives. Following 1505, Parliament's consent was required for all new laws. The Third of

May Constitution represents the culmination of these democratic reforms.

On May 3rd, 1791, the Sejm passed the Government Act, or what is today known as the Third of May Constitution. Embracing Enlightenment ideals like Rousseau's doctrine of national sovereignty and Montesquieu's concepts of a tripartite government, the Third of May Constitution demonstrates Poland's important role in helping to establish the modern world. While the Government Act still retained some resemblances of Poland's feudal heritage, it extended rights to citizens who previously had little or no rights. Peasants, for example, were officially placed under the protection of the "law and government of the country." Unfortunately, soon after enactment Russia invaded Poland and the country was partitioned by Germany and Russia, abolishing the Constitution. Still, Poland can proudly look back on 1791 as a time when Poland helped establish modern democracy.

Mr. Speaker, on Saturday I look forward to joining the people of my district, as well as those of Polish descent around the world, in celebrating the common bond of democracy. I hope the members of this body will join me in saluting this important day.

PERSONAL EXPLANATION

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. KIRK. Mr. Speaker, on April 30, 2003, I missed rollcall vote number 149, H. Res. 206, the rule for H.R. 1350 due to my service on active duty as a reserve naval officer. Had I been present I would have voted "yea".

THE INDIVIDUAL TAX SIMPLIFICATION ACT OF 2003

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. NEAL. Mr. Speaker, today I am introducing "The Individual Tax Simplification Act of 2003," and I invite all my colleagues to join me in sponsoring this legislation, which is identical to legislation I filed last Congress.

The tax code seems to get more and more complex each year, despite calls for simplification. Recently, the Joint Tax Committee determined that taxpayers are increasingly relying on paid return preparers, up 27 percent over a decade. Over the same period, the reliance on computer software has jumped from 16 percent of returns filed to 46 percent. Tax code complexity leads not only to taxpayer frustration and confusion, but also increased costs. Tax code complexity also leads to difficulties for the IRS in administering our tax laws fairly and consistently.

The simplification bill that I have re-introduced will eliminate hundreds of lines from tax forms, schedules and worksheets. I believe that it is possible and preferable to accomplish simplification in a revenue neutral manner, and without moving money between economic income groups. While some may argue that there is no constituency for simplification, I would say that is certainly changing. One survey found that two-thirds of taxpayers said the federal tax system is too complicated, up from barely 50 percent five years ago.

The Individual Tax Simplification Act has three parts. The first is based on legislation I introduced in the last three Congresses regarding nonrefundable personal credits. The second part simplifies the taxation of capital gains. The third part repeals two hidden marginal tax rates on high-income individuals, and repeals the individual minimum tax.

Title I—Simplification Relating to Nonrefundable Personal Credits

In recent years, much tax relief has been given to taxpayers in the form of nonrefundable credits, like the education credits. These credits are not usable against the alternative minimum tax. That means that more and more individuals will lose all or part of these credits, and will have to fill out the extremely complicated Alternative Minimum Tax (AMT) form. Congress has recognized this problem by enacting a short-term waiver of this exclusion. Congress has also permanently taken the child credit and the adoption credit out of the AMT. Now is the time to finish the job.

The other problem with nonrefundable credits is that the phase-out provisions vary from credit to credit, causing unnecessary complexity. In addition, the same additional dollar of income can result in a reduction in more than one nonrefundable credit. It is fundamentally wrong to promise the American public tax relief, then take all or part of it away in a backhanded manner. This fundamentally flawed policy, enacted in 1997, will get worse each and every year as more American families find themselves to be AMT taxpayers simply because of the impact of inflation, or because of their desire to take advantage of the tax relief we have promised them. Not only that, this situation has gotten much worse since the passage of the 2001 tax cuts.

This bill addresses both concerns. First, it permanently waives the minimum tax limitations on all nonrefundable credits. Second, the bill creates a single phase-out range for the adoption credit, the child credit, and the education credits, replacing the current three phase-out ranges.

Title II—Simplification of Capital Gains Tax

The second title of this bill substantially simplifies taxation of capital gains. Under current law, there are five different tax rates for long-term capital gains, and a complicated, 40-line tax form that must be endured. Moreover, this part of the tax code is already scheduled to get worse because additional rates will take affect under current law in 2006. The solution is clear. Replace this jumble of rates and forms with a simple 38 percent exclusion. Not only will this result in tremendous simplification, but more than 97 percent of individuals would be eligible for modest capital gains tax reductions.

Title III—Repeal of Certain Hidden Marginal Rate Increases, and of the Individual Minimum Tax

The third title of the bill repeals the hidden marginal rate increases in current law, and repeals the individual minimum tax. For many taxpayers, discovery of the Personal Exemptions Phaseout (PEP) and the "Pease," which limits itemized deductions, can be both confusing and disappointing.

Under current law, itemized deductions are gradually reduced by 3 percent of adjusted gross income (AGI) above approximately $139,000, or by 80 percent of the otherwise allowable itemized deductions for individuals exceeding $139,000 AGI, whichever is lower. This is known as the Pease provision. In addition, personal exemptions are gradually phased out for incomes between approximately $139,000 and $262,000. This is known as the PEP. If we did not hide the effect of these provisions of current law, more people would know that these provisions result in hidden marginal rate increases. Current law has a hidden marginal rate increase, which gets worse as families grow larger. The 2001 tax cuts as enacted provide for gradual phase-out of both of these limitations in 2006, but then the repeal is subject to a sunset. This bill would immediately eliminate both.

The second part of this title is a complete repeal of the individual AMT. The original intent of the AMT was to make sure that wealthy individuals did not overuse certain tax benefits and unfairly reduce their tax burden. Unfortunately, it no longer accomplishes that goal. Since the AMT is not adjusted for inflation, more and more middle income taxpayers are falling into the AMT. In fact, a recent Tax Policy Center report showed that by the end of the decade, the AMT will hit 97 percent of all families with two children earning between $75,000 and $100,000. This is not what was intended, especially when you consider that what pushes taxpayers into the AMT now, more often than not, are state and local income and property taxes, personal exemptions, and the nonrefundable credits. The National Taxpayer Advocate has called for the repeal of the AMT, finding that the AMT calculation adds another 12 hours of preparation time for a taxpayer. Certainly, this is not what Congress was trying to accomplish when the AMT was passed.

My suggestion is to repeal it for individuals, and substitute a simple tax on adjusted gross income. The current hidden tax is dropped, and is paid for with an explicit tax on the same individuals. They get simplification, and we convert a deceptive practice into an open one.

This bill gives the Secretary of the Treasury the ability to set the rate so that this bill would be revenue neutral over ten years. The threshold amount, chosen to mimic the reality of current law, would be $120,000, and $150,000 in the cases of a joint return.

Conclusion

This bill provides fairly dramatic simplification of the individual tax system. It eliminates up to 200 lines on tax forms, schedules and worksheets. It is basically revenue neutral, so it can be accomplished during a year when there is no budget surplus to fund tax cuts. It does not attempt to shift money between income groups. The general philosophy behind the bill is that those who benefit from tax simplification of the current code should offset any revenue loss involved.

With only one-third of individuals actually willing to fill out their own forms, it is time for Congress to act. Unfortunately, the reality is that no one wants to pay for simplification no matter how much they support the goal. Here is my suggestion. I am introducing this legislation to continue the discussion I began during the 106th Congress. I am pleased that this Administration has talked about the need for tax simplification. I am also pleased that since I began this effort, the Joint Committee on Taxation and other Members of Congress have joined the debate. I look forward to working with all interested parties in this simplification effort.

IMPROVING EDUCATION RESULTS FOR CHILDREN WITH DISABILITIES ACT OF 2003

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes:

Mr. LANGEVIN. Mr. Chairman, I rise today in opposition to H.R. 1350, reauthorizing legislation for the Individuals with Disabilities Education Act. The reauthorization of IDEA is critical to the educational outcomes of millions of students with disabilities for years to come. I am sorely disappointed that H.R. 1350 represents a lack of commitment to fulfilling the promise of IDEA by failing to fund the law, and even proposes changes undermining the very philosophy of IDEA.

IDEA was enacted with the clear intention of eliminating discrimination against students with disabilities by promising a free and appropriate education to children with disabilities. Even with the increases in IDEA funding over the last several years, the federal government has never lived up to its share of this promise, which was intended to be 40 percent of the cost of special education services. These recent increases touted on the floor of the House have only added up to 18 percent—hardly significant in a time of state budget crises. As schools are forced to dip into their general education budgets to make up for the shortfall in special education funding, all of America's students are losing out—and those with disabilities are being left behind.

Every year, access to education for students with disabilities is subjected to the federal appropriations process—and every year, it comes up short. I am dismayed that H.R. 1350 fails to provide for mandatory funding, and outraged that the leadership allowed for 14 amendments to be offered on this bill but denied my colleagues and me the opportunity to vote on two proposed amendments that would have guaranteed children with disabilities and their families the access to necessary resources for their education.

Further, H.R. 1350 makes significant substantive changes counter to the philosophy of IDEA. One of many alarming changes is the elimination of a key civil rights protection providing safeguards for students with disabilities in instances where behavior problems may be a manifestation of their disability. Currently, IDEA sets up a structure for initial assessments and intervention plans, so that disruptive or problematic behavior can be avoided or mitigated. In instances where students with disabilities do violate a school code, IDEA currently requires administrators to determine if the offending behavior is a manifestation of a student's disability. If that is the case, then the student, teachers and parents can return to the original behavior plan and find a way to work together to avoid further problems. If that is not the case, the student can then be subjected to the same penalties as a non-disabled student would.

I believe the current disciplinary review process is fair and in the best interest of all students. Even with these protections, students with disabilities are over-represented among students who are expelled. Yet, H.R. 1350 proposes to eliminate the provisions that require both consideration of a child's disability and use of functional behavioral assessments and intervention plans—denying students the safeguards that assure them access to educational services and placing them at significantly greater risk.

I have also heard a strong sentiment against the proposed changes in the Individualized Education Program (IEP) from my constituents, and parents and educators across the country. H.R. 1350 contains a provision to eliminate the requirement of short-term benchmarks, resulting in a negative impact on the effective collaboration between home and schools providing appropriate education and related services to students with disabilities. Measuring student progress against short-term objectives is needed to ensure that student evaluations are regular and based on multiple criteria. I hear stories of students who have achieved the goals set in their one-year IEP in less than that time—this is something that should be acknowledged, celebrated and encouraged—not overlooked. Any steps toward imposing a three-year IEP are steps toward overlooking the progress made in the collaborations that are essential to IDEA.

The reauthorizing legislation also fails to recognize a shortage of qualified personnel that has hampered the full implementation of IDEA for 25 years. H.R. 1350 eliminates language that sets standards for special education service providers. In the No Child Left Behind Act, Congress made it clear that every child should have a highly qualified teacher, yet H.R. 1350 removes the highest requirement provision—at a time when high standards were never more important. Every contentious issue related to IDEA—discipline, disproportionate representation of minorities, over-identification of students referred to special education—could be better addressed by ensuring an adequate supply of appropriately trained and highly qualified personnel. Ultimately, highly trained professionals make all the difference in providing an appropriate education for any student—students with disabilities are no different.

I urge my colleagues to only support legislation that preserves the spirit and meaning of IDEA. I am disappointed that the reauthorizing legislation we are here to vote on today fails to live up to that standard, and I encourage my colleagues to vote against H.R. 1350.

HONORING LANCE MICHAEL ARCHBOLD FOR EARNING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Lance Michael Archbold, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 134, and in earning the most prestigious award of Eagle Scout.

Lance has been very active with his troop, participating in such scout activities as Camp Geiger, Camp Bartle, Camp Jayhawk, High Adventures hiking in Colorado, floating down Buffalo River and Current River, biking 225 miles of the Katy Trail in Missouri, and Junior Leader Corp for Webelos Day Camp. Over the nine years he has been involved in scouting, he has earned numerous merit badges. Additionally, Lance has held several leadership positions, serving as scribe, den chief, patrol leader, assistant patrol leader, outdoor program manager, co-captain and captain. Lance also has been honored for his numerous scouting achievements with such awards as the Arrow of Light Award, Ordeal Member of the Order of the Arrow, Foxman in the Tribe of Mic-O-Say, the On My Honor Award, and the Duty to God Award.

For his Eagle Scout project, Lance helped the Independence visitors center for the Church of Jesus Christ of Latter-Day Saints with their annual Christmas tree display for the community. He built stands for each tree they had on display so the trees would not tip over. The organization has used them for two years now.

Mr. Speaker, I proudly ask you to join me in commending Lance Michael Archbold for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

REINTRODUCTION OF THE VETERANS HOUSING FAIRNESS ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mrs. MALONEY of New York. Mr. Speaker, today, I introduce legislation that allows veterans to use their guaranteed VA loans to purchase co-operative housing units. FHA and other government agencies already have programs to give loans for co-operative residential units, and most banks accept co-operative shares as collateral. The Department of Veterans Affairs should do the same. For many veterans who live in communities where co-operative housing is common or where the cost of houses and condominiums can be high, a co-operative residential unit is an affordable alternative.

FARMERS INSURANCE GROUP'S 75TH ANNIVERSARY

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. ROYCE. Mr. Speaker, I rise today in recognition of Farmers Insurance Group's 75th Anniversary and Diamond Jubilee, which it celebrated on March 28, 2003. This year commemorates the company's three-quarters of a century of serving tens-of-millions of policyholders and customers across the country. Founded in 1928 in Los Angeles by Thomas E. Leavey and John C. Tyler, true entrepreneurs and philanthropists, Farmers has grown into one of the largest and most successful insurance companies in America.

Nationally, Farmers Insurance employs nearly 20,000 individuals and has an insurance agent and district manager force of more than 15,000 strong. In California, Farmers is the largest state-based insurer and employs over 6,000 individuals and has in excess of 4,000 exclusive agents and district managers. These employees, agents and district managers are a valuable financial and insurance resource for their communities. They are also leaders in volunteer service. Over the years, Farmers Insurance Group's employees, agents and district managers have volunteered their time, personal finances and raised millions of dollars for local, state and national philanthropies and charities.

Today, Farmers Insurance remains committed to community service and providing excellence in financial advice and security. Throughout the last 75 years Farmers Insurance Group has emerged as the third largest property and casualty insurer in the country. It is my hope that the company will continue to make great strides forward and will remain a leader in the personal and commercial lines and life insurance industries.

As a Representative from California, where Farmers Insurance Group's home office is located, I am proud to congratulate all employees, agents and district managers on a successful 75 years of service to their communities.

THOMASINA E. JORDAN INDIAN TRIBES OF VIRGINIA FEDERAL RECOGNITION ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. MORAN of Virginia. Mr. Speaker, today I am joined by my fellow Virginians Reps. JO ANN DAVIS, TOM DAVIS, BOBBY SCOTT, and EDWARD SCHROCK and Rep. NEIL ABERCROMBIE of Hawaii in introducing the "Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act."

This legislation will grant federal recognition to six Indian tribes in Virginia: the Chickahominy Tribe, Chickahominy Indian Tribe Eastern Division, the Upper Mattaponi, the Rappahannock Tribe, the Monacan Tribe, and the Nansemond Tribe.

As we approach the 400th anniversary of the first permanent European settlement in North America, we are long overdue in recognizing the direct descendants of the native Americans, who met these settlers. We must acknowledge these historic tribes and the significance of their heritage. Together, the men and women of these tribes represent a long neglected part of our nation's history.

Like much of our early history as a nation, the Virginia tribes were subdued, pushed off their land, and, up through much of the 20th Century, denied full rights as U.S. citizens. Despite their devastating loss of land and population, the Virginia Indians successfully overcame years of racial discrimination that denied them equal opportunities to pursue their education and preserve their cultural identity. That story of survival doesn't encompass decades, it spans centuries of racial hostility and coercive state and state-sanctioned actions. Unlike most tribes that resisted encroachment and obtained federal recognition when they signed peace treaties with the federal government, Virginia's six tribes signed their peace treaties with the Kings of England. Most notable among these was the Treaty of 1677 between these tribes and Charles the II.

In more recent times, this racial hostility culminated with the enactment and brutal enforcement of Virginia's Racial Integrity Act of 1924. This act empowered zealots, like Walter Plecker, a state official, to destroy records and reclassify in Orwellian fashion all non-whites as "colored." To call yourself a "Native American" in Virginia was to risk a jail sentence of up to one year. Married couples were denied marriage certificates or even unable to obtain the release of their newborn child from a hospital until they changed their ethnicity on the state record to read "colored," not "Native American." For much of the 20th Century admission to public schools education was denied. These and other indignities are part of a shameful legacy experienced in our lifetime.

More to the point, this legacy has also complicated these tribes' quest for federal recognition, making it difficult to furnish corroborating state and official documents. It wasn't until 1997 when then Governor George Allen signed legislation directing state agencies to correct state records that had deliberately been altered to list Virginia Indians on official state documents as "colored."

Federal recognition would provide what the government has long denied, legal protections and financial obligations, including certain social services and benefits the federal government provides the 562-recognized tribes.

I know that the gambling issue may be at the forefront of some people's concerns. In response to this concern, I have worked to close any potential legal loopholes in this legislation to ensure that the state could prevent casino-type gaming by the tribes. Having maintained a close relationship with many of the members of these tribes, I believe they are sincere in their claims that gambling is inconsistent with their values. This position is already borne out by the fact that none of the tribes today engage in bingo gambling despite the fact that they have all established non-profit organizations that are permitted under Virginia law to operate bingo games despite compelling financial needs that revenues from bingo could address.

The real issue for the tribes is one of recognition and the long overdue need for the federal government to affirm their identity as Native Americans. Coupled with this affirmation is an opportunity for the tribes to establish a more equitable relationship with the state and secure federal financial assistance for the tribes' social services, health care and housing needs. Many of their older members face the prospect of retiring without pensions and health benefits that most Americans take for granted.

I urge my colleagues to support this legislation.

LATINO YOUTH LEADERSHIP INSTITUTE

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, on May 9th and 10th of this year, the Latino Youth Leadership Institute (LYLI) will hold its 2nd Annual Latino Youth Leadership Conference and Awards Dinner.

The initial inspiration to establish LYLI came out of the participation of students, young professionals and community leaders in the annual United States Hispanic Leadership Conference (USHLC). In the spring of 1999, after receiving information about the USHLC, a small group of community leaders made a commitment to send a delegation from Orange County to the conference in Chicago. The group succeeded in raising enough money to send the largest delegation from the furthest location to the USHLC. More importantly, they have continued to send a delegation of students each year.

Early in 2001, a group of USHLC Alumni began a series of meetings to explore the possibility of organizing a youth leadership conference in 2002 and to discuss the feasibility of establishing a nonprofit organization. LYLI was created to pursue its mission of increasing civic participation, promoting higher education, and cultivating a new generation of leaders to meet today's challenges and tomorrow's expectations. LYLI was formally incorporated as a 501 (C) 3 organization in December of 2001. The establishment of LYLI evolved gradually over a three-year period of time and would not have occurred without the perseverance of numerous volunteers and the support of elected officials, corporations, government entities, labor unions, and other community organizations.

The year 2002 was a historic one for LYLI. After years of thinking, planning, and meeting, LYLI organized its very first Latino Youth Leadership Conference and Awards Dinner. Over 1,000 high school and college students attended the Latino Youth Rally and Job Fair. As a result of this conference, some of the students volunteered and registered over 700 new voters. This year over 2,000 high school and college students from throughout Southern California are expected to participate in the Latino Youth Leadership Conference.

Although LYLI's success can be attributed to many contributors, supporters, and volunteers, two individuals deserve special recognition for their willingness to involve themselves completely in the creation, growth, and development of the Latino Youth Leadership Institute. As CoFounders of LYLI, President Ignacio "Nash" Orozco and Vice-President Bob Martinez have worked passionately and tirelessly to build an organization that would be able to motivate, inspire and train a new generation of Latino youth to realize their full potential as leaders.

Because of the commitment and dedication demonstrated by Mr. Orozco and Mr. Martinez, thousands of Latino Youth have already benefited from the work of LYLI, and thousands more are likely to be part of LYLI's most promising future. I salute the determination of both Mr. Orozco and Mr. Martinez to stay the course and oversee the transformation of their vision of what could be to having a real, living, functioning organization capable of shaping the dreams and aspirations of our nation's youth.

THE MEDICARE TELEHEALTH VALIDATION ACT OF 2003

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. OSE. Mr. Speaker, health care costs increase annually. 40 million Americans currently go uninsured. 38 million Americans depend on Medicare for their health care. With these challenges before us, Congress must act to provide the most comprehensive and cost effective health care services available. For this reason, I am reintroducing the Medicare Telehealth Validation Act of 2003.

I firmly believe that telemedicine is the best preventative medicine. The techniques and consultative efficiency provided by telehealth services reduce costs by diagnosing diseases and disorders before they progress. By expanding Medicare reimbursement for telehealth technology, we will be cutting illnesses off at the pass, and reducing overall costs.

Furthermore, telemedicine can meet the needs of underserved populations. According to researchers from the Centers for Disease Control and Prevention, there were 80 physicians per 100,000 persons in most rural areas in 1998, compared with 308.5 physicians per 100,000 in urban areas and 223.5 physicians per 100,000 persons in the suburbs. The youth death rate from all causes was 58.5 per 100,000 persons in most rural areas from 1996 to 1998, compared with 44.5 per 100,000 persons in urban areas and 35.4 per 100,000 in suburban areas. With such a disparity in quality of care between those with access to medical care and those without, Congress must act to expand the use of telehealth technology before preventable illnesses become life-threatening diseases.

The Medicare Telehealth Validation Act provides $40 million for development of telehealth networks for rural communities. These networks enable underserved populations access to the same diagnostic and consultative care that urban residents have come to expect. These networks link health care professionals in their offices to patients and colleagues from across the street or from across the globe.

In addition to providing critical medical consultation to underserved and rural constituents, this legislation provides telehealth technology to inpatient services, increases the categories of eligible participants to increase access to telehealth technologies, and it seeks to reduce the barriers for access to telehealth technologies by increasing multi-state licensing. Moreover, this legislation will expand Store and Forward technology and revolutionize radiology. X-rays and slides can be shared with specialists quickly and confidentially. Diagnosis and treatment will be better, faster, and less expensive.

I am a firm believer that preventative medicine is the best medicine. I encourage my colleagues to join me in supporting this important legislation.

DEDICATED TO PROVIDING QUALITY HEALTH CARE—A TRIBUTE TO BETTY JEAN KERR

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to Betty Jean Kerr, as 2003 marks her 25th year of service as C.E.O. of People's Health Centers (PHC) in St. Louis. Kerr has been passionately devoted to providing quality health care to the medically underserved and uninsured. Strongly believing that everyone deserves quality health care, Kerr has dedicated her tenure with PHC to ensuring that primary care and prevention services are efficiently provided at these community health centers, regardless of a patient's socioeconomic status.

Kerr's extraordinary leadership is exemplified by the strong foundation she has laid and the recognized growth within PHC. PHC was a three-year-old free clinic with only one location when Kerr became CEO. Under her guidance, she has been essentially instrumental in making PHC a sprawling community of apartments for the elderly, housing for persons with disabilities, social security services, primary health care, dental services, a pharmacy, affordable homes, and small businesses.

Kerr has been remarkably persistent in reaching beyond traditional methods of making quality health care services accessible to everyone. In an effort to provide increased access to health in conjunction with health center locations, she has created school-based sites. Her staff is in all St. Louis Public middle schools, three high schools, private schools, and soon to be in the large school districts in North County.

In addition to developing sustained partnerships with patients to manage improving their health, Kerr has maintained and required a high level of expectations for health care practitioners serving minority populations in low-income neighborhoods throughout St. Louis. Setting high standards and goals for PHC, she continues to work with the board on strategic planning decisions that will reduce health disparities within St. Louis.

Mr. Speaker, it is with great privilege that I recognize Betty Jean Kerr today before Congress. This dynamic woman strongly believes that every citizen has the right to a long and healthy life. In addition to her steadfast commitment to guaranteeing accessible primary care and preventative health care services, Kerr has a vision of expanding the number of health care center locations throughout the St. Louis community. It is with great honor that I ask my colleagues to join me in honoring Betty Jean Kerr.

MAY 1ST ANNUAL DAY OF OBSERVANCE FOR COMMEMORATING OUR VICTORY IN THE COLD WAR

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. MOORE. Mr. Speaker, the Governors of Kansas and Wisconsin have proclaimed May 1 as their annual day of observance for commemorating our victory in the Cold War.

In a very real sense, the victory of the western allies was also a victory for the oppressed peoples of the Soviet bloc, and liberation for the Russian people, who are now friends and allies of the United States. May 1 was the traditional day of celebration for Communists worldwide, and displays of military might. It is fitting that May 1 now become a day of celebration of liberty for free peoples everywhere, and for remembrance of the sacrifices that made the downfall of Communism a reality.

These state proclamations were in response to efforts by the Cold War Veterans Association, which has its headquarters in the State of Kansas, and of which I am proud to be a member.

The Cold War was a long struggle, less dramatic than traditional wars, which ended with battles for cities, dropping of bombs, and formal surrenders. The Cold War ended over a period of several years, but as both President George W. Bush and Secretary Donald Rumsfeld said, "It was a war, and we won." The resolute opposition to the Communist Empire took many forms, and cost many lives of American soldiers, sailors, airmen, and marines. It will be years before the casualty count is complete, but it is real, whether the losses were at sea, over Soviet or east European airspace, in shoot-downs over international waters, or along the Korean demilitarized zone (DMZ).

May 1 is the anniversary of the shoot-down of Francis Gary Powers' U–2 in 1960, and the beginning of his captivity in the U.S.S.R. The month of May saw other losses, and some small but shining victories.

May was the month in 1949 that the Soviets ended their blockade of West Berlin, after the U.S. Air Force and the British Royal Air Force supplied the besieged city with food and fuel for almost a year, costing the lives of 68 Allied servicemen and 9 Germans. Attacks on U.S. aircraft in the month of May included one in 1955, in which 2 Chinese Communist soldiers were shot down over international waters, an attack on U.S. reconnaissance aircraft over the U.S.S.R. (1954), and over international waters near the Kamchatka Peninsula (1953), shoot-downs over East Germany (1953, 1960, 1964), and by North Koreans (1963, 1974). U.S. military officers assassinated in May included 2 in Iran (1975) and one in El Salvador (1983). An attack in May 1967 by North Koreans on a U.S. Army barracks left 2 Americans dead and 17 wounded. Two separate terrorist attacks in May 1972 by the Red Army Faction in West Germany left 4 U.S. soldiers dead and 18 wounded. A terrorist attack in San Juan, Puerto Rico, in May 1982 killed one crewman and wounded 3 others from the U.S.S. *Pensacola* (LSD–38). Casualties at sea in May included the entire crew of 99 aboard the U.S. nuclear submarine *Scorpion*, which was lost at sea in 1968. May 1954 saw the U.S.S. *Bennington* (CV–20) damaged by an explosion and fire in the Atlantic, killing 103 and injuring 201. In May of 1981, an EA6B Prowler crashed during landing aboard the carrier U.S.S. *Nimitz* (CVA–68) in the Atlantic, with 14 killed and 48 injured. In May 1987, 37 sailors aboard the U.S.S. *Stark* were killed and 21 wounded by an Iraqi Exocet missile. In May 1975, after our involvement in Vietnam and Cambodia had ended, our troops had to rescue the U.S.S. *Mayaguez* and its crew from the Khmer Rouge, again at a cost of lives of our sailors and marines. And the list goes on.

During the Cold War, over 40 U.S. aircraft were shot down, and others were lost during operational missions. Shooting incidents on the ground, along the Iron Curtain in Europe and the Bamboo Curtain in Asia often made the morning reports, but seldom the morning papers. Our atomic veterans participated in a large number of nuclear weapons tests; many of them exposed to ionizing radiation, with tragic consequences in later life.

There were many successful missions. Many long nights of faithful and vigilant service, on the frontiers of freedom, on polar ice, submerged, flying airborne alerts and reconnaissance. Staying combat-ready in the Fulda Gap of Germany. Keeping watch on the Korean DMZ. Standing watch in stormy seas. Maintaining the defenses of the continental United States. Constantly improving the combat capability of the United States through research and development.

So on May 1, I salute the brave men and women of our Armed Forces who served in the Cold War, and especially those who paid the ultimate price. We refuse to allow their bravery to go unheralded in the name of "political correctness." We also salute the freedom fighters who stood up to tyranny on the streets of Poland (1956, 1981), East Germany (1953), Czechoslovakia (1968), Hungary (1956), Romania (1989), and Afghanistan (1979–88). Their victory and ours are commemorated on each May 1 from this year forward.

I now ask our National Government and other state governors to proclaim this day of observance, with appropriate ceremonies and recognition. I also ask President Bush to create the Cold War Victory Medal by executive order, for award to all who served in the Armed Forces and civilian intelligence agencies during this period. We owe them nothing less.

HONORING AND REMEMBERING OUR TROOPS

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. DEMINT. Mr. Speaker, today we are here to honor and remember our troops—the young, brave Americans who recently fought to save a nation from enslavement. Answering the call of our great nation, young men and women are putting on a uniform, serving our military, and making enormous sacrifices. As American fighting men and women, they are helping write the history of the 21st century with bold strokes of courage.

Like their parents and grandparents, our troops are having their characters tested. This time it is by sweltering heat, blinding sandstorms, and enemies that hid behind women and children. But they quickly won a victory, not just for a nation, but for a vision—a vision of freedom and individual dignity. As a result, their heroic efforts will help preserve peace around the world and extend freedom and human dignity to even more people.

And when their service in Iraq is over, they will return home to a proud and grateful Nation. Their humility will pass off praise with the words "just doing my job," while they think about their brothers and sisters who didn't come home. This is why America is so great. And through all their efforts our world continues to be shaped by American courage, power, and wisdom; and reverberates with American ideals.

Still, our troop's victories in Iraq do not come without a price. The United States has lost some of its best citizens. Tonight we recognize one of those fallen Marines, Private Nolen Ryan Hutchings. A graduate of Boiling Springs High School, Ryan taught those around him what it meant to be an American, and his willingness to serve inspired others to become Marines.

There is one story where he felt the need to honor a former classmate's deceased father who had retired from the military. Ryan traveled to several Marine bases to find a frame to hold a U.S. flag and then got in full dress uniform and presented the flag to the family.

Without a doubt, Ryan's sacrifice will enrich the history of the Marine Corps, and places such as An Nasiriyah will be added to the list of hallowed ground like Belleau Wood, Iwo Jima, and the Chosin Resovior. At the same time, his dedication to his community, to his fellow Marines, and to his country provide us with a shining example.

His strength, honor, sacrifice, devotion, and courage show us the path we must follow. As Ronald Reagan once said, "some people wonder all their lives if they made a difference"—the Hutchings family will never have to wonder about Ryan.

CONGRATULATING RABBI HENRY COHEN

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. HOEFFEL. Mr. Speaker, I rise today to recognize Henry Cohen of Montgomery County, Pennsylvania, who is celebrating the 50th anniversary of his ordination in the rabbinate.

Henry Cohen was born in 1927 in Houston, Texas into a family of reform rabbis. Rabbi Cohen has been involved with and contributed to Jewish education for his entire career. After graduating Phi Beta Kappa from the University of Texas as an English major and attending graduate classes in the English Department of the University of Chicago, he entered Hebrew Union College in Cincinnati in 1947. After being ordained in 1953, he served as an Army chaplain at Camp Polk, Louisiana, in Korea and at Ft. Sam Houston in San Antonio.

In 1955, he became assistant rabbi at Temple Beth-El in Great Neck, New York. In 1958 Henry became the spiritual leader of Sinai Temple in Illinois. At the university of Illinois he received a Master of Arts Degree in the Philosophy of Education and wrote a study entitled, "The Idea of God in Jewish Education." He also completed a study, "Jewish Life and Thought in the Academic Community," which was included in Marshall Sklare's The Jew in American Society. Continuing in education he taught a course in Judaism at St. Joseph's College during the 1970's. Rabbi Cohen has been teaching introduction to Judaism classes and has completed a research project for the Jewish Outreach Institute designed to discover what actually happens in the families of interfaith married couples who, at the time of their wedding, made a commitment to give their children a Jewish education. He developed a "Beliefs and Values Survey for Interfaith Couples" to enable them to clarify the similarities and differences of their religious and moral beliefs.

In 1964, Rabbi Cohen became the rabbi of Beth David Reform Congregation in Philadelphia. There he initiated a bi-cultural Black-Jewish nursery school and was chairman of the Jewish Coalition for Peace. Rabbi Cohen wrote two books: Justice, Justice: A Jewish View of the Black Revolution and Why Judaism?—A Search for Meaning In Jewish Identity.

He has visited the Middle East to gain a new perspective on the Arabs and Israelis. In 1986 Rabbi Cohen, and his wife Edna, visited the Soviet Union where they met the parents of Beth David's Cantor, Lilia Kazansky, and began a successful campaign to fight for their release. The couple gained their freedom in 1987. Rabbi Cohen also encouraged the formation of Chavurah Lahayyim, to support Central American refugees fleeing persecution. Rabbi Cohen helped form the Interfaith Hospitality Network of the Main Line which helps the homeless by providing meals and care in synagogues and churches.

Rabbi Cohen is an honorary board member of the Jewish Community Relations Council of Greater Philadelphia and received the Sylvia

K. Cohen award for work in inter-group relations. He has been married to Edna for 45 years with two daughters, Shelley and Lisa.

I am grateful to Rabbi Cohen for his 50 years of service to the Jewish Community and the Philadelphia region as a whole.

IN HONOR OF ARMY SPECIALIST THOMAS ARTHUR FOLEY III

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. TANNER. Mr. Speaker, today I rise to honor the memory of a fine American, a young husband and father from Dresden, Tennessee, who gave his life serving our Nation in Operation Iraqi Freedom.

SPC. Thomas Arthur Foley III, 23, served with the 2nd Battalion of the 44th Air Defense Artillery Regiment of the 101st Airborne Division of the United States Army. On the 14th of April, he and a fellow soldier were killed outside Baghdad.

Tommy leaves behind a wife of a year and a half, Paulette, and a seven-month-old son, Logan, who reside at Fort Campbell Army Base on the Tennessee-Kentucky border. Tommy's stepfather and mother, Brian and Emily Penick Darden, reside in Dresden. His father and stepmother, Thomas and Angela Foley Jr., live in Montgomery, Kansas. He has a sister, Rebecca Barrington of Martin, Tennessee, and two brothers—David, who lives in Dresden, and Sean, who lives in Kansas.

Tommy's brother David has also been serving in Iraq and was able to return to Tennessee last week to see his brother buried with full military honors in Martin, Tennessee.

Family members and friends say Tommy was a man who loved life. He bravely gave that life to help make this world a better place for his son Logan and indeed for us all.

Mr. Speaker, please join Tommy's friends, family and me as we honor his memory and thank him for his heroic service to our country.

A TRIBUTE TO FRANCES F. LEE—EDUCATOR, LEADER, ACTIVIST

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. LANTOS. Mr. Speaker, I would like to ask my colleagues to join me in paying tribute to Frances F. Lee, a remarkable woman who has devoted her life to community service and social progress. Her contributions—as an educator, nonprofit leader, and principled activist—merit our admiration.

Ms. Lee recently announced her retirement as Vice Chancellor of Instruction at the City College of San Francisco (CCSF), a distinguished institution that is one of the largest community colleges in the world. As a former educator, I can only imagine the challenges she faced in enhancing CCSF's academic stature and helping thousands of Bay Area men and women to realize their educational dreams. Ms. Lee's reputation for achievement reflects her success in these endeavors. As a resolution of the San Francisco Board of Supervisors recently noted: "Frances F. Lee served with dignity, distinction and grace and won universal respect and admiration of faculty, staff, students, administrators and community leaders." Mr. Speaker, I share this view wholeheartedly.

Frances Lee's contributions to the CCSF community make up only one part of her extraordinary forty-year legacy to the City of San Francisco. A dedicated social worker, she acted as Executive Director of the Chinese Newcomers Service Center for more than a decade, where she used her talents to educate America's newest residents about our language and society. Ms. Lee has also been a civil rights champion in the Bay Area, serving on the Board of Directors of Chinese for Affirmative Action for the past 19 years and fighting to open the doors of America's schools and businesses to all Americans, regardless of race, religion, gender, and sexual orientation.

The causes and organizations to which Frances Lee has devoted herself mirror the breadth of her passion. From the Center for Southeast Asian Refugees to the San Francisco Bilingual Vocational Training Program, her commitment to the Bay Area community has enriched our lives.

Mr. Speaker, the San Francisco Board of Supervisors has declared May 9th as "Frances Lee Day" in the City and County of San Francisco. I ask my colleagues to join me in recognizing the achievements of this outstanding woman, and in congratulating her on her retirement.

A TRIBUTE TO MS. CONNIE MITCHELL, WINNER OF DELAWARE'S HOME-BASED BUSINESS ADVOCATE AWARD

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Ms. Connie Mitchell—winner of the Delaware Home-Based Business Advocate Award. Ms. Mitchell earned this honor through her work as President of Mitchell Business Services.

As you know, advocates for small and home-based business have always been extremely important to the economic vitality of each State and to our national economy. Home-based businesses provide opportunities for millions of people to earn a living and provide financial stability for their families. Through her work, Connie has distinguished herself and many other home-based business advocates in Delaware's small business community.

Throughout my years in public service I have consistently counted Delaware's home-based businesses to be amongst the very best in the country, and recognition of Ms. Mitchell further confirms my belief.

Connie Mitchell's accomplishments and innovative leadership in the community have placed Mitchell Business Services and many other home-based businesses in a position to rise above and meet the challenges of the future; I commend her on her receipt of this award and I look forward to Ms. Mitchell's continued success.

A TRIBUTE TO RYAN GERMAN, WINNER OF THE DELAWARE YOUNG ENTREPRENEUR AWARD

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Ryan German, owner of Caffe Gelato in Newark, Delaware and winner of the Delaware Young Entrepreneur award.

Mr. German established Caffe Gelato in Downtown Newark during his senior year as a business student at the University of Delaware. It has since turned into one of the most popular eateries in the city thanks to the efforts, dedication and creativity of its owner, Mr. German.

Throughout my years in public service I have consistently counted Delaware's small businesses amongst the very best in the country. Mr. German's recognition further confirms my belief.

As you know, small businesses have always been extremely important to the economic vitality of each State and to our national economy. Small businesses account for the majority of all new jobs being created daily, and provide opportunities for millions of people to earn a living and provide financial stability for their families. Through his work, Ryan has distinguished himself as an outstanding leader in the small business community.

Ryan German's accomplishments and entrepreneurial skills have placed Caffe Gelato in a position to rise above and meet the challenges of the future; I commend him on his receipt of this award and I look forward to Mr. German's continued success.

IN RECOGNITION OF SUNIL AGHI

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Ms. SOLIS. Mr. Speaker, today I rise to remember and honor the life of my friend, Mr. Sunil "Sunny" Aghi, who recently passed away.

Sunny's colleagues and the community will always remember his activism, dynamism and deep sense of commitment to the democratic principles. He believed passionately in the democratic process and worked to support that process. As a leader of the Indo American community, he brought issues of importance to the community to the forefront of the political debate. Sunny's leadership inspired other Indian Americans to become engaged and civically involved.

Sunny also fought diligently to bridge the divide between the United States and India. He sought to promote a positive relationship between India and the United States through an open, honest and productive dialogue between the two nations.

Mr. Aghi's dedication to serving the community was unrivaled and his passing has left a void. I am deeply saddened by his sudden passing and join his family, friends, colleagues, and the Indian American community in mourning his death. Today I rise to ask Congress to pay tribute to Sunny's energy, passion and dedication.

CENTRAL NEW JERSEY HONORS THE JEWISH FEDERATION OF GREATER MIDDLESEX COUNTY, THE U.S.-ISRAEL RELATIONSHIP AND FIFTY-FIVE YEARS OF ISRAELI STATEHOOD

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. HOLT. Mr. Speaker, I rise today in recognition of the Jewish Federation of Greater Middlesex County whose members will demonstrate their support for the U.S.-Israel relationship on May 4, 2003 with a Middlesex County community wide "Walk for Israel" in Johnson Park, Highland Park, New Jersey. I applaud the members of the Jewish Federation not only for their commitment to Israel, but for the service they provide to the less fortunate members of our Central New Jersey community. Their heartfelt work to improve the lives of others regardless of race, religion, or ethnicity is a testament to their humanity and we are proud to have them here in New Jersey.

I also rise today to recognize the strong U.S.-Israel relationship and to celebrate the 55th year of Israeli Statehood. Since it was founded in 1948 and with prompt U.S. recognition, Israel has stood firm as an ally of the United States and its interests in the Middle East. Our citizens maintain a deeply rooted friendship based upon common interests, a shared commitment to democraoy, individual freedoms, and a rejection of extremism and terrorism.

New Jerseyans have a special relationship with Israel. We have a special sister state relationship with the State of Israel through the New Jersey-Israel Commission. Israel, as a valued partner in trade and cultural exchange, receives the continued support of our citizens.

Since 1948, the State of Israel has committed itself to living in harmony and mutual respect with its neighbors and to arriving at a peaceful solution to the conflict with the Palestinians. For most of the last three years, however, Israelis and Palestinians have found themselves in a violent and crippling deterioration of relations. Thousands have died in horrible violence that has torn through the hearts of both the Israeli and Palestinian communities.

With the introduction of the so-called "Roadmap" yesterday by President Bush, I hope we are at a renewed moment of hope. The people of New Jersey believe that the future security of Israel depends upon bringing end to terrorism, bloodshed, and human suffering and to establishing a just, permanent peace with the Palestinians.

I rise today in recognition of the Jewish Federation of Greater Middlesex County, the special U.S.-Israel relationship, and to celebrate 55 years of Israeli independence. Let us commit ourselves to work together with Israel so that she will enjoy her next 55 years at peace with her neighbors.

HONORING CHRISTOPHER STERLING BRENNECKE FOR EARNING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Christopher Sterling Brennecke, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1082, and in earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in such scout activities as the H. Roe Bartle Scout Reservation for 7 years and the Philmont Scout Ranch. Over the 11 years he has been involved in scouting, he has earned 31 merit badges. Additionally, Christopher has held several leadership positions, serving as quartermaster, historian, scribe, librarian, patrol leader, assistant patrol leader and senior patrol leader. Christopher also has been honored for his numerous scouting achievments with such awards as the Arrow of Light Award, the God and Country Award and Warrior in the Tribe of Mic-O-Say.

For his Eagle Scout project, Christopher landscaped around the front of the Buckner Elementary School as well as the courtyard.

Mr. Speaker, I proudly ask you to join me in commending Christopher Sterling Brennecke for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE TO SAM CALAGIONE, PRESIDENT OF DOGFISH HEAD BREWERY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Mr. Sam Calagione, President of Dogfish Head Brewery and winner of the Delaware Small Business Person of the Year Award.

Throughout my years in public service I have consistently counted Delaware's small businesses amongst the very best in the country. Mr. Calagione's recognition further confirms my belief.

As you know, small businesses have always been extremely important to the economic vitality of each State and to our national economy. Small businesses account for the majority of all new jobs being created daily, and provide opportunities for millions of people to earn a living and provide financial stability for their families. Through his work, Sam has distinguished himself as an outstanding leader in the small business community.

Sam Calagione's accomplishments and entrepreneurial skills have placed Dogfish Head Brewery in a position to rise above and meet the challenges of the future; I commend him on his receipt of this award and I look forward to Mr. Calagione's continued success.

A TRIBUTE TO DR. ALLEN BARNETT, RECOGNIZED FOR DELAWARE ENTREPRENEURIAL SUCCESS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Dr. Allen Barnett—President and CEO of AstroPower. A position which has earned him recognition in Delaware for his Entrepreneurial success.

Dr. Barnett has established one of the largest and fastest growing independent solar electric power companies in the world. Dr. Allen Barnett's creative, insightful and necessary foray into sustainable energy is not only beneficial to the entire population for ecological reasons but also for its economic stimulus.

Throughout my years in public service I have consistently counted Delaware's cutting edge entrepreneurs amongst the very best in the country. Dr. Allen Barnett's recognition further confirms my belief.

Dr. Barnett's accomplishments and innovative leadership in the community have placed AstroPower in a position to rise above and meet the challenges of the future; I commend him on his receipt of this award and I look forward to Dr. Barnett's continued success.

RECOGNIZING HAROLD O. JOHANSON

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Ms. SOLIS. Mr. Speaker, I rise today to recognize the numerous contributions of Mr. Harold O. Johanson on the occasion of his recent retirement as City Manager of El Monte, CA.

A long time resident of El Monte, Mr. Johanson has dedicated his life to serving the city. He began his career with the city of El Monte as a Planning Intern in 1967. Three years later, he became an official employee of the city as an Assistant Planner. He quickly rose through the city ranks and over the years has held several positions including Planning Director, Director of Community Services, and City Manager.

Over the course of this impressive career, Mr. Johanson dramatically changed the landscape of the city. Some of his greatest accomplishments were overseeing the establishment of the El Monte Aquatic Center, the Santa Fe Plaza Redevelopment Project, three First Time Home Buyer Programs, and numerous commercial centers that brought much needed revenue to the city. The city flourished under Mr. Johanson's strategic and watchful leadership.

As the current Treasurer for the San Gabriel Valley Boys and Girls Club and Secretary of the Downtown El Monte Business Association Board of Directors, and member of the Kiwanis Club, he has always been active in the community outside his work. While many will miss his presence in city hall, I know he will continue to work with the community.

On April 24, 2003, the city of El Monte thanked Mr. Johanson for his years of committed work. I also would like to thank Mr. Johanson and recognize his dedicated service to the community of El Monte.

CENTRAL NEW JERSEY CELEBRATES MEGAN BOYLE FOR HER RECEIPT OF THE CORE OF THE ARC ANNUAL DISTINGUISHED CITIZEN AWARD

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. HOLT. Mr. Speaker, I rise today to thank Megan Boyle for her volunteer service. She has been chosen by CORE of the ARC, a coalition of local social service agencies, law enforcement officials, educators and community activists, that seeks out and honors youth who have voluntarily given outstanding service to those with disabilities in the school community. She is a senior at East Brunswick High School and she has worked actively as a volunteer for the Sayerville Association for Brain Injured Children for three and one half years.

Megan's aunt introduced her to the Association for Brain Injured Children and after participating in the Saturday program two or three times, she was committed. She volunteers each Saturday helping with art, board games, exercise, sports and other activities. Her commitment expanded to summer camp with the Association over the past three summers.

Megan has displayed a variety of talents working with both autistic children and children with Down's syndrome. She has helped the children progress in the areas of learning skills and socialization skills. Her success and confidence gained her a promotion at the summer camp. Her new responsibility put her in the leadership position of being in charge of seven counselors and twenty children for six weeks.

It is only through the generosity of time and spirit of individuals like Megan that our community can meet the needs of those with disabilities. It is not often that someone as young as Megan is so willing to share of her time and expertise. She tells us she is richer for this dedication to improving the lives of others. Clearly the individuals she has befriended and served are also better off.

I ask that all the members join me in congratulating Megan Boyle as a recipient of the CORE of the ARC's Annual Distinguished Citizen Award.

HONORING KYLE ALAN BRENNECKE FOR EARNING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Kyle Alan Brenncke, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1082, and in earning the most prestigious award of Eagle Scout.

Kyle has been very active with his troop, participating in such scout activities as the H. Roe Bartle Scout Reservation for 4 years. Over the 9 years he has been involved in scouting, he has earned 29 merit badges. Additionally, Kyle has held several leadership positions, serving as quartermaster, historian, patrol leader, assistant patrol leader, senior patrol leader and troop guide. Kyle also has been honored for his numerous scouting achievements with such awards as the Arrow of Light Award, the God and Country Award, and Brave in the Tribe of Mic-O-Say.

For his Eagle Scout Project, Kyle painted the playground at the Buckner Elementary School in Buckner, Missouri. Additionally, Kyle painted two four squares, basketball lanes and playground signs.

Mr. Speaker, I proudly ask you to join me in commending Kyle Alan Brennecke for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE TO DONA ZACZKIEWICZ, THE DELAWARE WOMEN IN BUSINESS ADVOCATE OF THE YEAR

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Dona Zaczkiewicz, winner of Delaware Women in Business Advocate of the Year Award. She is given this honor as president of Dona Z Consulting.

As you know, advocates for women in business have always been extremely important to the economic vitality of each State and to our national economy. Small businesses account for the majority of all new jobs being created daily, and provide opportunities for millions of people to earn a living and provide financial stability for their families. Through her work, Dona has distinguished herself and many other women business owners in Delaware's small business community.

Throughout my years in public service I have consistently counted Delaware's women owned businesses to be amongst the very best in the Country, and recognition of Ms. Zaczkiewicz further confirms my belief.

Dona Zaczkiewicz's accomplishments and innovative leadership in the business community have placed Dona Z Consulting in a position to rise above and meet the challenges of the future; I commend her on her receipt of this award and I look forward to Ms. Zaczkiewicz's continued success.

A TRIBUTE TO MR. MARK LUPPI, WINNER OF THE MID-ATLANTIC REGION AND DELAWARE FINANCIAL SERVICE ADVOCATE AWARD

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Mr. Mark Luppi—winner of the Mid-Atlantic and Delaware Financial Service Advocate Award. Mr. Luppi earned this recognition through his work as Senior Vice President of Citizens Bank.

Mr. Luppi focuses his advocacy efforts on growth and small business leadership. In just a short time after expanding into Delaware, Citizens Bank financed 59 loans to Delaware small businesses. As you know, advocates for small business have always been extremely important to the economic vitality of each State and to our national economy. Small businesses account for the majority of all new jobs being created daily, and provide opportunities for millions of people to earn a living and provide financial stability for their families.

Throughout my years in public service I have consistently counted Delaware's small businesses to be amongst the very best in the Country. Recognition of Mr. Luppi further confirms my belief.

Mr. Luppi's accomplishments and innovative leadership in the community have placed Citizens Bank and many small businesses in a position to rise above and meet the challenges of the future; I commend him on his receipt of this award and I look forward to Mr. Luppi's continued success.

RECOGNIZING ALFRED HERRERA

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Ms. SOLIS. Mr. Speaker, I rise today to recognize a great educator with a humble and caring heart, Mr. Alfred Herrera, for his commitment to students.

Mr. Herrera has a remarkable record helping underrepresented, first generation, and low-income students gain access to a college education. As the Director of UCLA's Community College Partnership Program, Mr. Herrera understands the importance of reaching out to students in community colleges who face many challenges in their pursuit of a four-year college education. He prepares students with the information and counsel that will allow them to make a successful transition from a community college to a four-year university and provides guidance for future opportunities.

Mr. Herrera's commitment to students and their academic success is unwavering; he goes far and beyond the call of duty to ensure access and opportunity for students. He has played a significant role in nurturing and providing a highly accelerated learning environment for students of diverse backgrounds.

But his commitment to educational opportunities for all students is exemplified by his work in promoting the passage and implementation of AB540, a California law that allows undocumented students an opportunity to participate in California's public higher education institutes by allowing them to pay in-state tuition rates.

I am honored to call him my dear friend. I commend him for his vision and dedication to create and extend learning opportunities for those least able to access it.

NATIONAL LANDSCAPE ARCHITECTURE WEEK

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. BROWN of South Carolina. Mr. Speaker, I stand today to recognize the tremendous contribution landscape architects make to the scenic beauty of the United States. Last week marked National Landscape Architecture Week. I would like to thank the industry and the American Society of Landscape Architects for all they do to improve our beautiful country.

Landscape architects play a special role in creating the places in which we live, work, and play. They are dedicated to promoting the careful stewardship, planning, and artful design of our cultural and natural environments. The work of landscape architects reflects the variety and breadth of the profession, from the design of residential and commercial developments, office building sites, and public parks, to public sector comprehensive planning, environmental planning, and town planning.

Though National Landscape Architects Week has passed, I urge all Americans to consider and recognize the many contributions made by landscape architects.

BUDD AND SYLVIA MIZDAIL CELEBRATE 50TH WEDDING ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. KANJORSKI. Mr. Speaker, I would like to call the attention of the House of Representatives to the 50th wedding anniversary of my friends Budd and Sylvia Mizdail of Mocanaqua, Pennsylvania. Their family and friends will honor them with a party on May 3, 2003, at St. Mary's Church in Mocanaqua, the same church where they were married on May 2, 1953.

They are the proud parents of two children: John, of Emmaus; and Brenda, of Plymouth Meeting; and the proud grandparents of four grandchildren.

Both of the Mizdails have given generously of their time over the years to their church, including running the church picnics for several years. They are retired from the Borden plant in Berwick, where he worked as a laboratory technician and she worked as a secretary.

She is the Democratic chairwoman for the Second District in Luzerne County and a 20-year member of the Greater Nanticoke Area School Board. She has been president of the school board for approximately 10 years and is secretary of the Luzerne Intermediate Unit 18 board, of which she has been a member for 11 years. She also continues to be involved with the Conyngham Township Democratic Committee, of which she is a past chair.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the 50th wedding anniversary of Budd and Sylvia Mizdail, and I wish them and their family all the best.

A TRIBUTE TO MS. OLAKUNLE OLUDINA, A WINNER OF THE DELAWARE MINORITY BUSINESS ADVOCATE AWARD

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Ms. Olakunle Oludina, winner of the Delaware Minority Business Advocate Award. Ms. Oludina earned this honor through her work at the YMCA of New Castle County.

As you know, advocates for minorities in business have always been extremely important to the economic vitality of each State and to our national economy. In her work, Olakunle Oludina develops and implements training and education programs for entrepreneurs, thus helping to energize Delaware's small business community.

Throughout my years in public service I have consistently counted Delaware's minority run organizations to be amongst the very best in the country, and recognition of Ms. Oludina further confirms my belief.

Olakunle Oludina's accomplishments and innovative leadership in the community have placed the YMCA of New Castle County in a position to rise above and meet the challenges of the future; I commend her on her receipt of this award and I look forward to Ms. Oludina's continued success.

RECOGNIZING TAIWAN FOR ITS HANDLING OF SARS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. TOWNS. Mr. Speaker, I rise to recognize Taiwan for its efforts in effectively addressing the Severe Acute Respiratory Syndrome (SARS). Taiwan has done an admirable job of dealing with this new, global, and fatal disease.

Taiwan's response to SARS has far outpaced many of its neighbors in that region of the world. It has been forthright about the problem and has worked with the international community to stem the spread of this deadly disease.

Quoting Dr. Scott Dowell, Director of the International Emerging Infections Program in Thailand, Center for Disease and Control and Prevention, "the health authorities in Taiwan were taking unprecedented measures to respond to the outbreak, and we thought that they were doing a very good job. . . . They were quite capable in doing that in Taiwan, and we were encouraged by the lack of transmission to healthcare workers during the first weeks we were there."

Even more remarkable is that Taiwan has responded so effectively to this global problem without being a member of the World Health Organization (WHO). Because of its lack of statehood, Taiwan, home to nearly 24 million people, has been denied membership status in the organization. This made it even more difficult for health experts to gather important information about SARS on the island and highlights the need for Taiwan to receive observer status at the WHO.

In a relatively short period of time, SARS has shown that it knows no borders. When infecting people, this disease does not stop at man-made borders. Thus, I would call on the World Health Organization and its members to grant observer status to Taiwan so that they can be properly integrated into the global health network. The SARS outbreak is a stark reminder of the importance of working with the entire international community in finding solutions to global problems like the spread of disease. Failing to do so prolongs the problem and puts more people at risk.

Mr. Speaker, the leaders of Taiwan have worked hard on their own and with the international community to detect and treat SARS. As such, its leaders are worthy of receiving our recognition today.

CONGRATULATIONS TO STEGALL FAMILY IN CORINTH, TX

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. BURGESS. Mr. Speaker, I rise today to express my sincere congratulations to the Stegall Family in Corinth, Texas and their entire staff at the American Eagle Harley-Davidson/Buell Dealership. They celebrate one year of successful sales and customer service in the Denton County area with a team of dedicated and diligent employees.

The community of motorcyclist enthusiasts in North Texas are also to be commended for supporting local businesses, contributing to the success of American Eagle. This developing relationship not only benefits the motorcycle industry, it also cultivates the economy of Denton County, which continues to develop with the expansion of commerce across North Texas.

Once more, I articulate my best wishes to American Eagle. May their efforts continue to be rewarded.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. WU. Mr. Speaker, I rise on this first day of Asian Pacific American Heritage Month to honor our Nation's Asian Pacific American community. This month marks the 25th year that our nation has rightly recognized and celebrated the many contributions and achievements of Asian Pacific Americans.

Mr. Speaker, America draws its strength from its tremendous diversity. The Asian Pacific American community is one of the fastest growing segments of the United States with over 12.5 million people. We have greatly enriched the American landscape, and I am honored to take part in Asian Pacific American Heritage Month by celebrating the many achievements of APAs in American history.

Asian Pacific Americans have made tremendous advances in countless fields such as, politics, medicine, technology, business, music, literature, film, athletics, and agriculture. APAs helped build the Transcontinental Railroad and develop the Internet, and APAs have served honorably to defend the United States in times of armed conflict, from the Civil War through today. And, as I speak today, an Asian Pacific American astronaut, Edward Lu, is stationed aboard the International Space Station. As Chair of the Congressional Asian Pacific American Caucus, I am proud to recognize these achievements.

The Asian Pacific American community has made these achievements despite the obstacles of past discriminatory laws, such as the Chinese Exclusion Act of 1882, the Alien Law Act of 1920, and the forced internment of Japanese Americans during World War II. Like so many other segments of America, the APA community has thrived in the face of opposition.

While Asian Pacific Americans as a whole have flourished in the United States, there are still challenges facing certain segments of the APA community today. Many immigrants, refugees, and particular ethnic groups, including Southeast Asians and Pacific Islanders, are still working to achieve the American dream. We must not forget those who are struggling to overcome obstacles, including language and cultural barriers, as well as the discrimination that still exists today.

Mr. Speaker, the Asian Pacific American community is itself a diverse group of people with distinct languages and cultures. Therefore, I cannot stress enough the importance of improving our data collection on APAs. Today, Government data tends to lump various Asian Pacific Americans together in a single category. Better data will allow us to recognize the diversity and distinct cultures of the many communities that make up the Asian Pacific American community as a whole. This knowledge will allow the United States to better address the different needs of what is a very diverse community; so that all Americans have the same opportunity to attain the American dream.

Mr. Speaker, in closing, I would like to encourage Congress and the American people to spend the month of May learning about the legacy, culture, rich traditions, and achievements of the Asian Pacific American Community.

A TRIBUTE TO MS. SALLY HAWKINS, WINNER OF THE DELAWARE SMALL BUSINESS JOURNALIST AWARD

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Ms. Sally Hawkins—winner of the Delaware Small Business Journalist Award. Ms. Hawkins earned this honor through her work as owner and President of the WILM–AM radio station.

As you know, small businesses have always been extremely important to the economic vitality of each State and to our national economy. Small businesses account for the majority of all new jobs being created daily, and provide opportunities for millions of people to earn a living and provide financial stability for their families. Through her work, Sally has distinguished herself as an outstanding leader in small business and journalism.

Throughout my years in public service I have consistently counted Delaware's small businesses and Delaware's journalists to be amongst the very best in the Country. Recognition of Ms. Hawkins further confirms my belief.

Sally Hawkins' accomplishments and innovative leadership in the community have placed WILM in a position to rise above and meet the challenges of the future; I commend her on her receipt of this award and I look forward to Ms. Hawkins' continued success.

JOHN KLUGE

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. EHLERS. Mr. Speaker, I rise today to recognize John W. Kluge for his constant and unwavering support for the Library of Congress.

Mr. Kluge is the greatest individual benefactor in the history of the Library of Congress.

He came to this country as a young boy from Germany, with virtually nothing but a china Dresden Horse—which he still has. From these humble origins, and through hard work, he received a full scholarship to Columbia University. After service in the United States Army during World War II, he went on in the business world to create a vast media empire which he converted into a great engine of philanthropy, supporting many educational programs, aimed in particular toward helping minorities.

Mr. Kluge is the founding chairman of the James Madison Council, the Library of Congress's private sector philanthropic organization, where he has inspired many others to join in support of the Library and its programs.

Through his generosity, John Kluge helped the Library of Congress bridge the gap into its third century by enabling it to invest heavily in technologies that bring the vast collections of the Library to people all over the world.

Thanks to an endowment from Mr. Kluge, the Library of Congress established the John W. Kluge Center, which brings some of the world's best minds—the Kluge Scholars—into residence to use the rich resources of the Library and interact with national policy makers. The Kluge Center also accommodates Kluge post-doctoral Fellows who are pursuing interdisciplinary and cross-cultural subjects using the Library's rich and diverse collections. The first million dollar John W. Kluge Prize in the Human Sciences will be awarded this fall for lifetime achievement in the humanities.

The work and the generosity of spirit of this great American will live on for generations. For years to come, individuals will be able to attend college on a John W. Kluge Scholarship who might otherwise be unable to afford it. Countless future national leaders will benefit from the intellectual stimulation that this man has made possible through his work at the Library of Congress. He is a man who has made a difference. During a lifetime of philanthropic activity and quiet assistance for those in need, John W. Kluge has touched countless lives and truly deserves the recognition of this body.

2003 ONCOLOGY NURSING DAY AND MONTH

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mrs. MYRICK. Mr. Speaker, I rise today to pay tribute to oncology nurses. May is the ninth annual Oncology Nursing Day and Month. The celebration kicks off on Thursday, May 1, 2003, on Oncology Nursing Day, during the opening ceremonies of the Oncology Nursing Society's 28th Annual Congress in Denver, CO, and continues until May 31, 2003. Oncology Nursing Month recognizes oncology nurses, educates the public about oncology nursing, provides an opportunity for special educational events for oncology nurses, and celebrates the accomplishments of oncology nurses.

The Oncology Nursing Society (ONS), the largest professional oncology group in the United States composed of more than 30,000 nurses and other health professionals, exists to promote excellence in oncology nursing and the provision of quality care to those individuals affected by cancer. As part of its mission, the Society honors and maintains nursing's historical and essential commitment to advocacy for the public good. ONS was founded in 1975, and held its first Annual Congress in 1976. Since the Society was established, 218 local chapters have been formed to provide a network for education and peer support at the community level.

In my state of North Carolina there are more than 939 oncology nurses and health professionals that care for individuals with cancer and their families. In addition, North Carolina has 6 local Oncology Nursing Society chapters located in the areas of Charlotte—my district—Wilmington, Canton, Greenville, Durham, and Trinity.

Over the last ten years, the setting where treatment for cancer is provided has changed dramatically. An estimated 80 percent of all Americans receive cancer care in community settings including cancer centers, physicians' offices, and hospital outpatient departments. Treatment regimens are as complex, if not more so, than regimens given in the inpatient setting a few short years ago. Oncology nurses are on the front-lines of the provision of quality cancer care for individuals with cancer. Nurses are involved in the care of a cancer patient from the beginning through the end of treatment. Oncology nurses are the frontline providers of care by administering chemotherapy, managing patient therapies and side-effects, working with insurance companies to ensure that patients receive the appropriate treatment, provide counseling to patients and family members, in addition to many other daily acts on behalf of cancer patients.

With an increasing number of people with cancer needing high quality health care coupled with an inadequate nursing workforce, our nation could quickly face a cancer care crisis of serious proportion, with limited access to quality cancer care, particularly in traditionally underserved areas. Without an adequate supply of nurses there will not be enough qualified oncology nurses to provide the quality cancer care to a growing population of people in need. I was proud to support the passage of the "Nurse Reinvestment Act" in the 107th Congress. This important piece of legislation expanded and implemented programs at HRSA to address the multiple problems contributing to the nationwide nursing shortage, including the decline in nursing student enrollments, shortage of faculty, and dissatisfaction with nurse workplace environments. Mr. Speaker, I plan to work with my colleagues to ensure that the Nurse Reinvestment Act receives funding during the FY 2004 appropriations process.

I commend the Oncology Nursing Society for all of its hard work to prevent and reduce suffering from cancer and to improve the lives of those 1.3 million Americans who will be diagnosed with cancer in 2003. I wish the Oncology Nursing Society the best of luck in its endeavors and urge all Americans to support its important efforts.

TRIBUTE TO THE DENVER AREA LABOR FEDERATION

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Ms. DEGETTE. Mr. Speaker, I would like to recognize the impressive history and notable accomplishments of an exceptional organization in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize this outstanding organization for its civic leadership and record of extraordinary service benefiting the working men and women of the Denver area. It is to commend this remarkable organization that I rise to honor the Denver Area Labor Federation (DALF) on the occasion of its 120th Anniversary.

While the Denver Area Labor Federation has weathered great adversity and tremendous change over the last century, it has always remained in the vanguard for economic and social justice. In the many struggles for dignity in the workplace, the labor movement in the Denver area continues to be a vital force for the rights of workers, for a living wage, a safe workplace, good benefits and for the continued well being of working families. Since its founding in 1882, DALF has led the way in forging strong alliances within the local labor movement, with the AFL–CIO, and with numerous community organizations including the Colorado Progressive Coalition, Jobs with Justice and the Colorado Coalition for Immigrant Rights. It has provided leadership for local unions in organizing drives, strikes and contract campaigns. It has conducted numerous trainings and education programs for Metro Area union members on common sense economics, organizing, political activism and community engagement. It has formed the Front Range Economic Strategy Center to enable working people to command the expertise and resources needed to hold local governments accountable for the development of affordable housing, secure health care, and the creation of jobs of sufficient quality to support families. It comes as no surprise that DALF was honored by the National AFL–CIO Convention for "moving the fastest and the farthest on the road to becoming a Union City" and that its political program is recognized nationwide for its innovation and success.

Working people built our communities and our nation and it is the sacrifices of the men and women of the member locals of the Denver Area Labor Federation, past and present, to whom we owe a great debt of gratitude. Many of us in this country forget how far we've come. There was a time when fundamental decency and equity for working people were not a part of our shared values—a time when collective bargaining, workplace safety, minimum wage and benefits were not part of our common experience. For many of us in our community, decent working conditions and the basic employment benefits needed to subsist in our society are still out of reach. I am deeply appreciative of the invaluable work that the Denver Area Labor Federation and its member locals continue to do to advance the cause of a livable wage, worker rights and protections and to promote decent health care. DALF has made a tremendous impact on our community and implicit in its success has been the fundamental recognition that good wages, job security and quality health care builds a healthy and prosperous community.

Please join me in commending the Denver Area Labor Federation. It is the strong leadership that this organization exhibits on a daily basis that continually enhances our lives and builds a better future for all Americans.

CONGRATULATING FORT BENNING ON RECEIVING THE ARMY COMMUNICATIONS OF EXCELLENCE CHIEF OF STAFF AWARD

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. COLLINS. Mr. Speaker, I have been a Member of Congress for ten full years, going on my eleventh year now. Since 1993, when I was elected, the "Home of the Infantry," Fort Benning has consistently been selected as the best installation in the nation, and a few times as best in the world.

As a politician, something inside me wants to take credit for that, but as a statesman, I realize that it has been the fine leadership of people like Major General Paul Eaton and Colonel Joe Torres and those who have preceded them who are really responsible for the outstanding performance of Fort Benning.

As a major power projection platform for the Army, Benning serves a very transitional community of soldiers. With our war in Iraq and Afghanistan, more than 7,000 Fort Benning troops are stationed overseas. Obviously, this kind of deployment leaves a hole. Additionally, several thousand more soldiers from other bases have passed through Benning's gates to receive specialized training before deploying to the field. This has placed a great deal of demand on the services offered.

But, in spite of all of these challenges, Fort Benning has been recognized again this year as one of the top 10 military installations in the world with the Communities of Excellence Chief of Staff Award. Competing on the Training and Doctrine Command level, Benning has demonstrated a better, more efficient, faster way to provide outstanding service to the community which calls Fort Benning home.

Additionally, Fort Benning is an integral part of the tri-community, Columbus, GA, Phenix City, AL, and Fort Benning. The military and the civilian communities strive to mutually support one another and each community compliments the others. This is the result of tireless effort by the military, the community leaders of Columbus, and Phenix City. Their effort has paid off and I am glad to see it recognized with this award.

Fort Benning, while it has a proud legacy as the foremost training center of the Army, is only a patch of Earth and some buildings. It is the people who work there that make it an outstanding example of military efficiency and service. It is the dedication of those people and the leadership of its commanders which drive the level of excellence higher each year.

The consistent performance of Fort Benning reflects well on the Army and demonstrates why Fort Benning is a shining example of the Army being all it can be.

I congratulate Major General Eaton and his fine staff on receiving this award and thank them for their service to America and to the community which makes Benning its home.

HOUSE OF REPRESENTATIVES—*Monday, May 5, 2003*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 5, 2003.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, living in our midst, You have called us here to serve this Nation. In serving Your people we serve You.

As Your children we are born over again and again by light, love, and peace.

When our knowledge of You and the reality of all that goes on around us is bathed in Your light, the most ordinary aspects of life and duty become radiant with a gratitude and joy that ushers in Your presence.

Be with us here. Make all of us Your friends. Then with Your intimacy we can befriend others and be present in a new way to the world.

Teach us to cherish the inner peace that will help us bring peace to the world, because we are unafraid to learn the truth about ourselves and willing to embrace honesty in others.

This we ask today, here, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills, a concurrent resolution and a joint resolution of the following titles in which the concurrence of the House is requested:

S. 195. An act to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes.

S. 243. An act concerning participation of Taiwan in the World Health Organization.

S.J. Res. 3. Joint resolution expressing the sense of the Congress with respect to human rights in Central Asia.

S. Con. Res. 15. Concurrent resolution commemorating the 140th anniversary of the issuance of the Emancipation Proclamation.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 5, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 5, 2003 at 10:26 a.m.

That the Senate passed without amendment H.R. 289.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 5, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on May 2, 2003 at 5:05 p.m. and said to contain a message from the President whereby he submits a 6-month periodic report in accordance with 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c) on the national emergency with respect to Sudan.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO SUDAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–68)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I am providing herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 2, 2003.*

COMMUNICATION FROM HON. NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, May 2, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (P.L. 106–398), I hereby appoint Ms. Carolyn Bartholomew of the District of Columbia, for a term that expires December 31, 2003, to the United States-China Review Commission.

Best regards,

NANCY PELOSI.

SENATE BILLS REFERRED

A bill and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

S. 243. An act concerning participation of Taiwan in the World Health Organization; to the Committee on International Relations.

S.J. Res. 3. Joint resolution expressing the sense of the Congress with respect to human rights in Central Asia; to the Committee on International Relations.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debates.

There was no objection.

Accordingly (at 2 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 6, 2003, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2010. A letter from the Administrator, Agriculture Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Onions Grown in South Texas; Increased Assessment Rate [Docket No. FV03-959-1 FR] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2011. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Tomatoes Grown in Florida; Decreased Assessment Rate; Correction [Docket No. FV03-966-03 C] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2012. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Avalon, California) [MB Docket No. 02-223, RM-10520] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2013. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Bethlehem, Pennsylvania) [MB Docket No. 02-81, RM-10422] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2014. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Harrisburg, Pennsylvania) [MM Docket No. 01-208, RM-10205] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2015. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Lebanon and Speedway, Indiana) [MB Docket No. 02-143, RM-10392] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2016. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Sparkman, Arkansas) [MM Docket No. 01-215, Rm-10228]; (Moberly, Missouri) [MM Docket No. 01-252, RM 10275]; (Kiowa, Oklahoma) [MM Docket No. 01-212, RM-10222]; (Crowell, Texas) [MM Docket No.01-210, RM-10225]; (Menard, Texas) [MM Docket No. 01-214, RM-10227]; (Menard, Texas) [MM Docket No. 01-304, RM-10309]; (San Isidro, Texas) [MM Docket No. 01-305, RM-10310] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2017. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Stuart, Oklahoma) [MB Docket No. 02-287, RM-10569] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2018. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Oak Grove, Louisiana) [MB Docket No. 02-321, RM-10583] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2019. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Miami, Florida) [MM Docket No. 00-125, RM-9908] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2020. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Department's final rule—Amendment of Section 73.622(b), Table of Allotments, Table of Allotments, Digital Television Broadcast Stations (Traverse City, Michigan) [MB Docket No. 02-20, RM-10368] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2021. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of A llotments, FM Broadcast Stations (Atoka, Haileyville and Clayton, Oklahoma) [MM Docket No. 01-254, RM-10264, RM-10375, RM-10376] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2022. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Genoa, Colorado) [MM Docket No. 01-21, RM-10050] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2023. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations (Presque Isle, Maine) [MB Docket No. 02-348, RM-10455] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2024. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Detroit Lakes and Barnesville, Minnesota, and Enderlin, North Dakota) [MM Docket No. 00-53, RM-9823, RM-9950] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce,

2025. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations Tuscaloosa, Alabama) [MB Docket No. 02-273, RM-10562] received April 21, 2993, pursuant to U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2026. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Wailuku, Hawaii) [MB Docket No. 02-221, RM-10519] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2027. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Wilmington, North Carolina) [MB Docket No. 02-129, RM-10437] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2028. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ozona and Iraan, Texas) [MB Docket No. 02-261, RM-10503, RM-10607] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2029. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Macon, Georgia) [MB Docket No. 02-281, RM-10563] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2030. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Cheboygan, Michigan) [MB Docket No. 02-91, RM-10411] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2031. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Goliad, Texas) [MM Docket No. 01-155, RM-10176] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2032. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Jayton, Texas) [MM Docket No. 01-295, RM-10305, RM-10381] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2033. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Christiansted, Virgin Islands) [MB Docket No. 02-220, RM-10518] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2034. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Odessa, Texas) [MB Docket No. 02-95, RM-10421] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2035. A letter from the Senior Legal Advisor to theBureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Lawton, Oklahoma) [MB Docket No. 02-219, RM-10506] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2036. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Medical Use of Byproduct Material: Clarifying and Minor Amendments (RIN: 3150-AH08) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2037. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Change in the Survey Cycle for the Pennington, South Dakota, Nonappropriated Fund Wage Area (RIN: 3206-AJ30) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2038. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Pennsylvania Regulatory Program [PA-139-FOR] received April 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2039. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kentucky Regulatory Program [KY-241-FOR] received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of New Jersey (for himself and Mr. Evans):

H.R. 1949. A bill to amend title 38, United States Code, to reinstate minimum requirements with respect to the sale of vendee loans; to the Committee on Veterans' Affairs.

By Mr. HYDE (for himself, Mr. Lantos, and Mr. Berman):

H.R. 1950. A bill to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes; to the Committee on International Relations.

By Mr. LYNCH (for himself and Mr. Quinn):

H.R. 1951. A bill to amend title 38, United States Code, to improve patient care and working conditions at the Veterans Health Administration of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Ms. NORTON:

H.R. 1952. A bill to amend the Internal Revenue Code of 1986 to provide that the first-time homebuyer credit for the District of Columbia be made permanent, and for other purposes; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 185: Mr. Owens.

H.R. 217: Mr. Foley, Mr. Menendez, Mr. Smith of Washington, Mr. Rothman, Mr. Sandlin, and Mr. Ryan of Ohio.

H.R. 241: Mr. Janklow.

H.R. 292: Mr. Strickland.

H.R. 517: Mr. Berman.

H.R. 589: Mr. Pearce, Mr. Ferguson, Mr. Dooley of California, Mr. Davis of Florida, Mr. Kleczka, and Mr. Marshall.

H.R. 594: Mr. Holt, Mr. Pascrell, Ms. Corrine Brown of Florida, Ms. Carson of Indiana, Mr. Menendez, Mr. Hastings of Florida, Mr. Boswell, Mr. Sullivan, and Mr. Rush.

H.R. 717: Mr. Stark and Mr. Kucinich.

H.R. 843: Ms. Lee.

H.R. 970: Mr. Wilson of South Carolina, Mr. Emanuel, Ms. Lee, Ms. Jackson-Lee of Texas, Mr. Kildee, Mr. Thompson of Mississippi, Mr. Brown of South Carolina, Mr. Bonilla, and Mr. Kucinich.

H.R. 1034: Mr. Schiff.

H.R. 1043: Mr. Sessions.

H.R. 1077: Mr. Jefferson.

H.R. 1155: Mr. Gutierrez, Mr. English, Mrs. Maloney, Ms. Slaughter, and Mr. Ackerman.

H.R. 1209: Mr. Conyers, Mr. Wynn, Mr. Reyes, Mr. Wexler, and Mr. Kennedy of Rhode Island.

H.R. 1212: Mr. Gillmor.

H.R. 1285: Mr. Allen, Mr. Cardin, Mr. Clay, Ms. Harman, Mr. Kucinich, Mr. George Miller of California, and Ms. Waters.

H.R. 1536: Mrs. Jones of Ohio.

H.R. 1614: Mr. Shays.

H.R. 1754: Mr. Towns.

H.R. 1812: Mr. Allen, Mr. Lantos, Mr. Frost, Mr. Case, Mr. Markey, Mr. Brown of Ohio, Mr. Rangel, Mr. Bishop of New York, Ms. Woolsey, and Ms. McCollum.

H.R. 1894: Mr. Emanuel.

H.J. Res. 4: Mr. Hulshof.

H. Con. Res. 111: Mr. Jackson of Illinois.

H. Res. 136: Mr. Kleczka.

SENATE—*Monday, May 5, 2003*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Once again, our guest Chaplain is Rabbi Arnold E. Resnicoff, retired U.S. Navy Chaplain.

The guest Chaplain offered the following prayer:

PRAYER

O Lord who gives to everything a season, and a time for every purpose under heaven: a time for war; a time for peace; a time for life; a time for death; and always time for hope. We take time now, as this week starts, and as—we pray—the fighting in Iraq nears its end, to honor those who serve, who fight, who sacrifice in times of war, so that the time of peace—of real peace—might be.

We take time now to offer thanks: for freedoms that are far from free, for they are bought and paid for at the cost of lives cut short, and family dreams that now can never be; and at the cost of lives that will be touched and haunted by memories so painful that most of us give thanks that we will never know, nor ever fully comprehend.

Lord, who gives to every thing a season, and a time for every purpose under heaven, we honor those who gave their lives; and we honor those who still live and serve, within a world that knows too well the time of war. And we honor in a special way their families, those they love and who love them, for whom the battlefields seem much more close to home.

Give us the faith, the strength, the wisdom, too, to do our part to bring about the time of peace for which they fought—and fight; the time of peace for which we pray; the time of peace, just peace, in which we must keep faith; the world of peace which we must do our part to build.

And let us say, Amen.

PLEDGE OF ALLEGIANCE

The Honorable TED STEVENS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. McCONNELL. Mr. President, today the Senate will be in a period of morning business until 12:45 p.m. Following morning business, the Senate will begin consideration of the nomination of Deborah Cook to be a Federal judge for the Sixth Circuit.

Under the agreement entered into last week, there will be up to 4 hours of debate on the nomination prior to a vote. Therefore, the first vote will occur at 4:45 p.m. today, and it will be on the confirmation of Deborah Cook.

Upon the disposition of the Cook nomination, the Senate will debate the nomination of Miguel Estrada until 6 p.m., and at 6 p.m. the Senate will conduct its fifth cloture vote on the Estrada nomination.

The majority leader stated on a number of occasions that we are not going to give up on attempting to get Miguel Estrada an up-or-down vote.

In addition to these additional nominations, there are a number of other important issues to be considered during this coming week. On Tuesday, we will begin debate on the energy bill, although amendments will not be in order until Thursday. We are expecting Members to come to the floor to begin the debate on this much needed legislation.

Also, we have been working on agreements that would allow the Senate to consider the State Department reauthorization bill, the NATO expansion treaty, the bioshield bill, and the FISA legislation. Therefore, I will advise our colleagues to prepare for a very busy week with rollcalls each and every day.

Let me also say the majority leader hopes and expects that we will be doing the vote on the Roberts nomination Friday morning, which is pursuant to the agreement the assistant Democratic leader and myself and the two leaders were working on last week. So we hope to be able to wrap that nomination up on Friday as well.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Nevada.

Mr. REID. Mr. President, I was listening closely. But the Senator said we would take up the energy bill on Tuesday with no amendments in order. Then he said Thursday. Maybe I misunderstood.

Mr. McCONNELL. It is my understanding that there will not be any vote on the energy bill until Thursday, but we will take it up tomorrow.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business not to extend beyond the hour of 12:45 with the time equally divided between the majority leader and the Senator from North Dakota or their designees.

The Senator from Wyoming.

ADDITIONAL CLOTURE SIGNATURE

Mr. THOMAS. Mr. President, first, let me ask unanimous consent that it be in order to add the following signature to the cloture motion filed on May 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

The additional signature is as follows:

Peter G. Fitzgerald.

ENERGY POLICY

Mr. THOMAS. Mr. President, it has been mentioned this morning, of course, that we are going to move forward this week to deal with energy policy. I must tell you I am very pleased that that is the case. We have worked very long and hard to develop an energy policy to bring it again this year before the Senate. As you recall, we had one last year. It went into conference and we were unable to bring it up.

I think it is certainly important that we do that. Of all the issues that are before us, I expect it may be one of the most compelling—compelling because it is something that is of vital importance to this Nation. Probably more people are affected by energy than most any other service.

We have the Middle East situation, of course. Over time we have gotten ourselves in the position where 60 percent of our oil imports are a matter of importance because we have become very dependent.

It was almost 2 years ago that the President of the United States and the Vice President, DICK CHENEY, and their task force, came up with energy recommendations. This is one of the first issues talked about. Since that time, it has become even more compelling partly because of the unrest in the Middle East. Also, partly because of the result in Iraq. I think people now are more aware of how important it is for us to have an energy policy.

The President said we need to have an energy policy for the future, but, of course, one that also meets the needs of today. I think we can do that. I think we can develop a policy which deals with the problems we now have, but, more importantly, we should try to get a vision for the future—15 or 20 years in the future—and see what we have to do, and where we would expect to be at that time and then measure what we do in the interim with respect to accomplishing those goals.

We do have to make changes. We have to make changes in most everything. But I have to tell you that in the case of energy, perhaps change is more apparent and more obvious and more compelling than most of the other issues with which we have to deal. We must modernize conservation. Obviously, what we need is a balanced policy but one that deals with conservation, one that deals with alternative fuels, one that deals with research, one that deals, of course, with enhancing domestic production, and other issues. But those certainly have to be the basic elements of our energy policy as we look forward.

There is much that we can do. I can recall a number of years ago in Casper, WY, meeting with an energy group. I don't remember who it was. But I remember they said that we have never run out of an energy source. We have continued to change. We used to have wood. We used to have coal. We had oil, we had gas and nuclear, and we continue to change. But it takes some forward thinking to do that. It takes some research to do that. It takes an effort made to bring about the changes that are necessary to provide Americans with a very important element of their support. We need to modernize our infrastructure.

Obviously, situations change. We are going to have production, for instance, in gas. In my State, we have a great deal of supply and a source. In order to get it to a marketplace, you have to have pipelines. You have to have transportation.

The same is very much true with electricity. The largest source of fuel for the future and for which we have a resource is currently coal. You have to move that resource to the consumer. You can either move it as coal in a railroad car, which is very inefficient, or you can produce energy at the mine site and then move it to the consumer in transmission lines. We have not kept up with that. We are beginning to feel the consequences of that very much.

We have to increase our supplies of energy. We are doing that, of course, by having new places to drill, new places to extract, new places to find different alternative fuels that are available, frankly, very little of which has become really commercial in nature.

If you exclude hydro from renewables, then only about 3 percent of our energy comes from renewable sources. That is not very much, so it is going to take a while. It is going to take research. It is going to take much action to make sure we get those actually in the homes in America. Renewables are very important. We have to accelerate our plans and our efforts to protect the environment as we do this.

I think everybody wants a balanced energy policy, a balanced policy which says, yes, we need to produce more of our own energy in whatever way. As we do it, we have to protect the environment.

Again, in my home State of Wyoming, that is very important to us. Fifty percent of Wyoming belongs to the Federal Government, so most of the resources there, such as oil and gas and often coal, are on Federal lands. We need to be able to produce this energy in such a way that you can also have wildlife, you can also enjoy the environment, as well as production. Frankly, we have shown you can do that. We need to make that activity become even more workable by doing more research.

The bottom line, which I have already mentioned, is, in our national security, to be less dependent on having to look somewhere else for the energy that is necessary for us to remain secure and prosperous. It is not only part of security; it is also part of economic stability and economic growth.

We have been trying. I mentioned we tried last year, but our attempts failed. We worked very hard at it, as a matter of fact. We had bills out of both the House and the Senate. After some controversy on both sides, we went to committee to put them together and were never able to come up with a solution. Now we are back again.

That process was flawed. Basically, the committee of jurisdiction, the Energy Committee in this case, did not work through the bill before it came to the floor. Quite frankly, it is very difficult to be successful on the floor unless you can come to some agreement in the committee prior to that. We had no hearings, really. We had no markups.

But it has been different this year. We have a chairman who has worked very hard—the Senator from New Mexico. We have a bill that is ready to come before us, and one we really need to work on.

Again, certainly it is essential to completing this war activity we have been in, to really having stability in our own country so that we have somewhat of an energy independence. We may not be totally independent, of course. There is nothing wrong with bringing in fuels from other places, but we should not allow ourselves to be 60 percent dependent on that.

The development of resources is essential to economic growth and that is what we are looking for now, at the same time we are looking at ways to stimulate the economy to create more jobs. I can tell you, the movement in the energy field is one that allows us to do the same thing. We need a balanced approach. I have mentioned that.

Some people think, oh, my gosh, all you are going to do is take oil wells out there and start drilling everywhere. That is not the case. We are looking at conservation. As we look at our own lives, there are many ways, if we make some changes in what we do, we can reduce our demands on energy. We can shift our demands on energy to those things that are more available.

Think about it at home. Are there any ways in which we could have appliances where we could do things a little differently and have them use less energy? I think that is true. We are all looking for ways to increase mileage in our automobiles, and there are ways to do that.

I have to tell you, I think it is a mistake to mandate certain action over a period of time because that becomes very expensive and also puts a real halt on us moving forward. But what we ought to do is have incentives so that we do work toward having more conservation.

Fossil fuels, of course, are our biggest supplier now of energy and will be for some time. Again, for instance, in the case of coal, we have a great abundance of coal, and we have done a great deal to make it more clean to help with climate change. But we can do even more.

In the coalfields in Wyoming there is an effort to begin to put some emphasis on hydrogen. Hydrogen can be made with coal and water, and hydrogen can then be used much more efficiently in terms of the movement of the fuel as well as using it for automobiles. We can do that.

Natural gas, of course, is one of our very important resources. Again, we need to be able to move that. We need to be able to use it at the highest priority and use these fuels where we get the best bang for the dollar. That is what we are seeking to do: to give some diversity, to utilize the domestic resources, to have an overall energy strategy.

I think too often—and we are a little guilty of that right here in the Senate—we get into one of these issues and we start talking almost entirely about today's problems and solving the problems we have or our constituents have out there right now. That is fine, and we need to do that. But this is a policy. This is designed to give us a roadmap to make changes over time.

Again, electricity is a good example. Years ago, when you had a distribution area, you had a city or a county, and you had an electric supplier that provided for that group. They had a generating plant and a distribution system, and it was all contained right there in the city or right there in the county.

Now 40 percent of energy is generated by what you call merchant generators that do not do distribution, but they sell it to distributors. Of course, to do that, you have to have transmission lines that move the energy around. So things are changing, and we need to keep ahead of change the best we can.

There are also great opportunities for doing something with nuclear power, which is one of the cleanest sources of power we have. We will be talking about doing some things with Alaska, for example, whether it is pipelines or ANWR.

So I just want to say, Mr. President, we are going to be spending a considerable amount of time on energy in the next several weeks. Our goal, hopefully, in the Senate is to get through with the program by Memorial Day. The House will be moving forward as well and has a program that is ready to go, pretty much.

Part of this, of course, will be in the area of tax incentives. As I said, what we need to do is provide incentives for people to do better, to have better ways of drilling, to do better in geological surveys, and so on. Part of that will be a tax title that has been passed out of the Finance Committee. And now the energy bill has been passed out of the Energy Committee. So we are ready to go.

I am hopeful we can come together. I know there are going to be different views about what we do on conservation, what we do about ethanol, what we do about alternatives, but all of those must be resolved if we are to come forward with something that will be good for our country in terms of an energy policy.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for as much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCREASING THE FEDERAL DEBT LIMIT

Mr. DORGAN. Mr. President, later this week, I am told, we will be getting in the Senate a proposal to increase the Federal debt limit. My assumption is that the increase in the Federal debt limit we will be asked to consider will be nearly $1 trillion—$900-some billion. I am told it is shaved just enough to be under $1 trillion.

That increase in the debt limit will equal, incidentally, all of the debt accumulated from George Washington until 1980, until Ronald Reagan took office. For all of those years, we accumulated less than $1 trillion in debt. The debt limit increase we will be asked to vote on will be just slightly under $1 trillion.

What does that say about the country's fiscal policy? It says we are running very large Federal budget deficits. Two years ago, it was expected that we would run large budget surpluses as far as the eye could see. President Bush said: Let's have the American people keep their own money. Let's move the surpluses back. Let's have a $1.7 trillion tax cut.

Some of us said: Maybe we should be more conservative. What if these Federal budget surpluses don't materialize? What if we are wrong about that?

They said: Never mind. And they pushed it through the House and the Senate, and with great fanfare they signed the bill.

Two years later, we have budget deficits as far as the eye can see; this year, the biggest budget deficit in history and this week, apparently, a proposal to increase the Federal debt limit by nearly $1 trillion. I don't understand that.

In addition to that, there is a major debate on how much additional tax cuts there should be: Should the President get his program of additional tax cuts? There are not only tax cuts in what is called reconciliation, but tax cut proposals outside of reconciliation, which altogether total $1.3 trillion in additional tax cuts.

The easiest lifting in American politics for any politician anywhere in America is to say: I support tax cuts. If in fact tax cuts produce new jobs, then sign me up. I propose we have a trillion dollars in tax cuts or, better yet, $2 trillion in tax cuts. But, of course, we know what we have ahead of us are very large Federal budget deficits.

For Congress and the President, the question is, What is it that we don't want to do in our Government? Do we not want to have regulatory agencies that provide protection for American citizens and consumers? Do we not want to build roads? Do we not want to fund schools? Do we not want to fund the Customs Service, the Immigration Service, the Border Patrol, the Food and Drug Administration? What exactly is it that we should not be doing? Those are the important questions.

Of course, there is waste in government. And we ought to cut spending where it is wasted. Let me give an example. Senator WYDEN and I some while ago asked the Federal Bureau of Prisons, why are you advertising for a dance instructor? In fact, it was advertising for a dance instructor in the State of Texas. Why are you advertising for that for the Federal Bureau of Prisons? What do we need that for? What is the purpose of that? We have since discovered that the Federal Bureau of Prisons has had dance instructors at eight federal prisons. I don't understand that. Learning how to dance the salsa when you are in prison, is that necessary? In areas where there is waste, let's attack waste.

Let me cite one other example. Senator WYDEN and I mentioned this past week—and this is not direct spending on our budget—that the U.S. Postal System inspector general's office is wasting massive amounts of money. The inspector general's office has 700-some people in the Office of the Postal Department doing events supposed to promote teamwork, where employees wrap themselves in toilet paper. They wear animal costumes. They dress up and do role playing. It is the most Byzantine thing I have ever heard of. They spend millions of dollars on these events. That inspector general ought to lose their job. It is a waste of money.

But there are government functions that are essential for our country. Like those nettlesome regulatory agencies that are supposed to protect us from the kind of grand theft that occurred on the west coast with Enron Corporation and others, where what they did was ratchet up the price of electricity. They were turning it, double, triple, 10 times, charging the consumers on the west coast a massive amount of money for electricity as they were manipulating the price. They were taking plants offline and manipulating the quantity of energy, and they were engaged in efforts that the Federal Energy Regulatory Commission and the Justice Department now apparently say are criminal.

I believe they were criminal. I said so last year when I chaired hearings on Enron Corporation. What we have seen on the west coast, with respect to what was going on with the pricing of electricity, is grand theft. The Federal Energy Regulatory Commission is now beginning to take action, after the fact, after the west coast consumers were cheated, bilked to the tune of billions of dollars.

So is that a part of government that we don't want to have around? We don't want the regulatory agencies looking over the shoulder of companies such as Enron that were manipulating price and supply in order to cheat consumers in an approach that now appears criminal? That is what FERC says. Do we want to reduce the number of regulators who protect consumers?

What about Wall Street? We saw last week there was a $1.9 billion settlement because Wall Street firms were saying: Let's push this stock to the customers, despite the fact that internally these firms were saying: The stock is a dog; this stock is terrible. Yet what their salesmen in the field were being told by research analysts at these companies was: Push this stock along to an unsuspecting public.

Do we want to cut the money for the Securities and Exchange Commission, and others that are supposed to be regulators protecting consumers, and say let the buyer beware? I don't think so.

Fiscal policy has to be sensible and thoughtful. Tax cuts are fine. If you can afford tax cuts, that is fine. But when you face deficits as far as the eye can see, should this Government say: Let's send our sons and daughters to war and, by the way, we won't pay for it? And when you come back, what we will do is increase the Federal debt by $1 trillion and say, as soon as you take your uniform off, you have to help pay the debt, because we wouldn't pay it, or your children and grandchildren will have to pay it because we wouldn't?

We are talking about implementing tax cuts that predominantly benefit the upper income people, to such an extent that if you were lucky enough to earn $1 million a year, you would get an $80,000 a year tax cut. Is that a priority?

Warren Buffett, the second richest man in the world, said he didn't support it because he said it favors the rich. That is what the second richest man in the world said about the President's tax plan. Is that what we ought to embrace when we are deep in debt, and headed deeper in debt, and about to vote on a $1 trillion increase in the Federal debt? I do not think so. There are some activities in Government that are important. I mentioned schools and roads. There are activities we perform of which we are proud and of which we should be proud.

I once visited a Communist country. It was a country with which we were doing business. I met with the American Chamber of Commerce in that Communist country. Do you know what their message was? Their message was this is a great market for us to tap, but the problem is we need more government in this country to do business.

I said: What do you mean by that? They said: You cannot do business unless you have a judicial system that can sort out the disputes, unless you have a system of administrative practices in which you have referees and regulators. If you do not have that government, the mechanism that establishes the rules and makes sure the rules are followed, you cannot do business. You just cannot.

I said this is really interesting because normally the Chamber of Commerce would not be calling for more government, but they are saying that in this Communist country, government is essential for us to do business.

We ought to remember that in this country as well—whether it is the Securities and Exchange Commission, the Federal Energy Regulatory Commission, you name it—there are structures and processes that are important for the governance of this country, and to decide they do not matter is to suggest our system does not matter. It is to say, let the buyer beware. Let the Enrons run wild and overcharge consumers by billions, and it does not matter.

That is not the kind of government I want. I want a government that allows the system to work, that helps establish fair rules and enforces them.

I mentioned we have these proposals for tax cuts that are very large at a time when we have very large Federal budget deficits. There are things we can do. A, we can cut wasteful Federal spending, and B, we can go after the tens and tens of billions of dollars that are not paid to this country in taxes because the companies that make a lot of money selling products to the American consumers have decided they are going to locate in tax-haven countries but take advantage of the American marketplace to generate their profits.

If it is the case that $50 billion or $70 billion would otherwise be owed to this country in taxes but are not paid because those companies have located in tax-haven countries, then this country should take a look at doing something about it and say to them: If you want to be an American citizen, part of the responsibility of citizenship is to help pay the bills in this country, to help pay for that which makes this country great—our schools, our roads, our infrastructure, everything that makes this a great place in which to live.

I think that is an area we ought to be tackling and trying to solve some problems. I would hope perhaps rather than just talk about tax cuts for the upper-income people, we might talk about tax responsibility for some corporations that have decided they do not want to be a part of American citizenship anymore.

My solution to all these companies that have decided they do not want to be an American citizen is, if you want to go to Bermuda, that is fine. If you get in trouble somewhere around the world and some government is about to expropriate your assets, who are you going to call? Call the Bermudan navy. I think they have 36 people in the Bermudan navy. Call them out. If you do not want to be an American citizen, then do not ask the American military forces to protect your investment around the world.

That sort of behavior is not, in my judgment, something that is very patriotic, and it is something that requires, in my judgment, this Congress to do something about.

THE TRADE DEFICIT

Mr. DORGAN. Mr. President, I wish to ask another question. Why do we have a ceiling on Federal indebtedness? The answer is because we want to try to control it. But there is another form of indebtedness for which there is no ceiling, and that is the trade debt. There is definitely no ceiling on that.

We have a foreign trade debt of about $2.8 trillion at the moment. Every single year, there is more and more red ink. There was a $470 billion trade debt, merchandise trade deficit in 2002. Overall, $2.8 trillion deficit is now about 27 percent of our GDP? How does that happen?

The foreign debt comes from record foreign trade deficits. We are the biggest debtor in the world. As one can see by this chart, we run a deficit every year, and every year it grows. One-fourth of the trade deficit is with China; $103 billion last year alone. China is not the only country. We have deficits with Canada, $50 billion a year; Mexico, $37 billion a year. We have deficits with every major European country except Belgium and The Netherlands. We have deficits with every major Asian country except Singapore, and we are about to fix that because we are doing a free trade agreement with Singapore, and I am sure we will turn that into a trade deficit quickly. We have deficits with all the major countries in Latin America.

In addition to having deficits with the countries, let me talk about how our deficits are constituted: A $110 billion deficit in motor vehicles; a $47 billion deficit in consumer electronics; a $58 billion deficit in clothing. I have been on the floor many times to talk about vehicles, so I will not do that today except to say, to use Korea as an example, Korea sends over 600,000 Korean automobiles every year; some 600,000 Korean cars come in to this country.

We sell 2,800 cars into the country of Korea. Why? Because our market is wide open, and the Korean market is largely closed, and nobody has the spine, the backbone, the nerve, or the will to do much about it. That is always the problem.

If you want to use potato flakes from the United States to make fast food in Korea, the potato flakes will find a 300-percent tariff going in to Korea.

The fact is, we have big problems in a range of areas and nobody does much about it. We used to have a big surplus in meat. That surplus declined by $1 million last year. Our deficit in livestock trade reached $1.5 billion last year. Our deficit in vegetables and fruits reached $2.5 billion last year.

These deficits come from a very simple fact: Our markets are open to foreign products; foreign markets are closed to ours. Too often the products that flood into this marketplace are products made by 12-year-olds working 12 hours a day being paid 12 cents an hour, and it is not fair trade.

Let me use Bangladesh as an example. The fourth largest producer of garments for the U.S. market is Bangladesh. Workers in Bangladesh get paid on average 1.6 cents for every baseball cap they sew, under contract to an Ivy League school. That same baseball cap for which a worker gets 1.6 cents to sew is sold on the campus of this particular Ivy League college for $17.

Each year Americans buy over 900 million garments made in Bangladesh, and yet workers in Bangladesh still cannot make the 34 cents an hour they need as basic subsistence.

If workers in one of the poorest countries of the world cannot even get paid 34 cents an hour, how do U.S. workers and U.S. businesses compete against that kind of trade?

Some say these trade deals are a way of getting other nations to improve their labor and environmental standards, but the fact is, our trade negotiators do not think about that and do not do anything about that. If one needs evidence of that, take a look at the trade agreement that was just negotiated with Singapore, which is going to come to the Senate floor at some point soon for a vote.

This agreement has a provision that would allow massive transshipment of products through Singapore into this country from countries with abysmal labor and environmental records.

How would that work? Article 3.2 of the agreement says the products made in third countries will be treated as Singapore products as long as the products are on a list approved by U.S. trade officials, which includes electronics, semiconductors, computers, cell phones, photocopiers, medical instruments. This chart shows what it says in that Singapore free trade agreement.

The Carnegie Endowment for International Peace issued a paper saying in that Singapore agreement this provision could very well torpedo the entire agreement. This is what a former senior official at the Department of State on labor matters wrote about what has happened in Indonesia:

> Government enforcement of child labor laws is weak or nonexistent.
>
> There is a long-standing pattern of collusion between police and military personnel and employers, which usually takes the form of intimidation of workers by security personnel in civilian dress, or by youth gangs.

She quotes a State Department study which says:

> Institutions required for a democratic system do not exist, or are at an early stage of development.

So we have a free trade agreement with Singapore. And what happens with that free trade agreement? What is going to happen is we will get products from Burma or Indonesia which go to Singapore and are transshipped into this country. As long as they are going on the product list, what we are going to see is transshipment into this country of products coming from areas with abysmal records with respect to child labor and workers' rights.

This Senate has decided it would like to fit itself out with a straightjacket by unwisely passing something called the fast track agreement. The President called it TPA, which was a euphemism for a fast-track agreement, I should say. Under fast track rules, trade deals come to the Congress for an up-or-down vote, and there will be no amendments offered under any circumstance. And this very flawed Singapore free trade agreement will come to the Senate under fast track rules.

The fact is, our trade negotiators don't care what happens after they negotiate a trade deal.

We did a bilateral trade agreement with China a couple of years ago, and we did it so that China could then get into the WTO. Then China got into the WTO. When they joined the WTO in November 2001, the Chinese agreed to significantly expand the amount of imported wheat that could come into China at relatively low tariffs. China agreed that it would set a tariff rate quota of imported wheat at 8½ million metric tons. That meant 8½ million metric tons could enter the market at low tariffs.

According to the CRS, the Congressional Research Service, the Chinese imports were less than 8 percent of that amount. In fact, the Chinese Agriculture Minister was reported in the South Asia Post saying: 8½ million metric tons does not really mean that is what we are going to bring into our country.

This is a country that has a $103 billion trade surplus with us, that reaches a trade agreement with us saying they are going to buy some of your wheat but never really intends to. What do we do about it? Well, we say it does not matter so much. Nobody is going to do too much about it.

It is unforgivable that this goes on. In fact, a U.S. trade official in charge of agricultural trade with China recently said China has not lived up to its promise. That official said the United States would be justified in filing a World Trade Organization case against China. The same official said the evidence of unfair trade by the Chinese was "undeniable," and the Chinese themselves privately acknowledged they are cheating on agricultural trade.

This official said the administration is reluctant to take action against China because the Chinese might be offended. The official said the administration is worried that a WTO case would be seen as "in your face" so soon after China joined the WTO.

Well, what is in your face is what these trade officials are doing to farmers, to workers, and to businesses all around the country. It is not fair. In my judgment, we expect and demand that there be action to enforce trade agreements.

I believe my time is about up. I am going to speak at greater length about China trade in the coming days, but I did want to say today that this is an area that is desperately in need of attention by Congress and the administration.

And the Singapore trade agreement is a terrible agreement. We ought to pay some attention to that.

Finally, going back to where I started, this fiscal policy does not add up. Everyone in the country understands it, and I hope when we talk about the need to increase the Federal indebtedness by $1 trillion this Senate will ask itself: Does this make any sense at all?

The major subject before us is more tax cuts when we have the largest deficits in history for the next 10 years and a requirement to increase the Federal debt limit by $1 trillion.

I come from a really small town. We had a guy living there named Grampy. He knew everything about everybody and everything about everything. I always wondered what would Grampy think if you explained to Grampy where we are—deep in debt as far as you can see; a requirement to increase the debt limit by $1 trillion; and the next big thing on the agenda is to cut your revenue, the benefit of which will go largely to the upper income people.

I think Grampy from my hometown would say: Are you nuts? Can't you add? This is not higher math. This does not add up for the country and will not produce one new job. It will produce more despair, more concern, and less economic growth.

Get your fundamentals right. Make things add up and put things back on the right track.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF DEBORAH L. COOK, OF OHIO, TO BE A UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

The PRESIDING OFFICER. The hour of 12:45 having arrived, the Senate will proceed to executive session to consider Executive Calendar No. 34, which the clerk will report.

The assistant legislative clerk read the nomination of Deborah L. Cook, of Ohio, to be United States Circuit Judge for the Sixth Circuit.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, it is my great honor to come to the Senate floor this afternoon to speak in favor of the nomination of Deborah Cook to sit on the Sixth Circuit Court of Appeals.

Deborah Cook is from Akron, OH. She is currently serving her second term as an Ohio Supreme Court Justice, a post to which she was first elected in 1994.

I will take a few minutes to tell my colleagues in the Senate about Justice

Cook and why I am so pleased this afternoon to support her nomination.

Justice Cook received her law degree in 1978 and an honorary doctor of law degree in 1996, both from the University of Akron. Prior to serving on the Ohio Supreme Court, she served on the Ohio Court of Appeals for the Ninth District from 1991 to 1994. And, from 1976 until 1991, she worked for the Akron law firm of Roderick, Myers & Linton. She was the first female associate hired by the firm, later becoming the firm's first female partner.

Justice Cook is an excellent judge and a gracious and giving individual who has dedicated a great deal of her personal time and energy to helping the underprivileged in her community and in the State of Ohio. First, let me tell my colleagues a little bit about her work as a judge.

Justice Cook has been an appellate judge for over 12 years—4 years on the Ohio Court of Appeals and over 8 years on the Ohio Supreme Court. While Justice Cook was on the Ohio Court of Appeals, she participated in deciding over 1,000 cases. Overall, she had a very low reversal rate.

She has worked on hundreds of additional cases in the Ohio Supreme Court. But rather than focus on these hundreds of cases, I would like to draw my colleagues' attention to just a small handful of Ohio Supreme Court opinions that have been considered by the United States Supreme Court, during Justice Cook's tenure. As my colleagues are aware, the U.S. Court reviews few State supreme court cases.

But this statistic is still worth considering for Justice Cook. During her time on the Ohio Supreme Court, the U.S. Supreme Court has reviewed five Ohio Supreme Court decisions and has agreed with Justice Cook in all five of those cases.

One of those cases was simply a unanimous Ohio Supreme Court decision affirmed by the U.S. Supreme Court 8 to 1. In the other four cases, Justice Cook has dissented in the underlying Ohio case. And, in each of these four cases, the U.S. Supreme Court reversed the Ohio Supreme Courts' majority opinion and reached the same conclusion as Justice Cook.

These were not all just the close 5 to 4 decisions that we sometimes see in the U.S. Supreme Court. For example, in a fifth amendment self-incrimination case, the Supreme Court sided with Justice Cook 9 to 0. Another case went 8 to 1, again siding with Justice Cook's dissent. So it is clear from this record that Justice Cook's decisions have been well founded.

Another useful gauge of a sitting judge's abilities is the evaluations she gets from objective observers who watch the court on a day-to-day basis.

In my home State of Ohio, the major newspapers closely watch our high Court. After observing Justice Cook on the Ohio Supreme Court for a full 6-year term, Justice Cook was endorsed by all the major newspapers in Ohio for her 2000 reelection campaign.

These newspapers included the Cleveland Plain Dealer, the Columbus Dispatch, the Cincinnati Enquirer, the Akron Beacon Journal, the Dayton Daily News, and the Toledo Blade.

Here's what several Ohio papers have said about her nomination to the Sixth Circuit. The Cincinnati Post wrote on January 8, 2003:

> Cook is serving her second term on the Ohio Supreme Court, where she has been a pillar of stability and good sense. Her role on that court—one, which in the last few years, has repeatedly marched on 4 to 3 votes into the realm of policy making—has often been writing sensible dissents.

On December 29, 2002, insisting that the Senate Judiciary Committee act on Justice Cook, the Cleveland Plain Dealer wrote:

> Cook is a thoughtful, mature jurist—perhaps the brightest on the state's highest court.

The Akron Beacon Journal wrote on January 6, 2003:

> Those who watch the Ohio high court know Cook is no ideologue. She has been a voice of restraint in opposition to a court majority determined to chart an aggressive course, acting as problem-solvers . . . more than jurists. In Deborah Cook, they have a judge most deserving of confirmation, one dedicated to judicial restraint.

And, the Columbus Dispatch wrote on January 6, 2003:

> Cook's record is one of continuing achievement. . . . Since 1996, she has served on the Ohio Supreme Court, where she has distinguished herself as a careful jurist with a profound respect for judicial restraint and the separation of powers between the three branches of government.

Mr. President, these quotes are from papers across the political spectrum—all of which endorsed Justice Cook. As these comments make clear, Justice Cook is a talented, serious judge who works diligently to follow the law. At the same time, she also dedicates a great deal of her time to volunteer work and community service.

Justice Cook has served on the United Way Board of Trustees, the Volunteer Center Board of Trustees, the Akron School of Law Board of Trustees, and the Women's Network Board of Directors. She was named Woman of the Year in 1991 by the Women's Network. She has volunteered for the Safe Landing Shelter and for Mobile Meals. She has served as a board member and then president of the Akron Volunteer Center.

Furthermore, Justice Cook has served as a Commissioner on the Ohio Commission for Dispute Resolution and Conflict Management, where she focused on, among other things, truancy mediation for disadvantaged students.

She has chaired Ohio's Commission on Public Legal Education and has taught continuing legal education seminars on oral argument and brief writing. I find it remarkable that Justice Cook has found the time for this level of commitment to her community—and I have yet to describe the most amazing commitment Justice Cook has made to helping the underprivileged in Ohio. Justice Cook believes that the ticket out of poverty is a quality education. And, over the years, in their everyday lives Justice Cook and her husband, Bob Linton, has come across hard working young people who are making an effort to improve their lives through education.

Tashia Smith is one of those people. Justice Cook met her when Tashia was struggling to put herself through college at Kent State by working as a waitress. Justice Cook assisted her with tuition for several years. Today, Tashia is in her final year of nursing school, carrying a 3.8 grade point average.

Tara King is another of these students. With Justice Cook's help, Tara recently graduated from the University of Akron. She just enrolled in graduate school at Cleveland State University.

After helping several students in this manner, Justice Cook and her husband decided they should structure their assistance so they could help more young people early on in their education.

A little over 4 years ago, they started the "College Scholars" program with a group of 20 disadvantaged third graders from an inner city school. The students were selected to participate based on teacher recommendations, financial need, and level of family support. Justice Cook matched each of the students with a mentor in the community. The students meet with their mentors weekly and participate in other program activities.

If the students maintain good grades and conduct through secondary school, Justice Cook and her husband will pay for 4 years of their tuition at any public university in Ohio. Let me repeat that—Justice Cook is going to pay for 4 years of college tuition for 20 disadvantaged children.

These activities demonstrate a commitment to the community and dedication to helping the disadvantaged that we would like to see in everyone. These are qualities that help make Justice Deborah Cook a great judge on the Federal bench. It tells us what kind of a person, what kind of human being she is. For these reasons and the other reasons I have outlined, I urge my colleagues to support her nomination.

I add, on a personal note, I have known Justice Deborah Cook for many years. She is a fine individual. She is the type of person that should be on the Federal bench. She has a proven track record of fairness, of compassion, of competence. I would not be on the Senate floor today if I did not trust her. I would not have recommended her name to the President of the United

States if I did not have the utmost confidence in her ability.

I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). Who yields time?

Mr. DEWINE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Madam President, I ask unanimous consent that any time on the quorum call be taken off both sides at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I rise to address the nomination of Deborah Cook to serve on the U.S. Court of Appeals for the Sixth Circuit. I welcome the opportunity to speak to the Senate, to express my very deep concerns about the commitment of this nominee to the interests of working families and to the underlying cause of fairness and justice.

I want to say at the outset that I have the highest regard for my friend from Ohio, Senator DEWINE. With his recommendations of a nominee, one has to give not only a first look but a second and a third because the good Senator is so highly regarded and respected here in the institution. Certainly anyone he supports has a very heavy presumption in their favor because of the high regard we have for Senator DEWINE. So I acknowledge that at the outset.

But I must say in reviewing the history of this nominee, there is a pattern of decisionmaking that is of very deep concern for the Senate and for all of us who want to make sure those sitting on the courts of appeal are going to be fair to workers and workers' rights in that district, that district which obviously has so many working families whose rights need to be reaffirmed at different times.

I urge my colleagues to vote against the nomination of Deborah Cook to a lifetime seat on the U.S. Court of Appeals for the Sixth Circuit. Her record demonstrates the extreme length to which she will go to protect corporations and deny the rights of injured workers, victims of discrimination, religious minorities, schoolchildren, and others. She is the leading dissenter on the predominantly Republican Ohio Supreme Court, objecting repeatedly to decisions by that court that favor the rights of individuals. Often she stands alone as the only dissenter, and again and again her colleagues have criticized her for ignoring precedents, for manipulating the law to reach the results she wants. Her record is extreme, even in comparison with her Republican colleagues on the Ohio Supreme Court, and she consistently seems bent on narrowing laws intended to remedy violation of the rights of individuals.

In cases involving workers' rights, her record is among the worst we have ever seen. Her defenders try to maintain a straight face when they say she is only impartially enforcing the law, but more than any other judge on her court, she seems to think that the law should almost always protect corporations and not injured workers. She consistently dissents from the majority and votes to protect corporations from liability when they harm their employees, and she has even tried to shield these corporations from liability when they attempt to cover up their malfeasance. The pattern is overwhelming.

In 37 cases she has supported the rights of employees only 6 times, and in all but 1 of those 6 cases she was joining a unanimous court. Even where a Republican majority on the court rules in favor of the employee, she dissents almost 80 percent of the time. She has never, in any case we know of, dissented from a decision of the court in favor of an employee. In the majority of the cases where she dissents, she is the only dissenter or is joined by only one other member of the seven-member supreme court.

Her dissents take an extremely narrow view of workers' access to the courts. On more than one occasion she would have protected employers who were accused of lying to their employees. In one extreme case, in Davis v. Wal-Mart Stores, she would have penalized the employee when the store had covered up evidence that the workplace was unsafe. In that case, a Wal-Mart worker was killed operating a forklift at work. He was unloading a truck with the forklift when the truck suddenly pulled away from the loading dock. The forklift fell on him and crushed him to death.

His wife brought a tort action to recover damages from Wal-Mart for her husband's death, and during the course of the proceedings on her case, Mrs. Davis discovered that Wal-Mart might have withheld evidence and provided false and misleading testimony. Wal-Mart representatives had denied under oath that they were aware of hazardous conditions at the loading docks, and had denied knowledge of incidents similar to those that caused her husband's death. As it turned out, Wal-Mart had improperly concealed documents on similar accidents and had instructed its representatives to lie about them.

If Mrs. Davis had obtained this information sooner, she would have prevailed on some of her claims at the initial trial. With this new evidence, she filed a new claim, in which she alleged that the company's concealment, destruction of evidence and perjury had been used to limit her recovery on her prior claims. All except one of the members of the Ohio Supreme Court ruled that Mrs. Davis's claim that Wal-Mart had concealed and distorted evidence could proceed. One Justice said that concealing evidence as Wal-Mart did "harms the sanctity of the judicial system and makes a mockery of its search for the truth."

Deborah Cook was the only member of the court to dissent from the holding that the case should proceed. She was the only member of the court to conclude that the company was not accountable for its misrepresentations of the evidence. Incredibly, her dissent would have had the effect of rewarding an employer who lied to cover up its wrong doing.

Similarly, in Norgard v. Wellman, Cook wrote a dissent that would shield from liability an employer who lied to its employees about their exposure to beryllium on the job. Beryllium is a toxic chemical that causes a serious chronic illness, and exposure to it can be deadly.

The worker in the case developed the disease. The company assured him that he was fine even though it had found through its examinations that he had a heightened sensitivity to beryllium. The company knew that its workers were being exposed to beryllium at the particular job site, and that they were becoming ill from the exposure, but the company concealed these facts from its workers. When the worker learned that the company had withheld information about exposure levels, air-sampling and ventilation problems in the workplace, he filed a lawsuit.

When the case came before the Ohio Supreme Court, the issue was whether the suit had been timely filed. The supreme court held that the suit was still timely, because his employer had concealed the beryllium exposure. It ruled that the time to bring suit begins to run not at the time when the worker becomes ill, but when he learned of his employer's deceit.

Cook, however, rejected this sensible approach. She said that the period to file the suit began to run when the employee had first become ill—even though at that time the employee could not have known that his illness was caused by his unsafe workplace. Under Cook's approach, workers would be responsible for knowing whether or not their employers are lying to them. In her view, if an employer deliberately conceals information about safety violations, the worker has no effective remedy.

Another shameful example of Cook's willingness to strip workers of their legal protections is the case Petrie v. Atlas Iron Processors Inc. Petrie worked in a scrap-yard, and some of the yard's conveyor belts were in a fenced-in enclosure. Petrie was removing ice and debris from one of the machines when his glove was caught in the moving conveyor belt, and his finger was cut off.

Petrie sought additional workers' compensation on the ground that his employer had violated specific safety requirements. Under Ohio law, he had a claim only if the yard's fenced-in enclosure could be considered a "workshop." The Ohio Supreme Court found the answer so obvious that it wrote only a brief three-paragraph opinion holding that the area was a workshop and Petrie could proceed with his claim.

Cook, however, wrote a two-page dissent—joined only by one other justice—insisting that because the machine was not "within a building," it was not a workshop and the employee was not entitled to the protection of state safety rules. The cases Cook cited, however, did not hold that outdoor factory work was exempt from workshop safety rules. Nevertheless, Cook would have held that a scrapmetal conveyor belt in a fenced-in area, is not subject to workplace safety protections, just because there is no roof over this employee's head.

There are many other examples of Cook's attempts to limit workplace protections. She has opposed allowing employees fired for reporting violations of federal occupational safety and health laws to sue under common law and statutory whistleblower protections. She wrote a lone dissent in the case of a railroad worker who had been repeatedly harassed and threatened on the job and required to work under unsafe conditions. The issue was whether the worker could bring suit under the Federal Employers' Liability Act. Cook alone would have barred the suit, despite the clear language of the statute.

No Senate should confirm a judge so consistently hostile to protections for workers injured or killed on the job. In 2001, there were 5.2 million occupational injuries and illnesses in the private sector, and 6,000 deaths. Many workers in the four states covered by the Sixth Circuit—Kentucky, Michigan, Ohio, and Tennessee—are employed in manufacturing jobs. Often, the workers in such jobs are exposed to a high risk of injury or death in the workplace.

The nation has made genuine progress in reducing injuries and fatalities, but only through careful enforcement of Federal and State safety standards. We rely on the courts to uphold these safety laws and give injured workers the chance to obtain compensation for their injuries. Yet Cook seems bent on denying workers their day in court whenever she can.

Cook has also tried to limit the ability of students in public schools to vindicate their right to an adequately funded public education. The Ohio Constitution, like many State constitutions, guarantees all students what is called a thorough and efficient public education. In many states, public schools are severely underfunded, partly because of heavy reliance on local property taxes to fund education often leads to gross disparities in funding between school districts.

In litigation challenging the constitutionality of Ohio's educational funding system, the Ohio Supreme Court found that many students were attending schools in dangerous disrepair and failed to meet minimum safety requirements. Half of Ohio's schools had unsatisfactory electrical systems, 70 percent lacked adequate fire alarm systems, and more than 80 percent lacked proper heating systems. In one school district, 300 students were hospitalized when carbon monoxide leaked out of heaters and furnaces. In another district, elementary schools, more than 100 years old, had floors so thin that a teacher's foot went through the floor.

In another school, students were breathing coal dust from the coal heating system. The system was in such disrepair that the coal dust often covered students' desks after accumulating overnight. In another district, buildings were crumbling and chunks of plaster were falling from the walls and ceilings. In some districts, classes were held under leaking roofs and in former coalbins. Funding of teachers and supplies was also inadequate. Some districts had to ration basic supplies such as paper and chalk and even toilet paper.

The majority of the Ohio Supreme Court found that "school districts were starved for funds, lacked teachers, buildings and equipment, had inferior educational programs, and their pupils were being deprived of educational opportunity." The majority of the supreme court found that.

The Ohio Supreme Court ruled that the education funding system was unconstitutional and had to be changed, but not Ms. Cook. She dissented. Despite the shameful conditions in some schools, and the large disparities that existed between school districts, she insisted that Ohio citizens did not have a right to go to court to enforce the State constitution's guarantees. On at least four separate occasions, she dissented from the majority of the court which has repeatedly ruled that the legislature must fill the Ohio Constitution's commitment.

In her view, the courts had no authority to define the scope of the Ohio Constitution's provisions on funding education. She says that as long as the legislature provides at least some funding, the constitution is satisfied. As the court's majority has said:

> [D]eference to the corresponding branches of government does not mean abdication.

The court's majority specifically criticized the dissent failing to face up to the evidence of the school problems. As the court majority wrote:

> The dissent recognizes that it could not in good conscience address these facts and then conclude that Ohio is providing the opportunity for a basic education. Therefore, it does the only thing that it could do: it ignores them.

Few issues are more important to the future of our country than ensuring a good education for our children. Courts, of course, do not have the principal responsibility to remedy all these problems. But a majority of the Ohio Supreme Court clearly ruled that the State constitution gave the Ohio courts a role in assuring that a State provides a basic education to its children. But Cook said no, as she always tries to do in such cases.

In another basic area discrimination case, Cook again seeks to narrow remedies and reverse jury awards. The Nation has made great progress in combating discrimination against minorities and women, but discrimination and harassment continue to exist. Victims of discrimination rely on courts to remedy such discrimination when other avenues have failed.

Cook has joined dissents to protect employers from liability in harassment cases, no matter how flagrant the violation. She has voted to reverse jury verdicts for employees in age discrimination cases and gender discrimination cases, despite the high presumption of the validity of those verdicts on appeal and the clear and abundant evidence of discrimination.

In a case on religious freedom, she adopted a position opposed by all of her colleagues on the court. A Native American employee of a State agency was asked to cut his hair by his employer. His religious beliefs prevented him from doing so, and he tried to be accommodating by pinning his hair under his cap. The Ohio Supreme Court accepted that accommodation, but Cook alone dissented. Despite previous Ohio Supreme Court decisions, Cook wanted a higher standard before plaintiffs could prevail in cases involving violations of religious freedom.

For reasons such as these, Cook's nomination has generated intense opposition from groups that know her record and that represent women, racial minorities, labor, and consumers. I have more than 100 letters in opposition. I ask unanimous consent to have relevant material printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL EMPLOYMENT LAWYERS
ASSOCIATION,
January 24, 2003.

Hon. ORRIN HATCH,
Chairman, Senate Judiciary Committee, Hart Office Building, Washington, DC.

Hon. PATRICK LEAHY,
Senate Judiciary Committee, Russell Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATORS HATCH AND LEAHY: I am writing as President of the National Employment Lawyers Association to urge the Senate Judiciary Committee to reject Justice Deborah Cook's nomination for appointment to the Sixth Circuit Court Appeals. NELA is the country's only professional organization that is exclusively comprised of lawyers who represent individual employees in cases involving employment discrimination and other employment-related matters. NELA and its 67 State and local affiliates have more than 3000 members. The Ohio Employment Lawyers Association is among NELA's largest affiliates.

Justice Cook's record and temperament display all the characteristics of a bad judge. She is dogmatic, often in an unprincipled manner, insensitive and biased in her decision-making. Our Ohio affiliate joined several other statewide organizations in opposing Justice Cook's nomination. I have attached a copy of the letter these Ohio organizations have sent to the Committee. Their description of Justice Cook is apt:

"What is most striking about Justice Cook's career on the bench, particularly her tenure on our state Supreme Court, is her heartlessness. She repeatedly displays a cold indifference to the most tragic situations confronted by the individuals who appear before her. Worse, she routinely adopts strained or extreme legal propositions to deny meaningful relief to those most in need of justice from our courts. Her body of opinions demonstrates that she lacks the compassion, sensitivity and legal integrity which are the hallmark of a jurist who enforces both the letter and spirit of the law. Any objective reading of her decisions, makes it clear she is not a fair-minded judge."

Although this letter is sent in my capacity as president of NELA, I also write as an Ohio lawyer who has appeared before the Ohio Supreme Court many times during my 27 years of practice. I have represented a wide array of individuals and organizations in the Court both before and during Justice Cook's tenure as a Justice. Justice Cook's anti-civil rights, anti-worker and anti-consumer record on the Court is unparalleled.

Justice Cook is the most frequent dissenter (often the lone dissenter) on a Court consisting of five (5) Republicans and only two (2) Democrats. Justice Cook has taken the position: (1) that even overt racist, sexist and ageist statements and epithets are irrelevant in most discrimination cases. *See Byrnes v. LCI Communications Holdings Co.* (1996), 77 Ohio St. 3d 125, 672 N.E. 2d 145; (2) that blind people are not qualified because of their disability to go to medical school notwithstanding the testimony of successful blind practitioners to the contrary. See, *Ohio Civil Rights Comm'n. v. Case Western Reserve University* (1996) 76 Ohio St.3d 168, 666 N.E.2d 1376; (3) that an employer cannot be sued for destroying, concealing or lying about evidence. See her lone dissent in *Davis v. Wal-Mart Stores, Inc, dba Sam's Club* (2001), 93 Ohio St.3d 488, 756 N.E.2d 657; (4) that railroad workers subjected to severe harassment, including threats of serious physical injuries, cannot pursue a claim under the Federal Employers' Liability Act. See her lone dissent in *Vance v. Consol. Rail Corp.*, (1995) 73 Ohio St.3d 222, 625 NE 2d 776; (5) that an employer can avoid liability by lying to its employees about the presence of dangerous chemicals in the workplace so that fatally affected employees will miss applicable time limits for filing an action against the employer. See *Norgard v. Brush Wellman, Inc.* (2002) 95 Ohio St.3d 165; (6) that employers can disregard their own handbooks and promises to their employees with impunity. See her lone dissent in *Wright v. Honda of America Mfg., Inc.* (1995) 73 Ohio St.3d 571, 653, N.E.2d 381.

In light of the letter signed by Denise Knecht, chairperson of our Ohio affiliate, which reviews more of Justice Cook's opinions in particular cases, I will not detail here the many unfathomable and unjust votes and opinions issued by Justice Cook.

At the request of our Ohio affiliate, my firm undertook a study of all of the employment decisions which were decided on the merits by the Ohio Supreme Court during Justice Cook's tenure. The purpose of the study was to do a complete review of Justice Cook's employment law record (including civil rights cases) to measure the full extent of Justice Cook's propensities in these cases. The review covered all employment related cases other than workers' compensation matters. The cases reviewed included discrimination actions, intentional workplace torts, breach of contract suits, promissory estoppel claims, whistle-blower cases, public policy wrongful discharge cases and alleged violations of statutes governing procedures for termination of public employees.

During Justice Cook's tenure on the Court there were 37 such employment cases in which the Court issued decisions on the merits. Attached to this letter are the results of the study. The study demonstrated the following about Justice Cook's record: (1) Justice Cook has never dissented from any decision of the Court favorable to an employer; (2) Justice Cook dissented 23 times, in cases in which the Court ruled in favor of an employee (or 79 percent of the time); (3) Justice Cook only voted in favor of an employee on 6 occasions (notably, 5 of those 6 cases were "no brainers" in which the Court decision for the employee was unanimous); (4) Justice Cook has voted in favor of an employee in only 1 case in which there was a split vote of the Court in favor of the employee (that case, not surprisingly, was a 6 to 1 decision for the employee); (5) Of Justice Cook's 23 dissents from a ruling in favor of an employee, she was either the lone dissenter or joined by only one other Justice 61 percent of the time; (6) Overall, Justice Cook voted in favor of employers in 83 percent of the cases and, as noted above, her few votes in favor of employees were almost always in cases in which the Court was unanimous.

Both Justice Cook's actions and her words demonstrate that she is not fit for a lifetime appointment as a federal judge. As a state court judge she voted to weaken protections for working Americans, undermined equal employment opportunity laws and spurned the pleas of those who have suffered catastrophic injuries caused by intentional misconduct of their employers.

Judges must be fair-minded and impartial. Justice Cook lacks both of these traits. Her hostile and extreme views concerning laws governing the workplace have no place on the Federal bench. Her nomination is a disservice to working men and women. Her appointment will only serve to encourage unscrupulous and prejudiced employers.

I will be happy to provide any further information that the Committee may desire concerning Justice Cook's record.

Very truly yours,
FREDERICK M. GITTES,
President.

Mr. KENNEDY. The groups opposed to her nomination include the Ohio Organization for Women, the National Employment Lawyers Association, and the AFL-CIO. Many of those who have written to oppose her are lawyers who have participated before her and are familiar with her record and approach. Their message is clear: Justice Cook displays a hostility to workers' rights, consumer rights, and civil rights, and she lacks the fairness and balance we expect of our Federal judges.

Many of our Republican colleagues say that when we oppose nominees such as Cook, we are somehow obstructing the President's right to put his nominees on the Federal courts. In fact, the Senate has confirmed 120 of President Bush's judicial nominees—100 of them when Democrats controlled the Senate. Today, our Federal courts have the lowest vacancy rate in more than a decade.

When nominees' records raise concern about whether they will be fair, whether they will enforce Federal rights and protections, the Senate does have the constitutional right to withhold our consent. The Constitution is clear that the Senate's role is not simply to rubberstamp nominees. The Framers clearly intended to avoid vesting too much power in the President. The role of the Senate on Presidential nominations is one of the fundamental checks and balances in the Constitution. From the earliest days of the Nation, the Senate has exercised its duty of advice and consent, rejecting Presidential nominees it has found unsuitable.

Far too many of President Bush's nominees are controversial and divisive. They are clearly part of a plan to pack the Federal courts, particularly the courts of appeals, with judges who will advance an ideological agenda that is hostile to civil rights, hostile to workers' rights, hostile to environmental protections, and hostile to the right to privacy and a woman's right to choose.

We in the Senate do not have to go along for the ride. We should have our constitutional responsibility to safeguard the independence of the judiciary, and to ensure that the courts are not stacked with judges as a part of a White House master plan to tilt the Federal courts as far right as possible.

Deborah Cook's record demonstrates she lacks the fairness the Nation expects from the judiciary, and I urge the Senate to reject her nomination.

I have a number of items. I will not take a great deal of time, but I will read excerpts from a few of these letters. This one is from the National Employment Lawyers Association.

> I am writing as President of the National Employment Lawyers Association to urge the Senate Judiciary Committee to reject Justice Deborah Cook's nomination for appointment to the Sixth Circuit Court of Appeals. NELA is the country's only professional organization that is exclusively comprised of lawyers who represent individual employees in cases involving employment discrimination and other employment-related matters. NELA and its 67 state and local affiliates have more than 3000 members. The Ohio Employment Lawyers Association is among NELA's largest affiliates.
>
> Justice Cook's record and temperament display all the characteristics of a bad judge. She is dogmatic, often in an unprincipled manner, insensitive and biased in her decision-making.

And he continues:

> Justice Cook's anti-civil rights, anti-worker and anti-consumer record on the Court is unparalleled. . . .
>
> Both Justice Cook's actions and her words demonstrate that she is not fit for a lifetime appointment as a Federal judge. As a State court judge she voted to weaken protections for working Americans, undermine equal employment opportunity laws and spurned the pleas of those who have suffered catastrophic injuries caused by intentional misconduct of their employers.
>
> Judge's must be fair-minded and impartial. Justice Cook lacks both of these traits. Her hostile and extreme views concerning laws governing the workplace have no place on the federal bench. Her nomination is a disservice to working men and women. Her appointment will only serve to encourage unscrupulous and prejudiced employers.

These are the organizations, the lawyers who represent workers who have been suffered injury and have been discriminated against. This is the national organization. This is as strong a letter as we have received in opposition to a judge by the lawyers who have represented workers who have been before that court. That is a powerful commentary.

We also have a letter from the Ohio Academy of Trial Lawyers:

> I write to you on behalf of the Academy . . .
>
> Throughout Justice Cook's tenure, I and numerous other Academy members have had a first hand opportunity to observe Justice Cook's temperament, demeanor and decision making as a member of the Ohio Supreme Court. Our observations of her record demonstrate to our Association that Justice Cook is willing to disregard precedent, misinterpret legislative intent and ignore constitutional mandates in an effort to achieve a result that favors business over consumers. Justice Cook's personal background is from big business and she has allowed her background to bias her decision making. She has consistently in our view voted to limit citizens' access to the courts and routinely articulated positions which would leave members of the public without remedies.
>
> In our view, Justice Cook is among the most conservative activist justices who have served on the Court.
>
> Our Court is viewed by most objective observers as moderate and bipartisan. However, the Court does have extremely conservative Republican members. Justice Cook is to the right of all of them. She has authored 313 dissents, more than any other Justice.

Then it continues:

> Another reason for the Academy's concern about Justice Cook stems from her decisions in the area of basic constitutional rights. Justice Cook issued a sole dissent in a religious free exercise case that would have seriously undermined key rights provisions of our Ohio Constitution.
>
> Another example of Justice Cook's lack of commitment to constitutional principles, including due process, can be found in the Bray v. Russell decision. In Bray, Justice Cook dissented from a 5–2 decision striking a state statute which empowered the patrol board add "bad time" to a prisoners' sentencing punishment of misconduct occurring during imprisonment.

It continues along:

> . . . there is hardly a case in which Justice Cook does not side with the insurance company over its policyholder no matter how outrageous the circumstances.
>
> . . . Justice Cook is not only out of touch with many of the core values shared by most Americans but she lacks the proper judicial temperament and a meaningful sense of justice. She does not afford individual Ohioans a fair opportunity to be heard by an impartial adjudicator. She neither deserves nor is she qualified for a lifetime appointment to the Sixth Circuit Court of Appeals. Her presence on that Court would be even more harmful to the public as she would turn many balanced panels toward extreme positions which will jeopardize access to the courts, civil rights and equal justice. For these reasons, we ask the Committee to carefully study Justice Cook's decisions in their entirety before any vote . . .

We have given some examples of cases. I may have the opportunity to do that a little later in the afternoon.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Madam President, I ask unanimous consent that during consideration of the nomination, the time during all quorum calls be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Madam President, I certainly have a great deal of respect for my friend and colleague from Massachusetts. We have discussed this nomination in the Judiciary Committee. We are continuing our discussion on the Senate floor today. I would like to respond to a few of his comments.

My colleague has stated Justice Cook has been a dissenter on the Ohio Supreme Court. That certainly is true. She has been a dissenter. I am not sure that is a sin. I am not sure that is a reason someone should not be confirmed by this body. If that was the criteria for turning someone down, some of our greatest justices would not be on the Supreme Court, would not have been confirmed, nor would be on the Federal bench.

Justice Cook has had five cases where the Ohio Supreme Court has been reviewed by the U.S. Supreme Court. In all five of those cases, the Ohio Supreme Court has agreed with Justice Cook. It is interesting that in four of those cases, Justice Cook was a dissenter. Yes, she was a dissenter in the Ohio Supreme Court. The case went up to the U.S. Supreme Court and the U.S. Supreme Court said the majority on the Ohio Supreme Court was wrong. But Justice Cook, the dissenter, was right. So the dissenter, Justice Cook, at least according to the highest Court in this country, the U.S. Supreme Court, was right.

As I have outlined, for some of those decisions by the U.S. Supreme Court, it was not even a close call. So much for that horrible label of being a dissenter.

My colleague and friend from Massachusetts has talked about several cases. I would like to talk about them as well. As the man on the radio says: "to tell the rest of the story."

It has been charged that in the case of Davis v. Wal-Mart, Justice Cook voted to shield corporations from the legal consequences of their action. It has been asserted Justice Cook's dissent in that case would have allowed Wal-Mart to get away scot-free. At least that seems to be what has been asserted. But that is simply not what the facts are. In fact, there were two separate legal actions in Davis v. Wal-Mart. We really only hear about one.

In the first case, Justice Cook did not intervene, and Mrs. Davis received almost $3 million. In the second case, when Mrs. Davis attempted to get additional payment for the same event, Justice Cook did vote against her position based on a well-known legal principle.

Let me tell the story. The facts in this case involved a terrible incident in which Mr. Davis, a Wal-Mart employee, was killed on the loading docks while at work. Mrs. Davis sued Wal-Mart, and she won. She won a jury verdict of $2 million because there was evidence that Wal-Mart had failed to provide a safe working environment for Mr. Davis. In addition, the trial court found Wal-Mart had attempted to hide evidence during the trial and, as punishment for that, the trial court awarded interest on the $2 million to Mrs. Davis covering the time from when the case was first filed to the time when the jury found for Mrs. Davis.

Wal-Mart's appeal at the court of appeals failed. The Ohio Supreme Court, including Justice Cook, declined to even consider Wal-Mart's appeal of that decision. So Wal-Mart was punished. Mrs. Davis had her day in court and won a significant verdict plus interest. That is what Justice Cook found.

As I noted earlier, the interest award was on the $2 million during the entire time the case was pending. I believe it was about 4 years' worth of interest. I haven't done the math, but it must have been about $800,000 in interest during that period of time—roughly that. Justice Cook did not affect that verdict in any way. So that was the first case in which Mrs. Davis received approximately $3 million, as she should have.

The unfounded complaints about Justice Cook are based on a second case against Wal-Mart that was filed by the plaintiff's lawyer. In the second case, the plaintiff's lawyer filed a new lawsuit claiming Wal-Mart had covered up evidence during the first trial. Mrs. Davis lost her second case at the trial court because that judge found all the supposedly new evidence was discovered during the original case, and Wal-Mart had already been punished for covering up the evidence. Specifically Wal-Mart had been punished by the award of that interest money, approximately $800,000.

So just to summarize, we have a case in which Wal-Mart engaged in wrongful conduct both at its workplace and in defense of a lawsuit. Wal-Mart was then punished for wrongful conduct in both instances.

Justice Cook in no way interfered with any of that process or punishment. After the jury verdict and after the favorable decision on interests were final, the plaintiff's lawyers tried to take a second bite of the apple. Not surprisingly, they lost the second case at the trial court. The plaintiff's lawyers appealed the loss, and a majority of the supreme court overturned the trial court and ruled in favor of Mrs. Davis.

The entire supreme court, including Justice Cook, agreed on the legal standard to be applied that such new claims could be brought only if new evidence of wrongful conduct was discovered. The majority of the court said, though, there was new evidence, but they never said what they thought was new. In contrast, Justice Cook agreed with the trial court judge that there was no new evidence. So Justice Cook said there was no new evidence and applied the well-known doctrine of res judicata. In other words, because the issue had already been decided, the case could not be retried.

Reasonable people, reasonable jurists—a disagreement. Justice Cook and the trial court judge agreed; the rest of the supreme court were on the other side. Somehow this agreement about a technical legal issue has been turned into an argument that somehow Justice Cook was attempting to shield Wal-Mart and undercut the rights of the plaintiff after Wal-Mart had already been ordered to pay Mrs. Davis $2 million plus interest.

Those are the facts. That is the rest of the story.

Let's turn to another case that was cited by my friend from Massachusetts, Norgard v. Brush Wellman. Norgard was another tragedy, a tragedy about an individual who contracted chronic beryllium disease while he worked for Brush Wellman. The facts of the case are egregious, especially facts that Brush Wellman withheld information about the causes of the disease.

The legal issue, however, was a simple one. It was a statute of limitations case. A statute of limitations, of course, as we know, is a time within which an individual has to file a claim. In Ohio, the statute of limitations is, as it is in every State, set by the State legislature. The statute of limitations for this type of case in Ohio set by the legislature is 2 years.

As in most States, there is an exception to the statute of limitations called the discovery rule. That rule provides that the 2 years does not start until an injured party discovers he is injured and knows the source of the injury.

In this case, the evidence before the court showed Mr. Norgard knew he was injured and that his injury was caused by his exposure to beryllium at work. He knew that at the latest by August of 1992 when he was formally diagnosed by a doctor.

Even though the company had tried to hide evidence from Mr. Norgard, in a legal sense, it really did not make a difference. He still knew about his exposure by August of 1992. The company's conduct, though horribly reprehensible, did not change the legal fact that Mr. Norgard discovered his illness and the source of his illness. Accordingly, the 2-year statute of limitations required the lawsuit to be filed by August 1994. Instead, tragically, Mr. Norgard did not file his claim until 1997, more than 2 years after his time to do so expired. After the case was filed, the trial court applied the statute of limitations and granted summary judgment against Mr. Norgard.

We know what summary judgment is. It is a ruling that rejects a party's claim without even going to trial. Because summary judgment circumvents the trial, under the law, a court can only grant summary judgment motions if it finds the claimant cannot possibly win even if it gives the plaintiff every benefit of the doubt.

In this instance, the court had to consider all the allegations against Brush Wellman to be true, including the allegations that Brush Wellman outright lied to Mr. Norgard about his exposure to beryllium. They had to accept those as true.

That is what happened in this case. The trial judge gave Mr. Norgard the complete benefit of the doubt to which he legally was entitled. In spite of what we all think about this horrible conduct by Brush Wellman, the trial judge thought he had no choice but to follow the laws laid down by Ohio's legislature and grant summary judgment.

As I noted earlier, legally, unfortunately, it did not make a difference that Brush Wellman had tried to hide the facts. Norgard still knew about his exposure as a fact. So he still had to file his claim by August of 1994.

The court of appeals unanimously upheld the trial court's decision. Justice Cook and two other Ohio Supreme Court justices simply applied the statute of limitations and upheld the decisions of the trial court and the court of appeals.

A four-judge majority in the Ohio Supreme Court was troubled by the facts of the case and decided to follow their policy preferences. The new result was one that was favorable to the Norgard family.

This is what the Akron Beacon Journal had to say about the case:

> In her dissent, Cook did not carry an ideological banner cold heartedly proclaiming the company above all. She has sided with workers in many cases. In this instance, she followed the law. Justices do not have a task of changing the statute of limitations. That job belongs to the legislature.

Madam President, I ask unanimous consent to print in the RECORD the Akron Beacon Journal editorial about this case.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Akron Beacon Journal, Feb. 27, 2003]

COOK AND THE LAW

The demonization of Deborah Cook has reached full froth. So much for assessing a judicial nominee on her record.

The Senate Judiciary Committee is expected to vote this morning on the nomination of Deborah Cook to sit on the 6th U.S. Circuit Court of Appeals in Cincinnati. Almost two years have passed since she was first tapped by President Bush to join the federal bench. The delay reflects understandable payback from Democrats who watched strong nominees of Bill Clinton linger for longer as Republicans played political games. Unfortunately, part of the game played by both parties and their allies involves the crude caricature (and worse) of judicial nominees.

A fresh example of the distortion and even recklessness can be found on today's Commentary page. Adam Cohen, an editorial writer for the New York Times, delivers a slashing critique of the Cook record as a justice on the Ohio Supreme Court the past eight years. Too bad his assessment lacks the necessary context, let alone a full grasp of the issues at work in the cases he discusses.

Cohen notes "the predominantly Republican court" and later adds that Cook "frequently breaks with her Republican colleagues." The objective is to portray the justice, "the court's most prolific dissenter," as extreme, even for a Republican court. Those who pay cursory attention to the Ohio Supreme Court know that party labels do not tell the story of recent years.

Two of the Republicans have been among the most liberal members, siding regularly with the two Democrats to form a majority in such areas as employment and tort liability law. To say the court is predominantly Republican may be convenient. It doesn't add to an understanding of Cook.

We have noted in the past our sharp disagreements with Cook, especially in the landmark school-funding case. What offends in the current confirmation process is the attempt to demonize the Akron resident, arguing (as Cohen does) that "often she reaches for a harsh legal technicality to send a hapless victim home empty-handed," that she shills for "big business and insurance companies."

Actually, the description is funny, in view of the mish-mash the "bipartisan" majority made of insurance law in the state. Cook has been a frequent dissenter. That doesn't mean she stands alone. Cohen addresses a half-dozen cases. In four, Cook sided with the rulings of both the trial court and the state appeals court. In the remaining two, she would have upheld the trial court or the appeals court.

Were these courts reaching for "a harsh legal technicality"? Is there a vast right-wing conspiracy? Sorry, not in Ohio. If anything, Cook and two Republican colleagues (Chief Justice Thomas Moyer, ideologue?) often objected to the majority departing from precedent, hardly a radical position.

Cook critics overlook the majority opinion she wrote rejecting the claims of employers and concluding that punitive damages are available to workers who have suffered discrimination in the workplace. The opinion reveals much about the Cook judicial philosophy. She precisely examined legislative intent in crafting the law.

That is the Cook familiar to many Ohioans. She gives great deference to the legislature. She reflects the principle that this is a nation of laws, not of men or women.

Who doesn't sympathize with David Norgard, a worker exposed to beryllium on the job who has been ailing for two decades? The issue before the Ohio Supreme Court was whether Norgard filed suit within the statute of limitations. The majority ruled he had. Cook dissented.

Cohen suggests Norgard knew little about his illness because the company stonewalled. In truth, Norgard knew for years. He sought advice about hiring an attorney. The trial court dismissed his case on summary judgment. The appeals court unanimously upheld the lower court. Cook objected to the majority casting aside settled law on the statute of limitations. Her interpretation followed the practice of courts across the country.

The ruling of the Ohio Supreme Court in the case of Phyllis Ruth Mauzy provoked cries of amazement in courthouses. Cook dissented from the majority's far-flung and poorly reasoned departure from the way Ohio and almost every other state applied federal civil-rights law. Again, Cook wasn't by herself. She argued the mainstream interpretation.

The impression promoted by Cohen is that Cook is results-oriented, serving corporate masters, denying the little guy his due. Read the cases cited in the Cohen column and many others, and the conclusion is plain: Cook criticizes the majority for bending the law to fit its desired result.

We share concerns about Bush nominees who "will radically reshape the federal judiciary for a generation" (as Cohen puts it). Jeffrey Sutton, another selected to sit on the federal appeals court in Cincinnati, may give too little deference to legislative intent. Its the argument that Cook gives too much? A silly argument? It is almost as silly as surveying the many Bush nominees and concluding that Cook offers reason for Americans to be "very worried."

In this crowd, she is reassuring.

Other nominees deserve harsh words. Yet, in seeking to demonize Cook, critics risk their credibility. When trouble really enters the committee room, the howls will be dismissed as the usual fare. That ill serves the federal judiciary. The Adam Cohens could learn something from Deborah Cook. They could argue their case more carefully.

Mr. DEWINE. This case was not about Justice Cook standing up for big business. This case was about a very specific legal question: The statute of limitations for this type of lawsuit in Ohio. Justice Cook interpreted the law as it was written by the Ohio Legislature. That was her job as a supreme court justice, and she did her job.

Whether we like the law or not, whether the legislature was right or not, the justice followed the law, and that is a simple fact.

My friend from Massachusetts has talked about the school funding decision, a case that in Ohio is referred to as the Rolf decision.

It may surprise my friend from Massachusetts and I may surprise some of my friends from Ohio when I say that I disagree with Justice Cook on that case. I did not hear all the evidence, but I suspect if I had been on the court, I probably would have ruled the other way. But I think my friend is confusing what was really in front of the court because it was a tough case.

The Ohio Supreme Court is not a superlegislature, and the decision in front of the supreme court was not whether they liked the way Ohio was funding the schools or whether it was the best way or whether it was the fairest way or whether it was constitutional.

That, I would submit, was a very tough decision. The Ohio Supreme Court talks about school funding in these terms and the obligation of a State. It says the State has the obligation to provide a thorough and efficient education for the children of the State. That is the constitutional obligation.

In a similar case, I believe in 1979, if I have my date correct, the Ohio Supreme Court had ruled that Ohio was providing a constitutional education for all of the children. Most observers of the court, most observers of education in Ohio would say that things had not gotten more unconstitutional in that period of time since 1979. In fact, people would argue that, if anything, it had gotten better as far as more equity since 1979.

In a sense, Justice Cook's decision when she dissented was consistent with prior decisions of the Ohio Supreme Court. So while she was dissenting in this case, while she was not in the majority, it was certainly not an unreasonable decision. It was a decision that was consistent with prior precedent of the court. So it was not a decision that was in any way out of bounds.

I will speak later as our debate continues, but I conclude by again talking about my great admiration for Justice Cook. I have known Justice Cook for many years. I know her as an individual. I know her as a public official in the State of Ohio. She is a person of great personal integrity and honesty. In the 2 years she has been nominated for this position, I have had the opportunity to read many of her cases. The one thing that is very clear when one reads her decisions is this is someone a person would want deciding their case, someone who does not have an axe to grind, someone who is very deferential, frankly, to a legislature. I say to my colleagues on the other side of the aisle who are concerned about activist judges, she is someone who I believe will be deferential, as she was to the Ohio Legislature, and who will respect the authority of the legislative body; someone who will be deferential within the proper constitutional framework and bounds to the U.S. Congress and who will understand the separation of powers between the different branches of Government. This is someone with great integrity, great honesty, and someone who will be a fine Federal judge.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I listened carefully to the comments of my friend, Senator DEWINE. No one is suggesting in the cases that I mentioned, which were cases where she was a dissent, that they were overturned by the Supreme Court of the United States. I listened carefully to his explanation of these cases.

To summarize very quickly, in the Wal-Mart case, it is difficult for me to understand how Cook's position in the Wal-Mart case is defensible. Here is a widow who was trying to move forward on certain claims but could not because Wal-Mart had hid the evidence, and Cook was the only one who dissented. That is the bottom line. That is the bottom line of the case. She is the only one who dissented.

In the Norgard case, the employee did not know that he could sue and he did not know he had a claim because the employer had lied. She dissented, making it harder for the employees to recover.

These are just two examples, but to come back to the earlier point, if we look over the history of her dissents, we will find that when the Ohio Supreme Court dissented—or when the Ohio Supreme Court ruled for the employees, which was not a great number of times, but whenever they did, she dissented from that 80 percent of the time. Even when the court ruled for the employees, she dissented 80 percent of the time.

Justice Cook never dissented from any decision of the court when it favored the employer. These are statistics. The examples I have cited are illustrative of a series of instances where the rights of workers were not adequately recognized or respected and where she took a very extreme position, in many of these cases in isolation. In some, she was joined by other members.

I believe there is a consistency and a pattern of insensitivity in terms of workers' rights and workers' needs and the fairness to those workers. That is what both the statistics very clearly demonstrate and what these cases themselves demonstrate.

The idea that one could do legal gymnastics to find out that when you have the employer involved in actually lying to an employee, the employee gets sick, the employer knows it is because of beryllium, does not tell the worker that it is because of beryllium, and he finally brings the case and only later on finds out that it is beryllium and that the company has lied to him, for her to say he should have known he was sick a long time ago, and the statute of limitations really went on during that period of time, it is too bad that the employer lied to that person, endangered that person's health, and disadvantaged that person's health in a dramatic degree, and she finds a technicality and says they might have been sick during the time, but even though the company knew that they could have been devastatingly sick and die from this kind of toxic chemical, she looked for the very narrow niche in order to disadvantage the worker.

When one finds in the case at the Wal-Mart a coverup was taking place and then discovers in a second case that there was a whole diary where the Wal-Mart had lied and then came back in, how Justice Cook could even at that time—and there was such deception and such deceit by the company—find a way to diminish the rights and the interests and the protections of the workers seems to me to be well out of the mainstream.

We are talking about people who should be in the mainstream, and the statistics do not indicate, when it comes to workers' rights and workers' rights cases, that she is in the mainstream.

In age discrimination, in religious tolerance issues, I gave examples where she drew the line in a way that I think is outside of the common understanding or common interpretation of the law, and we are being asked to give a lifetime appointment to this individual. It seems to me that we can find people to serve on the Sixth Circuit who are going to be fair and balanced and are going to be in the mainstream in terms of their protection of workers' rights and the workers themselves.

This nominee is clearly on the fringes in protecting workers' rights. This circuit court has an enormous responsibility of protecting workers in a major industrial area of our country, and those rights need to be protected when those plaintiffs are up before the judge; they are going to look up at the judge and say: I know from the background, I know from the Senate hearings I am going to get a fair shake. We have the list of letters and reports, all from the representatives of workers, that say they do not believe they will ever get a fair shake. Are they all out of common sense? All these notes and letters representing workers in cases where they have been short shrifted, are they out of the mainstream? I don't believe so.

Those who come before our committee should be able to meet the requirement of fairness in the range of different constitutional issues. They ought to understand what the constitutional issues are, and they ought to have a record of fairness and balance in interpreting those. I do not believe this nominee meets that requirement.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, I am very pleased today to speak on behalf of Deborah Cook, an exceptional lawyer and a longtime friend from the State of Ohio. The President nominated her to serve on the United States Court of Appeals for the Sixth Circuit on May 9, 2001, 2 years ago. In fact, I was at the White House when President Bush nominated Deb, and I remember how enthusiastic he was about her record, not only as a distinguished judge but as a dedicated volunteer and role model in her community.

Now, 2 years later, we are finally voting on her nomination. I am extremely disappointed at the length of time it has taken for this highly qualified nominee to reach the floor but am grateful that this day has come.

I have had the privilege of knowing Deborah Cook for over 25 years. She is not only a brilliant lawyer but a wonderful person. She graduated from the University of Akron School of Law in 1978 and immediately went to work for the law firm of Roderick, Myers & Linton, Akron's oldest law firm. She was the first female lawyer to be hired by this firm, and 5 years later, in 1983, she became its first female partner.

Deborah remained at Roderick Myers until 1991 when she was elected to Ohio's Ninth District Court of Appeals. She remained on this bench until 1995 when she successfully won election to the Ohio Supreme Court, an office she continues to hold.

Deb has always devoted her life to her family, community and profession. Married to Robert Linton, Deborah has always acted on her belief that a member of the bar and judiciary has responsibilities to the community. In this regard, she has given generously of her time to the Akron Women's Network, Akron Volunteer Center, the University of Akron School of Law Intellectual Property Advisory Council, Summit County United Way, and the Akron Art Museum, to name just a few.

In 1999, Deb and her husband established a foundation, Collegescholars, Inc., with their own private funds to foster the education of underserved public school students and encourage them to seek higher education. Students were selected upon finishing third grade based on teacher recommendations, financial need and family support of the program. This group of students is promised a 4-year tuition scholarship to any public university in Ohio. The students, called "scholars," remain eligible for the scholarship by maintaining good grades and conduct and participating with the other college scholars in activities organized for their benefit, including a one-hour, instructed mentor meeting weekly during the school year.

Deb has always recognized that she has a responsibility to help strengthen the legal profession and honors this responsibility through her work with the Ohio and American Bar Associations. She chaired the Commission on Public Legal Education, was a member of the Ohio Courts Futures Commission, and the Ohio Commission on Dispute Resolution and Conflict Management. She is a past president of the Akron Bar Association Foundation, a fellow of the American Bar Foundation, and was a member of the Akron Bar Association disciplinary committee from 1981 to 1993.

Throughout these past 25 years, I have found Deborah Cook to be a woman of exceptional character and integrity. Her professional demeanor and thorough knowledge of the law make her truly an excellent candidate for an appointment to the Sixth Circuit. Deb has served with distinction on Ohio's Supreme Court since her election in 1994 and reelection in 2000.

My only regret is that with her confirmation to the Sixth Circuit, we will lose an outstanding justice on the Supreme Court of Ohio. However, she will be a tremendous asset to the Federal bench.

With 10 years of combined appellate judicial experience on the Ohio Court of Appeals and the Ohio Supreme Court, Deborah Cook also possesses a keen intellect, a record of legal scholarship and consistency in her opinions. She is a strong advocate of applying the law without fear or favor and of not making policy towards a particular constituency. Deborah Cook is committed to upholding the highest standards of her profession and she is a trusted leader. It is my pleasure to give her my highest recommendation for this nomination.

When it was announced that Deb was nominated by the President, the response from the major newspapers in our State was wonderful and amazing. Newspapers from all over Ohio have echoed my sentiments.

In January 6, 2003, the Columbus Dispatch stated that:

> Since 1996, she has served on the Ohio Supreme Court, where she has distinguished

> herself as a careful jurist with a profound respect for judicial restraint and the separation of powers between the three branches of government.

On December 29, 2002, the Cleveland Plain Dealer stated that:

> Cook is a thoughtful, mature jurist—perahaps the brightest on the state's highest court.

In a May 11, 2000 editorial the Beacon Journal newspaper stated that what distinguishes Deborah Cook's work:

> has been a careful reading of the law, buttressed by closely argued opinions and sharp legal reasoning.

In addition to newspapers, Deb Cook has a bevy of other supporters.

John W. Reece, retired Ohio jurist, stated:

> Judge Cook and I served on the Ninth Judicial District Court of Appeals in Ohio from 1991 to 1995. I believe we became friends as well as colleagues, working closely together although she was a Republican and I a Democrat. I became impressed with Judge Cook's work ethic and legal mind. She quickly became a talented Appellate Judge. In fact, in a rather brief period of time she became a leader on the Court. Later, when she was elected to the Ohio Supreme Court, I was privileged to sit by assignment with her on the Court a few times. She has exhibited an ability and willingness to be an independent thinker and member of that Court.

William Harsha, Judge on the Ohio Court of Appeals, Fourth District, stated:

> Always courteous and seldom impatient, she is the antithesis of the ill-tempered despot that comes to mind when one thinks of 'black robe fever.'"

Many of us have seen people change once they get on the Federal bench. J. Dean Carro, Director of the Legal Clinic at the University of Akron remarked:

> I feel comfortable with expressing an opinion on the qualities I like to see in judges. These qualities are independence, intelligence, and integrity. Justice Cook scores high in all three categories.

This Senator would like to add the characteristic of humility.

With the confirmation of Jeff Sutton last week and Deb Cook today, the Sixth Circuit can begin to breathe a little easier. From 1998 up until September, 2002, the number of vacant judgeship months in the Sixth Circuit has increased from 13.7 to 91, the highest in the Nation. In addition, during this same time period, the median time from the filing of a notice of appeal to disposition of the case in the Sixth Circuit was 16 months, well above the 10.7 months national average, and the longest in the Nation.

Clearly, the Sixth Circuit is in crisis, and today's confirmation of Deborah Cook will go a long way toward restoring the court's efficiency and ability to deal with cases.

I am sure you will agree that Deborah Cook is exactly what we need on the Federal bench.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. DEWINE. Mr. President, in just a few minutes we will be voting on the nomination of Justice Cook. I would like to take this opportunity to again talk to my colleagues about Justice Cook and to urge her confirmation by the Senate.

I have known Justice Cook for many years. She is a person of great integrity. Senator VOINOVICH and I recommended her to the President. He nominated her. She is someone we both have known for many years. She is someone for whom we both have a great deal of respect.

I wish to take a minute to respond to the comments my colleague, Senator KENNEDY, made a few minutes ago. Let me say what a great pleasure it is to work with Senator KENNEDY. He and I have worked together on many pieces of legislation. Many times we have been on the same side of the legislation. Unfortunately, we are opposed on this particular nomination. It always is a pleasure to work with him. He is always a great debater, always someone who is fun to be with. It is a real pleasure to debate him on this issue.

My colleague came to the floor and talked about the Norgard case. I wish to remind my colleagues about the facts in the Norgard case.

Justice Cook was a dissenter in the Norgard case. The facts in the Norgard case, as I pointed out earlier in this debate, are very simple. It was simply a statute of limitations case. So if any of my colleagues have a problem with the outcome of this case, they should have a problem with the Ohio Legislature.

The Ohio Legislature passed a 2-year statute of limitations. Norgard was diagnosed with his disease in August of 1992. That is when he found out about it. Under the Ohio law, the statute started to run, the time limits started to run in 1992. Tragically, he did not file his lawsuit until 1997. Obviously, more than 5 years had passed, much more than the 2-year statute.

Another point my colleague from Massachusetts made was that Justice Cook had not decided just a few cases in favor of employees. We did a quick search of the decisions.

We found at least 25 cases of employees, a long list. I ask unanimous consent that this list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CASES IN WHICH COOK RULED IN FAVOR OF AN EMPLOYEE

1. Ahern v. Technical Constr,. Specialties, Inc. (1992 Ohio App.).
2. Browder v. Narzisi Constr. Co. (1993 Ohio App.).
3. Buie v. Chippewa Local Sch. Dist. Bd. of Educ (1994 Ohio App.).
4. Conley v. Brown (1998 Ohio App.).
5. Douglas v. Administrator BWC (1992 Ohio App.).
6. Edwards v. Douglas Polymer Mixing Corp (1993 Ohio App.).
7. Gibson v. Meadow Gold Dairy (2000 Ohio Sup. Ct.).
8. Hanna v. Goodyear Tire and Rubber Co. (1994 Ohio App.).
9. Harris v. Atlas Single Ply Systems (1992 Ohio Sup. Ct.).
10. Kroh v. Continental General Tire, Inc. (2001 Ohio Supreme Court).
11. Lahoud v. Ford Motor Co. (1993 Ohio App.).
12. Miller-Wagenknecht v. Flowers (1994 Ohio App.).
13. Pytlinski v. Brocar Prod. (2001 Ohio Sup. Ct.).
14. Rice v. Cetainteed Corp (1999 Ohio Sup. Ct.).
15. Ruckman v. Cubby Drilling (1998 Ohio Sup. Ct.).
16. Smith v. Friendship Village of Dublin OH (2001 Ohio Sup. Ct.).
17. Spu Waterproofing of OH v. Zatorski (1999 Ohio App.).
18. SER. David's Cemetery v. Indus. Comm.
19. SER Highfill v. Indus Comm.
20. SER Toledo Neighborhood Housing Serv. v. Indus.
21. SER Minor v. Eschen (1995 Ohio Sup. Ct.).
22. SER MTD Prods v. Indus Comm (1996 Oh. Sup. Ct.).
23. SER Spurgeon v. Indus. Comm (1998 Oh. Sup. Ct.).
24. Tersigni v. Gen. Tire (1993 Ohio App.).
25. Wagner v. B.F. Goodrich Co.

Mr. DEWINE. I hope my colleagues will have a chance to take a look at that. It is long list of 25 different cases where Justice Cook ruled in favor of the employee.

Finally, I ask that my colleagues take a look at an Akron Beacon Journal editorial of February 27. The Akron Beacon Journal is certainly not the most conservative paper in the State. It is a very well-respected paper. It is the paper that endorsed Al Gore for President, and endorsed Tim Hagan, the Democratic nominee for Governor, in the last campaign. It responded in this editorial to an op-ed piece that had been written on the editorial page by Adam Cohen, an editorial writer for the New York Times.

In part, the Akron Beacon Journal stated:

> A fresh example of the distortion and even recklessness can be found on today's commentary page. Adam Cohen, an editorial writer for the New York Times, delivers a slashing critique of the Cook record as a justice on the Ohio Supreme Court the past eight years. Too bad his assessment lacks the necessary context, let alone a full grasp of the issues at work in the cases he discusses.
>
> Cook critics overlook the majority opinion she wrote rejecting the claims of employers and concluding that punitive damages are available to workers who have suffered discrimination in the workplace—

Referencing a case that Justice Cook wrote.

The Akron Beacon Journal continues:

> The opinion reveals much about the Cook judicial philosophy. She precisely examined legislative intent in crafting the law. That is the Cook familiar to many Ohioans. She gives great deference to the legislature. She reflects the principle that this is a nation of laws, not of men or women.
>
> Who doesn't sympathize with David Norgard, a worker exposed to beryllium on the job who has been ailing for 2 decades? The issue before the Ohio Supreme Court was whether Norgard filed suit within the statute of limitations. The majority ruled he had. Cook dissented.
>
> Cohen suggests Norgard knew little about his illness because the company stonewalled. In truth, Norgard knew for years. He sought advice about hiring an attorney. The trial court dismissed his case on summary judgment. The appeals court unanimously upheld the lower court. Cook objected to the majority casting aside settled law on the statute of limitations. Her interpretation followed the practice of courts across the country.
>
> Other nominees deserve harsh words. Yet, in seeking to demonize Cook, critics risk their credibility.

I will add one comment of my own and that is we have researched the law and we would find that in the State of Massachusetts, their courts also follow a fairly strict interpretation of the statute of limitations, and we would expect if this case had been decided by the court in Massachusetts they would have come down on the same side as Justice Cook.

Justice Cook is a very fine justice of the Ohio Supreme Court. She will do an excellent job on the Federal bench.

Before I yield the floor, I ask unanimous consent that the last 10 minutes of this debate be evenly divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask that I be allowed to use such time as I may consume as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. FEINGOLD are printed in today's RECORD under "Morning Business.")

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. There remains 5 minutes on each side prior to the vote on the nomination at 4:45.

Mr. LEAHY. Mr. President, today we consider another controversial and divisive judicial nomination, that of Deborah Cook to the Sixth Circuit Court of Appeals. Just last week we debated and voted on the controversial nomination of Jeffrey Sutton to the Sixth Circuit. The vote on his confirmation received the fewest positive votes in almost 20 years. Only 52 Senators voted in favor of his confirmation and appointment to the Sixth Circuit. This number demonstrates the serious opposition many conscientious Senators have to some of the extreme nominations this administration has been insisting be confirmed in its continuing effort to take ideological control of the Federal courts.

The nomination of Deborah Cook to be Judge Sutton's colleague on the Sixth Circuit also presents many serious problems. I believe that it is important to make the record clear that her nomination has a unique procedural posture, especially in light of the recent history of Republican obstruction of President Clinton's nominations to that important court. These procedural controversies are in addition to significant substantive concerns raised by Justice Cook's record as an activist State judge. Similar to Justice Priscilla Owen, Deborah Cook's judicial record is replete with evidence of results-oriented reasoning.

Similar to Priscilla Owen, Justice Cook has demonstrated herself to be an activist judge. Justice Cook sits on a court that is numerically dominated by Republicans. Given the partisan politicization of the judiciary by Republicans over the last several years, one might expect that Justice Cook would be part of the Ohio Supreme Court's majority in all but rare instances and that the two Democratic judges might be the most frequent dissenters. However, Justice Cook is the most active dissenter on the Republican-dominated Ohio Supreme Court. She is the most extreme of her colleagues and demonstrates an inability to reach consensus with seemingly like-minded judges. I fear that if confirmed, her inability to reach a consensus would further polarize the Sixth Circuit, as well.

Justice Cook's dissents distort precedent, misinterpret legislative intent and demonstrate results-oriented reasoning in an effort to suppress workers' rights. She has repeatedly voted to protect corporations that have harmed or lied to employees. One example is Bunger v. Lawson, where a convenience store employee who had been robbed at gunpoint was denied psychological trauma remedies, while the employer had failed to install basic safety features such as a working phone and door locks. Similar to Justice Priscilla Owen, Justice Cook's own Republican colleagues have criticized her extremist opinions. The court in Bunger called Justice Cook's interpretation of the law "nonsensical," and said that it, "leads to an untenable position that is unfair to employees." Taking the position adopted by Justice Cook in her dissent would be, as the majority clearly stated, "an absurd interpretation that seems borrowed from the pages of Catch-22."

Similarly, Justice Cook sought to deny workers compensation benefits to another employee in a case called Russell v. Industrial Commission of Ohio. In Russell, Justice Cook's dissent ignored the plain language of the statute and the relevant precedent regarding workers compensation benefits. The Court's opinion stated that Justice Cook's dissent:

> lacks statutory support for its position [and she] has been unable to cite even the slightest dictum from any case to support its view . . . . [the] dissent's argument, which has not been raised by the commission, the bureau, the claimant's employer, or any of their supporting amici, is entirely without merit. Russell at 1073–74.

I ask my colleagues, is this the type of judge who should be given a lifetime appointment to the Federal bench?

As a former prosecutor, I am also troubled by Justice Cook's opinions that repeatedly seek to disregard jury findings in powerful discrimination cases. Anyone who has ever tried a case to verdict before a jury knows how much time and effort goes into the lengthy process. For this reason, jury verdicts should be given the utmost respect on appeal. In Byrnes v. LCI Communications, Justice Cook voted with a 3-judge plurality to overturn a $7.1 million jury verdict for employees in an age discrimination case despite powerful evidence of statements made by the employer about the relative merits of having a younger staff. Evidence in the plaintiffs' favor in this case included blatant statements from the employer that he wanted "to bring in young, aggressive staff managers and change out the old folks," and that "some of the older folks there could no longer contribute." In Byrnes, the jury also heard testimony that the employer said a certain worker was, "too old to grasp the concepts that he was looking for," and that he did not, "want old marathoners in my sales organization . . . I want young sprinters." These statements are directly relevant to a jury's determination whether the employer engaged in age discrimination. Yet, Justice Cook demonstrated her lack of respect for the jury's role in our system of justice by voting to overturn the jury's determination. Unfortunately, this case is not an isolated incident. Justice Cook also voted to overturn jury verdicts in other discrimination cases such as Gliner v. St. Gobain Norton Industries and Perez v. Falls Financial Incorporated.

In addition to her apparent bias against workers' rights, Justice Cook opposes the rights of consumers and victims even in the most compelling cases. For example, in Sutowski v. Eli Lilly, Justice Cook wrote for a divided majority that denied plaintiffs the ability to claim damage to their reproductive systems due to in utero exposure to DES, a drug known to cause cancer and reproductive disorders. She denied these victims the ability to rely on the market-share theory in their complaints against the manufacturers even though the market-share theory was virtually invented for DES cases where hundreds of companies manufactured the drug but the victims could have no idea by whose drug they were affected. Her colleagues in dissent severely criticized Justice Cook's opinion stating that she "selectively quoted," from a prior Ohio case:

> . . . to create the impression that the General Assembly is the only appropriate body to recognize the market-share liability theory in DES litigation. The majority then uses that misguided impression as a platform for launching into a tortured analysis of Ohio's Products Liability Act. It is here that the majority's shell game becomes most deceptive.

In another case, Williams v. Aetna Finance, Justice Cook dissented from the majority's affirmation of the trial courts' holding that an arbitration clause was unconscionable in a case involving a scheme to defraud elderly African American home owners into home improvement loans at exorbitant rates.

These are just a few examples of the hundreds of cases that Justice Cook has decided as a State court judge. They provide a picture of a judge with a proclivity for stretching the boundaries of precedent to rule against victims and workers in favor of corporations. On the substance of her record as a judge, I have concluded that Deborah Cook is a conservative activist who is hostile to consumers, victims, workers and civil rights. The prospect of elevating this activist judge to a lifetime appointment to the Federal bench has generated a significant amount of controversy. We have received letters of opposition from many national organizations that represent labor and consumers, as well as local citizens groups and law professors who oppose her nomination to the Sixth Circuit.

Justice Cook's nomination was forced out of the Judiciary Committee over the objection of the Democratic Senators and in violation of our longstanding Committee rules. The Democratic members of the Committee sought additional time to debate her nomination. Such requests have always before been honored on the Judiciary Committee, which for 24 years had a rule providing protection for minority rights to debate. Rule IV requires the votes of 10 Senators to bring a matter to a vote and one of those votes to end debate must be cast by a member of the minority. In their determination to bring this controversial nominee to the floor in February, Republicans unilaterally overruled the Committee rules by not allowing a vote to end debate over the objection of Democratic Senators. Along with several other Senators, I voted "present" in protest of this violation of our rules and rights.

Over the last several weeks our Republican and Democratic Senate leadership has discussed the violation of Senators' rights that occurred on February 27. I thank them for their attention to these matters and for working with us to address our concerns.

In addition, there is the serious matter of the mistreatment of previous nominations to the Sixth Circuit by the Republican majority. Deborah Cook is nominated to the Sixth Circuit Court of Appeals, a court to which President Clinton had an impossible time getting his nominees considered. For years, the Sixth Circuit has been one of the prime targets of Republicans intent on ideological court packing. During President Clinton's entire second term, not a single nominee to the Sixth Circuit was allowed a hearing or a vote by the Republican majority. Three highly qualified, moderate nominees to the Sixth Circuit, Judge Helene White, Kathleen McCree Lewis and Professor Kent Markus, were all denied hearings and votes in the years 1997 through 2001. Republicans today fail to acknowledge that the vacancies that have plagued the Sixth Circuit in recent years are the result of their tactics to prevent any action on any of President Clinton's nominees.

Judge Helene White of the Michigan Court of Appeals was nominated in January 1997 and did not receive a hearing on her nomination during the more than 1,500 days before her nomination was withdrawn by President Bush in March 2001. Judge White's nomination may have set an unfortunate but unforgettable record. Her nomination was pending without a hearing for more than four years. She was one of almost 80 Clinton judicial nominees who did not get a hearing during the Congress in which first nominated. Unfortunately, she was also denied a hearing after being renominated a number of times over the next four years, including in January 2001.

Likewise, Kathleen McCree Lewis, a distinguished African American lawyer from a prestigious Michigan law firm was also never accorded a hearing on her 1999 nomination to the Sixth Circuit. This daughter of a former Sixth Circuit judge and Solicitor General of the United States was never accorded a hearing or vote by the Republican majority. Her nomination was withdrawn by President Bush in March 2001 without ever having been considered.

Professor Kent Markus was another outstanding nominee to a vacancy on the Sixth Circuit. He had served at the Department of Justice and was nominated by President Clinton in 1999, but never received a hearing before his nomination was returned to President Clinton without action in December 2000. While Professor Markus' nomination was pending, his confirmation was supported by individuals of every political stripe, including 14 past presidents of the Ohio State Bar Association and more than 80 Ohio law school deans and professors.

As Professor Markus testified last year, he was told by Republicans that some on the other side of the aisle held these seats open for years for a Republican President to fill, instead of proceeding fairly on the consensus nominees then pending before the Senate. The Republican majority was unwilling to move forward, knowing that retirements and attrition would create four additional seats that would arise naturally for the next President. That is how the Sixth Circuit was left with eight vacancies, half of its authorized strength, in 2001.

Had Republicans not blocked President Clinton's nominees to the Sixth Circuit, if the three Democratic nominees had been confirmed and President Bush appointed the judges to the other vacancies on the Sixth Circuit, that court would be almost evenly balanced between judges appointed by Republican and Democratic Presidents. That is what Republican obstruction was designed to prevent—balance. The same is true of a number of other circuits, with Republicans benefiting from their obstructionist practices of the preceding six and a half years. This, combined with President Bush's refusal to consult with Democratic Senators about these matters, is particularly troubling.

Long before some of the recent voices of concern were raised about the vacancies on the Sixth Circuit, Democratic Senators in 1997, 1998, 1999 and 2000 implored the Republican majority to give President Clinton's distinguished and moderate Sixth Circuit nominees hearings. Those requests, made not just for the sake of the nominees but for the sake of the public's business before the court, were ignored. Numerous articles and editorials urged the Republican leadership to act on those nominations. The growing vacancies on the Sixth Circuit were ignored by the Republican majority.

The former Chief Judge of the Sixth Circuit, Judge Gilbert Merritt, wrote to the Judiciary Committee Chairman years ago to ask that the nominees get hearings and that the vacancies be filled. The Chief Judge predicted that by the time the next President was inaugurated, there would be at least six vacancies on the Court of Appeals. In fact, there were soon eight. Despite all these pleas, no hearing on a single Sixth Circuit nominee was held in the last three full years of the Clinton Administration. Not one. The situation was exacerbated further as two additional vacancies arose. And regrettably, despite my best efforts, this

White House has rejected all suggestions to redress the legitimate concerns of Senators in that circuit that qualified, moderate nominees were blocked by Republicans Senators during the previous administration. Instead, the White House forwarded several extreme nominees to fill the seats that their party held hostage while leading the Senate during the prior administration.

When I scheduled the April 2001 hearing on the nomination of Judge Gibbons to the Sixth Circuit, it was the first hearing on a Sixth Circuit nomination in almost 5 years, even though three outstanding, fair-minded individuals were nominated to the Sixth Circuit by President Clinton and pending before the Committee for anywhere from one year to over 4 years. Despite the partisan treatment of President Clinton's nominees, I went forward. The conservative Judge Gibbons was confirmed by the Senate on July 29, 2002, by a vote of 95 to 0. We did not stop there, but proceeded to hold a hearing on a second Sixth Circuit nominee, Professor John Marshall Rogers, just a few short months later in June. This conservative was likewise confirmed last year.

Thus, the Democratically-led Senate proceeded to hold hearings, give Committee consideration and confirm two of President Bush's conservative nominees to the Sixth Circuit last year. With the confirmations of Judge Julia Smith Gibbons of Tennessee and Professor John Marshall Rogers of Kentucky, Democrats confirmed the only two new judges to the Sixth Circuit in the previous 5 years.

Under the current Republican leadership, our Committee raced to hold Justice Cook's hearing at the same time as two other controversial circuit court nominees, including Jeffrey Sutton. This triple hearing resulted in a marathon sitting lasting almost 12 hours. Most of the questioning focused on Jeffrey Sutton and relatively little time was dedicated to Justice Cook. Many Democrats serving on the Judiciary Committee requested an additional hearing for Justice Cook and Mr. Roberts. That request was denied for Justice Cook. We invited Justice Cook and Mr. Roberts to meet with us. That request was denied. Then Republicans overrode our longstanding Committee rules in order to report those nominations without proper consideration before the Judiciary Committee.

This nomination is one of a long line of divisive and controversial nominations on which this Administration and the Republican majority in the Senate insist. They are taking full advantage of their power after having unfairly refused to consider President Clinton's well qualified, moderate nominees and now insisting that the administration's ideological court packing scheme be put into effect. The ideological takeover of the Sixth Circuit is all but complete with the confirmation of Judge Gibbons, Professor Rogers, Mr. Sutton and now Justice Cook.

Mr. HATCH. Mr. President, I rise today to express my support for the confirmation of Deborah Cook to the Sixth Circuit Court of Appeals.

Today's vote is important because we have an opportunity to confirm an excellent judge who exercises proper judicial restraint on the bench. Justice Cook is an honorable jurist. She has a distinguished record in private practice, she is a legal pioneer, and she is active in her community. Let me take a few moments to share how Justice Cook came to this point. The story deserves to be told.

A native of Pittsburgh, PA, my hometown as well, I might add—Deborah Cook had anything but a stable childhood. Not only did her family move quite often, but her family suffered economically. Her mother, Katherine Rudolph, struggled to support her children after Justice Cook's father abandoned the family. When Deborah was 16, her mother passed away.

Although she did not have much time with her, Justice Cook credits her mother with instilling in her a sense of justice and a sense of the importance of following the rules. Justice Cook carried these ideals to Akron, Ohio, where she and her siblings moved to join their uncle's large family. All together, the new family numbered 14.

In the next few years, Justice Cook received her bachelor of arts and juris doctor degrees from the University of Akron. While in law school, she clerked part time at Roderick, Myers & Linton, Akron's oldest law firm, and accepted an offer from the same firm in 1978, becoming the first woman attorney ever hired there. Five years later, Justice Cook again made history at the firm when she was named its first woman partner. Let me tell you, Justice Cook knows first hand the difficulties and challenges that professional women face in breaking the glass ceiling.

While in private practice Justice Cook maintained a busy civil litigation caseload, appearing in bankruptcy, state, and federal appellate and trial courts to litigate such matters as claims disputes, workers' compensation claims, insurance claims, employment discrimination cases, torts, and wrongful death lawsuits.

Justice Cook has the experience we look for in a Federal judge. In 1990, she left private practice and ran for a seat on the Ohio Ninth District Court of Appeals, which is based in Akron. The Ohio courts of appeals have appellate jurisdiction over the Ohio common pleas, municipal, and county courts, hearing and deciding cases in three-judge panels. Four years later, Justice Cook ran for the Ohio Supreme Court, a seven-member court, where she currently serves.

Over the past 7 years, Justice Cook has earned a reputation for being a stickler for the law, a judge committed to law and order. She defines her own judicial role "as [one] limited by the letter of the law." She is a student of history and a committed constitutionalist. These are attributes desperately needed in the Federal courts. Simply put, as Justice Cook has said of herself, while she "might hold a personal view, or perhaps even hold a bias, that has to be put aside." She "work[s] within the parameters given a judge by democratically enacted statutes," avoiding the temptation to legislate from the bench. Justice Cook understands what makes an effective judge and she carries out that understanding.

The Ohio newspapers have recognized these qualities in Justice Cook. The Columbus Dispatch says Justice Cook "uniquely combines keen intellect, careful legal scholarship and consistency in her opinions. She is committed to rendering decisions validated by the [law], not popularity polls and special interests." The Cleveland Plain Dealer says Cook is "extremely well qualified" and a "thoughtful, mature jurist perhaps the brightest on the state's highest court." The Akron Beacon Journal says Cook "has been a voice of restraint in opposition to a court majority determined to chart an aggressive course, acting as problem-solvers (as ward pols) more than jurists."

I ask unanimous consent that copies of each of these editorials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Columbus Dispatch (Ohio), Oct. 1, 2000]

SUPREME COURT—COOK, O'DONNELL CAN RESTORE CONFIDENCE

The seven justices who sit on the Ohio Supreme Court are among the most powerful people in the state. Acting in agreement, any four of them can overrule the will of millions of Ohio voters, all 132 members of the General Assembly and the governor.

The state constitution grants the court such awesome power so that the justices can strike down unconstitutional acts of the legislature that threaten the rights and liberties of Ohio's residents.

But if misused, this power also can threaten the rights and liberties of Ohioans. The rule of law is replaced by prejudice or whim.

This is why it is so important that the voters elect justices who regard themselves as servants, not masters, of the constitution. Justices who serve the constitution understand that their role is not to make policy or law, because this is a responsibility given by the constitution to the legislature, not to the courts.

Justices may strike down laws that violate the constitution, but they may not replace those laws with ones more to their own liking.

It also is vital that voters elect justices who understand that their job is to represent the law, not a political party, not an interest group. Their job is to resolve disputes impartially, in accordance with the constitution and Ohio statutes.

In recent years, ideology, not impartial application of the law, frequently appears to have guided court rulings. The familiar 4–3 majority has overturned legislative efforts to limit damage awards in lawsuits, rejected changes in the state workers' compensation system and declared the state's school-funding mechanism unconstitutional, simultaneously dictating the means by which the legislature is to solve the problem.

The perception is that this majority—Democratic Justices Alice Robie Resnick and Francis E. Sweeney and Republicans Paul E. Pfeifer and Andrew Douglas—holds itself above the constitution, entitled to make law.

While not exactly partisan, this majority's bent is definitely political. These four justices are united in judicial activism with a messianic and populist bent.

The perception that the court is controlled by an ideologically driven majority is seriously undermining faith in the integrity and fairness of the high court.

Justices should not be turned out of office lightly: certainly not for an occasional unpopular opinion and particularly not for one resulting from a good-faith effort to adhere to the constitution. But when justice becomes politicized and high court rulings twist the law to reach the majority's preferred outcome, a change is needed.

For that reason, The Dispatch urges Ohioans to cast their Supreme Court ballots for incumbent Justice Deborah L. Cook and Judge Terrence O'Donnell of the Cuyahoga County Court of Appeals.

Cook, a Republican seeking a second term on the court, believes a judge's job is to apply the law without fear or favor, not to make policy or to favor a constituency. Cook does not believe the court should legislate, a point she has underlined in her dissents to the court's two rulings in the DeRolph school-funding lawsuit.

Of the seven justices, Cook uniquely combines keen intellect, careful legal scholarship and consistency in her opinions. She is committed to rendering decisions validated by the constitution, not popularity polls and special interests.

Cook's Democratic challenger, Judge Tim Black of the Hamilton County Municipal Court, doesn't hesitate to describe himself as a "progressive," which is another way of saying "judicial activist." Black has made it clear in recent statements that he favors the four-member activist majority.

Like Cook, Republican O'Donnell believes in applying the law without fear or favor. He does not make policy from the bench and says judges should be faithful to the law, not to causes. His integrity and well-defined judicial philosophy have made O'Donnell one of the most respected judges in Cuyahoga County.

His opponent, incumbent Democratic Justice Alice Robie Resnick claims to follow the same philosophy, but the record suggests otherwise. She is a dependable member of the four-justice activist majority. Her proposal for a legislative-Supreme Court summit to address the school-funding problem shows either that she doesn't understand her role as a judge or that she wants to rewrite the constitution to make the court a seven-member super-legislature. Neither explanation reflects favorably on her.

Resnick has shown an unseemly willingness to politicize her office. Her appearance at the opening of a school in Vinton County was a transparent attempt to win votes from those who approve of the Supreme Court's use of the DeRolph lawsuit to dictate school-funding policy to lawmakers.

Her appearance at that event along with William L. Phillis, mastermind for the plaintiffs in the continuing DeRolph case, was a glaring conflict of interest and a lapse that cannot be justified or excused.

Six years ago, The Dispatch endorsed Resnick for a second term, believing that she had demonstrated diligence and impartiality in her first term. That can no longer be said.

O'Donnell has pledged to restore integrity to the court. He deserves that chance.

[From the Plain Dealer Publishing Co., (Cleveland, Ohio), Dec. 29, 2002]

BREAK THE JUDICIAL LOGJAM

It has been more than 19 months since President George W. Bush nominated Ohio Supreme Court Justice Deborah Cook and former state Solicitor Jeffrey Sutton to fill vacancies to the 6th Circuit U.S. Court of Appeals. But inexcusably, the Judiciary Committee of the U.S. Senate has yet to hold a single hearing on Cook or Sutton.

Despite pressure from Bush and other Republicans, Judiciary Committee Chairman Patrick Leahy, a Vermont Democrat, has bottled up more than 100 nominations to federal court openings. And amid the political stalling, the workloads of federal District Court and appellate judges continues to mount.

That should all change on Jan. 7, when the Senate reconvenes and reorganizes under Republican control. Expected to replace Leahy as Judiciary Committee chairman is Orrin Hatch, a Republican from Utah.

Hatch must move quickly to break the judicial logjam. And confirmation hearings for Cook and Sutton should be high on his list.

This isn't about doing any special favor for Ohio or the other states the 6th Circuit serves. It's about competence. Both Cook and Sutton are extremely well qualified. Cook is a thoughtful, mature jurist—perhaps the brightest on the state's highest court. Sutton is regarded as a brilliant litigator who has argued numerous cases before the U.S. Supreme Court.

It's well past time to hold hearings on these and other judicial appointments and put them before the Senate for a confirmation vote.

[From the Akron Beacon Journal, Jan. 6, 2003]

A COOK TOUR

Tour the Web sites of various liberal interest groups, from the National Organization for Women to the Alliance for Justice, and you will discover how easily nominees for the Federal courts can be caricatured. In recent months, Justice Deborah Cook of the Ohio Supreme Court has been a target.

Members of the Senate Judiciary Committee considering her nomination to the 6th U.S. Circuit Court of Appeals should work their way past the political slogans. They will find a judge conservative in the traditional sense. She follows the principle of judicial restraint, ruling as the law is, not as she would like the law to be. Justice Cook has waited 18 months for a hearing on her nomination. The day appears in sight, perhaps as early as Jan. 14. Cook was among the first judicial nominees of President Bush, one of 11 who gathered at the White House on a spring day to demonstrate the new administration's drive to fill vacancies on the Federal bench.

Put aside that those vacancies reflect the delaying tactics of Senate Republicans during the Clinton years. Cook and the others have encountered obstacles constructed by Democrats. The November elections altered the political landscape. Republicans rule the Senate and the White House. Nominations are set to move forward.

That doesn't mean critics shouldn't howl when the president opts for a nominee with excessive baggage, say, one more comfortable in a debating society than on the Federal bench. Bill Clinton took the cue, avoiding ideologues and sending many impressive nominees to Capitol Hill. President Bush should keep in mind his slight margin of victory and the narrow Republican majority in the Senate.

Cook critics point to her membership in the Federalist Society, a group of conservative lawyers and academics that includes many who advocate countering liberal activists with their own brand of activism. Critics also note the many times Cook has dissented on the Ohio Supreme Court, contending she is out of the mainstream.

Those who watch the Ohio high court know Cook is no ideologue. She has been a voice of restraint in opposition to a court majority determined to chart an aggressive course, acting as problem-solvers (as ward pols) more than jurists. Cook has been accused of advocating the elimination of protections for employee whistleblowers. In truth, she objected to the majority acting as a super-legislature, practicing public policy in the form of judicial rulings.

In another instance, Cook disagreed with the majority because she rightly thought it necessary to have expert medical testimony to establish whether a cancer qualified as a disability under the law. When the majority ruled that managers and supervisors could be sued individually for acts of sexual harassment and discrimination, she noted the glaring departure from the defining federal law.

Are these "pro-business" rulings on her part? That would be the caricature. More accurately, they are precise readings of the law. Indeed, in eight years on the Ohio Supreme Court and four on the state appeals court, Cook has consistently produced reasoned and careful analysis.

The argument might be made that we are simply cheering for an Akron resident. We've differed with Justice Cook too many times on school funding and other matters. President Bush won the election. Republicans control the Senate. They have a wide range of candidates for the Federal bench. In Deborah Cook, they have a judge most deserving of confirmation, one dedicated to judicial restraint.

Mr. HATCH. Justice Cook also knows how to serve her community. She is a founder and trustee of CollegeScholars, a mentored college scholarship program in Akron, and she personally mentors students for several hours each week. She and her husband fund the program's activities in an effort to help inner-city children reach college. Their generosity is really remarkable in that they will personally pay the college tuition of students who complete the program.

But service to her community is not limited to the CollegeScholars program. Justice Cook is a United Way volunteer; she has given her time to Safe Landing Shelter, a home for troubled youth; she has served as a Commissioner for the Dispute Resolution Commission, helping address truancy problems for disadvantaged children;

and she devoted several years to the Akron Area Volunteer Center as a Center trustee and president. Justice Cook has received the Delta Gamma National Shield Award for Leadership and Volunteerism, and the Akron Women's Network Woman of the Year award.

One of the many reasons that this vote on Justice Cook's nomination is important is because it represents a step in the right direction in terms of addressing the problems in the Sixth Circuit. The Sixth Circuit is severely understaffed and needs judges to enable its work to go forward, and the addition of Justice Cook, along with President Bush's other Sixth Circuit nominee from Ohio, Jeffrey Sutton, will make this happen. At this moment, the 16-seat Sixth Circuit is operating with only 10 judges. All six of the vacancies on the Sixth Circuit are considered judicial emergencies.

The Sixth Circuit has been forced to rely on district court judges to keep pace with its caseload. This practice, in turn, affects the efficiency of the district courts. I understand that the Sixth Circuit currently hears some arguments via telephone to conserve resources. Each three-judge panel on the Sixth Circuit not only must hear more cases each year, but it also must spend less time on each case in order to maintain some control over the docket. Some cases may not be heard despite their merit. In the meantime, the administration of justice suffers.

According to the Administrative Office of the United States Courts, the Sixth Circuit ranks last out of the 12 circuit courts in the time it takes to complete its cases. On average, the Sixth Circuit in 2002 took 16 months to reach a final disposition on a case. With the national average for appellate courts at only 10.7 months, this means the Sixth Circuit takes about 50 percent longer than the average to process a case.

Since 1996, the Sixth Circuit has seen a 46 percent increase in the number of decisions per active judge. The national average has increased only 14 percent in that same time frame. Last year each Sixth Circuit judge handled more than 600 cases.

Mr. President, Justice Cook has demonstrated her capacity to excel on the Federal court bench. She possesses the qualifications, the capacity, and the temperament a judge needs to serve on the Sixth Circuit. She deserves confirmation.

Mrs. FEINSTEIN. Mr. President, I rise in support of the nomination of Ohio State Supreme Court Justice Deborah Cook for the Sixth Circuit Court of Appeals. I intend to vote yes on her nomination because I believe that she has a proper understanding of the role of the judiciary.

Unlike some other nominees who have come before the Senate, Justice Cook's opinions demonstrate a recognition that a judge's proper role is to interpret statutes in a way that reflects the legislature's intent. She does not try to legislate from the bench or inject her views into her interpretations of a statute.

I believe that, based on her past record, she will be an appellate judge who will read statutes faithfully and carefully and decide cases on her best understanding of what the law says as opposed to ruling based on her personal views.

Let me give a couple of examples of Justice Cook's views on judicial restraint from her opinions. In a dissent from an Ohio Supreme Court decision overturning the State's system of funding public education, Cook noted:

> In short, the determination of what constitutes minimum levels of educational opportunity to be provided to Ohio's children is committed by the Ohio Constitution to legitimate policy makers—not the courts, whose proper role is interpretation and application of law.

Similarly, Cook defended the role of the legislature in a dissent from an Ohio Supreme Court ruling that found a new "employment intentional tort" statute to be unconstitutional.

> The majority opinion views the issue presented by this case as a question of "what is right?", but I believe the true question is "who decides what is right?" The General Assembly passed this legislation as part of its policy-making function, a function inherent in the legislative power. With this decision, however the majority usurps the legislative power.

Senator DEWINE, a strong supporter of Justice Cook, has called her an "old-fashioned" conservative, and I think that is a very accurate description.

I certainly don't agree with all of Justice Cook's opinions, and take seriously the concerns raised by those who feel she tends to side with big corporations and employers in lawsuits. I also am concerned about some of her opinions arguing for the overturning of jury verdicts.

In weighing the totality of these issues, however, I believe that Justice Cook will properly exercise the judicial office. Most importantly, I believe she will not be an activist judge who will try to legislate from the bench.

Mr. BUNNING. Mr. President, I rise to express my support for Deborah Cook and urge my colleagues to support her confirmation. The Sixth Circuit, which includes my State of Kentucky, is experiencing a true judicial emergency. Five of the sixteen seats on that court are vacant, leading to justice delayed—and thus justice denied—for the citizens of Kentucky, Ohio, Tennessee, and Michigan. Fortunately, last week we confirmed Jeffrey Sutton to the Sixth Circuit, and today we will confirm Deborah Cook.

Deborah Cook was among President Bush's original circuit court nominees first submitted to the Senate on May 9, 2001. Nearly 2 years will have passed from the time her nomination was first submitted until she will be able to assume her seat on the bench. It has been a long wait, but Deborah Cook's confirmation is good news for her and for the people living in the Sixth Circuit.

Deborah Cook is an example of the fine judicial nominees President Bush has submitted to the Senate. She is currently a Justice on the Ohio Supreme Court, where she has served since she was first elected in 1994. Prior to that, Justice Cook served as a Court of Appeals judge in Ohio. She also practiced law for 15 years in Akron, OH, and was her firm's first female associate and partner.

I am proud that President Bush nominated Deborah Cook, and I am proud to vote for her. She has ample experience as an appellate court judge and is well qualified to sit on the Sixth Circuit. Deborah Cook will do a fine job for all people living in the Sixth Circuit. I am glad she will soon be confirmed, and I urge my colleagues to support her as well.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, in just a few moments the U.S. Senate will be voting on this nomination. What are the essential facts? Here are the essential facts:

Justice Deborah Cook authored the Rice case. This case held that workers could get punitive damages from employment discrimination cases.

Second fact: It has been charged that Justice Cook is a big dissenter. It has been charged that she cannot reach consensus. Let us look at the cases from the Ohio Supreme Court which have gone to the U.S. Supreme Court. There have been five of those cases. In each case, the U.S. Supreme Court has agreed with Justice Cook. But, more importantly, in four of those cases, Justice Cook was a dissenter from the Ohio Supreme Court. In those four cases, the U.S. Supreme Court said we disagree with the Ohio Supreme Court, but we agree with the dissenter. We agree with Justice Cook. In fact, most of those cases weren't even close. By an overwhelming majority, in most of those cases the U.S. Supreme Court said the Ohio Supreme Court was wrong, but Justice Cook was right.

So much for the argument that there is something wrong with Justice Cook when she dissents.

Justice Cook has been on the Ohio Supreme Court for 8 years. She was on the court of appeals for 4 years. She has a great deal of experience. She is a person who is a well-rounded individual and who has great compassion.

We have heard on this floor from Senator VOINOVICH and myself about how she has established scholarships for children and how she cares about education. And we have heard from the newspapers in Ohio. That is important because the newspapers in the State of

Ohio pay attention. They pay attention to the Ohio Supreme Court. All of the five, six, or seven principal newspapers in Ohio endorsed her for reelection. They have endorsed her for this confirmation. I think what they have said is particularly important.

The Cincinnati Post wrote on January 8:

> Cook is serving her second term on the Ohio Supreme Court where she has been a pillar of stability and good sense.

The Cleveland Plain Dealer wrote:

> Cook is a thoughtful, mature jurist—perhaps the brightest on the State's highest court.

The Akron Beacon wrote:

> Those who watch the Ohio High Court know Cook is no idealogue. She has been a voice of restraint in opposition to a court majority determined to chart an aggressive course acting as problem solvers more than jurists. In Deborah Cook they have a judge most deserving of confirmation, one dedicated to judicial restraint.

The Columbus Dispatch wrote:

> Cook's record is one of continuing achievement. Since 1996 she has served on the Ohio Supreme Court where she has distinguished herself as a careful jurist with profound respect for judicial restraint and the separation of powers between the three branches of government.

I ask my colleagues to confirm Justice Cook. Senator VOINOVICH and I asked the President to nominate her. We have known her for many years. She will serve well and ably on the Sixth Circuit Court of Appeals.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I yield the remaining time.

Mr. DEWINE. I yield the remaining time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Deborah L. Cook, of Ohio, to be United States Circuit Judge for the Sixth Circuit? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Washington (Ms. CANTWELL), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Georgia (Mr. MILLER), and the Senator from Washington (Mrs. MURRAY), are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "no."

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 25, as follows:

[Rollcall Vote No. 139 Ex.]

YEAS—66

Alexander
Allard
Allen
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kohl
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Nelson (NE)
Nickles
Pryor
Roberts
Rockefeller
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—25

Akaka
Baucus
Boxer
Byrd
Clinton
Corzine
Daschle
Dayton
Dodd
Edwards
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Lautenberg
Leahy
Levin
Nelson (FL)
Reed
Reid
Sarbanes
Stabenow
Wyden

NOT VOTING—9

Cantwell
Graham (FL)
Kerry
Lieberman
Mikulski
Miller
Murkowski
Murray
Specter

The nomination was confirmed.

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE A UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consider the nomination of Miguel A. Estrada, which the clerk will report.

The assistant legislative clerk read the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia.

The PRESIDING OFFICER. Under the previous order, the time until 6 p.m. shall be equally divided between the chairman and the ranking member or their designees.

The Senator from Utah.

Mr. REID. Mr. President, if the Senator will yield for a brief statement, we have had a number of people on this side of the aisle who have indicated we are to object to any extension of time beyond 6. Even though the vote took a little longer than expected, we cannot extend the time past 6.

Mr. HATCH. That is fine.

NOMINATION OF PRISCILLA OWEN

I yield 1 minute to the Senator from California on their time. She wanted to make a statement and put something in the RECORD, but it should come on their time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I thank my friend, Chairman HATCH. When Chairman HATCH and I were debating the Owen nomination, which is not before us, he questioned two statements I made. One was that she did not write a dissenting opinion in Doe and the second was that Judge Gonzales never referred to her as a judicial activist. I ask unanimous consent to have these documents printed in the RECORD, the dissenting opinion, the first page, which shows that she, in fact, did file a dissenting opinion. Secondly, an article that appeared about a week ago in the New York Times which says that Judge Gonzales said he was referring to Justice Owen when he said she was an activist. He did say it was merely heated language but, in fact, he said he was referring to her.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> . . . Texas interpreting the state's law allowing a teenager to obtain an abortion without notifying her parents if she can show a court that she is mature enough to understand the consequences.
>
> In the dissent, Justice Owen said the teenager in the case had not demonstrated that she knew that there were religious objections to abortion and that some women who underwent abortions had experienced severe remorse.
>
> One of the other justices on the court at the time was Alberto R. Gonzales, now the White House counsel. He wrote that the reading of the law by the dissenters was "an unconscionable act of judicial activism."
>
> Justice Owen has said that Justice Gonzalez was not referring to her. Mr. Gonzales has, in interviews, acknowledged he was referring to her and said that his description of her as a judicial activist was merely heated language among judges who disagreed.
>
> While the first floor fight over the Owen nomination was occurring, another judicial nomination drama was being played out across the street in the Judiciary Committee, which was considering President Bush's nomination of J. Leon Holmes to be a district judge in Arkansas.
>
> Senator Orrin G. Hatch, the Utah Republican who is chairman of the committee, did not ask for a vote on approving the Holmes nomination as is customary. Instead, he took the extraordinary step of asking that the committee vote to send the nomination to the full Senate without a recommendation.
>
> Mr. Hatch was apparently concerned that some Republicans on the committee were not completely comfortable with the nomination after disclosures that Mr. Holmes, an ardent opponent of abortion, had made several notable comments about the role of women in society.
>
> In 1997 Mr. Holmes wrote that "the woman is to place herself under the authority of the man." He had also written that abortion should not be available to rape victims because conceptions from rape occur with the same frequency as snow in Miami.
>
> Most of the combat over judicial confirmations has been over appeals court judges, the level just below the Supreme Court, and the nomination of Mr. Holmes, to the trial court had initially attracted little notice.
>
> But at a committee session last week, Senator Dianne Feinstein, Democrat of California, said that she had never voted against

a district court nominee but that she found Mr. Holmes's remarks shocking.

"I do not see how anyone can divine from these comments that he has either the temperament or the wisdom to be a judge," Senator Feinstein said.

Senator Hatch said today that he was concerned about some of those remarks and that Mr. Holmes had expressed regret for some. But the most important factor, the senator said, was that many people in Arkansas, including the state's two Democratic senators, Mark Pryor and Blanche Lincoln, still supported the nomination.

IN RE JANE DOE, NO. 00–0224, SUPREME COURT OF TEXAS

19 S.W.3d 346; 2000 Tex. LEXIS 67; 43 Tex. Sup. J. 910

June 22, 2000, Delivered

DISPOSITION: [**1] Reversed the court of appeals' judgment and rendered judgment granting Doe's application for a judicial bypass.

JUDGES: JUSTICE O'NEILL delivered the opinion of the Court, jointed by JUSTICE ENOCH, JUSTICE BAKER, JUSTICE HANKINSON, and JUSTICE GONZALES and by CHIEF JUSTICE PHILLIPS as to Parts II and III. JUSTICE ENOCH filed a concurring opinion, joined by JUSTICE BAKER, JUSTICE GONZALES filed a concurring opinion, joined by JUSTICE ENOCH. JUSTICE HECHT filed a dissenting opinion. JUSTICE OWEN filed a dissenting opinion. JUSTICE ABBOTT filed a dissenting opinion.

OPINION BY: Harriet O'Neill.

OPINION: [*349] APPEAL UNDER SECTION 33.004(F), FAMILY CODE.

This is an appeal from an order denying a minor's application for a court order authorizing her to consent to an abortion without notifying a parent. After remand from this Court, see In re Jane Doe, 19 S.W.3d 249, 2000 Tex. LEXIS 21 (Tex. 2000) ("Doe 1(I)"), the trial court conducted another hearing and found that Jane Doe failed to prove by a preponderance of the evidence that she is sufficiently well informed to have an abortion without parental notification. The court of appeals affirmed. After reviewing the record, we determined that Doe conclusively [**2] established the statutory requirements and that she was entitled to consent to the procedure without notifying a parent. We issued an order on March 10, 2000, reversing the court of appeals' judgment, with opinions to follow on the concern that Doe be able to undergo a less risky abortion procedure, if that option was still available to her and that was her decision. The following is our opinion holding that the evidence Doe presented conclusively established that she was "mature and sufficiently well informed" to consent to an abortion without parental notification. See TEX. FAM. CODE § 33.003(i).

I

Abortion is a highly-charged issue that often engenders heated public debate. Such debate is to be expected and, indeed, embraced in our free and democratic society. It is through this very type of open exchange that our Legislature crafted and enacted the particular statutory scheme before us. Our system of government requires the judicial branch to independently review and dispassionately interpret legislation in accordance with the Legislature's will as expressed in the statute. We begin our analysis with an overview of the Parental [*350] Notification [**3] Act's judicial bypass procedure and our role in interpreting it.

A. The Proper Role of Judges

"[Courts] are under the constraints imposed by the judicial function in our democratic society. . . . The function in construing a statute is to ascertain the meaning of words used by the legislature. To go beyond it is to usurp a power which our democracy has lodged in its elected legislature. . . . A judge must not rewrite a statute, neither to enlarge nor to contract it."—Felix Frankfurter (RECORD OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK 213 (1947), reprinted in COURTS, JUDGES, AND POLITICS, at 414 (Walter F. Murphy & C. Herman Pritchett, eds., 2d ed. 1974)).

Mrs. BOXER. When I come to speak on the Senate floor, I do my homework. I felt very badly about that, and now I have the documentation. I thank my friend for yielding. I know it does not make him happy, but he was very generous to me to allow this minute to send these documents to the desk.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Rather than take time to respond, I will write a letter to the distinguished Senator and point out where she is in error on the Owen matter. As a matter of fact, I think it has been outrageous the way some of the arguments have been made on the other side against this really excellent justice from the State of Texas, who has a unanimous well qualified, the highest rating from the American Bar Association. I think we have had pure, unadulterated, raw politics involved with regard to Justice Owen.

This debate we are now having is about the raw politics that are being used against Miguel Estrada, the first Hispanic ever nominated to the Circuit Court of Appeals for the District of Columbia.

Today is Cinco de Mayo, the Fifth of May, commemorating the victory of the Mexican army over the French army at the Battle of Puebla in 1862. This battle came to represent a symbol of Mexican unity and patriotism. The victory demonstrated to the world that Mexico and all of Latin America were willing to defend themselves against any foreign intervention. Cinco de Mayo is now viewed as a festive day to celebrate freedom and liberty.

The fifth of May, 2003, in the Senate, unfortunately is also the 3-month anniversary of the beginning of the debate on Miguel Estrada. I would hope that we would be celebrating the liberation of his nomination and the freedom to vote on final passage on this Cinco de Mayo. But instead, the nomination of Miguel Estrada has been captured by a minority of Senators who refuse to allow a final vote on his nomination. They insist on their unprecedented filibuster, following their game plan of obstruction. In fact, they have compounded their obstructionist tactics by engaging in a second filibuster, this time on Priscilla Owen, nominated to the Fifth Circuit Court of Appeals. She also has a unanimous well-qualified rating from the American Bar Association, the badge of honor, the gold standard, that our colleagues on the other side of the aisle, have said that rating is.

I must admit, the Democrat game plan of delay and obstructionism is not surprising, but it is getting somewhat contradictory. In the case of Mr. Estrada, Democrats say they cannot vote for the nominee because they do not know enough about him. They allege he did not answer their questions and therefore they must have Department of Justice confidential memoranda he wrote while he was a line attorney in the Solicitor General's office; memoranda that have never been given in any way, shape or form to anybody in the Senate in a confirmation battle before, or anybody else for that matter. Even the White House has not seen these matters because they are so highly privileged, not Judge Gonzales, not anybody else in the White House.

There are no such claims about Justice Owen. Democrat opponents admit they know enough about her, that she did answer the questions, and that she has a record they can review. There are no phony excuses. They simply oppose her on philosophical grounds, namely, her interpretation of the Texas parental notification statute that applies to minor girls seeking an abortion.

This double standard demonstrates that some Senate Democrats are willing to use whatever obstructionist tactics it takes, based on any convenient rationale, to defeat the President's nominees.

While the rationales may be different, the motivation in both cases is the same. I think that a recent editorial appearing in the Atlanta Journal-Constitution said it best: "The fear with Owen and Estrada is that one or both will be nominated to the U.S. Supreme Court should a vacancy occur. Senate Democrats are determined to keep off the Circuit Court bench any perceived conservative who has the credentials to serve on the U.S. Supreme Court." I ask unanimous consent that a copy of this editorial be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATCH. As far as Mr. Estrada goes, there is an additional factor that is not based on any substantive objection to his nomination. I believe that some Senate Democrats do not want the current President, a Republican President, to appoint the first Hispanic as United States Circuit Judge for the District of Columbia Circuit.

Let me read from an editorial published by the Dallas Morning News addressing this point. On February 17, 2003, the News wrote:

> Democrats haven't liked Mr. Estrada from the beginning. Part of that is due to his ideology—which is decidedly not Democratic. But part of it also has to do with the fellow who nominated him. Democrats don't relish

giving President Bush one more thing to brag about when he goes into Hispanic neighborhoods during his re-election campaign next year. They are even less interested putting a conservative Republican in line to become the first Hispanic justice on the Supreme Court.

I ask unanimous consent that the entire editorial be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I don't know if Mr. Estrada is a conservative Republican, but I do know he is qualified for the position to which he is nominated, and it is well past time to vote on his nomination. This Friday will mark the two-years anniversary of his nomination on May 9, 2001. The Majority leader has made every attempt to obtain time agreements or use other procedures to bring this matter to a resolution. Each of these attempts has been rebuffed by a minority of this body. Some Senate Democrats have used every delay and obstructionist tactic available. Yet they still cannot identify one substantive issue that would justify or excuse their refusal to permit a final vote.

Mr. President, on this day, 141 years ago, the Mexican Army defeated forces which represented tyranny and defended the liberty of their nation. I urge my colleagues, on this day of celebration, to defeat the tyranny of the minority by voting to bring the debate on the nomination of Miguel Estrada to a close.

I yield the floor.

EXHIBIT 1

[From the Atlanta Journal-Constitution, May 4, 2003]

DEMOCRATS USE WRONG ROUTE TO WIN SOUTH

(By Jim Wooten)

U.S. Senator John Kerry (D-Mass.) brought his presidential aspirations to the South last week, promising in Alabama that he will make the national party competitive here once again.

Make competitive, he neglected to mention, a party that has positioned itself in opposition to the war in Iraq and anything other than token tax cuts, and as Democrats reminded the nation once again about the elevation of conservatives to the federal bench. While the White House may appeal to some as inside work with no heavy lifting, getting there through the South toting this party's agenda will be a task requiring Herculean labor.

Just this week, for example, Kerry's Democratic colleagues—Georgia's Zell Miller excepted—began to filibuster the nomination of Texas Supreme Court Justice Priscilla Owen to the New Orleans-based 5th U.S. Circuit Court of Appeals.

Kerry and other Democrats are already filibustering the nomination of Miguel Estrada to the District of Columbia Circuit Court of Appeals—the first time simultaneous filibusters against judicial nominees have occurred in the U.S. Senate.

Both Owen and Estrada are superbly qualified in every respect. Yet on Owen, those who complain that a "glass ceiling" exists for women of achievement are busily constructing one to keep her in her place. And those who complain that the federal bench lacks "diversity" find Estrada to be too much diversity for their taste. He is considered to be a conservative, and the interest groups that drive the Democratic Party nationally fear Owen is, too, at least on their abortion litmus test.

The fear with Owen and Estrada is that one or both will be nominated to the U.S. Supreme Court should a vacancy occur. Senate Democrats are determined to keep off the Circuit Court bench any perceived conservative who has the credentials to serve on the U.S. Supreme Court.

Kerry, then, and the legions of presidential soundalikes who campaign with him, have to come to a region where conservatism is the mainstream to explain how reducing federal taxes is bad and cheating exemplary women and minorities of the fair hearing they have earned before the U.S. Senate because they might be conservative is good.

"I can help you wage a fight down here and rebuild this party for the long run," Kerry said in Birmingham. Republicans have carried Alabama in all but three presidential elections in the past 50 years. Jimmy Carter in 1976 was the last Democrat to carry the state. George W. Bush carried every Southern state in 2000, including Tennessee, his Democratic opponent's home state. Al Gore Jr. thought so little of his Southern prospects that he actively campaigned in just three states—Tennessee, Florida and West Virginia.

Some Democrats, said Kerry, were "surprised" that he visited Alabama.

No surprise that he visited. The real surprise is the party baggage he hauled.

Opposition to tax cuts is comprehensible. Politicians loathe interruption in the flow of spendable revenues. Opposition to the war is, too. Too confrontational. Angers adversaries. Provokes understandable aggression, for which we bear unexpurgated sin.

While some positions are understandable, not so their party-line opposition to Owen and Estrada. Owen, the new filibusteree, drew the American Bar Association's highest rating. She is a cum laude graduate of the Baylor University Law School who scored the top grade in Texas on the bar exam. She practiced 17 years before becoming a judge and has been widely praised for her integrity and ability. Liberal groups say, unconvincingly except when they are talking to each other and Senate Democrats, that she is anti-abortion and pro-business.

Being a neighborly people, Southerners of course welcome Kerry to visit the region and to indulge himself in its hospitality. But the senator should not indulge himself into believing that a party that opposes tax cuts and filibusters nominees such as Owen and Estrada has the slightest chance of carrying this region.

EXHIBIT 2

[From the Dallas Morning News, Feb. 21, 2003]

RUSH TO JUDGMENT: ESTRADA NOMINATION HAS BEEN BLOCKED TOO LONG

There is a time for talking and a time for voting. The time is past for the U.S. Senate to talk about Miguel Estrada's nomination to the federal Court of Appeals for the District of Columbia circuit. It's time to vote.

Having emigrated from Honduras as a teenager unable to speak much English, Mr. Estrada went on to graduate magna cum laude from Columbia University and Harvard Law School, to clerk for a Supreme Court justice, to serve two administrations in the U.S. solicitor general's office, to win more than a dozen cases in the Supreme Court. In short, the 42-year-old lawyer is talented. Who knew that talent would extend to tying the Senate in knots for days on end.

Democrats by now are in full filibuster. Senate proceedings, as carried on C-Span, resemble the film Groundhog Day, where the main character has to relive the same day over and over again. Every day, it's the same thing. Democrats get up, march over to the podium, shuffle papers and recite their main complaint with Mr. Estrada—that he's conservative, unconventional and unapologetic. That when he had the chance to hand them the rope with which to hang him during his hearing before the Senate Judiciary Committee, he refused to hold up his end.

Democrats haven't liked Mr. Estrada from the beginning. Part of that is due to his ideology—which is decidedly not Democratic. But part of it also has to do with the fellow who nominated him. Democrats don't relish giving President Bush one more thing to brag about when he goes into Hispanic neighborhoods during his re-election campaign next year. They are even less interested in putting a conservative Republican in line to become the first Hispanic justice on the Supreme Court.

And so they have talked and talked, in hopes that Republicans will back down. They won't. Nor should they.

Republicans certainly stalled their share of appointments during the Clinton administration. But Democrats are being shortsighted in seeking retaliation. It is precisely these sorts of narrowly motivated temper tantrums—from both sides of the political aisle—that turn off voters and make cynics of the American people. When that happens, it doesn't matter which nominees get confirmed or rejected. Everybody loses.

Mr. HATCH. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, for some reason the Republican leadership is forcing what may be the fifth vote on a cloture motion on this divisive and controversial nomination.

I mention that because none of these cloture motions would have been needed if the administration had simply cooperated with the Senate as did prior administrations, Democratic and Republican. I have been here with six different administrations. The previous five always, no matter who was President, no matter who was in the majority in the Senate, always showed cooperation on judicial nominations as, I believe, has every President in the last century. Not this one.

I mention that because we are having this vote yet nothing has changed since the last cloture vote. No effort has been forthcoming by the administration to accommodate Senators' requests for access to the executive branch documents requested last May, almost a year ago. Everybody says Mr. Estrada is perfectly willing to come up and answer Senators' questions but not to answer the only questions the Senators really want to ask him.

Remember, this man was appointed based on what the administration knows of his writings while employed in the government. They have access to these writings. They say, in effect: Trust us. I am a strong supporter of Ronald Reagan's position: Trust but verify. I would like him to verify what was in these writings. We have not had access to them. If we did, we wouldn't be needing all these cloture votes.

Since the beginning of this year, despite the fixation on the President's most controversial nominations, we have worked hard to reduce judicial vacancies even further. As of today, the number of judicial vacancies is 49. That is the lowest it has been in many years. That is lower than at any time during the entire 8 years of the Clinton administration. We have already reduced judicial vacancies from 110, when I became chairman of the Senate Judiciary Committee, to 49. We did this in less than 2 years. We have reduced the vacancy rate from 12.8 percent to 5.7 percent, the lowest it has been in a decade. If we could get even a modicum of cooperation from the administration, think of the additional progress we could be making.

The Nation's unemployment rate rose last month to 6 percent, but the vacancy rate in the Federal judiciary dipped to 5.7 percent. While the number of private sector jobs lost since the beginning of this administration is 2.7 million, and while almost 9 million Americans are now out of work, and unemployment has risen by more than 45 percent during this administration, Democrats in the Senate have cooperated, moving forward to confirm 121 of the President's judicial nominees to reduce judicial vacancies to the lowest level in more than a decade and to reduce Federal judicial vacancies by more than 60 percent.

Apparently, the majority in the Senate remains obsessed in seeking to force through the most divisive of this President's controversial, ideologically chosen nominees. While they have pushed the Nation's unemployment rate up to 6 percent, they have focused their energies on dropping the vacancy rate of the Federal judiciary to below that.

I think it is unfortunate that the White House and some of my friends on the other side of the aisle have insisted on this confrontation rather than working with us to provide the needed information so we could proceed on the Estrada nomination. Some seem to prefer political game playing, seeking to pack the courts with ideologues and leveling baseless charges of bigotry at those who may disagree with them, rather than working with us on this nomination by providing information and proceeding to a fair vote.

We have spent day after day on this nomination that will not go any further until the nominee is given permission to provide answers to us regarding the same questions that were obviously asked by the administration. What was it he wrote that made the administration want to appoint him to the second highest court in the land?

On one level, I admire their efforts to get this high-paying lifetime job for this nominee. Maybe they should talk about the 9 million Americans who do not have any lifetime job, who now don't have any job; or the 2.7 million Americans who have lost their jobs since this administration came into office. Maybe we should be debating that. Maybe we should be working to put them back to work. Apparently, the administration believes it is more important to have this one job.

In that regard, just as any employer would want to know why they should hire a particular person, we in the Senate have a right to ask what is it in this man's record that made the administration want to appoint him to the second highest court in the land. But they don't want us to see what it was on which they based their decision. Maybe they believe the Senate is irrelevant.

That is not the way I read the advise and consent clause. Let us see what brought them to their conclusion, and then let us go forward. Let's actually take those steps that would unite us rather than divide us, and then maybe the administration will be able to turn to the lives of the millions upon millions of Americans who are out of work—the highest unemployment rate in a decade.

To reiterate, today the Republican leadership in the Senate is forcing what may be the fifth vote on a cloture motion on this divisive and controversial nomination. None of these motions would have been needed if the administration had cooperated with the Senate as have prior administrations, Democratic and Republican. Nothing has changed from the last cloture vote. No effort has been forthcoming by the administration to accommodate Senators' requests for access to the executive branch documents requested last May, almost 1 year ago. The White House continues to obstruct any progress toward resolving this matter by its unprecedented refusal to turn over documents requested to determine whether or not Miguel Estrada should sit on the second highest court in the land, for life. Mr. Estrada's nomination is apparently being sacrificed by the administration for its own partisan, political purposes.

I do want to thank the Democratic leadership in the Senate for working with us and helping press for a vote on the nomination of Judge Edward Prado to the Fifth Circuit last week. We had been seeking that vote for several weeks, since his nomination was favorably reported with the support of every Democratic member of the Judiciary Committee. Last Thursday, the Republican leadership at last agreed to schedule that nomination for Senate consideration. Judge Prado's nomination was confirmed 97 to zero. This nomination is another example of how quickly the Senate is able to proceed on consensus, mainstream nominees. Judge Prado has 19 years of experience as a U.S. District Court judge. Our review of his actions on the bench showed him to have a solid record of fairness and evenhandedness. No supervisor or colleague of Judge Prado has questioned his willingness to interpret the law fairly. Judge Prado enjoyed the full support of the Congressional Hispanic Caucus and the Mexican American Legal Defense and Education Fund. Not a single person or organization submitted a letter of opposition or raised concerns about Judge Prado.

Judge Prado is now the second nominee of this President to be confirmed by the Senate to the Fifth Circuit after years during which President Clinton's nominees were denied hearings and consideration by a Republican Senate majority. Although Republicans had refused to proceed on three of President Clinton's nominees to that court—two from Texas and one from Louisiana—during his entire second term, Democrats proceeded with hearings and committee votes on all three of President Bush's nominees. Judge Prado is the fourth nominee of this administration to receive a hearing and consideration.

Still stalled on the Senate Executive Calendar is the nomination of Judge Cecilia Altonaga to be a Federal judge in Florida. Senator GRAHAM requested that the Judiciary Committee expedite the consideration of her nomination, and we did. All Democratic members of the Judiciary Committee supported this nomination. She will be the first Cuban-American woman to be confirmed to the Federal bench, whenever the Republican majority is willing to proceed on her nomination. In my view, the Senate's time would be better spent this evening voting on this nomination than another unsuccessful cloture vote on the Estrada nomination. Unfortunately, that is not how the Republican leadership has chosen to proceed.

The administration remains intent on packing the Federal circuit courts and on insisting that the Senate rubberstamp its nominees without fulfilling this body's constitutional advise and consent role in this most important process. The White House could have long ago helped solve the impasse on the Estrada nomination by honoring the Senate's role in the appointment process and providing the Senate with access to Mr. Estrada's legal work. Past administrations have provided such legal memoranda in connection with the nominations of Robert Bork, William Rehnquist, Brad Reynolds, Stephen Trott and Ben Civiletti, and even this administration did so with a nominee to the Environmental Protection Agency. In my statement in connection with an earlier cloture petition, I outlined additional precedent for sharing the requested materials with the Senate, as did Senator KENNEDY. I am disappointed that the White House refuses to end this problem and, instead, continues to politicize the process.

We understand that the President's nominees will be Republicans. We understand they will be conservative. We understand that they will have positions with which we disagree. I have voted for hundreds of nominees who were conservative Republicans.

In just the last 2 years, 121 of the President's judicial nominees have been confirmed. One hundred of those confirmations came during the 17 months of Democratic leadership of the Senate. No fair-minded observer could term that obstructionism. By contrast, during the 6½ years during which Republicans controlled the Senate and President Clinton's nominations were being considered, they averaged only 38 confirmations a year. During the last two years of the Clinton administration, the Senate confirmed only 73 Federal judges—the Senate confirmed 72 judges nominated by President Bush last year alone. Combining the 1996 and 1997 sessions, Republicans in the Senate allowed only 53 judges to be confirmed in 2 years, including only seven new judges to the Circuit Courts.

It is a shame that the White House refuses to work together with us to do even more to help the Federal judiciary. This week, we have already had a debate and vote on yet another controversial circuit court nominee, Deborah Cook, for the Sixth Circuit, and now a cloture vote on the nomination of Miguel Estrada.

The fact is that when Democrats became the Senate majority in the summer of 2001, when we inherited 110 judicial vacancies, there was a dire need to fill judicial vacancies. Over the next 17 months, despite constant criticism from the administration, the Senate proceeded to confirm 100 of President Bush's nominees, including several who were divisive and controversial, several who had mixed peer review ratings from the ABA, and at least one who had been rated not qualified. Despite the additional 40 vacancies that arose, we reduced judicial vacancies to 60, a level below that termed "full employment" by Senator HATCH. Since the beginning of this year, in spite of the fixation of the Republican majority on the President's most controversial nominations, we have worked hard to reduce judicial vacancies even further. As of today, the number of judicial vacancies is at 49. That is the lowest it has been in 7 years. That is lower than at any time during the entire 8 years of the Clinton administration. We have already reduced judicial vacancies from 110 to 49, in less than 2 years. We have reduced the vacancy rate from 12.8 percent to 5.7 percent, the lowest it has been in a decade. With some cooperation from this administration, think of the additional progress we could be making.

While the Nation's unemployment rate rose last month to 6 percent, the vacancy rate on the Federal judiciary dipped to 5.7 percent. While the number of private sector jobs lost since the beginning of the Bush administration is 2.7 million, almost 9 million Americans are now out of work, and unemployment has risen by more than 45 percent, Democrats in the Senate have cooperated in moving forward to confirm 121 of this President's judicial nominees, to reduce judicial vacancies to the lowest level in more than a decade, and to reduce Federal judicial vacancies by almost 60 percent. Yet the Republican-led Senate remains obsessed with seeking to force through the most divisive of this President's controversial, ideologically-chosen nominees.

It is unfortunate that the White House and some Republicans have insisted on this confrontation rather than working with us to provide the needed information so that we could proceed on the Estrada nomination. Some on the Republican side seem to prefer political game playing, seeking to pack our courts with ideologues and leveling baseless charges of bigotry, rather than to work with us to resolve the impasse over this nomination by providing information and proceeding to a fair vote.

I was disappointed that Senator BENNETT's straightforward colloquy with Senator REID and me on February 14, which pointed to a solution, was never allowed by hard-liners on the other side to yield results. I am disappointed that all my efforts and those of Senator DASCHLE and Senator REID have been rejected by the White House. The letter that Senator DASCHLE sent to the President on February 11 pointed the way to resolving this matter reasonably and fairly. Republicans would apparently rather engage in partisan politics.

Republican talking points will undoubtedly claim that this is "unprecedented." They will ignore their own recent filibusters against President Clinton's executive and judicial nominees in so doing. The only thing unprecedented about this matter is that the administration and Republican leadership have shown no willingness to be reasonable and accommodate Democratic Senators' request for information traditionally shared with the Senate by past administrations. That this is the fifth cloture vote on this matter is an indictment of Republican intransigence on this matter, nothing more. What is unprecedented is that there has been no effort on the Republican side to work this matter out as these matters have always been worked out in the past. What is unprecedented is the Republican insistence to schedule cloture vote after cloture vote without first resolving the underlying problem caused by the administration's inflexibility.

I urge the White House and Senate Republicans to end the political warfare and join with us in good faith to make sure the information that is needed to review this nomination is provided so that the Senate may conclude its consideration of this nomination. I urge the White House, as I have for more than 2 years, to work with us and, quoting from today's New York Times editorial:

> The answer is not to try to twist the rules or demonize Democrats. It is for the White House to consult with the Senate and agree on nominees that senators from both parties can in good conscience confirm.

The President promised to be a uniter not a divider, but he has continued to send us judicial nominees that divide our nation and, in this case, he has even managed to divide Hispanics across the country. The nomination and confirmation process begins with the President, and I urge him to work with us to find a way forward to unite, instead of divide, the Nation as well as the Senate on these issues.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, the Senator from Vermont made a point that the White House has seen these privileged documents in the Solicitor General's Office. If they have any evidence of that, I would like to see it because I know they haven't looked at those records. Those are the most highly privileged records in the Justice Department. I am not sure that a Solicitor General wouldn't resign before giving up those records.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, if I have any remaining time, I yield it.

Mr. HATCH. Likewise.

CLOTURE MOTION

The PRESIDING OFFICER. All time has been yielded. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 21, the nomination of Miguel A. Estrada to be United States Circuit Judge for the District of Columbia Circuit.

> Bill Frist, Orrin Hatch, Judd Gregg, Norm Coleman, John E. Sununu, John Cornyn, Larry E. Craig, Saxby Chambliss, Lisa Murkowski, Jim Talent, Olympia Snowe, Mike DeWine, Michael B. Enzi, Peter G. Fitzgerald, Lindsey Graham, Jeff Sessions.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the nomination of Miguel A. Estrada to be United States Circuit Judge for the District of Columbia Circuit shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Washington (Ms. CANTWELL), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Georgia (Mr. MILLER), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "no."

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 39, as follows:

[Rollcall Vote No. 140 Ex.]

YEAS—52

Alexander
Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Nelson (FL)
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—39

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—9

Cantwell
Graham (FL)
Kerry
Lieberman
Mikulski
Miller
Murkowski
Murray
Specter

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

VOTE EXPLANATION

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Ms. CANTWELL. Mr. President, I have the great honor of being in Washington State today in order to welcome home the USS *Lincoln* and USS *Camden*. After a 10-month deployment, including valuable service in the recent war against Iraq, the men and women of the USS *Lincoln* and her carrier strike group will finally reach Everett and Bremerton, WA in the next few hours. Unfortunately, in order to be present for this important homecoming in my State—it was necessary to miss two votes today.•

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCONNELL. I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO DR. PAUL DIXON

Mr. DEWINE. Mr. President, I rise today to pay tribute to a fellow Ohioan, a leader in higher education, a dear friend, and a good neighbor: Dr. Paul Dixon. Dr. Dixon is the current president of Cedarville University, a Baptist liberal arts university located very near my home, my wife Fran's home in Greene County, OH. Dr. Dixon is planning to retire from that position in June of this year after a quarter of a century of great successful leadership. As the longest-serving president of any college or university in Ohio, Paul led the university through an unprecedented period of growth and has served as an example and friend to many in our community.

I would like to take a few minutes to tell my colleagues in the Senate about Paul's great support and dedication to higher education. He is an exemplary educator and a well respected and committed member of our local community.

Though Paul is retiring from his current position as university president, we are pleased that he will remain at the university as chancellor and will continue to be a role model in our community.

Paul Dixon was born in Cincinnati, OH, and graduated from Tennessee Temple University in 1961, and Temple Baptist Theological Seminary in 1964. After graduation, Paul spent 14 years as an evangelist where he traveled the country preaching and ministering to communities and churches and spoke for professional sports chapel programs, including the Cincinnati Reds and the Bengals, the former Houston Oilers, and most of the National League of baseball. He moved from Chattanooga, TN, to Cedarville, OH, in 1971 with his wife Pat, took a position with the faculty of the Language and Literature Department of then Cedarville College.

In 1978, Cedarville University trustee member Donald Tyler recommended Paul to the board of trustees as a replacement for the retiring university president, Dr. James T. Jeremiah. At the time, Donald was sure the idea of an evangelist serving as president would shock his fellow trustees. But, as Dr. Murray Murdoch's book, "Cedarville College: A Century of Commitment," tells the story, Donald Tyler felt compelled to suggest the successful young evangelist to the board as a candidate for the college's next leader.

Donald Tyler already knew Paul well as an influential evangelist. But he also observed Paul's interest in and involvement with college students as a Cedarville resident and husband of a faculty member. Even though he was not a CEO or business leader, Paul demonstrated leadership skills and began to establish himself as a visionary within the community. Ultimately, these observations convinced Donald that Paul was the right person to serve as the new president, and the entire board of trustees agreed. A glance at the past 25 years of Paul's tenure reveals Donald Tyler's instincts served the university well.

Paul's success as president of Cedarville University may be due in part to his God-given ability to balance stability and change.

With a strong vision and foresight, Paul led the university into a period of tremendous growth. Throughout his 25 years of leadership, $100 million in facilities have been built on a campus that has expanded from 180 to 400 acres. The school attained university status in the year 2000 and now offers more than 100 programs of study, including a graduate degree. Enrollment grew from 1,185 students in 1978 to more than 3,000 students today. Dr. Dixon also championed the university's focus on technology, positioning the institution as an award-winning leader and pioneer in the digital age.

I must say, Mr. President, and Members of the Senate, that the quality students that Cedarville University produces is really a testament to Dr. Paul Dixon as a role model and to the high standards he sets for the faculty and for the students. Without question, Paul Dixon sets the bar high. But the young people—the young people—who graduate from Cedarville University not only leave the school with a diploma, but they also leave the school with a strong set of values to guide them in their future lives. That is due, in no small part, to Dr. Paul Dixon's dedication to each and every student and to his commitment to leading by example.

Apart from Paul's contributions to the growth and success of Cedarville University and its students, he is an admired leader throughout the surrounding community. KeyBank President William Hann said this of Paul:

> Paul is value-driven. He is admired by the entire business community because of his character, compassion, and leadership.

Also, Mike Stephens, president of Greene Memorial Hospital in nearby Xenia, OH, and former Cedarville University student, said this:

> I have worked with Dr. Dixon on several community leadership activities. He is a well respected and sought after community leader, both for his ideas and vision.

Over the years, Paul Dixon has served the area through his leadership on several local business and community boards.

He served on the regional board of directors for KeyBank in Dayton, was a member of the Springfield/Clark County Chamber of Commerce Board of Directors, and was a part of the Greene County Development Task Force, as well as the Greene County Blue Ribbon Committee.

In addition to serving on these boards and committees, Paul Dixon has hosted several events at the university aimed at community outreach and development. Every year, Dr. Dixon has hosted Farmer's Night, with about 250 to 300 local farmers attending, and Community Night, with about 400 community leaders in attendance. These events have brought people together to share problems, success stories, and ideas to better improve our community.

Jackie Pyles, a resident of Cedarville, had this to say about Dr. Dixon:

> Through "Farmer's Night," "Community Night," and consulting area businessmen in their areas of expertise, Dr. Dixon has brought the University and community into a relationship where they are more supportive of each other. With Dr. Dixon's genuineness, love for people, and his sincere sensitivity, he has helped people not look at the University as a separate entity, but rather as an intricate part of this community.

I couldn't agree more.

Paul Dixon has positively influenced the individual lives of so many, but particularly his students. Students, university staff members, and people in the surrounding community all speak of Paul's love for people and his impeccable personal integrity. Reflecting upon this legacy, current trustee member Dr. Eugene Apple said this:

> The accomplishments during Dr. Dixon's tenure as president are well known and very impressive: new programs, campus expansion, enrollment growth, and on and on. Having served on the Board of Trustees for more than 20 years, I noted one characteristic that seemed to rise above all else—his integrity, not only with the Cedarville family, but in a very quiet way with others in need of support, advice, consultation, and help.

The mantle of his presidency has been passed on to Dr. William E. Brown, former president of Bryan College of Dayton, TN. And I congratulate Dr. Brown and welcome him to our community. As I said, Dr. Dixon will not be far away. He will continue to preach, continue to represent the university among a variety of constituencies, and tell the Cedarville University story wherever he goes. Paul will end his presidency the way he began it, and that is by serving people and by serving the community.

Paul has a famous motto: "Everything we do ought to have quality stamped all over it." It is well known by Cedarville University students, staff, faculty, and the surrounding community. It truly captures the essence of who Dr. Paul Dixon is as a person and his mission in life. As the longest-serving college president in Ohio and the 12th longest-serving president in our Nation, Paul's example of stability, commitment, leadership, faithfulness, and quality is unparalleled.

My wife, Fran, and I extend our deepest appreciation to Dr. Paul Dixon for his dedication to college students, his leadership in higher education in Ohio, and his service to the village of Cedarville and the surrounding area. We both cherish Paul and his wife Pat's friendship and wish them our warmest congratulations and an enjoyable retirement.

HONORING OUR ARMED FORCES

Mr. ENSIGN. Mr. President, I rise to share with the Members of this esteemed body the story of Lance Corporal Donald John Cline. John's wife Tina wants to make sure that their young sons know that their dad was "a proud father, a proud husband, and a proud Marine." Dakota, two and a half, and Dillon, 7 months, won't be able to know him as they grow up because their father gave his life in Iraq to protect this nation and defend our freedom. As part of the legacy he left to his boys, I honor him today.

John and Tina met and became friends in 1997 when their families lived in the same apartment complex and both attended Reed High School in Sparks, NV. According to Tina, John always wanted to be a Marine, and he was already signed up and ready to join during his senior year of high school.

John graduated from Marine boot camp on October 20, 2000. The next day, he and Tina were married at the American Legion Hall. John was assigned to the 1st Battalion, 2nd Marine Regiment of the 2nd Marine Expeditionary Brigade based at Camp Lejeune, NC. Just after last Christmas, John received his orders to ship out to the Middle East.

On March 23, John was killed in an amphibious vehicle hit by enemy fire during an ambush in the southern Iraq town of An Nasiriyah. Lance Corporal Cline was 21 years old when he died. Tina says that she "saw a teenager grow up to be a man."

Unfortunately, I did not know John, but I can assure you that the dedication of this brave, proud Marine has touched my life. John's service to this Nation, on behalf of all of us, is truly inspiring. I want Tina and her boys to know that we are a grateful Nation for the man John became and for his courageous contributions to the United States of America and freedom-loving nations around the world.

I know my colleagues join me in praying for strength for John's wife and children as they deal with the loss of this American hero. As his young sons grow, I hope they will realize how grateful this Nation is for their sacrifice and the ultimate sacrifice that their father made.

God bless the Cline family.

THE INTERNATIONAL CRIMINAL COURT

Mr. LEAHY. Mr. President, over the past few months the International Criminal Court, ICC, has taken important steps towards becoming an effective forum to hold accountable those accused of war crimes, genocide, and crimes against humanity. By all accounts, the countries participating in these negotiations did an excellent job of selecting qualified jurists and, perhaps most importantly, a responsible and experienced prosecutor.

But an important voice is missing from these negotiations. That voice is the United States, a country which was founded on the principles of the rule of law, human rights, and democratic freedoms.

Perhaps more than at any other time, the past few months have highlighted the folly of the Bush administration's policy towards the ICC.

The whole world wants the United States to be involved with the development of this institution. Yet, instead of seizing this opportunity to shape the Court in our interests, we are one of the only democracies sitting on the sidelines—joined by some of the world's worst human rights offenders. It is an embarrassment, and contrary to the arguments of those who oppose the Court, it is self-defeating.

Instead of making sure that the ICC will function the way we want it to, this Administration withdrew our signature from the Rome Treaty and supported legislation, the American Service Members Protection Act, openly hostile to the ICC.

Instead of working to influence the selection of judges, prosecutors, and other ICC officials, our negotiators are not even sitting at the table.

Has the administration taken this position because they believe engagement is not a viable strategy to promote U.S. interests in international negotiations?

Clearly not. One need only look at their position on military training assistance to the Indonesian Armed Forces. Despite the fact the Indonesian military is a corrupt, brutal institution that has been implicated in the deaths of American citizens, the State Department says that U.S. aid to this institution "provides a vehicle for the United States to impart our ideas about civil-military relations to foreign military audiences, and to promote military reform."

I don't favor training the Indonesian military unless they show they want to reform. Then we can and should help them.

But the ICC is an institution designed to punish the world's worst criminals. The Administration refuses to engage with the ICC, but it will engage with the Indonesian military. If anything, it should be the other way around. We should be working to shape the ICC, an imperfect but potentially valuable institution, to promote U.S. interests, while distancing ourselves from institutions that are corrupt, abusive and incapable of reform.

The administration points to efforts to combat international terrorism as the reason that it wants to restore military training for Indonesia. The same can be said for the ICC. The Court could become an important forum to try dictators or others involved in atrocities—providing an important tool to deter acts of international terrorism.

Another explanation for the administration's policy might be that the United States simply got nowhere during previous negotiating sessions and further engagement simply will not yield results.

In fact, during the negotiations on the Rome Treaty, the U.S. delegation worked to ensure that the Court will serve our national interests by being a strong, effective institution. They succeeded in inserting a number of important safeguards, including provisions to deter frivolous prosecutions.

Like any international agreement, the U.S. did not get 100 percent of what we wanted in the negotiations. However, that is why the U.S. should remain involved with the Court. As the distinguished senior Senator from Pennsylvania, Mr. SPECTER, has said, U.S. policy toward the International Criminal Court should be one of "aggressive engagement."

Instead, the Bush administration has taken its bat and ball and walked off the field. While this might make those opposed to the Court feel better, the fact of the matter is that the ICC is a reality—even the Bush administration acknowledges this. It is rapidly becoming operational and will have jurisdiction over offenses committed on the territory of state parties, even if those offenses are committed by the citizens of nonparty states.

Bush administration officials have said over and over that the power of the prosecutor is one of the main reasons that they oppose the ICC. In March, the New York Times reported that, because of the historic role that the United States has played in international justice, many nations sought to appoint an American as Chief Prosecutor to the Court.

I can think of few measures that would have been more effective in accomplishing the Administration's stated goal of guarding against political prosecutions of American soldiers than having an American citizen serve as Chief Prosecutor. However, the New York Times article went on to point out that the Administration's policy of being openly hostile towards the ICC was precluding an American from being appointed to this critical position.

Ultimately, an Argentine was selected as the prosecutor. While this prosecutor appears to be a very capable, distinguished individual, one gets the sense that if U.S. policy towards the ICC had been less hostile, an American would now occupy that position.

The U.S. need not be estranged from the ICC. Our closest allies, almost all of whom are strong supporters of the Court, have made it clear that with or without U.S. ratification of the Rome Treaty they would welcome our involvement in guiding its development.

As a signatory to the final document of the Rome Conference we had the right to participate in all of the various preparatory meetings leading up to the creation of the Court. Despite its concerns about the Court—or rather, because of them—it is bewildering that the Bush administration chose to not even send U.S. representatives to participate in the final negotiations.

Instead of supporting frivolous legislation that declares war on The Hague and would cut off military assistance to a number of key friends and allies, this administration should reconsider its position on the ICC.

By sitting on the sidelines, the United States is losing out on its ability to influence the structure and culture of this important new institution. Each time we refuse to join another treaty or international organization, which has become a pattern of this administration, we erode our international leadership.

I urge the administration to re-engage in a discussion with the Congress, and with our allies, of how the United States can once again play a constructive, leadership role in ensuring that the International Criminal Court effectively carries out its historic mandate.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 19, 2001 in Teaneck, NJ. An Arab-American was hanging an American flag on his car when a woman approached him and asked if he was an "Arab." He answered, "Yes, why?" to which she responded, "Because I was in the department store buying a rope to hang myself before you kill me." The man ignored her and returned to his task. When he turned his back, the woman assaulted him with her fists and her keys.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

88TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. SARBANES. Mr. President, I rise to commemorate the 88th anniversary of the Armenian genocide, in which 1½ million men, women, and children lost their lives as a result of the brutal massacres and wholesale deportation conducted by the Ottoman Turkish rulers against their Armenian citizens. This was the first genocide of the 20th century. Today, as we remember the bravery and sacrifice of the Armenian people in the face of great suffering, we renew our commitment to protecting the fundamental rights and freedoms of all humanity.

As time passes, we must not forget the terrible blows that befell the Armenians in 1915. On April 24 of that year, more than 250 Armenian intellectuals and civil leaders in Constantinople were rounded up and killed, in what was the first stage of a methodical plan to exterminate the Armenian population in the Ottoman Empire. Next, Armenian soldiers serving in the Ottoman army were segregated into labor battalions and brutally murdered. In towns and villages across Anatolia, Armenian leaders were arrested and killed. And then the remaining Armenian population, women, children, and the elderly, were driven from their homes and deported to the Syrian desert.

"Deportation" was merely a euphemism for what were, in reality, death marches. Ottoman Turkish soldiers allowed brigands and released convicts to kill and rape the deportees at will; often the soldiers themselves participated in the attacks. Driven into the desert without food and water, weakened by the long march, hundreds of thousands of deportees succumbed to starvation. In areas of Anatolia where deportation was not deemed practicable, other vicious means were used. In the towns along the Black Sea coast, for example, thousands of Armenians were packed on boats and drowned.

The efforts to destroy the Armenian population did not pass unnoticed at the time. Leslie Davis, a U.S. diplomat stationed in eastern Anatolia, wrote in a State Department cable of July 24, 1915: "It has been no secret that the plan was to destroy the Armenian race as a race, but the methods used have been more cold-blooded and barbarous, if not more effective, than I had at first supposed."

Henry Morgenthau, the U.S. Ambassador to Turkey at the time and who personally made vigorous appeals to stop the genocide, called it "the greatest horror in history." He later wrote: "Whatever crimes the most perverted instincts of the human mind can devise, and whatever refinements of persecutions and injustice the most debased imagination can conceive, became the daily misfortunes of this devoted people. I am confident that the whole history of the human race contains no such horrible episode as this."

Despite this testimony from U.S. diplomats who were witness to the events, and the abundance of evidence documenting the Armenian genocide, the argument continues to be made in some quarters that it never occurred. Much of that evidence was collected by our diplomats, and along with survivors' accounts, is housed in our National Archives. I have no doubt that if he were told that some continue to reject it, Ambassador Morgenthau would be astonished and outraged. Coming to terms with history is a difficult and painful process, as the experiences of South Africa and the countries of the former Soviet Bloc have shown. But we have also learned how pernicious attempts to falsify history are. Not only do they insult the memory of those who suffered or perished, but they leave us all more vulnerable because they weaken the fabric of our common humanity.

Many survivors of the genocide settled in this country, built new lives for themselves, and raised families here. They have made extraordinary contributions to every aspect of our national life, while preserving their own rich faith and cultural traditions. That Americans of Armenian origin have prospered in so many different ways stands as a rebuke to those who would deny the horrors of 1915. Americans of all backgrounds join them in commemorating the tragedy of the Armenian genocide. Together we must commit to building a world in which history shall not repeat itself.

MEDICAL RECORDS PRIVACY

Mr. JOHNSON. Mr. President, the issue of one's privacy is something that resonates throughout each and every one of our lives on a daily basis. As Americans we enjoy the luxury of certain forms of privacy, while at the same time live within the very constraints of a society that is experiencing an erosion of our privacy rights with each passing day, consequently affecting the boundaries of individual freedoms. Jeffrey Rosen, noted author of the book called "The Unwanted Gaze, The Destruction of Privacy in America," stated that "it is surprising how recent changes in law and technology have been permitted to undermine sanctuaries of privacy that Americans took for granted throughout most of our history." Furthermore, he states that "there is nothing inevitable about the erosion of privacy, just as there is nothing inevitable about its reconstruction."

On April 14, 2003, America experienced the beginning of comprehensive guidelines governing the world of medical privacy. This day marked the final compliance for health care providers who are implementing the new regulations laid out in the Health Insurance Portability and Accountability Act, HIPAA. Originally known as the Kennedy-Kassebaum legislation, passed in 1996, this bill was the result of over a decade's worth of input regarding the privacy of patients' medical records. As we move forward with these changes, it is important to note a few of the significant alterations that will impact both health care entities and consumers.

HIPAA was enacted by the Federal Government to give patients more control over their health information as well as provide greater boundaries for the use and release of health records. As of April 14, hospitals, health care providers, health plans, and clearinghouses will be working under stricter guidelines in regards to patient records. Health care entities will be restricted from releasing information regarding inpatient, outpatient, or emergency room patients unless that patient agrees to such a release in specific written documentation. Federal law, rather than various State regulations, will now protect the confidentiality of medical files. Consumers will be able to find out who has tried to have access to their medical records. This new law will also prohibit marketers from obtaining personal medical information without an individual's consent. These are just a few of the many new regulations set to take place as a result of implementation of HIPAA law.

Health care providers have had to rearrange existing procedures, as well as yield additional funding to meet the April 14 compliance deadline. This has proven to be more challenging for some entities than others especially those in rural areas where financial and workforce constraints are often greater than for their urban counterparts.

Hailed by medical consumer groups as a significant advance in protecting the rights of consumers and the privacy of medical records, some have expressed concern that the regulations are cumbersome or don't go far enough. Before HIPAA, however, there were few rules in place to the coherence of patient safety. Consumers now will find great comfort in knowing significant protections are being undertaken to protect their personal medical information.

As we move forward with implementation of these new privacy regulations, I will continue to monitor these new rules and solicit feedback from consumers and health providers alike about medical and other privacy issues so critically important to our everyday lives.

IN RECOGNITION OF WILLIAM W. FENNIMAN, POLICE CHIEF OF DOVER, NH

Mr. GREGG. Mr. President, I rise today to recognize the outstanding contribution to public safety and community building made by Dover, NH, Police Chief William W. Fenniman.

Chief Fenniman was first appointed as a Dover police officer in 1981. He rose through the ranks and in 1991, just 10 years later, was appointed the chief of police in Dover. Chief Fenniman has led his Department to become only the

49th police department in the country to be nationally accredited three times by the Commission on Accreditation for Law Enforcement Agencies. Under Chief Fenniman's leadership, the Dover police department has also had the distinction of being the first police department in the State of New Hampshire to be accredited through the State accreditation system. Chief Fenniman's success at the helm of the police department is a testament to his dedication, hard work and determination to strengthen the community through an expansive and effective law enforcement agency that truly is an integral part of the community.

Chief Fenniman has concentrated on fostering strong ties to and within the community. Chief Fenniman's focus on creating lasting and positive relationships between the community and law enforcement has brought crime levels down and improved community spirit. The creation of a youth safe haven and police ministation in partnership with the city housing authority to provide outlets and activities for children after school hours continues to flourish each year.

I am honored to participate in the Afterschool Alliance "Breakfast of Champions" event to present Chief William Fenniman with the 2003 Afterschool Community Champion award. Chief Fenniman has made a significant commitment to helping the children of his community find positive activities to do after their school days are over, and his work has helped to increase community ties and reduce crime.

ADDITIONAL STATEMENTS

CITIZENS BANK DOES THE RIGHT THING

• Mr. KENNEDY. Mr. President, I welcome this opportunity to commend Citizens Bank for the strong support it is giving to its employees who have been called up for active duty in connection with the Nation's military deployments in Iraq.

Many of us in Congress continue to be concerned that many members of the National Guard and Reserves have been activated with too little of this needed support, or even none at all. We have introduced legislation, S. 647, to deal with these urgent problems for all activated Guard and Reserve members and their families.

Citizens Bank deserves credit for strengthening its personnel policies to support its brave men and women called to serve. Unfortunately, too many Guard and Reserve families are not as fortunate, and I hope Congress will act quickly to provide this needed relief.

I ask that a statement by Citizens on February 10 announcing its impressive policy may be printed in the RECORD.

The Statement follows.

CITIZENS FINANCIAL GROUP, INC. ENHANCES MILITARY LEAVE POLICY, FEBRUARY 10, 2003

Citizens Financial Group, Inc. announced today is has enhanced the company's existing military leave policy to offer additional support to any employee/reservist activated during Operation Enduring Freedom.

"These are difficult and uncertain times in our nation. The current situation in the Persian Gulf has made real the possibility that Citizens' colleagues or family members may be called to serve their country," said Lawrence K. Fish, Chairman, President & CEO.

"We are concerned about our employees and providing benefits that match their needs," said Fish. "We hope it won't be necessary for employees to use these benefits, but we are offering the support in the event it is needed."

In its new military leave policy, Citizens Bank will: Pay the difference between employees' Citizens pay and the military pay for the duration of the active duty. This benefit is currently only available for the annual summer camp; offer the continuance of medical, dental, vision and life insurance coverage; and provide a comparable job upon return.

Citizens will also offer support to employees whose spouse, domestic partner or child is called to duty. Citizens will grant a paid leave of absence for five consecutive days to coincide with an in-service leave by the family member. If travel is necessary, Citizens will also pay a portion of their travel expenses.

Citizens Financial Group, Inc. is a $56.5 billion commercial bank holding company headquartered in Providence, RI. It is one of the nation's 20 largest commercial banks with 850 Citizens Bank branches, more than 1,700 ATMs and more than 15,000 employees in seven New England and Mid-Atlantic states. It operates as Citizens Bank in Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, Pennsylvania and Rhode Island. Citizens is owned by The Royal Bank of Scotland Group plc.•

TRIBUTE TO PULASKI COUNTY SCHOOL SYSTEM

• Mr. BUNNING. Mr. President, I rise today to honor and pay tribute to the Pulaski County School System for receiving the Public Education Achieves in Kentucky Award from the Kentucky School Boards Association. The Pulaski County School System has distinguished itself through its outstanding efforts to promote gifted and talented students.

The Kentucky School Boards Association's Public Education Achieves in Kentucky Award was first awarded in 1997 to bring statewide attention to public school programs that enhance the impact that elementary and secondary schools have on young people. This award was well earned by the members of the Pulaski County School System under the leadership of Superintendent Tim Eaton.

The faculty of the Pulaski County School System have demonstrated excellence in the classroom by making a difference in the lives of their students. Their commitment towards improving the quality of education in Kentucky's schools has proven their roles as educators. Furthermore, credit is also due to the Pulaski County School Board for implementing the higher standards necessary to meet the demands of gifted education.

I am glad the faculty and administration of the Pulaski County School System chose to work and make their home in the Commonwealth of Kentucky. It is a source of great pride to call attention to their excellence. The citizens of Pulaski County should be privileged to be served by such fine professionals, and their example should be followed by educators across Kentucky.•

HONORING OUR MEN AND WOMEN IN UNIFORM

• Mr. FITZGERALD. Mr. President, I rise today with great pride to pay tribute to our Armed Forces involved in Operation Iraqi Freedom. Thanks to the dedication and valor of more than 200,000 of our brave men and women in uniform, the Iraqi people have been liberated from the oppressive and murderous grip of Saddam Hussein and, I believe, this Nation and the world are safer today than they were a few weeks ago.

The successes of our Armed Forces in Iraq are unprecedented. In 3 short weeks, our troops marched 300 miles to the heart of Baghdad, liberated fortified Iraqi cities along the way, and removed Saddam Hussein's entrenched, brutal regime from power. All the while, they worked honorably to minimize civilian casualties, preserve Iraq's infrastructure, distribute food and medical aid to innocent Iraqis, and treat enemy POWs with dignity and respect. In short, our troops engaged in battle with purpose, determination, and compassion. They not only defended but embodied American values. Their service on our behalf should make all Americans proud.

Yet we know that this war, like any war, was not won without cost. Despite the unprecedented achievements of Operation Iraqi Freedom, both in terms of a mission accomplished and the relatively few coalition casualties, American lives were lost. More than 100 U.S. soldiers, who volunteered to trade the comforts of family and home for a desert battlefield halfway around the world, will not see the fruits of their sacrifice. They join those brave souls throughout our history who died for freedom's cause. As we salute the members of our Armed Forces for a job well done, we pay solemn tribute to all those whose ultimate sacrifice helped make victory in Iraq possible.

Moreover, Mr. President, as we honor the collective sacrifice by all our military men and women, we remember our fallen heroes as individuals. We recall the lives and legacy of those who died to protect us. Each name represents a life—a mother, a father, a sister, a brother, a son, a daughter, a husband, a wife. Each leaves behind someone who was touched by their goodness and sustained by their love. Each has a story that deserves to be told.

I would like to take a few moments to recall those fallen heroes from my home State of Illinois. Seven young men from various parts of my State have lost their lives in Operation Iraqi Freedom.

Marine Captain Ryan Beaupre from St. Anne, IL, age 30, died piloting a helicopter that crashed a few miles from the Iraqi border. Ryan was an honor student and athlete at Bishop McNamara High School and received a bachelor's degree at Illinois Wesleyan College. He left a promising career in the insurance business to serve his country and fulfill his boyhood dream of flying. Ryan lived his dream as a pilot in the 1st Marine Expeditionary Force. According to friends and relatives, Ryan was the "boy next door"—red hair, freckles, and a wide smile. As one friend put it, Ryan "would be anybody's friend and apparently he was."

Marine Private Jonathan Lee Gifford from Decatur, IL, age 30, was killed in an ambush in Southern Iraq. Jonathan served in the 1st Battalion, 2nd Regiment, 2nd Marine Expeditionary Force, which suffered heavy casualties in the first days of the war. A 1991 graduate of Stephen Decatur High School, Jonathan joined the Marines in 2001, fulfilling an ambition he had harbored since he was a teenager. His loved ones say Jonathan was always for the underdog, an attitude which helped motivate his service in Iraq. He leaves behind friends and family, including a much loved four-year-old daughter.

Marine Corporal Evan James from La Harpe, IL, age 20, was killed trying to cross a canal in southeastern Iraq. CPL James, a recent graduate from La Harpe High School, served with the 6th Engineering Support Battalion based in Peoria, Illinois. Prior to being called to active duty, Evan had been studying at Southern Illinois University to be a physical fitness trainer. According to those who knew him best, Evan was an incredibly giving young man. As one high school friend said, "Evan was an all-American boy. He would do anything for his country, for his school, for his friends."

Marine Corporal Brian Matthew Kennedy from Glenview, IL, age 25, was killed when his helicopter crashed south of Iraq. Brian attended Glenbrook South High School in Glenview, where his grit and determination enabled him to be a successful starting offensive lineman for the football team at a mere 170 pounds. That same determination served Brian well throughout his all too brief life. Brian's friends and family describe him as an extraordinarily conscientious young man with a firmly positive outlook on life. As a member of the 3d Marine Aircraft Wing, Corporal Kennedy was the quintessential marine: He took pride in everything he did and met life's challenges with skill and determination.

Army Specialist Brandon Rowe from Roscoe, IL, age 20, was killed in an ambush near the Iraqi city of Najaf. A recent graduate of Hononegah High School, Brandon was the youngest of four siblings. Shortly after his high school graduation, Brandon joined the 101st Airborne Division based in Campbell, KY. Gifted with thoughtfulness and humor, Army SP Rowe was known for using wit and laughter to put others at ease. Brandon's family said he genuinely believed in his mission and knew his service would help liberate oppressed Iraqis.

Staff Sergeant Lincoln Hollinsaid from Malden, IL, age 27, was killed by enemy fire as he led his unit into combat. A soldier in the 11th Engineer Battalion, Lincoln joined the Army in 1995, shortly after graduating from Princeton High School in Malden. Lincoln's father has said his son loved two things: the military and the outdoors. When he wasn't marching for the Army, he was marching through the mountains, hunting and fishing. Never one to shy from duty, SSG Hollinsaid had transferred to a new military unit prior to the war to improve his chances for combat.

First Sergeant Edward Smith, age 38, grew up in Chicago. He died from wounds suffered in battle. Edward had been serving as a reserve police officer in Anaheim, CA before being called to active duty as a member of the 1st Marine Division. Edward's wife Sandy described her husband this way: "He was an unbelievable man. He had such a good heart. He cared about people. He was just the best man I've ever known." Edward leaves behind a loving wife and three young children.

Mr. President, these young individuals were ordinary men who lived extraordinary lives of service to America and the cause of freedom. They had many promising years ahead of them, and they leave behind family and friends who will miss them dearly. As we mourn their loss, we honor their sacrifice. On behalf of the Senate and the proud state of Illinois, I salute these fine young men and all the other soldiers killed in combat, and wish their loved ones comfort, peace, and peace of mind. To them I say on behalf of our country: Your loved ones were truly heroes. Their bravery and dedication will live in our memories for all time.•

EINAR V. DYHRKOPP POST OFFICE

• Mr. DURBIN. Mr. President, on May 8, 2003, John F. Potter, Postmaster General of the United States will formally designate and rededicate the post office in Shawneetown, IL in honor of Einar V. Dyhrkopp. This public distinction will recognize the exemplary contributions of Einar Dyhrkopp in his decade of service as a member of the Postal Service Board of Governors. This is certainly a fitting way to publicly express our gratitude to Governor Dyhrkopp for his commitment and dedication to the Postal Service by naming the post office in his hometown in his honor.

Governor Dyhrkopp was appointed a Governor to the U.S. Postal Service Board of Governors by President William J. Clinton on November 24, 1993. He served in this capacity with distinction until December 2002. During his tenure, he served as a member of the Capital Projects and Compensation Committees; Chairman of the Audit and Finance Committee; Vice Chairman; and Chairman of the Board of Governors for two terms.

Among the accomplishments of the Postal Service during his period of service was an unprecedented 5 straight years of positive net income for the Postal Service. In addition, the Postal Service improved performance to the point where 94 percent of first-class mail destined for next-day delivery received overnight service through most of the country. Also, the Postal Service achieved breakthroughs in productivity which allowed the Postal Service to reduce its workforce through attrition. Finally, the Postal Service created a comprehensive Transformation Plan, proposing a new business model that would maintain universal service and strengthen the mail system.

Governor Dyhrkopp is President of Tecumseh International Corporation, a coal marketing firm. Recently, he retired from an active banking career after nearly 35 years of service. Dyhrkopp's interests extend to agriculture, and he has been a livestock and grain farmer. In addition, Governor Dyhrkopp has initiated land development and managed a construction company specializing in commercial and housing building. For 22 years, he was chief executive officer and partner of a southern Illinois manufacturing firm specializing in electronic cabinetry for leading American firms.

A former mayor of Shawneetown, Governor Dyhrkopp has served on several State of Illinois commissions, most recently the Commission on the Future of Afro-American Males. Dyhrkopp is also a member of the Regional Advisory Board of the Southern Illinois University Public Policy Institute.

During World War II, Governor Dyhrkopp served in the Navy on the destroyer-minelayer U.S.S. Aaron Ward, DM 34, which endured major suicide plane damage at the Battle of Okinawa.

Governor Dyhrkopp is married to Francis Lambert Saunders and they are the parents of one son and three grandchildren. In addition to his rewarding family life, Einar is a member of the American Legion, the Masonic Lodge, the Scottish Rites Bodies, the Shrine, and the Veterans of Foreign Wars.

Governor Dyhrkopp's contributions to the United States Postal Service and the Shawneetown community deserve special and lasting recognition. I have admired his dedication and appreciated his friendship.

In the words of my friend Senator Paul Simon, "Einar Dyhrkopp represents responsible citizenship at its best. He has aided his community and provided leadership on the State and national scene. He has gone out of his way to help those who need assistance."

Establishing the Einar V. Dyhrkopp Post Office in Shawneetown, IL, will ensure that Governor Dyhrkopp's exemplary service to his community and Nation is properly and publicly acknowledged.●

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO SUDAN—PM 30

Under the authority of the order of the Senate of January 7, 2003, the Secretary of the Senate, on May 5, 2003, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I am providing herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 2, 2003.*

MESSAGE FROM THE HOUSE

At 4:17 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate.

H.R. 1298. An act to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

ENROLLED BILL SIGNED

The following enrolled bill, previously signed by the Speaker of the House, was signed on May 1, 2003, by the President pro tempore (Mr. STEVENS).

S. 162. An act to provide for the use and distribution of certain funds awarded to the Gila River Pima-Maricopa Indian community, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 1298. An act to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

H.R. 6. An act to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on May 2, 2003, she had presented to the President of the United States the following enrolled bill:

S. 162. An act to provide for the use and distribution of certain funds awarded to the Gila River Pima-Maricopa Indian community, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2089. A communication from the Director, Office of Workforce Relations, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "5 CFR Part 792, Subpart B Agency Use of Appropriated Funds for Child Care Costs for Lower-Income Employees" received on April 11, 2003; to the Committee on Governmental Affairs.

EC-2090. A communication from the Assistant Secretary for Administration, Chief Financial Officer, Department of Commerce, transmitting, pursuant to law, the yearly report to Congress of functions performed by the Agency that are not inherently governmental, received on April 11, 2003; to the Committee on Governmental Affairs.

EC-2092. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Annual Report of the Federal Maritime Commission for the calendar year 2002; to the Committee on Governmental Affairs.

EC-2093. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15-53 "Closing of a Portion of a Public Alley in Square 66 S.O. 02-2491, Act of 2003" received on April 11, 2003; to the Committee on Governmental Affairs.

EC-2094. A communication from the Chairman, Tennessee Valley Authority, transmitting, pursuant to law, the report on the Tennessee Valley Authority covering Calendar Year 2002, received on April 11, 2003; to the Committee on Governmental Affairs.

EC-2095. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Federal Maritime Commission's Final Annual Performance Plan for FY 2004, received on April 16, 2003; to the Committee on Governmental Affairs.

EC-2096. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a vacancy for the position of Deputy Director for the Office of Management and Budget, received on April 22, 2003; to the Committee on Governmental Affairs.

EC-2097. A communication from the General Counsel, Office of Management and Budget, transmitting, pursuant to law, the report of a nomination confirmed for the position of Comptroller, Office of Management and Budget, Office of Federal Financial Management, received on April 22, 2003; to the Committee on Governmental Affairs.

EC-2098. A communication from the Staff Director, Commission on Civil Rights, transmitting, pursuant to law, the Fiscal Year 2002 Government Performance and Results Act Report, received on April 16, 2003; to the Committee on Governmental Affairs.

EC-2099. A communication from the Attorney General, transmitting, pursuant to law, the report entitled "Fiscal Year 2002 Performance Report, Fiscal Year 2003 Revised Final Performance Plan, and Fiscal Year 2004 Performance Plan for the Department of Justice" received on April 22, 2003; to the Committee on Governmental Affairs.

EC-2100. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report concerning Cuban emigration policies, received on April 28, 2003; to the Committee on Finance.

EC-2101. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Annual Report of Child Welfare Outcomes 2000, received on April 2, 2003; to the Committee on Finance.

EC-2102. A communication from the Assistant Secretary, Fish and Wildlife and Parks, National Park Service, transmitting, pursuant to law, the report of a rule entitled "Personal Watercraft Use at Lake Mead National Recreation Area (1024-AC91)" received on April 16, 2003; to the Committee on Energy and Natural Resources.

EC-2103. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Maryland Regulatory Program (MD-049-FOR)" received on April 28, 2003; to the Committee on Energy and Natural Resources.

EC-2104. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program (SATS PA-139-FOR)" received on April 16, 2003; to the Committee on Energy and Natural Resources.

EC-2105. A communication from the Acting Director, Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a vacancy and the Designation of Acting Officer for the position of Assistant Secretary for Congressional & Intergovernmental Affairs, Department of Energy, received on April 11, 2003; to the Committee on Energy and Natural Resources.

EC-2106. A communication from the Acting Director, Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a change in previously submitted reported information and the Designation of an Acting Officer for the Position of Assistant Secretary for Congressional Affair & Intergovernmental Affairs, received on April 11, 2003; to the Committee on Energy and Natural Resources.

EC-2107. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Standards for Business Practices of Interstate Natural Gas Pipelines (Order No. 587-R, Docket RM 96-1-024)" received on April 11, 2003; to the Committee on Energy and Natural Resources.

EC-2108. A communication from the Assistant Secretary, Land and Minerals Management, Regulatory Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Application Procedures (1004-AD34)" received on April 16, 2003; to the Committee on Energy and Natural Resources.

EC-2109. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis in Cattle and Bison; State Designations; California" received on April 28, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2110. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyraflufen-ethyl; Pesticide Tolerance (FRL 7300-9)" received on April 23, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2111. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bifenthrin; Pesticide Tolerance (FRL 7304-4)" received on April 23, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2112. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "a-Hydro-w-Hydroxpoly (oxyethylene) C8-C18-Alkyl Ether Citrates, Poly (oxyethlene) content is 4-12 moles Tolerance Exemption (FRL 7290-8)" received on April 23, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2113. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mefenpry-Diethyl; Pesticide Tolerance (FRL 7297-9)" received on April 23, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2114. A communication from the Director, Office of the White House Liaison, transmitting, pursuant to law, the report of a Designation of an Acting Officer for the position of Assistant Secretary, Department of Education, Office of Elementary and Secondary Education, received on April 11, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-2115. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single Employer Plans; allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on April 16, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-2116. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "New Animal Drugs; Phenylbutazone; Extralabel Animal Drug Use; Order of Prohibition; CORRECTION (Doc. No. 03N-0024)"; to the Committee on Health, Education, Labor, and Pensions.

EC-2117. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Labeling Requirements for Systemic Antibacterial Drug Products Intended for Human Use; CORRECTION (RIN 0910-AB78) (Doc. No. 00N-1463)" received on April 16, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-2118. A communication from the Assistant Secretary of Labor, Employment and Training Administration, transmitting, pursuant to law, the report of a rule entitled "Disaster Unemployment Assistance Program, Final Rule" received on April 22, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-2119. A communication from the Administrator, Office of Workforce Security, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Unemployment Insurance Program Letter 22-87, Change 2" received on April 22, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-2120. A communication from the Acting Assistant General, Regulations, Office of the General Counsel, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Rehabilitative Engineering Research Centers Program" received on April 28, 2003; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of May 1, 2003, the following reports of committees were submitted on May 2, 2003:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 824. A bill to reauthorize the Federal Aviation Administration, and for other purposes (Rept. No. 108-41).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance, without amendment:

S. 753. A bill to amend the Internal Revenue Code of 1986 to provide for the modernization of the United States Tax Court, and for other purposes (Rept. No. 108-42).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID:

S. 986. A bill to designate Colombia under section 244 of the Immigration and Nationality Act in order to make nationals of Colombia eligible for temporary protected status under such section; to the Committee on the Judiciary.

By Mr. DORGAN (for himself and Mr. BURNS):

S. 987. A bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program and to make other rural health care improvements; to the Committee on Finance.

By Mr. COLEMAN:

S. 988. A bill to amend the Workforce Investment Act of 1998 to provide for a job training grant pilot program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI:

S. 989. A bill to provide death and disability benefits for aerial firefighters who work on a contract basis for a public agency and suffer death or disability in the line of duty, and for other purposes; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 990. A bill to amend title 32, United States Code, to increase the maximum Federal share of the costs of State programs under the National Guard Challenge Program, and for other purposes; to the Committee on Armed Services.

By Mr. INOUYE:

S. 991. A bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work at certain medicare providers, and for other purposes; to the Committee on Finance.

By Mr. NICKLES (for himself, Mr. CONRAD, and Mr. BUNNING):

S. 992. A bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policyholder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions; to the Committee on Finance.

By Mr. SMITH:

S. 993. A bill to amend the Small Reclamation Projects Act of 1956, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself and Mr. MILLER):

S. 994. A bill to protect human health and the environment from the release of hazardous substances by acts of terrorism; to the Committee on Environment and Public Works.

By Mr. LEAHY:

S. 995. A bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to improve certain child nutritional programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 113

At the request of Mr. KYL, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Texas (Mr. CORNYN) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 113, a bill to exclude United States persons from the definition of "foreign power" under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism.

S. 146

At the request of Mr. DEWINE, the names of the Senator from Utah (Mr. HATCH), the Senator from Alabama

(Mr. SHELBY), the Senator from Missouri (Mr. TALENT) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 146, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 215

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 215, a bill to authorize funding assistance for the States for the discharge of homeland security activities by the National Guard.

S. 271

At the request of Mr. SMITH, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 271, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 349

At the request of Mrs. FEINSTEIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 349, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 401

At the request of Ms. LANDRIEU, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 401, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age; and for other purposes.

S. 445

At the request of Ms. LANDRIEU, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 445, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service.

S. 447

At the request of Ms. LANDRIEU, the names of the Senator from Florida (Mr. NELSON), the Senator from Vermont (Mr. LEAHY) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 447, a bill to amend the Higher Education Act of 1965 to require institutions of higher education to preserve the educational status and financial resources of military personnel called to active duty.

S. 493

At the request of Mrs. LINCOLN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 493, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 518

At the request of Ms. COLLINS, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 564

At the request of Ms. LANDRIEU, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 564, a bill to facilitate the deployment of wireless telecommunications networks in order to further the availability of the Emergency Alert System, and for other purposes.

S. 595

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 605

At the request of Mr. SMITH, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 605, a bill to extend waivers under the temporary assistance to needy families program through the end of fiscal year 2008.

S. 622

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 622, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 700

At the request of Mr. CAMPBELL, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 700, a bill to provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence.

S. 716

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 716, a bill to amend the Federal Power Act to improve the electricity transmission system of the United States.

S. 774

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 774, a bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts.

S. 786

At the request of Mr. BINGAMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 786, a bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to provide grants for transitional jobs programs, and for other purposes.

S. 823

At the request of Mr. SANTORUM, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 823, a bill to amend title XVIII of the Social Security Act to provide for the expeditious coverage of new medical technology under the medicare program, and for other purposes.

S. 838

At the request of Ms. COLLINS, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 838, a bill to waive the limitation on the use of funds appropriated for the Homeland Security Grant Program.

S. 865

At the request of Mr. MCCAIN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 865, a bill to amend the National Telecommunications and Information Administration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users.

S. 875

At the request of Mr. KERRY, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 903

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 903, a bill to amend the Internal Revenue Code of 1986 to allow employers in renewal communities to qualify for the renewal community employment credit by employing residents of certain other renewal communities.

S. 922

At the request of Mr. REID, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 922, a bill to change the requirements for naturalization through service in the Armed Forces of the United States, to extend naturalization benefits to members of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces, to extend posthumous benefits to surviving spouses, children, and parents, and for other purposes.

S. 950

At the request of Mr. ENZI, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 950, a bill to allow travel between the United States and Cuba.

S. 979

At the request of Mr. ENSIGN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 979, a bill to direct the Securities and Exchange Commission to require enhanced disclosures of employee stock options, to require a study on the economic impact of broad-based employee stock option plans, and for other purposes.

S. 982

At the request of Mrs. BOXER, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 985

At the request of Mr. DODD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S.J. RES. 4

At the request of Mrs. DOLE, her name was added as a cosponsor of S.J. Res. 4, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. CON. RES. 25

At the request of Mr. VOINOVICH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution recognizing and honoring America's Jewish community on the occasion of its 350th anniversary, supporting the designation of an "American Jewish History Month", and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 986. A bill to designate Colombia under section 244 of the Immigration and Nationality Act in order to make nationals of Colombia eligible for temporary protected status under such section; to the Committee on the Judiciary.

Mr. REID. Mr. President, amid all the discussions about reconstruction in Afghanistan and Iraq, it is easy for us to lose sight of other humanitarian crises. One particularly pressing yet overlooked crisis is taking place right here in this hemisphere. For almost 40 years, an internal conflict has ravaged Colombia. Rebel and paramilitary groups designated as terrorist organizations by the State Department have committed thousands of kidnapings, executions and other brutalities. With an estimated combined force of 25,000 insurgents, they have disrupted life throughout the country and have displaced nearly 2 million people, creating the third largest internal refugee crisis in the world. The Colombian people are doing everything in their power to fight the rebels and rein in the paramilitaries, but the conflict shows no signs of ending anytime soon.

We should continue to help Colombia battle the terrorists in its midst. In the meantime, however, it would be unconscionable for us to forcibly deport law-abiding nationals currently residing in the United States, thereby placing them in danger of being tortured, kidnaped, or even murdered upon their return to their war-torn homeland. The bill I am introducing today will grant many of these people temporary protected status from deportation until it is safe for them to return to Colombia. The bill will not grant amnesty to any illegal aliens, nor will it place any immigrants on the path to citizenship. It is a purely humanitarian act that enjoys plenty of precedent—refugees from several Central American and African nations have benefited from temporary protected status in the wake of natural disasters and political turmoil. Immigration laws state that this protection covers only extraordinary circumstances, but we must not hesitate to invoke it when those circumstances arise. Extending temporary protected status to Colombians is the right thing to do, and I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Colombian Temporary Protected Status Act of 2003".

SEC. 2. FINDINGS.

Congress finds that—

(1) Colombia has been embroiled in a 38-year internal conflict, resulting in the death of tens of thousands of civilians and combatants;

(2) the 2 main armed anti-government rebel groups, the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, or FARC) and the National Liberation Army (Ejercito de Liberacion Nacional, or ELN), have engaged in military activities in 700 of 1,098 municipalities in Colombia, and in recent years have influenced local governments in as much as 40 percent to 50 percent of Colombian territory;

(3) the FARC and ELN not only attack police and military forces but also regularly attack civilian populations, commit massacres and extrajudicial killings, collect war taxes, compel citizens into their ranks, force farmers to grow illicit crops, and regulate travel, commerce, and other activities;

(4) paramilitary groups such as the United Self-Defense Groups of Colombia (Autodefensas Unidas de Colombia or AUC), originally established to protect rural landowners, have grown dramatically in recent years to become a major national military force in Colombia;

(5) paramilitary groups are responsible, according to human rights groups, for the greatest number of extrajudicial killings and forced disappearances in Colombia since 1995;

(6) the FARC, ELN, and AUC, all designated by the State Department as foreign terrorist organizations, have an estimated combined force of 25,000 combatants;

(7) the Government of Colombia, particularly during the administration of President Andres Pastrana, has afforded armed rebel groups numerous opportunities to negotiate a peace agreement, including the extraordinary step in November 1998 of creating a safe haven for the FARC by withdrawing its security forces from 5 municipalities covering some 16,000 to 17,000 square miles;

(8) despite having been given the opportunity to seek peace, the FARC instead used the safe haven to enhance its military capability to further its violent campaign against the government and people of Colombia;

(9) while President Pastrana and the Colombian government negotiated in good faith, the FARC proceeded to kidnap political officials;

(10) in February 2002, the FARC's actions forced President Pastrana to withdraw from the peace process and begin the process of retaking the safe zone he had previously ceded to the FARC and other rebel groups;

(11) after the election of Alvaro Uribe as Colombia's President, the FARC began targeting mayors with letters declaring that they had 24 hours to leave or would be considered "military targets";

(12) although before the recent Presidential election the violence had been mostly contained in rural areas, it has now spread to the urban areas, with cities such as Medellin experiencing an average of 13 killings a day;

(13) an average of 2.8 rebel bombs go off every day in Colombia while bomb squads disarm another 5;

(14) the middle and upper classes have been targeted for kidnaping, with an average of 3,250 Colombians being kidnaped each year since 1998;

(15) between 1,500,000 and 2,000,000 people have been forced to leave their homes, representing the third largest internal refugee crisis in the world: and

(16) between 1,500 and 2,500 Colombians were massacred in contested rural areas in 2001.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that, in view of the recent escalation of the current civil war in Colombia, Colombia qualifies for designation under section 244(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1254a(b)(1)(A)), pursuant to which Colombian nationals would be eligible for temporary protected status in the United States.

SEC. 4. DESIGNATION FOR PURPOSES OF GRANTING TEMPORARY PROTECTED STATUS TO COLOMBIANS.

(a) DESIGNATION.—

(1) IN GENERAL.—For purposes of section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a), Colombia shall be treated as if it had been designated under subsection (b) of that section, subject to the provisions of this section.

(2) PERIOD OF DESIGNATION.—The initial period of such designation shall begin on the date of enactment of this Act and shall remain in effect for 1 year.

(b) ALIENS ELIGIBLE.—In applying section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) pursuant to the designation made under this section, subject to section 244(c)(3) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(3)), an alien who is a national of Colombia meets the requirements of section 244(c)(1) of that Act (8 U.S.C. 1254a(c)(1)) only if—

(1) the alien has been continuously physically present in the United States since the date of enactment of this Act;

(2) the alien is admissible as an immigrant, except as otherwise provided under section 244(c)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(2)(A)), and is not ineligible for temporary protected status under section 244(c)(2)(B) of that Act (8 U.S.C. 1254a(c)(2)(B)); and

(3) the alien registers for temporary protected status in a manner that the Secretary of Homeland Security shall establish.

(c) CONSENT TO TRAVEL ABROAD.—The Secretary of Homeland Security shall give the prior consent to travel abroad described in section 244(f)(3) of the Immigration and Nationality Act (8 U.S.C. 1254a(f)(3)) to an alien who is granted temporary protected status pursuant to the designation made under this section, if the alien establishes to the satisfaction of the Secretary of Homeland Security that emergency and extenuating circumstances beyond the control of the alien require the alien to depart for a brief, temporary trip abroad. An alien returning to the United States in accordance with such an authorization shall be treated the same as any other returning alien provided temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a).

By Mr. DORGAN (for himself and Mr. BURNS):

S. 987. A bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program and to make other rural health care improvements; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am introducing legislation, the Rural Health Care Fairness and Medicare Equity Act, that will help to make Medicare reimbursement more fair and equitable for rural and small urban hospitals and physicians. I am pleased to be joined in introducing this bill by Senator BURNS.

First, let me take a few minutes to describe some of the challenges facing rural health care systems and why I feel it is critical for the Senate to act now to reduce the inequities in Medicare funding between rural and urban providers.

Rural America depends on its small town hospitals, physicians and nurses, nursing homes, emergency ambulance services, and other members of our rural health care system. And because of past cuts in Medicare reimbursement, plus the historical unfairness in Medicare payments, these vital services are in jeopardy. Fortunately, Congress acted in 1999 and again in 2000 to address some of the cuts that turned out to have a larger impact than intended.

However, additional legislation is still needed to improve Medicare reimbursement for health care providers in order to stabilize the Medicare program and ensure that beneficiaries, especially in rural areas, will continue to have access to their local hospitals, physicians, nursing homes, home health, and other services. Many small rural hospitals in particular serve as the anchor for the full range of health care services in their communities, from ambulatory to long-term care. Medicare is the single most significant payer for services at these hospitals, and as such, it has an impact on the whole community.

Part of the problem in North Dakota is simply demographics: North Dakota's population is the fifth oldest in the Nation, and about two-thirds of North Dakota's 103,000 Medicare beneficiaries live in rural areas. In addition, North Dakota's population—and the population of many rural states in our Nation's Heartland—is shrinking daily. In fact, in 13 of North Dakota's counties, there were 20 or fewer births for the entire county in 2001.

Admissions to rural hospitals have dropped by a drastic 60 percent in the last two decades, and those patients who do remain tend to be older, poorer, and sicker. This means that rural hospitals tend to be disproportionately dependent upon Medicare reimbursement, to the extent that Medicare accounts for 75 to 80 percent of the revenue for some rural hospitals. Obviously, given this reality, Medicare reimbursement has a major impact on the financial health of rural hospitals.

Another part of the problem is that Medicare has historically reimbursed urban health care providers at a much higher rate than their rural counterparts. North Dakota Medicare beneficiaries pay the exact same Medicare payroll taxes and premiums as beneficiaries elsewhere but receive less benefit from the Medicare program. Medicare beneficiaries in North Dakota receive an average of $4,458 in Medicare benefits. This is $632 less than the national average spending per Medicare beneficiary of $5,490, and $5,500 less than the spending for Medicare beneficiaries in Washington, DC. Moreover, most North Dakotans do not even have the option of Medicare+Choice plans because Medicare reimbursement for these plans is so low in rural areas that they are not offered.

As a result of the skewed Medicare formula, North Dakota hospitals are reimbursed significantly less than hospitals of similar size and type elsewhere in the country. For instance, North Dakota hospitals are reimbursed as much as $2,000 less for a Medicare beneficiary with heart failure compared to hospitals of a similar size and mission in Minnesota, New York and California. More specifically, for example, St. Alexius Medical Center in Bismarck, North Dakota is paid about $4,000 for a heart failure patient. A similar sized hospital, with a similar mission, would be paid $5,900 in California, $6,500 in New York, and $6,800 in Minneapolis, MN for caring for the same patient.

Likewise, a similar payment inequity exists for physicians. For example, a physician in Beulah, ND is paid about $46 by Medicare for an office visit, while a doctor in San Francisco is paid $63 for a comparable office visit. A physician who inserts a pacemaker in a patient in New York City is paid about $646, but a doctor who performs the exact same procedure in Fargo, ND is paid only $481, about a quarter less.

This inequity in Medicare reimbursement has real consequences for hospitals and clinics: They have to reduce services, have greater difficulty recruiting staff, are less able to make capital improvements, and struggle to give their patients access to the latest innovations in medical care.

The bill I am introducing today, the Rural Health Care Fairness and Medicare Equity Act, would address the rural inequity in Medicare reimbursement in five ways. First, this bill would equalize the "standardized payment" which forms the basis for Medicare's reimbursement to hospitals. You would think something called the "standardized payment" would already be standard, but the fact is that hospitals in rural and small urban areas, including all of North Dakota, receive a smaller standardized payment than large urban hospitals. This bill would raise all hospitals up to the same standardized payment. The fiscal year 2003 Omnibus Appropriations bill enacted by Congress earlier this year takes a step in the right direction by equalizing this base payment for the last six months of this fiscal year, but my bill would make this equalization permanent.

Second, my bill would create a wage index floor for the hospitals in this country with the very lowest wage indexes. The current wage index, which is an important factor in a hospital's total Medicare reimbursement, is based on an antiquated theory that it costs more to hire hospital staff in urban areas than it does in rural areas. That may have been true once, but it is no longer true today. Today, hospitals in North Dakota are competing with hospitals in Minnesota, Chicago and elsewhere for the same doctors and nurses, and they have to pay competitive wages in order to recruit staff. However, their low wage index has the effect of limiting the salaries that many rural and small urban hospitals can afford to pay their staff. By creating a floor, we would at least level the playing field a bit for hospitals with a wage index under 0.85.

Third, this bill would reduce the importance of the wage index in factoring a hospital's total Medicare reimbursement. The current "labor market share" of 71.1 percent overstates the actual amount that hospitals in North Dakota and nationwide pay for labor. For instance, in North Dakota, a hospital in Bismarck has a labor market share of 58 percent, while a small rural hospital in Cando, ND has a labor market share of 55 percent. For hospitals in North Dakota and other states that already have a low wage index this overstatement of labor costs magnifies the reimbursement inequity. My bill would set the labor market share at 62 percent, which more closely reflects what the correct proportion should be. However, hospitals that would be adversely affected by this change would be held harmless.

In addition, this legislation creates alternative criteria for some hospitals to appeal to the Medicare program for a higher wage index. Hospitals currently can qualify for reclassification to an area with a higher wage index if they can demonstrate that they are proximate to the area to which they seek to be reclassified and pay similar wages or have a similar patient casemix. The current reclassification process has been used predominantly in areas with high population density as a way for hospitals to increase their Medicare reimbursement. According to a GAO study last year, two-thirds of all hospitals that are able to reclassify are in two areas—California and the northeast.

Unfortunately, however, many rural and small urban hospitals located in states with a large land base and lots of distance between communities largely have not been able to take advantage of the reclassification process because they cannot meet the proximity criteria. This is the case even though, despite the longer distances between communities, hospitals are still competing against each other to recruit nurses and other staff. To address this concern, my bill would create an alternative reclassification process for hospitals in sparsely populated states with large distances between metropolitan areas that do not meet the current proximity criteria but do meet the other reclassification criteria.

Finally, my legislation would establish a floor of 1.00 for the physician work component of the Medicare physician payment system. The Medicare program currently adjusts physician payments based on a "geographic practice cost index" that is intended to reflect regional cost-of-living differences. The result has been that physicians in rural areas are generally reimbursed less by Medicare for providing the same exact level of care as doctors in urban areas. Since rural medical practices tend to serve higher proportions of Medicare beneficiaries, they are doubly impacted by this payment inequity.

As many of my colleagues know, it is already very difficult to recruit physicians to rural underserved areas. In fact, many small towns in my State are increasingly relying on foreign physicians working in the country under J–1 visas because they are unable to recruit American physicians. I am very concerned that the disparity in Medicare reimbursement for doctors provides yet another reason for physicians to decline to serve in rural areas.

By establishing a floor of 1.00 for the work geographic practice cost index, this legislation will ensure that doctors' work in rural areas would at least be valued at the national average. However, it would still allow for payments higher than the national average for physicians serving in areas with a high cost of living.

In closing, I think we as a nation need to acknowledge that a strong health care system is an important part of our rural infrastructure. Over the years, we have determined that rural electric service, rural telephone service, an interstate highway system through rural areas, and rural mail delivery, to name a few services, make us a better, more unified nation. We need to make the same determination in support of our rural health care system, and I will be fighting for policies, such as those reflected in this legislation, that reflect rural health care as a strong national priority. I encourage my colleagues to join Senator BURNS and me in cosponsoring this bill.

Mr. BURNS. Mr. President, I rise to introduce The Rural Health Care Fairness and Medicare Equity Act with my good friend and colleague, Senator DORGAN, from North Dakota.

Many predominately rural States, such as my home State of Montana, face difficult challenges in the health care arena. Funding, staffing shortages, and inadequate reimbursement levels have plagued many hospitals and health care providers in the most rural areas of our country since the passage of the Balanced Budget Act of 1997. I have been a strong supporter of improving access to health care in these areas through education and telemedicine, but many rural communities in particular still face dangerous health care-related shortages.

The Rural Health Care Fairness and Medicare Equity Act seeks to make Medicare reimbursement more fair and equitable for rural and small urban hospitals and physicians by correcting the unintended inequities in the Medicare system put in place by the Balanced Budget Act of 1997 with five components. First, this act would provide a single standardized amount under the Medicare inpatient Provider Payment System, PPS, by permanently raising the standardized amount for rural and other hospitals to the same standardized amount level as large urban area hospitals. My colleagues in the Senate and I recognized the importance of doing this in the fiscal year 2003 Omnibus Appropriations package, which made this change for the remaining months of fiscal year 2003. We should now standardize hospital levels by making this change permanent, and this bill does just that.

Second, this bill would change the hospital labor market share from its current level of 71.1 percent, to 62 percent, based on a study done by the University of North Carolina Rural Health Research and Policy Analysis Center demonstrating that the current hospital labor market share is too high. Hospitals that would be harmed by this change would be held harmless. Third, this legislation would create a wage index floor of 0.85 for hospitals that would otherwise have a wage index less than the floor. Thirty of my colleagues and I cosponsored legislation in the 107th Congress that included a 0.925 floor, and I am hopeful that by setting the floor at 0.85, this provision will be better targeted toward rural hospitals with negative Medicare inpatient margins, helping our rural health centers to not only keep their doors open, but to continue providing quality, affordable health services to the rural communities they serve.

Fourth, this bill would create new, alternative criteria for hospital reclassification. This bill would require the Secretary of Health and Human Services to develop a new category of reclassiciation of hospitals for area wage index and standardized amount purposes. I am greatly concerned that the current reclassification process, particularly the proximity and adjacency criteria, has not been helpful to hospitals in States like Montana, with large land bases and lots of distance between communities, even though these hospitals must still compete with one another for nurses and other health care staff.

Two-thirds of all hospital reclassification take place in California and in the Northeast, largely because of these proximity and adjacency criteria. This bill would allow hospitals located in sparsely populated States that do not meet these prohibitive criteria to reclassify if they otherwise need reclassification criteria. This bill defines a sparsely populated state to be one in which there are fewer than 20 people per square mile of land, under which eight States, including Montana, qualify. Finally, the Rural Health Care Fairness and Medicare Equity Act would create a physician geographic adjustment floor of 1.0 for the physician work component of the Medicare physician payment system, beginning in 2004. This provision would lessen the geographic disparities in Medicare payment so gravely affecting physicians in the field today.

Patients in both rural and urban areas depend on the availability of quality health care providers to offer superior, affordable health services to people across the Nation. Medicare physician payments are intended to correspond to the costs that efficient providers incur. Instead, research has shown that the sustainable growth rate, SGR, under which reimbursement rates are supposed to be adjusted annually fails to account for all the relevant factors that affect the cost of physician payments, and maintains further inequities, such as Medicare paying different amounts for the same service, depending on where the service is provided.

Cuts in Medicare reimbursement to health care providers have forced health providers to make difficult choices, including becoming a non-participating Medicare provider, moving to areas with better reimbursement rates or less Medicare patients, retiring from practice early, limiting or discontinuing charitable care, reducing staff, or leaving Medicare entirely. The impact on these cuts has taken a serious toll on rural communities, such as those in Montana. The most recent cut in physician payment levels was the largest in Medicare history, immediately affecting 1 million health care professionals and the countless millions of elderly and disabled patients they, in turn, serve. Not only does this create a negative health care environment so adverse to the principles of the Medicare system, but the inequities in physician reimbursement rates have created a crisis situation for many patients in rural areas who do not have the luxury of choosing to see a different health care provider who can still afford to take Medicare patients.

This bill is extremely important to ensure that America's seniors and low-income have access to high quality physician services. It is imperative that Congress continue it commitment to rural health care quality, accessibility, and affordability, and the Rural Health Care Fairness and Medicare Equity Act is an important step toward this goal.

By Mr. COLEMAN:

S. 988. A bill to amend the workforce Investment Act of 1998 to provide for a job training grant pilot program; to the Committee on Health, Education, Labor, and Pensions.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the bill I introduce today to amend the Workforce Investment Act of 1998 to provide for a job training grant pilot program be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 988

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOB TRAINING GRANT PILOT PROGRAM.

Section 171 of the Workforce Investment Act of 1998 (29 U.S.C. 2916) is amended by striking subsection (d) and inserting the following:

“(d) JOB TRAINING GRANT PILOT PROGRAM.—

“(1) IN GENERAL.—

“(A) GRANTS.—The Secretary shall provide grants to qualified job training programs as follows:

“(i) PLACEMENT GRANTS.—Grants in an amount to be determined by the Secretary shall be provided to qualified job training programs upon placement of a qualified graduate in qualifying employment.

“(ii) RETENTION GRANTS.—An additional grant in an amount to be determined by the Secretary shall be provided to qualified job training programs upon retention of a qualified graduate in qualifying employment for a period of 1 year.

“(B) DETERMINATION.—In determining the amount of the grants to be provided under subparagraph (A), the Secretary shall consider the economic benefit received by the Government from the employment of the qualified graduate, including increased tax revenue and decreased unemployment benefits or other support obligations.

“(2) QUALIFIED JOB TRAINING PROGRAM.—For purposes of this subsection, a qualified job training program is 1 that—

“(A) is operated by a nonprofit or for-profit entity, partnership, or joint venture formed under the laws of—

“(i) the United States or a territory of the United States;

“(ii) any State; or

“(iii) any county or locality;

“(B) offers education and training in—

“(i) basic skills, such as reading, writing, mathematics, information processing, and communications;

“(ii) technical skills, such as accounting, computers, printing, and machining;

“(iii) thinking skills, such as reasoning, creative thinking, decision making, and problem solving; and

“(iv) personal qualities, such as responsibility, self-esteem, self-management, honesty, and integrity;

“(C) provides income supplements when needed to eligible participants (defined for purposes of this paragraph as an individual who meets the criteria described in subparagraphs (A) through (C) of paragraph (3)) for housing, counseling, tuition, and other basic needs;

“(D) provides eligible participants with not less than 160 hours of instruction, assessment, or professional coaching; and

“(E) invests an average of $10,000 in training per graduate of such program.

“(3) QUALIFIED GRADUATE.—For purposes of this subsection, a qualified graduate is an individual who is a graduate of a qualified job training program and who—

“(A) is 18 years of age or older;

“(B) had in either of the 2 preceding taxable years Federal adjusted gross income not exceeding the maximum income of a very low-income family (as defined in section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2))) for a single individual; and

“(C) has assets of not more than $10,000, exclusive of the value of an owned homestead, indexed for inflation.

“(4) QUALIFYING EMPLOYMENT.—For purposes of this subsection, qualifying employment shall include any permanent job or employment paying annual wages of not less than $18,000, and not less than $10,000 more than the qualified graduate earned before receiving training from the qualified job training program.”.

By Mr. INOUYE:

S. 991. A bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work at certain medicare providers, and for other purposes; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I introduce the Registered Nurses' Safe Staffing Act of 2003. I'm introducing this bill on behalf of the American Nurses Association's Chief Executive Officer and President Linda Stierle, MSN, RN, CNAA and Barbara A. Blakeney, MS, APRN, BC, ANP respectively. For over 4 decades I have been a committed supporter of nurses and the delivery of safe patient care. While enforceable regulations will help to ensure patient safety, the complexity and variability of today's hospitals require that staffing patterns be determined at the hospital and unit level, with the professional input of registered nurses. More than a decade of research demonstrates that nurse staff levels and the skill mix of nursing staff directly affect the clinical outcomes of hospitalized patients. Studies show that when there are more registered nurses, there are lower mortality rates, shorter lengths of stay, reduced costs, and fewer complications.

A study published in the Journal of the American Medical Association found that the risks of patient mortality rose by 7 percent for every additional patient added to the average nurse's workload. In the midst of a nursing shortage and increasing financial pressures, hospitals often find it difficult to maintain adequate staffing. While nursing research indicates that adequate registered nurse staffing is vital to the health and safety of patients, there are no standardized, public reporting or the enforcement of adequate staffing plans. The only regulations addressing nursing staff exists vaguely in Medicare Conditions of Participation which states: “The nursing service must have an adequate number of licensed registered nurses, licensed practice, vocational, nurse, and other personnel to provide nursing care to all patients as needed”.

This bill will require Medicare Participating Hospitals to develop and maintain reliable and valid systems to determine sufficient registered nurse staffing. Given, the demands that the healthcare industry faces today, it is our responsibility to ensure that patients have access to adequate nursing care. However, we must ensure that the decisions in which to provide this care are made by the clinical experts, the registered nurses caring for these patients. Support of this bill supports our nation's nurses during a critical shortage, but more importantly, works to ensure the safety of their patients.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 991

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Registered Nurse Safe Staffing Act of 2003".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) There are hospitals throughout the United States that have inadequate staffing of registered nurses to protect the well-being and health of the patients.

(2) Studies show that the health of patients in hospitals is directly proportionate to the number of registered nurses working in the hospital.

(3) There is a critical shortage of registered nurses in the United States.

(4) The effect of that shortage is revealed in unsafe staffing levels in hospitals.

(5) Patient safety is adversely affected by these unsafe staffing levels, creating a public health crisis.

(6) Registered nurses are being required to perform professional services under conditions that do not support quality health care or a healthful work environment for registered nurses.

(7) As a payer for inpatient and outpatient hospital services for individuals entitled to benefits under the medicare program established under title XVIII of the Social Security Act, the Federal Government has a compelling interest in promoting the safety of such individuals by requiring any hospital participating in such program to establish minimum safe staffing levels for registered nurses.

SEC. 3. ESTABLISHMENT OF MINIMUM STAFFING RATIOS BY MEDICARE PARTICIPATING HOSPITALS.

(a) REQUIREMENT OF MEDICARE PROVIDER AGREEMENT.—Section 1866(a)(1) of the Social Security Act (42 U.S.C. 1395cc(a)(1)) is amended—

(1) in subparagraph (R), by striking "and" after the comma at the end;

(2) in subparagraph (S), by striking the period at the end and inserting ", and"; and

(3) by inserting after subparagraph (S) the following new subparagraph:

"(T) in the case of a hospital, to meet the requirements of section 1889.".

(b) REQUIREMENTS.—Part D of title XVIII of the Social Security Act is amended by inserting after section 1888 the following new section:

"STAFFING REQUIREMENTS FOR MEDICARE PARTICIPATING HOSPITALS

"SEC. 1889. (a) ESTABLISHMENT OF STAFFING SYSTEM.—

"(1) IN GENERAL.—Each participating hospital shall adopt and implement a staffing system that ensures a number of registered nurses on each shift and in each unit of the hospital to ensure appropriate staffing levels for patient care.

"(2) STAFFING SYSTEM REQUIREMENTS.—Subject to paragraph (3), a staffing system adopted and implemented under this section shall—

"(A) be based upon input from the direct care-giving registered nurse staff or their exclusive representatives, as well as the chief nurse executive;

"(B) be based upon the number of patients and the level and variability of intensity of care to be provided, with appropriate consideration given to admissions, discharges, and transfers during each shift;

"(C) account for contextual issues affecting staffing and the delivery of care, including architecture and geography of the environment and available technology;

"(D) reflect the level of preparation and experience of those providing care;

"(E) account for staffing level effectiveness or deficiencies in related health care classifications, including but not limited to, certified nurse assistants, licensed vocational nurses, licensed psychiatric technicians, nursing assistants, aides, and orderlies;

"(F) reflect staffing levels recommended by specialty nursing organizations;

"(G) establish upwardly adjustable registered nurse-to-patient ratios based upon registered nurses' assessment of patient acuity and existing conditions;

"(H) provide that a registered nurse shall not be assigned to work in a particular unit without first having established the ability to provide professional care in such unit; and

"(I) be based on methods that assure validity and reliability.

"(3) LIMITATION.—A staffing system adopted and implemented under paragraph (1) may not—

"(A) set registered-nurse levels below those required by any Federal or State law or regulation; or

"(B) utilize any minimum registered nurse-to-patient ratio established pursuant to paragraph (2)(G) as an upper limit on the staffing of the hospital to which such ratio applies.

"(b) REPORTING, AND RELEASE TO PUBLIC, OF CERTAIN STAFFING INFORMATION.—

"(1) REQUIREMENTS FOR HOSPITALS.—Each participating hospital shall—

"(A) post daily for each shift, in a clearly visible place, a document that specifies in a uniform manner (as prescribed by the Secretary) the current number of licensed and unlicensed nursing staff directly responsible for patient care in each unit of the hospital, identifying specifically the number of registered nurses;

"(B) upon request, make available to the public—

"(i) the nursing staff information described in subparagraph (A); and

"(ii) a detailed written description of the staffing system established by the hospital pursuant to subsection (a); and

"(C) submit to the Secretary in a uniform manner (as prescribed by the Secretary) the nursing staff information described in subparagraph (A) through electronic data submission not less frequently than quarterly.

"(2) SECRETARIAL RESPONSIBILITIES.—The Secretary shall—

"(A) make the information submitted pursuant to paragraph (1)(C) publicly available, including by publication of such information on the Internet site of the Department of Health and Human Services; and

"(B) provide for the auditing of such information for accuracy as a part of the process of determining whether an institution is a hospital for purposes of this title.

"(c) RECORDKEEPING; DATA COLLECTION; EVALUATION.—

"(1) RECORDKEEPING.—Each participating hospital shall maintain for a period of at least 3 years (or, if longer, until the conclusion of pending enforcement activities) such records as the Secretary deems necessary to determine whether the hospital has adopted and implemented a staffing system pursuant to subsection (a).

"(2) DATA COLLECTION ON CERTAIN OUTCOMES.—The Secretary shall require the collection, maintenance, and submission of data by each participating hospital sufficient to establish the link between the staffing system established pursuant to subsection (a) and—

"(A) patient acuity from maintenance of acuity data through entries on patients' charts;

"(B) patient outcomes that are nursing sensitive, such as patient falls, adverse drug events, injuries to patients, skin breakdown, pneumonia, infection rates, upper gastrointestinal bleeding, shock, cardiac arrest, length of stay, and patient readmissions;

"(C) operational outcomes, such as work-related injury or illness, vacancy and turnover rates, nursing care hours per patient day, on-call use, overtime rates, and needlestick injuries; and

"(D) patient complaints related to staffing levels.

"(3) EVALUATION.—Each participating hospital shall annually evaluate its staffing system and establish minimum registered nurse staffing ratios to assure ongoing reliability and validity of the system and ratios. The evaluation shall be conducted by a joint management-staff committee comprised of at least 50 percent of registered nurses who provide direct patient care.

"(d) ENFORCEMENT.—

"(1) RESPONSIBILITY.—The Secretary shall enforce the requirements and prohibitions of this section in accordance with the succeeding provision of this subsection.

"(2) PROCEDURES FOR RECEIVING AND INVESTIGATING COMPLAINTS.—The Secretary shall establish procedures under which—

"(A) any person may file a complaint that a participating hospital has violated a requirement or a prohibition of this section; and

"(B) such complaints are investigated by the Secretary.

"(3) REMEDIES.—If the Secretary determines that a participating hospital has violated a requirement of this section, the Secretary—

"(A) shall require the facility to establish a corrective action plan to prevent the recurrence of such violation; and

"(B) may impose civil money penalties under paragraph (4).

"(4) CIVIL MONEY PENALTIES.—

"(A) IN GENERAL.—In addition to any other penalties prescribed by law, the Secretary may impose a civil money penalty of not more than $10,000 for each knowing violation of a requirement of this section, except that the Secretary shall impose a civil money penalty of more than $10,000 for each such violation in the case of a participating hospital that the Secretary determines has a pattern or practice of such violations (with the amount of such additional penalties being determined in accordance with a schedule or methodology specified in regulations).

"(B) Procedures.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A.

"(C) Public notice of violations.—

"(i) Internet site.—The Secretary shall publish on the Internet site of the Department of Health and Human Services the names of participating hospitals on which civil money penalties have been imposed under this section, the violation for which the penalty was imposed, and such additional information as the Secretary determines appropriate.

"(ii) Change of ownership.—With respect to a participating hospital that had a change in ownership, as determined by the Secretary, penalties imposed on the hospital while under previous ownership shall no longer be published by the Secretary of such Internet site after the 1-year period beginning on the date of change in ownership.

"(e) Whistleblower Protections.—

"(1) Prohibition of discrimination and retaliation.—A participating hospital shall not discriminate or retaliate in any manner against any patient or employee of the hospital because that patient or employee, or any other person, has presented a grievance or complaint, or has initiated or cooperated in any investigation or proceeding of any kind, relating to the staffing system or other requirements and prohibitions of this section.

"(2) Relief for prevailing employees.—An employee of a participating hospital who has been discriminated or retaliated against in employment in violation of this subsection may initiate judicial action in a United States district court and shall be entitled to reinstatement, reimbursement for lost wages, and work benefits caused by the unlawful acts of the employing hospital. Prevailing employees are entitled to reasonable attorney's fees and costs associated with pursuing the case.

"(3) Relief for prevailing patients.—A patient who has been discriminated or retaliated against in violation of this subsection may initiate judicial action in a United States district court. A prevailing patient shall be entitled to liquidated damages of $5,000 for a violation of this statute in addition to any other damages under other applicable statutes, regulations, or common law. Prevailing patients are entitled to reasonable attorney's fees and costs associated with pursuing the case.

"(4) Limitation on actions.—No action may be brought under paragraph (2) or (3) more than 2 years after the discrimination or retaliation with respect to which the action is brought.

"(5) Treatment of adverse employment actions.—For purposes of this subsection—

"(A) an adverse employment action shall be treated as retaliation or discrimination; and

"(B) the term 'adverse employment' action includes—

"(i) the failure to promote an individual or provide any other employment-related benefit for which the individual would otherwise be eligible;

"(ii) an adverse evaluation or decision made in relation to accreditation, certification, credentialing, or licensing of the individual; and

"(iii) a personnel action that is adverse to the individual concerned.

"(f) Relationship to State Laws.—Nothing in this section shall be construed as exempting or relieving any person from any liability, duty, penalty, or punishment provided by any present or future law of any State or political subdivision of a State, other than any such law which purports to require or permit the doing of any act which would be an unlawful practice under this title.

"(g) Regulations.—The Secretary shall promulgate such regulations as are appropriate and necessary to implement this section.

"(h) Definitions.—In this section:

"(1) Participating hospital.—The term 'participating hospital' means a hospital that has entered into a provider agreement under section 1866.

"(2) Registered nurse.—The term 'registered nurse' means an individual who has been granted a license to practice as a registered nurse in at least 1 State.

"(3) Unit.—The term 'unit' of a hospital is an organizational department or separate geographic area of a hospital, such as a burn unit, a labor and delivery room, a post-anesthesia service area, an emergency department, an operating room, a pediatric unit, a stepdown or intermediate care unit, a specialty care unit, a telemetry unit, a general medical care unit, a subacute care unit, and a transitional inpatient care unit.

"(4) Shift.—The term 'shift' means a scheduled set of hours or duty period to be worked at a participating hospital.

"(5) Person.—The term 'person' means 1 or more individuals, associations, corporations, unincorporated organizations, or labor unions.".

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2004.

By Mr. NICKLES (for himself, Mr. Conrad, and Mr. Bunning):

S. 992. A bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policyholder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions; to the Committee on Finance.

Mr. NICKLES. Mr. President, I rise today to introduce legislation to simplify the taxation of life insurance companies. I am joined by my colleague from North Dakota, Mr. Conrad, and my colleague from Kentucky, Mr. Bunning.

Our legislation repeals Sections 809 and Section 815 of the Internal Revenue Code. These provisions are no longer relevant given the significant changes in the life insurance industry over the past 25 years, and repeal will simplify the tax code.

Section 809 was enacted in 1984 as a part of major revisions to the laws governing life insurance companies. It was intended to ensure that mutual life insurance companies do not have a competitive tax advantage over stock life insurance companies. At that time, mutual life insurance companies dominated the market. Now, however, mutuals account for only 10 percent of the industry, and there are very few large mutuals in existence. Section 809 reduces the amount of policyholder dividends a mutual insurance company can deduct according to a complex formula based on the previous 3 years' earnings of stock companies. Section 809 is burdensome and raises very little revenue. Because its original purpose is no longer valid, our bill would repeal the provision permanently. In last year's economic stimulus bill, Congress temporarily suspended Section 809. In addition, President Bush included in his fiscal year 2003 budget submission a proposal to repeal Section 809 permanently.

Section 815 has an even longer history, dating back to 1959. Tax changes in 1959 created an accounting mechanism called a "policyholder surplus account" for stock life insurance companies. Stock companies were permitted to defer tax on one-half of their underwriting income as long as that income was not distributed to shareholders. This income was accounted for through the policyholder surplus account, PSA. In 1984, Congress eliminated deferral of tax on underwriting income, but did not address the issue of PSAs. The amounts in these accounts, which are just an accounting entry, and do not contain real money, remain subject to tax if certain triggering events occur. Because virtually no company is willing to "trigger" the tax on the account, Section 815 also raises little or no revenue. It does, however, directly inhibit the business decisions of stock companies with PSAs.

Congress has worked hard over the last few years to modernize laws governing the financial services industry to encourage growth and enhance competitiveness. Elimination of outdated tax provisions such as Sections 809 and 815 will complement this effort and provide more rational taxation of life insurance companies.

I urge my colleagues to join us in this initiative.

By Mr. LEAHY:

S. 995. A bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to improve certain child nutritional programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LEAHY. Mr. President, I rise today to introduce my Child Nutrition Initiatives Act of 2003. This legislation consists of a number of proposals that I believe will significantly improve the nutrition benefits available to our Nation's children through Federal child nutrition programs.

I am hoping that this legislation will serve as a starting point in the Senate's debate over how to improve child nutrition programs this year. It is not meant to be a comprehensive proposal for reauthorization, nor does it represent all of the potential improvements that could be made to the programs that I will be supporting in the Agriculture Committee. I look forward to working with Chairman COCHRAN and with Senator HARKIN, the ranking Democrat on the Committee, as well as the rest of the Committee to craft a comprehensive bill.

The Committee has already held two hearings on child nutrition legislation, where we heard from a wide variety of nutritionists, school food service operators and others interested in these programs. They presented us with a wide variety of ideas, some of them appearing in my bill, which underlined the immense impact of these programs to the nutritional health and well-being of all of our children and grandchildren. Undersecretary Bost also testified, and he too offered an array of proposals for improving these programs. I look forward to more detailed proposals from the Department of Agriculture on how we can better serve the children in these programs.

I was encouraged to hear that the Administration is interested in providing much-needed financial help for schools choosing to improve their nutritional environment. We know that many school food service directors and employees want to offer healthier, more appetizing options to the children they serve, yet the cost of providing attractive fresh fruits and vegetables, or milk in child-friendly plastic containers kept chilled in a cooler, is often prohibitive. Increased per-meal reimbursements will encourage school cafeterias to spend more on the foods that are healthiest for kids. With these funds, schools will be able to make the salad bar and the milk cooler just as attractive to school children as less nutritious foods.

Healthier food in the school cafeteria does little good if children do not understand the benefits of eating apples over high-fat junk food. For years, the Nutrition Education and Training, NET, program provided critical support for state and local efforts to increase and improve nutrition education in classrooms. It is in the classrooms where the most effective and innovative nutrition education is happening, and NET offered teachers the resources they needed to develop a nutritional curriculum for their students. Unfortunately, this program has not been funded in the last few years. My bill would reinstate funding for the NET program, and encourage strong nutrition education at the local level.

It is amazing how many kids do not know where the food that they eat comes from. It's also amazing how far some farm products travel to get to the cafeteria table. My bill includes a farm-to-cafeteria program that will provide one-time grants to connect farms with their local school system. These grants would be used to buy equipment and pay for other costs to provide the freshest farm products available to our children. Projects funded by the farm-to-cafeteria program would also give children first-hand experience about how food is produced. This new program would also provide economic benefits for small, local firms by keeping food dollars within the community.

My support for these new farm-to-cafeteria projects comes in part from the amazing successes demonstrated by the WIC Farmers Market Nutrition Program. Years ago, I helped create this program, which provides vouchers to WIC families good for fruits and vegetables at their local farmers market. The effects of this program have been stunning. In Vermont, recipients and farmers are raving about this program, which provides fresh, local, and healthy food to those who need it most. There has also been an unexpected educational component to this program, with many recipients reporting that the farmers who sell them the food have also helped them learn how to best prepare it. This is a win-win situation. My bill will secure steady and predictable funding for the Farmers Market Nutrition Program.

Every State receives a small amount of funds to administer and ensure the integrity of all Federal child nutrition programs. Though these funds are distributed based on usage of the programs, there has been an all-State minimum to ensure that all States still have enough funds to meet the basic administrative requirements mandated by law. This minimum, however, has not been raised since 1981, despite inflation and expansion of the responsibilities of the states. My bill updates the minimum funding level to reflect inflation since 1981 and also indexes it for inflation into the future.

I am pleased that my bill has the support of the American School Food Service Association, the National Association for Farmers Market Nutrition Programs, the National Milk Producers Federation, the International Dairy Foods Association, and the Community Food Service Coalition.

Opponents of my bill will undoubtedly point to the cost of these programs, stating "there is no money for such programs." Well, I answer them with one word: priorities. Our Nation is faced with a growing health crisis. Children are growing up and growing out. They eat more, eat less nutritious foods and exercise less. It is a health epidemic that plagues them throughout life. By acting now, we can increase the quality of life for these children and save in healthcare costs down the line. For example, a study for the American School Food Service Association and the National Dairy Council found that by improving the quality, and therefore consumption, of milk in our school lunch programs, we could save between $800 million to $1.1 billion in health care costs every year.

I joined with a number of fellow senators in requesting that Congress provide a modest increase of $1 billion per year in the Budget Resolution so that we on the authorizing committees might make some long-awaited and essential improvements to the child nutrition programs. I am disappointed that increased funds were not provided. The Senate sent a clear message to America's children: we would rather give a several hundred billion dollar tax cut to a small minority of healthy adults than protect our children, through $1 billion in programming, from a health crisis.

The Federal Government reaches well over 25 million children each year with these programs. We have a tremendous opportunity to be proactive—to teach kids about food and give them nutritious options. We have a growing health crisis on our hands as our children grow wider because of unhealthy diets and less exercise. We must get serious about finding solutions to the problem. Or we can wait, and allow a system already doing its very best, working at maximum capacity, to deteriorate. I am for acting now and I hope the Senate is too.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 995

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Child Nutrition Initiatives Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—SCHOOL LUNCH AND RELATED PROGRAMS
Sec. 101. Incentives for healthier schools.
Sec. 102. Grants to support farm-to-cafeteria projects.
TITLE II—SCHOOL BREAKFAST AND RELATED PROGRAMS
Sec. 201. State administrative expenses.
Sec. 202. Special supplemental program for women, infants and children.
Sec. 203. Nutrition education and training.
TITLE III—EFFECTIVE DATE
Sec. 301. Effective date.

TITLE I—SCHOOL LUNCH AND RELATED PROGRAMS

SEC. 101. INCENTIVES FOR HEALTHIER SCHOOLS.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) is amended by adding at the end the following:

"(q) INCENTIVES FOR HEALTHIER SCHOOLS.—

"(1) IN GENERAL.—To encourage healthier nutritional environments in schools and institutions receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) (other than section 17 of that Act (42 U.S.C. 1786)), the Secretary shall establish a program under which any such school or institution may (in accordance with paragraph (3)) receive an increase in the reimbursement rate for meals otherwise payable under this Act and the Child Nutrition Act of 1966, if the school or institution implements a plan for improving the nutritional value of meals consumed in the school or institution by increasing the consumption of fluid milk, fruits, and vegetables, as approved by the Secretary in accordance with criteria established by the Secretary.

“(2) Plans.—

“(A) In general.—For purposes of the program established under paragraph (1), the Secretary shall establish criteria for the approval of plans of schools and institutions for increasing consumption of fluid milk, fruits, and vegetables.

“(B) Criteria.—An approved plan may—

“(i) establish targeted goals for increasing fluid milk, fruit, and vegetable consumption throughout the school or institution or at school or institution activities;

“(ii) improve the accessibility, presentation, positioning, or promotion of fluid milk, fruits, and vegetables throughout the school or institution or at school or institution activities;

“(iii) improve the ability of a school or institution to tailor its food services to the customs and demographic characteristics of—

“(I) the population of the school or institution; and

“(II) the area where the school or institution is located; and

“(iv) provide—

“(I) increased standard serving sizes for fluid milk consumed in middle and high schools; and

“(II) packaging, flavor variety, merchandising, refrigeration, and handling requirements that promote the consumption of fluid milk, fruits, and vegetables.

“(C) Administration.—In establishing criteria for approval of plans under this subsection, the Secretary shall—

“(i) take into account relevant research; and

“(ii) consult with school food service professionals, nutrition professionals, food processors, agricultural producers, and other groups, as appropriate.

“(3) Reimbursement rates.—

“(A) In general.—For purposes of administering the program established under paragraph (1), the Secretary shall increase reimbursement rates for meals under this Act and the Child Nutrition Act of 1966 in an amount equal to not less than 2 cents and not more than 10 cents per meal, to reflect the additional costs incurred by schools and institutions in increasing the consumption of fluid milk, fruits, and vegetables under the program.

“(B) Criteria.—The Secretary may vary the increase in reimbursement rates for meals based on the degree to which the school or institution adopts the criteria established by the Secretary under paragraph (2).”.

SEC. 102. GRANTS TO SUPPORT FARM-TO-CAFETERIA PROJECTS.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) (as amended by section 101) is amended by adding at the end the following:

“(r) Grants to Support Farm-to-Cafeteria Projects.—

“(1) In general.—To improve access to local foods in schools and institutions receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) (other than section 17 of that Act (42 U.S.C. 1768)), the Secretary shall provide competitive grants to nonprofit entities and educational institutions to establish and carry out farm-to-cafeteria projects that may include the purchase of equipment, the procurement of foods, and the provision of training and education activities.

“(2) Preference for certain projects.—In selecting farm-to-cafeteria projects to receive assistance under this subsection, the Secretary shall give preference to projects designed to—

“(A) procure local foods from small- and medium-sized farms for the provision of foods for school meals;

“(B) support nutrition education activities or curriculum planning that incorporates the participation of school children in farm and agriculture education projects; and

“(C) develop a sustained commitment to farm-to-cafeteria projects in the community by linking schools, agricultural producers, parents, and other community stakeholders.

“(3) Technical assistance and related information.—

“(A) Technical assistance.—In carrying out this subsection, the Secretary may provide technical assistance regarding farm-to-cafeteria projects, processes, and development to an entity seeking the assistance.

“(B) Sharing of information.—The Secretary may provide for the sharing of information concerning farm-to-cafeteria projects and issues among and between government, private for-profit and nonprofit groups, and the public through publications, conferences, and other appropriate means.

“(4) Grants.—

“(A) In general.—From amounts made available to carry out this subsection, the Secretary shall make grants to assist private nonprofit entities and educational institutions to establish and carry out farm-to-cafeteria projects.

“(B) Maximum amount.—The maximum amount of a grant provided to an entity under this subsection shall be $100,000.

“(C) Matching funds requirements.—

“(i) In general.—The Federal share of the cost of establishing or carrying out a farm-to-cafeteria project that receives assistance under this subsection may not exceed 75 percent of the cost of the project during the term of the grant, as determined by the Secretary.

“(ii) Form.—In providing the non-Federal share of the cost of carrying out a farm-to-cafeteria project, the grantee shall provide the share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services.

“(iii) Source.—An entity may provide the non-Federal share through State government, local government, or private sources.

“(D) Administration.—

“(i) Single grant.—A farm-to-cafeteria project may be supported by only a single grant under this subsection.

“(ii) Term.—The term of a grant made under this subsection may not exceed 3 years.

“(5) Evaluation.—Not later than January 30, 2008, the Secretary shall—

“(A) provide for the evaluation of the projects funded under this subsection; and

“(B) submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the evaluation.

“(6) Funding.—

“(A) In general.—On October 1, 2002, and on each October 1 thereafter through October 1, 2007, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection $10,000,000, to remain available until expended.

“(B) Receipt and acceptance.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.”.

TITLE II—SCHOOL BREAKFAST AND RELATED PROGRAMS

SEC. 201. STATE ADMINISTRATIVE EXPENSES.

(a) Minimum Amount.—Section 7(a)(2) of the Child Nutrition Act of 1966 (42 U.S.C.1776(a)(2)) is amended by striking the last sentence and inserting the following: “In no case shall the grant available to any State under this subsection be less than $200,000, as adjusted in accordance with section 11(a)(3)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(3)(B)).”.

(b) Extension.—Section 7(g) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(g) is amended by striking “2003” and inserting “2008”.

SEC. 202. SPECIAL SUPPLEMENTAL PROGRAM FOR WOMEN, INFANTS AND CHILDREN.

(a) Sense of Congress on Full Funding for WIC.—It is the sense of Congress that the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) should be fully funded for fiscal year 2004 and each subsequent fiscal year so that all eligible participants for the program will be permitted to participate at the full level of participation for individuals in their category, in accordance with regulations promulgated by the Secretary of Agriculture.

(b) Reauthorization of Program.—Section 17(g)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(1)) is amended in the first sentence by striking “2003” and inserting “2008”.

(c) Nutrition Services and Administration Funds.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended—

(1) in paragraph (2)(A), by striking “2003” and inserting “2008”; and

(2) in paragraph (10)(A), by striking “2003” and inserting “2008”.

(d) Farmers' Market Nutrition Program.—Section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)) is amended—

(1) in paragraph (1), by striking “(m)(1) Subject” and all that follows through “the Secretary” and inserting the following:

“(m) Farmers' Market Nutrition Program.—

“(1) In general.—The Secretary”;

(2) in paragraph (6)(B)—

(A) by striking “(B)(i) Subject to the availability of appropriations, if” and inserting the following:

“(B) Minimum amount.—If”; and

(B) by striking clause (ii); and

(3) in paragraph (9), by striking “(9)(A)” and all that follows through the end of subparagraph (A) and inserting the following:

“(9) Funding.—

“(A) In general.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection—

“(i) on October 1, 2003, $25,000,000;

“(ii) on October 1, 2004, $29,000,000;

“(iii) on October 1, 2005, $33,000,000;

"(iv) on October 1, 2006, $37,000,000; and

"(v) on October 1, 2007, $41,000,000.

"(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

"(C) AVAILABILITY OF FUNDS.—Funds transferred under subparagraph (A) shall remain available until expended.".

SEC. 203. NUTRITION EDUCATION AND TRAINING.

Section 19(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1788 (i)) is amended by striking "(i) AUTHORIZATION OF APPROPRIATIONS.—" and all that follows through the end of paragraph (1) and inserting the following:

"(i) FUNDING.—

"(1) PAYMENTS.—

"(A) IN GENERAL.—On October 1, 2003, and on each October 1 thereafter through October 1, 2007, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this section $27,000,000, to remain available until expended.

"(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subparagraph (A), without further appropriation.

"(2) GRANTS.—

"(A) IN GENERAL.—Grants to each State from the amounts made available under subparagraph (A) shall be based on a rate of 50 cents for each child enrolled in schools or institutions within the State.

"(B) MINIMUM AMOUNT.—The minimum amount of a grant provided to a State for a fiscal year under this section shall be $200,000, as adjusted in accordance with section 11(a)(3)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(3)(B)).".

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on October 1, 2003.

McCAIN-FEINGOLD CAMPAIGN FINANCE LAW

Mr. FEINGOLD. Mr. President, at 3:45 p.m. on Friday afternoon, a three-judge panel of the United States District Court for the District of Columbia released a long-awaited decision in the case of McConnell v. FEC. That is the lawsuit challenging the constitutionality of the Bipartisan Campaign Reform Act of 2002, sometimes known as the McCain-Feingold bill.

Over 80 different plaintiffs participated in the case, which was defended by the Department of Justice and the Federal Election Commission. Six congressional sponsors of the law, Senator JOHN McCAIN, Senator OLYMPIA SNOWE, Senator JAMES JEFFORDS, Representative CHRISTOPHER SHAYS, Representative MARTY MEEHAN, and I, intervened as defendants in the case.

A number of commentators and lawyers for the parties have commented that the most important aspect of this decision is that it has finally come down. I agree with that. From the very beginning of our effort to reform the campaign laws over a period of 7 years, we knew that the Supreme Court of the United States would decide the fate of the law. We provided for expedited consideration of any challenge to the law's constitutionality by having a three-judge panel hear the case as the trial court with a direct appeal to the Supreme Court.

Discovery and briefing in the case proceeded on a very fast track, and the court heard oral argument on December 4, 2002, an argument which I had a chance to attend in part. At that argument, the chief judge of the panel suggested that the panel would rule by the end of January. It took considerably longer than that, and now we know why. On Friday, the court released over 1,600 pages of opinions. A shifting majority among the three judges upheld some of the most important portions of the law while it struck down some others.

Now that the three-judge panel has finally ruled, the Supreme Court can take the case and begin its consideration of the constitutional issues raised by the law. I hope the Court will act quickly, but I also hope it will act carefully and judiciously as, of course, we assume it will. The decision of the Court will shape the conduct of elections and fundraising in this country for many years to come.

While the district court opinion will become a mere footnote to history once the Supreme Court rules, I believe it is useful to comment on the decision today because the press coverage of the details of the ruling has been sometimes contradictory, and unfortunately in a number of cases the press reports were simply inaccurate about what had happened with the court decision. This is not surprising given the complexity of the ruling and the length of the opinions. For the benefit of my colleagues, particularly those who supported our long effort to pass reform, I wanted to discuss today what the court did and did not do.

The court's ruling was shaped by two different 2–1 majorities. U.S. Circuit Judge Karen Henderson would have struck down much of the law, while U.S. District Judge Colleen Kollar-Kotelly would have upheld most of it. The deciding vote in most cases was U.S. District Judge Richard Leon, who sided with Judge Henderson on some issues and with Judge Kollar-Kotelly on others. The three judges were unanimous on a handful of issues, mostly on some of the minor provisions in the bill, but also on one very significant portion of the soft money ban.

Let me start with soft money, especially in light of the headlines that screamed "soft money ban struck down." Those headlines were not correct.

Let me start with soft money, which was the core of the reform effort and was dealt with in title I of the McCain-Feingold bill.

The court struck down our prohibition on national parties raising soft money. Under this ruling, national party committees may again raise unlimited contributions from unions, corporations, and wealthy individuals. That, of course, assumes that the Supreme Court agrees with this point, which frankly I believe they will not. State parties were never prohibited from raising such money under McCain-Feingold. Each State's fundraising activities are governed by State law. That is quite key to understanding exactly what happened by the ruling.

The court left intact, however, the prohibition on the national parties spending soft money on public communications, such as broadcast advertising, television ads, that promotes, supports, attacks, or opposes a Federal candidate. Over the past four election cycles, dating back to the 1996 campaign, both Federal and State parties have spent millions upon millions of dollars of soft money on television ads attacking candidates of the other party.

Frankly, it was this practice, the use of soft money for television ads, that more than anything else drove Senator McCAIN and I, and the other authors and supporters of the bill, to work so hard for 7 years.

This court, this district court, upheld the ban on ads being paid for by soft money.

The so-called issue ads are the biggest end run around the campaign finance laws out there, and they were the core of what McCain-Feingold is trying to stop. I am pleased to say the district court upheld our efforts in that area.

Under this ruling, party committees can raise soft money but they cannot spend it on all those phony issue ads you see on television all throughout the campaigns and about which so many people have complained. They can spend it, however, under this rule, on other activities that Congress determined in BCRA had a significant effect on Federal elections, such as voter registration drives conducted near in time to Federal elections and voter identification and voter registration efforts.

In upholding the prohibitions on the parties spending soft money to finance election-related advertising, I firmly believe the basic principle of McCain-Feingold was upheld. The court recognized the corrupting effect of this money and the power of Congress to regulate it when it affects Federal elections. That is a significant finding.

Note that the court did not find that the first amendment or free speech rulings or practices restrict or prevent a complete ban on ads paid for by soft money. That was the biggest issue out here in the debate over 7 years, and even this district court agreed with that fundamental principle of McCain-Feingold.

When the case goes to the Supreme Court, congressional supporters of the law and the United States will urge the Court to recognize that the corrupting effect of soft money on our political process is not eliminated by simply restricting its use to so-called party-building activities. So there is no question, we hope for an even stronger ruling from the Supreme Court. Furthermore, there is ample evidence, we believe, that the kinds of activities the district court determined can still be financed with soft money do, in fact, have a major impact on Federal elections.

The same 2-to-1 majority that struck down the ban on national parties raising soft money also held unconstitutional the prohibition of parties raising soft money for or transferring soft money to advocacy groups. The other 2-to-1 majority upheld the prohibition on State candidates spending money on advertisements that mention Federal candidates and promote, support, attack, or oppose these candidates.

Again, not only did the court say that at the Federal level the parties could not buy soft money TV ads, but also the State parties cannot run ads on behalf of Federal candidates using soft money—again, very different from what you might have assumed had you been watching CNN late Friday afternoon.

All three judges, however—and I think this is very significant—uphold the crucial portion of the new law that simply prohibits Federal officeholders and candidates from raising and spending soft money. This is a significant blow to those who wanted to believe when they first heard about this decision that it had somehow restored the status quo of political fundraising and campaign spending in this country.

Even Judge Henderson, who ruled against our side on virtually every other matter, rejected most of the new justifications of the new law offered by its proponents. Even she recognized the fact that there is an appearance of corruption created when Members of Congress or other Federal officials seek to raise huge donations from corporations, unions, or wealthy individuals. She upheld this provision under the highest standard of review, strict scrutiny.

Today, just like last Thursday, it is still against the law—a criminal violation—for a Member of Congress to call up a union, an individual, or a corporate entity and ask for unlimited campaign contributions. It cannot be done today any more than it could have been done a few days ago.

It is important to know that the provision of the law upheld in this part of the court's opinion includes a prohibition not only on Members themselves doing this, raising soft money for purposes of broadcast, but also on entities directly or indirectly established, financed, maintained, or controlled by Federal candidates or officeholders. As a matter of fact, this is a complete prohibition on soft money fundraising by these entities.

I misspoke a minute ago saying it only related to broadcast. This prohibition on Federal officeholders and entities directly or indirectly established by them relates to any kind of fundraising for any kind of soft money whatever. Therefore, leadership PACs maintained by Members of Congress may still not raise soft money under this ruling; nor can the congressional campaign committees which are clearly established and controlled by Members of Congress to aid the reelection efforts of themselves and their colleagues.

Now, unfortunately the former head of one such committee quickly announced he would begin raising soft money immediately anyway. He might want to get some legal advice first. Although the soft money portion of the court's ruling certainly changes much in the political fundraising landscape, it leaves one very important part of the new regime imposed by the McCain-Feingold bill: Members of Congress and the executive branch must stay out of the soft money game altogether. Especially in this period of uncertainty between now and when the Supreme Court issues its decision, the spectacle of Members of Congress getting out their old soft money Rolodexes and dialing for dollars again would be more than the American people would stand.

So I am not only very pleased but relieved that the district court recognized the importance of stopping the part of the soft money system that some of us have referred to as legalized extortion or legalized bribery or, more directly, simply a shakedown.

Title II of the McCain-Feingold bill dealt with what we called electioneering communications, the phony issue ads by outside groups that commanded so much attention during the last few election cycles. Here again, the court was divided. It did strike down the primary definition of electioneering communications we had referred to on the floor as the bright line test. Actually, we also referred to it as the Snowe-Jeffords provision. Under that formulation, an ad that ran within 60 days of a general election or 30 days of a primary could be financed only with hard money; that is, only through a PAC set up by the company, union, or group running the ad.

Now, a majority of the district court panel believed this definition was overly broad because it would capture a substantial number of "true issue ads" as well as those aimed at electioneering.

Again, despite the initial erroneous reports, there was more to the decision than that—quite dramatically more. The court upheld a fallback definition which was originally added on the floor by Senator SPECTER during the debate in 2001. That definition uses language similar to that which we employed in the soft money ban to address phony issue ads run by the parties. So if an ad promotes, supports, attacks, or opposes a candidate, it still must be paid for with hard money. The court also upheld the Wellstone amendment that applied this definition to ads run by advocacy groups in addition to labor unions and for-profit corporations and upheld the disclosure requirements in the law.

The definition upheld by the district court actually is not limited to a 30- or 60-day window. So at any time during the election cycle, including today, groups may not use soft money to run ads attacking candidates in this manner. This is very significant. The definition is broader and will very likely cover many more ads in the primary definition of electioneering communications that we passed. The court even threw out a clause included by Senator SPECTER to attempt to narrow the definition, declaring it made the overall definition too vague. Frankly, I don't know whether this ruling will survive when the Supreme Court rules on the case.

What is most interesting here is the majority of the court decided that Congress is not limited to regulating advertisements that use the so-called magic words of express advocacy. Year after year, opponents of McCain-Feingold said you could only limit this to the magic words, vote for or vote against. That is not true under this court's ruling, and that is a major step forward, potentially. It recognizes the Constitution is not a straitjacket leaving the Congress powerless to address clear efforts to evade the law through phony issue ads.

In our appeal to the Supreme Court, we will argue that the 30/60 provision drafted by Senators SNOWE and JEFFORDS is constitutionally defensible because it gives groups certainty over what ad is covered and what is not. But either definition is preferable to the current very narrow magic words test that allows a massive evasion of disclosure and source requirements for the attack ads that tend to dominate the airways in the weeks before an election.

The court reached decisions on a number of other provisions of the bill. A number of these decisions were unanimous, and I will not take time right now to go through each of them. I ask unanimous consent that a summary of those rulings be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FEINGOLD. Mr. President, in the next few days a decision will be made whether to seek a stay of the district court's decision. I think the arguments for such a stay are strong. The parties have been working under the new campaign finance rules since November of last year.

To shift to another system for a few months while the Supreme Court reviews the case only to shift again when the Supreme Court rules, whatever its decision might be, does not make much sense. It would be preferable for a variety of reasons to keep things the way they are now until the Supreme Court makes a final decision. That decision should come in plenty of time for the parties to prepare for the upcoming elections.

One of the main arguments for a stay is that in order to put the district court's decision in place, the FEC would almost certainly have to undertake a whole new set of rulemaking proceedings. The FEC worked to put implementing regulations in place in a timely manner, as instructed by the new law. Many of those regulations are not particularly useful under the law established by the district court's decision. In any event, I call on the parties to act with restraint, especially until the courts rule on any requests for a stay.

As I mentioned at the outset, we have always known that this case was headed to the Supreme Court. I am pleased that the decision of the three judge panel has come down and that the final stage of this legal process can now begin. I have great confidence in the Department of Justice and in the legal team that is representing the congressional sponsors. They did an extraordinary job in assembling a factual record and laying out the arguments for the law's constitutionality in the district court.

These lawyers are acting to defend a legislative product that reflects not only political compromise, but also great care and attention to constitutional principles and the American people's desire for a political system that is based on ideas and not money. I am proud to continue the fight for campaign finance reform in the courts, and I again thank my colleagues for their support in this long effort.

I chose to come to the floor because if anybody had read the news accounts on Friday and Saturday, frankly, they would not have any idea of what the actual effect of this ruling was which was, on balance, positive, in favor of campaign finance reform. But we do hope the U.S. Supreme Court will even go further and complete the job.

EXHIBIT 1

Coordination—A 2–1 majority of the court rejected challenges to the coordination provisions. It held that a challenge to the provision that requires the FEC to issue new regulations was premature.

Independent/coordinated party expenditures—By a 3–0 vote, the court struck down the provision of the bill that requires parties to choose once a candidate had been nominated between making independent or 441a(d) expenditures.

Millionaire provisions—By a 3–0 vote, the court decided that the plaintiffs lacked standing to challenge the millionaire amendments.

Stand by your ad—By a 3–0 vote, the court determined that the candidate plaintiffs do not have standing to challenge the Wyden amendment requiring candidates to personally appear in ads that attack their opponents in order to get the lowest unit rate.

Increased contribution limits—By a 3–0 vote, the court ruled that the Adams plaintiffs do not have standing to challenge the increased contributions limits.

Minors' contributions—By a 3–0 vote, the court struck down the ban on contributions by minors.

ID of sponsors—The court upheld the Durbin amendment requiring more identifying information on the identification of the sponsor or sponsors of a political ad.

Disclosure of broadcasting records—By a 3–0 vote, but for differing reasons, the court struck down the Hagel amendment requiring broadcasting stations to maintain and make publicly available records of requests to purchase political advertising time.

RECESS APPOINTMENT OF PETER EIDE

Mr. DURBIN. Mr. President, today I rise to share my concerns about the recess appointment of Peter Eide to fill the post of general counsel at the Federal Labor Relations Authority.

Recently, President Bush announced several recess appointments of pending nominees to fill posts in his administration. One of those appointments was granted to Peter Eide. Mr. Eide's nomination has been under active consideration by the Governmental Affairs Committee since its referral, and a public hearing to consider his appointment was held on April 10. I am disappointed that the President chose to exercise his discretion to make this recess appointment rather than allowing the advice and consent process to continue on course.

Mr. Eide's credentials would make him an impeccable candidate for any number of positions in the Federal Government. However, General Counsel at the Federal Labor Relations Authority is not one of them.

The position to which Mr. Eide was appointed is described under law as being a neutral party in the settlement of disputes that arise between Federal agencies and unions on matters outlined in the Federal Service Labor Management Relations statute. However, for the past 12 years, Mr. Eide has been an outspoken critic of labor protections on behalf of the Chamber of Commerce. He has consistently supported the dilution of protections for workers. He opposed OSHA regulations on safety and health programs, including ergonomics standards. He opposed provisions of the 1991 Civil Rights Act that provide compensatory damages and jury trials for violations of the Americans with Disabilities Act. He advocated a policy that would exempt employers who hired former welfare recipients from employment discrimination laws for 18 months. He consistently opposed increases in the Federal minimum wage. I find it disconcerting that someone who has been such a passionate and unrelenting foe of such labor protections for so many years would not only seek this position, but feel he is qualified to be the general counsel of the Federal Labor Relations Authority.

Looking beyond his former policy positions, Mr. Eide also lacks the requisite experience with Federal labor-management relations that I believe this important post necessitates. Most of his recent labor law experience has been in the private sector representing management viewpoints. Nothing in his experience indicates he has the qualifications to perform a job representing Federal employee labor concerns.

Given his background, Federal employee labor organizations are worried about Mr. Eide's ability to perform the functions of his new post. I believe they have good reason to be concerned. I am submitting for the RECORD letters that I have received from Federal labor union leaders in opposition to Mr. Eide's nomination. I ask unanimous consent that these documents be printed in the RECORD at the conclusion of my statement.

As I have previously stated, Mr. Eide has the qualifications to serve in hundreds of positions throughout the Federal Government. General Counsel at the Federal Labor Relations Authority is simply not one of them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE NATIONAL TREASURY
EMPLOYEES UNION,
March 26, 2003, Washington, DC.

Hon. RICHARD J. DURBIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR DURBIN: The National Treasury Employees Union, the largest independent union of federal employees, respectfully opposes the nomination of Peter Eide to be General Counsel of the Federal Labor Relations Authority (FLRA).

As members of the Governmental Affairs committee are aware, the General Counsel of the FLRA is charged with enforcing the provisions of the Federal Sector Labor-Management Relations Statute (FSLMRS). The General Counsel directs the operations of the FLRA's regional offices in their investigation of unfair labor practices and in their conduct of representation matters, such as running elections and making appropriate unit determinations. The General Counsel is the prosecutor for the FLRA; the incumbent determines, in the first instance, whether to pursue alleged misconduct and, if so, under what legal theory. The refusal of the General Counsel to issue a complaint on an alleged unfair labor practice charge is unreviewable. If the General Counsel does issue a complaint, he or she controls the course of the litigation before the FLRA.

Mr. Eide, in our opinion, is not qualified to perform the important responsibilities of the position of General Counsel. Although the General Counsel is the chief prosecuting lawyer for the FLRA, Mr. Eide has not been a practicing lawyer since 1990. Moreover, his legal experience up to the date was confined to private sector labor relations. There is nothing in his record that indicates any experience whatsoever in federal sector labor relations, which differs in many major respects from its private sector counterpart.

Perhaps even more troubling to NTEU, Mr. Eide's work for the last twelve years has been as an advocate for the dilution of statutory protections for employees. As Manager and then Director of Labor Policy for the Chamber of Commerce, Mr. Eide has worked to oppose OSHA regulations on safety and health programs. For example, he has proudly pointed to this role in spearheading a coalition of businesses and associations opposing OSHA ergonomics regulations. He has also worked vigorously to undermine the Fair Labor Standards Act and to amend Title VII of the Civil Rights Act of 1964. In short, there is nothing in this record to indicate that Mr. Eide would energetically enforce the statutory protections of the FSLMRS, if confirmed as General Counsel.

The General Counsel of the FLRA operates, to a large extent, without review by the members of the Authority or by any court. If he refuses to pursue allegations of misconduct, the injured entity has no other legal recourse. This broad prosecutorial discretion makes the incumbent an extremely powerful figure in the federal sector labor relations. It should not be entrusted to one whose career has been devoted to advocacy of diminution of statutory protections for workers.

NTEU therefore asks you to oppose the nomination of Peter Eide to be General Counsel of the FLRA.

Sincerely yours,

COLLEEN M. KELLEY,
National President.

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO
April 9, 2003, Washington, DC.

The Hon. RICHARD DURBIN,
Committee on Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR SENATOR DURBIN: On behalf of the American Federation of Government Employees, AFL-CIO, I am writing to express our opposition to the nomination of Peter Eide to be General Counsel of the Federal Labor Relations Authority (FLRA).

The General Counsel of the FLRA is, in effect, the chief prosecutor of unfair labor practices. Over 80 percent of unfair labor practices in the federal sector are filed by unions. The General Counsel of the FLRA, therefore, is primarily called upon to enforce the labor statute on behalf of unions. Mr. Eide's career, for over the past decade, would indicate that he is ideologically incapable of performing this task.

In this regard, our review of his resume clearly shows that Mr. Eide has spent the last twelve years working for the Chamber of Commerce as the chief architect of every Chamber effort opposing every labor initiative. From his opposition to Senator Edward Kennedy's ergonomics initiative to promoting a diminution of Fair Labor Standards Act and Equal Employment Opportunity protections, Mr. Eide's efforts have been dedicated 100% of the time to opposing the labor movement and worker-friendly statutes.

Section 7101, the "findings and purpose" section of the Federal Service Labor-Management Relations statute, states that:

"(a) The Congress finds that—

(1) experience in both private and public employment indicates that the statutory protection of the right of employees to organize, bargain collectively, and participate through labor organizations of their own choosing in decisions which affect them—

(A) safeguards the public interest.

(B) contributes to the effective conduct of public business, and

(C) facilities and encourages the amicable settlements of disputes between employees and their employers involving conditions of employment; and

(2) the public interest demands the highest standards of employee performance and the continued development and implementation of modern and progressive work practices to facilitate and improve employee performance and the efficient accomplishment of the operations of the Government.

Therefore, labor organizations and collective bargaining in the civil service are in the public interest."

AFGE respectfully submits that Mr. Eide's entire adult career is inexorably inconsistent and opposed to the stated Congressional "findings and purpose" of Section 7101, and his nomination should be opposed.

Sincerely,

BOBBY L. HARNAGE, SR.,
National President.

MEASURES READ FOR FIRST TIME—H.R. 6 AND H.R. 1298

Mr. MCCONNELL. Mr. President, I understand that H.R. 6 and H.R. 1298 are at the desk, and I ask for their first reading.

The PRESIDING OFFICER. The clerk will read the bills by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes.

A bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

Mr. MCCONNELL. I ask for their second reading and object to further proceedings on the matters.

The PRESIDING OFFICER. The objection is heard. The bills will remain at the desk.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. As in executive session, I ask unanimous consent that on Wednesday, May 7, at a time to be determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to executive session to consider Calendar No. 6, the NATO expansion treaty on today's Executive Calendar. I further ask unanimous consent that the treaty be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification; further, that the nine committee-recommended declarations and three understandings be considered agreed to; there then be 4 hours for debate equally divided between the chairman and the ranking member; provided further that the only amendments in order be the following: a Warner-Levin-Roberts on a consensus, a Levin-Warner on suspension, and a Dodd on administrative structure.

Further, there be 60 minutes equally divided on each of the amendments, with relevant second degrees in order and limited to 60 minutes as well. I further ask that following the disposition of the above amendments and the use or yielding back of time, the resolution of ratification be temporarily set aside; provided further that the Senate then proceed to a vote on the adoption of the resolution of ratification on Thursday, May 8, at a time determined by the leader, after consultation with the Democratic leader.

The PRESIDING OFFICER. Is there objection? The Senator from Nevada.

Mr. REID. Mr. President, I apologize to the distinguished majority whip, but we just received a call from one of the senior Senators indicating at this stage we cannot agree to the expansion of NATO. I will be happy to work with my friend because this is something on which Senator BIDEN wants to move forward. We will do the best we can, but we just received a call. I will give the name of the Senator to my friend at a subsequent time.

The PRESIDING OFFICER. The objection is heard.

Mr. MCCONNELL. I ask the assistant Democratic leader, then, is it hoped we can work this out in the morning?

Mr. REID. I think we can work it out fairly easily by tomorrow noon or something. If the Senator wanted to stay around for a little bit, we might work on it tonight.

ORDERS FOR TUESDAY, MAY 6, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m., Tuesday, May 6. I further ask that following the prayer and the pledge, the morning hour be deemed expired and the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 10:30 a.m., with the time equally divided between the two leaders or their designees and with Members permitted to speak for up to 10 minutes each; provided that at 10:30 a.m., the Senate proceed to the consideration of S. 14, the energy bill, as provided under the previous order.

I further ask unanimous consent that the Senate recess from 12:30 to 2:15 for the weekly party lunches.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. For the information of all Senators, tomorrow the Senate will be in a period for morning business until 10:30 a.m. Following morning business, the Senate will begin the consideration of the energy bill. Under the previous agreement, no amendments will be in order to the bill until Thursday, but Members are encouraged to come to the floor to debate the bill.

In addition to the energy bill, the Senate may begin consideration of any of the following items tomorrow: State Department reauthorization bill, the air cargo security bill, the FAA reauthorization bill, the NATO expansion treaty, as well as any nominations that can be cleared. Therefore, Members should anticipate rollcall votes during tomorrow's session. I encourage Members to plan for a busy week with votes possible each day.

I am going to put in a quorum call in the hopes that we can work out the agreement under which we were going to go to the NATO expansion bill before we leave tonight.

Mr. REID. I say to my friend, we should be able to do this in the next few minutes, one way or the other.

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I renew my previous unanimous-consent request related to the treaty consent of NATO expansion, with the following proviso: Provided further that the only amendments in order be the following: Warner-Levin-Roberts consensus suspension, 90 minutes equally divided; Dodd, administrative structure, 60 minutes equally divided, with relevant second degrees in order and limited to 60 minutes as well.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, the way I read this, we save 30 minutes. Isn't that right? It is.

I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, as I said earlier, looking at the remainder of the week, in addition to the energy bill, the Senate may begin consideration of any of the following items tomorrow: State Department reauthorization bill, the air cargo security bill, the FAA reauthorization bill, the NATO expansion treaty, as well as any additional nominations that can be cleared. Therefore, Members should anticipate rollcall votes during tomorrow's session. I encourage all of our Members to plan for a very busy week with votes possible each day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:59 p.m., adjourned until Tuesday, May 6, 2003, at 9:30 a.m.

CONFIRMATION

Executive Nomination Confirmed by the Senate May 5, 2003:

THE JUDICIARY

DEBORAH L. COOK, OF OHIO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

EXTENSIONS OF REMARKS

HONORING LEVI JOHN CHETTLE FOR EARNING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Levi John Chettle, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 370, and in earning the most prestigious award of Eagle Scout.

Levi has been very active with his troop, participating in such Scout activities as Camp Bartle and the Sea Base High Adventure. Over the 5 years he has been involved in Scouting, he has earned 58 merit badges. Additionally, Levi has held numerous leadership positions, serving as patrol leader, troop quartermaster, den chief, historian and assistant senior patrol leader. Levi also has been honored for his numerous Scouting achievements with such awards as the World Conservation Award, the Heritage Trail Award, the 50-Miler Afloat Award, the National Camping Award, the 12-Month Camping Award 4 years in a row, Warrior Little Silent Stalking White Bear in the Tribe of Mic-O-Say, and the Brotherhood in the Order of the Arrow.

For his Eagle Scout project, Levi mulched a playground, painted benches and trash receptacles, and planted 11 flower beds at Riverside Park. Additionally, he applied painted stencils to over 100 drainage manhole covers in the City of Riverside.

Mr. Speaker, I proudly ask you to join me in commending Levi John Chettle for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE TO BOB BAKER

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2003

Mr. OBERSTAR. Mr. Speaker, I rise with a heavy heart to pay tribute to a national leader in civil aviation. Robert J. Baker, an executive with American Airlines and its parent, AMR Corp., for some 35 years, died April 20, at the much-too-young age of 58.

In his three-and-a-half decades of service with American, Bob Baker rose from marketing trainee to Vice Chairman. He joined the airline in 1968. By 1985, he was running its operations. He was named Vice Chairman of AMR in 1998, and held that title until he retired last year.

Bob Baker served his country by sitting on several national commissions and advisory panels. President Clinton appointed Mr. Baker to a special commission on aviation management. Bob Baker also chaired a Federal panel on the concept of "free flight" as a remedy to airway congestion. In the dark hours following the terrorist attacks of September 11, 2001, President Bush tapped Bob Baker for the "rapid response team to analyze and revamp the nation's airline security."

When American Airlines bought TWA, Bob was named chairman of TWA and operated that airline until it could be integrated with American, forming the world's largest airline.

Bob Crandall, long-time chairman of AMR, noted that Bob Baker was born into the American Airlines family. His father was a station manager and headquarters executive at the airline.

"Bob was the kind of guy who came to work early, stayed late and understood the old saying that 99 percent of genius is perspiration," Crandall told the Fort-Worth Star-Telegram.

Crandall's successor, Donald Carty, worked closely with Baker since the late 1980's. Carty said, "We have lost a true aviation pioneer. Bob helped shape our company, and, in fact, our entire industry."

Mr. Speaker, aviation has lost a premier professional; an objective, seasoned, thoughtful voice of reason and balance in this contentious market sector; and an uncompromising, persistent advocate for safety. Bob was both a friend and counselor. I shall miss him greatly, as will all of aviation.

I ask my colleagues to join me in extending our heartfelt sympathy to his wife, Marty, his four children and six grandchildren.

ACHIEVEMENTS OF OPERATION RESPECT

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Ms. WOOLSEY. Mr. Speaker, I regret that I was not able to speak on behalf of H. Res. 161, Recognizing the Achievements of Operation Respect and the "Don't Laugh at Me" program, when it was debated and passed by the House of Representatives on Monday, April 28, 2003.

I strongly support H. Res. 161 and the work of the Operation Respect program and its founder, Peter Yarrow. Operation Respect and its "Don't Laugh at Me" program is engaged in a national effort to transform after-school programs and children's summer camps into more compassionate and respectful environments. The "Don't Laugh at Me" program addresses the issues of emotional and physical violence among children. It helps to prevent bullying and promotes compassion and tolerance among children.

Operation Respect and its "Don't Laugh at Me" program has been presented at over 200 workshops for children in after-school programs and children's camps. Over 18,000 educators in 27 states have received training materials and curriculum to increase mutual respect and fellowship and create an environment for children that focuses on their schoolwork and promotes social and emotional growth.

Peter Yarrow, the musician and social activist, who is a member of Peter, Paul, and Mary created the "Don't Laugh at Me" initiative. Peter, himself, has appeared before over 240 educational organizations in over 36 states on behalf of Operation Respect.

Peter Yarrow is a talented, compassionate man with a lifelong message of humanity and caring. We have had the joy of working together on several occasions. Through his music, Peter has addressed numerous social and political causes, none more significant than Operation Respect: "Don't Laugh at Me." This man, whose songs have had the power to stir social consciousness and effect change, is passionately dedicated to developing an environment of safety, respect, and tolerance in American schools.

So it is with great pleasure that I join my fellow Members of Congress on both sides of the aisle to recognize the work of Peter Yarrow and this outstanding program, which has the enthusiastic support of educators and school children alike.

HONORING STEVEN E. McKEE FOR EARNING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Steven E. McKee, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 370, and in earning the most prestigious award of Eagle Scout.

Steven has been very active with his troop, participating in such Scout activities as 33 monthly campouts with the troop, 4 Camporees, and 3 Scout mall shows. Over the 4 years he has been involved in scouting, he has earned 45 merit badges. Additionally, Steven has held numerous leadership positions, serving as patrol leader, historian, quartermaster, guide and senior patrol leader. Steven also has been honored for his numerous Scouting achievements with such awards as the World Conservation Award, the Religious Knot, Brave Son of Mighty Silver Bird in the Tribe of Mic-O-Say Award, and the Brotherhood in the Order of the Arrow Award.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

For his Eagle Scout project, Steven landscaped the entire front area of the grounds of the Church of the Redeemer, after construction of the new addition of the church was finished.

Mr. Speaker, I proudly ask you to join me in commending Steven E. McKee for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTORY STATEMENT FOR H.R. 1949, VENDEE LOAN RESTORATION ACT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2003

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing H.R. 1949, the Vendee Loan Restoration Act. This legislation, which is cosponsored by my friend LANE EVANS of Illinois, the Ranking Member of the Committee on Veterans' Affairs, will re-establish the Department of Veterans Affairs' highly effective loan program, which VA terminated administratively on January 23, 2003.

When a purchaser agrees to buy a foreclosed VA home, VA may offer to finance it through a "vendee" loan to encourage the prompt sale of the property. Vendee loans are made at market interest rates and often require a downpayment. Borrowers are assessed a 2.25 percent funding fee that is paid in cash.

I view vendee loans as an important tool to obtain a higher return on property sales, which reduces the overall cost of program operations. In the past, VA made, and subsequently sold, $800 million to $1.2 billion in such loans each fiscal year. There is an ample body of empirical data indicating that offering vendee financing is cost effective. In March 2002, Booz, Allen, and Hamilton, Inc., independently analyzed the cost effectiveness of vendee loan financing. Their report indicated a savings to the Government of $16 million in fiscal year 1999 due to vendee financing. We believe the vendee loan program is based on sound business principles and should be reestablished.

I urge all of my colleagues to support this legislation.

HONORING CHIEF EDWARD L. STINNETTE UPON HIS RETIREMENT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to pay tribute to Chief Edward L. Stinnette upon his retirement as Fire Chief of the Fairfax County Fire and Rescue Department after 30 years of distinguished and dedicated service to the Department.

Chief Stinnette first joined the Fairfax County Fire and Rescue Department in January 1973 as a firefighter. From 1973 through 1985, he gained a great deal of operational experience within the Department as a company officer. He also did tours as a shift commander, recruit school coordinator, and station coordinator. Chief Stinnette was promoted to Lead Battalion Chief in 1985, and 2 years later was named Deputy Fire Chief.

Starting in March of 1992, Chief Stinnette became responsible for the daily operations of the department as Assistant Chief of Operations. He also served as the leader of the Virginia Task Force One when it was deployed to Oklahoma City, following the bombing of the Alfred P. Murrah Building. Initially appointed as Active Fire Chief December 7, 1998, he was appointed to Fire Chief on April 19, 1999.

As Fire Chief, he has been responsible for over 1,400 uniformed and civilian employees, hundreds of volunteers, and a budget of $112 million. Chief Stinnette is a member of the International Association of Fire Chiefs and the State Fire Chiefs Association of Virginia. His strong leadership skills and devotion to serving the community will be missed.

Mr. Speaker, in closing, I wish the very best to Edward Stinnette as he is recognized for his years of service to the Fairfax County Fire and Rescue Department. During his 30 years of service, he certainly has earned his recognition, and I call upon all of my colleagues to join me in applauding his tenure.

HONORING GARRET THOMAS COCHRAN FOR EARNING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Garret Thomas Cochran, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 370, and in earning the most prestigious award of Eagle Scout.

Garret has been very active with his troop, participating in such Scout activities as the Sea Base High Adventure, 5 Camporees, 4 Scout mall shows and never missing one, a total of 63 campouts with his troop. Over the 5 years he has been involved in Scouting, he has earned 66 merit badges. Additionally, Garret has held numerous leadership positions, serving as patrol leader, historian, den chief, quartermaster, guide, instructor, scribe, assistant senior patrol leader, and senior patrol leader. Garret also has been honored for his numerous Scouting achievements with such awards as the Brotherhood in the Order of the Arrow, Warrior Honored Son of Little Lone Yellow Fang in the tribe of Mic-O-Say, the 12-Month Camping Award 4 years in a row, the World Conservation Award, the Coup of the Long Trail Award, and the Coup of the Far Traveler Award.

For his Eagle Scout project, Garret created Flag Plaza and erected a flag pole at Vineyard Church.

Mr. Speaker, I proudly ask you to join me in commending Garret Thomas Cochran for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2003

Mr. CASTLE. Mr. Speaker, it is with great pride that I rise today to congratulate the young scholars of Smyrna High School, in Smyrna, Delaware who represented my home state of Delaware in the We the People . . . The Citizen and the Constitution program. They were part of a group of 1,200 students from across the country who came to Washington, DC, to compete in the national finals of this program. These young scholars worked diligently and persistently to reach the national finals and through this program have gained a deeper knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The names of the honored students are: Kevin Allen, Christy Baldwin, Joshua Chavez, Tiffany Coleman, Mike Crain, Alana Cruz, Jennifer Davis, Tom Garnett, Ashley Gillespie, Stacey Goldsberry, Joshua Hastings, Rebecca Huff, Erica Huss, Melvin Jamann, Amber Lech, Aaron McKinney, Jordan Mebane, Mary Naylor, Shannon Neal, Jessica Oliver, Michelle Paulish, Jason Reames, Justin Ritter, Souvenir Ros, Bill Spencer, Stacey Sudler, Heather Szymanski, Alison Wilson, Kalyn Wolbert, and Mustafa Zia.

I would also like to extend my congratulations to their teacher, Mr. Marc Deisem, who deserves much of the credit for the success of the team.

The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young students about the Constitution and the Bill of Rights. The three-day final competition consisted of hearings modeled after those in the United States Congress. The students made oral presentations before a panel of adult judges and testified as constitutional experts before a "congressional committee." A panel of adult judges representing various regions of the country and a variety of appropriate professional fields served on the congressional committees. These judges followed up the testimonies with a series of questions designed to test the students' depth of understanding and their ability to apply constitutional knowledge to given situations.

The We the People program is administered by the Center for Civic Education, and has provided curricular materials at upper elementary, middle and high school levels for more than 26.5 million students nationwide. This program has promoted civic competence and responsibility among young students as well as awareness for contemporary relevance of the Constitution and Bill of Rights.

The team from Smyrna High School conducted much research in preparation for the national competition here in Washington, DC.

I congratulate them for their fine work that enabled them to come so far in this competition and to have visited our nation's capital.

HONORING JAMES SPENCER MANSHEIM FOR EARNING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize James Spencer Mansheim, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 370, and in earning the most prestigious award of Eagle Scout.

Jay has been very active with his troop, participating in such Scout activities as the Sea Base High Adventure, Philmont High Adventure, 7 Camporees, 6 Scout mall shows, 3 Klondikes, and over 50 campouts with his troop. Over the 7 years he has been involved in Scouting, he has earned 32 merit badges. Additionally, Jay has held numerous leadership positions, serving as patrol leader, senior patrol leader and, since his 18th birthday, serving as the troop's assistant Scoutmaster. Jay also has been honored for his numerous Scouting achievements with such awards as the Snorkeling Award, the BSA Lifeguard Award, the National Camping Award, and the World Conservation Award.

For his Eagle Scout project, Jay built a new playground for his church as well as covering the area with wood chips and erecting a chain-link fence around the area.

Mr. Speaker, I proudly ask you to join me in commending James Spencer Mansheim for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 6, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 7

9 a.m.

Armed Services

Airland Subcommittee

Closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense.

SR–232A

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine climate change.

SR–253

Judiciary

To hold hearings to examine the nominations of Consuelo Maria Callahan, of California, to be United States Circuit Judge for the Ninth Circuit, and Michael Chertoff, of New Jersey, to be United States Circuit Judge for the Third Circuit.

SD–226

10 a.m.

Banking, Housing, and Urban Affairs

Business meeting to consider S. 709, to be immediately followed by oversight hearings to examine the impact of the global settlement.

SD–538

Indian Affairs

To hold hearings to examine S. 550, to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land.

SR–485

Armed Services

Readiness and Management Support Subcommittee

Closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense.

SR–222

10:15 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine the National Guard and Reserve.

SD–192

11:30 a.m.

Armed Services

Strategic Forces Subcommittee

Closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense.

SR–232A

2:30 p.m.

Armed Services

Closed business meeting to mark up proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense.

SR–222

Foreign Relations

International Economic Policy, Export and Trade Promotion Subcommittee

To hold hearings to examine U.S. energy security, focusing on Latin America and West Africa.

SD–419

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine Hydrogen.

SR–253

MAY 8

9:30 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Agriculture.

SD–192

Environment and Public Works

Clean Air, Climate Change, and Nuclear Safety Subcommittee

To hold hearings to examine S. 485, to amend the Clean Air Act to reduce air pollution through expansion of cap and trade programs, to provide an alternative regulatory classification for units subject to the cap and trade program.

SD–406

Armed Services

Closed business meeting to mark up proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense.

SR–222

Judiciary

Business meeting to consider pending calendar business.

SD–226

10 a.m.

Appropriations

Homeland Security Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Bureau of Customs and Border Inspection, Transportation Security Administration, and Federal Law Enforcement Training Center.

SD–124

Appropriations

Transportation, Treasury and General Government Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Transportation.

SD–138

1:30 p.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Secretary of the Senate and the Architect of the Capitol.

SD–124

2 p.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine bus rapid transit and other bus service innovations.

SD–538

Judiciary

To hold hearings to examine the nominations of Robert D. McCallum, Jr., of Georgia, to be Associate Attorney General, and Peter D. Keisler, of Maryland, to be an Assistant Attorney General, both of the Department of Justice.

SD–226

MAY 9

9:30 a.m.
Armed Services
Closed business meeting to mark up proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense.
SR–222

MAY 13

10 a.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 452, to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, S. 500, to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era, S. 601, to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, for inclusion in the Fort Vancouver National Historic Site, S. 612, to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona, H.R. 788, to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona, S. 630, to authorize the Secretary of the Interior to conduct a study of the San Gabriel River Watershed, and H.R. 519, to authorize the Secretary of the Interior to conduct a study of the San Gabriel River Watershed.
SD–366

MAY 14

9:30 a.m.
Foreign Relations
To hold hearings to examine an original bill to authorize foreign assistance for fiscal year 2004, to make technical and administrative changes to the Foreign Assistance and Arms Export Control Acts and to authorize a Millennium Challenge Account.
SD–419

10 a.m.
Indian Affairs
To hold oversight hearings to examine the role of funding of the Federal National Indian Gaming Commission.
SH–216

MAY 15

9:30 a.m.
Foreign Relations
To continue hearings to examine an original bill to authorize foreign assistance for fiscal year 2004, to make technical and administrative changes to the Foreign Assistance and Arms Export Control Acts and to authorize a Millennium Challenge Account.
SD–419

Governmental Affairs
To hold hearings to examine the Department of Homeland Security, focusing on state and local governments.
SD–342

10 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings to examine the Fair Credit Reporting Act and issues presented by the Re-authorization of the Expiring Preemption Provisions.
SD–538

Indian Affairs
To hold hearings to examine S. 575, to amend the Native American Languages Act to provide for the support of Native American language survival schools.
SR–485

2 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine proposed budget estimate for fiscal year 2004 for foreign operations.
SD–138

Governmental Affairs
To hold hearings to examine the nominations of Susanne T. Marshall, of Virginia, to be Chairman of the Merit Systems Protection Board, Neil McPhie, of Virginia, to be a Member of the Merit Systems Protection Board, Terrence A. Duffy, of Illinois, to be a Member of the Federal Retirement Thrift Investment Board, and Thomas Waters Grant, of New York, to be a Director of the Securities Investor Protection Corporation.
SD–342

MAY 20

2:30 p.m.
Foreign Relations
To hold hearings to examine the future of U.S. economic relations in the Western Hemisphere.
SD–419

MAY 21

10 a.m.
Indian Affairs
To hold oversight hearings to examine the proposed reorganization of the Bureau of Indian Affairs.
SR–485

MAY 22

10 a.m.
Indian Affairs
To hold oversight hearings to examine the status of telecommunications in Indian Country.
SR–485

JUNE 3

10 a.m.
Indian Affairs
To hold oversight hearings to examine the status of tribal fish and wildlife management programs.
SR–485

JUNE 4

10 a.m.
Indian Affairs
To hold hearings to examine S. 281, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes, to provide for training and technical assistance to Native Americans who are interested in commercial vehicle driving careers, and S. 725, to amend the Transportation Equity Act for the 21st Century to provide from the Highway Trust Fund additional funding for Indian reservation roads.
SR–485

2 p.m.
Indian Affairs
To hold oversight hearings to examine the impacts on tribal fish and wildlife management programs in the Pacific Northwest.
SR–485

JUNE 11

10 a.m.
Indian Affairs
To hold hearings to examine the nomination of Charles W. Grim, of Oklahoma, to be Director of the Indian Health Service, Department of Health and Human Services.
SR–485

JUNE 18

10 a.m.
Indian Affairs
To hold oversight hearings to examine Native American sacred places.
SR–485

POSTPONEMENTS

MAY 8

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the nomination of Annette Sandberg, of Washington, to be Administrator of the Federal Motor Carrier Safety Administration, to be immediately followed by hearings to examine the reauthorization of National Highway Traffic Safety Administration.
SR–253

10 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine stem cell research.
SD–116

SENATE—*Tuesday, May 6, 2003*

The Senate met at 9:33 a.m. and was called to order by the Honorable JAMES M. TALENT, a Senator from the State of Missouri.

The PRESIDING OFFICER. The Chaplain will lead the Senate in prayer. Today's guest Chaplain is Dr. K. Randel Everett of the John Leland Center for Theological Studies in Arlington, VA.

PRAYER

The guest Chaplain offered the following prayer:

May we pray.

Dear God, we bow our knees before You, from whom every family in Heaven and Earth derives its name, and ask that You will grant us to be filled with Your spirit, and with Your power that You might empower us to experience Your riches according to Your glory in our inner person.

Please give us courage that we might stand with confidence in a world of uncertainty.

Give us boldness that we might speak truth.

Give us humility that we might extend grace.

Give us compassion that we might act with kindness.

Give us patience that we might live wisely.

Give us faith in You that we might trust You with all of our heart and not to rely on our own understanding.

Dear Lord, today is a gift You have given us. May we experience Your joy through the lives and opportunities that await us. In thy name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JAMES M. TALENT led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 6, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JAMES M. TALENT, a Senator from the State of Missouri, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. TALENT assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will be in a period of morning business until 10:30 a.m.

Following morning business, the Senate will begin consideration of Calendar No. 79, S. 14, the energy bill. Under the previous agreement, no amendments to the bill will be in order until Thursday. However, Members are encouraged to come to the floor to make opening statements and to debate the merits of the bill.

Also, today the Senate will recess for the weekly party lunches from 12:30 to 2:15 p.m.

In addition to the energy bill, the Senate may begin consideration of any of the following items later today: The State Department reauthorization bill, the air cargo security bill, the FAA reauthorization bill, as well as any additional nominations that can be cleared over the course of the morning. There are still several judicial nominations that are on the calendar that may require rollcall votes and, therefore, Members should anticipate rollcall votes during today's session.

Under a unanimous consent agreement reached last night, on Wednesday the Senate will begin consideration of the NATO Expansion Treaty. The agreement allows for two amendments to be considered on Wednesday. However, the Senate will not vote on the resolution of ratification until Thursday morning at 9:30 a.m.

I thank all Members for their attention. As always, we will notify Members as votes are scheduled today.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until the hour of 10:30 a.m., with the time equally divided between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent time under the previous quorum call be charged equally.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE BUDGET

Mr. CONRAD. Mr. President, I come to the Chamber today to talk about the budget circumstance in which we find ourselves, the President's proposal for additional tax cuts and, more largely, why I believe we are on a course that is utterly disconnected from reality.

First, let me say the news media reports of the tax cut debate are among the worst I have ever seen. I believe the American people listening to news reports would believe that we are debating a tax cut of either $350 billion or $550 billion and that the President proposed a tax cut of $726 billion. That is what you read about; that is what you hear about; that is what is broadcast. But it is wrong. It is not even close to being right.

The President proposed a tax cut of $1.6 trillion. This at a time when we are running record budget deficits. Let me make this clear. The deficit this year is going to be between $500 and $600 billion on a budget of $2.2 trillion. That is a massive deficit, a record. We have never had a unified deficit above $290 billion. Yet in that context, the President proposes large and exploding tax cuts that will dig the hole deeper and deeper. And the press reports that he has proposed $700 billion in tax cuts. How can this be?

It is very simple. In the budget that was passed, there are two pots of money for tax cuts: the so-called reconciled tax cuts, the ones given special protection from the normal legislative process; and the unreconciled tax cuts, those that have to move in the regular order. If you put the two pots together, here is what passed the Senate and the House: $1.3 trillion of tax cuts.

What passed the House was $550 billion of so-called reconciled tax cuts; $725 billion unreconciled. The press has completely forgotten and left out the $725 billion. You don't see it reported anywhere. So it is not unusual.

I had a banker say to me this morning: Gee, Kent, I didn't realize that the President was seeking $1.6 trillion of tax cuts. I thought it was $726 billion and that the difference was between the $350 billion that there was an agreement on in the Senate and the $550 billion in the House. That sounds like a reasonable compromise.

Of course, that was missing the basic facts because the news media has failed utterly in its responsibility to share full information with the American public so they can make judgments about what the policy of the country should be. This is a broad failure. It is truly remarkable. I read story after story in the most respected newspapers in America that the tax cut is $550 billion or $350 billion. That is just one part of a much larger tax cut proposal that is before us.

In the Senate, we passed the following: $550 billion of reconciled tax cuts, protected from filibuster, given special protections in the Senate, and $725 billion of unreconciled tax cuts.

Why does any of this matter? It matters because of what has happened. Two years ago we were told we could expect almost $6 trillion of surpluses over the next decade. In fact, the specific number we were told by the administration was $5.6 trillion of surpluses over the next decade. The Congressional Budget Office agreed with that. Now we see, just 2 years later, instead of surpluses, if we enact the Republican budget, the Congressional Budget Office tells us we will run $2 trillion of deficits over that same period, 2002 to 2011. That is a reversal of $7.6 trillion in just 2 years.

Where did the money go? The President said in a speech the other day that the reason for the disappearance of the surplus is the attack on the country and the weak economy. Those are two reasons, but they are not the biggest reason. He forgot the biggest reason. The biggest reason is the tax cuts, both already implemented and the additional ones proposed by the President.

If you look over the same 10-year period, 36 percent of the disappearance of the surplus is because of the tax cuts, both those already implemented and those proposed in the Republican budget. Twenty-eight percent is from the increased spending as a result of the attack on this country; that is, the increased defense spending, increased homeland security spending, the money to rebuild New York and the money to rebuild the Pentagon. Twenty-seven percent is because of revenue being lower than expected. Quite apart from the tax cuts, the revenue is also lower than anticipated. That trend is continuing. In a few moments, I will refer to the latest numbers on what is happening to our revenue. They are truly alarming.

I hope people are paying attention to the overall circumstance we face. We are in record budget deficit now. The President is proposing massive additional tax cuts, although he is also proposing increased spending, not reduced spending to pay for the tax cuts, but increased spending. We are on the eve of the retirement of the baby boom generation which will dramatically increase the cost to the Federal Government. Only 9 percent of the disappearance of the surplus is because of the economic downturn.

Some have suggested deficits are going to be relatively small and short term. That is not what we see. We see very large deficits continuing throughout the entire decade. In fact, they never get below $300 billion on an operating basis. Those are massive budget deficits by any calculation. These numbers probably substantially understate the deficit.

Let me repeat that. These numbers are according to the Congressional Budget Office. They exclude Social Security, setting Social Security aside, as it should be. You never have deficits over the entire next 10 years of less than $300 billion.

But that badly understates how serious the deficit situation is going to be. There is no money in here for the reconstruction or the occupation of Iraq. There is no money in here to fix the alternative minimum tax, which is a ticking timebomb. Right now 2 million people are affected by the alternative minimum tax. By the end of this decade, it is going to be 40 million people affected. It costs $600 billion to fix. There is no money in this budget for that. In truth, the revenue is still falling far short of expectations. That is not in these numbers, either.

This, although it is dire, understates the seriousness of the budget deficits we will face. Goldman Sachs just did an analysis. This is what they found. They concluded that instead of $2 trillion of deficits over the 2002 to 2011 period, if we enact the President's plan over the next decade, the deficits will be over twice that: $4.2 trillion over the 2004 to 2013 period. Remember, just 2 years ago we were told there was going to be $5.6 trillion of surpluses. Now Goldman Sachs has done an analysis saying the true deficits are going to be closer to $4 trillion over the 2004 to 2013 time period. That is an absolutely stunning reversal in just 2 years.

We were told 2 years ago that if we enacted the President's plan, we would pay off virtually all of the publicly held debt by 2008.

Now we see instead the gross debt of the United States exploding—$6.7 trillion today. If the President's plan is enacted, and what has been passed in Congress goes through, the debt will increase—gross debt—to $12 trillion in 2013, and this at the worst possible time. Why the worst possible time? Because the baby boom generation is going to start to retire. They are going to double the number of people eligible for Social Security and Medicare.

It is not surprising, then, that at the very time the President is asking for a big, new tax reduction, Republicans are asking for the biggest expansion of the debt in the history of the United States. Think about this. We cannot pay our bills, we are running record deficits, we are piling up debt at a record rate, and the President says let's cut revenues some more. Now, as a short-term matter, that might make some sense, to give lift to the economy. We know it stimulates the economy to cut taxes and to spend the money. Those two things stimulate the economy.

In the short-term, that would make sense to me. In fact, very little of the President's so-called stimulus package is effective this year. It is a very odd thing. Only 5 percent of the President's so-called growth package is effective this year at a time of economic weakness. Ninety-five percent of the cost is in future years which, of course, adds to the deficit, adds to the debt, at the very time the President says the economy will be growing stronger.

So there is an incredible disconnect between what the President says is the problem—economic weakness now—and his plan, which is to provide tax cuts that have very little impact now and have most of their cost later on, 5 years from now, 6 years from now, 10 years from now—at the very time we know the cost of the Federal Government will be going up as a result of the retirement of the baby boom generation.

Is anybody watching? Is anybody listening? Is anybody thinking about what happens to this country right over the horizon? I am not talking about next year. I am not talking about the year after that. I am talking about 5 and 6 years from now when the President's plan explodes in cost, at the very time the cost to the Federal Government explodes as a result of the retirement of the baby boom generation, doubling the number of people eligible for Social Security and Medicare. This is clearly a plan that does not add up. It doesn't connect with the reality that we all know is going to occur. As a result, Republicans are asking for the biggest increase in the debt in the history of the country. They have just asked for nearly a trillion-dollar increase in the debt. The biggest previous increase was $915 billion in the President's father's administration.

I must say I find this circumstance alarming for the future economic strength of the country. Now, this is a chart that I did not prepare. This is a chart that is right out of the President's own budget. It is from page 43 of his analytical perspectives. It is the long-term view, according to the President's own analysis, of what happens to the budget deficits if his plan is passed—his spending plan, his revenue plan. Here is what he says will happen. You can see we never get out of deficit and that once we get past this 10-year period, when the trust funds are throwing off big surpluses, the Social Security and Medicare trust funds are now producing big surpluses—once we get past that point, the baby boomers start to retire, the cost of the President's tax cut explodes, and the deficits explode into large, unsustainable amounts that will fundamentally threaten the economic security of this country.

Again, this is not my chart, this is the President's chart showing what happens, in his view, if his policies are passed—his spending plan, his tax plan. The deficits explode. Remember, what is most sobering is that we already have record deficits. Where you see the relatively small amount of red ink, that represents record budget deficits—the biggest we have ever had in the history of the country. What the President is saying is it is going to get worse with his plan—much worse.

A fundamental reason for that is shown on this chart. On this chart, the blue bar is the Medicare trust fund. The green bar is the Social Security trust fund. The red bar is the tax cuts that have passed Congress in the budget. What this shows us is the trust funds right now for Social Security and Medicare are running big surpluses. This year alone, Social Security is going to run a surplus of over $160 billion. But we are not taking that money and paying down the debt or prepaying for the liability that is to come. Instead, that money is being taken to pay for tax cuts and to pay for other expenses of Government. You can see that this is the level of the tax cuts that have been enacted so far and that are proposed. Look what happens. As the trust funds start to move from big surpluses in this decade and start to be reduced as the baby boomers retire—and you can see that, ultimately, in the next decade they go negative, cash negative—then the trust funds are losing money. That is at the very time the cost of the President's tax cuts explode, leading us deeper and deeper into deficits, deeper and deeper into debt, when we are already experiencing record deficits. This is a disconnect from reality that is very hard to understand.

Mr. President, some are now saying, well, deficits don't really matter; you can run budget deficits like this as long as the people will continue to loan you money. It is OK and it doesn't have an adverse effect on the economy. I don't believe that. What is amazing to me is most of my Republican colleagues didn't used to believe that. They believed deficits matter. I always have. But I am certainly not alone in that judgment.

This quote is from Chairman Greenspan, head of the Federal Reserve, the man who has the dominant responsibility in this country for managing the economy—at least from the monetary point of view. That is the obligation of the Federal Reserve. What does he say? He said:

> There is no question that as deficits go up, contrary to what some have said, it does affect long-term interest rates. It does have a negative impact on the economy, unless attended.

Of course, that is right. How does it affect long-term interest rates? I think if you just think about it in commonsense terms, to the extent the Federal Government is going to be borrowing money, it is competing with everybody else who is trying to borrow money—people trying to borrow money to buy a home, people who are trying to borrow money to buy a car, people who are borrowing money to run a small business, or even a large business; and to the extent there is more competition for those dollars that are available, the higher cost of borrowing money; the higher cost of borrowing money, interest rates go up. When the Government runs big deficits, that is reducing the pool of money available for investment.

It reduces the pool of societal savings when the Federal Government is running deficits. If you reduce the pool of money available for investment, you reduce investment. Without investment, you cannot grow. That is why many of us believe the President's so-called growth plan is an antigrowth plan. It is not going to help growth; in the long-term, it is going to hurt growth because it is all financed with borrowed money. It is all financed by putting it on the credit card. It is all financed not by cutting spending or raising other revenue, it is financed by borrowed money.

Chairman Greenspan just came before the House Financial Services Committee. As noted in the New York Times, he said:

> Tax cuts without spending reductions could be damaging.

He said very clearly:

> The economy was poised to grow without further large tax cuts, and the budget deficits, resulting from lower taxes without offsetting reductions in spending, could be damaging to the economy.

We are not talking about a growth package here. We are talking about a package that is going to undermine growth. That is not just my view. It is not just the view of the Chairman of the Federal Reserve. The distinguished economist Mark Zandi did an analysis of the competing plans before us to boost economic growth.

He found that the Democratic plan would provide about twice as much job growth in 2003 and 2004 as the President's plan but not have the negative consequences of the President's plan over the next decade. He found the President's plan actually hurts economic growth because it is all financed with borrowed money. It increases deficits, reduces the pool of societal savings, reduces the pool of money available for investment, and hurts the economy long term.

It is not just Chairman Greenspan, it is not just me, it is not just distinguished economists like Mr. Zandi. In fact, we have now had 10 Nobel laureates in economics come out and say the Bush tax plan will not help the economy, it will hurt the economy; that long term, it will reduce economic growth, not increase it.

Interestingly enough, that is also the conclusion of Macroeconomic Advisers, who have been hired by the White House and the Congressional Budget Office to do this kind of economic analysis.

Do you know what they found? The President's plan will give a boost in the short term, but it is worse than doing nothing after 2004. After 2004, it will actually hurt economic growth, will hurt job opportunity, will hurt the strength of the American economy. Why? Because, once again, it is financed with borrowed money. It runs up the deficit. It runs up the debt. It reduces the money available for investment, and that hurts economic growth, not help it.

The Congressional Budget Office has just done what is called dynamic scoring. You will recall that some have said, and the President has said if we cut taxes, it will actually increase revenue. We will get a big boost from cutting taxes in the economy, and that will raise revenue.

The President's own economists do not believe that. They say if you cut taxes, as the President has proposed, you will reduce revenue and reduce it dramatically.

The Congressional Budget Office is now headed by a man who was previously on the President's Council of Economic Advisers. He was appointed by our Republican friends. They control the Senate and the House. They had the ability to choose the new head of the Congressional Budget Office. He came from the President's Council of

Economic Advisers. He did an analysis of what our Republican colleagues and what the President are telling America.

The President is saying: If you go out there and cut taxes, you get more revenue. That is not what the head of the Congressional Budget Office found. He found you get increased deficits. Guess what? If you cut the revenue when you already have massive budget deficits, the deficits get bigger. That is his conclusion.

Our Republican friends have said: If you just use dynamic scoring, if you just take into account the effect of the tax cuts, you will see that you get more revenue.

Their own appointee did just that. He used dynamic scoring. He took into account the effect of the tax cuts, and here is what he found:

> The net effect of the proposals in the President's budget on economic output could be either positive or negative . . . Importantly, regardless of its direction, the net effect through long-term changes to the supply side of the economy . . . would probably be small.

He did not stop there. He did seven different ten-year analyses of the President's budget proposal. Using the old method called static scoring, CBO projects the President's budget has a $2.7 trillion impact on the deficit—negative impact. In other words, it is going to take $900 billion of forecasted surplus. It takes that first and then goes $1.8 trillion in the hole. So it is a negative total impact of $2.7 trillion.

The new head of CBO, who just came from the President's Council of Economic Advisers, did an analysis using the dynamic scoring our Republican colleagues wanted him to do. Do you know what he found? In four of the seven ten-year models, the deficits would be even larger than under the old method of analyzing deficits. Why? Because the deficits are increasing. It is increasing the debt, and the dead weight of those deficits and debt hurt the economy. They hurt the economy because they reduce societal savings. They reduce the money available for investment, and without investment, you cannot grow.

Is anybody paying attention to these linkages? Is anybody paying attention to the long-term implications of what is being proposed?

They did dynamic scoring. In four of the seven long-term models, they found deficits even larger than what occurred using the old method of analysis because the effect of these tax cuts is not positive. Over time it is negative because they are not offset by spending reductions. They are all financed by borrowed money. You cannot borrow your way to prosperity. Nobody ever has. No country certainly ever has.

When they did this analysis, they found three models that showed somewhat smaller deficits than would occur using static scoring. Using dynamic scoring in three of the seven long-term models, they had somewhat smaller deficits, although not much smaller; instead of $2.6 trillion, $2.5 trillion, and $2.3 trillion. Do you know what their assumption was here? That over the next decade—this is using dynamic scoring—over the next decade, people would work harder in anticipation of the large tax increases to come as a result of the President's policy now; that the President's policy now will require huge tax increases in the future to balance the books and, as a result, people will know that and work harder over the decade; meaning, they will make more money, there will be more tax revenue, and, as a result, the deficits will be somewhat smaller.

Let's do a reality check on this question of if we just put these tax cuts into effect, we will get more revenue.

I remember very well 2 years ago. I came to this floor on many occasions. In the Budget Committee, I showed this chart on many occasions. This was CBO's analysis of where the deficit was headed, the range of possibilities from the best-case scenario, in terms of the surplus, to the worst-case scenario.

This is what they told us 2 years ago was the range of possibilities, and they adopted the midrange of this possible series of outcomes as their $5.6 trillion ten-year surplus projection.

I had so many of my Republican colleagues come to me and say: But, KENT, you are being way too conservative. You are saying that we might not get this midrange of outcomes, that it might be worse, and so we ought to be cautious about what we do. Do you not understand that when we put in place these big tax cuts, there will be more revenue, not less revenue; that there will be more revenue and so there will not be $5.6 trillion of surpluses, there will be $7 trillion of surpluses or $7.5 trillion of surpluses? It will be much higher than the midrange of the forecast.

What has happened? Here is reality. That is the red line on this chart. This is what is projected based on what has actually happened in the real world and what the President has proposed. This is where things come in, not at the midpoint of the range, not at the bottom end of the range of CBO's forecast of possible outcomes for the surplus and the deficit, but below the bottom end of the range.

So much for dynamic scoring saving the day. We did the big tax cuts that the President said would produce more revenue. It did not work. It did not come close to working. We are going down a blind alley. We are going down a path that will inexorably lead to massive budget deficits, a massive buildup of debt, and fundamentally threaten the economic security and strength of this country. That is where we are headed, and it is just as clear as it can be.

Newspapers all across the country are questioning the wisdom of what the President is proposing. The Cleveland Plain Dealer from April 24:

> Although the dividends tax cut Bush seeks might some day be a reasonable step, that day is not now. Not amid talk of a Federal deficit approaching $500 billion next year. Not when Alan Greenspan, the Federal Reserve chairman Bush just reappointed, sees no economic stimulus in a plan he said, if enacted, should be paid for by offsets elsewhere to avoid the danger of deeper deficits. Not when there is no end in sight to the costs of recreating Iraq as a democracy.

It is not only the Cleveland Plain Dealer. It is others as well. The St. Louis Post-Dispatch:

> The national debt isn't free. We'll pay interest on it for decades. Every dollar of interest is a dollar that can't be used for education, law enforcement, defense, or help for the poor and elderly. The public senses this, and that is why it is not eager for a new tax cut. . . . In fact, Mr. Bush is steering the economy toward an iceberg. Massive deficits year after year contribute to higher interest rates. Higher rates can choke off prosperity.

They have it right.

Here is what has happened to jobs during the current administration. We have lost 2.7 million jobs since January 2001. Let me be clear, the President's economic policy is not responsible for all of this. This is a combined effect of the bubble bursting, of a runup in investments that was unprecedented. It is, in part, the effect of the attack on this country which, without question, hurt this country's economy. It is also, I believe, in part a result of an economic policy that does not generate confidence going forward. We cannot run record budget deficits and go out and propose increasing the spending and cutting the revenue dramatically, but that is what the President is proposing.

We have record budget deficits now. He is not talking about cutting spending. He is increasing the spending by over $600 billion above the baseline. He is cutting the revenue. Think about this. If one were at home and they couldn't pay their monthly bills—their bills were more than their income—would their answer be to go out and increase spending and reduce their income? Is that what one does? That is what the President is proposing we do as a nation.

We are going to have the biggest budget deficits in the history of America this year. The President's answer is, increase spending and cut the revenue. That might make sense as a short-term measure. That might make sense for the moment to give a lift to the economy. The President is not proposing this as a short-term measure. He is proposing increasing spending and cutting revenue over the entire next decade and beyond, driving us deeper into deficit, deeper into debt, right at the time we know the baby boomers are about to retire.

This is the record on job growth of this administration compared to previous administrations. We can see in every previous administration we have had positive records of job growth. In this administration, we have had negative job growth. This plan is not working.

I said at the beginning I would talk about the latest numbers we have seen on revenue, and they are truly alarming. We have just received the results of the first 7 months of this year in terms of the revenue. What we are finding is that revenue is running $100 billion below the forecast for the first 7 months of the year. We already have a projection of record budget deficits, the biggest in the history of the country. Now we learn that in the first 7 months the revenue is running $100 billion below the forecast. That means, obviously, the deficits will be $100 billion higher if those trends continue. All of us hope they do not, all of us hope they are reversed, but if they do continue, here is what we see: Revenues, as a percentage of our national income, as a percentage of our gross domestic product, are headed toward the lowest level since 1959.

Remember, 3 years ago revenue was at the highest level we have had since 1969. In fact, the President used that as a reason to have a big tax cut. Remember? He said revenue is coming in at a higher rate as a percentage of our national income, as a percentage of our gross domestic product, as it has been since 1969—I think he used since 1970 at the time in making the argument. And so he said: We have to cut taxes.

Guess what. Now the revenue is going to be the lowest it has been since 1959, and his answer is cut taxes some more, increasing spending and cutting taxes. This is a prescription for deficits that are deep and abiding and that will fundamentally hurt this economy. That is what Chairman Greenspan is telling us. That is what 10 Nobel laureates are telling us. That is what over 500 economists are telling us. That is what the Committee for Economic Development, made up of 250 of this country's leading corporations and academics, is telling us. They are saying this is a policy that is unwise. That is what former Secretary of the Treasury Bob Rubin, former head of the Federal Reserve Paul Volcker, and former Republican Senator Warren Rudman who served on the Budget Committee with great distinction are all warning us about. When you run record budget deficits, you cannot add on top of that record tax cuts and increase spending and wind up with anything more than even deeper deficits and deeper debt. That is especially unwise given the fact the baby boomers are about to retire.

The Washington Post said this morning in an editorial labeled "Tax Cut Trickery: Part II":

> The House Ways and Means committee plans to take up a tax plan that makes President Bush's look like a model of budget honesty, fiscal probity, and distributional fairness. The plan concocted by Chairman Bill Thomas junks the president's proposal to end taxes on dividends in favor of a proposal to cut the top rate on both dividends and capital gains to 15 percent. The Thomas plan is more straightforward than the administration's complicated proposal but has not much else to recommend it. First, it is tilted even more heavily to the very wealthy. An analysis by the Urban Institute-Brookings Tax Policy Center shows that households with annual incomes of more than $1 million would see their taxes drop an average of $42,800 under the Thomas capital gains-dividend cut, compared with $26,800 under the Bush dividend plan. Taking the two plans as a whole, those households would receive an average tax cut in 2003 of $105,600 under the Thomas plan and $89,500 under the Bush plan.

Let me repeat that. The Washington Post is reporting that under the Thomas plan, the chairman of the House Ways and Means Committee, taxes on those earnings over $1 million a year would be cut by over $100,000 for 2003 alone. Taxes under the President's plan for people earning over $1 million would be cut by almost $90,000. This is at a time when we are in record budget deficits, at a time we are on the eve of the retirement of the baby boom generation that will double the number of people eligible for Social Security and Medicare. This is going to dramatically increase the cost to the Federal Government. This is disconnect from reality.

I yield the floor.

The PRESIDING OFFICER. Morning business is closed.

ENERGY POLICY ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 14, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 14) to enhance the energy security of the United States, and for other purposes.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, parliamentary inquiry: What is the subject matter before the Senate?

The PRESIDING OFFICER. The bill S. 14 is the pending business.

Mr. DOMENICI. Mr. President, S. 14 is the comprehensive energy bill produced by the Energy and Natural Resources Committee. It is accompanied by a report as contemplated by the rules of the Senate.

For those who are interested in the bill, there is a report and it will be available tomorrow. The 1-day delay is because of printing problems. Under the rule, there would be no amendments that can be offered today, in any event. It will be a day for discussion. Those who are looking toward the text in terms of what they might want to do to the bill and for the bill, the report will be in their hands before amendments are allowed.

I will start with some opening remarks and then yield to my friend, Senator BINGAMAN, for remarks on his side, and any other Senators on either side who desire to comment.

I might ask again a parliamentary inquiry: How much time has been set aside for this bill today pursuant to previous order?

The PRESIDING OFFICER. There is no time limit.

Mr. DOMENICI. Mr. President, our citizens need to know that they can, with some reasonable level of assurance, budget what their annual heating and cooling costs will be. This is not an area in which we can have much tolerance for those who propound politically correct policies.

Let me be blunt. I am a strong supporter of solar and renewable energy, and as chairman of the Appropriations Subcommittee on Energy and Water Development, which appropriates the money for the research and development in those areas, I have supported millions, indeed billions, of dollars for research to develop less expensive solar and renewable energy technologies. However, they only represent a niche market, and they are not capable of providing a baseload power to our cities, our hospitals, and our factories.

The bill before the Senate today is comprehensive. It encourages the conservation of energy through efficiency programs. But it also takes steps to ensure reliable and cleaner production of electricity from coal, and provides adequate—in fact extremely significant—research and development programs to make coal burning cleaner; it ensures nuclear power and gas, and decreases our reliance on imported energy sources by increasing production of energy here at home.

The bill, in my opinion, is pragmatic. I am a strong supporter of opening ANWR. I believe oil and gas can be produced from ANWR with a minimal impact on the environment and a substantial positive impact on the U.S. energy security and ultimately on prices since it would cause a very substantial amount of new oil to be put into the pool from which the world purchases its oil.

Those who say we should do without ANWR production, in my humble opinion, are cavalier about our energy needs. ANWR holds estimated reserves equal to three times as much oil as in the entire State of Texas, and I know of no one who proposes we close all the production in Texas on behalf of the environment, nor do I know anyone who thinks the production of oil in Texas is insignificant to the energy needs of America.

The impact on our economy is too easy to predict, but somehow they get away with arguing against ANWR—and they have in this body to date. However, I have not included ANWR in this bill, even though I understand there were votes to do so on the Energy Committee the committee I chair, because I know the 60 votes are not here on the floor to break a filibuster. I think that is a shame. But I also am not about to sacrifice a broader energy policy over that single, though important, issue.

In this committee, we have deferred to the floor in debate over climate change. I know the debate is coming. I saw no reason for consuming the time of the committee on a matter sure to be considered on the floor and a matter which is technically not within the jurisdiction of the Committee on Energy and Natural Resources which produced this bill.

Recognizing that we agreed to defer some controversial issues to the floor, it is important that the Senate recognize the bill before it is the product of several years of work by the Energy Committee. It is very much, in that context, a bipartisan measure.

Earlier this year, I instructed the staff of the committee to circulate a staff draft of legislation that would incorporate the provisions and ideas that had been considered by the Senate and the conference held last year on H.R. 4. We then worked with our minority and all members of the committee to refine that text. Members on both sides of the aisle had constructive comments and recommendations. While we could not always agree, I do not think there is any Member of the body who can say that I and the committee staff were not open to suggestions or willing to work to clear potential amendments that might have been appropriate for this committee.

The end result of the process I have just described was a series of chairman's marks on the various titles of the legislation before us. While the media only comments on the matters where we could not reach agreement, I think it is accurate to say that every member of the committee had provisions that are very important to them included in the chairman's mark and cleared on a bipartisan basis. An enormous amount of work and careful perfecting of language was done on a bipartisan basis before the chairman's mark was circulated.

I also think my colleagues will agree that we followed an open process. While we moved things along at a rapid pace, I insisted that the chairman's mark of each title be circulated at least 48 hours in advance. That was followed, to the best of my knowledge, uniformly.

The most contentious issue clearly was electricity, and in that case I circulated a chairman's mark a full week in advance. Achieving a consensus on that title proved more than elusive. In the end, Republican members of the committee reached an agreement on an electricity title that is included in the legislation before the Senate. I sincerely hope this important legislation does not become wrapped up in partisan delaying tactics.

I know there has been speculation in the media that some want to deny President Bush his energy bill. This is not President Bush's energy bill. This is not PETE DOMENICI's energy bill. At the moment, what you have before you is a recommendation of your Committee on Energy and Natural Resources, and I am proud to bring it before you. Yes, many of the provisions and suggestions come from the President's task force, which took many days and many weeks to put together their recommendations. Yes, many of the suggestions come from past energy bills put together by this committee when it was controlled by the other side of the aisle.

This bill contains numerous provisions that had bipartisan support. Many were initiatives offered by my colleagues on the other side of the aisle that I was happy to support. Senator AKAKA, for example, made major contributions to the hydrogen title, as did Senator DORGAN and others. While the President has provided important support for the hydrogen section, for which I congratulate him, I want to make it clear that the Senate has before it a comprehensive hydrogen title crafted over many weeks on a bipartisan basis by your committee.

The same can be said for all of the titles. Not one title is the same as the original staff discussion draft. In every case, I included amendments in the chairman's mark that were suggested by my colleagues, both Democrat and Republican. The extent of that bipartisan consensus was not evident in our business meetings where attention obviously was on provisions where we could not come together. But, in fact, this legislation is bipartisan in its substance. I expect to fully support other amendments here in the Chamber that will have bipartisan support, such as a carbon sequestration provision that Senators WYDEN and CRAIG have been working on for a long time.

Let me summarize the 12 titles of this bill.

The oil and gas title: This permanently reauthorizes the Strategic Petroleum Reserve and provides production incentives for marginal wells so that those sources will continue to be produced. It provides royalty relief for production in extremely deep waters of the Gulf of Mexico and for natural gas production in those areas of the gulf that are beyond 15,000 feet deep.

It creates a pilot program in five regional Bureau of Land Management offices to coordinate all the Federal permitting necessary to produce oil or gas on Federal lands.

It authorizes the construction of the Alaskan natural gas pipeline. This will bring gas to the United States in large quantities—not next week or next month, but without this provision it may never come to this part of the United States from Alaska. With the provisions in this bill, which essentially are indemnification provisions for those who will construct this pipeline, which is extremely fragile—fragile both in construction nature and fragile as to financing, we have provided underpinning for it to become a reality.

The coal title is a major part of this bill because coal is a major resource of the United States as we look to our future with reference to energy. The coal title authorizes approximately $2 billion for clean coal technology. The program is a major one. It is not the result of any one Senator's thinking. A number of Senators on the committee and a number of Senators not on the committee with general interest in the subject of coal and coal development are interested in this section. My thanks go out to all of them.

There isn't any separate section on Indian energy. The Indian people of the United States are the proprietors of large amounts of property. On this property and in this property lie various assets and resources. This section authorizes the Indian tribes of this country to enter into agreements with the Secretary of the Interior to develop their energy resources. Once agreements between the Indian people and the Secretary of the Interior are entered into, the tribe can then enter into leases or production on their tribal lands with the same rights as if they were private landowners. This last section of the Indian lands title will be the subject matter of significant debate, and I welcome and look forward to that debate.

In the end, however, the purpose of this bill will be to say to our Indian people, if you want to develop resources in the field of energy that lie within your lands, we are giving you the authority to do so and hopefully in a streamlined manner so that it will not be forever bogged down in the redtape and bureaucracy of Indian lands being subject to the Federal Government's fiduciary relationships.

There is a title on nuclear energy. We call it the nuclear energy title. This permanently reauthorizes the Price-Anderson law of the land. Price-Anderson has taken on a name and a meaning all of its own. It stands for the proposition that a law adopted by Representative Price and Senator Anderson which makes it possible for nuclear power to exist will remain the law of the land indefinitely.

Second, we authorize funds for an advanced fuel cycle initiative to develop ways to reduce the volume and the toxicity of spent nuclear fuel. It authorizes the Secretary of Energy, subject to appropriations, to enter into loan guarantees to assist in the construction of 8,400 megawatts of new nuclear power if the Secretary determines that the plants are necessary for energy diversity, security, or clean air attainment.

Last, it directs that an advanced reactor will be built in Idaho to demonstrate new safety, efficiency, and proliferation resistance to produce hydrogen and prove to the world that a new generation of nuclear powerplants substantially different—if not completely different—from the plants we have today can be built.

This entire nuclear section is of great concern for some. For others, it is an exciting challenge for a new future for the United States and the world, and indeed for more energy for more people with less air pollution.

The next title is called renewable energy. This mandates that the Federal Government purchase 7⅕ percent of its energy requirements from renewable resources by 2011, thus saying that the U.S. Government has a weighted portion—that 7⅕ percent of the energy that it needs will be from renewable resource acquisition. It will become the market, so to speak, the driving force for the purchase of renewable energy.

Under renewable energy, a second provision will authorize renewable energy production incentives. These will be discussed in more detail, and obviously from this Senator's standpoint they are exciting and necessary. Perhaps for others, they are insufficient and unnecessary. We will see which view prevails.

We streamline the licensing of hydroelectric facilities. This issue is long overdue. Hydroelectric facilities clearly must be relicensed. It is contended that currently the process is far too difficult, cumbersome, onerous, and in many respects unnecessary. We have streamlined it. That will be debated, and one way or another we will streamline the processes for hydroelectric facility licensing.

We encourage the exploration and development of geothermal resources, and we provide grants for turning forest materials from the areas of high-risk fire or disease into biomass energy—something that is long overdue and something that may, indeed, accomplish at least two goals at one time. It may, indeed, produce energy which will be clean, and at the same time it may clean up our forests, which many of us from the West have been anxiously wondering and waiting patiently to see happen.

In addition, there is an energy efficiency title in this bill. It requires a 20-percent improvement in the Federal Government's efficiency over the next 10 years. It authorizes grants for energy efficiency projects in low-income and rural areas. It sets several new standards for items such as transformers, compact fluorescent lamps, ceiling fans, and commercial refrigerators and freezers.

The transportation title is another section of this bill which stands out. It encourages the use of alternative fuel vehicles, and it requires Federal agencies to increase the fuel efficiency of their fleets by 3 miles per gallon by 2005. It improves the efficiency of locomotives and expands the authority of the National Highway Transportation Safety Administration to set fuel economy standards for cars and light trucks, taking into account passenger safety and the impact on U.S. employment.

Incidentally, that provision is similar to a provision adopted in the Senate last year by a bipartisan vote of two Senators who said that is the way they want it, to direct further modification of CAFE standards for the United States.

We then have a new and exciting title, driven, to some extent, by a rather late pronouncement of our President regarding hydrogen and the American automobile engine. This hydrogen title authorizes $1.8 billion for the President's hydrogen fuel cell initiative to develop clean, renewable hydrogen cars.

It reauthorizes and increases funding for existing hydrogen research programs. It amends the Energy Policy Act of 1992 to require agencies to purchase 5 percent of new vehicles as hydrogen-powered vehicles in 2005 and 2007, increasing to 20 percent in subsequent years.

The research and development title addresses research and development needs to energy efficiency, distributed energy and electric energy systems, renewable energy, nuclear energy, fossil energy, science and energy and environment and management.

There is funding for research in many areas, such as nanotechnology, high-temperature superconductivity, and Genomes to Life.

A new Under Secretary position for energy and science is provided. Two new Assistant Secretary positions—one for science and one for nuclear energy—are provided.

The personnel and training title contains a number of programs to ensure that we have an adequate energy workforce in the decades to come.

Then we have, last but not least, a very difficult title, the electricity title. This title remands proposed rulemaking on Standard Marketing Design, SMD, and prohibits FERC from issuing a final order until July 1, 2005.

Second, it provides a sense of the Congress that membership in regional transmission organizations is voluntary. It amends the Federal Power Act to protect access to transmission lines, repeals PURPA's mandatory purchase requirement, repeals the Public Utility Holding Company Act, makes the electricity market more transparent and resistant to manipulation, and increases the penalty for violations of the Federal Power Act and the Natural Gas Act.

Mr. President, I understand there is an agreement that no amendments will be offered until Thursday. On Thursday, I expect an ethanol amendment to be offered, and I understand there are discussions underway as to who will offer that amendment and when.

For my part, I support the agreement reached last year on ethanol that was reported out of the Environment and Public Works Committee last month. The reason I raise this subject is, this is another provision that is really not within the jurisdiction of this committee, as are three or four others that will become contentious and will be very deliberate and take much time. But there is no question, we cannot leave the floor without the subject matter of ethanol being considered, debated, and voted upon. That is why I have just stated what I believe the protocol will be.

Again, for my part, I do not do this in an effort to usurp the jurisdiction of the Public Works Committee but to face up to the reality and to urge that they consider this and offer to work with them in an effort to get what they have passed incorporated in this bill or at least put before the Senate as their effort with an opportunity for it to be passed and then, if necessary, amended.

I know there are some who oppose that proposal, and there will be amendments offered. Clearly, if history is revealing, there will be such occurring once that amendment is before the Senate.

I look forward to the debate and encourage my colleagues who support the ethanol proposal to offer their amendments as early as possible on Thursday.

My staff and Senator BINGAMAN's staff is on the floor and available, as I gather, now to begin the process of reviewing and clearing amendments where possible. I hope Members will take advantage of that and bring their amendments to the floor as soon as possible.

The leader has indicated he will give us sufficient time, with some intervening work obviously, to complete this bill as soon as the Senate deems practicable.

I yield the floor for my colleague, Senator BINGAMAN.

The PRESIDING OFFICER (Mr. ENZI). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague for his statement and for yielding the floor.

Mr. President, today we are beginning a second attempt on the Senate floor—in the last Congress and this Congress—to craft a comprehensive national energy policy. Last year, as colleagues will remember, we passed an energy bill with an 81-to-11 vote. It was bipartisan. It was, in my view, a balanced approach to energy supply, energy efficiency, and many other important issues centrally related to energy, such as climate change.

This year, I first begin by congratulating Senator DOMENICI on the process he has followed and his success in getting an energy bill to the floor. We have had disagreements, and continue to have disagreements, on particular issues dealt with in the bill, but I appreciate very much the courtesy he has afforded to me and to my staff in the process he has followed in developing the bill.

In spite of the process that has been followed, I fear we are beginning with a bill that does not, at this point at least, command the same broad level of support perhaps that we were able to finally arrive at last year.

I voted against the bill as it came out of committee because I did not think it was a sufficiently balanced and comprehensive package. I hope by the time we are finished with floor consideration of the bill, the reservations that I and nearly every other Democratic member of the committee had can be addressed and that we can support the final product.

There can be no doubt that America needs a comprehensive and balanced energy policy for the 21st century. President Bush, when he ran for office in 2000, spoke of the need for such a comprehensive energy policy. Within 3 weeks of taking office in 2001, he had commissioned Vice President CHENEY to lead a task force to develop and improve national energy policy.

The President was right in stating the need for such a policy. During the 1990s, energy prices had remained relatively stable due to at least three factors.

First, there was increased productivity which we benefited from substantially in the 1990s. Second, there was lower energy use per dollar of gross domestic product. Third, there was the introduction of market competition in sectors such as electricity.

All of these factors acted to hold down prices in spite of the very robust economic growth and increased demand for energy we saw in the 1990s.

Before the introduction of competition into energy markets in the 1980s and 1990s, we had national policies that required large excess capacity margins. Consumers paid a great deal for this excess capacity, but they also benefited from the buffer that capacity provided. It kept the system functioning as markets restructured. As the economic growth of the past decade has used up that excess capacity in the fuels and the power and the natural gas sectors, the frictions and imperfections in those markets became more apparent.

One obvious illustration of that development was the California electricity crisis. When electricity was in plentiful supply in the West, the flaws in the design of the California electricity system—specifically the discouragement of long-term contracts and the near total reliance on the spot market to set electricity prices—were not so apparent. But when electricity suddenly became more scarce in 2000, due to unusually dry weather and increased demand in other Western States, those market flaws came to the fore. The result was very high prices for electricity and extraordinary financial stress on both California's regulated utilities and their consumers.

These market flaws were exacerbated by the unscrupulous behavior of a number of energy marketers and the inadequate initial responses by regulators. Even so, we should not lose sight of the overall lesson to be derived from that California electricity crisis. That is, the loss of our energy infrastructure cushion means future events will more easily highlight whatever energy market or regulatory flaws do exist. That makes it more important than ever for us to have a comprehensive national energy policy that proactively deals with market flaws before they result in a crisis.

In the energy policy plan issued by President Bush in May of 2001, his administration laid out a series of goals and objectives that generally made sense in terms of a proactive energy policy. Some of the themes he had were very similar to conclusions reached by a number of individual States that have formulated and adopted their own energy policies over the past several years. The President's proposal, though, came to Congress in a very generic fashion, without any legislative specifics. At no time during the last Congress or during this Congress so far have we ever received an actual legislative proposal on energy from the administration.

The task of taking the President's general statements and fashioning them into specifics has fallen to both the House of Representatives and the Senate. Of course, the two bodies of the Congress have interpreted those general principles in some very different ways. That proved to be a decisive factor in our inability to come to closure on energy legislation last Congress.

The approach I pursued in crafting an energy bill in the last Congress, and which was supported in the end by a substantial majority of Senators, was based on a number of basic principles. I believe these basic principles are crucial to any energy legislation we might consider, and the bill now before us deals with those principles only in part. Let me elaborate what those are.

First, and perhaps most important, we need an energy policy and an energy bill that strike a balance between measures to increase energy supplies and measures to encourage additional energy efficiency. To say we only need to increase energy production or we only need to increase conservation is to propose a fairly false choice. The reality is the country needs both kinds of measures.

On the supply side, perhaps one of the most important national goals is to meet our ever-growing demand for natural gas. Natural gas is the fuel of choice for most electric generation that is now being planned. It will play an important role in any new distributed generation that is planned in the future. It is favored by alternative fueled vehicle programs in both the Government and in the private sector. It is the most likely feedstock to produce hydrogen when and if we come to use hydrogen as a major fuel source. And apart from its energy uses, natural gas is also a critical feedstock in the petrochemical industry and in the fertilizer industry.

Because natural gas consumption is outstripping the amounts produced in the lower 48 States, we are in the early stages, as a Nation, of developing a national dependence on imported natural gas, particularly liquefied natural gas from countries with unstable politics. So just as we have for several decades now become more and more dependent upon imported oil to meet our energy needs, we now face the prospect of perhaps a growing dependence on imported natural gas as well.

At the same time this dependence on imported natural gas is growing, we have at least 33 trillion cubic feet of natural gas that is stranded on the North Slope of Alaska at Prudhoe Bay. That gas has been produced, along with the oil we are now producing from that location. But the gas is currently being pumped back into the ground because there is no way to transport it to the lower 48 States where it is needed. We need to provide effective incentives to the private sector to build a pipeline that can bring this gas to the lower 48 States. Such a project would be a boon not only to our national energy security but also to our domestic steel and construction industries.

On this topic, the bill now before us does a fairly good job. It has retained from last year's bill many of the regulatory streamlining measures on which I worked with Senator Frank Murkowski and that were included in last year's bill. There is a critical part of the problem we have not yet solved. That is to provide effective fiscal incentives for the pipeline to accompany what is now in the bill on the regulatory side. I hope we can add those effective fiscal incentives as we consider this bill in the Senate.

Along with providing more robust domestic supplies of natural gas, we obviously need to look for ways to diversify our energy generation away from such a strong reliance on gas in the coming years. Here I fear we have been less successful in the bill.

One important arena in which we can diversify our energy generation away from overreliance on gas is in electricity generation. Part of what must be done is to find new technology for existing sources of electricity supply. This means research and development on ultra clean ways to burn coal and research and development on new generation from safe nuclear powerplants. This bill, similar to last year's bill, does have very strong R&D programs on both topics, and Chairman DOMENICI deserves credit for those provisions.

Another key piece of the solution would be to tap into opportunities for distributed generation such as combined heat and power at industrial facilities. Here the bill begins to fall short, as it does not really address the barriers that have been erected to uniform interconnection of distributed generation to the grid.

It is not enough to have the technology. We need to rid ourselves of the redtape that is keeping this technology from being used, and this bill does not do that.

Along with these steps, though, we need to make a greater push to introduce renewable energy technologies for electricity generation. Some of these technologies—wind power in particular—are already cost competitive. But in order to see widespread exploitation of these opportunities, both financial and regulatory incentives will be needed. That means both a meaningful production tax credit for renewable energy, which I hope will be added as part of the package of tax provisions coming out of the Finance Committee, and also a flexible renewable portfolio standard for electric utilities. Both measures are essential, in my view, in order to give enough certainty to the fledgling market to allow economies of scale to drive down costs and improve the manufacturing capacity for renewable energy equipment in the United States.

The lack of an effective renewable portfolio as this bill comes to the floor is a major flaw. There are those who may argue that we should leave everything to the hypothetical free market. My problem with that is that electricity markets are not free markets, and renewable energy will not get a fair shake unless there is some pressure from us for that to happen. If the Senate does nothing in this bill to push forward on increasing the use of renewables in our electric system, then we will be making a choice in favor of the existing trends toward an overreliance on natural gas for future electricity generation. That choice will leave our citizens with future natural gas and electricity bills that are more volatile, resulting in more frequent price spikes.

Renewable energy technologies can help with another energy supply issue that we face, and that relates to transportation fuels. We already use renewable fuels, such as ethanol, to some extent as oxygenates in the winter formula for gasoline. But ethanol can make a greater contribution than this. A phased introduction of up to 5 billion gallons per year into our gasoline supply by 2012 is not, in my view, unreasonable. What we need to do, though, as we attempt such a transition, is to ensure that we do not wind up with a highly balkanized and inflexible system of fuel specifications around the country.

We already have a problem with so-called boutique fuel specifications in several parts of the country. These mandates for boutique fuels cause local price spikes to consumers when the specific formula for a specific area suddenly is in short supply. That can easily happen, for example, due to unexpected demand or shutdown problems at a refinery or at a pipeline.

Our national energy policy should be to use the transition to greater use of renewable fuels as a means of making sure we have a more rational national fuels system. This issue was not dealt with during the consideration of the bill in the Energy Committee and, as the chairman has indicated, we expect to be dealing with that on the floor perhaps as early as this week.

Even with the greater use of renewable fuels in cars, we will still be very dependent upon oil in the transportation sector. It is in our national interest to support the domestic production of oil. Many of our oil resources are not as economical to produce as those in the Middle East and elsewhere. This is largely because the U.S. has been producing oil longer than other places around the world. We have exhausted the easiest geologic formations.

When oil prices fall, our domestic producers lose their shirts faster than do their overseas competitors. Accordingly, our producers, in many cases, are forced to stop production. When prices start back up, though, their wells are not able to be restarted as easily as foreign wells.

An important policy to put in place, at both the Federal and State levels, would be to reduce taxes on oil production during times of low world prices, and restore those taxes when prices rebound. That sort of a countercyclical measure would help us to retain a significant amount of our domestic production that otherwise would be at risk.

In the Finance Committee, such incentives are part of the bipartisan package of tax provisions that we adopted which I expect will be added to this bill later in the Senate's consideration of the overall bill.

We also need to look to increase oil production in areas where it is generally agreed to move ahead. There are places, such as the Alaska National Wildlife Refuge, that are seen as having special environmental values that make oil production very controversial. Last year and this year, a solid bipartisan majority voted against opening the Arctic Refuge to oil development. I hope we do not spend a great deal of time on the Senate floor debating and reopening this issue. We spent a tremendous amount of time on it in the bill last year.

The proposal to open the Arctic Refuge is a dead end precisely because there are many areas with significant amounts of oil and gas that are not considered environmentally exceptional. We need to look to those areas.

For example, Alaska is also home to a Federal Reserve called the National Petroleum Reserve Alaska, NPRA. No less an environmentalist than Bruce Babbitt, a former Secretary of the Interior, strongly pushed for leasing of the NPRA for oil production when he was the Secretary of the Interior. He found strong industry interest, and there have been significant finds in that region. We should continue to support further leasing of NPRA as part of our national energy policy.

As another example, energy resources on Indian land in the U.S. have not been as extensively developed as they might be. According to the Bureau of Indian Affairs, over 90 Indian reservations have significant untapped energy resource potential. That includes oil and gas, coal, coalbed methane, wind, and geothermal resources. In last year's energy bill, I worked to see that we assisted these tribes in developing those resources.

Early this year I reintroduced many of those same provisions in a new bill, parts of which are incorporated into the bill that is now on the Senate floor. Unfortunately, in my view, the provisions have been marred by a proposal to make energy leasing on Indian lands both exempt from environmental analysis under NEPA, and exempt from the normal trust protections afforded Indian tribes. I fear this is a substantial flaw that needs to be addressed if the bill is to keep its balance among energy, environment, and the public interest.

Even with strong efforts to support domestic oil production, we are in a losing race with rising domestic oil consumption. We have gone from less than 25-percent dependence upon foreign oil at the time of the Arab oil embargo to over 50 percent today, with projections of well over 60-percent dependence a decade from now.

That brings us to the other important part of a national energy policy, and that is energy efficiency. If we are serious about reducing our dependence upon foreign oil, we have to address our ever-increasing national consumption of oil in the transportation sector. Greater vehicle fuel efficiency is clearly in the national interest.

According to a study Congress commissioned from the National Academy of Sciences, we now have the technology to realize significant gains in fuel efficiency without sacrificing either safety or passenger comfort. All we lack is the national will to make this a priority. That will was not on display in the last Congress when the Senate and House took only minimal steps to set higher standards for fuel efficiency. Similarly, it has not been on display in the bill that has now come before us. In fact, this bill contains a provision that will increase gasoline demand over current law by 11 billion gallons by 2020. I don't know how we can justify passing a bill that takes us in the wrong direction relative to what our national energy security requires.

Greater fuel efficiency is an answer to another energy problem that is brewing. We are pretty close to the capacity limits of our present system of refineries and gasoline pipelines.

Refineries and pipelines are notoriously hard to site. We have not built a new petroleum refinery in this country in decades, and there are real limits to how much further we can add to the existing refineries. Unless we want to greatly add to the siting pressures we already have related to energy infrastructure, or unless we want to start importing much more refined gasoline than we now import, we need to push for more efficient use of the gasoline we already consume.

Energy efficiency is also a key element in maintaining a reliable and affordable system of electricity generation and transmission. New electricity infrastructure is also very difficult to site. President Bush's call for Federal eminent domain authority for new electricity transmission has not found many supporters in Congress.

We can reduce the pressure on our electric power grid and natural gas infrastructure by taking commonsense steps to improve the efficiency of end use of energy in buildings and appliances, and industry. Energy-efficient lighting, energy-efficient appliances, and energy-efficient buildings also generate benefits in terms of emission reductions and human health improvements, making them even more attractive as part of a comprehensive energy policy.

One of the unheralded success stories of last year's energy bill was a set of new standards and programs for energy efficiency that was developed cooperatively with the affected industries. These provisions survived intact. They have been expanded somewhat in this bill, and they have been reported as part of the bill now before us.

Last year's energy bill also reauthorized important Federal grant programs that helped low-income families pay their energy bills and reduce their energy costs, including LIHEAP, the Low-Income Home Energy Assistance Program, and State weatherization grants. Those programs continue to be a high priority in any new energy legislation. I hope we can add an effective measure along these lines early in our deliberations on this bill.

Our national commitment to increasing energy supply and increasing energy efficiency must involve a long-term commitment to the development of new energy technologies. Last year's energy bill established a framework for a comprehensive research and development program that would have addressed a variety of challenges on both the supply and demand sides of the energy equation. A robust commitment to a coordinated, comprehensive research and development program is essential if we are to meet the challenges that lie before us.

One of the biggest disappointments of the Bush administration to date is its lack of attention to the importance of science and technology in general and of energy research and development in particular. With the exception of the President's recent enthusiasm for hydrogen and fuel cells, an enthusiasm on which I certainly compliment him, the Bush administration has consistently proposed underfunding Department of Energy energy technology programs relative to their importance to our national security.

Federal energy technology R&D today is equivalent, in constant dollars, to what it was in 1966. Yet our economy is three times larger today than it was in 1966. It is hard to see how we can build a 21st century energy system on 1960s level-of-effort research and development budgets.

Fortunately, Congress has seen things somewhat differently than the administration. Last year and this year, energy bills in both the House and the Senate have attempted to rebuild energy R&D budgets in a rational way to levels that, by 2007 or 2008, would give us a robust energy R&D effort to support our national energy policy.

A final imperative for national energy policy and legislation has been to recognize the ways in which energy use and energy policy are intertwined with the topic of climate change.

Climate change is so closely related to energy policy because the two most prominent greenhouse gases—that is, carbon dioxide and methane—are largely released due to energy production and use. In the United States, 98 percent of the CO2 emissions are energy related. Every study of how to mitigate the possibility of global change, climate change comes up with a list of policy measures that relies heavily on increased energy efficiency and new energy production technologies with lower greenhouse gas emissions.

Because of this intimate connection between energy and climate change, much of energy policy and much of climate change policy have to be discussed together. To do one, by implication, is to do the other; to ignore one while doing the other is to risk unfortunate and unintended consequences.

For this reason, last year the Senate was able to pass a bill with numerous provisions to ensure we integrate climate change strategy with energy policy, that we develop better climate change science, that we focus on breakthrough technologies with better environmental performance, and that the United States take the lead in exporting the clean energy technologies we develop.

These provisions were not propounded by fringe elements in the Senate. The bulk of them came from a bill that was introduced by Senator BYRD of West Virginia and Senator STEVENS of Alaska. That bill was reported unanimously by the Senate Governmental Affairs Committee. Unfortunately, these provisions were resisted by the administration and were opposed by the Republican leadership in the House, which did not propose to address climate change in any way in the House energy bill. These provisions were also opposed in the Energy Committee by certain of the Senators. I regret that their views carried the day and that we were not able to move ahead at that time. But the opportunity still is ahead of us. I think leaving climate change out of an energy bill by the time we complete action on an energy bill would be a very shortsighted approach, both in terms of energy policy and in terms of our overall relations with others in the world.

Climate change proposals that I plan to propose and advance on the Senate floor will focus on programs which will protect the environment while being highly beneficial to U.S. industry. We need to make sure that our energy choices do not lead to inefficient or wasted energy investments that have to be written off prematurely because we did not consider their climate consequences. Industry needs to have certainty about rules of the road linking energy and climate.

In terms of our long-term economic prosperity, there are jobs to be created, worldwide markets to be captured in climate-friendly energy technologies of the future. So far, the energy bill we are considering does not measure up in this regard. I believe many in this body will share my view that addressing global warming is a major element required for any balanced energy policy.

Before I close, let me discuss what the chairman referred to as the most difficult and contentious issue we tried to deal with and have dealt with as we have worked on this bill; that is, the problem of how to regulate electricity markets in the future.

Our system for generating and transmitting electricity has been undergoing a profound transformation over the last decade as electricity markets become increasingly regional. That increases the degree to which consumers are affected by interstate commerce in electricity and, thereby, by factors that may be beyond the effective reach of State regulatory utility commissions.

During the California electricity crisis, we saw how decisions made in or for California affected consumers across the entire West. Well-functioning and well-regulated markets are in everyone's interests, although the way to get there was a matter of intense debate during consideration of the energy bill and is being strongly debated now in the context of FERC's so-called standard market design rulemaking, or SMD.

During last year's energy bill, I favored attempts to update the statutes governing electricity markets, including the repeal of the Public Utility Holding Company Act, PUHCA. I did so only if those provisions were accompanied by provisions to ensure that any resulting mergers or acquisitions would be overseen to be sure they were in the public interest and that the ability of State public utility commissions to protect consumers against cross-subsidization and other abuses would be ensured.

There were others in the debate who wanted to remove all fetters from the merger and acquisition process, particularly any oversight that might be exercised by FERC or State commissions. That latter view of untrammeled mergers is what is now in the bill before us. I think that is a bad deal for consumers in the future, and I hope we can address that as we consider the bill on the Senate floor.

The bill also overreaches, in my view, in its response to the Standard Market Design rulemaking. There are a lot of important issues that need to be examined carefully before that rulemaking moves forward, and like many of my colleagues in the Senate, I am carefully examining the extent to which FERC is responding to the many comments and criticisms leveled at its proposed rule.

But amid the furor over SMD, I think it is important not to be distracted from the big picture of whether consumers are going to be adequately protected in the electricity markets of the future. How the grid is operated, how new transmission is paid for and by whom, how we will ensure that there is a reasonable mix of short-term spot markets and long-term contracts; all these factors require careful consideration and regulatory clarity, if consumers are to be protected and if utilities and other entities are to make sound decisions that can be sustained over the long term.

It is unfortunate, in my view, that the electricity provision in the bill we considered and adopted in the committee had not been adequately reviewed by all Senators. I do not think that was a good way of proceeding on a topic as important, controversial, and complex as this one. As a result, the electricity title contains numerous flaws that I think will result in increased divisions in the Senate, instead of pointing the way toward bringing us together.

Energy does not need to be a partisan issue. As was demonstrated by the strong bipartisan vote we had on the Senate energy bill in the last Congress, it is clear that Democrats and Republicans can agree on the broad aspects of an energy policy and move ahead.

I do not believe we have reached that point of bipartisan agreement yet in this bill. We will have an opportunity to do better now that the bill is on the floor. I look forward to the amendment process to see if some of the flaws in this bill can be remedied. I hope that the result will be a strong and balanced package for the Nation that I and other Members of my caucus can support.

There will be many other opportunities for us to talk about particular provisions of the bill as amendments are proposed, but for an opening statement I will stop with that.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank my distinguished colleague for his remarks and do hope some of the matters he has raised wherein we disagree can be worked out. As to others, we will remain in a state of disagreement and hopefully the Senate will be the referee and we will see where we end up.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING JOHN W. KLUGE FOR HIS DEDICATION TO THE LIBRARY OF CONGRESS

Mr. DOMENICI. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to immediate consideration of S. Res. 132, which was submitted earlier today by Senator STEVENS.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 132) commending John W. Kluge for his dedication and commitment to the Library of Congress.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 132) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 132

Whereas John W. Kluge is the greatest individual benefactor in the history of the Library of Congress (the "Library") and is known in the international corporate community as one of the Library's staunchest supporters;

Whereas John W. Kluge, by the example of his wise counsel and leadership as the founding chairman of the James Madison Council, the Library's private sector philanthropic organization, has inspired many others to join in support of Library programs and initiatives;

Whereas John W. Kluge has faithfully served on the Library's Trust Fund Board since 1993;

Whereas John W. Kluge's visionary support for Library programs which reach across America and around the world has transformed the Library into an unparalleled electronic educational resource;

Whereas John W. Kluge has established in the Library an endowed scholarly program of chairs and fellows in areas of study not covered by the Nobel prizes;

Whereas John W. Kluge has enabled the American people, through the Library, to recognize lifetime scholarly achievement in the intellectual arts with a $1,000,000 prize award which will be given for the first time in November 2003;

Whereas the Librarian of Congress, James H. Billington, considers John W. Kluge "one of the Library's greatest friends";

Whereas all Americans have greatly benefited from the generosity of John W. Kluge; and

Whereas John W. Kluge has inspired Americans by his example of support for programs which educate and equip individuals to be responsible and productive citizens: Now, therefore, be it

Resolved, That the Senate—

(1) commends John W. Kluge for his dedication and commitment to the Library of Congress;

(2) expresses its sincere gratitude and appreciation for his example of philanthropy and public service to the American people; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to John W. Kluge.

MEASURES PLACED ON THE CALENDAR—H.R. 6 AND H.R. 1298

Mr. DOMENICI. Mr. President, I understand there are two bills at the desk which are due for a second reading.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I ask that it be in order to read the titles of the bills en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes.

A bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

Mr. DOMENICI. I would object to further proceedings en bloc.

The PRESIDING OFFICER. The objection is heard. The bills will be placed on the calendar.

ENERGY POLICY ACT OF 2003—Continued

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now resume consideration of S. 14, the energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I yield the floor.

Mr. BINGAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. GREGG. Mr. President, as in executive session, I ask unanimous consent that at 2:15 p.m. today the Senate proceed to executive session for consideration of Calendar No. 128, Cecilia Altonaga be United States District Judge for the Southern District of Florida. I further ask consent that there be 15 minutes equally divided between the chairman and ranking member or their designee; provided further that following that debate time the Senate proceed to a vote on confirmation of the nomination with no intervening action or debate. I finally ask unanimous consent that following that vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

Mr. REID. Reserving the right to object, and I will not object, we are happy to cooperate. I think this will be the 122nd judge we will have approved during this administration. We also hope today by voice vote to be able to maybe approve the 123rd judge.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, during our spring recess, I had the opportunity to travel throughout my home State and visit with South Dakotans.

These are proud days for South Dakota. Citizens are eager to welcome home hundreds of their sons and daughters, husbands and wives, who served so magnificently in Iraq.

South Dakota boasts one of the highest proportions of service men and women in the country. We are proud of the job South Dakotans are doing to bring freedom to Iraq and security and stability to the Persian Gulf.

But these are anxious days for South Dakota, as well. Jobs are hard to come by. The State's budget is under pressure.

Meanwhile, the planting season has begun and farmers and the communities depending upon the land are hoping for some relief to the 5-year drought that continues to cause devastation.

But amid all the concerns on the minds of South Dakota families, the most common and deeply felt, is the financial strain of skyrocketing health care costs and the fear that they may one day lose their health coverage altogether.

Day after day, people know that they are one layoff, one bad crop, one accident, or one illness away from being totally unprotected.

I met with veterans who are picking up a greater share of their health care costs, because cuts to their health benefits are causing longer waits and worse care.

I met with self-employed people, small business owners and farmers, who buy their own insurance and as a result face premium costs as high as $20,000.

I met with the families of National Guard members who just a few weeks ago were afraid that their loved ones might get hurt in the line of duty in Iraq. Today, they are worried that their husbands or wives will lose their health coverage when they return home.

This is not a new problem. Health care costs were soaring during our last recession 10 years ago. But new financing structures and a good economy helped bring costs under control. People were working, business was booming, and employers were adding new and better benefits as they competed for the best workers.

Today, the economy continues to struggle, jobs are scarce, and profits even scarcer. Businesses are trimming back benefits for their employees and pensioners. And each month brings a fresh round of layoffs, and with them, thousands more Americans without dependable health insurance.

We have about 75,000 South Dakotans who are uninsured today. Of the uninsured South Dakotans, 60 percent have been uninsured for 2 years. Twenty-seven percent have been uninsured for 10 years or more.

Some work for businesses that don't offer benefits. Some are self-employed family farmers who can't afford health insurance premiums even though they work in one of the most physically demanding and dangerous jobs there is.

Health care is the most private of issues. But individuals' lack of coverage has broad and several public consequences.

Because the uninsured are less likely to get preventative coverage, they are more likely to fall victim to more serious and more costly illnesses down the road. Communities lose good neighbors and productive workers. Sometimes, the cost of care drives families into bankruptcy. And the cost of their coverage then gets passed on to the rest of us.

This crisis is driving millions of Americans into poverty and poor health. And ever-higher numbers of uninsured people are driving the health care costs of every American higher and higher. This is a vicious cycle, destined to put good health care out of reach of everyone but the wealthy, and we need to stop it.

I recently heard from Eugene and Karen Berg, who farm 500 acres of corn and soybeans in Emery, SD.

Even though the Bergs pay more than $7,000 per year for health insurance, that only buys them catastrophic coverage—nothing for ordinary health expenses. They have a $10,000 deductible and they are responsible for one-fifth of all costs above that. Their insurance doesn't cover prescription drugs, and so the Bergs pay another $5,000 per year to cover the cost of medicine. They don't have dental insurance, and they cannot afford to visit the dentist.

Eugene's doctor just told Eugene that an operation could fix his hearing. But because he cannot afford the cost and his insurance won't help him, he's resigned to living with only half his hearing.

The Bergs decided to look for better, less expensive health coverage. They found a plan that looked promising, but when they applied, Eugene was rejected because he has diabetes and high blood pressure.

The insurance company said it would accept his wife, but it wouldn't provide any coverage for her thyroid problem. Insurance companies, they learned, don't make money by covering the sick.

Eugene is trying to appeal the insurance company's decision, but he is not hopeful. One way or the other, Eugene is thinking about dropping his current coverage because he can no longer afford the premiums.

I recently heard from another family, Roger and Carrie Fischer, who are musicians living in Custer, SD.

Their insurance company recently raised their premiums from $6,000 to $9,000 per year. They let their insurance lapse because they couldn't afford it.

They, too, tried to find a different plan, but because Carrie had her leg amputated, no company would even give them a quote.

Carrie's amputation requires a prosthesis to be fitted to her leg so she can walk, but she was told that a new one would cost $30,000. So she is making do with her old one as long as she can.

Roger recently wrote me a letter. He said:

> If we were able, we'd surely like to be insured, but it's a choice between having light and heat and being insured. . . . Let's change things now. I cannot afford to wait any longer.

Millions of Americans face the same challenges. They work hard, they take care of themselves, and they contribute to their communities. They try to put money aside for bad times. But they can't control when illness strikes. Nor can they control the finances of the insurers, who too often pass on the cost of their own financial mistakes to their customers.

Last year, health insurance premiums increased by an average of 13 percent, three times faster than wages. The year before, premiums increased by 11 percent.

Businesses trying to keep afloat during tough economic times are forcing their employees to shoulder more of the costs. But at this pace, the costs will double every 7 years.

As the price of insurance increases, and as people lose their jobs in the current economy, more and more families are thrown onto the rolls of the insured. Over the past two years, 75 million Americans, nearly one in three, spent at least some time without insurance. Forty-one million lacked coverage for the entire year. Among them are 8.5 million children who are indeed being left behind.

We can do better.

This is a national problem and it demands national leadership to fix it. Medical research is producing miracles. And yet, Washington's neglect has allowed a crisis to emerge.

Doctors and nurses are dedicating their lives to the care of their patients. And yet Washington cannot seem to dedicate any of its attention or its resources to helping Americans who are suffering.

This is a critical moment in our Nation's history. As our attention turns back toward the troubles of our economy and the Americans who are struggling to work and raise families, I intend to do everything I can to keep the Senate's attention focused on the crisis in health care.

Our citizens are asking for our leadership, and we have an obligation to answer their call.

I yield the floor.

Mr. REID. Mr. President, before the Democratic leader leaves the floor—if I could just engage in a colloquy with him—the leader is so on point. We need to do something about health care. In my office today was a 13-year-old girl from Reno, NV. Her best friend's mother has lupus. This little girl didn't know what to do. As you know, we are way behind the ball on trying to determine what causes lupus and how to cure it. It is a very serious disease, and mostly a disease of women. This little girl on her own painted little lady bugs and sold them for $2 each and made $2,000 for research into lupus. She got a national award.

With all that has been going on—Iraq and Afghanistan are terribly important issues—and as we focus on this tax cut, which is a very important issue, I hope this Congress can devote some time to the 44 or 45 million Americans who have no health insurance and the millions of others who are underinsured. The State of Nevada, I am not proud to say, leads the Nation in uninsured. It has created tremendous problems for the State of Nevada because those people who are uninsured drive up health care costs for everybody. Indigent care and hospital and doctor bills have increased. And, of course, insurance costs more for those people who are fortunate to have it.

I hope the country has heard the message delivered by the Democratic leader—that we need to do something about health care.

This little girl is so desperate in helping her best friend's mother that she painted lady bugs. Her heart is bigger than her body, I am sure. But we need to make sure the National Institutes of Health has all the money they need to do all they can.

In addition, people should have basic health insurance. All the research in the world is important, but it is not the answer for people to have the ability to go to the doctor when they need it.

Mr. DASCHLE. Mr. President, I thank the assistant Democratic leader for his excellent comments. He is absolutely right. Of all the priorities our country faces—as we look to the well-being of our youth, and as we look to the extraordinary challenges we face to remain competitive—our country cannot remain competitive if our youth do not have good health and access to health care in rural areas as well as in the inner cities. We can't stay competitive with businesses that have to expand costs by double or triple every 2 or 3 years. We have a financial crisis in health care today. It is a crisis that is being felt by thousands and thousands of people who were not affected the last time we addressed this issue. They had health insurance. But we can no longer afford to ignore it. We can no longer afford to postpone it. We can no longer afford to minimize the extraordinary impact this problem is having on society and our economy today.

I appreciate very much the Senator's comments. I know he feels as deeply as I do and as our caucus does about the importance of putting this high on the priority list as we consider the legislative agenda for the remainder of this Congress.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Texas, I ask unanimous consent that the order for the quorum call be dispensed with.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

EXECUTIVE SESSION

NOMINATION OF CECILIA M. ALTONAGA, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination of Cecilia M. Altonaga, of Florida, to be United States District Court Judge, which the clerk will report.

The assistant legislative clerk read the nomination of Cecilia M. Altonaga, of Florida, to be United States District Judge for the Southern District of Florida.

The PRESIDING OFFICER. Under the previous order, there will now be 15 minutes evenly divided for debate on the nomination.

Mr. HATCH. Mr. President, I rise in support of the nomination of Cecilia Altonaga to the U.S. District Court for the Southern District of Florida. Judge Altonaga has enjoyed a stellar legal career on both sides of the bench.

Upon graduating from Yale Law School, Judge Altonaga clerked for the Honorable Edward B. Davis of the United States District Court for the Southern District of Florida—the very court she will join upon her confirmation.

Judge Altonaga then spent 10 years as an assistant county attorney for the Miami-Dade County Attorney's Office. During her tenure, she specialized in construction litigation, reviewing and drafting construction contracts, and advising the Couty Commission in the awarding of government contracts, including bid disputes handled in administrative quasi-judicial hearings. She also handled tort suits, defending the County ordinances and actions taken by County Commissioners in State and Federal courts.

From 1996 to 1999, Judge Altonaga served as a County Court Judge of the Eleventh Judicial Circuit of the State of Florida. While on the County Court, Judge Altonaga served in the Domestic Violence, Civil, and Criminal Divisions. Since 1999, she has served as a Judge for the Circuit Court of the Eleventh Judicial Circuit of the State of Florida, where she has been assigned to the Court's Juvenile, Criminal, and Appellate Divisions.

Notably, Judge Altonaga will be the first Cuban-American woman to serve as a Federal judge. I have every confidence that she will serve with distinction, and I am pleased to join with my colleagues from Florida in supporting her nomination.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, we will soon be voting on the nomination of Judge Cecilia Altonaga to be United States District Judge for the Southern District of Florida. I believe that Judge Altonaga will be the first Cuban-American woman to sit on the Federal bench.

Judge Altonaga comes to us with bipartisan support after being unanimously approved by Florida's bipartisan Judicial Advisory Committee. I commend Senators GRAHAM and NELSON for insisting that a bipartisan selection commission be implemented in Florida. This shows how well it works.

We are moving down judicial vacancies. As we can see, starting in 1994, judicial vacancies increased actually under Republican control of the Senate. It went from 63 up to 110. When Democrats took control and I became chairman, we cut that almost immediately from 110 to 60, with nominees of President Bush, notwithstanding all of President Clinton's nominees who had been blocked.

Circuit court nominees went from 16 vacancies under Republican Senate leadership up to 33. When I became chairman, we cut it immediately to 25. I note that because we did move to cut those vacancies—even though, in this case, it is Cuban-American women—there were many Hispanics and women nominated by President Clinton who were blocked or delayed by the Republican majority. We were told that unless every single Republican agreed, even if one disagreed, they would not get a hearing or a vote.

We had nominees such as Christine Arguello, Jorge Rangel, Enrique Moreno, and Ricardo Morado who were never given hearings, including Judge Richard Paez, Judge Sonia Sotomayor, and Judge Hilda Tagle who were stalled for no good reason. Even though President Clinton's nominees had been blocked, we, the Democrats, when we took over, moved President Bush's nominees for the same spots.

I urge the White House to work with more Senators in forming selection commissions to ensure that we have nominees who are supported in their communities and come to the Senate with true, bipartisan support. Under this administration, we have seen the recommendations of such bipartisan panels rejected or stalled. Instead, the recommendations of these important bipartisan commissions should be honored and encouraged by expedited consideration before the committee and on the floor of the Senate.

Judge Altonaga is active in her community. She is a member of the Florida International University Law School Advisory Board, and belongs to the Dade County Bar Association, the Cuban American Bar Association, and the Florida Association of Women Lawyers. She has served as a member of the National Advisory Committee for Cultural Considerations in Domestic Violence Cases, the Select Task Force on Election Procedures, Standards and Technology, and the First Family Law American Inns of Court.

During the 17 months I was chairman of the Judiciary Committee, I worked hard to ensure that women and minorities were considered for the federal bench, and I am proud of that record. Many Hispanics and women nominated by President Clinton were blocked or delayed by the Republican majority, and I did not want to see that repeated. Fine nominees such as Christine Arguello, Jorge Rangel, Enrique Moreno and Ricardo Morado were never given hearings. Others, including Judge Richard Paez, Judge Sonia Sotomayor, and Judge Hilda Tagle, were stalled for no good reason. I am proud that did not happen on my watch. I am glad to say that we quickly considered and confirmed nominees such as Christina Armijo to the District Court in New Mexico, Philip Martinez, to the District Court in Texas, Jose Martinez to the District Court in Florida, Alia Ludlum to the District Court in Texas, and Jose Linares to the District Court in New Jersey.

Also during the 17 months I was chairman of the Judiciary Committee, three judicial nominees were confirmed to the District Courts of Florida. Timothy J. Corrigan was confirmed to the Middle District of Florida, and Jose E. Martinez and Kenneth A. Marra, were both confirmed to the Southern District of Florida.

I congratulate Judge Altonaga and her family on her confirmation.

Today the Senate is reducing the number of Federal judicial vacancies to the lowest level it has been in 13 years. The 110 vacancies I inherited in the summer of 2001 have been more than cut in half. In the 17 months I chaired the Judiciary Committee we not only kept up with attrition but reduced those 110 vacancies to 60 with Judge Altonaga's confirmation and that of Patricia Minaldi we will have 47 vacancies for the entire federal judiciary. I thank all Senators for working with us. I thank the Democratic leadership for pressing for this vote on Judge Altonaga. I have spoken about her and urged this vote since she was reported by the Judiciary Committee almost 1 month ago.

Since July 2001 a number of Senators have worked very hard to repair the damage done during the years 1995 through the early part of 2001. We made significant progress. Unfortunately, our efforts have received little acknowledgement and the current administration continues down the strident path of confrontation and court packing rather than working with Senators of both parties to identify and nominate consensus, mainstream nominees.

While the Nation's unemployment rate rose last month to 6 percent, the vacancy rate on the federal judiciary has been lowered to 5.6 percent. While the number of private sector jobs lost since the beginning of the Bush administration is 2.7 million, almost 9 million Americans are now out of work, and unemployment has risen by more than 45 percent, Democrats in the Senate have cooperated in moving forward to confirm 123 of this President's judicial nominees, reduce judicial vacancies to the lowest level in years, and reduce federal judicial vacancies by almost 60 percent. Yet the Republican-led Senate remains obsessed with seeking to force through the most divisive of this President's controversial, ideologically-chosen nominees.

In just the last 2 years, 123 of the President's judicial nominees will have been confirmed. One hundred of those confirmations came during the 17 months of Democratic leadership of the Senate. No fair-minded observer could term that obstructionism. By contrast, during the six and one-half years during which Republicans controlled the Senate and President Clinton's nominations were being considered, they averaged only 38 confirmations a year. During the last two years of the Clinton administration, the Senate confirmed only 73 Federal judges. Combining the 1996 and 1997 sessions, Republicans in the Senate allowed only 53 judges to be confirmed in two years, including only seven new judges to the circuit courts. One entire congressional session, the Republican-led Senate confirmed only 17 judges all year and none at all to the circuit courts. The Senate confirmed 72 judges nominated by President Bush last year alone under Democratic leadership.

The fact is that when Democrats became the Senate majority in the summer of 2001, we inherited 110 judicial vacancies. These are the facts. Over the next 17 months, despite constant criticism from the administration, the Senate proceeded to confirm 100 of President Bush's nominees, including several who were divisive an controversial, several who had mixed peer review ratings from the ABA and at least one who had been rated not qualified. Despite the additional 40 vacancies that arose, we reduced judicial vacancies to 60, a level below that termed "full employment" on the federal judiciary by Senator HATCH.

Since the beginning of this year, in spite of the fixation of the Republican majority on the President's most controversial nominations, we have worked hard to reduce judicial vacancies even further. As of today, the number of judicial vacancies is at 47. That is the lowest it has been in several years. That is lower than it ever was allowed to go at any time during the entire eight years of the Clinton administration. We have already reduced judicial vacancies from 110 to 47, in less than two years. We have reduced the vacancy rate from 12.8 percent to 5.6 percent, the lowest it has been since 1990. With some cooperation from the administration think of the additional progress we could be making.

The President promised to be a uniter not a divider, but he has continued to send us judicial nominees that divide our Nation and, in the case of Miguel Estrada, he has even managed to divide Hispanics across the country. The nomination and confirmation process begins with the President, and I urge him to work with us to find a way forward to unite, instead of divide, the Nation on these issues.

Republican talking points will likely focus on the impasse on two of the most extreme of the President's nominations rather than 123 confirmations and the lowest judicial vacancy rate in 13 years. They will ignore their own recent filibusters against President Clinton's executive and judicial nominees in so doing.

What is unprecedented about the Estrada matter is that the administration and Republican leadership have shown no willingness to be reasonable and accommodate Democratic Senators' request for information traditionally shared with the Senate by past administrations. That we have endured numerous cloture votes is an indictment of Republican intransigence on this matter, nothing more. What is unprecedented is that there has been no effort on the Republican side to work this matter out, as these matters have always been worked out in the past. What is unprecedented is that the Republican insistence to schedule cloture vote after cloture vote without first resolving the underlying problem caused by the administration's inflexibility.

What is unprecedented about the Owen nomination is that it was made at all. Judge Owen had a fair hearing and was given fair consideration for the Judicial Committee last year. We proceeded is spite of the fact that the Republican majority had refused to proceed with any of President Clinton's Fifth Circuit nominees during his last 4-year term. Never before in our history has a President renominated for the same vacancy someone voted down by the Judiciary Committee.

From 1995 through the summer of 2001, the Republican majority averaged only 38 confirmations a year with only seven to the Courts of Appeals. That explains why Federal judicial vacancies rose from 63 to 110 on the Republican watch and circuit vacancies more than doubled from 16 to 33. Of course, during those years there were no Republican-led hearings calling for prompt action or fair consideration of President Clinton's moderate judicial nominees. To the contrary, Senator Ashcroft held hearings designed to justify the slowdown. Senator Ashcroft and others perfected the practice of using anonymous holds both in committee and on the floor so that judicial nominees were stalled for months and years without consideration. Scores of nominees never received hearings, at least 10 who received hearings never received committee consideration and those who were ultimately considered often were delayed months and years.

Beginning in July 2001, Democrats started bringing accountability and openness to the process. In the 17 months of the Democratic Senate majority we held more hearings on more judicial nominees, held more Committee votes and more Senate votes than before. We were able virtually to double the pace and productivity of the process. We did away with the secrecy of the "blue slip'" and the anonymous hold. We considered President Bush's nominees fairly, responsibly and in those 17 months confirmed 100 of this President's nominees. We reversed the destructive trends with respect to the number of vacancies and length of time that nominees had to wait to be considered. While we could not consider all nominations simultaneously, we considered more, more quickly than in the preceding years. The Democratic majority inherited 110 judicial vacancies including a record 33 to the circuit courts. By December 2002, we were able through hard work to outpace the 40 additional vacancies that had arisen and reduce the remaining vacancies to 60, including 25 to the circuit courts. We have continued to cooperate and today the remaining vacancies number 47, including 20 on the circuit courts. This is the lowest vacancy number and lowest vacancy rate in 13 years.

Senator HATCH used to say, when President Clinton was nominating moderates to more than 100 vacancies, that there was no vacancies crisis. He used to say that he considered 67 vacancies to be "full employment" on the Federal judiciary. Today we are well short of 100 vacancies and well beyond what he used to term "full employment" with 47 vacancies. Today I expect the Senate to consider and confirm both Judge Cecilia Altonaga, who will be the first Cuban-American woman to serve on the Federal judiciary, and Patricia Minaldi, and thereby bring the remaining vacancies down to 47. The Committee continues to report nominations to fill additional vacancies, as well as, with another hearing scheduled for tomorrow.

This is not to say that our work is done. Last week, with the help and hard work of the Senate Leadership we were able to make additional progress. Last Wednesday, Majority Leader FRIST used that word "progress" to describe how we have been able to resolve complications caused by the manner in which these nominations were forced through the Judiciary Committee. Last Thursday, I thanked the majority leader and the Democratic leader and others for their efforts in this regard and for working with us to bring the nomination of Judge Edward Prado to a vote without further, unnecessary delay.

Yesterday, the Senate debated and voted on the nomination of Deborah Cook to the Sixth Circuit. She is the fourth nominee of President Bush to be confirmed to the Sixth Circuit in less than 2 years. During the entire second term of President Clinton, the Republican majority would not hold hearings or consider a single one of President Clinton's nominees to the Sixth Circuit—not Judge Helene White, not Kathleen McCree Lewis, not Professor Kent Markus. Nonetheless, while I was chair of the Judiciary Committee we proceeded to consider and confirm two conservative nominees of President Bush to the Sixth Circuit and this year the Senate has proceeded to confirm two more.

The work of the Senate would be more productive if this administration were more interested in filling vacancies with qualified, consensus nominees rather than packing the federal courts with activist judges. The nominations and confirmation process begins with the President. Far from being someone who has sought consensus and to unite us on judicial nominees, this President has used judicial nominees as a partisan weapon and sought sharply to tilt the courts ideologically. That is unfortunate. Some of us have urged another course, a course of cooperation and conciliation, but that is not the path this administration has chosen. Yet, in spite of the historically low level of cooperation from the White House, the Senate has already confirmed 123 of President Bush's judicial nominees, including some of the most divisive and controversial sent by any President.

Last week, the Senate proceeded to a vote on the nomination of Jeffrey Sutton to the Sixth Circuit. He received the fewest number of favorable votes of any nominee in almost 20 years with 52. He is the third controversial judicial nominee of this President against whom more than 40 negative votes were cast, yet those three nominees were not stalled and not subjected to a filibuster.

Our Senate leadership, both Republican and Democratic, have worked to correct some of the problems that arose from some of the earlier hearings and actions of this committee. Last week, we were able to hold a hearing on the nomination of John Roberts to the District of Columbia Circuit. We are all working hard to complete committee consideration of that nomination at the earliest opportunity. Thus, a number of additional, controversial nominations are in the process of being considered and will be considered by the Senate in due course.

My point is to underscore that we have made and are making real progress from the thoroughgoing obstruction from 1996 until 2001. While "the glass is not full," it is more full than empty and more has been achieved than some want to acknowledge. One hundred and twenty-three lifetime confirmations in less than 2 years is better than any 2-year period from 1995 through 2000. We have reduced judicial vacancies to 47, which is the lowest number and lowest vacancy percentage in 13 years. During the entire eight-year term of President Clinton it was never allowed by Republicans to get that low. We have made tremendous progress. These achievements have not been easy.

The administration has chosen confrontation with the Congress, with the Senate and with this Committee. We are now proceeding at three to four times the pace Republicans maintained in reviewing President Clinton's judicial nominees. We have reached the point where this Committee and the Senate are often moving too fast on some nominations and we risk becoming a racing conveyor belt that rubber stamps rather than examines these lifetime appointments. Democrats have worked hard to repair the damage to the confirmation process and achieved significant results. Republicans seem merely results oriented and interested in ideological domination of the federal courts.

As Republicans turn their guns on the propriety of the filibuster in connection with judicial nominations, I trust the Republican majority will not overlook the precedent on this question. Republicans not only joined in the filibuster of Abe Fortas to be Chief Justice of the United States Supreme Court, they joined in the filibuster of Stephen Breyer to the First Circuit, Judge Rosemary Barkett to the Eleventh Circuit, Judge H. Lee Sarokin to the Third Circuit, and Judge Richard Paez and Judge Marsha Berzon to the Ninth Circuit. The truth is that filibusters on nominations and legislative matters and extended debate on judicial nominations, including circuit court nominations, have become more and more common on the initiative of Republicans working against Democratic nominees. Now that a Republican President, intent on packing the courts with ideologues, has seen two nominees delayed by filibusters, and even though the other 123 judges he nominated have been confirmed, partisans want to change the rules to make it easier for this President to get his way.

Of course, when they are in the majority Republicans have more successfully defeated nominees by refusing to proceed on them and have not publicly explained their actions, preferring to act in secret under the cloak of anonymity. From 1995 through 2001, when Republicans previously controlled the Senate majority, Republican efforts to defeat President Clinton's judicial nominees most often took place through inaction and anonymous holds for which no Republican Senator could be held accountable. Republicans held up almost 80 judicial nominees who were not acted upon during the Congress in which President Clinton first nominated them and eventually defeated more than 50 judicial nominees without a recorded Senate vote of any kind, just by refusing to proceed with hearings and Committee votes. These are just the sorts of stealth tactics Democrats have rejected.

Beyond judicial nominees, Republicans also filibustered the nomination of Executive Branch nominees. They successfully filibustered the nomination of Dr. Henry Foster to become Surgeon General of the United States in spite of two cloture votes in 1995. Dr. David Satcher's subsequent nomination to be Surgeon General also required cloture, but he was successfully confirmed.

Other Executive Branch nominees who were filibustered by Republicans included Walter Dellinger's nomination to be Assistant Attorney General. Two cloture petitions were required to be filed on that nomination and both were rejected by Republicans. We were able finally to obtain a confirmation vote for Professor Walter Dellinger after significant efforts and he was confirmed to be Assistant Attorney General with 34 votes against him. He was never confirmed to his position as Solicitor General because Republicans had made clear their opposition to him. In addition, in 1993, Republicans objected to a number of State Department nominations and even the nomination of Janet Napolitano to serve as the U.S. Attorney for Arizona, resulting in more cloture petitions. In 1994, Republicans successfully filibustered the nomination of Sam Brown to be an Ambassador. After three cloture motions were filed, his nomination was returned to President Clinton without Senate action. Also in 1994, two cloture motions were required to get a vote on the nomination of Derek Shearer to be an ambassador. And it likewise took two cloture motions to get a vote on the nomination of Ricki Tigert to chair the FDIC. So when Republican Senators now talk about the Senate Executive Calendar and Presidential nominees, they must be reminded that they recently filibustered many, many qualified nominees.

Filibusters should be and are rare. That there are two this year is a direct result of the strategy of confrontation sought by the White House and Senate Republicans. The administration holds the key to ending the Estrada impasse, as it has for the last year. It should cooperate with the Senate and provide access to his work papers, following the example set by all previous Republican and Democratic administrations. The renomination of Judge Owen was most ill-advised and unprecedented. Her nomination had already been rejected after fair hearings and thorough debate and a Committee vote last year. Some apparently want to rewrite the rules so that this President can have every nominee confirmed, no matter how divisive and controversial, by the Republican Senate majority.

Recently, I heard a respected Republican and senior advisor to the majority leader describe cloture as "the fulcrum on which you balance the rights of the individual and the rights of the institution." He explained how important the rights of the minority party are in the Senate and how Senate rules are deliberately constructed to reflect that and protect the minority. That Republicans are now intent on rewriting longstanding Senate rules shows just how partisan and ends-oriented they have become.

The President promised to be a uniter not a divider, but he has continued to send us judicial nominees that divide our Nation. He has even managed to divide Hispanics across the country with the nomination of Mr. Estrada. He has managed to outrage disabled individuals by his nomination of Jeffery Sutton. The nomination and confirmation process begins with the President. I, again, urge him to work with us to identify and nominate qualified, consensus, mainstream nominees who all Americans can be confident will be fair and impartial and to abandon his ideological court-packing scheme.

Mr. President, am I correct that at 2:30 p.m. the vote is to take place?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Shall the Senate advise and consent to the nomination of Cecilia M. Altonaga, of Florida, to be United States District Judge for the Southern District of Florida?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Alaska (Ms. MURKOWSKI) are necessarily absent.

Mr. REID. I announce that the Senator from Washington (Ms. CANTWELL), the Senator from Minnesota (Mr. DAYTON), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Georgia (Mr. MILLER), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON) and the Senator from Massachusetts (Mr. KERRY) would each vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 141 Ex.]

YEAS—91

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—9

Alexander
Cantwell
Dayton
Graham (FL)
Kerry
Lieberman
Miller
Murkowski
Murray

The nomination was confirmed.

The PRESIDING OFFICER (Mr. SUNUNU). Under the previous order, the President shall be immediately notified of the Senate's action.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

● Ms. CANTWELL. Mr. President, I have the great honor of being in Washington State today in order to welcome home the USS *Lincoln*. After a 10-month deployment, including valuable service in the recent war against Iraq, the men and women of the USS *Lincoln* finally reach Everett and Washington today. Unfortunately in order to be present for this important homecoming in my State it was necessary for me to miss the vote on the confirmation of Cecilia Altonaga to the Federal District Court for the Southern District of Florida. If I had been present, I would have voted "yea" to confirm Cecilia Altonaga.●

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ENERGY POLICY ACT OF 2003—Continued

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, are we back on the energy bill? Is that the order of business?

The PRESIDING OFFICER. We are.

Mr. DORGAN. Mr. President, I know my colleagues have made presentations on the energy bill. The chairman of the Energy and Natural Resources Committee, Senator DOMENICI, and the ranking Member, Senator BINGAMAN, have made presentations on the energy bill. I wanted to come to the floor to speak about this piece of legislation.

There are some provisions in this legislation that I think are particularly worthy and some that are not. There are some provisions that should be in the bill and, as of yet, are not in the bill. My hope is that as we debate and discuss the energy issue on the floor of the Senate, we will be able to construct a bipartisan energy bill that advances this country's energy interests. That ought to be our goal.

It is a fact that our country, for well over a century, has been wedded to the use of oil, particularly for the purpose of moving our transportation fleet. Because we are so chained to the use of oil—and especially now chained to the use of foreign oil, with 55 percent of what we use coming from places outside of our country—most believe that our economy is at risk.

What do I mean by "at risk"? I mean that if, God forbid, some morning we wake up and discover that the supply of oil coming from areas of the world that are deeply troubled is somehow shut off, our economy will be flat on its back. I do not think there is any dispute about that.

The 55 percent of oil that now comes from outside of our borders is expected to increase to nearly 65, 66 percent in the coming years. Is that advancing this country's economic and energy security? No, not at all. In fact, it injures our country's opportunities in both the intermediate and long term.

So the question for us with respect to energy policy is, How do we become less dependent on energy that comes from outside of our country? How do we produce more, over which we have control? How do we conserve more? After all, conservation is another form of producing. How do we increase the efficiency of appliances and other items that we use energy for in our daily lives? And how do we increase the role of limitless and renewable supplies of energy? Those are the key questions for all of us, it seems to me, in trying to write a better energy bill.

As we see more and more States begin to experiment with restructuring and deregulation, we also need to address in this bill the question, "How do we prevent from happening once again what happened on the west coast, particularly in California, where there was grand theft committed by some companies now under criminal investigation?"

Enron, of course, was one company that was subject to these allegations. The Federal Energy Regulatory Commission is now taking action against a number of companies. But there is no question about what happened with respect to electricity restructuring in California: that some companies engaged in basic criminal wrongdoing, and that the consumers on the west coast were bilked to the tune of not millions or hundreds of millions of dollars but billions of dollars. That is why I call it grand theft.

How do we prevent that from happening in the future? I will talk about that in just a couple moments.

But let me put up a chart that shows from where we have received the imports of crude oil, by country of origin, in a recent year. No. 1 was Saudi Arabia, 588 million barrels of crude oil in 2001 from Saudi Arabia; and then you have Mexico, Canada, Venezuela, Nigeria, and Iraq as No. 6.

You can see, if you look at this list, we are importing oil from very troubled parts of the world. The future opportunity of growth and economic opportunity in this country is to be able to continue this supply. Our economy depends on it. So should we become less dependent on that? The answer is yes. Will we in this bill? I hope the answer will be yes.

One of the points I have made is about our dependence on foreign oil. We import 55 percent of that which we consume. Fifty-five percent comes from off of our shores. That is expected to go to 66, 68 percent by the year 2025.

Nearly all of our cars and trucks in the United States run on gasoline. They are the main reason America imports so much oil. Two-thirds of the 20 million barrels of oil that we use each day is used for transportation, and it is the fastest growing part of our energy consumption.

I have mentioned many times on the floor—and I will not bore you with the whole story—that my first car, when I was a young teenager, was a 1924 Model T Ford that I restored. It took me a couple years to restore this old Model T. When I did, I finally sold it. But the fact is, you put gasoline in a 1924 Model T Ford the same way you put it in a 2003 Ford. Nothing has changed. You pull up to the pumps, and you just pump gas in the tank. That is the way it is; that is the way it has been; it is the way it is going to be, unless we change.

So can we, after three-quarters of a century, or a century, decide to take a look at what is consumed in transportation, especially for our vehicle fleet, and decide that we do not have to run gasoline through our carburetors in order to propel our vehicles? Can we do that? I hope the answer is yes.

Someone who trains elephants once told me a story about why elephants stand with a cuff on their leg that has a small chain attached to a little stake in the ground. I saw it first when a small circus came to our town. It was a really small circus because my town had a population of only 350, 400 people, so they only had 1 elephant.

But they put a cuff around the elephant's back leg, with a small chain attached to a little stake that was stuck in the ground, and the elephant never moved. I always wondered, how could they have an elephant stand there, when clearly that little stake in the ground was not going to hold the elephant, but the elephant never tried to pull it.

Well, that is because when they capture elephants in Thailand, what they do is put a cuff around the elephant's leg attached to a big chain, and they tie it to a banyan tree. And for a week, week and a half, 2 weeks, the elephant does nothing but pull and tug and, with all of his might, try to pull away from that banyan tree. But it is not to be. That elephant is chained to that banyan tree, and pretty soon the elephant stops because the elephant understands it cannot get loose. So it never again tries. They take the chain off the banyan tree and put a little stake in the ground, and the elephant never moves; it just stays there, understanding it cannot move from that stake.

That is kind of the way we are. We are kind of like the elephant and the banyan tree with respect to our dependence on foreign oil. We never think that what we can do is pole-vault over this to new technologies.

At the end of this debate, if what the Senate will have exhibited to the American people is that our debate is really only about two things—the Arctic National Wildlife Refuge and CAFE standards—shame on us, because that is the same old debate we have every 10, 15, and 25 years when we talk about energy. Are both of these issues important? Sure, they are. But it is more important to evaluate how, in 5, 10, 15, 25, and 50 years from now, our children and grandchildren will be driving vehicles that are not running gasoline through the carburetors.

How can we move to a hydrogen economy using fuel cells? The President said: Let's do that. Good for him. He put his administration on the side of moving in the right direction. His proposal was timid and did not propose much new money, but proposed to use funds from other important accounts on renewables and conservation in order to finance it. The fact is, even though it was a timid, not bold, proposal, the direction was an important direction for our country.

If this country decides that, in the next 10 and 25 years, we are going to set timetables and goals to develop fuel cells for our vehicles, then we can become much less dependent on foreign oil.

That does not mean we shall not and will not always need fossil fuels. We will use oil, natural gas, and coal. There is no question about that. And we have incentives in this bill to find more and use more. For coal, for example, we have clean coal technology in this bill, which I support. We are always going to do that.

But if our policy is only to dig and drill—if that is our energy policy—then it is a "yesterday forever" policy. To be forward looking is to understand there are actions we can take that are revolutionary, that can give us a different kind of energy future—one that provides more economic and energy security for our country. That is why moving towards a hydrogen economy by developing fuel cells makes such good sense. Fuel cells are twice as efficient as the internal combustion engine.

The supply of hydrogen is inexhaustible. Hydrogen is in water. You can take the energy from the wind, and use the electricity in the process of electrolysis, separate the hydrogen from the oxygen, and store the hydrogen and use it in vehicles. The fact is, hydrogen is ubiquitous. It is everywhere. What do we do to get there? We have to decide as a country that is where we want to go. That is what Europe is doing. That is what Japan is doing. We do have to solve some issues: the production, storage, and transportation of hydrogen, as well as the continued development of fuel cell vehicles.

I have ridden in a fuel cell vehicle. We have had fuel cells propel a vehicle from Los Angeles to New York. It is not as if they don't exist. The question is, "Does this country want to move forward with that type of future?" The President says yes. I say yes. It makes sense to do that.

First and foremost, we should talk seriously about the range of issues dealing with fossil fuels. I agree with all of that—incentives for the production of coal, oil, natural gas. I will not support drilling in ANWR. There are a few areas that are precious and unusual. We ought to put them aside. I do support the construction of a natural gas pipeline to access the 32 trillion cubic feet of natural gas from Alaska. I support drilling in the Gulf of Mexico where there are important and exciting areas for oil and natural gas development. I believe that with clean coal technology, we can make substantial use of our coal resources. That makes sense to me. With respect to fossil fuels, yes, we can produce more. We have incentives in the bill to do that.

With respect to conservation, it is very important for us to understand that conserving a barrel of oil is similar to producing a barrel of oil. Conservation provides some of our least expensive opportunities. We don't conserve nearly enough. Incentives for conservation make sense, as well.

We have had many debates about the efficiency of the appliances, from light bulbs to refrigerators, that we use every single day. Many of these appliances that we use have become much more efficient. We had a debate about the SEER standard for airconditioners. We can, should, and will make appliances much more efficient, both by pushing those who produce them and those who purchase them.

In addition, let me talk about limitless sources of energy and renewable sources of energy. Senators TALENT, DASCHLE, JOHNSON, and others, including myself, will offer an amendment dealing with the Renewable Fuels Standard to nearly double the current production of ethanol to 5 billion gallons by 2012. We will ban MTBE across the country. MTBE is a gasoline additive that can find its way into water supplies. It is harmful to human health. As MTBE is phased out of gasoline, there is going to be a significant, demonstrable, new market for ethanol and renewable fuels—ethanol, biodiesel, and others.

Especially with respect to ethanol, it makes sense to take a kernel of corn, extract the alcohol content, and still have protein feedstock left. What you have done is produce a new market for America's family farmers, extended America's energy supply, and you still have the protein feedstock left for cattle and livestock. We are going to nearly double, with this Renewable Fuels Standard, the amount of ethanol that will be produced and used.

We will also offer a Renewable Portfolio Standard that would help increase the use of renewable energy, such as wind energy and other sources of renewable and limitless energy, as part of the energy mix for electricity. I believe both the Renewable Fuel Standard and the Renewable Portfolio Standard will become part of this bill.

Going back to the hydrogen fuel cell issue, this bill certainly improves on the President's proposal, but it is still short of what can and should be done. We ought to establish timetables and set goals. I offered that amendment in the Energy Committee and lost by two votes. I intend to offer it on the floor once again. It is the right direction. The President thinks it is the right direction. But we ought to try to stimulate timetables and goals in order to strive to reach something we establish.

Finally, let me talk about the electricity title for a moment. We do need to address issues such as transmission. We have serious transmission problems. In my home State of North Dakota, we have the capability of producing more energy, but we have a transmission problem, because we don't have the transmission capacity to move the energy that we can produce.

We have to try to find a way to solve this transmission problem. FERC is working on it. There are various plans, such as Standard Market Design and so on. We need to do that in a constructive way. There is a lot of disagreement about how you price the transmission and the movement of electricity along various lines, as well as disagreement about the establishment of Regional Transmission Organizations. All of this is part of what is being discussed both in the executive branch, the FERC, and also here in Congress with respect to this bill.

This point is important. I chaired a series of hearings a year and a half ago with respect to the behavior of Enron in California. It was not just Enron, but Enron is the only company I will name at this point. The FERC has since done an evaluation on the west coast—California and other States.

What happened there was, in my judgment and the judgment of the FERC, criminal. There is a criminal investigation ongoing. Companies have been and will be charged. What they did was manipulate the supply and price of energy. In fact, they took plants offline. We now have testimony that this is what happened. They did it deliberately to manipulate the load. What was the result? Cheating the consumer—wholesale cheating. This isn't petty thievery; this is grand theft to the tune of billions of dollars.

We happen to know what their strategies were because we dug them out. Get Shorty; does anybody know what that is? How about Fat Boy? Death Star? Yes, Get Shorty, Fat Boy, and Death Star are the names of strategies by which a company decided to steal from consumers. Yes, I used the word "steal." They did, a massive quantity of money.

The question is, How much is going to be paid back? That is the question. The question for us in the energy bill is, How do we prevent this from happening again? How do we make sure this never happens again? This bill has the prohibition on round trip trading and a series of issues such as that, but the bill does not have enough protection in it for the consumers, so that in a marketplace where some have the opportunity to cheat, we have the protections to prevent that from happening.

There is a purpose for regulators. I know a lot of people don't like government, but there is a purpose for regulators. Regulators are the referees because there are some—a minority—who will cheat. Most businesses are wonderful, run by great people; they want to do the right thing. But there are some who are willing to cheat. We saw that on the west coast in the electricity markets. I don't want to see that again. I want this bill and the electricity title to have sufficient safeguards so we are not ever again talking about Fat Boy, Get Shorty, or Death Star.

We have a lot to talk about with respect to energy. There is not much more in the policy area that is as important as energy. But we will talk about fiscal policy and, I believe starting next week, the President's tax cut proposal and other issues. Our economy, our country cannot proceed without energy. Every single day when we awaken and we begin to open the doors to our factories and to produce, we drive to work, do all that we do during the day as Americans, we do that because we have ample supplies of energy. When we have an economy that is now dependent, to the tune of 55 percent, on oil that comes from other parts of the world, our economic security and our other security is threatened.

Can we ever become truly independent? Maybe not. But should we have over one-half of our oil coming from outside the country? The answer is no.

Yes, we ought to do some digging and drilling, produce more fossil fuels—natural gas, oil, and coal. But if that is our only strategy, that is a yesterday forever strategy, not a strategy that advances this country's interests. Let's be bolder and do more. Let's move toward a hydrogen economy. Let's produce hydrogen and fuel cells. Let's decide to become less dependent on oil from other parts of the world.

Let's do it in a bold way. Yes, let's produce additional energy from renewable and limitless sources of energy. Let's take the energy from the wind, with the new, efficient turbines. Let's do all of these things. Let's produce ethanol and let's have an energy bill that does all of that which should be done to make this country more energy independent and make this country understand that it has the energy to provide long-term economic growth without being held hostage by others outside of our borders.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I thank my colleague from West Virginia, who is currently on the floor, for being willing to yield for a few moments while I discuss the bill that is currently before the Senate. I thank him for that.

This morning Senator DOMENICI, chairman of our Energy and Natural Resources Committee, introduced S. 14. You can tell by the size of this legislation that it is, in fact, no ordinary bill. Since the spring of 2001 when the President issued his plan for a national energy policy, I and a good number of my colleagues, including the Presiding Officer at this moment, began to work on legislation to implement the recommendations of our President's energy policy. But as important as that is, we tried to bring together in a bipartisan way all of the issues that we have been looking at for a good number of years that reflect the absence of a comprehensive national energy policy for our country.

Democrats and Republicans alike had begun to recognize—as the numbers moved to greater dependency on foreign oil, as our economy began to grow and our overall surpluses that were built into our electrical system in the decades of the sixties and the seventies were being used up—that something had to be done.

While conservation was important, while new technologies were important, we simply were not producing more energy, but we were consuming large amounts of energy.

Along comes the high-tech revolution. That was to be a revolution in which less energy would be used, and quite the opposite happened. The large computer farms that fed the networks of the new electronic revolution, telecommunications, and artificial intelligence used a lot of energy, used high-quality energy.

Do I have to enumerate what happened in California a few years ago, the painful problems it went through with brownouts and blackouts, not because somebody was gaming the system, but because there was simply no way to produce the energy necessary to feed the demand system of that supply?

Major California utilities were moving toward bankruptcy under a new deregulated energy policy, and our western energy markets that the Presiding Officer and I are in, such as the State of Idaho and the greater Pacific Northwest, recognized that California was draining us of energy, our energy costs were beginning to move up at an unprecedented rate, and the supply within the greater system simply was not there, or the system did not have the capacity to handle it if, in fact, the supply was there.

The anxiety of choking the rest of our Nation off from energy caused shock waves and panic across the country in a way we had not seen before. I recall Senators who normally shun even the thought of price caps in a market system coming to the floor and advocating such misguided measures. We saw the Governor of California, Gray Davis, in somewhat of a panic entering into long-term contracts for power at rates that he was proud of at the time, only to now come begging the federal government to break those contracts as unfair when the market changed.

A truer description of those contracts might suggest that it was unwise to enter into them, but it was not unfair at that moment. That was the market. The market was reacting to the demand, or the lack thereof. This was just a little bit over 2 years ago, not 30 years ago, not a decade ago, just a little over 2 years ago.

It was not just a fluke. Yes, the Enron episode saw the potential of people gaming a system that was badly broken, that was not feeding the market in a way the market wanted to be fed and taking an opportunity that existed. But to suggest it was a manufactured energy crisis is absolute nonsense. The marketplace being what it is, if the market is starved for the resource it demands, then the price moves up until someone cannot afford to buy and only those who can afford to buy will buy. That is the nature of the marketplace.

All of those facts were true, and then along came September 11, and our country went through another shock, and we began to look at ourselves and our abilities as a country.

Today we have before us a comprehensive piece of legislation that has been literally a year or two in the making and several iterations and with several debates on the floor, but it is a bill that was written in the traditional way that good public policy is crafted, not in the back room of the office of the majority leader of the day when he denied the committee its ability to function a year or two ago, but it was crafted in the open light of day, in a full markup session of an authorizing committee with Democrats and Republicans agreeing and disagreeing in the structuring of this legislation.

What we have before us is what I believe to be a comprehensive bill to address a crisis that is real and true in our country, and we are only getting a slight reprieve in a recessionary economy because demand for the resource is down, and we are all hoping we can return to the growth years of the mid-nineties. If we do, there is the distinct possibility that the brownouts, the blackouts, and the high prices will return.

Even in their absence, we are already beginning to see shock waves in the marketplace because we have denied the market the right to produce at a time when we are demanding even more.

Energy Secretary Abraham stated a year and a half ago that America faced a major energy supply crisis. What he said is a reflection of the market. I say that because natural gas prices, interestingly enough, that reached almost $100 per million cubic feet during the period of the California crisis eventually dropped to more acceptable levels only to start creeping up again to the price of $19 per million cubic feet in February of this year.

We have seen phenomenal fluctuation in the market, but yet we are seeing peaks now in that gas market because of a limited supply. The Clinton Administration encouraged everybody to burn gas; not only to use it for space heating but also to use it for electrical generation, even when the experts in the market said that ought not to be done. Really, a poor use for natural gas is to put it in a turbine to create new energy when it ought to be used exclusively for space heat and other forms of heat creation. But because we had denied other forms of energy the ability to generate, that was the one available and everybody rushed to it, and we saw these phenomenal peaks in the market.

While we were doing that, we were denying the right to explore and develop gas reserves. In so doing, we created the ups and downs in that market. The natural gas market is volatile and will continue to be into the future. That is the reality of not only bad policy but bad direction of a use of a natural resource and denying the marketplace the right to adjust accordingly.

I will now talk about gas and electric transmission and infrastructure. If we were to meet the gas demand to produce electricity through gas turbine generation, we would have to construct over 38,000 miles of gas transmission pipeline to get the gas to market. This bill recognizes the need for that and the need to incentivize that kind of major construction across our country; not only that, but be able to gain access to the lands on which the pipes must be laid. Of course, that has remained an issue, as we have seen government policy deny the right to do that.

Alaska's Prudhoe Bay, for example, produces about 8 billion cubic feet of natural gas a day, and that is approximately 13 percent of America's daily consumption demand. But that gas is not even available in the market today. Why? Well, it is up in Alaska. There is no easy economic way to deliver it down to the lower 48 so it is simply pumped back into the ground. This bill recognizes it. This bill incentivizes the building of a major gas line across Alaska down through Canada to pick up the Canadian supply and to bring it into the lower 48, to meet the reality of demand, to meet the reality of the potential of a new hydrogen market for transportation that this President and others are talking about, but most importantly to recognize this Nation has phenomenal capacity to produce and to supply if we will simply provide the right incentives, instead of deny and restrict, for whatever reason, as we have over the last several decades access to the land for the purpose of production or access to the land for the purpose of laying the necessary pipelines to supply.

Over the next 20 years, the Department of Energy estimates electrical demand in the United States will increase 45 percent, based on current growth projections. One of the ways to meet that demand is to bring the gas from Canada to fuel the gas turbines to generate the electricity in a clean and appropriate way, even though I have argued that may be one of the least effective ways to use natural gas for the purposes it was intended.

Consumers are already feeling the impact of a transmission system that is being stressed by demand. Transmission bottlenecks contributed greatly to the blackouts in California, to price spikes in New York, in which the cost to consumers was estimated to be $100 million, simply because somebody denied the right to build a transmission line to access the appropriate systems.

The Department of Energy has estimated it will need to construct over the next several years an additional 255,000 miles of distribution line at an estimated cost of $120 billion to $150 billion to ensure our electrical system remains the most reliable in the world. It is a huge investment, but the marketplace is ready to do it. All we have to do is guide it and direct it, and the marketplace will adjust. The consumer is willing to pay and the provider is willing to produce, supply, and build the necessary lines. What we have done is say, no, it cannot be done here, and it will not be done there, and it should not be done over there.

We are putting at risk the most reliable electrical system in the world. How many of us have traveled to Third World countries where you can stay in a beautiful hotel and you think you are in a four-star hotel, but the power goes out consistently, or the lights dim consistently, or there is no e-mail or there is no Internet, tools we have come to depend and rely on. When we walk to the wall today and flip the switch, the light comes on, and it consistently comes on. That is not always true in Third World nations, and the reason is they do not have the transmission or the generation system to ensure reliability.

They are striving to build them today and they know they have to have them if they are going to compete as an economy in this world and be competitive with us. The supply and availability of energy to our economy and to our working men and women has made us the great Nation we are, and it will continue to allow us to be if we will not deny the marketplace the right to produce and the consumer the right of access. This legislation understands that and this legislation is working to resolve that.

The State of my colleague, West Virginia, is a great producer of coal. Coal has historically been America's number one source of affordable electricity. It currently powers half of America's generators, and at today's recovery rates our Nation has enough coal to keep those plants running for 250 years. With rising demand, tight gas and oil supply, and an aging power infrastructure, it would be foolish to abandon our abundant coal resources.

So what do we need to meet our clean air standards? We need cleaner burning efficiencies from our coal. We need the technology that assures the clean bed of the coal-fired facility so we can use this abundant resource and supply the system that is already there and assure that as we grow other areas for producing electricity, that coal can grow right along with it.

The men and women who work in the coal fields and who live in the States that make their economy from coal production continue to recognize that. This bill recognizes it.

We do not have coal in Idaho, but we have something else that is just as valuable to the electric grid, and that is hydropower. It is one of Idaho's greatest energy resources. It is one of the Pacific Northwest's greatest energy resources. It makes up about 10 percent of the total supply of electricity in this country. Yet, over the last decade we have made it nearly impossible to relicense a hydro facility on a river. For all of the environmental reasons that almost anyone can imagine, the argument is that particular impoundment should not have been put there in the first place, or it ought to be dramatically modified to fit the environmental desires and needs of today, even at the cost of bringing its production capability down.

I recognize there are very real environmental needs and that we are working hard to return our rivers to a more natural state. At the same time, we can't just walk away from an abundant, clean form of energy that is renewable. No, we cannot. Nor should we.

The relicensing process we are dealing with needs to be fixed. Certainly, the hydro energy of today is clean. It is emission free. It is renewable. It meets all of those standards and, as a result of that, I and others have worked hard over the last 5 years to make sense out of a process that has become irrational. It can take as much as 2, 3 and 5 years' worth of bureaucratic red tape and tens of millions of dollars just to relicense, let alone retrofit and change the character of the generating facility for the purpose of making it more environmentally benign.

During the next 15 years, over half of all of the non-Federal hydro capacity, over 30,000 megawatts of power, enough to serve 15 million homes, must undergo the relicensing process. That includes about 296 dams in over 39 States. It is not just an Idaho or Oregon or Washington or California or Montana problem. It is an issue for the country. It is an issue for the Greater Colorado River system. It is an issue for the country. These great facilities ought to be relicensed and, where necessary, retrofitting them to make them more environmentally benign.

But the process ought to be flexible. Clearly the operation of these facilities ought to be flexible to allow optimum power production and to bring that into conformity with the necessary environmental needs of that particular ecosystem and that particular river.

We have grown to enjoy our water impoundments in the arid West. While we may call them reservoirs, some view them as high-quality recreation areas and high-quality fisheries, most assuredly, abundant power producing facilities.

As was true over 80 years ago when Congress passed Part 1 of the Federal Power Act, what we are striving for in this bill is to create the balance necessary to assure that all of those 296 projects, where necessary, and where they fit, can continue to operate and operate in a productive fashion for the sake of our country.

Let me talk about a couple of other items that are important. One is nuclear. For 20 years someone has said to this country that electrical generation by nuclear energy or nuclear fission was wrong, that it was dangerous. Yet the nuclear facilities we have, have gone on operating uninterruptedly. They have been retrofitted and modernized. They have continued to produce. They make up nearly 20 percent of the total electrical base of our country.

During the last period of high electrical prices, they became the least cost economic producers. They were the base load that fueled the country, that assured that we would have the high-quality power we have. All of a sudden there is a new respect for electrical energy produced by nuclear power facilities.

We had a problem with the waste stream, the fuel rods that came out of the reactors, how they got handled, how they were stored, and did they get reused. We debated for nearly a decade and we assessed, by a tax, the ratepayers of those utilities that were producing with nuclear, a tax to fund a waste system, a waste management system.

Just a year ago, in the Senate we finally confirmed part of the process of licensing a facility out in Nevada known as Yucca Mountain for the storage of high-level waste. The Daschle-Bingaman bill we debated this last year was a bill that called for much investment in research and development in our Nation's energy solutions but dealt very little in this area. So much of the research done over the last several years to get us to a point where we could begin to consider as a nation bringing more nuclear energy back into production has been at work, and it has been at work in a laboratory in Idaho, the Idaho National Engineering and Environmental Laboratory.

In this bill, for the first time, we speak about a new generation of nuclear generation—we call it generation 4—passive reactor systems, much safer, even than those that have been extraordinarily safe through the decades. And at a time when we agree, and I hope collectively as a nation, that we are handling the waste stream and managing it in the appropriate fashion, if we really want abundant clean air in the growth rate of that, 45 percent over decades to come, an ever increasing portion of our electrical production needs to come from nuclear generation.

We think it is now time for this country to explore the new research and development, the new reactor designs that are safer, cleaner, in the sense of their engineering, in the sense of their capacity to deal with problems that might occur, although our history with nuclear reactors in this country has been one of safeness, but one of expert management. Why? Because this Government, this Senate, years ago, created a Nuclear Regulatory Commission and managed it in a comprehensive and sensible way.

There are a good many other issues about which I can talk. My colleague from West Virginia and I teamed up some years ago, along with our colleague from Nebraska, to say that if there was going to be climate change legislation that dealt with the emission of greenhouse gases, that we and the rest of the world must come together to do it. Our country should not penalize its economy or its industries by attempting to march down that road alone. We could accomplish it and not destroy our economy if we would work innovatively to bring on the new technologies to the marketplace of power in a way that made sense.

That is what this bill, S. 14, is all about. It is all about new technologies. It is all about producing an abundance of energy for our Nation that is clean and ever increasingly cleaner than the past. It is about clean air. It is about a recognition that if there is a change in our climate, that is a product of ever-increasing greenhouse gases in the world, we want to do our part. But we are not going to deny ourselves and our economy and our workforce the ability to produce by simply shutting down; that we are smart enough through our technology and utilization of other forms of resources that we can generate an abundance of power and still be pragmatic and work through our problems with climate change.

Our country needs a national energy policy. It needs to get back into the business of producing energy. It needs to fill the market basket of energy, full of all types of energy. Wind? Yes. In this bill and its companion tax bill we incentivize wind farmers and the use of the new turbines in the production of electrical power through wind. What about photovoltaics or the sun? We incentivize that.

We have not, through this legislation, denied any element of the marketplace or any area of technology access to the production of electrical energy or the supply of energy for our country. Our country and our economy runs on energy. Every moment of the day we use more energy on a per capita basis than any other nation in the world. It is not by accident that we are the richest nation in the world. I say that with great pride. We have worked hard over the years. We have relied on the free market system. We have relied on a government that has been reasonable and moderate in its regulations and balanced in how it applies those regulations to all forms of the producing entities of our economy. And we have always based that on an adequate and abundant and a relatively inexpensive supply of energy.

When the gas prices go up 10 or 12 cents a gallon at the pump, that is several dollars, for every time the car is filled up, that is spent on energy and denied to the breakfast table of the family or to the disposable income of the family or to the college trust fund of the family or any of the things for which the American family wants to use their collective resources.

We ought to work constantly as a government and as a Senate to make sure those kinds of spikes or run-ups in price do not happen, whether it is at the pump or at the electrical meter or anywhere else in our society. We can do that with the passage of this legislation by the recognition that government can play a role in the assistance of the production of an abundant supply of energy to our country. S. 14 just has not happened. S. 14 is a demand of the marketplace of our country saying: Supply us with an abundant supply of energy, and we will produce for you and for generations to come untold wealth and the American dream.

I am proud of that. I am proud of our history. I trust this Senate, over the course of the next several weeks in debating this legislation, will in the end have one important goal in mind: That is to pass a national energy policy for our country that recognizes now and in the future that the basis of this great country's strength and its wealth is the ability to consume clean, high-quality energy at reasonable prices.

That is what S. 14 is all about. That is why we have worked as hard as we have, and I applaud Senator DOMENICI for his effort in the production of this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

A TROUBLING SPEECH

Mr. BYRD. Mr. President, in my 50 years as a Member of Congress, I have had the privilege to witness the defining rhetorical moments of a number of American Presidents. I have listened spellbound to the soaring oratory of John Kennedy and Ronald Reagan. I have listened grimly to the painful soul-searching of Lyndon Johnson and Richard Nixon.

Presidential speeches are an important marker of any President's legacy. These are the tangible moments that history seizes upon and records for posterity. For this reason, I was deeply troubled by both the content and the context of President Bush's remarks to the American people last week marking the end of the combat phase of the war in Iraq. As I watched the President's fighter jet swoop down onto the deck of the aircraft carrier *Abraham Lincoln*, I could not help but contrast the reported simple dignity of President Lincoln at Gettysburg with the flamboyant showmanship of President Bush aboard the USS *Abraham Lincoln*.

President Bush's address to the American people announcing combat victory in Iraq deserved to be marked with solemnity, not extravagance; with gratitude to God, not self-congratulatory gestures. American blood has been shed on foreign soil in defense of the President's policies. This is not some made-for-TV backdrop for a campaign commercial. This is real life, and real lives have been lost. To me, it is an affront to the Americans killed or injured in Iraq for the President to exploit the trappings of war for the momentary spectacle of a speech. I do not begrudge his salute to America's warriors aboard the carrier *Lincoln*, for they have performed bravely and skillfully, as have their countrymen still in Iraq, but I do question the motives of a deskbound President who assumes the garb of a warrior for the purposes of a speech.

As I watched the President's speech before the great banner proclaiming "Mission Accomplished," I could not help but be reminded of the tobacco barns of my youth, which served as country road advertising backdrops for the slogans of chewing tobacco purveyors. I am loath to think of an aircraft carrier being used as an advertising backdrop for a Presidential political slogan, and yet that is what I saw.

What I heard the President say also disturbed me. It may make for grand theater to describe Saddam Hussein as an ally of al-Qaida or to characterize the fall of Baghdad as a victory in the war on terror, but stirring rhetoric does not necessarily reflect sobering reality. Not one of the 19 September 11th hijackers was an Iraqi. In fact, there is not a shred of evidence to link the September 11 attack—at least as of this date—on the United States to Iraq. There is no doubt in my mind that Saddam Hussein was an evil despot who brought great suffering to the Iraqi people, and there is no doubt in my mind that he encouraged and rewarded acts of terrorism against Israel. But his crimes are not those of Osama bin Laden, and bringing Saddam Hussein to justice will not bring justice to the victims of 9/11. The United States has made great progress in its efforts to disrupt and destroy the al-Qaida terror network. We can take solace and satisfaction in that fact. We should not risk tarnishing those very real accomplishments by trumpeting victory in Iraq as a victory over Osama bin Laden.

We are reminded in the gospel of Saint Luke, "For unto whomsoever much is given, of him shall be much required." Surely the same can be said of any American President. We expect—nay, demand—that our leaders be scrupulous in the truth and faithful to the facts. We do not seek theatrics or hyperbole. We do not require the stage management of our victories. The men and women of the United States military are to be saluted for their valor and sacrifice in Iraq. Their heroics and quiet resolve speak for themselves. The prowess and professionalism of America's military forces do not need to be embellished by the gaudy excesses of a political campaign.

War is not theater, and victory is not a campaign slogan. I join with the President and all Americans in expressing heartfelt thanks and gratitude to our men and women in uniform for their service to our country, and for the sacrifices that they have made on our behalf. But on this point I differ with the President: I believe that our military forces deserve to be treated with respect and dignity, and not used as stage props to embellish a Presidential speech.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAFEE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

ENERGY POLICY ACT OF 2003—Continued

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

The Senator from Louisiana is recognized.

Ms. LANDRIEU. Today the Senate continues a process that began almost 2 years ago. At that time, the Senate Energy Committee held and completed the first of several planned mark-up dates with the goal of putting together a comprehensive energy bill. After a number of postponements due to circumstances beyond our control, we engaged in 2 months of debate on the Senate floor last spring and produced a bill by a vote of 88 to 11.

Unfortunately, the House and Senate were unable to resolve their differences in a conference so we find ourselves once again tasked with the formidable challenge of developing an energy policy for the Nation.

I am pleased to report that after 2 weeks of mark-ups under the leadership of Chairman DOMENICI and the ranking member, Senator BINGAMAN, the Senate Energy and Natural Resources Committee has lived up to its duty by reporting a comprehensive energy bill to the Senate for consideration.

So, the challenge of completing a comprehensive energy bill is once again before the Senate. There are likely to be additional obstacles before us along the way. The question is can we overcome them to complete our duty? It was Woodrow Wilson who once said:

> The only use of an obstacle is to be overcome. All that an obstacle does with brave men is, not to frighten them, but to challenge them.

So the challenge is now before us.

This legislation does an excellent job of utilizing the variety of energy options available to the country particularly from a production standpoint. It is up to the full Senate to balance this with some meaningful conservation measures.

We had a number of hearings in the Energy Committee earlier this year to address the volatility we face in the price and supply of both oil and gas. Since we import 60 percent of the oil we consume, the price of oil is often at the mercy of world events such as the political turmoil in other countries—Venezuela and Nigeria—that we rely on for imports. We can and should produce more at home but must simply acknowledge that reducing the amount of oil we consume has to be part of the equation.

On the other hand, the natural gas market is quite a different picture.

Our country currently produces 84 percent of the natural gas we consume. However, there is a gap looming on the horizon. The energy information forecasts that the demand for natural gas will increase by 30 percent in the United States over the next 15 years, with supplies available to meet 70 percent of this need.

The facts are clear: our natural gas market is in a state of transition. Industries across the country that rely on natural gas as feedstock such as the chemical and fertilizer industries are confronted with high prices which is translating into the loss of jobs. We need to act now.

Most of the natural gas supply sources that have been offered as solutions, such as the natural gas pipeline from Alaska, are medium to long term options. However, in the bill before us today there is a provision which is one of the few, if only, short term options, we really have to affect the market. This provision builds on a recent rule proposed by the department of Interior proproviding incentives for deep gas production from wells in shallow water areas that have already been leased. Given the projections for potential supply in these areas, the opportunity to deliver significant new natural gas production to the market in order to stabilize prices is simply too good an opportunity to pass up.

Another significant program authorized in the oil and gas title of this bill would take the step of recognizing, for the first time, the impacts to oil-and gas-producing states such as Alaska, Texas, Louisiana, Mississippi and Alabama, from the development that takes place on the outer continental shelf off of their respective coastlines.

With less and less areas available for production, and the deepwaters of the gulf of Mexico still a hotspot for the foreseeable future, it is time for Congress and the Federal Government to recognize the importance of the development that has been occurring and continues to take place off the shores of Louisiana and Texas and compensate those States for their role in providing the Nation's energy supply.

If our policy in this country is going to continue to defer to a State's wishes as to whether oil and gas development takes place off its coast, then the least we should do is compensate those few States—Alaska, Texas, Louisiana, Mississippi and Alabama—for the duty they preform in supplying this Nation with a significant amount of the oil and gas it needs to function. After all, the OCS is now the largest producing area in the United States as more than 25 percent of both the Nation's oil and natural gas is expected to be produced from the OCS in 2003. In fact, the OCS is the largest single source of oil for the entire U.S., surpassing even Saudi Arabia.

Nuclear energy now provides approximately one-fifth of all electric power used in this country, but does so without compromising our air quality. It is the largest clear air source of electricity in the Nation today, generating two-thirds of all emission-free electricity. Nuclear power is perhaps unique among our supply options, as there is a large potential for expansion in the relative near term with little downside in terms of environmental quality or increased reliance on foreign fuel sources.

For future generations of Americans whose reliance on electricity will increase—and who rightfully want a cleaner environment—nuclear energy is an essential partner in our energy and environmental policy. The provisions contained in this title of the bill—renewal of Price-Anderson, incentives for the construction of new baseload nuclear plants, and the emphasis on encouraging hydrogen co-generation from nuclear power—recognize that nuclear energy is a vital component of our energy portfolio.

One of the most contentious debates we will engage in over the next several weeks involves the issue of electricity. We are confronting an industry that is facing difficult times from the dysfunction of California's market to a loss of market capitalization.

Amid this turmoil, the Federal Energy Regulatory Commission has proposed sweeping, untested changes to the business of providing basic and essential electric service to our constituents. Instead, we need to legislate with a caution not reflected by FERC's standard market design, SMD. While the bill before us took the important step of delaying any further action on SMD until January of 2005, there are a number of areas where I believe the electricity provisions before us come up short in addressing the shortcomings of SMD.

First, the State-Federal jurisdictional divide, which has worked exceedingly well in Louisiana to provide low-cost and reliable electric service, is jeopardized by the SMD proposal.

Second, I am concerned about the potential for increased rates for my retail customers as a result of the costs of accommodating the "merchant generation" that, over the past several years, has been seeking to connect to the electric grid in the southeast. While it has added to the competition, it is also straining the grid, and under FERC policy may end up straining the pocketbooks of regular homeowners who would be forced to subsidize the interconnection and transmission costs.

Lastly, I remain concerned that we need more investment in transmission facilities, but do not have sufficient policies to encourage it. Transmission is critical to sustaining wholesale markets. I had hoped that the electricity title of this bill would have been reported out of committee with much-needed participant funding language in order to significantly increase transmission investment.

When we turn to electricity during this debate, I intend to offer several amendments to address these concerns.

We now realize that perhaps the best alternative to oil and gas production in this country is conservation. As our economy continues to grow so does our demand for energy. While we have made some noteworthy strides on the conversation front there are miles to go. When we talk about our dependence on oil in this country we have to acknowledge that there is no alternative that matches oil for cheapness and convenience. While we should continue to produce oil in this country where we can, that alone cannot be the answer. With over 60 percent of our daily oil consumption coming from the transportation sector, we have to start there. The challenge to this body is how to strike a sensible balance by establishing a reasonable increase in fuel economy standards that will not compromise vehicle safety, unduly increase cost and significantly limit consumer's choices.

I think every member probably realizes the importance of ultimately changing the "coinage" of energy in the transportation sector from oil to something else.

This bill addresses that something else by authorizing about $3.6 billion for an increase in hydrogen fuel research and development, demonstration projects, federal purchase requirements, and specific goals to move hydrogen vehicles out of laboratories and onto the nation's roads. A hydrogen economy that lessens our dependence on foreign oil is within our grasp.

During markup before the committee, I supported what amounts to a reasonable renewable portfolio standard. I continue to believe that it is a commonsense approach to ensure that renewable sources of energy—wind and solar—be a part of our electricity supply. Renewable energy is homegrown and does not need to be bought from foreign markets. The advantages of our ability to domestically produce renewables are obvious: protection for consumers from the prospect of supply interruptions outside the region or country which we cannot control.

It frustrates me to hear people talk about climate change as something that we can simply adapt to—no big deal. I can assure everyone here, changing climate is a big deal for Louisiana. My state continues to lose its coastline and critical wetlands every year. We already feel the human impact and economic loss from hurricanes every year. There are some that think these storms could get worse with global warming, although the scientific jury is still out. We owe it to our constituents and to our colleagues in the Senate to give our best efforts, in this bill, to come up with commonsense and effective policies to deal with this threat.

For conclusion, the challenge before us now is to acknowledge how much we depend on these traditional fossil fuels—our Nation still relies on oil and gas for 65 percent of the energy it consumes. That is not going to change overnight. At the same time, we must continue to make significant strides toward using the impressive diversity of energy sources we have at our disposal including nuclear and renewable energy. Also, if we continue to ignore the importance of conservation we do so at our own peril.

With a little balance and common sense, we can make the diversity of supply available in this country go a long way. All of the supply options available to our country have a substantial role to play in our future energy mix. However, none by themselves is the answer.

I yield back the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Calendar No. 21, the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk read the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

Cloture Motion

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 21, the nomination of Miguel A. Estrada to be United States Circuit Judge for the District of Columbia Circuit.

Bill Frist, Orrin Hatch, Judd Gregg, Norm Coleman, John E. Sununu, John Cornyn, Larry E. Craig, Saxby Chambliss, Lisa Murkowski, Jim Talent, Olympia Snowe, Mike DeWine, Michael B. Enzi, Lindsey Graham, Jeff Sessions, Wayne Allard, Mike Crapo.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the live quorum provided for in rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF PRISCILLA RICHMAN OWEN, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 86, the nomination of Priscilla Owen to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant legislative clerk read the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

CLOTURE MOTION

Mr. McCONNELL. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

Cloture Motion

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 86, the nomination of Priscilla R. Owen of Texas to be United States Circuit Judge for the Fifth Circuit.

Bill Frist, Orrin Hatch, John Cornyn, Michael B. Enzi, Jim Talent, Judd Gregg, Jeff Sessions, Wayne Allard, Mike Crapo, Thad Cochran, Mitch McConnell, Susan Collins, Don Nickles, George Allen, Kay Bailey Hutchison, Gordon H. Smith, John Warner.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the live quorum provided for under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, the cloture motions I just filed will ripen on Thursday. This will be the sixth cloture vote on the Estrada nomination and the second on the Owen nomination. I am compelled to file these motions because we have been unable to reach a time certain for an up-or-down vote on these two highly qualified nominees.

The record will reflect the many times we have asked unanimous consent for a debate limit on the Estrada and Owen nominations, only to have an objection from the other side of the aisle.

As has been said previously, we will not give up hope that the Senate will be able to work its will on these judicial nominees. Senators can vote for them, Senators can vote against them, but these people deserve a vote.

Stalling and not allowing an up-or-down vote is an indication that the system is broken. I commend Senator CORNYN and others in their efforts to begin a dialog regarding the ramifications for the Senate of these judicial filibusters.

I will notify all Members as to the exact timing of the cloture votes on Thursday.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL TEACHER DAY

Mr. KENNEDY. Mr. President, in 1953, Congress first proclaimed May 6 as National Teacher Day. Our Nation has changed in many ways over the past 50 years; however some things have remained the same. Teachers have always been mentors and role models to students and have made lasting contributions to so many students' lives.

Today teachers face greater demands and more diverse student bodies. Too often, they also face inadequate pay and unacceptable teaching environments. In a time of fiscal uncertainty, when budgets are shrinking and teachers have to rely on fewer resources, they still do the best they can to help their students succeed.

Little relief is in sight. Communities across the country will need to hire an additional two million teachers over the next 10 years to deal with rising student enrollments and teacher retirements. Congress must do more to help communities recruit promising teacher candidates. We can provide new teachers with trained mentors who will help them not only to survive but to thrive in the classroom. We can do more to see that all teachers and principals have the on-going training they need in order to keep up with modern technology and modern research.

In addition, we must find better ways to increase their pay and improve their working environments. It is imperative that we treat all teachers with the respect that they deserve. Teachers have one of the most important jobs of all, and we must support them every step of the way.

On this special day, we thank the 3 million public school teachers across the country who work so hard each and every day to do their job. They truly are our community heroes and our national heroes. They have one of the most difficult jobs of all educating the young men and woman who are our Nation's future.

HONORING OUR ARMED FORCES

Mr. LUGAR. Mr. President, now that President Bush has declared an end to combat operations in Iraq, it is important that we take a moment to pay tribute to those who made the ultimate sacrifice for their country. As we celebrate the swift and stunning victory in Iraq achieved by our men and women in uniform, we must be careful not to forget the pain and loss of those families whose loved ones fell on the field of battle.

In my home State of Indiana, seven families have suffered the devastating loss of a loved one during this relatively brief military campaign. Seven truly fine young men will not be coming home to victory parades and joyful reunions. This Nation takes rightful pride in the extraordinary accomplishments of our Armed Forces, and we rejoice that the war has come to such a quick end. But we must always temper these feelings with the knowledge that this victory did not come cheaply.

Today, I would like to pay tribute to those from Indiana who made the ultimate sacrifice in this war.

Indiana National Guard Specialist Brian Clemens of Kokomo, was the State's first casualty of this war. Specialist Clemens, who was 19, died in Kuwait on February 6—six weeks before the ground attack into Kuwait got under way. He was riding in a Humvee which overturned. He was serving with the 1st Battalion, 293d Infantry, one of two Indiana National Guard units mobilized to provide a robust force protection presence in the Persian Gulf. The units' 1,320 soldiers are guarding U.S. military installations and supply lines in Iraq, Kuwait and Qatar.

Specialist Clemens was an Eagle Scout and a graduate of Maconaquah High School, where he was a dedicated member of the wrestling team. Before being called to active duty, he was working at Wal-Mart and saving money to enroll in college. He is survived by his mother and stepfather, Cathy and Terry McCreay of Kokomo, and his father, Robert Clemens of Dayton, OH. Many of Brian's friends are still in the Persian Gulf region, and they have memorialized his death by wearing black wristbands.

Brian Clemens will be missed.

Marine Lance Corporal David Fribley, who grew up in Warsaw, IN, was killed on March 23. He was riding in an armored vehicle that encountered a group of Iraqi soldiers waiving a white flag. The Iraqis moved close and then suddenly opened fire. A rocket-propelled grenade exploded against his vehicle and he was killed. Eight other Marines in his unit were also killed in that encounter.

Lance Corporal Fribley was 26 years old when he died. He had been a Marine for not quite a year. The middle child of Gary and Linda Fribley, he decided to enlist after 9/11 because he wanted to do something for his country. He didn't have to go. His decision came just months after he graduated from Indiana State University, and he had a good job as a recreation director in a retirement home complex.

But Lance Corporal Fribley felt he had a duty to serve his country. In high school, he had lettered in football and track all four years. One of his football coaches describes him as the poster boy for Marine Corps commercials—tall, strong and unrelenting in his work ethic.

Warsaw, IN, is a small and tightly-knit community of tree-lined streets and well-kept homes. Lance Corporal Fribley's funeral was held in the high school gym because a large crowd was expected. Every seat was filled. Many of the town's military veterans put on their old uniforms and medals and lined the streets to render a salute to David's flag-draped coffin as it passed by.

David Fribley will be missed.

Army Specialist Gregory Sanders, of Hobart, IN, was killed by a sniper's bullet on March 24. He was a tank crewman assigned to the Third Infantry Division. Greg was 19 when he died. Specialist Sanders joined the Army shortly after graduating from Hobart High School, where he had been captain of the cross-country team. He had always wanted to be in the military, just like his dad, Richard, who died of a heart attack when Specialist Sanders was 15.

His mother, Leslie Sanders, told the local newspaper her earliest memory of her son was watching him play in a backyard sandbox with plastic toy soldiers. Dig a little and you can still find some of his soldiers. It was only 12 years ago. When residents of the town of Hobart learned of his death, they conducted a special candlelight service in his memory in front of the Doughboy Statue in the center of town. They laid flowers, candles, ribbons and wreaths all around the statue, creating an impromptu monument to the town's fallen soldier.

Specialist Sanders leaves behind a wife, Ruthann, and a 14-month-old daughter, Gwendolyn. He was buried in Calumet Park Cemetery near Merrillville next to his father.

Greg Sanders will be missed.

Specialist William A. Jeffries of the Indiana National Guard died March 31 after falling ill in Kuwait, where his unit was guarding U.S. military bases. He was 39 years old. Doctors told his family he died in a Navy hospital in Spain of a pulmonary embolism and acute pancreatitis.

Specialist Jeffries lived in Evansville, IN, with his wife, B.J. Unusually tall at 6-foot-5, he was known for his gentle nature. He had graduated from Reitz High School in 1982 and then served 10 years on active duty in the Air Force. Many of Indiana's National Guard members have prior service. Not only do they continue serving their country in uniform, but they find a camaraderie that just does not exist in civilian life.

Indiana is very proud of the contribution its National Guard units are making to Operation Iraqi Freedom. Specialist Jeffries' unit was one of two Indiana National Guard infantry battalions mobilized to provide a robust force protection presence in the Persian Gulf. The units' 1,320 soldiers are guarding U.S. military installations and supply lines in Iraq, Kuwait and Qatar.

Just before his battalion departed for Kuwait, Specialist Jeffries was given emergency leave to attend the funeral of his father, Kenneth. Although it was a sad occasion, it brought him together with his mother, Marie, and five older brothers for the first time in many years.

William Jeffries will be missed.

Marine Sergeant Duane Rios of Griffith, IN, was killed on April 4 during a firefight on the outskirts of Baghdad. He was 25 years old and the leader of a squad of combat engineers trained to do such things as build roads and bridges, clear minefields and handle explosives.

Sergeant Rios joined the Marines after graduating from Griffith High School in 1996, and he thrived on the experience. He and his wife, Erica, who had been his high school sweetheart, were making a good life together in San Clemente, CA, close to Camp Pendleton where he was stationed.

During his high school years in Griffith, Sergeant Rios lived with his late grandmother. He was a popular student remembered by his teachers as having an infectious smile. He last spoke to Erica by telephone the day after Valentine's Day. He told her he loved her and missed her and that the only other thing he needed was a hot shower.

On the day of his funeral in Griffith, some 500 mourners gathered at St. Mary Roman Catholic Church. Many had to stand outside. The Griffith and Highland fire departments unfurled a giant American Flag across Broad Street, and police from departments all across northwest Indiana took part in the funeral procession.

Duane Rios will be missed.

Army Private First Class Jason M. Meyer, whose father, Loren Meyer, lives in South Bend, died on April 8 from wounds suffered during the fighting at Baghdad International Airport. Army investigators believe he was struck by an errant round fired from an Abrams tank. The round struck a building and ricocheted into his vehicle.

PFC Meyer, 23, died one week after he and his wife, Melissa, had marked their first wedding anniversary. He was a combat engineer with Bravo Company, 11th Engineers, 3rd Infantry Division, and drove an armored personnel carrier during the division's now famous lightning drive from Kuwait to Baghdad.

In 1999, PFC Meyer graduated from high school in Howell, MI, where he lived with his mother, Kathleen Worthington, and joined the Army two years later. He met his wife at a Halloween corn maze three years ago. She told a local newspaper that she will remember her husband for his ever-present sense of humor, which always kept her laughing. The last time she talked to him was by telephone was in late February while his unit was in Kuwait. He reported that he and his buddies had adopted a three-foot lizard as their pet, and that they were feeding it Meals Ready to Eat.

Jason was buried at Arlington National Cemetery with full military honors. During the ceremony Melissa was presented with her husband's Purple Heart and Bronze Star medals.

Jason Meyer will be missed.

Army Reserve Specialist Roy Buckley of Portage died on April 22 from injuries suffered in a motor vehicle accident in Baghdad. A fuel truck driver, he was less than a month away from his 25th birthday when he died.

He was a member of the 685th Transportation Company of Hobart, IN, whose 170 members, mostly heavy truck drivers, were mobilized to provide support for the 3rd Infantry Division. In civilian life, he worked at Midwest Steel, and his goal was to become a police officer.

Specialist Buckley was engaged to another member of his Army Reserve unit, Jenina Bellina, and they planned to marry soon after they returned from the Persian Gulf.

He had called his mother, Janie Espinoza, on Easter Sunday and speculated that he might even be home to see her by Mother's Day. In addition to his mother, he is survived by two brothers, a sister and a 6-year-old daughter.

Roy Buckley will be missed.

Our hearts go out to all of these families. We shall all mourn for the loss of these seven fine young men. It is my hope that these families will take comfort in knowing that their young men gave their lives to a noble and worthy cause—freeing the Iraqi people from a brutal dictator and making the world a safer place for all Americans.

Mr. THOMAS. Mr. President, I rise today to express our nation's thanks and gratitude to a young man and his family from Rock Springs, WY. On April 14, Private First Class Joseph Mayek was killed while serving in Iraq. PFC Mayek was critically wounded by an armor piercing round that appears to have been discharged from an M2 Bradley fighting vehicle. While the circumstances of this incident are still under investigation, I hope the final report will provide information that can help us understand how this happened.

PFC Mayek was a vibrant young man who loved being outdoors and enjoyed sports. During his senior year at Rock Springs High School, Joseph played split end and cornerback for his high school football team. Soon after graduating in 2001, he joined the United States Army. Upon completion of basic training he was assigned to C Company, 2nd Battalion, 6th Infantry Regiment in Germany.

President Bush recently addressed the Nation to declare victory in the Battle for Iraq. This was a monumental task accomplished by the dedicated people and their families who serve in our Armed Forces. America's men and women who answer the call of service and wear our Nation's uniform deserve respect and recognition for the load that they alone must bear. Our people put everything on the line everyday, and because of these folks, our nation is more secure and remains strong in the face of danger.

We say goodbye to a son, a soldier and an American. Our Nation pays its deepest respect to Private First Class Mayek for his courage, his love of country and his sacrifice, so that we may remain free.

HUMAN RIGHTS VIOLATIONS IN BURMA

Mr. KOHL. Mr. President, I rise today to call attention to the gross violations of human and religious rights in Burma. Dr. Salai Tun Than, a University of Wisconsin alumni, who was released over the weekend in Burma, initiated a hunger strike protesting the human and religious rights violations at the prison where he was held. Dr. Tun Than had been serving a 7-year prison sentence in Burma for handing out copies of a petition demanding political reforms.

Dr. Tun Than, 75, has severe health problems that required medical treatment, which he was not granted. The conditions that he and other prisoners endured were violations of international human rights laws. Restrictions on communications between prisoners, unsanitary prison conditions and forced "hooding" as prisoners were transported outside are examples of the violations. As a Christian, Dr. Tun Than also was protesting violations in religious freedom which included not being allowed a Bible or to receive Communion.

During my Senate career I have been an advocate for human rights and religious freedoms for every individual across the globe. I am saddened by the conditions in which Dr. Tun Than and other prisoners in Burma have had to live. It is my hope that the Burmese Government will recognize religious and human rights, not only to their prisoners, but to their general populace as well.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred October 27, 1992, in Sasebo, Japan. Terry M. Helvey, an airman apprentice in the U.S. Navy, and Amn Charles E. Vins beat PO Allen Schindler to death in a public restroom. After spotting Schindler, who was known to be gay, outside a bar, Helvey and Vins followed him into a public restroom so that they could "beat him up," according to Vins. The two brutally kicked and punched Schindler to death on the restroom floor. Helvey and Vins beat Schindler so badly that a Navy pathologist described his injuries as "more consistent with a high-speed automobile accident or low-speed airplane crash."

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

DEVELOPMENTS IN BURUNDI

Mr. FEINGOLD. Mr. President, I rise today to call my colleagues' attention to the situation in the Central African country of Burundi, where a remarkable step has been taken to end that country's brutal civil war. Last week, President Pierre Buyoya voluntarily ceded power to Domitien Ndayizeye, who will now lead the country through the second half of a 3-year transitional power-sharing government. This orderly transfer of power, conducted in compliance with the Arusha Accords signed in 2000, is an important symbol of ethnic reconciliation, as a Tutsi President with a Hutu Vice President gives way to a Hutu head of state with a Tutsi Vice President. An African Union force is slated to help provide stability during this transitional period. This is a development to be celebrated, and the United Nations Security Council was right to praise this milestone achievement.

But much more needs to be done. Rather than being satisfied with President Ndayizeye's inauguration, the people of Burundi and the international community should seize on this moment as a catalyst for more energetic and focused efforts to bring Burundi out of crisis. A comprehensive cease-fire among all parties to the conflict is still not in place. Little progress has been made to date toward comprehensively reforming the security services to reflect a multiethnic society. Burundi's future will also depend upon increasing respect for basic human rights, ending the climate of impunity in which these rights have been violated, and establishing viable mechanisms for holding those responsible for abuses accountable for their actions. The international community must maintain an engaged policy that both supports these reforms and pressures those who resist them.

Most importantly, the international community and the Burundian leadership must take this opportunity to establish a firm relationship between positive developments in the political sphere and the conditions of the Burundian people, who languish, sometimes in grave and consistent insecurity, and often in desperate humanitarian crisis. Abject poverty, a dramatic decline in primary school enrollment, soaring infant mortality rates, and displacement on a massive scale characterize the situation of Burundian society. If we allow paper agreements and political milestones to remain disconnected from concrete improvements for the people of Burundi, we are only empowering the spoilers in this process, and only encouraging the kind of hideous violence that has become all too common in Central Africa.

Nine years ago Burundi's neighbor erupted in genocide. Ongoing conflict in the Democratic Republic of the Congo has cost the lives of millions. Crises spill across borders, poisoning the prospects for progress throughout the region, and creating lucrative opportunities for international criminals. Burundi may be small, but its suffering is great, and its capacity to help or hinder efforts to stabilize a vast swathe of Africa should not be underestimated. We know what the consequences of indifference are; we have seen them in the millions dead, displaced, mourning and grieving. For a brief moment, Burundi has captured global attention. We should not look away again; the stakes are too high.

I yield the floor.

PROTECT ACT

Mr. KENNEDY. Mr. President, this child-abduction legislation is important and needed. According to the Justice Department, 2,200 children are reported missing each day. There are approximately 114,600 attempted abductions by strangers every year, and between 3,000 and 5,000 of these attempts are successful.

Each child abduction is a tragedy. Last year, I met with two of my constituents, John and Magi Bish. On June 27, 2000, their daughter Molly Ann Bish, a 16-year-old lifeguard, disappeared from her life-guarding post at Comins Pond in Walden, MA. Molly's family and friends continue to search for her. The Bish family is also working to raise awareness about this important issue. They started the first Missing Children's Day in Massachusetts. They also established the Molly Bish Foundation to provide services to children and families across our State and the New England area. John and Magi Bish have shown extraordinary courage and perseverance in the face of an overwhelming loss.

The legislation addresses the problem of child abductions in several ways, and I supported it. It establishes a national AMBER Alert system to help locate abducted children, and it gives prosecutors major new tools to address these terrifying crimes.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 1298. An act to provide assistance to foreign countries to combat HIV/AIDs, tuberculosis, and malaria, and for other purposes.

H.R. 6. An act to enhance conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2121. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, the Fiscal Year 2002 Defense Environmental Restoration Program report, received on April 28, 2003; to the Committee on Armed Services.

EC–2122. A communication from the Under Secretary of Defense, Personnel and Readiness, transmitting, pursuant to law, the report of a review of the existing statutory active and reserve general and flag officer authorizations; to the Committee on Armed Services.

EC–2123. A communication from the Comptroller of the Currency, Administrator of National Banks, Legislative and Regulatory Activities Division, transmitting, pursuant to law, the report rule entitled "Electronic Filings (12 CFR Part 5)" received on April 28, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2124. A communication from the Director, Division of Scientific Planning and Policy Analysis, Public Health Service, Department of Health and Human Services, transmitting, pursuant to law, the report Fiscal Year 2001 National Institutes of Health (NIH) Annual Report on Health Disparities Research; to the Committee on Health, Education, Labor, and Pensions.

EC–2125. A communcation from the Secretary of Veterans Affairs, transmitting, pursuant to law, the report of a draft bill entitled "Veterans Programs Improvement Act of 2003" received on April 28, 2003; to the Committee on Veterans' Affairs.

EC–2126. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Old-Age, Survivors and Disability Insurance; Repeal of Facility-of-Payment Provision (RIN 0960–AE02)" received on April 16, 2003; to the Committee on Finance.

EC–2127. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the report of a proposed bill entitled "Department of Justice Appropriations Authorization Act for Fiscal Years 2004 and 2005" received on April 11, 2003; to the Committee on the Judiciary.

EC–2128. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "VISAS: Documentation of Nonimmigrants under the Immigration and Nationality Act, as amended: Student and Exchange Visitor Information Systems (SEVIS) (22 CFR Part 41)" received on April 25, 2003; to the Committee on the Judiciary.

EC–2129. A communication from the Assistant Attorney General, Administration, Justice Management Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Final Rule exempting five Privacy Act systems of records of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) from certain subsections of the Privacy Act: Criminal Investigation Report System (ATF–003); Internal Security Record System (ATF–006); Personnel Record System (ATF–007); Regulatory Enforcement Record System (ATF–008); and Scientific Services Record System (ATF–009)"; to the Committee on the Judiciary.

EC–2130. A communication from the Chairman, UNICOR, Federal Prison Industries, Department of Justice, transmitting, pursuant to law, the report entitled "Federal Prison Industries, INC. (FPI) FY 2002 Annual Report" received on April 11, 2003; to the Committee on the Judiciary.

EC–2131. A communication from the Acting Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Clarification of Listing of 'Tetrahydrocannabinols' in Schedule 1 (RIN 1117–AA55)"; to the Committee on the Judiciary.

EC–2132. A communication from the Chief Legal Counselor, Bureau of Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Electronic Signature on Applications and Petitions for Immigration and Naturalizations Benefits (1615–AA83)" received on April 28, 2003; to the Committee on the Judiciary.

EC–2133. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a bill to reauthorize the Office of National Drug Control Policy, received on April 16, 2003; to the Committee on the Judiciary.

EC–2134. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Administrator, Research and Special Administration, received on April 22, 2003; to the Committee on the Judiciary.

EC–2135. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, the report relative to the feasibility of Accelerating the Integrated Deepwater System, received on April 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2136. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 90 of the Commission's Rules and Policies for Applications and Licensing of Low Power Operations in the Private Land Mobile Radio 450–470 MHz Band (WT Doc. No. 01–146) (FCC 03–35)" received on May 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2137. A communication from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hours of Service of Drivers; Driver Rest and Sleep for Safe Operations (2126–AA23)" received on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2138. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Office of Sustainable Fisheries, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Halibut Fisheries, Catch Sharing Plan; Temporary Final Rule; Annual Management Measures for Pacific Halibut Fisheries and Approval of Catch Sharing Plan and Final Plan; Changes to the Catch Sharing Plan (0648–AQ67)" received on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2139. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the report of a summary to the Energy Information Administration's report "Voluntary Reporting of Greenhouse Gases 2001" received on April 11, 2003; to the Committee on Energy and Natural Resources.

EC–2140. A communication from the General Counsel, Department of the Treasury, transmitting, pursuant to law, the report of a draft bill to reauthorize United States participation in and appropriations for the U.S. contribution to the seventh replenishment of the resources of the Asian Development Fund, received on April 11, 2003; to the Committee on Foreign Relations.

EC–2141. A communication from the General Counsel, Department of the Treasury, transmitting, pursuant to law, the report of a draft bill to reauthorize United States participation in and appropriations for the U.S. contribution to the ninth replenishment of the resources of the African Development Fund, received on April 11, 2003; to the Committee on Foreign Relations.

EC–2142. A communication from the General Counsel, Department of the Treasury, transmitting, pursuant to law, the report of a draft bill to reauthorize United States participation in and appropriations for the U.S. contribution to the thirteenth replenishment of the resources of the International Development Association (IDA), received on April 11, 2003; to the Committee on Foreign Relations.

EC–2143. A communication from the President of the United States, transmitting, pursuant to law, the 6-month periodic report on the emergency with respect to significant narcotics traffickers centered in Colombia; to the Committee on Foreign Relations.

EC–2144. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Kuwait; to the Committee on Foreign Relations.

EC–2145. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of proposed legislation to authorize appropriations for the Department of State to carry out its authorities and responsibilities in the conduct of foreign affairs for fiscal years 2004 and 2005; to the Committee on Foreign Relations.

EC–2146. A communication from the President of the United States, transmitting, pursuant to law, a report entitled "Annual Report to the Congress on Foreign Economic Collection and Industrial Espionage"; to the Select Committee on Intelligence.

EC–2147. A communication from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a confirmation of a nomination for the position of Under Secretary of Defense for Intelligence, received on April 22, 2003; to the Select Committee on Intelligence.

EC–2148. A communication from the Chairman of the Council, Council of the District of

Columbia, transmitting, pursuant to law, the report on D.C. Act 15–63 "Traffic Adjudication Appeal Fee Temporary Amendment Act 2003" received on April 30, 2003; to the Committee on Governmental Affairs.

EC–2149. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–62 "Service Improvement and Fiscal Year 2000 Budget Support Temporary Amendment Act of 2003" received on April 30, 2003; to the Committee on Governmental Affairs.

EC–2150. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–60 "Georgetown Project Temporary Amendment Act of 2003" received on April 30, 2003; to the Committee on Governmental Affairs.

EC–2151. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–59 "Kivie Kaplan Way Designation Temporary Act of 2003" received on April 30, 2003; to the Committee on Governmental Affairs.

EC–2152. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–64 "Health-Care Decisions Act of 2003" received on April 30, 2003; to the Committee on Governmental Affairs.

EC–2153. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–65 "Presidential Primary Election Amendment Act of 2003" received on April 30, 2003; to the Committee on Governmental Affairs.

EC–2154. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–66 "Health Services Planning and Development Temporary Amendment Act of 2003" received on April 30, 2003; to the Committee on Governmental Affairs.

EC–2155. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–79 "Inspector General Qualifications Temporary Amendment Act of 2003" received on April 30, 2003; to the Committee on Governmental Affairs.

EC–2156. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–67 "Commercial Vehicle Parking Fines Temporary Amendment Act of 2003" received on April 30, 20036; to the Committee on Governmental Affairs.

EC–2157. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–70 "Washington Convention Center Advisory Committee Continuity Temporary Amendment Act of 2003" received on April 30, 2003; to the Committee on Governmental Affairs.

EC–2158. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–57 "Rosedale Conservancy Real Property Tax Exemption and Relief Act of 2003" received on April 30, 2003; to the Committee on Governmental Affairs.

EC–2159. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–58 "Closing of a Public Alley in Square 377, S.O. 02–3683, Act of 2003" received on April 30, 2003; to the Committee on Governmental Affairs.

EC–2160. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the Fiscal Year 2002 Performance Report for the Federal Trade Commission, received on April 30, 2003; to the Committee on Governmental Affairs.

EC–2161. A communication from the Director, Office of Government Ethics, transmitting, pursuant to law, the Office of Government Ethics' Annual Program Performance Report for FY 2002, received on April 30, 2003; to the Committee on Governmental Affairs.

EC–2162. A communication from the Directors, Commodity Futures Trading Commission, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Customer Identification Programs for Futures Commission Merchants and Introducing Brokers (1506–AA34)" received on April 30, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2163. A communication from the Director, Regulatory Review and Foreign Investment Disclosure Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Acreage Reporting and Common Provisions (RIN 0560–AG79)" received on April 30, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2164. A communication from the Director, Regulatory Review and Foreign Investment Disclosure Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "2002 Farm-Bill Regulations—General Credit Provisions (RIN 0560–AG78)" received on April 30, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2165. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Capital Agency—ABS and MBS Investments (RIN 3052–AC14)" received on April 30, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2166. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Capital Adequacy (3052–AC05)" received on April 30, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2167. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticide Tolerance Processing Fees; Annual Adjustment (FRL 7302–7)" received on May 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2168. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to State II Vapor Recovery at Gasoline Dispensing Facilities (FRL 7483–9)" received on May 1, 2003; to the Committee on Environment and Public Works.

EC–2169. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Indiana (7481–1)" received on May 1, 2003; to the Committee on Environment and Public Works.

EC–2170. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri (FRL 7494–6)" received on May 1, 2003; to the Committee on Environment and Public Works.

EC–2171. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment of Ozone Standards, St. Louis Area; Approval and Promulgation of Implementation Plans, and Redesignation of Areas for Air Quality Planning Purposes, State of Missouri (FRL 7494–5)" received on May 1, 2003; to the Committee on Environment and Public Works.

EC–2172. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Promulgation of Air Quality Implementation Plans; Maine; Total Reduced Sulfur from Kraft Paper Mills (FRL 7491–7)" received on April 30, 2003; to the Committee on Environment and Public Works.

EC–2173. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revision to Regulation for Control of Fuel-Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installations (FRL 7478–1)" received on April 30, 2003; to the Committee on Environment and Public Works.

EC–2174. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans Florida: Martin Gas Sales, Inc. Variance (FRL 7491–5)" received on April 30, 2003; to the Committee on Environment and Public Works.

EC–2175. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Louisiana; Revision of the Section 182 (F) and 183 (b) (1) Exemptions to the Nitrogen Oxides Control Requirements for the Baton Rouge Ozone Nonattainment Area (FRL 7429–9)" received on April 30, 2003; to the Committee on Environment and Public Works.

EC–2176. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus Thuringgiensis Cry 1F Protein in Cotton; temporary Exemption from the Requirement of a Tolerance" received on April 30, 2003; to the Committee on Environment and Public Works.

EC–2177. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of Alternative Compliance Periods under the Anti-Dumping Program (FRL 7492–1)" received on April 30, 2003; to the Committee on Environment and Public Works.

EC–2178. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List for Uncontrolled Hazardous Waste Sites (FRL 7490–3)" received on April 30, 2003; to the Committee on Environment and Public Works.

EC–2179. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Texas: Final Authorization of State Hazardous Waste Management Program Revisions (FRL 7491–1)" received on April 30, 2003; to the Committee on Environment and Public Works.

EC–2180. A communication from the Director, Office of Congressional Affairs, Office of Nuclear Reactor Regulations, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Releasing Part of a Power Reactor Site of Facility for Unrestricted Use Before NRC Approves the License Termination Plan (AG56)" received on April 30, 2003; to the Committee on Environment and Public Works.

EC–2181. A communication from the Chief Counsel, St. Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Tariff of Tolls (2135–AA17)" received on April 30, 2003; to the Committee on Environment and Public Works.

EC–2182. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the report of a lease prospectus for the Internal Revenue Service in Kansas City, MO, received on April 30, 2003; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 1005. An original bill to enhance the energy security of the United States, and for other purposes (Rept. No. 108–43).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JOHNSON (for himself, Mr. CRAIG, Mr. LEAHY, and Ms. STABENOW):

S. 996. A bill to amend the Richard B. Russell National School Lunch Act to ensure an adequate level of commodity purchases under the school lunch program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOMENICI:

S. 997. A bill to authorize the Secretary of the Army to carry out critical restoration projects along the Middle Rio Grande; to the Committee on Environment and Public Works.

By Mr. BREAUX:

S. 998. A bill to amend section 376 of title 28, United States Code, to allow a period of open enrollment for certain individuals who are elevated to the position of chief judge of a district; to the Committee on the Judiciary.

By Mr. CORZINE (for himself, Mr. LAUTENBERG, Mr. SPECTER, Mr. SCHUMER, Mr. DODD, Mrs. CLINTON, and Mr. LIEBERMAN):

S. 999. A bill to establish the Highlands Stewardship Area in the States of Connecticut, New Jersey, New York, and Pennsylvania, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM of South Carolina (for himself, Mr. COLEMAN, Mr. ALLEN, Mr. MILLER, Mrs. CLINTON, and Ms. LANDRIEU):

S. 1000. A bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to provide TRICARE eligibility for members of the Selected Reserve of the Ready Reserve and their families; to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserve components and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. MCCAIN, Mrs. FEINSTEIN, Mr. DODD, Mr. KERRY, Mrs. CLINTON, and Ms. MIKULSKI):

S. 1001. A bill to make the protection of women and children who are affected by a complex humanitarian emergency a priority of the United States Government, and for other purposes; to the Committee on Foreign Relations.

By Mr. MCCAIN (for himself, Mr. BROWNBACK, Mr. EDWARDS, and Mr. GRAHAM of South Carolina):

S. 1002. A bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing drugs by athletes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAIG:

S. 1003. A bill to clarify the intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself, Ms. COLLINS, and Mrs. CLINTON):

S. 1004. A bill to ensure that children at highest risk for asthma, vision, hearing, and other health problems are identified and treated; to the Committee on Finance.

By Mr. DOMENICI:

S. 1005. An original bill to enhance the energy security of the United States, and for other purposes; from the Committee on Energy and Natural Resources; placed on the calendar.

By Mr. BURNS (for himself, Mr. DOMENICI, and Mr. BAUCUS):

S. 1006. A bill to reduce temporarily the duty on certain articles of natural cork; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. LUGAR, Mr. BINGAMAN, Mr. DODD, and Mr. JEFFORDS):

S. 1007. A bill to amend the Child Nutrition Act of 1966 to promote better nutrition among school children participating in the school breakfast and lunch programs; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STEVENS (for himself, Mr. FRIST, Mr. DASCHLE, Mr. WARNER, Mr. LOTT, and Mr. DODD):

S. Res. 132. A resolution commending John W. Kluge for his dedication and commitment to the Library of Congress; considered and agreed to.

By Mr. DURBIN (for himself, Mr. SUNUNU, and Mr. FEINGOLD):

S. Res. 133. A resolution condemning bigotry and violence against Arab Americans, Muslim, Americans, South-Asian Americans, and Sikh Americans; to the Committee on the Judiciary.

By Mr. BOND (for himself, Mr. LUGAR, Mr. HAGEL, Mr . TALENT, and Mr. SESSIONS):

S. Con. Res. 42. A concurrent resolution welcoming the Prime Minister of Singapore, His Excellency Goh Chok Tong, on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of Congress to the continued expansion of friendship and cooperation between the United States and Singapore ; considered and agreed to.

By Mr. BROWNBACK (for himself, Mr. REED, Mr. ALLARD, Ms. CANTWELL, Mr. CHAMBLISS, Mr. CONRAD, Mrs. DOLE, Ms. LANDRIEU, Mr. SANTORUM, and Ms. STABENOW):

S. Con. Res. 43. A concurrent resolution expressing the sense of Congress that Congress should participate in and support activities to provide decent homes for the people of the United States; to the Committee on Banking, Housing, and Urban Affairs.

ADDITIONAL COSPONSORS

S. 146

At the request of Mr. DEWINE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 146, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 171

At the request of Mr. DAYTON, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 171, a bill to amend title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 189

At the request of Mr. WYDEN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 189, a bill to authorize appropriations for nanoscience, nanoengineering, and nanotechnology research, and for other purposes.

S. 375

At the request of Mr. DOMENICI, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 375, a bill to amend title XVIII of the Social Security Act to establish a minimum geographic cost-of-practice index value for physicians' services furnished under the Medicare program of 1.

S. 384

At the request of Mr. REID, the name of the Senator from South Dakota (Mr.

JOHNSON) was added as a cosponsor of S. 384, a bill to amend the Internal Revenue Code of 1986 to prevent corporate expatriation to avoid United States income taxes.

S. 451

At the request of Ms. SNOWE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 451, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 470

At the request of Mr. SARBANES, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Arkansas (Mr. PRYOR), the Senator from Louisiana (Mr. BREAUX), the Senator from California (Mrs. BOXER), the Senator from Wisconsin (Mr. KOHL), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New York (Mr. SCHUMER), the Senator from North Dakota (Mr. DORGAN), the Senator from Connecticut (Mr. DODD), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Michigan (Ms. STABENOW), the Senator from Delaware (Mr. BIDEN), the Senator from Delaware (Mr. CARPER), the Senator from Oregon (Mr. WYDEN) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 470, a bill to extend the authority for the construction of a memorial to Martin Luther King, Jr.

S. 486

At the request of Mr. DOMENICI, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Louisiana (Mr. BREAUX) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 486, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 493

At the request of Mrs. LINCOLN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 493, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 560

At the request of Mr. CRAIG, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 560, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 595

At the request of Mr. HATCH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 596

At the request of Mr. ENSIGN, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 596, a bill to amend the Internal Revenue Code of 1986 to encourage the investment of foreign earnings within the United States for productive business investments and job creation.

S. 600

At the request of Mr. CRAIG, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 600, a bill to authorize the Secretary of Energy to cooperate in the international magnetic fusion burning plasma experiment, or alternatively to develop a plan for a domestic burning plasma experiment, for the purpose of accelerating the scientific understanding and development of fusion as a long term energy source.

S. 626

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 626, a bill to reduce the amount of paperwork for special education teachers, to make mediation mandatory for all legal disputes related to individualized education programs, and for other purposes.

S. 667

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 667, a bill to amend the Food Security Act of 1985 to strengthen payment limitations for commodity payments and benefits.

S. 673

At the request of Mr. BOND, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 673, a bill to amend part D of title III of the Public Health Service Act to authorize grants and loan guarantees for health centers to enable the centers to fund capital needs projects, and for other purposes.

S. 696

At the request of Mrs. HUTCHISON, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 696, a bill to amend the Internal Revenue Code of 1986 to allow a tax credit for marginal domestic oil and natural gas well production and an election to expense geological and geophysical expenditures and delay rental payments.

S. 705

At the request of Mr. MCCAIN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 705, a bill to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized.

S. 736

At the request of Mr. ENSIGN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 759

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 759, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for individuals and businesses for the installation of certain wind energy property.

S. 780

At the request of Mr. LOTT, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 780, a bill to award a congressional gold medal to Chief Phillip Martin of the Mississippi Band of Choctaw Indians.

S. 796

At the request of Ms. COLLINS, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 796, a bill to provide for the appointment of a Director of State and Local Government Coordination within the Department of Homeland Security and to transfer the Office for Domestic Preparedness to the Office of the Secretary of Homeland Security.

S. 818

At the request of Ms. SNOWE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 818, a bill to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration.

S. 837

At the request of Mr. BROWNBACK, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 837, a bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes.

S. 838

At the request of Ms. COLLINS, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 838, a bill to waive the limitation on the use of funds appropriated for the Homeland Security Grant Program.

S. 847

At the request of Mr. SMITH, the name of the Senator from Hawaii (Mr.

INOUYE) was added as a cosponsor of S. 847, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low income individuals infected with HIV.

S. 869

At the request of Mr. HARKIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 869, a bill to amend title XVIII of the Social Security Act to provide for enhanced reimbursement under the Medicare program for screening and diagnostic mammography services, and for other purposes.

S. 874

At the request of Mr. TALENT, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the Medicaid program, and for other purposes.

S. 875

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 877

At the request of Mr. BURNS, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 877, a bill to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

S. 888

At the request of Mr. GREGG, the names of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 888, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 919

At the request of Mr. BURNS, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 919, a bill to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates, and for other purposes.

S. 922

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 922, a bill to change the requirements for naturalization through service in the Armed Forces of the United States, to extend naturalization benefits to members of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces, to extend posthumous benefits to surviving spouses, children, and parents, and for other purposes.

S. 929

At the request of Mr. MCCAIN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 929, a bill to direct the Secretary of Transportation to make grants for security improvements to over-the-road bus operations, and for other purposes.

S. 939

At the request of Mr. HAGEL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 939, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part, to provide an exception to the local maintenance of effort requirements, and for other purposes.

S. 946

At the request of Mr. LEAHY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 946, a bill to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs.

S. 950

At the request of Mr. ENZI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 950, a bill to allow travel between the United States and Cuba.

S. 982

At the request of Mrs. BOXER, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S.J. RES. 11

At the request of Mr. KENNEDY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S.J. Res. 11, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

S. CON. RES. 26

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Con. Res. 26, a concurrent resolution condemning the punishment of execution by stoning as a gross violation of human rights, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSON (for himself, Mr. CRAIG, Mr. LEAHY, and Ms. STABENOW):

S. 996. A bill to amend the Richard B. Russell National School Lunch Act to ensure an adequate level of commodity purchases under the school lunch program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. JOHNSON. Mr. President, I rise today with my colleagues, Senators CRAIG, STABENOW, and LEAHY, to introduce the "Commodity Distribution Act of 2003." Senator CRAIG and I have introduced similar legislation in the past, and while it is unfortunate that this legislation is necessary, we are pleased to meet the need that currently exists.

In 1999, Congress enacted the Ticket to Work and Work Incentives Improvement Act, which amended the School Lunch Act to require the United States Department of Agriculture to count the value of bonus commodities when it determines the total amount of commodity assistance provided to schools. This change meant a $500 million budget cut to the school lunch program over a 9-year period.

Senator CRAIG and I have been successful since the passage of the Ticket to Work Act in preventing this cut from affecting the School Lunch Program for the past 4 years. However, a provision included in the 2002 Farm Bill will expire at the end of this fiscal year, leaving the school lunch program vulnerable to a cut of over $50 million per year over the next 5 years.

Our legislation, the Commodity Distribution Act of 2003, would prevent this devastating cut to the school lunch program. While not large in overall budget terms, $50 million in commodities for school lunch programs across the country means a great deal in delivering quality meals to our children every day. It also means a great deal to the agricultural producers who benefit from having these commodities taken out of the marketplace, and used for a valuable purpose.

Our Nation faces a unique situation when it comes to feeding our Nation's children. We live in a country where both hunger and obesity co-exist among the children served by our important nutrition programs. We can and must form policy that addresses both of these problems.

The legislation that Senators CRAIG, STABENOW, and LEAHY, and I are introducing today takes an important first step in addressing this unique situation by maintaining the level of commodity support our school districts receive to run their school lunch programs. There could be no worse time to take away these valuable assets to their programs.

The Commodity Distribution Act continues the dual purpose of our school lunch program—supporting American agriculture, while delivering nutritious food to our Nation's children.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commodity Distribution Act of 2003".

SEC. 2. COMMODITY PURCHASES UNDER SCHOOL LUNCH PROGRAM.

Section 6(e) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(e)) is amended—

(1) in paragraph (1)—

(A) by striking "in the form of" and all that follows through "(A) commodity assistance" and inserting "in the form of commodity assistance";

(B) by striking "; or" and inserting a period; and

(C) by striking subparagraph (B); and

(2) in paragraph (2)—

(A) by striking "the Secretary shall, to the extent necessary," and inserting "the Secretary—

"(A) shall, to the extent necessary,";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(B) shall not use commodities provided under the authority of any other Act to meet the requirement for the school year.".

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on October 1, 2003.

Mr. CRAIG. Mr. President, I rise today to join my colleague Senator JOHNSON in introducing the Commodity Distribution Act of 2003.

Children are our future. I strongly believe each child deserves at least one warm, nutritious meal every day. I stand before you today with a new bill that will restore $500 million to the School Lunch Program. The positive impacts of this program are endless. Children should not have to pay the price of not having enough money for food.

Originally enacted in 1946, the school lunch program set goals to improve children's nutrition, increase low-income children's access to nutritious meals, and to help support the agricultural industry. A family of four has to have an income at or below 130 percent of the Federal poverty level to qualify for a free lunch. The income for these families is tragically low. Congress has a role in providing these children with assistance their families cannot provide.

In 1999, Congress enacted the Ticket to Work and Work Incentives Improvement Act. This legislation amended the School Lunch Act to require the United States Department of Agriculture to count the value of bonus commodities when it determines the total amount of commodity assistance provided to schools. This change continues to provide a $500 million budget cut for the school lunch program over its 9-year projection.

In 2001, the school lunch program comprised over 90 percent of schools, with some 99,000 public and private schools enrolling approximately 50 million children. Today over 28 million children receive free or low-cost lunches every school day. Each State and millions of children are affected. This program provides a basic requirement of food for needy children.

The 2002 Farm Bill passed almost a full year ago included language that extended this authorization language until the end of this fiscal year. Without Congressional action, $50 million will be cut from the food budget for school districts. This legislation would further extend this support through 2007, when the Richard B. Russell National School Lunch act is scheduled for reauthorization.

It is my belief that no child should be without food. The Commodity Distribution Act of 2003 would ensure that schools receive the full value of entitlement commodity assistance, and allow the School Lunch Program to continue to meet its dual purpose of supporting American agriculture when it needs it most while providing nutritious food to schools across the country. I urge members to support this bill, support children, and support our future.

By Mr. DOMENICI:

S. 997. A bill to authorize the Secretary of the Army to carry out critical restoration projects along the Middle Rio Grande; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, those of us privileged to represent our fellow citizens on this hallowed floor get far too few opportunities to help usher in visionary projects that can potentially transform communities, both of man and of nature. I rise today to tell you about a project that has been discussed before on this floor; I bring it to your attention again because I believe it's a project worth doing and worth doing well. It concerns one of New Mexico's unique natural treasures: the Middle Rio Grande Bosque.

According to an old Chinese Proverb, "if you are thinking 1 year ahead, sow seed. If you are thinking 10 years ahead, plant a tree. If you are thinking 100 years ahead, educate the people." The bill I am introducing today encompasses the wisdom of this proverb.

Two years ago, I joined the Middle Rio Grande Conservancy District and the Army Corps of Engineers in unveiling a vision for the Bosque that would rehabilitate and restore this long neglected treasure of the Southwest. I return here today to begin implementing that vision.

The Albuquerque metropolitan area is the largest concentration of people in New Mexico. It is also the home to the irreplaceable riparian forest which runs through the heart of the city and surrounding towns that is the Bosque. It is the largest continuous cottonwood forest in the Southwest, and one of the last of its kind in the world.

Unfortunately, mismanagement, neglect, and the effects of upstream development have severely degraded the Bosque. The list of its woes is long: it has been overrun by non-native vegetation; graffiti and trash mar locations along its length; the drought and build up of hazardous fuel have contributed to an increased susceptibility to fire. As a result, public access is problematical and crucial habitat for scores of species is threatened. And yet, it remains one of the most biologically diverse ecosystems in the Southwest. My goal is to restore the Bosque and create a space that is open and attractive to the public.

This is a grand undertaking to be sure; but I want to ensure that this extraordinary corridor of the Southwestern desert is preserved for generations to come: not only for generations of humans, but for the diverse plant and animal species that reside in it as well.

Situated in the heart of the State's largest city, its potential to be a special attraction for residents is exciting. Equally exciting are the potential benefits to the ecosystem as a whole. The rehabilitation of this ecosystem leads to greater protection for threatened and endangered species; it means more migratory birds, healthier habitat for fish, and greater numbers of towering cottonwood trees.

This project could be one of the far too rare opportunities to both increase the quality of life for a city while assuring the health and stability of an entire ecosystem. We would be increasing the attractiveness of Albuquerque to businesses while improving the home of the Silvery Minnow. Where trash is now strewn, walking paths and horse trails will run. Where jetty jacks and discarded rubble lie, cottonwood will grow. The dead trees and underbrush that threaten devastating fire will be replaced by healthy groves of trees. School children will be able to study and maybe catch sight of a bald eagle. The chance to help build a dynamic public space like this does not come around often, and I would like to see Congress embrace that chance.

Having grown up in along the Rio Grande in Albuquerque, the Bosque is something I treasure; and I lament the degradation that has occurred. Because of this, I have been involved in Bosque restoration since 1991 and I commend the efforts of groups like the Bosque Coalition for the work they have done, and will continue to do, along the river. I propose to build on that rehabilitation. The effort I put in front of you today is a logical complement to these previous efforts as well as towards Bosque revitalization, restoration, and recovery for the entire Rio Grande.

Already work is underway. Over the past two years, the Army Corps of Engineers has undertaken the task of conducting a study so that we might gain a better understanding of how best to rehabilitate and restore this beautiful Albuquerque greenbelt.

I remain grateful to each of the parties who have been involved with this idea since its inception. Each one contributes a very critical component. The Middle Rio Grande Conservancy District owns this vital part of the Bosque which runs from the National Hispanic Cultural Center north to the Paseo Del Norte Bridge. The MRGCD has proven to be a valuable local partner in identifying areas for non-native species and other environmental restoration work. Additionally, MRGCD continues to work on the development and implementation of an educational campaign for local public schools on the importance of the Bosque. Finally, MRGCD has continually worked with all parties to provide options on how the Bosque can be preserved, protected and enjoyed by everyone.

The Army Corps of Engineers is developing a preliminary restoration plan for the Bosque along the Albuquerque corridor. The plan is well underway and is moving towards the development of a feasibility study.

Specifically, this bill authorizes $10 million dollars in fiscal year 2004 and such sums as are necessary for the following nine years to complete projects, activities, substantial ecosystem restoration, preservation, protection, and recreation facilities along the Middle Rio Grande. I urge my fellow members to help preserve this rare and diverse ecosystem and to aid the city of Albuquerque and the State of New Mexico in building a place to treasure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) the Middle Rio Grande bosque is—

(A) a unique riparian forest located in Albuquerque, New Mexico;

(B) the largest continuous cottonwood forest in the Southwest;

(C) 1 of the oldest continuously inhabited areas in the United States;

(D) home to portions of 6 pueblos; and

(E) a critical flyway and wintering ground for migratory birds;

(2) the portion of the Middle Rio Grande adjacent to the Middle Rio Grande bosque provides water to many people in the State of New Mexico;

(3) the Middle Rio Grande bosque should be maintained in a manner that protects endangered species and the flow of the Middle Rio Grande while making the Middle Rio Grande bosque more accessible to the public;

(4) environmental restoration is an important part of the mission of the Corps of Engineers; and

(5) the Corps of Engineers should reestablish, where feasible, the hydrologic connection between the Middle Rio Grande and the Middle Rio Grande bosque to ensure the permanent healthy growth of vegetation native to the Middle Rio Grande bosque.

SEC. 2. DEFINITIONS.

In this Act:

(1) CRITICAL RESTORATION PROJECT.—The term "critical restoration project" means a project carried out under this Act that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, recreation, and protection benefits.

(2) MIDDLE RIO GRANDE.—The term "Middle Rio Grande" means the portion of the Rio Grande from Cochiti Dam to the headwaters of Elephant Butte Dam, in the State of New Mexico.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Army.

SEC. 3. MIDDLE RIO GRANDE RESTORATION.

(a) CRITICAL RESTORATION PROJECTS.—The Secretary shall carry out critical restoration projects along the Middle Rio Grande.

(b) PROJECT SELECTION.—

(1) IN GENERAL.—The Secretary may select critical restoration projects in the Middle Rio Grande based on feasibility studies.

(2) USE OF EXISTING STUDIES AND PLANS.—In carrying out subsection (a), the Secretary shall use, to the maximum extent practicable, studies and plans in existence on the date of enactment of this Act to identify the needs and priorities for critical restoration projects.

(c) LOCAL PARTICIPATION.—In carrying out this Act, the Secretary shall consult with, and consider the priorities of, public and private entities that are active in ecosystem restoration in the Rio Grande watershed, including entities that carry out activities under—

(1) the Middle Rio Grande Endangered Species Act Collaborative Program; and

(2) the Bosque Improvement Group of the Middle Rio Grande Bosque Initiative.

(d) COST SHARING.—

(1) COST-SHARING AGREEMENT.—Before carrying out any critical restoration project under this Act, the Secretary shall enter into an agreement with the non-Federal interests that shall require the non-Federal interests—

(A) to pay 25 percent of the total costs of the critical restoration project;

(B) to provide land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical restoration project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration project that are incurred after the date of enactment of this Act; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project (other than any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government).

(2) RECREATIONAL FEATURES.—

(A) IN GENERAL.—Any recreational features included as part of a critical restoration project shall comprise not more that 30 percent of the total project cost.

(B) NON-FEDERAL FUNDING.—The full cost of any recreational features included as part of a critical restoration project in excess of the amount described in subparagraph (A) shall be paid by the non-Federal interests.

(3) CREDIT.—The non-Federal interests shall receive credit toward the non-Federal share of the cost of design or construction activities carried out by the non-Federal interests before the execution of the project cooperation agreement if the Secretary determines that the work performed by the non-Federal interest is integral to the project.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $10,000,000 for fiscal year 2004; and

(2) such sums as are necessary for each of fiscal years 2005 through 2013.

By Mr. CORZINE (for himself, Mr. LAUTENBERG, Mr. SPECTER, Mr. SCHUMER, Mr. DODD, Mrs. CLINTON, and Mr. LIEBERMAN):

S. 999. A bill to establish the Highlands Stewardship Area in the States of Connecticut, New Jersey, New York, and Pennsylvania, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CORZINE. Mr. President, today along with Senators LAUTENBERG, SPECTER, SCHUMER, DODD, CLINTON and LIEBERMAN, I am introducing the Highlands Stewardship Act. I am proud to be joining Congressman RODNEY FRELINGHUYSEN and other colleagues from the New Jersey, New York, and Connecticut congressional delegations, who are introducing identical legislation in the House of Representatives.

This legislation would help to preserve one of the last open space treasures in this country, the Highlands forest region that stretches from northwestern Connecticut, across the lower Hudson River valley in New York, through my State of New Jersey and into east-central Pennsylvania. This region encompasses more than 2 million acres of forests, farms, streams, wetlands, lakes and reservoirs and historic sites. It includes the Green, Taconic and Notre Dame Mountains. It also includes such historic sites as Morristown National Historic Park and West Point.

The value of the ecological, recreational and scenic resources of the Highlands cannot be overstated. One hundred seventy million gallons are drawn from the Highlands aquifers daily, providing quality drinking water for over 11 million people. Two hundred forty seven threatened or endangered species live in the Highlands including the timber rattlesnake, wood turtle, red-shouldered hawk, barred owl, great blue heron and eastern wood rat. There also are many fishing, hiking and boating recreation opportunities in the Highlands that are used by many of the 1 in 12 Americans who live within 2 hours of travel of the Highlands.

Unfortunately, much of Highlands is quickly vanishing. According to the most recent study issued by the United States Department of Agriculture, we have lost over 3,000 acres of forest and 1,600 acres of farmland in New York and New Jersey sections of the Highlands annually to development between 1995 and 2000.

This legislation would designate a Stewardship Area amongst the four States in order to protect the most important Highlands projects. It would create a source of funding for conservation and preservation projects in the Highlands to preserve and protect the open space that remains. Two million dollars a year for 10 years would be provided for conservation assistance projects in the four Highlands States. This funding could be used for items such as smart growth initiatives and cultural preservation projects. Twenty-five million dollars a year over 10 years also would be provided for open space preservation projects in the four Highlands states. The source of this funding would be the Land and Water Conservation Fund.

I am proud to introduce this legislation to ensure that we protect this resource, which is so critical to our quality of life, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 999

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Highlands Stewardship Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Highlands region is a geographic area that encompasses more than 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut;

(2) the Highlands region is an environmentally unique area that—

(A) provides clean drinking water to over 15,000,000 people in metropolitan areas in the States of Connecticut, New Jersey, New York, and Pennsylvania;

(B) provides critical wildlife habitat, including habitat for 247 threatened and endangered species;

(C) maintains an important historic connection to early Native American culture, colonial settlement, the American Revolution, and the Civil War;

(D) contains recreational resources for 14,000,000 visitors annually; and

(E) provides other significant ecological, natural, tourism, recreational, educational, and economic benefits;

(3) an estimated 1 in 12 citizens of the United States live within a 2-hour drive of the Highlands region;

(4) more than 1,400,000 residents live in the Highlands region;

(5) the Highlands region forms a greenbelt adjacent to the Philadelphia-New York City-Hartford urban corridor that offers the opportunity to preserve natural and agricultural resources, open spaces, recreational areas, and historic sites, while encouraging sustainable economic growth and development in a fiscally and environmentally sound manner;

(6) continued population growth and land use patterns in the Highlands region—

(A) reduce the availability and quality of water;

(B) reduce air quality;

(C) fragment the forests;

(D) destroy critical migration corridors and forest habitat; and

(E) result in the loss of recreational opportunities and scenic, historic, and cultural resources;

(7) the natural, agricultural, and cultural resources of the Highlands region, in combination with the proximity of the Highlands region to the largest metropolitan areas in the United States, make the Highlands region nationally significant;

(8) the national significance of the Highlands region has been documented in—

(A) the New York-New Jersey Highlands Regional Study conducted by the Forest Service in 1990;

(B) the New York-New Jersey Highlands Regional Study: 2002 Update conducted by the Forest Service;

(C) the bi-State Skylands Greenway Task Force Report;

(D) the New Jersey State Development and Redevelopment Plan;

(E) the New York State Open Space Conservation Plan;

(F) the Connecticut Green Plan: Open Space Acquisition FY 2001–2006;

(G) the open space plans of the State of Pennsylvania; and

(H) other open space conservation plans for States in the Highlands region;

(9) the Highlands region includes or is adjacent to numerous parcels of land owned by the Federal Government or federally designated areas that protect, conserve, restore, promote, or interpret resources of the Highlands region, including—

(A) the Wallkill River National Wildlife Refuge;

(B) the Shawanagunk Grasslands Wildlife Refuge;

(C) the Morristown National Historical Park;

(D) the Delaware and Lehigh Canal Corridors;

(E) the Hudson River Valley National Heritage Area;

(F) the Delaware River Basin;

(G) the Delaware Water Gap National Recreation Area;

(H) the Upper Delaware Scenic and Recreational River;

(I) the Appalachian National Scenic Trail;

(J) the United States Military Academy at West Point, New York;

(K) the Highlands National Millennium Trail;

(L) the Picatinny Arsenal in the State of New Jersey;

(M) the Great Swamp National Wildlife Refuge;

(N) the proposed Crossroads of the Revolution National Heritage Area;

(O) the proposed Musconetcong National Scenic and Recreational River in the State of New Jersey; and

(P) the Farmington River Wild and Scenic Area in the State of Connecticut;

(10) it is in the interest of the United States to protect, conserve, restore, promote, and interpret the resources of the Highlands region for the residents of, and visitors to, the Highlands region;

(11) the States of Connecticut, New Jersey, New York, and Pennsylvania, regional entities, and units of local government in the Highlands region have the primary responsibility for protecting, conserving, preserving, and promoting the resources of the Highlands region; and

(12) because of the longstanding Federal practice of assisting States in creating, protecting, conserving, preserving, restoring, and interpreting areas of significant natural and cultural importance, and the national significance of the Highlands region, the Federal Government should, in partnership with the Highlands States and units of local government in the Highlands region, protect, restore, promote, preserve, and interpret the natural, agricultural, historical, and cultural resources of the Highlands region.

SEC. 3. PURPOSES.

The purposes of this Act are—.

(1) to recognize the importance of the natural resources and the heritage, history, and national significance of the Highlands region to the United States;

(2) to assist the Highlands States, units of local government, and private landowners in protecting, restoring, preserving, interpreting, and promoting the natural, agricultural, historical, cultural, and recreational resources of the Highlands region;

(3) to preserve and protect high priority conservation land in the Highlands region by authorizing the Secretary of the Interior to—

(A) work in partnership with the Secretary of Agriculture and the Highlands States; and

(B) provide financial and technical assistance to the Highlands States;

(4) to authorize the Secretary of Agriculture to provide financial and technical assistance for projects that will protect, restore, promote, and interpret the natural, agricultural, historical, cultural, or recreational resources of the Highlands region; and

(5) to coordinate with and assist the management entities of the Hudson River Valley National Heritage Area, the Wallkill National Refuge Area, the Morristown National Historic Area, and other federally designated areas in the region in carrying out any duties relating to protecting the natural resources of the Highlands region.

SEC. 4. DEFINITIONS.

In this Act:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means any Highlands State, unit of local government, public entity, private entity, or private landowner in the Stewardship Area.

(2) HIGHLANDS REGION.—The term "Highlands region" means the region that encompasses nearly 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut.

(3) HIGHLANDS STATE.—The term "Highlands State" means—

(A) the State of Connecticut;

(B) the State of New Jersey;

(C) the State of New York;

(D) the State of Pennsylvania; and

(E) any agency or department of a State specified in subparagraph (A), (B), (C), or (D) that is authorized to own and manage land for conservation purposes, including the Palisades Interstate Park Commission.

(4) LAND CONSERVATION PARTNERSHIP PROJECT.—The term "land conservation partnership project" means a project in which a Highlands State acquires from a willing seller land or an interest in land that is located in an area identified in the study or update as having a high conservation value for the

purpose of protecting, conserving, or preserving the natural, forest, agricultural, recreational, historical, or cultural resources of the Stewardship Area.

(5) Office.—The term "Office" means the Office of Highlands Stewardship established under section 6(a).

(6) Secretary.—The term "Secretary" means the Secretary of Agriculture.

(7) Stewardship area.—The term "Stewardship Area" means the Highlands Stewardship Area established under section 5(a).

(8) Study.—The term "study" means the Highlands Regional Study conducted by the Forest Service in 1990.

(9) Update.—The term "update" means the New York-New Jersey Highlands Regional Assessment Update conducted by the Forest Service in 2001.

(10) Work group.—The term "Work Group" means the Highlands Stewardship Area Work Group established under section 6(c).

SEC. 5. ESTABLISHMENT OF HIGHLANDS STEWARDSHIP AREA.

(a) Establishment.—The Secretary and the Secretary of the Interior shall establish the Highlands Stewardship Area in the Highlands region.

(b) Consultation and Resource Analyses.—In establishing the Stewardship Area under subsection (a), the Secretary and the Secretary of the Interior shall—

(1) consult with appropriate officials of the Federal Government, the Governors and other appropriate officials of the Highlands States, and units of local government; and

(2) take into account the study, the update, and any relevant State resource analyses.

(c) Map.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of the Interior shall prepare a map depicting the Stewardship Area.

(2) Availability.—The map shall be on file and available for public inspection at the appropriate offices of the Secretary and the Secretary of the Interior.

SEC. 6. OFFICE OF HIGHLANDS STEWARDSHIP.

(a) Establishment.—The Secretary, in consultation with the Under Secretary of Agriculture for Natural Resources and Environment, the Chief of the Natural Resources Conservation Service, and the Chief of the Forest Service, shall establish within the Department of Agriculture the Office of Highlands Stewardship.

(b) Duties.—The Office shall—

(1) advise the Secretary, the Secretary of the Interior, and the Governors of the States specified in subparagraphs (A) through (D) of section 4(3) on priorities for—

(A) projects carried out with financial or technical assistance under this section;

(B) land conservation partnership projects carried out under section 7;

(C) research relating to the Highlands region; and

(D) policy and educational initiatives necessary to implement the findings of the study and update; and

(2) implement in the Stewardship Area—

(A) the strategies of the study and update; and

(B) in consultation with the Highlands States, other studies consistent with the purposes of this Act.

(c) Highlands Stewardship Area Work Group.—

(1) Establishment.—The Secretary shall establish an advisory committee to be known as the "Highlands Stewardship Area Work Group" to assist the Office in implementing the strategies of the studies and update referred to in subsection (b).

(2) Membership.—The Work Group shall be comprised of members that represent various public and private interests throughout the Stewardship Area, including private landowners and representatives of private land trusts, conservation groups, distributors of drinking water, academic institutions, and units of local government, to be appointed by the Secretary, in consultation with the Governors of the States specified in subparagraphs (A) through (D) of section 4(3).

(3) Duties.—The Work Group shall advise the Office, the Secretary, and the Secretary of the Interior on the priorities described in subsection (b)(1).

(d) Financial and Technical Assistance.—

(1) In general.—The Office may provide financial and technical assistance to an eligible entity to carry out a project to protect, restore, preserve, promote, or interpret the natural, agricultural, historical, cultural, or recreational resources of the Stewardship Area.

(2) Priority.—In determining the priority for financial and technical assistance under paragraph (1), the Office shall consider the recommendations of the study and update.

(3) Conditions.—

(A) In general.—The provision of financial assistance under this subsection shall be subject to the condition that the eligible entity enter into an agreement with the Office that provides that if the eligible entity converts, uses, or disposes of the project for a purpose inconsistent with the purpose for which the financial assistance was provided, as determined by the Office, the United States shall be entitled to reimbursement from the eligible entity in an amount that is, as determined at the time of conversion, use, or disposal, the greater of—

(i) the total amount of the financial assistance provided for the project by the Federal Government under this section; or

(ii) the amount by which the financial assistance has increased the value of the land on which the project is carried out.

(B) Cost-sharing requirement.—The Federal share of the cost of carrying out a project under this subsection shall not exceed 50 percent of the total cost of the project.

(e) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this section $2,000,000 for each of fiscal years 2004 through 2013, to remain available until expended.

SEC. 7. LAND CONSERVATION PARTNERSHIP PROJECTS.

(a) In General.—The Secretary of the Interior, in consultation with units of local government, the Office, the Work Group, and the public, shall, from among proposed land conservation partnership projects submitted to the Secretary of the Interior by the Governors of the States specified in subparagraphs (A) through (D) of section 4(3), annually designate land conservation partnership projects that are eligible to receive financial assistance under this section.

(b) Conditions.—

(1) In general.—To be eligible for financial assistance for a project under subsection (a), a Highlands State shall enter into an agreement with the Secretary of the Interior that—

(A) identifies—

(i) the Highlands State that will own or hold the land or interest in land that is the subject of the project; and

(ii) the source of funds to provide the non-Federal share under paragraph (2);

(B) provides that the Highlands State shall permanently protect any land acquired as part of a land conservation partnership project;

(C) describes management objectives for the land that will ensure the permanent protection and use of the land for the purpose for which the assistance was provided;

(D) provides that if the Highlands State converts, uses, or disposes of the project for a purpose inconsistent with the purpose for which the assistance was provided, as determined by the Secretary of the Interior, the United States—

(i) may file a civil action in an appropriate district court of the United States for specific performance of the conditions on financial assistance; and

(ii) shall be entitled to reimbursement from the Highlands State in an amount that is, as determined at the time of conversion, use, or disposal, the greater of—

(I) the total amount of the financial assistance provided for the project by the Federal Government under this section; or

(II) the amount by which the financial assistance increased the value of the land or interest in land that is the subject of the project; and

(E) provides that use of the financial assistance will be consistent with—

(i) the open space plan or greenway plan of the Highlands State in which the land conservation partnership project is being carried out; and

(ii) the findings and recommendations of the study and update.

(2) Cost-sharing requirement.—The Federal share of the cost of carrying out a land conservation partnership project under this subsection shall not exceed 50 percent of the total cost of the land conservation partnership project.

(c) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of the Interior from the general fund of the Treasury or the Land and Water Conservation Fund to carry out this section $25,000,000 for each of fiscal years 2004 through 2013, to remain available until expended.

SEC. 8. EFFECT.

Nothing in this Act—

(1) modifies, enlarges, or diminishes any authority of the Federal Government, or any State or local government, to regulate any use of land;

(2) grants powers of zoning or land use control to an entity established under this Act; or

(3) authorizes an entity established under this Act to interfere with—

(A) the right of any person with respect to private property; or

(B) any local zoning ordinance or land use plan of any local unit of government in the Stewardship Area.

By Mr. GRAHAM of South Carolina (for himself, Mr. Coleman, Mr. Allen, Mr. Miller, Mrs. Clinton, and Ms. Landrieu:

S. 1000. A bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to provide TRICARE eligibility for members of the Selected Reserve of the Ready Reserve and their families; to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserve components and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes; to the Committee on Finance.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘‘National Guard and Reserves Reform Act for the 21st Century’’.

SEC. 2. ELIGIBILITY FOR RETIRED PAY FOR NONREGULAR SERVICE.

(a) Age and Service Requirements.—Subsection (a) of section 12731 of title 10, United States Code, is amended to read as follows:

‘‘(a)(1) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person—

‘‘(A) satisfies one of the combinations of requirements for minimum age and minimum number of years of service (computed under section 12732 of this title) that are specified in the table in paragraph (2);

‘‘(B) performed the last six years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve, except that in the case of a person who completed 20 years of service computed under section 12732 of this title before October 5, 1994, the number of years of qualifying service under this subparagraph shall be eight; and

‘‘(C) is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

‘‘(2) The combinations of minimum age and minimum years of service required of a person under subparagraph (A) of paragraph (1) for entitlement to retired pay as provided in such paragraph are as follows:

‘‘Age, in years, is at least:	The minimum years of service required for that age is:
53	34
54	32
55	30
56	28
57	26
58	24
59	22
60	20.’’.

(b) 20-Year Letter.—Subsection (d) of such section is amended by striking ‘‘the years of service required for eligibility for retired pay under this chapter’’ in the first sentence and inserting ‘‘20 years of service computed under section 12732 of this title.’’.

(c) Effective Date.—This section and the amendments made by this subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and shall apply with respect to retired pay payable for that month and subsequent months.

SEC. 2. EXPANDED ELIGIBILITY OF READY RESERVISTS FOR TRICARE.

(a) Eligibility.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1097b the following new section:

‘‘§ 1097c. TRICARE program: Reserves not on active duty

‘‘(a) Eligibility.—A member of the Selected Reserve of the Ready Reserve of the armed forces not otherwise eligible for enrollment in the TRICARE program under this chapter for the same benefits as a member of the armed forces eligible under section 1074(a) of this title may enroll for self or for self and family for the same benefits under this section.

‘‘(b) Premiums.—(1) An enlisted member of the armed forces enrolled in the TRICARE program under this section shall pay an annual premium of $330 for self only coverage and $560 for self and family coverage for which enrolled under this section.

‘‘(2) An officer of the armed forces enrolled in the TRICARE program under this section shall pay an annual premium of $380 for self only coverage and $610 for self and family coverage for which enrolled under this section.’’.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1097b the following new item:

‘‘1097c. Section 101 head.’’.

SEC. 3. CREDIT FOR EMPLOYMENT OF RESERVE COMPONENT PERSONNEL.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

‘‘SEC. 45G. RESERVE COMPONENT EMPLOYMENT CREDIT.

‘‘(a) General Rule.—For purposes of section 38, the reserve component employment credit determined under this section is an amount equal to the sum of—

‘‘(1) the employment credit with respect to all qualified employees of the taxpayer, plus

‘‘(2) the self-employment credit of a qualified self-employed taxpayer.

‘‘(b) Employment Credit.—For purposes of this section—

‘‘(1) In general.—The employment credit with respect to a qualified employee of the taxpayer for any taxable year is equal to the excess, if any, of—

‘‘(A) the qualified employee's average daily qualified compensation for the taxable year, over

‘‘(B) the average daily military pay and allowances received by the qualified employee during the taxable year,

while participating in qualified reserve component duty to the exclusion of the qualified employee's normal employment duties for the number of days the qualified employee participates in qualified reserve component duty during the taxable year, including time spent in a travel status. The employment credit, with respect to all qualified employees, is equal to the sum of the employment credits for each qualified employee under this subsection.

‘‘(2) Average daily qualified compensation and average daily military pay and allowances.—As used with respect to a qualified employee—

‘‘(A) the term ‘average daily qualified compensation’ means the qualified compensation of the qualified employee for the taxable year divided by the difference between—

‘‘(i) 365, and

‘‘(ii) the number of days the qualified employee participates in qualified reserve component duty during the taxable year, including time spent in a travel status, and

‘‘(B) the term ‘average daily military pay and allowances’ means—

‘‘(i) the amount paid to the qualified employee during the taxable year as military pay and allowances on account of the qualified employee's participation in qualified reserve component duty, divided by

‘‘(ii) the total number of days the qualified employee participates in qualified reserve component duty, including time spent in travel status.

‘‘(3) Qualified compensation.—When used with respect to the compensation paid or that would have been paid to a qualified employee for any period during which the qualified employee participates in qualified reserve component duty, the term ‘qualified compensation’ means—

‘‘(A) compensation which is normally contingent on the qualified employee's presence for work and which would be deductible from the taxpayer's gross income under section 162(a)(1) if the qualified employee were present and receiving such compensation,

‘‘(B) compensation which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and with respect to which the number of days the qualified employee participates in qualified reserve component duty does not result in any reduction in the amount of vacation time, sick leave, or other nonspecific leave previously credited to or earned by the qualified employee, and

‘‘(C) group health plan costs (if any) with respect to the qualified employee.

‘‘(4) Qualified employee.—The term ‘qualified employee’ means a person who—

‘‘(A) has been an employee of the taxpayer for the 21-day period immediately preceding the period during which the employee participates in qualified reserve component duty, and

‘‘(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as defined in sections 10142 and 10101 of title 10, United States Code.

‘‘(c) Self-Employment Credit.—

‘‘(1) In general.—The self-employment credit of a qualified self-employed taxpayer for any taxable year is equal to the excess, if any, of—

‘‘(A) the self-employed taxpayer's average daily self-employment income for the taxable year over

‘‘(B) the average daily military pay and allowances received by the taxpayer during the taxable year, while participating in qualified reserve component duty to the exclusion of the taxpayer's normal self-employment duties for the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status.

‘‘(2) Average daily self-employment income and average daily military pay and allowances.—As used with respect to a self-employed taxpayer—

‘‘(A) the term ‘average daily self-employment income’ means the self-employment income (as defined in section 1402) of the taxpayer for the taxable year plus the amount paid for insurance which constitutes medical care for the taxpayer for such year (within the meaning of section 162(l)) divided by the difference between—

‘‘(i) 365, and

‘‘(ii) the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status, and

‘‘(B) the term ‘average daily military pay and allowances’ means—

"(i) the amount paid to the taxpayer during the taxable year as military pay and allowances on account of the taxpayer's participation in qualified reserve component duty, divided by

"(ii) the total number of days the taxpayer participates in qualified reserve component duty, including time spent in travel status.

"(3) QUALIFIED SELF-EMPLOYED TAXPAYER.—The term 'qualified self-employed taxpayer' means a taxpayer who—

"(A) has net earnings from self-employment (as defined in section 1402) for the taxable year, and

"(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States.

"(d) CREDIT IN ADDITION TO DEDUCTION.—The employment credit provided in this section is in addition to any deduction otherwise allowable with respect to compensation actually paid to a qualified employee during any period the qualified employee participates in qualified reserve component duty to the exclusion of normal employment duties.

"(e) LIMITATIONS.—

"(1) MAXIMUM CREDIT.—

"(A) IN GENERAL.—The credit allowed by subsection (a) for the taxable year shall not exceed $25,000 with respect to each qualified employee.

"(B) CONTROLLED GROUPS.—For purposes of applying the limitation in subparagraph (A)—

"(i) all members of a controlled group shall be treated as one taxpayer, and

"(ii) such limitations shall be allocated among the members of such group in such manner as the Secretary may prescribe.

For purposes of this subparagraph, all persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as members of a controlled group.

"(2) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

"(A) any taxable year in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

"(B) the 2 succeeding taxable years.

"(3) DISALLOWANCE WITH RESPECT TO PERSONS ORDERED TO ACTIVE DUTY FOR TRAINING.—No credit shall be allowed under subsection (a) to a taxpayer with respect to any period for which the person on whose behalf the credit would otherwise be allowable is called or ordered to active duty for any of the following types of duty:

"(A) active duty for training under any provision of title 10, United States Code,

"(B) training at encampments, maneuvers, outdoor target practice, or other exercises under chapter 5 of title 32, United States Code, or

"(C) full-time National Guard duty, as defined in section 101(d)(5) of title 10, United States Code.

"(f) GENERAL DEFINITIONS AND SPECIAL RULES.—

"(1) MILITARY PAY AND ALLOWANCES.—The term 'military pay' means pay as that term is defined in section 101(21) of title 37, United States Code, and the term 'allowances' means the allowances payable to a member of the Armed Forces of the United States under chapter 7 of that title.

"(2) QUALIFIED RESERVE COMPONENT DUTY.—The term 'qualified reserve component duty' includes only active duty performed, as designated in the reservist's military orders, in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code.

"(3) NORMAL EMPLOYMENT AND SELF-EMPLOYMENT DUTIES.—A person shall be deemed to be participating in qualified reserve component duty to the exclusion of normal employment or self-employment duties if the person does not engage in or undertake any substantial activity related to the person's normal employment or self-employment duties while participating in qualified reserve component duty unless in an authorized leave status or other authorized absence from military duties. If a person engages in or undertakes any substantial activity related to the person's normal employment or self-employment duties at any time while participating in a period of qualified reserve component duty, unless during a period of authorized leave or other authorized absence from military duties, the person shall be deemed to have engaged in or undertaken such activity for the entire period of qualified reserve component duty.

"(4) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply for purposes of this section.".

(b) CONFORMING AMENDMENT.—Section 38(b) (relating to general business credit) is amended—

(1) by striking "plus" at the end of paragraph (14),

(2) by striking the period at the end of paragraph (15) and inserting ", plus", and

(3) by adding at the end the following new paragraph:

"(16) the reserve component employment credit determined under section 45G(a).".

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 45F the following new item:

"Sec. 45G. Reserve component employment credit.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

By Mr. BIDEN (for himself, Mr. MCCAIN, Mrs. FEINSTEIN, Mr. DODD, Mr. KERRY, Mrs. CLINTON, and Ms. MIKULSKI):

S. 1001. A bill to make the protection of women and children who are affected by a complex humanitarian emergency a priority of the United States Government, and for other purposes; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, today I am introducing a bill, along with Senators MCCAIN, FEINSTEIN, DODD, and KERRY, to make women and children a priority of our assistance of programs, women and children who are suffering the ravages of war and natural disasters, suffering from food shortages and a lack of basic necessities, suffering from the degradation of complex humanitarian emergencies. War has been the major cause.

Over the past fifty years the nature of war has changed dramatically. Increasingly, sadly, women and children seem to bear the brunt of it. According to the United Nations Children's Fund, since 1990, more than 2 million children have been killed and 6 million maimed or injured as a result of war. Today, 90 percent of the casualities in any war are civilians. They are mostly women and children.

It is incomprehensible to me that rape has been used as a weapon of war all over the world from Burma to Bosnia to Sierra Leone. It is equally incomprehensible that forced displacement of civilians, rather than being one of the unfortunate results of war, has actually become a deliberate tactic.

Under these circumstances, what choice do people have but to leave their homes? They leave out of fear for their lives and their children's lives. Some find their way into camps where instead of safety, they suffer extraordinary violence and abuse. Allegations of sexual exploitation by camp residents and humanitarian workers in refugee camps in west Africa and Nepal are all-too-real examples of the sad fact that women and children remain vulnerable even in the very places they flee to find safety.

This bill seeks to do something about this. It seeks to enhance the U.S. Government's ability to ensure that women and children's protection needs are addressed before, during, and after a complex humanitarian emergency.

It does this in several ways. First, it directs the Secretary of State to designate a special coordinator for protection issues. That person will be changed with making sure that our embassies and consular posts are made aware of the earliest warning signs that a complex humanitarian emergency is imminent. The Coordinator is to compile a watch list of such countries and regions so that our aid missions can plan to meet potential need.

Second, the bill specifies basic measures that will improve our ability to help these women and children, help the refugees, help internally displaced people cope during an actual complex humanitarian crisis.

It requires that relief organizations funded by the United States Government review their procedures to ensure adequate measures have been taken to provide adequate physical security for refugees and internationally displaced people, especially the women and children.

The legislation prohibits U.S. funding for relief agencies that do not sign a code of conduct that prohibits improper relationships between humanitarian aid workers and aid recipients, and encourages the Secretary to pressure the U.N. refugee agency to implement a "whistle-blower" system under which aid workers, refugees and internally displaced persons can report instances of gender-based violence and exploitation.

Because women have unique health needs that are often unmet when they are forced to flee their homes, the bill includes a provision mandating health services for women within 30 days of the onset of a complex humanitarian emergency.

Additionally, the bill amends the Micro-Enterprise Development Act to expand the availability of micro-loans to refugees and internally displaced women. When women are given access to income generating activities, they are less vulnerable to coercion from those who would demand sexual favors in return for food or other basic necessities.

Finally, the bill deals with rehabilitation and recovery.

The bill requires the Secretary of State and the Administrator for the Agency for International Development to develop and implement economic development programs to assist female heads of households, to help women increase access to ownership of land and other productive assets, to ensure that education and training programs are integrated with economic development programs to encourage reintegration of women who were displaced during war, and programs to politically empower women.

It calls upon the United States Executive Director of the International Bank for Reconstruction and Development to work on ensuring that World Bank demobilization, disarmament and reintegration programs extend the same benefits that ex-combatants receive to women and children who were formally or informally associated with them.

As it now stands, women and children who were used as cooks, porters, and so called "wives"—a euphemism for women who were kidnaped to serve as sexual slaves—are given nothing with which to rebuild their lives, despite the fact that they rarely served with armed groups by choice. And yet the very people who forced them into such conditions are assisted with no qualms or reservations.

Finally, the bill calls upon the Secretary of State to report to Congress all the programs that they are funding that are aimed at improving the awareness of foreign law enforcement officials of women's human rights and the ability of foreign law enforcement officials to investigate and prosecute crimes of rape and sexual violence.

This bill is not a panacea. It does not cure all the ills that war and displacement create for women and children. It seeks to provide some relief for those who are entirely reliant—through no fault of their own—on the largess of the international community.

I believe this legislation will improve the way we respond to the needs facing women and children trying to survive in the most dire of circumstances, and I hope my colleagues will join me by supporting it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1001

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women and Children in Conflict Protection Act of 2003".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—PROGRAM AND POLICY COORDINATION

Sec. 101. Findings.
Sec. 102. Purposes.
Sec. 103. Requirement to develop integrated strategy.
Sec. 104. Designation of Coordinator.

TITLE II—PREVENTION AND PREPAREDNESS

Sec. 201. Findings.
Sec. 202. Early warning and early action systems.

TITLE III—SECURITY FOR REFUGEE AND INTERNALLY DISPLACED WOMEN AND CHILDREN

Sec. 301. Findings.
Sec. 302. Codes of conduct.
Sec. 303. Sense of Congress regarding administration practices in camps for refugees and displaced persons.
Sec. 304. Health services for refugees and displaced persons.
Sec. 305. Whistleblower system.
Sec. 306. Women's economic self-sufficiency.
Sec. 307. International military education and training.
Sec. 308. Protection initiatives.
Sec. 309. Accountability.

TITLE IV—POSTCONFLICT RECONSTRUCTION AND REHABILITATION

Sec. 401. Findings.
Sec. 402. Support for communities and former combatants.
Sec. 403. Police reform and accountability.
Sec. 404. Sense of Congress regarding the improvement of United Nations peacekeeping operations.

TITLE V—WOMEN AND CHILDREN'S PROTECTION ASSISTANCE

Sec. 501. Women and children's protection assistance.

SEC. 8. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) CHILDREN.—The term "children" means persons under the age of 18 years.

(3) COMPLEX HUMANITARIAN EMERGENCY.—The term "complex humanitarian emergency" means a situation that—

(A) occurs outside the United States and results in a significant number of—

(i) refugees;

(ii) internally displaced persons; or

(iii) other civilians requiring basic humanitarian assistance on an urgent basis; and

(B) is caused by one or more situations including—

(i) armed conflict;

(ii) natural disaster;

(iii) significant food shortage; or

(iv) state-sponsored harassment or persecution.

(4) COORDINATOR.—The term "coordinator" means an individual designated by the Secretary under section 104(a).

(5) EXPLOITATION OF CHILDREN.—The term "exploitation of children" means—

(A) adult sexual activity with children;

(B) kidnapping or forcibly separating children from their families;

(C) subjecting children to the worst forms of child labor;

(D) forcing children to commit or witness acts of violence, including compulsory recruitment into armed forces or as combatants; and

(E) withholding or obstructing access of children to food, shelter, medicine, and basic human services.

(6) FORMER COMBATANT.—The term "former combatant" means a woman or child who was a member of or affiliated with an armed group, including serving as a cook, a porter, or a messenger, or in a domestic or sexual capacity or in any other support role, whether or not the woman or child consented to such participation.

(7) GENDER-BASED VIOLENCE.—The term "gender-based violence" means causing harm to a person based on gender, including—

(A) rape;

(B) sexual assault or torture;

(C) sex trafficking and trafficking in persons;

(D) demands for sex in exchange for employment, goods, services, or protection;

(E) withholding or obstructing access to food, shelter, medicine, and basic human services; and

(F) other forms of violence based on gender.

(8) HIV.—The term "HIV" means the human immunodeficiency virus, the virus that causes the acquired immune deficiency syndrome (AIDS).

(9) INTER-AGENCY STANDING COMMITTEE.—The term "Inter-Agency Standing Committee" means the Inter-Agency Standing Committee established in response to United Nations General Assembly Resolution 46/182 of December 19, 1991.

(10) PROTECTION.—The term "protection", with respect to an individual, a family, a group, or a community, means all appropriate measures to promote the physical and psychological security of, provide equal access to basic services for, and safeguard the legal and human rights and dignity of, individuals, families, groups, and communities.

(11) SECRETARY.—The term "Secretary" means the Secretary of State.

(12) SEX TRAFFICKING.—The term "sex trafficking" has the meaning given the term in section 103 of Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(13) TRAFFICKING IN PERSONS.—The term "trafficking in persons" has the meaning given the term "severe forms of trafficking in persons" in section 103 of Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(14) WORST FORMS OF CHILD LABOR.—The term "worst forms of child labor" has the meaning given the term in article 3 of Convention Number 182 of the International Labor Organization.

TITLE I—PROGRAM AND POLICY COORDINATION

SEC. 101. FINDINGS.

Congress makes the following findings:

(1) The nature of war has changed dramatically in recent decades, putting women and children at greater risk of death, disease, displacement, and exploitation.

(2) Civilians, particularly women and children, account for the vast majority of those adversely affected by complex humanitarian emergencies, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements for murder, abduction, forced military conscription, involuntary servitude, displacement, sexual abuse and slavery, mutilation, and loss of freedom.

(3) Traditionally, humanitarian response has focused on providing food, medical care, and shelter needs, while placing less emphasis on the safety and security of those affected by a complex humanitarian emergency.

(4) Few well-coordinated efforts exist to prevent and respond to violence against women and children when they are refugees or internally displaced persons.

(5) While the United Nations High Commissioner for Refugees and the Department of State are charged with protecting refugees, there is no United States Government agency or international body with a clear mandate to protect internally displaced persons and those at risk of displacement as a result of a complex humanitarian emergency.

(6) There is a substantial need for the protection of women and children to be given a high priority during all complex humanitarian emergencies.

SEC. 102. PURPOSES.

The purposes of this Act are—

(1) to ensure that the United States Government has adequate capabilities to support programs that provide for the protection of women and children who are affected by a complex humanitarian emergency;

(2) to build the capacities of United States Government agencies, multilateral institutions, international nongovernmental organizations, local nongovernmental organizations, and local communities to prevent and respond effectively to gender-based violence and exploitation of children that occur during a complex humanitarian emergency; and

(3) to provide increased funding for the protection of women and children affected by a complex humanitarian emergency.

SEC. 103. REQUIREMENT TO DEVELOP INTEGRATED STRATEGY.

(a) Requirement.—The Secretary shall, in consultation with the Administrator of the United States Agency for International Development, develop an integrated strategy for the protection of women and children who are internally displaced, made refugees, or otherwise affected by a complex humanitarian emergency.

(b) Report.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report outlining the strategy described in subsection (a).

(c) Content.—The report required by subsection (b) shall include—

(1) an assessment of the specific needs of, and particular threats to, women and children at the various stages of a complex humanitarian emergency, especially at the onset of such emergency;

(2) a description of which agencies and offices of the United States Government are responsible for addressing each aspect of such needs and threats;

(3) an evaluation of the needs and threats that are being adequately addressed and funded, and those which require additional attention or resources;

(4) a set of guidelines and recommendations for improving United States and international systems for the protection of women and children during a complex humanitarian emergency; and

(5) a mechanism for coordinating and overseeing United States efforts to prevent and respond to gender-based violence and exploitation of children that occurs during a complex humanitarian emergency.

SEC. 104. DESIGNATION OF COORDINATOR.

(a) In General.—Not later than 60 days after the date of enactment of this Act, the Secretary shall designate one or more senior-level officials of the Department of State or the United States Agency for International Development as a coordinator or coordinators, as the case may be, to be responsible for the oversight and coordination of United States Government efforts to provide protection to women and children who are affected by a complex humanitarian emergency.

(b) Duties.—A coordinator designated under subsection (a) shall—

(1) coordinate the actions taken to carry out the purposes of this Act, as described in section 102;

(2) be responsible for the oversight and coordination of United States Government efforts to protect women and children who are affected by a complex humanitarian emergency; and

(3) provide United States embassies and consular posts with mechanisms to warn relief agencies of an impending complex humanitarian emergency.

(c) Notification.—Not later than 5 days after designating an official as a coordinator under subsection (a), the Secretary shall submit the name of such official to the appropriate congressional committees.

TITLE II—PREVENTION AND PREPAREDNESS

SEC. 201. FINDINGS.

Congress makes the following findings:

(1) The percentage of civilians killed and wounded as a result of hostilities has risen from 5 percent of all casualties at the turn of the 19th century to 65 percent during World War II and to 90 percent in more recent hostilities. Women and children comprise the majority of civilian deaths and the majority of all refugees from hostilities.

(2) In the last decade alone, more than 2,000,000 children have been killed during wars, while more than 4,000,000 have survived physical mutilation, and more than 1,000,000 have been orphaned or separated from their families as a result of war.

(3) In many armed conflicts, soldiers have destroyed food supplies and productive capacities, stolen donated food intended for women and children, and blocked the distribution of humanitarian aid.

(4) During 2003, an estimated 300,000 children have been compulsorily recruited into military operations around the world, including a large number of girls who have been forced to work as combatants, cooks, messengers, spies, or sexual slaves for soldiers.

(5) The use of rape, particularly against women and girls, is an increasingly common tactic in modern war.

(6) The international community has a responsibility pursuant to the Protocol Relating to the Status of Refugees done at New York October 4, 1967 (19 UST 6223), the Convention Relating to the Status of Refugees done at Geneva July 28, 1951, and the Convention Relative to the Protection of Civilian Persons in Time of War done at Geneva August 12, 1949 (6 UST 3516), to take preventive action that would improve preparedness and reduce the vulnerability of women and children to violence and exploitation.

SEC. 202. EARLY WARNING AND EARLY ACTION SYSTEMS.

(a) Preventive Actions.—Each coordinator shall—

(1) maintain a data base of information related to occurrences of gender-based violence or exploitation of children during a complex humanitarian emergency;

(2) develop, based on the information contained in the database required by paragraph (1) and other research—

(A) a list of early warning signs that indicate there is a likelihood that gender-based violence or exploitation of children will occur during a complex humanitarian emergency; and

(B) a list, that is updated regularly, of countries or regions where there is an increased risk of gender-based violence or exploitation of children due to a complex humanitarian emergency to enhance the preparedness of the United States Government or organizations funded by the United States Government to respond to such an emergency;

(3) disseminate to United States embassies and consular posts the lists described in subparagraphs (A) and (B) of paragraph (2);

(4) assist embassies and consular posts in responding to an increased risk of gender-based violence or exploitation of children that may occur during a complex humanitarian emergency;

(5) develop a procedure for nongovernmental organizations to report evidence of gender-based violence and exploitation of children, during a complex humanitarian emergency to ensure appropriate response by United States officials; and

(6) establish a reporting and monitoring system for United States diplomatic missions and consular posts and missions of the United States Agency for International Development to collect and submit to the coordinator standardized data on evidence that women and children are being targeted for or are at increased risk of violence or exploitation in complex humanitarian emergencies.

(b) Reporting and Monitoring.—Not later than 30 days after a country or region is placed on a list maintained under subsection (a)(1), each United States diplomatic mission and consular post located in such country or region shall submit to the appropriate coordinator a description of the measures undertaken by such mission or post for the protection of women and children in the event of a complex humanitarian emergency.

(c) Dissemination of Information.—A coordinator shall make available to the public, including to nongovernmental organizations located in areas where there is an increased risk of gender-based violence or exploitation of children, the information, procedures, systems, and measures described in subsections (a) and (b).

TITLE III—SECURITY FOR REFUGEE AND INTERNALLY DISPLACED WOMEN AND CHILDREN

SEC. 301. FINDINGS.

Congress makes the following findings:

(1) Almost one-half of the world's estimated 37,500,000 refugees and internally displaced persons are children.

(2) Food rations in camps for refugees and internally displaced persons are often limited and unpredictable, and vulnerable women rarely have legitimate opportunities to generate income or products to barter for additional food and other supplies.

(3) Refugee women and girls face particular threats because of power inequities, including being forced to exchange sex for food and humanitarian supplies, and being at increased risk of rape and gender-based violence due to poor security in refugee camps.

(4) An investigation into sexual exploitation of refugees by aid workers in West Africa, conducted by the United Nations Office of Internal Oversight Services, found many factors that contribute to the exploitation and abuse of women and children in refugee situations, including—

(A) few women working in key positions in refugee relief efforts;

(B) insufficient international staff presence in the camps;

(C) isolation and lack of separate and distinctly placed sanitary facilities for men and women;

(D) incomplete rations and delayed delivery of supplies to refugees; and

(E) lack of punishment for perpetrators, including adult refugees, of sexual crimes against children in refugee situations.

(5) Refugees and internally displaced persons living outside of camps experience a range of serious problems including vulnerability to harassment, abuse, and exploitation by landlords and employers with little legal recourse, and constant threat of detention, imprisonment, and deportation.

(6) Existing nongovernmental organization and international agency policies, procedures, training programs, monitoring, and accountability mechanisms have not protected displaced women and children from exploitation and abuse, provided adequate assistance to survivors, or to disciplined offenders and achieved justice.

(7) The limited presence of protection officers and other trained managerial staff of the United Nations High Commissioner for Refugees in camps, especially at night, exacerbates the vulnerability of women and children to abuse by, in particular, fellow camp residents and nearby local residents.

(8) In some circumstances, humanitarian agencies have failed to make women and children aware of their rights to protection and assistance, to give them access to effective channels of redress, and to make humanitarian workers aware of their duty to respect these rights and provide adequate assistance.

(9) The Inter-Agency Standing Committee has identified standards of behavior applicable to all of its personnel and is implementing a plan of action related to protection from sexual exploitation and abuse to strengthen mechanisms for protecting those who depend on international aid.

SEC. 302. CODES OF CONDUCT.

(a) Limitation on Assistance.—None of the funds made available by the Department of State through the Migration and Refugee Assistance account or the Emergency Refugee and Migration Assistance account or by any provision of law for the purposes of the provision of assistance to refugees or internally displaced persons may be provided to an organization that has failed to adopt a code of conduct regarding the protection of beneficiaries of humanitarian assistance that incorporates the 6 core principles recommended by the Inter-Agency Standing Committee, as described in subsection (b).

(b) Core Principles.—The 6 core principles for the protection of beneficiaries are as follows:

(1) Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.

(2) Sexual activity with persons under the age of 18 years is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defense.

(3) Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading, or exploitative behavior, is prohibited. This includes exchange of assistance that is due to beneficiaries.

(4) Sexual relationships between the providers and beneficiaries of humanitarian assistance are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian assistance work.

(5) Whenever a humanitarian assistance worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, the worker must report such concerns through established agency reporting mechanisms.

(6) Humanitarian assistance agencies are obliged to create and maintain an environment that prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems that maintain this environment.

SEC. 303. SENSE OF CONGRESS REGARDING ADMINISTRATION PRACTICES IN CAMPS FOR REFUGEES AND DISPLACED PERSONS.

It is the sense of Congress that all agencies, including multilateral and nongovernmental agencies, implementing United States humanitarian assistance programs should conduct a thorough review of their administrative, management, and employment practices in refugee and displaced persons camps for the purposes of—

(1) significantly increasing the number of women involved in the distribution of food and humanitarian supplies;

(2) expanding opportunities for women to generate legitimate income in the camps, including through employment in the camps;

(3) educating providers and beneficiaries of humanitarian assistance about the seriousness of gender-based violence and exploitation of children;

(4) improving expatriate supervision and monitoring of daily operations in the camps;

(5) improving the design and logistics of camps to create a safer and more secure environment for women and children, including through consultation with female camp residents;

(6) keeping formal and detailed records, including photographs, of locally hired staff, and ensuring that they are adequately paid and trained;

(7) providing training for humanitarian assistance workers on their obligations and responsibilities under a code of conduct;

(8) developing systems of accountability to deter and punish gender-based violence, exploitation of children, and other protection violations including through identification of procedures for reporting and investigating allegations of abuse that protect the safety and confidentiality of the survivors; and

(9) ensuring that applicants for jobs in camps are screened to prevent individuals who may have been involved in protection violations from being hired by camp authorities.

SEC. 304. HEALTH SERVICES FOR REFUGEES AND DISPLACED PERSONS.

(a) Findings.—Congress makes the following findings:

(1) Complex humanitarian emergencies result in particular risks for women and girls.

(2) Refugee and displaced women face heightened risks of developing complications during pregnancy, suffering a miscarriage, dying, being injured during childbirth, becoming infected with HIV or another sexually transmitted infection, or suffering from posttraumatic stress disorder.

(3) Despite the heightened risks for women during a complex humanitarian emergency, women's needs for specialized health services have often been overlooked by donors and relief organizations, which are focused on providing food, water, and shelter.

(4) Priority activities and emergency supplies designed to address life-threatening women's health problems during a complex humanitarian emergency are often not implemented or made available in the early days and weeks of an emergency, the period when such activities and supplies are most needed and may be most effective.

(b) Provision of Health Services.—

(1) Requirements.—Each coordinator shall—

(A) ensure that organizations funded by the United States that respond to a complex humanitarian emergency have the resources necessary to address the specific health needs of women affected by the emergency; and

(B) identify an organization or individual to facilitate the coordination and implementation of the activities needed to respond to the health needs of women as soon as practicable and not later than 30 days after the development of a complex humanitarian emergency.

(2) Activities defined.—The activities referred to in paragraph (1)(B) include activities to—

(A) prevent and manage the consequences of sexual violence;

(B) reduce transmission of HIV;

(C) provide obstetric care; and

(D) draft a plan to integrate women's health services into the primary health care services provided during a complex humanitarian emergency, including—

(i) collection of background data on maternal, infant and child mortality, and the rate of HIV infection;

(ii) identification of suitable sites for future delivery of women's health services by addressing security problems, accessibility for all potential users, privacy and confidentiality during visits, easy access to water and sanitation, appropriate space for users' waiting time, and aseptic conditions;

(iii) an assessment of the staff capacity to provide women's health services; and

(iv) a plan for staff training.

(c) Authorization of Appropriations.—There are authorized to be appropriated $12,000,000 for fiscal year 2004, and $14,000,000 for fiscal year 2005, to carry out subsection (b). The amounts authorized to be appropriated in this subsection are in addition to amounts appropriated for such fiscal years to the Department of State for the Migration and Refugee Assistance account, the Emergency Refugee and Migration Assistance account, or the International Disaster Assistance account.

SEC. 305. WHISTLEBLOWER SYSTEM.

(a) Design of Model System.—The Secretary should urge the United Nations High Commissioner for Refugees to work with nongovernmental organizations to design and implement a model "whistleblower" system under which humanitarian workers, refugees, and internally displaced persons can report instances of gender-based violence or exploitation of children. Such a system should ensure that—

(1) reports of instances of gender-based violence or exploitation of children may be made confidentially and without risk of retribution;

(2) such reports are swiftly and thoroughly investigated and adjudicated; and

(3) appropriate disciplinary action is taken against a person found to have committed an act of gender-based violence or exploited a child.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on progress that has been made toward designing and implementing the model whistleblower system described in subsection (a).

SEC. 306. WOMEN'S ECONOMIC SELF-SUFFICIENCY.

(a) FINDINGS.—Congress makes the following findings:

(1) It is often difficult to determine when it is safe for women and children to return to a community affected by a complex humanitarian emergency, and in many instances the affected women and children remain refugees or internally displaced for considerable periods of time.

(2) To reduce vulnerability to exploitation and abuse, women who are uprooted from their communities must be given legitimate opportunities to generate income to support themselves and their families.

(3) In situations of long-term displacement, humanitarian and development agencies should provide legal assistance, technical and vocational training, and access to credit for women, so they can earn a safe and lawful livelihood.

(b) WORK PERMITS.—The Department of State should work with host governments, the United Nations High Commissioner for Refugees, and other appropriate United Nations agencies to ensure that, in situations of long-term displacement, refugees and internally displaced persons are granted work permits and other necessary documentation by the host government and local authorities to enable them to generate legitimate income.

(c) AMENDMENTS TO MICROENTERPRISE ACT OF 2000.—Section 102 of the Microenterprise for Self-Reliance Act of 2000 (22 U.S.C. 2151f note) is amended—

(1) in paragraph (4)—

(A) by redesignating subparagraphs (B), (C), and (D) and subparagraphs (C), (D), and (E), respectively; and

(B) by inserting after subparagraph (A) the following:

"(B) Women displaced by armed conflict are particularly at risk, lacking access to traditional livelihoods and means for generating income."; and

(2) in paragraph (13)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following:

"(B) Particular efforts should be made to expand the availability of microcredit programs to internally displaced persons, who historically have not had access to such programs.".

(d) AMENDMENTS TO THE FOREIGN ASSISTANCE ACT.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended—

(1) in section 108 (22 U.S.C. 2151f)—

(A) in subsection (b)(3), by inserting after "microentrepeneurs" the following: ", with an emphasis on women microentrepeneurs,"; and

(B) by adding at the end the following new subsection:

"(g) REPORTING REQUIREMENT.—The Administrator of the agency primarily responsible for administering this part, as part of the annual congressional presentation documents of the agency, shall submit to Congress a report that contains—

"(1) an estimate of the number of women living below the national poverty line that have secured loans or received training through the programs described in this Act;

"(2) the percentage of women borrowers in programs funded by the agency under this Act;

"(3) the percentage of the total loan funds disbursed by the agency under this Act that were made available to women borrowers; and

"(4) a discussion of the impact that such loans have had on the economic status of such women."; and

(2) in section 131 (22 U.S.C. 2151a)—

(A) in subsection (b)(1)(D), by inserting before the period at the end the following: ", including programs to eliminate legal and institutional barriers to women's ownership of assets, access to credit, and engagement in business activities within or outside of the home";

(B) in subsection (b)(2)(C), by inserting before the period at the end the following: ", including women's organizations"; and

(C) in subsection (c)—

(i) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively, and realigning such subparagraphs, as so redesignated, four ems from the left margin;

(ii) by striking "In order" and inserting the following:

"(1) ESTABLISHMENT.—In order";

(iii) in subparagraph (D), as redesignated by clause (i), by striking "paragraph (3)" and inserting "subparagraph (C)"; and

(iv) by adding at the end the following new paragraph:

"(2) DISAGGREGATION.—All goals, indicators, analyses, and recommendations required by this section shall be disaggregated by sex.".

(e) MICROFINANCE GRANTS.—

(1) IN GENERAL.—Of the funds made available for the Department of State under section 135(b)(2) of the Foreign Assistance Act of 1961 (as added by section 501 of this Act), $1,500,000 may be made available to provide grant assistance—

(A) to microfinance institutions for the purpose of expanding the availability of credit, savings, training, technical assistance, business development services, and other financial services to very poor entrepreneurs, as defined in section 131(b)(3) of the Foreign Assistance Act of 1961, who are refugees; and

(B) for policy and regulatory programs at the country level that improve the environment for microenterprise among refugee populations.

(2) GRANT PROVIDERS.—Assistance described in paragraph (1) shall be provided through United States and indigenous private and voluntary organizations, credit unions, cooperatives, and other nongovernmental organizations with a capacity to develop and implement microenterprise programs.

SEC. 307. INTERNATIONAL MILITARY EDUCATION AND TRAINING.

Section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347) is amended—

(1) by striking "or (iv)" and inserting "(iv)"; and

(2) by striking "rights." and inserting "rights, or (v) improve the protection of civilians, especially women and children who are affected by armed conflict, including those who, as a result of an armed conflict, are refugees or displaced persons.".

SEC. 308. PROTECTION INITIATIVES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary and the Administrator of the United States Agency for International Development should continue to develop protection initiatives that support nongovernmental organizations and multilateral institutions in identifying protection problems associated with complex humanitarian emergencies and strategies for prevention of gender-based violence and exploitation of children and accountability during a complex humanitarian emergency, including—

(A) training of field workers on identifying and responding to gender-based violence and the exploitation of children;

(B) support for the rapid deployment of personnel trained to identify protection needs to areas affected by complex humanitarian emergencies;

(C) support for registration initiatives which document refugees and internally displaced persons for purposes including the provision of assistance to such persons and of family reunification; and

(D) support for programs that provide assistance to women who were displaced due to a complex humanitarian emergency, including—

(i) psycho-social counseling;

(ii) training related to income generation and employment skills; and

(iii) emergency health care required to respond to gender-based violence; and

(2) the United Nations High Commissioner for Refugees should review—

(A) its placement practices to ensure that—

(i) senior protection officials are assigned to the posts where women and children are in the most danger of gender-based violence or exploitation;

(ii) experienced protection officers are present at border crossings; and

(iii) more female staff are present in camps for refugees or displaced persons; and

(B) its personnel system to facilitate the hiring of successful junior professional officers on a permanent basis following their initial tours of duty.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall report to the appropriate congressional committees any steps taken to develop the protection initiatives described in subsection (a).

SEC. 309. ACCOUNTABILITY.

(a) REQUIRED ACTIONS.—Each coordinator shall—

(1) report allegations of gender-based violence, exploitation of children, and other protection violations to the Inter-Agency Standing Committee for appropriate response; and

(2) request an annual report from the United Nations High Commissioner for Refugees on the actions taken by the High Commissioner to prevent gender-based violence, exploitation of children, and other protection violations.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, and annually thereafter, the Secretary shall transmit to the appropriate congressional committees the report described in paragraph (2) of subsection (a).

TITLE IV—POSTCONFLICT RECONSTRUCTION AND REHABILITATION

SEC. 401. FINDINGS.

Congress makes the following findings and statements of policy:

(1) The United Nations Security Council Resolution 1325 of October 31, 2000, called on all actors involved in the negotiation and implementation of peace agreements to address the specific needs of women and girls during and after armed conflicts.

(2) Women and children can play an important role in the prevention and resolution of armed conflicts and in peace-building.

(3) Despite positive roles of women in fostering peace, they are excluded from most peace negotiations at the diplomatic and operational level.

(4) Effective institutional arrangements designed to ensure the protection and full participation of women and youth in the peace process, including peacekeeping as well as peace-building, can significantly contribute to the maintenance and promotion of international peace and security.

(5) Rape should receive special attention by war crimes tribunals, truth and reconciliation panels, and other organs of justice.

(6) Assistance that is linked to peace processes should support and strengthen women's roles as economic leaders and assist women in accessing the global marketplace.

(7) Women must be afforded an equal role in decisionmaking to ensure that their interests are represented at all levels of government.

SEC. 402. SUPPORT FOR COMMUNITIES AND FORMER COMBATANTS.

(a) REQUIREMENT FOR PROGRAMS.—The Secretary, in conjunction with the Administrator for the United States Agency for International Development, shall develop and implement specific programs to provide assistance to communities that have been affected by a complex humanitarian emergency and to former combatants, including:

(1) ECONOMIC DEVELOPMENT.—Multi-year economic development programs that are intended to provide gender-balanced benefits and to assist female heads of households.

(2) PRODUCTIVE ASSETS.—Programs to increase access to or ownership of productive assets such as land, agricultural equipment, and credit by women.

(3) EDUCATION AND TRAINING.—Education and training programs that are integrated with economic development programs to encourage the reintegration of former combatants into society and to promote post-conflict stability in affected communities.

(4) EXTENSION OF EDUCATION AND TRAINING.—Programs to extend education and training, including training in business development, to women and girls.

(5) POLITICAL EMPOWERMENT.—Programs to politically empower women, including training to assist women and women's organizations in understanding legal systems, electoral processes, legislation advocacy, and the role of the media, public affairs and information technology in politics, and in obtaining leadership positions.

(b) PROGRAMS OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT.—The United States Executive Director of the International Bank for Reconstruction and Development shall work to ensure that disarmament, demobilization, and reintegration programs developed and funded by the International Bank for Reconstruction and Development provide benefits to former combatants that are comparable to the benefits provided by such programs to other individuals.

SEC. 403. POLICE REFORM AND ACCOUNTABILITY.

(a) FINDINGS.—Congress makes the following findings:

(1) In many developing and postconflict countries, police and military forces continue to function as instruments of repression, coercion, and centralized power, even after a transition to democracy has begun.

(2) In order for a transitional, postconflict society to become stable and democratic, it is necessary for the government of such society to make a clear separation between police and military functions, and clearly define the military forces that are subject to civilian, democratic control, and the point at which police forces become accountable, representative service-providers to local communities.

(3) Police officers in developing and postconflict countries are often paid minimal salaries and receive little or improper training, resulting in widespread police corruption and citizens viewing the police as an obstacle to justice rather than the enforcer of justice.

(4) Successful professionalization and democratic reform of police forces requires not only adequate financial resources, but also concurrent strengthening of the rule of law and system of justice, transparency, and cooperation with local community and human rights organizations, removal of corrupt and abusive personnel, and political will for meaningful reform at the highest levels of government.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on all current programs to assist nations to reconstitute civilian police authority and capability following a complex humanitarian emergency, including ensuring the enforcement of laws that are designed to protect women and children and improve accountability for gender-based violence.

SEC. 404. SENSE OF CONGRESS REGARDING THE IMPROVEMENT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

It is the sense of Congress that the United Nations Department of Peacekeeping Operations should—

(1) ensure that gender issues are mainstreamed into its peacekeeping missions, including by establishing a senior gender advisor post within the Department of Peacekeeping Operations which reports directly to the Under Secretary General for Peacekeeping Operations;

(2) provide military, police, and civilian personnel deployed to areas where women and children are at risk of gender-based violence or exploitation with training materials that—

(A) assist such personnel with protecting and addressing the particular needs of women and children; and

(B) were developed in consultation with women's organizations; and

(3) ensure that the Special Representative of the Secretary General of the peacekeeping mission has direct contact with local women leaders or women's organizations in the area in which the peacekeepers are deployed for the purpose of obtaining information regarding gender-based violence or exploitation of children.

TITLE V—WOMEN AND CHILDREN'S PROTECTION ASSISTANCE

SEC. 501. WOMEN AND CHILDREN'S PROTECTION ASSISTANCE.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new section:

“SEC. 135. WOMEN AND CHILDREN'S PROTECTION ASSISTANCE.

“(a) AUTHORITY.—Notwithstanding any other provision of law, and subject to the limitations of subsection (b), the President is authorized to provide assistance for programs, projects, and activities to promote the security of, provide equal access to basic services for, and safeguard the human rights and dignity of civilian women and children who are refugees, displaced persons, or living in areas affected by a complex humanitarian emergency. Such assistance shall include programs—

“(1) to build the capacity of nongovernmental organizations to protect women and children during a complex humanitarian emergency, by training staff, incorporating cross-sectored initiatives that promote child protection, collecting and analyzing data, developing curricula, designing field programs, and building local partnerships;

“(2) to support local and international nongovernmental initiatives to prevent, detect, and report exploitation of children and gender-based violence, including through the provision of training humanitarian protection monitors for refugees and internally displaced persons;

“(3) to conduct protection and security assessments for refugees and internally displaced persons in camps or in communities, with special emphasis on the security of women and children for the purposes of improving the design and security of camps for refugees and internally displaced persons, including provision for lights, fences, radios, and other logistics and durable goods;

“(4) to provide, when practicable, education during a complex humanitarian emergency, including primary, secondary, remedial, and accelerated education, vocational and technical training, health and safety awareness, and other structured activities that create safe spaces for children and adolescents, especially for girls;

“(5) to reintegrate and rehabilitate former combatants and survivors of gender-based violence, including through remedial and accelerated education, technical, and vocational training, psychosocial assistance and trauma counseling, family and community reinsertion, medical assistance, and strengthening community systems to support sustained reintegration;

“(6) to establish registries and clearinghouses to trace relatives and begin family reunification, with a specific focus on helping children find their families;

“(7) to provide interim care and placement for separated children and orphans, including monitoring and followup services;

“(8) to provide legal services for survivors of rape, torture, and other forms of gender-based violence, including the collection of evidence for war crimes tribunals and advocacy for legal reform; and

“(9) to provide training in human rights and humanitarian law, particularly as they relate to the protection of women and children, to local law enforcement personnel in areas of high concentration of refugees and internally displaced persons.

“(b) COMPLEX HUMANITARIAN EMERGENCY DEFINED.—In this section, the term ‘complex humanitarian emergency’ means a situation that—

“(1) occurs outside the United States and results in a significant number of—

“(A) refugees;

“(B) internally displaced persons; or

“(C) other civilians requiring basic humanitarian assistance on an urgent basis; and

"(2) is caused by one or more situations including—

"(A) armed conflict;

"(B) natural disaster;

"(C) significant food shortage; or

"(D) state-sponsored harassment or persecution.

"(c) Authorization of Appropriations.—

"(1) In general.—There is authorized to be appropriated to the President $45,000,000 for each of fiscal years 2004 and 2005 to carry out this section.

"(2) Allocation of funds.—Of the amounts authorized to be appropriated under paragraph (1), in each fiscal year, $25,000,000 shall be administered by the United States Agency for International Development and $20,000,000 shall be administered by the Department of State.

"(3) Limitation.—Of the amounts authorized to be appropriated under paragraph (1)—

"(A) not more than $2,000,000 shall be made available in a fiscal year for the programs described in subsection (a)(5); and

"(B) not more than $2,000,000 may be transferred in each fiscal year to the Department of Justice to provide training for foreign law enforcement personnel in the investigation and prosecution of gender-based violence and exploitation of children.

"(4) Relation to existing law.—The authority provided by subsection (a) shall be subject to the limitations and prohibitions contained in section 104(f).

"(5) Additional funds.—Amounts authorized to be appropriated by this section shall be made available, in addition to funds otherwise made available under this part, to the Department of State for the Migration and Refugee Assistance account or the Emergency Refugee and Migration Assistance account, or to the United States Agency for International Development for the International Disaster Assistance account.

"(6) Competitive grants.—Amounts authorized to be appropriated by this section shall be made available in the form of grants and cooperative agreements that are issued on an open and competitive basis.

"(7) Availability of funds.—Amounts appropriated pursuant to this section are authorized to remain available until expended.".

By Mr. McCAIN (for himself, Mr. BROWNBACK, Mr. EDWARDS, and Mr. GRAHAM of South Carolina):

S. 1002. A bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing drugs by athletes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. McCAIN. Mr. President, today, I am joined by my colleagues Senators BROWNBACK, EDWARDS and GRAHAM in introducing the Amateur Sports Integrity Act of 2003. This legislation would make it illegal to gamble on Olympic, college, or high school sports, and it would authorize appropriations for the National Institute of Standards and Technology to fund research into methods of detection and prevention of the use athletic performance-enhancing drugs. The bill is similar to legislation that has been reported twice in previous Congresses.

The legislation is designed to respond to a number of troubling issues plaguing amateur athletics, including a gambling epidemic among high school and college students, and a significant increase among our youth in the use of performance-enhancing drugs and supplements. This bill is essential to ensuring the integrity and legitimacy of amateur athletics—an important institution in the social fabric of this country.

This bill would codify a recommendation made by the congressionally-created National Gambling Impact Study Commission, NGISC, to ban betting on collegiate and amateur athletic events. In the summary of its comprehensive report to Congress dated June 1999, the NGISC noted growing concern regarding increasing levels of sports wagering by high school and college students. The NGISC cites a 1996 study sponsored by the National Collegiate Athletic Association, which found that of the over 200 student athletes surveyed in Division I basketball and football programs, more than one in four admitted to betting on college sports while in school.

More recently, a study conducted by the Psychology Department of Central Connecticut State University contends that the problem of gambling among college students has been relatively overlooked when studying student risk-taking behavior. The study links legal and illegal gambling by indicating that, "it is reasonable to expect that the growth of legalized gambling over the past decade would result in an increase in student gambling and gambling problems, including students who gamble at a pathological level." It is important to understand that gambling is not a problem that occurs in a vacuum. The Connecticut study found that one out of nine students at four Connecticut universities suffered from a gambling problem that was "significantly connected" to substance and dietary problems, such as marijuana use, cigarette smoking, and binge eating and drinking.

Just as the use of performance-enhancing drugs threatens the integrity of amateur sports, so does gambling, as it invites public speculation as to their legitimacy and transforms student athletes into merely objects to be bet upon. Betting can also provide unnecessary temptation to amateur athletes to agree to point-shaving and other outcome-fixing schemes at the expense of their teammates, their fans, and their futures. Many of the same pressures that lead college players to cheat also push these young people to use performance-enhancing drugs. The combination of stresses placed on student athletes to perform athletically, handle newly-found notoriety, and pursue professional athletic careers drive many to seek an edge through the use of such substances.

Although the Amateur Sports Integrity Act would ban legal gambling on amateur athletics, it may also reduce a substantial amount of illegal gambling. The relationship between legal and illegal gambling was addressed by the NGISC, which observed that "legal sports wagering—especially the publication in the media of Las Vegas and offshore-generated point spreads fuels a much larger amount of illegal sports wagering."

In 1992, Congress recognized the Federal interest in protecting amateur sports from the harmful effects of gambling, and prohibited state-sanctioned sports betting in the overwhelming majority of states. Although Congress "grandfathered" Nevada, Oregon, Montana, and Delaware, only Nevada has chosen to permit legal gambling on amateur sports. Recently, however, the gaming industry has lobbied aggressively in an effort to convince the Delaware State legislature to exploit the loophole by legalizing gambling on amateur and professional sports.

Congress must act quickly to close the loophole that currently allows just a handful of States to serve as national clearinghouses for betting on our youth. By allowing betting in any state, we send a confusing message to our youth as to whether gambling on amateur athletics is, in fact, legal or illegal. While I do not pretend that this bill solves all problems associated with gambling and the use of performance-enhancing drugs, I do believe that it will send a clear message that gambling on amateur athletics and the use of these substances is dangerous and wrong.

I urge my colleagues to respond to the pleas of prominent college presidents and coaches, and join in supporting this important measure.

I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Amateur Sports Integrity Act".

TITLE I—PERFORMANCE ENHANCING DRUGS

SEC. 101. SHORT TITLE.

This Title may be cited as "Athletic Performance-Enhancing Drugs Research and Detection Act".

SEC. 102. RESEARCH AND DETECTION PROGRAM ESTABLISHED.

(a) In General.—The Director of the National Institute of Standards and Technology shall establish and administer a program under this title to support research into the use of performance-enhancing substances by athletes, and methods of detecting their use.

(b) Grants.—

(1) In general.—The program shall include grants of financial assistance, awarded on a competitive basis, to support the advancement and improvement of research into the

use of performance-enhancing substances by athletes, and methods of detecting their use.

(2) BANNED SUBSTANCES.—In carrying out the program the Director shall consider research proposals involving performance-enhancing substances banned from use by competitors in events sanctioned by organizations, such as the International Olympic Committee, the United States Olympic Committee, the National Collegiate Athletic Association, the National Football League, the National Basketball Association, and Major League Baseball.

(3) RESEARCH CONCENTRATION.—In carrying out the program, the Director shall—

(A) fund research on the detection of naturally-occurring steroids, such as testosterone, and other testosterone precursors (e.g., androstendione), and other substances, such as human growth hormone and erythropoietin for which no tests are available but for which there is evidence of abuse or abuse potential;

(B) fund research that focuses on population studies to ensure that tests are accurate for men, women, all relevant age, and major ethnic groups; and

(C) not fund research on drugs of abuse, such as cocaine, phencyclidine, marijuana, morphine/codeine, benzodiazepines, barbiturates, and methamphetamine/amphetamine.

(c) TECHNICAL AND SCIENTIFIC PEER REVIEW.—

(1) IN GENERAL.—The Director shall establish appropriate technical and scientific peer review procedures for evaluating applications for grants under the program.

(2) IMPLEMENTATION.—The Director shall—

(A) ensure that grant applicants meet a set of minimum criteria before receiving consideration for an award under the program;

(B) give preference to laboratories with an established record of athletic drug testing analysis; and

(C) establish a minimum individual grant award of not less than $500,000 per fiscal year.

(3) CRITERIA.—The list of minimum criteria shall include requirements that each applicant—

(A) demonstrate a record of publication and research in the area of drug testing;

(B) provide a plan detailing the direct transference of the research findings to lab applications in athletic drug testing; and

(C) certify that it is a not-for-profit research program.

(4) RESULTS.—The Director also shall establish appropriate technical and scientific peer review procedures for evaluating the results of research funded, in part or in whole, by grants provided under the program. Each review conducted under this paragraph shall include a written report of findings and, if appropriate, recommendations prepared by the reviewer. The reviewer shall provide a copy of the report to the Director within 30 days after the conclusion of the review.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director of the National Institute of Standards and Technology $4,000,000 per fiscal year to carry out this section for fiscal years 2004, 2005, 2006, 2007, and 2008.

SEC. 103. PREVENTION AND INTERVENTION PROGRAMS.

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology shall develop a grant program to fund educational substance abuse prevention and intervention programs related to the use of performance-enhancing substances described in section 102(b)(2) by high school and college student athletes. The Director shall establish a set of minimum criteria for applicants to receive consideration for an award under the program. The list of minimum criteria shall include requirements that each applicant—

(1) propose an intervention and prevention program based on methodologically sound evaluation with evidence of drug prevention efficacy; and

(2) demonstrate a record of publication and research in the area of athletic drug use prevention.

(b) MINIMUM GRANT AWARD.—The Director shall establish a minimum individual grant award of not less than $300,000 per fiscal year.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director of the National Institute of Standards and Technology $3,000,000 per fiscal year to carry out this section for fiscal years 2004, 2005, 2006, 2007, and 2008.

TITLE II—GAMBLING

SEC. 201. PROHIBITION ON GAMBLING ON COMPETITIVE GAMES INVOLVING HIGH SCHOOL AND COLLEGE ATHLETES AND THE OLYMPICS.

(a) IN GENERAL.—The Ted Stevens Olympic and Amateur Sports Act (chapter 2205 of title 36, United States Code) is amended by adding at the end the following new subchapter:

"SUBCHAPTER III—MISCELLANEOUS

"§ 22051. Unlawful sports gambling: Olympics; high school and college athletes

"(a) PROHIBITION.—It shall be unlawful for—

"(1) a governmental entity to sponsor, operate, advertise, promote, license, or authorize by law or compact, or

"(2) a person to sponsor, operate, advertise, or promote, pursuant to law or compact of a governmental entity,

a lottery, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly, on a competitive game or performance described in subsection (b).

"(b) COVERED GAMES AND PERFORMANCES.—A competitive game or performance described in this subsection is the following:

"(1) One or more competitive games at the Summer or Winter Olympics.

"(2) One or more competitive games in which high school or college athletes participate.

"(3) One or more performances of high school or college athletes in a competitive game.

"(c) APPLICABILITY.—The prohibition in subsection (a) applies to activity described in that subsection without regard to whether the activity would otherwise be permitted under subsection (a) or (b) of 3704 of title 28.

"(d) INJUNCTIONS.—A civil action to enjoin a violation of subsection (a) may be commenced in an appropriate district court of the United States by the Attorney General of the United States, a local educational agency, college, or sports organization, including an amateur sports organization or the corporation, whose competitive game is alleged to be the basis of such violation.

"(e) DEFINITIONS.—In this section:

"(1) HIGH SCHOOL.—The term 'high school' has the meaning given the term 'secondary school' in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(2) COLLEGE.—The term 'college' has the meaning given the term 'institution of higher education' in section 101 of the Higher Education Act of 1965 (20 U.S.C. 8801).

"(3) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given that term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that Act (chapter 2205 of title 36, United States Code) is amended by adding at the end the following:

"SUBCHAPTER III—MISCELLANEOUS

"220541. Unlawful sports gambling: Olympics; high school and college athletes.".

By Mr. CRAIG.

S. 1003. A bill to clarify the intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President I rise to introduce legislation that will remove any ambiguity as to the intent of the Central Idaho Wilderness Act of 1980 to provide for continuation of the historical use of outfitter hunting camps on the Salmon River. In short, these lodges were established well before the river designation, have been managed as a part of the river designation for 23 years and allow users, in particular the elderly and the physically challenged, to have access to and enjoy the spirit of this wild area. Their rustic nature upholds the ideals envisioned by Congress, and they are used in accordance with all provisions of the law.

I am mystified as to why someone would want to eliminate this historical use. However, that is what some extreme wilderness organizations would like to do. They want the Forest Service and the Courts to ignore the intent of Congress in establishing the Central Idaho Wilderness Act and re-establish a pristine area which blocks access to many current users.

In the Findings Section of the Central Idaho Wilderness Act, it is clearly stated that "protection can be provided—to the Salmon River—without conflicting with established uses." It is my understanding that a great deal of time and effort was put into crafting this designation so that established and historic uses of the area would be maintained while preserving one of our Nation's treasures—the River of No Return.

In reading the voluminous hearing record and report language, I found references to "lodges," "hunting lodges," "outfitters lodges," and "commercial services may be performed" throughout the record. It is clear to me that Senator Church, of Idaho, the main proponent of the legislation, intended for these lodges to remain. The report language specifically states, "We favor administration of the main Salmon River under the provisions of the Wild and Scenic River Act so as to permit continuation, as appropriate, of motorized travel on the river and outfitter and camping facilities."

However, I believe the record shows Senator McClure of Idaho was more of a prophet when he stated, "Whether it is this year, next year, or 5 years from now, or 10 years from now, some forest administrator in the area is going to say it would be a lot more convenient for us to manage that problem if we did not have to deal with that guy that is there. . . . We all know that it was intended for the wild and scenic river classification as attached to that river, that the existing use was going to be permitted to continue; and then, all of a sudden, we find out that that is now unacceptable."

Senator McClure is off by only 20 years and it is not a forest administrator, but an extreme wilderness organization that is seeking the elimination of these well established lodges.

This legislation clarifies that these three specific lodges are an established and historical use in the Central Idaho Wilderness Act and should remain a part of the legacy of this great river.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1003

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 3(a)(24) of P.L. 90–542 (16 U.S.C. Sec. 1274) is amended to add the following after paragraph (C) and redesignate subsequent paragraphs accordingly:

"(D) The established use and occupancy of lands and maintenance or replacement of facilities and structures for commercial recreation services at Stub Creek located in Section 28, T24N, R14E, Boise Principal Meridian, at Arctic Creek located in Section 21, T25N, R12E, Boise Principal Meridian and at Smith Gulch located in Section 27, T25N, R12E, Boise Principal Meridian shall continue to be authorized, subject to such reasonable regulation as the Secretary deems appropriate, including rules that would provide for termination for non-compliance, and if terminated, reoffering the site through a competitive process."

By Mr. DURBIN (for himself, Ms. COLLINS, and Mrs. CLINTON):

S. 1004. A bill to ensure that children at highest risk for asthma, vision, hearing, and other health problems are identified and treated; to the Committee on Finance.

Mr. DURBIN. Mr. President, I rise today to introduce the Healthy Children Learn Act with my colleague from Maine, Senator COLLINS. I am also pleased to have Senator CLINTON as an original cosponsor of this measure. This legislation focuses on eliminating some bureaucratic barriers that make it more difficult for schools to provide their students with health care services, if they so choose.

Many schools have found that the health of a child can significantly affect his or her ability to learn. To enhance children's learning ability and to increase the well-being of their students, these schools sometimes choose to provide health care services including health care screenings.

One example of a disease that significantly affects children's education is asthma. Asthma is the single greatest reason for school absenteeism today. Over five million children in America suffer from asthma. Forty-nine percent of children with asthma missed school in the last year, and 48 percent of children with asthma are limited in sports and recreation. Lack of physical activity, in turn, can lead to childhood obesity with its concomitant health care problems.

"America is in the middle of an asthma epidemic—an epidemic that is getting worse, not better." So says the PEW Environmental Health Commission in its most recent report on asthma. The prevalence of asthma continues to rise at astounding rates, in every region of the country and across all demographic groups, whether measured by age, race or sex.

My home State of Illinois has some of the highest rates of childhood asthma in the country. Unfortunately, Chicago has the highest childhood asthma-related death rate in the Nation. Over 60 percent of childhood admissions to the emergency room in Chicago are for asthma. This disease exacts a very significant toll on children in my State.

For the next 15 minutes, imagine breathing through a tiny straw the size of a coffee stirrer, never getting enough air. Now imagine suffering through the process three to six times a day. This is asthma. Can a child really concentrate on learning when he or she is gasping for air?

Due to the very high rates of asthma in Chicago and its effects on absenteeism and children's ability to learn when at school, the Chicago Public Schools, CPS, instituted an asthma screening program. The school system developed an asthma manual to provide a standard plan of care for all students with asthma. They provided citywide nurse training to develop a uniform, high standard for approaching students with asthma and their parents and high-quality education about the environmental triggers for asthma and how to lessen them, together with education on how to use asthma inhalers. In 1999, they identified 12,374 cases of asthma. CPS continues to monitor and evaluate this program, and they have also partnered with other organizations such as the American Red Cross Asthma Program, the University of Chicago and the Chicago Department of Public Health Asthma Programs. CPS has also developed parent tutoring programs and has linked asthmatic children with primary health care providers for appropriate follow-up.

All of these efforts are extremely important, but they are resource intensive. This legislation addresses a barrier to children receiving vital health screenings in schools. It provides for a $10 million grant program for school districts such as CPS to apply for funds for asthma screening for those children who are not eligible for either S-CHIP or Medicaid. The grants would be targeted to those districts that have the highest prevalence or deaths associated with asthma.

CPS has also found that a child's ability to learn is affected by impaired vision and hearing, and as a result, children with vision deficits are far more likely to fail academically. In 1998, CPS found that children who were retained failed their school-based vision screening at a rate 50 percent higher than children who were not failing. Likewise, children who have difficulty hearing often struggle with language development, social processes and communication. This can seriously impair all aspects of the educational process. Through these programs, CPS has provided more than 5,000 free eye exams, and 4,000 free pairs of glasses have been dispensed. They currently are reimbursed less than 40 percent of the cost of the vision and hearing screenings. To address some of these funding shortfalls, this legislation creates a $10 million grant program for vision and hearing screening.

This legislation would also remove barriers that prevent school systems from receiving reimbursement for health screenings are services. Schools that make the extra effort to provide their students health care services should be adequately reimbursed. For an example, when they provide Medicaid-eligible children with Medicaid-covered services, they should receive appropriate reimbursement for those services. Likewise, reimbursement for the S-CHIP program should be available for covered services for children enrolled or eligible for the program, and clarifies Medicaid payment rules so that schools can be reimbursed when they provide a Medicaid-covered service to a Medicaid child.

No child should have his or her education threatened by the lack of effective screening to diagnose these health problems. The treatments or corrective devices are available and we should see to it that the children receive them when necessary. The Healthy Children Learn Act will help children receive the health care services they need so that they can seize the educational opportunities available to them.

By Mr. LEAHY (for himself, Mr. LUGAR, Mr. BINGAMAN, Mr. DODD, and Mr. JEFFORDS):

S. 1007. A bill to amend the Child Nutrition Act of 1966 to promote better nutrition among school children participating in the school breakfast and lunch programs; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LEAHY. Mr. President, I am pleased to introduce today with my respected colleague from Indiana, Senator LUGAR, a bill designed to improve the health of our Nation's schoolchildren. I am also pleased to have the support of Senators BINGAMAN, DODD and JEFFORDS, who have worked with me in past Congresses on this bill. I am hopeful that in the coming weeks many more Senators will join us in this important effort.

We have an obesity crisis in America. Too many children are gaining too much weight. Advertisements for soda and candy bombard them from television, vending machines, and grocery store aisles. Schools, however, should be a healthy refuge from the outside world, where kids can learn to make the right choices when it comes to their diets. Nutrition education needs to be a critical component of every child's school day. But with all of the funds that Congress rightly appropriates each year for nutrition education and healthy school lunches and meals, our Nation's efforts are severely undermined when children have to walk through a gauntlet of vending machines offering unhealthy choices on the way to the cafeteria.

Under current regulations, schools may not offer soda, hard candies or other foods of minimal nutritional value in the cafeteria during lunch or breakfast. Unfortunately, some private companies have offered schools signing bonuses to openly flout this restriction, at times lining the halls to the cafeterias with foods that provide absolutely no nutritional value. In February 2001, the Washington Post reported that a school in Maryland had signed a contract with a soda company that contained a clause forbidding the school from enforcing the Federal ban on soda machines in schools. The clause read "If the Board of Education actively enforces the policy in which vending machines are turned off during the school day, the commission guarantee will be suspended." In other words, the schools could only get commissions from the vending machines if they broke the law.

We can not sell our children's health to the highest bidder on a sodas contract. That is why our bill would give the Secretary of Agriculture authority to more effectively restrict the sale of soft drinks and other foods of minimal nutritional value in schools that participate in the Federal school lunch program. We would give the Secretary authority to regulate these foods throughout the school grounds, until the end of the school lunch period. Our bill also mandates that the Secretary use the best science available to determine which foods provide no nutritional value. My bill will ensure that students are not substituting empty calorie sodas and snacks for their nutritious federally subsidized school meals.

According to a report issued by the Center for Science and the Public Interest, 20 years ago boys consumed more than twice as much milk as soda: now boys and girls drink twice as much soda as milk. This is a huge problem, particularly for girls—the teenage years are critical for building up a woman's lifetime supply of calcium. Girls who substitute soda for milk are at a greater risk for developing osteoporosis later in life. We must provide our kids with better options. I have no problem with vending machines themselves, but let's get vending machines that sell fresh milk, fruits and vegetables into our schools.

Senator LUGAR and I have successfully worked together on many important issues relating to child nutrition and agriculture in the past. I am extremely pleased that we can work together again to create healthier schools and healthier children.

I ask unanimous consent that the text of the Better Nutrition for Schoolchildren Act of 2003 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Better Nutrition for School Children Act of 2003".

SEC. 2. FOODS OF MINIMAL NUTRITIONAL VALUE.

(a) IN GENERAL.—Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is amended—

(1) in subsection (a), by inserting "(throughout the entire school, including the school grounds, until the end of the time of service of food under the school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.))" after "participating schools";

(2) by striking subsection (b);

(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting after subsection (a) the following:

"(b) BASIS.—The Secretary shall promulgate the regulations required under subsection (a) based on sound nutritional science, as determined by the Secretary.

"(c) FACTORS.—In promulgating the regulations required under subsection (a), the Secretary shall consider—

"(1) the nutritional needs of students in various grade levels;

"(2) the proximity of any area where foods of minimal nutritional value may be sold, donated, or served without charge to the food service facilities or areas;

"(3) the extent to which students will likely substitute consumption of foods of minimal nutritional value for other food served in participating schools under this Act and the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

"(4) the benefits to a school of permitting the sale, donation, or service without charge of foods of minimal nutritional value, including the extent to which the proceeds of such sales inure to the benefit of a school or an organization of students approved by a school.".

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall promulgate such regulations as are necessary to implement the amendments made by this section.

(2) FOODS OF MINIMAL NUTRITIONAL VALUE.—In promulgating the regulations, the Secretary shall review and (as necessary) revise the definition of "foods of minimal nutritional value" that is used to carry out the Child Nutrition Act of 1966 (42 U.S.C. 1786) and the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(3) PROCEDURE.—The promulgation of the regulations and the administration of the amendments made by this section shall be made without regard to chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this subsection, the Secretary shall use the authority provided under section 808(2) of title 5, United States Code.

Mr. LUGAR. Mr. President, I am pleased to join my good friend and colleague, Senator PATRICK LEAHY in introducing the Better Nutrition for School Children Act of 2003. This bill takes a common sense, flexible approach to the sales of food that competes with federally supported school meals, and represents one component of addressing the overall health of our Nation's children.

This year Congress will address a number of the Federal nutrition programs, including those administered through local school systems. Our Nation's schools provide our children with over 28 million federally subsidized meals each day. For some of these children, these meals provide the bulk of their nutrition needs. As a result, the meals served by schools should meet balanced nutrition standards in order to promote overall health.

Unfortunately, an increasing number of our Nation's children are becoming overweight and obese. Children who are overweight and obese are much more likely to have difficulty controlling their weight in the future, which increases their risk of medical problems such as diabetes and heart disease. In order to address this issue, Congress has a duty to analyze variables at school that affect a child's health, including foods of minimal nutritional value.

In addition to the federally subsidized foods served in our schools, many children have access to and choose to purchase competitive foods from other sources, such as vending machines. This bill asks the Secretary of Agriculture to investigate the sales of foods that are outside the Federal meal programs and issue a regulation that balances the schools' interests with that of overall childhood health. In particular, the regulation must take into consideration the financial benefits a school receives from competitive food sales, how likely a child is to make this choice instead of nutritious foods, and the nutritional needs of children according to their school grade level. This bill does not require the Secretary to implement any further restrictions than what currently exist.

I believe this bill provides a rational approach to one facet of improving the health and fitness of our Nation's children. I urge my colleagues to join us in supporting The Better Nutrition for School Children Act of 2003.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 132—COMMENDING JOHN W. KLUGE FOR HIS DEDICATION AND COMMITMENT TO THE LIBRARY OF CONGRESS

Mr. STEVENS (for himself, Mr. FRIST, Mr. DASCHLE, Mr. WARNER, Mr. LOTT, and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 132

Whereas John W. Kluge is the greatest individual benefactor in the history of the Library of Congress (the "Library") and is known in the international corporate community as one of the Library's staunchest supporters;

Whereas John W. Kluge, by the example of his wise counsel and leadership as the founding chairman of the James Madison Council, the Library's private sector philanthropic organization, has inspired many others to join in support of Library programs and initiatives;

Whereas John W. Kluge has faithfully served on the Library's Trust Fund Board since 1993;

Whereas John W. Kluge's visionary support for Library programs which reach across America and around the world has transformed the Library into an unparalleled electronic educational resource;

Whereas John W. Kluge has established in the Library an endowed scholarly program of chairs and fellows in areas of study not covered by the Nobel prizes;

Whereas John W. Kluge has enabled the American people, through the Library, to recognize lifetime scholarly achievement in the intellectual arts with a $1,000,000 prize award which will be given for the first time in November 2003;

Whereas the Librarian of Congress, James H. Billington, considers John W. Kluge "one of the Library's greatest friends";

Whereas all Americans have greatly benefited from the generosity of John W. Kluge; and

Whereas John W. Kluge has inspired Americans by his example of support for programs which educate and equip individuals to be responsible and productive citizens: Now, therefore, be it

Resolved, That the Senate—

(1) commends John W. Kluge for his dedication and commitment to the Library of Congress;

(2) expresses its sincere gratitude and appreciation for his example of philanthropy and public service to the American people; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to John W. Kluge.

SENATE RESOLUTION 133—CONDEMNING BIGOTRY AND VIOLENCE AGAINST ARAB AMERICANS, MUSLIM AMERICANS, SOUTH-ASIAN AMERICANS, AND SIKH AMERICANS

Mr. DURBIN (for himself, Mr. SUNUNU, and Mr. FEINGOLD) submitting the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 133

Whereas all Americans are united in supporting American men and women who protect our Nation abroad and at home;

Whereas thousands of Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans serve in the military and in law enforcement, working to protect all Americans;

Whereas the Arab-American, Muslim-American, Sikh-American, and South-Asian-American communities are vibrant, peaceful, and law-abiding, and have greatly contributed to American society;

Whereas Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans, as do all Americans, condemn acts of violence and prejudice;

Whereas the United States Senate is concerned by the number of bias-motivated crimes against Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans, and other Americans in recent months: Now, therefore, be it

Resolved, That the Senate—

(1) declares that the civil rights and civil liberties of all Americans, including Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans, should be protected;

(2) condemns bigotry and acts of violence against any Americans, including Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans;

(3) calls upon local, State, and Federal law enforcement authorities to work to prevent bias-motivated crimes against all Americans, including Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans; and

(4) calls upon local, State, and Federal law enforcement authorities to investigate and prosecute vigorously all such crimes committed against Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans.

Mr. DURBIN. Mr. President, Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans are an important part of America. Like other ethnic and religious groups, they and their ancestors came to this country seeking political freedom and economic opportunity. They have flourished, making great contributions to our society every day. They are armed service-members, law enforcement officers, teachers, doctors, lawyers, and businesspeople. They are leaders in American society, including members of Congress and Cabinet members.

Tragically, in the aftermath of the September 11 terrorist attacks, some misguided bigots turned against Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans, singling them out as targets for violence and threats of violence. Hate crimes against these communities, including violent physical assaults, sharply increased. The Federal Bureau of Investigation reports that the number of anti-Muslim incidents rose 1600 percent from 2000 to 2001, largely due to this post-9/11 backlash.

In response, countless Americans came to the support of Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans, condemning the attacks and embracing the affected communities. At that time, I submitted a resolution, which was unanimously approved, condemning bigotry and violence against Sikh Americans.

Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans are suffering again, and it is again time to express our support for them. Since the beginning of the war in Iraq, hate crimes against these communities have spiked. For example, a man who law enforcement believe was motivated by anti-Arab sentiment allegedly shot four people to death in New York City during February and March. President Bush has declared that major combat operations in Iraq have ended, but hate crimes against Arab Americans, Muslims, South-Asian Americans, and Sikhs continue. For example, at the University of California Los Angeles, someone recently poured pig's blood on Muslim prayer rugs in an interdenominational chapel. The FBI is investigating the incident as a bias-motivated crime.

Hate crimes against these communities are wrong and un-American. We must condemn them in the strongest terms, and law enforcement must investigate and prosecute vigorously the perpetrators.

Sadly, Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans are also increasingly concerned that the Federal Government views them with suspicion, and that they are being subjected to heightened government scrutiny as a result of their national origin or religion. Our counterterrorism efforts must not discriminate on the basis of national origin or religion or violate the civil liberties of innocent Americans. The government's efforts to combat terrorism must focus on criminal or terrorist behavior, not ethnicity or creed.

I believe that discriminatory counterterrorism tactics, or those that violate civil liberties, are not only wrong, but they do not make our country any safer. Our country's history demonstrates that respect for individual rights enhances our stability and security. Singling out a large group of mostly innocent Arabs, Muslims and South Asians squanders precious law enforcement resources and alienates communities whose cooperation we need. It runs counter to basic principles of community policing, which reject the use of racial and ethnic profiles and focus on building trust and respect by working cooperatively with community members.

The resolution I submit today recognizes that Arab Americans, Muslim Americans, Sikh Americans, and South Asian Americans, greatly contribute to American society and serve honorably in the military or law enforcement, urges respect for civil rights and civil liberties, condemns bias-motivated crimes against members of these communities, and calls upon Federal and local law enforcement to prosecute such crimes vigorously. I urge my colleagues to support it.

SENATE CONCURRENT RESOLUTION 42—WELCOMING THE PRIME MINISTER OF SINGAPORE, HIS EXCELLENCY GOH CHOK TONG, ON THE OCCASION OF HIS VISIT TO THE UNITED STATES, EXPRESSING GRATITUDE TO THE GOVERNMENT OF SINGAPORE FOR ITS STRONG COOPERATION WITH THE UNITED STATES IN THE CAMPAIGN AGAINST TERRORISM, AND REAFFIRMING THE COMMITMENT OF CONGRESS TO THE CONTINUED EXPANSION OF FRIENDSHIP AND COOPERATION BETWEEN THE UNITED STATES AND SINGAPORE.

Mr. BOND (for himself, Mr. LUGAR, Mr. HAGEL, Mr. TALENT, and Mr. SESSIONS) submitted the following concurrent resolution; which was considered and agreed to.

S. CON. RES. 42

Whereas Congress is pleased to welcome the Prime Minister of Singapore, His Excellency Goh Chok Tong, on his visit to the United States;

Whereas the United States and Singapore have a strong and enduring friendship;

Whereas the United States and Singapore share a common vision in ensuring the continued peace, stability, and prosperity of the Asia-Pacific region;

Whereas Singapore is the 11th largest trading partner of the United States;

Whereas the Government of Singapore reacted with outrage and deep sympathy for the people of the United States in response to the terrorist attacks of September 11, 2001;

Whereas Singapore has joined with the United States in the global struggle against terrorism, offering political, diplomatic, intelligence, and humanitarian support;

Whereas the Government of Singapore stood with the United States as a member of the Coalition for the Immediate Disarmament of Iraq;

Whereas Singapore, which has one of the busiest ports in the world, was the first Asian country to join the Container Security Initiative (CSI), a key United States Customs Service initiative designed to prevent terrorist attacks against the United States and other nations using global sea cargo;

Whereas the relationship between the United States and Singapore extends beyond the current campaign against terrorism and is reinforced by strong ties of culture, commerce, and scientific and technical cooperation; and

Whereas this relationship touches on almost every field of international cooperation, including a common commitment to foster a stronger and more open international trading system: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) welcomes the Prime Minister, His Excellency Goh Chok Tong, to the United States;

(2) expresses its profound gratitude to the Government of Singapore for its expressions of sympathy and support after the September 11, 2001, terrorist attacks and its demonstrated willingness to fully cooperate with the United States in the global campaign against terrorism; and

(3) reaffirms its commitment to the continued expansion of friendship and cooperation between the United States and Singapore.

SENATE CONCURRENT RESOLUTION 43—EXPRESSING THE SENSE OF CONGRESS THAT CONGRESS SHOULD PARTICIPATE IN AND SUPPORT ACTIVITIES TO PROVIDE DECENT HOMES FOR THE PEOPLE OF THE UNITED STATES

Mr. BROWNBACK (for himself, Mr. REED, Mr. ALLARD, Ms. CANTWELL, Mr. CHAMBLISS, Mr. CONRAD, Mrs. DOLE, Ms. LANDRIEU, Mr. SANTORUM, and Ms. STABENOW) submitted the following concurrent resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. CON. RES. 43

Whereas the United States promotes and encourages the creation and revitalization of sustainable and strong neighborhoods in partnership with States, cities, and local communities;

Whereas the United States promotes and encourages the creation and revitalization of sustainable and strong neighborhoods in partnership with States, cities, and local communities and in conjunction with the independent and collective actions of private citizens and organizations;

Whereas establishing a housing infrastructure strengthens neighborhoods and local economies and nurtures the families who reside in them;

Whereas an integral element of a strong community is a sufficient supply of affordable housing;

Whereas affordable housing may be provided in traditional and nontraditional forms, including apartment buildings, transitional and temporary homes, condominiums, cooperatives, and single family homes;

Whereas for many families a home is not merely shelter, but also provides an opportunity for growth, prosperity, and security;

Whereas homeownership is a cornerstone of the national economy because it spurs the production and sale of goods and services, generates new jobs, encourages savings and investment, promotes economic and civic responsibility, and enhances the financial security of all people in the United States;

Whereas although the United States is the first nation in the world to make owning a home a reality for a vast majority of its families, ⅓ of the families in the United States are not homeowners;

Whereas a disproportionate percentage of families in the United States that are not homeowners are low-income families;

Whereas 74.2 percent of Caucasian Americans own their own homes, only 47.1 percent of African Americans, 47.2 percent of Hispanic Americans, and 55.8 percent of Asian Americans and other races are homeowners;

Whereas the community building activities of neighborhood-based nonprofit organizations empower individuals to improve their lives and make communities safer and healthier for families;

Whereas one of the best known nonprofit housing organizations is Habitat for Humanity, which builds simple but adequate housing for less fortunate families and symbolizes the self-help approach to homeownership;

Whereas Habitat for Humanity is organized in all 50 States with 1,655 local affiliates and its own section 501(c)(3) Federal tax-exempt status and locally elected completely voluntary board of directors;

Whereas Habitat for Humanity has built nearly 150,000 houses worldwide and endeavors to complete another 50,000 homes by the year 2005;

Whereas Habitat for Humanity provides opportunities for people from every segment of society to volunteer to help make the American dream a reality for families who otherwise would not own a home; and

Whereas the month of June has been designated as "National Homeownership Month": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) everyone in the United States should have a decent home in which to live;

(2) Members of the Senate and the House of Representatives should demonstrate the importance of volunteerism;

(3) during the years of the 108th and 109th sessions of Congress, Members of the Senate and the House of Representatives, Habitat for Humanity, and contributing organizations, should sponsor and construct 2 homes in the Washington, D.C., metro area each as part of the "Congress Building America" program;

(4) each Congress Building America house should be constructed primarily by Members of the Senate and the House of Representatives, their families and staffs, and the staffs of sponsoring organizations working with local volunteers involving and symbolizing the partnership of the public, private, and nonprofit sectors of society;

(5) each Congress Building America house should be constructed with the participation of the family that will own the home;

(6) in the future, Members of the Senate and the House of Representatives, their families, and their staff should participate in similar house building activities in their own States as part of National Homeownership Month; and

(7) these occasions should be used to emphasize and focus on the importance of providing decent homes for all of the people in the United States.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and

Power of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, May 13, at 2:30 p.m. in Room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 520, a bill to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho; S. 625, a bill to authorize the Bureau of Reclamation to conduct certain feasibility studies in the Tualatin River Basin in Oregon, and for other purposes; S. 960, a bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii and to amend the Hawaii Water Resources Act of 2000 to modify the water resources study; S. 649, a bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in projects within the San Diego Creek Watershed, California, and for other purposes; and S. 993, a bill to amend the Small Reclamation Projects Act of 1956, and for other purposes. (Contact: Shelly Randel 202-224-7933, Kellie Donnelly 202-224-9360 or Jared Stubbs at 202-224-7556).

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 6, 2003, at 9:30 a.m. on Media Ownership in SR-253.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on the Constitution, Civil Rights and Property Rights be authorized to meet to conduct a hearing on "Judicial Nominations, Filibusters, and the constitution: When a Majority is Denied its Right to Consent" on Tuesday, May 6, 2003, at 2:30 p.m., in the Dirksen Senate Office Building, Room 226.

Panel I: The Honorable Arlen Specter, U.S. Senator (R-PA);

The Honorable Charles Schumer, U.S. Senator (D-NY).

The Honorable Zell Miller, U.S. Senator (D-GA).

Panel II: Mr. Steven Calabresi, Professor of Law, Northwestern University Law School, Chicago, Illinois;

Mr. John Eastman, Professor of Law, Chapman University School of Law, Director, Center for Constitutional Jurisprudence, Orange, California;

Mr. Bruce Fein, Esq., Fein & Fein, Washington, DC.;

Mr. Michael Gerhardt, Hanson Professor of Law, William & Mary School of Law, Williamsburg, Virginia;

Ms. Marcia Greenberger, Esq., Co-President, National Women's Law Center, Washington, DC.;

Mr. Douglas Kmiec, Dean of the Columbus School of Law, The Catholic University of America, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in Room 628 of the Dirksen Senate Office Building, Tuesday, May 6, 2003, from 10 a.m. to 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Tuesday, May 6, 2003 from 10 a.m. to 12 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 6, 2003 at 2:30 p.m. in closed session to mark up the Emerging Threats and Capabilities Programs and Provisions contained in the Department of Defense Authorization Act for Fiscal Year 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, May 6 at 10 a.m., to receive testimony regarding S. 324, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for certain trails in the National Trails System; S. 634, to amend the National Trails System Act to direct the Secretary of the Interior to carry out a study on the feasibility of designating the Trail of the Ancients as a National Historic Trail; S. 635, to amend the National Trails, System Act to direct the Secretary to update the feasibility and suitability studies of four national historic trails, and for other purposes; and S. 651 to amend the National Trails Systems Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the system, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 6, 2003 at 4:30 p.m. in closed session to mark up the Personnel Programs and Provisions contained in the Department of Defense Authorization Act for Fiscal Year 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 6, 2003 at 3:30 p.m. in closed session to mark up the Seapower Programs and Provisions contained in the Department of Defense Authorization Act for Fiscal Year 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Dr. Peter Winokus, a Fellow on my staff, be permitted on the floor during the consideration of today's energy bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I further ask unanimous consent that when it comes up again he also be given that consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Dr. Jonathan Epstein, a legislative fellow in my office, and Ms. Poonum Agrawal, who is a Presidential management intern with the Energy Committee, both be given floor floor privileges during the pendency of S. 14 and any votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that Jerry Hinkle and Cami Dodge have floor privileges during this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—CALENDAR NO. 53

Mr. McCONNELL. Mr. President, I ask unanimous consent that, at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of calendar No. 53, the bioshield bill. I further ask consent that the only amendments, other than the committee amendment, be the following: a Gregg-Kennedy substitute, and a Byrd amendment regarding mandatory spending. I further ask consent that there be 2 hours for general debate and 1 hour on each amendment to be equally divided in the usual form. I further ask consent that following the disposition of the above amendments and the use or yielding back of debate time, the bill be read a third time, and the Senate then proceed to a vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, reserving the right to object, I will object to this in just a minute, but I do want to spread across the record of the Senate that Senator BYRD and other Members of the Senate of the majority believe this sets up an entitlement.

Senator BYRD believes there should be an annual appropriation for this matter, this should not be an entitlement. As I have indicated, there are people on the other side of the aisle who also acknowledge this is the way things should be done.

We hope there can be some agreement. In the interim, until something is worked out, I object on behalf of Senator BYRD.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. I must say, Mr. President, on this side of the aisle we have cleared this request, so there are no longer any problems over here. I know the senior Senator from West Virginia was hoping to work out some language on the mandatory spending provision. The chairman and the ranking member, I believe, are prepared to allow a vote on Senator BYRD's amendment, and that vote has been incorporated into this request. Therefore, I hope we can get this consent request worked out in the next day or so.

This bill is absolutely vital in that it provides for biomedical countermeasure research and development. We need to move forward on this bill. We really encourage the other side to understand the seriousness of this legislation, the importance of moving it forward.

WELCOMING PRIME MINISTER GOH CHOK TONG

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 42 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 42) welcoming the Prime Minister of Singapore, His Excellency Goh Chok Tong, on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of Congress to the continued expansion of friendship and cooperation between the United States and Singapore.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 42) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 42

Whereas Congress is pleased to welcome the Prime Minister of Singapore, His Excellency Goh Chok Tong, on his visit to the United States;

Whereas the United States and Singapore have a strong and enduring friendship;

Whereas the United States and Singapore share a common vision in ensuring the continued peace, stability, and prosperity of the Asia-Pacific region;

Whereas Singapore is the 11th largest trading partner of the United States;

Whereas the Government of Singapore reacted with outrage and deep sympathy for the people of the United States in response to the terrorist attacks of September 11, 2001;

Whereas Singapore has joined with the United States in the global struggle against terrorism, offering political, diplomatic, intelligence, and humanitarian support;

Whereas the Government of Singapore stood with the United States as a member of the Coalition for the Immediate Disarmament of Iraq;

Whereas Singapore, which has one of the busiest ports in the world, was the first Asian country to join the Container Security Initiative (CSI), a key United States Customs Service initiative designed to prevent terrorist attacks against the United States and other nations using global sea cargo;

Whereas the relationship between the United States and Singapore extends beyond the current campaign against terrorism and is reinforced by strong ties of culture, commerce, and scientific and technical cooperation; and

Whereas this relationship touches on almost every field of international cooperation, including a common commitment to foster a stronger and more open international trading system: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) welcomes the Prime Minister, His Excellency Goh Chok Tong, to the United States;

(2) expresses its profound gratitude to the Government of Singapore for its expressions of sympathy and support after the September 11, 2001, terrorist attacks and its demonstrated willingness to fully cooperate with the United States in the global campaign against terrorism; and

(3) reaffirms its commitment to the continued expansion of friendship and cooperation between the United States and Singapore.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination on the Executive Calendar: Calendar No. 166.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, any statements relating to the nomination be printed in the RECORD, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I am happy that this judge is being approved. We are certainly willing to cooperate when we can. I just wanted to briefly respond to the comment of the distinguished majority whip that the system is broken and we have had to have cloture votes on two judges. My math may be off either way, but I think this is the 123rd judge who will have been approved in a matter of a few seconds: 123 during this administration; 2 have been, in effect, turned down—there is still debate going on on those two—123 to 2.

Statistics show this is the lowest number of vacancies since, I believe, 1959. I could be wrong. But there are a significant number of judges we have approved—as I said, 123.

I understand the seriousness of the feelings of people regarding Miguel Estrada and Priscilla Owen. But looking at the other side of the picture, 123 to 2 is not bad.

I withdraw any objection I might have laid on the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

THE JUDICIARY

Patricia Head Minaldi, of Louisiana, to be United States District Judge for the Western District of Louisiana.

Mr. McCONNELL. Mr. President, we have had this debate many times. What is new is that the filibuster is being used to defeat judicial nominations for the first time in history. Cloture has been used occasionally for the purpose of advancing a nomination, not for defeating it. We do have two nominees who were found unanimously well qualified by the ABA and they are, in effect, being denied an up-or-down vote. If that is what is different, then that is what is producing alarm on our side of the aisle. Of course, we have had that debate many times. Tonight is probably not the time to have it again.

Mr. REID. Mr. President, I simply say that having been in the majority and the minority on a number of occasions, what comes around goes around. We have to appreciate the fact that sometimes we control the Senate. Hopefully, not too long from now—but one never knows—we will be back in control. Someday, there will, again, be a Democratic President. Everybody should understand that what we do here is not for the moment but also for the future.

As I have said, we try to be as cooperative as we can. Sometimes we are not as cooperative as some wish we would be.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR WEDNESDAY, MAY 7, 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Wednesday, May 7. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 12 noon, with the time equally divided between the two leaders or their designees, and that statements be limited to 10 minutes each.

I further ask unanimous consent that at 12 noon the Senate proceed to executive session and begin consideration of Executive Calendar No. 6, the NATO expansion treaty, as provided under the previous order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, for the information of all Senators, tomorrow the Senate will be in a period of morning business until noon. Following morning business, the Senate will begin consideration of the NATO expansion treaty. Under the previous order, the Senate will debate the treaty and dispose of all amendments during tomorrow's session.

I advise my colleagues that rollcall votes are expected in relation to the two amendments to the resolution of ratification. The Senate will not vote on the adoption of the resolution of ratification until Thursday morning at 9:30.

As a reminder, cloture motions were filed on the nominations of Priscilla Owen and Miguel Estrada. This will be the second attempt to cut off a filibuster on the Owen nomination and our sixth effort with respect to Miguel Estrada. Cloture votes on Owen and Estrada will occur during Thursday's session.

In addition, I inform all Members that work continues in an effort to clear several items for floor action. These items are under discussion, including the State Department authorization bill, the bioshield bill, the air cargo security legislation, the FAA reauthorization bill, the FISA legislation, and several judicial nominations. Therefore, Members should anticipate additional votes during tomorrow's session.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:54 p.m., adjourned until Wednesday, May 7, 2003, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 6, 2003:

NATIONAL INSTITUTE OF BUILDING SCIENCES

MORGAN EDWARDS, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2005, VICE MARY ELLEN R. FISE, TERM EXPIRED.

DEPARTMENT OF LABOR

HOWARD RADZELY, OF MARYLAND, TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR, VICE EUGENE SCALIA.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL M. DUNN, 3191

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8069:

To be major general

BRIG. GEN. BARBARA C. BRANNON, 0424

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KEITH B. ALEXANDER, 9763

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICARDO S. SANCHEZ, 9260

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. BRIAN L. TARBET, 0965

CONFIRMATIONS

Executive nominations confirmed by the Senate May 6, 2003:

THE JUDICIARY

CECILIA M. ALTONAGA, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA.

PATRICIA HEAD MINALDI, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA.

HOUSE OF REPRESENTATIVES—*Tuesday, May 6, 2003*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BOOZMAN).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 6, 2003.

I hereby appoint the Honorable JOHN BOOZMAN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. PALLONE) for 5 minutes.

REJECT REPUBLICAN TAX PLAN

Mr. PALLONE. Mr. Speaker, I did not think it was possible, but chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS) came up with a worse tax plan than the one that President Bush proposed earlier this year. Neither the President's plan nor the House Republican plan, scheduled to be marked by the Committee on Ways and Means today, will jump-start the economy.

Mr. Speaker, since the President took office, more than 2.7 million private sector jobs have been lost, the worst record in 40 years. Any tax cut passed by Congress should be fair, fast-acting and fiscally responsible. The Republican plan fails this test.

Mr. Speaker, the Republican tax plan is simply unfair. The wealthiest Americans will fare better under the Republican tax plan than the President's plan, while middle-class Americans, Americans with annual incomes between $30,000 and $100,000, will actually receive less under the Republican plan than they would have under the President's plan. According to a report released this week by the Center on Budget and Policy Priorities, households with incomes of more than $1 million per year would receive an average tax cut this year of $105,600 under the House Republican plan, and that is $15,000 more than they would have received under the President's proposal.

Contrast those benefits with the middle fifth of households that will receive an average tax cut of $218 under the Thomas plan, slightly less than under the Bush plan. And let me reiterate, a millionaire under the Republican plan would see a tax benefit of more than $105,000, and an American making between $40,000 and $50,000 would receive a cut of only $456.

At a time when we should be doing everything possible to jump-start the economy, the Republican solution centers around tax cuts on dividends and capital gains, two cuts that are targeted towards the wealthiest Americans, and according to economists will not create any new jobs. Do not just take my word for it, consider that more than 400 economists earlier this year said, "The tax cut plan proposed by President Bush is not the answer to the problem." The economists concluded that the permanent dividend tax cut in particular is not credible as a short-term stimulus.

Mr. Speaker, like the Bush economic blueprint, the House GOP plan is fiscally irresponsible, saddling our children with debt and hurting long-term economic growth. What a reversal of fortune we have witnessed over the last 2 years. When the Bush administration came into office, there was a projected $5.6 trillion 10-year surplus. With this tax package, coupled with the huge tax cut in 2001, Republicans will produce a record $1.4 trillion deficit over the next 10 years. That is a $7 trillion reversal in our country's fortunes.

Today, based on the tax proposal this House will debate later this week, it is clear the House Republicans have changed their tune. No longer are skyrocketing deficits a concern, this despite the fact that Federal Reserve Chairman Alan Greenspan last week agreed that huge deficits will threaten economic growth. He stated, "If through tax cuts you get significant increases in deficits which induce a rise in long-term interest rates, you will significantly undercut the benefits that would be achieved from any tax cut."

Finally, Mr. Speaker, the Republican tax plan is full of gimmicks designed to hide the true cost to taxpayers. In fact, the only proposals within the Republican plan which are beneficial to America's middle class—that is, the Marriage Penalty Relief and the Child Tax Credit—would expire after 2005. Instead, Republicans would come back and probably extend the benefits which would raise the total cost of the package to at least $760 billion through 2013. The Washington Post editorial page called these gimmicks "tax cut trickery" just this morning in their editorial.

Mr. Speaker, at a time when our economy needs a true jolt to reverse American's fears of losing their jobs, the Republicans once again plan to give a huge tax cut to the wealthiest Americans. This plan offers very little to families and middle-class Americans, and instead saddles them with a huge deficit, a deficit that risks the future of Social Security and Medicare and means likely future interest rate increases.

Democrats have proposed a true economic stimulus plan that is fair, fast acting and fiscally responsible. Our plan would create 1 million new jobs this year, provide an extension of unemployment benefits to millions of Americans still looking for jobs, provide tax relief to small businesses to invest in new equipment this year and provide assistance to cash-strapped States and municipalities.

I do not think there is any question about the choice; but unfortunately, the Republicans have the majority and will likely be able to push their tax cut plan through the House later this week. I think it is very unfortunate because it will do nothing to reverse the economic downturn.

TURNING THE ECONOMIC TIDE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Texas (Mr. DELAY) is recognized during morning hour debates for 5 minutes.

Mr. DELAY. Mr. Speaker, I am very interested in what the previous speaker had to say. The gentleman from New Jersey just went through the President's economic and job growth package by detail, yet failed to go by detail into the Democratic alternative to creating jobs and stimulating economy because they have no alternative. The gentleman quotes the Center for Budget and Policy Priorities as if they are a think tank with credibility. That group is filled with Democratic Hill staffers and former administration people; and obviously, they are not a think

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tank, they are an opposition research organization, so they have no credibility in terms of what we need to stimulate our economy and grow jobs.

Mr. Speaker, too many Americans ready and willing to work are not able to find work. That is the problem. Companies are not investing or expanding, and jobs are not being created. The President's jobs and growth package which the House will take up this week will help remedy those problems. His proposal will immediately stimulate the economy to create new jobs and provide the framework for long-term economic growth. It will provide stimulative tax relief on dividends and capital gains, move the income tax rate reductions planned for 2006 up to this year, and it will eliminate the marriage tax penalty. It will increase the child tax credit, and it will accelerate business depreciation schedules.

Mr. Speaker, that is a real jobs and growth package, and it is not based on some opposition research organization, it is based on history and we understand when we cut taxes we grow the economy. All of these provisions will get jobs into the hands of people who need them, and money in the form of paychecks, not handouts, in the hands of American families.

The gentleman from California (Mr. THOMAS) and the Committee on Ways and Means will propose a package to help create jobs for the millions of Americans out of work and help create an economic environment that rewards investment and risk. The President's plan is an American solution to an American problem.

Congress should get out of the way and let entrepreneurs and workers create jobs through investment, innovation and hard work. But for them to do that, they need real tax relief, substantial enough to do some good in our $10 trillion economy. We do not need timid proposals or hidden tax hikes in the guise of offsets that will only reinforce current anxieties.

Mr. Speaker, after the brief session in 2001, the economic ramifications of the 9/11 attacks and the understandable anxieties during the buildup to the battle of Iraq, we have finally turned this corner toward greater economic recovery. The American people want jobs, and they deserve an economy strong enough to create those jobs.

The President's proposal will create jobs and, finally, turn the economic tide away from anxiety and into the favor of workers, small business people, homeowners, parents and retirees. I look forward to the debate and its ultimate passage.

THREATS TO CONSTITUTIONAL FREEDOMS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from New Mexico (Mr. UDALL) is recognized during morning hour debates for 5 minutes.

Mr. UDALL of New Mexico. Mr. Speaker, the previous gentlemen spoke and said that the Democrats have no plan and have no alternative. The gentleman knows that is false. The Democrats have a solid plan for economic growth, tax cuts to the middle class, not to the wealthy, targeting people who are going to spend it rather than those who are going to keep it, tax incentives for small business, which are a solid part of our plan, extending unemployment benefits and helping States with Medicaid funding. The difference is that our plan is fiscally responsible and fast acting and will prime the pump and get the economy going again.

Mr. Speaker, I rise today to talk about the threats to our constitutional freedoms. On September 11, we saw two planes kill thousands of people in New York. Our country has been in two conflicts overseas since then. There is insecurity in the land. Historically at times like these, Presidents and Congresses have run rough-shod over our constitutional freedoms and taken away individual rights.

A few examples in history: When we were about to go to war with the French, the Congress passed and John Adams signed the Alien & Sedition Act which made it illegal to talk against the government and people were thrown in jail for doing so. Abe Lincoln during the Civil War suspended the Writ of Habeas Corpus. During World War I, we again threw people in jail for speaking against the government. During World War II, we rounded up over 100,000 Japanese-American citizens and put them in internment camps. Fifty years later we realized we had done them wrong, and we apologized and paid them a meager sum. During the McCarthy era in the Cold War, 160 secret hearings were held and lives were ruined if you exercised your constitutional rights.

So in sum, war and fear and insecurity can make us lose our moorings.

After September 11, we rushed to pass the PATRIOT Act in 6 weeks. The PATRIOT Act has some good provisions which update old laws; but it also seriously undermines the Bill of Rights and many other provisions. Take one, the fourth amendment, which says there shall not be any searches of a person's home without a court issuing a warrant.

One of the worst examples of a fourth amendment violation in the PATRIOT Act is a new provision called sneak and peek. That means you can have a secret search of your house. The government can come into your house, they can search it, take things, and you may never learn. Sounds like the fourth amendment out the door.

Under the current regime President Bush can label somebody an enemy combatant, and they are thrown into a military brig even if they are an American citizen. There is no contact with the outside world, no attorney, no charges, no trial, and the person may be detained indefinitely. That does not sound like American justice to me.

□ 1245

And then just last week over in the United States Senate as the New York Times reports, we had a secret hearing in the Senate Intelligence Committee. The White House and the CIA proposed that the CIA and the military be given authority to collect intelligence on American citizens. Not even during the Cold War did we go this far. We have always kept separate the FBI, which does domestic law enforcement, and the CIA and the military, which deal with threats outside the country.

There are many more examples of our rights being eroded today. The President must be held to account for these violations. The Congress must get a grip on these abuses. The Congress should step forward, step up to the plate and review these policies and review these laws. The Congress needs to conduct real oversight in public, not behind closed doors, and needs to protect our constitutional freedoms. Ben Franklin said it best 200 years ago when he said, "If we surrender our liberty in the name of security, then we shall have neither."

COMMITTEE ON WAYS AND MEANS SET TO PASS THE PRESIDENT'S ECONOMIC PLAN

The SPEAKER pro tempore (Mr. ISSA). Pursuant to the order of the House of January 7, 2003, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, I want to take a moment as I begin my remarks and talk about an issue that is so important. I first begin by commending President Bush for his strong leadership on the economy. While so much of our Nation's attention, in fact attention around the globe, has been focused on President Bush's successful leadership as well as the successful efforts of our American men and women to liberate the oppressed people of Iraq from the brutality of Saddam Hussein, President Bush and House Republicans have been working to get this economy moving again. It is so important that we focus attention today on the economy. Today we are going to have action in the House Committee on Ways and Means to create jobs and give Americans the opportunity to go back to work.

Let me tell you why it is important to the people of Illinois. In Illinois we have 6.6 percent unemployment. Unfortunately in the district that I represent, an agricultural-industrial district in the south suburbs of Chicago, our unemployment is actually higher. Grundy County, the county that is my home county, has almost 12 percent unemployment; LaSalle has 9.8 percent unemployment; Will County has 7.9 percent unemployment; Bureau, 8.7; Kankakee, 8.5 percent. Clearly we need to get the economy moving again because it affects folks back home. The philosophy of what we are going to pursue today is following the direction the President laid out for us earlier as we work to get this economy moving again, creating jobs, giving those who are unemployed the opportunity to get a good-paying job and go back to work. Our strategy is to put extra money in the pocketbooks of workers so they can meet their families' needs and raise their take-home pay by cutting their individual taxes. We want to give business the incentive to invest in the creation of jobs.

Economists have analyzed the plan that is before us today and they project that the plan that we will be debating and passing out of the Committee on Ways and Means and hopefully out of the House this week with bipartisan support will create 1 million jobs over the next 16 months. Two-thirds of this package benefits individual taxpayers. In fact, if you pay Federal income taxes, you benefit. We double the child tax credit, from $600 to $1,000. That benefits 1.1 million families with children in Illinois. We eliminate effective immediately the marriage tax penalty. We make effective immediately the Bush individual rate reductions and expand the lowest tax bracket for low-income Americans so more low-income Americans will have their taxes lowered in that new 10 percent tax bracket created for low-income Americans. I note that we also provide additional alternative minimum tax relief, one of the consequences of a bad policy we are still living with from the 1980s. The bottom line is two-thirds of this package benefits average taxpayers, putting extra money in the pocketbooks of workers for their families' needs.

We also jump-start the economy by providing incentives for business to invest, providing for what some people call bonus depreciation, that others like myself call accelerated depreciation, but allowing business to deduct at least 50 percent or more this year of the cost of buying a company car, an office computer, telecommunications or machine tool equipment, or if they are making their office or business more secure, investing in security and equipment, they would be able to recover the cost of that much more quickly. When you think about it, when you encourage a business to buy a company car, there is an autoworker in Chicago or the south suburbs whose job is created. We also allow companies losing money this year to go back and recover some revenue and capital from previous years so they have capital to invest in the creation of jobs.

And due to the President's leadership, we work to provide assistance and relief for those who invest for their retirement. Today, 84 million taxpayers are stockholders. That is over half of American households. Many are senior citizens who have saved for their retirement. Today they are taxed twice on their dividends from their stock holdings. That is not right. It is not fair. I realize my Democratic friends think that is okay because they want to keep the money here in Washington and they think they can spend it better than these stockholders can. The President says we should eliminate that double taxation. We make a big step with the proposal before us today by equalizing the tax treatment between capital gains and stock dividends. Those in the 10 and 15 percent bracket will only pay a 5 percent tax rate. Those in the higher brackets will pay 15. This is a good plan. It puts extra money in the pocketbooks of consumers as well as encourages businesses to invest.

I want to draw attention to one issue which I have been so involved in, which is a key part of the plan that is going to be debated and passed out of the Committee on Ways and Means today, and that is the issue of the marriage tax penalty. There are 42 million married working couples, like Jose and Magdalena Castillo of Joliet, Illinois, two laborers, and, of course, their children Eduardo and Carolina. They live in Joliet, Illinois. They work hard for their living. They benefit from this plan today. When we worked 2 years ago to pass legislation to eliminate the marriage tax penalty because of the rules in the other body, we had to phase it in. Today we are going to pass legislation to make marriage tax penalty relief effective this year. It is wrong to tax marriage. We benefit the Castillo family by eliminating the marriage tax penalty this year. When you think about it, that is $1,400 they can spend in Joliet, Illinois.

ANOTHER VIEW OF THE PRESIDENT'S ECONOMIC PLAN

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, recently President Bush traveled to my home State of Ohio to sell his tax cuts. He went to a manufacturing company of I believe the largest Republican contributor in Ohio to extol the value of his tax cuts. He met with the executives of that company who will enjoy large tax cuts. He did not talk specifically about what individual workers who make 20 and 30 and 40 and $50,000 a year will get, but understand as the President came to Ohio and talked about this tax cut, his 500-plus-billion-dollar tax cut, that half of that tax cut will go to people whose average income is $968,000 a year. So half of that tax cut will go to people who on the average make about $1 million a year.

The President now has shifted from talking about the tax cut because that has fallen on deaf ears, even on the ears of a Republican Senator in Ohio who has said "no" to this tax cut, thinking it throws the budget way out of balance, thinking that the tax cuts go far too much to the wealthiest citizens and not enough to middle-income Americans. The President now has shifted his talk to talk about jobs, saying that the Bush economic plan is not so much about tax cuts but is about job creation. What he does not say is since he took office, we have lost 2.6 million jobs in this country, most of them manufacturing jobs. We have lost manufacturing jobs literally every single month of the Bush presidency, something that has never happened since we have been keeping records on those kinds of things. There has been negative economic growth and negative economic job activity since the President has taken office. That has not happened in the last 50 years. At the same time the President's similar kind of tax cut which passed his first year in office is not paying the kind of benefits that he hoped. He 2 years ago asked Congress, asked the American people for a similar economic package to the one he asks for today. Yet today he is asking for it again even though we have lost 2.6 million jobs and we have lost manufacturing jobs in this country every single month since the President took office. The President wants to give tax cuts to the wealthiest citizens in this country, leaving a few hundred dollars for people making 40 or 50 or 60 or $70,000 a year, giving 10 to $15,000 to people making $1 million a year.

At the same time the President wants to restrict one of the best bipartisan both job creation and poverty programs that this country has had rewarding work, and that is the earned income tax credit. The earned income tax credit was passed by a Democratic Congress with a Republican President in 1975, expanded in the eighties by a Republican President and a Democratic Congress, and now President Bush wants to restrict the earned income tax credit. People making 20, 25, $30,000 a year under the earned income tax credit will get about $1,000 a year more back in their taxes than they would get otherwise. It is a way to reward work. These are people that have full-time jobs, often without health care, often single parents, people that are struggling that need that kind of help. So the President wants to give huge tax cuts to people making $1 million a year and take away much of the tax benefits under the earned income tax credit that people making 20, 25, $30,000 a year make.

Get this, though. The IRS now has decided to change in the last 5 years, under Republican leadership in this House and Senate, to change the frequency by which they audit tax returns. If you are making $30,000 a year and you have filed for the earned income tax credit, one out of 64 of you will be audited by the IRS. But if you make $100,000, only one out of 120 of you will be audited by the IRS. If you are even higher income than that, then only one out of 400 of you will be audited by the IRS. So the IRS is going after people making 20, 30, 40, $50,000 a year while allowing people by and large to skate if they are making a half million or a million dollars a year. Then on top of that the President wants to give a tax cut to the wealthiest people in this country.

The largest newspaper in my district, the Akron Beacon Journal, had this to say about the earned income tax credit this morning: "The President wants Americans to spend their money to boost the economy. He wants to create jobs. The earned income tax credit delivers on both fronts." That is the importance of the earned income tax credit, of keeping it in place, of keeping the eligibility standards where they are, of encouraging more people to file for the earned income tax credit. That will help stimulate the economy. That goes with the general Democratic plan on economic stimulus, not simply giving tax breaks to the richest people in the country hoping that some of the money trickles down for job creation. That clearly has not worked. Instead, the Democratic plan through extending unemployment, through middle-class tax breaks, through helping small businesses, through economic stimulus of building highways and bridges and all that, that is what will put people back to work.

THE MOUNTING FEDERAL DEBT

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I want to talk for a couple of moments on the financial situation of the Federal Government. This chart shows what is happening to gross Federal debt. The debt held by the public, the debt held by government accounts, mostly Social Security, what we are borrowing from Social Security, added together, equal the total amount of debt. The only way debt can be increased in the United States Government is if the House and the Senate pass legislation increasing the debt limit and then the President signs it. That is what we are doing again this year and that is partially because of the increase in Federal spending.

As you can see on this chart, by 2013 we are approaching a debt of $10 trillion; $10 trillion debt compared to a budget for next year that is going to amount to about $2.2 trillion. Let me tell you one of the big problems of why we are going so deep in debt. That is because of the overzealousness of this legislative body and the White House to spend more and more money.

This next chart shows the increase in spending. As you can see, the discretionary spending increases have averaged 6.3 percent each year since 1996. Since 1997, we have increased spending by 7.7 percent. Even in what is called a very frugal budget this year, with increased spending about 4.2 to 4.4 percent, still again it is about twice the rate of inflation. So if we are going to keep increasing spending, then what we are doing in effect is leaving a larger and larger debt to our kids and our grandkids.

I am a farmer from Michigan. Our goal has been on the farm to try to pay down some of that mortgage in order for our kids to have a better chance at success and the good life than maybe their parents had. Here in this body, in Congress, we keep increasing the debt on our kids. It is sort of a hidden tax.

If you will a future tax increase.

Increasing taxes outright is going to increase the chance that you are not going to be reelected.

□ 1300

But increasing spending by increased borrowing means that they are cutting a ribbon on some jogging trail or some library or other pork project. It probably increases the chance that they are going to be reelected. So the propensity to spend more and more money is one of the failures of this legislative system. Simply leaving this mortgage to our kids is in effect saying that our problems today are more important than the problems that our kids and our grandkids are going to face when they are responsible for paying their taxes into this Federal Government.

Let me say that I was disappointed last week in another demonstration of the unwillingness of this Chamber to stay within the budget. Last week we had an HIV/AIDS bill coming before the body that we passed out of the House and sent to the Senate. That bill increased by 50 percent the HIV/AIDS money that was in the budget to be spent internationally to help cure AIDS. So it was an increase of 50 percent over and above what the President suggested, 50 percent over and above what we passed in the budget resolution. So the discipline of this body to reduce spending and live within our budget leaves much to be desired.

How do we get this kind of discipline? We are talking this week about tax cuts, and certainly we cannot pay for tax cuts with increased borrowing. However, we have a system in this country where those who work hard, save and invest and try to start a business and make money producing something that other people want to buy has ended up with the kind of incentives that has made this country the strongest economically in the world. And it is not Government that decides whether we are going to have a good economy. It is the people that decide that it is going to be to their advantage and the advantage of their family if they decide to work hard and try to produce talent or some products that other people want to buy.

So the goal and the key, the bottom line, Mr. Speaker, is that somehow, someplace, sometime this body and the White House have got to come up with the discipline to hold down spending if we want to keep a strong economy and those incentives that cause people to expand business and therefore expand jobs.

THE EFFECTS OF TAX CUTS ON GUAM

The SPEAKER pro tempore (Mr. ISSA). Pursuant to the order of the House of January 7, 2003, the gentlewoman from Guam (Ms. BORDALLO) is recognized during morning hour debates for 5 minutes.

Ms. BORDALLO. Mr. Speaker, I rise today to enlighten my colleagues on how the tax cut legislation will affect my district, the Territory of Guam. Because Guam follows the mirror tax code, tax changes enacted by Congress are mirrored by the Guam tax code, and the tax cuts being contemplated by Congress this week would have a substantial effect on our island's tax revenues.

On Guam we face great challenges due to a recession that continues and a slowdown in visitors to our island. Allow me, Mr. Speaker, to present the Members with a picture of the current fiscal troubles encountered by the Government of Guam. The governor and the legislature are poised to enact a bill that will authorize the borrowing of in excess of $200 million from the bond market to deal with our deficit. We learned just today that Standard & Poor's recently downgraded its general credit rating for the Government of Guam from BB to B, considering Guam's $416 million of current outstanding debt. This places Guam's creditworthiness into a moderate to high-risk category. Thus, in addition to lacking revenues to meet the basic needs of our community, future generations will have to shoulder the burden of excessive bond deficits and high interest repayment rates.

The House Committee on Government Reform, Democratic staff, recently prepared a special report which estimates the effect of the proposed tax cuts on Guam's Treasury. The committee estimates that the proposed tax cuts would cost $38 million for fiscal year 2003. While these funds theoretically provide Guam taxpayers with tax relief, the report demonstrates that the average tax cut for the bottom 56 percent of Guam taxpayers would be $199. The average tax cut for the top 2 percent of taxpayers on Guam would be $13,935. In fact, the top 2 percent in the household income category would receive a disproportionate 21 percent of the total tax cut. While there may indeed be positive benefits to these tax cuts, Mr. Speaker, the loss of $38 million in general fund revenues, almost 10 percent of the fiscal year 2004 budget projection, is a serious issue that should concern us.

While the bill that the House will consider on Friday has scaled back some of the tax cuts on dividends and capital gains, I strongly urge the Committee on the Budget and the Committee on Ways and Means to consider the effects of their proposals on the Territories that implement the mirror tax code such as Guam.

We on Guam would like to see offsets for tax cuts that Congress imposes. This may not be possible, but there are other ways that the Federal Government can help us to mitigate the effects of tax cuts. For example, we would like to see an increase in Compact-impact reimbursement to Guam to cover the actual costs of Compact immigration. We would like to have the Medicaid costs fully reimbursed, not capped by statute. Finally, we would like to see Supplemental Security Income extended to the Territory of Guam.

Any or all of these measures would help us to mitigate the effects of whichever tax cut Congress decides on. So my message today, Mr. Speaker, is that the Territories present unique situations that should be examined whenever Federal policy is considered and most importantly Federal tax policy.

ASTHMA PREPAREDNESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, today is World Asthma Day, and tomorrow is Asthma Awareness Day on Capitol Hill. I am co-chair along with the gentleman from New York (Mr. TOWNS). Tomorrow I will be introducing legislation with the gentleman from Rhode Island (Mr. KENNEDY) called ASTHMA 2003. We intend to offer this legislation, and we think my colleagues should take a look at it and I hope they will cosponsor it.

But today I want all of us to think about this disease which is increasing astonishingly rapidly and it is affecting 20 million Americans, over 5 million of which are children who are in school. Asthma is the most common cause of missed schooldays. That is 14 million annually. It costs us tremendously in lost time learning, lost productivity and earnings and medical expenses, including of course costly emergency room visits.

While scientists work to understand asthma's prevalence and pharmaceutical makers discover new treatments, caring doctors, nurses and respiratory therapists dutifully diagnose and educate patients and parents and children with asthma soldier along, one different aspect I would like to talk about is the importance of remembering asthma medication in the role of self-preparation for emergencies. The events of this past year have heightened our collective consciousness to planning ahead and being ready for the unexpected and symptom-relieving, lifesaving asthma and allergy medication should be a part of every diagnosed individual or their family's "go-kit."

Did anyone see the movie "Signs" last summer when the family hid out in the basement but the father in his haste forgot to grab his asthmatic son's inhaler, the bronchodilator? By the time of escape, the son had to be revived out of his throat-closing reaction with an injection of epinephrine. That is a scary, sobering image. So remember critical medications to treat asthma and severe allergy reactions in the plans. Good resources to follow are the Federal Government's website, www.ready.gov, or ones operated by the American Red Cross or numerous other organizations.

Take us here in the Capitol. It is possible that rather than evacuation, we may be sheltered in place if there is a biological, chemical, or radiological event in the local area. If my colleagues or their families or anybody in the Capitol have allergies or asthma, do they have an extra inhaler in their desk drawer? I ask the Members to please remember this: To encourage their staff and our House employees to plan for such a contingency.

I would like to end with a heartening asthma story which I think comes to the point. In Operation Iraqi Freedom, our Army medical personnel provided a very touching story of treating injured, sick and pregnant civilians, perhaps more than a season of "M*A*S*H" episodes, but I found one especially inspiring. The Washington Post reported this on April 2, reported that Rashed Mohammad, his wife, Sikara, and their son approached U.S. soldiers with their 3-year-old daughter, Rajwa. She was breathing laboredly in rapid gasps. The family could not afford the medical fees at the Iraqi hospital, and the parents feared their daughter would die.

A team led by Captain Eric Schobitz, 30, an Army doctor from Fairfax, administered oxygen and intravenous drip and antibiotics. "She has pneumonia and is also suffering from an asthma attack," he said. Equally important to arresting her acute episode, the Captain Schobitz showed her mother how to administer the inhaler and instructed the family to return if she showed no improvement in 2 days. And at this point, God willing, we are assuming she had a good outcome.

This underscores what I always promote and what my bill tomorrow addresses: Asthma management involves a committed team of the provider, the parents, and the child. I pray for this little girl's good health. I salute Captain Schobitz and urge us to remember asthma and allergy medication in our emergency preparedness efforts and wish all asthmatic children well on the eve of Asthma Awareness Day, which is going to be here in the Capitol.

Mr. Speaker, and colleagues, please join us tomorrow in the Cannon Caucus Room from 1 o'clock to 2 p.m. for a press conference, followed by a free asthma screening for all House Members, staff and all employees.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 13 minutes p.m.), the House stood in recess until 2 p.m. today.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of Heaven and Earth, as Members of the House of Representatives gather to reflect upon the most significant needs of this Nation and make decisions that will shape its future, be very present to each of them with the piercing light of pure wisdom.

Scatter the clouds of self-interest and personal dismay that Your greater purpose may be realized in them.

Holy and Immortal One, all the elements of nature obey Your commands.

Calm the severe storms that have threatened Your people.

Grant compassionate help, protection, renewed faith and love to all who have lost family, home or treasured belongings due to destructive violence.

Turn human fear of Your power into praise of Your goodness.

We, people who trust in You, pray now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. STEARNS) come forward and lead the House in the Pledge of Allegiance.

Mr. STEARNS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

FRANCE SHOWS NO FRIENDSHIP TO THE UNITED STATES

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, today in the Washington Times it was reported that France supplied Iraqi officials passports as they fled U.S. forces, this allegation coming on the heels of another report that French companies sold military spare parts to Iraq shortly before the war. These passports gave the Iraqis who originally fled into Syria the ability to move freely among 12 European Union countries. This means that France gave Hussein's regime officials a get-out-of-jail-free card to escape.

I would like to remind my colleagues that these officials were part of a regime that is responsible for an estimated over 200,000 Iraqis having disappeared over the years, with many of them likely ending up in the secret mass graves that we continue to discover.

In reality, this allegation should come as no surprise. Rather than joining in promoting a free Iraq, the sheer magnitude of France's opposition to coalition actions demonstrates an affinity for this despotic regime.

As France seeks to repair its friendship with the United States, we should ask the question: With friends like that, who needs enemies?

DO NOT TURN OUR BACK ON THE SUDAN

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, several weeks ago Cuba was reelected to the U.N. Human Rights Commission. Given the U.N.'s record, that is not surprising. But more shocking is the Human Rights Commission's treatment of the Sudan. From its northern perch in Khartoum, the Sudanese government has conducted a self-declared jihad against the country's Christian population in the south.

The government has killed 2 million, allowed the enslavement of tens of thousands, and displaced nearly 5 million, and the death toll keeps rising. Somehow the U.N. is willing to ignore these facts.

It has pulled all human rights observers and appears to have declared Sudan slave-free. But we cannot turn our back even if the U.N. has turned theirs. Sudan continues the enslavement and massacre of its Christian population. Sudan's complete disregard for human life and eager support of the slave trade deserve our condemnation.

The Human Rights Commission should reverse its decision, and this Congress should continue to pressure Sudan to end the massacre of its own citizens.

HONORING TARA OGLE

(Mr. KENNEDY of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Minnesota. Madam Speaker, I rise today to honor Tara Ogle, a paramedic in St. Cloud, Minnesota, as this year's recipient of the Minnesota Stars of Life award. The Stars of Life award is given each year to an emergency medical service professional who has demonstrated outstanding service to their profession through communication skills, customer service, and job performance.

Nominated by her team captain in St. Cloud, Tara exemplifies the quality of bravery and caring held by EMS professionals. For example, she recently responded to a call from a family whose child had died. While the parents, understandably distraught, were handling matters with local law enforcement, Tara took extra time with their children and explained what had happened in terms that they could understand. Often in intense emotional situations like this, the needs of children are overlooked. Tara made sure that this did not happen and did her best to ensure that the other children were comforted during this difficult time.

Madam Speaker, I congratulate Tara Ogle and all EMS professionals on their hard work and dedication to their jobs and patients and to our communities. I know we all appreciate the level of care they bring to their profession and are grateful for the service they provide.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

AUTHORIZING PRINTING OF BROCHURES ENTITLED "HOW OUR LAWS ARE MADE" AND "OUR AMERICAN GOVERNMENT," THE PUBLICATION ENTITLED "OUR FLAG," THE DOCUMENT-SIZED ANNOTATED VERSION OF THE UNITED STATES CONSTITUTION, AND THE POCKET VERSION OF THE UNITED STATES CONSTITUTION

Mr. MICA. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 139) authorizing printing of the brochures entitled "How Our Laws Are Made" and "Our American Government", the publication entitled "Our Flag", the document-sized, annotated version of the United States Constitution, and the pocket version of the United States Constitution.

The Clerk read as follows:

H. CON. RES. 139

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. HOW OUR LAWS ARE MADE.

(a) IN GENERAL.—An edition of the brochure entitled "How Our Laws Are Made", as revised under the direction of the Parliamentarian of the House of Representatives in consultation with the Parliamentarian of the Senate, shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $220,794, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 2. OUR AMERICAN GOVERNMENT.

(a) IN GENERAL.—The 2003 revised edition of the brochure entitled "Our American Government" shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $454,160, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 3. OUR FLAG.

(a) IN GENERAL.—The 2003 revised edition of the publication entitled "Our Flag" shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $198,108, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 4. DOCUMENT-SIZED, ANNOTATED UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 2003 edition of the document-sized, annotated version of the United States Constitution shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $432,647, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 5. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 21st edition of the pocket version of the United States Constitution shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $126,729, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

Mr. MICA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to rise here today in support of House Concurrent Resolution 139. Now, this is not a major piece of legislation that is going to have mind-boggling results for the Nation, but what it is is something very important that is in the purview of the Committee on House Administration, and that is legislation that authorizes the printing of the publication entitled "How Our Laws Are Made" and "Our American Government", also the publication entitled "Our Flag", the document-sized annotated version of the United States Constitution and the pocket version of the United States Constitution. I think that is an important responsibility of our committee.

It is the intention of the Committee on House Administration to make certain that these useful and important educational publications are made available to people. I want to say too that at every school group I try to personally deliver to each student, young American, some young, some older students, and many adults a copy of these treasured documents that contain the very foundation and basis for our government and for our freedoms. These publications are not only a resourceful means of information for Members' offices but also a great learning tool for constituents of all ages.

Making these publications available to constituents not only helps them better understand how our government operates, but it also illustrates what their rights are and their responsibilities are in this as citizens of this great country. Our Nation's parents, schools, and communities do a terrific job in teaching the rich history and structure of our government, and I hope these publications will provide additional tools and resources that can continue that tradition and I know that they will.

Each publication will have 550,000 copies printed, of which 430,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the other body, and 10,000 copies shall be for the use of the Joint Committee on Printing. Each Member and Senator shall receive 1,000 copies of these publications and they will be delivered to each Member of the House and the other body's offices. The cost of these publications will be incurred from the Congressional Printing and Binding Fund, and for additional copies, Members have the opportunity to purchase them from the Superintendent of Documents.

It is important that every student in a democracy be absolutely familiar with the very basic principles and values for which our country stands and on which it is based. These documents provide a very articulate description and really an enumeration of those principles and even illustrates how we debate and resolve differences of opinion and how this body, the people's body, operates this institution that has survived for some two centuries of democratic representative government.

So we hope to extend, again, the understanding to students of all ages, young people and adults. We hope to have a better understanding, again, of the basic foundations of the process of government, and these publications will help in that important responsibility.

Madam Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise to associate myself with the remarks of the distinguished gentleman from Florida (Mr. MICA).

I am delighted to cosponsor and support House Concurrent Resolution 139. This resolution, as the gentleman from Florida (Mr. MICA) ably explained, authorizes the printing of brochures entitled "How Our Laws Are Made", "Our American Government", and the publication entitled "Our Flag", the document-sized annotated version of the United States Constitution and the pocket version of the United States Constitution, both vitally important to so many of our constituents and used by so many of our colleagues here to impart information about our government and our Constitution to our citizens.

Madam Speaker, these documents are more than just handy reference materials. Collectively they explain how our federal system of government works, contain the essential documents on which the government is based, including the Declaration of Independence, and answer a wide range of questions frequently asked of our constitutional system.

They are, in a word, indispensable to every American and should be made widely available to every person who seeks answers about what it means to live in the United States. The resolution before us will do just that. I urge the House to support the concurrent resolution.

Madam Speaker, I would be remiss if during today's proceedings concerning the Joint Committee on Printing that I did not mention that one of the institution's finest employees, Mike Harrison, who is on the minority staff and is minority staff director for the Joint Committee on Printing, is not here today. Normally, Mike would be here right by my side.

☐ 1415

He has helped me in the past shepherd through legislation. Unfortunately, Mike is home recovering from an ailment and cannot be here today. The good news is that he is doing quite well and convalescing at home. I spoke with both him and his wife, Lori; and I know so many from here send their best wishes for his speedy recovery. He is as witty as ever, and we look forward to his speedy return.

Madam Speaker, having no further speakers, I yield back the balance of my time.

Mr. MICA. Madam Speaker, I yield myself such time as I may consume.

In conclusion, again, I am here to present House Concurrent Resolution 139, which authorizes the publication of some very important documents, including the Constitution of the United

States, “Our Flag” and “How Our Laws Are Made,” tools that are important to constituents, to students, and a great resource of this body, a somewhat mundane, but necessary, obligation of the Committee on House Administration.

I am sorry that the gentleman from Ohio (Mr. NEY), the chairman of the Committee on House Administration on which I am privileged to serve, is not able to be with us; but I know he supports this publication and also this House concurrent resolution, and I am honored to have the opportunity to act in his stead, to move and recommend for passage by the House H. Con. Res. 139. I urge passage of this measure.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 139.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MICA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of H. Con. Res. 139, the legislation just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AUTHORIZING PRINTING OF BIOGRAPHICAL DIRECTORY OF UNITED STATES CONGRESS, 1774–2005

Mr. MICA. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 138) authorizing the printing of the Biographical Directory of the United States Congress, 1774–2005.

The Clerk read as follows:

H. CON. RES. 138

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF PRINTING.

(a) IN GENERAL.—There shall be printed as a House document a revised edition of the Biographical Directory of the United States Congress for the period ending with the 108th Congress.

(b) SPECIFICATIONS.—The document described in subsection (a) shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Clerk of the House of Representatives and the Secretary of the Senate. The Clerk of the House of Representatives and the Secretary of the Senate shall each provide appropriate biographical data and other material for the document, including data for—

(1) Senators and individuals who have served in both the Senate and the House of Representatives, to be provided by the Secretary of the Senate; and

(2) Members of the House of Representatives (including Delegates and Resident Commissioners to the Congress), to be provided by the Clerk of the House of Representatives.

(c) NUMBER OF COPIES.—In addition to the usual number, there shall be printed with suitable binding the lesser of—

(1) 1,280 copies of the document, of which 250 shall be for the use of the Senate, 930 copies shall be for the use of the House of Representatives, and 100 copies shall be for the use of the Joint Committee on Printing; or

(2) a number of copies that does not have a total production and printing cost of more than $96,500.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

Mr. MICA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to rise here today in support of House Concurrent Resolution 138. This bill authorizes the printing of the “Biographical Directory of the United States Congress,” again, something rather mundane but something necessary and the responsibility of the Committee on House Administration to make this publication available for both the historical, for research and for access of information purposes.

This is the first Federal Government printing of this publication since the 1989 bicentennial edition published pursuant to Senate Concurrent Resolution 85 passed in the 99th Congress.

This particular edition of the “Biographical Directory” will include over 12,000 entries providing valuable information about the individuals who have served in the Continental Congresses, as well as each man and woman who served the 1st through the 108th Congress. Since the first bicentennial edition, there have been an additional 1,198 Members who have become Representatives, and it will also include rosters of State congressional delegations and elected officers.

Under the direction of the Joint Committee on Printing, the Clerk of the House and the Secretary of the Senate will be responsible for the composition of new entries, as well as review all existing entries for accuracy and completeness. The Joint Committee on Printing has been responsible for the compilation and issuance of the “Biographical Directory” since 1928.

This edition of it would be the 16th in a series of such reference works published over the past 140 years, beginning with the 1859 publication of the “Dictionary of Congress,” which was a collection of biographers of former and sitting Members of Congress gathered by Charles Lanman, former secretary to Daniel Webster.

This particular publication will complement the online biographical directory, bioguide.congress.gov, which was first posted in the late 1990s and has been maintained by the Clerk of the House and the Secretary of the Senate.

Madam Speaker, I urge the passage and support of this particular measure.

Madam Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Madam Speaker, I yield myself such time as I might consume; and I, again, wish to associate myself with the remarks of the gentleman from Florida.

Madam Speaker, as the Chair and many of our colleagues know, I am an avid student of this great institution and its history and was proud to sponsor legislation, along with the Chair, that led to the writing of the history of the House by Professor Remini; and it should, therefore, be no surprise that I am an enthusiastic cosponsor of this resolution authorizing the printing of the “Biographical Directory of the United States Congress, 1774 to 2005.”

The volume, as the gentleman from Florida (Mr. MICA) pointed out, was last printed in 1989 for the bicentennial of the establishment of the United States Government under the Constitution and before that in 1971. The Joint Committee on Printing has supervised the biographical directory's printing since 1928.

In the 1989 edition, the “Biographical Directory” listed more than 11,000 men and women who have served in the Congress of the United States, as well as the Continental Congress. The new and revised directory will contain more than 12,000 entries, as well as provide updated information on Members who were included in the 1989 edition.

There is no question that the new directory, like the 1989 edition, will promote a richer understanding of the contributions that the men and women of Congress have made over the 200 years of national growth, challenge, and change.

Some, like Henry Clay, John C. Calhoun, and Daniel Webster, were the heroes of their age. Others, like Jeannette Rankin, Margaret Chase Smith, and Shirley Chisolm, broke significant race and gender boundaries while rendering notable public service. Countless others have worked quietly behind the scenes, like the Chair, Madam Speaker, and the gentleman from Missouri (Mr. CLAY) seated to my right, and my esteemed colleague from New Jersey (Mr. PASCRELL).

The new edition of the “Biographical Directory” of the United States Congress will gather in one updated volume useful historical information for teachers, students, and others describing the careers of the men and women who have served in the United States Congress.

To be sure, much of the material in the biographical directory is available through the Clerk of the House Web site; but there is much that is not, such as listings of the congressional memberships by State and the multiple changes that occurred in each of those Congresses. There is much to be said to be able to leaf through a volume rich in historical detail and discover its secrets rather than simply researching specific items on the Web.

The "Biographical Directory" is an invaluable resource to students, teachers, historians, and all citizens who are interested in the history and the personalities of this great deliberative body. Anytime that we walk through these hallowed hallways or in Statuary Hall, where generations before President Lincoln sat, John Quincy Adams sat, it should give everyone in this body pause to celebrate the great institution that the House of Representatives is.

I urge my colleagues to support the concurrent resolution.

Madam Speaker, I reserve the balance of my time.

Mr. MICA. Madam Speaker, I yield myself such time as I may consume.

I do not have any additional speakers at this time. I am urged to stall a bit because we are waiting the arrival of another Member on another issue, but I would be glad to let the gentleman have this time and then have a few remarks on closing.

Mr. LARSON of Connecticut. Madam Speaker, I have no other speakers at this time, but I would like to note for the record that the gentleman from New Jersey (Mr. PASCRELL) was a student of Professor Remini's in college; and we do not know what his grade point average was, but nonetheless we are proud to note that he was a student at that time.

Madam Speaker, I yield back the balance of my time.

Mr. MICA. Madam Speaker, I yield myself such time as I may consume.

I want to take just a minute since we do have some extra time, if I may, I want to thank the gentleman from Connecticut (Mr. LARSON) and the minority staff, the other half of the Committee on House Administration. I have served on the committee in some rough times, and I am glad to say that I have served on the committee in some good times, good, bipartisan times; and no one has done a better job in service to any committee as ranking member than the gentleman from Connecticut (Mr. LARSON).

I have seen the manner in which he has conducted the important business of the Committee on House Administration. It basically runs the House of Representatives and takes it on in a serious, bipartisan manner; and I want to compliment him and the staff for working together.

We have got a number of important projects, not just these mundane passage of publications that we are doing here, the construction of the visitors center, the oversight and again the operations of this institution, which belongs to the American people; but I do respect so much his work and his effort.

The gentleman from Ohio (Mr. NEY) is not with us at this time, and I have the privilege of handling these measures for him; and it is indeed an honor to work with such distinguished colleagues, both the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON), on this important legislation and responsibility of the Committee on House Administration.

Also, I must say that I am so glad that we will be publishing a "Biographical Directory of the United States Congress," if for no other reason to get the Mica brothers straightened out. As my colleagues may know, and I was told by the former historian of the House, that the Mica brothers are the only two brothers since 1889 to serve in Congress from the same family but different political parties. We have the Kennedys all of one ilk, and we have the Hutchinsons all of another party; but my brother and I got separated somewhere slightly after birth.

He served with distinction as a member of the Democrat Party in the majority from 1978 to 1988, and I came in 1992. So, unfortunately, the Congress has been burdened with the Micas for 2 decades; but since I am not in this most recent publication, at least people will understand that there are two of these folks from different political parties and hopefully actually educate some of the Members who have introduced me as Dan Mica on numerous occasions, both from the Democrat side and the Republican side of the aisle.

Mr. LARSON of Connecticut. Madam Speaker, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Connecticut.

Mr. LARSON of Connecticut. Madam Speaker, I thank the gentleman very much for his gracious accolades, and I want my colleague to know that many Democrats, along with the gentleman's mother, pray continually for his conversion; but nonetheless, we are proud to note how well the gentleman has distinguished himself on the floor of the House, our great House and also as a person who has championed bipartisanship and the great role that he has also played along with his lovely wife in terms of making the annual bipartisan, biannual, bipartisan retreat such an enormous success because of his care for this great institution of ours.

Mr. MICA. Again, I am deeply indebted to the gentleman for his kind words, not only about me and my brother and the Democrat side of my family, but also for mentioning my long-enduring and suffering-of-31-years wife. That will certainly enhance the remainder of my day.

□ 1430

Mr. LARSON of Connecticut. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 138.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MICA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of H. Con. Res. 138, the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

TIMOTHY MICHAEL GAFFNEY POST OFFICE BUILDING

Mr. TURNER of Ohio. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1596) to designate the facility of the United States Postal Service located at 2318 Woodson Road in St. Louis, Missouri, as the "Timothy Michael Gaffney Post Office Building".

The Clerk read as follows:

H.R. 1596

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TIMOTHY MICHAEL GAFFNEY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2318 Woodson Road in St. Louis, Missouri, shall be known and designated as the "Timothy Michael Gaffney Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Timothy Michael Gaffney Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. TURNER) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TURNER).

GENERAL LEAVE

Mr. TURNER of Ohio. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1596.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TURNER of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1596, introduced by the gentleman from Missouri (Mr. CLAY), designates the facility of the United States Postal Service located at 2318 Woodson Road in St. Louis, Missouri, as the Timothy Michael Gaffney Post Office Building. The entire delegation from the State of Missouri has cosponsored this legislation.

Madam Speaker, it is my hope that today this House will honor one of the most devoted and distinguished members of the U.S. Postal Service community by naming one of its facilities after him. Timothy Michael Gaffney worked for the Post Service in St. Louis since 1967, when he began his career as a substitute city letter carrier. He served the Postal Service in many capacities before reaching the rank of Customer Service Manager at St. Louis' Overland postal facility.

Sadly, the St. Louis area and all of America suddenly lost Mr. Gaffney on December 26 at the age of only 54. I commend the gentleman from Missouri (Mr. CLAY) for introducing this meaningful measure that celebrates the life and career of Mr. Gaffney. His outstanding resume includes the position of Superintendent of Branch Operations, Network Planning Specialist, and Manager of Customer Service for several USPS branches in St. Louis. He will be missed, and I hope that the Gaffney family will take some comfort in the likelihood that soon a postal facility in Mr. Gaffney's hometown will be named after him.

Madam Speaker, I urge all Members to support the passage of H.R. 1596 to honor the legacy of Timothy Michael Gaffney's career with the United States Postal Service.

Madam Speaker, I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise as a sponsor of H.R. 1596, a bill to honor the memory of U.S. Postal Service employee Timothy Michael Gaffney, and would like to thank the membership of the entire Missouri delegation for their cosponsorship on this measure.

Mr. Gaffney, while a manager at the Overland Post Office for 2 short years, made a huge impact on the employees there. In the words of one co-worker, Leslie Beck, "He was a personable manager who managed with a huge heart. He continued to help his employees with their personal problems, such as death of elderly parents. We had an employee pass away with cancer, another employee's wife who passed away with cancer at age 49, and yet another employee's daughter who passed away at age 10 with a brain tumor. This was all in the year 2002. It was a very emotional year for all of us, but he was there as support to all of us.

"Then Tim's passing in December 2002 was devastating to all of us. We are working through our grief by planting a tree, purchasing a nice bench and putting it in a peaceful area at the Post Office, and purchasing a memorial plaque for Tim. We have raised almost $600 from just our employees for these projects. We have not asked for or would take money from anywhere else. This had to be all from just us. We are his 'Postal Family'. He was there for us, and we are there for him."

Madam Speaker, renaming the Overland Post Office in honor of Mr. Gaffney would appear to be a fitting reminder of his role and dedication to the community.

I would be remiss if I did not share the full scope of Mr. Gaffney's life both on the job and in his private life. Born on October 30, 1948, Mr. Gaffney was the son of Joseph and Lorayne Gaffney, both deceased as well. A sister Jill Delonjay, and a brother, Mark Gaffney, both live in the St. Louis area, as does a nephew, Tom Harris, who also works for the U.S. Postal Service. Divorced, Mr. Gaffney had no children.

As a youngster, he attended Buder Elementary School and Christian Brothers College High School. It was shortly after high school graduation that he began working part-time at a local Post Office in the St. Louis area. In 1972, Mr. Gaffney received a teaching degree from the University of Missouri at St. Louis. Also, he served proudly and honorably in the Missouri Army National Guard from 1970 to 1976.

He remained active in alumni activities at the Christian Brothers College High School and an avid golfer; he supported the school's charitable golf tournaments, as well as being a great supporter of CBC's football team. Mr. Gaffney showered other organizations with his support, including the Backstoppers and their support for firefighters and police officers. Working with the Combined Federal Campaign in the Postal Service, Mr. Gaffney helped the Overland Station rank number 5 in the St. Louis area for donations to charities. It was very important to him to support charities.

Finally, a big Rams football fan, he was a season ticket holder. I urge Members to support this measure in tribute to a man whose life meant so much to his co-workers and his community.

Madam Speaker, I yield back the balance of my time.

Mr. TURNER of Ohio. Madam Speaker, I thank the gentleman from Missouri (Mr. CLAY) for introducing this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. TURNER) that the House suspend the rules and pass the bill, H.R. 1596.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. TURNER of Ohio. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ROBERT P. HAMMER POST OFFICE BUILDING

Mr. TURNER of Ohio. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1625) to designate the facility of the United States Postal Service located at 1114 Main Avenue in Clifton, New Jersey, as the "Robert P. Hammer Post Office Building".

The Clerk read as follows:

H.R. 1625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROBERT P. HAMMER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1114 Main Avenue in Clifton, New Jersey, shall be known and designated as the "Robert P. Hammer Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Robert P. Hammer Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. TURNER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TURNER).

GENERAL LEAVE

Mr. TURNER of Ohio. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1625.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TURNER of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1625, introduced by the gentleman from New Jersey (Mr. PASCRELL), designates the facility of the United States Postal Service located at 1114 Main Avenue in Clifton, New Jersey, as the Robert P. Hammer Post Office Building. The entire delegation from the State of New Jersey has cosponsored this legislation.

Madam Speaker, Robert P. Hammer was the highly regarded city manager of the New York City suburb of Clifton. He was credited with promoting rapid business expansion which helped to revitalize this northeastern New Jersey community. He improved countless roads, city parks, and single-handedly orchestrated a complex reorganization of city departments that greatly increased their efficiency. Unfortunately, Mr. Hammer's 7-year tenure as Clifton city manager and his distinguished life was cut tragically short when he passed away last December 20, just over 1 week before the beginning of his retirement.

By scanning the news clips that covered his funeral service last December, the words that appear time and again to describe Mr. Hammer include "wonderful," "respected," "friend," "leader" and even "hero." The prayers and condolences of this House go out to Mr. Hammer's wife, Kathleen, and their five children, Megan, Sean, Kelly, Staci and Brett. He was a man who was genuinely devoted to public service. He cared deeply about his community, his friends, and his family, and worked tirelessly to improve the quality of life for all Clifton residents.

I urge all Members to honor Mr. Hammer by supporting the passage of H.R. 1625.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Madam Speaker, I thank the gentleman from Ohio (Mr. TURNER) for his generous words.

I want to also thank this Congress for moving this and putting this on a fast track. Hopefully next month this Post Office will open up, and it will be a fitting gesture from Congress.

I rise today to speak in strong support of H.R. 1625, legislation to name the new postal facility in Clifton, New Jersey, after a really great public servant, Robert P. "Bob" Hammer, former city manager of Clifton, New Jersey.

He was a man who understood what public service was all about. He was honest. His word was his bond. He had integrity. He was a fixture at city hall and in the community, a leader who worked each day to improve the life of every Clifton resident. He was a city manager for 7 years before succumbing to a serious health problem in December 2002 at the age of 54.

In his position as city manager, Madam Speaker, Bob Hammer oversaw a blooming Main Avenue business district. How many towns throughout this landscape we call America are older towns trying to fight back and become part of the economic dream. It is our hope that the new downtown Post Office will be an anchor that holds the redevelopment together and brings residents down to the local businesses. This was one of his dreams.

Naming this Post Office after Bob is an appropriate tribute for an extraordinary individual. He helped improve city parks and playgrounds and ushered in scores of new businesses and homes to this great city even during very tough economic times. He was credited with guiding Clifton through a period of economic growth all while maintaining minimal tax increases. There is no question that Robert Hammer left Clifton a better city than when he started.

How often can we say that for individuals throughout this great country, and that is all anybody can ever ask of us, did we leave the place a little better than how we found it?

A father of five, Bob Hammer developed strong friendships with his humor and his professionalism. He was a leader in the truest sense of word, and a tremendous public servant. My friend and mayor of Clifton, New Jersey, James Anzaldi, said that never in his 30 years of service in Clifton government has he known anyone with Hammer's leadership qualities.

A native of Stanhope, New Jersey, Bob earned a Master's Degree in public administration from Farleigh Dickinson University, and a Bachelor's Degree in commerce from Rider College.

□ 1445

He was a member of the New Jersey and International City Managers Association, the New Jersey Finance Officers Association, and New Jersey International Clerks' Association. He was also an adjunct staff member of Montclair State University, which is also in the Eighth Congressional District.

Before working for Clifton, Bob Hammer was a borough administrator in Oakland, Bergen County, and borough administrator in Bloomingdale, Passaic County. He was a parishioner of St. Philip the Apostle Roman Catholic Church in Clifton and a member of the St. Philip's Knights of Columbus. He was also a past president of the Clifton Rotary. He was a dedicated husband and a great father and son. I know how proud the whole family feels about him.

Our thoughts are with his wife Kathy; his five children, Megan, Kelly, Sean, Brett and Staci; and his parents, Stanley and Vera Hammer, of Stanhope, New Jersey. My staff and I have fond memories of working with Bob on a host of issues over the years. He was on my transportation advisory committee. We worked on Clifton highway interchanges, access to mass transit facilities, and pedestrian safety measures. Government and politics is all local, as someone who stood in your place, Madam Speaker, said many, many times.

Most recently, I was able to work with Mayor Anzaldi and Bob and other Clifton officials and representatives of the U.S. Postal Service to make the new postal facility in Clifton, New Jersey, a reality. The new postal building, which is currently in its final phase of construction, is on schedule to be completed next month. It will service the people of Clifton. The fact that this construction got done at all is a tribute to Bob Hammer.

Madam Speaker, I urge the House to pass this fitting tribute to my friend and our friend, Bob Hammer.

Mr. TURNER of Ohio. Madam Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from New Jersey for introducing this legislation. I urge all Members to support the passage of this measure.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

I simply join with the gentleman from New Jersey in promoting passage of this resolution. I think he has eloquently spoken of the tremendous value of Mr. Hammer to the community where he lived and worked. I simply join with him and urge swift passage of this resolution.

Madam Speaker, H.R. 1625, which names a facility of the U.S. Postal Service, located at 1114 Main Avenue in Clifton, New Jersey, after Robert P. Hammer, was introduced by Representative BILL PASCRELL (D–NJ) on April 3, 2003.

Mr. Robert Hammer served as the Clifton City Manager for seven years before he passed away on December 20, 2002. Long heralded as a distinguished public servant, Mr. Hammer held a number of important positions in city government.

A native of Stanhope, New Jersey, Mr. Hammer had a bachelor's degree in Commerce from Rider College and a master's degree in public administration from Farleigh Dickinson University. In addition, he was a certified municipal finance officer and a registered municipal clerk. He served on numerous State associations and was known throughout the State for his leadership ability and for being inclusive and promoting unity.

Madam Speaker, the Mayor and City Council of Clifton, New Jersey, support this bill. As I understand it, the postal facility to be named after Mr. Hammer, is being built in Clifton and should be operational this month.

I support this measure and urge its swift passage.

Madam Speaker, I yield back the balance of my time.

Mr. TURNER of Ohio. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Ohio (Mr. TURNER) that the House suspend the rules and pass the bill, H.R. 1625.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. TURNER of Ohio. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DR. CAESAR A.W. CLARK, SR. POST OFFICE BUILDING

Mr. TURNER of Ohio. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1740) to designate the facility of the United States Postal Service located at 1502 East Kiest Boulevard in Dallas, Texas, as the "Dr. Caesar A.W. Clark, Sr. Post Office Building".

The Clerk read as follows:

H.R. 1740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DR. CAESAR A.W. CLARK, SR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1502 East Kiest Boulevard in Dallas, Texas, shall be known and designated as the "Dr. Caesar A.W. Clark, Sr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Dr. Caesar A.W. Clark, Sr. Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. TURNER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TURNER).

GENERAL LEAVE

Mr. TURNER of Ohio. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TURNER of Ohio. Madam Speaker, I yield myself such time as I may consume.

H.R. 1740, introduced by the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), designates the facility of the United States Postal Service located at 1502 East Kiest Boulevard in Dallas, Texas, as the Dr. Caesar A.W. Clark, Sr. Post Office Building. The entire delegation from the State of Texas has cosponsored this legislation.

Madam Speaker, by renaming this post office for Dr. Caesar A.W. Clark, this House will commemorate a remarkable American. Dr. Clark has served as the venerated pastor of Good Street Baptist Church in Dallas for over 50 years and is well known throughout the Dallas-Fort Worth area. At 88 years of age, Dr. Caesar A.W. Clark still preaches on Sundays at Good Street Baptist Church. He has delivered his vibrant sermons all over the world during his extraordinary career in the clergy. In addition, he has served as president of the Missionary Baptist Association of Texas and as vice president of the National Baptist Convention.

Growing up, Caesar Clark could not continue in school past the seventh grade because his help was too valuable to the family farm. He ultimately educated himself during his teenage years and earned admittance to Bishop College from which he graduated in 1946. In 1950, he became pastor at Good Street Baptist.

While his professional focus has always been squarely on the valued worshippers at Good Street Baptist, Dr. Clark is also an involved community leader who continues to enjoy membership on the Boy Scouts of America Advisory Committee and the Dallas Black Chamber of Commerce. In addition, Dr. Clark played an active role in our Nation's civil rights struggle. Perhaps most notably he was responsible for drawing Dr. Martin Luther King to his church in 1958 for his first of many speeches in Dallas.

Dr. Caesar A.W. Clark's life is one of dedicated service, compassion, faith, and devotion. For all these reasons, I urge all Members to support the passage of H.R. 1740, which names this Dallas post office building after Dr. Clark. I thank the gentlewoman from Texas for introducing this important legislation.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume. I might note that the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is returning from the Persian Gulf and is unable to be here at the moment with us. I would read her statement into the RECORD:

H.R. 1740, Legislation to Designate the Caesar A.W. Clark, Sr. Post Office. The Honorable EDDIE BERNICE JOHNSON of Texas in the House of Representatives.

"Madam Speaker, H.R. 1740 designates a post office located at 1502 East Kiest Boulevard in Dallas, Texas, as H.R. 1740 enjoys the support and cosponsorship of the entire Texas delegation.

"Madam Speaker, during his 50-year tenure of the Good Street Baptist Church, Reverend Caesar A.W. Clark has provided a wealth of services to thousands of Dallas residents. Leading by example is how Reverend Clark became a pillar of the Dallas community. As an early pioneer in the civil rights movement, Reverend Clark was responsible for the first visit to Dallas by Dr. Martin Luther King, Jr. Following that 1958 visit, Reverend Clark continued to work to end segregation in Dallas.

"We honor Reverend Clark, a nationally renowned member of the clergy, humanitarian and respected leader that Ebony magazine has twice named one of the 15 "Outstanding Black Preachers in America." Under his leadership at Good Street Baptist Church, the church has progressively grown by establishing two day care centers, a free legal clinic, and a federally assisted complex for the elderly. Of particular note in the 1950s, a time when credit was expensive and loan sharks took advantage of people, Reverend Clark organized to create a church credit union. Today, the Good Street Baptist Church has more than $1.2 million in assets and serves nearly 1,500 members and their families. Indeed, this is an honor for Reverend Clark who has served as a vice president of the National Baptist Convention and president of the Missionary Baptist Association of Texas. He has been a source of spiritual inspiration for some of Dallas' oldest African American families and many of our political and civic leaders. While sharing knowledge with residents and cultivating their humility, he is still dedicated to his congregation and to his daily work at Good Street Baptist.

"The designation of this post office acknowledges Reverend Clark's outstanding contributions as pastor at Good Street Baptist Church for more than 5 decades.

"Born in 1914 in Louisiana, Reverend Clark was subjected to a 'Jim Crow' South, a time when nearly all African Americans were not allowed an equal opportunity to receive a quality education. Determined to not let adversity remain a barrier, Reverend Clark studied independently and gained admission to Bishop College. Reverend Clark graduated from there in 1946.

"Reverend Clark is known throughout the State of Texas as a remarkable pastor and dedicated leader who views the community as extended family. I can think of no one more deserving of this honor.

"Madam Speaker, we wish to congratulate Reverend Clark on the designation of this post office and for his many years of service and dedication to the Good Street Baptist Church and citizens of Dallas. His achievements are an inspiration to all of us."

I commend the gentlewoman from Texas for extending to the good reverend this honor.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, it is an honor and privilege to make this statement on behalf of legislation I sponsored honoring a great Texan and American.

H.R. 1740 designates a post office located at 1502 East Kiest Boulevard in Dallas, Texas, as the Ceasar A.W. Clark Post Office. H.R. 1740 enjoys the support and co-sponsorship of the entire Texas delegation.

Madam Speaker, during his 50 year tenure of the Good Street Baptist Church, Reverend Ceasar A.W. Clark has provided a wealth of services to thousands of Dallas residents. Leading by example is how Rev. Clark became a pillar of the Dallas community. As an early pioneer in the civil rights movement, Rev. Clark was responsible for the first visit to Dallas by Dr. Martin Luther King, Jr. Following that 1958 visit, Rev. Clark continued to work to end segregation in Dallas.

I rise to honor Rev. Ceasar Clark, a nationally renown member of the clergy, humanitarian, and respected leader Ebony magazine has twice named one of the fifteen "Outstanding Black Preachers in America". Under his leadership at Good Street Baptist Church, the church has progressively grown by establishing two day care centers, a free legal clinic and a federally assisted complex for the elderly. Of particular note in the 1950's, a time when credit was expensive and loansharks took advantage of people, Rev. Clark organized to create a church credit union.Today, the Good Street Baptist Church has more than $1.2 million in assets and serves nearly 1,500 members and their families.

Indeed this is an honor for Rev. Clark, who has served as a Vice President of the National Baptist Association of Texas. He has been a source of spiritual inspiration for some of Dallas' oldest African-American families and many of our political and civil leaders. While sharing knowledge with residents and cultivating their humility, he is still dedicated to his congregation and to his daily work at Good Street Baptist.

The designation of this post office acknowledges Rev. Clark's outstanding contributions as pastor at Good Street Baptist Church for more than five decades.

Born in 1914 in Louisiana, Rev. Clark was subjected to a "Jim Crow" south, a time nearly all African-Americans were not allowed an equal opportunity to receive a quality education. Determined to not let adversity remain a barrier, Rev. Clerk studied independently and gained admission into Bishop College. Rev. Clark graduated from there in 1946.

Rev. Clark is known throughout the state of Texas as a remarkable pastor and dedicated leader, who views the community as extended family. I can think of no one more deserving of this honor.

Madam Speaker, I wish to congratulate Rev. Clark on the designation of this post office and for his many years of service and dedication to the Good Street Baptist Church and citizens of Dallas.

His achievements are an inspiration to us all.

Mr. DAVIS of Illinois. Madam Speaker, I yield back the balance of my time.

Mr. TURNER of Ohio. Madam Speaker, I want to thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for introducing this legislation. I urge all Members to support the adoption of this measure.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. TURNER) that the House suspend the rules and pass the bill, H.R. 1740.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. TURNER of Ohio. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ADMIRAL DONALD DAVIS POST OFFICE BUILDING

Mr. TURNER of Ohio. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1609) to redesignate the facility of the United States Postal Service located at 201 West Boston Street in Brookfield, Missouri, as the "Admiral Donald Davis Post Office Building".

The Clerk read as follows:

H.R. 1609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADMIRAL DONALD DAVIS POST OFFICE BUILDING.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 201 West Boston Street in Brookfield, Missouri, and known as the Brookfield Main Office, shall be known and designated as the "Admiral Donald Davis Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Admiral Donald Davis Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. TURNER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TURNER).

GENERAL LEAVE

Mr. TURNER of Ohio. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under considerations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TURNER of Ohio. Madam Speaker, I yield myself such time as I may consume.

H.R. 1609, introduced by the distinguished gentleman from Missouri (Mr. GRAVES), redesignates the facility of the United States Postal Service located at 201 West Boston Street in Brookfield, Missouri, as the Admiral Donald Davis Post Office Building. The entire delegation from the State of Missouri has cosponsored this legislation.

Madam Speaker, this bill honors a true American combat hero. Admiral Donald Davis served as a sailor and later as an aviator in three wars for the U.S. Navy. His esteemed career covered 38 years following his graduation from the Naval Academy in 1943.

During World War II, Admiral Davis took part in nine missions aboard the cruiser Mobile in the Pacific Theater. After earning his pilot's wings in 1946, Admiral Davis spent the next 12 years in naval fighter squadrons. During the Korean War, Admiral Davis flew 51 combat missions. Finally, while serving in the Vietnam War, he was assigned to be commanding officer of the aircraft carrier *Kitty Hawk* in the Indian Ocean. Admiral Davis' career culminated with his tour as commander of the Pacific Fleet from May of 1978 to July of 1981. Among his many honors, Admiral Davis was awarded the Air Medal with a gold star, was twice awarded the Distinguished Service Medal, and earned the Legion of Merit four times.

Admiral Davis passed away in July of 1998, but I understand the gentleman from Missouri has known Admiral Davis and his wonderful family for some time. I am privileged to be a part of the consideration of this legislation that renames the post office in Brookfield after the distinguished Admiral Donald Davis.

Therefore, Madam Speaker, I urge all Members to vote in favor of H.R. 1609. I thank the gentleman from Missouri for introducing this measure.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

H.R. 1609, which names a postal facility located at 201 West Boston Street in Brookfield, Missouri, after the late Admiral Donald Davis, was introduced by the gentleman from Missouri (Mr. GRAVES) on April 3, 2003.

Admiral Davis had a very active and distinguished military career which spanned three wars: World War II, the Korean War, and the Vietnam War. A graduate of the United States Naval Academy, Admiral Davis flew with the Navy's first jet squadron, trained fighter pilots, and served as a commanding officer of the carrier *Kitty Hawk*.

During his career, which lasted almost 40 years, Admiral Davis received a number of distinguished and meritorious military declarations: two Distinguished Service Medals, four Legion of Merit, and an Air Medal with a gold star.

As a true hero and patriot, Admiral Donald Cooke Davis served his Nation and community with great honor. I commend my colleague for seeking to recognize the admiral's contributions in this manner. I urge swift adoption of this bill.

Madam Speaker, I yield back the balance of my time.

□ 1500

Mr. TURNER of Ohio. Madam Speaker. I urge all Members to support this measure.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Ohio (Mr. TURNER) that the House suspend the rules and pass the bill, H.R. 1609.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. TURNER of Ohio. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 3 o'clock and 2 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1835

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FLAKE) at 6 o'clock and 35 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 766, NANOTECHNOLOGY RESEARCH AND DEVELOPMENT ACT OF 2003

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–90) on the resolution (H. Res. 219) providing for consideration of the bill (H.R. 766) to provide for a National Nanotechnology Research and Development Program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1596, by the yeas and nays;

H.R. 1625, by the yeas and nays;

H.R. 1740, by the yeas and nays.

The vote on H.R. 1609 will be postponed until tomorrow.

The first and third electronic votes will be conducted as 15-minute votes. The second remaining electronic vote will be conducted as a 5-minute vote.

TIMOTHY MICHAEL GAFFNEY POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1596.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. TURNER) that the House suspend the rules and pass the bill, H.R. 1596, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 29, as follows:

[Roll No. 159]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, M.
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Janklow
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—29

Bishop (UT)
Bonner
Boyd
Buyer
Carson (IN)
Combest
Conyers
Crowley
Deal (GA)
DeGette
Diaz-Balart, L.
Dicks
Dingell
Gephardt
Hinojosa
Hyde
Inslee
John
Larsen (WA)
McCollum
Miller, Gary
Ose
Otter
Payne
Simpson
Sweeney
Tanner
Tauzin
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FLAKE) (during the vote). Members are reminded there are 2 minutes left to vote.

□ 1855

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ROBERT P. HAMMER POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1625.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. TURNER) that the House suspend the rules and pass the bill, H.R. 1625, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 29, as follows:

[Roll No. 160]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, M.
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—29

Bishop (UT)
Bonner
Boyd
Buyer
Calvert
Carson (IN)
Combest
Crowley
Deal (GA)
DeGette
Diaz-Balart, L.
Dicks
Dingell
Frelinghuysen
Gephardt
Hinojosa
Hyde
Inslee
John
Larsen (WA)
Leach
McCollum
Miller, Gary
Otter
Payne
Simpson
Sweeney
Tanner
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FLAKE) (during the vote). Members are advised 2 minutes remain to vote.

□ 1902

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DR. CAESAR A.W. CLARK, SR. POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1740.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. TURNER) that the House suspend the rules and pass the bill, H.R. 1740, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 29, as follows:

[Roll No. 161]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, M.
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling

Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—29

Bishop (UT)
Bonner
Boswell
Boyd
Buyer
Carson (IN)
Collins
Combest
Crowley
Deal (GA)
DeGette
Diaz-Balart, L.
Dicks
Dingell
Gephardt
Hinojosa
Hyde
Inslee
John
Larsen (WA)
McCollum
Miller, Gary
Otter
Payne
Simpson
Sweeney
Tanner
Tauzin
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FLAKE) (during the vote). Members are reminded that 2 minutes remain in the vote.

□ 1919

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I regret that I was unavoidably detained in my congressional district. Had I been present, I would have voted "yes" on rollcalls 159, 160, and 161.

MAKING IN ORDER AT ANY TIME ON WEDNESDAY, MAY 7, 2003, CONSIDERATION OF HOUSE RESOLUTION 148, PROVIDING FOR EXPENSES OF CERTAIN COMMITTEES OF THE HOUSE OF REPRESENTATIVES IN THE 108TH CONGRESS

Mr. LINDER. Mr. Speaker, I ask unanimous consent that it shall be in order at any time on Wednesday, May 7, 2003, without intervention of any point of order to consider House Resolution 148;

The resolution shall be considered as read for amendment;

The amendment that I have placed at the desk (which reflects the amendment ordered reported by the Committee on House Administration) shall be considered as adopted;

The resolution, as amended, shall be debatable for 1 hour, equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration; and

The previous question shall be considered as ordered on the resolution, as amended, to final adoption without intervening motion.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike all after the resolved clause and insert the following:

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED EIGHTH CONGRESS.

(a) In General.—With respect to the One Hundred Eighth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in such subsection.

(b) Committees and Amounts.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $10,327,531; Committee on Armed Services, $11,931,357; Committee on the Budget, $11,869,572; Committee on Education and the Workforce, $14,673,371; Committee on Energy and Commerce, $18,622,138; Committee on Financial Services, $13,696,487; Committee on Government Reform, $19,614,435; Committee on House Administration, $8,527,057; Permanent Select Committee on Intelligence, $7,809,730; Committee on International Relations, $14,552,695; Committee on the Judiciary, $14,048,616; Committee on Resources, $13,509,424; Committee on Rules, $5,669,311; Committee on Science, $11,690,845; Committee on Small Business, $5,120,301; Committee on Standards of Official Conduct, $3,071,250; Committee on Transportation and Infrastructure, $16,461,893; Committee on Veterans' Affairs, $5,486,795; and Committee on Ways and Means, $15,976,288.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) In General.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2003, and ending immediately before noon on January 3, 2004.

(b) Committees and Amounts.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $5,084,900; Committee on Armed Services, $5,871,876; Committee on the Budget, $5,856,333; Committee on Education and the Workforce, $7,047,896; Committee on Energy and Commerce, $9,101,042; Committee on Financial Services, $6,601,085; Committee on Government Reform, $9,740,963; Committee on House Administration, $4,122,092; Permanent Select Committee on Intelligence, $3,780,487; Committee on International Relations, $6,993,645; Committee on the Judiciary, $6,957,554; Committee on Resources, $6,492,029; Committee on Rules, $2,797,898; Committee on Science, $5,711,401; Committee on Small Business, $2,535,261; Committee on Standards of Official Conduct, $1,527,825; Committee on Transportation and Infrastructure, $7,982,558; Committee on Veterans' Affairs, $2,703,328; and Committee on Ways and Means, $7,828,037.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) In General.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2004, and ending immediately before noon on January 3, 2005.

(b) Committees and Amounts.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $5,242,632; Committee on Armed Services, $6,059,481; Committee on the Budget, $6,013,239; Committee on Education and the Workforce, $7,625,475; Committee on Energy and Commerce, $9,521,097; Committee on Financial Services, $7,095,402; Committee on Government Reform, $9,873,472; Committee on House Administration, $4,404,965; Permanent Select Committee on Intelligence, $4,029,243; Committee on International Relations, $7,559,050; Committee on the Judiciary, $7,091,062; Committee on Resources, $7,017,395; Committee on Rules, $2,871,413; Committee on Science, $5,979,444; Committee on Small Business, $2,585,041; Committee on Standards of Official Conduct, $1,543,425; Committee on Transportation and Infrastructure, $8,479,334; Committee on Veterans' Affairs, $2,783,466; and Committee on Ways and Means, $8,148,251.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 6. ADJUSTMENT AUTHORITY.

The Committee on House Administration shall have authority to make adjustments in amounts under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

Mr. LINDER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Georgia?

There was no objection.

APPOINTMENT AS MEMBERS TO UNITED STATES-CHINA SECURITY REVIEW COMMISSION

The SPEAKER pro tempore. Pursuant to section 1238(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (P.L. 106-398) as amended by division P of the Consolidated Appropriations Resolution, 2003, the Chair announces the Speaker's reappointment of the following members on the part of the House to the United States-China Security Review Commission:

Mr. Stephen D. Bryen, Maryland, for a term to expire December 31, 2005;

Ms. June Teufel Dreyer, Florida, for a term to expire December 31, 2003;

Mr. Larry Wortzel, Virginia, for a term to expire December 31, 2004.

BUY AMERICAN

(Mr. RYAN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. RYAN of Ohio. Mr. Speaker, we are losing our industrial base in this country. U.S. manufacturers have laid off 95,000 workers just in the month of April; and since July of 2000, we have lost 2.2 million manufacturing jobs in this country.

We have an obligation through the money we spend in this country to make sure that our companies are buying American. We need to strengthen the Buy American Act and strengthen the Berry amendment, which requires the Department of Defense to buy U.S.-made products.

Currently, we are buying our titanium from Russia to make military planes, and we are buying our tires for armored vehicles from France. Meanwhile, the average U.S. taxpayer is paying $1,000 a year to fund the defense of this country.

We are willing to stop eating French fries to protest France; but where the rubber meets the road, the Department of Defense is out to lunch. The sad part is they are probably eating French fries.

CONGRATULATING TONY HOPSON ON BEING HONORED AS THIS YEAR'S FIRST CITIZEN OF PORTLAND

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, this evening in Portland, Oregon, Tony Hopson is going to be recognized as our First Citizen, special recognition for a special gentleman who has developed an innovative program for young people that for 20 years has not only helped Portland's youth and stabilized our neighborhoods; it has provided significant impact in terms of being a critical foundation for the revitalization of critical areas of northeast Portland. Not only has his program touched the lives of thousands of young people; it has been a signal about how communities can come together and solve problems, bringing out the best in everyone. The success goes beyond our children and our neighborhoods. All who have had the privilege of working with him and his team have been influenced for the better.

I am pleased, Mr. Speaker, that our community is recognizing Mr. Hopson as our First Citizen, important recognition for an outstanding leader and an innovative program.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE WISDOM OF TAX CUTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the current tax debate is more about politics than serious economics. Both sides use demagoguery but propose only modest tax cuts. The benefits that could come from the current tax cut proposal, unfortunately, are quite small and not immediate.

Some say tax cuts raise revenues by addressing economic activity, thus providing Congress with even more money to spend. Others say lowering taxes simply lowers revenues and increases deficits. Some say we must target tax cuts to the poor and the middle class so they will spend more money. Others say tax cuts should be targeted to the rich so they can invest and create jobs. We must accept that it is hard to give tax cuts to people who do not pay taxes. But we could, if we wanted, cut payroll taxes for lower-income workers.

The truth is, government officials cannot know what consumers and investors will do if they get a tax cut. Plugging tax cut data into a computer and expecting an accurate projection of the economic outcome is about as reliable as asking Congress to project government surpluses. Two important points are purposely ignored: first, the money people earn is their own, and they have a moral right to keep as much of it as possible. It is not Congress' money to spend. Government spending is the problem. Taking a big chunk of the people's earnings out of the economy, whether through taxes or borrowing, is always harmful. Taxation is more honest and direct and the harm is less hidden. Borrowing, especially since the Federal Reserve creates credit out of thin air to loan to big spenders in Congress, is more deceitful. It hides the effects and delays the consequences. But over the long term, this method of financing is much more dangerous.

The process by which the Fed monetizes debt and accommodates Congress contributes to, if not causes, most of our problems. This process of government financing generates the business cycle and thus increases unemployment. It destroys the value of the dollar and thus causes price inflation. It encourages deficits by reducing restraints on congressional spending. It encourages an increase in the current account deficit, the dollar being the reserve currency of the world, and causes huge foreign indebtedness. It reflects a philosophy of instant gratification that says, live for the pleasures of today and have future generations pay the bills.

Two final points to remember: whether or not people can keep what they earn is first a moral issue, and second an economic issue. Tax cuts should never be referred to as a "cost to government." Tax cuts should be much bigger and come much sooner for everyone.

Remember, the real issue is total spending by government. Yet this issue is ignored or politicized by both sides of the aisle here in Congress. The political discussion about whether to cut taxes has avoided the real issue and instead has degenerated into charges of class and party warfare, with both sides lusting for power. Of course, the great issue for the ages, namely, what is the proper role for government in a constitutional republic, is totally ignored. Yet another question remains: Are the American people determined they still wish to have a constitutional Republic?

☐ 1930

DISSENT

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE of Florida). Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Madam Speaker, to publicly disagree with the President in wartime is seen by some as being somehow un-American. However, such dissent in this country has a long and distinguished heritage. Thomas Jefferson and James Madison protested John Adams' undeclared war against France. Madison in turn presided over a war so unpopular that it caused the New England States to consider secession. Abraham Lincoln and John Quincy Adams also criticized President James Polk's war on Mexico; and Theodore Roosevelt harshly criticized President Woodrow Wilson's handling of World War I.

Efforts to stifle criticism of the President and his administration during war also have a long history in this country. The Sedition Act of 1798 led to the arrest of many who criticized the Adams administration. A new Sedition Act was passed and enforced during World War I. It was not until 1964 that the Supreme Court effectively eliminated the crime of sedition in the United States and reaffirmed the constitutional right of free expression.

But my own recent experience and the experience of others who opposed military action against Iraq demonstrates that there are still many who believe freedom of speech should be curtailed when American troops go into battle. Respected elected officials have been lambasted for criticizing President Bush's foreign policy failures. Musical groups have been boycotted for making their anti-war feelings known. A screening of Bull Durham at the Baseball Hall of Fame was cancelled because two of its stars are outspoken peace advocates.

When Lincoln was challenged to defend his dissent in 1848, he explained that the Founding Fathers' decision to give war-making powers to Congress was primarily influenced by a long history of oppressive kings involving their peoples in wars under the pretense that it was for the public good. "But your view," Lincoln argued to his correspondent, "destroys the whole matter and places our President where kings have always stood."

Lincoln saw a great peril in the contention that the President should be the sole judge of the necessity to invade another country. He wrote, "Allow the President to invade a neighboring nation whenever he shall deem it necessary . . . and you allow him to make war at his pleasure."

Theodore Roosevelt had strong views on the need to speak out in wartime. Regarding the Sedition Act of 1918, Roosevelt wrote, "To announce that there must be no criticism of the President, or that we are to stand by the President, right or wrong, is not only unpatriotic and servile, but it is morally treasonable to the American public." In that one eloquent sentence, Roosevelt neatly summed up the point that needs to be made. When we disagree with the President and his administration during a war, we have not merely a right but a responsibility to publicly air those disagreements. Accepting that responsibility is imperative for the survival of the Republic as we know it. Without it the checks and balances of our separated system of government would be lost. The suppression of dissent in wartime would provide an unscrupulous or overzealous President with additional motivation to wage war. Senator Robert LaFollette said it best on a speech on the Senate floor in 1917. "It is no answer . . . to say that when the war is over, the citizen may once more resume his rights and feel some security in his liberty and passion. . . . If every preparation for war can be made the excuse for destroying free speech and a free press . . . then we may well despair of ever again finding ourselves for a long period in a state of peace."

LaFollette was not un-American nor were Abraham Lincoln or Theodore Roosevelt. They were patriots in the true sense of the word as are Michael Moore and Susan Sarandon and the Dixie Chicks. Patriotism is defined as "love for or devotion to one's country." Our country is not one President or one administration or one military action or even one flag. It is a place where we are free to openly disagree with our President and his decisions. That is what our country stands for. That is the principle to which we are devoted, and that is what we love.

The most recent ostensible reason we went to war to remove Saddam's regime was to bring this principle to Iraq. Would we have any credibility as freedom preachers if there were no public disagreement in our own home? Vocal displays of dissent during war do not hurt the cause of democracy and freedom. On the contrary, they provide a shining example for those parts of the world that are not yet free. Let us continue to show the world what it is like to live in a country where one can protest against its leaders without fear of reprisal. Let us continue to speak out. Let us continue to be true patriots.

THE OLD MAN OF THE MOUNTAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. BASS) is recognized for 5 minutes.

Mr. BASS. Madam Speaker, 4 days ago New Hampshire lost an old friend. It went unnoticed probably between 2 a.m. in the morning on Saturday. The Old Man of the Mountain collapsed and fell a thousand feet off the face of Canon Mountain, and I know New Hampshire mourns the loss of this great icon as if it were a friend. We all got to know the Old Man of the Mountain very well. We take it and took it very seriously. I remember as a child driving up through Franconia Notch and always stopping to see the Old Man because it was really an extraordinary landmark. As recently as a month and a half ago, I drove down through Franconia Notch with my two children, ages nine and eleven, and we stopped for a moment just to take a look at it and get a quick photograph. Indeed, it was an extraordinary symbol of our State.

I have to say, however, that its loss was not totally unexpected. As long ago as 1880, people began to notice that there was some cracking and slipping beginning on this face, and it has continued to deteriorate over the years, and there have been organizations and groups who formed over the years to try to preserve it, but ultimately the day came when this 10,000-year-old rock formation which consists of over seven different ledges together to create this allusion of a face finally perished.

What does this loss mean for my State of New Hampshire? As I said a minute ago, the Old Man of the Mountain was indeed an icon for New Hampshire; yet it meant something different to each and every one of us. To some it was a tourist attraction, an important part of the local economy. As I said a minute ago, it was a childhood memory for me and my children and countless millions of other people not only from New Hampshire but all over the country. And most importantly, perhaps it is a symbol of what New Hampshire is all about and what New Hampshire has been for the last 200 years.

Indeed, those of us from New Hampshire take this symbol very seriously. The Old Man of the Mountain is on every single road sign of New Hampshire, every single license plate in the State. Highway tokens have the Old Man's face on it. The U.S. commemorative quarter for New Hampshire has the Old Man on it and the postage stamp which was created a couple of decades ago commemorating the Old Man of the Mountain.

I want to quote Daniel Webster, if I could, who served in Congress from New Hampshire over 200 years ago. He once wrote of the Old Man: "In the mountains of New Hampshire, God almighty has hung out a sign to show that he makes men."

We will all miss the Old Man of the Mountain. He is gone. But like any loss, his symbol and his memory will live on and New Hampshire will be a greater and stronger State as a result.

THE REPUBLICAN TAX PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, budgeting is about choices, whether they are a working family or the Federal Government. Working families know far too well that they cannot afford everything. They often must decide between making a mortgage payment or taking a family vacation or between paying for health insurance or buying a new car. Their decisions reveal their priorities. It is more important to have a safe home for their families and to know that they can take their children to the doctor if they get sick. Parents routinely forego luxuries in order to ensure their children are safe and secure. The future of their children is clearly a top priority.

Just like working families, the Federal Government has limited resources, and just like working families, the decisions we make about how to use our limited resources say a great deal about our priorities. The tax package presented by the Republican leadership once again reveals what we have known for a long, long while: Working families are not their priority. When push comes to shove and difficult decisions are made under the Republican leadership, working families get the short end of the stick each and every time.

The message Republicans are sending with their tax package is clear: If one is wealthy, if one is heavily invested, they deserve a huge amount of permanent tax relief. If one is a working parent with a child, forget it. Not only will their tax cut be much, much less if they get one at all, it will be temporary. The $1,000 per child tax credit will be lowered in the year 2006 to $700, proving once again that families are not a priority.

The message from Republican leaders is clear: Working families are not their priority. I say that is a very bad policy. These are the toughest fiscal times that our States have seen in decades, and working families are suffering the consequences. As States are forced to tighten their belts and make cuts, teachers are losing their jobs and children are being taught in overcrowded classrooms. State health insurance programs now cover fewer children and are not providing as many services, and in many States families must now meet stricter eligibility requirements to enroll in State childcare programs, and all of this is done so the Republicans can give our Nation's wealthiest a big tax cut.

But the fact is we have a choice. We can help States meet these shortfalls or we can give tax breaks we cannot afford to the wealthiest people in this country, people who are actually not particularly feeling the pain of these bad times. The Republican message is inescapable. The rich are more important. If one is among the more than 1 million unemployed workers in this country who have exhausted unemployment benefits, this administration is saying you are certainly not a priority. Instead of extending benefits which would help care for families and immediately stimulate the economy for those who are out of work and out of their unemployment benefits, it is more important to put a little extra cash in the pockets of investors in the hopes they eventually will invest this extra money back into the economy.

Republicans may on occasion say they care about American families, but their actions expose their feelings. When offered the choice between making the rich a little bit richer or helping working families make their lives a little easier, Republicans pick the wealthy every time.

Madam Speaker, the budget process often forces us to make tough decisions, but if one asks me, the choices being made today are not difficult ones. Helping families so that they can do the best to make ends meet or enriching the wealthiest who do not even need our fiscal help is a no-brainer. In the same way that parents put the needs of their children over frivolous luxuries, it is time to adopt fiscal policies for this Nation that prove that we have our Nation's priorities in order, and that means, Madam Speaker, we need to work for hard-working families.

□ 1945

THE HIGHER COST OF PRESCRIPTION DRUGS IN THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Madam Speaker, I rise tonight to speak about the issue of the higher cost of prescription drugs in the United States.

The gentlewoman who just preceded me who was talking about tax relief, I think I agree with some of the points she raised. When we talk about tax cuts, what we are really talking about is allowing people to keep more of what they earn. In soft economic times, I happen to believe it makes sense to allow people to keep more of what they earn.

As you see on this chart, which you can find on my Web site, we start by saying if we want to allow Americans to keep and spend over $600 billion during the next 10 years, here is a good place to start. It has got a picture of prescription drug capsules here.

The next page says, "That's right. According to the CBO," that is the Congressional Budget Office, "American seniors will spend over $1.8 trillion over the next 10 years on prescription drugs."

This is a conservative estimate. We are going to show you a chart in a minute that says that we could save 35 percent by allowing free markets to work. Thirty-five percent of $1.8 trillion translates to $630 billion.

Let me show you this chart. This is not my chart. I have a number of independent experts around the country that have been working on this a lot longer than I have, they are a lot smarter than I am, but they have actually done some of the comparisons in terms of what we as Americans pay for prescription drugs compared to the rest of the world.

This is a chart by a group called the Life Extension Foundation out of Florida. They have been studying this for more than a decade. Here are some of the figures in terms of the prices we pay versus what Canadian consumers pay and what European consumers pay for the same drugs.

Let us look at the top right here. We have Augmentin. In the United States, a 30-day supply sells for about $55.50. That same drug in Canada, made in the same plant under the same FDA approval, sells for $12. In Europe it sells for $8.75.

Cipro. We learned a lot about Cipro last year when we had anthrax here in the Capitol building. It is made by a German drug company called Bayer; we usually call it Bayer, Bayer aspirin. Cipro in the United States sells for $87.99 for a 30-day supply. That same drug in Canada sells for $53.55. Over in Germany it sells for $40.75.

My father takes a drug called Coumadin. Here in the United States the average price for a 30-day supply of Coumadin is $64.88. That same drug, again made under the same FDA approval in the same FDA-approved plant, sells in Canada for $24.94. Over in Europe the average price is $15.80.

Madam Speaker, as you look at this list, it just becomes very, very aggravating, when you see how much we pay. Glucophage, an amazing drug we sell here in the United States, the average price, according to the Life Extension Foundation, the average price in the United States, the average price, is $124 here. The average price in Canada for the same drug, same dosage, is $26.47. Over in Europe the same drug sells for $22. Glucophage.

A couple of weeks ago I and one of my staffers were in Germany. We had the opportunity to actually do some shopping of our own. We bought a drug called Tamoxifen. It is amazing in terms of being one of the most amazing drugs we have developed in the United States.

Let me just talk about the drug itself, because it was developed largely with American taxpayers' money. Tamoxifen is the most effective drug against women's breast cancer that we have developed, but the American taxpayers paid for most of the research costs.

This drug in the United States at a pharmacy here in Washington, D.C. for a 3-month supply just like this sells for about $360. In Munich, Germany, we bought it a week and a half ago for $59.05, the same drug.

Now, some people would say shame on the pharmaceutical industry; but I have to say shame on us, because we have allowed this environment to be created. It is not shame on them, because they are only exploiting a market opportunity that we have allowed them. The answer is open markets.

Many years ago President Ronald Reagan said that markets are more powerful than armies.

My time has expired, but I will be back in coming nights to talk about this issue and how Members can help solve this problem.

AN OVERVIEW ON PUBLIC BROADCASTING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, we of the Public Broadcasting Caucus are pleased to share with our colleagues this evening some very good news from the world of public broadcasting. The Overseas Press Club has presented NPR with the 2002 Lowell Thomas Award for the series "The Mideast: A Century of Conflict." This groundbreaking seven-part series, which aired on NPR's Morning Edition last fall, tells the history of the conflict between the Israelis and Palestinians.

Veteran NPR News correspondent Mike Shuster researched, reported, and chronicled this in-depth series on the key moments in the history of the struggle between the two peoples. It covered the early Zionist movement during the turn of the 20th Century and traced the intensifying conflict between Jews and Palestinians during the years of the British mandate, leading up to David Ben-Gurion's announcement of the establishment of the State of Israel in 1948.

"The Mideast: A Century of Conflict," also explored the events that led up to the Six-Day War, the Yom Kippur War, the first Intifada, and the Oslo Peace Process. It concluded with investigations on the reason why the Oslo Peace Process collapsed and how and why the second Intifada started.

Kevin Klose, NPR's president and CEO, put it best when he said, "This series tells the history of the confrontation using radio to bring the views of leading historians of the region to air, documenting the deep and conflicting roots of today's Middle East. The series touches on the beliefs and emotions that motivate both sides."

Madam Speaker, it was no surprise when the Peabody Awards were recently announced for excellence in television and radio; public broadcasting was honored with one-third of those over-30 awards. This is part of why one in seven adults listens to public radio by tuning into more than 700 stations which carry NPR programming. Each week, over 20 million Americans listen to NPR, an audience that exceeds the top 35 U.S. daily newspapers combined.

When we consider this figure, along with 100 million people who watch public television each week, we see the profound reach of public broadcasting stations. They connect people with their local community, their Nation, and their world in a way that no other outlet can or does.

The caliber of public broadcasting is unmatched by any other programming. Public radio and public television provide valuable commercial-free educational, informational, and cultural programming for communities all across America.

But it is not just an addition; it is not just an add-on and a frill. Many communities rely on public broadcasting stations as their only source of news and information. Some even use the public broadcasting system for day-to-day or emergency communications, such as AMBER Alerts and severe weather detection. As we work to improve our hometown security, Federal funding for these services is increasingly important.

Sadly, the future is cloudy. Nationally, while 41 States have public broadcasting operations, the source of the State support, which averages $7 million a year, is in jeopardy. Given the current times of economic slowdown and State budget crises, many stations are facing severe financial cuts.

I am sad to say in my home State of Oregon, which faces one of the Nation's worst budget deficits, our State is considering eliminating funding for Oregon Public Broadcasting altogether. Even though only 6 percent of that $33 million budget for the last 2 years comes from State funding, slightly more than $2 million, right now the loss of any of that funding is compounded by the recession and the squeeze on corporate and individual donors.

Oregon is not alone in its public broadcasting cuts. Minnesota's Governor has recommended a 25 to 35 percent reduction in its public broadcasting budget. But there are some States that are standing firm. I was pleased to note that Nebraska, for example, reaffirmed its commitment to public broadcasting. Despite a 14 percent shortfall in its biannual budget, it will maintain its yearly State funding of approximately $8 million.

Madam Speaker, we are all in this together: the Federal and State governments, our listeners, viewers and private sector donors. This is all the more reason for us to keep our commitment to public broadcasting. If we do not, many of the award-winning programs, like the one I just mentioned, "The Mideast: A Century of Conflict," will be at risk. All of us need to do our part, whether elected officials or individual listeners, to support this critical national resource.

REVISIONS TO THE 302(a) ALLOCATIONS AND BUDGETARY AGGREGATES ESTABLISHED BY THE CONCURRENT RESOLUTIONS ON THE BUDGET FOR FISCAL YEARS 2004 THROUGH 2013

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Madam Speaker, I submit for printing in the CONGRESSIONAL RECORD revisions to the 302(a) allocations and budgetary aggregates established by H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004. The authority to make these adjustments is derived from Sections 421 and 507 of H. Con. Res. 95 (H. Rept. 108–71).

As enacted, H.R. 1559, a bill making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, contains changes in new budget authority, outlays and revenues that differ from those assumed in the budget resolution. For fiscal year 2003, the supplemental provides $4,432,000,000 in budget authority, $3,745,000,000 in outlays, and $2,000,000 in revenues above the amounts assumed in H. Con. Res. 95. The supplemental also provides $215,000,000 in additional new budget authority and $332,000,000 in additional outlays for fiscal year 2004; over the period of fiscal years 2004 through 2013, it provides an additional $888,000,000 in budget authority and $1,406,000,000 in outlays over the amounts assumed in the resolution.

Under section 421 of the resolution, the Chairman of the Budget Committees are authorized to adjust the budget resolution to reflect the differences between the levels assumed in the budget resolution for the supplemental and the levels provided in the enacted bill. The adjusted levels of budget authority and outlays in the functional levels for net interest (900) and allowances (920) are as follows:

NET INTEREST (900)

Fiscal year 2003: $240,203,000,000 in new budget authority and $240,203,000,000 in outlays.

Fiscal year 2004: $259,528,000,000 in new budget authority and $259,528,000,000 in outlays.

Fiscal year 2005: $310,822,000,000 in new budget authority and $310,822,000,000 in outlays.

Fiscal year 2006: $352,463,000,000 in new budget authority and $352,463,000,000 in outlays.

Fiscal year 2007: $380,846,000,000 in new budget authority and $380,846,000,000 in outlays.

Fiscal year 2008: $405,947,000,000 in new budget authority and $405,947,000,000 in outlays.

Fiscal year 2009: $429,867,000,000 in new budget authority and $429,867,000,000 in outlays.

Fiscal year 2010: $450,997,000,000 in new budget authority and $450,997,000,000 in outlays.

Fiscal year 2011: $473,746,000,000 in new budget authority and $473,746,000,000 in outlays.

Fiscal year 2012: $496,401,000,000 in new budget authority and $496,401,000,000 in outlays.

Fiscal year 2013: $514,926,000,000 in new budget authority and $514,926,000,000 in outlays.

ALLOWANCES (920)

Fiscal year 2003: $79,190,000,000 in new budget authority and $42,024,000,000 in outlays.

Fiscal year 2004: –$7,406,000,000 in new budget authority and $22,678,000,000 in outlays.

Fiscal year 2005: –$6,366,000,000 in new budget authority and $1,921,000,000 in outlays.

Fiscal year 2006: –$7,151,000,000 in new budget authority and –$5,581,000,000 in outlays.

Fiscal year 2007: –$8,835,000,000 in new budget authority and –$8,666,000,000 in outlays.

Fiscal year 2008: –$9,875,000,000 in new budget authority and –$9,873,000,000 in outlays.

Fiscal year 2009: –$11,476,000,000 in new budget authority and –$9,922,000,000 in outlays.

Fiscal year 2010: –$12,860,000,000 in new budget authority and –$10,864,000,000 in outlays.

Fiscal year 2011: –$16,396,000,000 in new budget authority and –$12,653,000,000 in outlays.

Fiscal year 2012: –$21,444,000,000 in new budget authority and –$15,691,000,000 in outlays.

Fiscal year 2013: –$25,608,000,000 in new budget authority and –$19,171,000,000 in outlays.

The changes in the functional levels cause changes in the budgetary aggregates. Accordingly, I also modify the budgetary aggregates and revenues for fiscal years 2003 through 2013 to the following levels:

BUDGET AUTHORITY, OUTLAYS, AND REVENUES

Fiscal year 2003: $1,867,072,000,000 in new budget authority and $1,819,167,000,000 in outlays.

Fiscal year 2003: $1,303,113,000,000 in revenues.

The amount by which revenues should be reduced, fiscal year 2003: $56,721,000,000.

Fiscal year 2004: $1,861,333,000,000 in new budget authority and $1,884,280,000,000 in outlays.

Fiscal year 2005: $1,990,603,000,000 in new budget authority and $1,981,995,000,000 in outlays.

Fiscal year 2006: $2,122,725,000,000 in new budget authority and $2,089,892,000,000 in outlays.

Fiscal year 2007: $2,233,213,000,000 in new budget authority and $2,190,978,000,000 in outlays.

Fiscal year 2008: $2,349,256,000,000 in new budget authority and $2,307,637,000,000 in outlays.

Fiscal year 2009: $2,454,814,000,000 in new budget authority and $2,420,227,000,000 in outlays.

Fiscal year 2010: $2,555,986,000,000 in new budget authority and $2,528,260,000,000 in outlays.

Fiscal year 2011: $2,669,845,000,000 in new budget authority and $2,651,603,000,000 in outlays.

Fiscal year 2012: $2,754,409,000,000 in new budget authority and $2,724,337,000,000 in outlays.

Fiscal year 2013: $2,875,544,000,000 in new budget authority and $2,855,914,000,000 in outlays.

DEFICITS (ON-BUDGET)

Fiscal year 2003: $516,054,000,000.
Fiscal year 2004: $558,828,000,000.
Fiscal year 2005: $488,120,000,000.
Fiscal year 2006: $432,381,000,000.
Fiscal year 2007: $400,727,000,000.
Fiscal year 2008: $405,793,000,000.
Fiscal year 2009: $366,465,000,000.
Fiscal year 2010: $360,323,000,000.
Fiscal year 2011: $381,063,000,000.
Fiscal year 2012: $314,765,000,000.
Fiscal year 2013: $301,929,000,000.

DEBT SUBJECT TO LIMIT

Fiscal year 2003: $6,750,000,000,000.
Fiscal year 2004: $7,388,000,000,000.
Fiscal year 2005: $7,982,000,000,000.
Fiscal year 2006: $8,540,000,000,000.
Fiscal year 2007: $9,069,000,000,000.
Fiscal year 2008: $9,608,000,000,000.
Fiscal year 2009: $10,109,000,000,000.
Fiscal year 2010: $10,608,000,000,000.
Fiscal year 2011: $11,132,000,000,000.
Fiscal year 2012: $11,596,000,000,000.
Fiscal year 2013: $12,048,000,000,000.

DEBT HELD BY THE PUBLIC

Fiscal year 2003: $3,921,000,000,000.
Fiscal year 2004: $4,303,000,000,000.
Fiscal year 2005: $4,604,000,000,000.
Fiscal year 2006: $4,835,000,000,000.
Fiscal year 2007: $5,013,000,000,000.
Fiscal year 2008: $5,175,000,000,000.
Fiscal year 2009: $5,278,000,000,000.
Fiscal year 2010: $5,356,000,000,000.
Fiscal year 2011: $5,435,000,000,000.
Fiscal year 2012: $5,432,000,000,000.
Fiscal year 2013: $5,402,000,000,000.

These changes in the budget resolution also affect the allocation to the House Committee on Appropriations. The 302(a) allocation to the House Committee on Appropriations becomes $844,986,000,000 in new budget authority and $846,706,000,000 in outlays for fiscal year 2003. For fiscal year 2004, the allocation to the Appropriations Committee is $784,675,000,000 in new budget authority and $861,084,000,000 in outlays.

THE REAL AMERICAN AGENDA IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, this evening I would like to include in the RECORD an excellent editorial from the Toronto Star written by the editorial page's editor emeritus, Haroon Siddiqui. The focus of this article is looking at the United States and our role in the Middle East and Central Asia. Though I cannot read the entire editorial tonight, I thought it had some excellent observations that are important for the American people to hear. It is often helpful to have a country from the outside looking at us, rather than us looking out at the world.

Mr. Siddiqui writes that a superpower like the United States would find it somewhat easy to defeat an incidental power like Iraq, but to do so not only for its publicly stated reasons, fighting terrorism, liberating Iraq and triggering a domino effect of democratization of the Middle East.

But, he observes, the real American agenda is now only becoming clearer. The conquest of Iraq, he says, is enabling a new Pax Americana, the exertion of American power. That goes well beyond control of oil, though that surely remains a central enterprise.

He points out that America is pulling out of traditional bases of allies like Saudi Arabia and Turkey, and probably doing so because of the rising conservative backlash in those countries to our very presence. He mentions that U.S. relations with Egypt have been placed upon the back burner; Egypt, of course, being the most populace Islamic and Arab country.

It is no accident that the three nations, Saudi Arabia, Turkey and Egypt, are the region's most populous, but that America's newest partners are some of the most thinly populated, Qatar, Bahrain, Oman and the United Arab Emirates, all as well tightly controlled monarchies.

People are a problem for America, he observes in the Arab and Muslim world. They are bristling with anti-Americanism, principally over the Israeli-Palestinian dispute, which remains unresolved.

He points out that the pullout just announced by the Bush administration of 10,000 U.S. troops from a Saudi air base was long overdue, but it so embarrassed the ruling House of Saud, which had to place it very far away from public view at a remote base in the desert.

I would point out in a way I was very disappointed that the Bush administration announced this current withdrawal so quickly, because Osama bin Laden has been given a victory. Osama bin Laden on 9-11 said to us that he wanted the infidels out of Saudi Arabia, and, among others, he was referring to U.S. troops based on Saudi soil. Why did we have to give him that victory? I think that helps to ripen terrorism globally.

The article goes on to say that the kingdom with the world's largest oil reserves, Saudi Arabia, and the highest output, will lose clout as America now controls the second largest reserves in the world in Iraq. And he states that America now has a vise grip on the region with 14 new post-9-11 bases, from eastern Europe, through Iraq, the Persian Gulf, Pakistan and Afghanistan, to the two Central Asian republics of Uzbekistan and Kyrgyzstan.

□ 2000

The singular feature of all those new allies, he says, is that they are weak states. Most are undemocratic, if not repressive. So America is replicating its failed model of using unrepresentative regimes to suppress people, but doing it on new turf. He says this short-term gain, therefore, of victory in Iraq may come at the expense of long-term pain and rising terrorism, as he sees America determined to install its own puppet regime in Baghdad with the majority Shiites being shunted aside.

He then comments on the Bush administration quietly cozying up to a most notorious terrorist group, the leftist Mujahideen-e-Khalq in Iraq, and he questions why would the Bush administration even want to do that, a terrorist group that killed Americans when we were having difficulties in Iran.

Taken together, he says, these American moves bear an uncanny resemblance to the British colonial enterprise of nearly a century ago which is still being paid by the people there. As America confronts this new world in the Middle East and Central Asia, it is worth reading Mr. Siddiqui's very perceptive comments.

HONORING THE SONGWRITING TEAM OF HOLLAND-DOZIER-HOLLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Madam Speaker, today I take the well to celebrate one of the great music writing teams in contemporary writing history, and that is the fabulous legendary song writing team of Brian Holland, Lamont Dozier and Edward Holland, who wrote frequently with the Berry Gordy Motown group creating the enduring Motown sound that is still being heard in this country and all over the world.

I am happy to point out that these three great songwriters, all from Detroit, Michigan, will be honored by the Broadcast Music Incorporated, BMI, on May 13 with the ICON Award which is reserved for songwriters who have been unique and had indelible influences on generations of music makers. They will receive this award at the 51st Annual BMI Awards Dinner in Beverly Hills, California, and its president and CEO, Ms. Frances Preston, will present the award.

I am happy to tell you that I have had the honor of watching this great musical system of Berry Gordy and his family and these writers develop over the years. How interesting to now turn back only a little while ago to find that the Hollands had to go to church and Mr. Dozier did too, and they could not go to the movies on Sunday until they had gone to church. They could not do anything else for the rest of the week if they had not gone to church. And in their home the only music that was allowed was gospel and classical and sometimes Billy Eckstein or Sarah Vaughan or Nat King Cole. And so these youngsters on the west side and east side of Detroit where they went to school, some of them met and knew Aretha Franklin, who was then singing in her father's, the late Reverend C.L. Franklin, church on Linwood Avenue already at the tender age of 9 years old, and they came out of this great family tradition.

Mr. Dozier's grandmother, Mrs. Melvine Watson, was the choir director at the Spiritual Israel Church Pentecostal; and when he was in junior high school he had formed the vocal group, The Romeos, five young men who had a recording contract with Atlantic; and then they went to Gwen Gordy, Berry Gordy's sister, Anna Records, and opened up their career and furthered it there. Then Gwen Gordy went with her brother Berry Gordy and they formed the Motown sound.

It is just so wonderful to recall how all these artists began, where their first writing was for Jackie Wilson, where they wrote this song, Reet Petite. And then they began to develop, Robert Bateman will always be remembered for bringing them together. It was wonderful. They finally began to click.

Madam Speaker, I rise to celebrate the contributions of the legendary songwriting team of Holland-Dozier-Holland, consisting of Brian Holland, Lamont Dozier, and Edward Holland to American cultural history. The songwriting trio, known as H–D–H, wrote most of the songs that created the enduring American "Motown Sound." On May 13, 2003, they will be honored with the 2003 BMI (Broadcast Music, Inc.) ICON Award, which is reserved for songwriters who have been unique and indelible influences on generations of music makers. H–D–H will receive this award at the 51st annual BMI Pop Awards dinner in Beverly Hills, California. BMI President & CEO Frances W. Preston will present the award. Brian Holland, Lamont Dozier, and Eddie Holland are most deserving of this award, which puts them in the company of Chuck Berry, James Brown, Bo Diddly, and Little Richard.

In 1959, a young African American Detroiter, Berry Gordy, Jr., formed a company named Motown (an abbreviation of Detroit's 'Motor City' moniker). Holland-Dozier-Holland were architects of the instantly recognizable and barrier breaking "Sound of Young America," of Motown, creating the songs that turned a fledgling Detroit record company and its associated songwriters, producers, and artists, into an industry groundbreaker and powerhouse.

As songwriters and producers, H–D–H created such classics as "Reach Out, I'll Be There," "Stop in the Name of Love," "Where Did Our Love Go?" "Heat Wave," "Baby Love," "Baby I Need Your Lovin'," "How Sweet It Is to Be Loved By You," and dozens more hits. The blend of sweet and joyful lyrics and complex musical stylings defined an era. Their music is on the soundtrack of countless films and television programs and has become the soundtrack for many American lives. Their innovative style and sound inspired millions of musicians throughout the world to improve and enhance their craft.

The astonishing success of H–D–H and Motown was a symbol of change in the United States in the 1960's, and the end of an era when access to an audience was limited by either opportunities or racial prejudice.

The sales of Holland-Dozier-Holland's music run into hundreds of millions of dollars and include some of the most widely-recognized pop songs in the world. Holland-Dozier-Holland songs also have accrued nearly 100 million airplays on United States radio and television stations. The songwriting team is a member of the Rock & Roll Hall of Fame, the Songwriters Hall of Fame, and winner of The Rhythm and Blues Foundation's 2002 Pioneer Award.

I commend BMI, an American performing rights organization that represents more than 300,000 songwriters, composers, and publishers, in all genres of music, for honoring Brian Holland, Lamont Dozier and Eddie Holland. I also congratulate the three worthy recipients.

SINKING AMERICAN ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes.

Mr. WYNN. Madam Speaker, now that we have achieved victory in Iraq, the country will refocus its attention on matters close to home, specifically our sinking economy. Unfortunately, victory in war does not necessarily translate into success in domestic economy. In terms of the economy, we have been treated to a cycle of failure by this administration and my Republican colleagues. Consider that unemployment is now up to 6 percent. There has been a decline in the length of the workweek, meaning more people are working fewer hours. Manufacturing workers were hurt particularly hard last month. Factory payrolls fell by 95,000, the 33rd consecutive monthly decline.

According to Jerry Jasinowski, President of the National Association of Manufacturers, "Since July 2000 manufacturing has lost 2.2 million jobs, among the highest-skilled, best-paying jobs in our economy."

My colleague, the gentleman from South Carolina (Mr. SPRATT), goes on to point out that "Republicans claimed that both the 2001 and the 2002 tax cuts would create jobs but they were wrong. Instead, 2.7 million private sector jobs have vanished since this administration took office a little over 2 years ago."

The fact is tax cuts have yielded 400 to $500 billion deficits. They did not revive a sluggish economy, and what you are hearing now is, well, this is because of the war. Not true. Forty-three percent of our current deficits are directly attributable to these tax cuts. A small percentage is attributable to the war. We have only authorized $80 billion and the rest comes from the sluggish economy which the 2001 tax cuts failed to revive.

What happened in 2001 was that we had a $5.6 trillion surplus, and my Republican colleagues came down here and said, We have got to give this money back to the American taxpayer so we can invigorate our economy. That did not happen. What we have instead is a projection over the next 10 years of a $2 trillion deficit and we are going to borrow over $500 billion this year.

The fact of the matter is the tax cut policy of the Republicans has not worked. We have seen this plan before.

Now we turn to what I call the Bush/Thomas model. I think it is a model of tax unfairness and ineffective economic policy. An analysis of the Thomas proposal by the Urban-Brookings Tax Policy Center concluded that his plan would be even more tilted to the affluent than Bush's original plan. According to the Brookings analysis, the average tax cut offered by the Thomas proposal for households earning more than a million dollars would be almost $43,000 in tax cuts in 2003, compared with the administration's original proposal to give the very wealthy only 27,000. Then on top of that the top 5 percent of households, the top 5 percent of American households would receive 64 percent of the Bush dividend proposal, but under the Thomas proposal that they will roll out this week that same 5 percent would get 75 percent of the tax benefits.

There is something fundamentally unfair about that.

Now, in truth the middle class will only get about $100 to $200 in so-called tax relief; but the administration says, oh, no, a family earning about $40,000 would get about $1,000. That is called flimflamming the numbers. What they do is they take the average, reflecting the fact that the millionaire will get $43,000 annually. That is how they get that false average.

In addition, we find that the Thomas plan does not create jobs. There is broad census among economists that reducing dividend taxes does not create jobs. In fact, economy.com has rated this as one of the least effective options in terms of stimulating growth. Bill Dudley, chief U.S. economist for Goldman Sachs has pointed out, "Rather than shoehorning the dividend plan in, they should be trying to shoehorn in the most amount of economic stimulus."

When the Democrats talk about our plan, we will talk about that, stimulus, putting money into the pockets of the middle class, helping our States' government so we can really stimulate this economy.

Finally, the Republicans tell us, well, look at our child care tax credit. We do not just care about the wealthy. It is very interesting when you look closely because although the tax breaks for the very wealthy are permanent, the child care tax credit that they would have you focus on is really only temporary, and by the year 2006 they will actually be losing money on the child care tax credit.

So what we see in conclusion is a very flawed tax proposal tilted very much to the wealthy. They give us a solution to the American economy that says if you cut taxes on the wealthy, you will improve the economy by creating jobs. It did not work in 2001. It did not work in 2002. It is as Yogi Berra said, deja vu all over again.

I think we ought to reject this approach to tax policy and adopt a progressive Democratic approach that really works for middle class and working Americans.

THOMAS TAX PLAN BAD FOR AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Madam Speaker, I did not think it was possible but the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS) came up with a worse tax plan than the one President Bush proposed earlier this year. And, of course, we all know that that tax proposal was marked up. It was considered this afternoon in the Committee on Ways and Means. And I want to say that neither the President's plan nor the House Republican plan that was marked up by the Committee on Ways and Means today will jump-start the economy, which is our major concern.

We have now been through several months, even several years of an economic downturn and something has to be done to jump-start the economy, but nothing that the Republicans in the House nor the President have proposed will accomplish that.

Madam Speaker, since the President took office, more than 2.7 million private sector jobs have been lost, the worst record in 40 years. Any tax cuts passed by Congress should be fair, fast acting and fiscally responsible; but the Republicans plan fails all three of those tests. The Republican plan does not create jobs. It irresponsibly piles up debt, risks Social Security to make room for tax cuts for the wealthy, and continues the failed economic policies responsible for the current economic downturn.

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Madam Speaker, the Republican tax plan, in my opinion, is simply unfair. The wealthiest Americans will fare better under the Republican tax plan in the President's plan, while middle-class Americans, Americans with annual incomes between $30,000 and $100,000, will actually receive less under the Republican plan than they would have under the President's plan, which also was not good.

According to a report released this week on the Center on Budget and Policy Priorities, households with incomes of more than $1 million per year would receive an average tax cut this year of $105,600 under the House Republican plan, and that is $15,000 more than they would have received under the President's proposal. Contrast those benefits with the middle fifth of households that would receive an average tax cut of $218 under the Thomas plan, slightly less than under the Bush plan.

Let me reiterate, a millionaire under the Republican plan would see a tax benefit of more than $105,000; but an average American making between $40,000 and $50,000 would receive a cut of only $456.

I just do not understand what my Republican colleagues and what the House Republican leadership have in mind with this rush once again to pass another tax cut that will primarily benefit wealthy Americans and corporate interests and really do nothing to turn the economy around. We frankly cannot take another 6 months or another year of this economic downturn; and to suggest that somehow we are going to do something like this that helps a few people who happen to be wealthy, as opposed to helping the general populace or doing something to create jobs, makes absolutely no sense to me.

We understand that coming out of the Committee on Ways and Means today this is likely to be on the floor sometime the end of this week. We probably would vote for it on this Friday, and I would hope that there would be an opportunity to bring up Democratic alternatives and to bring up amendments under an open rule so we have an opportunity to make some changes in what the Republican leadership has proposed. I doubt it, but I think we have to continue to agitate and say that other options must be considered.

Again, as I said, Madam Speaker, at a time when we should be doing everything possible to jump-start the economy, the Republican solution centers around tax cuts on dividends, stock dividends and capital gains, two cuts that are, again, a target towards the wealthiest Americans and according to economists will not create new jobs. If my colleagues think about it, if we think about eliminating the tax on stock dividends, what does that accomplish? What makes anyone on the Republican side think that by eliminating a tax on stock dividends that the money saved by the people who would benefit from that would necessarily be reinvested in the economy, in the creation of new jobs, in the creation of a new means of production? We have no guarantee of that, and there is nothing in our economic policy that suggests that those kinds of tax cuts or elimination of stock dividends or capital gains are actually going to force or create a situation where money is reinvested in the economy, that is, creates more jobs.

My colleagues do not have to take my word for it. There are about 400 economists earlier this year who put out a statement that basically said that "the tax cut plan proposed by President Bush is not the answer to the problem." They concluded that "the permanent dividend tax cut, in particular, is not credible as a short-term stimulus."

We need things that are going to create jobs immediately, money pumped into infrastructure, into economic development projects, not money that is just going to go to pay for people who have invested in the stock market and somehow that that is going to be turned around. There is no guarantee this is going to create jobs in the short term.

Madam Speaker, like the Bush economic blueprint, the House GOP plan is also fiscally irresponsible because of the debt that it would create, saddling our children with debt and hurting long-term economic growth. This is such a reversal of fortunes from what we witnessed before the President took office under the Clinton administration. The economy was growing; we had a surplus rather than a deficit. Now, under the Bush economic plan, the deficits keep mounting.

When the Bush administration came into office, there was a projected $5.6 trillion 10-year surplus. With this latest tax package that we will probably vote on this Friday, coupled with the huge tax cut in 2001, Republicans will produce a record $1.4 trillion deficit over the next 10 years. That is a $7 trillion reversal in our country's fortunes from where we were 2 years ago in the last few months of the Clinton administration.

What I really do not understand is how the Republican leadership in the House is no longer concerned about deficits. Madam Speaker, I remember a time when I was first elected here, which is about 15 years ago now, when I would come down on the House floor to do a Special Order, and there were a group of Republican Congressmen who used to bring a huge clock. It was about the length of the entire desk here where the House Clerks are sitting behind me; and it was so heavy and long they used to have the pages to come down and carry the digital clock. It recorded the level and the increase in the deficit on a daily basis or a weekly basis and the Republicans would harangue about the problem that the Nation faced because of increasing deficits. Where is that concern? It does not seem to exist anymore on the GOP side.

Back in 1995, the current majority leader, the gentleman from Texas (Mr. DELAY), voiced concern that President Clinton's economic policies would lead to record deficits; and he said, "By the year 2002, we can have a Federal Government with a balanced budget or we can continue down the present path towards fiscal catastrophe." Well, the gentleman was correct about a fiscal catastrophe, but he was wrong about the culprit. He has nobody but himself and President Bush to blame for the fiscal crisis our Federal Government now faces, and they are trying to make it worse with this latest round of tax cuts.

Today, based on the tax proposal this House will debate, as I said, this Friday, it is clear that House Republicans have changed their tune. No longer are skyrocketing deficits a priority. This, despite the fact that Federal Reserve Chairman Alan Greenspan last week agreed that huge deficits will threaten economic growth. He stated before a committee in the Congress, "If, through tax cuts, you get significant increases in deficits which induce a rise in long-term interest rates, you will be significantly undercutting the benefits that would be achieved from the tax cuts." That is Alan Greenspan whom the President says that he is going to reappoint, basically saying that the President and the Republican economic policies are essentially going to continue the economic downturn over several years, not just now but down the road.

So how can they talk about how these tax cuts will have a long-term benefit to the economy? They will not. They will only make the economy worse.

Finally, Madam Speaker, the Republican tax plan is full of what I call gimmicks designed to hide the true cost to taxpayers. In fact, the only proposals within the Republican plan that are beneficial to America's middle class, the marriage penalty relief and the child tax credit, which the previous speaker, the gentleman from Maryland (Mr. WYNN), mentioned, both of these would expire after 2005. So, of course, nobody thinks that would actually happen. Instead, the Republicans would come back and extend the benefits which then would raise the total cost of the package to at least $760 billion through 2013 over the next 10 years. Again, The Washington Post editorial page called these gimmicks tax-cut trickery this morning.

So the Republican leadership is not even being honest about what they are doing here. They are suggesting that they are going to put these important proposals, the marriage penalty relief and the child tax credit, into play. They do not even talk about the economic costs of them over the 10-year period that we are discussing.

I want to say, and I have to say because I think it is always important that the party in opposition put forward proposals that are different if we do not like what the majority is proposing, the Democrats have proposed a true economic stimulus plan that meets the test of being fair, fast acting, and fiscally responsible. Our plan would create one million jobs this year, provide an extension of unemployment benefits to millions of Americans still looking for jobs, provide tax relief to small businesses to invest in new equipment this year, and provide assistance to cash-strapped States and municipalities.

Let me explain that. As we all know, in my home State of New Jersey as an example, States have to balance their budgets. They cannot go into debt the way the Federal Government does; and so State after State and Governor after Governor, both Democrats and Republicans, across the country over the last few years, because of the economic downturn, have had to make major cuts in their expenditures because they cannot go into debt. What is the consequence of that? Less and less money is being spent by State and local governments in real terms, and so what that means is that there is not the money out there to generate the jobs and the economic opportunities.

Rather than giving the wealthy a big tax cut, what the Federal Government should do is take some of that money and give it back to the States so that they are not withdrawing funding and programs and infrastructure needs from the economy that cause the economy to contract. That is what the

Democrats would like to do, take some money from the Federal Government, give it back to the States so that they do not have to cut their budgets the way that many of them have had to do, which has a negative impact on the economy.

Of course, our Republican colleagues do not want to do that. They just want to cut taxes; and again, that problem really goes to wealthy individuals and corporate interests. Not only are the Republicans attempting to trick the American people with their tax proposal, but unfortunately, President Bush is also misleading Americans all over this country as to why we may once again face budget deficits as far as the eye can see.

I talked about the budget deficits. They are primarily caused by Republican economic policies, i.e., the tax cuts; but again, Mr. Bush says the opposite. The President says the opposite. This morning's Washington Post editorial says, "And then there's Mr. Bush, peddling a woefully incomplete account of how the deficit got so large and dangerously misstating the impact of his tax cut on future deficits."

According to The Washington Post editorial again, "In Arkansas yesterday, for example, Mr. Bush attributed the deficit to the recession and to his decision to send troops into combat. Both have indeed helped turn projected surpluses into deficits. But so has something Mr. Bush's account omits," and that is his first $1.35 trillion dollar, that is trillion dollar, tax cut.

The Post editorial continues, and says, "Budget Director Mitchell E. Daniels, Jr. acknowledged to the House Budget Committee in February that next year's deficit would be more than one-third smaller were it not for the tax cut. So the President is simply misleading Americans when he says we have a budget deficit either because of the war or because of a recession. The fact of the matter is the tax cuts he enacted into law in 2001 are the main reason for the deficits we now face. And, unfortunately, those deficits will get even larger if we enact either the President's plan or the House Republican plan."

Madam Speaker, over the last 2 weeks, the President has toured the country trying to sell his tax cuts, even as congressional Republicans disagree among themselves about the proposal, delaying action to fix an economy that is badly broke. As the President has tried to convince the country of the merits of his proposal, it is clear that his rhetoric bears little resemblance to the facts.

Let me give my colleagues a couple of the best examples of the President's rhetoric as opposed to the reality of the situation. In Canton, Ohio, on April 24, President Bush claimed that "ending the double-taxation of dividends, according to many economists, will help the stock market. If getting rid of the double taxation of dividends increases the markets, it will be good for millions of investors all across America. It will be good for our economy. And it will reduce the cost of capital, which means jobs." That was the President's statement.

Based on those statements by the President, a likely listener in Canton, Ohio, understandably would have believed the tax cuts on dividends would lead to jobs; but, again, the President's claim, in my opinion, is simply false. In fact, economists have rated this proposal the one with the least bang for the buck in jump-starting the economy of all the different proposals that have come forward in the Congress.

For example, Song Won Sohn, chief economist with the Wells Fargo Company said, "A dividend tax change is not the best tool to stimulate the economy. Joe Sixpack does not have much in the way of dividends."

Similarly, according to Jonathan Rauch of the Brookings Institute, "Few economists believe that the gains from efficiency would offset more than a small portion of the increases in deficits."

The President continues to talk about stock dividends as the way to solve the economic problem. There is no economist who will tell us that.

During this same Canton, Ohio, speech, the President blasted away at those of us who have rightly called his tax proposal a tax cut for the wealthy.

Madam Speaker, I have said it many times tonight, and I will continue to say that that is what it is; but the President told the crowd in Canton, "So when you hear politicians say it's a tax cut for the rich, they're talking about you. Tax relief is good for the average citizen." Well, the President says that, and it is nice rhetoric; but it is not the facts.

Under the Bush plan, 25 percent of families with children would get no tax cut at all and half of all Americans would get less than $100. Half of all Americans, Madam Speaker, would get less than $100. In contrast, as I said earlier, under the President's plan, someone making $1 million a year would get a tax cut of $90,222.

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Overall, just 17 percent of the Bush tax cut goes to families with income under $75,000. If we want to talk about fuzzy math, how can the President say all Americans are going to benefit when only 17 percent of the tax cuts go to the overwhelming majority of Americans who make under $75,000 a year. This is not something that is going to help the little guy, it just helps the wealthy; and primarily it helps the very wealthy, the millionaires and even billionaires.

Madam Speaker, as the President continues to travel around the country in an attempt to rally support for a failed tax proposal, critical education, health care and homeland security programs are being ignored by this administration and the Republican Congress.

The point I want to make tonight is that not only are these tax proposals not going to help the economy, but at the same time critical programs, education, health care, homeland security, the very things that President Bush has talked about, are being ignored and neglected by this administration.

Let me talk about that. Both the President and the House Republican tax plans crowd out investments important to long term economic growth, like education, training, research and transportation.

Let me talk about the education initiative. When President Bush signed the bipartisan No Child Left Behind Act in 2002, and I commend the President for it, it was a great piece of legislation that we passed on a bipartisan basis. But the President promised to write a healthy check for education. We cannot just pass a bill like that and not provide the funding that is going to provide for the education programs mentioned in the bill. So he said he was going to write a healthy check for education and it was nice words, but 1 year later when the President had an opportunity to support historic education reform with funding in his 2004 budget, he widened what I call his credibility gap by providing $9.7 billion less than what was promised in the No Child Left Behind Act.

I am hearing from educators and teachers that are telling me that they are not getting the funding promised under the No Child Left Behind Act. The President signs this legislation, he says he will leave no child behind, but he does not back it up with the appropriate funding. It is a credibility gap, essentially.

The simple fact is that the President cannot provide the critical education funds because of his huge tax cut for the wealthy. It is not that he does not want to do it, it is because he has this huge tax cut and once that is put in place, there is no money to fund the No Child Left Behind initiative. The simple fact is that the tax cut precludes that.

Now we see thousands of teachers being given pink slips in California, class sizes increasing all over the country, and one of the Teachers of the Year in South Carolina was being laid off because the State was forced to make cuts in education. If we really want to make something or do something that is going to be meaningful in terms of education reform, we have to fully fund No Child Left Behind so it can become a reality; but that is not possible if the Republicans are successful on Friday and in the next few weeks in passing their tax bill and sending it off and the President signs it.

Madam Speaker, let me also talk about another need that the President talked about in his State of the Union Address in January, and that is health care. The President and the Republicans will also find it difficult to address the health care needs of seniors and low-income Americans if they are successful in passing their tax proposal.

President Bush's rhetoric was in high gear earlier this year when he stated in his State of the Union Address that "Medicare is the binding commitment of a caring society." Unfortunately, in my opinion, Madam Speaker, that bond would break if the President's intentions of turning Medicare into a voucher program became reality. Again, I do not know whether or not he is ideologically driven in saying he wants to make Medicare into a voucher program.

The bottom line is because of deep tax cuts he may not have a choice because there is not the money to fund the Medicare program in the traditional way. That is why I believe the President is seeking a voucher-type system for Medicare because he will not be able to afford to continue to fund Medicare in the traditional way with these tax cuts.

The President has a so-called modernization proposal for Medicare that would limit the government's responsibility and shift costs to seniors under this voucher plan, ending the Medicare program seniors have depended on for 25 years. I know he is going to say it is not ending Medicare, it is a different type of Medicare. It is more of a privatization. If it is not the type of Medicare that seniors have traditionally relied upon where they have guaranteed benefits, then it is not really Medicare any more.

Furthermore, President Bush's prescription drug proposal goes so far as to essentially force seniors into HMOs if they want to receive prescription drug coverage. There again it is a form of privatization. He is saying if you want to get prescription drugs as part of your Medicare program, you have to purchase private insurance, move to some type of system where you are provided prescription drugs, but you have to go under an HMO.

Again, not traditional Medicare. If seniors have to be forced into an HMO in order to get prescription drug coverage, then I think the promise of Medicare that they would be able to choose their own doctor, be able to choose their own hospital, goes unfulfilled. Again, these are all cost-cutting measures that become necessary because the money is not there as a result of tax cuts.

Madam Speaker, I do not think when it comes to Medicare there is really any credibility any more on the part of the President when he continues to advocate these kinds of changes. He is essentially dismantling the Medicare program the way we know it by giving the impressions to seniors that he is somehow strengthening it.

The other thing that these tax cuts will have a devastating impact on is Medicaid which unlike Medicare which is mostly for seniors, Medicaid is the health care program for low-income Americans. I think the huge tax cuts will make it almost impossible for Republicans to address the health care needs of seniors under Medicaid and low-income people in general under Medicaid.

Earlier this year the President proposed a plan to shift responsibility of the Medicaid program to the States in the form of block grants. Again, this is a recipe for disaster considering most States now face severe fiscal problems. The President would cap the amount of Federal funding States receive from Medicaid, requiring States to either spend more out of their own budgets or face the difficult decision of dropping beneficiaries or cutting social services. So what we are going to see is fewer and fewer people becoming eligible for Medicaid and the needs of low income individuals not being met.

Madam Speaker, the Federal Government I do not think can ignore its responsibility to these 44 million low income children, adults and elderly Americans who depend on Medicaid services. The President and Republicans would not have to propose again these changes in Medicaid, this block granting and ultimately reduction in funds to the States if they scrapped their current tax proposal that primarily benefits the wealthiest Americans. Maybe in the case of Medicaid it is the worst juxtaposition because it is giving tax cuts to primarily wealthy people and taking away health care in many cases for the most needy under Medicaid.

Madam Speaker, at a time when our economy needs a true jolt to reverse American's fears of losing their jobs, the Republican leadership once again plans to give a huge tax cut to the wealthiest Americans, and the plan that they put forth offers very little to families and middle class Americans and instead sacks them with a huge deficit, a deficit that risks the future of Social Security and Medicare and means likely future interest rate increases.

I know I sound like doomsday today, but frankly for 2 years we have seen the Republican economic policies in effect, and I think it is only fair to say they have been a failure. The economy has gotten worse. More jobs have been lost. The debt continues to pile up. So there is no reason to believe that these continued economic policies that are basically in the form of tax cuts are going to do anything more than continue the economic downturn.

Democrats, on the other hand, have proposed what I consider a true economic stimulus plan that is fair, fast acting and fiscally responsible. Again what we are essentially doing is putting more money in people's pockets, and we are giving money back to the States so they can spend the money on infrastructure, health care, education, and other needs. It would mean that more jobs would be created because there would be transportation projects and infrastructure projects in general that would need new people to go on the job.

Also, we say that we want to provide an extension of unemployment benefits to millions of Americans still looking for jobs and tax relief to small businesses to invest in new equipment. We would target tax relief for small businesses, assuming that they turn it around and they spend it for new means of production, new opportunities, new jobs.

Most important, we would provide assistance to cash-strapped States and municipalities which right now because of the fact that they are contracting their spending are also, I think, contributing to the economic downturn.

I know that many of my colleagues on the Democratic side have talked about and contrasted what the Republicans would like to do and what we would like to do on the economy, and we will continue to talk about that this week as we move forward with this Republican proposal that is supposed to come up for a vote on Friday.

But I would just say to anyone who says why would I believe the Democratic proposal is better, I would say look at what has happened over the last 2 years under the President and the Republican proposal. It has not worked. I frankly do not think we can go on another 2 years with the same failed economic policies. It is time to do something different, and we should be looking at some of the Democratic alternatives instead of just saying we are going to continue with the Republican tax cut.

ENCOURAGING INDIA-PAKISTAN TALKS

Madam Speaker, I did want to change the subject for just another 5 minutes tonight before I end this Special Order, and go to another topic which relates to foreign affairs because I do think that what we have been witnessing the last few days, particularly over the weekend with regard to the potential for bilateral talks between India and Pakistan, is a very optimistic development in an area of the world which has a great potential for future war.

Anything the United States can do to encourage negotiations, talks, between India and Pakistan I think are very important, and this is an opportune time for the Bush administration and the Congress to urge support for those kinds of negotiations and eventual peaceful settlement.

Madam Speaker, I was encouraged over the last week by Indian Prime

Minister Vijpayee's leadership in seeking peace with Pakistan. Vajpayee's efforts to reinstate full Indo-Pakistani diplomatic relations and to restore cross-border transportation between the two countries exemplifies his willingness and commitment to finding a permanent peace settlement within South Asia.

I would like to express my praise for the Prime Minister's recent brave steps, given the incessant cross-border terrorism in Kashmir. In the past, India was insistent that an end to cross-border terrorism had to occur prior to any renewal of talks between India and Pakistan. Unfortunately, any efforts by President Musharraf of Pakistan to curb terrorism in Kashmir have been superficial and Pakistani militant violence in Kashmir has continued to no end.

I would urge President Bush and Secretary of State Powell to pressure Musharraf to end the cross-border terrorism into Kashmir and India in general. I would also like to note, even as we have had these murders take place by terrorists in Kashmir, this has been aggravated by the fact that the Taliban continue to find safe refuge in many of the border towns of Pakistan near Afghanistan. The U.S. worked so hard to remove the Taliban from power in Afghanistan, and to learn that Taliban members continue to receive moral and financial support from parties within the Pakistani government, including the Pakistani military, is by far the greatest hypocrisy.

Again, the Bush administration must do more to pressure President Musharraf to end support within Pakistan for the Taliban.

Madam Speaker, I also wanted to say that I am very encouraged by the fact that Deputy Secretary of State Richard Armitage is visiting both Prime Minister Vajpayee and Prime Minister of Pakistan Jamali, and I know he is going to recognize the recent positive developments from both sides. Again, the United States must do whatever it can to encourage negotiations between India and Pakistan that would lead to long-term peace in South Asia.

Madam Speaker, Congress also can play a role in encouraging the peaceful settlement of disputes between India and Pakistan.

☐ 2045

I have at least two proposals that I would like to mention in that regard. First with bilateral dialogue already resuming, the Congress should provide funding for projects that cross the two countries' borders. This could be done as an effort to provide confidence-building measures for the future stability of this region. For example, we could include infrastructure projects, such as roads, railroads or water projects that cross the borders between Pakistan and India. Second, Madam Speaker, if negotiations lead to a settlement that is agreed upon by both India and Pakistan, the Congress should provide funding in the form of a peace dividend that could bring the two countries together and all of South Asia together as one economic union.

Madam Speaker, the peace dividend could take the form of economic development projects that tie the two countries together for trade and other business purposes. I think the United States itself would also benefit from increased trade with all of South Asia.

So, Madam Speaker, I just wanted to say in conclusion, I look forward to successful dialogue between India and Pakistan and ultimately peace in South Asia. Again, I think that the President, the administration and Congress must together encourage negotiations and not lose what in effect is a golden opportunity, not let this pass by because we might not see another opportunity like this where these two nations, both of which have nuclear weapons, seem to be willing to move forward toward peaceful negotiations. Let us not let the opportunity slip by. Let us do whatever we can to encourage the two countries to get together and ultimately bring peace to the South Asian area.

ILLEGAL IMMIGRATION

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE of Florida). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Madam Speaker, I rise tonight to bring to the attention of the body an addition to the list of homeland heroes that we periodically bring forward to focus a little attention on because these folks face an incredible task. They have been waging a battle on their own property and their open land for quite a number of years now. I simply believe that it is deserving of our attention.

Tonight I want to talk about Larry and Toni Vance. These are homeland heroes residing near Douglas, Arizona. Larry Vance lives only one mile from the Arizona border and three miles west of the border town and port of entry of Douglas. Larry is the son of a legal Mexican immigrant. He and his wife Toni have lived in the area for 29 years. The Vance family has seen many changes in that nearly 30 years that they have lived a mile from the border.

Among the changes they have witnessed is the character of the illegal aliens crossing their land. In the 1970s and 1980s, they told us when we were visiting down there not too long ago, there were very few drug smugglers, that most groups coming across their land were small, three or four or five people; that they were polite and often asked to stop for directions or ask for water. The Vances were friendly and accommodating. There were periods during the late 1970s and early 80s when bandits posed a real danger to the residents along the border and burglaries were common. The Vance home was burglarized twice. There was a crackdown on the border crossings, the border patrol was beefed up; and the crime problem was brought under control.

But in the mid-1990s they noticed that groups of illegal trespassers were getting larger and that there were many more of them. By 1997, the Vance family was seeing a daily pattern of 20 groups of 20 or more people passing through at all hours of the day and night.

I want to say here that this is something that we heard over and over again while we were visiting around the Douglas, Arizona, area, that is, that something is changing, something is happening in the character of the immigrants coming through, illegal immigration into this country. It is certainly not a pleasant thing for the people who live in the area. The groups were not only men. Now they were women and children and also sometimes pregnant women and elderly people. Groups were coming through their property so close to the house that they could not sleep at night because the dogs would bark so much. In fact, the dogs literally would lose their voice, become hoarse, I suppose, is one way to say it, from barking night after night.

In September of 1999, his two dogs were poisoned, the Vances' two dogs were poisoned. One of them eventually died. Bandits from across the border preyed on helpless illegal aliens that were crossing. They robbed them, they beat them, they raped them. The screams of the victims were often heard across the desert at night. The Vances had to install a high chain link fence around their house and wrought iron window guards. Such measures were unheard of in rural Arizona until the mid-1990s, and it is traceable to the rising crime from illegal aliens crossing their land.

The illegal aliens often asked for rides to Tucson or Phoenix, and on several occasions Larry Vance was offered $300 to $500 to transport people to Phoenix. The Vances' horses often escaped and had to be chased the next day because their fences were knocked down or cut. Three years ago, he quit trying to keep horses; it became so difficult and expensive to keep the fences repaired. Larry Vance used to keep water troughs filled for the wildlife, but he cannot do that anymore because the illegal aliens constantly break the water lines. They do not merely drink the water. That would be okay. In fact, oftentimes I have seen where these ranchers along the border would actually put out cups, hang a cup along the water trough and along the water well for people to use themselves. But unfortunately they do not just take the cup and drink, now they destroy the water lines. The environmental damage to their land is tremendous. Trash is left in huge heaps and left everywhere. Both cattle and wildlife are killed because they eat the plastic bags and other trash. Traffic accidents caused by illegal aliens chasing other vehicles or just careening into a ditch have become regular occurrences. Many local residents have been killed by crashing with rampaging cars and trucks driven by illegal aliens fleeing across the border. A young father of two children was killed in such an accident just a short time ago.

In the weeks and months immediately following the terrorist attack of September 11, 2001, there was a dramatic decrease in the flow of illegal aliens across the land. The ports of entry at Nogales, Naco, and Douglas had been strengthened and more border patrol agents added to the ranks. But by mid-2002, the flow had resumed. The groups merely went around the ports of entry and came across the miles of unguarded fence that opened onto private lands. I often talk about the very peculiar and ironic view that we had from a helicopter when we were flying over this area, this area he is talking about here, Nogales, where there is a port of entry and there are large numbers of cars all lined up trying to come into the United States at that port of entry. We have got all these guards stationed where the cars come through, at these ports of entry; but you can, of course, see for many miles there, because it is just flat desert land, you can fly for a couple of miles either side of that port of entry and see people coming across at their will, driving cars right through the desert, walking across; but, of course, right there at the port of entry, they are checking IDs and all that sort of thing. It is ironic to say the least. It is a microcosmic look, if you ask me, of the entire system, of the entire problem.

The groups merely went around the ports of entry, as I say. By late 2002, the drug smuggling had risen dramatically and marijuana-laden trucks crossed the border regularly in the area far away from the ports of entry but right near Larry and Toni Vance's home. During December of 2002 alone, there were 41 reported incidents of drug seizures. We can only imagine how many trucks got through the border patrol and made it to Phoenix and Los Angeles and elsewhere.

The lives of ranchers like Larry Vance and his wife, Toni, have been radically altered in the last 10 years because their government, their own government, has failed to protect them and their property from the invasion across their land. Invasion is exactly what this is. That is the proper term to use to describe what is happening on the border and what these people along the border are facing. As I say, the Vances are just one of many couples, one of many families that we visited, that we became acquainted with just a month or two ago down on that border. I determined at that point in time that it would be important to bring their story to this body and to the Nation, because frankly, Madam Speaker, not many people know about them. Not many people beyond their immediate family and the immediate area around Douglas know of the Vances. But they should know, because these people are truly in a war zone. They are fighting a war and they feel like they have been abandoned, abandoned by their own government. And, in fact, they have.

I could not bring them good news when I was down there. I could not say to them, not to worry, the government is going to come to your rescue. The Federal Government is going to do what it promises it should do and what it promises to do for every American citizen, and, that is, to protect their lives and property. I wish I could tell them that. I cannot do that in all candor. I cannot say that. Because this government has chosen to ignore the Vances, ignore all of the families, all of the homeland heroes that I have brought to the attention of the body over the last several weeks.

They have chosen to ignore the millions of people in this country who plead with us, plead with Members of Congress, to do something about illegal immigration, to try to stem the flow of illegal immigration into the country, to try to get a hold of this problem. Not to slam the door to people, not because anyone is doing this or is concerned about the issue from racial lines or any of the ugly aspects of the immigration debate. Certainly there are people like that on both sides out there. You can go to the Web sites on both sides of this issue and find people who are racially motivated. I guarantee you it is on both sides of this debate. Racism can be a factor. It is not what motivates people like the Vances, I say, Mr. Vance himself, the son of a legal Mexican immigrant. He is devoted to his land. He is devoted to the country. He is devoted to the United States of America. He believes in the United States. He believes in the rule of law. All he asks is that the law be enforced, especially in his area, that his property be protected from this invading force. Is that too much to ask, I wonder. I do not think so. I only wish the public officials of this Nation had as much courage as the Vance family. We need to follow their example and take our responsibilities seriously. We need to gain control of our borders so citizens like the Vances can live their lives free of this constant threat.

Madam Speaker, I am going to go on to another aspect of this discussion, beyond the Vances and the homeland heroes; and I want to talk a little bit about one other aspect of this whole immigration dilemma that we face. We have tried to break down the discussion of the immigration debate into several component parts. Over the weeks I have come to the floor of the House with a discussion of one particular part of the immigration dilemma or debate. I have talked about the national security implications of open borders, of the porous borders that we now have, the fact that people can and do come into this country at their will, some of them to do great harm to the United States. It is to the credit of many of our agencies, many of the law enforcement agencies that are devoted to the task of protecting America that some events have not already occurred with people who have come into this country illegally for the purpose, as I say, of doing us great harm.

But we have a significant national security problem because of open borders and because of our unwillingness as a Nation to actually secure our own borders. That was the first night that I focused on that. And then we talked about the cost to the Nation, the infrastructural costs to the Nation of massive immigration. I talked about the fact that there are hospitals all over the Southwest that are going broke. I talked about the fact that hundreds of billions of dollars are being expended by citizens of this country through the health care process in order to provide health care for illegal immigrants into the country. Sometimes situations occur where we actually see ambulances coming up to the ports of entry carrying people who need help and they are waved into the United States, go to a hospital, obtain the help they need, and then they go back to Mexico and, of course, pay no bills. I talked about the infrastructural costs of housing, of schools, of highways, of imprisonment. Upwards of 25 percent of the population in Federal prisons are noncitizens. There is an enormous cost to massive immigration into the country, both legal and illegal.

People suggest that it is of benefit to the country to have massive immigration and that it is economically beneficial, that these people pay a lot of taxes and that they do jobs no one else would do and so our economy prospers. In reality, the costs of immigration are far greater than the contributions in terms of either the labor or certainly the taxes that are paid. Another thing that I talked about was the damage to the environment. I mentioned a little bit in my discussion here tonight about the Vances, the amount of trash that despoils the land in this area, where people are coming through by the hundreds of thousands, in fact, over time millions of people crossing the border on foot, sometimes, of course, in an automobile simply driving off the road. We could see it time and time again where people drove off the road right into the middle of the desert, right off the desert floor. Those tracks will not go away for generations. Not in my lifetime, anyway.

□ 2100

We can see from the air where the footpaths go on and on and on, and they spread out like cobwebs over the land where people come walking across that land, thousands of feet, hundreds of thousands of feet, millions of feet, plodding the ground in areas that are quite pristine, and they destroy the environment. They affect the migration pattern of animals in the area, of endangered species. They deposit trash in huge amounts. They congest in these areas called pickup sites where people dispose of the trash they have been carrying to get ready to be picked up by the next form of transportation, usually a car or a truck, moving them into the interior of the United States, into a city in the United States away from the rural areas where they are congregated. But where they congregate in these pickup sites, the trash problem is enormous. I am going to talk about a little bit later and show something that we found in one of these trash sites, but there is that aspect, the environmental damage to the land.

I talked last week about the culture, about the danger immigration, massive immigration, poses to the culture and especially because it is connected, massive immigration is connected unfortunately with something happening in the United States. The sort of cult of multiculturalism is the best way to describe what is going on here, where we teach our children that there is nothing unique about the United States or Western civilization and if there is anything unique, it is uniquely bad, that there are no aspects of Western civilization worth mimicking. We tell our children they should not say the Pledge of Allegiance in schools. We ban it. We attempt to erase any sort of semblance of patriotism, any commitment to the idea of America, and I talked about the implications of such a phenomenon, the very serious implications of this combination of massive immigration into the country, both legal and illegal, combined with the cult of multiculturalism.

Tonight I want to talk about another aspect, and that aspect is the attack on citizenship that is represented by massive immigration into this country, especially illegal immigration into the country. It is an attack on the concept of citizenship. That is, I suppose, the best way for me to describe my concern.

There have been several very good books written about this and a lot of articles. I will quote liberally from one book in particular by Georgie Anne Geyer. It is called "Americans No More," and, Mr. Speaker, I certainly suggest it to anyone who wants an interesting read on this particular subject. We start out talking about the importance of citizenship. Does it matter? Does the idea of citizenship matter? Is it an important element of our society, of any society? Citizenship is more than just banding together for protection against enemies. Citizenship particularly as it has evolved throughout the Western world, as Georgie Anne said, is the unique and ennobling story of the post-feudal modern relationship of the individual human to the state, of the state to the individual, and of the human being to his fellow man. It is a dignified component of respect, responsibility, even friendship and love.

Citizenship I think is important. We are seeing everywhere, however, that the whole concept of citizenship is being attacked, as I say. It is being eroded by a variety of actions, by a variety of different kinds of laws that are being adopted, by States and localities and certainly even by this body. It is being eroded by the aggressive actions of other nations.

I want to talk about one specific aspect of this. There is today a card that is being used by several governments distributed to their nationals, to their citizens and their nationals, and it is the Matricular Consular. It is a card given out by foreign governments to their people. It is an identification card that is provided by a foreign government to their nationals. Interestingly, this is not a new phenomenon. It has been available for a long time, but only recently have governments realized that it can be used, this process, this idea of the Matricular Consular, can be used as a way of avoiding and getting around the roadblock that the Congress of the United States has presented in the form of an opposition to amnesty, to amnesty for all people living here who came in illegally, which is an assault on citizenship as far as I am concerned.

The desire of many people, Mr. Speaker, the desire of many people even in this Congress, is to eventually eliminate anything that would distinguish a citizen of the country from someone who is not a citizen of the country. How do we do that? We do that by providing all of the benefits of citizenship to people who are simply here, to people who are residents, and pretty soon it simply becomes impossible to tell the difference. We just do not know, and that is the desired goal of many people, foreign governments, and the Government of Mexico is heavily involved in this process, certainly Members of the Congress of the United States. Even others I think in the administration want to push this concept that there is nothing that really should distinguish an American citizen from someone who is here "illegally" or someone who is here legally but not a citizen. Eventually they want to reach a point where there is nothing that distinguishes any of those people from each other, and so one of the things that has happened is that they begin to push this Matricular Consular.

Here is how it works. It is interesting. I have to give them credit. This was a smart move on the part of the Government of Mexico now being followed by four or five others, most recently Honduras. As I say, every government is allowed to do whatever they want, to provide their citizens with whatever kind of I.D., identification, that they want; but only recently have they found out that this can be used to advance the whole concept of amnesty or of the elimination of a distinguishment of citizenship. By giving the Matricular Consular, this I.D. card, to all of their nationals now living in the United States illegally, and frankly that is the only type of person that would actually need the Matricular Consular or this card from the Government of Mexico and four or five other South American/Central American countries. The only people in this country, I repeat, the only people in this country who need a form of identification provided by some other country is someone living here illegally because if they are here legally they have a document that the United States gave them, a visa, green card, or a passport given to one by the Nation that they came from. But they have something. They have an I.D. given to them, and that is a legitimate form of identification. They do not need the Matricular Consular, but they are now handing them out in the thousands. One can go to almost every Mexican consulate in America, the 40 some Mexican consulates in America, and one will usually see a line of people sometimes around the block. This is just recently happening because they are now handing out the cards to people who are here illegally; then the Mexican consulate goes out and lobbies States, cities, police departments, school districts, lobbies them to get them to accept the Matricular Consular for the provision of services as identification, and they have been quite successful. Scores of cities have done this. Many, maybe in the hundreds, police departments have agreed to accept the Matricular Consular as an identification. We have already, by the way, arrested people carrying multiple Matricular Consulars with their picture on it but with a whole bunch of different names, easily forged of course, but the desire is to establish a different immigration policy from the one that the United States Federal Government runs and to get a local government, a city or a State, to accept these cards. It is happening all over.

In my own State of Colorado, four cities, Denver, Colorado Springs, Glendale, and Boulder all agreed to accept the Matricular Consular for the provision of services and for identification purposes. Police departments all said yes, sure, we will do it. Some of them, not knowing exactly what the implications of this were, looking at it in a very short-sighted way, saying we need something to identify these people, not realizing that once they use that, once they say that we have accepted this form of I.D. that is provided by a foreign government, they have immediately conferred status upon the person who has it, a status that that person does not deserve because that person is here illegally.

Colorado, to its credit, was the first State in the Nation, I think just a couple of days ago, I think no longer ago than last week, passed legislation to stop this thing, to say no entity of the State of Colorado, no city, no department in the State of Colorado could accept the Matricular Consular, or what I think the legislation was that they could not accept any card that was not issued by the Federal Government or by the State for purposes of identification.

I hope other States do this. I understand that there are at least two other States that are looking at this, and I certainly hope that that legislation will progress. I believe Iowa and Arizona are the other two States that are looking at this.

Banks are using these cards to allow people to open up bank accounts. Remember, if one is here illegally they do not have a true Social Security number. I always wonder, when the bank allows someone to open up an account using these Matricular Consular cards for identification purposes, whether or not they are actually listing the Social Security numbers because of course they cannot because they are here illegally. So what happens to the interest on that account? How does that get identified come income tax time?

This Matricular Consular is a tool that is being used, as I say, to acquire what they could not get through this Congress, and that is amnesty, and that is a an attack on citizenship. It is part of the movement to eliminate the whole concept of citizenship. Mexico and the Mexican government, as I say, has tasked these consular officials, and we have tons of documentation to show where Mexican consular officials have gone out to lobby.

Let me ask the Members, Mr. Speaker, what do they think would happen if an American consular official would go to an official in the State of Chihuahua in Mexico and say, "Look, we need your help in allowing people from the United States to come down here and violate the law?"

☐ 2115

We would like you to help us out. Would you please accept an ID given by our government? Even though people are here illegally in Mexico, we would like you, nonetheless, to accept our ID for all the services that might be rendered to an illegal American citizen living in Mexico."

What do you think would happen? First of all, the Mexican Government would throw you out on your ear. The Governor of Chihuahua is, by the way, now visiting, as I understand it, the Governor of Colorado to get him to be a little more lenient with regard to the immigration issues.

That is another interesting aspect of this. We see all this communication now between the Government of Mexico and State governments, this ongoing lobbying activity with States and localities, on immigration issues.

Immigration is supposed to be uniquely a Federal responsibility; yet because of the fact that they cannot achieve their goals through this body, they are taking and doing the next best thing. And they admit this. They have stated on many occasions, Mexican officials have stated quite publicly that their desire is to obtain amnesty for, obtain all of the benefits of citizenship, for the people who are living here illegally. Even though they cannot do it through this body, they will do it through things like the advancement of the Matricula Consular being accepted all over the place.

But as I say, what do you think would happen? First of all, the Mexican Government would demand an apology from the State Department for having an American consular official go down to Mexico, or any other country on the planet, and try to lobby them, lobby their local government leaders, to get them to help people violate the national law.

That is exactly what is happening here. Yet we have said nothing to the Government of Mexico. We have filed no protest. I brought this up to the Secretary of State, Colin Powell, in a hearing on the Committee on International Relations on which I sit, and he said he was concerned. He was concerned. He did say that. That is as far as it has gone.

I want the American people to know, Mr. Speaker, that apparently the policy of this government is to allow the law of the land to be eroded; and in order to erode the law of this land, they conspire, our own government conspires with foreign governments to help them lobby State and local communities to obtain what they cannot obtain through the Congress of the United States.

The California Assembly last Monday approved legislation that would allow legal and illegal immigrants from Mexico to obtain city and county services by displaying the identification card issued by the Mexican consulate. Under the terms of the legislation, these cards would enable illegal aliens to do everything from acquiring a marriage or business license, borrowing books from the public library, securing senior citizen or student discounts or public transportation, and on and on and on and on.

According to a recent news article, few of the 5 million undocumented Hispanic immigrants had bank accounts because they lacked sufficient identification. In late 2001 that changed for Mexicans when banks began accepting an ID issued by Mexican consulates, the Matricula Consular. Almost 2 million Mexicans have already obtained the card, largely because it is a key into the banking system.

Some immigrants arrive with $20,000 in cash, according to this article. Bank of America often sends staff out to ply those waiting for the Matricula Consular with brochures and coffee. The banks of the country are aiding and abetting people who are here violating the law in order to get them to be customers.

Interestingly, however, is that banks in Mexico do not recognize the Matricula as legal identification. It is far too easy to forge, for one thing.

The Dominican consulate is planning a move that it says they hope will ease some of the lives of some of the Dominican immigrants, because they are going to start issuing the card. They are going to start issuing Matricula Consular. With this ID, illegal immigrants would find it easier to open bank accounts, they say, and identify themselves to the police. There are tens of thousands of illegal Dominicans in New York City and Chicago alone, for example.

The longer the government waits to develop a coherent policy on immigration, the longer we postpone efforts to improve border security, the more frequently we will see thinly disguised attempts at policy-making like the Matricula Consular cards emerge.

That is certainly what is going to happen, because we do have a tendency to try to ignore this issue. In a way, I can understand why there is a desire to ignore it, because they are accomplishing their goals by ignoring it. By not dealing with it here, by this body refusing to deal with it, then I assure you, the people who support the concept of amnesty and the people who oppose the concept of citizenship will achieve their goals.

What else are we doing in this country to attack the whole concept of citizenship? Well, recently both the State legislatures in Virginia and Maryland passed legislation that would give in-state tuition to illegal immigrants; but they were met with vetoes, at least in Maryland. I do not know for sure about Virginia. Perhaps they have also vetoed the legislation.

In fact, what happened in Virginia is this, that they passed a bill to stop anyone from providing illegal immigrants with in-state tuition, and that bill was vetoed, it is true. Unfortunately, I should say, it is true. The issue has come to the State of Colorado also.

A few States, California, Texas, New York and Utah, have already granted in-state tuition to children of illegal immigrants, this in violation, by the way, of the 1996 Illegal Immigration Reform and Immigration Responsibility Act. It says specifically that States cannot offer in-state tuition to illegal residents, unless they also offer it to all legal residents, regardless of what State they come from.

So, Mr. Speaker, a parent today paying out-of-state tuition prices for his or her daughter or son to go to school in California, Texas, New York or Utah, could, I believe, file a lawsuit on the basis of our 1996 Immigration Reform Act if California, Texas, New York, and Utah do not extend that same privilege to everybody. I am an American citizen, a citizen of the State of Colorado, a legal resident; but I cannot send my child to those four States and get in-state tuition.

Unless they approve it for everyone, then they should not approve it for anyone. That is the law of the land. That is the 1996 act that we passed. But these States are doing it. I would suggest, Mr. Speaker, that anyone out there who is in fact paying out-of-state tuition for their kids in these places should think about this very seriously and consider the possibility that they may have some legal action against these States to regain the tuition that they have spent.

But this is another attack on the whole concept of citizenship. If in fact you can provide all of the services, all of the benefits, all of the things that the California legislation provides, cards that would enable illegal aliens to do everything, from acquiring marriage licenses, business licenses, borrowing books, securing senior citizen discounts, getting all kinds of social services, if you can do that, if you can send your child to school in any State in the Nation, or at least these four, and several others are proposing it, and get in-state tuition, if you can get driver's licenses, which are now being proposed for illegal immigrants, do you not see, there is little if anything left that distinguishes you from a person who is here legally.

If you can obtain all that by coming into the country illegally, then why in the world would you go through the brain damage and the expense of doing it the right way? Why would you spend the money or the time or the energy? You can get everything else, because, after a while, citizenship will not matter. It will be of no consequence. And that is the desired goal of the people who support this kind of State legislation and who refuse to take it up in this body.

Luckily, there are some Members of this body who have been steadfast in their opposition to this kind of malarky. They have been steadfast supporters of immigration reform. They were laboring in this vineyard before I ever came to this body. One of them has joined me here this evening, my friend, the gentleman from California (Mr. ROHRABACHER). I yield to the gentleman.

Mr. ROHRABACHER. Mr. Speaker, I would just like to take this opportunity to point out to my fellow colleagues and those who are listening in on C-SPAN, as well as those reading the CONGRESSIONAL RECORD, the tremendous courage it takes for the gentleman from Colorado (Mr. TANCREDO) to be leading this effort.

This is a thankless effort. The gentleman just suggested that when you add up these various different approaches of things that are going on that it is minimizing the importance of citizenship, and that perhaps this is being done by design.

Well, it is clear there is a coalition of a very powerful people in this country who do not really believe in the type of United States of America and the laws of the population we grew up with, but instead have more of a "global concept" and are willing to basically experiment with the rights, if not discard the rights, of American citizens in order to create this new dream.

These are powerful people. These are people who have attacked the gentleman from Colorado (Mr. TANCREDO). They are people that have great deals of financial resources and political power.

I personally am just rising tonight, when I saw the gentleman from Colorado (Mr. TANCREDO) here again trying to be like Paul Revere and spreading the word and talking about the danger ahead of us, I wanted to come down here and let everyone know what a risk the gentleman is taking, that he is doing this at great personal expense.

The gentleman could be a "go-along, get-along" guy. Those of us who try to make waves here, I try to be very amicable and I know the gentleman from Colorado does as well. He has a wonderful laugh and smile. We try to be fun-loving, good people, with good hearts and of good will; but at the same time, we are having to tackle issues that mean life and death to the people of the United States. It means whether our people are going to have their children go to school or not, whether the standard of living of our people is going to decline.

Why do we have a situation where dramatically during the 1990s, there was such a huge increase in the GNP in our country, and, yes, the top 20 percent of our country did benefit, but the working people of this country, by and large, were kept behind? If you really trace it back, and the gentleman from Colorado (Mr. TANCREDO) has done this many times before, we have looked at the charts, illegal immigration, this overwhelming flood of illegal immigration in the 1990s dragged down the standard of living, dragged down any pressure for an increase in wages for the working people.

I know that I do not come from a wealthy family, and I am sure the gentleman from Colorado does not either. We identify with working people.

There is no doubt that in the Federal Government there are many people who come from the elite of our society. But our job is to watch out for the working people and the regular human beings who go off to fight the wars, and go to work every day, and our good citizens by way of every race, of every ethnic group, of every religion. America, what we are so proud of, it is the fact we are a combination of the whole world; but we are working together, and because we have this love of liberty and justice and these ideals that keep us together.

That is why it is so ever-important to recognize that we are a unit, that Americans are a family; and if we have policies that are bringing in strangers, even though they may be very good strangers and very positive people, from the outside, but it is happening in such a magnitude as to prevent our people from sharing in this great prosperity that we had in the 1990s, keeping wages down, that it is wrong. It is a wrong thing.

Ordinary people are having their standard of living brought down by helping strangers. Our first and foremost job is to watch out for America and Americans and do what is right. Sometimes it takes a very courageous person to do that, and the gentleman from Colorado (Mr. TANCREDO) has demonstrated that time and again.

For those of you who do not know, the gentleman has made every hit list of every radical group, and other political groups, unfortunately. People that should know better have targeted the gentleman.

I am very proud of him tonight, and I hope all of you who are looking at the CONGRESSIONAL RECORD and are seeing this on C-SPAN and the rest of the colleagues here will give Mr. TANCREDO his due.

I have my own Special Order later on tonight after the gentleman is done, but I thought I would make sure everyone understands what a great job the gentleman is doing for our country and for each of them.

Mr. TANCREDO. Mr. Speaker, I am flattered, and I am humbled by my colleague's kind words. I sincerely appreciate it. I have said this over and over again, because I know the gentleman feels this way, I know there are many other Members of the Congress who feel this way, and that is that massive immigration, combined with this sort of radical multiculturalism that permeates our society, this is so dangerous. It will not only determine what kind of a Nation we are in the future, that is to say divided, Balkanized, or united, it will determine whether we will be a Nation at all.

Those are the stakes that I think are on the table. Therefore, I feel compelled to come here night after night, to stand up in any venue I am allowed to, and talk about this issue. I cannot think of anything that has more of a potential detrimental impact on the Nation than this massive uncontrolled immigration, combined, as I say, with this cult of multiculturalism.

□ 2130

Because it does conspire to make, for instance, a severe and very, very dangerous attack on citizenship itself, on the Nation itself. We talked about the various things that people are allowed to do now and that governments, State and local governments, are allowing to do who are living here illegally who are breaking our laws. And I mentioned that if you can come to the United States illegally, get your children educated for free, which you certainly can, K through 12, if you can now get your children educated at the state institution of higher education for in-state tuition, if you can obtain all the social services, all of benefits, if you can go to the hospital, get treatment for your ailments, get treatment for your children, get health care paid for, if you can use public housing get subsidized housing, if you can get all of those benefits, then there are very few things left that distinguish you as the citizen. One of those things is the ability and the right to vote. But guess what, this right to vote, this right to vote which we for a couple of centuries anyway held so dear, this right to vote is also being now threatened. And it is added, I should say, that right to vote is being added to the list of things that people can obtain here in the United States even if they are not citizens.

In 1991, Tacoma Park, Maryland, not far from here, voted to give non-U.S. citizens the right to vote in city elections. Several others by the way, several other cities around here have followed suit. Every time I say this people say no, that is impossible. That is not true. No, it is quite true. There are cities throughout the country, especially on the East Coast here, not too surprisingly I guess, that say if you are a resident of the city, simply a resident of the city, show us your utility bill, show us your driver's license, you can vote. Your citizenship will not be a question.

Now, there was a former state delegate in Maryland by the name of Thomas Mooney. He wrote an article in the Prince George's Journal. He was on the opposite side of this vote. He said, "Never have I heard of anything so ridiculous, so devoid of merit and so blatantly anti-American as the recent proposal to allow illegal aliens the opportunity to vote in city elections. If I went to Mexico or El Salvador I would not expect to be involved in their electoral process. I am an American citizen. My allegiance is to the United States. Voting is much more than supporting one candidate over another. It is a positive affirmation of our system of government. It is an act of involvement, a rite of passage for defining American citizenship. It is a vital piece of our common culture. It is under intense, strident attack by the Hate America First crowd. By allowing aliens to vote we demean that act which legitimizes our government and is one of the essential unifiers of our society."

Absolutely true. Now, Tacoma Park, as I say, was not the only one, has not been the only one who has ever done this. Even in the late 1960s a radical move occurred in New York City where the decentralization of the New York City schools, all parents, legal or illegal residents, were given the right to vote in 32 community school board elections. In New York City citizens were voting not only in elections for school boards, but, interestingly, on policy boards that were in charge of distributing anti-poverty funds to community groups.

In Chicago not too long ago a television station there, WLS-TV, did a comprehensive investigation of illegal aliens and the vote. It was a 5-part series in the early 1980s. They found that illegal voting was rampant. People were questioned on air and asked about it and they all said, yeah, sure, I vote. Robert Baskin states, "Carlos is a citizen of Mexico, but he had no trouble registering to vote in Chicago."

In California there have been bills up before the state legislature to allow anyone to vote. Time and again we have seen where people have actually set up stalls and set up tables in parking areas in California especially that are frequented by people who are here illegally, day centers where people come to get jobs and things of that sort. They set up these tables to register illegal aliens in parking lots and then tell them how to vote. They complete absentee ballots by hundreds and thousands and give them to illegal aliens to sign them and send them in. They transport van loads of illegal aliens to multiple voting locations in various names. This has gone on for quite some time.

Again, when you add it to all of the factors, when you add it to all of the things that I have said people can obtain by simply being here and not necessarily being a citizen, you can see why there is concern, why there is great concern for what is happening to the United States of America.

Theodore Roosevelt said in his speech on true Americanism in 1894, "We have no room for any people who do not act and vote simply as Americans and as nothing else. We demand that all citizens shall have fair treatment in every way. They all alike shall have the rights guaranteed them. The mighty tide of immigration to our shores has brought in its train much of good and much of evil. And whether the good or evil shall predominate depends mainly on whether these newcomers do or do not throw themselves heartily into our national life, cease to be aliens and become Americans like the rest of us. But where immigrants or sons of immigrants do not heartily and in good faith throw in their lot with us, but cling to the speech, the customs, the ways of life, and the habits of thought of the nation which they have left, they hereby harm both themselves and us. If they remain alien elements, unassimilated, and with national interests separate from ours, they are mere obstructions to the current of our national life and get no good from it themselves, and they are who really suffer the most."

"It is an immense benefit to the immigrant to change him into an American citizen. To bear the name of American is to bear the most honorable title. From his own standpoint it is beyond question that the wise thing for the immigrant is to become thoroughly Americanized. Moreover, from our standpoint we have the right to demand it. We freely extend the hand of welcome and of good fellowship to every man no matter what his creed or birthplace who comes here honestly, intent on becoming a good United States citizen like the rest of us. But we have the right and it is our duty to demand that he indeed shall become so. Above all, the immigrant must learn to talk and think and be the United States."

Not too long ago I had an opportunity to have a breakfast meeting with a Bishop Gomez, Bishop of the Catholic Church in the Denver archdiocese. And he did not agree with my concerns about immigration and about what is happening in the country with the lack of interest in citizenship and the attack on citizenship. And he said to me, Congressman, I do not know why you are so concerned about this, he said. He said, Most of the people coming here from Mexico today do not want to be Americans. And I said, Well, of course, Bishop, that is exactly the problem, is that they do not want to be and, by and large, they are not coming to be, we are witnessing, by the way, something else. Even people who are here legally are choosing not to become citizens at a far higher rate than ever before. Two-thirds of the people living here legally but who are not citizens of the United States have chosen not to pursue the citizenship route. That is another new phenomenon. And, again, I guess I could say, why should they? What is the benefit of citizenship? Why should anybody go through it? Everything obtainable under citizenship can be obtained if you simply walk across these borders. It is a dangerous thing.

There is a celebration for the Hispanic community in the United States referred to as Cinco de Mayo. It was over the weekend. It is an enjoyable celebration many people attend and certainly a large number of Hispanics in Colorado attend and enjoy it. I was listening to a radio talk show and they were talking to several of the vendors on the street. I thought it was interesting the vendor who was doing the biggest interest at Cinco de Mayo in Denver, according to this radio program on National Public Radio so it certainly had to be accurate, right, but the stall that was doing the most business was the stall selling Mexican flags. And later on that evening I saw a short clip on television show Cinco de Mayo and they were, of course, waving thousands and thousands of flags. All Mexican flags. I did not see a single American flag there.

Now, there is every reason to be prideful in the country that you are from. I certainly am proud of my Italian heritage. I do not wave the Italian flag on any particular holiday of Italy, and I certainly never would have thought of doing so. And if I did ever put out an Italian flag for some reason, I think I would put out an American flag next to it or above it to show my commitment and loyalty is to the United States. It is just a little thing. It is not a huge thing. You cannot draw a lot of conclusions from it. I thought it was an interesting thing that that was the one stall doing the most business and it was the prominently displayed flag during this celebration.

Why should anyone care? We encourage them not to in many ways, not to care about being an American, not to care about the fact that citizenship is a privilege, conferred upon people who have strived to come to the United States, overcome tremendous obstacles, devoted their lives in many cases to attaining that wonderful goal, being so excited when they were able to do so, when they were able to raise their hands and take that oath of allegiance to the United States of America.

Interestingly enough, now that oath, even the citizenship ceremony, the INS is letting individual groups, some religious groups, actually determining who will pass the test. They put out little brochures talking about how easy it is to pass the test, so that you do not have to worry anymore. They are not going to ask you any really tough questions. We will give you the tests in your own language. Doing everything possible to simply eliminate anything that is sort of a hardship to becoming an American citizen.

Well, I think anything that is given away is not valued. And I think that we should begin to be concerned about where we are going as a Nation, and how massive immigration combined with this multiculturist phenomenon in the United States has the tendency to tear us apart and to do great damage to this country.

My friend, the gentleman from California (Mr. ROHRABACHER), when he stood up he talked about courage and that sort of thing to say these things, but really it is imperative that all of us address these issues.

I came across this, and I will just end with this. This is a speech given by Enoch Powell in England, 1968, on the issue of immigration. He said,

> The supreme function of statesmanship is to provide against preventable evils. In seeking to do so it encounters obstacles which are deeply rooted in human nature. One is that by the very order of things such evils are not demonstrable until they have occurred. At each stage in their outset there is room for doubt, for dispute, whether they be real or imaginary. By the same token they attract little attention in comparison with current troubles which are both indisputable and pressing. Once the besetting temptation of all politics is to concern itself with the immediate present at the expense of the future. Above all, people are disposed to mistake predicting troubles for causing trouble, and even for desiring trouble. "If only," they love to think, "if only people wouldn't talk about it, it probably wouldn't happen." Perhaps this habit goes back to the primitive belief that the word and the thing, the name and the object are identical. At all events, the discussion of future grave, with effort now avoidable, evils is probably the most unpopular and at the same time the most necessary occupation for the politician. Those who knowingly shirk it, deserve, and not infrequently receive, the curses of those who come after.

I choose to avoid that particular environment. I do not want to have to look back and think, I wonder how this all happened? I wonder what happened to the Nation that I knew? And I do not want to have to try to explain to my children and to my grandchildren that it happened on my watch and that I did nothing, I did absolutely nothing to prevent it.

□ 2145

I want to convince them that I tried my best and so I will come back to this well of the House and as long as I am able, on as many occasions as I possibly can, to discuss this topic and to try and get our colleagues and the American people, to get our colleagues to reflect the attitudes and the opinions of the American people, 70 percent of whom agree with everything we are saying here tonight who are asking our own government for help, like this family that I brought to my colleagues' attention earlier and like the millions of others who are seeking to deal with the massive immigration and the negative effects it has had on their lives.

The people of this country know there is something wrong. I do not think there is a bigger divide between what the people of this country want and what the government is willing to give them than it is on this immigration issue.

So we will do everything we can; and as I say, I certainly appreciate the efforts of those who have labored in this particular environment long before I came here, like my friend, the gentleman from California (Mr. ROHRABACHER), the gentleman from California (Mr. GALLEGLY), and others who I know have been sounding this alarm for a long time. I join them in that chorus, and I ask for my colleagues' support.

LESSONS LEARNED SINCE 9/11

The SPEAKER pro tempore (Mr. HENSARLING). Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, tonight, I thought that I would discuss some of the lessons learned since 9/11 and discuss some of the current events that we are seeing happen on a daily basis and put them into some historical perspective.

First of all, 9/11. Let us note that 9/11 was not an unavoidable natural occurrence. 9/11, an attack upon the United States by an organized group of terrorists, happened because past American policies toward Afghanistan were wrong and because during the Clinton administration our general policy of weakness led our enemies to the conclusion that they could attack the United States of America and murder our people by the thousands and that there would not be the type of repercussions that they have had to endure since they did attack our country on 9/11.

I have spoken extensively about the past policies about Afghanistan which led to the establishment of a Taliban, an extremist Islamic state in Afghanistan, which then was used as a base of operations for a terrorist organization that was committed to attacking the United States of America and killing as many of us as possible.

I have also spoken in the past about 9/11 representing not only a mistake in policies but also a major, major screwup on the part of America's intelligence organizations. 9/11, while the policies that we had as a country helped lead us to that situation, we should have at least been protected by our CIA, the FBI, and the National Security Administration. But what happened?

We were blind-sided. We were blindsided not just in an attack that cost the lives of thousands of Americans, but we were attacked by an organization, the al Qaeda, which had already been declared the number one enemy of the United States and the number one target of our intelligence community. The number one target of America's intelligence community, a community made up of organizations: the CIA, the FBI, the NSA, DIA and many others. These people receive tens of billions of dollars a year in order to protect us; yet the number one target of American intelligence carried off an extremely complicated plot against the United States that spent tens of millions of dollars putting a minimum of 100, if not hundreds, of people in the field who must have known about this; yet they were able to carry it off and to bring down the Trade Towers in New York and killing 3,000 of our fellow Americans. Let me add, had this happened a half an hour later or an hour later, it would have been tens of thousands of Americans and not 3,000 Americans.

Let me just note that we have learned a lesson from 9/11. The CIA since 9/11, I am happy to report, has gone to great lengths to make up for their shortcomings prior to 9/11. The same with the FBI. The same with NSA. Apparently they learned the lesson.

I remember when I worked in the Reagan administration back in the 1980s; and in 1983, almost just about 20 years, a little more than 20 years ago, right as we speak, Ronald Reagan put America's military forces on alert and sent them to the island country of Grenada in the Caribbean, which was going through turmoil when a radical group of Communists took over that country. I remember that inside, that was a victory supposedly for the Cold War, and we did return democracy to Grenada; but the liberation of Grenada itself was a catastrophe.

All of our military forces found that they could not communicate with one another. Most of the casualties we suffered, and we suffered almost as many casualties in Grenada as we suffered in taking on Iraq and Afghanistan and Grenada was just a tiny little country, but most of the casualties in the liberation of Grenada were friendly fire casualties. Most of those who died in our military, it was because our own military people were not cooperating. They learned that lesson, I might add.

The leaders of our military took it to heart what they had seen and how embarrassed they were that they were not being serious about their job, and they reconfigured our national military; and today we have such a superb military, headed by, I might add, a man of vision and a decisive leader, Mr. Rumsfeld; and Secretary Rumsfeld and the leadership of our military have just given us one of the most profound military victories, one of the most astounding military victories in the history not only of the United States but of the world.

We took on, with very few casualties on our part, fewer than 200 casualties, we liberated Afghanistan, and we liberated the people of Iraq and the people of Iraq and Afghanistan were, of course, thousands of warriors against us and a terrorist army of thousands. Then in Iraq, we had one of the 10 biggest armies in the world, one of the biggest armies in that region who were certainly a major force; yet we took them on in just a matter of weeks. That is because we did what was necessary to reform our system back in the 1980s and to equip our people with the technology they needed.

The CIA, the FBI, the NSA are now going through that same kind of reform and soul-searching that took place in the 80s after Grenada. Already there have been some major successes. Many of them have not been announced to the public, but our CIA, for example, I know thwarted an assassination attempt on King Zahir Shah of Afghanistan, and there were no praises sung for this; but yet people in the know realized that since 9/11 and over these last few months and last years we have seen a new attitude emerge.

Perhaps it is due to the leadership our President, President Bush, is giving; and I would certainly say that our President has risen to the occasion and since 9/11 has shown himself to be a world-class leader and historic leader of our country.

This President has learned we should, when possible, have our local allies do the fighting for us. Let them fight for their freedom, and let us be there to help them. This is what President Bush, the strategy he laid forward in Afghanistan; and it is very similar to the strategy that Ronald Reagan laid down and was called the Reagan doctrine and how he ended the Cold War. Reagan's doctrine was let us not just do it just with the American military might, but let us depend on helping local people win their own freedom; and that is what we did in Afghanistan, and President Bush also made sure that the people of Iraq knew that our purpose was there to help them liberate themselves, not to occupy their country.

Of course, we learned, and it was confirmed, that America's investment in weapons technology was well worth it, and we did go through a time in the 1990s in our predecessor's administration when there were dramatic decreases in the defense budget; and yes, certain decreases in the defense budget were warranted after the Cold War, but we managed to keep those technology weapons alive; and those developments of the laser systems that are offshoots of missile defense and other types of programs, we managed to keep them in the budget and not just the defense budget being used as a social welfare distributing system for different systems for different groups that were preferred that our people wanted to make political fronts with. Instead, we kept it a fighting unit; and that was one of the accomplishments of this Congress, as well as working with the Clinton administration.

What did that lead us to? It led us to fewer than 200 American deaths in liberating Afghanistan and Iraq. What an enormous achievement that was.

Let us now make sure that we pay attention to what was learned; also what have we learned from what we have gone through, what we should have learned, that we should not pay attention to the liberal whiners who always have seemed to be around.

There is a myth that during the Reagan years the Cold War was ended because of some kind of bipartisan cooperation. I will tell my colleagues from the inside of the White House, we did not see much bipartisan cooperation. Yes, there were about one-fourth of the Democrats who were willing to stand by the administration when the fighting was hardest with the Communists; but by and large, every time Ronald Reagan tried to make a stand against the Communists during his 8 years as President, there was an active group of people on the other side of the aisle who were doing their best to fight those who were fighting Communism. They were anti-, anti-Communists; and it is a miracle that the President was able to succeed in the way he did with the type of people who were undermining his efforts.

The Communists invested in a whole bunch of intermediate range missiles they put into Europe and immediately said let us have a freeze and left them in a position of superiority, and then we have the nuclear freeze movement which was supported by, unfortunately, many people on the other side of the aisle; and Ronald Reagan stepped forward and said, no way, we are not going to freeze them into a superior position, and then offered, as Ronald Reagan always does and always did, a positive alternative, let us bring the number of missiles down to zero, let us agree to eliminate the class of intermediate range of missiles in Europe which, by the way, he was called names. He was made fun of. They called him an amiable dunce. They were suggesting he does not know what he is talking about, the Russians will never agree to that; and of course, within 5 years there was an agreement signed with the Russians to do precisely that.

These whiners have been with us every time America takes a stand, and it is not just against Communism. We are talking about, these are people predicting doom whenever we try to act. It seems there are people that are part of our political system, part of our political spectrum here that have a compulsive lack of faith in America itself, and they were suggesting all kinds of horrible scenarios of what was going to happen if we took a stand and acted against Saddam Hussein; and they were the ones claiming within a very short period of time after Afghanistan started, oh, are we bogging down in Afghanistan.

After 1 week of fighting, well, remember, let us not forget these predictions and let us learn from them. It was predicted that there would be a major tank battle, Saddam's Republican Guard was going to engage us in a major tank battle outside of Baghdad. Whatever happened to that? I will tell my colleagues what happened to it. We had the technology to destroy most of those tanks before they started moving up to any position where they could threaten our troops. What tank battles there were were limited. Our people were very brave; but by and large, that major tank battle, historic tank battle that would be on the scale of El Alamein and all the rest never happened.

□ 2200

What about the gas attacks and the nuclear attacks that were going to vaporize our soldiers, this fear which immobilized so many people. We have to stop our President from putting our troops in or they were going to be gassed and vaporized by nuclear weapons. That, of course, never happened.

Some ask what happened to the weapons of mass destruction the President was talking about? Let me just note I have been a strong supporter of the President from the very beginning. I have called for eliminating Saddam Hussein for many years. When I was first elected is when we went to the war in the Gulf and I told DICK CHENEY and Colin Powell then not to start this fight unless we are going to finish it. And yes, I have been critical of President Clinton, and now let us be critical of President Bush's father. He did not finish the job. He left us vulnerable, and left a homicidal maniac in charge of the country of Iraq. Well, that was not the responsible course of action, just like many things that Clinton did were not responsible, but we had to make up for it.

I have never suggested that Saddam Hussein had to have weapons of mass destruction for us to justify joining with the people of Iraq or helping liberate the people of Iraq from this dictator or monster because he had a blood grudge against us. It was prudent for us to eliminate that dictator before he was able to amass these mountains of money that were predicted because of the oil revenues that Iraq could expect in the future years, these tens of billions of dollars. He would have bought himself a chemical, biological or nuclear weapon. He would not have to build it; he would have bought chemical and biological weapons. He would have overthrown the Saudis with the tens of billions of dollars of oil money that he was about to reap. No, it made no sense to leave that man there.

We can be proud our President made the stand, even while everyone was throwing up their hands and nitpicking and naysaying and predicting horrible things. How many times did we hear: Why did we rush to this? The President took month after month after month trying to work it out peacefully, and then he was castigated as if he was rushing into war.

We should remember that because those who were predicting weeks of house-to-house combat, building by building would have to be taken, and urban fighting. That never materialized. It never materialized. We kept saying the people of Iraq do not want to live in a dictatorship. And yes, President Saddam Hussein did have his gang of thugs that were somewhat of a threat, but the people of Iraq have by and large been on our side.

What about the massive demonstrations that were going to be precipitated by America's adventurism overseas? And of course as the war ran its course, opposition actually declined. The number of people going into these demonstrations and saying and having all of these very negative thoughts about our country and troop deployment, they decreased over the days of this military operation. And of course now that it has ended in a very successful way, no one is out demonstrating.

Remember if we did this, there were predictions that there would be chaos and destabilization throughout the Arab world and the region and there in the Persian Gulf. Oh, the instability this would create. There would be wars springing up everywhere and regimes falling and it would create a much less safe world. That did not happen, did it?

But we heard all of these predictions. Let us not forget them. Let us not forget who was making those predictions and the speeches we heard right here on this floor by people making these very same predictions and doing their best to make sure that the American people had no confidence in their President's leadership during this vital moment in our history.

So what about the chaos and destabilization? It did not happen. What about the urban fighting that was supposed to go on for weeks? It did not happen. What about the vaporization of our troops with gas and nuclear weapons? That did not happen.

What about the Shiites rising up? There have been a few Shiite demonstrations, and most have been religious marches because under Saddam Hussein they were restricted from demonstrating their faith for 20 years. Finally, there are hundreds of thousands of them marching for their religious faith; but the left wing of this country, the news media, ends up characterizing that as being anti-American. No, the power play by some Shiites who are politically motivated in that direction numbered a couple thousand people, and we have made it clear to the people of Iraq that they are going to elect their own leaders and we are going to set up a system, we are going to work with them for a couple of years, and set up the institutions necessary for them to elect their own leaders.

Mr. Speaker, I have no doubt some Shiites are going to be elected, but they are not going to be elected in the name of establishing a theocracy like Iran. They just got rid of their dictatorship. Clearly the people of Iraq would like to live in freedom; and yes, there are some powermongers there, but we are not going to let them get away with it, and the people of Iraq are not going to let them pressure their way into power.

Remember the predictions about the Turks. They were going to invade the Kurdish areas in the northern part of Iraq. These Turks were going to come in and grab the oil and there would be bloodshed and chaos. Funny thing, that prediction did not come true either. Just remember who made these predictions.

All I am suggesting is let us learn, America, from what we have just gone through so when people get up in the future and undercut a President who is trying to make a tough stand to secure the blessings of peace and liberty for future Americans we will be able to stick behind him and we will know that the naysayers will always be with us, and the naysayers will always try to undercut a President that is acting on the behalf of the United States of America perhaps because psychologically they just down deep have such little faith in our own system because they only see the flaws in America.

I see the flaws. There is no doubt that America has a multitude of flaws. Look, we had slavery in this country. We had slavery long after Great Britain eliminated slavery. We have had racism in this country over the years. Let me point out that race relations to almost all of the other countries in the world in those days, they were just as bad as we were; but that does not excuse us, a country that Thomas Jefferson wrote down such wonderful founding principles as "Rights are given by God to every person." These are children of God, and we have not done right by many people here.

American Indians were not treated well, we know that. We know over the years we have had our share of corruption; but we know we, as Americans, have other things that we can be so proud of, that the average person has had so much more freedom here than in other countries. Even though there has been racial discrimination, we are going to try to work to end that. We have made a lot of progress in this.

Our Army during the Gulf War, if we look at who made up that Army, it was a little bit of America. Every American was there and represented, the leadership of the Army and the leadership of our country with Colin Powell and Don Rumsfeld standing side by side along with our President, George Bush.

We have throughout the administration and in Congress seen these great examples of progress, and throughout the countryside and cities throughout our country, there is not the racial hatred and animosity that there was. I personally sense since 9/11 a wonderful rebirth, if not a rebirth, maybe it is a birth for the first time, of a feeling of goodwill among all Americans. We have gone through these times before, but I think 9/11 has unified us as never before, and we are building upon that. This President is building upon that goodwill to try to help us improve this country.

One day in the Los Angeles Times, when we talk about what the President has put up with and the pessimism, and this is the day before yesterday, they had a front-page story talking about the quagmire that we are in in Iraq. Talk about naysayers. But what happened just today, look at the Los Angeles Times. The very next day they have a story detailing the emergence of new leadership in Iraq.

Something is wrong here. We cannot have a story one day where we are in the middle of a quagmire and the next day have a new democratic leadership emerging in a country that has been under a dictatorship for so long. The problem is we had critics and naysayers who have been speaking out in loud voices and repeatedly they have been wrong, they have been wrong, and they have been wrong.

What we need to do tonight and what we must do in the weeks and months and years ahead is not forget what they have been saying and how wrong they have been so we will not listen to them and take their advice and base it on pessimism, on just undue pessimism in the future.

America in the future, as we have had now, and thank God we have had a President that is not afraid to act, we cannot be afraid to act if we are to be a prosperous people and if we are to live at peace and if our freedom is to be protected. We should have no apologies about acting in our own country's interest.

Let me repeat that because many of the people who are attacking our President are doing it based on some global strategy or some notion of what is going to happen in the world. We should have no compulsion about holding back when it is our country's interest, and I mean long-term interest. In the long-term interest of our country supporting the cause of freedom, supporting the cause of peace and freedom in this world, of liberty and justice for all as we say, this is in America's interest.

Ronald Reagan demonstrated that acting on the behalf of freedom, acting on behalf of liberty and justice, helping to support the various people struggling against the Soviet Union and supporting those people that believed in democracy, that helped end the Cold War; and now President Bush has clearly demonstrated that America's most powerful and successful strategy is not based on coalition building and some international acceptance or global strategy. Instead, our most powerful and successful strategy is one that is based on promoting human freedom.

Look at what happened in the last few months. Our foreign policy establishment seems obsessed with pleasing the international foreign policy establishment. Our own State Department, these are the people who are supposed to be doing our bidding, their liberal allies in the press and the leadership of the Democratic Party, had George W. Bush jumping through hoops. And as President of the United States, they had him going from here to there groveling before the United Nations and begging our NATO allies to join with us or to at least give us your approval.

Why should we need the approval of the United Nations or of our NATO allies to go forward and to do what is in our national security interest as long as that is consistent with promoting the cause of human freedom? By the way, again, if we are not furthering the cause of freedom and democracy, we probably should have second thoughts about what we are doing. But our enemies are the enemies of freedom. The Taliban in Afghanistan, al Qaeda in Afghanistan, Saddam Hussein in Iraq, these people are enemies of the United States because we represent what is best in Western civilization.

□ 2215

We do not and should not need the approval of the United Nations to defend ourselves and to support other people who are struggling for freedom and democracy in far-off lands. Unfortunately, this has almost become a cliche about the United Nations. People think of the United Nations as our best hope. The United Nations is not our best hope. The United Nations is our worst nightmare. I hope the American people after looking at what has happened these last few months will understand that too is a lesson that we need to have learned. The United Nations is still with countries that are vicious, ugly dictatorships at the same level of Saddam Hussein. The world's worst human rights abuser, Communist China, has a veto power over anything the United Nations will do. We see the United Nations putting countries up that are dictatorships and human rights abusers. Fidel Castro ends up on the Human Rights Commission; and we end up being removed. Syria, you name it, these countries that do not have democratic governments, do not permit political opposition, end up in pivotal, decision-making positions.

Let us note that if we depend on the United Nations, we are going to pay a price anytime we have to do anything; and in this case it took so long, it almost undermined our entire effort in Iraq because it was just taking so much time, it would have put us in the middle of the summer and it would have compromised the entire military operation. But our President, trying to prove that he is going to do everything he can to bend over backwards in order to convince our allies and convince the United Nations that we respected their institutional prerogatives.

But what does it mean when you get the U.N. behind what you are doing? What it means is you have had to buy off the Communist Chinese. I do not know if we made any agreement, if our government ended up making an agreement with Communist China. I do not know. But I will tell you in the future, look very closely when people have a United Nations-based strategy. Perhaps in order for us to do something in our national security, they may demand that we never mention Tibet again. So we just write off the people of Tibet. Or how about other religious believers in China? Is that worth the price of getting their little approval in a vote in the United Nations? I say that is baloney. I say that is not worth it at all. There is no trade-off there. To get them to vote in the United Nations, that is worthy of us giving up millions of people in China who believe in God and so we will never mention it because we do not want to break our word to them that we are going to let them run their internal affairs now?

And then there are people in our State Department and throughout academe and the press who are trying to build this global strategy for America, yes, based on the United Nations which, as I say, very precarious, but then they want to, of course, set up an economic organization, the world trading organization, that will control trade and economic decisions so that we will have economic harmony, another great dream just like the United Nations. But if you look real close, it is a disaster. It is a disaster waiting to happen. We will have panels set up that will be making decisions for what? It will be making decisions on whether or not our economic policies are consistent with the international agreements. Who will be on the policy boards and the commissions? And who will be running these structures and making these determinations? People from third-world countries, like Burma. How about Nigeria? How about Bolivia or Colombia? Do we really want countries like this to be making determinations if we are in compliance with international economic regulations and agreements? The people who will be serving on these boards from those countries will be bought off in a heartbeat by the Communist Chinese. We will not buy them off because we are moral. We want to go by the system. But they will not think twice; our enemies and the thugs of the world will not think twice about this.

You do not want to go through the U.N., and you do not want to set up a world organization run by countries that are not democratic in order to depend on a prosperity and a peace for the people of the United States of America. We also do not want to rely on NATO and our NATO allies anymore. NATO served its purpose, and its purpose was to deter the Soviets from invading western Europe and that is done. That is totally done. The Soviet Union is gone. Now we have a democratic Russia, a Russia who is struggling to be democratic. We do not need NATO to protect the peace. NATO is a bureaucracy, and now we find that our NATO allies whom we believe that we can depend upon are not dependable allies. We find out that NATO is worthless, that France, Germany and Belgium and even our neighbor Canada are fair-weather friends, fair-weather friends who we cannot depend upon to help us when our liberty is being threatened and when we feel compelled to act.

We have just spent in the last decade billions of dollars to help these NATO allies out in the Balkans, which is part of Europe, part of their responsibility. Yet we spent billions of dollars, put our military people at risk, and they in return gave us the back of their hand. By the way, we still have thousands of troops in Kosovo, thousands of troops in Kosovo. Yet our German, our French, our Belgian and other allies cannot get themselves to help us at a time like this. We did have, and I will say something inspiring, a new concept. As the President moved forward, he said we will have an alliance of the willing. That was extraordinarily inspiring. Great Britain, of course, stood with us. Yes, I think Tony Blair should be given an honorary citizenship in the United States of America. He and the rest of the British people are our great friends. But the people of Spain stood with us. Poland. We found our friends in Bulgaria and the Czech Republic and, yes, we found that our Aussie friends, the Australians, stood by us and proved themselves to be there when it counted.

Let me note, when the Australians come to us, I may be a bit suspicious about the World Trade Organization and setting up a grand alliance with everybody in the world, democratic or not, and having those rules apply and be applied by an international organization controlled by all these countries. I have no problem with the free trade agreement with Australia. They have proven themselves to be our friends and they are democratic.

What about one other country that I have not mentioned here a bit, a lesson that we may have learned in these last few months? What about Russia? They were not with us, were they? I have paid close attention to Russia; and I have separated it out from the rest in terms of an analysis of their potential and how we should relate to them. The Russians, I believe, first and foremost wanted to be on our side in the crisis from which we have just emerged. They requested, however, that if they would be on our side in any attack on Iraq, that the $8 billion that Iraq owes to Russia should not be canceled. They have a very weak economy right now. They are struggling in Russia. It was a very reasonable request for them to make, that if they were going to stand side by side with us, that we not let their economy take the $8 billion hit of a cancellation of the debt the Iraqis owed the Russians. They also said, let us be part of rebuilding Iraq. Those were two reasonable requests. We did not follow through.

We could have had Russia and the United States standing together. It would have been an awesome picture to the world. It would have presented a picture of strength that would have been very difficult for anyone ever to ignore. It would have shown a new alliance for democracy in the world. It was just a very sad thing; and I believe that if the administration has made mistakes, and all of us do, it was a mistake in passing up this opportunity and not following through on it and putting the energy into making it work with Russia as we could have. Just as I say, the vision of Russia and the United States standing there would have so overshadowed the French and the Germans and the other whiners in Belgium and elsewhere, that everyone would have known it is a totally new world. But with Russia, sort of playing games with them and being sort of part of their team, it did give a greater image of strength to those opposing us than need be.

Let me just note this. That does not mean we had to just go along. We could be creative. We could just go along and say, The Iraqis can't cancel their debt to Russia. I understand some of our diplomats were saying that, saying if they end up having to pay the debt to Russia, that is, if they end up paying the debt, it will be a burden around the new democratic Iraqi government's neck. We cannot burden the Iraqi people with having to pay back Russia so that is why we did not take them up on that offer. That is what I have heard. That is just a one-dimensional look at this issue. If we honestly felt that we wanted to have a democratic Iraq that was capable of acting without having to have that type of burden around their neck, we should have then told Russia, we will support your cancellation of Soviet-era debts to the German and French banks. That has been a burden around their neck all this time. We could have fulfilled their desire in a different way using a creative approach by letting the Russians cancel the debt to the German and French banks. That would have sent a very good message and at the same time protected the new democratic government in Iraq from having too much debt and a millstone around its neck. But we did not do it. As I say, it is something that is past now; but we are going to have to work to make up for that what, I believe, is a mistake.

There are ways that we can work with Russia. We need to help the reformers in Russia. I know that just a couple of weeks ago there was a liberal reformer who was assassinated in Russia, showing us that we have got to stand by the good people in Russia who are struggling and even putting their lives at risk to try to build a more democratic and more decent place in what was the Soviet Union. So let us give the Russians a way to work in partnership with us and not to be considered an outsider. We did not do that during this Gulf War, this Gulf War II; we did not go out of our way to do that as we should have. The Columbia shuttle disaster, however, let me note, I am not only on the Committee on International Relations but I am also the chairman of the Space and Aeronautics Subcommittee of Science, so I oversee NASA.

Let me say, the Columbia shuttle disaster, yes, it was a horrible thing and sometimes, as the Chinese say, opportunity and challenges are part of the same word. We have great opportunities in how we are going to deal with the shuttle disaster Columbia. It permits us a chance to work even closer with Russia in the satellite area and in the area of the international Space Station and space transportation. They have rocket engines in Russia that are superior to the rocket engines of the United States. We need not spend money to develop rocket engines in the United States when we can buy that type of capability from the Russians themselves. Let us let them get into the game of selling their services to the world; and when they do have something to sell, let us not cut them out by protecting our own industries. Our industries have to compete with them. Instead of spending money replicating what the Russians can do, let us spend our research dollars developing newer technologies and leapfrog technologies that will put us ahead of the game.

I know that there are some restrictions on Russia, especially in cooperating with Russia in this arena, in the space arena, because Russia is building a nuclear power plant for the Iranians. I agree, they should not be doing that. The Iranians have oil and natural gas. They do not need a nuclear power plant. There is only one reason that they would want that and that would be to build a nuclear weapon and we will not permit that to happen. But we cannot just lay it on Russia, It is in our interest not to have the nuclear power plant built, and walk away, just like we were saying to them, you are going to have to join us and have the risk of losing that $8 billion in Iraq, you are going to have to absorb the cost.

This is a country that is just struggling to have a decent economy to help their people raise their standard of living which has been going down for years. Now they have a chance to raise it. We should not be trying to undercut them, but let us use some creativity here. If they cannot build a nuclear power plant for Iran because Iran is controlled by hostile powers, let us help the Russians build a nuclear power plant for Turkey. Or how about Australia? Or how about the Philippines?

□ 2230

These are countries that need electricity. We could probably arrange and guarantee a loan from the World Bank, and it would not even cost us any money. We would just have to help guarantee it and arrange the business deal, and then the Russians could build that; and they would be building something that would not be a threat to us like it is in Iran, and then we could move forward with a number of space-related projects in which both countries would benefit. But it takes creativity and a commitment to freedom in American foreign policy. And the struggle for freedom, the direction of Russia, is one of the pivotal fights in our time. If Russia goes in the way of democracy in the West and builds up these economic relations with the people in the Western democracies, especially in the United States, our world will prosper and will live in peace. If it goes the opposite direction, if it begins to more align itself with China, which has an anti-view of Western Civilization and is a belligerent country to democracy or if it starts to align itself with the thugs of the world, then there will be a lot of trouble in the world ahead and the Russian people and the American people will suffer because of it. So let us have a freedom-based policy and work with those people in Russia and elsewhere looking to promote a freer society.

Unfortunately, that is not the basis of what our State Department uses to decide upon American foreign policy. After looking at the American State Department up close now for about 15 years, actually probably more like 20 years now because it has been 7 years in the Reagan White House, I would say that if there is one word that is the goal of the State Department, it is not globalism, it is stability. They believe in a foreign policy which they call a pragmatic foreign policy, which is based on a formula for stability.

Ironically, and this is what is so ironic, pragmatism as a strategy does not work. It is idealism and the ideals of freedom and democracy that work, that help to build a more stable world. We receive stability when we put freedom and liberty and justice into the equation while we are trying to figure out what we should be doing in various parts of the world; and it is only when we have liberty and justice as part of that decision-making concept that we will find that peace is possible.

For example, in Kosovo here we are still. Years and years and years we have been in Kosovo. I remember when I was down on the floor predicting that it was going to be a decade before we got out of Kosovo, and we were assured by all those people who voted for this at President Clinton's request, it will be 1 year, a 1-year deployment. Sure. We should not forget that either. We should remember all the lessons we have learned over these last few years. We are still in Kosovo, and do the Members know why we are in Kosovo? We have got thousands of troops in Kosovo because our State Department has basically convinced themselves that we cannot recognize Kosovo's right to have their own country. In Kosovo 90 percent of them are Muslims; they are Albanian extraction. They want to have their own country just like the Croatians want their own country, just like the Slovenians want their own country, and they have got their own little country; and there is no reason why they cannot, except that would make the Serbs really mad. So in order for the Serbs not to get angry, to make sure that there is not a crisis, to ensure stability of the moment, we have kept our forces in Kosovo all of this time.

We should have worked a long time ago in order to build a consensus and reach compromises within the Kosovo society for there to be free elections and there to be a referendum; and the people of Kosovo should decide with a vote, with their own vote, whether or not Kosovo should be independent. I have no doubt that they would vote for their independence, and then we should support them in building their own defense forces to protect their borders and just let the Serbs know that, I am sorry, they cannot attack the Kosovars. They cannot attack the Macedonians; and whatever they declare their national sovereignty, they cannot attack the Slovenians, the Bosnians. I am sorry, but Serbia has got to be enough for them. By the way, each one of those countries has a map of a greater Serbia or a greater Albania or a greater Croatia, claiming that their borders used to be way down here and thus they should control it even though the vast majority of the people in those areas are no longer Croatian or Serbian or whatever, no. Where the majority of people want to be part of a government, we let them vote on it; and if they want their independence, they have a right to declare their independence. God gave them the right to control their own destiny through the ballot box.

That is what the United States of America is supposed to be all about. We developed a system which works. It is practical, but the basis of the system is an understanding that people have a right to control their own destiny through the ballot box, and they have a right to live in peace and freedom and dignity.

In Afghanistan we are making the same kind of mistake as we are making in Kosovo. And our State Department has again proven itself totally incapable of appreciating America's experience and America's ideals of how we solve things. In Kosovo they will not let these people have their own country even though the vast majority of them want their own country because it might make the Serbs mad. In Afghanistan there are many, many different ethnic groups. And in Afghanistan the major ethnic groups, they call them the Northern Alliance right after we were attacked, and this Northern Alliance is an alliance of ethnic groups, which compose about 50 percent of the population; they were the ones who fought the Taliban, those people, and they have militias. And their militias and their generals, which they call them warlords, which is very pejorative, they fought the Taliban and kicked the Taliban out while a huge chunk of the population of Afghanistan did not fight the Taliban. They sort of sat it out. They are called Pashtans, and the Pashtans of course share Pakistan and Afghanistan. And guess what? Now our State Department, so we do not make the Pakistanis mad, we have to have the Pashtans in power in Afghanistan.

That is not what this is all about. We believe in democracy. We believe in people controlling their own destiny through the ballot box. Our State Department is pushing the French model in Afghanistan. The French model is when there is a strong central government and it appoints the police chiefs, the head of the local schools, the people who provide local services; and they do not have local government really. They have a strong central government. What do the Members think about these five ethnic groups that fought alongside the United States against the Taliban and we are telling them they have to disarm and basically let the strong central government, which is now dominated by another ethnic group who did not fight the Taliban, control them?

I recently went to Afghanistan and helped work out a compromise, and the compromise is very easy. The warlords supposedly, their ethnic groups or their militias, will disband their armies.

They will demobilize. They will disarm. But they have to be guaranteed the right to elect their own mayors and city councils, to elect their own provincial governors, just like here in the United States. Why is it the State Department cannot understand what made America successful? This is what made America successful. We do not centralize power in order to bring about a more peaceful society. We diffuse power and we let everybody share in it, and we have people electing the people who will most affect them.

I will tell the Members I do not understand why the State Department does not understand, but they are pushing the wrong way in Afghanistan. It will not work there, and it is going to cause more trouble and it is not working. It is keeping us tied up in Kosovo. We need to make some decisions here, and we should not be leaving it up to the professionals of the State Department. The professionals at the State Department, when they are negotiating, they are not negotiating, as I have just pointed out, from the idea of what is best for America or even what is most consistent with the American way of government. Instead, they have an ideal of their own in mind. It is a worldwide pragmatic organized world based with United Nations, with the WTO, with all of these world health organizations, world trade organizations, and this is the dream of the people who are representing us. So when we go into negotiations and we try to have our government directed one way or the other, we end up not having America's interest and America's ideals in place. They are not part of the bargaining table. The people on the other side of the bargaining table, they know that they are bargaining for what is good for their country. Our people are bargaining for what is good for the world, what is good for the global vision of the world.

A few years ago the Euro was in trouble. The Euro was in trouble. The dollar of the European Economic Alliance was in trouble. Why is it in our interest to help them build an economic coalition that is aimed at undercutting us? Why should we build our competitors up in Europe? Why should we help them build a currency that permits them to undercut the United States of America? Why did we do this? And this was about 4 years ago, the Euro was collapsing, and we took money from our own account here in the United States that should be aimed at stabilizing the American dollar, and we took it over there and we stabilized the Euro. We should not want our competitors to do well. Our job is to watch out for the people of the United States of America. Instead of these large grandiose worldwide treaties based on economics, we should be going individually to countries like Australia, for example, and having agreements, Japan and elsewhere, having bilateral agreements that we will insist on being enforced with other democratic countries rather than putting ourselves at the mercy, at the mercy, of organizations that will be controlled by people from countries that do not share our ideals. Yet our own State Department has this type of world as their goal.

Let me just note that during the time when our President was trying to do the bidding of the State Department and trying to jump through the hoops, trying to have a strategy based on what they wanted him to do, things seemed to bog down. It looked like we were weak and that our President lost his purpose and was not going to be following through. He kept saying that he was, but it became tiresome. It was frightening for a moment to think that he might back down. Instead, that all changed when the President gave a speech before the American Enterprise Institute, and that is when he outlined the moral basis, not just the pragmatic basis. They were going to have regime change. Remember? They were going to have regime change. That was their goal. When he spoke at the American Enterprise Institute, and I believe that was the end of February, he outlined for the people of the world and for the people of Iraq that our goal was freedom and justice for the people of Iraq and that we will only stay there long enough to help them build a democratic system.

After that our effort was energized. After that there was no stopping the United States of America because we were the freedom fighters, and those who opposed Saddam Hussein and wanted democracy were our allies, and the President allied himself with those people all over the world who believed in freedom and justice and democracy, and most importantly he allied himself with the people in Iraq who believed in those things.

Yes, it is when we stay true to our ideals, it is when we have a morally based, a freedom-based foreign policy that America becomes unstoppable because our goal is not to dominate the world but to create, yes, a better world that is based on freedom, not based on more bureaucratic organizations, but on freedom and on people treating each other decently, on liberty and justice for all, as we have said many times.

□ 2245

We would hope that as we face these challenges in the future, that the people of the United States remember what we just went through and learn the lessons. Our military learned the lessons of the seventies and eighties. Our CIA and our intelligence agencies have learned the lessons of 9/11. But the American people need to learn the lessons of what we have just been through.

There will always be naysayers. There will be pessimists, people who do not believe in our system. There will be people who believe in a global approach, but not believe in America as a leader. But we must lead the way.

The President of the United States is doing a terrific job for us, but we as the American people must stand behind any President that is willing to act in the cause of freedom. We must lead the world, because, if we do not, there will be no courage on the part of the people who believe in freedom and justice anywhere in the world, unless they know that the United States is with them, and we are with everyone throughout the world who would side with liberty and justice and against tyranny.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Ms. PELOSI) for today on account of primary elections in the district.

Mr. DINGELL (at the request of Ms. PELOSI) for today and May 7 on account of personal reasons.

Mr. BONNER (at the request of Mr. DELAY) for today on account of transportation delays.

Mr. GARY G. MILLER of California (at the request of Mr. DELAY) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WYNN) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. WALDEN of Oregon, for 5 minutes, May 7.

Mr. PAUL, for 5 minutes, today.

Mr. BASS, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today, May 7, 8, and 9.

Mr. NUSSLE, for 5 minutes, today.

Mr. HENSARLING, for 5 minutes, May 8.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. WICKER, for 5 minutes, May 8.

Mr. OSBORNE, for 5 minutes, May 7.

Mr. PENCE, for 5 minutes, May 7, 8, and 9.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 47 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 7, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2040. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Eighty-Ninth Annual Report of the Board of Governors of the Federal Reserve System covering operations during calendar year 2002; to the Committee on Financial Services.

2041. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Singapore for defense articles and services (Transmittal No. 03-12), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2042. A letter from the Inspector General, Department of Commerce, transmitting a report in response to the National Defense Authorization Act for FY 2000, pursuant to 22 U.S.C. 2778 Public Law 106—65, section 1402; to the Committee on International Relations.

2043. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed export license with Colombia [Transmittal No. DTC 030-03], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2044. A letter from the Chair, Commission on International Religious Freedom, transmitting the Commission's 2003 Annual Report, pursuant to 22 U.S.C. 6412 Public Law 105—292 section 102; to the Committee on International Relations.

2045. A letter from the Chief Financial Officer, Department of Housing and Urban Development, transmitting the Department's inventory of commercial activities for the year 2002 as required by OMB Circular A-76 and the Federal Activities Inventory Reform Act; to the Committee on Government Reform.

2046. A letter from the Attorney/Advisor, Selective Service System, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2047. A letter from the Acting Director, Selective Service System, transmitting the Performance Measurement Plan for FY 2004; to the Committee on Government Reform.

2048. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Designations or Nondesignations of Critical Habitat for 101 Plant Species From the Island of Oahu, Hawaii (RIN: 1018-AI24) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2049. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Reporting Requirements for Barges Loaded with Certain Dangerous Cargoes, Illinois Waterway System within the Ninth Coast Guard District [CGD09-03-209] (RIN: 1625-AA11) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2050. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Miles 1062.6 and 1064.0 at Fort Lauderdale, Broward County, FL [CGD07-03-048] (RIN: 1625-AA09) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2051. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Mianus River, CT [CGD01-03-031] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2052. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones: Escorted Vessel Transits, Portland, Maine, Captain of the Port Zone [CGD01-03-028] (RIN: 1625-AA00) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2053. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Reporting Requirements for Barges Loaded with Certain Dangerous Cargoes, Inland Rivers, Eighth Coast Guard District [CGD08-03-014] (RIN: 1625-AA11) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2054. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Anchorage Grounds and Security Zones; Oahu, Maui, Hawaii, and Kauai, HI [CGD14-03-001] (RIN: 1625-AA00) [Formerly 2115-AA97] (Formerly RIN:1625-AA01) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2055. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; St. Croix, United States Virgin Islands [COTP San Juan-03-047] (RIN: 1625-AA00) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2056. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Airworthiness Directives; General Electric Aircraft Engines CT7 Series Turboprop Engines [Docket No. 99-NE-48-AD; Amendment 39-13090; AD 2003-06-03] (RIN: 2120-AA64) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2057. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters [Docket No. 2002-SW-54-AD; Amendment 39-13087; AD 2003-05-11] (RIN: 2120-AA64) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2058. A letter from the Regulations Officer, Department of Transportation, transmitting the Department's "Major" final rule — Hours of Service of Drivers; Driver Rest and Sleep for Safe Operations [Docket No. FMCSA-97-2350] (RIN: 2126-AA23) received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2059. A letter from the Secretary, Department of Labor, transmitting the Department's report entitled, "2002 Findings on the Worst Forms of Child Labor"; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHLERT: Committee on Science. H.R. 766. A bill to provide for a National Nanotechnology Research and Development Program, and for other purposes; with an amendment (Rept. 108–89). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. H. Res. 219. A resolution providing for consideration of the bill (H.R. 766) to provide for a National Nanotechnology Research and Development Program, and for other purposes (Rept. 108–90). Referred to the House Calendar.

Mr. NEY: Committee on House Administration. H. Res. 148. A resolution providing for the expenses of certain committees of the House of Representatives in the One Hundred Eighth Congress, with an amendment (Rept. 108–91). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HASTINGS of Washington:

H.R. 1953. A bill to revise the provisions of the Immigration and Nationality Act relating to naturalization through service in the Armed Forces, and for other purposes; to the Committee on the Judiciary.

By Mr. SENSENBRENNER (for himself, Mr. Coble, Mr. Flake, Mr. Gutierrez, Mr. Hastings of Washington, Mr. Issa, Mr. Jenkins, Mr. Jones of North Carolina, Mr. Keller, Mr. Conyers, Ms. Jackson-Lee of Texas, and Mr. Berman):

H.R. 1954. A bill to revise the provisions of the Immigration and Nationality Act relating to naturalization through service in the Armed Forces, and for other purposes; to the Committee on the Judiciary.

By Mr. McINTYRE (for himself, Mr. Ryan of Ohio, Mr. Evans, Mr. Wilson of South Carolina, Mr. Boswell, and Mr. Leach):

H.R. 1955. A bill to amend the Higher Education Act of 1965 to allow soldiers to serve their country without being disadvantaged financially by Federal student aid programs; to the Committee on Education and the Workforce.

By Mr. GREENWOOD (for himself, Mr. Waxman, Mr. Van Hollen, Mr. Gutierrez, Mr. Frank of Massachusetts, Mr. Holt, Mr. Frost, Mr. McNulty, Mr. Doyle, Mr. Kildee, Mr. Kennedy of Rhode Island, Mr. Owens, Ms. Schakowsky, Ms. Slaughter, Mr. Sanders, Mr. Pallone, Mr. Israel, Mr. Collins, Mr. Ferguson, Mr. Rangel, Mr. Engel, Mr. Leach, Mr. Nethercutt, Mr. Bishop of New York, and Mr. Moran of Virginia):

H.R. 1956. A bill to amend part B of title XVIII of the Social Security Act to provide coverage of certain self-administered intramuscular and subcutaneous drugs under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 1957. A bill to provide for renewal of project-based assisted housing contracts at reimbursement levels that are sufficient to sustain operations, and for other purposes; to the Committee on Financial Services.

By Mr. ANDREWS (for himself and Mr. Saxton):

H.R. 1958. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the beginning of Korean immigration into the United States; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 1959. A bill to amend title 28, United States Code, to provide for individuals serving as Federal jurors to continue to receive their normal average wage or salary during such service; to the Committee on the Judiciary.

By Mr. BACA:

H.R. 1960. A bill to provide benefits to public safety officers who die or become disabled as a result of certain injuries; to the Committee on the Judiciary.

By Mr. COSTELLO (for himself and Mr. Calvert):

H.R. 1961. A bill to provide for the external regulation of nuclear safety and occupational safety and health at the Department of Energy; to the Committee on Science, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL:

H.R. 1962. A bill to amend the Consumer Product Safety Act to confirm the Consumer Product Safety Commission's jurisdiction over child safety devices for handguns, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FOLEY (for himself, Mr. Tanner, Mr. Herger, Mr. Camp, Mr. Gordon, Ms. Pryce of Ohio, Mr. Fletcher, Mr. Cramer, Mr. John, Mr. Berry, Mr. Pomeroy, and Mrs. Capps):

H.R. 1963. A bill to amend title XVIII of the Social Security Act to provide for the fair treatment of certain physician pathology services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRELINGHUYSEN (for himself, Mrs. Kelly, Mr. Andrews, Mr. Hoeffel, Mr. Israel, Mr. Garrett of New Jersey, Mrs. Maloney, Mr. Pallone, Mr. Payne, Mr. Shays, Mr. Smith of New Jersey, Mr. Walsh, Mr. Boehlert, Mr. Ferguson, Mr. Greenwood, Mr. Holt, Mrs. Johnson of Connecticut, Mr. LoBiondo, Mr. Menendez, Mr. Pascrell, Mr. Rothman, Mr. Saxton, and Mr. Engel):

H.R. 1964. A bill to establish the Highlands Stewardship Area in the States of Connecticut, New Jersey, New York, and Pennsylvania, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS:

H.R. 1965. A bill to amend the Endangered Species Act of 1973 to limit the application of that Act with respect to actions on military land or private land and to provide incentives for voluntary habitat maintenance, and for other purposes; to the Committee on Resources.

By Mr. HYDE (for himself, Mr. Green of Wisconsin, and Ms. Harris):

H.R. 1966. A bill to establish the Millennium Challenge Account and the Millennium Challenge Corporation in order to reduce global poverty through increased economic growth by supporting a new compact for global development; to the Committee on International Relations.

By Ms. KAPTUR:

H.R. 1967. A bill to suspend temporarily the duty on Allyl Pentaerythritol (APE); to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 1968. A bill to suspend temporarily the duty on Butyl Ethyl Propanediol (BEPD); to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 1969. A bill to suspend temporarily the duty on BEPD70L; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 1970. A bill to suspend temporarily the duty on Boltorn-1 (Bolt-1); to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 1971. A bill to suspend temporarily the duty on Boltorn-2 (Bolt-2); to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 1972. A bill to suspend temporarily the duty on Cyclic TMP Formal (CTF); to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 1973. A bill to suspend temporarily the duty on DiTMP; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 1974. A bill to suspend temporarily the duty on Polyol DPP (DPP); to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 1975. A bill to suspend temporarily the duty on Hydroxypivalic Acid (HPA); to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 1976. A bill to suspend temporarily the duty on TMPDE; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 1977. A bill to suspend temporarily the duty on TMPME; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 1978. A bill to suspend temporarily the duty on TMP Oxetane (TMPO); to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 1979. A bill to suspend temporarily the duty on TMPO Ethoxylate (TMPOE); to the Committee on Ways and Means.

By Ms. KILPATRICK:

H.R. 1980. A bill to require government agencies carrying out surface transportation projects to conduct a cost-benefit analysis before procuring architectural, engineering, and related services from a private contractor, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE (for herself, Mr. Clyburn, Mr. Bishop of Georgia, Mr. Rangel, Ms. Eddie Bernice Johnson of Texas, Mr. Baird, Ms. Norton, Mr. Jefferson, Mr. Thompson of Mississippi, Mr. Gonzalez, Mr. Hinchey, Ms. Velázquez, Mr. Meek of Florida, Mr. Weiner, Mr. Costello, Mr. Towns, Ms. Kaptur, Mr. Meeks of New York, Mrs. Maloney, Ms. Jackson-Lee of Texas, Mr. Israel, Mrs. McCarthy of New York, Mr. Frost, Ms. Carson of Indiana, Mr. Clay, Mr. Watt, Ms. Waters, Mr. Rodriguez, Mr. Capuano, Ms. Corrine Brown of Florida, Mr. Davis of Illinois, Mr. Owens, Mr. Frank of Massachusetts, Mr. Gutierrez, Mrs. Christensen, Mr. Cummings, Ms. Kilpatrick, Mr. Wynn, Ms. Watson, Mr. Payne, Mr. Ballance, Mr. Engel, Ms. Solis, Mr. Lewis of Georgia, Mrs. Capps, Mr. Lynch, Ms. Baldwin, Mr. Serrano, Mr. Sanders, Mr. Crowley, Mr. Davis of Alabama, Mrs. Jones of Ohio, Ms. Millender-McDonald, Mr. Kucinich, Mr. Hinojosa, Mr. Abercrombie, Mr. Conyers, Mr. Sabo, Ms. Woolsey, Mr. George Miller of California, Mr. Doyle, and Mr. Reyes):

H.R. 1981. A bill to reauthorize the public and assisted housing drug elimination program of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Mrs. MALONEY (for herself and Mr. Souder):

H.R. 1982. A bill to amend title III of the Federal Property and Administrative Services Act of 1949 to provide to contracting officers of the civilian agencies the same authorities available to Department of Defense contracting officers to competitively evaluate products offered by Federal Prison Industries, Inc., to assure that such products represent the best value for the taxpayer dollars being expended, and for other purposes; to the Committee on Government Reform.

By Ms. MILLENDER-McDONALD (for herself, Ms. Kilpatrick, Mr. Larson of Connecticut, Mrs. Jones of Ohio, Mr. Honda, Ms. Norton, Mr. Abercrombie, Mr. Rangel, Mrs. Christensen, Mr. Case, Mr. Crowley, Ms. Watson, Mr. Olver, Ms. Bordallo, Mr. Wynn, Mr. Meehan, Mr. Kucinich, Mr. Farr, Mrs. Maloney, Mr. Payne, and Mr. McDermott):

H.R. 1983. A bill to amend the Immigration and Nationality Act to facilitate the immigration to the United States of certain aliens born in the Philippines or Japan who were fathered by United States citizens; to the Committee on the Judiciary.

By Ms. MILLENDER-McDONALD:

H.R. 1984. A bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GARY G. MILLER of California (for himself and Mr. Frank of Massachusetts):

H.R. 1985. A bill to amend the National Housing Act to increase the maximum mortgage amount limit for FHA-insured mortgages for multifamily housing located in high-cost areas; to the Committee on Financial Services.

By Mr. NADLER:

H.R. 1986. A bill to extend the period for temporary mortgage and rental payments under the Robert T. Stafford Disaster Relief and Emergency Assistance Act from 18 months to 24 months for victims of the terrorist attacks on the United States that occurred on September 11, 2001; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE (for himself, Mr. Frelinghuysen, Mr. Andrews, Mr. Ferguson, Mr. Garrett of New Jersey, Mr. Holt, Mr. LoBiondo, Mr. Menendez, Mr. Pallone, Mr. Pascrell, Mr. Rothman, Mr. Saxton, and Mr. Smith of New Jersey):

H.R. 1987. A bill to designate the air traffic control tower at Newark International Airport in Newark, New Jersey, as the "William J. 'Whitey' Conrad Air Traffic Control Tower"; to the Committee on Transportation and Infrastructure.

By Mr. RAHALL:

H.R. 1988. A bill to amend the Black Lung Benefits Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. RYAN of Wisconsin (for himself and Mr. Saxton):

H.R. 1989. A bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies; to the Committee on Ways and Means.

By Mr. SANDERS (for himself and Mr. Obey):

H.R. 1990. A bill to establish a counter-cyclical income support program for dairy producers; to the Committee on Agriculture.

By Mr. SCOTT of Georgia:

H.R. 1991. A bill to amend title 10, United States Code, to require a State to charge in-State tuition rates to active-duty members of the Armed Forces domiciled or stationed on active duty in that State and to the dependents of such members; to the Committee on Armed Services.

By Ms. SOLIS:

H.R. 1992. A bill to amend and improve the workforce investment and adult education systems of the Nation; to the Committee on Education and the Workforce.

By Mr. STRICKLAND (for himself, Mr. Holden, Mr. Waxman, Mr. Conyers, Mr. Rangel, Mr. Cummings, Mr. Ford, Mr. Gutierrez, Mr. Pallone, Mr. Ryan of Ohio, Mr. Scott of Georgia, and Mr. Lewis of Georgia):

H.R. 1993. A bill to amend the Public Health Service Act to establish an Office of Correctional Health; to the Committee on Energy and Commerce.

By Mr. STRICKLAND (for himself, Mr. Holden, Mr. Waxman, Mr. Cummings, Ms. Baldwin, Mr. McNulty, Mr. Hoeffel, Mr. Pallone, Mr. Ryan of Ohio, Mr. Scott of Georgia, Mr. Lewis of Georgia, and Mr. Brown of Ohio):

H.R. 1994. A bill to ensure that the incarceration of inmates is not provided by private contractors or vendors and that persons charged or convicted of an offense against the United States shall be housed in facilities managed and maintained by Federal, State, or local governments; to the Committee on the Judiciary.

By Mr. UPTON:

H.R. 1995. A bill to amend title XVIII of the Social Security Act to make a technical correction in the definition of outpatient speech-language pathology services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina (for himself and Mr. Andrews):

H.R. 1996. A bill to amend the Fair Labor Standards Act of 1938 to clarify the exemption from the minimum wage and overtime compensation requirements of that Act for certain computer professionals, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SMITH of Michigan (for himself, Mr. Smith of New Jersey, Mrs. Miller of Michigan, Mr. Barrett of South Carolina, Ms. Ginny Brown-Waite of Florida, Mr. Terry, Mr. Ballenger, Mr. Pence, and Mr. Pitts):

H. Con. Res. 160. Concurrent resolution expressing the sense of Congress that the United Nations should remove the economic sanctions against Iraq completely and without condition; to the Committee on International Relations.

By Mr. OSBORNE (for himself, Mr. Bereuter, and Mr. Terry):

H. Con. Res. 161. Concurrent resolution recognizing the outstanding efforts of the individuals and communities who volunteered or donated items to the North Platte Canteen in North Platte, Nebraska, during World War II from December 25, 1941, to April 1, 1946; to the Committee on Armed Services.

By Mr. TURNER of Ohio (for himself, Mr. Chabot, Mr. Portman, Mr. Oxley, Mr. Gillmor, Mr. Strickland, Mr. Hobson, Mr. Boehner, Ms. Kaptur, Mr. Kucinich, Mrs. Jones of Ohio, Mr. Tiberi, Mr. Brown of Ohio, Mr. LaTourette, Ms. Pryce of Ohio, Mr. Regula, Mr. Ryan of Ohio, and Mr. Ney):

H. Con. Res. 162. Concurrent resolution honoring the city of Dayton, Ohio, and its many partners, for hosting "Inventing Flight: The Centennial Celebration", a celebration of the centennial of Wilbur and Orville Wright's first flight; to the Committee on Government Reform.

By Mr. HINCHEY (for himself and Mr. Brown of Ohio):

H. Res. 218. A resolution to express the sense of the House of Representatives that the Federal Communications Commission should not revise its media ownership rules without more extensive review and comment by the public; to the Committee on Energy and Commerce.

By Mr. WU (for himself, Mr. Boehlert, Mr. Hall, and Mr. Gordon):

H. Res. 220. A resolution expressing the sense of the House of Representatives relating to the achievements of the Expedition 6 Crew aboard the International Space Station; to the Committee on Science.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. Ose.

H.R. 23: Mr. Blunt.

H.R. 36. Mr. DeFazio.

H.R. 49: Mr. Michaud and Ms. Lofgren.

H.R. 58: Mr. Udall of Colorado, Mr. Walden of Oregon, Mr. Pascrell, Mr. Larson of Connecticut, and Ms. Hooley of Oregon.

H.R. 119: Mr. Renzi.

H.R. 153: Mr. Bartlett of Maryland.

H.R. 182: Mr. Engel.

H.R. 188: Ms. Schakowsky.

H.R. 218: Mr. Petri, Mr. Brown of South Carolina, Mr. Lincoln Diaz-Balart of Florida, and Mr. Regula.

H.R. 220: Mr. Hoeffel.

H.R. 223: Mr. Beauprez.

H.R. 235: Mr. Keller, Mr. McCotter, Mr. Beauprez, Mr. Reynolds, Mr. Graves, Mr. Bilirakis, Mr. Garrett of New Jersey, and Mr. Bachus.

H.R. 241: Mr. Miller of Florida.

H.R. 250: Mr. Kucinich, Mr. Owens, and Ms. Baldwin.

H.R. 303: Mr. Boehlert, Mr. Rogers of Alabama, Mr. Menendez, and Mr. Tierney.

H.R. 333: Ms. Pelosi.

H.R. 340: Mr. Janklow.

H.R. 367: Mr. Schiff.

H.R. 384: Mr. Otter.

H.R. 391: Mr. Bilirakis.

H.R. 455: Ms. Baldwin.

H.R. 463: Mr. Doyle, Mr. Neal of Massachusetts, and Mr. Holt.

H.R. 466: Mr. Price of North Carolina and Mr. Baker.

H.R. 496: Mr. Tiahrt.

H.R. 501: Mr. Doyle.

H.R. 502: Mr. Shadegg.

H.R. 527: Mr. Gonzalez.

H.R. 528: Mr. Engel and Mr. Allen.

H.R. 545: Mrs. Kelly.

H.R. 577: Mr. Schiff, Mr. Davis of Tennessee, Mr. Cummings, Mr. Wexler, Mr. George Miller of California, Mr. Owens, and Mr. Grijalva.

H.R. 584: Mr. Manzullo and Mr. Bishop of New York.

H.R. 589: Mr. Sensenbrenner, Mr. Inslee, Ms. Harris, and Ms. McCarthy of Missouri.

H.R. 655: Mr. Shadegg.

H.R. 660: Mr. Nethercutt, Mr. Thomas, and Mr. Turner of Texas.

H.R. 687: Mr. Young of Alaska, Mr. Peterson of Minnesota, Mr. McKeon, Mr. Royce, and Mr. Shadegg.

H.R. 719: Mrs. Cubin.

H.R. 737: Mr. Kanjorski, Mr. Cummings, and Mr. Doyle.

H.R. 765: Mr. Upton, Mr. Beauprez, Mr. Mario Diaz-Balart of Florida, and Mr. Goodlatte.

H.R. 766: Mr. Sessions and Mr. Holt.

H.R. 768: Mr. Ballance, Mr. Cummings, Mr. Acevedo-Vilá, and Mr. Tanner.

H.R. 781: Mr. Andrews and Ms. DeLauro.

H.R. 786: Mr. McInnis and Mr. Hunter.

H.R. 792: Mr. Jenkins, Ms. Loretta Sanchez of California, Mr. Price of North Carolina, Mr. Simpson, Mr. Ney, Mr. Davis of Alabama, Mr. Case, and Mr. Oberstar.

H.R. 816: Mr. Simmons.

H.R. 817: Mr. Saxton and Mr. Israel.

H.R. 870: Mr. Schrock.

H.R. 872: Mr. Manzullo.

H.R 876: Mr. Johnson of Illinois, Mr. Hayworth, Mr. Osborne, Mr. Hayes, Mr. Rehberg, Mr. Doyle, Mr. Smith of New Jersey, Mr. Jenkins, and Mr. Keller.

H.R. 883: Mr. Rush.

H.R. 898: Mr. MENENDEZ, Ms. PELOSI, and Mr. WU.

H.R. 906: Mr. TERRY and Mr. MICHAUD.

H.R. 919: Mr. GONZALES, Mr. CUMMINGS, Ms. SOLIS, Ms. WOOLSEY.

H.R. 936: Mr. VAN HOLLEN.

H.R. 937: Mr. OBERSTAR and Mr. SANDERS.

H.R. 946: Mr. BILIRAKIS.

H.R. 953: Mr. GONZALES.

H.R. 973: Mrs. JOHNSON of Connecticut and Mr. FOLEY.

H.R. 979: Ms. LINDA T. SÁNCHEZ of California.

H.R. 991: Mr. SAXTON.

H.R. 997: Mr. SESSIONS and Mr. BILIRAKIS.

H.R. 998: Mr. ACEVEDO-VILÁ and Mr. GREEN of Texas.

H.R. 1006: Mr. ROTHMAN, Mr. UDALL of Colorado, Mr. ISSA, Mr. GALLEGLY, Mrs. CAPPS, Mr. ISAKSON, Mr. MORAN of Virginia, Mr. MARKEY, and Mr. FRANK of Massachusetts.

H.R. 1046: Mr. STARK, Mr. ROTHMAN, and Mr. CUMMINGS.

H.R. 1056: Mrs. JO ANN DAVIS of Virginia.

H.R. 1061: Mr. UDALL of Colorado, Mrs. MUSGRAVE, and Ms. BORDALLO.

H.R. 1063: Mr. SESSIONS, Mr. DOOLITTLE, Mr. HEFLEY, and Mrs. LOFGREN.

H.R. 1068: Mr. WAMP, Mr. CUMMINGS, Mr. SULLIVAN, Mr. BROWN of Ohio, Mr. LARSON of Connecticut, Mr. PETERSON of Minnesota, and Mr. MARKEY.

H.R. 1070: Mr. DOYLE.

H.R. 1083: Mrs. MALONEY and Mr. DAVIS of Alabama.

H.R. 1093: Mrs. MUSGRAVE.

H.R. 1111: Mr. COLE.

H.R. 1117: Mr. COLE.

H.R. 1125: Mr. THORNBERRY, Mr. NEY, Mr. CASE, Mr. GILCHREST, Ms. ROS-LEHTINEN, and Mr. BRADLEY of New Hampshire.

H.R. 1137: Mr. BERRY and Mr. NETHERCUTT.

H.R. 1148: Mrs. LOWEY, Mr. OWENS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, and Mr. PASCRELL.

H.R. 1157: Ms. HOOLEY of Oregon, Mr. ALLEN, and Mr. STUPAK.

H.R. 1163: Mr. GARRETT of New Jersey.

H.R. 1168: Mr. BILIRAKIS.

H.R. 1170: Ms. MILLENDER-MCDONALD.

H.R. 1193: Mr. RYUN of Kansas.

H.R. 1196: Mr. KUCINICH, Mr. MARKEY, Mr. BISHOP of New York, Mr. UDALL of Colorado, Mr. GUTIERREZ, Mr. SMITH of Washington, Mr. HINCHEY, and Mr. ABERCROMBIE.

H.R. 1225: Mr. STRICKLAND, Mr. DICKS, Mr. PORTMAN, Mr. TOWNS, Mr. ROSS, Mr. GRIJALVA, Ms. BALDWIN, Mr. FORD, Mrs. JO ANN DAVIS of Virginia, Mr. QUINN, Mr. MOORE, Mr. SNYDER, Mr. STARK, Mr. FARR, Mr. JONES of North Carolina, Mr. ROGERS of Michigan, Mr. POMEROY, and Mr. WILSON of South Carolina.

H.R. 1244: Mr. CRENSHAW.

H.R. 1250: Mr. MANZULLO.

H.R. 1260: Mr. ROGERS of Michigan and Mr. PUTNAM.

H.R. 1264: Mr. HOLDEN.

H.R. 1267: Ms. ROYBAL-ALLARD, Mr. MEEHAN, Mr. GONZALEZ, Mr. CUMMINGS, Mr. STRICKLAND, Mr. WU, Mrs. CHRISTENSEN, Mr. SCHIFF, Mr. WYNN, and Mr. POMEROY.

H.R. 1276: Mr. CANTOR.

H.R. 1301: Mr. DUNCAN, Ms. DELAURO, Mr. MOLLOHAN, and Mr. GIBBONS.

H.R. 1309: Mr. GREEN of Texas.

H.R. 1329: Mr. PUTNAM, Ms. HARRIS, Mr. UPTON, and Mr. SESSIONS.

H.R. 1336: Mr. JONES of North Carolina, Mr. HENSARLING, and Mr. QUINN.

H.R. 1355: Mr. SABO and Mr. VAN HOLLEN.

H.R. 1358: Mr. DAVIS of Florida.

H.R. 1374: Mr. GUTIERREZ and Mr. DAVIS of Florida.

H.R. 1377: Mr. GOODE, Mr. SMITH of New Jersey, Mr. DEUTSCH, Mr. SANDERS, Mr. DAVIS of Alabama, and Ms. JACKSON-LEE of Texas.

H.R. 1385: Mr. THOMPSON of California, Mr. GEORGE MILLER of California, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. CASE, Mr. KILDEE, Mr. CUMMINGS, Mr. WOLF, Mr. TERRY, Mr. WEXLER, and Mr. BASS.

H.R. 1388: Mr. STRICKLAND, Ms. WOOLSEY, Mr. GRIJALVA, Mr. AKIN, and Mr. GALLEGLY.

H.R. 1409: Mrs. CUBIN and Ms. BORDALLO.

H.R. 1418: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1421: Mr. SIMMONS.

H.R. 1429: Mrs. MALONEY and Mr. OLVER.

H.R. 1430: Mr. LEACH, Mr. TIERNEY, and Mr. STARK.

H.R. 1442: Mr. SAM JOHNSON of Texas, Mrs. MALONEY, Mr. CUNNINGHAM, Mr. SWEENEY, Mr. NUNES, Mr. ISRAEL, Ms. GINNY BROWN-WAITE of Florida, and Mrs. MILLER of Michigan.

H.R. 1466: Mr. HOLT.

H.R. 1470: Mr. RYAN of Ohio, Ms. ESHOO, Mr. LEWIS of Georgia, and Mr. GUTIERREZ.

H.R. 1472: Mr. WELLER, Mr. BLUMENAUER, Mr. HEFLEY, Mr. PRICE of North Carolina, Ms. SCHAKOWSKY, Mr. FERGUSON, Mr. ISAKSON, Mr. LEACH, Mr. LINDER, Mr. NEAL of Massachusetts, and Mr. SHERMAN.

H.R. 1478: Ms. LOFGREN.

H.R. 1510: Mr. CUMMINGS, Mr. BROWN of Ohio, Ms. MILLENDER-MCDONALD, and Mr. GRIJALVA.

H.R. 1523: Mr. MCCRERY, Mr. DAVIS of Illinois, Mr. TANCREDO, Mr. ENGEL, and Mr. DAVIS of Tennessee.

H.R. 1532: Mr. FARR and Mr. KOLBE.

H.R. 1539: Mr. RANGEL and Mr. BERRY.

H.R. 1540: Mr. MARKEY.

H.R. 1580: Mr. OBERSTAR and Mr. HOEFFEL.

H.R. 1582: Mr. HEFLEY, Mr. LATOURETTE, and Ms. HOOLEY of Oregon.

H.R. 1606: Mr. BARRETT of South Carolina.

H.R. 1613: Mr. KUCINICH, Mr. GONZALEZ, Mr. WELDON of Pennsylvania, Mr. DICKS, Mr. MEEKS of New York, and Mr. WHITFIELD.

H.R. 1614: Mr. SIMMONS.

H.R. 1615: Mr. ENGLISH.

H.R. 1616: Ms. MAJETTE and Mr. SCOTT of Georgia.

H.R. 1638: Mr. WICKER and Mr. ACEVEDO-VILÁ.

H.R. 1643: Mrs. BIGGERT, Mrs. CAPITO, and Mr. BACA.

H.R. 1659: Mr. DOOLEY of California, Mr. FARR, Mr. THOMPSON of California, and Mr. THOMAS.

H.R. 1662: Mr. TURNER of Texas, Mr. HEFLEY, and Mr. ISSA.

H.R. 1673: Ms. NORTON.

H.R. 1675: Mr. NUNES, Mr. GRIJALVA, Mr. OBERSTAR, Mr. STUPAK, Mr. SANDERS, and Mr. DAVIS of Tennessee.

H.R. 1682: Mr. MCDERMOTT, Mr. JOHNSON of Illinois, Mr. MCGOVERN, Mr. ETHERIDGE, Mr. FROST, Mr. SCHROCK, Ms. GINNY BROWN-WAITE of Florida, Mr. MEEHAN, Mr. MCINTYRE, and Mr. MILLER of Florida.

H.R. 1685: Mr. DREIER and Mr. PASTOR.

H.R. 1690: Ms. MCCOLLUM and Mr. KILDEE.

H.R. 1692: Mr. ISRAEL.

H.R. 1700: Mr. MCGOVERN, Mr. SNYDER, Mr. SANDLIN, Mr. CASE, Mr. WOLF, Ms. LEE, and Mr. TERRY.

H.R. 1708: Mr. FROST, Mr. DUNCAN, Mr. BOEHLERT, Mr. CRAMER, Mr. DAVIS of Alabama, Mr. ALEXANDER, Ms. DELAURO, Mr. GONZALEZ, Ms. MCCARTHY of Missouri, Mr. MARKEY, Ms. LEE, Mr. CUMMINGS, Mr. ACEVEDO-VILÁ, Mr. SHAYS, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. CONYERS, Mr. COOPER, and Ms. LORETTA SANCHEZ of California.

H.R. 1710: Mr. MENENDEZ, Mr. OBERSTAR, Mr. HOEFFEL, Mr. KILDEE, Mr. SANDERS, Mr. PAUL, Mr. LEACH, and Mr. CAPUANO.

H.R. 1711: Mr. LIPINSKI and Mrs. KELLY.

H.R. 1713: Mr. GUTIERREZ and Mr. DAVIS of Florida.

H.R. 1714: Mr. TAYLOR of North Carolina, Mr. FOLEY, Mr. CASE, and Mr. GOSS.

H.R. 1718: Mr. FILNER.

H.R. 1721: Mr. BAIRD.

H.R. 1754: Mr. BARTLETT of Maryland, Mr. CARSON of Oklahoma, Mr. SHERMAN, and Mr. KENNEDY of Minnesota.

H.R. 1758: Mr. OWENS and Mr. LUCAS of Kentucky.

H.R. 1779: Mr. GOODE, Mr. JONES of North Carolina, Mr. SCHROCK, Ms. GINNY BROWN-WAITE of Florida, and Mr. ENGLISH.

H.R. 1780: Mr. GARRETT of New Jersey.

H.R. 1787: Mr. UPTON, Mr. LATOURETTE, Mr. HOUGHTON, Mr. WOLF, Mr. UDALL of Colorado, Mr. GREEN of Wisconsin, Mr. FROST, Mrs. KELLY, and Mr. BOEHLERT.

H.R. 1814: Ms. PELOSI, Mr. KENNEDY of Rhode Island, Mr. VAN HOLLEN, Ms. LOFGREN, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. GRIJALVA, Mr. ORTIZ, Mr. MENENDEZ, Mr. BACA, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SÁNCHEZ of California, Mr. GUTIERREZ, Mr. SERRANO, Mr. CARDOZA, Mr. HOLT, Mr. ACEVEDO-VILÁ, Mrs. MALONEY, and Mr. SCHIFF.

H.R. 1819: Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 1835: Mr. COLE.

H.R. 1838: Mr. FILNER, Mr. REYES, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, and Ms. LEE.

H.R. 1860: Mr. MCNULTY, Mr. STARK, Mr. ACEVEDO-VILÁ, Mr. KILDEE, and Mr. FROST.

H.R. 1873: Mr. GOODE, Mr. ACEVEDO-VILÁ, Mr. TERRY, and Mr. GRAVES.

H.R. 1874: Mr. NORWOOD, Mr. ISAKSON, and Mr. DINGELL.

H.R. 1886: Mr. RODRIGUEZ.

H.R. 1887: Mr. GREEN of Texas.

H.R. 1902: Mr. SMITH of Michigan, Mr. FRANK of Massachusetts, Ms. CARSON of Indiana, Mr. CUMMINGS, Mr. YOUNG of Alaska, Ms. MILLENDER-MCDONALD, Mr. WEINER, Mr. CONYERS, Mr. GRIJALVA, and Mr. KILDEE.

H.R. 1905: Mr. SCHIFF, Mr. GARRETT of New Jersey, Mr. MOORE.

H.R. 1906: Mr. FILNER, Ms. CORRINE BROWN of Florida, Mr. STRICKLAND, Mr. BROWN of Ohio, Mr. KILDEE, Mr. SERRANO, Mr. TOWNS, Mrs. CHRISTENSEN, Mrs. MCCARTHY of New York, Mr. HOLDEN, Mr. FROST, and Mr. ACEVEDO-VILÁ.

H.R. 1935: Mr. ISRAEL and Mr. EVANS.

H.J. Res. 4: Mr. RAMSTAD.

H.J. Res. 22: Ms. HARRIS.

H.J. Res. 36: Mr. ISRAEL, Mr. OSBORNE, Ms. SCHAKOWSKY, Mr. BROWN of Ohio, Mr. THOMPSON of California, Mrs. JO ANN DAVIS of Virginia, and Mr. CARSON of Oklahoma.

H.J. Res. 44: Mr. SHADEGG.

H.J. Res. 52: Ms. PRYCE of Ohio and Mr. PORTMAN.

H. Con. Res. 19: Mr. LARSEN of Washington.

H. Con. Res. 21: Mr. GOODE, Mr. HULSHOF, Mrs. MUSGRAVE, and Mr. SNYDER.

H. Con. Res. 56: Mr. KUCINICH and Mr. ACEVEDO-VILÁ.

H. Con. Res. 78: Mr. MORAN of Virginia.

H. Con. Res. 91: Ms. NORTON.

H. Con. Res. 99: Mr. RANGEL, Mr. RUSH, Mr. ALLEN, Mr. THOMPSON of Mississippi, Ms. WATERS, Ms. NORTON, Mr. BERMAN, Mrs. MALONEY, Mrs. JONES of Ohio, and Mr. FALEOMAVAEGA.

H. Con. Res. 117: Mr. WELLER, Mr. FORBES, Mr. WATT, Mr. SCHIFF, and Mrs. MUSGRAVE.

H. Con. Res. 130: Mr. GUTIERREZ.

H. Con. Res. 151: Mr. LATOURETTE, Mr. MORAN of Virginia, and Ms. SCHAKOWSKY.

H. Con. Res. 152: Mr. WELDON of Pennsylvania.

H. Con. Res. 154: Mr. ROYCE, Mr. LANTOS, Ms. LEE, and Mr. MEEKS of New York.

H. Con. Res. 158: Mr. KUCINICH and Mr. RANGEL.

H. Res. 60: Mr. LEACH, Mr. JENKINS, Mr. OLVER, Mr. BOSWELL, and Ms. CARSON of Indiana.

H. Res. 136: Mr. SAXTON and Mr. ABERCROMBIE.

H. Res. 141: Ms. SOLIS.

H. Res. 167: Mr. CARSON of Oklahoma, Mr. RAHALL, Ms. CORRINE BROWN of Florida, and Mr. MCINTYRE.

H. Res. 180: Mr. SIMMONS, Mr. BROWN of Ohio, Mr. FROST, Mr. BOEHLERT, Mr. BALLANCE, and Mr. OXLEY.

H. Res. 193: Mr. ALLEN, Mr. BACA, Mr. BASS, Mr. CUNNINGHAM, Mr. FOLEY, Mr. LIPINSKI, Mr. PETERSON of Minnesota, Mr. RUSH, Mr. SHIMKUS, Ms. HARMAN, Mr. COX, Ms. LOFGREN, Mr. GREEN of Wisconsin, Mr. GEPHARDT, Mr. GREENWOOD, and Mr. CONYERS.

H. Res. 208: Mr. SHAW.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 766

OFFERED BY: MR. BELL

AMENDMENT NO. 1: In section 3(b)(5), strike "environmental concerns" and insert "toxicological studies, environmental impact studies,".

H.R. 766

OFFERED BY: MR. BELL

AMENDMENT NO. 2: In section 3(b)(1), insert ", including research on the potential of nanotechnology to produce or facilitate the production of clean, inexpensive energy," after "nanotechnology research and development".

EXTENSIONS OF REMARKS

IN HONOR OF DOUG MARTIN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. WAXMAN. Mr. Speaker, I rise today to celebrate and honor the life of one of our country's leading disability rights advocates, Douglas A. Martin. UCLA and Doug's family will commemorate his remarkable contributions at a memorial on May 8, 2003.

Doug's commitment to disability rights began in a very personal way. When he arrived for college orientation in a wheelchair, he was told he must pass a physical exam in order to be in good standing. When Doug did not pass the physical due to his disability from contracting polio as a child, he made a vow that he would pursue his education to make sure this would not happen to anyone else. Doug applied at UCLA and later graduated with the highest honors, earning his bachelor's and master's degrees simultaneously. He completed his Ph.D. in urban studies two years later.

Doug went on to uphold his vow in a truly remarkable and sweeping fashion. He became a strong voice for our country's disabled population and helped shape our national disability rights policies.

After graduation, he began his career as a pioneer in the field of disability rights, earning honors and praise from every level of government, the public sector, and private industry. Doug became an original founder of the Westside Center for Independent Living (WCIL) and developed a modern model for independent living. WCIL remains a leader in independent living skills and is an indispensable resource for residents of Los Angeles County.

Doug was appointed to the State Council on Disabilities by Governor Edmund G. Brown in 1981, and was later appointed to the Governor's Advisory Task Force on Long Term Care, receiving the Governor's Trophy Award in 1985. As a member of the State Building Standards Commission, Doug was instrumental in the creation of California's seminal accessibility requirements. He also was a lead participant in developing Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990.

Doug joined UCLA as a Special Assistant to the Chancellor in 1989, where he continued to work until recently. In this capacity, Doug initiated a disability overhaul for the campus. Doug's work resulted in UCLA adding access ramps, handrails and curb ramps in inaccessible areas, and providing volume amplifiers and special telecommunications devices on pay phones for the deaf and hearing-impaired. Evacuation chairs have been added in numerous buildings for use in emergency situations, and signs in Braille have been installed as well. Doug also oversaw the addition of accommodations for students with learning disabilities, including note-takers, disability counseling and peer-mentoring support groups.

When Doug arrived at UCLA in 1989, 75% of the campus buildings were largely inaccessible to people with disabilities. Today, that number approaches zero, as almost every building has been modified to accommodate the disabled.

In addition to Doug's work at UCLA, he has served on a number of important committees and has played a vital role in all of them. He was a member of the National Academy of Social Insurance, a member of Senator BARBARA BOXER's Central District Judicial Appointment Advisory Committee, a member of the Advisory Committee for the National Council on Disability, and a participant in both the National Council on Disability Forum and the Office of Special Education and Rehabilitation Forum.

Doug was a founding member of the Society for Disability Studies, a fellow with the World Institute on Disability, the chair of the Social Security Subcommittee of the National Council on Independent Living, and a member of the National Invitational Working Group.

Our nation owes Doug a debt of gratitude for his profound commitment to the disabled and for leaving a legacy of action that will forever enrich their lives. I ask my colleagues to join me in acknowledging Doug's tremendous contributions and in expressing deepest condolences to his family, his colleagues and his friends.

HONORING COACH DOUG DICKEY UPON HIS RETIREMENT AS MEN'S ATHLETICS DIRECTOR OF THE UNIVERSITY OF TENNESSEE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. DUNCAN. Mr. Speaker, I rise today to pay tribute to Coach Doug Dickey upon his upcoming retirement as the Men's Athletics Director at the University of Tennessee, UT. Throughout his impressive career, Coach Dickey has set an example of leadership and service not only to the University of Tennessee, but also to the entire State of Tennessee and Volunteer fans around the Country.

Although Coach Dickey will soon be retiring, the legacy of excellence he has so well established will continue to inspire the University and its athletic programs for years to come. I am proud to call Doug a personal friend, and I join the entire UT community in wishing him the very best in his future endeavors.

Doug has been Athletic Director at the University of Tennessee for the past 17 years, but his support of collegiate athletics includes time spent as quarterback for the University of Florida's football team, an assistant coach, head coach, as well as, administrator.

During his tenure as the Men's Athletic Director for the University of Tennessee, Doug has raised the standard of excellence for all UT athletics. During the past several years alone he has seen the school earn the National Championship in football, go to the College World Series in baseball, reach the NCAA finals in tennis, become the NCAA champions in track and field to name only a few.

In addition to the remarkable leadership he has brought to UT athletics, Doug has been recognized nationally for his abilities by being asked to serve on numerous collegiate athletics boards and committees. More lasting than titles and athletic accomplishments, however, Doug has provided consistent and exceptional leadership for his coaches and players.

This Nation is a better place today because of the work he has done for the University of Tennessee and, more importantly, the inspiration and guidance he has given to so many young people who are still doing good and great things for this Country.

Each Member of this body has a favorite collegiate athletics program, but I believe we can all agree that it is the caliber of individuals like Coach Dickey that makes these programs the success they are. To Doug I say congratulations on your retirement, and on behalf of UT fans everywhere I say thank you.

HONORING DAVID RAY MEYER FOR EARNING THE SILVER AWARD OF VENTURING

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize David Ray Meyer, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America and Venturing, and in earning the most prestigious Silver Award.

David has been very active in Venturing, having camped 349 nights, traveled afoot or afloat for 873 miles and taking expeditions at Packard in 1999, Philmont from 1999–2002, Pamlico in 2002, as well as visits to resident camps at Naish, Bartle, Geiger and Chickahominy. In the 11 years he has been involved in Boy Scouts and Venturing, David has served in many leadership capacities as Boy Scout senior patrol leader, patrol leader, scribe, instructor, troop guide, junior assistant scout master, Venturing president, vice-president, treasurer, and quartermaster, as well as

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

VOA treasurer, president, and program director, and OA Lodge treasurer, chapter secretary and vice chief.

Additionally, David has received numerous awards for his many achievements. He has been honored with the Arrow of Light Award, the Eagle Scout Award, 6 Eagle Palms, the Gods and Country Award, the Bronze and Gold Venturing Awards and the Venturing Leadership Award.

Mr. Speaker, I proudly ask you to join me in commending David Ray Meyer for his accomplishments with the Boy Scouts of America and Venturing and for his efforts put forth in achieving the highest distinction of the Silver Award.

TRIBUTE TO THE STUDENTS FROM HALF HOLLOW HILLS EAST HIGH SCHOOL

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to congratulate the students from Half Hollow Hills East High School in Dix Hills, NY for their top-ten finish in the "We the People: The Citizen and the Constitution" national finals.

The students, Andrew Blaesser, Hye Yeon Choi, Paige Gottheim, Farhang Heydari, Ravi Kambhampaty, Ross Kaplan, Cecilia Lero, Lauren Lichtman, Amitai Perline, Amreen Quadir, Jeremy Rovinsky, Joseph Schlingbaum, Sunjeet Sidhu, Brett Streisand, Tiffany Teng and Joshua Wiener, led by their teacher Scott Edwards, demonstrated a remarkable understanding of the fundamental ideals and values of American constitutional government.

It is truly an honor to call these outstanding young Americans my constituents. Their success in this competition is also a testament to the exceptional teachers at Half Hollow Hills East High School and elsewhere on Long Island.

I offer my congratulations on their hard-won honorable mention and commend these students on their dedication to the study of the Constitution and the Bill of Rights.

TRIBUTE TO COLONEL RUSSELL AUSTIN NEWMAN (RET.)

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. DUNCAN. Mr. Speaker, on March 22nd, 2003, Tennessee lost one of its finest soldiers. Colonel Russell Austin Newman (ret.) was a man who spent his life dedicated to serving and protecting Tennessee and its citizens.

Colonel Newman was born in Knoxville, TN on December 9th, 1929. He grew up there and attended the University of Tennessee, where he earned a Bachelor's Degree in Business Administration in May of 1953. He was commissioned as a Second Lieutenant of Infantry in the U.S. Army from ROTC.

His military education included the Infantry Officers Basic Course, the Armor Officers Advanced Course and the U.S. Army's Command and General Staff College, C&GSC. Colonel Newman, during his career, served in numerous command and staff positions while on active duty and in the National Guard. He served as the first Regimental Commander, designated as the First Colonel of the 278th Armored Calvary Regiment, ACR, in Knoxville when it was initially organized in the Tennessee National Guard in 1977. This unit became one of only two heavy armored cavalry regiments in the Nation. It is today an enhanced brigade of the Army National Guard of the United States, a very prestigious designation that keeps it a state-of-the-art unit.

Colonel Newman served as an instructor for the Tennessee Military Academy's Officer Candidate School, the Army National Guard Professional Education Center, and the United States Army Command and General Staff College. His military awards include: the Legion of Merit, the Army Meritorious Service Medal, the Army Commendation Medal and the National Defense Service Medal.

Many East Tennesseans served under Colonel Newman's command. As a former Guardsman, I served as his Judge Advocate General. I appreciated both his leadership and friendship.

After retiring from the military in June of 1985, with nearly 32 years of military service, Colonel Newman joined the Tennessee Emergency Management Agency, TEMA. In March of 1986, when TEMA was organized into regions along the lines of the State's three Grand Divisions, Colonel Newman was named the first director of the East Region and retired from that post in March of 1999.

Colonel Newman was well known throughout East Tennessee in both roles and through public service. He was the first of only seven officers to command the 278th ACR and his later emergency management work included developing plans for local governments that still bear his stamp. Colonel Newman did not limit his work to East Tennessee; one of his first acts after becoming East Region director was to go to West Tennessee and help write the regional earthquake response plan.

Colonel Newman was a past president of the National Guard Association of Tennessee and served numerous public service organizations in East Tennessee, including tenure as Chairman and member on the Board of Directors of Goodwill Industries, President of the Knoxville-Knox County Volunteer Emergency Rescue Squad, Vice Chairman of the Knox County Emergency Management LEPC, President of the North Side Optimist Club, Chairman of the Knox Area Council, Boy Scouts of America, and a counselor for the John Tarleton Home for Children.

Colonel Newman was the only son of Russell A. and Georgia Newman. His loving daughter, Ann Rita Ditmore, son, Sergeant Charles Newman, only grandson, Hunter Ditmore, son-in-law, Floyd Ditmore, sister and brother-in-law, Barbara and Howard Bozeman, and brother-in-law, J. W. Morton, all of Knoxville, Tennessee, mourn the passing of this great commander, soldier, leader, father, grandfather, father-in law, brother and brother-in-law.

A celebration of life and reception was held at the Tennessee Army National Guard Armory on Tuesday, March 25, 2003, prior to inurement at the Tennessee Veterans Cemetery in Knoxville.

HONORING DANIEL ADISON AYERS FOR EARNING THE SILVER AWARD OF VENTURING

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Daniel Adison Ayers, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America and Venturing, and in earning the most prestigious Silver Award.

Daniel has been very active in Venturing having camped 383 nights, traveling afoot or afloat for 491 miles and taking expeditions at Boundary Waters in 1997 and Philmont in 2000. In the 12 years he has been involved in Boy Scouts and Venturing, Daniel has served in many leadership capacities as patrol leader, junior assistant scout master, assistant scout master, senior patrol leader, assistant senior patrol leader, VOA vice president, crew secretary and crew president.

Additionally, Daniel has received numerous awards for his many achievements. He has been honored with the Arrow of Light Award, the Scout Through Life Award, the Eagle Scout Award, the Bronze and Gold Venturing Awards and the Venturing Leadership Award.

Mr. Speaker, I proudly ask you to join me in commending Daniel Adison Ayers for his accomplishments with the Boy Scouts of America and Venturing and for his efforts put forth in achieving the highest distinction of the Silver Award.

NATIONAL NURSES WEEK 2003—NURSES: LIFTING SPIRITS, TOUCHING LIVES

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mrs. McCARTHY of New York. Mr. Speaker, I rise today in honor of National Nurses Week, an established recognition event created to pay tribute to the nurses who give care to millions of patients every day. National Nurses Week is celebrated every year beginning May 6 and ending May 12, Florence Nightingale's birthday. "Nurses: Lifting Spirits, Touching Lives," is the theme for 2003.

As a nurse for over thirty years, I am proud to be part of such a caring and compassionate group of professionals. And as a Member of Congress, I have the wonderful opportunity of fighting for issues and policies that affect nurses and the nursing profession.

A major national issue concerning the nursing profession is the growing nursing shortage. With various new career options for healthcare professionals today, prompting nurses to gradually move away from patient care and into fields with better pay and benefits, nurses are grappling with becoming financially competitive.

Of the estimated 2.5 million licensed nurses in our country, 400,000 have left the profession for other pursuits. In 2000, Long Island had an 8 percent RN vacancy rate and a 16 percent LPN vacancy rate. Nationwide, hospitals need more than 125,000 nurses to fill all the nursing positions available today.

Over the past few years, I have been successful in educating my colleagues on both sides of the aisle about the importance of addressing the nursing shortage. It is vital for the health of this nation that the nursing field continues attracting experienced and educated candidates.

To that end, I played a lead role in the passage of H.R. 1436, the Nurse Reinvestment Act last year. This critical piece of legislation combines my own bill to provide money for Magnet hospitals Accreditation and another bill I offered to retain and attract nurses. Magnet hospitals enjoy low turnover and top-notch work conditions. Nurses at magnet hospitals consistently report greater job satisfaction than other nurses, and patients also give these types of hospitals high ratings. Attracting more nurses to move into positions at magnet hospitals will both lower the nursing shortage and help the profession remain competitive with other health care fields.

Although last year's legislation is a good start, more needs to be done to find ways to recruit more young people to the nursing profession. That is why earlier this year, I introduced H.R. 934, the Teacher's and Nurses Support Act of 2003. This bill provides loan forgiveness for teachers and nurses around the country. I want to encourage every student that nursing, in my view, is the best profession in the world. This legislation would help eliminate financial barriers to pursuing a nursing career.

In closing, I urge my fellow nurses to tell friends, children and neighbors about all the positive aspects of being a nurse. We need to excite our students in high school and junior high about our career choice and how nurses are always there to help the sick get better and to make sure the healthy stay that way.

HONORING THE SELECTION OF MS. ERIN BEAULIEU FOR THE PRUDENTIAL SPIRIT OF COMMUNITY AWARD

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor Ms. Erin Beaulieu upon her selection as one of two recipients of the Virginia 2003 Prudential Spirit of Community Award.

Erin, a Red Cross member and eighth-grader at Whitman Middle School in Alexandria, Virginia, started a Red Cross student chapter at her school and encouraged her fellow students to become involved! The chapter now boasts more than 30 members dedicated to helping the American Red Cross respond. For her efforts, she was selected from more than 24,000 nominees to receive a Spirit of Community Award.

The Prudential Spirit of Community Awards, created by Prudential Financial in partnership with the National Association of Secondary School Principals, constitute America's largest youth recognition program based exclusively on volunteer service. The award was created with the intent to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example.

Erin should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Erin for her initiative in seeking to make her community a better place to live, and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future. I call upon my colleagues to join me in applauding Erin for all that she has done.

TRIBUTE TO THE HONORABLE JESSE BROWN

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. EVANS. Mr. Speaker, I am proud to join my colleague, the gentleman from Chicago, DANNY DAVIS in recognizing a true American hero, the Honorable Jesse Brown. The late Jesse Brown served as the Secretary "for" Veterans Affairs from 1993–1997. Jesse insisted that people refer to him as the Secretary "for" Veterans Affairs in order to emphasize his role as a champion of veterans. It is for this role that he will always be remembered.

Jesse spent his teens and early adulthood in Chicago where his mother, Mrs. Lucille Brown, continues to reside today. It is fitting that we re-name the West Side division of VA Chicago in his name.

Jesse was a personal friend of mine, but thousands of veterans in this Nation also recognized him as a friend. He oversaw a period of growth and improvement in the VA health care system that changed many Americans' view of the health care system by modernizing and greatly improving the quality of its services and allowing new access to millions.

Jesse never took "no" for an answer. When it came to demanding the best for our veterans, he would even take on the President. I remember the legendary stories of his trips to the White House to challenge the President's budgets for veterans. He always wanted more and he almost always won. Even at his memorial service, which I, along with former-President Clinton, attended this past summer, long-time friends and associates spoke of a man to whom it was impossible to say no.

Jesse's path was probably laid for him when he was wounded in combat while on patrol in Danang. The injury would leave him partially paralyzed for the rest of his life. After a long period of recuperation, Secretary Brown began a career in veterans' advocacy that spanned the remainder of his life. The Secretary worked his way up the Disabled American Veterans structure culminating his 25-year career by serving as executive director from 1989–1993.

As Secretary "for" Veterans Affairs, Jesse fought to make good on his promise of "putting veterans first." He made it his priority to meet veterans whose needs had long gone unrecognized—he made homelessness "the fifth mission" of the VA. He added counseling for women who experienced sexual trauma during military service. He worked tirelessly to expand benefits for veterans who were former prisoners-of-war and for those exposed to Agent Orange, radiation and mustard gas. He began an aggressive research agenda into the causes and effective treatments for veterans of the first Persian Gulf War.

Even toward the end of his life, Secretary Brown continued his advocacy for veterans as the first executive director of the Disabled Veterans Life Memorial Foundation. Sadly, Jesse left us all too soon after a struggle with Lou Gehrig's disease this past summer. He is survived by his wife Sylvia, along with two children Carmen Stewart and Scott Brown and many other relatives and friends.

As a fellow Marine, Jesse truly knew the meaning of "leave no man behind." He lived his life according to that creed. He has earned the honor we are bestowing upon him today.

IMPROVING EDUCATION RESULTS FOR CHILDREN WITH DISABILITIES ACT OF 2003

SPEECH OF

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, last week the House considered H.R. 1350, Improving Education Results for Children With Disabilities Act of 2003. I would like to add the following list of organizations opposed to H.R. 1350 for inclusion in the RECORD:

National PTA, Children's Defense Fund, National Association of Education of Young Children, American Academy of Child & Adolescent Psychiatry, American Academy of Pediatrics, American Association on Mental Retardation, American Association of University Affiliated Programs, American Council of the Blind, American Counseling Association, American Music Therapy Association, American Occupational Therapy Association, American Physical Therapy Association, American Society for Deaf Children.

American Speech-Language-Hearing Association, The Arc of the United States, Association of Maternal and Child Health Programs, Association of University Centers on Disabilities, Bazelon Center for Mental Health Law, Children and Adults with Attention Deficit/Hyperactivity Disorder, Council for Exceptional Children, Council of Parent Attorneys and Advocates, Disability Rights Education & Defense Fund, Disability Service Providers of America, Easter Seals, Epilepsy Foundation, Federation of Families for Children's Mental Health.

Higher Education Consortium for Special Education, Learning Disabilities Association of America, National Alliance of Pupil Service Organizations, National Association of Developmental Disabilities Councils, National Association of Mental Illness, National Association of Protection and Advocacy Systems, National Association of School Psychologists, National Association of Social Workers, National Center for Learning Disabilities, National Coalition on Deaf-Blindness, National Coalition of Parent Centers, National Committee of Parents Organized to Protect IDEA.

National Consortium for Physical Education and Recreation for Individuals with Disabilities, National Down Syndrome Congress, National Down Syndrome Society, National Mental Health Association, Research Institute for Independent Living, School Social Work Association of America, TASH, Teacher Education Division/Council for Exceptional Children, The International Dyslexia Association, Tourette Syndrome Association, UCP.

EDUCATIONAL INNOVATOR—SR. JOEL READ RETIRES AS PRESIDENT OF ALVERNO COLLEGE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. KLECZKA. Mr. Speaker, on Thursday, May 22, 2003 the Milwaukee community will honor Sr. Joel Read for 35 years of distinctive and dedicated service to Alverno College.

A member of the School Sisters of St. Francis and President of Alverno College since 1968, under her leadership, Sr. Joel and Alverno College have gained national and international recognition for their innovation in education. Sr. Joel's commitment and hard work has led to the introduction of Alverno's ability-based curriculum, which has placed Alverno at the forefront of education as a liberal arts college.

Her efforts in this area have brought her high honors from other educators. Sr. Joel has been described by her colleagues as someone who has emerged as one of the country's most remarkable leaders in higher education. She is legendary in our community for her passionate spirit and steadfast approach to getting results.

So distinguished is her reputation that educational associations across the nation seek Sr. Joel's assistance. She has received numerous local and national awards and recognitions for her dedicated support to higher education, the advancement of women and the development of our communities. Awards and recognitions include: Anne Roe Award, Pope John XXIII Award, Morris T. Keeton Award, Sacajawea Award, Lifetime Leadership Award, Distinguished Service Award, and Outstanding Woman of Achievement—just to name a few.

Sr. Joel is actively involved in volunteering her time and talents to various organizations and causes. She is a founder of the Milwaukee Achiever Program, has served with the Goals for Milwaukee 2000 Task Force, the United Way of Greater Milwaukee, and the Mayor's Beautification Committee and was appointed by the Governor to the Wisconsin National and Community Service Board. Currently, she serves as a board member in several organizations, including the Greater Milwaukee Committee, Junior Achievement of Wisconsin, and the YMCA.

I congratulate Sr. Joel for 35 years of visionary leadership and devotion to Alverno College and to women in higher education. Her significant contributions have broken educational ground and have placed Alverno College on the map as a national and international leader in education. May God continue to bless her in her retirement, and as she takes on new challenges within the community.

INTRODUCTION OF H.R. 1894, TO PROHIBIT THE IMPLEMENTATION OF DISCRIMINATORY PRECERTIFICATION REQUIREMENTS FOR THE EARNED INCOME TAX CREDIT

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. POMEROY. Mr. Speaker, the earned income tax credit is an important program to assist low-income families and move them from welfare to work.

The IRS is proposing a precertification program for EITC unlike that applied to any other tax benefit program, or for that matter any other program. As proposed, the IRS's precertification program will have the consequence of excluding persons who clearly qualify for EITC benefits. This is because, as proposed, many of the precertification requirements simply cannot be met. As one example, marriage certificates are required in certain instances. In several states, however, the waiting period to receive this documentation may be years. It is for this reason that I am cosponsoring H.R. 1894, introduced by Representative CHARLES RANGEL.

Because of my strong support for EITC, I also support both simplification of the EITC documentation process as well as fair and appropriate review of the program's eligibility and enforcement processes. This will guarantee that those persons who are eligible to receive the credit receive the benefits to which they are entitled, and that those persons who endeavor to take unfair advantage of the EITC are prevented from doing so. Fraud certainly cannot and will not be tolerated, but we also should not punish people who fairly qualify for this credit by making them provide documentation that they cannot acquire. I look forward to working with my colleagues and the Internal Revenue Service in ensuring that these dual aims are accomplished.

PUBLIC HOUSING DRUG ELIMINATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Ms. LEE. Mr. Speaker, today I offer the Public Housing Drug Elimination Act of 2003 on behalf of myself and 71 original co-sponsors.

We have been fighting to reauthorize this HUD program as well as appropriate money to the program for a long time. As a matter of fact, on July 10, 2002, I offered an amendment to the Housing Affordability Act for America, authorizing the Public Housing Drug Elimination Program (PHDEP) through 2005.

Despite the drug elimination program's widespread success and the bipartisan support, President Bush eliminated funding for the program in the Fiscal Year 2003 budget and has again zeroed out funding for the program in his Fiscal Year 2004 (FY04) budget. We must understand that programs like drug elimination ease the strain on public housing's capital improvement and maintenance funds. Programs like drug elimination protect the elderly, who compose one-third of all residents who live in public housing, working families and children. I believe there is more we can do to ensure decent living conditions for all Americans, and I'm sure all of my colleagues would agree.

The Public Housing Drug Elimination Program funded employment of security personnel, reimbursement of local law enforcement agencies for additional security, drug education and prevention; physical improvements designed to enhance security, and youth programs. In my own district, the Oakland Housing Authority funneled their money into five different areas. They created three Boys & Girls club programs on-site; the local Museum of Art which ran an after-school performing and visual arts program—serving forty at risk youth daily; the City of Oakland's Discover Center operated a program with PHDEP dollars called, "Science in the Hood," which taught hands-on general science, physics, and chemistry; and the Asian Community Mental Health center provided health, educational, and employment assistance and cultural services for Asian residents, filling a gap in community service.

The Public Housing Drug Elimination is a real tool to combat real bad actors from public housing, all while protecting youth and tenants. This program, unlike the one-strike policy (upheld in *U.S. HUD* v. *Rucker*), puts the power to change the community in the hands of the community, it's leadership, and public housing officials. Hand and hand, the drug elimination program and a modified eviction policy could help end the criminal activity that takes place in public housing.

Mr. Speaker, one-third of all residents who live in public housing are elderly. If we fail to at least authorize this program we will in fact allow thousands of elderly people to live in fear and potentially unsafe environments. We are the richest country in the world. Housing is a basic human right. We can do more to ensure decent living conditions for all Americans and we can do more to make public housing safe.

Today I offer the Public Housing Drug Elimination Act of 2003 to authorize this program and allow appropriators to commit such sums as they deem necessary. I ask that my colleagues join me in support of this important program and this bill.

RECOGNIZING LUIS TIANT FOR HIS CONTRIBUTIONS TO THE GAME OF BASEBALL AND FOR HIS CONTINUED INVOLVEMENT IN THE BOSTON LITTLE LEAGUE COMMUNITY

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. CAPUANO. Mr. Speaker, I rise to thank Red Sox pitching legend Luis Tiant for the contributions he has made to the game of baseball and for his continued involvement in the Boston Little League community. On Saturday, May 3, 2003, the Luis Tiant Field at Peters Park in the South End of Boston was dedicated to this sports icon in recognition of all that he has contributed to the game.

Luis Tiant was born in Havana, Cuba in 1940. He learned to love baseball at a young age because his father excelled at the sport and he passed that passion on to his son. Luis flourished in the local Little League program and eventually made the Cuban Juvenile League All-Star Team in 1957.

In 1961, the Cleveland Indians signed Luis Tiant to a contract, and he made the majors with that ballclub in 1964. In 1971, his career in a Red Sox uniform began. El Tiante, as he is known in New England, led the American League with a 15–6 record and a 1.91 ERA in 1972.

For three of the next four seasons, Luis Tiant won at least 20 games. He won 18 games in 1975, helping propel the Boston Red Sox to the American League Championship. He excelled in the 1975 post season, winning Game One and Game Four of the World Series for the Red Sox.

Luis Tiant has many impressive baseball accomplishments, including having the lowest ERA for a Boston pitcher since 1920. He also holds that same record with the Cleveland Indians.

In 1978, the Boston Red Sox lost Luis Tiant to the New York Yankees—but Red Sox fans don't dwell on his time in the pinstripes. El Tiante currently lives in Boston with his family.

It is only fitting that a Little League field bear the name of one of the greatest pitchers in Boston Red Sox history. He means so much to the game of baseball and has contributed so much to his community.

FUNDING CHILD SURVIVAL PROGRAMS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. ANDREWS. Mr. Speaker, I would first like to take this opportunity to thank the Subcommittee on Foreign Operations, Export Financing and Related Programs Appropriations for providing $218 million for Basic Education programs last year and for protecting and expanding the Child Survival and Health Fund. Their leadership on these highly successful and cost-effective programs has been outstanding.

I would also like to thank one of my constituents, Phyllis Alroy, who is a member of RESULTS, a national group dedicated to ending hunger and poverty worldwide. She and RESULTS have been champions in bringing these important initiatives to my attention. I applaud their efforts and encourage all to follow in their courageous footsteps.

In the world today, one in five people must survive on less than their local equivalent of $1 per day. Nearly half the world's population survives on less than $2 per day. Approximately 113 million primary school—age children are not in school—more than the total number of primary-age children in school in the United States, Europe, and other more developed countries. In the least developed countries, 40 percent of children who enroll in primary school do not complete five years, the minimum required for basic literacy. Nearly 11 million children under the age of five die annually in the world mostly from preventable diseases and malnutrition.

One-third of the world's population, many of them parents, are infected with the bacteria that causes tuberculosis, a disease that kills 2 million people per year. As HIV infection rates rise around the world, not only in those countries already hardest hit by the virus but soon in "second-wave" countries identified by the National Intelligence Council (India, Russia, Nigeria, Ethiopia, and China), TB rates are expected to rise rapidly.

While these statistics are staggering, there is some good news: Three million more children a year now survive beyond their fifth birthday than in 1990. More than 60 countries have achieved a one-third reduction in their infant and under-5 child death rates. The world has come very close to eradicating polio, and is poised to do so by 2005. Also, in 2000, the United States and 188 other countries committed to the Millennium Development Goals and pledged to reduce severe poverty by half by 2015 and meet a set of accompanying goals, including halting and reversing the spread of HIV/AIDS and TB, reducing deaths of children under five by two-thirds, and ensuring universal primary education.

These goals are achievable, but only if we act now. The United States must lead in the global effort to save and improve children's lives, by expanding funding for the simple and effective treatments that we know work.

We must protect and expand funding for Child Survival programs. Half of all children who die in developing countries fall prey to just four conditions: pneumonia, diarrheal diseases, malaria and measles, combined with malnutrition. Each of these conditions can be treated or prevented—and other critical child health needs can be met as well—for precious little money. A few cents can provide a child with a vitamin A capsule a few times a year to prevent blindness and death. Five days worth of antibiotics to cure pneumonia cost just 25 cents. A packet of Oral Re-hydration salts to prevent fatal dehydration from diarrheal disease costs just 33 cents. I have asked the Foreign Operations Appropriations Committee to expand funding for Child Survival in your 2004 Foreign Operations Bill by $150 million.

Other low-cost solutions can positively impact children's lives by helping their families. Two million people die each year from tuberculosis, and 8 million people become sick with the disease. TB is the leading killer of people with HIV/AIDS. TB primarily strikes adults during their productive, child-rearing years. Those who become ill often lose months of work. Sometimes, TB patients' children must leave school to work or care for their sick parent. Globally, $750 million per year could bring TB under control. I have asked the Foreign Operations Appropriations Committee to protect the bilateral TB control programs, and ensure that the funding is appropriately used as effectively as possible for direct, on-the-ground interventions and treatment.

Another important tool for fighting TB is the Global Fund to fight AIDS, TB and malaria (GFATM). Malaria kills nearly 1 million people each year, most of them children. AIDS has orphaned 13 million children already and, at current rates, there will be 40 million AIDS orphans by 2020.

The GFATM is an accountable multilateral mechanism capable of ensuring that drugs and treatment are efficiently disseminated to where they are needed on the ground. The GFATM is a public-private partnership, independent from the United Nations and other international bodies and working as a complement to existing bilateral international health efforts. I have asked the Foreign Operations Appropriations Committee to provide $1 billion in 2004 to this program, and ensure that it reaches as many countries as possible.

In addition to these programs, you have my support to expand funding for Basic Education programs in 2004 to $350 million (from all accounts), and to provide not less than $120 million for UNICEF, and $200 million for microenterprise programs, with at least half of that amount going to programs that target the very poor.

Again I would like to thank the Subcommittee for its outstanding leadership in saving and improving children's lives around the world by expanding funding for these critical health interventions.

TRIBUTE TO CAROLYN BETZ

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. NEY. Mr. Speaker, on behalf of myself and JOHN LARSON our Ranking Member, I would like to take this opportunity to recognize Assistant Counsel Carolyn Betz of the Office of General Counsel for the House. Ms. Betz has served in the House Counsel's Office since November 1995 and will shortly be relocating to upstate New York. We will miss her.

During the past seven and a half years, Ms. Betz has provided frequent and valuable service to the Committee on House Administration, and our staff has come to rely on her legal guidance, as well as her common sense approach to problem-solving. She has assisted us not only with legal advice but also with creation and implementation of numerous policies of significance to the House as an institution. Most recently, Ms. Betz was instrumental in finalizing the terms of the House's participation in the debt collection program offered by the Department of the Treasury. While in the House Counsel's Office, she has handled a wide range of legal issues, and we know that her expertise is greatly valued by other House offices.

On behalf of the Committee on House Administration, I would like to thank Carolyn Betz for her devoted service to the house. We wish her great success in her future endeavors.

55TH ANNIVERSARY OF THE STATE OF ISRAEL

HON. EDWARD L. SCHROCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. SCHROCK. Mr. Speaker, I am pleased to share the following article written by a constituent, Rabbi Israel Zoberman. Today is the 55th Anniversary of the State of Israel.

ISRAEL AT 55

The 55th anniversary of the State of Israel is not an ordinary occasion even under normal circumstances. So much more so as the small Jewish state is challenged in a way no other nation is by forces of terrorism begrudging its very survival even prior to its 1948 rebirth and ever since.

Israel is a remnant of and collective address of a historical people suffering untold persecution as a powerless minority, which culminated in the consuming Holocaust's vast tragedy. It sought security through the normalcy of returning to its geographic and religious roots reflected in the unique Biblical heritage, only to be rejected by a hostile neighborhood alien to both its Jewish message and Western mindset.

Miraculously returning to the soil from which it was driven by the power of the Roman sword, Israel proved the superior quality of the soul. Taking into long exile and dispersion the cherished memory of Zion and Jerusalem, it faithfully incorporated it into its spiritual life enabling an unparalleled homecoming. The national revival and cultural renewal in a vibrant democratic context was accompanied by giant strides, turning a country poor in natural resources and devastated by past trouble into an oasis of a highly developed technological society in a sea of Arab feudalism and neglect. All that while defending against a relentless enemy and absorbing millions of displaced Jewish refugees, unlike the refusal of its neighbors to welcome as equals the Palestinians in their midst.

Its tenacious will to live at last convinced Egypt, the leading Arab country, and Jordan, of the futility of fighting Israel as well as the wisdom of making peace with it, providing instead for their internal front begging transformation. Of course, the rewards of the Israeli willing evacuation of the Sinai and its oil fields along with American support packages were added incentives. While Syria, a terrorist state, is still holding out, Chairman Arafat of the Palestinian Authority tragically proved that he lacks the conviction and courage of martyred President Sadat and Prime Minister Rabin, and the late Prime Minister Begin and King Hussein. In a moment of truth on July 2000 at Camp David Arafat dashed the dreams of so many, turning his back to most forthcoming Prime Minister Barak with President Clinton's risked prestige, converting vision into violence with suicide-homicide bombings lowering inhumanity's bar.

First Palestinian Prime Minister Abu Mazen will hopefully demonstrate to rightfully and responsibly expecting Prime Minister Sharon an abandonment of terrorism's path, with commitment to peaceful co-existence at Israel's side benefiting both long-suffering peoples. However, Israel should never compromise on its security and survival. The unimaginable evil events of September 11, 2001 have highlighted the direct dangers also to America and world stability by the forces of militant Islam. The war in Iraq under President George W. Bush's decisive leadership of a man carrying the burden of a wounded nation, toppled Saddam Hussein's terror-filled regime with freedom's hammer hand-delivered by Lady Liberty's daring children. Consequently, the new vistas have the great potential to infuse the Middle East with essential democratic spirit, providing renewed promise to that critical region that is the cradle of the three great monotheistic religions, to once again bless humanity rather than dooming it. The unshakable bond between the United States and Israel, both victims of terrorism, born of common vision, values and valor for shalom's yet enduring victory, remains a reassuring beacon of light in history's darkness.

Rabbi Israel Zoberman, spiritual leader of Congregation Beth Chaverim in Virginia Beach, is son of Polish Holocaust survivors.

MILITARY IN-STATE TUITION

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. SCOTT of Georgia. Mr. Speaker, I rise to introduce the Military In-State Tuition Act of 2003.

Currently, there is a patchwork of state laws regarding residency requirements for in-state tuition rates for military personnel and their families. When service members are given transfer orders that relocate them to a different state, college students in the family must often face tough choices regarding tuition costs at the college or university in their home state.

There are three residency requirement issues that have been identified by military leaders in my state. First, it is difficult for some families to maintain their eligibility for in-state tuition within their state of legal residence, if they have been assigned outside of that state. For example, a military family may be stationed in another country or state while maintaining residency in the member's home state. Upon return to their state of residence, they find they are not eligible for in-state tuition. My legislation would ensure that soldiers and their families are always eligible for in-state tuition rates in their state of legal residence.

Second, some dependents of military personnel have trouble maintaining in-state tuition at their current college or university, if their sponsoring active-duty parent is transferred out of state. My legislation would address this concern by ensuring that students receive in-state tuition even if the military parent or guardian is reassigned out of state.

Last, most active duty military members who are transferred out of state while enrolled in a state college or university do not qualify for in-state tuition in their new state of assignment until a lengthy residency requirement is met. My legislation would ensure that soldiers, who have been reassigned due to military orders, and their families are eligible immediately for in-state tuition.

Given the sacrifices that active-duty military personnel make for our country, I believe that it is only fair that if they and their families enroll at state colleges and universities, they should qualify for in-state tuition. These active duty members should not be penalized by having to pay higher tuition rates when they are reassigned to another military facility in a different state.

I hope my colleagues will join me by supporting and cosponsoring this legislation.

TIME MAGAZINE REPORTER JIM LACEY EMBEDDED WITH 101ST AIRBORNE

HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. TAYLOR of Mississippi. Mr. Speaker, I submit the attached report of Time Magazine correspondent Jim Lacey for the CONGRESSIONAL RECORD.

TIME MAGAZINE REPORTER JIM LACEY EMBEDDED WITH 101ST AIRBORNE

Since returning from Iraq a short time ago I have been answering a lot of questions about the war from friends, family, and strangers. When they ask me how it was over there I find myself glossing over the fighting, the heat, the sandstorms, and the flies (these last could have taught the Iraqi army a thing or two about staying power). Instead, I talk about the soldiers I met, and how they reflected the best of America. A lot of people are going to tell the story of how this war was fought; I would rather say something about the men who won the war.

War came early for the 1st Brigade of the 101st Airborne when an otherwise quiet night in the Kuwaiti desert was shattered by thunderous close-quarters grenade blasts. Sgt. Hasan Akbar, a U.S. soldier, had thrown grenades into an officers' tent, killing two and wounding a dozen others. Adding to the immediate confusion was the piercing scream of SCUD alarms, which kicked in the second Akbar's grenade exploded. For a moment, it was a scene of near panic and total chaos.

Just minutes after the explosions, a perimeter was established around the area of the attack, medics were treating the wounded, and calls for evacuation vehicles and helicopters were already being sent out. Remarkably, the very people who should have been organizing all of this were the ones lying on the stretchers, seriously wounded. It fell to junior officers and untested sergeants to take charge and lead. Without hesitation everyone stepped up and unfalteringly did just that. I stood in amazement as two captains (Townlee Hendrick and Tony Jones) directed the evacuation of the wounded, established a hasty defense, and helped to organize a search for the culprit. They did all this despite bleeding heavily from their wounds. For over six hours, these two men ran things while refusing to be evacuated until they were sure all of the men in their command were safe.

Two days later Capt. Jones left the hospital and hitchhiked back to the unit: He had heard a rumor that it was about to move into Iraq and he wanted to be there. As Jones—dressed only in boots, a hospital gown, and a flak vest—limped toward headquarters, Col. Hodges, the 1st Brigade's commander, announced, "I see that Captain Jones has returned to us in full martial splendor." The colonel later said that he was tempted to send Jones to the unit surgeon for further evaluation, but that he didn't feel he had the right to tell another man not to fight: Hodges himself had elected to leave two grenade fragments in his arm so that he could return to his command as quickly as possible.

The war had not even begun and already I was aware that I had fallen in with a special breed of men. Over the next four weeks, nothing I saw would alter this impression. A military historian once told me that soldiers could forgive their officers any fault save cowardice. After the grenade attack I knew these men were not cowards, but I had yet to learn that the brigade's leaders had made a cult of bravery. A few examples will suffice.

While out on what he called "battlefield circulation," Col. Hodges was surveying suspected enemy positions with one of his battalion commanders (Lt. Col. Chris Hughes) when a soldier yelled "Incoming" to alert everyone that mortar shells were headed our way. A few soldiers moved closer to a wall, but Hodges and Hughes never budged and only briefly glanced up when the rounds hit a few hundred yards away. As Hodges completed his review and prepared to leave, another young soldier asked him when they would get to kill whoever was firing the mortar. Hodges smiled and said, "Don't be in a hurry to kill him. They might replace that guy with someone who can shoot."

The next day, a convoy Col. Hodges was traveling in was ambushed by several Iraqi paramilitary soldiers. A ferocious firelight ensued, but Hodges never left the side of his vehicle. Puffing on a cigar as he directed the action, Hodges remained constantly exposed to fire. When two Kiowa helicopters swooped in to pulverize the enemy strongpoint with rocket fire, he turned to some journalists watching the action and quipped, "That's your tax dollars at work."

Bravery inspires men, but brains and quick thinking win wars. In one particularly tense moment a company of U.S. soldiers was preparing to guard the Mosque of Ali—one of the most sacred Muslim sites—when agitators in what had been a friendly crowd started shouting that they were going to storm the mosque. In an instant, the Iraqis began to chant and a riot seemed imminent. A couple of nervous soldiers slid their weapons into fire mode, and I thought we were only moments away from a slaughter. These soldiers had just fought an all-night battle. They were exhausted, tense, and prepared to crush any riot with violence of their own. But they were also professionals, and so, when their battalion commander, Chris Hughes, ordered them to take a knee, point their weapons to the ground, and start smiling, that is exactly what they did. Calm returned. By placing his men in the most nonthreatening posture possible, Hughes had sapped the crowd of its aggression. Quick thinking and iron discipline had reversed an ugly situation and averted disaster.

Since then, I have often wondered how we created an army of men who could fight with ruthless savagery all night and then respond so easily to an order to "smile" while under impending threat. Historian Stephen Ambrose said of the American soldier: "When soldiers from any other army, even our allies, entered a town, the people hid in the cellars. When Americans came in, even into German towns, it meant smiles, chocolate bars and C-rations." Ours has always been an army like no other, because our soldiers reflect a society unlike any other. They are pitiless when confronted by armed enemy fighters and yet full of compassion for civilians and even defeated enemies.

American soldiers immediately began saving Iraqi lives at the conclusion of any fight. Medics later said that the Iraqi wounded they treated were astounded by our compassion. They expected they would be left to suffer or die. I witnessed Iraqi paramilitary troops using women and children as human shields, turning grade schools into fortresses, and defiling their own holy sites. Time and again, I saw Americans taking unnecessary risks to clear buildings without firing or using grenades, because it might injure civilians. I stood in awe as 19-year-olds refused to return enemy fire because it was coming from a mosque.

It was American soldiers who handed over food to hungry Iraqis, who gave their own medical supplies to Iraqi doctors, and who brought water to the thirsty. It was American soldiers who went door-to-door in a slum because a girl was rumored to have been injured in the fighting; when they found her, they called in a helicopter to take her to an Army hospital. It was American soldiers who wept when a three-year-old was carried out of the rubble where she had been killed by Iraqi mortar fire. It was American soldiers who cleaned up houses they had been fighting over and later occupied—they wanted the places to look at least somewhat tidy when the residents returned.

It was these same soldiers who stormed to Baghdad in only a couple of weeks, accepted the surrender of three Iraqi Army divisions, massacred any Republican Guard unit that stood and fought, and disposed of a dictator and a regime with ruthless efficiency. There is no other army—and there are no other soldiers—in the world capable of such merciless fighting and possessed of such compassion for their fellow man. No society except America could have produced them.

Before I end this I want to point out one other quality of the American soldier: His sense of justice. After a grueling fight, a company of infantrymen was resting and opening their first mail delivery of the war. One of the young soldiers had received a care package and was sharing the home-baked cookies with his friends. A photographer with a heavy French accent asked if he could have one. The soldier looked him over and said there would be no cookies for Frenchmen. The photographer then protested that he was half Italian. Without missing a beat, the soldier broke a cookie in half and gave it to him. It was a perfect moment and a perfect reflection of the American soldier.

HONORING JUAN MARTIN CASTILLO

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor Juan Martin Castillo, the recipient of the 2003 Human Relations Award given by the Orange County Human Relations Commission.

The recipients of the Human Relations Awards are named for making significant contributions to the county, by demonstrating commitment to human and civil rights, and by fostering respect and understanding among people of all backgrounds.

Mr. Castillo has met all of the above. He organized the very first meetings of the Latino branch of the Orange County Parents, Families and Friends of Lesbians and Gays.

With Mr. Castillo's help and dedication to the organization, monthly meetings consist of dozens of parents and friends who gather to share stories and laughter, and to offer support.

I am very proud of the work Mr. Castillo has done in his community. I commend him for his work to make our world a more tolerant place to live.

BLACK LUNG BENEFITS SURVIVORS EQUITY ACT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. RAHALL. Mr. Speaker, today I am reintroducing legislation aimed at providing equity in the treatment of benefits for eligible survivors of recipients of black lung benefits.

By way of background, in 1981 the Black Lung Benefits Act was amended in several respects at the urging of the Reagan Administration. The driving motivation for this legislation at the time was to shore up the finances of the Black Lung Disability Trust Fund through which benefit payments are made to beneficiaries where mine employment terminated prior to 1970, or where no mine operator can be assigned liability.

After the enactment of this legislation, administrative actions and a number of extremely harmful court decisions made it extremely difficult, if not almost impossible, for those suffering from the crippling disease of black lung to qualify for benefits. However, today, a large number of the problems claimants faced have been remedied by a Clinton Administration rulemaking that was finalized on December 20, 2000.

Yet, two provisions of the 1981 Act in particular continue to be most troublesome, and largely impact, in a very adverse way, surviving widows of coal miners who die as a result of black lung disease.

As it now stands, due to the 1981 amendments, there is a dual and inequitable standard governing how benefits are handled for surviving spouses of deceased beneficiaries.

In the event a beneficiary died prior to January 1, 1982—the effective date of the 1981 Act—benefits continued uninterrupted to the surviving spouse.

However, if the beneficiary dies after January 1, 1982, the surviving spouse must file a new claim in order to try to continue receiving the benefits and must prove that the miner died as a result of black lung disease despite the fact that the miner was already deemed eligible to receive benefits prior to death. This is illogical, unfair and outlandish.

In addition, as a result of the 1981 law, there is also a dual and inequitable standard governing the basis by which a miner or his widow is entitled to benefits under the Act. For pre-1981 Act claimants, a rebuttable presumption of the existence of black lung disease is established if the miner worked for 15 years or more in underground coal mines and if over evidence, such as an X-ray, demonstrates the existence of a total disability respiratory or pulmonary impairment. This rebuttable presumption, however, does not apply to post-1981 Act claimants.

The legislation I am introducing today removes the requirement that a surviving spouse must refile a claim in order to continue receiving benefits. It also applies the rebuttable presumption of black lung disease for pre-1981 Act claimants to those filed after the effective date of that statute.

This is a fair and just proposal, and one which should have been enacted years ago. In fact, I have introduced various black lung bills since 1988. During the early 1990s the House of Representatives on two occasions passed reform legislation. Much of what was contained in these comprehensive reform bills was finally addressed by the Clinton-era rulemaking. However, the subject matter of the bill I am introducing today demands action by the Congress.

I urge the leadership of this body to consider this matter, and to allow this bill to be acted upon this year.

PROVIDING FOR CONSIDERATION OF H.R. 1298, UNITED STATES LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA ACT OF 2003

SPEECH OF

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. ENGLISH. Mr. Speaker, I would like to take a moment to applaud Chairman HENRY HYDE and the International Relations Committee on their Herculean efforts to save lives in the developing world. As of last year, an estimated 42 million individuals were infected with HIV worldwide. Seventy-five percent of those individuals live in developing nations in Africa and the Caribbean. As the leading cause of death in sub-Saharan Africa, AIDS has killed more than 20 million people in that region alone. This global pandemic shatters families and wrecks any potential for prosperity in developing nations. Indeed, AIDS has nearly annihilated entire segments of society in Africa.

Like some of my colleagues, I have had an opportunity to visit some the nations hit hardest by AIDS. Just months ago, I visited a small town just outside of Capetown, South Africa. There, I was told that at least 30 percent of the town's residents were infected with HIV. The nearly incalculable costs associated with such widespread suffering almost certainly damn South Africa's children to poverty.

Notwithstanding this horrific situation, I was struck by the success of some heroic efforts to fight back against HIV. In the same town, the international aid organization Doctors Without Borders, has been running a small clinic devoted to treating pregnant victims of HIV. In treating these women, Doctors Without Borders has also prevented the spread of HIV to the unborn children of its patients. Efforts like this one have effectively saved the lives of hundreds of those who might otherwise face death as a result of AIDS.

Perhaps one remarkable aspect of this effort is that it shows what a small investment in public health can do to alleviate mass suffering in the developing world. Imagine what organizations like Catholic charities and Doctors Without Borders can do with a multi-billion dollar commitment by the United States of America. Today's legislation shows leadership and it demonstrates our resolve in the fight against AIDS. Thank you, Mr. Speaker, and congratulations to the International Relations Committee on a job well done.

50TH ANNIVERSARY OF ROARING SPRING LIONS CLUB

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. SHUSTER. Mr. Speaker, on May 10, 2003, the Roaring Spring Lions Club will be celebrating their 50th anniversary. I rise today to congratulate the members of this exceptional club for such a momentous occasion. The current members have continued a long standing Lions Club tradition of excellence. They should be proud of their commitment to assisting their community and fellow citizens through numerous service activities.

The Roaring Spring Lions Club is one of many thousands of local clubs located in 190 countries across the globe, with a world wide membership of more than 1 million members. As an internationally known organization, the many local Lions Clubs make up a large web of community service projects that range from improving the environment, to helping local youth through outreach projects, to assisting the disabled in the community. Lions Club members are truly exceptional people and prove their commitment to the Clubs' motto "We serve" each and every day.

Mr. Speaker, I am very pleased to have had the opportunity today to pay tribute to and recognize the members of the Roaring Spring Lions Club for their 50th anniversary. I encourage the members to continue in their efforts to better their community through service oriented projects and I wish them each the best of luck in all their future endeavors.

A PROCLAMATION RECOGNIZING AUSTIN DOUGLAS PICKRELL

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. NEY. Mr. Speaker,

Whereas, Austin Douglas Pickrell has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Austin Douglas Pickrell has shared his time and talent with the community in which he resides; and

Whereas, Austin Douglas Pickrell has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Austin Douglas Pickrell must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 126, the residents of Zainesville, and the entire 18th Congressional District in congratulating Austin Douglas Pickrell as he receives the Eagle Scout Award.

HONORING MAX HALLMAN

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. CARDOZA. Mr. Speaker, I rise today to honor Max Hallman. Max Hallman has dedicated his life to education and the community of Merced has benefited greatly from his efforts.

Max Hallman was instrumental in starting the Honors program at Merced College thirteen years ago, bringing the Phi Theta Kappa Honors Society to the campus. Max was a founding member of the Califomia/Nevada Region of the Honors Society, and has received several awards recognizing his achievements. Max Hallman has been named Merced College Instructor of the Year, is the recipient of the National Institute for Staff and Organizational Development's Teaching Excellence Award, six different Phi Theta Kappa recognitions and is prominently featured in the directory, Who 's Who Among America's Teachers.

Max Hallman has spent his life teaching the young to think, to question, to aspire for something greater. Max Hallman has become an expert in the works of Frederick Nietzsche, who once wrote, "Out of damp and gloomy days, out of solitude, out of loveless words directed at us, conclusions grow up in us like fungus: one morning they are there, we know not how, and they gaze upon us, morose and gray. Woe to the thinker who is not the gardener but only the soil of the plants that grow in him!" Professor Hallman has long been teaching his young students to garden—to be responsible for their minds and lives, and many of them are the better for it.

It is my honor and privilege to recognize Max Hallman for his service to the community. Throughout his career, he has distinguished himself as a leader and mentor. I am delighted to recognize his service and his retirement as I wish him the best in the years to come.

IN HONOR OF MARY BALL WILLIAMS MIDDLETON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. RANGEL. Mr. Speaker, I rise today to commemorate Mary Ball Williams Middleton for her lifetime achievements and continued involvement in the community. Born in Charleston, South Carolina on March 26, 1901, Mrs. Middleton turned 102 this year. Since moving to Harlem at the age of 16, she has demonstrated her commitment to bettering society. Mrs. Middleton has been an active member of her church, the Cathedral of United Methodism in Harlem, NY for over 40 years. Over the years she served as a member of the Stewardess Board No. 4 and the United Methodist women, and as chairperson of Dignity Channel. Her community involvement is also demonstrated through her involvement at the A. Philip Randolph Senior Citizens' Center, the Harlem Council on the Aging, and the New York City Senior Citizen Volunteers. I commend Mrs. Middleton on her lifetime of community involvement and sincerely hope that she will continue to impart her wisdom and love on the community for the benefit of today's youth.

HONORING CHIEF CAMERON PHILLIPS

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor Fire Chief Cameron Robert Phillips, of Garden Grove, California.

Chief Phillips, a native of California and a man who has dedicated his time to the City of Garden Grove, will be retiring this month as fire chief of the Garden Grove Fire Department.

Chief Phillips began his career with the fire department in 1974, when he became a firefighter. He later became a paramedic, and then went on to be a fire engineer. With hard work he was promoted to fire chief in 1999.

Chief Phillips has also been very active in his community, serving as Vice Chair of the Governing Board at Garden Grove Hospital. He has also been involved with the International Association of Fire Chiefs and the National Fire Protection Agency.

Chief Phillips has dedicated his life to serving his community and putting his life at risk to save others. I wish him well in his retirement.

PUBLIC HEALTH

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. STRICKLAND. Mr. Speaker, I encourage my colleagues to support legislation I am introducing today that will improve the public health of communities throughout America, make worksites safer for thousands of corrections officers and staff, and help to improve the health of inmates in correctional facilities.

Every year, more than 11 million people are released from prisons and jails across America, growing numbers of which suffer disproportionately from mental illness, substance abuse, and communicable diseases, such as HIV, hepatitis and tuberculosis.

According to the Centers for Disease Control and Prevention, infectious diseases are more prevalent among correctional inmates than the general population. For AIDS, the prevalence among inmates is 5 times that of the general population. Tuberculosis infection rates are substantially higher among inmates, with estimates from 4 to 17 times higher. And the prevalence of hepatitis C among inmates is 9 to 10 times higher than that of the general population.

The health care needs of inmates have expanded as the incarcerated population has aged, succumbing to the same ailments that afflict the elderly in the outside world—such as diabetes, hypertension, and stroke.

It is a sad reflection of the inadequate health care system in America that many times inmates receive health care for the first time after they enter correctional facilities. Indeed, it is likely that the majority of inmates with communicable diseases entered correctional systems already infected. Having millions of inmates with serious communicable diseases threatens the health and lives of thousands of dedicated corrections officers and all who work in correctional facilities, as well as the rest of the prison population as well. Most inmates are released after they've served their time. Upon release, the threat to public health becomes clear, as inmates return to live and work in our communities. There is no doubt that correctional facilities play a key role in the battle against the spread of disease.

The challenge faced by correctional facilities is enormous. In an era of shrinking resources, corrections staff are called upon to do more with less. My bill is intended to assist them in this challenge.

To respond to this critical need, I am introducing legislation which would establish an Office of Correctional Health within the Department of Health and Human Services and would setup a program for States to combat hepatitis in correctional facilities. The proposed office would coordinate all correctional health programs within HHS; provide technical support to State and local correctional agencies on correctional health; cooperate with other Federal agencies carrying out correctional health programs to ensure coordination; and provide outreach and facilitate information exchange regarding correctional health activities.

As a result of discussions with a broad range of groups about the need to combat hepatitis, the bill that I am introducing will include a program to provide matching grants to States for the screening, immunization, and treatment of hepatitis A, B, and C in correctional facilities. This new program is based on recommendations in a report published by the Centers for Disease Control and Prevention entitled, Prevention and Control of Infections with Hepatitis Viruses in Correctional Settings. States will have flexibility in this program to screen, treat, or immunize inmates or employees.

The public health implications from joining this battle are clear. If we give corrections professionals the tools and resources they need to identify, treat, and prevent communicable disease, we protect those who reside both behind bars and beyond the gates.

I urge my colleagues to support this important public health measure.

LEGISLATION TO DEFER THE CAPITAL GAINS TAX ON MUTUAL FUND INVESTORS UNTIL SHARES ARE SOLD

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. RYAN of Wisconsin. Mr. Speaker, millions of working Americans depend on mutual funds to invest and save for their future. Fund investors are overwhelmingly middle-income families and individuals who are investing for the long term and mutual funds provide an ideal way for smaller investors to invest in the U.S. economy. Easing the burden to invest and increasing the opportunities for these investors to put more into their portfolios is especially critical now given the nation's current economic health.

Because mutual funds are primarily used for long-term investments, many fund investors are understandably frustrated by a tax rule that forces them to pay tax on capital gains before they sell their shares in the fund. To further their long-term savings and investment goals, fund investors typically choose to have any capital gains distributions, which they would otherwise receive from the fund, automatically reinvested in the fund. Nevertheless, under current tax law, these fund investors are required to pay tax on such amounts even though they took no action to trigger those gains and their investment dollars remain in the fund. As widely reported in the press, fund investors find this tax rule inconsistent with both the long-term nature of their investment and their understanding of how investments are taxed.

This tax problem would be solved with my legislation by permitting fund investors to defer tax on mutual fund capital gain distributions that are automatically reinvested in the fund. These gains would be taxed when the investors sell their shares in the fund. Postponing the capital gains tax until the fund investor decides to sell his or her shares in the fund is consistent with the basic philosophy that a capital gains tax on an investment is not due until you sell the investment. This is the way an investor who holds stock directly is taxed.

Deferring capital gains tax on mutual fund investors until they sell their fund shares will promote savings by middle-income investors. Adoption of this approach will permit those savings to grow more rapidly and remain invested in America's economy as intended by the fund investors.

My bill will promote personal savings and investment in the national economy by changing tax rules to reflect the continuing nature of the shareholder's investment in the fund.

FREEDOM'S OBLIGATION

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. RYUN of Kansas. Mr. Speaker, I would like to bring to the attention of my colleagues an essay written by fellow Kansan, Christina Lachut. Ms. Lachut, from Fort Riley, Kansas, is this year's Kansas winner of the Veterans of Foreign Wars Voice of Democracy Scholarship Contest. I am very proud of Ms. Lachut and her accomplishment.

Freedom's Obligation

(By Christina Lachut)

Freedom. The very thought of it conjures visions of blue skies, soaring eagles, and star spangled banners fluttering in the breeze. However, every Veterans' Day, Memorial Day, Independence Day, and now Patriot Day, we are reminded of the many lives sacrificed at "Freedom's altar." Freedom's altar lies not in a single land, but across many, from the fields of Gettysburg to Flanders field, from Pearl Harbor to the Mekong Delta, from the sands of Iraq to the hills of the Balkans, and from the streets of New York City to the rocks of Afghanistan. In every land where an American in Freedom's name falls, a lighthouse of hope is raised. Yes, one can easily see that our liberties as Americans are not without a price. This American freedom is not as much a right as it is an obligation; an obligation to be a torch of freedom and justice to every dark shore our nation beholds.

Even in its birth, our country inspired other peoples in far away lands to begin their pursuit of the ideals our Founding Fathers themselves sought. As our nation matured, it fought its own battles into adulthood and came to more fully realize the breadth of the concept of the Freedom it embraced: the state of being fully without bonds and lawfully equal to all people regardless of color, heritage, gender, ability, or belief. As an individual, each has a responsibility to help preserve another's freedom, and not to aid in impeding it. As well as to the individual, this concept of responsibility must be applied to the nation as a whole.

Prior to the Second World War, the United States tried to remain isolated from the conflicts that engulfed Europe. The United States only joined these wars after it was impossible to do otherwise. Little by little, though, our country has learned to heed the warning presented by Martin Luther King Jr. that, "A threat to freedom anywhere is a threat to freedom everywhere." Freedom and oppression simply cannot coexist.

Why, though, are Americans now so willing to fight for such an abstract idea as freedom? Perhaps it is because we have beheld the horrors of the Holocaust, the terror of the Khmer Rouge, and the stranglehold of the Taliban. This loyalty to freedom, though, lies more likely in the essence of the American spirit, that every-gnawing hunger for fairness, justice, and the righteousness of the Golden Rule. A long line of Americans fighting on foreign soil have justified the war to themselves by reasoning that they have liberty because someone they never knew paid the price for it, and it is only fair that they, in their state of freedom, be willing to do the same for another.

It is our duty, as partakers of freedom in this part of the world, to be defenders of freedom throughout the world. Abraham Lincoln stated this obligation best when he surmised; "In giving freedom to the slave we assure freedom to the free, honorable alike in what we give and what we preserve." By the freedom that has made our own nation great, we must humble ourselves, and share the wealth with which we have been so mightily blessed.

IN HONOR AND REMEMBRANCE OF FATHER WILLIAM GULAS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Father William Gulas, beloved Pastor of St. Stanislaus Parish in Slavic Village and beloved mentor, leader and friend of many.

For nearly a decade, Father Gulas gently led his flock at St. Stanislaus Parish, offering spiritual and emotional guidance to every parishioner. Moreover, Father Gulas reached out, with caring and compassion, to residents of Slavic Village and neighborhoods beyond, providing a helping hand or kind counsel whenever needed. Father Gulas was ordained as a Franciscan priest in 1961. He was head of the Franciscan Order for the Assumption Province, which spans several states, including Ohio. His service to our Cleveland community began in 1993, when he joined the parish of St. Stan's as pastor. Reflecting a strong desire to connect with parishioners, Father Gulas learned to speak Polish to be able to communicate with every parishioner.

Father Gulas was an articulate and graceful liturgist. His sense of timing and wit, combined with his kindness and warmth, defined his ministry. Father Gulas leaves behind a rich legacy of a life dedicated to spiritual guidance, leadership, and helping others. For our Cleveland community, Father Gulas leaves behind a legacy of healing and uplifting our Slavic Village neighborhood, which radiates throughout his congregation, and resounds throughout our entire community. Father Gulas was instrumental in the renovation of the historic St. Stanislaus church. His dedication to restoring this magnificent, century-old structure equaled his dedication and success in restoring the heart and soul of this Cleveland neighborhood—one struggling family at a time, one lonely neighbor at a time, one troubled child at a time.

Mr. Speaker and Colleagues, please join us in tribute and remembrance of Father William Gulas, whose compassion, understanding and inspiration, through his words and his deeds, kept hope and faith alive in everyone he knew. His presence among us was a gift, and he will be deeply missed by the countless lives he touched, including ours. We extend our deepest condolences to the family of Father Gulas, to the parishioners of St. Stanislaus, and to the entire Slavic Village community. Throughout his tenure along Fleet Avenue, Father Gulas was deeply committed to helping those in need—young and old, black and white, believers and non-believers. Father Gulas was a living light for everyone in this community, and as deeply as he loved the people of Slavic Village, they in turn, loved him. Most significantly, the love and light that Father Gulas gave so freely to the people of St. Stanislaus and streets beyond, will be a guiding force within our community always, and will live within our hearts forever.

INTRODUCING THE FILIPINO VETERANS FAIRNESS ACT

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise today to introduce the Filipino Veterans Fairness Act in commemoration of Corregidor Day, and all the Filipino veterans who fought against the Japanese Imperial Forces in defense of America.

Sixty-one years ago today, in the island fortress of Corregidor, Philippines, approximately 15,000 American and Filipino troops fought the four-months long resistance against the Japanese forces.

In the early days of World War II, these Filipinos fought alongside Americans as they were battered by constant shellfire and aerial bombardment.

Corregidor Day evokes memories of how these valiant soldiers disrupted the Japanese conquest of the South Pacific, allowing valuable time for the United States to recover from Japan's initial onslaught.

After the Japanese attack at Pearl Harbor, they also attacked and defeated Hong Kong and Singapore, our allies in the war. The one bright spot in those dark days was in the Philippine Islands where Americans and Filipinos made a stand in Bataan, Corregidor and the southern islands of the Philippines.

At the conclusion of World War II, there were more than 400,000 Filipino veterans. Only 50,000 Filipino veterans are living today and approximately 13,000 of them reside in the United States.

I pay tribute to these magnificent Filipino soldiers, loyal and dedicated to the war effort, who distinguished themselves in the four months of combat. With their fiber helmets and canvas shoes, they were armed with little more than personal courage. These valiant men deserve no less than recognition of their military service and fairness under the law.

Proper recognition and honor of the military service of these Filipino veterans is long overdue. I ask my colleagues to remember Corregidor and to support the Filipino Veterans Fairness Act. My bill mirrors Senator DANIEL

INOUYE's S. 68 and also guarantees Filipino veterans' representation in the Center for Minority Veterans, and ensures they receive the same social benefits like education, housing loans, vocational rehabilitation and job counseling as available to the American soldiers with whom they fought side by side in Corregidor.

FORTY YEARS OF SERVICE TO PRINCE GEORGE'S COUNTY SCHOOL SYSTEM

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. HOYER. Mr. Speaker, I rise today to honor Delegate Joanne C. Benson—a woman of integrity, principle, love and passion for helping others. As a Member of the Maryland State House of Delegates since 1991 and an educator in the Prince George's County School System for forty years, Joanne Benson has touched the lives of thousands in her service to people. On this very special occasion of celebrating her retirement we must all give great thanks for the difference she has made in carrying out her life's work.

Having known this extraordinary woman for all my years of public service, I have seen first hand her compassion and unfailing love for children, family and community. Her motto, "If not now, when? If not us, who?" exemplifies her tireless efforts in being a voice for the voiceless, a power for the powerless and a fighter for those who have given up the fight.

Born in Roanoke, Virginia, the daughter of Reverend and Mrs. William Claybon, she is one of six children. After graduating from South Hagerstown High School, she received her Bachelor of Science Degree from Bowie State University and later achieved a Master of Arts Degree from Catholic University. Her career in education began as a teacher in Calvert County and soon thereafter she began to work for the Prince George's County School System, where over the years she has served in a number of capacities including teacher/facilitator, master teacher, instructional support specialist, human relations specialist, Principal and parent involvement specialist. And throughout this long tenure there is one thing she has always been—one of the strongest and most ardent activists for improving the quality of life and the quality of education for our children.

Joanne is a caring individual. Story after story can be told of her purchasing shoes and coats for children in need; bringing food to a hungry family; accessing free health and dental care for children; and finding shelter for the homeless. It was her work while she was Principal of John H. Bayne Elementary School that started the first after-school program in which teachers, parents and community leaders volunteered to work. She began a clothes closet and food pantry and started adult education classes for parents. And she was an early advocate of school uniforms, recognizing that if a child looks good, they feel good.

From an early age, Joanne learned that the rewards we receive are from the work we do. She has carried her concern and compassion for children to her work at the Maryland General Assembly where she is one of the most vocal and respected legislators and where she has been able to implement policies to better life for youngsters. She was an original sponsor of the Primary Seat Belt Law which serves as a national model for children's car seats and seat belt laws. She has gained the reputation as always being there for her constituents, whether it is help to get more funding for public education or safer streets in their community, and always takes positive action.

One of her proudest achievements has been the establishment of the not-for-profit organization known as SAFE STREETS 2000. This program, designed to educate and strengthen our communities and organizations, has helped many become more knowledgeable of available resources in the prevention, intervention and rehabilitation of senseless violence. For this work, Delegate Benson was profiled on the front page of the Washington Post and the Prince George's Journal and was featured on Nightline with Ted Koppel and Night Watch with Charles Rose.

Her endless commitment to children has earned her many other awards: For the Love of Children Award from the Kiwanis Club of the Capitol Area; Outstanding Educator from Prince George's County Schools, Who's Who Among Notable Educators in Maryland, Woman of the Year from Metropolitan Business and Professional Women, Humanitarian Award from Zeta Phi Beta and Outstanding Community Service Award from Las Amigas.

There are so many accomplishments and so many awards, but anyone who knows Joanne knows the things which make her the happiest and the proudest are the small unnoticed acts of kindness. Joanne, you are blessed with an irresistible spirit which is transmitted to all you touch. And we are all so grateful for all you have done. We thank you for your friendship, your leadership and your commitment to improving the lives of children and all the citizens of Prince George's County and the State of Maryland. We salute your 40 years of outstanding and dedicated service to the Prince George's County School System.

PUBLIC SAFETY ACT

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. STRICKLAND. Mr. Speaker, today I am introducing the Public Safety Act, a bill designed to put a stop to the privatization of an extremely important public safety responsibility of government: the incarceration of criminals.

The Public Safety Act, which I have introduced in each of the last two Congresses, enjoys the wide support of many groups that represent the interests of correctional officers. The American Federation of Government Employees (AFGE), the American Federation of State, County, and Municipal Employees (AFSCME), and the Service Employees International Union (SEIU), as well as several other prison interest groups, all support this legislation.

When governments contract out their responsibility to incarcerate inmates to private prison corporations, taxpayers lose much of the valuable oversight that they have of government agencies. Nevertheless, taxpayers are still forced to assume much of the financial and legal liability associated with the operation of private prisons. If there are riots or breakouts, local government authorities are often called in to handle the situation. Furthermore, when a private prison official violates an inmate's rights, the taxpayers from the community—not the prison corporation—foot the bill for the lawsuit. To address these growing concerns, I will be reintroducing the Public Safety Act, which would prohibit the privatization of federal prisons. The bill also would prohibit state and local governments from using any federal funds made available to them for the purpose of providing core correctional services (such as the housing, safe-guarding, protecting, and disciplining of inmates) to contract out those services to private corporations.

A common argument used by privateers is that the private sector can incarcerate prisoners more cheaply, thereby saving taxpayer dollars. Having worked in a prison, however, I know that the easiest way to cut costs in a correctional facility is to cut the wages and benefits of the personnel. The result of this is to employ a poorly trained staff with little experience, creating a danger for everyone who works in the facility and everyone who lives in the surrounding community. The result of cutting expenses in corrections is cutting corners, and cutting corners is unacceptable when it comes to protecting public safety.

My bill will prohibit the Federal Government from contracting out its responsibility to incarcerate criminals. The bill would also prevent States and local governments from using federal funds to contract out core correctional services to private corporations. Even as I speak, the Bureau of Prisons is asking Congress to appropriate money for a new contract facility for female inmates, which is a giant step in the wrong direction from the BOP'S request from last year for dollars to build a government facility for female inmates. The Office of Management and Budget is also forcing the BOP to contract out part of its own workforce. The assault on public safety is not only at the federal level, however. There is even greater concern at the state and local levels that governments experiencing tough financial times may contract out their responsibilities with the hope of saving money. The Public Safety Act will prevent States and local governments from using federal dollars in the form of Homeland Security block grants or otherwise to forfeit their responsibility to administer justice.

I urge all my colleagues to support this important piece of legislation so that we can ensure that the Federal government fulfills its responsibility to provide for public safety, and I hope that the Public Safety Act will be considered by the House of Representatives soon.

IN RECOGNITION OF TEACHERS INDUCTED INTO THE NATIONAL TEACHERS HALL OF FAME

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. MORAN of Kansas. Mr. Speaker, I rise today, on National Teacher Day, to recognize this year's inductees into the National Teachers Hall of Fame in Emporia, Kansas. All of us have had special teachers in our lives, and we are forever indebted to them for their motivation, their compassion, and their desire to see students achieve their full potential. Now in its 14th year, the Hall of Fame continues its mission to honor exceptional teachers and promote excellence in teaching. Congratulations to the 2003 inductees: Larry Statler, Cynthia Jones, Ruth Ann Gaines, Kathleen McGrath, and Carol Strickland.

At Santa Teresa Elementary in San Jose, California, Larry Statler has used his talents to create the Discovery program. Discovery is a collaborative effort between special and general educators. Although Larry specializes in special education, his superintendent calls him 'a man for all children.'

Cynthia Jones, a third and fourth grade teacher at Cason Lane Academy in Murfreesboro, Tennessee, has shared her love of education around the world. She has presented original research in Durham, England, and in Washington, DC. She participated in the White House Conference on Education from 1995 to 2001 and also traveled to Japan in 1999 as a Fulbright Scholar.

According to a former student, Ruth Ann Gaines takes teaching beyond the classroom. At East High School in Des Moines, Iowa, she has created the 'Sisters for Success' program, a mentoring organization for African-American high school girls to build self esteem and facilitate academic success. She has also created the Leadership Council, a school organization that helps address problems of diversity in the school and community.

Kathleen McGrath of Ocala, Florida, loves knowledge and conveys that to her students through her dedication to teaching. Every student TRIES in her classroom. This motto stands for Trust, Relationships, Involvement, Expectations, and Success. Kathleen is also a three-time recipient of the Christa McAuliffe Fellowship in 1992, 1999, and 2001.

I am especially proud to recognize Carol Strickland, who is from Emporia in my home state of Kansas. Carol won the Kansas Teacher of the Year award in 1999 followed by the U.S. Department of State Secondary School Excellence Award in 2001. Her accomplishments include launching an Applied Communication class to help students with Limited English Proficiency transition from high school to the working world.

Larry, Cynthia, Ruth Ann, Kathleen, and Carol exemplify what it means to be a teacher—what it means to make a difference. These five inductees collectively have 143 years of teaching experience. I salute these men and women for their dedication to the youth of our country. It is my hope that they will find satisfaction in knowing the influence they have made on the lives of their students.

HOUSE OF REPRESENTATIVES—*Wednesday, May 7, 2003*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. NETHERCUTT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 7, 2003.

I hereby appoint the Honorable GEORGE R. NETHERCUTT, JR. to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Riley P. Green III, Director of Administration, Alabama Baptist Children's Homes & Family Ministries, Birmingham, Alabama, offered the following prayer:

Heavenly Father, I humbly come before You in this sacred Chamber, acknowledging You as the Sovereign Lord of the United States of America.

I pray for the Members of the House of Representatives, that they would seek You first, that each Member would seek to lead this Nation in Your righteousness.

Lord, be with each Member. Give them wisdom as they make decisions and laws that govern our Nation.

I pray that You would help each Member in these complex times to see Your hand in all events. Help each Member know Your love and feel Your presence in their lives. Help each Member to find rest in Your sovereignty.

O Lord, I pray for the men and women of our Armed Forces. Protect them and their families. I humbly ask this prayer in Jesus' name; and, Lord, thank you for Your continued blessings on America. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina (Mr. BALLENGER) come forward and lead the House in the Pledge of Allegiance.

Mr. BALLENGER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 42. Concurrent resolution welcoming the Prime Minister of Singapore, His Excellency Goh Chok Tong, on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of Congress to the continued expansion of friendship and cooperation between the United States and Singapore.

WELCOMING THE REVEREND RILEY P. GREEN III

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADERHOLT. Mr. Speaker, it is an honor for me to rise and introduce our guest chaplain for today, the Reverend Riley P. Green III. Riley Green is an ordained minister and a graduate of Beeson Divinity School, as well as Samford University where he received his master's in theological studies. He is currently working on his doctorate in education. He is a member of Hunter Street Baptist Church and serves as the director of administration of the Alabama Baptist Children's Homes & Family Ministries.

The goal of Alabama Baptist Children's Homes & Family Ministries is to protect, nurture, and restore children and families through Christ-centered services. Over 110 years ago, a Southern Baptist preacher affectionately known as Father Stewart wanted to help widows and orphans. His desire became a reality in 1891 with the establishment of the Louise Short Baptist Widows and Orphans Home in Evergreen in southern Alabama. From that one facility has grown to be Alabama's most diverse child and family care agency.

Riley lives in Birmingham with his wife, Yvonne, and their three sons, who are with him here today. Riley's mom is in the Chamber today as well. He is a friend whom I have known for many years and someone I know has a heart for seeking and doing the will of God. I thank him for his inspiring prayer this morning. We appreciate him taking his time to come and lead this Nation in a time of prayer, especially when our troops are at war.

ISRAEL INDEPENDENCE DAY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, today we commemorate Israel Independence Day. Since its creation in 1948, the State of Israel has faced seemingly insurmountable challenges to its very survival, with conventional military attacks leading the way to suicide bombers who have murdered scores of innocent Israeli men, women, and children.

Through it all, Israel has endured. As the only democracy in the region, it continues to be a beacon of hope and a model for her neighbors. It has been said that the strength of a nation is determined by the caliber of its people. There is perhaps no better example of this truth than the State of Israel and the Israeli people, vivid examples of conviction, courage, and faith; a people who served as an example for us all to emulate, as our own Nation had to come to grips with the horrors of terrorism following the deplorable attacks on our country on September 11. The bond between our nations and our people have never been stronger.

The United States could not ask for a better friend and ally in the region. The Israeli people know they will always be able to depend on the U.S. and the American people. I extend my best wishes and congratulations to the people of the State of Israel on their 55th Independence Day.

ASIAN PACIFIC ISLANDER MONTH

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in honor of Asian Pacific Islander Month. This national celebration, which started in 1977, continues to highlight and bring awareness to the many accomplishments and contributions that the Asian-Pacific Americans have made to this country.

The month of May was selected for this very important celebration to commemorate the immigration of the first Japanese immigrants to the United States in 1843. As of the last census, there are an estimated 12.5 million Asian-Pacific Islanders in the United States. Representing the largest Vietnamese population outside of Vietnam, I know firsthand the richness of the culture and beauty that they, along with the rest of the Asian communities, bring to this Nation.

For generations, Asian-Pacific Americans have sacrifice for this country, and they have contributed to our growth and to our prosperity. This national celebration is a great way to honor all of their achievements.

JOB CREATION

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, I rise today to support the President's leadership on the Job and Growth Tax Act. There are too many Americans still looking for work. As its first order of business, this Congress helped by extending unemployment benefits in January. Now it is time to help American businesses create the jobs that these Americans need and want. Displaced workers have looked for employment for too long. We need a plan to encourage small business owners to expand and hire new people.

North Carolina's 10th district has been struck hard by the economic downturn. Our Unifour area's unemployment rate almost quadrupled in 2 years' time. Tax relief and fiscal restraint can help turn the tide and restore our economic vitality.

It is wrong for this Congress to play partisan politics with the future of employment of millions of Americans. Relief to American businesses will allow them to grow, providing new job opportunities.

Americans need paychecks, not handouts. The Jobs and Growth Tax Act will get us there.

PASS ELDER JUSTICE ACT OF 2003

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, we recognize older Americans each May. This May we must address the unpleasant fact that too many of our elders are beaten, neglected, and extorted. Like other family crimes such as child abuse and domestic abuse, elder abuse has existed for too long in the dark shadows of our society. Elder abuse remains underreported, underresearched, and underenforced. As high as 5 million elderly cases of abuse occur in nursing homes, nursing institutions, and private homes each year; but 80 percent never get reported.

In my home State of Illinois, 186 nursing home residents actually died of starvation, dehydration, or infected wounds in 1999 alone.

In response, with the gentleman from New York (Mr. KING), I will introduce the Elder Justice Act which makes elderly abuse a Federal crime, helps law enforcement work hand in hand with our health and social service agencies that have always fought alone against this type of neglect. It is a bipartisan bill. We have a number of Republicans here in the House, and 12 Republicans and 11 Democrats who are also introducing a bill in the Senate.

Mr. Speaker, the most meaningful way to honor our elder Americans this month is to pass the Elder Justice Act.

FRENCH VISAS TO THE IRAQI REGIME

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, right after September 11, France voiced its support in the war on terrorism. Lately, we are hearing a different story. It has been reported that the French Government secretly supplied fleeing Iraqi officials with passports in Syria to allow them to escape to Europe. The French passports allowed the wanted Iraqis to move freely among 12 European Union countries.

There are also reports which indicate that a French company covertly sold spare military parts to Iraq in the weeks before the war and that a French oil company was working with a Russian oil firm to conclude a deal with Saddam's government in the days before military action began March 19.

All of this has undermined our efforts to root out terrorists in Iraq and capture members of the brutal Iraqi regime. If France wants to be an ally in the war on terrorism, it is time it started to act like one.

PASS THE TAX RELIEF PACKAGE NOW

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, it is written, if you owe taxes, pay taxes. No law-abiding American anywhere would argue the point. But one of my predecessors in this Chamber, Jack Kemp, also famously said, what you tax you get less of, what you subsidize you get more of.

Today in America as our economy continues to list under the strain of overtaxation and overregulation for the past decade, we are taxing capital gains and investment in savings; and eastern Indiana, that I serve here in Washington, is getting less for it.

Families, small businesses and family farms are hurting as jobs evaporate in communities across eastern Indiana. Many in this town are playing politics, demagoguing the President's drive to pass additional tax relief and put Americans back to work; but it is time to set politics aside. We need to bring real tax relief on income inheritance, marriage, savings and investment in America. We need to turn this economy around. Our recovery is stalled. Our Nation is impatient. It is time we heed the President's call for economic renewal and pass the tax relief package now.

ADRIATIC TREATY SIGNED

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, today I rise to inform the House about the signing of the Adriatic treaty last Friday in the Albanian capital of Tirana. This agreement was signed by Secretary of State Powell and the foreign ministers of Albania, Croatia, and the former Yugoslav Republic of Macedonia, the three currently-remaining NATO aspirant nations.

The Adriatic Charter pledges the United States to support efforts by Albania, Croatia, and Macedonia to join NATO and other Euro-Atlantic institutions. In this agreement, the three aspirant nations commit themselves to accelerate their democratic reforms, protect human rights, implement market-oriented economic policies, and enhance their mutual cooperation.

Under the Adriatic Charter, the United States and these three countries pledge to consult whenever the security of one of them is threatened, and the aspirant countries promise to continue defense reforms and undertake steps to enhance border security so they can contribute to regional stability.

Mr. Speaker, the Adriatic Charter is one more important step toward President Bush's goal of a Europe whole and free from the Baltic to the Black Sea. I commend and congratulate the people of Albania, Croatia, and Macedonia on the occasion of the signing of the Adriatic Charter.

□ 1015

AMBER ALERT

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute.)

Mrs. MILLER of Michigan. Mr. Speaker, today I rise to honor my colleagues in the House who helped to pass the recent Amber Alert legislation. Last week while I was home in Michigan I saw dramatic evidence of the impact this program can actually have.

Saturday afternoon, 3-year-old Jenna Hart was abducted as she sat in the back seat of her grandmother's car. Her grandmother had taken Jenna to the local Toys R Us to buy her precious granddaughter a few new toys. A man approached her in the parking lot and noted that her tire was flat and offered to fix it, which he did. He then got in the car and drove off with Jenna still strapped into her car seat in the back seat. The report of a missing little girl was issued and the Amber Alert system went into action. I saw the report on a local television station which described the make and the color of the car as well as the license plate number and, like everyone else, was keeping my eyes open looking for the suspect vehicle. Twenty-one hours later a man telephoned police and reported a suspect vehicle in the City of Detroit with a child in the back seat. It was Jenna. The little girl was returned to her family safe and sound, a vivid reminder that the actions that we take in this House can have a very positive impact on families across our Nation.

Because of the Amber Alert system and the watchfulness of thousands of interested citizens, little Jenna has been reunited with her family. May God bless her and her family.

IN RECOGNITION OF DENTON HIGH SCHOOL CHORALE

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, we probably should wish the gentlewoman from Michigan a happy birthday.

Mr. Speaker, I rise to recognize students from my district who are part of the Denton High School Chorale. Last week they had the prestigious honor of performing at the Pentagon at the invitation of the Air Force History Office under the award-winning direction of Mrs. Anne Smith. This patriotic group of 40 students sent musical CDs to the Pentagon and to the New York firefighters to thank them for their hard work and sacrifice after the tragedy of September 11, 2001.

Additionally, the Denton High School Chorale wanted to show their appreciation in person by performing a variety of choral pieces, including their favorite, "Homeland." The choir sang to military personnel in the courtyard of the Pentagon for an hour. A goal of this tour, which included a performance at Carnegie Hall in New York City, was to foster in the students a deeper respect for America and why it must be protected. I know that those who heard their concert were touched by their thoughtfulness. One serviceman responded with a note thanking them for helping him to remember what he is fighting to protect every day.

During these extraordinary times, their actions bring honor to Denton High School, to the great State of Texas and to our great Nation.

REFORM NEEDED AT UNITED NATIONS

(Mr. FOSSELLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOSSELLA. Mr. Speaker, as the President of the United States has indicated, the war against terror is far from over. The battle may be won but it is far from over. Therefore, I think it is important that the United Nations step up to the plate and reflect reality and serve in the positive role that it can. That is why I think H.R. 800 is a needed step toward reform at the United Nations. It reduces U.S. funding for United Nations commissions like the Commission on Human Rights which have been hijacked by terrorist nations. The latest outrage is Cuba. The dictatorship is in the midst of a brutal crackdown, having executed three men for trying to escape Cuba and imprisoned dozens of others for daring to speak out. The U.N. said nothing about the crackdown but elected Cuba to another term on the human rights panel. The current chair of that panel is Libya, that beacon of human rights. At the beginning of the year, Iraq was going to head the Conference on Disarmament. Iraq did not take over but remained on the commission. Iran chairs that conference. North Korea and Cuba also sit on the Disarmament Committee. This is all symptomatic of a culture of carelessness at the U.N. It would not be as grave if not for the fact that the United States pays 22 percent of the United Nations' operating budget. Diplomacy and dialogue are important, but sometimes dollars are the only thing that makes sense.

DANGEROUS 15-PASSENGER VANS

(Mr. UDALL of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I would like to draw Members' attention to the dangers of 15-passenger vans. These vans have been associated with more than 500 traffic fatalities since 1990. In 2001, the National Highway Traffic Safety Administration found that when these vans are fully loaded they have a rollover risk that is six times higher than when there are only five people in the van. I have become alarmingly aware of the danger of these vans when a church group from my district rolled over 2½ times while driving to a religious retreat. Four passengers died in this tragic accident. Only later did I find out that these vans are infamous for getting out of the control of the driver and rolling over.

My colleagues can see firsthand what can happen when these vehicles lose control. This happened again last year when a van carrying firefighters who were on their way to fight a wildfire raging in Colorado lost control and rolled over more than four times, killing four of the firefighters.

These vans were initially designed to carry freight, not people, but now they are widely used by airports, hotels, and other organizations to transport customers and schoolchildren. I have introduced H.R. 1641, the Passenger Van Safety Act, along with Senator SNOWE, to make sure that these needless tragedies end and that the most precious cargo, our children, get home safe and sound.

I encourage my colleagues to join me and Senator SNOWE in cosponsoring this important safety bill.

JOBS AND ECONOMIC GROWTH PACKAGE

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to urge my colleagues in the House to support a real jobs and economic growth package. It is time to bring much-needed stimulus to our economy and to bring renewed hope to American workers. There are currently several million Americans actively looking for work and unable to find it. For those individuals and those families, it is imperative that we do all that we can to put this willing, able and well-qualified workforce to work. We must provide the means for economic growth and job creation. That is what creates jobs. We need to put more money in the hands of American workers to spend and invest so that jobs can be created. When individuals have more disposable income, they spend it or invest it, and that improves the situation of businesses. When businesses have more money at their disposal, they can expand and hire more people. Tax relief creates jobs. It is that simple. The more people we have working, the more money we will see spent and invested in this country. The more money we see spent and invested in this country, the quicker the economy will rebound. The quicker the economy rebounds, the better off we will all be.

PRESCRIPTION DRUGS

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I rise today to encourage my colleagues in the House to work together in a bipartisan manner to enact meaningful prescription drug relief for America's seniors. During the first week of the spring district work period, I toured five rural community centers across my district, and I will be continuing that tour, but the thing I heard on the first tour and will hear through the rest of the year is why has Congress not passed prescription drug reform? Guaranteeing all senior citizens the right to choose a voluntary prescription drug plan under Medicare while strengthening Medicare for the future are fundamental building blocks to improving the overall health care system. Congress has risen to meet many challenges in the past and we must meet this one.

Mr. Speaker, it is time to ask ourselves, why have we not passed prescription drug reform? The time has passed for partisan politics. There are too many seniors facing the horrific choice of whether to buy food, pay their mortgage or rent, or purchase the prescriptions that they need.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Nethercutt). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

SERVICEMEMBERS CIVIL RELIEF ACT

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 100) to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940, as amended.

The Clerk read as follows:

H.R. 100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTATEMENT OF ACT.

The Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 501 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) Short Title.—This Act may be cited as the 'Servicemembers Civil Relief Act'.

"(b) Table of Contents.—The table of contents of this Act is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Purpose.

"TITLE I—GENERAL PROVISIONS

"Sec. 101. Definitions.
"Sec. 102. Jurisdiction and applicability of Act.
"Sec. 103. Protection of persons secondarily liable.
"Sec. 104. Extension of protections to citizens serving with allied forces.
"Sec. 105. Notification of benefits.
"Sec. 106. Extension of rights and protections to Reserves ordered to report for military service and to persons ordered to report for induction.
"Sec. 107. Waiver of rights pursuant to written agreement.
"Sec. 108. Exercise of rights under Act not to affect certain future financial transactions.
"Sec. 109. Legal representatives.

"TITLE II—GENERAL RELIEF

"Sec. 201. Protection of servicemembers against default judgments.
"Sec. 202. Stay of proceedings when servicemember defendant has notice.
"Sec. 203. Fines and penalties under contracts.
"Sec. 204. Stay or vacation of execution of judgments, attachments, and garnishments.
"Sec. 205. Duration and term of stays; codefendants not in service.
"Sec. 206. Statute of limitations.
"Sec. 207. Maximum rate of interest on debts incurred before military service.

"TITLE III—RENT, INSTALLMENT CONTRACTS, MORTGAGES, LIENS, ASSIGNMENT, LEASES.

"Sec. 301. Evictions and distress.
"Sec. 302. Protection under installment contracts for purchase or lease.
"Sec. 303. Mortgages and trust deeds.
"Sec. 304. Settlement of stayed cases relating to personal property.
"Sec. 305. Termination of leases by lessees.
"Sec. 306. Protection of life insurance policy.
"Sec. 307. Enforcement of storage liens.
"Sec. 308. Extension of protections to dependents.

"TITLE IV—LIFE INSURANCE

"Sec. 401. Definitions.
"Sec. 402. Insurance rights and protections.
"Sec. 403. Application for insurance protection.
"Sec. 404. Policies entitled to protection and lapse of policies.
"Sec. 405. Policy restrictions.
"Sec. 406. Deduction of unpaid premiums.
"Sec. 407. Premiums and interest guaranteed by United States.
"Sec. 408. Regulations.
"Sec. 409. Review of findings of fact and conclusions of law.

"TITLE V—TAXES AND PUBLIC LANDS

"Sec. 501. Taxes respecting personal property, money, credits, and real property.
"Sec. 502. Rights in public lands.
"Sec. 503. Desert-land entries.
"Sec. 504. Mining claims.
"Sec. 505. Mineral permits and leases.
"Sec. 506. Perfection or defense of rights.
"Sec. 507. Distribution of information concerning benefits of title.
"Sec. 508. Land rights of servicemembers.
"Sec. 509. Regulations.
"Sec. 510. Income taxes.
"Sec. 511. Residence for tax purposes.

"TITLE VI—ADMINISTRATIVE REMEDIES

"Sec. 601. Inappropriate use of Act.
"Sec. 602. Certificates of service; persons reported missing.
"Sec. 603. Interlocutory orders.

"TITLE VII—FURTHER RELIEF

"Sec. 701. Anticipatory relief.
"Sec. 702. Power of attorney.
"Sec. 703. Professional liability protection.
"Sec. 704. Health insurance reinstatement.
"Sec. 705. Guarantee of residency for military personnel.

"SEC. 2. PURPOSE.

"The purposes of this Act are—

"(1) to provide for, strengthen, and expedite the national defense through protection extended by this Act to servicemembers of the United States to enable such persons to devote their entire energy to the defense needs of the Nation; and

"(2) to provide for the temporary suspension of judicial and administrative proceedings and transactions that may adversely affect the civil rights of servicemembers during their military service.

"TITLE I—GENERAL PROVISIONS

"SEC. 101. DEFINITIONS.

"For the purposes of this Act:

"(1) Servicemember.—The term 'servicemember' means a member of the uniformed services, as that term is defined in section 101(a)(5) of title 10, United States Code.

"(2) Military service.—The term 'military service' means—

"(A) in the case of a servicemember who is a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard—

"(i) active duty, as defined in section 101(d)(1) of title 10, United States Code, and

"(ii) in the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, United States Code, for purposes of responding to a national emergency declared by the President and supported by Federal funds; and

"(B) in the case of a servicemember who is a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration, active service.

"(3) Period of military service.—The term 'period of military service' means the period beginning on the date on which a servicemember enters military service and ending on the date on which the servicemember is released from military service or dies while in military service.

"(4) Dependent.—The term 'dependent', with respect to a servicemember, means—

"(A) the servicemember's spouse;

"(B) the servicemember's child (as defined in section 101(4) of title 38, United States Code); or

"(C) an individual for whom the servicemember provided more than one-half of the individual's support for 180 days immediately preceding an application for relief under this Act.

"(5) Court.—The term 'court' means a court or an administrative agency of the United States or of any State (including any political subdivision of a State), whether or not a court or administrative agency of record.

"(6) State.—The term 'State' includes—

"(A) a commonwealth, territory, or possession of the United States; and

"(B) the District of Columbia.

"(7) Secretary concerned.—The term 'Secretary concerned'—

"(A) with respect to a member of the armed forces, has the meaning given that term in section 101(a)(9) of title 10, United States Code;

"(B) with respect to a commissioned officer of the Public Health Service, means the Secretary of Health and Human Services; and

“(C) with respect to a commissioned officer of the National Oceanic and Atmospheric Administration, means the Secretary of Commerce.

“SEC. 102. JURISDICTION AND APPLICABILITY OF ACT.

“(a) JURISDICTION.—This Act applies to—

“(1) the United States;

“(2) each of the States, including the political subdivisions thereof; and

“(3) all territory subject to the jurisdiction of the United States.

“(b) APPLICABILITY TO PROCEEDINGS.—This Act applies to any judicial or administrative proceeding commenced in any court or agency in any jurisdiction subject to this Act. This Act does not apply to criminal proceedings.

“(c) COURT IN WHICH APPLICATION MAY BE MADE.—When under this Act any application is required to be made to a court in which no proceeding has already been commenced with respect to the matter, such application may be made to any court which would otherwise have jurisdiction over the matter.

“SEC. 103. PROTECTION OF PERSONS SECONDARILY LIABLE.

“(a) EXTENSION OF PROTECTION WHEN ACTIONS STAYED, POSTPONED, OR SUSPENDED.—Whenever pursuant to this Act a court stays, postpones, or suspends (1) the enforcement of an obligation or liability, (2) the prosecution of a suit or proceeding, (3) the entry or enforcement of an order, writ, judgment, or decree, or (4) the performance of any other act, the court may likewise grant such a stay, postponement, or suspension to a surety, guarantor, endorser, accommodation maker, comaker, or other person who is or may be primarily or secondarily subject to the obligation or liability the performance or enforcement of which is stayed, postponed, or suspended.

“(b) VACATION OR SET-ASIDE OF JUDGMENTS.—When a judgment or decree is vacated or set aside, in whole or in part, pursuant to this Act, the court may also set aside or vacate, as the case may be, the judgment or decree as to a surety, guarantor, endorser, accommodation maker, comaker, or other person who is or may be primarily or secondarily liable on the contract or liability for the enforcement of the judgment or decree.

“(c) BAIL BOND NOT TO BE ENFORCED DURING PERIOD OF MILITARY SERVICE.—A court may not enforce a bail bond during the period of military service of the principal on the bond when military service prevents the surety from obtaining the attendance of the principal. The court may discharge the surety and exonerate the bail, in accordance with principles of equity and justice, during or after the period of military service of the principal.

“(d) WAIVER OF RIGHTS.—

“(1) WAIVERS NOT PRECLUDED.—This Act does not prevent a waiver in writing by a surety, guarantor, endorser, accommodation maker, comaker, or other person (whether primarily or secondarily liable on an obligation or liability) of the protections provided under subsections (a) and (b). Any such waiver is effective only if it is executed as an instrument separate from the obligation or liability with respect to which it applies.

“(2) WAIVER INVALIDATED UPON ENTRANCE TO MILITARY SERVICE.—If a waiver under paragraph (1) is executed by an individual who after the execution of the waiver enters military service, or by a dependent of an individual who after the execution of the waiver enters military service, the waiver is not valid after the beginning of the period of such military service unless the waiver was executed by such individual or dependent during the period specified in section 106.

“SEC. 104. EXTENSION OF PROTECTIONS TO CITIZENS SERVING WITH ALLIED FORCES.

“A citizen of the United States who is serving with the forces of a nation with which the United States is allied in the prosecution of a war or military action is entitled to the relief and protections provided under this Act if that service with the allied force is similar to military service as defined in this Act. The relief and protections provided to such citizen shall terminate on the date of discharge or release from such service.

“SEC. 105. NOTIFICATION OF BENEFITS.

“The Secretary concerned shall ensure that notice of the benefits accorded by this Act is provided in writing to persons in military service and to persons entering military service.

“SEC. 106. EXTENSION OF RIGHTS AND PROTECTIONS TO RESERVES ORDERED TO REPORT FOR MILITARY SERVICE AND TO PERSONS ORDERED TO REPORT FOR INDUCTION.

“(a) RESERVES ORDERED TO REPORT FOR MILITARY SERVICE.—A member of a reserve component who is ordered to report for military service is entitled to the rights and protections of this title and titles II and III during the period beginning on the date of the member's receipt of the order and ending on the date on which the member reports for military service (or, if the order is revoked before the member so reports, or the date on which the order is revoked).

“(b) PERSONS ORDERED TO REPORT FOR INDUCTION.—A person who has been ordered to report for induction under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) is entitled to the rights and protections provided a servicemember under this title and titles II and III during the period beginning on the date of receipt of the order for induction and ending on the date on which the person reports for induction (or, if the order to report for induction is revoked before the date on which the person reports for induction, on the date on which the order is revoked).

“SEC. 107. WAIVER OF RIGHTS PURSUANT TO WRITTEN AGREEMENT.

“(a) IN GENERAL.—A servicemember may waive any of the rights and protections provided by this Act. In the case of a waiver that permits an action described in subsection (b), the waiver is effective only if made pursuant to a written agreement of the parties that is executed during or after the servicemember's period of military service. The written agreement shall specify the legal instrument to which the waiver applies and, if the servicemember is not a party to that instrument, the servicemember concerned.

“(b) ACTIONS REQUIRING WAIVERS IN WRITING.—The requirement in subsection (a) for a written waiver applies to the following:

“(1) The modification, termination, or cancellation of—

“(A) a contract, lease, or bailment; or

“(B) an obligation secured by a mortgage, trust, deed, lien, or other security in the nature of a mortgage.

“(2) The repossession, retention, foreclosure, sale, forfeiture, or taking possession of property that—

“(A) is security for any obligation; or

“(B) was purchased or received under a contract, lease, or bailment.

“(c) COVERAGE OF PERIODS AFTER ORDERS RECEIVED.—For the purposes of this section—

“(1) a person to whom section 106 applies shall be considered to be a servicemember; and

“(2) the period with respect to such a person specified in subsection (a) or (b), as the case may be, of section 106 shall be considered to be a period of military service.

“SEC. 108. EXERCISE OF RIGHTS UNDER ACT NOT TO AFFECT CERTAIN FUTURE FINANCIAL TRANSACTIONS.

“Application by a servicemember for, or receipt by a servicemember of, a stay, postponement, or suspension pursuant to this Act in the payment of a tax, fine, penalty, insurance premium, or other civil obligation or liability of that servicemember shall not itself (without regard to other considerations) provide the basis for any of the following:

“(1) A determination by a lender or other person that the servicemember is unable to pay the civil obligation or liability in accordance with its terms.

“(2) With respect to a credit transaction between a creditor and the servicemember—

“(A) a denial or revocation of credit by the creditor;

“(B) a change by the creditor in the terms of an existing credit arrangement; or

“(C) a refusal by the creditor to grant credit to the servicemember in substantially the amount or on substantially the terms requested.

“(3) An adverse report relating to the creditworthiness of the servicemember by or to a person engaged in the practice of assembling or evaluating consumer credit information.

“(4) A refusal by an insurer to insure the servicemember.

“(5) An annotation in a servicemember's record by a creditor or a person engaged in the practice of assembling or evaluating consumer credit information, identifying the servicemember as a member of the National Guard or a reserve component.

“(6) A change in the terms offered or conditions required for the issuance of insurance.

“SEC. 109. LEGAL REPRESENTATIVES.

“(a) REPRESENTATIVE.—A legal representative of a servicemember for purposes of this Act is either of the following:

“(1) An attorney acting on the behalf of a servicemember.

“(2) An individual possessing a power of attorney.

“(b) APPLICATION.—Whenever the term ‘servicemember’ is used in this Act, such term shall be treated as including a reference to a legal representative of the servicemember.

“TITLE II—GENERAL RELIEF

“SEC. 201. PROTECTION OF SERVICEMEMBERS AGAINST DEFAULT JUDGMENTS.

“(a) APPLICABILITY OF SECTION.—This section applies to any civil action or proceeding in which the defendant does not make an appearance.

“(b) AFFIDAVIT REQUIREMENT.—

“(1) PLAINTIFF TO FILE AFFIDAVIT.—In any action or proceeding covered by this section, the court, before entering judgment for the plaintiff, shall require the plaintiff to file with the court an affidavit—

“(A) stating whether or not the defendant is in military service and showing necessary facts to support the affidavit; or

“(B) if the plaintiff is unable to determine whether or not the defendant is in military service, stating that the plaintiff is unable to determine whether or not the defendant is in military service.

“(2) APPOINTMENT OF ATTORNEY TO REPRESENT DEFENDANT IN MILITARY SERVICE.—If in an action covered by this section it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If an attorney appointed under this section to represent a servicemember cannot locate the servicemember, actions by the attorney in the case shall not waive any defense of the servicemember or otherwise bind the servicemember.

“(3) Defendant's military status not ascertained by affidavit.—If based upon the affidavits filed in such an action, the court is unable to determine whether the defendant is in military service, the court, before entering judgment, may require the plaintiff to file a bond in an amount approved by the court. If the defendant is later found to be in military service, the bond shall be available to indemnify the defendant against any loss or damage the defendant may suffer by reason of any judgment for the plaintiff against the defendant, should the judgment be set aside in whole or in part. The bond shall remain in effect until expiration of the time for appeal and setting aside of a judgment under applicable Federal or State law or regulation or under any applicable ordinance of a political subdivision of a State. The court may issue such orders or enter such judgments as the court determines necessary to protect the rights of the defendant under this Act.

“(4) Satisfaction of requirement for affidavit.—The requirement for an affidavit under paragraph (1) may be satisfied by a statement, declaration, verification, or certificate, in writing, subscribed and certified or declared to be true under penalty of perjury.

“(c) Penalty for Making or Using False Affidavit.—A person who makes or uses an affidavit permitted under subsection (b) (or a statement, declaration, verification, or certificate as authorized under subsection (b)(4)) knowing it to be false, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

“(d) Stay of Proceedings.—In an action covered by this section in which the defendant is in military service, the court shall grant a stay of proceedings for a minimum period of 90 days under this subsection upon application of counsel, or on the court's own motion, if the court determines that—

“(1) there may be a defense to the action and a defense cannot be presented without the presence of the defendant; or

“(2) after due diligence, counsel has been unable to contact the defendant or otherwise determine if a meritorious defense exists.

“(e) Inapplicability of Section 202 Procedures.—A stay of proceedings under subsection (d) shall not be controlled by procedures or requirements under section 202.

“(f) Section 202 Protection.—If a servicemember who is a defendant in an action covered by this section receives actual notice of the action, the servicemember may request a stay of proceeding under section 202.

“(g) Vacation or Setting Aside of Default Judgments.—

“(1) Authority for court to vacate or set aside judgment.—If a default judgment is entered in an action covered by this section against a servicemember during the servicemember's period of military service (or within 60 days after termination of or release from such military service), the court entering the judgment shall, upon application by or on behalf of the servicemember, reopen the judgment for the purpose of allowing the servicemember to defend the action if it appears that—

“(A) the servicemember was materially affected by reason of that military service in making a defense to the action; and

“(B) the servicemember has a meritorious or legal defense to the action or some part of it.

“(2) Time for filing application.—An application under this subsection must be filed not later than 90 days after the date of the termination of or release from military service.

“(h) Protection of Bona Fide Purchaser.—If a court vacates, sets aside, or reverses a default judgment against a servicemember and the vacating, setting aside, or reversing is because of a provision of this Act, that action shall not impair a right or title acquired by a bona fide purchaser for value under the default judgment.

“SEC. 202. STAY OF PROCEEDINGS WHEN SERVICEMEMBER DEFENDANT HAS NOTICE.

“(a) Applicability of Section.—This section applies to any civil action or proceeding in which the defendant at the time of filing an application under this section—

“(1) is in military service or is within 90 days after termination of or release from military service; and

“(2) has received notice of the action or proceeding.

“(b) Automatic Stay.—

“(1) Authority for stay.—At any stage before final judgment in a civil action or proceeding in which a servicemember described in subsection (a) is a party, the court may on its own motion and shall, upon application by the servicemember, stay the action for a period of not less than 90 days, if the conditions in paragraph (2) are met.

“(2) Conditions for stay.—An application for a stay under paragraph (1) shall include the following:

“(A) A letter or other communication setting forth facts stating the manner in which current military duty requirements materially affect the servicemember's ability to appear and stating a date when the servicemember will be available to appear.

“(B) A letter or other communication from the servicemember's commanding officer stating that the servicemember's current military duty prevents appearance and that military leave is not authorized for the servicemember at the time of the letter.

“(c) Application Not a Waiver of Defenses.—An application for a stay under this section does not constitute an appearance for jurisdictional purposes and does not constitute a waiver of any substantive or procedural defense (including a defense relating to lack of personal jurisdiction).

“(d) Additional Stay.—

“(1) Application.—A servicemember who is granted a stay of a civil action or proceeding under subsection (b) may apply for an additional stay based on continuing material affect of military duty on the servicemember's ability to appear. Such an application may be made by the servicemember at the time of the initial application under subsection (b) or when it appears that the servicemember is unavailable to prosecute or defend the action. The same information required under subsection (b)(2) shall be included in an application under this subsection.

“(2) Appointment of counsel when additional stay refused.—If the court refuses to grant an additional stay of proceedings under paragraph (1), the court shall appoint counsel to represent the servicemember in the action or proceeding.

“(e) Coordination With Section 201.—A servicemember who applies for a stay under this section and is unsuccessful may not seek the protections afforded by section 201.

“(f) Inapplicability to Section 301.—The protections of this section do not apply to section 301.

“SEC. 203. FINES AND PENALTIES UNDER CONTRACTS.

“(a) Prohibition of Penalties.—When an action for compliance with the terms of a contract is stayed pursuant to this Act, a penalty shall not accrue for failure to comply with the terms of the contract during the period of the stay.

“(b) Reduction or Waiver of Fines or Penalties.—If a servicemember fails to perform an obligation arising under a contract and a penalty is incurred arising from that nonperformance, a court may reduce or waive the fine or penalty if—

“(1) the servicemember was in military service at the time the fine or penalty was incurred; and

“(2) the ability of the servicemember to perform the obligation was materially affected by such military service.

“SEC. 204. STAY OR VACATION OF EXECUTION OF JUDGMENTS, ATTACHMENTS, AND GARNISHMENTS.

“(a) Court Action Upon Material Affect Determination.—If a servicemember, in the opinion of the court, is materially affected by reason of military service in complying with a court judgment or order, the court may on its own motion and shall on application by the servicemember—

“(1) stay the execution of any judgment or order entered against the servicemember; and

“(2) vacate or stay an attachment or garnishment of property, money, or debts in the possession of the servicemember or a third party, whether before or after judgment.

“(b) Applicability.—This section applies to an action or proceeding commenced in a court against a servicemember before or during the period of the servicemember's military service or within 90 days after such service terminates.

“SEC. 205. DURATION AND TERM OF STAYS; CODEFENDANTS NOT IN SERVICE.

“(a) Period of Stay.—A stay of an action, proceeding, attachment, or execution made pursuant to the provisions of this Act by a court may be ordered for the period of military service and 90 days thereafter, or for any part of that period. The court may set the terms and amounts for such installment payments as is considered reasonable by the court.

“(b) Codefendants.—If the servicemember is a codefendant with others who are not in military service and who are not entitled to the relief and protections provided under this Act, the plaintiff may proceed against those other defendants with the approval of the court.

“(c) Inapplicability of Section.—This section does not apply to sections 202 and 701.

“SEC. 206. STATUTE OF LIMITATIONS.

“(a) Tolling of Statutes of Limitation During Military Service.—The period of a servicemember's military service may not be included in computing any period limited by law, regulation, or order for the bringing of any action or proceeding in a court, or in any board, bureau, commission, department, or other agency of a State (or political subdivision of a State) or the United States by or against the servicemember or the servicemember's heirs, executors, administrators, or assigns.

"(b) REDEMPTION OF REAL PROPERTY.—A period of military service may not be included in computing any period provided by law for the redemption of real property sold or forfeited to enforce an obligation, tax, or assessment.

"(c) INAPPLICABILITY TO INTERNAL REVENUE LAWS.—This section does not apply to any period of limitation prescribed by or under the internal revenue laws of the United States.

"SEC. 207. MAXIMUM RATE OF INTEREST ON DEBTS INCURRED BEFORE MILITARY SERVICE.

"(a) INTEREST RATE LIMITATION.—

"(1) LIMITATION TO 6 PERCENT.—An obligation or liability bearing interest at a rate in excess of 6 percent per year that is incurred by a servicemember, or the servicemember and the servicemember's spouse jointly, before the servicemember enters military service shall not bear interest at a rate in excess of 6 percent per year during the period of military service.

"(2) FORGIVENESS OF INTEREST IN EXCESS OF 6 PERCENT.—Interest at a rate in excess of 6 percent per year that would otherwise be incurred but for the prohibition in paragraph (1) is forgiven.

"(3) PREVENTION OF ACCELERATION OF PRINCIPAL.—The amount of any periodic payment due from a servicemember under the terms of the instrument that created an obligation or liability covered by this section shall be reduced by the amount of the interest forgiven under paragraph (2) that is allocable to the period for which such payment is made.

"(b) IMPLEMENTATION OF LIMITATION.—

"(1) WRITTEN NOTICE TO CREDITOR.—In order for an obligation or liability of a servicemember to be subject to the interest rate limitation in subsection (a), the servicemember shall provide to the creditor written notice and a copy of the military orders calling the servicemember to military service and any orders further extending military service, not later than 180 days after the date of the servicemember's termination or release from military service.

"(2) LIMITATION EFFECTIVE AS OF DATE OF ORDER TO ACTIVE DUTY.—Upon receipt of written notice and a copy of orders calling a servicemember to military service, the creditor shall treat the debt in accordance with subsection (a), effective as of the date on which the servicemember is called to military service.

"(c) CREDITOR PROTECTION.—A court may grant a creditor relief from the limitations of this section if, in the opinion of the court, the ability of the servicemember to pay interest upon the obligation or liability at a rate in excess of 6 percent per year is not materially affected by reason of the servicemember's military service.

"(d) INTEREST.—As used in this section, the term 'interest' includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) with respect to an obligation or liability.

"TITLE III—RENT, INSTALLMENT CONTRACTS, MORTGAGES, LIENS, ASSIGNMENT, LEASES

"SEC. 301. EVICTIONS AND DISTRESS.

"(a) COURT-ORDERED EVICTION.—

"(1) IN GENERAL.—Except by court order, a landlord (or another person with paramount title) may not—

"(A) evict a servicemember, or the dependents of a servicemember, during a period of military service of the servicemember, from premises—

"(i) that are occupied or intended to be occupied primarily as a residence; and

"(ii) for which the monthly rent does not exceed $1,700, as adjusted under paragraph (2) for years after 2003; or

"(B) subject such premises to a distress during the period of military service.

"(2) HOUSING PRICE INFLATION ADJUSTMENT.—(A) For calendar years beginning with 2004, the amount under subsection (a)(1)(A)(ii) shall be increased by the housing price inflation adjustment for the calendar year involved.

"(B) For purposes of this paragraph—

"(i) The housing price inflation adjustment for any calendar year is the percentage change (if any) by which—

"(I) the CPI housing component for November of the preceding calendar year, exceeds

"(II) the CPI housing component for November of 1984.

"(ii) The term 'CPI housing component' means the index published by the Bureau of Labor Statistics of the Department of Labor known as the Consumer Price Index, All Urban Consumers, Rent of Primary Residence, U.S. City Average.".

"(b) STAY OF EXECUTION.—

"(1) COURT AUTHORITY.—Upon an application for eviction or distress with respect to premises covered by this section, the court may on its own motion and shall, if a request is made by or on behalf of a servicemember whose ability to pay the agreed rent is materially affected by military service—

"(A) stay the proceedings for a period of 90 days, unless in the opinion of the court, justice and equity require a longer or shorter period of time; or

"(B) adjust the obligation under the lease to preserve the interests of all parties.

"(2) RELIEF TO LANDLORD.—If a stay is granted under paragraph (1), the court may grant to the landlord (or other person with paramount title) such relief as equity may require.

"(c) PENALTIES.—

"(1) MISDEMEANOR.—Except as provided in subsection (a), a person who knowingly takes part in an eviction or distress described in subsection (a), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

"(2) PRESERVATION OF OTHER REMEDIES AND RIGHTS.—The remedies and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion (or wrongful eviction) otherwise available under the law to the person claiming relief under this section, including any award for consequential and punitive damages.

"(d) RENT ALLOTMENT FROM PAY OF SERVICEMEMBER.—To the extent required by a court order related to property which is the subject of a court action under this section, the Secretary concerned shall make an allotment from the pay of a servicemember to satisfy the terms of such order, except that any such allotment shall be subject to regulations prescribed by the Secretary concerned establishing the maximum amount of pay of servicemembers that may be allotted under this subsection.

"(e) LIMITATION OF APPLICABILITY.—Section 202 is not applicable to this section.

"SEC. 302. PROTECTION UNDER INSTALLMENT CONTRACTS FOR PURCHASE OR LEASE.

"(a) PROTECTION UPON BREACH OF CONTRACT.—

"(1) PROTECTION AFTER ENTERING MILITARY SERVICE.—After a servicemember enters military service, a contract by the servicemember for—

"(A) the purchase of real or personal property; or

"(B) the lease or bailment of such property,

may not be rescinded or terminated for a breach of terms of the contract occurring before or during that person's military service, nor may the property be repossessed for such breach without a court order.

"(2) APPLICABILITY.—This section applies only to a contract for which a deposit or installment has been paid by the servicemember before the servicemember enters military service.

"(b) PENALTIES.—

"(1) MISDEMEANOR.—A person who knowingly resumes possession of property in violation of subsection (a), or in violation of section 107 of this Act, or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

"(2) PRESERVATION OF OTHER REMEDIES AND RIGHTS.—The remedies and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section, including any award for consequential and punitive damages.

"(c) AUTHORITY OF COURT.—In a hearing based on this section, the court—

"(1) may order repayment to the servicemember of all or part of the prior installments or deposits as a condition of terminating the contract and resuming possession of the property;

"(2) may, on its own motion, and shall on application by a servicemember when the servicemember's ability to comply with the contract is materially affected by military service, stay the proceedings for a period of time as, in the opinion of the court, justice and equity require; or

"(3) may make other disposition as is equitable to preserve the interests of all parties.

"SEC. 303. MORTGAGES AND TRUST DEEDS.

"(a) MORTGAGE AS SECURITY.—This section applies only to an obligation on real or personal property owned by a servicemember that—

"(1) originated before the period of the servicemember's military service and for which the servicemember is still obligated; and

"(2) is secured by a mortgage, trust deed, or other security in the nature of a mortgage.

"(b) STAY OF PROCEEDINGS AND ADJUSTMENT OF OBLIGATION.—In an action filed during, or within 90 days after, a servicemember's period of military service to enforce an obligation described in subsection (a), the court may after a hearing and on its own motion and shall upon application by a servicemember when the servicemember's ability to comply with the obligation is materially affected by military service—

"(1) stay the proceedings for a period of time as justice and equity require, or

"(2) adjust the obligation to preserve the interests of all parties.

"(c) SALE OR FORECLOSURE.—A sale, foreclosure, or seizure of property for a breach of an obligation described in subsection (a) shall not be valid if made during, or within 90 days after, the period of the servicemember's military service except—

"(1) upon a court order granted before such sale, foreclosure, or seizure with a return made and approved by the court; or

"(2) if made pursuant to an agreement as provided in section 107.

``(d) PENALTIES.—

``(1) MISDEMEANOR.—A person who knowingly makes or causes to be made a sale, foreclosure, or seizure of property that is prohibited by subsection (c), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

``(2) PRESERVATION OF OTHER REMEDIES.—The remedies and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section, including consequential and punitive damages.

“SEC. 304. SETTLEMENT OF STAYED CASES RELATING TO PERSONAL PROPERTY.

``(a) APPRAISAL OF PROPERTY.—When a stay is granted pursuant to this Act in a proceeding to foreclose a mortgage on or to repossess personal property, or to rescind or terminate a contract for the purchase of personal property, the court may appoint three disinterested parties to appraise the property.

``(b) EQUITY PAYMENT.—Based on the appraisal, and if undue hardship to the servicemember's dependents will not result, the court may order that the amount of the servicemember's equity in the property be paid to the servicemember, or the servicemember's dependents, as a condition of foreclosing the mortgage, repossessing the property, or rescinding or terminating the contract.

“SEC. 305. TERMINATION OF LEASES BY LESSEES.

``(a) COVERED LEASES.—This section applies to the lease of premises occupied, or intended to be occupied, by a servicemember or a servicemember's dependents for a residential, professional, business, agricultural, or similar purpose if—

``(1) the lease is executed by or on behalf of a person who thereafter and during the term of the lease enters military service; or

``(2) the servicemember, while in military service, executes a lease and thereafter receives military orders for a permanent change of station or to deploy with a military unit for a period of not less than 90 days.

``(b) NOTICE TO LESSOR.—

``(1) DELIVERY OF NOTICE.—A lease described in subsection (a) is terminated when written notice is delivered by the lessee to the lessor (or the lessor's grantee) or to the lessor's agent (or the agent's grantee).

``(2) TIME FOR NOTICE.—The written notice may be delivered at any time after the lessee's entry into military service or the date of the military orders for a permanent change of station or to deploy for a period of not less than 90 days.

``(3) NATURE OF NOTICE.—Delivery may be accomplished—

``(A) by hand delivery;

``(B) by private business carrier; or

``(C) by placing the written notice in an envelope with sufficient postage and addressed to the lessor (or the lessor's grantee) or to the lessor's agent (or the agent's grantee) and depositing the written notice in the United States mails.

``(c) EFFECTIVE DATE OF TERMINATION.—

``(1) LEASE WITH MONTHLY RENT.—Termination of a lease providing for monthly payment of rent shall be effective 30 days after the first date on which the next rental payment is due and payable after the date on which the notice is delivered.

``(2) OTHER LEASE.—All other leases terminate on the last day of the month following the month in which the notice is delivered.

``(d) ARREARAGES IN RENT.—Rents unpaid for the period preceding termination shall be paid on a prorated basis.

``(e) RENT PAID IN ADVANCE.—Rents paid in advance for a period succeeding termination shall be refunded to the lessee by the lessor (or the lessor's assignee or the assignee's agent).

``(f) RELIEF TO LESSOR.—Upon application by the lessor to a court before the termination date provided in the written notice, relief granted by this section to a servicemember may be modified as justice and equity require.

``(g) PENALTIES.—

``(1) MISDEMEANOR.—Any person who knowingly seizes, holds, or detains the personal effects, security deposit, or other property of a servicemember or a servicemember's dependent who lawfully terminates a lease covered by this section, or who knowingly interferes with the removal of such property from premises covered by such lease, for the purpose of subjecting or attempting to subject any of such property to a claim for rent accruing subsequent to the date of termination of such lease, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

``(2) PRESERVATION OF OTHER REMEDIES.—The remedy and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section, including any award for consequential or punitive damages.

“SEC. 306. PROTECTION OF LIFE INSURANCE POLICY.

``(a) ASSIGNMENT OF POLICY PROTECTED.—If a life insurance policy on the life of a servicemember is assigned before military service to secure the payment of an obligation, the assignee of the policy (except the insurer in connection with a policy loan) may not exercise, during a period of military service of the servicemember or within one year thereafter, any right or option obtained under the assignment without a court order.

``(b) EXCEPTION.—The prohibition in subsection (a) shall not apply—

``(1) if the assignee has the written consent of the insured made during the period described in subsection (a)(1);

``(2) when the premiums on the policy are due and unpaid; or

``(3) upon the death of the insured.

``(c) ORDER REFUSED BECAUSE OF MATERIAL AFFECT.—A court which receives an application for an order required under subsection (a) may refuse to grant such order if the court determines the ability of the servicemember to comply with the terms of the obligation is materially affected by military service.

``(d) TREATMENT OF GUARANTEED PREMIUMS.—For purposes of this subsection, premiums guaranteed under the provisions of title IV of this Act shall not be considered due and unpaid.

``(e) PENALTIES.—

``(1) MISDEMEANOR.—A person who knowingly takes an action contrary to this section, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

``(2) PRESERVATION OF OTHER REMEDIES.—The remedy and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section, including any consequential or punitive damages.

“SEC. 307. ENFORCEMENT OF STORAGE LIENS.

``(a) LIENS.—

``(1) LIMITATION ON FORECLOSURE OR ENFORCEMENT.—A person holding a lien on the property or effects of a servicemember may not, during any period of military service of the servicemember and for 90 days thereafter, foreclose or enforce any lien on such property or effects without a court order granted before foreclosure or enforcement.

``(2) LIEN DEFINED.—For the purposes of paragraph (1), the term 'lien' includes a lien for storage, repair, or cleaning of the property or effects of a servicemember or a lien on such property or effects for any other reason.

``(b) STAY OF PROCEEDINGS.—In a proceeding to foreclose or enforce a lien subject to this section, the court may on its own motion, and shall if requested by a servicemember whose ability to comply with the obligation resulting in the proceeding is materially affected by military service—

``(1) stay the proceeding for a period of time as justice and equity require; or

``(2) adjust the obligation to preserve the interests of all parties.

The provisions of this subsection do not affect the scope of section 303.

``(c) PENALTIES.—

``(1) MISDEMEANOR.—A person who knowingly takes an action contrary to this section, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

``(2) PRESERVATION OF OTHER REMEDIES.—The remedy and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section, including any consequential or punitive damages.

“SEC. 308. EXTENSION OF PROTECTIONS TO DEPENDENTS.

``Upon application to a court, a dependent of a servicemember is entitled to the protections of this title if the dependent's ability to comply with a lease, contract, bailment, or other obligation is materially affected by reason of the servicemember's military service.

“TITLE IV—LIFE INSURANCE

“SEC. 401. DEFINITIONS.

``For the purposes of this title:

``(1) POLICY.—The term 'policy' means any contract for whole, endowment, universal, or term life insurance, including any benefit in the nature of such insurance arising out of membership in any fraternal or beneficial association which—

``(A) provides that the insurer may not—

``(i) decrease the amount of coverage or increase the amount of premiums if the insured is in military service; or

``(ii) limit or restrict coverage for any activity required by military service; and

``(B) is in force not less than 180 days before the date of the insured's entry into military service and at the time of application under this title.

``(2) PREMIUM.—The term 'premium' means the amount specified in an insurance policy to be paid to keep the policy in force.

``(3) INSURED.—The term 'insured' means a servicemember whose life is insured under a policy.

``(4) INSURER.—The term 'insurer' includes any firm, corporation, partnership, association, or business that is chartered or authorized to provide insurance and issue contracts or policies by the laws of a State or the United States.

"SEC. 402. INSURANCE RIGHTS AND PROTECTIONS.

"(a) RIGHTS AND PROTECTIONS.—The rights and protections under this title apply to the insured when the insured, the insured's designee, or the insured's beneficiary applies in writing for protection under this title, unless the Secretary of Veterans Affairs determines that the insured's policy is not entitled to protection under this title.

"(b) NOTIFICATION AND APPLICATION.—The Secretary of Veterans Affairs shall notify the Secretary concerned of the procedures to be used to apply for the protections provided under this title. The applicant shall send the original application to the insurer and a copy to the Secretary of Veterans Affairs.

"(c) LIMITATION ON AMOUNT.—The total amount of life insurance coverage protection provided by this title for a servicemember may not exceed $250,000, or an amount equal to the Servicemember's Group Life Insurance maximum limit, whichever is greater, regardless of the number of policies submitted.

"SEC. 403. APPLICATION FOR INSURANCE PROTECTION.

"(a) APPLICATION PROCEDURE.—An application for protection under this title shall—

"(1) be in writing and signed by the insured, the insured's designee, or the insured's beneficiary, as the case may be;

"(2) identify the policy and the insurer; and

"(3) include an acknowledgement that the insured's rights under the policy are subject to and modified by the provisions of this title.

"(b) ADDITIONAL REQUIREMENTS.—The Secretary of Veterans Affairs may require additional information from the applicant, the insured and the insurer to determine if the policy is entitled to protection under this title.

"(c) NOTICE TO THE SECRETARY BY THE INSURED.—Upon receipt of the application of the insured, the insurer shall furnish a report concerning the policy to the Secretary of Veterans Affairs as required by regulations prescribed by the Secretary.

"(d) POLICY MODIFICATION.—Upon application for protection under this title, the insured and the insurer shall have constructively agreed to any policy modification necessary to give this title full force and effect.

"SEC. 404. POLICIES ENTITLED TO PROTECTION AND LAPSE OF POLICIES.

"(a) DETERMINATION.—The Secretary of Veterans Affairs shall determine whether a policy is entitled to protection under this title and shall notify the insured and the insurer of that determination.

"(b) LAPSE PROTECTION.—A policy that the Secretary determines is entitled to protection under this title shall not lapse or otherwise terminate or be forfeited for the nonpayment of a premium, or interest or indebtedness on a premium, after the date of the application for protection.

"(c) TIME APPLICATION.—The protection provided by this title applies during the insured's period of military service and for a period of two years thereafter.

"SEC. 405. POLICY RESTRICTIONS.

"(a) DIVIDENDS.—While a policy is protected under this title, a dividend or other monetary benefit under a policy may not be paid to an insured or used to purchase dividend additions without the approval of the Secretary of Veterans Affairs. If such approval is not obtained, the dividends or benefits shall be added to the value of the policy to be used as a credit when final settlement is made with the insurer.

"(b) SPECIFIC RESTRICTIONS.—While a policy is protected under this title, cash value, loan value, withdrawal of dividend accumulation, unearned premiums, or other value of similar character may not be available to the insured without the approval of the Secretary. The right of the insured to change a beneficiary designation or select an optional settlement for a beneficiary shall not be affected by the provisions of this title.

"SEC. 406. DEDUCTION OF UNPAID PREMIUMS.

"(a) SETTLEMENT OF PROCEEDS.—If a policy matures as a result of a servicemember's death or otherwise during the period of protection of the policy under this title, the insurer in making settlement shall deduct from the insurance proceeds the amount of the unpaid premiums guaranteed under this title, together with interest due at the rate fixed in the policy for policy loans.

"(b) INTEREST RATE.—If the interest rate is not specifically fixed in the policy, the rate shall be the same as for policy loans in other policies issued by the insurer at the time the insured's policy was issued.

"(c) REPORTING REQUIREMENT.—The amount deducted under this section, if any, shall be reported by the insurer to the Secretary of Veterans Affairs.

"SEC. 407. PREMIUMS AND INTEREST GUARANTEED BY UNITED STATES.

"(a) GUARANTEE OF PREMIUMS AND INTEREST BY THE UNITED STATES.—

"(1) GUARANTEE.—Payment of premiums, and interest on premiums at the rate specified in section 406, which become due on a policy under the protection of this title is guaranteed by the United States. If the amount guaranteed is not paid to the insurer before the period of insurance protection under this title expires, the amount due shall be treated by the insurer as a policy loan on the policy.

"(2) POLICY TERMINATION.—If, at the expiration of insurance protection under this title, the cash surrender value of a policy is less than the amount due to pay premiums and interest on premiums on the policy, the policy shall terminate. Upon such termination, the United States shall pay the insurer the difference between the amount due and the cash surrender value.

"(b) RECOVERY FROM INSURED OF AMOUNTS PAID BY THE UNITED STATES.—

"(1) DEBT PAYABLE TO THE UNITED STATES.—The amount paid by the United States to an insurer under this title shall be a debt payable to the United States by the insured on whose policy payment was made.

"(2) COLLECTION.—Such amount may be collected by the United States, either as an offset from any amount due the insured by the United States or as otherwise authorized by law.

"(3) DEBT NOT DISCHARGEABLE IN BANKRUPTCY.—Such debt payable to the United States is not dischargeable in bankruptcy proceedings.

"(c) CREDITING OF AMOUNTS RECOVERED.—Any amounts received by the United States as repayment of debts incurred by an insured under this title shall be credited to the appropriation for the payment of claims under this title.

"SEC. 408. REGULATIONS.

"The Secretary of Veterans Affairs shall prescribe regulations for the implementation of this title.

"SEC. 409. REVIEW OF FINDINGS OF FACT AND CONCLUSIONS OF LAW.

"The findings of fact and conclusions of law made by the Secretary of Veterans Affairs in administering this title may be reviewed by the Board of Veterans' Appeals and the United States Court of Appeals for Veterans Claims.

"TITLE V—TAXES AND PUBLIC LANDS

"SEC. 501. TAXES RESPECTING PERSONAL PROPERTY, MONEY, CREDITS, AND REAL PROPERTY.

"(a) APPLICATION.—This section applies in any case in which a tax or assessment, whether general or special (other than a tax on personal income), falls due and remains unpaid before or during a period of military service with respect to a servicemember's—

"(1) personal property; or

"(2) real property occupied for dwelling, professional, business, or agricultural purposes by a servicemember or the servicemember's dependents or employees—

"(A) before the servicemember's entry into military service; and

"(B) during the time the tax or assessment remains unpaid.

"(b) SALE OF PROPERTY.—

"(1) LIMITATION ON SALE OF PROPERTY TO ENFORCE TAX ASSESSMENT.—Property described in subsection (a) may not be sold to enforce the collection of such tax or assessment except by court order and upon the determination by the court that military service does not materially affect the servicemember's ability to pay the unpaid tax or assessment.

"(2) STAY OF COURT PROCEEDINGS.—A court may stay a proceeding to enforce the collection of such tax or assessment, or sale of such property, during a period of military service of the servicemember and for a period not more than 180 days after the termination of, or release of the servicemember from, military service.

"(c) REDEMPTION.—When property described in subsection (a) is sold or forfeited to enforce the collection of a tax or assessment, a servicemember shall have the right to redeem or commence an action to redeem the servicemember's property during the period of military service or within 180 days after termination of or release from military service. This subsection may not be construed to shorten any period provided by the law of a State (including any political subdivision of a State) for redemption.

"(d) INTEREST ON TAX OR ASSESSMENT.—Whenever a servicemember does not pay a tax or assessment on property described in subsection (a) when due, the amount of the tax or assessment due and unpaid shall bear interest until paid at the rate of 6 percent per year. An additional penalty or interest shall not be incurred by reason of nonpayment. A lien for such unpaid tax or assessment may include interest under this subsection.

"(e) JOINT OWNERSHIP APPLICATION.—This section applies to all forms of property described in subsection (a) owned individually by a servicemember or jointly by a servicemember and a dependent or dependents.

"SEC. 502. RIGHTS IN PUBLIC LANDS.

"(a) RIGHTS NOT FORFEITED.—The rights of a servicemember to lands owned or controlled by the United States, and initiated or acquired by the servicemember under the laws of the United States (including the mining and mineral leasing laws) before military service, shall not be forfeited or prejudiced as a result of being absent from the land, or by failing to begin or complete any work or improvements to the land, during the period of military service.

"(b) TEMPORARY SUSPENSION OF PERMITS OR LICENSES.—If a permittee or licensee under the Act of June 28, 1934 (43 U.S.C. 315 et seq.), enters military service, the permittee or licensee may suspend the permit or license for the period of military service and for 180 days after termination of or release from military service.

"(c) Regulations.—Regulations prescribed by the Secretary of the Interior shall provide for such suspension of permits and licenses and for the remission, reduction, or refund of grazing fees during the period of such suspension.

"SEC. 503. DESERT-LAND ENTRIES.

"(a) Desert-Land Rights Not Forfeited.—A desert-land entry made or held under the desert-land laws before the entrance of the entryman or the entryman's successor in interest into military service shall not be subject to contest or cancellation—

"(1) for failure to expend any required amount per acre per year in improvements upon the claim;

"(2) for failure to effect the reclamation of the claim during the period the entryman or the entryman's successor in interest is in the military service, or for 180 days after termination of or release from military service; or

"(3) during any period of hospitalization or rehabilitation due to an injury or disability incurred in the line of duty.

The time within which the entryman or claimant is required to make such expenditures and effect reclamation of the land shall be exclusive of the time periods described in paragraphs (2) and (3).

"(b) Service-Related Disability.—If an entryman or claimant is honorably discharged and is unable to accomplish reclamation of, and payment for, desert land due to a disability incurred in the line of duty, the entryman or claimant may make proof without further reclamation or payments, under regulations prescribed by the Secretary of the Interior, and receive a patent for the land entered or claimed.

"(c) Filing Requirement.—In order to obtain the protection of this section, the entryman or claimant shall, within 180 days after entry into military service, cause to be filed in the land office of the district where the claim is situated a notice communicating the fact of military service and the desire to hold the claim under this section.

"SEC. 504. MINING CLAIMS.

"(a) Requirements Suspended.—The provisions of section 2324 of the Revised Statutes of the United States (30 U.S.C. 28) specified in subsection (b) shall not apply to a servicemember's claims or interests in claims, regularly located and recorded, during a period of military service and 180 days thereafter, or during any period of hospitalization or rehabilitation due to injuries or disabilities incurred in the line of duty.

"(b) Requirements.—The provisions in section 2324 of the Revised Statutes that shall not apply under subsection (a) are those which require that on each mining claim located after May 10, 1872, and until a patent has been issued for such claim, not less than $100 worth of labor shall be performed or improvements made during each year.

"(c) Period of Protection From Forfeiture.—A mining claim or an interest in a claim owned by a servicemember that has been regularly located and recorded shall not be subject to forfeiture for nonperformance of annual assessments during the period of military service and for 180 days thereafter, or for any period of hospitalization or rehabilitation described in subsection (a).

"(d) Filing Requirement.—In order to obtain the protections of this section, the claimant of a mining location shall, before the end of the assessment year in which military service is begun or within 60 days after the end of such assessment year, cause to be filed in the office where the location notice or certificate is recorded a notice communicating the fact of military service and the desire to hold the mining claim under this section.

"SEC. 505. MINERAL PERMITS AND LEASES.

"(a) Suspension During Military Service.—A person holding a permit or lease on the public domain under the Federal mineral leasing laws who enters military service may suspend all operations under the permit or lease for the duration of military service and for 180 days thereafter. The term of the permit or lease shall not run during the period of suspension, nor shall any rental or royalties be charged against the permit or lease during the period of suspension.

"(b) Notification.—In order to obtain the protection of this section, the permittee or lessee shall, within 180 days after entry into military service, notify the Secretary of the Interior by registered mail of the fact that military service has begun and of the desire to hold the claim under this section.

"(c) Contract Modification.—This section shall not be construed to supersede the terms of any contract for operation of a permit or lease.

"SEC. 506. PERFECTION OR DEFENSE OF RIGHTS.

"(a) Right To Take Action Not Affected.—This title shall not affect the right of a servicemember to take action during a period of military service that is authorized by law or regulations of the Department of the Interior, for the perfection, defense, or further assertion of rights initiated or acquired before entering military service.

"(b) Affidavits and Proofs.—

"(1) In general.—A servicemember during a period of military service may make any affidavit or submit any proof required by law, practice, or regulation of the Department of the Interior in connection with the entry, perfection, defense, or further assertion of rights initiated or acquired before entering military service before an officer authorized to provide notary services under section 1044a of title 10, United States Code, or any superior commissioned officer.

"(2) Legal status of affidavits.—Such affidavits shall be binding in law and subject to the same penalties as prescribed by section 1001 of title 18, United State Code.

"SEC. 507. DISTRIBUTION OF INFORMATION CONCERNING BENEFITS OF TITLE.

"(a) Distribution of Information by Secretary Concerned.—The Secretary concerned shall issue to servicemembers information explaining the provisions of this title.

"(b) Application Forms.—The Secretary concerned shall provide application forms to servicemembers requesting relief under this title.

"(c) Information From Secretary of the Interior.—The Secretary of the Interior shall furnish to the Secretary concerned information explaining the provisions of this title (other than sections 501, 510, and 511) and related application forms.

"SEC. 508. LAND RIGHTS OF SERVICEMEMBERS.

"(a) No Age Limitations.—Any servicemember under the age of 21 in military service shall be entitled to the same rights under the laws relating to lands owned or controlled by the United States, including mining and mineral leasing laws, as those servicemembers who are 21 years of age.

"(b) Residency Requirement.—Any requirement related to the establishment of a residence within a limited time shall be suspended as to entry by a servicemember in military service until 180 days after termination of or release from military service.

"(c) Entry Applications.—Applications for entry may be verified before a person authorized to administer oaths under section 1044a of title 10, United States Code, or under the laws of the State where the land is situated.

"SEC. 509. REGULATIONS.

"The Secretary of the Interior may issue regulations necessary to carry out this title (other than sections 501, 510, and 511).

"SEC. 510. INCOME TAXES.

"(a) Deferral of Tax.—Upon notice to the Internal Revenue Service or the tax authority of a State or a political subdivision of a State, the collection of income tax on the income of a servicemember falling due before or during military service shall be deferred for a period not more than 180 days after termination of or release from military service, if a servicemember's ability to pay such income tax is materially affected by military service.

"(b) Accrual of Interest or Penalty.—No interest or penalty shall accrue for the period of deferment by reason of nonpayment on any amount of tax deferred under this section.

"(c) Statute of Limitations.—The running of a statute of limitations against the collection of tax deferred under this section, by seizure or otherwise, shall be suspended for the period of military service of the servicemember and for an additional period of 270 days thereafter.

"(d) Application Limitation.—This section shall not apply to the tax imposed on employees by section 3101 of the Internal Revenue Code of 1986.

"SEC. 511. RESIDENCE FOR TAX PURPOSES.

"(a) Residence or Domicile.—A servicemember shall neither lose nor acquire a residence or domicile for purposes of taxation with respect to the person, personal property, or income of the servicemember by reason of being absent or present in any tax jurisdiction of the United States solely in compliance with military orders.

"(b) Military Service Compensation.—Compensation of a servicemember for military service shall not be deemed to be income for services performed or from sources within a tax jurisdiction of the United States if the servicemember is not a resident or domiciliary of the jurisdiction in which the servicemember is serving in compliance with military orders.

"(c) Personal Property.—

"(1) Relief from personal property taxes.—The personal property of a servicemember shall not be deemed to be located or present in, or to have a situs for taxation in, the tax jurisdiction in which the servicemember is serving in compliance with military orders.

"(2) Exception for property within member's domicile or residence.—This subsection applies to personal property or its use within any tax jurisdiction other than the servicemember's domicile or residence.

"(3) Exception for property used in trade or business.—This section does not prevent taxation by a tax jurisdiction with respect to personal property used in or arising from a trade or business, if it has jurisdiction.

"(4) Relationship to law of state of domicile.—Eligibility for relief from personal property taxes under this subsection is not contingent on whether or not such taxes are paid to the State of domicile.

"(d) Increase of Tax Liability.—A tax jurisdiction may not use the military compensation of a nonresident servicemember to increase the tax liability imposed on other income earned by the nonresident servicemember or spouse subject to tax by the jurisdiction.

“(e) Federal Indian Reservations.—An Indian servicemember whose legal residence or domicile is a Federal Indian reservation shall be taxed by the laws applicable to Federal Indian reservations and not the State where the reservation is located.

“(f) Definitions.—For purposes of this section:

“(1) Personal property.—The term ‘personal property’ means intangible and tangible property (including motor vehicles).

“(2) Taxation.—The term ‘taxation’ includes licenses, fees, or excises imposed with respect to motor vehicles and their use, if the license, fee, or excise is paid by the servicemember in the servicemember's State of domicile or residence.

“(3) Tax jurisdiction.—The term ‘tax jurisdiction’ means a State or a political subdivision of a State.

“TITLE VI—ADMINISTRATIVE REMEDIES

“SEC. 601. INAPPROPRIATE USE OF ACT.

“If a court determines, in any proceeding to enforce a civil right, that any interest, property, or contract has been transferred or acquired with the intent to delay the just enforcement of such right by taking advantage of this Act, the court shall enter such judgment or make such order as might lawfully be entered or made concerning such transfer or acquisition.

“SEC. 602. CERTIFICATES OF SERVICE; PERSONS REPORTED MISSING.

“(a) Prima Facie Evidence.—In any proceeding under this Act, a certificate signed by the Secretary concerned is prima facie evidence as to any of the following facts stated in the certificate:

“(1) That a person named is, is not, has been, or has not been in military service.

“(2) The time and the place the person entered military service.

“(3) The person's residence at the time the person entered military service.

“(4) The rank, branch, and unit of military service of the person upon entry.

“(5) The inclusive dates of the person's military service.

“(6) The monthly pay received by the person at the date of the certificate's issuance.

“(7) The time and place of the person's termination of or release from military service, or the person's death during military service.

“(b) Certificates.—The Secretary concerned shall furnish a certificate under subsection (a) upon receipt of an application for such a certificate. A certificate appearing to be signed by the Secretary concerned is prima facie evidence of its contents and of the signer's authority to issue it.

“(c) Treatment of Servicemembers in Missing Status.—A servicemember who has been reported missing is presumed to continue in service until accounted for. A requirement under this Act that begins or ends with the death of a servicemember does not begin or end until the servicemember's death is reported to, or determined by, the Secretary concerned or by a court of competent jurisdiction.

“SEC. 603. INTERLOCUTORY ORDERS.

“An interlocutory order issued by a court under this Act may be revoked, modified, or extended by that court upon its own motion or otherwise, upon notification to affected parties as required by the court.

“TITLE VII—FURTHER RELIEF

“SEC. 701. ANTICIPATORY RELIEF.

“(a) Application for Relief.—A servicemember may, during military service or within 180 days of termination of or release from military service, apply to a court for relief—

“(1) from any obligation or liability incurred by the servicemember before the servicemember's military service; or

“(2) from a tax or assessment falling due before or during the servicemember's military service.

“(b) Tax Liability or Assessment.—In a case covered by subsection (a), the court may, if the ability of the servicemember to comply with the terms of such obligation or liability or pay such tax or assessment has been materially affected by reason of military service, after appropriate notice and hearing, grant the following relief:

“(1) Stay of enforcement of real estate contracts.—

“(A) In the case of an obligation payable in installments under a contract for the purchase of real estate, or secured by a mortgage or other instrument in the nature of a mortgage upon real estate, the court may grant a stay of the enforcement of the obligation—

“(i) during the servicemember's period of military service; and

“(ii) from the date of termination of or release from military service, or from the date of application if made after termination of or release from military service.

“(B) Any stay under this paragraph shall be—

“(i) for a period equal to the remaining life of the installment contract or other instrument, plus a period of time equal to the period of military service of the servicemember, or any part of such combined period; and

“(ii) subject to payment of the balance of the principal and accumulated interest due and unpaid at the date of termination or release from the applicant's military service or from the date of application in equal installments during the combined period at the rate of interest on the unpaid balance prescribed in the contract or other instrument evidencing the obligation, and subject to other terms as may be equitable.

“(2) Stay of enforcement of other contracts.—

“(A) In the case of any other obligation, liability, tax, or assessment, the court may grant a stay of enforcement—

“(i) during the servicemember's military service; and

“(ii) from the date of termination of or release from military service, or from the date of application if made after termination or release from military service.

“(B) Any stay under this paragraph shall be—

“(i) for a period of time equal to the period of the servicemember's military service or any part of such period; and

“(ii) subject to payment of the balance of principal and accumulated interest due and unpaid at the date of termination or release from military service, or the date of application, in equal periodic installments during this extended period at the rate of interest as may be prescribed for this obligation, liability, tax, or assessment, if paid when due, and subject to other terms as may be equitable.

“(c) Affect of Stay on Fine or Penalty.—When a court grants a stay under this section, a fine or penalty shall not accrue on the obligation, liability, tax, or assessment for the period of compliance with the terms and conditions of the stay.

“SEC. 702. POWER OF ATTORNEY.

“(a) Automatic Extension.—A power of attorney of a servicemember shall be automatically extended for the period the servicemember is in a missing status (as defined in section 551(2) of title 37, United States Code) if the power of attorney—

“(1) was duly executed by the servicemember—

“(A) while in military service; or

“(B) before entry into military service but after the servicemember—

“(i) received a call or order to report for military service; or

“(ii) was notified by an official of the Department of Defense that the person could receive a call or order to report for military service;

“(2) designates the servicemember's spouse, parent, or other named relative as the servicemember's attorney in fact for certain, specified, or all purposes; and

“(3) expires by its terms after the servicemember entered a missing status.

“(b) Limitation on Power of Attorney Extension.—A power of attorney executed by a servicemember may not be extended under subsection (a) if the document by its terms clearly indicates that the power granted expires on the date specified even though the servicemember, after the date of execution of the document, enters a missing status.

“SEC. 703. PROFESSIONAL LIABILITY PROTECTION.

“(a) Applicability.—This section applies to a servicemember who—

“(1) after July 31, 1990, is ordered to active duty (other than for training) pursuant to sections 688, 12301(a), 12301(g), 12302, 12304, 12306, or 12307 of title 10, United States Code, or who is ordered to active duty under section 12301(d) of such title during a period when members are on active duty pursuant to any of the preceding sections; and

“(2) immediately before receiving the order to active duty—

“(A) was engaged in the furnishing of health-care or legal services or other services determined by the Secretary of Defense to be professional services; and

“(B) had in effect a professional liability insurance policy that does not continue to cover claims filed with respect to the servicemember during the period of the servicemember's active duty unless the premiums are paid for such coverage for such period.

“(b) Suspension of Coverage.—

“(1) Suspension.—Coverage of a servicemember referred to in subsection (a) by a professional liability insurance policy shall be suspended by the insurance carrier in accordance with this subsection upon receipt of a written request from the servicemember, or the servicemember's legal representative, by the insurance carrier.

“(2) Premiums for suspended contracts.—A professional liability insurance carrier—

“(A) may not require that premiums be paid by or on behalf of a servicemember for any professional liability insurance coverage suspended pursuant to paragraph (1); and

“(B) shall refund any amount paid for coverage for the period of such suspension or, upon the election of such servicemember, apply such amount for the payment of any premium becoming due upon the reinstatement of such coverage.

“(3) Nonliability of carrier during suspension.—A professional liability insurance carrier shall not be liable with respect to any claim that is based on professional conduct (including any failure to take any action in a professional capacity) of a servicemember that occurs during a period of suspension of that servicemember's professional liability insurance under this subsection.

“(4) Certain claims considered to arise before suspension.—For the purposes of paragraph (3), a claim based upon the failure of a professional to make adequate provision for a patient, client, or other person to receive professional services or other assistance during the period of the professional's active duty service shall be considered to be based on an action or failure to take action before the beginning of the period of the suspension of professional liability insurance under this subsection, except in a case in which professional services were provided after the date of the beginning of such period.

“(c) Reinstatement of Coverage.—

“(1) Reinstatement required.—Professional liability insurance coverage suspended in the case of any servicemember pursuant to subsection (b) shall be reinstated by the insurance carrier on the date on which that servicemember transmits to the insurance carrier a written request for reinstatement.

“(2) Time and premium for reinstatement.—The request of a servicemember for reinstatement shall be effective only if the servicemember transmits the request to the insurance carrier within 30 days after the date on which the servicemember is released from active duty. The insurance carrier shall notify the servicemember of the due date for payment of the premium of such insurance. Such premium shall be paid by the servicemember within 30 days after receipt of that notice.

“(3) Period of reinstated coverage.—The period for which professional liability insurance coverage shall be reinstated for a servicemember under this subsection may not be less than the balance of the period for which coverage would have continued under the insurance policy if the coverage had not been suspended.

“(d) Increase in Premium.—

“(1) Limitation on premium increases.—An insurance carrier may not increase the amount of the premium charged for professional liability insurance coverage of any servicemember for the minimum period of the reinstatement of such coverage required under subsection (c)(3) to an amount greater than the amount chargeable for such coverage for such period before the suspension.

“(2) Exception.—Paragraph (1) does not prevent an increase in premium to the extent of any general increase in the premiums charged by that carrier for the same professional liability coverage for persons similarly covered by such insurance during the period of the suspension.

“(e) Continuation of Coverage of Unaffected Persons.—This section does not—

“(1) require a suspension of professional liability insurance protection for any person who is not a person referred to in subsection (a) and who is covered by the same professional liability insurance as a person referred to in such subsection; or

“(2) relieve any person of the obligation to pay premiums for the coverage not required to be suspended.

“(f) Stay of Civil or Administrative Actions.—

“(1) Stay of actions.—A civil or administrative action for damages on the basis of the alleged professional negligence or other professional liability of a servicemember whose professional liability insurance coverage has been suspended under subsection (b) shall be stayed until the end of the period of the suspension if—

“(A) the action was commenced during the period of the suspension;

“(B) the action is based on an act or omission that occurred before the date on which the suspension became effective; and

“(C) the suspended professional liability insurance would, except for the suspension, on its face cover the alleged professional negligence or other professional liability negligence or other professional liability of the servicemember.

“(2) Date of commencement of action.—Whenever a civil or administrative action for damages is stayed under paragraph (1) in the case of any servicemember, the action shall have been deemed to have been filed on the date on which the professional liability insurance coverage of the servicemember is reinstated under subsection (c).

“(g) Effect of Suspension Upon Limitations Period.—In the case of a civil or administrative action for which a stay could have been granted under subsection (f) by reason of the suspension of professional liability insurance coverage of the defendant under this section, the period of the suspension of the coverage shall be excluded from the computation of any statutory period of limitation on the commencement of such action.

“(h) Death During Period of Suspension.—If a servicemember whose professional liability insurance coverage is suspended under subsection (b) dies during the period of the suspension—

“(1) the requirement for the grant or continuance of a stay in any civil or administrative action against such servicemember under subsection (f)(1) shall terminate on the date of the death of such servicemember; and

“(2) the carrier of the professional liability insurance so suspended shall be liable for any claim for damages for professional negligence or other professional liability of the deceased servicemember in the same manner and to the same extent as such carrier would be liable if the servicemember had died while covered by such insurance but before the claim was filed.

“(i) Definitions.—For purposes of this section:

“(1) The term 'active duty' has the meaning given that term in section 101(d)(1) of title 10, United States Code.

“(2) The term 'profession' includes occupation.

“(3) The term 'professional' includes occupational.

“SEC. 704. HEALTH INSURANCE REINSTATEMENT.

“(a) Reinstatement of Health Insurance.—A servicemember who, by reason of military service as defined in section 703(a)(1), is entitled to the rights and protections of this Act shall also be entitled upon termination or release from such service to reinstatement of any health insurance that—

“(1) was in effect on the day before such service commenced; and

“(2) was terminated effective on a date during the period of such service.

“(b) No Exclusion or Waiting Period.—The reinstatement of health care insurance coverage for the health or physical condition of a servicemember described in subsection (a), or any other person who is covered by the insurance by reason of the coverage of the servicemember, shall not be subject to an exclusion or a waiting period, if—

“(1) the condition arose before or during the period of such service;

“(2) an exclusion or a waiting period would not have been imposed for the condition during the period of coverage; and

“(3) if the condition relates to the servicemember, the condition has not been determined by the Secretary of Veterans Affairs to be a disability incurred or aggravated in the line of duty (within the meaning of section 105 of title 38, United States Code).

“(c) Exceptions.—Subsection (a) does not apply to a servicemember entitled to participate in employer-offered insurance benefits pursuant to the provisions of chapter 43 of title 38, United States Code.

“(d) Time for Applying for Reinstatement.—An application under this section must be filed not later than 120 days after the date of the termination of or release from military service.

“SEC. 705. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.

“For the purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

“(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

“(2) be deemed to have acquired a residence or domicile in any other State; or

“(3) be deemed to have become a resident in or a resident of any other State.”.

SEC. 2. CONFORMING AMENDMENTS.

(a) Military Selective Service Act.—Section 14 of the Military Selective Service Act (50 U.S.C. App. 464) is repealed.

(b) Title 5, United States Code.—

(1) Section 5520a(k)(2)(A) of title 5, United States Code, is amended by striking “Soldiers' and Sailors' Civil Relief Act of 1940” and inserting “Servicemembers Civil Relief Act”; and

(2) Section 5569(e) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking “provided by the Soldiers' and Sailors' Civil Relief Act of 1940” and all that follows through “of such Act” and inserting “provided by the Servicemembers Civil Relief Act, including the benefits provided by section 702 of such Act but excluding the benefits provided by sections 104, 105, and 106, title IV, and title V (other than sections 501 and 510) of such Act”; and

(B) in paragraph (2)(A), by striking “person in the military service” and inserting “servicemember”.

(c) Title 10, United States Code.—Section 1408(b)(1)(D) of title 10, United States Code, is amended by striking “Soldiers' and Sailors' Civil Relief Act of 1940” and inserting “Servicemembers Civil Relief Act”.

(d) Internal Revenue Code.—Section 7654(d)(1) of the Internal Revenue Code of 1986 is amended by striking “Soldiers' and Sailors' Civil Relief Act” and inserting “Servicemembers Civil Relief Act”.

(e) Public Health Service Act.—Section 212(e) of the Public Health Service Act (42 U.S.C. 213(e)) is amended by striking “Soldiers' and Sailors' Civil Relief Act of 1940” and inserting “Servicemembers Civil Relief Act”.

(f) Elementary and Secondary Education Act of 1965.—Section 8001 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701) is amended by striking “section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 574)” in the matter preceding paragraph (1) and inserting “section 511 of the Servicemembers Civil Relief Act”.

SEC. 3. EFFECTIVE DATE.

The amendment made by section 1 shall apply to any case that is not final before the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on the first day of this session the gentleman from Illinois (Mr. EVANS) and I introduced, along with now more than three dozen of our distinguished colleagues, H.R. 100, the Servicemembers Civil Relief Act, as a top legislative priority of the Committee on Veterans' Affairs. With the war on terrorism and hundreds of thousands of our servicemembers on active duty in Iraq, Afghanistan and around the world, it is important that we lessen the burdens that they and their loved ones may face at home as a direct result of their service.

H.R. 100 will strengthen the rights and protections afforded U.S. military personnel called to active duty so that they are not harmed in civil, financial or legal proceedings. I am pleased that this bipartisan legislation has attracted broad support from veterans groups, military associations and the legal community. H.R. 100 is a complete restatement of the law known as the Soldiers' and Sailors' Civil Relief Act of 1940. A "restatement" of a law has long been understood to mean a law that has been updated, clarified and strengthened, including a gathering of the relevant judicial interpretations and a measured casting aside of those few interpretations that do not comport with the author's understanding of the law's intent.

This revision of the act has been in the works for a number of years. The Committee on Veterans' Affairs originally held hearings on a similarly intended measure, H.R. 4763, in the 102nd Congress. Last year, the Subcommittee on Benefits held 2 days of hearings on an almost identical measure, H.R. 5111.

The need for a Federal law such as the Servicemembers Civil Relief Act goes back to at least the Civil War, and a State law in Louisiana was passed as far back as the War of 1812. The first modern relief law was enacted in 1918. While H.R. 100, the bill before us, retains the time-tested basic rights and protections of the 1940 version of the law and its 1942 amendments, it also reflects the evolution of our legal processes during the past 60 years. The Committee on Veterans' Affairs has filed a bill report which contains a detailed explanation of the restatement. I recommend the bill report to those who seek a more detailed understanding of H.R. 100, as amended.

The current law is potentially applicable to a large number of personal transactions and any civil legal proceeding involving a servicemember. The courts have generally been understanding of the situation of the servicemembers who invoke its protections. They understand that these servicemembers are absent because they are doing the most important work of all, defending our national interests, our freedoms and our way of life.

In explaining the act, countless authors have been quick to remind us that the act is intended to give a temporary reprieve to a servicemember and that it reflects the need to be fair to all parties by relying upon the courts to determine whether the servicemember's ability to protect his or her rights or to meet obligations has been materially affected by military service. Those purposes are faithfully carried forward in this restatement.

Many of the provisions in the act and in H.R. 100 would only be of interest to persons involved in legal proceedings. Let me outline some that apply more generally to all servicemembers. For example, servicemembers would be protected against what amounts to a clever evasion of the prohibition against double taxation of a servicemember's military income when they must live outside the State where they are legal residents. What is happening is that some States where nonresident military personnel are stationed are counting a servicemember's military pay on which income taxes are paid elsewhere for determining the servicemember's graduated tax rate on family income earned within the State. This is an outrageous exploitation of servicemembers who cannot even vote against the politicians who are doing it, and H.R. 100 would put a stop to it.

Any servicemember whose military service materially affects his or her ability to pay a debt incurred before entering military service is entitled to have the interest rate on this debt reduced to 6 percent. There has been dispute whether interest in excess of the 6 percent was deferred or forgiven and whether the lender must reduce the monthly payment. H.R. 100 makes it clear that such interest is forgiven and the monthly payment is reduced in keeping with the act's policy objective of reducing monthly obligations at a time when mobilized National Guard or Reserve members are likely to have a reduced income.

Active duty servicemembers who have permanent change of station orders or who are being deployed for more than 90 days would be allowed to terminate housing leases. Right now, servicemembers can be forced to pay rent for housing they cannot live in because our government sent them somewhere else.

An eviction proceeding against a servicemember could be delayed for at least 90 days if he or she invokes the act.

☐ 1030

Eviction protection would be updated to reflect the increase in the cost of rental housing. The current act only applies to leases of less than $1,200 per month. H.R. 100 would increase that amount to $1,700 per month, and the amount would increase each year in accordance with a housing rental index.

The act protects against the lapse of life insurance policies when an individual enters military service. The act's life insurance coverage would be raised from $10,000 to $250,000, or the SGLI maximum, whichever is greater.

All motor vehicles and other property would be included in the act's installment contract provisions so that in the case of a service member who, for example, has fallen behind on car lease payments, the lessor must obtain a court order before repossessing the car.

The current act does not clearly apply to simple administrative proceedings, which are far more common today than they were in 1940. H.R. 100 would include administrative proceedings, such as license and zoning manners, under the act's rights and protections.

There are, Mr. Speaker, many other provisions which affect particular rights or particular statutes such as Federal mining and reclamation acts. Many of the other changes in language and terms merely reflect the language of the law as it is practiced today.

Mr. Speaker, the actual preparation of this bill was a collaborative effort between our committee counsel, the Office of Legislative Counsel, and, most importantly, representatives of the judge advocates general of the military departments. The JAG officers played a crucial role in relating how the current law is understood by their fellow JAG advisors, who must often counsel servicemembers on their rights and obligations under the law and who have direct experience with the issues and the problems that arise under it.

I want to commend, Mr. Speaker, all of the dedicated and capable members of the various staffs who worked so hard to prepare this legislation. Beginning with H.R. 4763 back in 1992, the JAG officers who provided the technical services for the very important initial draft of H.R. 4763 were Commander Christopher Gentile, U.S. Naval Reserve; Lieutenant Colonel Amy J. Griese, U.S. Air Force Reserve; Gregory M. Huckabee, U.S. Army; and Major Teresa J. Wright, U.S. Marine Corps.

The JAG officers who provided the excellent technical services for the updated draft for H.R. 5111 were Lieutenant Colonel Patrick W. Lindemann, U.S. Air Force; Major Eugene J. Martin, U.S. Army; Mr. Eric C. Stamets, civilian employee from the U.S. Army. Lieutenant Colonel Griese returned to the restatement effort by providing extensive technical services on the bill report for H.R. 100. Colonel Steven T. Strong, U.S. Army; and Colonel Wanda Good, U.S. Army also provided highly effective services on H.R. 5111 and H.R. 100, the bill before the committee and the Department of the Defense.

The Committee on Veterans Affairs counsel who prepared the hearings in 1992 and 2000 and were the lead staff members on H.R. 4763, 5111, and the bill before us today, H.R. 100, are Patrick Ryan and Kingston Smith. Minority committee counsel also worked very hard in drafting these bills, Mary Ellen McCarthy and Geoffrey Collver. Committee staff assistants who helped with research and proofreading are Summer Larson and Devon Seibert. Also Robert Cover of the Office of Legislative Counsel performed invaluable drafting services on each of these three bills and the final product that is before the body today.

Most especially I want to thank the gentleman from Illinois (Mr. EVANS). My good friend and colleague is the committee's ranking Democrat who has been my active partner on this legislation and many other bills that we have brought before the House and who proposed coverage for the act for certain National Guard members that became part of the law last year.

Although the revision of this law has been in preparation for more than 10 years, I cannot think of a better time for this body to be considering it than today. I urge all Members to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 100, the Servicemembers Civil Relief Act, the bill to modernize the Soldiers' and Sailors' Civil Relief Act of 1940.

The chairman of the committee has outlined most of the important provisions and the bipartisan work that went into putting this piece of legislation forward. It is truly a bipartisan effort. I also want to thank the Department of Defense and especially the Air Force for their contributions to the bill. Last year we held two hearings on an earlier version of this bill. I am particularly pleased that the bill allows for automatic updating of certain provisions such as the ceiling on rents subject to the protections of the act. Legislation which provides automatic links to other laws and criteria avoid becoming quickly outdated.

I have been approached by Members who would like to see additional bills considered to provide protection from civil liabilities. I hope that the committee will hold a hearing on other bills which have been introduced.

With the men and women of our country serving in Iraq, Afghanistan and throughout the world, it is important to provide them with an up-to-date protection act now.

H.R. 100 is a good bill, and I urge my colleagues to show their support for our troops by voting for it.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, owing to the fact that I have a markup at the Committee on International Relations and I would like to get to it, I ask unanimous consent that the remainder of our time be controlled by the gentleman from the great State of Connecticut (Mr. SIMMONS), the subcommittee chairman.

The SPEAKER pro tempore (Mr. NETHERCUTT). Is there objection to the request by the gentleman from New Jersey?

There was no objection.

Mr. SIMMONS. Mr. Speaker, I yield myself such time as I may consume.

I simply want to add my support for this legislation. Prior to coming to this body as a Member of Congress, I was in the U.S. Army Reserves for a number of years, over 30 years. I have had the experience, the personal experience, of commanding a unit that received an activation notice; and I have had the personal experience of being involved with not only deployed soldiers but soldiers whose families have been left behind. I have received that phone call from the wife of a deployed soldier saying, I cannot afford to pay the rent. My husband made more money in the civilian sector than he made as a deployed soldier, and I am behind in my rent, and I run the risk of being evicted. And I have had to wrestle with that issue even to the point of offering to pass the hat among those unit members who stayed behind to see if we could help her stay in her home while her husband was overseas defending our Nation, our people, our values, and our interests.

I have had a deployed soldier come back to find that there was no job even though he thought his job was guaranteed. In fact, the job he had as the head of a division of a larger corporation was restructured and reorganized. So the division was no longer there; so the job was no longer there.

It is incumbent upon us as Members of Congress to ensure that these anecdotal, but horrible, stories do not occur again. It is incumbent upon us as Members of the Committee on Veterans Affairs to ensure that the public policy of this Nation treats our veterans, our reserves, and our National Guard fairly and equitably when they are called up, activated, and deployed to fight for us in foreign lands around the world, to ensure that their jobs are waiting for them when they return, to ensure that their families are not put under a financial burden as a consequence of their service.

This is not an issue relative to one party or another. This is not a Republican or a Democrat issue. This is an issue which we as Americans must address, and that is what this legislation does. I thank my colleagues in the committee for their bipartisan approach to this issue.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Speaker, I thank the ranking member for yielding me this time.

I rise in strong support of H.R. 100, the Servicemembers Civil Relief Act. I would like to thank the gentleman from New Jersey (Mr. SMITH), chairman, and the gentleman from Illinois (Mr. EVANS), ranking member, for their leadership on this legislation which restates, modernizes and improves the Soldiers' and Sailors' Civil Relief Act of 1940.

The Servicemembers Civil Relief Act gives our military personnel the piece of mind they deserve. It allows them to do their military duty for our country and to provide for the national defense without having to worry about their obligations back home. Beyond clarifying and updating, H.R. 100 expands legal and administrative protections for our men and women in uniform. It would increase the rental eviction protection from $1,200 to $1,700; allow for termination of property releases if personnel are activated or deployed before living in the property; and provide professional liability protection, health insurance, and guaranteed residency for military purposes.

I am also pleased that this legislation acknowledges the importance of women in military service and is appropriately titled Servicemembers Civil Relief Act. And I am pleased that H.R. 100 includes recognition of the Federal protections recently extended to members of the National Guard who are called upon under title 32 of the U.S. Code. When our men and women risk their lives to protect this country, it should not matter under which law that they are called.

Mr. Speaker, the war on terrorism is not over, and the peace in Iraq is not yet won. Our military personnel are still in harm's way overseas, and they deserve to know that their sacrifices will not have a negative impact on their obligations here at home.

I fully support H.R. 100 and urge my colleagues to do the same. I would also like to take this opportunity to say good-bye and good luck to Michael Durishin, the Democratic staff director for the Committee on Veterans Affairs. While I have not known Michael for long, I would like to thank him for the years of his dedication and service to this institution and to the people of the United States.

Mr. SIMMONS. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. MILLER) from the first district, which I understand has more veterans per capita than any other district in this great Nation.

Mr. MILLER of Florida. Mr. Speaker, I thank my colleague for yielding me this time.

I do rise today in support of H.R. 100. This remarkable piece of legislation restates, clarifies, and strengthens the legal protections afforded the courageous men and women who serve in our Armed Forces. The current Soldiers' and Sailors' Civil Relief Act of 1940 has had only a few minor changes since World War II. The law is in need of a comprehensive updating to reflect the considerable changes that have taken place in the United States over the past 60 years. The Soldiers' and Sailors' Civil Relief Act of 1940 is one of the most far-reaching laws on the books, and its constitutional authority is derived from article 1, section 8 of the Constitution, the War Powers Clause. Its provisions impact all Federal, State, and administrative law.

The process that we come to today of updating this act has been 10 years in the making at the hands of numerous military and government officials and has been a project of the House Committee on Veterans Affairs on which I served for over a year. Each provision has been fully vetted and carefully crafted by experts in the areas of civil law and military affairs. I commend the gentleman from New Jersey (Mr. SMITH), chairman; the attentive Committee on Veterans Affairs staff; and everyone who has had a hand in this particular project over the last decade.

H.R. 100 will bring many major improvements. It will increase coverage in maximum monthly rent of $1,200 to $1,700 to prevent evictions from premises occupied by servicemembers and their dependents. It will expand the right to terminate real property leases by allowing lease termination if a servicemember, while serving, executes a lease and then receives orders for a permanent change of station move or a deployment order of 90 days or more, and it requires a court order before a lessor can terminate a servicemember's installment contract for lease of any personal property, which would apply to all automobile leases.

Mr. Speaker, H.R. 100 brings modern relief to our modern Armed Forces and has strong support from the veterans service groups and military associations.

As President Bush said, the peace of a troubled world and the hopes of an oppressed people now depend on the United States Armed Forces. That trust is well placed and our valiant servicemembers deserve to have their burdens, the ones that they and their loved ones face, reduced as they fight the war on terrorism and the war in Iraq.

Mr. Speaker, in H.R. 100 we are doing our duty to help ease those burdens.

☐ 1045

Mr. EVANS. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Speaker, I rise today to express my strong support for H.R. 100, the Servicemembers Civil Relief Act, introduced by my good friends and colleagues, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS).

Hundreds of thousands of our servicemembers are now courageously serving our Nation in Iraq and other dangerous parts of the world. No group of Americans has made or will make as valuable a contribution or as great a sacrifice or will have as much to be proud of as the men and women of our Armed Forces.

The legislation before us today will ensure that these brave men and women serving overseas and defending the ideals of our Nation are not preoccupied with financial security and the well-being of their families at home.

Among the many hazards confronted by men and women in uniform, not all of them are found on the battlefield or on foreign soil or at high seas. Some of their challenges originate here at home, even though they are countless miles away. To make matters worse, these are challenges that not only the men and women who sign up for duty must face, but their family members as well.

Many of these challenges are financial. In various ways, members of the Armed Forces, and in particular members of the National Guard and Reserve who leave jobs, good jobs, homes and families at a moment's notice, face tremendous economic burdens as a result of their willingness to serve. It is at least within our power and the power of this Congress to do something about that, to provide some level of economic security and stability.

I am pleased that measures that I proposed in my bill from the 107th Congress, H.R. 3173, are included in the legislation before us today. One of these provisions is the inclusion of a monthly rental protection increase. Under current law, an activated military member's family with housing payments of $1,200 or less cannot be evicted for failure to pay rent. H.R. 100 raises the protected rental amount to $1,700, a figure that will be indexed.

When the members of our Armed Forces trade in the comforts of their home for barracks in a country thousands of miles away, they should have the peace of mind they are not going to be evicted and their families put on the street. I applaud the inclusion of this specific measure.

The Servicemembers Civil Relief Act also makes technical updates and clarifies the old law that dates back to 1940. I am pleased that changes in H.R. 100 changes the language of the Soldiers and Sailors Act to better reflect the true composition of our military, and the brave and willing women who sacrifice for our Nation are now included. A family's loss of income does not simply occur when a father or husband leaves his regular job for service, but when a mother or wife does the same.

Outdated language, such as the use of the word "wife" to describe dependents eligible for protection while a member is on duty, flies in the face of these brave women honorably serving our Nation. I appreciate that among the technical changes and updates, H.R. 100 replaces such references with gender-neutral language.

I support H.R. 100, and am pleased that so many of my colleagues on both sides of the aisle do as well. I urge a yes vote on this important and timely bill.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SIMMONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I include for the RECORD copies of letters between our committee and the Committee on Financial Services regarding section 207(d) of H.R. 100, as amended.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 1, 2003.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding section 207(d) of H.R. 100, as amended, the Servicemembers Civil Relief Act. I understand your concern about the section's definition of the term "interest" and will amend it to reflect the substance of the current provision on interest in section 206 of the current Soldiers' and Sailors' Civil Relief Act.

While the Committee on Veterans' Affairs has jurisdiction over soldiers' and sailors' civil relief under clause 1(r) of rule X of the Rules of the House of Representatives, I appreciate the interest of the Committee on Financial Services in all matters under its jurisdiction including those stated in your letter.

Our letters will be included in the record during floor consideration of H.R. 100, as amended, and you may be assured of my continued consultation on these matters.

Sincerely,

CHRISTOPHER H. SMITH,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, April 30, 2003.

Hon. CHRISTOPHER H. SMITH,
Chairman, Committee on Veterans' Affairs, Washington, DC.

DEAR CHAIRMAN SMITH: On April 30, 2003, the Committee on Veterans' Affairs ordered reported H.R. 100, the Servicemembers Civil Relief Act. As you know, the Committee on Financial Services has jurisdiction over banks and banking, insurance generally, and public and private housing pursuant to clause 1(g) of rule X of the Rules of the House of Representatives for the 108th Congress.

Section 207(d) of the bill as reported would define the term "interest" as used in this section regarding the maximum rate of interest on debts incurred before military service. As currently drafted, I am concerned that the definition would result in administrative burdens and costs for some financial institutions. Therefore, the provision on interest in the last sentence of current section 206 of the Act should not be changed in substance.

Because of your willingness to amend the bill to correct this problem during floor consideration and your desire to expeditiously consider the legislation, I will not seek a sequential referral of H.R. 100. By agreeing not to seek a referral, the Financial Services Committee does not waive its jurisdiction over the granting of credit by financial institutions, or any other matter involving banks and banking, insurance, and public and private housing. I would ask that you continue to consult with the committee on Financial Services concerning any further changes to these provisions as the bill is further considered.

I request that you include this letter and your response in the CONGRESSIONAL RECORD during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Yours truly,

MICHAEL G. OXLEY,
Chairman.

Mr. Speaker, on behalf of the gentleman from New Jersey (Chairman SMITH) and all of the Republican Members of the Committee on Veterans' Affairs, I would like to observe an impending departure.

After a distinguished career on Capitol Hill, a key staff member of the Committee on Veterans' Affairs is retiring. Michael Durishin has been the committee's Democratic Staff Director since 1997 for our ranking member, the gentleman from Illinois (Mr. EVANS). He was previously Staff Director for the Committee on Veterans' Affairs Subcommittee on Oversight and Investigations from 1987 through 1994, beginning when Mr. EVANS was chairman of that subcommittee. He was Deputy Postmaster for the U.S. Senate during the interim period.

Mike's work in politics began in 1973 when he was Special Assistant and Field Staff Director for former Senator James Abourezk of South Dakota. Prior to joining the committee staff, he was Senior Legislative Assistant for then Congressman TOM DASCHLE, who was a member of the Committee on Veterans' Affairs.

As a very senior staff member, Mike has been a consummate professional who has earned the respect of staff and Members alike on both sides of the aisle. He has been a vigorous advocate for veterans' issues and has helped maintain the commitment to bipartisanship on the committee. His insistence on vigorous oversight of policies and activities at the Department of Veterans Affairs served both its employees and the veterans population very well, particularly when a female VA employee had experienced a situation where they were not treated with respect. In a straightforward and unflappable way, he has had a major influence on virtually every important issue regarding veterans health and benefits before the committee for the past 6 years.

Mike will truly be missed by all who know him and have been privileged to work with him. He can be proud of all that he has accomplished for veterans, even though he is too modest to claim the credit he deserves.

Mr. Speaker, on behalf of the Committee on Veterans' Affairs and America's veterans, I commend Michael Durishin for a job well done and wish him all the best in his future endeavors.

Mr. Speaker, I urge my colleagues to support the Servicemembers Civil Relief Act.

Mr. BROWN of South Carolina. Mr. Speaker, I am proud to rise today in strong support of H.R. 100, the Servicemembers' Civil Relief Act, of which I am a proud cosponsor.

With our active duty servicemembers and members of the Selected Reserve mobilized abroad, it is especially important to update the Soldiers' and Sailors Civil Relief Act of 1940. H.R. 100 strengthens and clarifies the existing law for today's military by securing for them financial, legal, and civil protections, indeed as our troops have secured freedom for the citizens of Iraq and Afghanistan.

I am especially pleased that this measure maintains the 6 percent interest cap for loans such as mortgages and credit cards, while clarifying that any excess interest is forgiven and does not accrue. I applaud the banking community for forgiving the excess interest in the past; I believe it is important to document the intent of Congress in this respect for the future. Many of our reserve component members take a major pay cut when we as a nation call them up for service. It is crucial that our troops not worry about financial issues at home when they are in harm's way abroad.

I thank Chairman SMITH and Ranking Member EVANS for their leadership on this important legislation and I urge my colleagues to support H.R. 100.

Mr. CASTLE. Mr. Speaker, I rise today in strong support of H.R. 100, the Servicemembers Civil Relief Act. We entrust over one million military personnel on active duty with a large responsibility each year. However, their sacrifice sometimes creates a difficulty in meeting all their responsibilities at home. We should not allow these men and women to be penalized for their service.

The Servicemembers Civil relief Act updates the Soldiers' and Sailors' Civil Relief Act of 1940 to improve the civil and economic protections that the Federal Government provides to our fine men and women on active duty in the military. The bill eliminates interest for a servicemember whose military service "materially affects" his or her ability to repay a debt incurred before entry into military service. The bill also increases the maximum rent for which a servicemember can have an eviction proceeding delayed for 3 months from $1,200 per month to $1,700 to reflect the change in costs of rental housing. Another provision in the bill guarantees that the Department of Veterans Affairs will pay premiums for a servicemember's life insurance policy for policies up to $250,000. This bill also provides servicemembers an automatic 90-day stay for civil court and administrative proceedings, and it requires a lessor to obtain a court order before repossessing a car for which a servicemember has fallen behind on lease payments. These provisions strengthen the economic protections under current law to better serve the needs of our servicemembers.

The great men and women who serve in our military contribute so much to our Nation. They put themselves in harm's way to defend their families, friends, and fellow Americans. Through their selfless service, these brave men and women defend the liberty, justice, and equality that are the foundation of America. They are the embodiment of the American spirit, and we must continue to protect them and their families while they are away protecting the rest of us.

Mr. BUYER. Mr. Speaker, today, hundreds of thousands of American service personnel serve our Nation proudly around the world in the name of freedom. In Indiana alone, over 4,000 National Guard and Reserve units have been called to active duty in support of operations in Afghanistan and Iraq as well as homeland security.

Over the past several months, many of us have been asked by constituents what they can do to help lessen the burden on our military personnel and their families. Today, by voting in support of H.R. 100, each of us has an opportunity to make a real difference.

This legislation strengthens and expands protections to our service personnel and their families during Presidential call-ups like those in place today.

Specifically, the Servicemembers Civil Relief Act: (1) Provides some protections to the families of our armed forces from eviction due to nonpayment of rent while on active duty—up to certain limits; (2) provides automatic stays on civil court proceedings while on active duty; and (3) provides a ceiling on interest of 6 percent on outstanding loans while they are on active duty.

While this legislation does provide some measures of reprieve, I support Chairman SMITH's efforts in this bill which reflects the need to be fair to all parties involved by imposing on the courts the obligation to determine whether the military service of the individual had a material effect on his/her ability to protect the rights or to meet financial obligations.

This legislation also includes substantive changes I sought to address concerns regarding protections to services members and their families who fall behind on car lease payments while called to active duty.

However, not all my concerns could be addressed. I am working with my colleagues as well as the private sector including the Automobile Alliance to address this matter in another form.

Finally, while this measure provides substantive economic protections to those who serve and their families, those in the private sector should realize that this bill and other federal laws merely set ceilings and not floors. Specifically, we set the ceiling of 6 percent on the amount of interest on loans that were incurred before entering military service.

Those who have answered our President's call to serve are doing so at some financial burden—in some cases at a great financial burden—though they do so willingly and are making this Nation proud. To that end, a grateful Nation comes to them on bended knee in appreciation.

Therefore, I challenge those in the financial services sector to match what some have done on their own, like the Congressional Federal Credit Union, and lower their interest rate on existing loans to 0 percent while our men and women are carrying out their missions both here and abroad.

I ask my colleagues to support H.R. 100 and for the private sector to meet the challenge I have set forth.

Mr. REYES. Mr. Speaker, I rise today in support of H.R. 100, the Servicemembers Civil Relief Act. I would like to thank the sponsors of this legislation, Chairman CHRIS SMITH and Ranking Member LANE EVANS for their work to reintroduce this bill in the 108th Congress and to expeditiously bring it through Committee and to the floor.

H.R. 100 continues to protect American servicemembers from negative economic or professional consequences as a result of their active duty service. Not only does this legislation update and modernize the language of this 53 year-old act, but it strengthens and expands the current protections provided in the Soldiers and Sailors Civil Relief Act for military personnel on active duty. This bill provides protections for debt, eviction, lease payments and other such problems that may occur while they are away from home serving our country.

Mr. Speaker, as you may know, many troops from my district were recently called to duty. I would like to be able to assure them that should they come across certain hardship, we will be able to take care of them. No one should be penalized unfairly because they are out of the country serving our nation and protecting our freedoms.

I am a proud cosponsor of the Servicemembers Civil Relief Act, and I strongly urge my colleagues to support the passage of this bill. Thank you Mr. Speaker, I yield back the balance of my time.

Mr. SIMMONS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. NETHERCUTT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 100, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SIMMONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 100, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 96) authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

The Clerk read as follows:

H. CON. RES. 96

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

(a) IN GENERAL.—The National Fraternal Order of Police and its auxiliary (in this resolution referred to as the "sponsor") shall be permitted to sponsor a public event, the 22nd annual National Peace Officers' Memorial Service (in this resolution jointly referred to as the "event"), on the Capitol Grounds, in order to honor the law enforcement officers who died in the line of duty during 2002.

(b) DATE OF EVENT.—The event shall be held on May 15, 2003, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Tennessee (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as an aside, it is a pleasure to be here this morning again and see the House presided over by a cagey veteran from the Fifth District of Washington.

Mr. Speaker, House Concurrent Resolution 96 authorizes the use of the Capitol grounds for the 22nd Annual National Peace Officers' Memorial Service to be held on May 15, 2003. The service will be held on the West Front of the Capitol grounds and is sponsored by the Grand Lodge of the Fraternal Order of Police and its Auxiliary.

The event is open to the public and free of charge, and the sponsor assumes responsibility for all expenses and liabilities related to the event. Additionally, the sponsors of the event must comply with all applicable regulations relating to the use of the Capitol grounds.

This memorial service honors 161 peace officers that have given their lives in the line of duty during the year 2002. Officers gave their lives protecting every State in the Union. This service will honor, and I would like to recognize at this time, four peace officers killed in the line of duty in my home State of Ohio during last year.

Deputy Sheriff Robert Michael Tanner, of the Muskingum County Sheriff's Department, shot and killed on January 8;

Patrolman Eric Bradford Taylor, of the Massillon Police Department, shot and killed on August 9;

Officer Mary Lynn Beall, of the Dayton Police Department, shot and killed on August 25;

And Park Ranger James Pitney of the Muskingum Watershed Conservancy District, killed on December 17.

Each of those officers, Mr. Speaker, was killed while protecting their community.

This memorial service is a very important event. I encourage all of our colleagues to attend this service in honor of our fallen heroes. I support this resolution and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 96 authorizes the use of the Capitol grounds for the 22nd Annual National Peace Officers Memorial Service, a most solemn and respectful public event honoring our Nation's brave civil servants.

The event, scheduled for May 15th, will be coordinated with the Office of the Architect of the Capitol and the Capitol Hill police. I strongly urge this tribute to Federal, State and local police officers who gave their lives in the daily work of protecting our families, our homes, our places of work and us.

The names of 377 brave men and women were added to the wall during 2002. On average, one officer is killed in this country every other day, approximately 23,000 are injured every year, and thousands are assaulted going about their daily routines. During 2002, 15 of the fallen officers were women, which is a record high.

Mr. Speaker, the ceremony to be held on May 15th is the 22nd anniversary of this memorial service. Consistent with all Capitol Hill events, the memorial service will be free and open to the public.

I support the resolution, and urge my colleagues to join me in supporting this tribute to our fallen peace officers.

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to offer my full support for House Concurrent Resolution 96, authorizing the use of the Capital Grounds for the 22nd Annual Peace Officers' Memorial Service.

My own State of Alaska lost a peace officer during 2002 who will be remembered at this ceremony.

On November 19, 2002, while transporting prisoners to Spring Creek Correctional Center, Correctional Officer James Hesterberg was killed when the vehicle he was driving was struck head-on by a tractor trailer on the Seward Highway about 20 miles north of Seward, Alaska. A correctional officer for 19 years, he is survived by his wife and three children.

This service, honoring the 152 men and women who lost their lives while protecting our Nation, is a part of police week, which features events including a "Blue Mass" at St. Patrick's Catholic Church; Law Ride Motorcycle Procession; and a candlelight vigil, which will be held at 8:00 P.M. on Tuesday May 13.

I encourage my colleagues to support these important events, which honor not only the men and women who gave their lives while protecting our country, but the thousands of others that continue to do so.

I support this resolution and encourage my colleagues to give it their full support.

Mr. DAVIS of Tennessee. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LaTOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LaTOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 96.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LaTOURETTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZING USE OF CAPITOL GROUNDS FOR GREATER WASHINGTON SOAP BOX DERBY

Mr. LaTOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 53) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby, as amended.

The Clerk read as follows:

H. CON. RES. 53

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.

The Greater Washington Soap Box Derby Association (in this resolution referred to as the "Association") shall be permitted to sponsor a public event, soap box derby races, on the Capitol Grounds on June 21, 2003, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event to be carried out under this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LaTOURETTE) and the gentleman from Tennessee (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LaTOURETTE).

Mr. LaTOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 53 authorizes the use of the Capitol grounds on June 21, 2003, for the 62nd annual Greater Washington Soap Box Derby. This event is open to the public and free of charge. The sponsor of the event assumes all of the responsibilities and liabilities associated with the event. Additionally, the sponsors must comply with all applicable regulations relating to the use of the Capitol grounds.

□ 1100

Children participating in the event range in ages from 9 to 16 and compete in three open divisions depending on their level of experience. The races will occur on Constitution Avenue between Delaware Avenue and Third Street, Northwest.

Winners of the event will go on to represent the Washington Metropolitan Area at the national finals to be held in Akron, Ohio, later in the summer, which are held every year.

I support the resolution, and I urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I am delighted to support, along with the gentleman from Maryland (Mr. HOYER), the gentleman from Virginia (Mr. WOLF), the gentleman from Virginia (Mr. MORAN), the gentleman from Maryland (Mr. WYNN), and the gentleman from Maryland (Mr. VAN HOLLEN), House Concurrent Resolution 53 and acknowledge the efforts of the gentleman from Maryland (Mr. HOYER), who has been such a great champion for his constituents for this event.

House Concurrent Resolution 53 authorizes the use of the Capitol grounds for the Greater Washington Soap Box Derby. Youngsters ages 9 through 16 construct and operate their own soap box vehicles. On June 22, 2003, youngsters from the greater Washington area will race down Constitution Avenue to test the principles of aerodynamics in hand-designed and -constructed soap box vehicles.

Mr. Speaker, many hundreds of volunteers donate considerable time supporting the event and providing families with a fun-filled day, which is greatly becoming a tradition in the Washington, D.C. area. The event has grown in popularity, and Washington is now known as one of the outstanding race cities in America.

Consistent with all events using the Capitol grounds, this event is open to the public and is free of charge. The organizers will work with the Capitol Hill Police and the Office of the Architect.

Mr. Speaker, I urge passage of House Concurrent Resolution 53.

Mr. Speaker, we are waiting for the gentleman from Maryland (Mr. HOYER), who will be here very soon who will be speaking so, if I could, we would like to delay for just a moment until he gets here.

Mr. Speaker, the Greater Washington Soap Box Derby Association, and this resolution refers to this association, shall be permitted to sponsor a public event, the Soap Box Derby Race on the Capitol grounds on June 22 of 2003, and on such other dates as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

Mr. LaTOURETTE. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Tennessee. I yield to the gentleman from Ohio.

Mr. LATOURETTE. Mr. Speaker, I am wondering if the gentleman from Tennessee has ever had the thrill of being present during the running of the Greater Washington Soap Box Derby.

Mr. DAVIS of Tennessee. Mr. Speaker, I have never had that privilege, but I certainly look forward to attending the event this year. As a youngster growing up, living in the rural areas, living in the rural areas, I read about soap box derbies that have been such an inspiration to so many of our young people, and I hope to be able to attend this event.

Mr. LATOURETTE. Mr. Speaker, if the gentleman will continue to yield, I was very fortunate during this last redistricting period to pick up places in Summit County, which is where the city of Akron, Ohio, is located, together with the gentlemen from Ohio (Mr. RYAN) and (Mr. BROWN) from your side of the aisle, and we now represent the environs in and around the Akron area.

Clearly, Akron, like a lot of the urban centers across America, has been through some tough times. It used to be known as the Rubber Capital of the World. We had Goodyear, Goodrich, and Firestone all located within the environs of Akron, Ohio. But one of the great prides and joys of our northeastern Ohio area is having the honor of having the national finals of the soap box derby occurring in Akron, Ohio. It is something that is widely attended. It is an experience where these youngsters who are 9 to 16 years of age learn not only the thrill of competing against their peers from all over the country, but they also have the opportunity to actually build the vehicles that they will race here in Washington and also in Akron, Ohio; and they learn craftsmanship as well as teamwork and a tremendous sense of accomplishment.

So I really appreciate the gentleman coming to the floor today and managing the bill on behalf of the minority, and I hope all of our colleagues will support our legislation. I thank the gentleman for yielding.

Mr. DAVIS of Tennessee. Mr. Speaker, I thank the gentleman for his remarks, and certainly I look forward to being at this event.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Speaker, I thank the gentleman for yielding me this time.

I just want to commend the chairman of the subcommittee, the gentleman from Ohio (Mr. LATOURETTE), for acting so quickly on this legislation. Let me say, Mr. Speaker, that I rise in strong support of H. Con. Res. 53, authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby.

This annual event encourages all boys and girls ages 9 through 16 to construct and operate their own soap box vehicles. The principles of aerodynamics are combined with fun and excitement for all participants and their families in the greater Washington area.

Over the past few years, the Washington event has grown in size and has become one of the best-attended events in the country. In the past, the Washington event has produced winners who went on to national finals. As always, the derby organizers will work with the Architect of the Capitol and the Capitol Police to ensure the appropriate rules and regulations are in place.

Mr. Speaker, I especially want to mention the diligence and dedication of the gentleman from Maryland (Mr. HOYER), who is the sponsor of this year's resolution and sponsors the resolution every year. I urge my colleagues to support H. Con. Res. 53.

Mr. Speaker, while I have the floor, I would also like to thank the chairman of the subcommittee, as well as the ranking member and all of the members of the committee, for the legislation that was just acted on concerning the police officers. As a former police officer, I want my colleagues to know that I appreciate holding this annual event every year to recognize those who have given their dedication and those who have paid the ultimate price in living their lives in the service to their communities and to this country.

So I thank the gentleman from Ohio for his leadership on both of these efforts, as well as the ranking member.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I might consume.

The last speaker, the gentleman from Illinois (Mr. COSTELLO), served as the ranking member on this subcommittee during the last Congress; and although we are pleased to have the gentlewoman from the District of Columbia (Ms. NORTON) as our new ranking member, the service that the gentleman from Illinois (Mr. COSTELLO) provided to the subcommittee was greatly appreciated by those of us on our side of the aisle; and we do miss his guidance and leadership on a number of these important resolutions. It is an honor to serve in the Congress with him.

Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

I understand that we are trying to use some time while we wait for the gentleman from Maryland (Mr. HOYER), and I will say that I have had the privilege a few years ago of attending the soap box derby in Knoxville; and I have seen firsthand the excitement and the interest and, really, the educational value that is given to many young people around the country through this nationwide program.

I have been asked to give this statement on behalf of the gentleman from Alaska (Chairman YOUNG), the chairman of the full committee, and myself. So I will say on behalf of Chairman YOUNG and really speaking, I think, for the full Committee on Transportation and Infrastructure, I rise today to offer my full support for House Concurrent Resolution 53, which authorizes the use of the Capitol grounds for the 62nd Annual Greater Washington Soap Box Derby to be held on June 21, 2003.

This event, which is open to the public and free of charge, gives young people from around the Washington, D.C. metropolitan area an opportunity to not only showcase their talents of building a vehicle that will perform at high levels, but also the opportunity to realize the rewards of a job well done. Participants will compete in three open divisions, based on their experience in building their vehicles. This event is currently one of the oldest of its kind in the country, having taken place for over 60 years. The winners of these events will go on to represent the Washington area at the national competition to be held in Akron, Ohio, later in the summer.

I would like to thank the gentleman from Maryland (Mr. HOYER) for introducing this resolution and all of my colleagues who have spoken previously and for their continued support for this very worthwhile program. I ask my colleagues to join me in supporting this worthy legislation.

Mr. DAVIS of Tennessee. Mr. Speaker, I thank all of my colleagues for the additional time.

The gentleman from Maryland (Mr. HOYER) has been detained and will not be able to speak on the bill that he is sponsoring.

Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself the balance of our time to indicate I am glad we received that announcement because I had run out of soap box derby things to talk about.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 53, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LATOURETTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

WASTEWATER TREATMENT WORKS SECURITY ACT OF 2003

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 866) to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works.

The Clerk read as follows:

H.R. 866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wastewater Treatment Works Security Act of 2003".

SEC. 2. WASTEWATER TREATMENT WORKS SECURITY.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

"SEC. 222. WASTEWATER TREATMENT WORKS SECURITY.

"(a) Grants for Vulnerability Assessments and Security Enhancements.—The Administrator may make grants to a State, municipality, or intermunicipal or interstate agency—

"(1) to conduct a vulnerability assessment of a publicly owned treatment works;

"(2) to implement security enhancements listed in subsection (c)(1) to reduce vulnerabilities identified in a vulnerability assessment; and

"(3) to implement additional security enhancements to reduce vulnerabilities identified in a vulnerability assessment.

"(b) Vulnerability Assessments.—

"(1) Definition.—In this section, the term 'vulnerability assessment' means an assessment of the vulnerability of a treatment works to actions intended to—

"(A) substantially disrupt the ability of the treatment works to safely and reliably operate; or

"(B) have a substantial adverse effect on critical infrastructure, public health or safety, or the environment.

"(2) Identification of methods to reduce vulnerabilities.—A vulnerability assessment includes identification of procedures, countermeasures, and equipment that the treatment works can implement or utilize to reduce the identified vulnerabilities.

"(3) Review.—A vulnerability assessment shall include a review of the vulnerability of the treatment works's—

"(A) facilities, systems, and devices used in the storage, treatment, recycling, or reclamation of municipal sewage or industrial wastes;

"(B) intercepting sewers, outfall sewers, sewage collection systems, and other constructed conveyances;

"(C) electronic, computer, and other automated systems;

"(D) pumping, power, and other equipment;

"(E) use, storage, and handling of various chemicals; and

"(F) operation and maintenance procedures.

"(c) Grants for Security Enhancements.—

"(1) Preapproved security enhancements.—Upon certification by an applicant that a vulnerability assessment has been completed for a treatment works and that the security enhancement for which assistance is sought is to reduce vulnerabilities of the treatment works identified in the assessment, the Administrator may make grants to the applicant under subsection (a)(2) for 1 or more of the following:

"(A) Purchase and installation of equipment for access control, intrusion prevention and delay, and detection of intruders and hazardous or dangerous substances, including—

"(i) barriers, fencing, and gates;

"(ii) security lighting and cameras;

"(iii) metal grates, wire mesh, and outfall entry barriers;

"(iv) securing of manhole covers and fill and vent pipes;

"(v) installation and re-keying of doors and locks; and

"(vi) smoke, chemical, and explosive mixture detection systems.

"(B) Security improvements to electronic, computer, or other automated systems and remote security systems, including controlling access to such systems, intrusion detection and prevention, and system backup.

"(C) Participation in training programs and the purchase of training manuals and guidance materials relating to security.

"(D) Security screening of employees or contractor support services.

"(2) Additional security enhancements.—

"(A) Grants.—The Administrator may make grants under subsection (a)(3) to an applicant for additional security enhancements not listed in paragraph (1).

"(B) Eligibility.—To be eligible for a grant under this paragraph, an applicant shall submit an application to the Administrator containing such information as the Administrator may request.

"(3) Limitations.—

"(A) Use of funds.—Grants under subsections (a)(2) and (a)(3) may not be used for personnel costs or operation or maintenance of facilities, equipment, or systems.

"(B) Disclosure of vulnerability assessment.—As a condition of applying for or receiving a grant under this section, the Administrator may not require an applicant to provide the Administrator with a copy of a vulnerability assessment.

"(d) Grant Amounts.—

"(1) Federal share.—The Federal share of the cost of activities funded by a grant under subsection (a) may not exceed 75 percent.

"(2) Maximum amount.—The total amount of grants made under subsections (a)(1) and (a)(2) for one publicly owned treatment works shall not exceed $150,000.

"(e) Technical Assistance for Small Publicly Owned Treatment Works.—

"(1) Security assessment and planning assistance.—The Administrator, in coordination the States, may provide technical guidance and assistance to small publicly owned treatment works on conducting a vulnerability assessment and implementation of security enhancements to reduce vulnerabilities identified in a vulnerability assessment. Such assistance may include technical assistance programs, training, and preliminary engineering evaluations.

"(2) Participation by nonprofit organizations.—The Administrator may make grants to nonprofit organizations to assist in accomplishing the purposes of this subsection.

"(3) Small publicly owned treatment works defined.—In this subsection, the term 'small publicly owned treatment works' means a publicly owned treatment works that services a population of fewer than 20,000 persons.

"(f) Authorization of Appropriations.—There is authorized to be appropriated to the Administrator—

"(1) $200,000,000 for making grants under subsection (a); and

"(2) $15,000,000 for providing technical assistance under subsection (e).

Such sums shall remain available until expended.".

SEC. 3. REFINEMENT OF VULNERABILITY ASSESSMENT METHODOLOGY FOR PUBLICLY OWNED TREATMENT WORKS.

(a) Grants.—The Administrator of the Environmental Protection Agency may make grants to a nonprofit organization for the improvement of vulnerability self-assessment methodologies and tools for publicly owned treatment works, including publicly owned treatment works that are part of a combined public wastewater treatment and water supply system.

(b) Eligible Activities.—Grants provided under this section may be used for developing and distributing vulnerability self-assessment methodology software upgrades, improving and enhancing critical technical and user support functions, expanding libraries of information addressing both threats and countermeasures, and implementing user training initiatives. Such services shall be provided at no cost to recipients.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $1,000,000 for each of the fiscal years 2003 through 2007. Such sums shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. Duncan) and the gentleman from Illinois (Mr. Costello) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. Duncan).

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 866, The Wastewater Treatment Works Security Act of 2003.

The terrorist attacks on September 11, 2001, made the identification and protection of critical infrastructure a national priority and taught our Nation to take a broader look at our vulnerabilities. A good deal of planning and protection of our Nation's critical infrastructure is now under way as a result of these tragic events. But only limited attention has been given to security issues associated with our Nation's wastewater treatment plants.

Sewer pipes form a vast underground network that could provide a terrorist with access to many public buildings, urban centers, private businesses, residential neighborhoods, military installations, and transportation systems. A wastewater treatment system itself could also be a target of an attack with significant public health and environmental impacts.

H.R. 866 will help communities across the country address these security concerns by authorizing, first, $200 million for grants to wastewater utilities to conduct vulnerability assessments and implement security enhancements at their facilities; secondly, $15 million for technical assistance to small wastewater facilities on security measures;

and, thirdly, $5 million for the further development and refinement of vulnerability self-assessment methodologies and tools for use by wastewater facilities.

These authorizations are designed to help wastewater treatment utilities take immediate and very necessary steps to improve security at their facilities and to fill a remaining major security gap within our Nation's critical infrastructure.

These authorizations do not create a new, ongoing infrastructure assistance program or create any new Federal mandates. The Association of Metropolitan sewerage agencies and the National Rural Water Association strongly support this legislation, as do utilities from cities throughout the Nation.

This is the same bill the House passed by voice vote in the last Congress. Unfortunately, the Senate failed to act on it.

I urge all Members to support this very important and very bipartisan bill to improve our Nation's security.

Mr. Speaker, I reserve the balance of my time.

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Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 866, the Wastewater Treatment Work Security Act of 2003. This legislation, which is virtually the same as legislation that was approved by the 107th Congress by voice vote, would authorize $200 million in grants from the Environmental Protection Agency to State and local governmental entities to conduct vulnerability assessments of wastewater treatment facilities and to take steps to reduce identified vulnerabilities.

This legislation is similar to the approach taken for the vulnerability assessments of drinking water facilities in the bioterrorism legislation that was signed into law.

Mr. Speaker, in the wake of September 11 we have learned that the Nation's wastewater treatment plants are potentially vulnerable to terrorist attacks. While most plants have treatment redundancies, many plants have single points of failure, where two or more pipes feed into a common interceptor or have a large common pumping station serving the entire system.

Significant damage to one or more of the Nation's largest wastewater treatment plants or pumping stations would not only cause disruption to the normal community way of life, it would have serious environmental consequences.

While the largest impact might not be the loss of life, the discharge of millions and perhaps billions of gallons of raw sewage into the Nation's rivers and lakes would result in catastrophic environmental damage to the ecosystem and recreational economies, destroy commercial fish and shellfish industries, contaminate drinking water supplies, and lead to long-term public health problems.

In order to alleviate these concerns, under H.R. 866 the EPA would be authorized to provide grants for three purposes: One, to conduct vulnerability assessments at publicly owned treatment works; two, to implement certain preapproved security enhancements that have been identified in vulnerability assessment; and, three, to implement any other security enhancement measures identified in a vulnerability assessment.

This legislation would also authorize $15 million to provide technical assistance to small communities, those serving fewer than 20,000 individuals, and $1 million annually for 5 years for development and dissemination of computer software to aid in vulnerability assessment.

Finally, Mr. Speaker, the funding provisions for vulnerability assessments and security enhancements contained in this legislation have been drafted as an amendment to the Clean Water Act with the intent of ensuring that the Davis-Bacon Act would apply to any federally funded work that meets the definition of construction.

This approach was confirmed through staff conversations with representative of the Environmental Protection Agency in the 107th Congress.

Mr. Speaker, I urge my colleagues to support this legislation. I urge passage of this legislation and commend the chairman of the committee for his leadership on this bill.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Illinois (Mr. COSTELLO) for his work on this legislation. The ranking member, as he said, is a very good friend of mine and he is a pleasure to work with on this subcommittee.

This bill, as I mentioned in my first statement, is strongly supported by wastewater utility systems all over the entire Nation. This Nation has 16,000 wastewater utility systems. These grants would probably be most applicable to the 2,000 larger utilities. There is a $150,000 cap per grant in this legislation and that is so a small handful of cities cannot gobble up all of this money and so it will be spread very effectively throughout the Nation to do this very important security work.

This bill provides for 75 percent Federal share of this money and then, of course, there would be a local participation for the remainder of the amount, and the total authorization of the bill, as both I and the gentleman from Illinois (Mr. COSTELLO) have noted, is $220 million, $15 million of which would go for technical assistance to the smaller utilities.

We have written this legislation so that there is no Davis-Bacon issue or any other controversial issue, and I think this legislation has strong and broad bipartisan support, strong support from both sides of the aisle. It is cosponsored both by the gentleman from Alaska (Mr. YOUNG) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) and myself and the gentleman from Illinois (Mr. COSTELLO). I think it is a measure that deserves and can justify and merit the support of all Members of this body.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong support of H.R. 866, "The Wastewater Treatment Works Security Act of 2003." Our nation's wastewater infrastructure consists of: 16,000 publicly owned wastewater treatment plants, 100,000 major pumping stations, 600,000 miles of sanitary sewers, and 200,000 miles of storm sewers. Taken together, our wastewater infrastructure has a total value of more than $2 trillion.

Significant damage to our nation's wastewater facilities could result in loss of life, catastrophic environmental damage, contamination of drinking water supplies, long term public health impacts, destruction of fish and shellfish production, and disruption to commerce, the economy, and our nation's way of life.

We need to protect our investment in our wastewater infrastructure and be sure it is not used to harm our people, property, or the environment.

H.R. 866 is aimed at filling a remaining major security gap involving our nation's critical infrastructure:

H.R. 866 provides for assistance to wastewater utilities by authorizing critical resources they need to conduct vulnerability assessments and implement security enhancements at their facilities.

H.R. 866 also provides for technical assistance directed to small communities on enhancing security at their wastewater plants.

For these reasons, I urge all members to support this bill.

Mr. DUNCAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 866.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DUNCAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RAIL PASSENGER DISASTER FAMILY ASSISTANCE ACT OF 2003

Mr. QUINN. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 874) to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents.

The Clerk read as follows:

H.R. 874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Rail Passenger Disaster Family Assistance Act of 2003”.

SEC. 2. ASSISTANCE BY NATIONAL TRANSPORTATION SAFETY BOARD TO FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) In General.—Subchapter III of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

“§1138. Assistance to families of passengers involved in rail passenger accidents

“(a) In General.—As soon as practicable after being notified of a rail passenger accident within the United States involving a rail passenger carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall—

“(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the rail passenger carrier and the families; and

“(2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

“(b) Responsibilities of the Board.—The Board shall have primary Federal responsibility for—

“(1) facilitating the recovery and identification of fatally injured passengers involved in an accident described in subsection (a); and

“(2) communicating with the families of passengers involved in the accident as to the roles of—

“(A) the organization designated for an accident under subsection (a)(2);

“(B) Government agencies; and

“(C) the rail passenger carrier involved,

with respect to the accident and the post-accident activities.

“(c) Responsibilities of Designated Organization.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

“(1) To provide mental health and counseling services, in coordination with the disaster response team of the rail passenger carrier involved.

“(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

“(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

“(4) To arrange a suitable memorial service, in consultation with the families.

“(d) Passenger Lists.—

“(1) Requests for passenger lists.—

“(A) Requests by director of family support services.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the rail passenger carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the rail passenger carrier's train involved in the accident. A rail passenger carrier shall use reasonable efforts, with respect to its unreserved trains, and passengers not holding reservations on its other trains, to ascertain the names of passengers aboard a train involved in an accident.

“(B) Requests by designated organization.—The organization designated for an accident under subsection (a)(2) may request from the rail passenger carrier involved in the accident a list described in subparagraph (A).

“(2) Use of information.—The director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.

“(e) Continuing Responsibilities of the Board.—In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident—

“(1) are briefed, prior to any public briefing, about the accident and any other findings from the investigation; and

“(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

“(f) Use of Rail Passenger Carrier Resources.—To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the rail passenger carrier involved in the accident to facilitate the reasonable use of the resources of the carrier.

“(g) Prohibited Actions.—

“(1) Actions to impede the board.—No person (including a State or political subdivision) may impede the ability of the Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.

“(2) Unsolicited communications.—No unsolicited communication concerning a potential action for personal injury or wrongful death may be made by an attorney (including any associate, agent, employee, or other representative of an attorney) or any potential party to the litigation to an individual (other than an employee of the rail passenger carrier) injured in the accident, or to a relative of an individual involved in the accident, before the 45th day following the date of the accident.

“(3) Prohibition on actions to prevent mental health and counseling services.—No State or political subdivision may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.

“(h) Definitions.—In this section, the following definitions apply:

“(1) Rail passenger accident.—The term ‘rail passenger accident’ means any rail passenger disaster occurring in the provision of—

“(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

“(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

regardless of its cause or suspected cause.

“(2) Rail passenger carrier.—The term ‘rail passenger carrier’ means a rail carrier providing—

“(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

“(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

except that such term shall not include a tourist, historic, scenic, or excursion rail carrier.

“(3) Passenger.—The term ‘passenger’ includes—

“(A) an employee of a rail passenger carrier aboard a train;

“(B) any other person aboard the train without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the rail transportation; and

“(C) any other person injured or killed in the accident.

“(i) Limitation on Statutory Construction.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.

“(j) Relinquishment of Investigative Priority.—

“(1) General rule.—This section (other than subsection (g)) shall not apply to a railroad accident if the Board has relinquished investigative priority under section 1131(a)(2)(B) and the Federal agency to which the Board relinquished investigative priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident.

“(2) Board assistance.—If this section does not apply to a railroad accident because the Board has relinquished investigative priority with respect to the accident, the Board shall assist, to the maximum extent possible, the agency to which the Board has relinquished investigative priority in assisting families with respect to the accident.”.

(b) Conforming Amendment.—The table of sections for such chapter is amended by inserting after the item relating to section 1137 the following:

“1138. Assistance to families of passengers involved in rail passenger accidents.”.

SEC. 3. RAIL PASSENGER CARRIER PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Part C of subtitle V of title 49, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 251—FAMILY ASSISTANCE

"Sec.

"25101. Plans to address needs of families of passengers involved in rail passenger accidents.

"§ 25101. Plans to address needs of families of passengers involved in rail passenger accidents

"(a) SUBMISSION OF PLANS.—Not later than 6 months after the date of the enactment of this section, each rail passenger carrier shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving a train of the rail passenger carrier and resulting in a major loss of life.

"(b) CONTENTS OF PLANS.—A plan to be submitted by a rail passenger carrier under subsection (a) shall include, at a minimum, the following:

"(1) A plan for publicizing a reliable, toll-free telephone number, and for providing staff, to handle calls from the families of the passengers.

"(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1138(a)(2) of this title or the services of other suitably trained individuals.

"(3) An assurance that the notice described in paragraph (2) will be provided to the family of a passenger as soon as the rail passenger carrier has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified) and, to the extent practicable, in person.

"(4) An assurance that the rail passenger carrier will provide to the director of family support services designated for the accident under section 1138(a)(1) of this title, and to the organization designated for the accident under section 1138(a)(2) of this title, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for the rail passenger carrier to use reasonable efforts to ascertain the names of passengers aboard a train involved in an accident.

"(5) An assurance that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within the control of the rail passenger carrier.

"(6) An assurance that if requested by the family of a passenger, any possession of the passenger within the control of the rail passenger carrier (regardless of its condition) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

"(7) An assurance that any unclaimed possession of a passenger within the control of the rail passenger carrier will be retained by the rail passenger carrier for at least 18 months.

"(8) An assurance that the family of each passenger or other person killed in the accident will be consulted about construction by the rail passenger carrier of any monument to the passengers, including any inscription on the monument.

"(9) An assurance that the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(10) An assurance that the rail passenger carrier will work with any organization designated under section 1138(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.

"(11) An assurance that the rail passenger carrier will provide reasonable compensation to any organization designated under section 1138(a)(2) of this title for services provided by the organization.

"(12) An assurance that the rail passenger carrier will assist the family of a passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

"(13) An assurance that the rail passenger carrier will commit sufficient resources to carry out the plan.

"(14) An assurance that the rail passenger carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

"(15) An assurance that, upon request of the family of a passenger, the rail passenger carrier will inform the family of whether the passenger's name appeared on any preliminary passenger manifest for the train involved in the accident.

"(c) LIMITATION ON LIABILITY.—A rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the rail passenger carrier in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by the rail passenger carrier under subsection (b), unless such liability was caused by conduct of the rail passenger carrier which was grossly negligent or which constituted intentional misconduct.

"(d) DEFINITIONS.—In this section—

"(1) the terms 'rail passenger accident' and 'rail passenger carrier' have the meanings such terms have in section 1138 of this title; and

"(2) the term 'passenger' means a person aboard a rail passenger carrier's train that is involved in a rail passenger accident.

"(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.".

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle V of title 49, United States Code, is amended by adding after the item relating to chapter 249 the following new item:

"251. FAMILY ASSISTANCE .... 25101".

SEC. 4. ESTABLISHMENT OF TASK FORCE.

(a) ESTABLISHMENT.—The Secretary of Transportation, in cooperation with the National Transportation Safety Board, organizations potentially designated under section 1138(a)(2) of title 49, United States Code, rail passenger carriers, and families which have been involved in rail accidents, shall establish a task force consisting of representatives of such entities and families, representatives of passenger rail carrier employees, and representatives of such other entities as the Secretary considers appropriate.

(b) MODEL PLAN AND RECOMMENDATIONS.—The task force established pursuant to subsection (a) shall develop—

(1) a model plan to assist passenger rail carriers in responding to passenger rail accidents;

(2) recommendations on methods to improve the timeliness of the notification provided by passenger rail carriers to the families of passengers involved in a passenger rail accident;

(3) recommendations on methods to ensure that the families of passengers involved in a passenger rail accident who are not citizens of the United States receive appropriate assistance; and

(4) recommendations on methods to ensure that emergency services personnel have as immediate and accurate a count of the number of passengers onboard the train as possible.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the model plan and recommendations developed by the task force under subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. QUINN) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. QUINN).

Mr. QUINN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Rail Passenger Disaster Family Assistance Act is a compassionate piece of legislation that deserves to be enacted into law. It has been crafted with the families of rail accident victims in mind.

Members may recall that several years ago after some egregious airplane crashes, the families of the victims of those crashes were poorly treated by the carriers, in some cases the media, and sometimes lawyers. Congress responded in 1996 asking the National Transportation Safety Board to take on an additional role.

At that time we enacted an aviation law that placed the NTSB and a suitable private charitable organization in charge of coordinating the efforts to protect the privacy of crash victims' families and to ensure that they receive the most current information possible from the carrier.

The NTSB has a well-deserved reputation for thoroughness and impartiality in its investigations and in its accident reports. The board's careful work and thoughtful recommendations have contributed significantly to the safety of the traveling public on our highways, our railroads and airways. By all accounts the NTSB has been equally successful in this new task of helping families cope with the devastating loss of a loved one. Based on this success, the gentleman from Alaska (Mr. YOUNG), the gentleman from

Minnesota (Mr. OBERSTAR), the ranking member, the gentlewoman from Florida (Ms. CORRINE BROWN), Subcommittee on Railroads ranking member, and myself have introduced H.R. 874, a bill to ensure the same compassionate treatment for families of railroad accident victims.

This bill essentially mirrors the aviation law, mandating that the NTSB serve a similar role and including the recommended updates.

The bill also includes one feature suggested by the NTSB itself. That new feature is a one-year task force composed of the DOT, the NTSB, charitable organizations and family members of passenger rail accident victims. This task force, when put in place, will examine and report back to the Congress on how to improve the information flow after an accident has happened and how to make family assistance work better in the future.

Our point here, Mr. Speaker, is that after the incident happens we want to continue communication to make certain we do an even better job should a tragic accident occur in the future.

Although versions of this bill passed overwhelmingly in the House during the last Congress, the Senate has yet to act. Thankfully the Rail Passenger Disaster Family Assistance Act is back on the suspension calendar today in our session. I strongly support H.R. 874 and urge its approval by the whole House this afternoon.

Mr. Speaker, I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this legislation.

I ask unanimous consent that the balance of time on our side be controlled by gentlewoman from Florida (Ms. CORRINE BROWN).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Florida (Ms. CORRINE BROWN) will control the balance of the time.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by thanking the gentleman from New York (Mr. QUINN), the gentleman from Alaska (Mr. YOUNG), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) for all of their efforts to bring this bill to the House floor.

This will be our fourth effort to enact this legislation. Each time it has passed the House, only to die from inaction by the other body. I hope that the fourth time is the charm.

Mr. Speaker, it is difficult to believe that this bill has not been passed by both Houses and signed into law by the President years ago. The bill simply provides intercity rail passengers and their families the same basic assistance and protection that we provide airline passengers and their families.

In the event of a serious accident involving major loss of life, the bill provides that the National Transportation Safety Board provide assistance to the families of the victims. By designating an NTSB employee to be responsible for facilitating and recovering and identification of those killed in the accident, and by designating an independent agency like the Red Cross as primarily responsible for communication with the family members of the victims, we ensure that these delicate tasks are performed by professionals trained to respond to transportation tragedies.

The bill spells out the specific details of what is expected from the NTSB, the independent relief agency, and the railroads, all with the purpose of getting information to the family members as quickly as possible and providing compassionate care for those who have lost loved ones.

Mr. Speaker, these services and protections have been available for airline accident victims and their families since 1996. It is time we treated railroad passengers and their families with the same respect and compassion. I urge all of my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. QUINN. Mr. Speaker, I yield myself such time as I may consume.

I would only like to mention and thank the ranking member, my partner on the Subcommittee on Railroads, the gentlewoman from Florida (Ms. CORRINE BROWN), for her great work. As usual, the Committee on Transportation and Infrastructure and our subcommittee comes up with great bipartisan legislation and this morning is another example of that.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of this well crafted bipartisan bill. The Committee on Transportation and Infrastructure produced the current aviation law, and subsequent updates, that protects survivors and families of accident victims against ill-treatment after major airline accidents. Today, we are considering a closely parallel measure that would offer the same protections in the wake of any major railroad passenger train accident.

The successful record of the Aviation Family Assistance Law since its enactment in 1996, and the strong track record of the National Transportation Safety Board in administering that law, make me highly confident that this bill, once enacted, will be just as successful.

Fortunately, there have been only a handful of rail passenger accidents involving fatalities in the last several years. Just as with aviation, we hope there are none. But it is only prudent to have in place common sense procedures that can be put into play by the NTSB and the other organizations with which it works, if a major accident happens.

This measure is a completely bipartisan product. With the exception of some technical updates, it is essentially the same legislation that the House has overwhelmingly approved in two previous Congress'. This time, we hope the other body will act, which it has failed to do in the past. But we need to get the process moving now, to get these much needed procedures in place.

I strongly urge approval of this well crafted bipartisan legislation.

Mr. QUINN. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. QUINN) that the House suspend the rules and pass the bill, H.R. 874.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. QUINN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. QUINN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the following bills: H.R. 874, H.R. 866, H. Con. Res. 53 and H. Con. Res. 96.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1130

TERMINATION OF EMERGENCY WITH RESPECT TO THE ACTIONS AND POLICIES OF UNITA AND REVOCATION OF RELATED EXECUTIVE ORDERS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–69)

The SPEAKER pro tempore (Mr. BASS) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Pursuant to section 202 of the International Emergency Economic Powers Act, 50 U.S.C. 1622, I hereby report that I have issued an Executive Order (the "Order"), that terminates the national emergency described and declared in Executive Order 12865 of September 26, 1993, with respect to the actions and policies of the National Union for the

Total Independence of Angola (UNITA) and revokes that order, Executive Order 13069 of December 12, 1997, and Executive Order 13098 of August 18, 1998.

The Order will have the effect of lifting the sanctions imposed on UNITA in Executive Orders 12865, 13069, and 13098. These trade and financial sanctions were imposed to support international efforts to force UNITA to abandon armed conflict and return to the peace process outlined in the Lusaka Protocol, as reflected in United Nations Security Council Resolutions 864 (1993), 1127 (1997), and 1173 (1998).

The death of UNITA leader Jonas Savimbi in February 2002 enabled the Angolan government and UNITA to sign the Luena Memorandum of Understanding on April 4, 2002. This agreement established an immediate ceasefire and called for UNITA's return to the peace process laid out in the 1994 Lusaka Protocol. In accordance therewith, UNITA quartered all its military personnel in established reception areas and handed its remaining arms over to the Angolan government. In September 2002, the Angolan government and UNITA reestablished the Lusaka Protocol's Joint Commission to resolve outstanding political issues. On November 21, 2002, the Angolan government and UNITA declared the provisions of the Lusaka Protocol fully implemented and called for the lifting of sanctions on UNITA imposed by the United Nations Security Council.

With the successful implementation of the Lusaka Protocol and the demilitarization of UNITA, the circumstances that led to the declaration of a national emergency on September 26, 1993, have been resolved. The actions and policies of UNITA no longer pose an unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolution 1448 (2002) lifted the measures imposed pursuant to prior U.N. Security Council resolutions related to UNITA. The continuation of sanctions imposed by Executive Orders 12865, 13069, and 13098 would have a prejudicial effect on the development of UNITA as an opposition political party, and therefore, on democratization in Angola. For these reasons, I have determined that it is necessary to terminate the national emergency with respect to UNITA and to lift the sanctions that have been used to apply economic pressure on UNITA.

I am enclosing a copy of the Executive Order I have issued. This Order is effective at 12:01 a.m. eastern daylight time on May 7, 2003.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 6, 2003.*

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT PUBLIC SERVICE EMPLOYEES SHOULD BE COMMENDED FOR THEIR DEDICATION AND SERVICE TO THE NATION

Mr. MURPHY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 213) expressing the sense of the House of Representatives that public service employees should be commended for their dedication and service to the Nation during Public Service Recognition Week.

The Clerk read as follows:

H. RES. 213

Whereas Public Service Recognition Week provides an opportunity to honor and celebrate the commitment of individuals who meet the needs of the Nation through work at all levels of government;

Whereas over 20,000,000 men and women work in government service in every city, county, and State across the Nation and in hundreds of locations abroad;

Whereas Federal, State, and local officials perform essential services that the Nation relies upon every day;

Whereas the United States is a great and prosperous nation, and public service employees have contributed significantly to its greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public service employees—

(1) help the Nation recover from natural disasters and terrorist attacks,

(2) fight fires and crime,

(3) deliver the mail,

(4) teach and work in our public schools,

(5) deliver Social Security and Medicare benefits,

(6) fight disease and promote better health,

(7) protect the environment and our national parks,

(8) defend and secure critical infrastructure,

(9) improve and secure transportation and the quality and safety of our food and water,

(10) build and maintain our roads and bridges,

(11) provide vital strategic and support functions to our military personnel,

(12) keep the Nation's economy stable,

(13) defend our freedom, and

(14) advance our Nation's interests around the world;

Whereas public service employees at the Federal, State, and local level are our first line of defense in maintaining homeland security; .

Whereas public service employees at every level of government are hardworking individuals who are committed to doing a good job, regardless of the circumstances;

Whereas Federal, State, and local government employees have risen to the occasion and demonstrated professionalism, dedication, and courage while fighting the war against terrorism;

Whereas the men and women serving in the Armed Forces of the United States, as well as those Federal employees who provide support for their efforts, contribute greatly to the security of the Nation and of the world;

Whereas May 5 through 11, 2003, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week will be celebrated through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends America's Federal, State, and local government employees for their outstanding contributions to our country;

(2) salutes this Nation's public service employees for their unwavering dedication and spirit;

(3) honors those public service employees who have laid down their lives in service to this Nation;

(4) calls upon a new generation of workers to consider a career in public service; and

(5) encourages efforts to promote public service careers at all levels of government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. MURPHY) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY).

GENERAL LEAVE

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MURPHY. Mr. Speaker, I yield myself as much time as I may consume.

The gentleman from Illinois (Mr. DAVIS), my distinguished colleague and ranking member of the Subcommittee on Civil Service and Agency Reorganization, has introduced House Resolution 213, and I am pleased to join with him today in support. This legislation expresses the sense of the House of Representatives that public service employees should be commended for their dedication and service to the Nation during Public Service Recognition Week.

Mr. Speaker, I rise today on behalf of all my colleagues in expressing the House's tremendous gratitude and appreciation for their fine men and women who serve our Nation as government employees. Truly no profession is more critical to our Nation's basic operation than the public service.

This is a very important week that offers the more than 20 million public employees a chance to educate all Americans about the countless ways in which government makes life better for all of us, from our Nation's postal employees who deliver the mail to our educators who teach our children and from our law enforcement officials who protect us to our emergency responders who quickly and thoroughly react to disasters. Government employees serve each and every American in countless capacities each day. Their essential sacrifices comprise the backbone of American society.

Today, this House salutes those men and women who work hard every day to make America great. In addition, I have letters from both the President and the Secretary of the Department of Defense expressing their appreciation for the work of civil servants and I will include them in the RECORD at this point.

THE WHITE HOUSE,
Washington, April 4, 2003.

I send greetings to those celebrating Public Service Recognition Week.

Public service is vital to the American character. Americans realize that giving something back to our communities strengthens our country and fulfills our obligation to serve a greater cause. Our Nation is deeply indebted to the men and women who devote themselves to public service through their careers.

Every day across America, government employees at the Federal, State, and local levels carry out countless responsibilities that help protect our homeland, maintain critical services, ensure economic growth, and strengthen our national security. With the creation of the Department of Homeland Security, more than 170,000 dedicated public servants are now tasked with the overriding mission of protecting their fellow Americans from terrorism. These individuals serve our citizens and help make our government more efficient and effective.

Over the last two years, my Administration has taken significant action to encourage public service and civic engagement. Americans have responded with an outpouring of kindness and volunteer service that is transforming our Nation, one heart, one soul at a time. Through the USA Freedom Corps, we continue to mobilize our citizens and provide opportunities for individuals to improve their communities by serving in local schools, libraries, police and fire departments, places of worship, and hospitals. We are grateful for these dedicated citizens and for all public servants who touch lives, inspire others, and help us realize the promise and potential of our great Nation.

Laura joins me in sending our best wishes for a wonderful week.

GEORGE W. BUSH.

THE SECRETARY OF DEFENSE,
THE PENTAGON,
Washington, DC, February 26, 2002.

Subject: Public Service Recognition Week—2002.

Since the September 11th attacks on the Pentagon and World Trade Centers, Americans have had fresh reminders of the importance of public service. Many public servants sacrificed their lives on that day and since in the war on terrorism. Public Service Recognition Week (PSRW) provides an opportunity to highlight the value of public service and a time to honor the accomplishments of the people, both civilians and military, who serve America at all levels of government.

This year, the week of May 6-12, 2002, has been set aside as Public Service Recognition Week. Public observances are planned Nationwide and large-scale displays depicting missions of most Executive Branch agencies will be exhibited on the national Mall in Washington, D.C. The Military Departments and many key Defense Agencies plan to participate.

We are proud of the role played by the Defense Department and are delighted to showcase our national security responsibility.

DONALD RUMSFELD.

Mr. Speaker, House Resolution 213 rightly honors public service employees for their essential service to our great Nation. I hope this resolution will help to encourage a new generation of young Americans to consider entering into a noble career in the public service, and for these reasons I urge all Members to support the adoption of this important resolution.

Again, I thank my distinguished colleague from Illinois for introducing the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I would like to thank the gentleman from Virginia (Mr. TOM DAVIS), the chairman, and the gentleman from California (Mr. WAXMAN), the ranking member, for not only cosponsoring this resolution but also for expediting its movement to the floor. I also want to thank the Speaker, Speaker's office, and I want to thank the gentlewoman from Virginia (Mrs. JO ANN DAVIS) for the work that she does on the Subcommittee on Civil Service and Agency Reorganization but also in helping to make sure that this legislation reached the floor in time for its presentation today. I am pleased to join with the gentleman from Pennsylvania and I appreciate his remarks.

Public Service Recognition Week, which has been celebrated the first Monday through Sunday in May since 1985, is an opportunity for us to honor and celebrate the commitment of government employees. Public Service Recognition Week offers all Americans, especially young people, the opportunity to learn and get excited about a career in public service. It also provides the opportunity to thank those who serve us daily for their efforts.

I believe that public service should be valued and respected by all Americans. When we think of public service, we think of people in the Armed Services who protect us, people in law enforcement, people who help the Nation recover from natural disasters, who fight fires and crime, deliver the mail, teach and work in our public schools, deliver Social Security and Medicare benefits, fight disease and promote better health, protect the environment and our national parks, defend and secure critical infrastructure, improve and secure transportation and the quality of safety of our food and water, build and maintain our roads and bridges, provide vital strategic and support functions to our military personnel, keep the Nation's economy stable, defend the freedom and advance the Nation's interests around the world.

There has been some conversation lately about interests in public service declining, and I would hope that as young people decide upon their careers, as they decide what it is that they would like to do that they would take a good look at the opportunity to serve not only themselves but to also serve their fellow citizens. So I would encourage them to look at public careers as a way of leading meaningful and productive lives. It is a great opportunity to be of service.

I belong to an organization that says he who would be first of all would be servant of all, and when we serve the public we are at the peak of service.

Mr. MURPHY. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she might consume to the gentlewoman from the District of Columbia (Ms. NORTON), who herself has a tremendous record of public service in this country.

Ms. NORTON. Mr. Speaker, I want to thank the gentleman not only for yielding but for his very astute service as ranking member of the Subcommittee on Civil Service and Agency Reorganization and his leadership on that subcommittee and on the Committee on Government Reform.

I also want to thank my good friends the gentleman from Virginia (Mr. TOM DAVIS), the chairman, and the gentleman from California (Mr. WAXMAN), the ranking member, for bringing this resolution forward, but Mr. Speaker, I am sure when they originally decided to bring it forward they did not have in mind what is about to transpire in the Committee on Government Reform.

How perfectly ironic that we would be celebrating Public Service Recognition Week this week to honor Federal employees when tomorrow the Committee on Government Reform is about to mark up a bill that would strip one-third of the Federal workforce of essentially all of their civil service and collective bargaining rights. Let us have a big celebration for Public Service Week.

This bill that is before us, on not a fast track but on a jet plane for reasons that have yet to be revealed to us because we have not been given a reason for the rush, goes well beyond the homeland security bill that was so terribly controversial in this House and in the Senate, and let me document what I am saying.

The bill that will be before us tomorrow sweeps away most of the rights of the civilian employees of the Department of Defense. Pay for performance would immediately come into now the entire workforce, but no system for measuring performance is in place, according to the GAO, which has said slow this train down.

The Department of Defense employees would be exempt from these executive bargaining rights that are applicable to other agencies.

☐ 1145

Mr. Speaker, they are already exempt because the employee representatives testified that they had not been consulted, they simply were called in and told what was going to happen. Consultation as is now required under the law has not taken place. They are already exempt from the collective bargaining rights of the rest of the government.

No appeal or due process rights when you are suspended or demoted, no right to file a sex or race discrimination complaint before the Equal Employment Opportunity Commission.

Mr. Speaker, I am a former Chair of that commission, and the notion that the Congress would ever exempt its own workforce from race and sex discrimination claims is almost unbelievable, but that is what this bill does.

For reductions in workforce, there would be no need to base them on length of service or on efficiency while you were on the job or on performance. What does that leave, Mr. Speaker? It does leave race and sex since an employee cannot file a complaint at the EEOC. One could file a complaint with their agency, but we know what that means. AT&T has discriminated against me; I will file with AT&T. DOD has discriminated against me; and I will file with DOD, and no right for an independent review of what is found. That is what this bill would do, and a lot more that I do not have time to explain.

Worse, just as we see homeland security spread now to DOD, they mean to spread what has happened in DOD to the rest of the workforce. Except as it spread from homeland security, it got worse than it was in homeland security. So what is the rest of the workforce to expect now?

I want to make it clear that many of us on the Committee on Government Reform were relieved to hear that DOD was finally going to reform itself, particularly after 9/11. Many of us believed that DOD needed a lot of reform before 9/11; but after 9/11, it is imperative and indispensable. The notion that reform means sweeping away the rights of the employees is an oxymoron. There may be greater efficiencies; I believe there are with respect to all of these matters. But the notion of waiving them or sweeping them away in a couple of weeks with no scrutiny is simply unthinkable.

The bill stunned the Committee on Government Reform on both sides of the aisle. It stunned even the Committee on Armed Services, but they are under huge pressure to pass this bill.

Mr. Speaker, I have come to the floor of course to congratulate the employees who have shown how important they are to us, particularly since 9/11 made us understand what perhaps we should have understood all along, but it will not do to celebrate their service while sweeping away their rights.

I implore every Member of the House because most Members have civil servants in their districts to closely look at this bill and help us slow down the jet plane that is flying away with the rights of Federal employees even as we celebrate their service this week.

Mr. MURPHY. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Mr. Speaker, I rise today to honor all of the hard work of civil servants during the Public Service Recognition Week.

As a former Baltimore County executive, I had an opportunity to work directly with men and women who serve on the local government level. Their commitment to excellence continues to be a great source of inspiration. Public service employees have contributed significantly to American greatness and prosperity. It is with pleasure that I support a resolution commending public servants, especially our Federal workforce, for their dedication and continued service to our Nation.

Public Service Recognition Week represents an opportunity for us to honor and celebrate the commitment of individuals who serve the needs of the Nation through work at all levels of government. It is also a time to call on a new generation to consider public service. Public service civilian employees are critical in demonstrating that the government workforce is a valued component to our country and to our national security. Thanks to all those who serve at the local, State, and Federal level.

Mr. MURPHY. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for all of his fine work in protecting and enhancing the Federal civil service.

I am glad we have an opportunity to recognize the value of public service. Normally, these resolutions come and go and nobody pays much attention to them, but there is a particular benefit to having this opportunity right now, as the distinguished representative, the gentlewoman from the District of Columbia (Ms. NORTON), explained earlier.

This is a pivotal time in the history of the Federal workforce. It is a time when half of that Federal workforce will be eligible to retire within the next 3 to 5 years. Of the 2.7 million people, half of them may retire. Many people will say, so what. Well, for those who are going to be so blasé about the importance of the Federal workforce, then I would ask them to look at some of the other civil services throughout the world.

They will not find any other civil service that is as incorruptible, that is as productive, that is as responsible, as the Federal workforce. They are not perfect, but the vast majority of them went into the Federal civil service because they wanted to make other people's lives better, and they remain dedicated to that purpose.

But when most of them joined the civil service, it was held in highest esteem. In the 1960s, three-quarters of high school graduates said they thought it would be honorable to work in public service. Now it is about one out of 5. We have diminished the value and the prestige of the Federal civil service, but they have not diminished their output or their commitment.

But this, as I say, is a pivotal time because instead of trying to attract and retain the best people into civil service, what we have done is to come up with disincentives. The Congress has to fight every year to get a pay raise, even equal to the current very low rate of inflation. We have fought to protect civil servants' ability to collectively bargain, to maintain their health benefits, affordable health insurance; and now as the gentlewoman from the District of Columbia (Ms. NORTON) mentioned, we have perhaps the biggest struggle: about a third of the Federal workforce, those who work for the Department of Defense, may lose their civil service protections.

The Pentagon's desire is to contract them out. In fact, nearly half a million people, 425,000, are targeted throughout the Federal government to have their job contracted out to the private sector. In some cases that is appropriate; but in many cases it is not, and we are not going to find the kind of dedication to public service, even professionalism and willingness to accept in most cases less pay to be able to serve the public.

We find that on average the difference for performing the same function between the private sector and the Federal sector is 32 percent. It is a smaller disparity on the part of lower-paid employees. As we move into management, the gap is wider. In terms of skilled professionals, the gap is widest.

I think we are in danger of losing something that this country has taken for granted. We need to reward Federal civil servants. We need to protect their benefits and enable them to collectively bargain, and in fact take every opportunity, such as this resolution presents us with, to say thank you, Federal civil servants, thank you for making this the strongest, most cohesive, most stable government in the history of mankind. We are proud of you. We want you to stay, we want you to maintain your commitment, and we want you to know that we appreciate what you do.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. CUMMINGS), the former ranking member of the Subcommittee on Civil Service.

Mr. CUMMINGS. Mr. Speaker, I rise today to ask all of my colleagues to support this resolution that honors the more than 20 million Federal, State, and local government employees for their outstanding contributions to our country.

H. Res. 213 salutes policemen, firefighters, postal workers, public school teachers and administrators, and those who work at government agencies for their steadfast dedication. Likewise, the resolution honors our men and women in the armed service who have died in service to our great Nation.

With the attraction of higher salaries and competitive benefit packages, it is not surprising that Federal, State, and local governments are finding it difficult to keep a talented workforce. It is imperative that efforts to recruit recent college graduates and promote training opportunities for current employees are fostered. Public service work can sometimes be difficult; but regardless of the circumstances, these hardworking individuals are committed to doing excellent work and to making a major difference.

The theme for the 2003 Public Service Recognition Week celebration is "Celebrating government workers nationwide." Ironically, this week, instead of celebrating government workers nationwide, the Committee on Government Reform is scheduled to push through a Department of Defense proposal later today that creates a new personnel system and could have far-reaching implications to Federal employees not only with DOD, but at other agencies.

The proposal and others like it must be carefully weighed with consultation by all affected parties, including organizations that represent employees. Again, I encourage all Members of the House to support H. Res. 213. It has been said that service to others is the rent you pay for the room you occupy on Earth.

Mr. Speaker, I thank the millions of Americans who have chosen public service careers. Their service makes life better, and their service brings life to life.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I thank all Members who have spoken, and I thank the gentleman from Pennsylvania. In closing, let me just suggest that we have heard some of the issues surrounding continuation of the civil service. We have heard some of the problems and complexities of working for government. We have heard about some things that we must do if we are to retain the type of workforce that we desire to have.

I want to thank all of those who continue to work, who continue to make our civil service the very best in the country, who each and every day give of themselves for the benefit of others. Again, I thank the gentleman from Pennsylvania (Mr. MURPHY).

Mr. Speaker, I yield back the balance of my time.

□ 1200

Mr. MURPHY. Mr. Speaker, I yield myself such time as I may consume.

I have no other speakers, but I would like to make a brief comment to include and certainly urge all Members to support this resolution. But as the distinguished gentleman from Illinois (Mr. DAVIS) has said and others have supported, we owe a great deal to our civil servants throughout this Nation in all walks of life. They have helped our Nation in times of trouble and they keep our Nation running smoothly when there are good times. We are grateful for all they do. We want to continue to work to revise and update and work with them to make sure that a government that needs to be fluid and dynamic and adapt to the needs of the time can do so and look forward to their continued input as we support them, as we see what their needs are, as we see what the Nation's needs are in the future.

Again, I thank the gentleman from Illinois for introducing this important legislation.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in strong support of H. Res. 213, which expresses the sense of the House that public service employees should be commended for their dedication and service to the Nation during Public Service Recognition Week.

There was a time when we were taught that "public service is a public trust." That is true, but it is something more as well. In the aftermath of September 11, it is clear that public service is the bedrock of our Republic. Public sector employees, who have always been vital to the efficient, effective running of the government, now find themselves at the heart of our war on terrorism. It is the job they do that not only improves our quality of life, but also keeps us safe from those who would do us harm.

It is fitting that we set aside a week to recognize the indispensable contributions of those in public service. They have chosen public service despite the fact that the private sector could often have offered a more lucrative career. That said, there is no reason we should take their selflessness for granted. They still deserve our best efforts to enhance pay and benefits, provide improved and innovative training opportunities, and to re-examine the cultural barriers that unfortunately persist in government that make life less than ideal for public sector workers. In short, we must show those already in public service that we appreciate the job they do for us. We must also show those contemplating a career in public service that there are many advantages and opportunities to doing so.

Mr. Speaker, only one in six college-educated Americans expresses significant interest in working for the Federal Government. At the same time, half of the Federal workforce will be eligible to retire within the next 5 years. Therefore, it is incumbent upon us in Congress to reinvigorate a culture of public service across the country. We can do so taking the steps I have described above. As Chairman of the Government Reform Committee, I have been working hard to craft initiatives that will allow us to retain those employees we already have, while attracting the best and brightest of our young people to the public sector. I am confident we will be successful.

Mr. Speaker, in closing, I want to take this opportunity to publicly thank those in public service for their dedication and commitment to our great Nation. I also want to reaffirm my commitment to giving them the best professional opportunities and working environment possible.

Mr. MURPHY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Pennsylvania (Mr. MURPHY) that the House suspend the rules and agree to the resolution, H. Res. 213.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1609, by the yeas and nays;

H.R. 100, by the yeas and nays;

H. Con. Res. 96, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

ADMIRAL DONALD DAVIS POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 1609.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. TURNER) that the House suspend the rules and pass the bill, H.R. 1609, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 11, as follows:

[Roll No. 162]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen

Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Blunt
Boehner
Carson (IN)
Conyers
DeGette
DeLay
Dingell
Gephardt
Hyde
Miller, Gary
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON) (during the vote). Members are advised they have 2 minutes in which to record their votes.

☐ 1223

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the remainder of this series of votes will be conducted as 5-minute votes.

SERVICEMEMBERS CIVIL RELIEF ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 100, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 100, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 9, as follows:

[Roll No. 163]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)

McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Carson (IN)
DeGette
DeLay
Dingell
Gephardt
Hyde
Miller, Gary
Tauzin
Walsh

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON) (during the vote). There are 2 minutes left to vote.

□ 1230

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BONNER. Mr. Speaker, on rollcall Nos. 161, 162, 163, I was unavoidably detained in Alabama due to bad weather and flight delays. Had I been present, I would have voted "yea."

□ 1232

AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 96.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 96, on which the yeas and nays are ordered.

This will be a 5 minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 15, as follows:

[Roll No. 164]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Boehner
Carson (IN)
DeGette
DeLay
Dingell
Emanuel
Gephardt
Hayes
Hinchey
Hyde
McKeon
Miller, Gary
Pomeroy
Simpson
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are less than 1½ minutes left to vote.

□ 1238

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. EMANUEL. Mr. Speaker, on rollcall No. 164, I was unavoidably detained. Had I been present, I would have voted "yes."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2

Mrs. MUSGRAVE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

NANOTECHNOLOGY RESEARCH AND DEVELOPMENT ACT OF 2003

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 219 ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 219

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 766) to provide for a National Nanotechnology Research and Development Program, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 219 provides for the consideration of H.R. 766, the Nanotechnology Research and Development Act. H. Res. 219 provides for one hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Science. The rule waives all points of order against consideration of the bill and makes in order the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill as an original bill for the purpose of amendment. It further provides that the bill shall be considered for amendment section by section and that each section shall be considered as read. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, H. Res. 219 is an open rule giving all Members of the House the opportunity to offer any germane amendments to H.R. 766. This rule accords priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. This is to simply encourage Members to take advantage of the option in order to facilitate consideration of amendments on the House floor and to inform Members of the details of any pending amendments.

Mr. Speaker, H.R. 766 is an important, bipartisan bill that will encourage further nanotechnology research. A recent National Academy of Sciences review described nanotechnology as the "relatively new ability to manipulate and characterize matter at the level of single atoms and small groups of atoms. This capability has led to the astonishing discovery that clusters of small numbers of atoms or molecules often have properties, such as strength, electrical resistivity, electrical conductivity, and optical absorption, that are significantly different from the properties of the same matter at either the single molecule scale or the bulk scale."

Beyond this technical description, nanotechnology has the potential to have a significant impact on our lives in the coming years. Testimony before the Committee on Science, chaired by the gentleman from New York (Chairman BOEHLERT), indicated that in the future the American people could see great advances in medicine, manufacturing, materials, construction, computing and telecommunications as a result of this research. Yesterday in the Committee on Rules the gentleman from New York (Chairman BOEHLERT) and the ranking member, the gentleman from Texas (Mr. HALL) identified potential homeland security advantages as well, including information technology and sensor advances to assist us in our efforts to identify threats.

President Bush has recognized the benefits of these innovations in terms of practical applications to the American people and also to our Nation's economic growth. The National Science Foundation has predicted that the nanotechnology market could reach $1 trillion by the year 2015. But we should recognize that there will be competitors in this arena from abroad.

In an effort to ensure the benefits of this research for our citizens and for future job growth, President Bush has asked Congress to expand the nanotechnology initiative and increase funding for this emerging technology, providing grants to researchers and establishing research centers and advanced technology user facilities.

The Associate Director for Technology in the Office of Science and Technology Policy stated that the administration's commitment to furthering nanotechnology research and development has never been stronger.

I applaud the President for focusing on this potential link to future economic growth. I thank the gentleman from New York (Chairman BOEHLERT), the gentleman from California (Mr. HONDA) and the Committee on Science for forwarding a bill that will result in better planning and coordination in this area of research.

This is a very fair rule. I urge my colleagues to support the rule so we may begin on any amendments that Members may have to offer before the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Georgia for yielding me the time, and I would also alert my friend from Georgia, as I understand it now, we have but one speaker, so we are prepared to move forward.

Mr. Speaker, I rise today in support of this bill and the open rule under which it is being considered.

□ 1245

When I think back to all of the times my friends on the other side of the aisle allowed an open rule this year, I do not have to think far, since it has only occurred once before during the 108th Congress. Therefore, Mr. Speaker, I am thankful for this full and open debate; and hopefully, this is a sign of what is to come.

Mr. Speaker, as I said, I rise today in support of the rule and H.R. 766, a bill to provide for a National Nanotechnology Research and Development program.

As my colleagues may know, nanotechnology is an emerging science that involves the engineering of extremely small materials, devices, and systems at the atomic, molecular, and macromolecular level. The science and technology of precisely controlling the structure of matter at the molecular level is widely viewed as the most significant technological frontier currently being explored.

This legislation is significant because it ensures continued U.S. leadership in nanotechnology research and coordination of nanotechnology research across Federal agencies and the private sector. This measure will provide grants to investigators, establish interdisciplinary research centers and advanced technology user facilities. It shall expand education and training of undergraduate and graduate students and establish a research program to identify societal and ethical concerns related to nanotechnology.

Additionally, this bill assembles a team of advisory and governing committees to work cooperatively with each of the national Federal science offices to achieve the goals and priorities set forth by this legislation and the Federal Government. Through the national nanotechnology research and development program, our Nation can and will continue to make advancements in virtually every industry and public endeavor, including health, electronics, transportation, the environment, and national security.

Moreover, this bill supports the National Nanotechnology Initiative outlined in 1999 by allowing us to reach beyond our natural size limitation and work directly with the building blocks of matter. It holds the promise for a new renaissance in our understanding of nature. It holds the promise, in addition, for means for improving human performance and a new industrial revolution in coming decades.

Mr. Speaker, I support H.R. 766 and this second open rule of the year. Perhaps that came about because of nanoseconds.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LINDER). Pursuant to House Resolution 219 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 766.

The Chair designates the gentleman from Nebraska (Mr. TERRY) as chairman of the Committee of the Whole and requests the gentleman from Texas (Mr. CULBERSON) to assume the chair temporarily.

□ 1250

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 766) to provide for a National Nanotechnology Research and Development Program, and for other purposes, with Mr. CULBERSON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

GENERAL LEAVE

Mr. BOEHLERT. Mr. Chairman, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 766.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 766, the National Nanotechnology Research and Development Act. As is the practice of the Committee on Science, this is a bipartisan piece of legislation that reflects the important contributions of both majority and minority members of the committee.

I am going to keep my remarks brief today because nanotechnology is a subject on which there is already broad agreement on both sides of the aisle, in the administration and, indeed, in the country at large.

Nanotechnology can be a key to future economic prosperity and might improve our lives, and the Federal Government has an important role to play in supporting the basic research that will make this possible.

Nanotechnology is the science of manipulating and characterizing matter at the atomic and molecular level. It is one of the most promising and exciting fields of science today, involving a multitude of science and engineering disciplines with widespread applications in electronics, advanced materials, medicine, and information technology. Nanotechnology represents the future of information processing and storage. Other future applications include new sensors to detect biological agents, stronger and lighter building materials, new cancer treatments, and more environmentally friendly chemical processes. Some have estimated that a $1 trillion global market for nanotechnology will develop in little over a decade.

With this in mind, I introduced H.R. 766 with the gentleman from California (Mr. HONDA) and with senior members of the Committee on Science on both sides of the aisle as cosponsors. The committee held two hearings on the bill, one on nanotechnology research programs and commercialization efforts, and one on societal and ethical concerns related to nanotechnology. The academic and industrial research communities were articulate in their support of this legislation and on the need to consider the societal, environmental, ethical, and economic questions that will arise as new nanotechnology applications are developed and enter the marketplace.

H.R. 766 authorizes the President's National Nanotechnology Initiative and supports and improves the Federal Government's nanotechnology efforts in a number of ways. It emphasizes interdisciplinary research, it strengthens interagency coordination, it supports increased research on societal consequences of nanotechnology, it encourages commercialization of nanotechnology applications, it requires outside reviews of the program, and it provides incentives for Americans to pursue degrees in science and engineering.

H.R. 766 builds on the excellent budgets that have been put forward by the administration for nanotechnology. It has been endorsed by leading industry groups, and that is very important. A companion bill, S. 189 sponsored by Senators WYDEN and ALLEN, is moving forward in the Senate; and I am optimistic that this bill will be sent to the President's desk in the near future.

In closing, I want to thank the gentleman from California (Mr. HONDA) and the gentleman from Texas (Mr. HALL) for their able leadership on this important piece of legislation. It has been a pleasure working with them, and their contributions have made this bill a better bill.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, of course I rise in support of this act. It authorizes an interagency research program that will have enormous consequences for the future of our Nation. It is bipartisan legislation introduced in the Committee on Science by the gentleman from New York (Chairman BOEHLERT) and the gentleman from California (Mr. HONDA), who took the lead on it. It is cosponsored, of course, by Members from both sides of the aisle. This bill, which was ordered reported by a unanimous vote of the committee, will authorize the National Nanotechnology Initiative that is part of the President's budget request.

I want to acknowledge the leadership of the gentleman from New York

(Chairman BOEHLERT), and I thank him for his leadership, and the gentleman from California (Mr. HONDA) in developing this legislation. I want to thank Chairman BOEHLERT for working very cooperatively with Democratic leaders and Members and moving the bill through the committee. I also want to thank the gentleman from California (Mr. HONDA) for his hard work on the bill. His efforts have led to a strengthening of the outside advisory mechanism for the research program and to a process to help facilitate the transfer of research innovations to commercial applications.

Mr. Chairman, the advancement of civilization has been tied to human capabilities to manipulate and fashion materials. For example, the Stone Age gave way to the Bronze Age, which, in turn, gave way to the Iron Age. The trend has been a better understanding of material properties at a smaller and more detailed level.

We know now that we stand at the threshold of an age in which materials can be fashioned atom by atom. As a result, new materials can be designed with specified characteristics to satisfy any of those specific purposes.

The word "revolutionary" has become a cliche, but nanotechnology truly is revolutionary. In the words of a report from the National Research Council: "The ability to control and manipulate atoms, to observe and simulate collective phenomena, to treat complex materials systems, and to span length scales from atoms to everyday experience, provides opportunities that were not even imagined a decade ago."

Nanotechnology will have enormous consequences for the information industry, for manufacturing, for medicine, and for health. Indeed, the scope of this technology is so broad as to leave virtually no product untouched.

The potential reach and impact of nanotechnology argues for careful attention to how it may affect society and, in particular, attention to particular downsides of the technology. While some concerns have already been raised that seem more in the realm of science fiction, there are also very real issues with the potential health and environmental effect of nanosized particles.

I believe it is important for the successful development of nanotechnology that potential problems be addressed from the very beginning in a straightforward and in an open manner. We know too well that negative public perceptions about the safety of a technology can have serious consequences for its acceptance and use. This has been the case with such technologies as nuclear power, genetically modified foods, and stem cell therapies.

Research is needed to provide understanding of potential problems arising from nanotechnology applications in order to allow informed judgments to be made by risks and cost-benefit trade-offs for specific implementations of the technology. Efforts must be made by the research community to open lines of communication with the public to make clear potential safety risks are being explored and not ignored.

We cannot once again go down the path where the research community simply issues a statement to the public: "Trust us, it is safe." I am confident that this bill will help accomplish this goal.

My colleague, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), will offer an amendment at the appropriate point to further strengthen this aspect of the bill.

Mr. Chairman, H.R. 766 authorizes $2.4 billion over 3 years for nanotechnology research and development at five agencies: the National Science Foundation, the Department of Energy, NASA, the National Institute of Standards and Technology, and EPA. In addition to setting funding goals, this bill puts in place mechanisms for planning and coordinating and implementation of interagency research programs.

The bill also includes provisions for outside expert advice to help guide the research program and ensure its relevance to emerging technological opportunities and to industry. The advisory committee required by the bill is charged to review the goals, the content, the implementation, and administration of the nanotechnology initiative. The bill provides the administration with the flexibility either to designate an existing advisory panel or to establish a new panel to carry out its role. It is important, I think, whatever approach is used, that the advisory committee encompass a range of expertise needed to assess the technological content of the initiative as well as the education, technology transfer, commercial application, and societal and ethical research aspects of this program.

□ 1300

Equally important, the advisory committee must focus sustained attention on the Nanotechnology Initiative over its lifetime in order to meet the comprehensive assessments required and the requirements specified by this legislation.

So I am pleased that H.R. 766 has identified the need for research to provide understanding of potential problems arising from nanotechnology applications. Annual reporting requirements, added by an amendment in committee by the gentleman from California (Mr. SHERMAN) and the gentleman from Texas (Mr. BELL), will allow Congress to track the agencies' activities that are related to societal and ethical concerns.

A problem that was identified in the Committee on Science's hearings on the bill is the difficulty that can arise in transitioning results from nanotechnology research into actual products and commercial applications. The gentleman from California (Mr. HONDA) successfully proposed an amendment in committee that will help address the problem through greater use of the Small Business Innovation Research Program and the Small Business Technology Transfer Research Program.

Finally, Mr. Chairman, as is clear from the hearing record for H.R. 766, this bill enjoys widespread support from the research community and from industry. This is an important bill. It will help ensure the Nation maintains a vigorous research effort in a technology area that is emerging as increasingly important for the economy and for national security.

Mr. Chairman, I urge my colleagues to support its final passage.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. SMITH), the distinguished chairman of the Subcommittee on Research.

Mr. SMITH of Michigan. Mr. Chairman, what is nanotechnology? I think it is amazing. The chairman did not use a hair off of his head as an example, but nanotechnology is 1/100,000th the size of a normal human hair.

What we are talking about has a tremendous potential for industry, for science, for the health of this Nation. So it is the beginning, if you will, of a new revolution. It involves 13 Federal agencies in this new National Nanotechnology Initiative. This technology is still very much in its early stages.

Only a handful of nanotechnology products and applications have been commercialized today. Most Americans have probably yet to even hear about this exciting new era of science. So what exactly is this technology that will likely make such a profound impact on our lives and the lives of our kids and our grandkids?

The bill before us today defines nanotechnology as science and engineering at the atomic and molecular level. More specifically, it is the manipulation, if you will, of materials with structural features that are so tiny that it involves chemistry to develop some of the machines that we saw in our Subcommittee on Research that can even manipulate and transport a dust mite. In our hearings on the future of medical technology, they estimate that within 30 years the life span of the average American could be 120 years old, partially because of the potential of nanotechnology, putting small rockets in one's bloodstream to hunt out certain discrepancies in the human body.

The National Science Foundation has estimated that nanotechnology has the potential to be a $1 trillion industry within just the next 10 years. This will take shape in the form of revolutionary new applications in materials, in science, in manufacturing, energy production, information technology, medicine, defense, homeland security. Imagine the benefits of just one example of a future nanoscale tool, tiny machines that can detect cancer clusters.

But like biotechnology or information technology 10 to 15 years ago, nanotechnology has reached a critical growth stage. For these emerging innovations to come to fruition, it is important for us in Congress to work, proactively to provide support and guide the industry, and that is what this bill does.

We found that we will need to intensify our support for research and experimentation in the nanosciences, specifically fundamental, novel research.

Mr. Chairman, I urge my colleagues to vote for this legislation.

If the information technology revolution is any guide, the coming nanotechnolgy revolution will not only improve our lives through the development of many exciting new products, but its contribution to productivity gains will also help brighten future economic situations. As the Semiconductor Industry Association has pointed out, the Congressional Budget Office (CBO) estimation of the $1.3 trillion projected deficit for fiscal years 2004–2013 would actually be $247 billion higher if it were not for CBO's assumption of continued improvements in productivity due to computers. If we succeed in our effort to harness the potential of nanotechnology, we will see productivity and revenue gains of a similar magnitude.

I am proud that my home State of Michigan is poised to one of the leaders in this effort. As the state struggles to cope with job losses in manufacturing industries, we have been working to establish a high-tech corridor to attract companies in emerging industries such as nanotechnology. In fact, Small Times magazines recently ranked Michigan as one of the top ten states for nanotechnology businesses in the country. This is the kind of foresight that will help our State recover from the dramatic losses in the manufacturing sector.

I also want to mention that, as Chairman of the Research Subcommittee, which maintains oversight of the National Science Foundation, I am particularly excited about NSF's contribution to the nanotech initiative. NSF is the largest federal supporter of non-medical basic research conducted at universities, and has a long history of supporting research that has led to a myriad of discoveries now part of our everyday lives. At a support level of $221 million for FY 2003, NSF is funding the cutting-edge, fundamental research at our nation's universities that will help to accelerate application and commercialization of nanotechnology products by the private sector. The goals and priorities for the NNI established in H.R. 766 will be an important aspect of this process.

To conclude, that is a strong, well-thought out piece of legislation. It received unanimous bi-partisan support from the Science Committee, is supported by the pertinent industry organization that have an interest in nanotechnology, and finally, is the top science and technology priority of the President. I commend Chairman Boehlert for his leadership in crafting this bipartisan bill, and urge all members to support the legislation.

Mr. HALL of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from the Silicon Valley of California (Mr. HONDA). I have already explained his importance to this legislation, his background and his ability to lead the development of nanotechnology. I am glad to recognize him as one of authors of this bill.

Mr. HONDA. Mr. Chairman, I rise in strong support of H.R. 766, the Nanotechnology Research and Development Act of 2003. I would like to thank very, very much the distinguished leaders of the Committee on Science, the gentleman from New York (Mr. BOEHLERT) and the ranking member, the gentleman from Texas (Mr. HALL), for working with me on this bipartisan bill which was approved unanimously by our committee.

Most people have probably never heard of the term nanotechnology but they will surely see its impact in the future. Nanotechnology refers to the ability of scientists and engineers to manipulate matter at the level of single atoms and molecules.

It has been said just previously that the size is 1/100,000th of the width of a hair or, if you can imagine, one-billionth of a meter. Nanotechnology has the potential to be the making of a revolution because it can be an enabling technology, fundamentally changing the way many items are designed and manufactured. This may lead to advances in almost every conceivable technological discipline, including medicine, energy supplies, the food we eat, and the power of our computers.

The National Science Foundation predicts the worldwide market for nanotechnology products and services to be somewhere in the neighborhoods of $1 trillion by the year 2015. In today's business climate, the demand for short-term returns prevents companies from investing in long-term, high-risk work, which advancing nanotechnology will require.

Therefore, the Federal Government is one of the few investors that can take a long-term view and make the sustained investments that are required to bring the field to maturity.

Our bill continues to follow the positive trend of Federal investment in nanotechnology R&D begun by President Clinton, who created the National Nanotechnology Initiative, and President Bush, who has continued to support the program.

Under the NNI, 13 Federal agencies work together on nanotechnology, but each continues to run its own research program. A National Research Council study found that this approach leads to problems with coordination between agencies. Our bill addresses this concern by establishing an interagency committee on nanotechnology R&D and establishing a National Nanotechnology Coordination Office.

The study also found that the current structure of NNI provides little chance for voices outside the Federal agencies to be heard in the agenda setting process. Our bill addresses this by establishing an advisory committee that will draw upon members of the academic and industrial communities.

I am confident that the qualifications established in the bill and accompanying report will ensure that the advisers have the technical expertise in nanotechnology necessary to perform this job.

Nanotechnology's interdisciplinary nature presents another challenge, since the field transcends traditional areas of expertise. Our bill supports the establishment of interdisciplinary research centers, ensures that grant programs encourage interdisciplinary research and will expand education and training in interdisciplinary nanoscience and engineering.

In addition, nanotechnology will likely give rise to a host of novel social, ethical, philosophical and legal issues. We have a unique opportunity to think about those possible issues that might arise before they become problems, and I feel it is our duty to do so.

Similar opportunities were missed in the fields of molecular genetics and the development of the Internet, and now we wrestle with issues such as genetic screening, privacy and intellectual property.

Our bill addresses this duty in two ways: First, it establishes a research program to identify societal and ethical concerns and ensures that the results of this research are widely disseminated.

Second, it charges the nanotechnology advisory committee with the responsibilities of assessing whether this program is adequately addressing the issues and providing advice on these issues.

One of our hearing witnesses reminded us that it is not enough to focus only on basic research, but also that the Federal Government should take steps to promote the commercialization of nanotechnology.

I am pleased that at the markup the committee adopted my amendment to develop a plan for commercializing nanotechnology using the Small Business Innovation Research Program and the Small Business Technology Transfer Research Program. These programs represent significant Federal investment in technology development and commercialization by small firms, exactly the type of entrepreneurial firms where most nanotechnology is occurring.

This is an excellent bill. I am proud to have had the chance to work on it. I urge my colleagues to support it. Mr. Chairman, I want to thank the leadership again, the gentleman from New York (Mr. BOEHLERT) and the ranking member, the gentleman from Texas (Mr. HALL), on this wonderful bill.

Mr. BOEHLERT. Mr. Chairman, I have additional requests for time, but those requesting the time are not yet here.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. SHERMAN), a very valuable member of our committee.

Mr. SHERMAN. Mr. Chairman, I thank the gentleman for yielding me time. I will try to drag out my speech as long as necessary so that the chairman's speakers will have time to arrive on this floor.

Mr. Chairman, small is big. Nanotechnology is very small, roughly the size of a molecule, and very small is going to be very big. Nanotechnology really encompasses virtually all of the cutting edge science that will pretty much determine our future this century, because it includes what is being done in genetic engineering, what is likely to be done in computer engineering, and it includes the molecular manufacturing dealing with a host of new products created molecule by molecule.

Nanotechnology offers the possibility, I think the probability, of solving most of the problems that we wrestle with here on the floor such as energy and health care. But if it is able to do that, it will also create even more challenging problems.

Nanotechnology will operate below the surface for quite some time until the basic technological and scientific challenges are met. But once we are able to manipulate matter at the molecular level, there will be an explosive impact on our society.

The last such explosion was the development of nuclear power and nuclear weapons. Einstein and others wrote to President Roosevelt in 1939, describing the possibility of nuclear fission, and in less than a decade we as a species had to deal with the realities of nuclear weapons not only in the hands of America but other countries as well. That is why it is so important that this bill includes not only scientific research, but also every possible effort to deal with the societal implications that arise from this technology.

I want to commend the gentleman from New York (Mr. BOEHLERT) and the gentleman from Texas (Mr. HALL), the ranking member, for the bipartisan approach and the very reasoned approach taken during the markup of this bill to make sure the bill includes mechanisms to examine the societal impacts.

I bring just one of those impacts to your attention, and that is the creation of new levels of intelligence, whether that is done through what is sometimes referred to as wet nanotechnology, that is to say, genetic engineering; or whether it is done through what is sometimes called dry nanotechnology, computer engineering. Either of those two approaches may well create levels of intelligence that may be our protector, may be our competitor, or may simply regarded us as pets, or it may change our definition of what it is to be a human being.

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Before we confront questions of that type, it is important that this bill, as it does, provides mechanisms for us to get input from a wide range of society because while these issues will not confront us this decade, it will take us more than a decade to see how we can deal with them.

I see that other speakers have arrived so my effort to stall has been successful, and I want to yield back my time just after I make one comment, and that is I understand that there are four amendments that will be offered today. I do not know if they will all be offered, but each of them is designed to enhance the bill further by having us take a look at the societal implications of nanotechnology, and I would hope that each such amendment would be perhaps accepted without a rollcall vote so that this bill can move over to the other body in the best possible form.

Mr. HALL. Mr. Chairman, I yield 3 minutes to the gentlewoman from Dallas County, Texas (Ms. EDDIE BERNICE JOHNSON), my neighbor.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of this bill and feel that it is really our next step for scientific discovery, and I want to thank our chairman and ranking member for the open and bipartisan manner in which this committee operates.

We do have potential for enormous consequences, and most of the real breakthrough research has come under the leadership of this committee throughout the last 2 or 3 decades. This bill could cause a great deal of brightness for the future in terms of studying the small particles and determining how it might lead us to another breakthrough.

I do value the public input, and I will be offering an amendment later, but I feel that the public should have some way to have some involvement. More and more we have more people getting involved in the public debate, asking questions and attempting to clarify what is going on, and often good scientific procedures interrupt it because we have an uninformed public and people who feel they have been left out; and because of that, I feel very strongly that we should have some type of offering for the general public to have input, to listen to the witnesses when there is a hearing, so that they can feel a part of this.

This is going to be publicly financed, and we are hoping that this would eliminate some of the suspicion and paranoia that often comes from very honest and interested people simply because they do not know what is going on.

I think that it would add a valuable asset to this legislation. I am going to support it whether or not the amendment is adopted, but I do feel that that is the one thing we have left out, that it can be of great value to this legislation and, more importantly, to the process of this research.

The area from which I have come will be a leader in some of this research, and I am from a pretty highly educated, involved community that will be asking these questions, and we have a lot of demonstrators that will be marching to find out what is going on. I think we can eliminate much of this with a simple amendment that allows for some type of public input as we move along into this new area of broadening of the activity in this new area of nanotechnology.

I thank the leadership of the committee and the Members for working so closely together.

Mr. BOEHLERT. Mr. Chairman, I am pleased to yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), the distinguished Chair of the Subcommittee on Energy.

Mrs. BIGGERT. Mr. Chairman, I thank the chairman for yielding to me.

Mr. Chairman, as on original cosponsor of H.R. 766, the Nanotechnology Research and Development Act, I rise today to express my strong support for this bill. I want to commend the gentleman from New York (Mr. BOEHLERT), the chairman of the Committee on Science; and my committee colleague, the gentleman from California (Mr. HONDA), for developing such a comprehensive and forward-looking piece of legislation.

Unlike so many other complex scientific concepts, nanotechnology is actually something we all should be able to grasp. Most Americans learn in grade school and high school that atoms are the building blocks of nature. In the years since I was in school, incredible machines have allowed us even to see every one of those items. The challenge now is to develop the tools, the equipment and expertise to manipulate those atoms and build new materials and new machines one molecule at a time.

This bill takes up that challenge, ensuring coordination and collaboration among the many Federal agencies engaged in nanotech research. Unlike other research efforts, some of which are undertaken for the sake of science and our understanding of it, the broad and practical application of nanotechnology and its benefits can be described in laymen's terms. Here are just a few benefits:

Sensing the presence of unwanted pathogens in blood; improving the efficiency of electricity distribution; dispensing medication; cleaning polluted soil and water; or building the next generation of spacecraft one molecule at a time.

I do not think I am being overly optimistic. Just consider how far we have come since the creation of the first microchip. Sixty percent of Americans now own a personal computer or a laptop, and 90 percent of them use the Internet. The public, private and nonprofit sectors invested in research that reduces the size of the microchip while increasing its speed exponentially. This investment was made because the applications were many and the possibilities endless. After all, microchips are now found in cars, pacemakers, watches, sewing machines, and just about every household appliance.

With all its potential applications, nanotechnology could have an equal, if not greater, impact than the microchip on our lives, our wealth, our health and safety, our environment and our security at home and abroad. All levels of government, academia, and industry recognize the potential of nanotechnology, as well as the benefits of collaborating to realize that potential. Nanotechnology could very well be the catalyst for national competitiveness for the next 50 years. In countless ways, our lives will be better as a result of coordinated investment in nanoscience research and development.

I urge my colleagues to join me in supporting H.R. 766, the Nanotechnology Research and Development Act.

Ms. HART. Mr. Chairman, I rise today in support of H.R. 766, the Nanotechnology Research and Development Act of 2003. This bill, which passed by voice vote out of the full committee, would authorize a national nanotechnology research initiative that coordinates research across agencies and emphasizes interdisciplinary research between academic institutions and national laboratories or other partners, which may include States and industry. The bill also authorizes $2.36 billion over 3 years for nanotechnology research and development programs at the National Science Foundation, the Department of Energy, the Department of Commerce, NASA, and the Environmental Protection Agency.

Western Pennsylvania is blessed with two major universities, University of Pittsburgh and Carnegie Mellon University, which are doing great work in the field of nanotechnology. The University of Pittsburgh has established the Institute of NanoScience and Engineering, which is a multidisciplinary organization that brings coherence to the University's research efforts and resources in the fields of nanoscale science and engineering. At the institute work is ongoing in the areas of: nanotube and nanorod self-assembly; hydrogen storage in carbon nanotubes; semiconductor nanostructures; and many other interesting areas.

Carnegie Mellon University also has a nanotechnology center, the Center for Interdisciplinary Nanotechnology Research. This center was established because various types of research were ongoing throughout the university, and could be a focal point and gateway for the distribution of nantechnology information. Their efforts include: nanowires; magnetic nanocrystals and noncomposites; and nonporous materials.

Mr. Speaker, this legislation will provide Federal dollars to continue this necessary research and development into this expanding area of science, and provide the necessary coordination to ensure that this information is brought to the market.

Mr. SMITH of Texas. Mr. Chairman, I support H.R. 766, which authorizes a national nanotechnology research initiative. This bill funds more research into this "small science" that does big things.

As a science, nanotechnology is crucial to the future of information technology. As a benefit for the average person, nanotechnology has already led to applications that can be used on a daily basis, such as hard transparent coating for eyewear, nano-enhanced computer chips, and drugs more easily absorbed by the human body. Each innovation serves as a building block for new directions and applications. The possibilities are as endless as the human imagination.

Continued research plays an important role in the further development of nanotechnology. This science is still in its infancy and it will take many years of sustained investment and investigation for this field to achieve maturity.

Nanotechnology has evolved from advances in chemical, physical, biological, engineering, medical, and materials research. It will continue to contribute to the science and technology workforce for years to come.

The National Science Foundation predicts nanotechnology will represent $1 trillion in global goods and services in little over a decade. According to a study of international nanotechnology research efforts sponsored by the National Science and Technology Council, the United States is at risk of falling behind its international competitors, including Japan, South Korea, and Europe, if it fails to sustain broad based interests in nanotechnology.

H.R. 766 authorizes $2.36 billion in research and development funding. This legislation establishes new technology goals and research directions, coordinates nanotechnology programs through federal agencies, universities across the country, and high-tech companies, to assure America's continued ability to lead the global exploration of nanotechnology.

Mr. CASTLE. Mr. Chairman, it is with great pride that I rise today to support H.R. 766, the Nanotechnology Research and Development Act of 2003, and to express my excitement for the groundbreaking research that is taking place at the University of Delaware. In October of 2002, the National Science Foundation awarded the University a $2.5 million grant to study manmade microscopic particles and structures and their possible uses.

Widely acclaimed as the wave of the future, nanotechnology is the ability to manipulate and control materials at the atomic and molecular levels to design new applications that create and use structures, devices, and systems which posses novel properties and functions due to their small and/or intermediate size. This technology will allow us to create a device that carries medicine to exactly where it is needed in the body, methods to detect cancerous tumors only a few cells in size, or satellites so light, costs are drastically reduced for NASA. This is truly the technology of tomorrow.

The State of Delaware has the opportunity to play a pivotal role in the exciting development of this cutting-edge research. This legislation and federal funding award will allow the university to continue to be in the forefront of this field, and will assure that Delaware is actively involved in the advancement of tomorrow's technology.

Mr. MCNULTY. Mr. Chairman, I thank and compliment my friend and neighbor from New York, Mr. BOEHLERT, on his leadership and foresight in shepherding this landmark legislation to the floor today.

I rise in strong support of H.R. 766, the Nanotechnology Research and Development Act of 2003. I urge my colleagues to support it as well.

The science of nanotechnology—the study of materials at the scale of a single molecule—is still in its earliest stages, but its promise and potential are already well known and well documented.

I am confident that further research and development in the science of nanotechnology will continue to bring about new products and processes that will benefit our lives and society for generations to come.

I am also confident that passing H.R. 766 and reaffirming our commitment to nanotechnology will create jobs and help stimulate the economy. Mr. Speaker, we're talking about an industry that could reach $1 trillion annually in market size by the year 2015.

I am pleased to report that the State of New York has become a hub of hi-tech industry, particularly nanotechnology. I am proud of the commitment we've put forth—and the results that have been achieved—in the 17-county region in the eastern third of New York State known as, "Tech Valley."

In 2001, as part of the National Nanotechnology Initiative, the National Science Foundation established six nanoscale science and engineering centers at research and learning institutions of the highest caliber. Mr. Speaker, three of these centers are located in New York State—at Columbia University, Cornell University, and at the Nation's oldest engineering university, Rensselaer Polytechnic Institute, located in Troy, and in New York's Tech Valley.

In fact, New York's Capital Region is home to not one, but two state-of-the-art nanotechnology research and development facilities.

On the opposite side of the Hudson River from PRI's Nanotechnology Center sits Albany NanoTech, on the campus of the University at Albany, part of the State University of New York.

Like the RPI facility, Albany NanoTech is a global research, development, technology and education resource supporting commercial applications in advanced nanotechnology.

Together, Albany NanoTech and the Rensselaer Nanotech Center at RPI have Federal, State and private investments totaling nearly $1 billion. They have established relationships with hundreds of industrial partners from all around the world. They will play integral roles in major Tech Valley initiatives such as Sematech North, the IBM Partnership and the Tokyo Electron Partnership.

I'm most pleased to report that both of these stellar facilities are located in my congressional district.

Mr. Chairman, the work being undertaken at these two world-class facilities is nothing short of amazing. I'd like to offer the following sample of cutting-edge nanotechnology research projects underway at the Rensselaer Nanotechnology Center and at Albany NanoTech.

Researchers are adding ceramic nanoparticles—particles 100 times smaller than a human hair—to existing plastic materials, modifying their chemical and physical properties in an effort to make them exponentially stronger, and make them insulators, rather than conductors, of electricity. These adaptations dramatically increase the commercial value and viability of the resulting nanocomposite materials, which will be used to develop products such as scratch-resistant medical imaging film coatings and energy-efficient insulation for electrical power distribution cables.

Scientists at the Rensselaer Center have used nanotechnology to incorporate enzymes into surfaces to produce coatings that protect things such as the hulls of ships, implanted medical devices, even personal protection equipment—helping to safeguard individuals against chemical and biological agents.

Research in nanotechnology is also leading to significant breakthroughs in biomedicine. For example, nanostructured materials have been found to mimic natural bone, causing a specific response in living cells to enhance bone growth and regeneration in humans.

The final project I will mention developed a relatively simple assembly of carbon nanotubes—which are basically rolled up layers of carbon that can be used like chopsticks or placed in a row—to discover methods of filtration that can efficiently purify water in a manner that could help solve many of the world's potable water problems.

And this is just the tip of the iceberg.

Mr. Chairman, we are entering an exciting new era of technology. H.R. 766, the Nanotechnology Research and Development Act, is essential to provide further momentum to the breakthroughs brought about in the past 4 years by the National Nanotechnology Initiative.

I am truly excited that New York's 21st Congressional District, the heart of New York's Tech Valley, is already one of the world's primary centers for nanotechnology and other hi-tech industry. These industries will continue to spur economic growth and development not only in New York's Capital Region, but also all across the United States in the years to come.

Mr. Chairman, let us continue to lead the world in this important endeavor. I urge my colleagues to support H.R. 766.

Mr. WU. Mr. Chairman, I rise in strong support of H.R. 766, the Nanotechnology Research and Development Act. I believe this piece of legislation is extremely important to our Nation's future scientific research efforts and urge my colleagues to support H.R. 766.

For the past decade, Oregon has been growing as a progressive and growing area for technological research. In the Portland metropolitan area, we have two major research universities and a large number of high technology companies. As their representative in Congress, I believe H.R. 766 would strengthen our Nation's nanotechnology research efforts and help translate today's research efforts into future technology that will benefit all Americans.

This piece of legislation establishes grants for a national nanotechnology research and development effort. The interdisciplinary research centers authorized by H.R. 766 will serve as major centers of excellence and innovation. As an example, I would like to mention one of the public institutions in my district, the Portland State University's Center for Nanoscience and Nanotechnology. The center conducts particularly interesting nanotechnology research and will help transition today's research efforts into real benefits for future American consumers.

During Science Committee consideration of H.R. 766, one of the amendments I jointly offered with Mr. SMITH of Michigan, Ms. HART of Pennsylvania, and Mr. MATHESON of Utah, would facilitate public and private partnership on research efforts and help utilize regional assets in the development of technology. I strongly hope that future research efforts will be collaborative in nature and take into consideration the many regional scientific and research expertise we have throughout the country.

Mr. AKIN. Mr. Chairman, I rise today in support of H.R. 766, the Nanotechnology Research and Development Act of 2003.

The promise of nanotechnology is great. As research in nanotechnology continues, we will seek breakthrough advances affecting a broad field of scientific and commercial endeavor.

In my own State of Missouri, several academic institutions are engaged in nanotechnology research. At the University of Missouri-Rolla, a large group of faculty members from diverse fields are actively researching several aspects of nanoscience and engineering that primarily focus on micropower, nanostructured materials and nanosensors. Since the early 90s, the chemistry and physics departments at Washington University in St. Louis have collaborated in making various nanowires and nanotubes that might ultimately be incorporated into nanoelectronic devices.

Nanotechnology research has the potential to create revolutionary products in the field of electronics, pharmaceuticals and military defense. It is an important investment in the future of America's economy, and I applaud Chairman BOEHLERT and the professional staff of the Science Committee for bringing this important legislation to the floor today.

Mr. FERGUSON. Mr. Chairman, we stand at the dawn of a new era, one that holds the promise to revolutionize life as we know it by developing new cures for diseases as debilitating as cancer and creating powerful new computers the size of a wristwatch. It is critically important for this country to seize this opportunity and harness this potential. That is why our efforts here today, while only the first step, are so important to ensure our country serves as the world's proving ground for this revolutionary advance in science.

H.R. 766 serves as a bridge to this bright future. This legislation meets the promise of broadening our economic future. The President's commitment to nanotechnology mirrors the commitment President Kennedy made to the space program, and I believe the research we support today will reap benefits to mankind beyond any of our wildest dreams.

Nanotechnology is the next scientific frontier, the future of computer science and medicine and yet, nanotechnology is rooted in today—the here and now.

In Murray Hill, New Jersey, in my district, Lucent Technologies, Bell Laboratories serves as the hub for the New Jersey Nanotechnology Consortium, which will manage the New Jersey Nanotechnology Laboratory. Our State, like many others, is ready to partner with the Federal Government to make these research initiatives a reality.

Here in the Congress we have a responsibility and obligation to support ways to stimulate economic growth. The promise of nanotechnology is also about job creation and the National Science Foundation has predicted that the worldwide nanotechnology market could reach $1 trillion in approximately 12 years, which could translate into as many as 7 million new jobs.

What we do today and in the future in this House, in regards to nanotechnology, may stand as the legacy to the 108th Congress.

Mr. MATHESON. Mr. Chairman, nanotechnology presents incredible opportunities, not just for pure science, but for a host of interdisciplinary areas. The wide range of potential applications of this research is one of the best reasons why we, as a nation, should commit to long-term support of nanotechnology. Many of the most exciting ideas are still years from completion and even the current success stories are products of long-term research, study, and dedication.

It is also important to realize that, due to the expense of establishing top-level research infrastructure, facility sharing must also be a priority. We have an opportunity to promote relevant, needed research and every effort should be made to best utilize limited resources. I look to the national laboratories at Sandia National Laboratories, Oak Ridge National Laboratory, and at other sites to avail themselves of the scientific talent within this nation.

Finally, there exists a tremendous opportunity for today's research commitment to become tomorrow's commercial success. We need partnership between federally funded research facilities and private industry in order to generate the ideas that will drive business in the future. I thank the Committee for its interest in this area of science and look forward to contributing to the national discourse on nanotechnology.

Mr. COSTELLO. Mr. Chairman, I rise in strong support of H.R. 766, the Nanotechnology Research and Development Act of 2003. H.R. 766 authorizes $2.36 billion over three years for nanotechnology research and development programs at the National Science Foundation, the Department of Energy, the Department of Commerce, NASA, and the Environmental Protection Agency. In addition, this legislation establishes a research program to address societal and ethical concerns.

Nanotechnology can best be considered as a "catch-all" description of activities at the level of atoms and molecules that have application in the real world. A variety of nanotechnology products are already in development or on the market, including stain-resistant, wrinkle free pants and ultraviolet-light blocking sunscreens.

A unique feature of nanotechnology is that it is the one area of research and development that is truly multidisciplinary. Research is unified by the need to share knowledge on tools and techniques, as well as information on the physics affecting atomic and molecular interactions in this new realm. Materials scientists, mechanical and electronic engineers and medical researches are now forming teams with biologists, physicists and chemists.

Illinois is among the leaders in nanotechnology. During the last few years, success in the areas of nanotechnology at Southern Illinois University-Carbondale (SIUC) has included patented technology for conversion of carbon dioxide into methanol and sensors to detect corrosion and stress in highway bridges. SIUC has also developed industrial partnerships and collaborations with IBM, Proctor & Gamble, and Argonne National labs to further research and development at the atomic and molecular scale.

Increased understanding of nanotechnology promises to underlie revolutionary advances that will contribute to improvements in medicine, manufacturing, high-performance materials, information technology, and environmental technologies. I strongly support this legislation and urge my colleagues to do the same.

Ms. ESHOO. Ms. Chairman, I rise in strong support of H.R. 766 and I thank the Chairman of the Science Committee Mr. BOEHLERT and my Silicon Valley colleagues Reps. HONDA and LOFGREN for their work in bringing this important bill to the floor of the House.

Recent history indicates that the investments in research and development made by the federal government have benefited our nation considerably. The federal government provided seed money for the research that led to the development of the Internet, the web browser, and cracking the genetic code, these investments have spawned a decade of economic prosperity and promise, increased productivity, and hundreds of thousands of American jobs.

In fact the federal government has served as a venture capitalist by making investments in nascent technologies that have generated companies who maintain our national technological and scientific predominance.

This legislation builds on that tradition by authorizing over $2.3 billion dollars in federal funding for nanotechnology, the science of creating and manipulating objects at molecular levels.

In Silicon Valley nanotechnology is already being used to develop new types of semiconductors, medical devices, and sensors that detect environmental and other types of hazards.

Progress in this field has been hampered by a lack of trained scientists which is why this bill and the investment we make today is absolutely essential. This funding will help to produce the next generation of great American scientists.

The NSF has estimated that the market in products that carry nanocomponents could reach $1 trillion by the next decade.

The seed money we provide today will go a long way to ensuring that the nanotechnology market, which is poised to be the next big thing in the technology industry, will also be the next big AMERICAN thing.

I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would first just like to thank you and Ranking Member HALL for bringing this excellent bill to us today. I would also like to commend our colleague from California, Mr. HONDA for his great leadership on the issue of nanotechnology. I was pleased to be a cosponsor of his bill HR 5669 to make a Nanoscience advisory board in the last Congress, and this one today.

Nanotechnology holds great promise for bringing about substantive improvements in quality of life for people in America and around the world. It is critical that as this field emerges, that American research and America industry remain at the cutting edge and in prime position to take advantage of market opportunities. We also must ensure that as new technologies and products—in healthcare, in communications, in energy—come about that they impact on all of the American population.

In Science Committee markup last week, I offered two amendments that I believe will help make that happen. One amendment will capitalize on the great expertise and skills of our nation's Historically Black Colleges and Universities, and Universities serving large numbers of Hispanics, Asian-Pacific Islanders and other under-represented minorities. It is critical that the research initiative we are designing takes advantage of schools like Texas Southern University, in my District in Houston, and their excellent College of Science and Technology. We must also harness the productivity of collaborative efforts like that in South Carolina, where seventeen teams of scientists and engineers from around the state are working together on research projects including treatments to cancer and materials for solar-powered space exploration. That Collaborative Research Program provides an opportunity for research faculty at Clemson and USC to collaborate with faculty from the state's four-year and Historically Black Colleges and Universities (HBCU) to take nanotechnology to the next level.

This amendment will also help make sure the next generation of leaders in this important field, in academics and industry, will reflect the diversity of America.

My other amendment from Science Committee will help ensure that nanotechnology advances bring about real improvements in quality of life for all the American people, not just the select few. It was a small wording change that makes a profound statement of commitment to the well-being of all Americans.

As we go forward today, I hope we make this bill all it can be: maximizing the efficiency and effectiveness of federal investments, spurring on this exciting field, and ensuring the promise that it will produce good for all people. There are excellent amendments to be considered from some of my Democratic Colleagues on the Science Committee, especially those from my fellow Texans.

One of the Bell amendments will make this federal program much more proactive by addressing the potential toxicity of nanoparticles, to protect the health of Americans. The other will make it more likely that advances in nanotechnology improve our nation's energy security.

The Johnson amendment will create citizen panels to discuss societal/ethical implications of nanotechnology and to inform the research agenda, so that research reflects the concerns of the American people—not only academics and scientists.

I will offer an amendment that creates a Center for Societal, Ethical, Educational, Workforce, Environmental, and Legal Issues Related to Nanotechnology. That will give that important research a home at the NSF, so that integrated research in the field will be better disseminated and accessible to all interested people.

I urge my colleagues to support these amendments.

Mr. DEFAZIO. Mr. Chairman, the University of Oregon has a well-established nanotechnology program that along with its partners at Oregon State University occupies a special niche in the field of nanoscience research.

The University of Oregon is working closely with Oregon State University to put nanotechnology to work in real micro systems with applications in sensors for human safety, reactors for reduced environmental impact, more efficient energy sources, life saving medical devices, and integrated circuits for the next generation of computers and communications systems. The legislation speaks to the need to apply nanoscale research to microscale devices and will strengthen national research policy in support of such work.

Beyond that, the University of Oregon is pioneering research into inherently safer materials and manufacturing or "green nanoscience". Through deliberate design at the moelcular or nanoscale level, University of Oregon researchers aim to produce products and processes that pose dramatically less risk to human health than traditional manufacturing methods. The potential impact of nanotechnology derives from the fact that unprecedented material properties are being discovered in nanoscale materials. These properties can be harnessed to invent entirely new products and processes. UO researchers have already discovered new phenomena in nanoscience such as thermoelectric materials that present energy efficient, refrigerant-free cooling solutions and biomolecular lithography, a possible candidate for the ultimate minuritzation of electronic circuits and computers.

If nanotechnology is the both a path to the next industrial revolution and a source of concern about societal and ethical issues involving nanoscale research, then federal agencies should be proactive in funding research that seeks ways to develop materials and manufacturing methods that are inherently safer—less wasteful in their use of materials and energy, less harmful to human health and safety, and just as economical to produce.

Mr. STUPAK. Mr. Chairman, I rise in support of the Nanotechnology Research and Development Act of 2003. Science has revealed the far-reaching benefits of nanotechnology in recent years and I recognize the need for a more cooperative and focused approach.

I thank Science Committee Chairman BOEHLERT and Ranking Member HONDA for their efforts to advance nanotechnology applications and to call for today's authorization of important nanotechnology research and development, ethical oversight, and expert advisory.

In my northern Michigan district, we have been proud witness to nanosystems research at internationally renowned Michigan Technological University. Located in Houghton, Michigan, Michigan Tech hosts one of the nation's foremost nanotechnology research centers, the Center for Mico- and Nanosystems Technology.

Michigan Tech has long distinguished itself as a leader in science and engineering projects and now steams ahead in the development of nanostructure and lightweight materials. They have shown particular success with metal hydrides, to provide safer and more efficient storage of hydrogen for clean-burning hydrogen-powered vehicles—both civilian and military. These lightweight, durable nanotech materials could prove additionally valuable to NASA spacecraft construction.

Michigan tech has also engaged in research to enable miniature medical implant devices and other nano-sized health care products which will improve the quality and reduce the cost of health care and lead to overall economic growth as additional breakthroughs are made in this vital area.

With continued funding and bolstered federal resources, Michigan Tech has all the tools in place for promising technological advances in a diversity of nanotechnology applications.

I will continue to urge Congressional appropriators to remember smaller universities when it comes to doling out the federal funds and research contracts we provide in this authorization today and in the future. Michigan Tech, while only enrolling a total student body of 6300, is consistently ranked second in the nation—to only Georgia Tech—as the premier public technological university.

I pleased with the opportunity to recognize Michigan Tech for their contribution to our national research efforts and to support this important science legislation.

Mr. HALL. Mr. Chairman, we yield back the balance of our time.

Mr. BOEHLERT. Mr. Chairman, I have no further requests for speakers, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule. The amendment in the nature of a substitute printed in the bill shall be considered by section as an original bill for the purpose of amendment, and pursuant to the rule each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nanotechnology Research and Development Act of 2003".

The CHAIRMAN. Are there any amendments to section 1?

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "advanced technology user facility" means a nanotechnology research and development facility supported, in whole or in part, by Federal funds that is open to all United States researchers on a competitive, merit-reviewed basis;

(2) the term "Advisory Committee" means the advisory committee established or designated under section 5;

(3) the term "Director" means the Director of the Office of Science and Technology Policy;

(4) the term "Interagency Committee" means the interagency committee established under section 3(c);

(5) the term "nanotechnology" means science and engineering aimed at creating materials, devices, and systems at the atomic and molecular level;

(6) the term "Program" means the National Nanotechnology Research and Development Program described in section 3; and

(7) the term "program component area" means a major subject area established under section 3(c)(2) under which is grouped related individual projects and activities carried out under the Program.

SEC. 3. NATIONAL NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The President shall implement a National Nanotechnology Research and Development Program to promote Federal nanotechnology research, development, demonstration, education, technology transfer, and commercial application activities as necessary to ensure continued United States leadership in nanotechnology research and development and to ensure effective coordination of nanotechnology research and development across Federal agencies.

(b) PROGRAM ACTIVITIES.—The activities of the Program shall be designed to—

(1) provide sustained support for nanotechnology research and development through—

(A) grants to individual investigators and interdisciplinary teams of investigators;

(B) establishment of advanced technology user facilities; and

(C) establishment of interdisciplinary research centers, which shall—

(i) network with each other to foster the exchange of technical information and best practices;

(ii) involve academic institutions or national laboratories and other partners, which may include States and industry;

(iii) make use of existing expertise in nanotechnology in their regions and nationally;

(iv) make use of ongoing research and development at the micrometer scale to support their work in nanotechnology; and

(v) be capable of accelerating the commercial application of nanotechnology innovations in the private sector;

(2) ensure that solicitation and evaluation of proposals under the Program encourage interdisciplinary research;

(3) expand education and training of undergraduate and graduate students in interdisciplinary nanotechnology science and engineering;

(4) accelerate the commercial application of nanotechnology innovations in the private sector;

(5) ensure that societal and ethical concerns, including environmental concerns and the potential implications of human performance enhancement and the possible development of nonhuman intelligence, will be addressed as the technology is developed by—

(A) establishing a research program to identify societal and ethical concerns related to nanotechnology, and ensuring that the results of such research are widely disseminated;

(B) insofar as possible, integrating research on societal and ethical concerns with nanotechnology research and development, and ensuring that advances in nanotechnology bring about improvements in quality of life for all Americans; and

(C) requiring that interdisciplinary research centers under paragraph (1)(C) include activities that address societal and ethical concerns; and

(6) include to the maximum extent practicable diverse institutions, including Historically Black Colleges and Universities and those serving large proportions of Hispanics, Native Americans, Asian-Pacific Americans, or other underrepresented populations.

(c) INTERAGENCY COMMITTEE.—The President shall establish or designate an interagency committee on nanotechnology research and development, which shall include representatives from the Office of Science and Technology Policy, the National Science Foundation, the Department of Energy, the National Aeronautics and Space Administration, the National Institute of Standards and Technology, the Environmental Protection Agency, and any other agency that the President may designate. The Director shall select a chairperson from among the members of the Interagency Committee. The Interagency Committee, which shall also include a representative from the Office of Management and Budget, shall oversee the planning, management, and coordination of the Program. The Interagency Committee shall—

(1) establish goals and priorities for the Program;

(2) establish program component areas, with specific priorities and technical goals, that reflect the goals and priorities established for the Program;

(3) develop, within 6 months after the date of enactment of this Act, and update annually, a strategic plan to meet the goals and priorities established under paragraph (1) and to guide the activities of the program component areas established under paragraph (2);

(4) propose a coordinated interagency budget for the Program that will ensure the maintenance of a balanced nanotechnology research portfolio and ensure that each agency and each program component area is allocated the level of funding required to meet the goals and priorities established for the Program;

(5) develop a plan to utilize Federal programs, such as the Small Business Innovation Research Program and the Small Business Technology Transfer Research Program, in support of the goal stated in subsection (b)(4); and

(6) in carrying out its responsibilities under paragraphs (1) through (5), take into consideration the recommendations of the Advisory Committee and the views of academic, State, industry, and other appropriate groups conducting research on and using nanotechnology.

SEC. 4. ANNUAL REPORT.

The chairperson of the Interagency Committee shall prepare an annual report, to be submitted to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at the time of the President's budget request to Congress, that includes—

(1) the Program budget, for the current fiscal year, for each agency that participates in the Program, including a breakout of spending for the development and acquisition of research facilities and instrumentation, for each program component area, and for all activities pursuant to section 3(b)(5);

(2) the proposed Program budget, for the next fiscal year, for each agency that participates in the Program, including a breakout of spending for the development and acquisition of research facilities and instrumentation, for each program component area, and for all activities pursuant to section 3(b)(5);

(3) an analysis of the progress made toward achieving the goals and priorities established for the Program;

(4) an analysis of the extent to which the Program has incorporated the recommendations of the Advisory Committee; and

(5) an assessment of how Federal agencies are implementing the plan described in section 3(c)(5), and a description of the amount of Small Business Innovative Research and Small Business Technology Transfer Research funds supporting the plan.

SEC. 5. ADVISORY COMMITTEE.

(a) In General.—The President shall establish or designate an advisory committee on nanotechnology consisting of non-Federal members, including representatives of research and academic institutions and industry, who are qualified to provide advice and information on nanotechnology research, development, demonstration, education, technology transfer, commercial application, and societal and ethical concerns. The recommendations of the Advisory Committee shall be considered by Federal agencies in implementing the Program.

(b) Assessment.—The Advisory Committee shall assess—

(1) trends and developments in nanotechnology science and engineering;

(2) progress made in implementing the Program;

(3) the need to revise the Program;

(4) the balance among the components of the Program, including funding levels for the program component areas;

(5) whether the program component areas, priorities, and technical goals developed by the Interagency Committee are helping to maintain United States leadership in nanotechnology;

(6) the management, coordination, implementation, and activities of the Program; and

(7) whether societal and ethical concerns are adequately addressed by the Program.

(c) Reports.—The Advisory Committee shall report not less frequently than once every 2 fiscal years to the President on its findings of the assessment carried out under subsection (b), its recommendations for ways to improve the Program, and the concerns assessed under subsection (b)(7). The first report shall be due within 1 year after the date of enactment of this Act.

(d) Federal Advisory Committee Act Application.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

SEC. 6. NATIONAL NANOTECHNOLOGY COORDINATION OFFICE.

The President shall establish a National Nanotechnology Coordination Office, with full-time staff, which shall—

(1) provide technical and administrative support to the Interagency Committee and the Advisory Committee;

(2) serve as a point of contact on Federal nanotechnology activities for government organizations, academia, industry, professional societies, and others to exchange technical and programmatic information; and

(3) conduct public outreach, including dissemination of findings and recommendations of the Interagency Committee and the Advisory Committee, as appropriate.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) National Science Foundation.—There are authorized to be appropriated to the National Science Foundation for carrying out this Act—

(1) $350,000,000 for fiscal year 2004;

(2) $385,000,000 for fiscal year 2005; and

(3) $424,000,000 for fiscal year 2006.

(b) Department of Energy.—There are authorized to be appropriated to the Secretary of Energy for carrying out this Act—

(1) $265,000,000 for fiscal year 2004;

(2) $292,000,000 for fiscal year 2005; and

(3) $322,000,000 for fiscal year 2006.

(c) National Aeronautics and Space Administration.—There are authorized to be appropriated to the National Aeronautics and Space Administration for carrying out this Act—

(1) $31,000,000 for fiscal year 2004;

(2) $34,000,000 for fiscal year 2005; and

(3) $37,000,000 for fiscal year 2006.

(d) National Institute of Standards and Technology.—There are authorized to be appropriated to the National Institute of Standards and Technology for carrying out this Act—

(1) $62,000,000 for fiscal year 2004;

(2) $68,000,000 for fiscal year 2005; and

(3) $75,000,000 for fiscal year 2006.

(e) Environmental Protection Agency.—There are authorized to be appropriated to the Environmental Protection Agency for carrying out this Act—

(1) $5,000,000 for fiscal year 2004;

(2) $5,500,000 for fiscal year 2005; and

(3) $6,000,000 for fiscal year 2006.

SEC. 8. EXTERNAL REVIEW OF THE NATIONAL NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) In General.—Not later than 6 months after the date of enactment of this Act, the Director shall enter into an agreement with the National Academy of Sciences to conduct periodic reviews of the Program. The reviews shall be conducted once every 3 years during the 10-year period following the enactment of this Act. The reviews shall include—

(1) an evaluation of the technical achievements of the Program;

(2) recommendations for changes in the Program;

(3) an evaluation of the relative position of the United States with respect to other nations in nanotechnology research and development;

(4) an evaluation of the Program's success in transferring technology to the private sector;

(5) an evaluation of whether the Program has been successful in fostering interdisciplinary research and development; and

(6) an evaluation of the extent to which the Program has adequately considered societal and ethical concerns.

(b) Study on Molecular Manufacturing.—Not later than 3 years after the date of enactment of this Act a review shall be conducted in accordance with subsection (a) that includes a study to determine the technical feasibility of the manufacture of materials and devices at the molecular scale. The study shall—

(1) examine the current state of the technology for enabling molecular manufacturing;

(2) determine the key scientific and technical barriers to achieving molecular manufacturing;

(3) review current and planned research activities that are relevant to advancing the prospects for molecular manufacturing; and

(4) develop, insofar as possible, a consensus on whether molecular manufacturing is technically feasible, and if found to be feasible—

(A) the estimated timeframe in which molecular manufacturing may be possible on a commercial scale; and

(B) recommendations for a research agenda necessary to achieve this result.

(c) Study on Safe Nanotechnology.—Not later than 6 years after the date of enactment of this Act a review shall be conducted in accordance with subsection (a) that includes a study to assess the need for standards, guidelines, or strategies for ensuring the development of safe nanotechnology, including those applicable to—

(1) self-replicating nanoscale machines or devices;

(2) the release of such machines or devices in natural environments;

(3) distribution of molecular manufacturing development;

(4) encryption;

(5) the development of defensive technologies;

(6) the use of nanotechnology as human brain extenders; and

(7) the use of nanotechnology in developing artificial intelligence.

SEC. 9. SCIENCE AND TECHNOLOGY GRADUATE SCHOLARSHIP PROGRAMS.

(a) Establishment of Programs.—

(1) In general.—The agency heads shall each establish within their respective departments and agencies a Science and Technology Graduate Scholarship Program to award scholarships to individuals that is designed to recruit and prepare students for careers in the Federal Government that require engineering, scientific, and technical training.

(2) Competitive process.—Individuals shall be selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit, with consideration given to financial need and the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

(3) Service agreements.—To carry out the Programs the agency heads shall enter into contractual agreements with individuals selected under paragraph (2) under which the individuals agree to serve as full-time employees of the Federal Government, for the period described in subsection (f)(1), in positions needed by the Federal Government and for which the individuals are qualified, in exchange for receiving a scholarship.

(b) Scholarship Eligibility.—In order to be eligible to participate in a Program, an individual must—

(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education in an academic field or discipline described in a list made available under subsection (d);

(2) be a United States citizen or permanent resident; and

(3) at the time of the initial scholarship award, not be a Federal employee as defined in section 2105 of title 5 of the United States Code.

(c) Application Required.—An individual seeking a scholarship under this section shall submit an application to an agency head at such time, in such manner, and containing such information, agreements, or assurances as the agency head may require.

(d) Eligible Academic Programs.—The agency heads shall each make publicly available a list of academic programs and fields of study for which scholarships under their department's or agency's Program may be utilized, and shall update the list as necessary.

(e) Scholarship Requirement.—

(1) IN GENERAL.—Agency heads may provide scholarships under their department's or agency's Program for an academic year if the individual applying for the scholarship has submitted to the agency head, as part of the application required under subsection (c), a proposed academic program leading to a degree in a program or field of study on a list made available under subsection (d).

(2) DURATION OF ELIGIBILITY.—An individual may not receive a scholarship under this section for more than 4 academic years, unless an agency head grants a waiver.

(3) SCHOLARSHIP AMOUNT.—The dollar amount of a scholarship under this section for an academic year shall be determined under regulations issued by the agency heads, but shall in no case exceed the cost of attendance.

(4) AUTHORIZED USES.—A scholarship provided under this section may be expended for tuition, fees, and other authorized expenses as established by the agency heads by regulation.

(5) CONTRACTS REGARDING DIRECT PAYMENTS TO INSTITUTIONS.—Each agency head may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.

(f) PERIOD OF OBLIGATED SERVICE.—

(1) DURATION OF SERVICE.—The period of service for which an individual shall be obligated to serve as an employee of the Federal Government is, except as provided in subsection (h)(2), 24 months for each academic year for which a scholarship under this section is provided.

(2) SCHEDULE FOR SERVICE.—(A) Except as provided in subparagraph (B), obligated service under paragraph (1) shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided.

(B) An agency head may defer the obligation of an individual to provide a period of service under paragraph (1) if the agency head determines that such a deferral is appropriate. The agency head shall prescribe the terms and conditions under which a service obligation may be deferred through regulation.

(g) PENALTIES FOR BREACH OF SCHOLARSHIP AGREEMENT.—

(1) FAILURE TO COMPLETE ACADEMIC TRAINING.—Scholarship recipients who fail to maintain a high level of academic standing, as defined by the appropriate agency head by regulation, who are dismissed from their educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (h)(2). The repayment period may be extended by the agency head when determined to be necessary, as established by regulation.

(2) FAILURE TO BEGIN OR COMPLETE THE SERVICE OBLIGATION OR MEET THE TERMS AND CONDITIONS OF DEFERMENT.—Scholarship recipients who, for any reason, fail to begin or complete their service obligation after completion of academic training, or fail to comply with the terms and conditions of deferment established by the appropriate agency head pursuant to subsection (f)(2)(B), shall be in breach of their contractual agreement. When recipients breach their agreements for the reasons stated in the preceding sentence, the recipient shall be liable to the United States for an amount equal to—

(A) the total amount of scholarships received by such individual under this section; plus

(B) the interest on the amounts of such awards which would be payable if at the time the awards were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States,

multiplied by 3.

(h) WAIVER OR SUSPENSION OF OBLIGATION.—

(1) DEATH OF INDIVIDUAL.—Any obligation of an individual incurred under a Program (or a contractual agreement thereunder) for service or payment shall be canceled upon the death of the individual.

(2) IMPOSSIBILITY OR EXTREME HARDSHIP.—The agency heads shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment incurred by an individual under their department's or agency's Program (or a contractual agreement thereunder) whenever compliance by the individual is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be contrary to the best interests of the Government.

(i) DEFINITIONS.—In this section the following definitions apply:

(1) AGENCY HEAD.—The term "agency head" means the Director of the National Science Foundation, the Secretary of Energy, the Administrator of the National Aeronautics and Space Administration, the Director of the National Institute of Standards and Technology, or the Administrator of the Environmental Protection Agency.

(2) COST OF ATTENDANCE.—The term "cost of attendance" has the meaning given that term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) PROGRAM.—The term "Program" means a Science and Technology Graduate Scholarship Program established under this section.

AMENDMENT NO. 1 OFFERED BY MR. BELL

Mr. BELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment:

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BELL:

In section 3(b)(5), strike "environmental concerns" and insert "toxicological studies, environmental impact studies,".

Mr. BELL. Mr. Chairman, the traditional approach on environmental and health concerns for new technologies is to simply wait until there is a problem.

Instead of reacting down the line in response to environmental or health problems that may arise in the development of nanotechnology, we have the opportunity through this amendment to understand the risk involved as we move forward in our research now.

One common, often, fair, criticism of government is that we are slow and reactive. Here is a chance for all of us to be proactive.

This amendment will ensure that the environmental and toxicological impacts of nanotech applications are studied during the developmental process so that problems can be spotted early on and fixed before any damage is done. Prevention is better and cheaper than cleanup. I think everybody would agree with that.

History has many examples of promising technologies whose hidden costs and risks were only determined after widespread adoption. These include nuclear power, which continues to generate an enormous amount of toxic waste; DDT, which wiped out malarial mosquitoes in the U.S. but was harmful to animal life; semiconductor manufacturing, which ushered in the computer revolution but resulted in environmental contamination.

There are other examples of science moving forward but then looking at the implications after the fact. Probably the best most recent example is stem cell research; and regardless of where one lines up in that debate, I think everyone can agree that it would have been smarter for us to look at some of the societal concerns while the research was being developed instead of after the fact.

We have a responsibility to quantify the risks ahead of time. We have a responsibility to minimize the unintended consequences. Currently, the toxicological impacts of nanotechnology are not being studied because no funding has been allocated to make it happen. Ultrafine particles, particles larger than nanoparticles, such as asbestos and ultrafine quartz particles, have been known to cause damage to the lungs.

We would like to know the toxic effects of nanoparticles. To date, only one comprehensive study has been performed to examine the possible toxicity of nanoparticles. A group of researchers recently discovered that mice and rats develop scar tissue in their lungs after exposure to carbon nanotubes. This was the first preliminary study that examines the possible toxicological risks of nanotechnology. I would submit that these studies must continue.

What is the impact on the human body? The answer is that we do not know, but that is a question that we must be able to answer. These very preliminary studies show us that further research is needed. There are issues of risks associated with every new technology. Concerns about nanoparticles' toxicity must be addressed while the field is still young and exposure is limited.

We in this body have the responsibility to ensure that the necessary research is being performed to ensure the continued safety of our communities in the face of this exciting new technology.

Mr. BOEHLERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas (Mr. BELL) because I think it overspecifies the issues that should be addressed by research directed towards societal and ethical concerns. I also want to point out that the administration, which is championing this initiative and who were of the same mind, opposes this amendment.

H.R. 766 already makes it clear both in the bill and in the accompanying report language that societal and ethical concerns include concerns related to potential societal and environmental consequences associated with nanotechnology development. The language is general in order to permit the broadest range of research on the societal and environmental implications of nanotechnology.

We spent a great deal of time on this very issue during our committee's markup of the bill last week. The committee took particular care as to how societal and ethical concerns were described in the bill and how the national nanotechnology research and development program is required to address them.

We need to have broad authority to ensure that this research can focus on questions that may not seem important to us today but emerge as the science matures. This amendment takes us in the wrong direction by limiting the research on environmental concerns authorized in the bipartisan committee bill to toxicological and environmental impact statements.

The administration opposes the amendment. I do, too. I urge my colleagues to vote "no."

Mr. SHERMAN. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of this amendment. It is my understanding that the amendment does not limit the societal impact that is going to be evaluated, but simply specifies that among the things to be looked at are the toxicological and the environmental.

I do not know whether the gentleman from Texas would want me to yield to him so that he could further explain whether his amendment would limit or perhaps just identify certain areas for such review.

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. SHERMAN. I yield to the gentleman from Texas.

Mr. BELL. Mr. Chairman, I thank the gentleman from California for yielding.

In no way would it limit, and that is why we specifically used language that said "including toxicological and environmental concerns." Researchers in this area would still be free to study a wide range of societal and ethical concerns associated with nanotechnology. We just want to make sure that included in that research will be research going toward toxicological and environmental concerns as well.

☐ 1330

Mr. Chairman, the distinguished Chair of the Committee on Science and I happen to disagree on what could possibly lead to arbitrariness as this research concerning nanotechnology goes forward. It is my fear if we do not set forth some of the areas in particular that we would like to see studied, they could be overlooked. But it is in no way limiting the scope of the research that will be conducted regarding societal and ethical concerns associated with nanotechnology.

Mr. SHERMAN. Mr. Chairman, reclaiming my time, I think the bill does a good job of dealing with the societal impacts. This amendment would make it better.

I just returned from spending 2 days at the conference of the Foresight Institute in Palo Alto devoted exclusively to looking at the societal impacts of nanotechnology. There I had extensive discussions with Eric Drexler who coined the term "nanotechnology," and got to meet the people from the Singularity Institute who are focusing on the implications of artificial intelligence.

One good aspect of this bill that I should point out is Michael Creighton's book "Prey" is identified with nanotechnology; and, in fact, whether or not what he describes in that book is possible, the bill already identifies six standards to be included in the safety standards for the research done in this technology. Following even some of those standards would be enough to put "Prey" to rest.

So the bill does have some excellent aspects to it. I think it could be enhanced by the amendment from the gentleman from Texas. I would also point out that the bill calls for societal impacts to be reviewed as part and parcel of scientific research so that when it is practical to fund scientific research, that the societal impacts are reviewed.

The bill also, and I think this is important, would allow us to look at the societal impact separately and prior to the time when it is appropriate to fund practical scientific studies. So it may be that we are not funding a particular type of technology because it is not ripe, but we do need to look at the societal impacts of that technology even before it is ripe to develop it.

Mr. Chairman, I look forward to being part of the process as this bill moves to the other body. I think it is a bill that covers the societal impacts, and the amendment would only make it better.

Mr. HALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have a great bill. We think that this amendment would help it. I support the bill whether we put the amendment on or not; but it seems to me that this just adds toxicological studies, which simply means in plain American language is we want to add health effects to it. In subsection 5, page 4, line 23, they point and ensure that societal and ethical concerns, including environmental concerns and potential implications of human performance enhancement and the possible development of nonhuman intelligence will be addressed. This simply adds health to it.

I think it aids the bill substantially. It brings some common sense to it, and I urge adoption of the amendment.

Mr. MILLER of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise also in support of the Bell amendment. The potential benefit of nanotechnology is truly astounding, but there are also potential harmful consequences.

I come from a part of the country where a century ago we imported an ornamental Japanese groundcover, kudzu. It was thought to help prevent soil erosion. Now 7 million acres of the South is covered with kudzu. It covers crops, forests, houses, barns. Many of us suspect that we have lost slow-moving relatives to the kudzu.

We are now talking about manipulating matter at the atomic and molecular level. I want to make sure we are not turning loose upon the world a molecular, atomic kudzu. We do not know how manipulated particles, atoms and molecules, will interact with the environment, particularly human tissue. And we do not know if self-replicating molecules and atoms will know when to stop replicating.

Mr. Chairman, I hope that all of these concerns will prove to be overblown, and we will look back in 30 years and think of this the way we now think about the concerns about the astronauts bringing back Moon germs from the Moon.

But we certainly have plenty of examples of things that we should have worried about and we did not worry about. It includes concerns about toxicity, the toxicity of manipulated molecules and atoms, and the effects on the environment. I want to make sure that our societal and ethical concerns about nanotechnology is not limited to philosophers and theologians wondering if we are playing God, but rather if we are creating matter that is going to be harmful to human tissue and will harm the environment. I support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BELL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BELL. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. BELL) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 2 OFFERED BY MR. BELL

Mr. BELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. BELL:

In section 3(b)(1), insert ", including research on the potential of nanotechnology to produce or facilitate the production of clean, inexpensive energy," after "nanotechnology research and development".

Mr. BELL. Mr. Chairman, just after being sworn in as a Member of Congress, I had the privilege of listening to Dr. Richard Smalley, who is a Nobel Laureate who now teaches at Rice University and is recognized as a leader in the area of nanotechnology.

During the course of his speech, many of his remarks were directed towards the impact that photoresearch and the area of nanotechnology could have in the area of energy. He pointed out to the crowd assembled that evening how in this particular area regarding energy, nanotechnology could very much change the world in which we live. I am not a scientist, but when people start talking about how something could change the world in a very beneficial manner, those words get my attention.

The purpose of the amendment that we present here today is to single out energy, along with the other important areas for research that are already set forth within the bill.

Nanotechnology holds the promise to make energy production cheap and relatively pollution-free by reducing the cost of solar and fuel cell technology anywhere from 10 to 100 fold. Nanotech lighting technology could replace incandescent and fluorescent lights with enormous energy cost savings across every sector of the economy.

If we look at what is going on in the United States today regarding the cost of energy, the price of gasoline skyrocketing all across the country, the cost of natural gas rising so high that plants are threatening to close and move overseas on an almost daily basis, I think all of us can understand the need for looking for low-cost alternative energy sources, especially when it could be a clean source of energy.

Mr. Chairman, nanotechnology holds the promise of tomorrow because it truly is the technology of the future. Its application will be felt across the spectrum of scientific research. I hope my colleagues will join me in supporting the development of this exciting field and pinpoint energy as an area that is very much deserving of further study.

Mr. Chairman, I urge support for this amendment.

Mrs. BIGGERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to the Bell amendment to H.R. 766, the Nanotechnology Research and Development Act. As the chairman of the Subcommittee on Energy of the Committee on Science and someone who is very passionate about energy research, I certainly am one who would be inclined to elevate energy applications above all other applications in just about any research area, including nanotechnology research.

However, the purpose of this bill is to ensure coordination and collaboration of nanotechnology research by all Federal science agencies, including the Department of Energy. I believe that this bill in its current form already includes the kind of research the Bell amendment is attempting to advocate or emphasize. It does so by authorizing a significant amount of funding for research at the Department of Energy, the Federal agency with the central mission and responsibility to encourage the development of clean, inexpensive energy.

As a result, the bill will revolutionize energy production and use. Key enabling technologies such as catalysts, membranes, and filters all operate at the nanoscale. A better understanding of the nanoscale and the development of nanotechnologies will enable dramatic cost reductions in hydrogen production, carbon sequestration, and a host of other energy applications.

I do not think that specifying research development in the statute adds anything new and will only tie the administration's hands and the Federal agencies' hands. I urge my colleagues to support the bill as reported by the committee and oppose the Bell amendment.

Mr. HALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it makes sense, and the gentleman who offers the amendment is from Houston, Texas, which is a salient part of the energy thrust. And Texas being one of the 10 States that produces energy for the other 40 States thinks this is important. I think it is important to add it. It is simple. It simply adds including research on the potential of nanotechnology to produce or facilitate the production of clean, inexpensive energy. I think it helps, and I think it is consistent with the rest of the bill.

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Texas.

Mr. BELL. Mr. Chairman, I would just point out if we can get a group of Texans excited about looking for a clean, inexpensive form of energy, the House of Representatives should not balk at that opportunity.

This is an extraordinary opportunity in many respects. We are not trying to limit the research, just as I pointed out previously in regard to the earlier amendment.

This is simply to include a provision in the bill that will lead researchers to look at energy technology and provide funding for energy technology down the line so we can study this. This is not an area that is widely discussed when people talk about nanotechnology. But given what some of the leaders in this area of research have pointed out, there is tremendous optimism that it could lead to a sustainable, clean-burning, inexpensive source of energy; and we should not miss the opportunity to look at that as we are studying nanotechnology.

Mr. HALL. Mr. Chairman, Texans cannot only think big, we can think little, too; and that is what we are doing.

Mr. BOEHLERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, who can be against clean, inexpensive energy? I am not, but does it make sense to pick out this one laudable goal and hold it up above all others, including medical advances, homeland security, technology that can drive faster economic growth? Yes, energy is important and this bill recognizes it.

□ 1345

It is an important part of H.R. 766 and it is demonstrated by the portion of the bill that authorizes $265 million for nanotechnology research at the Department of Energy next year alone. That is significant. But energy is not more important than many of the other things that nanotechnology will do. Would you say it is more important than finding a cure for cancer? Or more important than protecting our borders in our fight for homeland security? These are all important, laudable goals, and the bill covers them all.

Once again, we are not just throwing petty cash at this subject. We are devoting $265 million to it. The administration opposes this amendment, and so do I because it is too prescriptive. Therefore, I would urge a "no" vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BELL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BELL. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. BELL) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. EDDIE BERNICE JOHNSON of Texas:

In section 5(b), after paragraph (7), insert the following:

In carrying out the assessment required under paragraph (7), the Advisory Committee shall consider the findings and recommendations from citizen panels described in section 6(b).

In section 6, insert "(a) IN GENERAL.—" before "The President shall".

In section 6, insert the following new subsection at the end:

(b) CITIZEN PANELS.—(1) The National Nanotechnology Coordination Office shall convene citizen panels, with membership composed of nonscientific and nontechnical experts, in different geographic regions of the Nation, to consider societal and ethical concerns arising from the development and application of nanotechnology. The Coordination Office shall develop guidelines and procedures governing the functioning of the citizen panels under this subsection in consultation with the Director of the National Science Foundation.

(2) The first citizen panel shall meet within 18 months after the date of enactment of this Act, and subsequent panels shall meet on a schedule established by the Coordination Office, but not less frequently than at 18-month intervals.

(3) Citizen panels shall prepare reports containing the panels' findings and recommendations, and the Coordination Office shall ensure the wide dissemination of the reports.

(4) Of the amounts authorized under section 7(a), such sums as may be necessary shall be made available to carry out this subsection.

Ms. EDDIE BERNICE JOHNSON of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of the amendment that I have for H.R. 766. It has to do with adding under the auspices of the National Science Foundation a citizens advisory committee. There is nothing sinister about my desire to do this. I want to do this because I feel that more and more citizen input is demanded by citizens. This research will be paid for by citizens. And to have someone to sit and listen and get an understanding simply creates a more positive attitude throughout society, I feel, with the research.

This is going to be research that people do not understand very well. Even the researchers will not understand it too well until they start to do the research. It could provide revolutionary advances in health care and dramatically increase our life-span. But people need to know this. They need to know that this is not going to be perhaps research on stem cells or whatever, so that the fears can be allayed, the anxieties can be eliminated because of this. This powerful and pervasive technology, while promising great benefits, has its downsides.

While I support the bill, I do have that one concern, that the views of the general public who will bear the brunt of the consequences, both good and bad, have no input in the planning and execution of the research program and no input as to asking questions and getting answers as the research goes on. As I indicated, taxpayers are paying for the development of this technology and they have a right to have a voice in this research agenda.

My amendment goes to the heart of this problem. It provides for small panels of ordinary citizens to be assembled to examine important societal issues about nanotechnology. Panelists would be selected across the socioeconomic spectrum, ordinary, practical Americans. These citizen panels would hear expert testimony from those doing the research, listen to arguments about the applications and consequences presented by all sides and develop an agenda of major public issues to address. These John Q. Public panels will provide agencies carrying out the nanotechnology R&D program and the broader public of the common ground among the cross-section of Americans on the goals and directions of this R&D program.

The bill does provide support for experts to address the societal and ethical concerns of nanotechnology. However, that is the problem when only the experts are involved. These are the same type of experts that did not provide effective guidance on how to address societal and ethical concerns on genetically modified foods, and now we still have a question about whether or not they are safe to eat, human stem cell research and cloning. As a witness pointed out during a hearing on nanotechnology, social and ethical expert panels frequently become captive to the technology they are supposed to be providing oversight on. I believe that there is evidence that expert panels are not by themselves sufficient to address broad public concerns. That is why my amendment explicitly calls for citizen panels.

Members may ask, why is this important? Just think about the public backlash and debate on genetically modified organisms, think Frankenfoods, human stem cell research, and cloning to name a few. When the public was asked to accept the results of these technologies and asked simple, commonsensical questions, the research community said trust us, the fatalists said the world would come to an end, and no one really required the science community to sit down with the public and discuss the benefits and possible costs of these technologies. As a result, the full potential of these technologies have not been realized. Citizen panels promise to avoid this logjam by allowing the public's voice to be heard during the development period of the technology, not after it is introduced.

Today I ask my colleagues to support this amendment to put in place a proven approach to help increase public understanding of nanotechnology and provide an avenue for ordinary Americans to influence the direction of this R&D initiative.

Mr. BURGESS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I urge opposition to the Johnson amendment. First off, the administration opposes this amendment. The bill that is under consideration already provides a forum for citizen involvement. By statute, the meetings and proceedings of the Advisory Committee on Nanotechnology must be open to the public. Weighing down the National Coordination Office for Nanotechnology with citizens' panels would be unnecessarily costly as well as prescriptive. The Danish model embodied in the Johnson amendment has not worked well here. A scholarly review of the Danish-type citizens' panel process convened to study telecommunications and democracy judged the process to be ineffective.

I would, however, add my support to H.R. 766, the Nanotechnology Research and Development Act of 2003. I want to commend Chairman BOEHLERT for his firm leadership on this issue and I am pleased that I had the opportunity to work in a bipartisan fashion with my colleagues on the Committee on Science. Nanotechnology is an exciting new field of scientific study and promises to provide humankind with unimaginable advances in manufacturing, materials, medicine, construction, computing and telecommunications.

As we have learned in committee from the testimony of Dr. James Roberto, we are truly moving from atomic scale characterization to atomic scale control, from miniaturization to self-assembly. As a physician I am especially excited about nanotechnology applications in medicine. Most diseases and illnesses occur at the cellular level and the surgical tools of tomorrow will have a level of precision that is unimagined today. Nanotechnology advancements in medicine will soon be able to inexpensively fabricate essentially any structure that is consistent with chemical and physical laws and specified in molecular detail.

As we also learned in committee, recently the University of Michigan used nanoprobes to image chemical activity inside cells. Today this provides information about metabolic processes inside cells, but tomorrow we may be able to modify these processes. We will truly move from an era of nanodiagnostics to nanotherapy. The ramifications that this technology could have on cancer treatment, trauma surgery or organ transplantation would be literally life-changing. In order to improve the health of Americans, a coordinated approach to nanotechnology research and development will be necessary in order to reorient how we practice medicine. H.R. 766 will do that and much more.

The National Nanotechnology Research and Development Program established under this bill would promote research and development into this promising new science as well as facilitate commercial applications for new developments. H.R. 766 will also establish formal interagency cooperation, reducing government waste and duplication on nanotechnology projects. By streamlining national efforts in regard to nanotechnology, commercial applications of the technology will come sooner rather than later. And perhaps one of the greatest impacts this bill will have will be the impact on our economy. This new technology will be an engine of growth for our economy and has the potential to create millions of new jobs in several sectors of the United States and the global economies. Nanotechnology will change the way our lives are lived by improving our health, our environment and the ways in which we live and work.

Mr. Chairman, I urge support for this bipartisan legislation, H.R. 766.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I have heard a couple of times that the amendment was opposed because the administration did not want it. Could you tell me the objection of the administration? How did they find little old me with this little old amendment to object to it?

Mr. BOEHLERT. Mr. Chairman, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentleman from New York.

Mr. BOEHLERT. Let me state at the outset that I support and the administration supports broader public participation. We have been assured by the administration that every meeting will have a set-aside period for public participation, the type of participation that the gentlewoman wants and is a cherished part of our system. So I applaud the gentlewoman's objective but the fact of the matter is we do not need a whole bunch of new panels.

Let me point out, if you want me to use some additional time, this is modeled after the Danish system. I was told that research puts that into question, that sort of formalized structure. A scholarly study on the impact of just such a citizens panel in the United States, not in Denmark, here, concluded that not even those engaged in organizing the U.S. citizens panel thought it had any actual impact. Let me quote from their report: "The single greatest area of consensus among the respondents was that the Citizens Panel on Telecommunications and the Future of Democracy had no actual impact. No respondent, not even those government members of the steering committee or expert cohort, identified any actual impact."

Having said that, does that mean that I agree that we do not need any citizen input? Not at all. I agree with the gentlewoman that we do need citizen input. I applaud her effort, but I have to oppose this particular amendment to be so prescriptive and just to set in motion just who has to do what and when.

Ms. EDDIE BERNICE JOHNSON of Texas. If the gentlewoman will continue to yield, there was other language that had been attempted as substitute language. Would the gentleman accept that as an amendment? I have it prepared to submit it.

Mr. BOEHLERT. My staff tells me we tried very hard, because we talked in committee about this and I offered to work with the gentlewoman to strengthen the requirements for public participation in the underlying legislation. The staff have had conversations back and forth and apparently we could not bridge the differences. But let me assure the gentlewoman that she is absolutely right in calling for public participation. I want public participation. So does the administration. I just do not think we have to be so prescriptive in this bill as to set the parameters for that public participation.

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Johnson amendment which calls for citizen panels to examine the societal issues and effects that could emerge from nanotechnology, effects and issues that may not be able to be detected and imagined with this imaginable science but for the untrained eye, the naive person that may not know what this is supposed to do may actually see what could come up and could get in the way of this being a straightforward technology. But this is a straightforward amendment. It adds more common sense to an already good underlying bill.

The Johnson amendment taps into the unscientific expertise that our neighbors, our colleagues, our family members, our friends could offer to the exciting development of nanotechnology.

□ 1400

As with any new technology, Mr. Chairman, any new technological endeavor, some of the issues and consequences we might be able to anticipate from the very beginning; but others may not emerge for a time to come. More effort is needed. More effort is needed to increase public understandings of nanotechnology in the first place in order to avoid the backlash that has plagued other new technologies such as genetically modified foods, corn and the Monarch butterfly, for example.

Mr. Chairman, I rise in support of the Johnson amendment to H.R. 766, the Nanotechnology Research and Development Act.

The Johnson amendment, calls for citizen panels to examine the societal issues and effects that could emerge from nanotechnology, that may be imaginable to the scientist, but not the untrained eye. It is a straight forward amendment that adds more common sense to a good underlying bill.

We all know that local citizens often have the best insight for what is coming straight at us. The Johnson amendment taps into the unscientific expertise that our neighbors, colleagues, family members or friends could offer to the exciting development of nanotechnology.

During committee consideration of H.R. 766 we had a spirited debate about the potential societal and ethical issues that nanotechnology could mean for us down the road. As with any new technological endeavor, some of the issues and consequences we might be able to anticipate from the beginning . . . but others may not emerge for a time to come.

At our committee's nanotechnology hearings, we also had several witnesses who indicated that more effort is needed to increase public understanding of nanotechnology in order to avoid the backlash that has plagued other new technologies, such as genetically modified foods, corn and the Monarch Butterfly, for example.

In the past, too often the scientific or technological experts have told the public "trust us"—this won't have any adverse consequences.

But we know that's not always the case, no matter how much the experts tell us otherwise.

Whether we're talking about the early questions that surrounded biotechnology, corn and the Monarch Butterfly or what nanotechnology might mean for increasing the human lifespan, there's certainly a demonstrated usefulness to having a commonsense voice be part of the research agenda.

Now is the time to incorporate those common sense voices into the research agenda. Now, while we're at the starting gate, not when we might already be involved in public controversy.

The Johnson amendment is the answer to this need for public involvement by calling on ordinary Americans to be a stakeholder in the nanotechnology research agenda. Ordinary Americans certainly have a stake in what nanotechnology can deliver, so we should make sure they have a voice in how nanotechnology may deliver it.

I urge my colleagues to support the Johnson amendment.

Mr. HONDA. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I have a question to ask the chairman of the committee. Since there is objection to the details of this citizens panel, there was a suggestion after much dialogue with the chairman and staff to recommend a more watered-down version of it. I would rather have the watered-down version than to not have a citizens panel because I think it is just going to prevent a great deal of turmoil later. I do not know how long it will take us to convince people that genetically modified foods are safe; but I think that if the education had started right along with the research, we would not be dealing with that problem.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. HONDA. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, the staff is busy discussing, as we always do as a committee on bipartisan basis, a way to accommodate our mutual interest.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I ask unanimous consent to withdraw the amendment and wait for the details to be worked out.

The CHAIRMAN pro tempore (Mr. OTTER). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I simply hope that we can work out this concept of citizen panels because I do believe there is a mutual benefit to having the citizenry having their input into very fine technical and very precise technology that really is going to be a job generator. It is going to be an enhancement for a better quality of life, and I would hope that in the course of deliberating that we would find an opportunity to support just a simple concept, Mr. Chairman, having citizen panels to address the question of the quality of this kind of technology.

Mr. Chairman, first I would like to commend Chairman BOEHLERT and Ranking Member HALL on the Science Committee for their hard work and bipartisan spirit in crafting this bill. We and our staffs have been working very closely together to ensure that this Bill ensures a bright, productive, and lucrative future for the field of nanotechnology in the United States. I would also like to commend my colleague from California, Mr. HONDA for his leadership in the exciting field of nanotechnology. I am pleased to be a co-sponsor of this bill and look forward to seeing it signed into law.

My amendment today will create a Center for exploration of ethical/societal/environmental and education issues related to Nanotechnology. It represents a compromise between those in the Science Committee who wanted to elevate this kind of research, and those who were reluctant to micromanage the administration by assigning dollar values to such programs. If we disagree on some of the fine details here today, it should not detract from the excellent collaboration we have engaged in so far.

Nanotechnology is one of the most exciting fields of science today, involving a multitude of science and engineering disciplines, with widespread applications in electronics, advanced materials, medicine, and information technology. The promise of nanotechnology to accelerate technological change has prompted some to advise caution about pursuing such rapid innovation without first developing a deep understanding of where it might lead us.

Advances in stem cell research, cloning, and genetically modified organisms, have left us scrambling to make smart decisions that will harness the great potential of these fields, but also avoid potential pitfalls or ethical disasters. As nanotechnology emerges, I hope we can be more proactive in guiding smart policies and appropriate research.

Nano-machined particles or biotech products could have potentially devastating health or geopolitical consequences if released into the atmosphere either unintentionally, or as a new class of weapons. Manipulations of biological systems could produce germs or species that could jeopardize our ecosystem.

Furthermore, there are even risks to society that may stem from the good outcomes of nanotechnology research. Over the past decades we have seen a troubling development, with the "have-nots" in our society finding themselves on the wrong end of a "technological divide." As the internet, and other technologies, are making many of our lives so much easier and more productive, change has not reached all of our communities.

Too many are missing out on the tech revolution. These people are already fighting to keep up and compete in school, or in the workforce, and the technological divide makes that fight even harder. I do not want H.R. 766 to lead to a nanotechnology divide that will further handicap hard-working, tax-paying Americans.

Numerous experts from academics, think tanks, industry, as well as the NSF and the National Academy of Sciences, have come to the Science Committee strongly encouraging us to incorporate research on societal and ethical implications of nanotechnology, into any nanotech research initiative. They have also spoken of the importance of ensuring that nanotechnology research is guided by an understanding of health and environmental sciences.

We must ensure that as new technologies and products come about—in healthcare, in communications, in energy—that they have a positive impact on all of the American people, and on our planet.

I am pleased that the underlying bill includes provisions to provide for research into the societal and ethical concerns related to nanotechnology. The authors of the bill have recognized the importance of having that research integrated into the bench science research programs, so that there will be a constant dialogue between nanotech scientists, ethicists, and social scientists. I agree that such integration is necessary. My amendment preserves all of the language in the existing bill relating to that critical integrated research.

However, I am concerned that as this field progresses—as results start to translate into lucrative products, it becomes more competitive to get the hottest cutting edge research into journals, as researchers find it necessary to "push the envelope" in labs in order to get tenure—that the ethical/societal issues could become lost.

That is why, in addition to the integrated research program, my amendment adds a provision requiring the National Science Foundation to establish a Center for Societal, Ethical, Educational, Environmental, Legal, and Workforce Issues Related to Nanotechnology.

It will thus elevate and draw focus to the important research in these areas, without "prescribing" an exact dollar value for the program. The center will compile and enhance research from the integrated programs on societal and ethical implications. In addition, it will also add studies on environmental, legal, educational, and workforce issues.

Nanotechnology lies at the intersection of several scientific disciplines including biology, chemistry, physics, and materials science—and will thus demand a diverse and properly educated workforce. Proper workforce training needs to occur at all levels, from K–12 through university, to ensure that all are able to enjoy the social, economic and technical benefits that nanotechnology promises. This Center will help make that happen.

The center will serve as a conduit for transfer of papers and data and information, between researchers in the field, social scientists and outside special interest groups. It will communicate findings and recommendations to the National Academy of Science and to the Interagency Committee on Nanotechnology, to help them with their annual reports.

This amendment does NOT replace the integrated societal/ethical research programs, as some have suggested. Instead, it protects that research by giving it a home at NSF. It demonstrates to concerned citizens, that these issues are being addressed. And, it ensures that results from "embedded" social scientists, integrated into research centers, are widely disseminated and discussed.

A similar provision was widely accepted in the Senate and included in their bill. It has been supported by many of my colleagues in the Science Committee.

I believe this amendment will complement the underlying bill well, and urge my colleagues to support it.

Mr. HALL. Mr. Chairman, I move to strike the last word.

The gentleman from Texas (Mr. BURGESS) was correct when he pointed out that the amendment directs NSF to provide assistance to the National Nanotechnology Initiative in setting up and running the citizens panels, and I think that has to be in there because otherwise how would they know how to run the citizens panels if they do not hear from the citizens?

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. HALL. I yield to the gentleman from New York. And I think the gentleman is being cooperative in trying to help. I recognize that.

Mr. BOEHLERT. Mr. Chairman, we are working this out. So the gentlewoman has kindly withdrawn her amendment from consideration; and during this interim period, the gentlewoman from Texas (Ms. JACKSON-LEE) will be up next with her staff. Staffs are trying to work out language that assures both sides that we get what we want, active citizen participation.

Mr. HALL. Mr. Chairman, I will wait to see the fruits of the gentleman's labors, and I thank the chairman for this extra work he is going into.

Mr. EHLERS. Mr. Chairman, I move to strike the last word.

I wish to speak on the general merits of the bill. Nanotechnology is an extremely important scientific development, one in which we are just beginning to scratch the surface. Few people in this country realize the tremendous potential that this has. At the same time, as a scientist, I have to say if someone asked me what are we going to get out of this, I have to simply say I am not sure. And that is the nature of basic research. In 1931 when theorists first started investigating stimulated emission of radiation, if one asked the question what is this going to come to, they would have said I do not know. And when Charles Townes first developed the hydrogen MASAR, microwave amplification by stimulated emission of radiation, and someone asked what is this going to come to, he probably said it would be a time standard, but was not certain of any development beyond that. And yet that research led to the development of the laser, and the development of the laser led to a multitude of applications in business, commerce, medicine and the military. The laser today is ubiquitous. Back then it was a precious, expensive discovery, but today we use tiny, inexpensive lasers just to point at slides on a screen. It has been amazing progress. And we will find the same thing with nanotechnology. It is a very promising field, but we do not know where it is going to lead.

Some of the promise of nanotechnology could be incredibly strong, light materials which could create a revolution in space travel and in ordinary airplane travel. Other uses for it could be in the medical arena, being able to entrap health-enhancing molecules within a nanoscale shell so that the medicine can be directly applied to the site we are trying to reach. For example, we might treat cancer in a very direct way by having a mechanism of transporting the chemotherapy molecules directly to the cancer cells and not to other cells. That would also be a marvelous development, but we really do not know if it will work out.

The point is simply that this is a very new technology, and already we know enough about it to know that it is a major breakthrough. It is absolutely essential that we pursue this research in a thoughtful manner and that we, as a Nation, commit ourselves to development of nanotechnology and research in nanoscience.

I am very much a supporter of the bill, and I appreciate the chairman of the Committee on Science and the ranking member for bringing this bill forward. It is a good step forward for our country. Frankly, we are going to need much more in the future in terms of guidance for how this new discovery is supposed to be used, including some of the ethical and societal concerns; but the first thing to do is to promote research on nanotechnology, find out exactly what promise it has, what may become of it, and then pursue those avenues of research.

Mr. SHERMAN. Mr. Chairman, I move to strike the last word.

I rise in support of this amendment. I think getting all of the citizen input possible is called for. I know that it has been discussed that perhaps the citizen panels on telecommunications did not create sufficient community interest. I for one found Tauzin-Dingell to be boring. I am not sure that my constituents found telecommunications to be a reason to drive long distances to participate in citizen panels. I think the issues that nanotechnology brings before us are simply going to create more citizen involvement and that the citizen panels here will be quite important.

Among the questions that this technology will raise, when I took the CPA test, they would not let me bring a calculator. A decade from now, chips will be implanted in people's brains. Can they take the CPA test? Do we have to disable the chip? I do not know. Today Shaquille O'Neil is the most dominating force on the basketball court, but what if parents decide that they want genes moved this way and that way so that their son or daughter could be even taller, even bigger? Will this person be eligible to participate in the NBA, and if so, will the Lakers get to draft that person? I do not know, but it strikes me as more interesting than much of telecommunications, and I know there are Members of this body very interested in telecommunications, and I praise them for that involvement.

The entire issue of artificial intelligence and what happens when a computer first asks us for the minimum wage, I do not know how we are going to react; but I think that these are questions we are going to confront in the next few decades. They are questions that should involve all of society. They involve the very issue of what it means to be a human being. They will arouse a level of theological debate that we did not face in telecommunications; and for those reasons I think that even if panels were not successful on that issue, they will be quite interesting on it. Before we change what it is to be human, we ought to ask humans what they think about.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. SHERMAN. I yield to the chairman.

Mr. BOEHLERT. Mr. Chairman, during the time that the gentleman has been speaking so eloquently, the majority and minority have reached an agreement on the gentlewoman from Texas's (Ms. EDDIE BERNICE JOHNSON) amendment which has been withdrawn, and now she is willing to offer a compromise amendment that we are prepared to accept. So I thank the gentleman for his input, and I anxiously await the words of the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Mr. SHERMAN. Mr. Chairman, reclaiming my time, this shows the kind of bipartisanship and camaraderie that has been achieved under the chairman and ranking member on the Committee on Science, and I salute it.

AMENDMENT OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. EDDIE BERNICE JOHNSON of Texas:

In section 3(b)(5)—

(1) strike "and" at the end of subparagraph (B); and

(2) after subparagraph (C), insert the following new subparagraph:

(D) ensure, through the National Nanotechnology Coordination Office established under section 6 and through the agencies and departments that participate in the Program that public input and outreach to the public are both integrated into Nanotechnology research and Development and research on societal and ethical conerns by the convening of regular and ongoing public discussion, through mechanisms such as citizen panels, consensus conferences, and educational events, as appropriate; and

In section 3(c)(6), insert ", suggestions or recommendations developed pursuant to section 3(b)(5)(D)," after "Advisory Committee".

In section 5(b)(7), insert ", including concerns identified pursuant to section 3(b)(5)(D)," after "societal and ethical concerns".

Ms. EDDIE BERNICE JOHNSON of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, this substitute amendment which I am offering now does essentially the same thing except that it is very voluntary; and if that is acceptable to the Chair and to the majority, then I will accept this amendment. So I would move its adoption.

Mr. BOEHLERT. Mr. Chairman, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I think we worked out a very fine compromise that ensures the citizen input, and the majority is pleased to accept the gentlewoman's amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I thank the gentleman.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Texas (Ms. Eddie Bernice Johnson).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. Jackson-Lee of Texas:

In section 3, add at the end the following new subsection:

(d) Center for Societal, Ethical, Educational, Environmental, Legal, and Workforce Issues Related to Nanotechnology.—The National Science Foundation shall establish a Center for Societal, Ethical, Educational, Environmental, Legal, and Workforce Issues Related to Nanotechnology to encourage, conduct, coordinate, commission, collect, and disseminate research on the societal, ethical, educational, environmental, legal, and workforce issues related to nanotechnology, including research under subsection (b)(5)(A). The Center shall also conduct studies and provide input and assistance to the chairperson of the Interagency Committee in completing the annual report required under section 4 and to the National Academy of Sciences for conducting reviews under section 8.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, the word is very large, but it is an extremely humbling science and approach that we are attempting to take with respect to nanotechnology. As I listened to the previous debate and my good friend from California who acknowledged that previously in other instances citizen panels may not have drawn the great enthusiasm that we would have liked them to draw, I am hoping that as we resolve the matter on a very good amendment by my colleague that I could work with the ranking member and the gentleman from New York (Chairman Boehlert) to work on what I think is a very important amendment as well.

□ 1415

I would like to thank both of the gentlemen for the work on this particular legislation. As I said, the word is large, but the science and the concept is humbling. It deals with enhanced quality of life by the particular type of science and dealing with cutting edge technology to help improve our life and our lifestyle in America and around the world.

We have worked with our staffs very closely to ensure that this bill ensures a bright, productive and lucrative future for the field of nanotechnology in the United States.

I would also like to commend my colleague from California (Mr. Honda) for his leadership in the exciting field of nanotechnology, and I am pleased to be a cosponsor of this bill and look forward to seeing it being signed into law.

My amendment today will create a Center for Exploration of Ethical, Societal, Environmental and Educational Issues Relating to Nanotechnology. And forgive me as I speak directly to the chairman. With that simple sentence, I believe we can find a wonderful way to project that and allow for this bill to make its way through this body and finally to passage.

The amendment represents a compromise between those in the Committee on Science who want to elevate this kind of research and those who are reluctant to micro-manage the administration by assigning dollar values to such programs.

If we disagree on some of the fine details here today, it should not detract from the excellent collaboration we have engaged in. Nanotechnology is one of the most exciting fields of science today, involving a multitude of science and engineering disciplines with widespread applications in electronics, advanced materials, medicine and information technology.

I am waiting for the ranking member to speak only because I know that he knows how to bring just the right humor along with the right type of technology and science. The ranking member, the gentleman from Texas (Mr. Hall), has been a vital resource for helping us forge these bipartisan efforts, but, more importantly, get good bills to the floor and get them passed.

I realize that this center has that capability of drawing a compromise. The promise of nanotechnology to accelerate technological change has prompted some to advise caution while pursuing such rapid innovation without first developing deep understanding of where it might lead us. Advances in stem cell research, cloning and genetically-modified organisms have left us scrambling to make smart decisions that will harness the great potential of these fields, but also avoid potential pitfalls or ethical disasters.

Mr. Chairman, we have discussed these issues in the Committee on Science. I can assure you there is unanimity on the issue of cloning amongst the Committee on Science and I know amongst this body. We do not want human cloning, but there are ethical questions being raised. This is what I speak of, the need to have a body that deals with these ethical considerations in an important, smart, effective and far-reaching way.

As nanotechnology emerges, I hope we can be more proactive in guiding smart policies and appropriate research. Nanomachine particles or biotech products can have potentially devastating health or geopolitical consequences if released into the atmosphere, either unintentionally or as a new class of weapons. Manipulations of biological systems can produce germs or species that could jeopardize our ecosystem.

Furthermore, there are even risks to society that may stem from the good outcomes of nanotechnology research. Over the past decades we have seen a troubling development with the have-nots in our society finding themselves on the wrong end of a technological divide. As the Internet and other technologies are making many of our lives so much easier and more productive, change has not reached all of our communities. There lies the need for such a center.

Too many are missing out on the tech revolution. These people are already fighting to keep up and compete in school or in the workforce, and the technological divide makes that fight even harder. I do not want this next step, nanotechnology, to divide us even further and to disadvantage hard-working, taxpaying Americans.

So there are numerous experts, think tanks, the National Science Foundation, the National Academy of Sciences, that have all come together, the Committee on Science, to ensure we are moving forward.

I think it is important to have such a center, Mr. Chairman, and I believe that my colleagues, we can work together to move this concept of my amendment along, a center that will bring all these forces together and ensure that nanotechnology works for all of America.

Mr. BOEHLERT. Mr. Chairman, I rise in reluctant opposition to the amendment.

Mr. Chairman, I share the commitment of the gentlewoman from Texas (Ms. Jackson-Lee) to ensuring that research is conducted on the social and ethical issues relating to nanotechnology, but believe that this amendment does not take the preferred approach.

Our committee has given this issue a great deal of consideration, and we decided rather than going to just one center, but to fully integrate research on the social, environmental and ethical issues into the research being conducted under the entire National Nanotechnology Initiative. This ensures that social, ethical and environmental implications research will be fully grounded in the science of nanotechnology and that scientists conducting nanotechnology research will be aware of and be active participants in research on the social and societal implications of their work.

The provisions were further strengthened in committee by amendments offered by the gentleman from California (Mr. SHERMAN) and the gentleman from Texas (Mr. BELL).

The Jackson-Lee amendment is derived from a provision contained in the Senate bill that takes us in the opposite direction. It creates a stand-alone research center financed by the National Science Foundation. Based on our experience with the Human Genome Program, this will undermine our effort to ensure that social, ethical and environmental issues are part of the fabric of each nanotechnology center grant, and nearly guarantees that research on important societal and ethical concerns will not be relevant to or influence the research actually being conducted.

So rather than just focusing on one center, we wanted to build it, weave it, into the entire fabric.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I appreciate the chairman's concern about the amendment, but let me make it perfectly clear that the amendment does not replace the integrated social-ethical research programs, as some have suggested. Instead, it protects that research by giving it a home at NSF and demonstrates to concerned citizens that these issues are being addressed. So it compliments what the gentleman is trying to do.

Mr. Chairman, I understand the gentleman's perspective of micromanaging. The amendment ensures that results from embedded social sciences integrated into research centers are widely disseminated and discussed.

While the gentleman was engaged in the very collaborative effort on the previous amendment, I too ask can we draw some language that would at least give us a place setting that talks about, encourages, the need for such a center, and then we can proceed with the collaborative work of the agencies as it proceeds through these bodies to know that there is a place for such a vehicle.

Mr. BOEHLERT. Mr. Chairman, reclaiming my time, no, I am not prepared to go that far, and I usually go very far in trying to accommodate the wishes of all the members of my committee, regardless of affiliation or position on the dais.

But the fact of the matter is we have made a conscious determination that rather than focusing on one center we are going to weave this into the entire fabric of the whole nanotechnology initiative. For that reason, I think we better address the issue.

Therefore, while I am reluctant to oppose, I do oppose the gentlewoman's amendment.

Mr. HALL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I will paraphrase Will Rogers, who said he never met a man he didn't like. I think it is pretty obvious that Ms. JACKSON-LEE, who is one of the hardest workers that I know in this Congress, never met an amendment or a bill she could not upgrade and she could not talk about and could not suggest on. I think she stresses the protection of societal and ethical issues.

As I said in my opening statement, I think it is important for the successful development of nanotechnology that potential problems be addressed from the beginning in a straightforward and open manner, and I think that is exactly what the gentlewoman has done. This is the amendment she requested, and this is the time I think to look at this amendment.

We are not going to burn the barn down and run the cattle off if we do not get every amendment we want. The chairman has worked with us and tried to help us. If there is any way to work this out to something less than the request she made, this is the time to do it.

Mr. Chairman, I would like to yield to the chairman to get his feelings about whether or not that can be done or whether or not we have to simply put it to a vote of the Congress.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. HALL. I yield to the gentleman from New York.

Mr. BOEHLERT. Was it Will Rogers that said I do not belong to an organization? No, never mind, I will not go into that one.

The fact of the matter is we are in general agreement on societal and ethical concerns and we have to pay a lot of attention to it, as we should. But I am unwilling to say that we have to devote an entire center to that one subject area, when in fact we are addressing that need by asking all of the centers or all of the research engaged under the National Nanotechnology Initiative to take into consideration societal and ethical concerns.

So I think we are actually broadening it in a way, without being so prescriptive that says we have to have brick and mortar in one location in America, and that is the solution to the problem.

I do not think that is the solution to the problem. I think it is to energize every single person who is operating under a research grant under this National Nanotechnology Initiative to be ever-mindful of the societal and ethical concerns.

Mr. HALL. Mr. Chairman, reclaiming my time, I thank the chairman for that, and I yield back to the author to make an answer.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member. If I could, I would like to engage the ranking member.

First of all, I think it is important that we have had good debate. As I said, the word is a big word, nanotechnology, so some of our constituents' eyes may be glazed over. But it truly is the kind of science that will impact their day-to-day life.

This center deals with the questions of workplace environment and educational issues, and so it is not narrowly focused. As we start moving quickly toward this whole idea of nanotechnology taking wings, and we begin to translate these into lucrative products and it becomes more competitive to get the hottest, cutting-edge research into journals as researchers find it necessary to push the envelope in labs in order to get tenure, the ethical-societal issues could become lost.

We know the thing, I think it is called the thing, but the new roller, the "it" that has been discovered, where you can move yourself around, these are the kinds of technology I am talking about.

If I might say to the gentleman from Texas (Mr. HALL), we will go to conference, and I would like to entertain the idea of the gentleman's support for this amendment and working with this idea in conference, and I believe that we can be successful.

So I see the other gentleman is looking to strike the last word. What I am going to do is engage with him in a moment, but if I could discuss that a little bit more after the gentleman from California (Mr. HONDA) speaks, then I will come to the floor if the gentleman from California (Mr. HONDA) would yield me some time after he speaks.

Mr. HONDA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this process of policy making is very interesting. My background is teaching, and listening to the rationale and arguments back and forth has been very enlightening for me. I think this is probably the best way to create policy, having this kind of an open debate. Quite frankly, I want to thank the chairman and the ranking member for this opportunity in this very, very important policy that we are establishing here that the President wants. I think that is what is exciting about this whole thing.

In the development of this vast arena of nanoscale technology, we know that its pervasiveness and ubiquitousness, its impact, is going to be greater than the debate over Y2K, because we know it will even create a greater umbrella because of this kind of technology.

It seems to be very, very logical at this point that we have one place where people who are involved in all aspects of nanoscale technology, from medicine to the hard sciences, gather together and gather information, think about this, so that they can provide information, educate the public, utilizing the current structure that is being developed right now through this bill.

So I would like to respectfully add my voice in support for this amendment in that we are expanding actually the whole world in this very important bill, and that we do this carefully and cautiously, but with some forethought that this debate is creating.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. HONDA. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, let me observe here that I am not unwilling to spend the taxpayers' money for a good reason, to support a wide range of programs that provide for a better lifestyle and improvement in our society.

□ 1430

But one of the reasons why our government is so big and so all-pervasive is that we have a bill like this and we say, now, we want everybody involved in a national nanotechnology initiative to be concerned about societal and ethical concerns; and we want all of these grants, and we want the grantees to pay attention to that. Then we say, in addition to that, we are going to build this new center over here, and I do not think we need the new center.

If we were silent on this very important subject area in the rest of the bill, then I would probably be jumping up and down in support of the Jackson-Lee amendment, but we are not silent. We have had the whole history of our committee deliberations, the whole history of this floor debate, and congressional intent is very important and it is clear in our intent: we want to address societal and ethical concerns. But there are going to be a whole bunch of people financed by the Federal Government saying that we do not need a brand-new center to do it.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. HONDA. I yield to the gentleman from Texas.

Mr. HALL. Mr. Chairman, I would say to the gentleman that I have assured the gentlewoman from Texas (Ms. JACKSON-LEE) that we will give her representation at conference, and I have the greatest belief that the chairman will give us his ear during that time and as much support as he feels is justified at the time and under the circumstances. I am happy to do that for the gentlewoman's amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. HONDA. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank the ranking member who indicated that he would address this question on behalf of this amendment in conference. It is an important concept. So I would like to, at this time, Mr. Chairman, emphasize that ethics must be part of science and technology; and to ensure that happens, I ask unanimous consent to withdraw this amendment at this time so that we can pursue this in conference and have the opportunity to do this on behalf of the American people in the right way so that science comes out the right way and that we protect this kind of science with the ethical and societal and educational concerns.

The CHAIRMAN pro tempore (Mr. OTTER). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. HOLT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I support the Nanotechnology Research and Development Act and applaud the gentleman from California (Mr. HONDA), the gentleman from New York (Mr. BOEHLERT), the gentleman from Texas (Mr. HALL), and the committee for bringing this up.

This bill goes a long way with its scholarship programs, with its multidepartmental authorization, with an increase in the authorized amount to promote this really very important area of research and development.

Now, it is curious that the floor schedule here has tomorrow and Friday reserved for discussion of the economic stimulus plan. Let me suggest that they are off by at least a day. The real piece of economic stimulus legislation that will be considered this week, that will really stimulate the economy, is right here before us today.

Now, make no mistake, that investment in research and development is the single most effective way to provide for economic growth. Now, economists will argue about the amount of return on investment in research and development. They will say maybe it is 40 percent; maybe it is 60 percent. Whatever it is, it is very good. We have all heard the figures, that half of the U.S. economic growth over the past 5 decades has been due to advances in technology. Nearly two-thirds of the papers cited in recent patents were published by researchers at organizations supported by Federal funds, and that makes the point that there really is a Federal role here; and that is why we should be doing legislation such as the nanotechnology act.

Investment in R&D has proved to be one of the very best returns that we can get on taxpayers' money. And although it is difficult to quantify the returns, we know it is good. A small investment, in this case in small technology, will lead to very big payoffs.

And nanotechnology cuts across traditional academic disciplines. That is one of the great appeals of this kind of research. Providing for a next generation of imaging devices, for sensors, for biological and chemical work, including biological and chemicals weapons work, to detect pathogens, to detect weapons that might be used against us; and smart materials that will be used in everything from the Space Shuttle to the bicycle.

In New Jersey we have recognized this, and the State and industry are making a significant investment in our nanotechnology centers which have been associated with Lucent and Bell Labs. And this bill before us today in Congress will help train the next generation of skilled workers to keep the U.S. in the forefront of technology and help stem the flow of research and development centers to overseas locations.

So as we debate this week the best way to have a strong economy, let me say this will go a lot farther than any of the tax cuts that have been proposed. This will provide real growth, growth in productivity, growth in education. This is where we should be putting our money, and I am pleased to see the committee give its support to this important technology. I think the nanotechnology bill will lead to innovation, to education, and to economic growth. We should all get behind it.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 1 offered by the gentleman from Texas (Mr. BELL) and amendment No. 2 offered by the gentleman from Texas (Mr. BELL.)

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. BELL

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from Texas (Mr. BELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 209, noes 214, not voting 11, as follows:

[Roll No. 165]

AYES—209

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)

Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—214

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Combest
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Isakson
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—11

Carson (IN)
DeLay
Dingell
Gephardt
Hyde
Issa
Miller, Gary
Reynolds
Rogers (MI)
Tauzin
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. OTTER) (during the vote). The Chair will announce there are 2 minutes remaining in this vote.

□ 1458

Messrs. MURPHY, EVERETT, TANCREDO, QUINN, WHITFIELD, BAKER, BONILLA, GARRETT, BALLENGER and THOMAS and Mrs. CUBIN and Mrs. KELLY changed their vote from "aye" to "no."

Mr. JOHN, Ms. ROYBAL-ALLARD, and Mr. MOLLOHAN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. BELL

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. BELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 207, noes 217, not voting 10, as follows:

[Roll No. 166]

AYES—207

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—217

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Collins
Combest
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn

Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—10

Carson (IN)
DeLay
Dingell
Gephardt
Hyde
Miller, Gary
Reynolds
Rogers (MI)
Tauzin
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. OTTER) (during the vote). The Chair would advise there are 2 minutes left in this vote.

☐ 1505

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. Are there any other amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. QUINN) having assumed the chair, Mr. OTTER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 766) to provide for a National Nanotechnology Research and Development Program, and for other purposes, pursuant to House Resolution 219, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BOEHLERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote will be followed by a series of two 5-minute votes on motions to suspend the rules postponed earlier this afternoon.

The vote was taken by electronic device, and there were—yeas 405, nays 19, not voting 10, as follows:

[Roll No. 167]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Cole
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—19

Cannon
Coble
Collins
Cubin
Deal (GA)
Duncan
Everett
Flake
Franks (AZ)
Hefley
Hostettler
Miller (FL)
Musgrave
Paul
Petri
Royce
Sensenbrenner
Shadegg
Tancredo

NOT VOTING—10

Carson (IN)
DeLay
Dingell
Gephardt
Hyde
Jackson-Lee (TX)
Miller, Gary
Miller, George
Reynolds
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1523

Mr. TANCREDO changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Con. Res. 53, as amended, by the yeas and nays; and

H.R. 866, by the yeas and nays.

Postponed votes on H.R. 874 and House Resolution 213 will be taken tomorrow. The following votes will be conducted as 5-minute votes.

AUTHORIZING USE OF CAPITOL GROUNDS FOR GREATER WASHINGTON SOAP BOX DERBY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 53, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 53, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 12, as follows:

[Roll No. 168]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—12

Carson (IN)
DeLay
Dingell
Gephardt
Hyde
Jackson-Lee (TX)
Kennedy (RI)
McDermott
Miller, Gary
Miller, George
Reynolds
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1532

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WASTEWATER TREATMENT WORKS SECURITY ACT OF 2003

The SPEAKER pro tempore (Mr. QUINN). The pending business is the question of suspending the rules and passing the bill, H.R. 866.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 866, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 2, not voting 19, as follows:

[Roll No. 169]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus

Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Houghton
Hoyer
Hulshof
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—2

Flake
Paul

NOT VOTING—19

Carson (IN)
Conyers
DeLay
Dingell
Gephardt
Hooley (OR)
Hunter
Hyde
Jackson-Lee (TX)
Kennedy (RI)
McCarthy (MO)
McDermott
Miller, Gary
Miller, George
Norwood
Reynolds
Sandlin
Shadegg
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1539

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 898

Mr. CARSON of Oklahoma. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 898.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IN HONOR OF EDWARD LAGE, JR. ON THE 50TH ANNIVERSARY OF HIS PUBLIC SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WALDEN) is recognized for 5 minutes.

Mr. WALDEN of Oregon. Mr. Speaker, I rise this afternoon to recognize an outstanding Oregonian and public servant on the occasion of the 50th anniversary of his service to the Pine Grove Fire Department. Friends and colleagues of Edward Riddell Lage, Jr. will soon observe the passage of the half-century milestone in which he has helped protect the lives and property of his fellow citizens. Like each of them, I stand in awe of Eddie's remarkable dedication to others. I take great pride in adding my voice to the chorus of Oregonians who have expressed gratitude for his many contributions to his community.

Mr. Speaker, Eddie Lage is a fourth-generation farmer who was born July 28, 1936, into a well-respected Oregon farm family. As a young man, he joined the all-volunteer Pine Grove Fire Department on May 12, 1953, beginning what would come to be a lifetime spent in community service. Eddie's fellow volunteers describe him as a tireless and faithful firefighter with a near perfect record of attendance at drills and other meetings. This commitment would ultimately be rewarded with Eddie's appointment as fire chief as well as to a position on the department's board of directors. He remains a fixture among the community's volunteer firefighters, inspiring them with his selfless dedication to others. Perhaps most remarkably, he has no plans to give himself a well-deserved rest.

Eddie exemplifies the spirit of volunteerism and good citizenship, and the Oregonians he helps keep safe owe him a tremendous debt of gratitude. In addition to his service on the Pine Grove Fire Department, he has also served as a member of the National Ski Patrol for 25 years, as well as the Crag Rats, an outfit in the Columbia Gorge that rescues climbers from nearby Mt. Hood. If there is an organization dedicated to helping Oregonians in their hour of need, chances are that Eddie is a member of that organization. As with his service as a volunteer firefighter, the work he has done as a rescuer has been totally without pay. The satisfaction of helping others is the only compensation that he desires.

Mr. Speaker, Eddie Lage has served as a board member and past president of the Washington/Oregon Canning Pear Association, where he advocated on behalf of his fellow Northwest orchardists. Eddie has also served the young people of his area, donating his time and energy to helping ensure bright futures for those who come after him.

□ 1545

He has been active with the Boy Scouts of America and served as a member of the Columbia Pacific Council. He has held the role of an advisory member of the Future Farmers of America; and perhaps most admirably, Eddie served for 8 years as a member of the Oregon National Guard, proudly wearing the uniform of these United States.

Eddie Lage personifies the well-trained and highly motivated public servant who is dedicated to the protection of his community. He has sacrificed his time, risked his life, endured discomfort, and shouldered tremendous burdens for no other reason than his commitment to others.

Mr. Speaker, most of us spend our lives hoping that we will leave the world a better place than we found it. Eddie Lage need not entertain such a hope. In his case, it has long since been fulfilled. I am grateful for Eddie's devotion to his fellow citizens. I am honored to represent such a fine man in the United States Congress and to call him a friend.

THE FORGOTTEN EXODUS: JEWISH REFUGEES FROM ARAB LANDS

The SPEAKER pro tempore (Mr. HENSARLING). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, as Israel and Palestine take steps towards peace and as President Bush and the State Department released the road map for peace in the Middle East, I would like to draw attention to an important issue in the peace process. The issue of refugees is widely regarded as one of the most contentious aspects of the Arab-Israeli dispute.

However, up until now the debate has focused primarily on the plight of Palestinian refugees and the question of the right of return. Mr. Speaker, it is critical that future peace negotiations and discussions, specifically on the rights of refugees, address both sides of the issue, both Arab and Jewish. Many people do not realize that during the years following the establishment of the State of Israel, more Jews than Arabs became refugees. It is estimated that over 900,000 Jews were stripped of their property and expelled from Arab nations. Approximately 600,000 refugees were absorbed and assimilated by Israel, and the remaining 300,000 fled to other nations, including the United States and Canada.

At a time, Mr. Speaker, when Jews face severe persecution, economic deprivation, discrimination, and expulsion from Arab lands, Jews turn to Israel as a place to begin their lives anew. Israel opened her arms and welcomed the refugees, granting Arab Jews citizenship and welcoming them into Israeli society. Jews in Arab nations were forced to forfeit the lives they had worked so hard to achieve, to abandon their homes and livelihoods. They had to turn their backs on centuries of Jewish history, culture, and community. They had to leave behind schools, synagogues, hospitals, and businesses, all without compensation and all confiscated by the various Arab governments.

However, the fact that Israel chose to absorb and assimilate the refugees from Arab nations does not lessen the fact that they were all expelled or otherwise compelled to leave their homelands.

I have personally spoken with several of my colleagues in Congress about this often-forgotten aspect of the Israeli-Palestinian conflict. They agree on the importance of holding a congressional hearing on this subject and the need to educate Members of Congress and to ensure that they and the public are informed of the issues at stake and the sacrifices made by Jews from Arab lands when they were forced to leave their homes and countries.

Mr. Speaker, Congress cannot continue to be silent on the plight of Jewish refugees. It is critical that Congress address this issue while the refugees are still alive. By doing so, we can ensure that justice for Jewish refugees assumes its rightful place in the debate. And this must be done while we can still address their rights as victims.

SUPPORTING THE TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, along with nearly all Americans, I felt a great sense of pride at the competence and skill displayed by our military in Afghanistan and Iraq. It was extremely gratifying to see nearly all Americans united behind our troops. Even though all did not agree with the idea behind the war, at least they supported the troops.

Over the last several months, a number of communities in my district provided meals for military personnel being transported across Nebraska. That is not a big deal, but this spirit of support was really a rebirth of a project called the North Platte Canteen. The North Platte Canteen's history is as follows: just 10 days after the Japanese bombed Pearl Harbor, North Platte, Nebraska, residents learned that on December 17, 1941, Company D, Nebraska National Guard troops, were scheduled to travel through North Platte aboard a military train. According to sources, that train could possibly make a stop in North Platte on its way to the west coast. So nobody knew because of secrecy whether they were coming or not.

Because of the secrecy, it was unknown when the train would actually stop in North Platte, but hundreds of family members from the area came out with food, Christmas gifts, and baskets of fruit to celebrate the troop train's arrival. When the train finally arrived, the Nebraska troops were not aboard. Instead, it was Company D, the Kansas National Guard troops who were heading west.

The crowd was disappointed but rallied around the Kansas troops, gave them the gifts and food that they had prepared for the Nebraska National Guard and sent them on their way. The very next day, Rae Wilson of North Platte contacted the local newspaper to suggest that the community open a local canteen to meet the troop trains traveling in either direction across the United States. With this humble suggestion, the North Platte Canteen was born.

The North Platte Canteen met every troop train that stopped in North Platte from Christmas Day, 1941, to April 1, 1946, 5 years. While the volunteers never knew when the trains would be coming through because of national security, they were always there to serve the military personnel going off to war.

The canteen served approximately 6 million members of the Armed Forces at the North Platte Canteen in the Union Pacific Railroad station in North Platte. So that really constituted probably three-fourths to 80 percent of the total military personnel in the United States Army at that time.

There were approximately 55,000 volunteers from nearly 125 communities who helped to feed the troops that traveled through North Platte. It is estimated that 23 trains a day traveled through the community carrying between 2,000 and 5,000 troops each day. It is also estimated that the troops each month consumed 40,000 cookies, 30,000 hard-boiled eggs, 6,500 doughnuts, 4,000 loaves of bread, 3,000 pounds of meat, 450 pounds of butter, 1,350 pounds of coffee, 1,200 quarts of ice cream and on and on and on. And this was done at a time when gasoline and food items were rationed. The majority of the items were donated to the effort, as the North Platte Canteen did not receive any Federal or any government assistance of any kind.

Individual volunteers also helped to get cards, letters, and phone calls to family and friends of the service personnel when they stopped in North Platte. The volunteers wrote the notes and made the phone calls to loved ones to let them know that the soldier that they were interested in was doing well.

This week I introduced a resolution honoring the outstanding efforts of the individuals and communities involved with the North Platte Canteen in North Platte, Nebraska, during World

War II. This is, I think, an example of the spirit of cooperation that we currently see across our country for our troops; and it just shows what can be done when partisanship is set aside, when everyone is united in one purpose. And these people, members of our greatest generation, are now disappearing very quickly. So I think it is important that we recognize their contribution at this time because many of them in 2 years, 5 years, 10 years from now will not be around. So their extraordinary act of generosity and service to the country, I believe, needs to be recognized; and I urge support of this resolution.

HATE CRIMES LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, we are all part of a larger community. If the rights of one are endangered, then everyone's rights are endangered. That is why we must be concerned that across the country incidents of hate crimes continue to rise. The San Francisco Bay area, my own backyard, reported more than 357 hate crimes last year. This is up from 317 in the year 2001. Last fall a transgender teenager, a 17-year-old, from Silicon Valley was murdered by four acquaintances. Earlier this month, the body of a 30-year-old bisexual man was found buried in a shallow grave in Monterey County.

We must stop this. We must work for tougher legislation to protect those targeted for hate crimes. And we can do this by passing a Federal hate crimes law to protect all Americans. No one in America should live in fear because of his or her ethnic background, religious affiliation, gender, disability, or sexual preference. That is why it is important to pass meaningful hate crimes legislation and pass it now. We need to strengthen our existing laws to protect people against all hate crimes. We must send a message to all Americans that hateful behavior is wrong and will not be tolerated in our Nation. Our law enforcement officials need vigorous tools to fight and prosecute hate crimes because existing Federal law is inadequate.

That is why I have been, and will continue to be, a strong supporter of the gentleman from Michigan's (Mr. CONYERS) Local Law Enforcement Hate Crimes Prevention Act. With this bill, for the first time under Federal law, sexual orientation, gender, and disability would be added to the list of categories covered by Federal civil rights laws. In addition, Mr. Speaker, it would expand Federal civil rights laws to allow prosecution of hate crimes even if the event did not occur during a federally protected activity such as while voting or attending school. Also, the hate crimes bill would expand the circumstances under which the Federal Government could offer assistance to State and local governments to help prosecute these crimes.

Last Congress we had 208 bipartisan co-sponsors on this bill. This Congress we need to pass it into law. The Republican leadership has cast this bill aside. That is unacceptable. We have another chance in the 108th Congress, and I will continue to work with the gentleman from Michigan (Mr. CONYERS) until this bill is passed into law.

Congress must make it clear that there is no room for personal attacks and bigotry in the United States of America. We are all part of a greater community, and we will only be protected from hate crimes when all our neighbors are protected from hate crimes.

THE MATRICULA CONSULAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Mr. Speaker, every year or so for the last several years there has been an attempt to bring something before the body and, in fact, it has come before the body and it is referred to as amnesty, sometimes an extension of 245(i), or that is the technical way of explaining it. But nonetheless, it is always a process, a desire on the part of people here and maybe even in the administration to grant amnesty to people who are living here illegally, that is, to reward people who have broken our laws by coming into the United States without our permission. It is a bad idea, and so far the Congress of the United States has failed to go along with it, thank goodness.

So what has happened in the last several months really is that a new tactic has been applied here, a new strategy has been developed. Unfortunately, I think even with the agreement of the administration, something else is happening in order to accomplish exactly the same thing. Instead of now passing a bill through the House of Representatives simply granting amnesty to everyone who is living here illegally and rewarding them for that behavior, there is another thing that is going on, and what is happening is this: foreign nations hand out to their nationals something called the Matricula Consular. That is what it is referred to by the State Department and by our government.

□ 1600

It is a card. It is an I.D. card. Foreign governments now have every right to give their nationals any kind of identification that they want to. But what is odd and what has happened in the last several months is that the government of Mexico has charged its consular officials here in the United States with the responsibility of going out and actually lobbying State and local governments to get them to accept this matricula consular card from their nationals who are living here illegally, because, of course, that card has only one purpose. If you are in the United States of America, if you are a national from a foreign country who is here and if you are here legally, you have some documentation to that effect. We have given you a green card. We have given you a passport. Whatever it is, you have documentation from the United States that you are here legally.

If you are here illegally, you need some sort of identification, and that is what this card provides. Recognizing that, and recognizing that they cannot get amnesty through the Congress, they have begun to go to State and local governments all over the United States, lobbying them to get them to accept this card.

They have done it to the banking industry, and the banks have been all too happy to go along with it, looking at their bottom line, looking at profits, even over the security of the Nation, because there is nothing secure about these cards. There is no way to guarantee that the person holding the card is who in fact that card says he is. In fact, we have already arrested people in this country carrying three or four of these identification cards. Their picture is on them, but different names on each card. They are easily fraudulently developed.

So the idea that they have some sort of advantage because they have a secure card is ridiculous. Beyond that, it is again attempting to do exactly the same thing we did not do in the Congress, and that is to give everybody amnesty. Because if you can use this matricula consular card to obtain bank accounts, to get your kids in school, to get housing from the housing authority in their area, get your driver's license, get your library card, everything that a citizen of this country can use their own identification for, if you can do that using this matricula consular card given to you by a foreign government, then of course there is no reason to actually push for amnesty. You will have achieved it. Everyone living in the United States of America illegally, up to 20 million people, will have this card given to them by their government.

By the way, it is now just Mexico and Honduras and I think there are five other countries in South and Central America providing this card now. What is to say that other countries would not demand exactly the same thing from the United States? Why would the government of Syria not say that they are going to give people living here in the United States illegally this card? How would we tell them that they cannot do that or we will not accept it?

Not only that, we have found the administration, just a little bit ago, we found the regs that have been promulgated by the Department of Treasury now allow the banks to accept these cards. So our own administration, our own government is in league with the governments of these foreign countries who have given these cards to their nationals living illegally in the United States. Our own government is helping these people violate our own laws. That is the truth of the matter. That is an abomination, and that is something we should not allow to go forward.

REJECT UNFAIR REPUBLICAN TAX CUTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes.

Mr. WYNN. Mr. Speaker, now that we have declared victory over Iraq, the country's attention will turn once again to important domestic priorities. Unfortunately, we find our economy in a great slump.

The President and my Republican colleagues come before you with a program that I believe is woefully inadequate, because all they have done is trot out their all-purpose solution to domestic problems: More tax cuts. I would say to my Republican colleagues that was then, this is now.

In the year 2000, we had a surplus, a $5.6 billion surplus. At that time, then-Governor George Bush said he wanted to give the surplus back to the taxpayers and invigorate the economy. I would suggest that the economy has not been invigorated. Two years later millions have lost their jobs and we are looking at deficits of $2 trillion going forth over the next 10 years.

So the question Americans should ask is, why do they want to cut taxes now if the rationale for the tax cut in 2001 was that we had a surplus? We do not have a surplus today. We have huge deficits today. We also have a war against terrorism and a homeland security program to fund.

Reducing government resources at a time of war against Iraq and a war against terrorism just does not make sense. It is kind of like George Bush said when he was running for President, "It is fuzzy math."

In the year 2001, President Bush passed through his tax cut, $1.3 trillion, saying it would stimulate the economy. Again, 2 years later, economic growth stands at a mere 1 percent, compared to the 4 percent growth from 1996 to 2000 during the Clinton administration.

Additionally, despite President Bush's promise in his 2001 tax cut that he would invigorate the economy, 2.7 million Americans have lost their jobs. The stock market has lost about 40 percent of its value, roughly $7 trillion. The tax cut program did not work. Their all-purpose solution just does not cut it. But that did not deter my conservative colleagues. This week on the House floor we will hear more of the same. We have the Bush tax cut, and now we have the tax cut of the gentleman from California (Mr. THOMAS).

Originally the Bush plan would provide a tax cut of $27,000 for households earning more than $1 million a year. The top 5 percent would receive 64 percent of all the tax cut breaks. That seems pretty bad. But along comes the Thomas tax bill that we are going to consider this week. It is even more unfair. According to the Brookings Institute analysis, the average tax cut offered under the Thomas proposal for households earning more than $1 million would be, get this, $43,000 for people earning more than $1 million a year. The top 5 percent of American households would get 75 percent of the tax cut.

So when they tell you the tax cut is for everybody, do not buy it. It is clearly a tax cut for the rich. When you give the Republicans these numbers, they say okay, we are giving a tax cut to the rich, but the rich create jobs and the jobs will trickle down. Remember, that was then, this is now. The tax cuts in 2001, $1.3 trillion, did not invigorate the economy, did not create jobs. People in fact lost jobs. Tax cuts for the wealthy do not stimulate the economy.

Let me talk a little bit about why it is even more unfair. They make the tax cuts for the wealthy permanent. Remember that 75 percent goes to the wealthy. Those are permanent. When it comes to the child care tax credit that could benefit working Americans, what happens? Well, the child care tax credit drops from $1,000 in 2005 to $700 in 2006, and after 2006 the child care tax credit is phased out, so working Americans get nothing.

The same thing with small business. My Republican colleagues say, well, we will make the dividend tax cut for the very wealthy permanent, but the small business tax cuts and tax breaks to provide more deductions for small businesses and help them expand and create jobs, they phase out after 5 years. After 5 years, small businesses get nothing.

Now, there is another element to this issue, and that is called State aid. What is happening here is the Federal Government is just passing along tax increases to the States. They say "we are cutting your taxes." But what happens when the States do not have enough money, as is the case now? They cut Medicaid, they cut child care subsidies, they cut education. So that means what, either you lose programs at the State level, or you get a tax increase at the State level, while the Republicans tell you we are giving a tax cut to the very wealthy at the Federal level.

We Democrats believe that if we want to stimulate this economy we do a couple of things. We give money directly to the American working class. Second, we give money to the States so they can hire people, build roads, improve our infrastructure. That is how you create jobs.

There is a consensus among economists that this tax plan will not work. I think this dog will not hunt. I think we need to reject the Republican proposal this week.

SUPPORT THE JOBS AND GROWTH TAX ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, I rise today to support H.R. 2, the President's Jobs and Growth Tax Act of 2003. There is no need for further debate on this bill: America needs economic stimulus, and it needs it now. Congress cannot stand on the sidelines while too many of our fellow citizens cannot find work or are on the verge of being laid off. That is why I support the Jobs and Growth Tax Act of 2003.

This important legislation will help expand business investment by eliminating the double tax on corporate income. This plan encourages investments that help small businesses grow. I believe more tax relief means more jobs.

Small businesses are becoming more and more important to the Nation's overall business activity. They create the majority of new jobs and account for half the economy's private output. For this reason, this package gives small businesses the ability to immediately expense up to $75,000 instead of the current write-off of $25,000 for capital purchases. This encourages small businesses to buy technology, machinery and other equipment that they need to expand and meet the needs of their consumers.

The Flower Mound Chamber in my district expressed their support of the provision since they have over 725 companies that will be able to benefit. These small businesses in my district will receive a tax cut of at least $2,000 each, money that can be used to hire additional workers, boost current workers' pay or reinvest in their company. Any amount of money that a small business can save today will result in business growth and development in the years to come.

The Jobs and Growth Tax Act will create at least 1 million jobs by the end of 2004, according to the Heritage Foundation.

With the increase in the child tax credit and elimination of the marriage penalty, with those savings an additional 300,000 jobs will be created.

Over the recent district work period, I conducted 10 town hall meetings in my district. At almost every event constituents asked about the economy and asked about tax cuts for stimulus. Many out-of-work or underemployed people begged for relief soon. We cannot let these Americans down.

Also, May marks the month hundreds of students will graduate from local colleges and universities and from the two universities in my district. These young people, having completed their education, will enter the job market eager to contribute. We owe it to future generations to stimulate our economy now to ensure that jobs are available in the future.

ISSUES AFFECTING AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Georgia (Mr. KINGSTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, I am certainly proud to be here this afternoon, and wanted to talk some about the issues that we are facing here in Washington.

I am proud to say that while the national news has really focused, and rightfully so, on the war in Iraq, the House has not only supported our military efforts, but we have been working on a very good, pro-growth, pro-jobs domestic agenda. We have a good jobs package that will be voted on this week, we have passed a good energy bill, we have passed a good education bill, and we will be working on a Medicare reform bill very soon. So I am optimistic about the things that the House has been doing.

We hear a lot of partisan politics and a lot of bashing. I guess one of the things that is frustrating to me is that while we hear people, as one of the previous speakers was talking about tax breaks for the wealthy, and that just seems to be the Democrat buzz phrase for hatred and division in society, what I have been curious about is tear down somebody else's policy or plan, if you want to, but offer your own.

It is always curious, we do not hear too many alternatives from the other party. I say, look, hey, this floor is the great hall of debate. Whether you are liberal or conservative, urban or rural, bring your ideas to the floor. Offer your ideas in the form of amendments. Offer your ideas in the form of legislation, and let us see what we can do. Bring the best of the Democrats, the best of the Republicans, together to do what is best for America.

It is always disappointing when you hear people just attack legislation when it is clear they have not even read the bill. Yet on the other hand, Mr. Speaker, you cannot take the politics out of politics, so what the heck, let us just move on with it.

Mr. Speaker, I want to talk a little bit about the war in Iraq. I have to continuously brag about the 3rd Infantry Division in Hinesville, Georgia, Fort Stewart. I am wearing their patch on my lapel, which was given to me by the wives organizations down there. I am very proud of what they did. We followed them up the Euphrates River as they marched on to Baghdad.

□ 1615

Also, Mr. Speaker, I am glad to say that I have had more constituents in the last month sleep in Saddam Hussein's palace than I have who have eaten in French restaurants. That is probably going to continue to be the case as the months and weeks pass by.

But in terms of the mission in Iraq, liberating Iraq, one of the things that we have had in Congress is many former Iraqi citizens who have come to seek refuge in the United States of America, many women. And these are women whose fathers or brothers were abducted, sisters and cousins, and for very small offenses, such as starting peace movements or protesting this or that. And they lived under the oppression of Saddam Hussein's regime. And it was a common practice that if he had a critic he would take their wife or their daughter and videotape sexual abuses of them and show it back to the male members of the family and say, get in line, get behind our program, or we will continue it. What a harsh way to deal with enemies.

We are, of course, finding mass graves. Amnesty International, which is not exactly a pro-American organization, estimated that there are anywhere between 70,000 and 150,000 Iraqis who have disappeared, unaccounted for, the highest number of any nation in the world. And now we are seeing these mass graves and trying to identify the loved ones of the Iraqi people.

But all of these folks have told us over and over again, we need an outside force to liberate us; we cannot do it from within. That liberation has come. From the left we heard all kinds of criticism during the war: well, the war is just going to be a blood bath, thousands and thousands of people on both sides will be killed. Yet, this was one of the first, probably the first war in history where the regime was removed with as little damage as possible to the citizens. And that is very important, because ordinarily we go in and we wipe out a country as a way of removing the regime. In this case, historically, we were able to remove the regime with almost a surgical removal rather than just blowing up everything and everybody.

Now, there was collateral damage, but very minimal compared to other wars in the past. The people there, again, have responded very, very positively; and the liberation has begun. But unfortunately, Mr. Speaker, we cannot just add water and have a democracy overnight. Many people now on the left are saying, well, it is going to be a long time. Well, there are nations in this world who do not want us to succeed. Unfortunately, many of them are democratic nations themselves who seem to be a constant thorn, a constant critic. But we want democracy, frankly, in all of the Middle Eastern countries, personally speaking. But I think it is very important to try to achieve that right now in Iraq, and we are moving in that direction. Who should rebuild it? Well, the U.N. again, not exactly a good catalyst for peace in Iraq, an organization that has spent a lot of time criticizing America.

Incidentally, Mr. Speaker, I do not know if my colleagues have heard, but last Friday at the U.N., the food workers union went on strike; and they went on strike and closed down the cafeteria during Friday at lunch, and so some supervisor at the U.N. said, well, we are going to open up the cafeteria. Guess what happened? All of these high and mighty U.N. people decided to have a run on the cafeteria. They looted the food, they looted the wine, they even stole the silverware, and the damages and the food loss is anywhere from $7,000 to $9,000. These are supposed to be the people who have been criticizing America. That was reported by the Washington Times. So much for U.N. foolishness. It is probably in line with everything else.

But if we would look at what the U.N. has done for Kosovo, we have been out of it; and officially there has been peace there since March 23, 4 years ago. Well, pre-war Kosovo used to export electricity. Now they have to have every 4 hours a mandatory blackout, rolling blackouts where they have to turn off all of their electricity for 2 hours. That is Kosovo under U.N. rebuilding. Elections, supposed to be free elections; and yet under the U.N. mandate, one has to have 30 percent of the candidates be women. Now, maybe it should be 100 percent. Maybe it is some other formula. But in a free country, you let the people, the electorate decide; you do not have some U.N. bureaucrat sitting in New York mandating the quota for Kosovo.

Also in Kosovo under the U.N., interpreters are paid $300 and $400 and $500 a week, whereas former business people are paid $100 a week. The economy has not turned around at all. One of the reasons is the U.N. is not supporting the concept of private property and private investment and insurance and things that are fundamental to investment in an economy. The U.N. has not done a good job of that. So I think the U.N.'s role in terms of Iraq, they should be there for humanitarian assistance, should be there to complement the U.S. efforts; but I do not think they are any kind of organization that can lead.

I frankly believe, Mr. Speaker, that it is time that the U.S. Congress has some hearings on the U.N. We pick up 25 percent of their tab. And yet, if you ask the people of America should we still be involved in it, I do not think they would pass muster, if we threw it out to the American electorate. I do not want to throw the U.N. out, and I do not want to give up on them yet; but I do think they are in dire, dire need of some reforms.

We are going to be talking about our jobs bill and we have been joined by the gentleman from Florida (Mr. MARIO DIAZ-BALART), and he has been a very hardworking freshman Member of this body who has worked to help create jobs in south Florida as well as the rest of the country. I would certainly be honored to yield any time to the gentleman from Florida (Mr. MARIO DIAZ-BALART), if he wants to talk about Iraq or the jobs bill or whatever else is on his mind.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I thank the gentleman from Georgia. Before I say anything else, I think it is important to once again commend the gentleman from Georgia (Mr. KINGSTON). I recall his words before the war talking about the importance of liberating the people of Iraq and how frustrated I think many in this country and the gentleman was by the reaction of some of the extreme left that was really just denigrating really the Iraqi people, saying that they could not be free, saying that they did not want to be free, saying that they were not going to welcome the liberating troops. And the gentleman was very clear then, and he continues to be very clear; and I want to thank him for that. It is amazing how common sense does prevail.

The gentleman was just mentioning that now that the left has to admit that the people of Iraq deserve to be free, wanted to be free, deserve to be free, now they are saying, well, democracy is going to be very difficult. I can tell my colleagues one thing: it is not going to be as difficult as it would have been if Saddam Hussein were still there. So I think it is once again the brave men and women of the United States Armed Forces, who put their lives on the line, once again, to protect our freedoms, to protect our liberties, and to liberate a people who have been suffering for a generation, who deserve our thanks and our praise.

I think our President deserves our thanks and our praise for his leadership, for the way that he has shown steadfast leadership. I think we all must admire his convictions and his love for freedom. And I think the Iraqi people as well as the American people are so much better off, because we have gotten rid of, through our armed services, those brave young men and women and the leadership of our President have gotten rid of a dictator who was a threat not only to the Iraqi people and to the region, but clearly a grave threat to the American people.

Mr. KINGSTON. Mr. Speaker, the interesting thing is we hear from some people, well, we should not interfere in Iraq. It is like oh, yes, these people deserve to be oppressed and put down, and they do not deserve freedom; and now that they have been liberated, we are hearing the same people saying, well, democracy will not work, as if they are intellectually challenged, that they cannot handle it. I wish these people would just for one time turn their wrath on France, just for the day, just for the day and say, maybe France should not have issued a passport to Saddam Hussein and his family. Gee whiz, boys, that was bad. Or, gee whiz, garçon, I guess I should say. But it is amazing. They are not going to quit and they cannot stand the fact that the Commander in Chief, the President of the United States, was right. They cannot stand that.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, if the gentleman will yield, not only can they not stand that, but they also want to blame the United States for all of the ills. I keep hearing that the United States is to blame for everything. The bad people in Iraq were the brave men and women who were there to liberate the Iraqi people. Now, it is pretty obvious when we see the Iraqi people's reaction, tearing down the statues, crying when they see these unmarked graves where their relatives were thrown in, probably taken in the middle of the night by the Iraqi regime, it is pretty obvious who the bad people were. It is pretty obvious who the good guy is and has always been, and that is the American people, the American GIs and men and women who liberated France once, twice; and yet the French seem to believe that it is okay for the U.S. to sacrifice blood to liberate France twice, but it is not okay for anybody else to be liberated. It seems that only they have the God-given right to be free.

Well, I say to my colleagues, that is an attitude that I do not share, it is an attitude that the American people do not share, it is clearly not an attitude and thank God that the American President, our President does not share. Freedom is not something that we can just throw away so easily; it is something that is given by God. And every once in a while, because of the sacrifice, the patriotism, the love of freedom of our men and women in uniform who are all volunteers, sometimes some tough sacrifices are made to make sure that our interests, our people's interests, our freedoms are protected and also at the same time that we can liberate people who have suffered so much.

The gentleman was just mentioning the atrocities committed on women by Saddam Hussein's regime, the atrocities committed on children, on everybody. And thank God and thank our Armed Forces and our President that that nightmare is over. There are some grave challenges ahead, because democracy is not easy.

Mr. KINGSTON. Mr. Speaker, last week I went to a memorial service for the 34 soldiers from the third I.D. at Fort Stewart basically for their loved ones, but the 34 soldiers who died. It was interesting as I talked to the wives and the mothers and the children of these soldiers that none of them were saying, well, he died in vain. It was not that. It was, now we have to continue working for Iraqi freedom and for Iraq's future and do everything we can. Otherwise, he would have died in vain. It was a very touching ceremony, because the patriotism of the families of these fallen soldiers did not flinch one bit. It was unwavering. Very, very courageous statement, just being there and sitting in the stands during the service; and there are 34 sets of boots with the rifle and the helmet and the dog tags jangling in the wind and yet, at the same time, sadness and a great promise of tomorrow juxtaposed. I believe that we have an obligation for those soldiers to continue and do these things.

The audacity of countries like France. Now there is a French company that actually serves the United States Marines. It is a multimillion dollar contract that they have, I think $81 million, just a tremendous amount of money, a French company serving the United States Marines. We are going to continue to work on the Department of Defense to give favoritism to American companies, or allied companies, or coalition companies, and not countries like the French. I mean, can we imagine that while these soldiers were dying and the Marine Corps was counting their casualties, the French companies, on the backs of the American Marines, were counting their profits? It is sickening for me to think about in terms of the French dealing with Iraq behind the scenes, the French issuing passports. Unfortunately, we have a lot of Democrat Members of Congress who are real proud of this and look to France for leadership. I just think it is absolutely inexcusable.

Mr. MARIO DIAZ-BALART of Florida. Well, if the gentleman will yield, I have a hard time understanding in particular how a country like France who has twice had to first suffer the humiliation of being taken over and then had to wait for the American GIs to liberate them. How, out of anybody in the world, how France, how France could have taken up the attitude that they did. Look, they have the right to do what they want, they are free, they are a democratic government; but I think it is important that we recognize and we realize what that attitude was. Americans, bright, vibrant, with a lifetime to live, Americans gave their lives, gave their lives to liberate the people of Iraq.

□ 1630

And the French know it is not that they were praising them, which is what they should have been doing, they were criticizing them. They were again doing everything in their power to make it not succeed to the point of giving passports to the leaders of that regime. I have a hard time believing that. Out of everybody in this entire world, if there is one group of people that should have understood the beauty of freedom, how frail it is and how sometimes you need some help from outside, it is the French, it is the French. And I will never forget the writing, the graffiti on that grave of British soldiers on French soil, British soldiers that died also liberating France in World War II. The writing of graffiti on this grave that basically said take this trash, trash, these are people who died to liberate a different country, off our soil because it is polluting our soil.

It is a very sad, sad, sad day for the entire world when people just disregard the truth, disregard reality, have no semblance of gratitude, of respect, and who, I guess, believe that they are the only ones that deserve others to die for their freedom and then they criticize those that died for their freedom. That is frankly for me very hard to stomach. I am optimistic, I am hopeful that they will realize how wrong they were. But still those that painted that graffiti, those have no forgiveness in my heart.

Mr. KINGSTON. It is sad when you think France was the country home to the great Lafayette who fought so hard for American freedom and whose portrait hangs on the floor of this Chamber. And yet look at the modern Frenchmen. Boy, have they strayed from the love of freedom. To them security and safety is paramount among anything. And, unfortunately, you do not see France really being a world leader anymore. You see France being a world critic. But there are a lot of French companies that are doing business in America who are suffering, and there are a lot more who are going to hear a lot more in the future, because I think before the Department of Defense issues any more contracts to French companies it will have to go through a lot of congressional scrutiny.

Let me ask you this: In terms of the economy right now, one of the things we want to do is create a lot of jobs as possible. And I am glad that in the House we have been working on a good domestic agenda and we have got a good jobs package that is coming up. And I am going to be supporting that. It has a lot of different elements in it to give growth to our economy, but there is a child tax credit, increasing the child tax credit to a thousand dollars.

Now, the gentleman is single, but I have four children and I can tell you that really means a lot to the families of this country. Children are very, very expensive. You have to buy washers and dryers. You buy tennis shoes. They lose tennis shoes. You buy a book bag. They wear it out. You cannot buy a sedan any more. You have to buy a station wagon or a Suburban. You have to have the extra seatbelts to drive carpool with. If the kid wants to take tuba lessons and, God bless him, tubas are very expensive, you have to pay for the tuba rental and somebody to teach them. You have to buy the school band uniforms and the cheerleading uniforms. A thousand dollar tax credit is actually very, very modest. And if it had been indexed to inflation, it would be worth probably 2 or $3,000 very easily from the time we put in the $500 tax credit. But a thousand, making it immediate this year, I think is a step in the right direction.

Mr. MARIO DIAZ-BALART of Florida. The gentleman just mentioned part of this plan is to create jobs, which is what we are talking about here. The gentleman just mentioned a big part of it and that is the thing that our friends on the Democratic side say is reckless. It is reckless to give that tax credit. It is reckless to cut the marriage tax.

You are taxing people because they are married. What is that all about? It is hard to believe. And yet when we here in the House are focused on trying to create jobs and we are focused on trying to get some tax relief to families, get rid of some of those just incredible taxes, they say that we are reckless. Reckless because you want to give a tax break for the children that a family has? Is that reckless? By the way, what is a tax break? It is not a gift. All we are saying is we are going to allow those families to keep a little bit more of their money and not bring it up here. That is reckless?

Mr. KINGSTON. I am glad you mentioned that. We had a speaker previously today who was talking about a Democrat proposal. He kept saying, We give this, we give this. Well, you do not give anything. You take it away and then you redistribute it. That is all it is, redistribution of wealth. It is not our money to give. We just want to take less of it. And I think the folks back home, the families raising children, know how to spend this thousand dollars a heck of a lot better than any brilliance we have on any committee in Washington.

Mr. MARIO DIAZ-BALART of Florida. I think that is a big part of the problem here, a big part of the philosophical difference between the two sides. The other side, and they have the belief that every dollar the government has is government's money, that it is government's right to have that money, that that is where it belongs.

We believe, which what I think is pretty obvious, that is not government's money. Government takes it from the people, by the way, forcefully takes it from the people. The people do not have a choice. They have to send it up here; otherwise the IRS will be knocking on their door soon. So, no, it is not government's money. It is the people's money.

So they claim we are reckless because we want government to take a little bit less of their money so they can reinvest it in their children? So they do not get taxed, we take less money, and the government takes more when they get married? No. No. It is not government's money. If the issue is, well, the government does not have enough money, hey, we all understand that we have to do what we have to do. But when you look at the fraud and the waste that exists within our government, and I have been doing a little bit of work on that and doing some research, it does not take long, you do not have to scratch real deep to see where some of the money is just thrown away, bucket loads of money is thrown away.

If you ask the American people is the government, is their government, the U.S. Federal Government, is it totally efficient? Do we not waste any money? Of course we waste money. The American people know that and they do not have the ability to see what we get to see on a daily basis where the money is wasted.

So for anybody to say that, no, we cannot let the people keep a little bit more of their money and we are going to take it because they got married, we are going to take it and not allow them to spend it on their kids because it is the government's money, I think that is what is reckless. That is what is irresponsible, particularly in a time like this, and that is why I have to commend one more time our President.

Our President has had a lot on his mind, a lot on his plate, and yet he has maintained a strong focus on the war on terrorism. He said what he was going to do, and I know a lot of people are not used to this, he said what he was going to do and he has done what he said. But he has also maintained his focus on making sure we can provide jobs for the American people.

Some I guess are happy with the status quo. The President and this House, the majority in this House are not content with the status quo. People need to be able to find jobs, high paying jobs, productive jobs. The plan this House has passed and we continue to work on provides jobs. And those that want to criticize his plan are basically saying we think the situation is fine. Everybody is okay. What we need to do is just take more money. No, we need to take less money, provide more jobs, and leave more money in their pockets.

Mr. KINGSTON. It is amazing. One of the other common sense solutions we are doing to create jobs is ending the marriage tax penalty.

Mr. MARIO DIAZ-BALART of Florida. It does not affect me.

Mr. KINGSTON. One day you will be lucky enough to join the ranks of all of us who are married. And when that happens, you and your wife will start, well, let us say right now you are in the 20 percent tax bracket and she is in the 20 percent tax bracket, but when you get married and your income becomes one, suddenly you will be in the 25 percent tax bracket. And the only thing that happened is you walked down the aisle together and made an oath, and that is not right. It penalizes people from getting married. It encourages people to live together. It does not make sense. We are trying to end the marriage tax penalty.

Another thing we are proposing to do in order to create jobs is to reduce the tax rates. Rates going from 28 to 25 percent, from 31 to 28 percent, from 36 to 33 percent and 39.6 to 35 percent. Again, it is common sense. And the interesting thing is that Democrats have already voted this on a bipartisan basis. All we are saying is let us accelerate this because the economy needs help now. And, unfortunately, sometimes you wonder in this town because everything else under the sun seems to happen, you wonder if people would rather have the economy stay in the tank so that their political party is benefited. And I think that is a sick thing to do if you are playing with people's jobs and people's future just so your party can do well.

Mr. MARIO DIAZ-BALART of Florida. One of the things that strikes me is what you just said. They have already voted for a lot of these proposals. They were in favor of these proposals. And now all of the sudden they say that those same proposals that they voted for are reckless. Again, we have to repeat what they are, the marriage tax. They say that is reckless, again, even though many of them already voted for it. That is why you have to ask the question or pose the question that you just posed to us. Why all the sudden? And they will give you different excuses at different times.

Well, when the economy is not doing well this is not the time to lower taxes. Excuse me? When the economy is not doing well is not the time to incentivize the economy? If this is not the time, when is the time? Clearly we need to incentivize the economy. I think that what happens also is up here in D.C. we sometimes forget reality. We are okay up here. We are able to discuss these things on a theoretical level. But for those hard working American families who are paying those taxes, some of them may have lost a job or fear that they are losing their job. This is not theory. This is not something you can just talk about. They are desperately looking at ways we can get this economy going. They need this economy to do better. They need their taxes to be cut so they can keep a little bit more of their money. This is not theory. This is practice. This is practice.

I think a lot of times up here though, you are right, maybe it is because they want their party to do better and they want the economy to be in the tank for the elections. Maybe they have forgotten or lost touch with reality. But when you go home and talk to these people who lost their jobs and are fearing about losing their jobs, and you ask them, should we now do something or not do something to get this economy going. I think the answer is pretty clear that they want this economy moving despite what the politicians may say.

Mr. KINGSTON. The other things we are doing in order to help small businesses and we think it is very important to help small businesses because that is still 70 percent of the employment in this country, and, unfortunately, large businesses come and go. And it is a tremendous loss. We just lost a paper mill in St. Mary's, Georgia that I represent, 903 jobs. Those jobs are probably gone permanently. We hope something will happen to make that statement not the case, but unfortunately that is what it is looking like right now.

Small businesses, you can lose one or two of them and the economy still moves along. But depreciation, faster depreciation, increasing the bonus depreciation from 30 to 50 percent and extending it another few years, again so small businesses can make investments and write them off faster, and we believe that is going to be very healthy for small businesses. Also allowing them to have a 5-year net operating loss carry-back for 3 years, and that will help small businesses recover from some of the losses they have suffered under in this post-9/11 economy. And then, finally, increasing the expensing from 25 to $100,000.

All of this is going to help your bicycle shop, your pet store, your clothes store, your tire store, all the small Main Street businesses back home. And we believe if you can help them you will do a lot for that NASCAR race fan.

I always say what we need to do is build tax policy around the NASCAR race fan. The mom and dad have a household income, one of them makes $50,000 and the other makes about $60,000, the household income anywhere from $75 to $120,000. They have two and a half kids. They are the first in country, first in church, first in patriotism, first in paying their taxes, first in rolling up their sleeves, doing a fair job, and also do not ask for the government for this or that. They do not come to see you and me in Washington, D.C. They do not have an agenda. They do not come here to lobby for this loophole or for that expenditure. They are just good folks in America. You can find them all around the country, from Miami to Savannah, from Maine to San Francisco.

□ 1645

They might not truly be a NASCAR race fan, but if you go up there and stick and use that as your guide, you are going to take care of America; if you take care of that family, and by taking care of small business I believe we are taking a major step in that direction.

Mr. MARIO DIAZ-BALART of Florida. The gentleman knows that in the State of Florida, I think it is probably similar to your State, small business is the economy of Florida. It is an incredible percentage, and yet when we try to help small business again by allowing those businesses to keep a little bit more of the money that they generate of their money, we are told that we are helping the rich. We are not helping the rich. We are helping the small business people in this country in the State of Florida that create the economy, that hire the people, that pay the wages, that provide the health care, that pay the taxes.

I wish that the opposition would do a couple things. First, that they would bring up a plan of their own, which they have not done. Number two is that they would talk and discuss the ideas as opposed to just throw out labels to see if they will stick that are just not based on fact because somebody should tell them that small business people in this country are not rich. They are struggling to earn a living. They are struggling to pay the rent. They are struggling to keep their employees and pay their employees and pay their insurance.

You better believe it that I am proud that this plan helps those businesses. It provides relief for those small businesses, but they do not want to talk about the issues and the specifics because they lose on that. So, therefore, they have to say it is irresponsible and reckless to provide tax relief to small businesses. It is not reckless, but they cannot talk about the specifics; therefore, they have to throw out words hoping that, like a big PR campaign, people will buy it and people will not look at the facts.

The problem is the American people are very wise.

Mr. KINGSTON. The Chair is an intelligent man and he has seen the Pelosi-Gephardt plan. There is not one. Has the gentleman seen one from the other body? There is not one. What do we have? Nine Democrats. I had not read the paper in a week, might be up to 10 or 12, nine Democrats are running for President of the United States; and I have not seen one of them introduce a plan, and I believe at least two of those candidates are Members of this body.

It is good that they are running for President because it gives more competition, and more competition is good for the political process, like anything else; but while you are a Member of this body, should you not be introducing your own jobs tax relief plan, growth plan? We do not see it and you would think if there are any Democrats who are going to offer a plan, it would certainly be the ones who are running for President; but we have not seen it.

Another thing that is in this plan that I think will help the economy is what the gentleman from California (Mr. THOMAS) calls a 515 plan and that is reducing the tax rate and the capital gains rate on dividends and capital gains: if you are in the 10 percent bracket, down to five; if you are in the 20 percent bracket, down to 15.

Again, I think it is real common sense that why would you reduce the capital gains tax. The idea is if I can sell something and keep more of the profit in my pocket, then I am more likely to sell it, and when I sell it and that dollar turns over, it stimulates the economy, and it is great for small business, great for the American middle-class taxpayer.

Mr. MARIO DIAZ-BALART of Florida. Also, we have to remember it is their money. It is not a gift. That is the thing that I keep hearing. I keep hearing it over and over again how government is going to give these people this capital gains reduction money. No, no, no.

All we are talking about is we are going to allow the people who own that money to be able to keep it, as opposed to send it to Washington so Washington can spend it on all sorts of things. No, we are going to allow the people to keep a little bit more of their money. It is not a gift. It is not government's money. It is their money.

We should not be apologetic to want to take less of the people's money, in particular when we see some of the waste and the fraud that goes on in Washington where we spend money on things that are frankly, for example, the debit cards that we have seen recently where people have used them to buy and to use them for personal issues, including some rather offensive things. We are talking about millions of dollars. And so we need to take more money from the people to do more of that? No, no. We need to make sure the people keep their money, as much of it as possible.

I for one think we should do a lot more of that and allow people to keep even more of their money because that stays in the economy. They use it to buy things, to save and provide more jobs. That is the way this country was built. That is the greatness of this country, and for anybody to say that that is reckless is hard for me to believe.

Mr. KINGSTON. It does get ridiculous. We are also doing something I think that is real important, and that is, we have passed H.R. 6, our energy bill. One of the things that small business people need and middle-class American tax payers need are lower energy prices, in the gasoline for their car and the heat and oil for their house and the electric bill for their air conditioner, whatever it is.

If we could get an abundant, inexpensive, clean energy supply, it will really help the economy, really help create jobs; and our energy package does lower our dependency on foreign Middle East gasoline and fossil fuel, which, of course, gets into national security and all other kinds of issues; but it also searches for alternatives like hydrogen fuel, fuel cell vehicles, and puts in lots of money for research so that we can get off fossil fuel and improve technology for smart buildings and energy-efficient houses and structures of all nature. That is going to help create jobs, and I am glad that we were able to pass that out of the House.

We need it passed by the other body, and we need to get it to the President for signature. The faster we do that, the less dependent we will be on fossil fuel, the more energy alternatives there will be.

Mr. MARIO DIAZ-BALART of Florida. That is one of those issues that the other side continually criticizes and yet has no answers for. They always talk about how dependent we are on foreign oil, and there I think we all agree that we need to look at ways to be less dependent, which is why this bill is the right legislation at the right time. It has some provisions there that I think make so much sense.

It would allow us to be less dependent on foreign sources of oil and also of other energies. It is done in a responsible fashion, to protect the environment, which I think is something that is very, very important; and once again, it shows what you can do. You can come up with answers, reasonable answers that are good for the country that will also provide jobs, and that is again a big focus of this Republican majority is to provide jobs. Not only now, but particularly now; and if you look at the legislation that has come out of this body so far, including that one, there is a real strong common denominator.

Along with the other things that it does, that legislation would also provide jobs for the American people, high-paying jobs, by the way, for the American people; and, again, I just think we need to continue to emphasize that. I for one am not content at how the economy is going. I for one think that we need to do more, that we need to incentivize the economy. I think the American people agree with that, and clearly, the leadership in this House has said that, the President has said that; and there are a number of pieces of legislation that go way beyond talk.

These are results. These are things that we have passed that the committees have debated, that have been worked on for a long, long time; and so talk is cheap as they say, but in this case, in the energy bill, in the budget, in the jobs creation bill and so many others, it is not talk. It is results.

Mr. KINGSTON. Another way we are working in the House to help create jobs is with a good roads program, good infrastructure. Not everybody wants to live in the city, and yet we all have to kind of go to the city eventually. Maybe it is for a particular hospital operation, maybe just to buy something, maybe for entertainment, maybe for a job; but if you can have good roads that connect small towns to the large city, it is good for the economy in both places.

I represent the Port of Savannah and actually all of coastal Georgia, but I also have rural areas. I have 29 different counties in the first district that I have the honor of representing. One of the things I want to do and the gentleman from Georgia (Mr. BURNS) wants to do is get a way so that the producer of Vidalia onions can get it overseas faster. Agriculture right now, so much of our market is a matter of overseas. I think this roads transportation program incentive for alternative uses like bicycles and electric cars, I think all that is going to help creates jobs, too.

In Atlanta right now there is a project called Atlantic Station. It is right here where I–85 and I–75 split in downtown Atlanta, and it was a brownfield. Then they went in there and reclaimed the land and cleaned up the polluted areas; and now they are building a regular community that will have some high-rise office buildings, some condominiums. It will have some retail places, a movie theater, parking underground; and the bridge that goes over I–75 and I–85 linking that to the traditional downtown part of Atlanta, more of the road is used for pedestrians and bicycles than it is actually for trucks and cars.

That is an example of something under our transportation bill that can happen all over the country. I hope that when you are visiting Georgia sometime you will have the time to see it because it is actually tomorrow's road for tomorrow's economy and tomorrow's community, and it is something exciting; but our TEA–21, which is our roads bill, again jobs, and it is going to be passed out of the House. So we are going to continue to do everything we can for small businesses.

Mr. MARIO DIAZ-BALART of Florida. Transportation is key for all of it, key for all of it. Matter of fact, you look at Florida and the rest of the country, but if you look at Florida, if you look at the three biggest industries, among them are agriculture, like it is in your State, commerce, and tourism. You cannot do any of those without a good infrastructure, and the gentleman from Alaska (Mr. YOUNG) is working awfully hard coming up with a package that I know we will all feel very proud of to make sure we have the infrastructure and, again, that also provides jobs. The building of those roads provides jobs and then everything that goes along with that.

Mr. KINGSTON. I know I can leave my house in Savannah, Georgia, basically take maybe two or three roads to get to I–95 and 10 hours later I am going to be in Miami, Florida; and if I go north on it, 10 hours later or depends on how fast you drive, of course, but I can be north of Washington, D.C., almost in New York City, can go up to Maine.

Interstate highways started as national defense, moving our military for safety, lots of ideas, but behind the interstate highway system for national security, under President Eisenhower; but today, they have also been a huge boon to rural economies. Anywhere that there was an exit ramp, there is now a truck stop, a gas station, a convenience store, a fast food store, a retail outlet; and interstates have created tons of jobs in the United States of America.

Mr. MARIO DIAZ-BALART of Florida. It is amazing how almost every job out there, whether we know it or not, is dependent on that transportation infrastructure. Without that we would not be able to get products in and out, people in and out, nothing. It is totally dependent.

Mr. KINGSTON. I want to say this: on I–95 in coastal Georgia, we have something like 55,000 cars a day that go down, and all that we are asking them is to stop and leave a little bit of their money in Georgia before they go to Florida and spend all of it.

Mr. MARIO DIAZ-BALART of Florida. We thought it was the other way around, but there are obviously major infrastructure problems, and we clearly need to emphasize the roads; and I know that this Congress will be doing that, and the gentleman from Alaska's (Mr. YOUNG) committee, that I have the privilege to serve on, is going to be working on that. There are areas, whether it is Miami or Collier County where you have I–75 as well, that needs a lot of help; and I am optimistic that we will be able to do that for the economy's sake, for jobs' sake, and also to be able to get goods and people in and out.

I have an unrelated question, and I do not know if this is the right time to ask it. One of the things that has struck me in all the debates out there, and I frankly admit it caught me a little bit by surprise is when you see the increases that our budget has put for Medicare, for example, and Medicaid and also Medicare would drop, and on top of that we are doing the drug prescription plan, and yet I keep hearing the other side saying that we are actually cutting those programs, which is just factually incorrect.

I have to admit to you that I have never seen a place where everywhere except for government where huge increases, certain people say are cuts, and I just want to make it very clear that we have not cut. Not only have we not cut all those things that we keep hearing about, we have increased funding for all those things; and yet I keep hearing the Democrats saying that we are cutting.

□ 1700

The Democrats keep saying we are going to do all of these horrible things; we are cutting these funds. That is not what we passed. That is not what has been on the table.

Is that something that is usual here? Do the Democrats always just make up the facts? Is their attitude do not let the facts confuse the issue?

Mr. KINGSTON. Absolutely. I have been here 10 years; and according to the liberal, big-government types in Washington, anything they are not happy with they call a cut. There are, frankly, excesses in the Federal Government system that should be cut. But it does not matter what it is; everybody who is against something, that is a cut. That is a cut. Yet veteran spending has increased. Education spending has increased. Medicare has increased. Our prescription drug plan, which will help seniors get affordable prescription drugs, and it should not be partisan, Americans should not have to choose between food and medicine, and we all have parents and grandparents who need these drugs, and we all hopefully will be seniors ourselves, we do not need partisan rhetoric. We need responsible legislation.

To answer the gentleman's question, it is the standard around here. Every time somebody does not like something, it is a cut. It is a tax break for the wealthy, or it is going to kill the environment. Or that the seniors and the children are going to go starving. One gets used to it and kind of moves on.

I wanted to mention to the gentleman that one of the other things that we are doing, not just Medicare, we are trying to come up with an affordable and accessible health care. That is very, very important for small businesses in America. Small businesses in America now have a huge burden when they try to provide health care for their employees. Yet when you are in the job market, you have to look not just at the salary but at the benefit packages. By making health care more affordable and more accessible, that is another way we in Congress are going to help create jobs.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I worry if we do not do that a lot of people depend on their jobs to provide health care. If it gets to where it is not affordable to employers, they are not going to provide that benefit.

Just like it took this leadership to finally forget about all of the rhetoric, it took the Republican leadership to finally pass a Medicare prescription drug plan. And with all due respect, the Democrats were here for 40 years. They always talked about it and never did it. I can understand it falling through the cracks 1 or 2 years, but they never did it. It took the Republicans to do the prescription drug plan under Medicare. I was hoping that those that legitimately wanted to do it for 40 years, would have said, wow, it is about time, as opposed to criticizing it.

I am confident it will have to be, once again, the Republican leadership, the Republican Congress that is going to have to lead to make sure we have health care that is accessible, affordable, that is quality health care for Americans. I do not know of a more important issue for American families and American small businesses, and, frankly, for even some of the larger businesses as well than to provide good quality, affordable health care. But there again, the Republican Party is going to show the leadership that it has shown on every single issue from welfare reform to Medicare prescription drug benefits, and health care is one of the issues that the Republican Party is showing that it can tackle with results.

Mr. KINGSTON. It is too bad that there needs to be popularity in the polls to get elected. But this is not about popularity, and leadership is not a popularity contest. Sometimes you have to make difficult decisions, and there is not going to be 100 percent approval ratings on every package. Part of leadership is to move the agenda forward.

I know that the gentleman has spent a lot of time in support of the judicial nomination of Mr. Estrada, and the gentleman has expressed a lot of disappointment that the other body has not moved. We create and protect jobs by law and order. If people know that there is lower crime because there is justice when you are brought in front of a judge and there are good judges, we will reduce crime in communities back home. Here we have Washington, D.C., a very high crime rate area, they have a judicial opening, a vacancy; and yet we have liberals in Washington, D.C. who will not let Mr. Estrada get on the bench, and yet he is highly qualified. He went to Columbia and Harvard. He actually had the same qualifications of a judge who has been supported by the Democrat Party, the only difference he is Hispanic.. For some reason that is a big issue. Some liberals in Washington cannot stand the fact that President Bush would have a great Hispanic nomination. What is happening with that right now?

Mr. MARIO DIAZ-BALART of Florida. It is even worse than the gentleman states. It is not only that they do not want to vote for him, they do not want a vote to take place; and they are doing all of these parliamentary procedures to avoid taking a vote on Mr. Estrada. It has been a very interesting ride we have been watching. Every excuse in the book has been used against this gentleman, and they are just excuses because they are not based on facts.

As we are speaking, there is kind of a pattern emerging. For some reason, they do not want to discuss the facts; and, therefore, they throw out other things. One of the reasons that they said Mr. Estrada should not be a judge on this court in D.C. is he is not qualified enough because he had never been a judge before. I would not have a problem if that is the standard. It just happens to be on that same court those same people that are saying that about Mr. Estrada supported other judges that were never judges before that now sit on that court. If it is okay for them not to have had previous judicial experience to sit on that bench, why is it not all right for Mr. Estrada? What is the real reason?

They say there are certain memoranda that he has. That is the criteria. If the Department of Justice does not show us certain memoranda that were internal memoranda that were written, that would disqualify him. If that is the standard, I do not have a problem; except there are seven judges currently that have come out of that same office where Mr. Estrada was and those documents were never requested. That is clearly not the reason. If that was the reason, the other judges would not have been able to move forward.

There is a real weird double standard with Mr. Estrada, and it is so much so they do not even want it to come up for a vote on the floor. I do not have a problem with objecting to somebody. I do not have a problem with disagreeing with somebody. Thank God we can do that here in a free Democratic society. But they do not want to discuss it or debate it. They do not want to vote on it. I do not know what their agenda is.

I know that the reasons that they give are not the real reasons, and that is a sad statement. It is also particularly sad because Mr. Estrada is a man who got here at age 17. He studied and worked. He did very well for himself. He went to Columbia and then Harvard Law School and graduated magna cum laude. He worked as a clerk for a U.S. Supreme Court Justice. He worked as a prosecutor in the State of New York. He worked in the Department of Justice under two Presidents, one Republican and one Democrat; and all of those people that he worked for him said this man is a man of integrity and would be a great judge. Yet the Democratic leadership does not want him to even have a vote. That is difficult to believe.

Mr. KINGSTON. Here we are, we have just come through a war, we have jobs that we need to create. We have an economy that we need to turnaround, and yet there are Members apparently of the other body who are content to make one of the most highly qualified judicial nominees a big issue. It is such a double standard. If he had not been Hispanic, in your opinion, would he have been approved by now?

Mr. MARIO DIAZ-BALART of Florida. I can tell the gentleman without any doubt that the reasons that they are going to block even the possibility of him having a vote on the floor of the other body to the point of using parliamentary procedures that have not been used for a candidate of that court before, I can tell the gentleman the reasons they are giving are not the real reasons because we have gone through them and analyzed them. We have talked about them here on the floor of this Chamber, and the bottom line is those are not the real reasons. If those are not the real reasons, then what is the real reason?

It is very sad that a person like Mr. Estrada, who has worked so hard and studied so hard and who has lived his little part of the American dream, has done what this society has asked him to do and much more, has been an example to so many, that his case is not even being allowed to be debated on the floor and is not allowed to have a vote. The reasons given are not the real reasons.

It is a sad day for the country. He is 41 years old. He had argued 15 cases in front of the Supreme Court of the United States before he was 40. Think about that. It is a shame not to have somebody of that quality on the court. It is also a shame for those of us who believe in diversity, who believe that one should be judged by your qualifications and not by your race.

I say that because people have used race publicly. They have said that one of the reasons that he should not be on there is because of his race, and that to me is highly offensive. You should not get a position because of your race, and you should not be denied a position that you are qualified for because of your race. Yet those are the reasons that they have given. They have given others, by the way as well, but those have proven to be false. The only one that still remains out there is when they have said that Mr. Estrada should not be on that court because of his race.

Mr. KINGSTON. It is very disappointing, but I hope that the President can work with them and see if he can get something done. The other thing is the President was elected, and let him get his team in place. It should be that simple.

I just wanted to cover these topics and wanted to ask the gentleman if he had some other topics that he wanted to conclude with.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I would just like to state one more time that every day that goes by, we have to remember there are thousands of men and women in uniform that heroically defend our freedoms, and they do so without asking for anything. They do not get paid a lot of money. They are not there for the publicity.

Every day our freedoms are being protected by men and women in uniform who are heroes every single day. Sometimes they are asked to put their lives on the line to protect our freedoms and to even sometimes within that scope of protecting us, to protect and liberate other people. They have been doing it for generations. They continue doing it today.

Right now as the Iraqi theater is looking good and the Iraqi people are free and they are celebrating their freedom, we have to remember today there are men and women who are in harm's way. We cannot forget that for one single moment, and we have to be grateful and thankful that there are people like them who are willing to do one of the greatest sacrifices one can ever do to protect our freedoms, and we can never thank them enough.

Mr. KINGSTON. Mr. Speaker, I know for the 34 constituents that I lost in Iraq, and I believe the six to 12 in Afghanistan, I am certainly not going to forget them; and I am going to do everything I can to help promote Iraqi democracy and also jobs in America. We have got a good bill on jobs this week. I am looking forward to voting on it and supporting it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HENSARLING). Members are reminded to refrain from improper references to the Senate.

□ 1715

DEMOCRATS EXAMINE WAYS AND MEANS TAX PLAN

The SPEAKER pro tempore (Mr. HENSARLING). Under the Speaker's announced policy of January 7, 2003, the gentlewoman from Ohio (Mrs. JONES) is recognized for 60 minutes as the designee of the minority leader.

Mrs. JONES of Ohio. Mr. Speaker, I came here to talk about the proposed tax cuts, but as I sat here on the floor and listened to my colleagues, I would be remiss if I did not respond to a couple of issues that they raised. One of them was that they accused the Democratic Party of wanting the economy to stay in the dumps just so that we could be successful. I dare either of the gentlemen that just finished speaking to find any member of the Democratic Party that would want this economy to stay in the dumps just so we can be successful. But the Democratic Party is going to be successful on the issues and that is what I want to talk about.

Let me do one more thing, though. One of the things that was discussed, and this is called misrepresentation. One of my colleagues who spoke before me said that the Democrats were holding up the appointment of Justice Estrada at a time when justice needed to be dispensed in the District of Columbia and at a time when law and order was out of place and that he could be there trying cases. I just want to remind my colleague that Justice Estrada was being considered for an appellate court, not a trial level court and that justices on the appellate court do not do trial of fact. So that is again a misrepresentation that people make when they are trying to make one party different than the other. But I am not going to spend my time today in response to some of those things. I would just suggest that everyone needs to pay attention and listen to the real words that people are saying.

Mr. Speaker, I rise today to express my concerns about the Chair of the Committee on Ways and Means' plan that was unveiled this week, marked up in a lively session of the Committee on Ways and Means yesterday and will be considered on this floor shortly. In my own city, the City of Cleveland, 53,900 people have lost their jobs since this President took office. That is 4.7 percent of the workforce. In my State, the State of Ohio, 167,000 people have lost their jobs since this President took office. That is 3 percent of the workforce. The Committee on Ways and Means considered over the past couple of days the plan of Chairman THOMAS. Unlike the Democratic stimulus plan that will be fast acting, fair and fiscally responsible, let me say those three Fs again, fast acting, fair and fiscally responsible, the Republican plan is another in a series of GOP tax plans that is economically irresponsible, narrowly tailored to benefit the wealthiest percentage of the population, and will not provide the immediate stimulus our economy needs in the form of job creation and productivity growth.

The chairman's bill has been referred to as a compromise to the President's so-called economic stimulus plan, perhaps with the hopes that Democrats would respond favorably to any compromise to the President's fiscally reckless plan. While Chairman THOMAS' bill does indeed have a different approach to some of the proposals offered by the President, the end result is still the same. It is poorly timed, shortsighted and narrowly designed to benefit only a small percentage of the population.

This compromise reminds me of an old witticism: You can hang a sign on a pig saying that it is a horse but it is still a pig. The gentleman from California has hung a sign on a bad economic policy and proclaimed it to be a fix that our economy needs. But just like the pig with the sign around its neck proclaiming it to be a horse, this plan has problems.

Let me talk about just a few of them. The treatment of dividends and capital gains. The GOP plan is not fair. The President's proposal for exempting dividends from being taxed was the centerpiece of his economic stimulus plan. While the Thomas bill does not contain that proposal and I believe it does not contain that proposal because in committee meeting after committee meeting, I kept saying to members of the committee and witnesses before the committee, do you understand the impact that the dividend tax cut will have on low-income housing credits? Do you understand the impact that a dividend tax cut will have, in fact, on annuity programs? And I think he finally got it. While the Thomas bill does not contain the same dividend tax cut proposal that was presented by the President, it revolves around reducing the tax on capital gains and dividends as the cornerstone to sound economic policy.

Under current tax laws, capital gains are taxed at 20 percent. Dividends are treated and taxed as income at the applicable tax rate. The Thomas plan will lower the capital gains tax rate to 15 percent and also provides that all dividends be taxed at the same rate. Unlike the President's plan, the Thomas plan provides dividend tax relief regardless of how much Federal income tax is paid by a corporation. In this regard, the Thomas plan does not have as great an adverse impact on low-income housing tax credits and other corporate tax benefits that would have resulted under the President's plan. But this is the least egregious aspect of the plan and it is overshadowed by so many more unwise proposals.

The chairman's dividend capital gains proposal will cost approximately $300 billion of the total $500 billion cost of the plan. He boasts that this is less than the nearly $400 billion cost of the President's dividend proposal. But he is relying on accounting gimmicks and unrealistic expiration dates. Many of the aspects of his plan are set to expire in 2006. But will these provisions really be allowed to expire? Most likely not. The more realistic outcome is that they will become a part of the ever-increasing number of tax provisions that are extended every few years. A more realistic estimate of the Thomas plan's economic impact on the Treasury must assume that its provisions will be extended beyond 2005. Under this realistic assumption, the $550 billion cost of the Thomas plan not only exceeds the $726 billion cost of the Bush plan but suddenly results in a total cost of about $1 trillion through 2013, as indicated in the chart that I am about to show my colleagues.

This chart breaks down certain elements of the Thomas plan as compared to the Bush plan and concludes with the result of the Thomas plan being even more expensive than the Bush plan. For example, under the Bush plan, the dividend and capital gains tax cut would have been $396 billion. Under the Thomas plan, $296 billion of the tax cuts do not expire. However, the top bracket rate reductions effective only for 2003 will be the same and the child tax credit increases will be the same. But here is where we have to take a look and go further. Under the Thomas plan, we widen the 10 percent bracket effective 2003. It is $45 billion. Under the Thomas package, it is $18 billion. But if the tax cuts do not expire, it will go back up to $45 billion as proposed in the President's plan.

Tax breaks for married couples. Under the Thomas proposal, it expires in 2005. The impact under the Bush proposal is $55 billion. The Thomas, $45 billion. But if this 2005 date is extended, the tax break for married couples will cost us $55 billion.

Again, let us take a look at the business expensing. Proposed to expire in 2005, it would only cost $9 billion under the Thomas plan but if in fact these cuts do not expire it will be $29 billion.

I could go on. I know people get tired of a lot of numbers but I need to show the comparison of the tax cut packages.

Let us put up chart 2. IRS data shows that households with incomes over $500,000 get, on average, 41 percent of their income from capital gains and dividends. On the other hand, households with incomes between 40 and $75,000 get only 4 percent of their income from those sources. The gentleman from California's claims will not be the panacea for our struggling economy. For example, if you make over $500,000, according to this, 40 percent of your income comes from capital gains and dividends. If you make only between zero and $20,000, your income from capital gains or dividends is only 4 percent. So clearly the package as proposed by the gentleman from California is going to benefit folks who make over $500,000. I do not know where many of you come from, but clearly this is not a package that will benefit the bulk of Americans.

The same IRS data shows that the $500,000 income and higher households enjoy average capital gains and dividends of $70,000 while the 40 to $75,000 households have average capital gains and dividends of $2,000. Under the GOP plan, millionaires will receive over $100,000 from the new tax structure. But if you make $50,000, you will receive about $400. Or if you are in the lowest income strata, the new tax structure will give you back just $53.

We heard the earlier speakers talk about the benefit of putting the money back in the taxpayer's pocket. How much is $53 going to buy? Especially when you think about collectively if we took all of our $53 and left them in the pot, perhaps our senior citizens might have an opportunity to get a prescription drug benefit. Perhaps we might be able to fund the No Child Left Behind program. Perhaps we might be able to fund health care for more Americans. And perhaps we might be able to extend the unemployment compensation to Americans across this country.

Let me go to this chart very quickly. For example, taxpayer year 2003, if you made between 10 and $20,000, you are getting $53. If you made between 75 and $100,000, you are going to get $1,600. But if you are part of that fortunate few that this tax plan favors, you will get probably $105,000 from this particular tax cut. Those taxpayers who will reap the highest gains from the Thomas plan account for .5 percent or one-half of 1 percent of taxpayers. Let me say that again. Those taxpayers who will reap the highest gains from the Thomas plan account for just .5 percent or one-half of 1 percent of taxpayers. Yet they will receive over 57 percent of all of the capital gains and dividends.

When we talk about a plan being fair, this plan is not fair. Quite the opposite is true for taxpayers in the 45 to $75,000 income bracket who comprise 21 percent of all taxpayers and account for 24 percent of income from all sources. Yet they will only receive 7 percent of the capital gains and dividends.

Let us try chart 4. Finally, the Thomas plan will benefit the wealthiest one-half of 1 percent of taxpayers nearly universally, as 94 percent of that group of taxpayers receives dividends or capital gains whereas just one-third of the 45 to $75,000 income range taxpayers have investments that yield dividends or capital gains. For example, if we look at chart 4, we can see how much income is derived from capital gains and dividends based on income levels. It is a little different orientation from the chart I showed you that was chart 2. For example, if in fact you make over $500,000, you are coming above almost 100 percent, you will receive that amount from your capital gains or dividend income as compared to people at the lower bracket.

The Republican Party will claim that the majority of senior citizens will benefit from dividends and capital gains taxes being reduced, but only 26 percent of seniors in this country receive dividend income that would be affected by this proposal. Let me say that again. Only 26 percent of seniors in this country receive dividend income that would be affected by this proposal. Republicans cite the fact that more and more people have a vested interest in the stock market. Yeah, we sure had a vested interest in the stock market and look what happened: Enron, Global Crossing, WorldCom, the list goes on, and that they would now benefit from this proposal. Maybe this proposal should have come around before all of us lost the money we lost in the stock market. While they are correct in the assertion that over 50 percent of the population is in the market, Republicans distort or ignore the manner by which people do participate in the market.

□ 1730

The majority of this participation is through a 401(k) plan or pension plans and other retirement accounts that are exempt from this taxation anyway, and most of the people who receive money are in a pool wherein those dollars accrue to their retirement plan or a pension plan but not to them individually.

Let me talk about deficits for a moment because one of the things that I said when I started was that any plan that stimulates the economy, it must be fast, it must be fair, and then it must be fiscally sound.

The GOP plan is not fiscally responsible. While the Thomas bill claims to offer a compromise to President Bush's irresponsible plan on the subject of dividend tax reform, which it really does not, it certainly does not compromise on the subject of being fiscally irresponsible and harmful to the longer-term state of the economy. Republican lawmakers in general, and the gentleman from California (Mr. THOMAS) is certainly no exception, are under the frightful illusion that deficits do not matter. Did the Members hear that? Deficits do not matter. Even Mr. Greenspan has said that deficits are important, but Republicans are now saying they do not matter. Keep in mind when we had a low deficit, our economy was doing better. Keep in mind that as we continue to have greater deficits, I anticipate that our economy will have more trouble.

The Republican economic plans push for tax cuts that will put the Federal Government in a position of having to borrow $1.5 trillion over the next 10 years. Let us count that, $1.5 trillion over the next 10 years, with no balanced budget in sight. The resulting debt load on the fiscally ignorant Republican plans being presented to us will be about $50,000 per American household. Talk about putting our grandchildren and our children in debt.

When asked to account for this fiscal lunacy, the Republicans claim that the tax breaks offered now will compel people to save more in anticipation of leaner times to come. The speculative statement on the psyche of the American taxpayer just does not make any sense. By borrowing this additional $1.5 trillion over the next 10 years and saddling American households with $50,000 of that debt load, Republicans are placing a cumbersome tax burden on future generations of children. To cover the interest costs alone on that debt will require us to zero out all unemployment compensation plus other programs such as SSI to the tune of $400 billion, the refundable earned income child tax credit of $357 billion; food stamps, $274 billion; family support, $259 billion; and student loans, State's children's health insurance, and veterans' pensions, $149 billion.

Cutting any of these programs is neither compassionate nor is it conservative, but it will be a reality if this fiscal recklessness gets enacted into law.

I have now just seen that my colleague from the great State of Louisiana (Mr. JEFFERSON) has joined me as we do this Special Order. I yield to him.

Mr. JEFFERSON. Mr. Speaker, I would like to thank the gentlewoman from Ohio for yielding to me and for the wonderful work that she is doing in this area and for the Special Order that she has taken out this evening to explain to the American taxpayers and to the American people just what is at risk by these Republican policies.

I know she has covered a great deal of territory already, but I want to just talk about things perhaps that have not yet been discussed or, if they have been, discussed tangentially. And that is the issue of what the government ought to be doing with respect to tax policy. I had the good fortune, the gentlewoman might remember, of doing a great deal of work on this tax policy. Having spent time in school to work on it and having gotten a master's of laws in taxation and having studied the issues of what tax policy ought to be involved with, what I found out was this: that there is a legitimate concern on the part of government to have a tax policy that is fair in the first place, to have a tax policy that is simple in the second place, to have one that does not intrude into the private sector decisionmaking of people in the third place; and perhaps if we find a social policy we all agree on, we found it legitimate to use the Tax Code sometimes to encourage certain behavior on the part of the public.

The one thing on the fairness I think the gentlewoman has spoken very well about how this policy violates the Federal standard of fairness any number of ways, and I want to talk about one last way it does a little later; but the one thing that I think it does that people ought to recognize, and it has effects for the deficit, for the interest burden, all the rest, is that it puts the government into a position where it is going to compete with the private sector for money. It is going to drive up demand for money because we are going to have to borrow money. There is only so much of it out there. We have to borrow money to fund the government's operations. When we do that, we drive up the demand for money; and when we do that, we drive up interest costs. No question about it. And so this government is going to compete with the private sector. It has to because there is not enough money to fund this tax policy. We are going to put a tax policy together and borrow money to pay for it. It does not make any sense at all. But the biggest problem is that it is inescapable that it is going to drive up demand for money out of this economy, and we are going to borrow money from our banks here and make it tough on our country, and we can also borrow money from foreign governments and make it tough for steel. So this is an antitax policy, logically thinking, when we go this route.

The second thing, there has been a debate for many years about whether it is a good idea or a bad idea to tax capital gains or a bad idea or a good idea to tax dividends, dividend income. All of this has been the subject of debate for many years. And one of the reasons why people have avoided dealing with it is because it is so expensive to fix it, to deal with it, to try to come up with a solution for it. So every time we have a tax reform session, people gripe one side or the other about these questions; but they never deal with it because they are so horrendously expensive.

Here we have now a President in the middle of a recession, certainly in a huge downturn in our economy, talking about restructuring the Tax Code, essentially is what is happening here, in the middle of a recession. This is not about stimulus for the economy. This is not about giving people jobs. It really is all about restructuring the system that some people think penalizes rich people more than it should, and there are all sorts of debates, as I said, about that and we can come down a lot of different ways on the question. But this is no time to do tax reform when we need a stimulus package for the government and for our people. This is no time to take these issues that we fought over for many years, not new issues, and bring them to the floor now under the cloak of a stimulus package and of job creation. This is not what it is.

And the last question I have that I want to just raise with the American people is this one: everybody at the upper levels gets a tax break from this President's proposal. The folks at the very highest level, 38.6 percent, get a 3.6 percent tax break and down the line to those who are at around the 25 percent rate; and they all get a 2 percent tax breakdown to 25. The folks who are on the bottom, the 15 percent tax rate, that bracket, and the 10 percent bracket get nothing. They get no help. They get no break under this President's plan. They are not touched at all. So those folks do not have any unearned income to speak of, very little, minimal, 7 percent, less than that of income, the whole group, and almost all of it, 2 percent of the folks, are getting that in that little bracket. They are just a handful of people in that bracket. So what we are doing is moving from a system where we are taxing unearned income one way and to a system where we are only going to tax wages of working people. So as we lower the capital gains taxation from 20 to 15 and the upper brackets by 2 percent in some cases, 3 percent in one case, we do nothing for the folks at the very end.

So my question is if we are going to give a tax break, why not give it to everyone, an income tax break? Then there are other folks who do not pay income taxes. In my district there are 35 percent of the folks who work every day, 40 hours a week or more, who never make enough to pay income taxes; but they are paying the payroll tax through the nose, and the difficulty is we do not touch that issue either. These folks get no break under the President's system.

It is just unfair for them not to get a break, but beyond that, it is nonsensical for a stimulus package not to include these people because, as the Members know, these are the ones who actually would spend their money if they got the money from the government, got something back from the refundable credit on the payroll taxes or refundable credit in some other cases. They would use their money to buy the refrigerator they need or the child's clothes for school or something that is a household need that they cannot now meet because they do not have much money. So if we really wanted to stimulate the economy and we wanted to stimulate consumption, which is what this is all about, either consumption by the State governments or local governments or by individuals or businesses, in this case individuals, we would put money in the hands of the people who actually spend it and consume some of the goods and services out there in the country that they need to consume.

So apart from all of the issues that the gentlewoman has raised, and they are wonderful issues and ones that we have heard a great deal about in our caucus and in our debates in the Congress, and they are the central ones in this debate, but I wanted to bring these other issues out to discuss them because I cannot find one way that this deal makes any sense for the American people, and I do not understand, frankly, how the other side can put these proposals forward with a straight face.

On every level I have been able to examine, it does not make any sense, and I hope that when the American people have the time to examine this argument that we are making here, examine the issues here, that they will come to the same conclusion that the gentlewoman and I have come to, that this policy is a bad policy for America. It does not stimulate the economy. It is a terrible intrusion into the tax system that is going to end up with the private sector competing with the government or the other way around, and it is going to drive up the cost of interest in the long term, and of course it is an issue of getting involved in a structural tax debate that we have had on the table for I do not know how long and we are now trying to fix under the cloak of a stimulus package.

So I want to again thank the gentlewoman from Ohio (Mrs. JONES) for what she has done this evening in giving us a chance to talk about these issues, and I want to implore the American people to really examine this very closely because it is a critical point in the history of our country. We are about to make decisions now that are going to saddle our children and grandchildren for years to come, and people really ought to pay attention to what is happening in this House.

Mrs. JONES of Ohio. Mr. Speaker, it is very interesting, has the gentleman been able in this plan anywhere to find any benefit for unemployed workers who are out of money who would spend their money right away if they were able to get any of this money?

Mr. JEFFERSON. Mr. Speaker, of course not. It is not mentioned in the package, and as most of the experts have said, this is the greatest multiplier effect of most of the things we can put on the table to do, and that is to put money into the hands of people again who have been out of work, who have been strapped, who do not have enough money to pay for the things that they need to take care of in their households, who we know will consume if they get the money.

Stimulating the economy is all about stimulating consumption. It is not about anything else. And if we are not smart enough to give people money they can use now, and these are not people who are sitting around looking for welfare, looking for a handout from the government; these are hard-working people who have worked for many years, in most cases, who now because of economic hard times and down turns in the economy, layoffs all over the place, have ended up without a job. These are folks who are actively seeking work, going out looking for a job every day, going to the unemployment offices, unemployment services, looking for help, looking for a job, and they have not been able to find work because this economy has lost 2.6 million jobs in the last couple of years. So it is just hard to find a job out there.

This ought to be in this package. If the other side were serious about stimulating the economy, this is the best way to stimulate consumption, and the fact that it is not in the bill argues that they are not really serious about getting this done.

Mrs. JONES of Ohio. Mr. Speaker, what else was very interesting, I saw the other day, was an article that was discussing not only the fact that the low-income workers are not getting any benefit from the tax plan, that the IRS is now making proposals that people who get an earned income tax credit must have more documentation to show that they are raising their granddaughter's children or raising their cousin's children and on and on and on as if they are the tax cheaters instead of people who are at the top of the ladder who have something to cheat about.

Mr. JEFFERSON. Mr. Speaker, one of the smartest things we did in this Congress was to pass the EITC and the next smartest thing we did was to expand it in the last few years to make sure we had more people covered. And it is a way to reward people for working. It was always designed to take low-income people and encourage them to stay on jobs that did not pay much because the welfare was competing quite handsomely with folks who were making such a low income until they might as well have stayed home if they were just looking at it on the basis of what is the better thing to do, stay home with the children, stay home and do whatever, or go to work. EITC is a conservative idea.

Mrs. JONES of Ohio. Mr. Speaker, just to be clear for everybody, the gentleman is a tax man. Will the gentleman tell them what it is.

Mr. JEFFERSON. The earned income tax credit is a conservative idea. It is an idea to reward people for working, to award poor people staying on the job instead of choosing welfare. It ought to be embraced by the Republicans full throttle, and it ought to be as simple as it is to do anything else under the tax regime. Not that things are all that simple, but one of the major tenets of tax policy is to keep it as simple or to make it as simple as we can.

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The fewer resources one has, and we know poor people have fewer resources than the people who are wealthier, the simpler we ought to make it for them. That is why we invented this short form of tax reporting; that is why you have this easy way to do your standard deduction, because you figure that these are the people who are not going to have a lot of money for tax preparation or access to accountants and lawyers and all the rest of it. So you make it as simple as you can for people who you know are going to be principally their own tax preparers, and you hope they can understand it without having to expend much money to do it. Up the line, people who have all these various deductions and exemptions they can take and all the rest, they are folks who usually can pay for the lawyers and accountants and the rest and get it all figured out and worry about saving money.

So I think the gentlewoman is dead right, that instead of making it more complicated for the poorest people in this country who are going to work every day, who are working hard every day, and who we have encouraged through the EITC to stay on the job rather than to accept welfare, we ought to make it simple for them to get their reporting done.

Mrs. JONES of Ohio. I thank the gentleman so much for his leadership and insight on this issue. I appreciate his assisting me with this special order.

Mr. JEFFERSON. I thank the gentlewoman for what she is doing.

Mrs. JONES of Ohio. Mr. Speaker, let me continue to speak on some of these issues. Again, let me reinforce the statement that I made at the beginning. We believe that a stimulus package must be fast, it must be fair and it must be fiscally responsible. The Republicans ignore the tried and true logic that long-term deficits are bad for future economic and job growth.

The Federal Reserve Chairman, Alan Greenspan, has repeatedly voiced his assessment that persistent budget deficits hurt economic growth over the long term because of the drain they cause on private savings that could, and should, be used for capital formation.

The Thomas bill ignores the dilemma it will create when the expiration of unemployment benefits and state cuts in Medicare occur. Just as it makes no sense to down a few more drinks before hitting the road, it makes no sense for a country that is currently running a $436 billion trade deficit and depends on $474 billion in borrowing from abroad to adopt a budget that will borrow an additional $1.5 trillion over the next 10 years.

Even the Congressional Budget Office, now headed by a Republican appointee, has found that the Republican budgets will have little positive effect on the country's economic growth. The tax cut being offered do not come anywhere close to paying for themselves by expanding the economy as Republicans claim they will.

Deficits do matter. Sound economic policy recognizes that sometimes deficit spending, to a certain degree, makes short and long-term sense. But in this current climate, the proposed deficit spending will not result in a short-term stimulus because only a small percentage of the tax cuts being offered would take effect this year.

In the long term, American taxpayers can expect to see an increase in taxes and interest rates and a drop in funding for education, Social Security and other social initiatives, as more of their earnings go simply toward paying off the interest on an increased deficit. Let me repeat that. American taxpayers can expect to see an increase in taxes and interest rates and a drop in funding for education, Social Security and other social initiatives, as more of their earnings go simply toward paying off the interest on an increased deficit. This deficit matters, and this deficit makes no economic sense.

Yes, deficits matter. Chairman Greenspan has recognized this fundamental truth, cautioning repeatedly about the perils of increasing deficits without corresponding spending cuts. Yet the Republicans have taken every opportunity to distort his comments to suit their wayward economic agenda.

Let us take a look at chart 5. The President has stated that we have deficits because we have been through a war. This is a shameless untruth. The Congressional Budget Office and the President's own budget acknowledge that deficits started well before the conflict in Iraq and are projected to continue indefinitely because of the President's own fiscal policies. Even without taking into account any of the costs of the Iraq war, the CBO has projected in early March that the President's budget would result in a $1.8 trillion deficit over the next 10 years.

Let me refer to chart 5 on deficit projections. This chart has three projections. The dark line shows how the deficit will continue to increase under current economic conditions. The other line shows what will happen to the deficit under optimistic and pessimistic conditions. However, the optimistic scenario is unlikely because increased deficit spending and more tax cuts will not create an economy of growth and job creation.

For example, the dark line, as I said previously, shows how the deficit will continue to increase under current economic conditions. In other words, it is going to go from where it is right now, down to 2050, down this far to minus maybe about 14 percent.

Under the best economic conditions, based on the deficit spending we are doing, there will still be a deficit of about minus 0.3 percent. Then if you look under the lowest productivity growth, it will even be further. It moves further into the minus spending, down to minus 15 percent.

So the reality is that no matter what the economy does with the deficit spending we are doing right now, we are going to be in bad shape, and our children will continue to pay and pay and pay.

This bill claims to be about jobs, retaining them and creating them. Last week it was announced that the Nation's unemployment rate reached 6 percent. In the last 2 years, over 2 million jobs have been lost nationwide. Districts with heavy manufacturing industries have seen an even bigger job loss rate than the national average.

This Congress needs to pass a bill that will bring those who lost their jobs back to work and keep them at work. But will the bill that has been introduced by the gentleman from

California (Chairman THOMAS) do that? Only if you think that giving over $350 billion worth of capital gains and dividend tax exemption to the wealthiest one-half of one percent of the population will create jobs.

What kinds of jobs will this create? The only type of job I think that would be created would be hiring people to carry the buckets of money this wealthiest fraction of the country will receive to the bank. But with most of those gains being transferred electronically, even those types of jobs will not be available.

Economists from all slants, conservative and liberal, have reached a broad consensus that cutting the tax on dividends will not create jobs. In fact, several Wall Street analysts have rated this tactic as one of the least effective options in terms of stimulating economic growth.

The tax cuts being offered by the President and the gentleman from California (Chairman THOMAS) are not about jobs. Instead, these tax cuts are about partying it up now and ignoring the consequences.

This so-called jobs bill starves the government of revenue so that social priorities suffer, priorities like funding promised benefits for baby-boomers, cushioning the hardship of the unemployed, enhancing educational opportunity and improving homeland security. Just ask any mayor or local fire chief or local police chief about what money they got from homeland security. They are the first responders, and they are still waiting for this government to give them the money they need to do their job.

Other people have noticed that this plan would not create jobs, not just those of us here in Washington. This past weekend, the Detroit News published an editorial from the President of the Economic Policy Institute that empirically described how these Republican plans will hurt the economy, will cause more jobs to be lost and dig our deficit hole deeper.

This article cited a recent joint statement signed by 10 Nobel Laureates in economics and 450 other economists stating there is widespread agreement that the purpose of the President's tax plan is for permanent change in the tax structure of the country, not the creation of jobs and growth in the near term.

Let me repeat that: That the purpose of the President's tax plan is for permanent change in the tax structure of the country; not the creation of jobs and growth in the near term. These individuals single out the permanent reduction in the dividends and capital gains tax rates as not being credible as short-term stimulus. The Republicans claim that their plans will generate more growth in gross domestic product and in jobs in the next 2 years, ignoring the horizon beyond those 2 years.

Before I go on to that subject matter, I see that I have been joined by another colleague of mine, the gentlewoman from Georgia (Ms. MAJETTE). I yield to the gentlewoman.

Ms. MAJETTE. Mr. Speaker, I am honored to be a new Member of the House of Representatives. I know that each of us takes this responsibility very seriously. Each of us wants to represent our constituents to the best of our ability, and we all want to do what is right for our country. Yet this Congress cannot seem to do the right thing.

This so-called tax cut is a perfect example of what I am talking about. Virtually every reputable economist agrees that it is the wrong thing for our economy. Alan Greenspan agrees that it is the wrong thing to do at this time, yet the President has seen fit to have Mr. Greenspan serve for another term while choosing not to listen to his advice. Republican and Democratic Members of the House are going along with the President's tax policy, and that, Mr. Speaker, will sink this ship of state into a sea of red ink.

To me, this tax plan is about simple math and basic accounting. More importantly, it is about common sense. If you borrow money, somebody has to pay it back. This tax plan will result in the biggest increase in debt that our country has ever seen. Somebody is going to have to pay it back, and those somebodies are our children and our grandchildren.

Many in our country are worried about the problem of predatory lending, but what they should be worried about is predatory borrowing. We are causing our children and grandchildren to incur huge debts in the future just so we can line the pockets of a precious few today.

This predatory borrowing will doom the economic fortunes of generations to come because we refuse to get our fiscal house in order. Do not get me wrong, Mr. Speaker; like anyone else, I could use a tax cut, and many of my constituents could use tax relief too. But this is not tax relief.

Do I support relief from the marriage tax penalty? Of course I do. Do I support increasing the amount of the child tax credit? Of course I do. Do I support giving small businesses relief for their expenses? Of course I do. These are all tax cuts that help working families, exactly those families who are hurting and who are struggling to make ends meet.

Unfortunately, none of these tax cuts is permanent in this bill, and in 3 years most of these cuts will evaporate and working families will be right back where they are today.

But the Republican tax bill does not stop there. This tax bill will give huge tax relief to those who need it least, the wealthy; those people who already have an annual income of $1 million a year. The dividend and capital gains tax cuts, which are made permanent, by the way, will pile on debt for our children and our grandchildren.

Long-term success in this country depends on high quality education, on stable and high paying jobs, and access to quality health care. But because of these tax cuts for the wealthiest Americans, we are not investing in those things that will secure our children's future.

Not only are we abdicating our responsibility for our children's future, we are forcing them to pay the bill. What we need today is a renewed commitment to fiscal responsibility. Let us restore the pay-as-you-go rules that led to the fiscal discipline during the 1990s and the first surpluses we saw in decades, surpluses that have totally evaporated under this President's economic programs.

For the first time in decades, we have had the opportunity to begin to pay down the massive multi-trillion dollar debt and to begin to bring some financial stability to Social Security and to Medicare. But, instead, today we are being asked to incur more debt and to cast even further doubt on the viability of those programs.

What we have here is a failure to communicate with the American people. So let me just make it plain: This is not really a tax cut we are talking about today. Read my lips: this will be the largest tax increase that the world has ever seen, only it is a tax increase on our children, our grandchildren and our great grandchildren.

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This tax plan is a sham and a shame, and the American people deserve better than this.

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank the gentlewoman from Georgia (Ms. MAJETTE) for coming out to help me with this hour.

As I stated before she started, this article cited a recent joint statement signed by 10 Nobel Laureates in economics and 450 other economists stating that there is widespread agreement that the purpose of the President's tax plan is for permanent change in the tax structure of the country and not the creation of jobs and growth in the near term. Now, if that is what he wants to do is to change the tax structure, just step on up there and say it, but do not put it under the veil of creating jobs and growth in the near term. These scholars single out the permanent reduction in the dividends and capital gains tax rates as not being credible as short-term stimulus.

The Republicans claim is that their plan will generate more growth in gross domestic product and in jobs in the next 2 years. In fact, even under the most forgiving analysis of these plans, gross domestic product and jobs will decline in 2005, 2006, and 2007. Respected economic analysts have shown that any positive impact in the first 2 years of this irresponsible plan will be followed by a gross domestic product decline of .25 percent per year, thereafter resulting in a gross domestic product loss of 1 percent and 750,000 jobs by 2013.

There are two reasons why this happens. First, tax cuts without spending cuts lead to sustained budget deficits. These deficits in turn raise long-term interest rates, suppress investment, and stop productivity growth. The second reason is that the administration's proposal is ineffective at raising long-term growth. Much of the package involves items that are already scheduled to be implemented, so their effect is minimal and illusory. Further, many economists, including the Nobel Laureates and other scholars mentioned previously, believe that dividend exclusion will actually depress investment.

It is easy to understand why the Republican proposals are so ineffective at creating jobs in the near term. First, very little of the package stimulates the economy this year when jobs are needed most. Let me say this again. Very little of this package stimulates the economy this year when jobs are most needed. This stimulus package only offers $31 billion toward the short-term growth efforts. All of the other dollars, whether it is $550 billion, $726 billion, goes to other issues.

Further, the proposed tax cuts are ineffective at stimulating consumption because they are so heavily targeted at the wealthiest members of our population who will likely take that extra money and put it into savings rather than consume goods and put that money into the stream of commerce.

One of the biggest concerns of Americans today is whether they will have a job tomorrow, whether this stagnant economy will engulf their job, their savings, and their livelihoods, or whether Congress will do something that will secure their employment and economic future. The Republican plans do not provide that security to our citizens. It is a carrot for the middle class and nothing for the lower class. The gentleman from California (Mr. THOMAS) has attempted to veil some of the aspects of his plan as benefiting the middle class, in essence, dangling a carrot in front of them. But when the truth is peeled away from his plan, it becomes clear that members of the middle class will never get this carrot.

Republicans have concealed the true nature of their tax cuts and the effect those cuts will have on the middle class, using clever gimmicks and ruses to trick working families into thinking they will enjoy a permanent benefit under their plan.

For instance, the child tax credit offered in the plan is a hoax. Rather than making tax cuts for families the centerpiece of an economic stimulus plan, they have made the increase in the child tax credit a temporary afterthought so that the amount of the child tax credit will drop from $1,000 in 2005 to $700 in 2006 while, at the same time, the tax breaks to the wealthiest citizens are being made permanent. They are willingly going along with a plan that will sacrifice increases in the child tax credits that would add an immediate beneficial impact for all of our working families to make room for the President's plan to put even more money in the pockets of wealthiest Americans.

Now, do not misunderstand me. I think wealthy Americans ought to be wealthy if they work to get to be wealthy, but they ought to share the brunt of tough times, tough economy, with all of us; and they ought to forgive or give up the opportunity to get these tax cuts to bring our country back to the best.

The Republican plan jeopardizes Social Security to make room for tax cuts for the wealthy. Just as baby boomers are approaching retirement, the GOP is offering a plan that will borrow and spend all of the money from the Social Security trust fund over the next 10 years. The long-term cost of the Republican tax cuts is more than three times the entire long-term Social Security shortfall. And what does this pay for, one might ask? My answer is obvious: tax cuts for the wealthy.

As I mentioned earlier, it was just announced that the Nation's unemployment rate has reached 6 percent. This figure seems to not have resonated with Republican Members of Congress. Even with this new high in unemployment, with the economic slump continuing, the GOP plan allows extended unemployment benefits to expire at the end of this month. Nowhere in their plan is there money to extend unemployment benefits. Nowhere in their plan are they even thinking about the people that are unemployed, other than saying, I am going to promise you a job later on based on the trickle-down theory. In just over 3 weeks, millions of families across the Nation will be denied desperately needed unemployment insurance. Extending these benefits will not only help the families of the nearly 4 million out-of-work Americans pay their bills, but it will also help the economy by putting money into the pockets of consumers who will spend it.

Remember the "stream of commerce" I talked about earlier? That is where the money from these unemployment benefits will go. But the Republican message to these families is crystal clear. The message to these families is, Well, we are going to create you some jobs, but you can eat crumbs until we get those jobs in place. The Republican message to these families is, We would rather put more money into the pockets of the wealthy than to put immediate dollars into your pocket in an unemployment plan. The message to these families is, Tough luck.

Now, let us talk about what the message is to the States. The message to the States is the same as the message to the poor: tough luck. Despite the fact that economists statistically rate aid to the States as one of the most effective immediate economic growth measures available for the money, the Republican economic plan, while calling for $1.2 trillion in new tax cuts, fails to include a single penny for State aid. States are facing the worst fiscal crisis since World War II, but the Bush administration is refusing to provide them any aid. As a result, States across the country are cutting education and health care programs, raising taxes and other fees, and putting a further drag on the sluggish economy. And with the GOP's refusal to include any help to the States in their economic plan, economic growth is undermined, not fostered.

I have spent most of my time talking about what is wrong with the Republican plan, and believe me, I could talk for much longer, but I want to take some time now to discuss a Democratic plan that is fair, fast-acting, and fiscally responsible. I see that I have been joined by the gentleman from Washington (Mr. INSLEE), and I would like to yield to him.

Mr. INSLEE. Mr. Speaker, I appreciate the gentlewoman coming here to talk about this important issue. I just have two comments to make about the majority party's plan. We are talking about a way to get our economy going again and to me, the acid test of any economic plan is, is it going to work. This should not be based on idealogical principles; it should not be based on partisan politics; it should not be based on sort of a pie-in-the-sky theory. The question should be: Does it work?

The two points I would like to make is first off, we have very good evidence that it does not work. We are all talking about the best way to administer medicine, if you will, to the economy; and it kind of reminds me, what the majority party is doing reminds me of the physicians in the 18th century. When you were sick in the 18th century, you went to a doctor; they bled you. They put leaches on you. And if you did not get better, they put more leaches on you. And if you still did not get better, they would put more leaches on you, and they would bleed you some more, because it is all they knew how to do.

Well, what we saw in the year 2001 when the Republican Party did this big tax cut, a trillion dollar tax cut plan, told the American citizens it was going to create tens of thousands of jobs, and the economy has gone south. It has gone south like it has not at any time since World War II. We have had the largest number of job loss; over 2.5 million Americans have lost their jobs since that ill-conceived plan by the Republican Party. It is the largest job loss since Hoover was President of the United States. And here we have the doctors to the economy, they want to do it again when it was so damaging to the economy in the first place. The deficit has skyrocketed. It has gone from a $5 trillion surplus to deficits of $300 billion, at least, probably more. And so we want to see this sort of application of this 18th century medicine again when it did not work the first time.

We should not repeat the mistakes, and the reason it was a mistake then, and they are repeating exactly the same failure this time, number one, their plan is too late. It is too late because almost 95 percent of the benefits are in the years after this year when we need the stimulus this year; and, number two, it goes inordinately to people who are not going to put the money right back into the economy. So we are repeating a failure of 2001, as the doctors of the 18th century repeatedly bled people if they did not get better, and they just kept bleeding them. And that is what the Republicans are doing to the Federal budget.

The second point I would make is, this is called a tax cut. But it is really not a tax cut to Americans over the long term. If anything, it is a tax increase. And the reason is that our children are going to have to pay and we are paying today the burden of not balancing the Federal budget. Right now, because we pay interest on the Federal debt, I have some really bad news for Americans. Of every $100 Americans paid, they paid $100 on April 15 in taxes, $14 went to pay interest on the Federal debt. For that $14, you got no soldiers, no sailors, no police officers, no nothing. It went down a black hole. And now it is going to increase because the Republicans' own numbers, these are not Democratic numbers, the Republicans' own numbers demonstrate another $1 trillion of indebtedness they will create that American taxpayers are going to have to pay at some point, only now they are going to have to pay interest on top of that.

So this really is not a tax cut. At best, it is a tax transfer. It is a transfer from us baby boomers on to our children's shoulders, which is immoral, number one; and, number two, it is a tax increase by increasing the interest payments we have to pay on the Federal debt. It is an increase on what we call the debt tax. We all pay the debt tax now because we pay interest on the Federal debt. This could be called at worst a tax increase and at best a tax transfer to our children. Both are wrong; it should be rejected. Let us not repeat the failure of 2 years ago.

Mr. Speaker, I appreciate the gentlewoman addressing this important issue.

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman for his leadership on this issue.

This past January, Democrats presented a fair, fast-acting, and fiscally sound economic plan that would jump-start the economy, create jobs immediately, and promote long-term economic growth. The President then introduced a highly divisive plan that does not create jobs in the short term and endangers our economy by saddling us with these deficits. Much-needed immediate action on the economy is being thwarted because the Republicans disagree about the President's controversial plan and because the President is still pushing for a $550 billion package that Members of both parties in both Houses of Congress have soundly rejected.

The past Democratic plans have included $32 billion in immediate tax relief to small businesses to generate investments. Only $29 billion of the GOP plan is targeted to small enterprise. Finally, the GOP plan will negatively affect investment in small business and their access to capital because it will increase interest rates and make investment in big business more attractive.

There is no bang, but there certainly are bucks in the GOP plan. At least there are bucks for the wealthy. Economists have estimated that for every dollar spent on the dividend tax cut, only 9 cents in economic growth will be generated. Even the economists that the White House relied on for their job growth numbers "predicted that if the tax cuts were not offset within a few years, interest rates would rise, private investment would be crowded out, and the economy would actually be worse than if there had been no tax changes at all."

There is no focus in the GOP plan, there is no fairness in the GOP plan, and there is no fiscal responsibility. For the sake of our country, our health care and our infrastructure, I call on all Members of Congress to reject the Thomas plan just as you rejected the President's plan.

Mr. Speaker, the Democratic plan will create 1 million jobs by the end of the year and is paid for through responsible tax policy that puts money in the hands of people who need it most.

The Democratic plan is focused on job creation and long-term growth. By providing an immediate stimulus, the plan will create jobs. The Democratic plan will not leave States behind—instead it will provide $18 billion for Medicaid assistance to the States, $26 billion for infrastructure development, homeland security, education, and other needs jobs will be retained and created, our economy will revive itself. By extending unemployment insurance benefits, money will be put in the hands of those who need it most at the time it is needed most. Recipients of those benefits will be able to buy needed consumer goods, pay their bills, and be able to survive in these tough economic times. The Democratic plan will benefit small businesses by creating credits for businesses who hire the long-term unemployed and increase the expensing limits small businesses are able to claim. Further, it will temporarily increase the bonus depreciation for all businesses, which will in turn enable businesses to retain more capital for expansion and hiring.

The child credit the Democratic plan has will accelerate to $800 and will directly benefit the families of 1.75 million children. Over the course of 10 years this will put $50 billion into taxpayers' hands that will in turn be used for savings and consumption.

Today's New York Times cited the President's plan, the House Republicans' plan, and the Senate Republicans' plan as putting $400 per child into taxpayers' hands as this year's rebate. This is part of the "carrot" that Republicans are dangling in front of the middle and lower class taxpayers. And while they may in fact get this money this year, Republicans are remaining silent on what they will get next year, or 5 years from now, or 10 years from now. The reason for that silence is because next year, and 5 years from now, and 10 years from now they will not receive anything. Instead, they will be forced to pay more for health care, they will be forced to pay more for education, they will be forced to pay more for infrastructure development, and they will be paying more toward reducing the national debt—a payment that will not yield any tangible, graspable benefit.

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PRESIDENTIAL TAX PLAN CREATES JOBS

The SPEAKER pro tempore (Mr. KLINE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, I am glad I am going to get an opportunity to rebut the gentlewoman from Ohio's (Mrs. JONES) statements. Obviously, there are a number of exaggerated statements in my opinion. I want to go through a few things.

First of all, in regards to the gentlewoman from Ohio (Mrs. JONES), she talks about the deficit, she talks about the deficit as if she is a leading example of programs and her voting is a leading example of votes that are cast to reduce any of these programs. I would challenge the gentlewoman from Ohio to go ahead and present to her colleagues exactly what programs in discretionary spending, keep in mind the biggest part of that budget is nondiscretionary. So if you are going to do the kind of cuts that she talks about, I think that the gentlewoman should accept the challenge and step forward and show exactly which programs she is going to eliminate or which programs she is going to substantially reduce in order to eliminate that deficit in this budget.

The fact is she will not even come close. I know it and you know it. I think it would be interesting, and I intend to do it, pull the gentlewoman's voting record from Ohio and see how many votes she has made to reduce programs. I also am going to pull the bills that the gentlewoman from Ohio has introduced and take a look at what those bills, bills that she is the sponsor of, bills that she is the proponent of, what kind of costs those bills add to the deficit. I think you would find, I have not looked at them but I think it is a pretty good guess that the gentlewoman from Ohio has a number of bills that she has introduced that add to the deficit, that under her definition of what which ought to be doing in economic sense and accounting and so on would defy her own, the discipline that she is up here preaching about that we have to exercise.

Mrs. JONES of Ohio. Mr. Speaker, will the gentleman yield?

Mr. McINNIS. I will be happy to yield in a couple of minutes if the gentlewoman would like to stay around, because I have a number of points that I would be happy to address with you.

Mrs. JONES of Ohio. All I want to say is pull my record, sir.

Mr. McINNIS. If the gentlewoman would stay around I would be happy to yield in a couple of minutes.

But what I want to say is it is okay to say something but your action ought to follow it. This is not a personal attack. This is a professional disagreement. My point is if you are going to stand up and preach fiscal discipline, you ought to practice it yourself.

Now, let us talk about, she says, the Democratic tax cut. Yesterday in the Committee on Ways and Means of which the gentlewoman from Ohio was present, she was there, there was testimony from the Democratic Party that ran the deficit, increased the deficit about $10 billion and that the Republican tax cut proposal increased the deficit by about $11 billion. Well, based on the woman's strong statements about fiscal discipline, I would fully expect that the gentlewoman will be voting no against the Democratic tax cut bill. And I would fully expect that the gentlewoman from Ohio will take the same microphone that she has taken for the last hour and preach against the Democratic tax cut which also adds $10 billion dollars to the deficit. I would venture to say that she will not accept the challenge on either one of those occasions.

I also want to mention here, by the way, a little rhetoric of your colleague, the gentlewoman from Georgia (Ms. MAJETTE) whose statement I thought was pretty interesting, and I understand that she is new to the Congress, but she says that this tax increase is the largest tax increase in the history of the world, in the history of the world. Now, where does that come from? Rhetoric is not what is going to allow us to get this economy back growing again.

I see that the gentlewoman has left. I was more than happy to yield a couple of minutes to her but it is clear that apparently that is not going to happen. Oh, here she comes again.

Mrs. JONES of Ohio. Mr. Speaker, is the gentleman ready to yield to me right now?

Mr. McINNIS. Mr. Speaker, I would be happy to. I have not yielded yet. A couple of conditions I will yield to you under. One is the time.

Mrs. JONES of Ohio. I just need a couple of minutes.

Mr. McINNIS. I yield the gentlewoman a few minutes. At such time, if you are not completed, I will consider yielding more time. I will be happy to hear from you on any of the points I brought up.

Mr. Speaker, I yield to the gentlewoman.

Mrs. JONES of Ohio. Sir, I will give you a tax plan that will be paid for before the week is out. I will give it to you before the week is out.

Mr. McINNIS. Before the what?

Mrs. JONES of Ohio. Before the week is out, that will be totally paid for, before the week is out.

Let me also say to you, sir, that on the floor of the House you are entitled to talk about whatever it is you want to talk about as long as you do not get personal with your colleague, and I encourage you to pull my record. I encourage you to pull my voting record. I encourage you to look at the bills that I have introduced, and I encourage you to let the American public know that I am here fighting for the working class people of this country, that I support business, and that I believe that tax cuts would be appropriate if we were not in the situation that we are in right now. And that if we are going to have tax cuts, they must be fair, they must be fiscally responsible, and they must be fast acting.

Now, I must leave. I have been here for an hour. If you had been here while I was speaking for an hour, I would have gladly yielded time to you as well. But I am looking forward to continuing the debate because the people of the United States need to understand that this Congress must do something to stimulate the economy and that what we do must be a stimulus. It must not be a facade. It must not be a charade. It must do what it is supposed to do. And I challenge you to tell the American public how much of the Republican bill that is being presented actually goes to economic stimulus, and how much of the rest of it goes to giving dividend cuts and capital gains cuts to the most wealthy Americans in the country.

I look forward to debating with you, and I look forward to serving in the U.S. Congress with you because I know my constituency knows I am doing their job on their behalf.

Mr. McINNIS. Mr. Speaker, if the gentlewoman would remain around for about 30 more seconds.

I would be happy to engage on a special order, we can make some accommodation in the next few days. You will take a half hour. I will take a half hour. I would engage the entire Democratic Party if they want to engage in a debate. But let me say one thing about personal. Looking at your record is not a personal attack on my colleague. In fact, I am kind of impressed by the energy that my colleague exercises. I think she is persistent. Certainly, I have never questioned your integrity. I think your integrity is above question. But I would point out that if, in fact, you were suggesting a violation of the rules, you probably came the closest to it. I did not ask to take down your words as I was tempted to do when you made a comment that the President, and I missed the middle word was a shameful untruth. You are not allowed to call the President shamefully untruthful on the House floor.

Mrs. JONES of Ohio. Mr. Speaker, I did not say he was shamefully untruthful. I said the representation of the tax package was untrue. But write it down. Call me out.

Mr. McINNIS. Mr. Speaker, I have not yielded to the gentlewoman.

I would suggest to the gentlewoman that you and I both know the rules. I think we are both observing the rules and I am more than happy to engage with you in the next week or so on a debate on any subject that you would like. So have your office contact mine. I appreciate the gentlewoman participating.

Mrs. JONES of Ohio. Mr. Speaker, it is nice to talk with the gentleman also. Have a wonderful evening.

Mr. McINNIS. Reclaiming my time, let us talk a little bit about the program and let us talk about the budget program and the stimulus.

First of all, in regards to the gentlewoman from Georgia's (Ms. MAJETTE) comments, she kept referring to the people, the lowest income people in the country. Remember that the tax cut is targeted at people that pay taxes. If you take a look, the lowest income categories of wage earners in the United States do not pay Federal income taxes. They do pay sales taxes, although they get certain credits, and they pay tax, for example, when they buy gasoline and so on, but under our system we believe that the lowest income earners of this country should not be subject to Federal income taxes. My philosophy is tax cuts should not be given to people that do not pay taxes. That is a welfare program. And I do not object to all welfare programs. Although, I can tell you that every time that you give money to somebody who is not working, you are taking that money from someone who is working. And under certain circumstances most people agree. For example, if you have a wage earner who is incapable of working for some reason, they are physically or mentally disabled and cannot work, gainful employment, I do not know anybody, Republican or Democrat, that objects to assisting those people, to put them on welfare. But, frankly, we have got some people out there who are living off the system.

Now, we did welfare reform several years ago and welfare is to give money, that is not a tax cut. It is a welfare program. If the gentlewoman or any of the other Democrats wants a welfare program to stimulate the economy, they should call it a welfare program. They should not come up and advocate giving a tax cut to people who do not pay the tax.

Now, our economy today, first of all, it is not in dire straights. Certainly we have people unemployed, and if you are unemployed I can see your interpretation of dire straights; but on an economic, from a historical point of view, on an economic basis, when you take a look at our economy, our economy has some positive things about it. I am optimistic about our economy. We have got to do some jump-starting.

When you jump-start something, it is like when your battery of your car is dead or when the battery of your car is low you do not attach the jumper cables to the bumper of the car. You attach the jumper cables to the battery so you can jump-start the car. That is where the word jump-start came from. You need to target.

Now, the Democrats say, wait a minute. You jump-start all over the car. We are saying, let us jump-start that portion of the car that will give us the biggest buck, that will get the car moving again. We have got a dead battery or a low battery. That is where we need to target it. That is exactly what this tax cut is. It is targeted as a stimulus. And, of course, it has a major impact on the tax structure in the future. You cannot do it any other way.

So my position is on the tax cut and the President's tax cut, first of all, I have got a lot of trust in this President. I have a lot of trust in his administration. He has done a tremendous job, a job that the criticism is minimized, a job of which I hold great honor to him for, and that is leading this country, leading this country after September 11, leading this country through the Afghan war and a victory, leading this country in the Iraqi war. This is a guy who time after time after time proves that his leadership is capable of asking all of us to follow him. We have a pretty good bet going with this President.

This President has said to us, look, this is the kind of tax cut we need to have if we are going to try and jump-start the car. He is the one who has said to us, put the jumper cables on the battery and I think we can get this car jump-started. Why my friends on the other side, outside partisan advantages, in other words, attack the Republicans no matter what they do, why some of my colleagues, by the way, I think our tax cut will pass with bipartisan support, but why some of my colleagues are continuing to put roadblock after roadblock and continuing to insist that we attach the jumper cables to the bumper is beyond me, other than the fact that they want to play partisan politics.

This is not a time for rhetoric. When we put that tax cut, when you take a look at capital gains, for example, sure, not every taxpayer in our country gets the advantage of capital gains because they do not have an asset that has appreciated in value to the extent that it has incurred a capital gains taxation.

But the fact is if you look historically, and I think we need to look at history here, if you look at economic history, every time, no exceptions, every time we have reduced capital gains taxation, we have seen an immediate uptake in the economy. Every time. No exception. This tax package lowers that from 18 percent to 15 percent, 20 percent in some cases, but would take it down to 15 percent.

Now, the gentlewoman from Ohio (Mrs. JONES) was very correct in saying that our taxes in this country should be fair taxation. Well, the most unfair taxation is when you are taxed twice, taxed twice. How many of you have out there would be happy going to the grocery store? They ring up a dollar's worth of merchandise and they say, all right, the tax is 7 cents. So you owe me $1.07. So you pay her the 7 cents in tax; and she says, oh, by the way, we are going to tax you again so give me another 7 cents. You would say, What are you talking about? You do not charge me double taxation at the counter. That is double taxation.

Well, there is one place in our tax structure that we double tax and that is dividends. Just based on fairness alone, and I am in complete agreement with the gentlewoman from Ohio, the Democrat, who says we need to be fair. And following exactly what she preaches, in other words doing what you say, if we do that we will get rid of that double taxation on dividends. It is imperative, I think, that we do it.

The President in our tax package that we passed out of the Committee on Ways and Means, after lots and lots of research, after lots and lots of discussion, that bill is what we need to help stimulate. We want jobs. There are a lot of people in this country who need jobs. You do not create jobs by building the government. You create jobs by letting the private marketplace, by letting small business, and that is what our tax bill does. Our tax bill appeals to the small business people out there. It is a bill that says, small business, you are great at creating jobs. We want you to create more jobs.

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Once you create more jobs it has a trickle down effect. Somebody who has a job does use that money, does spend that money or even if they do not spend the money, even if they just put the money in a savings account, that money still circulate through the economy.

The other point I want to make is that the gentlewoman has said to me that she will within the next four working days present me with a tax cut that pays for itself.

The Democratic tax cut, by the way, the proposal that their party has made does not pay for itself. Yesterday, in their own admission in the Committee on Ways and Means, they estimated the cost of the deficit of an increase of $10 billion. They were pointing out that their plan added $10 billion to the deficit. The Republican plan added $11 billion to the deficit. So I am assuming that the gentlewoman from Ohio will vote no on the Democratic tax plan, as will her colleagues on the Democratic side of the aisle who are preaching this fiscal discipline.

So I look forward to receiving her tax cut that pays for itself.

We have a lot of people who stand up here and talk about how terrible the deficit is. I happen to agree that the deficit is something we have to keep our eye on. Clearly, you should not borrow more than you can pay back, but keep in mind that a lot of people that say to you here how much they hate the deficit and how we should not contribute to it, take a look at the bills that they sponsor. Take a look at their voting pattern. Somebody told me once when you come back to your district talk conservative, talk fiscal responsibility; when you are back in Washington vote for spending. I mean that is what goes on here a lot, and I think that it is fair game.

When somebody stands up at this microphone and talks to my colleagues here, their voting record is fair game, and we ought to do a comparison on it because my guess is that you will find most of the people that make those kind of statements, most of the people have a voting record that does not reflect fiscal discipline. They have a record of bill introduction of whose bills do not reflect fiscal discipline. A lot of people talk about fiscal discipline as long as you cut somebody else's budget.

I have people that come in, they may be with transportation, and say we want fiscal discipline but by the way do not cut my highways out. An educator may come in and say, by the way, you have to get this economy going, you need fiscal discipline, but we need more money for education. The Department of Defense will come in and say we agree with fiscal discipline, just do not cut the Department of Defense. It is human nature.

So I am not defying human nature. I am saying we clearly ought to define it right here on the floor when somebody says one thing and does something else.

So that was my intent this evening by the way was not to talk about the tax cut, but for one hour, one hour, the Democrats have assailed, have assaulted the President's tax plan and the plan that went out of the Committee on Ways and Means yesterday from the Congress and I think will pass on a bipartisan plan. So there is a necessity for some rebuttal. There is a necessity for some clarification of what we are intending to do.

In summary, what we are attempting to do with this on a bipartisan effort, what we are attempting to do with this tax reduction is to stimulate an economy that needs some stimulation, and as I said earlier, it is like you do not need to rebuild a whole new car. Our economy is not in a depression. In fact, interest rates are the lowest they have been in 41 years. There is a lot of positive things out there about our economy, but it is just like the dead battery on a car. You do not need to rebuild the car. The car is in good shape. You have got one part of the car, the battery, that has gone dead on you. We need to jump start.

Common sense is a word often referred to by the other side during the previous hour. Common sense would dictate that you take your jumper cables and attach them to the battery. You do not take your jumper cables and attach them to the door handle. It may be nice. It is not going to get the car started and you can attach them to the bumper. It is not going to push the car anywhere. The fact is you have got to target your tax cut. We are not saying you can jump the car anywhere. If you target it, it will move that car. We think that battery will get started.

If you have got an idea, as I said to the gentlewoman and I have said to most of the liberal side to the left, if you have got a better idea how to jump-start the car without butting the battery cables on the battery, come up with it, but the fact is most of what they are saying unfortunately is rhetoric.

The issue that I wanted to visit with about tonight is I come from the West. The State I represent is the State of Colorado. My colleagues know that. My district is a very large district. In fact, they are voting to change it today so I do not know whether it is larger or smaller than the State of Florida, but it is about the size of the State of Florida. It is a big district.

In the West, because of governmental actions clear back in the 1800s, there is a lot that is different in the West than there is in the East. We live under different regulations in the West than you do here in the east. You say how is that possible? Let me just give you a little history.

What happened in the early days of this country when we wanted to grow our country with the Louisiana Purchase and things like that, back then ownership of property, if you had a deed for a piece of property, it did not mean a lot. In order for you to own property, you needed to get some kind of deed, put a stake in the ground, and frankly, most of the time, you needed to be on the ground with a six shooter strapped to your side.

This country, in its infancy, had its population really isolated in the small sliver on the East Coast, and the leaders of our country decided we want to create a United States. We wanted to create an expansive country. We wanted to go into the frontier. We wanted to go West and make it a part of our country, and going West back then would be going to Ohio or to Virginia. You did not have to go very far to be into new settlements of this country, and in order to do that, the government said to itself how do we give incentive for people to leave this relative safety and comfort of their home on the east coast and move out West where you get bit by snakes, you have got to go out there by wagon, no industry out there, you are going to have to be settlers and deal with the Native American people that live out there currently right now. You have got harsh weather, altitude, elevation you have never been faced with in your entire life. How do we give people that incentive to go out there to be the frontier people? How do we do it?

Somebody said what every American dreams of, in fact, one of the basic concepts that this country was founded upon, was the concept of owning your own piece of property. I can remember when I was in high school, in fact, I drew it in art class. I was not very talented in art, but in art class, I drew my first home, a picture of what I wanted to own, my own house, and I think that is the American dream, own your own little piece of property, own your own little farm or condominium that is your piece of property, that is yours, and our forefathers realized that is what the Americans wanted. They wanted that ability of owning private property.

So what they did is they said, all right, let us create what we called the Homestead Act. Let us give some land away and actually it was not new. We actually tried to bribe British military people by offering them free land in this new country we are creating if they would defect. That is the first use interestingly of what we now call the Homestead Act. That is the first use of the government giving away land, and that was to try and bribe British soldiers to defect and come over to our side, and we give them land as a reward.

So they decided to do this, to give land to people to give them the incentive to move West. They said, okay, you go out West and you can settle or you settle 160 acres or 320 acres and you live on it for 5 years and you cultivate it and you get to keep that land. You know what? It was a tremendous success. Not a complete success but a tremendous success. Why was it not a complete success? Because when the population got to the Rocky Mountains or to the West, they found out that, hey, in Kansas, even in eastern Colorado, in Ohio and the valleys of Tennessee and the wonderful bluegrass of Kentucky, 160 acres, you can feed a lot of cows on 160 acres. You can feed a lot of pigs and sheep on 160 acres, but when they got to the Rocky Mountains, they discovered, wow, it takes four acres to feed one lamb. In some places it takes over a hundred and some acres to feed one cow. You cannot survive on 160 acres.

So they go back to Washington, and the bureaucracy says, wow, this is working until we hit the Rocky Mountains. People are not going into the Rocky Mountains. What do we do? Someone said, well, let us give them a proportion of the amount of land, not an equal amount in acreage but an equal amount that a family could subside on. So if it takes 160 acres in Ohio, it may take 3,000 acres in the Colorado Rockies or the Montana Rockies or New Mexico. It may take 3,000 acres.

Somebody else said, no, no, there is a problem with that. The public is very angry at the government right now because there is a perception out there that the railroad barons, to get our railroad built across the Nation, which was a huge achievement and a huge difference in the history of this country, we kind of gotten taken to the cleaners of the land we gave to the railroad barons. So people are not very excited about us giving more land away.

What happened was they made a decision. Somebody said, okay, to get around that problem, let us go ahead and we will keep ownership of the land. The government will keep the lands, and we will allow people the use of the land. Let us call it multiple use, the concept of multiple use, a land of many uses.

Let me show you now my poster. Take a good close look at this poster of where the government lands are in this country. The color on this poster, these are government lands. Some of it is BLM land. Some of it is Forest Service lands. Some of it is State forests and so on.

By the way, down here in the left, and I hope you can see that, that is the State of Alaska. I think the State of Alaska is 98. I think it is 98 percent of the State of Alaska is owned by the government, not by the people, not by the private individuals who build a home but by the government.

Take a look at this comparison. This is what happened. People got here. This is when the conscious decision was made not to preserve this land so that humans never walk on it for future generations, although that happened correctly with wilderness areas. It happened correctly with our national parks. It happened correctly with our national monuments. This land, the only reason this land does not look like this land is because of the pressure as a result of giving too much land away to the railroad barons. So now let me go on to my point why it is different in the West under regulations and rules than it is in the East.

If you look in the east anywhere east of Denver, Colorado, with the exception of perhaps the Everglades down here and the Shenandoah and a little area in the Northwest, when you want to put a fence up and let us say you have some trees and you want to thin your trees out or you want to treat your trees, first of all, if it is a private forest, you go do it and you do it because it is logical to do it. If you want to make an addition to your house, you go to your local planning and zoning commission down at the courthouse or over at the county courthouse. This is not what happens in the West.

In the West, because the government owns the land, you know where our planning and zoning office is? Right here, little tiny government town called Washington, D.C., they are the ones who dictate what happens out here in almost half of the country. Keep in mind, our big population centers are in California and on the East Coast. Out here in the West, it is pretty sparsely populated. So all of the sudden you have a majority of people that do not live in the West dictate how people in the West live on government lands.

One of the big problems that we have suffered as a result of this disparity has been reflected in the forest fires that we have had over the last several years. I am experienced in forest fires. I fought forest fires. I used to be a volunteer fireman, municipal volunteer fireman. I used to be a police officer. I have personally seen the ravages that fires do to, first of all, human lives. I have removed bodies off mountains as a result of a fire on that mountain. I have seen what it does to wildlife. I have seen what it does to pollution. I have seen what it does to watersheds.

Do you know that the leading killer of endangered species in our country is? Wildfire. Kills more endangered species than any other threat across this Nation.

What happened in these big fires that we have seen are really a combination of a number of factors. One, around the turn of the century, we used to lose to fire, this is an extraordinary number, hard number to believe, but we used to lose to fire about 45 million acres a year.

□ 1845

Back in Washington and across the country we said look, we have to start fighting these fires. That is where the birth of Smokey the Bear came from, by the way. So we adopted a very intentional policy to put out fires. What we did not know was putting out these fires over decades and decades allowed a large accumulation of trees that was unnatural. It was not native to the forest. It allowed a large accumulation of trees.

We were allowing an acre that maybe had 60 trees on it, we were allowing 600 trees on that acre. Combined with the environmental movement in the 1970s, 1980s, and 1990s that did everything they could, the radical aspect of that environmental movement, to push out timbering, to say cutting down a tree was bad. Keep in mind also in our early days, we used wood for everything. We used it to heat the house, build the house, for the fence, wagon. Wood was much more widely used in proportion to the population than it is today.

What happened is we have now discovered if we want to avoid these fires, we have to manage the forests. What happened in the 1970s as a result of a radical environmental movement, we had a group of people say we will never be able to be smarter than the Forest Service because the Forest Service, the BLM people, the Fish and Wildlife, the State foresters, they have been educated in the management of the forest. They have experience in the forest. Many of those people who work for our Forest Service, it has been their lifelong dream to be a forest ranger. You are not going to be able to debate these people on the merits of how to manage a forest. They have a good idea how to manage it. Certainly they have a better idea how to manage it than Earth First or the Sierra Club. These groups, like Earth First, knew you were not going to win the argument at the local level with the forest ranger, so they had to get it away from science and get the decision made based on emotion.

The way to do that was to move the decisions being made on the forest to Washington, D.C. because back here in the Nation's capital many of our decisions are based on emotion. Sometimes that is good, but most of the time it is not. There is a balance in there. They were very successful over a period of time of several years of taking the responsibility of managing our forests away from the U.S. Forest Service and away from our forest rangers and moving that to the United States Congress.

I am chairman of the subcommittee that has oversight on all of the Nation's forests. We have continual debates in the United States Congress in my subcommittee, which by the way I do not believe anybody in my committee has a major or even a minor and certainly not any kind of experience to speak of in managing forests, and we have on a regular basis bills to restrict the Forest Service from cutting trees. Remember on public lands, and you do not have much of it here because these are private forests, so it is primarily in the West, we actually have bills that envision restricting the Forest Service; they cannot cut any tree more than 4 inches wide, regardless of whether the science says it is healthy to thin some trees out.

In the 1970s, several environmental organizations were correct, clear-cutting was devastating and the clear-cutting in the West was an abuse. Now in some cases it was the science of the day so I am not calling these people criminal, as some of the radical organizations would. But the fact is when we learn something you are doing is not good, stop doing it.

So the effort to stop clear-cutting in the West on massive parcels was well-intended; and, frankly, it was correct. But now the pendulum has swung so far the other way that in the State of Colorado we have no major timber industry left in that State. None. We have a matchstick company which employs 30, 40 people down in the southwest corner, but we have to pay people to come and cut those trees and take them out. We have to pay them. They have been very successful.

Just like the condemnation of mining, how terrible mining companies are, how terrible timber companies are, how terrible ski areas are. There is really an attempt, instead of having land of many uses, to putting out a sign in the West that says no trespass. Well, what has happened is unfortunately many of these efforts have been successful. As a result of that, we have not managed our forests. We have not managed them by science. We can get away with it for a while; but at some point it catches up with us, and that is what has happened in the last few years.

In my district we had several major fires. I mean, fires where the smoke plumes looked larger than the atom bomb. They would be 30, 40 feet in the air. These smoke plumes get so high in the sky they actually form an ice cap on top of them, and the ice cap eventually collapses inward, comes out the bottom and creates hurricane-like winds and spreads the fire. Only one or two were started by man, and most are as a result of mismanagement, of not going out and thinning the forests, of not letting the forests do what nature had them do.

Some people say the answer is controlled burns. Keep in mind that one out of five of our controlled burns gets out of control. We know what happened in New Mexico. We almost wiped an entire town out. It is difficult to manage a controlled burn; but controlled burns are useful as a tool, but we also need to be able to go in and clear these forest floors and thin out trees. If there is an acre that has 600 trees on it, and historically its natural holding of trees is more like 60 trees, it needs to be thinned.

So we have introduced legislation, bipartisan legislation. This is a bipartisan bill to thin these forests, to let us go into these forests and manage these forests as we need to do. That bill is called the Healthy Forest Bill. That bill will come to the House floor some time in the next week or two. I look forward to being part of an effort by the United States Congress to transfer from emotion back to science the management of our Nation's forests.

If we look at the Hayman fire in Denver, Colorado, that is the one that most people saw on television. Hundreds of thousands of acres were on fire. Unfortunately, we lost some lives last year in Colorado, airplane crashes, a tree fell on a firefighter in Durango. But when we look at the losses in the Hayman fire, let me point out some other losses. Obviously Members are aware of the human loss. That is the highest priority of losses. The most expensive loss in monetary terms outside of the loss of human life was the pollution in the watershed, in the water supply for the city of Denver. The water supply for the city of Denver looks like a thick chocolate malt.

Other damage was the pollution. Look what happened to our clean air. In Denver, Colorado, there was more pollution off the Hayman fire than there was from all of the vehicles combined from the city of Denver in 1 year. Other damage was the horrible devastation to our wildlife and wildlife habitat. Could this have been avoided? I think so. Let me show an example of thinning a forest.

This poster to my left is Mesa Verde National Park. It is down in the Four Corners of Colorado; and just for some promotional purposes, it is the only place in the Nation one can stand in four States at once. I hope people come and spend a little money in Colorado on tourism. This is Mesa Verde. It may be hard to see, but this area that looks kind of dark gray, that is all burned out. A couple of years ago the superintendent of the Mesa Verde National Park decided they needed to protect antiquities and protect employee housing and the lodge and government buildings up here. They ought to thin, and so they thinned the forest. You know how you can tell where they thinned, to the line of thinning, that is exactly where the fire stopped. The fire did not burn through here. Why? Because it was properly spaced. Why? Because it was much more in its natural setting. It was not a fire-break that was built like you would imagine, something as wide as an interstate highway. It is because this area was thinned. There was not the underbrush and all of the waste on the forest floor. They cleaned this area out.

When the fire started on Mesa Verde, we would have lost lots of history, lots of wonderful artifacts had that park superintendent not thinned this area. This is what happens when you thin. This is good forest management. This is how we ought to manage our forests. By the way, this type of management, this park superintendent's action was not directed to him by the United States Congress. It actually would probably have been opposed by some Members of Congress, what he did. It would probably have been aggressively opposed by the Earth First organization and other radical environmental groups; but this park superintendent, who knows a lot more about that ground and a lot more about a forest and management of these public lands, got to make the decision. He made a good decision. He did not act capriciously or recklessly. Rather, he made a prudent decision.

That is why I am advocating the Healthy Forest Bill. It is time to take the management of our forests and return it to the green hats, the Forest Service people, who I have the highest respect for, our BLM people, our wildlife people, our State forest people. Why am I, from the West, complaining about this? Because in the East, your forests are better managed. Why? They are in private hands. In the East where there is not much government lands, people who own homes understand that there is going to be a big fire if they do not keep the forests clean.

Nobody is suggesting that we clearcut this area so it does not burn. That is like tearing down your house so it does not catch on fire. We are not suggesting that. Not at all. That is an absurd argument made by some of the more radical organizations.

You will find with interest when you see press releases about thinning of the forests, you will find that several national organizations, including the national Sierra Club, including Earth First and some other radical groups, that in their first paragraph of every press release they issue: one, timber because that has a negative connotation to it; two, clear-cutting because that has an extremely negative connotation to it; three, developers, which has an extremely negative connotation to it.

You can see that they will continue to battle and battle and battle so that the management of our forests is based on emotion instead of having the management of our forests based on science.

My bill is very simple. My bill says run these forests with the right kind of management that is based on science. Let us, to the extent we can, take the emotion out of it. Let us manage these forests in such a way that we again here in the West, and frankly at different spots in the East, that we will not face the kind of devastating forest fires that we saw in the West last year.

Look, just because we are on public lands, that land is owned by the people of the United States Government. It is not just owned by the people of Montana or the people of Colorado or Utah, but the fact is we need to respect the opinions of the people that manage those lands. If one lives in New York State, you should yield to the judgment of the park superintendent at the Mesa Verde Park on which is the best way to manage that because if you live in New York, or South Carolina, you probably do not know a lot about the forest. It is a very arid region out there. That is what we are asking in this bill. We are using a commonsense approach to the management of the forests.

□ 1900

I would urge all of my colleagues, although a number of them have already signed onto this bill, we have lots and lots of cosponsors from both sides of the aisle, I would urge my colleagues to stand up to the barrage of press releases that are going to come out from the Earth First type organizations about how terrible it is to let the local forest guy manage that forest. Or gal, by the way. I do not intend to discriminate on gender there. I ask that my colleagues stand up to this, that they take and they adopt the approach of management of the forest by science, management of the forest by people that have been educated on the forest and people that have worked in the forest from day to day. If we do that, we will once again return to the forests of this country, of which we now have 190 million acres at high risk. If we allow our Forest Service and our BLM people to manage the area that we have given them the responsibility to manage, if we allow them to manage it, in return we will be the big winners because we will have healthy forests, we will not have these horrible type of forest fires, we will not have the kind of devastation we have seen on wildlife, we will not have the kind of devastation we have seen to the watersheds, to the water supply system, we will not see the kind of devastation we have seen to the wildlife habitat. It is positive, positive, positive. It is our opportunity to make a change. We should not in the United States Congress be managing the day-to-day operations of a forest out in western Colorado or eastern Utah.

This bill is a good bill. I urge all of my colleagues to join the gentleman from Oregon (Mr. WALDEN), who has put hundreds of hours into this bill. The gentleman from Oregon has actually been one of the top leaders on the House and Senate side on this issue, that they join the gentleman from Oregon, they join myself, they join the gentleman from Virginia (Mr. GOODLATTE), chairman of the Committee on Agriculture, they join the gentleman from California (Mr. POMBO), chairman of the Committee on Resources, in our effort to make these forests manageable by science, manageable by common sense, managed by the people that really understand it.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1261, WORKFORCE REINVESTMENT AND ADULT EDUCATION ACT OF 2003

Ms. PRYCE of Ohio (during Special Order of Mr. MCINNIS), from the Committee on Rules, submitted a privileged report (Rept. No. 108–92) on the resolution (H. Res. 221) providing for consideration of the bill (H.R. 1261) to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. TANNER (at the request of Ms. PELOSI) for May 6 on account of touring the tornado damage in Tennessee.

Mr. GARY G. MILLER of California (at the request of Mr. DELAY) for today and the balance of the week on account of illness.

Mr. YOUNG of Florida (at the request of Mr. DELAY) for today after 2:00 p.m. on account of awarding the Purple Heart citations to veterans of Operation Iraqi Freedom.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

(The following Members (at the request of Mr. WALDEN of Oregon) to revise and extend their remarks and include extraneous material:)

Mr. SOUDER, for 5 minutes, May 8.

Mr. TANCREDO, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today and May 8.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BURGESS, for 5 minutes, today.

SENATE BILL REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 42. Concurrent resolution welcoming the Prime Minister of Singapore, His Excellency Goh Chok Tong, on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of Congress to the continued expansion of friendship and cooperation between the United States and Singapore; to the Committee on International Relations.

ADJOURNMENT

Mr. MCINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Thursday, May 8, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2060. A letter from the General Counsel, Department of the Treasury, transmitting a draft bill entitled, "Rural Electrification Act Amendments of 2003"; to the Committee on Agriculture.

2061. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Paul G. Gaffney II, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

2062. A letter from the Assistant Secretary, Department of Defense, transmitting an annual report on the STARBASE Program for FY 2002; to the Committee on Armed Services.

2063. A letter from the Program Manager, Pentagon Renovation Program, Department of Defense, transmitting the thirteenth annual report on the renovation of the Pentagon Reservation; to the Committee on Armed Services.

2064. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's STARBASE Program Management Report; to the 'Committee on Armed Services.

2065. A letter from the Under Secretary, Personnel and Readiness, Department of Defense, transmitting the Department's report entitled, "Review Of Active Duty And Reserve General and Flag Officer Authorizations"; to the Committee on Armed Services.

2066. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the Examination Council's 2002 annual report, pursuant to 12 U.S.C. 3332; to the Committee on Financial Services.

2067. A letter from the Executive Director, Federal Financial Institutions Examination Council, transmitting the 2002 Annual Report of the Appraisal Subcommittee, pursuant to 12 U.S.C. 3332; to the Committee on Financial Services.

2068. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products: Test Procedure for Refrigerators and Refrigerator-Freezers [Docket No. EE-RM/TP-02-001] (RIN: 1904-AB12) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2069. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Cold, Cough, Allergy, Bronchodilator,' and Antiasthmatic Drug Products for Over-the-Counter Human Use; Final Monograph for Combination Drug Products; Correction [Docket No. 76N-052G] (RIN: 0910-AA01) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2070. A letter from the Inspector General, Environmental Protection Agency, transmitting the Agency's Annual Superfund Report to the Congress for Fiscal 2002; to the Committee on Energy and Commerce.

2071. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

2072. A letter from the White House Liaison and Executive Director, White House Commission on the National Monument of Remembrance, transmitting the first Annual Report of the White House Commission on the National Moment of Remembrance, pursuant to 36 U.S.C.116 note Public Law 106—579, section 6 (b)(1); to the Committee on Government Reform.

2073. A letter from the Deputy Secretary, Department of Housing and Urban Development, transmitting the Department's FY 2004 Annual Performance Plan; to the Committee on Government Reform.

2074. A letter from the Legal Counsel, Equal Employment Opportunity Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2075. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the Commission's Annual Performance Plan for FY 2004 and the Program Performance Report for FY 2002; to the Committee on Government Reform.

2076. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's FY 2002 Performance Report; to the Committee on Government Reform.

2077. A letter from the Acting Chairman, National Transportation Safety Board, transmitting the Board's 2002 FAIR Act Inventory; to the Committee on Government Reform.

2078. A letter from the Coordinator for the FEC Forms Committee, Federal Election Commission, transmitting the Commission's revised Forms and instructions, along with their Explanation and Justification, implementing the Bipartisan Campaign Reform Act; to the Committee on House Administration.

2079. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Wyoming Regulatory Program [WY-030-FOR] received May 01, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2080. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the redesignation as "foreign terrorist organizations" pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and by the USA PATRIOT Act of 2001; to the Committee on the Judiciary.

2081. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Protection of Alaska Marine Highway System (AMHS) Vessels M/V Columbia, M/V Kennicott, M/V Malaspina, and M/V Matanuska, in Southeast Alaska Waters [COTP Southeast Alaska-03-001](RIN: 1625-AA00) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2082. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E surface area airspace and modification of Class E airspace; Jefferson City, MO [Docket No. FAA-2002-14129; Airspace Docket No. 02-ACE-14] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2083. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A Series Airplanes [Docket No. 2000-NM-420-AD; Amendment 39-13092; AD 2003-06-05] (RIN: 2120-AA64) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2084. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model Hawker 800XP and 800 (Including Variant U-125A) Airplanes [Docket No. 2001-NM-18-AD; Amendment 39-13093; AD 2003-06-06] (RIN: 2120-AA64) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2085. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; and A300 B4-600, B4-600R, and F4-600R (Collectively Called A300-600) Series Airplanes [Docket No. 2001-NM-378-AD; Amendment 39-13091; AD 2003-06-04] (RIN: 2120-AA64) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2086. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, 757-200CB, and 757-200PF Series Airplanes [Docket No. 2002-NM-315-AD; Amendment 39-13104; AD 2003-07-08] (RIN: 2120-AA64) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2087. A letter from the Chairman, Department of Veterans Affairs, transmitting the Department's report of the chairman; to the Committee on Veterans' Affairs.

2088. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Returns and Return Information to Designee of Taxpayer [TD 9054] (RIN: 1545-AX85) received April 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 221. Resolution providing for consideration of the bill (H.R. 1261) to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes (Rept. 108-92). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BLUNT (for himself, Mr. Ford, Mr. Hulshof, Mr. Wynn, Mr. Hastert, Mr. Gordon, Mr. DeLay, Ms. Norton, Ms. Pryce of Ohio, Mr. Meeks of New York, Mr. Cantor, Mr. Crane, Mr. Ramstad, Mr. English, Mr. Foley, Mr. Shays, Mr. Smith of Texas, Mr. Upton, Mr. Wolf, Mr. Gillmor, Mr. Stearns, Mr. Camp, Mr. Kingston, Mr. McHugh, Mr. Bachus, Mr. Bartlett of Maryland, Mr. Barton of Texas, Mrs. Myrick, Mr. Norwood, Mr. Souder, Mr. Tiahrt, Mr. Wamp, Mr. Wicker, Mr. Doolittle, Mrs. Northup, Mr. Peterson of Pennsylvania, Mr. Pickering, Mr. Pitts, Mr. Reynolds, Mr. Sessions, Mr. Shimkus, Mr. Green of Wisconsin, Mr. Hayes, Mr. Isakson, Mr. Terry, Mr. Akin, Mr. Boozman, Mr. Forbes, Mr. Graves, Ms. Hart, Mr. Keller, Mr. Pence, Mr. Schrock, Mr. Simmons, Mr. Barrett of South Carolina, Mrs. Blackburn, Ms. Ginny Brown-Waite of Florida, Mr. Burgess, Mr. Chocola, Mr. Garrett of New Jersey, Ms. Harris, Mr. Janklow, Mrs. Musgrave, Mr. Renzi, and Mr. Fossella):

H.R. 7. A bill to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, and for other purposes.

By Ms. HART (for herself, Mr. Chabot, Mr. Ney, Mr. Forbes, Mr. Aderholt, Mr. Akin, Mr. Bachus, Mr. Baker, Mr. Bartlett of Maryland, Mr. Blunt, Mr. Brady of Texas, Mr. Burgess, Mr. Burr, Mr. Burton of Indiana, Mr. Buyer, Mr. Camp, Mr. Cantor, Mr. Carter, Mr. Cole, Mr. Costello, Mr. Crane, Mrs. Jo Ann Davis of Virginia, Mr. DeMint, Mr. Doolittle, Mrs. Emerson, Mr. English, Mr. Everett, Mr. Fossella, Mr. Franks of Arizona, Mr. Ferguson, Mr. Garrett of New Jersey, Mr. Goode, Mr. Goodlatte, Mr. Green of Wisconsin, Mr. Gutknecht, Mr. Hastings of Washington, Mr. Hayes, Mr. Hayworth, Mr. Hefley, Mr. Hoekstra, Mr. Hostettler, Mr. Hulshof, Mr. Hyde, Mr. Istook, Mr. Janklow, Mr. John, Mr. Jones of North Carolina, Mr. Keller, Mr. Kennedy of Minnesota, Mr. King of New York, Mr. King of Iowa, Mr. Kingston, Mr. Kline, Mr. LaHood, Mr. Manzullo, Mr. McCotter, Mr. Miller of Florida, Mrs. Myrick, Mr. Norwood, Mr. Oberstar, Mr. Otter, Mr. Oxley, Mr. Peterson of Pennsylvania, Mr. Pence, Mr. Pickering, Mr. Pitts, Mr. Renzi, Mr. Reynolds, Ms. Ros-Lehtinen, Mr. Ryan of Wisconsin, Mr. Ryun of Kansas, Mr. Shimkus, Mr. Smith of New Jersey, Mr. Souder, Mr. Stearns, Mr. Stenholm, Mr. Sullivan, Mr. Terry, Mr. Tiahrt, Mr. Vitter, Mr. Weldon of Florida, Mr. Weller, Mr. Wicker, Mr. Wilson of South Carolina, Mr. Wolf, Mrs. Cubin, Mr. Lucas of Kentucky, Mr. Toomey, Mr. Cunningham, Ms. Harris, Mr. Lincoln Diaz-Balart of Florida, Mr. DeLay, Mr. Rogers of Alabama, Mr. Turner of Ohio, Mr. Feeney, Mrs. Blackburn, Mr. Beauprez, and Mr. Gingrey):

H.R. 1997. A bill to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself, Mr. Brown of Ohio, Mr. Young of Florida, Mr. Langevin, Mr. Houghton, Mr. Hoyer, Mr. Greenwood, Mr. Waxman, Mr. Fossella, Mr. Towns, Mr. Engel, Mr. Strickland, Mr. Rush, Mr. Evans, and Mr. Filner):

H.R. 1998. A bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VISCLOSKY (for himself, Mr. English, Mr. Quinn, Mr. Kucinich, Mr. Murtha, Mr. Ney, Mr. Cardin, Mr. Oberstar, Mr. Brown of Ohio, Mr. Mollohan, Mr. LaHood, Mrs. Jones of Ohio, Ms. Hart, Mr. Stupak, Mr. Strickland, Mr. Levin, Mr. Dingell, Mr. Doyle, Mr. Rangel, Mr. Rahall, Mr. Lewis of Georgia, Mr. Spratt, Ms. Kaptur, Mr. Davis of Illinois, Mr. Shimkus, Mr. Jackson of Illinois, Mr. Costello, Mr. Lynch, Mr. Matsui, Mr. Hinchey, Mr. Frost, Mr. McGovern, Mr. Kennedy of Rhode Island, Mr. Grijalva, Mr. Holden, Mr. Towns, Mr. Thompson of California, Mr. Ryan of Ohio, Mr. Israel, Mr. Abercrombie, Mr. Wynn, Mr. Conyers, Ms. Corrine Brown of Florida, Mr. Cummings, Ms. Hooley of Oregon, Ms. Millender-McDonald, Mr. Pallone, Mr.

Ruppersberger, Mr. Sanders, Mr. Olver, Mr. Baca, Mr. Langevin, Mr. McNulty, Mr. Engel, Ms. Norton, Ms. Berkley, Mr. Green of Texas, Mrs. Christensen, Mr. Matheson, Ms. Carson of Indiana, Mr. Michaud, Mr. Kildee, Mr. Reyes, Ms. McCarthy of Missouri, Mr. Allen, Ms. Woolsey, Mr. Evans, Mr. Cramer, Mr. Filner, Ms. Roybal-Allard, Mr. Gutierrez, Ms. Baldwin, Mr. Bishop of Georgia, Mr. Payne, Ms. Kilpatrick, and Mr. Thompson of Mississippi):

H.R. 1999. A bill to amend the Internal Revenue Code of 1986 to expand the availability of the refundable tax credit for health insurance costs of eligible individuals and to extend the steel import licensing and monitoring program; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. Brown of Ohio, Mr. Waxman, Mr. Boucher, Mr. Pallone, Mr. Towns, Ms. McCarthy of Missouri, Mr. Rush, Mr. Markey, Ms. Schakowsky, Mr. Allen, Mrs. Capps, Mr. Strickland, Mr. Gordon, and Mr. Engel):

H.R. 2000. A bill to amend title XIX of the Social Security Act to provide fiscal relief and program simplification to States, to improve coverage and services to Medicaid beneficiaries, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER:

H.R. 2001. A bill to amend title 32, United States Code, to revise the matching funds requirements for States participating in the National Guard Challenge Program and to authorize appropriations for the program for fiscal year 2004 and thereafter; to the Committee on Armed Services.

By Ms. BERKLEY:

H.R. 2002. A bill to establish a pilot program for the promotion of travel and tourism in the United States through United States international broadcasting; to the Committee on International Relations, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERRY:

H.R. 2003. A bill to clarify the criminal intent required to be established to prove a criminal violation for wrongful disclosure of individually identifiable health information; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BORDALLO (for herself and Mrs. Christensen):

H.R. 2004. A bill to amend title 10, United States Code, to increase the number of persons appointed to the military service academies from Guam and the Virgin Islands from nominations made by the Delegate in Congress from Guam and the Delegate in Congress from the Virgin Islands; to the Committee on Armed Services.

By Mr. COLLINS:

H.R. 2005. A bill to support the public educational programs of the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia, by amending title 32 of the United States Code to authorize the Army Aviation Heritage Foundation to receive National Guard services and assistance; to the Committee on Armed Services.

By Mr. COLLINS:

H.R. 2006. A bill to provide for the transfer of a Vietnam-era Cessna L-19D Bird Dog aircraft that is excess to the needs of the Department of State to Army Aviation Heritage Foundation; to the Committee on International Relations.

By Mr. DAVIS of Alabama:

H.R. 2007. A bill to increase the amount allowed as a child tax credit and to repeal the sunset imposed on the modifications to the child tax credit made by the Economic Growth and Tax Relief Reconciliation Act of 2001, and for other purposes; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. Platts, and Ms. Slaughter):

H.R. 2008. A bill to amend title XVIII of the Social Security Act to provide for expanded coverage of paramedic intercept services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH (for himself and Mr. Leach):

H.R. 2009. A bill to provide for the recovery, restitution, and protection of the cultural heritage of Iraq; to the Committee on Ways and Means.

By Mr. FALEOMAVAEGA:

H.R. 2010. A bill to protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives, and for other purposes; to the Committee on Resources.

By Mr. FRANK of Massachusetts (for himself, Mr. Rangel, Mr. Wolf, Mr. Matsui, Mr. Goode, Mr. Sandlin, Mr. Saxton, Mr. Lynch, Mr. Jones of North Carolina, Mr. Boswell, Mrs. Jo Ann Davis of Virginia, Mr. Kleczka, Mr. Tiberi, Mr. Johnson of Illinois, Mr. Filner, Mr. Frost, Mr. Wynn, Mr. Paul, Mr. Brown of Ohio, Mr. Van Hollen, Mr. Costello, Mr. Hinchey, Mr. Ross, Mr. Doggett, Mr. Abercrombie, Ms. Baldwin, Mr. Farr, Mr. Hoeffel, Mr. Turner of Texas, Mr. Weiner, Mr. Hastings of Florida, Mr. Delahunt, Mr. Gordon, Mr. Holden, Mr. Holt, Mr. Honda, Mr. Inslee, Mr. Kanjorski, Mr. Kennedy of Rhode Island, Mr. Kildee, Ms. Kilpatrick, Mr. Lampson, Mr. Meehan, Mr. Neal of Massachusetts, Mr. Oberstar, Mr. Olver, Mr. Rodriguez, Mr. Pascrell, Ms. Kaptur, Mr. Serrano, Mr. Strickland, Mr. Wu, Ms. Loretta Sanchez of California, Mr. Wexler, Mr. Gutierrez, Mr. Doyle, Mr. Israel, Mr. Schiff, Mr. McGovern, Mrs. McCarthy of New York, Mr. Allen, Mr. Gonzalez, Mr. Grijalva, Mr. Michaud, Mrs. Lowey, Mr. Bishop of New York, Mr. Alexander, Mr. Capuano, Ms. Linda T. Sánchez of California, and Mr. Emanuel):

H.R. 2011. A bill to amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds $2,000 and to provide for a graduated implementation of such provision on amounts above such $2,000 amount; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 2012. A bill to require the Secretary of Defense to implement fully by September 30, 2004, requirements for additional Weapons of Mass Destruction Civil Support Teams; to the Committee on Armed Services.

By Mr. HASTINGS of Florida:

H.R. 2013. A bill to amend title II of the Social Security Act to increase to $1,000 the maximum amount of the lump-sum death benefit and to allow for payment of such a benefit, in the absence of an eligible surviving spouse or child, to the legal representative of the estate of the deceased individual; to the Committee on Ways and Means.

By Mr. HAYES:

H.R. 2014. A bill to prohibit the Department of Homeland Security from procuring certain items unless the items are grown, reprocessed, reused, or produced in the United States; to the Committee on Government Reform.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Shays, and Mr. Simmons):

H.R. 2015. A bill to amend title 38, United States Code, to require Department of Veterans Affairs pharmacies to dispense medications to veterans enrolled in the health care system of that Department for prescriptions written by private practitioners, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JONES of North Carolina (for himself and Mr. Gallegly):

H.R. 2016. A bill to provide that the Secretary of Defense may provide public identification of military casualties no sooner than 24 hours after notification of next-of-kin; to the Committee on Armed Services.

By Mr. KLECZKA (for himself and Mr. Hinchey):

H.R. 2017. A bill to require public disclosure of noncompetitive contracting for the reconstruction of the infrastructure of Iraq, and for other purposes; to the Committee on Government Reform.

By Mrs. LOWEY (for herself, Mr. Hinchey, Mr. Green of Texas, Ms. Norton, Ms. DeLauro, Mr. Emanuel, Mrs. Christensen, Mr. Rangel, Mr. Towns, Mr. Pallone, Mrs. McCarthy of New York, Mr. Kildee, Mr. Engel, Mr. Clyburn, Mr. Nadler, Ms. Schakowsky, and Mr. Davis of Illinois):

H.R. 2018. A bill to provide the Secretary of Health and Human Services and the Secretary of Education with increased authority with respect to asthma programs, and to provide for increased funding for such programs; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McNULTY:

H.R. 2019. A bill to extend the existing temporary duty suspension on certain chemical compounds; to the Committee on Ways and Means.

By Mr. MOORE (for himself, Mr. Mario Diaz-Balart of Florida, Ms. McCarthy of Missouri, Ms. Hart, Mr. Carson of Oklahoma, Mr. Snyder, Mr.

GRAVES, Mr. TANNER, Mr. RYUN of Kansas, Mr. SKELTON, Mr. LUCAS of Oklahoma, and Mr. MCINTYRE):

H.R. 2020. A bill to reduce the impacts of hurricanes, tornadoes, and related hazards through a program of research and development and technology transfer, and for other purposes; to the Committee on Science, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PRYCE of Ohio (for herself, Mrs. MYRICK, Mrs. CAPPS, and Mr. ISRAEL):

H.R. 2021. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require group and individual health insurance coverage and group health plans to provide coverage for individuals participating in approved cancer clinical trials; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself and Mr. MARKEY):

H.R. 2022. A bill to extend the registration and reporting requirements of the Federal securities laws to certain housing-related Government-sponsored enterprises, and for other purposes; to the Committee on Financial Services.

By Mr. STEARNS (for himself, Mr. KENNEDY of Rhode Island, Mr. TOWNS, Mr. BARTON of Texas, Mr. ISSA, Mrs. CHRISTENSEN, and Mr. SMITH of New Jersey):

H.R. 2023. A bill to give a preference regarding States that require schools to allow students to self-administer medication to treat that student's asthma or anaphylaxis, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS:

H.R. 2024. A bill to amend title XIX of the Social Security Act to require States that provide Medicaid prescription drug coverage to cover drugs medically necessary to treat obesity; to the Committee on Energy and Commerce.

By Mr. WEINER:

H.R. 2025. A bill to require providers of wireless telephone services to provide access to the universal emergency telephone number in subterranean subway stations located within their area of coverage; to the Committee on Energy and Commerce.

By Mr. WELDON of Pennsylvania (for himself, Mr. CASTLE, Mr. ANDREWS, Mr. BRADY of Pennsylvania, Mr. CARDIN, Mr. CUMMINGS, Mr. ENGLISH, Mr. FATTAH, Mr. FERGUSON, Mr. GARRETT of New Jersey, Mr. LOBIONDO, Mr. BARTLETT of Maryland, Mr. GERLACH, Mr. GILCHREST, Mr. GREENWOOD, Ms. HART, Mr. HOEFFEL, Mr. HOLDEN, Mr. HOLT, Mr. HOYER, Mr. SHERWOOD, Mr. MENENDEZ, Mr. MURPHY, Mr. MURTHA, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. PITTS, Mr. PLATTS, Mr. ROTHMAN, Mr. RUPPERSBERGER, Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. TOOMEY, Mr. WYNN, Mr. VAN HOLLEN, Mr. DOYLE, Mr. SAXTON, Mr. PETERSON of Pennsylvania, Mr. KANJORSKI, and Mr. FRELINGHUYSEN):

H.R. 2026. A bill to grant the consent of the Congress to the SMART Research and Development Compact; to the Committee on the Judiciary.

By Mr. CULBERSON:

H.J. Res. 55. A joint resolution proposing an amendment to the Constitution of the United States to require that Federal district court judges be reconfirmed every ten years by the executive and legislative authorities of the State in which they serve; to the Committee on the Judiciary.

By Mr. BACA (for himself, Ms. CARSON of Indiana, Mr. UDALL of New Mexico, Mrs. NAPOLITANO, Ms. LINDA T. SÁNCHEZ of California, Mr. SERRANO, Mr. ACEVEDO-VILÁ, Mr. CONYERS, Mr. LANTOS, Mr. GONZALEZ, Mr. REYES, Mr. FROST, Mr. HINOJOSA, Mr. MENENDEZ, Mrs. CAPPS, Mr. RODRIGUEZ, and Mr. ORTIZ):

H. Con. Res. 163. Concurrent resolution recognizing the historical significance of the Mexican holiday of Cinco de Mayo; to the Committee on International Relations.

By Mr. GRAVES (for himself, Mr. BRADY of Texas, and Mr. OBERSTAR):

H. Con. Res. 164. Concurrent resolution expressing the sense of Congress that there should be established a National Truck Safety Month to raise public awareness about the contributions, responsibilities, and needs of truck drivers to make the Nation's highways safer; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE (for himself, Mr. BLUMENAUER, Mr. BILIRAKIS, Ms. BERKLEY, Mr. BERMAN, Ms. GINNY BROWN-WAITE of Florida, Mr. CROWLEY, Mr. DICKS, Mr. DOYLE, Ms. ESHOO, Mr. FOSSELLA, Mr. HINCHEY, Mr. HOLT, Mr. KENNEDY of Minnesota, Mr. KNOLLENBERG, Mr. LANTOS, Ms. LEE, Mrs. MALONEY, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MCNULTY, Mr. MARKEY, Mr. PALLONE, Ms. ROS-LEHTINEN, Mrs. TAUSCHER, and Ms. WATSON):

H. Con. Res. 165. Concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece; to the Committee on International Relations.

By Mr. VITTER:

H. Con. Res. 166. Concurrent resolution expressing the sense of Congress in support of Buckle Up America Week; to the Committee on Transportation and Infrastructure.

By Mr. WELDON of Pennsylvania (for himself and Mr. ORTIZ):

H. Con. Res. 167. Concurrent resolution welcoming the Prime Minister of Singapore, His Excellency Goh Chok Tong, on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of Congress to the continued expansion of friendship and cooperation between the United States and Singapore; to the Committee on International Relations.

By Mr. HALL (for himself, Mr. GREEN of Texas, Mr. RODRIGUEZ, Mr. SANDLIN, Mr. EDWARDS, Mr. SESSIONS, Mr. REYES, Mr. CARTER, Mr. TURNER of Texas, Mr. BARTON of Texas, Mr. HINOJOSA, Mr. LAMPSON, Mr. BRADY of Texas, Mr. STENHOLM, and Mr. BOEHLERT):

H. Res. 222. A resolution commending those individuals who contributed to the debris collection effort following the Space Shuttle Columbia accident; to the Committee on Science.

By Mr. YOUNG of Alaska:

H. Res. 223. A resolution amending rule XXIII of the Rules of the House of Representatives to permit the employing office of an employee of the House who serves in a reserve component of the uniformed services to pay the employee an additional salary for any period during which the employee is on active duty; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. LATOURETTE introduced A bill (H.R. 2027) for the relief of Zdanko Lisak; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 42: Mr. BURR.

H.R. 43: Mr. BURR.

H.R. 97: Mr. DEFAZIO, Mr. PAUL, Mr. JENKINS, Mr. CARSON of Oklahoma, Mr. SHIMKUS, Ms. GINNY BROWN-WAITE of Florida, Mr. GALLEGLY, Mr. CRAMER, Mr. GUTKNECHT, Mrs. WILSON of New Mexico, Mr. ANDREWS, Mr. LARSON of Connecticut, Ms. WOOLSEY, and Mrs. JO ANN DAVIS of Virginia.

H.R. 107: Mr. CASE.

H.R. 109: Mrs. MUSGRAVE.

H.R. 119: Mr. FILNER.

H.R. 121: Mr. ANDREWS.

H.R. 126: Mr. DAVIS of Alabama and Ms. GINNY BROWN-WAITE of Florida.

H.R. 167: Mrs. MUSGRAVE.

H.R. 173: Mr. UDALL of New Mexico, Mr. BROWN of Ohio, and Mr. VITTER.

H.R. 284: Mr. TOOMEY, Mr. UPTON, Mr. WU, Mr. MARIO DIAZ-BALART of Florida, Mr. TOWNS, Mrs. MCCARTHY of New York, Mr. MEEKS of New York, Mr. BILIRAKIS, and Mr. MICA.

H.R. 286: Mr. SCOTT of Georgia.

H.R. 288: Mr. STUPAK.

H.R. 290: Mr. SIMMONS, Mr. CAPUANO, and Mr. SHAW.

H.R. 296: Mr. TIBERI.

H.R. 328: Mrs. NAPOLITANO, Ms. JACKSON-LEE of Texas, Ms. BERKLEY, Mr. BONILLA, Mr. NETHERCUTT, Mr. THOMPSON of California, Mr. FLETCHER, Mr. RUSH, Mr. JACKSON of Illinois, Mr. SANDLIN, Mr. TURNER of Texas, Mr. GOODE, and Mr. SANDERS.

H.R. 433: Mr. OSE.

H.R. 434: Mr. ISRAEL, Mr. SHAW, Mr. WICKER, Mr. HOBSON, Mr. KLINE, Mr. MILLER of Florida, and Mr. LOBIONDO.

H.R. 450: Mr. LEWIS of Kentucky.

H.R. 463: Mr. SANDLIN.

H.R. 466: Mr. VITTER and Mr. CONYERS.

H.R. 489: Ms. GINNY BROWN-WAITE of Florida.

H.R. 571: Mr. ROGERS of Alabama, Ms. GINNY BROWN-WAITE of Florida, and Ms. GRANGER.

H.R. 594: Mr. ROTHMAN, Mr. GARY G. MILLER of California, Mr. GALLEGLY, and Mrs. CAPITO.

H.R. 611: Mr. GARRETT of New Jersey.

H.R. 677: Mrs. DAVIS of California.

H.R. 684: Mr. CANNON.

H.R. 687: Mr. KINGSTON.

H.R. 728: Mr. TERRY, Mr. FEENEY, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 737: Mr. ANDREWS and Mr. MOLLOHAN.

H.R. 740: Mr. GRIJALVA.

H.R. 745: Mr. CUMMINGS, Mr. MEEKS of New York, Mr. BRADY of Pennsylvania, Mr. MCGOVERN, and Mr. THOMPSON of California.

H.R. 757: Mr. GUTIERREZ.

H.R. 761: Mr. BRADLEY of New Hampshire.

H.R. 775: Mr. SESSIONS, Mr. BONNER, Mr. BURTON of Indiana, Mr. KELLER, and Mr. BILIRAKIS.

H.R. 791: Mr. BONILLA, Mr. WHITFIELD, Mr. HAYWORTH, Mr. BECERRA, and Mr. MCINNIS.

H.R. 792: Mr. BRADLEY of New Hampshire, Mr. FRANK of Massachusetts, Ms. BERKLEY, Mr. BROWN of South Carolina, and Mr. OSBORNE.

H.R. 817: Mr. WYNN and Mr. WOLF.

H.R. 839: Mr. FILNER, Mr. SCOTT of Georgia, Mr. SULLIVAN, Ms. BERKLEY, Mr. BISHOP of New York, and Mr. CAMP.

H.R. 850: Mr. SIMMONS and Mr. MILLER of Florida.

H.R. 854: Mr. PALLONE.

H.R. 898: Mr. COOPER, Mr. TANNER, Mr. OWENS, and Mr. HILL.

H.R. 977: Mrs. MUSGRAVE.

H.R. 980: Mr. HAYWORTH.

H.R. 1022: Mr. GONZALEZ and Ms. LEE.

H.R. 1044: Ms. MAJETTE.

H.R. 1063: Mr. PAUL, Mr. WAMP, and Mr. THOMPSON of Mississippi.

H.R. 1077: Mr. KILDEE, Ms. MCCARTHY of Missouri, and Mr. GREEN of Texas.

H.R. 1102: Mr. LEVIN.

H.R. 1111: Mr. FALEOMAVAEGA.

H.R. 1125: Mr. BROWN of South Carolina, Mr. OSBORNE, Mr. PENCE, and Mr. HINOJOSA.

H.R. 1155: Mr. SERRANO, Mr. ENGEL, Mr. EMANUEL, Mr. RANGEL, Mr. GILCHREST, Mr. ISAKSON, Mr. BARTLETT of Maryland, and Mr. TOM DAVIS of Virginia.

H.R. 1175: Mr. GARRETT of New Jersey.

H.R. 1179: Mr. SCHROCK and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1206: Mr. LATOURETTE.

H.R. 1210: Ms. ROS-LEHTINEN, Mr. MCDERMOTT, Mr. OLVER, and Mr. COOPER.

H.R. 1222: Mr. KINGSTON and Mr. MILLER of Florida.

H.R. 1231: Mr. SANDLIN, Mr. HYDE, Mr. BERMAN, Mr. UPTON, Mr. BOYD, Mr. SESSIONS, Mr. SULLIVAN, Ms. MCCARTHY of Missouri, Mr. LARSEN of Washington, Mr. GREEN of Texas, Mr. JENKINS, and Mr. TIBERI.

H.R. 1251: Mr. FOSSELLA and Mr. GUTIERREZ.

H.R. 1275: Mr. CUMMINGS and Mr. KILDEE.

H.R. 1276: Mr. GERLACH.

H.R. 1288: Mr. PENCE, Mrs. TAUSCHER, Mr. BONILLA, Mr. KNOLLENBERG, Mr. CUMMINGS, Mr. OBERSTAR, Mr. MICHAUD, Mrs. MCCARTHY of New York, Mr. MENENDEZ, Mr. ABERCROMBIE, Mr. DINGELL, Mr. FRANKS of Arizona, Mr. WYNN, Mr. MCDERMOTT, Ms. LINDA T. SÁNCHEZ of California, Ms. SLAUGHTER, Ms. ESHOO, Mr. FRELINGHUYSEN, and Mr. LANTOS.

H.R. 1301: Mr. FILNER and Mr. THOMPSON of California.

H.R. 1313: Mr. WELLER, Mr. HAYWORTH, Mr. GREEN of Texas, Mr. POMBO, Mr. PORTER, and Mr. FROST.

H.R. 1323: Mr. FALEOMAVAEGA, Mr. DAVIS of Florida, and Mr. BISHOP of Georgia.

H.R. 1340: Mr. PRICE of North Carolina, Mr. CUMMINGS, Mr. GRIJALVA, and Mr. LUCAS of Kentucky.

H.R. 1345: Mr. DAVIS of Florida.

H.R. 1348: Mr. FILNER.

H.R. 1376: Mr. ENGLISH.

H.R. 1385: Mrs. MALONEY, Mr. KLECZKA, Mr. EVANS, Mr. MILLER of North Carolina, and Mr. GREEN of Texas.

H.R. 1415: Mr. HOEFFEL and Mr. ENGEL.

H.R. 1422: Ms. SCHAKOWSKY and Mr. WYNN.

H.R. 1426: Mr. REHBERG and Mr. FRANK of Massachusetts.

H.R. 1445: Mrs. JOHNSON of Connecticut and Mr. SHAYS.

H.R. 1472: Mr. SIMMONS, Mr. BEREUTER, Mr. JONES of North Carolina, and Mr. BILIRAKIS.

H.R. 1479: Mr. SCOTT of Virginia and Mr. JONES of North Carolina.

H.R. 1511: Mr. SCOTT of Georgia, Mrs. MYRICK, Mr. CULBERSON, Mr. CHOCOLA, Mr. CARSON of Oklahoma, Mr. MOORE, Mrs. KELLY, Mr. DAVIS of Alabama, Mr. MICA, Mr. CANTOR, Mr. UPTON, Mr. BOEHLERT, Mr. QUINN, Mr. REHBERG, Mr. WALDEN of Oregon, Mr. DELAY, Mr. SIMMONS, Mr. TANNER, Mr. BROWN of South Carolina, Mr. CAMP, Mr. CRENSHAW, Mrs. JO ANN DAVIS of Virginia, Mr. DEMINT, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FERGUSON, Mr. GRAVES, Mr. HOBSON, Mr. JOHNSON of Illinois, Mr. LEWIS of California, Mr. PEARCE, Mr. PLATTS, Mr. RYAN of Wisconsin, Mr. SCHROCK, Mr. SHUSTER, Mr. SULLIVAN, Ms. PRYCE of Ohio, Mrs. JOHNSON of Connecticut, Mrs. BLACKBURN, Mr. PORTMAN, Mr. CHABOT, Mr. BASS, Mr. BILIRAKIS, Mr. BOEHNER, Mr. BONNER, Mr. BURGESS, Mr. EHLERS, Mr. GUTKNECHT, Mr. KELLER, Mr. KINGSTON, Mr. KLINE, Mr. MILLER of Florida, Mr. NUNES, Mr. NUSSLE, Mr. SHADEGG, Mr. TAUZIN, Mr. WELDON of Florida, Mr. WELDON of Pennsylvania, and Mr. YOUNG of Alaska.

H.R. 1513: Mr. PETRI, Mr. KLECZKA, Mr. PICKERING, Mr. CARTER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SESSIONS, Ms. DUNN, Mr. LEWIS of Kentucky, and Mr. ENGLISH.

H.R. 1532: Mr. GREEN of Wisconsin, Mr. ISRAEL, Mr. DOYLE, Mr. PETERSON of Minnesota, Mr. ISAKSON, Mr. LINDER, Mr. THOMPSON of California, Mr. FRANK of Massachusetts, and Mr. SHERMAN.

H.R. 1534: Mr. FRANK of Massachusetts.

H.R. 1568: Mr. MEEKS of New York, Mr. WYNN, Mr. GONZALEZ, and Mr. BAIRD.

H.R. 1574: Mr. REHBERG.

H.R. 1582: Mr. GUTKNECHT, Mr. TIBERI, Mr. PEARCE, and Mr. KILDEE.

H.R. 1635: Mr. CUMMINGS and Mr. GRIJALVA.

H.R. 1643: Mr. FILNER, Mr. PORTER, and Mr. SIMPSON.

H.R. 1652: Mr. PRICE of North Carolina, Mr. GUTIERREZ, Mr. DOYLE, Mr. MCGOVERN, Mr. LANTOS, Mr. ACEVEDO-VILÁ, and Mr. MENENDEZ.

H.R. 1663: Mr. KUCINICH.

H.R. 1692: Mr. BRADY of Pennsylvania and Mr. ORTIZ.

H.R. 1708: Mr. HYDE, Mr. MILLER of North Carolina, Mr. NEAL of Massachusetts, Mr. BECERRA, Mr. BISHOP of Georgia, and Mr. WELDON of Pennsylvania.

H.R. 1709: Mr. FARR, Mr. SANDERS, and Mr. GREEN of Texas.

H.R. 1711: Mr. HOLDEN and Mrs. CAPITO.

H.R. 1725: Mr. HAYWORTH.

H.R. 1738: Ms. HOOLEY of Oregon, Mr. STUPAK, Mr. FARR, Ms. CARSON of Indiana, Mr. CUMMINGS, Mr. EVANS, Ms. MILLENDER-MCDONALD, Mr. TIERNEY, Ms. SOLIS, Mr. DAVIS of Illinois, Mr. WAXMAN, Mr. FALEOMAVAEGA, and Mr. RANGEL.

H.R. 1746: Mr. STRICKLAND, Mr. BRADLEY of New Hampshire, Ms. CORRINE BROWN of Florida, Mrs. TAUSCHER, Mr. PENCE, Mr. SERRANO, Mr. MICHAUD, Mr. MENENDEZ, Mr. WYNN, Mr. DINGELL, Mr. THOMPSON of California, Mr. SCOTT of Virginia, Mr. BALLANCE, Mr. MCGOVERN, Mr. CUMMINGS, Mr. BACA, Ms. LEE, Mr. BALLENGER, Mr. MANZULLO, Mr. LANTOS, Ms. ESHOO, Mr. LOBIONDO, Mr. FILNER, Mr. MILLER of North Carolina, Ms. VELÁZQUEZ, Mr. UPTON, and Mr. MORAN of Virginia.

H.R. 1754: Mr. SANDLIN.

H.R. 1758: Mr. MCINNIS.

H.R. 1775: Mr. KING of Iowa and Mr. PETERSON of Minnesota.

H.R. 1776: Mr. GOSS and Mr. FRELINGHUYSEN.

H.R. 1778: Mr. SANDERS and Mr. SOUDER.

H.R. 1786: Mr. OWENS, Mr. OLVER, Mrs. LOWEY, Mr. FROST, Mr. RANGEL, and Mr. KUCINICH.

H.R. 1787: Mr. ROGERS of Michigan.

H.R. 1799: Mr. FALEOMAVAEGA.

H.R. 1813: Ms. ROS-LEHTINEN, Mr. PAYNE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FRANK of Massachusetts, Mr. KUCINICH, Ms. LEE, and Mr. MCDERMOTT.

H.R. 1838: Mr. FROST.

H.R. 1873: Mr. AKIN.

H.R. 1874: Mr. LANGEVIN, Mr. INSLEE, and Mr. WAXMAN.

H.R. 1887: Mr. RANGEL.

H.R. 1933: Ms. ESHOO, Mr. BACA, and Mr. KIND.

H.R. 1949: Mr. MICHAUD.

H.R. 1964: Mr. TIERNEY and Mr. GERLACH.

H.R. 1994: Mr. GREEN of Texas.

H. J. Res. 4: Mr. HERGER, Mrs. NAPOLITANO, and Mr. RODRIQUEZ.

H.J. Res. 46: Mr. LAHOOD.

H. Con. Res. 39: Mr. CLYBURN, Mr. RANGEL, and Mr. PAYNE.

H. Con. Res. 49: Mr. AKIN, Ms. WOOLSEY, Mr. DAVIS of Illinois, Mr. SHAW, Mr. DAVIS of Alabama, and Mr. KENNEDY of Rhode Island.

H. Con. Res. 93: Mr. LATOURETTE, Mr. ISAKSON, Mr. GARRETT of New Jersey, Mr. DREIER, and Mr. GINGREY.

H. Con. Res. 103: Mr. HOLT.

H. Con. Res. 116: Mr. FOLEY.

H. Con. Res. 148: Mr. ETHERIDGE and Ms. LEE.

H. Con. Res. 160: Mr. FLAKE and Mr. SOUDER.

H. Con. Res. 161: Mr. MORAN of Kansas.

H. Res. 103: Mr. PAUL.

H. Res. 133: Mr. GARRETT of New Jersey.

H. Res. 136: Mr. PENCE and Mr. GARRETT of New Jersey.

H. Res. 142: Mr. BLUMENAUER and Mr. BONILLA.

H. Res. 180: Mr. BISHOP of Georgia and Mr. RANGEL.

H. Res. 194: Mrs. JO ANN DAVIS of Virginia, Mr. HASTINGS of Florida, Mrs. TAUSCHER, and Mr. WAMP.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2: Mrs. MUSGRAVE.

H.R. 898: Mr. CARSON of Oklahoma.

SENATE—*Wednesday, May 7, 2003*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. K. Randel Everett of the John Leland Center for Theological Studies in Arlington, VA.

PRAYER

The guest Chaplain offered the following prayer:

May we pray.

O Lord, our Lord, how majestic is Thy name in all of the earth. When we consider Thy heavens, the work of Thy fingers, the moon and the stars which Thou hast ordained, who are we that You would give thought of us. Yet You have made us a little lower than God and crowned us with glory and majesty.—Psalm 8

Please open our eyes to Your many expressions of beauty in the brilliance of the azaleas, in the warmth of the sunshine and in the gentleness of a friend.

Please open our ears to the sounds of joy in the laughter of little children and in the singing of birds. Speak through us as we seek to encourage someone who is hurting and reach out to someone who is afraid.

Gracious Lord, this day is a gift You have given to us. Don't let us miss out on what You are doing. Let us live in the fullness of Your mercy. In Thy name we pray. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The majority leader.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will be in a period for morning business until 12 noon. Following morning business, the Senate will begin consideration of the NATO expansion treaty. This treaty is a necessary step to include seven new member countries in the NATO alliance.

Under the previous order, the Senate will debate the treaty and dispose of all amendments during today's session. I advise my colleagues that rollcall votes are possible with respect to the two amendments to the resolution of ratification. Once those amendments are disposed of during today's session, the Senate will set aside the treaty, so the Senate will vote on the adoption of the resolution of ratification at 9:30 tomorrow morning.

As a reminder, cloture motions were filed on the nominations of both Priscilla Owen and Miguel Estrada. This will be the second attempt to end the filibuster on the Owen nomination and our sixth effort with respect to Miguel Estrada. The cloture votes on Owen and Estrada will occur during Thursday's session.

In addition, I want to inform all Members that negotiations are ongoing to continue to clear several important pieces of legislation for floor action. These items include the State Department authorization bill, the bioshield bill, air cargo security legislation, the FAA reauthorization bill, the FISA legislation, and a number of pending nominations. Therefore, Members should anticipate additional votes throughout the day.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, while the distinguished majority leader is in the Chamber, I wonder if he has any idea how much time he wants for the debate on the two cloture motions tomorrow or are we just going to vote on them?

Mr. FRIST. Mr. President, I have not talked to our caucus about that, but I will get back to Senator REID shortly so we can plan out the day tomorrow.

Mr. REID. The other question I have is, we have people ready to offer amendments on the energy bill. Is the majority leader still planning on spending some time on that bill tomorrow?

Mr. FRIST. The plan is to be on the energy bill and continue the debate and start the amendment process tomorrow, Thursday. The plan is to hopefully start that—although I am not sure—in the morning after we finish the vote.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a period for the transaction of morning business not to extend beyond the hour of 12 noon, with the time equally divided between the two leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I had 10 minutes. I ask unanimous consent that my time be extended to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX CUTS

Mr. HOLLINGS. Mr. President, it is fortuitous that the distinguished Presiding Officer is the forerunner of the position: If we are going to cut taxes only $350 billion, you are going to lose his vote. The debate has ensued from $756 billion to $350 billion to try to make for a compromise of $550 billion in tax cuts. But the most responsible voices say at this particular time: No tax cuts.

The present Chairman of the Federal Reserve, Mr. Alan Greenspan, says: No tax cuts. I ask unanimous consent to print in the RECORD an article from the New York Times, dated May 1, 2003.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 1, 2003]

GREENSPAN SAYS TAX CUT WITHOUT SPENDING REDUCTIONS COULD BE DAMAGING

(By David E. Rosenbaum)

WASHINGTON, April 30.—Alan Greenspan, the chairman of the Federal Reserve Board, told Congress today that the economy was poised to grow without further large tax cuts, and that budget deficits resulting from lower taxes without offsetting reductions in spending could be damaging to the economy. Opponents of the large cut favored by President Bush took Mr. Greenspan's testimony as support for their position.

Mr. Greenspan's statements to the House Financial Services Committee were made as new Treasury data showed that tax revenues have arrived at a much slower pace than expected this spring. As a consequence of the revenue shortfall and increased spending enacted this month, government and private analysts said today, the budget deficit this fiscal year will be at least $80 billion higher than the Congressional Budget Office projected last month.

With a large deficit, Mr. Greenspan said, "you will be significantly undercutting the benefits that would be achieved from the tax cuts."

The combination of Mr. Greenspan's testimony and the prospects of a higher deficit gave added ammunition to Mr. Bush's political opponents, as the president continued today to press Congress to approve a $550 billion, 10-year tax cut.

"These deficit numbers are just the latest reminder that what many of us have expressed concern about is becoming even

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

more of a problem," said Senator Tom Daschle of South Dakota, the Democratic leader.

The president met today on the tax issue with Republican Congressional leaders. Afterward, Senator Bill Frist of Tennessee, the majority leader, said that the president and all the leaders wanted as large a tax cut as possible and that Congress might consider more than one tax measure this year.

Ari Fleischer, the White House spokesman, played down any disagreement with Mr. Greenspan. Last week, the president announced that he would renominate Mr. Greenspan to his fifth term as Fed chairman, and Mr. Greenspan, 77, said he would accept.

Mr. Fleischer said today that Mr. Bush's first priority was creating jobs immediately and that the government could reduce the deficit "over time." He agreed with Mr. Greenspan that the best way to lower the deficit was to hold the line on government spending.

Mr. Greenspan said that with the end of the uncertainties associated with the war in Iraq, the economy was in a position for strong growth. But if that does not occur, he said, the Fed was prepared to lower interest rates further.

As is his practice, Mr. Greenspan spoke elliptically in his Congressional testimony and never addressed the tax legislation before Congress specifically.

But he said that even without additional stimulus, "the economy is positioned to expand at a noticeably better pace than it has during the past year."

He also said new academic evidence had strengthened his opinion that budget deficits led directly to higher interest rates.

Mr. Greenspan's view on tax cuts is similar to one he expressed in February, but the environment has changed. Congress is now on the verge of drafting and voting on actual tax legislation, and the Fed chairman's views on economic matters carry more weight in Congress than the opinions of any other economist.

In response to a question about the need for additional economic stimulus, Mr. Greenspan said that with the tax cuts enacted in 2001 and sizable growth in government spending, "we already have a significant amount of stimulus in place."

He added that he was skeptical of the ability of changes in tax and spending policy to "fine tune" the economy in the short term.

Mr. Greenspan said he strongly supported the president's tax policy, particularly the proposal to eliminate taxes on most stock dividends, "provided it is matched by cuts in spending."

Deficits are especially important in the near future, he said, because of the pressure on the economy early in the next decade when the baby boom generation begins to reach retirement age.

The shortfall in tax revenues has been apparent all spring, but the magnitude did not become clear, economic analysts said, until they examined the Treasury's daily reports of tax receipts in the two weeks since the April 15 filing deadline.

William C. Dudley, chief economist at Goldman Sachs, said he was seeing "a pretty sizable shortfall relative to expectation."

Goldman is forecasting a $425 billion deficit in the current fiscal year, which ends Sept. 30. In February, the White House projected a deficit of $304 billion. Last month, the Congressional Budget Office, using a different method of calculation, projected a deficit of $246 billion.

A senior Republican staff member in Congress who has analyzed the Treasury data said that revenues were running about $40 billion lower than the Congressional Budget Office expected. He said tax refunds were about $20 billion higher than anticipated and tax payments about $20 billion lower.

One reason for the shortfall in revenues, economists say, is that the poor performance by the stock market in 2002 resulted in smaller tax payments of capital gains taxes and fewer taxes paid by business executives who exercised stock options.

In addition to the deficit increase resulting from lower revenues, the projections by the White House and the Congressional Budget Office do not count the $42 billion in additional spending, mostly for the war, that Congress approved this month. Nor do they consider the likelihood that Congress will approve tax cuts and make at least some of them retroactive to Jan. 1 and the probability that the administration will ask Congress for additional spending authority for reconstruction costs in Iraq.

Mr. HOLLINGS. Mr. President, the former Chairman of the Federal Reserve, Paul Volcker, the former Secretary of the Treasury, Bob Rubin, as well as the former Secretary of Commerce, Pete Peterson, call for no new tax cuts. They took this stand in an article in the New York Times on April 9, 2003. The position they take is that budget deficits matter. There is no question that we had a conscience with respect to deficits. The economists at the Federal Reserve have said that every $100 billion in deficits raises the interest rate a quarter of a percent, and our friends at the Brookings Institution say, no, every $100 billion in deficits raises the interest rate one-half to 1 percentage point.

The point is, look at what we are doing. I ask unanimous consent to print in the RECORD a chart of the budget realities.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOLLINGS' BUDGET REALITIES

Pres. and year	U.S. budget (outlays) (in billions)	Borrowed trust funds (billions)	Unified deficit with trust funds (billions)	Actual deficit without trust funds (billions)	National debt (billions)	Annual increases in spending for interest (billions)
Truman:						
1947	34.5	−9.9	−4.0	+13.9	257.1	
1948	29.8	6.7	11.8	+5.1	252.0	
1949	38.8	1.2	0.6	−0.6	252.6	
1950	42.6	1.2	−3.1	−4.3	256.9	
1951	45.5	4.5	6.1	+1.6	255.3	
1952	67.7	2.3	−1.5	−3.8	259.1	
Eisenhower:						
1953	76.1	0.4	−6.5	−6.9	266.0	
1954	70.9	3.6	−1.2	−4.8	270.8	
1955	68.4	0.6	−3.0	−3.6	274.4	
1956	70.6	2.2	3.9	+1.7	272.7	
1957	76.6	3.0	3.4	+0.4	272.3	
1958	82.4	4.6	−2.8	−7.4	279.7	
1959	92.1	−5.0	−12.8	−7.8	287.5	
1960	92.2	3.3	0.3	−3.0	290.5	
Kennedy:						
1961	97.7	−1.2	−3.3	−2.1	292.6	
1962	106.8	3.2	−7.1	−10.3	302.9	9.1
Johnson:						
1963	111.3	2.6	−4.8	−7.4	310.3	9.9
1964	118.5	−0.1	−5.9	−5.8	316.1	10.7
1965	118.2	4.8	−1.4	−6.2	322.3	11.3
1966	134.5	2.5	−3.7	−6.2	328.5	12.0
1967	157.5	3.3	−8.6	−11.9	340.4	13.4
1968	178.1	3.1	−25.2	−28.3	368.7	14.6
Nixon:						
1969	183.6	0.3	3.2	+2.9	365.8	16.6
1970	195.6	12.3	−2.8	−15.1	380.9	19.3
1971	210.2	4.3	−23.0	−27.3	408.2	21.0
1972	230.7	4.3	−23.4	−27.7	435.9	21.8
1973	245.7	15.5	−14.9	−30.4	466.3	24.2
1974	269.4	11.5	−6.1	17.6	483.9	29.3
Ford:						
1975	332.3	4.8	−53.2	−58.0	541.9	32.7
1976	371.8	13.4	−73.7	−87.1	629.0	37.1
Carter:						
1977	409.2	23.7	−53.7	77.4	706.4	41.9
1978	458.7	11.0	−59.2	−70.2	776.6	48.7
1979	504.0	12.2	−40.7	−52.9	829.5	59.9

HOLLINGS' BUDGET REALITIES—Continued

Pres. and year	U.S. budget (outlays) (in billions)	Borrowed trust funds (billions)	Unified deficit with trust funds (billions)	Actual deficit without trust funds (billions)	National debt (billions)	Annual increases in spending for interest (billions)
1980	590.9	5.8	-73.8	-79.6	909.1	74.8
Reagan:						
1981	678.2	6.7	-79.0	-85.7	994.8	95.5
1982	745.8	14.5	-128.0	-142.5	1,137.3	117.2
1983	808.4	26.6	-207.8	-234.4	1,371.7	128.7
1984	851.9	7.6	-185.4	-193.0	1,564.7	153.9
1985	946.4	40.5	-212.3	-252.8	1,817.5	178.9
1986	990.5	81.9	-221.2	-303.1	2,120.6	190.3
1987	1,004.1	75.7	-149.8	-225.5	2,346.1	195.3
1988	1,064.5	100.0	-155.2	-255.2	2,601.3	214.1
Bush:						
1989	1,143.7	114.2	-152.5	-266.7	2,868.3	240.9
1990	1,253.2	117.4	-221.2	-338.6	3,206.6	264.7
1991	1,324.4	122.5	-269.4	-391.9	3,598.5	285.5
1992	1,381.7	113.2	-290.4	-403.6	4,002.1	292.3
Clinton:						
1993	1,409.5	94.2	-255.1	-349.3	4,351.4	292.5
1994	1,461.9	89.0	-203.3	-292.3	4,643.7	296.3
1995	1,515.8	113.3	-164.0	-277.3	4,921.0	332.4
1996	1,560.6	153.4	-107.5	-260.9	5,181.9	344.0
1997	1,601.3	165.8	-22.0	-187.8	5,369.7	355.8
1998	1,652.6	178.2	69.2	-109.0	5,478.7	363.8
1999	1,703.0	251.8	124.4	-127.4	5,606.1	353.5
2000	1,789.0	258.9	236.2	-22.7	5,628.8	362.0
Bush:						
2001	1,863.9	268.2	127.1	-141.1	5,769.9	359.5
2002	2,011.0	270.7	-157.8	-428.5	6,198.4	332.5
2003	2,137.0	222.6	246.0	468.6	6,667.0	323.0

Note.—Historical Tables, Budget of the US Government: Beginning in 1962, CBO's The Budget and Economic Outlook: Fiscal Years 2004–2013, January 2003.

Mr. HOLLINGS. Mr. President, during that 30-year period under six Presidents, with the cost of World War II, the cost of Korea, the cost of Vietnam, the sum total of deficits over that 30-year period under Republican and Democratic Presidents was only $358 billion. Last year, without the cost of Iraq, it was $428 billion. We now are on course for a deficit this year of $600 billion.

If there is any doubt about it, I ask unanimous consent to print page 4 of the conference report budget resolution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Fiscal year 2003: $512,284,000,000.
Fiscal year 2004: $558,382,000,000.
Fiscal year 2005: $487,527,000,000.
Fiscal year 2006: $431,788,000,000.
Fiscal year 2007: $400,325,000,000.
Fiscal year 2008: $405,415,000,000.
Fiscal year 2009: $366,084,000,000.
Fiscal year 2010: $359,961,000,000.
Fiscal year 2011: $380,680,000,000.
Fiscal year 2012: $314,363,000,000.
Fiscal year 2013: $301,506,000,000.

(5) DEBT SUBJECT TO LIMIT.—Purusant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2003: $6,747,000,000,000.
Fiscal year 2004: $7,384,000,000,000.
Fiscal year 2005: $7,978,000,000,000.
Fiscal year 2006: $8,534,000,000,000.
Fiscal year 2007: $9,064,000,000,000.
Fiscal year 2008: $9,602,000,000,000.
Fiscal year 2009: $10,102,000,000,000.
Fiscal year 2010: $10,601,000,000,000.
Fiscal year 2011: $11,125,000,000,000.
Fiscal year 2012: $11,588,000,000,000.
Fiscal year 2013: $12,040,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2003: $3,917,000,000,000.
Fiscal year 2004: $4,299,000,000,000.
Fiscal year 2005: $4,599,000,000,000.
Fiscal year 2006: $4,829,000,000,000.
Fiscal year 2007: $5,007,000,000,000.
Fiscal year 2008: $5,169,000,000,000.
Fiscal year 2009: $5,272,000,000,000.
Fiscal year 2010: $5,349,000,000,000.
Fiscal year 2011: $5,428,000,000,000.
Fiscal year 2012: $5,424,000,000,000.
Fiscal year 2013: $5,394,000,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2003: $531,607,000,000.
Fiscal year 2004: $557,821,000,000.
Fiscal year 2005: $587,775,000,000.
Fiscal year 2006: $619,062,000,000.
Fiscal year 2007: $651,148,000,000.
Fiscal year 2008: $684,429,000,000.
Fiscal year 2009: $719,132,000,000.
Fiscal year 2010: $755,754,000,000.
Fiscal year 2011: $792,152,000,000.
Fiscal year 2012: $829,568,000,000.
Fiscal year 2013: $869,690,000,000.

Mr. HOLLINGS. Mr. President, you can see that the debt rises during the 10-year period from 2003 to 2013. Mr. President I want you to particularly listen to this—the debt rises from $6 trillion to $12 trillion. I know the distinguished Presiding Officer remembers well how we had the balanced budget amendment running around here for 15 years.

Remember back in 1994, the Republicans stood on the Capitol steps and said: Government is going to be different; we have a contract; we are not going to run any deficits; we are going to have a balanced budget. This particular budget passed the U.S. House of Representatives without a single Democratic vote, all Republicans.

In the Senate, there was only one Democratic vote, the Senator from Georgia. Otherwise, Vice President CHENEY had to come in and adopt this course of $6 trillion to $12 trillion. That is $600 billion a year in deficits each year for 10 years.

The Chair can see I am trying to gain the attention, for Heaven's sake, of this body to where we can get down to reality so that we do not just willy-nilly go on and not even pay for the war.

I put up an amendment to pay for the war. I could get no support for that. We tell GIs to go into Iraq and we hope they do not get killed, and the reason is we want them to hurry back so we can give them the bill. This generation, this Congress, this Government, aren't going to pay for the war.

Now what happens? Treasury Secretary Snow says: Wait a minute now, you have to stimulate, you have to stimulate. Of course, we had that back when President Reagan started that nonsense of tax cuts. That is what President George Herbert Walker Bush called voodoo, and I will never forget the chairman of the Finance Committee, Senator Dole. He was against all of this growth and voodoo. He said: There is good news and bad news.

I said: Senator, what is the good news?

He said: The good news is a busload of supply siders have just driven over the cliff.

I said: Well, what is the bad news?

He said: There was one empty chair.

He was talking about Jack Kemp. We were against supply side and voodoo. But two years ago, we had voodoo 2, with President George Walker Bush's tax cut, which the distinguished Presiding Officer helped pass. Now let us see what President Bush's newest tax cuts, voodoo 3, will do.

Secretary Snow said a dividend cut would boost stocks by 10 percent. But, look, stocks are up 14 percent since March 11. Do you believe you are getting rich? Do you see all the jobs busting out all over?

On the contrary, you see Robert Samuelson talking about "Stubborn Stagnation." I ask unanimous consent that article from this morning's Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Stubborn Stagnation

(By Robert J. Samuelson)

The economic news since the war in Iraq suggests that we remain in the grips of what I've called "the new stagnation." It's a baffling twilight zone. We're not in an economic free-fall, indeed, most Americans enjoy almost unprecedented prosperity. But there's also rising insecurity (over jobs, stock prices) and a persisting squeeze on both government social spending and corporate profits. People yearn for clarity and confidence, while the new stagnation provides mainly uncertainty and contradictions.

Consider some contrasts. Since late 2000, annual U.S. economic growth has averaged about 1.5 percent (1996-2000 average: 4 percent). This barely exceeds the rate of population growth. By one government survey, 2.1 million jobs have vanished. The stock market has lost about 40 percent of its value (roughly $7 trillion) since its peak in early 2000, says Wilshire Associates. But most people are doing all right. There are still 130 million non-farm jobs. And the median price of existing homes—most Americans' biggest financial asset—rose 7.1 percent last year.

Japan pioneered the new stagnation. In the 1990s, its economy foundered; unemployment rose gradually. But most people lived well. Prosperity, if not growth, was widespread. There was no alarm. The Japanese were cocky. Hadn't they overtaken the United States economically? Everyone acknowledged "bubbles" in stocks and real estate. But once the aftershocks passed, the economy would revive smartly. It never did. Since 1992 Japan's growth has averaged 1 percent (1980s average; 3.8 percent).

We're not Japan—but we could slip into the same trap. After the euphoria of the '90s, Americans believe that their economy can't be held down for long. The standard diagnosis now is that it's suffered from temporary setbacks: the stock bubble, Sept. 11, corporate scandals and, most recently, the war in Iraq. These will fade; the economy will rebound. Perhaps. Since the war, oil prices have declined and consumer confidence has risen. But the standard diagnosis minimizes deeper weaknesses.

First, the boom's aftermath. It wasn't just stocks. As consumers celebrated new stock wealth, they borrowed heavily and went on a spending spree. The personal savings rate dropped sharply. Now the market's decline suggests sluggish spending as households rebuild savings. Similarly, businesses went on an investment binge in the 1990s. They overinvested in computers, fiber optics, office buildings and machinery. There's huge surplus capacity. Consumer spending and business investment represent about 80 percent of the economy; if they're weak, growth can't be strong.

Second, Europe and Japan. Their stagnation deepens global stagnation. Germany, Europe's largest economy, is a mess. Its banks are weak; unemployment is almost 9 percent. Together, Europe and Japan account for about 30 percent of the global economy and a similar share of U.S. exports. If vibrant, they would cushion the U.S. slowdown. They would import more from the United States and elsewhere.

Third, twisted trade. Global trade is usually a force for good. Countries specialize and spend abroad (via imports) what they earn abroad (via exports). Unfortunately, most Asian countries—led by Japan—strive for permanent trade surpluses. This depresses the global economy by breaking the chain of spending. In 2002 Asia had a current account surplus of roughly $230 billion, reports the International Monetary Fund. Much of this was with the United States. Jobs and production flow from here to there. China looms increasingly large in this process.

These fierce demons are devouring economic growth—and efforts to revive it. Recall: Since early 2001 the Federal Reserve has cut overnight interest rates from 6.5 percent to 1.25 percent. Meanwhile, the Bush tax cuts and weak economy have shifted the federal budget toward "stimulus." A surplus of $236 billion in 2000 became a $157 billion deficit in 2002 (and is headed higher). Tax cuts enhanced purchasing power. Low interest rates enabled millions of homeowners to refinance mortgages. Auto companies provided cheap credit for buyers. Still, the economy sputters. In the past six months, consumer spending has grown at less than half the rate of the previous year. The housing boom may have stalled.

Stubborn stagnation has led some economists—notably Stephen Roach of Morgan Stanley—to fear deflation, which is a general decline in prices. A few years ago, this seemed preposterous. No more. Global demand remains weak; surplus capacity discourages new investment; gluts depress prices. Deflation could be dangerous: Lower prices could squeeze profits and depress stocks; and lower prices could prevent corporate debtors from repaying loans, leading to defaults and bank failures.

Whenever the economy unexpectedly weakens, we're told it's a "pause." Maybe. But the present bust may be as misunderstood as was the previous boom. It is worldwide, not just American. It defies textbook economic models and therefore may defy textbook remedies. In Japan, low interest rates and big budget deficits haven't restored growth. European and Japanese weaknesses fundamentally reflect social and political preferences. The desire for social protections has stifled economic growth with regulations and taxes. As for America, recovery requires patience. Surplus capacity must be shut or absorbed; debt levels must be cut.

What can be done? Good question. Unfamiliar problems may require unfamiliar responses. If things get dramatically worse, that may concentrate people's attention. But for now, Republicans and Democrats are using the petty debate over the proposed dividend tax exclusion to avoid harder questions. Ih Japan, those questions rarely got raised, because the economy's slow-motion unraveling never presented a clear crisis. The danger of the "new stagnation" is that, by creating a false sense that a strong recovery is always imminent, it could cause the same thing to happen here.

Mr. HOLLINGS. We all know it is not going to stimulate anything in that we already have a $428, billion budget deficit this year that is stimulus, plus $600 billion next year. We have over $1 trillion in stimulation. That is why Alan Greenspan says we do not need any further stimulation, and adding $30 billion or $40 billion more is not going to do it. But let's assume that it does. It is not going to stimulate Peoria. It is going to stimulate Shanghai.

What has happened is, and Mr. Samuelson talks about this, is that we have made it too expensive to do business with our high standard of living. Before one can open, for example, Jones Manufacturing in the United States, you have to meet requirements for clean air, clean water, Social Security, Medicare, Medicaid, plant closing, parental leave, safe working place, safe machinery, just go right on down the list.

You can go down to Mexico for $1 an hour, $2 an hour, or you can go to China for 50 cents an hour. So they are going like gang busters there. We have a tremendous imbalance of trade—a $500 billion imbalance. We are going out of business. We have to get with reality. We cannot treat foreign trade as foreign aid any longer. We have to get a competitive trade policy. We have to cut out the tax benefits companies have when they go overseas, and instead include tax benefits for manufacturing in this country.

We have to straighten out many other items dealing with trade. There is no question that we have to say to the Export-Import Bank and the Overseas Private Investment Corporation that they shall not finance any product that does not have at least 80 percent U.S. content; that we ought to prohibit the sale in interstate commerce of any manufactured product by an individual 12 years of age or younger. We have to require the Buy America provision not just in defense but in homeland security. We have to get what Senator Dole tried to do 10 years ago with the World Trade Organization judicial body to review the WTO determinations. There are a lot of things we have proposed.

I ask unanimous consent that this article of mine from the State newspaper in Columbia last week be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the State, May 3, 2003]

Washington's Wild Ways Choke Recovery

(By Ernest F. Hollings)

President Bush storms the country, lamenting that "people are looking for jobs and can't find them." Two big reasons: First, industry is not about to invest or re-hire with Washington spending like drunken sailors. Second, any expansion of jobs will probably be in China, Mexico or India.

Business people look at how government does business. For 30 years, from 1945 to 1975, the sum total of government deficits, including the costs of World War II, Korea and Vietnam, amounted to $358 billion. Last year's fiscal deficit—without the cost of Iraq—amounted to $428 billion.

Instead of levying taxes to pay for Iraq, the president says: "In time of war, a country runs deficits." False. The United States raised taxes to pay for every war since the Revolution—until now. President Lincoln put a tax on estates and dividends to pay for the Civil War. This president says to eliminate the tax on estates and dividends; the economy needs stimulating.

We just had a $428 billion deficit, or stimulus, last year; and this year's deficit (stimulus?) will exceed $500 billion. A tax cut of

$50 billion more is not going to stimulate. What's more, the business executive sees on Page 4 of the Republican Conference budget just passed that the national debt in the next 10 years goes from $6 trillion to $12 trillion.

Interest costs are headed through the roof. Economists at the Federal Reserve have just estimated that each $100 billion of deficit raises interest costs a quarter of one percentage point. The Brookings Institute says interest costs rise between one-half and one percentage point for every $100 billion of deficits.

Interest rates will soar, and this is no time to invest or re-hire. We have just lost 2.6 million jobs with the 2001 tax cut stimulus, and there is no education in the second kick of a mule.

Let's assume the Bush tax cut stimulates. Jobs created will not be in Columbia, but in Shanghai. Corporate America's is moving fast to cut labor and environmental costs. Before opening Jones Manufacturing, U.S. law requires clean air, clean water, Social Security, Medicare, Medicaid, minimum wage, a safe workplace, safe machinery, plant closing notice, parental leave, etc. A plant can locate in Mexico for $2 an hour labor and none of these requirements—or to China for less than 50 cents an hour.

Corporate America has banded together a conspiracy for "free trade" to facilitate imports and export jobs faster than we can create them. Led by the U.S. Chamber of Commerce, the conspiracy includes the Business Roundtable, National Association of Manufacturers, Conference Board, think tanks, funded universities, the retailers making bigger profits on the imported articles and newspapers making most of their profits from retail advertising, all for "free trade."

As a result, we have lost most of our hard manufacturing. And now we have a $5 billion deficit in the balance of trade in semiconductors and the worst trade deficit in farm products in 16 years, including such products as cotton, with China.

Free trade is an oxymoron. We must stop treating trade as aid and compete in the global economy. We must first eliminate the tax benefits for offshore production. Second, prevent the Export Import Bank or Overseas Private Investment Corporation from financing any product that does not contain at least 80 percent U.S. content. Third, prohibit the sale in interstate commerce of any manufactured product by anyone under 12 years of age. Fourth, require the Buy America provisions for both the Defense Department and Homeland Security. Fifth, eliminate the International Trade Commission, which never finds "injury" from a dumping violation. Sixth, return anti-dumping money to injured parties. Seventh, reform the World Trade Organization dispute settlements by establishing a panel of federal judges to review WTO determinations.

In 1993 with a similar fiscal deficit and gross domestic product, we cut spending and raised taxes, putting the government on a pay-as-you-go basis. This resulted in the strongest economy in the history of the United States. Eight million jobs were created. Today, we must put government again on a pay-as-you-go basis, reform trade and create jobs.

In addition to rebuilding Bosnia, Afghanistan and Iraq, now is the time to rebuild America.

Mr. HOLLINGS. Now is the time to sober up and approach it the way we did in 1993. When Governor Clinton was first elected, he invited the best of the best in financial minds to Little Rock. Greenspan went. The Governor was advised: you are going to not only have to cut spending when you take office, you are going to have to raise taxes. And we did.

The chairman of the Finance Committee, Bob Packwood, said: I will give you my home if this works. Newt Gingrich said: This is going to put us into a depression.

John Kasich, the chairman of the House Budget Committee, said: I will change parties and become a Democrat if this thing works. Oh, it was going to be disastrous.

The disaster turned out to be 8 years of the strongest economy. We paid the bills, putting Government on a pay-as-you-go basis. We created 22 million jobs. Now with President Bush's voodoo 2 that we passed in 2001, we are just more in debt. And the Democratic proposal just announced is nothing but Bush lite. You can either have the Bush proposed program of $756 billion in tax cuts, or $550 billion in tax cuts from the House, or Bush lite of $150 billion. None of them are going to stimulate anything.

Since the President has taken office, the country has lost 2.6 million jobs already. Don't you think we ought to stop now and get a hold of ourselves and realize what we have with all of these deficits; that interest rates are bound to go up, as well as the cost of a car, home payments, the cost of a washing machine, the cost of a refrigerator, and everything else? America is seeing this because back home every mayor is having to cut back, every Governor is having to cut back. They are having to release prisoners from the penitentiary. They are having to charge children to ride on the schoolbus. They are doing any and everything to try to get fiscal discipline back into their particular budgets.

But up here, we're like drunken sailors, saying oh, no, do not worry about it. We have to get reelected next year. To dickens with the needs of the country. It is the needs of the campaign, and we have to have tax cuts. So there we go. We have a big argument around here whether it should be $750 billion or $550 billion or $150 billion in tax cuts. And the best of minds say: Wait a minute, we are in trouble.

As Mr. Samuelson says, we have financial stagnation. We have the threat right this minute of deflation, and we are not creating jobs at all. We have a deficit in the balance of trade in not only hard manufacturing, but in high tech, high tech the motor of growth.

Again, with respect to the service economy, the Wall Street Journal this last week, said:

> U.S. financial-services companies plan to transfer 500,000, or 8 percent, of total industry employment to foreign countries.

I ask unanimous consent that this article from the Wall Street Journal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 1, 2003]

THE ECONOMY: MORE FINANCIAL JOBS GO OFFSHORE

(By Michael Schroeder)

In an accelerating trend, U.S. financial-services companies plan to transfer 500,000 jobs, or 8% of total industry employment, to foreign countries during the next five years, according to a new study.

Offshore job transfers have primarily focused on back-office functions such as data entry, transaction processing and call centers. But the job shift now is involving a wider range of professional lines of work, including financial analysis, regulatory reporting, accounting and graphic design, according to A.T. Kearney, a management-consulting subsidiary of Electronic Data Systems Corp.

The main reason remains the same: cost cutting. The study estimates an annual cost savings of $30 billion for the financial-services industry. A call-center employee earns about $20,000 in the U.S. and about $2,500 in India. A Wall Street researcher with a college business degree and a few years experience can earn as much as $250,000, compared with $20,000 in India.

The study was based on interviews in February and March with senior executives from 100 of the largest U.S. banks, brokerage firms, insurance companies and mutual funds. Corporate chiefs list India as the most attractive country overall for offshore business processing, followed by China, the Philippines, Canada, the Czech Republic, Mexico, Australia, Brazil, Ireland, Hungary and Russia.

China particularly should see significant growth, despite U.S. companies' experience with the Chinese violating intellectual-property laws. A.T. Kearney Managing Director Andrea Bierce said that problem is being addressed by a major U.S. insurer that is developing a new policy protecting intellectual property.

Among the most aggressive U.S. companies are General Electric Co.'s GE Capital Corp. unit, Citigroup Inc. and American Express Co. GE Capital has nearly 15,000 employees in India alone and plans to add 5,000 by year end, said Stefan Spohr, one of the study's authors. A.T. Kearney itself moved 50 jobs in creative-presentation service to India.

Mr. HOLLINGS. We are going out of business, and the discussion here is between $350 billion and $550 billion in tax cuts, and all they want to know is who can do the most? I can go home next year and run for reelection and say: Look what I have done. I have given you a tax cut—when we do not have any taxes to cut. We are running a $600 billion deficit in the Republican budget, when the Republicans are supposed to be financially responsible.

We never heard of $600 billion deficits. You folks came to town and said, Look, we not only want a $600 billion deficit, we want it each year, every year, for the next 10 years. It is the budget on page 4. People don't see that.

I can see the Presiding Officer is going to call my time. He has been very courteous. I will be glad to yield him time when he can take the floor and answer these things because I have not been able to find a good answer.

I am trying to sober them up. Let's put the Government on a pay-as-you-go basis. Let's start getting competitive in industry and manufacturing and create real jobs. Let's start rebuilding—not Bosnia, not Afghanistan, not Iraq—but rebuilding the United States of America. That is the need of the hour.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, are we in morning business at this time?

The PRESIDING OFFICER. Yes, that is correct, until 12 noon.

Mr. CRAIG. I thank the Chair.

ENERGY POLICY

Mr. CRAIG. Mr. President, I am here this morning to speak to the bill that is now before us, S. 14, brought to the floor yesterday by Senator PETE DOMENICI, the chairman of the Energy and Natural Resources Committee of our Senate. It is a work product that a good many of us have been involved in for well over 3 years, in looking at the issue prior to the Bush administration coming to town and certainly with the initiative of the Bush administration to recognize the need for a national energy policy and to produce for us an outline of their vision of a national policy and asking the Congress to work its will over the last good number of years to produce that policy.

Of course, that came in the backdrop of brownouts and blackouts in California, of a jigsaw or certainly unprecedented ties or ups and downs in the gas markets of our country and a real recognition that over the last good number of decades the Congress of the United States and our Government had not minded the energy store of our country very well.

We were resting on the laurels of a relatively substantial surplus in electrical energy—the ability to produce hydrocarbons here at home; be less dependent upon foreign oil; and, to watch all of that change with the growth of our economy and some of the other government regulations that denied or limited the ability to produce energy for our country.

We know during the decade of the 1990s we went into a mode of deregulating the electrical industry all in the name of spreading that surplus out around the countryside but all based on the premise that you could lower the cost to the consumer because, in fact, there was a surplus.

Of course, during the decade of the 1990s we saw that surplus rapidly disappear with the phenomenal growth we went through with the country and the fact we were not adding to the energy base of our country. I believe while consumers in the short term experienced some relief—and ratepayers in the end—we saw price spikes, instability, brownouts, and a greater concern about a constant, stable flow of energy—the high-quality kind that is critical to fuel an industry and making sure that it was available upon call and when necessary, something that in the late 1990s and certainly at the turn of the decade was all in question.

That is one of the reasons we are here on the floor debating energy, and will be for the next several weeks in our effort to pass a comprehensive energy policy that will promote the kind of production that will advance conservation, and that will certainly promote the protection of the environment and the production of clean energy. In all of that context, what is most significant is, in fact, the production area. We now know with our capabilities and our technologies that we can produce it cleanly in a nonpolluting way, or certainly in a less impacting way to enhance the availability of supply.

One of the areas I have spent a good deal of time on over the last number of years is the issue of nuclear energy. Certainly during the decades of the 1970s and the 1980s and into the 1990s there was a concerted effort on the part of a variety of interests to argue that somehow nuclear energy was not a safe form of energy; that it was one that we ought to take out of our energy portfolio. What they failed to recognize was that about 20 percent of our generating capacity is based on nuclear energy. It really was a scare tactic to panic an uninformed public, on the safety and the stability of nuclear energy, into a sense of urgency as related to eliminating nuclear energy. During that period of time as knowledge began to grow, another fact began to emerge out of all of these issues. That was that nuclear energy was rapidly becoming a least cost part of our total energy package—that the cost of production was stable, that the reactors had operated very effectively, and that in retrofitting them, modernizing them, relicensing them, we were extending their life and getting greater efficiency.

In the last spike in our electrical costs, the nuclear energy industry—the electrical side of it—became the least cost producer of electrical energy.

At the same time, we have not brought any new reactors on line. The public and/or the interest groups have driven the costs by their concern over the siting of them and the building of them. And the constant demand of retrofitting them and building into them comprehensive and redundant systems has driven the costs and the ability to build one beyond the reach of the consumer and the ratepayer, and, of course, therefore, the utilities.

Understanding that we continue to push forward not only to develop a waste repository system to take the high-level waste out of the interim storage facilities at these reactors, as we have promised the public we would do, and move them to a permanent repository that is now sited and in the process of being licensed in Yucca Mountain in the deserts of Nevada, but we also have opened up another geological repository at Carlsbad, NM, known as a waste isolation pilot plant that handles transuranic waste—what I call "garbage waste", such as the tools and smocks of nuclear workers. The WIPP facility takes waste from our defense facilities, but the point is this facility has been operating for a number of years and we have demonstrated that we can deal with this type of waste safely.

This government has worked hard to keep good on its promise while there are many who would deter it and try to deny those promises to the consuming public, arguing that somehow we couldn't handle waste; therefore, we shouldn't have new reactors, and, certainly, therefore, we shouldn't build them if we couldn't manage the waste stream.

While all of that was going on, another issue began to emerge in the context of global concern. It was the issue of climate change. I will be speaking to that in a few moments. But the issue of climate change began to be argued by many as a product of greenhouse gas emissions, and in part certainly produced by the emission of greenhouse gases from the production of energy, and mostly electrical energy. While that grew, it allowed many of us to argue that the ability to produce electricity through a nuclear reactor was nonemitting, or an emission-free system. That has clearly become recognized. I think many of our experts now in the field of energy worldwide, as we see the need for energy constantly growing, will admit that over the course of the decades to come 20 percent of the electrical production, which is nuclear in this country, probably has to grow into 30 or maybe 40 percent of the total package to work to keep our air clean.

In France, I believe now nearly 80 percent of their electrical capacity is nuclear. Many other countries are following that route. They are managing their waste effectively and responsibly. It is also true in Japan. Here is a nation that not very long ago was most antinuclear for obvious reasons. But they came to recognize also that the ability to produce electricity for a growing economy in their country could be produced safely by nuclear energy.

All of that realization and all of that work in part came together with the coming to town of President George W. Bush, Vice President DICK CHENEY, and the selection of Spencer Abraham as our Secretary of Energy—all recognizing that in the course of this we were going to have to get a new reactor design and new concepts that would allow us to advance the cause of electrical generation through the nuclear industry.

As a result of that growing interest and as a result of all of the changes that occurred in the world over the last several decades, and the clear understanding that the energy we produce for today's market and future markets needs to be clean, there is a much better understanding of the role that can be played by the nuclear industry if certain kinds of things are allowed to happen. I believe those certain kinds of things are new reactor designs—what we call new passive designs, those systems that are designed to shut themselves down automatically if problems occur instead of to be activated manually by human operators. We believe—and the industry certainly believes—that all of that is highly possible today. There are models out there that demonstrate that capability.

There are many in the scientific and engineering community who recognize the validity of being able to do that. It is with that, and the concept of new generations of reactor systems, that we began to look at the potential of this country's building that kind of prototype—a generation IV, passive reactor system that is clean, that burns its fuel more efficiently, that is extremely robust in its capabilities as it relates to safety and shutdown and, of course, in the end, because of its efficiencies and fuel utilization, leaves less waste compared to the old reactors.

Let me depart for a moment and tell you a story that I think most Americans do not know about today. It occurred in my State of Idaho, at a site now called the Idaho National Engineering and Environmental Laboratory. At the beginning of Admiral Hyman Rickover's desire to create a nuclear Navy a good number of years ago, activities began to be undertaken in the deserts of Idaho. Those activities related to the development of the prototype reactors to be put into the Nautilus submarine—a reactor that was small but efficient and powerful and safe for operation and safe to live by, to live right beside.

Of course, we have seen the phenomenal growth of that capability over the last good number of decades. We have become so good at building and engineering the reactors for our nuclear Navy today that a reactor that once had to be fueled every few years now need not be fueled for the design life of the hull of the vessel itself. That is almost a hard concept to imagine: that for a new nuclear Navy vessel today, when launched, and when its reactor is activated, that reactor will operate for the life of the vessel—but that is what is going on today.

That engineering, that capability, that efficiency was developed in the laboratories in Idaho. Of course, it is one of the great stories of energy efficiency, of safety, and of the effective management of the atom itself. It is that kind of technology that should be, and we hope can be, applied to the commercial side of the atom today, that we can, in fact, build smaller, modular, flexible, passive reactors that, when fueled, continue to operate long term for the production of electricity; and, of course, in doing that, to be immune from the price spikes in the marketplace that are based on the supply of fuel itself, because when that reactor is fueled and activated, it then continues to operate, at a flat cost, nearly for the lifetime of that fueling, which could go on for a good number of years. That is a uniqueness that we think we are now capable of producing in new reactor designs and new reactor concepts.

As all of this was developing, and this new interest was growing—and certainly brought to the forefront by the Bush administration, as they came to town and began to openly talk about the development of passive reactor concepts versus an administration that had just left town that worked actively trying to stop, to turn off, or to shut down the nuclear industry—other dynamics began to occur.

This is another unique dynamic that now fits into the whole concept of building a new nuclear reactor today: It is hydrogen, hydrogen fuel cells, and the ability to build clean hydrogen fuel cells that generate electricity to operate our automobiles.

I have driven a hydrogen fuel cell automobile, as many of my colleagues have, and they drive most effectively, except the prototype that I was driving up in Dearborn, MI, costs about $6 million. Well, we know that is out of the reach of the average citizen. However, we also understand that if this technology is applied to the transportation market as a whole, that there could come a day when my children and my grandchildren will view it normal to go to the local car dealer and buy a hydrogen fuel cell electric automobile at a competitive price in the market. That electric automobile will drive very efficiently, long term, at low cost, and have zero emission.

This administration, once again, in pushing the envelope of energy and energy technology, has argued that this ought to be the transportation fuel of the future, and we ought to begin to invest, increasingly so, in this concept.

In S. 14, these concepts come full circle, and we begin to authorize the investment substantially in the development of the hydrogen fuel cell—now, not just for the automobile, but the idea that there could come a day when you could develop small, modular fuel cells for the individual home, and they could run safely and easily and emission free for long periods of time to generate electricity for a home site or a small business or a rural dwelling is very feasible with the development of that technology.

Here rests the problem: Most have said we will gain this hydrogen through natural gas, that natural gas can become the producer of hydrogen. The problem is, you are using one energy source to produce another energy source. The efficiency of doing that makes it, in fact, a very poor use of natural gas.

We have also seen the unwillingness of this Congress or some interest groups to allow the exploration for natural gas and the expanded capability of that production.

I spoke yesterday on the floor about the pumping back into the ground of billions of cubic feet of natural gas in Alaska. Why? Because there is no way of getting it to the lower 48 States without the development of a pipeline, a pipeline that is proposed and embodied in S. 14, for the necessary purpose of supplying natural gas to the lower 48 states.

But the reality of the use of natural gas is that it ought not be used to produce hydrogen, and it ought not be used to fire gas turbines to generate electricity. Efficiency-wise, that is a poor use of natural gas. Natural gas ought to be used for the purposes of space heating. That is where it is the most efficient, and in an industry where it can be used for certain processing purposes. That is where natural gas finds its highest efficiencies.

If we want to develop a hydrogen transportation fuel industry—and natural gas is not necessarily the best source of hydrogen—how do we get it? How do we push that envelope to supply an abundant source of hydrogen to a marketplace that may well grow to fuel the fuel cells that will generate the electricity that will propel the modern car 20 or 30 years or 40 years from now? You can do it through using electricity to split water into oxygen and hydrogen—a process known as electrolysis. You can do it through the use of electricity in a much more efficient way than you can with the use of natural gas.

What do you use in electrolysis? You use water. So not only do you have an abundant resource that can be converted, but it can be converted in a very clean way into a gas that, when utilized, produces no emissions into the atmosphere.

Is this a dream? No, not at all. It is a reality, and we know that. It is a reality within the engineering capabilities of this country and the industries embodied in the energy field. We know that is a capability.

How do I jump from nuclear to hydrogen? I want to bring both of those together this morning because what we believe is that a generation IV passive reactor of the kind we are proposing be built as an experimental prototype by our Government, and one that is proposed and authorized in this S. 14 comprehensive energy policy for our country, also has built in it a system to produce hydrogen. The idea is that we can, in fact, get two for one, and we can design safe nuclear reactors today, or passive nuclear reactors today, that are capable of having within them a system that splits water to produce hydrogen for the future transportation market of our country. This concept is something that is so exciting to me and ought to be exciting for our country.

To think that we have the capability of moving ourselves that much further forward is an opportunity. I liken this uniqueness, this application of science and engineering and technology, to something almost as important as the space program was decades ago. It is what Government ought to be doing, ought to be using its resources for—to push the envelope of technology forward and to allow the kinds of developments in technology that the private sector can then take and effectively use—because the private sector cannot afford to invest the hundreds of millions of dollars that it ultimately will require to develop this kind of technology. This long term technology development does not have the immediate payback return on it and so if we leave it all to industry it simply will not happen for a long period of time.

Embodied in S. 14 are the provisions that would authorize exactly what I am talking about today, a new reactor design for our country, a design that has within it the capability of the production of hydrogen through electrolysis, and to me that is a tremendously exciting concept. That is why I believe S. 14 is important legislation. A press person stopped me the other day and asked: How is President Bush doing on his domestic agenda? One of this President's No. 1 items, or top two or three, in his domestic agenda is a national energy policy. A lot has taken that issue off the headlines the last number of years—from the issue of 9/11 to terrorism to the war in Iraq. But underlying all of that and always important for the productivity of an economy, for the future of a Nation, is an abundant energy supply.

Through all of that, we have found just how fragile our energy supplies are. We are now nearly 60 percent dependent for our oil supply on foreign countries. We have in our infrastructure of electrical production aging facilities and transmission that is not effectively being replaced to sustain the quality of electricity we have.

As soon as this country begins to get back into the 3, 4, 5 percent growth rates we hope to see in the near future, we will find once again a lack of supply because we are not producing it or, if we are trying to produce it, we are trying to use gas through electrical turbines. The pricing of that is yet to be determined because of our inability to produce a more abundant supply of natural gas.

All of those issues fit together, and the American public, I hope, will be allowed to focus on that with us as we debate these issues embodied within S. 14.

S. 14 is a bill that was written the right way. It was written by the authorizing committee on Energy and Natural Resources, a combination of ideas that have worked their way through the process, that came to that committee to be crafted into legislation in a bipartisan way. Amendments were offered. Some were voted up; some were voted down. Most importantly, the process the American people respect and ask for was allowed to effectively work.

The energy bill we had on the floor a year and a half ago was not written by committee, but by a couple of individuals in the majority leader's office. The bill we have on the floor today was in fact crafted by the responsible committee of the Senate. I hope we can debate it thoroughly, amend it, if necessary, and ultimately get it into a conference with the legislation the House has passed so we can put it on our President's desk for his signature as a national energy policy for the country.

I have talked about a few provisions of the policy I believe are tremendously important. Let me speak to one other I believe is important as we work our way toward the development of a comprehensive policy.

Many of us have been through what is known as the Kyoto debate, a debate on climate change, an argument that the production of greenhouse gases is in fact creating a greenhouse effect that has created global warming. There are some who believe that emphatically. Others say the science simply does not bear that out today, that while our world may be getting warmer, it is not necessarily believed it is the greenhouse gases or the emission of those that is causing it. The obvious reason for that argument is clear. Historically, over the millions and millions of years of our timetable for the world, we have seen this globe get cold, get warm, and go through a variety of changes. There will be some who argue the changes we are experiencing today are in fact a product of that magnitude of geological change. I am one who has argued on the side of science.

Others found this to be a rather nifty political idea and have generated the politics of it, arguing that, my goodness, the world was going to come to an end and the ice cap on the Antarctic was going to melt and shorelines were going to move inland hundreds of feet, if all of this ice melted in the world today, and that could all be stopped if we would simply stop emitting the greenhouse gases produced by the burning of fossil fuels.

If we were to do that, because that is what would be required, if we knew in fact our globe was warming and we knew it was warming because of the emission of greenhouse gases, that is something this country would rush to do. However, it would also rush to convince the rest of the world to do it with them and in a way that would find alternative sources of energy. We would want to do that based on the very best science available, to use the modeling that could be produced by the supercomputers to bring about those kinds of judgments. We really would be talking about turning the light switches of our country off, unless we were willing to shift dramatically to new sources of energy in a relatively short time.

I am one who believes the science is not yet there to argue those kinds of changes. In fact, the Clean Air Act has produced a much cleaner environment, and we have on board current policies today that are continually reducing the amount of greenhouse gas produced per capita individual in our country as compared with other countries. We are contributing in a major way today to the improvement of the world environment. But we are a big country. We are big in the sense of the use of energy. We are the largest country in the world when it comes to the use of energy, and it is because of our wealth and because of the size of our economy. So when you examine the amount of greenhouse gas produced per capita individual, we still remain high, at the top of the list.

There are other countries today who have demonstrated little concern about the emission of greenhouse gas in their building of an economy. China, India, other countries, Third World emerging nations working hard to produce an economy to put their people to work. They have paid little regard to the environment. In fact, in the debate at the Kyoto climate change conference, the interests driving the conference said: We can just exclude developing countries because they can't comply. They are not advanced enough, and we couldn't get them to comply, anyway. Yet they have become major producers of greenhouse gases.

If you believe that in fact emissions of greenhouse gases are creating the kind of climate change some would argue is going on, then certainly the developing countries ought to be included. Why should we shut ourselves down and allow other countries to increasingly become polluters, allow them to be extremely competitive in the economic marketplace, when we have denied ourselves that kind of competitiveness because we have driven our cost of production up dramatically by new energy sources?

That is all part of a fairly general summary of the debate that has gone on here in the Senate and across the country and the world for the last number of years. I have attended a conference of the parties at The Hague related to climate change. That was the attitude of the rest of the world, that the United States economy was the bad actor producing all of the greenhouse gases, and we should just shut the United States' economy down or we should demand that the United States change its ways dramatically.

What they were not saying was: We also will consider making a similar change in our country, as long as our cost of production remains relatively low.

The reason they will not say this is that they want their competitiveness in the world economy to rapidly increase compared to that of the United States. That became part of all of that debate. I, along with Senator BYRD and Senator HAGEL, some years ago developed a resolution that got 95 votes in the Senate suggesting that this country ought not go it alone when it came to climate change, and it certainly ought not proceed without good science; and we ought to build the systems that produce the science that allow those of us who shape public policy to make decisions based on the best science—I am talking lab science, not political science.

The climate change debate has been a good deal about the politics of the environment rather than the reality of the change itself, or what is producing the change and the science involved. This administration has said: Let's err on the side of science. Let's make sure we have an ambitious effort to get where we need to get, relating to climate change. We are not going to ignore it. We are going to be sensitive to it, but we are going to make sure that what we do is done right.

It just so happens that the nuclear initiative I have just talked about fits nicely into that equation of beginning to produce more and more of our electrical power from a nonemitting fuel source. The hydrogen fuel cell vehicle concept that I am talking about is, again, another clean technology. So while we are pushing the envelope of technology, we clearly ought to be building the scientific base to be able to make the decision as to how much further our economy and our country ought to go towards zero emissions into the environment in the name of climate change.

Those are awfully important issues, and they are some this country cannot deny or sidestep. But until we have the best science available, until we are using our own modeling, based on our own supercomputers, and we are not using the modeling with the Canadian bias, or a German bias, the kind of modeling that is producing the science that we are looking at today because we don't have our own, then shame on us for not developing it, for not using our own science and our own scientists to make sure that the science from which we base our decision is the right science. As I have said, the consequence is to produce an economy in which the American worker is no longer competitive or productive as it relates to other workers around the world. If that becomes the case, we slowly put our economy and our country at a tremendous disadvantage.

The great advantage we have always had as a country is the availability of an abundant energy supply. It is from that energy supply, which in most instances costs less than a comparable form anywhere else in the world, that we have built the greatest economy the world has ever seen, that we have put more people to work, that we have generated more wealth, and we have created a standard of living that all of us are proud of, and that we have provided for ourselves and our citizens truly the American dream.

Was it all based on energy? It all was based on the availability of energy as a major component of that industrial base, that economic base. It was certainly also based on the free market system and the competitive character of that and the innovation that occurred through that. But along the way, Government effectively used itself and the resources of the American taxpayer to push the technology, lift the horizons of experimentation that, in a way, ultimately brought that to the ground for use by the consuming public and to be generated in the private sector.

That is what S. 14, in large part, is about. It is about the grand, new designs of new concepts that deal with large production. It is about the grand, new utilization of wind turbines and photovoltaics, and certainly the type of energy that is extremely clean and can provide a portion of energy to our energy basket. It is about making our current forms of energy even cleaner by advancing the technologies available, to give the tax incentives to effectively use the regulatory device to do so, and also not to deny ourselves the continued production of energy from our public lands and resources, and to do so in clean, environmentally sound ways that we now have the technology to utilize, because we pioneered it.

The world uses our technology today to produce clean energy. We are denying ourselves the use of our own talent. This very comprehensive energy bill will advance our cause as a country in the world, and in the area of energy technology dramatically. That which we produce for ourselves is also available to the rest of the world. It is not nor should it ever be ignored that even in China today, as it works to build new energy technologies, it is using the technology that we developed to produce energy for itself. Now we are wanting to push that envelope of technology even further, in a more aggressive approach that is environmentally benign and clean and productive for our general economy.

So a good deal of work has gone into the legislation. Now we will work our will on the floor of the Senate with different amendments that compete with some of the concepts I have talked about and, in some instances, would like to deny them altogether. We will vote it, I hope, up or down within the next few weeks. I believe it will pass and we will move it to a conference with the House and then ultimately to the President's desk. All of that happens when the President signs this into law and public policy.

I think the Senate and the Congress of the 108th can be proud of the work it has done on this energy bill. We can look forward into the future for generations of Americans and say we have redesigned the foundation, reshaped the context of a national energy strategy for our country. As this policy is implemented, it will allow that continuation of an abundant supply of a variety of forms of energy that in the past, today, and in the future will feed an ever-growing economy that continues to grant the average American citizen access to the American dream. That is what we are about. That is what good public policy ought to be about.

I believe S. 14 embodies a great deal of that.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTOCOL FOR NATO

Mr. CRAIG. Mr. President, we are still in morning business. I note that no other colleagues are yet on the floor. I will speak again in morning business, but only briefly this time, as it relates to the issue before us and the protocol for the North Atlantic Treaty Organization and the ascendency to that organization of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia.

As we began to expand NATO a good number of years ago, I had voted against some of the early expansions because I did not think we had yet effectively designed our role in a post-cold-war era and a post-Soviet Union era and about the North Atlantic Treaty Organization as it relates to what it would be doing in the future. As we have seen that role adjust and change over the last several years, certainly the activity in the Balkans and the ability of NATO to participate there in bringing stability to that region has played an increasing role.

I have also been concerned that as NATO grew, we effectively changed our posture there and, in fact, even reduced some of our presence there.

I had the opportunity during the Easter break to travel to Romania. Romania, in a few years, will be eligible for and will make application for entry into the North Atlantic Treaty Organization. With the growth and development of the European Union and, of course, NATO itself, it is important, I believe, that we continue to expand its role and reshape its presence on the European Continent.

We will have before us Executive Calendar No. 6, Treaty Document 108–04, bringing these countries in to NATO which is an important expression on the part of this country of support of these countries. They are struggling mightily as they emerge from behind the Iron Curtain, as new democracies of Central and Eastern Europe shaping their own economies, to put their people to work, to assume their role in the European Community.

Many of these emerging countries, new democracies, were also very supportive of the coalition of Great Britain, Spain, and the United States in our recent effort in Iraq. They recognize the importance of stability. They also were the subject of a form of dictatorship in communism and control and their disappearance behind the Iron Curtain and within the Soviet Union for over 45 years. They appreciate the right of free people to shape their countries and their economies, probably more so than any other country around the globe today because they are newly freed nations.

I think it is important, in dealing with this effectively, as we debate it this afternoon and tomorrow, to understand that it is a role we play in cooperation with the European Community today and we will continue to have a strong role in NATO, but one that I think deserves to be redefined as the new emerging democracies of Europe become members of the North Atlantic Treaty Organization.

I am very excited about the opportunity for them. I was extremely excited to see what they are doing in Romania today and the hard work that is going on there to shape a new country, to build an economy, and to get their people back to work and out from under the old government bureaucracies of communism, and to recognize there really is a marketplace and there really is representative government and that free people can be phenomenally inventive, creative, and geniuses when they are free to the market, free to the profit incentive.

Romania clearly has that opportunity. I was over there on a different mission than to deal with NATO. I was there on a mission for children. I am the chairman of the Congressional Coalition on the Adoption Institute. As Romania was emerging, we know there were a good number of accusations over the past years, following the dictatorship of Ceausescu and when the world got a chance to see inside Romania, about how they were handling their orphans and children who had no families.

I began to work through the Adoption Institute for the ratification of the Hague Treaty which developed an international protocol that all nations we hope will conform to as to how they deal with their children and how they deal with intercountry adoption within a process that makes it transparent, legitimate, and legal so there is no trafficking of children.

Romania has been accused of such activity. As a result of that, the President of Romania and their parliament decided to put a moratorium on intercountry adoption for a time. It caught a number of Americans who were in the process of adopting Romanian children midstream in those adoptions. They are working very hard at this moment, if you will, to clean up their act. They have excellent people working now to reform the whole of child care in Romania. We saw great examples of that.

They are also working to make sure they are in full compliance with the protocol of the Hague Treaty and to build a transparency into the system and to effectively register the agencies that function in the areas of adoption.

In the course of all of that discussion, and in visiting with nearly all of the elected officials of Romania, certainly the president, the prime minister, defense ministers, and others, they recognize all of these issues go hand in glove as they emerge into an environment where they can become a member of the North Atlantic Treaty Organization and ultimately a member of the European Union. Of course, for them and for their country, their economy, and their citizenry, this is an ever-important process, an important march-and journey that the country of Romania is on.

That is certainly true in the broad sense of all of the countries I just mentioned that are now looking for acceptance into the North Atlantic Treaty Organization. It is important we speak to that. A good deal more will be said certainly by Senators WARNER, LEVIN, ROBERTS and others, along with Senator DODD, as we deal with this issue and vote on this particular Executive Calendar number.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOUBLE TAXATION

Mr. CRAIG. Mr. President, since we are still in morning business, I will speak a few more moments until another of my colleagues asks for time.

Because it is time sensitive, I thought I would talk for a few moments about the issue of double taxation of dividends that is currently before our Finance Committee and certainly is a major component of our President's stimulus package.

Some weeks ago, before the Special Committee on Aging that I chair, we looked at this issue as it relates to older Americans. I found it fascinating that 71 percent of all taxable cash dividends are received by Americans age 55 and older. Dividend income benefits older workers and seniors who worked very hard throughout their working life, sacrificed, saved, and invested in stocks, and in their senior years were most assuredly concerned that those stocks were dividend producers.

Unfortunately, dividend income is taxed twice—we know that—once at the company level and then again at the individual level. In effect, it certainly punishes older Americans for taking personal responsibility in their lives to save and build a little nest egg as a part of their total retirement.

This pie chart demonstrates that very clearly. Dividend penalties are received by more than half of all of our seniors. This pie chart shows that 52 percent of seniors receive taxable dividends. Nine million seniors are age 65 and older, many on fixed incomes, and rely on a little dividend income. The average dividend income for these seniors is over $4,000 a year, and that is very significant to a retired person living on a fixed income.

That is one of the reasons our President put this idea forth. But it is only one reason. The economists who we had before the Special Committee on Aging talked about a lot of other issues embodied in this concept.

When our President first proposed it, there were a good many who said: Why this? How could this be stimulative to the economy? As those critics began to examine what our President proposed and put it in a computer model to see what kind of stimulative effect it might have, they began to recognize that it might have considerable effects.

Economists are now suggesting it would reduce the cost of business investment by 10 to 25 percent. In other words, the cost of capital that businesses require to build plants and create jobs could be reduced by as much as 25 percent. And, in fact, they would be removed from basically a 71-percent net tax bracket in which dividends or profits of corporations find themselves.

I find it interesting that we are the country of the free enterprise system, we are the country of big business, in which the rest of the world wants to invest, generating and creating the jobs on which so many of our workers depend—and at the same time we tax our profits from these businesses at nearly 71 percent. We tax them in combination twice, once at the corporate level and once at the individual level.

We are now beginning to find increased business investment that would result and have a tremendous stimulative effect on our economy and would boost the technology side of spending in our country. That is one of the very areas that help is so directly needed.

Most technology companies depend on purchases made by the industries most likely to pay dividends. It is the growth generating effect of the two in combination that is so important. These industries include manufacturing, banking, insurance, transportation, communications, and other sectors. All of them currently are flat or growing very slowly.

The strength of these industries depends on boosting their business investment. If these industries are strong and are buying the new technologies of the country, then our technology side also begins to strengthen. Of course, increased use of technology by workers improves worker productivity.

You have to get the marketplace working and you have to get investment back into the market to increase productivity. Productivity is the ultimate source of economic prosperity.

While it will tremendously benefit seniors—and these are statistical facts on which we all agree—what we are really talking about is jobs. What the American people are questioning and asking for right now is job creation, and we are playing politics with an awfully important issue that can have the effect of stimulating the economy, bringing investment into the economy, and creating those jobs that the American people are extremely concerned about today. Technology, the application of investment into these fields, ratchets upwards and does exactly what we want it to do, producing higher levels of productivity and driving wages higher for all of our citizens. It is an economic combination that works well.

It is interesting that the economic critics are quiet because they have done their modeling and they have seen the positive, job creating effect of ending the double taxation of dividends. It is now the political critics who step forward saying we cannot do this kind of thing. Of course, if one is a critic of the issue and their political advantage requires that somebody ought to fail who has put this issue forward, then denying this economy the ability to grow is certainly in the forefront of their concern.

The argument is deficits and spending, that government does not create jobs, it just spends a lot of money. Yes, ending the dividend penalty can have an effect, and I talked earlier this morning about the effect of technology and the application of technology once it is well developed in areas where the public sector cannot go.

That ultimately will create jobs when it is applied in the private sector, but certainly the kind of spending we are talking about as it relates to government is not what generates jobs. What will generate jobs and what most of us have come to realize can generate jobs—is an effective economic stimulus package that does not double tax, that does not penalize profit-seeking, and that does allow a reduction in the cost of capital by as much as 10 to 25 percent.

In my State of Idaho, employment decreased by 6,000 workers last year, and we are not a big State. Earlier this year, Micron, one of my larger employers, announced a plan to lay off 1,000 people. Zilog, a California company employing a number of people, closed its doors. The dividend taxation is, in part, something that can change this equation effectively and, I think, responsibly. I hope the Finance Committee can bring a stimulus package to the floor that has the elimination of double taxation as a centerpiece to the total package that we will be voting on here in the next couple of weeks.

I see my colleague, the chairman of the Judiciary Committee, the senior Senator from Utah, is now on the floor. I will yield the floor so he has adequate time to speak. I thank my colleagues for listening.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague for his excellent remarks. My colleague from Idaho has been a formidable force in the Senate for many years and he has done a terrific job, and these particular remarks I agree with and associate myself with.

Mr. CRAIG. I thank my colleague.

THE LOOMING SUPREME COURT BATTLE

Mr. HATCH. Mr. President, I want to take a few moments this morning to share with my colleagues an article that recently appeared in the Washington Times about what may happen if there is a Supreme Court vacancy this year. I hope this article is wrong because it will be a sad day for America if its predictions come true. But I am going to talk about this article because I think its predictions might come true in this bitter, partisan Senate that exists today.

This article, written by James L. Swanson of the Cato Institute, is entitled, Forthcoming Clash for the Court. Let me take a moment to share with my colleagues the dire forecast this article sets forth. It begins:

> At the Supreme Court of the United States, October Term 2002 is drawing to a close. The justices hear their last oral arguments on April 30, and in late June they will take to the bench for the last time to announce their final opinions of the term. Court watchers await decisions in several important cases, including free-speech and affirmative-action issues, which may not come down until the last day of the term. But that is not the only reason why court watchers have circled the last week in June on the calendar. That is when oddsmakers are betting on the retirement of at least one member of the court.
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> For months, pundits have speculated that Chief Justice William H. Rehnquist, Justice Sandra Day O'Connor or Justice John Paul Stevens will step down this year. Why?
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> Because justices traditionally retire under the political party that appointed them, and this is the last chance for these three Republican appointees to retire during President Bush's first term with the assurance that he can fill a vacancy before the 2004 election.
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> Because, in the case of the chief justice, he has, in three decades of service, gone from lone dissenter to leader of the court's return to the first principles of limited government and federalism, and will go down as one of the most important chief justices in history.

I agree with that assessment. I agree the author is right on that. Chief Justice Rehnquist has been a remarkable chief justice and the Court has done some remarkable things under his leadership. But the article goes on to say:

> Because, in the case of Justice O'Connor, the press spread rumors that she wanted to retire.
>
> Because, in the case of Justice Stevens, he is 83 years old.

Both are excellent people and excellent leaders. Let me go on:

> It is impossible to know whether these or any other members of the Supreme Court are planning to retire this year. Many self-styled experts have embarrassed themselves by attempting to predict a justice's vote in a single case, let alone a retirement from the bench. Nor is this to suggest that any of the nine justices should retire. The performance of the oldest justice (John Paul Stevens), to the youngest (Clarence Thomas), of the longest serving (William H. Rehnquist) to the briefest (Stephen Breyer), reveals that all remain able and engaged. Their written opinions confirm that none has suffered an intellectual decline. One may disagree with their views, but not their competence to serve. If a retirement comes, it will occur because the justice wants to step down, not because he or she has to.
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> It might not happen until the end of June. But it could also happen tomorrow. Justices Potter Stewart, Warren E. Burger and Thurgood Marshall waited until the end of their final terms and made June announcements. But Byron White and Harry Blackmun announced their retirements early, on March 3, 1993, and April 6, 1994, respectively, to give President Clinton ample time to nominate their successors, Ruth Bader Ginsburg and Stephen Breyer, and to win Senate confirmation by, in both cases, the beginning of August.
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> Although it is impossible to know if or when a vacancy will occur, one thing is easy

> to predict: how Democrats will respond to Mr. Bush's first nomination of a Supreme Court justice. Senate Democrats, in combination with a cabal of special interest groups, intend to politicize the Supreme Court and oppose any Bush nominee, regardless of who the nominee is. History, both recent and reaching back to the Reagan and first Bush presidencies, offers little encouragement that the Senate will conduct itself professionally and responsibly.
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> The pattern emerged over time: the Democrats' defeat of Judge Robert H. Bork's nomination to the court in 1987; their near-killing of Judge Clarence Thomas' nomination in 1991; their rage against the Supreme Court for "handing" the presidency to the Republicans in the 2000 election; the notorious Washington Post op-ed by Abner Mikva (former Clinton White House counsel and retired U.S. Court of Appeals judge) calling on the Senate to block any Supreme Court nominations by President Bush; their bottling up superbly qualified appellate court nominees for nearly two years on the Democratic-controlled Senate Judiciary Committee; their obsession with Roe vs. Wade and their imposition of ideological litmus tests; their celebration of the American Bar Association seal of approval as the "gold standard"—until the ABA began giving many of Mr. Bush's nominees the highest possible rating; their filibustering of the nomination of Miguel Estrada to the U.S. Court of Appeals in Washington to prevent an up or down vote even after a majority of senators announced that they will vote to confirm him; their threatened filibuster against Texas Supreme Court Justice Priscilla Owen for a seat on the 5th U.S. Circuit Court of Appeals.
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> That history, and more, exposes what Democrats will do to fight a Bush Supreme Court nomination. The attack will be waged on two fronts, one substantive, the other procedural.
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> The substantive attack will have six parts.
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> Retirement day blitzkrieg. If the retiring justice is a Republican, and gives the White House advance, confidential notice of his or her intention to retire, as Chief Justice Warren Burger did in 1986, the president will have an opportunity to announce a retirement and a nomination on the same day. Within one hour of that nomination, a leading Democratic senator, probably Tom Daschle, Edward Kennedy, Patrick Leahy or Charles Schumer, will attack the nominee's character, integrity or competence. (Recall Mr. Kennedy's outburst within 45 minutes of President Reagan's nomination of Judge Bork: "Robert Bork's America is a land in which women would be forced into back-alley abortions, blacks would sit at segregated lunch counters, rogue policemen could break down citizen's doors in midnight raids, school children could not be taught about evolution, writers and artists could be censured at the whim of government.") Sundry left wing "public interest" (actually, special interest) groups will join the chorus. The purpose of the first day blitzkrieg is to set the president and the nominee reeling on their heels and destroy the momentum of the nomination. The blitzkrieg aims to spin that night's TV coverage and the next morning's newspaper stories.
>
> The paper blizzard. Within hours of the nomination, senators and special interest groups will inundate the press with letters, reports, memos and even small books that purport to expose the unfitness of the nominee. In many cases, those scripts have already been written. For more than two years, Democrats have been doing "opposition research," as though preparing for a political campaign, to uncover damaging information on the 10 to 15 people rumored to be on the president's short list for the court. The purpose of the paper blizzard is to turn public opinion against the nominee long before the Senate Judiciary Committee even convenes a hearing on the nomination.
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> The indictment. The paper blizzard will include some or all of the following accusations: The nominee is not "sensitive" to the rights of women, children, black Americans and other racial minorities, the disabled, workers, unions, farmers, native Americans and others. The nominee is "out of the mainstream" of the American legal tradition; is too "right wing"; is even "radical." (Democrats perfected their use of those smear tactics against Judge Bork, stooping so low as to suggest he might not believe in God. Apparently a godless conservative is even more dangerous than a god-fearing one.) With much hand-wringing, Democrats will cry crocodile tears, sighing "if only the president had nominated a moderate conservative, we would be delighted to confirm him or her."

We have seen that lately in just regular nominations. You can imagine what is going to happen with the Supreme Court nomination.

> If the nominee does not have an extensive body of scholarly writings, Democrats will tar him as a "stealth" candidate, who possesses hidden and alarming views. If, on the other hand, the nominee has written extensively, those writings will be denounced as "out of the mainstream."

Remember that phrase. We have seen a lot of it around here in recent times on current nominees, who have had unanimous well qualified ratings from the gold standard of the Democrats, the American Bar Association.

Mr. Swanson goes on to say:

> If the nominee believes in a color-blind society and equal treatment under the laws, and questions the constitutionality of race-conscious policies called affirmative action by some, then of course the nominee is a "racist" who will want to "turn back the clock" on civil rights, overturn Brown vs. Board of Education, repeal the 13th, 14th and 15th Amendments, and reintroduce slavery.

Mr. Swanson is very colorful in some of his remarks, but we have actually seen this type of treatment of Republican nominees.

Mr. Swanson goes on to say:

> Beyond attacking the nominee personally, the paper blizzard will suggest that he or she represents a so-called transformative appointment who will upset the alleged delicate balance of the court. Some Democrats will seek cover by claiming that they have nothing against the nominee, he or she is just the wrong person at the wrong time for the best interests of the court and the country.

We have actually seen that in the months since January, and on other occasions, with the same arguments being used against people with unanimous well qualified recommendations from the American Bar Association.

Mr. Swanson goes on to say:

> Rancorous hearings. Mr. Bush's first nominee to the court should not expect a cordial reception from Democrats on the Judiciary Committee. They will attempt to grill the nominee for three to six days. They will ask hundreds of questions. Many hostile witnesses will be called. Special interest groups will haunt the hearing room and loiter in the halls, murmuring against the nominee and handing out attack literature.
>
> The partisan committee vote. For the Democrats, the hearings are mainly for show and to posture before the cameras for their constituencies and the left-wing special interest groups. They will have already decided their vote before the hearing begins or the nominee speaks one word. Of course that vote is "no." Because Republicans are a majority on the committee, the nomination will be reported to the Senate favorably by a party-line vote.
>
> The Senate vote. Once the Judiciary Committee reports the nomination to the full Senate, Democrats opposing the nomination will continue to fight it on the floor by insisting on a lengthy debate. Then they will try to persuade their colleagues to vote against the nominee. Ultimately they will lose. The president's nominee will be confirmed because the Republican majority, plus a number of responsible Democrats, will vote to confirm him. If there is a vote, that is.
>
> Along with their substantive attack on the nominee, Democrats will mount a procedural attack. That plan has two elements.
>
> Delay the Judiciary Committee hearing. Upon making a nomination, the president will ask Judiciary Committee Chairman Orrin Hatch to schedule hearings by early July, with the goal of having a Senate floor vote by late July or early August. Democrats on the committee will vigorously oppose that goal and attempt to delay the hearing until September. They will bleat that there must be no "rush to judgment," and claim that they require months to "study" the nominee. Their ability to stall Judge Bork's hearings until September contributed to the nomination's defeat. Democrats and the special interest groups had all summer to mobilize their onslaught against Judge Bork. The White House failed to anticipate the viciousness of the assault and was taken off guard. Because the Republicans now control the committee, the Democrats will find it harder to stall the hearings.
>
> The filibuster trump card. When all else fails to cow the president's nominee into withdrawing, when the Democrats have been unable to stall the Judiciary Committee hearing, when they can't stop the committee from reporting the nomination favorably to the full Senate, after they fail to turn mainstream America against the nominee, when they count heads and discover that a majority of senators, including many Democrats, intend to vote to confirm the president's nominee, look for the leaders of the opposition to play their favorite, anti-democratic, Democratic trump card—the filibuster. Democrats challenged the president on Miguel Estrada, and they believe they have found the president wanting. Although Mr. Bush has called Mr. Estrada one of his most important appellate nominees, the White House has, for the past two years, been unable to confirm him. The Democrats' successful filibuster against Miguel Estrada, the first ever against a nominee to a U.S. Court of Appeals, has emboldened them to challenge Mr. Bush when he makes his first nomination to the High Court. The Democrats have paid no price for their Estrada filibuster. Look for them to test the president again.
>
> Yes, that is the worst-case scenario, and it may not unfold. In any event, if there is a

> vacancy on the court, the nominee must be treated civilly, fairly and allowed an up-or-down vote by the full Senate, as the Constitution contemplates. The president had better be prepared for a fight. His opponents are certainly ready. If the president prevents the politicization of nominations to the lower Federal courts, and to the U.S. Supreme Court, he will win the most important domestic battle of his first term. If he loses that battle, he may not get a second chance.

Those are one observer's predictions about the fight that will ensue if there is a vacancy on the Supreme Court this year. As I said at the outset, I certainly hope that the predictions in this article do not come true, because it will be a sad day for the Senate and for the country if they do. I have to admit that many of the tactics described in this article sound alarmingly familiar—we have seen them practiced with great skill on President Bush's Circuit Court of Appeals nominees.

We have seen most of those types of techniques used in various debates. I am hopeful that this type of bitter partisanship will not continue. I continue to try to be optimistic about the prospects for a Supreme Court vacancy, but it gets harder and harder every day, and about fair treatment for whoever is appointed by this President. I have to say I have a great deal of concern about how the President's nominee or nominees to the Supreme Court will be treated. I hope my colleagues will think about the impact of these tactics as described in this article and the consequences of such a destructive campaign on both the Senate and the Nation.

Mr. Swanson has done us a favor by putting what have been tactics used in the past into an article—yes, an alarmist article, but unfortunately every one of those tactics he has described has been utilized in the past by friends on the other side.

We are right now in the middle of filibusters against two highly qualified, exceptional people, and the arguments used against them are almost unreal. The only argument I keep hearing about Miguel Estrada is he just hasn't answered all the questions. We have had very few circuit court nominees who have even come close to answering the number of questions that have been asked of Mr. Estrada. We hear arguments against Priscilla Owen, about the only thing left that has not been totally obliterated by the facts: that she joined in dissent—in a few of the better than 800 cases—of a young girl who asked for a judicial bypass so her parents would not have to be notified about her upcoming abortion.

Polls indicate that more than 70 percent of the American people support parental notification. It has nothing really to do with Roe v. Wade. It has to do with whether parents have a right to assist or consult with their young daughter who may be going through the most momentous medical procedure in her lifetime. But the finder of fact in these few cases found that these young women—these young girls—should consult with their parents. That is being held against Priscilla Owen as though she is against Roe v. Wade, when she clearly and unequivocally said she will support the decision in Roe v. Wade as a circuit court of appeals judge. You couldn't ask anything more of her, but they are asking more.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NATO EXPANSION TREATY

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate will proceed to executive session to consider Executive Calendar No. 6, which the clerk will report.

The legislative clerk read as follows:

> Resolution of Ratification to Accompany Treaty Document No. 108-4, Protocols to the North Atlantic Treaty of 1949 on Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia.

The PRESIDING OFFICER. Under the previous order, there are 4 hours of debate on the treaty.

The Senator from Indiana.

Mr. LUGAR. Mr. President, we now commence a very important debate on the NATO treaty.

On behalf of the Committee on Foreign Relations, I am pleased to bring the protocols of accession to the North Atlantic Treaty of 1949 to the floor for the Senate's consideration and ratification. The protocols extending membership to Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia were signed on March 26, 2003, and were transmitted by President Bush to the Senate on April 10, 2003. The accession of these countries to the NATO Alliance is a tremendous accomplishment. It deserves the full support of the Senate and the governments of the other 18 NATO members.

The Foreign Relations Committee has held 10 hearings on NATO since 1999. Five of these hearings were held during the last 2 months, as we prepared for this debate on the Senate floor. The Senate Foreign Relations Committee gave its unanimous approval to the resolution of ratification.

I especially thank Senator JOSEPH BIDEN for his assistance in moving NATO expansion forward and for his insightful participation in the wider debate on NATO policy. The resolution of ratification before us today reflects our mutual efforts to construct a bipartisan resolution that could be broadly supported by the Senate.

During the course of the committee's consideration of the Protocols of Accession for these seven nations to join NATO, we received testimony from Secretary of State Colin Powell, Under Secretary of State Marc Grossman, Under Secretary of Defense Doug Feith, and United States Ambassador to NATO Nick Burns. Each expressed strong support for NATO expansion. In addition to efforts undertaken in the Foreign Relations Committee, Senators LEVIN and WARNER and the Committee on Armed Services conducted two hearings examining the military implications of the treaty and shared an analysis of their findings with us. This letter has been made a part of the RECORD and our committee report.

When NATO was founded in 1949, its purpose was to defend Western democracies against the Soviet Union. But the demise of the Soviet Union diminished the significance of NATO's mission. We began to debate where NATO should go and what NATO should do. In early 1993, I delivered a speech calling for NATO not only to enlarge, but also to prepare to go "out of area." At that time, many people were skeptical about enlarging NATO's size and mission. Those of us who believed in NATO enlargement prevailed in that debate. And I believe that events have proven us right.

As we consider this new enlargement, it is clear that the last round has been highly beneficial. Hungary, Poland, and the Czech Republic are among the most dynamic countries in Europe. They are deeply interested in alliance matters, and they have sought to maximize their contribution to collective security. The prospect of NATO membership gave these countries the incentive to accelerate reforms, to settle disputes, and cooperate with their neighbors. Their success, in turn, has been a strong incentive for democratization and peace among Europe's other aspiring countries.

Many observers will point to the split over Iraq as a sign that NATO is failing or irrelevant. I disagree. Any alliance requires constant maintenance and adjustment, and NATO is no exception. The United States has more at stake and more in common with Europe than with any other part of the world. These common interests and shared values will sustain the alliance if governments realize the incredible resource that NATO represents. As the leader of NATO, we have no intention of shirking our commitment to Europe.

But as we attempt to mend the alliance's political divisions over Iraq, we must go one step further and ask, if NATO had been united on Iraq, could it have provided an effective command structure for the military operation that is underway now? And would allies, beyond those currently engaged in Iraq, have been willing and able to field forces that would have been significant to the outcome of the war? In other words, achieving political unity within the alliance, while important to international opinion, does not guarantee that NATO will be meaningful as a fighting alliance in the war on terror.

In the coming years, NATO will have a decide if it wants to participate in the security challenge of our time. If we do not prevent major terrorist attacks involving weapons of mass destruction, the alliance will have failed in the most fundamental sense of defending our nations and our way of life.

This reality demands that as we depend NATO, we also retool NATO, so that it can be a mechanism of burden sharing and mutual security in the war on terrorism. America is at war, and we feel more vulnerable than at any time since the end of the cold war and perhaps since World War II. We need allies to confront this threat effectively, and those alliances cannot be circumscribed by geographic boundaries.

In our committee hearings on NATO, we have heard encouraging testimony that our allies are taking promised steps to strengthen their capabilities in such areas as heavy airlift and sealift and precision-guided munitions. We also have heard that the seven candidates for membership are developing niche military capabilities that would be useful in meeting NATO's new military demands. But clearly, much work is left to be done to transform NATO into a bulwark against terrorism. An early test will be NATO's contribution to peacekeeping and humanitarian duties in the aftermath of combat in Iraq. A strong commitment by NATO nations to this role would be an important step in healing the alliance divisions and reaffirming its relevance for the long run.

The Resolution of Ratification we are considering today includes nine declarations and three conditions. I will review each of these provisions for the benefit of the Senate:

Declaration 1 reaffirms that membership in NATO remains a vital national security interest of the United States.

Declaration 2 lays out the strategic rationale for NATO enlargement.

Declaration 3 emphasizes that upon completion of the accession process, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia will have all the rights, privileges, obligations, responsibilities, and protections of full NATO members.

Declaration 4 emphasizes the importance of European integration.

Declaration 5 reiterates NATO's "open door" policy, and declares that the seven new countries will not be the last invited to join the alliance.

Declaration 6 expresses the Senate's support for the Partnership for Peace.

Declaration 7 expresses support for the NATO-Russia Council established at the Prague Summit, but reinforces the Senate's view that Russia does not have a veto or vote on NATO policy.

Declaration 8 declares that the seven candidate countries have implemented mechanisms for the compensation of victims of the Holocaust and of Communism.

Declaration 9 states that the committee has maintained the constitutional role of the U.S. Senate in the treaty-making process.

Condition 1 requires the President to reaffirm understandings on the costs, benefits, and military implications of NATO enlargement.

Condition 2 requires the President to submit a report to the Congressional Intelligence Committees on the progress of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia in meeting NATO security sector and security vetting standards.

Finally, Condition 3 requires the President to certify to Congress that each of the governments of the seven candidate countries is fully cooperating with the U.S. efforts to obtain the fullest accounting of captured and missing U.S. personnel from previous conflicts and the Cold War.

When President Bush made his first trip to Europe 2 years ago, he strongly voiced the U.S. commitment to Europe generally and to NATO in particular. Now at a moment when relations with some of our European allies are strained, a clear showing of bipartisan support for NATO enlargement takes on added importance. The affirming message of the first round of enlargement led to improved capabilities and strengthened transatlantic ties. I am confident that this second round will do the same. I ask my colleagues to join me in voting for this resolution of ratification.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I will proceed with an opening statement relative to the matter before us, and that is expansion of NATO.

Mr. President, today we begin consideration of an amendment to the North Atlantic Treaty of 1949 to admit to NATO seven new members—Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia.

If we approve this legislation, as I hope we will, it will mark an important step in the strategic transformation of the Alliance to respond to a new security environment.

I would like to discuss the history of this strategic transformation and then to examine the qualifications of each of the seven candidate countries.

The process of transforming the Alliance actually began shortly after the collapse of communism in Europe in 1989.

The first major change in the post-Cold War NATO was an absolutely critical event that is all-but-forgotten today: the accession to NATO, without fanfare, of the former East Germany when it reunited with the Federal Republic of Germany on October 3, 1990.

We talk about the expansion of NATO and we never really mention that. Again, the first significant thing that happened in transforming the alliance in the new security environment was that East Germany, a former Warsaw Pact member, was accepted and subsumed into and became part of Germany again, but also became part of NATO as a consequence of that.

The following year, in June 1991, the Warsaw Pact disbanded, and in December 1991, the Soviet Union dissolved.

At the Madrid Summit in July 1997, NATO invited three countries from the former Warsaw Pact—Poland, the Czech Republic, and Hungary—to enter into final accession negotiations with the Alliance.

I might say a word about the care with which this body scrutinized that round of NATO enlargement.

The Committee on Foreign Relations alone held a dozen detailed hearings and published a 550-page book containing hearing transcripts, policy analyses, a detailed trip report, and other documents. Other committees also held hearings on enlargement.

Then, during March and April of 1998, came seven full days of intense debate on ratification here on the floor. I had the privilege of being floor manager for the ratification, which was approved by a 80–19 vote on the evening of April 30, 1998.

Poland, Hungary, and the Czech Republic formally joined NATO on March 12, 1999. Less than 2 weeks later, the Allied air war was launched against Serbian aggression in Kosovo.

The events of the 1990s, and the increasing instability in the Middle East and Central Asia, led my farsighted colleagues—Senator LUGAR and former Senator Nunn, to the memorable conclusion that the NATO Alliance had to "go out of area, or out of business."

Still, most analysts remained skeptical. The terrorist attacks of September 11, 2001, dispatched any remaining doubts about the nature of the threats we now face. The unanimous decision on the following day by the NATO Allies to invoke Article 5 for the first time in NATO's history confirmed the vitality of NATO's collective defense principle.

At the NATO Ministerial Meeting in Reykjavik in May 2002, the Allies agreed that in order to meet security threats, NATO needed forces that could be deployed quickly to wherever they are needed and sustained over time to complete their mission. This agreement effectively settled, at least conceptually, the "out-of-area" debate.

Meanwhile, in Brussels and among NATO members a discussion had begun on the merits of a so-called "Big Bang" next round of enlargement to give meaning and force to the new missions ahead.

Recognizing that potential members in Central and Eastern Europe would individually require years to reach all of the military standards of NATO, members began to view their entrance as a regional grouping as politically and geographically strategic.

Initially, I personally had some skepticism of this perspective and was concerned about the abilities of these countries to contribute to the alliance. But the determined response of these countries to the war against terrorism, their participation in SFOR and KFOR peacekeeping in the Balkans, their participation in Operation Enduring Freedom in Afghanistan, and the progress they have made on their NATO membership action plans, so-called MAPs, convinced me all seven of these countries would serve us well as formal allies. I declared my support for all seven of these countries in an article I wrote for the Los Angeles Times of September 1, 2002.

The critical turning point in defining new tasks for NATO occurred at Prague in November 2002, at NATO's so-called "Transformation Summit."

Prague crystallized the debate over NATO's new missions, new capabilities, and new members, and it afforded members opportunity to set forth a strategic agenda for a revitalized NATO.

Among the accomplishments at Prague, the alliance agreed to the Prague Capabilities Commitment. NATO, because it is a military organization—I think it is beyond that and is a political organization as well—loves all these acronyms. It takes a while; I apologize for my colleagues who do not follow this closely. The PCC, the Prague Capabilities Commitment, replaced the overly ambitious and broad Defense Capabilities Initiative of 1999 with a more concrete framework for force modernization and adaptation, including acquisition of equipment and technology through consortia of members and the development by individual countries of so-called niche capabilities, which I will describe later. That is a new term that is formally being used.

NATO also adopted an American proposal to develop a NATO response force, NRF, a high-readiness, mobile combat unit that would allow NATO to go out of area to meet threats where they arise.

Finally, the alliance invited the seven countries whose qualifications we are considering today to begin final negotiations with the alliance on joining as full members.

NATO issued the invitation knowing that the militaries in most of the seven countries would not greatly enhance the war-fighting ability of the alliance, at least in the short term. Taken together, however, they will measurably increase NATO's potential.

The seven invited countries will add 220,000 active-duty troops to the alliance immediately, or about 175,000 by the end of the decade, once current reform and restructuring of forces are completed in Bulgaria, Romania, Slovakia, and Slovenia. This represents a 6 percent overall increase in NATO military forces.

This round of enlargement will also yield strategic infrastructure benefits. The membership of the seven countries will increase the number of airfields with long runways available to the alliance by 6 percent and the number available in Europe by 13 percent.

Airfields and ports in these countries also factor in to the Pentagon's initial plans to reshuffle its forces in Europe, including the possibility of building U.S. bases and airfields in Bulgaria and the nearby Black Sea port of Burgas, as well as at a Romania airbase and a Black Sea port of Constanta.

In addition, Romania has unmanned aerial vehicles and a C–130 lift capability, while Slovakia has air-to-ground training ranges.

Moreover, the enlargement will add so-called niche capabilities to NATO's array of professional forces, several of which could be directly applicable to future out-of-area missions. These specialized capabilities include Bulgarian and Slovak antinuclear, biological, and chemical weapons teams; Slovenian demining units; Romanian elite force and mountain troops; Lithuanian special forces and medics; Estonian explosive detection teams; Latvian explosive ordinance destruction specialists, including underwater demolition teams; and a joint Baltic Sea air surveillance network.

While their forces may be small in number, the seven invited countries have shown no hesitancy in deploying their uniformed men and women in the Balkans, Afghanistan, and, in some cases, in the Middle East, as coalition operations have required.

In February of this year, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia joined NATO candidates Albania, Croatia, and the former Yugoslav Republic of Macedonia as the so-called Vilnius Ten in bravely standing with the United States and its coalition partners.

They declared the importance of the transatlantic alliance and called for action by the international community in response to the clear and growing danger posed by Saddam Hussein in Iraq.

Mr. President, a short excerpt from their declaration demonstrates the vigorous spirit these nations I believe will bring to NATO:

> Our countries understand the dangers posed by tyranny and the special responsibility of democracies to defend our shared values. The trans-Atlantic community, of which we are a part, must stand together to face the threats posed by the nexus of terrorism and dictators with weapons of mass destruction.

In word and in deed, these countries have already demonstrated their value as partners and de facto allies, and it is in the interest of the United States, in my view, to see this partnership be made formal by their acceptance into NATO.

The governments of the seven involved countries have also taken tremendous steps and, in some cases, faced considerable political risk to align their institutions and policies in accordance with NATO's standards and values. Let me summarize their individual qualifications for NATO membership.

Bulgaria: Bulgaria has committed to spend around 2.8 percent of GDP on defense in 2003, a higher percentage than that of several of our current allies, and to continue to downsize its armed forces by the thousands. On October 31, 2002, Bulgaria announced that it had destroyed all of its FROG, SCUD and SS–23 missiles, remnants of the old Soviet arsenal.

To shut down any further proliferation of gray arms, Sofia has adopted a supplemental export control legislation, drafted a new border security act, and adopted new regulations on border checkpoints.

Moreover, it took immediate and decisive action against those involved in the illegal shipment that occurred last year from the Terem military complex.

Bulgaria, a rare country that protected its Jewish citizens during World War II, has generally been tolerant of all its religious, ethnic, and political minorities. An exception was the anti-Turkish campaign in the late eighties, the dying spasms of a discredited Communist regime. Today a largely ethnic Turkish party is a member of the governing coalition. Bulgaria is now moving to complete the process of property restitution to its Jewish community with only one property still under legal procedure.

Estonia: Estonia leads the Baltic region in free market reforms, increased defense spending last year of 2 percent of GDP, and is developing a light infantry brigade, the first battalion of which should be equipped and trained by the end of this month. The organization, Transparency International, has rated Estonia the least corrupt country in central and Eastern Europe.

Building on an already good record, last year, they adopted an action plan to improve the administration and judicial capacity in their country.

Estonia has amended minimum language requirements in its laws on citizenship and employment to address needs particularly of its large Russian ethnic community. As a result, in the most recent national elections, the ethnic Russian parties failed to clear the 5 percent hurdle necessary to enter Parliament. In other words, the majority of Estonia's ethnic Russian citizens cast their vote for multinational parties on the basis of substantive issues, not ethnicity. I think that is remarkable.

In August 2002, overcoming a few voices of intolerance, the Estonian Parliament voted to recognize January 27 as a day of remembrance for the Holocaust.

I know the Presiding Officer is a student of that era, as well as my colleague from Indiana, the chairman.

That is also a fairly remarkable undertaking. People in this country think it would be automatic, but that is a pretty big deal.

Latvia has enacted a law to require 2 percent of its GDP to be spent on defense beginning this year. By the end of 2003, Latvia's first professional infantry battalion will be ready to participate in NATO-led operations, with three additional mobile reserve battalions ready in 2004.

Riga's economic reform efforts have been well funded and generally successful, and Latvia is now assisting other post-Communist countries such as Georgia and Ukraine with their own reform efforts.

After a somewhat contentious start in the early 1990s, Latvia has had considerable success in integrating its large Russian-speaking minority by dismantling citizenship and bureaucratic restrictions to full social and political participation within Latvia.

Lithuania has increased its spending on defense to 2 percent of GDP in 2002. By the end of 2004, Lithuania will be able to deploy and sustain a mobile, professional infantry battalion, and by 2006 a rapid reaction brigade.

A small, elite unit of Lithuanian special operations forces is currently serving in Operation Enduring Freedom in Afghanistan. Recently, this unit was involved in ground combat against al-Qaida forces during a strategic reconnaissance mission and together, with allied reinforcements, captured several of the enemy.

Lithuania signed a border treaty with Russia in 1997, which the Russian Duma is expected to ratify later this month, and has reached an agreement to permit Russian military traffic to transit Lithuania on its way to Kaliningrad.

In 2002, Vilnius launched a Program for Control and Prevention of Trafficking in Human Beings and Prostitution. The Government has established a public center for the Roma in Vilnius, launched a program to integrate Roma into Lithuanian society, and developed information campaigns to promote this tolerance.

Conscripts in Lithuania's armed forces have a unit in their training on the history of World War II and the Holocaust in Lithuania, and the Government is working with international nongovernment organizations to establish legal procedures for Jewish communal property restitution.

Quite frankly, in a sense, as I go through this, if we did nothing other than accomplish these changes in the countries I have mentioned so far, unrelated to the military, in order to get them to move toward NATO—not to get them to make it clear what they had to accommodate to move toward NATO—I would argue it would be a significant success, a singular success, but the story goes on.

Romania, by far the largest of the seven candidate countries, spends $1 billion, or 2.38 percent of its GDP, on defense. Moreover, Romania is committed to being a net contributor to NATO and is upgrading its 21 MiG–29 fighter aircraft, its navy ships, and its missile launching systems.

An elite Romanian infantry battalion, the Red Scorpions, served in Afghanistan—that is how they are referred to, the "Red Scorpions"—and was replaced by the Carpathian Hawks that are currently there. I love these names. It is sort of part of the history of Romania, which is another question.

I might add that Romania flew these units to Afghanistan on their own C-130s, a feat which many of our current NATO allies are unable to duplicate.

The Romanian economy has grown substantially over the past 3 years, by 4 percent in 2002, and inflation, although it remains high, has been brought under the IMF target rate of 22 percent.

Romania opened a National Anticorruption Prosecutor's Office in September 2002 and has begun a judicial reform effort that includes prosecuting judges for bribery and corruption, an act called "unprecedented in the region." Romania's relations with Hungary have improved following the 2001 agreement on Hungarian "status law" for ethnic Hungarians outside Hungary's border. I might add, one of the major changes that took place when Hungary wished to come in was Hungary made similar reforms.

These changes are consequential. As a student of European history, some of this is centuries in coming. The animosities and antagonisms have been real. This is a big deal. The reason I bother to point that out is that it all has a ripple effect, in my view.

Hungary's admission to NATO began Hungary forming their policies that related to ethnicity. That, in turn, I believe, has made it easier for Romania—and necessary, by the way, to become part of NATO—to act in a similar way.

Slovakia has made great progress in democratic reforms and is the first country to reelect a center-right reform government in Central and Eastern Europe since the end of the cold war.

Under Prime Minister Dzurinda, Bratislava committed to raise its defense spending and maintain it at 2 percent of GDP in 2003 and beyond. A sweeping defense reform plan, known as the Slovak Republic Force 2010, will establish by 2010 a small, well-equipped interoperable armed force integrated into NATO military structures.

In February 2003, Slovakia opened a new department to fight corruption, which is overseen by the Deputy Prime Minister and the Minister of Justice. Bratislava is preparing new laws to create an Office of the Special Prosecutor and to prevent corruption in public administration and the judiciary.

I remember, after the Prague Spring was crushed back several decades ago, I went to Bratislava to meet the fellow who was responsible for the Prague Spring.

To think that today this is all happening is, to me, amazing, just within the time that I have been in the Senate.

Alone among the seven candidates, Slovenia comes out of a tradition of nonalignment as a part of the former Yugoslavia. It is the exception. Also alone among the candidates, it won its independence by force of arms in a short, successful war against the Federal Yugoslav forces in June of 1991.

I might add, I pushed very hard in the first round for Slovenia to be added. I thought they were qualified then.

Moreover, Slovenia has won widespread acclaim for aspects of peacekeeping activities. Its International Trust for Demining and War Victims Assistance is currently responsible for two-thirds of all the demining operations in southeastern Europe.

Although the wealthiest in per capita terms of the candidate countries, Slovenia has lagged behind the other six in terms of defense spending as a percentage of GDP. Ljubljana has committed to reach 2 percent GDP by 2008. Slovenia has focused on creating two battalions of rapid reaction forces for combat and peacekeeping operations.

Freedom House gave Slovenia the highest rating of all the candidate countries with respect to rule of law and preventing and combating corruption. Slovenia is the only country among the seven candidates to have held a referendum on NATO membership. On March 23 of this year, 66 percent of those participating voted in favor of membership, a considerable achievement during the first week of the highly televised military operations in Iraq, which I need not tell my colleagues was not particularly politic or popular among most European voters.

No society anywhere is perfect, and despite their outstanding record of accomplishment, significant challenges remain for each of the seven candidate countries. They include: permanently curtailing all gray arms sales in Bulgaria; implementing strict control over classified information in Bulgaria and Latvia; eliminating discrimination against ethnic minorities, especially Roma, in Bulgaria, Romania and Slovakia; abolishing the remaining restrictions on the freedom of the news media in Romania; completing the restitution of religious and communal properties that had been seized by the Communists or by the Fascists during the Holocaust in all of the seven countries; educating the publics of all of these countries about the Holocaust and the poison of anti-Semitism; and fully implementing legislation designed to eradicate corruption in all seven countries.

Membership in NATO, however, in my view, will reinforce the process of democratic and economic reforms ongoing in these countries.

That is why I mentioned Hungary before. I think this is a process. I think they have all met the minimum standards required, both in terms of their militaries, at this point, and in terms of reforms necessary.

I truly believe were we unwilling—and I don't believe we will be—to admit them, we would turn this progress in the wrong direction. As a member of NATO, what we have seen is that these countries will get better and better and better. At least that is my hope and expectation.

Each country has worked with NATO under the Membership Action Plan process and has developed a subsequent Timetable for the Completion of Reforms to identify strategies to conclude and build on the steps necessary to assume the full responsibilities and obligations of NATO membership.

As Ambassador Nick Burns, the United States Permanent Representative to the North Atlantic Council, recently told the Foreign Relations Committee, "We have pushed these countries hard to be ready," and "they will be among our most committed allies when they walk through NATO's doors as full members."

The Resolution of Ratification before the Senate today is similar to the resolution approved during the last round of NATO enlargement. Let me briefly summarize it.

The text reflects bipartisan agreement, in accord with the view of the administration, that U.S. membership in NATO remains a vital national security interest of the United States.

The Resolution of Ratification makes clear that any threat to the stability of Europe would jeopardize vital U.S. interests.

It reaffirms that the security and prosperity of the United States is enhanced by NATO's collective defense against aggression that may threaten the territory of NATO members.

It affirms that all seven countries have democratic governments, have demonstrated a willingness to meet all requirements of membership, and are in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area.

The resolution underscores the importance of European integration, mentioning the Organization for Security and Cooperation in Europe—OSCE—and the European Union in that regard.

The resolution also contains positive declarations on the alliance's "Open Door" policy toward potential future members, on the alliance's successful Partnership for Peace program, on the NATO-Russia Council created last year, and on compensation for victims of the Holocaust and of communism.

The resolution contains three substantive and sensible conditions relating to costs and burden-sharing, on intelligence matters, and on full cooperation with efforts to obtain full accounting of captured and missing U.S. personnel from past military conflicts or cold war incidents.

In summary, I believe the Resolution of Ratification accomplishes the objective of providing the strategic rationale for the accession of these seven new members and preserving U.S. interests with respect to future enlargement.

This round of enlargement isn't the end of the road. Rather, it is a historic milestone in a process that began with the end of the cold war.

Thus, it is essential that the door to membership remain open for candidates states Albania, Croatia, and the former Yugoslav Republic of Macedonia, as well as down the road for potential candidates like Bosnia and Herzegovina, Serbia and Montenegro, Ukraine, and perhaps other countries.

By endorsing NATO enlargement, we recognize the soundness and relevance of the vision of a Europe whole, free and at peace.

We acknowledge that a larger, stronger transatlantic relationship anchored in NATO will better serve us in confronting the transnational terrorist threats of the twenty-first century.

We affirm that the United States will continue to play a leadership role in the security of the North Atlantic area, which I think is critical for us to reaffirm.

I urge my Senate colleagues to vote in favor of the Resolution of Ratification and endorse the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia as full members of the NATO Alliance.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. We are pleased to yield time to the distinguished Senator from Kansas, as much as he would require.

Mr. ROBERTS. Mr. President, I rise today to express my support for admitting Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia into the North Atlantic Treaty Organization. As NATO's focus evolves to include transnational threats, it is important to have as many like-minded nations abroad as possible.

At the same time Congress and the President must ensure NATO as a military alliance can act efficiently and with precision in the post 9/11 world.

These days I hear some pundits talk about rebuilding the alliance as if it is in the same shape as post-war Iraq or post-war Afghanistan. NATO is in no such condition. The inability to achieve North Atlantic Council approval for assistance to Turkey was damaging but not catastrophic. NATO is in good shape.

Nonetheless, it would be productive for NATO to consider improvements that would streamline its decision-making process, increase operational planning for contingencies, and more appropriately respond to a member nation who refuses to uphold basic alliance mandates such as Article IV.

Toward that end, I am pleased to join Chairman WARNER and Senator LEVIN in offering an amendment to the Resolution of Ratification that adds a declaration concerning potential reforms to NATO internal processes.

Specifically, the declaration includes a Sense of the Senate that the President should place on the agenda for discussion at the North Atlantic Council the consensus rule as well as a process for suspending a member nation that acts contrary to the provisions of the North Atlantic Treaty.

Further, the Warner-Levin-Roberts amendment requires a report from the President regarding Alliance dialogue on these issues as well as methods to provide more flexibility to NATO's military leadership for operational planning prior to formal alliance approval.

My primary focus is on the process of consensus and planning for new contingencies.

The decision-making process of consensus within the NATO alliance served the organization and is purpose well in the 20th Century. While the bipolar security environment of the previous century shaped our command, and defined our mission, the 21st Century requires that we depart from the clearly defined role of territorial defense.

NATO must recognize the need to change from the traditional terrain-based military of a defensive alliance to an effects-based alliance in order to prepare for a new set of security challenges. Our adversaries do not recognize international law, sovereignty or accepted norms of or behavior.

As we recognize the growing need to conduct operations outside the alliance's boundaries as we do in Afghanistan in order to protect our interests and enhance our security, we also need to acknowledge the inherent limitations of consensus voting by 26 nations.

Issues of security and the need to take military action will likely not be perceived uniformly in an organization that spans a wide geographic area, encompassing different interests. Recognizing this reality and the need to adopt a different modality for decision making within the alliance is imperative.

I would argue NATO needs to consider adopting—I emphasize needs to consider—a decision-making model that doesn't require a consensus vote to act. Nations that choose not to take military action would not be compelled to participate. However, they would not block the alliance and those nations that decide to act from carrying out military operations.

That brings me to contingency planning. Currently, NATO's military leadership is forbidden to even conduct prudent planning for contingency operations until the matter is voted on in the North Atlantic Council.

The difficulty in crafting viable plans to often complex military operations amongst nineteen separate nations is a daunting task. The measure of difficulty to conduct planning will be exacerbated with the addition of seven new members.

Current planning processes may even prevent the full realization of the NATO Response Force, something that could be stood up at the June principal meeting. This capability is central to NATO's appropriate effort to develop an agile and responsive force that will enable the alliance to respond to terrorism and instability.

To transform the military capability into a viable, very responsive force without the means to rapidly employ it, is counterproductive. It is time for NATO to consider developing a methodology by which the military leadership is permitted to conduct prudent planning for contingency operations.

These are my concerns, as we vote—and I will vote—to approve further expansion of the alliance. I commend my colleagues, the chair and ranking member of the Committee on Armed Services, for sharing these concerns and for crafting a worthy amendment.

I am a cosponsor, and I urge support for Warner-Levin-Roberts amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). Who yields time?

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I yield 20 minutes to the distinguished Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I am so proud to stand on the floor of the Senate today as we consider the candidacy of seven new European democracies—Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia—for membership in the NATO Alliance.

The question of NATO enlargement is one that has long been close to my heart. As Mayor of Cleveland and Governor of the State of Ohio, I worked closely with constituents in my State with ties to countries that were once subject to life behind the Iron Curtain.

It is amazing to me to see how far many of these countries have come in such a short time, rising to embrace democratic reforms after so many years under communist rule. The fact that seven countries that were once part of the former Soviet Union, the Warsaw Pact or Tito's Yugoslavia have been invited to join the NATO alliance is testament to how much has been achieved since the collapse of the Soviet Empire more than a decade ago.

We owe so much to Pope John Paul II, President Reagan, President George H.W. Bush, and now President George W. Bush. As I said to the President in a letter prior to his trip to Poland in June 2001, when he clearly articulated his support for enlargement of the Alliance:

> During my entire life I have supported the Captive Nations and yearned that someday they would have freedom, but I doubted that would happen during my lifetime. However, it did happen because of your dad and President Reagan, who said "Mr. Gorbachev, tear down this wall."

I also said:

> You, Mr. President, have the opportunity to guarantee the freedom and security of those once subjected to life under Communist control by making it clear that you will support the expansion of NATO to include former territories of the Soviet Union, Tito's Yugoslavia and the Warsaw Pact regardless of Russia's opposition.

And he did it.

President Bush outlined his vision for enlargement in a landmark speech to the students and faculty at the University of Warsaw on June 15, 2001, when he remarked that as we approach the NATO Summit in Prague:

> We should not calculate how little we can get away with, but how much we can do to advance the cause of freedom.

That speech was very strategic because at the time there were many people who were wondering whether or not the President would move away from the expansion of NATO in consideration of compromising with at that time President Putin in regard to the ABM Treaty—the ABM Treaty at the time looking like it would stand in the way of moving forward with the President's National Missile Defense Initiative.

The President was true to his word, and it was extremely gratifying to see this vision begin to turn to reality when President Bush joined other NATO heads of state in Prague last November. I remain grateful to the President for inviting me to join him as a member of the Congressional delegation to the NATO Summit, along with Senator BILL FRIST, Congressman TOM LANTOS, Congressman ELTON GALLEGLY and Congressman DOUG BEREUTER. The thrill of being in the room when NATO Secretary General Lord Robertson announced the decision to invite the three Baltic nations, as well as Bulgaria, Romania, Slovakia and Slovenia, to join the Alliance, is something that I will always remember.

On that historic day, I listened as heads of state from our allied nations including the Czech Republic, France, Spain, Great Britain, Poland, Canada, Turkey, and many others praised the work done by the seven candidate countries and expressed their strong support for enlargement to include these new European democracies.

While there are disagreements within NATO that must be addressed, there is general consensus among the current members of the Alliance on the question of enlargement. It is acknowledged that in addition to shared values, the seven candidate countries bring defense capabilities that will enhance the overall security and stability of the NATO Alliance. President Bush, Secretary of Defense Donald Rumsfeld, Secretary of State Colin Powell, and the highest-ranking member of the U.S. military, Chairman of the Joint Chiefs of Staff General Richard Myers, have all expressed this view. America's top leaders believe that in addition to niche military capabilities, these seven countries bring energy, freshness and enthusiasm to the Alliance.

As Secretary Powell remarked in testimony before the Senate Foreign Relations Committee last week, enlargement of the NATO Alliance to include Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia is in the national security interest of the United States. It will, he said:

> Help to strengthen NATO's partnerships to promote democracy, the rule of law, free markets and peace throughout Eurasia. Moreover, it will better equip the Alliance to respond collectively to the new dangers we face.

NATO Secretary General Lord Robertson, after working with the NATO aspirant countries on comprehensive domestic reforms in preparation for membership in the Alliance, has also concluded that this round of enlargement will enhance the strength and vitality of NATO a view which he expressed at the Prague Summit and reiterated earlier this week during a meeting with members of the Foreign Relations Committee.

I share this view, and I believe it is appropriate and timely that we now consider these candidates for membership in NATO. They have provided crucial support in the aftermath of the terrorist attacks against our country on 9/11, and continue to make significant contributions to the ongoing campaign against international terrorism. They have shown their solidarity in our efforts to disarm Saddam Hussein and liberate the Iraqi people, and have pledged to work with the international community to promote security and reconstruction in Iraq following the end of military action.

The candidate countries have also moved forward with democratic reforms to promote the rule of law and respect for human rights. I am strongly concerned about the disturbing rise in anti-Semitic violence in Europe and other parts of the world. Several of the candidate countries, including Latvia, Bulgaria, and Romania, have joined with the United States, Poland and other countries to actively encourage the chair-in-office of the Organization for Security and Cooperation in Europe—OSCE—to mount a serious and credible OSCE conference on anti-Semitism. Due in part to their efforts, the OSCE has agreed to conduct such a conference, and it is scheduled to take place in June. This is just one example, but it is indicative of important action that is taking place.

As was highlighted during a series of hearings on NATO enlargement conducted by the Foreign Relations Committee, the seven candidate countries bring nearly 200,000 new troops to the alliance. They have also pledged to commit significant resources to national defense, with Bulgaria, Romania, Estonia, and Lithuania all at or above 2 percent of the gross domestic product mark in 2002. Slovakia and Latvia were just under 2 percent, and Slovenia at 1.6 percent in 2002, and they have pledged and committed to reach the 2-percent mark by 2008.

The average defense spending among candidate countries was 2.1 percent for 2002, which is equal to the average spent by the current NATO members for the same period. It is interesting to note that 11 of the 19 members of the alliance did not reach the 2-percent mark for defense spending in 2002, which we should all be concerned about. Clearly, there is room for improvement in this regard for current members of the alliance.

On March 27, 2003, Under Secretary of State for Political Affairs Marc Grossman testified before the Armed Services Committee regarding the future of NATO. When asked about the benefits of enlargement, he said:

> I believe, Senators, that the accession of these countries are about the future of NATO, and will be good and directly benefit U.S. interests. Why? They're strong Atlanticists. They're allies in the war on terror. They've already contributed to Operation Enduring Freedom and the International Security Assistance Force in Kabul.

The list goes on. I agree with Secretary Grossman's assessment. These countries already make significant contributions that strengthen the transatlantic relationship.

They have acted as de facto Allies. In fact, they have acted as better Allies than some of the members that are currently in NATO. And I believe they will make important contributions, as members, to the NATO alliance.

While much has been achieved, there is still work to be done as the candidate countries continue to work on their membership action plans. As was said in Prague, Prague should be viewed as the starting line, not the finishing line. There is still a lot more that has to be done on those maps.

Efforts have continued since the Prague summit. I was very pleased to learn that the people of Slovenia—who have been engaged in a discussion about NATO membership for many years now—voted overwhelmingly in support of Slovenia's membership in NATO during a national referendum on March 23, with roughly two-thirds of the voters favoring accession to the alliance. This was a crucial step for the country that was the birthplace of my maternal grandparents. Hooray for Slovenia. I am glad they understood.

It is imperative that the candidates continue to address the outstanding issues that require attention, including military reform, respect for human rights, and efforts to combat organized crime and corruption. It is this last piece, perhaps, that concerns me the most. These problems have the potential to undermine democratic reforms, respect for the rule of law, and other core NATO values, and I believe they could be very dangerous if left unchecked.

I was glad to hear from Secretary Powell, during his testimony before the Foreign Relations Committee last week, that there are, in fact—this is wonderful—significant steps that have taken place on behalf of the NATO aspirants to combat corruption and organized crime. With regard to Bulgaria, for example, the Secretary of State remarked that the Bulgarian Government recently created an interagency anticorruption commission to be led by the Minister of Justice. The Bulgarian Parliament also passed anticorruption legislation and antibribery legislation.

Secretary Powell noted that the Romanian Government is now working on legislation to reform its judiciary, civil service, and political party financing activities. I am also hopeful that Romania will move forward with steps to ensure progress on outstanding property restitution issues, including those of significance to Hungarian and other minority groups in Romania.

So while I still think there is work to be done, I am satisfied that things are moving in the right direction.

After meeting with leaders from these seven countries and spending time in each country that has been invited to join NATO—I have been in all of them and have met with all of their leaders—I am confident that reforms will continue. I sincerely believe reforms will be swifter and more complete as these countries are brought into the alliance rather than left out. History tells us this has been the case with other countries that have been part of the alliance. NATO has a way of asserting pressure and, as General Lord Robertson said during our meeting Monday, squeezing those who need to shape up.

As we consider enlargement today, it is clear that the world is a different place than it was when Poland, Hungary, and the Czech Republic were brought into NATO. The world's democracies and multilateral institutions, including the NATO alliance, face new threats to freedom, marked not by Communist aggression but, instead, by the dangerous nexus between weapons of mass destruction, rogue nations, and terrorists who have shown their willingness to use chemical, biological, or nuclear weapons against those who value freedom and democracy, if given the chance.

NATO's decision to invoke article 5 in the aftermath of the tragic events of September 11 signifies that an attack on one is an attack on all, and that sent a strong message of solidarity to the people of the United States and the world at large. I suspect that when the resolution was put together in regard to article 5, we were very careful to make sure we did not get ourselves in entangling alliances. Never did we ever believe we would be calling on the other nations in NATO to come to our assistance as they did.

. NATO's mission to transform to meet these growing threats does not make the alliance irrelevant; rather, it means we need the shared commitment to freedom, democracy, and security embodied by the NATO alliance now more than ever before. A NATO alliance enlarged to include seven new democracies that have embraced these values will enhance our ability to meet new challenges for peace in the world.

At the Prague summit, NATO heads of state embarked upon a course to identify the capabilities needed to confront new challenges to international security. They agreed that new challenges would require the alliance to operate beyond Europe's borders. The Prague Declaration noted:

> In order to carry out the full range of its missions, NATO must be able to field forces

that can move quickly to wherever they are needed, upon decision by the North Atlantic Council, to sustain operations over distance and time, including in an environment where they might be faced with nuclear, biological and chemical threats, and to achieve their objectives.

As Secretary General Lord Robertson has said, NATO must either go out of area, or go out of business.

This will become crucial as NATO prepares to assume new responsibilities in Afghanistan this August, moving forward on the North Atlantic Council's decision on April 16 to provide enhanced support to the International Security Assistance Force in Kabul. NATO's new ISAF role is perhaps indicative of the types of missions the alliance could take on in years to come. As Secretary Powell indicated last week, this is the largest step to date that the alliance has taken outside its traditional area of responsibility. And, as you know, Mr. President, they are now talking about the possibility of NATO being involved in security forces in Iraq.

As the alliance prepares for its role in Afghanistan, it does so at a time when current members of NATO and other countries in Europe have considerable experience working together, due to operations in Kosovo, Bosnia, and Macedonia. As former Supreme Allied Commander Joe Ralston noted in remarks before the Atlantic Council on Monday evening, this is in stark contrast to the past, when members of the alliance depended on annual training exercises.

I think that is really something we should emphasize, that these nations have been working militarily together since Bosnia. They are in Kosovo today. They will be in Afghanistan. It is amazing how well the NATO command has worked in Kosovo. And I am confident it will work as well in Afghanistan.

But new missions will demand that NATO step up efforts to improve its military capabilities. This was a major theme at the Prague summit last November, where NATO heads of state approved the creation of a NATO response force, which is envisioned to consist of approximately 25,000 troops who are ready and able to deploy anywhere in the world within 30 days. The goal is to have the force operational by 2006. While work has been ongoing to flesh out the details of the NATO response force, this is still a paper concept, and we look forward to learning more about efforts to turn this into a viable force at the June ministerial meeting in Madrid.

The NATO response force goes hand in glove with the Prague Capabilities Commitment, which replaces the Defense Capabilities Initiative, or DCI, that was initiated at the 1999 Washington summit. As many of us know, very little progress was made on that 1999 Defense Capabilities Initiative.

The Prague Capabilities Commitment, though, calls on Allies to improve and develop military capabilities, focusing on defense against weapons of mass destruction, intelligence, command, control and communications, and strategic air and sea lift, among other things.

This initiative focuses on pooling resources and identifying niche capabilities that certain countries can bring to the table in order to strengthen NATO's military reach. I have been pleased to hear from Secretary Powell, Lord Robertson, and General Ralston that the alliance has begun to identify niche contributions that the seven candidates can make to future operations.

They are willing and able. They have, in fact, already demonstrated their willingness to use them in NATO operations in the Balkans as well as military efforts to combat international terrorism.

For example, Bulgaria contributes troops to NATO operations in the Balkans, with military personnel in both Bosnia and Kosovo. Bulgaria has also contributed to Operation Enduring Freedom, allowing for coalition aircraft to refuel at Burgas, and sending a nuclear, biological and chemical decontamination unit to Afghanistan. Bulgaria has also deployed a NBC unit to the Iraqi theater of operations at the request of U.S. Central Command.

Estonia also supports NATO missions in southeast Europe, and has approved the deployment of troops to assist in the reconstruction of Iraq.

Latvia has deployed medical teams to Afghanistan, and in April the Latvian Parliament approved the deployment of troops to Iraq for peace enforcement and humanitarian operations.

Lithuania has deployed a medical team and a Special Operations Unit to Afghanistan. Lithuania has also deployed troops to support Operation Iraqi Freedom.

Romania sent a military police platoon to support the International Security Assistance Force in Afghanistan. Romania has also provided an NBC unit in support of Operation Iraqi Freedom.

Slovakia has deployed an engineering unit to Afghanistan, and was the first NATO candidate country to deploy troops—an NBC unit—in support of Operation Iraqi Freedom.

Slovenia provides troops and equipment to NATO operations in the Balkans, and has also provided crucial assistance in de-mining and mine victims assistance, running the International Trust Fund for De-mining. Additionally, Slovenia has provided humanitarian and de-mining assistance to Afghanistan.

They are all doing a job right now and will do more once they are brought into NATO formally.

While there is still work to be done, these contributions are encouraging. If NATO is to meet future challenges, it is imperative that the capabilities gap between the U.S. and our European allies be addressed. The Prague Capabilities Commitment highlights critical needs within the alliance. This is a good place to start, and I am hopeful that it will succeed in producing tangible results. Without adequate capabilities, NATO's ability to respond to future security challenges will be seriously undermined.

As NATO looks to the future, there will be other challenges. Bringing in seven members will, I believe, strengthen the alliance; at the same time, there will be adjustments as NATO adapts to membership at 26 rather than the current 19. I share the sentiments expressed by Secretary of State Colin Powell and NATO Secretary General Lord Robertson that the alliance will adapt, as it always has.

I disagree with some of my colleagues, who may argue that significant changes should be made to the NATO decision-making process. The alliance has always been based on consensus, protecting the view of each member. As Secretary Powell remarked in testimony before the Foreign Relations Committee last week, NATO is not a committee or a council. It is an Alliance that has traditionally—and successfully—been based on the rule of consensus.

I was interested when Lord Robertson spoke to us on Monday. We were talking about this issue. He said somehow we worked it out. We had the problem with Turkey, and there was a question of how that would all be worked out. The alliance had the flexibility to move forward and take care of that problem.

He specifically said that they need the flexibility, that somehow they will work it out. If we come in with some specific way of how we will do this, it will tie their hands and won't give them the flexibility to do what they have to do when the time comes. I am confident they will do that.

It is my sincere belief that the European democracies of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia will, as they have already demonstrated, contribute to NATO's proud tradition and serve to strengthen the alliance. I strongly support enlargement of the alliance to include these countries, and look forward to further expansion in the future to those countries who have demonstrated the ability to accept the responsibilities that come with membership in the NATO alliance. I never thought I would be here today on the Senate floor able to recommend this to my colleagues. It is a wonderful day.

I rise today in strong support of the Resolution on Ratification before us today, which will extend U.S. support to make NATO membership a reality for these new European democracies.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I ask unanimous consent that the time be charged equally to both sides during the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, since the end of the cold war, the mission of the North Atlantic Treaty Organization has changed from one of confronting the Soviet Union to one of securing democracy and stability in one undivided, free Europe.

By passing the resolution of ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, the Senate supports a giant step toward realizing that goal.

I want to speak just for a moment about the recent disagreements among NATO countries regarding Iraq. After many years of supporting NATO enlargement, and my particular interest in Baltic membership in NATO—which I will speak about—I confess that I am concerned that now that my dream is on the cusp of reality, NATO is divided and torn.

I was one who thought the United States should have taken a longer diplomatic path before resorting to war with Iraq and I am particularly concerned about the impression expressed by many of our allies that there is no room for disagreement with U.S. policy.

I believe that our relations with our NATO allies can and must be repaired. But I also want to remind my colleagues that NATO is an alliance of democratic countries whose populations were overwhelmingly opposed to the U.S. going to war with Iraq.

If our goal is to support an undivided, democratic, and free Europe, we must accept and welcome debate within the NATO alliance and work harder to hear and accommodate the views of our allies. It would be the height of irony if the organization originally formed to confront totalitarian communism would disintegrate because of a lack of tolerance for disagreements with United States policy.

I want to focus my remarks today on this resolution on the Baltic states, not because I oppose the membership of Bulgaria, Romania, Slovakia and Slovenia. On the contrary, I supported the policy of seeking the largest possible enlargement of NATO in this round. I always confess my prejudice when I speak about the Baltic states. My mother was born in Lithuania. So when I speak of the Baltic countries, it is with particular personal feeling.

I could not have predicted a few years ago that we would not have to fight, and fight hard, to get Lithuania, Latvia, and Estonia into NATO.

Even as recently as three years ago, Russian President Vladimir Putin claimed the NATO membership for the Baltic States would be a "reckless act" that removed a key buffer zone and posed a major strategic challenge to Moscow that could "destabilize" Europe.

Russian objections to Baltic membership in NATO had no credibility. Russia has nothing to fear from NATO and nothing to fear from Baltic membership in NATO. The tiny Baltic States are no military challenge to Russia, and certainly a democratic Russia does not threaten Europe.

I give credit where it is due, and I believe President Bush's strong leadership in supporting NATO enlargement and his firm rejection of Russian objections to Baltic membership were key to securing broad support, both here and in Europe, for this round of NATO enlargement.

A quick review of history is called for to help appreciate just how remarkable it is that Lithuania, Latvia, and Estonia are on the verge of membership.

In June 1940, the Soviet Union occupied the Baltic countries of Estonia, Latvia, and Lithuania and forcibly incorporated them into the Union of Soviet Socialist Republics.

Throughout the occupation, the United States maintained that the acquisition of Baltic territory by force was not permissible under international law and was unjust. We refused to recognize Soviet sovereignty over these Baltic States.

On July 15, 1940, President Franklin Roosevelt issued an Executive order freezing Baltic assets in the United States to prevent them from falling into Soviet hands. On July 23, 1940, Secretary of State Sumner Welles issued the first public statement of such policy of nonrecognition of the Soviet takeover of the Baltic countries. The United States took steps to allow the diplomatic representatives of those countries to continue to represent them in Washington despite the Soviet occupation.

In 1959, Congress designated the third week in July as "Captive Nations Week," and time after time, year after year, I would gather in Daley Plaza in Chicago with those from Baltic States and other occupied countries to wonder and pray if there would ever be freedom in those countries again.

The good news about Latvia, Lithuania, and Estonia's membership in NATO is it did not come about by accident. The people of the Baltics never let go of their dreams of freedom. They never let our Government forget that they were going to live by those dreams. The official U.S. policy of nonrecognition of Soviet takeover of the Baltics gave them hope.

I went to Lithuania a few years ago with my late brother, Bill. We went to the tiny town where my mother was born, Jurbarkas. When we were there, we found we had relatives, cousins, that we never knew we had, family separated by the Iron Curtain.

I did not believe in my lifetime that I would see the changes come to pass in the Baltic States. When I visited Lithuania the first time in 1979, it was under Soviet domination. Freedom was at a premium, and the poor people of that country slogged by day after day wondering if they would ever have another chance at self-governance.

Lithuania, Latvia, and Estonia asserted their independence from the domination of the Soviet Union, but at a great cost. Soviet paratroopers stormed the Press House in Vilnius, injuring four people. Barricades were set up in front of the Lithuania Parliament, the Seimas. On January 13, 1991, Soviet forces attacked the television station and tower in Vilnius, killing 14 Lithuanians. I was there shortly thereafter. Today, one can see how it is a standing memorial to those who died in the latest fight for freedom in the Baltics.

Images of crowds of unarmed civilians facing down Soviet tanks in the Baltics to protect their parliaments were a powerful message of resistance. It created hope across the world.

The Baltic countries have nurtured their relations with the West, but they have also worked to have a good relationship with Russia. Despite the bitter experience of years of Soviet occupation, each Baltic country has tried to establish a good working relationship so that citizenship and language laws conform to European standards, taking care not to discriminate against ethnic Russians still living in their borders. As a result of these steps, and because of U.S. and NATO's efforts to engage Russia in a positive relationship, Russia's opposition to Baltic membership has disappeared.

The Baltic countries, I wish to add, have also taken an extraordinary and historic step to face up to the bitter legacy of the Holocaust, when hundreds of thousands of Lithuanian, Estonian, and Latvian Jews perished, by setting up a Holocaust museum, teaching about the history of the Holocaust in school, returning the Torah scrolls taken from synagogues and destroyed during that sad period, and working to restore Jewish property rights.

Some people question whether these tiny countries bring anything to NATO. NATO is not a country club; it is a military alliance. When the Soviet troops finally left the Baltic countries, they took almost everything, and these tiny countries started to rebuild their economy and rebuild their power to defend themselves.

The old Soviet ways disappeared, and new thinking, new leaders appeared. Western ways of thinking about military organization, whether civilian control of the military, took their place. To be sure, these are small countries, but they have been helpful countries. They will make a positive contribution to NATO. They already have in Bosnia, Kosovo, Kyrgyzstan, Afghanistan, and Iraq.

When we ratified the membership of Poland, Hungary, and the Czech Republic, some in the Senate doubted their contributions and worried about the cost burdens. I think they realize today that those worries have not materialized into anything serious. Poland, Hungary, and the Czech Republic have been great allies of NATO.

Let me conclude by saying this. Today, Lithuania, Latvia, and Estonia have worked hard to become market economies, to watch their democracies flourish. The fact they want so much to be part of NATO is an affirmation of great hope and great optimism for Europe. I am glad we stood by these countries during the dark hours of Soviet occupation.

I am sorry my mother did not live long enough to see this day, but she did live long enough for two of her three sons to return to the tiny village in Lithuania that she never saw after leaving in 1911. Our return trip to Lithuania was part of closing a loop in our own family history, but it also established a bond, a uniting, a tie between the United States and a small Baltic nation.

By the action of the Senate today in expanding NATO for these new countries, and particularly to expand them to include all of the Baltic countries and my mother's home nation of Lithuania, I believe we are completing the job which was started in 1999: to expand NATO and cement a stable democratic and free Europe.

I yield the floor.

Mr. HAGEL. Mr. President, I rise today to support the resolution ratifying the expansion of the North Atlantic Treaty Organization, NATO, to include Estonia, Latvia, Lithuania, Slovenia, Slovakia, Romania, and Bulgaria.

NATO has been the bedrock of international security since its establishment 54 years ago. Although the military dimension of the alliance was instrumental in containing the Soviet Union, NATO was always about more than military security. America's relationship with our NATO allies has symbolized the common values, as well as the common interests, of democracies united against those international actors who represent tyranny and aggression.

We live at a time of danger, unpredictability, and potential global instability. But we also live in a time of historic opportunity. Alliances are not absolved from the forces of change in world affairs. The ability to adapt to the challenges of this new era in world affairs—challenges from terrorism and weapons of mass destruction—speak to the importance of NATO and other international institutions, including the United Nations, that have played such key roles in promoting and protecting our common interests since World War II.

NATO's decision in November 2002 to expand its current membership of 19 by inviting Estonia, Latvia, Lithuania, Slovenia, Slovakia, Romania, and Bulgaria to begin accession negotiations acknowledges the imperatives of change. I strongly endorse this action. Today, member and candidate countries are expected to do what they can to modernize their forces, including development of niche capabilities and the establishment of a NATO response force. But we know that the contributions of an enlarged NATO will not be defined solely by military capabilities. Expanding NATO also encourages a process of political and economic reform in candidate states.

There is a deep security dimension to an expanded NATO. The threats from terrorism and weapons of mass destruction cannot be handled by the United States or any country alone. Defeating terrorism requires unprecedented international cooperation in the diplomatic, military, law enforcement, intelligence, and economic areas. If our purpose in an expanded NATO is about defeating these threats to our common security, than bringing these seven new members into NATO is critical to our national security.

Although America's military power may be unprecedented in world history, NATO will continue to play a vital role in American and global security. In Afghanistan, the German proposal for NATO to take charge of the International Security Assistance Force, ISAF, represents a new and significant turn in NATO's mission. NATO may well play a role in maintaining security in postwar Iraq. At some point, when there is an Israeli-Palestinian peace agreement, NATO troops may be called upon to help guarantee that peace.

I believe NATO's next 50 years will be just as important for world peace as its first 50 years.

Mr. HATCH. Mr. President, I rise to urge the ratification of Treaty Document 108-14, allowing for the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia to the North Atlantic Treaty Organization, NATO.

I wish to commend the chairman of the Senate Foreign Relations Committee, Senator LUGAR, as well as the ranking minority member, Senator BIDEN, for the work their committee has done to prepare for this historic vote. Since the first accession to the original membership of NATO, when Greece and Turkey were admitted, the Senate has preserved its role of advice and consent on amending this treaty. Senators LUGAR and BIDEN, who have made the advancement of the Atlantic alliance a central concern in their respected careers as two of the Senate's most thoughtful members on foreign policy, have maintained the Senate's critical function, and have, through hearings and statements through the years, provided many opportunities to study the policies and the evolution of the U.S. national interest within the Atlantic alliance.

This is the second time we have voted to ratify the North Atlantic treaty since the end of the cold war. President Clinton supported the first group of new entrants in 1998, and at that time I joined 79 of my colleagues in support of membership for Poland, the Czech Republic and Hungary. When I took to this floor to urge ratification, I said: "I hope this is not the last enlargement, although I am confident that future enlargements, if they occur, will occur with the same detailed, painstaking consideration as we have conducted over the past 4 years." Senators LUGAR and BIDEN have given this accession treaty that consideration, and their committee has unanimously recommended passage. In so doing, the committee has concluded its work to achieve a major platform in President Bush's foreign policy: the admittance to this alliance of the latest group of nations willing and capable to advance the mission of the North Atlantic Treaty Organization.

We will all note that the debate today will be shorter than it was in 1998. And I predict that the vote for passage will be at least as strong, although it is worthwhile noting that every vote this Senate has had since 1955 on all of the new entrants to NATO has been with strong majorities. The reason the debate will be shorter today reflects the consensus that has formed on the subject we address today:

The enlargement of NATO, Mr. President, is good foreign policy for the United States.

Of course it is also good for the candidate countries. Working through our detailed membership action plans, these nations have transformed their militaries, improving interoperability and—this is equally important—developing complementarities of missions. They have had to accept goals for defense expenditures, exceeding, in some cases, the percentage of GNPs dedicated to defense by some of NATO's older members.

And the desire to join NATO has forced the applicant nations to promote and meet other conditions of open and democratic societies. These nations have had to resolve all border issues, establish political norms for the protection of minorities, open their historical archives and accept the responsibilities of their captive or totalitarian pasts, including the Holocaust era and the communist era, combat corruption and set standards of transparency, and educate their publics on the nature of the commitment to NATO. Throughout these years of preparation, we have seen, in varying strong and distinct measures, a host of nations enthusiastically embracing our values and earnestly accepting the responsibilities explicit in membership of the North Atlantic Treaty Organization.

The core of that responsibility lies in article V of the North Atlantic treaty. That article states: "The Parties (that is, the member states) agree that an armed attack against one or more of them shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual and collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area."

This is the commitment at the core of the NATO alliance. It is that commitment that served to deter a Soviet attack against Europe and North America for nearly 50 years. That was a deterrence that was backed up by an explicit understanding that, if deterrence failed, NATO's goal would be to predominate in victory. The deterrence worked, the peace was kept, and that is why NATO is rightly considered the most effective military alliance in modern history.

The end of the cold war brought on a reevaluation of the role of NATO, with a few suggesting that NATO was no longer necessary without a Soviet threat. That misguided view—that mistook the end of the Soviet threat for an era of unprecedented peace and security—never took hold. More sober minds recognized that security and stability were not to be assumed as the status quo, and that conflict would take new forms, be it ethnic war from the dissolution of Yugoslavia to transnational threats emanating from other parts of the world and threatening the security of Europe and North America.

As has already been mentioned in the debate, NATO has only invoked article V once in its history, and it was not during the cold war when, as I mentioned, the deterrence of the alliance always held. Article V was invoked after September 11, 2001, when the members of the alliance determined that the attacks by al-Qaida on the United States were to be considered an attack against the entire alliance. In the days after September 11, 2001, NATO aircraft flew patrols over U.S. airspace as the U.S. military prepared to deploy to Afghanistan in the first phase of our global war on terrorism.

Under U.S. leadership, NATO has accepted that it will face new missions in the 21st century, and that many of those activities defending the members of the alliance will be out-of-area missions. A quick review of the contributions of the nations seeking membership in this latest treaty accession demonstrates, in my view, that they understand the new missions and are already contributing.

Bulgaria was a member of President Bush's "coalition of the willing," and granted use of its airspace as well as an airbase for our Iraq operations, and has offered infantry forces for peacekeeping. While Iraq was not a NATO operation, our ability to rely on Bulgaria, as well as other existing NATO members for equipment and support, made our victory in Iraq more easily attainable.

Estonia has been contributing to NATO operations in the Balkans, providing forces to SFOR and KFOR. It was also a member of the "coalition of the willing," and has also offered soldiers for post-conflict peacekeeping in Iraq. Similarly, Latvia has also contributed to SFOR and KFOR in the Balkans, supported U.S. policy in Iraq, and has sent medics to support our operations in Afghanistan. Lithuania has contributed to U.S. operations in the Balkans and Afghanistan, and was a vocal member of the "coalition of the willing" in Iraq.

Romania has made significant contributions to U.S. operations, providing troops and transport aircraft to our mission in Afghanistan, and granting use of their territory during our operations in Iraq. One thousand American troops are currently stationed in Romania.

These are just highlights of ways that these countries have directly contributed to the challenges we face today, and they do not include the specialties these various countries are developing to confront the challenges of tomorrow.

I raise these highlights because I believe that ratifying this treaty is good foreign policy, Mr. President, in that it strengthens America's position in the world, and enhances our ability to achieve our goals when the defense of our national security requires us to go beyond our borders.

This second wave of nations joining NATO since the end of the cold war brings political stability and expands security to most of Central and Eastern Europe, a geographic zone that brought us calamitous strife and bloodshed in the 20th century. We are referring to a region that Secretary of Defense, Donald Rumsfeld, has felicitously termed the "New Europe." I have nothing against the Old Europe, and note that history shows a common bond with many of the nations of that "Old" Europe, a bond reaffirmed by our coalition partner, Great Britain, and currently and I hope temporarily denied by other members, such as France, Germany and Belgium.

Today we vote for New Europe. In recognizing their contributions, we should not deny their enthusiastic embrace of America's role in the world. They were, after all, the captive nations of the Soviet era, and we were, after all, the leading light in the fight against communism. In their enthusiastic embrace of our values and our missions, I think of the line of Cicero, that "Gratitude is not only the greatest of virtues, but the parent of all others." These nations have shown already that they are willing to defend freedom, and their membership in the Atlantic alliance will advance that defense.

I will repeat again what I said in 1998, and say that I hope this is not the last enlargement. Croatia and Ukraine have indicated that they wish to join some day, and I would welcome them. The mission of NATO is to defend, not exclude.

Today I urge my colleagues to join me in ratifying this latest round of accession to NATO, and in so doing, to add force and depth to an organization that has long served the security of this Nation.

Mr. ALLARD. Mr. President, I rise in support of the proposed North American Treaty Alliance expansion before the Senate today.

When the NATO countries met in Prague last November, they agreed to invite seven new countries to join the Alliance as full members. These seven countries: Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia have submitted their applications and proven their willingness and ability to respect the political and military obligations of NATO membership and to contribute to the Alliance's common-funded budgets and programs.

The NATO Alliance has been enormously successful over the last 50 years and will continue to do so for many to come. Too often some only see NATO as a coalition of nations organized for collective defense. It is so much more. NATO enhances the political and economic stability for all countries in the Euro-Atlantic area. By helping these new members as they strengthen good governance, rule of law, and human rights, NATO will also facilitate a better long-term environment for American trade and investment as well as collective defense and security.

In our war against terrorism, NATO serves a vital role. Strengthening the Alliance for this purpose is a positive development. From the conflicts in the Balkans, the war in Afghanistan or the most recent Operation Iraqi Freedom, the seven invitee nations have contributed, or have committed to contribute, critical support in the form of personnel, overflight or basing rights.

As a matter of fact, in this most recent war with Iraq, we received greater support from these seven countries than some of our more historical European allies. The value of loyal allies committed to democracy and making the world free from tyranny, regardless of any business dealings, cannot be understated.

These seven countries are committed to eliminating and addressing past wrongs. Whether it is the atrocities performed during the Second World War and the Holocaust to the proliferation of military weaponry known as Grey Arms, each of these countries has recognized the issues and is committed to correcting the wrongs done.

Expansion of NATO is not a new or unusual event. Throughout its tenure, NATO has continually added new members. Turkey and Greece were the first new members to join in 1952, followed soon after by Germany, in 1955. Spain entered in 1982 and the first former Warsaw Pact countries, Czech Republic, Hungary and Poland joined in 1999.

It is also likely there will be another round of expansion, inviting such countries as Albania, Croatia and Macedonia. President Bush has espoused an "open door" policy to NATO membership.

Today the door should not be held open for some and kept shut for others. The defined membership criteria encourages all that satisfy these requirements will be welcomed.

NATO expansion will serve U.S. interests by strengthening both NATO and our bilateral ties with these new allies, who have already done a great deal to support our vision for NATO and collective security.

I do have concerns regarding NATO and its future viability. We need to take a long look at the arbitrary and politically motivated, but indefensible use of the "consensus rule" NATO employs, and those nations who try to manipulate the path to peace for less than honorable purposes.

I understand my good friend from Virginia, Senator WARNER, and Senator LEVIN will offer an amendment related to the "consensus rule." I think the amendment is a good idea and deserves the support of this body.

Finally, the path to peace is broad enough to allow all those who wish to traverse it in good company. We should welcome them with open arms.

Mr. BROWNBACK. Mr. President, I have enjoyed watching this debate with my colleagues on the topic of expanding the North Atlantic Alliance. This new round of expansion is one of the most significant events in the alliance's history and will have a profound impact on Trans-Atlantic relations for a long time. The message I bring and I think my colleagues bring is that the North Atlantic Treaty Organization, NATO, is still vital to our security and expansion will make it all the more stronger. Seven countries, Bulgaria, Estonia, Latvia, Lithuania, Slovakia, and Slovenia, have made bids to join NATO.

This debate has evolved in such a way as to recognize the strengths and weaknesses of the alliance in a sober way. The hyperbolic debate over burden-sharing and the contributions of some our allies, whether material or physical, has gone by the way-side with this new round of expansion. The contributions of alliance members is no less important—in fact, it is a central tenet to the success of the alliance. Rather, by inviting these seven new members, we have focussed more attention on how better to integrate, and give opportunity and prominence to those states that wish to contribute more to the collective security of the alliance.

At a hearing the Foreign Relations Committee held on the first of April, one of the witnesses, Bruce Jackson of the Project on Transitional Democracies made several excellent points about these new candidates, one of which I should emphasize for the sake of my colleagues who were not present.

I will revert to the question of contributions and military power. Many critics have focussed on the current capabilities and potential contributions of these seven countries and questioned whether and what they will bring to the alliance. Mr. Jackson pointed to the fact that when West Germany was invited to join NATO, it had neither an army nor a defense budget.

By contrast, the Baltic states have taken it upon themselves to orchestrate regional security agreements and contribute a rational portion of their budgets to national defense. The Balkan countries joining the alliance, Romania and Bulgaria, have militaries that can be immediately utilized for NATO operations. In fact, all of the seven countries, have themselves contributed to NATO missions in Europe, to Operation Enduring Freedom, OEF, in Afghanistan and Operation Iraqi Freedom, OIF.

Romania pulled together 100 of its personnel for SFOR in Bosnia, contributed 200 to KFOR in Kosovo. Romania committed itself and contributed substantially to our efforts during Operation Enduring freedom, OEF, and the International Security Assistance Force, ISAF. For OEF, they sent a 400-person battalion to serve in Kandahar. For ISAF, they sent a military police platoon to Kabul to support securing the Afghan capital. In support for the security and revitalization of a post-conflict Afghanistan, Romania airlifted arms and munitions to be used by a newly reconstituted Afghan National Army. In Iraq, Romania has sent a WMD unit to assist in force protection and have committed to providing peacekeepers and police to assist in the security of that country.

In 1997, during the debate to enlarge NATO for the Czech Republic, Poland and Hungary, the emphasis was and for President Bush especially, still is a unified and free Europe. Our mission then was to stand beside these democracies and direct them to a bright future of freedom, democracy and prosperity.

The assumption of all the states woven into the North Atlantic Treaty is a common set of values among its members. These values, democracy and free markets, are the values in which this collective security agreement is defending. Ensconced in the treaty signed on April 4, 1949 were the shared values of democracy, individual liberty, the rule of law, the peaceful resolution of territorial disputes, civilian control of the military, and central to the treaty's purpose, commitment to the stability and well-being of the countries party to the treaty.

I have in my hands a copy of the Atlantic Charter, a document that very much predates the North Atlantic Alliance and was penned during the dark days of World War II by British Prime Minister Winston Churchill and US President Franklin Roosevelt. This document espoused the foundations on which NATO was born—liberty, self-determination, perpetuation of prosperity and collective security.

Though not the axiom which keeps the alliance glued together, it is difficult to ignore that, as much as the territory, it is those principles that the alliance is fighting to protect.

Here in this building we should think proud of our institutions and their triumph on the world's stage. Not for the hubris at the moment of victory, but for the better tomorrow which all our new European friends will enjoy after the half-century of abandonment behind the Berlin Wall.

Our commitment should never waiver and our continuing mission should remain clear in our minds. We should have enough charity in our hearts to realize the world around us that does not enjoy the freedom we do, and be willing to push the borders of liberty beyond the comfortable world in which we occupy. Seven countries are now eagerly awaiting the advice and consent of this body.

I ask unanimous consent to print the following document in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE ATLANTIC CHARTER

The President of the United States of America and the Prime Minister, Mr. Churchill, representing His Majesty's Government in the United Kingdom, being met together, deem it right to make known certain common principles in the national policies of their respective countries on which they base their hopes for a better future for the world.

First, their countries seek no aggrandizement, territorial or other;

Second, they desire to see no territorial changes that do not accord with the freely expressed wishes of the peoples concerned;

Third, they respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self government restored to those who have been forcibly deprived of them;

Fourth, they will endeavor, with due respect for their existing obligations, to further the enjoyment by all States, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity;

Fifth, they desire to bring about the fullest collaboration between all nations in the economic field with the object of securing, for all, improved labor standards, economic advancement and social security;

Sixth, after the final destruction of the Nazi tyranny, they hope to see established a peace which will afford to all nations the means of dwelling in safety within their own boundaries, and which will afford assurance that all the men in all the lands may live out their lives in freedom from fear and want;

Seventh, such a peace should enable all men to traverse the high seas and oceans without hindrance;

Eighth, they believe that all of the nations of the world, for realistic as well as spiritual reasons must come to the abandonment of the use of force. Since no future peace can be maintained if land, sea or air armaments continue to be employed by nations which threaten, or may threaten, aggression outside of their frontiers, they believe, pending the establishment of a wider and permanent system of general security, that the disarmament of such nations is essential. They will likewise aid and encourage all other practicable measures which will lighten for peace-loving peoples the crushing burden of armaments.

Franklin D. Roosevelt
Winston S. Churchill

Source: Samuel Rosenman, ed., Public Papers and Addresses of Franklin D. Roosevelt, vol. 10 (1938–1950), 314.

Mr. ROBERTS. Mr. President, I ask unanimous consent that a copy of a letter dated May 7, 2003, be printed in the RECORD in regard to the NATO enlargement protocol.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, May 7, 2003.

Hon. BILL FRIST,
Hon. TOM DASCHLE,
U.S. Senate,
Washington, DC.

DEAR LEADER FRIST AND MINORITY LEADER DASCHLE: As the full Senate prepares to take up consideration for modifications to the North Atlantic Treaty in order to accommodate new members in the North Atlantic Treaty Organization (NATO) Alliance, we feel that it is fitting to make a number of observations concerning this important step forward in trans-Atlantic relations.

We wish to express our satisfaction with those portions of the draft resolution of ratification now before the Senate, which preserve intelligence equities.

Draft Condition (3) has two parts. Subsection (A) would require the President to submit a report, by January 1, 2004, to the Congress intelligence committees on the progress of the indicted accession countries in satisfying the security sector and security vetting requirements for NATO membership. We feel that this report is essential. Fitness for NATO membership is a function not only of adequate general security procedures, but also of the strength of national structures ostensibly in place to ensure effective political control over the activity of security services. We suggest that the indicated report should cover the latter consideration as well as the former.

Subsection (B) of draft Condition (3) would require the President to report, by January 1, 2004, to the Congressional intelligence committees on the protection of intelligence sources and methods by accession countries. The report would identify the latest procedures and requirements established by accession countries to protect intelligence sources and methods. The report would also include an assessment of how these countries' overall procedures and requirements for the protection of intelligence sources and methods compare with the same procedures and requirements of other NATO members.

As the Senate Select Committee on Intelligence observed during the last round of NATO expansion (see, Exec. Rpt. 105–14, 105th Congress, 2d Session, p. 56, 57, March 6, 1998), a number of factors should be taken into account to assess the reliability of accession countries to protect NATO sources and methods, namely: The strength of democratic reforms, with a focus on ministerial and legislative oversight of intelligence services and activities; the degree to which accession countries have succeeded in reforming their civilian and military intelligence services, including the ability of the services to hire and retain qualified Western-oriented officers, and the evolution of political and public support for these services; Russian intelligence objectives directed against these countries, including any disinformation campaigns designed to derail, retard, or taint their integration with the West; counterintelligence and other security activities being pursued by the accession countries and the adequacy of resources devoted to these efforts; and the work underway between the [accession countries] and NATO to ensure that security standards will be met by the time [they] join the Alliance.

The context for cooperation with NATO accession countries has changed drastically since 1998, given Operation Iraqi Freedom, Operation Enduring Freedom, and other events which have underscored the willingness of several accession countries to cooperate with their former adversaries in the West to fight terrorism and other critical threats. It is also apparent that democratic reforms among the NATO accession countries have taken strong root and are irreversible.

It is less clear that there has been similar progress in other areas identified by the Senate Select Committee on Intelligence in 1998 as critical indicators of likely performance, such as counter-intelligence and resistance to Russian attempts to influence policy. In short, security-related concerns about NATO expansion that concerned Senators in 1998 remain valid, although the atmosphere for lasting and positive change is vastly improved. We look forward to the Administration's report on these indicators.

On the whole, we feel that U.S. intelligence equities can be safeguarded with this new round of NATO enlargement. We look forward to continuing our work with the Administration during the accession process.

Sincerely,

PAT ROBERTS,
Chairman.
JOHN D. ROCKEFELLER IV,
Vice Chairman.

Mr. KYL. Mr. President, I rise in strong support of this resolution of ratification for the expansion of the North Atlantic Treaty Organization.

The accession to NATO of these seven new democracies—Estonia, Latvia, Lithuania, Slovakia, Romania, Bulgaria and Slovenia—is an historic event that will have far-reaching and, in my view, very beneficial consequences.

Just a dozen or so years ago, these countries were under the boot of Soviet domination and communist dictatorship. Against their will, they were arrayed against NATO as members of the now defunct Warsaw Pact. Today, they stand ready and willing to join forces with NATO, the organization that played such a major role in bringing freedom to their part of the world.

We are striking a blow for freedom here today. Millions of people in eastern Europe live free today because of the commitment, patience and firmness of America and her allies during the cold war. And through their accession to NATO, those millions will now be able to live in greater security, as well as take part in the noble pursuit of defending the liberty of others.

The expansion of NATO into eastern Europe will serve American interests in several ways. For starters, these seven nations, I believe, will help reinvigorate NATO's sense of purpose; which is, first and foremost, the defense of liberty.

With memories of tyranny so fresh in their minds, the people of these nations no doubt have a deep appreciation for the freedom that is sometimes taken for granted in the West. Thus, they are apt to have fewer reservations than some of our other allies about confronting the aggression of those who are hostile to our way of life. This appreciation for freedom—and for those who helped them during the cold war—was unquestionably a factor in the strong support that each of these seven nations gave us in Operation Iraqi Freedom.

Most of the prospective members have very limited military capabilities, and we will certainly expect them to invest properly in their armed forces in the coming years. But many of these countries already possess excellent specialized capabilities, such as the Polish special forces who fought in Iraq or the Slovak WMD defense unit now serving in the Gulf. Over time, I am confident that each of these countries will find its own niche in NATO.

Expansion of the NATO alliance to these countries will also offer us the opportunity to diversify and reorder our basing arrangements—the need for which, I believe, has been demonstrated by 9/11 and the runup to the Iraq War. In the future, it is clear that U.S. forces will need more flexibility—both geographic and political—than ever. It thus behooves us to review our basing structure in Europe with an eye toward relocating some—though certainly not all—of our forces.

NATO expansion serves that end. Many of the prospective members—Romania and Bulgaria in particular—are located closer to where U.S. forces are likely to see action in the future. Their governments are known to be actively interested in hosting U.S. forces. Polls indicate strong pro-American sentiment in these countries.

Mr. President, 65 years ago, Eastern Europe began a horrific descent into darkness with the deal that was struck at Munich. Yalta then solidified what was to be another 45 years of communist tyranny for these nations. Those tragic mistakes are being rectified here today, and we should be proud.

But make no mistake, the expansion of NATO is more than just a rearward-looking act of humanity. It is also a forward-looking act of statesmanship that will serve U.S. interests well in the future.

Mr. SMITH. Mr. President, I rise today to express my full support for the Treaty on NATO Expansion. As chairman of the Senate Delegation to the NATO Parliamentary Assembly, I cannot underscore strongly enough the value of including these seven nations in the NATO Alliance. I applaud and support the administration's leadership on bringing NATO enlargement to the Senate.

These seven prospective member nations have made great strides in developing responsible democratic governments, free-market economies, civil society, and transparent and accountable armed forces. As their active support for the Global War on Terrorism and Operation Iraqi Freedom demonstrates, these nations share our values and are willing—and able—to help promote democracy and freedom around the world.

I believe that it is significant that each invitee has provided direct military support for the Global War on Terrorism, having contributed overflight rights, transit and basing privileges, military and police forces, medical units, or transport support to U.S.-led efforts. They have provided noteworthy support to the International Security Assistance Force, ISAF, in Afghanistan and NATO efforts to stabilize the Balkans. And, as has been mentioned many times today, these countries provided resounding support for U.S. policy on Iraq. I believe that these efforts merely herald the beginning of immense, enduring contributions to come from these nations.

As cochair of the Senate Baltic Freedom Caucus, I would be remiss to not express particularly ardent support for the accession of Estonia, Latvia and Lithuania to NATO. Through working with groups like the Baltic American Freedom League, the U.S.-Baltic Foundation and the Joint Baltic American National Committee, I have first-hand knowledge of the large grassroots public support across the U.S. for inclusion of these noble nations in NATO. These organizations deserve recognition for their decades of work to help liberate and secure the future of the Baltics.

Mr. DODD. Mr. President, as you know, I had originally intended to offer an amendment to the pending resolution adding an additional declaration to the nine that were added during the Foreign Relations Committee's consideration of this matter. My amendment would have dealt with a topic already covered by the Warner-Levin amendment, namely the relevancy of the consensus rule by which the North Atlantic Council has historically carried out its decision making. Now that the Senate has adopted the Warner-Levin amendment by voice vote, I do not see any need to proceed with my amendment.

My amendment would not have answered the question of whether in fact the consensus rule is relevant now that the world has profoundly changed and the membership of the organization has greatly expanded. It would however have appropriately called upon the President to review this matter as we move forward to sign off on the accession of seven additional members to this important organization.

We all know that the latest round of NATO expansion—Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovenia, and Slovakia—will bring NATO membership up to 26 countries. And at least three more remain poised for admission in the coming years: Albania, Croatia, and Macedonia.

Let me be clear. I am all for offering NATO membership to any democracy that wants to join and can contribute to our common security. But I am wondering how all this expansion will affect the decision-making capabilities of NATO as an organization.

For more than 50 years, NATO decisionmaking has been based on consensus—every member state must agree on every important course of action. When 16 NATO countries all faced a common Soviet threat, achieving consensus on major issues was not much of a problem.

We may very soon—within a few years—have 29 members of NATO, from all across Central, Eastern and Southeastern Europe. That is almost double the number we had not too many years ago. The idea that the alliance's decisions will soon be dependent on the unanimous consent of so many diverse nations, seems to me, potentially a recipe for stalemate in NATO decisionmaking.

My personal view is that NATO should consider creating some form of "top-tier administrative council"—similar the U.N. Security Council—to prevent the diminution of NATO's power and effectiveness as a military alliance.

At last year's NATO summit in Prague, President Bush pressed for "the most significant reforms in NATO since 1949." He was mainly referring to the creation of a rapid reaction force to deal swiftly and effectively with new and emerging threats.

Last month, Under Secretary of State Marc Grossman reiterated this idea during his testimony before the Senate Armed Services Committee. He rightly pointed out that NATO needs to be "equipped with new capabilities and organized into highly ready land, air and sea forces able to carry out missions anywhere in the world."

Mr. Grossman was referring to the need for the creation of a "NATO Response Force" to handle serious global challenges, such as proliferation and terrorism. I agree with him that such a force would be beneficial. But I also believe that is only half of the story. It seems to be stating the obvious that each addition to NATO will logically affect in some way the organization, mission, and effectiveness of this proposed rapid response force.

Just as I agree that NATO needs to tailor itself to future global challenges by standing up a NATO Response Force, I can foresee scenarios in which quick and decisive action will be needed in a very short amount of time—perhaps days.

I think it is reasonable to ask whether it will always be necessary or desirable for all 26, or 29, members of NATO to be involved in every aspect of the deployment of this force?

If the answer to that question is no, then shouldn't we at least ask the U.S. administration to study the question of whether NATO should consider a more streamlined decisionmaking structure for NATO to take into account both NATO's new missions, and the alliance's ever-expanding membership. The Levin-Warner amendment should allow a serious review and discussion of that issue.

As I have stated earlier, I am a strong supporter of the pending Protocol approving the new members to NATO. We all want a strong and vibrant NATO. I believe that the resolution of ratification, with the declarations and conditions that have been appended by the Senate will help to make that possible.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 535

Mr. WARNER. Mr. President, parliamentary inquiry: It is my understanding that it is appropriate at this time to proceed to the Warner-Levin-Roberts-Sessions amendment. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. LEVIN, Mr. ROBERTS, and Mr. SESSIONS, proposes an amendment numbered 535.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To propose an additional declaration)

At the end of section 2, add the following new declaration:

(10) CONSIDERATION OF CERTAIN ISSUES WITH RESPECT TO NATO DECISION-MAKING AND MEMBERSHIP.—

(A) SENSE OF THE SENATE.—It is the sense of the Senate that, not later than the date that is eighteen months after the date of the adoption of this resolution, the President should place on the agenda for discussion at the North Atlantic Council—

(i) the NATO "consensus rule"; and

(ii) the merits of establishing a process for suspending the membership in NATO of a member country that no longer complies with the NATO principles of democracy, individual liberty, and the rule of law set forth in the preamble to the North Atlantic Treaty.

(B) REPORT.—Not later than 60 days after the discussion at the North Atlantic Council of each of the issues described in clauses (i) and (ii) of subparagraph (A), the President shall submit to the appropriate congressional committees a report that describes—

(i) the steps the United States has taken to place these issues on the agenda for discussion at the North Atlantic Council;

(ii) the views of the United States on these issues as communicated to the North Atlantic Council by the representatives of the United States to the Council;

(iii) the discussions of these issues at the North Atlantic Council, including any decision that has been reached with respect to the issues;

(iv) methods to provide more flexibility to the Supreme Allied Commander Europe to plan potential contingency operations before the formal approval of such planning by the North Atlantic Council; and

(v) methods to streamline the process by which NATO makes decisions with respect to conducting military campaigns.

Mr. WARNER. Mr. President, I, first, wish to thank the distinguished managers, my two colleagues and friends, with whom my friend and partner for 25 years, Senator LEVIN, and I have had the privilege of working these many years, over a quarter of a century in the Senate. We have, I think, reached a common understanding that I will proceed for several minutes, followed by my colleague from Michigan, and in such time the two managers will address their perspective on this particular amendment. I think they are generally in support; however, I shall let the managers speak for themselves.

Mr. President, I rise today to express my support for the ratification of the Protocols to the North Atlantic Treaty of 1949 on Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia. The Protocols that we are considering today would allow those seven nations to become full members of the NATO alliance.

My colleagues may recall that, in 1998, I did not vote in favor of the expansion of NATO to include Poland, Hungary and the Czech Republic. My opposition at that time was not directed at those three countries. Rather, I was concerned with the broader question of how the expansion of NATO to include newly democratizing countries of Central and Eastern Europe would affect NATO's future missions and its effectiveness as a military alliance.

NATO's success in integrating the new members admitted in 1999, and NATO's commitment to enhancing its defense capabilities and those of its prospective new members, have helped persuade me to support the enlargement of NATO today. But I remain concerned that NATO's enlargement by seven additional nations—the largest enlargement in Alliance history—could have dramatic implications for NATO's ability to function as an effective military organization.

Today, the threats to NATO member nations come from within and without NATO's periphery. Because of NATO' success, there is no Soviet Union or Warsaw Pact. The threats—such as terrorism and the proliferation of weapons of mass destruction—are transnational in nature, and they emanate from regions outside of Europe. This was recognized in the Strategic Concept NATO adopted 1999, which envisioned NATO "out of area" operations to address new threats. To remain a viable military alliance, NATO must have both the military capability and the political will to respond to the new threats. NATO's recent decision to assume the lead of the International Security Assistance Force in Afghanistan, and its willingness to consider supporting a stabilization force in Iraq, are welcome examples of new NATO missions appropriate to today's threats.

The Senate Armed Services Committee has a long tradition of strong support for the NATO alliance, and has played an important role in the Senate's consideration of the North Atlantic Treaty and its subsequent amendments. In March and April 2003, the committee conducted two hearings on the future of NATO and on NATO enlargement. The Administration witnesses at these hearings unanimously supported ratification of the NATO enlargement Protocols.

One of the issues the committee examined in its NATO hearings was whether the prospective new members would enhance the military effectiveness of the alliance, and how their membership would affect the capabilities gap that currently exists between the United States and many other members of NATO.

The witnesses who appeared before our committee testified that NATO was taking concerted efforts to address the ongoing problem of a capabilities and technology gap. They noted the decisions taken by NATO's leaders at the Prague Summit in November, 2002, to launch the Prague Capabilities Commitment and to create a NATO Response Force. Through the Prague Capabilities Commitment, NATO members agreed to spend smarter, pool their resources and pursue "niche" specializations such as lift capability, or precision-guided munitions. The NATO response force is envisioned to be a highly ready, rapid reaction force of approximately 25,000 troops with land, sea and air capability, deployable on short notice and able to carry out missions anywhere in the world. The response force will reinforce the need for individual alliance members to develop and contribute unique capabilities to this new force.

Regarding the military capabilities of the prospective new members, I was impressed that each of them is similarly being encouraged to focus on specific "niche" capabilities where they can achieve a high level of expertise and procure high quality equipment to make a substantial contribution to NATO's military capabilities overall. Some of the invitees already possess specialized capabilities that have served the alliance in the Balkan operations and in the global war on terrorism, including: special forces, nuclear, biological, and chemical defense, mountain fighting, and demining.

Equally persuasive was the testimony of our witnesses regarding the contributions of the nations admitted to NATO in 1989. Poland, Hungary, and the Czech Republic have proved to be steadfast allies and active force contributors to NATO operations in the Balkans, and in the war against terrorism.

Mr. President, historically, I was among those who objected to the last enlargement of NATO. At this time, I very carefully considered the proposal by our distinguished President, President Bush, and other world leaders, that the time has come for new members to be brought in. I commend the Secretary of State and the Secretary of Defense for the careful procedures that led up to the nominations of these new countries to come into the membership of NATO.

I am privileged to be on the floor now and to cast my vote in favor of these protocols which will enable the seven countries to become members of NATO in due course.

I have to say, I still have some of the concerns I had last time because NATO is such a magnificent organization. Over half a century it has proven its worth time and time again. The Warsaw Pact does not exist, the threats from the Soviet Union do not exist, largely because of the wisdom incorporated in this treaty, and the combination of the military commitments and the political will of the North Atlantic Treaty Alliance members over the years to have that alliance stand there as a deterrent. It has worked, and it has worked well.

We cannot foresee the future and, therefore, we must be flexible because worldwide threats have gone through such a major transformation, from major nation-state-sponsored threats to worldwide terrorism, so much of it non-state sponsored. For that reason I want to support the admission of these new nations.

Further, while so many of these newly democratic nations do not bring a large army, large navy, or a large air force, in due course their "niche" military capabilities will add a very valuable dimension to NATO's ever expanding responsibilities.

NATO is participating actively in Afghanistan, and contemplating participating actively in Iraq in peacekeeping and support roles. I shall not discuss this in detail. Nevertheless, that is a tribute to Lord Robertson and others who have recognized that the threat to NATO nations comes from beyond their periphery now, but could be brought within their periphery at any time by the threat of worldwide terrorism. Those are the reasons I support NATO's participation in "out of area" operations in Afghanistan and post-conflict Iraq.

I remember the words of Ben Franklin as he emerged from the Constitutional Convention and a reporter stopped and asked him: Mr. FRANKLIN: What have you wrought? And his reply was very simple: A republic, if you can keep it.

There is a challenge to these NATO nations, soon to be 26 in number. You have the heritage of this great treaty of over half a century, and the challenge is, can we keep it?

I think we can. I think we will. Within the current thinking on NATO, Senator LEVIN, I, and others have identified two issues that dominated our committee's hearings on NATO: the so-called "consensus rule" by which NATO operates and the question of whether NATO should have a process for suspending the membership of a nation that is no longer committed to upholding NATO's basic democratic principles.

With respect to the consensus rule, the recent divisive debate over planning for the defense of Turkey in the event of war with Iraq demonstrated that achieving consensus in NATO has become more difficult. How difficult will it be with 26 nations? A different manifestation of this problem occurred with respect to NATO operations in Kosovo when "command by committee" hampered NATO's leaders' ability to wage the most effective, rapidly responsive military campaign. Such difficulties in reaching consensus are occurring in part because respective NATO members have different views, as they should, about today's threats and how best to respond to them. Achieving consensus is likely to become even more complex as NATO enlarges its membership. That is why I believe—and my colleagues join me on this—the consensus rule, and NATO's operating procedures more generally, should be periodically reexamined to ensure that NATO has procedures that allow it to plan, reach decisions, and act in a timely fashion.

Regarding the issue of a suspension mechanism, some of our committee members have expressed concern about the lack of a mechanism for suspending a NATO member if that nation no longer complies with the fundamental tenets of NATO—democracy, individual liberty, and the rule of law.

While it may well be true that NATO has ways other than suspension to deal with such a situation, it is prudent for NATO to consider the matter now, as a conceptual problem, and have some options in mind, rather than be confronted with a problem in the future, and be somewhat unprepared should it arise.

Given the tremendous interest of the Armed Services Committee in these two subjects, I, along with Senators LEVIN, ROBERTS, and SESSIONS, am offering an amendment to the resolution of ratification for these protocols that would urge the President—I repeat, urge the President—of the United States to raise these subjects for discussion in the North Atlantic Council at NATO, and request that a report on these subjects be provided to the relevant committees of the Congress.

I have consulted closely with administration officials, and negotiated the language in this amendment with administration officials way into last night, in order to receive their support, and they have no objections today. I hope we can achieve that because we have—Senator LEVIN and I, speaking for our group—have made some concessions in order to have this matter treated in such a way that the whole Senate can be supportive.

I conclude by saying, based on the hearings conducted by the Armed Services Committee and subsequent analysis, I am persuaded that the NATO enlargement protocols we are considering today will advance the national security interests of the United States and deserve the Senate's support.

Lastly, on the assumption that NATO, I think very wisely, will take a role in Afghanistan, on the assumption again that NATO, again very wisely, will take a role in Iraq, which is a positive thing, I say this with respect to the coalition of forces: We will achieve the end result that is now unfolding in Afghanistan and Iraq. It is yet to be completed, but basically the desired result will have been achieved in Afghanistan and Iraq at some cost—with the bloodshed of Americans and other coalition partners, with enormous tax dollars. These are very significant contributions by the coalition of forces and this great United States of America.

I think it is a minimal suggestion that NATO consider changing its procedures for deciding to undertake such operations in the future to avoid the problems we have recently witnessed.

I urge my colleagues to support the amendment to the resolution of ratification I am proposing today, and to join me in giving our advice and consent to ratification of the protocols to the North Atlantic Treaty of 1949 on Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me thank my good friend from Virginia for his great work on this resolution. We have worked together not just in the Senate for all of these years but on this particular issue we have worked together for a long time. I also thank the managers of this bill, not just for working with us on this matter but also for their work generally on a host of issues which they struggle with to try to make our Nation a lot more secure. They work together magnificently. They are both essential for this country's security and strength and wisdom, which we surely need in these complicated days.

Mr. WARNER. Mr. President, if the Senator will yield, I thank him for the reference to our long-term working relationship. The Senator has really taken the lead for over 5 or 6 years. We have worked on this issue for a very long time. It is not something that has just suddenly come to mind.

Mr. LEVIN. I thank my friend from Virginia.

First, I very much support the expansion of NATO to include these seven additional countries, just as I supported the expansion for the three that we approved a few years ago. I believe this expansion, like the last one, could lead to a safer, more united, more cohesive Europe and reduce the possibility that Europe would ever again be divided by war. I very much support the expansion.

I have been troubled by one issue for many years—actually a number of issues relative to NATO—that as we expand NATO, there is a greater likelihood, just statistically, that someday, some country is going to no longer live up to NATO's requirements that it be a democratic country with a free market. We hope that will never happen. We do not expect it to happen. But what happens, after these nations are added hopefully, if one day, one of the now 26 nations departs from the alliance's fundamental principles?

As it now stands, there is no mechanism in the charter to suspend a country that no longer complies with NATO's fundamental principles. It is an unusual alliance in that regard that does not have a suspension mechanism, but it does not. We could actually, theoretically, see a country become a dictatorship and stop 25 democracies from acting in their own self-defense or in defense of a secure world. That is an unusual provision. It is one that was consciously adopted, but it is one that as we add more countries to NATO we have to think about, it seems to me.

Our amendment is aimed at raising this issue. We do not direct that there be a solution to the problem. We simply believe that NATO countries, as NATO expands, should address the issue of a country in the future possibly departing from the fundamental principles that guide NATO.

What happens, for instance, if one country becomes a dictatorship? That dictatorship could veto a decision that all the other NATO member nations wanted to take, perhaps to come to the aid of a people who were being ethnically cleansed on a scale perhaps approaching what happened in the genocide that occurred in Kosovo, or worse. That issue, as well as the consensus issue Chairman WARNER has raised, should be raised at NATO. They should discuss it. They should decide whether or not they want to proceed on the current course.

Again, I emphasize that our amendment, while expressing the sense of the Senate that the administration raised this issue at the North Atlantic Council, does not in any way indicate what the outcome of that discussion would be, nor, indeed, does it in any way suggest what the position of the United States should be during those deliberations. We simply want the issue of suspension and consensus and the other issues referred to in our resolution discussed at the highest level at NATO—just discussed.

There is a question raised: Is this aimed at any particular country? It is not. It is explicitly not aimed at any one of the 26 countries. We made it clear we amended our language to make it clear this would take effect 18 months after the resolution is adopted. We expect by then all the new countries will have been in long enough so there will be no sensitivity about that issue.

We also make it clear this is not a condition in any way on the ratification of the NATO documents. It is drafted as a declaration of the intent of the Senate rather than as a condition of any type. That is, in essence, what we do.

A final discussion item that is listed in the resolution would be methods to streamline the process by which NATO makes decisions with respect to conducting military campaigns. We believe this is essential because this refers to the actual conduct of military operations—not to the approval to conduct it but it seeks to address the problems that were experienced in the conduct of NATO operations in Kosovo where it was reported that General Wesley Clark, the then NATO commander, was restricted in his actions by a number of NATO countries that wanted to review each day's bombing targets. The planning should be allowed to proceed in advance in the event that the North Atlantic Council approves the operation. This simply would expedite and streamline the planning of military operations.

Our amendment is not intended to interfere with the passage of our resolution of ratification. It would not cause any delay in the ascension of the seven new members into the NATO alliance. Again, it merely seeks to cause the alliance to consider some issues that could pose problems in the future, if not addressed in a calm, careful, and measured way before a crisis occurs.

Discussion and report is what we are asking the administration to participate in and to initiate—again, not declaring what the position of this administration or any future administration will be and not in any way suggesting the outcome of those deliberations and discussions. It is a matter of prudence that this issue, which would have such huge ramifications down the road as to whether or not NATO can act, should be discussed in advance, whatever the outcome of that discussion.

I thank Senators LUGAR and BIDEN for working with us in a way so we now believe this matter can be resolved and adopted.

I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Delaware.

Mr. BIDEN. I will respond briefly. Anyone who is a C-SPAN watcher will be a bit confused. We have Senator WARNER talking about his 25-year relationship with Senator LEVIN and I am about to talk about my 28-year relationship with my friend, Senator LUGAR. This is proof there is bipartisanship in this operation. We have a Democrat and a Republican opposing a Democrat and Republican on the principle here but not on whether or not this should be included and considered.

This is basically a procedural judgment we are making. I have a few points notwithstanding the very well intended effort on the part of Senator LEVIN who has, for a number of years, been concerned about this issue and is concerned that, as he said, who knows, maybe some day we will end up with one of these member states no longer being a democracy. It is possible.

What do we do? Let me suggest what Secretary Powell said before our committee when there was consideration, not by Senator LEVIN or Senator WARNER, but there was discussion about having a condition attached to this treaty—which is not the case now. He said:

> NATO is not a committee; it's not a council; it is not a group. It is an alliance. When you call something an alliance, I think it means that everybody has to be together for the alliance to take action.

I am skipping ahead to make this short. Secretary-General Lord Robertson told the members of the Foreign Relations Committee:

> Even when times have been difficult, NATO has never failed to get consensus or to find a way to work around the problem. No country has ever used its national veto.

As Secretary General Lord Robertson also said, "NATO is an infinitely adaptable organization" and has proven itself equal to all organizational challenges.

Let me be more precise. When France pulled out of NATO's integrated command in 1967, the alliance decided it had a problem. Ordinarily, that would be enough to cripple NATO because it would effectively veto everything. What did we do? Then NATO came up with a Defense Planning Committee, the so-called DPC, which for years has done the bulk of NATO's work. When France refused to go along on the Turkey article 4 request last winter, saying the decision in the NAC would be counterproductive to diplomatic discussions of the United Nations, what did we do? We went over to the DPC effortlessly. We did not have a great crisis in NATO.

If that had not worked, Lord Robertson could have ordered the SACEUR to make the Patriots and AWACs available to Turkey, or he could have done what former Secretary General Luns once did. He could have simply declared his own decision was final unless there was unanimous opposition.

I will not take more time, although there is much more to say. The reason I bring these things up, we have, in fact, dealt with very difficult crises in NATO, including member states not meeting the criteria of a democratic free market, respecting human rights, et cetera. We have had different countries who have been the odd man out on different occasions. Every time, instead of having to go through the process of a period of expulsion, we were able to weather the storm by dealing with it through other mechanisms.

Here is the larger point I wish to make. I do not want to take too much time, but it is a very important point to make, in my view.

Especially troubling is the opinion of Lord Robertson that alternatives to the consensus principle would create more problems than they are intended to solve.

Majority rule or a UN Security Council-type system would send members scurrying for votes in support of their positions, merely delaying action and reinforcing divisions among allies.

The consensus rule is a fundamental part of NATO, an essential second element in the article 5 defense clause of NATO, requiring that any NATO action taken as a result of an attack on a NATO member be decided by consensus.

My colleagues should note that this Article was crafted back in 1949, on American insistence, to prevent the U.S. from being pulled into wars by European countries.

As Lord Robertson asked us, "does the U.S. now really want to open the door to the possibility of being dragged into a war it does not want to participate in?"

I might quote from a thoughtful letter to Senator LUGAR and myself written by Bruce Jackson, president of the U.S. Committee on NATO:

> At present, the United States is the only country that can consistently produce unanimous outcomes at the level of the North Atlantic Council or, failing in that, at the Defense Planning Committee. The process of achieving unanimity is uniquely and, perhaps intentionally, to the advantage of the United States.
>
> The countries whose ratification is before the Senate are aghast that the Senate might consider weakening U.S. leadership in NATO, which is the aspect of NATO they most admire, just as their democracies reach the threshold of membership. We share their concern.

Five years ago when this was brought up in the last expansion, I said, "Why would we indulge in unilateral disarmament and give up our veto over a NATO decision?"

People wondered later, and asked me: What are you talking about? How is this giving up any veto?

With regard to the mechanism to suspend a member that strays from NATO's principles, that too is unnecessary. Here are two examples: During the authoritarian rule of the Greek colonels from 1967 to 1973, Greece was frozen out of the key NATO decisions. When it appeared Portugal might go Communist in the summer of 1975, it, too, was frozen out.

There would also be the temptation to play domestic politics with a suspension mechanism.

We would not want NATO to be torn apart the way the European Union was three years ago when other countries isolated Austria because Mr. Haider's distasteful party had joined the governing coalition after a free election.

For example one might envision a future scenario in which Turkey were threatened with military attack and some members would argue that Ankara's imperfect human rights record obviated the obligation of the NATO allies to honor their Article 5 commitments.

This isn't far-fetched. In January 1991, Mr. Lambsdorff, then the leader of the Free Democrats in Germany's Bundestag, voiced similar sentiments.

The reality is that once a suspension clause was introduced into the North Atlantic Treaty no country could fully rely upon Article 5.

Lord Robertson's summary judgment on creating a suspension mechanism speaks volumes:

> The worst possible thing would be to legislate in advance for all possible occasions and then be locked in.

Our debate will be watched closely in the seven invited countries and throughout the rest of Europe. Attaching this declaration to the Senate's ratification would send an unsettling message through the Alliance.

Lord Robertson gave us his bottom-line on Monday:

> Putting these issues on the agenda of the NAC would be "deeply unhelpful" to him and would "open a can of worms."

The bottom line here, Madam President, is that I really think we should understand what is intended. The objective here to get NATO itself to adopt such a rule would be the single most serious thing we could do to U.S. leadership and U.S. de facto control of NATO.

I urge my colleagues to vote down this amendment, which is both unnecessary and potentially disruptive to NATO as it is about to welcome seven new members.

I thank my friend from Michigan and my friend from Virginia for being willing not to go with the original resolution they had, and seek this report from NATO within 18 months after the request being submitted by the Secretary of State. I think that is a more prudent way to proceed. But I hope when that is done, the NATO membership will uniformly reject any change in the process. But again I thank my colleagues and yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, I agree with the analysis of history given by my colleague, the distinguished Senator from Delaware, with regard to the basic exclusion—or rather consensus and exclusion argument we are having today. He states correctly this arose the last time we discussed NATO accession. It is an important argument that has been propounded by the distinguished Senator from Michigan, the distinguished Senator from Virginia, and others. I simply rise to say the substance of the issue is different from the procedure. In this amendment offered by the distinguished Senators, we are discussing an amendment that says:

> It is the sense of the Senate that, not later than the date that is eighteen months after the date of the adoption of this resolution, the President should place on the agenda for discussion at the North Atlantic Council—
>
> (i) the NATO "consensus rule"; and
>
> (ii) the merits of establishing a process for suspending the membership in NATO of a member country that no longer complies with NATO's principles of democracy, individual liberty, and the rule of law set forth in the preamble to the North Atlantic Treaty.

The amendment also calls for reports on the points of view raised by our Government and, likewise, its fulfillment, with the gist of this amendment.

At the time we had Secretary Powell before the Foreign Relations Committee in one of the five hearings the committee has conducted on NATO, we requested his view on the subject of consensus and expulsion. In fact, I requested a letter from Secretary Powell, which he sent to me, and made clear as a matter of principle NATO's decision-making process in his judgment works well and serves the United States interests.

The Secretary affirmed that for 50 years, from the cold war to Kosovo and now Afghanistan, NATO has been able to reach consensus on critical decisions. NATO is an alliance, and no NATO member, including the United States, would agree to allow alliance decisions to be made on defense commitments without its agreement.

Regarding the suspension mechanism, the Secretary said NATO has been able to deal successfully with the rare cases in the past of problem countries, and NATO has dealt effectively with Allies that have experienced regimes that did not support NATO's democratic principles by isolating them or excluding them from sensitive discussions—just as the Senator from Delaware has illustrated.

I would add that when, at Senator LEVIN's request, these issues were raised by Ambassador Burns in an informal discussion within the alliance, there was no support from other members for creating a suspension mechanism or for changing the consensus rule.

Essentially, the administration preference, when we asked them with regard to this idea, is that these issues not be addressed in the resolution of ratification and certainly that they not be termed as a condition. The authors of the amendment today have not done so. This is not a condition. Therefore, there is not an argument with the administration.

The Secretary believes the questions are worthy of further study, and so do I. My own view, having listened to the testimony by Secretary Powell and then as Senator BIDEN suggested more recently, a visit in the Foreign Relations Committee with Secretary General Robertson of NATO and with our Ambassador, Nick Burns, is that essentially, as the Secretary's letter has pointed out, the decisionmaking process has worked well, has served the United States interests. As Senator BIDEN pointed out, as you look into the fine print, it might not serve our interests so well if in fact our effective veto was terminated.

Having said all of that, none of us has wisdom that is all encompassing on these issues. Times change. Senator LEVIN in his comments has cited some reasons and these are important to consider.

Therefore, I come out in this discussion on the side of thought that within 18 months the United States ought to think through these arguments, ought to put them on the agenda of the North Atlantic Treaty Council for discussion. In 18 months the world may have changed a lot. Even if a discussion of them in recent months led to apparently universally negative views of our NATO allies, plus apparently a negative viewpoint of our own Secretary of State, it is conceivable that on further study, intensive study in this area, there may be some other constructive results.

I say this because I respect very deeply the distinguished chairman and ranking member of the Armed Services Committee. They, too, held hearings, as I cited in my opening statement, on the NATO accession issue. They are intensely interested, as we are in the Foreign Relations Committee, and as all Members of this body are, in what is in the best interests of our country, in our military alliances, in the prosecution of peace, in those horrible instances, and in the prosecution of war.

These are serious issues, and this is perhaps an appropriate time as the body is focused on NATO to, once again, say these are discussions that have to take place from time to time. We in the United States ought to suggest that our Secretary of State take that initiative.

For these reasons, I am going to support the amendment. I hope that, as a matter of fact, it will receive a unanimous verdict of support today on the procedural issues and issues that are out there, even if all of us have fairly strong views on the substance—and that would include the administration as well as colleagues.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I rise in support of the Warner/Levin/Roberts amendment to the resolution of ratification on NATO Enlargement.

Before I talk about our amendment, I want to take a few moments to express my strong support for the enlargement of the NATO Alliance to include Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia.

A significant aspect of any enlargement of the Alliance to the United States, of course, is that it would represent a commitment by the United States to treat an armed attack on any of these seven nations as an armed attack on the United States. In 1998, when the Senate was considering the enlargement of NATO to include Poland, Hungary and the Czech Republic, the attitude of Russia to the inclusion of former members of the Warsaw Pact was a factor which was part of the debate. Such enlargement was not intended to be threatening and, appropriately, it was not perceived as a threat by Russia, which wanted to establish a constructive relationship with the United States and the other members of NATO. As a matter of fact, Russia's decision on that matter was so clear that its position relative to NATO membership for former Soviet Republics Latvia, Lithuania and Estonia is not even an issue today.

One issue that I have wrestled with in 1998 and before was my belief that NATO should have a mechanism to suspend the membership of a NATO member, if that member no longer complies with the Alliance's fundamental principles of democracy, individual liberty and the rule of law. In the Armed Services Committee hearings that preceded the 1998 Senate floor action, I put the issue to former Secretary of State Henry Kissinger who said in part that "I think in situations in which a government emerges incompatible with the common purpose of the Alliance, there ought to be some method, maybe along the lines you put forward." I also raised the issue with former Secretary of Defense William Perry who said in part that "What you are describing is a problem—in fact, I would call it a flaw—in the original NATO structure, the NATO agreements. And, in my judgment, this is a problem which should be addressed."

I had a colloquy with the then Chairman of the Foreign Relations Committee, Senator BIDEN, who said in part that "I agree with the Senator from Michigan that this is an important matter that raises fundamental issues for the United States and our allies. I believe that this is a matter that merits careful consideration within NATO councils. It would certainly be preferable for NATO to discuss this in a careful and measured way now, rather than be faced with the issue at some future time when an emergency situation exists."

That careful and measured consideration, however, has not been undertaken within NATO councils in the interviewing years.

Just as I supported enlargement of the Alliance to a total of nineteen nations in 1998, so I support enlargement of the Alliance today to a total of 26. But I am mindful that the sheer number of nations that will soon make up the alliance increases the chance that one of them may some day depart from the alliance's fundamental principles. Having said that, I want to be perfectly clear—our amendment is not aimed at any of the seven nations whose accession is before us today—it is not aimed at the three most recent NATO member nations—it is not aimed at any of the long-term NATO member nations—and it is not aimed at any potential future NATO member nation—it is not aimed at any nation.

It is aimed at the possibility that a NATO member nation that, for example, was no longer democratic and was ruled by a dictator, would be in a position to veto a decision that all of the other NATO member nations wanted to take—perhaps to come to the aid of a people who were being "ethnically cleansed" on a scale that was approaching genocide such as happened in Kosovo. I believe that the United States should put the issue of whether a process should be established to suspend—suspend, not expel—such a member nation so that it would not endanger NATO's decision making when all but an undemocratic member nation wants to act.

The growth in the number of NATO member nations to 26 also increases, under the laws of mathematics, the potential that one NATO member nation, even a nation that conforms to the alliance's fundamental principles, could prevent the alliance from making a decision where all other countries want to act. The recent experience, wherein France prevented the North Atlantic Council from authorizing planning for the defense of Turkey to proceed and the Alliance had to go to the Defense Planning Council for that authorization, is a real-world example that demonstrates the need for the alliance to reconsider whether the consensus rule for NATO decisions should be changed.

I want to emphasize very strongly at this point that our amendment doesn't mandate a particular outcome to the discussion of these issues by the North Atlantic Council. It doesn't prejudge the result of the discussion and it doesn't require the U.S. representative to take a particular position in the discussion. It merely seeks to have the issues placed on the North Atlantic Council's agenda, discussed in the council, and the results of that discussion be reported back to the U.S. Senate.

Our amendment would require the President's report to discuss two other matters. The first would be methods to provide more flexibility to NATO's Supreme Allied Commander, Europe, who is presently U.S. General Jim Jones, to plan potential contingency operations before the formal approval of such operations by the North Atlantic Council. In the instance that I mentioned, wherein France blocked the planning for Turkey's defense, it would have been very useful if NATO's military planning staff could have been preparing contingency plans so that they would have been immediately available once the civilian decision-makers had approved the defense of Turkey.

A final discussion item would be methods to streamline the process by which NATO makes decisions with respect to conducting military campaigns. This refers to the actual conduct of the operation—not to the approval to conduct it—and seeks to address the problems that were experienced in the conduct of the NATO operations in Kosovo where it is reported that General Wes Clark, the then-NATO Commander, was restricted in his actions as a number of NATO capitals insisted on reviewing and approving each day's bombing targets.

This amendment does not interfere with the passage of the resolution of ratification. It does not cause any delay in the accession of the seven new members into the NATO Alliance. It merely seeks to cause the Alliance to consider some issues that could pose serious problems in the future if not addressed in a calm, careful and measured way before a crisis occurs.

I ask unanimous consent that the discussion between myself and former Secretary of Defense Perry be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON ARMED SERVICES, U.S. SENATE

HEARING TO RECEIVE TESTIMONY ON ISSUES RELATED TO NATO ENLARGEMENT—THURSDAY, MARCH 19, 1998, WASHINGTON, DC

We went into Bosnia, I understand, for legitimate reasons, I think. But, still, it is not what NATO was invented for, which was to reassure the Western Europeans that they would not be attacked by the Russians. And if they were attacked by the Russians, the United States would come to their defense.

And I do not think the operation in Bosnia qualifies to that standard. Which does not mean I am against it, but, still, I do not think you can square it with the original Treaty.

Chairman THURMOND. My time is up.

Senator Levin.

Senator LEVIN. Thank you, Mr. Chairman. Ms. Eisenhower, your sensitivity to the impact of this on our relationship with Russia, it seems to me, is correct, in terms of being aware of it. We should worry about it. We should consider it.

I reach a different conclusion than you do, but it is not politically incorrect to factor into the deliberation what the impact on that relationship is. I reach a different conclusion than you do for a number of reasons. And, by the way, I, too, have talked to dozens of parliamentarians in Russia, both here and in Moscow, as well as their leadership, their minister of Defense, their Foreign Minister, and so forth.

And I have heard their words. I have also seen their actions, including the following actions: They entered into a Founding Act with NATO after the decision to expand NATO was made. And they have remained a member of that relationship. And that Founding Act says—and this is between NATO, after the announced expansion, and Russia—that Founding Act reaffirms the determination of the parties, NATO and Russia, to give concrete substance to our shared commitment to a stable, peaceful and undivided Europe.

So one of the actions which they have taken is to both join a Founding Act with NATO after the announced expansion, and to remain a member of that Founding Act. Secondly, recently the Partnership for Peace was expanded. A more active participation was recently agreed to by Russia with NATO. So we have a more active participation in NATO's Partnership for Peace recently, after the actual decision to have three additional countries join NATO.

Next, recently, their Prime Minister, Mr. Chernomyrdin, publicly pledged, after meeting with our Vice President, that the Russian Government will push hard for the Duma's ratification of START II. This came within the last few weeks.

We have heard—and I have heard from parliamentarians—that the expansion of NATO will hurt the chances for ratification. We understand that. But, nonetheless, the action taken by the Prime Minister is that he is going to push hard for that ratification. And that is despite his clear awareness that NATO is, with great likelihood, going to be expanded and that this Senate will ratify that expansion. So we have that action taken on the part of Mr. Chernomyrdin.

We also have a recent—interestingly enough, we talked about public opinion polls in here—we have a recent public opinion poll by the Gallup people in Moscow, released last Saturday, revealing that 57 percent of the people in Moscow support the Czech Republic's bit to joint NATO; 54 percent support Hungary's admission; 53 percent said Poland should allowed to join NATO. And a quarter of those polled had no views on the subject.

Now, I do not know what their sample was and so forth, but, nonetheless, I am not so sure public opinion in Russia is so wholly as one-sided as you indicate. And, again, I have also had similar meetings, as you have had, with their parliamentarians.

On the other hand, it is a very important factor to consider. And I think we should all weigh that. We should not give Russia a veto. That would be a very bad mistake, but we surely should consider the impact of any expansion on our relationship with Russia, and on the effort to bring Russia into the democratic world and to keep them there, and to keep them into the free market world. It is a very important issue.

You have raised another issue, however, which I find—and I join with you in finding troubling. And that is the inability of NATO to suspend a member, to remove a member who no longer comports with NATO's principles of democracy and free market orientation, and a dedication to freedom. This could happen in the future. It could happen. And there is no mechanism inside of NATO to suspend a member. Every member has a veto. And that could create a problem with your strategic vision. I think all of us hopefully view the world somewhat strategically. That could create a problem down the road.

And so I want to ask, Secretary Perry, about this issue. It is something which has troubled me. I do not want to try to condition the accession of these three new members on a suspension agreement, because that would raise a false implication that it has something to do with them—which it does not. It is a general issue that I think we have to face in NATO at some point, not related to these three particular countries, or any other particular country.

But what happens in the future if a member of NATO no longer comports to the principles of NATO in terms of commitment to democracy, freedom and free markets, and then has a veto on NATO operations? And my question, Mr. Perry, is this: Should we at some point raise within NATO, and satisfy ourselves, on the question of the suspension of a member at some point in the future and a mechanism to accomplish that end? That is my question.

Dr. PERRY. That is a very good question, Senator LEVIN. What you are describing is a problem—in fact, I would call it a few—in the original NATO structure, the NATO agreements. And, in my judgment, that is a problem which should be addressed. It has been a problem for many, many years. And therefore it is important, in addressing that problem, to separate it from the issue of NATO accession. I would not in any way want to tie that issue to the NATO accession issue.

We could have predicted several decades ago that that would cause a problem, that there would be some major issue come up on which we could not reach consensus, and that would bring NATO to a halt, or that some member would depart from the NATO values. Happily, that has not happened. But it is a potential problem, and I think we ought to address it.

Senator LEVIN. My time is up. I would appreciate, however, for the record, if you or any other member here—my time is up and the chairman here, I think, has got to stick to his 5-minute rule—but if you or any other panelist here would submit for the record your ideas on that subject, it would be very helpful to us.

Mr. LEVIN. I thank my friends, the managers of this resolution, for their tremendous work on NATO expansion and other issues.

Mr. SESSIONS. Madam President, since the original North Atlantic Treaty was signed in Washington in April 1949, the organization has expanded far beyond its original 12 members. The amendment to this treaty that I was proud to co-sponsor with my distinguished colleagues Senators WARNER, LEVIN, and ROBERTS acknowledges that we have had recent difficulty with the consensus decision making methodology currently in force within NATO.

Four more European nations later acceded to the Treaty between 1952 and 1982. In 1999, the Czech Republic, Hungary and Poland were welcomed and possibly tomorrow we will add Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, Slovenia bringing the number to 26 members.

The following description of this consensus requirement is taken from the NATO web site, and it says:

> In making their joint decision-making process dependent on consensus and common consent, the members of the Alliance safeguard the role of each country's individual experience and outlook while at the same time availing themselves of the machinery and procedures which allow them jointly to act rapidly and decisively if circumstances require them to do so.

It stands to reason that with the addition of more members, that consensus will be increasingly difficult to achieve.

Our amendment simply asks that the President do two things: to examine the consensus requirement so that we ensure that we preserve our sovereign right to act in our own national interest; and, examine a procedure by which we can take action against a member who fails to comply with the shared values upon which NATO was founded.

Not everyone agrees with this request to have NATO address these two issues. I disagree.

The strength of the NATO Alliance is based upon adaptiveness. Our recent experience with the UN, NATO and other formations clearly shows we must address the changes we perceive in alliances.

Mr. LUGAR. Madam President, I know I speak for all members of the Foreign Relations Committee in commending the Armed Services Committee for this discussion of these issues, and, most importantly, the comity between the committee members and leadership. I think that is demonstrated in our debate today on a serious issue but to one which we have come to a good conclusion.

I know of no further debate. It would be a privilege if the Chair would put the issue to us.

The PRESIDING OFFICER. Is all time yielded?

Mr. LUGAR. All on the amendment.

Mr. LEVIN. I yield our time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 535) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. I yield as much time to the Senator from Texas as she may require.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I was interested in the previous discussion because I think they were talking about going back to NATO to discuss some contingencies that might occur and how they would be addressed. That is the subject of my view on this issue.

I support the entrance of these new countries, but I think we need to take a step back and make sure NATO is going to remain the greatest defense alliance that the world has ever known.

In 1999, when the Senate voted to ratify the addition of Poland, the Czech Republic, and Hungary, I said at the time that we needed to reassess the mutual threat to NATO nations to assure the strength of our alliance in that agreement.

Four years later, as we prepared for what became Operation Iraqi Freedom, we were disappointed, to say the least, to watch three NATO countries refuse to support the defense of our ally, Turkey. That was an initial signal that we have reached the point of stretching the alliance.

That Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia are candidates for NATO is both a miracle and a testament to the effectiveness of NATO itself. They survived brutal totalitarian regimes during the cold war. Now they are free to fully join the world community as valued members of NATO.

But what is the state of the alliance they seek to join? The world has seen three NATO members refuse to support disarming Iraq. In the view of the United States, this was the same as the failure to come to the aid of a member country that has been attacked, a renunciation of our mutual agreement.

Now is the time to ask: What is the mission of NATO today? Is NATO going to protect the future or defend the past?

For NATO to remain relevant, we must agree on its fundamental mission. Our alliance should recognize that the common threats of terrorism and the proliferation of weapons of mass destruction have replaced the common threat of Soviet imperialism. After the most recent break in our bonds, it is essential to establish a new mission to counter a new threat. NATO has always been unified around a common purpose, but if it becomes nothing more than a patchwork quilt, we will be wasting our money and endangering our own national security by continuing to pay its bills and diverting our attention.

Fifty-four years ago this month, the United States pledged to protect Europe from the Warsaw Pact. We were steadfast in our commitment. We based 300,000 troops in Europe continuously throughout the cold war and keep 119,000 troops there now. We have paid a quarter of NATO's costs, even though we are only one of 19 nations belonging to the alliance. Clearly, our commitment played a vital role in NATO's victory in the cold war.

After the cold war ended, we turned our attention to areas of the world that cried out for stability. We went to Somalia, Haiti and the Balkans, with varying degrees of success. We became central to peace negotiations in the Middle East. We focused more on our commitments abroad and less on our own national defense closer to home. All that changed on September 11, 2001, when terrorists and the countries supporting them tried to destroy the icons of democracy, capitalism and American power. Those attacks on our homeland marked the end of our policy of containment.

The global war we are fighting against terrorism and our forceful disarming of Iraq has forged new alliances unthinkable before September 11. Our relationship with Pakistan in the war on terrorism and Operation Enduring Freedom in Afghanistan is one example of this dynamic shift. But the war on terrorism has strained other longstanding, traditional alliances.

Many of our friends in Europe do not comprehend the impact September 11 had on America. They viewed what happened within our borders from arm's length, not acknowledging it as an attack on our country that required a firm response. This disconnect has caused a rift among NATO allies that would have been unthinkable before September 11. That split was manifested in the refusal to help disarm Iraq.

As we prepared for Operation Iraqi Freedom, our long-time allies, France, Germany and Belgium, countries we have been committed to defend from attack for over half a century, opposed us at every turn. Even today, they are thwarting the rebuilding of Iraq by refusing to lift the U.N.-imposed sanctions that would allow oil to be sold to pay for new infrastructure in that country.

A strong alliance cannot maintain its strength under such strain. It is imperative that NATO establishes a new, common mission or risk withering into irrelevance. If our purpose is a common defense, then we must form a consensus in defining our common threats. And those who agree should reconstitute a strong NATO.

During Operation Iraqi Freedom, we created a valuable template for how the world community can bond in this era of reckoning. We now should lead the effort to reconfirm a coalition of the willing to stand together against the common threat of terrorism to our democracies.

The seven invited countries have all demonstrated they are prepared to contribute if they join NATO. Every one of them supported the U.S.-led coalition to disarm Iraq. As the United States develops plans for the reconstruction and administration of postwar Iraq, we are consulting with all seven of these nations to determine how best to proceed in this process and how they can contribute. All have indicated a willingness to consider the requests of the United States or other international organizations to help restore Iraq.

Just this week, Bulgaria pledged to provide combat troops under international command. By doing so, Bulgaria has stepped forward—among the first of the world's nations—to internationalize the U.S.-led occupation. These seven countries are showing they are ready to do what it takes within their means to make the world more secure.

Madam President, I am certainly going to vote to support this round of NATO expansion because I do believe all of these prospective members have a clear understanding that NATO has new threats and new missions, and they will make a positive contribution to this alliance.

But I do hope we will take the lead in bringing to NATO a clear focus, a clear focus on the common threats that we all face, and the methods for defending against those threats. That is what it will take to assure that this great alliance will be a great alliance in the future and not just something we talk about in the past with great regard.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, I yield to the distinguished Senator from Virginia as much time as he might require.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Thank you, Madam President. I thank the chairman of the Foreign Relations Committee, Senator LUGAR, for his outstanding leadership on this issue. I also very much agree with the remarks made by Senator HUTCHISON of Texas.

As far as an enlarged NATO, we have had hearings on the mending of fences and the moving forward that we will need to have as a country with our Allies with a new sense of realism insofar as NATO and certain alliances—who we can always count on and who we sometimes may not be able to count on in the future.

I rise today to specifically address the issue of the enlargement of NATO. I offer my very strong support for the enlargement of the North Atlantic Treaty Organization alliance. The NATO alliance, over the decades, has had a positive impact on the world.

Since the days I was Governor of Virginia, I have been a long-time advocate of enlarging NATO, with new countries to contribute to security and also to advance individual liberty.

I was an advocate of admitting Poland, the Czech Republic, and Hungary, and they have been good participatory members. You can see how the advancement of liberty has allowed the people of those countries to have greater freedoms and greater prosperity.

I believe that enlarging the alliance will bring even greater peace and security to the world, as well as confirm the value of economic reforms that will offer all people greater individual freedoms and protection of their rights.

The reforms and progress that have been made by Estonia, Latvia, Lithuania, Slovakia, Slovenia, Bulgaria, and Romania have transformed once communist, oppressive states into vibrant democracies that appreciate the newly reborn freedom to control their own destinies.

These nations are ascending into NATO at a serious time for the NATO alliance. As these countries have made a positive transformation, so must NATO transform from the cold war deterrent it has so successfully been over the last 50 years into an alliance that is able to adapt to meet the new challenges facing the world and the partner nations of NATO.

NATO and its members must now develop the ability to meet the threat of global terrorism wherever it may arise. This will no doubt be challenging, as the structure and strategy of the NATO alliance for decades has been to prepare for traditional conflict against the Soviet Union.

To meet the defense needs of today, all NATO nations will need to make a commitment to the forces and the resources that are necessary to root out and defeat state-sponsored and itinerant terrorism beyond the shores of the United States and Europe.

The seven nations that are poised to join NATO will be asked to take an immediate role in implementing this new mission. While it is unrealistic to ask these countries to meet the defense spending levels of the United States, the alliance should urge these new members to establish an expertise and an unmatched capability in a particular area of combating terrorism. NATO does not particularly need large, traditional forces or armaments. The alliance, rather, needs skilled units that can neutralize the devastating impacts of chemical or biological weapons, as well as seasoned intelligence organizations to ensure that NATO and its members are always able to thwart terrorist conspiracies or attacks before they are executed.

The seven aspirant countries have had to overcome significant political and economic difficulties to reach the precipice of NATO membership. Transforming a socialist-focused economy to one that is market based requires tremendous perseverance and visionary leadership and also an appreciation of liberty on the part of the people of these countries.

Indeed, the people of these nations have made their decisions and their choices. And now the economies of the aspirant countries are growing markets with potential for prosperous growth. These experiences will help these nations as they adjust to the burden of collective defense and make the responsible decisions that come with NATO membership.

I am confident that these countries—whether they are in the Baltics or Central Europe or Southeastern Europe—will continue to meet their responsibilities. You may ask, why are you so confident? Look at what these aspirant countries are already doing, and have been doing, in the current year and recent years. One must look only at the peacekeeping missions currently, and those that have been going on for several years in the Balkans.

You can look at the war in Afghanistan, and also the conflict in Iraq to conclude that not only will these nations be prepared to take the mantle of NATO membership—but are already contributing to the safety and security of all members. Their contributions and support have been substantive and significant in these current times of need.

NATO will certainly become a stronger alliance, with the capabilities and the vitality these prospective new members bring to the partnership.

I see these seven new members actually revitalizing NATO. There are concerns that have been expressed about the adherence and the unity of NATO. These seven countries will bring a revitalization, an appreciation for the importance of NATO and the freedoms and values we stand for.

When you discuss the expansion of NATO, the benefits of membership are often the focus. However, it is important to understand the tremendous value the alliance, and especially the United States, gains when these seven countries are offered membership.

We have seen the impact of these nations in the positions and actions taken during the recent military conflict in disarming Iraq. When the alliance first addressed the Iraq issue, it was these countries that immediately voiced their support for offering protection to an ally. Once the conflict began, these countries offered staging support as well as troops and chemical weapons teams which ensured Allied Forces were prepared to confront all possible battlefield scenarios. In particular, Bulgaria and Romania were helpful with their bases.

The alliance experienced a disconcerting event earlier this year when a member nation, Turkey, requested defense assistance. Critics again questioned the value and importance of NATO. However, those trying days highlighted the importance of this alliance to the United States. And while there was a small number of members who disagreed with the United States, the vast majority were in agreement with our policy and were extremely helpful in moving the alliance to assist Turkey in their defense needs.

Beyond the military conflict in Iraq, expanding the membership in NATO continues to be in the interest of this country. As the United States continues to confront terrorism on all fronts, we will need the continued support and intelligence assistance to make our efforts successful. Again, I feel confident these nations will take the lead in developing specialized programs that are needed within NATO.

Again, the aspirant countries are being asked to put together quick response forces to deal with chemical or biological attacks, should one occur. These are the invaluable programs that NATO will need as it changes its focus to fighting terrorism.

The United States will always need allies with which to partner to promote democratic values and our principles. By offering NATO membership to these seven countries, our country is gaining valuable allies that are intimately familiar with the value of individual freedom and also the concept of representative government. They appreciate what a blessing that is for the people.

The tremendous reforms and the progress that have been made by these aspirant nations is a testament to their commitment to the core values that have made NATO the strongest military alliance in history.

I strongly urge my colleagues to vote favorably on this resolution of ratification and welcome Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to our alliance of shared security but, more importantly, to our alliance of shared values, principles, and aspirations for free people.

I yield the floor.

Mr. LUGAR. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. LUGAR. Mr. President, it is a privilege to yield as much time as he requires to the distinguished Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I thank the Chair. I suggest the absence of a quorum for 1 minute.

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. LUGAR. Yes.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Indiana, the distinguished chairman of the Foreign Relations Committee, for his work on this very important legislation, for his leadership and continued voice of maturity and reason that is often needed in our discussions and debates over issues of national security.

The Senate's ratification of the NATO enlargement protocol before us represents the ultimate victory of freedom over the fear and terror that ruled Central and Eastern Europe from 1945 to 1989. The Berlin Wall came down in 1989. The Soviet Union collapsed in 1991. NATO expanded eastwards in 1999 and will do so again with the Senate's consent in 2003. History will judge NATO's historic move eastwards as a final chapter in a long struggle not simply to roll back oppression but to consolidate a Europe whole and free.

The democracies of Estonia, Latvia, Lithuania, Romania, Bulgaria, Slovakia, and Slovenia add a moral and strategic dimension to the alliance. The Baltics were captive nations during the cold war. Romania, Bulgaria, and Slovakia were subsumed into the Soviet empire, and Slovenia was a constituent part of Tito's Yugoslavia.

These nations suffered over four decades of effective foreign control and occupation. In 1989 and 1991, we celebrated their independence. Today we celebrate their secure freedom, enshrined in our great Western alliance in defense of our common values.

The Vilnius seven nations, as NATO's newest members are known, lent their moral voice to our campaign to liberate Iraq and end Saddam Hussein's tyranny. A February 5 letter from the V–7 nations, plus Albania, Macedonia, and Croatia, stated:

> The trans-Atlantic community, of which we are a part, must stand together to face the threat posed by the nexus of terrorism and dictators with weapons of mass destruction. . . . The clear and present danger posed by Saddam Hussein's regime requires a united response from the community of democracies.

These nations share our values because they understand oppression all too well. Their voices carry special weight.

We received significant political and logistical support from the V–7 nations during the war in Iraq. NATO's new democracies provided their airspace, airfields, ports, and military personnel in support of Operation Iraqi Freedom. Several of these nations deployed troops to the Iraq theater. Many of NATO's newest members more resolutely and more concretely supported the military campaign in Iraq than did some of NATO's founding members. These seven democracies have also served as de facto Allies in NATO operations in Bosnia, Kosovo, and Afghanistan.

NATO's enlargement serves American leadership in Europe, anchoring our commitment to security and freedom there. It welcomes into the alliance a large group of nations that resolutely support American leadership and the principles that guide it in Europe and across the world.

As we saw during the Iraq debate, a majority of Europe's leaders, including NATO's new members, supported America's determination to disarm Iraq. NATO's new members will be solid allies that will expand NATO's reach, amplify its voice, and enhance its moral authority to defend freedom, including against the threat of global terrorism.

I have had the pleasure of traveling to each of the seven new member states to review their preparations to join NATO. Like my colleagues, I have been struck by these democracies' determination to rank among our closest allies, and to see NATO membership not only as a way to guarantee their security, but to contribute to the larger struggle for freedom the West once waged on their behalf.

The success of the Prague Summit demonstrated the new NATO's shared history, shared values, shared sense of threat, and an agreed way forward in meeting those threats. This new NATO will provide a firmer foundation for peace and a more resolute defense of our values. Prague lent considerable momentum to the construction of an integrated and peaceful Europe and taught us much about our alliance.

The decisions at Prague to invite seven new members to join the alliance, create a NATO rapid reaction force, enhance military modernization and interoperability, and streamline NATO's infrastructure were tangible accomplishments that should make the alliance more capable and flexible. Rather than debating out-of-area operations, NATO forces and assets are supporting the peacekeeping mission in Afghanistan. The NATO-Russia Council provides a forum for security cooperation with Moscow. NATO's peacekeeping missions in the Balkans have been a success. The United States is considering a new military basing concept on the territory of new NATO Allies in southeastern Europe. NATO remains central to American interests in Europe and beyond.

This is not to suggest in any way that everything is going swimmingly within the alliance. NATO has been put at grave risk by hostile French obstructionism that is as dangerous as it is cynical.

Let me be clear: I believe the French government is pursuing a systematic campaign to undermine American leadership in Europe and the world. I believe France would ultimately like to see America's withdrawal from Europe and the replacement of an American-led NATO with an all-European army. France's active opposition to the United States within the North Atlantic Council over a period of many years, and in the daily workings of the NATO bureaucracy, make clear the French agenda to weaken NATO's foundations and make the alliance less capable of effectively meeting challenges to international security.

Officials at many levels of the French government, including President Chirac, boldly assert France's ambition to serve as a "counterweight" to the United States. By definition, a country can be either a counterweight or an ally, but it cannot be both. Official pronouncements by the French government, and the daily actions of France within NATO and at the Security Council, make clear that France is not an ally of the United States.

France's decision in February to block a routine request for Turkey's defense—I emphasize "defense"—in the event of war with Iraq created the most serious internal crisis the alliance has known in a generation. France's open rejection of its commitment to a fellow NATO ally required the decision on Turkey's reinforcement to be taken in the Defense Planning Committee, which excludes France.

The Defense Planning Committee is the logical and appropriate venue for decisions relating to the defense of NATO members to be made. France does not contribute militarily to an alliance premised on the military defense of member democracies. France has a political voice but not a military stake in NATO decision-making. Decisions relating to the military interests and defense of member states—the core of NATO's mission, and the bulk of its agenda—fall under the authority of the Defense Planning Committee. The French dilute their own influence in NATO by not participating in its military arm, and the alliance should recognize that condition of French membership by making defense decisions in a forum that reflects France's absence from NATO's military mission.

NATO did ultimately achieve a consensus in the DPC that met Turkey's defense requirements. Achieving consensus in an institutionalized forum that excludes France seems to me to have produced a better result than a divisive majority vote in the North Atlantic Council, had we shelved the consensus principle in favor of some other weighted voting mechanism, as some in the Senate have proposed.

While I did not oppose the agreement reached today in the Senate creating a reporting requirement on the issues of consensus and suspension within NATO, I do not support overturning the consensus principle and creating a suspension clause because I believe it could weaken American leadership and interests in NATO while actually improving the position of France within the alliance. Replacing the consensus rule with a majority voting scheme would lead to factionalism and could result in scenarios in which the United States was outvoted, ceding our traditional leadership to others. Adopting a suspension clause would gut the heart of the alliance, the commitment to mutual defense, by introducing a reservation into the Alliance's commitment to defend an embattled democracy.

Putting the issue of the consensus rule on the agenda of the North Atlantic Council would be seen by some of our best allies as divisive. It would create a debate within the Council not about the French fifth column, but about an American proposal that would dilute the influence of other NATO partners by weakening or negating their influence in a majority voting scheme. Replacing the consensus rule with some form of majority vote could threaten the supreme national interests of any NATO member, including the United States, that might at some point find itself dissenting from a majority of NATO members on a matter vital to that country's national security. The United States would never give up its effective veto over NATO military operations, and no country that contributes militarily to the alliance could be expected to do the same by endorsing a majority voting process.

Under consensus, no vote counts more than any other, which is not true in a weighted majority voting system like that of the Security Council. Consensus helps pull allies together and gives each an equal stake in their outcomes. It prevents factionalism and the development of voting blocs that would only divide allies, not draw us together. Consensus prevents France from leading its own voting bloc in opposition to the United States. Historically, the United States has been the only NATO member whose initiatives regularly achieve consensus. Why throw away such an effective tool for U.S. leadership?

Nor would I support conditioning NATO enlargement on developing a mechanism to suspend any NATO member that fails to uphold alliance principles. Advocating a kick-out clause suggests a lack of confidence in the democratic character and commitment of our new allies. It sends exactly the wrong message to these new members: that we fear they may regress from the democratic values we have certified that they share by inviting them to join NATO, values which NATO itself protects and strengthens. Conditioning their membership with the suggestion that we do not have confidence in the longevity of their democracies seems a strange way to welcome them into our alliance.

A clause threatening any individual NATO member with expulsion would weaken the heart of the Washington Treaty by casting doubt on the commitment of the NATO Allies to come to the defense of any threatened member state. A suspension clause would effectively condition the mutual defense commitment that is at the heart of the alliance in a way that would breed insecurity and mistrust, not security and confidence, among member states. In the words of Bruce Jackson of the Project on Transitional Democracies:

> A provision to expel [NATO members] would introduce a corrosive mental reservation into the commitment to defend an embattled democracy and would, therefore, debilitate the most powerful military alliance ever assembled.

NATO works so well for many of the reasons the U.N. Security Council does not: it is a true community of values in which all members are democracies; consensus requires unanimity that gives all members a stake in decision-making and outcomes; the absence of majority voting or weighted voting like the Security Council does not create different classes of membership or hostile factions; and unlike the Security Council, NATO has proven time and again that it is able to effectively resist aggression and use its military and political power to expand freedom. The reason the seven new members of NATO are so keen to join the alliance underscores their clear belief it will protect their security and advance their interests. Can anyone hold the Security Council to the same standard?

NATO's value to American interests and the progress of freedom endures. NATO enlargement serves American interests by delivering seven committed treaty allies who share our perspective on the world. Enlargement serves our common values by adding to our community of allied democracies the voices and the people of countries that were long denied their free destiny. NATO's expansion moves us decisively in the direction of a Europe whole and free, one that has exorcized the ghosts of a violent past and stands with us in its commitment to human freedom.

As the leaders of Britain, Spain, Italy, Poland, Hungary, the Czech Republic, Denmark, and Portugal have written, "The real bond between the United States and Europe is the values we share. . . . These values crossed the Atlantic with those who sailed from Europe to help create the United States of America. Today they are under greater threat than ever. . . . Today more than ever, the transatlantic bond is a guarantee of our freedom." Let that continue to be our creed in the uncertain years ahead, confident that we are stronger together than apart, that our values ennoble our common defense of them, and that we can, together, make this a safer, freer, better world. It's worth fighting for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I know of no Senators who wish to debate. I have consulted with the distinguished ranking member, Senator BIDEN. He knows of no Members on the Democratic side seeking time to debate and I know of no Republicans who seek further time in debate. Therefore, I ask unanimous consent all time be yielded back on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, my understanding, and I ask for guidance from the Chair, is that a vote on final passage of the NATO treaty will occur at 9:30 a.m. tomorrow.

The PRESIDING OFFICER. The Senator is correct.

Mr. LUGAR. I advise all Senators that the next action on the treaty will, in fact, be the final vote at 9:30 tomorrow. I also add as an announcement that the foreign ministers of the countries seeking ascension will be brought to the floor following the vote for presentation to Senators. That will be a prelude for a number of recognition ceremonies involving the President, the White House, and others.

Mr. SARBANES. Will the Senator yield?

Mr. LUGAR. I am happy to yield.

Mr. SARBANES. I simply commend chairman LUGAR and Senator BIDEN, ranking minority member, for their very effective leadership with respect to this NATO enlargement issue. I am pleased to join with them in supporting this very important step forward.

I underscore how quickly the chairman moved with respect to this matter and how carefully it was done in the committee. Very extended consideration was given to this issue, which of course, comports with its importance. This is a major step we all need to recognize and the fact that it will happen without controversy, at least of any consequence, ought not to make us lose sight of the fact of the historic nature of what is being accomplished here—tomorrow, presumably.

I thank the Senator for his skilled leadership on this issue.

Mr. LUGAR. I thank the distinguished Senator from Maryland for his leadership in our committee throughout the years and, likewise, specifically, on the issue of NATO that has been before the Senate.

MORNING BUSINESS

Mr. LUGAR. I ask unanimous consent the Senate now begin a period of morning business with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORZINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIRNESS AND RESPONSIBILITY IN POLITICAL LIFE

Mr. CORZINE. Mr. President, I rise today to speak to an issue of fairness and responsibility in our political life that demands our attention.

Let me premise my remarks by saying it is an honor to be a Senator and serve the people of New Jersey. I love my job. I love politics and the debate of ideas it makes possible. But I must say that I am downright disgusted when that debate of ideas degenerates into the politics of personal destruction and moves toward character assassination, especially when it may run afoul of the laws passed by this body, and more especially when the target of a campaign of personal destruction is a good and decent man—TOM DASCHLE, who has spent his entire adult life in service to our Nation.

A little over 1 year ago, the Congress passed—and the President signed—the Bipartisan Campaign Reform Act of 2002.

Even as the courts ponder a challenge and an appeal to this landmark legislation, there are those involved in the political process that have demonstrated their intent to disregard it no matter what the court decides for the sole purpose of destroying a political opponent.

In that regard, there are very disturbing reports in the media this week about an amorphous front group being formed in South Dakota for the purpose, in the words of its organizers, of ending TOM DASCHLE's public career in 2004.

I don't question anyone's right to free speech nor their right to mount a campaign against any candidate for Federal Office, but this effort would apparently violate both Federal tax and election laws.

According to press reports, associates of the presumptive Republican nominee for Senate in South Dakota have begun raising special interest money in Washington for an advertising campaign in South Dakota against Senator DASCHLE, a campaign only marginally distanced from Senator DASCHLE's potential competitor or the opposing political party.

The problem with this effort, leaving aside the elements of personal destruction, is that the organization leading it—the Rushmore Policy Council—is organized as a tax-exempt 501(c)(4) nonprofit organization.

According to the IRS, 501c4 organizations "must be operated exclusively for the promotion of social welfare." The IRS also stipulates that, "the promotion of social welfare does not include direct or indirect participation or intervention in political campaigns on behalf of or in opposition to any candidate for public office."

One might say a lot of things about TOM DASCHLE, but his election or defeat is hardly social welfare. It is clear from their own statements that the purpose of the Rushmore Policy Council is to defeat Senator DASCHLE. In short, this is likely a violation of the letter of the law and clearly a violation of its spirit.

The Congress attempted to address these types of advertisements in the campaign finance reform law passed last year. But one of the organizers of the effort against Senator DASCHLE stated simply that, "We're going to operate as if it's not" on the books.

In addition to the personal attacks and legal questions are the implications of a smear campaign that constructs front groups to infiltrate a Senator's home State with reckless disregard for the spirit of the campaign finance laws that this body passed just last year with bipartisan support.

At the very least, this is a mockery of Congress's efforts to clean up electoral politics.

Let me quote from the memo distributed around Washington by the organizers of the Rushmore Council's so-called Daschle Accountability Project: "We propose to destroy Daschle's credibility" and "ultimately end his political career. . . ."

Unbelievably, the group funding this covert operation intends to employ South Dakotans who have almost nothing to do with the campaign, but who help to convey the false impression that the campaign is, and I quote, "putatively based in South Dakota—to avoid the dismissive 'outsider' label routinely attached to such efforts in the past."

In other words, the group exists to put a phony local veneer on the GOP's efforts to ruin its number one target—TOM DASCHLE. Or as this particular group puts it, ". . . maybe be rid of [Tom Daschle] once and for all."

This is the work of the Rushmore Policy Council, an organization so small it has no website or local telephone listing. Its offshoot "The Daschle Accountability Project" is a proudly self-described coalition of right wing organizations whose stated purpose, according to its own mission statement, is not to engage in policy debate, but rather to end Daschle's career by running an $800,000 advertising campaign in South Dakota designed to "destroy DASCHLE's credibility within his home state through humor"—as if a laugh track makes them any less unseemly.

The Rapid City Journal recently cited leaders of campaign finance watchdog groups who have already pointed out that the Rushmore Policy Council is endangering its tax-exempt status by targeting DASCHLE for defeat in 2004. "It's not clear to me how they will remain a 501c4—an organization that must operate exclusively for the promotion of social welfare—as they are going to do what is being reported."

And, Fred Wertheimer, president of the campaign finance reform group Democracy 21 agrees with this assessment. He tells the Journal "The group's activities need to be carefully watched in the coming months to see if, in fact, they are breaking tax laws and campaign-finance laws. It is clear they want to defeat Senator DASCHLE . . . there doesn't seem to be any question they want to use this for this goal and that purpose . . . and that—is not what this group—is supposed to engage in."

Most disturbingly is that this type of attack is hardly new. About a year and a half ago, the White House asked its political allies to turn up the heat on Senator DASCHLE. Most of us know the routine—the orchestrated campaign to tar TOM with the label "obstructionist." Even while under his leadership the Senate approved 100 judicial appointments and rejected only two—some obstructionist.

Where I come from, 100 is hardly obstructionist.

After the White House's directive, the outrageous attacks began. Since then, political opponents have compared Senator DASCHLE to everyone from Saddam Hussein to the devil himself on talk radio.

The problem this "Burn Down Daschle" effort faces is two fold: No. 1, lack of credibility; and, No. 2, lack of legal authority.

On the former, the Sioux Falls Argus Leader accurately points out that the Daschle Accountability project and its efforts to destroy DASCHLE's character through an ad campaign with a ridiculing tone embedded in humor have the potential to backfire in a small State where retail politics holds great sway.

Senator DASCHLE, I realize, doesn't need me to defend himself to the people of South Dakota. They are smart enough to see through this despicable outsider campaign. They know he stands with South Dakota and her farmers. They know he stands with South Dakota and its small businesses. They know he stands with South Dakota on health care, education and responsible economic policy. He has given a lifetime of service to his community.

I only wish the Daschle-bashers would remember that the President promised to change the tone in Washington. Unfortunately, he has. It has gone from bad to worse.

It is worth noting that a number of the people involved in this campaign have their own problems with previous campaigns and finance reform, and by some of the people with whom they have associated. I think this latest effort is no less distasteful.

I thank the Chair for taking into consideration what I hope will be an attempt to turn to the real political debate on real issues and leave the character and some of the efforts we have seen to undermine the true nature of how people try to compete in the political arena.

I thank the Chair.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. The Senate is in morning business. The Senator from Michigan may proceed.

MEDICARE

Ms. STABENOW. Mr. President, I rise today to talk about recent remarks made by the Director of the CMS, Mr. Tom Scully. Last month, speaking to an audience of health care providers in Lancaster, PA, Mr. Scully made the following comments on the Medicare Program.

Mr. Scully has the agency that oversees the Medicare Program, so this is particularly disconcerting given the way he described the Medicare Program. He used the phrase "an unbelievable disaster." The person who is the administrator of the Centers for Medicare and Medicaid Services said: Medicare is an unbelievable disaster. We think it is a dumb system.

I could not disagree more. While I disagree with his views, at least I admire his candor because when it comes to Medicare, a lot of people are pretending to strengthen it and improve it when in fact they agree with Mr. Scully.

Medicare, along with Social Security, is a great American success story. Medicare has been in place since 1965. It is the only part of our health care system that is a universal system, meaning that once a person is age 65, they have access to health care. Regardless of who they are in this country or if they are disabled, they have access to health care. This is the only part of our system, the only group of people, who know that there is a guarantee of health care for them; that is, those who are under Medicare.

We have almost 40 million people now under Medicare, and because of Social Security and Medicare, we have brought millions of seniors and the disabled out of poverty into a better quality of life. I call that a great American success story. I do not call it a "dumb system."

It is important to talk about what is happening right now in the debate about Medicare and where we are. The day after the State of the Union Address this year, President Bush went to Grand Rapids, MI. We always welcome a President of the United States to my home State. He came to promote his Medicare reform plan. However, he barely mentioned it during his speech. When he did mention it, he indicated that only those who choose to go into private Medicare plans—not Medicare as we know it but private sector plans—would be allowed to get prescription drug coverage. Those who could not get into a private plan or who wanted to stay in traditional Medicare to see their own doctor, would be, unfortunately, out of luck under this plan.

So we have a system that has been in place and has worked for seniors and the disabled since 1965, providing health care. Now we are hearing about proposals which say that if someone wants to get help for prescription drugs, they have to go back to the system the way it was before, they have to go back to private insurance plans.

When the President said that, Republicans, Democrats, and health care providers roundly criticized this particular plan. Many pointed to the fact that private sector Medicare plans are currently not a viable option in most of the country. They are just not there, let alone in rural areas.

In fact, the President, ironically, went to Grand Rapids, MI, to talk about the virtue of private Medicare plans when even in the area where he was, in western Michigan, there are no private sector plans. So everyone listening to him would not have access to help pay for their prescription drugs under the proposal that was made because the proposal that was made was based on something called Medicare+Choice, which has been a failure in Michigan as well as across the country.

The overall experience of the private sector plan, in fact, is that it has not worked. I will share the numbers. Nationwide, 2.5 million seniors have been dropped from private sector HMOs under Medicare+Choice plans. In fact, I have to say my mother was one of them in an HMO. She was having a good experience in a Medicare HMO, and they dropped Medicare. Out of the blue, she had to go look for another insurance plan and other doctors because they pulled out.

In Michigan, 35,000 seniors have been dropped from these private plans, including, as I said, my own mother. Currently, only four Medicare+Choice plans operate in my State. They are available to only 2 percent of the population of my State, and they are all in the eastern part of the State, none in the central part of the State, in Lansing where I live, none in west Michigan, in Grand Rapids, none in upstate Michigan or the Upper Peninsula only in one geographic area.

Given this fact and the fact that Democrats, Republicans, and many other people stood up and said, wait a minute, this is a plan that does not make any sense, after a great deal of discussion the Bush administration did release a new set of principles for adding prescription drugs to Medicare. This time, their plan allows those who remain in traditional Medicare to get only a minimal catastrophic coverage and possibly a discount card.

We understand from analysis it would be an average of a little over $3 that would come off a prescription based on a discount card. However, if the senior citizen wanted real prescription drug help, really wanted to be able to pick between food and their medicine, they would have to, again, abandon traditional Medicare and possibly give up seeing their own doctor in order to go into a private plan.

In all sincerity, I believe this drive to privatize Medicare is simply wrong. Since its inception in 1965, the Medicare system has worked well for seniors. In fact, back then 29 percent of the seniors of our country lived in poverty and now it is 11 percent. I call that a success, although we still need to be worried about the 11 percent.

I agree that Medicare should be updated. I agree it should be modernized to cover prescription drugs and also focus more on prevention. We heard Secretary Thompson who came before the Budget Committee to talk about prevention. I agree with him. We need to change the system to be more focused on prevention. We need to update Medicare to cover prescription drugs. But seniors should not be forced into private sector HMOs or other plans to obtain this kind of coverage.

Mr. Scully was honest about his beliefs. He spoke his mind. He expressed the belief of many that Medicare is dumb and is a disaster. These quotes are similar to those that were spoken by then-House Speaker Newt Gingrich when he said he wanted to let Medicare wither on the vine. These comments have been made before. It is very clear to me that Mr. Scully, Mr. Gingrich, and many others want to replace Medicare with a private sector system. I urge my colleagues to stand up against this assault.

I am particularly concerned about what is happening and how it relates to the tax plans that are in front of us, and what is happening now in the economy. As a member of the Budget Committee, when many of us bring up concerns about falling further into deficit through the tax plans that were passed last year giving tax cuts to the elite, another round that is being proposed this year, and we see that we have 450 economists across the country, including 10 Nobel laureates who say this will not create jobs, it will just add to weakening in the economy and, in fact, be devastating because of the red ink it will create—when we see that, when we ask, how can you possibly support this when the first big round of baby boomers are coming very soon, in the next 6 to 8 years, how do we do both?

How in the world can we afford to place ourselves in such jeopardy, trillions of dollars in debt, the result of a policy that says tax cuts should be given to the elite, while building up national debt. How can we afford that?

I am told by colleagues, you assume Medicare and Social Security will be there as you know it now. I do assume Medicare and Social Security will be there as we know it now. When I look at the numbers, I am deeply concerned. The Center of Budget and Policy Priorities released a report recently that basically said if we just took the tax cuts for the elite passed in 2001 and made those permanent and carried that out, it would cost about $10 trillion—if we carried that out the way we usually estimate Social Security and Medicare; over 75 years, $10 trillion in costs for that tax policy.

What is the combined Medicare and Social Security deficit projected during the same time? The $10 trillion that we are putting into place if that passes in the House and the Senate and is signed by the President. We will voluntarily be setting ourselves on a course to $10 trillion in debt right when we know Medicare and Social Security will need $10 trillion.

If you add to that the current debates about adding to that with the new policies that have been proposed, we end up between $12 trillion and $14 trillion in costs exactly at the same time we have a need for $10 trillion in Medicare and Social Security.

This is a conscious choice. For those who vote for the plan proposed by the President, you are putting in place great jeopardy to Social Security and Medicare. It is a conscious choice. I have to assume it comes based on what Mr. Skully was talking about, that people believe Medicare is a dumb system, an unbelievable disaster.

Medicare and Social Security are great American success stories. We need a short-term plan for jobs, opportunity, and prosperity, and that is what we are proposing. That really creates jobs. We can give tax cuts responsibly for taxpayers and small businesses and help States without jeopardizing Medicare and Social Security.

I am deeply concerned about this and urge colleagues to take another look at what is proposed in the Senate and work together.

The PRESIDING OFFICER. The Senator from the Commonwealth of Kentucky.

ENERGY

Mr. BUNNING. Mr. President, I rise today to talk about the energy bill and need for a comprehensive energy policy.

Although we were unable to pass an energy bill in the 107th Congress, I am hopeful that in this Congress we will be able to get a good bill through the Senate, out of conference, and onto the President's desk.

We have had a department of energy for over 20 years. But we've never had a sound national energy policy.

Now is the time for Congress to get serious about addressing our energy supply and needs.

In order to make progress on the energy bill we need to figure out how to increase production while also doing more to encourage conservation.

In the past I think Congress has failed to make progress on energy policy because we have tried to make a choice between the two.

I hope most of us understand that a sensible energy policy must strike a balanced approach that includes a boost in domestic energy production as well as a promotion of conservation and smarter energy use.

The energy bill before us, under Chairman DOMENICI's leadership takes good steps towards striking this balance.

I look forward to the tax provisions coming from the finance committee that will further promote conservation and energy efficiency by encouraging the use of cleaner burning fuels.

As a member of both the energy committee and finance committee, I am pleased to have had the opportunity to help craft the bill before the Senate.

In the wake of September 11 and ongoing problems in the middle east, it is more and more obvious a sound energy policy is a crucial part of our national security.

We must have reliable sources of energy and we must cut our reliance on foreign oil.

Increasing our domestic production is critical in reducing our foreign dependence.

Right now we depend upon foreign nations—including the middle east—for nearly 60 percent of our Nation's oil supply.

Americans have experienced some difficult times recently when oil and gas prices shot up. They are starting to edge back down now. But during the winter and early spring consumers saw prices go up and up.

We all saw the rise in gas prices this winter and the crimp it put on the economy.

We are struggling to get out of a recession now, and while passing an energy bill might not help us in the short term, it could make a difference the next time we hit an economic downturn or things flare up in the middle east.

The need to increase our own production of energy has never been more important than now.

While we appear to be moving away from combat in Iraq, there is still a lot of uncertainty in the middle east.

It is too important and there is too much instability in the world. We need to pass an energy policy now.

Mr. President, Congress has been playing political football with the issue for the past few years. I think it's time to end the game.

Our Nation and our National security continue to be at stake.

We must strengthen our energy independence to protect ourselves from any dangerous and unpredictable events in the middle east.

We don't want the United States beholden to other countries just to keep our engines running and lights turned on.

While I am disappointed that ANWR is not in the bill before us, the bill does provide a good starting point to help our Nation increase domestic production of energy and reduce our reliance on foreign sources.

It also provides important conservation provisions which will help protect the environment.

I am also glad that the Senate's energy bill contains the clean coal provisions I wrote to help increase domestic production while also improving environmental protection.

For my home State, this means more jobs and a cleaner place to live.

Clean coal technologies will result in a significant reduction of emissions and a sharp increase in efficiency of turning coal into electricity.

I'm proud to come from a coal state. For generations Kentuckians from Pike county in the east to Crittenden county in the west have made their living in the coal fields and coal mines.

For the last decade coal in Kentucky was on the downturn because of legislative and regulatory policies from the Federal Government.

Now I am glad to see that we have turned that around and are taking steps to make sure that coal continues to play a vital role in meeting our future energy needs.

This focus on clean coal is good for the environment. And it is certainly good for the economy and for putting folks back on the job.

The energy bill encourages research and development of clean coal technology by authorizing nearly $2.6 billion in appropriations for the D.O.E. to conduct programs to advance new technology.

Almost $2 billion will be used for the clean coal power initiative where D.O.E. will work with industry to advance efficiency, environmental performance, and cost competitiveness of new clean coal technologies.

The proposed energy tax package includes nearly $2 billion in tax credits for companies to implement clean coal technology.

Coal plays in important role in our economy. The 21st century economy is going to require increased amounts of reliable, clean, and affordable electricity to keep our Nation running.

Today, more than half of our Nation's electricity is generated from abundant low cost domestic coal.

We have over 275 billion tons of recoverable coal reserves. This is nearly 30 percent of the world's coal supply.

That is enough coal to supply us with energy for more than 250 years.

With research advances, we have the know-how to better balance conservation with the need for increased production. We should use our know-how to come up with a good energy bill.

I hope we can move it quickly and pass a bill to make our environment, economy, and National security stronger.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS OF JUSTICE PRISCILLA OWEN AND MIGUEL ESTRADA

Mrs. HUTCHISON. Mr. President, I want to talk today about Justice Priscilla Owen. On Friday, it will be the 2-year anniversary of the nomination of Justice Priscilla Owen for the Fifth Circuit Court of Appeals and also for Miguel Estrada to the District of Columbia Court of Appeals.

These are two qualified nominees in every respect who are being filibustered to keep them from taking their seats. They have both received a majority vote of the Senate, but neither of them is confirmed because we are now being asked to have a 60-vote threshold for these qualified nominees. It is not right, and I think it goes against the Constitution and affects the balance of powers.

The balance of powers was very clearly and purposefully set out by our Founders so that each branch would be separate and equal. In the Constitution, it says the President will nominate Federal judges and the Senate will give its advice and consent. Historically, advice and consent under the Constitution has meant a majority vote for judicial nominees. It does not mean a 60-vote threshold. And it does not mean that the Senate can dictate to the President whom the President can nominate.

We should give the President's nominees an up-or-down vote when they get out of the committee. The committee is there to have hearings, to question these nominees. If a person gets out of committee, that person deserves a vote on the floor.

When the Founding Fathers did think that a supermajority should be required, they clearly provided for it. For example, article II, section 2, gives the President the power to nominate "by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur." Immediately following this provision, the Constitution gives the President the power to make judicial nominations "by and with the Advice and Consent of the Senate," period.

By clear omission, the Constitution does not require a supermajority for judicial nominees as it does for treaties. Congress has no right—it has no power, as outlined by the Constitution—to assume a different role in the nomination and confirmation of judges. A filibuster requiring 60 votes on a judicial nominee is beyond the intent of the Constitution.

Furthermore, the 25th amendment to the U.S. Constitution, approved by the Senate in 1965, demonstrates, I think, the intent of the Founding Fathers in confirming a nominee. In this case, the Vice President "shall take office upon confirmation by a majority vote of both Houses of Congress." If we are required to approve the Vice President of the United States by a majority vote, how could we possibly require a 60-vote threshold for a Federal judge?

I understand that cloture votes are needed sometimes for procedural reasons, such as a time-management device, but with the nomination of Miguel Estrada this has not been the case; with the nomination of Priscilla Owen this has not been the case.

This kind of filibuster is unprecedented in Senate history. So I hope we can do one of three things: We can start talking about changing the Senate rules so that, in the case particularly of judicial nominations, we will not ever have a 60-vote threshold, which is not contemplated by the Constitution; or we can require a vote, ask for a vote, get a vote for these qualified nominees; or we can file a lawsuit, asking the courts to decide if the balance of powers in the Constitution is being violated by this 60-vote threshold.

I do hope we will get an up-or-down vote on these nominations. The fact that they have received over 51 votes—both of them—shows that they would be confirmed if they had their right to an up-or-down vote in the Senate.

Priscilla Owen, of course, is from Texas, so I know her and I know her reputation. She has the strongest bipartisan support you could possibly ask for. She is a person who graduated cum laude from Baylor Law School, made the highest grade on the State bar exam when she graduated. She has been elected to the supreme court by over 80 percent of the people in Texas. She is universally well regarded.

She is not a judicial activist. In fact, it is her strict adherence to the letter of the law and Supreme Court rulings that has been one of the problems with this nomination because she didn't make law. She didn't try to put words in the mouth of a legislator. She just followed what the legislature said in the parental consent laws in the State of Texas, the law of the State. She followed the letter of the law and the Supreme Court rulings and tried not to be a judicial activist. For that she is being accused of being a judicial activist.

She was grilled twice by members of the Judiciary Committee. She had very tough hearings. I don't think I have ever seen a nominee do better. She knew every answer to every question asked, even the minutia of cases that had been heard by her court years ago. She knew what she had done and the reasoning for it. Her hearings alone would be enough to show her academic prowess and her qualifications for this bench.

Further than that, the hearings also showed her judicial temperament. She handled herself so well, and she has gone through 2 years of a grueling experience—not something she is used to. Judges are not usually in the political arena. Even when they are elected, they don't usually have strong opposition. They don't have these spirited races such as we see in legislatures and the Congress. It wasn't that she was attuned to the slings and arrows of politics. She has handled herself so beautifully, I don't think you could ever argue that she does not have the judicial temperament. When you put that together with her clear academic excellence, she is the kind of person we want on the bench.

I wonder if we turn down nominees like Miguel Estrada, who came to this country from South America when he was about 18 years old, didn't speak English, worked his way through Columbia, was Phi Beta Kappa, went to Harvard Law School and graduated magna cum laude, then had an outstanding record in the Solicitor General's Office, winning very complicated Supreme Court cases, and is known as one of the outstanding appellate lawyers in America—if people like Priscilla Owen and Miguel Estrada are not the kind of people we are going to put on the court, we are going to start having mediocre people on the court.

We will have people who never have said anything, people who don't have the stellar reputations. These scholars, Miguel Estrada and Priscilla Owen, are people who are willing to take pay cuts in order to serve, because they like the intellectual challenge. They like what they are doing. They like public service. They are willing to take huge pay cuts for serving, and they are willing to do it. And they are quality people. What are we doing? What are we doing holding up quality qualified people like this?

These nominations should not be controversial. They obviously are because they are not being passed, but these are not controversial people. They are mild-mannered, brilliant, fair, evenhanded, temperamentally sound people. We are putting them through the political meat grinder.

I have to ask: Who are we going to get, as we go down the road and good people watch what has happened to Priscilla Owen and Miguel Estrada? Who is going to submit themselves to be a Federal judge, if they have to go through this kind of political process?

I hope the Senate can amicably resolve the issue of nominations, especially judicial nominations where the Constitution and the balance of power are at stake. I hope we will allow these votes for these two people who deserve an up-or-down vote and deserve to be on the bench. They will both make excellent judges.

May 9 is Friday. We are going to have cloture votes tomorrow, May 8, the day before the 2-year anniversary of these qualified nominations. I hope those who are filibustering them will see their way clear to let the majority rule. Both of these nominees have now gotten 52 and 54 votes respectively. They have the majority. In any other case they would be on their way to sitting on the circuit courts of appeals. That is where they ought to be. That is where they deserve to be.

I hope my colleagues will allow Miguel Estrada and Priscilla Owen to take their rightful place on the bench. They have earned the majority vote. They have received a majority vote, which is what is required by the Constitution. They should be allowed to be confirmed.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent that in the period for morning business, I be allotted 20 minutes to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL CONFIRMATION PROCESS

Mr. CORNYN. Mr. President, I rise today to say a few more words about our broken judicial confirmation process. This week the Senate marks a dismal political anniversary: 2 years of partisan obstruction of President Bush's judicial nominees, culminating in two unprecedented filibusters, and more are threatened.

The current list includes Justice Priscilla Owen, with whom I served on the Texas Supreme Court, whose nomination is now subject to a filibuster before the Senate. This 2-year anniversary indicates the true breadth of the failure of the judicial confirmation process, an increasingly bitter and destructive process, a process that does a disservice to the President, to the Senate, to the nominees, and ultimately to the American people.

Today a partisan minority of Senators are forcing a supermajority requirement of 60 votes on the judicial confirmation process. They are using the filibuster not simply to provide for adequate debate—a reasonable and laudable goal—but to prevent many of our Nation's most talented legal minds, in this case at least two of them, from filling our Nation's judicial vacancies. These obstructionist activities continue to undermine the constitutional principles of judicial independence and majority rule.

My colleagues should not think the American people do not know what is going on here. They see when a nominee's well-recognized abilities are ignored in favor of scare tactics and revisionist history, and they see when some Senators eschew the interests of the States from which they were elected, and, indeed, our Nation, and instead kowtow to special interest groups.

I am confident that Members of the Senate are wise enough to reject, I guess, what can only be called an inhuman caricature that has been drawn of Justice Priscilla Owen by special interest groups intent on vilifying, demonizing, and marginalizing an admirable nominee.

If we were allowed to hold a vote today, a bipartisan majority of this body stands ready to confirm Justice Priscilla Owen to the Fifth Circuit Court of Appeals.

I would like to take a few moments to talk about my own observations while serving with Justice Owen on the Texas Supreme Court for a period of 3 years during which our terms overlapped, from the time she joined the court in January 1995 until the time I left the court after serving 7 years in October of 1997.

During those 3 years, I had the privilege of working closely with Justice Owen. I had the opportunity to observe on a daily basis exactly how she approached the task of judging, how she thinks about the law and, indeed, her responsibilities, and how she thinks judges should perform once given the awesome responsibility that confers.

I spoke with and debated with Justice Owen in conference on countless occasions about how to faithfully read and follow statutes passed by the legislature and how to interpret precedents; that is, cases that had been previously decided that are binding on courts in terms of their guidance on deciding the same issues in the future.

I saw how hard she worked to faithfully interpret and apply what the legislature had written. I saw her take notes. I saw her tireless attention to detail, her zeal for studying the law, her dedication and her diligence. Not once did I see her attempting to pursue a political or personal agenda at the expense of what the law said or what the law required.

Indeed, some of my colleagues have taken her to task for disagreeing, and the fact that appellate judges, particularly at the highest court in my State, would actually disagree with one another, and suggesting that somehow there is something wrong with that.

Well, to the contrary. That is exactly what the job of a judge is. If we did not have judges occasionally disagree with each other, that would mean somebody was not doing their job, because by the time cases get to the top echelons of our judicial system, they are the hardest cases. They are the cases that cannot be solved by lower levels of the judiciary or indeed by settlement between the parties. These are important issues and must be decided. Indeed, a judge, unlike a member of this body, cannot choose to simply walk away. They must decide the case in the posture as presented by the litigants.

From experience and from observation, Justice Owen believes strongly that judges are called upon not to act as another legislative branch, not to act as a politician trying to read the polls or trying to assess what public opinion may say about this question or another. A judge's job is to faithfully read the statutes on the books and then apply them to the case before him or her or to interpret the precedents by earlier courts and to faithfully apply those, not in a lawmaking fashion but in a law interpretation and law enforcement fashion.

Indeed, that is the difference between what judges do and what members of the executive or legislative branches do. Judges are not supposed to make law. They are supposed to interpret and enforce the law written by the legislature.

I can testify from my personal experience as her former colleague that Priscilla Owen is an exceptional judge and one who understands and internalizes her duty to follow the law and enforce the will of the legislature. That is why the American Bar Association gave her a unanimous rating of well qualified. That is why she has strong bipartisan backing, including Democrats in the State of Texas and Democrat practitioners who have seen her in action. That is why she had enthusiastic support from her fellow Texans in her last election to the court. Some 84 percent of the voters voted to return her to office when she ran for that election.

Simply put, she is a brilliant legal scholar and a warm and engaging person. Knowing the individual, the human being, as I do, it causes me great pain to see her treated the way I believe she has been treated, unfairly, during the judicial confirmation process, and to hear Senators describe her in a way that nobody who knows her would recognize.

Not many in this body have had the privilege of knowing her personally and so that is why I think it is important for me to say the picture that has been painted of this highly qualified and highly talented human being and great judge in our State of Texas is more than just a little disappointing. It is beneath the dignity of this institution and disserves not only this institution but the constitutional requirement of judicial confirmation and, indeed, ultimately the American people.

The beltway special interest groups are not interested in trying to understand or evaluate Justice Owen by her real record, because if they were, they would see it as a sterling record of intelligence, accomplishment, and bipartisan support. The special interest groups are not interested in the confirmation of nominees who merely interpret the law and render judgment responsibly. They are only interested in confirming people who they believe are advocates of their interests, something that is totally at odds and conflicts with the role a judge is supposed to perform.

Sadly, it is clear that these same special interest groups are interested in obstructing as many of President Bush's judicial nominees as they possibly can. Those who oppose Justice Owen's confirmation appear to have really no stomach for debate and talking about the facts. They choose instead to filibuster and engage in the worst kind of mean-spirited and destructive political attacks.

Let there be no doubt left in the matter. Allow me to quote one of the leaders of the special interest groups opposed to Justice Owen's nomination quoted in the Los Angeles Times last week, when they said: It is sad that not all of these nominees can be filibustered.

So it is clear who is playing the tune and who is giving the instructions. Unfortunately, too many are heeding those instructions to filibuster the President's nominees, to prevent a bipartisan majority of this body from voting to confirm those nominees as they would today in the case of Priscilla Owen and Miguel Estrada.

I can only hope that at some point my colleagues will understand what is going on and reject this special interest influence on the judicial confirmation process. I can only hope that ultimately what we will all strive for is a process that is fair and consistent with our constitutional duty. Yet by blocking a vote on Priscilla Owen, they make themselves allies to these groups, groups that rejoice at the prospect of a Senate in constant gridlock when it comes to the judicial confirmation process.

These shrill attacks are inaccurate, dishonest and unfair. It is not the first time. These are the same people and the same groups that claimed during the nomination of Supreme Court Justice John Paul Stevens that he "expressly opposed women's interests." They found Supreme Court Justice Anthony Kennedy "a deeply disturbing candidate." They testified that Justice Lewis Powell's confirmation would mean that "justice for women will be ignored." And they described Supreme Court Justice David Souter as "almost neanderthal."

Those attacks and the current attacks of these same special interest groups are neither accurate nor, after they have long been exposed as untrue, should they be deemed credible. Lending credence to these tactics should be beneath this body. They have no standing for their arguments to be considered legitimate by this body. Like the little boy who cried wolf one too many times, they should be ignored by this body.

It is hard to recognize the caricatures that opponents of these nominees have drawn. As a member of the Senate Judiciary Committee who has voted on a number of President Bush's nominees for the Federal bench, I have seen the politics of personal destruction are fast becoming a commonplace activity for our judicial nominees. Indeed, I began to wonder whether there are enough good and honorable people with distinguished records left in the legal profession or in the judiciary who will volunteer to submit their names to this destructive process who, knowing the facts, regardless of the truth, they will be painted as some horrible caricature of their principal beliefs. Nominees who are so well recognized for their ability should not be required to serve an indefinite period of time in the stocks as targets for these special interest groups that attack them on a regular basis.

It pains me to see what can only be called the politics of personal destruction played out in the course of the judicial confirmation process.

This Friday the clock will run on into a third year of gridlock and obstruction. The special interest groups must be very proud.

These obstructionist tactics abuse the power of the filibuster. It not only violates the bedrock principle of democracy and majority rule itself but arguably offends the Constitution, as well. Indeed, prominent Democrats such as former White House Counsel Lloyd Cutler and, indeed, colleagues in the Senate currently serving, such as TOM DASCHLE, JOE LIEBERMAN, and TOM HARKIN, have condemned filibuster misuse as unconstitutional. An abuse of filibusters against judicial nominations uniquely threatens both the Presidential power of appointment and the principle of judicial independence.

Whether unconstitutional or merely obstructive of our political system, the current confirmation crisis calls out for reform. As all 10 freshmen Senators, myself included—including the distinguished Senator now presiding—stated last week in a letter to the leadership: We are united in our concern that the judicial confirmation process is broken and needs to be fixed. We believe the Senate must find an end to the downward spiral of accusations, obstruction, and delay.

In the face of this consensus that the process is broken, I stand before this body today and say, once again, it is time for a fresh start. In that spirit, the Senate Subcommittee on the Constitution yesterday held a hearing to consider proposals that have been offered to try to restore both the integrity of the confirmation process and the strength of our most cherished constitutional values. We explored and debated a variety of reform proposals at yesterday's hearing, including one from Senator ZELL MILLER from Georgia, who suggests what Senator HARKIN and Senator LIEBERMAN and 17 other Democrats did in 1995; that the 60-vote rule for any debate be reduced incrementally with each succeeding vote until the rule reaches 51 votes. There would be 2-day intervals between each cloture vote so that the whole process would last less than 2 weeks while ensuring adequate time for delay and debate, if necessary, but in the end allowing the majority to do what they are entitled to do in this body and elsewhere in a democracy, and that is to have their will reflected in the law and, in this case, in the confirmation of highly qualified nominees.

Senator HARKIN and Senator LIEBERMAN back in 1995 originally argued that this would preserve the traditions of this body while still giving the minority plenty of time to plead its case without blocking the majority forever.

Now Senator MILLER has proposed this same rule be put into place. This strikes me, personally, as the most intriguing option that has been presented. Senator SCHUMER advocates an overhaul of the judicial confirmation process entirely by eliminating the President's appointment power and instead giving President Bush and the minority leader "equal votes in picking the judge pickers." I really think this is binding arbitration and foisting off on others what should be our responsibility and what we ought to be big enough and responsible enough to solve for ourselves. But I do give Senator SCHUMER credit for offering a reform proposal. I believe it reflects his opinion, as he has stated, both in writing and orally, that the process is broken and needs reform.

Essentially, Senator SCHUMER proposes that the President and the Senate minority leader select equal numbers of members of Senate judicial nominating positions in each State and circuit who would then select one nominee for each judicial vacancy. The President would be required to nominate, and the Senate required to confirm the individuals selected by the commission absent any evidence that the candidate is "unfit" for judicial service.

While I appreciate the spirit of reform and trying to find our way out of this gridlock that I believe Senator SCHUMER's proposal represents, there are several concerns. I have stated some of them.

White House Counsel Alberto Gonzales has called the plan "inconsistent with the Constitution, with the history and traditions of the Nation's Federal judicial appointment process and with the soundest approach for appointment of highly qualified Federal judges."

Let me be clear. While I think there are problems with the proposal, I do appreciate Senator SCHUMER's acknowledgment of the problem.

Finally, Senator ARLEN SPECTER and, indeed, Senator LEAHY, the ranking member of the Judiciary Committee, have urged the imposition of strict time deadlines for the Senate to hold hearings and votes on judicial nominees. Indeed, the President has proposed the same sort of procedure. Chief Justice Rehnquist, speaking on behalf of the Federal judiciary, has also asked the Senate to ensure prompt up-or-down votes on nominees. Senator SPECTER has fleshed out his proposal and did so yesterday, again, which would call for preset time periods for a nominee to be debated in the committee and on the floor and then finally to reach an up-or-down vote.

I hope there will be more proposals. We had a panel of constitutional scholars, some of the most preeminent legal thinkers in the Nation, and I am sure there will be others. I hope there are others paying attention to this debate and who will offer proposals because I think it will take the best legal thinking. It will take a spirit of bipartisanship. It will take putting the recriminations and the finger-pointing behind us and looking forward and not backward in trying to relive some of those battles of the past for us to be able to get to closure on some reform.

What is important in the short term is that each of these intelligent and responsible Members of the Senate have acknowledged a crisis exists and urge reform of the confirmation process.

We insist that judges be fair and impartial in deciding cases and that they shall neither fear nor favor. But clearly the requirement of fairness does not end in the judicial branch of Government. It also applies to Congress and to this Senate in performing our responsibilities. It is self-evident that this standard should apply in confirming judicial nominees. Our current state of affairs is neither fair nor representative of the bipartisan majority of this body. For democracy to work and for the fundamental democratic principle of majority rule to prevail, all this debate must eventually end, and we must bring matters to a vote.

As Senator Henry Cabot Lodge once said about filibusters: To vote without debating is perilous, but to debate and never vote is imbecile.

I can tell you from personal experience as a former supreme court justice in my home State that when you put your left hand on the Bible and you raise your right hand and you take the oath of office as a judge, you change. If you were formerly an advocate, someone who did battle in our courts of law, representing the position of a client, you no longer are an advocate. If you were formally a legislator, someone who would argue in a body such as this for what public policy demands in terms of representing the best interests of the people you represent, once you become a judge, you are no longer a legislator; you change.

You are, instead, entrusted with a solemn duty, and that is to interpret the law to the best of your ability in accordance with the intent of the people who wrote that law. You must interpret the law as written and not as judges or lawyers or legislators or advocates or special interest groups might like that law to be written. You must interpret the law as it has been written, consistent with the legislative intent.

My hope is that this body will ultimately abide by the constitutional requirement that majorities govern in the case of these two nominees who are being filibustered. We must not, consistent with that same Constitution, impose a supermajority requirement where the Constitution requires none and where the Supreme Court and Senate traditions and the fundamental principle of majority rule dictate that a majority vote, not a 60-vote supermajority, will prevail.

We, of course, must consider the interests of our respective States and the Nation, and I think those interests should be considered above the interests and desires of the special interest groups that seem to have grabbed hold of the confirmation process and will not let it go.

We must act, and I believe we must act soon, to reform this broken confirmation process. Of course, this task falls not on others far away, not even on the President, not on the judiciary, but this responsibility falls on us as citizens, as Senators, as Americans.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, my colleague and many other colleagues in recent weeks have spoken on the floor on the subject of judicial appointments, Federal judgeships. I want to offer a few comments on the subject, not because I think I am an expert—I don't even serve on the Judiciary Committee—but the comments that have been made on the floor of the Senate suggest to the American people that somehow one side of the Senate is blocking judicial nominations, the system is broken, it is not working, and somehow it has to be fixed. Let me see if I can at least provide some clarity.

In the summer of 1991, we had 110 vacancies in the Federal courts. That has now been reduced to 47 vacancies. Why is that the case? Because we have been processing nominations from the White House for Federal judgeships and approving new Federal judges for lifetime appointments. We have voted. We have had votes on 123 of President Bush's Federal judges who have been confirmed. I have voted for 120 of the 123.

Incidentally, of those 123, 2 of them were North Dakota Federal judges. I recognized that the openings in the Fargo and the Bismarck district would be filled by President Bush, would be filled by Republicans. The process worked the way it should work and the way I believe it should always work in that circumstance; that is, the White House and Senator CONRAD and I worked together to find candidates, a list of qualified candidates in North Dakota from which the President would select. He then selected a candidate, a Republican, to send to the Congress to say: Here is who I believe should be the new Federal judge for a lifetime in the Fargo district. Here is who I believe should be the Federal judge for a lifetime in the Bismarck district.

He nominated both. I am proud to say I supported both. Both are wonderful lawyers. Both are going to be great judges. They both now sit on the bench. They do so with my vote, and I was proud to do it. That is exactly the way this ought to work.

Let me describe a bit about what the Constitution does say about judgeships. It says the President:

> . . . shall nominate and by and with the advice and consent of the Senate shall appoint . . . judges of the Supreme Court and all other officers of the United States. . . .

What that means is the President shall nominate and the Senate in its process shall make a judgment about whether it advises and consents to that nomination. So the President has no inherent right under the Constitution to send us a name and say: Oh, by the way, this is who I aspire to appoint to the Federal bench, district court, or circuit court, and you must accept this nominee. That is not what the Constitution says.

The Constitution says there is a two-part process: The President proposes and we dispose. The President nominates and we give our advice and consent. A President not of my political party has the right to nominate members of his political party to sit on the Federal bench. When it worked as it worked in the circumstance with North Dakota, I was proud to be someone who said: Count me in. I vote for these nominees because I think they will be great Federal judges.

When it doesn't work is a circumstance where the White House says: We don't care what you think down in the Senate. Here is a name, and we are going to shove it down that pipe, and if you don't like it, tough; we are going to fight like the dickens to get it.

You have the right to fight, I would say to the White House. You have a right to fight for your nominees. But if you don't have a process where there is some agreement and understanding of working together on lifetime appointments, sometimes nominees are going to get snared and caught in a web down here.

We have approved 123 of the nominees sent to us by President Bush. As I indicated, I have voted for 120 of them. This so-called breakdown or collapse in the process is over two nominations at this point.

This is not new. We have two nominations that are caught in the web, and I will explain why in a moment. The fact is this web has been a much tighter web for a long period of time in which we have reduced far more than half of the vacancies in the Federal bench. Why? Because we are in the business of approving the President's nominees. In a circumstance where we have approved 123 of them, it can hardly be said that this process is broken.

But it has been broken. There were times when this process was broken. One of the judgeships, the nominations that were sent here that is caught, is in the Fifth Circuit. Let me describe what happened in the Fifth Circuit just so we have some history.

In the Fifth Circuit, from 1995 on we had three nominations by the previous administration—three nominations—Judge Rangel, Enrique Moreno, and Alston Johnson. They never got a hearing—not one hearing, not a day, not a minute. They were dead when they got here. There were going to be no hearings because there wasn't going to be a judge on the Fifth Circuit Court appointed by that administration, by the Clinton administration.

What happened? The administration changed. So did the control of the Senate for a while. Judge Clement was confirmed in 6 months; Judge Pickering had two hearings, had a negative vote in the committee. Perhaps—I guess it was a negative vote. I was thinking perhaps he pulled his nomination from consideration. But in any event, there was action in the committee for Judge Pickering.

Judge Priscilla Owen: two hearings, a vote in the committee.

Judge Edward Prado: a hearing, a vote.

Do you see the difference? Under the previous administration, the Republican Senate would not even allow a hearing—not 1 minute of hearing, let alone bring a candidate to the hearing room and have a discussion and have a vote and bring it to the floor—not even a hearing, not 1 day. That was when the system was really broken.

Now we have a circumstance where we are told that because we have two nominations on the floor of the Senate that have not moved—and I will explain why—that the system has somehow completely collapsed and we should change the rules of the Senate.

Let us take a look at the DC Circuit Court. There was not any intention to add a judge to the District of Columbia Circuit Court under the previous administration. We had the nomination of Allen Snyder. He was never given a vote. Elena Kagen was never given a vote because they said the District of Columbia Circuit doesn't have enough work. We shouldn't add a judge to the DC Circuit. Now, all of a sudden, the administration changes, and there is room for more. We need more, and we need to add someone to the District of Columbia Circuit.

You go up and down over the recent years, and you see, in the circuit court especially, candidate after candidate who was never given a vote and was never given a hearing. That is when the process was broken and had collapsed.

It can hardly be said that the process doesn't work at this point when we have reduced the vacancies on the Federal bench by confirming 123 of the President's nominees. And I have voted for almost all of them. That is not a process that has collapsed.

Let me talk about the two that are at odds that Members have come to the floor of the Senate and talked about how the system has collapsed.

The first is Mr. Estrada. Mr. Estrada was nominated by the President to the second highest court in the land. Mr. Estrada had been asked for certain information: No. 1, to answer the questions posed to him by the Judiciary Committee when he appeared; and, No. 2, to have the information released—that is, information about his work when he was with the Solicitor General's Office.

The fact is, until and unless Mr. Estrada releases that information and provides that information, in my judgment he will never get a vote in the Senate. He just won't. One might not like that. Fine, you do not have to like that. But if we are talking about putting people on the Federal bench for a lifetime, we had better discharge our responsibility in a serious way and be serious when we seek information from a candidate. That candidate has an obligation to provide the information. If it is not forthcoming, there is no entitlement and no inherent right under our Constitution to proceed to a vote on a nominee sent to us by the President.

It is interesting that Mr. Estrada testified before the Senate Judiciary Committee the same day Judge Hovland from North Dakota testified before the committee. I referenced him before—a Republican who now sits on the bench in Bismark, ND. He is someone for whom I was proud to have voted. The same questions that were asked of Mr. Estrada were asked of Mr. Hovland that day. Mr. Hovland answered them. Mr. Estrada did not. That is why Mr. Estrada's nomination is caught in a net here in the Senate. It is why he has not had a final vote. He has not released the information from the Solicitor General's Office. He did not respond to the questions.

As soon as all of that is available to the Senate, as I have said repeatedly on this floor, I think he ought to be given a final vote, up or down. Until that time, no Senator ought to aspire to give a final vote to a candidate, to a lifetime appointment of judgeship, or on the circuit or district court who says "I am not going to provide the information you requested." No Senator should insist on proceeding to final vote in that circumstance.

That is not discharging the obligations of the Senate.

Let me talk for a moment about an article that I read in the San Antonio Express News which I thought really described exactly the same circumstance we face here in the Senate, "A Tale of Two Texas Judges." It happens to deal with the nomination of Judge Priscilla Owen and Judge Prado. I am going to read this because I think it is important.

> In the nomination of U.S. District Judge Edward Prado for the Louisiana-based 5th Circuit Court of Criminal Appeals, President Bush has found a fail-proof strategy for selecting federal judges. Prado faced no opposition from the Senate Judiciary Committee—or anyone else for that matter—because, unlike some of the President's other recent nominees, Prado is well-qualified with a long record of fairness and moderation.
>
> Unfortunately, the full Senate will be consumed this week with bitter debate over another White House judicial nominee—Texas Supreme Court Justice Priscilla Owen, who has a different kind of record. Instead of moderation, Owen is known for her conservative activism.
>
> Opposition to Owen was so strong that her nomination was rejected last year. This year's Republican-led Judiciary Committee resuscitated it, giving Owen a slim 10–9 party-line vote.
>
> It is not as though Democrats are opposed to all White House nominees. After all, the same committee voted 19–0 in favor of Prado. Now Democrats in the Senate appear likely to filibuster Owen's nomination. Once again, the battle over the White House's judicial nominees is gridlocked.
>
> To avoid this kind of partisan strife, the Bush administration should employ the Prado strategy for future judicial nominees.
>
> That strategy is to choose moderate nominees with long experience who understand that the role of the judge is not to legislate from the bench.

There is a solution to all of this. It has nothing to do with changing the rules. In fact, I submit that when we have confirmed 123 judges submitted by President Bush—and I voted for 120 of them—this process is hardly broken. But the solution to this is for the President and Mr. Gonzales to engage with the Senate and work with the Senate with respect to the kind of nominee that we will put on the circuit court. There is no inherent right in the Constitution that says the President shall nominate and somehow the Senate must consider expeditiously every nomination.

In fact, the Republicans for years and years since I have been in the Senate refused to hold hearings—not even one hearing for nominee after nominee after nominee.

We did not hear the discussion on the floor of the Senate so much about changing the rules and the system being broken with Mr. Enrique Moreno, who, I believe, is from Texas. I have met him. He would have been a terrific judge. Unfortunately, he wasn't given the time of day by the Senate. We have not done that. This side has not done that. The fact is that even the two nominees who are in dispute at this point had their hearings. They had their day before the committee. They had their vote before the committee. But Mr. Moreno is an example of so many others who never got any consideration at all.

Let me be quick to say that despite the miserable failure of dealing with these judgeships back in the 1990s in the previous administration, I don't think this is at all payback. I don't think this is what this is. Payback would mean we would not have approved 123 of the nominations sent to us by President Bush. We have done that because we think the selection of judges is a process that requires the opportunity for both of us to work our will. The President can send a nomination to us and we can consider that and the options that we have to deal with that nomination.

The way to avoid the pitfalls and the problems that exist with the two nominations that are causing such angst and people coming to the floor saying the sky is falling and the system has collapsed is for the President to work with the Members on the nominees they send to the Senate. There are some—not many—who are simply not going to be confirmed. It is almost automatic that this President's nominees are going to sit on the Federal bench—not quite automatic but almost—evidenced by the fact that 123 we have approved with the votes of almost all Democratic Senators.

There is a way to solve this problem. If you don't believe me, then believe this editorial which is exactly on the mark.

If they say our strategy is simple, we are going to pack the circuit courts with philosophical extremists, and they send us names that reflect the desire to pack the circuit courts with extremists, I am sorry; this process isn't going to work. This process is going to slow down and perhaps stop because, in my judgment, this Senate is not going to allow that to happen. We insist if someone is going to sit for a lifetime on the Federal bench that they be qualified and not be judicial activists who bring an aggressive agenda to the bench.

With respect to the Owen nomination, I was not on the Judiciary Committee and was not part of the hearings, but I have read the record. I have certainly heard from a lot of people who know and who have worked with Judge Owen. I have read the statement of Mr. Gonzales himself from the White House exercising his great angst at her judicial activism on the bench in Texas. But the fact is, she had her day in the Senate last year, and she was turned down by the Senate Judiciary Committee. Now that nomination comes back to us. The fact is, she is one of those few who clearly is a very aggressive judicial activist.

The Gonzales quote is very telling to me. It is not just Judge Gonzales. That same quote about the disposition of Judge Owen and what she does on the bench in the State supreme court is not just from Mr. Gonzales, it is from a range of sources, which I think persuades many in the Senate not to want to proceed with this nominee.

But do not—do not—take the two instances of Mr. Estrada, who has refused to provide the information that is requested by the Senate, and Judge Owen, who was turned down last year by the Senate Judiciary Committee, to say somehow the sky is falling and the structure is broken and we ought to change the rules of the Senate, and how awful this is. Nonsense, total nonsense.

Mr. President, 123 judges sitting on the Federal bench are testimony to the fact that we are approving President Bush's judges. It is just that there are two who stick in the craw of people because they say we have a responsibility, somehow, to rubberstamp all these nominations. I am not going to rubberstamp anybody who is going to serve for a lifetime, especially on a circuit court. If they are not going to provide the information, then they ought not sit on the Federal bench—simple, just open and shut. It has nothing to do with politics, nothing to do with Republicans, nothing to do with Democrats. If you don't provide the information, you are not going to sit on the Federal bench.

Maybe those of us who think that way are in the minority. If so, eventually, I guess, those people will get to the Federal bench. They will say to Congress: I'm sorry, I have a Presidential nomination, and I have no obligation to give you additional information. If there are enough Senators who believe that is discharging our responsibilities, by saying, yes, sir, absolutely, well then maybe these nominations will happen, but they won't happen with my vote, not with a Republican or with a Democrat.

This is what Judge Gonzales said. In Jane Doe, Judge Alberto Gonzales—incidentally, a then-supreme court justice, who is clearing these nominees through the White House—stated that to interpret the law, as Justice Owens did in this case "would be an unconscionable act of judicial activism."

I will tell you what. It is not just this phrase. If we had time and I had the interest, I would show you other examples of exactly this sort of activism which persuades me this is not the kind of judge I want to put on a circuit court.

Let me make the point, once again, that the Constitution provides two things: The President shall nominate, and the Senate shall advise and consent. If a President, any President, decides he is going to try to stack a circuit court with people of extremist views, then this Senate—I guarantee you, this Senate—whether it is Republicans against a Democratic President or Democrats stopping a Republican President—this Senate is going to say: I am sorry, it is not going to happen.

Perhaps we should get a long list out here, perhaps a list of 123 names. We could start with North Dakota with Justice Erickson or we could start with any one of a number of the others on that list of 123 who are now Federal judges because President Bush said, "I want them," and because the Senate said, "You bet. We have taken a look at these judges and they deserve to be on the Federal bench."

Perhaps going through 123 of them, reducing the number of vacancies by well more than half, we would define that as success rather than a calamity. But if we do not want to take a look at the success, then let's take a look at the two who exist that are causing these problems and these difficulties.

I will tell you, we have, in my judgment, every right to say to the President, in these circumstances: Work with us to send us nominees who we can put on the DC Circuit, who we can put on the Fifth Circuit. Work with us to do that, just as you worked with us with 123 other Federal judges who now are on the Federal bench.

Mr. REID. Will the Senator yield for a question?

Mr. DORGAN. I am happy to yield for a question.

Mr. REID. During the years when President Clinton was sending nominees down here, there was a period of time when the Democrats controlled the Senate. Does the Senator recall that?

Mr. DORGAN. That is correct.

Mr. REID. If that were the case, every person he sent down would have been approved, is that right, using the logic used by the majority now?

Mr. DORGAN. Right.

Mr. REID. The fact is, a relatively small percentage of the people he sent down were approved because the Republicans did not like the people he sent down; is that right?

Mr. DORGAN. That is correct.

Mr. REID. Now, I personally disagreed with what the Republicans were doing at that time.

The PRESIDING OFFICER. The Senator has used his allotted time in morning business.

Mr. DORGAN. Mr. President, what is the allotted time under morning business?

The PRESIDING OFFICER. The allotted time is 10 minutes.

The Senator from Nevada.

Mr. REID. Mr. President, under my time, I will ask the Senator a question and would appreciate him responding.

The PRESIDING OFFICER. The Senator does not have the floor.

Mr. REID. He yielded the floor. Of course I have the floor. Who else has it? He yielded the floor. I asked permission to be recognized.

The PRESIDING OFFICER. The Senator from North Dakota is out of time.

Mr. REID. I know. And I asked——

The PRESIDING OFFICER. The Senator from Texas.

Mr. REID. What do you mean: "The Senator from Texas"? I asked to be recognized, and I was recognized. What do you mean: "The Senator from Texas"? What are you talking about?

The PRESIDING OFFICER. I recognize the Senator from Nevada.

Mr. DORGAN. Mr. President, might I ask a parliamentary inquiry for the moment? I now understand we were under a period of morning business. When I came, the Senator from Texas was speaking, I assume, perhaps, under morning business as well. I don't know whether I consumed more time than he did or whether it was about even. Could you tell me how much time the Senator from Texas used?

The PRESIDING OFFICER. The Senator from Texas asked to speak for 20 minutes and did speak for 20 minutes.

Mr. DORGAN. Mr. President, how much time did I consume?

The PRESIDING OFFICER. Twenty-two minutes.

Mr. DORGAN. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, thank you very much.

Now, if the Senator from Texas wishes to go someplace or something, I would be happy to yield the floor to the Senator. I don't have much to say, but I have a few things to say.

Mr. CORNYN. Certainly. I would like the opportunity to respond to some of the remarks of the Senator from North Dakota.

Mr. REID. Fine. I will not be long at all. I appreciate that.

I say to my friend from North Dakota, the point I was making, when the Chair indicated time was up, was that there were procedures by the majority that stopped President Clinton's nominees from going forward. Does the Senator recall that?

Mr. DORGAN. Yes, including filibusters, of course.

Mr. REID. I recall, very clearly, there were hearings not held in the Judiciary Committee: is that right?

Mr. DORGAN. Well, many of the nominees never got a hearing—ever—under any circumstance.

Mr. REID. And we, the minority at the time, did not like it, and we had a Democratic President; is that not true?

Mr. DORGAN. That is correct.

Mr. REID. I also ask the Senator this question: During the time you have been in the Senate and I have been in the Senate, we have seen changes of the majority—whether it was Democrats or Republicans—it switches back and forth; is that right?

Mr. DORGAN. Yes. The Senator is correct, yes.

Mr. REID. Now, I say to my friend from North Dakota, in the form of a question I ask you to respond to, we did not like what happened, but the Senate went on just fine; the country survived; did it not?

Mr. DORGAN. Absolutely. I remember Mr. Paez, who is now a Federal judge, his nomination was here 1,500 days. I remember the number of times people came to the floor of the Senate expressing great angst about that. It took forever.

But unlike Mr. Paez, many nominees never got a hearing, let alone a vote, never got called to Washington, being told: All right, your nomination is before the Senate. This is the date of your hearing. Many nominees never ever got a hearing.

But I say to the Senator from Nevada, this ought not be, and should never be, payback for "this side did this, that side did that, so for the last 20 years, let's get even." That ought not be what the case is. And I demonstrate and I assert it is not the case because we have approved 123 of President Bush's nominations. I said: I am proud to do that. I was proud to support the two Republican nominees from North Dakota because I think they are terrific judges.

I think we have had great success here. I admit that there is a hangup with two of the judgeships.

I say to my colleague from Texas, who spoke before I did, I do not mean to be pejorative about this. I do not mean to question anyone's motives. I only say that when one asserts that the sky is falling, the system is broken, and nothing is working, there is another view. I was trying to express another view, respectfully.

I respect the opinion of the Senator from Texas, but I have a very different view about our responsibilities, our obligations, and our accomplishments with respect to these nominations.

If I might make one additional comment, I say to the Senator from Nevada, I am not on the Judiciary Committee. I do not pretend to be an expert in these circumstances with these issues. I have studied enough and learned enough to know that many of the nominations that are sent here have been excellent. I have been proud to support them.

But I also understand there are circumstances where we have an obligation and a right to assert our rights. That is exactly what is happening in two circumstances that I think have caused great angst among some and caused them to say the sky is falling. But the sky is not falling at all.

Mr. REID. Mr. President, I simply wanted to acknowledge the statements of the Senator from Texas and the Senator from North Dakota. I am trying to make a point that things change around here: Democrats are in control; Republicans are in control. The Democrats will be back in control of the Senate sometime. It may not be in the next election cycle; it may not be in the next election cycle, but it will happen. We will be in control sometime, and we will have a Democratic President sometime. I think we have to look into the future, that we don't jam the system.

I appreciate very much the Senator from North Dakota indicating this is not payback time. When we took control of the Senate, we said at that time, this is not payback time. We have proven that. There have been hearings held. If there is somebody who has been held up, that should be brought to the attention of the body. Senator DASCHLE and I have stated on many occasions that this is not payback time. If it were, things would be in desperate shape.

We have approved a lot of judges that don't meet what many people over here feel is in the best interests of the country, but we have felt that the President has to have great leeway in the people he has chosen. That is indicated by the 123 we have approved.

I understand the power of concern of the chairman of the Judiciary Committee, Chairman HATCH. His feelings about Miguel Estrada have been made very clear. I know Senator HATCH. I know how strongly he feels about this matter. But I would hope that those on the other side will understand that Miguel Estrada's problem could be solved so easily. Let us see the documents from the Solicitor's Office, and I think it could be solved very quickly.

With Justice Owen, it is a different problem. But remember, we are talking about 123 to 2. I don't think it is fair to try to tell the American public that the system is broken. I really don't think it is.

I want also to apologize publicly for raising my voice to the Chair. I rarely do that. I did and I apologize to the Chair for that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I will take a few moments to respond to some of the comments made by the Senator from North Dakota and the Senator from Nevada.

First, I certainly respect their right to have an opinion and to express an opinion that this system of judicial confirmation is not broken. I disagree with them. Reasonable observers, outside of the bubble in this Chamber and perhaps inside the beltway, looking at this system will say: The system is broken and disagree with them. Indeed, to date, over 134 editorials in 94 newspapers have called for the confirmation of Miguel Estrada and Priscilla Owen and have called for an end to the filibuster. Indeed, the preponderance of the views is in favor of those who believe that the system is broken and sorely in need of reform.

I pointed out the bipartisan letter of the 10 freshmen. I pointed out even Senator SCHUMER and others who have been here for quite a while believe the system is broken. So I think we need a fresh start.

In many ways, the Senator from North Dakota makes my case for me. When he goes back through all of the grievances of the past in the judicial confirmation process, real or perceived, he says the system was broken back then but it is not now.

He also says that because Democrats have voted or allowed a vote—they haven't necessarily voted for them, but they have allowed a vote—on 123 of the President's judicial nominees and disallowed votes on only 2, that it somehow makes it all right.

There is an important point that needs to be made. When 123 of President Bush's judicial nominees have been confirmed and 2 have been blocked by unprecedented filibusters—and please understand there has never been a filibuster before, a true filibuster of judicial nominees before in the history of the Senate before Miguel Estrada and Priscilla Owen—how can some of these same people stand on the floor of the Senate or in the Judiciary Committee or in front of TV cameras and say President Bush is nominating only ideologues. Back in my State, some of the names I have heard these nominees called would be fighting words. If somebody called you some of the names I have heard these nominees called, indeed the President for nominating some of these same people, those would be simply fighting words.

We are not fighting here today. I am simply trying to make the point that the sort of harsh, shrill, unreasonable, emotional allegations being made by some of these special interest groups that are being repeated by some Members of this body when it comes to these nominees simply don't stand up to any test of reason.

Two years for a judicial nomination is not a sign of a healthy judicial confirmation process. It is a sign that the system is broken and needs to be repaired.

I yield to the distinguished Senator from Kentucky.

Mr. MCCONNELL. I say to my friend from Texas, if he will yield the floor and let me get the floor, we will do this very quickly.

Mr. CORNYN. I am happy to do so.

The PRESIDING OFFICER. The Senator from Kentucky.

UNANIMOUS CONSENT REQUEST—H.J. RES. 51

Mr. MCCONNELL. Mr. President, the assistant Democratic leader and I have been working over the last few hours to come up with a consent agreement with regard to handling the debt limit. We have now reached agreement.

Therefore, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the consideration of Calendar No. 80, H.J. Res. 51, the debt limit extension; that first-degree amendments be limited to 12 per side, with relevant second-degree amendments in order; provided that no amendments with respect to gun liability or hate crimes be in order on either side; that upon disposition of all amendments, the joint resolution as amended, if amended, be read the third time, and the Senate then vote on passage of the joint resolution without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not have the floor.

Mr. REID. Would the Senator from Kentucky withdraw his consent at this time?

Mr. MCCONNELL. Mr. President, I withdraw the unanimous consent request for the time being.

I yield the floor.

OWEN NOMINATION

Mr. CORNYN. Mr. President, I have some further remarks I want to make with regard to the Owen nomination. I know there are other Senators who will be coming to the floor. I certainly want to give them an opportunity to speak on that subject if they wish.

As I was saying, the comment of the Senator from North Dakota that 123 Bush judicial nominees have been confirmed and only 2 obstructed, as these

2 fine ones have been, and that is a sign that the system is not broken really is at odds with the caricature I have heard and the Nation has heard about the type of person President Bush has nominated for judicial office. The truth is that they are uniformly highly qualified, able, and experienced, and should be, and are the same type of people who should be confirmed; and why they have picked out these 2 nominees against whom to engage in an unprecedented filibuster is, frankly, beyond me.

I see the Senator from Kentucky and the Senator from Nevada here. I yield the floor to them.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 51

Mr. MCCONNELL. With apologies to the Senator from Texas for the interruption, we would like to try one more time to reach an agreement on something Senator REID and I have been working on for the last few hours.

I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the consideration of Calendar No. 80, H.J. Res. 51, the debt limit extension; that first-degree amendments be limited to 12 per side, with relevant second-degree amendments in order; provided that no amendments with respect to gun liability or hate crimes be in order on either side; that upon disposition of all amendments, the joint resolution, as amended, if amended, be read the third time, and the Senate then vote on passage of the joint resolution, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 113

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, Calendar No. 32, S. 113, the Foreign Surveillance Act, be referred to the Senate Intelligence Committee and that the committee be automatically discharged from further consideration of the measure and the Senate then proceed to its immediate consideration under the following limitation: That there be 2 hours of general debate equally divided between Senator KYL and Senator SCHUMER, or their designees; that the only amendments in order, other than the committee-reported substitute, be the following: Feingold amendment regarding reporting be considered and agreed to; Feinstein amendment regarding permissive presumption, with 4 hours of debate equally divided.

I further ask unanimous consent that following the disposition of the above-listed amendments and the use or yielding back of the debate time, the committee amendment be agreed to, the bill, as amended, be read the third time, and the Senate proceed to vote on passage, with no further intervening action or debate.

Further, I ask unanimous consent that following passage of the bill, the title amendment be agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, on the paragraph indicating the Feingold amendment regarding the report being considered and agreed to, is there any time on that?

Mr. MCCONNELL. No.

Mr. REID. No time. Just reported and agreed to. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I apologize again to the Senator from Texas for the continued interruptions. I have no anticipation that I will be doing that again.

The PRESIDING OFFICER. The Senator from Texas is recognized.

OWEN NOMINATION

Mr. CORNYN. Mr. President, I notice the Senator from Alabama is here, and I believe he wants to speak on the Owen nomination. I will turn the floor over to him in a few minutes.

There are a couple of things I want to finish responding to regarding what the Senator from North Dakota and the Senator from Nevada have said, and the way they characterize Justice Owen—as an activist, as somebody who is out of the mainstream, and in terms of judicial qualifications.

I just point out that the picture they paint is totally at odds and inconsistent with the fact that Justice Owen has broad, bipartisan support in the Senate, and it is only a narrow minority of the Senate that is blocking the bipartisan majority from actually voting. To me, that is not evidence of an extreme position or somebody who is out of the mainstream.

I point out and remind my colleagues that former Texas Supreme Court justices, Republicans and Democrats, a long list of former Presidents in the State bar of Texas, Republicans and Democrats, have endorsed her confirmation. That is hardly evidence consistent with the portrait that her detractors are attempting to paint and that was painted by the Senator from North Dakota just a few moments ago. In her last election, 84 percent of the voters in Texas voted for her reelection—hardly consistent with the picture of an extreme, out-of-the-mainstream person and nominee.

I will tell you that in 2000 virtually every major newspaper in Texas endorsed her reelection. Here again, that is not consistent with the portrait being painted today by her opponents.

Let me finally address the issue on which Justice Owen has been criticized, and that is the Texas parental notification statute. I point out to my colleagues that Justice Owen had no choice but to interpret the Texas parental notification statute as adopted by the Texas Legislature. She had no choice. She did her best. I think it is a record of which she and the Senate can be proud.

But I think some of the arguments against this nominee are really wolves in sheep clothing. In other words, I think some of the special interest groups that are opposing Justice Owen's nomination really object to the Texas parental notification statute—a statute which I strongly support because I believe it protects parental rights, in order to at least be involved in one of the most serious and profound decisions that a young girl may have to make in her young life, when under Texas law, if she wanted to get her ears pierced at a doctor's office, she could not do so without parental consent.

This law does not require consent; it requires notice to at least one parent before a minor child decides to get an abortion. As I say, I think a lot of the arguments being made against Justice Owen and this nomination are really masked by an underlying objection by some of these special interest groups to the fact that Texas has—like the vast majority of States—a parental notification law. Eighty-four percent of the American public supports parental rights and laws requiring that a minor child give notice at least to a parent before getting an abortion.

The U.S. Supreme Court has upheld the validity of those laws as not impeding access to an abortion, but merely involving a parent and letting a parent know. Of course, if for some reason, within the letter of that law, a parent cannot be notified, or should not be in the eyes of a judge, there is a judicial bypass provision, and that was exactly the law that Justice Owen was duty-bound to interpret as a member of the Texas Supreme Court in dealing with that Texas parental notification statute.

Justice Owen, in a vast majority of those cases, voted with a majority of the court and dissented from the majority less often than two other justices on that same court.

I would point out that the author of the Texas parental notification law, Senator Florence Shapiro, supports Justice Owen's confirmation.

One other point. I hope we can finally put this issue to bed because it seems as if it gets trotted out every couple of days when it comes to the Owen nomination, and that is the allegation that Alberto Gonzales, White House counsel, formerly a member of the Texas Supreme Court who served with Priscilla

Owen, accused her of judicial activism. That is just not true. That is not the fact, and anyone who cared enough about the issue would certainly read the opinions that are referred to by those who are making that fallacious claim.

What happened in that case is some members of the court accused Judge Gonzales of misreading the statute. He stated it would be judicial activism for someone to change the law to suit their own personal beliefs. He did not say Judge Owen had done that.

To me, that settles the issue completely. Here again, you find the facts more divorced from what is happening, what is being said as you see a person, a fine, decent person, a highly qualified candidate for this judicial office, being attacked unfairly. As you see the facts twisted and this caricature again being painted, it bears no relationship to the facts.

I remember Senator ARLEN SPECTER the other day, I think it was in the Senate Judiciary Committee, saying it is clear the Rules of Evidence that apply in court that somebody speak from personal knowledge, that it be trustworthy, it be credible, do not apply to statements made on the floor of the Senate or in the Senate Judiciary Committee. People repeat facts other people say that may be completely wrong or by people who have a motive to bend the truth.

Justice Owen, has been a victim of people who have bent the truth or who care nothing for the truth and who care only for defeating this very fine nominee by our President for this judicial office.

Mr. President, we are not going to give up the fight to have a bipartisan majority of the Senate vote on either Judge Owen's confirmation or on the confirmation of Miguel Estrada. As we heard yesterday before the Senate Subcommittee on the Constitution, constitutional scholars said there are serious constitutional problems with the argument that somehow the cloture rule, which requires 60 votes to cut off debate, can trump the Constitution, which requires only a majority vote.

Senator SPECTER yesterday alluded to something called the nuclear option. He said he was not going to talk about it. All I wish to say is we are not going to give up, and I will not give up when I see a good person, an honest, a decent person who has worked hard, who has risen to the top of the legal profession, who has become a judge and excelled in her job as a judge, who has been faithful to the oath she has taken to interpret the law and not to be a superlegislator or be a legislator wearing a black robe, I am not going to stop as long as it is possible to do anything within my power to see her confirmed and to see that justice and fairness be provided to this good and decent person.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Texas. He knows Priscilla Owen. He served on the Texas Supreme Court. He served as the attorney general of Texas. He knows the legislators who passed the laws in Texas. He knows Justice Owen's history and the respect she has in the community. One can sense his feelings of how bizarre it is to have this wonderful woman, who is popular throughout the State, with 84 percent of the vote, unanimously well-qualified rating by the American Bar Association, attacked and have people come to this body and say she is some sort of extremist. It is really a sad day.

My colleagues on the other side say: We are only objecting to two nominees. Why would they pick Priscilla Owen to be one of the two? Justice Owen is so marvelous. They say she was turned down last year. That was when we had an interlude in which the Democrats had the majority in the Senate and they had a majority in the Senate Judiciary Committee. That committee, on a straight party-line vote, voted down this wonderful candidate, Priscilla Owen, for the Federal court, on a straight party-line vote.

That was not done in the 8 years President Clinton was in office when Republicans had a majority. Republicans never voted down one of his candidates on a straight party-line vote. We ought to think about that.

Senator CORNYN is a tremendous addition to the Senate. The Priscilla Owen matter was raised in his race. It was a matter he discussed, and the voters voted for Senator CORNYN to be their Senator, and he was on record as supporting her nomination.

Now that he is here and helped give us a majority, we moved her out of the committee. She really was not voted down in committee. She was blocked in committee. They tried to keep her nomination from reaching the floor of the Senate, where it could be voted up or down and succeed, until the majority changed.

It is frustrating to me to hear the Democratic Members of this body say: Miguel Estrada can be confirmed or we can move him up for a vote as soon as he turns over all of his records, all the memoranda he wrote while he was at the Department of Justice.

The Presiding Officer, the Senator from Minnesota, is a skilled attorney. He knows these issues. When a lawyer works for a client, the records are the client's records; they are not the lawyer's records. A lawyer cannot pass out his memoranda to his client without the client's permission.

In this case, Miguel Estrada had a client. His client was the United States of America, and his duty and responsibility was to give his supervisors in the Department of Justice—4 of his 5 years he was in the Department of Justice were during the time President Clinton was President of the United States. So his memoranda went to Clinton appointees and their people. They said just turn them over.

This is a big deal. I served almost 15 years in the Department of Justice. It was a great honor for me to hold that position. I think it is the greatest, most honorable law firm in the world. It was great to be there. They are good lawyers. They follow the law.

The Department of Justice should never give over their internal memoranda on a fishing expedition like this just to try to buy votes in the Senate to get somebody confirmed. They should stand firm, and the heat needs to be on those who ask for these records to be turned over.

It was said that some of those records have been turned over in the past. I remember one Senator waving around the documents saying it had been done before. I got them out of the RECORD. I determined that it was the Robert Bork nomination.

Most Americans who have been around a few years remember the Bork deal. He was the Solicitor General of the United States and was moved up to Attorney General.

He fired Elliott Richardson, the midnight massacre, and the Senate had a specific inquiry.

When Bork was in the Department of Justice, they wanted to know about the memoranda he had written involving Watergate, which raised questions of ethics and impropriety and misconduct.

It is quite a different thing if a Member of this Senate says, or this group of Senators say, we want certain records, and those records are records that may give light on a specific wrongdoing that has been alleged to have occurred; there is some sort of concern over an act of wrongdoing which has occurred, but they did not suggest Miguel Estrada was involved in a single act of wrongdoing. They just said: We want to see every memorandum he wrote to the Department of Justice, memoranda owned by the Department of Justice, part of the Department of Justice's work product, part of their decisionmaking process.

They should not turn it over. These Senators, some of whom are lawyers on the other side, know that, and they ought not to be asking for that. I do not believe they would accept it if Republicans were asking for it in the same circumstance. We have to have a certain amount of collegiality, we have to have a certain degree of fairness and respect for proper procedures, and it is disrespectful of the whole governmental process to insist that the work product of the Department of Justice, in a blanket fishing expedition, needs to be turned over to Senators in exchange for getting an up-or-down vote for a highly qualified nominee.

I am not pleased with what is going on. We all remember well when President Bush was elected and the Democrats had a Senate retreat, and one of the things they discussed was what to do about nominations. They had three well-known liberal professors known throughout the country, Laurence Tribe, Marsha Greenberger, and another lawyer lecture them. These liberal professors told Senate Democrats that they ought to change the ground rules, that they do not need to do like we have done for 200 years since America's founding. It is clear to me that as a result of that conference, somewhere along the line a majority of the Democratic Members of this body agreed, and they have changed the ground rules of confirmations in a way that has never been done before.

In committee, they voted down two nominees on a straight party line vote. They said we ought to change the burden of proof and put it on the nominee. They made a number of other allegations and changes in the process that they said ought to occur. They asked to strengthen the blue slip policy that gives an objecting home State Senator power to block a nomination. When President Bush was elected, they had a meeting and demanded that they have more power.

At the same time, they complain in this body about nominees who did not move because of the traditional exercise of the blue slip. They wanted to have even more power to block nominees of President Bush than existed to block President Clinton's nominees. So it is a frustrating thing.

The most dramatic and historical change of the ground rules occurs when this body engages in filibusters. I noticed they said Mr. Paez was held up 1,000 days. Well, Priscilla Owen and several others are at about that number right now.

How did the Paez matter come to a vote? In my strong view, Paez should never have been confirmed as a Federal judge based on the record we had. I opposed his nomination. But how was it brought up? How do you deal with a hold? You move for cloture. It is a process. No filibuster was ongoing. It just was not being brought up for a vote.

The majority leader of the Republican Party, TRENT LOTT, moved for cloture. I voted for cloture even though I opposed the Paez nomination. Cloture was voted overwhelmingly. Why? Because we did not believe that filibuster was an appropriate remedy for dissatisfaction over a judge. The Republicans believed that a judge should not be filibustered. It has not been done for a circuit or a district judge since the founding of this country, until our colleagues on the Democratic side have now openly filibustered Priscilla Owen and Miguel Estrada.

If they were to say, this is an extremist judge who lacks qualifications, and those sorts of things, maybe we ought to be able to use that power. But that is not the case with these two judges.

These two judges were rated by the American Bar Association. The American Bar Association is an institution that on legal and social issues is, I think, consistently to the left of the American people and the Senate. For example, they oppose any laws restricting abortion and they take a number of very liberal positions on social issues. But the American Bar Association is an entity that understands what the legal practice is about.

They can go out in the community pretty quickly and determine if someone is irresponsible or an extremist. They will rate them accordingly. Well, the American Bar Association has done in-depth background checks on Miguel Estrada and Priscilla Owen. As I recall, they have one person who does a lot of the work. They talk to all of the judges before whom the lawyer practices. They talk to the opposing counsel, cocounsel. They talk to the leaders of the bar in the community. They talk to just about anyone who would have an opinion on them.

They talk to civil rights leaders. They always talk to minority representatives to make sure they have broad-based feedback. Then there are 15 or so of them who meet and evaluate this nominee, and they issue a rating.

With regard to Priscilla Owen, a justice on the Texas Supreme Court, elected with 84 percent of the vote last time, they unanimously rated her the highest rating they give: Well qualified.

Miguel Estrada, editor of the Harvard Law Review, clerked for the Second Circuit Court of Appeals, clerked for Justice Anthony Kennedy on the Supreme Court of the United States, something very few lawyers ever get to do in their life—it is one of the highest honors one could have—they interviewed all the lawyers and all the people, including, I am sure, people in the Clinton Department of Justice where he worked, and they rated him unanimously well qualified, as both of them should have been.

So this talk that they are somehow extremist is just not right. When we see a woman of such good demeanor as Priscilla Owen displayed during her confirmation process—she took all of those questions, many of them based on false premises, with great skill and aplomb, I thought, and handled herself well, as did Miguel Estrada—this is a very unsatisfactory time in this Senate, when now for the first time in the history of America we have filibusters of circuit judges. This is not about a judge who some lawyers think has an integrity problem. Nobody has suggested that. They are not nominees who people think are somehow unqualified intellectually, or they have lack of experience or lack of ability to do the work. These are the best of America.

Many of us have asked, why would they pick these two nominees? It seems one reason we keep coming back to—and it is so bizarre, I hate to repeat it almost—is that both of these nominees are clearly worthy of serious consideration for the Supreme Court of the United States. They are so fine and have such a marvelous breadth of experience and record of accomplishment in their lives that both of them ought to be on any shortlist for the Supreme Court of the United States. So is that why we are having an objection? They are too good, too qualified, too capable, too intelligent? I do not know, but something is awry when the filibuster is used against people of this quality. I feel very strongly about that.

I agree with Senator CORNYN, and I am glad he is having hearings about it. I am glad he is inquiring into this because he has the judicial experience, integrity, and capability to maybe help us work our way through this maze. Maybe we can figure out a way to get around this. We certainly know the Constitution of the United States, clearly, in the case of advise and consent, will be by majority vote. It is very difficult to interpret it any other way.

Let me say a little bit more about the sterling qualities of Priscilla Owen. She finished at the top of her class at Baylor Law School and aced the Texas bar exam. She made the highest possible score on the Texas bar exam. What better proof of legal ability objectively analyzed than by the tests you take for a bar exam. She passed that with flying colors, with the highest possible score. She was a partner at one of Texas's finest firms, Andrews and Kurth, when she ran for the Supreme Court in 1994. She practiced and litigated for 17 years and was recognized as one of Texas's finest lawyers; not some office clerk who never went to court, but a litigator who was out in the courtrooms in the Federal court and the State court trying cases and developing a reputation of excellence.

She is a member of the American Law Institute, the American Adjudicatory Society, the American Bar Association, a Fellow of the American and Houston Bar Foundations. She was reelected to the Supreme Court in 2000, garnering 84 percent of the vote. She spent so little money in her campaign, despite her big win, that when it was over, she had a good bit of money left. She did something I have never heard of a politician doing: She went back and checked her contribution list and sent back everybody the money they gave to her. There is certainly no Senator who has done that. We like to keep our campaign account, thinking we may need it again some time. That was a voluntary action on her part that demonstrates her high character and high standards.

She serves as the liaison to the Supreme Court of Texas court and mediation task force and the statewide committees on providing legal services to the poor and pro bono services. This mediation task force, I know, causes grief to some of our aggressive litigators, but mediation is a growing method of settling disputes, short of full-fledged and highly expensive litigation. She has been at the forefront of that. I have not heard anyone complain about that.

I ask myself, What is it people would complain about? Is it because she is looking for ways to reduce the costs of protracted litigation?

She was part of a committee that successfully encouraged the Texas legislature to enact legislation that has resulted in millions of dollars a year in additional funds for providing legal services to the poor. She does not just sit there in the office and write opinions. She cares about justice. She wants to make sure everyone has a good day in court. She participated in a committee that raised millions of dollars to help the poor have better legal counsel. That is important. This is some extremist we are talking about?

She serves as a member of the A.A. White Dispute Resolution Institute. She was instrumental in organizing a group known as Family Law 2000 which seeks to find ways to educate parents about the effect of a dissolution of a marriage, the effect on their children, and to lessen the adversarial nature of legal proceedings when a marriage is dissolved. That is important. A lot of parents get so caught up in the anger at their spouse. They have to realize that children are completely baffled by this. They are watching this fight going on with the parents, both of whom they love, and they want to be together, and it is a painful experience. The legal system and the court system of America needs to do a better job of thinking about the impact of these hostile, aggressive divorce proceedings on children. She took a lead in that. This is an extremist?

Among other community activities, she serves on the Board of Texas Hearing and Service Dogs for the blind. She is a member of the St. Barnabas Episcopal Mission in Austin, TX, where she teaches Sunday school and is the head of the altar guild. Is this an extremist Episcopalian? That is a contradiction in terms.

She earned her BA from Baylor and graduated cum laude from Baylor, and was a member of the Baylor Law Review. She was honored as the Baylor Young Lawyer of the Year and as a Baylor University outstanding young alumni.

That led up to her sterling career and practice, her election to the Supreme Court of Texas, her nomination by the President of the United States, who is from Texas and knows her and knows her record. He nominated her for consideration by this body which led to her eventual rating by the Bar Association of America, unanimously well qualified. I am proud of her in that respect.

They complain about these parental notification cases. In Texas, the law of Texas is a modest law. It says before a child can have an abortion, before they can be taken off someplace by some older boyfriend to have an abortion—and too often that is what the cases are—they at least ought to tell one parent. If they choose not to do that, they can go to court. If they have a good reason why they should not tell either parent, the court will allow them not to do so. It is called parental notification law. I think it makes sense. Virtually overwhelmingly, the American people support that; 80 something percent of the people support that. In Texas, you cannot get your ears pierced or a tattoo without parental consent—not just notification. So for Heaven's sake, it should not be considered extreme to require notification prior to an abortion. The Supreme Court of the United States has upheld these laws.

Let me give the hard facts on these cases. The way it works in Texas, a child goes to a court and says: I don't want to tell my parents; they might get mad. The judge has a hearing. If the judge disagrees and says: No, you need to tell one of your parents; we believe you can tell your mother, you should tell your mother before you undergo this procedure, if you want to go forward, you can, but you should tell her. Then, if the young person is not happy with that, they can appeal. They take the appeal to the court of appeals in Texas, a three-judge court, and that three-judge court reviews the opinion of the trial judge. If the trial judge said the young person did not have to tell the parents, there is no appeal. It is over. The case will never even get to the court of appeals unless the trial court says no, you must tell your parents. If the court of appeals overrules the trial court, the case ends there.

If the appellate judges after reviewing the record of the trial court conclude the trial court was correct and affirms that decision, then the young person can appeal again. In this case it would go to the Texas Supreme Court where Justice Owen sits.

By the time it has gotten to the court, a trial judge has ruled notification is appropriate, and a three-judge intermediate appellate court of Texas has ruled it ought to be done.

These are the numbers. Justice Owen agreed with the lower court opinion and voted to require parental notification in 10 of the 14 cases. She voted to reverse the lower court and grant the exception outright two times. She voted twice to just flat reverse the lower court and say the young person is entitled to an exception—on 2 of those 14 cases. And on 2 cases she did not believe the lower court had done it correctly, had not heard the case fairly, and sent it back down for further hearings on the facts.

In my experience as a litigator who has been involved in trying a lot of cases, that is about the percentage you would expect. You would expect that by the time a case has gone through two levels that the lower courts are probably right most of the time.

So I just don't think that is an extreme record at all. I cannot believe they continue to persist in arguing she is somehow a judicial activist. As Senator CORNYN has pointed out, that was a reference to another judge's dissent; not her opinion even. It was unfair to say Judge Gonzales has said she was an activist. It is not so.

As a matter of fact, I would add this: They say this lady is an extremist. She is not fit for the Federal court because she has not voted right on these parental notification cases. It is almost humorous to think about it. But she voted with the majority of the Texas Supreme Court in 11 of the 14 cases before that court. The full court voted to require parental notice in 7 cases and to grant the exception outright in 3 cases and to remand 4 cases.

These are just excuses, for some reason, that are out there that have been used to block her. They do not withstand rigorous analysis.

One more thing. Let's say she made a mistake. I don't know how many hundreds of cases she has heard on the supreme court. But the American Bar Association and the legal community in Texas, they know her. After a while you form an opinion of a judge and a lawyer. You have an opinion as to whether or not they have good judgment, whether they are capable, whether they work hard, whether they have integrity. Even if they make a mistake somewhere along the line in a case, that is not disqualifying. Any judge who ruled on thousands of cases is not going to be mistake free.

I would say she has done extraordinarily well. We ought to listen to the opinions of those who know her, like Senator—Judge—CORNYN, her former colleague on the court; like all the major newspapers of Texas; like the American Bar Association; like her colleagues on the bench; and like President Bush, who knew her in Texas. She is qualified to an extraordinary degree and would make a magnificent circuit court judge and should be confirmed. We ought not to be in the midst of a historic filibuster on any nominee, really, but particularly this one.

I thank the Chair and yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATO EXPANSION

Mr. SESSIONS. Mr. President, we are waiting for wrap-up. I would like to make a few brief remarks in support of the provision offered by Senator WARNER and Senator LEVIN and others that deal with the expansion of NATO, and in particular, the rule of consensus in NATO.

NATO is now 26 countries. It is a group that has provided a bulwark for freedom and liberty against the totalitarian Communists of the Soviet Union and their footstools they dominated in Eastern Europe. They stood firm for a half century, and we have lived to see the collapse of the wall, collapse of the Soviet Union, and freedom spread across Eastern Europe. It is one of the great events in all of history, maybe the highlight of the 20th century.

The NATO alliance has a rule called the consensus rule. It says:

> In making their joint decisionmaking process dependent on consensus and common consent, the members of the alliance safeguard the role of each country's individual experience and outlook while at the same time availing themselves of the machinery and procedures which allow them jointly to act rapidly and decisively if circumstances require them to do so.

That is the rule. We have gone up in numbers. We are going to add more members now. We are probably going to go over 30 members. As a result, we have to ask ourselves what is this unanimous group? What happens if a country goes bad? What if the Communists take back over one of their former footstools they ran over in Eastern Europe? What if a Milosevic takes over a country and rejects the ideals of NATO? What if some radical religious party takes over a country and leads it on the wrong road? What if a Saddam Hussein, a fascist-type government, takes over one of these countries? We are not able to act anymore? We have to sit here and stop all of NATO's legitimate actions?

What this amendment would do is ask the NATO alliance to talk openly and honestly about this problem. It does not require anything. What it requires and asks is the NATO ministers meet and discuss this rule and see if they want to keep this rule.

It focuses on a couple of questions. One is should you always have to have a unanimous vote? I remember very distinctly in the Armed Services Committee after the Kosovo effort, which was mainly driven by our air power, the commander of the American Air Force who directed our air campaign against Kosovo, answered some questions I asked him.

I asked him if the unanimous rule and consent requirement hinder his selection of targets.

He said: Yes.

I said: Did that hindrance delay the successful outcome of the war? Did it cost more lives of Kosovo citizens and Serbian citizens? And did it endanger American lives?

Yes.

Why did this happen? The NATO group approved even the targets our Air Force were selecting before they committed their flights over Kosovo. This is not healthy. This is not a good way to run a war. Now we are going to have 30-plus nations, some of which may have ethnic or political or weird ideas, and they may object to targets. They may object to tactics.

We had an incredible 11 days to figure out a way to get NATO to vote to support Turkey, in case Saddam Hussein attacked Turkey. Some have said that was a good record. Eventually they did get the agreement, but they had to move outside the political NATO to the military NATO. That means France is not in it. You know France is not even a part of the military NATO compact. So they got out of the political NATO and finally got our people all to agree to defend a NATO member against Saddam Hussein. It took 11 days to do so.

I would say to my friends in the NATO alliance, we are so proud of this alliance and what it has achieved. We are proud of the commitment and high ideals that NATO has set for that region and throughout the whole world. But we are a little nervous. We think it is about time to think through this consensus rule.

I don't want to stir up anything. I don't want to say that we don't respect any one nation's vote in NATO nor give it great respect. But I do think that a mutual respect to the United States' overwhelming majority of NATO would be to ask questions: Wait a minute. What kind of mechanism could we do that would protect small nations, and that would protect the minority of nations but allow NATO to act legitimately even without an absolute unanimous vote?

I think Senator WARNER, Senator LEVIN, Senator ROBERTS, and others who have offered this are on the right track. I have asked about it for some time. In fact, when the matter came up several years ago to expand NATO, I asked a number of the witnesses from President Bush's administration some tough questions about it. They were forward. I asked about the rule of consensus. They defended it. They said, Well, we think it is going to be OK. Senator LEVIN, likewise, took the same position. When we had the recent hearing on the further expansion, we dealt with this same issue.

I quoted some of Senator LEVIN's remarks previously. I think this is a good time for us to move forward to bring this to a head. Let us talk about it openly. I don't think a discussion without any requirement to act could upset anybody. Let us talk about it and maybe we can make some progress.

RECOMMENDED APPOINTMENTS

Mr. FRIST. Mr. President, I ask unanimous consent to have printed in the RECORD a letter I sent to Vice President CHENEY on the appointment of Richard W. Bratton, of Wyoming, to the Citizen's Coinage Advisory Commission.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 6, 2003.

Hon. DICK CHENEY,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Pursuant to the provisions of Public Law 108-015 I have respectfully recommended to Secretary John Snow of the United States Department of the Treasury the following individual to be appointed to the Citizen's Coinage Advisory Commission:

Mr. Richard W. Bratton of Wyoming.

Sincerely,

BILL FRIST,
Majority Leader.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the following letter regarding an appointment to the Citizen's Coinage Advisory Commission be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 7, 2003.

Hon. DICK CHENEY,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Pursuant to the provisions of Public Law 108-15 I have today respectfully recommended to Secretary John Snow of the United States Department of the Treasury the following individual to be appointed to the Citizen's Coinage Advisory Commission:

Leon Billings of Maryland.

Sincerely,

TOM DASCHLE,
Democratic Leader.

SUBMITTING CHANGES TO COMMITTEE ALLOCATIONS, FUNCTIONAL LEVELS, AND BUDGETARY AGGREGATES

Mr. NICKLES. Mr. President, section 421 of H. Con. Res. 95, the 2004 Budget Resolution, requires the Chairman of the Senate Budget Committee to make appropriate adjustments in the appropriate allocations and aggregates to reflect the difference between Public Law 108-11—the Emergency Wartime Supplemental Appropriations Act, 2003—and the corresponding levels assumed in the resolution.

As enacted, the Emergency Wartime Supplemental Appropriations Act of

2003 contains changes in new budget authority, outlays and revenues that differ from those assumed in the budget resolution. For fiscal year 2003, the supplemental provides $4.432 billion in budget authority, $3.745 billion in outlays, and $2 million in revenues above the amounts assumed in H. Con. Res. 95. The supplemental also provides $215 million in additional new budget authority and $332 million in additional outlays for fiscal year 2004; over the period of fiscal years 2004 through 2013, it provides an additional $888 million in budget authority and $1.406 billion in outlays over the amounts assumed in the resolution.

I am therefore inserting a set of tables into the RECORD which show the revised allocations and aggregates, reflecting the adjustments I am making pursuant to section 421. These revised allocations and aggregates are the appropriate levels to be used for enforcement of the 2004 Budget Resolution. I ask unanimous consent to print the above-referenced tables in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004—H. CON. RES. 95; REVISION TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 421

[In billions of dollars]

Section 101

(1)(A) Revenues (on-budget):	
FY 2003	1303.113
FY 2004	
FY 2005	
FY 2006	
FY 2007	
FY 2008	
FY 2009	
FY 2010	
FY 2011	
FY 2012	
FY 2013	
(1)(B) Changes in Federal Revenues:	
FY 2003	−56.721
FY 2004	
FY 2005	
FY 2006	
FY 2007	
FY 2008	
FY 2009	
FY 2010	
FY 2011	
FY 2012	
FY 2013	
(2) Budget Authority (on-budget):	
FY 2003	1867.072
FY 2004	1861.333
FY 2005	1990.603
FY 2006	2122.725
FY 2007	2233.213
FY 2008	2349.256
FY 2009	2454.814
FY 2010	2555.986
FY 2011	2669.845
FY 2012	2754.409
FY 2013	2875.544
(3) Budget Outlays (on-budget):	
FY 2003	1819.167
FY 2004	1884.280
FY 2005	1981.995
FY 2006	2089.892
FY 2007	2190.978
FY 2008	2307.637
FY 2009	2420.227
FY 2010	2528.260
FY 2011	2651.603
FY 2012	2724.337
FY 2013	2855.914
(4) Deficits or Surpluses (on-budget):	
FY 2003	−516.054
FY 2004	−558.828
FY 2005	−448.120
FY 2006	−432.381
FY 2007	−400.727
FY 2008	−405.793
FY 2009	−366.465
FY 2010	−360.323
FY 2011	−381.063
FY 2012	−314.765
FY 2013	−301.929
(5) Public Debt	
FY 2003	6750
FY 2004	7388
FY 2005	7982
FY 2006	8540
FY 2007	9069
FY 2008	9608
FY 2009	10109
FY 2010	10608
FY 2011	11132
FY 2012	11596
FY 2013	12048
(6) Debt Held by the Public	
FY 2003	3921
FY 2004	4303
FY 2005	4604
FY 2006	4835
FY 2007	5013
FY 2008	5175
FY 2009	5278
FY 2010	5356
FY 2011	5435
FY 2012	5432
FY 2013	5402

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004—H. CON. RES. 95; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 421

[In billions of dollars]

Section 103 (on-budget, in billions)

(1) National Defense (050):	
FY 2003:	
BA	455.302
OT	420.504
FY 2004:	
BA	400.546
OT	421.994
FY 2005:	
BA	420.071
OT	419.916
FY 2006:	
BA	440.185
OT	427.159
FY 2007:	
BA	460.435
OT	438.934
FY 2008:	
BA	480.886
OT	462.955
FY 2009:	
BA	491.951
OT	479.285
FY 2010:	
BA	502.301
OT	493.226
FY 2011:	
BA	511.859
OT	508.131
FY 2012:	
BA	520.553
OT	510.509
FY 2013:	
BA	529.428
OT	524.494
(2) International Affairs (150):	
FY 2003:	
BA	30.616
OT	22.781
FY 2004:	
BA	25.681
OT	27.415
FY 2005:	
BA	29.734
OT	25.663
FY 2006:	
BA	32.308
OT	26.851
FY 2007:	
BA	33.603
OT	28.597
FY 2008:	
BA	34.611
OT	29.664
FY 2009:	
BA	35.413
OT	30.755
FY 2010:	
BA	36.258
OT	31.689
FY 2011:	
BA	37.136
OT	32.565
FY 2012:	
BA	38.005
OT	33.408
FY 2013:	
BA	38.885
OT	34.298
(3) General Science, Space and Technology (250):	
FY 2003:	
BA	23.164
OT	21.560
FY 2004:	
BA	23.927
OT	22.805
FY 2005:	
BA	24.433
OT	23.862
FY 2006:	
BA	25.217
OT	24.485
FY 2007:	
BA	26.055
OT	25.221
FY 2008:	
BA	26.832
OT	25.948
FY 2009:	
BA	27.462
OT	26.639
FY 2010:	
BA	28.121
OT	27.296
FY 2011:	
BA	28.805
OT	27.963
FY 2012:	
BA	29.492
OT	28.639
FY 2013:	
BA	30.185
OT	29.319
(5) Natural Resources and Environment (300)	
FY 2003:	
BA	30.954
OT	29.000
FY 2004:	
BA	31.623
OT	30.856
FY 2005:	
BA	32.504
OT	31.658
FY 2006:	
BA	32.962
OT	32.830
FY 2007:	
BA	33.386

OT	33.127
FY 2008:	
BA	34.064
OT	33.527
FY 2009:	
BA	35.183
OT	34.544
FY 2010:	
BA	36.021
OT	35.360
FY 2011:	
BA	36.829
OT	36.163
FY 2012:	
BA	37.529
OT	36.836
FY 2013:	
BA	38.214
OT	37.600

(6) Agriculture (350)

FY 2003:	
BA	24.597
OT	23.441
FY 2004:	
BA	24.583
OT	23.718
FY 2005:	
BA	27.003
OT	25.780
FY 2006:	
BA	26.828
OT	25.616
FY 2007:	
BA	26.299
OT	25.107
FY 2008:	
BA	25.507
OT	24.381
FY 2009:	
BA	26.092
OT	25.128
FY 2010:	
BA	25.545
OT	24.716
FY 2011:	
BA	24.991
OT	24.180
FY 2012:	
BA	24.573
OT	23.778
FY 2013:	
BA	24.297
OT	23.498

(8) Transportation (400)

FY 2003:	
BA	67.975
OT	70.884
FY 2004:	
BA	69.586
OT	70.715
FY 2005:	
BA	70.649
OT	69.666
FY 2006:	
BA	72.676
OT	70.388
FY 2007:	
BA	75.390
OT	71.898
FY 2008:	
BA	77.011
OT	73.743
FY 2009:	
BA	78.928
OT	75.682
FY 2010:	
BA	77.775
OT	77.261
FY 2011	
BA	78.642
OT	78.309
FY 2012	
BA	79.543
OT	79.333
FY 2013:	
BA	80.476
OT	80.356

(9) Community and Regional Development (450)

FY 2003:	
BA	12.351
OT	16.014
FY 2004:	
BA	14.063
OT	15.883
FY 2005:	
BA	14.138
OT	15.891
FY 2006:	
BA	14.321
OT	14.962
FY 2007:	
BA	14.536
OT	14.664
FY 2008:	
BA	14.745
OT	14.123
FY 2009:	
BA	14.980
OT	14.298
FY 2010:	
BA	15.233
OT	14.501
FY 2011:	
BA	15.492
OT	14.750
FY 2012:	
BA	15.755
OT	14.992
FY 2013	
BA	16.023
OT	15.259

(10) Education, Training, Employment, and Social Services (500)

FY 2003:	
BA	82.830
OT	81.581
FY 2004:	
BA	90.170
OT	84.344
FY 2005:	
BA	91.457
OT	87.036
FY 2006:	
BA	93.428
OT	90.541
FY 2007:	
BA	95.569
OT	92.986
FY 2008:	
BA	97.925
OT	95.118
FY 2009:	
BA	99.813
OT	97.440
FY 2010:	
BA	101.551
OT	99.289
FY 2011:	
BA	103.529
OT	101.117
FY 2012:	
BA	105.790
OT	102.985
FY 2013:	
BA	107.265
OT	104.934

(11) Health (550)

FY 2003:	
BA	223.071
OT	217.922
FY 2004:	
BA	240.554
OT	238.871
FY 2005:	
BA	259.701
OT	259.428
FY 2006:	
BA	279.236
OT	279.028
FY 2007:	
BA	299.614
OT	298.683
FY 2008:	
BA	322.061
OT	320.731
FY 2009:	
BA	345.548
OT	344.059
FY 2010:	
BA	370.626
OT	369.097
FY 2011:	
BA	396.818
OT	395.280
FY 2012:	
BA	415.790
OT	414.384
FY 2013:	
BA	445.484
OT	444.082

(13) Income Security (600)

FY 2003:	
BA	326.395
OT	334.182
FY 2004:	
BA	319.518
OT	324.840
FY 2005:	
BA	333.821
OT	337.123
FY 2006:	
BA	341.816
OT	344.292
FY 2007:	
BA	349.199
OT	350.945
FY 2008:	
BA	361.697
OT	362.808
FY 2009:	
BA	373.372
OT	374.083
FY 2010:	
BA	384.844
OT	385.347
FY 2011:	
BA	400.266
OT	400.688
FY 2012:	
OT	403.738
OT	404.146
FY 2013:	
BA	418.672
OT	419.245

(15) Veterans Benefits and Services (700)

FY 2003:	
BA	57.697
OT	57.524
FY 2004:	
BA	63.779
OT	63.265
FY 2005:	
BA	67.135
OT	66.558
FY 2006:	
BA	65.397
OT	64.995
FY 2007:	
BA	63.874
OT	63.442
FY 2008:	
BA	67.666
OT	67.398
FY 2009:	
BA	69.279
OT	68.924
FY 2010:	
BA	70.992

OT	70.588
FY 2011:	
BA	75.669
OT	75.249
FY 2012:	
BA	72.618
OT	72.097
FY 2013:	
BA	77.455
OT	76.989

(16) Administration of Justice (750)

FY 2003:	
BA	41.976
OT	38.533
FY 2004:	
BA	37.626
OT	42.480
FY 2005:	
BA	37.946
OT	39.993
FY 2006:	
BA	37.984
OT	38.450
FY 2007:	
BA	38.461
OT	38.252
FY 2008:	
BA	39.477
OT	39.128
FY 2009:	
BA	40.497
OT	40.212
FY 2010:	
BA	41.599
OT	41.299
FY 2011:	
BA	42.889
OT	42.472
FY 2012:	
BA	44.207
OT	43.760
FY 2013:	
BA	45.576
OT	45.120

(17) General Government (800)

FY 2003:	
BA	18.318
OT	18.133
FY 2004:	
BA	20.202
OT	20.108
FY 2005:	
BA	20.635
OT	20.751
FY 2006:	
BA	20.656
OT	20.505
FY 2007:	
BA	21.126
OT	20.888
FY 2008:	
BA	21.236
OT	21.013
FY 2009:	
BA	21.946
OT	21.504
FY 2010:	
BA	22.695
OT	22.212
FY 2011:	
BA	23.458
OT	22.946
FY 2012:	
BA	24.255
OT	23.880
FY 2013:	
BA	25.076
OT	24.520

(18) Net Interest (900)

FY 2003:	
BA	240.203
OT	240,203
FY 2004:	
BA	259.528
OT	259.528
FY 2005:	
BA	310.822
OT	310.822
FY 2006:	
BA	352.463
OT	352.463
FY 2007:	
BA	380.846
OT	380.846
FY 2008:	
BA	405.947
OT	405.947
FY 2009:	
BA	429.867
OT	429.867
FY 2010:	
BA	450.997
OT	450.997
FY 2011:	
BA	473.746
OT	473.746
FY 2012:	
BA	496.401
OT	496.401
FY 2013:	
BA	514.926
OT	514.926

(19) Allowances (920)

FY 2003:	
BA	0.000
OT	0.000
FY 2004:	
BA	−7.621
OT	−4.671
FY 2005:	
BA	−6.541
OT	−5.652
FY 2006:	
BA	−7.331
OT	−7.407
FY 2007:	
BA	−8.947
OT	−9,203
FY 2008:	
BA	−9.959
OT	−10.111
FY 2009:	
BA	−11.526
OT	−10.030
FY 2010:	
BA	−12.888
OT	−10.923
FY 2011:	
BA	−16.414
OT	−12.671
FY 2012:	
BA	−21.460
OT	−15.707
FY 2013:	
BA	−25.618
OT	−19.181

Concurrent Resolution on The Budget for Fiscal Year 2004—H. Con. Res. 95; Revisions to the Conference Agreement; Pursuant to Section 421.

[In billions of dollars]

	2003
Paygo Scorecard	64.787

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT

[Budget year total 2003; in millions of dollars]

Committee	Direct spending jurisdiction		Entitlement funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations:				
General purpose discretionary	843,550	808,891	0	0
Memo:				
on-budget	839,738	805,053		
off-budget	3,812	3,838		
Highways	0	31,264	0	0
Mass Transit	1,436	6,551	0	0
Mandatory	391,344	378,717	0	0
Total	1,236,330	1,225,423	0	0
Agriculture, Nutrition, and Forestry	19,359	14,964	52,763	40,712
Armed Services	73,996	73,473	275	233
Banking, Housing and Urban Affairs	12,558	1,599	118	16
Commerce, Science, and Transportation	10,590	7,255	885	814
Energy and Natural Resources	2,879	2,539	48	63
Environment and Public Works	30,830	2,372	0	0
Finance	759,790	763,497	286,512	286,509
Foreign Relations	13,595	11,366	183	183
Governmental Affairs	66,931	65,426	16,564	16,564
Judiciary	6,509	6,441	534	527
Health, Education, Labor, and Pensions	5,328	4,805	2,814	2,801
Rules and Administration	82	85	104	103
Intelligence	0	0	223	223
Veterans' Affairs	1,171	1,109	30,321	29,969
Indian Affairs	456	444	0	0
Small Business	864	769	0	0
Unassigned to Committee	(371,644)	(358,647)	0	0
Total	1,869,624	1,822,920	391,344	378,717

Revisions Pursuant to Section 421 of the Concurrent Resolution on the Budget for Fiscal Year 2004—H. Con. Res. 95.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT

[Budget year total 2004; in millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations:				
General purpose discretionary	783,214	822,895	0	0
Memo:				
on-budget	778,957	818,688		
off-budget	4,257	4,207		
Highways	0	31,555	0	0
Mass Transit	1,461	6,634	0	0
Mandatory	426,949	410,619	0	0
Total	1,211,624	1,271,703	0	0
Agriculture, Nutrition, and Forestry	20,801	16,826	55,536	39,472
Armed Services	77,560	77,326	375	376
Banking, Housing and Urban Affairs	13,946	2,251	120	12
Commerce, Science, and Transportation	10,908	6,518	827	843
Energy and Natural Resources	2,669	2,390	64	70
Environment and Public Works	35,654	2,312	0	0
Finance	757,720	761,042	315,856	315,780
Foreign Relations	9,787	11,689	179	179
Governmental Affairs	68,533	67,000	17,362	17,362
Judiciary	7,883	7,230	511	523
Health, Education, Labor, and Pensions	5,232	4,439	2,888	2,872
Rules and Administration	82	246	109	109
Intelligence	0	0	226	226
Veterans' Affairs	1,311	1,260	32,914	32,795
Indian Affairs	475	472	0	0
Small Business	3	(23)	0	0
Unassigned to Committee	(371,280)	(355,315)	0	0
Total	1,852,908	1,877,366	426,949	410,619

Revisions Pursuant to Section 421 of the Concurrent Resolution on the Budget for Fiscal Year 2004—H. Con. Res. 95.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT

[5-year total: 2004–2008; in millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	109,330	91,951	288,857	206,256
Armed Services	417,330	416,461	2,992	3,047
Banking, Housing and Urban Affairs	71,267	7,231	626	(104)
Commerce, Science, and Transportation	60,492	38,575	4,538	4,541
Energy and Natural Resources	11,991	10,905	320	333
Environment and Public Works	190,317	10,561	0	0
Finance	4,502,612	4,511,696	1,824,189	1,823,275
Foreign Relations	59,034	55,412	876	876
Governmental Affairs	372,971	365,695	93,701	93,701
Judiciary	25,585	25,756	2,629	2,640
Health, Education, Labor, and Pensions	32,738	29,056	15,226	15,126
Rules and Administration	408	574	588	588
Intelligence	0	0	1,230	1,230
Veteran's Affairs	6,561	6,382	176,815	176,196
Indian Affairs	2,587	2,569	0	0
Small Business	6	(59)	0	0

Revisions Pursuant to Section 421 of the Concurrent Resolution on the Budget for Fiscal Year 2004—H. Con. Res. 95.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT

[10-year total: 2004–2013; in millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	209,130	178,892	600,618	446,118
Armed Services	910,879	909,159	7,129	7,273
Banking, Housing and Urban Affairs	141,433	1,859	1,318	(176)
Commerce, Science, and Transportation	113,446	69,687	10,252	10,232
Energy and Natural Resources	22,263	20,458	640	653
Environment and Public Works	393,698	19,403	0	0
Finance	10,596,016	10,611,144	4,487,111	4,485,223
Foreign Relations	127,160	116,399	1,733	1,733
Governmental Affairs	833,756	819,817	206,453	206,453
Judiciary	42,068	41,692	5,459	5,455
Health, Education, Labor, and Pensions	71,126	64,104	32,601	32,468
Rules and Administration	803	1,025	1,309	1,309
Intelligence	0	0	2,648	2,648
Veteran's Affairs	12,781	12,501	373,770	372,651
Indian Affairs	5,805	5,765	0	0
Small Business	6	(76)	0	0

Revisions Pursuant to Section 421 of the Concurrent Resolution on the Budget for Fiscal Year 2004—H. Con. Res. 95.

TRIBUTE TO WESTERN KENTUCKY UNIVERSITY'S WILLIAM E. BIVIN FORENSIC SOCIETY

Mr. McCONNELL. Mr. President, I rise today to express congratulations to all the team members and coaches of Western Kentucky University's William E. Bivin Forensic Society. The group recently was named world champions at the International Forensic Association Championship in Vancouver, BC.

It is my understanding that this is just one of the many titles the team has claimed over the last year. The team won the 2003 Delta Sigma Rho-Tau Kappa Alpha National Championship. They defeated 87 other universities to win the 2003 American Forensic Association National Championship. And most recently they captured the National Forensic Association Individual Events Championship. This is an impressive list of victories and a tribute to their hard work and dedication.

I wish to acknowledge each of the winning students: Corey Alderdice, Drew Allen, Elizabeth Au, Margaret Au, Stacy Bernaugh, Chris Blackford, Keith Blaser, Chris Brasfield, Grace Bruenderman, David Burns, Jenny Corum, Ashley Courtney, Justin Cress, Tony Damico, Nicole Estenfelder, Raegan Gibson, Nicole Hawk, Adam Henze, Kate Hertweck, Ryan Howell, Lindsey Nave, Jacob Peregoy, Jennifer Purcell, Hanna Reliford, Alex Rogers, Nick Romerhausen, Evelio Silvera, Rebecca Simms, Courtney Smith, Joel Smith, Jen Taylor, Katie Tyree, Jordon Wadlington, Caleb Williams, Jeff Woods, and Courtney Wright.

I would also like to recognize and thank their outstanding coaches, Judy Woodring, Jace Lux, Bonnie McDonald, Greg Robertson, Matt Gerbig, Doug Mory, Chris Grove, and Joe Day, who provided leadership to this winning team.

Mr. President, Western Kentucky University's William E. Bivin Forensic Society has both national and international successes to be proud of. On behalf of myself and my colleagues in the Senate, I congratulate them on their significant achievements.

THE CRACKDOWN AGAINST PRO-DEMOCRACY DISSIDENTS IN CUBA

Mr LEAHY. Mr. President, I come to the floor today to denounce, in the strongest terms, the recent deplorable actions by the regime of President Fidel Castro.

While the world focuses on the aftermath of the war in Iraq and the enormity of Saddam Hussein's atrocities are revealed, we must not ignore egregious violations of human rights taking place much closer to home.

I have long believed that the way to encourage democratic reform and respect for human rights in Cuba is not through isolation of this tiny island nation, but through the normalization of our relationship. I totally oppose the restrictions on the right of Americans to travel to Cuba.

But the recent crackdown against pro-democracy dissidents in Cuba is not only a reprehensible affront to human decency, it has threatened already strained relations between Cuba and the United States and between Cuba and the rest of the world.

My visit to Cuba in March 1999 reinforced my belief in the folly of our antiquated policy. I met with President Castro and a number of political activists. I saw firsthand the need for ending not only the embargo—which simply compounds the misery of Cuba's people and provides President Castro with a convenient excuse, but the repression and pervasive climate of fear perpetrated by that government.

On March 18, the Cuban government suddenly launched an attack against its political opponents. After storming their houses, seizing their computers, typewriters, fax machines and books, the government arrested 79 people, accusing them of subverting Cuba's government by conspiring with James Cason, the head of the U.S. Interests Section in Havana. They were charged with the vague crime of "collaborating with a foreign power against their homeland."

Less than 3 weeks later, the Cuban courts had tried, convicted and sentenced at least 75 of these people in a whirlwind process of closed-door trials lasting less than one day in improvised courts where undercover security agents who had infiltrated dissident groups surfaced as witnesses.

The punishments for conduct, that in most countries would not even be criminal, ranged from 6 to 28 years in prison.

Those arrested in this crackdown include leaders of independent labor unions and opposition political parties, independent journalists, librarians, and pro-democracy activists. More than half of the arrests were local organizers of the Varela Project reform effort.

The Varela Project collected more signatures than the constitutionally required 10,000 for a national referendum calling for electoral reforms, freedom of association, and amnesty for nonviolent political prisoners.

The Cuban government responded with a counter petition, decreeing the Cuban socialist system to be untouchable. While local organizers received some of the heavier sentences, Osvaldo Paya, head of the Varela Project, was not arrested. Mr. Paya said that the crackdown is "an attempt to kill the chances of peaceful change in Cuba, but [dissidents] will continue seeking peaceful reforms."

At a meeting this month of the U.N. Commission on Human Rights in Geneva, the Swedish foreign minister warned that the crackdown in Cuba could harm its prospects for cooperation with the European Union.

On March 10, the European Commission opened its first diplomatic office in Havana. Cuba is applying for membership in the Cotonou Agreement—the economic assistance pact between the EU and African, Caribbean, and Pacific nations. Cubans would benefit significantly from the Cotonou Agreement, but Cuba's entry is now in jeopardy.

The U.N. Commission on Human Rights also adopted a resolution to send a U.N. envoy to Cuba to investigate human rights abuses, but Cuban officials have apparently rejected this.

The Bush administration is reportedly considering punitive measures to restrict the flow of American dollars to Cuba by further limiting the number of Americans who may travel to Cuba on charter flights, and by reducing the monetary remittances that Cubans in the United States send back to their families in Cuba. Unfortunately, such measures would only hurt the wrong people.

If this were not bad enough, earlier this month, Cuban authorities detained three men who had hijacked a ferry crossing the Florida Straits on its way to the United States. Less than 24 hours later, these men were summarily executed by a firing squad. No one supports the act of hijacking, and people of good conscience disagree about the death penalty. But such an outrageous denial of due process should be universally condemned.

As one who strongly opposes the policy of the Bush administration and previous U.S. administrations of isolating Cuba, a policy which for more than 40 years has failed to achieve any of its goals. I want to add my voice to those who have denounced these recent events.

Human rights are universal. They are every much the rights of the Cuban people as they are the rights of people everywhere. When they are denied, we are all diminished. The United States cannot prevent the wholesale violation of human rights by the Cuban government or any government. But we can speak up.

We can say to them that this is unacceptable.

We can say do not trouble us with your farcial explanations and excuses.

And we can say, with confidence, that those whose rights are so blatantly denied today will one day show their oppressors the real meaning of "revolution"—one that is based on the rights of man, not the brutality of one man.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred November 3, 2001 in Los Angeles, CA. An Afghani-American woman was physically assaulted and harassed by her two male neighbors as she walked from her car to her house. When the police arrived to take a report, the two men told the officers that the woman had been making terrorist threats.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

TRIBUTE TO DR. BETSY ROGERS OF LEEDS, AL, AS NATIONAL TEACHER OF THE YEAR

Mr. SHELBY. Mr. President, I rise today in honor of Dr. Betsy (Dawson) Rogers, a teacher from Leeds, AL. On April 30, 2003, in the Rose Garden at the White House, President George W. Bush presented Dr. Rogers with the esteemed National Teacher of the Year award. Dr. Rogers was selected for this honor from among the best teachers in the Nation based on her compassion for the children she teaches.

Dr. Rogers, a teacher of first and second grade students at Leeds Elementary School, began teaching in 1985. She was compelled by the needs of many of her students, some from less fortunate families just needing someone to encourage them to strive to their greatest potential. Dr. Rogers invests her time and energy in everyone of her students. Day in and day out, she goes above and beyond the call of duty, because for her students to achieve their greatest potential, some may need individual attention starting from long before the school day begins and lasting until hours after the last bell rings.

Dr. Rogers has had many opportunities to teach at most any school of her choice. Yet, she has humbly chosen to stay at Leeds Elementary School, knowing that her compassion is best put to use by these children who need it the most.

She loves everything about teaching, because Dr. Rogers is shaping the future for each child who comes into her classroom. She doesn't take this responsibility lightly, and for that she is to be commended. I am grateful to Dr. Rogers and teachers all over Alabama and the Nation just like her, who understand the immense responsibility they have as educators.

Dr. Rogers is blessed with an incredibly supportive family. Her parents, Elenor and Dick Dawson, are friends of mine from Birmingham, and I know they are very proud of their daughter's fine accomplishment. Her two sons, Rick and Alan, have benefitted tremendously from her gifted ability to teach. And her brothers, Richard and Eric, are close to her and celebrate with her on this important award.

Alabama is honored to be home to Dr. Rogers, and I hope that when my grandchildren enter elementary school they will have the fortunate experience to have a teacher just like her.

WEST VIRGINIA MILITARY SERVICE

Mr. ROCKEFELLER. Mr. President, I rise today to honor all West Virginians who have served our country in the military, especially those currently overseas. Former Senator Daniel Webster once said, "God grants liberty only to those who love it and are always ready to defend it." West Virginians are known for their dedication to military service and patriotism, and to this day West Virginians continue their proud tradition of military service. Our soldiers are committed to our Nation's principles, and they are tireless in their efforts to preserve liberty. I rise today to honor these intrepid men and women whose military service and commitment is unmatched—they make me extremely proud to be a West Virginian.

Only 3 States had a higher service rate than West Virginia during World War II. Thirty-six percent of West Virginia's male population—more than one out of every three men—served during that war. Nearly 4,700 West Virginians died fighting for our freedom in that war.

West Virginia had the highest service rate during the Korean War, with 16.2 percent of our men participating. During that war, tragically West Virginia also suffered the highest death rate, with about 40 war-related deaths for every 100,000 citizens, a total of over 800 deaths.

West Virginia had the second-highest service in the Vietnam War, with 20.3 percent of our men serving. During that war, again West Virginia had the highest casualty rate in the Nation. More than 700 citizens from our State died in battle.

Now we are engaged in a war on terror—a war that our troops are fighting heroically. Thousands of West Virginia military personnel are taking part in the war effort, from active duty troops, to brave citizens in the National Guard, to Reservists. Not long ago, the world saw a symbolic climax of this war as the imposing symbol of Saddam Hussein's dictatorship was toppled. This moment could not have happened without the bravery and sacrifice of American forces and these forces would not be complete without the longstanding dedication of West Virginians.

We must not forget those men and women who protected our freedom. In 1940, pilot V.A. Rosewarne remarked, "The universe is so vast and so ageless that the life of one [person] can only be justified by the measure of his [or her] sacrifice." West Virginia has lost proud soldiers in Afghanistan and also in the recent war in Iraq. In any war, there are those who make the ultimate sacrifice by giving their lives, and we must honor them. Let me take this opportunity to mention the sense of honor that runs so deep in a representative sample of these West Virginians.

Second Lieutenant Therrel "Shane" Childers was born into a proud military family near West Hamlin, WV, and he always dreamed of a military career. On March 21, at 30 years of age, he became the first U.S. soldier killed in action in Operation Iraqi Freedom. His devout determination led a childhood friend of his to say, "I can feel deep in my heart that he was doing what he was meant to do," and his mother to say, "He died doing what he loved best, and that was being a Marine."

There are countless examples of such heroes. Kenny Shadrick, from the mining town of Skin Fork, WV, was the first recorded American death in the Korean War. On July 5, 1950, he gave his life in the fight against tyranny. While it was July 5 in Korea, it was still Independence Day in the United States, and I am sure Kenny understood what he was fighting for as he bravely shot bazooka rounds at the approaching enemy tanks until his life was tragically cut short. President Truman articulated Kenny's sacrifice well when he wrote: "He stands in the unbroken line of patriots who dared to die that freedom might live." West Virginia will never forget the service of people like Kenny.

More recently, the world has heard the heroic story of Private Jessica Lynch, the teenager from Palestine, WV, whose rescue as a prisoner of war from Iraq was universally celebrated. As a matter of fact, approximately 400 West Virginians are surviving former prisoners of war, a further testament to the courage and patriotism present in West Virginia. Still today, Jessica is being treated for an injury to her spine and fractures to her right arm, both legs, and her right foot and ankle. She has endured so much pain, and yet her family tells me she has remained cheerful since her rescue. So much courage in such a young soldier as Jessica inspires us all, and underscores how proud I am to represent my fellow West Virginians.

We all owe these soldiers and so many more from all over West Virginia and across the country, past and present, an enormous debt of gratitude. For the dead: we celebrate and remember their lives, mourn their deaths, and thank God that such people served.

For the living, we must fight for them, who have fought so bravely for us. We cannot forget to honor our veterans. I will continue to fight for them as well—for the nearly 25,000 West Virginia veterans of the Persian Gulf, for the 65,000 surviving West Virginia veterans from the Vietnam era, for the more than 30,000 surviving West Virginia veterans of the Korean War, for the 36,000 aging veterans of World War II, and for the next generation of veterans coming home from the Middle East. So today, with my sincerest gratitude and pride for the services of these men and women, I pledge to always honor their sacrifices, because all West Virginians understand the sacrifices they have made and the respect they have earned.

West Virginians have always felt a sense of duty toward America, and we have always answered the call for military service. West Virginians understand the importance of living in a free society, and we also understand the patriotic duty and sacrifice required to do so. West Virginia soldiers have always reminded me of General MacArthur's description of the American soldier: "Possessed of enduring fortitude, patriotic self-denial, invincible determination . . . giving his youth and strength, love and loyalty . . . one of the world's noblest figures." I am honored to say that the good people of West Virginia, in particular, exemplify noble military service and proud patriotism.

THE CIVILIAN VICTIMS OF COALITION BOMBING ATTACKS IN AFGHANISTAN

Mr. DODD. Mr. President, I rise today to speak about the innocent victims of coalition bombing raids in Afghanistan, and to submit for the record, an article regarding this situation from the Washington Post. I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. DODD. After many years of armed conflict and internal unrest, Afghans are currently in the process of rebuilding their nation. And, now that the majority of military action in that country is complete, it is clear that many innocent Afghans lost their lives, homes, or family members as a result of coalition attacks. Certainly, I have no doubt that throughout our military actions in Afghanistan, our troops acted with the highest possible level of precision and professionalism in order to avoid civilian injuries or deaths. I applaud their valiant efforts and their excellent performance. We all do. However, in all armed conflicts there are mistakes made, and in this conflict, several hundred Afghans died as a result.

The village of Madoo is a chilling example of this loss of life. An estimated 150 people were killed in this village, which was bombed by coalition forces, along with other villages located near Osama bin Laden's former lair in the mountains at Tora Bora. And, the magnitude of this loss of life is highlighted exponentially when one considers that Madoo was home to only 300 people. In these raids, not only was Madoo reduced to ruins, but half of its population died; half of all its inhabitants lost their lives. These were innocent people, and the ones who remain—like so many others in Afghanistan—are destitute. They did not only lose their friends and family; they lost their homes, possessions, and their livelihoods.

Sadly, it has now been over a year since much of this damage was inflicted, and while some have begun to receive this aid, those injured by coalition bomb attacks are still in desperate need of assistance. With each passing day, there is growing doubt amongst many of the victims as to whether or not American aid will ever arrive. This is a troubling situation, and I hope my colleagues will join me in calling on the administration to ensure that these funds quickly reach all of those in need.

Indeed, Congress has already appropriated funds to assist humanitarian and reconstruction efforts in Afghanistan. Unfortunately, the disbursement of these funds to victims of coalition attacks has been hindered for a number of reasons. Ongoing military skirmishes in Southeastern Afghanistan have in many cases prevented aid workers from safely reaching the most war-torn villages. In addition, widespread destruction caused by decades of conflict has spurred some Afghans to falsely attribute their suffering with coalition attacks. Moreover, local rivalries between clans and villages require the United States and the international community to distribute aid equitably, so that no particular group will feel a sense of inequity in the distribution of American aid, which would only serve to heighten tensions.

I also understand the concerns expressed by some members of the administration regarding the complicated policy implications that providing monetary compensation for victims of coalition bombing raids could create. Certainly, the security interests of the United States are in the forefront of the minds of every member of this chamber. However, with our vast resources, as well as American ingenuity and creativity, we should work to develop innovative approaches that will ensure American aid reaches all of those in need, while also protecting regional and global American interests.

I am heartened by recent developments that will allow the United States Agency for International Development, USAID, to begin distributing aid to war-affected communities in Afghanistan. The $1.25 million obligation for this effort is a good start. However, while there are many reasons for the slow distribution of American aid, the reality is that the victims of these attacks are still in great need of assistance.

It is absolutely imperative that the administration now acts with the same swiftness and clarity witnessed in the fight against the Taliban to aid these innocent men, women, and children. We must remind them that our quarrel was not with the Afghan people, but rather the Taliban. Now that we have freed them from the oppressive hand of that brutal regime, we must not leave them alone.

The needs of the Afghan people are immediate. They cannot wait. Indeed, they have already waited too long. If we continue to sit idly by; if we do not help alleviate the suffering that was unintentionally inflicted upon them, then we will be creating an incubator for the same type of anti-American sentiment on which the Taliban and Osama bin Laden thrived. We will be laying the foundations for the very mentality that we are trying to uproot. We will be serving to destroy all that we have worked to achieve.

EXHIBIT 1

[From the Washington Post, Apr. 28, 2003]

AFTER THE AIRSTRIKES, JUST SILENCE: NO COMPENSATION, LITTLE AID FOR AFGHAN VICTIMS OF U.S. RAIDS

(By April Witt)

MADOO, Afghanistan.—There are more graves than houses in Madoo.

The mosque and many of the roughly 35 homes that once made up this hamlet in the White Mountains of eastern Afghanistan lie in rubble. At least 55 men, women and children—or pieces of them—are buried here, their graves marked by flags that are whipped by the wind.

Seventeen months after U.S. warplanes bombed this village and others in the vicinity of Osama bin Laden's cave complex at Toro Bora, Madoo's survivors say they can tell civilian victims of U.S. bombing in Iraq what to expect in the way of help from Washington: nothing.

"Our houses were destroyed," said Niaz Mohammad Khan, 30. "We want to rebuild, but we don't have the money. . . . We need water for our land. We need everything. People come and ask us questions, then go away. No one has helped."

Madoo is one of several enclaves in the region that the U.S. military bombed over several days in December 2001, killing an estimated 150 civilians. Once home to 300 people, Madoo has lost roughly half its population, villagers say. In addition to the dozens killed by U.S. airstrikes, many others lost their homes and moved away. The people who remain are destitute. They live crowded in the few stone and timber homes they've managed to rebuild on their own. They subsist on bread and the vegetables they grow. Several children looks slight and frail.

Half of world away in Washington, finding ways to help people in such desperate need became an immediate priority for some policymakers and a dangerous precedent to others.

Congress directed that an unspecified amount of money be spent to assist innocent victims of U.S. bombing in Afghanistan, just as it recently called on the Bush administration to identify and provide "appropriate assistance" to civilian victims in Iraq. But the money has not yet reached any of the intended recipients, U.S. officials acknowledged.

"The money is there," said Tim Rieser, an aide to Sen. Patrick J. Leahy (D–Vt.). "Mistakes were made. Mistakes are made in wars. We all know that. But we have yet to see the administration take action to carry out the law in Afghanistan."

The U.S. Agency for International Development, for example, had $1.25 million in last year's budget to help Afghan civilians who suffered losses as a result of U.S. military action, according to the U.S. Embassy in Kabul. But the agency has not spent any of that money helping Afghans who had their relatives killed, their children maimed, their homes leveled or their livestock and livelihoods destroyed by American bombing, several U.S. officials in Afghanistan conceded this week.

The biggest obstacle to delivery of the aid, officials say, has been a prolonged debate over how to assist bombing victims without compensating them. To policymakers, the distinction between easing the plight of suffering innocents and compensating the victims of war is more than semantic. Both the U.S. military and the State Department are leery of setting legal precedents for compensation and have declined to establish programs that either systematically document civilian losses or give Afghans any opportunity to apply for reparations.

Short of that, military civil-affairs units in Afghanistan have, in isolated instances, provided general humanitarian assistance to communities that happen to have suffered as a result of U.S. bombing. They are, for example, helping rebuild Bamian University—but only, officials insist, because Bamian needs a new university, not because U.S. bombs destroyed the old one.

"Claims have never been processed for combat losses," said Col. Roger King, U.S. military spokesman at Bagram air base near Kabul, the Afghan capital.

The policy debate has gone on too long, Rieser said. "It's tricky," he said. "We don't imagine going around handing out dollar bills to people. We are sensitive to the issues. If we were to announce some kind of a claims program, every single person in Afghanistan would sign up. It's just not feasible.

"But we do know about a lot of these bombing incidents. We know there is a real need there. Why not start doing something about it in the context of our overall aid program? All Congress is saying is, don't leave out the people who suffered serious losses on account of our mistakes. It should have happened already."

There are no official estimates of how many Afghan civilians have been killed by U.S. bombs. A survey published last year by the human rights group Global Exchange estimated the number at more than 800.

A year and a half after the U.S.-led coalition ousted the Taliban and al Qaeda, bombs are still falling on Afghan civilians as U.S. forces combat a resurgence of terrorism aimed at destabilizing the government of President Hamid Karzai. In eastern Afghanistan this month, a U.S. warplane mistakenly killed 11 members of one family when a 1,000-pound laser-guided bomb missed its intended target and landed on a house.

And Madoo still lies in ruins.

The village, 25 miles south of Jalalabad, is not accessible by road. It is a short but arduous hike through mountain gorges from the Pakistan border. On the horizon jut the black peaks of Tora Bora, home of the cave complex where an estimated 1,000 of bin Laden's fighters are believed to have gathered after the defeat of the Taliban last fall.

It was late afternoon on Dec. 1, 2001, when U.S. warplanes appeared over Madoo. The people of Madoo were observing Ramadan, the Muslim holy month of fasting.

"It was the time of breaking fast, and we were just sitting together to have dinner," Munir, 12, recalled. "We heard the voice of the planes, and we went out to see what was happening. A bomb landed on our home. There weren't any Taliban or Arabs with us. For nothing they dropped bombs here."

After the first bombers left, Munir's mother and 8-year-old sister were dead. His infant brother, Abdul Haq, was buried alive. Relatives spied the boy's foot sticking out of a mound of dirt and dug him out.

The bombers returned three times, villagers said. In all, the people of Madoo say they buried at least 55 loved ones.

Many bodies were too damaged to identify. Some of the dozens of mounds in Madoo's hillside burial ground are marked with two and three pieces of wood, signifying that the remains of more than one person are interred there.

The people of Madoo remain puzzled by Americans. A retired Ohio lawyer, who read about one Madoo boy injured in the bombings, was so moved that he visited and gave each survivor about $300. People bought tents and clothes and wheat seeds to plant. But Madoo's losses outstripped one man's largess.

Munir's youngest brother, now a toddler, coughs frequently and swipes at his runny nose. His family, whose home and meager possessions were destroyed in the bombing, lives with relatives.

"Before, it was good here," Munir said. "The people and my father worked on the land. Life was better than it is now. We have lost everything."

Munir's father, Shingul, 55, who is raising his four surviving children alone, tried to talk about his late wife and daughter but could only turn away and weep.

"If we were doing something wrong, I could understand this," he said when he regained his voice. "But it was Ramadan and we were breaking the fast. The main problem we have now is that we have nothing. We would really appreciate it if someone could help."

SCHOOL VOUCHERS

Mr. KENNEDY. Mr. President, I believe all of our colleagues in the Senate will be interested in an article from today's New York Times entitled "What Some Much-Noted Data Really Showed About Vouchers" by Michael Winerip, pointing out the shocking flaws in a widely cited study released in 2000 by Paul E. Peterson on the benefits of private school voucher programs.

It is clear that no research on vouchers has conclusively shown that private school students outperform public school students. Private school vouchers are not proven to work and should not be supported by Congress. Public funds should be used for public schools, not on dubious experiments to pay for a small number of students to attend private schools.

The No Child Left Behind Act—passed last year with the strong support of President Bush and strong bipartisan support in Congress—is the best hope for improving elementary and secondary education. Its reforms ask more of schools, teachers, and students in communities across the country. Schools need as much funding and support as possible to ensure that no child is left behind. Every dollar in public funds that goes to private schools is a dollar less for public schools.

Congress should support public schools, not abandon them. Proven effective reforms should be made—not just in a few schools, but in all schools; not just for a few students, but for all students. I urge my colleagues in Congress to reject voucher proposals and grant increased funds for public schools, and I ask unanimous consent that the New York Times article be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From The New York Times, May 7, 2003]

What Some Much-Noted Data Really Showed About Vouchers

(By Michael Winerip)

In August of 2000, in the midst of the Bush-Gore presidential race, a Harvard professor, Paul E. Peterson, released a study saying that school vouchers significantly improved test scores of black children. Professor Peterson had conducted the most ambitious randomized experiment on vouchers to date, and his results—showing that blacks using vouchers to attend private schools had scored six percentile points higher than a control group of blacks in public schools—became big news.

The Harvard professor appeared on CNN and "The NewsHour With Jim Lehrer." Conservative editorial writers and columnists, including William Safire of The Times, cited the Peterson study as proof that vouchers were the answer for poor blacks, that Al Gore (a voucher opponent) was out of touch with his black Democratic constituency and that George W. Bush had it right.

"The facts are clear and persuasive: school vouchers work," The Boston Herald editorialized on Aug. 30, 2000. "If candidates looked at facts, this one would be a no-brainer for Gore."

Then, three weeks later, professor Peterson's partner in the study, Mathematica, a Princeton-based research firm, issued a sharp dissent. Mathematica's report emphasized that all the gains in Professor Peterson's experiment, conducted in New York City, had come in just one of the five grades studied, the sixth, and that the rest of the black pupils, as well as Latinos and whites of all grades who used vouchers, had shown no gains. Since there was no logical explanation for this, Mathematica noted the chance of a statistical fluke. "Because gains are so concentrated in this single group, one needs to be very cautious," it said.

Several newspapers wrote about Mathematica's report, but, coming three weeks after the first round of articles, these did not have the same impact.

And Professor Peterson, a big voucher supporter, continued, undaunted. His 2002 book, "The Education Gap," largely ignored Mathematica's concerns and ballyhooed voucher gains for blacks. "The switch to a private school had significantly positive impacts on the test scores of African-American students," he wrote.

While he still couldn't explain why only blacks had gained, he offered theories. Perhaps heavily black public schools were even worse than urban Latino or white schools. Or, since most vouchers in New York were used in Catholic schools, perhaps a religious "missionary commitment is required to create a positive educational environment" for blacks.

David Myers, the lead researcher for Mathematica, is hesitant to criticize Professor Peterson. ("I'm going to be purposely vague on that," he said in an interview.) But he did something much more decent and important. After many requests from skeptical academics, he agreed to make the entire database for the New York voucher study available to independent researchers.

A Princeton economist, Alan B. Krueger, took the offer, and after two years recently concluded that Professor Peterson had it all wrong—that no even black students using vouchers had made any test gains. And Mr. Myers, Professor Peterson's former research partner, agrees, calling Professor Krueger's work "a fine interpretation of the results."

What makes this a cautionary tale for political leaders seeking to draft public policy from supposedly scientific research is the mundane nature of the apparent miscalculations. Professor Krueger concluded that the original study had failed to count 292 black students whose test scores should have been included. And once they are added—making the sample larger and statistically more reliable—vouchers appear to have made no difference for any group.

Some background. In 1997, 20,000 New York City students each applied for a $1,400 voucher to private school through a project financed by several foundations. A total of 1,300 were selected by lottery to get a voucher, and 1,300 others—the controls, who had wanted a voucher but were not selected—were tracked in public schools. When the first test results came back, the vouchers made no difference in test scores for the 2,600 students as a whole. So the original researchers tried breaking the group down by ethnicity and race, and that's when they noted the sixth-grade test gains for the black voucher group.

But there was a problem. The original researchers had never planned to break out students by race. As a result, their definition of race was not well thought out: it depended solely on the mother. In their data, a child with a black mother and a white father was counted as black: a child with a white mother and a black father was counted as white.

When the father's race is considered, 78 more blacks are added to the sample. Professor Krueger also found that 214 blacks had been unnecessarily eliminated from the results because of incomplete background data. These corrections by Professor Krueger expanded the total number of blacks in the sample by 292, to 811 from 519.

In recent weeks, Mr. Myers, of Mathematica, has reviewed Professor Krueger's critique and found it impressive. Mr. Myers has now concluded that Professor Krueger's adjustments mean that "the impact of a voucher offer is not statistically significant."

It is scary how many prominent thinkers in this nation of 290 million were ready to make new policy from a single study that appears to have gone from meaningful to meaningless based on whether 292 children's test scores are discounted or included. "It's not a study I'd want to use to make public policy," Mr. Myers said. "I see this and go 'whoa.' "

Professor Krueger of Princeton (who also writes a monthly business column in The Times) said, "This appeared to be high-quality work, but it teaches you not to believe anything until the data are made available."

As for Professor Peterson of Harvard, the star of newspapers and TV news in 2000 remains curiously mum these days. In a brief interview, he decline to comment on Professor Krueger's or Mathematica's criticisms. He said he stood by his conclusion that vouchers lifted black scores, and would "eventually" respond in a "technical paper." But he said he would not discuss these matters with a reporter.

"It's not appropriate," he said, "to talk about complex, methodologies in the news media."

TRIBUTE TO DR. ROBERT C. ATKINS

Mr. HARKIN. Mr. President, today I come to the floor to pay tribute to a great person, a long-time friend and a true pioneer, Dr. Robert C. Atkins. Dr. Atkins, cardiologist, physician, and author, among many other endeavors, passed away tragically on April 17 from injuries suffered in a fall in New York City.

A leader in both natural medicine and nutritional pharmacology, Dr. Atkins majored in pre-med at the University of Michigan and then went on to receive his medical degree from the Cornell University Medical School in 1955. He was the founder of The Atkins Center for Complementary Medicine, Atkins Nutritionals, Inc, and cofounder and past president of the Foundation for the Advancement of Innovative Medicine. But as accomplished as he was a physician and researcher, Dr. Atkins was best known for his controlled carbohydrate approach to weight management known as the "Atkins Diet."

In addition to researching and developing what has become one of the leading weight control methods, Dr. Atkins also wrote 13 books, including "Dr. Atkins' New Diet Revolution" and "Atkins for Life," both of which have been and remain on The New York Times bestseller list. His commitment to revolutionizing medicine and nutrition and determination to stand by his research led People magazine to name him one of the "25 Most Intriguing People," and Time magazine to add him to their list of "People Who Matter".

Dr. Atkins invested millions of his own money in the Dr. Robert C. Atkins Foundation, endowing institutions with the necessary funding for research and education.

I knew Bob Atkins for many years. He was a good friend and we saw eye to eye on many important issues including dietary supplements, alternative medicine, and medical research. As the lead proponent in the formation the National Center for Complementary and Alternative Medicine, I was always grateful with Dr. Atkins tireless effort to educate law and policymakers. Dr. Atkins helped to bring national attention and credibility to complementary medicine as a serious and effective medical approach.

Dr. Atkins will always be remembered for having the courage and foresight to challenge conventional wisdom on nutrition. His tireless efforts to point out ways to lose weight and prevent and manage diabetes and heart disease in ways conventional medicine had ignored or were unaware are irreplaceable and have forever changed how Americans, and the world, view nutrition, weight loss and diet. During his life he treated thousands of patients, including Members of Congress and their families.

My condolences go out to his wife Veronica and mother Norma, and all the people who had the pleasure to work for and with him. His legacy and lifetime achievements will continue to guide policy makers and doctors around the world. Bob Atkins not only left a legacy of nutrition and health, but set an example for everyone to believe in themselves and to question establishment policies.

Bob, we thank you and we miss you.

ADDITIONAL STATEMENTS

THE 2003 UNITED NATIONS POPULATION AWARD

• Mrs. MURRAY. Mr. President, I would like to call the attention of my colleagues to the fact that an American activist has been chosen as the recipient of the 2003 United Nations Population Award for only the second time in the history of the honor. This year's beneficiary, Werner Fornos, president of the Washington, DC-based Population Institute, is a well-known figure on Capitol Hill and a long-time advocate for international access to voluntary methods of family planning.

I ask that the following press release honoring Mr. Fornos' receipt of this prestigious award be printed in the RECORD.

The press release follows.

WERNER FORNOS WINS 2003 UNITED NATIONS POPULATION AWARD

Werner Fornos, a longtime Washington, D.C. resident and special advisor to former U.S. House of Representatives Speaker John W. McCormack, has been named the winner of the 2003 United Nations Population Award in the individual category.

"The selection is in recognition of your outstanding contribution to the awareness of population growth," Thoraya Ahmed Obaid, secretary of the award committee and executive director of the U.N. Population Fund, wrote to Fornos informing him of his selection.

The Family Planning Association of Kenya will receive the award in the institutional category. Founded in 1962 as a volunteer-based nongovernmental organization, it has pioneered the family planning movement in Kenya, promoting the provision of sexual and reproductive health services within the context of reproductive rights and the empowerment of young people.

Under the chairmanship of Jean-Claude Alexandre, Haiti's Ambassador to the United Nations, the award committee also consists of representatives of Burundi, Cape Verde, the Kyrgyz Republic, Lesotho, the Republic of Moldova, and the Netherlands, together with a representative of the U.N. Secretary-General and Mrs. Obaid.

The citation is the only regular United Nations award of its kind and consists of a medal, a diploma and a monetary prize of $12,500 to each of the winners. The committee selected the Family Planning Association of Kenya as the 2003 laureate in the institutional category.

The award ceremony and reception is tentatively scheduled for June 18 at United Nations Headquarters in New York.

Born in Leipzig, Germany, in November 1933, Fornos was separated from his family when the apartment building in which they were living was destroyed in an allied bombing raid.

He later became the "mascot" of the 29th Infantry Division of the United States Army, and stowed away four times on troop ships and airplanes in efforts to emigrate to the United States before he was adopted by Mr. and Mrs. Jaime Fornos of Newton, Massachusetts.

A 1965 graduate of the University of Maryland University College, which recently named him Alumnus of the Year, with a degree in government and politics, Fornos has served in the Maryland state legislature and as the state's Assistant Secretary of Human Resources and Manpower Administrator. He also served as a special assistant to U.S. Assistant Secretary of Labor for labor-management relations and Deputy Assistant Manpower Administrator.

Prior to being named as president of the Population Institute, Fornos was executive director of the Population Action Council; executive director of Planned Parenthood of Washington, D.C.; and assistant professor at George Washington University, where he headed its Population Information Program.

Fornos has been a management consultant in family planning implementation and effectiveness to the U.S. Agency for International Development, the American Public Health Association, and Westinghouse Health Services. He has worked on population and family planning projects for Tunisia, Pakistan, Bangladesh, Turkey, Mexico, the Philippines, China, Indonesia, Sri Lanka, and Kenya.

He has addressed plenary sessions of virtually every major international population meeting since the 1974 World Population Conference in Bucharest, Romania, including the 1984 International Population Conference in Mexico City, and the 1994 International Conference on Population and Development in Cairo, Egypt. Fornos has been named Humanist of the Year by the American Humanist Association and he is a recipient of Germany's Order of Merit, the highest distinction granted by the German government to a non-German citizen in recognition of humanitarian efforts.

He is an honorary professor of international relations at Szechuan University in China; a member of the board of directors of the United Nations Association of the United States; an elected member of the International Union for the Scientific Study of Population; and he is the recipient of several Paul Harris Fellowships from Rotary International.●

HONORING DANIEL LEE SILVERNAIL

● Mr. JOHNSON. Mr. President, I am saddened to report the passing of one of South Dakota's heroic firefighters, Daniel Lee Silvernail.

After a lengthy battle with diabetes, Dan passed away on May 4, 2003. Born in Sturgis, SD, October 9, 1982, to Dennis and Sherry Silvernail, Dan attended Lead-Deadwood Schools and was a volunteer counselor at the Diabetes Incorporated Camp for kids. Responding to the call to serve his State early, Dan was a team leader for the Junior Lead-Deadwood Fire Department before becoming an active member of the Lead-Deadwood Fire Department.

Dan Silvernail was a highly respected firefighter and his help in last year's Colorado's wild fires, countless hours on the Grizzly Gulch Fire in South Dakota, and most recently in Texas to help with the cleanup from the Space Shuttle Columbia disaster will serve as a reminder of his profound desire to serve his State and Nation. He was greatly admired by his peers for his dedication to his community and local concerns and his love for helping others is what set him apart from other outstanding South Dakotans.

A native of South Dakota, Dan is survived by his father, Dennis Silvernail; stepmother, Kelly Silvernail; mother, Sherry Silvernail; sister, LeAnn Silvernail; brother, Casey Kendall; grandparents, Art and George Ann Silvernail, and Jim and Marlys Eggleston; step-grandparents, Keith and Marilyn Harrison; friends LeRoy and Roy; aunts, uncles, cousins and fellow firefighters.

Through his outstanding community involvement and activism, the lives of countless South Dakotans were enormously enhanced. His work will continue to be an inspiration to his fellow members of the Lead Fire Department, and also to all those who knew him. Our Nation and South Dakota are far better places because of his life, and while we miss him very much, the best way to honor his life is to emulate his commitment to public service and to his community.●

ON THE 10TH ANNIVERSARY OF THE LOS ANGELES REVLON RUN/WALK

● Mrs. BOXER. Mr. President, I rise today to recognize the 10th anniversary of the Los Angeles Revlon Run/Walk, which will occur on May 10, 2003. For the past decade, the Revlon Run/Walk has been taking place in New York and Los Angeles, raising millions of dollars to fight women's cancers.

I am told that the Revlon Run/Walk was launched when a group of people came together with a common vision. The vision was to "accelerate the research process and honor the courageous spirits that continue to fight this extraordinary fight." Now, a decade later, the Run/Walk has raised more than $27 million. This vision has truly become a reality.

Proceeds from the Revlon Run/Walks have helped fund cutting-edge research and assisted organizations in providing education, advocacy and outreach services to those affected by cancer. The organizations benefitting from the Run/Walk include the Revlon/UCLA Women's Cancer Research Program, National Women's Cancer Research Alliance, the Wellness Community, WIN Against Breast Cancer, the Los Angeles Breast Cancer Alliance, the Women of Color Breast Cancer Survivors Support Project, and the Gilda Radner Ovarian and Breast Cancer Detection Program at Cedars Sinai Medical Center.

Each year, the Run/Walk draws thousands of people motivated to participate in support of this cause. The participants include adults and children. These people personify the gracious, generous spirit of the American people—a diverse group united in support of one worthwhile cause.

The Entertainment Industry Foundation, the founders of the Run/Walk, and all those who make this event possible every year deserve to be recognized and commended. They have been extremely successful in the past, and I am confident that with their dedication, leadership, and ability to pull the community together, they will continue to succeed in turning their vision into reality.

I congratulate them on their 10th anniversary.●

TRIBUTE TO MARTHA WRIGHT GRIFFITHS

● Ms. STABENOW. Mr. President, I rise today to celebrate the life and mourn the passing of a friend, a mentor, and a personal hero: Martha Wright Griffiths, who dedicated more than 40 years of her life in public service to her State and her Nation.

But her death last month at 91 does not mean the loss of a flame. Rather it is the passing of a torch, for her causes continue.

Isaac Newton was once asked to explain the inspiration behind his many scientific discoveries that advanced our understanding of the world. He said: "If I have been able to see further, it is because I stood on the shoulders of giants."

As I stand here today and speak as a proud member of the United States Senate, I understand Newton's humility. I know I stand on the shoulders of giants who advanced our understanding of what our world can be.

Martha Wright Griffiths—Michigan's first woman Lieutenant Governor—is one of those giants in the cause of equal rights and social justice in our Nation.

Consider her remarkable career. When Martha was born in 1912, women didn't even have the right to vote, let alone have the chance to serve their country as legislators, judges or elected executive officials.

A generation of women fought to change that and women like Martha stepped up and accepted the new leadership responsibilities that came with their new duties.

Martha's public service career began in 1948 with two terms in the Michigan Legislature. From there she went on to become the first woman judge in Detroit's old criminal court system.

In 1954, she became the second woman elected to the United States House of Representatives from Michigan, and began a distinguished 20-year career as a legislator.

In the House, Martha became an advocate for reviving our cities, increasing aid to education, promoting tax relief for struggling families and making sure that every man, woman and child in America had access to health care.

But Martha was best known for her work in civil rights and the rights of women. She was not only an early and avid supporter of the 1964 Civil Rights Act, but she got Congress to approve an amendment she authored to include women in the bill by shaming the men in the House Chambers into voting for it.

"A vote against this amendment today by a man is a vote against his wife or his widow or his daughter or his sister," she told them.

In 1970, Martha gathered the 218 signatures needed for a rare discharge petition that forced the Equal Rights Amendment to the floor of the House after it had languished in committee for nearly 50 years.

Martha left the House in 1974, and joined several corporate boards including the former Chrysler Corporation and Consumers Power Company—companies that had never had women on their boards before.

In 1982, Martha began her final tour of public service when she was sworn in as Michigan's first woman Lieutenant Governor. I had the pleasure of working with her as a member of the Michigan House of Representatives through much of her tenure.

And the day she was sworn in as lieutenant governor, Martha also became the first woman in Michigan's history to serve in all three branches of government.

Giants such as Martha Wright Griffiths moved us closer to realizing our Nation's promise of equal justice and opportunity for each and every citizen.

Her passing reminds us that it is now our turn to square our shoulders and stand tall for the generations of Americans to come.●

TRIBUTE TO BERT SANDBERG

● Mr. COLEMAN. Mr. President, I ask unanimous consent that the following two tributes honoring the life of the late Bert Sandberg—steadfast businessman, World War II veteran, and longtime friend of the city of St. Paul—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Star Tribune, Apr. 29, 2003]

TRIBUTE TO BERT SANDBERG

(By Tony Kennedy)

He claimed to have eaten the first steak served at Mancini's Char House and in 1977 he received and award for ridding St. Paul streets of Dutch Elm diseases.

A building contractor with major credits in downtown St. Paul, Bert Sandberg also was known for his labor on the basketball court, playing tenaciously at the St. Paul Athletic Club and other gyms until he was 75 years old.

The decorated World War II veteran and acclaimed prep athlete from Mechanic Arts High School died Sunday of liver cancer. He was 77. Although he was not in the public spotlight, Sandberg was politically well-connected and kept a running friendship with the city's mayors, occasionally offering them advice on how to improve the Capital City.

"There's no such thing as having just a moment with Bert," St. Paul Deputy Mayor Dennis Flaherty said last week. "He loves to tell stories.

Flaherty said Sandberg never asked the city for anything, but often was "below the radar" helping private citizens and supporting various city initiatives. Among other things, he was a supporter of the St. Paul Winter Carnival.

Sandberg's Swedish immigrant parents raised him in a house on the corner of 9th and Wacouta Sts. in an area of downtown St. Paul now known as Lowertown. He married Carol Ziniel of St. Paul in 1952 and moved to Mendota Heights, where they raised one boy and two girls. But Sandberg never sold the lot where he grew up.

"He's a guy who sincerely loves St. Paul," Flaherty said.

Sandberg's daughter, Leslie a press secretary for state Attorney General Mike Hatch, said her dad was appropriately featured in a history of Minnesota members of the so-called Greatest Generation that came of age during the 1930s and '40s, survived the Great Depression and World War II and build the foundation for modern-day America.

After graduating from Mechanic Arts High School in 1943, he enlisted in the Navy and served three years in the South Pacific during World War II. Sandberg worked on a Landing Ship Tank, or LST boat, that was used to deploy troops and equipment on foreign shores. He was awarded a Silver Star and five Bronze Stars, his daughter said.

Sandberg had finished near the bottom of his class at Mechanic Arts, but when he returned from war he wiggled his way in to Augsburg College. He not only graduated, but he later returned to serve on the school's Board of Regents from 1968–1980.

"His focus was to encourage the college to take a chance on students who otherwise might not make it in," Leslie Sandberg said.

Her father was drafted after college to play football for the Philadelphia Eagles, but he waived the opportunity and instead joined his father's business, St. Paul-based N.H. Sandberg Erection Co. Sandberg started at the firm as an ironworker, but he eventually took over the company and expanded it to include worldwide crane and heavy equipment rentals.

"My dad traveled all over the world and he'd say, 'St. Paul is the best city. Why would you want to live anywhere else?'" Leslie Sandberg said.

The firm's downtown St. Paul building credits include the federal courthouse, the St. Paul Hilton Hotel (now the Radisson Riverfront), the Osborn Building, the Northwestern Bell Telephone Building and many skyways.

When George Latimer was mayor, Sandberg was given an award for quickly and efficiently removing diseased elm trees from all over the city. And in 1999, when the St. Paul City Conference celebrated its centennial as a high school athletic conference, Sandberg was chosen as the best athlete from 1943. At Mechanic Arts he was a baseball player, a speedster in track and a standout in basketball and football.

Leslie Sandberg said her father's list of achievements wouldn't be complete without a mention of his part as an extra in the movie "Might Ducks III." He is pictured in the movie as a counter patron at Mickey's Diner.

"He just loved that," his daughter Leslie said. "He never cashed his paycheck."

Sandberg, who was born in St. Paul on July 28, 1925, is survived by his wife, Carol; daughters Leslie of Mendota Heights and Susan of Los Angeles; and son Nels of Philadelphia. Services are pending.

[From the Pioneer Press, Apr. 30, 2003]

Bert Sandberg, who helped build much of the modern skyline of St. Paul and was one of the city's biggest boosters, died Sunday of liver cancer at his home in Mendota Heights. He was 77.

Sandberg was owner of Sandberg Erection Co., which built the steel foundation for the federal courts building, the Marshall Field's store, the St. Paul Radisson Riverfront Hotel, the Ecolab Building, a Qwest Building, the First National Bank Building, the former West Publishing Building and most of the city's skyways.

"He and his company were involved in probably all of the major buildings in downtown St. Paul," said Dennis Flaherty, deputy mayor. "He was full of energy and excitement for St. Paul. Every time he'd see me, he'd offer a new suggestion."

One of Sandberg's daughters, Leslie, said her father loved to take the family on a drive when the children were young. He would point at various buildings and say, "You know what? We built that."

Sandberg was a friend of many St. Paul mayors over the years, including George Latimer, Norm Coleman and Randy Kelly.

"My father was a character," Leslie Sandberg said. "He knew everybody."

Sandberg got a role as an extra in the "Mighty Ducks III" movie when the director, Steven Brill, spotted Sandberg golfing at the Town and Country Club and the two men began a conversation. Brill recognized a good character and told Sandberg not to shave, and Sandberg portrayed a local at a scene in Mickey's Diner.

In 1990, Gov. Rudy Perpich appointed Sandberg as a representative of the city of St. Paul to meet with Mikhail Gorbachev, then president of the Soviet Union, who was visiting Minnesota.

Sandberg was a member of the Board of Regents at Augsburg College in Minneapolis from 1968 to 1980 and was a longtime member of the St. Paul Athletic Club.

An outstanding athlete, he once had an offer to play professional football but decided he was too small. He played basketball twice a week until he was 75.

"He had a great set shot," Leslie Sandberg said.

He used cranes and chain saws to remove dying elm trees on Summit Avenue, and Mayor Latimer presented him with an award in 1977 for helping battle the scourge of Dutch elm disease.

He served with the Navy in the South Pacific during World War II.

In addition to daughter Leslie, Sandberg is survived by his wife, Carol, Mendota Heights; daughter Susan, Los Angeles, and son Nels, Philadelphia.

Visitation is from 1 to 5 p.m. Sunday at O'Halloran and Murphy Funeral Home in St. Paul. The funeral is at 10:30 a.m. Monday at Salem Lutheran Church in West St. Paul with burial at Sunset Memorial Cemetery in Minneapolis.●

HONORING JIMMY WILLIAMS

● Mr. BUNNING. Mr. President, I have the privilege and honor of rising today to recognize Jimmy Williams of Lexington, KY. Jimmy was selected as a member of the 2003 Youth Leadership Team by the National Campaign to Prevent Teen Pregnancy.

Jimmy is a unique teen with an important message and opportunity to share his story with thousands of people. He works diligently to educate his peers on the ramifications of sexual activity in an attempt to halt America's teen pregnancy rate.

Currently attending Bryan Station High School, Jimmy is an active Teen Leader of the Postponing Sexual Involvement, PSI, program and was once a training session panelist for the Kentucky Coalition. Teen Leaders, such as Jimmy, must complete a minium of 20 training hours before talking directly to middle school students about sexual peer pressure and health concerns.

His dedication to delivering this message caught the eye of the National Campaign to Prevent Teen Pregnancy. Jimmy's strong work ethic made him the a perfect candidate for the Youth Leadership Team. He writes letters in support of the National Day to Prevent Teen Pregnancy to schools, students, teachers, media sources, and political leaders. Even on his off time, Jimmy can be found at local baseball games handing out flyers promoting abstinence.

I'm pleased that Jimmy cares so much for the health and well-being of his peers. Please join me in congratulating Jimmy Williams and wishing him the best of luck in his new position as a member of the Youth Leadership Team.●

HONORING SOUTH DAKOTA VOLUNTEERS

● Mr. JOHNSON. Mr. President, on May 4, 2003, Rachel Petersen and Elizabeth Volzke were honored for their outstanding volunteer service at the Eighth Annual Prudential Spirit of Community Awards. The two State honorees for South Dakota received a $1,000 award in addition to an engraved silver medallion and an all-expense-paid trip with a parent or guardian to Washington, DC.

Petersen, 18, of Rapid City, is a senior at Stevens High School. In addition to being named a State honoree, Petersen was named South Dakota's top high school youth volunteer and Rapid City's Citizen of the Month. Petersen earned this prestigious honor by initiating and leading a group of teen volunteers who prepare and serve hot lunches every Sunday to homeless and disadvantaged people in her community. When Rachel learned that hungry people were turned away from the community's food program for breaking program rules or other reasons, she decided to help. "It still seemed like a terrible tragedy that good people with a few problems had nowhere to eat," she said. Rachel first arranged for a steady source of donated food, then began recruiting reliable student volunteers to help. Each week, Rachel picks up the donated ingredients, and then prepares her menu—usually a 5-gallon pot of soup, with bread, a side dish, and a drink. Volunteers help set up a feeding station in a city park, where they stay each Sunday for 2 or 3 hours, serving 40 to 50 hungry people. Rachel is training other teen volunteers to take over when she leaves for college next year. "The eradication of world hunger will happen one meal at a time," Rachel said.

Elizabeth Volzke, 11, a member of the Girl Scouts of Nyoda Council in Huron and a fifth-grader at Eureka Public School, received this award as recognition of her work at a local assisted living center, daycare center, and church services, among other events. Elizabeth began her volunteerism by vowing to perform 100 hours of community service to commemorate the 100th anniversary of the 4–H program. Beginning with visits to residents of the assisted living center where her mother works and playing games with them, Elizabeth and her sister also made cookies, door and table decorations, party favors, and tray liners for holiday celebrations, paying for supplies with money earned from recycling aluminum. Elizabeth was soon visiting and playing piano at other nursing homes, as well. She then expanded her volunteering to a children's daycare center because, as Elizabeth said, "I love babies and young children." She plans to continue her volunteer efforts, adding, "What a wonderful feeling it is to help others."

The Prudential Spirit of Community Awards recognizes students in middle and high school grades who have demonstrated exemplary community service. For their commendable and inspiring efforts to aid those afflicted by illness, poverty, and other difficult circumstances, 10 students are chosen as America's top volunteers, in addition to 104 individual State honorees. State honorees, such as Rachel and Elizabeth, are chosen by their outstanding dedication to community from a pool of more than 24,000 applications. Carried out in a joint venture with the National Association of Secondary School Principals, the Prudential Spirit of Community Awards were originally created to encourage and reward youth volunteerism and young role models.

People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Rachel and Elizabeth are examples to all of us. These two South Dakotans are extraordinary individuals who richly deserve this distinguished recognition. I strongly commend their hard work and dedication, and I am very pleased that their efforts are being publicly honored and celebrated. It is with great honor that I share their impressive accomplishments with my colleagues.●

TRIBUTE TO WILLIAM BIVIN FORENSIC SOCIETY

● Mr. BUNNING. Mr. President, I rise today to honor and pay tribute to the William E. Bivin Forensic Society at Western Kentucky University in Bowling Green, KY. The Western Kentucky University Forensic Team recently defeated forensic teams from all over the world to claim the 2003 International Forensic Association, IFA, Championship in Vancouver, BC.

Led by Director of Forensics Judy Woodring, the team of 36 students and eight coaches defeated 87 other universities to win the 2003 American Forensic Association, AFA, National Championship and the Delta Sigma Rho-Tau Kappa Alpha, DSR-TKA, National Championship earlier this year. The Western Kentucky Forensic Team has a long tradition of honors and distinctions. Over the program's storied history, it has won four IFA International Championships, one AFA National Championship, five DSR-TKA National Championships, and thirteen Kentucky State Forensic Association Championships.

I ask my colleagues in the Senate to pay tribute to the Western Kentucky University Forensic Team of Corey Alderdice, Drew Allen, Elizabeth Au, Margaret Au, Stacy Bernaugh, Chris Blackford, Keith Blaser, Chris Brasfield, Grace Bruenderman, David Burns, Jenny Corum, Ashley Courtney, Justin Cress, Tony Damico, Nicole Estenfelder, Reagan Gibson, Nicole Hawk, Adam Henze, Kate Hertweck, Ryan Howell, Lindsey Nave, Jacob Peregoy, Jennifer Purcell, Hanna Reliford, Alex Rogers, Nick Romerhausen, Evelio Silvera, Rebecca Simms, Courtney Smith, Joel Smith, Jen Taylor, Katie Tyree, Jordon Wadlington, Caleb Williams, Jeff Woods, Courtney Wright and led by Coaches Judy Woodring, Jace Lux, Bonnie McDonald, Greg Robertson, Matt Gerbig, Doug Mory, Chris Grove, and Joe Day. I am proud of their achievements and admirable representation of Western Kentucky University and the Commonwealth of Kentucky.●

TRIBUTE TO RICHARD W. VOLLMER, JR.

● Mr. SESSIONS. Mr. President, the death of United States District Judge Judge Richard W. Vollmer, Jr. was a great loss to our country, the American legal system, his friends, and especially his wonderful family. Judge Vollmer was born March 7, 1926, in St. Louis, MO, and moved to Mobile, AL, in 1941 where he attended McGill Institute. After graduation he enrolled in the U.S. Navy and served until 1946 in the South Pacific. He returned to Mobile where he graduated from Springhill College in 1949. He began attending the University of Alabama School of Law from 1950–52 aboard the aircraft carrier USS *Saipan*. He returned to the University of Alabama School of Law where he served as a member of the Board of Editors of the Alabama Law Review and graduated in 1953.

He married Marilyn Jean Stikes in 1949 and they have five children and nine grandchildren. Two of his sons, Rick and Jim, are following in their father's footsteps as practicing lawyers in the Mobile area.

After law school, Judge Vollmer worked several years for State Farm Insurance Company prior to joining the law firm of Pillans, Reams, Tappan, Wood and Roberts in 1956. He engaged in an active practice in State and Federal courts where he won the respect of his fellow lawyers and jurists before whom he appeared.

He was a charter member of the American Board of Trial Advocates, serving as president of the Alabama Chapter in 1984–85, and was serving as president of the Mobile Bar Association at the time of his appointment to the Federal bench.

In 1990, President George H.W. Bush nominated him to the district bench for the Southern District of Alabama, where he began his career on June 18, 1990, taking senior status on December 31, 2000. He had a strong work ethic and he demanded the same of the lawyers who appeared before him. He never failed to offer his assistance with a congested court docket during times when the Southern District of Alabama did not have its full complement of active judges. Even upon taking senior status, and with failing health, he was always available if the workload demanded it.

Judge Vollmer was not just somebody who worked in the courthouse. Although he loved the law, he knew the love of family came before work, and was deeply concerned about the personal well-being of all the courthouse family with whom he worked, often going out of his way to inquire into their well-being. As U.S. District Judge William Steele has noted, he had a bright and warm presence with a quick smile and laugh. His positive spirit has made the U.S. Courthouse in Mobile a wonderful place to work.

Widely esteemed as a jurist, respected by all who appeared before him, he brought to the bench a sincere quality of humility, love of the law, patience, personal integrity and genuine faith. As was said in the opening prayer at his investiture ceremony, "Justice and justice alone shall be your aim." It can now be said with certitude that Judge Vollmer spent his career dispensing justice fairly and impartially. I had the honor of practicing before Judge Vollmer and to get a direct view of his noble character and humanity. He cared deeply for the unfortunate, was pained to see young people be sentenced to long jail terms though he did his duty. In addition, he was a generous affirmer and true mentor for many. I vividly remember him calling me into his office and encouraging me to consider a race for attorney general of Alabama. I knew his judgment and insight was good and that he had a valuable perspective. That advice meant a great deal to me. I respected his judgment and knew his comments were given with my interests in mind. Such human touches have meant much to many others.

Judge Vollmer served in an exceptional court. The U.S. District Court for the Southern District of Alabama has a great record of integrity, industry, legal skill and collegiality. He received an illustrious tradition and passed it on even brighter.

Judge Vollmer died at his home in Mobile on March 20, 2003. He leaves a legacy of always seeking to do what is just and fair and right.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT THAT TERMINATES THE NATIONAL EMERGENCY DESCRIBED AND DECLARED IN EXECUTIVE ORDER 12865 OF SEPTEMBER 26, 1993, WITH RESPECT TO THE ACTIONS AND POLICIES OF THE NATIONAL UNION FOR TOTAL INDEPENDENCE OF ANGOLA (UNITA) AND REVOKES THAT ORDER, EXECUTIVE ORDER 13069 OF DECEMBER 12, 1997, AND EXECUTIVE ORDER 13098 OF AUGUST 18, 1998—PM 31

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to section 202 of the International Emergency Economic Powers Act, 50 U.S.C. 1622, I hereby report that I have issued an Executive Order (the "Order"), that terminates the national emergency described and declared in Executive Order 12865 of September 26, 1993, with respect to the actions and policies of the National Union for the Total Independence of Angola (UNITA) and revokes that order, Executive Order 13069 of December 12, 1997, and Executive Order 13098 of August 18, 1998.

The Order will have the effect of lifting the sanctions imposed on UNITA in Executive Orders 12865, 13069, and 13098. These trade and financial sanctions were imposed to support international efforts to force UNITA to abandon armed conflict and return to the peace process outlined in the Lusaka Protocol, as reflected in United Nations Security Council Resolutions 864 (1993), 1127 (1997), and 1173 (1998).

The death of UNITA leaders Jonas Savimbi in February 2002 enabled the Angolan government and UNITA to sign the Luena Memorandum of Understanding on April 4, 2002. This agreement established an immediate ceasefire and called for UNITA's return to the peace process laid out in the 1994 Lusaka Protocol. In accordance therewith, UNITA quartered all its military personnel in established reception areas and handed its remaining arms over to the Angolan government. In September 2002, the Angolan government and UNITA reestablished the Lusaka Protocol's Joint Commission to resolve outstanding political issues. On November 21, 2002, the Angolan government and UNITA declared the provisions of the Lusaka Protocol fully implemented and called for the lifting of sanctions on UNITA imposed by the United Nations Security Council.

With the successful implementation of the Lusaka Protocol and the demilitarization of UNITA, the circumstances that led to the declaration of a national emergency on September

26, 1993, have been resolved. The actions and policies of UNITA no longer pose an unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolution 1448 (2002) lifted the measures imposed pursuant to prior U.N. Security Council resolutions related to UNITA. The continuation of sanctions imposed by Executive Orders 12865, 13069, and 13098 would have a prejudicial effect on the development of UNITA as an opposition political party, and therefore, on democratization in Angola. For these reasons, I have determined that it is necessary to terminate the national emergency with respect to UNITA and to lift the sanctions that have been used to apply economic pressure on UNITA.

I am enclosing a copy of the Executive Order I have issued. This Order is effective at 12:01 a.m. eastern daylight time on May 7, 2003.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 6, 2003*.

MESSAGE FROM THE HOUSE

At 1:28 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1596. An act to designate the facility of the United States Postal Service located at 2318 Woodson Road in St. Louis, Missouri, as the ``Timothy Michael Gaffney Post Office Building''; to the Committee on Governmental Affairs.

H.R. 1625. An act to designate the facility of the United States Postal Service located at 1114 Main Avenue in Clifton, New Jersey, as the ``Robert P. Hammer Post Office Building''; to the Committee on Governmental Affairs.

H.R. 1740. An act to designate the facility of the United States Postal Service located at 1502 East Kiest Boulevard in Dallas, Texas, as the ``Dr. Caesar A.W. Clark, Sr. Post Office Building''; to the Committee on Governmental Affairs.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 138. Concurrent resolution authorizing the printing of the Biographical Directory of the United States Congress, 1774-2005.

H. Con. Res. 139. Concurrent resolution authorizing the printing of the brochures entitled ``How Our Laws Are Made'' and ``Our American Flag'', the document-sized annotated version of the United States Constitution, and the pocket version of the United States Constitution.

MEASURES REFERRED

The following bills were read the first time and the second times by unanimous consent, and referred as indicated:

H.R. 1596. An act to designate the facility of the United States Postal Service located at 2318 Woodson Road in St. Louis, Missouri, as the ``Timothy Michael Gaffney Post Office Building''; to the Committee on Governmental Affairs.

H.R. 1625. An act to designate the facility of the United States Postal Service located at 1114 Main Avenue in Clifton, New Jersey, as the ``Robert P. Hammer Post Office Building''; to the Committee on Governmental Affairs.

H.R. 1740. An act to designate the facility of the United States Postal Service located at 1502 East Kiest Boulevard in Dallas, Texas, as the ``Dr. Caesar A.W. Clark, Sr. Post Office Building''; to the Committee on Governmental Affairs.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 1009. A bill to amend the Foreign Assistance Act of 1961 and the State Department Basic Authorities Act of 1956 to increase assistance to foreign countries seriously affected by HIV/AIDS, tuberculosis, and malaria, and for other purposes.

S. 1019. A bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2183. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ``Kentucky Regulatory Program (KY-241-FOR)'' received on May 1, 2003; to the Committee on Energy and Natural Resources.

EC–2184. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ``Wyoming Regulatory Program (WY–030–FOR)'' received on May 1, 2003; to the Committee on Energy and Natural Resources.

EC–2185. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ``West Virginia Regulatory Program (WV–092–FOR)'' received on May 1, 2003; to the Committee on Energy and Natural Resources.

EC–2186. A communication from the Assistant General Counsel, Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ``Energy Conservation Program for Consumer Products: Test Procedures for Refrigerators and Refrigerator-Freezers (1904–AB12)'' received on April 28, 2003; to the Committee on Energy and Natural Resources.

EC–2187. A communication from the Secretary of Energy, transmitting, pursuant to law, the Annual Report to Congress on Federal Government Energy Management and Conservation Program, Fiscal Year 2002'' received on April 30, 2003; to the Committee on Energy and Natural Resources.

EC–2188. A communication from the Secretary of Energy, transmitting, pursuant to law, the report relative to the construction of a geologist repository for spent nuclear fuel and high level radioactive waste at Yucca Mountain; to the Committee on Energy and Natural Resources.

EC–2189. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ``16 CFR Part 305—Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (`Appliance Labeling Rule') (2003 Energy Costs) (RIN 3084–AA74)'' received on April 30, 2003; to the Committee on Energy and Natural Resources.

EC–2190. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, pursuant to law, the report of a rule entitled ``Receipt of Multiple Notices With Respect to Incorrect Taxpayer Identification Numbers (RIN 1545–BA18)''; to the Committee on Finance.

EC–2191. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, pursuant to law, the report of a rule entitled ``Receipt of Multiple Notices With Respect to Incorrect Taxpayer Identification Numbers (RIN1545–BA18)'' received on May 1, 2003; to the Committee on Finance.

EC–2192. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, pursuant to law, the report of a rule entitled ``TD: Disclosure of Returns and Return Information to Designee of Taxpayer (1545–AX85)'' received on April 30, 2003; to the Committee on Finance.

EC–2193. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule ``Special Benefits for Certain World War II Veterans (RIN 0960–AF61)'' received on April 30, 2003; to the Committee on Finance.

EC–2194. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ``Grants to States for Operation of Qualified High Risk Pools (0938–AM42)'' received on April 30, 2003; to the Committee on Finance.

EC–2195. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination confirmed for the position of Secretary of the Treasury, received on April 30, 2003; to the Committee on Finance.

EC–2196. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy for the position of Deputy Secretary of the Treasury, received on April 30, 2003; to the Committee on Finance.

EC–2197. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy for the position of Under Secretary (Enforcement) of the Treasury, received on April 30, 2003; to the Committee on Finance.

EC–2198. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Secretary (Treasury) of the Treasury, received on April 30, 2003; to the Committee on Finance.

EC–2199. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a discontinuation of service in an acting role for the position of Treasury Inspector General for Tax Administration, Department of the Treasury, received on April 30, 2003; to the Committee on Finance.

EC–2200. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy for the position of Member, IRS oversight board, Department of the Treasury, received on April 30, 2003; to the Committee on Finance.

EC–2201. A communication from the Chief, Regulations and Administrative Law, United States Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: (Including 7 Regulations) [CGD05–03–043] [COTP Mobile 03–009] [COTP San Diego 03–017] [COTP San Diego 03–018] [CGD13–03–014] [CGD13–03–012] (1625–AA00)" received on May 2, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2202. A communication from the Chief, Regulations and Administrative Law, United States Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Fire-Suppression Systems and Voyage Planning for Towing Vessels [USCG–2000–69311] (1625–AA60) (2003–0001)" received on May 2, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2203. A communication from the Chief, Regulations and Administrative Law, United States Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: (Including 2 Regulations) [COTP Houston-Galveston 02-009] [COTP San Diego 03–010] (1625–AA00)" received on May 5, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2204. A communication from the Attorney, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Material: Enhancing Hazardous Material Transportation Security (RIN 2137–AD79)" received on May 2, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2205. A communication from the Assistant Administrator, Fisheries, National Marine Fisheries Service, National Oceanographic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered Fish and Wildlife; Notice of Technical Revision to Right Whale Nomenclature and Taxonomy Under the U.S. Endangered Species Act (0648–AQ74)" received on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2206. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Dean John A. Knauss Marine Policy Fellowship, National Sea Grant College Program" received on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2207. A communication from the Attorney-Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary for Transportation Policy, received on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2208. A communication from the Attorney/Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of Sections 309(j) and 337 of the Communication Act of 1934 as Amended and Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies (WT Docket No. 99-87) (FCC 03–34)" received on May 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2209. A communication from the Attorney, Office of Chief Counsel, Transportation Secretary Administration, transmitting, pursuant to law, the report of a rule entitled "Security Threat Assessment for Individuals Applying for a Hazardous Material Endorsement for a Commercial Driver's License (1652–AA17)" received on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2210. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure; Prohibiting fishing for pollock in Statistical Area 620 of the Gulf of Alaska (GOA), ending on August 25, 2003 (0679)" received on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2211. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Opening and closing dates of the first and second directed fisheries for Atka mackerel within the harvest limit area (HLA) in Statistical Areas 542 and 543" received on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2212. A communication from the Assistant Administrator, Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Shipment by Government Bills of Lading (48 CFR Parts 1847 and 1852)" received on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2213. A communication from the Assistant Administrator, Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Grant and Cooperative Agreement Handbook—Approvals and Reviews (14 CFR 1260 and 1274)" received on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2214. A communication from the Directors, FinCEN, Securities and Exchange Commission, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Customer Identification for Broker-Dealers (1506–AA32)" received on April 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2215. A communication from the Directors, FinCEN, Securities and Exchange Commission, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Customer Identification Programs for Banks, Savings Associations, Credit Unions and Certain Non-Federally Regulated Banks" received on April 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2216. A communication from the Directors, FinCEN, Securities and Exchange Commission, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Customer Identification Programs for Mutual Funds (1506–AA33)" received on April 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2217. A communication from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Customer Identification Programs for Mutual Funds (1506–AA33)" received on April 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2218. A communication from the Acting General Counsel, Office of the General Counsel, Department of Homeland Security, FEMA, transmitting, pursuant to law, the report of a rule entitled "National Flood Insurance Program; Increased Rates for Flood Coverage, 68 FR 15666 (1660–AA25)" received on April 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2219. A communication from the Chairman, Federal Financial Institutions, Examination Council, transmitting, pursuant to law, the report entitled "Examinations Council's 2002 Annual Report to Congress" received on April 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2220. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report entitled "Federal Reserve Board's 89th Annual Report" received on May 2, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2221. A communication from the Acting General Counsel, Office of the General Counsel, Department of Homeland Security, FEMA, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility, 68 FR 15967 (Doc. No. FEMA–7805)" received on April 30, 2003; to the Committee on Environment and Public Works.

EC–2222. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "The Superfund Innovative Technology Evaluation Program: Annual Report to Congress FY 2001" received on April 30, 2003; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–81. A resolution adopted by the City Commission of the City of Key West, Florida relative to children's programs; to the Committee on Health, Education, Labor, and Pensions.

POM–82. A joint resolution adopted by the Legislature of the State of Maine relative to the funding of special education and ending unfunded mandates; to the Committee on Health, Education, Labor, and Pensions.

JOINT RESOLUTION

Whereas, the Congress of the United States has found that all children deserve a quality education, including children with disabilities; and

Whereas, the Individuals with Disabilities Education Act, 20 United States Code, Section 1400, et seq., provides that the Federal Government and state and local governments are to share in the expense of education for children with disabilities and commits the Federal Government to provide funds to assist with the excess of expenses of education for children with disabilities; and

Whereas, the Congress of the United States has committed to contribute up to 40% of the average per-pupil expenditure of educating children with disabilities and the Federal Government has failed to meet this commitment to assist the states; and

Whereas, the Federal Government has never contributed more than 13% to 20% of the national average per-pupil expenditure to assist with the excess expenses of educating children with disabilities under the Individuals with Disabilities Education Act; and

Whereas, this failure of the Federal Government to meet its commitment to assist with the excess expenses of educating a child with a disability contradicts the goal of ensuring that children with disabilities receive a quality education; and

Whereas, the imposition of unfunded mandates by the Federal Government on state governments interferes with the separation of powers between the 2 levels of government and the ability of each state to determine the issues and concerns of the State and what resources should be directed to address these issues and concerns; and

Whereas, the Federal Government recognized the inequalities of unfunded mandates on state governments 8 years ago when it passed the Unfunded Mandates Reform Act of 1995; and

Whereas, since the passage of the Unfunded Mandates Reform Act of 1995, however, the Federal Government continues to impose unfunded mandates on state governments, including in areas such as special education requirements: Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the President of the United States and the Congress of the United States either provide 40% of the national average per pupil expenditure to assist states and local education agencies with the excess costs of educating children with disabilities or amend the Individuals with Disabilities Education Act to allow the states more flexibility in implementing its mandates; and be it further

Resolved, That We, your Memorialists, respectfully urge and request that the Congress of the United States revisit and reconfirm the Unfunded Mandate Reform Act of 1995 and put the intent and purpose of the Act into practice by ending the imposition of unfunded federal mandates on state governments; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States and to each Member of the Maine Congressional Delegation.

POM–83. A resolution adopted by the Senate of the Legislature of the State of Wisconsin relative to Community Services Block Grants; to the Committee on Health, Education, Labor, and Pensions.

ENGROSSED RESOLUTION NO. 4

Whereas, Wisconsin's 16 community action agencies have been working in our communities to improve the lives and well-being of all of our citizens for over 35 years; and

Whereas, our community action agencies have delivered a comprehensive array of opportunities to assist those citizens who reside at the lowest levels of the economic ladder to advance economically and socially; and

Whereas, our community action agencies have developed innovative and effective strategies to promote affordable housing and homeownership, microenterprise development, youth development, crime prevention, access to food and nutrition, Head Start expansion, community-based economic development, housing rehabilitation, and other initiatives to promote the development of our human potential; and

Whereas, in 2001 our community action agencies assisted over 380,000 of our citizens and provided volunteers who contributed more than 600,000 hours of service to our communities; and

Whereas, in 2001 our 16 community action agencies received $7,000,000 of Community Service Block Grant funds and used these funds to leverage more than $135,000,000 of additional funds, including $25,000,000 of private funds with which to benefit Wisconsin's communities; and

Whereas, the federal Community Services Black Grant provides the core funding for our community action agencies and is scheduled for reauthorization in the upcoming session of Congress: Now, therefore, be it

Resolved by the Senate, That the Wisconsin state urges President George W. Bush and the Wisconsin congressional delegation to support the reauthorization of the existing Community Services Block Grant and its funding to community action agencies; and, be it further

Resolved, That The Senate chief clerk shall provide a copy of the resolution to President George W. Bush, to the president and secretary of the U.S. Senate, to the speaker and clerk of the U.S. House of Representatives, and to each member of the congressional delegation from this state, attesting the adoption of this resolution by the 2003 senate of the State of Wisconsin.

POM–84. A resolution from the Police Jury of the Parish of Avoyelles State of Louisiana relative to the Parish's support of the President of the United States and the U.S. Armed Forces; to the Committee on Armed Services.

POM–85. A resolution from the House of the legislature of the State of Kansas relative to funding for the Department of Veterans Affairs; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 6019

Whereas, as a result of having served in Operation Desert Storm in the Arabian Peninsula 11 years ago, 16% of the 700,000 troops who were stationed there have been awarded disability benefits by the Department of Veterans Affairs—and these injuries resulted from hostilities that lasted only 100 hours; and

Whereas, the state of Kansas recently released the results of a health study of over 2,000 Kansas veterans who served during the first Gulf War. The study identified clear links between Gulf veterans' health problems and the time and places in which they served. Overall, 34% of Kansas veterans who served in Desert Shield or Desert Storm had symptoms of Gulf War illness; and

Whereas, subsequently, the Congress enacted Public Law 105–85 which requires the development and implementation of a medical tracking system for service members deployed overseas. Such requirements include an assessment of mental health and the drawing of blood to accurately record any changes in their medical condition during the course of their deployment; and

Whereas, as reported in an article by David Goldstein in the Kansas City Star on March 5, 2003, many of our troops currently in the Middle East have not received the testing required under Public Law 105–85; and

Whereas, the House of Representatives is concerned with the possibility that Kansas military personnel involved with Operation Iraqi Freedom could return home with similar illnesses as those of Desert Storm: Now, therefore, be it

Resolved by the House of Representatives of the State of Kansas: That the House urges the United States government to begin preparing now to address the health needs of veterans of Operation Iraqi Freedom, including the administration of tests required under Public Law 105–85; and be it further

Resolved: That we believe it is the obligation of our national government to provide all necessary medical care and support for those injured or inflicted with illnesses in the defense of our nation and, anticipating additional costs associated with Operation Iraqi Freedom, urge the Congress of the United States to provide adequate funding for the Department of Veterans Affairs; and be it further

Resolved: That the Chief Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to each member of the Kansas Congressional Delegation and to the Kansas Commission on Veterans Affairs, Kansas Disabled Veterans, Kansas Veterans of Foreign Wars and Kansas American Legion.

POM–86. A resolution from the House of the Representative of the State of Michigan relative to expressing support for U.S. Troops; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 31

Whereas, as the United States military faces several difficult situations around the globe, Michigan is joining this effort to protect our liberties from a wide range of threats. Numerous National Guard units in Michigan have been called to active duty. Many of these personnel are going to replace other units that have been on duty throughout the country, and several are active in the work of providing homeland security; and

Whereas, while preserving our liberties in a troubled world always demands great vigilance and the sacrifice of our men and women in uniform, the current situation is demonstrating the debt we owe to our fellow citizens in the military. Even though the threats facing us are in many ways different than those that have challenged previous generations, the role of courage and commitment in securing our freedoms remains as clear as ever; and

Whereas, success in dealing with the crisis in Iraq and the continuing demands of the war on terrorism in countless locales requires not only the commitment of our troops, but also great sacrifices by the families of these brave Americans. These men, women, and children face difficulties in many ways, and the uncertain duration of the separation for many of them makes the situation even worse. Support for our troops is incomplete without support for them as well; and

Whereas, in the weeks and months that lie before us, there is no telling what will be asked of our country. We can, however, promise that the people of Michigan stand ready to express our support for our troops with public policy decisions that will advance the Nation's efforts in the work before us: Now, therefore, be it

Resolved, by the House of Representatives, That we express support for our troops and pledge our commitment to public policies that will advance the Nation's efforts against terrorism and threats to liberty; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Department of Military and Veterans Affairs, the United

States Department of Defense, the Speaker of the United States House of Representatives, the President of the United States Senate, the members of the Michigan congressional delegation, the Office of the President of the United States, and appropriate local military service organizations throughout Michigan.

POM–87. A resolution adopted by the Board of Supervisors of the County of Los Angeles of the State of California relative to expressing support for the President of the United States and the Armed Forces; to the Committee on Armed Services.

POM–88. A resolution adopted by the City Council of Michigan City of the State of Indiana relative to expressing support for the Armed Forces; to the Committee on Armed Services.

POM–89. A resolution adopted by the Hennepin County Board of Commissioners of the State of Minnesota relative to expressing support for the Armed Forces; to the Committee on Armed Services.

POM–90. A resolution of the Senate of the Legislature of the State of New Jersey relative to noise reduction of air traffic patterns; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 71

Whereas, residents of New Jersey suffer from extreme and unwarranted levels of intrusive aircraft noise; and

Whereas, aircraft noise deprives residents of the full use and benefit of their homes and living areas; and

Whereas, aircraft noise contributes to the substantial lowering of property values on residences owned by New Jersey residents; and

Whereas, the Federal Aviation Administration, hereafter the "FAA," is currently undertaking a major redesign of the aircraft traffic patterns over New Jersey; and

Whereas, the FAA's stated goals for the redesign include only reducing delays affecting airline schedules, and reducing pilot and air traffic controller workloads, while enhancing safety; and

Whereas, the FAA, despite repeated public promises to substantially reduce aircraft noise as part of the redesign, has refused to include such noise reduction as a primary goal of the redesign: Now, therefore, be it

Resolved by the Senate of the State of New Jersey, That the President and the Congress of the United States are respectfully memorialized to direct the Federal Aviation Administration to include the reduction of aircraft noise as a major goal in the redesign of aircraft traffic patterns over New Jersey; and be it further

Resolved, That duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary thereof, shall be transmitted to the President and the Vice President of the United States, the Speaker of the United States House of Representatives, every member of Congress elected from this State, the Secretary of the United States Department of Transportation, and the Administrator of the Federal Aviation Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CAMPBELL:

S. 1008. A bill to provide for the establishment of summer health career introductory programs for middle and high school students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. KERRY, and Mr. DASCHLE):

S. 1009. A bill to amend the Foreign Assistance Act of 1961 and the State Department Basic Authorities Act of 1956 to increase assistance to foreign countries seriously affected by HIV/AIDS, tuberculosis, and malaria, and for other purposes; read the first time.

By Mr. HARKIN (for himself, Mr. SPECTER, and Mr. KENNEDY):

S. 1010. A bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. SARBANES, and Mr. REED):

S. 1011. A bill to amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds $2,000 and to provide for a graduated implementation of such provision on amounts above such $2,000 amount; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. CORZINE, Mrs. CLINTON, Mr. KERRY, Mr. LAUTENBERG, Mr. DAYTON, and Mr. JOHNSON):

S. 1012. A bill to amend title XIX of the Social Security Act to provide fiscal relief and program simplification to States, to improve coverage and services to medicaid beneficiaries, and for other purposes; to the Committee on Finance.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 1013. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Energy and Natural Resources.

By Mr. CORZINE (for himself and Mrs. CLINTON):

S. 1014. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs in the management of health care services for veterans to place certain low-income veterans in a higher health-care priority category; to the Committee on Veterans' Affairs.

By Mr. GREGG (for himself, Mr. BREAUX, Ms. LANDRIEU, Mr. ALEXANDER, Mrs. LINCOLN, Mr. ROBERTS, Mrs. CLINTON, Mr. WARNER, and Mr. DEWINE):

S. 1015. A bill to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI:

S. 1016. A bill to amend title 10, United States Code, to provide entitlement to health care for reserve officers of the Armed Forces pending orders to initial active duty following commissioning; to the Committee on Armed Services.

By Mr. CONRAD (for himself, Mr. BINGAMAN, Mr. LEVIN, Ms. LANDRIEU, and Mr. JOHNSON):

S. 1017. A bill to amend title XVIII of the Social Security Act to accelerate the reduction in the amount of beneficiary copayment liability for medicare outpatient services; to the Committee on Finance.

By Mr. BAYH (for himself, Mr. ROCKEFELLER, Ms. MIKULSKI, Mrs. CLINTON, and Mr. SARBANES):

S. 1018. A bill to amend the Internal Revenue Code of 1986 to expand the availability of the refundable tax credit for health insurance costs of eligible individuals and to extend the steel import licensing and monitoring program; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. GRAHAM of South Carolina, Mr. HATCH, Mr. BROWNBACK, Mr. SANTORUM, Mr. BUNNING, Mr. CHAMBLISS, Mr. COLEMAN, Mr. ENSIGN, Mr. ENZI, Mr. FITZGERALD, Mr. GRASSLEY, Mr. INHOFE, Mr. KYL, Mr. MCCAIN, Mr. NICKLES, Mr. SHELBY, Mr. TALENT, and Mr. VOINOVICH):

S. 1019. A bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence; read the first time.

By Mr. KOHL:

S. 1020. A bill to amend the Child Nutrition Act of 1966 and the Richard B. Russell National School Lunch Act to improve the school breakfast program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KOHL:

S. 1021. A bill to amend the Richard B. Russell National School Lunch Act to improve the summer food service program for children; to the Committee on Agriculture, Nutrition, and Forestry .

By Mr. KOHL:

S. 1022. A bill to amend the Richard B. Russell National School Lunch Act to improve the child and adult care food program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. CORNYN, Mr. KENNEDY, Mr. ALEXANDER, Mr. CHAMBLISS, Mr. DURBIN, and Ms. COLLINS):

S. 1023. A bill to increase the annual salaries of justices and judges of the United States; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 16

At the request of Mr. DASCHLE, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 16, a bill to protect the civil rights of all Americans, and for other purposes.

S. 146

At the request of Mr. DEWINE, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 146, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 171

At the request of Mr. DAYTON, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 171, a bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 224

At the request of Mr. DASCHLE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 224, a bill to amend the

Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 253

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 316

At the request of Mr. CORZINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 316, a bill to amend part A of title IV of the Social Security Act to include efforts to address barriers to employment as a work activity under the temporary assistance to needy families program, and for other purposes.

S. 338

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 338, a bill to protect the flying public's safety and security by requiring that the air traffic control system remain a Government function.

S. 393

At the request of Mr. ALLEN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 393, a bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserve components and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 470

At the request of Mr. SARBANES, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 470, a bill to extend the authority for the construction of a memorial to Martin Luther King, Jr.

S. 489

At the request of Mr. DEWINE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 489, a bill to expand certain preferential trade treatment for Haiti.

S. 557

At the request of Ms. COLLINS, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Hawaii (Mr. AKAKA), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 557, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 557

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 557, supra.

S. 569

At the request of Mr. ENSIGN, the names of the Senator from Utah (Mr. BENNETT), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 569, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 583

At the request of Mrs. HUTCHISON, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Ohio (Mr. DEWINE), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 583, a bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such disease.

S. 589

At the request of Mr. AKAKA, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 589, a bill to strengthen and improve the management of national security, encourage Government service in areas of critical national security, and to assist government agencies in addressing deficiencies in personnel possessing specialized skills important to national security and incorporating the goals and strategies for recruitment and retention for such skilled personnel into the strategic and performance management systems of Federal agencies.

S. 617

At the request of Mr. LIEBERMAN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 617, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

S. 646

At the request of Mr. CORZINE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 646, a bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program.

S. 661

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 678

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 678, a bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 684

At the request of Mr. SMITH, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 684, a bill to create an office within the Department of Justice to undertake certain specific steps to ensure that all American citizens harmed by terrorism overseas receive equal treatment by the United States Government regardless of the terrorists' country of origin or residence, and to ensure that all terrorists involved in such attacks are pursued, prosecuted, and punished with equal vigor, regardless of the terrorists' country of origin or residence.

S. 792

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 792, a bill to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940.

S. 796

At the request of Ms. COLLINS, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 796, a bill to provide for the appointment of a Director of State and Local Government Coordination within the Department of Homeland Security and to transfer the Office for Domestic Preparedness to the Office of the Secretary of Homeland Security.

S. 818

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 818, a bill to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration.

S. 852

At the request of Mr. DEWINE, the names of the Senator from Montana (Mr. BURNS) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 852, a bill to amend title 10, United States Code, to provide limited TRICARE program eligibility for members of the Ready Reserve of the Armed Forces, to provide financial support for continuation of health insurance for mobilized members of reserve components of the Armed Forces, and for other purposes.

S. 881

At the request of Mr. BINGAMAN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 881, a bill to amend title XVIII of the Social Security Act to establish a minimum geographic cost-of-practice index value for physicians' services furnished under the medicare program.

S. 893

At the request of Mr. SANTORUM, the name of the Senator from New York

(Mr. SCHUMER) was added as a cosponsor of S. 893, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 899

At the request of Mrs. HUTCHISON, the names of the Senator from Maine (Ms. COLLINS), the Senator from New York (Mr. SCHUMER) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 899, a bill to amend title XVIII of the Social Security Act to restore the full market basket percentage increase applied to payments to hospitals for inpatient hospital services furnished to medicare beneficiaries, and for other purposes.

S. 959

At the request of Mr. INHOFE, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 959, a bill to limit the age restrictions imposed by the Administrator of the Federal Aviation Administration for the issuance or renewal of certain airman certificates, and for other purposes.

S. 982

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 983

At the request of Mr. CHAFEE, the names of the Senator from New York (Mr. SCHUMER), the Senator from Wisconsin (Mr. KOHL), the Senator from Nebraska (Mr. NELSON), the Senator from Iowa (Mr. HARKIN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 983, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1001

At the request of Mr. BIDEN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1001, a bill to make the protection of women and children who are affected by a complex humanitarian emergency a priority of the United States Government, and for other purposes.

S. CON. RES. 14

At the request of Mr. SMITH, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution expressing the sense of Congress regarding the education curriculum in the Kingdom of Saudi Arabia.

S. RES. 130

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 130, a resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL:

S. 1008. A bill to provide for the establishment of summer health career introductory programs for middle and high school students; to the Committee on Health, Education, Labor, and Pensions.

Mr. CAMPBELL. Mr. President, today I am introducing legislation aimed at addressing the long term shortage of workers in our health care system.

In recent months, America's health care workforce shortage has made headline news. While most of the stories have focused on the lack of nurses, the shortage of health care professionals also includes radiology technicians, respiratory therapists, clinical laboratory scientists, imaging technologists, rehabilitation professionals, pharmacists and others.

This shortage is different than the one hospitals have experienced in the past because it is only the prelude to a long-term shortage of crisis proportions. The demand for health care is increasing as Americans are living longer than previous generations, and advances in medicine have let more people live with chronic and age-related diseases. With the demand for hospital services increasing because of a growing and aging population, the workforce shortages present our Nation with a potential health care crisis. I believe we must do something to change this disturbing trend.

In my State of Colorado, a task force made up of community colleges, universities, corporations, hospitals, social services and interested community activists has been convened to actively find solutions for the workforce shortages. One of the proposals would be to hold a health career summer youth camp under the title, Gee Whiz Jobs, where young people would be introduced to a full range of career possibilities in the health care field. I believe this idea and their program can become a model for other such programs throughout the country.

The legislation I am introducing today attempts to build on the career camp idea. It authorizes the Secretary of Health and Human Services to make demonstration grants to accredited universities and/or community colleges to establish summer health career introductory programs for middle school and high school students.

Many students are not prepared in the necessary levels of math, science and reading to enter health education programs directly out of high school. Many others have never been exposed to health careers and do not even consider them as a possibility. And, a significant number have little knowledge of the range of career possibilities or what the working environments may be like. Summer school exposure to health careers which allows young people to visit hospitals, doctors' offices, emergency rooms, and community health clinics and witness professionals at work in providing health care services may be just what they need to guide them into a health career.

I believe that we must broaden the base of health care workers by designing strategies that attract and retain a diverse workforce. We must collaborate with others—hospitals, health care and professional associations, educational institutions, corporations, philanthropic organizations, and government to attract new entrants to the health professions. And, we must begin these efforts early in the lives of our young people.

It is going to take all of us—educators, government and community officials, hospital leaders, health care workers, and the public—working together to meet the challenge facing our health care system today. That is why I urge my colleagues to act quickly on this legislation. Let's begin to aggressively address the health care worker shortage in a way that will carry us into the future.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUMMER HEALTH CAREER INTRODUCTORY PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) the success of the health care system is dependent on qualified personnel;

(2) hospitals and health facilities across the United States have been deeply impacted by declines among nurses, pharmacists, radiology and laboratory technicians, and other workers;

(3) the health care workforce shortage is not a short term problem and such workforce shortages can be expected for many years; and

(4) most States are looking for ways to address such shortages.

(b) GRANTS.—The Secretary of Health and Human Services, acting through the Bureau of Health Professions of the Health Resources and Services Administration, may award not to exceed 5 grants for the establishment of summer health career introductory programs for middle and high school students.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (b) an entity shall—

(1) be an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); and

(2) prepare and submit to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.

(d) DURATION.—The term of a grant under subsection (b) shall not exceed 4 years.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2004 through 2007.

By Mr. HARKIN (for himself, Mr. SPECTER, and Mr. KENNEDY):

S. 1010. A bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am pleased to be joined by Senators SPECTER and KENNEDY today in re-introducing legislation that will give new hope to Americans with paralysis.

Recent news reports about the medical miracle Christopher Reeve has experienced over the two past years is an inspiration for every American living with paralysis as a result of a spinal cord injury. When it was announced that, for the first time since his accident in 1995, Chris regained sensation and movement in parts of his body, providing inspiration for some of the two million Americans with paralysis. Most recently, Chris has started weaning himself from a ventilator, breathing on his own for the first time since his accident.

Today, through the Christopher Reeve Paralysis Act of 2003, we seek to achieve two primary goals. First, to further advance the science needed to promote spinal regeneration. And second, to build quality of life programs throughout the country that will further advance full participation, independent living, self-sufficiency and equality of opportunity for individuals with paralysis and other physical disabilities.

Chris' recovery and recent scientific evidence show that progress is possible. At research centers in the United States, Europe and Japan, techniques of rigorous exercise have helped numerous persons with paraplegia with limited sensations in their lower bodies walk for short distances, unassisted or using walkers.

While the results of these new methods are quite promising, the limits of what physical exercise can do for patients remains grossly understudied. While each person and each injury is unique, and some people recover spontaneously, an estimated 250,000 Americans are living with spinal cord injuries that have not improved. Which therapy or combination of therapies will work for each person is unknown. Today two million Americans are living with paralysis, including spinal cord injury, stroke, cerebral palsy, multiple sclerosis, ALS and spina bifida. We need research to see how these new interventions work on the entire population of individuals with paralysis.

What we do know is the ordinary repetitive motions used in most rehabilitation centers, like squeezing a ball, are almost certainly not enough to appropriately address neurological injuries.

Patients are usually told that after one year, two at the most, they will never make further progress in their abilities to move or feel sensation. Yet eight years after his accident, through a rigorous exercise plan, Chris is finally seeing results.

Due to efforts led by the National Institutes of Health and the Christopher Reeve Paralysis Foundation, our Nation stands on the brink of amazing breakthroughs in science for those with paralysis. However, the biotech and pharmaceutical industries have not invested in paralysis research because they believe the market does not support the private investment. There is an urgent need for the Federal Government to further step up its commitment in this area. The Christopher Reeve Paralysis Act would do just that.

By establishing Paralysis Research Consortia at the National Institute of Neurological Disorders and Stroke, we can substantially increase our ability to capitalize on research advances in paralysis. These consortia would be formed to explore unique scientific expertise and focus across the existing research centers at NINDS in an effort to further advance treatments, therapies and developments on one or more forms of paralysis that result from central nervous system trauma and stroke.

Additional breakthroughs are underway in rehabilitation research on paralysis. Federal funding for rehabilitation research at the National Center for Medical Rehabilitation Research at NIH is showing real potential to improve functional mobility; prevent secondary complications like bladder and urinary tract infections and ulcers; and to develop improved assistive technology. These rehabilitation interventions have the potential to greatly reduce pain and other complications for people with neurological disorders and stroke and, at the same time, save millions in health care costs.

Over the past 20 years, overall days in the hospital and rehabilitation center for those with paralysis have been cut in half. Those with paralysis face astronomical medical costs, and our best estimates tell us that only one-third of those individuals remain employed after paralysis. At least one-third of those with paralysis have incomes of $15,000 or less.

To date, there are no State-based programs at CDC that address paralysis and other physical disability with the goal of improving health outcomes and prevent secondary complications. This bill will, for the first time, ensure that individuals with paralysis get the information they need; have access to public health programs; and support in their communities to navigate services. Ultimately these programs will help remove the barriers to community participation and help improve quality of life. The bill also establishes hospital-based registries on paralysis to collect needed data on the true numbers of individuals with these conditions, and it invests in population-based research to see how various therapies impact different people.

We are on the brink of major breakthroughs for individuals with neurological disorders and stroke that result in paralysis. This bill will ensure that the federal government does its part to help more than 2 million Americans.

When Christopher Reeve was injured, he put a face on an issue that has been neglected for too long. Since then, his tireless efforts to walk again, coupled with his passion and commitment to improve quality of life for others with paralysis, make him an inspiration to all Americans.

It is a pleasure and an honor to lead a bipartisan group of Senators, along with the support of a number of disability groups, including the American Stroke Association, the American Heart Association, the Christopher Reeve Paralysis Foundation, the National Family Caregivers Association, the National Spinal Cord Injury Association, Paralyzed Veterans of America and Easter Paralyzed Veterans, in introducing this bill.

By Mr. BINGAMAN (for himself, Mr. CORZINE, Mrs. CLINTON, Mr. KERRY, Mr. LAUTENBERG, Mr. DAYTON, and Mr. JOHNSON):

S. 1012. A bill to amend title XIX of the Social Security Act to provide fiscal relief and program simplification to States, to improve coverage and services to medicaid beneficiaries, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, our Nation's States and health safety net are simultaneously facing a crisis. According to State budget officers, the states are facing a nearly $30 billion budget shortfall this year and an $80 billion gap in fiscal year 2004 due to the economic recession. At the same time, it is estimated that the number of uninsured increased from 41 to 45 million this past year. And, due to the State budget shortfalls, the numbers of uninsured may increase even further.

In fact, the lead paragraph in the New York Times in an article entitled "Cutbacks Imperil Health Coverage for States' Poor" on April 28, 2003, reads, "Millions of low-income Americans face the loss of health insurance or sharp cuts in benefits, like coverage for prescription drugs and dental care, under proposals now moving through state legislatures around the country."

The article continues, "State officials and health policy experts say the cuts will increase the number of uninsured, threaten recent progress in covering children and impose severe strains on hospitals, doctors and nursing homes."

As a result, I believe the Federal Government should take immediate steps to fundamentally reassert and reassert its role in helping the States with this fiscal crisis and rising Medicaid costs, lowering the number of uninsured, and finally, confronting infant and maternal mortality and morbidity statistics that are unworthy of our great Nation.

To address these issues, today and tomorrow, I will be introducing three relevant bills. The first addresses the fiscal crisis confronting States and the Medicaid program entitled "Strengthening Our States," or the "SOS Act."

The second addresses our Nation's long-standing and growing crisis of the uninsured that is entitled the "Health Coverage, Affordability, Responsibility, and Equity Act" or the "Health CARE Act."

The final bill takes on our Nation's high infant and mortality rates and is called the "Start Healthy, Stay Health Act."

First things first. In any campaign—whether in sports, business, or politics—you have to have both offensive and defensive strategies. In trying to reduce the number of uninsured in our country, we must first, as an emergency room doctor would, stop the bleeding. Therefore, our first priority should be to support and strengthen the Medicaid program.

Unfortunately, the Center on Budget and Policy Priorities estimated in March that as many as 1.7 million Americans could lose coverage altogether under proposals advanced by governors or adopted by State legislative committees this year.

Therefore, I am introducing today with Senators CORZINE, CLINTON, KERRY, LAUTENBERG, DAYTON, and JOHNSON legislation entitled the "Strengthening Our States Act of 2003." This bill is a companion bill to that being introduced by Representative DINGELL, BROWN of Ohio, WAXMAN, and others and is aimed at improving Medicaid and providing support to States to enhance their ability to provide coverage to their uninsured residents in these difficult times.

The SOS Act uses a combination of approaches which: first, provide additional Federal fiscal relief to States; second, provide additional flexibility to States in administering and improving the Medicaid program; and third, provide incentives and assistance to stave off cuts to existing coverage, and facilitate coverage expansions in the future.

The legislation will simplify Medicaid and enable States to strengthen the program and stands in sharp contrast to the President's proposal to convert Medicaid into a block grant that would erode health insurance coverage.

In fact, the Administration's prescription is the wrong medicine for the wrong ailment. The Federal Government should be stepping up its commitment to seniors, people with disabilities, and low-income children rather than stepping away and leaving States holding the bag.

First and foremost, our legislation acknowledges and reflects on the important role that Medicaid plays in our entire health care system. As Diane Rowland and Jim Tallon of the Kaiser Commission on Medicaid and the Uninsured have noted: ". . . it is hard to envision our health system and society without a program like Medicaid. Medicaid is the glue that helps hold our health system together and takes on the highest-risk, sickest, and most expensive populations from private insurance and Medicare. For low-income Medicare beneficiaries, Medicaid picks up Medicare premiums and some cost sharing as well as filling the gaps in coverage for long-term care services, prescription drugs, and vision and dental care."

Medicaid addresses the failure of the marketplace to deliver affordable health coverage to our Nation's most fragile and vulnerable citizens. However, there is no reason why it should also have to play the role of picking up the slack of the Medicare program. A central tenet of our SOS proposal is for the Federal Government to begin taking the steps to assume 100 percent of the costs associated with care and services in Medicaid for Medicare beneficiaries, also known as dual eligibles.

This, I would add, is in keeping with long-standing policy of the National Governors' Association, or NGA, and is in sharp contrast to the Administration's proposal to maintain the current Medicaid financing system for mandatory populations and services while block granting care of optional populations and services to States. Who are these optional populations? They are largely the elderly and people with disabilities, many of whom are dually eligible for Medicare and Medicaid.

According to the Kaiser Commission on Medicaid and the Uninsured, 83 percent of all Medicaid spending on the elderly is for either optional populations or services, such as prescription drugs and long-term care. In fact, according to Cindy Mann of Georgetown University and a former Medicaid director under the Clinton Administration, an estimated 35 percent of all State Medicaid costs are for so-called "dual eligibles."

Therefore, rather than stepping up to the plate, the Administration is instead stepping away from its commitment to the elderly and disabled, which should be our responsibility at the Federal level, by moving these groups and their health care services into a block grant. Groups representing the elderly and disabled communities have already spoken out against this.

As AARP Executive Director and CEO Bill Novelli says, "This [Administration's block grant] proposal handcuffs states because it leaves people more vulnerable in future years as States struggle to meet increased needs with decreased dollars."

The Consortium for Citizens with Disabilities adds, "The Bush Administration proposal fails people with disabilities and dishonors the Nation's commitment to its residents—it is not in the national interest. . . . What the Medicaid program calls 'optional' services are, in reality, mandatory disability services for the children and adults who need them. These services often are not only life-saving, but also the key to a positive quality of life—something everyone in our nation deserves."

Again, the Federal Government should be stepping up its commitment to seniors and people with disabilities rather than stepping away, as the President's proposal does.

With respect to the fiscal crisis facing states, the Administration has long opposed fiscal relief to States as part of its economic stimulus package. Instead, the Administration points out that its Medicaid block grant proposal provides more funding up front to States, in the amount of $3.5 billion over one year and $12.7 billion over the first seven years to help States. But the proposal has strong elements of a typical bait and switch by yanking every dime of that money away starting in 2011. Secretary Thompson noted at the press conference that he would not be around at the time of the $12.7 billion in reductions eight years from now and the plan clearly counts on the fact that most of this crop of governors would not be either.

However, that is exactly when our Nation's baby boomers hit retirement age in rapidly increasing numbers and the long term care costs within Medicaid will significantly increase.

In sharp contrast, the SOS Act includes a temporary increase in the Federal matching assistance percentage, or FMAP, to state Medicaid programs in the amount of $15 billion and another $15 billion in additional aid to States—far more than the temporary $3 billion offered by the Administration.

Also, unlike a block grant, the current Medicaid matching rate is responsive to States in times of recessions by providing Federal matching funds to States for each additional person who becomes eligible for Medicaid. Moreover, our SOS Act recognizes the formula can be even more responsive by preserving coverage during difficult times and includes a General Accounting Office study of ways to make the formula more responsive to fiscal distress during either a national or State recession.

In addition, the Strengthening Our States Act would increase Federal payments for certain services critical for special populations or federally-imposed services. It would provide enhanced Federal funding for urban Indian health services, translation services, outstationed workers, and reimbursement to health providers for emergency services delivered to undocumented individuals who are otherwise eligible for Medicaid. Again, the Administration's proposal simply block grants funding for these services and steps away from its Federal responsibility.

For example, services delivered to Native Americans by Indian Health Service providers and health organizations are reimbursed at 100 percent federal match currently in recognition of the Federal responsibility and role in delivering services to Native Americans apart from States. Under a block grant, the Federal match is eliminated and the Federal role in providing care to Native Americans is abandoned. This is contrary to longstanding Federal policy and its relationship with tribes and tribal organizations and to policy by the National Governors' Association.

And finally, with respect to giving States flexibility and assistance to expand upon existing coverage options, the Strengthening Our States Act is far better and responsive to states than a block grant. Block grants do not adjust for population changes, recessions, or efforts to expand coverage by States. At its unveiling, Secretary Thompson spoke about the added options the block grants offer States to expand coverage. However, it does so with no new funding. This offer of flexibility is, therefore, illusory.

In fact, because Federal funding is capped for optional populations by the Administration's block grant, states cannot draw down additional Federal support when it chooses to expand coverage. Under current law and the SOS Act, they can. Some of the more ground-breaking efforts by states such as those by Vermont, Washington, Minnesota, Rhode Island, Hawaii, and even Wisconsin, would have likely never come to pass without that added Federal support.

Therefore, the SOS Act continues and expands upon that Federal support by giving States additional coverage options, such as to set uniform eligibility levels for families rather than covering parents and children separately. The SOS Act also would make States eligible for enhanced matching funds to cover low-income working parents under Medicaid.

States should also beware of the Administration's promise of 9 percent growth rates for the next 10 years. Earlier this year, the House of Representatives passed a budget that would have reduced Medicaid spending by $92 billion over 10 years. While that was rejected in conference, such efforts become much easier under the rubric of a block grant. Again, recent history contains many such promises and examples.

For example, as the NGA policy on the Social Service Block Grant notes, during passage of TANF, "Congress and the Administration made a commitment to Governors to fund SSBG at $2.38 billion each year through fiscal year 2002, with the funding increasing to $2.8 billion in fiscal 2003 and each year thereafter." The reality is that funding has been reduced to $1.7 billion in fiscal years 2002 and 2003, 65 percent below the promised funding levels.

There is an old saying, which goes, "Fool me once, shame on you. Fool me twice, shame on me." When members of Congress and future Administrations see 9 percent growth rates in these Medicaid block grants and have a particular tax cut, Medicare change, transportation program, or whatever they wish to fund, you can already hear them saying, "What if we just reduce the growth rates to 8 percent or 7 percent or 6 percent or 5 percent. . . ." Well, we all can see where this rapidly heads and we have all been fooled once before.

Some governors, including Secretary Thompson, seem to have a short memory on these matters. On April 14, 1997, 41 Governors, including Secretary Thompson, Bush Administration Cabinet Members Tom Ridge, and Christine Todd Whitman, wrote President Clinton, and said: "We adamantly oppose a cap on federal Medicaid spending in any form. Unilateral caps in federal Medicaid spending will result in cost shifts to states, enabling the federal government to balance its budget at the expense of the states."

What was true then remains true 6 years later.

Moreover, on behalf of the NGA, Governors Bob Miller of Nevada and Mike Leavitt testified before the Senate Finance Committee and made the following statement: ". . . caps could result in states becoming solely responsible for unexpected program costs, such as a loss in a lawsuit on reimbursement rates or the development of expensive new therapies that drive up treatment costs beyond the federal allowable rate.

They added: ". . . the cost shift resulting from a unilateral cap would present states with a number of bad alternatives. States essentially would have to choose between cutting back on payment rates to providers, eliminating optional benefits provided to recipients, ending coverage for optional beneficiaries, or coming up with additional state funds to absorb 100 percent of the cost of services."

I do not see why this needs to be an all-or-nothing proposition. Why do we have to throw out the entire Medicaid financing structure, which benefits States, beneficiaries, and providers, in order to grant States additional flexibility to their programs?

In 1997, we rejected the all-or-nothing proposal and worked with the States and gave them a package of added flexibility, including the ability to enroll much of their Medicaid population in managed care without the need for a waiver.

Secretary Thompson talks a great deal about the flexibility the block grant offers and cites the need to allow States the ability to move people out of institutional settings into more appropriate home- and community-based settings and is right. Under the block grant, States are only granted additional flexibility to do so if they accept a block grant. In contrast, the SOS Act provides States an enhanced Federal matching rate to provide home- and community-based services.

However, rather than saying to States that they can only do so through the acceptance of a block grant, why can't we provide them this option without the imposition of a Federal limit on funding? Both states and beneficiary groups are asking for it and we can and should act.

It is on this point that I must add that the Medicaid program was not created for Federal officials or governors. We all clearly need to be reminded that there are other stakeholders in the Medicaid program, including the 43 million people served by the program.

As Alan Weil of the Urban institute and the former Medicaid director of the State of Colorado wrote in a recent article published in Health Affairs: "If money is at the heart of debates over Medicaid, the millions of indigent people whose varied and complex medical needs are met by the program are its sole. The amount of human suffering the program alleviates is immense."

As the Administration attempts to proceed on negotiations with the governors on a deal on block grants, let's not forget the children, mothers, seniors, and people with disabilities served by Medicaid. The SOS Act provides a far better alternative.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Strengthening Our States Act of 2003" or the "SOS Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—STRENGTHENING FEDERAL RESPONSIBILITY FOR MEDICARE BENEFICIARIES

Sec. 101. Assuming Federal responsibility for all medicare cost-sharing.
Sec. 102. Expanded protections for low income medicare beneficiaries.

TITLE II—PROVIDING STATES FISCAL RELIEF

Sec. 201. Temporary increase of medicaid FMAP.
Sec. 202. Temporary grants for State fiscal relief.
Sec. 203. Increasing medicaid DSH allotments.
Sec. 204. Increased State access to unspent SCHIP funds.
Sec. 205. Federal responsibility for emergency care for illegal immigrants.
Sec. 206. Increased Federal responsibility for translation services.
Sec. 207. Increased Federal matching rates for certain services.

TITLE III—HELPING STATES WITH COMMITMENT TO ELDERLY AND DISABLED; FAMILY OPPORTUNITY ACT

Subtitle A—Elderly and Persons with Disabilities

Sec. 301. Full accounting of savings in determining cost-effectiveness.
Sec. 302. Extension of medicaid coverage under the ticket to work program to cover spouses.
Sec. 303. Encouraging transition to home and community care.
Sec. 304. Enhanced matching rate for disabled individuals awaiting medicare eligibility.
Sec. 305. Providing initial term of 5 years for section 1915 waivers.
Sec. 306. Optional coverage of community-based attendant services and supports under the medicaid program.

Subtitle B—Family Opportunity Act

Sec. 311. Short title.
Sec. 312. Opportunity for families of disabled children to purchase medicaid coverage for such children.
Sec. 313. Treatment of inpatient psychiatric hospital services for individuals under age 21 in home or community-based services waivers.
Sec. 314. Demonstration of coverage under the medicaid program of children with potentially severe disabilities.
Sec. 315. Development and support of family-to-family health information centers.
Sec. 316. Restoration of medicaid eligibility for certain SSI beneficiaries.

TITLE IV—FACILITATING PROGRAM ADMINISTRATION AND PRESERVING COVERAGE

Sec. 401. Allowing uniform coverage of all low income Americans.
Sec. 402. Facilitating coverage of families.
Sec. 403. Assistance with coverage of legal immigrants under the medicaid program and SCHIP.
Sec. 404. Flexibility in eligibility determinations.

TITLE I—STRENGTHENING FEDERAL RESPONSIBILITY FOR MEDICARE BENEFICIARIES

SEC. 101. ASSUMING FEDERAL RESPONSIBILITY FOR ALL MEDICARE COST-SHARING.

(a) IN GENERAL.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by striking "and" before "(4)"; and

(2) by inserting before the period the following: ", and (5) the Federal medical assistance percentage shall be 100 percent with respect to medical assistance provided with costs described in section 1905(p)(3)".

(b) CONFORMING AMENDMENT.—Section 1902 of such Act (42 U.S.C. 1396a) is amended by striking subsection (n).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance for medicare cost-sharing for months beginning with July 2003.

SEC. 102. EXPANDED PROTECTIONS FOR LOW INCOME MEDICARE BENEFICIARIES.

(a) IN GENERAL.—Section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)) is amended—

(1) by adding "and" at the end of clause (ii);

(2) in clause (iii), by striking "110 percent in 1993 and 1994, and 120 percent in 1995 and years" and inserting "135 percent"; and

(3) by striking clause (iv).

(b) CONFORMING AMENDMENT.—Section 1933 of such Act (42 U.S.C. 1396v) is repealed.

(c) EFFECTIVE DATE.—The amendments made by subsection (a), and the repeal made by subsection (b), shall apply to months after September 2003.

TITLE II—PROVIDING STATES FISCAL RELIEF

SEC. 201. TEMPORARY INCREASE OF MEDICAID FMAP.

(a) PERMITTING MAINTENANCE OF FISCAL YEAR 2002 FMAP FOR LAST 2 CALENDAR QUARTERS OF FISCAL YEAR 2003.—Notwithstanding any other provision of law, but subject to subsection (e), if the FMAP determined without regard to this section for a State for fiscal year 2003 is less than the FMAP as so determined for fiscal year 2002, the FMAP for the State for fiscal year 2002 shall be substituted for the State's FMAP for the third and fourth calendar quarters of fiscal year 2003, before the application of this section.

(b) PERMITTING MAINTENANCE OF FISCAL YEAR 2003 FMAP FOR FISCAL YEAR 2004.—Notwithstanding any other provision of law, but subject to subsection (e), if the FMAP determined without regard to this section for a State for fiscal year 2004 is less than the FMAP as so determined for fiscal year 2003, the FMAP for the State for fiscal year 2003 shall be substituted for the State's FMAP for each calendar quarter of fiscal year 2004, before the application of this section.

(c) GENERAL 3.73 PERCENTAGE POINTS INCREASE FOR LAST 2 CALENDAR QUARTERS OF FISCAL YEAR 2003 AND FISCAL YEAR 2001.—Notwithstanding any other provision of law, but subject to subsections (e) and (f), for each State for the third and fourth calendar quarters of fiscal year 2003 and each calendar quarter of fiscal year 2004, the FMAP (taking into account the application of subsections (a) and (b)) shall be increased by 3.73 percentage points.

(d) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Notwithstanding any other provision of law, but subject to subsection (f), with respect to the third and fourth calendar quarters of fiscal year 2003 and each calendar quarter of fiscal year 2004, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 7.46 percent of such amounts.

(e) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this section shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4); or

(2) payments under title IV or XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.).

(f) STATE ELIGIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), a State is eligible for an increase in its FMAP under subsection (c) or an increase in a cap amount under subsection (d) only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan (or waiver) as in effect on September 2, 2003.

(2) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—A State that has restricted eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) after September 2, 2003, but prior to the date of enactment of this Act is eligible for an increase in its FMAP under subsection (c) or an increase in a cap amount under subsection (d) in the first calendar quarter (and subsequent calendar quarters) in which the State has reinstated eligibility that is no more restrictive than the eligibility under such plan (or waiver) as in effect on September 2, 2003.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or (2) shall be construed as affecting a State's flexibility with respect to benefits offered under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)).

(g) DEFINITIONS.—In this section:

(1) FMAP.—The term "FMAP" means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(2) STATE.—The term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(h) REPEAL.—Effective as of October 1, 2004, this section is repealed.

SEC. 202. TEMPORARY GRANTS FOR STATE FISCAL RELIEF.

(a) IN GENERAL.—Title XX of the Social Security Act (42 U.S.C. 1397–1397f) is amended by adding at the end the following:

"SEC. 2008. ADDITIONAL TEMPORARY GRANTS FOR STATE FISCAL RELIEF.

"(a) IN GENERAL.—For the purpose of providing State fiscal relief allotments to States under this section, there are hereby appropriated, out of any funds in the Treasury not otherwise appropriated, $15,000,000,000. Such funds shall be available for obligation by the State through June 30, 2005, and for expenditure by the State through September 30, 2005. This section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment to States of amounts provided under this section.

"(b) ALLOTMENT.—Funds appropriated under subsection (a) shall be allotted by the

Secretary among the States in accordance with the following table:

"State	Allotment (in dollars)
Alabama	$170,940,139
Alaska	$42,076,374
Amer. Samoa	$414,007
Arizona	$261,264,449
Arkansas	$133,398,723
California	$1,583,851,051
Colorado	$143,030,332
Connecticut	$207,204,156
Delaware	$38,537,434
District of Columbia	$65,034,813
Florida	$624,655,953
Georgia	$368,582,068
Guam	$669,845
Hawaii	$46,337,939
Idaho	$48,659,904
Illinois	$543,631,283
Indiana	$271,629,605
Iowa	$130,309,854
Kansas	$94,370,028
Kentucky	$212,122,967
Louisiana	$239,827,085
Maine	$92,781,591
Maryland	$236,000,265
Massachusetts	$472,765,757
Michigan	$435,451,207
Minnesota	$302,429,550
Mississippi	$176,956,163
Missouri	$302,534,081
Montana	$36,437,168
Nebraska	$79,550,313
Nevada	$52,331,624
New Hampshire	$54,101,351
New Jersey	$411,954,920
New Mexico	$112,850,197
New York	$2,383,327,447
North Carolina	$439,742,488
North Dakota	$27,253,781
N. Mariana Islands	$233,880
Ohio	$616,448,513
Oklahoma	$146,240,811
Oregon	$167,002,460
Pennsylvania	$745,862,667
Puerto Rico	$18,916,230
Rhode Island	$80,098,624
South Carolina	$184,217,430
South Dakota	$30,302,145
Tennessee	$350,273,887
Texas	$814,722,031
Utah	$63,422,131
Vermont	$40,549,714
Virgin Islands	$624,499
Virginia	$215,155,129
Washington	$298,697,312
West Virginia	$95,818,709
Wisconsin	$270,901,128
Wyoming	$17,496,788
Total	**$15,000,000,000**

"(c) USE OF FUNDS.—Funds appropriated under this section may be used by a State for services directed at the goals set forth in section 2001, subject to the requirements of this title.

"(d) PAYMENT TO STATES.—Not later than 30 days after amounts are appropriated under subsection (a), in addition to any payment made under section 2002 or 2007, the Secretary shall make a lump sum payment to a State of the total amount of the allotment for the State as specified in subsection (b).

"(e) DEFINITION.—For purposes of this section, the term 'State' means the 50 States, the District of Columbia, and the territories contained in the list under subsection (b).".

(b) REPEAL.—Effective as of October 1, 2005, section 2008 of the Social Security Act, as added by subsection (a), is repealed.

(c) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study to determine an appropriate index that could be used to temporarily adjust the Federal medical assistance percentage for purposes of programs authorized under the Social Security Act either with respect to all States during a period of national recession or with respect to a specific State when the State's economy takes a significant turn for the worse.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the study conducted under paragraph (1).

SEC. 203. INCREASING MEDICAID DSH ALLOTMENTS.

(a) CONTINUATION OF MEDICAID DSH ALLOTMENT ADJUSTMENTS UNDER BIPA 2000.—

(1) IN GENERAL.—Section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f))—

(A) in paragraph (2)—

(i) in the heading, by striking "THROUGH 2002" and inserting "THROUGH 2000";

(ii) by striking "ending with fiscal year 2002" and inserting "ending with fiscal year 2000"; and

(iii) in the table in such paragraph, by striking the columns labeled "FY 01" and "FY02";

(B) in paragraph (3)(A), by striking "paragraph (2)" and inserting "paragraph (4)"; and

(C) in paragraph (4), as added by section 701(a)(1) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106-554)—

(i) by striking "FOR FISCAL YEARS 2001 AND 2002" in the heading;

(ii) in subparagraph (A), by striking "Notwithstanding paragraph (2), the" and inserting "The";

(iii) in subparagraph (C)—

(I) by striking "NO APPLICATION" and inserting "APPLICATION"; and

(II) by striking "without regard to" and inserting "taking into account".

(2) INCREASE IN MEDICAID DSH ALLOTMENT FOR THE DISTRICT OF COLUMBIA.—

(A) IN GENERAL.—Effective for DSH allotments beginning with fiscal year 2003, the item in the table contained in section 1923(f)(2) of the Social Security Act (42 U.S.C. 1396r–4(f)(2)) for the District of Columbia for the DSH allotment for FY 00 (fiscal year 2000) is amended by striking "32" and inserting "49".

(B) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as preventing the application of section 1923(f)(4) of the Social Security Act (as amended by subsection (a)) to the District of Columbia for fiscal year 2003 and subsequent fiscal years.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to DSH allotments for fiscal years beginning with fiscal year 2003.

(b) INCREASE IN FLOOR FOR TREATMENT AS AN EXTREMELY LOW DSH STATE TO 3 PERCENT IN FISCAL YEAR 2003.—

(1) INCREASE IN 'DSH FLOOR.—Section 1923(f)(5) of the Social Security Act (42 U.S.C. 1396r–4(f)(5)) is amended—

(A) by striking "fiscal year 1999" and inserting "fiscal year 2001";

(B) by striking "August 31, 2000" and inserting "August 31, 2002";

(C) by striking "1 percent" each place it appears and inserting "3 percent"; and

(D) by striking "fiscal year 2001" and inserting "fiscal year 2003".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect as if enacted on October 1, 2002, and apply to DSH allotments under title XIX of the Social Security Act for fiscal year 2003 and each fiscal year thereafter.

SEC. 204. INCREASED STATE ACCESS TO UNSPENT SCHIP FUNDS.

(a) RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEARS 1998 AND 1999.—Paragraphs (2)(A)(i) and (2)(A)(ii) of section 2104(g) of the Social Security Act (42 U.S.C. 1397dd(g)) are each amended by striking "fiscal year 2002" and inserting "fiscal year 2004".

(b) EXTENSION AND REVISION OF RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEAR 2000.—

(1) PERMITTING AND EXTENDING RETENTION OF PORTION OF FISCAL YEAR 2000 ALLOTMENT.—Paragraph (2) of such section 2104(g) is amended—

(A) in the heading, by striking "AND 1999" and inserting "THROUGH 2000"; and

(B) by adding at the end of subparagraph (A) the following:

"(iii) FISCAL YEAR 2000 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2000 that were not expended by the State by the end of fiscal year 2002, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2004.".

(2) REDISTRIBUTED ALLOTMENTS.—Paragraph (1) of such section 2104(g) is amended—

(A) in subparagraph (A), by inserting "or for fiscal year 2000 by the end of fiscal year 2002," after "fiscal year 2001,";

(B) in subparagraph (A), by striking "1998 or 1999" and inserting "1998, 1999, or 2000";

(C) in subparagraph (A)(i)—

(i) by striking "or" at the end of subclause (I),

(ii) by striking the period at the end of subclause (II) and inserting "; or"; and

(iii) by adding at the end the following new subclause:

"(III) the fiscal year .2000 allotment, the amount specified in subparagraph (C)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (C)(ii) for the State to the amount specified in subparagraph (C)(iii).";

(D) in subparagraph (A)(ii), by striking "or 1999" and inserting ", 1999, or 2000";

(E) in subparagraph (B), by striking "with respect to fiscal year 1998 or 1999";

(F) in subparagraph (B)(ii)—

(i) by inserting "with respect to fiscal year 1998, 1999, or 2000," after "subsection (e),"; and

(ii) by striking "2002" and inserting "2004"; and

(G) by adding at the end the following new subparagraph:

"(C) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2000.—For purposes of subparagraph (A)(i)(III)—

"(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2000, less the total amount remaining available pursuant to paragraph (2)(A)(iii);

"(ii) the amount specified in this clause for a State is the amount by which the State's expenditures under this title in fiscal years 2000, 2001, and 2002 exceed the State's allotment for fiscal year 2000 under subsection (b); and

"(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2000, of the amounts specified in clause (ii).".

(3) CONFORMING AMENDMENTS.—Such section 2104(g) is further amended—

(A) in its heading, by striking "AND 1999" and inserting ", 1999, AND 2000"; and

(B) in paragraph (3)—

(i) by striking "or fiscal year 1999" and inserting ", fiscal year 1999, or fiscal year 2000"; and

(ii) by striking "or November 30, 2001" and inserting "November 30, 2001, or November 30, 2002", respectively.

(c) EXTENSION AND REVISION OF RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEAR 2001.—

(1) PERMITTING AND EXTENDING RETENTION OF PORTION OF FISCAL YEAR 2001 ALLOTMENT.—Paragraph (2) of such section 2104(g), as amended in subsection (b)(1)(B), is further amended—

(A) in the heading, by striking "2000" and inserting "2001"; and

(B) by adding at the end of subparagraph (A) the following:

"(iv) FISCAL YEAR 2001 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2001 that were not expended by the State by the end of fiscal year 2003, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2005.".

(2) REDISTRIBUTED ALLOTMENTS.—Paragraph (1) of such section 2104(g), as amended in subsection (b)(2), is further amended—

(A) in subparagraph (A), by inserting "or for fiscal year 2001 by the end of fiscal year 2003," after "fiscal year 2002,";

(B) in subparagraph (A), by striking "1999, or 2000" and inserting "1999, 2000, or 2001";

(C) in subparagraph (A)(i)—

(i) by striking "or" at the end of subclause (II),

(ii) by striking the period at the end of subclause (III) and inserting "; or"; and

(iii) by adding at the end the following new subclause:

"(IV) the fiscal year 2001 allotment, the amount specified in subparagraph (D)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (D)(ii) for the State to the amount specified in subparagraph (D)(iii).";

(D) in subparagraph (A)(ii), by striking "or 2000" and inserting "2000, or 2001";

(E) in subparagraph (B)—

(i) by striking "and" at the end of clause (ii);

(ii) by redesignating clause (iii) as clause (iv); and

(iii) by inserting after clause (ii) the following new clause:

"(iii) notwithstanding subsection (e), with respect to fiscal year 2001, shall remain available for expenditure by the State through the end of fiscal year 2005; and"; and

(F) by adding at the end the following new subparagraph:

"(D) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2001.—For purposes of subparagraph (A)(i)(IV)—

"(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2001, less the total amount remaining available pursuant to paragraph (2)(A)(iv);

"(ii) the amount specified in this clause for a State is the amount by which the State's expenditures under this title in fiscal years 2001, 2002, and 2003 exceed the State's allotment for fiscal year 2001 under subsection (b); and

"(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2001, of the amounts specified in clause (ii).".

(3) CONFORMING AMENDMENTS.—Such section 2104(g) is further amended—

(A) in its heading, by striking "AND 2000" and inserting "2000, AND 2001"; and

(B) in paragraph (3)—

(i) by striking "or fiscal year 2000" and inserting "fiscal year 2000, or fiscal year 2001"; and

(ii) by striking "or November 30, 2002," and inserting "November 30, 2002, or November 30, 2003,", respectively.

(d) AUTHORITY FOR QUALIFYING STATES TO USE PORTION OF SCHIP FUNDS FOR MEDICAID EXPENDITURES.—Section 2105 of the Social Security Act (42 U.S.C. 1397ee) is amended by adding at the end the following:

"(g) AUTHORITY FOR QUALIFYING STATES TO USE CERTAIN FUNDS FOR MEDICAID EXPENDITURES.—

"(1) STATE OPTION.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, with respect to allotments for fiscal years 1998, 1999, 2000, 2001, for fiscal years in which such allotments are available under subsections (e) and (g) of section 2104, a qualifying State (as defined in paragraph (2)) may elect to use not more than 20 percent of such allotments (instead of for expenditures under this title) for payments for such fiscal year under title XIX in accordance with subparagraph (B).

"(B) PAYMENTS TO STATES.—

"(i) IN GENERAL.—In the case of a qualifying State that has elected the option described in subparagraph (A), subject to the total amount of funds described with respect to the State in subparagraph (A), the Secretary shall pay the State an amount each quarter equal to the additional amount that would have been paid to the State under title XIX for expenditures of the State for the fiscal year described in clause (ii) if the enhanced FMAP (as determined under subsection (b)) had been substituted for the Federal medical assistance percentage (as defined in section 1905(b)) of such expenditures.

"(ii) EXPENDITURES DESCRIBED.—For purposes of clause (i), the expenditures described in this clause are expenditures for such fiscal years for providing medical assistance under title XIX to individuals who have not attained age 19 and whose family income exceeds 150 percent of the poverty line.

"(iii) NO IMPACT ON DETERMINATION OF BUDGET NEUTRALITY FOR WAIVERS.—In the case of a qualifying State that uses amounts paid under this subsection for expenditures described in clause (ii) that are incurred under a waiver approved for the State, any budget neutrality determinations with respect to such waiver shall be determined without regard to such amounts paid.

"(2) QUALIFYING STATE.—In this subsection, the term 'qualifying State' means a State that—

"(A) as of April 15, 1997, has an income eligibility standard with respect to any 1 or more categories of children (other than infants) who are eligible for medical assistance under section 1902(a)(10)(A) or under a waiver under section 1115 implemented on January 1, 1994, that is up to 185 percent of the poverty line or above; and

"(B) satisfies the requirements described in paragraph (3).

"(3) REQUIREMENTS.—The requirements described in this paragraph are the following:

"(A) SCHIP INCOME ELIGIBILITY.—The State has a State child health plan that (whether implemented under title XIX or this title)—

"(i) as of January 1, 2001, has an income eligibility standard that is at least 200 percent of the poverty line or has an income eligibility standard that exceeds 200 percent of the poverty line under a waiver under section 1115 that is based on a child's lack of health insurance;

"(ii) subject to subparagraph (B), does not limit the acceptance of applications for children; and

"(iii) provides benefits to all children in the State who apply for and meet eligibility standards on a statewide basis.

"(B) NO WAITING LIST IMPOSED.—With respect to children whose family income is at or below 200 percent of the poverty line, the State does not impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan.

"(C) ADDITIONAL REQUIREMENTS.—The State has implemented at least 3 of the following policies and procedures (relating to coverage of children under title XIX and this title):

"(i) UNIFORM, SIMPLIFIED APPLICATION FORM.—With respect to children who are eligible for medical assistance under section 1902(a)(10)(A), the State uses the same uniform, simplified application form (including, if applicable, permitting application other than in person) for purposes of establishing eligibility for benefits under title XIX and this title.

"(ii) ELIMINATION OF ASSET TEST.—The State does not apply any asset test for eligibility under section 1902(l) or this title with respect to children.

"(iii) ADOPTION OF 12-MONTH CONTINUOUS ENROLLMENT.—The State provides that eligibility shall not be regularly redetermined more often than once every year under this title or for children described in section 1902(a)(10)(A).

"(iv) SAME VERIFICATION AND REDETERMINATION POLICIES; AUTOMATIC REASSESSMENT OF ELIGIBILITY.—With respect to children who are eligible for medical assistance under section 1902(a)(10)(A), the State provides for initial eligibility determinations and redeterminations of eligibility using the same verification policies (including with respect to face-to-face interviews), forms, and frequency as the State uses for such purposes under this title, and, as part of such redeterminations, provides for the automatic reassessment of the eligibility of such children for assistance under title XIX and this title.

"(v) OUTSTATIONING ENROLLMENT STAFF.—The State provides for the receipt and initial processing of applications for benefits under this title and for children under title XIX at facilities defined as disproportionate share hospitals under section 1923(a)(1)(A) and Federally-qualified health centers described in section 1905(l)(2)(B) consistent with section 1902(a)(55).".

(e) EFFECTIVE DATE.—Subsections (a) through (c), and the amendments made by such subsections, shall be effective as if this section had been enacted on September 30, 2002, and amounts under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) from allotments for fiscal years 1998 through 2000 are available for expenditure on and after October 1, 2002, under the amendments made by such subsections as if this section had been enacted on September 30, 2002.

SEC. 205. FEDERAL RESPONSIBILITY FOR EMERGENCY CARE FOR ILLEGAL IMMIGRANTS.

(a) IN GENERAL.—Section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396b(a)(3)) is amended—

(1) in subparagraph (D), by striking "plus" at the end and inserting "and"; and

(2) by adding at the end the following:

"(E) 100 percent of the sums expended with respect to costs incurred during such quarter as are attributable to the provision of care and services that are furnished to an alien described in subsection (v)(1) that are necessary for the treatment of an emergency medical condition, as defined in subsection (v)(3); and".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2003.

SEC. 206. INCREASED FEDERAL RESPONSIBILITY FOR TRANSLATION SERVICES.

(a) IN GENERAL.—Section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396b(a)(3)), as amended by section 205(a), is amended by adding at the end the following:

"(F) 90 percent of the sums expended with respect to costs incurred during such quarter as are attributable to the provision of language services, including oral interpretation, translations of written materials, and other language services, for individuals with limited English proficiency who apply for, or receive, medical assistance under the State plan; and".

(b) SCHIP.—Section 2105(A)(1) of the Social Security Act (42 U.S.C.1397ee(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "section 1905(b))" and inserting "section 1905(b)) or, in the case of expenditures described in subparagraph (D)(iv), 90 percent"; and

(2) in subparagraph (D)—

(A) in clause (iii), by striking "and" at the end;

(B) by redesignating clause (iv) as clause (v); and

(C) by inserting after clause (iii) the following:

"(D) for expenditures attributable to the provision of language services, including oral interpretation, translations of written materials, and other language services, for individuals with limited English proficiency who apply for, or receive, child health assistance under the plan; and".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2003.

SEC. 207. INCREASED FEDERAL MATCHING RATES FOR CERTAIN SERVICES.

(a) OUTSTATIONED WORKERS.—Section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396b(a)(3)), as amended by sections 205(a) and 206(a), is amended by adding at the end the following:

"(G) 90 percent of the sums expended with respect to costs incurred during such quarter as are attributable to providing for the receipt and initial processing of applications of children and pregnant women for medical assistance consistent with the requirements of section 1902(a)(55); plus".

(b) 100 PERCENT MATCHING RATE FOR URBAN INDIAN HEALTH SERVICES.—The third sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by inserting "or program" after "facility";

(2) by striking "or by" and inserting ", by"; and

(3) by inserting ", or by an urban Indian organization pursuant to a grant or contract with the Indian Health Service under title V of the Indian Health Care Improvement Act" before the period.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2003.

TITLE III—STRENGTHENING STATE AND FEDERAL COMMITMENT TO THE ELDERLY AND PERSONS WITH DISABILITIES; FAMILY OPPORTUNITY ACT

Subtitle A—Elderly and Persons with Disabilities

SEC. 301. FULL ACCOUNTING OF SAVINGS IN DETERMINING COST-EFFECTIVENESS.

(a) IN GENERAL.—Section 1915(c)(2)(D) of the Social Security Act (42 U.S.C. 1396n(c)(2)(D)) is amended by inserting "(reduced by average per capita reductions in spending under other Federal mandatory spending programs resulting from operation of the waiver)" after "with respect to such individuals".

(b) EFFECTIVE DATE.—The amendment made by subsection shall take effect on the date of the enactment of this Act.

SEC. 302. EXTENSION OF MEDICAID COVERAGE UNDER THE TICKET TO WORK PROGRAM TO COVER SPOUSES.

(a) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(1) in clause (i)(II), by inserting before the comma at the end the following: ", and at the option of a State, any individual who is the spouse of such an individual";

(2) in clause (ii)(XIII), by inserting before the semicolon at the end the following: ", and at the option of a State, any individual who is the spouse of such an individual";

(3) in subclause (XV), by inserting before the semicolon at the end the following: ", and at the option of a State, any individual who is the spouse of such an individual"; and

(4) in subclause (XVI), by inserting before the semicolon at the end the following: ", and at the option of a State, any individual who is the spouse of such an individual".

(b) CONFORMING AMENDMENT.—Section 1905(a)(xii) of such Act (42 U.S.C. 1396d(a)(xii)) is amended by inserting "and spouses described in clauses (i)(II), (ii)(XIII), (ii)(XV), and (ii)(XVI) of section 1902(a)(10)(A)" after "subsection (v))".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2003, whether or not regulations implementing such amendments have been issued.

SEC. 303. ENCOURAGING TRANSITION TO HOME AND COMMUNITY CARE.

(a) IN GENERAL.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), as amended by section 101(a), is amended—

(1) by striking "and" before "(5)"; and

(2) by inserting before the period the following: ", and (6) the Federal medical assistance percentage shall be equal to the enhanced FMAP described in section 2105(b) with respect to medical assistance provided under a waiver under section 1915(c)".

(b) CONFORMING AMENDMENT.—Section 1915(c) .of such Act (42 U.S.C. 1396n(c)) is amended by adding at the end the following new paragraph:

"(11) For purposes of determining the amount of expenditures under this section or a State plan for purposes of applying any test of cost-effectiveness or similar test in carrying out this subsection, the provisions of section 1905(b)(6) shall not be taken into account.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance for items and services furnished on or after July 1, 2003, regardless of whether the waiver under which such assistance is provided was approved before, on, or after the date of the enactment of this Act.

SEC. 304. ENHANCED MATCHING RATE FOR DISABLED INDIVIDUALS AWAITING MEDICARE ELIGIBILITY.

(a) IN GENERAL.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), as amended by sections 101(a) and 303(a), is amended—

(1) by striking "and" before "(6)"; and

(2) by inserting before the period the following: ", and (7) the Federal medical assistance percentage shall be equal to 100 percent with respect to medical assistance provided to individuals who are not entitled to benefits under part A of title XVIII pursuant to section 226(b) but who would be entitled to such benefits pursuant to such section but for the application of a 24-month waiting period under such section".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance for items and services furnished on or after October 1, 2003.

SEC. 305. PROVIDING INITIAL TERM OF 5 YEARS FOR SECTION 1915 WAIVERS.

(a) IN GENERAL.—Subsections (d)(3) and (e)(3) of section 1915 of the Social Security Act (42 U.S.C. 1396n) are each amended by striking "3 years" and inserting "5 years".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to waivers granted on or after the date of the enactment of this Act.

SEC. 306. OPTIONAL COVERAGE OF COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS UNDER THE MEDICAID PROGRAM.

(a) OPTIONAL COVERAGE.—Section 1902(a)(10)(D) of the Social Security Act (42 U.S.C. 1396a(a)(10)(D)) is amended—

(1) by inserting "(i)" after "(D)";

(2) by adding "and" after the semicolon: and

(3) by adding at the end the following new clause:

"(ii) at the option of the State and subject to section 1935, for the inclusion of community-based attendant services and supports for any individual who—

"(I) is eligible for medical assistance under the State plan;

"(II) with respect to whom there has been a determination that the individual requires the level of care provided in a nursing facility or an intermediate care facility for the mentally retarded (whether or not coverage of such intermediate care facility is provided under the State plan); and

"(III) who chooses to receive such services and supports;

insofar as such services are appropriate for the individual's condition according to the individual's plan of care;".

(b) COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS OPTION.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(A) by redesignating section 1935 as section 1936; and

(B) by inserting after section 1934 the following:

"COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS

"SEC. 1935. (a) COVERAGE.—

"(1) IN GENERAL.—A State may provide through a plan amendment for the inclusion of community-based attendant services and supports (as defined in subsection (g)(1)) for individuals described in section 1902(a)(10)(D)(ii) in accordance with this section.

"(2) ENHANCED FMAP FOR COVERAGE.—Notwithstanding section 1905(b), in the case of a State with an approved plan amendment under this section during that period that also satisfies the requirements of subsection (c) the Federal medical assistance percentage shall be equal to the enhanced FMAP described in section 2105(b) with respect to medical assistance in the form of community-based attendant services and supports provided to individuals described in section 1902(a)(10)(D)(ii) in accordance with this section.

"(b) Development and Implementation of Benefit.—In order for a State plan amendment to be approved under this section, a State shall develop and implement the proposal through a public process which includes individuals with disabilities, elderly individuals, their representatives, and providers, and include in that proposed plan amendment—

"(1) a State process to notify and inform individuals (including individuals who live in nursing facilities, individuals who live in intermediate care facilities for the mentally retarded, and individuals who live in the community and who have an unmet need for such services) of the availability of such services and supports under this title, and of other items and services that may be provided to the individual under this title or title XVIII; and

"(2) a quality assurance program that will maximize consumer independence and consumer control and will —

"(A) train consumers to appropriately manage their own attendant;

"(B) provide a quality review process; and

"(C) provide for investigation and resolution of allegations of neglect, abuse, or exploitation in connection with the provision of such services and supports.

"(c) No Effect on Ability To Provide Coverage Under a Waiver.—

"(1) In general.—Nothing in this section shall be construed as affecting the ability of a State to provide coverage under the State plan for community-based attendant services and supports (or similar coverage) under a waiver approved under section 1915, section 1115, or otherwise.

"(2) Eligibility for enhanced match.—In the case of a State that provides coverage for such services and supports under a waiver, the State shall not be eligible under section 1935 for the enhanced FMAP for the provision of such coverage under this unless the State submits a plan amendment to the Secretary that meets the requirements of this section.

"(d) Definitions.—In this title:

"(1) Community-based attendant services and supports.—

"(A) In general.—The term 'community-based attendant services and supports' may include one or more of the following: attendant services and supports furnished to an individual, as needed, to assist in accomplishing activities of daily living, instrumental activities of daily living, and health-related functions through hands-on assistance, supervision, or cueing—

"(i) under a plan of services and supports that is based on an assessment of functional need and that is agreed to by the individual or, as appropriate, the individual's representative;

"(ii) in a home or community setting, which may include a school, workplace, or recreation or religious facility, but does not include a nursing facility or an intermediate care facility for the mentally retarded;

"(iii) under an agency-provider model or other model (as defined in paragraph (2)(C)); and

"(iv) the furnishing of which is selected, managed, and dismissed by the individual, or, as appropriate, with assistance from the individual's representative.

"(B) Included services and supports.—Such term may include one or more of the following:

"(i) Tasks necessary to assist an individual in accomplishing activities of daily living, instrumental activities of daily living, and health-related functions.

"(ii) The acquisition, maintenance, and enhancement of skills necessary for the individual to accomplish activities of daily living, instrumental activities of daily living, and health-related functions.

"(iii) Backup systems or mechanisms (such as the use of beepers), as defined by the State according to the client's needs, to ensure continuity of services and supports.

"(iv) Voluntary training on how to select, manage, and dismiss attendants.

"(C) Excluded services and supports.—Subject to subparagraph (D), such term does not include—

"(i) the provision of room and board for the individual;

"(ii) special education and related services provided under the Individuals with Disabilities Education Act and vocational rehabilitation services provided under the Rehabilitation Act of 1973;

"(iii) assistive technology devices and assistive technology services;

"(iv) durable medical equipment; or

"(v) home modifications.

"(D) Flexibility in transition to community-based home setting.—Such term may include expenditures for transitional costs required for an individual to make the transition from a nursing facility or intermediate care facility for the mentally retarded to a community-based home setting where the individual resides.

"(E) Clarification of permitting payment of relatives for providing services and supports.—Nothing in this section shall be construed as preventing community-based attendant services and supports from being furnished to an individual by others who are related to that individual and for such others being paid for so furnishing such services and supports.

"(2) Additional definitions.—

"(A) Activities of daily living.—The term 'activities of daily living' includes eating, toileting, grooming, dressing, bathing, and transferring.

"(B) Consumer controlled.—The term 'consumer controlled' means a method of providing services and supports that allow the individual, or where appropriate, the individual's representative, maximum control of the community-based attendant services and supports, regardless of who acts as the employer of record.

"(C) Delivery models.—

"(i) Agency-provider model.—The term 'agency-provider model' means, with respect to the provision of community-based attendant services and supports for an individual, a method of providing consumer controlled services and supports under which entities contract for the provision of such services and supports.

"(ii) Other models.—The term 'other models' means methods, other than an agency-provider model, for the provision of consumer controlled services and supports. Such models may include direct cash payments or use of a fiscal agent to assist in obtaining services.

"(D) Health-related functions.—The term 'health-related functions' means functions that can be delegated or assigned by licensed health-care professionals under State law to be performed by an attendant.

"(E) Instrumental activities of daily living.—The term 'instrumental activities of daily living' includes meal planning and preparation, managing finances, shopping for food, clothing, and other essential items, performing essential household chores, communicating by phone and other media, and other activities needed to participate in the community, as appropriate.

"(F) Individual's representative.—The term 'individual's representative' means a parent, a family member, a guardian, an advocate, or an authorized representative of an individual.".

(c) Investigation by State .—Section 1903(q)(4)(A)(i) of such Act (42 U.S.C. 1396b(q)(4)(A)(i)) is amended by inserting "and for investigation and resolution of allegations of neglect, abuse, or exploitation in connection with the provision of community-based attendant services and supports under section 1935(b)(2)(C)" before the semicolon.

(d) Effective Date.—The amendments made by this section take effect on October 1, 2003, and apply to medical assistance provided for community-based attendant services and supports described in section 1935 of the Social Security Act furnished on or after that date.

Subtitle B—Family Opportunity Act

SEC. 311. SHORT TITLE.

This subtitle may be cited as the "Family Opportunity Act of 2003" or the "Dylan Lee James Act".

SEC. 312. OPPORTUNITY FOR FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.

(a) State Option To Allow Families of Disabled Children To Purchase Medicaid Coverage for Such Children.—

(1) In general.—Section 1902 (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10)(A)(ii)—

(i) by striking "or" at the end of subclause (XVII);

(ii) by adding "or" at the end of subclause (XVIII); and

(iii) by adding at the end the following new subclause:

"(XIX) who are disabled children described in subsection (cc)(1);"; and

(B) by adding at the end the following new subsection:

"(cc)(1) Individuals described in this paragraph are individuals—

"(A) who have not attained 18 years of age;

"(B) who would be considered disabled under section 1614(a)(3)(C) (determined without regard to the reference to age in that section) but for having earnings or deemed income or resources (as determined under title XVI for children) that exceed the requirements for receipt of supplemental security income benefits; and

"(C) whose family income does not exceed such income level as the State establishes and does not exceed—

"(i) 300 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved; or

"(ii) such higher percent of such poverty line as a State may establish, except that no Federal financial participation shall be provided under section 1903(a) for any medical assistance provided to an individual who would not be described in this subsection but for this clause.".

(2) Interaction with employer-sponsored family coverage.—Section 1902(cc) (42 U.S.C. 1396a(cc)), as added by paragraph (1), is amended by adding at the end the following new paragraph:

"(2)(A) If an employer of a parent of an individual described in paragraph (1) offers family coverage under a group health plan (as defined in section 2791(a) of the Public Health Service Act), the State may—

"(i) require such parent to apply for, enroll in, and pay premiums for, such coverage as a condition of such parent's child being or remaining eligible for medical assistance under subsection (a)(10)(A)(ii)(XIX) if the parent is determined eligible for such coverage and the employer contributes at least 50 percent of the total cost of annual premiums for such coverage; and

"(ii) if such coverage is obtained—

"(I) subject to paragraph (2) of section 1916(h), reduce the premium imposed by the State under that section (if any) in an amount that reasonably reflects the premium contribution made by the parent for private coverage on behalf of a child with a disability; and

"(II) treat such coverage as a third party liability under subsection (a)(25).

"(B) In the case of a parent to which subparagraph (A) applies, if the family income of such parent does not exceed 300 percent of the income official poverty line (referred to in paragraph (1)(C)(i)), a State may provide for payment of any portion of the annual premium for such family coverage that the parent is required to pay. Any payments made by the State under this subparagraph shall be considered, for purposes of section 1903(a), to be payments for medical assistance.".

(b) State Option To Impose Income-Related Premiums.—Section 1916 (42 U.S.C. 1396o) is amended—

(1) in subsection (a), by striking "subsection (g)" and inserting "subsections (g) and (h)"; and

(2) by adding at the end the following new subsection:

"(h)(1) With respect to disabled children provided medical assistance under section 1902(a)(10)(A)(ii)(XIX), subject to paragraph (2), a State may (in a uniform manner for such children) require the families of such children to pay monthly premiums set on a sliding scale based on family income.

"(2) A premium requirement imposed under paragraph (1) may only apply to the extent that—

"(A) the aggregate amount of such premium and any premium that the parent is required to pay for family coverage under section 1902(cc)(2)(A)(i) does not exceed 5 percent of the family's income; and

"(B) the requirement is imposed consistent with section 1902(cc)(2)(A)(ii)(I).

"(3) A State shall not require prepayment of a premium imposed pursuant to paragraph (1) and shall not terminate eligibility of a child under section 1902(a)(10)(A)(ii)(XIX) for medical assistance under this title on the basis of failure to pay any such premium until such failure continues for a period of not less than 60 days from the date on which the premium became past due. The State may waive payment of any such premium in any case where the State determines that requiring such payment would create an undue hardship.".

(c) Conforming Amendment.—Section 1903(f)(4) (42 U.S.C. 1396b(f)(4)) is amended in the matter preceding subparagraph (A) by inserting "1902(a)(10)(A)(ii)(XIX)," after "1902(a)(10)(A)(ii)(XVIII),".

(d) Effective Date.—The amendments made by this section shall apply to medical assistance for items and services furnished on or after January 1, 2004.

SEC. 313. TREATMENT OF INPATIENT PSYCHIATRIC HOSPITAL SERVICES FOR INDIVIDUALS UNDER AGE 21 IN HOME OR COMMUNITY-BASED SERVICES WAIVERS.

(a) In General.—Section 1915(c) (42 U.S.C. 1396n(c)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by inserting ", or inpatient psychiatric hospital services for individuals under age 21," after "intermediate care facility for the mentally retarded"; and

(B) in the second sentence, by inserting ", or inpatient psychiatric hospital services for individuals under age 21" before the period;

(2) in paragraph (2)(B), by striking "or services in an intermediate care facility for the mentally retarded" each place it appears and inserting ", services in an intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21";

(3) by striking paragraph (2)(C) and inserting the following:

"(C) such individuals who are determined to be likely to require the level of care provided in a hospital, nursing facility, or intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21, are informed of the feasible alternatives, if available under the waiver, at the choice of such individuals, to the provision of inpatient hospital services, nursing facility services, services in an intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21;"; and

(4) in paragraph (7)(A)—

(A) by inserting ", or inpatient psychiatric hospital services for individuals under age 21," after "intermediate care facility for the mentally retarded"; and

(B) by inserting ", or who would require inpatient psychiatric hospital services for individuals under age 21" before the period.

(b) Effective Date.—The amendments made by subsection (a) apply with respect to medical assistance provided on or after January 1, 2003.

SEC. 314. DEMONSTRATION OF COVERAGE UNDER THE MEDICAID PROGRAM OF CHILDREN WITH POTENTIALLY SEVERE DISABILITIES.

(a) State Application.—A State may apply to the Secretary of Health and Human Services (in this section referred to as the "Secretary") for approval of a demonstration project (in this section referred to as a "demonstration project") under which up to a specified maximum number of children with a potentially severe disability (as defined in subsection (b)) are provided medical assistance under the State medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(b) Child With a Potentially Severe Disability Defined.—

(1) In general.—In this section, the term "child with a potentially severe disability" means, with respect to a demonstration project, an individual who—

(A) has not attained 21 years of age;

(B) has a physical or mental condition, disease, disorder (including a congenital birth defect or a metabolic condition), injury, or developmental disability that was incurred before the individual attained such age; and

(C) is reasonably expected, but for the receipt of medical assistance under the State medicaid plan, to reach the level of disability defined under section 1614(a)(3) of the Social Security Act (42 U.S.C. 1382c(a)(3)), (determined without regard to the reference to age in subparagraph (C) of that section).

(2) Exception.—Such term does not include an individual who would be considered disabled under section 1614(a)(3)(C) of the Social Security Act (42 U.S.C. 1382c(a)(3)(C)) (determined without regard to the reference to age in that section).

(c) Approval of Demonstration Projects.—

(1) In general.—Subject to paragraph (3), the Secretary shall approve applications under subsection (a) that meet the requirements of paragraph (2) and such additional terms and conditions as the Secretary may require. The Secretary may waive the requirement of section 1902(a)(1) of the Social Security Act (42 U.S.C. 1396a(a)(1)) to allow for sub-State demonstrations.

(2) Terms and conditions of demonstration projects.—The Secretary may not approve a demonstration project under this section unless the State provides assurances satisfactory to the Secretary that the following conditions are or will be met:

(A) Independent evaluation.—The State provides for an independent evaluation of the project to be conducted during fiscal year 2006.

(B) Consultation for development of criteria.—The State consults with appropriate pediatric health professionals in establishing the criteria for determining whether a child has a potentially severe disability.

(C) Annual report.—The State submits an annual report to the Secretary (in a uniform form and manner established by the Secretary) on the use of funds provided under the grant that includes the following:

(i) Enrollment and financial statistics on—

(I) the total number of children with a potentially severe disability enrolled in the demonstration project, disaggregated by disability;

(II) the services provided by category or code and the cost of each service so categorized or coded; and

(III) the number of children enrolled in the demonstration project who also receive services through private insurance.

(ii) With respect to the report submitted for fiscal year 2006, the results of the independent evaluation conducted under subparagraph (A).

(iii) Such additional information as the Secretary may require.

(3) Limitations on federal funding.—

(A) Appropriation.—

(i) In general.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section—

(I) $16,666,000 for each of fiscal years 2002 and 2003; and

(II) $16,667,000 for each of fiscal years 2004 through 2007.

(ii) Budget authority.—Clause (i) constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under clause (i).

(B) Limitation on payments.—In no case may—

(i) the aggregate amount of payments made by the Secretary to States under this section exceed $100,000,000;

(ii) the aggregate amount of payments made by the Secretary to States for administrative expenses relating to the evaluations and annual reports required under subparagraphs (A) and (C) of paragraph (2) exceed $2,000,000 of such $100,000,000; or

(iii) payments be provided by the Secretary for a fiscal year after fiscal year 2010.

(C) Funds allocated to states.—

(i) IN GENERAL.—The Secretary shall allocate funds to States based on their applications and the availability of funds. In making such allocations, the Secretary shall ensure an equitable distribution of funds among States with large populations and States with small populations.

(ii) AVAILABILITY.—Funds allocated to a State under a grant made under this section for a fiscal year shall remain available until expended.

(D) FUNDS NOT ALLOCATED TO STATES.—Funds not allocated to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for allocation by the Secretary using the allocation formula established under this section.

(E) PAYMENTS TO STATES.—The Secretary shall pay to each State with a demonstration project approved under this section, from its allocation under subparagraph (C), an amount for each quarter equal to the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1395d(b))) of expenditures in the quarter for medical assistance provided to children with a potentially severe disability.

(d) RECOMMENDATION.—Not later than October 1, 2005, the Secretary shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the demonstration project established under this section should be continued after fiscal year 2007.

(e) STATE DEFINED.—In this section, the term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

SEC. 315. DEVELOPMENT AND SUPPORT OF FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

Section 501 (42 U.S.C. 701) is amended by adding at the end the following new subsection:

"(c)(1) In addition to amounts appropriated under subsection (a) and retained under section 502(a)(1) for the purpose of carrying out activities described in subsection (a)(2), there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, for the purpose of enabling the Secretary (through grants, contracts, or otherwise) to provide for special projects of regional and national significance for the development and support of family-to-family health information centers described in paragraph (2), $10,000,000 for each of fiscal years 2002 through 2007. Funds appropriated under this paragraph shall remain available until expended.

"(2) The family-to-family health information centers described in this paragraph are centers that—

"(A) assist families of children with disabilities or special health care needs to make informed choices about health care in order to promote good treatment decisions, cost-effectiveness, and improved health outcomes for such children;

"(B) provide information regarding the health care needs of, and resources available for, children with disabilities or special health care needs;

"(C) identify successful health delivery models for such children;

"(D) develop with representatives of health care providers, managed care organizations, health care purchasers, and appropriate State agencies a model for collaboration between families of such children and health professionals;

"(E) provide training and guidance regarding caring for such children;

"(F) conduct outreach activities to the families of such children, health professionals, schools, and other appropriate entities and individuals; and

"(G) are staffed by families of children with disabilities or special health care needs who have expertise in Federal and State public and private health care systems and health professionals.

"(3) The provisions of this title that are applicable to the funds made available to the Secretary under section 502(a)(1) apply in the same manner to funds made available to the Secretary under paragraph (1).".

SEC. 316. RESTORATION OF MEDICAID ELIGIBILITY FOR CERTAIN SSI BENEFICIARIES.

(a) IN GENERAL.—Section 1902(a)(10)(A)(i)(II) (42 U.S.C. 1396a(a)(10)(A)(i)(II)) is amended—

(1) by inserting "(aa)" after "(II)";

(2) by striking "or who are" and inserting ", (bb) who are"; and

(3) by inserting before the comma at the end the following: ", or (cc) who are under 21 years of age and with respect to whom supplemental security income benefits would be paid under title XVI if subparagraphs (A) and (B) of section 1611(c)(7) were applied without regard to the phrase 'the first day of the month following' ".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to medical assistance for items and services furnished on or after the first day of the first calendar quarter that begins after the date of enactment of this Act.

TITLE IV—FACILITATING PROGRAM ADMINISTRATION AND PRESERVING COVERAGE

SEC. 401. ALLOWING UNIFORM COVERAGE OF ALL LOW INCOME AMERICANS.

(a) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(1) by striking "or" at the end of subclause (XVII);

(2) by adding "or" at the end of subclause (XVIII); and

(3) by adding at the end the following the following new subclause:

"(XIX) any individual age 21 through 64 whose family income does not exceed 200 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved;".

(b) CONFORMING AMENDMENTS.—

(1) Section 1905(a) of such Act (42 U.S.C. 1396d(a)) is amended, in the matter before paragraph (1)—

(A) by striking "or" at the end of clause (xii);

(B) by adding "or" at the end of clause (xiii); and

(C) by inserting after clause (xiii) the following new clause:

"(xii) individuals described in section 1902(a)(10)(A)(ii)(XIX),".

(2) Section 1903(f)(4) of such Act (42 U.S.C. 1396b(f)(4)) is amended by inserting "1902(a)(10)(A)(ii)(XIX)," after "1902(a)(10)(A)(ii)(XVIII),".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2003.

SEC. 402. FACILITATING COVERAGE OF FAMILIES.

(a) IN GENERAL.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), as amended by sections 101(a), 303(a), and 304(a), is amended—

(1) by striking "and" before "(7)"; and

(2) by inserting before the period the following: ", and (8) the Federal medical assistance percentage shall be equal to the enhanced FMAP described in section 2105(b) with respect to medical assistance provided for individuals who are covered under section 1925 or section 1931 by virtue of being a parent or other caretaker relative (as defined for purposes of such section) of a child and whose income does not exceed the percentage of the income official poverty line applicable under section 1902(l)(2)(C) to children who are eligible for medical assistance under section 1902(l)(1)(D)".

(b) CONSTRUCTION.—Nothing in section 1905(b)(8) of the Social Security Act, as added by subsection (a)(2), shall be construed as preventing a State from providing medicaid benefits for individuals whose income exceeds 100 percent of the Federal poverty line at the regular FMAP.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance for items and services furnished on or after July 1, 2003.

SEC. 403. ASSISTANCE WITH COVERAGE OF LEGAL IMMIGRANTS UNDER THE MEDICAID PROGRAM AND SCHIP.

(a) MEDICAID PROGRAM.—Section 1903(v) of the Social Security Act (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (4)"; and

(2) by adding at the end the following new paragraph:

"(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title, notwithstanding sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of such Act) and who are otherwise eligible for such assistance, within either or both of the following eligibility categories:

"(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

"(ii) CHILDREN.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).

"(B) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.".

(b) SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)) is amended by redesignating subparagraphs (C) and (D) as subparagraph (D) and (E), respectively, and by inserting after subparagraph (B) the following new subparagraph:

"(C) Section 1903(v)(4) (relating to optional coverage of categories of permanent resident alien children), but only if the State has elected to apply such section to the category of children under title XIX.".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2003, and apply to medical assistance and child health assistance furnished on or after such date.

SEC. 404. FLEXIBILITY IN ELIGIBILITY DETERMINATIONS.

(a) IN GENERAL.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended by adding at the end the following:

"(13)(A) Subject to the requirements of this paragraph, at the option of the State, the plan may provide that financial eligibility requirements for medical assistance are met for an individual under 19 years of age (or such higher age as determined by the State) by using a determination (made within a reasonable period, as found by the State, before its use for this purpose) of the individual's family or household income and resources, notwithstanding any differences in budget unit, disregards, deeming, or other methodology, by a Federal or State agency (or a public or private entity making such determination on behalf of such agency) specified by the plan, provided that such agency has fiscal liabilities or responsibilities affected or potentially affected by such determinations, provided that all information furnished by such agency pursuant to this subparagraph is used solely for purposes of determining eligibility for medical assistance under the State plan approved under this title or for child health assistance under a State plan approved under title XXI.

"(B) Any State electing the option under subparagraph (A) shall—

"(i) ensure that if an individual is determined under such subparagraph to be not eligible for medical assistance under the State plan approved under this title or for child health assistance under a State plan under title XXI, the State must subsequently determine if such individual is eligible for such assistance using the methodology that would otherwise be applicable in determining eligibility for such an individual; and

"(ii) ensure that any information furnished by an agency specified in such subparagraph shall be furnished with reasonable promptness to the agency determining eligibility for medical assistance under the State plan approved under this title or for child health assistance under a State plan approved under Title XXI.

"(C) Nothing in subparagraph (A) shall be construed to restrict the ability of an individual under 19 years of age (or such higher age as specified by the State) to apply for medical assistance under a State plan approved under this title or for child health assistance under a State plan approved under title XXI under the methodology that would otherwise be applicable in determining eligibility for such an individual.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2003.

Mr. JOHNSON. Mr. President, I rise today with my colleagues, Senators BINGAMAN, CORZINE, LAUTENBERG, CLINTON, KERRY and DAYTON, to introduce the "Strengthening Our States Act of 2003." I thank my colleagues for joining me in introducing this legislation that marks a first step in helping States begin to deal with the fiscal crisis many are now facing.

These challenging economic times have forced many States to make tough decisions. Among areas affected, some States have had to start cutting benefits in their Medicaid programs in order to make ends meet. The result is less access to care and poorer health for our most vulnerable populations including: low-income, minorities and the elderly. Many States are also struggling to meet the needs of a growing uninsured population which continues to worsen as more people lose their jobs.

So far, my home State of South Dakota has been one of the lucky ones. We have not had to cut Medicaid program benefits to date and our fiscal health overall looks fairly good. I do not however have unrealistic expectations that South Dakota is protected from the current economic downturn and recognize that it is only a matter of time before my State experiences the burden of our neighbors.

The Strengthening Our States Act or SOS Act provides several strategies to address these issues by increasing coverage to the uninsured, providing flexibility in existing State Medicaid program and providing States with assistance to avoid cuts to existing Medicaid coverage. Our proposal will improve the Medicaid program without shifting costs to States as does the Bush Medicaid proposal which block grants the program. I find it particularly troubling that in times when State governments across the country are being forced to reduce or eliminate Medicaid services in order to save money, the Administration would propose to limit the Federal Government's long-term responsibility for the only kind of health program many Americans can afford.

This bill will provide temporary fiscal relief to States through a $30 billion increase in the Federal share of Medicaid payments or FMAP. Unlike the block grant program the Administration has proposed, our bill is responsive to the immediate State needs for financial support and will keep these important programs going. Other important bill provisions include assistance with the costs of care of the elderly and people with disabilities through 100 percent Federal financing of Medicare premiums and cost-sharing for low-income groups. The bill provides States with new flexibility in administering Medicaid and will increase access to care for many uninsured groups. It will also close several loopholes in existing law that prevent the disabled from accessing health care services while waiting to qualify for Medicare coverage. Finally, it will provide increased access to home and community based services for people with disabilities through mandatory waivers for this type of care.

States are at their wits end trying to juggle new health care priorities. Between smallpox vaccination requirements, Severe Acute Respiratory Syndrome surveillance and increased numbers of uninsured individuals, States are in great need of every bit of help we can provide. Senator DASCHLE and other colleagues in the Senate just rolled out a tax cut proposal that recognizes the current fiscal situation experienced in our States and this will provide important relief during these challenging times.

The Strengthening Our States Act is a first step in supporting our states and I hope additional steps will follow. By providing immediate Medicaid relief, we can ease some of the burden currently faced by many State governments and will hopefully prevent crises from erupting in others that are working hard to just keep afloat. I urge the Senate to support this important legislation.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 1013. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the Outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Energy and Natural Resources.

Mr. CORZINE. Mr. President, today, along with Senator LAUTENBERG, I am introducing legislation, the Clean Ocean and Safe Tourism, COAST, Anti-Drilling Act, to ban oil and gas drilling off the Mid-Atlantic and Northern Atlantic coast.

The people of New Jersey, and other residents of States along the Atlantic Coast, do not want oil or gas rigs anywhere near their treasured beaches and fishing grounds. Such drilling poses serious threats not to our environment, but to our economy, which depends heavily on tourism along our shore.

Until the Bush Administration came into office, there was no reason to suspect that drilling was even a remote possibility. Since 1982, a statutory moratorium on leasing activities in most Outer Continental Shelf, OCS, areas has been included annually in Interior Appropriations acts. In addition, President George H.W. Bush declared a leasing moratorium on many OCS areas on June 26, 1990 under section 12 of the OCS Lands Act. On June 12, 1998, President Clinton used the same authority to issue a memorandum to the Secretary of the Interior that extended the moratorium through 2012 and included additional OCS areas.

Given the long-standing consensus against drilling in these areas, I was deeply disturbed to discover that on May 31, 2001, the Minerals Management Service released a request for proposals, RFP, to conduct a study of the environmental impacts of drilling in the Mid- and North-Atlantic. The RFP noted that "there are areas with some reservoir potential, for example off the coast of New Jersey." In addition, the RFP explained that the study would be conducted "in anticipation of managing the exploitation of potential and proven reserves." I believe that the RFP was not only inappropriate, but probably illegal, and I was pleased when at my urging, the Administration rescinded.

But the Administration is at it again in the energy bill now before the Senate. The bill contains provisions that direct the Department of Interior to inventory all potential oil and natural gas resources in the entire Outer Continental Shelf, including areas off of the New Jersey coast. The bill would allow the use of seismic surveys, dart core sampling, and other exploration technologies, which could negatively impact coastal and marine areas.

These provisions run directly counter to language that Congress has included annually in appropriations bills to prevent leasing, pre-leasing, and related activities in most areas of the Outer Continental Shelf, including areas off the New Jersey coast.

In my view, it is time for Congress to act to resolve this question once and for all. That is why I am introducing the COAST Anti-Drilling Act. This bill would permanently ban drilling for oil, gas and other minerals in the Mid- and North-Atlantic.

I look forward to working with my colleagues to enact this important legislation. Doing so would ensure the people of New Jersey and neighboring States that they need not fear the specter of oil rigs off their beaches. I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1013

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Ocean and Safe Tourism Anti-Drilling Act" or the "COAST Anti-Drilling Act".

SEC. 2. PROHIBITION OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

"(p) PROHIBITION OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—Notwithstanding any other provision of this section or any other law, the Secretary of the Interior shall not issue a lease for the exploration, development, or production of oil, natural gas, or any other mineral in—

"(1) the Mid-Atlantic planning area; or

"(2) the North Atlantic planning area.".

By Mr. CORZINE (for himself and Mrs. CLINTON):

S. 1014. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs in the management of health care services for veterans to place certain low-income veterans in a higher health-care priority category; to the Committee on Veterans' Affairs.

Mr. CORZINE. Mr. President, I rise today along with Senator HILLARY RODHAM CLINTON to change the way the Veterans' Administration defines low-income veterans by taking into account variations in the cost of living in different parts of the country. The Corzine-Clinton legislation would make the Veterans Equitable Resource Allocation just that: Equitable.

More specifically, this bill would replace the national income threshold for consideration in Priority Group 5—currently $24,000 for all parts of the country—with regional thresholds defined by the Department of Housing and Urban Development. This simple but far-reaching proposal would help low-income veterans across the country afford quality health care and ensure that Veterans Integrated Service Networks or VISNs receive adequate funding to care for their distinct veteran populations.

Our Nation's veterans have made great sacrifics in defense of American freedom and values, and we owe them a tremendous debt of gratitude. The United States Congress must ensure that all American veterans—veterans who have sweated in the trenches to defend liberty—have access to quality health care.

In 1997, Congress implemented the Veterans Equitable Resource Allocation system, or VERA, to distribute medical care funding provided by the VA. The funding formula was established to better take into account the costs associated with various veteran populations. Unfortunately, the VERA formula that was created fails to take into account regional differences in the cost of living, a significant metric in determining veteran healthcare costs. This oversight in the VERA formula dangerously shortchanges veterans living in regions with high costs of living and elevated healthcare expenses.

To allocate money to the Veterans Integrated Service Networks, VISNs, VERA divides veterans into eight priority groups. Veterans who have no service-connected disability and whose incomes fall below $24,000 are considered low income and placed in Priority Group 5, while veterans whose incomes exceed this national threshold and qualify for no other special priorities are placed in either Priority Group 7c or Priority Group 8. VERA only reimburses the treating Medical Care facility for the care that they provided to veterans in priority groups 1–5 and does not provide any Federal reimbursement for the care provided to priority group 7 and 8 veterans.

Using a national threshold for determining eligibility as a low-income veteran puts veterans living in high cost areas at a decided disadvantage. In New Jersey, HUD's fiscal year 2002 standards for classification as "low-income" exceed $24,000 per year in every single county. And some areas exceed the VA baseline by more than 50 percent. Similarly, HUD's "low-income" classification for New York City is set at $35,150, and for Nassau and Suffolk Counties, at $40,150.

As a result, regions that have a high cost of living, like VISN 3, which encompasses substantial portions of New Jersey and New York, tend to have a reduced population of Priority Group 5 veterans and an inflated population of Priority Group 7c and 8 veterans.

The fundamental inequity of the VERA formula is apparent when you consider the VERA allocations do not take into account the number of veterans classified in Priority Groups 7c and 8. Because of the costs associated with these Priority Groups 7c and 8 veterans are not considered as part of the VERA allocation, and because high cost of living areas have large populations of Priority Group 7c and 8 veterans, high cost regions must provide care to thousands of veterans without adequate funding.

This additional financial burden on VISNs with large populations of non-reimbursable veterans in Priority Group 7c and 8 has had a tremendous impact on VISN 3. Since FY 1996, VISN 3 has experienced a decline in revenue of 10 percent. As a result of the tremendous shortfall in the VISN 3 budget, the VA cannot move forward with plans to open clinics in various locations, including prospective clinics in Monmouth and Passaic Counties. Consequently, veterans in VISN 3 are forced to wait for unreasonably long periods to receive medical care and travel long distances to existing clinics, and those veterans who are able to access care are being treated in facilities operating under tremendous financial difficulty.

Furthermore, miscategorizing which vets quality as Priority Group 5 unjustifiably reduces access to medical care for thousands of veterans. Under existing rules, veterans placed in Priority and Groups 7c and 8 must provide a copayment to receive medical care at a VA medical facility; Veterans placed in Priority Group 5 receive medical care free of charge. Under the existing framework, low-income vets in high cost areas are often inappropriately placed in Priority Groups 7c and 8, and are forced to provide a copayment.

Recent studies by both the RAND Institute and the General Accounting Office identify this flaw in the VERA formula and recommend a geographic means test like the one provided in our legislation to improve the allocation of resources under VERA. Such a test would ensure that the VERA formula allocation better reflects the true costs of VA healthcare in the various VISNs in the United States.

Our legislation would make a simple adjustment to the VERA formula to account for variations in the cost of living in different regions. The bill would help veterans in high cost areas afford VA health care and guarantee that VISNs across the country receive adequate compensation for the care they provide.

I hope my colleagues will join Senator CLINTON and me in supporting this important bill, and I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PRIORITY FOR CERTAIN LOW-INCOME VETERANS BASED UPON REGIONAL INCOME THRESHOLDS.

(a) CHANGE IN PRIORITY CATEGORY.—Section 1705(a) of title 38, United States Code, is amended—

(1) in paragraph (5)—

(A) by inserting "(A) who are" after "Veterans";

(B) by inserting "and" after "through (4)"; and

(C) by inserting before the period at the end the following: ", or (B) who are described in section 1710(a)(3) of this title and are eligible for treatment as a low-income family under section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)) for the area in which such veterans reside, regardless of whether such veterans are treated as single person families under paragraph (3)(A) of such section 3(b) or as families under paragraph (3)(B) of such section 3(b)";

(2) by striking paragraph (7); and

(3) by redesignating paragraph (8) as paragraph (7) and in that paragraph by striking "paragraph (7)" and inserting "paragraph (5)(B)".

(b) CONFORMING AMENDMENT.—Section 1710(f)(4) of such title is amended by striking "section 1705(a)(7)" and inserting "section 1705(a)(5)(B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 2, 2002.

By Mr. DOMENICI:

S. 1016. A bill to amend title 10, United States Code, to provide entitlement to health care for reserve officers of the Armed Forces pending orders to initial active duty following commissioning; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to offer legislation entitled the "Jesse Spiri Military Medical Coverage Act of 2003." The purpose of this legislation is to close a gap in medical coverage that leaves a certain group of military officers without health care benefits. Named in honor of a young New Mexican who fell victim to this gap, this bill would extend coverage to commissioned officers who are awaiting active duty status.

Jesse Spiri grew up in the heart of southwestern New Mexico where his family instilled in him both a sense of patriotism and an appreciation for higher education. Following his graduation from high school, he enrolled at Western New Mexico University where he served in the United States Marine Corps Reserves. His dedication to each of these endeavors culminated on May 11, 2001 when he received both his bachelors degree and his commission as a 2nd Lieutenant. Clearly, Jesse had laid a solid foundation for success in his life and, naturally, his family was extremely proud. Unfortunately, the pride and all the hopes that accompany such a crowning moment were short-lived, because one day after his graduation Jesse was diagnosed with brain cancer.

Under any circumstances, such a prognosis is demoralizing, but Jesse's situation was even more grave because receiving his commission had the effect of triggering his military status to that of "inactive reservist." Jesse was not scheduled to gain "active duty" status until he began basic officer training in November, and since TRICARE does not fully cover reservists, his family was left with the burden of enormous medical bills—a burden they simply could not meet.

Despite the heroic efforts of the Spiri family, inquiries by my staff and others in the New Mexico congressional delegation, as well as efforts by Marine Corps lawyers to find a legal solution to the problem, Jesse Spiri, an officer of the United States Marine Corps, went without health care coverage and, hence, without proper treatment. He lost his battle with cancer in July of 2001.

It is inconceivable to me, as I am sure it is for all Americans, that because of a legislative quirk, an officer of the United States armed forces could be left completely exposed to a dread disease without even the hope of receiving available treatments. But Jesse's battle is proof that if we do not, through legislative enactment, extend full medical coverage to commissioned reservists, another promising life may be lost in similar fashion.

I know that Jim Spiri, Jesse's dad, has vowed to dedicate his life to ensuring that no family has to face what his experienced. This goal, however, should not take a lifetime to achieve. By passing the "Jesse Spiri Military Medical Coverage Act of 2003," we can help give Jim and the entire Spiri family peace in knowing that others will have hope where Jesse did not.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBILITY OF RESERVE OFFICERS FOR HEALTH CARE PENDING ORDERS TO ACTIVE DUTY FOLLOWING COMMISSIONING.

Section 1074(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(a)";

(2) by striking "who is on active duty" and inserting "described in paragraph (2)"; and

(3) by adding at the end the following new paragraph:

"(2) Members of the uniformed services referred to in paragraph (1) are as follows:

"(A) A member of a uniformed service on active duty.

"(B) A member of a reserve component of a uniformed service who has been commissioned as an officer if—

"(i) the member has requested orders to active duty for the member's initial period of active duty following the commissioning of the member as an officer;

"(ii) the request for orders has been approved;

"(iii) the orders are to be issued but have not been issued; and

"(iv) the member does not have health care insurance and is not covered by any other health benefits plan.".

By Mr. DEWINE (for himself, Mr. GRAHAM of South Carolina, Mr. HATCH, Mr. BROWNBACK, Mr. SANTORUM, Mr. BUNNING, Mr. CHAMBLISS, Mr. COLEMAN, Mr. ENSIGN, Mr. ENZI, Mr. FITZGERALD, Mr. GRASSLEY, Mr. INHOFE, Mr. KYL, Mr. MCCAIN, Mr. NICKLES, Mr. SHELBY, Mr. TALENT, and Mr. VOINOVICH):

S. 1019. A bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence; read the first time.

Mr. DEWINE. Mr. President, the recent nationwide publicity surrounding the murder of 27-year-old Laci Peterson and her unborn son, Conner, has renewed public concern about violence against the unborn—and rightfully so.

Not long ago, the bodies of Laci—who was eight months pregnant at the time she disappeared—and Conner were discovered on a rocky shoreline of the San Francisco Bay. Baby Conner was found near his mother with his umbilical cord still attached.

Under California State law, intentionally killing a fetus is murder, and California prosecutors are seeking to bring separate murder charges in the deaths of Laci Peterson and her unborn son. But, I want make it very clear to my colleagues here in the Senate that the murder charge that California prosecutors will bring for the death of Laci's son would not be permitted if that crime were being prosecuted under current Federal law. And that—that is why we need to pass and get signed into law the Unborn Victims of Violence Act. Let me explain.

In about half the States today, 26, if you commit a crime of violence against a pregnant woman and her unborn baby dies, you can be punished for the violence against both the mother and the unborn child. But, tragically, if you commit a Federal crime of violence against a pregnant woman and her baby dies, the death of the unborn child could essentially go unpunished. Examples of such Federal crimes of violence would include kidnapping across State lines, drug-related drive-by shootings, or assaults on Federal property.

This gap in the law leads to glaring injustices. It is time that we close this gap once and for all and let justice wrap its arms around our society's most vulnerable members.

That is why, it is imperative that we pass the Unborn Victims of Violence Act—once and for all. Today, along with several of my distinguished colleagues—Senators Graham of South Carolina, Hatch, Brownback, Santorum, Kyl, Voinovich, McCain, Ensign, Enzi, Inhofe, Nickles, Bunning, Coleman, Chambliss, Grassley, Fitzgerald, Shelby, and Talent—we are re-introducing our legislation. This is the fourth time that I have introduced this bill—in fact, it was the first piece of legislation that I introduced at the start of the 108th Congress. This bill is strongly supported by President Bush, and a companion measure passed the House of Representatives in two previous Congresses. I intend to take procedural steps that would make this bill eligible to be taken up directly by the Senate, without further Committee action.

I thank my colleagues for their support of this effort, and would like to recognize especially Senator Graham of South Carolina, who championed this issue on the House side before joining us in the Senate. He has worked tirelessly to see to it that the most vulnerable are protected. I also would like to thank our lead House sponsors—Congresswoman Melissa Hart from Pennsylvania and my friend and colleague from Ohio, Congressman Steve Chabot. They, too, are working tirelessly to get this bill passed by the other Chamber and signed into law.

Our bill would establish new criminal penalties for anyone injuring or killing a fetus while committing certain Federal offenses. Specifically, this bill would make any murder or injury of an unborn child during the commission of certain existing Federal crimes a separate crime under Federal law and the Uniform Code of Military Justice. Twenty-six, 26, States already have criminalized the killing or injuring of unborn victims during a crime.

We live in a violent world. And sadly, sometimes—perhaps more often than we realize—even unborn babies are the targets, intended or otherwise, of violent acts. We have to protect these innocent victims. I'd like to share some disturbing examples with my colleagues of situations where the deaths of unborn children would have gone unpunished but for the existence of State criminal laws. If these same crimes would have occurred in the 24 States today that don't have such State laws, justice would not have been served, because there is simply no Federal law in place to try these crimes.

First, let me talk about the example of Airman Gregory Robbins. In 1996, Airman Robbins and his family were stationed in my home State of Ohio at Wright-Patterson Air Force Base in Dayton. At that time, Mrs. Robbins was more than eight months pregnant with a daughter they named Jasmine. On September 12, 1996, in a fit of rage, Airman Robbins wrapped his fist in a T-shirt and savagely beat his wife by striking her repeatedly about the head and abdomen. Fortunately, Mrs. Robbins survived the violent assault. Tragically, however, her uterus ruptured during the attack, expelling the baby into her abdominal cavity, causing Jasmine's death.

Air Force prosecutors sought to prosecute Airman Robbins for Jasmine's death, but neither the Uniform Code of Military Justice nor the Federal code makes criminal such an act that results in the death or injury of an unborn child. The only available Federal offense was for the assault on the mother. This was a case in which the only available Federal penalty did not fit the crime. So prosecutors bootstrapped the Ohio unborn victims law to convict Airman Robbins of Jasmine's death. Fortunately, upon appeal, the court upheld the lower court's ruling.

If it hadn't been for the Ohio law that was already in place, there would have been no opportunity to prosecute and punish Airman Robbins for the assault against Baby Jasmine. That's why we need a Federal remedy to avoid having to bootstrap State laws to provide recourse when a violent act occurs during the commission of a Federal crime. A Federal remedy will ensure that crimes within Federal jurisdiction against unborn victims are punished.

Let me give you another example. In August 1999, Shiwona Pace of Little Rock, AK, was days away from giving birth. She was thrilled about her pregnancy. Her boyfriend, Eric Bullock, however, did not share her joy and enthusiasm. In fact, Eric wanted the baby to die. So, he hired three thugs to beat his girlfriend so badly that she lost the unborn baby. According to Shiwona, who testified at a Senate Judiciary hearing we held in Washington on February 23, 2000:

> I begged and pleaded for the life of my unborn child, but they showed me no mercy. In fact, one of them told me, "Your baby is dying tonight." I was choked, hit in the face with a gun, slapped, punched, and kicked repeatedly in the stomach. One of them even put a gun in my mouth and threatened to shoot.

In this particular case, just a few short weeks before this vicious attack, Arkansas passed its "Fetal Protection Act." Under the State law, Erik Bullock was convicted on February 9, 2001, of capital murder against Shiwona's unborn child and sentenced to life in prison without parole. He was also convicted of first-degree battery for harm against Shiwona.

In yet another example—this one in Columbus—16-year-old Sean Steele was found guilty of two counts of murder for the death of his girlfriend Barbara "Bobbie" Watkins, age 15, and her 22-week-old, unborn child. He was convicted under Ohio's unborn victims law, which represented the first murder conviction in Franklin County, OH, in which a victim was a fetus.

Ultimately, the fact is that it is just plain wrong that our Federal Government does absolutely nothing to criminalize violent acts against unborn children. We cannot allow criminals to get away with murder. We must close this loophole.

As a civilized society, we must take a stand against violent crimes against children—especially those waiting to be born. We must close this loophole.

We purposely drafted this legislation very narrowly. Because of that, our bill would not permit the prosecution for any abortion to which a woman consented. It would not permit the prosecution of a woman for any action, legal or illegal, in regard to her unborn child. Our legislation would not permit the prosecution for harm caused to the mother or unborn child in the course of medical treatment. And finally, our bill would not allow for the imposition of the death penalty under this Act.

This is about making sure justice is done when a pregnant woman is attacked. And ultimately, I think that everyone in this Chamber would agree that people who violently attack unborn babies should be punished. When acts of violence against unborn victims fall within federal jurisdiction, we must have a penalty. We have an obligation to our unborn children who cannot speak for themselves. I think Shiwona Pace said it best she testified at our hearing: "The loss of any potential life should never be in vain."

I strongly urge my colleagues to join in support of this important legislation.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unborn Victims of Violence Act of 2003".

SEC. 2. PROTECTION OF UNBORN CHILDREN.

(a) In General.—Title 18, United States Code, is amended by inserting after chapter 90 the following:

"CHAPTER 90A—PROTECTION OF UNBORN CHILDREN

"Sec.

"1841. Causing death of or bodily injury to unborn child.

"§ 1841. Causing death of or bodily injury to unborn child

"(a)(1) Any person who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

"(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided for that conduct under Federal law had that injury or death occurred to the unborn child's mother.

"(B) An offense under this section does not require proof that—

"(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

"(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.

"(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall be punished as provided under section 1111, 1112, or 1113, as applicable, for intentionally killing or attempting to kill a human being, instead of the penalties that would otherwise apply under subparagraph (A).

"(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

"(b) The provisions referred to in subsection (a) are the following:

"(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844(d), 844(f), 844(h)(1), 844(i), 924(j), 930, 1111, 1112, 1113, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203, 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952(a)(1)(B), 1952(a)(2)(B), 1952(a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of this title.

"(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848(e)).

"(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

"(c) Subsection (a) does not permit prosecution—

"(1) for conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law in a medical emergency;

"(2) for conduct relating to any medical treatment of the pregnant woman or her unborn child; or

"(3) of any woman with respect to her unborn child.

"(d) In this section—

"(1) the terms 'child in utero' and 'child, who is in utero' mean a member of the species homo sapiens, at any stage of development, who is carried in the womb; and

"(2) the term 'unborn child' means a child in utero.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 90 the following:

"90A. Causing death of or bodily injury to unborn child .... 1841".

SEC. 3. MILITARY JUSTICE SYSTEM.

(a) PROTECTION OF UNBORN CHILDREN.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 919 (article 119) the following:

"§919a. Art. 119a. Causing death of or bodily injury to unborn child

"(a)(1) Any person subject to this chapter who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365 of title 18) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

"(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment for that conduct under this chapter had that injury or death occurred to the unborn child's mother.

"(B) An offense under this section does not require proof that—

"(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

"(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.

"(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall be punished as provided under section 918, 919, or 880 of this title (article 118, 119, or 80), as applicable, for intentionally killing or attempting to kill a human being, instead of the penalties that would otherwise apply under subparagraph (A).

"(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

"(b) The provisions referred to in subsection (a) are sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of this title (articles 111, 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

"(c) Subsection (a) does not permit prosecution—

"(1) for conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law in a medical emergency;

"(2) for conduct relating to any medical treatment of the pregnant woman or her unborn child; or

"(3) of any woman with respect to her unborn child.

"(d) In this section—

"(1) the terms 'child in utero' and 'child, who is in utero' mean a member of the species homo sapiens, at any stage of development, who is carried in the womb; and

"(2) the term 'unborn child' means a child in utero.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after the item relating to section 919 the following:

"919a. 119a. Causing death of or bodily injury to unborn child.".

Mr. HATCH. Mr. President, I rise today to offer my support for the introduction of S. 1019, the Unborn Victims of Violence Act of 2003. I applaud Senators DEWINE and LINDSEY GRAHAM for their longstanding and essential leadership on this issue in the Senate and the House. The importance of this issue is made tragically clear by the recent murder of Laci Peterson and her unborn son, Conner.

In my home State of Utah, if a criminal assaults or kills a woman who is pregnant and thereby causes death or injury to the unborn child, the criminal faces the possibility of being prosecuted for having taken or injured that unborn life. Twenty-five additional States have similar laws on the books. Eleven of those States recognize the unborn child as a victim throughout the entire period of prenatal development. This is only proper and, it seems to me, only just.

But under existing Federal criminal statutes, if a criminal assaults or kills a woman who is pregnant and thereby causes death or injury to that unborn child, the criminal faces no consequences in our Federal criminal justice system for taking or injuring that innocent, unborn life. This is wrong and it is not justified.

This bill fixes the gap in Federal law by making it a separate Federal offense to kill or injure an unborn child during the commission of certain already-defined Federal crimes committed against the unborn child's mother. This bill does not usurp jurisdiction over States that do not currently have laws that protect unborn victims of violence. It only applies to Federal crimes.

I cannot imagine why anyone would oppose this bill. The only reason for opposition that I can suppose is that some in the pro-choice movement believe that our bill draws attention to the effort to dehumanize, desensitize, and depersonalize the unborn child. Given the political and legal arguments of abortion supporters, it may be difficult for them to concede an unborn child is human and therefore a victim of a crime.

Nevertheless, it is not our intention in this bill to turn the debate into a battle on abortion. In no way does this bill interfere with the ability of a woman to have an abortion under current law. The bill specifically does not apply to a woman who engages in any action, legal or illegal, in regard to her unborn child. Therefore, it would not apply to any abortion to which a woman consents. In my view, we should all be able to support this modest effort to protect mothers and their unborn children.

Some will try to claim that this bill weakens domestic violence laws by diverting attention to the unborn. That is simply not true. I am a strong supporter of domestic violence laws in this Nation. I believe domestic violence is an evil plague that needs to be stopped.

For nearly 15 years, I have worked hard on the issue of domestic violence and violence against women. And when I stand here today before the entire United States Senate and offer my support for a bill, I certainly make sure that bill does not diminish in any way our capacity and will to curb domestic violence and protect women. This bill, in fact, strengthens domestic violence laws by making it a separate criminal offense under our Federal legal system to cause death or injury to an unborn child as a result of violence.

For several months now, the Nation has watched in the media the unfortunate and tragic story of Laci Peterson. She was an expectant mother from California who mysteriously vanished shortly before Christmas. In mid-April, her decomposing body and the body of her unborn child washed ashore at a San Francisco-area beach.

The Nation has witnessed a community in mourning over the disappearance and death of Laci Peterson and her unborn son, Conner. Laci Peterson was the truly tragic victim of violence that not only took her life but also the innocent life of her unborn son. This is a truly devastating story, especially for those who knew and loved Laci Peterson and eagerly awaited the birth of her son Conner. I want to do what I can to see that justice is served if there is ever a case similar to this that comes before our Federal judicial system, and that is why I support this measure.

A Fox News/Opinion Dynamics Poll conducted on April 22 and 23 indicated that of the 900 registered voters polled, 49 percent considered themselves pro-choice while only 41 percent said they are pro-life. But what is even more interesting is this same poll showed 84 percent believed Scott Peterson should be charged with two counts of homicide for murdering his wife and unborn son. California law permits criminals to be charged with murder for killing an unborn child when it has developed past the embryonic stage.

Now remember, the majority of those polled in this survey said they were pro-choice. But the tragic murder of an innocent, unborn child is shocking and twisted enough that, regardless of any stance on abortion, the vast majority of Americans strongly believe an unborn life taken in murder should result in murder charges brought against the perpetrator. It is only fair and just to ask for our Federal judicial system to incorporate such a strong desire of the American people.

Some will try to confuse the issue here. Let me be clear, the debate on this bill is not about abortion—far from it. It does not affect current law regarding abortion. This bill does not in any way interfere with or weaken domestic violence laws or laws intended to prevent violence against women. This is a simple remedy to a terrible crime. I hope that Congress will seriously consider this bill and promptly pass it.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. CORNYN, Mr. KENNEDY, Mr. ALEXANDER, Mr. CHAMBLISS, Mr. DURBIN, and Ms. COLLINS):

S. 1023. A bill to increase the annual salaries of justices and judges of the United States; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise to address the serious matter of the erosion of pay for the Federal judiciary. There is consensus among all who have seriously looked at this issue that the independence and quality of the judiciary is at risk because of the inadequacy of the current salaries of Federal judges.

The American Bar Association and Federal Bar Association issued a report on this issue in February 2001. That report documented the factors impacting erosion of judicial pay and the detrimental effects on the judiciary. Because of the withholding of cost-of-living adjustments, the impact of inflation, and the insufficient attempts to stabilize judicial pay, Federal judges are increasingly choosing to resign or retire. Furthermore, the report noted, the prospect of a declining salary in real terms also discourages potential candidates from seeking appointments to the bench.

In his 2002 Year-End Report, Supreme Court Chief Justice William Rehnquist identified the need to increase judicial pay as the most pressing issue facing the judiciary. He highlighted his concern that salaries of Federal judges have not kept pace with those of lawyers in private firms and in business. He observed, "Inadequate compensation seriously compromises the judicial independence fostered by life tenure. That low salaries might force judges to return to the private sector rather than stay on the bench risks affecting judicial performance—instead of serving for life, those judges would serve the terms their finances would allow, and they would worry about what awaits them when they return to the private sector."

In the Report of the National Commission on the Public Service, issued January 2003, the Chairman of the Commission, Paul Volker, made this observation: "Judicial salaries are the most egregious example of the failure of Federal compensation policies. Federal judicial salaries have lost 24 percent of their purchasing power since 1969, which is arguably inconsistent with the Constitutional provision that judicial salaries may not be reduced by Congress. . . . The lag in judicial salaries has gone on too long, and the potential for diminished quality in American jurisprudence is now too large." Accordingly, the Commission made the recommendation that Congress should grant an immediate and significant increase in judicial, executive and legislative salaries to ensure a reasonable relationship to other professional opportunities.

Responding to this report and recommendation, the Judicial Conference, at its recent meeting, unanimously adopted a Resolution which contains in part the following:

"Whereas, the President at the request of the Chief Justice has agreed to support legislation that would increase judicial salaries by 16.5 percent, which will yield an average of $24,948, across all levels of judicial offices;

Now therefore, the Committee on the Judicial Branch recommends that the Judicial Conference endorse and vigorously seek legislation that would increase judicial salaries by 16.5 percent, which will yield an average of $24,948, across all levels of judicial offices."

Today, Senator LEAHY and I, joined by Senator CORNYN, Senator KENNEDY, Senator ALEXANDER, Senator COLLINS, Senator DURBIN, and Senator CHAMBLISS are introducing a bill that will restore the lost cost-of-living adjustments which were denied to the judiciary and will help reduce the gap between Federal judicial salaries and private sector salaries which still remains.

This legislation enacts a 16.5 percent increase in the salaries of the justices of the Supreme Court and other Federal judges appointed under Article III of the Constitution, an average salary increase of about $25,000. It does so without altering the respective provisions of title 28, United States Code, which defines their salary rates. The pay adjustment would be effective with the first pay period beginning on or after January 1, 2004, and would be applied before any annual salary adjustment authorized under the Employment Cost Index approval mechanism provided by 28 U.S.C. § 461.

The judicial officers enumerated in this bill to receive the 16.5 percent pay increase are the Chief Justice of the United States, associate justices of the Supreme Court, United States circuit judges, United States district judges, and judges of the United States Court of International Trade. In addition, this legislation would have the effect of increasing salaries of the judges of the U.S. Court of Federal Claims, bankruptcy judges and full-time United States magistrate judges whose salaries are related to the rate of pay of United States district judges.

This legislation will do much to improve retention on the bench and will aid in the recruitment of outstanding judicial candidates. I urge my colleagues to join Senator LEAHY, Senator CORNYN, Senator KENNEDY, Senator ALEXANDER, Senator COLLINS, Senator DURBIN, Senator CHAMBLISS and me in this bipartisan measure.

I ask unanimous consent that the Judicial Conference Resolution, as well as the text of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUDICIAL BRANCH COMMITTEE RESOLUTION

Whereas, in January 2003, the National Commission on the Public Service declared that "Congress should grant an immediate and significant increase in judicial, executive, and legislative salaries to ensure a reasonable relationship to other professional opportunities;" and

Whereas, the National Commission also declared that "[j]udicial salaries are the most egregious example of the failure of federal compensation policies"; and

Whereas, the National Commission found that "that the lag in judicial salaries has gone on too long, and the potential for the diminished quality in American jurisprudence is now too large"; and

Whereas, the National Commission recommended that Congress' and the President's "first priority should . . . be an immediate and substantial increase in judicial salaries"; and

Whereas, the President at the request of the Chief Justice has agreed to support legislation that would increase judicial salaries by 16.5 percent, which will yield an average of $24,948 across all levels of judicial offices;

Now therefore, the Committee on the Judicial Branch recommends that the Judicial Conference endorse and vigorously seek legislation that would increase judicial salaries by 16.5 percent, which will yield an average of $24.948, across all levels of judicial offices.

S. 1023

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JUDICIAL SALARY INCREASE.

The annual salaries of the Chief Justice of the United States, associate justices of the Supreme Court of the United States, United States circuit judges, United States district judges, judges of the United States Court of International Trade, and judges of the United States Court of Federal Claims are increased in the amount of 16.5 percent of their respective existing annual salary rates, rounded to the nearest $100 (or, if midway between multiples of $100, to the next higher multiple of $100).

SEC. 2. COORDINATION RULE.

If a pay adjustment under section 1 is to be made for an office or position as of the same date that any other pay adjustment would take effect for such office or position, the adjustment under this Act shall be made first.

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2004.

AMENDMENTS SUBMITTED AND PROPOSED

SA 535. Mr. WARNER (for himself, Mr. LEVIN, Mr. ROBERTS, and Mr. SESSIONS) proposed an amendment to the resolution of ratification for Treaty Doc. 108-4, Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia. These protocols were opened for signature at Brussels on March 26, 2003, and signed that day on behalf of the United States and the other parties to the North Atlantic Treaty.

TEXT OF AMENDMENTS

SA 535. Mr. WARNER (for himself, Mr. LEVIN, Mr. ROBERTS, and Mr. SESSIONS) proposed an amendment to the resolution of ratification for Treaty Doc. 108-4, Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia. These protocols were opened for signature at Brussels on March 26, 2003, and signed that day on behalf of the United States and the other parties to the North Atlantic Treaty; as follows:

At the end of section 2, add the following new declaration:

(10) CONSIDERATION OF CERTAIN ISSUES WITH RESPECT TO NATO DECISION-MAKING AND MEMBERSHIP.—

(A) SENSE OF THE SENATE.—It is the sense of the Senate that, not later than the date that is eighteen months after the date of the adoption of this resolution, the President should place on the agenda for discussion at the North Atlantic Council—

(i) the NATO "consensus rule"; and

(ii) the merits of establishing a process for suspending the membership in NATO of a member country that no longer complies with the NATO principles of democracy, individual liberty, and the rule of law set forth in the preamble to the North Atlantic Treaty.

(B) REPORT.—Not later than 60 days after the discussion at the North Atlantic Council of each of the issues described in clauses (i) and (ii) of subparagraph (A), the President shall submit to the appropriate congressional committees a report that describes—

(i) the steps the United States has taken to place these issues on the agenda for discussion at the North Atlantic Council;

(ii) the views of the United States on these issues as communicated to the North Atlantic Council by the representatives of the United States to the Council;

(iii) the discussions of these issues at the North Atlantic Council, including any decision that has been reached with respect to the issues;

(iv) methods to provide more flexibility to the Supreme Allied Commander Europe to plan potential contingency operations before the formal approval of such planning by the North Atlantic Council; and

(v) methods to streamline the process by which NATO makes decisions with respect to conducting military campaigns.

NOTICE OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN. Mr. President, I announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on May 14, 2003 in SR-328A at 2:00 p.m. The purpose of this hearing will be to discuss the implementation of the 2002 Farm Bill.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 7, 2003 at 2:30 p.m. in closed session to mark up the Department of Defense Authorization Act for Fiscal Year 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 7, 2003, at 10:00 a.m. to conduct an oversight hearing on "The Impact of the Global Settlement."

The Committee will also vote on S. 709, to award a Congressional Gold Medal to Prime Minister Tony Blair.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 7, 2003, at 9:30 a.m. on Climate Change in SR-253.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, May 7, 2003 at 10:00 a.m. in Room 485 of the Russell Senate Office Building to conduct a Hearing on S. 550, the American Indian Probate Reform Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Wednesday, May 7, 2003, at 9:30 a.m., in the Dirksen Senate Office Building Room 226.

Panel II: Consuelo Maria Callahan to be United States Circuit Judge for the Ninth Circuit; Michael Chertoff to be United States Circuit Judge for the Third Circuit.

Panel III: L. Scott Coogler to be United States District Judge for the Northern District of Alabama.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 7, at 9 a.m., in closed session to mark up the Airland programs and provisions contained in the Department of Defense Authorization Act for Fiscal Year 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space be authorized to meet on Wednesday, May 7, 2003, at 2:30 p.m., on Hydrogen in SR-253.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 7, 2003, at 10 a.m., in closed session to mark up the Readiness and Management programs and provisions contained in the Department of Defense Authorization Act for Fiscal Year 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the

Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 7, 2003, at 11:30 a.m., in closed session to mark up the Strategic Forces programs and provisions contained in the Department of Defense Authorization Act for Fiscal Year 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BIDEN. Mr. President, I ask unanimous consent that Kate Byrnes, a State Department Pearson Fellow on the Senate Foreign Relations Committee, be granted privileges of the floor during consideration of the resolution of ratification of the protocols to the North Atlantic Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Madam President, I ask unanimous consent Paul Gallis of CRS be granted the privilege of the floor for the duration of the debate on NATO.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC SERVICE RECOGNITION WEEK

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. Res. 130 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 130) expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during "Public Service Recognition Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 130) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 130), with its preamble, reads as follows:

S. RES. 130

Whereas Public Service Recognition Week provides an opportunity to honor and celebrate the commitment of individuals who meet the needs of the Nation through work at all levels of government;

Whereas over 20,000,000 men and women work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas Federal, State, and local officials perform essential services the Nation relies upon every day;

Whereas the United States of America is a great and prosperous Nation, and public service employees have contributed significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) help the Nation recover from natural disasters and terrorist attacks;

(2) fight crime and fire;

(3) deliver the mail;

(4) teach and work in the schools;

(5) deliver social security and medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and national parks;

(8) defend and secure critical infrastructure;

(9) improve and secure transportation and the quality and safety of water and food;

(10) build and maintain roads and bridges;

(11) provide vital strategic and support functions to our military;

(12) keep the Nation's economy stable;

(13) defend our freedom; and

(14) advance United States interests around the world;

Whereas public servants at the Federal, State, and local level are the first line of defense in maintaining homeland security;

Whereas public servants at every level of government are hard-working men and women, committed to doing a good job regardless of the circumstances;

Whereas Federal, State, and local government employees have risen to the occasion and demonstrated professionalism, dedication, and courage while fighting the war against terrorism;

Whereas the men and women serving in the Armed Forces of the United States, as well as those Federal employees who provide support to their efforts, contribute greatly to the security of the Nation and the world;

Whereas May 5 through 11, 2003, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week will be celebrated through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the Senate—

(1) commends government employees for their outstanding contributions to this great Nation;

(2) salutes their unyielding dedication and spirit for public service;

(3) honors those public servants who have given their lives in service to their country;

(4) calls upon a new generation of workers to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

MEASURES READ THE FIRST TIME—S. 1009 and S. 1019

Mr. SESSIONS. Mr. President, I understand that S. 1009 introduced by Senator LUGAR earlier today is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1009) to amend the Foreign Assistance Act of 1961 and the State Department Basic Authorities Act of 1956, and for other purposes.

Mr. SESSIONS. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk.

Mr. SESSIONS. Mr. President, I understand that S. 1019 introduced today is at the desk, and I ask for its first reading.

The legislative clerk read as follows:

A bill (S. 1019) to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

Mr. SESSIONS. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will remain at the desk.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces on behalf of the Majority Leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989, as amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105–275, further amended by S. Res. 75, adopted March 25, 1999, and S. Res. 383, adopted October 27, 2000, the appointment of the following Senators to serve as members of the Senate National Security Working Group for the 108th Congress: Senator BILL FRIST of Tennessee, Majority Leader; Senator TED STEVENS of Alaska, President Pro Tempore (Co-Chairman); Senator THAD COCHRAN of Mississippi (Majority Administrative Co-Chairman); Senator JON KYL of Arizona (Co-Chairman); Senator TRENT LOTT of Mississippi (Co-Chairman); Senator RICHARD LUGAR of Indiana; Senator JOHN WARNER of Virginia; Senator WAYNE ALLARD of Colorado; Senator JEFF SESSIONS of Alabama; and Senator DON NICKLES of Oklahoma.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106–398 and upon the recommendation of the Majority Leader, in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individuals to the United States-China Economic Security Review Commission: Roger W. Robinson, Jr., of Maryland, for a term expiring Dec. 31, 2005; Robert F. Ellsworth of California, for a term expiring Dec. 31, 2004; and Michael A. Ledeen of Maryland, for a term expiring Dec. 31, 2003.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MAY 8, 2003

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Thursday, May 8. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to executive session and there then be 2 minutes of debate equally divided between the chairman and ranking member of the Foreign Relations Committee prior to a vote on the adoption of the resolution of ratification to the NATO expansion treaty, as provided under the previous order.

I further ask consent that following the vote, and notwithstanding rule XXII, the Senate then return to legislative session and resume the consideration of S. 14, the energy bill; provided further that at 12:15 p.m., on Thursday, the Senate proceed to the vote on invoking cloture on the nomination of Miguel Estrada; further, if cloture is not invoked, the Senate then proceed to the vote on invoking cloture on the nomination of Priscilla Owen. I further ask unanimous consent that if cloture is not invoked on the Owen nomination, then Senator DEWINE be recognized in morning business to speak for up to 15 minutes, to be followed by Senator DASCHLE or his designee for up to 15 minutes in morning business. I further ask consent that following those statements, the Senate proceed to the consideration of S. 113, the FISA legislation, as under the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. Mr. President, on behalf of the majority leader, and for the information of all Senators, tomorrow morning the Senate will immediately vote on the resolution of ratification to the NATO expansion treaty. Senators are asked to be in their seats for this historic vote. Following that vote, the Senate will resume consideration of the energy bill. At 12:15 tomorrow, the Senate will return to executive session for the votes on invoking cloture on the Estrada and Owen nominations. In addition, tomorrow afternoon, the Senate will consider and complete action on the FISA bill. Also, as previously announced, tomorrow the Senate will consider the nomination of John Roberts to be a circuit court judge for the DC Circuit.

Therefore, Members should anticipate rollcall votes throughout the afternoon, with the first vote of the day occurring at 9:30 a.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:53 p.m., adjourned until Thursday, May 8, 2003, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate May 7, 2003:

DEPARTMENT OF STATE

RICHARD W. ERDMAN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA.

EXTENSIONS OF REMARKS

MR. CHRISTEPHER ROMERO, A PRUDENTIAL SPIRIT OF COMMUNITY AWARD WINNER

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. PASTOR. Mr. Speaker, I would like to congratulate and honor a young Arizona student from my district who has achieved national recognition for outstanding volunteer service in his community. Mr. Christepher Romero of Phoenix has just been named one of my state's top honorees in the 2003 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico.

Christepher, a junior at Sunnydale High School in Phoenix is being recognized for having developed a program to help keep at-risk teens in an inner-city neighborhood away from crime and drugs. Being raised by a mother who struggled with a drug and alcohol addiction, he was recruited by a neighborhood gang. He was later adopted and given the opportunity to turn his life around. As a way to honor his adoptive parents for helping him become a better person he decided to put together a program that would help at-risk teens. He approached a police officer working at his former school, and became a volunteer mentor. Christepher soon began to put together activities such as swimming and soccer, CPR and nutrition classes, and organizing neighborhood clean-ups. He also has encouraged kids to get involved in fundraising activities to help pay for annual theme park trips.

Christepher should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud him for his initiative in seeking to make a positive impact on the lives of others. He has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. His actions show that young Americans can play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

PERSONAL EXPLANATION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. BOYD. Mr. Speaker, I was not recorded on rollcall votes 146, 147, and 148. I was unavoidably detained and was not present to vote. Had I been present, I would have voted "yea" on rollcall votes 146, 147, and 148.

AUTHORIZING PRINTING OF BROCHURES ENTITLED "HOW OUR LAWS ARE MADE" AND "OUR AMERICAN GOVERNMENT," THE PUBLICATION ENTITLED "OUR FLAG," THE DOCUMENT-SIZED ANNOTATED VERSION OF THE UNITED STATES CONSTITUTION, AND THE POCKET VERSION OF THE UNITED STATES CONSTITUTION

SPEECH OF

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. ORTIZ. Madam Speaker, I rise to thank Chairman NEY and Rep. LARSON for their appreciation of need to help Americans understand their most basic rights under this government.

One of the most popular House publications among my constituents is the pocket-size Constitution of the United States. Nothing is more important to this nation than the fundamental ideas set forth in this grand document that lays out our government, our rights and our responsibilities. Yet, time and time again, it appears that the citizens of this great nation are fundamentally unaware of those rights and responsibilities as established in the Constitution.

For instance, in May 2002, a Columbia Law School nationwide survey found that a shocking number of voting age Americans have serious misconceptions about the Constitution. The survey included a question revealing that two-thirds of Americans did not know that Karl Marx' foundation of Communism ("From each according to his ability, to each according to his needs.") was NOT included in the United States Constitution.

This government has gone some distance in trying to teach young people the importance of education and civics as they relate to our history and our Constitution. Last year, President Bush launched "We the People," an initiative to encourage the education of United States history. Last fall, the House of Representatives passed a resolution recognizing the importance of history and civics in a child's curriculum.

So far, however, the best instrument I have seen to teach children about the Constitution is a book called Constitution Translated for Kids. For those who want their children to understand our birthright as Americans—as laid out in the Constitution—this book is an excellent resource to see precisely what the Constitution says, at a fifth-grade level.

Constitution Translated for Kids features the actual 1787 text of the United States Constitution on the left-hand side of the page and the translation appears on the right side in the first ever side-by-side, simple translation of the short, yet most supreme, legal and political document of the United States. The book also offers historical context and student exercises that approximate the decisions made in the name of democracy.

Democracy demands that citizens be informed. Understanding our history will make tomorrow's citizens more aware of their government and their rights. I thank the House Administration Committee today for bringing this resolution to the floor; and I urge my colleagues to continue our outreach to young people in order to make them aware of what the Constitution says and what that means in our daily lives.

KAZAKHSTAN

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. FALEOMAVAEGA. Mr. Speaker, today, when our country faces unprecedented challenges, it is crucial that we have strong allies in the world. One such ally is Kazakhstan, a country that throughout its short history of independence has demonstrated a true commitment to our principles and ideals of building a safe and prosperous world.

Against the backdrop of modem threats of catastrophic terrorism with the use of weapons of mass destruction (WMD), Kazakhstan has voluntarily renounced the world's fourth largest nuclear arsenal it inherited from the former Soviet Union, has shut down the world's largest nuclear test site and has been actively working with the United States in the fight against international terrorism.

Kazakhstan's example can be used as a response to aspirations by rogue states to develop WMD to impose their interests in the world. This is why I believe we need to actively spread the story of Kazakhstan's responsible international conduct and its strong cooperation with the United States that is of exceptional significance to settle today's most critical international problems.

As a key state for our interests in the center of Eurasia, Kazakhstan was one of the first to support us in the tragic days after September 11 and is providing concrete assistance in the Operation Enduring Freedom in Afghanistan. Kazakhstan, sharing our interest in securing stability in Iraq and its surroundings after Operation Iraqi Freedom, is also sending its military medical personnel to join the International Coalition Stabilizing Force.

Now is the time, I believe, for us to develop multifaceted cooperation with Kazakhstan, a strategic partner of the United States in the fight against terrorism and proliferation of WMD. Now is the time to support this young and perspective country of pro-Western orientation in its serious efforts to build a developed and prosperous society. Such a course

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

will undoubtedly meet the interests of our two nations.

On May 5, 2003, the Honorable Kanat Saudabayev, Ambassador of Kazakhstan, published an article in the Washington Times entitled "Kazakhstan's contribution" in which he addressed these issues in a most persuasive manner. I call upon my colleagues to read this article and request your permission to include it in the U.S. CONGRESSIONAL RECORD.

KAZAKHSTAN'S CONTRIBUTION

U.S. SHOULD STRENGTHEN COOPERATION EFFORTS

(By Kanat Saudabayev)

Although the recent PBS screening of "Avoiding Armageddon" did mention Kazakhstan as a country that chose to rid itself of weapons of mass destruction (WMD), it was disappointing that Americans were not fully informed of what was behind that choice and what it means for global security.

Kazakhstan's "notable example" of disarmament, as the White House recently described it, could be used as a counterweight to aspirations of some countries to develop WMD as means to assert their interests in the world. I strongly believe that Kazakhstan's story of responsible international behavior and strong cooperation with the U.S. is of paramount importance, as it might lead to solutions to today's most acute international problems.

In 1991, having suffered through almost 500 Soviet nuclear tests that destroyed the lives of 1.5 million people, Kazakhstan voluntarily renounced what would have been the world's 4th nuclear arsenal and shut down the world's largest nuclear test site at Semipalatinsk. Together with the United States, we have since destroyed the remaining infrastructure of the loathsome legacy of the Cold War. Amongst the most graphic examples of our cooperation under the Nunn-Lugar program have been Project Sapphire, which shipped more than 1,300 pounds of weapons-grade uranium from Kazakhstan to the U.S., and the destruction of the world's largest anthrax production and weaponization facility at Stepnogorsk.

The path of history could have been different, however, had President Nursultan Nazarbayev chosen to go with the significant portion of Kazakhstan's elite that was in favor of keeping the nuclear weapons as means to ostensibly gain international respect.

To the contrary, it was Mr. Nazarbayev's unswerving commitment to disarmament during all these years that led Kazakhstan to renounce the nuclear weapons, becoming a strong disarmament advocate, and ultimately, gaining the recognition as a peace-loving nation.

Indeed, it is our policies that enabled Kazakhstan to launch a new security organization for Asia with the participation of the leaders of 16 nations. At its inaugural meeting in Almaty in June 2002, we hosted the presidents of China, Russia, Pakistan and Afghanistan, and the prime minister of India and others. At the height of a crisis between New Delhi and Islamabad, their leaders sat at one table and were able to directly listen to each other. This event became Kazakhstan's important contribution to the reduction of tensions between the two nuclear powers of the subcontinent.

"Countries like Kazakhstan that have renounced nuclear weapons for all time provide an example and can provide valuable leadership on these issues," former Sen. Sam Nunn said this month at a Washington conference. "One of the things I hope we can do is pay some real attention, and put in a leadership role, to countries that have given up nuclear weapons."

I couldn't agree more. We believe our example should become international public knowledge and a factor in dealing with threshold countries.

Though our disarmament might seem something of the distant past, it also relates directly to present challenges to global security.

We still need to take care of what Mr. Nunn calls the human factor. As we moved to disarm and destroy the military infrastructure, scores of experienced nuclear scientists and biological specialists and their families, were left lingering in ghost towns with neither proper jobs nor means to live. They can be instrumental in commercial projects of conversion in such areas as the peaceful use of atomic energy and biotechnologies. The help from the United States will not only give them an opportunity to peacefully apply their skills, but will also strengthen our joint counterproliferation efforts at a time when numerous countries and terrorist groups continue to seek WMD.

Our cooperation with the United States in nonproliferation and fighting terrorism has served as a strong foundation for our relations, dubbed "strategic partnership" by Presidents Nursultan Nazarbayev and George Bush.

The people of Kazakhstan were outraged by the horrific attacks of September 11, and we have worked closely with the United States in bringing peace and stability to Afghanistan. As of now, more than 1,000 coalition aircraft have flown over Kazakhstan as part of Operation Enduring Freedom. We have provided our major airport for the use by U.S. Air Force, and significantly expanded the cooperation between our armed forces and intelligence services.

We have supported the American-led efforts to disarm Saddam Hussein, who failed to present clear evidence of the disarmament of Iraq and hence bore the full responsibility for the military action. Today, we stand united in bringing stability to that country and the region.

It is crucial then that in this fragile time, policy-makers and people of both Kazakhstan and the United States make strong efforts to support our cooperation further. This will bode well with the long-term interests of both nations and will help us build a safer and more prosperous world.

PERSONAL EXPLANATION

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. OTTER. Mr. Chairman, unfortunately I missed the votes on H.R. 1596 the "Timothy Michael Gaffney Post Office Building Designation Act," H.R. 1625 the "Robert P. Hammer Post Office Building Designation Act," and H.R. 1740 the "Dr. Caesar A.W. Clark, Sr. Post Office Building Designation Act." Had I been present, I would have voted for these bills.

TRIBUTE TO MR. WALLACE H. LEIPER

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Ms. DEGETTE. Mr. Speaker, I would like to pay tribute to Mr. Wallace H. Leiper and the United States Merchant Marines for their great services to this Nation.

Mr. Leiper donated his model of the Liberty ship SS *Zebulon Pike* to the United States Merchant Marine Academy at Kings Point, New York and sadly, he passed away the very day it arrived. He is a graduate of the Academy, the original "Pike" was his first ship and he served on several others in the Atlantic and Pacific oceans during World War II. The model is Mr. Leiper's labor of love and is intended to symbolize the contributions of all ships and seamen of the United States Merchant Marine as mandated by the Merchant Marine Act of 1936. It should also be noted that the Merchant Marines continue to deliver support to our Armed Forces for recovery efforts in Iraq as well as food for starving nations.

May 22nd is National Maritime Day and this year, two plaques honoring Mr. Leiper will be unveiled at the Academy.

Mr. Speaker, it is my pleasure today to honor Mr. Leiper and all the men and women of the United States Merchant Marine who serve our country both in peace and in war.

PERSONAL EXPLANATION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. BOYD. Mr. Speaker, I was not recorded on rollcall votes 155, 156, 157 and 158. I was unavoidably detained and was not present to vote. Had I been present, I would have voted "yea" on rollcall votes 155, 156, and 158. I would have voted "nay" on rollcall vote 157.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. ORTIZ. Mr. Speaker, due to business in my district, I was unable to vote during four rollcall votes. Had I been present I would have voted as follows: No. 155—"yes"; No. 156—"no"; No. 157—"yes"; and No. 185—"yes".

FCC

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. GILLMOR. Mr. Speaker, I rise today concerning the Federal Communications Commission's, FCC, pending Triennial Review proceedings with respect to its potential effects on the health of the telecommunications industry.

There is no question that this sector is experiencing a decline in business and investment. Since the year 2000, more than 600,000 telecommunications-related jobs have been lost. Telephone companies have significantly reduced their capital spending. In fact, incumbent local telephone companies are hesitant to invest in broadband deployment due to regulatory uncertainty. With the lack of new infrastructure, equipment suppliers suffer, as do service providers and their employees, further stunting research and development. Ultimately, this slows consumer spending and demands for telecommunications services.

As we all are aware, there is a great deal of controversy with respect to the deployment of broadband services. This complex issue has divided Congress and the American people, as well as polarized segments of the telecommunications industry. However, we also know that broadband deployment is essential, especially in rural America. Communities in Ohio and the nation alike, equipped with broadband technology provide an environment encouraging economic growth by attracting new business, residents, knowledge, and jobs.

Mr. Speaker, as we in Congress continue to focus on spurring growth within the telecommunications sector, I thank the FCC for their efforts and ask that they create more certainty within the industry by moving expeditiously to complete action on the Triennial Review.

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. HONDA. Mr. Speaker, on rollcall vote No. 157, I was unavoidably detained. Had I been present, I would have voted "no" on rollcall vote No. 157, the Pitts Amendment to H.R. 1298, a bill to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis and malaria.

INTERNATIONAL FORUM OF KOREAN YOUTH IN KAZAKHSTAN

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. BEAUPREZ. Mr. Speaker, I rise today to commend the Republic of Kazakhstan for their hospitality in hosting the first ever International Forum of Korean Youth Organizations. This forum has the goal of establishing an international framework for young Koreans throughout the world. These youth organizations are dedicated to the ideals of free markets and individual liberty. By hosting this democratic forum, Kazakhstan will further its growing international reputation as a free and democratic state.

The Republic of Kazakhstan is home to more than 14 million people and is the ninth largest nation in the world. It is an active member in the United Nations and the European Organization of Cooperation and Safety. After gaining their freedom on December 16, 1991, the emerging republic adopted a constitution on August 30, 1995.

Since 1998, the Korean Youth Movement in Kazakhstan, MDK, has been building relationships with different republic-minded organizations at home and abroad. By hosting the first international forum for Korean youth organizations around the world, the MDK is creating an environment to exchange experiences and build international cooperation throughout the Korean community.

Mr. Speaker, during this forum, young Korean leaders from around the world will be able to tour and sample the vibrant democracy that is flourishing in Kazakhstan. I ask that my colleagues join me in commending our friends in the Parliament of Kazakhstan for their assistance and vision with this great International Forum on behalf of Korean Youth worldwide, and wish them much success.

PERSONAL EXPLANATION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. BOYD. Mr. Speaker, I was unavoidably detained on Tuesday May 6, 2003 and missed rollcall votes 159, 160, and 161. Had I been present I would have voted "yea" on rollcall votes 159, 160, and 161.

TRIBUTE TO JERRY "ACE" MILLER

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. DUNCAN. Mr. Speaker, I rise today to pay tribute to Jerry "Ace" Miller, the long-time supervisor of boxing for the City of Knoxville, Tennessee, in my District.

Ace Miller is one of the most respected people in East Tennessee. He is part of a very influential group in our area called the "Burlington Boys," and we share many mutual friends.

Ace Miller has devoted his life to underprivileged young people by inspiring them to be the best that they can be no matter what they have to overcome in life. He has made a difference in the lives of many young men around the region.

Ace is widely regarded as a boxing expert all over the country and has made many friends around the Nation. He has long been associated with the Golden Gloves Charities and will continue to be the general manager of this great organization after his retirement.

Mr. Speaker, Jerry "Ace" Miller is a fine American who has touched the lives of countless young people. His dedication to the sport of boxing serves as an example for people all over our country. This Nation would be a much better place if there were more people here like Ace Miller.

I would like to congratulate Ace Miller on a tremendous career, and I urge all of my colleagues and other readers of the RECORD to read the fine article about him that was published in the Knoxville News-Sentinel.

[From the Knoxville News-Sentinel, Mar. 20, 2003]

ACE MILLER RETIRES AS KNOXVILLE'S SUPERVISOR OF BOXING

(By Chuck Cavalaris)

Ace Miller wanted to try and keep news of his retirement quiet.

You might as well ask someone to bang a drum softly—for 33 years.

It just isn't going to happen.

Miller retired as the City of Knoxville's supervisor of boxing, effective Feb. 27. He survived everything from three heart attacks in a matter of hours in April 1999 to floods and personal threat at the gym. Miller was hired in 1970 by former mayor Kyle Testerman and will continue to be the general manager of Golden Gloves Charities.

"This is just a particular time in my life when I am not so sure what the future holds," said Miller, who is known as "The Colonel" and will be 64 on March 31. "We've had disasters galore, but the greatest tragedy is losing some of the great volunteers who have been a part of this program."

It was a huge loss when his sister-in-law, Shirley Eckard, lost a battle with cancer in the 1980s. Bobby Mills died several years earlier. Cotton Jackson will never be replaced. Nor will Skinny Miller, Don Marshall or former State Rep. Ted Ray Miller, who was Ace's big brother. Others come to mind, such as Jim Brown, Norman Anderson and Raleigh Johnson.

On the other hand, someone like Stan Hamilton remains a vital part of a model program. He just happens to be one of the most-respected boxing referees in the world. Dr. Robert Whittle has been a Hall of Fame volunteer, working alongside Con Hunley, Gene Limbaugh, Glenn Allen, Max Witt and Joyce Spraker. Longtime City Council members Jack Sharpe and Larry Cox have provided advice, along with friendship.

"No one person could possibly accomplish what we have accomplished," said Miller, whose group raises almost $100,000 a year. "It takes a team effort and I am fortunate to have a family who has been a big part of my passion for doing this."

The team he was referring to includes assistant coach Steve Whitt, Regina Sams Odom, Tracy Miller Davis, Dusty Miller Graves, Jerry Miller, Ellen Luttrell and, of course, his wife Lady Di, or Dianna the Great.

"My time with the city has ended," Miller said, "but my time in the gym is not over. The floor needs to be mopped. Then somebody has to sweep it."

UNIVERSITY OF ILLINOIS AT CHAMPAIGN-URBANA MEN'S TENNIS TEAM CHAMPIONSHIP

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to pay tribute to the hard work, talent, and dedication of the University of Illinois at Champaign-Urbana Men's Tennis Team. Recently, the team won the Intercollegiate Tennis

Association Men's Indoor Championship, a victory which demonstrated the team's tenacity and willingness to continue to strive for new feats of excellence, as well as why they are such a source of pride to their school and the Champaign-Urbana community.

The University of Illinois Tennis Team was the first team to win this tournament since 1983 that was not from the State of California, and, in addition, was the first Mid-Western team to come in first in the 31-year history of the competition.

True leadership is needed to allow any team to reach its full potential. Such leadership is exemplified by the work of Coach Craig Tiley and University of Illinois Athletic Director Ron Guenther. Their determination and vision have made the U of I Tennis Team a force to be reckoned with on the national level. Credit must also go to the student athletes themselves, who put forth and incredible amount of effort and sacrifice to meet the high standards set by their coaching staff.

Athletics often demonstrates how intelligence, physical ability, leadership, and teamwork allow men and women to overcome great odds. The victory of the University of Illinois Men's Tennis Team at the ITA Championship is a terrific example of these attributes and I would like to extend to them my most sincere congratulations.

HONORING ALL LAW ENFORCEMENT OFFICERS KILLED IN LINE OF DUTY

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. McKEON. Mr. Speaker, I want to take this opportunity during National Police Week to honor all those courageous men and women serving as law enforcement officers who have been killed in the line of duty. I appreciate their courage as well as the bravery of their families and loved ones, and hope that they know that they have our sympathies and are in our prayers.

In particular today, I want to pay my respects to David March, a Los Angeles County Deputy Sheriff, killed in the line of duty.

Last year, during a seemingly routine traffic stop, Deputy March, a 33 year-old husband and stepfather, was shot and killed. His suspected killer is an illegal immigrant who fled to Mexico to escape facing the bar of justice.

Mexican officials have refused to extradite his assailant, Garcia because he could face the death penalty or life in prison without possibility of parole. This is because the Mexican government usually refuses to extradite Mexican nationals who commit crimes in the United States and flee to Mexico, unless there are assurances that the death penalty and life imprisonment will not be sought.

We cannot allow such criminals to make a mockery of our justice system. In response to this barbaric act, I have introduced House Concurrent Resolution 93 to encourage President George W. Bush to work with the Mexican government to renegotiate our extradition treaty with Mexico so that other prospective killers may be thwarted and those cowardly hiding across the border may be brought to justice.

Family and friends will long remember the integrity of Deputy David March and together we will work to bring about this needed change in policy. As we engage in the endeavor, we will keep in the forefront of our minds the integrity and goodness of David March.

JOHN STEKETEE, PIONEER IN YOUTH LAW

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to regretfully announce the passing of a great jurist whose pioneering efforts in the field of juvenile law have changed much of the way we think about this complex and often controversial area of jurisprudence.

John Steketee was a third generation lawyer who spent over 30 years on the bench, mostly as presiding/chief judge of the Kent County Michigan Probate Court, Juvenile Division. I came to know Judge Steketee when he was the leader of the National Council of Juvenile and Family Court Judges and I was doing the research that would culminate in enactment of the P.L. 96–272, the national foster care and adoption reform law of 1980. Judge Steketee was one of the earliest jurists to focus on the importance of permanency planning for children who had entered into, and often became trapped within, the bureaucratic maze of the foster care system.

I frankly don't remember if I found him or he found me, but however it occurred, he played a hugely important role in shaping that legislation. Because of Judge Steketee's involvement, we were able to craft legislation that included case planning, periodic reviews of placement, and requirements for appropriateness of placements. He genuinely believed that the system had to be accountable to the child. The record of his achievements on the bench in Michigan, and his friendship with then-President Gerald Ford, helped many of those who might otherwise have been indifferent to recognize the workability and importance of the reforms we were proposing.

The first Children in Placement study was conducted in his court in 1971, which enabled him to discover lost children in the system and make sure that plans were being made for them. Through his association with them he was instrumental in successfully encouraging judges across the country to see permanency as an important issue for children and families, and that it was a duty for judges to hold all accountable for permanency to be achieved for all children. Judge Steketee was the first chair of the National Council's Permanency Planning Committee, and was the President of the Council 1984–1985. After retirement he continued to remain a strong advocate for permanency for the nation's children, and advocated for therapeutic juvenile and family drug courts.

I would like to extend my condolences and those of the House to his widow, Maribeth, his daughters Betsy Fenner and Martha Steketee, his three step-daughters, Erin Checchi, Leigh Baker, and Laurie Baker, and his seven grandchildren.

This is a man who made a great contribution to our nation and especially to its children and families, and I know the House joins me in paying respects to his memory. I would also like to include an article from the Grand Rapids Press on Judge Steketee.

[From the Grand Rapids Press, May 3, 2003]

JUDGE JOHN STEKETEE, A FORCE FOR CHILDREN, DIES AT 76

(By Doug Guthrie)

A voice for children in need was stilled Friday with the death of retired Kent County Probate Judge John Steketee.

Steketee, 76, died from heart failure at Spectrum Health Blodgett. He battled cancer since before his retirement in 2000, following 33 years on the bench.

"This is one of those people who may have been better known in the nation than you thought you knew him at home," said David Mitchell, executive director of the National Council of Juvenile and Family Court Judges.

With enthusiasm for openness and change, Steketee was a pioneer in efforts to move foster children more quickly into permanent homes. His reshaping of the juvenile welfare system in Kent County brought national attention.

Mitchell said word of Steketee's death triggered a stream of e-mails at his University of Nevada office in Reno.

"Without his example, leadership and vision, we would not have moved the judicial system to the rules and permanence for children that we have achieved," wrote Judge Richard Fitzgerald of Louisville, Ky." . . . His mentorship of all of us has helped us in building a just system."

Said Mitchell, who served 18 years as a judge in Baltimore: "He was a great man and mentor to so many of us. He taught men and women throughout this nation how to be judges and child advocates. He was loved."

His closest friends and family were at a loss Friday to explain what in Steketee's life gave him the strength to walk alone so many years ago against the current of conventional bureaucratic wisdom.

"I'm not sure what it was," said his son, John Steketee. "He loved his work and had a desire to help."

Press columnist Arn Shackleford for 35 years has written weekly stories about local children in need of adoptive parents. She said it was Steketee who encouraged her to start.

"The first quote I ever used from him was, 'You can't replace parental neglect with governmental neglect.' He was just a truly good person who loved kids," Shackleford said.

Raised on Grand Rapids' Southeast Side, Steketee became the third generation of his family to practice law. After earning degrees from the University of Michigan and Wayne State University, he joined the family firm in 1956. He carried on another family tradition, serving as the Netherlands' vice-consul for Michigan.

Steketee was elected to Kent County's Probate Court in 1967, handling estates, juvenile issues, and mental health commitments. The part of the job he liked best was obvious, as the man with the snow-white beard became known as the "Santa Claus Judge."

His office in the Waalkes Juvenile Center on Cedar Street NE became decorated over the years with hundreds of snapshots taken at adoption ceremonies, where Steketee had everyone in every adopted family swear under oath to love one another.

Off the job, he loved to sail. He owned two sailboats in his lifetime, the Shields and Twin Wing, berthed in Holland. He never raced, only cruised and relaxed on the waves.

Despite already being diagnosed with lung cancer, it was state law that prohibited Steketee from seeking another six years in office because of his age.

Even undergoing chemotherapy and radiation treatments, Steketee remained active in his retirement.

Mitchell said he spoke with Steketee last week about plans to attend the council's annual national convention in July in San Antonio.

Until recently, Steketee also served as a visiting judge, filling in for others on the Kent County Circuit bench. He often stopped by the Kent County Courthouse to lobby for a new idea, visit his old staff or simply find a lunch partner.

"He was fighting the cancer and trying to live his life," his wife, Maribeth, said Friday.

Judge Patrick Hillary, who was elected to Steketee's seat, said Friday was a busy day in court, but one with many pauses to reflect. Hillary used to practice as domestic relations attorney in front of Steketee, and when elected, inherited his staff and caseload.

"People say, 'You replaced Judge Steketee.' I'm always real careful to say, 'I succeeded Judge Steketee,'" Hillary said. "Nobody could replace him."

TRIBUTE TO THE JAMES L. WEST ALZHEIMER'S CARE FACILITY IN FORT WORTH, TEXAS

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Ms. GRANGER. Mr. Speaker, I rise today to honor the tenth anniversary year of the James L. West Alzheimer's Care Facility in Fort Worth, Texas and to recognize the many accomplishments of its founding executive director, Moira A. Reinhardt, R.N.

The West Center, founded in 1993, was established in part by a major gift from the James and Eunice West Foundation and it continues to receive the support of many other generous North Texas foundations, individuals, corporations and organizations. The center was the Southwest's first free-standing facility devoted exclusively to the care of persons with Alzheimer's disease and related disorders and has been nationally recognized for its excellence of care and its commitment to helping its residents maintain a restraint-free life style.

Moira A. Reinhardt, nationally known as a pioneer in the establishment and management of centers for Alzheimer's care, was selected as the West Center's first executive director. A native of Scotland, Ms. Reinhardt was trained as a medical/surgical nurse in Britain. She first established a home care program for the elderly in Scotland and then, inspired by the example of Mother Theresa, served the poor in Guatemala as a nurse in the British Overseas Volunteer Program. Ms. Reinhardt became a U.S. citizen September 17, 1996.

Before coming to Fort Worth and the West Center, Ms. Reinhardt was the founding executive director of the Pikes Peak Hospice, Inc., and later became the founding administrator of Namaste Alzheimer's Center in Colorado Springs, Colorado.

She has lent her expertise to both state and national boards dealing with health care for the elderly and in 1989 served as chairperson for the National Hospice Organization. Recently the directors of the West Center honored her by establishing the Moira A. Reinhardt Continuing Education Scholarship Fund to further the education of the Center's nursing staff and the city of Fort Worth proclaimed April 2, 2003 Moira A. Reinhardt Day.

I ask that the House of Representatives join me in recognizing the important role the James L. West Alzheimer's Care Center plays in the care of the elderly of North Texas and honoring Moira A. Reinhardt for her lifelong commitment to compassionate health care.

TRIBUTE TO GENERAL ERIC K. SHINSEKI, 34TH CHIEF OF STAFF OF THE UNITED STATES ARMY

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. MCHUGH. Mr. Speaker, Congressman CHET EDWARDS and I take this opportunity today to honor General Eric K. Shinseki, the 34th Chief of Staff of the United States Army. As co-chairs of the House Army Caucus, Congressman EDWARDS and I have had the privilege of working with General Shinseki as he advanced and shaped the greatest land force in the history of the world—the United States Army.

After more than 35 years service to the nation, General Shinseki will retire from the United States Army in June. Throughout his career, General Shinseki's actions have epitomized those of a soldier, leader, and consummate professional. Always mission-focused and soldier-centered, he upheld the Army's non-negotiable mission contract with the American people to fight and win the nation's wars, while never forgetting that it is the sacrifice and skill of the American soldier that makes those victories possible.

General Eric K. Shinseki began his Army career after graduating from the United States Military Academy in 1965. He served two combat tours in the Republic of Vietnam. Despite receiving severe injuries while serving in Vietnam, General Shinseki went back into battle. Although he could have left the Army for other pursuits, General Shinseki remained on active duty out of his utmost respect for the young American soldier he encountered in Vietnam. General Shinseki excelled in command and staff assignments both in the continental United States and overseas. He commanded the 1st Cavalry Division at Fort Hood, Texas, became Deputy Chief of Staff for Operations and Plans at Headquarters Department of the Army, served as the Commanding General, United States Army Europe, Commander Allied Land Forces Central Europe; and Commander, NATO Stabilization Force in Bosnia-Herzegovina. In 1998, he assumed the duties as the 28th Vice Chief of Staff of the United States Army.

On June 22, 1999, General Shinseki became the Chief of Staff of the United States Army. Since assuming that position, General Shinseki's commitment and leadership have contributed immeasurably to ensuring that America's Army is unmatched by any in our history in its skill and professionalism. Understanding the challenges posed by the 21st Century, General Shinseki began a transformation that will fundamentally reform the Army and position it for continuing excellence and achievement in the coming decades. Even while guiding the Army through this profound change, his leadership shaped this proud service's contributions and successes in the Global War on Terrorism, in Operation Noble Eagle—the defense of the American Homeland, in Operation Enduring Freedom—the attack on Al Qaeda's lair, and Operation Iraqi Freedom—the liberation of Iraq. He has melded one Army—active, National Guard and Reserve. Indeed, General Shinseki has successfully guided these monumental efforts and today leaves the Army, and the men and women who serve in it, in the very highest state of combat readiness.

Mr. Speaker, the freedoms we cherish come at a price. Our nation has been fortunate to have men and women willing to come forward at times of crisis and challenge to pay that price. Among that number must be counted General Eric K. Shinseki. Through the sacrifices and dedication of Americans like him, our nation is able to continue upon the path of democracy and to strive for the betterment of mankind across the globe. It is with profound admiration and deep appreciation that we pay tribute to General Shinseki for all that he has done for the United States Army and this country. On behalf of a grateful nation, we thank General Eric K. Shinseki, the 34th Chief of Staff of the United States Army.

RECOGNITION FOR KENNETH BANKS, JR.

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. GARY G. MILLER of California. Mr. Speaker, it is with great pleasure that I rise to recognize Kenneth Banks, Jr. of North Hollywood, California for his service to the community and this nation. Ken is a long time member of Rotary International and is retiring from his post as a regional governor for Southern California.

Rotary International was founded on three key points: Provide humanitarian service, encourage high ethical standards and build goodwill and peace in the world. During his tenure as governor, Ken worked tirelessly to promote these principles and encouraged others in the community to join him. And he always followed the Rotary motto: Service Above Self.

Ken and his wife, Shirley, have three children and six grandchildren. He enjoys spending time with his family and makes that a priority even with his demanding schedule. He loves the community that he serves, and will continue to serve even in his retirement.

IN REMEMBRANCE OF DR. ROBERT C. ATKINS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. PALLONE. Mr. Speaker, last month, our nation lost an important healthcare advocate and physician, Robert C. Atkins, M.D., who lived in New York City and touched the lives of millions of people with his innovative approaches to diet and lifestyle. I know this because many patients he worked with were from New Jersey and his books on diet and nutrition were purchased by millions of people worldwide.

I would like to note that I also knew of Dr. Atkins because of his steadfast support and belief in the use of dietary supplements as a key component to achieving and maintaining good health. He was one of the earliest supporters of the Dietary Supplement Health and Education Act, legislation that I supported as an original cosponsor, which was enacted into law almost ten years ago.

The Atkins Nutritional Approach has caused us to continually re-evaluate and consider how we can improve health and nutritional recommendations as a country. In addition, we cannot ignore its contribution as one of several methods for addressing the growing obesity, heart disease, and diabetes epidemic facing us. I know more research and work will continue on Dr. Atkins' findings and experience with diet and nutrition. As a member of the House Energy and Commerce Subcommittee on Health, I will continue to closely follow this work.

Dr. Atkins leaves behind a legacy that will endure. A memorial service is being held in New York City on May 9th and those of us in the House of Representatives who knew him and of his work join with all of those who mourn the loss of a great American.

HONORING JOSEPH THOMAS MURPHY

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. McGOVERN. Mr. Speaker, I rise today to pay tribute to Joseph Murphy, a retired major in the United States Marine Corps (USMC). Tomorrow he will be interred at Arlington National Cemetery with full military honors. Major Murphy led an admirable life, and he was an American hero.

Mr. Speaker, Major Murphy was the husband of Madonna (Hogan) Murphy, to whom he had been married 59 years. Born in Taunton, Massachusetts on May 9, 1918, he was the son of the late Michael and Catherine (McGuire) Murphy. Major Murphy was raised and educated in Taunton, and had resided in Attleboro, Massachusetts since 1965. He graduated from Taunton High School and earned a bachelor's degree in management from Bentley College.

Mr. Speaker, Major Murphy served for 17 years in the USMC from 1946 to 1963. He received many awards and commendations including the Distinguished Flying Cross, the Presidential Unit Citation, the Army Distinguished Unit Emblem, the American Campaign Medal, and the China Service Medal. Major Murphy was also awarded the Air Medal, the World War Two Victory Medal, the Navy Occupation Medal, the Korean Service Medal, the National Defense Service Medal, the United Nations Service Medal, and the Korean Presidential Unit Citation.

Mr. Speaker, Major Murphy and his wife Madonna raised a large family. He is survived by five children: one daughter and four sons. Additionally, Major Murphy was the grandfather to 12 grandchildren and a great-grandson.

Mr. Speaker, I am confident that the entire U.S. House of Representatives joins me in expressing gratitude to Major Murphy for his years of service to our nation. Moreover, I ask that my colleagues keep Mrs. Murphy and her family in their thoughts.

PROVIDING FOR CONSIDERATION OF H.R. 1298, UNITED STATES LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA ACT OF 2003

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes:

Mr. TIAHRT. Mr. Chairman, I rise today in support of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 and in support of amendments that would strengthen this bill in helping address the AIDS pandemic in Africa. The bill before the House today seeks to prevent 7 million new HIV/AIDS infections, provide care and support for 10 million HIV-infected people and provide antiretroviral therapy for millions of victims over the next 5 years.

Africa is a continent far removed from the everyday lives of most Americans, both in its geographic location and in its distinction among the other populations of the world. But it is a continent whose future has profound implications for the future of the United States.

Sub-Saharan Africa has approximately 10 percent of the world's population, a remarkable history and numerous natural resources. Unfortunately, it also is plagued with the pandemic known as HIV/AIDS that has caught the attention of the international community. In recent years, more than 21 million Africans have died of AIDS, including more than 2 million in 2001. AIDS has surpassed malaria as the leading cause of death and threatens to cripple and destroy African life. An alarming 70 percent of the world's AIDS victims live in Africa. With far more dying from AIDS in Africa than from all its wars and conflicts, we cannot ignore the perilous state of affairs faced by our fellow men.

Of particular concern to me is the fact that 58 percent of those infected with the virus are women who are passing this deadly disease to their children. More than 600,000 infants are HIV infected each year in Africa because of mother-to-child transmission. As one generation passes the deadly virus on to the next, we are witnessing a self-sustaining genocide.

The more than 11 million AIDS orphans living in Africa are crying out from malnutrition, and their chances of obtaining an education are severely reduced. These innocent little children are the product of a crisis that is bringing even more severe economic hardship to a land already stranded in poverty. Life expectancy in some African countries has dropped by decades, and agricultural production has declined as workers with AIDS die or become unable to perform their work.

With the leadership of President Bush, the United States is stepping up its efforts to deal with this problem. Not only are we reaching out because of moral principle and human compassion, but also because we recognize the national security implications of not engaging with the AIDS crisis in Africa.

With radical Islamic terrorist cells thriving in poverty-stricken countries, we must acknowledge and address the AIDS pandemic that can fuel desperation, and ultimately, hospitality toward violent groups that seek destruction of America. With an estimated 55 million Africans who will lose their lives to AIDS by 2020, the United States has both an opportunity and an obligation to help defeat AIDS in order to bring stability to these suffering countries. Already, African militaries are feeling the results of high infection rates among their soldiers. As countries lose their ability to maintain peace, anarchy will take over and deliver further havoc on society. If the problem is ignored, the ability of terrorists to recruit more sympathizers will only multiply. By helping prevent the further spread of this horrible disease, we can help ensure that terrorists are given no safe harbor in Africa.

As William J. Bennett and Charles Colson recently stated in the Washington Times, "Al Qaeda networks operating in Africa remind us that, like it or not, no part of the world can any longer be isolated from any other part. If an entire continent sinks into despair and anarchy, the whole world will be affected."

While I support H.R. 1298, I want to express my strong support for amended language that would designate funds for prevention and treatment programs that have an outstanding track record of drastically reducing the number of infected individuals. For example, the world has finally acknowledged how effective Uganda's ABC program has been in reducing the number of HIV/AIDS victims. H.R. 1298 is right to commend the ABC program along with the excellent leadership of President Yoweri Museveni.

Uganda's ABC program "Abstain, Be faithful, use Condoms", in order of priority, has dropped infection rates from 22 percent in 1992 to 7 percent in 2002. This remarkable, yet simple, program first promotes abstaining from sexual relationships until marriage. Rather than blindly pass out condoms, the ABC program promotes a lifestyle of abstinence that guarantees to protect individuals against sexually transmitting the HIV/AIDS virus.

Secondly, the Ugandan ABC program encourages partners to remain faithful to each other. In working to promote faithfulness between married couples, this low-cost program encourages fidelity as a means of reducing the spreading of the virus between multiple partners. With the percentage of sexually active youth falling significantly and the increasing number of Ugandans reporting none or one sexual partner in the past decade, the results speak for themselves.

Thirdly, use of condoms is encouraged as a means to help reduce the spread of HIV/AIDS for those who choose not to abstain.

Congressman JOE PITTS has offered an amendment to HR 1298 that will require 33 percent of AIDS prevention funds be directed to abstinence-until-marriage programs. I stand in full support of this amendment that is supported by both the White House and Chairman HYDE. By supporting pro-family, proven methods that prevent the spread of AIDS, we will most effectively bring an end to this crisis.

I also want to voice my support for the amendment offered today by Congressman CHRIS SMITH that would clarify the right of organizations having moral or religious objections to certain prevention methods to remain eligible for this funding. While there is language in H.R. 1298 to prevent such discrimination, the language is vague and might not offer sufficient protection from bias against these fine groups.

In Africa, there are organizations offering excellent programs to local communities to fight against the spread of AIDS but who have moral objections to condom promotion. It is important these groups are allowed to compete for funding and continue their successful programs. It is to the advantage of the African people that we have the largest pool from which to choose applicants.

As the House of Representatives moves forward with passage of this historic legislation to fight against the HIV/AIDS pandemic in Africa, let us remember the millions who have already lost their lives and the remaining tens of millions who are currently afflicted with this dreadful virus of death.

I hope and pray we can unite with our African neighbors to bring an end to the AIDS crisis. It is no longer just their problem—it is particularly ours as well.

THE ASTHMA OBESITY LINKAGE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. TOWNS. Mr. Speaker, in honor of National Asthma and Allergy Awareness Week, I am today introducing the "Medicaid Obesity Treatment Act of 2003" to elevate the visibility of a national health epidemic that is wreaking havoc upon our Nation. Scientific evidence demonstrates a strong correlation between obesity and asthma, particularly among children.

This bill, which is similar to legislation I introduced last year with Congressman JAMES GREENWOOD, will provide Medicaid coverage for medically necessary treatments for chronically obese beneficiaries. With this legislation, I hope to raise the level of attention to this devastating illness and to provide medically necessary treatments to millions of overweight children who suffer from obesity comorbidities such as asthma. If the Congress passes this legislation, The Medicaid Obesity Treatment Act will be the first legislation ever enacted to address the need to ensure access for all Americans to drug therapies designed to treat obesity and its related comorbidities, and I am proud to be its sponsor.

According to the Surgeon General, the prevalence of overweight and obesity has almost doubled among America's children and adolescents since 1980. It is estimated that one out of five children is obese. The epidemic growth in obesity acquired during childhood or adolescence is particularly threatening to the national health because it often persists into adulthood and increases the risk for some chronic diseases, such as asthma, later in life.

Obesity has truly become a national health care crisis. The National Center for Health Statistics reports that 60 percent of Americans over 20 years of age are overweight or clinically obese. Weight-related conditions represent the second leading cause of death in the United States, and result in approximately 300,000 preventable deaths each year.

Researchers from Cincinnati Children's Hospital recently discovered a new gene involved in asthma that may provide a link between the development of asthma and obesity. The study, released at the 60th anniversary meeting of the American Academy of Allergy, Asthma & Immunology, examined the gene which belongs to a family of similar proteins that have been found to cause insulin resistance and obesity in mice. Another recent study by the Harvard School of Medicine of 16,862 children, ages 9 to 14, found that those who were the most overweight were two to three times as likely to have asthma as the least overweight subjects.

Whether obesity is caused by genetics, environment, lifestyle, diet or a combination of these elements, its effect is devastating for all persons who suffer from it. However, science has made great strides in recent years to combat it. Several new drugs offer great promise in the fight to prevent and treat obesity and its related comorbidities.

My bill will revisit a thirteen year old provision that allows states to exclude Medicaid coverage for weight loss drugs, even in cases where these drugs have the potential to save obese patients' lives or to improve their related conditions like asthma. The notion that obesity is merely a lifestyle choice and not a disease is no longer valid scientifically, and must be stricken from the law. Medically necessary medicine for the treatment of chronic obesity and its related illnesses should be covered under Medicaid like any other medically necessary drug. This is the purpose and goal of my bill.

Although this expansion in Medicaid coverage might incur some marginal cost to the overall program, requiring states to cover proven obesity medication may actually reduce Medicaid expenditures as a result of decreases in the costs associated with treating asthma and other obesity-related comorbidities. Given the numerous benefits of reducing obesity, we should be providing access to life saving anti-obesity treatments, just as we provide medications for other life threatening diseases.

Obesity and asthma represent related growing health crises that must be addressed with more than just words. This bill offers an important first step towards eliminating obesity, and I encourage my colleagues to join me in supporting it.

HONORING DON HILL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Don Hill of La Junta, Colorado for his contributions to historical preservation and our National Park Service. Don is retiring, having served with the National Park Service in Colorado for thirty-three years, and today I would like to thank him for his service before this body of Congress and this nation.

After beginning a career with the National Park Service at Curecanti National Recreation Area and Black Canyon of the Gunnison and Colorado National Monuments, Don came to Bent's Old Fort National Historic Site in 1986 as the site's superintendent. Don has worked hard to make Bent's Fort an integral part of the Southeastern Colorado Community. He served as president of the Southeast Colorado Tourism Council, and in 1993 he coordinated the Santa Fe Trail Association's National Symposium, bringing over 500 tourists to the area. Additionally Don is an active member of the local Rotary Club and the La Junta Chamber of Commerce. Among other accomplishments, in 1993 Don worked with the Cheyenne and Arapahoe tribes of Oklahoma to repatriate Native American remains discovered during archeological work at the fort.

Mr. Speaker, Don Hill has served as a steward of this country's natural treasures for over thirty years and has played an integral role in the development of Bent's Old Fort National Historic Site. Today I stand before this body of Congress and this nation to recognize one of the National Park Service's best. Don's dedication is a credit to himself and to Colorado, and I thank him for his service.

HONORING ANN MILLER AND TED MALIARIS

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker. I would like to honor two great Americans, Ann Miller and Ted Maliaris, for their patriotic commitment to this nation.

Ann Miller has written "A Tribute to America—A 21st Century Anthem," which highlights the greatness of America and its ability to overcome recent tragedies. Her son, Ted Maliaris, delivers this anthem with an unparalleled sense of patriotism.

America was founded on principles of freedom and democracy that stand as the very foundation of our society today. While our troops are abroad, we must never forget the importance of the very principles that make this nation great. "A Tribute to America—A 21st Century Anthem" clearly illustrates the power of freedom that America represents. Its patriotic message highlights the very strength that has served as the foundation of the American spirit since the tragedies of September 11.

I would like to thank Ann Miller and Ted Maliaris for their dedication to America and their commitment to spreading their important message across the Nation.

I proudly insert the following lyrics of "A Tribute to America—A 21st Century Anthem" in the RECORD:

Our tears may fall and our hearts may be shattered, but deep down in our souls we are strong, we are proud, we are bold.

We have freedom in our land, we will fight for our rights, we will stand up for the brotherhood of man. America America America America you're Grand.

We have strength, we have the power, no terrorist could ever withstand. We will not hide, we will not cower, we will stand up for the rights of our land.

We're America, America
Strong, Proud, Brave, Bold
We're America, America
Strong, Proud, Brave, Bold
America red, white, and blue
America, this song we sing for you.

In time of need, compassion fills our hearts, in times of dismay we are strong.
We're a land of freedom, a land of peace, and no one can take this away.

We're America, America
America you're Grand
No one can destroy us through thick or thin, we're a nation that was built to survive.
No terrorist's plight can destroy our sight or the strength of this motherland.

We're America, America, America
America you're Grand.

God extended his hand and has given us faith, for we will stand tall and proud.
We're a land of freedom, a land of peace, a land like no other land.

We're America, America
Strong, Proud, Brave, Bold
We're America, America
Strong, Proud, Brave, Bold
America, America you're Grand
America, America you're Grand
America!

TIME IS NOT ON OUR SIDE

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. BURR. Mr. Speaker, on February 20, 2003, the Federal Communications Commission agreed to change its rules to make it easier for telephone companies to deploy broadband facilities. It is now May, and the FCC has yet to issue the actual rules from that decision.

On February 20, Washington, DC was still digging out from a major snowstorm, and most area schools were still closed. By the time the FCC issues its order, Washington weather will probably be that lovely mix of high humidity and 90 degree heat. When the FCC voted on February 20, we were wearing our heavy winter coats and snow boots. By the time the order is issued, we will be wearing seersucker suits and white shoes.

On February 20, Major League Baseball players were just beginning to gather in Florida and Arizona for spring training. Since then, spring training has been completed, rosters have been finalized, and about 20 percent of the season has been played.

On February 20, U.S. forces were amassing in the Persian Gulf Region. Since then, our troops have rolled through Iraq and ousted Saddam. Clearly, it takes the U.S. military less time to dethrone a vicious dictator than it takes the FCC to write the rules for an order it already agreed upon.

How long do you think these past two-and-a-half months have been for those workers and families of workers laid off in the telecommunications industry? How many more workers lost their jobs in that time? How many who were laid off could have been put back to work?

One thing is clear, broadband deployment will not start in earnest until the FCC sets the right policy rules. That has to start now by issuing the rules agreed upon back in February.

TRIBUTE TO SHELBY CRAWFORD OF EUREKA SPRINGS

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. BOOZMAN. Mr. Speaker, I would like to congratulate and honor a young Arkansas student from my district who has achieved national recognition for exemplary volunteer service in her community. Shelby Crawford of Eureka Springs has just been named one of the top youth volunteers by The 2003 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico.

Ms. Crawford is being recognized for organizing a petting zoo event that raised more than $1000 for a local horse rescue center.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contribution this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Ms. Crawford are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought this young role model to our attention—The Prudential Spirit of Community Awards—was created by Prudential Financial in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. Over the past eight years, the program has become the Nation's largest youth recognition effort based solely on community service, with nearly 150,000 youngsters participating since its inception.

Ms. Crawford should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Ms. Crawford for her initiative in seeking to make her community a better place to live, and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

VETERANS COMPREHENSIVE HEALTH CARE AND ACCESS TO PRESCRIPTION DRUGS

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I introduced legislation to address a major obstacle our nation's veterans face in obtaining comprehensive health care and access to prescription drugs.

According to the Inspector General of the Department of Veterans Affairs, the VA pharmacy benefit is the primary reason that veterans without service-connected disabilities use VA healthcare services. Nearly 90 percent of these veterans have access to private health care and private physicians, yet they wait in lengthy lines at the VA in order to be re-examined and re-tested so they can receive their prescription drugs through the VA. This causes veterans with a prescription already in hand to wait weeks, even months before it is filled and creates a backlog of veterans waiting for doctor appointments.

My legislation would ease the process by which veterans with private health insurance or Medicare coverage obtain prescription drugs through the VA healthcare system. Specifically, it would allow an eligible veteran, with a prescription written by a private physician, to fill that prescription at a VA pharmacy from the current VA formulary. My legislation differs from other prescription drug access proposals because it specifically limits the prescriptions to drugs listed under the VA formulary in order to limit the cost of implementation. Under current law, the VA does not have the authority to dispense prescriptions written by private sector physicians.

As chairman of the Ways & Means health subcommittee, I recognize the unique challenge that the VA faces in its mission to provide comprehensive quality health care service to veterans. However, strict adherence to that same mission has resulted in lengthy delays in the delivery of quality care to both veterans with private health coverage and those veterans that are entirely dependent on the VA as their healthcare provider.

In order to ensure timely delivery of health care, the VA must focus on the barriers veterans face in receiving care including streamlining access to prescription drugs.

TRIBUTE TO JOLENE HYATT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. McINNIS. Mr. Speaker, it is my great privilege today to recognize an outstanding educator from my district. Jolene Hyatt of La Junta, Colorado is my state's nominee for the 2003 National Education Association Foundation Award for Teaching Excellence. Her fellow teachers nominated her not only for her skill in the classroom but also for her professional leadership and involvement in the community.

Jolene has taught kindergarten in La Junta since 1975. She is a lifelong learner and advocate for education. Her dedication to her profession, her students, and her community is extraordinary. Jolene has served selflessly on a number of educational committees and organizations and is the past president of the La Junta Education Association. She currently contributes as a member of the La Junta Education Association's negotiations committee and is a member of the school improvement committee. She has been named to Who's Who Among American Teachers and is a recipient of the Heart of Learning Award, recognizing teachers who inspire students to learn and go the extra mile with students and parents after school hours.

Mr. Speaker, Jolene has inspired and gone the extra mile for two generations of students in my district and plans to continue her work as an advocate when she retires from teaching. While she is now a candidate for the National Teacher of the Year Award, she prefers to direct attention away from herself and onto the children she helps to educate. Jolene's achievement and team spirit serves as an inspiration to her students, her peers, and her community. Her tireless dedication beyond the call of duty—both in and out of the classroom—has made La Junta and all of Colorado proud. Congratulations Jolene, and good luck with your future endeavors.

MILITARY FAMILY PEACE OF MIND ACT

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. JONES of North Carolina. Mr. Speaker, I rise today with my dear friend from California, Mr. GALLEGLY, to introduce the Military Family Peace of Mind Act. We believe this is simple, but important legislation for the loved ones of military personnel who have died in the service of our nation.

It goes without saying that the loss of a loved one is difficult no matter what the situation. Despite knowing the potential risks associated with the military service of their family member, the burden can be even more difficult when it occurs suddenly such as when our men and women are killed on the field of battle. Families need time to grieve for their loved ones and that need is particularly acute when the spouse or parent of one of our fallen heroes must tell dependent children of the loss. Unfortunately the process for providing notice to the media about military personnel killed allows for that critical time to grieve.

The current process for notifying next of kin about the loss of their cherished family member falls to the individual services. Once the casualty assistance officer of the respective service notifies the family members, the officer then forwards notice of the visit to the Office of Secretary of Defense for Public Affairs, who in turn promptly issues a release to the media identifying the individual. Although this is done with an eye towards providing full and open access to information about military operations as practical, we have heard from family members that this notification has actually resulted in swarms of media harassing family members trying to get a story. One spouse commented that she had had little time to grieve because her entire energies were being spent trying to fend off aggressive press inquiries. The need for open access to information aside, that is no way to respect a family who has just learned that their spouse, son, or daughter was killed while defending our country.

It is true the Department of Defense does not and cannot control the conduct of members of the media, but actions can be taken to help these grieving families. One specific step that can be taken is to implement a minimum 24-hour delay from the time a casualty assistance officer notifies the next of kin about their loss until the time that name is released to the media and the public. A 24-hour delay would not unreasonably impair the public's access to information about military activities, but could provide an immeasurable amount of relief to those who have endured the loss. That is what this bill seeks to do.

Mr. Speaker, these families have already paid the ultimate sacrifice for our country's freedom. A 24-hour waiting period prior to public notification is not too much for the families of our fallen heroes to ask of us.

100TH ANNIVERSARY OF THE SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION LOCAL UNION NO. 104

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, I know that all Members of the House of Representatives will want to join me in saluting the Sheet Metal Workers' International Association, Local Union No. 104 on the 100th anniversary of its founding. Sheet Metal Workers' Local Union No. 104, through its many members over the last 100 years, has long played a vital role in protecting and organizing workers throughout Northern California.

The Sheet Metal Workers' International Association was first formed on January 25, 1888, in Toledo, Ohio. Since that day, local unions throughout the country have fought to protect the rights of workers in a wide variety of trades and job types; encompassing workers from tinsmiths to high tech specialists.

Sheet Metal Workers' Local Union No. 104 was formed on May 7, 1903, and is dedicated to the mission "* * * to establish and maintain desirable working conditions and thus provide for themselves and their families that measure of comfort, happiness, and security to which every citizen is entitled in return for his labor, from a deep sense of pride in our trade, to give a fair day's work for a fair day's pay."

Sheet Metal Workers' Local Union No. 104 membership includes individuals from the geographic regions of: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, Santa Clara, San Benito, San Francisco, San Mateo, Santa Cruz, Solano, Sonoma and Trinity Counties. Furthermore, Sheet Metal Workers' Local Union No. 104 currently represents more than 8,000 members local-wide, and is accredited with one of the most successful Organizing Programs in the country. The Union has organized approximately 50 new shops in that past two and a half years alone.

Sheet Metal Workers' Local Union No. 104's members are highly skilled craftspeople specializing in areas such as heating, air conditioning and ventilation, and architectural sheet metal. These members' work is attributed with achieving higher quality of air in homes, office buildings, medical facilities, schools and other official buildings, in addition to contributions to various architectural features such as copper roofs, stainless casing and bronze architecture which can be seen throughout many cities; an example of this work is the copper dome on San Francisco's City Hall.

Sheet Metal Workers' Local Union No. 104's efforts to raise the standard of living and protect individual rights for its membership, as well as other workers throughout the region, are deserving of our attention and admiration.

Mr. Speaker, I join Sheet Metal Workers' Local Union No. 104's officers and members in celebrating the 100th Anniversary of their founding, and I salute the work of the Sheet Metal Workers' International Association, Local Union No. 104. I encourage my colleagues to similarly respect the positive impacts the Sheet Metal Workers' International Association has had within their home districts and States, and I encourage them to express their support of this historic anniversary for the Sheet Metal Workers' Local Union No. 104.

TAKING STOCK IN ROMANIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to discuss the consolidation of democracy in Romania. As Co-Chairman of the Commission on Security and Cooperation in Europe—the Helsinki Commission—I have followed events in Romania for many years. The Romanian people have survived the repression of a brutal communist dictatorship and, in the years since the fall of that regime, have made great strides in building democratic institutions and the rule of law. However, much remains to be done to overcome the legacy of the past.

Romania is a good friend and strong ally of the United States. I appreciate and thank the Government of Romania for its steadfast support of Operation Enduring Freedom in Afghanistan, where a battalion serves on the ground, and for its support of the U.S.-led military action in Iraq. Romania has been offered the much sought after admission to NATO, and today the Senate began debate on the Protocols of Accession. Romania is also an accession candidate to the EU.

It is in the spirit of friendship that I continue to follow the human rights issues there, based on a belief that Romania will be a stronger democracy, and therefore a stronger partner, when respect for human rights is strengthened. Frankly, I am concerned that, following Romania's invitation to join NATO, the reform momentum in Bucharest may have dissipated.

Mr. Speaker, I believe that there is no greater barometer of democracy than free speech and freedom of the press. While there is no doubt that the Romanian people have access to a broad range of print and electronic media, 13 years after the fall of Ceausescu, Romanian law still includes communist-era criminal defamation provisions which impose prison terms for offenses such as "insult" or "offense against authority." These laws cause a chilling effect on independent and investigative journalism and should be repealed.

Today, I received a letter from Foreign Minister Geoana, informing me that a new draft Penal Code would do exactly that. This is encouraging news, and I will follow this process closely with the hope that articles 205, 206, 236, 236(1), 238, and 239 of the Romanian Penal Code will actually be repealed and not just modified.

Mr. Speaker, there is no international requirement that countries must make property restitution or provide compensation for confiscated properties. However, if a legal process for property restitution or compensation is established, international law requires that it be nondiscriminatory and be implemented under the rule of law. Property restitution in Romania since the fall of communism has been slow and ineffective, and the laws—which the government has enacted to address the problem—lack transparency, are complex, and have not been effectively implemented.

Restitution of communal property—for example churches or synagogues—is especially difficult. In 1948, Romania's communist government banned the Greek Catholic (Uniate) Church and ordered the incorporation of the Greek Catholic Church into the Orthodox Church. More than 2,500 churches and other buildings seized from the Uniates were given to Orthodox parishes. The government decree that dismantled the Greek Catholic Church was abrogated in 1989, however, of the thousands of properties confiscated from Greek Catholics, fewer than 200 have been returned nearly 15 years later. The status of thousands of properties belonging to the historic Hungarian faiths (Roman Catholic, Reformed, Lutheran and Unitarian), and the Jewish community, as well as other non-traditional religions has not been resolved, despite the enactment of a communal property restitution law in July of 2002.

The restitution of private property in Romania is equally as murky. In February 2001, the Romanian Parliament enacted Law 10/2001, the express purpose of which, according to Article 1 (1) of the Law, is to make restitution in-kind of nationalized real property and, whenever such in-kind restitution is not possible, to make restitution in an equivalent consisting of cash for residential properties and vouchers to be used in exchange for shares of state-owned companies or services. This clearly stated principle has been undermined by so many exceptions that it becomes virtually meaningless. Those claimants who have overcome the numerous exceptions contained in the law have then been stymied by government recalcitrance when they have attempted to obtain the necessary documentation to support their claims. Many title deeds were purposely destroyed by the former communist regime. State archives, having been deluged with a significant volume of requests, complicate the process with chronic bureaucratic delays in processing property records, and seeming indifference to the urgency of those requests. The Government of Romania cannot expect claimants to file within prescribed deadlines, and then not provide them with the means to obtain the proof of their claims from the government's own records.

Further, I am disappointed by the ineffective and inadequate attempts of the Romanian Government to register the Jehovah's Witnesses as an official religion. The inability of the government to make this happen is a serious concern, as it is more than an issue of legal personality, but also of rule of law, religious freedom and discrimination. In October 2001, I received personal assurances from Foreign Minister Geoana that this longstanding matter would be resolved; it has not despite a ruling by Romania's highest court dating back to 2000. The Ministry of Culture and Religious Affairs seemed to provide a fix in October of last year, but it proved faulty and failed to bring closure to this matter. Mr. Speaker, I urge the competent Romanian authorities to remove this issue from the agenda by facilitating the recognition of the Jehovah's Witnesses as an official religion without further delay.

Another matter which I hope the Government of Romania will bring to closure is the rehabilitation and honoring of World War II dictator, Marshall Ion Antonescu, Hitler ally and war criminal condemned for the mass murder of Jews. Last year government officials publicly condemned efforts to honor Antonescu and removed from public land three statues that had been erected in his honor. One statue remains on public land in Jilava, the site of Antonescu's execution, and important streets in the cities of Timisoara and Oradea continue to be named after him. I urge the Government of Romania to remove these remaining vestiges honoring the former dictator.

Finally, Mr. Speaker, I want to express my continuing concern about the Romani minority in Romania. I appreciate that Romania was the first country in Central Europe to adopt comprehensive anti-discrimination legislation. This was an extremely important and positive step. But there appears to be a rising tide of intolerance against Roma, manifested by scapegoating of Roma in the media and in the statements of some public officials. In all likelihood, this climate contributed to the tragic events in Buhusi last December, when a number of Roma were shot during a police raid, including a 14-year-old boy who was reportedly shot in the back. I hope the Romanian Government will play a leadership role in countering prejudice against Roma and will continue to implement programs to address discrimination against them.

Protection and promotion of fundamental freedoms and human rights, as well as commitment to the Helsinki Final Act and respect for Organization for Security and Cooperation in Europe norms and principles, are requirements for NATO membership. As a participating State of the OSCE, and as a candidate for admission to NATO, Romania has made that commitment. It is my hope, Mr. Speaker, that the Government of Romania will use this opportunity to strengthen its democracy, not retreat from it.

HONORING DORIS GREGORY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Doris Gregory for her contributions to the Ouray community. For the last twenty-five years Doris has been one of Ouray's most prolific historians, writing more than a dozen books about the community, its buildings and families. Today I would like to acknowledge her accomplishments before this body of Congress and this nation.

Doris was not always a historian. After she graduated from the University of Washington, Doris moved to Alaska with her new husband and ran a small newspaper. Later she earned a doctorate in education and embarked on a thirty-year career in teaching and administration in three different states, authoring textbooks and spending summer vacations in Ouray. By the time Doris retired in 1978, she and her husband owned a home in Ouray, and Doris began spending a lot of time in the county archives. Among her books, Doris has authored a two-volume comprehensive history of Ouray. As an important local authority, Doris has also volunteered countless hours at the Ouray County Historical Museum and given lectures.

Mr. Speaker, it is a great privilege to recognize Doris Gregory for her hard work and dedication to documenting the history of an important region of Colorado. Doris has almost single-handedly preserved the history of Ouray County for future generations, and I thank her for her efforts.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 8, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 9

9:30 a.m.
Armed Services
Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense.
SR–222

MAY 13

9:30 a.m.
Commerce, Science, and Transportation
To continue hearings to examine media ownership.
SR–253

Judiciary
To hold hearings to examine Project Safe Neighborhoods, focusing on gun violence.
SD–226

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the nominations of Steven B. Nesmith, of Pennsylvania, to be an Assistant Secretary of Housing and Urban Development, Jose Teran, of Florida, James Broaddus, of Texas, Lane Carson, of Louisiana, and Paul Pate, of Iowa, each to be a Member of the Board of Directors of the National Institute of Building Sciences, Nicholas Gregory Mankiw, of Massachusetts, to be a Member of the Council of Economic Advisers.
SD–538

Appropriations
Homeland Security Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Bureau of Customs and Border Protection, Transportation Security Administration, and Federal Law Enforcement Training Center.
SD–124

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 452, to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, S. 500, to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era, S. 601, to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, for inclusion in the Fort Vancouver National Historic Site, S. 612, to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona, H.R. 788, to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona, S. 630, to authorize the Secretary of the Interior to conduct a study of the San Gabriel River Watershed, and H.R. 519, to authorize the Secretary of the Interior to conduct a study of the San Gabriel River Watershed.
SD–366

2 p.m.
Finance
International Trade Subcommittee
To hold hearings to examine the status of the free trade area of the Americas, focusing on negotiations and preparations for the Miami Ministerial.
SD–215

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 520, to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho, S. 625, to authorize the Bureau of Reclamation to conduct certain feasibility studies in the Tualatin River Basin in Oregon, S. 960, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii and to amend the Hawaii Water Resources Act of 2000 to modify the water resources study, S. 649, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in projects within the San Diego Creek Watershed, California, and S. 993, to amend the Small Reclamation Projects Act of 1956.
SD–366

MAY 14

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the Columbia Space Shuttle investigation.
SR–253

Health, Education, Labor, and Pensions
Business meeting to consider S. 888, to reauthorize the Museum and Library Services Act, S. 686, to provide assistance for poison prevention and to stabilize the funding of regional poison control centers, S. 504, to establish academics for teachers and students of American history and civics and a national alliance of teachers of American history and civics, and S. 754, to amend the Public Health Service Act to improve immunization rates by increasing the distribution of vaccines and improving and clarifying the vaccine injury compensation program.
SD–430

Indian Affairs
Business meeting to consider pending calendar business, to be immediately followed by oversight hearings to examine the role of funding of the Federal National Indian Gaming Commission.
SH–216

2 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the implementation of the 2002 Farm Bill.
SR–328A

2:15 p.m.
Judiciary
Terrorism, Technology and Homeland Security Subcommittee
To hold hearings to examine recruitment of terrorists in prison.
SD–226

MAY 15

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine Title XI Reform.
SR–253

Governmental Affairs
To hold hearings to examine the Department of Homeland Security, focusing on state and local governments.
SD–342

10 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings to examine the Fair Credit Reporting Act and issues presented by the Re-authorization of the Expiring Preemption Provisions.
SD–538

Indian Affairs
To hold hearings to examine S. 575, to amend the Native American Languages Act to provide for the support of Native American language survival schools.
SR–485

2 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine proposed budget estimate for fiscal year 2004 for foreign operations.
SD–138

Governmental Affairs
To hold hearings to examine the nominations of Susanne T. Marshall, of Virginia, to be Chairman of the Merit Systems Protection Board, Neil McPhie, of Virginia, to be a Member of the Merit Systems Protection Board, Terrence A. Duffy, of Illinois, to be a Member of the Federal Retirement Thrift Investment Board, and Thomas Waters Grant, of New York, to be a Director of the Securities Investor Protection Corporation.
SD–342

2:30 p.m.
Commerce, Science, and Transportation
Oceans, Fisheries and Coast Guard Subcommittee
To hold hearings to examine the Marine Mammal Protection Act.
SR–253

MAY 20

2:30 p.m.
Foreign Relations
To hold hearings to examine the future of U.S. economic relations in the Western Hemisphere.
SD–419

MAY 21

9:30 a.m.
Foreign Relations
Business meeting to consider an original bill to authorize foreign assistance for fiscal year 2004, to make technical and administrative changes to the Foreign Assistance and Arms Export Control Acts and to authorize a Millennium Challenge Account.
SD–419

10 a.m.
Indian Affairs
To hold oversight hearings to examine the proposed reorganization of the Bureau of Indian Affairs.
SR–485

MAY 22

10 a.m.
Indian Affairs
To hold oversight hearings to examine the status of telecommunications in Indian Country.
SR–485

JUNE 3

10 a.m.
Indian Affairs
To hold oversight hearings to examine the status of tribal fish and wildlife management programs.
SR–485

JUNE 4

10 a.m.
Indian Affairs
To hold hearings to examine S. 281, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes, to provide for training and technical assistance to Native Americans who are interested in commercial vehicle driving careers, and S. 725, to amend the Transportation Equity Act for the 21st Century to provide from the Highway Trust Fund additional funding for Indian reservation roads.
SR–485

2 p.m.
Indian Affairs
To hold oversight hearings to examine the impacts on tribal fish and wildlife management programs in the Pacific Northwest.
SR–485

JUNE 11

10 a.m.
Indian Affairs
To hold hearings to examine the nomination of Charles W. Grim, of Oklahoma, to be Director of the Indian Health Service, Department of Health and Human Services.
SR–485

JUNE 18

10 a.m.
Indian Affairs
To hold oversight hearings to examine Native American sacred places.
SR–485

CANCELLATIONS

MAY 15

9:30 a.m.
Foreign Relations
To continue hearings to examine an original bill to authorize foreign assistance for fiscal year 2004, to make technical and administrative changes to the Foreign Assistance and Arms Export Control Acts and to authorize a Millennium Challenge Account.
SD–419

SENATE—*Thursday, May 8, 2003*

The Senate met at 9:31 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, the Reverend R.J. Barber, of Danville, VA.

PRAYER

The guest Chaplain offered the following prayer:

Eternal God, our Heavenly Father, we come to You in solemn prayer as our Senate opens its deliberations for this day. We express our deep gratitude for the unmeasured blessings You have bestowed upon this Nation. We honor our Founding Fathers whose sacrifice and wisdom birthed this Nation under Your divine guidance. We marvel at the unbroken success of this experiment in democracy.

We bow in gratitude for the protection of Your Almighty hand through all of our wars, from Valley Forge to Baghdad. We thank You for the men and women, both past and present, who have served so nobly in our Armed Forces. We ask Your comfort for all of the families who have suffered in our latest war.

Where we have broken Your commandments, forgive us. Lead us in the uncharted waters of the future. Guard our hearts from pride. As we face the great issues of our time, may we be mindful of Your holy laws and our accountability to You, our righteous Judge. May You guide the deliberations of this body. May we seek to do justice and walk humbly with our God. Long may our land be bright with freedom's holy light; protect us by Thy might, great God, our King. All of these favors and blessings we ask in the name of our Lord. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The Chair recognizes the majority leader.

SCHEDULE

Mr. FRIST. Mr. President, momentarily we will be voting on passage of the resolution of ratification for a historic treaty. Members are gathering now for this important vote. Therefore, I will defer my comments on today's schedule until later.

At this time we will proceed with the final remarks prior to the vote.

ORDER FOR RECESS

Mr. FRIST. Mr. President, I ask unanimous consent that following this vote, the Senate stand in recess subject to the call of the Chair in order for Members to greet our guests.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NATO EXPANSION TREATY

The PRESIDENT pro tempore. Under the previous order, the Senate will go into executive session to consider Executive Calendar No. 6, which the clerk will report.

The assistant legislative clerk read as follows:

> Resolution of Ratification to Accompany Treaty Document No. 108-4, Protocols to the North Atlantic Treaty of 1949 on Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia.

The PRESIDENT pro tempore. Under the previous order, the chairman of the Foreign Relations Committee is recognized prior to the vote on the resolution of ratification.

Mr. LUGAR. Mr. President, the Senate comes together this morning to ratify the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to the NATO alliance. It will be a truly historic vote in the Senate and a most important day in the histories of these nation-states. I am hopeful the Senate will support overwhelmingly this remarkable foreign policy initiative.

When President Bush made his first trip to Warsaw Europe 2 years ago, he strongly voiced in his Warsaw address the U.S. commitment to Europe generally and to NATO in particular. Now, at a moment when relations with some of our European allies are strained, a clear showing of bipartisan support for NATO enlargement takes on added importance. The affirming message of the first round of enlargement led to improved alliance capabilities and strengthened transatlantic ties. I am confident that this second round will do the same. The eyes of a hopeful and expectant world are upon us. I ask my colleagues to join me in voting for this resolution of ratification.

I would like to direct the attention of Senators to the balcony above where we are joined today by the Foreign Ministers of the seven aspirant states. They have come together with us today to witness our actions and to join with us on the Senate floor at the completion of the vote. At noon they will be hosted by the Secretary of State for lunch at the State Department and later by President Bush at a Rose Garden ceremony. Their presence, here today, is a personal witness to the close relationship our nations will enjoy as partners in the NATO Alliance.

I thank Senators for their cooperation and ask for their support of the enlargement of the NATO allliance .

The PRESIDENT pro tempore. The Senator from Delaware.

Mr. BIDEN. Mr. President, it is fitting on this day, which is the 58th anniversary of V-E Day, the victory over Nazi tyranny in Europe, that the Senate is about to vote to admit seven countries that suffered under that tyranny and the tyranny of Communism—Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia—all of which have their Ambassadors present today and are very welcome.

His Holiness Pope John Paul the II and President Reagan should be thanked for having hastened the fall of Communism in Europe. President George H.W. Bush should be thanked for the unification of Germany, and our President Bush for having widened the circle of the current round of NATO enlargement, and President Clinton, who skillfully led the way to the pathbreaking last round of enlargement which moved NATO into formerly Communist Central Europe.

Today is a culmination of the work of a number of great men and women. I am just happy to be able to play a little tiny part.

I urge everyone to vote, which I am confident they will, for accession.

Mr. REED. Mr. President, I join my colleagues on both sides of the aisle to express my support for the ratification of the protocols to the North Atlantic Treaty of 1949 on the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia.

NATO has been perhaps the most successful military alliance in history, ensuring the peace and security of Europe for over fifty years. I believe these

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

seven countries will not only benefit immeasurably from their inclusion in NATO, but they will all serve to further strengthen the alliance in ways that we could not have imagined in 1949. Though they are all fledgling democracies, they bring with them a zeal for the democratic process that we all share.

In 1997, I had concerns about admitting the last three nations into NATO—Hungary, Poland, and the Czech Republic. I had significant concerns about the cost we as a nation might incur by allowing these countries with immature political and social structures and outdated militaries to enter the alliance. But time has proven that these costs are less than we imagined, and I believe that the cost required to bring these next seven nations into the alliance should be well worth the investment.

At the same time, I continue to have reservations about the likelihood of true interoperability with these seven new nations. These seven nations use military hardware that is a product of the Soviet armed forces, and it is rapidly reaching the end of its useful life. Very little of this equipment is compatible with the latest hardware, weapons, and ammunition currently utilized by the United States. The militaries of the seven new nations are also top heavy with senior officers who were trained under the old Soviet regime. As with the ground forces, their air forces are also products of the Soviet era, and are greatly outdated. Finally, interoperability within the communications arena will be extremely challenging, at best, until these militaries become proficient in English.

Despite these misgivings, I still believe that we should admit these seven nations into the NATO alliance. The NATO alliance ensured victory in the Cold War and has preserved the peace in Europe for over fifty years. But in order to survive for the next fifty years, the alliance must be willing to make much-needed changes to its charter. I support the Warner-Levin-Roberts amendment and its two major provisions that the President of the United States placed on the agenda at the North Atlantic Council. First, I agree that we must eliminate the "consensus rule," the antiquated requirement in the NATO charter that nearly prevented NATO from protecting one of its own members, Turkey, before the commencement of Operation Iraqi Freedom. This rule may have worked when the alliance was first formed in 1949 with its original 12 members, but it cannot work any longer. Secondly, I support the need for a new rule in NATO that authorizes the members of the alliance to suspend the membership of any country in NATO which no longer supports the ideals of the alliance. The recent refusal of support on the part of some of our NATO allies during the build-up for and execution of Operation Iraqi Freedom has again shown the need for such a change. Only with these two critical steps will NATO continue to thrive and be as critical to peace and security in the 21st Century as it was in the 20th Century.

Mr. JEFFORDS. Mr. President, I will vote today to provide advice and consent to the ratification of the Protocols to the North Atlantic Treaty of 1949, approving accession to the treaty by Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia.

While I will vote for this resolution of ratification, I do so with deep concerns over the future of NATO and its ability to serve as an effective military alliance. Five years ago, I voted against expanding NATO to include Poland, Hungary and the Czech Republic. I did so, in part, because of a belief that there was no logical end point once NATO began to expand. I was worried at that time that an expanded NATO would become unwieldy and lose focus on its primary mission as a defensive military alliance. Those fears continue today, magnified by the realities associated with seven additional members. However, having decided in 1998 to admit Poland, Hungary and the Czech Republic, there is little reason for the United States to reject the current round of NATO aspirants. Based on the logic of this latest round of expansion, I assume that this trend will continue, and that new members will be added in coming years as they meet NATO criteria, with the ultimate composition of the alliance becoming extremely diverse.

I am greatly concerned that the inclusion of 10 new NATO members over the past 5 years demonstrates that the United States and its original NATO Allies are wavering from the original purpose of the alliance. Throughout the cold war, the alliance presented a unified front, functioning as an efficient, credible deterrent to aggression. With the radical expansion of alliance membership by over 50 percent since 1998, the alliance has jeopardized its ability to act decisively in times of crisis. I am concerned that the alliance has expanded to the point of becoming inefficient and unwieldy. It runs the risk that divergent views will lead to paralysis or, worse yet, irrelevance when action is required.

The United States and Europe already have the Organization for Security and Cooperation in Europe to handle concerns related to promoting security in Europe, and there are several other organizations directed toward trade and the resolution of other political issues. I am concerned that an expanded NATO will be more suitable for discussion than action, and history has unfortunately shown that action is sometimes required. I continue to believe that the original decision in 1998 to expand NATO was a mistake, but reluctantly agree to accession by these seven countries.

Mr. LAUTENBERG. Mr. President, today will go down as a remarkable day in the history of world diplomacy. I enthusiastically support the passage of Treaty Document No. 108–04, the Resolution of Ratification to the Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia.

We are seizing a remarkable opportunity to extend the democratic zone of security, stability, tranquility, and mutual assistance eastward. I welcome the seven aspirant countries, and commend their efforts since the fall of their communist regimes 12 years ago to embrace democratic governance and liberal economic policies.

I urge the adoption of the Resolution of Ratification because I believe that NATO expansion will bring positive security benefits to the United States. Sovereign states no longer pose the greatest threats to U.S. national security; transnational actors—terrorists groups and their networks of supporters do. I believe that the war on terrorism will only be won through effective cooperation between the U.S. and our allies around the world. Since 9/11, our NATO allies have helped tremendously in our attempt to thwart terrorist attacks here and abroad. The NATO accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia will solidify the cooperation that already exists bilaterally between the U.S. and these seven countries.

I do have one concern that I would like to mention: the rights of the large historic Hungarian minorities in Slovakia and Romania. I urge both countries' governments to continue to work with their Hungarian communities to resolve property restitution disputes and other contentious issues. And I urge the governments of all seven countries to pay continued attention to human rights so that all of their citizens may enjoy the benefits that accession to NATO will bring.

I extend a special welcome to the distinguished Foreign Ministers and Ambassadors who have come to the Senate Chamber today from each of the seven countries. I welcome them to a crucial alliance, one that was formed in the wake of World War II to protect freedom and democracy, human rights, and rule of law through the combined strength of western military, intelligence, economic, and political assets.

Mr. President, today's vote gives me great optimism about the future of our NATO alliance and about the contributions that these seven newest members will make for our collective peace, stability, freedom, and prosperity.

Ms. MIKULSKI. Mr. President, I rise in support of ratification of the Protocol to the Washington Treaty to bring seven new members in the NATO alliance.

Allies and partners make concrete and indispensable contributions to American national security in the complex and rapidly-changing post-cold war environment. Most security problems cannot be addressed unilaterally, and acting with others helps reduce the backlash against the United States. We are virtually always better off sharing the risks and burdens and costs with our allies. The NATO alliance has been a reliable cornerstone of America's national security since it was founded more than half a century ago.

I believe we need to modernize and strengthen NATO as our key alliance in the 21st century. We need to do four things to make NATO stronger:

First, we need to overcome differences over Iraq and other issues by working together to develop a common understanding of the threats we face, so we don't again face the challenge of NATO Allies refusing access to U.S. troops or denying protection to another ally.

Second, our European partners need to modernize their military capabilities to be ready to take on any potential enemy or military task, and to ensure interoperability between U.S. and European forces.

Third, NATO must be ready to act beyond Europe, because our common enemies and shared missions could be anywhere.

Finally, NATO must be ready to fight new enemies rather than just conventional military forces. These threats include the proliferation of weapons of mass destruction and missiles, rogue states and ethnic conflicts, and terrorism.

The limited debate and sparse opposition to further enlargement of NATO are a tribute to the success of the round of NATO enlargement we ratified in 1996. Poland, Hungary and the Czech Republic are full and reliable NATO allies. They have already contributed to America's security, joining in the unanimous invocation of article 5 of the Washington Treaty, that an attack on one is an attack on all, after terrorists attacked the United States on September 11 of 2001.

Poland, Hungary and the Czech Republic are being fully integrated into Europe including membership in the European Union. But they understand the value of the trans-Atlantic alliance.

I am particularly proud that Poland is always ready to stand with America. Poland sent ground forces for the war in Iraq, joining only two other allies: the United Kingdom and Australia.

I strongly support NATO membership for the three Baltic states: Estonia, Latvia and Lithuania. These countries know freedom and are willing to fight for it, because they suffered so long under Soviet occupation. The Baltic states are working to help America confront new challenges now that the cold war is over.

I had the opportunity to visit Estonia, Latvia and Lithuania a few years ago, and participate in the NATO parliamentary assembly meeting in Vilnius. I was truly impressed by the spirit and progress of the Estonian, Lithuanian and Latvian peoples. All three Baltic states are building modern armed forces to contribute to the security of NATO.

I am particularly proud of the Maryland-Estonia partnership, under which the Maryland National Guard has helped organize and train Estonia's military. All three Baltic states have contributed to the war on terrorism and international peacekeeping missions.

I urge my colleagues to join me in support of further enlargement of NATO. I believe this round of enlargement, like the last, will strengthen NATO. Strengthening NATO strengthens America's national security.

Mr. EDWARDS. Mr. President, I rise in strong support of NATO's expansion and the ratification of the Treaty before us. For more than 50 years, the alliance has been the cornerstone of the U.S.-European relationship, and I believe that NATO remains our most important alliance. NATO's enlargement is critical to ensuring its continuing relevance in the 21st century.

With the inclusion of 7 new members—Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia—NATO shows its commitment to establishing partnerships with its former adversaries and expanding the zone of freedom and security from Europe's West to Europe's East. Enlargement enables these countries to complete the journey they began with the end of Soviet communism, a journey that will make them part of a Europe that is whole, free and at peace.

With this step, we also come closer to completing the vision outlined by President Bill Clinton nearly a decade ago. In January 1994, President Clinton first described the enlargement of NATO as one of not "whether but when." Thanks to his strong leadership, Poland, Hungary and the Czech Republic joined the alliance in 1999, and NATO developed a new relationship with Russia. President George W. Bush deserves credit for continuing his predecessor's policies.

I am deeply committed to NATO. A year ago, I voted in favor of the Freedom Consolidation Act, which stressed the importance of NATO and endorsed taking the step of enlargement. And last December, I went to NATO headquarters in Brussels and met with senior alliance officials, including Lord George Robertson, the superb NATO Secretary General; General Joe Ralston, then-NATO's military commander; our excellent U.S. Ambassador to NATO, Nick Burns; and several of his fellow NATO Ambassadors. I also visited London, where I met with the leader of one of our closest NATO allies, the United Kingdom's Tony Blair.

In all of these discussions, we agreed that bringing these deserving countries into NATO was critical to making the alliance stronger. But we also agreed that enlargement was only the first step—and in some ways, that it might prove to be the easiest. This is remarkable, especially when considering how contentious the issue of NATO enlargement was less than half a decade ago, not only here in the Senate, but around the world.

For NATO to continue to be a strong alliance, its members must meet at least two challenges. First, NATO members must close the gap in their military capabilities, and second, we must work to orient NATO toward new missions.

The Europeans understand that in terms of military spending and modernization, they are just not keeping up. A big part of the problem is budgetary. Last year the U.S. spent twice as much on defense than every other NATO member combined. The $48 billion increase in military spending that Congress appropriated after the September 11, 2001, attacks was itself twice as much as Germany's entire defense budget.

Everyone at NATO understands the problem. Lord Robertson repeatedly warns about it, but the question is whether our European partners can muster up the creativity and political will to get the job done. Since I believe that it is in the U.S. security interest to work more, not less, with our European partners, it is obvious that our partners need to be strong and capable of working with the United States.

Beyond the issue of capabilities, NATO's members face an even more fundamental question: What is NATO's purpose? My answer is this: If NATO's cold war mission was to keep the peace in Europe, the real point of the Transatlantic security relationship in the 21st century is what we can do together outside of Europe. This includes addressing threats like terrorism, the proliferation of weapons of mass destruction, and pandemics like HIV/AIDS. And it includes acting in places that NATO planners have considered "out of area": the Middle East, South and Central Asia, and Africa. The bottom line is that neither the United States nor Europe can tackle any of these problems alone. We need each other, and to neglect natural building blocks like NATO simply does not make any sense.

Over the past 2 years, NATO has made historic strides in addressing these new threats. Following the September 11 attacks, NATO Allies came together and, for the first time, invoked the alliance's self defense clause.

NATO partners are on the ground today in Afghanistan. Later this year, the alliance itself will assume command of the international security force in Afghanistan.

I also believe that NATO can and should play a central role in providing security in a postwar Iraq. We all know that many NATO members were deeply divided over the issue of what to do about Iraq. But now that the war is over, I believe that we have an opportunity to reaffirm NATO's importance and relevance—as well as America's commitment to the Alliance—by looking for ways to include NATO in providing security today in Iraq. Doing so would not only lend credibility to America's efforts in Iraq, but over the coming months and years ease the burden on the American people. This is a test, a test not just for NATO but for American leadership in NATO.

This is not the first time America's leadership in NATO has been tested. In fact, the question of whether or not to enlarge NATO was a test of American leadership, and with our vote today, we will have met that test. Now, I believe we have to show the same sense of commitment and resolve to help NATO meet the new challenges we face in Iraq and elsewhere.

The PRESIDENT pro tempore. The Chair recognizes the minority leader.

Mr. DASCHLE. Mr. President, I commend Senators LUGAR and BIDEN for their historic achievement this morning. This has been an effort that has enjoyed strong bipartisan support within our country and within the Senate. I commend them especially for their remarkable leadership in bringing us to this point.

I also welcome the Foreign Ministers and Ambassadors who join us on this momentous occasion from Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia. I welcome them to NATO; I welcome them here. This is truly a historic day.

We continue today what we did on V-E Day, now more than 50 years ago, what thousands of our GIs, including my father, started more than 60 years ago with the landing at Normandy, the creation of a Europe that is whole and that is free.

This is the beginning of a partnership that will produce greater world stability, greater international involvement in world affairs, and a partnership with countries that will increasingly become valuable partners and allies of the United States.

Expanding NATO to include these seven democracies will make NATO stronger and the United States safer.

Five years ago we undertook to expand NATO for the first time. At that time, the debate hung on this critical question: Should NATO limit its mission to defending a fixed list of nations, selected more than 50 years ago, against an enemy that no longer existed? Or does it exist to provide a collective security umbrella armed to defend an alliance of free countries—countries that have demonstrated not only a deep commitment to democracy, but a willingness to defend it?

A strong, bipartisan majority answered that question by voting to enlarge NATO to meet the threats of a new world. The results of that decision did not disappoint.

On September 12, 2001, for the first time in its history, NATO invoked Article 5, and mobilized to defeat the threat of terrorism. NATO aircraft patrolled American skies and later this summer NATO will take over control of the Security Force in Afghanistan. Today we have the opportunity to take the next step and strengthen NATO yet again.

Each of the seven countries seeking to join our alliance has made the democratic reforms that inclusion in NATO demands. We could not have made this contention 15 years ago. But due to the foresight and perseverance of the citizens of each of these countries, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia are all today strong democracies.

Emerging from a history of foreign occupation, and defending themselves against the threats of corruption and organized crime, these nations have affirmed their commitment to democracy both in word and in deed. They have earned the right to be members of NATO. With that right, comes a responsibility, and they have shown a willingness to meet that responsibility.

Each has contributed to the peacekeeping missions in the Balkans. Each contributed to Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom. Each has contributed to the International Security Assistance Force in Afghanistan and have pledged contributions for the reconstruction of Iraq.

As important as our shared values are, NATO remains, at its core, a defensive alliance.

As such, the forces of alliance members must remain capable of defending against a significant military threat—in Europe and beyond.

At Prague, NATO members pledged to transform NATO to make it better able to address the threats we face now.

Gone are the days of defending the Fulda Gap in the heart of Europe. Now we must be ready to counter the elusive and ever-present threat of terrorism, and the proliferation of weapons of mass destruction far outside the borders of Europe.

Each of our new partners will bring specialized capabilities to the alliance.

In Iraq, Afghanistan, and the Balkans, we have seen first-hand the expertise of Bulgarian and Slovak antinuclear, biological, and chemical weapons teams; Slovenian de-mining units; and Romanian mountain troops.

We will continue to draw on their skills as we carry forward our efforts to defeat terror and restore stability to Afghanistan and Iraq.

The addition of new members amplifies the need to close the disparities between the United States and our Allies.

We are encouraged by our new members "niche capabilities." But the differences between the United States and its NATO Allies in transport, logistics, communications, and intelligence capabilities risk undercutting the alliance.

As we take this momentous step today—of extending the NATO security guarantee to seven new countries stretching from the Baltic to the Black Sea—we remind our friends, new and old, of their responsibility to invest in the capabilities of our brothers in arms.

We also must not permit periodic disagreements to erode the common cause that has made NATO the most successful military alliance in history.

The feud in the North Atlantic Council over how to aid Turkey in the event of an attack by Iraq exposed serious divisions in NATO. Subsequent discussion of a EU-based security arrangement as an alternative to NATO does little to ease those divisions.

These are not insurmountable challenges, but this alliance, like our key alliances in Asia, demand communication, attention, and diplomacy.

Handled correctly, this new and newly energized NATO can play a central role in post-Saddam Iraq—a role that can ease the burden on America's troops and American taxpayers.

I am proud to cast my vote for this resolution on the anniversary of one of our Nation's most glorious achievements—V-E Day, May 8.

My father was an Army sergeant in World War II. He landed on the beaches of Normandy with the 6th Armored Division on "D Plus 1"—June 7, 1944.

One of his many duties was getting word back to the States about the dead and missing so their families could be notified. That experience left him with a profound respect for the sacrifices democracy sometimes demands. It is a lesson he passed on to his four sons.

He taught my brothers and me another lesson: When you make a promise, you keep it.

With this vote, the United States makes a promise—a promise to protect our Allies, old and new, from any threat that may emerge in the years to come.

In return, we expect their wholehearted commitment to stand with us to continue the push for a Europe, whole and free. That effort began over 60 years ago with the blood and effort of soldiers like my father. By advancing their cause, this treaty honors their sacrifice.

I yield the floor.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, 6 months ago, I traveled to Prague to support and bear witness to the historic decision of President Bush and the leaders of the Atlantic alliance to invite seven countries to join NATO. Today, on the 58th anniversary of Victory in Europe Day, the United States will vote to ratify in this Senate that vision of a free Europe, stretching from the Baltic Sea to the Black Sea.

I commend the chairman of the Foreign Relations Committee, Senator LUGAR, and the ranking member, Senator BIDEN, for their efforts to support this goal. I also thank the Democratic leader, Senator DASCHLE, for helping to make this happen.

In the few years I have been in Washington and in my few short months as majority leader of the Senate, I have seen few ideas that are so untroubled by political differences, that so united the Senate and the Nation, and that so completely fortified the very foundation of our liberty—that democratic government shall be defended and that freedom shall prevail.

These are exhilarating times in which we live. In just over a dozen years, we have seen the collapse of the Soviet Union, the freeing of captive nations, the collapse and defeat of tyrannical dictatorships, and the birth of new democracies across Europe, Latin America, the Middle East, Africa, and Asia. Each of these victories for freedom has been hard fought and each is worthy of defending.

It should be instructive to us that all seven of these soon-to-be NATO Allies were already on our side in the recent fight to liberate Iraq because they had to fight for their own liberation. They understand that freedom is not free.

It has often been said that during the long years of the cold war, America's example inspired Europe's freedom fighters, but to many of us, it is their example which is truly inspiring. To those from the ranks of Europe's new democracies who watch this morning as we cast our votes on this important treaty, I say: Thank you for your example and thank you for your inspiration.

Mr. President, I ask for the yeas and nays on the resolution of ratification.

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the resolution of ratification, as amended. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Alaska (Ms. MURKOWSKI) is necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. CARPER), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "aye".

The yeas and nays resulted—yeas 96, nays 0, as follows:

[Rollcall Vote No. 142 Ex.]

YEAS—96

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—4

Carper
Kennedy
Lieberman
Murkowski

The PRESIDENT pro tempore. Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification agreed to is as follows:

Protocols to North Atlantic Treaty of 1949 on Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia (Treaty Doc. 108–4)

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO DECLARATIONS AND CONDITIONS

The Senate advises and consents to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia (as defined in section 4(6)), which were opened for signature at Brussels on March 26, 2003, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty, subject to the declarations of section 2 and the conditions of section 3.

SEC. 2. DECLARATIONS

The advice and consent of the Senate to ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia is subject to the following declarations:

(1) Reaffirmation that United States membership in NATO remains a vital national security interest of the United States. The Senate declares that

(A) for more than 50 years the North Atlantic Treaty Organization (NATO) has served as the preeminent organization to defend the countries in the North Atlantic area against all external threats;

(B) through common action, the established democracies of North America and Europe that were joined in NATO persevered and prevailed in the task of ensuring the survival of democratic government in Europe and North America throughout the Cold War;

(C) NATO enhances the security of the United States by embedding European states in a process of cooperative security planning, by preventing the destabilizing re-nationalization of European military policies, and by ensuring an ongoing and direct leadership role for the United States in European security affairs;

(D) the responsibility and financial burden of defending the democracies of Europe and North America can be more equitably shared through an alliance in which specific obligations and force goals are met by its members;

(E) the security and prosperity of the United States is enhanced by NATO's collective defense against aggression that may threaten the security of NATO members;

(F) with the advice and consent of the United States Senate, Hungary, Poland, and the Czech Republic became members of NATO on March 12, 1999;

(G) on May 17, 2002, the Senate adopted the Freedom Consolidation Act of 2001 (S. 1572 of the 107th Congress), and President George W. Bush signed that bill into law on June 10, 2002, which "reaffirms support for continued enlargement of the North Atlantic Treaty Organization (NATO) Alliance; designates Slovakia for participation in the Partnership for Peace and eligible to receive certain security assistance under the NATO Participation Act of 1994; [and] authorizes specified amounts of security assistance for [fiscal year] 2002 for Estonia, Latvia, Lithuania, Slovakia, Slovenia, Bulgaria and Romania"; and

(H) United States membership in NATO remains a vital national security interest of the United States.

(2) Strategic rationale for NATO enlargement. The Senate finds that

(A) notwithstanding the collapse of communism in most of Europe and the dissolution of the Soviet Union, the United States and its NATO allies face threats to their stability and territorial integrity;

(B) an attack against Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, or Slovenia, or their destabilization arising from external subversion, would threaten the stability of Europe and jeopardize vital United States national security interests;

(C) Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, having established democratic governments and having demonstrated a willingness to meet all requirements of membership, including those necessary to contribute to the defense of all NATO members, are in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area; and

(D) extending NATO membership to Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia will strengthen NATO, enhance security and stability in Central Europe, deter potential aggressors, and advance the interests of the United States and its NATO allies.

(3) Full membership for new NATO members. The Senate understands that Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, in becoming NATO members, will have all the rights, obligations, responsibilities, and protections that are afforded to all other NATO members.

(4) The importance of European integration.

(A) Sense of the Senate. It is the sense of the Senate that

(i) the central purpose of NATO is to provide for the collective defense of its members;

(ii) the Organization for Security and Cooperation in Europe is an institution for the promotion of democracy, the rule of law, crisis prevention, and post-conflict rehabilitation and, as such, is an essential forum for the discussion and resolution of political disputes among European members, Canada, and the United States; and

(iii) the European Union is an essential organization for the economic, political, and social integration of all qualified European countries into an undivided Europe.

(B) Policy of the United States. The policy of the United States is

(i) to utilize fully the institutions of the Organization for Security and Cooperation in Europe to reach political solutions for disputes in Europe; and (ii) to encourage actively the efforts of the European Union to continue to expand its membership, which will help to strengthen the democracies of Central and Eastern Europe.

(5) Future consideration of candidates for membership in NATO.

(A) Senate findings. The Senate finds that

(i) Article 10 of the North Atlantic Treaty provides that NATO members by unanimous agreement may invite the accession to the North Atlantic Treaty of any other European state in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area;

(ii) in its Prague Summit Declaration of November 21, 2002, NATO stated that the Alliance

(I)(aa) will keep its door open "to European democracies willing and able to assume the responsibilities and obligations of membership, in accordance with Article 10 of the Washington Treaty";

(bb) will keep under review through the Membership Action Plan (MAP) the progress of those democracies, including Albania, Croatia, and the Former Yugoslav Republic of Macedonia, that seek NATO membership, and continue to use the MAP as the vehicle to measure progress in future rounds of NATO enlargement;

(cc) will consider the MAP as a means for those nations that seek NATO membership to develop military capabilities to enable such nations to undertake operations ranging from peacekeeping to high-intensity conflict, and help aspirant countries achieve political reform that includes strengthened democratic structures and progress in curbing corruption;

(dd) concurs that Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia have successfully used the MAP to address issues important to NATO membership; and

(ee) maintains that the nations invited to join NATO at the Prague Summit "will not be the last";

(II)(aa) in response to the terrorist attacks on September 11, 2001, and its subsequent decision to invoke Article 5 of the Washington Treaty, will implement the approved "comprehensive package of measures, based on NATO's Strategic Concept, to strengthen our ability to meet the challenges to the security of our forces, populations and territory, from wherever they may come"; and

(bb) recognizes that the governments of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia have successfully used the MAP to address important issues and have showed solidarity with the United States after the terrorist attacks on September 11, 2001;

(III) will create ". . . a NATO Response Force (NRF) consisting of a technologically advanced, flexible, deployable, interoperable, and sustainable force including land, sea, and air elements ready to move quickly to wherever needed, as decided by the Council";

(IV) will streamline its "military command arrangements" for "a leaner, more efficient, effective, and deployable command structure, with a view to meeting the operational requirements for the full range of Alliance missions";

(V) will "approve the Prague Capabilities Commitment (PCC) as part of the continuing Alliance effort to improve and develop new military capabilities for modern warfare in a high threat environment"; and

(VI) will "examine options for addressing the increasing missile threat to Alliance territory, forces and populations centres" and tackle the threat of weapons of mass destruction (WMD) by enhancing the role of the WMD Centre within the International Staff;

(iii) as stated in the Prague Summit Declaration, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia have "demonstrated their commitment to the basic principles and values set out in the Washington Treaty, the ability to contribute to the Alliance's full range of missions including collective defence, and a firm commitment to contribute to stability and security, especially in regions of crisis and conflict";

(iv) Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia have been acting as de facto NATO allies through their contributions and participation in peacekeeping operations in the Balkans, Operation Enduring Freedom, and the International Security Assistance Force (ISAF);

(v) Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, together with Albania, Croatia, and the Former Yugoslav Republic of Macedonia, issued joint statements on November 21, 2002, and February 5, 2003, expressing their support for the international community's efforts to disarm Iraq; and

(vi) the United States will not support the accession to the North Atlantic Treaty of, or the invitation to begin accession talks with, any European state (other than Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia), unless

(I) the President consults with the Senate consistent with Article II, section 2, clause 2 of the Constitution of the United States (relating to the advice and consent of the Senate to the making of treaties); and

(II) the prospective NATO member can fulfill the obligations and responsibilities of membership, and the inclusion of such state in NATO would serve the overall political and strategic interests of NATO and the United States.

(B) Requirement for Consensus and ratification. The Senate declares that no action or agreement other than a consensus decision by the full membership of NATO, approved by the national procedures of each NATO member, including, in the case of the United States, the requirements of Article II, section 2, clause 2 of the Constitution of the United States (relating to the advice and consent of the Senate to the making of treaties), will constitute a commitment to collective defense and consultations pursuant to Articles 4 and 5 of the North Atlantic Treaty.

(6) Partnership for peace. The Senate declares that

(A)(i) the Partnership for Peace between NATO members and the Partnership for Peace countries is an important and enduring complement to NATO in maintaining and enhancing regional security; and

(ii) the Partnership for Peace has greatly enhanced security and ability throughout the Euro-Atlantic area, with Partnership for Peace countries, especially countries that seek NATO membership, and has encouraged them to strengthen political dialogue with NATO allies and to undertake all efforts to work with NATO allies, as appropriate, in the planning, conduct, and oversight of those activities and projects in which they participate and to which they contribute, including combating terrorism;

(B) the Partnership for Peace serves a critical role in promoting common objectives of NATO members and the Partnership for Peace countries, including

(i) increasing the transparency of national defense planning and budgeting processes;

(ii) ensuring democratic control of defense forces;

(iii) maintaining the capability and readiness of Partnership for Peace countries to contribute to operations of the United Nations and the Organization for Security and Cooperation in Europe;

(iv) developing cooperative military relations with NATO;

(v) enhancing the interoperability between forces of the Partnership for Peace countries and forces of NATO members; and

(vi) facilitating cooperation of NATO members with countries from Central Asia, the Caucasus, and eastern and southeastern Europe.

(7) The NATO-Russia Council. The Senate declares that

(A) it is in the interest of the United States for NATO to continue to develop a new and constructive relationship with the Russian Federation as the Russian Federation pursues democratization, market reforms, and peaceful relations with its neighbors; and

(B) the NATO-Russia Council, established by the Heads of State and Government of NATO and the Russian Federation on May 28, 2002, will

(i) provide an important forum for strengthening peace and security in the Euro-Atlantic area, and where appropriate for consensus building, consultations, joint decisions, and joint actions;

(ii) permit the members of NATO and Russia to work as equal partners in areas of common interest;

(iii) participate in joint decisions and joint actions only after NATO members have consulted, in advance, among themselves about what degree any issue should be subject to the NATO-Russia Council;

(iv) not provide the Russian Federation with a voice or veto in NATO's decisions or freedom of action through the North Atlantic Council, the Defense Planning Committee, or the Nuclear Planning Committee; and

(v) not provide the Russian Federation with a veto over NATO policy.

(8) Compensation for victims of the Holocaust and of Communism. The Senate finds that

(A) individuals and communal entities whose property was seized during the Holocaust or the communist period should receive appropriate compensations;

(B) Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia have put in place publicly declared mechanisms for compensation for property confiscated during the Holocaust and the communist era, including the passage of statutes, and for the opening of archives and public reckoning with the past;

(C) Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia have each adjudicated and resolved numerous specific claims for compensation for property confiscated during the Holocaust or the communist era over the past several years;

(D) Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia have each established active historical commissions or other bodies to study and report on their government's and society's role in the Holocaust or the communist era; and

(E) the governments of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia have made clear their openness to active dialogue with other governments, including the United States Government, and with nongovernmental organizations, on coming to grips with the past.

(9) Treaty interpretation. The Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997, relating to condition (1) of the resolution of ratification of the Intermediate-Range Nuclear Forces (INF) Treaty approved by the Senate on May 27, 1988.

(10) Consideration of certain issues with respect to NATO decisionmaking and membership.

(A) Sense of the Senate. It is the sense of the Senate that, not later than the date that is eighteen months after the date of the adoption of this resolution, the President should place on the agenda for discussion at the North Atlantic Council

(i) the NATO "consensus rule"; and

(ii) the merits of establishing a process for suspending the membership in NATO of a member country that no longer complies with the NATO principles of democracy, individual liberty, and the rule of law set forth in the preamble to the North Atlantic Treaty.

(B) Report. Not later than 60 days after the discussion at the North Atlantic Council of each of the issues described in clauses (i) and (ii) of subparagraph (A), the President shall submit to the appropriate congressional committees a report that describes

(i) the steps the United States has taken to place these issues on the agenda for discussion at the North Atlantic Council;

(ii) the views of the United States on these issues as communicated to the North Atlantic Council by the representatives of the United States to the Council;

(iii) the discussions of these issues at the North Atlantic Council, including any decision that has been reached with respect to the issues;

(iv) methods to provide more flexibility to the Supreme Allied Commander Europe to plan potential contingency operations before the formal approval of such planning by the North Atlantic Council; and

(v) methods to streamline the process by which NATO makes decisions with respect to conducting military campaigns.

SEC. 3. CONDITIONS

The advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia is subject to the following conditions, which shall be binding upon the President:

(1) Costs, benefits, burden-sharing, and military implications of the enlargement of NATO

(A) Presidential certification. Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate that

(i) the inclusion of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia in NATO will not have the effect of increasing the overall percentage share of the United States in the common budgets of NATO; and

(ii) the inclusion of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia in NATO does not detract from the ability of the United States to meet or to fund its military requirements outside the North Atlantic area.

(B) Annual reports. Not later than April 1 of each year during the 3-year period following the date of entry into force of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, the President shall submit to the appropriate congressional committees a report, which may be submitted in an unclassified and classified form, and which shall contain the following information:

(i) The amount contributed to the common budgets of NATO by each NATO member during the preceding calendar year.

(ii) The proportional share assigned to, and paid by, each NATO member under NATO's cost-sharing arrangements.

(iii) The national defense budget of each NATO member, the steps taken by each NATO member to meet NATO force goals, and the adequacy of the national defense budget of each NATO member in meeting common defense and security obligations.

(C) Reports on future enlargement of NATO.

(i) Reports Prior to Commencement of Accession Talks. Prior to any decision by the North Atlantic Council to invite any country (other than Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia) to begin accession talks with NATO, the President shall submit to the appropriate congressional committees a detailed report regarding each country being actively considered for NATO membership, including

(I) an evaluation of how that country will further the principles of the North Atlantic Treaty and contribute to the security of the North Atlantic area;

(II) an evaluation of the eligibility of that country for membership based on the principles and criteria identified by NATO and the United States, including the military readiness of that country;

(III) an explanation of how an invitation to that country would affect the national security interests of the United States;

(IV) a United States Government analysis of the common-funded military requirements and costs associated with integrating that country into NATO, and an analysis of the shares of those costs to be borne by NATO members, including the United States; and

(V) a preliminary analysis of the implications for the United States defense budget and other United States budgets of integrating that country into NATO.

(ii) Updated Reports Prior to Signing Protocols of Accession. Prior to the signing of any protocol to the North Atlantic Treaty on the accession of any country, the President shall submit to the appropriate congressional committees a report, in classified and unclassified forms

(I) updating the information contained in the report required under clause (i) with respect to that country; and

(II) including an analysis of that country's ability to meet the full range of the financial burdens of NATO membership, and the likely impact upon the military effectiveness of NATO of the country invited for accession talks, if the country were to be admitted to NATO.

(D) Review and reports by the General Accounting Office. The Comptroller General of the United States shall conduct a review and assessment of the evaluations and analyses contained in all reports submitted under subparagraph (C) and, not later than 90 days after the date of submission of any report under subparagraph (C)(ii), shall submit a report to the appropriate congressional committees setting forth the assessment resulting from that review.

(2) Reports on intelligence matters.

(A) Progress report. Not later than January 1, 2004, the President shall submit a report to the congressional intelligence committees on the progress of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia in satisfying the security sector and security vetting requirements for membership in NATO.

(B) Reports regarding protection of intelligence sources and methods. Not later than January 1, 2004, and again not later than the date that is 90 days after the date of accession to the North Atlantic Treaty by Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, the Director of Central Intelligence shall submit a detailed report to the congressional intelligence committees

(i) identifying the latest procedures and requirements established by Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia for the protection of intelligence sources and methods; and

(ii) including an assessment of how the overall procedures and requirements of such countries for the protection of intelligence sources and methods compare with the procedures and requirements of other NATO members for the protection of intelligence sources and methods.

(C) Definitions. In this paragraph:

(i) Congressional Intelligence Committees. The term "congressional intelligence committees" means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(ii) Date of Accession to the North Atlantic Treaty by Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia. The term "date of accession to the North Atlantic Treaty by Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia" means the latest of the following dates:

(I) The date on which Bulgaria accedes to the North Atlantic Treaty.

(II) The date on which Estonia accedes to the North Atlantic Treaty.

(III) The date on which Latvia accedes to the North Atlantic Treaty.

(IV) The date on which Lithuania accedes to the North Atlantic Treaty.

(V) The date on which Romania accedes to the North Atlantic Treaty.

(VI) The date on which Slovakia accedes to the North Atlantic Treaty.

(VII) The date on which Slovenia accedes to the North Atlantic Treaty.

(3) Requirement of full cooperation with United States efforts to obtain the fullest possible accounting of captured and missing United States personnel from past military conflicts or cold war incidents. Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that each of the governments of

Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia are fully cooperating with United States efforts to obtain the fullest possible accounting of captured or missing United States personnel from past military conflicts or Cold War incidents, to include

(A) facilitating full access to relevant archival material; and

(B) identifying individuals who may possess knowledge relative to captured or missing United States personnel, and encouraging such individuals to speak with United States Government officials.

SEC. 4. DEFINITIONS.

In this resolution:

(1) Appropriate congressional committees. The term "appropriate congressional committees" means the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate and the Committee on International Relations, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

(2) NATO. The term "NATO" means the North Atlantic Treaty Organization.

(3) NATO members. The term "NATO members" means all countries that are parties to the North Atlantic Treaty.

(4) North Atlantic area. The term "North Atlantic area" means the area covered by Article 6 of the North Atlantic Treaty, as applied by the North Atlantic Council.

(5) North Atlantic Treaty. The term "North Atlantic Treaty" means the North Atlantic Treaty, signed at Washington on April 4, 1949 (63 Stat. 2241; TIAS 1964), as amended.

(6) Protocols to the North Atlantic Treaty of 1949 on the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia. The term "Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia" refers to the following protocols transmitted by the President to the Senate on April 10, 2003 (Treaty Document No. 108-4):

(A) The Protocol to the North Atlantic Treaty on the Accession of the Republic of Bulgaria, signed at Brussels on March 26, 2003.

(B) The Protocol to the North Atlantic Treaty on the Accession of the Republic of Estonia, signed at Brussels on March 26, 2003.

(C) The Protocol to the North Atlantic Treaty on the Accession of the Republic of Latvia, signed at Brussels on March 26, 2003.

(D) The Protocol to the North Atlantic Treaty on the Accession of the Republic of Lithuania, signed at Brussels on March 26, 2003.

(E) The Protocol to the North Atlantic Treaty on the Accession of the Republic of Romania, signed at Brussels on March 26, 2003.

(F) The Protocol to the North Atlantic Treaty on the Accession of the Republic of Slovakia, signed at Brussels on March 26, 2003.

(G) The Protocol to the North Atlantic Treaty on the Accession of the Republic of Slovenia, signed at Brussels on March 26, 2003.

(7) United States instrument of ratification. The term "United States instrument of ratification" means the instrument of ratification of the United States of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia.

(8) Washington Treaty. The term "Washington Treaty" means the North Atlantic Treaty, signed at Washington on April 4, 1949 (63 Stat. 2241; TIAS 1964), as amended.

The Senator from Indiana, the chairman of the Foreign Relations Committee.

Mr. LUGAR. Mr. President, today the Senate has taken another step in making Europe whole and free. In June 2001, President Bush delivered a speech in Warsaw, Poland confirming that:

> All of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom—and the same chance to join the institutions of Europe.

Today the Senate ratified that vision and has voted overwhelmingly to enlarge the NATO alliance to include seven new members.

I would like to thank a number of people for their contributions to this important debate. Jessica Fugate, Kate Burns, and Mike Haltzel worked tirelessly to produce a resolution of ratification and committee report that enjoyed the unanimous support of the Foreign Relations Committee and has been ratified by the Senate. Bob Bradtke, of the Department of State; Kurt Volker, of the National Security Council, and Ian Brzezinski, of the Department of Defense; worked closely with committee staff to ensure strong administration support for the work we have completed today. Lastly, special thanks to Paul Gallis, of the Congressional Research Service, for his valuable contributions to the Committee's work and the Senate's review of the Protocols of Accession.

I especially thank the distinguished ranking member from Delaware, Senator BIDEN, for his cooperation and leadership on this important issue. This is the second major treaty the Foreign Relations Committee has guided to ratification in a few short months. I look forward to continuing our bipartisan partnership in the days and weeks ahead as we turn to the State Department authorization bill, the HIV/AIDS bill, and the Foreign Relations Authorization Act.

Mr. President, I know unanimous consent has been granted for the Senate to stand in recess. I look forward to welcoming the foreign ministers of the countries we greet today.

VISIT TO THE SENATE OF THE FOREIGN MINISTERS OF BULGARIA, ESTONIA, LATVIA, LITHUANIA, ROMANIA, SLOVAKIA, AND SLOVENIA

The PRESIDENT pro tempore. Under the previous order, the Senate stands in recess subject to the call of the Chair to greet the seven Foreign Ministers of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia.

RECESS SUBJECT TO THE CALL OF THE CHAIR

There being no objection, the Senate, at 10:08 a.m., recessed subject to the call of the Chair and reassembled at 10:22 a.m. when called to order by the Presiding Officer (Mr. COLEMAN).

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

MEASURES PLACED ON THE CALENDAR—S. 1009 AND S. 1019

The PRESIDING OFFICER (Mr. BURNS). The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The Senator is correct.

Mr. COLEMAN. I ask that it be in order to read the titles of the measures en bloc.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 1009) to amend the Foreign Assistance Act of 1961 and the State Department Basic Authorities Act of 1956 to increase assistance for foreign countries seriously affected by HIV/AIDS, tuberculosis, and malaria, and for other purposes.
>
> A bill (S. 1019) to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

Mr. COLEMAN. I object to further proceedings en bloc.

The PRESIDING OFFICER. The bills will be placed on the Calendar.

ORDER OF PROCEDURE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now resume consideration of the energy bill until 11:30 today. I further ask consent that at 11:30 the Senate proceed to the consideration of S. 113, the FISA bill; provided further, that the previously scheduled cloture votes occur at 1:45 today as under the previous order.

Finally, I ask consent that at 12:45 today, Senator DEWINE be recognized to speak for up to 15 minutes in morning business.

The PRESIDING OFFICER (Mr. COLEMAN). Is there objection?

Without objection, it is so ordered.

ENERGY POLICY ACT OF 2003

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 14) to enhance the energy security of the United States, and for other purposes.

Mr. DOMENICI. Mr. President, I will proceed to discuss a proposed ethanol amendment that will be offered to this pending bill later in the proceedings when it is in order. When I am finished within a few moments, I will yield to the minority leader who will speak, and thereafter we will rotate back and forth for as long a time as we have this morning to discuss this measure.

Today the Senate will consider what will soon be offered as an amendment to S. 14, which I hope will become the renewable fuel standards portion of the comprehensive energy bill. The amendment offered today by the majority leader and the minority leader, and Senators INHOFE, DORGAN, LUGAR, JOHNSON, GRASSLEY, HARKIN, HAGEL, DURBIN, VOINOVICH, NELSON of Nebraska, TALENT, DAYTON, COLEMAN, EDWARDS, CRAPO, and DEWINE—and if there are any others who desire to join in the amendment, it is obviously open for submitting their names as additional cosponsors.

This represents the culmination of a long and difficult debate about the U.S. transportation fuels policy. The amendment is the product of more than 4 years of work by the stakeholders and Members of this body and represents a solid compromise between disparate groups.

The amendment establishes a renewable fuels standard providing that a portion of the U.S. fuel supply will be provided by renewable domestic fuels, primarily ethanol, growing to 5 billion gallons a year by the year 2012. In addition to full support from the affected parties, the amendment also enjoys the administration's full support.

The Frist-Daschle amendment will promote increased domestic energy development, reduce oil imports, protect the environment, bolster our economy, and stimulate rural economic development by increasing production and use of domestic renewable fuels. I know there are a number of Senators who strongly opposed a similar amendment when it was offered and adopted last year. I expect them to offer a number of second-degree amendments this year again. This is their right, but I do expect—as the Senate did last year—the Senate to adopt the language of the Frist-Daschle amendment.

In view of the significant amount of work that has been put into this amendment and the consensus it represents among the affected parties, I urge my colleagues to adopt the amendment as offered, without amendments.

I yield the floor at this point.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I first want to commend the chairman of the Energy Committee for his strong statement in support and for his leadership on this and on so many of the issues pertaining to energy. I look forward to continuing to work with him as we proceed in consideration of this legislation.

I am also delighted to join with the distinguished majority leader in introducing the first amendment to the Energy Policy Act of 2003.

The fact that this is the first amendment reflects the importance of the subject that we will be discussing. It is my hope that the majority leader's endorsement will help assure enactment of this proposal at the earliest possible date.

It was 1990 when a number of us joined together, Republicans and Democrats, including then-Senate minority leader, Bob Dole, and TOM HARKIN, and we introduced the reformulated gasoline, or RFG, legislation as a provision of the 1990 Clean Air Act amendments.

The RFG provision, with its minimum oxygen standard, was adopted in the Senate by an overwhelming vote of 69-30. Eventually, it was signed into law by President George H.W. Bush.

I am proud to say that this program resulted in substantial improvement of air quality all over the country. It stimulated increased production of renewable ethanol and other oxygenates needed to meet the minimum oxygen standard.

In fact, between the onset of RFG in January of 1995 and January of 2003, production of ethanol has increased from 1 billion gallons per year to nearly 2.5 billion gallons.

This increased farm economy by hundreds of millions of dollars annually and reduced our dependence upon foreign oil by more than 100,000 barrels per day. Unfortunately, the detection of MTBE in ground water in the late 1990s required us to find a way to get MTBE out of gasoline without sacrificing the air quality and public health benefits of the RFG program.

The answer that my good friend, DICK LUGAR, and I conceived several years ago was the renewable fuels standard, which would eliminate the minimum oxygen requirement that some of our colleagues find problematic for urban centers and replace it with a nationwide renewable fuels standard.

This standard increases ethanol production and protects consumers by creating a credit trading system that provides an economic incentive to use the type of fuel that is most cost effective in the various regions of the country.

On May 4, 2000, I was proud to introduce, along with Senator LUGAR, the first iteration of the amendment that is before us today.

That proposal—similar to the one we are considering today—reconciled historically competitive interests in a manner that promoted a broad range of national policies.

It would protect ground water, enhance our national energy security, reduce greenhouse gas emissions, and promote investment and job creation in rural communities by tripling production of ethanol over the course of the next 10 years.

The essence of that proposal was incorporated into legislation reported by the Senate Environment and Public Works Committee in September 2000. Unfortunately, time ran out in the 106th Congress before final action could be taken on that Committee bill.

In the 107th Congress, Senator LUGAR and I again joined to introduce the Renewable Fuels Act. This legislation was incorporated into last year's Senate-passed energy bill as part of the fuels agreement with the support of 69 Senators. Unfortunately, time again ran out before the energy bill could be enacted into law.

This February, Senator LUGAR and I, Senator HAGEL, one of the real movers on this legislation early on, along with a growing number of our colleagues, reintroduced this latest iteration of the renewable fuels standard that we have now incorporated in this amendment. I am pleased that the Senate Environment and Public Works Committee has once again embraced it and reported it out of committee. That proposal, S. 791, is currently on the Senate calendar.

This chronology underscores the point that the time to pass this important legislation is now. The groundwork has been laid, and the case for the bill is established. The benefits of the renewable fuels standard for agriculture, the rural economy, energy and the environment are dramatic.

The legislation benefits agriculture. Next year, one in every three rows of corn grown in South Dakota will go into ethanol production. There are currently nine ethanol plants operating in South Dakota with two more under construction. Local corn prices have increased 10 cents per bushel near these plants, and USDA estimates that corn prices will increase 50 cents per bushel under the RFS. As a result, USDA has estimated that the RFS will raise farm income by $1.3 billion annually. Taxpayer outlays would drop dramatically because of resulting farm program savings.

This legislation benefits the rural economy. Over 5,000 South Dakotans have invested in these plants, and over 500 people are directly employed by the ethanol industry in the state. USDA estimates that for every 100-million-gallon ethanol plant built, 2,250 local jobs can be created throughout a community.

This legislation also enhances our energy security. Look at America's energy situation today: gasoline prices are high and America is importing close to 60 percent of the oil we use. At the same time, our substantial appetite for energy continues to grow. Over the next 10 years, the United States is expected to consume roughly 1.5 trillion gallons of gasoline. At the same time, we hold only 3 percent of the known world oil reserves.

The Renewable Fuels Standard will save the U.S. $4 billion in imported oil each year because we triple the use of renewable fuels over the next 10 years.

As for the environment, this legislation ensures that the clean air benefits that we have achieved because of the oxygenate standard are maintained through strong anti-backsliding language and addresses the serious problems of MTBE contamination.

Specifically, the amendment bans MTBE in 4 years, authorizes funding to clean up MTBE contamination and fix leaking underground tanks, allows the most polluted states to opt into the reformulated gasoline program, and provides all States with additional authority under the Clean Air Act to address air quality concerns.

The amendment also eliminates the oxygen requirement from the RFG program, a change that is very important to the efforts of States such as California and New York that are planning to eliminate MTBE from their gasoline supplies in the near future.

To preserve the hard-fought air-quality gains that have resulted from the implementation of that requirement, the bill creates a renewable fuels standard that will nearly triple the use of renewable fuels like ethanol and biodiesel over the next 10 years.

Finally, the bill provides special encouragement to biomass-based ethanol, which holds great promise for converting a variety of organic materials into useful fuel, while substantially reducing greenhouse gas emissions.

This will have substantial benefits for the environment and for rural economies, while helping to lower our dangerous dependence on foreign oil.

Some of my colleagues from large coastal states have expressed concern that this amendment treats their constituents unfairly and seek a carve-out from its requirements. I respectfully suggest that their concerns are not supported by the facts.

Governors Gray Davis and George Pataki, one a Democrat and one a Republican, leaders of the two most populous States in the country, have stated publicly that their States are better off under the Renewable Fuels Act than they are under current law.

Their first priority by far is to get out from under the minimum oxygen standard that will force them to use ethanol when MTBE is eliminated from the gasoline supply. The amendment before us allows them that flexibility which they so desperately seek. Moreover, my colleagues from California and New York worry that even though their States will no longer be required to purchase ethanol as a result of the oxygen standard, the cost of gasoline will rise precipitously as a result of the RFS.

That is simply not the case. Last April the Energy Information Agency issued a report stating that the cost of establishing a renewable fuels standard is less than 1 cent per gallon for reformulated gasoline and less than 0.5 cent per gallon for all gasoline.

Just last month, the California Energy Commission issued a report stating that the recent increase in California's gasoline prices cannot be attributable to availability or cost of ethanol which is consistent with the EIA projections.

What is even more compelling is that California is using nearly twice the amount of ethanol this year than they would be required to under the RFS.

I understand that my colleagues are fighting for what they believe is in the best interests of their constituents, and I respect that. But my goal in promoting the renewable fuels standard is to solve a nationwide problem with a nationwide solution. My constituents would prefer not to give up the oxygen standard, which has played such an important role historically in expanding the production of ethanol. But I understand that states like California need greater flexibility in their gasoline supply. That is why I am willing to look for new prescriptions that allow States to use alternatives to ethanol and continue to promote the development of the domestic ethanol industry, which I believe is in the national interest.

The renewable fuels amendment meets that test. This legislation is a careful balance of often disparate and competing interests—and a compromise in the finest tradition of the U.S. Senate. Meeting our energy challenges is a difficult problem, but is also a great opportunity to demonstrate American strength and ingenuity.

This amendment takes advantage of both, and I look forward to its passage.

I thank the Chair for his support and effort, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I failed to indicate at the outset what has been mentioned by the distinguished minority leader at the outset. This is a jobs-producing measure. The entire energy bill, as we consider it, is a measure that will produce literally thousands of jobs for the American people. Right at the outset, the very first amendment is a clear indication of how in this bill we intend to produce, in this instance, agricultural jobs but not pure agriculture—industrial, as it relates to agriculture with the construction of ethanol plants in and out and around and about agricultural America.

Having said that, I know there are a number of Senators who want to speak. It was not for me to say that we have no consent agreement as to how we will proceed, but I saw the distinguished Senator, Senator TALENT, standing first. I might suggest, just for some orderliness, he proceed next, and the distinguished Senator from Nebraska follow that. Then, if other Senators are here, and they seek recognition—

Mr. BOND. Mr. President, may I ask my good friend if he would mention my name in that list?

Mr. DOMENICI. I wonder, considering the condition of the distinguished Senator, if he might proceed first.

Mr. TALENT. I was going to suggest that to the Senator from New Mexico and the Chair.

Mr. DOMENICI. Might we amend that, then, and have Senator BOND go first, Senator TALENT, and then the Senator from Nebraska? Is that all right? We will proceed in that manner.

I yield the floor.

Mr. BOND. Mr. President, I thank my friend from New Mexico and I appreciate his kindness, and also my colleagues from Missouri and Nebraska.

I rise today in support of the renewable fuels standard, as passed by the Senate Environment and Public Works Committee on which I have the privilege of sitting.

This package provides a means for significant reductions in our dependence on foreign oil while we pursue cheaper energy for consumers that is produced in rural America by our hardworking farmers and ranchers.

I have spent a lot of years in the Senate Chamber talking about these issues. Recently a friend complained to me that he was tired of me talking about biodiesel. We first started talking about it a long time ago. But I am pleased to have the burr under the saddle to point out that biodiesel and ethanol are vitally important elements for our energy program.

I am pleased to see so many of our colleagues joining in the fight today. My good friend Senator JIM TALENT from Missouri has been a leader on the Energy Committee. I know my colleague Senator HAGEL from Nebraska has long been a champion of ethanol. I add my thanks and my appreciation to the distinguished chairman of the Environment and Public Works Committee, Senator INHOFE of Oklahoma, for taking the leadership position on this issue.

Increasing the use of renewable fuels such as ethanol and biodiesel diversifies our energy infrastructure, making it less vulnerable to acts of terrorism while increasing the number of available fuel options, enhancing competition, and potentially reducing consumer costs of fuel.

Speaking of decreased fuel costs, I am reminded of some of the comments of my colleagues during consideration of this package in the Environment and Public Works Committee. At that time, it was suggested that ethanol as an oxygenate was the cause of high fuel prices in California and other areas. I bet we will hear that argument again.

Just as a marker, note this fact. I refer my colleagues to the recent California Energy Commission report promulgated by Gov. Gray Davis. In discussing the report's findings, California

Energy Commission chairman William Keese indicated that "Ethanol, the ingredient, did not have an impact that we can see on prices. . . ."

Frankly, that ought to answer the questions and concerns that undoubtedly will be raised on the floor. In fact, I would argue that ethanol and biodiesel actually reduced the consumer cost of fuel by extending supplies, offering alternatives to more costly imported oil, and providing leverage for independent fuel marketers to compete against the larger, more powerful integrated oil companies.

The renewable standard will more than double the amount of renewable fuel we use. I am told that renewable fuel use will increase to about 3 percent of our total transportation fuel supply, replacing roughly 66 billion gallons; that is, 1.6 billion barrels of foreign crude oil by 2012.

Of course, the environmental benefits of transitioning from petroleum fuels to clean, domestically produced renewable ethanol and biodiesel is clear. Not only can we reduce our dependence on foreign oil but with the renewable standard our environmental goals of reducing hydrocarbon, particulate sulfur, and other polluting emissions would be pursued.

This RFS will also have a positive impact on the economy, particularly in rural areas which have been hardest hit in the economic slowdown.

According to studies, the renewable standard would create as many as 300,000 American jobs, increase net farm income by $6.6 billion a year, and reduce farm program payments by $7.8 billion. In other words, we can reduce farm program payments and increase net farm income by a combined total of $14.4 billion. Not many programs give you that much bang for the buck.

One farm analyst said that as many as 13.1 million acres of corn can be used to supply ethanol by 2012. That is almost 19 percent of last year's corn production. Today, only 6 percent of the crop goes into ethanol.

In our home State, Missouri corn farmers could see an average increase of about 12 cents per bushel over the next 10 years. Similarly, our soybean farmers will see increased benefits as biodiesel use will increase dramatically.

I encourage and invite my colleagues to come out to the heartland to see what we have. Come out and visit Nebraska, Missouri, and Iowa and see what this industry is all about. We could all learn the benefits of ethanol, soy diesel, and biodiesel. We will see how the homegrown renewable fuel benefits the environment, the economy, and our communities. Come out to my State and see what farm leaders have done to provide value-added opportunities for Missouri farmers.

In 1994, Golden Triangle Energy of Craig, MO, and Northeast Missouri Grain Processors of Macon, MO, organized as new generation cooperatives. Northeast Missouri Grain Processors opened their plant on April 29, 2000. I was pleased to be there. It had been producing 22 million gallons of ethanol per year. They have just flipped the switch on an additional capacity to make over 40 million gallons a year.

Come to Missouri and visit the communities and areas where ethanol production is underway and see the impact of the expanding usage of fuel through this renewable standard on Main Street, U.S.A.

I now defer to my colleagues. I thank them for their kind accommodation. I express my thanks also to the distinguished manager of this bill, who is doing an outstanding job. We look forward to seeing a good energy bill passed. But a good energy bill must have a good renewable fuel standard.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I thank my colleague from Missouri for his kind comments.

It is a great pleasure to be here today to talk on behalf of such an important amendment and to recognize that we certainly have come a long way.

For many years, our Nation has needed a sound and balanced energy policy that includes a renewable fuels standard. For many years, we have all talked and talked about alternative energy, about renewable energy, and today with the first bipartisan leadership amendment of this Congress, the Republican and Democratic leaders have introduced the renewable fuels standard legislation as an amendment to S. 14.

I believe what has happened today stands on the shoulders of the work by many of the most distinguished Members of this body in the last decade. We heard from the senior Senator from Missouri. We are going to hear from the Senator from Nebraska and the compromise, if you will, in the last Congress.

The renewable fuels standard is the biggest single reason I sought to get on the Energy Committee. I am proud to be one of the cosponsors of the amendment and to be associated with what is going to happen today. I know there are going to be many chances to come to the floor and fend off various second-degree amendments from opponents of renewable fuels. So I will keep my initial comments brief today. I look forward to future opportunities to discuss other aspects of the amendment.

I note also at the outset that this legislation is supported by a historic coalition. When you get a coalition that ranges from the Farm Bureau to the American Petroleum Institute, it tells you the consensus that has been created finally on behalf of this idea. It is because it is a good idea. It is because it is the right thing to do. It is at the crux of so much we all want for Americans. It is at the crux of economic growth in jobs. It is at the crux of energy security. It is at the crux of environmental quality and value-added agriculture and family farming.

An article ran on April 23 in the Daily Statesman, which is the daily paper in Dexer, MO. The headline was "Missouri Job Loss Rate Number One in the Nation." Last year, Missouri lost 77,000 jobs. The enactment of the renewable fuels standard will, first and foremost—and right away—bring thousands of jobs to Missouri, and tens and tens of thousands of jobs—hundreds of thousands of jobs—to the country.

We are talking about long-term good jobs in agriculture, in trade, in transportation, in energy, and in food processing. We are talking about jobs on the farm. We are talking about construction jobs to build these plants and maintain them. We are talking about jobs for the suppliers of these ethanol plants. We are talking about jobs for those who buy the ethanol and the byproducts. We are talking about transportation jobs in shipping the ethanol. We are talking about trade opportunities for the United States. It will happen as a result of what I believe the Senate is going to do today.

A recent study found that increasing ethanol production to 5 billion gallons annually would create 214,000 jobs in the country, $5.3 billion in new investment, and increase household income by $51 billion. I want those benefits for this country, and I want those benefits for Missouri.

These increasingly modern ethanol plants are equipped to produce 40 million gallons of ethanol a year. I have visited the plants, as has my colleague, Senator BOND, in Missouri, plants we already have in Craig and Macon. The economic benefits of one of those plants are significant. They include an increase of household income for the community, the county in which these plants are operated; many of these counties have been struggling economically. It includes an increased household income of $20 million for these counties annually. Additional farmer cooperatives around the State of Missouri are organizing funding in an effort to produce even more ethanol in Missouri. I know this is happening in Nebraska. It is happening all over the Midwest. It is going to continue happening.

Ethanol is also at the crux of energy security for America. Ethanol, biodiesel, and other renewable fuels are going to be playing an increasing role in reducing the need for imported oil. This is an area where I have to respectfully disagree with the opponents of the renewable fuels standard.

I am very strongly in support of providing incentives for increased exploration and recovery of oil reserves in this country. And we have a progrowth, proenergy energy bill, largely because of the efforts of the distinguished chairman of the Energy Committee. I have supported every effort to increase the amount of oil reserves we have in the United States and that we can practically explore and recover.

But it is clear that we cannot just drill our way out of our dangerous oil dependency. We have to have other alternatives, and ethanol and biodiesel are the alternatives we have now—not 5 years, not 10 years, not 15 years from now, but now—to reduce our dependence on oil imports. I do not ever want to be in a situation again where we are sending $4 billion a year to somebody like Saddam Hussein to buy oil, and depending on regimes like that one for the health of our national economy.

Ethanol is a key to energy independence for the United States. The United States is increasingly dependent on imported energy to meet our personal, transportation, and industrial needs. As a domestic, renewable source of energy, ethanol can reduce our dependence on foreign oil and increase the United States' ability to control its own security and economic future. Our energy policy should first and foremost promote domestic, renewable fuels, not foreign oil imports.

This is an area where I respectfully disagree with the opponents of renewable fuels standard. It is clear that we cannot drill our way out of our dangerous oil dependency—especially without access to the oil in Alaska's ANWR. America's national, energy, and economic security are vulnerable due to our dangerous dependence on oil imports.

In 1999, America was importing over 55 percent of its oil and petroleum products. Just 2 years later, our dependency increased to over 59 percent. By 2025, the Energy Information Administration projects the U.S. will import nearly 70 percent of its petroleum. Something must be done.

It is absolutely necessary that we take steps to reduce our dependence on foreign oil. Over the next decade the RFS will reduce crude oil imports by an estimated 1.6 billion barrels.

In addition to the establishment of a national ethanol standard, the amendment has other important provisions that include an orderly phase-down of MTBE use and removal of the oxygen content requirement for reformulated gasoline. That is very important, and it is very important to the environment.

I am sure that over the coming weeks we are going to have a lot of opportunities to debate things such as climate change and CAFE standards. I remind opponents of this amendment that ethanol is one of the best tools we have to fight air pollution from vehicles. I encourage all proenvironment organizations to score this amendment as a vote in favor of America's air quality.

The use of ethanol-blended fuels reduces greenhouse gas emissions by 12 to 19 percent compared with conventional gasoline. The American Lung Association of Chicago credits ethanol-blended reformulated gasoline with reducing smog-forming emissions by 25 percent since 1990. Again, this is an alternative which we have today to protect the environment.

The chairman's energy bill contains many exciting opportunities for the development of clean hydrogen vehicles. I support that. But those technologies are a long way off. My children may drive hydrogen cars. Today I can drive a car fueled by ethanol.

A couple weeks ago, I visited a Break Time convenience store in Columbia, MO, that is selling ethanol at the same price that it is selling regular gasoline.

Renewable fuels such as ethanol and biodiesel provide a solution to our air quality problems that we can use now. Today you could fill your car with an ethanol blend or a biodiesel blend—without any changes to your vehicle. The chairman's energy bill contains many exciting opportunities for the development of a clean, hydrogen vehicle, but we all know these technologies are a long way off. My children may be driving these hydrogen cars, but today I can drive a car fueled by ethanol. Fleet vehicles in Missouri can run on ethanol or biodiesel without any costly engine upgrades—today.

The use of these renewable fuels will bring environmental benefits in the short term while we continue to explore long-term opportunities such as hydrogen cars and other technologies.

As I said, I recently toured both of the ethanol plants in Missouri and visited an ethanol fueling station during the April recess. I have to tell you, this is an exciting and innovative way to add value to traditional commodities. The use of grain for ethanol production adds up to 30 cents to every bushel of corn. Not only do farmers benefit from the higher price, but also by joining cooperatives and building ethanol production facilities, they are able to directly take advantage of the value-added market through ownership of the plant. They continue to make money during times of price volatility.

There is no question that the renewable fuels standard will reduce our dependence on foreign oil. It will slow the deterioration of the environment through the reduction of fossil fuel emissions, enhance national, energy, and economic security, create a new industrial base with tens of thousands of new, high quality jobs, and add value to traditional commodities.

I am happy to join Senate leadership in offering this amendment. It is time that we make the RFS a part of our national energy policy.

Mr. President, I want to say how pleased and proud I am to be a part, in a small way, of this effort. I am especially pleased that this is the first bipartisan amendment that is being offered on the Senate floor. It will strengthen this energy bill we put together under the leadership of Senator DOMENICI. It is something we can all stand up and support.

I hope we will get a thumping, bipartisan majority in support of this amendment. Again, it is a key to jobs. It is a key to energy independence. It is a key to environmental quality. And it is a key to value-added agriculture and the family producers in Missouri and around the country. I am pleased to speak in favor of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we are going to hear now from one of the early proponents of ethanol and of this bill and of this composite that ultimately got such broad bipartisan support. It is my privilege to have as a supporter of this amendment and of the energy bill the distinguished Senator from Nebraska, Mr. HAGEL.

I thank the Senator for all the work he has done in this area and for all the help he has given me by way of advice on the energy bill, which is pending before the Senate, of which this will become an integral and vital part. Thank you so much.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I first want to recognize the comments of the distinguished chairman of the Energy Committee. He is far too generous, but that is usually his nature. And I appreciate very much his thoughtful words.

I appreciate the comments of my friend from Missouri. I think they cut to the essence of what this issue is about, as well as the comments of our dear friend, the senior Senator from Missouri.

(Mr. DOMENICI assumed the chair.)

Mr. HAGEL. Mr. President, I am privileged to be part of this effort because I do not believe there is anything more important for the future of this country than to establish an energy policy that we can build upon; that does, in fact, move right to the core of our national security, our economic growth, and all of the elements that are interconnected for the future of this country.

So I come to the floor this morning to address briefly some of the elements of this amendment that will be offered and to, once again, register my strong support of the renewable fuels standard amendment to the energy bill.

I, like my colleagues who have spoken prior to me, wish to recognize and thank the leadership of Majority Leader FRIST and Minority Leader DASCHLE for getting this amendment to the floor, and, of course, the distinguished chairman of the Energy Committee, Senator DOMENICI, for allowing us to have what many of us believe is a very important amendment to be the first amendment up on the energy bill, of which I am a strong proponent and supporter.

This amendment, as we have heard, would enhance air and water quality, reduce supply and distribution challenges in the gasoline market, and increase energy security by expanding the use of clean, domestically produced renewable fuels.

Specifically, this amendment follows the advice of the EPA's Blue Ribbon Panel on oxygenates by repealing the Federal oxygenate mandate and phasing out the use of MTBE nationwide. It also contains a reasonable renewable fuels standard, which would gradually increase the Nation's use of renewable fuel to 5 billion gallons a year by 2012—all of this while protecting the environmental gains already made by the reformulated gasoline program.

This legislation mirrors the bipartisan fuels agreement in last year's Senate energy bill, of which it has been stated here this morning, gained the votes of 69 Senators. This year, we have worked to build an even broader bipartisan coalition of cosponsors. Much has happened since the Senate passed its energy bill last year. The renewable fuels industry has expanded considerably to meet growing demand.

The ethanol industry opened 12 new plants last year, with 10 additional plants now under construction. Sixteen of these new plants are farmer owned—farmer owned—individually owned cooperatives.

By the end of 2003, annual ethanol production capacity is expected to exceed 3 billion gallons. In December, the ethanol industry wrapped up a record year—2.13 billion gallons in 2002, up by more than 20 percent over 2001.

Also, Chevron Texaco announced earlier this year it will switch from blending MTBE to blending ethanol in the southern California market, making Chevron the last of the large California refiners to make the switch to ethanol. This means that this year approximately 80 percent of California's federally reformulated gasoline will be blended with ethanol.

We should not forget that biodiesel, made primarily from soybeans, and still a developing fuel technology, has grown enough that it is now used in more than 200 State and Federal automobile fleets, using a 20-percent blend or higher.

Today, 16 States have already banned or are in the process of banning MTBE. With State MTBE bans will come increased challenges to fuel distribution and supply.

The national phase-down of MTBE proposed in this bill will help us meet these challenges. And a national renewable fuels standard with a credit and trading program—that makes sense, which is relevant, which has common sense—will ensure that renewable fuels are used where they make the most sense—not a mandate, where they make the most sense.

In fact, according to a recent analysis by the Department of Energy, enacting this fuels bill would even reduce refiner costs at least by .2 percent per gallon compared to current law.

The standard in this amendment is a fair and workable compromise we crafted over a year ago. My friend from Missouri, Senator TALENT, referenced the compromise, referenced the organizations that came together over a long period of time to fashion a very workable alternative, built upon the good work of many you have heard referenced this morning: Senator DASCHLE, Senator LUGAR, so many who have worked so hard for so many years, Senator DOLE. It has not just come from corn and soybean-producing States. It has come from the leadership of individual Senators with a wider lens of understanding of national security issues, environmental issues, and economic issues, because they are all interconnected.

This effort was bolted together by many people who deserve much credit: The American Petroleum Institute, National Farm Bureau, the environmental community, Northeast air directors, agriculture groups from all over the country, DOE, EPA, and many others. Senator DASCHLE and I helped facilitate those talks last year, as well as a number of our colleagues who are here today and will most likely speak today.

Contrary to the opponents of this amendment, this is not a per-gallon mandate. It will not force a specific level of compliance in places where compliance may be difficult. In fact, the credit trading provision in this amendment will give flexibility to refiners who utilize ethanol or biodiesel where it is most economically attractive.

Our Nation needs a broader, deeper, and more diverse energy portfolio. Today less than 1 percent of America's transportation fuel comes from renewable sources. Under this amendment, renewable fuel would increase to approximately 3 percent of our total transportation fuel supply, tripling the amount of renewable fuel we now use. Today America imports nearly 60 percent of the crude oil it consumes. The Senator from Missouri defined in some detail the numbers. We continue to hold our economy, our national security, hostage to foreign oil.

This country consumes more than 300 billion gallons of crude oil a year. Of that, 165 billion gallons is refined into gasoline and diesel. This amendment says that by 2012, not less than 5 billion gallons of that 165 billion gallons shall come from renewable sources.

By enacting this legislation, we would replace 66 billion gallons of foreign crude oil by 2012, reduce foreign oil purchases by $34 billion, create more than 250,000 jobs nationwide, and boost U.S. farm income by more than $6 billion a year.

I join my other colleagues who have spoken this morning—and others who will speak today—to enthusiastically encourage all our colleagues to pay attention to the amendment, to be aware of its consequences, have some sense of why this is just not another renewable fuels amendment. It has dramatic implications for the future of the economy, for our national security, and our independence. It also helps America address the additional and important environmental challenges that lie ahead. This is an amendment about America's future.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I want to add my voice in support of the renewable fuels standard amendment that has been offered by the majority leader and the Democratic leader.

This may be a bit unconventional for a place like the Senate floor, but I want to begin my remarks by talking about duct tape. I am not talking about it in connection to homeland security, or even the fact that one of the largest producers, 3M Corporation, is in my home city of St. Paul.

Duct tape is probably in every garage in Minnesota and on most work benches. Why? Because you can do so many things with it. For those of us who are mechanically challenged it is essential. It is cheap. It is simple. You can use it for temporary car repair, plumbing, picture hanging . . . I even heard of a guy who used it on a duct! The point is that it is valuable because it can do many things well.

The renewable fuels standard we are talking about today is a duct tape kind of proposal. It will decrease our dependence on foreign oil. It will help keep America's air and water cleaner. It will increase the income of our hard working farm families. And it will provide economic development and jobs for rural Minnesota. I am not sure if there is one other thing we could do as a national government that would do more good, for more people, at less expense and with no down side than set a renewable fuels standard. Allow me to explain in further detail.

Today 56 percent of our oil comes from foreign sources. As frightening as that statistic is, we are heading in the wrong direction: becoming more dependent as the years go by. When George Washington gave his Farewell Address, he warned us solemnly to "avoid entangling alliances." We compromise the sovereignty of our Nation by giving other nations that powerful leverage on our people.

This reasonable renewable fuels standard would reduce our dependence on foreign oil by 1.6 billion barrels over the next 10 years. That would make us an even stronger nation because we would be winning back the power to determine our own destiny.

In Minnesota, we put a high value on clean air and clean water. Carbon monoxide, hydrocarbons, nitric oxide, and other toxins and particulates are responsible for countless environmental and health problems. As a matter of compassion, we must act to reduce these pollutants to avoid the suffering they cause. As a matter of health policy, the best way to contain costs is to prevent people from becoming sick in the first place.

Studies have shown that ethanol can reduce emissions of hydrocarbons by 20 percent and particulates by 40 percent. I believe biodiesel holds out the same promise. Right down the road from Minnesota in Chicago, ethanol use helped bring that huge city under the federal standard for ozone. Phasing out MBTE will have a dramatic impact all by itself.

As I spend time with Minnesota's farm families, they don't beat around the bush—whom they support, I might add, in large numbers. They don't care to listen to a lot of fancy speeches. They say, "Senator you can help us if you do two things: lower our costs and raise our prices. We'll do the rest." The great folks who feed the world and undergird our economy—at great personal risk and sacrific—deserve to be heard and listened to.

Pure and simple: it is better to send corn and soybeans to ethanol and biodiesel plants to create energy than it is to send too much to the elevators and depress prices.

The Department of Agriculture estimates that ethanol adds 30 to 50 cents of additional value to every bushel of corn produced in the United States. That is a difference consumers of corn flakes will never notice, but it is a huge change at the margin for hundreds of thousands of hard working American farmers.

And make no mistake: farmers need help right now. In recent years, those who provide us with the safest, most abundant, most affordable food supply in the world have been struggling with the lowest real net cash income since the Great Depression, record low prices, record high costs of production, and foreign tariffs and subsidies some 5 and 6 times higher than our own.

President Kennedy once said that "the farmer is the only man in our economy who buys everything he buys at retail, sells everything he sells at wholesale, and pays the freight both ways." The RFS is an opportunity to turn things around for our farm families: to give them a chance to earn a living off the market while yielding huge economic, environmental and energy dividends.

As every Senator should know, farm policy and rural development go hand in glove. The key to so many rural communities is for them to reap a greater economic benefit from the things they produce. If they just harvest the crops or raise the cattle and watch them roll over the hill for someone else to process and profit from, that is not going to maximize economic development and job growth potential in the area. They need to add value to those products.

There are no better examples of this than ethanol and biodiesel. Let me talk for a moment about what many call the "Minnesota Miracle." I hold it out to Members of other States as an incentive for what approving an RFS could mean to your communities.

The State of Minnesota leads the Nation in promoting the production and use of ethanol. Nearly all of Minnesota's 2.6 billion gallons of gasoline are blended with 10 percent ethanol, reducing fuel imports by 10 percent. Today, Minnesota boasts 14 ethanol plants—13 of which are owned by Minnesota farmers. And, what these 14 plants have produced—besides ethanol—is truly phenomenal: 40,000 jobs, over a half billion a year in economic activity, and $15 million in tax revenues.

Now, on a national scale, studies suggest that the RFS will, over the next decade, reduce our Nation's trade deficit by more than $34 billion, increase our gross domestic product by $156 billion, create more than 214,000 new jobs, expand households income by some $51 billion, increase net farm income by nearly $6 billion per year, while cleaning our air and water and displacing 1.6 billion barrels of foreign oil. In short, the RFS will allow Minnesotans to build on our State's success while creating new opportunity and promise throughout the country.

Mr. President, I am proud to stand here today in the shadow of the work Senator HAGEL has done, the work the chairman of the Energy Committee has done, and stand in support of the amendment offered by the majority leader and Democratic leader, an amendment that will promote energy independence, cleaner air and water, stronger farm prices, and viable rural communities. Renewable fuel standards will do all these things. That does duct tape one better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I compliment the distinguished Senator from Minnesota not only on his remarkable statement, but likewise on the Minnesota miracle. The work in his State is truly a manifestation of all that can come from the legislation we are discussing today in terms of jobs, income for farmers and, most important, greater energy independence and cleaner air for our country.

I am delighted to join my colleague from Minnesota in presenting and sponsoring and commending the majority leader and the minority leader for presenting this legislation to us today.

I am a strong advocate of this initiative to establish a nationwide renewable fuels standard as a part of America's national energy policy. Moving from a hydrocarbon to a carbohydrate economy will increase energy independence, reduce oil imports, protect air and water, reduce greenhouse gas emissions, and stimulate rural economies. The renewable fuels amendment we are considering today does all of these things, which is why I regard it as an essential component of the Energy Policy Act of 2003.

The renewable fuels amendment is the culmination of years of effort. As a result of the hard work, today's amendment enjoys strong support from both parties and a broad array of interest groups.

Several years ago, Senator DASCHLE and I first introduced a bill creating a renewable fuels standard. It has been my privilege to speak with Senator DASCHLE for many years on behalf of this concept, in front of various groups in our country, as well as with our colleagues in the Senate. I have treasured my friendship with Senator DASCHLE on the Agriculture Committee of the Senate. There we have had many hearings and productive discussions. The Renewable Fuels Act of 2001, the bill Senator DASCHLE and I introduced, represented an important step toward reducing our dependence on foreign oil and improving our Nation's energy security. At the same time, this proposal went far toward protecting the environment, supporting rural economic development, and increasing the flexibility of the national fuel supply to reduce the impact of future price spikes. Last year Senator DASCHLE and I incorporated that legislation into the Senate Energy bill. I am hopeful this year my colleagues will again demonstrate that they appreciate the importance of the renewable fuels standard to our country, and I am confident we will do so.

When reflecting back on recent history, one trend that should disturb every American is our growing dependence on oil imports. Set that trend against the many political crises erupting in oil-rich regions around the world, and it is clear our addiction to oil must be curtailed. I believe part of the answer lies with the development of cheap, plentiful, renewable sources of energy. The current tax incentive for ethanol has helped foster creation of a strong domestic renewable fuels industry. But more needs to be done to reduce the cost of ethanol production and to make the commodity more competitive with fossil fuels. It is time for a nationwide renewable fuels standard.

Recent and prospective breakthroughs in genetic engineering and processing are radically changing the viability of ethanol as a transportation fuel. It is now possible to use biomass, meaning virtually any plant or plant product, to produce renewable fuels. So-called cellulosic ethanol may decisively reduce the cost of ethanol, to the point where petroleum products may soon face vigorous competition.

In 1999, James Woolsey, former director of the CIA, and a consultant on many important issues, and I coauthored an article in Foreign Affairs magazine that talked about our strategic need for energy independence—at least outlined how a biomass strategy, which included ethanol from many sources, was a critical part of that strategy.

In 1999, following publication of that article in Foreign Affairs, I introduced a bill that now drives many of these scientific breakthroughs. The Biomass Research and Development Act accelerated and coordinated the biomass research and development activities of Federal agencies. Soon after this bill was enacted into law as Title III of the Agricultural Risk Protection Act of 2000, a bill that came out of the Senate Agriculture Committee, its competitive research and development program began accelerating production of biofuels, biochemicals, and biopower. Today's amendment will build on that initiative in a very large way by offering an incentive to producers of cellulosic ethanol.

I am proud of the significant progress we have already made to support renewable fuels. We have made great strides toward strengthening our national security, improving our rural communities, and protecting our natural environment.

With today's amendment, we will move still closer to a safer and more prosperous tomorrow for our country and for the world. I strongly encourage my colleagues to support this important initiative.

I thank the Chair, and I yield the floor.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I say to fellow Senators, we are on this bill until 11:30 a.m. for purposes of discussing the pending amendment. So I say to anybody who wishes to discuss it, we have this additional time now. There may be time in the future, but this is assured time now for anybody who wishes to speak.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I want to take this opportunity to make a few comments as a member of the Energy Committee on the energy bill that is on the floor and which will be subject to amendment tomorrow morning. I believe the ethanol amendment will be taken up.

There is an overarching possibility in this energy bill. It can provide the opportunity to properly fix the badly broken energy market, to reduce our consumption of oil, and to increase energy production while protecting our environment and addressing climate change. But at this point, the Energy Policy Act of 2003 is missing much of what is needed for a balanced, comprehensive energy policy for this Nation.

I voted against the bill in the Energy Committee because of what is missing. I look forward to the opportunity to amend this legislation.

First, I believe the bill needs stronger consumer protection to fix our broken energy market and to prevent another energy crisis like the one we experienced in the West.

Second, we must increase the fuel efficiency of our vehicles to reduce the amount of oil we consume, to lessen the amount of carbon dioxide, the No. 1 greenhouse gas released into our atmosphere, and to save families and businesses money at the pump.

Third, we must increase our energy production while protecting our environment. This means not infringing on environmentally sensitive areas such as the Alaska National Wildlife Refuge or the water off the California and Florida coasts.

Fourth, we should address global warming and establish plans to combat climate change.

Fifth, we must encourage the development of new renewable power from solar, from wind, and from geothermal resources instead of continuing to subsidize traditional production from nuclear power, for example.

Three years ago this month, California's energy market began to spiral out of control. In May of 2000, families and businesses in San Diego saw their energy bills soar. The Western energy crisis forced every family and business to pay for more energy. The crisis forced the State of California into a severe budget shortfall. It forced the State's largest utility into bankruptcy and nearly bankrupted the second largest utility. Now, 3 years and $45 billion in cost later, we have learned how the energy market in California was gamed and abused.

In March, the Federal Energy Regulatory Commission issued the "Final Report on Price Manipulation in Western Markets which confirmed that there was widespread and pervasive fraud and manipulation during the Western energy crisis. The abuse of our energy market was so pervasive and unlawful. Yet this energy bill does not go far enough to prevent another Western energy crisis and to curb illegal Enron-type manipulation.

Remember, this type of fraud and abuse was not limited to just Enron. There was fraud and abuse across the board, according to the Federal Energy Regulatory Commission. One of the best examples of this illegal behavior is demonstrated by the transcript from Reliant Energy that revealed how their traders intentionally withheld power from the California market in an attempt to increase prices. This is one of the most egregious examples of manipulation, and it is clear and convincing evidence of coordinated schemes to defraud consumers.

Let me read one part of the transcript to demonstrate the greed behind the market abuse by Reliant and its traders.

On June 20, 2000, two Reliant employees had the following conversation that revealed the company withheld power from the California market to drive prices up.

> Reliant Operations Manager 1: I don't necessarily foresee those units being run the remainder of this week. In fact you will probably see, in fact I know, tomorrow we have all the units at Coolwater off.

The Coolwater plant is a 526 megawatt plant.

> Reliant Plant Operator 2: Really?
>
> Reliant Operations Manager 1: Potentially. Even number four. More due to some market manipulation attempts on our part. And so, on number four it probably wouldn't last long. It would probably be back on the next day, if not the day after that. Trying to uh. . .
>
> Reliant Plant Operator 2: Trying to shorten supply, uh? That way the price on demand goes up.
>
> Reliant Operations Manager 1: Well, we'll see.
>
> Reliant Plant Operator 2: I can understand. That's cool.
>
> Reliant Operations Manager 1: We've got some term positions that, you know, that would benefit.

Six months after this incident, as the Senate Energy Committee was attempting to get to the bottom of why energy prices were soaring in the West, the president and CEO of Reliant testified before Congress that the State of California "has focused on an inaccurate perception of market manipulation."

Reliant's president and CEO went on to say, "We are proud of our contributions to keep generation running to try to meet the demand for power in California. Reliant Energy's plant and technical staffs have worked hard to maximize the performance of our generation."

These transcripts prove otherwise and reveal the truth about market manipulation in the energy sector.

Yet FERC refused to find and consider all evidence of fraud and manipulation and the State of California was forced to take the commission to court to ensure FERC would carry out its public duty to fully investigate the western energy crisis and punish wrongdoing. Only when the Ninth Circuit Court of Appeals ruled FERC had to allow the California parties to collect and submit evidence did we find more instances of pervasive illegal behavior.

After a 100-day discovery period that ended March 3, 2003, the State of California, the California attorney general's office, and the State's largest utilities filed over 3,000 pages of evidence at the Federal Energy Regulatory Commission to show how fraud and manipulation was pervasive throughout the western energy crisis of 2000–2001. The market abuse was not limited to a few rogue traders at one firm, but was a widespread series of schemes perpetuated by many employees across most companies that supplied and traded in the West.

During their discovery period, the "California parties" found the following information:

Details on new specific incidents when energy companies intentionally held their plants offline to drive prices up during 2000 and 2001; new transcripts of conversations between energy company employees revealing an intent to defraud and manipulate the California market; new evidence of document destruction by energy companies to hide details of their behavior in the western energy market; and new evidence laying out possible anti-trust violations by energy companies.

I ask unaminous consent that a copy of the report my office issued when the "Protective Order" was lifted by the Federal Energy Regulatory Commission be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

New Evidence That Energy Companies Besides Enron Manipulated the Western Energy Market

[Unofficial Report—Office of Senator Dianne Feinstein]

After a 100-day discovery period that ended March 3, 2003, the State of California, the California Attorney General's Office, and the state's largest utilities filed over 3,000 pages of evidence at the Federal Energy Regulatory Commission to show how fraud and manipulation was pervasive throughout the Western Energy Crisis of 2000–2001. The market abuse was not limited to a few rogue traders at one firm, but was a widespread series of schemes perpetuated by many employees across most companies that supplied and traded in the West.

HIGHLIGHTS OF THE INFORMATION FILED BY THE CALIFORNIA PARTIES

(This information from the California Parties was under a "Protective Order" at FERC.)

Details on new specific incidents when energy companies intentionally held their plants offline to drive prices up during 2000 and 2001.

New transcripts of conversations between energy company employees revealing an intent to defraud and manipulate the California market.

Reliant knew about transcripts proving their employees held power offline, but the company sat on the evidence for over a year before turning them over to FERC. (CA Parties brief, p122, footnote 375/Exhibit CA-218).

New evidence of document destruction by energy companies to hide details of their behavior in the Western Energy Market.

New evidence laying out possible anti-trust violations by energy companies.

The filing by the California parties shows that there was an extensive and coordinated attempt by energy companies to game the Western market to drive prices up by engaging in the following:

(1) Withholding of Power—driving up prices by creating false shortages.

New evidence of Withholding of Power according to the California parties: (CA Parties brief, p28–31/Exhibit CA-9).

On August 15, 2000 Williams reported that its plant in Long Beach called Alamitos 7 was unavailable due to NO_X limitations, but AES's real-time logs from that day show the plant was shut down because Williams directed it to be.

Reliant failed to return its Etiwanda Unit 2 in Rancho Cucamonga to service for two days after repairs were completed on January 26, 2001, even though the ISO system was experiencing continuous Stage 3 emergencies in California.

Redondo Beach Unit 6 power plant was shut down by Williams and AES April 3–April 6, 2000. Although the ISO was told the plant was offline due to a boiler tube leak, the plant records indicate this was a planned shutdown and the leak was an excuse concocted two days later.

Dynegy shut down its El Segundo Unit 1 plant August 30–September 3, 2000 for repairs, but the repairs had been done and the plant was shut down to force prices up.

Mirant held its Pittsburgh Unit 1 plant offline until October 22, 2000 even though an external tube leak ended October 20, 2000.

Duke delayed returning Oakland Unit 1 to service after repairs to a lube oil cooler and a cooling fan in November, 2000 despite ISO-declared emergencies.

During an ISO-declared emergency December 19 and 20, 2000, Williams declared Redondo Unit 5 a forced outage due to a boiler tube leak. However, the control operator logs uncharacteristically put quotation marks around the outage reason, "Blr. Tube Leak" and later, after tests were done, the logs indicate that no leaks were found.

Reliant delayed reporting the end of an outage at its Ellwood Unit in Goleta for more than twelve hours during peak demand in early April 2001.

Between November 19 and December 5, 2000 Dynegy reported that its El Segundo 1 and 2 units (with a capacity of about 350 MW) were on "forced outage," but these units were actually shutdown because Dynegy claimed its operating staff was on vacation. Forced outages should not include vacation days—especially during ISO emergencies, which occurred on November 19 and 20.

(2) Bidding to Exercise Market Power—suppliers bid higher after the California ISO declared emergencies, knowing the State would need power and be willing to pay any price to get it.

New evidence of Bidding to Exercise Market Power according to the California parties:

A Mirant email to eleven traders in July of 2000 reveals this strategy: "load is avg above 40 thousand during peak. So, submit revised supp. Bids and 'stick-it to 'em!!' " (CA Parties brief, p42–43/Exhibit CA-141).

(3) Scheduling of Bogus Load (aka "Fat Boy" or "Inc-ing")—suppliers submitted false load schedules to increase prices.

New evidence of Scheduling Bogus Load according to the California parties:

A Dynegy trader confirms that Dynegy's load deviation in August 2000 is "probably because [the traders] are just doing some dummy load scheduling." (CA Parties brief, p48/Exhibit CA-202).

A conversation between a Mirant trader and a trader from Public Service of Colorado reveal a joint effort to engage in "Fat Boy."

The trader from Public Service of Colorado states, "Why don't we just do something where we overschedule, overschedule load and share an upside, dude."

The Mirant trader responds, "That's fine." (CA Parties brief, p49/Exhibit CA-204)

A Sempra trader states Sempra should submit "fake load" to the day ahead market. (CA Parties brief, p49/Exhibit CA-71)

A Williams trading strategy is identified as "scheduling bogus load." (CA Parties brief, p49/Exhibit CA-22).

An internal Powerex memo documents that Powerex entered into a contract with the explicit purpose of "overscheduling" and "underscheduling" and for congestion manipulation. (CA Parties brief, p49).

(4) Export-Import Games (aka "Ricochet" or "Megawatt Laundering")—suppliers exported power out of California and imported it back into the State in an attempt to sell power at inflated prices.

New evidence of Export-Import Games according to the California parties:

Powerex's head trader congratulated its daily traders on their successful use of strategies to buy-ahead and sell back real-time. (CA Parties brief, p53/Exhibit CA-40).

Reliant had "camouflage transactions" where the company sold power out of California day-ahead to Arizona and New Mexico utilities, and bought it back for sale in the real-time market. (CA Parties brief, p55/Exhibit CA-56).

(5) Congestion Games (aka "Death Star")—suppliers created false congestion and were then paid for relieving congestion without moving any power.

New evidence of Congestion Games according to the California parties:

Other names like "Death Star" were given to these schemes: EPMI_Star, CISO Death, Curious and George, Red and Green, Hungry and Hippo, James and Dean or Chinook and Atlantic and SCEM_Loopy. (CA Parties brief, p59/Exhibit CA-1).

These congestion games were called "free money." (CA Parties brief, p59/Exhibit CA-145).

A Mirant trader summed up the scheme, "I mean it's just kind of loop-t-looping but it's making money . . . [laugh]." (CA Parties brief, p48/Exhibit CA-204).

(6) Double-Selling—suppliers sold reserves, but then failed to keep those reserves available for the ISO.

(7) Selling of Non-Existent Ancillary Services (aka "Get Shorty")—suppliers sold resources that were either already committed to other sales or incapable of being provided.

(8) Sharing of Non-Public Generation Outage Information—the largest suppliers in California shared information from a company called Industrial Information Resources that provided sellers detailed, non-public information on daily plant outages. A

one-year subscription to Industrial Information Resources cost $70,000. Providing multiple competitors the same, non-public, outage information signals all competitors to act in a parallel manner.

New evidence of Sharing of Non-Public Information according to the California parties:

Duke energy traders called Industrial Information Resources "the mole."

For example, Duke trader James Stebbins emailed: "I just heard back from the mole. He is reporting that the PV3 will be coming back on line 6 days earlier than expected. The new return date is March 3. Good luck and happy selling." (CA Parties brief, p70/Exhibit CA–95 and Exhibit CA–253).

(9) Collusion Among Sellers—sellers were jointly implementing or facilitating Enron-type trading strategies.

New evidence of Collusion Among Sellers according to the California parties:

Glendale traders learned manipulation from Enron and Coral traders. (CA Parties brief, p77/Exhibit CA–105 and Exhibit CA–1).

Sempra provided Coral with advance information regarding the status of a plant. (CA Parties brief, p78/Exhibit CA–1).

Transcripts of calls show traders from Public Service of Colorado and Mirant discussing "sharing" or "splitting" "the upside". (CA Parties brief, p79/Exhibit CA–204).

(10) Manipulation of NO_X Emission Market—sellers manipulated the market for NO_X emissions in the South Coast Air Quality Management District through a series of wash trades that created the appearance of a dramatic price increase that may have been fabricated.

For example, Dynegy, together with AES and others, entered into a series of trades of NO_X credits in July and August 2000 by which Dynegy would sell a large quality of credits and then simultaneously buy back a smaller quantity of credits at a higher per credit price. (CA Parties brief, p90–93/Exhibit CA–11).

(11) Wanton Document Destruction—sellers (not just Enron) flagrantly destroyed documents detailing behavior in the Western Energy Market.

New evidence of Wanton Document Destruction according to the California parties:

Mirant—an ex-Mirant employee disclosed that he was instructed to delete certain files relating to the California markets from hard drives and that key Mirant executives were instructed to turn in their laptops so that Mirant could clear their hard drives. (CA Parties, brief, p129/Exhibit CA–178).

City of Glendale, California—A Glendale employee, Jack Dolan, told an ex-Glendale employee, Carl Edginton, that Mr. Edginton could destroy one of the documents that contained information about Enron's gaming strategies. (CA Parties brief, p129–130/Exhibit CA–213).

(12) Negligent Document Destruction—sellers failed to retain documents detailing behavior in the Western Energy Market in accordance with FERC rules and the Federal Power Act.

According to the California parties, new evidence of Negligent Document Destruction by: Power, Portland General Electric, Reliant, Bonneville Power Administration, City of Glendale, Northern California Power Agency. (CA Parties brief, p130–132).

(13) Traders Did Not Care How High Prices Went—sellers said that it did not matter how high prices went, as long as Californians paid and generators made money.

New evidence Traders Did Not Care How High Prices Went in the filing:

Conversation between two Reliant employees on May 22, 2000:

Kevin: "Hey, guys, you know when we might follow rules? If there's some sort of penalty."

Walter: "That's right."

Kevin: "I would never suggest it, but it seems like the writing would be on the wall."

Walter: "Well, I mean, there's—you know, our position is if it's a reliability issue, then the reliability comes over the economics."

Kevin: "Right."

Walter: "So we don't have a problem with that. But it needs to be a reliability issue. If it's economics, and by God, that's what rules."

Kevin: "You'll let the California rate payers pay."

Walter: "That's right. I don't have a problem with that. I have no guilty conscience about that."

Kevin: "All right, man." (CA Parties brief, p110–111/Exhibit CA–239).

Mrs. FEINSTEIN. Mr. President, the evidence of fraud and abuse submitted is really quite extraordinary.

Yet this energy bill doesn't prevent the type of gaming that went on during the energy crisis. The bill only bans one type of specific manipulation—wash trades in the electricity market—but it does not address the natural gas market, nor does it prevent other forms of fraud and manipulation that took place in California and were detailed in memos released by Enron—"Fat Boy," "Ricochet," "Death Star," and "Get Shorty."

Furthermore, I am concerned that at this time of great crisis in the energy industry, this energy legislation rolls back the Public Utility Holding Company Act—PUCHA—without giving FERC the ability to review mergers and acquisitions in the energy sector. I will support an amendment to be offered by Senator BINGAMAN on this issue to ensure the consumer protections granted by PUCHA are not repealed.

I am also disappointed that this bill does not increase automobile fuel efficiency to reduce our consumption of oil. The single most effective way to reduce our dependence on foreign oil is to equalize the fuel economy of SUVs and light trucks with that of passenger cars.

Senator OLYMPIA SNOWE and I introduced bipartisan legislation in January to close the SUV Loophole and since that time 16 other Senators have signed onto our bill. Closing the SUV loophole would: Save the U.S. 1 million barrels of oil a day and reduce our dependence on foreign oil imports by 10 percent; prevent about 240 million tons of carbon dioxide—the top greenhouse gas and biggest single cause of global warming—from entering the atmosphere each year; and save SUV and light duty truck owners hundreds of dollars each year in gasoline costs.

Corporate Average Fuel Economy—CAFE—standards were first established in 1975. At that time, light trucks made up only a small percentage of the vehicles on the road—they were used mostly for agriculture and commerce, not as passenger cars.

Today, our roads look much different—SUVs and light duty trucks comprise more than half of the new car sales in the United States.

As a result, the overall fuel economy of our Nation's fleet is the lowest it has been in two decades—because fuel economy standards for these vehicles are so much lower than they are for other passenger vehicles.

Rather than increasing fuel economy, however, this energy bill makes it more difficult for the Department of Transportation to increase CAFE standards in the future by including a new list of criteria the Department must consider when revising standards.

We need to be responsible and increase fuel efficiency, not create more barriers to increase CAFE standards.

I believe a comprehensive energy policy can promote the development of new energy supplies while protecting our most precious natural areas.

Yet this energy bill requires an inventory of all oil and gas resources under the Outer Continental Shelf. This inventory is a thinly veiled attempt to undermine long-standing and bipartisan moratorium protection. Areas off the West and East Coasts are currently off limits to drilling, and we do not want that to change.

Even if we ignore the implications of this study on moratorium areas, the inventory itself threatens precious coastal resources with invasive technologies. The coastal States have made it clear that they oppose oil development in these areas, and I believe the States' views should be respected.

I strongly believe that a comprehensive energy bill cannot ignore global climate change, yet this bill does nothing to decrease global warming.

The International Panel on Climate Change estimates that the Earth's average temperature could rise by as much as 10 degrees in the next 100 years—the most rapid change in 10,000 years.

This would have a major effect on our way of life. It would melt the polar ice caps, decimate our coastal cities, and cause global climate change.

We are already seeing the effects of warming.

In November, the Los Angeles Times published an article about the vanishing glaciers of Glacier National Park in Montana. Over a century ago, 150 of these magnificent glaciers could be seen on the high cliffs and jagged peaks of the surrounding mountains of the park. Today, there are only 35. And these 35 glaciers that remain today are disintegrating so quickly that scientists estimate the park will have no glaciers in 30 years.

This melting seen in Glacier National Park can also be seen around the world, from the snows of Mt. Kilimanjaro in Tanzania to the ice fields beneath Mt. Everest in the Himalayas.

Experts also predict that glaciers in the high Andes, the Swiss Alps, and even Iceland could disappear in coming decades as well. These dwindling glaciers offer the clearest and most visible sign of climate change in America and the rest of the world.

Yet the administration has walked away from the negotiating table for the Kyoto Protocol. This is a big mistake. The United States is now the largest energy consumer in the world, with 4 percent of the world's population using 25 percent of the planet's energy. We should be a leader when it comes to combating global warming.

I strongly believe that we can do more to encourage the development of renewable power. Solar, wind, geothermal, and biomass are generating electricity for homes and businesses nationwide and we need an energy policy that not only provides tax incentives for their continued development, but also requires their use. I strongly believe it is in the public interest for our Nation to stop subsidizing costly nuclear plants and require greater development of renewable resources.

However, this energy bill does not include a Renewable Portfolio Standard to require the use of a certain percentage of energy to be generated from renewable resources. I support such a standard and believe it should be part of our energy policy. Unfortunately the energy bill currently has an over-reliance on promoting traditional energy resources.

Take the nuclear power section of the bill for example. The energy bill provides a new subsidy program to provide loans, loan guarantees, and other forms of financial assistance to subsidize the construction of new nuclear plants. These subsidies will be allowed to cover up to half the cost of developing and constructing a nuclear power plant, including any costs resulting from licensing and regulatory delays. Since nuclear power plants cost approximately $6 billion to build, these subsidies could inflict a tremendous burden on the taxpayer.

For these reasons I voted against this energy bill in the Senate Energy Committee. I look forward to the opportunity to improve it on the Floor.

I strongly believe our Nation needs an energy policy that will protect consumers, reduce our dependence on foreign oil, and promote new energy development while protecting our environment. If our energy legislation cannot accomplish these objectives it will be an unbalanced and incomplete energy policy.

Thank you and I yield the floor.

Mr. INHOFE. Mr. President, over the next few days, the Senate will consider legislation that will become the fuels title of comprehensive energy legislation to be enacted by the Congress later this year. As I have stated on other occasions, I firmly believe that the Nation needs comprehensive energy legislation and needs it quickly. One of our largest national security problems is our current energy dependence on foreign countries. I strongly agree with Deputy Secretary of Defense Paul Wolfowitz, who has called our energy dependence "a serious strategic issue."

I think that most Members of the Senate would agree that expeditious action is needed to address our energy dependence concerns. There is much less agreement, however, on the specific fuels provisions that are best suited to respond to those concerns. As chairman of the Environment and Public Works Committee, I have worked closely with the issue surrounding this amendment and the impact they will have on our environment, as well as the economy. I understand the valid concerns on all sides of the debate.

This amendment represents a compromise on a number of contentious issues. I want to thank the members and their staffs for their respective roles in shaping this compromise, particularly the majority and minority leaders, and Senator VOINOVICH, the Chairman of the Clean Air Subcommittee, which has jurisdiction over this amendment.

This amendment has numerous environmental protection provisions, and, with the repeal of the oxygenate mandate, positive steps in removing barriers to allow refineries to make clean burning and affordable gasoline.

As with all compromises, there are provisions in the document that are opposed by various committee members, including myself. Despite that, I hope we can move the proposal out of the Senate with a minimum of controversy. To that end, I intend to support the proposal against amendments even in circumstances where I might agree with the substance of the amendment. I urge others to do the same.

This is something that has been of great concern for this country. I became involved with this issue of our energy dependence way back in the early 1980s when then-Secretary of Interior, Don Hodel, and I traveled and talked about the national security ramifications of our dependence on foreign countries for our ability to fight a war. Certainly, I felt after the 1991 war and after the most recent conflict in Iraq that people would be sensitive to that. I think the amendment that we are offering is one that is going to be of great help in getting us to lessen our reliance on foreign countries for our ability to fight a war.

I look at this provision of the energy bill as a very significant provision. As I said, there are parts of it and provisions that, as chairman of the Environment and Public Works Committee, I do not agree with. However, I strongly urge the support of this provision to the energy bill and hope we can do it with minimum or with no amendments.

I thank the Chair. I yield the floor.

Mr. CAMPBELL. Mr. President, I rise today in support of S. 14, the comprehensive energy bill.

The chairman and all the members of the Energy and Natural Resources Committee worked hard to produce a comprehensive energy bill. While no legislation is perfect, S. 14 is the product of careful debate and was subject to tough scrutiny through the committee process.

Where the committee was uncertain or where significant consensus on particular issues proved difficult, deference was given to Senators so those issues could be addressed before the full Senate.

The Committee-reported energy bill represents a careful balance of diverse and complex issues, and I am proud to have had a role in the process.

No matter one's political leanings or personal opinions, two irrefutable facts are abundantly clear. First, energy is needed to fuel the economy. Second, America needs more energy.

Between 1991 and 2000, Americans used 17 percent more energy than in the previous decade, while during that same period, domestic energy production rose by only 2.3 percent.

Further, our Nation's energy consumption is projected to increase 32 percent by 2020.

Our projected demand increase translates to projected price increases. The Energy Information Administration estimates that oil prices will increase 20 percent and natural gas prices will increase more than 50 percent in the next 25 years. Price increases like these emphasize our need to embrace policies that consider our Nation's diverse fuel mix. This bill correctly encourages the consideration of all of our energy sources.

Some in Congress would pursue policies choosing certain energy sources over others, resulting in fuel switching. I oppose such policies for several reasons. Principally, however, I oppose policies that would significantly reduce our Nation's fuel options because such policies would have catastrophic effects on our economy. It should be noted that the EIA projections cited earlier all assume a diverse portfolio of energy sources. We can only imagine the cost to ratepayers and the Nation if an energy source, such as coal, were no longer a viable option.

To consider all of our energy options requires more than just lip service. It means taking action based upon stated positions.

The Indian Energy Title of the bill moves beyond lip service. It incorporates several key reforms based on fundamental principles of American liberty and Indian self-determination.

I imagine that many, if not all of the members of this body believe—or at least say they believe—in the right to self-determination. Many of my colleagues celebrate and support the rights of indigenous peoples in the context of international law. In the case of Iraq, all agree that the Iraqi Government must be comprised of and run by Iraqis, for Iraqis, without U.S. interference.

Unfortunately, if we are to ask the very same members to apply those recognized principles at home to our Nation's own indigenous peoples, their resolve and belief in self-governance seems to disintegrate.

The Indian Energy Title in the bill before the Senate is not merely a reiteration of touchy-feely concepts. Concepts without action do not help people. And despite what many Americans, and many in this Chamber believe about Indian gaming and a few rich tribes, the truth is that Indians are still the poorest people in America; still have the worst health care; still have the fewest educational opportunities; and Indian children still suffer from sniffing glue, using "canned heat," and committing suicide.

The truth is often uncomfortable. The truth is undeniable.

The Indian provisions in S. 14 are designed not only to respect tribes' right to self-determination, but to unshackle them from a regulatory and bureaucratic system that doesn't care whether an energy project goes forward; doesn't care whether a tribe's energy partner decides the bureaucratic hurdles are too high; and doesn't care whether jobs will be created to benefit Indians.

Title III provides financial assistance, loan guarantees, hydro and wind power and wind power studies, and most importantly a liberalization of the Indian land leasing process.

These provisions are wholly voluntary, allowing participating tribes greater flexibility in exercising their right to self-determination.

Title III contains no NEPA exemptions and the Indian Energy Title does not circumvent environmental protections. What it does do, however, is empower Indian tribes with long-overdue authority to manage their land while, "ensuring compliance with all applicable environmental laws."

The Indian energy provisions in S. 14 accepts that unfortunate reality and provides critical economic development opportunities to participating tribes.

The chairman has a difficult task—to produce a balanced comprehensive energy bill during a Presidential election cycle. Politics and rhetoric run highest at times like these.

Although it has happened since the days of the frontier, the powerful and wealthy should not manipulate the disenfranchised for political gain.

I sincerely hope that my colleagues in the Senate regard the Indian energy provisions as what they are—a tool to exercise self-determination.

If it is good enough for Iraqis, shouldn't it be good enough for Americans?

Mr. NELSON of Nebraska. Mr. President, this important renewable fuels legislation is one of the pillars for economic development for rural America—one segment of the population that has lagged behind during the economic surge of the 1990s and is suffering under the combined effects of the current economic slowdown and a 2-year devastating drought—Drought David.

This legislation is important for rural America. Last year, we completed the farm bill—the first part of the economic revitalization plan for rural America. And while the Midwest has been blessed with rain over the past month, we continue to struggle with the ongoing effects of drought. Economic stimulus can come in many forms, and renewable fuels is certainly one of the viable options for increased economic stimulus in rural America, especially in my home State of Nebraska.

We need to be working hard to craft a comprehensive rural development plan that will spur investment in agribusiness and promote economic activity in the agriculture center. This bill, the Fuels Security Act of 2003, is an important part of such a rural development plan.

It is clear that use of ethanol, as part of a renewable fuels standard is a win-win-win situation: a win for farmers, a win for consumers, and a win for the environment. That is why I rise as an original cosponsor and strong supporter of this renewable fuels legislation.

If passed, the Fuels Security Act will establish a 2.3-billion-gallon renewable fuels standard in 2004, growing every year until it reaches 5 billion gallons by 2012. There are many benefits to this legislation.

It will dispute 1.6 billion barrels of oil over the next decade; reduce our trade deficit by $34.1 billion; increase new investment in rural communities by more than $5.3 billion; boost the demand for feed grains and soybeans by more than 1.5 billion bushels over the next decade; create more than 214,000 new jobs throughout the U.S. economy; and expand household income by an additional $51.7 billion over the next decade.

It is quite apparent that increased use of ethanol will do much to boost a struggling U.S. agriculture economy and will help establish a more sound national energy policy.

The greater production of ethanol will also be beneficial to the environment. Studies show ethanol reduces emissions of carbon monoxide and hydrocarbons by 20 percent and particulates by 40 percent in 1990 and newer vehicles. In 2001 ethanol reduced greenhouse gas emissions by 3.6 million tons, the equivalent of removing more than 520,000 vehicles from the road.

A choice for ethanol is a choice for America, and its energy consumers, its farmers and its environment.

Enactment of the Fuel Security Act—along with other provisions in this bill that emphasize new sources of energy production from renewables like wind power, as well as conservation to further reduce our dependence upon foreign sources of energy—will help us to reverse our 100-year-old reliance on fossil fuels, a more pressing concern than ever given the possibility of military conflict in the Mideast and the continuing economic turmoil in Venezuela.

I am unabashedly proud of what my home State has accomplished in this area. Within the State of Nebraska, during the period from 1991 to 2001, seven ethanol plants were constructed and several of these facilities were expanded more than once during the decade. Specific benefits of the ethanol program in Nebraska include: $11.15 billion in new capital investment in ethanol processing plants; 1,005 permanent jobs at the ethanol facilities and 5,115 induced jobs directly related to plant construction, operation, and maintenance—the permanent jobs alone generate an annual payroll of $44 million—and more than 210 million bushels of corn and grain sorghum is processed at the plants annually. These economic benefits and others have increased each year during the past decade due to plant expansion, employment increases, and additional capital investment.

If each State produces 10 percent of its own domestic, renewable fuel, as Nebraska does, America will have turned the corner away from dependence on foreign sources of energy.

When you take a hard look at the facts, you will see that this legislation is nothing but beneficial for America. The Fuels Security Act is balanced, comprehensive, and is the result of the dedication of so many, especially Senator DASCHLE and Senator LUGAR.

Now I ask my colleagues to join me in promoting new opportunities for the technologies that will put our Nation and the world's transportation fuels on solid, sustainable, and environmentally enhancing ground. We owe it to our country now—and to future generations—to pass this legislation.

FOREIGN INTELLIGENCE SURVEILLANCE ACT

The PRESIDING OFFICER. Under the previous order, the hour of 11:30 having arrived, S. 113 is referred to the Committee on Intelligence, and the committee is discharged from further consideration of the measure, and the Senate will now proceed to consider the measure, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 113) to exclude United States persons from the definition of foreign power under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to the title and an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. EXCLUSION OF UNITED STATES PERSONS FROM DEFINITION OF FOREIGN POWER IN FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 RELATING TO INTERNATIONAL TERRORISM.

[Paragraph (4) of section 101(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)) is amended to read as follows:

["(4) a person, other than a United States person, or group that is engaged in international terrorism or activities in preparation therefor;"].

SECTION 1. TREATMENT AS AGENT OF A FOREIGN POWER UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 OF NON-UNITED STATES PERSONS WHO ENGAGE IN INTERNATIONAL TERRORISM WITHOUT AFFILIATION WITH INTERNATIONAL TERRORIST GROUPS.

(a) IN GENERAL.—Section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(1)) is amended by adding at the end the following new subparagraph:

"(C) engages in international terrorism or activities in preparation therefor; or".

(b) SUNSET.—The amendment made by subsection (a) shall be subject to the sunset provision in section 224 of the USA PATRIOT Act of 2001 (Public Law 107–56; 115 Stat. 295), including the exception provided in subsection (b) of such section 224.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I appreciate the opportunity to take up this bill. It is under a unanimous consent agreement. Pursuant to that agreement, we are going to have some opening statements. I will take about 15 minutes and then Senator SCHUMER, the cosponsor of the amendment, will be presenting his remarks. After that, anyone who would like to speak for or against this bill can do so.

There will be two amendments in order. One will be an accepted amendment offered by the Senator from Wisconsin, Mr. FEINGOLD, and another will be offered by Senator FEINSTEIN of California on which there is, I believe, a total of 4 hours authorized for debate. I do not think we will need that much time, but when the time comes, I urge my colleagues to oppose and defeat the Feinstein amendment so we can go to final passage of this legislation.

I will briefly describe what the bill does and why we need it. Then I will get into some of the procedure involved. It is actually very simple. It involves an existing law that we passed in 1978 called the Foreign Intelligence Surveillance Act, known by the acronym FISA. FISA allows us to get warrants, among other things, and allows us to surveil people we suspect of committing acts of terrorism against us; for example, to get a warrant to search their computer or their home.

There are two instances where the law currently applies. The underlying predicate is that there has to be probable cause that somebody is committing, about to commit, or planning to commit some kind of criminal act, a terrorism kind of act. It applies to two kinds of people: somebody who is either working for a foreign government or somebody who is working for a foreign terrorist organization.

That leaves a little loophole because there are some terrorists who are not on the membership list, shall we say, or who are not card-carrying members of a foreign terrorist organization or a foreign government; people such as Zacarias Moussaoui, for example, whom we now believe to have been loosely involved in the al-Qaida attack of September 11.

At the time, it was not possible to prove that he was involved with a foreign intelligence organization. It may well be that at the end of the day he was, in fact, a lone wolf, operating on his own, but very loosely affiliated with the radical Islamic movement which has underpinned a lot of the terrorism which threatens the United States and the rest of the world today.

The law as written in 1978 was intended to apply to a very specific group of people, the Soviet spies, for example, or the Baader-Meinhof gang or the Red Brigade or the Red Army. There were a lot of these organizations back then, and they were very tightly knit organizations. If somebody was involved in one of these groups, they were involved. But today's radical Islamic movement around the world that associates itself with terrorism is much more amorphous. As I factitiously said, these people do not have cards identifying themselves as members of these organizations. They are people who hate the West and the United States. They move in and out of the different countries of the world. They will take training in a certain place. They will affiliate a little while with a group and then move on to support some other group.

The bottom line is that it is very difficult, sometimes impossible, to prove that they are affiliated with a specific group. In some cases, they are not. They are simply acting on their own. But they are still terrorists. They are still foreign terrorists. They still mean to do us harm on the international stage and should be covered by the Foreign Intelligence Surveillance Act.

We close this loophole by providing that not only does it cover the person working for a foreign government, or who we can prove at that point is working for a foreign terrorist organization, it also includes the so-called lone wolf terrorist, or the individual we cannot yet prove is directly affiliated with one of these amorphous groups. That is really all the bill does.

I will give a specific example. I mentioned Zacarias Moussaoui. Remember all of the criticism. He was a person who was taking flying lessons. It was under very suspicious circumstances. We understood this prior to September 11. There were people who wanted to get a Foreign Intelligence Surveillance Act warrant to search his computer. It went to the FBI, and somebody in the FBI concluded that, yes, all of this information looked good in the warrant except that they could not specifically tie him to a specific international group. Quite a bit of time was used following up leads that led to some group of Chechen rebels, but that ended up to be kind of a dry hole. Meanwhile, the attack of September 11 occurred.

Immediately after that attack, we were able to get the warrant. His case is pending in Northern Virginia at this time. He was not able to hook up with the attackers of September 11, but clearly his is an example of a case to which this kind of provision should apply.

I will quote something from some of the testimony that we had with regard to the need for this legislation. Spike Bowman, who is the Deputy General Counsel of the FBI, testified at a Senate Select Committee on Intelligence hearing on the predecessor bill to the one that is before us right now. I will quote at length from his testimony. He said:

> When FISA was enacted, terrorism was very different from what we see today. In the 1970s, terrorism more often targeted individuals, often carefully selected. This was the usual pattern of the Japanese Red Army, the Red Brigades and similar organizations listed by name in the legislative history of FISA. Today we see terrorism far more lethal and far more indiscriminate than could have been imagined in 1978. It takes only the events of the September 11, 2001, to fully comprehend the difference of a couple of decades. But there is another difference as well. Where we once saw terrorism formed solely around organized groups, today we often see individuals willing to commit indiscriminate acts of terror. It may be that these individuals are affiliated with groups that we do not see, but it may be that they are simply radicals who desire to bring about destruction.
>
> We are increasingly seeing terrorist suspects who appear to operate at a distance from these organizations. In perhaps an oversimplification, but illustrative nevertheless, what we see today are (1) agents of foreign powers in the traditional sense who are associated with some organization or discernible group, (2) individuals who appear to have connections with multiple terrorist organizations but who do not appear to owe any allegiance to any one of them, but rather owe allegiance to the International Jihad movement, and (3) individuals who appear to be personally oriented toward terrorism but with whom there is no known connection to a foreign power.
>
> This phenomenon which we have seen . . . growing for the past two or three years, appears to stem from a social movement that

> began some imprecise time, but certainly more than a decade ago. It is a global phenomenon which the FBI refers to as the International Jihad Movement. By way of background we believe we can see the contemporary development of this movement, and its focus on terrorism, rooted in the Soviet invasion of Afghanistan.
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> During the decade-long Soviet/Afghan conflict, anywhere from 10,000 to 25,000 Muslim fighters representing some forty-three countries put aside substantial cultural differences to fight alongside each other in Afghanistan. The force drawing them together was the Islamic concept of "umma" or Muslim community. In this concept, nationalism is secondary to the Muslim community as a whole. As a result, Muslims from disparate cultures trained together, formed relationships, sometimes assembled in groups and otherwise would have been at odds with one another[.] and acquired common ideologies.
>
> . . .
>
> Following the withdrawal of the Soviet forces in Afghanistan, many of these fighters returned to their homelands, but they returned with new skills and dangerous ideas. They now had newly acquired terrorist training as guerilla warfare [had been] the only way they could combat the more advanced Soviet forces.
>
> Information from a variety of sources repeatedly carries the theme from Islamic radicals that expresses the opinion that we just don't get it. Terrorists world-wide speak of jihad and wonder why the western world is focused on groups rather than on concepts that make them a community.
>
> The lesson to be taken from how [Islamic terrorists share information] is that al-Qaida is far less a large organization than a facilitator, sometimes orchestrator of Islamic militants around the globe. These militants are linked by ideas and goals, not by organizational structure.
>
> The United States and its allies, to include law enforcement and intelligence components worldwide[,] have had an impact on the terrorists, but [the terrorists] are adapting to changing circumstances. Speaking solely from an operational perspective, investigation of these individuals who have no clear connection to organized terrorism, or tenuous ties to multiple organizations, is becoming increasingly difficult. The current FISA statute has served the Nation well, but the international Jihad movement demonstrates the need to consider whether a different formulation is needed to address the contemporary terrorist problem.

Of course, the different way we are approaching it is by adding a third element to the FISA statute. If you are a non-United States person and otherwise we have probable cause to believe you are planning an act of or executing an act of terrorism, we have the right to seek a warrant in the FISA court to search you, surveil you, whatever the warrant might request.

That is the essence of this legislation. As I said, when FISA was enacted in 1978, this international movement around an idea had not yet evolved and we were focused on organizations. Now we need to add to the statute, in addition to nations and specific organizations, non-United States persons—in other words, foreign persons—who we believe are carrying out some terrorist plan with international roots, directed at the United States, sufficient to bring it under the aegis of the FISA statute.

It is the responsibility of Congress to adapt our laws to these changes. It is this challenge that Senator SCHUMER and I are attempting to address by this amendment.

I introduced this bill with Senator SCHUMER in the 107th Congress on June 5, 2002, so it has been around almost a full year. The current bill is the identical bill introduced in the previous Congress. We held a Select Committee on Interrogation hearing July 2002, the testimony from which I just quoted, and we heard testimony from six witnesses.

There was no Judiciary markup in the previous Congress, but in the 108th Congress, when we reintroduced the bill January 9, the Senate Judiciary Committee held a markup. This bill, by the way, was cosponsored by Chairman HATCH, Senators DEWINE, SCHUMER, myself, CHAMBLISS, SESSIONS, and there may be others of whom I am not aware.

March 6, the Judiciary Committee marked up the bill at an executive session and adopted a substitute amendment, which is the bill we have before the Senate now, rejected a Feingold amendment by a vote of 11 to 4, and voted to report the bill unanimously by a vote of 19 to 0 to the Senate. That is where we are today.

We hope to call anyone who has an interest in this to the floor to express their ideas. As I say, we are going to accept one amendment and we will be debating a second amendment, which I hope we defeat. There will be a break in our consideration here for some other business in the middle of the day. We will return in midafternoon to complete the work on the bill. It should be done by the late afternoon.

Until Senator SCHUMER arrives, I make another point. There has been a worry on the part of some that this expands the Foreign Intelligence Surveillance Act to private American citizens. I make it crystal clear that is not true.

By definition, we could not do that. This is a law that is only justified because it relates to international terrorism. So if you come here from a foreign country, you are a non-U.S. person, you come from a foreign country, intending to do harm to Americans, as part of this international movement, whether you are a member of some specific organization or not, the act will be allowed to be used to determine whether we should take further action against you. It is not pertaining to U.S. citizens; it is only to non-U.S. citizens and only in this particular context.

Second, you cannot just do this willy-nilly, like every other warrant. Whether under FISA or not, we have to have probable cause. That requirement is not changed one iota. If anyone suggests there is anything improper, certainly it is not unconstitutional, but to the extent anyone suggests that we are ready to recite the reasons why, that is not true.

I note the Department of Justice has sent a letter announcing its support for this legislation. Among those testifying in favor of it, the U.S. Attorney General, the Director of the Bureau of Investigation, former CIA Director, and any number of officials in our intelligence and law enforcement community have endorsed the bill.

I direct Members' attention to a letter I will later put into the RECORD, dated July 31, 2002, which presented the Department of Justice's views on the bill and announced its support for the legislation. It provides a detailed analysis of this question about the fourth amendment and whether or not there would be any constitutional issues.

The Department concluded that the bill would satisfy constitutional requirements specifically related to the fourth amendment. In particular, the Department emphasized that anyone monitored pursuant to the bill would be someone who had at the very least been involved in terrorist acts that transcends national boundaries in term of the means they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which the perpetrators operate or seek asylum.

As a result, it would still be limited to collecting foreign intelligence for the international responsibilities of the United States and the duties of the Federal Government to the States in matters involving foreign terrorism, to wit, protecting the American citizens from people who come here to do us harm.

Let me conclude these remarks by noting that I have enjoyed the cooperation, as usual, of my colleague who serves on the Judiciary Committee, the Senator from New York, Mr. SCHUMER, who has been a strong advocate of this kind of provision for a long time and whose assistance in this matter has been extraordinarily helpful.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first, I thank my colleague, Senator KYL from Arizona, for his great work on this and many other issues.

We live in a new world. It is a post-September 11 world. We have to adjust to those realities. I believe we can do both, have security and liberty, the great concern of our Founding Fathers. I think this bill, in a careful and thoughtful way, readjusts that balance.

My colleague from Arizona has been a leader on these issues. We do not always agree, but we often do. It is a pleasure to work with him. His persistence and dedication to making this country secure and maintaining its freedom at the same time is something I share and I respect.

As I mentioned, the age-old debate between security and freedom is at the nub of the Constitution. It was probably debated more by the Founding Fathers than any other issue. They realized that in times of crisis, in times of war, in times of attack, the pendulum could swing more to the security side and at other times to the freedom side. They realized, as Benjamin Franklin said, that giving up even an ounce of precious freedom is a very serious thing to do.

FISA is a debate about that. While I certainly believe, as I think most of my colleagues do, given the fact that what we have learned since September 11, that terrorists can strike in our heartland, that small groups of people empowered by technology can do the kind of damage we have never seen before, which my city suffered on September 11. We remember the losses every day. We do have to reexamine this, particularly when there has been one law for people overseas and one law for people in this country because the walls have changed.

That is a general debate on FISA. I know some of my colleagues have wanted to do that today. My colleague from Wisconsin says the law has shifted too far one way. My colleague from Utah thinks it has shifted the other way. Senator KYL and I are not debating that. We do not give up any liberty in this bill. The very standards that are now in the law with FISA remain, standards of what must be done to get a FISA warrant. Those do not change. The only change is our recognition that in these new post–9/11 years, technology has allowed small groups unknown before, or even lone wolf individuals, to commit terrorism, and if they are doing the same thing as established terrorist groups or established terrorist nations, there seems to be no reason why they shouldn't be susceptible to the same type of surveillance of other groups. That is at the nub of this issue.

We are informed by history. Again, those who say don't do anything to change don't look at history, in my judgment. We learned from the disclosures regarding Zacarias Moussaoui, the so-called 20th hijacker, that the FBI had abundant reason to be suspicious of him before 9/11, but they did not act, they did not do what Agent Rowley wanted them to do. She, of course, has been heralded as a great leader and a great American for what she has done, and I join in that. But they didn't want to do what she wanted, which was pursue a warrant to dig up evidence that may have been the thread which, if pulled, would have unraveled the terrorists' plans.

The anguish she felt then, and so many of us feel afterwards, that this might have been stopped but wasn't because of a provision in the FISA law that quickly became archaic as terrorists advanced and we learned that small groups could do such damage, is what motivates this legislation.

One reason we have been given—and Agent Rowley agrees with this, I believe—why the FBI did not seek the warrant is the bar for getting those warrants when it came to those not affiliated with known terrorist groups or known terrorist countries was set too high.

That is why Senator KYL and I introduced this amendment to FISA. We intend to make it easier for law enforcement to get warrants against non-U.S. citizens—this does not affect a single U.S. citizen—who are suspected of preparing to commit acts of terrorism.

As I mentioned, we leave two of the standards in place, the ones that measure the bar. Right now, the FBI is required to show three things before they can get a warrant: They must show the target is engaging in or preparing to engage in international terrorism. We keep that requirement. It does not change. They must show a significant purpose of the surveillance is foreign-intelligence gathering. We are keeping that requirement, too, that foreign-intelligence gathering is a significant purpose.

Here is the problem. They also must show under present law that the target is an agent of a foreign power, such as Iraq, or a known foreign terrorist group, such as Hamas or al-Qaida. That is the hurdle we are removing. If that requirement had not been in place, there is no question the FBI could have gotten a warrant to do electronic surveillance on Zacarias Moussaoui and, who knows, not certainly but perhaps, 9/11 might not have occurred.

That is the anguish we all face. Right now we know there may be terrorists plotting on American soil. We may have all kinds of reasons to believe they are preparing to commit acts of terrorism. But we cannot do the surveillance we need if we cannot tie them to a foreign power or an international terrorist group. It is a catch-22. We need the surveillance to get the information we need to be able to do the surveillance. It makes no sense. The simple fact is, it should not matter whether we can tie someone to a foreign power. Whether our intelligence is just not good enough or whether the terrorist is acting as a lone wolf or it is a new group of 10 people who have not been affiliated with any known terrorist group, should not affect whether we can do surveillance, should not affect whether they are a danger to the United States, should not affect whether they are preparing to do terrorism. Engaging in international terrorism should be enough for our intelligence experts to start surveillance.

It is important to note if we remove this last requirement now it will immeasurably aid law enforcement without exposing American citizens or those who hold green cards to the slightest additional surveillance. Let me repeat, because I know we get some who write that this is the unraveling of the Constitution and it befuddles me because it is not, it does not affect a single American citizen or those who have green cards.

It is fair. It is reasonable. It is a smart fix to a serious problem. It passed out of the Judiciary Committee with unanimous support. It is supported by the administration as well.

One final word. This is about an amendment from my good friend, a colleague from California, Senator FEINSTEIN, which we will debate. She is introducing an amendment that would allow some gray into the law, rather than making it black or white. Her amendment would leave the decision whether or not to grant the FBI a FISA warrant against a lone wolf, she would leave that up to a particular judge.

I do not believe we can afford any more uncertainty. We saw what uncertainty did when the Zacarias Moussaoui case occurred. The FBI, so worried that they might overstep, said no. We need clarity in the law when it comes to fighting terrorism.

Therefore, I urge my colleagues to oppose the Feinstein amendment and support the bipartisan bill which is before us today.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FITZGERALD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that Senator DEWINE be recognized at 1 p.m. for 15 minutes of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent that in the debate on the pending business involving the Foreign Intelligence Surveillance Act, a letter from the Department of Justice dated July 31, 2002, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, July 31, 2002.

Hon. BOB GRAHAM,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.
Hon. RICHARD C. SHELBY,
Vice-Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN AND MR. VICE CHAIRMAN: The letter presents the views of the Justice Department on S. 2586, a bill "[t]o exclude United States persons from the definition of 'foreign power' under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism." The bill would extend the coverage of the Foreign Intelligence Surveillence Act ("FISA") to individuals who engage in international terrorism or activities in preparation therefor without a showing of membership in or affiliation with an international terrorist group. The bill would limit this type of coverage to non-United States persons. The Department of Justice supports S. 2586.

We note that the proposed title of the bill is potentially misleading. The current title is "To exclude United States persons from the definition of 'foreign power' under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism." A better title, in keeping with the function of the bill, would be something along the following lines: "To expand the Foreign Intelligence Surveillance Act of 1978 ('FISA') to reach individuals other than United States persons who engage in international terrorism without affiliation with an international terrorist group."

Additionally, we understand that a question has risen as to whether S. 2586 would satisfy constitutional requirements. We believe that it would.

FISA allows a specially designated court to issue an order appoving an electronic surveillance or physical search, where a significant purpose of the surveillance or search is "to obtain foreign intelligence information." Id. §§1804(a)(7)(B), 1805(a). Given this purpose, the court makes a determination about probable cause that differs in some respects from the determination ordinarily underlying a search warrant. The court need not find that there is probable cause to believe that the surveillance or search, in fact, will lead to foreign intelligence information, let alone evidence of a crime, and in many instances need not find probable cause to believe that the target has committed a criminal act. The court instead determines, in the cause of electronic surveillance, whether there is probable cause to believe that "the target of the electronic surveillance is a foreign power or an agent of a foreign power," *id* §1805(a)(3)(A), and that each of the places at which the surveillance is directed "is being used, or about to be used, by a foreign power or an agent of a foreign power," *id.* §1805(a)(3)(B). The court makes parallel determinations in the case of a physical search. *Id.* §1824(a)(3)(A), (B).

The terms "foreign power" and "agent of a foreign power" are defined at some length, *Id.* §1801(a), (b), and specific parts of the definitions are especially applicable to surveillances or searches aimed at collecting intelligence about terrorism. As currently defined, "foreign power" includes "a group engaged in international terrorism or activities in preparation therefor," *Id.* §1801(a)(4) (emphasis added), and an "agent of a foreign power" includes any person who "knowingly engages in sabotage or international terrorism or activities that are in preparation therefor, for or on behalf of a foreign power," *Id.* §1801(b)(2)(C). "International terrorism" is defined to mean activities that: (1) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or any State; (2) appear to be intended—(A) to intimidate or coerce a civilian population; (B) to influence the policy of a government by intimidation or coercion, or (C) to affect the conduct of a government by assassination or kidnapping; and (3) occurs totally outside the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce of intimidate, or the locale in which their perpetrators operate or seek asylum.

S. 2586 would expand the definition of "foreign power" to reach persons who are involved in activities defined as "international terrorism," even if these persons cannot be shown to be agents of a "group" engaged in international terrorism. To achieve this expansion, the bill would add the following italicized words to the current definition of "foreign power": "*any person other than a United States person who is, or* a group *that is*, engaged in international terrorism or activities in preparation therefor."

The courts repeatedly have upheld the constitutionality, under the Fourth Amendment, of the FISA provisions that permit issuance of an order based on probable cause to believe that the target of a surveillance or search is a foreign power or agent of a foreign power. The question posed by S. 2586 would be whether the reasoning of those cases precludes expansion of the term "foreign power" to include individual international terrorists who are unconnected to a terrorist group.

The Second Circuit's decision in *United States* versus *Duggan*, 743 F.2d 59 (2d Cir. 1984), sets out the fullest explanation of the "governmental concerns" that had led to the enactment of the procedures in FISA. To identify these concerns, the court first quoted from the Supreme Court's decision in *United States* versus *United States District Court*, 407 U.S. 297, 308 (1972) ("*Keith*"), which addressed "domestic national security surveillance" rather than surveillance of foreign powers and their agents, but which specified the particular difficulties in gathering "security intelligence" that might justify departures from the usual standards for warrants: "[Such intelligence gathering] is often long range and involves the interrelation of various sources and types of information. The exact targets of such surveillance may be more difficult to identify than in surveillance operations against many types of crime specified in Title III [dealing with electronic surveillance in ordinary criminal cases]. Often, too, the emphasis of domestic intelligence gathering is on the prevention of unlawful activity or the enhancement of the government's preparedness for some possible future crisis or emergency. Thus the focus of domestic surveillance may be less precise than that directed against more conventional types of crime." *Duggan*, 743 F.2d at 72 (quoting *Keith*, 407 U.S. at 322). The Second Circuit then quoted a portion of the Senate Committee Report on FISA: "[The] reasonableness [of FISA procedures] depends, in part, upon an assessment of the difficulties of investigating activities planned, directed, and supported from abroad by foreign intelligence services and foreign-based terrorist groups. . . . Other factors include the international responsibilities of the United States, the duties of the Federal Government to the States in matters involving foreign terrorism, and the need to maintain the secrecy of lawful counterintelligence sources and methods." Id. at 73 (quoting S. Rep. No. 95-701, at 14-15, reprinted in 1978 U.S.C.C.A.N. 3973, 3983) ("Senate Report"). The court concluded:

> Against this background, [FISA] requires that the FISA Judge find probable cause to believe that the target is a foreign power or an agent of a foreign power, and that the place at which the surveillance is to be directed is being used or is about to be used by a foreign power or an agent of a foreign power; and it requires him to find that the application meets the requirements of [FISA]. These requirements make it reasonable to dispense with a requirement that the FISA Judge find probable cause to believe that surveillance will in fact lead to the gathering of foreign intelligence information.

Id. at 73. The court added that, a fortiori, it "reject[ed] defendants' argument that a FISA order may not be issued consistent with the requirements of the Fourth Amendment unless there is a showing of probable cause to believe the target has committed a crime." Id. at n.5. See also, e.g., *United States* versus *Pelton*, 835 F.2d 1067, 1075 (4th Cir. 1987); *United States* versus *Cavanagh*, 807 F.2d 787, 790-91 (9th Cir. 1987) (per then-Circuit Judge Kennedy); *United States* versus *Nicholson*, 955 F. Supp. 588, 590-91 (E.D. Va. 1997).

We can conceive of a possible argument for distinguishing, under the Fourth Amendment, the proposed definition of "foreign power" from the definition approved by the courts as the basis for a determination of probable cause under FISA as now written. According to this argument, because the proposed definition would require no tie to a terrorist group, it would improperly allow the use of FISA where an ordinary probable cause determination would be feasible and appropriate—where a court could look at the activities of a single individual without having to access "the interrelation of various sources and types of information," see *Keith*, 407 U.S. at 322, or relationships with foreign-based groups, see *Daggan*, 743 F.2d at 73; where there need be no inexactitude in the target or focus of the surveillance, see *Keigh*, 407 U.S. at 322; and where the international activities of the United States are less likely to be implicated, see *Duggan*, 743 F.2d at 73. However, we believe that this argument would not be well-founded.

The expanded definition still would be limited to collecting foreign intelligence for the "international responsibilities of the United States, [and] the duties of the Federal Government to the States in matters involving foreign terrorism." Id. at 73 (quoting Senate Report at 14). The individuals covered by S. 2586 would not be United States persons, and the "international terrorism" in which they would be involved would continue to "occur totally outside the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which their perpetrators operate or seek asylum." 50 U.S.C. §1801(c)(3). These circumstances would implicate the "difficulties of investigating activities planned, directed, and supported from abroad," just as current law implicates such difficulties in the case of foreign intelligence services and foreign-based terrorist groups. *Duggan*, 743 F.2d at 73 (quoting Senate Report at 14). To overcome those difficulties, a foreign intelligence investigation "often [will be] long range and involve[] the interrelation of various sources and types of information." Id. at 72 (quoting *Keith*, 407 U.S. at 322). This information frequently will require special handling, as under the procedures of the FISA court, because of "the need to maintain the secrecy of lawful counterintelligence sources and methods." Id. at 73 (quoting *Keith*, 407 U.S. at 322). Furthermore, because in foreign intelligence investigations under the expanded definition "[o]ften . . . the emphasis . . . [will be] on the prevention of unlawful activity or the enhancement of the government's preparedness for some possible future crisis or emergency," the "focus of . . . surveillance may be less precise than that directed against more conventional types of crime." Id at 73 (quoting *Keith*, 407 U.S. at 322). Therefore, the same interests and considerations that support the constitutionality of FISA as it now stands would provide the constitutional justification for the S. 2586.

Indeed, S. 2586 would add only a modest increment to the existing coverage of the statute. As the House Committee Report on FISA suggested, a "group" of terrorists covered by current law might be as small as two or three persons. H.R. Rep. No. 95–1283, at pt. 1, 74 and n.38 (1978). The interests that the courts have found to justify the procedures of FISA are not likely to differ appreciably as between a case involving such a group of two or three persons and a case involving a single terrorist.

The events of the past few months point to one other consideration on which courts have not relied previously in upholding FISA procedures—the extraordinary level of harm that an international terrorist can do to our Nation. The touchstone for the constitutionality of searches under the Fourth Amendment is whether they are "reasonable." As the Supreme Court has discussed in the context of "special needs cases," whether a search is reasonable depends on whether the government's interests outweigh any intrusion into individual privacy interests. In light of the efforts of international terrorists to obtain weapons of mass destruction, it does not seem debatable that we could suffer terrible injury at the hands of a terrorist whose ties to an identified "group" remained obscure. Even in the criminal context, the Court has recognized the need for flexibility in cases of terrorism. See *Indianapolis* v. *Edmond*, 531 U.S. 32, 44 (2000) ("the Fourth Amendment would almost certainly permit an appropriately tailored roadblock set up to thwart an imminent terrorist attack"). Congress could legitimately judge that even a single international terrorist, who intends "to intimidate or coerce a civilian population" or "to influence the policy of a government by intimidation or coercion" or "to affect the conduct of a government by assassination or kidnapping," 50 U.S.C. §1801(c)(2), acts with the power of a full terrorist group or foreign nation and should be treated as a "foreign power" subject to the procedures of FISA rather than those applicable to warrants in criminal cases.

Thank you for the opportunity to present our views. Please do not hesitate to call upon us if we may be of additional assistance. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

DANIEL J. BRYANT,
Assistant Attorney General.

Mr. KYL. Mr. President, I would like to advise Members that under the unanimous consent agreement for the consideration of this bill there is a period of 2 hours general debate and 4 hours equally divided on the Feinstein amendment. We would like to ask Members who have comments to make about this legislation to come to the floor and express themselves so that we can conclude this bill today under the unanimous consent. I will continue to discuss the bill. But if other Members would like to come, I will yield the floor to them. I would ask that those who have amendments that are authorized by the unanimous consent agreement to lay those amendments down so Members who wish to speak to those amendments could also address that.

In the meantime, let me continue some of the conversation Senator SCHUMER and I had before. We are talking about a bill which would plug a loophole in the existing law—the Foreign Intelligence Surveillance Act—which currently authorizes warrants to be obtained in two specific situations. We make it clear that there is a third situation as well. The two specific situations are where you either have somebody you suspect is involved in international terrorism because they work for a foreign government—that is a situation like the old Soviet spy—or they work for some international terrorist organization. Remember that this law was created at the time when we had organized groups such as the Red Brigade and the Meinhof gang, and those types of groups. That is why those two definitions in the statute were included in the way they were. What was not anticipated is that we would also have people coming from abroad to the United States to commit acts of terrorism against American citizens as part of this rather amorphus Islamic Jihad movement rather than an organization of people affiliated around a culture or an idea or a movement.

As a result, the statute needs to include that third group of people, as we know, after September 11. We have specific cases of people in which warrants were sought but were not obtained because we couldn't make that connection to either a specific country or a very specific terrorist organization. Instead, the individual had relationships with various people and organizations involved in terrorism but certainly we couldn't say he was a card-carrying member in the sense that the statute was originally drafted. So the same requirements, as Senator SCHUMER said, would pertain. It doesn't apply to U.S. citizens. It only applies to foreign terrorism. But it would include a person coming here from another country—not a U.S. citizen—and we have probable cause to believe is engaged in or about to engage in an act of terrorism.

In that case, the law enforcement authorities can go to the court and seek a warrant just as they do in any other criminal court. But the difference here is the Foreign Intelligence Surveillance Act. One of the reasons a special court is set up for that is because the information which the Justice Department frequently presents is highly classified. Clearly, here you are dealing with foreign threats—either an international spy spying on us from another country or some kind of terrorist like Zacarias Moussaoui, and the information you have that enables the warrant to be sought was obtained obviously through intelligence work. You don't want to compromise either the sources or the methods of intelligence. As a result, you can't just file publicly in the regular court system for a warrant.

That is why the Foreign Intelligence Surveillance Act court was established. These are judges just like any other judge, but they have special intelligence clearances. They have been cleared to handle classified material. By the rules of the court, that material is kept in the court. Once allegations have been filed against people, then the matter can be debated in camera, which is to say in private—not in public hearings. Proceedings remain classified, at least until the matter is included; perhaps thereafter as well.

This is the way in which these highly sensitive intelligence matters are handled. It takes a special procedure and a special court to do that. But there is nothing antithetical to a constitutional right simply because we have to handle it that way.

There are other situations, as well, in which in our court system can handle things nonpublicly. There are sometimes sensitive matters between litigants that have to be handled in camera; that is to say, in effect in the judge's chambers and not out in public. Certainly, I think everybody can recognize that in some of the big spy cases and international terrorism cases you just can't take the evidence you gathered by the intelligence mechanism which we have and produce all of that information in open court. That is why you have these special procedures. But the underlying legal requirements to obtain the warrant remain essentially the same. They are slightly different in the classified court than in a regular court.

In all candor, they are a little bit easier to obtain. But the basic element of probable cause and belief that a crime is being committed or is about to be committed or is planned remains. Nothing is changed.

As Senator SCHUMER pointed out, our legislation doesn't change anything relating to the standard of proof, the burden of proof, or anything of that sort in the existing law that works so well. What we do is ensure that the warrant can be obtained not just against the spy for a specific country, or the terrorist whom you can identify as a member of a particular terrorist organization—sort of an anachronistic concept in today's terrorist situation—but also pertains to the non-U.S. citizen, a foreign person who comes here from abroad with the intent to commit some act of terrorism against U.S. citizens.

When you have those elements, you have the same foreign terrorist nexus to the law that our Constitution permits included within the Foreign Intelligence Surveillance Act for purposes of obtaining warrants or obtaining other surveillance of the individuals.

That is all we do. That is all that is done by this legislation.

So those of us—including I think every one of us on the Judiciary Committee—who consider ourselves civil libertarians need not be concerned that this statute or that this legislation, in any way, would impact on our constitutional rights, nor that it would diminish the constitutional rights of non-U.S. persons who are not engaged in terrorism. But if we have probable cause to believe you are engaged in an act of terrorism, then, yes, you would be subject to provisions of this law.

This legislation has an interesting history, as I alluded to earlier, because it was assigned to the Intelligence Committee, and it was almost included as a part of the Intelligence Authorization Act of last year. And the chairman of the Intelligence Committee this year was kind enough to offer to include it in this year's legislation as well.

Since we were able to also have the bill marked up in the Judiciary Committee and brought to the floor as a result of that markup, that was not deemed necessary. That is why the bill is here—actually as a result of action by the Judiciary Committee.

So both the Intelligence Committee and the Judiciary Committee have been involved in this legislation, the former having a hearing and the latter having marked up the bill. Having been a member of the Intelligence Committee and sitting, as I do, on the Judiciary Committee, I can tell you it was also the subject of additional comments and hearings that were held for broader purposes of examining the terrorism issue. That is why I mentioned the fact that the legislation had actually been supported publicly by various Government officials who testified before either the full Judiciary Committee or the subcommittee I chair on terrorism and technology. They had testified before our committee on terrorism issues generally, and I specifically asked whether they supported the legislation in question; the response to the questions, of course, was that they did.

Another interesting hearing, which was a joint hearing, as I recall, between the Judiciary and the Intelligence Committees had testimony from Coleen Rowley, referred to by Senator SCHUMER earlier. You will recall, she was the agent from Indianapolis who was very exercised about the fact that she could not get a warrant against Zacarias Moussaoui and complained bitterly that the FBI headquarters had prevented her from doing that. She thought the conditions warranted the issuance of the warrant.

It is a debatable point. But it would not have been debatable if our proposal had been law. It would have been very clear. We had the probable cause. The only question was, Can we tie this person to some international terrorist organization? As I said before, we spent a lot of time and a lot of effort trying to run around tracing his contacts with Chechen rebels, and at the end of the day it just was not specific enough to be able to use the statute to get the warrant against him.

Right after 9/11, when essentially the same warrant was sent forward, then we had additional information of contacts this individual had, as a result of which the warrant was obtained. But that would not have occurred had September 11 not occurred—or at least it is doubtful it would have occurred. Let me put it that way.

Would that have prevented the September 11 attacks? No one knows for sure. I suspect not, but at least a plausible case can be made that we would have known a lot more about the planning of September 11 had we been able to get into Moussaoui's computers and questioned him and ascertained what he was up to and, furthermore, traced the contacts we were later able to trace from Moussaoui to others involved in the al-Qaida movement that would have painted a much clearer picture of what was being planned prior to September 11 than the information that we had.

The point is, we do not want to be in that position again. So whether it would have prevented 9/11 is really beside the point. We had the ability to get information which can protect the American people against acts of international terrorism. Why wouldn't we want to take advantage of that opportunity?

As I said, the Judiciary Committee unanimously voted this bill out of committee to send it to the floor so we could deal with that precise issue. I am certain my colleagues will agree that this is important to do and that we will do it a little bit later on this day. When we do, I think we can be very proud of the fact that this is another in a series of things we will have done to help prepare our country against the international terrorist threat.

We know that in the whole matter of homeland security you can only provide so much defense, that it really is about taking the fight to the enemy. Because our country is so big, it is so open, we have such broad freedoms in this country—and thankfully so—it is virtually impossible to absolutely protect us from a terrorist who would come here to do us harm. One of the ways we can help to protect against that is by getting good intelligence on people who come here from abroad and who we find out mean us ill. This provision today is a way to help us do that.

So this is a tool in the war on terror that will really help us ensure that we deal with as many of these threats as we possibly can. Are we always going to find out enough to even get a warrant? Not necessarily so. That is why the efforts of the administration to go after these terrorists all around the world are so important.

But what has helped us in that regard is that we have had cooperation from other governments. And as much as we have been critical of some of our allies for not supporting us as we would like to have had them do—such as the situation in Iraq—I will tell you, virtually every country in the world has been supportive in one way or another in supplying us with information about terrorists in their countries or terrorists of whom they are aware who might be affiliated in some way in this international movement that threatens us all.

One of the things we discovered, however, in talking to legislators and parliamentarians from these other countries, and intelligence officials, and law enforcement officials, is that they have legal inhibitions just like the United States does. Their laws only permit them to go so far in tracking down these terrorists in their country.

In the case of Germany, for example, which has been very helpful to the United States, they were able to change one of their laws to make it easier for them to go after these terrorists. There was another law they also needed to change, and at last count I do not recall whether they were able to get that done.

But the point is, if we are able to change our law, as we did with the Border Security Act and the USA Patriot Act, we can demonstrate a seriousness of purpose to these other countries to convince them that all of us need to make these kinds of changes in our laws so that we can go after these terrorists.

The analogy is, we won the war in Iraq in a most amazing way. We sent our troops with the best equipment and the best training ever in the history of the world. And I wish I could share some of that, the information about that equipment publicly. But I think we have all, through the embedded reporters, come to appreciate how just one American soldier, with all of the technology at his disposal, can make a tremendous difference.

We also have helped protect them. They have special flak vests, bulletproof vests that protect them against a lot of incoming. We try to protect them with the special chemical gear in the event of a chemical attack, and so on.

We want to send our troops into battle protected in the very best way and with the very best means of accomplishing their mission. Why would we deny our law enforcement and intelligence officials the very same kinds of weapons in the battle that we send them out to win?

I guarantee you that the next time there is a case like Zacarias Moussaoui or some other terrorist about whom we have some information but we don't go after strongly enough, and he does something to us, the recrimination will be great. Oh, the accusations will fly: Why didn't we do something about that when we could have?

So our response today is going to be: We did. We came together as a Senate and we enacted another law, another piece—it is a small piece, but it is an important piece—to help us fight this war on terror. We did not shirk our responsibility. When we became aware of the loophole in the law, we acted to fill it.

Now, we have to do that in order to be able to take this credit, obviously, but I believe strongly that the House of Representatives will act similarly and that we will be able to get this to the President's desk in very short order, so at the end of the day today we can say we have done something very important to advance our ability to fight the war on terror and protect the American people.

Again, I urge my colleagues, if there is no opposition—and I hope there isn't—that is fine. But anybody, either in opposition or in favor of the legislation, come forward so that we can have whatever debate is necessary. And I especially ask the proponents of amendments to come forward so that we can begin to debate them.

I will take this moment to press some of the comments that will be made about the two amendments.

Senator FEINGOLD has proposed an amendment that we will accept and the Senate should accept which requires that the warrants obtained under this law generally—not just the provision we are talking about today, but if we obtain a warrant under either of the other provisions as well, that the information be compiled and shared with the Senate; specifically, that the information be sent to the Intelligence Committee—it is classified information, obviously—and that the cleared people on the Judiciary Committee who are appropriate to view the information have full access to that so we can evaluate whether these provisions are being used, abused, how often they are being used, how effectively, and so on. I believe his amendment calls for an annual report which we could examine. That is very useful information for us to have.

One thing we found was that prior to 9/11, this statute had not been used very often. It is not a particularly easy statute with which to comply. You do really have to have your information together before you seek the warrant because you don't ever want to be turned down. I don't believe the Justice Department ever was turned down. That is evidence of the fact that they were careful. Since 9/11, there have been a lot more cases in which this has been used. That information will be available to us, and therefore I will support Senator FEINGOLD in offering the amendment.

The other amendment that is in order under the unanimous consent agreement, with all due respect to my great friend and colleague Senator FEINSTEIN, would gut the bill and would be bad. It would really undermine the whole FISA process. We should reject it. I know she offers this amendment not for that purpose. Of all the people in the Senate with whom I have worked who share my strong conviction that we need to do everything we can to support our intelligence and law enforcement communities, Senator FEINSTEIN is equaled by none. She is the ranking member of the Terrorism Subcommittee, and she and I have cosponsored numerous bills or amendments designed to enhance law enforcement and intelligence capabilities. She is a very strong advocate of giving our intelligence and law enforcement communities the very best tools possible.

She just has a different point of view about how this FISA warrant process should work. I will let her describe it. I will offer my view that it has no place in the FISA situation. What her amendment purports to do really might have some applicability in a court setting because it talks about a presumption. As lawyers know, presumptions arise when you have two parties to litigation and one party comes forward with a particular piece of evidence or allegation which then changes the burden of going forward with the evidence or the burden of proof in the case. A presumption is established, and then the other side has to overcome it. That has no place in an ex parte hearing where the Government is seeking a warrant against a party who is not even aware that the warrant is being sought. Obviously, you don't get a search warrant by notifying him that you are about to do that.

What her amendment pertains to does not really have application to the situation presented in an application for a FISA warrant and would seriously undermine the Government's ability to obtain it. You could either read it one of two ways. Either it would be totally meaningless—and I know that that is not intended—or else it would be very pernicious because it would create the suggestion in court that the material presented to it is not, is no more than a presumption, that it is not to be accepted on its face.

Specifically, the Government would be asserting that the person against whom the warrant is sought is a non-U.S. citizen, a foreign person under the definition of the statute. If that information is presented in sufficient form for a court to issue the warrant, it makes no sense at all to have the information merely a presumption that the individual is a foreign person. How does that advance the ball? How does it help the court? How does it protect anybody? The court is still going to have to answer the very same question: Do I believe the information the Government is presenting to me that this is a non-U.S. citizen? Either he is or he isn't. It is not a matter of a presumption.

If the court is not convinced that the Government's information is correct, then the court is not going to issue the warrant. It would be improper to do so. If the court is convinced that the person is a non-U.S. citizen, then the court can issue the warrant if the other requirements are met. I don't believe Senator FEINSTEIN attacks the other requirements.

Either you are a foreign-born person, or a non-U.S. person, or you are not. The court has to make that decision. And creating a presumption about it is really irrelevant to this particular process. If it is more than irrelevant, there is some kind of a problem. Obviously, you don't want the court to have to somehow independently verify the information that is presented to it by the Justice Department. That is not a part of; that is not the way the court works. The court does not do this sua sponte, or on its own. The court has the information before it, and it either has to accept the information or not. It doesn't have to accept the Justice Department's word for it. The Justice Department cannot simply make the assertion. It has to offer the proof. If the proof is not satisfactory, the warrant will not issue. Later, if it is found that the evidence was not satisfactory, then there is always some question about whether the evidence obtained, of course, could be used, say, in a later prosecution.

The bottom line is that that amendment does not help. It could seriously hurt the application of the entire FISA statute. It is not just limited to the amendment we are offering today. I urge my colleagues, when the time comes, to reject the Feinstein amendment, not because it is not well intended—I am confident that it is—but, rather, that its effects are ill understood at best and, at worst, would be pernicious to the application of the statute.

I have said all I need to say at this point on the legislation. I would note that time will run against the time allotted under the bill. Since both Senator SCHUMER and I control the time, anyone who wishes to come to speak to the legislation either for or against, I ask unanimous consent that if neither Senator SCHUMER nor I are here, they should be permitted to do so without specific acquiescence by Senator SCHUMER or myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Unless there is someone else who wishes to speak at this time, I ask unanimous consent that the time consumed in the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, shortly the distinguished Senator from Ohio is going to speak for 15 minutes as in morning business. I ask unanimous consent that the time, even though in morning business, be charged against the underlying bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I ask unanimous consent that at 1:25 p.m. today there be 20 minutes for debate equally divided between the chairman and ranking member of the Judiciary Committee prior to the cloture vote at 1:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, today—on the 58th Anniversary of the unconditional surrender of Germany and the end of World War II in Europe—a flag will be flown over this Capitol building here in Washington, DC, to honor the men who served in Company K, the most decorated company in the 409th Regiment of the 103rd Infantry Division, 6th Corps of the 7th Army. The members of the Company will display this flag at their reunion later this year in Green Bay, Wisconsin, and at all future reunions, in memory of the men from K Company who fell on the field of battle, the men who did not return home.

Though it has been 58 years nearly 6 decades, since these men served and fought and lived and died together, the men of K Company, now in their late 70s and 80s, continue to remember and honor their brothers who died in battle.

The members of K Company—the men who did return home—the men who were able to lead their lives and have families and grow old and spend time with their children and grandchildren and now even great-grandchildren—these men have great reverence for those who died. As Bill Gleason, who was a Private in Company K, so eloquently once wrote in the Southtown Economist in May 1988:

> Some in our Company were denied the chance to reach old age. They didn't make it to adulthood. They never were old enough to vote in an election. They died then—there in France or Germany. . . . They are frozen in time as they were—forever youthful.

I would like to take a moment to read the names of those men of K Company, the men who perished during battle, the men who remain, as Mr. Gleason so fittingly wrote, forever youthful: Wilson F. Rogers from Tacoma, WA.; James Rosenbarger from Corydon, IN; Rosco Fry from Spickard, MO; Stanley Berdinski from Muskegon, MI; Bruno Pashisky from Chicago, IL; Sherman Sprague from Clinton, IA; Alex Hurtiz from El Paso, TX; Charles Frakes from Kokomo, IN; Abe Umansky from San Diego, CA; Edwin Byron from Akron, OH; and Albert Strang.

K Company was no ordinary company. It was recognized as the Most Decorated Company in the 409th Regiment. The soldiers of K Company fought valiantly in France, Germany, and Austria. They saw combat in the Rhineland from September 15, 1944 to March 12, 1945 and in Central Europe from March 22, 1945 to May 11, 1945.

Two books have been written about the Company—one by Bill Gleason, called Task Force Kommando: Camp Howze, Texas to Jenbach Austria; and A Combat Infantryman in World War II, by Otis Cannon, who also served in the Company. Both books provide an excellent perspective of an Infantry company in combat during World War II. They describe the reality of the War that these brave, young Infantrymen on the frontlines faced. They paint us a picture of what life was really like for these men—how they struggled and endured fierce fighting, rugged terrain, and miserable conditions until they helped secure the ultimate victory 58 years ago today.

I had the opportunity to read both of these books this past weekend. Both of them provide insightful understanding of what life was like for these men during that period of time.

The one book, "Task Force Kommando," by Private Gleason, was written shortly after the end of World War II. Both books were written by the men who engaged in the combat. It goes almost in a day-by-day chronicle describing that combat. It gives us an understanding of what the combat was like.

K Company's commander was Captain Joseph Bell, who hailed from Topeka, KS. By all accounts, Captain Bell was a man among men. He was fearless. He was a brilliant tactician. And, he was respected and admired by those who served under him.

I was quite taken by a description of Captain Bell that I read from a recent e-mail exchange between two former K Company soldiers. In this e-mail, one of the men recalled his first impressions of Captain Bell and how this man and how this Company have had a lasting impact on his life. I think that this depiction captures a very colorful image of Captain Bell and how he was looked up to and admired by his men. I'd like to take a few moments to read from that e-mail. It begins as a young, World War II Army Private, who has recently arrived in Europe, awaits his company assignment:

> We were told that the next morning, we would be assigned to some infantry company. That night, we went into a bar and were bought some beer by some GI's who knew we were (for want of a better word) very uptight. All they talked about was Captain Bell and his K Company. They told us that if we wanted to do a lot of fighting that would be the company to be assigned to. That was really not what [my buddy, Ernie Dessecker] and I had in mind!
>
> A little before dark, someone on the other side of the room yelled that Captain Bell was walking down the street and every single soldier in that bar got up and crammed the windows to get a look at him. He had a couple of other officers on both sides of him, but he was walking a step or two ahead. It was a dirt muddy street, but he looked like he was walking on a parade ground. After he went by, you could hear Captain Bell stories all over the bar.
>
> The next day, we were loaded on a truck and at each town, it would stop and some names were called to get off. When Dess and I were told to get off, the first thing we asked was, "What company is this?" When told it was Company K, we both wished we could climb back on that truck and head for the rear echelon! Of course, in a very short time, we were so very proud to be part of Captain Bell's Company K, and that pride continues to this day.
>
> I was assigned to John Miller's squad in the second platoon with Sergeant Hart and Lieutenant Monk as platoon leaders. They were very kind and excellent leaders. I learned a lot from them that has stayed with me all these years.

Mr. President, leaders like Captain Bell and John Miller and Sergeant Hart and Lieutenant Monk were tough soldiers, but they had to be, and all the men who served under them came to understand that.

As Bill Gleason wrote about Captain Bell:

> We understood . . . that if we made it through the war, we would owe our lives to him. And, we do. . . . [H]e kept us alive simply because he insisted we stay alive.

Leaders, like Captain Bell, made all the difference.

As Memorial Day approaches, I ask my colleagues to think about Captain Bell and the men of K Company. I ask my colleagues to think about and remember all the men and women who served our Nation during World War II—and to think about and remember all the men and women who have defended our Nation since that time. Memorial Day is a time to honor and remember these individuals. They fought, and therefore all of us now know peace and freedom—our children and our grandchildren know peace and freedom. We owe them our respect and, we give them our thanks.

I am grateful for the men of Company K.

I am grateful that they fought so that I can be here today in a free country—that I can stand here today on the Floor of the United States Senate in the world's greatest Democracy.

And, I am grateful that we can continue to enjoy Life, Liberty, and the Pursuit of Happiness because of their efforts nearly 60 years ago.

I thank them.

I thank all the men of K Company and especially one man who served in the Company—the author of the e-mail I quoted just a moment ago—a Private named Richard DeWine. To him, I will simply say:

Thanks, Dad.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BUNNING). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT—Resumed

NOMINATION OF PRISCILLA RICHMAN OWEN, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT—Resumed

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. There will be a cloture vote on the Estrada nomination at 1:45.

Mr. LEAHY. I thank the distinguished occupant of the Chair.

Mr. President, it is unfortunate, I believe—and I say this as one who has been here with six different Presidential administrations of both parties—that rather than work with the Senate and Senators from both parties to identify consensus nominees who would get the overwhelming bipartisan support of the Senate for prompt confirmation, the administration seems to insist only on partisanship and strong-arm tactics.

Rather than ideological court packing and political intimidation on which the other side is insistent, I continue to urge the administration to work with us to take the appointment of Federal judges out of politics. If we do that, we can ensure the independence and fairness of the Federal judiciary.

Everybody, whether they are Republican or Democrat, has a stake in having an independent Federal judiciary. None of us want this country—which is rightly praised for having the most independent Federal judiciary in the world—none of us want to see it become a partisan judiciary.

Now, today we are going to be asked to vote on two cloture motions—one on the Estrada nomination and one on the Owen nomination. I think the last time the Senate was called upon to vote on two cloture motions for nominations on the same day was when Republicans were filibustering the nominations of Richard Paez and Marsha Berzon in the year 2000. Three years ago, numerous Republicans voted against cloture on those nominees, even though Judge Paez had been pending for more than 4 years. +

I worry that the Republicans spend all this time talking about how we are blocking judges. As a matter of fact, we are not. Out of 125 judicial nominees the Senate has considered, we have confirmed 123 of them. We have held up two. Two out of 125 is not bad. In fact, President Clinton would have loved to have had that kind of a record when he was President, but the Republicans stopped more than 50 of his judges—not merely two as we are asking to be reconsidered. They blocked 50.

Under Republican control, there were not a whole lot of votes on the floor. Basically, they had a routine that if one Republican Senator objected, then the nominee never got a hearing and never got a vote. The Republicans never faced having to debate the nominees on the floor. The nominees were just never given a hearing in committee. They were never given a vote on the floor.

We had several Senators, many serving now, who just refused to return their blue slips. In fact, we had a definite rule by the chairman of the Judiciary Committee at the time that said that if you had a Senator, for example, from the home State who objected, that person would not go forward.

We had this once where the Senator from North Carolina objected to a circuit court judge, so, of course, we never had a hearing or a vote on that nominee. The Senator from Texas objected to several courts of appeals nominees. Distinguished Hispanic nominees were never given a hearing and never given a vote, because, as the chairman said, if both Senators from the State objected, of course, you could not go forward.

I know the Republicans now intend to go forward with at least one judge where both Senators from that State object—apparently it makes a difference who is President. When they blocked 50 or 60, some by a one-person objection, that was considered following the constitutional responsibility of advice and consent. When we ask to hold up two of the most controversial, divisive nominees—2 out of 125 nominations—we are suddenly obstructionists. But 50 or 60 on the other side is "good government."

Now, a lot of us have worked hard to repair the damage done during that time, from 1995 through the early part of 2001. But again, I find, unlike the other administrations I have served with here—President Ford, President Carter, President Reagan, former President Bush, President Clinton: all Presidents who would work with Senators of both parties to try to get a consensus on their nominees—this White House shows no interest in that.

There has been little acknowledgment of our efforts. The current administration continues down the strident path of confrontation and court packing rather than working with Senators. Well, court packing and politicizing of the Federal judiciary should never be allowed under any President.

One of my heroes is Franklin Roosevelt. When Franklin Roosevelt tried to pack the courts, tried to politicize the appellate courts, the Senate stopped him. And the Senate should always do that—no matter who the President is.

I am not concerned that the President nominates conservative Republicans—and I voted for hundreds of them over the years—but I am not going to vote for somebody who seems to be nominated solely for the purpose of politicizing the Federal bench.

When I was chairman of the committee, we worked hard to hold hearings and confirm nominees, in order to lower the number of vacancies—which had increased because of the refusal of Republicans to allow many nominations to go forward during the Clinton years. We had a very high number of vacancies. After I became chairman, we cut that number of vacancies virtually in half. Now the vacancy rate is down to about 5½ percent.

Now, people seem to talk about two judges not going forward, two judges for well-paid lifetime jobs. I wish, having gotten the judiciary vacancy rate down to 5½ percent, we would look at the fact that the Nation's unemployment rate is 6 percent. The number of private-sector jobs lost since the beginning of the Bush administration is 2.7 million. Almost 9 million Americans are now out of work. Unemployment has risen by more than 45 percent.

The Democrats in the Senate have moved forward to confirm 123 of this President's judicial nominees. But the Republican-led Senate seems obsessed with trying to force through the most divisive of this President's controversial, ideologically chosen nominees.

During the Clinton administration, President Clinton's administration added a million people—a million new jobs—every year. We are losing well over a million jobs a year since this administration came in.

I would suggest that if they really want to find some way to fix the unemployment, don't talk about two people getting extremely high-paying lifetime jobs, talk about the 9 million or so out of work.

What bothers me in the Estrada matter, is that the administration and the Republican leadership have shown no willingness to be reasonable to accommodate the Democratic Senators' request for additional information as shared with the Senate by past administrations. We have endured numerous cloture votes as an indication of Republican intransigence in this matter. It is nothing more.

What bothers me, again, is that there has been no effort—no effort made, as there always has been in past administrations—to work through these matters. It just does not happen.

I mention this more in sadness than anything else. But it is almost as though this administration plays by different rules than any other.

I suggest to the administration, they were not given a mandate to politicize our Federal judiciary.

They were not given a mandate for court packing. They were not given a mandate to take the independent Federal judiciary and turn it into a very narrow branch of the narrowest part of the Republican Party. Nobody is given such a mandate. Just as Franklin Roosevelt found when he wanted to pack the courts from the liberal side and the Senate said no, by the same token, President Bush has to be told no now that he wants to pack the courts on the other side. We do not want a political bench. Anyone ought to be able to come into a court and say, it makes no difference whether I am Republican, Democrat, rich, poor, White, Black, Independent, no matter what my background, I will be treated fairly by that judge.

This is the standard I have always held for the judiciary and for each judge—fairness. I voted for hundreds of Republicans. I voted for them in every single State of the Nation. But I am not going to vote for people who seem to be sent there simply to politicize and polarize the Federal courts.

When I was chairman, I moved faster on nominations of President Bush than the Republican Party ever did on nominations of President Clinton. I stopped the anonymous holds. Dozens upon dozens of President Clinton's nominations were held up by a single Republican putting an anonymous hold. I did away with that when I was chairman. We brought people up, we had hearings, and we voted. As I said before, it is, of course, a fact that we have confirmed 123 of the President's nominees.

We hear all of a sudden that this is so unprecedented. Yes, it is unprecedented. We have held up two. They held up 60. Maybe it is unprecedented that we did not do the same thing.

I believe filibusters should be rare. I said on the floor that I was opposed to them but that statement has now been taken out of context by some on the other side of the aisle. If you read the whole quote, you will see that I was referring to a filibuster by anonymous hold, something I did stop when I became chairman. But the administration holds the key to the Estrada nomination. If they want to make it go forward, we could.

Today the Republican leadership is insisting on two more cloture votes on the Estrada and Owen nominations. These will be the sixth vote on a cloture petition on the Estrada nomination and the second on the Owen nomination. The last time the Senate was called upon to vote on two clotures for nominations that I can recall is when Republicans were filibustering the nominations of Richard Paez and Marsha Berzon in 2000. Three years ago today, on March 8, 2000, numerous Republicans voted against cloture on those nominees, respectively, even though Judge Paez' nomination had been pending for more than four years at that point. Those Republican Senators included nine who are still serving today, including majority leader BILL FRIST and Senators ALLARD, BROWNBACK, BUNNING, CRAIG, DEWINE, ENZI, INHOFE, and SHELBY, as well as Senators GRAMM, HELMS, HUTCHINSON, MURKOWSKI, and SMITH, who led the filibuster of these two nominees. In fact, after Republicans failed to keep cloture from being invoked, Senator SESSIONS moved to indefinitely postpone the Paez nominations, and 31 Republicans voted in favor of that motion to stop a vote on Paez's nomination to the Ninth Circuit. Those Republican Senators included 22 who still serve in the Senate, including majority leader FRIST as well as Senators ALLARD, BOND, BROWNBACK, BURNS, COCHRAN, CRAIG, CRAPO, DEWINE, FITZGERALD, GRASSLEY, GREGG, INHOFE, KYL, LOTT, MCCONNELL, NICKLES, SANTORUM, SESSIONS, SHELBY, THOMAS, and WARNER.

Since July 2001, a number of us have worked very hard to repair the damage done during the years 1995 through the early part of 2001. We have made significant progress. Unfortunately our efforts have received little acknowledgment and the current administration continues down the strident path of confrontation and court packing rather than working with Senators of both parties to identify and nominate consensus, mainstream nominees.

While the Nation's unemployment rate rose last month to 6 percent, the vacancy rate on the Federal judiciary has been lowered to 5.45 percent. While the number of private sector jobs lost since the beginning of the Bush administration is 2.7 million, almost 9 million Americans are now out of work, and unemployment has risen by more than 45 percent. Democrats in the Senate have moved forward to confirm 123 of this President's judicial nominees, reduced judicial vacancies to the lowest level in two decades, by almost 60 percent. Yet the Republican-led Senate remains obsessed with seeking to force through the most divisive of this President's controversial, ideologically-chosen nominees.

The President promised to be a uniter not a divider, but he has continued to send us judicial nominees that divide our Nation and, in the case of Miguel Estrada, he has even managed to divide Hispanics across the country. The nomination and confirmation process begins with the President, and I urge him to work with us to find a way forward to unite, instead of divide, the nation on these issues.

Republican talking points will likely focus on the impasse on two of the most extreme of the President's nominations rather than the 123 confirmations and the lowest judicial vacancy rate in 13 years. They will ignore their own recent filibusters against President Clinton's executive and judicial nominees in so doing.

What is unprecedented about the Estrada matter is that the administration and Republican leadership have shown no willingness to be reasonable and accommodate Democratic Senators' request for information traditionally shared with the Senate by past administrations. That we have endured numerous cloture votes is an indictment of Republican intransigence on this matter, nothing more. What is unprecedented is that there has been no effort on the Republican side to work this matter out, as these matters have always been worked out in the past. What is unprecedented is the Republican insistence to schedule cloture vote after cloture vote without first resolving the underlying problem caused by the administration's inflexibility.

What is unprecedented about the Owen nomination is that it was made at all. Judge Owen had a fair hearing and was given fair and extensive consideration before the Judiciary Committee last year. We proceeded is spite of the fact that the Republican majority had refused to proceed with any of President Clinton's Fifth Circuit nominees during his last four-year term. Never before in our history has a President renominated for the same vacancy someone voted down by the Judiciary Committee, but that is what this President proceeded to do with this divisive and controversial nominee.

Senator HATCH used to say, when President Clinton was nominating moderates to more than 100 vacancies on our Federal courts, that there was no vacancy crisis. He used to say that he considered 67 vacancies to be "full employment" on the Federal judiciary.

Today we are well short of 100 vacancies and well beyond what he used to term "full employment" with 47 vacancies. The committee continues to report nominations to fill additional vacancies, as well.

From 1995 through the summer of 2001, the Republican majority averaged only 38 confirmations a year with only seven to the Courts of Appeals. That explains why Federal judicial vacancies rose from 63 to 110 on the Republican watch and circuit vacancies more than doubled from 16 to 33. Of course, during those years there were no Republican-led hearings calling for prompt action or fair consideration of President Clinton's moderate judicial nominees. To the contrary, Senator Ashcroft held hearings designed to justify the slowdown. Senator Ashcroft and others perfected the practice of using anonymous holds both in committee and on the floor so that judicial nominees were stalled for months and years without consideration. Scores of nominees never received hearings, at least 10 who received hearings never received committee consideration and those who were ultimately considered often were delayed months and years through holds and filibusters.

Beginning in July 2001, Democrats started bringing accountability and openness to the process. In the 17 months of the Democratic Senate majority we held more hearings on more judicial nominees, more committee votes and more Senate votes than before. We were able virtually to double the pace and productivity of the process. We did away with the secrecy of the "blue slip" and the anonymous hold. We considered President Bush's nominees fairly, responsibly and in those 17 months confirmed 100 of this President's nominees. We reversed the destructive trends with respect to the numbers of vacancies and length of time that nominees had to wait to be considered. While we could not consider all nominations simultaneously, we considered more, more quickly than in the preceding years. The Democratic majority inherited 110 judicial vacancies including a record 33 to the circuit courts. By December 2002, we were able, through hard work to outpace the 40 additional vacancies that had arisen and reduce the remaining vacancies to 60, including 25 to the circuit courts. We have continued to cooperate and today the remaining vacancies number 47, including 20 on the circuit courts. This is the lowest vacancy number and lowest vacancy rate in 13 years.

This is not to say that our work is done. Last week, with the help and hard work of the Senate leadership we were able to make additional progress. Last Wednesday, majority leader FRIST used the word "progress" to describe how we have been able to resolve complications caused by the manner in which nominations were forced through the Judiciary Committee early this year. Last Thursday, I thanked the majority leader and the Democratic leader and others for their efforts in this regard and for working with us to bring the nomination of Judge Edward Prado to a vote without further, unnecessary delay.

This Tuesday the Senate debated and voted on the nomination of Deborah Cook to the Sixth Circuit. She is the fourth nominee of President Bush to be confirmed to the Sixth Circuit in less than two years. During the entire second term of President Clinton, the Republican majority would not hold hearings or consider a single one of President Clinton's nominees to the Sixth Circuit—not Judge Helene White, not Kathleen McCree Lewis, not Professor Kent Markus. Nonetheless, while I was chair of the Judiciary Committee we proceeded to consider and confirm two conservative nominees of President Bush to the Sixth Circuit and this year the Senate has proceeded to confirm two more.

The work of the Senate would be more productive if this administration were more interested in filling vacancies with qualified, consensus nominees rather than packing the Federal courts with activist judges. The nominations and confirmation process begins with the President. Far from being someone who has sought consensus and unity on judicial nominees, this President has used judicial nominees as a partisan weapon and sought sharply to tilt the courts ideologically. That is unfortunate. Some of us have urged another course, a course of cooperation and conciliation, but that is not the path this administration has chosen. Yet, in spite of the historically low level of cooperation from the White House, the Senate has already confirmed 123 of President Bush's judicial nominees, including some of the most divisive and controversial sent by any President.

Last week the Senate proceeded to a vote on the nomination of Jeffrey Sutton to the Sixth Circuit. He received the fewest number of favorable votes of any nominee in almost 20 years with 52. He is the third controversial judicial nominee of this President against whom more than 40 negative votes were cast, yet those three nominees were not stalled and not subjected to a filibuster.

In just the last 2 years, 123 of the President's judicial nominees have been confirmed. One hundred of those confirmations came during the 17 months of Democratic leadership of the Senate. No fair-minded observer could term that obstructionism. By contrast, during the 6½ years during which Republicans controlled the Senate and President Clinton's nominations were being considered, they averaged only 38 confirmations a year. During the last 2 years of the Clinton administration, the Senate confirmed only 73 Federal judges. Combining the 1996 and 1997 sessions, Republicans in the Senate allowed only 53 judges to be confirmed in 2 years, including only 7 new judges to the circuit courts. One entire congressional session, the Republican-led Senate confirmed only 17 judges all year and none at all to the circuit courts. The Senate confirmed 72 judges nominated by President Bush last year alone under Democratic leadership.

By Republican standards, the 123 judges confirmed so far is more than they averaged for President Clinton over 3 years. If the Senate shut down today and did not consider another judicial nominee we would have already exceeded the total needed to best Republican efforts over an entire 3-year period. At the present rate, President Bush would not just exceed the number of judges appointed by prior presidents, he would shatter all appointment records.

This year, in spite of the lack of cooperation by the administration and the overbearing exercise of power by the majority, we have cooperated with committee action on 26 judicial nominees during the first 3 months of this year. We have proceeded in the Senate to vote on the confirmations of 23 judicial nominees this year, including four extremely controversial nominees to the circuit courts, which makes 123 of this President's judges confirmed overall. That compares most favorably to how Republicans treated President Clinton's nominees. In the 1996 session, for example, the Senate did not confirm a single circuit judge all year and confirmed only 17 judges that entire year. In 1999, the third year of that Presidential term, and in 1997, the Senate did not reach the level we have already attained until October. We are well ahead of the pace in every year in which Republicans were obstructing consideration of President Clinton's nominees.

A good way to see how much faster this chairman is processing nominations for a Republican President is to compare this year's pace to a comparable year in the last Democratic administration. In 1997, when Bill Clinton was President, the Republican-controlled Judiciary Committee was just holding its second judicial nominations hearing of the year—compared to the ninth hearing that we held this week and was considering its first two circuit court nominees of the year—rather than its tenth. This chairman has moved five times more quickly for President Bush's circuit court nominees than for President Clinton's, and vacancies in the courts are nearly half of what they were in 1997. Even more noteworthy, by this point in 1999, the third year of the last presidential term, the committee had not held or scheduled a single judicial nominations hearing. In fact, no hearing for a judicial nominee was held until June of that year.

The fact is that when Democrats became the Senate majority in the summer of 2001, we inherited 110 judicial vacancies. Over the next 17 months, despite constant criticism from the administration, the Senate proceeded to confirm 100 of President Bush's nominees, including several who were divisive and controversial, several who had mixed peer review ratings from the ABA and at least one who had been rated not qualified. Despite the additional 40 vacancies that arose, we reduced judicial vacancies to 60, a level below that termed "full employment" on the Federal judiciary by Senator HATCH.

During the 17 months I chaired the Judiciary Committee, I worked hard to ensure that women and minorities were considered for the federal bench, and I am proud of that record. Many Hispanics and women nominated by President Clinton were blocked or delayed by the Republican majority, and I did not want to see that repeated.

Fine nominees such as Christine Arguello, Jorge Rangel, Enrique Moreno and Ricardo Morado and dozens of other Clinton nominees were never allowed hearings by Republicans, and others, such as Bonnie Campbell and Anabelle Rodriguez, received hearings but no votes in Committee. Others, including Judge Richard Paez, Judge Hilda Tagle, Judge Sonia Sotomayor, and Judge Rosemary Barkett, and dozens of other Clinton nominees were stalled for no good reason. Many of Clinton's nominees were not confirmed the first Congress they were nominated, including Judge Paez, who waited 1,520 days to be confirmed, as well as Judge Tagle, who waited 943 days to be confirmed. Cloture was also sought to bring the nominations of Judge Paez and Judge Barkett and others to vote, although scores of others were never allowed hearings due to secret Republican holds.

I am proud that did not happen on my watch. I am glad to say that we quickly considered and confirmed nominees such as Christina Armijo to the District Court in New Mexico, Philip Martinez and Randy Crane to the District Courts in Texas, Jose Martinez to the District Court in Florida, Alia Ludlum to the District Court in Texas, and Jose Linares to the District Court in New Jersey. In addition, this year we have pressed for expedited consideration of Judge Prado of Texas to the Fifth Circuit, as well as Judge Otero of California and Judge Altonaga of Florida to the Federal district courts. This week the Committee included Judge Consuelo Callahan of California in a hearing and I expect her nomination to the Ninth Circuit to be confirmed promptly with strong Democratic support, as well.

The Senate has this week reduced the number of Federal judicial vacancies to the lowest level it has been in 13 years. The 110 vacancies I inherited in the summer of 2001, vacancies that rose by 65 percent under Senate Republican control, have been more than cut in half. In the 17 months I chaired the Judiciary Committee we not only kept up with extraordinary attrition in the form of an additional 40 vacancies, but reduced all those vacancies from the 160 there would have been had we done nothing, down to 60 by last December. Senator HATCH used to argue when President Clinton was in office that 67 vacancies on the Federal courts amounted to "full employment". We reached Senator HATCH's standard for a full Federal bench during the 17 months in which the Democrats led the Senate.

We have continued our efforts this year and this week we reached the lowest level of judicial vacancies in 13 years—the lowest level since judgeships were significantly expanded in 1990. We now are working to reduce the remaining 47 vacancies even further.

Since the beginning of this year, in spite of the fixation of the Republican majority on the President's most controversial nominations, we have worked hard to reduce judicial vacancies even further. As of today, the number of judicial vacancies is at 47. That is the lowest it has been in two decades. That is lower than it ever was allowed to go at any time during the entire eight years of the Clinton administration. We have reduced the vacancy rate from 12.8 percent to 5.45 percent, the lowest it has been since 1990. With some cooperation from the administration think of the additional progress we could be making.

Our Senate leadership, both Republican and Democratic, have worked to correct some of the problems that arose from some of the earlier hearings and actions of the Judiciary Committee this year. Last week we were able to hold a hearing on the nomination of John Roberts to the District of Columbia Circuit. We are all working hard to complete Committee consideration of that nomination at the earliest opportunity. Thus, a number of additional, controversial nominations are in the process of being considered and will be considered by the Senate in due course.

My point is to underscore that we have made and are making real progress from the thoroughgoing obstruction from 1996 until 2001. While "the glass is not full," it is more full than empty and more has been achieved than some want to acknowledge. One hundred and twenty-three lifetime confirmations in less than two years is better than any 2-year period from 1995 through 2000. We have reduced judicial vacancies to 47, which is the lowest number and lowest vacancy percentage in 13 years. During the entire 8-year term of President Clinton it was never allowed by Republicans to get that low. We have made tremendous progress. These achievements have not been easy.

The administration has chosen confrontation with the Congress, with the Senate and with this committee. We are now proceeding at three to four times the pace Republicans maintained in reviewing President Clinton's judicial nominees. We have reached the point where the Judiciary Committee and the Senate are often moving too fast on some nominations and we risk becoming a racing conveyor belt that rubber stamps rather than examines these lifetime appointments. Democrats have worked hard to repair the damage to the confirmation process and achieved significant results. Republicans seem merely results oriented and interested in ideological domination of the Federal courts.

As Republicans turn their sights on the propriety of the filibuster in connection with judicial nominations and speculate about changing the rules and suing the Senate, I trust the Republican majority will not overlook the precedent on this question. Republicans not only joined in the filibuster of Abe Fortas to be Chief Justice of the United States Supreme Court, they organized the filibuster of Stephen Breyer to the 1st Circuit, Judge Rosemary Barkett to the 11th Circuit, Judge H. Lee Sarokin to the 3rd Circuit, and Judge Richard Paez and Judge Marsha Berzon to the 9th Circuit. The truth is that filibusters on nominations and legislative matters and extended debate on judicial nominations, including circuit court nominations, have become more and more common on the initiative of Republicans working against Democratic nominees. Now that a Republican President, intent on packing the courts with ideologues, has seen two nominees delayed by filibusters, and even though the other 123 judges he nominated have been confirmed, partisans want to change the rules to make it easier for this President to get his way.

Of course, when they are in the majority Republicans have more successfully defeated nominees of a Democratic President by refusing to proceed on them and have not publicly explained their actions, preferring to act in secret under the cloak of anonymity. From 1995 through 2001, when Republicans previously controlled the Senate majority, Republican efforts to defeat President Clinton's judicial nominees most often took place through inaction and anonymous holds for which no Republican Senator could be held accountable. Republicans held up almost 80 judicial nominees who were not acted upon during the Congress in which President Clinton first nominated them and eventually defeated more than 50 judicial nominees without a recorded Senate vote of any kind, just by refusing to proceed with hearings and Committee votes. These are just the sorts of stealth tactics Democrats have rejected.

Beyond judicial nominees, Republicans also filibustered the nomination of executive branch nominees. They successfully filibustered the nomination of Dr. Henry Foster to become Surgeon General of the United States in spite of two cloture votes in 1995. Dr. David Satcher's subsequent nomination to be Surgeon General also required cloture but he was successfully confirmed.

Other executive branch nominees who were filibustered by Republicans included Walter Dellinger's nomination to be Assistant Attorney General. Two cloture petitions were required to be filed on that nomination and both were rejected by Republicans. We were able finally to obtain a confirmation vote for Professor Walter Dellinger after significant efforts and he was confirmed to be Assistant Attorney General with 34 votes against him. He was never confirmed to his position as Solicitor General because Republicans had made clear their opposition to him. In addition, in 1993, Republicans objected to a number of State Department nominations and even the nomination of Janet Napolitano to serve as the U.S. Attorney for Arizona, resulting in more cloture petitions. In 1994, Republicans successfully filibustered the nomination of Sam Brown to be an Ambassador. After three cloture petitions were filed, his nomination was returned to President Clinton without Senate action. Also in 1994, two cloture petitions were required to get a vote on the nomination of Derek Shearer to be an Ambassador. And it likewise took two cloture petitions to get a vote on the nomination of Ricki Tigert to chair the FDIC. So when Republican Senators now talk about the Senate Executive Calendar and presidential nominees, they must be reminded that they recently filibustered many, many qualified nominees.

Filibusters should be and are rare. That there are two this year is a direct result of the strategy of confrontation sought by the White House and Senate Republicans. The administration holds the key to ending the Estrada impasse, as it has for the last year. It should cooperate with the Senate and provide access to his work papers, following the example set by all previous Republican and Democratic administrations.

The renomination of Judge Owen was most ill-advised and unprecedented. Her nomination had already been rejected after fair hearings and thorough debate and a committee vote last year. Some apparently want to rewrite the rules so that this President can have every nominee confirmed, no matter how divisive and controversial, by the Republican Senate majority.

Recently, I heard a respected Republican and senior advisor to the majority leader describe cloture as "the fulcrum on which you balance the rights of the individual and the rights of the institution." He explained how important the rights of the minority party are in the Senate and how Senate rules are deliberately constructed to reflect that and protect the minority. That Republicans are now intent on rewriting longstanding Senate rules shows just how partisan and ends-oriented they have become.

The President promised to be a uniter not a divider, but he has continued to send us judicial nominees that divide our nation. He has even managed to divide Hispanics across the country with the nomination of Mr. Estrada. He has managed to outrage disabled individuals by his nomination of Jeffrey Sutton. The nomination and confirmation process begins with the President. I, again, urge him to work with us to identify and nominate qualified, consensus, mainstream nominees who all Americans can be confident will be fair and impartial and to abandon his ideological court packing scheme.

Just yesterday an editorial appeared in the Rutland Herald noting: "[P]acking the court with right-wing ideologues is a program that Democrats may legitimately question. The Senate is required to consent to the president's judicial nominees because of the checks and balances created by the Constitution to restrain presidential power. The right wing now chafes under that restraint, but [Senators] have every reason to stand firm in order to bring balance to the judiciary." I ask unanimous consent that the full editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rutland Herald, May 7, 2003]

A Senate Judiciary subcommittee held a hearing Tuesday to highlight what Republicans claim is an abuse of the Senate rules by Democrats seeking to hold up President Bush's judicial nominees.

The subcommittee hearing was described by one Democratic aide as a "dog and pony show." It is part of the ideological warfare unleashed by the right wing to intimidate and destroy its opposition. The Republicans' complaint abouut Democratic obstructionism with regard to judicial nominees makes a villain out of Sen. Patrick Leahy, but their case is bogus and based on a foundation of hypocrisy.

The Democrats have kindled Republican wrath because the Democrats have had the temerity to block two nominees. Two. In the meantime, the Senate has confirmed 123 Bush nominees. The vacancy rate in the judiciary is at a 13-year low. When the Democrats took control of the Senate in 2001, the Republicans had left open 111 judicial vacancies. Now there are 43.

Members of the judiciary have remarked on how the Bush administration has staffed the Justice Department with fiercely uncompromising ideologues intent, not just on dealing with the opposition, but on destroying it. How else can one account for the war declared by Republicans over two judicial nominees who failed to pass muster?

The subcommittee hearing is ostensibly meant to examine the question of whether the Democrats' use of the filibuster to block judicial nominees is constitutional. The filibuster is a delaying tactic in which one side refuses to end debate on a particular question. According to Senate rules, the Senate can end a filibuster with 60 out of 100 votes. Certainly, the filibuster is anti-majoritarian, but over the years it has been used effectively by both Republicans and Democrats.

Now that the Democrats have shown they are adept at using the filibuster, the Republicans have begun to froth that it is unconstitutional. They are even claiming there is some kind of exception to the filibuster rule for judicial nominees, though it is a claim without any basis in law that the Republicans would quickly abandon as soon as they found themselves in the minority.

It is hard to defend the filibuster as a democratic method. But for the Republicans suddenly to wax indignant about the filibuster now that it has been turned against them is hypocrisy enough to shock and awe. From 1995 to 2000 Republicans blocked one-third of President Clinton's judicial nominees by a variety of methods that were as anti-majoritarian as the filibuster, including the failure of the Judiciary Committee even to schedule hearings and including the secret hold, by which a senator can block a nominee merely on his or her say-so.

If anger and self-righteousness signify the rightness of one's cause, the Republicans are making a good show of it. But packing the court with right-wing ideologues is a program that Democrats may legitimately question. The Senate is required to consent to the president's judicial nominees because of the checks and balances created by the Constitution to restrain presidential power. The right wing now chafes under that restraint, but Leahy and his allies have every reason to stand firm in order to bring balance to the judiciary.

Mr. LEAHY. The vote is scheduled for what time?

The PRESIDING OFFICER. The time for the vote is 1:45.

Mr. LEAHY. Have we reached that time?

The PRESIDING OFFICER. We have about a minute and a half.

Mr. LEAHY. I can understand the confusion. We seem to have a number of clocks facing different places.

I tell the distinguished occupant of the chair that I have been around here long enough to recall a time when we were going to end at a certain time in a very late session, and the time stood still. We were very close to finishing. I think the time we had to finish was at midnight. I remember the clock getting all the way up there to 3 minutes to midnight. For the next hour, the clock was there at 3 minutes to midnight. Suddenly we worked out the last thing, the clock magically sprung forward—not totally magically, somebody pulled it forward. We were at midnight and, with a sigh of relief, we went out. Now I believe we are at the time.

I yield the floor.

Mr. HATCH. Mr. President, tomorrow is the 9th of May, which marks the beginning of the third year that the nominations of Miguel Estrada to the DC Circuit and Priscilla Owen to the Fifth Circuit have been sitting in the Senate. This truly is not a good record for the Senate.

On May 9, 2001, the President sent to the Senate 11 nominations, including those of Miguel Estrada and Priscilla Owen. I regret that a minority of Senators in this body continue to deny a final vote on the confirmation of these nominees. It is troubling that we have not yet been able to confirm these nominees who now are facing unprecedented filibusters in the Senate.

Let me again quote a recent editorial, published in the Atlanta Journal-Constitution, which discusses the filibusters of Priscilla Owen and Miguel Estrada, noting "the first time simultaneous filibusters against judicial nominees have occurred in the U.S. Senate." The editorial continues:

> Both Owen and Estrada are superbly qualified in every respect. Yet on Owen, those who complain that a "glass ceiling" exists for women of achievement are busily constructing one to keep her in her place. And those who complain that the federal bench lacks "diversity" find Estrada to be too much diversity for their taste. He is considered to be a conservative, and the interest groups that drive the Democratic Party nationally fear Owen is, too, at least on their abortion litmus test.
>
> The fear with Owen and Estrada is that one or both will be nominated to the U.S. Supreme Court should a vacancy occur. Senate Democrats are determined to keep off the Circuit Court bench any perceived conservative who has the credentials to serve on the U.S. Supreme Court.

As the editorial points out, some Senate Democrats appear willing to use whatever obstructionist tactics it takes, based on any convenient rationale, to defeat the President's nominees. While the rationales may be different, the motivation in both cases is the same—it is to block this Senate from expressing the will of the majority with regard to these nominations.

I have already pointed out the double standard being applied against Miguel Estrada and Priscilla Owen. However, it may be more than a so-called double standard. I am beginning to conclude that no standards are being applied, only political tactics. This game plan of delay and obstructionism that some Democratic Senators are following is no longer surprising, but it is getting somewhat contradictory. In the case of Mr. Estrada, Democrats say they can't vote for the nominee because they don't know enough about him. They allege he didn't answer their questions and therefore they must have Department of Justice confidential memoranda he wrote while he was a line attorney in the Solicitor General's office.

There are no such claims about Justice Owen. Democrat opponents admit they know enough about her, that she did answer the questions, and that she has a record they can review. There are no phony excuses. They simply oppose her on philosophical grounds namely, her interpretation of the Texas parental notification statute that applies to minor girls seeking an abortion.

We hear over and over that Justice Owen is a controversial or extremist nominee. Those seem to be the standard shorthand descriptions of a nominee who doesn't toe the line drawn by the abortion-rights and trial lawyer interest groups.

In truth, Justice Owen is a consensus nominee. A bipartisan majority of the Senate supports her confirmation. The American Bar Association has awarded her a unanimous well qualified rating, their highest rating, and the gold standard formerly used by many of my Democratic colleagues. She is a well educated, highly experienced, and respected jurist.

Now, some critics of Justice Owen have fixated on a few rulings made by Justice Owen in some parental notification cases and allege that she is out of the mainstream on her court or that she is a regular dissenter in such cases. The facts show Justice Owen has been well within the mainstream of her court in the 14 decided notification cases in Texas, joining the majority judgment in 11 of those cases. The fact of the matter is that the liberal interest groups will find any excuse to employ an abortion litmus test, and they have used it with reckless abandon against Justice Owen, but that doesn't change the facts. In fact, we don't even know Justice Owen's views on abortion and it is improper to make assumptions.

Justice Owen has done what a nominee must do—commit to following the law, including Roe v. Wade. And that is all we ask of nominees.

Turning to Mr. Estrada, the real rationale for opposing him has nothing to do with access to confidential Justice Department documents. It has nothing to do with allegations that Mr. Estrada did not answer the questions. But it has everything to do with attempts to prevent a Republican President from appointing the first Hispanic to the DC Circuit.

What the filibusters of Miguel Estrada and Priscilla Owen have in common is that they are preventing well qualified nominees from getting an up or down vote before the full Senate. They are tyranny of the minority at its worst. It is unfortunate that we must have these cloture votes at the end of this 2-year period since the nomination of Mr. Estrada and Justice Owen. There is simply no good reason to continue them. It is long past time for an up or down. I urge my colleagues to vote for cloture.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 21, the nomination of Miguel A. Estrada to be United States Circuit Judge for the District of Columbia Circuit.

Bill Frist, Orrin Hatch, Judd Gregg, Norm Coleman, John E. Sununu, John Cornyn, Larry E. Craig, Saxby Chambliss, Lisa Murkowski, Jim Talent, Olympia Snowe, Mike DeWine, Michael B. Enzi, Lindsey Graham, Jeff Sessions, Wayne Allard, Mike Capo.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Miguel A. Estrada to be United States Circuit Judge for the District of Columbia Circuit shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Alaska (Ms. MURKOWSKI) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 43, as follows:

[Rollcall Vote No. 143 Ex.]

YEAS—54

Alexander
Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Nelson (FL)
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—43

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—3

Kennedy
Lieberman
Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 43.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 86, the nomination of Priscilla R. Owen of Texas to be United States Circuit Judge for the Fifth Circuit.

Bill Frist, Orrin Hatch, John Cornyn, Michael B. Enzi, Jim Talent, Judd Gregg, Jeff Sessions, Wayne Allard, Mike Crapo, Thad Cochran, Mitch McConnell, Susan Collins, Don Nickles, George Allen, Kay Bailey Hutchison, Gordon H. Smith, John Warner.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Priscilla Richman Owen to be United States Circuit Judge for the Fifth Circuit shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Alaska (Ms. MURKOWSKI) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nay 45, as follows:

[Rollcall Vote No. 144 Ex.]

YEAS—52

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—3

Kennedy
Lieberman
Murkowski

The PRESIDING OFFICER. On this vote the yeas are 52, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent the Senate now stand in recess until 3:20 p.m.

Mr. CARPER. Reserving the right to object, if the Senator will defer for just a moment? I ask unanimous consent to make a brief statement, maybe 1 minute.

Mr. HATCH. Of course.

VOTE EXPLANATION

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, early this morning the train I was traveling on from Wilmington to Washington experienced mechanical difficulties causing us to arrive at Union Station more than one-half hour late. As a result, I missed maybe my second or third vote in the U.S. Senate. I missed the vote on the Resolution of Ratification of the NATO expansion treaty. Had I been here I would have voted yes.

I ask unanimous consent the RECORD reflect my reasons for missing the vote and how I would have voted had I been here.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. HATCH. Mr. President, I renew my request to have the Senate stand in recess until 3:20 p.m.

There being no objection, the Senate, at 2:34 p.m., recessed until 3:20 p.m. and reassembled when called to order by the Presiding Officer (Mr. CRAPO).

The PRESIDING OFFICER. In my capacity as a Senator from the great State of Idaho, I suggest the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN INTELLIGENCE SURVEILLANCE ACT—Continued

AMENDMENT NO. 536

(Purpose: To establish additional annual reporting requirements on activities under the Foreign Intelligence Surveillance Act of 1978)

Mr. FEINGOLD. Mr. President, I call up amendment No. 536.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 536.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish additional annual reporting requirements on activities under the Foreign Intelligence Surveillance Act of 1978)

At the end, add the following:

SEC. 2. ADDITIONAL ANNUAL REPORTING REQUIREMENTS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) ADDITIONAL REPORTING REQUIREMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by redesignating—

(A) title VI as title VII; and

(B) section 601 as section 701; and

(2) by inserting after title V the following new title VI:

"TITLE VI—REPORTING REQUIREMENT

"ANNUAL REPORT OF THE ATTORNEY GENERAL

"SEC. 601. (a) In addition to the reports required by sections 107, 108, 306, 406, and 502 in April each year, the Attorney General shall submit to the appropriate committees of Congress each year a report setting forth with respect to the one-year period ending on the date of such report—

"(1) the aggregate number of non-United States persons targeted for orders issued under this Act, including a break-down of those targeted for—

"(A) electronic surveillance under section 105;

"(B) physical searches under section 304;

"(C) pen registers under section 402; and

"(D) access to records under section 501;

"(2) the number of individuals covered by an order issued under this Act who were determined pursuant to activities authorized by this Act to have acted wholly alone in the activities covered by such order;

"(3) the number of times that the Attorney General has authorized that information obtained under this Act may be used in a criminal proceeding or any information derived therefrom may be used in a criminal proceeding; and

"(4) in a manner consistent with the protection of the national security of the United States—

"(A) the portions of the documents and applications filed with the courts established under section 103 that include significant construction or interpretation of the provisions of this Act, not including the facts of any particular matter, which may be redacted;

"(B) the portions of the opinions and orders of the courts established under section 103 that include significant construction or interpretation of the provisions of this Act, not including the facts of any particular matter, which may be redacted.

"(b) The first report under this section shall be submitted not later than six months after the date of the enactment of this Act. Subsequent reports under this section shall be submitted annually thereafter.

"(c) In this section, the term 'appropriate committees of Congress' means—

"(1) the Select Committee on Intelligence and the Committee on the Judiciary of the Senate; and

"(2) the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.".

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by striking the items relating to title VI and inserting the following new items:

"TITLE VI—REPORTING REQUIREMENT

"Sec. 601. Annual report of the Attorney General.

"TITLE VII—EFFECTIVE DATE

"Sec. 701. Effective date.".

Mr. FEINGOLD. Mr. President, this amendment would simply require the Department of Justice to report to the Intelligence Committee and the Judiciary Committee about the use of this new lone-wolf exception to FISA. With this information, Congress will be better able to assess the need for reauthorization as the sunset provision in the bill approaches. I am pleased that the amendment has been agreed to by the sponsors of the bill.

I ask unanimous consent that this amendment be agreed to under the previous order.

The PRESIDING OFFICER. Under the previous order, the amendment is agreed to.

The amendment (No. 536) was agreed to.

Mr. FEINGOLD. Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, this morning I noted in detail the provisions of this amendment, why I supported the amendment and why I thought it was a good thing, and therefore any reference to further discussion on it can be made to the comments I made on it this morning.

Mr. FEINGOLD. Mr. President, I thank the Senator from Arizona for his cooperation in working together to provide this measure of accountability to this important piece of legislation.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 537

(Purpose: To propose a substitute)

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 537.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. ROCKEFELLER, Mr. LEAHY, Mr. EDWARDS, Mr. FEINGOLD, Mr. DODD, Mr. WYDEN, and Mrs. BOXER, proposes an amendment numbered 537.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. PRESUMPTION THAT CERTAIN NON-UNITED STATES PERSONS ENGAGING IN INTERNATIONAL TERRORISM ARE AGENTS OF FOREIGN POWERS FOR PURPOSES OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) PRESUMPTION.—(1) The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after section 101 the following new section:

"PRESUMPTION OF TREATMENT OF CERTAIN NON-UNITED STATES PERSONS ENGAGED IN INTERNATIONAL TERRORISM AS AGENTS OF FOREIGN POWERS

"SEC. 101A. Upon application by the Federal official applying for an order under this Act, the court may presume that a non-United States person who is knowingly engaged in sabotage or international terrorism, or activities that are in preparation therefor, is an agent of a foreign power under section 101(b)(2)(C).".

(2) The table of contents for that Act is amended by inserting after the item relating to section 101 the following new item:

"Sec. 101A. Presumption of treatment of certain non-United States persons engaged in international terrorism as agents of foreign powers.".

(b) SUNSET.—The amendments made by subsection (a) shall be subject to the sunset provision in section 224 of the USA PATRIOT Act of 2001 (Public Law 107-56; 115 Stat. 295), including the exception provided in subsection (b) of such section 224.

Mrs. FEINSTEIN. Mr. President, I rise to offer a substitute amendment to S. 113, the Kyl-Schumer FISA bill. I ask you to bear with me because the explanation goes on for a while.

I am also pleased that Senator ROCKEFELLER, the ranking member on the Intelligence Committee, and Senator LEAHY, the ranking member of the Judiciary Committee, are cosponsors of this amendment. I am pleased to also acknowledge that Senators DODD, EDWARDS, FEINGOLD, BOXER, and WYDEN are also cosponsors of the amendment.

Let me try to briefly describe the difference between current law, S. 113, and my amendment.

S. 113 is the Kyl-Schumer FISA amendment. First, the Kyl-Schumer amendment only applies to non-U.S. persons. I want to make clear that it does not cover green card holders under that amendment.

Under current law, the FISA court may only grant a FISA application against a non-U.S. person if the Government can show probable cause that the target is working on behalf of a foreign power or a terrorist group. The Government also has to certify that it is seeking foreign intelligence information that can't be obtained by any other means.

As I understand the Kyl-Schumer bill, it drops a primary requirement for FISA warrants; that is, the individual or the target be agents of a foreign power. Under Kyl-Schumer, this prerequisite is gone. That is what the so-called lone wolf deals with.

This would then give the FISA court no discretion to deny applications for FISA orders against a true so-called lone wolf. These are alleged international terrorists operating completely on their own. This is confusing. In other words, current law gives the FISA court no discretion to grant FISA orders in closed cases. But S. 113—Kyl-Schumer—gives judges no discretion to deny FISA the FISA court application in closed cases. Both of these circumstances raise certain problems.

My amendment is essentially a compromise. It grants the court a presumption. So the FISA court may presume that a target is an agent of a foreign power, or the court may choose not to invoke that presumption. The bottom line is the court is given some discretion.

In other words, the court may choose to grant a FISA order despite a lack of evidence that a target is working on behalf of a foreign power. Similarly, the court may choose to deny an order against a true lone wolf. It is up to the court.Federal judges in title III criminal cases have similar discretion. Although the standard there is about whether the Government can show probable cause that a person has committed a crime or will commit a crime, that is a very different standard than under FISA. Federal judges have not abused that discretion and, in fact, in rare cases have been able to act as a check on the Government to prevent overreaching and abuse.

Why do the sponsors of S. 113 show less trust for FISA judges in the FISA content? In fact, such trust is even more warranted in the FISA content. Not only is the FISA process secret and hard to keep accountable, but the FISA court has only denied one FISA application in its 25-year history.

Such a lack of trust is even less necessary given the fact that even if the Government is unable to get a FISA order against a target, it remains completely free to use all the tools of the criminal process under title III to get search and wiretap orders against the target.

The bottom line is, our amendment preserves FISA's agent-of-a-foreign-power requirement without jeopardizing our security. Our amendment allows the Government to get FISA orders against suspected international terrorists even in close cases where the Government cannot show the target is working on behalf of a foreign power or terrorist group. However, unlike S. 113, the amendment also ensures the FISA court is more than a rubberstamp and has discretion to deny a FISA application if the Government overreaches by attempting to use FISA authority.

I now would like to discuss the issue in somewhat greater detail.

Mr. President, at times of crisis, it is possible the Government can overreach in both legislative and executive decisionmaking with respect to our criminal and intelligence laws. That can have unfortunate consequences for both our security and individual rights.

The Foreign Intelligence Surveillance Act, or FISA, was passed in 1978. It was the first statute ever passed in the United States to provide a statutory procedure for the authorization of clandestine activities of our Government to obtain foreign intelligence.

Before it passed, then-Attorney General Griffin Bell testified in favor of the bill before Congress. He noted the "delicate balance" that needed to be struck between "adequate intelligence to guarantee our Nation's security on the one hand and preservation of basic human rights on the other."

He stated:

> In my view this bill strikes the balance, sacrifices neither our security nor our civil liberties, and assures that the abuses of the past will remain in the past. . . .

Now, what does he mean by "abuses of the past"? Decades earlier, America saw what happened in World War II with Japanese Americans who were removed from their homes, their businesses, and their schools, and placed in interment camps in violation of their rights. We do not want that to happen ever again in this country.

I am not saying this is an identically similar situation. I am concerned, however, about zealousness and overreach because now we are engaged in a global war on terror. In conducting this war, we must be careful that we not overreach when the temptations are so great.

This kind of war is unprecedented for the United States. It is unprecedented and unbelievable that anybody could fly four big planes, three into buildings, and kill 3,000 people. This is beyond our ken. America and Americans want to protect our homeland and our individuals, notwithstanding this is an entirely secret process and, as such, the laws that govern it must be balanced, must be carefully crafted, and must prevent it, lest someone use them to overreach. It has happened in the past, so you can assume it could well happen in the future. This is especially true, as I said, with FISA.

I supported reporting S. 113, the Kyl-Schumer FISA bill we are debating, in the Judiciary Committee. I agree with my colleagues—there is a clear problem here, needing a solution; namely, the potential difficulty the Government may have in obtaining FISA orders against certain international terrorist so-called "lone wolves." These are people who have no affiliation with a terrorist group, no affiliation as an agent of a foreign power.

Under FISA, a "foreign power" is simply defined as "two people conspiring," so it is a very easy goal and target. A problem arises in cases where the Government knows of a foreign individual who may be involved in terrorism but cannot yet prove a connection to foreign groups or governments. This problem stems from the proof requirement under FISA in current law.

To get a FISA order against a foreign visitor to the United States under current law, the Government needs to show two key things:

First, that the individual is a foreign power or an agent of a foreign power. Again, that is defined as two people working together. A foreign power could be a foreign government or an international terrorist group as defined.

And second, that it is seeking "foreign intelligence information" that cannot be obtained by other means.

This symbolizes the very purpose of FISA: to gather foreign intelligence. Criminal courts are for criminal cases, and the FISA court was set up specially to deal with cases where the Government wishes to obtain information or intelligence about the activities of foreign powers.

The problem is this: Under this current standard, it may well be difficult for the Government to meet the foreign power requirement if the Government does not yet have enough evidence of a connection to a foreign group, entity, or power. Some have described this problem as the "false lone wolf" problem, where you have an individual who may appear at first to be operating as a "lone wolf," even though that individual is really an agent of a larger group.

That was one of the alleged problems with the pre-September 11 investigation into Zacarias Moussaoui. The FBI did not learn until after September 11 that Moussaoui had links to al-Qaida and may have been the intended 20th hijacker.

As a result, the Government may have been reluctant to request a FISA warrant because they did not think the intelligence they had could connect Moussaoui to an international group or government.

So there is no question in my mind that we need to amend FISA to fix this problem. And I applaud my colleagues, Senators KYL and SCHUMER, for working so diligently to solve it. But the Kyl-Schumer bill also redefines "agent of a foreign power" to include any non-U.S. individual preparing to engage in international terrorism. In other words, it essentially eliminates the foreign power requirement altogether.

This change would allow the Government to get a FISA search or wiretap order against any foreign individual in the United States who is preparing to engage in international terrorism, regardless of whether the person is really an agent of a foreign government or terror group, and regardless of whether there is any potential to gather foreign intelligence.

Again, it is this foreign intelligence component that defines the very purpose of FISA. As a result, I believe this change goes too far.

Under S. 113, for the first time ever, the Government will be able to use FISA against any non-U.S. citizen preparing to engage in international terrorism—even individuals whom the Government knows have no connection at all to anyone else engaged in international terrorism.

There would be no check at all on the Government's use of FISA against many common criminals who just happen to be noncitizens and, therefore, the Government might be able to use this secret FISA court to obtain warrants that: (A) are easier to get; (B) last longer; and (C) are less subject to normal judicial scrutiny than criminal warrants under title III or regular criminal statutes.

FISA wiretap orders, for instance, are good for 4 times longer than normal criminal warrants—120 days versus 30 days—giving the Government a clear incentive to use this process even against common criminals. These orders can be reauthorized indefinitely each year for 1-year periods. The same is true for physical search orders under FISA, although these are good for 90 days, and 1-year extensions are subject to the requirement in current law that the judge find "probable cause to believe that no property of any United States person will be acquired during the period."

Under FISA, as modified by S. 113, the Government must show by probable cause only that a foreign national is engaged in international terrorism or preparation thereof. You might listen to that and you might think: What is wrong with that? We all want that. I want it, too. But in many instances, this probable cause standard will be easier to meet than the traditional criminal probable cause standard.

For example, for a title III wiretap, the Government must show that there is probable cause to believe an individual is about to commit or has committed an enumerated crime. To get a search order, the Government must show probable cause that the search will result in the discovery of offending items connected with the criminal activity. However, under S. 113, the Government need only show probable cause that the person is engaging in "activities in preparation" for international terrorism. Many "activities in preparation" for international terrorism are not crimes.

For example, a foreign visitor who bought a one-way airline ticket and a box cutter would arguably qualify as a person engaging in activities in preparation for international terrorism, even in the absence of other evidence that he or she might be an international terrorist.

However, these two activities, taken alone, would clearly not demonstrate probable cause that the person would commit a crime. These activities may be entirely innocent. As a result—and I don't believe this is anyone's intent—S. 113 could easily serve as a clarion call to all aggressive prosecutors who want to listen in on or search the homes of targets of investigation without ever having to prove that any crime may be committed or that foreign intelligence may be gathered.

By allowing FISA to be used against all solo suspected international terrorists, S. 113 runs counter to the whole purpose of FISA, which is to allow the Government to get foreign intelligence by searching and wiretapping people working for other countries and groups against U.S. interests.

S. 113 essentially eliminates any discretion the FISA court has to turn down a case—this is my big problem with it—thus enabling the Government to overreach. I am not saying that it will overreach. But because it is a secret process, the laws we pass have to prevent that overreach.

By nullifying the requirement that the target of an investigation has some connection, any connection, to a foreign entity or government, this legislation essentially makes the FISA court a rubberstamp. The court will be required to grant a FISA order, even if there is no probable cause to indicate a connection to a foreign power; indeed, even if there is clear evidence that the individual is operating completely on their own. In fact, even if the Government admits that the terrorist is operating alone and that there is no foreign intelligence to be gathered, the FISA court must still grant the order under S. 113.

That is not what FISA is meant to be. Put simply: The legislation goes too far.

Let me be clear: We who are sponsoring this amendment are not trying to protect international terrorists, and our amendment does nothing to protect them. The vast resources of the Federal Government and the powerful tools of the criminal process remain available to target and investigate any terrorist against whom the Government is unable to get a FISA order.

What our amendment will do is retain the original purpose of FISA—the seeking of foreign intelligence. S. 113 would not.

Our amendment is simple. Rather than simply eliminating the foreign power requirement altogether,' our amendment would allow the FISA court judge to presume that a foreign terrorist is also an agent of a foreign power, even if there is no evidence supporting that presumption. On the other hand, under our amendment, the FISA court could also refuse to presume this connection in troubling cases of Government overreach. Thus, a FISA court judge would have some discretion.

What does this mean? In the Moussaoui case, for instance, even though the Government did not yet have evidence that Moussaoui was acting as an agent of a foreign power, both our amendment and S. 113 would allow the Government to get a warrant. The only difference is that our amendment would allow the judge to carefully look at the case and, if the court determined Moussaoui was clearly acting alone, the warrant could be denied.

I know some will argue that this casts too much doubt upon the outcome of cases and that, as a result, FISA orders will be too hard to obtain. But in most cases, if you think about it, the outcome will be exactly the same, whether under our amendment or the underlying bill.

Others may argue that this amendment might give liberal judges too much power to deny FISA orders in every case or, as Senator SCHUMER put it today, "inject gray into the statute." But in reality, I believe these judges should have some discretion. This is an entirely secret process. By providing this presumption, we give judges that discretion. That is, in fact, a good thing.

Liberal judges can always find ways to deny a FISA order, even under S. 113, if they are determined to do so. For instance, a judge could simply decide there is no probable cause showing that an individual is engaged in international terrorism. That is a requirement in both S. 113 and our amendment.

The bottom line is that we can and should preserve the foreign power requirement of FISA without jeopardizing our security. Under either approach, the Government will be able to get FISA orders against international terrorists, even if the Government cannot meet the foreign power requirement.

Bottom line, again: The only difference between the two approaches is that our amendment preserves some limited discretion so the FISA court could stop the Government from overreaching against those individuals who have no connection to a foreign conspiracy. Let me say, if they have no connection to a foreign conspiracy, you can get the title III criminal warrant.

I urge my colleagues to support the amendment and, therefore, support the underlying purposes of FISA.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. FEINSTEIN. I yield such time as the Senator from Vermont, the ranking member of the Judiciary Committee, requires.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I thank the distinguished Senator. I will not speak long.

In times of national stress there is an understandable impulse for the government to ask for more power. Sometimes more power is needed, but sometimes it is not.

After the September 11 attacks, we worked together in a bipartisan fashion and with unprecedented speed to craft and enact the USA PATRIOT Act, which enhanced the government's surveillance powers.

Now, as we consider S. 113—and we anticipate a possible sequel to the USA PATRIOT Act—it is vital for us first to examine and understand how Federal agencies are using the power that they already have. We must answer two questions: First, is that power being used effectively? Our citizens want not only to feel safer, but to be safer. They need results, not rhetoric.

Second, is that power being used appropriately, so that our liberties are not sacrificed, the openness of our society and our government are preserved, and our tax dollars are not squandered?

Unfortunately, the FBI and the Department of Justice have either been unwilling or unable to help us to answer these basic questions. Moreover, the information that we have gleaned on our own through our bipartisan oversight efforts has not inspired confidence.

In February, Chairman GRASSLEY, Chairman SPECTER and I released a detailed report based on the oversight that the Judiciary Committee conducted in the 107th Congress. That report distilled our bipartisan findings and conclusions from numerous hearings, classified briefings and other oversight activities. Our oversight demonstrated the pressing need for reform of the FBI. In particular, it focused on the FBI's failures in implementing what is already in FISA.

The administration's response to our bipartisan oversight report has been to dismiss it as "old news" relating to problems that are all already fixed. In short, "everything is fine" at the FBI and they plan to do nothing to respond to the systemic criticisms in the Specter, Grassley, Leahy report. Predictably, however, Congress is asked yet again to expand the FISA statute.

The bill that we are considering, S. 113, adopts a "quick fix" approach. With slick names like the "Moussaoui fix," and the "lone wolf" bill, it is aimed at making Americans feel safer, but it does nothing to address the problems that actually plague our intelligence gatherers. It does nothing to fix the real problems that plagued the FBI before 9/11 and that continue at the FBI.

In private briefings, even FBI representatives have stated that they do not need this change in the law in order to protect against terrorism. They are getting all the warrants they want under the current law.

Sunset provisions, such as the one I helped add during the Judiciary Committee markup, allow us to adopt such measures as S. 113 on a temporary basis. The reporting requirement that is being added to the bill on the floor is another welcome improvement, which will help us to ascertain whether this surveillance tool is working properly or not. The reporting requirement is similar to those proposed in a bill I introduced with Senators GRASSLEY and SPECTER—S. 436, the Domestic Surveillance Oversight Act.

While there is little evidence that this bill is necessary, it does create significant problems. First, it tears FISA from one of its most basic moorings. FISA was intended to assist in gathering intelligence about foreign powers and their agents. The Kyl-Schumer proposal would simply read that requirement out of the law for a whole class of FISA cases.

As introduced, the bill essentially said that a "person" is now a "foreign power," which makes little sense as a matter of logic or policy. As reported by the Judiciary Committee, the bill's wording makes more sense, but the fundamental policy problem remains.

Second, in the rare case of a true "lone wolf," our federal law enforcement agents already have potent tools at their disposal, including the title III wiretap, the rule 41 search warrant, and the grand jury subpoena. These provide ample means to combat isolated criminal acts, but with more accountability and judicial supervision than the FISA surveillance authorities.

Far from addressing a true problem, then, all that S. 113 would do is encourage the use of the secret, unchecked FISA process for an entire class of cases that are more appropriately handled as criminal matters.

To the extent that some believe that there is a problem that needs to be addressed, I support the more measured and practical approach that Senator FEINSTEIN developed, and that I was pleased to cosponsor. The Feinstein approach is to create a statutory presumption to assist the FBI in terrorism cases.

Using this approach, when the government shows probable cause to believe that a non-U.S. person is engaging in international terrorism, the FISA Court may presume that the person is also an agent of a foreign power. This permissive presumption would allow law enforcement some extra leeway in international terrorism cases, but without simply removing the foreign power nexus from a huge class of FISA matters altogether.

I commend Senator FEINSTEIN for her work on this amendment. I believe it is a constructive and reasonable compromise. It would give the FBI what it claims to need as a practical matter, to ensure that it can use FISA against individuals like Zacarias Moussaoui, whose ties to a foreign power may be difficult to prove.

At the same time, the amendment would preserve some discretion on the part of the FISA court to determine that an individual should not be subject to surveillance because he is not, in fact, an agent of a foreign power. The FISA court should not become an automatic adjunct of the executive branch. That would destroy the checks and balances that keep us all free. Let's make sure they have the ability to act as a court.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. Mr. President, I ask the Senator from California to yield me some time so I can speak in support of the amendment.

Mrs. FEINSTEIN. I am happy to yield as much time as the Senator requires.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I agree with the Senator from California that S. 113 is the wrong way to fix the Foreign Intelligence Surveillance Act. The approach taken in S. 113 would eliminate the current requirement in FISA that the individual who is the target of a warrant must be an agent of a foreign power. This means that S. 113 may very well result in FISA serving as a substitute for some of the most important criminal laws we have in this country. Senator FEINSTEIN's permissive presumption amendment would allow the Government to obtain FISA warrants against suspected lone wolf international terrorists without unnecessarily eliminating an essential element of FISA, and that is the agent of a foreign power requirement.

FISA, as the Senator from California has very carefully and effectively pointed out, represents an important exception to traditional constitutional restraints on criminal investigations, allowing the Government to gather foreign intelligence information without having probable cause that a crime has been or is going to be committed. I will repeat that. This is something the Government can do without having probable cause that a crime has been or is going to be committed. That is a major exception to our normal understanding about how criminal proceedings should be conducted under our Constitution. The courts have permitted the Government to proceed with surveillance in this country under FISA's lesser standard of suspicion because the power is limited to investigations of foreign powers and their agents.

Senator FEINSTEIN ably pointed out the history behind this and the careful balance that Attorney General Griffin Bell discussed at the time, and how important that balance was for such an unusual exception to be made to our rules about criminal proceedings.

S. 113 writes out of the statute a key requirement necessary to the lawfulness of intrusive surveillance powers that would otherwise simply be unconstitutional.

FISA's own appellate court, the Foreign Intelligence Surveillance Court of Review, discussed in a November 2002 decision why a FISA warrant does not require a showing of probable cause of criminal activity. The court stated that FISA is constitutional in part because it provides "another safeguard . . . that is, the requirement that there be probable cause to believe the target is acting 'for or on behalf of a foreign power.'" So this is supposed to be about people acting in connection with a foreign power. S. 113, as currently drafted, simply eliminates that safeguard.

Even if S. 113 survived constitutional challenge, it would mean that non-U.S. persons could have either electronic surveillance and searches authorized against them using the lesser standards of FISA, even though there is no conceivable foreign intelligence aspect to their case. S. 113 will then likely result in a dramatic increase in the use of FISA warrants in situations that do not justify such extraordinary Government power.

I think Senator FEINSTEIN's amendment is a thoughtful and reasonable alternative to make sure that FISA can be used against a lone wolf terrorist, which I commend the Senator from Arizona and the Senator from New York for trying to address. But at the same time her amendment means we can do this without eliminating the important agent of a foreign power requirement. The amendment would create a permissive presumption that if there is probable cause to believe a non-U.S. person is engaged in or preparing to engage in international terrorism, the individual can be considered to be an agent of a foreign power even if the evidence of a connection to a foreign power is not clear. The use of a permissive presumption, rather than eliminating the foreign power requirement, maintains judicial oversight and review on a case-by-case basis on the question of whether the target of the surveillance is an agent of a foreign power. The permissive presumption would permit the FISA judge to decide, in a given case, if the Government has gone too far in requesting a FISA warrant.

I want to be clear about one point that apparently came up this morning. I understand the Senator from Arizona argued this morning that this amendment would weaken or impact on the FISA law as a whole. That is just not true. This amendment applies only to the changes made in the bill to address the lone wolf problem. It is a narrow, carefully drafted, very important amendment to this bill.

Any concern that the FISA judges would not use their discretion wisely is, I think—as the Senator from California pointed out—misplaced. What is the reason for any concern whatsoever about the proper use of this provision by judges? In the 23 years that the

FISA court has been reviewing FISA applications, they have only declined to issue the warrant on one occasion. In that case, the decision of the court was reversed on appeal. The FISA judges clearly take their responsibility seriously and execute it carefully. The experience of the last two decades shows we can trust them not to the deny FISA applications too hastily. We should also be able to trust them enough to maintain their power to serve as a reasonable check on Government overreaching.

We are told that one of the inspirations for this bill was the case of Zacarias Moussaoui, the alleged 20th hijacker. One of the FBI's excuses for not seeking a warrant to search Mr. Moussaoui's computer prior to September 11 was that they could not identify a foreign power or group with which Moussaoui was associated. In other words, they could not meet the agent of a foreign power requirement to get a FISA warrant. In the case of Moussaoui, a warrant application was never even submitted to the FISA court.

As Senator SPECTER pointed out, many legal observers think the FBI simply misread the law, and it could and should have obtained a FISA warrant against Mr. Moussaoui if it had tried.

No matter, in any event, Senator FEINSTEIN's amendment would fix the so-called Moussaoui problem just as well as the current bill. The permissive presumption would still ensure that future investigators do not need to show specific evidence of a particular foreign power or group for which the individual was an agent if they have other good evidence that the subject is preparing to engage in international terrorism, as they did in Moussaoui's case, but have not been able to identify the specific agent of a foreign power.

At the same time, Senator FEINSTEIN's formulation would put some limit on the Government's ability to use this new power to dramatically extend FISA's reach. If the Government comes to a conclusion that an individual is truly acting on his or her own, then our criminal laws concerning when electronic surveillance and searches can be used, in my view, and I think in the view of many, are more than sufficient. True lone wolves can and should be investigated and prosecuted in our criminal justice system.

Under this amendment, the FISA court could presume that any non-U.S. person preparing to engage in international terrorism is an agent of a foreign power. At the time of the initial warrant application, and perhaps even later, this presumption makes sense. It is somewhat difficult to envision a foreigner in the United States planning an international terrorist attack who is not an agent of a foreign power, which includes a terrorist organization. But one can envision a situation where, at the time of a request for a reauthorization, a FISA warrant is made, the Government has now determined that the suspect is truly a lone wolf.

In those situations where the person is simply a lone wolf in every sense of the word and is not connected with a foreign power or terrorist organization, FISA should not apply. The Government should then use all the tools of the criminal process because—and this is the key issue—in that circumstance, the foreign intelligence rationale, the entire basis for the creation of a FISA law, that entire rationale for FISA's lesser standard no longer exists.

Senator FEINSTEIN's amendment retains FISA's agent of a foreign power requirement, maintains the independence of the FISA court, and preserves judicial oversight of the abuse of the new power. It protects national security by addressing the lone wolf problem, and it does not threaten the constitutional freedoms we cherish.

I am grateful to the Senator from California for her leadership role on this important amendment. I strongly urge my colleagues to support this reasonable amendment that will simply make this a much better bill and, frankly, a bill that would cause many of us to feel comfortable supporting the bill.

I urge my colleagues who are proponents of this bill to consider how important it is that we have as many Senators as possible support such a bill. This goes right to the heart of the question of whether in times of crisis this Nation is going to get the balance right between civil liberties and our Constitution and the important paramount issue of fighting terrorism. We need as many people supporting this to send a message to the American people that we are getting this right. The Feinstein amendment is a reasonable, modest attempt to achieve that kind of consensus. I urge my colleagues to support it.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from New York.

Mr. SCHUMER. I thank the Chair.

Mr. President, I rise in reluctant, but considered, opposition to the amendment of my good friend from California. I thank her and the Senator from Wisconsin for their roles in this area. My colleague from California and I usually share many of the same views on law enforcement issues, and we work closely together. I say usually, it is the other way around. I am on one side, and she is trying to put together the compromise. Now she is trying to put another compromise together. I respect her for that.

I say to the Senator from California and the Senator from Wisconsin, who is a devout believer in the freedom and liberty this country cherishes and a constant watchdog on our committee, I have great respect for both of them. This is a good debate because in our brave new post-9/11 world, we have to balance liberty and security and, obviously, some adjustments have to be made.

The Founding Fathers knew that in times of war, in times of crisis, security might gain a little. I do not think this is an issue of security versus liberty, though. I do think it is an issue of the new technologies that are available and allows individuals or small groups of individuals unknown before to do real damage to America. Then 10 years ago, you knew who was going to hurt you. It would be a nation. It would be an established group of terrorists. But today, any small group can pop up, even individuals, and do such damage. That is what has caused the Senator from Arizona and I to change the law.

I think the Feinstein amendment is well-intentioned, and honestly it recalibrates the balance in a little different way than I would. This is what the debate is about. My guess is, if Washington, Jefferson, or Madison were looking down on the Senate Chamber, they would want us to have this debate. It is a good thing we are having this debate. I appreciate it.

I am going to be brief. I know we want to deal with this amendment.

My objection to the amendment of the Senator from California is that it does leave discretion in the hands of the judge—the very purpose of the amendment. I do not think there ought to be discretion when there is probable cause that some individual or small group, whether they can be connected to a terrorist group, a known terrorist group, a terrorist organization or not—I do not think there should be discretion in getting that FISA warrant. Obviously, the judge will have discretion, so to speak, in determining if probable cause is there. So this is hardly a straitjacket, even the amendment we have proposed.

If the judge does not find probable cause to engage or prepare to engage in terrorist activity, there is not going to be a warrant.

The other point I want to stress, of course, and this matters to me—I know some in the civil liberties community say everyone who is dealing with American law should have the same rights. This does not affect citizens or those who hold green cards. I think it strikes a fair balance. The idea of giving the judge discretion, the so-called permissive presumption, in my judgment, goes too far.

One of the problems we had with the Moussaoui case was that the FBI was unsure that they could seek a warrant. They did not think the law allowed them to seek a warrant. That is what brought up our amendment.

With the Feinstein amendment, they would still not have that certainty. You also might get in the very same case a judge in California ruling one way and a judge in New York ruling another way. I do not think we want confusion, differing opinions, judicial discretion when clearly probable cause is met.

I realize that my good friend from California seeks an ability to check on the abuse of FISA. I agree with her. I argue this is the wrong way to do it. Again, if probable cause is established, it should not matter if it is a lone wolf or a known terrorist group or a known terrorist organization. To have different judges come to different conclusions about that I do not think helps move our law, move our safety, or, for that matter, further protect our liberties.

I urge my colleagues to vote against this amendment. It is well intentioned. It does seek to understand the balance between liberty and security, but it would do it in a way that I think is not advised, particularly in our post-9/11 world. I urge my colleagues to vote down the amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, first let me address Senator FEINGOLD. He is correct about the misstatement I made this morning. I do recall making this statement that the Feinstein amendment would apply generally to the section of law rather than just S. 113. The Senator from Wisconsin is correct. What I said was in error. It does not detract from my primary argument, but that is correct, and I appreciate him pointing that out.

I wish to respond to the three primary arguments we have heard. First of all, Senator LEAHY primarily was making the point that we should see if the Patriot Act is working before we make the changes that Senator SCHUMER and I and others are trying to make.

First, I note that the vote in the Judiciary Committee was 16 to 0. It was unanimous. I appreciate the bipartisan support from people such as Senator LEAHY and would note that we have had that kind of bipartisan support from the very day that Senator—in fact, 2 years ago it was Schumer-Kyl, now it is Kyl-Schumer, for obvious reasons.

Secondly, this has nothing to do with the PATRIOT Act. The FISA law was put into effect in 1978, I believe it was. So this is a law that has been in effect for a long time. The problem with it is that a significant change has occurred on the international stage. As has been pointed out, the law was originally intended to deal with Soviet spies, foreign powers, or international terrorist organizations such as the Red Brigade, the Baader-Meinhof gang and people like that.

In that day, it was a tight-knit group of people who actually worked as a terrorist organization. But today, as the testimony before the Intelligence Committee went into in detail, it is now a worldwide Islamic jihadist movement. It is about a cause rather than an organization.

The FBI Director, whose testimony I read this morning, went into a great deal about how, therefore, the people who work in this international cause are very different from the old members of the gangs or the Soviet spy network, and to try to pigeon hole a FISA warrant against these individual people into the provisions of the law as it was originally drafted is really not possible. That is why the FBI would not go after a warrant for Zacarias Moussaoui. It is why Agent Rowley was very upset about it. But at the end of the day, headquarters was probably right not to try to make out the case that Zacarias Moussaoui was somehow connected to an international terrorist organization. They found some tenuous connections with some Chechen rebels but at the stage that the warrant was corrected they could never tie it into an international terrorist organization. We now know subsequent to the issuance of the warrant that there were some ties to al-Qaida, but he may be a good example of the lone-wolf terrorist.

So that is why times have changed. The law has to change to keep up with this. Otherwise, we would not be suggesting this rather modest change in the law.

The people against whom we are now directing our surveillance with respect to international terrorism are a very different group of people. Much of the time they do not act in concert and sometimes they enact as lone wolves.

That gets me to the next point. As I understand it, Senator FEINGOLD's primary argument is that we should have this kind of surveillance against agents of foreign powers, but that we should not have it against lone wolves. Of course, the Feinstein amendment provides a presumption that the lone wolf is an agent of a foreign power.

That is not our point. We are not trying to prove the lone wolf is an agent of a foreign power. I do not want to have a presumption in there that presumes something that we are not even alleging. Sometimes our U.S. Government is going to say, we do not have any reason to believe this person is connected to an international terrorist organization or a foreign power, country. We are not alleging that. We are alleging that he is a person engaged in or about to engage in a terrorist action, we have probable cause to believe that. That standard remains the same and, therefore, we want to, what, prosecute him? No, get a warrant to see what else he is doing.

So this amendment does not match up with what we are trying to do. We are not trying to prove that they are agents of a foreign power. We are providing the court with evidence that a non-U.S. person is engaging in or about to engage in activities involving terrorism against the United States and, therefore, the court is warranted in allowing us to investigate it further. We do not want the presumption because in many cases that is not what we are trying to prove.

The important point is a point I would like to make in response to Senator FEINGOLD and that is that there still has to be international terrorism involved. It is not as if we are going after people because we do not like their nationality or something of that sort. We are dealing with a very sophisticated court that is not a kangaroo court; it is the FISA court, and they have not turned down warrants because the Justice Department has been very careful to make sure they have all the evidence that is needed.

I will tell my great friend Senator FEINSTEIN and just make a footnote—I said it this morning but I will say it again—I cannot remember a time that she and I disagreed on a matter involving intelligence or law enforcement activities. It just does not happen except this one time. I guess the exception proves the rule. There is nobody in the Senate with whom I have enjoyed working more on these matters. Witness the fact that Senator FEINSTEIN and I have been the chairman and ranking member alternately of the Terrorism, Technology, and Homeland Security Subcommittee of the Judiciary Committee ever since I came to the Senate. It has been a wonderful relationship, and there is nobody in this body that I admire more.

So I want to answer this question very specifically, because if I understood one of her arguments, it was that we have changed the probable cause standard, and we have absolutely not done that. In fact, in response, I think to a suggestion of one of our Democratic colleagues, we had the language exactly tracked in the statute, and I will read it precisely. This is in 50 United States Code, section 1801, the definitions section under foreign power. I will not read the whole thing, but No. 4 is "a group engaged in international terrorism or activities in preparation therefor."

Then, under "agent of foreign power"—and, remember, this is where we have the definition of a non-U.S. person. We had the third category. We tracked the language precisely—"engages in international terrorism or activities in preparation therefor." It is the exact same language.

So the probable cause standard remains identical. In very simple terms, this is what the U.S. attorney would have to say: Judge, here is my affidavit and what it says is that Joe Blow is a non-U.S. citizen. Here is the documentation for that, and here are the activities that we have probable cause to believe he is engaging in.

So it is the probable cause standard. What would satisfy that test? Let me be very precise in the order that I present this.

Under this section of definitions—and our bill is the same as S. 2568, which the Justice Department was referring to when it made this comment, someone who is involved in terrorist acts:

> That transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which their perpetrators operate or seek asylum.

This is quoting from 50 United States Code, section 1801(c)(3):

> As a result, a FISA warrant would still be limited to collecting foreign intelligence for the international responsibilities of the United States, and the duties of the Federal Government to the States in matters involving foreign terrorism.

That is quoting from a court case that interpreted the provision.

Therefore, according to the Justice Department, the same interests and considerations that support the constitutionality of FISA as it now stands would provide the constitutional justification for S. 2568, which is the predecessor to S. 113, which is the bill before us.

So the definition is the same, the probable cause standard is the same, and the nexus to international terrorism is the same. None of that changes. The only thing that changes is that we add non-U.S. person so you can get to the lone wolf and do not have to either assert that the person is involved with an international terrorist organization or foreign power or presume that the individual is, because that person may well not be.

Finally, Senator FEINSTEIN made the point that under proper circumstances, S. 113 would allow the search of a solo international terrorist and the answer is, yes, that is exactly what it would allow. And especially with today's weapons, which allow even a solo terrorist to be able to cause enormous destruction, the FBI should be able to monitor such a terrorist if it can convince the court that probable cause exists that would otherwise be the standard in any kind of FISA warrant request.

I think those are the answers to the allegations that have been made in support of the Feinstein amendment. I think it gets right down to what Senator FEINGOLD said, which is that there is simply disagreement about whether the lone wolf should be the subject of this statute. Obviously, if the amendment were to be adopted, we have our purpose, which is to add the third category.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from Arizona for his personal comments. He knows I have thoroughly enjoyed working with him. It is unusual—as a matter of fact, I cannot remember in all these years when we have ever been on opposite sides of one of these questions.

Let me state to the Senator my great fear. We all forget beneath the surface this Government has tremendous power. When that power is exercised against a person in this country, alone as a visitor, has no rights, it is enormous what can happen. What my deep concern is that overzealous prosecutors will use this where they should use title III and get a criminal warrant instead of a FISA warrant because of the removal of the agent of the foreign power. We keep the connection with the basics of the FISA statute which is surveillance related to an agent of the foreign power. We keep that. That is the justification for FISA. We give the judge the ability to make that as a presumption—ergo, giving the judge some discretion not to make it, and therefore the individual seeks the warrant—an FBI agent or whoever it is—goes to title III and gets a criminal warrant.

Once you get a FISA warrant, the benefits from the law enforcement side of the FISA warrant are much greater than the title III warrant.

It is a small protection. I don't believe, in my heart of hearts—and if this were to pass and the Senator from Arizona showed me that it did in any way prevent the FISA court from exercising its discretion just as you want it to, I will change it. I would be the first one to come back.

It prevents this misuse of a prosecutor who should be getting a title III warrant, who will come to the FISA court instead because the FISA court will be a rubberstamp, and because myself, a visiting Indian, Pakistani, Muslim, Frenchman, Italian, anybody in Los Angeles who happens to have in their pocket a one-way ticket and maybe a pocket knife—a box cutter may be out of date—and somebody has a suspicion, they do not have to prove anything. And they can surveil me, they can wiretap me, they can exert all of the surveillance powers that are used under FISA. They do not know whether I am going to commit a criminal act and they have no evidence of anything else. That is what title III is for. Title III has a little heavier cause burden, but as the Senator said, there is probable cause in both.

But the benefits of the FISA warrant are superior to the benefits of the title III warrant in their duration. So you can do all this to somebody for 90 days instead of 30 days and you do not have to come back and renew the warrant once every year. That is my concern.

As I read your legislation, there is no discretion. That is the problem I have with it. This is such a slight change, it is kind of a little tweak that a judge can say, hey, now, let's wait and see what you are doing here.

If the Senator would like to respond, I am happy to yield.

Mr. KYL. If I could, the Senator from California has been talking about discretion, and I guess I begin by asking a question.

Does the Senator intend the presumption language would apply both to the definition of the individual as an agent of a foreign power and relative to the activities in which the individual is allegedly engaging?

Mrs. FEINSTEIN. The presumption would be that the target or the individual would be an agent of a foreign power. Otherwise, you could have this against the Unabomber, Oklahoma City. Of course, they are American citizens, so I understand that does not apply, but that same kind of situation.

Mr. KYL. There are two things the court will have to determine. First, that this is a warrant that should be issued, that there is probable cause the underlying crime is being committed or activities engaged in for the preparation of a crime. And second, it lies against a particular kind of person we are talking about. In regular title III court you do not have the second requirement, but in FISA court you have to prove the person is either an agent of a foreign power or foreign intelligence organization, and we are adding this third criteria.

So the court has to make a 100 percent determination in both of those matters. If the court cannot find any evidence in the affidavit that the individual is not a United States citizen, for example, the court would have no discretion and have to deny the warrant. But if the court found part of the warrant was satisfied, this person is clearly a non-United States citizen, then, number two is satisfied; go back to number one, which is the question, Do we have probable cause to believe the person is engaging in the kind of activities that the statute discusses here.

That is not necessarily a matter of discretion so much as it is a matter of a court weighing the affidavit presentation and determining whether it is sufficient to meet the probable cause standard.

Mrs. FEINSTEIN. What I don't understand is why you do not want to give the judge that small bit of discretion with a presumption. The judge can presume it. We both know the history and the history is 100 percent if you include the appeal of FISA judges in granting warrants. So there will not be a problem there.

I am concerned about the overreach. I am concerned about the misuse. And the only way we could figure to counter that was to keep the agent a foreign power, provide this presumption that a judge could use in that one case.

Senator, neither you nor Senator FEINGOLD nor I would ever know if there was an overreach. That is what makes this far more dangerous, the fact that it is so secret.

Mr. KYL. If I could respond to the last point.

The matter about which the court has some degree of discretion is in the way it weighs the affidavit presentation relative to the underlying predicate for the warrant, the activities that are being engaged in, the purchase of the ticket, the presence of box cutters, all that information. The court weighs all that. It is presented in the affidavit, and the court makes a decision. It is enough or it is not enough. To some extent, you can say that is discretion. It is really applying the evidence to the probable cause test, weighing it and determining whether the evidence meets the case. In any event, that is where the court has some leeway to decide.

Where the court does not have any leeway is to something that is either a fact or it is not. That is, Does this person qualify or not? That is to say, is the person an appropriate subject for the warrant or not?

If you were asserting, for example, that the individual was a member of the Baader-Meinhoff gang, there would have to be evidence in the affidavit that is clear enough for the court to reach that conclusion or the court would say, sorry, this person does not qualify for a FISA warrant. I cannot find enough evidence in here that he is a member of the Baader-Meinhoff gang or a spy for the Soviet Union.

But with respect to whether this person is a non-United States person, that is something that will either be fairly true or not. It is either going to be true or not. The court is either going to be faced with a situation where the evidence is overwhelmingly clear in the affidavit and the United States attorney says it is very clear this person is not a United States citizen, here is the evidence we have, and the court will say, I agree. Or the court will say, all you have done is assert that the person is a non-United States citizen. I don't have any basis to know that or not. Where is your evidence to know that he is a non-U.S. citizen? So I am not going to grant the warrant. But that is the basis on which the court is going to make that judgment.

The court is not going to say there is a provision here that says I can presume that this individual is an agent of a foreign power and therefore I can have some leeway here to decide whether or not the warrant lies against this individual. The Government is either going to assert that the person is an agent of a foreign power or not. If the Government is saying no, we don't think this person is working for some foreign power, we think he is working on his own or at least we don't have any evidence to suggest he is anything other than an international terrorist traveling all around the world training and picking up different things and so on, but he is a dangerous guy and here is the reason we believe he is dangerous, a presumption at this point doesn't get you anywhere.

The court has no direction to go in. If you say there is a presumption that he is an agent of a foreign power and the Government is not trying to prove he is acting for a foreign power, what has this definition gained us? There are situations in which the Government simply isn't going to allege that the person is an agent of a foreign power; it is only going to allege that he is a lone wolf, but look at all the bad things he has done or is doing. If they are sufficient to grant a warrant, if there is probable cause there, the court can do it. If the court says it is not quite sufficient yet, get some more information, then he will deny the warrant.

The PRESIDING OFFICER. Who yields time?

Mrs. FEINSTEIN. I will yield time, Mr. President, and I will be very happy to have Senator FEINGOLD in this.

I think this is really the kind of discussion that we should be having. I welcome the free flow.

If I knew a better way of solving the problem Senator KYL mentioned, I would do it. But my view and what Intelligence staff and others have said to me is that the way it is worded creates a rubberstamp out of a FISA judge, once you take out that agent of a foreign power connection. I guess the reason they believe that is that it puts them into the other side, the title III side.

If I could think of another way, I would. But it is one added guarantee against an overreach. You and I have both known zealous prosecutors. You and I have both known people who would misuse this. The question comes, How do we prevent misuse from happening?

I am happy to yield to Senator FEINGOLD.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I again thank the Senator from California for yielding time and for her leadership. I thank the Senator from Arizona. He is a person of great integrity, and the way he concedes if he didn't say something exactly perfectly this morning is an example of exactly the kind of relationship I have with him on these debates. They are good debates. I appreciate that.

It is also true the Senator from California and the Senator from Arizona almost always agree on these kinds of issues. They are one of the most formidable combinations here in the Senate, in a bipartisan combination. I take great pride in the bipartisan work I have had a chance to do with people such as the other Senator from Arizona and the Senators from Maine.

So I take my hat off to them for having done that. I have often been on the other side of their view, which is not easy because they are well prepared and they are very dedicated and they like to get things done.

I guess that is why I think this is kind of a significant moment, when Senator FEINSTEIN and I actually agree on a point, when the two of you so frequently agree. I think it is a sign that there is something that needs to be fixed in this bill.

It is modest, but it is very important. I remind the Senator from Arizona that I think I essentially said this: I voted for this in committee in the hope it would be fixed on the floor.

My goal here is not to kill this bill. I do know how to vote against bills I don't like. My goal is to fix it because I think there is a problem with this issue. That is where we are with this amendment. This is an attempt to fix this bill on a very important point without, in my view, doing any serious harm at all to the goal of the Senator from Arizona and the goal of the Senator from New York.

The way I understand this operates is that in these cases the FISA court is going to grant this warrant upfront, essentially every time in the first request, because there will be the evidence or the presumption that there is a problem.

Where this, the Feinstein amendment, has a real impact is where they come back later and they have to come back for a renewal. If after a couple of years there is just no evidence at all or virtually no sign at all that the original belief about what this guy was about to do isn't bearing any fruit at all, in that case, and only in that case, should this, in terms of our laws and our tradition, be returned to the regular criminal court—only in that circumstance.

In other words, yes, the Government was trying to protect the American people, as they should. They had a person here who they believed might have a connection to a foreign power or be connected to a terrorist organization. But it turns out after some period of time that it just didn't happen to be one of those cases where that was true.

It is still a person who intended, perhaps, to do something very wrong. It is still a person who should be prosecuted. But it is a person who deserves the protections of the laws of the United States—because I am sure the Senator from Arizona agrees with me, barring this unusual kind of circumstance that is the basis for the FISA law, everyone who commits a crime on our soil, whether an American citizen or not, is entitled to the protections of our Constitution and the Bill of Rights in a criminal proceeding.

The FISA law is only a narrow exception to that. So let's be very clear on the record. I do want to get at these lone wolves who may have some connection to international actors, such as foreign powers, or to terrorist organizations. As the Senator from California pointed out, if it is simply a person committing a bad act on our soil, a person who is not an American citizen, that is what our criminal courts are for. That is what title III is for. That is the foundation of our system.

This is really an incredibly narrow exception, a backstop, a safeguard to make sure that the good intentions of what this bill is all about don't go too far. That is what the Senator from California said, so that there is not overreaching.

I have just one other point about what the Senator from New York said. He seemed to be setting up a scenario where there might be a conflict between the FISA judges, almost as if there were different circuits like in the regular courts. That is not the way the FISA courts are set up. There are different FISA judges, but together they constitute the appeals courts. There would not be different areas of the country that would have different laws of this kind of thing that would present any kind of problem in terms of a conflict in the circuits. I don't think this argument holds up.

Let me return to the point. The Senator from California has been so careful in making sure this is just a safeguard down the line, when somebody has been identified as a potential lone wolf and it does not really pan out, that there is some discretion rather than a permanent warrant into perpetuity for eavesdropping on somebody who certainly maybe needs to be evesdropped upon, but for whom that authority should be obtained through the normal criminal procedure, not on the basis of a law that was crafted under the assumption that this is a foreign threat to our Nation.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona.

Mr. KYL. Mr. President, first of all, I thank Senator FEINGOLD for the kind words he had for me and my colleague from Arizona, Senator MCCAIN. I just spoke with Senator FEINSTEIN.

I don't think either of us has a whole lot more to say here. I think Senator ROCKEFELLER may wish to speak and there may be others.

I urge anyone who would like to speak to this amendment to come to the floor and speak because otherwise I think we are getting close to the time when we could vote.

I inquire of the Chair, how much time remains on both sides on this amendment?

The PRESIDING OFFICER. The Senator from Arizona has 98 minutes remaining. The Senator from California has 68 minutes remaining.

Mr. KYL. I think there is a little time left on the debate time as well, but I am prepared to yield that back when we are done with this amendment, as would Senator SCHUMER.

We could either note the absence of a quorum and wait a few minutes for somebody else or I could yield the floor to someone?

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum. I know Senator ROCKEFELLER is on his way.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I thank the distinguished Presiding Officer. I thank the Senator from California whose amendment to S. 113 I rise to support. I am a cosponsor of her amendment.

We live in a time in which we can never feel completely safe. There are terrorists throughout the world and here at home who have sworn to kill Americans. That is what they are trained to do. That is what they want to do. That is what they plan to do. We fight a war knowing that it may increase the terrorist threat against us. We buy duct tape and plastic sheeting. We plan escape routes for our families. We make decisions about whether to go to public events or ride a subway, or do all kinds of things. Does it change our lives or not? We are not even sure of that yet.

In times such as this, we in Congress have a special responsibility. We must be vigilant in our lawmaking and our oversight to make certain that the executive branch, our intelligence, and law enforcement agencies have all the legitimate tools to do their jobs in an efficient and effective way.

But our responsibility does not end there. It is easy to write laws to remove obstacles to prevent the Government from obtaining information. We have done that. Our challenge is to write laws that strengthen our security without undermining privacy and liberty. This is something our Nation has never faced before in the way which it is now going to be facing for the next several years.

It is our responsibility to look very closely at every piece of legislation related to fighting terrorism and ask: Do we need it? Does it make us feel safer? Yes. But do we really need it? Does it accomplish the goals we are seeking? And does it go too far?

I have cosponsored the Feinstein substitute amendment to S. 113 because I believe the language of the substitute is crafted carefully—very carefully—to accomplish our goals in the fight against terrorism without going too far.

Mr. President, I would like to explain why I believe that.

The Foreign Intelligence Surveillance Act of 1978 was designed to regulate the collection of foreign intelligence inside the United States using electronic wiretaps. Later, physical searches were added to the law.

Before FISA, the Foreign Intelligence Surveillance Act, the executive branch ran wiretaps for national security purposes without judicial review, without approval of any sort. Such wiretaps were potentially unconstitutional and, because of that, threatened the viability of espionage prosecutions and raised serious questions regarding civil liberties.

The Congress enacted FISA with the recognition that our national security required the collection of foreign intelligence in the United States through intrusive means under different circumstances and using different standards than in the criminal warrant context, and the courts have upheld the constitutionality of FISA.

The purpose of FISA is the collection of foreign intelligence. The standard used to distinguish between FISA collection and wiretaps related to criminal activity involves a determination that the target is a "foreign power" or linked to a "foreign power." In the case of terrorists, the Government must show the target is an "agent of a foreign power," a terrorist group operating overseas.

Both S. 113 and the Feinstein substitute address and solve the following problem: What if you have a non-U.S. person in the United States who is engaging in or preparing to engage in international terrorist activities, but the Government does not have enough evidence to link him to an overseas group?

Both S. 113 and the Feinstein substitute eliminate the requirement that the Government produce to the FISA court evidence showing a direct link between the target and a foreign terrorist group.

So why is the Feinstein substitute better?

Under S. 113, the Kyl-Schumer bill, a key principle of FISA is eliminated. Even if the Government has actual evidence that the target is not connected to a foreign terrorist group, under Kyl-Schumer, the Government can still get a FISA wiretap order. This simply goes too far, and it is not necessary, in the judgment of this Senator.

If we know for certain a person really has no foreign connections, if he or she is a true "lone wolf"—a foreign "Unabomber," for example—then it is a straightforward criminal investigation. There is no foreign intelligence to be gotten at all, and that person is not a valid target under FISA.

The Feinstein substitute gets the Government everything it wants without changing FISA in a way that damages its basic premise; to wit, FISA is for the collection of foreign intelligence and should not be used when the only objective at hand is the collection of criminal evidence.

Mr. President, I commend the carefully crafted solution offered by the Senator from California to a very difficult problem. As the vice chairman of the Intelligence Committee, I am proud to cosponsor this amendment, and I urge my colleagues to vote for it.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, first, I ask unanimous consent to have printed in the RECORD a letter dated April 30, 2003, to Chairman ORRIN HATCH from the Department of Justice relative to this legislation, and specifically an analysis of the amendment proposed by Senator FEINSTEIN on pages 5 and 6.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, April 30, 2003.
Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your request for the Administration's views on various proposed amendments to S. 113, a bill that would amend the Foreign Intelligence Surveillance Act of 1978 to permit electronic surveillance and physical searches of so-called "lone wolf" international terrorists—i.e., non-United States persons who engage in international terrorism or activities in preparation therefor without any demonstrable affiliation with an international terrorist group or other foreign power. On March 5, 2003, the Administration sent a letter indicating its support for S. 113 (copy attached). The Administration, however, is greatly concerned that this important FISA amendment would be subject to a sunset provision included in the USA PATRIOT Act of 2001. The Administration opposes the sunset language, and looks forward to working with Congress to ensure that this FISA amendment and those other portions of the USA PATRIOT Act subject to the sunset provision are addressed at the appropriate time. For reasons set forth below, we oppose the proposed amendments to S. 113. In particular, the Administration is concerned that the proposed amendments would weaken the FISA as an important instrument in the arsenal of the United States Government in combating terrorism and the espionage activities of foreign powers.

Authority of the FISC and FISCR. The first proposed amendment to S. 113, entitled "Sec. 2. Additional Improvements to Foreign Intelligence Surveillance Act of 1978," would add a provision to 50 U.S.C. §1803 to grant the Foreign Intelligence Surveillance Court ("FISC") authority to "establish such rules and procedures, and take such actions, as are reasonably necessary to administer their responsibilities under this Act." The Administration opposes this grant of authority to a court that has an extremely limited statutory function of approving or disapproving applications made by the Government of orders with respect to electronic surveillance and search. Granting rulemaking authority by statute to the FISC and the FISCR—courts that operate in secret and that are of very limited jurisdiction that is specified in detail in the FISA—is inappropriate.

Reporting Requirements. A second group of related amendments would require additional reporting concerning the use of FISA. Each is objectionable for reasons discussed below.

a. The first reporting amendment would require public disclosure of the number of United States persons targeted under various provisions of FISA. Under current law, the Department publicly reports the annual aggregate number of FISA searches and surveillances, but does not disclose publicly how many of those searches and surveillances involved United States persons. See 50 U.S.C. §§1807, 1826. The proposal also would require public disclosure of the number of times the Attorney General authorized the use of FISA information in a criminal proceeding—a statistic that currently is reported to the Intelligence Committees as part of a longstanding, carefully constructed, and balanced accommodation between the Executive and Legislative branches and in accordance with the FISA itself. See 50 U.S.C. §1808(a)(2)(A). Finally, the provision would require disclosure of portions of FISA pleadings and orders that deal with significant questions of law (not including discussion of facts) "in a manner consistent with the protection of the national security of the United States." Each of these three reporting requirements is addressed below.

We oppose a requirement to disclose publicly the number of FISA targets that are United States persons. Congress has in the past considered and rejected proposals to require disclosure of this information to the general public rather than to the Intelligence Committees. In 1984, the Senate Select Committee on Intelligence was "asked by the American Civil Liberties Union to consider making public the number of U.S. persons who have been FISA surveillance targets." S. Rep. No. 98-660, 98th Cong., 2d Sess. 25 (1984). The Committee rejected that proposal because "the benefits of such disclosure for public understanding of FISA's impact would [not] outweigh the damage to FBI foreign counterintelligence capabilities that can reasonably by expected to result." Ibid. As the Committee explained, "[a]ny specific or approximate figure would provide significant information about the extent of the FBI's knowledge of the existence of hostile foreign intelligence agents in this country. As in other areas of intelligence oversight, the Committee must attempt to strike a proper balance between the need for public accountability and the secrecy required for effective intelligence operations." Ibid. This analysis is at least as applicable to foreign terrorist organizations today as for foreign intelligence organizations and the Administration continues to support the balance that was struck in 1978 and reaffirmed in 1984.

We also oppose a requirement to disclose publicly the number of times the Attorney General has authorized the disclosure of FISA information for law enforcement purposes. This provision is problematic primarily because it is not confined to cases in which FISA information is actually used in a proceeding. Revealing the number of Attorney General authorizations for such use—as opposed to the use itself—is troubling because that information could involve classified and non-public matters with ongoing operational significance—e.g., an investigation that has not yet resulted in a public indictment or trial, or in which no indictment or trial ever will occur. Thus, these numbers potentially could reveal information about the Department's classified, operational efforts to protect against the activities of foreign spies and terrorists.

Finally, we believe that the disclosure of FISA pleadings and orders that deal with significant questions of law is inherently inconsistent with "the protection of the national security of the United States." Virtually the entirety of each application to the FISC discusses the facts, techniques, or pleading of highly classified FISA operations. As we noted in our letter of August 6, 2002, on predecessor legislation in the 107th Congress, "[a]n interpretation by the FISC of the applicability of FISA to a technique or circumstance, no matter how conceptually drawn, could provide our adversaries with clues to relative safe harbors from the reach of FISA." A copy of our earlier letter is attached for your convenience.

b. A separate but similar proposal, entitled "Sec. 2. Public Reporting Requirements Under the Foreign Intelligence Surveillance Act of 1978" and proposed by Senator Feingold, also would impose public reporting obligations. Instead of requiring the Department to report the number of FISA targets who are United States persons, it would require reporting of the number who are not United States persons, broken out by the type of FISA activity involved—e.g., electronic surveillance and physical search. This proposal also would require the Department to identify individuals who "acted wholly alone." Like the proposal discussed above, this proposal would require the Department to report the number of times the Attorney General authorized the use of FISA information in a criminal proceeding, and portions of FISA pleadings and orders that deal with significant questions of law "in a manner consistent with the protection of the national security of the United States." The objections set forth above apply equally to this proposal.

c. Finally, a very recent reporting proposal, also proposed by Senator Feingold, would require an annual report on FISA to the Intelligence and Judiciary Committees. The report would include the classified statistical information described above—including numbers of non-U.S. persons targeted under each major provision of FISA—and would also require submission of portions of FISA pleadings and court orders. For reasons stated above and in our letter of August 6, 2002, we continue to oppose any requirement to submit portions of FISA pleadings and orders. More broadly, we strongly oppose the amendment because it threatens to upset the delicate balance between the Executive and Legislative Branches of government in the area of intelligence and intelligence-related oversight and reporting.

The FISA statute prescribes the types of information that must routinely be provided to the Judiciary Committees. Under current law, the Department of Justice provides to the Judiciary Committees and makes public "the total number of applications made for orders and extensions of orders" approving electronic surveillance and physical searches under FISA, and "the total number of such orders and extensions either granted, modified, or denied." 50 U.S.C. §1807; see 50 U.S.C. §1826; 50 U.S.C. §1846 (similar reporting requirement for numbers of pen-trap applications and orders); 50 U.S.C. §1862 (similar reporting requirement for numbers of applications and orders for tangible things). The Department has, of course, consistently met these statutory requirements.

The FISA reporting obligations concerning the Intelligence Committees are much broader. Under 50 U.S.C. §1808, the Attorney General must "fully inform" the House and Senate Intelligence Committees "concerning all electronic surveillance" conducted under FISA, and under 50 U.S.C. §1826 he must do so "concerning all physical searches" conducted under the statute. In keeping with this standard, the Department submits extremely lengthy and detailed semi-annual reports to the Intelligence Committees, including specific information on "each criminal case in which information acquired [from a FISA electronic surveillance] has been authorized for use at trial," 50 U.S.C. §1808(a)(2)(B), and "the number of physical searches which involved searches of the residences, offices, or personal property of United States persons," 50 U.S.C. §1826(3). The reports also review significant legal and operational developments that have occurred during the previous six months. These classified reports are painstakingly prepared in the Justice Department and are obviously, from the questions and comments they generate, closely scrutinized by the Intelligence Committees. See generally S. Res. No. 400, 94th Cong., 2d Sess. (1976); H.R. Res. No. 658, 95th Cong., 1st Sess. (1977).

The "fully inform" standard that governs Intelligence Committee oversight of FISA is the same standard that governs Congressional oversight of the Intelligence Community in general. See S. Rep. No. 95–604, 95th Cong., 1st Sess. 60–61 (1977); S. Rep. No. 95–701, 95th Cong., 2d Sess. 67–68 (1978); see also H.R. Rep. No. 95–1283, Pt. 1, 95th Cong., 2d Sess. 96 (1978). The requirement to "fully inform" the Intelligence Committees, rather than Congress as a whole, is consistent with the long-standing legal framework and historical practice for Intelligence Community reporting to, and oversight by, Congress on matters relating to intelligence and intelligence-related activities of the United States government. Consistent with the President's constitutional authority to protect national security information, Congress and the President established reporting and oversight procedures that balance Congress' oversight responsibility with the need to restrict access to sensitive information regarding intelligence sources and methods. The delicate compromise—embodied in FISA and more generally in Title V of the National Security Act of 1947, 50 U.S.C. §§413–415, and based on the preexisting practice of providing only the intelligence committees with sensitive information regarding intelligence operations—established procedures for keeping Congress "fully and currently informed" of intelligence and intelligence-related activities. Under these procedures, the Intelligence Community provides general, substantive, and, often, classified finished intelligence information to several committees of Congress, but generally provides classified operational information only to the Intelligence committees. Even with regard to the Intelligence Committees, the Director of Central Intelligence and the heads of other intelligence agencies are, under Title V, to provide such information only "to the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters. 50 U.S.C. §§413a(a), 413b(b).

Senator Feingold's reporting proposals would, in sum, distort and damage the effective, longstanding accommodation between the President and Congress, and between the Intelligence and Judiciary Committees, over the handling of classified operational intelligence information within Congress. It is noteworthy that the current leadership of both the House and Senate Judiciary Committees have expressed their approval of the existing accommodation. In a press release dated October 17, 2002, the Chairman of the House Judiciary Committee stated that the existing accommodation provides for "reasonable, limited access, subject to appropriate security procedures, to FISA information through [the House Intelligence Committee]." In addition, your letter of February 27, 2003, to Senators Leahy, Grassley and Specter on FISA matters stated that the existing congressional oversight standards relating to FISA reflect a "careful balance between the need for meaningful oversight and the need for secrecy and information security in the government's efforts to protect this country from foreign enemies." Moreover, you stated that your years of service on both the Senate Judiciary Committee and the Senate Select Committee on Intelligence have led you to conclude that the existing accommodation allows Congress to exercise "appropriate, vigorous, robust and detailed oversight of the FISA process."

Reporting on National Security Letters. The next proposed amendment to S. 113, entitled "Sec. 3. Improvement of Congressional Oversight of Surveillance Activities," would require additional reporting specifically addressing the use of 18 U.S.C. §2709(e) in the context of requests made to schools and public libraries. We are concerned that a reporting requirement at this level of formality and specificity would unduly increase the risk of public exposure of the information, thereby jeopardizing our counterintelligence and counterterrorism efforts.

Presumption. Another proposal is presumably intended as a substitute for S. 113 and would create a "presumption that certain non-United States persons engaging in international terrorism are agents of foreign powers for purposes of the Foreign Intelligence Surveillance Act of 1978." Under the proposal, the FISC would be instructed that it "may presume" that a non-United States person engaged in international terrorism or activities in preparation therefor "is an agent of a foreign power" as defined in FISA.

By providing that the FISC "may presume" the target is acting for or on behalf of an international terrorist group, the proposal would confer discretion on the FISC without any standards to guide the exercise of that discretion. Accordingly, the effect of the proposal is uncertain. It is conceivable that the FISC (or a reviewing court) would indulge the presumption only where the Government had established probable cause or something near to probable cause that the target in fact was working for or on behalf of a terrorist group. In that event, the proposal would be useless or nearly useless. The unpredictability inherent in the proposal also would significantly reduce its value even if, in the end, the FISC and later courts interpreted it more expansively in any particular case.

Nor do we believe that there is a reason to use a presumption—even a mandatory presumption—instead of the straightforward approach of S. 113 itself. In particular, we see no constitutional benefit likely to arise from the use of a presumption. Our letter of July 31, 2002 (copy attached), which explained the constitutionality of an earlier version of S. 113 (which would have made a lone-wolf terrorist a "foreign power" rather than an "agent of a foreign power") applies equally to the current version of S. 113. We do not believe that the use of a presumption significantly changes the constitutional analysis, nor adds any significant protection to civil liberties, except to the extent that the presumption is read narrowly to mirror current law, in which case the presumption is of little or no value for reasons explained in the previous paragraph.

Discovery. The next proposal would change the standards governing discovery of FISA materials in suppression litigation arising from the use of FISA information in a legal proceeding such as a criminal trial. We strongly object to this proposal. The proposal could harm the national security by inhibiting cooperation between intelligence and law enforcement efforts to stop foreign spies and terrorists. It could deter the Government from using information obtained or derived from FISA in any proceeding—civil, criminal, immigration, administrative, or even internal Executive branch proceedings. These overwhelming and potentially catastrophic costs would be incurred for very little benefit, because current law amply protects individual rights.

It may be helpful to begin by reviewing current law in this area and the ways in which it protects individual rights. Currently, FISA requires high-level approval from the Executive and Judicial branches before the Government conducts a search or surveillance. Each FISA application must contain a certification signed individually and personally by the Director of the FBI (or another high-ranking official accountable to the President) and must be individually and personally approved by the Attorney General or the Deputy Attorney General. 50 U.S.C. §§1804(a), 1823(a), 1801(g). Under the statute, the Government must apply to a judge of the FISC for approval before conducting electronic surveillance or physical searches of foreign powers or agents of foreign powers inside the United States. 50 U.S.C. §§1804–1805 (electronic surveillance), 1823–1824 (physical searches). Judges of the FISC are selected by the Chief Justice from among the judges on United States District Courts, who as United States district judges are protected by Article III of the Constitution. 50 U.S.C. §§1803(a), 1822(c).

A second round of judicial review occurs before the Government may use FISA information in any proceeding. The Government must provide notice to the FISA target or other person whose communications were intercepted or whose property was searched before using any information obtained or derived from the surveillance or search in any proceeding against that person "before any court, department, officer, agency, regulatory body, or other authority of the United States." 50 U.S.C. §§1806(c), 1825(d). After receiving notice, the person may file a motion to suppress in a United States District Court and may seek discovery of the FISA applications filed by the Government and the authorization orders issued by the FISC. 50 U.S.C. §§1806(e)–(f), 1825(f)(g). Discovery may be granted freely unless the Attorney General personally files an affidavit under oath asserting that discovery would harm the national security. If the Attorney General files such an affidavit, as he has in every case litigated to date, the district judge must review the FISA application and order in camera, without granting discovery, unless "disclosure is necessary to make an accurate determination of the legality" of the search or surveillance. 50 U.S.C. §§1806(f), 1825(g). If discovery is granted, the court must impose "appropriate security procedures and protective orders." Ibid. No court has ever ordered disclosure.

Congress established this standard for discovery after extensive and careful deliberation in 1978. See H.R. Rep. No. 1283, Part I, 95th Cong., 2d Sess. 90 (1978) (hereinafter House Report); S. Rep. No. 604, 95th Cong., 1st Sess. 57–59 (1977) (hereinafter Senate Judiciary Report); S. Rep. No. 701, 95th Cong., 2d Sess. 62–65 (1978) (hereinafter Senate Intelligence Report). As the 1978 conference report on FISA explains, "an in camera and ex parte proceeding is appropriate for determining the lawfulness of electronic surveillance in both criminal and civil cases . . . [and] the standard for disclosure . . . adequately protects the rights of the aggrieved person." H.R. Rep. No. 1720, 95th Cong., 2d Sess. 32 (1978) (hereinafter Conference Report). As the Senate Judiciary Committee explained in 1978: "The Committee views the procedures set forth in this subsection as striking a reasonable balance between an entirely in camera proceeding which might adversely affect the defendants's ability to defend himself, and mandatory disclosure, which might occasionally result in the wholesale revelation of sensitive foreign intelligence information." Senate Judiciary Report at 58.

The proposal would replace FISA's current standard with a new one under which discovery is required unless it "would not assist in determining any legal or factual issue" in the litigation. The "would not assist" standard is inappropriate for use in FISA, in particular, because it is lower than the standard for disclosure of informants' names in ordinary criminal cases. That standard at least requires a balancing of the public interest in confidentiality against the individual defendant's interest in disclosure. As the Supreme Court explained in McCray v. Illinois, 386 U.S. 300, 311 (1967), extending its earlier decision in Roviaro v. United States, 353 U.S. 53, 60–61 (1957), "this Court was unwilling to impose any absolute rule requiring disclosure of an informer's identity even in formulating evidentiary rules for federal criminal trials [in Roviaro]. Much less has the Court ever approached the formulation of a federal evidentiary rule of compulsory disclosure where the issue is the preliminary one of probable cause." Indeed, the "would not assist" standard is lower even than the standards that govern various civil privileges, all of which require some kind of balancing of the interests in disclosure against the interests in confidentiality. See, e.g., In re Sealed Case, 121 F.3d 729, 738 (D.C. Cir. 1997). In effect, the "would not assist'" standard is the appropriate standard for discovery of unclassified and non-privileged information, because no discovery of any kind is justified unless it would assist the litigation.

The "would not assist" standard could have very dangerous consequences for the national security. At the outset, we are concerned that the standard could lead to discovery being granted in nearly every case, because it is extremely hard to prove the negative fact that disclosure "would not assist" in any way. Such routine disclosure could be catastrophic: FISC applications contain some of the Government's most sensitive national security information, including information concerning human intelligence sources, sophisticated technical collection methods, and the details of ongoing investigations. Given the enormous sensitivity of that information and the details of ongoing investigations. Given the enormous sensitivity of that information, when the Attorney General personally files an affidavit under oath asserting that disclosure would harm the national security, ordering disclosure unless it "would not assist" in any way is inappropriate. In view of the protections in FISC and the requirement of an affidavit filed personally by the Attorney General, the "necessary" standard of current law should be retained.

Indeed, precisely because it may lead to discovery in virtually every case, the proposal would create an incentive for the Government to withhold sensitive information from its FISC applications. Under the "would not assist" standard, the Government might have to choose between excluding sensitive information from an application and risking a denial of search and surveillance authority from the FISC, or including the sensitive information and risking public disclosure of that information. Thus, the proposal could fundamentally alter the relationship between the Government and the FISC and could eviscerate the significance of the FISC's careful information security procedures, which are designed to give the Government confidence that full disclosure to the FISC will not result in a compromise of sensitive information.

Since the Government can never completely sanitize a FISC application, the "would not assist" standard would also create strong incentives to avoid suppression litigation and the expanded risk of discovery. That means the Government would lean away from prosecution of a FISC target, even where that was the best way to protect the country. It would thereby reduce the Government's ability to keep the country safe, distorting the vital tactical judgments that must be made. Indeed, the proposal would inhibit more than just prosecutions. In keeping with the scope of FISC's suppression remedy, the proposal would limit the use of FISC information in any proceeding, including immigration proceedings, or even in internal adjudications of security clearances under Executive Order 12968. Here again the Government would face a difficult choice between using FISC information to protect national security and risking disclosure of the information as the cost of doing so.

We appreciate your continuing leadership in ensuring that the Department of Justice and other Federal agencies have the authority they need to combat terrorism effectively. Please do not hesitate to contact me if I can be of further assistance. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

JAMIE E. BROWN,
Acting Assistant Attorney General.

Mr. HATCH. Mr. President, I rise in opposition to Senator FEINSTEIN's amendment. While I appreciate the efforts by Senator FEINSTEIN to draft a fix to the lone wolf terrorist problem under the Foreign Intelligence Surveillance Act of 1978, referred to as "FISA", the amendment simply will not do the job and will continue to expose our country to great national security risks. I will not and cannot accept such risks.

Let me be more specific as to my concerns. First, as drafted, the amendment would create only a permissive presumption to authorize a court to approve a Foreign Intelligence Surveillance Act, "FISA", application when presented with a lone wolf situation. As drafted, the proposal would provide only that the court "may" find the existence of a "presumption" that a non-U.S. person engaged in sabotage or international terrorism is an agent of a foreign power under FISA.

A permissive presumption creates a significant risk that the FISA court may not be authorized—or may feel constrained to exercise its discretion—to approve a FISA application when presented with a lone wolf terrorist who would otherwise be covered by the Kyl-Schumer-Biden-DeWine approach.

Second, the amendment does not clearly delineate how a permissive presumption would be applied by the FISA court. Assuming that the FISA court exercises its discretion and makes a finding that the presumption applies, the FISA court would then have to consider additional evidence in order to grant the application.

The amendment does not specify beyond the permissive presumption what specific evidence or what other findings would have to be made in order for the FISA court to approve the application.

In sum, by injecting a significant level of uncertainty into the FISA process, the amendment simply creates or even exacerbates the problem which it is intended to fix. We simply cannot take such a risk given the potential devastating consequences posed by the lone wolf terrorist.

I would note here that in a letter dated April 30, 2003, the administration opposed this proposal, citing the fact that the effect of the proposal was unclear and that the proposal did not provide any standards to the FISA court to guide the exercise or its discretion.

In contrast, the Kyl-Schumer-Biden-DeWine proposal creates clear definitions and would minimize uncertainty in an area where ambiguity could have devastating consequences—that is, where we are in danger of a terrorist attack by a lone wolf.

For these reasons, I oppose the Feinstein amendment and urge my colleagues to vote against the Feinstein amendment.

I yield the floor.

Mr. KYL. Mr. President, the proponents of the bill urge our colleagues to vote against the Feinstein amendment. And from our perspective, I think we are ready to have that vote.

I ask Senator FEINSTEIN if she is ready, as well?

Mrs. FEINSTEIN. Through the Chair, I think we can yield back the remainder of our time. I say to the Senator, and hold the vote, if everybody so desires.

Mr. KYL. Mr. President, I yield back the remainder of my time on both the amendment and on the bill itself.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to amendment No. 537.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Alaska, (Ms. MURKOWSKI) is necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote "no."

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye."

The result was announced—yeas 35, nays 59, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—35

Akaka
Baucus
Bayh
Bingaman
Boxer
Byrd
Cantwell
Clinton
Corzine
Daschle
Dayton
Dodd
Durbin
Edwards
Feingold
Feinstein
Harkin
Hollings
Jeffords
Johnson
Lautenberg
Leahy
Levin
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Stabenow
Sununu
Wyden

NAYS—59

Alexander
Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Kohl
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Nickles
Roberts
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Talent
Thomas
Voinovich
Warner

NOT VOTING—6

Biden
Graham (FL)
Kennedy
Kerry
Lieberman
Murkowski

The amendment (No. 537) was rejected.

Mr. BIDEN. Mr. President, ·I am pleased to support final passage of S. 113, a bill to amend the Foreign Intelligence Surveillance Act, FISA, to provide needed tools to detect and combat terrorists bent on attacking this Nation and killing our citizens. First, let me commend my colleagues, Senators KYL and SCHUMER, for their relentless efforts in bringing this important issue to the floor of the U.S. Senate. Since the tragic events of September 11, all of us have tried to turn a critical eye toward our laws and the workings of government to discern how we might avert such a dreadful attack in the future. That attempt to fix what may be wrong with our existing system of intelligence-gathering and law enforcement is perhaps the greatest tribute we can offer to the victims of that fateful day and their families.

This bill, as amended, is a good example of how we can make basic, common-sense changes to existing law that will have a tremendous impact on our fight against terrorism. I was proud to be one of the authors of FISA in 1978. We worked long and hard to strike the right balance between protecting civil liberties on the one hand and deterring terrorist acts on the other. Since FISA permits the physical and electronic surveillance of suspected foreign agents, in some instances under a more generous standard than that allowed in Title III surveillances, an amendment to FISA should be carefully tailored to maintain its careful balance. I do not take lightly amending FISA, but believe that this bill does so in a manner that is both constitutional and narrowly tailored.

I want to thank the sponsors of this legislation for their willingness to work with me to improve their original bill. I proposed two amendments, both of which were accepted by Senators KYL and SCHUMER—and which the Judiciary Committee adopted without a dissenting vote on April 29, 2003. I believe my amendments improve S. 113 in three ways:

First, the original legislation—which would have amended FISA to expand the definition of "foreign power" under 50 U.S.C. §1801(a)(4) to include non-U.S. persons who are engaged in international terrorism—would have allowed the government to extend the initial surveillance order for a period up to 1 year. The 1-year period constitutes the maximum period allowed under the statute and is only invoked under certain circumstances typically limited to groups and entities. More commonly, an order to conduct surveillance of individuals is only extended for a period up to 90 days. Instead, the amendment we offered on April 29, 2003, amended the definition for "agent of a foreign power" by creating a new 50 U.S.C. §1801(b)(1)(C). This amendment would apply the default 90-day period to this new category of surveillance targets, which is far more sensible and consistent with the way we treat other individual targets, as opposed to groups, under the statute.

Second, by amending 50 U.S.C. §1801(a), the original legislation would have precluded individuals who are improperly subjected to surveillance or about whom surveillance information has been inappropriately disclosed from filing suit. My amendment, on the other hand, allowed aggrieved individuals who are improperly targeted under this new provision to seek redress in the courts and, where appropriate, recover damages. This modification to Senator KYL'S original bill is consistent with the typical and intended treatment of individuals under 18 U.S.C. §1801(b). See H.R. Rep. No. 95-1283, at pt. 1, 98 (1978) (noting that the only aggrieved persons "barred from the civil remedy will be primarily those persons who are themselves immune from criminal or civil liability because of their diplomatic status").

Third, my amendment added a sunset provision to the legislation, forcing Congress to re-visit this issue no later than December 31, 2005. The USA Patriot Act (which the Senate overwhelmingly passed a year and a half ago) includes a similar sunset provision for the FISA provisions contained therein. My amendment simply insures that this body will reevaluate the FISA measure on which we are voting today, in the context of its broader re-consideration of those other FISA provisions. Such a review is consistent with our oversight function and, plainly put, ensures that our actions are thoughtful and informed.

Again, I am pleased that Senators KYL and SCHUMER accepted these important revisions to the original text and, on that basis, am happy to support the amended bill that is before the Senate today.

I also would like to commend my colleague, Senator FEINSTEIN, for her efforts to engage this issue responsibly and thoughtfully. She has proposed an alternative, which makes an important contribution to the debate but with which I happen to disagree, for several reasons.

First, my good friend from California asserts that criminal prosecutors will abuse the FISA process by securing FISA surveillance—with its lower burdens of proof—against garden variety criminal targets, rather than pursuant to Title III. I am simply not persuaded that this will be the case. It should be noted that the new section created in this bill has a very high standard, higher indeed than that required by Title III. That is, the government must show probable cause that the FISA target has engaged in acts of "international terrorism," which the statute defines as acts which (i) are a violation of the criminal law under the laws of the United States or any state; (ii) appear intended to influence our government or intimidate our citizens; and (iii) which occur outside the United States or transcend national boundaries. Thus, I doubt that a prosecutor would ever be able to seek a FISA warrant under this section where he would not also be able to obtain a Title III warrant. Morever, I am not convinced that a prosecutor would seek a FISA warrant where their real interest is, not obtaining foreign intelligence information, but rather the eventual prosecution of the FISA target. Given the strict exclusionary rules FISA imposes, prosecutors would be loathe to ever seek a FISA warrant for a target they seek to prosecute out of fear that the judge would suppress the surveillance in a criminal prosecution which was improperly "boot-strapped" from a FISA investigation.

Second, the Feinstein amendment asserts that, under the Kyl-Schumer bill, a judge would be a mere "rubber-stamp" for a governmental request for a FISA warrant. The amendment presumes that judges do not now have discretion to refuse the government's request, which is not true. Under current law, the judge still must determine that probable cause exists that the individual is an agent of a foreign power engaged in, or in preparation for, acts of international terrorism. S. 113 does nothing to alter that existing requirement. Rather, it makes it clear that any non-U.S. citizen who engages in terrorism or is preparing to engage in terrorism would fall within the definition of an "agent of a foreign power." Nothing in this bill would curtail a judge's ability to second-guess, or look behind, the assertions advanced by the government in its application for a warrant. If there is no basis to believe that probable cause exists, the application would be properly denied. Indeed, we rely on judges for this very purpose—namely, to ascertain the veracity of the facts presented by the government.

As opposed to clarifying the definition of "agent of a foreign power," as the Kyl-Schumer bill does, the Feinstein amendment would allow—but not require—a judge to "presume" that an individual is such an agent, which in my view creates a difference without a real distinction. Rather than afford individual targets any added protections, the Feinstein amendment would inject a considerable amount of murkiness into an otherwise certain process and may result in inconsistent rulings by different judges. Likewise, FISA judges may simply decline to apply the presumption in cases where the government cannot show much, if any, link between the non-U.S. citizen and a foreign power. There has been considerable disagreement over whether the Federal Bureau of Investigation had sufficient evidence to show that Zacarias Moussaoui, the so-called "20th Hijacker," was an agent of a foreign power. Yet, I am concerned that a FISA judge might decline to exercise the "permissive presumption" in Senator FEINSTEIN's amendment, and hence deny a FISA warrant, in the case of a true "lone-wolf" terrorist who cannot be shown to have any links to a foreign power. As such, the FISA "loophole" S. 113 seeks to close would be left open. On that basis, I am forced to vote against the amendment.

That is not to say, however, that there is not much more work to be done in this area. We must search for creative ways to give investigators the tools they need to gather information and seek out terrorists living among us, while at the same time vigilantly protect important civil rights and liberties. Toward that end, I welcome the oversight hearings that my friend Senator HATCH, chairman of the Judiciary Committee, has pledged to convene on the implementation of FISA and offer my continued service.

It is my hope that the Senate's action today will assist our government in its effort to detect and root out foreign terrorists bent on violent acts against this great country. I support this bill and urge my colleagues to vote for it.

Mr. HATCH. Mr. President, I commend Senators KYL, SCHUMER, BIDEN and DEWINE for their bipartisan cooperation in supporting S. 113. This bill will provide a critical tool needed by law enforcement and intelligence agencies to fight the war against terrorism. Specifically, S. 113 will address a glaring omission in the Foreign Intelligence Surveillance Act of 1978 referred to as FISA, to authorize the gathering of foreign intelligence information relating to a lone-wolf terrorist, that is, a non-U.S. person who is engaged in international terrorism or preparation thereof. In recognition of the critical need to support law enforcement and intelligence agencies in the war against terrorism, the Judiciary Committee passed S. 113 by a bipartisan, unanimous vote of 19 to 0.

This bipartisan proposal will enhance the ability of the FBI and intelligence agencies to investigate, detect, and prevent terrorists from carrying out devastating attacks on our country. Specifically, S. 113 will amend the Foreign Intelligence Surveillance Act to include lone-wolf terrorists who engage in international terrorism or activities in preparation thereof without a showing of membership in or affiliation with an international terrorist group. A significant gap in the current statute exists with respect to application of the foreign power requirement to lone-wolf terrorists. S. 113 would authorize FISA surveillance or searches when law enforcement and intelligence agents identify an individual involved in international terrorism but cannot link the terrorist to a specific group.

The administration strongly supports amending FISA to include non-U.S. lone-wolf terrorists. On March 4, 2003, at a Judiciary Committee hearing examining the war on terrorism, both Attorney General Ashcroft and FBI Director Mueller indicated their strong support for fixing this glaring omission in the FISA statute. In fact, Director Mueller testified, both before the Judiciary Committee and previously before the Senate Select Committee on Intelligence, there is an increasing threat of lone extremists who have the motive and ability to carry out devastating attacks against our country.

We need to provide law enforcement and intelligence agencies with the tools needed to protect our country from deadly terrorist attacks. With our recent success in the war against Iraq, the risk of terrorist attacks against our country may well rise. We need to ensure that our country has the ability to investigate and prevent such attacks if carried out by a lone extremist.

While some interest groups that oppose this measure suggest that such a fix is not needed or claim that the FBI failed to properly apply the law in the Moussaoui investigation, that is simply beside the point: The September 11 attack against our country highlighted the need to fill in this gap in the FISA statute.

FISA provides that electronic surveillance or physical searches may be authorized when there is probable cause to believe that the target is either an agent of, or is himself, a "foreign power"—a term that is currently defined to include only foreign government or international terrorist organizations. Requiring a link to government or international terrorist organizations may have made sense when FISA was enacted in 1978; in that year, the typical FISA target was a Soviet spy or a member of one of the hierarchical, military-style terror groups of that era.

Today the United States faces a much different threat. We are principally confronted not by specific groups or governments, but by a movement of Islamist extremists which does not maintain a fixed structure or membership list, and its adherents do not always advertise their affiliation with this cause. Moreover, in response to our country's efforts to fight terrorism worldwide, terrorists are increasingly operating in a more decentralized manner, far different from the terrorist threat that existed in 1978. The threat posed by a lone terrorist may be very real and may involve devastating consequences, even beyond those suffered by our country on September 11. Given this increasing threat, we have to ensure that intelligence and law enforcement agencies have sufficient tools to meet this new—and even more dangerous—challenge.

While I support S. 113, as passed by the Judiciary Committee, I wish to note my concerns about the amendment offered by Senator FEINGOLD, which has been agreed to, as part of consideration of this matter.

The Feingold amendment would impose new FISA reporting requirements on the Justice Department, and require: (1) reports on the number of U.S.

persons targeted by FISA order, by specific categories of surveillance, for example, electronic surveillance, physical searches, pen registers, and access to records; (2) identification of individuals who "acted wholly alone;" (3) disclosure of the number of times FISA material was used in a criminal proceeding; and (4) disclosure of portions of FISA pleadings and orders that deal with significant questions of law "in a manner consistent with the protection of the national security of the United States."

As I have indicated on other occasions, I support reporting requirements when necessary for Congress to exercise responsible oversight. We have a duty to conduct meaningful oversight of the FISA process, and I am committed to such oversight and ensuring proper reporting requirements are imposed on the Justice Department.

My concern with the Feingold amendment is that the operation of the amendment is unclear and may create confusion rather than bringing clarity to the issue. I would have preferred that we conduct a more deliberate examination of this issue to ensure that the reporting requirements are not harmful and will not create any significant risk of harm to sensitive law enforcement and intelligence operations against terrorists.

More significantly, I am concerned that the Feingold amendment will alter well-established procedures for Congress's review and handling of classified operational intelligence information, in contrast to Congress's review and handling of "finished" intelligence information. For many years, and in fact the reason for the creation of the Senate Select Committee on Intelligence was to establish a professional, dedicated Intelligence Committee staff which would handle sensitive operational intelligence information. Congress did so to minimize the potential risk of harm to foreign counterintelligence operations. The accidental or inadvertent disclosure of such material could have a devastating impact on extremely sensitive CIA or FBI counterintelligence operations.

Further, the Senate Select Committee on Intelligence rejected a similar reporting proposal in 1984 because "the benefits of such disclosure for public understanding of FISA's impact would not outweigh the damage to FBI foreign counterintelligence capabilities that can be reasonably expected to result."

The FISA statute already sets forth detailed and specific requirements for the reporting of information to the Intelligence and Judiciary Committees, and there is simply no need to disrupt long-established processes and procedures for FISA reporting between the executive branch and the Intelligence and Judiciary Committees relating to the handling of classified operations intelligence information.

While I have these concerns about the Feingold amendment, on balance, I believe that fixing the FISA statue to address the long-wolf terrorist problem is more important than remedying the deficiencies in the Feingold amendment. The potential harm to our country from a lone-wolf terrorist attack is significant and we must act—and act now by passing A. 113.

Again, I commend Senators KYL, SCHUMER, BIDEN, and DEWINE for this important piece of legislation which reflects our bipartisan commitment to ensuring the safety of our country and the need to be vigilant in protecting our country from deadly and devastating terrorist attacks. I urge my colleagues to vote in favor of S. 113.

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, the committee amendment, as amended, is agreed to.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. REID. Mr. President, I yield back all of our time.

The PRESIDING OFFICER. All time has been yielded back.

Mrs. FEINSTEIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill, as amended, pass? The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Alaska (Ms. MURKOWSKI) is necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) and the Senator from Massachusetts (Mr. KERRY) would each vote "aye".

The result was announced—yeas 90, nays 4, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—90

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—4

Byrd
Durbin
Feingold
Harkin

NOT VOTING—6

Biden
Graham (FL)
Kennedy
Kerry
Lieberman
Murkowski

The bill (S. 113), as amended, was passed, as follows:

The title was amended so as to read:

To amend the Foreign Intelligence Surveillance Act of 1978 to cover individuals, other than United States persons, who engage in international terrorism without affiliation with an international terrorist group.

EXECUTIVE SESSION

NOMINATION OF JOHN G. ROBERTS, JR., OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

Mr. HATCH. I ask unanimous consent that the Senate immediately proceed to executive session to consider the nomination of John Roberts, to be a circuit judge for the DC Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I am pleased that we are considering the nomination of John Roberts, who has been nominated by President Bush to serve on the United States Court of Appeals for the District of Columbia.

Mr. Roberts was first nominated to this post by President George H.W. Bush in 1992. He has been nominated for this post by two different Presidents on three separate occasions, and has waited more than 11 years for his confirmation, so I am glad to see that this day has finally come when we can expect a vote by the full Senate on his nomination.

Mr. Roberts has exceptional experience as a Supreme Court and appellate advocate. He has argued an astounding 39 cases before the Supreme Court and has argued in every Federal circuit court of appeals. His Supreme Court practice consists of seeking and opposing Supreme Court review, preparing amicus curiae briefs, and helping to prepare other counsel to argue before the Court. His clients have included large and small corporations, trade organizations, nonprofit organizations, States, and individuals.

Mr. Roberts is one of the most accomplished and brilliant legal minds that I have seen in my 27 years as a member of the Senate Judiciary Committee. Not surprisingly, the ABA awarded him its highest possible rating of unanimously well-qualified. He is widely regarded as one of the best appellate attorneys of his generation. After reviewing his legal accomplishments it is easy to see why his colleagues have such respect and admiration for him. I would like to read excerpts from a few of the many letters his colleagues have sent the committee discussing his professionalism, character, and open-mindedness.

The first letter is from 156 members of the Bar of the District of Columbia, including such legal powerhouses as Boyden Gray, who was counsel to the first President Bush, and Lloyd Cutler, who was counsel to President Carter and Clinton. The letter states:

> Although, as individuals, we reflect a wide spectrum of political party affiliation and ideology, we are united in our belief that John Roberts will be an outstanding federal court of appeals judge and should be confirmed by the United States Senate. He is one of the very best and most highly respected appellate lawyers in the nation, with a deserved reputation as a brilliant writer and oral advocate. He is also a wonderful professional colleague both because of his enormous skills and because of his unquestioned integrity and fair-mindedness. In short, John Roberts represents the best of the bar and, we have no doubt, would be a superb federal court of appeals judge.

The committee also received a letter signed by 13 of his former colleagues at the Office of the Solicitor General. The letter states:

> Although we are of diverse political parties and persuasions, each of us is firmly convinced that Mr. Roberts would be a truly superb addition to the federal court of appeals. As the Committee will doubtless hear from many quarters, John is an incomparable appellate lawyer. Indeed, it is fair to say that he is one of the foremost appellate lawyers in the country. . . . The Office then, as now, comprised lawyers of every political affiliation—Democrats, Republicans, and Independents. Mr. Roberts was attentive to and respectful of all views, and he represented the United States zealously but fairly. He had the deepest respect for legal principles and legal precedent—instincts that will serve him well as a court of appeals judge.

Now I would like to make a few comments about Mr. Roberts's impressive background. He entered Harvard College with sophomore standing, where he earned a bachelor's degree in history, summa cum laude, then a law degree, magna cum laude. While in law school, he was an editor of the Harvard Law Review.

Following graduation, Mr. Roberts clerked for Judge Henry Friendly on the Second Circuit and for then-Justice William Rehnquist on the Supreme Court. His public service career included terms as Associate Counsel to President Reagan and Principal Deputy Solicitor General. He currently heads the appellate practice group for the prestigious DC law firm Hogan and Hartson, where his practice has focused on Federal appellate litigation.

Mr. Roberts has been involved with a variety of high-profile and significant legal cases. He has argued on different sides of a variety of different issues, firmly establishing his reputation as a lawyer's lawyer.

Beyond being considered by many to be one of the premier Supreme Court litigators of his generation, the record of John Roberts establishes that he is undeniably mainstream and fair. In fact, while in private practice Mr. Roberts has repeatedly been hired by Democratic public officials and has repeatedly argued what many consider to be the so-called liberal side of cases.

In protecting the environment during the 2002 case of Tahoe-Sierra Preservation Council v. Tahoe Regional Planning Agency, Mr. Roberts successfully argued in the U.S. Supreme Court, on behalf of a State regulatory agency, in favor of limits on property development and in support of protection of the pristine Lake Tahoe Basin area. Environmental groups hailed the majority decision, saying it would help protect America's countryside from suburban sprawl.

In supporting consumer rights during the 2001 landmark Microsoft antitrust case, Mr. Roberts argued on behalf of the Clinton Department of Justice and a group of primarily Democratic State attorneys general that Microsoft's business practices violated the Sherman Act.

In addition, Mr. Roberts has devoted much of his time to pro bono work. For instance, he represented a class of District of Columbia residents receiving welfare benefits, arguing that a particular change in eligibility standards that resulted in a termination of welfare benefits without an individual hearing denied class members procedural due process.

In another pro bono case, United States v. Halper, Mr. Roberts was invited by the Supreme Court to represent Mr. Halper, who had been previously convicted under Federal criminal law for filing false Medicaid claims. He successfully argued that the Double Jeopardy Clause barred the imposition of civil penalties under Federal law against an individual who had been convicted and punished under criminal law for the same conduct.

Mr. Roberts also participates extensively in the pro bono program of his firm, assisting his colleagues prepare pro bono appeals on matters such as termination of parental rights, minority voting rights, noise pollution at the Grand Canyon, and environmental protection of Glacier Bay.

I have every confidence that Mr. Roberts will make a great addition to the DC Circuit. He is an exceptionally well-qualified jurist who has distinguished himself as one of the best in the legal profession. I am confident that Mr. Roberts will serve with distinction on the DC Circuit, and I ask for my colleagues' full support of his nomination.

Mr. President, I ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

THE JUDICIARY

John G. Roberts, Jr., of Maryland, to be United States Circuit Judge for the District of Columbia Circuit.

Mr. HATCH. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. It is my understanding that this judge has waited about 10 years. He has been nominated several times.

Mr. HATCH. He has waited 12 years, through three nominations, by two different Presidents.

Mr. REID. He is the 124th judge we have approved for the Bush administration. The record is 124 to 2.

Mr. HATCH. Keep in mind, as of tomorrow, those two will be waiting for 2 solid years. We need to get them done, too. I call on my colleagues on the other side to get rid of their wicked and evil ways and allow these people to have votes up and down.

Mrs. BOXER. I object.

Mr. HATCH. I heard an objection from the other side.

I yield the floor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

AIR CARGO SECURITY IMPROVEMENT ACT

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 76, S. 165, the air cargo security improvement bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 165) to improve air cargo security.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Air Cargo Security Improvement Act".

SEC. 2. INSPECTION OF CARGO CARRIED ABOARD PASSENGER AIRCRAFT.

Section 44901(f) of title 49, United States Code, is amended to read as follows:

"(f) CARGO.—

"(1) IN GENERAL.—The Under Secretary of Transportation for Security shall establish systems to screen, inspect, or otherwise ensure the security of all cargo that is to be transported in—

"(A) passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation; or

"(B) all-cargo aircraft in air transportation and intrastate air transportation.

"(2) STRATEGIC PLAN.—The Under Secretary shall develop a strategic plan to carry out paragraph (1).".

SEC. 3. AIR CARGO SHIPPING.

(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

["§ 44922. Regular inspections of air cargo shipping facilities]

"§ 44923. Regular inspections of air cargo shipping facilities

"The Under Secretary of Transportation for Security shall establish a system for the regular inspection of shipping facilities for shipments of cargo transported in air transportation or intrastate air transportation to ensure that appropriate security controls, systems, and protocols are observed, and shall enter into arrangements with the civil aviation authorities, or other appropriate officials, of foreign countries to ensure that inspections are conducted on a regular basis at shipping facilities for cargo transported in air transportation to the United States.".

(b) ADDITIONAL INSPECTORS.—The Under Secretary may increase the number of inspectors as necessary to implement the requirements of title 49, United States Code, as amended by this subtitle.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 449 of title 49, United States Code, is amended by adding at the end the following:

"**[44922]**. *44923*. Regular inspections of air cargo shipping facilities".

SEC. 4. CARGO CARRIED ABOARD PASSENGER AIRCRAFT.

(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code, is further amended by adding at the end the following:

["§ 44923. Air cargo security]

"§ 44924. Air cargo security

"(a) DATABASE.—The Under Secretary of Transportation for Security shall establish an industry-wide pilot program database of known shippers of cargo that is to be transported in passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation. The Under Secretary shall use the results of the pilot program to improve the known shipper program.

"(b) INDIRECT AIR CARRIERS.—

"(1) RANDOM INSPECTIONS.—The Under Secretary shall conduct random audits, investigations, and inspections of indirect air carrier facilities to determine if the indirect air carriers are meeting the security requirements of this title.

"(2) ENSURING COMPLIANCE.—The Under Secretary may take such actions as may be appropriate to promote and ensure compliance with the security standards established under this title.

"(3) NOTICE OF FAILURES.—The Under Secretary shall notify the Secretary of Transportation of any indirect air carrier that fails to meet security standards established under this title.

"(4) SUSPENSION OR REVOCATION OF CERTIFICATE.—The Secretary, as appropriate, shall suspend or revoke any certificate or authority issued under chapter 411 to an indirect air carrier immediately upon the recommendation of the Under Secretary. Any indirect air carrier whose certificate is suspended or revoked under this subparagraph may appeal the suspension or revocation in accordance with procedures established under this title for the appeal of suspensions and revocations.

"(5) INDIRECT AIR CARRIER.—In this subsection, the term 'indirect air carrier' has the meaning given that term in part 1548 of title 49, Code of Federal Regulations.

"(c) CONSIDERATION OF COMMUNITY NEEDS.—In implementing air cargo security requirements under this title, the Under Secretary may take into consideration the extraordinary air transportation needs of small or isolated communities and unique operational characteristics of carriers that serve those communities.".

(b) ASSESSMENT OF INDIRECT AIR CARRIER PROGRAM.—The Under Secretary of Transportation for Security shall assess the security aspects of the indirect air carrier program under part 1548 of title 49, Code of Federal Regulations, and report the result of the assessment, together with any recommendations for necessary modifications of the program to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 45 days after the date of enactment of this Act. The Under Secretary may submit the report and recommendations in classified form.

(c) REPORT TO CONGRESS ON RANDOM AUDITS.—The Under Secretary of Transportation for Security shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on random screening, audits, and investigations of air cargo security programs based on threat assessments and other relevant information. The report may be submitted in classified form.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the *Under* Secretary of Transportation *for Security* such sums as may be necessary to carry out this section.

(e) CONFORMING AMENDMENT.—The chapter analysis for chapter 449 of title 49, United States Code, as amended by section 3, is amended by adding at the end the following:

"**[44923.]** *44924*. Air cargo security".

SEC. 5. TRAINING PROGRAM FOR CARGO HANDLERS.

The Under Secretary of Transportation for Security shall establish a training program for any persons that handle air cargo to ensure that the cargo is properly handled and safe-guarded from security breaches.

SEC. 6. CARGO CARRIED ABOARD ALL-CARGO AIRCRAFT.

(a) IN GENERAL.—The Under Secretary of Transportation for Security shall establish a program requiring that air carriers operating all-cargo aircraft have an approved plan for the security of their air operations area, the cargo placed aboard such aircraft, and persons having access to their aircraft on the ground or in flight.

(b) PLAN REQUIREMENTS.—The plan shall include provisions for—

(1) security of each carrier's air operations areas and cargo acceptance areas at the airports served;

(2) background security checks for all employees with access to the air operations area;

(3) appropriate training for all employees and contractors with security responsibilities;

(4) appropriate screening of all flight crews and persons transported aboard all-cargo aircraft;

(5) security procedures for cargo placed on all-cargo aircraft as provided in section 44901(f)(1)(B) of title 49, United States Code; and

(6) additional measures deemed necessary and appropriate by the Under Secretary.

(c) CONFIDENTIAL INDUSTRY REVIEW AND COMMENT.—

(1) CIRCULATION OF PROPOSED PROGRAM.—The Under Secretary shall—

(A) propose a program under subsection (a) within 90 days after the date of enactment of this Act; and

(B) distribute the proposed program, on a confidential basis, to those air carriers and other employers to which the program will apply.

(2) COMMENT PERIOD.—Any person to which the proposed program is distributed under paragraph (1) may provide comments on the proposed program to the Under Secretary not more than 60 days after it was received.

(3) FINAL PROGRAM.—The Under Secretary of Transportation shall issue a final program under subsection (a) not later than 45 days after the last date on which comments may be provided under paragraph (2). The final program shall contain time frames for the plans to be implemented by each air carrier or employer to which it applies.

(4) SUSPENSION OF PROCEDURAL NORMS.—Neither chapter 5 of title 5, United States Code, nor the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the program required by this section.

SEC. 7. REPORT ON PASSENGER PRESCREENING PROGRAM.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security, after consultation with the Attorney General, shall submit a report in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the potential impact of the Transportation Security Administration's proposed Computer Assisted Passenger Prescreening system, commonly known as CAPPS II, on the privacy and civil liberties of United States Citizens.

(b) SPECIFIC ISSUES TO BE ADDRESSED.—The report shall address the following:

(1) Whether and for what period of time data gathered on individual travelers will be retained, who will have access to such data, and who will make decisions concerning access to such data.

(2) How the Transportation Security Administration will treat the scores assigned to individual travelers to measure the likelihood they

may pose a security threat, including how long such scores will be retained and whether and under what circumstances they may be shared with other governmental, non-governmental, or commercial entities.

(3) The role airlines and outside vendors or contractors will have in implementing and operating the system, and to what extent will they have access, or the means to obtain access, to data, scores, or other information generated by the system.

(4) The safeguards that will be implemented to ensure that data, scores, or other information generated by the system will be used only as officially intended.

(5) The procedures that will be implemented to mitigate the effect of any errors, and what procedural recourse will be available to passengers who believe the system has wrongly barred them from taking flights.

(6) The oversight procedures that will be implemented to ensure that, on an ongoing basis, privacy and civil liberties issues will continue to be considered and addressed with high priority as the system is installed, operated and updated.

SEC. 8. MODIFICATION OF REQUIREMENTS REGARDING TRAINING TO OPERATE AIRCRAFT.

(a) Aliens Covered by Waiting Period.—Subsection (a) of section 44939 of title 49, United States Code, is amended—

(1) by resetting the text of subsection (a) after "(a) Waiting Period.—" as a new paragraph 2 ems from the left margin;

(2) by striking "A person" in that new paragraph and inserting "(1) In general.—A person";

(3) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(4) by striking "any aircraft having a maximum certificated takeoff weight of 12,500 pounds or more" and inserting "an aircraft";

(5) by striking "paragraph (1)" in paragraph (1)(B), as redesignated, and inserting "subparagraph (A)"; and

(6) by adding at the end the following:

"(2) Exception.—The requirements of paragraph (1) shall not apply to an alien who—

"(A) has earned a Federal Aviation Administration type rating in an aircraft; or

"(B) holds a current pilot's license or foreign equivalent commercial pilot's license that permits the person to fly an aircraft with a maximum certificated takeoff weight of more than 12,500 pounds as defined by the International Civil Aviation Organization in Annex 1 to the Convention on International Civil Aviation.".

(b) Covered Training.—Section 44936(c) of title 49, United States Code, is amended to read as follows:

"(c) Covered Training.—

"(1) In general.—For purposes of subsection (a), training includes in-flight training, training in a simulator, and any other form or aspect of training.

"(2) Exception.—For the purposes of subsection (a), training does not include classroom instruction (also known as ground training), which may be provided to an alien during the 45-day period applicable to the alien under that subsection.".

(c) Procedures.—

(1) In general.—Not later than 30 days after the date of enactment of this Act, the Attorney General shall promulgate regulations to implement section 44939 of title 49, United States Code.

(2) Use of overseas facilities.—In order to implement the amendments made to section 44939 of title 49, United States Code, by this section, United States Embassies and Consulates that have fingerprinting capability shall provide fingerprinting services to aliens covered by that section if the Attorney General requires their fingerprinting in the administration of that section, and transmit the fingerprints to the Department of Justice and any other appropriate agency. The Attorney General shall cooperate with the Secretary of State to carry out this paragraph.

(d) Effective Date.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall promulgate regulations to implement the amendments made by this section. The Attorney General may not interrupt or prevent the training of any person described in section 44939(a)(1) of title 49, United States Code, who commenced training on aircraft with a maximum certificated takeoff weight of 12,500 pounds or less before, or within 120 days after, the date of enactment of this Act unless the Attorney General determines that the person represents a risk to aviation or national security.

(e) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation and the Attorney General shall jointly submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the effectiveness of the activities carried out under section 44939 of title 49, United States Code, in reducing risks to aviation and national security.

SEC. 9. PASSENGER IDENTIFICATION.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Under Secretary of Transportation for Security, in consultation with the Administrator of the Federal Aviation Administration, appropriate law enforcement, security, and terrorism experts, representatives of air carriers and labor organizations representing individuals employed in commercial aviation, shall develop guidelines to provide air carriers guidance for detecting false or fraudulent passenger identification. The guidelines may take into account new technology, current identification measures, training of personnel, and issues related to the types of identification available to the public.

(b) Air Carrier Programs.—Within 60 days after the Under Secretary issues the guidelines under subsection (a) in final form, the Under Secretary shall provide the guidelines to each air carrier and establish a joint government and industry council to develop recommendations on how to implement the guidelines.

(c) Report.—The Under Secretary of Transportation for Security shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 1 year after the date of enactment of this Act on the actions taken under this section.

SEC. 10. PASSENGER IDENTIFICATION VERIFICATION.

(a) Program Required.—The Under Secretary of Transportation for Security may establish and carry out a program to require the installation and use at airports in the United States of the identification verification technologies the Under Secretary considers appropriate to assist in the screening of passengers boarding aircraft at such airports.

(b) Technologies Employed.—The identification verification technologies required as part of the program under subsection (a) may include identification scanners, biometrics, retinal, iris, or facial scanners, or any other technologies that the Under Secretary considers appropriate for purposes of the program.

(c) Commencement.—If the Under Secretary determines that the implementation of such a program is appropriate, the installation and use of identification verification technologies under the program shall commence as soon as practicable after the date of that determination.

SEC. 11. BLAST-RESISTANT CARGO CONTAINER TECHNOLOGY.

Not later than 6 months after the date of enactment of this Act, the Under Secretary of Transportation for Security, and the Administrator of the Federal Aviation Administration, shall jointly submit a report to Congress that contains—

(1) an evaluation of blast-resistant cargo container technology to protect against explosives in passenger luggage and cargo;

(2) an examination of the advantages associated with the technology in preventing damage and loss of aircraft from terrorist action and any operational impacts which may result from use of the technology (particularly added weight and costs);

(3) an analysis of whether alternatives exist to mitigate the impacts described in paragraph (2) and options available to pay for the technology; and

(4) recommendations on what further action, if any, should be taken with respect to the use of blast-resistant cargo containers on passenger aircraft.

SEC. 12. ARMING PILOTS AGAINST TERRORISM.

(a) Findings and Purpose.—

(1) Findings.—Congress makes the following findings:

(A) During the 107th Congress, both the Senate and the House of Representatives overwhelmingly passed measures that would have armed pilots of cargo aircraft.

(B) Cargo aircraft do not have Federal air marshals, trained cabin crew, or determined passengers to subdue terrorists.

(C) Cockpit doors on cargo aircraft, if present at all, largely do not meet the security standards required for commercial passenger aircraft.

(D) Cargo aircraft vary in size and many are larger and carry larger amounts of fuel than the aircraft hijacked on September 11, 2001.

(E) Aircraft cargo frequently contains hazardous material and can contain deadly biological and chemical agents and quantities of agents that caused communicable diseases.

(F) Approximately 12,000 of the Nation's 90,000 commercial pilots serve as pilots and flight engineers on cargo aircraft.

(G) There are approximately 2,000 cargo flights per day in the United States, many of which are loaded with fuel for outbound international travel or are inbound from foreign airports not secured by the Transportation Security Administration.

(H) aircraft transporting cargo pose a serious risk as potential terrorist targets that could be used as weapons of mass destruction.

(I) Pilots of cargo aircraft deserve the same ability to protect themselves and the aircraft they pilot as other commercial airline pilots.

(J) Permitting pilots of cargo aircraft to carry firearms creates an important last line of defense against a terrorist effort to commandeer a cargo aircraft.

(2) Sense of Congress.—It is the sense of Congress that a member of a flight deck crew of a cargo aircraft should be armed with a firearm to defend the cargo aircraft against an attack by terrorists that could result in the use of the aircraft as a weapon of mass destruction or for other terrorists purposes.

(b) Arming Cargo Pilots Against Terrorism.—Section 44921 of title 49, United States Code, is amended—

(1) by striking "passenger" in subsection (a) each place that it appears;

(2) by striking "or," and all that follows in subsection (k)(2) and inserting "or any other flight deck crew member."; and

(3) by adding at the end of subsection (k) the following:

"(3) All-cargo air transportation.—For the purposes of this section, the term air transportation includes all-cargo air transportation.".

(d) IMPLEMENTATION.—

(1) TIME FOR IMPLEMENTATION.—The training of pilots as Federal flight deck officers required in the amendments made by subsection (b) shall begin as soon as practicable and no later than 90 days after the date of enactment of this Act.

(2) EFFECT ON OTHER LAWS.—The requirements of subparagraph (1) shall have no effect on the deadlines for implementation contained in section 44921 of title 49, United States Code, as in effect on the day before the date of enactment of this Act.

SEC. 13. REPORT ON DEFENDING AIRCRAFT FROM MAN-PORTABLE AIR DEFENSE SYSTEMS (SHOULDER-FIRED MISSILES).

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall issue a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on how best to defend turbo and jet passenger aircraft from Man-Portable Air Defense Systems (shoulder-fired missiles). The report shall also include actions taken to date, countermeasures, risk mitigation, and other activities. The report may be submitted in classified form.

COMMITTEE AMENDMENTS WITHDRAWN

Mr. HATCH. I ask unanimous consent that the committee amendments be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 538

Mr. HATCH. I send a substitute amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Texas [Mrs. HUTCHISON], for Mr. MCCAIN, Mr. HOLLINGS, Mrs. HUTCHISON, and Mrs. BOXER, proposes an amendment numbered 538.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. MCCAIN. Mr. President, I am pleased that the Senate is considering S. 165, the Air Cargo Security Act. When Congress acted in the aftermath of the September 11, 2001 attacks, its focus was on passenger screening. The Aviation and Transportation Security Act set out a template for the screening of passengers and baggage. We deferred dealing with cargo carried on passenger airlines and on all-cargo aircraft until a review of cargo security could be undertaken. S. 165 is designed to bolster air cargo security and provides further guidance and authority to the Transportation Security Administration—TSA—to ensure continued improvement in these areas.

Let me say at the outset that Senator HUTCHISON has worked very hard on this bill and deserves a great deal of credit. Although this issue was one that everyone believed was very important, she and Senator SNOWE introduced cargo security bills during the second session of last congress. Those bills became a base for the cargo security provisions in last year's S. 2949, the Aviation Security Improvement Act, which passed the Senate, but was not passed by the House. Senator HUTCHISON and Senator FEINSTEIN reintroduced the air cargo provisions from last year as a stand alone bill this year.

Cargo security is one area in which we can and should be proactive to address potential problems and vulnerabilities head on. I note that TSA is already looking at improving cargo security under its mandate in ATSA.

S. 165 requires the TSA to develop a strategic plan to ensure that all air cargo is screened, inspected, or otherwise made secure. Up until now, there has been no consistent oversight in this area and this plan will ensure the continued safety of air cargo.

In addition, TSA is to develop a system for the regular inspection of air cargo shipping facilities. This will ensure that all regulations are being followed and that these shipping facilities are meeting all of their federal security requirements.

TSA is required to establish a database of known shippers in order to further improve the Known Shipper Program. This is in response to concerns expressed by the DOT Inspector General that the existing Known Shipper Program needed some revisions to ensure the continued safety in air cargo.

S. 165 also requires that the existing Federal security plans for indirect air carriers is reviewed and it gives TSA the power to take enforcement actions against indirect air carriers if TSA finds that they are not adhering to security laws or regulations. This enforcement power will ensure that these freight forwarders have the appropriate safeguards in place and are meeting them.

S. 165 also requires all-cargo carriers to develop a security plan that is subject to approval by TSA to ensure that air cargo carried on these carriers is properly screened and protected from tampering. As a part of this requirement, TSA is to develop a security training program for persons who handle air cargo.

Finally, the managers' amendment to S. 165 makes a couple of changes to the bill approved by the Commerce Committee. At the time of Committee consideration, we were working with the TSA on a number of their technical comments. We were unable to complete these efforts prior to the markup. These have now been worked-out and are included.

The Commerce Committee also adopted an amendment offered by Senator NELSON of Florida that extends the Federal Government's oversight of foreign students receiving flight training in the United States. Some members of the committee expressed concern that the requirements of the amendment would be too onerous on flight schools and Senator NELSON agreed to work on these issues. A compromise has been developed that met the concerns of both sides and is included in the amendment.

I urge the Senate to approve this bill that will strengthen the security of our cargo aviation system.

I also note my friend, Senator BOXER from California, continues to be heavily involved in the issue of protecting our airliners from the possibility of a missile attack. I thank her for her efforts in that direction. I am encouraged by the information she has given to me that the TSA apparently is very serious in working on this threat to the security of aviation.

I again thank my friend from Texas for her outstanding work on this issue and I think it lays out a very reasonable but very important template for ensuring the security of our cargo aircraft, the same way as we worked together on that of commercial airliners.

I thank my colleague. I thank all who were involved in this very important issue, and I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, Senator HOLLINGS asked me if I would be the Democratic manager here. I want to say to Senator HUTCHISON, thank you so much for all your hard work. I also thank Senator HOLLINGS and Senator ROCKEFELLER, Senator WYDEN—frankly, the whole committee. This is one committee that does work on a bipartisan basis and it is very refreshing, I might say.

S. 165 takes needed steps to respond to concerns that have been raised about the status of air cargo security in the U.S., and will act to close a loophole that has left our aviation system vulnerable to a terrorist attack.

Last year, Admiral James Loy, the Under Secretary of Transportation for Security, expressed his concern, in testimony before the Senate Commerce Committee, that air cargo security needed to be strengthened or it would remain a potential backdoor open for terrorists to exploit. These concerns are well-founded as, prior to September 11, 2001, the Department of Transportation Inspector General's—DOT IG—Office had confirmed that it was possible to ship dangerous items on aircraft without ever having the contents of packages screened. Since the terrorist attacks of 9–11, significant changes have occurred to the cargo industry in response to this security loophole, but more must be done. Last year, the Senate passed a comprehensive cargo security bill, but time ran out on the 107th Congress before the House could properly consider it. We need to pass S. 165 now, and make certain the foundation for addressing this matter is put into law.

S. 165 will instruct the Transportation Security Administration—TSA—to establish an inspection program for all cargo that is transported through the Nation's air transportation system. The bill includes language from the legislation which passed in the Senate last year requiring the creation of an industry-wide database of known shippers of cargo on passenger aircraft and an assessment of the current indirect air carrier program, random inspections of indirect air carrier facilities, and a report to Congress on the random audit system. In addition, S. 165 authorizes the appropriation of necessary sums for TSA to carry out an air cargo security program, and mandates the development of a training program for all air cargo handlers.

We have come close to closing the loopholes in cargo security before, but the process must be completed. This issue is critical to the future of aviation security, air travelers and our economy. Congress should act now to pass this legislation before a tragic, avoidable incident forces our hand.

I close by thanking the committee for adding actually four amendments that we worked on. I thank my staff for working so hard on this as well.

First of all, we have in this bill made sure the cargo pilots have the same opportunity to protect the cockpit as pilots in commercial planes. They are going to be part of this program now. I am very pleased about that.

Second, there is a study in here on the best way to proceed on blast-resistant containers. I have seen Kevlar material which will contain a bomb blast so that it doesn't wreak havoc and cause a horrible tragedy. So we are looking at that.

Third, something that Senator McCAIN mentioned, we have included a study to look at the best defense for shoulder-fired missiles. During the break, I went to San Diego and I stood on the roof of a parking garage at the airport and, believe me, I felt like I could touch the aircraft as they came in for a landing. I looked around and realized this is a great vulnerability. Many terrorist groups have these shoulder-fired missiles, or they can buy them for as little as $8,000. We have defenses we have on Air Force One, on military planes, with which El Al has their fleet protected. We need to protect our fleet.

We have a study in this particular bill just in case the study that is going on via the supplemental emergency bill gets bogged down. So it is a backup.

Last, I was very concerned to learn fake IDs are very easy to use, when you check into an airport. We have a study here to come up with a plan on how to use high technology to spot a fake ID.

I am very pleased to be here. Again, I thank Senator HOLLINGS for giving me this honor to express my support. I believe we are going to have a voice vote. I am very happy about it and I look forward to seeing this bill become law.

With that, I yield the floor. I know my friend from Texas, the author of this bill, has a good deal to say about this important piece of legislation.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, the Air Cargo Security Act will make such a difference in our Nation's air security. I think we have done a lot since 9/11. Since the 9/11 attacks, we have made tremendous progress in transportation security. We have created a new Department of Homeland Security. We have established the Transportation Security Agency and invested heavily in personnel and equipment. However the one thing we have not done in the same way that we have protected the top of the airplane and the airport, is that we have not yet secured the belly of the aircraft. This is where the cargo is shipped. That is what the bill we are passing today would do.

The Air Cargo Security Act would establish a reliable known-shipper program, mandate inspections of cargo facilities, direct the Transportation Security Agency to work with foreign countries to have regular checks at facilities that bring cargo into the United States. The legislation develops a training program for air cargo handlers, and give TSA the power to revoke the license of a shipper or freight forwarder whose practices are unsound.

As the Senator from California mentioned, her amendment will allow cargo pilots to participate in the same security training as airline pilots and the legislation will require background checks for all noncitizens who would undergo flight training. These are just a few of the provisions that I think will go a long way to securing the entire aircraft and our country.

I think we have seen a dramatic improvement in the safety of our aircraft and our airports.

I want to make sure that America has the safest aviation system in the world. I think we can do it. This air cargo bill will make a difference. This bill passed the Senate last year, and I hope very much that the House will pass the bill this year and the President will sign it. Then we will give TSA the authority it needs to do this very important work.

Today, there is no doubt in my mind that the traveling public is considerably safer than we were on September 10, 2001. That is important to recognize. Our screeners undergo background checks, training and testing. Checked bags are scrutinized. Flight crew training has been improved. We all are traveling under a more secure system.

While our efforts in the 107th Congress have dramatically enhanced security, we in the 108th must continue to strive for seamless operations. This responsibility includes closing the cargo security loophole. It makes no sense to inconvenience airline passengers with security screening and baggage checks if we do not establish controls over the cargo traveling in the belly of the same plane. Currently, twenty-two percent of all air cargo in the U.S. is carried on passenger flights, only a tiny fraction of which is inspected. That is inexcusable.

Last year, Senator FEINSTEIN and I commissioned a GAO report on the security of our existing air cargo system, and the Commerce Committee held a closed hearing on this issue. The report reveals some very troubling facts. Security considerations prevent the report from getting too specific. But the GAO found that air cargo is vulnerable to theft and tampering while it is in transit, and while it is in supposedly secure cargo facilities.

According to the report, identification cards used by cargo workers are generally not secured with fingerprints or other biometric identifiers. They can be counterfeited. Background checks for cargo employees are inadequate.

Perhaps the weakest link in the cargo security chain is the freight forwarder. These are the middlemen who collect cargo from shippers and deliver it to the air carrier. Regulations governing these companies are lax, and the TSA is finding security violations as it conducts inspections. Under current law, however, TSA lacks the authority to revoke the shipping privileges of freight forwarders that repeatedly violate security and procedural rules. The Air Cargo Security Act gives TSA that power.

Air cargo security is not a new problem. In 1988, Pan Am 103 went down over Lockerbie, Scotland because of explosives planted inside a radio in the cargo hold of a passenger airplane. The 1996 Valujet crash in the Everglades was caused by high-pressure tanks that never should have been place aboard a passenger aircraft.

This legislation will strengthen air cargo security on all commercial flights. Specifically, this bill establishes a more reliable known shipper program by requiring inspections of facilities, creating an accessible shipper database, and providing for tamper-proof identification cards for airport personnel. It also gives the TSA the tools required to hold shippers accountable for the contents they ship by allowing the administration to revoke the license of a shipper or freight forwarder engaged in unsound or illegal practices.

This Air Cargo Security Act also requires the TSA to develop a comprehensive training program for cargo professionals as well as an approved cargo security plan. The rules and procedures in this bill were developed in consultation with the TSA, the airlines, and the cargo carriers to ensure that the requirements are aggressive, but will not cause hardship to an already-stressed industry. In 2001, cargo accounted for about $13 billion, or 10 percent, of the passenger airlines' total revenue.

I helped craft the assistance package set forth in the recent Supplemental Appropriations bill, and I applaud the way the unions have stepped to the plate and engaged in good faith negotiations to relieve financial stress on the carriers. I will fight to protect the one million aviation-related jobs nationwide. However, the aviation industry can never afford another 9/11. Air cargo is the largest loophole left in our aviation security network. It must be closed.

We will oversee the bill's implementation to ensure that it is accomplished with a minimum of expense to our critical, yet endangered aviation industry.

To strengthen air cargo security and passenger safety, I urge my colleagues to support the Air Cargo Security Act.

I thank all of my colleagues for their support. I thank the chairman of the committee, Mr. MCCAIN, and all of those who worked with me on this. I think we are doing a great job. Senator LOTT, the chairman of the Aviation Subcommittee, has worked with me on this. We have worked with the airlines. We don't want to burden the airlines at this time because they have had many shocks to their system. So we have worked with them to make sure that the actions we take are done in a responsible way.

I ask my colleagues for their support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, before she leaves the floor, let me commend our colleague from Texas, Senator HUTCHISON, who has spent an enormous amount of time on this issue. It has been particularly helpful to this Senator as I worked on some of the privacy issues I will be discussing. I thank my colleague for all of her good work.

Earlier this year I spoke on the floor about what I think has been the most important privacy issue of our time. That is the proposal for what is known as the Total Information Awareness Program. This would constitute the biggest surveillance program in American history. In the U.S. Senate, Senators INOUYE, STEVENS, and FEINSTEIN have been working on a bipartisan basis with our colleagues in both political parties. We put in place sensible restrictions so as to ensure accurate congressional oversight.

What we called for was a requirement that first there be a report by the proponents of the program and the agencies involved on how the program would work.

Second, there is a requirement that to deploy any of the technology under the Total Information Awareness Program, there would have to be explicit congressional approval. This was a momentous step for the Senate to pass this legislation unanimously.

I am rising today to discuss what I think is yet another very significant privacy question which is an issue that needs debate in committee on this particular bill: the air cargo security legislation. The air cargo security legislation includes a proposal that I offered regarding what is known as CAPPS II, the passenger prescreening system that the Transportation Security Administration is developing. This program would do a computer search on each airline passenger to determine who should be subject to more careful security screening and, in some cases, who shouldn't be allowed to get on a plane.

All of us in the U.S. Senate understand that it is critically important to protect the security and safety of those who fly, and we certainly want to look at ways to do it that are smart and, particularly, target resources in an efficient way. But to set up a system that seeks information on each and every aircraft traveler and uses that system to assign scores to every individual—a score as to who might possibly be a threat—does raise some very significant privacy questions for the Senate.

The American people will want to know whether that system is narrowly limited for a specific purpose or whether it would become an all-purpose electronic snooping system. The public wants to know whether there are accurate safeguards to be sure the system won't be abused and sound procedures to provide passengers with the means to address mistakes.

Verbal assurances that these technologies will be used only on "lawfully collected information" are not enough. For one thing, "lawfully collected information" can include almost anything—my medical information, financial information, the books I have read, places I have visited. This same information—for each of my distinguished colleagues and millions of law-abiding citizens—can also be "lawfully collected."

In order to protect our civil liberties and right to privacy, Congress must be fully and publicly briefed on these types of new technological efforts.

As the New York Times editorial page said earlier this year, identifying travelers who may pose a terrorist threat is "a worthy goal" but also "raises serious privacy and due process concerns, which the government needs to address in a forthright manner." I ask unanimous consent that the text of this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 11, 2003]

THE NEW AIRPORT PROFILING

Having successfully fielded thousands of newly minted federal agents to screen air travelers and their luggage, the Transportation Security Administration is now turning to a far more controversial endeavor. The agency is developing a sophisticated screening system designed to identify travelers who may pose a terrorist threat.

It is a worthy goal—one ordered up by Congress—but the creation of a highly intrusive federal surveillance program raises serious privacy and due process concerns, which the government needs to address in a forthright manner.

The notion of electronic profiling is not new. Using such criteria as whether a passenger paid cash for a ticket, a rudimentary system designed in the mid-1990's helped airlines flag passengers deserving heightened scrutiny. What that usually meant was that their checked luggage was carefully inspected. Some of the Sept. 11 hijackers were reported to have been picked out by that system, but it did little good since they did not check any bags.

The new profiling system is a quantum leap. In addition to evaluating certain travel-related behavior and looking for passenger names on watch lists, the new system will give the transportation agency access to numerous public and private databases the moment a passenger books a flight. Exactly which ones has not yet been determined, but they may include the records of Department of Motor Vehicle offices, banks and credit-rating agencies.

After the program is in place, which could be as early as the end of this year, the Transportation Security Administration will assign each passenger a risk level: green, yellow or red. Travelers will not be informed of their designations, which will be encrypted onto their boarding passes. The T.S.A. says it is mindful of the obvious privacy concerns raised by such a system, though it points out that it will not be amassing new databases, but rather mining ones already used routinely to profile consumers. The agency says it is not interested in knowing whether you bounced a check five years ago, or whether you have paid your parking tickets, but in authenticating your identity.

Privacy principles are not necessarily sacrosanct, but this plan runs the risk of overreaching. For one thing, it could quickly lead to mistaken actions based on inaccurate information.

More worrisome is the possibility that this system could grow into a runaway vacuum cleaner, sweeping up all manner of data that can then be misused by the government. Congress recently put the brakes on the Pentagon's Total Information Awareness project, a dangerously uncontrolled program that was designed to track the activities of millions of Americans. Lawmakers must ensure that the transportation agency's profiling system does not become an all-purpose equivalent.

Mr. WYDEN. Mr. President, this article identifies the issue with respect to travelers. I spoke about those who may pose a terrorist threat. It is a worthy goal. But I also said that this issue raises serious privacy concerns which the government needs to address in a forthright way, and addressing privacy concerns in a forthright manner is what the legislation now does as a result of the amendment involving this passenger prescreening program.

What you are going to have under the legislation now is a chance to get the key questions answered with respect to how this program would work. It is my intention that the information with respect to how this program would work would be available for public scrutiny as well.

I met with those at the TSA who spearhead this passenger prescreening program. They certainly raise a number of issues with respect to privacy protections which they would like to include. But at this point, the only written information that we have on CAPPS II was published in the Federal Register on January 15 of this year.

That program outlines a broad-based initiative that would house records such as "risk assessment reports," financial and transactional data, public source information, proprietary data, and information from law enforcement and intelligent sources.

This broad array of information may then be disclosed to "Federal, State, territorial, tribal, local, international, or foreign agencies." Suffice it to say, based on the Federal Register description on January 15, 2003, the public is concerned about how this kind of program is going to work.

Clearly, our country wants to fight terrorism ferociously. We want to take the steps necessary to protect our airline passengers. But something which is as sweeping and as broad as the proposal that was outlined in the Federal Register for screening airline passengers certainly ought to give the American people and the U.S. Senate pause.

I think it is important that the public not be kept in the dark on this issue. That is why the legislation on the program which I was able to include in the air cargo security bill is important. It is going to bring some sunshine to this issue—some long overdue sunshine.

I hope my colleagues will continue to work with me and others in a bipartisan basis on the privacy issues. We made very significant progress with respect to the limitations that were put on the Total Information Awareness Program. The effort that is now underway with respect to screening airline passengers presents some other very significant privacy issues. We ought to continue to make sure that as we take steps to protect the public safety, we remember that it is critically important to protect privacy rights and civil liberties. We now are making an effort to do that in the air cargo security legislation.

I urge my colleagues to support the bill tonight.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, the amendment is agreed to.

The amendment (No. 538) was agreed to.

Mr. ROCKEFELLER. Mr. President, I rise in support of S. 165, the Air Cargo Security Improvement Act. This legislation is another critical piece in our ongoing efforts to increase the security of our aviation system. I commend my colleagues, Senator HUTCHISON and Senator FEINSTEIN, for their continued leadership on this critical issue.

Over the past 18 months, we have worked every day to improve security in our airports and on our airplanes. While we set in place unprecedented improvements in aviation security, clear gaps remain. Today's legislation is aimed at filling security gaps in the vast and economically vital air cargo network by providing the Transportation Security Administration and related security agencies with the authority and resources they need to implement new air cargo security requirements.

This important legislation, which passed the Senate last year as part of S. 2949, the Aviation Security Improvement Act, requires TSA to establish a system to screen, inspect, or otherwise ensure security of all cargo transported by air and to establish a system for regular inspection of airport and cargo shipping facilities. Unfortunately, the House of Representatives did not act on this legislation last year. Improving the security of our nation's air cargo system must be addressed this year, and I am pleased that the Senate has acted quickly to pass this vital legislation again in the 108th Congress.

The Air Cargo bill would take several steps to improve the security of air cargo. The bill requires the Transportation Security Agency, TSA, to develop a strategic plan to ensure that all air cargo is screened, inspected, or otherwise made secure. TSA would also be required to develop a system for the regular inspection of air cargo shipping facilities, the establishment of a database of known shippers, companies and persons that regularly ship cargo, in order to bolster the Known Shipper Program, and review and assess the existing federal security program for freight forwarders, companies that accept and consolidate freight and tender it to an all cargo or passenger carrier for air shipment. The bill allows TSA to revoke the certificates of freight forwarders if the agency finds that they are not adhering to security laws or regulations.

The legislation also mandates that TSA develop a security training program for persons who handle air cargo and all cargo carriers would be required to develop security plans that would be subject to approval by TSA.

During the Commerce Committee's consideration of the legislation a number of important amendments offered by Senators WYDEN, BOXER, and BILL NELSON were adopted that strengthened the bill.

These provisions included requiring Secretary of Homeland Security to report to Congress on the impact on the privacy and civil liberties of the Computer Assisted Passenger Prescreening System, requiring background checks of alien flight school applicants to include applicants for flight training of planes below 12,500 pounds, and to transfer these responsibilities from the Department of Justice to the Transportation Security Administration, and requires guidelines for verifying passenger identification.

The Committee also adopted provisions to have the FAA and TSA conduct a study on blast-resistant cargo containers, allowing cargo pilots to participate in the Federal Flight Deck Officer program, and requiring the Department of Homeland Security to issue a report on how best to defend passenger aircraft from shoulder-fired missiles.

The Air Cargo Security Improvement Act is another important step in our efforts to improve our nation's aviation security network, but it is by no means the final step. I spend countless hours each week as part of my duties on the Intelligence Committee and we all recognize that the changing nature of threats will require continued vigilant oversight and modifications to our security network. There are no guarantees, but we can and must continue to work every day to make sure that the people who fly and the places they fly from are safe.

Mr. NELSON of Florida. Mr. President, I rise in support of S. 165 the Air Cargo Security Improvement Act.

This legislation is another important step toward fully protecting the United States and all Americans from terrorists who intend to use our aviation system to commit future attacks.

Among other provisions, including the creation of a security program to protect our air cargo from terrorist attacks, this bill mandates crucial studies on blast resistant cargo containers, the Transportation Security Administration's passenger screening program known as CAPPS II, and most importantly, how to defend our airliners from shoulder missile attacks similar to the attack last December on an Israeli charter jet in the skies over Kenya.

We must continue to be vigilant in protecting our Nation. This legislation addresses a deep concern of mine regarding foreign citizens coming to the United States to receive pilot training on all sizes of aircraft. Unfortunately, we have seen what can happen when people come to our country with the specific intent to do us great harm. Many of the September 11 hijackers learned to fly the planes they used as deadly weapons at flight schools here in the United States.

Section 113 of the Aviation and Transportation Security Act, which was enacted in the 107th Congress, requires background checks of all foreign flight school applicants seeking training to operate aircraft weighing 12,500 pounds or more. While this provision should help prevent September 11th-style attacks by U.S.-trained pilots using hijacked jets in the future, it does nothing to prevent different types of potential attacks against our domestic security. To rectify this problem, I introduced S. 236 together with Senators CORZINE, ENZI, FEINSTEIN, and THOMAS earlier this year.

The FBI has issued terrorism warnings indicating that small planes might be used to carry out suicide attacks. Small aircraft can be used by terrorists to attack nuclear facilities, carry explosives, or deliver biological or chemical agents. For example, if a crop duster filled with a combination of fertilizers and explosives were crashed into a filled sporting event stadium, thousands of people could be seriously injured or killed. We cannot allow this to happen. We need to ensure that we are not training terrorists to perform these activities. We cannot allow critical warnings to go unheeded.

This bill will close an important loophole and answer the critical warnings issued by the FBI by extending the background check requirement to all foreign applicants to U.S. flight schools, regardless of the size aircraft they seek to learn to fly. It also transfers the entire security background check program from the Department of Justice to the Department of Homeland Security, specifically to the Transportation Security Administration. It is my expectation that the Transportation Security Administration, which provided excellent advice in the fine tuning of this legislation, will apply a stringent level of background screening to all foreign nationals who seek flight training here in the United States. We cannot allow anyone to slip through the cracks. We cannot aid anyone who intends to do harm to Americans and to our Nation.

I thank the distinguished chairman and ranking member of the Commerce Committee, Senators MCCAIN and HOLLINGS, and their staffs, for working with me to ensure inclusion of this provision in the bill.

Mrs. FEINSTEIN. Mr. President, I thank Senator HUTCHISON for her work on the Air Cargo Security Act. Last year this bill passed the Senate and I look forward to passing this legislation again today. Hopefully the House will take up this legislation promptly and send it to the President's desk.

Earlier this year Senator HUTCHISON and I released a report from the General Accounting Office that demonstrates why the Congress and the Transportation Security Administration must—together—move quickly to shore up our vulnerabilities to protect against another terrorist attack.

I strongly believe that we must increase our defenses across the board to anticipate the next attack, not just correct the vulnerabilities that were already exploited by terrorists on September 11.

After September 11, Congress moved quickly to federalize the airport security screening workforce to prevent more hijackings, but we have not done enough to increase our air cargo security.

The General Accounting Office report shows that Congress must require the TSA to develop a strategic plan to screen and inspect air cargo to protect our Nation's air transportation system. According to this report, our air cargo system remains vulnerable to a terrorist attack because:

First, there aren't enough safeguards in place to ensure that someone shipping air cargo under the "known shipper" program has taken the proper steps to protect against use by terrorists;

Second, cargo tampering is possible at various points where cargo transfers from company to company;

Third, air cargo handlers are not required to have criminal background checks, and they do not always have their identification verified;

Fourth, and most importantly, most cargo shipped by air is never screened.

To address these problems, the GAO recommends that the Transportation Security Administration develop a comprehensive plan for improving air cargo security.

The air cargo legislation we are passing today, directs the TSA to: Develop a strategic plan to ensure the security of all air cargo; establish an industry-wide pilot program database of known shippers; set up a training program for handlers to learn how to safeguard cargo from tampering; and inspect air cargo shipping facilities on a regular basis.

The Aviation Security Act Congress passed after September 11 required the Transportation Security Administration to screen and inspect air cargo "as soon as practicable." The GAO report shows we cannot wait any longer. The time is now for the Senate to again take up this legislation, again pass this legislation, and for the TSA to prevent terrorists from tampering with the cargo loaded into the underbelly of our airplanes.

The General Accounting Office recommends that the Under Secretary for Transportation develop a comprehensive plan for air cargo security that includes priority actions identified on the basis of risk, costs, deadlines for completing those actions, and performance targets.

The TSA has a great deal of options at its disposal. The TSA could: Screen air cargo for explosives; secure cargo with high-tech seals; control access to holding areas containing cargo; use cargo tracking systems; install more cameras in cargo areas at airports; use blast resistant containers; have more bomb-sniffing dogs; put cargo in decompression chambers before loading it onto an aircraft; require the identity of people making air cargo deliveries to be checked; establish an industrywide computer profiling system; require criminal background checks for employees at freight forwarders and consolidators; and require third party inspections.

We do not expect the TSA to X-ray and scan all cargo for explosives because shippers and carriers would be able to process only 4 percent of cargo received daily, which would severely disrupt the air cargo industry. However, the Federal Government can deploy a combination of the techniques I have listed to implement a comprehensive security plan for air cargo.

Since one half of the hull of each passenger aircraft is typically filled with cargo and 22 percent of all cargo transported by plane is loaded on passenger flights, I believe air cargo security is just as important as passenger security. In fact, you cannot keep passengers safe without stronger air cargo security.

Each time there is a major jet crash or bombing, we reexamine our aviation security. I hope it will not take another accident or attack for us to finally pass this legislation into law.

I thank Senator HUTCHISON, Senator MCCAIN, and Senator HOLLINGS for their leadership on this issue of transportation security, and I look forward to this bill being signed into law.

Ms. SNOWE. Mr. President, I rise today in support of legislation before the Senate that addresses what I feel is one of the most glaring loopholes in our homeland security net: that of the lax air cargo security infrastructure in our country.

In 2001, with the passage of the Aviation and Transportation Security Act, we reinvented aviation security. We overturned the status quo, and I am proud of the work we did. We put the Federal Government in charge of security and we have made significant strides toward restoring the confidence of the American people that it is safe to fly. We no longer have a system in which the financial "bottom line" interferes with protecting the flying public. We also addressed the gamut of critical issues, including baggage screening, additional air marshals, cockpit security, and numerous other issues.

There is more work to be done. We must not lose focus, and we must maintain a continuity of commitment. If we are to fulfill our obligations to confront the aviation security challenges we face in the aftermath of September 11, we must remain aggressive. We need a "must-do" attitude, not excuses about what "can't be done," because we are only as safe as the weakest link in our aviation security system.

I am a strong supporter of legislation that we are considering today, the Air Cargo Security Act, a bill intended to strengthen the air cargo security system in this country. According to the GAO, a full 22 percent of all the cargo shipped by air in this country in 2000 was shipped on passenger flights—and half of the hull of a typical passenger plane is filled with cargo. The Department of Transportation Inspector General has recommended that current air cargo controls be tightened, particularly the process for certifying freight forwarders and assessing their compliance with security requirements, and has warned that the existing screening system is "easily circumvented." This must not be allowed to stand.

Moreover, according to a Washington Post report last year, internal TSA documents warn of an increased risk of an attack designed to exploit this vulnerability because TSA has been focused primarily on meeting its new mandates to screen passengers and luggage. This is clear evidence that cargo security needs to be bolstered. And time is not on our side.

At many of the Senate Commerce Committee's aviation security hearings since 9/11, I have expressed concern about the significant outstanding air cargo security issues that we face. On January 23, I introduced legislation which would require TSA to put together a comprehensive air cargo security plan. And while TSA was developing their plan, my bill mandated that interim security measures be put into place, which include random cargo screening, greater scrutiny of shippers and a training regime for air cargo handlers.

The bill before us today, the Air Cargo Security Act, incorporates many of the provisions of my bill. First of all, it would require TSA to establish a system to ensure the security of all cargo transported in the U.S. on both passenger aircraft and cargo aircraft, which must be finalized within 6 months of enactment. It is essential that TSA have a comprehensive plan in place as soon as possible, so that they can go after the most glaring security loopholes in the air cargo system. Secondly, the bill includes language I authored establishing a pilot program would be to allow the Secretary of Homeland Security to test various techniques for screening cargo being loaded onto passenger planes including random physical screening. Today, virtually no cargo loaded onto airliners is screened, and it is vital that TSA settle soon on the best method of cargo screening with an eye towards deploying those methods in airports around the country.

Also, in response to concerns that I had raised about security at foreign cargo facilities that ship to the U.S. by air, the legislation includes a provision requiring TSA to work with foreign countries to conduct regular inspections at facilities transporting air cargo to the U.S. Finally, the bill also includes a provision from my bill to develop a detailed training program for all persons that handle air cargo. This will ensure that the cargo is properly handled and safe-guarded from security breaches.

The Air Cargo Security Act would also require TSA to establish an industrywide database of shippers who ship on passenger planes. I know that the TSA has already been working on this database. The bill also seeks to greatly increase oversight of indirect air carriers, "freight forwarders," complete with a system of random TSA inspections.

On last September 11, terrorists exposed the vulnerability of our commercial aviation network in the most horrific fashion. The landmark aviation security legislation was a major step in the right direction, but we must always stay one step ahead of those who would commit vicious acts of violence on our soil aimed at innocent men, women, and children.

The bill before us works towards that goal, and therefore I am pleased to support it.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Air Cargo Security Improvement Act".

SEC. 2. INSPECTION OF CARGO CARRIED ABOARD PASSENGER AIRCRAFT.

Section 44901(f) of title 49, United States Code, is amended to read as follows:

"(f) Cargo.—

"(1) In general.—The Under Secretary of Transportation for Security shall establish systems to screen, inspect, or otherwise ensure the security of all cargo that is to be transported in—

"(A) passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation; or

"(B) all-cargo aircraft in air transportation and intrastate air transportation.

"(2) Strategic plan.—The Under Secretary shall develop a strategic plan to carry out paragraph (1) within 6 months after the date of enactment of the Air Cargo Security Improvement Act.

"(3) Pilot program.—The Under Secretary shall conduct a pilot program of screening of cargo to assess the effectiveness of different screening measures, including the use of random screening. The Under Secretary shall attempt to achieve a distribution of airport participation in terms of geographic location and size.".

SEC. 3. AIR CARGO SHIPPING.

(a) In General.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

"§ 44922. Regular inspections of air cargo shipping facilities

"The Under Secretary of Transportation for Security shall establish a system for the regular inspection of shipping facilities for shipments of cargo transported in air transportation or intrastate air transportation to ensure that appropriate security controls, systems, and protocols are observed, and shall enter into arrangements with the civil aviation authorities, or other appropriate officials, of foreign countries to ensure that inspections are conducted on a regular basis at shipping facilities for cargo transported in air transportation to the United States.".

(b) Additional Inspectors.—The Under Secretary may increase the number of inspectors as necessary to implement the requirements of title 49, United States Code, as amended by this subtitle.

(c) Conforming Amendment.—The chapter analysis for chapter 449 of title 49, United States Code, is amended by adding at the end the following:

"44922. Regular inspections of air cargo shipping facilities".

SEC. 4. CARGO CARRIED ABOARD PASSENGER AIRCRAFT.

(a) In General.—Subchapter I of chapter 449 of title 49, United States Code, is further amended by adding at the end the following:

"§ 44923. Air cargo security

"(a) Database.—The Under Secretary of Transportation for Security shall establish an industry-wide pilot program database of known shippers of cargo that is to be transported in passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation. The Under Secretary shall use the results of the pilot program to improve the known shipper program.

"(b) Indirect Air Carriers.—

"(1) Random inspections.—The Under Secretary shall conduct random audits, investigations, and inspections of indirect air carrier facilities to determine if the indirect air carriers are meeting the security requirements of this title.

"(2) Ensuring compliance.—The Under Secretary may take such actions as may be appropriate to promote and ensure compliance with the security standards established under this title.

"(3) Notice of failures.—The Under Secretary shall notify the Secretary of Transportation of any indirect air carrier that fails to meet security standards established under this title.

"(4) Withdrawal of security program approval.—The Under Secretary may issue an order amending, modifying, suspending, or revoking approval of a security program of an indirect air carrier that fails to meet security requirements imposed by the Under Secretary if such failure threatens the security of air transportation or commerce. The affected indirect air carrier shall be given notice and the opportunity to correct its noncompliance unless the Under Secretary determines that an emergency exists. Any indirect air carrier that has the approval of its security program amended, modified, suspended, or revoked under this section may appeal the action in accordance with procedures established by the Under Secretary under this title.

"(5) Indirect air carrier.—In this subsection, the term 'indirect air carrier' has the meaning given that term in part 1548 of title 49, Code of Federal Regulations.

"(c) Consideration of Community Needs.—In implementing air cargo security requirements under this title, the Under Secretary may take into consideration the extraordinary air transportation needs of small or isolated communities and unique operational characteristics of carriers that serve those communities.".

(b) Assessment of Indirect Air Carrier Program.—The Under Secretary of Transportation for Security shall assess the security aspects of the indirect air carrier program under part 1548 of title 49, Code of Federal Regulations, and report the result of the assessment, together with any recommendations for necessary modifications of the program to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 60 days after the date of enactment of this Act. The Under Secretary may submit the report and recommendations in classified form.

(c) Report to Congress on Random Audits.—The Under Secretary of Transportation for Security shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on random screening, audits, and investigations of air cargo security programs based on threat assessments and other relevant information. The report may be submitted in classified form.

(d) Conforming Amendment.—The chapter analysis for chapter 449 of title 49, United States Code, as amended by section 3, is amended by adding at the end the following:

"44923. Air cargo security".

SEC. 5. TRAINING PROGRAM FOR CARGO HANDLERS.

The Under Secretary of Transportation for Security shall establish a training program for any persons that handle air cargo to ensure that the cargo is properly handled and safe-guarded from security breaches.

SEC. 6. CARGO CARRIED ABOARD ALL-CARGO AIRCRAFT.

(a) In General.—The Under Secretary of Transportation for Security shall establish a program requiring that air carriers operating all-cargo aircraft have an approved plan for the security of their air operations area, the cargo placed aboard such aircraft, and persons having access to their aircraft on the ground or in flight.

(b) Plan Requirements.—The plan shall include provisions for—

(1) security of each carrier's air operations areas and cargo acceptance areas at the airports served;

(2) background security checks for all employees with access to the air operations area;

(3) appropriate training for all employees and contractors with security responsibilities;

(4) appropriate screening of all flight crews and persons transported aboard all-cargo aircraft;

(5) security procedures for cargo placed on all-cargo aircraft as provided in section 44901(f)(1)(B) of title 49, United States Code; and

(6) additional measures deemed necessary and appropriate by the Under Secretary.

(c) Confidential Industry Review and Comment.—

(1) Circulation of Proposed Program.—The Under Secretary shall—

(A) propose a program under subsection (a) within 90 days after the date of enactment of this Act; and

(B) distribute the proposed program, on a confidential basis, to those air carriers and other employers to which the program will apply.

(2) Comment Period.—Any person to which the proposed program is distributed under paragraph (1) may provide comments on the proposed program to the Under Secretary not more than 60 days after it was received.

(3) Final Program.—The Under Secretary of Transportation shall issue a final program under subsection (a) not later than 90 days after the last date on which comments may be provided under paragraph (2). The final program shall contain time frames for the plans to be implemented by each air carrier or employer to which it applies.

(4) Suspension of Procedural Norms.—Neither chapter 5 of title 5, United States Code, nor the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the program required by this section.

SEC. 7. REPORT ON PASSENGER PRESCREENING PROGRAM.

(a) In General.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security, after consultation with the Attorney General, shall submit a report in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the potential impact of the Transportation Security Administration's proposed Computer Assisted Passenger Prescreening system, commonly known as CAPPS II, on the privacy and civil liberties of United States citizens.

(b) Specific Issues To Be Addressed.—The report shall address the following:

(1) Whether and for what period of time data gathered on individual travelers will be retained, who will have access to such data, and who will make decisions concerning access to such data.

(2) How the Transportation Security Administration will treat the scores assigned to individual travelers to measure the likelihood they may pose a security threat, including how long such scores will be retained and whether and under what circumstances they may be shared with other governmental, non-governmental, or commercial entities.

(3) The role airlines and outside vendors or contractors will have in implementing and operating the system, and to what extent will they have access, or the means to obtain access, to data, scores, or other information generated by the system.

(4) The safeguards that will be implemented to ensure that data, scores, or other information generated by the system will be used only as officially intended.

(5) The procedures that will be implemented to mitigate the effect of any errors, and what procedural recourse will be available to passengers who believe the system has wrongly barred them from taking flights.

(6) The oversight procedures that will be implemented to ensure that, on an ongoing basis, privacy and civil liberties issues will continue to be considered and addressed with high priority as the system is installed, operated and updated.

SEC. 8. MODIFICATION OF REQUIREMENTS REGARDING TRAINING TO OPERATE AIRCRAFT.

(a) In General.—Section 44939 of title 49, United States Code, is amended to read as follows:

"§ 44939. Training to operate certain aircraft

"(a) In General.—

"(1) Waiting Period.—A person subject to regulation under this part may provide training in the United States in the operation of an aircraft to an individual who is an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) or to any other individual specified by the Under Secretary of Homeland Security for Border and Transportation Security only if—

"(A) that person has notified the Under Secretary that the individual has requested such training and furnished the Under Secretary with that individual's identification in such form as the Under Secretary may require; and

"(B) the Under Secretary has not directed, within 30 days after being notified under subparagraph (A), that person not to provide the requested training because the Under Secretary has determined that the individual presents a risk to aviation security or national security.

"(2) Notification-only Individuals.—

"(A) In General.—The requirements of paragraph (1) shall not apply to an an alien individual who holds a visa issued under title I of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and who—

"(i) has earned a Federal Aviation Administration type rating in an aircraft or has undergone type-specific training, or

"(ii) holds a current pilot's license or foreign equivalent commercial pilot's license that permits the person to fly an aircraft with a maximum certificated takeoff weight of more than 12,500 pounds as defined by the International Civil Aviation Organization in Annex 1 to the Convention on International Civil Aviation,

if the person providing the training has notified the Under Secretary that the individual has requested such training and furnished the Under Secretary with that individual's visa information.

"(B) Exception.—Subparagraph (A) does not apply to an alien individual whose airman's certificate has been suspended or revoked under procedures established by the Under Secretary.

"(3) Expedited Processing.—The waiting period under paragraph (1) shall be expedited for an individual who—

"(A) has previously undergone a background records check by the Foreign Terrorist Tracking Task Force;

"(B) is employed by a foreign air carrier certified under part 129 of title 49, Code of Federal Regulations, that has a TSA 1546 approved security program and who is undergoing recurrent flight training;

"(C) is a foreign military pilot endorsed by the United States Department of Defense for flight training; or

"(D) who has unescorted access to a secured area of an airport designated under section 44936(a)(1)(A)(ii).

"(4) Investigation Authority.—In order to determine whether an individual requesting training described in paragraph (1) presents a risk to aviation security or national security the Under Secretary is authorized to use the employment investigation authority provided by section 44936(a)(1)(A) for individuals applying for a position in which the individual has unescorted access to a secured area of an airport designated under section 44936(a)(1)(A)(ii).

"(5) Fee.—

"(A) In General.—The Under Secretary may assess a fee for an investigation under this section, which may not exceed $100 per individual (exclusive of the cost of transmitting fingerprints collected at overseas facilities) during fiscal years 2003 and 2004. For fiscal year 2005 and thereafter, the Under Secretary may adjust the maximum amount of the fee to reflect the costs of such an investigation.

"(B) OFFSET.—Notwithstanding section 3302 of title 31, United States Code, any fee collected under this section—

"(i) shall be credited to the account in the Treasury from which the expenses were incurred and shall be available to the Under Secretary for those expenses; and

"(ii) shall remain available until expended.

"(b) INTERRUPTION OF TRAINING.—If the Under Secretary, more than 30 days after receiving notification under subsection (a)(1)(A) from a person providing training described in subsection (a)(1) or at anytime after receiving notice from such a person under subsection (a)(2)(a), determines that an individual receiving such training presents a risk to aviation or national security, the Under Secretary shall immediately notify the person providing the training of the determination and that person shall immediately terminate the training.

"(c) COVERED TRAINING.—For purposes of subsection (a), the term "training"—

"(1) includes in-flight training, training in a simulator, and any other form or aspect of training; but

"(2) does not include classroom instruction (also known as ground school training), which may be provided during the 30-day period described in subsection (a)(1)(B).

"(d) INTERAGENCY COOPERATION.—The Attorney General, the Director of Central Intelligence, and the Administrator of the Federal Aviation Administration shall cooperate with the Under Secretary in implementing this section.

"(e) SECURITY AWARENESS TRAINING FOR EMPLOYEES.—The Under Secretary shall require flight schools to conduct a security awareness program for flight school employees, and for certified instructors who provide instruction for the flight school but who are not employees thereof, to increase their awareness of suspicious circumstances and activities of individuals enrolling in or attending flight school.".

(b) PROCEDURES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Under Secretary of Homeland Security for Border and Transportation Security shall promulgate an interim final rule to implement section 44939 of title 49, United States Code, as amended by subsection (a).

(2) USE OF OVERSEAS FACILITIES.—In order to implement section 44939 of title 49, United States Code, as amended by subsection (a), United States Embassies and Consulates that possess appropriate fingerprint collection equipment and personnel certified to capture fingerprints shall provide fingerprint services to aliens covered by that section if the Under Secretary requires fingerprints in the administration of that section, and shall transmit the fingerprints to the Under Secretary or other agency designated by the Under Secretary. The Attorney General and the Secretary of State shall cooperate with the Under Secretary in carrying out this paragraph.

(3) USE OF UNITED STATES FACILITIES.—If the Under Secretary requires fingerprinting in the administration of section 44939 of title 49, United States Code, the Under Secretary may designate locations within the United States that will provide fingerprinting services to individuals covered by that section.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the effective date of the interim final rule required by subsection (b)(1).

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the effectiveness of the activities carried out under section 44939 of title 49, United States Code, in reducing risks to aviation security and national security.

SEC. 9. PASSENGER IDENTIFICATION.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Under Secretary of Transportation for Security, in consultation with the Administrator of the Federal Aviation Administration, appropriate law enforcement, security, and terrorism experts, representatives of air carriers and labor organizations representing individuals employed in commercial aviation, shall develop guidelines to provide air carriers guidance for detecting false or fraudulent passenger identification. The guidelines may take into account new technology, current identification measures, training of personnel, and issues related to the types of identification available to the public. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any meeting held pursuant to this subsection.

(b) AIR CARRIER PROGRAMS.—Within 60 days after the Under Secretary issues the guidelines under subsection (a) in final form, the Under Secretary shall provide the guidelines to each air carrier and establish a joint government and industry council to develop recommendations on how to implement the guidelines.

(c) REPORT.—The Under Secretary of Transportation for Security shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 1 year after the date of enactment of this Act on the actions taken under this section.

SEC. 10. PASSENGER IDENTIFICATION VERIFICATION.

(a) PROGRAM REQUIRED.—The Under Secretary of Transportation for Security may establish and carry out a program to require the installation and use at airports in the United States of the identification verification technologies the Under Secretary considers appropriate to assist in the screening of passengers boarding aircraft at such airports.

(b) TECHNOLOGIES EMPLOYED.—The identification verification technologies required as part of the program under subsection (a) may include identification scanners, biometrics, retinal, iris, or facial scanners, or any other technologies that the Under Secretary considers appropriate for purposes of the program.

(c) COMMENCEMENT.—If the Under Secretary determines that the implementation of such a program is appropriate, the installation and use of identification verification technologies under the program shall commence as soon as practicable after the date of that determination.

SEC. 11. BLAST-RESISTANT CARGO CONTAINER TECHNOLOGY.

Not later than 6 months after the date of enactment of this Act, the Under Secretary of Transportation for Security, and the Administrator of the Federal Aviation Administration, shall jointly submit a report to Congress that contains—

(1) an evaluation of blast-resistant cargo container technology to protect against explosives in passenger luggage and cargo;

(2) an examination of the advantages associated with the technology in preventing damage and loss of aircraft from terrorist action and any operational impacts which may result from use of the technology (particularly added weight and costs);

(3) an analysis of whether alternatives exist to mitigate the impacts described in paragraph (2) and options available to pay for the technology; and

(4) recommendations on what further action, if any, should be taken with respect to the use of blast-resistant cargo containers on passenger aircraft.

SEC. 12. ARMING PILOTS AGAINST TERRORISM.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress makes the following findings:

(A) During the 107th Congress, both the Senate and the House of Representatives overwhelmingly passed measures that would have armed pilots of cargo aircraft.

(B) Cargo aircraft do not have Federal air marshals, trained cabin crew, or determined passengers to subdue terrorists.

(C) Cockpit doors on cargo aircraft, if present at all, largely do not meet the security standards required for commercial passenger aircraft.

(D) Cargo aircraft vary in size and many are larger and carry larger amounts of fuel than the aircraft hijacked on September 11, 2001.

(E) Aircraft cargo frequently contains hazardous material and can contain deadly biological and chemical agents and quantities of agents that caused communicable diseases.

(F) Approximately 12,000 of the Nation's 90,000 commercial pilots serve as pilots and flight engineers on cargo aircraft.

(G) There are approximately 2,000 cargo flights per day in the United States, many of which are loaded with fuel for outbound international travel or are inbound from foreign airports not secured by the Transportation Security Administration.

(H) aircraft transporting cargo pose a serious risk as potential terrorist targets that could be used as weapons of mass destruction.

(I) Pilots of cargo aircraft deserve the same ability to protect themselves and the aircraft they pilot as other commercial airline pilots.

(J) Permitting pilots of cargo aircraft to carry firearms creates an important last line of defense against a terrorist effort to commandeer a cargo aircraft.

(2) SENSE OF CONGRESS.—It is the sense of Congress that a member of a flight deck crew of a cargo aircraft should be armed with a firearm to defend the cargo aircraft against an attack by terrorists that could result in the use of the aircraft as a weapon of mass destruction or for other terrorists purposes.

(b) ARMING CARGO PILOTS AGAINST TERRORISM.—Section 44921 of title 49, United States Code, is amended—

(1) by striking "passenger" in subsection (a) each place that it appears;

(2) by striking "or," and all that follows in subsection (k)(2) and inserting "or any other flight deck crew member."; and

(3) by adding at the end of subsection (k) the following:

"(3) ALL-CARGO AIR TRANSPORTATION.—For the purposes of this section, the term air transportation includes all-cargo air transportation.".

(c) IMPLEMENTATION.—

(1) TIME FOR IMPLEMENTATION.—The training of pilots as Federal flight deck officers required in the amendments made by subsection (b) shall begin as soon as practicable and no later than 90 days after the date of enactment of this Act.

(2) EFFECT ON OTHER LAWS.—The requirements of subparagraph (1) shall have no effect on the deadlines for implementation contained in section 44921 of title 49, United States Code, as in effect on the day before the date of enactment of this Act.

SEC. 13. REPORT ON DEFENDING AIRCRAFT FROM MAN-PORTABLE AIR DEFENSE SYSTEMS (SHOULDER-FIRED MISSILES).

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall issue a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on how best to defend turbo and jet passenger aircraft from Man-Portable Air Defense Systems (shoulder-fired missiles).

(b) ISSUES TO BE ADDRESSED.—The report shall include an analysis of—

(1) actions taken to date, countermeasures, risk mitigation, and other activities;

(2) existing military countermeasure systems and how those systems might be adapted to commercial aircraft applications;

(3) means of reducing the costs of military countermeasure systems by modifying them for use on commercial aircraft; and

(4) the extent of the threat and the need for countermeasures.

(c) REPORT FORMAT.—The report may be submitted in classified form.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this Act and sections 44901(f), 44922, and 44923 of title 49, United States Code, for fiscal years 2004 through 2008.

Mr. WYDEN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WYDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

MOTHER'S DAY

Mr. BYRD. Mr. President, this coming Sunday is Mother's Day. For a few short hours, families will dust off a rarely used pedestal and attempt to pay homage to a woman who likely will hop right back off that pedestal in order to straighten her husband's tie, or apply a bandage to a skinned knee, or do one of the countless other small tasks that keep a mother's hands in perpetual motion.

This Sunday, families may try to still those busy hands by serving mom a homemade breakfast in bed or taking her to a nice restaurant for brunch. They will shower her with cards, and flowers, and presents in an attempt to say "thank you, Mother" for all of the hours that she has labored over them. The cards that are smudged with small blurry fingerpainted handprints will be especially savored, as will the bouquets of short-stemmed, wilting flowers plucked forcibly from weeds and beds in the backyard by loving and determined children, and presented in lumpy homemade vases painted with the wild abandon of childhood joy. Each gift and each gesture, whether suggested to a youngster by a loving husband or father or proffered by an awkward teenager who otherwise prefers his connection to the family be kept secret, will bring smiles, even tears, of gratitude.

On Sunday, mothers will revel in each moment, delight over each expression of caring, and give back tenfold, as they always do, the love offered from their most precious charge, their families.

It does not matter whether she is a business executive, an hourly laborer, or an unpaid stay-at-home mom—the best mothers invest the best of themselves in their families. They are high stakes brokers and we, their families, are the stocks on their exchange. They may spend many hours at work, but they still manage to make their children feel loved. They still manage to make each house a home. They still manage to create and sustain the traditions and customs that make each family unique. They enforce discipline on homework and at bedtime. They ice the birthday cakes and pack the lunches. They cool fevered brows and beam at graduations. They set high standards and higher expectations. They glory in our successes and consol us in our defeats. Like ripples in a pond, their investment spreads across the generations. The memories deep within each of us that connect us to our families are often closely linked to our mothers. From the food dishes that make each holiday special, to customs that range from the right way to fold clothes to the way we choose to raise our own children, our mother lives on in us. It is up to us to live up to our mother's expectations, to be the kind of adults she always believed we could be and would be. And if we simply try our best, she will consider the return on her investment to be well met.

I still remember, from growing up in a time when children memorized and recited poetry, particularly poetry that taught a lesson, the following poem by Margaret Johnston Grafflin:

LIKE MOTHER, LIKE SON

Do you know that your soul is of my soul such a part,
That you seem to be fibre and core of my heart?
None other can pain me as you, dear, can do,
None other can please me or praise me as you.

Remember the world will be quick with its blame,
If shadow or stain ever darken your name.
"Like mother, like son" is a saying so true,
The world will judge largely the "mother" by you.

Be yours then the task, if task it shall be,
To force the proud world to do homage to me.
Be sure it will say, when its verdict you've won,
"She reaped as she sowed. Lo! This is her son."

An old adage avers that "As the twig is bent, so grows the tree." Countless studies have demonstrated the essential role that mothers play in family life, and their role in shaping the personality of their children, for good or for ill. I know from personal experience that a mother's influence reaches even beyond the grave. My own sweet mother died when I was just a year old, leaving me to be raised by my aunt and uncle. But my mother's serene face shone, and still shines, from a photograph that I keep in my office. Ada Kirby Sale: I have always felt her gentle presence, her soft urging to do my best to make her proud, to live the lesson of that poem.

She died of influenza in 1918, during the great pandemic that took many millions of lives worldwide, her final struggle that of ensuring her baby's fate, my fate. It was her wish that a particular aunt and uncle take me to raise. I had three older brothers and sister, but she wanted the Byrds, Titus Dalton and Vlurma Byrd, to have the baby, Robert. At that time my name was Cornelius Calvin Sale, Jr.

As concerns of a SARS epidemic sweeping the globe make today's headlines, I fear that other children may also be similarly orphaned. If that is the sad case, I hope that these children may also be able to keep their mother's memory and influence with them throughout their lives, as I have been fortunate to do.

You see, I do not remember ever having seen that mother. But it is as though she were there beside me often. I feel that I am here because of that mother's wish, and I feel that she is watching today. I hope that other members of their families will be so willing to take them in and raise them as their mothers would have wished, as my Aunt Vlurma and my Uncle Titus Dalton Byrd did for me. They took me in. They gave me a new name to share with them and to be proud of, and they brought me to the land of my heart, if not my birth, West Virginia.

West Virginia is the birthplace of my wife, Erma Ora Byrd. As I have said before, and I am happy to say again and again, she is a wonderful mother, a wonderful grandmother and great-grandmother. The ripples of her influence have spread now to the third generation. Erma and I are proud parents, grandparents, and now great-grandparents of a brood of fine people, individuals that distinguish any group. Erma's investment in her family has paid off a hundredfold.

Good mothers are so special—you know that; you know that; you know that—so essential to our families and our society that I am especially gratified that the U.S. national celebration of mothers has its own origins in the town of Grafton in Taylor County, WV. The only surprise is that it is such a recent holiday, first established in 1907, when Ms. Anna Jarvis of Philadelphia persuaded her mother's church, which was in Grafton, WV, to celebrate Mother's Day on the second anniversary of her mother's death on the second Sunday in May. By the next year, Mother's Day was also being celebrated in Philadelphia.

By 1911, thanks to the efforts of Anna Jarvis and her supporters, Mother's Day was being celebrated in almost every State—there were only 46 of them in 1911. In 1914, President Woodrow Wilson made the official announcement proclaiming Mother's Day a national holiday, to be held on the second Sunday in May each year. It is a tribute to Anna Jarvis's mother that her daughter was so inspired and so persevering. It is an equal tribute to countless other wonderful mothers that Anna Jarvis's good idea spread so quickly. Today, Mother's Day is celebrated throughout the United States and in many other nations as well.

Mother's Day sprang from a loving and loyal heart, not from the avarice of any executive of the greeting card industry, the floral delivery service, the chocolate candy manufacturers, or the restaurant business. And despite all of the advertising these days aimed at getting grateful families to spend money on ever-more extravagant gifts for Mother's Day, the warm and caring feelings that inspired the day remain central to the observance. I know economists would like to see more spending to boost the economy, but I am also sure that for most mothers, the best part of the day is the time spent with their families. The hugs and laughter of her children, the pride in them that she shares with her husband—these are the gems in the mother's crown and the gold in mother's vault.

This Sunday, as each of us calls or visits our mother, or pauses to hold close her dear memory, we can savor the warmth and caring of her hugs and the special accolade that was her smile of pride.

I close with another old poem, by Elizabeth Akers Allen, that for me is forever linked with Mother's Day: "Rock Me to Sleep." I will offer it up to my own angel mother and to all other mothers who are angels as well.

ROCK ME TO SLEEP

Backward, turn backward, O time, in your flight,
Make me a child again just for to-night!
Mother, come back from the echoless shore,
Take me again in your heart as of yore;
Kiss from my forehead the furrows of care,
Smooth the few silver threads out of my hair;
Over my slumbers your loving watch keep:—
Rock me to sleep, Mother—rock me to sleep!

Backward, flow backward, oh, tide of the years!
I am so weary of toil and of tears—
Toil without recompense, tears all in vain—
Take them, and give me my childhood again!
I have grown weary of dust and decay—
Weary of flinging my soul-wealth away;
Weary of sowing for others to reap;—
Rock me to sleep, Mother—rock me to sleep!

Tired of the hollow, the base, the untrue,
Mother, O Mother, my heart call for you!
Many a summer the grass has grown green,
Blossomed and faded, our faces between:
Yet, with strong yearning and passionate pain,
Long I to-night for your presence again.
Come from the silence so long and so deep;—
Rock me to sleep, Mother—rock me to sleep!

Over my heart, in the days that are flown,
No love like mother-love ever has shone;
No other worship abides and endures—
Faithful, unselfish, and patient like yours:
None like a mother can charm away pain
From the sick soul and the world-weary brain.
Slumber's soft calms o'er my heavy lids creep;—
Rock me to sleep, Mother—rock me to sleep!

Come, let your brown hair, just lighted with gold,
Fall on your shoulders again as of old:
Let it drop over my forehead to-night,
Shading my faint eyes away from the light;
For with its sunny-edged shadows once more
Haply will throng the sweet visions of yore;
Lovingly, softly, its bright billows sweep;—
Rock me to sleep, Mother—rock me to sleep!

Mother, dear Mother, the years have been long
Since I last listened your lullaby song:
Sing, then, and unto my soul it shall seen
Womanhood's years have been only a dream.
Clasped to your heart in a loving embrace,
With your light lashes just sweeping my face,
Never hereafter to wake or to weep;—
Rock me to sleep, Mother—rock me to sleep!

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE 2003 AAA SCHOOL SAFETY PATROL LIFESAVING MEDAL AWARD WINNERS AND THE AAA NATIONAL PATROLLER OF THE YEAR

Mr. DASCHLE. Mr. President, I am proud to announce to the Senate today the names of the young men and women who were selected to receive special awards from the American Automobile Association. Four safety patrollers received the 2003 AAA School Safety Patrol Lifesaving Medal Award, the highest honor given to members of the school safety patrol. Another safety patroller received the special honor of the AAA National Patroller of the Year. They received their awards this past Sunday, May 4, and I wanted to say how proud we are of them

There are roughly 500,000 members of the AAA School Safety Patrol in this country, helping in over 50,000 schools. Every day, these young people ensure that their peers arrive safely at school in the morning, and back home in the afternoon.

Most of the time, they accomplish their jobs uneventfully. But, on occasion, these volunteers must make split second decisions, placing themselves in harm's way to save the lives of others. The heroic actions of this year's recipients exemplify this selflessness.

The first AAA Lifesaving Medal recipient comes from Deshler, OH. Her name is Sadie Peters.

On the afternoon of May 2, 2002, Sadie, age 12, was on patrol assisting fellow students with crossing a busy intersection at Deshler Elementary School.

Kaydi McGill, a three-year old girl, was with her grandmother at the intersection when Kaydi wandered away from the older woman into the path of an oncoming semi-truck. Seeing that Kaydi was in danger, Sadie immediately threw down her patrol flag and sprang toward Kaydi, grabbing her from in front of the semi-truck.

This year's second AAA Lifesaving Medal honoree comes from Lancaster, OH.

Cody Byers, age 13, was on morning duty at Fairfield Christian Academy on January 22 overseeing a crosswalk with heavy pedestrian traffic. The two traffic lanes in front of the school were filled with cars dropping off students for class.

Cody's safety patrol advisor, Mark Zeitman, saw a first grade student race out of the school and head into traffic. he called out to Cody, who took off after her and grabbed the youngster by the coat collar just before she ran into the street.

The next AAA Lifesaving Medal winners come from Burke, VA.

On the morning of November 1, 2002, Michael Butters, age 12, was at his post at Holy Spirit School, monitoring a busy traffic circle where children are dropped off. Suddenly, Michael heard a teacher yell, "Get her!"

A little girl had been playing a game of chase with her friends when she broke away from the group. Not looking where she was running, she headed right for the drop off area. Without hesitating, Michael ran to the little girl and grabbed her backpack, saving her from being hit by a car.

In addition to honoring safety patrollers with the Lifesaving Medal Award, AAA also recognizes the School Safety Patroller of the Year. This award is presented to patrollers who perform duties above and beyond their normal responsibilities and demonstrate outstanding leadership, dependability, and academic strength.

This year, the Safety Patroller of the Year goes to Kaaren Hatlen, age 11, Safety Patrol Captain at Bear Creek Elementary in Woodinville, WA.

Kaaren has been a member of the Bear Creek Elementary School Safety Patrol for the past 2 years. She established herself as a leader early on and this year was selected as a captain of her safety patrol. She was also selected for several leadership responsibilities, including the newly created post of captain of Kindergarten Duty and team leader for the sixth grade salmon tank.

Kaaren is always the first to volunteer to fill in for absent patrol members, even in the worst weather. She looks for potentially dangerous situations and corrects problem before trouble can occur.

Kaaren is involved in school volleyball, math olympiad, chorus, band and the drama club. She participates in caroling at nursing homes, and makes crafts, food and toy drives for Hopelink, a local nonprofit organization. She is very active in the reading tutoring program, often giving up her lunch recess to help others learn to be successful readers. Kaaren is also an active member of her church and local Girl Scout Troop and enjoys playing soccer, softball, basketball and swimming.

She and all of the other AAA winners deserve our thanks and applause.

On behalf of the Senate, I extend congratulations and thanks to these young men and women. They are assets to their communities, and their families and neighbors should be very proud of their courage and dedication.

I would also like to recognize the American Automobile Association for providing the supplies and training necessary to keep the safety patrol on duty nationwide.

Since the 1920s, AAA clubs across the country have sponsored student safety patrols to guide and protect younger classmates against traffic accidents. Easily recognizable by their fluorescent orange safety belt and shoulder strap, safety patrol members represent the very best of their schools and communities. Experts credit school safety patrol programs with helping to lower the number of traffic accidents and fatalities involving young children.

We owe AAA our gratitude for their tireless efforts to ensure that our Nation's children arrive to and from school safe and sound. And we owe our thanks to these exceptional young men and women for their selfless actions. The discipline and courage they displayed deserves the praise and recognition of their schools, their communities and the Nation.

GAMING LAW POLICY

Mr. REID. Mr. President, last month I had the wonderful opportunity to speak to students in a gaming law policy class at the William S. Boyd School of Law at the University of Nevada, Las Vegas. As I am sure you are aware, yesterday the Senator from Arizona reintroduced legislation that would make it illegal to wager on college sports in Nevada, where it is legal and heavily regulated. The legislation will not solve the problems the sponsors of the legislation seek to solve. Recently, I received a letter from several students in the class who have done a great deal of research on the subject. I share the views they have, and I ask unanimous consent to print their letter in today's RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WILLIAM S. BOYD SCHOOL OF LAW,
UNIVERSITY OF NEVADA AT LAS VEGAS
Las Vegas, NV, April 24, 2003.

Hon. HARRY REID,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR REID: We write to you as members of the Gaming Law Policy Class at the William S. Boyd School of Law at the University of Nevada at Las Vegas. Our class includes students from states that have no legal gaming, such as Hawaii. One of the topics that our class has researched this semester, under the direction of Adjunct Professors Tony Cabot and Bob Faiss, is congressional legislation that would outlaw collegiate sports wagering in Nevada casinos. After researching this matter in detail, we have come to the conclusion that such legislation would not effectively address the problem that its proponents are trying to correct.

We recognize this is the conclusion that you and the other members of Nevada's congressional delegation have also reached in your consideration of this subject. We have reviewed the legislation that you co-sponsored with Senator John Ensign during the last Congress and agree that this approach would do much more to eradicate the problems created by illegal sports wagering on college campuses.

Based on our in-depth analysis of this subject, we felt compelled to send this formal expression of support for your efforts. Our letter is not to be considered an official expression of the law school. We have prepared it as individuals sharing a common view.

Our examination of this subject has led us to the following conclusions:

1. Banning collegiate sports wagering in Nevada would do nothing to eradicate or reduce illegal collegiate sports wagering. Banning gambling in Nevada is unlikely to end any illegal gambling on college athletics. The amount of wagering that takes place on collegiate sport wagering in Nevada is a minuscule fraction of the overall amount of wagering that takes place nationally. The money wagered in Nevada on college athletics would flow to the domestic black market or to offshore Internet gaming companies.

2. Nevada casinos actually assist law enforcement in exposing illegal gambling schemes. Nevada sports books have a proven record of uncovering suspicious gambling activity. Absent the scrutiny of Nevada sports books, law enforcement would have no real-time monitor on unusual wagering trends.

3. Nevada collegiate sports wagering is not the problem. The money that is legally wagered in Nevada on college athletics is only two percent of the estimated total amount waged on college athletics across the country. The proponents of legislation to outlaw collegiate sports wagering in Nevada have presented no credible evidence that legal wagering in Nevada is the cause of the problems such legislation is attempting to correct.

4. The idea that Nevada encourages illegal wagering throughout the rest of the country is without any factual support. As stated, such wagering in Nevada comprises a very small percentage of the total amount of wagering that occurs. Newspapers, including USA Today, are on record as stating that they will publish betting odds and point-spreads regardless of whether wagering on college athletics is legal. Offshore Internet sites would also continue to publish betting odds and point-spreads.

5. Nevada sports book operators are highly regulated and subject to intense scrutiny. Nevada sports book operators have never been involved in a point-shaving scandal.

In conclusion, our research shows that banning regulated wagering on college athletics in Nevada will not address the problem of the influence of illegal wagering on student-athletes and will, in fact, remove a tool that law enforcement has to expose illegal betting schemes.

We therefore hope that others members of the Congress will support the common-sense approach taken by you and the other members of the Nevada delegation to address the problem of illegal wagering on college athletics.

Respectfull,
Jeremy Aguero, Kevin Bumstead, Anthony Celeste, Zachary Fritz, Edward Magaw, Nathan Miller, Shannon Okada, Jennifer Stallard, Douglas Walker, Members of the 2003 Gaming Law Policy Class.
Anthony Celeste, Nathan Miller, Student Project Chairmen.

HONORING OUR ARMED FORCES

Mr. ALLEN. Mr. President, I rise today to honor a great American, a great patriot, a courageous Airman, husband and father, LTC William Watkins III of Halifax County, VA.

Lieutenant Colonel Watkins fought so that our families—all Americans—could lead our lives and freedoms in greater security. His mission was noble—and embodies the absolute greatest of the American ideas.

Lieutenant Colonel Watkins' F-15 went down on April 7 near Tikrit, Iraq. His courageous actions contributed to the success of our mission—the prevention of the spread of weapons of mass destruction, and the permanent removal of the heavy boot of oppression from the throats of the Iraqi people.

Lieutenant Colonel Watkins left his home and family to travel around the world to liberate an oppressed people—most whom he had never met. There was no personal benefit, there was no monetary reward.

When Lieutenant Colonel Watkins was called to action, he knew the mission, the purpose and the goal was larger than one man. He answered his country's call with a simple, "yes sir"—steady in his love for the cause of freedom.

Shortly after Lieutenant Colonel Watkins death, The Danville Register and Bee, his hometown paper, aptly noted:

> We live in a safe, free and prosperous country because men like Watkins have always been willing to sacrifice their lives to protect the birthright of every American. It is a sacrifice made on behalf of millions of people who don't have to risk anything . . . Watkins' sacrifice on behalf of freedom will help protect many lives in the future. The world was better with Watkins in it, and it is safer because he was willing to fight to make it that way.

Truer words were never written.

William Watkins was recently promoted to lieutenant colonel. A promotion well deserved. He graduated from the U.S. Naval academy in 1989 and served as a flight officer in the Navy for 12 years. In 2001, he transferred to the Air Force to continue his service to his country—where he served as a weapons system officer. He loved this country.

Serving our country wasn't something Lieutenant Colonel Watkins "did." It was something he lived. His wife, Major Melissa Watkins, continues to serve our country as an intelligence officer. And while we will never know her and her children's loss or pain, we continue to hold them in prayer and support them in all ways possible.

No tribute, no speech will replace Lieutenant Colonel Watkins. His children will grow up never knowing this truly great American. He will be missed. And, while it certainly does not fill the void left by his death, the greatest tribute to his life can be summed up by one act, one moment that will live in each of our memories forever.

It is the moment that a free Iraqi people, liberated from the chains of oppression, gathered in central Baghdad, breathed their first breaths of freedom and tore down the statue of the vile, ruthless dictator Saddam Hussein.

So, each time we see that footage of that historic event, each time we hear of the end of Saddam's ruthless, torturous regime, each time an Iraqi speaks their mind, we should, we must, remember the sacrifices of great, giving American servicemen and women like LTC William Watkins.

May he rest in peace, knowing how grateful we are and that we will support his family.

* * *

REQUEST FOR SEQUENTIAL REFERRAL—S. 1035

Mr. WARNER. Mr. President, I ask unanimous consent a letter to the honorable BILL FRIST be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, May 8, 2003.

Hon. BILL FRIST,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: Pursuant to section 3(b) of S. Res. 400 of the 94th Congress, I request that S. 1025, the Intelligence Authorization Act for Fiscal Year 2004, which was reported out on May 8, 2003, by the Select Committee on Intelligence, be sequentially referred to the Committee on Armed Services for a period not to exceed thirty days of session.

With kind regards, I am

Sincerely,

JOHN WARNER,
Chairman.

* * *

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 19, 2001 in New York, NY. A 30-year-old Muslim, man was assaulted by a group of six to eight men. The attackers shouted anti-Arab insults and pelted him with stones. The attackers fled before authorities could apprehend them.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

* * *

TAKE OUR DAUGHTERS TO WORK DAY

Ms. LANDRIEU. Mr. President, as you walk the halls of the Senate today, you may have noticed many young and bright faces. Today, we are celebrating the 11th anniversary of "Take Our Daughters to Work Day." Senator HUTCHISON and I have been pleased to oversee today's activities with our colleagues.

Over 11 million girls ages 9 to 15 are spending today with their parents, relatives, friends, neighbors, and other mentors experiencing the wide range of careers the world has to offer.

Since 1993, 82 million young women and some young men have participated in this outstanding program. According to a recent poll commissioned by the Ms. Foundation for Women, girls believe the program increased their interest in education, broadened their thinking about the future, and strengthened their relationship with their parents and other caring adults.

This morning's Senate activities began with a breakfast and a tour of the Senate floor for approximately 200 girls and their sponsors, many of them Senate staff members and assistants who wanted to share with their girls the excitement and challenges of working in our Nation's Capitol, and in particular, here in the Senate.

This year, I am happy to host 19 young ladies, all with very promising futures, many from my home State of Louisiana. Please welcome: Miss Leslie Ann Leavoy of DeRidder, LA; Miss Monica Manning of Conyers, GA; Miss Sofia Gold of Chevy Chase, MD; Miss Nicoleta Koha and Miss Joyanna Malutinok of Lexington, MA; Miss Eliza Shaw, Miss Molly Claire Shaw, Miss Lindsey McDonough, Miss Allison McDonough, Miss Janie Abernathy, and Miss Kerry Garikes of Washington, DC; Miss Adrienne Lewis and Miss Megan Johnson of Baton Rouge, LA; Miss Caroline Mitchell of Mandeville, LA; Miss Jillian Baker of McLean, VA; Miss Taylor Denson and Miss Emma Caffery of New Orleans, LA; Miss Lena Jones of Fort Gordon, GA; and Miss Katy Magruder of Maitland, FL.

In closing, I would like to thank the Ms. Foundation the founder and organizer of this outstanding program that has impacted in a very positive way the lives of millions of girls and has become a tradition for thousands of workplaces around the country.

* * *

IN HONOR OF NATIONAL NURSES WEEK 2003

Mr. SANTORUM. Mr. President, I rise today in recognition of National Nurses Week, celebrated this year from May 5 through May 12. Our annual tribute to the women and men who give comfort to the ill and injured across the country reminds us that nurses stand daily on the front lines of the health care profession. This year, however, we should also be reminded of the brave nursing professionals who serve on and behind the front lines of battle: America's military nurses. With our campaign in Iraq coming to a close, it is fitting to honor the patriots who mend and support our Armed Forces in the field, in addition to those who keep us healthy at home.

The first official military nurse corps in the United States was established in the Army at the turn of the last century. American women, however, had served as combat nurses in every major conflict since the Revolutionary War and, until the creation of the Army Nurse Corps, did so without recognition and as volunteers. In grade school we learned the story of Clara Barton and the gracious care she gave to soldiers wounded in the Civil War. But there were many women throughout American history—quite often the wives, mothers, daughters, and sisters of military men—who took up the role of nurse and treated the injured. They were compelled by genuine concern, kindness, and patriotism, and they used whatever supplies were available to them in their homes and neighborhoods.

In the First and Second World Wars, nursing was the predominant service women were allowed to perform as participating members of the military. During these wars and in conflicts since, nurses have sacrificed their safety and, at times, their lives in serving overseas as medical professionals. Here in our Nation's Capital, as part of the Vietnam Memorial on the National Mall, there is a very poignant statue dedicated to the nurses who joined our troops in Southeast Asia. The image illustrates the important integration of medical care givers in successful military operations and the strength of these women who traveled to Vietnam and faced the same dangers and perils our soldiers did. In the gulf war, Afghanistan, and Iraq, military nurses have continued to exhibit this resolve and calm while tending to our Armed Forces. For a wounded soldier abroad, I can imagine no greater comfort.

My appreciation for those who serve our communities and our Nation through the nursing profession stems from my experiences growing up on the campus of a Veterans Administration, VA, hospital. Additionally, my mother, sister, and wife all have nursing backgrounds and I have witnessed their commitment to quality health care and to their patients throughout my life. As we honor the women and men who are dedicated to this profession in clinics, hospitals, and VA facilities across the country, we also honor those nurses who are themselves veterans. They are soldiers of a different, yet equally brave, stripe and they are certainly heroes to the wounded troops they help to bring home. I hope my Senate colleagues will join me in recognizing and thanking America's nurses, military and civilian, for the incredible, indispensable, and courageous work they do.

Mr. NELSON of Nebraska. I commend the 20,000 registered nurses working in Nebraska as we celebrate National Nurses Week. From May 6–12, we recognize the diverse ways in which registered nurses, the largest health care profession, are working to improve health care. From bedside nursing in hospitals and long-term care facilities to the halls of research institutions, State legislatures, and Congress, the depth and breadth of the nursing profession is meeting the expanding health care needs of American society.

I also urge more Nebraskans to consider nursing as a career. Although nursing is one of the most noble professions, more nurses are desperately needed. The Department of Health and Human Services predicts that the number of nursing vacancies nationwide will rise from its current total of 126,000 to 275,000 in 2010. The shortage of nurses in Nebraska is also reaching epidemic proportions, with one in 10 nursing positions unfilled.

My colleagues and I want to provide more educational opportunities for people who want to become nurses. In response to the national nursing shortage, the Nurse Reinvestment Act of 2002 was signed into law in August 2002. The Nurse Reinvestment Act provides scholarships to nursing students who agree to provide 2 years of service in a health care facility with a critical nursing shortage. It also allows for the canceling of up to 85 percent of a student's graduate studies loans if they later teach at a school of nursing. The act also provides grants to improve nurse education, practice, and retention as well as a program for training and education in geriatric care that will enable nurses to better serve the growing population of older Americans. State and national public service announcements will promote nursing and raise awareness of the financial assistance that is available.

A loan forgiveness program is also available. The Nurse Education Loan Repayment Program will pay 60 percent, or up to $30,000, of an RN's student loan balance in exchange for 2 years of service. If an eligible participant elects to stay for another year, an additional 25 percent of the loan, or up to $7,500, will be repaid.

Nebraska also has a loan forgiveness program for nursing students. A limited amount of $1,000 loans are awarded each year. The loan is forgiven if the graduate practices nursing in Nebraska for at least 1 year following graduation.

Again, I commend the work of Nebraska's nurses and send my best wishes during National Nurses Week.

FLORIDA VETERANS MOBILE SERVICE CENTER COMES TO THE HILL

Mr. GRAHAM of Florida. Mr. President, I am enormously proud that on Tuesday, the Florida Veterans Mobile Service Center came to Capitol Hill as part of the National Coalition for Homeless Veterans Annual Membership Meeting and Conference.

The Florida Veterans Mobile Service Center is a 40-foot van equipped with two exam rooms, as well as facilities for dental care. The Center travels the State of Florida providing care to homeless veterans who live in rural encampments. The unit offers homeless veterans immediate assistance of food and clothing, health screening and assessment, VA benefit determination and counseling, as well as assessment of housing, mental health, substance abuse, employment, educational and vocational needs. That the Center is mobile, allows its team—comprised of staff from Volunteers of America and Department of Veterans Affairs—to go where their assistance is most needed.

This community service provider offers homeless veterans a unique way to receive quality care while still ensuring their sense of dignity and respect. I take pride in the fact that my State offers this initiative, effective source of help to our Nation's veterans. We all owe those who risked their lives defending this country a debt of gratitude, and I am so thankful to the Center's hardworking, compassionate team for doing their part in paying that debt.

I especially want to point out the dedication of Scott Martin, who drove more than 900 miles to bring the Florida Veterans Mobile Service Center from Tampa, FL, to Washington, DC. I also would like to thank Kathryn Spearman, president and CEO of Volunteers of America of Florida, Ray Tuller, chief financial officer of Volunteers of America of Florida, and Ed Quill, director of external affairs for Volunteers of America of Florida, all of whom joined Scott here in Washington.

ADDITIONAL STATEMENTS

TRIBUTE TO MARLENE PERLING

• Mr. COLEMAN. Mr. President, I ask that the following article recognizing the generosity of Marlene Perling toward Zachary Wood and his family be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Duluth News Tribune, May 8, 2003]

A Stranger . . . a Boy . . . a Gift; A Widow's Offer to the Family of a Disabled 10-Year-Old Fulfills Her Wish and Zachary Wood's Dream

(By Chuck Frederick)

International Falls, Minn.—Fourth-grader Zachary Wood and his family are still numb, perhaps from pinching themselves so much.

Two weeks ago, Zachary's dad, Terry Wood, was raking the yard when a neighbor dropped by, wondering if the family was interested in a used van with a wheelchair lift. Zachary has spina bifida and has used a wheelchair since he was a toddler. A new van with a lift was definitely in the family's future—perhaps next year, Terry Wood thought, when their current car was paid off.

The neighbor leaned in.

"You really should take a look at this van," he said. "I think you can get a really good deal."

So Terry Wood hoisted Zachary, 10, into the family car as his wife, Tammy, and 15-year-old daughter, Jenna, hopped in. They motored to nearby Rainy Lake. It was a nice van—full-size Ford, motorized lift, low miles and no rust.

"I'm supposed to show you the pontoon boat and house, too," said the Woods' neighbor, a cousin of the home's owner.

"Uh, sure," said the Woods, a bit puzzled. But they decided not to pass up a chance to check out a beautiful lakefront property.

The boat and the house were, like the van, equipped with ramps and sturdy, level surfaces that made it easy for Zachary to get around. He wheeled across wide decks with breathtaking lake vistas. Inside, he rolled under knotty pine ceilings. The house even had an elevator.

"It's fantastic. Thanks for the tour," Terry Wood said. He started to ask about the van and its price, but the neighbor interrupted.

"Now, couldn't you kids just picture yourself living here?" he asked.

"Yeah, right, in our dreams," said Terry Wood, an International Falls police officer for 13 years.

"Maybe if we win the lottery," said Tammy Wood, who works at Rainy Lake Community College.

The both laughed, but sometimes dreams come true.

SUMMERS ON THE LAKE

David Perling was born in International Falls and grew up in Iowa. When he was 15, he and some buddies were goofing around on a wagon, throwing hay at each other. Perling weaved to the side to avoid an attack, but lost his balance and crashed to the ground. The wagon rolled over him twice, paralyzing him.

He went on to become an electrical engineer. Six years ago, he and his wife decided they wanted to spend summers back in his hometown and on Rainy Lake. His late uncle's place was available. It would be perfect for escaping the triple-digit heat in Arizona, where David and Marlene Perling lived for more than three decades.

They lived at Rainy Lake for six straight summers. It was their place. The sun rises over Canada. The loons call.

They planned to return this summer, too. But in January, David Perling suffered a stroke and died. He was 61.

A Rainy Lake neighbor called Marlene Perling in the spring about buying the lakefront place. She didn't know what to say.

"I can never put a price on this house. To me it's just priceless," she said. "But I also know that I could never come up without David. I cried a ton of tears. I knew I just couldn't sell this place."

She prayed for an answer. And then it came to her.

"I decided I wanted to give it to a family who could benefit from it, who could enjoy it as much as David and I enjoyed it those six years," she said. "That's what I decided I wanted to do. It was all a very sudden thing, but it's also the right thing."

Marlene Perling's cousin Dorlyn Desens of International Falls heard of her intentions. He immediately thought of the nice family living across the street. How many times had he seen the father lift the little boy from his wheelchair to place him in the car? How much longer could his back tolerate the strain?

Desens spotted Terry Wood outside raking. He went over to chat.

DREAM BECOMES REAL

At the lake house two weeks ago, Desens put Terry and Tammy Wood on the phone with his cousin.

"How do you like the van?" Marlene Perling asked.

"The rest of the conversation is a blur to me," Terry Wood said Tuesday. He agreed it went something like this:

The Woods: "Very nice. But we're not sure we can buy it right now. We're still paying off our car and we just built a house." Their house in town is 2½ years old.

Perling: "Well then, just take it."

The Woods: "What do you mean? Just take the van?"

Perling: "Take it all. The house. The boat. The van. It's all free. I just want you to enjoy it. Please enjoy it."

"That's when our knees started shaking and Tammy started crying," Terry Wood said. "It's a pretty incredible story, huh? We're still floating."

"I know it's meant to be," Perling said. "God orchestrated this whole thing. He took me step by step. He led me to this family. I asked God to show me a family who could benefit from this. They are all that and more."

ZACHARY CAN'T WAIT

Zachary is most eager to go fishing with his grandfather. The boy has had 29 surgeries since birth. His spinal cord never developed completely. He suffers respiratory problems, and his vocal cords are paralyzed.

His prognosis is good, however; he's expected to lead a full life, his parents said.

But he has never been able to get in a boat with his grandfather until now.

On Monday, Marlene Perling and the Woods gathered in a lawyer's office in International Falls. She signed over the deed. She even decided to leave behind all the leather and woodsy moose-motif furniture. It was too much of a hassle to take back to Arizona, she said; the moving company wanted more than $7,000.

The Woods plan to move into their new home after school lets out. With the place fully furnished, they plan to keep only their most cherished possessions.

The rest?

"Give it away," Tammy Wood said.●

OREGON HEALTH CARE HERO

● Mr. SMITH. Mr. President, I rise today to salute Oregonian Laure Trickel, a coronary care nurse who is saving the lives of Oregon teenagers through her Heart Ready High Schools Program. Because Laure saw an impending health threat in Oregon schools, envisioned a solution and made every effort to implement her plan, she is an Oregon "Health Care Hero."

Over the past few years, Oregonians have seen several cardiac events threaten the lives of Oregon teenagers during school-sponsored sporting events. Tragically, we have lost more than one treasured teen to an unexpected heart attack on the fields and courts of our schools.

Two cardiac events occurred at Ashland High School in Laure Trickel's southern Oregon hometown. As a coronary care nurse, Laure quickly saw that high schools were simply not prepared to deal with these events, where time is of the essence and technology is critical to saving lives. In Laure's own words, "Although a high school could be as prepared as possible for a person with a weapon of violence, it was not at all prepared for the number one killer of Americans: heart disease and sudden cardiac arrest."

In response, Laure created the Heart Ready High Schools Program, asking local hospitals to donate automated external defibrillators, AED, to local high schools. She also asked the hospitals to provide training for staff and students, to ensure that the school would be ready to effectively respond in an emergency should another tragedy occur.

After the first donation by Ashland Community Hospital, several other Oregon hospitals caught Laure's vision and decided to help. I join the parents of students at Ashland, Crater, Eagle Point, Butte Falls, and Prospect high schools in thanking Ashland Community Hospital, Rogue Valley Medical Center, the Children's Miracle Network, Providence, and Medford Medical Center for making these lifesaving devices and training available. Since that time, Merle West Medical Center and the KMSB Foundation have provided similar equipment and skill training to three Klamath Falls high schools, spreading this critical program further across our State.

These are difficult financial times for both schools and hospitals, and I applaud these community hospitals for responding to this great need with their time and limited funds. Many Oregon students will owe their lives to the quick emergency treatment they will receive should a cardiac event occur.

Most of all, I am grateful to Laure Trickel for finding a way to prevent needless death among Oregon students. Making a difference requires vision, great courage, a willingness to ask for help, and following through. Laure has done all these things, and we owe her our great thanks. She is a true "Health Care Hero" for Oregon.●

CELEBRATING THE 10TH ANNIVERSARY OF THE REVLON RUN/WALK FOR WOMEN IN LOS ANGELES

● Mrs. FEINSTEIN. Mr. President, today I rise to recognize the efforts of the more than 60,000 men, women, and children who will be meeting at the Los Angeles Memorial Coliseum at Exposition Park on Saturday, May 10, 2003, to celebrate the 10th anniversary of the Revlon Run/Walk and to raise funds for women's cancers. The largest 5K event in the Nation, the Revlon Run/Walk, presented by the Entertainment Industry Foundation, EFT, and cochaired by Ellen Barkin, Ronald O. Perelman and Lilly Tartikoff, will raise funds to target research that will contribute to the development of important new therapies, such as Herceptin to treat breast cancer, the first in the wave of new targeted cancer treatments.

To date, the Revlon Run/Walk in Los Angeles and New York has raised more than $27 million since its beginning in Los Angeles a decade ago. The Revlon Run/Walk in Los Angeles will be hosted by Debra Messing and Billy Crystal along with Revlon spokespersons Karen Duffy and Jaime King.

The Los Angeles area beneficiaries for 2003 include: The Revlon/UCLA Women's Cancer Research Program, National Women's Cancer Research Alliance (NWCRA), the Wellness Community, WIN Against Breast Cancer, USC/Norris Comprehensive Cancer Center and Hospital Ovarian & Breast Cancer Program, the UCLA Digital Mammography Program, T.H.E., The Help Everyone, Clinic, Inc., Los Angeles Breast Cancer Alliance, John Wayne Cancer Institute, Breast Cancer Research Program, Women of Color Breast Cancer Survivors Support Program, Team Survivor Los Angeles, Providence Saint Joseph Foundation, Art of Healing—Women's Health, Gilda Radner Ovarian and Breast Cancer Detection Program at Cedars Sinai Medical Center, Asian Pacific Health Care Venture, Inc. (ACPHCV), and weSpark.

Today, 1 in 27 American women will die of breast cancer. According to the American Cancer Society, every 2.5 minutes a woman is diagnosed with breast cancer, every 13 minutes a woman dies of breast cancer, and this year alone 54,100 women will lose their lives to breast and ovarian cancer. For a woman with ovarian cancer today, there is still no method of early detection.

In my home State of California, the American Cancer Society is predicting this year that more than 26,300 women will be diagnosed with breast and other women cancers and more than 5,500 grandmothers, mothers, wives, daughters, sisters, cousins, and friends will die.

The facts serve as a reminder that there is still so much to be done. Mammograms are a proven method of early detection. Unfortunately a large portion of women are not getting screened.

The continuing fight requires many levels of commitment and I want to congratulate all those individuals involved in this worthwhile event as they celebrate both Mother's Day and the 10-year anniversary of the Revlon Run/Walk. The thousands running in Los Angeles represent the millions hoping for an end to cancer. I, too, look forward to a day without cancer.•

ASIAN-PACIFIC AMERICAN HERITAGE MONTH

• Mr. DAYTON. Mr. President, today, I rise to speak about the importance of the Asian-Pacific American experience in my home State of Minnesota. During this month, designated Asian-Pacific American Heritage Month, we are proud to celebrate the many ways in which the culture of our Asian citizens enriches us as Minnesotans and Americans.

In Minnesota, we celebrate with a myriad of public events throughout the State, including a Burmese cultural exhibition, dance workshops, musical performances, picnics, banquets, flea markets, and festivals. For this year's theme, the Minnesota State Council on Asian-Pacific Minnesotans has chosen "Experience Freedom," a thread which runs through the stories of so many Asian Americans.

Each generation of immigrants to this country has pursued a freedom not known in their homelands. Chinese, Japanese, and Filipino settlers sought out Minnesota in the late 19th century, hoping to find broad economic opportunities. This same goal motivated Korean and other Asian immigrants who left their countries to find unparalleled opportunities.

More recently, Asians have come to Minnesota seeking refuge from war. Tibetans, Hmong, Vietnamese, and Cambodians escaped from a country ravaged by war and unrest. Here, they found freedom, peace, and new avenues for fulfillment, and achievement. I am especially proud to say that with the recent election of State Representative Cy Thao, Minnesota now has two legislators of Hmong descent.

Thanks to the infusion of Asian-Pacific influences, Minnesota virtually vibrates with new ideas, philosophies, and folkways. Individually and collectively, Asian-Pacific citizens have made significant contributions to their communities, accomplishments which the State Council on Asian-Pacific Minnesotans recognizes by conferring four Annual Leadership Awards. I am pleased to join in honoring these outstanding individuals and organizations.

Jasmine Dinh has received the Professional Leadership and Community Service Award. Her commitment to public service has led her to cofound Asian Women United of Minnesota, a nonprofit organization devoted to ending violence against Asian women; to create a battered women's shelter in Minneapolis, one of the few focused on Asian American women; to serve on the staff of United States Representative Bill Luther; and to become deeply involved in the Vietnamese Community of Minnesota Organization. Recently, she opened her own business, Jasmine's Coffee and Tea House, while still working full time as a senior program manager for the Minnesota Partnership for Action Against Tobacco.

Jodie Tanaka has been recognized with the Professional Leadership Award. The owner, CEO, and president of Tanaka Advertising, a business established by her father, Jodie developed the company into the highly successful entity it is today. Among her clients, she counts other notable Minnesota companies, including U.S. Bank, the Minnesota Twins, Northwest Airlines, and Davanni's. Her hard work and excellence in her field have consistently been acknowledged by awards from Minnesota's community of business professionals.

Dragon Festival Planning Committee is this year's Community Service Award winner. The committee has built on the original Asian American Festival, a lively and popular annual event since 1997. The newly named Dragon Festival has grown to include not only a parade but also a dragon boat race.

Kogen Taiko, players of traditional Japanese drums, have received this year's award for community service and excellence in the arts. The oldest taiko drumming ensemble in Minnesota, Kogen Taiko, preserves Japanese drumming techniques while also incorporating multiple American rhythms. The result is original Japanese-American music. The group's performances have movingly affirmed the sometimes painful Japanese experience in America. In addition, they are extensively involved in the community, having used proceeds from a benefit concert to help pay medical bills for a deceased friend and to establish an education fund for his children.

In addition to these distinguished Leadership Award winners, I would like to pay tribute to two other remarkable people.

Adeel Lari served as president of the Council on Asian-Pacific Minnesotans from 1994 to 2002. Thanks to his leadership, the council has become a driving force in educating the larger community about matters important to Asians in Minnesota. Adeel has also spent the past 28 years at the Minnesota Department of Transportation. His dedication to his community is exemplary.

Minneapolis Police Officer Duy Ngo has served the department honorably for over 5 years and was recently assigned to the Minnesota Gang Strike Force, helping to curb gang membership and violence in our State. In addition, he is a sergeant in the Army Reserves. Officer Ngo is recovering well from injuries received when he was shot while working undercover. Like all Minnesotans, I deeply appreciate the bravery of officers like Duy Ngo who put their lives on the line every day to protect their fellow citizens.

It is entirely appropriate for us to designate a special time to pay tribute to the many contributions of Americans of Asian or Pacific ancestry. At the same time, I wish to emphasize the value of the many talents, strengths, and unique qualities they consistently bring to us. We welcome and cherish their distinctive gifts and customs.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:04 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 100. An act to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940.

H.R. 766. An act to provide for a National Nanotechnology Research and Development Program, and for other purposes.

H.R. 866. An act to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works.

H.R. 1609. An act to redesignate the facility of the United States Postal Service located at 201 West Boston Street in Brookfield, Missouri, as the "Admiral Donald Davis Post Office Building".

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 53. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 96. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

The message further announced that pursuant to section 1238(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398), as amended by division P of the Consolidated Appropriations Resolution, 2003, the Speaker reappoints the following members on the part of the House of Representatives to the United States-China Security Review Commission: Mr. Stephen D. Bryen of Maryland for a term to expire December 31, 2005; Ms. June Teufel Dryer of Florida for a term to expire December 31, 2003; Mr. Larry Wortzel of Virginia for a term to expire December 31, 2004.

The message also announced that pursuant to section 1238(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398), the Minority Leader appoints the following individual to the United States-China Security Review Commission: Ms. Carolyn Bartholomew of the District of Columbia, for a term that expires December 31, 2004.

ENROLLED BILL SIGNED

The following enrolled bill, previously signed by the Speaker of the House, was signed on today, May 8, 2003 by the President pro tempore (Mr. STEVENS).

H.R. 289. An act to expand the boundaries of the Ottawa Wildlife Refuge Complex and the Detroit River International Wildlife Refuge.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 100. An act to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940; to the Committee on Veterans' Affairs.

H.R. 766. An act to provide for a National Nanotechnology Research and Development Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 866. An act to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works; to the Committee on Environment and Public Works.

H.R. 1609. An act to redesignate the facility of the United States Postal Service located at 201 West Boston Street in Brookfield, Missouri, as the "Admiral Donald Davis Post Office Building"; to the Committee on Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1009. A bill to amend the Foreign Assistance Act of 1961 and the State Department Basic Authorities Act of 1956 to increase assistance to foreign countries seriously affected by HIV/AIDS, tuberculosis, and malaria, and for other purposes.

S. 1019. A bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2223. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, Department of Defense, transmitting, pursuant to law, the report entitled "Distribution of Department of Defense Depot Maintenance Workloads Fiscal Years 2003 and 2007" received on April 30, 2003; to the Committee on Armed Services.

EC–2224. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a closing of the Department of Defense commissary at Fort Monroe, VA effective July 31, 2003; to the Committee on Armed Services.

EC–2225. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report relative to a procurement contract for the Family of Medium Tactical Vehicles (FMTV); to the Committee on Armed Services.

EC–2226. A communication from the Attorney-Advisor, Department of Transportation, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Secretary of the Navy, received on May 2, 2003; to the Committee on Armed Services.

EC–2227. A communication from the Secretary of Energy, transmitting, pursuant to law, the report entitled "Department of Energy Activities Relating to the Defense Nuclear Facilities Safety Board, received on April 30, 2003; to the Committee on Armed Services.

EC–2228. A communication from the Alternate FRLO, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE: Eligibility and Payment Procedures for CHAMPUS Beneficiaries Age 65 and Over (0720–AA66)" received on April 30, 2003; to the Committee on Armed Services.

EC–2229. A communication from the Assistant Secretary of Defense and Director, Office of Personal Management, transmitting, pursuant to law, the report entitled "Joint Evaluation by the Department of Defense (DOD) and Office of Personnel Management (OPM) of the Federal Employees Health Benefits Program (FEHBP) Demonstration: Second Report to Congress" received on April 30, 2003; to the Committee on Armed Services.

EC–2230. A communication from the Assistant Secretary of the Navy, Installations and Environment, transmitting, pursuant to law, the report relative to analyzing optical fabrication enterprises employing military and civilian personnel for the divestiture to the private sector; to the Committee on Armed Services.

EC–2231. A communication from the Program Manager, Pentagon Renovation Program, Office of the Secretary of Defense, Department of Defense, transmitting, pursuant to law, the report entitled "The Renovation of the Pentagon" received on April 30, 2003; to the Committee on Armed Services.

EC–2232. A communication from the General Counsel, Department of Defense, transmitting, pursuant to law, the report of legislative initiatives that are part of the National Defense Authorization Act for Fiscal Year 2004, received on April 30, 2003; to the Committee on Armed Services.

EC–2233. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Change of Address; Technical Amendment" received on April 30, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–2234. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Records and Reports Concerning Experience With Approval New Animal Drugs (0910–AC42)" received on April 30, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–2235. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Head Start Program (0970–AB54)" received on April 30, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–2236. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report entitled "Fiscal Year 2002 Prescription Drug User Fee Act of 1992 Financial Report" received on April 30, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–2237. A communication from the General Counsel, National Science Foundation, transmitting, pursuant to law, the report of a rule entitled "Final Rule on Antarctic Meteorites, 45 CFR Part 674 (3145–AA40)" received on April 30, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–2238. A communication from the President, United States Institute of Peace, transmitting, pursuant to law, the report entitled "Consolidated Financial Statements and Additional Information for Year ended September 30, 2002 and 2001" received on April 30, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–2239. A communication from the Attorney-Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Administrator, Federal Aviation Administration; to the Committee on Commerce, Science, and Transportation.

EC–2240. A communication from the Chief Financial Officer, Department of Housing and Urban Development, transmitting, pursuant to law, the report of the Department of Housing and Development's inventory of commercial activities for the year 2002; to the Committee on Governmental Affairs.

EC–2241. A communication from the Director, U.S. Trade and Development Agency (USTDA), transmitting, pursuant to law, the report of a the USTDA Annual Performance Plan for Fiscal Year (FY) 2004; to the Committee on Governmental Affairs.

EC–2242. A communication from the Chairman, National Endowment for the Humanities, transmitting, pursuant to law, the report of the Fiscal Year 2002 Performance Report of the National Endowment for the Humanities; to the Committee on Governmental Affairs.

EC–2243. A communication from the Secretary to the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on Council Resolution 15-86 "Sense of the Council on Maintaining Open Spaces for Demonstrations in the District of Columbia Emergency Resolution of 2003" received on April 30, 2003 ; to the Committee on Governmental Affairs.

EC–2244. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the report relative to Federal Employees Clean Air Incentives; to the Committee on Governmental Affairs.

EC–2245. A communication from the Assistant Secretary, Legislative Affairs, transmitting, pursuant to Arms Export Control Act, the report on the export of Defense articles that are firearms controlled under category I of the United States Munitions List Sold commercially under a contract in the amount of $1,000,000 or more to Columbia; to the Committee on Foreign Relations.

EC–2246. A communication from the Assistant Secretary, Legislative Affairs, transmitting, pursuant to law, the report relative to shrimp harvesting technology that may adversely affect certain sea turtles; to the Committee on Foreign Relations .

EC–2247. A communication from the Assistant Secretary, Legislative Affairs, transmitting, pursuant to law, the report on Nuclear Nonproliferation in South Asia, received on April 30, 2003; to the Committee on Foreign Relations.

EC–2248. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report relative to international agreements other than treaties entered into by the United States under the Case-Zablocki Act with Bulgaria, Economic Community of West African States, Djibouti and Denmark, received on April 30, 2003; to the Committee on Foreign Relations.

EC–2249. A communication from Chairman of the Subcommittee on Commerce, Justice, State and Judiciary, U.S. House of Representatives, transmitting, the report of a letter that is relative to China's Human Rights Record; to the Committee on Foreign Relations.

EC–2250. A communication from the Rules Administrator, Office of General Counsel, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Bureau of Prisons Emergencies - Interim Final Rule (1120-AB17)" received on April 28, 2003; to the Committee on the Judiciary.

EC–2251. A communication from the Director, Regulations & Forms Services Division, Bureau of Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Electronic Signature on Applications and Petitions for Immigration and Naturalization Benefits (1615-AA83)" received on April 30, 2003; to the Committee on the Judiciary.

EC–2252. A communication from the Chairman, United States Sentencing Commission, transmitting, pursuant to law, the report on amendments to sentencing guidelines, policy statements and official commentary, received on May 2, 2003; to the Committee on the Judiciary.

EC–2253. A communication from the Chairman, United States Sentencing Commission, transmitting, pursuant to law, the report entitled "Report to the Congress: Increased Penalties for Campaign Finance Offenses and Legislative Recommendations" received on May 2, 2003; to the Committee on the Judiciary.

EC–2254. A communication from the Chairman, United States Sentencing Commission, transmitting, pursuant to law, the report entitled "Report to Congress: Increased Penalties for Cyber Security Offenses" received on May 2, 2003; to the Committee on the Judiciary.

EC–2255. A communication from the Assistant Secretary, Legislative Affairs, transmitting, pursuant to law, the report of a rule entitled "Documentation of Nonimmigrant Under the Immigration and Nationality Act, as Amended—Victims of Severe Forms of Trafficking in Persons (22 CFR Parts 40 and 41)" received on May 2, 2003; to the Committee on the Judiciary.

EC–2256. A communication from the Acting Associate Attorney General, Department of Justice, transmitting pursuant to law, the report relative to the Department of Justice's 2002 annual report on certain activities pertaining to the Freedom of Information Act; to the Committee on the Judiciary.

EC–2257. A communication from the Attorneys General, transmitting, pursuant to law, the report relative to Foreign Intelligence Surveillance Court; to the Committee on the Judiciary.

EC–2258. A communication from the Director, Federal Judicial Center, transmitting, pursuant to law, the report entitled "Federal Judicial Center's annual report for the 2002 calendar year" received on April 30, 2003; to the Committee on the Judiciary.

EC–2259. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, the report relative to the Judicial Conference recommendations affecting dollar amounts in the Bankruptcy code; to the Committee on the Judiciary.

EC–2260. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the report of a document entitled "College Scholarship Fraud Prevention Act of 2000 - Second Annual Report to Congress" received on May 1, 2003; to the Committee on the Judiciary.

EC–2261. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, the report of a document entitled "2002 Wiretap Report" received on April 28, 2003; to the Committee on the Judiciary.

EC–2262. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report relative to the recharter of the Minnesota State Advisory Committee (SAC), received on April 16, 2003; to the Committee on the Judiciary.

EC–2263. A communication from the Secretary, Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Designations and Nondesignations of Critical Habitat for 60 Plant Species From the Islands of Maui and Kahoolawe, Hawaii; Final Rule (1018–AH70)" received on May 5, 2003; to the Committee on Environment and Public Works.

EC–2264. A communication from the Assistant Secretary, Fish, Wildlife and Parks, Fish and Wildlife, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Designations or Nondesignations of Critical Habitat for 101 Plant Species From the Island of Oahu, Hawaii; Final Rule; to the Committee on Environment and Public Works.

EC–2265. A communication from the Assistant Secretary, Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; final Designations and Nondesignations of Critical Habitat for Five Plant Species From the Northwestern Hawaiian Islands; Final rule (1018–AH09)" received on May 5, 2003; to the Committee on Environment and Public Works.

EC–2266. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation Implementation Plan; Illinois New Source Review Amendments (FRL 7481–3)" received on May 7, 2003; to the Committee on Environment and Public Works.

EC–2267. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans, and Designation of Areas for Air Quality Planning Purposes, State of Illinois (FRL 7496–4)" received on May 7, 2003; to the Committee on Environment and Public Works.

EC–2268. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Emission Test Averaging (FRL 7487–5)" received on May 7, 2003; to the Committee on Environment and Public Works.

EC–2269. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plan for Designation Facilities and Pollutants: Mississippi (FRL 7497–3)" received on May 7, 2003; to the Committee on Environment and Public Works.

EC–2270. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clarification to Interim Standards and Practices for All Appropriate Inquiry Under CERLA (FRL 7496–2)" received on May 7, 2003; to the Committee on Environment and Public Works.

EC–2271. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills (FRL 7495–6)" received on May 7, 2003; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–91. A resolution from the Senate of the Legislature of the State of Louisiana reletive to the Pledge of Allegiance; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 1

Whereas, one of the founding principles of the United States of America was the free exercise of religion and religious beliefs; and

Whereas, the First Amendment to the Constitution of the United States provides that Congress shall make no law establishing a religion, or prohibiting the free exercise of religion; and

Whereas, Article I, Section 8 of the Louisiana Constitution of 1974 similarly prohibits the enactment of law respecting an establishment of religion or prohibiting the free exercise of religion; and

Whereas, the Pledge of Allegiance was written in 1892 as a means of celebrating the quadricentennial celebration of Columbus Day in 1892 and as patriotic oath and salute to the flag; and

Whereas, the words "under God" were added to the Pledge of Allegiance by Congress in 1954; and

Whereas, the display of symbolic patriotism contained in the words of the Pledge of Allegiance is more critical today than ever before in out Nation's history and should be maintained; and

Whereas, while the United States does not have a provision for a national referendum, Congress may vote to place a national referendum on the ballot as a constitutional amendment to maintain the words "one nation under God" in the Pledge of Allegiance, thus allowing the true will of the people to be heard: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to adopt and place on the ballot a national referendum to maintain the words "one nation under God" in the Pledge of Allegiance; and be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–92. A resolution adopted by the House of Representatives of the State of Delaware relative to immigrants in the U.S. Military; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 20

Whereas, immigrants have a long history of service in the United States military, including service in major wars, including, but not limited to, World War I, World War II, the Korean War, the Vietnam War, Operation Desert Storm, and the current war in Iraq; and

Whereas, the number of immigrants serving in the United States military has grown from 28,000 in 2000 to more than 37,000 today, and to date, immigrants comprise nearly 5 percent of all enlisted personnel on active duty in the United States Armed Forces and more than 20 percent of Congressional Medal of Honor recipients; and

Whereas, several immigrants have already lost their lives in Operation Iraqi Freedom, and service in the United States military, particularly in times of conflict, is the ultimate act of patriotism and duty served to the United States; and

Whereas, many immigrants on active duty are trying to become naturalized citizens and are required by law to be available at all times for military service but are only allowed to apply for United States citizenship after completing three years of service; and

Whereas, President George W. Bush recently issued an executive order conferring immediate eligibility for citizenship to immigrants serving on active duty in the United States Armed Forces to reward immigrants serving during the post-September 11 war on terrorism: Now, therefore, be it

Resolved, by the House of Representatives of the 142nd General Assembly of the State of Delaware, the Senate concurring therein, That the Legislature of the State of Delaware urges the President and the Congress of the United States to amend federal selective service and immigration laws to grant the right of citizenship to any and all immigrants honorably discharged from the military; and be it further

Resolved, That the Clerk of the House transmit copies of this resolution to the President and Vice President of the United States, and to the members of Delaware's congressional delegation.

POM–93. A resolution adopted by the Orange County Fire Authority Board of Directors of the State of California relative to first responders; to the Committee on the Judiciary.

POM–94. A resolution adopted by the Senate of the State of Kansas relative to the Pledge of Allegiance; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 1827

Whereas, this nation was founded by people seeking a place where they could practice their religion freely; and

Whereas, the first settlers found themselves in a strange and strenuous land which required them to call upon the strength of their God and to place themselves in his trust; and

Whereas, our founding fathers, in creating our national constitution, assured the freedom of choice in one's practice of religion. However, our national leaders in times of stress have called upon our belief and trust in a superior being to see this nation through difficult times, and have acknowledged the continuous presence of our God by inscribing on our currency the reassuring phrase "In God we trust" and by including the phrase "one Nation under God" in our pledge of allegiance; and

Whereas, the strength of a nation can be measured in its citizens' desire for domestic tranquility and in their abiding belief in a supreme being. Accordingly, it is urged upon the Congress of the United States that this basic requirement of a great nation be recognized by amending our constitution as follows: "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several states within seven years after the date of its submission for ratification:

Section 1. The first amendment to the Constitution of the United States shall not be construed to prohibit the recitation of the Pledge of Allegiance to the Flag, which shall be, 'I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.'

Section 2. The first amendment to the Constitution of the United States shall not be construed to prohibit the recitation or use of the national motto, which shall be, 'In God we trust' "; and

Whereas, we urge Congress to pass this Constitutional Amendment and to send it on to the individual states for their approval: Now, therefore, be it

Resolved by the Senate of the State of Kansas, That we memorialize the Congress of the United States to seek a constitutional amendment to protect the pledge of allegiance and our national motto; and be it further

Resolved, That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to each member of the Kansas Congressional Delegation.

POM–95. A resolution adopted by the House of Representatives of the State of Delaware relative to Free Trade; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 12

Whereas, the United States should promote the values of freedom, democracy, and a commitment to open markets and the free exchange of both goods and ideas at home and abroad; and

Whereas, the Republic of China on Taiwan shares these values with the United States and has struggled throughout the past 50 years to create what is today an open and thriving democracy; and

Whereas, the United States must continue to support the growth of democracy and ongoing market opening in Taiwan if this relationship is to evolve and reflect the changing nature of the global system in the 21st Century; and

Whereas, despite the fact that Taiwan only recently became a member of the World Trade Organization and that it has no formal trade agreement with the United States, Taiwan has nevertheless emerged as the United States' eighth largest trading partner; and

Whereas, American business and workers have benefited greatly from this dynamic trade relationship, most recently in the computer and electronics sector; and

Whereas, Taiwan is a gateway to other Pacific Rim markets for United States exports, helping to preserve peace and stability within the entire region; and

Whereas, United States agricultural procedures have been particularly under represented in the list of United States exports to the region, despite the importance of the markets for growers of corn, wheat, and soybeans; and

Whereas, a free trade agreement would not only help Taiwan's economy dramatically expand its already growing entrepreneurial class, but it would also serve an important political function; and

Whereas, the United States needs to support partner countries that are lowering trade barriers; and

Whereas, Taiwan has emerged the past two decades as one of the United States' most important allies in Asia and throughout the world; and

Whereas, in the interest of supporting, preserving and protecting the democratic fabric of the government of Taiwan, it is made clear that the United States supports the withdrawal of missiles deployed as a threat again Taiwan by the People's Republic of China; and

Whereas, it is in the interest of the United States to encourage the development of both these institutions; and

Whereas, the United States has an obligation to its allies and it its own citizens to encourage economic growth, market opening, and the destruction of trade barriers as a means of raising living standards across the board; and

Whereas, a free trade agreement with Taiwan would be a positive step toward accomplishing all of these goals: Now therefore, be it

Resolved by the House of Representatives of the 142nd General Assembly of the State of Delaware, the Senate concurring therein, That the Bush Administration be encouraged to support a free trade agreement between the United States and Taiwan; and be it further

Resolved, That the United States policy should include the pursuit of some initiative in the World Trade Organization which will give Taiwan meaningful participation in a manner that is consistent with the organization's requirements; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the United States Secretary of State, the Secretary of Health, Education, and Welfare, the Speaker of the United States House of Representatives, the President of the United States Senate, the Government of Taiwan, the World Trade Organization, and the members of Delaware's congressional delegation.

POM–96. A joint resolution adopted by the Senate of the Commonwealth of Virginia relative to nitrogen reduction technology; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION NO. 424

Whereas, the Chesapeake Bay and its tributaries are national treasures that play a vital role in many sectors of Virginia's economy including the commercial seafood, recreational fishing, and tourism industries; and

Whereas, while significant progress has been made in restoring the Chesapeake Bay and its tributaries, they remain in a significantly degraded condition; and

Whereas, nitrogen pollution, the most serious problem facing water quality in the Bay today, results in excessive algae growth that clouds water, depletes oxygen, and severely impacts vital bay grasses, young fish, and crabs; and

Whereas, the Commonwealth is a signatory to the Chesapeake 2000 Agreement, in which Virginia pledged to significantly reduce nitrogen pollution sufficient to remove the Chesapeake Bay from the United States Environmental Protection Agency's impaired waters list by 2010; and

Whereas, upgrading sewage treatment plants, which currently contribute 61 million pounds of nitrogen annually to the Bay, is one of the most cost-effective steps that can be taken to significantly reduce nitrogen pollution; and

Whereas, sewage treatment plants in Virginia discharge up to 25 milligrams of nitrogen per liter of wastewater, while current technology allows the nitrogen content of treated wastewater to be reduced to only three milligrams per liter; and

Whereas, United States Senators of Virginia and the United States House of Representatives from the 1st, 3rd, 4th, 6th, 8th, 10th, and 11th Virginia Congressional Districts have introduced legislation to provide cost-share grant funding to allow Bay watershed sewage treatment plants to substantially reduce their nitrogen pollution by installing NRT: Now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the Congress of the United States be urged to adopt legislation in support of funding for nitrogen reduction technology (NRT) in the 108th Congress; and be it further

Resolved, That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–97. A resolution adopted by the Chemung County Legislature of the State of New York relative to the Transportation Equity Act for the 21st Century; to the Committee on Environment and Public Works.

POM–98. A resolution adopted by the House of Representatives of the State of Michigan relative to the Funding of Transportation Initiatives by the Federal Government; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 5

Whereas, for several decades, Michigan has sent much more federal highway tax money to Washington than it has received in return. This imbalance has helped our nation build the country's highway infrastructure. With the national infrastructure largely completed, the continuation of the imbalance has created a serious challenge for Michigan and other "donor states"; and

Whereas, Michigan, which typically loses between $150 million and $400 million each year by sending more to Washington than it receives, is severely hampered. The unfair practice of contributing hundreds of millions of dollars beyond the amount we receive to fund projects in other parts of the country makes it far more difficult for Michigan to maintain the quality of its highways. The loss of funding also represents a serious loss of economic activity; and

Whereas, the chairman of the House Transportation and Infrastructure Committee and the chairman of the Senate Environment and Public Works Committee in Congress have proposed a major change in how federal highway funds are distributed. They have called for a funding formula that would guarantee that all states receive a minimum of 95 percent of what they each contribute to the federal highway program; and

Whereas, the potential impact for Michigan of a guarantee of at least 95 percent of this funding would be very significant. Even as the economy calls for more careful public expenditures, this proposed policy change would help Michigan and bring greater fairness to the issue of transportation spending. Citizens, visitors, and businesses of this state would benefit enormously from this long overdue policy: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to enact legislation to provide that all states receive a minimum of 95 percent of transportation funds sent to the federal government and to urge Congress to make the return of transportation money to the states a higher priority within existing federal revenues; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–99. A resolution adopted by the House of Representatives of the State of Michigan relative to reauthorization of the Transportation Equity Act; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 23

Whereas, the Interstate Traveler Project is an elevated maglev (magnetic levitation) rail mass transit system that is based upon a conduit cluster concept powered by hydrogen and solar power. The project promises to provide travelers with a clean, quiet, safe, reliable mode of transportation. The intent of the project is to create the world's first switchable maglev rail network that will provide inter-urban/inter-city pedestrian, automobile, and light freight transit services. The project will simultaneously produce, store, and distribute hydrogen, which will not only serve as an alternative energy resource, but also will give Michigan's automakers the incentive to produce hydrogen internal combustion engines, fuel cell cars, and the manufacturing opportunity to build maglev rail cars; and

Whereas, by fully integrating with the interstate highway system, existing transportation infrastructure, and mass transmit systems, the Interstate Traveler Project seeks to reduce traffic congestion and air pollution while improving traffic safety and efficiency. The Interstate Traveler Project substations will utilize the existing interstate highway system's entrances and exits, providing a seamless link of private automobiles, pedestrian traffic, existing municipal bus routes, and tax services. These substations will also support the hydrogen distribution system, as well as fiber optics, water, electricity, and other utilities. Although the Interstate Traveler Project is ideally suited for the interstate highway, system, it may also be integrated with existing and abandoned railroad right-of-ways or along other appropriate lands; and

Whereas, the Interstate Traveler Project is consistent with the 2003 State-of-the-Union address which called on Congress to appropriate $1.2 billion for hydrogen fuel cell technology: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to enact legislation to support research, development, and construction of the Interstate Traveler Project through the reauthorization of the Transportation Equity Act of the 21st Century (TEA-21) and/or other related federal programs; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-100. A joint resolution adopted by the Legislature of the State of Washington relative to veterans with disabilities; to the Committee on Veterans' Affairs.

SENATE JOINT MEMORIAL 8008

Whereas, many American service members have sacrificed their lives for the United States; and

Whereas, many of these service members have retired from active duty and 28 percent of the retirees were found to be disabled; and

Whereas, those retired disabled service members are required by law to have their retirement income reduced dollar for dollar to pay their disability compensation; and

Whereas, retired veterans make up approximately ten percent of all veterans living in this state and the retired disabled veterans make up approximately 36.6 percent of the retired veteran population of this state; and

Whereas, concurrent receipt of both the retired pay and the disability compensation pay would add financially to the welfare of this state as well as the veterans: Now, therefore,

Your Memorialists respectfully pray that the President, in acting upon the recommendations of the National Service Organizations, fund the enacted law for all disabled retired veterans. Your Memorialists further pray that Congress and the President affirm the debt owed these veterans and pass a budget to furnish the veterans their concurrent receipt: Be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the Secretary of the United States Department of Veterans Affairs, the Secretary of the United States Department of Defense, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM-101. A resolution adopted by the Department of Veteran's Affairs of the State of Alabama relative to recouping cost incurred from "Operation Iraqi Freedom" from the Country of Iraq; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERTS, from the Select Committee on Intelligence, without amendment:

S. 1025. An original bill to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 108-44).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH for the Committee on the Judiciary.

John G. Roberts, Jr., of Maryland, to be United States Circuit Judge for the District of Columbia Circuit.

Carolyn B. Kuhl, of California, to be United States Circuit Judge for the Ninth Circuit.

Consuelo Maria Callahan, of California, to be United States Circuit Judge for the Ninth Circuit.

S. Maurice Hicks, Jr., of Louisiana, to be United States District Judge for the Western District of Louisiana.

William Emil Moschella, of Virginia, to be an Assistant Attorney General.

Leonardo M. Rapadas, of Guam, to be United States Attorney for the District of Guam and concurrently United States Attorney for the District of the Northern Mariana Islands for the term of four years.

Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. CANTWELL (for herself, Mr. Crapo, Mrs. Murray, Ms. Murkowski, Mr. Leahy, Mrs. Clinton, and Mr. Schumer):

S. 1024. A bill to authorize the Attorney General to carry out a program, known as the Northern Border Prosecution Initiative, to provide funds to northern border States to reimburse county and municipal governments for costs associated with certain criminal activities, and for other purposes; to the Committee on the Judiciary.

By Mr. ROBERTS:

S. 1025. An original bill to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; to the Committee on Armed Services pursuant to section 3(b) of S. Res. 400, 94th Congress, for a period of not to exceed 30 days of session.

By Mr. SHELBY:

S. 1026. A bill to amend the Internal Revenue Code of 1986 to phase out the taxation of social security benefits; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1027. A bill to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska; to the Committee on Energy and Natural Resources.

By Mr. CRAPO:

S. 1028. A bill to amend the Public Health Service Act to establish an Office of Men's Health; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENSIGN:

S. 1029. A bill to enhance peace between the Israelis and Palestinians; to the Committee on Foreign Relations.

By Mr. BINGAMAN:

S. 1030. A bill to expand the number of individuals and families with health insurance coverage, and for other purposes; to the Committee on Finance.

By Mr. BAYH:

S. 1031. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for long-term care givers; to the Committee on Finance.

By Mr. SARBANES (for himself, Mr. Alexander, Mr. Akaka, Mr. Baucus, Mr. Corzine, Mr. Dodd, Mr. Graham of Florida, Mr. Kennedy, Mr. Lautenberg, Mr. Levin, Mr. Reid, Mr. Schumer, Ms. Stabenow, and Mr. Wyden):

S. 1032. A bill to provide for alternative transportation in certain federally owned or managed areas that are open to the general public; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. Lugar, Mrs. Lincoln, Mr. Corzine, Ms. Landrieu, Mr. Breaux, Mr. Kerry, Ms. Cantwell, Mrs. Murray, Mrs. Clinton, and Mr. Miller):

S. 1033. A bill to amend titles XIX and XXI of the Social Security Act to expand or add coverage of pregnant women under the medicaid and State children's health insurance program, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. Schumer, Mr. Chafee, Mr. Jeffords, Mr. Kennedy, Mr. Durbin, Mr. Lautenberg, Mrs. Boxer, and Mr. Reed):

S. 1034. A bill to repeal the sunset date on the assault weapons ban, to ban the importation of large capacity ammunition feeding devices, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself and Mr. Daschle):

S. Res. 134. A resolution to authorize representation by the Senate Legal Counsel in Newdow v. Eagen, et al.; considered and agreed to.

By Mr. FRIST (for himself, Mr. Santorum, Mr. Brownback, and Mr. Talent):

S. Res. 135. A resolution expressing the sense of the Senate that Congress should provide adequate funding to protect the integrity of the Frederick Douglass National Historic Site; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for Mr. KENNEDY (for himself and Mr. Voinovich)):

S. Res. 136. A resolution recognizing the 140th anniversary of the founding of the Brotherhood of Locomotive Engineers, and congratulating members and officers of the Brotherhood of Locomotive Engineers for the union's many achievements; to the Committee on the Judiciary.

By Mr. FRIST (for himself, Mr. Daschle, Mr. Stevens, Mr. Kennedy, Mr. Jeffords, Mr. Inhofe, Mrs. Hutchison, and Mrs. Feinstein):

S. Res. 137. A resolution honoring James A. Johnson, Chairman of the Board of Trustees of the John F. Kennedy Center for the Performing Arts; considered and agreed to.

ADDITIONAL COSPONSORS

S. 73

At the request of Mr. Inouye, the name of the Senator from Maryland (Ms. Mikulski) was added as a cosponsor of S. 73, a bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research.

S. 139

At the request of Mr. Lieberman, the names of the Senator from Illinois (Mr. Durbin), the Senator from Hawaii (Mr.

AKAKA) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 139, a bill to provide for a program of scientific research on abrupt climate change, to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances that could be used interchangably with passenger vehicle fuel economy standard credits, to limit greenhouse gas emissions in the United States and reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances.

S. 146

At the request of Mr. DEWINE, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 146, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 319

At the request of Ms. MIKULSKI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 319, a bill to amend chapter 89 of title 5, United States Code, to increase the Government contribution for Federal employee health insurance.

S. 465

At the request of Mrs. MURRAY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 465, a bill to amend title XVIII of the Social Security Act to expand Medicare coverage of certain self-injected biologicals.

S. 470

At the request of Mr. SARBANES, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from North Carolina (Mr. EDWARDS) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 470, a bill to extend the authority for the construction of a memorial to Martin Luther King, Jr.

S. 512

At the request of Mr. VOINOVICH, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 512, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts paid on behalf of Federal employees under Federal student loan repayment programs.

S. 540

At the request of Mr. INHOFE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 540, a bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of the service of those Native Americans to the United States.

S. 557

At the request of Ms. COLLINS, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 557, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 569

At the request of Mr. ENSIGN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 569, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 647

At the request of Mr. KENNEDY, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 647, a bill to amend title 10, United States Code, to provide for Department of Defense funding of continuation of health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents, and for other purposes.

S. 877

At the request of Mr. BURNS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 877, a bill to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

S. 888

At the request of Mr. GREGG, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from California (Mrs. BOXER) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 888, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 893

At the request of Mr. SANTORUM, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 893, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 923

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 923, a bill to provide for additional weeks of temporary extended unemployment compensation, to provide for a program of temporary enhanced regular unemployment compensation, and for other purposes.

S. 949

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 949, a bill to establish a commission to assess the military facility structure of the United States overseas, and for other purposes.

S. 1000

At the request of Mr. GRAHAM of South Carolina, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 1000, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to provide TRICARE eligibility for members of the Selected Reserve of the Ready Reserve and their families; to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserve components and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 1001

At the request of Mr. BIDEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1001, a bill to make the protection of women and children who are affected by a complex humanitarian emergency a priority of the United States Government, and for other purposes.

S. 1009

At the request of Mr. BIDEN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1009, a bill to amend the Foreign Assistance Act of 1961 and the State Department Basic Authorities Act of 1956 to increase assistance to foreign countries seriously affected by HIV/AIDS, tuberculosis, and malaria, and for other purposes.

S. 1019

At the request of Mr. DEWINE, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1019, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 1023

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1023, a bill to increase the annual salaries of justices and judges of the United States.

S. 1023

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 1023, supra.

S. CON. RES. 21

At the request of Mr. BUNNING, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. Con. Res. 21, a concurrent resolution expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. CANTWELL (for herself, Mr. CRAPO, Mrs. MURRY, Ms. MURKOWSKI, Mr. LEAHY, Mrs. CLINTON, and Mr. SCHUMER):

S. 1024. A bill to authorize the Attorney General to carry out a program, known as the Northern Border Prosecution Initiative, to provide funds to northern States to reimburse county and municipal governments for costs associated with certain criminal activities, and for other purposes; to the Committee on the Judiciary.

Ms. CANTWELL. Mr. President, today my colleagues and I introduce the Northern Border Prosecution Reimbursement Initiative. This bill outlines an important initiative that would give our northern border States and counties financial assistance in prosecuting criminal and immigration-related cases that arise because of proximity to the border. I thank my fellow northern border Senators and cosponsors, Senators CRAPO, MURRY, MURKOWSKI, LEAHY, CLINTON and SCHUMER for joining with me to introduce and work to pass this important legislation.

This initiative is modeled on a successful program already in place for southern border States. The Southern Border Prosecution Initiative allows States and counties to apply for reimbursement of costs incurred in any federally initiated or declined-referred criminal case. The program is targeted at immigration-related cases, but is not limited only to cases involving immigration charges. Cases arising out of immigration issues but ranging from a misdemeanor property charge to a felony drug conviction are eligible for reimbursement under the southern border program. The program proposed in the legislation introduced today would be operated in the same way.

Federal agencies—such as the Border Patrol and INS—have ongoihg efforts to police the Nation's borders, resulting in hundreds of arrests each year. For many reasons, some of those cases are not pursued by Federal law enforcement authorities and instead are handed off to State or county officials for further prosecution. Instead of asking States to absorb those costs—likely at the expense of other important local law enforcement initiatives—the Northern Border Prosecution Reimbursement Initiative allows States and counties to receive compensation for pursuing these immigration-related cases.

The Northern Border Prosecution Reimbursement Initiative would be administered by the Department of Justice's Bureau of Justice Assistance. States and counties would be able to apply for reimbursement during an annual application period, with no limit on the number of cases submitted. Under the act, funds distribution is not based on the size or population of a northern border State, but upon the number of eligible cases submitted by each jurisdiction. It is possible for reimbursement to equal 100 percent of costs, though money is distributed on a pro rata basis if applications exceed available revenues. Each of the 14 States along the northern border would be eligible for the reimbursement program: Alaska, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Vermont, Washington and Wisconsin.

Last year, $40 million was provided to southern border States Arizona, California, New Mexico and Texas, offsetting the costs of prosecuting immigration-related cases. For 2002, $50 million was allocated to the program. My legislation simply authorizes $28 million for Fiscal Year 2004 be made available to northern border states for the same purpose.

In the years leading up to Sept. 11, 2001, activity along the northern border had shifted primarily from a focus on immigration issues to those related to trade and commerce. However, homeland security has grown into a paramount concern in the wake of the 2001 terror attacks, and our States and local governments are increasingly bearing an unfair financial burden in protecting and patrolling our national borders. There are hundreds of crossings along the 4,000 mile long northern border between the United States and Canada, and though improvements have been made to tighten security, the northern border has yet to receive the resources it needs to adequately enforce our Nation's immigration laws and border restrictions.

The need for greater enforcement efforts along the northern border became glaringly evident in 1998 when Ahmed Ressam, a terrorist trained at one of Osama bin Laden's training camps in Afghanistan, was arrested shortly after crossing the Canadian border into Washington State. Explosives and other bomb-making materials were found in the trunk of Ressam's car. This frightening incident made clear the vulnerabilities we face along the porous northern border, vulnerabilities that became even more concerning after the Sept. 11, 2001, terror attacks.

In the last two years, the Senate has taken steps to improve northern border security. I have worked with Senators from the 14 States that comprise the northern border—including my colleagues who join me as cosponsors on this legislation today—and we have successfully devoted more resources to northern border security efforts. The 2001 Department of Defense Appropriation's bill included $55.8 million for 500 additional Immigration and Naturalization Service inspectors along the northern border—a 105 percent increase in staffing levels. That legislation also provided $23.9 million to transfer 100 border patrol agents and hire 100 new agents. Working to protect our northern border has been a bipartisan effort, enjoying cooperation from senators across the aisle and across the country. Now it is time to take another step toward greater border and national security and approve the Northern Border Prosecution Reimbursement Initiative.

The costs of homeland security are increasingly being borne by States and local governments, an issue that this legislation tackles head-on. Without giving States and counties the necessary resources to pay for cases initiated by Federal authorities, other important local law enforcement initiatives will undoubtedly be shortchanged. States and the Federal Government must work together if our borders are to be truly safe. The Northern Border Prosecution Reimbursement Initiative is a mechanism by which all of the resources of the criminal justice system—local, State, and Federal—can work in harmony.

Mr. SHELBY. Mr. President, I rise today to introduce the Older Americans Tax Fairness Act of 2003. My bill would completely eliminate the unjust taxation of Social Security benefits once and for all. The underlying premise of my legislation is simple: Social Security benefits were never intended to be taxed. At its inception and continuing on for the next fifty years, Social Security benefits were exempt from taxation. Budgetary shortfalls in 1984 and 1993, however, led to the taxation of these benefits.

Because of the rising cost of living, many of our seniors are forced to work past age 65. To these Americans, every penny counts in determining whether they are able to pay for food, heating, and healthcare. However, by taxing Social Security benefits, we make it increasingly impossible for millions of older Americans to make ends meet. In effect, then, taxation of Social Security benefits forces many Americans to endure stressful situations in what should be the golden years of their lives.

Taxation of Social Security benefits is also wrong because it changes the rules in the middle of the game. When seniors contributed to Social Security through the payment of payroll taxes, they did so with the understanding that they would one day receive those benefits tax-free. Unfortunately, because of runaway spending, many in the government have viewed Social Security taxation as a way to make up the shortfall between Federal spending and revenue. Such a decision was wrong then and it is even more wrong now as seniors face rising living costs.

In addition to being fundamentally unfair, I believe that taxing Social Security benefits once seniors pass certain income thresholds discourages them from working. I firmly believe that senior citizens add a wealth of knowledge and experience to the workplace. As such, we must make sure that our American workforce is not deprived of these valuable assets. Our laws should encourage older Americans with a desire to work to continue contributing to our society. Unfortunately, our laws do just the opposite.

Every year my office receives hundreds of letters and calls from older Americans throughout the country and Alabama describing the hardship that Social Security taxation has placed on their lives. The solution to this situation is simple—repeal the unfair taxation of these benefits. I therefore urge my colleagues to listen to their constituents and join me in support of my bill.

By Mr. ENSIGN:

S. 1029. A bill to enhance peace between the Israelis and Palestinians; to the Committee on Foreign Relations.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1029

Be it enacted by the Senate and the House of Representatives of the United States in Congress assembled,

SEC. 1. SHORT TITLE.

This title may be cited as the "Israeli-Palestinian Peace Enhancement Act of 2003".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The security of the State of Israel is a major and enduring national security interest of the United States.

(2) A lasting peace in the Middle East region can only take root in an atmosphere free of violence and terrorism.

(3) The Palestinian people have been ill-served by leaders who, by resorting to violence and terrorism to pursue their political objectives, have brought economic and personal hardship to their people and brought a halt to efforts seeking a negotiated settlement of the conflict.

(4) The United States has an interest in a Middle East in which two states, Israel and Palestine, will live side by side in peace and security.

(5) In his speech of June 24, 2002, and in other statements, President George W. Bush outlined a comprehensive vision of the possibilities of peace in the Middle East region following a change in Palestinian leadership.

(6) The Palestinian state must be a reformed, peaceful, and democratic state that abandons forever the use of terror.

(7) On April 29, 2003, the Palestinian Legislative Council confirmed in office, by a vote of 51 yeas, 18 nays, and 3 abstentions, the Palestinian Authority's first prime minister, Mahmoud Abbas (Abu Mazen), and his cabinet.

(8) In his remarks prior to the vote of the Palestinian Legislative Council, Mr. Abbas declared: "The government will concentrate on the question of security . . . The unauthorized possession of weapons, with its direct threat to the security of the population, is a major concern that will be relentlessly addressed . . . There will be no other decision-making authority except for the Palestinian Authority.".

(9) In those remarks, Mr. Abbas further stated: "We denounce terrorism by any party and in all its forms both because of our religious and moral traditions and because we are convinced that such methods do not lend support to a just cause like ours but rather destroy it.".

(10) Israel has repeatedly indicated its willingness to make painful concessions to achieve peace once there is a partner for peace on the Palestinian side.

SEC. 3. PURPOSES.

The purposes of this title are—

(1) to express the sense of Congress with respect to United States recognition of a Palestinian state; and

(2) to demonstrate United States willingness to provide substantial economic and humanitarian assistance, and to support large-scale multilateral assistance, after the Palestinians have achieved the reforms outlined by President Bush and have achieved peace with the State of Israel.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) peace between Israel and the Palestinians cannot be negotiated until the Palestinian system of government has been transformed along the lines outlined in President Bush's June 24, 2002, speech;

(2) substantial United States and international economic assistance will be needed after the Palestinians have achieved the reforms described in section 620K(c)(2) of the Foreign Assistance Act of 1961 (as added by section 1506 of this Act) and have made a lasting and secure peace with Israel;

(3) the Palestinian people merit commendation on the confirmation of the Palestinian Authority's first prime minister, Mahmoud Abbas (Abu Mazen), and his cabinet;

(4) the new Palestinian administration urgently should take the necessary security-related steps to allow for implementation of a performance-based road map to resolve the Israeli-Palestinian conflict;

(5) the United States Administration should work vigorously toward the goal of two states living side-by-side in peace within secure and internationally-recognized boundaries free from threats or acts of force; and

(6) the United States has a vital national security interest in a permanent, comprehensive, and just resolution of the Arab-Israeli conflict, and particularly the Palestinian-Israeli conflict, based on the terms of United Nations Security Council Resolutions 242 and 338.

SEC. 5. RECOGNITION OF A PALESTINIAN STATE.

It is the sense of Congress that a Palestinian state should not be recognized by the United States until the President determines that—

(1) a new leadership of a Palestinian governing entity, not compromised by terrorism, has been elected and taken office; and

(2) the newly-elected Palestinian governing entity—

(A) has demonstrated a firm and tangible commitment to peaceful coexistence with the State of Israel and to ending anti-Israel incitement, including the cessation of all officially sanctioned or funded anti-Israel incitement;

(B) has taken appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures and the confiscation of unlawful weaponry;

(C) has established a new Palestinian security entity that is fully cooperating with the appropriate Israeli security organizations;

(D) has achieved exclusive authority and responsibility for governing the national affairs of a Palestinian state, has taken effective steps to ensure democracy, the rule of law, and an independent judiciary, and has adopted other reforms ensuring transparent and accountable governance; and

(E) has taken effective steps to ensure that its education system promotes the acceptance of Israel's existence and of peace with Israel and actively discourages anti-Israel incitement.

SEC. 6. LIMITATION ON ASSISTANCE TO A PALESTINIAN STATE.

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended—

(1) by redesignating the second section 620G (as added by section 149 of Public Law 104-164 (110 Stat. 1436)) as section 620J; and

(2) by adding at the end the following new section:

"SEC. 620K. LIMITATION ON ASSISTANCE TO A PALESTINIAN STATE.

"(a) LIMITATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, assistance may be provided under this Act or any other provision of law to the government of a Palestinian state only during a period for which a certification described in subsection (c) is in effect. The limitation contained in the preceding sentence shall not apply (A) to humanitarian or development assistance that is provided through nongovernmental organizations for the benefit of the Palestinian people in the West Bank and Gaza, or (B) to assistance that is intended to reform the Palestinian Authority and affiliated institutions, or a newly elected Palestinian governing entity, in order to help meet the requirements contained in subparagraphs (A) through (H) of subsection (c)(2) or to address the matters described in subparagraphs (A) through (E) of section 1505(2) of the Israeli-Palestinian Peace Enhancement Act of 2003.

"(2) WAIVER.—The President may waive the limitation of the first sentence of paragraph (1) if the President determines and certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that it is vital to the national interest of the United States to do so.

"(b) CONGRESSIONAL NOTIFICATION.—

"(1) IN GENERAL.—Assistance made available under this Act or any other provision of law to a Palestinian state may not be provided until 15 days after the date on which the President has provided notice thereof to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

"(2) SUNSET.—Paragraph (1) shall cease to be effective beginning ten years after the date on which notice is first provided under such paragraph.

"(c) CERTIFICATION.—A certification described in this subsection is a certification transmitted by the President to Congress that—

"(1) a binding international peace agreement exists between Israel and the Palestinians that—

"(A) was freely signed by both parties;

"(B) guarantees both parties' commitment to a border between two states that constitutes a secure and internationally recognized boundary for both states, with no remaining territorial claims;

"(C) provides a permanent resolution for both Palestinian refugees and Jewish refugees from Arab countries; and

"(D) includes a renunciation of all remaining Palestinian claims against Israel through provisions that commit both sides to the "end of the conflict"; and

"(2) the new Palestinian government—

"(A) has been democratically elected through free and fair elections, has exclusive authority and responsibility for governing the national affairs of the Palestinian state, and has achieved the reforms outlined by President Bush in his June 24, 2002, speech;

"(B) has completely renounced the use of violence against the State of Israel and its citizens, is vigorously attempting to prevent any acts of terrorism against Israel and its citizens, and punishes the perpetrators of such acts in a manner commensurate with their actions;

"(C) has dismantled, and terminated the funding of, any group within its territory that conducts terrorism against Israel;

"(D) is engaging in ongoing and extensive security cooperation with the State of Israel;

"(E) refrains from any officially sanctioned or funded statement or act designed to incite Palestinians or others against the State of Israel and its citizens;

"(F) has an elected leadership not compromised by terror;

"(G) is demilitarized; and

"(H) has no alliances or agreements that pose a threat to the security of the State of Israel.

"(d) RECERTIFICATIONS.—Not later than 90 days after the date on which the President transmits to Congress an initial certification under subsection (c), and every 6 months thereafter for the 10-year period beginning on the date of transmittal of such certification—

"(1) the President shall transmit to Congress a recertification that the requirements contained in subsection (c) are continuing to be met; or

"(2) if the President is unable to make such a recertification, the President shall transmit to Congress a report that contains the reasons therefor.

"(e) RULE OF CONSTRUCTION.—A certification under subsection (c) shall be deemed to be in effect beginning on the day after the last day of the 10-year period described in subsection (d) unless the President subsequently determines that the requirements contained in subsection (c) are no longer being met and the President transmits to Congress a report that contains the reasons therefor.".

SEC. 7. AUTHORIZATION OF ASSISTANCE TO A PALESTINIAN STATE.

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.), as amended by section 1506, is further amended by adding at the end the following new section:

"SEC. 620L. AUTHORIZATION OF ASSISTANCE TO A PALESTINIAN STATE.

"(a) ASSISTANCE.—The President is authorized to provide assistance to a Palestinian state in accordance with the requirements of this section.

"(b) ACTIVITIES TO BE SUPPORTED.—Assistance provided under subsection (a) shall be used to support activities within a Palestinian state to substantially improve the economy and living conditions of the Palestinians by, among other things, providing for economic development in the West Bank and Gaza, continuing to promote democracy and the rule of law, developing water resources, assisting in security cooperation between Israelis and Palestinians, and helping with the compensation and rehabilitation of Palestinian refugees.

"(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available to carry out chapter 4 of part II of this Act for a fiscal year, there are authorized to be appropriated to the President to carry out subsections (a) and (b) such sums as may be necessary for each such fiscal year.

"(d) COORDINATION OF INTERNATIONAL ASSISTANCE.—

"(1) IN GENERAL.—Beginning on the date on which the President transmits to Congress an initial certification under section 620K(c), the Secretary of State shall seek to convene one or more donors conferences to gain commitments from other countries, multilateral institutions, and nongovernmental organizations to provide economic assistance to Palestinians to ensure that such commitments to provide assistance are honored in a timely manner, to ensure that there is coordination of assistance among the United States and such other countries, multilateral institutions, and nongovernmental organizations, to ensure that the assistance provided to Palestinians is used for the purposes for which is was provided, and to ensure that other countries, multilateral institutions, and nongovernmental organizations do not provide assistance to Palestinians through entities that are designated as terrorist organizations under United States law.

"(2) REPORT.—Not later than 180 days after the date of the enactment of this section, and on an annual basis thereafter, the Secretary of State shall prepare and submit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report that describes the activities undertaken to meet the requirements of paragraph (1), including a description of amounts committed, and the amounts provided, to a Palestinian state or Palestinians during the reporting period by each country and organization.".

By Mr. BINGAMAN:

S. 1030. A bill to expand the number of individuals and families with health insurance coverage, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, yesterday, I introduced the first part of a series of proposals to protect and strengthen our nation's health care safety net. That bill, the "Strengthening Our States" or SOS Act of 2003," seeks to protect and improve the Medicaid program—a critical component of our country's health system. To repeat the words of Diane Rowland and Jim Tallon of the Kaiser Commission on Medicaid and the Uninsured, "Medicaid is the glue that helps hold our health system together and takes on the highest-risk, sickest, and most expensive populations from private insurance and Medicare.

Like a waterfront community that seeks to set up barricades against a rising river, defending the Medicaid program from attacks, such as the idea of a block grant, is a top priority.

However, once that is assured, we must also take the next step and confront the fact that an estimated 41.2 million people, or almost 15 percent of the population, was without health insurance during the entire year of 2001, which was an increase of 1.4 million people over 2000.

Moreover, the numbers in 2002 and this year have undoubtedly worsened. A report by the National Coalition on Health Care says, "The confluence of powerful economic forces, fueled by the terrorist attacks on September 11, have unleashed a 'perfect storm' that could increase dramatically the number of uninsured in the U.S.—with as many as 6 million people in total losing their coverage in 2001 and 2002."

The number in New Mexico are staggering. New Mexico leads or ranks second only to Texas in the percentage of its citizens who are uninsured. In fact, New Mexico is the only state in the country with less than half of its population having private health insurance coverage.

A rather shocking statistic, which also continues to worsen, is that one out of every three Hispanic citizens are uninsured. In fact, less than 43 percent of the Hispanic population now has employer-based coverage nationwide, which is in sharp comparison to the 68 percent of non-Hispanic whites who have employer-based coverage.

To address this growing crisis, I have worked closely with the American College of Physicians since last fall on the legislative proposal, which I call the "Health Coverage, Affordability, Responsibility, and Equity Act" or the "HealthCARE Act of 2003." The proposal seeks to: First, build upon programs that currently work, including Medicaid, employer coverage, and the private market; second, provide choices for uninsured individuals, states, and small businesses while rejecting either employer or individual mandates; third, use methods that have bipartisan support by borrowing the best ideas from Democratic and Republican proposals; and, fourth, simplify rather than complicate coverage.

This is in sharp contrast, in a number of ways, to past efforts to create untried schemes or to impose mandates upon either businesses or the individual. It also seeks to bridge the divide between Democrats and Republicans. This has certainly not been easy to put together and nor will it be easy to pass. On the other hand, we have tried to start with the tools and principles more likely to get beyond the partisan divide.

As Julie Rovner of the National Journal recently wrote, "If reforming the nation's healthcare system was easy, the old saw goes, it would have been done long ago. But for the moment, those who care about the issue seem to be succeeding only in butting each other's heads. Republicans keep pushing market-oriented reforms while Democrats want to expand existing public programs. And each party continues to reject the other's ideas. . . ."

The "Health CARE Act" seeks to break that partisan gridlock. First, it adopts and builds upon the notion of many Republicans to offer tax credits for the uninsured. As such, the bill would enact a new health insurance tax credit that is both refundable and advanceable to uninsured Americans with incomes up to 200 percent of the poverty level to purchase health coverage through a variety of options, including employer-coverage, State purchasing pools, or even the individual market—something pushed by a number of Republicans for many years but rejected by many Democrats.

Second, the legislation expands coverage through a State option with Federal financial support through the Medicaid program to anyone up to 100 percent of the poverty level. Medicaid has been a tried and tested program for low-income Americans over the years and is a far better and more viable option to people with incomes below the poverty level than a tax credit would be. Furthermore, few beneath the poverty level have the option of employer-coverage. Therefore, public programs, such as Medicaid, for low-income Americans makes far more sense than a tax credit.

Furthermore, through the strengthened and improved state purchasing pools provided for in the legislation, individuals and small businesses would be afforded better options to get coverage with a choice of plans that is typically not available to them with, what we believe will be, lower costs due to the ability to purchase coverage as a group.

Consequently, this approach attempts to build upon the ideas of both political parties, as it has both public program and tax credit aspects to it. Our hope is that people will see the things both parties like in it rather than focusing on what they do not like. In fact, we have also added the creation of an on-going expert health commission to make recommendations for further reforms and mid-course corrections in the future.

This bill is introduced in the spirit of compromise. To those on the right, I recognize your concern about the expansion of Medicaid as not being as market-oriented as you might prefer, but would point out that tax credits are virtually unworkable and employer-sponsored coverage often unavailable for people below the poverty level and that Medicaid is largely contracted out to private health plans—the same that many of you are enrolled in.

To those on the left, I recognize your concerns about tax credits and the potential for adverse selection with people buying coverage through the individual market, but I say to you that these are tax credits for low-income people and that we have taken steps in the legislation to mitigate problems that the added options in the bill create with respect to adverse selection. I would add that any expansion of coverage to people without health insurance is a good thing.

The most important message that I hope this bill carries is that we must stop having the perfect be the enemy of the good. This proposal is certainly not perfect but we hope it makes a very good start.

I would like to thank the American College of Physicians, or ACP, for their outstanding leadership and help in putting this legislation together. ACP has been a long-standing advocate for expanding health coverage and has authored landmark reports on the important role that health insurance has in reducing people's morbidity and mortality. In fact, to cite the conclusion of one of those studies, "Lack of insurance contributes to the endangerment of the health of each uninsured American as well as the collective health of the nation."

I would also like to thank the many people at the Economic and Social Research Institute, or ERSI, on their forethought, advice, and counsel as we refined the proposal over the past number of months. Their non-partisan approach and expertise have been invaluable to making the bill a workable and well-reasoned reality.

It should also be noted that the ideas put forth in the bill are based upon much of the expert work commissioned by ESRI, funded by the Robert Wood Johnson Foundation, and the Task Force on the Future of Health Insurance, funded by the Commonwealth Fund. As a result, the work of a number of other experts is reflected in the legislation and we thank you as well.

Among the endorsing organizations for this legislation are all of the leading primary care physician groups in our country. In addition to the American College of Physicians, the bill has been endorsed by the American Academy of Family Physicians, the American Academy of Pediatrics, and the American Geriatrics Society.

As a practicing physician in New Mexico, Dr. Robert Strickland sums it up well. As he wrote in an editorial published in the Albuquerque Journal about this legislation yesterday, "As a New Mexico internist for 31 years, I have seen many uninsured people go without care until it is too late for me to do much to help them. The HealthCARE Act offers the potential of breaking the political gridlock that has allowed this crisis in health care to go on for far too long."

I hope we can break the gridlock and urge my colleagues to heed the call of our nation's primary care doctors to support this legislation.

I would ask unanimous consent that letters of endorsement from the American College of Physicians, the American Academy of Family Physicians, the American Academy of Pediatrics, the American Geriatrics Society, and Families USA, and the text of the legislation be printed in the RECORD.

There being no ojection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN COLLEGE OF PHYSICIANS,
Washington, DC, May 8, 2003.

Hon. JEFF BINGAMAN,
U.S. Senate, 703 Senate Hart Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: on behalf of the American College of Physicians (ACP), I am pleased to express our strong support for the Health Coverage, Affordability, Responsibility and Equity Act of 2003 (HealthCARE Act of 2003). ACP is the largest medical specialty society in the United States, representing 115,000 doctors of internal medicine and medical students.

We very much appreciate the opportunity you have given us to translate many of the ideas in ACP's proposal to provide health insurance coverage to all Americans by the end of the decade into the HealthCARE Act of 2003. Specifically:

States will be given new options to extend health insurance coverage to low-income working Americans, without imposing unfunded mandates on financially strapped state treasuries.

Advance, refundable tax credits will be made available to uninsured working Americans with incomes up to 200 percent of the federal poverty level.

The tax credit will provide a premium subsidy equal to what the Federal Government now provides to its own employees.

Tax credit recipients will have the options of buying coverage through state purchase group arrangements modeled after the Federal Employees Health Benefits Program, giving them the same types and variety of health plan options now available only to federal employees, or from qualified non-group insurers.

Small employers will have new options for obtaining coverage, including having access to the variety and types of health plans offered to federal employees.

An expert advisory commission will recommend essential benefits that participating health plans will be encouraged to offer, as well as ways to expand coverage to those with incomes above 200 percent of the federal poverty level.

ACP is confident that this framework can succeed where other health reform proposals have failed. By offering incentives and choices to states, employers, and consumers, instead of "one-size-fits-all" government mandates, the HealthCARE Act has the potential of unifying, instead of dividing, key stakeholders.

The American College of Physicians commends you for your leadership in introducing the HealthCARE Act of 2003, and we look forward to working with you and lawmakers from both political parties in getting the bill enacted into law.

Sincerely,
MUNSEY S. WHEBY, MD, FACP,
President.

MAY 5, 2003.

The Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of the 94,300 members of the American Academy of Family Physicians, I commend you for your outstanding leadership in the effort to assure access to health care for the uninsured in this nation. The AAFP has reviewed your draft legislation that would change Medicaid, SCHIP and the federal income tax code to make health coverage more affordable to uninsured Americans. I am pleased to inform you that the AAFP supports your bill and offers you our assistance in seeking its passage.

Your legislative proposal is a wide-ranging measure that would take us noticeably closer to affordable health care coverage for all. For example, your bill would:

assist states in creating purchasing pools to provide low-cost insurance for uninsured individuals with incomes up to 200 percent of the federal poverty level;

allow small businesses to have access to these state-operated purchasing pools so that they can offer affordable health insurance to their employees;

provide states with the new option to offer "need-based" eligibility for Medicaid beneficiaries;

remove the federal cap on non-waivered SCHIP coverage; and

offer federal income tax credits and premium subsidies for those currently uninsured whose income is at or below 200 percent of the federal poverty level and who are ineligible for Medicaid for SCHIP coverage or other insurance options.

These and other provisions of your proposal demonstrate your longstanding commitment to the health of everyone in this country and we are pleased and honored to support you in this effort.

Sincerely,
WARREN A. JONES, M.D., FAAFP,
Board Chair.

AMERICAN ACADEMY OF PEDIATRICS,
Washington, DC, May 7, 2003.
Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of the 57,000 pediatrician members of the American Academy of Pediatrics (AAP), I write today in support of the Health Coverage, Affordability, Responsibility and Equity Act of 2003.

The problem of the uninsured and underinsured is real and growing. This legislation is an effective way to provide greater access to comprehensive health care for more Americans. This legislation would allow poor and near poor families a variety of options for affordable and comprehensive health coverage.

The Academy especially appreciates the effort to strengthen, not undermine current public programs. Currently, more than 9 million children are uninsured in this country and million more are uninsured for part of the year, churning on and off of health coverage. Seventy percent of the uninsured children are eligible for public programs but unenrolled. This legislation would encourage greater enrollment of these uninsured children by providing financial incentives to the states to enroll and retain these children, and by allowing families to unify their health coverage.

Thank you for your leadership and commitment to our nation's families and their access to quality health care. We look forward to our continued work together.

Sincerely,
E. STEPHEN EDWARDS, M.D.,
President.

AMERICAN GERIATRICS SOCIETY,
New York, NY, April 22, 2003.
Hon. Jeff Bingaman
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: The American Geriatrics Society (AGS), an organization of over 6,000 geriatricians and other health professionals who are specially trained in the management of care for frail, chronically ill older patients, is pleased to endorse the Health CARE Act of 2003. We commend you for your sponsorship of this important bill, which seeks to improve health coverage for millions of uninsured Americans.

By simplifying and expanding coverage choices for uninsured individuals and small businesses, your legislation represents a balanced approach to confronting one of our nation's most pressing problems. The consequences of having little or no health insurance are well documented. People without coverage are less likely to have a regular source of care, don't receive recommended health screening services nor do they have appropriate care management for chronic conditions. As a result, uninsured patients often are sicker and are more likely to die sooner than people who have health insurance. Adults in late middle age are especially susceptible to deteriorating health if they never had or lose their health insurance coverage.

The Health CARE Act of 2003 would improve the health of million of Americans expanding their access to health insurance coverage. AGS applauds your willingness to tackle this complex issue and looks forward to working with you to enact this bill.

Sincerely,
JERRY JOHNSON, MD,
President.

APRIL 28, 2003.
Hon. JEFF BINGAMAN,
U.S. Senate, Hart Senate Office Building,
Washington, DC 20510.

DEAR SENATOR BINGAMAN: Congratulations on your introduction of the HealthCARE Act of 2003. Your bill is an important initiative that seeks to combine good health policy with the politically achievable.

While Families USA, the national consumer health organization, has historically supported expansions of public programs like Medicaid and SCHIP, we recognize that different approaches are necessary if we are to see the enactment of major reductions in the number of uninsured. Your bill adroitly combines (1) a federally financed expansion of Medicaid and SCHIP to cover all those under 100 percent of the federal poverty level with (2) a premium subsidy/tax credit program to help those under 200 percent of poverty buy into various health insurance plans. Further, it lays the groundwork for an expansion of insurance to the rest of society by the end of the decade.

It is imperative that Congress act as soon as possible to help the nearly one our of three non-elderly Americans who are uninsured sometime during any two-year period. Federal help with Medicaid is particularly urgent to counter the massive cutbacks in coverage by the various states during the current economic downturn. As our recent report ("Going Without Health Insurance, Nearly One in Three Non-Elderly Americans") shows, the problem of the uninsured, and the adverse consequences of being uninsured, are much worse than previously reported. In your State of New Mexico, for example, 602,000 people—38.6 percent of the population under age 65—were uninsured sometime in 2002–2002. Of that number, 410,000 were uninsured for more than six months.

Your bill would make a major reduction in these unacceptable numbers. It would greatly improve the quality of health and security in America, and we look forward to working with you towards its enactment.

Sincerely,
RONALD F. POLLACK,
Executive Director.

S. 1030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Health Coverage, Affordability, Responsibility, and Equity Act of 2003"or the "HealthCARE Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INCREASING HEALTH CARE COVERAGE

Subtitle A—Medicaid and SCHIP

Sec. 101. State option to offer medicaid coverage based on need.
Sec. 102. State option to provide coverage of children under SCHIP in excess of the State's allotment.

Subtitle B—Refundable Tax Credit for Health Insurance Costs of Low-Income Individuals and Families

Sec. 111. Credit for health insurance costs of certain low-income individuals.
Sec. 112. Advance payment of credit for health insurance costs of eligible low-income individuals.

TITLE II—IMPROVING ACCESS TO HEALTH PLANS

Sec. 201. Definitions.
Sec. 202. Establishment of health insurance purchasing pools.
Sec. 203. Purchasing pools.
Sec. 204. Purchasing pool operators.
Sec. 205. Contracts with participating insurers.
Sec. 206. Options for health benefits coverage.
Sec. 207. Enrollment process for eligible individuals.
Sec. 208. Plan premiums.
Sec. 209. Enrollee premium share.
Sec. 210. Payments to purchasing pool operators and payments to participating insurers.
Sec. 211. State-based reinsurance programs.
Sec. 212. Coverage under individual health insurance.
Sec. 213. Use of premium subsidies to unify family coverage with members enrolled in medicaid and SCHIP.
Sec. 214. Coverage through employer-sponsored health insurance.
Sec. 215. Participation by small employers.
Sec. 216. Report.
Sec. 217. Authorization of appropriations.

TITLE III—NATIONAL ADVISORY COMMISSION ON EXPANDED ACCESS TO HEALTH CARE

Sec. 301. National Advisory Commission on Expanded Access to Health Care.
Sec. 302. Congressional action.

TITLE IV—STATE WAIVERS

Sec. 401. State waivers.

TITLE I—INCREASING HEALTH CARE COVERAGE

Subtitle A—Medicaid and SCHIP

SEC. 101. STATE OPTION TO OFFER MEDICAID COVERAGE BASED ON NEED.

(a) STATE OPTION.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) by striking "or" at the end of subclause (XVII);

(2) by adding "or" at the end of subclause (XVIII); and

(3) by adding at the end the following:

"(XIX) who are not otherwise eligible for medical assistance under this title and whose income does not exceed such income level as the State may establish, expressed as a percentage (not to exceed 100) of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved;".

(b) INCREASED FMAP.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in the first sentence of subsection (b)—

(A) by striking "and (4)" and inserting "(4)"; and

(B) by inserting before the period the following: ", and (5) in the case of a State that meets the conditions described in paragraph (1) of subsection (x), the Federal medical assistance percentage shall be equal to the need-based enhanced FMAP described in paragraph (2) of subsection (x)"; and

(2) by adding at the end the following:

"(x)(1) For purposes of clause (5) of the first sentence of subsection (b), the conditions described in this subsection are the following:

"(A) The State provides medical assistance to individuals described in subsection (a)(10)(A)(ii)(XIX).

"(B) The State uses streamlined enrollment and outreach measures to all individuals described in subparagraph (A) including—

"(i) the same application and retention procedures (such as 1-page enrollment forms and enrollment by mail) used by the majority of State programs under title XXI during the preceding year; and

"(ii) outreach efforts proportional in scope and reasonably expected effectiveness to those employed by the State during a comparable stage of implementation of the State's program under title XXI.

"(C) The State applies eligibility standards and methodologies under this title with respect to individuals residing in the State who have not attained age 65 that are not more restrictive (as determined under section 1902(a)(10)(C)(i)(III)) than the standards and methodologies that applied under this title with respect to such individuals as of July 1, 2003.

"(2)(A) For purposes of clause (5) of the first sentence of subsection (b), the need-based enhanced FMAP for a State for a fiscal year, is equal to the Federal medical assistance percentage (as defined in the first sentence of subsection (b)) for the State increased, subject to subparagraph (B), by such percentage increase as would compensate all States for the additional expenditures that would be incurred by all States if the States were to provide medical assistance to all individuals whose income does not exceed 100 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved and who are eligible for such assistance only on the basis of section 1902(a)(10)(A)(ii)(XIX).

"(B) In the case of a State that provides medical assistance to individuals described in section 1902(a)(10)(A)(ii)(XIX) but limits such assistance to individuals with income at or below a percentage of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved that is less than 100, the Secretary shall reduce the need-based enhanced FMAP otherwise determined for the State under subparagraph (A) by a proportion based on the national income distribution of all individuals in all States who are (regardless of whether such individuals are enrolled under this title) eligible for medical assistance only on the basis of section 1902(a)(10)(A)(ii)(XIX).".

(c) CONFORMING AMENDMENTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(1) by striking "or" at the end of clause (xii);

(2) by adding "or" at the end of clause (xiii); and

(3) by inserting after clause (xiii) the following:

"(xiv) individuals who are eligible for medical assistance on the basis of section 1902(a)(10)(A)(ii)(XIX);".

(d) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2004, and apply to medical assistance provided on or after that date, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

SEC. 102. STATE OPTION TO PROVIDE COVERAGE OF CHILDREN UNDER SCHIP IN EXCESS OF THE STATE'S ALLOTMENT.

(a) IN GENERAL.—Title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following:

"SEC. 2111. STATE OPTION TO PROVIDE COVERAGE OF CHILDREN IN EXCESS OF THE STATE'S ALLOTMENT.

"(a) STATE OPTION.—In the case of a State that meets the condition described in subsection (b), the following shall apply:

"(1) Notwithstanding section 2105 and without regard to the State's allotment under section 2104, the Secretary shall pay the State an amount for each quarter equal to the enhanced FMAP of expenditures incurred in the quarter that are described in section 2105(a)(1).

"(2) The Secretary shall reduce the State's allotment under section 2104, for the first fiscal year for which the State amendment described in subsection (b) applies, and for each fiscal year thereafter, by an amount equal to the amount that the Secretary determines the State would have expended to provide child health assistance to targeted low-income children during that fiscal year if that State had not elected the State option to provide such assistance in accordance with this section.

"(3) Subsections (f) and (g) of section 2104 shall not apply to the State's reduced allotment (after the application of paragraph (2)).

"(b) CONDITION DESCRIBED.—For purposes of subsection (a), the condition described in this subsection is that the State has made an irrevocable election, through a plan amendment, to provide child health assistance to all targeted low-income children residing in the State (without regard to date of application for assistance) and to cover health services listed in the State plan whenever medically necessary.".

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on October 1, 2004, and apply to child health assistance provided on or after that date, without regard to whether final regulations to carry out such amendment have been promulgated by such date.

Subtitle B—Refundable Tax Credit for Health Insurance Costs of Low-Income Individuals and Families

SEC. 111. CREDIT FOR HEALTH INSURANCE COSTS OF CERTAIN LOW-INCOME INDIVIDUALS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and inserting after section 35 the following new section:

"SEC. 36. HEALTH INSURANCE COSTS OF ELIGIBLE LOW-INCOME INDIVIDUALS.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the applicable percentage of the amount paid by the taxpayer (or on behalf of the taxpayer) for coverage of the taxpayer or qualifying family members under qualified health insurance for eligible coverage months beginning in such taxable year.

"(b) APPLICABLE PERCENTAGE.—For purposes of this section—

"(1) IN GENERAL.—Subject to paragraph (2), the term 'applicable percentage' means the standard Government contribution (determined for full-time Federal employees enrolling in coverage for which such contribution is not limited by section 8906(b)(1) of title 5, United States Code) for an employee enrolled in a health benefits plan under chapter 89 of title 5, United States Code, for the calendar year in which the taxable year begins, expressed as a percentage of the total premium for such plan.

"(2) INCREASED PERCENTAGE FOR CERTAIN TAXPAYERS.—

"(A) IN GENERAL.—In the case of a taxpayer whose adjusted gross income for the preceding taxable year does not exceed 150 percent of the poverty level, the applicable percentage determined under paragraph (1) shall be increased by such percentage points as the Secretary determines will fully compensate such an individual for the individual's limited purchasing power in comparison to individuals whose adjusted gross income equals the average adjusted gross income for all Federal employees, to the extent that the amount of the resulting increase in the credit amount for all such eligible low-income individuals for the taxable year is not reasonably expected to exceed the 5 percentage point dollar amount for that year, as determined under subparagraph (B).

"(B) DETERMINATION OF 5 PERCENTAGE POINT DOLLAR AMOUNT.—For purposes of subparagraph (A), the 5 percentage point dollar amount for any taxable year is the product of—

"(i) the total number of individuals receiving credits under this section for such year, and

"(ii) the amount equal to 5 percent of the average health insurance premium amount to which such credits are applied.

"(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to prevent the Secretary from establishing more than 1 level of supplemental assistance that provides greater assistance to individuals with lower income, determined as a percentage of poverty.

"(3) APPLICATION OF FEHBP COVERAGE CATEGORIES TO DETERMINATION OF CREDIT.—The percentages described in paragraphs (1) and (2) shall be applied to a taxpayer consistent with the coverage categories (such as self or family coverage) applied with respect to a health benefits plan under chapter 89 of title 5, United States Code.

"(c) MAXIMUM PREMIUM AMOUNT.—The amount paid for qualified health insurance taken into account under subsection (a) for any taxable year shall not exceed an amount equal to the capped premium established for the applicable State under section 204(c)(10) of the Health Coverage, Affordability, Responsibility, and Equity Act of 2003 for the calendar year in which the such taxable year begins.

"(d) ELIGIBLE COVERAGE MONTH.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible coverage month' means any month if during such month the taxpayer or a qualifying family member—

"(A) is an eligible low-income individual,

"(B) is covered by qualified health insurance, the premium for which is paid by the taxpayer (or on behalf of the taxpayer),

"(C) does not have other specified coverage, and

"(D) is not imprisoned under Federal, State, or local authority.

"(2) JOINT RETURNS.—In the case of a joint return, the requirement of paragraph (1)(A) shall be treated as met with respect to any month if at least 1 spouse satisfies such requirement.

"(e) ELIGIBLE LOW-INCOME INDIVIDUAL.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible low-income individual' means an individual—

"(A) who has not attained age 65,

"(B) whose adjusted gross income does not exceed 200 percent of the poverty level,

"(C) who is ineligible for the medicaid program or the State children's health insurance program under title XIX or XXI of the Social Security Act (other than under section 1928 of such Act),

"(D) who has limited access to health insurance coverage through the employer of the individual or a member of the individual's family (either because the employer does not offer such coverage to the individual or because the employee contribution for such coverage would exceed an amount equal to 5 percent of the household income of such individual, as determined in accordance with paragraph (2)),

"(E) who applies for a credit under this section not later than 60 days after receiving notice of potential eligibility for such credit, under procedures established by the Secretary, and

"(F) who resides in a State where the eligibility standards and methodologies applied under the medicaid and State children's health insurance programs with respect to individuals residing in the State who have not attained age 65 are not more restrictive (as determined under section 1902(a)(10)(C)(i)(III) of the Social Security Act) than the standards and methodologies that applied under such programs with respect to such individuals as of July 1, 2003.

"(2) DETERMINATION OF ELIGIBILITY.—

"(A) SCHIP AGENCY.—

"(i) IN GENERAL.—The determination of whether an individual is an eligible low-income individual for purposes of this section shall be made by the State agency with responsibility for determining the eligibility of individuals for assistance under the State children's health insurance program under title XXI of the Social Security Act.

"(ii) APPLICATION OF SCREEN AND ENROLL REQUIREMENTS.—

"(I) IN GENERAL.—The State agency referred to in clause (i) shall ensure that individuals applying for a certificate of eligibility are screened for potential eligibility under the medicaid and State children's health insurance programs and that individuals found through screening to be eligible for assistance under such a program are enrolled for assistance under the appropriate program. To the maximum extent possible pursuant to State options under title XIX of the Social Security Act, and notwithstanding any otherwise applicable provision of, or State plan provision under, such title, screening and enrollment activities described in the previous sentence shall use the procedures employed by the State children's health insurance program operated under title XXI of the Social Security Act, if such procedures differ from those ordinarily employed by the State program operated under title XIX of such Act.

"(II) NO DELAY OF ISSUANCE OF CERTIFICATE.—The application of the screen and enroll requirements of clause (i) shall not delay the issuance of a certificate of eligibility to an individual for purposes of this section. The State agency referred to in clause (i) shall adopt procedures to ensure than an individual issued a certificate of eligibility under this paragraph who is subsequently determined to be eligible for the State medicaid program under title XIX of the Social Security Act or the State children's health insurance program under XXI of such Act shall be enrolled in the appropriate program without an interruption in the individual's health insurance coverage.

"(B) STANDARDS.—

"(i) IN GENERAL.—An individual is an eligible low-income individual for purposes of this section if—

"(I) on the basis of the individual's tax return for the preceding taxable year, the individual meets the requirements of paragraph (1)(B), and the individual otherwise satisfies the requirements of paragraph (1), or

"(II) the individual is determined to satisfy the requirements of paragraph (1) after the application of the same eligibility methodologies as would apply for purposes of determining the eligibility of an individual for assistance under the State children's health insurance program under title XXI of the Social Security Act.

"(ii) APPLICATION OF SCHIP INCOME DETERMINATION METHODOLOGIES.—For purposes of clause (i)(II), determinations of income levels shall be made using the methodologies described in that clause, to the extent such methodologies for ascertaining household income differ from any otherwise applicable method for determining adjusted gross income or the definition of adjusted gross income.

"(C) CERTIFICATE OF ELIGIBILITY.—

"(i) IN GENERAL.—An individual who is determined to be an eligible low-income individual shall be issued a certificate of eligibility by the State agency referred to in subparagraph (A).

"(ii) CERTIFICATE AMOUNT.—Such certificate shall indicate the applicable percentage of the amount paid for coverage under qualified health insurance that the individual is eligible for under this section (including any supplemental assistance which the individual may be eligible for under subsection (b)(2), unless the individual elects to not receive such supplemental assistance).

"(iii) 12-MONTH PERIOD OF ISSUE.—The certificate of eligibility shall apply for a 12-month period from the date of issue, notwithstanding any changes in household circumstances following the individual's application for a credit under this section or supplemental assistance.

"(D) SUPPLEMENTAL ASSISTANCE.—The State agency described in subparagraph (A) shall determine an individual's eligibility for supplemental assistance under subsection (b)(2) based on the methodologies referred to in subparagraph (B)(ii).

"(f) QUALIFYING FAMILY MEMBER.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualifying family member' means—

"(A) the taxpayer's spouse, and

"(B) any dependent of the taxpayer with respect to whom the taxpayer is entitled to a deduction under section 151(c).

Such term does not include any individual who is not an eligible low-income individual under subsection (e)(1).

"(2) SPECIAL DEPENDENCY TEST IN CASE OF DIVORCED PARENTS, ETC.—If paragraph (2) or (4) of section 152(e) applies to any child with respect to any calendar year, in the case of any taxable year beginning in such calendar year, such child shall be treated as described in paragraph (1)(B) with respect to the custodial parent (within the meaning of section 152(e)(1)) and not with respect to the noncustodial parent.

"(g) QUALIFIED HEALTH INSURANCE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified health insurance' means any of the following:

"(A) Coverage under an insurance plan participating in a purchasing pool established pursuant to section 203 of the Health Coverage, Affordability, Responsibility, and Equity Act cf 2003.

"(B) Coverage under individual health insurance pursuant to section 212 of such Act.

"(C) Coverage, pursuant to section 213 of such Act, under the medicaid program or the State children's health insurance program if 1 or more family members qualifies for coverage under such program.

"(D) Coverage, pursuant to section 214 of such Act, under an employer-sponsored insurance plan, including—

"(i) coverage under a COBRA continuation provision (as defined in section 9832(d)(1)),

"(ii) State-based continuation coverage provided under a State law that requires such coverage,

"(iii) coverage voluntarily offered by a former employer of the individual or family member; or

"(iv) coverage under a group health plan that is available through the employment of the individual or a family member.

"(2) EXCEPTION.—The term 'qualified health insurance' shall not include—

"(A) a flexible spending or similar arrangement, and

"(B) any insurance if substantially all of its coverage is of excepted benefits described in section 9832(c).

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) EMPLOYER-SPONSORED INSURANCE.—

"(i) IN GENERAL.—The term 'employer-sponsored insurance' means any insurance which covers medical care under any health plan maintained by any employer (or former employer) of the taxpayer or the taxpayer's spouse.

"(ii) TREATMENT OF CAFETERIA PLANS.—For purposes of clause (i), the cost of coverage shall be treated as paid or incurred by an employer to the extent the coverage is in lieu of a right to receive cash or other qualified benefits under a cafeteria plan (as defined in section 125(d)).

"(B) Individual health insurance.—The term 'individual health insurance' means any insurance which constitutes medical care offered to individuals other than in connection with a group health plan and does not include Federal- or State-based health insurance coverage.

"(h) Other Specified Coverage.—For purposes of this section, an individual has other specified coverage for any month if, as of the first day of such month—

"(1) Coverage under medicare.—Such individual is entitled to benefits under part A of title XVIII of the Social Security Act or is enrolled under part B of such title.

"(2) Certain other coverage.—Such individual—

"(A) is enrolled in a health benefits plan under chapter 89 of title 5, United States Code, or

"(B) is entitled to receive benefits under chapter 55 of title 10, United States Code.

"(i) Federal Poverty Level; Poverty Level; Poverty.—For purposes of this section, the terms 'Federal poverty level', 'poverty level', and 'poverty' mean the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

"(j) Special Rules.—

"(1) Coordination with advance payments of credit.—With respect to any taxable year, the amount which would (but for this subsection) be allowed as a credit to the taxpayer under subsection (a) shall be reduced (but not below zero) by the aggregate amount paid on behalf of such taxpayer under section 7528 for months beginning in such taxable year.

"(2) Coordination with other deductions.—Amounts taken into account under subsection (a) shall not be taken into account in determining any deduction allowed under section 162(l) or 213.

"(3) MSA distributions.—Amounts distributed from an Archer MSA (as defined in section 220(d)) shall not be taken into account under subsection (a).

"(4) Denial of credit to dependents.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

"(5) Both spouses eligible low-income individuals.—The spouse of the taxpayer shall not be treated as a qualifying family member for purposes of subsection (a), if—

"(A) the taxpayer is married at the close of the taxable year,

"(B) the taxpayer and the taxpayer's spouse are both eligible low-income individuals during the taxable year, and

"(C) the taxpayer files a separate return for the taxable year.

"(6) Marital status; certain married individuals living apart.—Rules similar to the rules of paragraphs (3) and (4) of section 21(e) shall apply for purposes of this section.

"(7) Insurance which covers other individuals.—For purposes of this section, rules similar to the rules of section 213(d)(6) shall apply with respect to any contract for qualified health insurance under which amounts are payable for coverage of an individual other than the taxpayer and qualifying family members.

"(8) Treatment of payments.—For purposes of this section:

"(A) Payments by secretary.—Any payment made by the Secretary on behalf of any individual under section 7528 (relating to advance payment of credit for health insurance costs of eligible low-income individuals) shall be treated as having been made by the taxpayer (or on behalf of the taxpayer) on the first day of the month for which such payment was made.

"(B) Payments by taxpayer.—Any payment made by the taxpayer (or on behalf of the taxpayer) for eligible coverage months shall be treated as having been so made on the first day of the month for which such payment was made.

"(9) Regulations.—

"(A) In general.—The Secretary, in consultation with the Secretary of Health and Human Services, shall administer the credit allowed under this section and shall prescribe such regulations and other guidance as may be necessary or appropriate to carry out this section, section 6050U, and section 7528.

"(B) Eligibility determinations.—Such regulations shall include such standards as the Secretary of Health and Human Services may specify with respect to the requirements for eligibility determinations under subsection (e)(2).

"(C) Measures to combat fraud and abuse.—Such regulations shall include appropriate procedures to deter, detect, and penalize fraudulent efforts to obtain a credit under this section by individuals, providers of qualified health insurance, and others.".

(b) Conforming Amendments.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ", or from section 36 of such Code".

(2) The table of sections for subpart C of part IV of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

"Sec. 36. Health insurance costs of eligible low-income individuals.

"Sec. 37. Overpayments of tax.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

(d) Reimbursement for Administrative Costs Incurred in Determining Eligibility for Credit.—

(1) In General.—The Secretary of Health and Human Services shall reimburse States for the reasonable administrative costs incurred in making eligibility determinations in accordance with section 36(e) of the Internal Revenue Code of 1986 (as added by subsection (a)). Such reimbursement shall not apply to State costs required under the medicaid or State children's health insurance programs.

(2) Application.—A State desiring reimbursement under this subsection shall submit an application to the Secretary of Health and Human Services in such manner, at such time, and containing such information as the Secretary may require.

(3) Appropriation.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated such sums as may be necessary to carry out this subsection.

SEC. 112. ADVANCE PAYMENT OF CREDIT FOR HEALTH INSURANCE COSTS OF ELIGIBLE LOW-INCOME INDIVIDUALS.

(a) In General.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7528. ADVANCE PAYMENT OF CREDIT FOR HEALTH INSURANCE COSTS OF ELIGIBLE LOW-INCOME INDIVIDUALS.

"(a) General Rule.—Not later than August 1, 2005, the Secretary shall establish a program for making payments on behalf of certified individuals to providers of qualified health insurance (as defined in section 36(g)) for such individuals.

"(b) Limitation on Advance Payments During any Taxable Year.—The Secretary may make payments under subsection (a) only to the extent that the total amount of such payments made on behalf of any individual during the taxable year is not reasonably expected to exceed the applicable percentage (as defined in section 36(b)) of the amount paid by the taxpayer (or on behalf of the taxpayer) for coverage of the taxpayer and qualifying family members under qualified health insurance for eligible coverage months beginning in the taxable year.

"(c) Certified Individual.—For purposes of this section, the term 'certified individual' means any individual for whom a health coverage eligibility certificate is in effect.

"(d) Health Coverage Eligibility Certificate.—For purposes of this section, the term 'health coverage eligibility certificate' means any written statement that an individual is an eligible low-income individual (as defined in section 36(e)) if such statement provides such information as the Secretary may require for purposes of this section and is issued by the State agency responsible for administering the State children's health insurance program under title XXI of the Social Security Act.".

(b) Disclosure of Return Information for Purposes of Carrying Out a Program for Advance Payment of Credit for Health Insurance Costs of Eligible Low-Income Individuals.—

(1) In general.—Subsection (l) of section 6103 of the Internal Revenue Code of 1986 (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(19) Disclosure of return information for purposes of carrying out a program for advance payment of credit for health insurance costs of eligible low-income individuals.—The Secretary may disclose to providers of health insurance for any certified individual (as defined in section 7528(c)) return information with respect to such certified individual only to the extent necessary to carry out the program established by section 7528 (relating to advance payment of credit for health insurance costs of eligible low-income individuals).".

(2) Procedures and recordkeeping related to disclosures.—Subsection (p) of such section is amended—

(A) in paragraph (3)(A) by striking "or (18)" and inserting "(18), or (19)", and

(B) in paragraph (4), as amended by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107-210; 116 Stat. 961), by striking "or (17)" after "any other person described in subsection (l)(16)" each place it appears and inserting "(18), or (19)".

(3) Unauthorized inspection of returns or return information.—Section 7213A(a)(1)(B) of such Code is amended by striking "section 6103(n)" and inserting "subsection (l)(18) or (19) or (n) of section 6103".

(c) Information Reporting.—

(1) In general.—Subpart B of part III of subchapter A of chapter 61 of the Internal

Revenue Code of 1986 (relating to information concerning transactions with other persons) is amended by inserting after section 6050T the following new section:

"SEC. 6050U. RETURNS RELATING TO CREDIT FOR HEALTH INSURANCE COSTS OF ELIGIBLE LOW-INCOME INDIVIDUALS.

"(a) Requirement of Reporting.—Every person who is entitled to receive payments for any month of any calendar year under section 7528 (relating to advance payment of credit for health insurance costs of eligible low-income individuals) with respect to any certified individual (as defined in section 7528(c)) shall, at such time as the Secretary may prescribe, make the return described in subsection (b) with respect to each such individual.

"(b) Form and Manner of Returns.—A return is described in this subsection if such return—

"(1) is in such form as the Secretary may prescribe, and

"(2) contains—

"(A) the name, address, and TIN of each individual referred to in subsection (a),

"(B) the number of months for which amounts were entitled to be received with respect to such individual under section 7528 (relating to advance payment of credit for health insurance costs of eligible low-income individuals),

"(C) the amount entitled to be received for each such month, and

"(D) such other information as the Secretary may prescribe.

"(c) Statements To Be Furnished to Individuals With Respect to Whom Information Is Required.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return and the phone number of the information contact for such person, and

"(2) the information required to be shown on the return with respect to such individual.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) is required to be made.".

(2) Assessable penalties.—

(A) Subparagraph (B) of section 6724(d)(1) of such Code (relating to definitions) is amended by redesignating clauses (xii) through (xviii) as clauses (xiii) through (xix), respectively, and by inserting after clause (xi) the following new clause:

"(xii) section 6050U (relating to returns relating to credit for health insurance costs of eligible low-income individuals),".

(B) Paragraph (2) of section 6724(d) of such Code is amended by striking "or" at the end of subparagraph (AA), by striking the period at the end of subparagraph (BB) and inserting ", or", and by adding after subparagraph (BB) the following new subparagraph:

"(CC) section 6050U (relating to returns relating to credit for health insurance costs of eligible low-income individuals).".

(d) Clerical Amendments.—

(1) Advance payment.—The table of sections for chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 7528. Advance payment of credit for health insurance costs of eligible low-income individuals.".

(2) Information reporting.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6050T the following new item:

"Sec. 6050U. Returns relating to credit for health insurance costs of eligible low-income individuals.".

(e) Effective Date.—The amendments made by this section shall take effect on January 1, 2006.

TITLE II—IMPROVING ACCESS TO HEALTH PLANS

SEC. 201. DEFINITIONS.

In this title:

(1) Eligible individual.—The term "eligible individual" means an individual with respect to whom a tax credit is allowed under section 36 of the Internal Revenue Code of 1986 (as added by section 111).

(2) Participating insurer.—The term "participating insurer" means an entity with a contract under section 205(a).

(3) Private group health insurance plan.—The term "private group health insurance plan" means a plan offered by a participating insurer that provides health benefits coverage to eligible individuals and that meets the requirements of this title.

(4) Purchasing pool operator.—The term "purchasing pool operator" means the entity designated by the State under section 204.

(5) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

(6) Small employer.—The term "small employer" means an employer with not less than 2 and not more than 100 employees.

SEC. 202. ESTABLISHMENT OF HEALTH INSURANCE PURCHASING POOLS.

There is established a program under which the Secretary shall ensure that each eligible individual has the opportunity to enroll, through a purchasing pool operator, in a private group health insurance plan offered by a participating insurer under this title.

SEC. 203. PURCHASING POOLS.

(a) Establishment of Purchasing Pools.—Each State participating in the program under this title shall establish a purchasing pool that is available to each eligible individual who resides in the State.

(b) Types of Purchasing Pools.—

(1) In general.—A purchasing pool established under subsection (a) shall be 1 of the following:

(A) A statewide purchasing pool operated by the State.

(B) A statewide purchasing pool operated on behalf of the State by the Director of the Office of Personnel Management, or the designee of such Director.

(2) OPM operated pool.—In the case of a statewide purchasing pool described in paragraph (1)(B), the Director of the Office of Personnel Management or the Director's designee, may limit participating insurers in such pool to those described in section 205(e), except that the Director or such designee shall ensure that additional private group health insurance plans participate in such a pool to the extent necessary to meet the requirements of section 204(c)(9).

(c) State Election Process.—

(1) In general.—Each State participating in the program under this title shall notify the Secretary, not later than January 4, 2005, of the type of purchasing pool that applies to residents of the State.

(2) Default choice.—If a State participating in the program under this title fails to notify the Secretary of the type of purchasing pool elected by the State by the date described in paragraph (1), the State shall be deemed to have elected the type of purchasing pool described in subsection (b)(1)(B).

(3) Change of election.—The Secretary shall establish procedures under which a State participating in the program under this title may change the election of the type of purchasing pool applicable to residents of the State.

SEC. 204. PURCHASING POOL OPERATORS.

(a) Designation.—Each State shall designate a purchasing pool operator that shall be responsible for operating the purchasing pool established under section 203(a). A purchasing pool operator may be (or, to have 1 or more of its functions performed, may contract with) a private entity that has entered into a contract with the State if such entity meets requirements established by the Secretary for purposes of the program under this title.

(b) Operation Similar to FEHBP.—Each purchasing pool operator shall operate the purchasing pool established under section 203(a) in a manner that is similar to the manner in which the Director of the Office of Personnel Management operates the Federal employees' health benefits program under chapter 89 of title 5, United States Code, including (but not limited to) the performance of the specific functions described in subsection (c).

(c) Specific Functions Described.—The specific functions described in this subsection include the following:

(1) Each purchasing pool operator shall offer one-stop shopping for eligible individuals to enroll for health benefits coverage under private, group health insurance plans offered by participating insurers.

(2) Each purchasing pool operator shall limit participating insurers to those that meet the conditions for participation described in this title.

(3) Each purchasing pool operator shall negotiate (or, in the case of a purchasing pool described in section 203(b)(1)(B), shall negotiate or otherwise determine) bids and terms of coverage with insurers.

(4) Each purchasing pool operator shall provide eligible individuals with comparative information on private group health insurance plans offered by participating insurers.

(5) Each purchasing pool operator shall assist eligible individuals in enrolling with a private group health insurance plan offered by a participating insurer.

(6) Each purchasing pool operator shall collect private group health insurance plan premium payments for participating insurers and process such premium payments.

(7) Each purchasing pool operator shall reconcile from year to year aggregate premium payments and claims costs of private group health insurance plans consistent with practices under the Federal employees' health benefits program under chapter 89 of title 5, United States Code.

(8) Each purchasing pool operator shall offer customer service to eligible individuals enrolled for health benefits coverage under a private group health insurance plan offered by a participating insurer.

(9) Each purchasing pool operator shall ensure that each eligible individual has the option of enrolling in either of at least 2 benchmark or benchmark-equivalent plans with—

(A) a premium at or below a cap established by the pool operator for purposes of this title; and

(B) coverage of essential services included in the report required under section 301(e)(2), with cost-sharing consistent with such report.

(10) Each purchasing pool operator shall establish a premium cap for purposes of determining the credit limitation under section 36(c) of the Internal Revenue Code of 1986, as added by section 111(a). The cap required under this paragraph may not be less than the premium charged to Federal employees by the most highly-enrolled health plan under the Federal employees' health benefits program under chapter 89 of title 5, United States Code. If the most highly-enrolled plan in that program differs for Federal enrollees in the State and all Federal enrollees nationally in such plan, the minimum permitted premium cap shall be the lower of such premiums.

SEC. 205. CONTRACTS WITH PARTICIPATING INSURERS.

(a) In General.—Each purchasing pool operator shall negotiate and enter into contracts for the provision of health benefits coverage under the program under this title with entities that meet the conditions of participation described in subsection (b) and other applicable requirements of this Act.

(b) Consumer Information.—In carrying out its duty under section 204(c)(4) to inform eligible individuals about private group health plans, the purchasing pool operator shall provide information that meets the requirements of section 212(b)(2).

(c) State Licensure.—

(1) In general.—Subject to paragraph (2), a health plan shall not be a participating insurer unless the plan has a State license to provide State residents with the private group coverage health insurance plans that it offers through the pool.

(2) Exception.—A pool operator may enter into a contract under subsection (a) to cover pool participants through a health plan without a State license described in paragraph (1) if such plan is offered to Federal employees nationwide and, with respect to such employees, is exempt from State health insurance regulation. Nothing in this paragraph shall be construed to permit coverage of pool participants through such a plan except with groups, contracts, and premium rates that are entirely distinct from those used for individuals covered under the Federal employee's health benefits program under chapter 89 of title 5, United States Code.

(d) Additional Stop-Loss Coverage and Reinsurance.—Purchasing pool operators are authorized to encourage participation in the program under this title, improve covered benefits, reduce out-of-pocket cost-sharing, limit premiums, or achieve other objectives of this Act by—

(1) funding stop-loss coverage above levels otherwise offered in the purchasing pool; or

(2) providing or subsidizing reinsurance in addition to that provided under section 211.

(e) Participation of FEHBP Plans.—

(1) In general.—Each entity with a contract under section 8902 of title 5, United States Code, shall be a participating insurer unless such entity notifies the Secretary in writing of its intention not to participate in the program under this title prior.to such time as is designated by the Secretary so as to allow such decisions to be taken into account with respect to eligible individuals' choice of a private group health insurance plan under such program. Such participation in the program under this title shall include at least the covered benefits and provider networks available through such an entity and shall not involve greater out-of-pocket cost-sharing than the plan offered by such entity pursuant to its contract under section 8902 of title 5, United States Code.

(2) No effect on FEHBP coverage.—The Director of Office of Personnel Management shall take such steps as are necessary to ensure that each individual enrolled for health benefits coverage under the program under chapter 89 of title 5, United States Code, is not adversely affected by eligible individuals or others enrolled for coverage under the program under this title. Such steps shall include (but need not be limited to) the establishment of separate risk pools, separate contracts with participating insurers, and separately negotiated premiums.

SEC. 206. OPTIONS FOR HEALTH BENEFITS COVERAGE.

(a) Scope of Health Benefits Coverage.—The health benefits coverage provided to an eligible individual under a private group health insurance plan offered by a participating insurer shall consist of any of the following:

(1) Benchmark coverage.—Health benefits coverage that is equivalent to the benefits coverage in a benchmark benefit package described in subsection (b).

(2) Benchmark-equivalent coverage.—Health benefits coverage that meets the following requirements:

(A) Inclusion of essential services.—The coverage includes each of the essential services identified by the National Advisory Commission on Expanded Access to Health Care and adopted by Congress under title III.

(B) Aggregate actuarial value equivalent to benchmark package.—The coverage has an aggregate actuarial value that is equal to or greater than the actuarial value of one of the benchmark benefit packages.

(3) Alternative coverage.—Any other health benefits coverage that the Secretary determines, upon application by a State, offers health benefits coverage equivalent to or greater than a plan described in and offered under section 8903(1) of title 5, United States Code.

(b) Benchmark Benefit Packages.—The benchmark benefit packages are as follows:

(1) FEHBP-equivalent health benefits coverage.—The plan described in and offered under chapter 89 of title 5, United States Code with the highest number of enrollees under such section for the year preceding the year in which the private group health insurance plan is proposed to be offered.

(2) Public program-equivalent health benefits coverage.—Coverage provided under the State plan approved under the medicaid program under title XIX of the Social Security Act or the State children's health insurance program under title XXI of such Act (42 U.S.C. 1396 et seq., 1397aa et seq.) (without regard to coverage provided under a waiver of the requirements of either such program).

(3) Coverage offered through HMO.—The health insurance coverage plan that—

(A) is offered by a health maintenance organization (as defined in section 2791(b)(3) of the Public Health Service Act (42 U.S.C. 33gg-91(b)(3))), and

(B) has the largest insured commercial, nonmedicaid enrollment of covered lives of such coverage plans offered by such a health maintenance organization in the State.

(4) State employee coverage.—The health insurance plan that is offered to State employees and has the largest enrollment of covered lives of any such plan.

(5) Application of benchmark standards.—A private group health plan offers benchmark benefits if, with respect to a benchmark plan described in paragraph (1), (2), (3), or (4), the private group health plan covers all items and services offered by the benchmark plan, with out-of-pocket cost-sharing for such items and services that is not greater than under the benchmark plan. Nothing in this title shall be construed to forbid a private group health plan from offering additional items and services not covered by such a benchmark plan or reducing out-of-pocket cost-sharing below levels applicable under such plan.

SEC. 207. ENROLLMENT PROCESS FOR ELIGIBLE INDIVIDUALS.

(a) In General.—The Secretary shall establish a process through which an eligible individual—

(1) may make an annual election to enroll in any private group health insurance plan offered by a participating insurer that has been awarded a contract under section 205(a) and serves the geographic area in which the individual resides, provided that such insurer's geographic area of service and guaranteed issuance under this section is conterminous with, or includes all of, a geographic area served pursuant to an entity's contact under section 8902 of title 5, United States Code; and

(2) may make an annual election to change the election under this clause.

(b) Rules.—In establishing the process under subsection (a), the Secretary shall use rules similar to the rules for enrollment, disenrollment, and termination of enrollment under the Federal employees health benefits program under chapter 89 of title 5, United States Code, including the application of the guaranteed issuance provision described in subsection (c).

(c) Guaranteed Issuance.—An eligible individual who is eligible to enroll for health benefits coverage under a private group health insurance plan that has been awarded a contract under section 205(a) at a time during which elections are accepted under this title with respect to the plan shall not be denied enrollment based on any health status-related factor (described in section 2702(a)(1) of the Public Health Service Act (42 U.S.C. 300gg-1(a)(1))) or any other factor.

SEC. 208. PLAN PREMIUMS.

(a) In General.—Each purchasing pool operator shall negotiate (or, in the case of a purchasing pool operated pursuant to section 203(b)(1)(B), shall otherwise determine) a premium for each private group health insurance plan offered by a participating insurer.

(b) Permitted Profit Margins.—

(1) In general.—Each premium negotiated under subsection (a) may not permit a profit margin that exceeds the applicable percentage (as defined in paragraph (2)).

(2) Applicable percentage defined.—In this subsection, the term "applicable percentage" means—

(A) for the first 3 years that a purchasing pool is operated, 2 percent;

(B) for any subsequent year, the percentage determined by the purchasing pool operator, which may not be—

(i) less than the profit margin permitted under the Federal employees health benefits program under chapter 89 of title 5, United States Code; or

(ii) more than a multiple, established by the Secretary for purposes of this subsection, of profit margins permitted under such program.

SEC. 209. ENROLLEE PREMIUM SHARE.

(a) In General.—A participating insurer offering a private group health insurance plan that has been awarded a contract under section 205(a) in which the eligible individual is enrolled may not deny, limit, or condition the coverage (including out-of-pocket cost-sharing) or provision of health benefits coverage or vary or increase the enrollee premium share under the plan based on any health status-related factor described in section 2702(a)(1) of the Public Health Service Act (42 U.S.C. 300gg–1(a)(1)) or any other factor.

(b) Risk-Adjusted Plan Payments and Premiums Charged to Enrollees.—

(1) In general.—For each private group health insurance plan operated by a participating insurer, the pool operator shall adjust premium payments to compensate for the difference in health risk factors between plan enrollees and State residents as a whole (including residents who are not eligible individuals). Such adjustments shall employ risk-adjustment mechanisms promulgated by the Secretary.

(2) Additional adjustments.—The pool operator shall also provide additional adjustments to premium payments that compensate participating insurers for the cost of keeping out-of-pocket cost-sharing amounts consistent with section 204(c)(9)(B).

(3) Enrollee premium costs.—The adjustments described in this subsection shall not affect enrollee premium shares, which shall be based on the premium that would be charged for enrollees with health risk factors for State residents as a whole (as described in paragraph (1)), without taking into account cost-sharing adjustments under section 204(c)(9)(B).

(c) Amount of Premium.—The amount of the enrollee premium share shall be equal to premium amounts (if any) above the applicable cap set pursuant to section 204(c)(10), plus 100 percent of the remainder minus the applicable percentage (as defined in section 36(b) of the Internal Revenue Code of 1986, as added by section 111).

SEC. 210. PAYMENTS TO PURCHASING POOL OPERATORS AND PAYMENTS TO PARTICIPATING INSURERS.

The Secretary shall establish procedures for making payments to each purchasing pool operator as follows:

(1) Risk-adjustment payment.—The Secretary shall pay each purchasing pool operator for the net costs of risk-adjusted payments to plans under section 209(b), to the extent the sum of upward adjustments exceeds the sum of downward adjustments for the pool operator.

(2) Stop-loss and reinsurance payments.—

(A) In general.—The Secretary shall pay each purchasing pool operator for the applicable percentage (as defined in subparagraph (B)) of—

(i) the costs of any stop-loss coverage funded by the purchasing pool operator under section 205(d)(1); and

(ii) any reinsurance provided in accordance with section 205(d)(2).

(B) Applicable percentage defined.—In this paragraph, the term "applicable percentage" means—

(i) for the first 3 years that a purchasing pool is operated, 100 percent;

(ii) for the next 2 years that such purchasing pool is operated, 50 percent; and

(iii) for any subsequent year, 0 percent.

(3) Payments necessary to keep cost-sharing within applicable limits.—The Secretary shall make payments to purchasing pool operators to reimburse purchasing pool operators for the amount paid by such operators to participating insurers necessary to keep out-of-pocket cost-sharing for individuals with limited ability to pay within applicable limits.

(4) Payment for administrative costs.—The Secretary shall make payments to each purchasing pool operator for necessary pool administrative expenses.

(5) Payments to OPM.—In the case of a purchasing pool described in section 203(b)(1)(B), payments under this section shall be made to the Director of the Office of Personnel Management.

SEC. 211. STATE-BASED REINSURANCE PROGRAMS.

(a) Establishment.—The Secretary shall establish standards for State-based reinsurance programs for eligible individuals to guard against adverse selection and to improve the functioning of the individual health insurance market.

(b) Grants for Statewide Reinsurance Programs.—

(1) In general.—The Secretary may award grants to States for the reasonable costs incurred in providing reinsurance under this section, consistent with standards developed by the Secretary, for coverage offered in the individual health insurance market and through State-based purchasing pools described in section 203.

(2) Limitation.—Such grants may not pay for reinsurance extending beyond individuals in the top 3 percent of the national health care spending distribution, as determined by the Secretary.

(3) Application.—A State desiring a grant under this section shall submit an application to the Secretary in such manner, at such time, and containing such information as the Secretary may require.

(4) Authorization of appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary for making grants under this section.

SEC. 212. COVERAGE UNDER INDIVIDUAL HEALTH INSURANCE.

(a) In General.—Eligible individuals may use credits allowed under the Internal Revenue Code of 1986 (including supplemental assistance provided under such Code) for the purchase of health insurance coverage to enroll in State-licensed individual health insurance meeting the conditions of participation described in subsection (b).

(b) Conditions of Participation.—The Secretary shall promulgate regulations that establish the terms and conditions under which an entity may participate in the program under this section and that include the following:

(1) Plan marketing.—Conditions of participation for plans in the individual market (as developed by the Secretary) that—

(A) ensure that consumers receive the consumer information described in paragraph (2) before selecting a plan; and

(B) detect, deter, and penalize marketing fraud by entities offering or purporting to offer individual insurance.

(2) Consumer information.—Requirements for each entity offering individual insurance to provide eligible individuals with information in a uniform and easily comprehensible manner that allows for informed comparisons by eligible individuals and that includes information regarding the health benefits coverage, costs, provider networks, quality, the amount and proportion of health insurance premium payments that go directly to patient care, and the plan's coverage rules (including amount, duration, and scope limits) and out-of-pocket cost-sharing (both inside and outside plan networks) for each essential service recommended by the National Advisory Commission on Expanded Access to Health Care and adopted by Congress under title III (which shall be prominently identified as an essential service, including by reference to the Commission recommendation denoting the service as essential). To the maximum extent feasible, such requirements shall specify that the content and presentation of the information shall be provided in the same manner as similar information is presented to enrollees in the Federal employees health benefits program under chapter 89 of title 5, United States Code.

(3) Other conditions, including the elimination of barriers to affordable coverage.—

(A) In general.—Requirements for each entity offering individual insurance to abide by conditions of participation that the Secretary believes are reasonable and appropriate measures to address barriers to affordable health insurance coverage.

(B) Specific conditions.—The requirements developed by the Secretary under subparagraph (A) shall include (but need not be limited to)—

(i) guaranteed renewability, without premium increases based on changed individual risk; and

(ii) limits on risk rating.

(4) Rule of construction.—Nothing in this section shall be construed to authorize the Secretary to impose any requirements on individual insurance, except with respect to eligible individuals purchasing individual insurance using advance payment of a tax credit provided under section 36 of the Internal Revenue Code of 1986.

SEC. 213. USE OF PREMIUM SUBSIDIES TO UNIFY FAMILY COVERAGE WITH MEMBERS ENROLLED IN MEDICAID AND SCHIP.

Notwithstanding any other provision of law, the Secretary shall establish procedures under which, in the case of a family with 1 or more members enrolled in with a managed care entity under the State medicaid program under title XIX of the Social Security Act or the State children's health insurance program under title XXI of such Act (42 U.S.C. 1396 et seq., 1397aa et seq.) and 1 or more members who are an eligible individual under this title, the family shall have the option to enroll all family members with the managed care entity under either or both such State programs. The procedures established by the Secretary shall provide that premiums charged to eligible individuals for enrollment with such an entity shall be based on the capitated payments established for adults or children, excluding adults and children who are known to be pregnant, blind, disabled, or (in the case of adults) elderly, under the applicable State program (except that, in the case of an eligible individual known to be pregnant, premiums shall reflect capitated payments established under such State program for individuals known to be pregnant) plus reasonable administrative costs.

SEC. 214. COVERAGE THROUGH EMPLOYER-SPONSORED HEALTH INSURANCE.

(a) In General.—Eligible individuals may use credits allowed under the Internal Revenue Code of 1986 and supplemental assistance to enroll in coverage offered by eligible employers.

(b) Eligible Employers.—For purposes of this section, the term "eligible employers" includes the following:

(1) The current employer of the eligible individual or a member of such individuals family.

(2) A former employer required to offer coverage of the eligible individual under a COBRA continuation provision (as defined in section 9832(d)(1) of the Internal Revenue Code) or a State law requiring continuation coverage; and

(3) A former employer voluntarily offering coverage of the eligible individual.

(c) APPLICATION OF DISREGARD OF PREEXISTING CONDITIONS EXCLUSIONS.—Notwithstanding any other provision of law, in the case of an individual who experiences a qualifying event (as defined in section 603 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1163) and who, not later than 6 months after such event, is determined to be an eligible individual under this title, the same rules with respect to preexisting conditions as apply to a nonelecting TAA-eligible individual under section 605(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1165(b)) shall apply with respect to such individual, regardless of which type of qualified coverage the individual purchases.

(d) EXTENSION OF COBRA ELECTION PERIOD.—Notwithstanding any other provision of law, in the case of an individual who experiences a qualifying event (as defined in section 603 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1163) and who, not later than 6 months after such event, is determined to be an eligible individual under this title, the same rules with respect to the temporary extension of a COBRA election period as apply to a nonelecting TAA-eligible individual under section 605(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1165(b)) shall apply with respect to such individual.

(e) CURRENT EMPLOYER COVERAGE.—If an eligible individual uses the credits allowed under the Internal Revenue Code of 1986 and supplemental assistance to purchase coverage from an employer described in subsection (b), such credits and assistance shall apply as a percentage, not of the total premium amount for the eligible individual, but of the employee's or former employee's share of premium payments.

SEC. 215. PARTICIPATION BY SMALL EMPLOYERS.

(a) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary shall establish procedures under which, during annual open enrollment periods, a small employer shall have the option of purchasing group coverage for employees and dependents of employees, including individuals who are not otherwise eligible individuals under this title, through a purchasing pool established under section 203(a).

(b) CONDITIONS OF PARTICIPATION.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the same requirements that apply with respect to participating insurers covering eligible low-income individuals under section 203 shall apply with respect to coverage offered by such insurers through a small employer.

(2) RISK ADJUSTMENT.—

(A) INCREASED PAYMENTS.—If employees of a small employer who are not otherwise eligible individuals under this title enroll in a private group health insurance plan under this title and have a collective risk level that exceeds the statewide average (as determined pursuant to risk adjustment mechanisms developed by the Secretary consistent with section 209(b)(1)), the Secretary (through a pool operator) shall provide participating insurers with such small employer enrollment bonus payments as are necessary to compensate the insurers for such increased risk. The premium charged to enrollees under this section shall be the same premium that is the basis of premium charges to enrollees who are eligible low-income individuals.

(B) REDUCED PAYMENTS.—A pool operator shall reduce payments to any plan with a risk level that falls below the statewide average (as so determined).

(3) ADMINISTRATIVE GUIDELINES.—The Secretary shall develop guidelines for pool operators to use in serving small employers, which shall be modeled after existing, successful, longstanding small business purchasing cooperatives, and shall include administratively simple methods for small employers and licensed insurance brokers to participate in the program established under this title.

(c) INFORMATION CAMPAIGN.—

(1) IN GENERAL.—The pool operator for a State shall establish and conduct, directly or through 1 or more public or private entities (which may include licensed insurance brokers), a health insurance information program to inform small employers about health coverage for employees.

(2) REQUIREMENTS.—The program established under paragraph (1) shall educate small employers with respect to matters that include (but are not limited to) the following:

(A) The benefits of providing health insurance to employees, including tax benefits to both the employer and employees, increased productivity, and decreased employee turnover.

(B) The rights of small employers under Federal and State health insurance reform laws.

(C) Options for purchasing coverage, including (but not limited to) through the State's purchasing pool operated pursuant to section 203.

(d) GRANTS TO HELP STATE-BASED POOLS PROMOTE SMALL BUSINESS COVERAGE.—

(1) IN GENERAL.—The Secretary may award grants to a pool operator for the following:

(A) The net costs of risk-adjusted payments under paragraph (b)(2), to the extent the sum of upward adjustments exceeds the sum of downward adjustments for the pool operator.

(B) The reasonable cost of the information campaign under subsection (c).

(C) The pool operator's reasonable administrative costs to implement this section.

(2) LIMITATION.—This section shall not apply to a State's pool unless sufficient grant funds have been received under this subsection to implement this section on a fiscally sound basis and such receipt is certified by the pool operator.

(3) APPLICATION.—A pool operator desiring a grant under this section shall submit an application to the Secretary in such manner, at such time, and containing such information as the Secretary may require.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for making grants under this section.

SEC. 216. REPORT.

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report containing recommendations for such legislative and administrative changes as the Secretary determines are appropriate to permit affinity groups related for reasons other than a common employer to participate in purchasing pools established under section 203.

SEC. 217. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated, such sums as may be necessary to carry out this title for fiscal year 2006 and each fiscal year thereafter.

(b) RULE OF CONSTRUCTION.—Amounts appropriated in accordance with subsection (a) shall be in addition to other amounts appropriated directly under this title and nothing in subsection (a) shall be construed to relieve the Secretary of mandatory payment obligations required under this title.

TITLE III—NATIONAL ADVISORY COMMISSION ON EXPANDED ACCESS TO HEALTH CARE

SEC. 301. NATIONAL ADVISORY COMMISSION ON EXPANDED ACCESS TO HEALTH CARE.

(a) ESTABLISHMENT.—Not later than October 1, 2003, the Secretary of Health and Human Services (referred to in this section as the "Secretary"), shall establish an entity to be known as the National Advisory Commission on Expanded Access to Health Care (referred to in this section as the "Commission").

(b) APPOINTMENT OF MEMBERS.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the House and Senate Majority and Minority Leaders shall each appoint 4 members of the Commission and the Secretary shall appoint 1 member.

(2) CRITERIA.—Members of the Commission shall include representatives of the following:

(A) Consumers of health insurance.

(B) Health care professionals.

(C) State officials.

(D) Economists.

(E) Health care providers.

(F) Experts on health insurance.

(G) Experts on expanding health care to individuals who are uninsured.

(3) CHAIRPERSON.—At the first meeting of the Commission, the Commission shall select a Chairperson from among its members.

(c) MEETINGS.—

(1) IN GENERAL.—After the initial meeting of the Commission which shall be called by the Secretary, the Commission shall meet at the call of the Chairperson.

(2) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(3) SUPERMAJORITY VOTING REQUIREMENT.—To approve a report required under paragraph (2) or (3) of subsection (e), at least 60 percent of the membership of the Commission must vote in favor of such a report.

(d) DUTIES.—The Commission shall—

(1) assess the effectiveness of programs designed to expand health care coverage or make health care coverage affordable to the otherwise uninsured individuals through identifying the accomplishments and needed improvements of each program;

(2) make recommendations about benefits and cost-sharing to be included in health care coverage for various groups, taking into account—

(A) the special health care needs of children and individuals with disabilities;

(B) the different ability of various populations to pay out-of-pocket costs for services;

(C) incentives for efficiency and cost-control; and

(D) preventative care, disease management services, and other factors;

(3) recommend mechanisms to discourage individuals and employers from voluntarily opting out of health insurance coverage;

(4) recommend mechanisms to expand health care coverage to uninsured individuals with incomes above 200 percent of the official income poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved;

(5) recommend automatic enrollment and retention procedures and other measures to increase health care coverage among those eligible for assistance;

(6) review the roles, responsibilities, and relationship between Federal and State agencies with respect to health care coverage and recommend improvements; and

(7) analyze the size, effectiveness, and efficiency of current tax and other subsidies for health care coverage and recommend improvements.

(e) REPORTS.—

(1) ANNUAL REPORT.—The Commission shall submit annual reports to the President and Congress addressing the matters identified in subsection (d).

(2) BIENNIAL REPORT.—

(A) IN GENERAL.—The Commission shall submit biennial reports to the President and Congress, which shall contain—

(i) recommendations concerning essential benefits and maximum out-of-pocket cost-sharing (for the general population and for individuals with limited ability to pay, which shall not exceed the out-of-pocket cost-sharing permitted under section 2103(e) of the Social Security Act (42 U.S.C. 1397cc(e))) for the coverage options described in title II; and

(ii) proposed legislative language to implement such recommendations.

(B) CONGRESSIONAL ACTION.—The legislative language proposed under subparagraph (A)(ii) shall proceed to immediate consideration on the floor of the House of Representatives and the Senate and shall be approved or rejected, without amendment, using procedures employed for recommendations of military base closing commissions.

(3) COMMISSION REPORT.—No later than January 15, 2007, the Commission shall submit a report to the President and Congress, which shall include—

(A) recommendations on policies to provide health care coverage to uninsured individuals with incomes above 200 percent of the official income poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved;

(B) recommendations on changes to policies enacted under this Act; and

(C) proposed legislative language to implement such recommendations.

(f) ADMINISTRATION.—

(1) POWERS.—

(A) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(B) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(C) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(D) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(2) COMPENSATION.—While serving on the business of the Commission (including travel time), a member of the Commission shall be entitled to compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from home and the member's regular place of business, a member may be allowed travel expenses, as authorized by the chairperson of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) STAFF COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(C) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(D) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(g) TERMINATION.—Except with respect to activities in connection with the ongoing biennial report required under subsection (e)(2), the Commission shall terminate 90 days after the date on which the Commission submits the report required under subsection (e)(3).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, such sums as may be necessary to carry out this section for fiscal year 2004 and each fiscal year thereafter.

SEC. 302. CONGRESSIONAL ACTION.

(a) BILL INTRODUCTION.—

(1) IN GENERAL.—Any legislative language included in the report required under section 301(e)(3) may be introduced as a bill by request in the following manner:

(A) HOUSE OF REPRESENTATIVES.—In the House of Representatives, by the Majority Leader and the Minority Leader not later than 10 days after receipt of the legislative language.

(B) SENATE.—In the Senate, by the Majority Leader and the Minority Leader not later than 10 days after receipt of the legislative language.

(2) ALTERNATIVE BY ADMINISTRATION.—The President may submit legislative language based on the recommendations of the Commission and such legislative language may be introduced in the manner described in paragraph (1).

(b) COMMITTEE CONSIDERATION.—

(1) IN GENERAL.—Any legislative language submitted pursuant to paragraph (1) or (2) of subsection (a) (in this section referred to as "implementing legislation") shall be referred to the appropriate committees of the House of Representatives and the Senate.

(2) REPORTING.—

(A) COMMITTEE ACTION.—If, not later than 150 days after the date on which the implementing legislation is referred to a committee under paragraph (1), the committee has reported the implementing legislation or has reported an original bill whose subject is related to reforming the health care system, or to providing access to affordable health care coverage for Americans, the regular rules of the applicable House of Congress shall apply to such legislation.

(B) DISCHARGE FROM COMMITTEES.—

(i) SENATE.—

(I) IN GENERAL.—If the implementing legislation or an original bill described in subparagraph (A) has not been reported by a committee of the Senate within 180 days after the date on which such legislation was referred to committee under paragraph (1), it shall be in order for any Senator to move to discharge the committee from further consideration of such implementing legislation.

(II) SEQUENTIAL REFERRALS.—Should a sequential referral of the implementing legislation be made, the additional committee has 30 days for consideration of implementing legislation before the discharge motion described in subclause (I) would be in order.

(III) PROCEDURE.—The motion described in subclause (I) shall not be in order after the implementing legislation has been placed on the calendar. While the motion described in subclause (I) is pending, no other motions related to the motion described in subclause (I) shall be in order. Debate on a motion to discharge shall be limited to not more than 10 hours, equally divided and controlled by the Majority Leader and the Minority Leader, or their designees. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed or disagreed to.

(IV) EXCEPTION.—If implementing language is submitted on a date later than May 1 of the second session of a Congress, the committee shall have 90 days to consider the implementing legislation before a motion to discharge under this clause would be in order.

(ii) HOUSE OF REPRESENTATIVES.—If the implementing legislation or an original bill described in subparagraph (A) has not been reported out of a committee of the House of Representatives within 180 days after the date on which such legislation was referred to committee under paragraph (1), then on any day on which the call of the calendar for motions to discharge committees is in order, any member of the House of Representatives may move that the committee be discharged from consideration of the implementing legislation, and this motion shall be considered under the same terms and conditions, and if adopted the House of Representatives shall follow the procedure described in subsection (c)(1).

(c) FLOOR CONSIDERATION.—

(1) MOTION TO PROCEED.—If a motion to discharge made pursuant to subsection (b)(2)(B)(i) or (b)(2)(B)(ii) is adopted, then, not earlier than 5 legislative days after the date on which the motion to discharge is adopted, a motion may be made to proceed to the bill.

(2) FAILURE OF MOTION.—If the motion to discharge made pursuant to subsection (b)(2)(B)(i) or (b)(2)(B)(ii) fails, such motion may be made not more than 2 additional times, but in no case more frequently than within 30 days of the previous motion. Debate on each of such motions shall be limited to 5 hours, equally divided.

(3) APPLICABLE RULES.—Once the Senate is debating the implementing legislation the regular rules of the Senate shall apply.

TITLE IV—STATE WAIVERS

SEC. 401. STATE WAIVERS.

(a) IN GENERAL.—Notwithstanding any other provision of law, a State may apply to the Secretary of Health and Human Services for waivers of such provisions of law as may be necessary for the State to implement policies that make comprehensive, affordable health coverage available for all State residents, including access to essential benefits with limits on cost-sharing, as provided in the most recent report under section 301(e)(2).

(b) REQUIREMENTS.—In order to ensure that waivers under this section benefit rather than harm health care consumers, a State shall not be eligible for a waiver under this section unless—

(1) the State reasonably expects to achieve a level of enrollment in coverage described in subsection (a) that is at least equal to the level of coverage (taking into account the number of insured individuals, covered benefits, and premium and out-of-pocket costs to the consumer for such coverage) that the State would have achieved if the State had fully implemented the coverage options available under titles I and II of this Act;

(2) no individual who would have qualified for assistance under the State medicaid program under title XIX of the Social Security Act or the State children's health insurance program under title XXI of such Act, as of either the date of the waiver request or the date of enactment of this Act, will be denied eligibility for such program, have a reduction in benefits under such program, have reduced access to geographically and linguistically appropriate care or essential community providers, or be subject to increased premiums or cost-sharing under the waiver program under this section; and

(3) the State agrees to comply with such standards or guidelines as the Secretary of Health and Human Services may require to ensure that the requirements of paragraphs (1) and (2) are satisfied.

(c) FEDERAL PAYMENTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall pay a State with a waiver approved under this section an amount each quarter equal to the sum of—

(A) the Federal payments the State and residents of the State (including, but not limited to, through the credit allowed under section 36 of the Internal Revenue Code of 1986 for health insurance costs) would have received if the State had exercised the coverage options under titles I and II of this Act with respect to residents of the State who have not attained age 65; and

(B) the amount of any grants authorized by this Act that the State would have received if the State had applied for such grants.

(2) ADDITIONAL PAYMENT FOR MEDICARE BENEFICIARIES UNDER AGE 65.—

(A) IN GENERAL.—In the case of a State that elects to enroll an individual described in subparagraph (B) in coverage described in subsection (a), the amount described in paragraph (1) with respect to a quarter shall be increased by the amount described in subparagraph (C).

(B) INDIVIDUAL DESCRIBED.—An individual is described in this subparagraph if the individual—

(i) has not attained age 65;

(ii) is eligible for coverage under title XVIII of the Social Security Act; and

(iii) voluntarily elects to enroll in coverage described in subsection (a).

(C) AMOUNT DESCRIBED.—The amount described in this subparagraph is the amount equal to the amount that the Federal Government would have incurred with respect to a quarter for providing coverage to an individual described in subparagraph (B) under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(d) IMPLEMENTATION DATE.—No State may submit a request for a waiver under this section before October 1, 2007.

By Mr. SARBANES (for himself, Mr. ALEXANDER, Mr. AKAKA, Mr. BAUCUS, Mr. CORZINE, Mr. DODD, Mr. GRAHAM of Florida, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, Mr. REID, Mr. SCHUMER, Ms. STABENOW, and Mr. WYDEN):

S. 1032. A bill to provide for alternative transportation in certain federally owned or managed areas that are open to the general public; to the Committee on Energy and Natural Resources.

Mr. SARBANES. Mr. President, I rise today to introduce legislation similar to measures I have introduced in previous Congresses that will help protect our Nation's natural resources and improve the visitor experience in our national parks and other public lands. The Transit in Parks Act, or "TRIP," establishes a new Federal transit grant initiative to support the development of alternative transportation services for our national parks, wildlife refuges, Federal recreational areas, and other public lands. I am pleased to be joined by Senators AKAKA, ALEXANDER, BAUCUS, CORZINE, DODD, GRAHAM, KENNEDY, LAUTENBERG, LEVIN, REID, SCHUMER, STABENOW, and WYDEN, who are cosponsors of this legislation.

I want to underscore again today some of the principal arguments I have made in past years as to why this legislation is urgently needed. Memorial Day weekend, the opening of the summer travel season, is just weeks away. Millions of visitors will soon head to our national parks to enjoy the incredible natural heritage with which our Nation was endowed. But too many of them will spend hours looking for parking, or staring at the bumper of the car in front of them.

Clearly, the world has changed significantly since the national parks first opened in the second half of the nineteenth century, when visitors arrived by stagecoach along dirt roads. At that time, travel through parklands, such as Yosemite or Yellowstone, was long, difficult, and costly. Not many people could afford or endure such a trip. The introduction of the automobile gave every American greater mobility and freedom, which included the freedom to travel and see some of our Nation's great natural wonders. Early in this century, landscape architects from the National Park Service and highway engineers from the U.S. Bureau of Public Roads collaborated to produce many feats of road engineering that opened the national park lands to millions of Americans.

Yet greater mobility and easier access now threaten the very environments that the National Park Service is mandated to protect. The ongoing tension between preservation and access has always been a challenge for our national park system. Today, record numbers of visitors and cars have resulted in increasing damage to our parks. The Grand Canyon alone has almost five million visitors a year. As many as 6,000 vehicles arrive in a single summer day. They compete for 2,400 parking spaces. Between 32,000 and 35,000 tour buses go to the park each year. During the peak summer season, the entrance route becomes a giant parking lot.

In 1975, the total number of visitors to America's national parks was 190 million. By 2002, that number had risen to 277 million annual visitors—almost equal to one visit by every man, woman, and child in this country. This dramatic increase in visitation has created an overwhelming demand on these areas, resulting in severe traffic congestion, visitor restrictions, and in some instances vacationers being shut out of the parks altogether. The environmental damage at the Grand Canyon is visible at many other parks: Yosemite, which has more than four million visitors a year; Yellowstone, which has more than three million visitors a year and experiences such severe traffic congestion that access has to be restricted; Zion; Acadia; Bryce; and many others. We need to solve these problems now or risk permanent harm to our nation's natural, cultural, and historical heritage.

Visitor access to the parks is vital not only to the parks themselves, but to the economic health of their gateway communities. For example, visitors to Yosemite infuse $3 billion a year into the local economy of the surrounding area. At Yellowstone, tourists spend $725 million annually in adjacent communities. Wildlife-related tourism generates an estimated $60 billion a year nationwide. If the parks are forced to close their gates to visitors due to congestion, the economic vitality of the surrounding region would be jeopardized.

The challenge for park management has always been twofold: to conserve and protect the nation's natural, historical, and cultural resources, while at the same time ensuring visitor access and enjoyment of these sensitive environments. Until now, the principal transportation systems that the Federal Government has developed to provide access into our national parks are roads, primarily for private automobile access. The TRIP legislation recognizes that we need to do more than simply build roads; we must invest in alternative transportation solutions before our national parks are damaged beyond repair.

In developing solutions to the parks' transportation needs, this legislation builds upon the 1997 Memorandum of Understanding between Secretary of Transportation Rodney Slater and Secretary of the Interior Bruce Babbitt, in which the two Departments agreed to work together to address transportation and resource management needs in and around national parks. The findings in the MOU are especially revealing: Congestion in and approaching many National Parks is causing lengthy traffic delays and backups that substantially detract from the visitor experience. Visitors find that many of the National Parks contain significant noise and air pollution, and traffic congestion similar to that found on the city streets they left behind.

In many National Park units, the capacity of parking facilities at interpretive or scenic areas is well below demand. As a result, visitors park along roadsides, damaging park resources and subjecting people to hazardous safety conditions as they walk near busy roads to access visitor use areas.

On occasion, National Park units must close their gates during high visitation periods and turn away the public because the existing infrastructure and transportation systems are at, or beyond, the capacity for which they were designed.

In addition, the TRIP legislation is designed to implement the recommendations from a comprehensive study of alternative transportation needs in public lands that I was able to include in the Transportation Equity Act for the 21st Century, TEA-21, as section 3039. The Federal Lands Alternative Transportation Systems Study confirmed what those of us who have visited our national parks already know: there is a significant and well-documented need for alternative transportation solutions in the national parks to prevent lasting damage to these incomparable natural treasures.

The study examined over two hundred sites, and identified needs for alternative transportation services at two-thirds of those sites. The study found that implementation of such services can help achieve a number of desirable outcomes: "Relieve traffic congestion and parking shortages; enhance visitor mobility and accessibility; preserve sensitive natural, cultural, and historic resources; provide improved interpretation, education and visitor information services; reduce pollution; and improve economic development opportunities for gateway communities."

In fact, the study concluded that "the provision of transit in federally-managed lands can have national economic implications as well as significant economic benefits for local areas surrounding the sites." The study determined that funding transit needs would support thousands of jobs around the country, while also providing a direct benefit to the economy of gateway communities by "expand[ing] the number of visits to the site and expand[ing] the amount of visitor spending in the surrounding communities."

The study identified "lack of a dedicated funding source for developing, implementing, and operating and maintaining transit systems" as a key barrier to implementation of alternative transportation in and around federally-managed lands. The Transit in Parks Act will go far toward helping parks and their gateway communities overcome this barrier. This new Federal transit grant program will provide funding to the Federal land management agencies that manage the 388 various sites within the National Park System, the National Wildlife Refuges, Federal recreational areas, and other public lands, including National Forest System lands, and to their State and local partners.

The bill's objectives are to develop new and expanded transit services throughout the national parks and other public lands to conserve and protect fragile natural, cultural, and historical resources and wildlife habitats, to prevent or mitigate adverse impact on those resources and habitats, and to reduce pollution and congestion, while at the same time facilitating appropriate visitor access and improving the visitor experience. The program will provide capital funds for transit projects, including rail or clean fuel bus projects, joint development activities, pedestrian and bike paths, or park waterway access, within or adjacent to national parks and other public lands. The Secretary of Transportation may make funds available for operations as well. The bill authorizes $90 million for this new program for each of the fiscal years 2004 through 2009, consistent with the level of need identified in the study. It is anticipated that other resources—both public and private—will be available to augment these amounts.

The bill formalizes the cooperative arrangement in the 1997 MOU between the Secretary of Transportation and the Secretary of the Interior to exchange technical assistance and to develop procedures relating to the planning, selection and funding of transit projects in national park lands. The bill further provides funds for planning, research, and technical assistance that can supplement other financial resources available to the Federal land management agencies. The projects eligible for funding would be developed through the transportation planning process and prioritized for funding by the Secretary of the Interior in consultation and cooperation with the Secretary of Transportation. It is anticipated that the Secretary of the Interior would select projects that are diverse in location and size. While major national parks such as the Grand Canyon or Yellowstone are clearly appropriate candidates for significant transit projects under this section, there are numerous small urban and rural Federal park lands that can benefit enormously from small projects, such as bike paths or improved connections with an urban or regional public transit system. No single project will receive more than 12 percent of the total amount available in any given year. This ensures a diversity of projects selected for assistance.

In addition, I firmly believe that this program will create new opportunities for the Federal land management agencies to partner with local transit agencies in gateway communities adjacent to the parks, both through the TEA-21 planning process and in developing integrated transportation systems. This will spur new economic development within these communities, as they develop transportation centers for park visitors to connect to transit links into the national parks and other public lands.

The ongoing tension between preservation and access has always been a challenge for the National Park Service. Today, that challenge has new dimensions, with overcrowding, pollution, congestion, and resource degradation increasing at many of our national parks. This legislation—the Transit in Parks Act—will give our Federal land management agencies important new tools to improve both preservation and access. Just as we have found in metropolitan areas, transit is essential to moving large numbers of people in our national parks—quickly, efficiently, at low cost, and without adverse impact. At the same time, transit can enhance the economic development potential of our gateway communities.

As we begin a new millennium, I cannot think of a more worthy endeavor to help our environment and preserve our national parks, wildlife refuges, and Federal recreational areas than by encouraging alternative transportation in these areas. My bill is strongly supported by the National Parks Conservation Association, Environmental Defense, the American Public Transportation Association, Community Transportation Association, Amalgamated Transit Union, Surface Transportation Policy Project, Natural Resources Defense Council, Friends of the Earth, Rails-to-Trails Conservancy, America Bikes and others, and I ask unanimous consent that the bill, a section-by-section analysis, and letters of support be printed in the RECORD, along with the USA Today article, "Save Parks: Park Cars."

I believe that we have a clear choice before us: we can turn paradise into a parking lot—or we can invest in alternatives. I urge my colleagues to support the Transit in Parks Act to ensure that our Nation's natural treasures will be preserved for many generations to come.

I ask unanimous consent that the text of the bill, a section-by-section analysis, letters of support, and an article from the USA Today be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1032

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Transit in Parks Act" or the "TRIP Act".

SEC. 2. FEDERAL LAND TRANSIT PROGRAM.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5315 the following:

"§ 5316. Federal land transit program

"(a) FINDINGS AND PURPOSES.—

"(1) FINDINGS.—Congress finds that—

"(A) section 3039 of the Transportation Equity Act for the 21st Century (23 U.S.C. 138 note; Public Law 105–178) required a comprehensive study, to be conducted by the Secretary of Transportation, in coordination with the Secretary of the Interior, of alternative transportation needs in national parks and related public lands in order to—

"(i) identify the transportation strategies that improve the management of national parks and related public lands;

"(ii) identify national parks and related public lands that have existing and potential problems of adverse impact, high congestion, and pollution, or that can otherwise benefit from alternative transportation modes;

"(iii) assess the feasibility of alternative transportation modes; and

"(iv) identify and estimate the costs of those alternative transportation modes;

"(B) the study found that many federally-managed sites are experiencing very high visitation levels that are continuing to increase and that there are significant transit needs at many of these sites;

"(C) the study concluded that implementing transit on federally-managed land can help—

"(i) relieve traffic congestion and parking shortages;

"(ii) enhance visitor mobility and accessibility;

"(iii) preserve sensitive natural, cultural, and historic resources;

"(iv) provide improved interpretation, education, and visitor information services;

"(v) reduce pollution; and

"(vi) improve economic development opportunities for gateway communities;

"(D) the Department of Transportation can assist the Federal land management agencies through financial support and technical assistance and further the achievement of national goals described in subparagraph (C);

"(E) immediate financial and technical assistance by the Department of Transportation, working with Federal land management agencies and State and local governmental authorities to develop efficient and coordinated alternative transportation systems within and in the vicinity of eligible areas, is essential to—

"(i) protect and conserve natural, historical, and cultural resources;

"(ii) prevent or mitigate adverse impacts on those resources;

"(iii) relieve congestion;

"(iv) minimize transportation fuel consumption;

"(v) reduce pollution (including noise pollution and visual pollution); and

"(vi) enhance visitor mobility, accessibility, and the visitor experience; and

"(F) it is in the interest of the United States to encourage and promote the development of transportation systems for the betterment of eligible areas to meet the goals described in clauses (i) through (vi) of subparagraph (E).

"(2) PURPOSES.—The purposes of this section are—

"(A) to develop a cooperative relationship between the Secretary of Transportation and the Secretary of the Interior to carry out this section;

"(B) to encourage the planning and establishment of alternative transportation systems and nonmotorized transportation systems needed within and in the vicinity of eligible areas, located in both urban and rural areas, that—

"(i) enhance resource protection;

"(ii) prevent or mitigate adverse impacts on those resources;

"(iii) improve visitor mobility, accessibility, and the visitor experience;

"(iv) reduce pollution and congestion;

"(v) conserve energy; and

"(vi) increase coordination with gateway communities;

"(C) to assist Federal land management agencies and State and local governmental authorities in financing areawide alternative transportation systems and nonmotorized transportation systems to be operated by public or private alternative transportation providers, as determined by local and regional needs, and to encourage public-private partnerships; and

"(D) to assist in research concerning, and development of, improved alternative transportation equipment, facilities, techniques, and methods with the cooperation of public and private companies and other entities engaged in the provision of alternative transportation service.

"(b) DEFINITIONS.—In this section:

"(1) ALTERNATIVE TRANSPORTATION.—

"(A) IN GENERAL.—The term 'alternative transportation' means transportation by bus, rail, or any other publicly or privately owned conveyance that provides to the public general or special service on a regular basis.

"(B) INCLUSIONS.—The term 'alternative transportation' includes sightseeing service.

"(2) ELIGIBLE AREA.—

"(A) IN GENERAL.—The term 'eligible area' means any Federally owned or managed park, refuge, or recreational area that is open to the general public.

"(B) INCLUSIONS.—The term 'eligible area' includes—

"(i) a unit of the National Park System;

"(ii) a unit of the National Wildlife Refuge System; and

"(iii) a recreational area managed by the Bureau of Land Management.

"(3) FEDERAL LAND MANAGEMENT AGENCY.—The term 'Federal land management agency' means a Federal agency that manages an eligible area.

"(4) QUALIFIED PARTICIPANT.—The term 'qualified participant' means—

"(A) a Federal land management agency; or

"(B) a State or local governmental authority with jurisdiction over land in the vicinity of an eligible area acting with the consent of the Federal land management agency, alone or in partnership with a Federal land management agency or other Governmental or nongovernmental participant.

"(5) QUALIFIED PROJECT.—The term 'qualified project' means a planning or capital project in or in the vicinity of an eligible area that—

"(A) is an activity described in section 5302(a)(1), 5303(g), or 5309(a)(1)(A);

"(B) involves—

"(i) the purchase of rolling stock that incorporates clean fuel technology or the replacement of buses of a type in use on the date of enactment of this section with clean fuel vehicles; or

"(ii) the deployment of alternative transportation vehicles that introduce innovative technologies or methods;

"(C) relates to the capital costs of coordinating the Federal land management agency alternative transportation systems with other alternative transportation systems;

"(D) provides a nonmotorized transportation system (including the provision of facilities for pedestrians, bicycles, and nonmotorized watercraft);

"(E) provides waterborne access within or in the vicinity of an eligible area, as appropriate to and consistent with the purposes described in subsection (a)(2); or

"(F) is any other alternative transportation project that—

"(i) enhances the environment;

"(ii) prevents or mitigates an adverse impact on a natural resource;

"(iii) improves Federal land management agency resource management;

"(iv) improves visitor mobility and accessibility and the visitor experience;

"(v) reduces congestion and pollution (including noise pollution and visual pollution); and

"(vi) conserves a natural, historical, or cultural resource (excluding rehabilitation or restoration of a nontransportation facility).

"(6) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(c) FEDERAL AGENCY COOPERATIVE ARRANGEMENTS.—The Secretary shall develop cooperative arrangements with the Secretary of the Interior that provide for—

"(1) technical assistance in alternative transportation;

"(2) interagency and multidisciplinary teams to develop Federal land management agency alternative transportation policy, procedures, and coordination; and

"(3) the development of procedures and criteria relating to the planning, selection, and funding of qualified projects and the implementation and oversight of the program of projects in accordance with this section.

"(d) TYPES OF ASSISTANCE.—

"(1) IN GENERAL.—The Secretary may enter into a contract, grant, cooperative agreement, interagency agreement, intra-agency agreement, or other agreement to carry out a qualified project under this section.

"(2) OTHER USES.—A grant, cooperative agreement, interagency agreement, intra-agency agreement, or other agreement for a qualified project under this section shall be available to finance the leasing of equipment and facilities for use in alternative transportation, subject to any regulation that the Secretary may prescribe limiting the grant or agreement to leasing arrangements that are more cost-effective than purchase or construction.

"(e) LIMITATION ON USE OF AVAILABLE AMOUNTS.—

"(1) IN GENERAL.—The Secretary may allocate not more than 5 percent of the amount made available for a fiscal year under section 5338(j) for use by the Secretary in carrying out planning, research, and technical assistance under this section, including the development of technology appropriate for use in a qualified project.

“(2) AMOUNTS FOR PLANNING, RESEARCH, AND TECHNICAL ASSISTANCE.—Amounts made available under this subsection are in addition to amounts otherwise available for planning, research, and technical assistance under this title or any other provision of law.

“(3) AMOUNTS FOR QUALIFIED PROJECTS.—No qualified project shall receive more than 12 percent of the total amount made available under section 5338(j) for any fiscal year.

“(4) OPERATIONS.—To the extent the Secretary determines appropriate, the Secretary may make grants under this section to finance the operating cost of equipment and facilities for use in a qualified project.

“(f) PLANNING PROCESS.—In undertaking a qualified project under this section—

“(1) if the qualified participant is a Federal land management agency—

“(A) the Secretary, in cooperation with the Secretary of the Interior, shall develop transportation planning procedures that are consistent with—

“(i) the metropolitan planning provisions under sections 5303 through 5305;

“(ii) the statewide planning provisions under section 135 of title 23; and

“(iii) the public participation requirements under section 5307(c); and

“(B) in the case of a qualified project that is at a unit of the National Park system, the planning process shall be consistent with the general management plans of the unit of the National Park system; and

“(2) if the qualified participant is a State or local governmental authority, or more than 1 State or local governmental authority in more than 1 State, the qualified participant shall—

“(A) comply with sections 5303 through 5305;

“(B) comply with the statewide planning provisions under section 135 of title 23;

“(C) comply with the public participation requirements under section 5307(c); and

“(D) consult with the appropriate Federal land management agency during the planning process.

“(g) COST SHARING.—

“(1) DEPARTMENTAL SHARE.—The Secretary, in cooperation with the Secretary of the Interior, shall establish the share of assistance to be provided under this section to a qualified participant.

“(2) CONSIDERATIONS.—In establishing the departmental share of the net project cost of a qualified project, the Secretary shall consider—

“(A) visitation levels and the revenue derived from user fees in the eligible area in which the qualified project is carried out;

“(B) the extent to which the qualified participant coordinates with a public or private alternative transportation authority;

“(C) private investment in the qualified project, including the provision of contract services, joint development activities, and the use of innovative financing mechanisms;

“(D) the clear and direct benefit to the qualified participant; and

“(E) any other matters that the Secretary considers appropriate to carry out this section.

“(3) NONDEPARTMENTAL SHARE.—Notwithstanding any other provision of law, Federal funds appropriated to any Federal land management agency may be counted toward the nondepartmental share of the cost of a qualified project.

“(h) SELECTION OF QUALIFIED PROJECTS.—

“(1) IN GENERAL.—The Secretary of the Interior, after consultation with and in cooperation with the Secretary, shall determine the final selection and funding of an annual program of qualified projects in accordance with this section.

“(2) CONSIDERATIONS.—In determining whether to include a project in the annual program of qualified projects, the Secretary of the Interior shall consider—

“(A) the justification for the qualified project, including the extent to which the qualified project would conserve resources, prevent or mitigate adverse impact, and enhance the environment;

“(B) the location of the qualified project, to ensure that the selected qualified projects—

“(i) are geographically diverse nationwide; and

“(ii) include qualified projects in eligible areas located in both urban areas and rural areas;

“(C) the size of the qualified project, to ensure that there is a balanced distribution;

“(D) the historical and cultural significance of a qualified project;

“(E) safety;

“(F) the extent to which the qualified project would—

“(i) enhance livable communities;

“(ii) reduce pollution (including noise pollution, air pollution, and visual pollution);

“(iii) reduce congestion; and

“(iv) improve the mobility of people in the most efficient manner; and

“(G) any other matters that the Secretary considers appropriate to carry out this section, including—

“(i) visitation levels;

“(ii) the use of innovative financing or joint development strategies; and

“(iii) coordination with gateway communities.

“(i) QUALIFIED PROJECTS CARRIED OUT IN ADVANCE.—

“(1) IN GENERAL.—When a qualified participant carries out any part of a qualified project without assistance under this section in accordance with all applicable procedures and requirements, the Secretary may pay the departmental share of the net project cost of a qualified project if—

“(A) the qualified participant applies for the payment;

“(B) the Secretary approves the payment; and

“(C) before carrying out that part of the qualified project, the Secretary approves the plans and specifications in the same manner as plans and specifications are approved for other projects assisted under this section.

“(2) INTEREST.—

“(A) IN GENERAL.—The cost of carrying out part of a qualified project under paragraph (1) includes the amount of interest earned and payable on bonds issued by a State or local governmental authority, to the extent that proceeds of the bond are expended in carrying out that part.

“(B) LIMITATION.—The rate of interest under this paragraph may not exceed the most favorable rate reasonably available for the qualified project at the time of borrowing.

“(C) CERTIFICATION.—The qualified participant shall certify, in a manner satisfactory to the Secretary, that the qualified participant has exercised reasonable diligence in seeking the most favorable interest rate.

“(j) FULL FUNDING AGREEMENT; PROJECT MANAGEMENT PLAN.—If the amount of assistance anticipated to be required for a qualified project under this section is more than $25,000,000—

“(1) the qualified project shall, to the extent that the Secretary considers appropriate, be carried out through a full funding agreement in accordance with section 5309(g); and

“(2) the qualified participant shall prepare a project management plan in accordance with section 5327(a).

“(k) RELATIONSHIP TO OTHER LAWS.—Qualified participants shall be subject to—

“(1) the requirements of section 5333;

“(2) to the extent that the Secretary determines to be appropriate, requirements consistent with those under subsections (d) and (i) of section 5307; and

“(3) any other terms, conditions, requirements, and provisions that the Secretary determines to be appropriate to carry out this section, including requirements for the distribution of proceeds on disposition of real property and equipment resulting from a qualified project assisted under this section.

“(l) INNOVATIVE FINANCING.—A qualified project assisted under this section shall be eligible for funding through a State Infrastructure Bank or other innovative financing mechanism otherwise available to finance an eligible project under this chapter.

“(m) ASSET MANAGEMENT.—The Secretary may transfer the interest of the Department of Transportation in, and control over, all facilities and equipment acquired under this section to a qualified participant for use and disposition in accordance with any property management regulations that the Secretary determines to be appropriate.

“(n) COORDINATION OF RESEARCH AND DEPLOYMENT OF NEW TECHNOLOGIES.—

“(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of the Interior, may undertake, or make grants or contracts (including agreements with departments, agencies, and instrumentalities of the Federal Government) or other agreements for research, development, and deployment of new technologies in eligible areas that will—

“(A) conserve resources;

“(B) prevent or mitigate adverse environmental impact;

“(C) improve visitor mobility, accessibility, and enjoyment; and

“(D) reduce pollution (including noise pollution and visual pollution).

“(2) ACCESS TO INFORMATION.—The Secretary may request and receive appropriate information from any source.

“(3) FUNDING.—Grants and contracts under paragraph (1) shall be awarded from amounts allocated under subsection (e)(1).

“(o) REPORT.—

“(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall annually submit to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the allocation of amounts to be made available to assist qualified projects under this section.

“(2) ANNUAL AND SUPPLEMENTAL REPORTS.—A report required under paragraph (1) shall be included in the report submitted under section 5309(p).”.

(b) AUTHORIZATIONS.—Section 5338 of title 49, United States Code, is amended by adding at the end the following:

“(j) SECTION 5316.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out section 5316 $90,000,000 for each of fiscal years 2004 through 2009.

"(2) AVAILABILITY.—Amounts made available under this subsection for any fiscal year shall remain available for obligation until the last day of the third fiscal year commencing after the last day of the fiscal year for which the amounts were initially made available under this subsection.".

(c) CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5315 the following:

"5316. Federal land transit program.".

(2) PROJECT MANAGEMENT OVERSIGHT.—Section 5327(c) of title 49, United States Code, is amended in the first sentence—

(A) by striking "or 5311" and inserting "5311, or 5316"; and

(B) by striking "5311, or" and inserting "5311, 5316, or".

(d) TECHNICAL AMENDMENTS.—Chapter 53 of title 49, United States Code, is amended—

(1) in section 5309—

(A) by redesignating subsection (p) as subsection (q); and

(B) by redesignating the second subsection designated as subsection (o) (as added by section 3009(i) of the Federal Transit Act of 1998 (112 Stat. 356)) as subsection (p);

(2) in section 5328(a)(4), by striking "5309(o)(1)" and inserting "5309(p)(1)"; and

(3) in section 5337, by redesignating the second subsection designated as subsection (e) (as added by section 3028(b) of the Federal Transit Act of 1998 (112 Stat. 367)) as subsection (f).

TRANSIT IN PARKS ACT

SECTION-BY-SECTION ANALYSIS

Section 1: Short Title

The Transit in Parks, TRIP, Act.

Section 2: In General

Amends Federal transit laws by adding new section 5316, "Federal Land Transit Program."

Section 3: Findings and Purposes

The purpose of this Act is to promote the planning and establishment of alternative transportation systems within, and in the vicinity of, the national parks and other public lands to protect and conserve natural, historical, and cultural resources, mitigate adverse impact on those resources, relieve congestion, minimize transportation fuel consumption, reduce pollution, and enhance visitor mobility and accessibility and the visitor experience. The act responds to the need for alternative transportation systems in the national parks and other public lands identified in the study conducted by the Department of Transportation pursuant to section 3039 of TEA-21, by establishing Federal assistance to finance alternative transportation projects within and in the vicinity of the national parks and other public lands, to increase coordination with gateway communities, to encourage public-private partnerships, and to assist in the research and deployment of improved alternative transportation equipment and methods.

Section 4: Definitions

This section defines eligible projects and eligible participants in the program. A "qualified participant" is a Federal land management agency, or a State or local governmental authority acting with the consent of a Federal land management agency. A "qualified project" is a planning or capital alternative transportation project, including rail projects, clean fuel vehicles, joint development activities, pedestrian and bike paths, waterborne access, or projects that otherwise better protect the eligible areas and increase visitor mobility and accessibility. "Eligible areas" are lands managed by the National Park Service, the U.S. Fish and Wildlife Service, and the Bureau of Land Management, as well as any other Federally-owned or -managed park, refuge, or recreational area that is open to the general public. Qualified projects may be located either within eligible areas or in gateway communities in the vicinity of eligible areas.

Section 5: Federal Agency Cooperative Arrangements

This section implements the 1997 Memorandum of Understanding between the Departments of Transportation and the Interior for the exchange of technical assistance in alternative transportation, the development of alternative transportation policy and coordination, and the establishment of criteria for planning, selection, and funding of projects under this section.

Section 6: Types of Assistance

This section gives the Secretary of Transportation authority to provide Federal assistance through grants, cooperative agreements, inter- or intra-agency agreements, or other agreements, including leasing under certain conditions, for a qualified project under this section.

Section 7: Limitation on Use of Available Amounts

This section specifies that the Secretary may not use more than 5% of the amounts available under this section for planning, research, and technical assistance; these amounts can be supplemented from other sources. This section also gives the Secretary discretion to make grants to pay for operating expenses. In addition, to ensure a broad distribution of funds, no project can receive more than 12% of the total amount available under this section in any given year.

Section 8: Planning Process

This section requires the Secretaries of Transportation and the Interior to cooperatively develop a planning process consistent with TEA-21 for qualified participants which are Federal land management agencies. If the qualified participant is a State or local governmental authority, the qualified participant shall comply with the TEA-21 planing process and consult with the appropriate Federal land management agency during the planning process.

Section 9: Department's Share of the Costs

This section requires that in determining the Department's share of the project costs, the Secretary of Transportation, in cooperation with the Secretary of the Interior, must consider certain factors, including visitation levels and user fee revenues, coordination in project development with a public or private transit provider, private investment, and whether there is a clear and direct financial benefit to the qualified participant. The intent is to establish criteria for a sliding scale of assistance, with a lower Departmental share for projects that can attract outside investment, and a higher Departmental share for projects that may not have access to such outside resources. In addition, this section specifies that funds from the Federal land management agencies can be counted toward the local share.

Section 10: Selection of Qualified Projects

This section provides that the Secretary of the Interior, in cooperation with the Secretary of Transportation, shall prioritize the qualified projects for funding in an annual program of projects, according to the following criteria: (1) project justification, including the extent to which the project conserves resources, prevents or mitigates adverse impact, and enhances the environment; (2) project location to ensure geographic diversity and both rural and urban projects; (3) project size for a balanced distribution; (4) historical and cultural significance; (5) safety; (6) the extent to which the project would enhance livable communities, reduce pollution and congestion, and improve the mobility of people in the most efficient manner; and (7) any other considerations the Secretary deems appropriate, including visitation levels, the use of innovative financing or joint development strategies, and coordination with gateway communities.

Section 11: Undertaking Projects in Advance

This provision applies current transit law to this section, allowing projects to advance prior to receiving Federal funding, but allowing the advance activities to be counted toward the local share as long as certain conditions are met.

Section 12: Full Funding Agreement; Project Management Plan

This section provides that large projects require a project management plan, and shall be carried out through a full funding agreement to the extent the Secretary considers appropriate.

Section 13: Relationship to Other Laws

This provision applies certain transit laws to projects funded under this section, and permits the Secretary to apply any other terms or conditions he or she deems appropriate.

Section 14: Innovative Financing

This section provides that a project assisted under this Act can also use funding from a State Infrastructure Bank or other innovative financing mechanism that is available to fund other eligible transit projects.

Section 15: Asset Management

This provision permits the Secretary of Transportation to transfer control over a transit asset acquired with Federal funds under this section to a qualified governmental participant in accordance with certain Federal property management rules.

Section 16: Coordination of Research and Deployment of New Technologies

This provision allows the Secretary, in cooperation with the Secretary of the Interior, to enter into grants or other agreements for research and deployment of new technologies to meet the special needs of eligible areas under this Act.

Section 17: Report

This section requires the Secretary of Transportation to submit a report on projects funded under this section to the House Transportation and Infrastructure Committee and the Senate Banking, Housing, and Urban Affairs Committee, to be included in the Department's annual project report.

Section 18: Authorization

$90,000,000 is authorized to be appropriated for the Secretary to carry out this program for each of the fiscal years 2004 through 2009.

Section 19: Conforming Amendments

Conforming amendments to the transit title, including an amendment to allow 0.5% per year of the funds made available under this section to be used for project management oversight.

Section 20: Technical Amendments

Technical corrections to the transit title in TEA-21.

MAY 9, 2003.

Hon. PAUL SARBANES,
Hart Office Building,
Washington, DC.

DEAR SENATOR SARBANES: The undersigned organizations want to thank you for introducing the Transit in Parks Act that will enhance transit options for access to and within our public lands. We applaud your leadership and foresight in recognizing the critical role that mass transit can play in protecting our public lands and improving the visitor experience.

Visitation to America's public lands has skyrocketed during the past two decades. The national parks, for example, have seen their visitation increase from 190 million visitors in 1975 to approximately 286 million visitors last year. Increased public interest in these special places has placed substantial burdens on the very resources that draw people to these lands. As more and more individuals crowd into our public lands—typically by automobile—fragile habitat, endangered plants and animals, unique cultural treasures, and spectacular natural resources and vistas are being damaged from air and water pollution, noise intrusion, and inappropriate use.

As outlined in your legislation, the establishment of a program within the Department of Transportation dedicated to enhancing transit options in and adjacent to public lands will have a powerful, positive effect on the future ecological and cultural integrity of these areas. Your initiative will boost the role of alternative transportation solutions for many areas, particularly those most heavily impacted by visitation such as Yellowstone-Grand Teton, Yosemite, Grand Canyon, Acadia, and the Great Smoky Mountains national parks. For instance, development of transportation centers and auto parking lots outside the parks, complemented by the use of buses, vans, or rail systems, and/or bicycle and pedestrian pathways would provide much more efficient means of handling the crush of visitation. The benefit of such systems has already been demonstrated in a number of parks such as Zion and Cape Cod.

Equally important, the legislation will provide an excellent opportunity for the NPS, BLM and FWS to enter into public/private partnerships with states, localities, and the private sector, providing a wider range of transportation options than exists today. These partnerships could leverage funds that the federal land managing agencies currently have great difficulty accessing.

Finally, we support the legislation because it addresses the critical lack of resources for maintaining and operating alternative transportation systems once they are established.

We wholeheartedly endorse your bill as a creative new mechanism to protect and enhance both the resources and visitor experiences associated with America's public lands.

We look forward to working with you to move this legislation to enactment.

Sincerely,

THOMAS C. KIERNAN,
President, National Parks Conservation Association.
ANNE CANBY,
President, Surface Transportation Policy Project.
DALE S. MARSICO, CCTM,
Chief Executive Officer, Community Transportation Association of America.
MARTHA ROSKOWSKI,
Campaign Manager, America Bikes.
MARIANNE W. FOWLER,
Senior Vice-President of Programs, Rails-to-Trails Conservancy.
DAVID HIRSCH,
Director of Economic Programs, Friends of the Earth.

NATURAL RESOURCES DEFENSE COUNCIL,
Washington, DC, May 8, 2003.

Hon. PAUL SARBANES,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: On behalf of the more than 550,000 members of the Natural Resources Defense Council, I am writing to support your Transit in Parks Act. Many of our national parks are suffering from the impacts of too many automobiles: traffic congestion, air and water pollution, and disturbance of natural ecosystems resulting in both the degradation of natural and cultural resources and the visitor's experience. Providing dedicated funding for transit projects in our national parks, as your bill would do, is a priority solution to these problems in the National Park System.

It is essential in many parks to get visitors out of their automobiles by providing attractive and effective transit services to and within national parks. A sound practical transit system will improve the visitor's experience—making it more convenient and enjoyable for families and visitors of all ages. Better transit is critical to diversifying transportation choices and providing better access for the benefit of all park visitors. Air pollutants from automobiles driven by visitors can exacerbate respiratory health problems, damage vegetation, and contribute to haze that too often obliterates park vistas. And the more we get people into public transit and out of their individual cars, the more energy will be conserved. Lastly, a positive park transit experience will demonstrate to visitors that transit could serve them at home too, which should provide the indirect benefit of higher ridership on other transit systems. In short, this bill would help to reduce reliance on automobiles by authorizing the funding so our national parks can build and operate efficient and convenient transit systems.

With their great biodiversity and their recreational and educational value for all Americans, national parks make up some the nation's most valuable land. As driving increases in parks and on our roadways, it is critical to find ways to use existing infrastructure more efficiently and to reduce the impacts of transportation on these vital and sensitive lands.

We commend and thank you for your dedication and leadership on this issue and more generally to the protection of our national parks. Please look to us to help you establish better public transit in our national parks.

Sincerely,

CHARLES M. CLUSEN,
Senior Policy Analyst.

ENVIRONMENTAL DEFENSE,
New York, NY, May 8, 2003.

Hon. PAUL S. SARBANES,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR SARBANES: I am writing on behalf of Environmental Defense and our 300,000 members to express support for the Transit in Parks Act, which will provide dedicated funding for transit projects in our national parks. Many parks suffer from the consequences of poor transportation systems, traffic congestion, air and water pollution, and disturbance of natural ecosystems.

Increased funding for attractive and effective transit services to, and within our national parks is essential to mitigating these growing problems. An effective transit system in our national parks will not only make the park experience more enjoyable for millions of families every year, it will improve environmental conditions. Environmental conditions such as air pollutants that exacerbate respiratory health problems, damage vegetation and contribute to haze, which too often destroys the natural beauty of our parks. Enhancing transit within our national parks system would also aid in providing access to for all citizens to our parks, including those who do not own cars.

We appreciate your leadership on this issue, your dedication to the health of our national parks and, your support for expanded transportation choices for everyone. We look forward to working with you to get this vitally important legislation enacted.

Sincerely,

FRED KRUPP,
President.

AMALGAMATED TRANSIT UNION,
Washington, DC, May 8, 2003.

Hon. PAUL SARBANES,
Ranking Member, Senate Committee on Banking, Housing, and Urban Affairs, Hart Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: On behalf of the more than 180,000 members of the Amalgamated Transit Union (ATU), the largest labor organization representing mass transit, over-the-road, and school bus drivers in the United States and Canada, I am writing to express our strong support for the "Transit in Parks Act" (TRIP), which would provide increased funding for public transportation in national parks and other public lands. Without question, this legislation begins to address the major congestion and environmental issues that currently exist in U.S. National Parks from coast to coast.

Through the years, federal transit programs have enabled public transportation providers to assist urban communities to significantly reduce congestion and improve air quality by investing in mass transit, either bus or rail. Like you, we believe that this can also be achieved in our national parks, which during peak months become the equivalent of American cities, inundated with hundreds of millions of visitors each year. Therefore, ATU supports the adoption of the Transit in Parks Act as part of TEA 21's reauthorization.

We would welcome the opportunity to discuss this and any other transit issues with you or your staff at any time. As always, thank you for your continuous support of the people who proudly provide public transportation services for millions of Americans each day, and for recognizing that mass transit can provide benefits beyond our cities and suburbs.

Sincerely,

JAMES LA SALA,
International President.

AMERICA BIKES,
Washington, DC, May 9, 2003.

Hon. PAUL SARBANES,
Hart Office Building,
Washington, DC.

DEAR SENATOR SARBANES: We are writing to express our enthusiastic support for the

Transit in Park Act. This legislation will enhance alternative transportation, including transit, bicycling and walking, on our public lands. We appreciate your leadership in protecting our public lands and expanding opportunities for people to safely travel to and through these important places by foot and by bicycle.

The dramatic increase in the number of Americans enjoying public lands makes this legislation even more important. In 1975, 190 million people visited national parks. Last year, that number had risen to 286 million. These growing numbers are straining available resources, including the transportation infrastructure. Providing better facilities for bicycling and walking will encourage more people to use those modes. The benefits are numerous:

Traffic congestion will be reduced, along with the accompanying problems of air and water pollution, noise, and impacts on wildlife and vegetation:

The visitor experience is improved for all. Less congestion on the roads means easier driving for those in cars, and fewer conflicts with those on foot or on bike. Travel by foot or bicycle offers a much more intimate connection with our public lands;

Shifting trips from private automobiles to transit, bike and foot decreases the need for road expansions, oversized parking lots, and the impact on roads;

Improving access by bicycle and by foot from local communities will promote volunteerism and local involvement in the parks;

Encouraging bicycling and walking on our public lands will help address the myriad of health problems caused by physical inactivity; and

Improvements to facilities will improve safety and reduce bicycle and pedestrian fatalities. Currently, 13.6 percent of fatalities on our roads are bicyclists and pedestrians, while accounting for 7 percent of trips made.

Bicycles are a wonderful way to enjoy national parks, whether a multi-day adventure or a short afternoon pedal. Walking is ideal for shorter trips. And both modes combine well with transit to provide a wide variety of transportation choices.

America Bikes is a coalition of the leaders of the seven major national bicycling organizations and the $5 billion/year bicycle industry. The bicycle community wholeheartedly endorses this legislation. We thank you for your foresight, and we applaud your vision of a more balanced transportation system on public lands.

Sincerely,

MARTHA ROSKOWSKI,
Campaign Manager.

[From USA Today, Sept. 27, 2002]

SAVE PARKS: PARK CARS

When the first white explorers and traders pushed up the scenic Yellowstone River two centuries ago, they brought back tales of a mysterious area the natives avoided. "There is frequently herd (sic) a loud noise, like Thunder, which makes the earth Tremble," William Clark of Lewis and Clark fame later wrote. "They seldom go there . . . and Conceive it possessed of spirits."

The place the locals thought was haunted is now Yellowstone National Park and its centerpiece, Old Faithful. What they avoided now attracts 3 million visitors a year, most in motor vehicles. Congestion has become so great that authorities are looking at shuttle buses to reduce traffic. While the solution won't thrill those who see themselves as modern-day explorers entitled to their personal mechanical steeds, it beats gridlock or rationing access to the park.

Yellowstone has bought a fleet of yellow tour buses similar to ones phased out in the 1950s, when the family car became king. The idea is keep the park experience from becoming an urban commuter's nightmare.

If the plan succeeds, it could join a list of common-sense measures aimed at stopping the head-on collision between the nation's simultaneous love affairs with the automobile and its parks.

Rocky Mountain National Park in Colorado began shuttle service in 1978 to reduce congestion, parking problems and damage to resources. Glacier Park in Montana has brought back refurbished red 1930s tour buses. Yosemite and the Grand Canyon are moving in the same direction.

Massive Denali Park in Alaska long ago stopped private vehicles a few miles inside the entrance, limiting travel to buses to protect the fragile landscape. Zion Canyon, Utah, has done likewise. Even small parks such as Harpers Ferry, W. Va., have had to keep cars a couple miles away and bus visitors in.

Mass transit and national parks sound like an oxymoron. But as the thunder, not of geysers, but of auto traffic threatens to drown out the beauty of nature and the dignity of the past, public transportation is one key to keeping the parks accessible to all.

By Mr. BINGAMAN (for himself, Mr. LUGAR, Mrs. LINCOLN, Mr. CORZINE, Ms. LANDRIEU, Mr. BREAUX, Mr. KERRY, Ms. CANTWELL, Mrs. MURRAY, Mrs. CLINTON, and Mr. MILLER):

S. 1033. A bill to amend titles XIX and XXI of the Social Security Act to expand or add coverage of pregnant women under the medicaid and State children's health insurance program, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce bipartisan legislation with Senators LUGAR, LINCOLN, CORZINE, LANDRIEU, BREAUX, KERRY, MURRAY, CANTWELL, CLINTON, and MILLER. This legislation, entitled the "Start Healthy, Stay Healthy Act of 2003," would significantly reduce the number of uninsured pregnant women and newborns by expanding coverage to pregnant women through Medicaid and the Children's Health Insurance Program, or CHIP, and to newborns through the first full year of life.

Sunday is Mothers' Day. Every year, we honor our Nation's mothers and we should take the time to assess how we can do better by them, including their health and well-being.

According to a recent report by Save the Children entitled "The State of the World's Mothers," the United States fares no better than 11th in the world. Why is this? According to the report, "The United States earned its 11th place rank this year based on several factors: One of the key indicators used to calculate the well-being for mothers is lifetime risk of maternal mortality . . . Canada, Australia, and all the Western and Northern European countries in the study performed better than the United States in this indicator."

The study adds, "Similarly, the United States did not do as well as the top 10 countries with regard to infant mortality rates."

In fact, the United States ranks 21st in maternal mortality and 28th in infant mortality, the worst among developed nations. We should and must do better by our Nation's mothers and infants.

Throughout our Nation's history, there has been long-standing policy linking programs for pregnant women and infants, including Medicaid, WIC, and the Maternal and Child Health Block Grant. CHIP, unfortunately, fails to provide coverage to pregnant women beyond the age of 18. As a result, it is more likely that newborns eligible for CHIP are not covered from the moment of birth, and therefore, often miss having comprehensive prenatal care and those first critical months of life until their CHIP application is processed.

By expanding coverage to pregnant women through CHIP, the "Start Healthy, Stay Healthy Act" recognizes the importance of prenatal care to the health and development of a child. As Dr. Alan Waxman of the University of New Mexico School of Medicine has written, "Prenatal care is an important factor in the prevention of birth defects and the prevention of prematurity, the most common causes of infant death and disability. Babies born to women with no prenatal care or late prenatal care are nearly twice as likely to [be] low birthweight or very low birthweight as infants born to women who received early prenatal care."

Unfortunately, according to the Centers for Disease Control and Prevention, New Mexico ranked worst in the Nation in the percentage of mothers receiving late or no prenatal care last year. The result is often quite costly—both in terms of the health of the mother and newborn but also in terms of the long-term expenses since the result can be chronic, lifelong health problems.

In fact, according to the Agency for Healthcare Research and Quality, "four of the top 10 most expensive conditions in the hospital are related to care of infants with complications (respiratory distress, prematurity, heart defects, and lack of oxygen)." As a result, in addition to reduced infant mortality and morbidity, the provision to expand coverage to pregnant women can be cost effective.

The "Start Healthy, Stay Healthy Act" also eliminates the unintended federal policy through CHIP that covers pregnant women only through the age of 18 and cuts off that coverage once the women turn 19 years of age. Certainly, everybody can agree that the government should not be telling women that they are more likely to receive prenatal care coverage only if they become pregnant as a teenager.

This bipartisan legislation has previously received or has added endorsements from the following organizations: the March of Dimes, The American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the What to Expect Foundation, the American Academy of Family Physicians, the American Academy of Pediatric Dentistry, the American Academy of Child and Adolescent Psychiatry, the National Association of Community Health Centers, the American Hospital Association, the National Association of Children's Hospitals, the Federation of American Health Systems, the National Association of Public Hospitals and Health Systems, Premier, Catholic Health Association, Catholic Charities USA, Family Voices, the Association of Maternal and Child Health Programs, the National Health Law Program, the National Association of Social Workers, Every Child By Two, the United Cerebral Palsy Associations, the Society for Maternal-Fetal Medicine, and Families USA.

This legislation is a reintroduction of a bill that was introduced in 2001. Throughout that year, the Administration made numerous statements in support of the passage of this type of legislation, but unfortunately, reversed course in October 2002 after publishing a regulation allowing states to redefine a "child" as an "unborn child" and to provide prenatal care through CHIP in that manner. In a letter to Senator NICKLES dated October 8, 2002, Secretary Thompson argued, "I believe the regulation is a more effective and comprehensive solution to this issue."

While a number of senators strongly disagreed with Secretary Thompson's assertion and sent him letters to that effect on October 10, 2002, and on October 23, 2002, we felt it was important to get the testimony of our Nation's medical experts on the health and well-being of both pregnant women and newborns. We called for a hearing in the Senate Health, Education, Labor and Pensions Committee on October 24, 2002. Witnesses included representatives from the March of Dimes, the American College of Obstetricians and Gynecologists, the American Academy of Pediatrics, and the What to Expect Foundation. They were asked to compare the regulation to the legislation and I will let their testimony speak for itself.

Dr. Nancy Green testified on behalf of the March of Dimes Birth Defects Foundation. She said:

> We support giving states the flexibility they need to cover income-eligible pregnant women age 19 and older, and to automatically enroll infants born to SCHIP-eligible mothers. By establishing a uniform eligibility threshold for coverage for pregnant women and infants, states will be able to improve maternal health, eliminate waiting periods for infants and streamline administration of publicly supported health programs. Currently, according to the Department of Health and Human Services' Centers for Medicare and Medicaid Services and the National Governors' Association, 36 states and the District of Columbia have income eligibility thresholds that are more restrictive for women than for their newborns. Encouraging states to eliminate this disparity by allowing them to establish a uniform eligibility threshold for pregnant women and their infants should be a national policy priority.

Dr. Green adds:

> Specifically, we are deeply concerned that final regulation fails to provide to the mother the standard scope of maternity care services recommended by the American College of Obstetricians and Gynecologists (ACOG) and the American Academy of Pediatrics (AAP). Of particular concern, the regulation explicitly states that postpartum care is not covered and, therefore, federal reimbursement will not be available for these services. In addition, because of the contentious collateral issues raised by this regulation groups like the March of Dimes will find it even more difficult to work in the states to generate support for legislation to extend coverage to uninsured pregnant women.

Dr. Laura Riley testified on behalf of ACOG. In her testimony, she stated:

> ACOG is very concerned that mothers will not have access to postpartum services under the regulation. The rule clearly states that ". . . care after delivery, such as postpartum services could not be covered as part of the Title XXI State Plan . . . because they are not services for an eligible child."

On the importance of postpartum care, Dr. Riley adds:

> When new mothers develop postpartum complications, quick access to their physicians is absolutely critical. Postpartum care is especially important for women who have preexisting medical conditions, and for those whose medical conditions were induced by their pregnancies, such as gestational diabetes or hypertension, and for whom it is necessary to ensure that their conditions are stabilized and treated.

As a result, Dr. Riley concludes:

> Limiting coverage to the fetus instead of the mother omits a critical component of postpartum care that physicians regard as essential for the health of the mother and the child. Covering the fetus as opposed to the mother also raises questions of whether certain services will be available during pregnancy and labor if the condition is one that more directly affects the woman. The best way to address this coverage issue is to pass S. 724, supported by Senators Bond, Bingaman and Lincoln and many others, and which provides a full range of medical services during and after pregnancy directly to the pregnant woman.

Dr. Richard Bucciarelli testified on behalf of the American Academy of Pediatrics. He said:

> Recently, the Administration published a final rule expanding SCHIP cover unborn children. The Academy is concerned that, as written, this regulation falls dangerously short of the clinical standards of care outlined in our guidelines, which describe the importance of covering all stages of a birth—pregnancy, delivery, and postpartum care.

It is important to note that the regulation subtracts the time that an "unborn child" is covered from the period of continuously eligibility after birth. Consequently, children would be denied insurance coverage at very critical points during the first full year of life. As such, Dr. Bucciarelli expressed support for the legislation over the regulation because it, in his words:

> . . . takes an important step to decrease the number of uninsured children by providing 12 months of continuous eligibility for those children born. . . . This legislation ensures that children born to women enrolled in Medicaid or SCHIP are immediately enrolled in the program for which they are eligible. Additionally, this provision prevents newborns eligible for SCHIP from being subject to enrollment waiting periods, ensuring that infants receive appropriate health care in their first year of life.

And finally, Lisa Bernstein testified as Executive Director of The What to Expect Foundation, which takes its name from the bestselling What to Expect pregnancy and parenting series that has helped over 20 million families from pregnancy through their child's toddler years. Ms. Bernstein also supported the legislation as a far superior option over the regulation and make this simple but eloquent point:

> . . . only a healthy parent can provide a healthy future for a healthy child.

The testimony of these experts speak for themselves and I urge my colleagues to pass this legislation as soon as possible.

I ask unanimous consent that the text of the bill and a series of letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Start Healthy, Stay Healthy Act of 2003".

SEC. 2. STATE OPTION TO EXPAND OR ADD COVERAGE OF CERTAIN PREGNANT WOMEN UNDER MEDICAID AND SCHIP.

(a) MEDICAID.—

(1) AUTHORITY TO EXPAND COVERAGE.—Section 1902(l)(2)(A)(i) of the Social Security Act (42 U.S.C. 1396a(l)(2)(A)(i)) is amended by inserting "(or such higher percent as the State may elect for purposes of expenditures for medical assistance for pregnant women described in section 1905(u)(4)(A))" after "185 percent".

(2) ENHANCED MATCHING FUNDS AVAILABLE IF CERTAIN CONDITIONS MET.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in the fourth sentence of subsection (b), by striking "or subsection (u)(3)" and inserting ", (u)(3), or (u)(4)"; and

(B) in subsection (u)—

(i) by redesignating paragraph (4) as paragraph (5); and

(ii) by inserting after paragraph (3) the following:

"(4) For purposes of the fourth sentence of subsection (b) and section 2105(a), the expenditures described in this paragraph are the following:

"(A) CERTAIN PREGNANT WOMEN.—If the conditions described in subparagraph (B) are met, expenditures for medical assistance for pregnant women described in subsection (n) or under section 1902(l)(1)(A) in a family the income of which exceeds the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) that has been specified under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902, as of January 1, 2003, but does not exceed the income eligibility level established under title XXI for a targeted low-income child.

"(B) CONDITIONS.—The conditions described in this subparagraph are the following:

"(i) The State plans under this title and title XXI do not provide coverage for pregnant women described in subparagraph (A) with higher family income without covering such pregnant women with a lower family income.

"(ii) The State does not apply an effective income level for pregnant women that is lower than the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) that has been specified under the State plan under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902, as of January 1, 2003, to be eligible for medical assistance as a pregnant woman.

"(C) DEFINITION OF POVERTY LINE.—In this subsection, the term 'poverty line' has the meaning given such term in section 2110(c)(5).".

(3) PAYMENT FROM TITLE XXI ALLOTMENT FOR MEDICAID EXPANSION COSTS; ELIMINATION OF COUNTING MEDICAID CHILD PRESUMPTIVE ELIGIBILITY COSTS AGAINST TITLE XXI ALLOTMENT.—Section 2105(a)(1) of the Social Security Act (42 U.S.C. 1397ee(a)(1)) is amended—

(A) in the matter preceding subparagraph (A), by striking "(or, in the case of expenditures described in subparagraph (B), the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)))"; and

(B) by striking subparagraph (B) and inserting the following:

"(B) for the provision of medical assistance that is attributable to expenditures described in section 1905(u)(4)(A);".

(4) ADDITIONAL AMENDMENTS TO MEDICAID.—

(A) ELIGIBILITY OF A NEWBORN.—Section 1902(e)(4) of the Social Security Act (42 U.S.C. 1396a(e)(4)) is amended in the first sentence by striking "so long as the child is a member of the woman's household and the woman remains (or would remain if pregnant) eligible for such assistance".

(B) APPLICATION OF QUALIFIED ENTITIES TO PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN UNDER MEDICAID.—Section 1920(b) of the Social Security Act (42 U.S.C. 1396r–1(b)) is amended by adding at the end after and below paragraph (2) the following flush sentence:

"The term 'qualified provider' includes a qualified entity as defined in section 1920A(b)(3).".

(b) SCHIP.—

(1) COVERAGE.—Title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following:

"SEC. 2111. OPTIONAL COVERAGE OF TARGETED LOW-INCOME PREGNANT WOMEN.

"(a) OPTIONAL COVERAGE.—Notwithstanding any other provision of this title, a State may provide for coverage, through an amendment to its State child health plan under section 2102, of pregnancy-related assistance for targeted low-income pregnant women in accordance with this section, but only if the State meets the conditions described in section 1905(u)(4)(B).

"(b) DEFINITIONS.—For purposes of this title:

"(1) PREGNANCY-RELATED ASSISTANCE.—The term 'pregnancy-related assistance' has the meaning given the term child health assistance in section 2110(a) as if any reference to targeted low-income children were a reference to targeted low-income pregnant women, except that the assistance shall be limited to services related to pregnancy (which include prenatal, delivery, and postpartum services and services described in section 1905(a)(4)(C)) and to other conditions that may complicate pregnancy.

"(2) TARGETED LOW-INCOME PREGNANT WOMAN.—The term 'targeted low-income pregnant woman' means a woman—

"(A) during pregnancy and through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends;

"(B) whose family income exceeds the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) that has been specified under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902, as of January 1, 2003, to be eligible for medical assistance as a pregnant woman under title XIX but does not exceed the income eligibility level established under the State child health plan under this title for a targeted low-income child; and

"(C) who satisfies the requirements of paragraphs (1)(A), (1)(C), (2), and (3) of section 2110(b).

"(c) REFERENCES TO TERMS AND SPECIAL RULES.—In the case of, and with respect to, a State providing for coverage of pregnancy-related assistance to targeted low-income pregnant women under subsection (a), the following special rules apply:

"(1) Any reference in this title (other than in subsection (b)) to a targeted low-income child is deemed to include a reference to a targeted low-income pregnant woman.

"(2) Any such reference to child health assistance with respect to such women is deemed a reference to pregnancy-related assistance.

"(3) Any such reference to a child is deemed a reference to a woman during pregnancy and the period described in subsection (b)(2)(A).

"(4) In applying section 2102(b)(3)(B), any reference to children found through screening to be eligible for medical assistance under the State medicaid plan under title XIX is deemed a reference to pregnant women.

"(5) There shall be no exclusion of benefits for services described in subsection (b)(1) based on any preexisting condition and no waiting period (including any waiting period imposed to carry out section 2102(b)(3)(C)) shall apply.

"(6) Subsection (a) of section 2103 (relating to required scope of health insurance coverage) shall not apply insofar as a State limits coverage to services described in subsection (b)(1) and the reference to such section in section 2105(a)(1)(C) is deemed not to require, in such case, compliance with the requirements of section 2103(a).

"(7) In applying section 2103(e)(3)(B) in the case of a pregnant woman provided coverage under this section, the limitation on total annual aggregate cost-sharing shall be applied to the entire family of such pregnant woman.

"(d) AUTOMATIC ENROLLMENT FOR CHILDREN BORN TO WOMEN RECEIVING PREGNANCY-RELATED ASSISTANCE.—If a child is born to a targeted low-income pregnant woman who was receiving pregnancy-related assistance under this section on the date of the child's birth, the child shall be deemed to have applied for child health assistance under the State child health plan and to have been found eligible for such assistance under such plan or to have applied for medical assistance under title XIX and to have been found eligible for such assistance under such title, as appropriate, on the date of such birth and to remain eligible for such assistance until the child attains 1 year of age. During the period in which a child is deemed under the preceding sentence to be eligible for child health or medical assistance, the child health or medical assistance eligibility identification number of the mother shall also serve as the identification number of the child, and all claims shall be submitted and paid under such number (unless the State issues a separate identification number for the child before such period expires).".

(2) ADDITIONAL ALLOTMENTS FOR PROVIDING COVERAGE OF PREGNANT WOMEN.—

(A) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by inserting after subsection (c) the following:

"(d) ADDITIONAL ALLOTMENTS FOR PROVIDING COVERAGE OF PREGNANT WOMEN.—

"(1) APPROPRIATION; TOTAL ALLOTMENT.—For the purpose of providing additional allotments to States under this title, there is appropriated, out of any money in the Treasury not otherwise appropriated, for each of fiscal years 2004 through 2007, $200,000,000.

"(2) STATE AND TERRITORIAL ALLOTMENTS.—In addition to the allotments provided under subsections (b) and (c), subject to paragraphs (3) and (4), of the amount available for the additional allotments under paragraph (1) for a fiscal year, the Secretary shall allot to each State with a State child health plan approved under this title—

"(A) in the case of such a State other than a commonwealth or territory described in subparagraph (B), the same proportion as the proportion of the State's allotment under subsection (b) (determined without regard to subsection (f)) to the total amount of the allotments under subsection (b) for such States eligible for an allotment under this paragraph for such fiscal year; and

"(B) in the case of a commonwealth or territory described in subsection (c)(3), the same proportion as the proportion of the commonwealth's or territory's allotment under subsection (c) (determined without regard to subsection (f)) to the total amount of the allotments under subsection (c) for commonwealths and territories eligible for an allotment under this paragraph for such fiscal year.

"(3) USE OF ADDITIONAL ALLOTMENT.—Additional allotments provided under this subsection are not available for amounts expended before October 1, 2003. Such amounts are available for amounts expended on or after such date for child health assistance for targeted low-income children, as well as for pregnancy-related assistance for targeted low-income pregnant women.

"(4) NO PAYMENTS UNLESS ELECTION TO EXPAND COVERAGE OF PREGNANT WOMEN.—No payments may be made to a State under this title from an allotment provided under this subsection unless the State provides pregnancy-related assistance for targeted low-income pregnant women under this title, or provides medical assistance for pregnant women under title XIX, whose family income exceeds the effective income level applicable under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902 to a family of the size involved as of January 1, 2003.".

(B) CONFORMING AMENDMENTS.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(i) in subsection (a), in the matter preceding paragraph (1), by inserting "subject to subsection (d)," after "under this section,";

(ii) in subsection (b)(1), by inserting "and subsection (d)" after "Subject to paragraph (4)"; and

(iii) in subsection (c)(1), by inserting "subject to subsection (d)," after "for a fiscal year,".

(3) PRESUMPTIVE ELIGIBILITY UNDER TITLE XXI.—

(A) APPLICATION TO PREGNANT WOMEN.—Section 2107(e)(1)(D) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended to read as follows:

"(D) Sections 1920 and 1920A (relating to presumptive eligibility).".

(B) EXCEPTION FROM LIMITATION ON ADMINISTRATIVE EXPENSES.—Section 2105(c)(2) of the Social Security Act (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following new subparagraph:

"(C) EXCEPTION FOR PRESUMPTIVE ELIGIBILITY EXPENDITURES.—The limitation under subparagraph (A) on expenditures shall not apply to expenditures attributable to the application of section 1920 or 1920A (pursuant to section 2107(e)(1)(D)), regardless of whether the child or pregnant woman is determined to be ineligible for the program under this title or title XIX.".

(4) ADDITIONAL AMENDMENTS TO TITLE XXI.—

(A) NO COST-SHARING FOR PREGNANCY-RELATED SERVICES.—Section 2103(e)(2) of the Social Security Act (42 U.S.C. 1397cc(e)(2)) is amended—

(i) in the heading, by inserting "OR PREGNANCY-RELATED SERVICES" after "PREVENTIVE SERVICES"; and

(ii) by inserting before the period at the end the following: "or for pregnancy-related services".

(B) NO WAITING PERIOD.—Section 2102(b)(1)(B) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(i) by striking ", and" at the end of clause (i) and inserting a semicolon;

(ii) by striking the period at the end of clause (ii) and inserting "; and"; and

(iii) by adding at the end the following:

"(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income pregnant woman.".

(c) EFFECTIVE DATE.—The amendments made by this section apply to items and services furnished on or after October 1, 2003, without regard to whether regulations implementing such amendments have been promulgated.

SEC. 3. COORDINATION WITH THE MATERNAL AND CHILD HEALTH PROGRAM.

(a) IN GENERAL.—Section 2102(b)(3) of the Social Security Act (42 U.S.C. 1397bb(b)(3)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(F) that operations and activities under this title are developed and implemented in consultation and coordination with the program operated by the State under title V in areas including outreach and enrollment, benefits and services, service delivery standards, public health and social service agency relationships, and quality assurance and data reporting.".

(b) CONFORMING MEDICAID AMENDMENT.—Section 1902(a)(11) of such Act (42 U.S.C. 1396a(a)(11)) is amended—

(1) by striking "and" before "(C)"; and

(2) by inserting before the semicolon at the end the following: ", and (D) provide that operations and activities under this title are developed and implemented in consultation and coordination with the program operated by the State under title V in areas including outreach and enrollment, benefits and services, service delivery standards, public health and social service agency relationships, and quality assurance and data reporting".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2004.

SEC. 4. INCREASE IN SCHIP INCOME ELIGIBILITY.

(a) DEFINITION OF LOW-INCOME CHILD.—Section 2110(c)(4) of the Social Security Act (42 U.S.C. 42 U.S.C. 1397jj(c)(4)) is amended by striking "200" and inserting "250".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to child health assistance provided, and allotments determined under section 2104 of the Social Security Act (42 U.S.C. 1397dd), for fiscal years beginning with fiscal year 2004.

SEC. 5. REVIEW OF STATE AGENCY BLINDNESS AND DISABILITY DETERMINATIONS.

Section 1633 of the Social Security Act (42 U.S.C. 1383b) is amended by adding at the end the following:

"(e)(1) The Commissioner of Social Security shall review determinations, made by State agencies pursuant to subsection (a) in connection with applications for benefits under this title on the basis of blindness or disability, that individuals who have attained 18 years of age are blind or disabled as of a specified onset date. The Commissioner of Social Security shall review such a determination before any action is taken to implement the determination.

"(2)(A) In carrying out paragraph (1), the Commissioner of Social Security shall review—

"(i) at least 25 percent of all determinations referred to in paragraph (1) that are made in fiscal year 2004; and

"(ii) at least 50 percent of all such determinations that are made in fiscal year 2005 or thereafter.

"(B) In carrying out subparagraph (A), the Commissioner of Social Security shall, to the extent feasible, select for review the determinations which the Commissioner of Social Security identifies as being the most likely to be incorrect.".

THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, April 12, 2002.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: Thank you for sharing your views on our new proposal to expand health care coverage for low-income pregnant women under the State Children's Health Insurance Program (SCHIP). I believe it is not only appropriate, but indeed, medically necessary that our approach to child health care include the prenatal stage.

Prenatal care for women and their babies is a crucial part of medical care. These services can be a vital, life-long determinant of health, and we should do everything we can to make this care available for all pregnant women. It is one of the most important investments we can make for the long-term good health of our nation.

Our regulation would enable states to make use of funding already available under SCHIP to provide prenatal care for more low-income pregnant women and their babies. The proposed regulation, published in the FEDERAL REGISTER March 5, would clarify the definition of "child" under the SCHIP program. At present, SCHIP allows states to provide health care coverage to targeted low-income children under age 19. States may further limit their coverage to age groups within that range. The new regulation would clarify that states may include coverage for children from conception to age 19, enabling SCHIP coverage to include prenatal and delivery care to ensure the birth of healthy infants.

Although Medicaid currently provides coverage for prenatal care for some women with low incomes, implementing this new regulation will allow states to offer such coverage to additional women. States would not be required to go through the section 1115 waiver process to expand coverage for prenatal care.

By explicitly recognizing in our SCHIP regulations the health needs of children before birth, we can help states provide vital prenatal health care. I believe our approach is entirely appropriate to serve these health purposes. It has been an option for states in their Medicaid programs in the past and it should be made an option for states in their SCHIP program now. As I testified recently at a hearing held by the Health Subcommittee of the House Energy and Commerce Committee, I also support legislation to expand SCHIP to cover pregnant women. However, because legislation has not moved and because of the importance of prenatal care, I felt it was important to take this action.

I know we share the same commitment to achieving the goal of expanding health insurance coverage in order to reduce the number of uninsured.

A similar letter is being sent to the cosigners of your letter. Please feel free to call me if you have any questions or concerns.

Sincerely,

TOMMY G. THOMPSON.

THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, October 8, 2002.

Hon. DON NICKLES,
Assistant Republican Leader,
Washington, DC.

DEAR SENATOR NICKLES: Thank you for contacting me about the Department of Health and Human Services' final regulation to expand pre-natal and pregnancy related services to unborn children under the State Children's Health Insurance Program (SCHIP).

The final rule allows states the option to extend such services under SCHIP to low-income pregnant women and their unborn children immediately. The rule also enables states to cover a broader population of low-income women and children because it extends coverage to unborn children regardless of their mothers' immigrant status.

In your letter, you ask if "this regulation has obviated the need for additional legislation, and has addressed this issue in a more timely and effective manner." As I have stated many times this year, my overarching goal has been to extend prenatal and pregnancy related services to low-income women and their children as quickly as possible so that those mothers are cared for during their pregnancy and their children are born healthy and strong. The law provided me the flexibility to do that and I believe the rule that was published this week achieves this universally desired goal. The proposed legislation, which has been pending in Congress for some time, would amend the SCHIP law so as to duplicate what we have already established as administration policy. I believe the regulation is a more effective and comprehensive solution to this issue. Therefore, there is no need for the Senate to pursue this legislation now.

Thank you for inquiring on this important policy matter.

Sincerely,

TOMMY G. THOMPSON.

U.S. SENATE,
Washington, DC, October 10, 2002.

Hon. TOMMY THOMPSON,
Secretary, Department of Health and Human Services, Washington, DC.

DEAR SECRETARY THOMPSON: Over the course of the past year, you have issued press releases, written letters, and responded to direct questions in both Senate and House hearings in support of passing legislation to provide health care coverage to pregnant women through the State Children's Health Insurance Program (SCHIP). You have repeatedly stated that you were proceeding with the regulation to expand SCHIP to "unborn children" only because legislation to expand coverage to pregnant women had not passed.

Your own regulation explicitly makes that very point and acknowledges that "gaps remain" and that a number of important health services for pregnant women, including postpartum care, are not provided for in the regulation. And yet, we now read in a letter from you to Senator Nickles dated October 8, 2002, that the "gaps" have somehow disappeared. As you write, "The proposed legislation, which has been pending in Congress for some time, would amend the SCHIP law so as to duplicate what we have already established as administration policy. I believe the regulation is a more effective and comprehensive solution to this issue. Therefore, there is no need for the Senate to pursue this legislation now."

Yet, your own regulation contradicts that statement and notes that "there are still gaps" and repeatedly points out those coverage gaps for pregnant women and children. With respect to care for women, under the regulation, it is explicitly stated that "there must be a connection between the benefits provided and the health of the unborn child." A whole range of health services to pregnant women during pregnancy and delivery could be potentially denied as a result. In the case of epidurals, for example, the best the regulation can say is that you "expect" coverage.

For postpartum care, the regulation explicitly states that any care during that period, including but not limited to hemorrhage, infection, episiotomy repair, C-section repair, family planning counseling, treatment of complications after delivery (including life-saving surgery), and postpartum depression, would be denied. As the regulation reads, "Commenters are correct that care after delivery, such as postpartum services could not be covered as part of [SCHIP], (unless the mother is under age 19 and eligible for SCHIP in her own right), because they are not services for an eligible child."

According to the Centers for Disease Control and Prevention (CDC), the United States ranks 21st in the world in maternal mortality. The major causes of which were hemorrhage, ectopic pregnancy, pregnancy-induced hypertension, embolism, infection, and other complications of pregnancy and childbirth. Again, health coverage for many of these conditions is denied under the regulation but not in S. 724. How then do you argue the regulation is "more effective and comprehensive" and that the legislation is "duplicat[ive]" of the regulation with respect to care for pregnant women?

With respect to coverage of children, under the regulation, the 12-month continuous eligibility for children is not from the time of birth but the clock begins running during the time of coverage prior to birth. S. 724 provides comprehensive pediatric care to children throughout the first and most fragile year of life. In contrast, for prenatal care delivered to an "unborn child" under this regulation, that time is subtracted from the 12-month period after birth. Therefore, under the regulation, if nine months of prenatal care are provided, the child could lose coverage at the end of the 3rd month after birth. Potentially lost would be a number of important well-baby visits, immunizations, and access to their pediatric caregiver. Once again, how then do you argue the regulation is "more effective and comprehensive" and that the legislation is "duplicat[ative]" to the regulation for children?

Furthermore, according to the rule, the Administration estimates that only 13 states will elect to adopt this definition to include "unborn children" in their SCHIP state plans. The other 37 states will either not expand SCHIP to provide prenatal care to additional populations or be forced to seek a federal waiver to also cover pregnant women, as Colorado did just two weeks ago. However, the regulation was right on the mark in stating that it is "an inferior option" to require states to have to get waivers to provide the full range of care to pregnant women and 12-month continuous eligibility for children after birth.

As the regulation reads, ". . . the Secretary's ability to intervene through one mechanism (a waiver) should not be the sole option for States and may in fact be an inferior option. Waivers are discretionary on the part of the Secretary and time limited while State plan amendments are permanent, and are subject to budget neutrality." For a third time, how can you now argue, less than a week after issuing the regulation, that it is "more effective and comprehensive" than the legislation?

The States agree, as you know. The National Governors' Association has clear policy expressing support for the passage of such legislation. As their policy position (HR–15. "The State Children's Health Insurance Program (S–CHIP) Policy") reads:

"The Governors have a long tradition of expanding coverage options for pregnant women through the Medicaid program. However, pregnant women in working families are not eligible for SCHIP coverage. The Governors call on Congress to create a state option that would allow states to provide health coverage to income-eligible pregnant women under SCHIP. This small shift in federal policy would allow states to provide critical prenatal care and would increase the likelihood that children born to SCHIP mothers would have a healthy start."

Finally, unlike S. 724, the regulation provides absolutely no additional resources (despite estimating the cost to be $330 million over the next five years) for covering "unborn children" and certain pregnancy-related services. Current projections by the Office of Management and Budget indicate that SCHIP funds will ultimately be inadequate to cover all the children currently enrolled, even though millions of additional children are eligible but not currently covered. In sharp contrast, just as S. 724 does, we must provide adequate resources to serve both low-income children and low-income pregnant women.

Mr. Secretary, just as you said in your press release on January 31, 2002, we also praise Senators Bond, Breaux, and Collins for "bipartisan leadership in supporting S. 724, a bill that would allow states to provide prenatal coverage for low-income women through the SCHIP program. We support this legislative effort in this Congress." We agreed with you on January 31, 2002, and hope that you will once again support the passage of S. 724, the "Mothers and Newborns Health Insurance Act."

We eagerly await your response to this very important matter with respect to the health and well-being of our nation's children and mothers.

Sincerely,

Jeff Bingaman, Jon Corzine, Edward M. Kennedy, Maria Cantwell, Hillary Rodham Clinton, Dianne Feinstein, Blanche L. Lincoln, Mary Landrieu, Patty Murray, James M. Jeffords, John B. Breaux, Jack Reed, Patrick J. Leahy, Barbara A. Mikulski, Charles E. Schumer.

THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, October 15, 2002.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: Thank you for your letter of last week and your continued interest in finding effective ways to increase prenatal coverage.

I have frequently stated in the past that my chief objective in proposing the rule to extend coverage to unborn children was to ensure that pregnant women and children who are currently ineligible for health care under either Medicaid or S–CHIP are given the support they need for a healthy pregnancy and a safe delivery. This is clearly a goal we share. When asked my position on pending legislation earlier this year, I expressed general support because my overriding interest and concern has always been to provide prenatal care to more women and children. If legislation could provide that coverage more expeditiously, then it seemed to me it would be advantageous to women and children to see that go forward.

However, despite years of committed effort by you and other members, Congress has yet to move legislation through the process. Legislation was introduced in the 106th Congress .but was never reported out of Committee in either the House or Senate. In this current Congress, the Senate Finance Committee reported S. 724 in early August of this year, but no floor time was scheduled for its consideration. Consequently, after seven months without any legislative action, I issued a final regulation.

Last year, when I saw that I had the authority under current law to provide prenatal and delivery care to low-income pregnant mothers and their unborn children, I was excited because I realized the Department could accomplish what we all wish to achieve: helping those children get a healthy start in life. A great deal of thought went into the regulation and, with the exception of postpartum care after hospitalization, we were able to give the states the same flexibility they would have under the proposed legislation to provide prenatal and delivery care to unborn children and their mothers.

Under current law, however, we have the authority to grant waivers that include coverage for women if they become pregnant, including postpartum care. Since January 2001, I have granted approval to a number of states to allow for expanded health insurance coverage through comprehensive 1115 waivers, which also include postpartum care. In fact, this summer I approved a waiver for New Mexico which included prenatal care, labor and delivery, and postpartum care. This regulation simply adds to the options available to the states in expanding health insurance coverage.

In addition to making it possible for states to use federal funds to provide the prenatal and pregnancy-related coverage options available under S. 724, the regulation provides additional opportunities and assistance for states to reach low-income women. For example, under the regulation, we were able to reach an even broader population of vulnerable women and children because we could offer prenatal care to the children of immigrants who are otherwise ineligible for any coverage. The establishment of eligibility regardless of immigrant status is possible under the regulation but not under S. 724, making the regulation more comprehensive. I am sure you appreciate the importance of the new opportunity to provide prenatal care and pregnancy-related services to immigrant mothers, given the substantial immigrant population in New Mexico.

Additionally, the regulation provides more opportunities for states to access enhanced-match funds than S. 724. Under the bill, states with current eligibility levels for pregnant women below 185 percent of poverty would not be eligible for the enhanced match until they raised their eligibility at their regular match rate. States have already had the option to raise eligibility for pregnant women at their regular match rate, but many have not done so. Thus, we expect that many states will not expand prenatal coverage under S. 724. However, access to enhanced-match funds under the regulation will provide them a more affordable opportunity to do so.

With regard to specific criticisms of the rule, you have raised concerns about the reference in the S-CHIP regulation to "gaps." It is important to put the use of the term "gaps" in the proper context. This reference is to the eligibility gap between Medicaid and S-CHIP, which the regulation and S. 724 both seek to close. The response in the regulation does not refer to benefits, so the reference in your recent letter that "gaps remain" is taken out of context and, in fact, an incorrect referencing of the regulation.

Under both the regulation and the legislation, the states ultimately determine the benefit package. That feature of your legislation does not differ from the rule. And, we have clearly indicated federal funds will be available for services including prenatal care and labor and delivery. Your letter makes assumptions regarding medical services during pregnancy and delivery that HHS does not. The letter confuses medical decisions that are made by physicians with payment of claims under a public assistance program. The regulation is used to establish eligibility for benefits and does not itself extend into medical decision-making between a woman and her physician. HHS responded to a number of questions regarding services and clearly indicated federal financial participation would be available. There is no need to further question whether a claim for a service already provided will receive federal matching funds.

The issue of 12 months continuous eligibility is an option for the states. Under the regulation, states that want to extend eligibility can easily do so.

I hope this explanation of the regulation and where it extends beyond the reach of S. 724 will give you confidence in our policy and its ability to meet the ultimate goal that you and I have worked over the years to meet. You are due a large measure of credit for your efforts on behalf of low-income women and their children. The regulation is a victory for those women and children and will give otherwise uncovered needy mothers and their babies a healthy start in life.

Sincerely,

TOMMY G. THOMSPON.

U.S. SENATE,
Washington, DC, October 23, 2002.

Hon. TOMMY THOMPSON,
Secretary, Department of Health and Human Services, Washington, DC.

DEAR SENATOR THOMPSON: Thank you for your letter yesterday with regard to improving health coverage for pregnant women and children. We appreciate your stated desire to "give otherwise uncovered needy mothers and their babies a healthy start in life" by adding "to the options available to the states in expanding health insurance options." We believe we can take the best aspects of the legislation and the regulation to truly improve the health and well-being of our nation's children and mothers.

In light of the fact that our nation ranks 26th in infant mortality and 21st in maternal mortality in the world, which is the worst among developed nations, we would be remiss to not take the simple but critical step of increasing access to prenatal, delivery, and postpartum care through the State Children's Health Insurance Program (SCHIP) to help prevent birth defects and prematurity, the most common causes of infant death and disability, and maternal death and disability.

As your letter acknowledges, postpartum care is not covered under the regulation. This gap in coverage includes a range of critical care for women, including potentially life-saving postpartum care for hemorrhage, pregnancy-induced hypertension, infection, ectopic pregnancy, embolism, episiotomy repair, Caesarean section repair, family planning counseling, postpartum depression, and other complications of pregnancy and childbirth. In fact, according to the National Committee for Quality Assurance (NCQA), "Hemorrhage, pregnancy-induced hypertension, infection, and ectopic pregnancy continue to account for more than half of all maternal deaths (59 percent)."

According to the Centers for Disease Control and Prevention (CDC), there were 3,193 pregnancy-related deaths in this country between 1991 and 1997 for an overall pregnancy-related mortality ratio (PRMR) of 11.5 per 100,000 live births. Racial disparities are rather dramatic with respect to maternal mortality. African-American women had mortality rates over four times higher than that of non-Hispanic whites over the period. American Indian/Alaska Natives, Asian/Pacific Islanders, and Hispanic women had mortality rates 67 percent, 55 percent, and 41 percent, respectively, higher than non-Hispanic whites.

Those disparities are even more pronounced in some states. For example, in Wisconsin, the maternal mortality rate for African-American women was 4.2 times that of white women between 1987 and 1996. Certainly, this is something that we can all agree should be addressed.

To allow states the option to provide comprehensive coverage to pregnant women, including postpartum care, through SCHIP would help achieve that important goal. S. 724, the "Mothers and Newborns Health Insurance Act," gives states that important coverage option while the regulation does not.

While your letter correctly notes that states may receive comprehensive 1115 waivers to provide coverage to pregnant women, your regulation is correct in noting that is an inferior option. As the regulation reads, ". . . the Secretary's ability to intervene through one mechanism (a waiver) should not be the sole option for States and may in fact be an inferior option. Waivers are discretionary on the part of the Secretary and time limited while State plan amendments are permanent, and are subject to budget neutrality." We should remove those barriers and give states the option to provide pregnant women coverage without having to seek waivers.

We would add that the waiver option is allowed for the purposes of giving the Secretary demonstration authority. We certainly can all acknowledge that coverage of pregnant women has reduced both infant mortality and maternal mortality and need not be demonstrated any further. The waiver process seems inappropriate for this purpose. Instead, we should remove those barriers for states to provide comprehensive coverage to pregnant women. As the National Governors' Association has stated in its policy (HR-15. "The State Children's Health Insurance Program (S-CHIP) Policy"): The Governors call on Congress to create a state option that would allow states to provide health coverage to income-eligible women under SCHIP. This small shift in federal policy would allow states to provide critical prenatal care and would increase the likelihood that children born to SCHIP mothers would have a healthy start.

Just as the governors have requested, we can still make that "small shift" in policy through the passage of S. 724.

As for the coverage of infants, your letter did not address the issues raised in a previous letter to you from 15 senators, including many of us, dated October 10, 2002. Your letter restates the fact that states have the option to provide children 12 months of continuous eligibility in Medicaid and SCHIP. However, under the regulation, the 12-month continuous eligibility for children is not from the time of birth. Rather, the clock begins running during the time of coverage prior to birth. Thus, it is likely that most newborns would have far less than 12 months of coverage after birth if a State chooses to use the option to provide care to "unborn children." If covered for the full nine months of pregnancy, the child could lose eligibility for SCHIP after the third month of life and consequently lose important coverage for well-baby visits, immunizations, and access to their pediatric caregiver. That would be an outright reduction of coverage for some children after birth.

We would note that the legislation continues to have the strong support of a number of groups, including some who support the regulation but acknowledge its shortcomings and continue to support passing legislation. Those groups include the American Association of University Affiliated Programs, the American Academy of Pediatrics, the American College of Nurse Midwives, the American College of Obstetrics and Gynecologists, the American Hospital Association, the American Medical Association, the

American Public Health Association, the Association of Women's Health, Obstetric and Neonatal Nurses, the Association of Maternal and Child Health Programs, the Catholic Health Association, Catholic Charities USA, the Council of Women's and Infants' Specialty Hospitals, the Easter Seals, FamilyVoices, the March of Dimes, the National Association of Children's Hospitals, the National Association of Public Hospitals and Health Systems, the National Women's Health Network, the National Association of County and City Health Officials, the Society for Maternal-Fetal Medicine, the Spina Bifida Association of America, the Alan Guttmacher Institute, and the United Cerebral Palsy Associations.

There are certainly areas where the regulation is more comprehensive than the legislation, such as providing coverage to the "unborn children" of immigrant mothers and by providing states easier access to enhanced matching funds. We believe we could certainly amend S. 724 to address these shortcomings rather easily. It would be easy to drop the requirement in the bill for a state to expand eligibility to 185 percent of poverty before receiving the enhanced matching rate. However, this begs the question about the need for providing additional resources in SCHIP to cover these options. Current projections by the Office of Management and Budget indicate that SCHIP funds will ultimately be inadequate to cover all the children currently enrolled, even though millions of additional children are eligible but not currently covered. S. 724 provides such funding, which the regulation does not and cannot.

In short, we believe that we can rather quickly achieve the best of both the legislation and the regulation. S. 724 expands state options to cover critically important postpartum services for women, ensures children are eligible for coverage throughout the first and most critical year of life, and provides much needed resources to provide such care. In contrast, the regulation provides states with more opportunities to access enhanced matching funds and provides certain prenatal care services to immigrant mothers that S. 724 does not provide.

We would like to arrange a meeting with you or your staff to jointly modify S. 724 to address, as best as we can, the concerns we have discussed above and that you have raised with the legislation to accomplish the objective we all share of improving the health and well-being of out nation's children and mothers.

Sincerely,

Jeff Bingaman, Blanche L. Lincoln, Jon Corzine, Maria Cantwell, Patty Murray, Mary Landrieu, James M. Jeffords, Edward M. Kennedy, Hillary Rodham Clinton, Charles E. Schumer, John F. Kerry, John R. Edwards, Daniel K. Akaka, Jack Reed, Robert G. Torricelli.

Mr. LUGAR. Mr. President, I rise today with my colleague Senator BINGAMAN to re-introduce the Start Healthy, Stay Healthy Act of 2003.

The United States ranks 26th in infant mortality and 21st in maternal mortality in the world, the worst among developed nations. Study after study shows that providing prenatal care to pregnant women reduces maternal and infant mortality and the incidence of low birth weight babies. According to the American Medical Association, "Babies born to women who do not receive prenatal care are four times more likely to die before their first birthday."

The Start Healthy, Stay Healthy Act of 2003 would significantly reduce the number of uninsured pregnant women and newborns by providing States with the option to further extend coverage to pregnant women through Medicaid and CHIP, to reduce infant and maternal mortality and low birth weight babies, and to cover newborns through the first full year of life.

Current federal law allows pregnant women to receive coverage through CHIP through age 18—creating a perverse Federal incentive of covering only teenage pregnant women and cutting off that coverage once they turn 19 years of age. This legislation would eliminate this problem by allowing States to cover pregnant women through CHIP, regardless of age. This also eliminates the unfortunate separation between pregnant women and infants that has been created through CHIP, and is contrary to longstanding federal policy through programs such as Medicaid, Women with Infants and Children, WIC, Maternal and Child Health, MCH, etc.

An estimated 4.3 million, or 32 percent, of mothers below 200 percent of poverty are uninsured. According to the March of Dimes, "Over 95 percent of all uninsured pregnant women could be covered through a combination of aggressive Medicaid outreach, maximizing coverage for young women through [CHIP], and expanding CHIP to cover income-eligible pregnant women regardless of age."

Increasing the availability of affordable health care is certainly an issue of great importance to our Nation—particularly those who are uninsured. While our bill will not solve the problem of the uninsured, we believe that helping more pregnant women and babies receive care is a significant step in the right direction.

I ask our colleagues to support the Start Healthy, Stay Healthy Act of 2003, and help us take this important step in improving health care for the mothers of tomorrow.

By Mrs. FEINSTEIN (for herself, Mr. SCHUMER, Mr. CHAFEE, Mr. JEFFORDS, Mr. KENNEDY, Mr. DURBIN, Mr. LAUTENBERG, Mrs. BOXER, and Mr. REED):

S. 1034. A bill to repeal the sunset date on the assault weapons ban, to ban the importation of large capacity ammunition feeding devices, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation with Senators CHUCK SCHUMER, LINCOLN CHAFEE, BARBARA BOXER, DICK DURBIN, JACK REED, FRANK LAUTENBERG, JIM JEFFORDS, and EDWARD KENNEDY that would permanently reauthorize the assault weapons ban and close the clip-importation loophole.

Military-style assault weapons simply have no place on America's streets. But if Congress fails to act, the current ban will expire next year. This would be a terrible mistake.

This is why Congress must reauthorize the ban and close the high-capacity clip importation loophole so that we can help keep America's streets safe from the violence produced by assault weapons.

Almost 10 years ago on July 1, 1993 Gian Luigi Ferri walked into 101 California Street in San Francisco carrying two high-capacity TEC-9 assault pistols.

Within minutes, he had murdered eight people, and six others were wounded. This tragedy shook San Francisco and the entire nation.

We saw with absolute clarity the destruction that could be inflicted with these military-style assault weapons.

Navegar's advertising for the TEC-9 touted the gun as being for 'paramilitary' use and 'resistant to fingerprints,' with a 'military non-glare finish,' a 'military blowback system,' and 'combat-type' sights.

Guns like these are the weapons of choice to commit crimes. They are the weapons of choice for drive-by shooters, criminals going into a major criminal event, and malcontents who are seeking to do the maximum damage possible in the shortest amount of time.

That's what makes them so dangerous because they have light triggers, you can spray fire them, you can hold them with two hands, and you don't really need to aim.

They are not weapons of choice for hunting or defensive purposes.

In the aftermath of 101 California and countless other shootings, I decided to do something that no one had succeeded in doing before: to ban the manufacture and importation of military style assault weapons.

I authored the bill in the Senate, and Senator SCHUMER authored it in the House of Representatives.

I remember all the late night calls I got and all the friends who took me aside and said to me: "Don't do it. The gunners are too powerful. You'll never ever win."

Well, we did win. We passed the first-ever ban on assault weapons, and since September 13, 1994, it has been illegal to manufacture and import military-style assault weapons.

The hope of the bill has been to drive down the supply of these weapons and make them more expensive to obtain.

And in the years following the enactment of the ban, crimes using assault weapons were reduced dramatically.

In 1993, assault weapons accounted for 8.2 percent of all guns used in crimes; By the end of 1995, that proportion had fallen to 4.3 percent—a dramatic drop; and by November 1996, the last date for which statistics are available, the proportion had fallen to 3.2 percent.

These are dramatic results, which show that the Assault Weapons ban has worked. We have had trouble getting updated statistics from this Justice Department, but it is clear that after we banned these guns, criminals used them less frequently in crime.

Unfortunately, to get the bill passed in 1994, we had to agree to a ten-year sunset in the bill—and this is why we are here today. If we do not re-authorize the 1994 assault weapons ban this Congress, it will expire on September 13, 2004.

That means that at the end of next year, manufacturers could once again begin making AK–47s, TEC–9s, and other banned guns that have but one purpose—to kill other human beings.

We are here today because we believe that this would be a terrible mistake—with deadly consequences for thousands of Americans each year.

So today we will introduce legislation to do two simple things. First, the legislation would reauthorize the 1994 assault weapons ban by striking the sunset date from the original law. This would ban the manufacture of 19 types of common military style assault weapons—for all time.

It would ban an additional group of these assault weapons that have been banned by characteristic for 8 years.

It would protect some 670 hunting and other recreational rifles for use by law-abiding citizens.

And it would preserve the right of police officers and other law enforcement officials to use and obtain newly manufactured semi-automatic assault weapons—helping to prevent instances when law enforcement agents are outgunned by perpetrators.

We certainly would like a stronger bill that would tighten the ban—based on our 10 years of experience of what the gun companies have done to get around the bill.

But unfortunately there is not the support for that right now. If the support becomes evident, then we may amend the bill at a later date.

Second, the legislation would close a loophole in the 1994 law, which prohibits the domestic manufacture of high-capacity ammunition magazines, but allows foreign companies to continue sending them to this country by the millions.

A measure that would have closed this loophole passed the House and Senate in 1999 by wide margins, but got bottled up in a larger conference due to an unrelated provision.

The result: the Bureau of Alcohol, Tobacco and Firearms has approved the importation of almost 50 million high capacity ammunition magazines from some 50 countries since 1994.

It is these large clips, drums, and strips that allow lone gunmen, or small groups of teenagers, to inflict so much damage in such a small amount of time.

We must close this loophole now.

The good news: President Bush has indicated that he supports each of these provisions. During the 2000 Presidential Campaign, President Bush indicated that he supported both reauthorization of the assault weapons ban and closing the clip importation loophole.

And just a few weeks ago, President Bush's spokesman Scott McClellan reiterated his support for reauthorizing the ban when he said: "The President supports the current law, and he supports reauthorization of the current law."

It is therefore our hope that the President will work with us to see this bill passed. We welcome the President's support and look forward to working with him to gain swift passage of this legislation.

One of the best examples of the damage that assault weapons can inflict is the massacre in Littleton, Colorado.

On April 24, 1999, Eric Harris and Dylan Klebold used a TEC DC–9 semi-automatic pistol to attack the students and teachers of Columbine High School.

They used this weapon to take the lives of 13 innocents, 12 students and 1 teacher, and injured dozens more mothers, fathers, sons and daughters.

I do not believe that the 2nd Amendment protects military assault weapons. The Constitution is not an umbrella for mayhem. The Bill of Rights is not a guarantor of violence.

Congress has passed this legislation once—it is time to pass the assault weapons ban again.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Assault Weapons Ban Reauthorization Act of 2003".

SEC. 2. REPEAL OF SUNSET DATE.

Section 110105 of the Public Safety and Recreational Firearms Use Protection Act (18 U.S.C. 921 note) is amended to read as follows:

"SEC. 110105. EFFECTIVE DATE.

"This subtitle and the amendments made by this subtitle shall take effect on September 13, 1994.".

SEC. 3. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

(a) IN GENERAL.—Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "(1) Except as provided in paragraph (2)" and inserting "(1)(A) Except as provided in subparagraph (B)";

(2) in paragraph (2), by striking "(2) Paragraph (1)" and inserting "(B) Subparagraph (A)";

(3) by inserting before paragraph (3) the following:

"(2) It shall be unlawful for any person to import a large capacity ammunition feeding device."; and

(4) in paragraph (4)—

(A) by striking "(1)" each place it appears and inserting "(1)(A)"; and

(B) by striking "(2)" and inserting "(1)(B)".

(b) CONFORMING AMENDMENT.—Section 921(a)(31) of title 18, United States Code, is amended by striking "manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 134—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN NEWDOW V. EAGEN, ET AL.

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

Whereas, S. Res. 343, 107th Congress, authorizes the Senate Legal Counsel to represent the Secretary of the Senate and the Senate Financial Clerk in the case of *Newdow* v. *Eagen, et al.*, Case No. 1:02CV01704, pending in the United States District Court for the District of Columbia;

Whereas, additional defendants have been named in that case; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to represent officers and employees of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it *Resolved* That the Senate Legal Counsel is authorized to represent all Senate defendents in the case of *Newdow* v. *Eagen, et al.*

SENATE RESOLUTION 135—EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD PROVIDE ADEQUATE FUNDING TO PROTECT THE INTEGRITY OF THE FREDERICK DOUGLASS NATIONAL HISTORIC SITE

Mr. FRIST (for himself and Mr. BROWNBACK, and Mr. TALENT) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 135

Whereas Frederick Douglass freed himself from slavery and, through decades of tireless efforts, helped to free millions more;

Whereas as a major stationmaster on the Underground Railroad, Frederick Douglass directly helped hundreds on their way to freedom through his adopted home city of Rochester, New York;

Whereas Frederick Douglass learned to write and do arithmetic on his own initiative;

Whereas as a publisher of the North Star and Frederick Douglass' Paper, Frederick Douglass brought news of the antislavery movement to thousands of people;

Whereas Frederick Douglass helped recruit African-American troops for the Union Army and his personal relationship with Abraham

Lincoln helped to persuade the President to make emancipation a cause of the Civil War;

Whereas in 1872, Frederick Douglass moved to Washington, D.C., where he initially served as publisher of the New National Era, intending to carry forward the work of elevating the position of African Americans in the post-emancipation period; and

Whereas Frederick Douglass also served briefly as President of the Freedmen's National Bank and subsequently in various national service positions, including United States Marshal for the District of Columbia and diplomatic positions in Haiti and the Dominican Republic: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should provide adequate funding to protect the integrity of the Frederick Douglass National Historic Site.

SENATE RESOLUTION 136—RECOGNIZING THE 140TH ANNIVERSARY OF THE FOUNDING OF THE BROTHERHOOD OF LOCOMOTIVE ENGINEERS, AND CONGRATULATING MEMBERS AND OFFICERS OF THE BROTHERHOOD OF LOCOMOTIVE ENGINEERS FOR THE UNION'S MANY ACHIEVEMENTS

Mr. DASCHLE (for Mr. KENNEDY (for himself and Mr. VOINOVICH)) submitted the following resolution; which was referred to the Committee on the Judiciary:

Whereas the Brotherhood of Locomotive Engineers was founded on May 8, 1863, as a secret, fraternal labor organization and its first meetings were held clandestinely for fear of reprisals from railroad management;

Whereas the climate toward labor organizations at that time was extraordinarily hostile, and many of the other newly founded labor organizations failed to withstand the negative pressures placed upon them and disbanded in their infancies;

Whereas the Brotherhood of Locomotive Engineers began to thrive despite the climate into which it was born;

Whereas the Brotherhood of Locomotive Engineers has grown from its original 13 members, all from the Michigan Central Railroad, to 59,000 active and retired members employed throughout the United States and Canada;

Whereas the Brotherhood of Locomotive Engineers is North America's oldest rail labor union;

Whereas the Brotherhood of Locomotive Engineers' members have contributed, both directly through their railroad activity and in private capacities, to the war effort in all of the battles of the United States dating back to the Civil War;

Whereas their efforts to improve rail safety for both their members and the public have resulted in a dramatic decrease in the number of railroad accidents in the years since their inception;

Whereas in 1964, the Brotherhood of Locomotive Engineers launched an apprentice engineer program to assure the Nation of a stable supply of well-trained locomotive engineers, and to assure stable employment and earnings to apprentices;

Whereas after accepting only promoted locomotive engineers in its early years, the Brotherhood of Locomotive Engineers enlarged its membership goals to include other rail employees;

Whereas in 1993, the 2,500 member American Train Dispatchers Association officially affiliated with the Brotherhood of Locomotive Engineers in order to unite the two key railway professions that facilitate the efficient and safe movement of passengers and freight;

Whereas in 1995, the Rail Canada Traffic Controllers union also chose to merge into the Brotherhood of Locomotive Engineers, adding another 700 members;

Whereas in addition to providing representation for its members, the Brotherhood of Locomotive Engineers aggressively participates in the labor movement with other unions and organizations in promoting the interests of working men and women and their families;

Whereas the Brotherhood of Locomotive Engineers is an extraordinary union whose leadership still works hard every day—just as it did in 1863—to protect members' health and safety, to guard their financial interests, to give them an effective voice on the job, and to ensure dignity, respect, and security for railway workers in the workplace; and

Whereas the efforts of the Brotherhood of Locomotive Engineers are deserving of our attention and admiration: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the union which has made a tremendous contribution to the structural development and building of the United States, and to the well-being of tens of thousands of workers;

(2) congratulates the union for its many achievements and the strength of its members; and

(3) expects that the union will continue its dedicated work and will have an even greater impact in the 21st century and beyond, and will enhance the standard of living and working environment for rail workers and other laborers in generations to come.

SENATE RESOLUTION 137—HONORING JAMES A JOHNSON, CHAIRMAN OF THE BOARD OF TRUSTEES OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

Mr. FRIST (for himself, Mr. DASCHLE, Mr. STEVENS, Mr. KENNEDY, Mr. JEFFORDS, Mr. INHOFE, Mrs. HUTCHISON, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

Whereas James A. Johnson has served with distinction since 1996 as the Chairman of the Board of Trustees of the John F. Kennedy Center for the Performing Arts, which is the national center for the performing arts;

Whereas under the leadership of Jim Johnson, the Kennedy Center has earned impressive renown, and become one of the finest performing arts institutions in the Nation and around the world;

Whereas Jim Johnson initiated free public performances each evening on the Millennium Stage at the Kennedy Center, and these performances have now included a total of 25,000 performers and reached an audience of 1,500,000 persons since 1997;

Whereas the arts education programs of the Kennedy Center have been significantly expanded under the inspired leadership of Jim Johnson;

Whereas Jim Johnson has launched a major renovation and construction project to improve the physical structure of the Kennedy Center and enrich the experience of all who visit and attend performances; and

Whereas Jim Johnson deserves the thanks of a grateful Nation for his leadership at the Kennedy Center, and in bringing new vitality to the cultural heritage of our Nation: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its appreciation for all that Jim Johnson has accomplished; and

(2) commends Jim Johnson for his extraordinary achievements as Chairman of the John F. Kennedy Center for the Performing Arts.

AMENDMENTS SUBMITTED & PROPOSED

SA 536. Mr. FEINGOLD proposed an amendment to the bill S. 113, to amend the Foreign Intelligence Surveillance Act of 1978 to cover individuals, other than United States persons, who engage in international terrorism without affiliation with an international terrorist group.

SA 537. Mrs. FEINSTEIN (for herself, Mr. ROCKEFELLER, Mr. LEAHY, Mr. EDWARDS, Mr. FEINGOLD, Mr. DODD, Mr. WYDEN, and Mrs. BOXER) proposed an amendment to the bill S. 113, supra.

SA 538. Mrs. HUTCHISON (for Mr. MCCAIN (for herself, Mr. HOLLINGS, Mrs. HUTCHISON, and Mrs. BOXER)) proposed an amendment to the bill S. 165, to improve air cargo security.

TEXT OF AMENDMENTS

SA 536. Mr. FEINGOLD proposed an amendment to the bill S. 113, to amend the Foreign Intelligence Surveillance Act of 1978 to cover individuals, other than United States persons, who engage in international terrorism without affiliation with an international terrorist group; as follows:

At the end, add the following:

SEC. 2. ADDITIONAL ANNUAL REPORTING REQUIREMENTS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) ADDITIONAL REPORTING REQUIREMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by redesignating—

(A) title VI as title VII; and

(B) section 601 as section 701; and

(2) by inserting after title V the following new title VI:

"TITLE VI—REPORTING REQUIREMENT

"ANNUAL REPORT OF THE ATTORNEY GENERAL

"SEC. 601. (a) In addition to the reports required by sections 107, 108, 306, 406, and 502 in April each year, the Attorney General shall submit to the appropriate committees of Congress each year a report setting forth with respect to the one-year period ending on the date of such report—

"(1) the aggregate number of non-United States persons targeted for orders issued under this Act, including a break-down of those targeted for—

"(A) electronic surveillance under section 105;

"(B) physical searches under section 304;

"(C) pen registers under section 402; and

"(D) access to records under section 501;

"(2) the number of individuals covered by an order issued under this Act who were determined pursuant to activities authorized by this Act to have acted wholly alone in the activities covered by such order;

"(3) the number of times that the Attorney General has authorized that information obtained under this Act may be used in a criminal proceeding or any information derived therefrom may be used in a criminal proceeding; and

"(4) in a manner consistent with the protection of the national security of the United States—

"(A) the portions of the documents and applications filed with the courts established under section 103 that include significant construction or interpretation of the provisions of this Act, not including the facts of any particular matter, which may be redacted;

"(B) the portions of the opinions and orders of the courts established under section 103 that include significant construction or interpretation of the provisions of this Act, not including the facts of any particular matter, which may be redacted.

"(b) The first report under this section shall be submitted not later than six months after the date of the enactment of this Act. Subsequent reports under this section shall be submitted annually thereafter.

"(c) In this section, the term 'appropriate committees of Congress' means—

"(1) the Select Committee on Intelligence and the Committee on the Judiciary of the Senate; and

"(2) the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.".

(b) Clerical Amendment.—The table of contents for that Act is amended by striking the items relating to title VI and inserting the following new items:

"TITLE VI—REPORTING REQUIREMENT

"Sec. 601. Annual report of the Attorney General.

"TITLE VII—EFFECTIVE DATE

"Sec. 701. Effective date.".

SA 537. Mrs. FEINSTEIN (for herself, Mr. Rockefeller, Mr. Leahy, Mr. Edwards, Mr. Feingold, Mr. Dodd, Mr. Wyden, and Mrs. Boxer) proposed an amendment to the bill S. 113, to amend the Foreign Intelligence Surveillance Act of 1978 to cover individuals, other than United States persons, who engage in international terrorism without affiliation with an international terrorist group; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. PRESUMPTION THAT CERTAIN NON-UNITED STATES PERSONS ENGAGING IN INTERNATIONAL TERRORISM ARE AGENTS OF FOREIGN POWERS FOR PURPOSES OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) Presumption.—(1) The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after section 101 the following new section:

"PRESUMPTION OF TREATMENT OF CERTAIN NON-UNITED STATES PERSONS ENGAGED IN INTERNATIONAL TERRORISM AS AGENTS OF FOREIGN POWERS

"Sec. 101A. Upon application by the Federal official applying for an order under this Act, the court may presume that a non-United States person who is knowingly engaged in sabotage or international terrorism, or activities that are in preparation therefor, is an agent of a foreign power under section 101(b)(2)(C).".

(2) The table of contents for that Act is amended by inserting after the item relating to section 101 the following new item:

"Sec. 101A. Presumption of treatment of certain non-United States persons engaged in international terrorism as agents of foreign powers.".

(b) Sunset.—The amendments made by subsection (a) shall be subject to the sunset provision in section 224 of the USA PATRIOT Act of 2001 (Public Law 107–56; 115 Stat. 295), including the exception provided in subsection (b) of such section 224.

SA 538. Mrs. HUTCHISON (for Mr. McCain (for himself, Mr. Hollings, Mrs. Hutchison, and Mrs. Boxer)) proposed an amendment to the bill S. 165, to improve air cargo security; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Air Cargo Security Improvement Act".

SEC. 2. INSPECTION OF CARGO CARRIED ABOARD PASSENGER AIRCRAFT.

Section 44901(f) of title 49, United States Code, is amended to read as follows:

"(f) Cargo.—

"(1) In general.—The Under Secretary of Transportation for Security shall establish systems to screen, inspect, or otherwise ensure the security of all cargo that is to be transported in—

"(A) passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation; or

(B) all-cargo aircraft in air transportation and intrastate air transportation.

"(2) Strategic plan.—The Under Secretary shall develop a strategic plan to carry out paragraph (1) within 6 months after the date of enactment of the Air Cargo Security Improvement Act.

"(3) Pilot program.—The Under Secretary shall conduct a pilot program of screening of cargo to assess the effectiveness of different screening measures, including the use of random screening. The Under Secretary shall attempt to achieve a distribution of airport participation in terms of geographic location and size.".

SEC. 3. AIR CARGO SHIPPING.

(a) In General.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

"§ 44922. Regular inspections of air cargo shipping facilities

"The Under Secretary of Transportation for Security shall establish a system for the regular inspection of shipping facilities for shipments of cargo transported in air transportation or intrastate air transportation to ensure that appropriate security controls, systems, and protocols are observed, and shall enter into arrangements with the civil aviation authorities, or other appropriate officials, of foreign countries to ensure that inspections are conducted on a regular basis at shipping facilities for cargo transported in air transportation to the United States.".

(b) Additional Inspections.—The Under Secretary may increase the number of inspectors as necessary to implement the requirements of title 49, United States Code, as amended by this subtitle.

(c) Conforming Amendment.—The chapter analysis for chapter 449 of title 49, United States Code, is amended by adding at the end the following:

"44922. Regular inspections of air cargo shipping facilities".

SEC. 4. CARGO CARRIED ABOARD PASSENGER AIRCRAFT.

(a) In General.—Subchapter I of chapter 449 of title 49, United States Code, is further amended by adding at the end the following:

"§ 44923. Air cargo security

"(a) Database.—The Under Secretary of Transportation for Security shall establish an industry-wide pilot program database of known shippers of cargo that is to be transported in passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation. The Under Secretary shall use the results of the pilot program to improve the known shipper program.

"(b) Indirect Air Carriers.—

"(1) Random inspections.—The Under Secretary shall conduct random audits, investigations, and inspections of indirect air carrier facilities to determine if the indirect air carriers are meeting the security requirements of this title.

"(2) Ensuring compliance.—The Under Secretary may take such actions as may be appropriate to promote and ensure compliance with the security standards established under this title.

"(3) Notice of failures.—The Under Secretary shall notify the Secretary of Transportation of any indirect air carrier that fails to meet security standards established under this title.

"(4) Withdrawal of security program approval.—The Under Secretary may issue an order amending, modifying, suspending, or revoking approval of a security program of an indirect air carrier that fails to meet security requirements imposed by the Under Secretary is such failure threatens the security of air transportation or commerce. The affected indirect air carriers shall be given notice and the opportunity to correct its noncompliance unless the Under Secretary determines that an emergency exists. Any indirect air carrier that has the approval of its security program amended, modified, suspended, or revoked under this section may appeal the action in accordance with procedures established by the Under Secretary under this title.

"(5) Indirect air carrier.—In this subsection, the term 'indirect air carrier' has the meaning given that term in part 1548 of title 49, Code of Federal Regulations.

"(c) Consideration of Community Needs.—In implementing air cargo security requirements under this title, the Under Secretary may take into considerations the extraordinary air transportation needs of small or isolated communities and unique operational characteristics of carriers that serve those communities.".

(b) Assessment of Indirect Air Carriers Program.—The Under Secretary of Transportation for Security shall assess the security aspects of the indirect air carrier program under part 1548 of title 49, Code of Federal Regulations, and report the result of the assessment, together with any recommendations for necessary modifications of the program to the Senate Committee on Commerce, Science, and Transportation and Infrastructure within 60 days after the date of enactment of this Act. The Under Secretary may submit the report and recommendations in classified form.

(c) Report to Congress on Random Audits.—The Under Secretary of Transportation for Security shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on random screening, audits, and investigations of air cargo security programs based on threat assessment and other relevant information. The report may be submitted in classified form.

(d) Conforming Amendment.—The chapter analysis for chapter 449 of title 49, United

States Code, as amended by section 3, is amended by adding at the end the following: "44923. Air cargo security".

SEC. 5. TRAINING PROGRAM FOR CARGO HANDLERS.

The Under Secretary of Transportation for Security shall establish a training program for any persons that handle air cargo to ensure that the cargo is properly handled and safe-guarded from security breaches.

SEC. 6. CARGO CARRIED ABOARD ALL-CARGO AIRCRAFT.

(a) In General.—The Under Secretary of Transportation for Security shall establish a program requiring that air carriers operating all-cargo aircraft have an approved plan for the security of their air operations area, the cargo placed aboard such aircraft, and persons having access to their aircraft on the ground or in flight.

(b) Plan Requirements.—The plan shall include provisions for—

(1) security of each carrier's air operations areas and cargo acceptance areas at the airports served;

(2) background security checks for all employees with access to the air operations area;

(3) appropriate training for all employees and contractors with security responsibilities;

(4) appropriate screening of all flight crews and persons transported aboard all-cargo aircraft;

(5) security procedures for cargo placed on all-cargo aircraft as provided in section 44901(f)(1)(B) of title 49, United States Code; and

(6) additional measures deemed necessary and appropriately by the Under Secretary.

(c) Confidential Industry Review and Comment.—

(1) Circulation of proposed program.—The Under Secretary shall—

(A) propose a program under subsection (a) within 90 days after the date of enactment of this Act; and

(B) distribute the proposed program, on a confidential basis, to those air carriers and other employers to which the program will apply.

(2) Comment period.—Any person to which the proposed program is distributed under paragraph (1) may provide comments on the proposed program to the Under Secretary not more than 60 days after it was received.

(3) Final program.—The Under Secretary of Transportation shall issue a final program under subsection (a) not later than 90 days after the last date on which comments may be provided under paragraph (2). The final program shall contain time frames for the plans to be implemented by each air carrier or employer to which it applies.

(4) Suspension of procedural norms.—Neither chapter 5 of title 5, United States Code, nor the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the program required by this section.

SEC. 7. REPORT ON PASSENGER PRESCREENING PROGRAM.

(a) In General.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security, after consultation with the Attorney General, shall submit a report in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the potential impact of the Transportation Security Administration's proposed Computer Assisted Passenger Prescreening system, commonly known as CAPPS II, on the privacy and civil liberties of United States Citizens.

(b) Specific Issues To Be Addressed.—The report shall address the following:

(1) Whether and for what period of time data gathered on individual travelers will be retained, who will have access to such data, and who will make decisions concerning access to such data.

(2) How the Transportation Security Administration will treat the scores assigned to individual travelers to measure the likelihood they may pose a security threat, including how long such scores will be retained and whether and under what circumstances they may be shared with other governmental, non-governmental, or commercial entities.

(3) The role airlines and outside vendors or contractors will have in implementing and operating the system, and to what extent will they have access, or the means to obtain access, to data, scores, or other information generated by the system.

(4) The safeguards that will be implemented to ensure that data, scores, or other information generated by the system will be used only as officially intended.

(5) The procedures that will be implemented to mitigate the effect of any errors, and what procedural recourse will be available to passengers who believe the system has wrongly barred them from taking flights.

(6) The oversight procedures that will be implemented to ensure that, on an ongoing basis, privacy and civil liberties issues will continue to be considered and addressed with high priority as the system is installed, operated and updated.

SEC. 8. MODIFICATION OF REQUIREMENTS REGARDING TRAINING TO OPERATE AIRCRAFT.

(a) In General.—Section 44939 of title 49, United States Code, is amended to read as follows:

"§ 44939. Training to operate certain aircraft

"(a) In General.—

"(1) Waiting period.—A person subject to regulation under this part may provide training in the United States in the operation of an aircraft to an individual who is an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) or to any other individual specified by the Under Secretary of Homeland Security for Border and Transportation Security only if—

"(A) that person has notified the Under Secretary that the individual has requested such training and furnished the Under Secretary with that individual's identification in such form as the Under Secretary may require; and

"(B) the Under Secretary has not directed, within 30 days after being notified under subparagraph (A), that person not to provide the requested training because the Under Secretary has determined that the individual presents a risk to aviation security or national security.

"(2) Notification-only individuals.—

"(A) In general.—The requirements of paragraph (1) shall not apply to an alien individual who holds a visa issued under title I of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and who—

"(i) has earned a Federal Aviation Administration type rating in an aircraft or has undergone type-specific training, or

"(ii) holds a current pilot's license or foreign equivalent commercial pilot's license that permits the person to fly an aircraft with a maximum certificated takeoff weight of more than 12,500 pounds as defined by the International Civil Aviation Organization in Annex 1 to the Convention on International Civil Aviation,

if the person providing the training has notified the Under Secretary that the individual has requested such training and furnished the Under Secretary with that individual's visa information.

"(B) Exception.—Subparagraph (A) does not apply to an alien individual whose airman's certificate has been suspended or revoked under procedures established by the Under Secretary.

"(3) Expedited processing.—The waiting period under paragraph (1) shall be expedited for an individual who—

"(A) has previously undergone a background records check by the Foreign Terrorist Tracking Task Force;

"(B) is employed by a foreign air carrier certified under part 129 of title 49, Code of Federal Regulations, that has a TSA 1546 approved security program and who is undergoing recurrent flight training;

"(C) is a foreign military pilot endorsed by the United States Department of Defense for flight training; or

"(D) who has unescorted access to a secured area of an airport designated under section 44936(a)(1)(A)(ii).

"(4) Investigation authority.—In order to determine whether an individual requesting training described in paragraph (1) presents a risk to aviation security or national security the Under Secretary is authorized to use the employment investigation authority provided by section 44936(a)(1)(A) for individuals applying for a position in which the individual has unescorted access to a secured area of an airport designated under section 44936(a)(1)(A)(ii).

"(5) Fee.—

"(A) In general.—The Under Secretary may assess a fee for an investigation under this section, which may not exceed $100 per individual (exclusive of the cost of transmitting fingerprints collected at overseas facilities) during fiscal year 2003 and 2004. For fiscal year 2005 and thereafter, the Under Secretary may adjust the maximum amount of the fee to reflect the costs of such an investigation.

"(B) Offset.—Nothwithstanding section 3302 of title 31, United States Code, any fee collected under this section—

"(i) shall be credited to the account in the Treasury from which the expenses were incurred and shall be available to the Under Secretary for those expenses; and

"(ii) shall remain available until expended.

"(b) Interruption of Training.—If the Under Secretary, more than 30 days after receiving notification under subsection (a)(1)(A) from a person providing training described in subsection (a)(1) or at any time after receiving notice from such a person under subsection (a)(2)(A), determines that an individual receiving such training presents a risk to aviation or national security, the Under Secretary shall immediately notify the person providing the training of the determination and that person shall immediately terminate the training.

"(c) Covered Training.—For purposes of subsection (a), the term 'training'—

"(1) includes in-flight training, training in a simulator, and any other form or aspect of training; but

"(2) does not include classroom instruction (also known as ground school training), which may be provided during the 30-day period described in subsection (a)(1)(B).

"(d) Interagency Cooperation.—The Attorney General, the Director of Central Intelligence, and the Administrator of the Federal Aviation Administration shall cooperate with the Under Secretary in implementing this section.

"(e) Security Awareness Training for Employees.—The Under Secretary shall require flight schools to conduct a security awareness program for flight school employees, and for certified instructors who provide instruction for the flight school but who are not employees thereof, to increase their awareness of suspicious circumstances and activities of individuals enrolling in or attending flight school.".

"(b) Procedures.—

"(1) In general.—Not later than 60 days after the date of enactment of this Act, the Under Secretary of Homeland Security for Border and Transportation Security shall promulgate an interim final rule to implement section 44939 of title 49, United States Code, as amended by subsection (a).

"(2) Use of overseas facilities.—In order to implement section 44939 of title 49, United States Code, as amended by subsection (a), United States Embassies and Consulates that possess appropriate fingerprint collection equipment and personnel certified to capture fingerprints shall provide fingerprint services to aliens covered by that section if the Under Secretary requires fingerprints in the administration of that section, and shall transmit the fingerprints to the Under Secretary or other agency designated by the Under Secretary. The Attorney General and the Secretary of State shall cooperate with the Under Secretary in carrying out this paragraph.

(3) Use of United States Facilities.—If the Under Secretary requires fingerprinting in the administration of section 44939 of title 49, United States Code, the Under Secretary may designate locations within the United States that will provide fingerprinting services to individuals covered by that section.

(c) Effective Date.—The amendment made by subsection (a) takes effect on the effective date of the interim final rule required by subsection (b)(1).

(d) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the effectiveness of the activities carried out under section 44939 of title 49, United States Code, in reducing risks to aviation security and national security.

SEC. 9. PASSENGER IDENTIFICATION.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Under Secretary of Transportation for Security, in consultation with the Administrator of the Federal Aviation Administration, appropriate law enforcement, security, and terrorism experts, representatives of air carriers and labor organizations representing individuals employed in commercial aviation, shall develop guidelines to provide air carriers guidance for detecting false or fraudulent passenger identification. The guidelines may take into account new technology, current identification measures, training of personnel, and issues related to the types of identification available to the public. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any meeting held pursuant to this subsection.

(b) Air Carrier Programs.—Within 60 days after the Under Secretary issues the guidelines under subsection (a) in final form, the Under Secretary shall provide the guidelines to each air carrier and establish a joint government and industry council to develop recommendations on how to implement the guidelines.

(c) Report.—The Under Secretary of Transportation for Security shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 1 year after the date of enactment of this Act on the actions taken under this section.

SEC. 10. PASSENGER IDENTIFICATION VERIFICATION.

(a) Program Required.—The Under Secretary of Transportation for Security may establish and carry out a program to require the installation and use at airports in the United States of the identification verification technologies the Under Secretary considers appropriate to assist in the screening of passengers boarding aircraft at such airports.

(b) Technologies Employed.—The identification verification technologies required as part of the program under subsection (a) may include identification scanners, biometrics, retinal, iris, or facial scanners, or any other technologies that the Under Secretary considers appropriate for purposes of the program.

(c) Commencement.—If the Under Secretary determines that the implementation of such a program is appropriate, the installation and use of identification verification technologies under the program shall commence as soon as practicable after the date of that determination.

SEC. 11. BLAST-RESISTANT CARGO CONTAINER TECHNOLOGY.

Not later than 6 months after the date of enactment of this Act, the Under Secretary of Transportation for Security, and the Administrator of the Federal Aviation Administration, shall jointly submit a report to Congress that contains—

(1) an evaluation of blast-resistant cargo container technology to protect against explosives in passenger luggage, and cargo;

(2) an examination of the advantages associated with the technology in preventing damage and loss of aircraft from terrorist action and any operational impacts which may result from use of the technology (particularly added weight and costs);

(3) an analysis of whether alternatives exist to mitigate the impacts described in paragraph (2) and options available to pay for the technology; and

(4) recommendations on what further action, if any, should be taken with respect to the use of blast-resistant cargo containers on passenger aircraft.

SEC. 12 ARMING PILOTS AGAINST TERRORISM.

(a) Findings and Purpose.—

(1) Findings.—Congress makes the following findings:

(A) During the 107th Congress, both the Senate and the House of Representatives overwhelmingly passed measures that would have armed pilots of cargo aircraft.

(B) Cargo aircraft do not have Federal air marshals, trained cabin crew, or determined passengers to subdue terrorists.

(C) Cockpit doors on cargo aircraft, if present at all, largely do not meet the security standards required for commercial passenger aircraft.

(D) Cargo aircraft vary in size and many are larger and carry larger amounts of fuel than the aircraft hijacked on September 11, 2001.

(E) Aircraft cargo frequently contains hazardous material and can contain deadly biological and chemical agents and quantities of agents that caused communicable diseases.

(F) Approximately 12,000 of the Nation's 90,000 commercial pilots serve as pilots and flight engineers on cargo aircraft.

(G) There are approximately 2,000 cargo flights per day in the United States, many of which are loaded with fuel for outbound international travel or are inbound from foreign airports not secured by the Transportation Security Administration.

(H) Aircraft transporting cargo pose a serious risk as potential terrorist targets that could be used as weapons of mass destruction.

(I) Pilots of cargo aircraft deserve the same ability to protect themselves and the aircraft they pilot as other commercial airline pilots.

(J) Permitting pilots of cargo aircraft to carry firearms creates an important last line of defense against a terrorist effort to commandeer a cargo aircraft.

(2) Sense of congress.—It is the sense of Congress that a member of a flight deck crew of a cargo aircraft should be armed with a firearm to defend the cargo aircraft against an attack by terrorists that could result in the use of the aircraft as a weapon of mass destruction or for other terrorist purposes.

(b) Arming Cargo Pilots Against Terrorism.—Section 44921 of title 49, United States Code, is amended—

(1) by striking "passenger" in subsection (a) each place that it appears;

(2) by striking "or." and all that follows in subsection (k)(2) and inserting "or any other flight deck crew member."; and

(3) by adding at the end of subsection (k) the following:

"(3) All-cargo air transportation.—For the purposes of this section, the term air transportation includes all-cargo air transportation.".

(d) Implementation.—

(1) Time for implementation.—The training of pilots as Federal flight deck officers required in the amendments made by subsection (b) shall begin as soon as practicable and no later than 90 days after the date of enactment of this Act.

(2) Effect on other laws.—The requirements of subparagraph (1) shall have no effect on the deadlines for implementation contained in section 44921 of title 29, United States Code, as in effect on the day before the date of enactment of this Act.

SEC. 13. REPORT ON DEFENDING AIRCRAFT FROM MAN-PORTABLE AIR DEFENSE SYSTEMS (SHOULDER-FIRED MISSILES).

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall issue a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on how best to defend turbo and jet passenger aircraft from Man-Portable Air Defense Systems (shoulder-fired missiles).

(b) Issues To Be Addressed.—The report shall include an analysis of—

(1) actions taken to date, countermeasures, risk mitigation, and other activities;

(2) existing military countermeasure systems and how those systems might be adapted to commercial aircraft applications;

(3) means of reducing the costs of military countermeasure system by modifying them for use on commercial aircraft; and

(4) the extent of the threat and the need for countermeasures.

(c) Report Format.—The report may be submitted in classified form.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this Act and sections 44901(f), 44922, and 44923 of title 49, United States Code, for fiscal years 2004 through 2008.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 8, 2003 at 9:45 a.m. in closed session to mark up the Department of Defense Authorization Act for Fiscal Year 2004.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 8, 2003, at 9:30 a.m. on the nomination of Annette Sandburg to be Administrator of the Federal Motor Carrier Safety Administration in SR–253.

COMMITTEE ON FINANCE

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee consent that the Committee on Finance be authorized to meet in open executive session during the session on Thursday, May 8, 2003, at 9:30 a.m., to mark up a substitute for S. 2, the Jobs and Growth Tax Acts of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Commitee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 8, 2003, at 9:30 a.m. in Dirksen Room 226.

I. Nominations: Carolyn B. Kuhl to be U.S. Circuit Judge for the Ninth Circuit; John G. Roberts, Jr., to be U.S. Circuit Judge for the District of Columbia Circuit; David G. Campbell to be U.S. District Judge for the District of Arizona; S. Maurice Hicks, Jr., to be U.S. District Judge for the Western District of Louisiana; William Emil Moschella to be Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice; and David B. Rivkin to be Commissioner for the Foreign Claims Settlement Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COLEMAN. I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Department of Justice Nominations" on Thursday, May 8, 2003, at 2 p.m., in the Dirksen Senate Office Building, Room 226.

Panel I: [Senators].

Panel II: Robert D. McCallum, to be Associate Attorney General, United States Department of Justice; Peter D. Keisler, to be Assistant Attorney General, Civil Division, United States Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 8, 2003, at 2:05 p.m., in The President's Room, S 216, The Capitol.

I. Nominations: Carolyn B. Kuhl, to be U.S. Circuit Judge for the Ninth Circuit; John G. Roberts, Jr., to be U.S. Circuit Judge for the District of Columbia Circuit; Consuelo Maria Callahan, to be U.S. Circuit Judge for the Ninth Circuit; Michael Chertoff, to be U.S. Circuit Judge for the Third Circuit; David G. Campbell, to be U.S. District Judge for the District of Arizona; S. Maurice Hicks, Jr., to be U.S. District Judge for the Western District of Louisiana; L. Stott Coogler, to be U.S. District Judge for the Northern District of Alabama; William Emil Moschella, to be Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice; Leonardo M. Rapadas to be U.S. Attorney for the District of Guam.

II. Bills: S. 878, a bill to authorize an additional permanent judgeship in the District of Idaho.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Department of Justice Nominations" on Thursday, May 8, 2003, at 3:30 p.m. in the Dirksen Senate Office Building Room 226.

Panel I: The Honorable ZELL MILLER United States Senator [D–GA]; The Honorable SAXBY CHAMBLISS United States Senator [R–GA].

Panel II: Robert D. McCallum to be Associate Attorney General, United States Department of Justice; Peter D. Keisler to be Assistant Attorney General, Civil Division, United States Department of Justice.

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, CLIMATE CHANGE, AND NUCLEAR SAFETY

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Climate Change, and Nuclear Safety be authorized to meet on Thursday, May 8, 2003 at 9:30 a.m. to conduct a hearing regarding S. 485, the Clear Skies Act.

The meeting will be held in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Alex Busansky, a detailee with my office from the Department of Justice, be granted floor privileges for the duration of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—RECONCILIATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that on Monday, at a time to be determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the Senate reconciliation bill; provided further that no more than 1 hour per side of the statutory time limit be consumed during Monday's session and that no amendments be in order during Monday's session; finally, that this order be vitiated if this bill is not available on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDEMNING THE PUNISHMENT OF EXECUTION BY STONING

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 78, S. Con. Res. 26.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 26) condemning the punishment of execution by stoning as a gross violation of human rights, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to; that the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 26) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 26

Whereas execution by stoning is an exceptionally cruel form of punishment that violates internationally accepted standards of human rights, including those set forth in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

Whereas women around the world continue to be targeted disproportionately for cruel, discriminatory, and inhuman punishments by governments that refuse to protect equally the rights of all their citizens;

Whereas the brutal sentence of execution by stoning is pronounced in many countries on women who have been accused of adultery, a charge that is brought even against victims of coerced prostitution or rape;

Whereas in some places execution by stoning has been invoked as punishment for "blasphemy," thereby suppressing religious freedom and diversity and stifling political dissent;

Whereas, in July 2002, Amnesty International referred to execution by stoning as "a method specifically designed to increase the victim's suffering";

Whereas, in 2002, the European Union, the Secretary General of the Council of Europe, the Government of Australia, the Minister of Foreign Affairs and Trade of New Zealand, the President of Mexico, the Congress of Deputies of Spain, and other world leaders all condemned execution by stoning and called for clemency for individuals sentenced to stoning; and

Whereas, according to the Country Reports on Human Rights Practices of the Department of State, the sentence of execution by stoning continues to be imposed in several countries: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the practice of execution by stoning as a gross violation of human rights and appeals to the international community to end the practice;

(2) requests the President formally to communicate this resolution to governments that permit this cruel punishment and to urge the termination of execution by stoning; and

(3) requests the President to direct the Secretary of State to work with the international community to promote adherence to international standards of human rights and repeal laws that permit execution by stoning.

AUTHORIZING USE OF THE CAPITOL GROUNDS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 53 and H. Con. Res. 96, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolutions by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 53) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

A concurrent resolution (H. Con. Res. 96) authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

There being no objection, the Senate proceeded to consider the concurrent resolutions, en bloc.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the concurrent resolutions be agreed to, en bloc, and that the motions to reconsider be laid upon the table, en bloc, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolutions (H. Con. Res. 53 and H. Con. Res. 96) were agreed to, en bloc.

AUTHORIZING PRINTING OF BIOGRAPHICAL DIRECTORY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 138, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 138) authorizing the printing of the Biographical Directory of the United States Congress, 1774–2005.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 138) was agreed to.

REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 134, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 134) to authorize representation by the Senate Legal Counsel in Newdow v. Eagen, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 134) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 134

Whereas, S. Res. 343, 107th Congress, authorizes the Senate Legal Counsel to represent the Secretary of the Senate and the Senate Financial Clerk in the case of *Newdow* v. *Eagen, et al.*, Case No. 1:02CV01704, pending in the United States District Court for the District of Columbia;

Whereas, additional defendants have been named in that case; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to represent officers and employees of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it

Resolved That the Senate Legal Counsel is authorized to represent all Senate defendants in the case of *Newdow* v. *Eagen, et al.*

HONORING JAMES A. JOHNSON

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 137, submitted earlier today by Senators FRIST, DASCHLE, STEVENS, KENNEDY, and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 137) honoring James A. Johnson, Chairman of the Board of Trustees of the John F. Kennedy Center for the Performing Arts.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, I rise today to join my colleagues, Senators FRIST, DASCHLE, STEVENS, and KENNEDY, to cosponsor a resolution honoring a very distinguished American who I am proud to call my very dear friend—Mr. James Johnson.

Minnesota has produced some extraordinary political individuals—Harold Stassen, Hubert Humphrey, Eugene McCarthy and Walter Mondale, among others. But among those who have never sought public office, but are still devoted to public policy and the power of good government, Jim Johnson stands out.

Born in the small town of Benson, Jim Johnson was exposed at an early age to Minnesota politics, where his father, Alfred Ingvald, was a leading figure in the Democratic-Farmer-Labor Party, serving for 2 years as speaker of the Minnesota House.

A natural politician, Jim was elected student body president at the University of Minnesota when only a sophomore, then went to Africa on a grant from the Ford Foundation, and earned a masters degree from Princeton University's Woodrow Wilson School of Government.

After serving on his Senate staff, Jim served as Executive Assistant to Vice President Walter Mondale and served as campaign director of the Vice President's 1984 bid for the White House.

In the private sector, Jim founded Public Strategies, with Richard Holbrooke, and later served as a managing director at Lehman Brothers.

Most notably, he also served as chairman and CEO of Fannie Mae, with the goal of allowing more Americans to fulfill their dreams of home ownership, and then as the chairman of the Kennedy Center.

For the last 7 years, Jim Johnson has done a remarkable job at the center. During his tenure, Congress approved a $650 million construction project that will include two new buildings and a large plaza, to better connect the center with the rest of the city.

He has made the center more accessible to the public, thanks to the free 6 p.m. performances that are held every day.

And who could forget last year's superb tribute to the America master, Stephen Sondheim?

At the same time, the Kennedy Center Awards have become nationally recognized and broadcast on prime time TV.

Not only has Jim Johnson worked tirelessly on behalf of the Kennedy Center, he has also been one of the center's most generous benefactors.

There is an old story about Jim Johnson, when he and former President Clinton were in their mid 20s and trying to gain their footing in the political arena.

What was very clear to everyone who knew the two of them back then: both had a real shot of becoming President of the United States.

Well, Jim Johnson never took the path of elected office. But he went on to serve our Nation with great distinction, in the public and the private sector, and he still has so much left to give. Wherever he goes and whatever he does, Jim Johnson will surely leave an indelible mark.

His wife Maxine and their son Alfred are immensely proud of this extraordinary man, just as I consider myself so very fortunate to call him my friend.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 137) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 137

Whereas James A. Johnson has served with distinction since 1996 as the Chairman of the Board of Trustees of the John F. Kennedy Center for the Performing Arts, which is the national center for the performing arts;

Whereas under the leadership of Jim Johnson, the Kennedy Center has earned impressive renown, and become one of the finest performing arts institutions in the Nation and around the world;

Whereas Jim Johnson initiated free public performances each evening on the Millennium Stage at the Kennedy Center, and these performances have now included a total of 25,000 performers and reached an audience of 1,500,000 persons since 1997;

Whereas the arts education programs of the Kennedy Center have been significantly expanded under the inspired leadership of Jim Johnson;

Whereas Jim Johnson has launched a major renovation and construction project to improve the physical structure of the Kennedy Center and enrich the experience of all who visit and attend performances; and

Whereas Jim Johnson deserves the thanks of a grateful Nation for his leadership at the Kennedy Center, and in bringing new vitality to the cultural heritage of our Nation: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its appreciation for all that Jim Johnson has accomplished; and

(2) commends Jim Johnson for his extraordinary achievements as Chairman of the John F. Kennedy Center for the Performing Arts.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the Democratic Leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989, as amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105–275, further amended by S. Res. 75, adopted March 25, 1999, and S. Res. 383, adopted October 27, 2000, the appointment of the following Senators to serve as members of the Senate National Security Working Group for the 108th Congress: Senator ROBERT C. BYRD of West Virginia (Democratic Administrative Co-Chairman); Senator CARL LEVIN of Michigan (Democratic Co-Chairman); Senator JOSEPH R. BIDEN, JR. of Delaware (Democratic Co-Chairman); Senator EDWARD M. KENNEDY of Massachusetts; Senator PAUL S. SARBANES of Maryland; Senator JOHN F. KERRY of Massachusetts; Senator BYRON L. DORGAN of North Dakota; Senator RICHARD J. DURBIN of Illinois; Senator BILL NELSON of Florida.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group during the First Session of the 108th Congress, to be held in Canada, May 15–19, 2003: Senator PATRICK J. LEAHY of Vermont; Senator DANIEL K. AKAKA of Hawaii.

ORDERS FOR FRIDAY, MAY 9, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Friday, May 9. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that the majority leader then be recognized to speak in morning business.

Further, I ask unanimous consent that following those remarks, the Senate then resume consideration of S. 14, the energy bill.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Prior to our closing tonight, I want to lay on the record that I think we have had a pretty good week this week. There has been a lot of work done by both sides, and we have accomplished a great deal. Today was an indication of what can be done if we work together.

I know people in the majority feel strongly about Miguel Estrada and Priscilla Owen. I have to say the record this Senate has established regarding the approval of judges is tremendous. Today we approved the 124th judge during the administration of this President Bush. That is pretty good.

I hope those Senators who feel so intently about Priscilla Owen and Miguel Estrada—it is certainly their right to feel so strongly, as people on this side feel strongly regarding opposition of the two judges—also recognize the number of judges that have been approved. We think we have done a good job. In fact, this week I asked my staff how many we approved. I think it was four or five judges even this week. So we are moving right along.

I have no objection to the unanimous consent request of the distinguished majority whip.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, let me say that the Senator from Nevada is certainly correct. A number of judges have been confirmed. But also this Senate and this Congress will be remembered, apparently—we will see at the end of the Congress—apparently be remembered as the first Senate since 1968 to kill a nomination through the use of the filibuster.

There have been occasional cloture motions over the years, but they have been used to advance the completion of a nomination—not to stop it—with the exception of Fortas in 1968, which was right before a Presidential election. We are not right before a Presidential election. I think this unfortunate precedent that has been set is one that we have had much discussion about on the floor and will be regretted by Senators on both sides of the aisle through the years.

PROGRAM

Mr. MCCONNELL. For the information of all Senators, tomorrow morning the Senate will resume debate on the energy bill. The majority leader will offer an amendment related to ethanol upon going to the bill tomorrow morning. There will be no rollcall votes tomorrow, but I encourage Senators to come to the floor to debate the amendment.

Next week, on Monday, the Senate will take up the reconciliation bill. No rollcall votes will occur on Monday. However, Members are encouraged to make their opening statements during that day. The majority leader would like to remind all Senators that next week is expected to be a busy legislative week, and Members should schedule themselves accordingly. The next rollcall vote will occur on Tuesday, and Members will be notified when that vote is scheduled.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. If there is no further business to come before the Senate, I ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:57 p.m., adjourned until Friday, May 9, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 8, 2003:

THE JUDICIARY

MICHAEL W. MOSMAN, OF OREGON, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON, VICE ROBERT E. JONES, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. BRUCE E. BURDA, 0432

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ANTHONY R. JONES, 7571

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

BRADFORD E. ABLESON, 3564
ROBERT P. BELTRAM, 0086
LEWIS E. BROWN, 6680
ROBERT D. CROSSAN, 0623
STEPHEN T. GRAGG, 7111
GERALD L. GRAY, 6765
JOHNNY W. P. POOLE, 3293
RICHARD A. PUSATERI, 8869
GEORGE A. RIDGEWAY, 8869
OLRIC R. WILKINS, 3789

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

CHRISTOPHER A. BARNES, 4213
PAUL B. BECKER, 5541
PAUL F. BURKEY, 2159
ROBERT S. EWIGLEBEN, 7602
THOMAS B. LUKASZEWICZ, 1822
ERNEST B. MARKHAM, 9973
ROBERT P. MARSTON, 6007
MAUREEN A. NEVILLE, 3872
RONALD G. RICE, 5562
SCOTT M. STANLEY, 0542

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

THOMAS M. BALESTRIERI, 8230
BRENDA G. BARTLEY, 9539
ANN BOBECK, 3470
CHARLES H. BRAKHAGE, 4761
THOMAS J. CHOHANY, 3482
ALBERT M. CHURILLA, 4084
SALLY E. COOK, 2272
FLORENCE M. CROSBY, 8185
RONALD A. DEIKE, 3725
CHRISTINE R. DIMARCO, 1111
GREGORY P. ERNST, 6500
RAYNARD K. S. FONG, 9561
CHARLES R. HARRIS, 9093
GREGORY A. HARRIS, 5046
NANCY G. HIGHT, 7180
PHILIP M. HOLMES, 0635
GREGORY M. HUET, 6551
RONALD D. LUKA, 6827
JAMES W. MITCHELL, 9915
TERRY J. MOULTON, 4827
TYRONE D. NAQUIN, 2471
DEBORAH E. NELSON, 7354
DAVID F. NERI, 2310
JAMES P. NORTON, 5102
ELIZABETH A. PEAKE, 2549
DONALD R. PLOMBON, 3640
JOHN R. POMERVILLE, 6117
JOHN R. RUMBAUGH, 9129
ALAN J. RUPRECHT JR., 7744
MARTHA M. SLAUGHTER, 6527
ANTOINETTE A. WHITMEYER, 4153
ROBERT S. WRIGHT, 1985

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

LISA L. ARNOLD, 8388
JUANITA BUDA, 0331
DONNA L. CAIN, 3955
LORI A. CARLSON, 1149
MARY W. CHAFFEE, 4064
MIN S. CHUNGPARK, 8461
BRIAN S. DAWSON, 1988
RONALD G. FORBUS, 8314
JAMES R. FRALEY, 2516
MARY I. GREENWOOD, 4200
MARTHA J. HANSEN, 7954
KEVIN W. HAWS, 7779
SUSAN E. HERRON, 7081
JOHN W. LARUE, 9440
MARCIA K. LYONS, 9312
RICK A. MADISON, 8425
SARA M. MARKS, 7957
COLLEEN O. MCLARNON, 6489
SHAUNEEN M. MIRANDA, 5232
WILLIAM T. MOCK, 6096
DAVID NORMAN, 9178
WANDA C. RICHARDS, 9762
SANDRA K. SAUNDERS, 4402
ELIZABETH C. SAVAGE, 4842
SUSAN M. SCOTT, 6892
TOMMY C. STEWART, 0481
DIANE M. STRENN, 8858
LYNDA E. WALTERS, 6228
RICHARD J. WESTPHAL, 3183
PEGGY W. WILLIAMS, 9119

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

SCOTT W. BAILEY, 3287
LAWRENCE R. BROWN, 6449
DAVID W. BRUMFIELD, 7032
ROBERT K. CARTER, 2117
MICHAEL F. CORNING, 6438
PETER E. DAHL, 9255
JAMES D. DAVIS, 5447
BERNARD D. DUNN, 8757
MICHAEL K. FABISH, 8169
VINCENT L. GRIFFITH, 8309
PARKE L. GUTHNER, 9297
CLAUDE R. HUSSON III, 4225
BRUCE N. LEMLER, 0837
GLENN C. ROBILLARD, 7451
MICHAEL W. ROBINSON, 1680
DOUGLAS H. ROSE, 0230
EMIL E. SPILLMAN, 8552
FRANCIS X. TISAK, 1759
CYNTHIA R. VARNER, 7738
RAYMOND A. WALKER, 8337
SAMUEL N. WALKER, 5810
KEVIN R. WHEELOCK, 9239

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MATTHEW R. BEEBE, 4175
MICHAEL S. BOWERS, 9922
DAVID R. COZIER, 0016
THOMAS M. CUNNINGHAM, 0688
ANTHONY V. ERMOVICK, 6660
WILLIAM G. GRIP, 6737
CHRISTOPHER J. HONKOMP, 7252
PETER B. MELIN, 3433
DOUGLAS G. MORTON, 8009
THOMAS C. NICHOLAS, 5195
KELLY J. SCHMADER, 0541
RALPH G. SNOW, 7393
PAUL A. SOARES, 9494
JAMES F. STADER, 4703
STEVEN M. WIRSCHING, 2120

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

EVAN A. APPLEQUIST, 1155
WAYNE S. BARKER, 0675
CHRISTOPHER J. COBB, 7341
JOHN A. DAY JR., 9073
DIANE L. DOYLE, 4123
STEVEN C. FISHER, 4405
GERALD T. GRANT, 5376
MILTON J. GRISHAM JR., 3901
BENJAMIN D. HUNTER II, 0514
STEPHEN IANNAZZO, 1063
RONALD L. JEFFREY, 2348
KATHLEEN S. KENNY, 1261
BARTON H. KNOX, 9002
MARTIN J. KOOP, 2445
MICHAEL T. LEWIS, 1544
DONAL C. MCGONEGAL, 5168
MATTHEW A. MCNALLY, 6930
VLASTA M. MIKSCH, 3798
MICHAEL F. MILOS, 8748
HARVEY D. MOSS, 7394
GLENN A. MUNRO III, 9268
MARY E. NEILL, 2873
JOSEPH V. OLSZOWKA, 2606
NATHAN R. PATTERSON, 8653
TIMOTHY M. RYBA, 7043
PAUL C. SHICK, 9301
STEVEN L. SIDOFF, 4468
JAMES M. SOLOMON, 7998
JAMES M. STROTHER, 0394
FRANK R. TRAFICANTE JR., 5216
DOUGLAS J. S. TRENOR, 0900
KEVIN L. WEBER, 4681
DAVID K. WHITE, 0705
DONALD A. WORM JR., 5015
RICHARD D. WRIGHT, 2540

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

WILLIAM B. ADAMS, 2314
CHRISTOPHER L. AMLING, 2320
BRUCE C. BAKER, 9971
DONALD R. BENNETT, 8805
JIMMY D. BOWEN, 1289
ROBERT W. BRINSKO, 4943
ROBERT BUCKLEY, 7183
TERESA M. BUESCHER, 8363
ROBERT F. BUTLER, 7207
JOHN M. CHANDLER, 6343
ROBERT J. CHASTANET, 8942
WILLIAM B. COGAR, 3398
JOSE C. DE LA PENA, 3510
ELLEN C. DENIGRIS, 9658
RICHARD DOHODA, 8325
TERRANCE K. EGLAND, 4306
PAUL H. EPHRON, 5662
FREDERICK O. FOOTE, 1480
DANIEL E. FREDERICK, 4224
ROBERT A. FRICK, 8435
JAMES F. GALLAGHER, 6665
BRUCE L. GILLINGHAM, 2767
ROBERT B. GILLIS, 9060
KEVIN L. GREASON, 7450
GUERARD P. GRICE, 7846
TAMARA M. GRIGSBY, 1107
JOHN P. GROSSMITH, 3048
FRED R. GUYER, 7166
CHARLES HAMES, 4932
AMY P. HAUCK, 3598
ROBERT B. HEATON, 0379
ANITA H. HICKEY, 9134
TIMOTHY S. HINMAN, 9372
WILLIAM J. HOCTER, 1928
JOHN R. HOLMAN, 7898
KERRY E. HUNT, 3200
WAYNE S. INMAN, 2041
KENNETH J. IVERSON, 9890
RALPH C. JONES, 4519
PAUL C. KELLEHER, 3427
DOUGLAS P. KEMPF, 7524
DAVID F. KLINK, 1884
CHRISTOPHER J. KOWALSKY, 1490
JEFFREY C. KUHLMAN, 0192
DAVID H. LASSETER, 4004
LARRY R. LAUFER, 4948
BRUCE R. LAVERTY, 3008
KEVIN G. MAHAFFEY, 9176
MICHAEL H. MAHER, 2751
LEE R. MANDEL, 7972
ROBERT B. MASON II, 3204
MARGARET MCKEATHERN, 6967
JAMES R. MILLER, 9499
TIMOTHY S. MOLOGNE, 7364
KEVIN D. MOORE, 6982
AMY I. MORTENSEN, 0335
ASA MORTON, 5666
GARY L. MUNN, 2049
GEORGE MURRELL, 5887
NEAL A. NAITO, 0720
DONALD L. NICHOLS, 3227
STEPHEN R. OCONNELL, 3871
ANTHONY S. PANETTIERE, 3221
ROBERT K. PARKINSON, 2982
WILLIAM B. POSS, 6062
MICHAEL L. PUCKETT, 6502
PETER M. RHEE, 6524
WILLIAM O. ROGERS, 0007
RICHARD ROWE, 5318
KENNETH W. SAPP, 7023
PAUL J. SAVAGE, 2844
DAVID F. SITLER, 1221
JAY C. SOURBEER, 3228
FREDRICK N. SOUTHERN, 7104
DENNIS E. SUMMERS, 1270
DAVID A. TAM, 5121
SYBIL A. TASKER, 7711
GRETCHEN C. TAYLOR, 7854
HARRY A. TAYLOR III, 5416

ROBERT P. THIEL, 5882
ELIZABETH A. TONON, 0641
RAYMOND J. TURK, 7681
ROBERT M. WAH, 9840
JOHN T. WIDERGREN, 1799
PETER L. ZAMFIRESCU, 0412
DANIEL J. ZINDER, 5920

CONFIRMATION

EXECUTIVE NOMINATION CONFIRMED BY THE SENATE MAY 8, 2003:

THE JUDICIARY

JOHN G. ROBERTS, JR., OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT.

HOUSE OF REPRESENTATIVES—*Thursday, May 8, 2003*

The House met at 10 a.m.

The Reverend Dr. Thomas J. Rogers, Senior Pastor, Abiding Savior Lutheran Church, Lake Forest, California, offered the following prayer:

Almighty God, Your children come to You this day in the midst of war, recession, disease, and uncertainty. We ask You to comfort us in these hard days with a reminder of all the blessings You have showered upon us in the past. For our long history as a free people, for the melting pot of love You have made us, and for the most recent successes You have granted us on the field of battle we praise Your name.

Oh Lord, You have empowered us to liberate the people of Iraq. Now may the liberation of America continue even today, through the work of these good men and women. Give them Your wisdom and Your aid so that they might turn their attention, and the resources the Nation has entrusted into their care, to tasks and projects that will enable everyone You have created to receive this day and all days their daily bread.

Further, bless the work of these Your servants so that everyone in this Nation, following their example, will do justice, love kindness, and walk humbly with You, our maker and redeemer. I ask this all in Jesus' precious name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Mr. SCHIFF) come forward and lead the House in the Pledge of Allegiance.

Mr. SCHIFF led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Members are advised there will be 10 one-minute speeches per side.

DUTY FIRST

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, General Douglas MacArthur once said, "Upon the fields of friendly strife are sown the seeds that, upon other fields on other days, will bear the fruits of victory."

Mike Kamon has played on those fields of friendly strife at West Chester Henderson High School and now at West Point. In high school he was a star lacrosse player and could have gone anywhere to college, but he chose West Point. Through his first 3 years at West Point, he distinguished himself as a potent offensive threat. But this year he is a defensive midfielder because that is what his team needs. He is willing to do whatever it takes to see his team succeed, even if it means less glory for himself in his senior season.

On May 31, Mike will become a second lieutenant in the 4th Infantry Division because that is what his country needs. He will train to be an artillery officer, and by February will be deployed to Iraq or some other front in our war on terror. Thank you, Mike, for defending our freedom.

VOTE AGAINST THE BUSH TAX CUT

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, it is hard to understand just what the White House and the leadership of this Congress have against the poor folk in this country and the millions who have lost jobs because of the mess they have made of the economy.

Just look at the contrast between the frustrations of the people and the Republicans' proposed remedies. Over 43 million people with no insurance, yet they cut Medicaid. With unemployment high, Americans need the security of extended unemployment benefits, yet they refuse the extension Democrats have been fighting for. Those on welfare need more than a stopgap job that leads nowhere, and yet the training that can lift them out of poverty is being denied. People with disabilities, veterans, many others are also being shortchanged.

All children need a quality education, and yet education and college loans are underfunded. States are barely treading water, and all regular people are struggling under an increasing tax burden while taxes are being cut to save corporations and the rich. The Christian values this country was founded on do not reconcile with the actions of the White House and our Republican leadership. Colleagues, vote with the Democrats. Vote against the Bush tax cut, and let us get our country back on the right track.

AMERICA NEEDS TAX RELIEF

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, tomorrow this House will consider an economic growth and jobs creation initiative that will provide a much needed short-term stimulus while setting the groundwork for long-term growth. I strongly urge Members to support it.

The Jobs and Growth Tax Act will generate nearly 1 million jobs by the end of next year by putting more money in the hands of consumers and giving businesses incentives to hire and invest.

The naysayers ask how can we afford a tax relief plan at a time when our country faces so many challenges. The real question ought to be how can we expect to meet those challenges while our economy is growing too slowly.

As Rick Wagoner, the chairman of General Motors, said when he endorsed the President's plan, "Growth goes a long way toward addressing what ails you."

Let us take that advice and create economic growth by passing the Jobs and Growth Tax Act. Vote "yes" on H.R. 2.

REJECT EDUCATION FUNDING CUTS

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise today to call on this House to reject the administration's education cuts. As a former superintendent of my State's public schools, I worked my entire life to improve education for our children.

Last Congress the administration promised to provide historic new funding to help our schools meet the requirements of the No Child Left Behind Act. Because of these promises, I voted with the overwhelming bipartisan majority to pass that legislation.

Now, as our schools struggle to avoid being labeled failing by the Department of Education, the administration

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

has proposed massive cuts in educational funding. For the first 3 years of No Child Left Behind, the administration is proposing to underfund it by nearly $20 billion. These education cuts will make it virtually impossible for our children and schools to meet the tough new standards imposed by the Department of Education.

Mr. Speaker, my State has led the Nation in raising performance standards in our schools, but tough requirements without real resources will amount to nothing but cruelty for our children and schools. Congress should call time out on the No Child Left Behind Act until the administration provides the funding it has promised to make it work.

□ 1015

INCREASING BONUS DEPRECIATION PROVIDES IMMEDIATE JOBS AND ECONOMIC GROWTH

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to applaud the jobs and growth plan developed by the gentleman from California (Mr. THOMAS), chairman of the Committee on Ways and Means. He has worked hard to include the best of President George W. Bush's solutions to provide more jobs for Americans and giving our economy an immediate boost. Particularly I am appreciative that bonus depreciation will be increased from 30 to 50 percent for 3 years, an initiative similar to the Business Expensing Act of 2003, which I introduced this year. This proposal was championed by the gentleman from Illinois (Mr. WELLER), recognizing that when businesses can save money immediately on buying new equipment more money is put into the economy and more jobs are created.

The Heritage Foundation has estimated that this jobs and growth plan will create 1.2 million new jobs by the end of 2004 alone. Americans need jobs and the economy needs a boost right now. This plan is exactly the right plan at the right time.

In conclusion, God bless our troops.

VOTE AGAINST WORKFORCE REINVESTMENT AND ADULT EDUCATION ACT

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to speak out against H.R. 1261, the Workforce Reinvestment and Adult Education Act. The unemployment rate in this country jumped to 6 percent last month, leaving 8.8 million Americans without a job. The Republican response to this crisis is a very weak bill that does nothing to creates jobs for American workers. The bill also eliminates funding to provide job search and job training assistance to dislocated workers and to those affected by these mass layoffs. Moreover, this bill does nothing to restore the $440 million in cuts already imposed on the job training programs of this Nation, nor does it protect against an additional $265 million in proposed cuts for fiscal year 2004.

We need to enact legislation that creates jobs. This bill, coupled with another large tax cut, does nothing to help low-income workers who need relief from this struggling economy. What will it take for this administration to realize that their plans are not working? 7 percent unemployment? 10 percent unemployment?

I urge my colleagues to vote against H.R. 1261 and the other legislation that leaves our Nation's unemployed workers behind.

IN SUPPORT OF THE TAX CUT PLAN

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute.)

Mrs. MILLER of Michigan. Mr. Speaker, I come from the Great Lakes State of Michigan, the home to the big three auto industry companies who are, of course, all absolutely outstanding corporate citizens. Following the terrorist attacks on our Nation on September 11, the big three helped keep our economy moving by offering incentives, like zero interest financing. Without, I think, this very innovative idea, I believe we could have seen an even steeper downturn in our economy.

The economy needs stimulus and the President has offered a very strong jobs and economic growth package which I wholeheartedly support. During the President's recent visit to our State of Michigan, the leaders of the big three auto companies all endorsed the President's jobs package as the best idea to keep our economy rolling. They observed that by eliminating the double taxation of dividends that we would bring about a 6 to 15 percent increase in stock prices. Of course this would help employers to meet their responsibilities to retirees living on a pension and bolster the bottom line of every American with a 401(k).

The President's plan is the best way that we can help families and retirees by putting more money back in their pockets and allowing businesses to create more jobs. I support the President's plan, and I urge my colleagues to do so.

CONGRESS UNDERFUNDING NO CHILD LEFT BEHIND BILL

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, a few months ago on a bipartisan basis, we voted for the so-called Leave No Child Behind bill. But in the interim period, we have failed to meet our obligations, obligations that we have under that bill. We are underfunding the No Child Left Behind bill by $11 billion. Yet the students across this country are going to be subjected to the tests mandated under that bill, the States are going to be required to fund these unfunded mandates and it is estimated that perhaps as many as 60 to 80 percent of our schools will be called failing schools.

Mr. Speaker, our students are not failing, our teachers are not failing, our schools are not failing. I will tell you who is failing: The President and those of us who serve in this Chamber. We are failing our schools, our teachers and our students.

RECOGNIZING UNIVERSITY OF NORTH TEXAS AND ITS NEW CENTER FOR ADVANCED RESEARCH AND TECHNOLOGY (CART)

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, I rise today to recognize an institution of higher learning in my district, the University of North Texas and their Center for Advanced Research and Technology. This university's investment into research provides a unique opportunity to provide an incubator for interdisciplinary research with experimentation in material science, computer science and engineering. The university's goal is to provide the capabilities necessary to satisfy the growing technological and engineering needs of the north Texas region and for the talented faculty to advance research on projects of national importance associated with nanotechnology.

The University of North Texas had the foresight to invest in this facility and has taken the first step to serve as the region's research arm for nanotechnology research and all of the promise that this new branch of science holds. Once the center is fully established, it will serve as a focal point for basic and applied research. It will be the first high-tech entrepreneurial research and development park in Denton County, one of the fastest growing communities in the United States.

I invite my colleagues to join me in congratulating the University of North Texas in their quest to keep America on the cutting edge of research and development.

THE PRESIDENT'S JOBS AND GROWTH PACKAGE

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, in his first year in office, President Bush has put his MBA to the test and he has passed with very high marks. Through a recession, a terrorist attack and a war, the President has amply demonstrated leadership, helping businesses and their workers pull through some pretty tough times. The President and House Republicans understand a simple concept: When America works, America prospers. And the best way to foster that prosperity is by giving businesses the tools they need to create jobs and to grow the economy. Government does not tax things. Government taxes people. When workers and business owners are not allowed to keep the money they earn, productivity suffers, wages decline and research and development gets postponed. That is why the President's jobs and growth plan is so vital, because one American out of work is too many. When America works, America grows. When America works, America prospers. And when America works, America is proud.

Let us get to work along with the President, exert some leadership and get this country back to work.

NATO ENLARGEMENT

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, today this Member rises to inform the House that the United States Senate a few minutes ago by a vote of 96–0 voted to give its advice and consent to U.S. ratification of the NATO enlargement protocols. The lines drawn across Europe at Yalta are gone. By its action today on the 58th anniversary of Victory in Europe Day, the Senate has approved the membership of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia in the North Atlantic Alliance.

According to the Constitution, it is the Senate that must give its advice and consent to treaty protocols. But, Mr. Speaker, this Member must note the leading role that this Chamber has played in promoting the admission into NATO of the new democracies of Central and Eastern Europe. The decision to admit former Communist countries from Central and Eastern Europe into the Atlantic Alliance is one of the great success stories in American foreign policy since the end of the Cold War. It is a bipartisan success, promoted by Republicans and Democrats in the Congress and by both the Clinton and Bush administrations. The seven nations across the face of Eastern and Central Europe that join NATO are democracies that will help build a stronger North Atlantic Alliance. Having fought so long and hard to gain their freedom, these nations know how very precious freedom is.

I ask all the states of the NATO nations to give their approval under their national processes as Canada, Norway and now the United States have done.

AMERICA STANDS WITH ISRAEL

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, America stands with Israel. This weekend as the Secretary of State begins a key phase of negotiations in the road map for peace, I am confident he will remember this core value of the American people. America is not a neutral party in the negotiations in the Middle East. We are not, nor do we aspire to be, an honest broker. America stands with Israel.

In this vein yesterday in the Committee on International Relations, we adopted the Lantos amendment to the State Department authorization bill demanding a Palestinian first approach to concessions. The Palestinian Authority must first recognize Israel's right to exist, hunt down terrorists and dismantle terrorist infrastructure before Israel can be expected to make any concessions on the path to peace.

I pray for the peace of Jerusalem and I pray that Prime Minister Abbas and his Cabinet will defeat the terrorists within their midst and choose life for their people in that war-torn region.

PROVIDING FOR CONSIDERATION OF H.R. 1261, WORKFORCE REINVESTMENT AND ADULT EDUCATION ACT OF 2003

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 221 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 221

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1261) to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. ADERHOLT). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 221 is a structured but fair rule providing for the consideration of H.R. 1261, the Workforce Reinvestment and Adult Education Act of 2003. This rule provides for 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate, it will be in order to consider only the amendments printed in the report accompanying this resolution, by the Member designated and debatable for the time specified in the report, equally divided and controlled by a proponent and an opponent.

In total, this rule makes eight amendments in order, three offered by Republican Members and five offered by Democrat Members.

Finally, the rule permits the minority a motion to recommit, with or without instructions.

□ 1030

The rule waives all points of order against the amendments printed in the report.

Mr. Speaker, one of the greatest experiences for a Member of Congress is when we can acknowledge that a particular policy or plan that we have passed has been successful. Today is one of those times as we reauthorize the landmark 1998 Workforce Investment Act. In 1998, Congress passed the Workforce Investment Act to reform the Nation's job training system. At that time it was fragmented, duplicative and ineffective to both job seekers and employers. The path from unemployment to a job was long and winding and treacherous and often led to a dead end. There were many areas for improvement and we found them. What followed was a plan that consolidated and integrated employment and training services at the local level in a more unified work force development system. Today we can clearly see the positive results.

For example, if we take a snapshot view of the program from 2000 to 2001 we see 1.1 million individuals receiving intensive training from programs and services offered and millions more accessing self-service job listings and placement assistance through the one-stop centers and 82 percent of unemployed workers finding a job, up from 76 percent the previous year, increased employment rates for low-income adults rising from 69 percent to 76 percent, and higher diploma attainment rate for youth jumping from 35 percent to 54 percent. What a wonderful accomplishment. Few can dispute this evidence of success. Few can discount the millions of lives that have been changed with greater independence and greater self-worth.

So today we will build upon these achievements and pass the Workforce Reinvestment and Adult Education Act of 2003.

First, in this plan Congress goes even further in streamlining bureaucracy. Finding a new or better job is no small task, and workers will welcome few barriers allowing them to take full advantage of the employment assistance.

Second, the package strengthens essential components such as adult education with vital reading and math skills. An adult education system should focus on improving results for those most in need of help, those who have already been left behind who have not attained the core skills that they need. By improving adults' basic reading and math skills and providing limited English proficiency lessons, this plan goes even further in equipping workers with tools and training necessary to enter the 21st century workforce.

This bill also enhances the landmark flexibility and local involvement that Congress provided to States and communities in the 1998 law. More duplicative programs and services have been identified and consolidated, saving money and precious resources. State and local officials receive even more flexibility to target Federal resources toward the unique needs of their own communities.

Finally, reauthorizing this plan helps strengthen America's economy by helping more workers find better jobs. The One-Stop Career Center system that provides job training and career information gives workers a necessary bridge to rejoin the workforce or retraining for better jobs. Such services are immeasurable and an investment into America's workforce.

Tomorrow this body will consider a jobs and growth package aimed at stimulating businesses and better jobs. Tomorrow we consider how to create new jobs. But today we consider how to strengthen the worker, how to equip the worker with the knowledge and the skills needed to succeed in those new jobs. An unlimited supply of jobs would not do America's economy any good without a qualified worker for each and every one of them. Strengthening America's economy requires both good jobs and good workers, and today I ask my colleagues to remember that when considering this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I rise in opposition to the rule and to the bill, and let me say just when we think that the Republican leadership of this House could not be any more out of touch with reality they bring this bill to the floor today, and today's contribution is the so-called Workforce Reinvestment and Adult Education Act of 2003.

Let us review some of the basic facts of the failed economic policies of this President and of this Congress. Those policies have led to a 6 percent unemployment rate, the highest in years. There are more unemployed people in this country today than at any point since July of 1993. Of the 8.8 million people who are out of work in America, nearly 2 million have been out of work for 27 weeks or more. The average length of unemployment is now approximately 20 weeks, the highest since 1984.

Mr. Speaker, the economy is ailing and Republican policies are failing, and every day the people of America are the ones who are suffering. And how does the majority propose to help the unemployed in this country? First, by proposing a misguided tax scheme. The President and the Republicans claim that their tax bill will create a million jobs. No serious economist or no serious person believes that.

But even taking them at their word, each new job under their plan would cost $550,000 in lost revenue, about 17 times the salary of the average American worker. Talk about waste, fraud and abuse. On the other hand, every dollar we spend on unemployment benefits will boost the economy by $1.73. That is what is called growth, not that the Republican majority knows anything about that.

The second part of their plan is to cut job training, disability, and veteran employment, and adult learning programs to hurt the very people we should be helping.

The Workforce Reinvestment and Adult Education Act of 2003 we are considering here today does nothing to help create jobs or to reduce the number of unemployed people in this country.

Mr. Speaker, the American people deserve much better. Contrary to what we will hear from the majority, this bill actually makes it harder for the unemployed to get employment and reemployment training.

The SEIU, in an open letter to every Member of this body, said that "The primary task of the workforce development system must be to connect unemployed or underemployed workers with family-sustaining jobs that provide good wages and benefits and afford economic self-sufficiency." They are right. But if they are a young person who needs employment training while looking for their first job, this bill will not help them. If they are an adult who needs reemployment training and assistance as they look for a new job, this bill is not going to help them.

Specifically, this bill block-grants adult, dislocated worker, and employment service funding streams. It allows States to use funds from the Disability and Veteran Employment and Adult Learning programs to fund expenses at the Workforce Investment Act's centers. The result of this provision will be more bureaucracy and less training for the disabled and veterans.

Given all the rhetoric we hear in this place about veterans, this provision is unacceptable. We should be doing everything we can to help veterans find employment instead of slashing the Disability and Veteran Employment and Adult Learning Programs.

Additionally, Mr. Speaker, the bill eliminates existing protections and safeguards against low quality and potentially fraudulent job training providers and permits States to allow these providers to receive Federal funding. It caps the use of funds for services for low-income youth, those considered most likely to drop out of school at 30 percent.

Mr. Speaker, many Democrats offered several good amendments in the Committee on Rules yesterday. Unfortunately the majority has decided to stifle the debate on these important issues by denying these Members the opportunity to offer most of these amendments here on the floor.

One of the amendments offered in committee and denied by the majority was an extension of unemployment benefits for workers who have lost their jobs. Unemployment benefits expire at the end of this month. Too many unemployed workers simply cannot find work because the jobs are not there. These people desperately need the unemployment benefits traditionally supplied by the Federal Government in difficult times. It is flat wrong that the majority refuses to allow a vote on the extension of these important benefits. But if that were not bad enough, this bill also attacks the Constitution by repealing civil rights protections that are written in the current law.

Twenty-one years ago, then-Senator Dan Quayle sponsored legislation that provided civil rights protections against employment discrimination based on religion in programs that receive Federal funding. President Reagan signed that bill into law. It is not every day that a Democrat like me praises the good work of Dan Quayle, but the nondiscrimination provision he offered is good policy that has served us well.

And this provision received strong bipartisan support when the Workforce Reinvestment Act was reauthorized in 1998. But the Workforce Reinvestment and Adult Education Act of 2003 before us today shreds these protections by allowing religious organizations to receive Federal funding under the bill for job training activities and social services and then to discriminate in hiring based on religion. In other words, this bill would allow a religious organization that discriminates based on religion, like Bob Jones University, to get taxpayer money for Federal job training programs.

This provision is unconstitutional, unacceptable and offensive. An amendment to remove this provision was offered in the Committee on Rules and, like other substantive amendments, was not made in order.

Mr. Speaker, this is a lousy bill. Yesterday the Committee on Rules majority got into a debate over whose responsibility it is to deal with the unemployment benefits issue. Some said the Committee on Education and the Workforce, others said the Committee on Ways and Means. But I would say to my colleagues on the other side of the aisle, do they not go home to their districts? Do they not listen to their constituents? Do they not know that their constituents care more about jobs and a strong economy than about jurisdictional cat fights? This is outrageous and they know it.

Mr. Speaker, this is an unfair rule and it is a bad bill, and I urge my colleague to think of the unemployed in their districts and ask themselves does this bill help my constituents? The honest answer is no. I urge this House to defeat the rule and vote against the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, I urge my colleagues to oppose the previous question of the rule on this Workforce Reinvestment and Adult Education Act of 2003. This legislation before us today and the consideration tomorrow of the Republicans' irresponsible tax bill tell the American people everything they ever wanted to know about where the majority's priorities lie. And lest anyone be mistaken, their priorities do not lie with the workers and families who are suffering through the anxiety and stress of joblessness, with more than 10 million American workers now unemployed, with the loss of 2.7 million private sector jobs since President Bush was inaugurated, and 500,000 in the last 3 months; and with the unemployment rate at 6 percent, its highest level since 1994, the majority would undercut local reemployment efforts and eliminate services for job-seeking veterans, dislocated workers, and the disabled.

This Act was authorized 4 years ago after a lengthy bipartisan process. But today, today the majority turns it into a partisan vise that will squeeze America's jobless. It gives governors unlimited authority to divert funds from adult education, disability, and veterans' services. And we will, like Pontius Pilate, wring our hands and say it was not our responsibility, it was the governors' responsibility. And it fails to restore the $440 million in cuts imposed on job-training programs or protect against 265 million more in proposed cuts for fiscal 2004.

Just imagine, just imagine, under Republican stewardship our economy has shed millions of jobs and at the same time the GOP is undermining job training programs. Republicans may call that compassion; Democrats call it indifference. Adding insult to injury, the big tent GOP seeks to change the original law to permit organizations that received Work Investment Act funds to discriminate on religious grounds in hiring, something that Dan Quayle said they should not do.

I commend my colleagues who fought to restore the current law. Their amendment should have been made in order. Was there a lack of conviction that the allowing of discrimination in this bill was an appropriate policy and they could not hold their Members on their side of the aisle for such discrimination?

Democrats believe this Congress must enact policies that jump-start our economy and create jobs, and redoubling our job-training efforts is a vital part of that.

□ 1045

This bill simply gives the cold shoulder to millions of jobless Americans. I urge my colleagues to vote against the previous question, to vote against the rule, and to vote against this bad bill.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 4 minutes to the distinguished gentleman from Georgia (Mr. LINDER), a member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, I thank my friend and colleague from the Committee on Rules for yielding me time.

Mr. Speaker, H. Res. 221 is a structured rule that gives the House the opportunity to consider eight amendments to the Workforce Reinvestment and Adult Education Act of 2003. The Committee on Rules has attempted to be as fair as possible in crafting this rule and has made in order five Democrat amendments, two Republican amendments, and a manager's amendment. I urge my colleagues in the House to join me in supporting this rule so we can move on to debate the underlying legislation.

With respect to H.R. 1261, I wanted to commend the gentleman from California (Mr. McKEON) and the gentleman from Ohio (Mr. BOEHNER), chairman of the Subcommittee on 21st Century Competitiveness and chairman of the full Committee on Education and the Workforce respectively, for all of the time and effort they have invested in bringing this very important and well-crafted legislation to the House floor today.

America's economy has been through a great deal in the last few years. We experienced the shock of September 11, we have endured a recession, and we faced the uncertainty of war. In spite of all this, the American economy is growing fast, and growing faster than most of the industrialized world. To ensure that our economy meets its full potential, we must create the conditions for continued growth and prosperity.

As the economy continues to recover, hundreds of thousands of Americans are searching for good, stable jobs. We have an opportunity here to assist those Americans in finding employment, and I believe that H.R. 1261 is a positive step in the right direction.

H.R. 1261 amends the 1998 Workforce Investment Act, which authorized the Federal Government's primary programs for helping our Nation's workers gain the skills they need to succeed in today's rapidly changing workforce. The 1998 act has helped unprecedented numbers of American workers find employment by finding workforce investment services and programs through statewide and local One-Stop Career Center systems, but it could help even more, and that is exactly what H.R. 1261 is designed to do.

H.R. 1261 aims to streamline work investment programs in order to provide more efficient and results-oriented services. It will provide also an opportunity to build on and improve the current system so that it can respond quickly and effectively to the changing needs of both workers and employers. In addition, it will eliminate duplication, improve accountability, increase State flexibility, and strengthen adult education programs.

To the credit of the subcommittee chairman, the gentleman from California (Mr. McKEON), and the full committee chairman, the gentleman from Ohio (Mr. BOEHNER), I believe H.R. 1261, combined with President Bush's jobs and growth tax relief initiative, will move us toward our goal of creating more job opportunities for our citizens and ensuring that out-of-work Americans have the access to the tools and resources they need to rejoin the workforce or retrain for better jobs.

Mr. Speaker, I urge my colleagues to support the rule so that we may proceed to debate the underlying legislation.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. VAN HOLLEN), whose important amendment was denied yesterday in the Committee on Rules.

Mr. VAN HOLLEN. Mr. Speaker, I thank the gentleman for yielding me time.

As a new Member of this House, I was appalled that one of the first actions we took in the Committee on Education and the Workforce was to adopt a provision that strikes at the heart of religious liberty in this country. The underlying bill contains a provision that takes us down a very dangerous road in this country, a road of religious bigotry and intolerance; and even worse, it uses taxpayers' dollars to promote that intolerance.

What am I talking about? Under current law, if you receive Federal funds to run a job training program in this country, you are not allowed to discriminate in your hiring based on religion. I think that makes sense to all Americans. If you are receiving Federal dollars for a program you are running, you should not be able to say to a perspective job applicant, I am sorry, you are the wrong religion. But that is what this does.

Here is a chart that shows what current law is. This was a law that was language originally signed into law by President Reagan. It was most recently adopted again by this body in 1988 as part of the last reauthorization of the Workforce Investment Act. It has a prohibition of discrimination language, and it prohibits discrimination in employment based on religion, existing law.

But what this underlying bill does is it takes a big red X mark and crosses out "religion." It is a green light in this country to allow organizations that receive Federal funds to say no, to give you the religion test.

Imagine if you were to open up your local newspaper and see a help wanted ad for a job training program, and it said Christians only need apply, Jews only need apply, or Muslims only need apply. In fact, it can say Baptists only, or Methodists only. We would be appalled. But even worse, we would be appalled if we saw that that ad in that newspaper was paid for with U.S. taxpayer dollars.

Imagine as an American citizen responding to an ad for a job with a job training program, and you are qualified and you go to the interview, and they say, Gee, you know, you are really qualified, in fact you provided job training services in the past, but, golly, you are just the wrong religion. You are not a Christian, or a Jew, or You are not a Muslim.

Or you could be the right religion, but they are allowed to interrogate you. They can ask you questions. How many times did you go to church? Or synagogue? What are your charitable contributions? Let's talk about your marriage and family life. They are allowed under this provision to probe into your personal life to determine whether you meet their "religious test." And they can do it all with your taxpayer dollars.

Mr. Speaker, that is not the America I know. I do not think that is the America most Americans know. It strikes at the heart of our constitutional protections for liberty.

I would just say I think the full House deserves an opportunity to at least debate this, so that all 435 members have an opportunity to vote "yes" or "no" on whether they want to use taxpayer dollars to discriminate.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, what is really disturbing in debates is how to counter misinformation when it is repeated on a constant basis on the floor of this House.

The constitutional protection for religious liberty also extends to churches and it extends to organizations that reflect faith. That applies in the Tax Code. I presume a previous speaker, based on that logic, would not want to give a tax deduction to a church or a religious organization that discriminates in their hiring practices. For example, you would not have a Christian as the head of a synagogue, or you would not have a Muslim preaching at a Christian church. The charitable deduction is shaped that way; tax deductions are shaped that way.

We have all sorts of court-approved guidelines, for example, in the sense of they have ruled in some of the schools you can fund a computer, but you cannot fund the software, if you look at it that way. In other words, busing programs and other things can even be funded directly by the government.

But what is debated here is indirect funding. That is vouchers. We have numerous programs that have passed overwhelmingly in this House that have said when there is a choice, when no one is forced into it, why should people not be able to choose a job training program, an after-school program, a literacy program or other such type of thing that would enable them to be better prepared for the workplace?

If there is a secular choice and if there are multiple choices in job training, why can one of those choices not be in an inner-city neighborhood, where the churches are often the cultural organizing institution? Why can one of those choices not be, like the black churches in my district or some of the Hispanic outreach programs run through the Catholic Church, or some of the charismatic programs run in some of the immigrant Hispanic communities, where they are doing the job training, where we can leverage the dollars and have people committed as much as possible?

We know that regardless of who controls this House and the State houses, there will never be enough money to meet all the needs of those who are trying to find work, who are trying to secure health care, who are people with AIDS and so on: and unless we can engage the private sector that is faith-based, we will be overwhelmed with these problems.

This bill is one small step, and we should not practice religious bigotry and say everyone can be involved except for people of faith unless they give up their faith. That is just not right when there is choice.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, it is a fundamental American principle that no citizen should have to pass someone else's religious test to qualify for a tax-funded job. The vast majority of American citizens agree with that principle, and yet this bill would violate that principle, that constitutional provision in the first amendment.

In my 12 years in the House, I have never been more deeply offended by the action of the Committee on Rules than with this rule. To deny the Members of the House of Representatives to debate the issue of religious freedom, to be able to apply for a federally funded job without having a religious test given to you by another citizen, to deny us even the right to debate that principle, an issue that Madison and Jefferson thought important enough to embed into the first 16 words of the first amendment of the Bill of Rights, I find deeply offensive, not only to the Members of this House and this institution, but to the American people who agree with the principle that you should not be able to discriminate against people based on religion in order to obtain a federally funded job.

I think we lose our moral authority in preaching to the Iraqi citizens about religious freedom and democracy if we, this week, this day in this House of Representatives, in America, vote to say an American citizen can be denied a job for which they are fully qualified, a job funded by their taxes, simply because they were Christian or they were Muslim or they were Jewish.

It is not right that an organization associated with Bob Jones University could get a $2 million job training program and put out a sign that says no Jews or no Catholics need apply here for a federally funded job.

If the Republican leadership of this House wants to defend the position that subsidizing religious discrimination in Federal job hiring is a good idea, then, okay. I will not defend that idea, but, if you do, I respect your right to try to debate that idea. But you have denied us even the opportunity to debate whether that idea is right or wrong, and that is deeply offensive.

We should vote against this rule and allow the House to debate this important American principle.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 4 minutes to the distinguished gentleman from California (Mr. MCKEON), the chairman of the Committee on Education and the Workforce Subcommittee on 21st Century Competitiveness and the man who has earned the nickname of the Father of One-Stop Career Centers.

Mr. MCKEON. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in support of the rule on H.R. 1261, the Workforce Reinvestment and Adult Education Act of 2003. This important bill will reauthorize the Nation's job training programs.

In 1998, under the Committee on Education and the Workforce's leadership, Congress passed the Workforce Investment Act to reform the Nation's job training system that formerly was fragmented, contained overlapping programs, and did not serve either job seekers nor employers well. WIA consolidated and integrated employment and training services at the local level in a more unified workforce development system.

The act created three funding streams to provide for adult employment and training services, dislocated workers' employment and training services, and youth development services. These services are directed by the local business-led workforce investment boards.

One of the hallmarks of the new system is that, in order to encourage the development of comprehensive systems that improve services to both employers and job seekers, local services are provided through a one-stop delivery system. At the one-stop centers, the system ranges from core services such as job surge and placement assistance, access to job listings, and an initial assessment of skills and needs, intensive services, such as comprehensive assessments and case management, and, if needed, occupational skills training.

In addition, to further promote a seamless system of services for job seekers and employers, numerous other Federal programs also must make their services available through the one-stop system.

The WIA system contains the Federal Government's primary programs for investment in our Nation's workforce preparation.

□ 1100

Even though the system is still maturing since its full implementation in July of 2000, States and local areas have created comprehensive services and effective one-stop delivery systems.

The system is serving the needs of unemployed workers seeking new jobs in this time of economic recovery. In addition, the training services provided through WIA are invaluable in helping employers find the workers they need in areas of the country facing skill shortages.

Nonetheless, there have been challenges with the system. For example, we have heard of the need to create to increase the financial contribution of the mandatory partners in the One-Stop Career Centers while, at the same time, increasing the service integration among the partner programs. This includes serving through the one-stop system special populations that have unique needs.

We have heard that we need to simplify the local and State governance processes and to strengthen the private sector's role. In addition, we have heard about the need to increase training opportunities and improve performance accountability.

Solutions to these challenges have been included in H.R. 1261.

They will enhance the system so that it will continue to meet the training and employment needs of the information-based, highly-schooled 21st century workforce.

As many Members have talked about already, the Nation's economic recovery has been slow at best. Between March and April, job cuts jumped 71 percent. U.S. employers wiped out over 146,000 jobs last month, compared with a little more than 85,000 in March.

My home State of California experienced the biggest loss, with a loss of 32,891 jobs.

This Congress cannot sit idly by while more and more Americans are added to the unemployment rolls. We must act now and pass legislation that will help Americans search for good and stable jobs.

I urge my colleagues to vote "yes" on this rule and allow us to move forward in bringing H.R. 1261 to the floor for a vote.

Mr. MCGOVERN. Mr. Speaker, could I inquire how much time each side has?

The SPEAKER pro tempore (Mr. ADERHOLT). The gentleman from Massachusetts (Mr. MCGOVERN) has 16 minutes remaining, and the gentlewoman from Ohio (Ms. PRYCE) has 16½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, because of our sorry history of bigotry in this Nation, for decades it has been illegal to discriminate in employment and make decisions, job decisions based on race or religion. The only exception is churches and religious organizations can discriminate with their own money, but not with Federal money.

So let us be clear. If this rule passes, we will vaporize civil rights protections that have been in effect for decades. It is not going to make it easier for Federal organizations to get contracts; they still need to apply, compete, and are subject to audit. But any program that can get funded under this bill can get funded anyway; just do not discriminate in employment. And under those rules, Catholic organizations, Jewish, Lutheran, Baptist organizations get hundreds of millions of dollars today. And, Mr. Speaker, if we allow religious discrimination, we will be allowing racial discrimination, because many organizations are 100 percent African American or 100 percent white.

Now, Mr. Speaker, employment discrimination is ugly. You cannot put lipstick on a pig, but you cannot pass it off as a beauty queen. And you cannot dress up discrimination with poll-tested semantics and euphemisms and pass it off as anything other than ugly discrimination.

Let us defeat this rule and allow an amendment to maintain basic traditional civil rights protections.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I want to join my colleagues on this side of the aisle who are rejecting this legislation because of its embracing of religious bigotry. As was pointed out, the language that is in the current law was authored by Dan Quayle, it was signed into law by Ronald Reagan. I guess that was when the Republican Party was a more tolerant party.

But this Republican Party today, for the first time, will repeal a major civil rights piece of legislation that outlaws discrimination based upon religion. To do so is to embrace the ugly, ugly form of religious bigotry. There is no other explanation for that. The people will be rejected in the pursuit of their employment, and it comes in a bill that is designed to get people more employment. They can be qualified for the job, they can be ready to go to work, they can provide value-added to their employer, and they can be rejected because of their religion and for no other reason. That is bigotry. That is what the Republican Party is embracing here.

Yes, today religions can reject this with their private money and their private donations and collections. They can do that. But if they take Federal money, they cannot do it.

This is not about whether or not religious organizations participate in work employment programs, work training programs. One of the most effective programs in my district is run by North Richmond Missionary Baptist Church. It came out of welfare reform. It has done a tremendous job of getting people trained and into employment. But they do not discriminate against people, because the law does not allow that. But hundreds of thousands of dollars are run through that program to try to help people be employed. But this law will say for the first time that a religious organization with Federal money, with a position paid by the Federal Government, can discriminate against individuals because of their religion.

My colleagues are right. We should reject this. And it is an insult, and it goes to the level of the corruption of the democratic institution of the House of Representatives that we would not be allowed to have an amendment where we could debate and vote on this measure. This is fundamental to the freedoms of this country, it is fundamental to the right of free speech in this institution, it is fundamental to the democracy of the people's House. But this process has been so corrupted in the Committee on Rules, so corrupted by the Republican leadership that we will not be allowed a vote on the matter of whether or not people should be allowed to discriminate with Federal dollars, whether organizations should be able to engage in religious bigotry. Members will not be able to have an up or down vote. You talk about a corrupt process.

We spilled blood to bring democracy and freedom in Iraq and we see it being closed down in the House of Representatives. We see the underlying basic tenets of the democratic foundation of this House, the right to debate, the right to vote, the right to express our differences being corrupted by the Republican leadership and the Republican Committee on Rules.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 5 minutes to my distinguished colleague, the gentleman from the great State of Ohio (Mr. BOEHNER), chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, a lot has been said about the reauthorization of the Workforce Reinvestment Act and we will get into a broader debate about that once we pass this very fair rule that we have before us. But as we can see, the debate is coming down over an issue of whether faith-based organizations can maintain, maintain their Title VII religious exemption.

When we wrote the civil rights laws in this Congress back in the 1960s, we made it clear that religious organizations could, in fact, discriminate in hiring for their church and church-related services, and the only thing that we do in this bill is to allow those organizations to continue to be faith-based organizations. They can provide services in terms of providing job training or retraining, and they can maintain, they can maintain their Title VII exemption.

Now, we are hearing all of this noise about this is the first time and this is such an abridgement. Let me just point out for my colleagues that there are a number of programs that allow organizations to accept Federal dollars and to maintain their religious identity. They are the Adult Education and Family Literacy Act, the 21st Century Community Learning Centers, Title V of the abstinence education grants, Older Americans Act, the job opportunities for low-income individuals, abandoned infants grants, child abuse and neglect discretionary grants, runaway and homeless youth basic center programs, religious organizations can take Federal money and keep their Title VII exemptions which allow them to hire whom they want to hire within their organizations.

Now, if this is not enough, how about the four bills that President Bill Clinton signed into law that allow these same organizations to take Federal dollars and continue to maintain their Title VII exemption. The Substance Abuse and Mental Health Services Administration Act, the Community Services Block Grant Act, the Personal Responsibility of Work Opportunities Reconciliation Act, and the Community Renewal Tax Relief Act all allow organizations to take Federal money and to maintain their Title VII exemption.

Now, this is a debate that has been going on in this Congress over the last several years since President Bush made the case that faith-based organizations, which are integral in many of our inner city communities, that we ought to allow these organizations to provide services. And the big debate that we have here is that people want to say, well, yes, we want them to provide services, but if they take one Federal dollar in providing their services, they ought to give up all of their civil rights protections. Hogwash. These organizations are doing wonderful things in many communities in America and we should not deny them the civil rights protections that were granted to them in 1965 just because they take a Federal dollar in the pursuit of their mission of trying to help people in their own communities.

So I would ask my colleagues and urge my colleagues to support the rule today and support this bill and to support allowing faith-based organizations to do the job they are doing in many of our communities.

Mr. EDWARDS. Mr. Speaker, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Speaker, I respect the gentleman's right to support this bill as written. In my opinion, it would discriminate against American citizens in job-hiring simply based on their religious faith. I think that is wrong.

But what I think is doubly wrong is that the Republican leadership in the House denied us the right to even have this honest debate on which the gentleman from Ohio and I would agree is a fundamentally important issue.

I would like to ask the gentleman, did he support shutting down our right to debate this issue?

Mr. BOEHNER. Mr. Speaker, reclaiming my time, the Congress in 1965 when they wrote the civil rights laws decided to allow these organizations to maintain their right to hire whom they please. All we are trying to do with this bill today is to allow that to continue.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to the rule for this misguided reauthorization of the Workforce Investment Act, a bill that fails to create job opportunities or extend unemployment benefits, that places the burden of increasing rising unemployment costs, that places the coping with that issue on our already financially crippled cities and States.

We are at a time in our history when record numbers of people are being laid off, when unemployment benefits are going to expire at the end of this month, and what is our response? Curtailing the services these workers depend on to find new employment, and doing so when these services are already underfunded and straining to meet the increasing demand.

The President's budget called for rescinding $300 million in funding in addition to the more than $700 million in cuts to job training programs for this year and next. This bill block grants adult dislocated worker and employment service funding and helps workers find jobs. It cuts summer employment opportunities mentoring and job counseling. At a time when men and women in our military are returning from combat, it takes money from disability and veteran employment and adult learning programs.

My Republican colleagues would like to tell us that what they are doing is providing flexibility to the States to deal with these issues. The only flexibility that they provide to these States is what populations to jettison, what programs to cut. Our States are not going to be capable of handling what the Federal Government and what this Bush administration and the Republican House leadership want to foist on them.

I tried to offer a modest amendment to provide assistance to women to help move into nontraditional jobs, like carpentry, manufacturing, where women comprise less than 25 percent of the workforce. Jobs would provide long-term employment, they generate pay between $14 and $35 an hour, provide medical care, retirement benefits. To do that, all we would have had to do was to give governors the flexibility to direct resources to train one-stop employment center employees, help them to be trained so that they can help women find these jobs and others find these jobs. The Republican majority response? No.

The simple truth is that this bill abandons workers. It does nothing to stop these families from falling through the cracks.

Turn aside the rule. Let us pass a workforce bill that prepares our workforce and gives them the tools for economic security for themselves and for their families.

Ms. PRYCE of Ohio. Mr. Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) has 12 minutes remaining, and the gentleman from Massachusetts (Mr. MCGOVERN) has 9½ minutes remaining.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. It is interesting that the gentleman from Ohio (Mr. BOEHNER) was asked the question. Maybe the gentlewoman from Ohio (Ms. PRYCE) can answer it. Why not let us bring up the amendment on the issue they were discussing?

And another issue that is not being brought up today that should have been is the unemployment situation in this country: 341,000 people lost their jobs in April, almost 9 million people out of work.

This Congress, this House, this majority sits idly by. There is going to be the expiration of unemployment benefits, the extended benefits the end of this month. And there is over $20 billion in the trust fund that could be applied to help these people. Oh, it is said the answer is get a job. These unemployed people are looking for a job.

A recent survey indicated that the average unemployed worker has applied for 29 jobs without finding work, and you sit idly by and do nothing. It also shows the average unemployed worker over 45 has applied for 42 jobs without finding work. Stop sitting and act on this issue.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I thank the gentleman for yielding me time.

Right now Oregon has 7.6 percent unemployment, the highest in the Nation. In March of this year food and transportation lost manufacturing jobs, 800 jobs. These hardworking men and women are not statistics. They are real people with real lives and families, and right now they are facing the prospects of not having enough money to put food on the table, and they lost their jobs through no fault of their own.

We should not cut the very initiatives that help them retain these new jobs that will pay them decent wages and offer them health benefits.

The Dislocated Worker Program of the Workforce Investment Act is critical to making sure our States have the resources to keep dislocated workers from falling through the cracks, and it is imperative that we make sure it remains a separate program because it is a training program and its needs are very different from the other two programs with which it is being combined.

I have put forth an amendment with the gentleman from New Jersey (Mr. PAYNE) that would have addressed this issue and ensure that those who are laid off can get the assistance they need to get back into the workforce. Yet the Committee on Rules refused to give the Members a chance to vote on this amendment.

Mr. Speaker, I urge my colleagues to vote against this rule.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, if there is any issue in Congress that should rise above partisanship, it should be the principle of religious freedom. I hope every Republican and Democrat in the House before voting on this rule asks his or herself this question: Is it right that an American citizen be denied a federally funded job simply because of his or her religious faith?

If you think that is right, then you should vote for this rule because that is what this bill does. It denies American citizens publicly funded jobs simply because of their choice of religious faith. If you agree with the vast majority of Americans that it is wrong to subsidize religious discrimination with federal tax dollars, vote "no" on this rule.

This is more important than sticking to the sacred altar of partisanship. The issue of religious freedom should rise above that alter of partisanship. And I hope my Republican colleagues will join with Democrats and all of us today to say we are going to stand up for religious freedom during the week we are preaching it to the Iraqi citizens.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, from listening to the other side, you would think that this was something that was run-of-the-mill, that we took away these protections every day and have in the past. That is just not true.

This is the first time this Congress will eliminate, delete language in our statutes, in our laws that expressly prohibits discrimination in these programs based on religion. It is the first time we will remove a protection that this body has decided is important and fundamental to American principles of operation of church and State.

As has been stated, this language was first signed into law in 1982 by Ronald Reagan. It was readopted in 1998 by this House of Representatives. And it continues to make sense to every American out there that their tax dollars should not go to discriminate when it comes to federal programs that are secular in nature.

Mr. Speaker, I am extremely disappointed that this full House is not given the opportunity to debate this full issue and vote up and down.

Mr. MCGOVERN. Mr. Speaker, may I inquire how many more speakers the gentlewoman from Ohio (Ms. PRYCE) has.

Ms. PRYCE of Ohio. Mr. Speaker, we do not have any other speakers on the floor. There may be more coming: but if the gentleman is prepared, we can close.

Mr. MCGOVERN. Mr. Speaker, I yield 3½ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, if people want a dictionary illustration of adding insult to injury, the Republicans are providing it. They do great injury today to the principle of nondiscrimination, and they have added to that the insult of not allowing this House to debate it.

As the gentleman from Maryland (Mr. VAN HOLLEN) made clear, this is the first time we will be removing from the statute books an existing antidiscrimination provision, one that says you cannot take Federal money and then discriminate against some of the people who paid the taxes. If you are a particular organization, you can say, I do not care if you are Jewish and pay taxes or Catholic and pay taxes. I do not care if you are a Protestant and pay taxes, if you believe in abortion. I do not care if you are a Methodist and pay taxes, if you agree on evolution. We will exclude you.

It is appalling to me that they are going to be able to engineer this enormous regression in the principle of nondiscrimination without there even being a separate vote and debate. It is a tribute to the Republican majority, the most submissive body of elected officials gathered since the dissolution of the Supreme Soviet that they will ratify this decision to roll back a fundamental constitutional provision, a fundamental antidiscrimination public policy provision, and they will all march down and vote not to allow it to be debated.

The gentleman from Ohio is right. In 1965 there was an exemption for religion organizations, and it was expanded in 1972. A Senator said at the time, "This is to keep the hands of Caesar off of the place of God."

Now we are talking about the hands of Caesar coming to the religious institutions bearing money. And we were saying this, if you as a religious institution want to preserve your autonomy, hire only whom you want, that is your right. But do not tell Americans of all religions to pay taxes and then take those tax dollars and say, but you are the wrong religion. You are the right religion but the wrong doctrine. And that is what this does.

It removes it from the statute books. The law now says you cannot discriminate based on religion. People have said, well, we need this so that religious organizations are not denied funds because of their name. Well, in the first place, that is up to the current administration. What is George Bush saying? Stop me before I discriminate again? If he does not want to discriminate, he has a good way to stop discriminating.

You know the person who went to the doctor and he said, Doctor, it hurts when I go like this. The doctor said, Do not go like this.

Mr. President, do not go like this. Do not discriminate. But do not take people's tax dollars and say you can only hire your own.

The question is two fold: Do we maintain the principle that if you take Federal money, if you are a religious organization and to be autonomous, that is fine? By the way, for secular purposes, remember by definition the religious group can only take Federal money for secular purposes. It would be unconstitutional as everyone acknowledges to give tax dollars to a religion for religious purposes. So the question is can a religious organization take money for secular purposes and discriminate? And we are told, well, wait, it is important for them to hold together.

It seems to me the worst thing being said about religious organizations are the people who say, you know what, if you want Baptist or Jews or Mormons or Catholics to help other people, you better not make them associate with nonbelievers. They can only help people find jobs, they can only give job training as long as they are free from the spiritual pollution of having to teach these jobs alongside nonbelievers. That is a condemnation of religion that I hope this House will not engage in, compounded by a denial of democracy on the floor of the House. To bring forward such an important issue and use your submissive majority to prevent debate is contemptible.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I rise in support of this rule and in support of the underlying legislation, and I would like to add a few comments to the topic that seems to have drawn heated debate here.

I think it is a confusing topic and one that is important that we are discussing in this debate right now and one that I believe will come up in the debate that goes forward and will no doubt be addressed in the motion to recommit which the minority will be allowed to offer.

The argument here is that the language added to this legislation somehow is inconsistent with our civil rights laws and is somehow inappropriate. I would like to address and dissect that argument.

I want to make it clear that our Nation's Constitution and our existing civil rights laws make it very clear and have since the day of their enactment that religious organizations in their hiring of their own staff can, in fact, discriminate based on religion. That is a provision that has been scrutinized by the United States Supreme Court and upheld by a unanimous United States Supreme Court, so that, if a Christian church wants to say that in hiring its minister it chooses to hire a Christian minister, it can do that. And the Supreme Court has said it may do so.

In those civil rights laws there is no mention of Federal money. The reason we have those laws extended into all sectors of employment is not just where there is Federal money involved, but we have our discrimination laws extended through commerce. If it is interstate commerce, then those civil rights laws apply and they should. But I want to make very clear that all nonprofits that have a mission are entitled to discriminate based on that mission. That is to say, if a particular group that supports abortion and is involved in that activity wants to, it can choose not to hire someone who is rabidly pro-life. A group that supports the environment and cleaning up the environment can choose not to hire on to its staff someone who is rabidly against cleaning up the environment. That is a privilege enjoyed by all nonprofits under our current law.

What this bill does, and it is important to understand this, and I have a letter here from the Union of Orthodox Jewish Congregations of America that makes this explanation very clear: what this bill does is say a very narrow exception for religious organizations to give them the same right that all other non-religious organizations have when they are performing services. Currently, we do not say to Planned Parenthood, if you take money from the Federal Government you must hire someone who is pro-life. But we do say under the current version of this law, if you are a faith-based organization and you want to provide, for example, job training services, then you must hire all-comers, people who even disagree with your fundamental beliefs.

The reality is this is about discrimination, but it is about the discrimination that exists in current law. Current laws prohibit religious organizations and only religious organizations from saying they have the right to choose to hire people who happen to share their values. We do not deny that right to Planned Parenthood. We do not deny that right to the Sierra Club. We do not deny that right to any other group, and we ought not to deny that right to a faith-based organization providing its services.

Mr. MCGOVERN. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, if I had an indefensible point I would not yield either, despite all the time they have.

If, in fact, a religious organization gets money for job training, they have a right to refuse to hire someone who does not believe in job training. If they have hired because they are going to try and fight drug addiction, they do not have to hire someone who is for drug addiction.

If the gentleman thinks I am going to yield him after he refused to yield to me when he has all the time and I do not; let him get some more time from his side which has the extra time and is sitting on it, and I will debate him.

The fact is that any organization has the right to deny people a job if they disagree with the job for which they are being hired. So, no, you do not have to hire someone who disagrees with what you are being hired for. That is totally not the case. And by the way, this law about discrimination does apply across the board.

Mr. MCGOVERN. Mr. Speaker, I do not know if the gentlewoman from Ohio (Ms. PRYCE) would like to yield to the gentleman from Arizona (Mr. SHADEGG) so the gentleman from Arizona and the gentleman from Massachusetts (Mr. FRANK) can continue this dialogue.

Ms. PRYCE of Ohio. Mr. Speaker, we are reserving our time.

□ 1130

Mr. McGOVERN. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I will urge Members to vote "no" on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will make in order the Van Hollen amendment that was offered in the Committee on Rules last night and defeated on a party-line vote.

This very worthy amendment restores current law, which prohibits the use of Federal funds to discriminate in hiring based on religion. It will do this by striking the offending language from the bill.

Mr. Speaker, it is astounding to me that in the 21st century we would turn back the clock and allow American taxpayer dollars to be used to discriminate against our own citizens based on their religious beliefs.

This is 2003. I had hoped that we had moved beyond refusing to hire someone because they are Catholic or Jewish or Muslim or Presbyterian or whatever. This bill returns us to the bad old days.

The Van Hollen amendment would strike this offensive provision, and it deserves a vote by this House. This bill is supposed to be about helping our unemployed workers, not about giving taxpayer money to organizations that discriminate. It is absolutely critical that we put aside partisan differences and give Members the chance to delete this language.

Vote "no" on the previous question so we can take up this vital amendment. I want to point out that a "no" vote will not stop us from considering this legislation. However, a "yes" vote will deny us the opportunity to vote on this terrible language. This is the only opportunity that the House will have to strike this provision from the bill.

Again, I would urge my colleagues to vote "no" on the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. ADERHOLT). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McGOVERN. Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself the remaining time.

In conclusion, this is a fair rule which allows us to move on to the task at hand, strengthening the workforce and equipping the worker with the knowledge and skills needed to succeed.

As I said earlier, an unlimited supply of jobs would not do our economy much good without workers to fill those positions. Strengthening America's economy requires both good jobs and good workers; and today, we are focused on the worker.

My colleagues on the other side of the aisle would pick this apart and stand in the way of progress for America's workers. Nothing new. We see it today, we will see it tomorrow, but I ask my colleagues to put America's workers first, support this rule, and pass the Workforce Reinvestment and Adult Education Act.

The material previously referred to by Mr. McGOVERN is as follows:

At the end of the resolution add the following new section:

"SEC. 2. Notwithstanding any other provision in this resolution it shall be in order to consider the further amendment printed in Sec. 3 of this resolution, if offered by Representative Van Hollen of Maryland or a designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 60 minutes equally divided and controlled by the proponent and an opponent;"

SEC. 3. Page 91, strike lines 9 through page 92, line 3 (and renumber subsequent sections and conform the table of contents accordingly).

Ms. PRYCE of Ohio. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 221 will be followed by a 5-minute vote, if ordered, on the question of adopting the resolution and by two additional 5-minute votes on the remaining motions to suspend the rules that were debated yesterday.

The vote was taken by electronic device, and there were—yeas 222, nays 199, not voting 13, as follows:

[Roll No. 170]

YEAS—222

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—199

Abercrombie
Ackerman
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)

Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald

Miller (NC)
Miller, George
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff

Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Andrews
Clyburn
Combest
DeLay
Dingell

Feeney
Fletcher
Gephardt
Gibbons
Hyde

Miller, Gary
Moran (VA)
Schrock

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ADERHOLT) (during the vote). Members are advised 2 minutes remain to vote.

☐ 1152

Messrs. BOUCHER, McINTYRE, CASE, CROWLEY and Ms. VELÁZQUEZ changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, the vote on the question of adopting the resolution will be followed by one additional 5-minute vote on the motion to suspend the rules and pass H.R. 874 that was debated yesterday.

The remaining suspension on House Resolution 213 will be taken later today.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 221, noes 196, not voting 17, as follows:

[Roll No. 171]

AYES—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest

Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose

Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—196

Abercrombie
Ackerman
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer

Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Conyers
Cooper

Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett

Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)

Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel

Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Andrews
Clyburn
Combest
Cox
DeLay
Dingell

Feeney
Fletcher
Gephardt
Gibbons
Hyde
Miller, Gary

Ortiz
Reyes
Rodriguez
Schrock
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ADERHOLT) (during the vote). Members are advised 2 minutes remain to vote.

☐ 1200

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1200

RAIL PASSENGER DISASTER FAMILY ASSISTANCE ACT OF 2003

The SPEAKER pro tempore (Mr. ADERHOLT). The unfinished business is the question of suspending the rules and passing the bill, H.R. 874.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. QUINN) that the House suspend the rules and pass the bill, H.R. 874, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 5, not voting 15, as follows:

[Roll No. 172]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—5

Flake
Hinchey
McDermott
Paul
Stark

NOT VOTING—15

Andrews
Clyburn
Combest
DeLay
Dingell
Feeney
Fletcher
Gephardt
Gibbons
Hyde
McCarthy (MO)
Miller, Gary
Pearce
Schrock
Smith (TX)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair advises that there are less than 2 minutes remaining in this vote.

☐ 1208

Mr. GEORGE MILLER of California changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GIBBONS. Mr. Speaker, on rollcall Nos. 170, 171, and 172, I was detained in a closed intelligence briefing. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. FLETCHER. Mr. Speaker, on Thursday, May 8, 2003, had I been present for rollcall vote Nos. 170, 171, and 172, I would have voted the following way: rollcall vote No. 170—"aye"; rollcall vote No. 171—"aye"; and rollcall vote No. 172—"aye."

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1261.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

WORKFORCE REINVESTMENT AND ADULT EDUCATION ACT OF 2003

The SPEAKER pro tempore. Pursuant to House Resolution 221 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1261.

☐ 1208

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1261) to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we stand here today, hundreds of thousands of Americans are searching for good, stable new jobs. The unemployment rate in April rose to 6 percent. As the economy works toward recovery, hundreds of thousands of Americans are searching for jobs and careers that can help them ensure security and safety for their families. The President has made it clear that we need more jobs and we need a stronger economy. The backbone of economic growth is a strong workforce. As we move towards enacting the President's jobs and growth initiative this week, we also have a chance to strengthen job training opportunities for American workers.

The legislation before us is H.R. 1261, the Workforce Reinvestment and Adult Education Act. I want to commend the gentleman from California (Mr. MCKEON), the subcommittee chairman, for his leadership in bringing this bill to the floor. The bill would reauthorize and strengthen the Workforce Investment Act, or WIA, major legislation passed 5 years ago that provided important reforms to Federal job training programs. Prior to 1998, the Nation's job training system was a mess. It was fragmented, contained overlapping programs, and did not serve anyone very well, job seekers or employers. WIA consolidated employment and training services at the local level and produced a more unified workforce development system.

WIA provides funding for States and local communities to establish one-stop shops for workers seeking new jobs and new careers. Through the WIA system, job seekers now have access to labor market information, job counseling and job training to help them get back on their feet. WIA has generally worked well, but it could work even better. Duplication and confusion are keeping the WIA system from reaching its true potential for American workers. Duplication of services under the current law results in significant resources being squandered, resources that could be used to help those in need at a time when they need the help most. Overlap in training programs under the current WIA law has contributed to the growth of a confusing patchwork at the State and local level. Governors and State and local officials need the flexibility to target these resources toward the unique needs of the men and women in their communities.

The legislation before us would give our Nation's Governors and communities new tools to meet the unique needs of these people that they serve. It would streamline the bureaucracy to give workers better access to WIA benefits. Congress has an obligation this year to improve worker access to these WIA benefits and provide Americans with an even stronger job training system at a time when it is needed most.

State and local communities should be given greater flexibility to tailor their WIA systems to their own unique needs. Currently, the WIA adult, WIA dislocated worker, and Wagner-Peyser funding streams serve very similar populations. Combining these funding streams into a single grant, as proposed in this bill, would result in more effectiveness at the State and local level and significantly greater efficiency for workers searching for new jobs and new careers. It would also give States and local authorities greater flexibility to integrate WIA with their welfare-to-work programs. The bill also strengthens adult education by focusing on core skills such as reading and math. Workers need these building blocks to thrive in a knowledge-driven economy.

Lastly, I would note that the bill allows faith-based institutions to be included in the Federal worker relief system.

□ 1215

Faith-based institutions have a proven track record of helping people find jobs, but they are essentially barred from the current WIA system simply because they have religious identities, and this is unfortunate and unnecessary because under the Civil Rights Act of 1964 and as amended in 1972, faith-based organizations are already explicitly allowed to hire on a religious basis. These outdated barriers should be removed to ensure that every available resource is being committed in the effort to help Americans find jobs.

The bill before us simply reiterates the existing exemption that religious organizations have had for more than three decades under the civil rights laws. Title VII of the Civil Rights Act of 1964 and as amended in 1972 reads as follows: "(These requirements) shall not apply . . . to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities."

This portion of the Civil Rights Act, which has been upheld by the U.S. Supreme Court, explicitly allows faith-based organizations to hire on a religious basis and any Federal legislation governing Federal social service funds should continue to protect the rights of religious organizations to do so. The measure before us simply applies the same standard to the Workforce Investment Act so that every available resource is being tapped to help Americans find jobs. If we do not make this change, we are essentially telling out-of-work Americans that they deserve something less than 100 percent of our support.

I think that would be a horrible message to send. Workers and families are the backbone of our economy. The backbone of economic growth is a strong workforce. Congress has an obligation to improve worker access to the benefits that the Workforce Investment Act offers and to provide Americans with an even stronger job-training system again when it is needed most.

Passing this bill will send another clear message to the American people that we are taking action on jobs and the economy. And again I want to commend the gentleman from California (Mr. MCKEON) for his excellent work in bringing this bill to the floor.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, I rise in strong opposition to H.R. 1261.

I rise in strong opposition to H.R. 1261. Mr. Chairman, similar to the IDEA Reauthorization last week, we are again presented with a subpar rule and a subpar bill. The Committee did not allow us to vote on and discuss key amendments which would have greatly improved this measure.

I offered an amendment that was rejected by the Rules Committee yesterday that would have specified that local WIA boards may use funds to carry out training programs for displaced homemakers and nontraditional training for women. These are two existing programs that have been crucial to low-income women's economic independence and self-sufficiency. Since more than 60 percent of WIA recipients are women, the use of WIA funds for these programs would have provided necessary training opportunities, counseling, and services for WIA recipients to learn the necessary skills in obtaining and keeping jobs.

Mr. Chairman, this bill fails workers, attacks our Veterans and erodes our civil rights laws. An amendment offered to extend Federal unemployment benefits for newly unemployed workers and for those workers who have previously exhausted their unemployment benefits was not allowed. Also defeated was an amendment which would have restored current law prohibiting the use of Federal funds to discriminate in hiring based on religion, as well as an amendment to strike the language in the bill that allows governors to take money from Veterans and dislocated worker programs to pay for infrastructure costs for one-stop centers.

The Workforce Reinvestment and Adult Education Act is supposed to provide job opportunities for our nation's youth and extend educational opportunities for adults. The bill we have before us does not uphold this commitment. H.R. 1261 cuts job opportunities for youth, shifts critical resources away from career preparation and summer jobs, eliminates the successful Youth Opportunity Grants and reduces targeting of resources to poor communities.

In a time of economic downturn and a rising unemployment rate, it is our duty to provide the necessary funds to boost our economy and safeguard our future. We can increase the effectiveness and outreach of boards by increasing funding to local boards. We must give local leaders the opportunity to shape best use of resources to their communities.

Mr. Chairman, H.R. 1261 does not cut it. I urge my fellow colleagues to vote no on this bill.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 4 minutes.

I rise in opposition to H.R. 1261. This is the wrong bill being considered at the wrong time for the wrong reasons. This bill fails to extend unemployment benefits, it fails to create jobs, and it fails to stimulate the economy.

This economy is in the grips of a devastating economic stagnation, and it is now clear to everyone that the President's economic policies have utterly failed to date to create new jobs, they fail to stimulate new business growth, and they have richly succeeded in turning historic Federal surpluses into staggering deficits.

Unemployment is at 6 percent. That means that almost 9 million Americans are officially unemployed and another 9 million are either working part time because they cannot find full-time work or they are so completely discouraged that they have stopped looking for work. The Department of Labor's own data shows that there are three job seekers for every job available today. And yet this legislation comes forth and begins to unravel what has been a carefully constructed job-training program over the last 20 years on a bipartisan basis. It does so by undermining the ability of workers who are dislocated and others to get the services that they need to go back into the job market. But it also does it because of the insensitivity of this administration, because in this year, in this last year, as hundreds and hundreds of thousands of Americans join the ranks of the unemployed, this administration and this Congress cut $650 million of the programs under WIA. The President's budget this year suggests another $200 million in cuts.

So while they talk about the block grant and they talk about efficiencies, let us understand what they are doing. As the ranks of the unemployed grow in staggering numbers, there will be fewer resources available to help those individuals get back into the job market. There will be fewer resources available to help the 6 percent of Americans who are unemployed, to the 4 million Americans who are underemployed and are looking for longer hours.

Payroll employment has not been this depressed since the Great Depression of the 1930s, and why is that? Because there is not enough demand in the economy. But unfortunately tomorrow the Republicans will give us an economic program based upon tax cuts for the wealthy that most economists in the country have already said while they may agree with the tax cuts, it will not stimulate the economy. It is still questionable whether or not the Democrats will be able to put forth their program which economists tell us will create 1 million new jobs this year.

This legislation, because it is within the jurisdiction of the committee and our ability, could have also extended unemployment benefits for those who are about to run out on May 31. But unfortunately the Republican leadership of the committee would not support that amendment and the Republican Committee on Rules would not make it in order.

So as we stand here in these dark times for unemployed American families who do not know yet whether or not unemployment benefits are going to be extended at the end of this month, where they will be playing with whether or not we will extend them, we know that within the Republican part the last time there was a huge amount of opposition to the extension of the unemployed benefits, that many people were lost because of the gap in that coverage. But this legislation is silent on that issue.

This legislation is like a narcotic. It wants to say we are moving around the structure of WIA, we are cutting the funding of WIA, but things are going to get better for the unemployed in this country. It is just simply not so because the Bush economy has been so terribly devastating to so many segments of the economy, whether it is in manufacturing, whether it is in high tech, whether it is in services, whether it is in transportation, whether it is in accommodations, and this President has yet to take a single step. Yes, he got his tax cut his first months in office. He has lost 2.5 million jobs since then, since then. That did not work. What he is suggesting is that we do more of the same. That is not an answer for these desperate families who are trying to hold themselves together through these dark economic times.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), a member of the committee.

Mrs. BLACKBURN. Mr. Chairman, I rise today to express my support for H.R. 1261, the Workforce Reinvestment and Adult Education Act of 2003. This bill has a directed focus: Strengthening local participation and streamlining the current WIA funding process. The primary purpose is to achieve more efficient and results-oriented services for the program's participants. This is important because in the past the WIA system has been hampered by duplicative and redundant bureaucracy, preventing it from being as effective as it should be for retraining workers.

WIA provides workforce services in programs through One-Stop Career centers. These centers have several important goals. They offer information on jobs, provide education and training resources, and aid employee retention. Further, they train workers in occupational skills needed to get a job, or for those already employed the centers help workers acquire the skills necessary to move upward and on to higher paying jobs.

Last year alone over 30,000 Tennesseans enrolled for workforce investment services through 14 One-Stop Career Centers and the 55 affiliate sites located throughout the State. This bill strengthens the mission of these centers by playing a critical role in helping people who seek to improve their skills, their jobs, their careers and their incomes. It provides them with the tools and training necessary to be competitive in the 21st century workforce.

Further, it strengthens education programs by providing a way to enhance and refresh competency skills. It is my firm belief that with the employment services the centers provide, Tennessee workers will have access to the training needed to thrive in an ever-increasing technology-driven economy.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. KILDEE), a member of the Committee on Education and the Workforce.

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in strong opposition to this bill. In 1998 the gentleman from California (Mr. McKEON) and I brought a bipartisan WIA bill to this House. Unfortunately, this is not the case today. The key failure of this legislation is that it does not respond to the economic realities that American families are facing today. We have 8.8 million individuals who are out of work. These are real people with names. We have growing budget deficits projected to top a half trillion dollars this fiscal year. Most alarming is the fact that three unemployed individuals are competing for every job.

In light of these dire economic conditions, I have grave concerns about the bill before us today. This bill unravels the very fabric of our Federal job training system. First, the proposal would eliminate the employment service, the program which matches those looking for work with jobs. The bill also block grants our job training programs. As our economy continues its downturn, it is extremely shortsighted to eliminate the function that matches jobs and individuals looking for work.

I must stress how disappointed I am that the Committee on Rules did not make either of my amendments in order to extend unemployment benefits. The House is not responding to the needs of the American workers by denying the debate on these amendments. The families of unemployed workers are struggling to ensure that they can afford their rent and put food on the table. We should not ignore the needs of these families. Where is the compassion of this Congress? I certainly can see the conservatism, but I do not see the compassion.

This bill also allows governors to take funding from veterans programs, programs serving individuals with disabilities, and other partner programs to fund one-stop infrastructure costs by also eliminating their seat on local workforce boards.

I am aware that an amendment may be offered today to cap the amount of funds that can be taken, but this amendment is deficient. This amendment is inadequate and will still place these programs and the services they provide at risk.

Lastly, Mr. Chairman, this legislation repeals existing civil rights protections. Under current law faith-based organizations do receive Federal funds and do an admirable job providing job training services. Unfortunately, the Republican bill would allow for these organizations to refuse to hire individuals due to their faith for positions paid for with Federal dollars.

Mr. Chairman, this bill does not respond to the needs of unemployed individuals and individuals with disabilities seeking to return to the workplace. In fact, it undermines the progress we have made under WIA thus far. I regret that the Committee on Rules has prevented us from responding to the real needs of American workers.

I urge opposition to final passage of this legislation.

Mr. BOEHNER. Mr. Chairman, I yield 6 minutes to the gentleman from California (Mr. MCKEON), the father of the Workforce Investment Act of 1998.

Mr. MCKEON. Mr. Chairman, I rise in strong support of H.R. 1261, and I want to thank the gentleman from Ohio (Mr. BOEHNER), chairman, for his support and his leadership on this bill, and the committee in general.

Simply put, H.R. 1261 will help strengthen America's economy. For example, this important bill includes amendments to Title I of the Workforce Investment Act of 1998, which provides for the Nation's one-stop workforce development system. The bill also contains the Adult Basic Education Skills Act, which reauthorizes State programs for adult education. It also would reauthorize the Rehabilitation Act of 1973, which provides services to help individuals with disabilities become employable and achieve full integration into society.

Last week the Department of Labor released updated economic figures showing that the Nation's unemployment rate for April rose to 6 percent, its highest level since the 2001 recession, matching the rate that occurred this past December. With the April decline of 48,000 jobs, the fall in payroll employment over the past 3 months reached 525,000 jobs. Payroll employment has declined by 2.1 million jobs since the beginning of the recession.

□ 1230

With hundreds of thousands of Americans searching for new jobs, we must take action to strengthen the job training opportunities for American workers.

The Workforce Reinvestment and Adult Education Act of 2003 builds upon and improves systems created in the Workforce Investment Act of 1998, which consolidated and integrated employment and training services at the local level in a more unified workforce development system. One of the hallmarks of the new system is that, in order to encourage the development of comprehensive systems that improve services to both employers and job seekers, local services are provided through a one-stop delivery system. At the one-stop centers, assistance ranges from core services, such as job search and placement assistance, access to job listings, and an initial assessment of skills and needs, intensive services such as comprehensive assessments and case management, and, if needed, occupational skills training.

Even though States and local areas have created comprehensive services and effected one-stop delivery systems, there have been challenges with the system. H.R. 1261, the Workforce Reinvestment and Adult Education Act of 2003, goes even further and addresses some of the challenges of the current system. For example, the bill streamlines unnecessary bureaucracy, increases effective cooperation among workforce development partners and places an increased emphasis on basic skills and adult education programs.

This bill aims to streamline current WIA funding in order to provide more efficient and results-oriented services and programs by combining the adult, dislocated and employment service funding streams into one funding stream. This will eliminate administrative duplication that remains in the system, improving services for individuals.

There is a need to increase the financial contribution of the mandatory partners in the one-stop career centers while at the same time increasing the service integration among the partner programs. This includes serving special populations, like individuals with disabilities who have unique needs, through the one-stop system.

There is also a need to simplify the local and State governance processes and to strengthen the private sector's role by ensuring greater responsiveness to local area needs. We accomplish this by removing the requirement that one-stop partner programs have a seat on the local boards. This will provide for greater representation and influence by local business representatives who currently are frequently frustrated that they are not able to connect with, or access, resources from the local boards.

We are also strengthening the membership requirements and role of the State board to increase support for partner usage in an effort to create a more coordinated approach to addressing the workforce needs of each community.

Additionally, we need to increase training opportunities by providing for greater flexibility in the delivery of core, intensive, and training service. Individuals will have the opportunity to receive the services that are most appropriate for their needs.

In short, this bill aims to empower individuals in improving their careers by strengthening the infrastructure of the one-stop delivery system, improving accountability, enhancing the role of employers, and increasing State and local flexibility.

The bill also includes the Adult Basic Skills Act to reauthorize State programs for adult education. This bill places more of a focus on the delivery of the basic skills of reading, writing, speaking, and math. Additionally, we have sought to ensure that instructional practices are based on scientific research. Provisions have been included to increase accountability for States and local providers to have measurable improvement in basic skills and GED graduates and those entering higher education.

The bill also makes improvements to the Rehabilitation Act of 1973, which provides services to help persons with disabilities become employable and achieve full integration into society. The Vocational Rehabilitation title of this bill enhances and improves transition services, which promote the movement of a student served under the Individuals With Disabilities Education Act from school to post-school activities, which we passed last week.

H.R. 1261 will strengthen our workforce development system to aid those Americans most in need of help getting back to work.

I am pleased to support this legislation and urge my colleagues to do the same.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. OWENS), a member of the committee.

Mr. OWENS. Mr. Chairman, our Nation is faced with a few simple facts that are awesome indeed. Unemployment has risen to a high of 6 percent nationally. In New York it is 9 percent. States throughout the Nation are faced with large deficits. States and cities are being forced to lay off government workers. Since the year 2000, more than 600,000 youths have lost their jobs. The economic downturn appears unlikely to end any time in the near future, according to the majority of the expert economists.

Added to this is the fact that 90 percent of the troops on the frontline in Iraq and Afghanistan are members of working families. They come from working families. They are out there on the front lines. But nevertheless, here in America the Republican majority wages a relentless war against working families.

I call on the Republican majority to call a truce. Stop your war against working families. You started this administration with a repeal of the ergonomics laws. That was a slap in the face of all working people. You have continued by ignoring the question of raising the minimum wage. You have launched a new assault on cash payments for overtime. You have launched a new assault against OSHA.

Please, call a truce. These are working families who are as important in America as anybody, probably more important. Those are the people who supply the troops out there on the front lines.

We are totally insensitive to the fact that the Nation is diminished by the way the workers are treated. We have very serious problems that are not being addressed by the Workforce Investment Act. More money should be invested in training the workforce needed to make homeland security more than a joke. There are lots and lots of types of expertise needed that we do not have that we ought to be training for.

Let us, please, call a truce. Stop the war, stop the hostilities, against working families in America.

The CHAIRMAN. Without objection, the gentleman from California (Mr. McKEON) will control the time of the gentleman from Ohio (Mr. BOEHNER).

There was no objection.

Mr. McKEON. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Colorado (Mrs. MUSGRAVE), one of our outstanding new freshmen.

Mrs. MUSGRAVE. Mr. Chairman, I would like to address my comments specifically to those who would prevent religious organizations, faith-based organizations, from receiving Federal funds to help unemployed Americans.

Religious organizations have often been denied Federal funding simply because they have a religious name or an identity or they hire on a religious basis. Our President has called on his administration and Congress to remove these barriers, and I wholeheartedly support that.

I would remind my colleagues that during the 1990s President Clinton supported four laws that allowed religious organizations to retain their right to hire on a religious basis while they were receiving Federal funds, just as Republicans are doing today, to ensure that faith-based organizations can be part of the Federal job training and worker relief system under the Workforce Investment Act. The four laws that were passed during the Clinton administration were the Substance Abuse and Mental Health Services Act, the Community Services Block Grant of 1998, welfare reform of 1996, and the Community Renewal Tax Relief Act of 2000.

Faith-based organizations cannot be expected to sustain their religious mission without the ability to employ individuals who share in their tenets and practices. It is that very faith that motivates these people to help Americans that are in trouble.

Members of faith-based organizations should enjoy the same right to associate with those that share their unique vision, just as other known-religious groups do. For example, Planned Parenthood may refuse to hire those who do not share its views about abortion. Planned Parenthood Federation of America received over $100 million in Federal funds to support the things that they offer in fiscal years 1997, 1998, and 1999. Equal treatment requires that religious organizations, faith-based organizations, have the same right to hire on idealogical grounds.

Let us allow faith-based organizations to retain their unique character and help and assist Americans who need a job.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS), a Member of the committee.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong opposition to H.R. 1261. However, I want to first thank the gentleman from Ohio (Chairman BOEHNER) and the ranking member, the gentleman from California (Mr. GEORGE MILLER), for accepting one of my amendments in committee that would include ex-offenders as part of the hard-to-serve population who are seeking employment.

However, I am disappointed that the amendment that my colleague, the gentleman from Louisiana (Mr. BAKER), and I submitted to the Committee on Rules was not accepted. This amendment would strike sections 402 and 403, which would change the current status of the Commissioner of Rehabilitation Services Administration. Currently the commissioner is appointed by the President with the advice and consent of the Senate. This bill would change the current structure of the position from a Presidential appointee to a director appointed by the Secretary of Education. The disability community is opposed to this change because it puts additional distance between the President and the commissioner.

We are still talking about cuts; and we all know that when there are cuts, there are serious social consequences that occur when young people are not in school and not employed. We will see crime rates increase, arrests increase, drug abuse increase and gang activity increase. Young people, if they are not employed, will find something to do with their time; and I am afraid that it is not going to be productive, and, perhaps in some instances, even illegal.

One of the shocking provisions, though, of this resolution is that H.R. 1261 allows employers to discriminate based on religion when hiring for government-funded positions in job training. Our country cannot go backwards. Children learn in school about NINA laws, that is "No Irish Need Apply," and now we are going back to another period. Perhaps soon we will see "No Jews Need Apply," "No Christians Need Apply," "No Blacks Need Apply." Well, I think that that is shameful. And, yes, faith-based organizations should be allowed to do their work, but they should not be promoted to discriminate at the same time.

Mr. McKEON. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3½ minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. I thank the gentleman for yielding me time.

Mr. Chairman, I am disappointed in the legislation that we are debating today, because this could have been much better. We are only days after depressing job reports, the most depressing reports in decades, released by the Department of Labor showing we lost half a million jobs in the last 3 months. Instead, what the majority brings to this floor is an eviscerated, underfunded job training and workforce development bill.

Tomorrow, the majority will bring to the floor a bloated tax bill, overwhelmingly weighted to the wealthiest Americans; and combined, this is what you are going to call a jobs program.

Since January 2001, when the current President took office, this economy has lost 2.7 million jobs that are private sector jobs. It is a net loss of more than 74,000 jobs a month. The President is on track to have the worst job creation record for any President since World War II. Workers desperately need relief, the economy desperately needs a boost, and this bill does not provide it.

The House majority missed a tremendous opportunity to continue the 30-year record that we have had of bipartisan cooperation on the workforce investment program. But even before the House began to authorize this process, the administration and this Congress had a terrible record on job training.

Despite the rising unemployment numbers under this administration, the programs under the Workforce Investment Act have been dramatically underfunded. In fiscal year 2002, the Republican majority adopted a $300 million rescission of WIA funds; in fiscal year 2003, they cut WIA by $440 million; and they project 2004 to cut it by $265 million. This warrants concern that the rhetoric of support for these programs is not matched by the conduct.

□ 1245

This legislation does nothing to restore those cuts in critically needed training dollars, and it does nothing to restore working families as a priority.

There are at least 5 problems with this bill as it is reauthorized. Instead of restoring needed funding, it actually block grants the money, including the adult dislocated worker and employment services programs. Make no mistake, block granting these programs is nothing more than a precursor to further reducing funding for job training in the future. Combined with the history of the cuts that I just discussed, the history of block grant programs tried elsewhere that result in cuts and the history of the administration putting no money in for extension of unemployment benefits, we start to see the attitude of the majority and of this administration towards unemployed Americans and people that need to get back to work.

The block grants ignore important differences between the various types of jobs and job seekers that are currently served by the WIA programs, and they pit one group of underemployed against the unemployed trying to receive assistance.

Second, the bill will also largely replace the unemployment service program whose central mission is to facilitate the match between job seekers and employers and the Federal-State partnership that consists of more than 1,800 local offices. This approach will undermine the principle of an unbiased, nonpartisan agency to administer job referrals and assist in the payment of unemployment insurance benefits.

Thirdly, the bill denies services to in-school youth under the Youth programs title of WIA. The bill has been changed to allow 30 percent of local funding for in-school youth. I strongly support the concept that young people who leave school before finishing should be given a second chance, but I also believe it makes sense to catch as many as we can before they leave the classroom. This legislation restricts the ability of local communities to respond to their needs and it flies in the face of the kinds of effective programs that are currently being implemented.

Fourth, State governors will be allowed to take unspecified amounts of funding presently used to provide critical veterans employment, adult education, vocational rehabilitation, and other services and instead use that money for administrative costs in the one-stop centers. Federal organizations projected a $61.3 million shortfall in their outreach and job counseling and placement programs already. Vocational organizations can only service 5 percent of those who need their services already.

Finally, the bill rolls back the critical civil rights protections.

Mr. Chairman, we have again missed an opportunity to come together in a bipartisan fashion. This legislation is the worse for it, and I urge its rejection.

Mr. McKEON. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. ISAKSON), the vice chairman of the subcommittee and one of the great leaders on the committee.

Mr. ISAKSON. Mr. Chairman, I thank the gentleman from California (Chairman McKEON) for introducing me, but also in particular for his leadership and work on this legislation, as well as the gentleman from Ohio (Chairman BOEHNER).

I am particularly pleased to rise in support of H.R. 1261 because of the great additional support it gives to the youth of America. This bill provides a targeted approach to serving America's youth. Specifically, it emphasizes the need to provide WIA youth funds for out-of-school young adults. Under current law, funds for the WIA youth program are spread too thinly. Out-of-school youth are currently underserved and face significant challenges to successful employment and careers. This bill addresses the problem and provides adequate funding to alleviate the problem.

Furthermore, this bill provides that youth eligible for services under State and local programs must be of the ages between 16 and 21. A focus on this age group will provide States with the flexibility to address both in- and out-of-school youth, as well as promote dropout prevention for our Nation's youth. However, services for in-school youth must be provided during non-school hours, which may include before and after school programs. This bill promotes more productive development programs, while ensuring these training and employment programs are not substituted for school curriculum. The purpose is to enhance and supplement education, in addition to traditional schooling, to better prepare them for the jobs of the future.

Additionally, the bill makes Youth Councils optional rather than mandatory. In many areas, local Youth Councils have proven to be inefficient or ineffective in enhancing the local system's efforts to provide programs and services that successfully address youth issues. However, local boards retain the authority to create such councils if they are needed and prove effective in this area.

Finally, this important legislation provides challenge grants to cities and rural areas that have effective partnerships with education, business, and community organizations in providing youth programs and services. These areas will have the ability to compete for challenge grant targeted funding, which will further result in greater and more effective services for our youth population.

Mr. Chairman, H.R. 1261, the Workforce Reinvestment Act and Adult Education Act of 2003, is crucial to a successful and productive workforce and especially crucial to the youth of America. I am pleased to rise in support, and I encourage this House to adopt the legislation.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise today in opposition to this legislation which will enshrine the principle of religious discrimination in our laws. I can recall no greater betrayal of our Nation's family principles in my 10 years in Congress.

Supporters of this bill have held up the nonexistent problem that religious organizations allegedly cannot participate in federally funded programs. That is not true. Religious organizations have every right to participate in publicly funded programs and they have done so for many years.

This bill is also not about protecting religious freedom. Current law protects the right of institutions to select their own clergy and practice their religions free from government interference. No one is questioning that, and this bill has nothing to do with it. The question is whether you can discriminate in taxpayer-funded, nonreligious employment. Current law says you cannot. This bill says you can.

This is not equality, and it is certainly not compassion. It is simply wrong to tell those taxpayers that programs they fund can be closed to them simply because of their religious faith.

Mr. Chairman, the people I represent understand religious discrimination. Many of them came to this country because Jews or Catholics faced the evils of religious bigotry in Europe. They should not have to face it here.

This bill is also a slander against religious people across this Nation. They do not want to engage in employment discrimination; they want to help people. They are guided by their faith to make the world a better place.

Not only does this bill bring shame on our Nation and its tradition of religious tolerance, the Republican leadership has decreed that we cannot even vote on this momentous question of repealing the law against religious discrimination. They have abused their power by forbidding a discussion and a vote on this fundamental question.

What are they afraid of? Are they afraid that some of their Members might have to answer to their neighbors for casting a vote in favor of religious discrimination with taxpayers' money? I cannot blame them from hiding behind the Iron Curtain of the Committee on Rules.

Mr. Chairman, we have heard all of this before from the Republican leadership. In the Committee on the Judiciary, we were told that people should be able to discriminate against janitors and the people who serve soup to the poor simply on the basis of religion. The President has made the right to discriminate on the basis of religion the heart of his so-called "compassionate conservatism."

Mr. Chairman, that is not what America is about. It is not the spirit of religious charity, it is not the spirit of religious liberty. I cannot imagine voting yes on a bill to say that for the first time since the Civil Rights Act of 1964 we are going to repeal a bill, a law against religious liberty, a law that Ronald Reagan signed, a law that said you cannot discriminate with Federal taxpayer funds on the basis of religion. This bill says you can. For shame, Mr. Chairman.

Mr. Chairman, I rise today in opposition to this legislation which will enshrine the principle of religious discrimination in our laws. I can recall no greater betrayal of our nation's founding principles in my 10 years in Congress.

Proponents of this bill have held up the nonexistent problem that religious organizations cannot participate in federally funded programs that is not true. Religious organizations have every right to participate in publicly funded programs, and they have done so for many years. I have helped many of these religiously affiliated charities obtain Federal and State funding to do their good work as have most other members of this House.

This bill is also about protecting religious freedom. Current law protects the right of religious institutions to select their own clergy and practice their religions free from governmental interference. No one is questioning that, and this bill has nothing to do with it. The question is whether you can discriminate in taxpayer funded non-religious employment. Current law says you can't. This bill says you can.

This is not equality, and it is certainly not compassion. All Americans pay their taxes and, therefore, pay for these programs. It is simply wrong to tell those taxpayers that programs they fund can be closed to them simply beause of their religious faith.

Mr. Chairman, the people I represent understand religious discrimination. Many of them came to this country because Jews or Catholics faced the evils of religious bigotry in Europe. They should not have to face it here.

This bill is also a slander against religious people across this nation. They do not want to engage in employment discrimination; they want to help people. They are guided by their faith to make the world a better place.

Not only does this bill bring shame on our nation and its tradition of religious tolerance, the Republican leadership has decreed that we cannot even vote on the momentous question of repealing the law against religious discrimination. They have abused their power by forbidding a discussion and a vote on this fundamental question.

What are they afraid of? Are they afraid that some of their members might have to answer to their neighbors for casting a vote in favor of religious discrimination? I can't blame them for hiding behind the Iron Curtain of the Rules Committee. I wouldn't want to have to answer for that either.

Mr. Chairman, we have heard this all before from the Republican Leadership. In the Judiciary Committee we were told that people should be able to discriminate against janitors and the people who serve soup to the poor simply on the basis of religion. The President has made the right to discriminate over the heart of his "compassionate conservative".

Mr. Chairman, that's not what America is about. This is certainly not the spirit of religious charity. I urge a no vote on this bill so we can come back and do it right.

Mr. McKEON. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON), another new member of our committee.

Mr. WILSON of South Carolina. Mr. Chairman, I want to thank the gentleman from Ohio (Chairman BOEHNER) who has worked diligently to strengthen workforce development and job training programs by eliminating wasteful duplication and refocusing services to ensure job seekers have access to the most effective job training resources available.

The unemployment rate reached 6 percent last month. It is clear we must join together to provide out-of-work Americans with the tools and resources they need to get back to work.

Mr. Chairman, H.R. 1261 will strengthen and renew the programs at the one-stops by providing more effective and efficient services and by using resources more appropriately for Americans striving to get back to work. The one-stops I have visited are making a difference and this bill will allow them to provide even better services.

H.R. 1261 combines the three funding streams into one, which provides for streamlined program administration and more efficient service delivery at the State and local level, resulting in additional funds available for the provision of services. However, funds continue to be targeted for those needing the most critical reemployment services.

H.R. 1261 continues to require States to provide rapid response services in case of mass layoffs, plant closings, disasters, or other events that lead to substantial increases in the number of unemployed individuals.

Employment services will continue to be provided as core services at the one-stop career centers.

In addition, the bill provides an equitable distribution of funds between States and local workforce investment areas. The bill ensures that funds currently supporting the delivery of local reemployment and training services will continue.

In conclusion, the one-stop operators will no longer have to track multiple streams of funds. States and local areas will have the flexibility to tailor services to the needs of their labor market.

Mr. Chairman, I urge my colleagues to support H.R. 1261, and God bless our troops.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN), an alumni of the committee.

Mr. GREEN of Texas. Mr. Chairman, I thank our ranking member for yielding me this time, and I appreciate the recognition as alumni of the Committee on Education and the Workforce.

I rise in opposition to the legislation which hurts our unemployment assistance programs at the worst possible time. In my hometown in Texas, the unemployment rate is 6.7 percent as of March 2003, and probably is getting worse. Across the country, there are almost 10 million Americans who are officially unemployed and many who are not counted because they have dropped off the rolls. Our unemployment system needs to be stronger, not weaker. We need extended unemployment assistance in low income areas and we need stronger employment and retraining services.

The bill here today, H.R. 1261, actually reduces vital services through the old "block grant and privatize" game. I heard from my constituents working in the employment services field, and they report that privatization means unresponsive low bid contractors, overworked staff, and cutting corners.

Another concern I have is with the requirement that State vocational rehabilitation plants must describe how these services are better coordinated with services under IDEA. I do not mind coordination, but not if it is a cover for funding cuts, and that is what I am concerned about.

Under this bill, one-stop centers, which have been a success across the country and also in Houston would have to use more of their Federal funds to pay for infrastructure, not for services. That is a funding cut.

With over 3 million workers projected to lose their temporary unemployment assistance from now until the end of the year, without a new job, this bill makes no sense.

In my opposition, I would also point out that this reauthorization is opposed by major Hispanic groups, including the National Council of La Raza and the Hispanic Education Coalition, because it fails to help unemployed Hispanics in America to improve their English skills and job prospects. Again, from Texas and the Southwest we have a lot of skilled workers, but if our unemployment services provide English assistance, those people could get work and even better employment. If we want Hispanic folks in the labor market, we need to make a commitment that teaching English as a second language is important. This bill allows States to teach English, but makes no real commitment of resources.

Let me just touch on the religious concern I have. We had a job fair in our district last Monday that was coordinated in a Baptist church. We already have religious institutions involved if they want to be. We had many employers, and we had our workforce commission in Texas there that organized it. It was a great example of a religious community coming out and using their facilities, and that is happening right now, and they do not have to have discrimination. It happened to be a Baptist church, but they did not say we would only hire Baptists or let only Baptists come in here and apply for these jobs.

Mr. Chairman, I am concerned this bill goes in the wrong direction, and that is why I stand in opposition.

The CHAIRMAN. Without objection, the gentleman from Ohio (Mr. BOEHNER) assumes control of the time.

There was no objection.

Mr. BOEHNER. Mr. Chairman, how much time do we have remaining on each side?

The CHAIRMAN. The gentleman from Ohio (Mr. BOEHNER) has 8½ minutes remaining, and the gentleman from California (Mr. GEORGE MILLER) has 10½ minutes remaining.

Mr. BOEHNER. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Without objection, the gentleman from Michigan (Mr. KILDEE) assumes control of the time.

There was no objection.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the gentleman from Michigan for yielding me this time.

I rise with some real concerns about this bill. The Workforce Investment Act and the one-stop delivery system that it created represent the Nation's primary investment in workforce development.

□ 1300

It has been successful. The one-stop centers in my district do tremendous work, but they desperately need more money to keep serving the rising, I am sorry to say, rapidly rising number of unemployed. I offered an amendment in the Committee on Rules to reverse the $650 million in cuts to the WIA programs applied over the past 2 years, over the time that the needs of unemployed people were increasing; and these cuts have been enormously harmful. Unfortunately, the Committee on Rules would not allow my amendment to come to the floor so we could debate what is an appropriate authorization here.

The bill has been rushed to the floor in a partisan fashion and, worse, fails to adequately respond to the needs of our workers. It sets the stage for reducing job training programs by taking money away from participating partners in the Workforce Investment Act such as the Veterans Employment programs, Perkins Vocational Education program, and the Vocational Rehabilitation program. And in addition, it consolidates adult employment and training programs into one block grant. And that removes many of the Federal performance and accountability measurements and standards that help make WIA a high-quality workforce program. And if that is not bad enough, the bill, as you have heard, eliminates current civil rights protections for employees of job training organizations.

For all of these reasons, I cannot support the bill. I urge my colleagues to oppose the bill so we can return it to the committee where I sit with the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Ohio (Mr. BOEHNER) so that we can bring it back to the House in a bipartisan fashion as a bill that will help job seekers find jobs.

Mr. BOEHNER. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER), another alumni of our committee.

Mr. SOUDER. Mr. Chairman, first I want to thank the chairman, the gentleman from Ohio (Mr. BOEHNER), and the chairman of the subcommittee, the gentleman from California (Mr. MCKEON), for their work with this bill.

It is very important that we have these job training programs updated on a regular basis; that we have the flexibility to implement, particularly when we are struggling in the Midwest and many other parts of the country.

This legislation is historic and very important. I especially want to address some misstatements that have been on the floor this afternoon regarding the faith-based provision; and it really troubles me as a committed Christian, but really anybody of devoted faith, whether you are Muslim or Jewish or whatever your background, of what seems to be a rise of antireligious bigotry in America right now. It is basically saying you are not welcome to practice your faith here.

The fact is, people of devoted faith have been involved in both the public and private arena for many years. We started this morning with a prayer. Of all the lawgivers above us, there is Moses, the only one of the lawgivers that is faced this direction on the House floor who is looking straight down, and In God We Trust. We have passed multiple times on this floor legislation that has included and allowed faith-based organizations to permit, to participate in welfare reform initiatives, in multiple other initiatives, drug treatment, where people can participate with their faith, without having to give up basic tenets of their faith, in helping the poor and practicing compassion. In fact, the courts have upheld allowing buses and computers being given to private schools. We have charitable contributions which are indirect, allowing people to keep money and exempt Tax Codes. We allow students to choose to go to a college and get a student loan which is, once again, indirect funding.

The question is, are you forcing anybody directly or indirectly into a specific program? In job training there are many choices. This bill has programs where there are many choices. Why can any of those choices not include a faith-based component? There is simply not enough money to cover all the needs in this society. When people are willing to leverage their own private dollars, to give of their own time and to work with individuals and individuals, particularly when we are targeting the poor many of these people are in urban areas. Many of the churches that are talked about are churches in my district of Ft. Wayne that are African American churches or Hispanic churches that want to get involved. They are the most trusted parts of their communities in most cases. They want to be involved in the literacy. They want to be involved in the job training. They want to be involved in the after-school programs. And nobody is saying that they are not going to be covered in this. Other people have a choice of where they want to go.

What we are saying is if a church wants to be involved, you cannot tell them who they have to have in their pulpit. You can tell them that if somebody is practicing pornography and their religion does not believe in pornography that they cannot remove that person. Under the governmental laws, you cannot remove a person for watching legal pornography. But if you are a Christian like I am and you believe the church and church organizations are supposed to reflect the glory of your Savior or in another religion that faith, to ask that faith to change their hiring practices, to change the basic tenets of their faith so that they can help the poor is to ask them to do something inconsistent.

Nobody is forcing anybody into any religion. What we are saying in the public arena where people are getting job training and so on, can one of their choices be to go to a faith of their choice where they can get the training along with the character development and with groups that are leveraging the funding.

I commend the chairmen for their initiative with this. I commend our President, and I am appalled at the religious bigotry that I hear that is really challenging far more than this bill. It is challenging our Tax Code. It is challenging other Court-upheld decisions because they in effect would force the faith-based community, those who have deeply held beliefs that we may disagree about, out of the public arena; and that is wrong.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. RYAN), a member of the committee.

Mr. RYAN of Ohio. Mr. Chairman, I thank the gentleman for yielding me time, and I would also like to thank the gentleman from California (Mr. GEORGE MILLER) for his leadership, as well, on this committee.

Mr. Chairman, 2.6 million job losses, and $1.2 billion trade deficit a day, $1.2 billion trade deficit a day; 2.2 million of the 2.6 million jobs that we have lost are manufacturing jobs, good-high wage, high-paying jobs with health care benefits and pensions.

This is another missed opportunity. We had an opportunity here in the committee to try to stimulate this economy, to try to make advancements; and we had an amendment on the Democratic side, $3.7 billion investment for 100,000 first responders, directly bumped into our local communities that are struggling. We are laying off police. We are laying off firefighters. We are laying off first responders; and those same first responders have also been called to serve in the war, leaving a major hole in our local communities.

In my district alone, 6.9 percent unemployment. In Ohio, 85,000 workers have exhausted their benefits, 42,000 have exhausted their benefits and are still looking for work; and the answer in this Chamber and the answer in Washington, DC is a tax cut.

In my district there is 1 percent of the taxpayers that have an income above $200,000, and 50 percent of the workers in my district will get a hundred bucks. That is not helping average people in this country. And we spew out statistics here left and right, but I am afraid that again all the faces and the names have turned into numbers in this society. And it is time to give a shot in the arm to this economy. We can address local issues. We can invest in our local community. We can employ our first responders and at the same time address the homeland securities issue. This bill is not doing it, and I urge we reject it.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I rise today to speak out against H.R. 1261, a bill that represent an enormous missed opportunity for this Congress to help the growing millions of Americans looking for work or needing additional training.

The dismal job situation in this Nation could not be more clear. The unemployment rate moved back up to 6 percent in April as the private sector lost another 80,000 jobs, adding to the over 400,000 jobs lost in February and March. In all, 2.7 million private sector jobs have vanished from the economy since January of 2001. And of the 8.8 million unemployed workers in this Nation, almost 2 million are long-term unemployed and 4.4 million have been looking for work for so long that they have simply given up looking. The plight of the long-term unemployed is so bad that the New York Times has reported that in some cities support groups for unemployed workers have started holding two separate sessions: one for those who have recently lost jobs, and the other to offer special counseling needed to support those unemployed for 27 weeks or longer.

And yet in astonishing fashion, rather than invest in new jobs or extend benefits for the estimated 3.9 million out of work Americans who will be directly effected when the extended unemployment program ends this month, this bill unravels our Nation's job training system.

At a time when efforts should be made to match unemployed workers with jobs, H.R. 1261 would eliminate the Employment Service which provides these services. The bill also eliminates dedicated funding for job training assistance to dislocated and unemployed workers. Instead, H.R. 1261 block grants this funding, diluting services for millions of workers who need help to find new jobs or retrain to support their families.

As our country remains in the midst of stagnant economic growth with few jobs being created, we need a job assistance and training system that meets the needs of America's unemployed workers. H.R. 1261 is not the bill. America's workers deserve much better. I urge my colleagues to vote against final passage, so that as we understand that unemployment continues to persist that we challenge these cuts, that we challenge the reduction in job training programs, and that we move to protect those who have worked for this Nation and now deserve our help, not our contempt.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Chairman, in 1998 we joined together in a bipartisan fashion to pass the Workforce Investment Act. We had 150 Federal job training programs, and that did not work. We cut it down to 60. We took those 60 Federal programs and block granted them out to the States and in that legislation set up the one-stop shops. The regulations were finally written in about 2000. The one-stops have been set up. They are starting to do their job. This bill now gives us a chance to take the final three programs we were not able to consolidate last time, consolidates them, gives more money to the local areas, gives more authority and responsibility to the local areas.

The one-stops that I visited with the local governments boards are doing a great job. We need to give them additional help. That is what we do in this bill. It is unfortunate, as we can see from this debate, that we were unable to do this bipartisan. It was not our choice. We had the committee. We gave everybody the opportunity. We had full debates on a lot of the things that they are complaining about now, and we won on committee votes. It is important now that we really think about the workers and how we can help them and get this bill passed.

Mr. KILDEE. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise in opposition to H.R. 1261.

The programs authorized under the Workforce Investment Act provide the key supports to economic self-sufficiency for many in our communities. They deserve a more serious and substantive discussion than the rushed, partisan effort that we have before us today. H.R. 1261 does not address the needs of the most significant source of growth in America's workforce—immigrants.

Consider the following: new immigrants accounted for more than 50 percent of the civilian labor force growth between 1990 and 2001. More than 40 percent of non-citizens have less than a high school education and approximately 17.8 million adults in the U.S. are limited English proficient (LEP). Many states in the south and midwest have experienced large increases in the number of LEP individuals over the past ten years. Some of these states have little experience providing services to LEP adults.

Evidence has clearly shown that investment in vocationally linked English as a second language provides excellent returns. Immigrants who are fluent in oral and written English earn approximately 24 percent more than those who lack fluency, regardless of their qualifications. Yet despite this, H.R. 1261 fails to provide these states with the assistance they need to improve their English as a Second Language (ESL) and other services to this growing population.

While many of these new Americans seek to become active participants in civic life, few have access to ESL and civics education programs that can help them understand their roles as community members. H.R. 1261 misses an opportunity to help these immigrants learn English and better understand their responsibilities as new Americans. Instead, H.R. 1261 offers divisive provisions on so-called "charitable choice", which would sanction discrimination in hiring and weaken our civil rights. This is not an investment in our workforce. It is a diversion from what our workers need. I urge my colleagues to oppose H.R. 1261.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise today to oppose this bill. It is an important piece of legislation that should be passed, but not in its current form.

Mr. Chairman, our country is in trouble. On this President's watch more than 2.3 million jobs have been lost. Many workers have exhausted their unemployment benefits, and this administration is doing nothing to stimulate this economy or create jobs. Congress, over the objections of many Democrats, has stripped away job assistance programs intended to help these workers gain skills and find employment. Unfortunately, this bill keeps with this appalling record.

The bill undermines apprentice programs on which thousands of people depend for training and guidance as they begin their careers. In addition, this bill allows funding for job training programs and unemployment services to be funded in block grants rather than its current form, resulting in far less funding for these programs.

But what I am most concerned about is under this bill any religious organization that receives Federal funding for job training or other job assistance programs will be allowed to turn people away simply because of their religious beliefs. This is discrimination in its most obvious form. It should not be allowed. By passing this bill, Congress will be rolling back decades of civil rights protections. We should be ashamed that this is even being considered. And while I am at it, I too am a Christian, and I oppose this bill and any effort to weaken civil rights laws.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, I thank the gentleman from Michigan (Mr. KILDEE) for yielding me time.

Mr. Chairman, I rise today in opposition to H.R. 1261, the Workforce Reinvestment and Adult Education Act.

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We are in the middle of a jobs recession where 2½ million Americans have lost their jobs in the last 2 years, 2 million in the manufacturing sector alone. It is more important now than ever that we ensure that those workers who want to train up and participate in the new economy get a chance to participate in the new economy, and this job training bill and a job training program is so essential.

I want to pick up on what my colleague from California said because in 1998 we did work together in a bipartisan fashion. We put aside politics. We zoned off the area of job training and ensured that we put people first and not politics first, and that is why we got a bipartisan agreement. We should not roll back on the principle that we did in 1998. We should press forward in doing what we did in 1998 by coming together, putting people first and not exactly politics.

My view here is that tomorrow we are going to be voting on a tax cut. This bill focuses on the job market. We should not focus on the stock market at the exclusion of a job market. It needs the same attention, the same interests and the same investment that we are about to do in just the stock market alone. The job market has as much priority as the stock market.

On the budget that we passed 2, 3 weeks ago, there were about $700 million in cuts over 2 years in the President's budget in the job training area. That is not the type of investment, that is not the type of values that both parties share. People are hurting out there. My colleagues have seen them when they have gone in the one-stop shop and talked them, as I have, in this time of recession and unemployment where 2 million Americans in the manufacturing sector have lost their jobs. It is a time that we in both parties need to come together and ensure that they have the opportunity to participate in the new economy, to participate and have a future whether they are unemployed or they want to ensure they have a chance at the American dream for them and their family.

Mr. KILDEE. Mr. Chairman, I yield myself the remaining time.

Again, I regret we do not have a bipartisan bill. I regret that we did not get in the Committee on Rules the ability to offer the extension of unemployment benefits which are so sorely needed in this country. I regret the fact that we have chipped away at civil rights protections which are so precious in this country.

I would hope that somewhere along the line, before this bill is finally finished, that we get a bill that we can have support for on both sides of the aisle, but we cannot do that today.

Mr. BOEHNER. Mr. Chairman, I yield myself the balance of our time.

Let me again thank the gentleman from California (Mr. MCKEON) and all the Members who have helped to work to put this bill together.

I want to congratulate the members of our staff, Sally Lovejoy, Krisann Pearce, Stephanie Milburn, Melanie Looney, Travis McCoy, Elisabeth Wheel, and James Bergeron of the gentleman from California's (Mr. MCKEON) staff. They have done a great job in helping us bring this bill here today.

Though the legislation is important for us as legislators, we have a chance today to provide out of work Americans with more than just a temporary fix. We can provide them with the tools they need to get and keep a job.

Some of my colleagues have talked about the need to extend unemployment insurance. Indeed, providing unemployed workers with assistance while they are out of a job is critically important, and that is why we supported and continue to support appropriate extensions of unemployment insurance.

However, the legislation before us today is an opportunity to provide job seekers with what they really need to get back on their feet. We can provide them with the tools, the training and the resources that will help them find meaningful and permanent employment. As the old cliche goes, if you give a man a fish, he eats for a day. You teach a man to fish, he will eat for a lifetime. The reason that we all know this cliche is because it happens to be true.

We have an opportunity to provide unemployed Americans with access to job training and skills that they need to provide permanent security for themselves and their families. H.R. 1261 addresses the real hardships that unemployed Americans are facing by strengthening programs and targeting most of the needed help by expanding the number of providers that can serve job seekers.

The legislation before us today happens to receive strong support from the States that are administering the programs, the local workforce boards who are directly providing these services to job seekers and the businesses who actually hire the workers. As the U.S. Chamber of Commerce has pointed out, "As economic growth accelerates, the need for skilled workers will only increase. The Workforce Reinvestment and Adult Education Act provides increased flexibility and strives to create programs that are responsive to businesses' needs now and in the future."

The backbone of a strong economy is a well-developed workforce, and providing job seekers with the skills and training they need to thrive will strengthen our economy and they are also needed to help us spur economic growth.

So I urge my colleagues to support this important bill, and we look forward to entertaining the number of amendments that have been made in order.

Mr. PAYNE. Mr. Chairman, I rise in my opposition to H.R. the Workforce Investment Act.

Our Nation is facing the worst unemployment since the Great Depression. The 6 percent unemployment rate that was announced the beginning of the month equals to nearly nine million American out of work.

2.7 million private-sector jobs have vanished since the Administration took office a little over 2 years ago. Over the last 3 months alone, the economy has shed 538,000 private-sector jobs.

What is the Majority's solution? To severely undermine the very Act that is designed to create opportunities for our unemployed workers.

The other side of the aisle uses words such as efficiency, steam-lining, reforms and improvements in this bill. If this bill becomes law in its present form, efficiency will result in more lost jobs, streamlining will result in fewer resources for workers, and reforms and improvements will result in privatization.

Congress has traditionally responded to the employment, training and education needs of workers by constructing bipartisan legislation to provide unemployment compensation and strengthen the job training system when needed. Instead, the bill we have on the floor today falls short of securing needed training and employment programs and fails to assist our Nation's unemployed and disadvantaged workers.

This bill does not extend unemployment benefits; it would repeal a 21-year-old civil rights standard that prohibits federally funded job training organizations from using religion as a qualification in hiring decisions.

This bill would block grants the current dislocated workers programs, adult training programs with the Employment Service. By eliminating the funding focus for the Employment Service program, it will essentially terminate the very service which connects people to jobs, a critical job assistance to the unemployed workers hardest hit by the current recession.

Participation for in school youth would be capped at 30 percent. These are the very youth that are most likely to drop out if they don't receive services such as summer employment opportunities, mentoring, and job counseling.

H.R. 1261 allows Governors to use adult education funds to pay for One Stop Center's administrative costs, thus taking critical funds from programs such as the Perkins vocational education and Vocational rehabilitation programs.

Secretary of Labor Elaine Chao has described our Nation's job training and workforce development system as "world class". We cannot consider our system to be world class if we allow this bill to move forward. Ladies and gentlemen, are hurting our Nation's workers by offering this bill as a solution and that is why I urge my colleagues to vote against this bill.

Mr. BACA. Mr. Chairman, I rise in opposition to H.R. 1261.

H.R. 1261 is a flawed proposal that cannot be fixed. There are too many unemployed Americans today that need services and support for their families to pass this bill.

With a suffering economy and rising unemployment, the workers under this proposal would be called upon to work harder than ever before, yet receive fewer benefits and support when they are down than ever before.

The administration and GOP have adopted the reckless policy of kicking American working families when they are down. The GOP seems to think that during this time of high unemployment, we should cut back on employment assistance and training.

This bill eliminates the Adult and Dislocated Worker Programs and the Employment Service State Grants and substitutes them with a block grant.

While the total amount for the block grant would be the same as the sum of the individual programs, the administrative changes will actually result in a net loss for beneficiaries.

Our national unemployment rate is 6 percent, but these numbers don't account for the millions that have been forced off the labor force or are not considered "active" enough in their job search.

Also, Republicans would have us believe that when a person's unemployment benefits expire, they are then magically employed because they are not counted as unemployed!

All of you here know how bad it is out there. We all have constituents who need work, need resources to take care of their families, and who need a helping hand.

I call on my colleagues that remember the legacy of Cesar Chavez to oppose this bill that eliminates the Migrant and Seasonal Farmworker Programs.

I call on my colleagues that care about our children to oppose this bill that starves the Youth Opportunity Grant program to death.

I call on my colleagues to oppose this reckless $700 million dollar cut to Title I programs.

This is about people! This is about the economy! This is about our children!

This is about American working families, families that have to eat and take care of their children, but that barely earn enough to pay for food, shelter, and clothing.

This piece of legislation is not an acceptable or responsible proposal to provide needed services to our Nation's unemployed. Please join me in voting no on final passage.

Ms. PELOSI. Mr. Chairman, I rise in opposition to H.R. 1261, the Workforce Reinvestment and Adult Education Act.

Today, in the middle of a recession, we should be voting for an economic plan to create jobs. My colleagues and I have proposed the Democratic Jobs and Economic Growth Plan, which would create more than one million jobs this year. Instead, tomorrow the Republican leadership will bring up a bill that gives tax cuts to the wealthy and does not create jobs.

Today, with the unemployment rate at 6 percent, we should be voting to extend unemployment benefits. Unemployment compensation immediately puts dollars in the pockets unemployed workers and helps boost the economy. Instead, today we are voting on a bill that will weaken our job training programs.

H.R. 1261 has many serious flaws. First, it would consolidate funding for services for adults, disclosed workers, and employment services into a single block grant, forcing these groups to compete against each other for assistance and likely leading to reduced funding. It would eliminate the U.S. Employment Service, which maintains a free, nationwide labor exchange that matches job seekers and employers.

This bill would allow governors to take funds from programs such as Adult Education, Veterans' Reemployment, and job training for disabled individuals to spend on infrastructure expenses at one-stop centers, The result would be reduced funding for jobs and training programs at a time when more Americans are seeking employment assistance and job training.

H.R. 1261 would also reduce accountability of training providers by eliminating federal performance standards. Furthermore, the bill would cut back services to youth, who have been among the hardest hit by the current economic downturn.

Finally, H.R. 1261 would overturn a federal anti-discrimination policy established more than 60 years ago. At that time, President Franklin D. Roosevelt decided to forbid federal contracts from discrimination based on religion, as well as race with national origin. Following in the same tradition, the current job training law prohibits religious discrimination.

Breaking with this long commitment to civil liberties, H.R. 1261 would allow religious groups to discriminate on the basis of religion when hiring or firing staff for federally-funded social programs. It is profoundly unwise to allow the federal government to fund religious discrimination. It is bad for our churches, bad for our workforce, and bad for our society. I urge my colleagues to vote against H.R. 1261.

Mr. ACEVEDO-VILÁ. Mr. Chairman, I rise to commend Chairman JOHN BOEHNER and Subcommittee Chairman BUCK McKEON for including certain language in their manager's amendment to H.R. 1261, the Workforce Reinvestment and Adult Education Act of 2003, and also Ranking Member GEORGE MILLER and Congressman KILDEE for their support in this matter. These adjustments will remove definitions from the bill that would have created ambiguity with regards to providing workforce investment funding to Puerto Rico for high school dropouts and jobless-out-of-school youth, and would likely have resulted in reduced funding.

As reported from Committee, H.R. 1261 required certain data points to be included in the allocation formula to be taken from the Current Population Survey—a survey that DOL does not conduct in the Commonwealth of Puerto Rico. The effect of this requirement would be that funding for important, youth-focused workforce training and education programs in Puerto Rico would likely be cut to these programs in Puerto Rico. While a hold harmless provision in H.R. 1261 would limit the size of any cut to these programs in Puerto Rico, the high unemployment rate of the Commonwealth emphasizes the need to obtain all intended, formulated and available funds for workforce investment.

The Workforce Investment Act (WIA) is an important program for unemployed and underemployed people in Puerto Rico and all the United States. Many people, youth and adult alike, find greater opportunity through the training, education and other benefits provided through WIA, and our economy will improve only by making such investments in our workforce.

Again, I greatly appreciate the consideration of Chairmen BOEHNER and McKEON in making this correction to the Workforce Reinvestment and Adult Education Act. I know that their intent in passing this bill through the House is to improve the delivery of workforce investment, training and education, and to affect positive impacts on our economic situation. Certainly, the manager's amendment will improve the reauthorized Workforce Investment Act's application in Puerto Rico, and will enable more funding and workforce services to benefit high school dropouts and jobless-out-of-school youth.

Ms. LEE. Mr. Chairman, I thank my good friend from California GEORGE MILLER, a tireless advocate for working families in the Bay Area of California and all across this nation, for yield me time today.

Mr. Chairman, I rise today in strong opposition to this bill which will only exacerbate the jobs crisis in American and would repeal precious civil rights protections.

Mr. Chairman, we are in the midst of a jobs crisis—an unemployment crisis. Nine million men and women are out of work—a third of these men and women lost their livelihood since President Bush took office.

What's the Republican response to this crisis? First, denial, then waging war while ignoring the declining economy; now they offer us a one-two combination jobs loss program: first this so called Workforce Reinvestment and Adult Education Act today, followed by the irresponsible tax cut bill scheduled for consideration tomorrow.

Mr. Chairman, we need a jobs creation program, we need to extend unemployment benefits. This bill does nothing to create American jobs, does nothing to help in the short-term.

In fact, it does exactly the opposite: it ensures that workers will continue to struggle to find jobs in the long term because this bill sacrifices so many of our tired-and-true training resources. It collapses adult and dislocated training programs into one funding stream and cuts then by over $600 million from FY 02 levels. It eliminates substantial amounts for youth training programs, which is something desperately needed in my 9th Congressional District of California. And it does not go far enough to help veterans find jobs.

An unemployment crisis requires a real solution—the Republicans have offered us a jobs loss program instead. On those grounds alone I oppose this bill. But, Mr. Chairman, there is yet another reason to oppose this bill—yet another fatal flaw: it removes civil-rights protections that ban employment discrimination based on religious affiliation. It is wrong and unconstitutional for taxpayer funding to go to organizations that can hire and fire based solely on someone's religious beliefs and for this reason too, that I urge my colleagues to vote no on the underlying bill.

Mr. STARK. Mr. Chairman, I rise today in opposition to H.R. 1261, the Workforce Reinvestment and Adult Education Act.

Today's bill has nothing to do with improving or "reinvesting" in our workforce—far from it. Instead, the Republicans are using it to weaken worker protections and open the door to hiring discrimination while dismantling the employment service program that helps people out of work find jobs. Apparently the Republicans haven't read the latest unemployment numbers. How else can you explain being so cruel and unfair as to pull the rug out on the nation's unemployed?

Let me remind my Republican colleagues that the number of jobs in this country is at the lowest point in 41 months. April was the third straight month the economy lost jobs as the nation's unemployment jumped to 6 percent. There are now 10 million workers in America out of work. Of those, two million have been unemployed for 27 weeks or more. In fact, the average length of unemployment has risen to 20 weeks—that's the highest since 1984.

You would think that with such staggering statistics, this Republican-led Congress would be doing everything it could to bolster workforce investment. Yet, this House Republican bill cuts employment and re-employment services at the time they are needed most. It underfunds the Employment Service, Adult, and Dislocated Worker programs by consolidating them into a single block grant. This puts the burden directly on the states, exacerbating their fiscal crises and triggering layoffs among the very state employees who administer these programs that help people find work. Yet, much worse, it forces unemployed workers and welfare recipients to fight it out for a share of these limited funds.

To add insult to injury, the Republicans give states the right to waive basic worker protections that allow employees to seek redress when they've been treated unfairly. They even allow religious organizations to engage in hiring discrimination in an unholy attempt to turn back a half-century of progress in preventing workplace discrimination.

Current law prohibits employers participating in federal job training programs from discriminating based on race, color, religion, sex, national origin, age, disability, or political affiliation or belief. The Republican bill would allow the taxpayer dollars that pay for these job-training programs to go to religious organizations that blatantly discriminate in hiring based on religious beliefs. What next? Will the next Bush initiative include allowing discrimination based on race, sexual orientation or political affiliation?

The vital civil rights provision barring federally funded religious discrimination has never been controversial and has never been a partisan issue. In fact, the provision was first included in the federal job training legislation that Senator Dan Quayle sponsored. It passed through a committee chaired by Senator ORRIN HATCH and was signed by President Ronald Reagan.

Throughout its 21-year history, this civil rights provision has not been an obstacle to the participation of religiously affiliated organizations in federal job training programs. Currently, many religious organizations participate in the federal programs and comply with the same civil rights protections that apply to other employers.

But suddenly, under the leadership of the White House, we are being asked to forget the principle of equal opportunity on which our country was founded.

I'm not surprised that an amendment to restore the anti-discrimination language was defeated in committee on a party-line vote. Yesterday, Republicans refused to allow Democrats the chance to offer the same amendment on the House floor today. It seems that Republicans are not only trampling on every American's civil rights, they're preventing a fair and open democratic process.

Now is not the time to be rolling back civil rights protections and it certainly isn't the time to be short-changing the unemployed. Congress ought to be creating solutions to make it easier for folks to find jobs, not more difficult. This Republican bill is clearly not a solution. It will only create more problems for those looking for work—problems they simply don't deserve.

I urge my colleagues to vote no on H.R. 1261.

Mr. REYES. Mr. Chairman, I rise today in strong opposition to the Workforce Reinvestment and Adult Education Act of 2003.

Of particular concern to me is the devastating effect this bill would have on funding for dislocated worker programs, which are so important to workers in my district of El Paso, Texas.

El Paso has the unfortunate distinction of having the greatest number of NAFTA-related job losses in the nation, with over 20,000 workers losing their jobs since the implementation of NAFTA almost a decade ago.

Once, El Pasoans could find employment at the textile, plastics, and electronics assembly plants in their community. For many of my constituents who have limited English proficiency and education, these jobs provided a good, living wage for workers and their families. But in the wake of NAFTA, a great number of the factories have closed, and the jobs have disappeared.

In their place, there are new employment opportunities in the service, healthcare, and high-tech industries. However, most dislocated workers are not prepared to fill these jobs without the education and training that federal dislocated worker programs provide.

Incredibly, at a time when the economy has stagnated and unemployment is on the rise, at a time when we should be doing everything we possibly can to help America's workers, the bill before us today eliminates continued dedicated federal funding for dislocated worker programs.

Mr. Chairman, this is simply the wrong bill at the wrong time. I urge my colleagues to vote no on H.R. 1261.

Mr. MORAN of Virginia. Mr. Chairman, I rise in strong opposition to the Workforce Reinvestment and Education Act.

This legislation fails to recognize what we all know: that there are over 8.3 million Americans who are out of work in this country. This is the longest stretch of job loss since the Great Depression.

With the unemployment rate now at 6 percent, it is reprehensible that this legislation, which some have said is a "reinvestment in our nation's workforce," does not include an extension of federal employment benefits, especially as they are set to expire at the end of this month.

When we extended the program last January, the rate of unemployment was even lower than the rate today, and now we have reached near crisis point.

It has been estimated that more than 43 percent of unemployed workers are exhausting their state benefits without finding work, and this number will continue to climb if Congress does not address this issue soon.

This bill also does a disservice to our veterans. Many of our troops that are currently serving in the war in Iraq, will soon be returning home to an economy where jobs are disappearing at a fast rate.

Under the current bill, funds targeted toward veteran employment services would be pooled with other Workforce Investment funds and those services previously targeted to serve our troops become discretionary depending on how the individual state workforce investment board decides.

As we all know, these programs are already critically underfunded. They strive to meet the increasing demands placed upon them in an environment of increasingly inadequate resources. To be effective, these programs cannot sustain these devastating cuts.

Finally, the Workforce Reinvestment and Adult Education Act would eliminate the civil rights protections of Americans, by exempting religious organizations from anti-discrimination requirements.

The message that we are sending to the millions of Americans who are unemployed, who are veterans and those who are in need of economic assistance is that we do not care about keeping them from falling further into an economic crisis.

This bill is not a reinvestment in our workforce and fails to aid the millions of jobless Americans who need it the most.

I urge all my colleagues to vote against H.R. 1261.

Mr. HONDA. Mr. Chairman, I rise today to oppose H.R. 1261, the Workforce Reinvestment and Adult Education Act. Let us not be fooled by the title of the bill. A more accurate title would be the Workforce Divestment Act, because the legislation guts the program and removes critical civil rights protections. In a time of skyrocketing unemployment, it is shameful that the House Republicans would prefer to ignore workers who are in need of retraining and unemployment compensation and instead champion tax cuts for the most well-to-do segments of our society.

At its core, this legislation is flawed. The bill, for example, would block grant the current dislocated worker programs with adult training programs and the state employment service.

As a result, the states would no longer be required to assure that adequate resources are earmarked to assist laid-off workers. Instead, unemployed workers would be pitted against low-income workers and welfare recipients in a competition for limited resources.

Equally troubling, H.R. 1261 explicitly authorizes religious organizations receiving federal funds from WIA's job training programs to discriminate against employees and job applicants based on religion. Current law prohibits participants in federal job training programs from discriminating based on race, color, religion, sex, national origin, age, disability, or political affiliation or belief. Allowing this kind of discrimination is not only wrong it is unconstitutional.

Rather than making these detrimental and indefensible changes to WIA, we should be taking up legislation that actually helps those workers impacted most in this recession—a recession the Bush administration has failed to reverse. We should be working on legislation to extend the Temporary Extended Unemployment Compensation (TEUC) program, which is currently scheduled to expire at the end of this month. We should not only extend TEUC, we should expand the program to provide a total of 26 weeks of federal extended unemployment insurance benefits to all laid-off workers, including those who have already exhausted their federal extended benefits, as well as newly laid-off individuals. If we do this, we would actually be investing in our workforce.

Mrs. CHRISTENSEN. Mr. Chairman, the reauthorization of the "Workforce Reinvestment and Adult Education Act" is critical to solving our nation's economic slump. The unemployment rate rose to 6.0 percent in April and the number of unemployed persons increased to 8.8 million in April. Jobless rates for adult women, teenagers, whites, African-Americans and Hispanics showed little or no change. During this time of economic recession, investing in the workforce benefits both employees and employers and strengthens our economy. Access to job training is critical for our nation's unemployed. But, H.R. 1261 is not a "simple" reauthorization of the Workforce Investment Act. Rather, H.R. 1261 is the beginning of dismantling the federal unemployment safety net that has served our nation for over 70 years.

There are several provisions of H.R. 1261 that are particularly troubling. The Republican bill removes nondiscrimination language from the existing law—thereby allowing organizations receiving funds under WIA to discriminate in hiring based on religion. I have received constituent letters urging a vote against H.R. 1261 because this legislation jeopardizes civil rights and religious freedoms by rolling back protection against discrimination or misuse of government funds by religious organizations.

Block granting is a bad strategy and one that we have seen often used by the Republicans. By block granting the current dislocated worker program with the adult training program and the state unemployment benefits program, welfare recipients and at-risk populations will have to compete not only with one another for much needed services, but competition would increase among programs for limited dollars. This approach weakens the individual job training programs instead of strengthening them. Restructuring WIA is not the answer to reduce our unemployment rate. Creating more jobs is the answer.

Instead of bringing up this damaging bill, the Republicans should also be bringing a bill to extend Unemployment Benefits. At the end of this month, the current Temporary Extended Unemployment Compensation program will terminate, and jobless workers who have extended their regular unemployment benefits will not be able to obtain assistance. This bill does nothing to address this issue.

The local WIA agency in my district, the U.S. Virgin Islands, has voiced concerns about the change in funding ration for youth programs under WIA. The current bill would cap participation for in-school youth at 30 percent. Under current law, both in-school and out-of-school youth are served. Services that would be dropped as a result of the Republican plan include summer employment opportunities, mentoring, and job counseling.

The reauthorization of WIA is an opportunity for Congress to address the unemployment issue in this country. Unfortunately, H.R. 1261 does not address the needs of this growing population. I urge my colleagues to vote "No" on the passage of H.R. 1261.

Mr. RENZI. Mr. Chairman, our nation's faith-based institutions have significant track records in meeting the training and counseling needs of citizens seeking employment.

The services provided by faith-based institutions will be a vital component to help our nation's workforce, increasing the ability of job seekers to get needed training, counseling, and prevocational services.

Unfortunately, liberal special interest groups have joined forces behind an effort to bar religious and faith-based organizations from being involved with efforts to help workers find jobs and job training. This is disgraceful.

Congress should actively encourage any effort to provide unemployed men and women with new jobs, and not look for excuses as to why qualified and proven job counseling advisors should be excluded from helping our nation.

During the 1990s, President Bill Clinton supported four laws that explicitly allow religious organizations to retain their right to staff on a religious basis when they receive federal funds—just as Republicans are proposing today. I ask my colleagues on the other side of the aisle, why are you standing now? When you sat silently in support of your past president.

This bill simply reiterates the existing exemption religious organizations have had for more than three decades under civil rights law, applying it to the Workforce Investment Act so that every available resource is being tapped to help Americans find jobs.

Faith-based organizations need to be part of the Federal job training and worker relief system under the Workforce Investment Act, and if they are excluded, that would qualify as discrimination of a criminal level.

Ms. WATSON. Mr. Chairman, I rise in strong opposition to H.R. 1261. Mr. Speaker, similar to the IDEA Reauthorization last week, we are again presented with a subpar rule and a subpar bill. The Committee did not allow us to vote on and discuss key amendments which would have greatly improved this measure.

I offered an amendment that was rejected by the Rules Committee yesterday that would have specified that local WIA boards may use funds to carry out training programs for displaced homemakers and nontraditional training for women. These are two existing programs that have been crucial to low-income women's economic independence and self-sufficiency. Since more than 60 percent of WIA recipients are women, the use of WIA funds for these programs would have provided necessary training opportunities, counseling, and services for WIA recipients to learn the necessary skills in obtaining and keeping jobs.

Mr. Chairman, this bill fails workers, attacks our Veterans and erodes our civil rights laws. An amendment offered to extend Federal unemployment benefits for newly unemployed workers and for those workers who have previously exhausted their unemployment benefits was not allowed. Also defeated was an amendment which would have restored current law prohibiting the use of Federal funds to discriminate in hiring based on religion, as well as an amendment to strike the language in the bill that allows governors to take money from Veterans and dislocated worker programs to pay for infrastructure costs for one-stop centers.

The Workforce Reinvestment and Adult Education Act is supposed to provide job opportunities for our Nation's youth and extend educational opportunities for adults. The bill we have before us does not hold this commitment. H.R. 1261 cuts job opportunities for youth, shifts critical resources away from career preparation and summer jobs, eliminates the successful Youth Opportunity Grants and reduces targeting of resources to poor communities.

In a time of economic downturn and a rising unemployment rate, it is our duty to provide for the necessary funds to boost our economy and safeguard our future. We can increase the effectiveness and outreach of boards by increasing funding to local boards. We must give local leaders the opportunity to shape best use of resources to their communities.

Mr. Chairman, H.R. 1261 does not cut it. I urge my fellow colleagues to vote no on this bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to H.R. 1261, the Workforce Reinvestment & Adult Education Act of 2003.

The supposed purpose of H.R. 1261 is to authorize and allocate funds for employment, training, literacy, and vocational rehabilitation programs for adults and dislocated workers. H.R. 1261 also funds activities for low-income youth, such as tutoring and study skills training, alternative high school services, and summer youth job opportunities.

Despite these seemingly good intentions, H.R. 1261 does not adequately respond to the needs of Americans today or in the future. Rather than immediately addressing the needs of the unemployed by extending benefits or including a jobs creation package, H.R. 1261 repeals funding for vulnerable workers. H.R. 1261 puts vulnerable and unemployed Americans at risk by permitting Governors to take unspecified dollars from the pool of funds available for adult education, disability and veteran's services. Under this bill, Governors are permitted to divert unlimited funds from already depleted adult education, vocational rehabilitation, and veteran's services resources to fund infrastructure and administrative costs.

I also oppose H.R. 1261 because its provisions permit overt discrimination. Under current law, faith-based organizations are eligible to receive Federal funds on the condition that they do not discriminate. Under H.R. 1261, the nondiscriminatory requirement is removed. H.R. 1261 would permit faith-based organizations that receive Federal funds under this act to hire or fire employees based on their religion.

H.R. 1261 is also a bad bill because it compounds the problems wrought by our struggling economy. H.R. 1261 eliminates funding for dislocated workers and other vulnerable Americans. Under this bill, funding for services to dislocated workers and employment services would be consolidated into a block grant. This is very poorly timed legislation.

President Bush is calling for more than $700 million in cuts to job training programs for fiscal years 2003 and 2004. More than 2 million jobs have been lost in the last two years, more than 500,000 have been lost in the last 3 months. In Houston, where I am proud to call home, the unemployment rate is currently over 6 percent, a full percentage point higher than last year.

H.R. 1261 also caps funding for in-school youths and threatens to diminish valuable services that help these students overcome obstacles, complete high school, and succeed in the workforce. Under the current funding system, various at-risk youths received financial accommodation. The funding of those youth programs would be severely altered by the restrictive 30 percent cap.

Mr. Chairman, I oppose H.R. 1261. I want to stress that I am not alone in my opposition to this bill. H.R. 1261 is also opposed by the Paralyzed Veteran's of America, the AFL–CIO, the Communication's Workers of America, the National Rehabilitation Coalition, the Baptist Joint Committee on Public Affairs, and the American Jewish Committee. This bill cuts funding to valuable programs and allocates Federal funds to organizations given license to discriminate. I oppose this H.R. 1261 and I urge my colleagues to do the same.

Mr. BOEHNER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as the original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Workforce Reinvestment and Adult Education Act of 2003".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

TITLE I—AMENDMENTS TO TITLE I OF THE WORKFORCE INVESTMENT ACT OF 1998

Sec. 101. Definitions.
Sec. 102. Purpose.
Sec. 103. State workforce investment boards.
Sec. 104. State plan.
Sec. 105. Local workforce investment areas.
Sec. 106. Local workforce investment boards.
Sec. 107. Local plan.
Sec. 108. Establishment of one-stop delivery systems.
Sec. 109. Eligible providers of training services.
Sec. 110. Eligible providers of youth activities.
Sec. 111. Youth activities.
Sec. 112. Comprehensive program for adults.
Sec. 113. Performance accountability system.
Sec. 114. Authorization of appropriations.
Sec. 115. Job Corps.
Sec. 116. Native American programs.
Sec. 117. Youth challenge grants.
Sec. 118. Technical assistance.
Sec. 119. Demonstration, pilot, multiservice, research and multistate projects.
Sec. 120. Evaluations.
Sec. 121. Authorization of appropriations for national activities.
Sec. 122. Requirements and restrictions.
Sec. 123. Nondiscrimination.
Sec. 124. Administrative provisions.
Sec. 125. General program requirements.

TITLE II—ADULT EDUCATION

PART A—ADULT BASIC SKILLS AND FAMILY LITERACY EDUCATION

Sec. 201. Table of contents.
Sec. 202. Amendment.

PART B—NATIONAL INSTITUTE FOR LITERACY

Sec. 211. Short title; purpose.
Sec. 212. Establishment.
Sec. 213. Administration.
Sec. 214. Duties.
Sec. 215. Leadership in scientifically based reading instruction.
Sec. 216. National Institute for Literacy Advisory Board.
Sec. 217. Gifts, bequests, and devises.
Sec. 218. Mails.
Sec. 219. Applicability of certain civil service laws.
Sec. 220. Experts and consultants.
Sec. 221. Report.
Sec. 222. Definitions.
Sec. 223. Authorization of appropriations.
Sec. 224. Reservation.
Sec. 225. Authority to publish.

TITLE III—AMENDMENTS TO THE WAGNER-PEYSER ACT

Sec. 301. Amendments to the Wagner-Peyser Act.

TITLE IV—AMENDMENTS TO THE REHABILITATION ACT OF 1973

Sec. 401. Chairperson.
Sec. 402. Rehabilitation Services Administration.
Sec. 403. Director.
Sec. 404. State goals.
Sec. 405. Authorizations of appropriations.
Sec. 406. Helen Keller National Center Act.

TITLE V—TRANSITION AND EFFECTIVE DATE

Sec. 501. Transition provisions.
Sec. 502. Effective date.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Workforce Investment Act of 1998 (20 U.S.C. 9201 et seq.).

TITLE I—AMENDMENTS TO TITLE I OF THE WORKFORCE INVESTMENT ACT OF 1998

SEC. 101. DEFINITIONS.

Section 101 (29 U.S.C. 2801) is amended—

(1) in paragraph (8)(C), by striking "not less than 50 percent of the cost of the training" and inserting "a significant portion of the cost of training, as determined by the local board";

(2) by striking paragraph (13) and redesignating paragraphs (1) through (12) as paragraphs (2) through (13) respectively;

(3) by inserting the following new paragraph after "In this title:":

"(1) ACCRUED EXPENDITURES.—The term 'accrued expenditures' includes the sum of actual cash disbursements for direct charges for goods and services, the net increase or decrease in the amounts owed by recipients, goods and other property received for services performed by employees, contractors, subgrantees, or other payees, and other amounts becoming owned for which no current service or performance is required.";

(4) by striking paragraph (24) and redesignating paragraphs (25) through (32) as paragraphs (24) through (31), respectively;

(5) in paragraph (24) (as so redesignated)—

(A) in subparagraph (B), by striking "higher of—" and all that follows through such subparagraph and inserting "poverty line for an equivalent period;"; and

(B) by redesignating subparagraphs (D) through (F) as subparagraph (E) through (G), respectively, and inserting after subparagraph (C) the following:

"(D) receives or is eligible to receive free or reduced price lunch;"; and

(6) by striking paragraph (33) and redesignating paragraphs (34) through (53) as paragraphs (32) through (51), respectively.

SEC. 102. PURPOSE.

Section 106 (29 U.S.C. 2811) is amended by inserting at the end the following: "It is also the purpose of this subtitle to provide workforce investment activities in a manner that promotes the informed choice of participants and actively involves participants in decisions affecting their participation in such activities.".

SEC. 103. STATE WORKFORCE INVESTMENT BOARDS.

(a) MEMBERSHIP.—

(1) IN GENERAL.—Section 111(b) (29 U.S.C. 2821(b)) is amended—

(A) by amending paragraph (1)(C) to read as follows:

"(C) representatives appointed by the Governor, who are—

"(i)(I) the lead State agency officials with responsibility for the programs and activities that are described in section 121(b) and carried out by one-stop partners;

"(II) in any case in which no lead State agency official has responsibility for such a program or activity, a representative in the State with expertise relating to such program or activity; and

"(III) if not included under subclause (I), the director of the designated State entity responsible for carrying out title I of the Rehabilitation Act (29 U.S.C. 701 et seq.);

"(ii) the State agency officials responsible for economic development;

"(iii) representatives of business in the State who—

"(I) are owners of businesses, chief executive or operating officers of businesses, and other business executives or employers with optimum policy making or hiring authority, including members of local boards described in section 117(b)(2)(A)(i);

"(II) represent businesses with employment opportunities that reflect employment opportunities in the State; and

"(III) are appointed from among individuals nominated by State business organizations and business trade associations;

"(iv) chief elected officials (representing both cities and counties, where appropriate);

"(v) representatives of labor organizations, who have been nominated by State labor federations; and

"(vi) such other representatives and State agency officials as the Governor may designate."; and

(B) in paragraph (3), by striking "paragraph (1)(C)(i)" and inserting "paragraph (1)(C)(iii)".

(2) CONFORMING AMENDMENT.—Section 111(c) (29 U.S.C 2811(c)) is amended by striking "subsection (b)(1)(C)(i)" and inserting "subsection (b)(1)(C)(iii)".

(b) FUNCTIONS.—Section 111(d) (29 U.S.C. 2811(d)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) development and review of statewide policies affecting the integrated provision of services through the one-stop delivery system described in section 121, including—

"(A) the development of criteria for, and the issuance of, certifications of one-stop centers;

"(B) the criteria for the allocation of one-stop center infrastructure funding under section 121(h), and oversight of the use of such funds;

"(C) approaches to facilitating equitable and efficient cost allocation in one-stop delivery systems; and

"(D) such other matters that may promote statewide objectives for, and enhance the performance of, one-stop delivery systems within the State;";

(2) in paragraph (4), by inserting "and the development of State criteria relating to the appointment and certification of local boards under section 117" after "section 116";

(3) in paragraph (5), by striking "sections 128(b)(3)(B) and 133(b)(3)(B)" and inserting "sections 128(b)(3) and 133(b)(3)"; and

(4) in paragraph (9), by striking "section 503" and inserting "section 136(i)".

(c) ELIMINATION OF ALTERNATIVE ENTITY AND PROVISION OF AUTHORITY TO HIRE STAFF.—Section 111(e) (29 U.S.C. 2821(e)) is amended to read as follows:

"(e) AUTHORITY TO HIRE STAFF.—The State board may hire staff to assist in carrying out the functions described in subsection (d).".

SEC. 104. STATE PLAN.

(a) PLANNING CYCLE.—Section 112(a) (29 U.S.C. 2822(a)) is amended by striking "5-year strategy" and inserting "2-year strategy".

(b) CONTENTS.—Section 112(b)(17)(A) (29 U.S.C. 2822(b)(17)(A)) is amended—

(1) in clause (iii) by striking "and";

(2) by amending clause (iv) to read as follows:

"(iv) how the State will serve the employment and training needs of dislocated workers (including displaced homemakers and formerly self-employed and transitioning farmers, ranchers, and fisherman) low income individuals (including recipients of public assistance), homeless individuals, ex-offenders, individuals training for nontraditional employment, and other individuals with multiple barriers to employment (including older individuals);"; and

(3) by adding the following new clause after clause (iv):

"(v) how the State will serve the employment and training needs of individuals with disabilities, consistent with section 188 and Executive Order 13217 (relating to community-based alternatives for individuals with disabilities) including the provision of outreach, intake, assessments, and service delivery, the development of performance measures, and the training of staff; and".

(c) MODIFICATION TO PLAN.—Section 112(d) (29 U.S.C. 2822(d)) is amended by striking "5-year period" and inserting "2-year period".

SEC. 105. LOCAL WORKFORCE INVESTMENT AREAS.

(a) DESIGNATION OF AREAS.—

(1) CONSIDERATIONS.—Section 116(a)(1)(B) (29 U.S.C. 2831(a)(1)(B)) is amended by adding at the end the following clause:

"(vi) The extent to which such local areas will promote efficiency in the administration and provision of services.".

(2) AUTOMATIC DESIGNATION.—Section 116(a)(2) (29 U.S.C. 2831(a)(2)) is amended to read as follows:

"(2) AUTOMATIC DESIGNATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) of this paragraph and subsection (b), the Governor shall approve a request for designation as a local area from—

"(i) any unit of general local government with a population of 500,000 or more; and

"(ii) an area served by a rural concentrated employment program grant recipient that served as a service delivery area or substate area under the Job training Partnership Act (29 U.S.C. 1501 et seq.),

for the 2-year period covered by a State plan under section 112 if such request is made not later than the date of the submission of the State plan.

"(B) CONTINUED DESIGNATION BASED ON PERFORMANCE.—The Governor may deny a request for designation submitted pursuant to subparagraph (A) if such unit of government was designated as a local area for the preceding 2-year period covered by a State plan and the Governor determines that such local area did not perform successfully during such period.".

(b) REGIONAL PLANNING.—Section 116(c)(1) (29 U.S.C. 2831(c)(1)) is amended by adding at the end the following: "The State may require the local boards for the designated region to prepare a single regional plan that incorporates the elements of the local plan under section 118 and that is submitted and approved in lieu of separate local plans under such section.".

SEC. 106. LOCAL WORKFORCE INVESTMENT BOARDS.

(a) COMPOSITION.—Section 117(b)(2)(A) (29 U.S.C. 2832(b)(2)(A)) is amended—

(1) in clause (i)(II), by inserting ", businesses that are in the leading industries in the local area, and large and small businesses in the local area" after "local area";

(2) by amending clause (ii) to read as follows:

"(ii) superintendents of the local secondary school systems and the presidents or chief executive officers of postsecondary educational institutions (including community colleges, where such entities exist);";

(3) in clause (iv), by striking the semicolon and inserting "and faith-based organizations; and"; and

(4) by striking clause (vi).

(b) AUTHORITY OF BOARD MEMBERS.—Section 117(b)(3) (29 U.S.C. 2832(b) is amended—

(1) in the heading, by inserting "AND REPRESENTATION" after "MEMBERS"; and

(2) by adding at the end the following: "The members of the board shall represent diverse geographic sections within the local area.".

(c) FUNCTIONS.—Section 117(d) (29 U.S.C. 2832(d)) is amended—

(1) in paragraph (2)(B), by striking "local area" and all that follows and inserting "local area."; and

(2) in paragraph (4) by inserting "and ensure the appropriate use and management of the funds provided under this title for such programs, activities, and system" after "area".

(d) AUTHORITY TO ESTABLISH COUNCILS AND ELIMINATION OF REQUIREMENT FOR YOUTH COUNCILS.—Section 117(h) (29 U.S.C. 2832(h)) is amended to read as follows:

"(h) ESTABLISHMENT OF COUNCILS.—The local board may establish councils to provide information and advice to assist the local board in carrying out activities under this title. Such councils may include a council composed of one-stop partners to advise the local board on the operation of the one-stop delivery system, a youth council composed of experts and stakeholders in youth programs to advise the local board on activities for youth, and such other councils as the local board determines are appropriate.".

(e) REPEAL OF ALTERNATIVE ENTITY PROVISION.—Section 117 (29 U.S.C. 2832) is further amended by striking subsection (i).

SEC. 107. LOCAL PLAN.

(a) PLANNING CYCLE.—Section 118(a) (29 U.S.C. 2833(a)) is amended by striking "5-year" and inserting "2-year".

(b) CONTENTS.—Section 118(b) (29 U.S.C. 2833(b)) is amended—

(1) by amending paragraph (2) to read as follows:

"(2) a description of the one-stop delivery system to be established or designated in the local area, including a description of how the local board will ensure the continuous improvement of eligible providers of services through the system and ensure that such providers meets the employment needs of local employers and participants."; and

(2) in paragraph, (4), by striking "and dislocated worker".

SEC. 108. ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEMS.

(a) ONE-STOP PARTNERS.—Section 121(b)(2)(B) (29 U.S.C. 2841(b)(2)(B)) is amended—

(1) in clause (iv) by striking "and" at the end;

(2) in clause (v) by striking the period and inserting a semicolon; and

(3) by adding at the end the following new clauses:

"(vi) employment and training programs administered by the Social Security Administration, including the Ticket to Work program (established by Public Law 106–170);

"(vii) programs under part D of title IV of the Social Security Act (42 U.S.C. 451 et seq.) (relating to child support enforcement); and

"(viii) programs carried out in the local area for individuals with disabilities, including programs carried out by State agencies relating to mental health, mental retardation, and developmental disabilities, State Medicaid agencies, State Independent Living Councils, and Independent Living Centers.".

(b) PROVISION OF SERVICES.—Subtitle B of title I is amended—

(1) by striking subsection (e) of section 121;

(2) by moving subsection (c) of section 134 from section 134, redesignating such subsection as subsection (e), and inserting such subsection (as so redesignated) after subsection (d) of section 121; and

(3) by amending subsection (e) (as moved and redesignated by paragraph (2))—

(A) in paragraph (1)(A), by striking "subsection (d)(2)" and inserting "section 134(c)(2)";

(B) in paragraph (1)(B)—

(i) by striking "subsection (d)" and inserting "section 134(c)"; and

(ii) by striking "subsection (d)(4)(G)" and inserting "section 134(c)(4)(G)";

(C) in paragraph (1)(C), by striking "subsection (e)" and inserting "section 134(d)";

(D) in paragraph (1)(D)—

(i) by striking "section 121(b)" and inserting "subsection (b)"; and

(ii) by striking "and" at the end; and

(E) by amending paragraph (1)(E) to read as follows:

"(E) shall provide access to the information described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)).".

(c) CERTIFICATION AND FUNDING OF ONE-STOP CENTERS.—Section 121 (as amended by subsection (b)) is further amended by adding at the end the following new subsections:

"(g) CERTIFICATION OF ONE-STOP CENTERS.—

"(1) IN GENERAL.—The State board shall establish procedures and criteria for periodically *certifying one-stop center for the purpose of awarding the one-stop infrastructure funding described in subsection (h).*

"(2) CRITERIA.—The criteria for certification under this subsection shall include minimum standards relating to the scope and degree of service integration achieved by the centers involving the programs provided by the one-stop partners.

"(3) EFFECT OF CERTIFICATION.—One-stop centers certified under this subsection shall be eligible to receive the infrastructure grants authorized under subsection (h).

"(h) ONE-STOP INFRASTRUCTURE FUNDING.—

"(1) PARTNER CONTRIBUTIONS.—

"(A) PROVISION OF FUNDS.—Notwithstanding any other provision of law, as determined under subparagraph (B), a portion of the Federal funds provided to the State and areas within the State under the Federal laws authorizing the one-stop partner programs described in subsection (b) for a fiscal year shall be provided to the Governor by such programs to carry out this subsection.

"(B) DETERMINATION.—The portion of funds to be provided under subparagraph (A) by each one-stop partner shall be determined by the Governor, after consultation with the State board.

"(2) ALLOCATION BY GOVERNOR.—From the funds provided under paragraph (1), the Governor shall allocate funds to local areas for the purposes of assisting in paying the costs of the infrastructure of One-Stop centers certified under subsection (g).

"(3) ALLOCATION FORMULA.—The State board shall develop a formula to be used by the Governor to allocate the funds described in paragraph (1). The formula shall include such factors as the State board determines are appropriate, which may include factors such as the number of centers in the local area that have been certified, the population served by such centers, and the performance of such centers.

"(4) COSTS OF INFRASTRUCTURE.—For purposes of this subsection, the term 'costs of infrastructure' means the nonpersonnel costs that are necessary for the general operation of a one-stop center, including the rental costs of the facilities, the costs of utilities and maintenance, equipment (including adaptive technology for individuals with disabilities), strategic planning activities for the center, and common outreach activities.

"(i) OTHER FUNDS.—

"(1) IN GENERAL.—In addition to the funds provided to carry out subsection (h), a portion of funds made available under Federal law authorizing the one-stop partner programs described in subsection (b) shall be used to pay the costs relating to the operation of the one-stop delivery system that are not paid for from the funds provided under subsection (h), to the extent not inconsistent with the Federal law involved including—

"(A) infrastructure costs that are in excess of the funds provided under subsection (h);

"(B) common costs that are in addition to the costs of infrastructure; and

"(C) the costs of the provision of core services applicable to each program.

"(2) DETERMINATION AND GUIDANCE:—The method for determining the appropriate portion of funds to be provided by each program under paragraph (1) shall be determined as part of the memorandum of understanding under subsection (c). The State board shall provide guidance to facilitate the determination of appropriate funding allocation in local areas.".

SEC. 109. ELIGIBLE PROVIDERS OF TRAINING SERVICES.

Section 122 (29 U.S.C. 2842) is amended to read as follows:

"SEC. 122. IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.

"(a) IN GENERAL.—The Governor shall establish criteria and procedures regarding the eligibility of providers of training services described in section 134(c)(4) to receive funds provided under section 133(b) for the provision of such training services.

"(b) CRITERIA.—

"(1) IN GENERAL.—The criteria established pursuant to subsection (a) shall take into account the performance of providers of training services with respect to the indicators described in section 136 or other appropriate indicators (taking into consideration the characteristics of the population served and relevant economic conditions), and such other factors as the Governor determines are appropriate to ensure the quality of services, the accountability of providers, and the informed choice of participants under chapter 5. Such criteria shall require that the provider submit appropriate, accurate and timely information to the State for purposes of carrying out subsection (d). The criteria shall also provide for periodic review and renewal of eligibility under this section for providers of training services. The Governor may authorize local areas in the State to establish additional criteria or to modify the criteria established by the Governor under this section for purposes of determining the eligibility of providers of training services to provide such services in the local area.

"(2) LIMITATION.—In carrying out the requirements of this subsection, no personally identifiable information regarding a student, including Social Security number, student identification number, or other identifier, may be disclosed without the prior written consent of the parent or eligible student in compliance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

"(c) PROCEDURES.—The procedures established under subsection (a). shall identify the application process for a provider of training services to become eligible to receive funds under section 133(b), and identify the respective roles of the State and local areas in receiving and reviewing applications and in making determinations of eligibility based on the criteria established under this section. The procedures shall also establish a process for a provider of training services to appeal a denial or termination of eligibility under this section that includes an opportunity for a hearing and prescribes appropriate time limits to ensure prompt resolution of the appeal.

"(d) INFORMATION TO ASSIST PARTICIPANTS IN CHOOSING PROVIDERS.—In order to facilitate and assist participants under chapter 5 in choosing providers of training services, the Governor shall ensure that an appropriate list or lists of providers determined eligible under this section in the State, accompanied by such information as the Governor determines is appropriate, is provided to the local boards in the State to be made available to such participants and to members of the public through the one-stop delivery system in the State.

"(e) AGREEMENTS WITH OTHER STATES.—States may enter into agreements, on a reciprocal basis, to permit eligible providers of training services to accept individual training accounts provided in another State.

"(f) RECOMMENDATIONS.—In developing the criteria, procedures, and information required under this section, the Governor shall solicit and take into consideration the recommendations of local boards and providers of training services within the State.

"(g) OPPORTUNITY TO SUBMIT COMMENTS.—During the development of the criteria, procedures, and information required under this section, the Governor shall provide an opportunity for interested members of the public, including representatives of business and labor organizations, to submit comments regarding such criteria, procedures, and information.".

SEC. 110. ELIGIBLE PROVIDERS OF YOUTH ACTIVITIES.

Section 123 (29 U.S.C. 2843) and the item relating to such section in the table of contents are repealed.

SEC. 111. YOUTH ACTIVITIES.

(a) STATE ALLOTMENTS.—

(1) IN GENERAL.—Section 127(a) (29 U.S.C. 2852(a)) is amended to read as follows:

"(a) ALLOTMENT AMONG STATES.—

"(1) YOUTH ACTIVITIES.—

"(A) YOUTH CHALLENGE GRANTS.—

"(i) RESERVATION OF FUNDS.—Of the amount appropriated under section 137(a) for each fiscal year, the Secretary shall reserve 25 percent to provide youth challenge grants under section 169.

"(ii) LIMITATION.—Notwithstanding clause (i), if the amount appropriated under section 137(a) for a fiscal year exceeds $1,000,000,000, the Secretary shall reserve $250,000,000 to provide youth challenge grants under section 169.

"(B) OUTLYING AREAS AND NATIVE AMERICANS.—After determining the amount to be reserved under subparagraph (A), of the remainder of the amount appropriated under section 137(a) for each fiscal year the Secretary shall—

"(i) reserve not more than ¼ of one percent of such amount to provide assistance to the outlying areas to carry out youth activities and statewide workforce investment activities; and

"(ii) reserve not more than 1 and ½ percent of such amount to provide youth activities under section 166 (relating to Native Americans).

"(C) STATES.—

"(i) IN GENERAL.—After determining the amounts to be reserved under subparagraphs (A) and (B), the Secretary shall allot the remainder of the amount appropriated under section 137(a) for each fiscal year to the States pursuant to clause (ii) for youth activities and statewide workforce investment activities.

"(ii) FORMULA.—Subject to clauses (iii) and (iv), of the remainder—

"(I) 33 and ⅓ percent shall be allotted on the basis of the relative number of high school dropouts who are ages 16 through 21 in the State, compared to the total number of high school dropouts who are ages 16 through 21 in all States;

"(II) 33 and ⅓ percent shall be allotted on the basis of the relative number of jobless out-of-school youth who are ages 16 through 21 in the State, compared to the total number of jobless out-of-school youth who are ages 16 through 21 in all States; and

"(III) 33 and ⅓ percent shall be allotted on the basis of the relative number of disadvantaged youth who are ages 16 through 21 in the State, compared to the total number of disadvantaged youth who are ages 16 through 21 in all States.

"(iii) MINIMUM AND MAXIMUM PERCENTAGES.—The Secretary shall ensure that no State shall receive an allotment for a fiscal year that is less than 90 percent or greater than 130 percent of the allotment percentage of that State for the preceding fiscal year.

"(iv) SMALL STATE MINIMUM ALLOTMENT.—Subject to clause (iii), the Secretary shall ensure that no State shall receive an allotment under this paragraph that is less than 3/10 of 1 percent of the amount available under subparagraph (A).

"(2) DEFINITIONS.—For the purposes of paragraph (1), the following definitions apply:

"(A) ALLOTMENT PERCENTAGE.—The term 'allotment percentage', used with respect to fiscal year 2004 or a subsequent fiscal year, means a percentage of the remainder described in paragraph (1)(C)(i) that is received through an allotment made under this subsection for the fiscal

year. The term, with respect to fiscal year 2003, means the percentage of the amounts allotted to States under this chapter (as in effect on the day before the date of enactment of the Workforce Reinvestment and Adult Education Act of 2003) that is received by the State involved for fiscal year 2003.

"(B) Disadvantaged youth.—The term 'disadvantaged youth' means an individual who is age 16 through 21 who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the poverty line.

"(C) Number of high school dropouts.—The term 'number of high school dropouts' means the number of high school dropouts as is determined by the Secretary based on the Current Population Survey.

"(D) Number of jobless out-of-school youth.—The term 'number of jobless out-of-school youth' means the number of jobless out-of-school youth as is determined by the Secretary based on the Current Population Survey.

"(3) Special rule.—For purposes of the formula specified in paragraph (1)(C), the Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of disadvantaged youth.

"(4) Minimum allotment.—Notwithstanding any other provision of this section, no State shall receive an allotment under this section that is less than the amount received by such State for fiscal year 2003.".

(2) Reallotment.—Section 127 (29 U.S.C. 2552) is further amended—

(A) by striking subsection (b);

(B) by redesignating subsection (c) as subsection (b);

(C) in subsection (b) (as so redesignated)

(i) by amending paragraph (2) to read as follows:

"(2) Amount.—The amount available for reallotment for a program year is equal to the amount by which the unexpended balance, excluding accrued expenditures, at the end of such program year of the total amount of funds available to the State under this section during such program year (including amounts allotted to the State in prior program years that remain available during the program year for which the determination is made) exceeds 30 percent of such total amount.";

(ii) in paragraph (3)—

(I) by striking "for the prior program year" and inserting "for the program year in which the determination is made"; and

(II) by striking "such prior program year" and inserting "such program year";

(iii) by amending paragraph (4) to read as follows:

"(4) Eligibility.—For purposes of this subsection, an eligible State means a State which does not have an amount available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made.".

(b) Within State Allocations.—

(1) Reservation for statewide activities.—Section 128(a) is amended to read as follows:

"(a) Reservation for Statewide Activities.—

"(1) In general.—The Governor of a State shall reserve not more than 10 percent of the amount allotted to the State under section 127(a)(1)(C) for a fiscal year for statewide activities.

"(2) Use of funds.—Regardless of whether the amounts are allotted under section 127(a)(1)(C) and reserved under paragraph (1) or allotted under section 132 and reserved under section 133(a), the Governor may use the reserved amounts to carry out statewide youth activities under section 129(b) or statewide employment and training activities under section 133.".

(2) Within state allocation.—Section 128(b) is amended to read as follows:

"(b) Within State Allocation.—

"(1) In general.—Of the amounts allotted to the State under section 127(a)(1)(C) and not reserved under subsection (a)(1)—

"(A) 80 percent of such amounts shall be allocated by the Governor to local areas in accordance with paragraph (2); and

"(B) 20 percent of such amounts shall be allocated by the Governor to local areas in accordance with paragraph (3).

"(2) Established formula.—

"(A) In general.—Of the amounts described in paragraph (1)(A), the Governor shall allocate—

"(i) 33 and ⅓ percent on the basis of the relative number of high school dropouts who are ages 16 through 21 in each local area, compared to the total number of high school dropouts who are ages 16 through 21 in all local areas in the State;

"(ii) 33 and ⅓ percent on the basis of the relative number of jobless out-of-school youth who are ages 16 through 21 in each local area, compared to the total number of jobless out-of-school youth who are ages 16 through 21 in all local areas in the State; and

"(iii) 33 and ⅓ percent on the basis of the relative number of disadvantaged youth who are ages 16 through 21 in each local area, compared to the total number of disadvantaged youth who are ages 16 through 21 in all local areas in the State.

"(B) Minimum and maximum percentages.—The Governor shall ensure that no local area shall receive an allocation for a fiscal year under this paragraph that is less than 90 percent or greater than 130 percent of the allocation percentage of the local area for the preceding fiscal year.

"(C) Definitions.—

"(i) Allocation percentage.—For purposes of this paragraph, the term 'allocation percentage', used with respect to fiscal year 2004 or a subsequent fiscal year, means a percentage of amount described in paragraph(1)(A) that is received through an allocation made under this paragraph for the fiscal year. The term, with respect to fiscal year 2003, means the percentage of the amounts allocated to local areas under this chapter (as in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2003) that is received by the local area involved for fiscal year 2003.

"(ii) Other terms.—For purposes of this paragraph, all other terms shall have the meaning given such terms in section 127(a)(2).

"(3) Youth discretionary allocation.—The Governor shall allocate to local areas the amounts described in paragraph (1)(B) in accordance with such demographic and economic factors as the Governor, after consultation with the State board and local boards, determines are appropriate.

"(4) Local administrative cost limit.—

"(A) In general.—Of the amounts allocated to a local area under this subsection and section 133(b) for a fiscal year, not more than 10 percent of the amount may be used by the local boards for the administrative costs of carrying out local workforce investment activities under this chapter or chapter 5.

"(B) Use of funds.—Funds made available for administrative costs under subparagraph (A) may be used for the administrative costs of any of the local workforce investment activities described in this chapter or chapter 5, regardless of whether the funds were allocated under this subsection or section 133(b).".

(3) Reallocation.—Section 128(c) (29 U.S.C. 2853(c)) is amended—

(A) in paragraph (1), by striking "paragraph (2)(A) or (3) of";

(B) by amending paragraph (2) to read as follows:

"(2) Amount.—The amount available for reallocation for a program year is equal to the amount by which the unexpended balance, excluding accrued expenditures, at the end of such program year of the total amount of funds available to the local area under this section during such program year (including amounts allotted to the local area in prior program years that remain available during the program year for which the determination is made) exceeds 30 percent of such total amount.";

(C) by amending paragraph (3)—

(i) by striking "subsection (b)(3)" each place it appears and inserting "subsection (b)";

(ii) by striking "the prior program year" and inserting "the program year in which the determination is made";

(iii) by striking "such prior program year" and inserting "such program year"; and

(iv) by striking the last sentence; and

(D) by amending paragraph (4) to read as follows:

"(4) Eligibility.—For purposes of this subsection, an eligible local area means a local area which does not have an amount available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.".

(c) Youth Participant Eligibility.—Section 129(a) (29 U.S.C. 2854(a)) is amended to read as follows:

"(a) Youth Participant Eligibility.—

"(1) In general.—The individuals participating in activities carried out under this chapter by a local area during any program year shall be individuals who, at the time the eligibility determination is made, are—

"(A) not younger than age 16 or older than age 21; and

"(B) one or more of the following:

"(i) school dropouts;

"(ii) recipients of a secondary school diploma or the General Equivalency Diploma (GED) (including recognized alternative standards for individuals with disabilities);

"(iii) court-involved youth attending an alternative school;

"(iv) youth in foster care or who have been in foster care; or

"(v) in school youth who are low-income individuals and one or more of the following:

"(I) Deficient in literacy skills.

"(II) Homeless, runaway, or foster children.

"(III) Pregnant or parents.

"(IV) Offenders.

"(V) Individuals who require additional assistance to complete an educational program, or to secure and hold employment.

"(2) Priority for school dropouts.—A priority in the provision of services under this chapter shall be given to individuals who are school dropouts.

"(3) Limitations on activities for in-school youth.—

"(A) Percentage of funds.—For any program year, not more than 30 percent of the funds available for statewide activities under subsection (b), and not more than 30 percent of funds available to local areas under subsection (c), may be used to provide activities for in-school youth meeting the requirements of paragraph (1)(B)(v).

"(B) Non-school hours required.—Activities carried out under this chapter for in-school youth meeting the requirements of paragraph (1)(B)(v) shall only be carried out in non-school hours or periods when school is not in session (such as before and after school or during summer recess.".

(d) Statewide Youth Activities.—Section 129(b) (29 U.S.C. 2854(b)) is amended to read as follows:

"(b) STATEWIDE ACTIVITIES.—

"(1) IN GENERAL.—Funds reserved by a Governor for a State as described in sections 128(a) and 133(a)(1) may be used for statewide activities including—

"(A) additional assistance to local areas that have high concentrations of eligible youth;

"(B) supporting the provision of core services described in section 134(c)(2) in the one-stop delivery system;

"(C) conducting evaluations under section 136(e) of activities authorized under this chapter and chapter 5 in coordination with evaluations carried out by the Secretary under section 172, research, and demonstration projects;

"(D) providing incentive grants to local areas for regional cooperation among local boards (including local boards in a designated region as described in section 116(c)), for local coordination of activities carried out under this Act, and for exemplary performance by local areas on the local performance measures;

"(E) providing technical assistance and capacity building to local areas, one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, the development of exemplary program activities, and the provision of technical assistance to local areas that fail to meet local performance measures;

"(F) operating a fiscal and management accountability system under section 136(f); and

"(G) carrying out monitoring and oversight of activities under this chapter and chapter 5.

"(2) LIMITATION.—Not more than 5 percent of the funds allotted under section 127(b) shall be used by the State for administrative activities carried out under this subsection and section 133(a).

"(3) PROHIBITION.—No funds described in this subsection or in section 134(a) may be used to develop or implement education curricula for school systems in the State.".

(e) LOCAL ELEMENTS AND REQUIREMENTS.—

(1) PROGRAM DESIGN.—Section 129(c)(1) (29 U.S.C. 2854(c) (1)) is amended—

(A) in the matter preceding subparagraph (A), by striking "paragraph (2)(A) or (3), as appropriate, of";

(B) in subparagraph (B), by inserting "are directly linked to one or more of the performance outcomes relating to this chapter under section 136, and that" after "for each participant that"; and

(C) in subparagraph (C)—

(i) by redesignating clauses (i) through (iv) as clauses (ii) through (v), respectively;

(ii) by inserting before clause (ii) (as so redesignated) the following:

"(i) activities leading to the attainment of a secondary school diploma or the General Equivalency Diploma (GED) (including recognized alternative standards for individuals with disabilities);";

(iii) in clause (ii) (as redesignated by this subparagraph), by inserting "and advanced training" after "opportunities";

(iv) in clause (iii) (as redesignated by this subparagraph), by inserting "that lead to the attainment of recognized credentials" after "learning"; and

(v) by amending clause (v) (as redesignated by this subparagraph) to read as follows:

"(v) effective connections to employers in sectors of the local labor market experiencing high growth in employment opportunities.".

(2) PROGRAM ELEMENTS.—Section 129(c)(2) (29 U.S.C. 2854(c)(2)) is amended—

(A) in subparagraph (A), by striking "secondary school, including dropout prevention strategies" and inserting "secondary school diploma or the General Equivalency Diploma (GED) (including recognized alternative standards for individuals with disabilities), including dropout prevention strategies";

(B) in subparagraph (I), by striking "and" at the end;

(C) in subparagraph (J), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(K) on-the-job training opportunities; and

"(L) financial literacy skills.".

(3) ADDITIONAL REQUIREMENTS.—Section 129(c)(3)(A) (29 U.S.C. 2854(c)(3)(A)) is amended in the matter preceding clause (i) by striking "or applicant who meets the minimum income criteria to be considered an eligible youth";

(4) PRIORITY AND EXCEPTIONS.—Section 129(c) (29 U.S.C. 2854(c)) is further amended—

(A) by striking paragraphs (4) and (5);

(B) by redesignating paragraph (6) as paragraph (4);

(C) by redesignating paragraph (7) as paragraph (5), and in such redesignated paragraph (5) by striking "youth councils" and inserting "local boards"; and

(D) by redesignating paragraph (8) as paragraph (6).

SEC. 112. COMPREHENSIVE PROGRAM FOR ADULTS.

(a) TITLE OF CHAPTER 5.—

(1) The title heading of chapter 5 is amended to read as follows:

"CHAPTER 5—COMPREHENSIVE EMPLOYMENT AND TRAINING ACTIVITIES FOR ADULTS".

(2) CONFORMING AMENDMENT.—Table of contents in section 1(b) is amended by amending the item related to the heading for chapter 5 to read as follows:

"CHAPTER 5—COMPREHENSIVE EMPLOYMENT AND TRAINING ACTIVITIES FOR ADULTS".

(b) GENERAL AUTHORIZATION.—Section 131 (29 U.S.C. 2861) is amended—

(1) by striking "paragraphs (1)(B) and (2)(B) of"; and

(2) by striking ", and dislocated workers,".

(c) STATE ALLOTMENTS.—

(1) IN GENERAL.—Section 132(a) (29 U.S.C. 2862(a)) is amended to read as follows:

"(a) IN GENERAL.—The Secretary shall—

"(1) reserve 10 percent of the amount appropriated under section 137(b) for a fiscal year, of which—

"(A) not less than 75 percent shall be used for national dislocated worker grants under section 173;

"(B) not more than 20 percent may be used for demonstration projects under section 171; and

"(C) not more than 5 percent may be used to provide technical assistance under section 170; and

"(2) make allotments from 90 percent of the amount appropriated under section 137(b) for a fiscal year in accordance with subsection (b).".

(2) ALLOTMENT AMONG STATES.—Section 132(b) (29 U.S.C. 2862(b)) is amended to read as follows:

"(b) ALLOTMENT AMONG STATES FOR ADULT EMPLOYMENT AND TRAINING ACTIVITIES.—

"(1) RESERVATION FOR OUTLYING AREAS.—From the amount made available under subsection (a)(2) for a fiscal year, the Secretary shall reserve not more than 1/4 of 1 percent to provide assistance to outlying areas to carry out employment and training activities for adults and statewide workforce investment activities.

"(2) STATES.—

"(A) IN GENERAL.—After determining the amount to be reserved under paragraph (1), the Secretary shall allot the remainder of the amount referred to under subsection (a)(2) for a fiscal year to the States pursuant to subparagraph (B) for employment and training activities for adults and statewide workforce investment activities.

"(B) FORMULA.—Subject to subparagraphs (C) and (D), of the remainder—

"(i) 60 percent shall be allotted on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States;

"(ii) 15 percent shall be allotted on the basis of the relative excess number of unemployed individuals in each State, compared to the total excess number of unemployed individuals in all States;

"(iii) 15 percent shall be allotted on the basis of the relative number of individuals in the civilian labor force in each State, compared to the total number of individuals in the civilian labor force in all States; and

"(iv) 10 percent shall be allotted on the basis of the relative number of disadvantaged adults in each State, compared to the total number of disadvantaged adults in all States.

"(C) MINIMUM AND MAXIMUM PERCENTAGES.—The Secretary shall ensure that no State shall receive an allotment for a fiscal year that is less than 90 percent or greater than 130 percent of the allotment percentage of the State for the preceding fiscal year.

"(D) MINIMUM ALLOTMENT.—Notwithstanding any other provision of this section, no State shall receive an allotment under this section that is less than the amount received by such State for fiscal year 2003.

"(E) SMALL STATE MINIMUM ALLOTMENT.—Subject to subparagraph (C), the Secretary shall ensure that no State shall receive an allotment under this paragraph that is less than 3/10 of 1 percent of the amount available under subparagraph (A).

"(F) DEFINITIONS.—For the purposes of this paragraph, the following definitions apply:

"(i) ALLOTMENT PERCENTAGE.—The term 'allotment percentage', used with respect to fiscal year 2004 or a subsequent fiscal year, means a percentage of the remainder described in subparagraph (A) that is received through an allotment made under this paragraph for the fiscal year. The term, with respect to fiscal year 2003, means the percentage of the amounts allotted to States under this chapter (as in effect on the day before the date of enactment of the Workforce Reinvestment and Adult Education Act of 2003) and under section 6 of the Wagner-Peyser Act that is received by the State involved for fiscal year 2003.

"(ii) DISADVANTAGED ADULT.—The term 'disadvantaged adult' means an individual who is age 22 through 72 who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the poverty line.

"(iii) EXCESS NUMBER.—The term 'excess number' means, used with respect to the excess number of unemployed individuals within a State, the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the State.".

(3) REALLOTMENT.—Section 132(c) (29 U.S.C. 2862(c)) is amended—

(A) by amending paragraph (2) to read as follows:

"(2) AMOUNT.—The amount available for reallotment for a program year is equal to the amount by which the unexpended balance, excluding accrued expenditures, at the end of such program year of the total amount of funds available to the State under this section during such program year (including amounts allotted to the State in prior program years that remain available during the program year for which the determination is made) exceeds 30 percent of such total amount.";

(B) in paragraph (3)—

(i) by striking "for the prior program year" and inserting "for the program year in which the determination is made"; and

(ii) by striking "such prior program year" and inserting "such program year"; and

(C) by amending paragraph (4) to read as follows:

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means a State that does not have an amount available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made.".

(d) WITHIN STATE ALLOCATIONS.—

(1) RESERVATION FOR STATE ACTIVITIES.—Section 133(a) (29 U.S.C. 2863(a)) is amended to read as follows:

"(a) RESERVATION FOR STATEWIDE ACTIVITIES.—The Governor of a State may reserve up to 50 percent of the total amount allotted to the State under section 132 for a fiscal year to carry out the statewide activities described in section 134(a).".

(2) ALLOCATIONS TO LOCAL AREAS.—Section 133(b) (29 U.S.C. 2863(b)) is amended to read as follows:

"(b) ALLOCATIONS TO LOCAL AREAS.—

"(1) IN GENERAL.—Of the amounts allotted to the State under section 132(b)(2) and not reserved under subsection (a)—

"(A) 80 percent of such amounts shall be allocated by the Governor to local areas in accordance with paragraph (2); and

"(B) 20 percent of such amounts shall be allocated by the Governor to local areas in accordance with paragraph (3).

"(2) ESTABLISHED FORMULA.—

"(A) IN GENERAL.—Of the amounts described in paragraph (1)(A), the Governor shall allocate—

"(i) 60 percent on the basis of the relative number of unemployed individuals in each local area, compared to the total number of unemployed individuals in all local areas in the State;

"(ii) 15 percent on the basis of the relative excess number of unemployed individuals in each local area, compared to the total excess number of unemployed individuals in all local areas in the State;

"(iii) 15 percent on the basis of the relative number of individuals in the civilian labor force in each local area, compared to the total number of individuals in the civilian labor force in all local areas in the State; and

"(iv) 10 percent shall be allotted on the basis of the relative number of disadvantaged adults in each local area, compared to the total number of disadvantaged adults in all local areas in the State.

"(B) MINIMUM AND MAXIMUM PERCENTAGES.—The Governor shall ensure that no local area shall receive an allocation for a fiscal year under this paragraph that is less than 90 percent or greater than 130 percent of the allocation percentage of the local area for the preceding fiscal year.

"(C) DEFINITIONS.—

"(i) ALLOCATION PERCENTAGE.—The term 'allocation percentage', used with respect to fiscal year 2004 or a subsequent fiscal year, means a percentage of amount described in paragraph (1)(A) that is received through an allocation made under this paragraph for the fiscal year. The term, with respect to fiscal year 2003, means the percentage of the amounts allocated to local areas under this chapter (as in effect on the day before the date of enactment of the Workforce Reinvestment and Adult Education Act of 2003) that is received by the local area involved for fiscal year 2003.

"(ii) DISADVANTAGED ADULT.—The term 'disadvantaged adult' means an individual who is age 22 through 72 who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the poverty line.

"(iii) EXCESS NUMBER.—The term 'excess number' means, used with respect to the excess number of unemployed individuals within a local area, the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the local area.

"(3) DISCRETIONARY ALLOCATION.—The Governor shall allocate to local areas the amounts described in paragraph (1)(B) based on a formula developed in consultation with the State board and local boards. Such formula shall be objective and geographically equitable and may include such demographic and economic factors as the Governor, after consultation with the State board and local boards, determines are appropriate.

"(4) LOCAL ADMINISTRATIVE COST LIMIT.—

"(A) IN GENERAL.—Of the amounts allocated to a local area under this subsection and section 128(b) for a fiscal year, not more than 10 percent of the amount may be used by the local boards for the administrative costs of carrying out local workforce investment activities under this chapter or chapter 4.

"(B) USE OF FUNDS.—Funds made available for administrative costs under subparagraph (A) may be used for the administrative costs of any of the local workforce investment activities described in this chapter or chapter 4, regardless of whether the funds were allocated under this subsection or section 128(b).".

(3) REALLOCATION AMONG LOCAL AREAS.—Section 133(c) (29 U.S.C. 2863(c)) is amended—

(A) in paragraph (1), by striking "paragraph (2)(A) or (3) of";

(B) by amending paragraph (2) to read as follows:

"(2) AMOUNT.—The amount available for reallocation for a program year is equal to the amount by which the unexpended balance, excluding accrued expenditures, at the end of such program year of the total amount of funds available to the local area under this section during such program year (including amounts allotted to the local area in prior program years that remain available during the program year for which the determination is made) exceeds 30 percent of such total amount.";

(C) by amending paragraph (3)—

(i) by striking "subsection (b)(3)" each place it appears and inserting "subsection (b)";

(ii) by striking "the prior program year" and inserting "the program year in which the determination is made";

(iii) by striking "such prior program year" and inserting "such program year"; and

(iv) by striking the last sentence; and

(D) by amending paragraph (4) to read as follows:

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible local area means a local area which does not have an amount available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.".

(e) USE OF FUNDS FOR EMPLOYMENT AND TRAINING ACTIVITIES.—

(1) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) IN GENERAL.—Section 134(a)(1) (29 U.S.C. 2864(a)(1) is amended to read as follows:

"(1) IN GENERAL.—

"(A) REQUIRED USE OF FUNDS.—Not less than 50 percent of the funds reserved by a Governor under section 133(a) shall be used to support the provision of core services in local areas, consistent with the local plan, through one-stop delivery systems by distributing funds to local areas in accordance with subparagraph (B). Such funds may be used by States to employ State personnel to provide such services in designated local areas in consultation with local boards.

"(B) METHOD OF DISTRIBUTING FUNDS.—The method of distributing funds under this paragraph shall be developed in consultation with the State board and local boards. Such method of distribution, which may include the formula established under section 121(h)(3), shall be objective and geographically equitable, and may include factors such as the number of centers in the local area that have been certified, the population served by such centers, and the performance of such centers.

"(C) OTHER USE OF FUNDS.—Funds reserved by a Governor for a State—

"(i) under section 133(a) and not used under subparagraph (A), may be used for statewide activities described in paragraph (2); and

"(ii) under section 133(a) and not used under subparagraph (A), and under section 128(a) may be used to carry out any of the statewide employment and training activities described in paragraph (3).".

(B) STATEWIDE RAPID RESPONSE ACTIVITIES.—Section 134(a)(2) (29 U.S.C. 2864(a)(2)) is amended to read as follows:

"(2) STATEWIDE RAPID RESPONSE ACTIVITIES.—A State shall carry out statewide rapid response activities using funds reserved as described in section 133(a). Such activities shall include—

"(A) provision of rapid response activities, carried out in local areas by the State or by an entity designated by the State, working in conjunction with the local boards and the chief elected officials in the local areas; and

"(B) provision of additional assistance to local areas that experience disasters, mass layoffs or plant closings, or other events that precipitate substantial increases in the number of unemployed individuals, carried out in local areas by the State, working in conjunction with the local boards and the chief elected officials in the local areas.".

(C) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Section 134(a)(3) (29 U.S.C. 2864(a)(3)) is amended to read as follows:

"(3) STATEWIDE ACTIVITIES.—Funds reserved by a Governor for a State as described in sections 133(a) and 128(a) may be used for statewide activities including—

"(A) supporting the provision of core services described in section 134(c)(2) in the one-stop delivery system;

"(B) conducting evaluations under section 136(e) of activities authorized under this chapter and chapter 4 in coordination with evaluations carried out by the Secretary under section 172, research, and demonstration projects;

"(C) providing incentive grants to local areas for regional cooperation among local boards (including local boards in a designated region as described in section 116(c)), for local coordination of activities carried out under this Act, and for exemplary performance by local areas on the local performance measures;

"(D) providing technical assistance and capacity building to local areas, one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, the development of exemplary program activities, and the provision of technical assistance to local areas that fail to meet local performance measures;

"(E) operating a fiscal and management accountability system under section 136(f);

"(F) carrying out monitoring and oversight of activities carried out under this chapter and chapter 4;

"(G) implementing innovative programs, such as incumbent worker training programs, programs serving individuals with disabilities consistent with section 188;

"(H) developing strategies for effectively serving hard-to-serve populations and for integrating programs and services among one-stop partners;

"(I) implementing innovative programs for displaced homemakers, which for purposes of this subparagraph may include an individual who is receiving public assistance and is within 2 years of exhausting lifetime eligibility under Part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); and

"(J) implementing programs to increase the number of individuals training for and placed in nontraditional employment.".

(D) LIMITATION ON STATE ADMINISTRATIVE EXPENDITURES.—Section 134(a) is further amended by adding the following new paragraph:

"(4) LIMITATION.—Not more than 5 percent of the funds allotted under section 132(b) shall be used by the State for administrative activities carried out under this subsection and section 128(a).".

(2) LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.— Section 134(b) (29 U.S.C. 2864(b)) is amended—

(A) by striking "under paragraph (2)(A)" and all that follows through "section 133(b)(2)(B)" and inserting "under section 133(b)";

(B) in paragraphs (1) and (2), by striking "or dislocated workers, respectively" both places it appears; and

(C) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(3) REQUIRED LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) ALLOCATED FUNDS.—Section 134(c)(1) (29 U.S.C. 2864(c)(1)) (as redesignated by paragraph (2)) is amended to read as follows:

"(1) IN GENERAL.—Funds allocated to a local area for adults under section 133(b) shall be used—

"(A) to establish a one-stop delivery system as described in section 121(e);

"(B) to provide the core services described in paragraph (2) through the one-stop delivery system in accordance with such paragraph;

"(C) to provide the intensive services described in paragraph (3) to adults described in such paragraph; and

"(D) to provide training services described in paragraph (4) to adults described in such paragraph.".

(B) CORE SERVICES.—Section 134(c)(2) (29 U.S.C. 2864(c)(2)) (as redesignated by paragraph (2)) is amended—

(i) by striking "who are adults or dislocated workers";

(ii) in subparagraph (A), by striking "under this subtitle" and inserting "under the one-stop partner programs described in section 121(b)";

(iii) by amending subparagraph (D) to read as follows:

"(D) labor exchange services, including—

"(i) job search and placement assistance, and where appropriate career counseling; and

"(ii) appropriate recruitment services for employers;";

(iv) in subparagraph (I), by inserting "and the administration of the work test for the unemployment compensation system" after "compensation"; and

(v) by amending subparagraph (J) to read as follows:

"(J) assistance in establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under this Act and are available in the local area; and".

(C) INTENSIVE SERVICES.—Section 134(c)(3) (29 U.S.C. 2864(c)(3) (as redesignated by pardgraph (2) of this subsection) is amended—

(i) by amending subparagraph (A) to read as follows:

"(A) IN GENERAL.—

"(i) ELIGIBILITY.—Funds allocated to a local area under section 133(b) shall be used to provide intensive services for adults who—

"(I) are unemployed and who have been determined by the one-stop operator to be—

"(aa) unlikely or unable to obtain suitable employment through core services; and

"(bb) in need of intensive services in order to obtain suitable employment; or

"(II) are employed, but who are determined by a one-stop operator to be in need of intensive services to obtain or retain suitable employment.

"(ii) DEFINITION.—The Governor shall define the term 'suitable employment' for purposes of this subparagraph."; and

(ii) in subparagraph (C)—

(I) in clause (v), by striking "for participants seeking training services under paragraph (4)"; and

(II) by adding the following clauses after clause (vi):

"(vii) Internships and work experience.

"(viii) Literacy activities relating to basic work readiness, and financial literacy activities.

"(ix) Out-of-area job search assistance and relocation assistance.".

(D) TRAINING SERVICES.—Section 134(c)(4) (as redesignated by paragraph (2) of this subsection) is amended—

(i) by amending subparagraph (A) to read as follows:

"(A) IN GENERAL.—

"(i) ELIGIBILITY.—Funds allocated to a local area under section 133(b) shall be used to provide training services to adults who—

"(I) after an interview, evaluation, or assessment, and case management, have been determined by a one-stop operator or one-stop partner, as appropriate, to—

"(aa) be unlikely or unable to obtain or retain suitable employment through intensive services under paragraph (3)(A);

"(bb) be in need of training services to obtain or retain suitable employment; and

"(cc) have the skills and qualifications to successfully participate in the selected program of training services;

"(II) select programs of training services that are directly linked to the employment opportunities in the local area involved or in another area in which the adults receiving such services are willing to commute or relocate;

"(III) who meet the requirements of subparagraph (B); and

"(IV) who are determined eligible in accordance with the priority system in effect under subparagraph (E).

"(ii) The Governor shall define the term 'suitable employment' for purposes of this subparagraph.";

(ii) in subparagraph (B)(i), by striking "Except" and inserting "Notwithstanding section 479B of the Higher Education Act of 1965 (20 U.S.C. 1087uu) and except";

(iii) by amending subparagraph (E) to read as follows:

"(E) PRIORITY.—

"(i) IN GENERAL.—A priority shall be given to unemployed individuals for the provision of intensive and training services under this subsection.

"(ii) ADDITIONAL PRIORITY.—If the funds in the local area, including the funds allocated under section 133(b), for serving recipients of public assistance and other low-income individuals is limited, the priority for the provision of intensive and training services under this subsection shall include such recipients and individuals.

"(iii) DETERMINATIONS.—The Governor and the appropriate local board shall direct the one-stop operators in the local area with regard to making determinations with respect to the priority of service under this subparagraph.";

(iv) in subparagraph (F), by adding the following clause after clause (iii):

"(iv) ENHANCED INDIVIDUAL TRAINING ACCOUNTS.—Each local board may, through one-stop centers, assist individuals receiving individual training accounts through the establishment of such accounts that include, in addition to the funds provided under this paragraph, funds from other programs and sources that will assist the individual in obtaining training services."; and

(v) in subparagraph (G)(iv), by redesignating subclause (IV) as subclause (V) and inserting after subclause (III) the following:

"(IV) Individuals with disabilities.".

(4) PERMISSIBLE ACTIVITIES.—Section 134(d) (as redesignated by paragraph (2)) is amended—

(A) by amending paragraph (1) to read as follows:

"(1) DISCRETIONARY ONE-STOP DELIVERY ACTIVITIES.—

"(A) IN GENERAL.—Funds allocated to a local area under section 133(b) may be used to provide, through the one-stop delivery system—

"(i) customized screening and referral of qualified participants in training services to employers;

"(ii) customized employment-related services to employers on a fee-for-service basis;

"(iii) customer support to navigate among multiple services and activities for special participant populations that face multiple barriers to employment, including individuals with disabilities; and

"(iv) employment and training assistance provided in coordination with child support enforcement activities of the State agency carrying out subtitle D of title IV of the Social Security Act.

"(B) WORK SUPPORT ACTIVITIES FOR LOW-WAGE WORKERS.—

"(i) IN GENERAL.— Funds allocated to a local area under 133(b) may be used to provide, through the one-stop delivery system and in collaboration with the appropriate programs and resources of the one-stop partners, work support activities designed to assist low-wage workers in retaining and enhancing employment.

"(ii) ACTIVITIES.—The activities described in clause (i) may include assistance in accessing financial supports for which such workers may be eligible and the provision of activities available through the one-stop delivery system in a manner that enhances the opportunities of such workers to participate, such as the provision of employment and training activities during nontraditional hours and the provision of on-site child care while such activities are being provided."; and

(B) by adding after paragraph (3) the following new paragraph:

"(4) INCUMBENT WORKER TRAINING PROGRAMS.—

"(A) IN GENERAL.—The local board may use up to 10 percent of the funds allocated to a local area under section 133(b) to carry out incumbent worker training programs in accordance with this paragraph.

"(B) TRAINING ACTIVITIES.—The training programs for incumbent workers under this paragraph shall be carried out by the local area in conjunction with the employers of such workers for the purpose of assisting such workers in obtaining the skills necessary to retain employment and avert layoffs.

"(C) EMPLOYER MATCH REQUIRED.—

"(i) IN GENERAL.—Employers participating in programs under this paragraph shall be required to pay a proportion of the costs of providing the training to the incumbent workers. The Governor shall establish, or may authorize the local board to establish, the required portion of such costs, which shall not be less than—

"(I) 10 percent of the costs, for employers with 50 or fewer employees;

"(II) 25 percent of the costs, for employers with more than 50 employees but fewer than 100 employees; and

"(III) 50 percent of the costs, for employers with 100 or more employees.

"(ii) CALCULATION OF MATCH.—The wages paid by an employer to a worker while they are attending training may be included as part of the requirement payment of the employer.".

SEC. 113. PERFORMANCE ACCOUNTABILITY SYSTEM.

(a) State Performance Measures.—

(1) In general.—Section 136(b)(1) (29 U.S.C. 2871(b)(1)) is amended—

(A) in subparagraph (A)(i), by striking "and the customer satisfaction indicator of performance described in paragraph (2)(B)"; and

(B) in subparagraph (A)(ii), by striking "paragraph (2)(C)" and inserting "paragraph (2)(B)".

(2) Indicators of performance.—Section 136(b)(2) (29 U.S.C. 2871(b)(2)) is amended—

(A) in subparagraph (A)(i), by striking "(except for self-service and information activities) and (for participants who are eligible youth age 19 through 21) for youth activities authorized under section 129";

(B) by amending subparagraph (A)(i)(IV) to read as follows:

"(IV) the efficiency of the program in obtaining the outcomes described in subclauses (I) through (III).";

(C) by amending subparagraph (A)(ii) to read as follows:

"(ii) Core indicators for eligible youth.—The core indicators of performance for youth activities authorized under section 129 shall consist of—

"(I) entry into employment, education or advanced training, or military service;

"(II) attainment of secondary school diplomas or the General Equivalency Diploma (GED) (including recognized alternative standards for individuals with disabilities);

"(III) attainment of literacy or numeracy skills; and

"(IV) the efficiency of the program in obtaining the outcomes described in subclauses (I) through (III).";

(D) by striking subparagraph (B);

(E) by redesignating subparagraph (C) as subparagraph (B), and by adding at the end of such subparagraph (as so redesignated) the following new sentence: "Such indicators may include customer satisfaction of employers and participants with services received from the workforce investment activities authorized under this subtitle.".

(3) Levels of performance.—Section 136(b)(3)(A) (29 U.S.C. 2871(b)(3)(A)) is amended—

(A) in clause (i), by striking "and the customer satisfaction indicator described in paragraph (2)(B)";

(B) in clause (ii), by striking "and the customer satisfaction indicator of performance, for the first 3" and inserting "for the 2";

(C) in clause (iii)—

(i) in the heading, by striking "FOR FIRST 3 YEARS"; and

(ii) by striking "and the customer satisfaction indicator of performance, for the first 3" and inserting "for the 2";

(D) in clause (iv)—

(i) by striking subclause (I);

(ii) by redesignating subclauses (II) and (III) as subclauses (I) and (II), respectively; and

(iii) in subclause (I) (as so redesignated)—

(I) by striking "taking into account" and inserting "which shall be adjusted based on";

(II) by inserting "such as unemployment rates and job losses or gains in particular industries" after "economic conditions"; and

(III) by inserting "such as indicators of poor work history, lack of work experience, low levels of literacy or English proficiency, disability status, and welfare dependency" after "program";

(E) by striking clause (v); and

(F) by redesignating clause (vi) as clause (v).

(4) Additional indicators.—Section 136(b)(3)(B) is amended by striking "paragraph (2)(C)" and inserting "paragraph (2)(B)".

(b) Local Performance Measures.—Section 136(c) (29 U.S.C 2871(c)) is amended—

(1) in paragraph (1)(A)(i), by striking ", and the customer satisfaction indicator of performance described in subsection (b)(2)(B),";

(2) in paragraph (1)(A)(ii), by striking "subsection (b)(2)(C)" and inserting "subsection (b)(2)(B)"; and

(3) by amending paragraph (3) to read as follows:

"(3) Determinations.—In determining such local levels of performance, the local board, the chief elected official, and the Governor shall ensure such levels are adjusted based on the specific economic characteristics (such as unemployment rates and job losses or gains in particular industries), demographic characteristics, or other characteristics of the population to be served in the local area, such as poor work history, lack of work experience, low levels of literacy or English proficiency, disability status, and welfare dependency.".

(c) Report.—Section 136(d) (29 U.S.C. 2871(d)) is amended—

(1) in paragraph (1), by striking "and the customer satisfaction indicator" in both places that it appears;

(2) in paragraph (2)(E), by striking "(excluding participants who received only self-service and informational activities)"; and

(3) by adding at the end the following:

"(4) Data validation.—In preparing the reports described in this subsection, the States shall establish procedures, consistent with guidelines issued by the Secretary, to ensure the information contained in the report is valid and reliable.".

(d) Sanctions for State.—Section 136(g) (29 U.S.C. 2871(g)) is amended—

(1) in paragraph (1)(A), by striking "or (B)"; and

(2) in paragraph (2), by striking "section 503" and inserting "section 136(i)".

(e) Sanctions for Local Areas.—Section 136(h) (29 U.S.C. 2871(h)) is amended—

(1) in paragraph (1), by striking "or (B)"; and

(2) by amending paragraph (2)(B) to read as follows:

"(B) Appeal to governor.—A local area that is subject to a reorganization plan under subparagraph (A) may, not later than 30 days after receiving notice of the reorganization plan, appeal to the Governor to rescind or revise such plan. In such case, the Governor shall make a final decision not later than 30 days after the receipt of the appeal.".

(f) Incentive Grants.—Section 136(i) (29 U.S.C. 2871(i)) is amended to read as follows:

"(i) Incentive Grants for States and Local Areas.—

"(1) Incentive grants for states.—

"(A) In general.—From funds appropriated under section 174, the Secretary may award grants to States for exemplary performance in carrying programs under this chapters 4 and 5 of this title. Such awards may be based on States meeting or exceeding the performance measures established under this section, on the performance of the State in serving special populations, including the levels of service provided and the performance outcomes, and such other factors relating to the performance of the State under this title as the Secretary determines is appropriate.

"(B) Use of funds.—The funds awarded to a State under this paragraph may be used to carry out any activities authorized under chapters 4 and 5 of this title, including demonstrations and innovative programs for special populations.

"(2) Incentive grants for local areas.—

"(A) In general.—From funds reserved under sections 128(a) and 133(a), the Governor may award incentive grants to local areas for exemplary performance with respect to the measures established under this section and with the performance of the local area in serving special populations, including the levels of service and the performance outcomes.

"(B) Use of funds.—The funds awarded to a local area may be used to carry out activities authorized for local areas under chapters 4 and 5 of this title, and such demonstration or other innovative programs to serve special populations as may be approved by the Governor.".

(g) Repeal of Definitions.—Sections 502 and 503 (and the items related to such sections in the table of contents) are repealed.

SEC. 114. AUTHORIZATION OF APPROPRIATIONS.

(a) Youth Activities.—Section 137(a) (29 U.S.C. 2872(a)) is amended by striking "such sums as may be necessary for each of fiscal years 1999 through 2003" and inserting "$1,001,000,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2009".

(b) Adult Employment and Training Activities.—Section 137(b) (29 U.S.C. 2872(b)) is amended by striking "section 132(a)(1), such sums as may be necessary for each of fiscal years 1999 through 2003" and inserting "132(a), $3,079,800,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2009".

(c) Dislocated Worker Employment and Training Activities.—Section 137 is further amended by striking subsection (c).

SEC. 115. JOB CORPS.

(a) Community Participation.—Section 153 (29 U.S.C. 2893) is amended—

(1) by amending subsection (a) to read as follows:

"(a) Business and Community Participation.—The director of each Job Corps center shall ensure the establishment and development of the business and community relationships and networks described in subsection (b) in order to enhance the effectiveness of such center.";

(2) in subsection (b)—

(A) in the heading, by striking "Responsibilities" and inserting "Networks"; and

(B) by striking "The responsibilities of the Liaison" and inserting "The activities carried out by each Job Corps center under this section"; and

(3) in subsection (c), by striking "The Liaison for" and inserting "The director of".

(b) Industry Councils.—Section 154(b) (29 U.S.C. 2894(b)) is amended—

(1) in paragraph (1)(A), by striking "local and distant"; and

(2) by adding after paragraph (2) the following:

"(3) Employers outside of local areas.—The industry council may include, or otherwise provide for consultation with, employers from outside the local area who are likely to hire a significant number of enrollees from the Job Corps center.".

(c) Indicators of Performance and Additional Information.—Section 159(c) (29 U.S.C. 2893(c)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Core indicators.—The Secretary shall annually establish expected levels of performance for Job Corps centers and the Job Corps program relating to each of the core indicators for youth identified in section 136(b)(2)(A)(ii)."; and

(2) in paragraph (2), by striking "measures" each place it appears and inserting "indicators".

SEC. 116. NATIVE AMERICAN PROGRAMS.

(a) Authorized Activities.—Section 166(d)(2) (29 U.S.C. 2911(d)(2)) is amended to read as follows:

"(2) WORKFORCE INVESTMENT ACTIVITIES AND SUPPLEMENTAL SERVICES.—Funds made available under subsection (c) shall be used for—

"(A) comprehensive workforce investment activities for Indians or Native Hawaiians; or

"(B) supplemental services for Indian or Native Hawaiian youth on or near Indian reservations and in Oklahoma, Alaska, or Hawaii.".

(b) ADVISORY COUNCIL.—Section 166(h)(4)(C) (29 U.S.C. 2911(h)(4)(C)) is amended to read as follows:

"(C) DUTIES.—The Council shall advise the Secretary on the operation and administration of the programs assisted under this section.".

(c) ASSISTANCE TO AMERICAN SAMOANS IN HAWAII.—Section 166 (29 U.S.C. 2911) is further amended by striking subsection (j).

SEC. 117. YOUTH CHALLENGE GRANTS.

Section 169 (29 U.S.C. 2914) is amended to read as follows:

"SEC. 169. YOUTH CHALLENGE GRANTS.

"(a) IN GENERAL.—Of the amounts reserved by the Secretary under section 127(a)(1)(A) for a fiscal year—

"(1) the Secretary shall use not less than 80 percent to award competitive grants under subsection (b); and

"(2) the Secretary may use not more than 20 percent to award discretionary grants under subsection (c).

"(b) COMPETITIVE GRANTS TO STATES AND LOCAL AREAS.—

"(1) ESTABLISHMENT.—From the funds described in subsection (a)(1), the Secretary shall award competitive grants to eligible entities to carry out activities authorized under this section to assist eligible youth in acquiring the skills, credentials and employment experience necessary to succeed in the labor market.

"(2) ELIGIBLE ENTITIES.—Grants under this subsection may be awarded to States, local boards, recipients of grants under section 166 (relating to Native American programs), and public or private entities (including consortia of such entities) applying in conjunction with local boards.

"(3) GRANT PERIOD.—The Secretary may make a grant under this section for a period of 1 year and may renew the grants for each of the 4 succeeding years.

"(4) AUTHORITY TO REQUIRE MATCH.—The Secretary may require that grantees under this subsection provide a non-Federal share of the cost of activities carried out under a grant awarded under this subsection.

"(5) PARTICIPANT ELIGIBILITY.—Youth ages 14 through 19 as of the time the eligibility determination is made may be eligible to participate in activities provided under this subsection.

"(6) USE OF FUNDS.—Funds under this subsection may be used for activities that are designed to assist youth in acquiring the skills, credentials and employment experience that are necessary to succeed in the labor market, including the activities identified in section 129. The activities may include activities such as—

"(A) training and internships for out-of-school youth in sectors of economy experiencing or projected to experience high growth;

"(B) after-school dropout prevention activities for in-school youth;

"(C) activities designed to assist special youth populations, such as court-involved youth and youth with disabilities; and

"(D) activities combining remediation of academic skills, work readiness training, and work experience, and including linkages to postsecondary education, apprenticeships, and career-ladder employment.

"(7) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) a description of the activities the eligible entity will provide to eligible youth under this subsection;

"(B) a description of the programs of demonstrated effectiveness on which the provision of the activities under subparagraph (A) are based, and a description of how such activities will expand the base of knowledge relating to the provision of activities for youth;

"(C) a description of the private and public, and local and State resources that will be leveraged to provide the activities described under subparagraph (A) in addition the funds provided under this subsection; and

"(D) the levels of performance the eligible entity expects to achieve with respect to the indicators of performance for youth specified in section 136(b)(2)(A)(ii).

"(8) FACTORS FOR AWARD.—In awarding grants under this subsection the Secretary may consider the quality of the proposed project, the goals to be achieved, the likelihood of successful implementation, the extent to which the project is based on proven strategies or the extent to which the project will expand the knowledge base on activities for youth, and the additional State, local or private resources that will be provided.

"(9) EVALUATION.—The Secretary may reserve up to 5 percent of the funds described in subsection (a)(1) to provide technical assistance to, and conduct evaluations of the projects funded under this subsection (using appropriate techniques as described in section 172(c)).

"(c) DISCRETIONARY GRANTS FOR YOUTH ACTIVITIES.—

"(1) IN GENERAL.—From the funds described in subsection (a)(2), the Secretary may award grants to eligible entities to provide activities that will assist youth in preparing for, and entering and retaining, employment.

"(2) ELIGIBLE ENTITIES.—Grants under this subsection may be awarded to public or private entities that the Secretary determines would effectively carry out activities relating to youth under this subsection.

"(3) PARTICIPANT ELIGIBILITY.—Youth ages 14 through 19 at the time the eligibility determination is made may be eligible to participate in activities under this subsection.

"(4) USE OF FUNDS.—Funds provided under this subsection may be used for activities that will assist youth in preparing for, and entering and retaining, employment, including the activities described in section 129 for out-of-school youth, activities designed to assist in-school youth to stay in school and gain work experience, and such other activities that the Secretary determines are appropriate.

"(5) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(6) ADDITIONAL REQUIREMENTS.—The Secretary may require the provision of a non-Federal share for projects funded under this subsection and may require participation of grantees in evaluations of such projects, including evaluations using the techniques as described in section 172(c).".

SEC. 118. TECHNICAL ASSISTANCE.

Section 170 (29 U.S.C. 2915) is amended—

(1) by striking subsection (b);

(2) by striking "(a) GENERAL TECHNICAL ASSISTANCE.—";

(3) by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c) respectively, and moving such subsections 2 ems to the left; and

(4) in subsection (a) (as redesignated by paragraph (3))—

(A) by inserting "the training of staff providing rapid response services, the training of other staff of recipients of funds under this title, peer review activities under this title," after "localities,"; and

(B) by striking "from carrying out activities" and all that follows up to the period and inserting "to implement the amendments made by the Workforce Reinvestment and Adult Education Act of 2003".

SEC. 119. DEMONSTRATION, PILOT, MULTISERVICE, RESEARCH AND MULTISTATE PROJECTS.

(a) DEMONSTRATION AND PILOT PROJECTS.—Section 171(b) (29 U.S.C. 2916(b)) is amended—

(1) in paragraph (1)—

(A) by striking "Under a" and inserting "Consistent with the priorities specified in the";

(B) by amending subparagraphs (A) through (D) to read as follows:

"(A) projects that assist national employers in connecting with the workforce investment system established under this title in order to facilitate the recruitment and employment of needed workers and to provide information to such system on skills and occupations in demand;

"(B) projects that promote the development of systems that will improve the effectiveness and efficiency of programs carried out under this title;

"(C) projects that focus on opportunities for employment in industries and sectors of industries that are experiencing or are likely to experience high rates of growth;

"(D) projects carried out by States and local areas to test innovative approaches to delivering employment-related services;";

(C) by striking subparagraph (E);

(D) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively;

(E) by inserting after subparagraph (F) (as so redesignated) the following:

"(G) projects that provide retention grants to qualified job training programs upon placement or retention of a low-income individual trained by that program in employment with a single employer for a period of 1 year, provided that such employment is providing to the low-income individual an income not less than twice the poverty line for that individual."; and

(F) by striking subparagraph (H); and

(2) in paragraph (2)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(b) MULTISERVICE PROJECTS.—Section 171(c)(2)(B) (29 U.S.C. 2916(c)(2)(B)) is amended to read as follows:

"(B) NET IMPACT STUDIES AND REPORTS.—The Secretary shall conduct studies to determine the net impacts of programs, services, and activities carried out under this title. The Secretary shall prepare and disseminate to the public reports containing the results of such studies.".

(c) WAIVER AUTHORITY TO CARRY OUT DEMONSTRATIONS AND EVALUATIONS.—Section 171 (29 U.S:C. 2916(d)) is further amended by striking subsection (d).

SEC. 120. EVALUATIONS.

(a) IN GENERAL.—Section 173 (29 U.S.C. 2916) is amended—

(1) by amending the designation and heading to read as follows:

"SEC. 173. NATIONAL DISLOCATED WORKER GRANTS.";

and

(2) in subsection (a)—

(A) by striking "national emergency grants" in the matter preceding paragraph (1) and inserting "national dislocated worker grants"; and

(B) in paragraph (1), by striking "subsection (c)" and inserting "subsection (b)".

(b) ADMINISTRATION.—Section 173 (29 U.S.C. 2918) is further amended—

(1) by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(2) by striking subsection (e) and redesignating subsections (f) and (g) as subsection (d) and (e), respectively.

(c) ELIGIBLE ENTITIES.—Section 173(b)(1)(B) (29 U.S.C. 2918(b)(1)(B)) (as redesignated by subsection (b) of this section) is amended by striking ", and other entities" and all that follows and inserting a period.

(d) CONFORMING AMENDMENT.—The table of contents in section 1(b) is amended by amending the item related to section 173 to read as follows:

"Sec. 173. National dislocated worker grants.".

SEC. 121. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL ACTIVITIES.

(a) IN GENERAL.—Section 174(a)(1) (29 U.S.C. 2919(a)(1)) is amended by striking "1999 through 2003" and inserting "2004 through 2009".

(b) RESERVATIONS.—Section 174(b) is amended to read as follows:

"(b) TECHNICAL ASSISTANCE; DEMONSTRATION AND PILOT PROJECTS; EVALUATIONS; INCENTIVE GRANTS.—There are authorized to be appropriated to carry out sections 170 through 172 and section 136 such sums as may be necessary for each of fiscal years 2004 through 2009.".

SEC. 122. REQUIREMENTS AND RESTRICTIONS.

(a) IN GENERAL.—Section 181(c)(2)(A) (29 U.S.C. 2931(c)(2)(A)) is amended in the matter preceding clause (i) by striking "shall" and inserting "may".

(b) LIMITATIONS.—Section 181(e) is amended by striking the first sentence.

SEC. 123. NONDISCRIMINATION.

Section 188(a)(2) (29 U.S.C. 2931(a)(2)) is amended—

(1) by striking "EMPLOYMENT.—No" and inserting "EMPLOYMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no"; and

(2) by adding at the end the following subparagraph:

"(B) EXEMPTION FOR RELIGIOUS ORGANIZATIONS.—Subparagraph (A) shall not apply to recipients of financial assistance under this title that is a religious corporation, association, educational institution, or society, with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities Such recipients shall comply with the other requirements contained in subparagraph (A).".

SEC. 124. ADMINISTRATIVE PROVISIONS.

(a) PROGRAM YEAR.—Section 189(g)(1) (29 U.S.C. 2939(g)(1)) is amended to read as follows:

"(1) IN GENERAL.—Appropriations for any fiscal year for programs and activities carried out under this title shall be available for obligation only on the basis of a program year. The program year shall begin on July 1 in the fiscal year for which the appropriation is made.".

(b) AVAILABILITY.—Section 189(g)(2) (29 U.S.C. 2939(g)(2)) is amended by striking "each State" and inserting "each recipient".

(c) GENERAL WAIVERS.—Section 189(i)(4) (29 U.S.C. 2939(i)(4)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by inserting ", or in accordance with subparagraph (D)," after "subparagraph (B)"; and

(2) by adding the following subparagraph:

"(D) EXPEDITED PROCESS FOR EXTENDING APPROVED WAIVERS TO ADDITIONAL STATES.—In lieu of the requirements of subparagraphs (B) and (C), the Secretary may establish an expedited procedure for the purpose of extending to additional States the waiver of statutory or regulatory requirements that have been approved for a State pursuant to a request under subparagraph (B). Such procedure shall ensure that the extension of such waivers to additional States are accompanied by appropriate conditions relating the implementation of such waivers.".

SEC. 125. GENERAL PROGRAM REQUIREMENTS.

Section 195 (29 U.S.C. 2945) is amended by adding at the end the following new paragraph:

"(14) Funds provided under this title shall not be used to establish or operate stand-alone fee-for-service enterprises that compete with private sector employment agencies within the meaning of section 701(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(c)). For purposes of this paragraph, such an enterprise does not include one-stop centers.".

TITLE II—ADULT EDUCATION

PART A—ADULT BASIC SKILLS AND FAMILY LITERACY EDUCATION

SEC. 201. TABLE OF CONTENTS.

The table of contents in section 1(b) is amended by amending the items relating to title II to read as follows:

"TITLE II—ADULT BASIC SKILLS AND FAMILY LITERACY EDUCATION

"Sec. 201. Short title.
"Sec. 202. Purpose.
"Sec. 203. Definitions.
"Sec. 204. Home schools.
"Sec. 205. Authorization of appropriations.

"CHAPTER 1—FEDERAL PROVISIONS

"Sec. 211. Reservation of funds; grants to eligible agencies; allotments.
"Sec. 212. Performance accountability system.
"Sec. 213. Incentive grants for states.

"CHAPTER 2—STATE PROVISIONS

"Sec. 221. State administration.
"Sec. 222. State distribution of funds; matching requirement.
"Sec. 223. State leadership activities.
"Sec. 224. State plan.
"Sec. 225. Programs for corrections education and other institutionalized individuals.

"CHAPTER 3—LOCAL PROVISIONS

"Sec. 231. Grants and contracts for eligible providers.
"Sec. 232. Local application.
"Sec. 233. Local administrative cost limits.

"CHAPTER 4—GENERAL PROVISIONS

"Sec. 241. Administrative provisions.
"Sec. 242. National leadership activities.".

SEC. 202. AMENDMENT.

Title II is amended to read as follows:

"TITLE II—ADULT BASIC SKILLS AND FAMILY LITERACY EDUCATION

"SEC. 201. SHORT TITLE.

"This title may be cited as the 'Adult Basic Skills and Family Literacy Education Act'.

"SEC. 202. PURPOSE.

"It is the purpose of this title to provide instructional opportunities for adults seeking to improve their basic reading, writing, speaking, and math skills, and support States and local communities in providing, on a voluntary basis, adult basic skills and family literacy programs, in order to—

"(1) increase the basic reading, writing, speaking, and math skills necessary for adults to obtain employment and self-sufficiency and to successfully advance in the workforce;

"(2) assist adults in the completion of a secondary school education (or its equivalent) and the transition to a postsecondary educational institution;

"(3) increase the basic reading, writing, speaking, and math skills of parents to enable them to support the educational development of their children and make informed choices regarding their children's education; and

"(4) assist immigrants who are not proficient in English in improving their reading, writing, speaking, and math skills and acquiring an understanding of the American free enterprise system, individual freedom, and the responsibilities of citizenship.

"SEC. 203. DEFINITIONS.

"In this title:

"(1) ADULT BASIC SKILLS AND FAMILY LITERACY EDUCATION PROGRAMS.—The term 'adult basic skills and family literacy education programs' means a sequence of academic instruction and educational services below the postsecondary level that increase an individual's ability to read, write, and speak in English and perform mathematical computations leading to a level of proficiency equivalent to secondary school completion that is provided for individuals—

"(A) who are at least 16 years of age;

"(B) who are not enrolled or required to be enrolled in secondary school under State law; and

"(C) who—

"(i) lack sufficient mastery of basic reading, writing, speaking, and math skills to enable the individuals to function effectively in society;

"(ii) do not have a secondary school diploma or the General Equivalency Diploma (GED) (including recognized alternative standards for individuals with disabilities), and have not achieved an equivalent level of education; or

"(iii) are unable to read, write, or speak the English language.

"(2) ELIGIBLE AGENCY.—The term 'eligible agency'—

"(A) means the sole entity or agency in a State or an outlying area responsible for administering or supervising policy for adult basic skills and family literacy education programs in the State or outlying area, respectively, consistent with the law of the State or outlying area, respectively; and

"(B) may be the State educational agency, the State agency responsible for administering workforce investment activities, or the State agency responsible for administering community or technical colleges.

"(3) ELIGIBLE PROVIDER.—The term 'eligible provider' means—

"(A) a local educational agency;

"(B) a community-based or faith-based organization of demonstrated effectiveness;

"(C) a volunteer literacy organization of demonstrated effectiveness;

"(D) an institution of higher education;

"(E) a public or private educational agency;

"(F) a library;

"(G) a public housing authority;

"(H) an institution that is not described in any of subparagraphs (A) through (G) and has the ability to provide adult basic skills and family literacy education programs to adults and families; or

"(I) a consortium of the agencies, organizations, institutions, libraries, or authorities described in any of subparagraphs (A) through (H).

"(4) ENGLISH LANGUAGE ACQUISITION PROGRAM.—The term 'English language acquisition program' means a program of instruction designed to help individuals with limited English proficiency achieve competence in reading, writing, and speaking the English language.

"(5) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of reading instruction' has the meaning given to that term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

"(6) FAMILY LITERACY EDUCATION PROGRAMS.—The term 'family literacy education programs' means educational programs that—

"(A) assist parents and students, on a voluntary basis, in achieving the purposes of this title as described in section 202; and

"(B) are of sufficient intensity in terms of hours and of sufficient duration to make sustainable changes in a family, are based upon *scientific research-based principles, and for the purpose of substantially increasing the ability of parents and children to read, write, and speak English integrate—*

''(i) interactive literacy activities between parents and their children;

''(ii) training for parents regarding how to be the primary teacher for their children and full partners in the education of their children;

''(iii) parent literacy training that leads to economic self-sufficiency; and

''(iv) an age-appropriate education to prepare children for success in school and life experiences.

''(7) GOVERNOR.—The term 'Governor' means the chief executive officer of a State or outlying area.

''(8) INDIVIDUAL WITH A DISABILITY.—

''(A) IN GENERAL.—The term 'individual with a disability' means an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

''(B) INDIVIDUALS WITH DISABILITIES.—The term 'individuals with disabilities' means more than one individual with a disability.

''(9) INDIVIDUAL WITH LIMITED ENGLISH PROFICIENCY.—The term 'individual with limited English proficiency' means an adult or out-of-school youth who has limited ability in reading, writing, speaking, or understanding the English language, and—

''(A) whose native language is a language other than English; or

''(B) who lives in a family or community environment where a language other than English is the dominant language.

''(10) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given to that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(11) LITERACY.—The term 'literacy' means the ability to read, write, and speak the English language with competence, knowledge, and comprehension.

''(12) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given to that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(13) OUTLYING AREA.—The term 'outlying area' has the meaning given to that term in section 101 of this Act.

''(14) POSTSECONDARY EDUCATIONAL INSTITUTION.—The term 'postsecondary educational institution' means—

''(A) an institution of higher education that provides not less than a 2-year program of instruction that is acceptable for credit toward a bachelor's degree;

''(B) a tribally controlled community college; or

''(C) a nonprofit educational institution offering certificate or apprenticeship programs at the postsecondary level.

''(15) READING.—The term 'reading' has the meaning given to that term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

''(16) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research' has the meaning given to that term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

''(17) SECRETARY.—The term 'Secretary' means the Secretary of Education.

''(18) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(19) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' has the meaning given to that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(20) WORKPLACE LITERACY PROGRAM.—The term 'workplace literacy program' means an educational program that is offered in collaboration between eligible providers and employers or employee organizations for the purpose of improving the productivity of the workforce through the improvement of reading, writing, speaking, and math skills.

"SEC. 204. HOME SCHOOLS.

''Nothing in this title shall be construed to affect home schools, whether or not a home school is treated as a home school or a private school under State law, or to compel a parent engaged in home schooling to participate in an English language acquisition program, a family literacy education program, or an adult basic skills and family literacy education program.

"SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $584,300,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.

"CHAPTER 1—FEDERAL PROVISIONS

"SEC. 211. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE AGENCIES; ALLOTMENTS.

''(a) RESERVATION OF FUNDS.—From the sums appropriated under section 205 for a fiscal year, the Secretary—

''(1) shall reserve 1.75 percent to carry out the National Institute for Literacy Establishment Act;

''(2) shall reserve up to 1.72 percent for incentive grants under section 213; and

''(3) shall reserve up to 1.55 percent to carry out section 242.

''(b) GRANTS TO ELIGIBLE AGENCIES.—

''(1) IN GENERAL.—From the sums appropriated under section 205 and not reserved under subsection (a) for a fiscal year, the Secretary shall award a grant to each eligible agency having a State plan approved under section 224 in an amount equal to the sum of the initial allotment under subsection (c)(1) and the additional allotment under subsection (c)(2) for the eligible agency for the fiscal year, subject to subsections (f) and (g).

''(2) PURPOSE OF GRANTS.—The Secretary may award a grant under paragraph (1) only if the eligible agency involved agrees to expend the grant in accordance with the provisions of this title.

''(c) ALLOTMENTS.—

''(1) INITIAL ALLOTMENTS.—From the sums appropriated under section 205 and not reserved under subsection (a) for a fiscal year, the Secretary shall allot to each eligible agency having a State plan approved under section 224—

''(A) $100,000, in the case of an eligible agency serving an outlying area; and

''(B) $250,000, in the case of any other eligible agency.

''(2) ADDITIONAL ALLOTMENTS.—From the sums appropriated under section 205, not reserved under subsection (a), and not allotted under paragraph (1), for a fiscal year, the Secretary shall allot to each eligible agency that receives an initial allotment under paragraph (1) an additional amount that bears the same relationship to such sums as the number of qualifying adults in the State or outlying area served by the eligible agency bears to the number of such adults in all States and outlying areas.

''(d) QUALIFYING ADULT.—For the purpose of subsection (c)(2), the term 'qualifying adult' means an adult who—

''(1) is at least 16 years of age;

''(2) is beyond the age of compulsory school attendance under the law of the State or outlying area;

''(3) does not have a secondary school diploma or the General Equivalency Diploma (GED) (including recognized alternative standards for individuals with disabilities); and

''(4) is not enrolled in secondary school.

''(e) SPECIAL RULE.—

''(1) IN GENERAL.—From amounts made available under subsection (c) for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, the Secretary shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this title in accordance with the provisions of this title as determined by the Secretary.

''(2) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall be eligible to receive a grant under this title until an agreement for the extension of United States education assistance under the Compact of Free Association for each of the Freely Associated States becomes effective.

''(3) ADMINISTRATIVE COSTS.—The Secretary may provide not more than 5 percent of the funds made available for grants under this subsection to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subsection.

''(f) HOLD-HARMLESS PROVISIONS.—

''(1) IN GENERAL.—Notwithstanding subsection (c), and subject to paragraphs (2) and (3), for fiscal year 2004 and each succeeding fiscal year, no eligible agency shall receive an allotment under this title that is less than 90 percent of the allotment the eligible agency received for the preceding fiscal year under this title.

''(2) EXCEPTION.—An eligible agency that receives for the preceding fiscal year only an initial allotment under subsection 211(c)(1) (and no additional allotment under 211(c)(2)) shall receive an allotment equal to 100 percent of the initial allotment.

''(3) RATABLE REDUCTION.—If for any fiscal year the amount available for allotment under this title is insufficient to satisfy the provisions of paragraph (1), the Secretary shall ratably reduce the payments to all eligible agencies, as necessary.

''(g) REALLOTMENT.—The portion of any eligible agency's allotment under this title for a fiscal year that the Secretary determines will not be required for the period such allotment is available for carrying out activities under this title, shall be available for reallotment from time to time, on such dates during such period as the Secretary shall fix, to other eligible agencies in proportion to the original allotments to such agencies under this title for such year.

"SEC. 212. PERFORMANCE ACCOUNTABILITY SYSTEM.

''(a) PURPOSE.—The purpose of this section is to establish a comprehensive performance accountability system, composed of the activities described in this section, to assess the effectiveness of eligible agencies in achieving continuous improvement of adult basic skills and family literacy education programs funded under this title, in order to optimize the return on investment of Federal funds in adult basic skills and family literacy education programs.

''(b) ELIGIBLE AGENCY PERFORMANCE MEASURES.—

''(1) IN GENERAL.—For each eligible agency, the eligible agency performance measures shall consist of—

''(A)(i) the core indicators of performance described in paragraph (2)(A); and

''(ii) employment performance indicators identified by the eligible agency under paragraph (2)(B); and

''(B) an eligible agency adjusted level of performance for each indicator described in subparagraph (A).

''(2) INDICATORS OF PERFORMANCE.—

"(A) CORE INDICATORS OF PERFORMANCE.—The core indicators of performance shall include the following:

"(i) Measurable improvements in basic skill levels in reading, writing, and speaking the English language and math, and English language acquisition leading to proficiency in each skill.

"(ii) Receipt of a secondary school diploma or the General Equivalency Diploma (GED) (including recognized alternative standards for individuals with disabilities).

"(iii) Placement in postsecondary education or other training programs.

"(B) EMPLOYMENT PERFORMANCE INDICATORS.—Consistent with applicable Federal and State privacy laws, an eligible agency shall identify in the State plan the following individual participant employment performance indicators—

"(i) entry into employment;

"(ii) retention in employment; and

"(iii) increase in earnings.

"(3) LEVELS OF PERFORMANCE.—

"(A) ELIGIBLE AGENCY ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS.—

"(i) IN GENERAL.—For each eligible agency submitting a State plan, there shall be established, in accordance with this subparagraph, levels of performance for each of the core indicators of performance described in paragraph (2)(A) for adult basic skills and family literacy education programs authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

"(I) be expressed in an objective, quantifiable, and measurable form; and

"(II) show the progress of the eligible agency toward continuously and significantly improving the agency's performance outcomes in an objective, quantifiable, and measurable form.

"(ii) IDENTIFICATION IN STATE PLAN.—Each eligible agency shall identify, in the State plan submitted under section 224, expected levels of performance for each of the core indicators of performance for the first 3 program years covered by the State plan.

"(iii) AGREEMENT ON ELIGIBLE AGENCY ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 3 YEARS.—In order to ensure an optimal return on the investment of Federal funds in adult basic skills and family literacy education programs authorized under this title, the Secretary and each eligible agency shall reach agreement on levels of student proficiency for each of the core indicators of performance, for the first 3 program years covered by the State plan, taking into account the levels identified in the State plan under clause (ii) and the factors described in clause (iv). The levels agreed to under this clause shall be considered to be the eligible agency adjusted levels of performance for the eligible agency for such years and shall be incorporated into the State plan prior to the approval of such plan.

"(iv) FACTORS.—The agreement described in clause (iii) or (v) shall take into account—

"(I) how the levels involved compare with the eligible agency's adjusted levels of performance, taking into account factors including the characteristics of participants when the participants entered the program; and

"(II) the extent to which such levels promote continuous and significant improvement in performance on the student proficiency measures used by such eligible agency and ensure optimal return on the investment of Federal funds.

"(v) AGREEMENT ON ELIGIBLE AGENCY ADJUSTED LEVELS OF PERFORMANCE FOR SECOND 3 YEARS.—Prior to the fourth program year covered by the State plan, the Secretary and each eligible agency shall reach agreement on levels of student proficiency for each of the core indicators of performance for the fourth, fifth, and sixth program years covered by the State plan, taking into account the factors described in clause (iv). The levels agreed to under this clause shall be considered to be the eligible agency adjusted levels of performance for the eligible agency for such years and shall be incorporated into the State plan.

"(vi) REVISIONS.—If unanticipated circumstances arise in a State resulting in a significant change in the factors described in clause (iv)(I), the eligible agency may request that the eligible agency adjusted levels of performance agreed to under clause (iii) or (v) be revised.

"(B) LEVELS OF EMPLOYMENT PERFORMANCE.—The eligible agency shall identify, in the State plan, eligible agency levels of performance for each of the employment performance indicators described in paragraph (2)(B). Such levels shall be considered to be eligible agency adjusted levels of performance for purposes of this title.

"(c) REPORT.—

"(1) IN GENERAL.—Each eligible agency that receives a grant under section 211(b) shall annually prepare and submit to the Secretary, the Governor, the State legislature, eligible providers, and the general public within the State, a report on the progress of the eligible agency in achieving eligible agency performance measures, including the following:

"(A) Information on the levels of performance achieved by the eligible agency with respect to the core indicators of performance and employment performance indicators.

"(B) The number and type of each eligible provider that receives funding under such grant.

"(2) INFORMATION DISSEMINATION.—The Secretary—

"(A) shall make the information contained in such reports available to the general public through publication and other appropriate methods;

"(B) shall disseminate State-by-State comparisons of the information; and

"(C) shall provide the appropriate committees of the Congress with copies of such reports.

"SEC. 213. INCENTIVE GRANTS FOR STATES.

"(a) IN GENERAL.—From funds appropriated under section 211(a)(2), the Secretary may award grants to States for exemplary performance in carrying out programs under this title. Such awards shall be based on States meeting or exceeding the core indicators of performance established under section 212(b)(2)(A) and may be based on the performance of the State in serving populations, such as those described in section 224(b)(10), including the levels of service provided and the performance outcomes, and such other factors relating to the performance of the State under this title as the Secretary determines appropriate.

"(b) USE OF FUNDS.—The funds awarded to a State under this paragraph may be used to carry out any activities authorized under this title, including demonstrations and innovative programs for hard-to-serve populations.

"CHAPTER 2—STATE PROVISIONS

"SEC. 221. STATE ADMINISTRATION.

"Each eligible agency shall be responsible for the following activities under this title:

"(1) The development, submission, implementation, and monitoring of the State plan.

"(2) Consultation with other appropriate agencies, groups, and individuals that are involved in, or interested in, the development and implementation of activities assisted under this title.

"(3) Coordination and avoidance of duplication with other Federal and State education, training, corrections, public housing, and social service programs.

"SEC. 222. STATE DISTRIBUTION OF FUNDS; MATCHING REQUIREMENT.

"(a) STATE DISTRIBUTION OF FUNDS.—Each eligible agency receiving a grant under this title for a fiscal year—

"(1) shall use an amount not less than 82.5 percent of the grant funds to award grants and contracts under section 231 and to carry out section 225, of which not more than 10 percent of such amount shall be available to carry out section 225;

"(2) shall use not more than 12.5 percent of the grant funds to carry out State leadership activities under section 223; and

"(3) shall use not more than 5 percent of the grant funds, or $75,000, whichever is greater, for the administrative expenses of the eligible agency.

"(b) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—In order to receive a grant from the Secretary under section 211(b), each eligible agency shall provide, for the costs to be incurred by the eligible agency in carrying out the adult basic skills and family literacy education programs for which the grant is awarded, a non-Federal contribution in an amount at least equal to—

"(A) in the case of an eligible agency serving an outlying area, 12 percent of the total amount of funds expended for adult basic skills and family literacy education programs in the outlying area, except that the Secretary may decrease the amount of funds required under this subparagraph for an eligible agency; and

"(B) in the case of an eligible agency serving a State, 25 percent of the total amount of funds expended for adult basic skills and family literacy education programs in the State.

"(2) NON-FEDERAL CONTRIBUTION.—An eligible agency's non-Federal contribution required under paragraph (1) may be provided in cash or in kind, fairly evaluated, and shall include only non-Federal funds that are used for adult basic skills and family literacy education programs in a manner that is consistent with the purpose of this title.

"SEC. 223. STATE LEADERSHIP ACTIVITIES.

"(a) IN GENERAL.—Each eligible agency may use funds made available under section 222(a)(2) for any of the following adult basic skills and family literacy education programs:

"(1) The establishment or operation of professional development programs to improve the quality of instruction provided pursuant to local activities required under section 231(b), including instruction incorporating the essential components of reading instruction and instruction provided by volunteers or by personnel of a State or outlying area.

"(2) The provision of technical assistance to eligible providers of adult basic skills and family literacy education programs for development and dissemination of scientific research-based instructional practices in reading, writing, speaking, math, and English language acquisition programs.

"(3) The provision of assistance to eligible providers in developing, implementing, and reporting measurable progress in achieving the objectives of this title.

"(4) The provision of technology assistance, including staff training, to eligible providers of adult basic skills and family literacy education programs, including distance learning activities, to enable the eligible providers to improve the quality of such activities.

"(5) The development and implementation of technology applications or distance learning, including professional development to support the use of instructional technology.

"(6) Coordination with other public programs, including welfare-to-work, workforce development, and job training programs.

"(7) Coordination with existing support services, such as transportation, child care, and *other assistance designed to increase rates of enrollment in, and successful completion of, adult basic skills and family literacy education programs, for adults enrolled in such activities.*

‘‘(8) The development and implementation of a system to assist in the transition from adult basic education to postsecondary education.

‘‘(9) Activities to promote workplace literacy programs.

‘‘(10) Activities to promote and complement local outreach initiatives described in section 242(7).

‘‘(11) Other activities of statewide significance, including assisting eligible agencies in achieving progress in improving the skill levels of adults who participate in programs under this title.

‘‘(b) COORDINATION.—In carrying out this section, eligible agencies shall coordinate where possible, and avoid duplicating efforts, in order to maximize the impact of the activities described in subsection (a).

‘‘(c) STATE-IMPOSED REQUIREMENTS.—Whenever a State or outlying area implements any rule or policy relating to the administration or operation of a program authorized under this title that has the effect of imposing a requirement that is not imposed under Federal law (including any rule or policy based on a State or outlying area interpretation of a Federal statute, regulation, or guideline), the State or outlying area shall identify, to eligible providers, the rule or policy as being imposed by the State or outlying area.

“SEC. 224. STATE PLAN.

‘‘(a) 6-YEAR PLANS.—

‘‘(1) IN GENERAL.—Each eligible agency desiring a grant under this title for any fiscal year shall submit to, or have on file with, the Secretary a 6-year State plan.

‘‘(2) COMPREHENSIVE PLAN OR APPLICATION.—The eligible agency may submit the State plan as part of a comprehensive plan or application for Federal education assistance.

‘‘(b) PLAN CONTENTS.—The eligible agency shall include in the State plan or any revisions to the State plan—

‘‘(1) an objective assessment of the needs of individuals in the State or outlying area for adult basic skills and family literacy education programs, including individuals most in need or hardest to serve;

‘‘(2) a description of the adult basic skills and family literacy education programs that will be carried out with funds received under this title;

‘‘(3) a description of how the eligible agency will evaluate and measure annually the effectiveness and improvement of the adult basic skills and family literacy education programs based on the performance measures described in section 212 including—

‘‘(A) how the eligible agency will evaluate and measure annually such effectiveness on a grant-by-grant basis; and

‘‘(B) how the eligible agency—

‘‘(i) will hold eligible providers accountable regarding the progress of such providers in improving the academic achievement of participants in adult education programs under this title and regarding the core indicators of performance described in section 212(b)(2)(A); and

‘‘(ii) will use technical assistance, sanctions, and rewards (including allocation of grant funds based on performance and termination of grant funds based on nonperformance);

‘‘(4) a description of the performance measures described in section 212 and how such performance measures have significantly improved adult basic skills and family literacy education programs in the State or outlying area;

‘‘(5) an assurance that the eligible agency will, in addition to meeting all of the other requirements of this title, award not less than one grant under this title to an eligible provider that—

‘‘(A) offers flexible schedules and necessary support services (such as child care and transportation) to enable individuals, including individuals with disabilities, or individuals with other special needs, to participate in adult basic skills and family literacy education programs; and

‘‘(B) attempts to coordinate with support services that are not provided under this title prior to using funds for adult basic skills and family literacy education programs provided under this title for support services;

‘‘(6) an assurance that the funds received under this title will not be expended for any purpose other than for activities under this title;

‘‘(7) a description of how the eligible agency will fund local activities in accordance with the measurable goals described in section 231(d);

‘‘(8) an assurance that the eligible agency will expend the funds under this title only in a manner consistent with fiscal requirements in section 241;

‘‘(9) a description of the process that will be used for public participation and comment with respect to the State plan, which process—

‘‘(A) shall include consultation with the State workforce investment board, the State board responsible for administering community or technical colleges, the Governor, the State educational agency, the State board or agency responsible for administering block grants for temporary assistance to needy families under title IV of the Social Security Act, the State council on disabilities, the State vocational rehabilitation agency, other State agencies that promote the improvement of adult basic skills and family literacy education programs, and direct providers of such programs; and

‘‘(B) may include consultation with the State agency on higher education, institutions responsible for professional development of adult basic skills and family literacy education programs instructors, representatives of business and industry, refugee assistance programs, and faith-based organizations;

‘‘(10) a description of the eligible agency's strategies for serving populations that include, at a minimum—

‘‘(A) low-income individuals;

‘‘(B) individuals with disabilities;

‘‘(C) the unemployed;

‘‘(D) the underemployed; and

‘‘(E) individuals with multiple barriers to educational enhancement, including individuals with limited English proficiency;

‘‘(11) a description of how the adult basic skills and family literacy education programs that will be carried out with any funds received under this title will be integrated with other adult education, career development, and employment and training activities in the State or outlying area served by the eligible agency;

‘‘(12) a description of the steps the eligible agency will take to ensure direct and equitable access, as required in section 231(c)(1), including—

‘‘(A) how the State will build the capacity of community-based and faith-based organizations to provide adult basic skills and family literacy education programs; and

‘‘(B) how the State will increase the participation of business and industry in adult basic skills and family literacy education programs; and

‘‘(13) a description of how the eligible agency will consult with any State agency responsible for postsecondary education to develop adult education that prepares students to enter postsecondary education without the need for remediation upon completion of secondary school equivalency programs.

‘‘(c) PLAN REVISIONS.—When changes in conditions or other factors require substantial revisions to an approved State plan, the eligible agency shall submit the revisions of the State plan to the Secretary.

‘‘(d) CONSULTATION.—The eligible agency shall—

‘‘(1) submit the State plan, and any revisions to the State plan, to the Governor, the chief State school officer, or the State officer responsible for administering community or technical colleges, or outlying area for review and comment; and

‘‘(2) ensure that any comments regarding the State plan by the Governor, the chief State school officer, or the State officer responsible for administering community or technical colleges, and any revision to the State plan, are submitted to the Secretary.

‘‘(e) PLAN APPROVAL.—A State plan submitted to the Secretary shall be approved by the Secretary only if the plan is consistent with the specific provisions of this title.

“SEC. 225. PROGRAMS FOR CORRECTIONS EDUCATION AND OTHER INSTITUTIONALIZED INDIVIDUALS.

‘‘(a) PROGRAM AUTHORIZED.—From funds made available under section 222(a)(1) for a fiscal year, each eligible agency shall carry out corrections education and education for other institutionalized individuals.

‘‘(b) USES OF FUNDS.—The funds described in subsection (a) shall be used for the cost of educational programs for criminal offenders in correctional institutions and for other institutionalized individuals, including academic programs for—

‘‘(1) basic skills education;

‘‘(2) special education programs as determined by the eligible agency;

‘‘(3) reading, writing, speaking, and math programs; and

‘‘(4) secondary school credit or diploma programs or their recognized equivalent.

‘‘(c) PRIORITY.—Each eligible agency that is using assistance provided under this section to carry out a program for criminal offenders within a correctional institution shall give priority to serving individuals who are likely to leave the correctional institution within 5 years of participation in the program.

‘‘(d) DEFINITION OF CRIMINAL OFFENDER.—For purposes of this section:

‘‘(1) CORRECTIONAL INSTITUTION.—The term ‘correctional institution’ means any—

‘‘(A) prison;

‘‘(B) jail;

‘‘(C) reformatory;

‘‘(D) work farm;

‘‘(E) detention center; or

‘‘(F) halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.

‘‘(2) CRIMINAL OFFENDER.—The term ‘criminal offender’ means any individual who is charged with, or convicted of, any criminal offense.

“CHAPTER 3—LOCAL PROVISIONS

“SEC. 231. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS.

‘‘(a) GRANTS AND CONTRACTS.—From grant funds made available under section 211(b), each eligible agency shall award multiyear grants or contracts, on a competitive basis, to eligible providers within the State or outlying area that meet the conditions and requirements of this title to enable the eligible providers to develop, implement, and improve adult basic skills and family literacy education programs within the State.

‘‘(b) LOCAL ACTIVITIES.—The eligible agency shall require eligible providers receiving a grant or contract under subsection (a) to establish or operate one or more programs of instruction that provide services or instruction in one or more of the following categories:

‘‘(1) Adult basic skills and family literacy education programs, including essential workplace

skills (including proficiency in reading, writing, speaking, and math).

“(2) Workplace literacy programs.

“(3) English language acquisition programs.

“(4) family literacy education programs.

“(c) Direct and Equitable Access; Same Process.—Each eligible agency receiving funds under this title shall ensure that—

“(1) all eligible providers have direct and equitable access to apply for grants or contracts under this section; and

“(2) the same grant or contract announcement process and application process is used for all eligible providers in the State or outlying area.

“(d) Measurable Goals.—The eligible agency shall require eligible providers receiving a grant or contract under subsection (a) to demonstrate—

“(1) the eligible provider's measurable goals for participant outcomes to be achieved annually on the core indicators of performance and employment performance indicators described in section 212(b)(2);

“(2) the past effectiveness of the eligible provider in improving the basic academic skills of adults and, for eligible providers receiving grants in the prior year, the success of the eligible provider receiving funding under this title in meeting or exceeding its performance goals in the prior year;

“(3) the commitment of the eligible provider to serve individuals in the community who are the most in need of basic academic skills instruction services, including individuals who are low-income or have minimal reading, writing, speaking, and math skills, or limited English proficiency.

“(4) whether or not the program—

“(A) is of sufficient intensity and duration for participants to achieve substantial learning gains; and

“(B) uses instructional practices that include the essential components of reading instruction;

“(5) whether educational practices are based on scientifically based research;

“(6) whether the activities of the eligible provider effectively employ advances in technology, as appropriate, including the use of computers;

“(7) whether the activities provide instruction in real-life contexts, to ensure that an individual has the skills needed to compete in the workplace and exercise the rights and responsibilities of citizenship;

“(8) whether the activities are staffed by well-trained instructors, counselors, and administrators;

“(9) whether the activities are coordinated with other available resources in the community, such as through strong links with elementary schools and secondary schools, postsecondary educational institutions, one-stop centers, job training programs, community-based and faith-based organizations, and social service agencies;

“(10) whether the activities offer flexible schedules and support services (such as child care and transportation) that are necessary to enable individuals, including individuals with disabilities or other special needs, to attend and complete programs;

“(11) whether the activities include a high-quality information management system that has the capacity to report measurable participant outcomes and to monitor program performance against the performance measures established by the eligible agency;

“(12) whether the local communities have a demonstrated need for additional English language acquisition programs;

“(13) the capacity of the eligible provider to produce valid information on performance results, including enrollments and measurable participant outcomes;

“(14) whether adult basic skills and family literacy education programs offer rigorous reading, writing, speaking, and math content that are based on scientific research; and

“(15) whether applications of technology, and services to be provided by the eligible providers, is of sufficient intensity and duration to increase the amount and quality of learning and lead to measurable learning gains within specified time periods.

“SEC. 232. LOCAL APPLICATION.

“Each eligible provider desiring a grant or contract under this title shall submit an application to the eligible agency containing such information and assurances as the eligible agency may require, including—

“(1) a description of how funds awarded under this title will be spent consistent with the requirements of this title;

“(2) a description of any cooperative arrangements the eligible provider has with other agencies, institutions, or organizations for the delivery of adult basic skills and family literacy education programs; and

“(3) each of the demonstrations required by section 231(d).

“SEC. 233. LOCAL ADMINISTRATIVE COST LIMITS.

“(a) In General.—Subject to subsection (b), of the amount that is made available under this title to an eligible provider—

“(1) at least 95 percent shall be expended for carrying out adult basic skills and family literacy education programs; and

“(2) the remaining amount shall be used for planning, administration, personnel and professional development, development of measurable goals in reading, writing, speaking, and math, and interagency coordination.

“(b) Special Rule.—In cases where the cost limits described in subsection (a) are too restrictive to allow for adequate planning, administration, personnel development, and interagency coordination, the eligible provider may negotiate with the eligible agency in order to determine an adequate level of funds to be used for non-instructional purposes.

“CHAPTER 4—GENERAL PROVISIONS

“SEC. 241. ADMINISTRATIVE PROVISIONS.

“(a) Supplement Not Supplant.—Funds made available for adult basic skills and family literacy education programs under this title shall supplement and not supplant other State or local public funds expended for adult basic skills and family literacy education programs.

“(b) Maintenance of Effort.—

“(1) In general.—

“(A) Determination.—An eligible agency may receive funds under this title for any fiscal year if the Secretary finds that the fiscal effort per student or the aggregate expenditures of such eligible agency for activities under this title, in the second preceding fiscal year, were not less than 90 percent of the fiscal effort per student or the aggregate expenditures of such eligible agency for adult basic skills and family literacy education programs, in the third preceding fiscal year.

“(B) Proportionate reduction.—Subject to paragraphs (2), (3), and (4), for any fiscal year with respect to which the Secretary determines under subparagraph (A) that the fiscal effort or the aggregate expenditures of an eligible agency for the preceding program year were less than such effort or expenditures for the second preceding program year, the Secretary—

“(i) shall determine the percentage decreases in such effort or in such expenditures; and

“(ii) shall decrease the payment made under this title for such program·year to the agency for adult basic skills and family literacy education programs by the lesser of such percentages.

“(2) Computation.—In computing the fiscal effort and aggregate expenditures under paragraph (1), the Secretary shall exclude capital expenditures and special one-time project costs.

“(3) Decrease in federal support.—If the amount made available for adult basic skills and family literacy education programs under this title for a fiscal year is less than the amount made available for adult basic skills and family literacy education programs under this title for the preceding fiscal year, then the fiscal effort per student and the aggregate expenditures of an eligible agency required in order to avoid a reduction under paragraph (1)(B) shall be decreased by the same percentage as the percentage decrease in the amount so made available.

“(4) Waiver.—The Secretary may waive the requirements of this subsection for not more than 1 fiscal year, if the Secretary determines that a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or an unforeseen and precipitous decline in the financial resources of the State or outlying area of the eligible agency. If the Secretary grants a waiver under the preceding sentence for a fiscal year, the level of effort required under paragraph (1) shall not be reduced in the subsequent fiscal year because of the waiver.

“SEC. 242. NATIONAL LEADERSHIP ACTIVITIES.

“The Secretary shall establish and carry out a program of national leadership activities that may include the following:

“(1) Technical assistance, on request, including assistance—

“(A) on requests to volunteer community- and faith-based organizations, including but not limited to, improving their fiscal management, research-based instruction, and reporting requirements, and the development of measurable objectives to carry out the requirements of this title;

“(B) in developing valid, measurable, and reliable performance data, and using performance information for the improvement of adult basic skills and family literacy education programs;

“(C) on adult education professional development; and

“(D) in using distance learning and improving the application of technology in the classroom.

“(2) Providing for the conduct of research on national literacy basic skill acquisition levels among adults, including the number of adults functioning at different levels of reading proficiency.

“(3) Improving the coordination, efficiency, and effectiveness of adult education and workforce development services at the national, State, and local levels.

“(4) Determining how participation in adult basic skills and family literacy education programs prepares individuals for entry into and success in postsecondary education and employment, and in the case of prison-based services, the effect on recidivism.

“(5) Evaluating how different types of providers, including community and faith-based organizations or private for-profit agencies measurably improve the skills of participants in adult basic skills and family literacy education programs.

“(6) Identifying model integrated basic and workplace skills education programs, coordinated literacy and employment services, and effective strategies for serving adults with disabilities.

“(7) Supporting the development of an entity that would produce and distribute technology-based programs and materials for adult basic skills and family literacy education programs using an intercommunication system, as that term is defined in section 397 of the Communications Act of 1934 (47 U.S.C. 397), and expand the effective outreach and use of such programs and materials to adult education eligible providers.

“(8) Initiating other activities designed to improve the measurable quality and effectiveness of adult basic skills and family literacy education programs nationwide.”.

PART B—NATIONAL INSTITUTE FOR LITERACY

SEC. 211. SHORT TITLE; PURPOSE.

(a) SHORT TITLE.—This part may be cited as the "National Institute for Literacy Establishment Act".

(b) PURPOSE.—The purpose of this part is to establish a National Institute for Literacy to provide national leadership in promoting reading research, reading instruction, and professional development in reading based on scientifically based research by—

(1) disseminating widely information on scientifically based reading research to improve academic achievement for children, youth, and adults;

(2) identifying and disseminating information about schools, local educational agencies, and State educational agencies that have effectively developed and implemented classroom reading programs that meet the requirements of subpart 1 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.), including those State educational agencies, local educational agencies, and schools that are identified as effective through the External Evaluation of Reading First under section 1205 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6365);

(3) serving as a national resource for information on reading instruction programs that contain the essential components of reading instruction as supported by scientifically based reading research, and that can lead to improved reading outcomes for children, youth, and adults;

(4) developing print and electronic materials that describe and model the application of scientifically based reading research;

(5) providing national and regional reading leadership for State and local personnel for the application and implementation of scientifically based reading research;

(6) coordinating efforts among Federal agencies, especially the Department of Labor, the Department of Health and Human Services, and the National Institute of Child Health and Human Development, that provide reading programs, conduct research, and provide services to recipients of Federal financial assistance under titles I and III of the Elementary and Secondary Education Act of 1965, the Head Start Act, the Individuals with Disabilities Education Act, and the Adult Basic Skills and Family Literacy Education Act, and each Bureau funded school (as defined in title XI of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.)); and

(7) informing the Congress, Federal departments and agencies, schools of education, and the public of successful local, State, and Federal program activities in reading instruction that are determined to be effective based on the findings of scientifically based reading research.

SEC. 212. ESTABLISHMENT.

(a) IN GENERAL.—There is established within the executive branch an independent establishment (as defined in title 104 of title 5, United States Code) to be known as the "National Institute for Literacy". The Institute shall be administered, in accordance with this part, under the supervision and direction of a Director in consultation with the Board, and subject to all fiscal and ethical requirements of an executive branch agency.

(b) DIRECTOR.—

(1) APPOINTMENT.—The Board (established under section 216 of this part), in consultation with the Secretary of Education, shall appoint a Director of the Institute, who has an understanding of, supports, and is familiar with scientifically based reading research, instruction, and professional development applicable to children, youth, and adults.

(2) PAY.—The Director of the Institute shall receive the rate of basic pay for level IV of the Executive Schedule.

(3) TERM.—The Director of the Institute shall be appointed for an initial term of 3 years and, if approved by the Board, may serve not more than 1 additional term of 3 years.

SEC. 213. ADMINISTRATION.

(a) IN GENERAL.—The Institute shall be administered by the Director of the Institute in consultation with the Board.

(b) AUTHORITY.—Subject to the general policies, decisions, findings, and determinations of the Board, the Director of the Institute shall be responsible for administering the Institute. The Director may delegate the powers granted under this paragraph to an officer, employee, or office of the Institute. The Director shall—

(1) provide leadership for the Institute, consistent with the purposes defined in section 211;

(2) appoint and supervise all employees in the Institute, including attorneys, to provide legal aid and service to the Board and the Institute, and to represent the Board and the Institute in any case in court;

(3) appoint the heads of offices in the Institute with the approval of the Board;

(4) assign responsibility to carry out the duties of the Institute among officers and employees, and offices of the Institute;

(5) prepare requests for appropriations for the Institute and submit those requests to the President and the Congress with the prior approval of the Board;

(6) oversee the expenditure of all funds allocated for the Institute to carry out the purposes under section 211; and

(7) confer regularly with the Board on matters of policy, personnel, and progress in carrying out the mission of the Institute.

(c) AGENCY DESIGNATION.—For purposes of section 552b of title 5, United States Code, the Institute is deemed to be an agency.

(d) BUDGET REQUESTS.—In each annual request for appropriations by the President, the Director of the Institute, in consultation with the Board, shall submit a budget to carry out the mission of the Institute including—

(1) the amount requested by the Institute in its budgetary presentation to the Office of Management and Budget; and

(2) an assessment of the budgetary needs of the Institute.

(e) BUDGET TRANSMITTAL TO CONGRESS.—The Institute shall transmit to the Congress copies of budget estimates, requests, and information (including personnel needs), legislative recommendations, prepared testimony for congressional hearings, and comments on legislation.

(f) OFFICES.—The Institute shall have offices separate from the offices of the Department of Education.

(g) ADMINISTRATIVE SUPPORT.—

(1) IN GENERAL.—The Secretary of Education shall provide administrative support for the Institute, including the administration of grants, contracts and cooperative agreements, personnel, legal counsel, and payroll after the Office of Management and Budget has approved the Institute's budget.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to any support obtained under paragraph (1) from the Secretary of Education, the Institute may obtain administrative support services from other departments and agencies within the executive branch if determined by the Director of the Institute, in consultation with the Board, to be in the best interest of the Institute.

SEC. 214. DUTIES.

(a) IN GENERAL.—In order to provide leadership for the improvement and expansion of the system for delivery of scientifically based reading instructional practices, the Institute shall—

(1) establish a national electronic database of effective reading programs for children, youth, and adults that include the essential components of reading instruction, and disseminate such information to parents, teachers, State and Federal elected officials, and the public;

(2) develop print and electronic materials for professional development that provide applications of scientifically based reading research, and instructional practices in reading for children, youth, and adults;

(3) provide, when requested, policy and technical assistance to the Congress, school Boards, Federal agencies, State departments of education, adult education programs, local school districts, local public and private schools, and schools of education, on scientifically based reading instructional practices including diagnostic and assessment instruments and instructional materials;

(4) collaborate and support Federal research programs in reading instruction, including, where appropriate, those areas of study addressed by the National Institute of Child Health and Human Development, the Institute for Education Sciences, the National Science Foundation, the Department of Labor, and the National Research Council;

(5) coordinate with the Department of Education, the Department of Labor, the Department of Health and Human Services, and the National Institute of Child Health and Human Development on all programs that include improving reading instructional practices for children, youth, and adults, and teacher training in reading instructional practices;

(6) use and support the collection of the best possible information in carrying out this section, and where appropriate, including reviews of research on instruction using the criteria for quality identified by the Institute for Education Sciences; and

(7) conduct reviews of research, including randomized field trials, on reading programs, and conduct reviews of Federal reading policies and reading program implementation using a board of visitors as described in subchapter 300 of the National Science Foundation Administrative Manual.

(b) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—The Institute may award grants to, or enter into contracts or cooperative agreements with, individuals, public or private institutions, agencies, organizations, or other legal entities to carry out the activities of the Institute.

(c) RELATION TO OTHER LAWS.—The duties and powers of the Institute under this part are in addition to the duties and powers of the Institute under subparts 1, 2, and 3 of part B of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 1201 et seq.) (commonly referred to as Reading First, Early Reading First, and the William F. Goodling Even Start Family Literacy Programs, respectively).

SEC. 215. LEADERSHIP IN SCIENTIFICALLY BASED READING INSTRUCTION.

(a) IN GENERAL.—The Institute, in consultation with the Board, may award fellowships, with such stipends and allowances as the Director of the Institute considers necessary, to outstanding individuals who are pursuing careers in scientifically based research in reading instruction or pre-service or in-service training in reading instruction, including teaching children and adults to read.

(b) FELLOWSHIPS.—Fellowships awarded under this subsection shall be used, under the auspices of the Institute, to engage in research, education training, technical assistance, or other activities to advance the field of scientifically based reading instruction for children, youth, and adults, including the training of volunteers in such reading skills instruction.

(c) INTERNS AND VOLUNTEERS.—The Institute, in consultation with the Board, may award paid and unpaid internships to individuals seeking to assist the Institute in carrying out its mission. Notwithstanding section 1342 of title 31, United States Code, the Institute may accept and use voluntary and uncompensated services as the Institute deems necessary.

SEC. 216. NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There shall be a National Institute for Literacy Advisory Board, which shall consist of 10 individuals appointed by the President with the advice and consent of the Senate.

(2) COMPOSITION.—The Board shall be comprised of individuals who are not otherwise officers or employees of the Federal Government and who are knowledgeable about scientifically based reading instruction, and the findings of scientifically based reading research. The members of the Board may include—

(A) representatives from teacher training institutions where scientifically based reading instruction is a major component of pre-service training;

(B) teachers who have been successful in teaching children to read proficiently;

(C) members of the business community who have developed successful employee reading instruction programs;

(D) volunteer tutors in reading who are using scientifically based reading instruction;

(E) reading researchers who have conducted scientifically based research; and

(F) other qualified individuals knowledgeable about scientifically based reading instruction, including adult education.

(b) DUTIES.—The Board shall—

(1) work closely with the Director of the Institute to ensure that the purposes of the Institute under section 211 are carried out effectively;

(2) approve the annual report to the Congress;

(3) provide policy guidance and advice to the Director of the Institute in the administration of the Institute; and

(4) appoint the Director of the Institute, in consultation with the Secretary.

(c) FEDERAL ADVISORY COMMITTEE ACT.—Except as otherwise provided in this part, the Board established by this section shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

(d) APPOINTMENTS.—

(1) IN GENERAL.—Each member of the Board shall be appointed for a term of 3 years, except that the initial terms for members may be 1, 2, or 3 years in order to establish a rotation, in which ⅓ of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.

(2) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

(e) QUORUM.—A majority of the members of the Board shall constitute a quorum, but a lesser number may hold hearings. Any recommendation of the Board may be passed only by a majority of the Board members present.

(f) ELECTION OF OFFICERS.—The Chairperson and Vice Chairperson of the Board shall be elected by the members of the Board. The term of office of the Chairperson and Vice Chairperson shall be 2 years.

(g) MEETINGS.—The Board shall meet at the call of the Chairperson, or a majority of the members of the Board, but not less than quarterly.

SEC. 217. GIFTS, BEQUESTS, AND DEVISES.

(a) IN GENERAL.—The Institute may accept, administer, and use gifts or donations of services, money, or property, whether real or personal, tangible or intangible.

(b) RULES.—The Board, in consultation with the Director of the Institute, shall establish written rules setting forth the criteria to be used by the Institute in determining whether the acceptance of contributions of services, money, or property whether real or personal, tangible or intangible, would reflect unfavorably upon the ability of the Institute or any employee to carry out the responsibilities of the Institute or employee, or official duties, in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of the Institute's programs or any official involved in those programs.

SEC. 218. MAILS.

The Board and the Institute may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 219. APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.

The Director of the Institute and the staff of the Institute may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for level IV of the Executive Schedule.

SEC. 220. EXPERTS AND CONSULTANTS.

The Institute may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

SEC. 221. REPORT.

(a) IN GENERAL.—The Institute shall submit a biennial report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate. Each report submitted under this section shall include—

(1) a comprehensive and detailed description of the Institute's operations, activities, financial condition, and accomplishments in carrying out the purposes of the Institute as specified in section 211, for the period covered by the report; and

(2) a summary description of how the Institute will advance the purposes of the Institute for the next biennium.

(b) FIRST REPORT.—The Institute shall submit a report under this section not later than 1 year after the date of enactment of this part.

SEC. 222. DEFINITIONS.

For purposes of this part—

(1) the term "Board" means the National Institute for Literacy Advisory Board;

(2) the term "Institute" means the National Institute for Literacy; and

(3) the terms "reading", "scientifically based reading research", and "essential components of reading instruction" have the meanings given those terms in section 1208 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

SEC. 223. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to administer and carry out this part $6,700,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.

SEC. 224. RESERVATION.

From amounts appropriated to the Institute, the Director of the Institute may use not more than 5 percent of such amounts for information dissemination under section 1207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6367).

SEC. 225. AUTHORITY TO PUBLISH.

The Institute, including the Board, may prepare, publish, and present (including through oral presentations) such research-based information and research reports as needed to carry out the purposes and mission of the Institute.

TITLE III—AMENDMENTS TO THE WAGNER-PEYSER ACT

SEC. 301. AMENDMENTS TO THE WAGNER-PEYSER ACT.

The Wagner-Peyser Act (29 U.S.C. 49 et. seq.) is amended—

(1) by striking sections 1 through 13;

(2) in section 14 by inserting "of Labor" after "Secretary"; and

(3) by amending section 15 to read as follows:

"SEC. 15. WORKFORCE AND LABOR MARKET INFORMATION SYSTEM.

"(a) SYSTEM CONTENT.—

"(1) IN GENERAL.—The Secretary of Labor, in accordance with the provisions of this section, shall oversee the development, maintenance, and continuous improvement of a nationwide workforce and labor market information system that includes—

"(A) statistical data from cooperative statistical survey and projection programs and data from administrative reporting systems that, taken together, enumerate, estimate, and project employment opportunities and conditions at national, State, and local levels in a timely manner, including statistics on—

"(i) employment and unemployment status of national, State, and local populations, including self-employed, part-time, and seasonal workers;

"(ii) industrial distribution of occupations, as well as current and projected employment opportunities, wages, benefits (where data is available), and skill trends by occupation and industry, with particular attention paid to State and local conditions;

"(iii) the incidence of, industrial and geographical location of, and number of workers displaced by, permanent layoffs and plant closings; and

"(iv) employment and earnings information maintained in a longitudinal manner to be used for research and program evaluation;

"(B) information on State and local employment opportunities, and other appropriate statistical data related to labor market dynamics, which—

"(i) shall be current and comprehensive;

"(ii) shall meet the needs identified through the consultations described in subparagraphs (A) and (B) of subsection (e)(2); and

"(iii) shall meet the needs for the information identified in section 134(d);

"(C) technical standards (which the Secretary shall publish annually) for data and information described in subparagraphs (A) and (B) that, at a minimum, meet the criteria of chapter 35 of title 44, United States Code;

"(D) procedures to ensure compatibility and additivity of the data and information described in subparagraphs (A) and (B) from national, State, and local levels;

"(E) procedures to support standardization and aggregation of data from administrative reporting systems described in subparagraph (A) of employment-related programs;

"(F) analysis of data and information described in subparagraphs (A) and (B) for uses such as—

"(i) national, State, and local policymaking;

"(ii) implementation of Federal policies (including allocation formulas);

"(iii) program planning and evaluation; and

"(iv) researching labor market dynamics;

"(G) wide dissemination of such data, information, and analysis in a user-friendly manner and voluntary technical standards for dissemination mechanisms; and

"(H) programs of—

"(i) training for effective data dissemination;

"(ii) research and demonstration; and

"(iii) programs and technical assistance.

"(2) INFORMATION TO BE CONFIDENTIAL.—

"(A) IN GENERAL.—No officer or employee of the Federal Government or agent of the Federal Government may—

"(i) use any submission that is furnished for exclusively statistical purposes under the provisions of this section for any purpose other than the statistical purposes for which the submission is furnished;

"(ii) make any publication or media transmittal of the data contained in the submission described in clause (i) that permits information concerning individual subjects to be reasonably inferred by either direct or indirect means; or

"(iii) permit anyone other than a sworn officer, employee, or agent of any Federal department or agency, or a contractor (including an employee of a contractor) of such department or agency, to examine an individual submission described in clause (i);

without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission.

"(B) IMMUNITY FROM LEGAL PROCESS.—Any submission (including any data derived from the submission) that is collected and retained by a Federal department or agency, or an officer, employee, agent, or contractor of such a department or agency, for exclusively statistical purposes under this section shall be immune from the legal process and shall not, without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

"(C) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide immunity from the legal process for such submission (including any data derived from the submission) if the submission is in the possession of any person, agency, or entity other than the Federal Government or an officer, employee, agent, or contractor of the Federal Government, or if the submission is independently collected, retained, or produced for purposes other than the purposes of this Act.

"(b) SYSTEM RESPONSIBILITIES.—

"(1) IN GENERAL.—The workforce and labor market information system described in subsection (a) shall be planned, administered, overseen, and evaluated through a cooperative governance structure involving the Federal Government and States.

"(2) DUTIES.—The Secretary, with respect to data collection, analysis, and dissemination of labor employment statistics for the system, shall carry out the following duties:

"(A) Assign responsibilities within the Department of Labor for elements of the workforce and labor market information system described in subsection (a) to ensure that all statistical and administrative data collected is consistent with appropriate Bureau of Labor Statistics standards and definitions.

"(B) Actively seek the cooperation of other Federal agencies to establish and maintain mechanisms for ensuring complementarity and nonduplication in the development and operation of statistical and administrative data collection activities.

"(C) Eliminate gaps and duplication in statistical undertakings, with the systemization of wage surveys as an early priority.

"(D) In collaboration with the Bureau of Labor Statistics and States, develop and maintain the elements of the workforce and labor market information system described in subsection (a), including the development of consistent procedures and definitions for use by the States in collecting the data and information described in subparagraphs (A) and (B) of subsection (a)(1).

"(E) Establish procedures for the system to ensure that—

"(i) such data and information are timely;

"(ii) paperwork and reporting for the system are reduced to a minimum; and

"(iii) States and localities are fully involved in the development and continuous improvement of the system at all levels, including ensuring the provision, to such States and localities, of budget information necessary for carrying out their responsibilities under subsection (e).

"(c) NATIONAL ELECTRONIC TOOLS TO PROVIDE SERVICES.—The Secretary is authorized to assist in the development of national electronic tools that may be used to facilitate the delivery of core services described in section 134 and to provide workforce information to individuals through the one-stop delivery systems descried in section 121 and through other appropriate delivery systems.

"(d) COORDINATION WITH THE STATES.—

"(1) IN GENERAL.—The Secretary, working through the Bureau of Labor Statistics and the Employment and Training Administration, shall regularly consult with representatives of State agencies carrying out workforce information activities regarding strategies for improving the workforce and labor market information system.

"(2) FORMAL CONSULTATIONS.—At least twice each year, the Secretary, working through the Bureau of Labor Statistics, shall conduct formal consultations regarding programs carried out by the Bureau of Labor Statistics with representatives of each of the 10 Federal regions of the Department of Labor, elected from the State directors affiliated with State agencies that perform the duties described in subsection (e)(2).

"(e) STATE RESPONSIBILITIES.—

"(1) DESIGNATION OF STATE AGENCY.—In order to receive Federal financial assistance under this section, the Governor of a State shall—

"(A) designate a single State agency to be responsible for the management of the portions of the workforce and labor market information system described in subsection (a) that comprise a statewide workforce and labor market information system and for the State's participation in the development of the annual plan; and

"(B) establish a process for the oversight of such system.

"(2) DUTIES.—In order to receive Federal financial assistance under this section, the State agency shall—

"(A) consult with State and local employers, participants, and local workforce investment boards about the labor market relevance of the data to be collected and disseminated through the statewide workforce and labor market information system;

"(B) consult with State educational agencies and local educational agencies concerning the provision of employment statistics in order to meet the needs of secondary school and postsecondary school students who seek such information;

"(C) collect and disseminate for the system, on behalf of the State and localities in the State, the information and data described in subparagraphs (A) and (B) of subsection (a)(1);

"(D) maintain and continuously improve the statewide workforce and labor market information system in accordance with this section;

"(E) perform contract and grant responsibilities for data collection, analysis, and dissemination for such system;

"(F) conduct such other data collection, analysis, and dissemination activities as will ensure an effective statewide workforce and labor market information system;

"(G) actively seek the participation of other State and local agencies in data collection, analysis, and dissemination activities in order to ensure complementarity, compatibility, and usefulness of data;

"(H) participate in the development of the annual plan described in subsection (c); and

"(I) utilize the quarterly records described in section 136(f)(2) of the Workforce Investment Act of 1998 to assist the State and other States in measuring State progress on State performance measures.

"(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting the ability of a State agency to conduct additional data collection, analysis, and dissemination activities with State funds or with Federal funds from sources other than this section.

"(f) NONDUPLICATION REQUIREMENT.—None of the functions and activities carried out pursuant to this section shall duplicate the functions and activities carried out under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2004 through 2009.

"(h) DEFINITION.—In this section, the term 'local area' means the smallest geographical area for which data can be produced with statistical reliability.".

TITLE IV—AMENDMENTS TO THE REHABILITATION ACT OF 1973

SEC. 401. CHAIRPERSON.

Section 705(b)(5) of the Rehabilitation Act of 1973 (29 U.S.C. 796d(b)(5)) is amended to read as follows:

"(5) CHAIRPERSON.—The Council shall select a chairperson from among the voting membership of the Council.".

SEC. 402. REHABILITATION SERVICES ADMINISTRATION.

Section 3(a) of the Rehabilitation Act of 1973 (29 U.S.C. 702(a)) is amended—

(1) by striking "Office of the Secretary" and inserting "Department of Education";

(2) by striking "President by and with the advice and consent of the Senate" and inserting "Secretary, except that the current Commissioner appointed under the authority existing on the day prior to the date of enactment of this Act may continue to serve in the former capacity"; and

(3) by striking ", and the Commissioner shall be the principal officer,".

SEC. 403. DIRECTOR.

(a) IN GENERAL.—The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended by striking "Commissioner" each place it appears, except in section 21, and inserting "Director".

(b) EXCEPTION.—Section 21 of the Rehabilitation Act of 1973 (29 U.S.C. 718) is amended—

(1) in subsection (b)(1)—

(A) by striking "Commissioner" the first place it appears and inserting "Director of the Rehabilitation Services Administration"; and

(B) by striking "(referred to in this subsection as the 'Director')"; and

(2) by striking "Commissioner and the Director" each place it appears and inserting "both such Directors".

SEC. 404. STATE GOALS.

Section 101(a) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)) is amended—

(1) in paragraph (11)(D)(i) by inserting ", which may be provided using alternative means of meeting participation (such as video conferences and conference calls)" before the semicolon; and

(2) in paragraph (15)—

(A) in subparagraph (A), by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and inserting after clause (i) the following:

"(ii) include an assessment of the transition services provided under this Act, and coordinated with transition services under the Individuals with Disabilities Education Act, as to

those services meeting the needs of individuals with disabilities."; and

(B) by amending subparagraph (D)(i) to read as follows:

"(i) the methods to be used to expand and improve the services to individuals with disabilities including—

"(I) how a broad range of assistive technology services and assistive technology devices will be provided to such individuals at each stage of the rehabilitative process and how such services and devices will be provided to such individuals on a statewide basis; and

"(II) how transition services will be better coordinated with those services under the Individuals with Disabilities Education Act in order to improve transition services for individuals with disabilities served under this Act;".

SEC. 405. AUTHORIZATIONS OF APPROPRIATIONS.

The Rehabilitation Act of 1973 is further amended—

(1) in section 100(b)(1) by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009";

(2) in section 100(d)(1)(B) by striking "fiscal year 2003" and inserting "fiscal year 2009";

(3) in section 110(c) by amending paragraph (2) to read as follows:

"(2) The sum referred to in paragraph (1) shall be, as determined by the Secretary, not less than 1 percent and not more than 1.5 percent of the amount referred to in paragraph (1) for each of fiscal years 2003 through 2009.";

(4) in section 112(h) by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009";

(5) in section 201(a) by striking "fiscal years 1999 through 2003" each place it appears and inserting "fiscal years 2004 through 2009";

(6) in section 302(i) by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009";

(7) in section 303(e) by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009";

(8) in section 304(b) by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009";

(9) in section 305(b) by striking "fiscal years 1999 through 2003" and insert "fiscal years 2004 through 2009";

(10) in section 405 by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009";

(11) in section 502(j) by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009";

(12) in section 509(l) by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009";

(13) in section 612 by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009";

(14) in section 628 by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009";

(15) in section 714 by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009";

(16) in section 727 by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009"; and

(17) in section 753 by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009".

SEC. 406. HELEN KELLER NATIONAL CENTER ACT.

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 205(a) of the Helen Keller National Center Act (29 U.S.C. 1904(a)) is amended by striking "1999 through 2003" and inserting "2004 through 2009".

(b) HELEN KELLER NATIONAL CENTER FEDERAL ENDOWMENT FUND.—The first sentence of section 208(h) of such Act (29 U.S.C. 1907(h)) is amended by striking "1999 through 2003" and inserting "2004 through 2009".

TITLE V—TRANSITION AND EFFECTIVE DATE

SEC. 501. TRANSITION PROVISIONS.

The Secretary of Labor shall take such actions as the Secretary determines to be appropriate to provide for the orderly implementation of this Act.

SEC. 502. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act, shall take effect on the date of enactment of this Act.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 108–92. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider Amendment No. 1 printed in House Report 108–92.

AMENDMENT NO. 1 OFFERED BY MR. MCKEON

Mr. McKEON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. McKEON:

Page 6, strike lines 18 through 21 and insert the following:

"(III) if not included under subclause (I), the director of the State unit, defined in section 7(8)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 705(8)(B)) except that in a State that has established 2 or more designated State units to administer the vocational rehabilitation program, the board representative shall be the director of the designated State unit that serves the most individuals with disabilities in the State;

Page 15, line 14, strike "(a) ONE-STOP PARTNERS.—" and all that follows through page 16, line 12, and insert the following:

(a) ONE-STOP PARTNERS.—

(1) REQUIRED PARTNERS.—Section 121(b)(1) (29 U.S.C. 2841(b)(1)) is amended—

(A) in subparagraph (B)—

(i) by striking clauses (ii) and (v)

(ii) by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively, and by redesignating clauses (vi) through (xii) as clauses (iv) through (x), respectively;

(iii) in clause (ix) (as so redesignated), by striking "and";

(iv) in clause (x) (as so redesignated), by striking the period and inserting "; and"; and

(v) by inserting after clause (x)(as so redesignated) the following:

"(xi) programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et. seq.), subject to subparagraph (C)."; and

(B) by adding after subparagraph (B) the following:

"(C) DETERMINATION BY THE GOVERNOR.—The program referred to in clauses (xi) of subparagraph (B) shall be included as a required partner for purposes of this title in a State unless the Governor of the State notifies the Secretary and the Secretary of Health and Human Services in writing of a determination by the Governor not to include such programs as required partners for purposes of this title in the State.".

(2) ADDITIONAL PARTNERS.—Section 121(b)(2)(B) (29 U.S.C. 2841(b)(2)(B)) is amended—

(A) by striking clause (i) and redesignating clauses (ii) through (v) as clauses (i) through (iv) respectively;

(B) in clause (iii) (as so redesignated) by striking "and" at the end;

(C) in clause (iv) (as so redesignated) by striking the period and inserting a semicolon; and

(D) by adding at the end the following new clauses:

"(v) employment and training programs administered by the Social Security Administration, including the Ticket to Work program (established by Public Law 106–170);

"(vi) programs under part D of title IV of the Social Security Act (42 U.S.C. 451 et seq.) (relating to child support enforcement); and

"(vii) programs carried out in the local area for individuals with disabilities, including programs carried out by State agencies relating to mental health, mental retardation, and developmental disabilities, State Medicaid agencies, State Independent Living Councils, and Independent Living Centers.".

Page 24, strike lines 2 and 3 and insert the following:

Section 123 is amended to read as follows:

"SEC. 123. ELIGIBLE PROVIDERS OF YOUTH ACTIVITIES.

"(a) IN GENERAL.—From the funds allocated under section 128(b) to a local area, the local board for such area shall award grants or contracts on a competitive basis to providers of youth activities identified based on the criteria in the State plan and shall conduct oversight with respect to such providers.

"(b) EXCEPTIONS.—A local board may award grants or contracts on a sole-source basis if such board determines there are an insufficient number of eligible providers of training services in the local area involved (such as rural areas) for grants to be awarded on a competitive basis under subsection (a).

Page 25, line 10, strike "(C) STATES.—" and all that follows through page 26, line 9, and insert the following:

"(C) STATES.—

"(i) IN GENERAL.—Of the remainder of the amount appropriated under section 137(a) for a fiscal year that is available after determining the amounts to be reserved under subparagraphs (A) and (B), the Secretary shall allot—

"(I) the amount of the remainder that is less than or equal to the total amount that was allotted to States for fiscal year 2003 under section 127(b)(1)(C) of this Act (as in effect on the day before the date of enactment of the Workforce Reinvestment and Adult Education Act of 2003) in accordance with the requirements of such section 127(b)(1)(C); and

"(II) the amount of the remainder, if any, in excess of the amount referred to in subclause (I) in accordance with clause (ii).

"(ii) FORMULAS FOR EXCESS FUNDS.—Subject to clauses (iii) and (iv), of the amounts described in clause (i)(II)—

"(I) 33 and ⅓ percent shall be allotted on the basis of the relative number of individuals in the civilian labor force who are ages 16–19 in each State, compared to the total number of individuals in the civilian labor force who are ages 16–19 in all States;

"(II) 33 and ⅓ percent shall be allotted on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States; and"; and

Page 26, line 13, strike "the" and insert "each".

Page 28, strike lines 1 through 10.

Page 28, line 11, strike "formula" and insert "formulas".

Page 28, strike lines 17 through 21.

Page 31, strike lines 14 through page 32, line 2, and insert the following:

"(i) 33 and ⅓ percent shall be allotted on the basis of the relative number of individuals in the civilian labor force who are ages 16–19 in each local area, compared to the total number of individuals in the civilian labor force who are ages 16–19 in all local areas in the State;

"(ii) 33 and ⅓ percent shall be allotted on the basis of the relative number of unemployed individuals in each local area, compared to the total number of unemployed individuals in all local areas in the State; and;" and

Page 33, strike lines 7 through 10, and insert the following:

"(ii) Disadvantaged youth.—The term 'disadvantaged youth' means an individual who is age 16 through 21 who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the poverty line.".

Page 36, line 11, insert "who are deficient in basic skills" after "disabilities)".

Page 44, line 1, strike "(b) Allotment" and all that follows through page 47, line 14 and insert the following:

"(b) Allotment Among States for Adult Employment and Training Activities.—

"(1) Reservation for outlying areas.—From the amount made available under subsection (a)(2) for a fiscal year, the Secretary shall reserve not more than ¼ of 1 percent to provide assistance to outlying areas to carry out employment and training activities for adults and statewide workforce investment activities.

"(2) States.—Subject to paragraph (5), of the remainder of the amount referred to under subsection (a)(2) for a fiscal year that is available after determining the amount to be reserved under paragraph (1), the Secretary shall allot to the States for employment and training activities for adults and for statewide workforce investment activities—

"(A) 26 percent in accordance with paragraph (3); and

"(B) 74 percent in accordance with paragraph (4)

"(3) Base formula.—

"(A) Fiscal year 2004.—

"(i) In general.—Subject to clause (ii), the amount referred to in paragraph (2)(A) shall be allotted for fiscal year 2004 on the basis of allotment percentage of each State under section 6 of the Wagner-Peyser Act for fiscal year 2003.

"(ii) Excess amounts.—If the amount referred to in paragraph (2)(A) for fiscal year 2004 exceeds the amount that was available for allotment to the States under the Wagner-Peyser Act for fiscal year 2003, such excess amount shall be allotted on the basis of the relative number of individuals in the civilian labor force in each State, compared to the total number of individuals in the civilian labor force in all States, adjusted to ensure that no State receives less than 3/10 of one percent of such excess amount.

"(iii) Definition.—For purposes of this subparagraph, the term 'allotment percentage' means the percentage of the amounts allotted to States under section 6 of the Wagner-Peyser Act that is received by the State involved for fiscal year 2003.

"(B) Fiscal years 2005 and thereafter.—

"(i) in general.—Subject to clause(ii), the amount referred to in paragraph(2)(A) shall be allotted for fiscal year 2005 and each fiscal year thereafter on the basis of the allotment percentage of each State under this paragraph for the preceding fiscal year.

"(ii) Excess amounts.—If the amount referred to in paragraph (2)(A) for fiscal year 2005 or any fiscal year thereafter exceeds the amount that was available for allotment under this paragraph for the prior fiscal year, such excess amount shall be allotted on the basis of the relative number of individuals in the civilian labor force in each State, compared to the total number of individuals in the civilian labor force in all States, adjusted to ensure that no State receives less than 3/10 of one percent of such excess amount.

"(iii) Definition.—For purposes of this subparagraph, the term 'allotment percentage' means the percentage of the amounts allotted to States under this paragraph in a fiscal year that is received by the State involved for such fiscal year.

"(4) Consolidated formula.—

"(A) In general.—Subject to subparagraphs (B) and (C), of the amount referred to in paragraph (2)(B)—

"(i) 60 percent shall be allotted on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States;

"(ii) 25 percent shall be allotted on the basis of the relative excess number of unemployed individuals in each State, compared to the total excess number of unemployed individuals in all States; and

"(iii) 15 percent shall be allotted on the basis of the relative number of disadvantaged adults in each State, compared to the total number of disadvantaged adults in all States.

"(B) Minimum and maximum percentages.—

"(i) Minimum percentage.—The Secretary shall ensure that no State shall receive an allotment under this paragraph for a fiscal year that is less than 90 percent of the allotment percentage of the State under this paragraph for the preceding fiscal year.

"(ii) Maximum percentage.—Subject to clause (i), the Secretary shall ensure that no State shall receive an allotment for a fiscal year under this paragraph that is more than 130 percent of the allotment of the State under this paragraph for the preceding fiscal year.

"(C) Small state minimum allotment.—Subject to subparagraph (B), the Secretary shall ensure that no State shall receive an allotment under this paragraph that is less than 2/10 of 1 percent of the amount available under subparagraph (A).

"(D) Definitions.—For the purposes of this paragraph:

"(i) Allotment percentage.—The term 'allotment percentage', used with respect to fiscal year 2004 or a subsequent fiscal year, means a percentage of the amounts described in paragraph (2)(B) that is received through an allotment made under this paragraph for the fiscal year. The term, with respect to fiscal year 2003, means the percentage of the amounts allotted to States under this chapter (as in effect on the day before the date of enactment of the Workforce Reinvestment and Adult Education Act of 2003) and under reemployment service grants received by the State involved for fiscal year 2003.

"(ii) Disadvantaged adult.—The term 'disadvantaged adult' means an individual who is age 22 through 72 who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the poverty line.

"(iii) Excess number.—The term 'excess number' means, used with respect to the excess number of unemployed individuals within a State, the number that represents the number of unemployed individuals in excess of 4 and ½ percent of the civilian labor force in the State.

"(5) Adjustments in allotments based on differences with unconsolidated formulas.—

"(A) In general.—The Secretary shall ensure that for any fiscal year no State has an allotment difference, as defined in subparagraph (C), that is less than zero. The Secretary shall adjust the amounts allotted to the States under this subsection in accordance with subparagraph (B) if necessary to carry out this subparagraph..

"(B) Adjustments in allotments.—

"(i) Redistribution of excess amounts.—

"(I) In general.—If necessary to carry out subparagraph (A), the Secretary shall reduce the amounts that would be allotted under paragraphs (3) and (4) to States that have an excess allotment difference, as defined in subclause (II), by the amount of such excess, and use such amounts to increase the allotments to States that have an allotment difference less than zero.

"(II) Excess amounts.—For purposes of subclause (I), the term 'excess' allotment difference means an allotment difference for a State that is—

"(aa) in excess of 3 percent of the amount described in subparagraph (C)(i)(II); or

"(bb) in excess of a percentage established by the Secretary that is greater than 3 percent of the amount described in subparagraph (C)(i)(II) if the Secretary determines that such greater percentage is sufficient to carry out subparagraph (A).

"(ii) Use of amounts available under national reserve account.—If the funds available under clause (i) are insufficient to carry out subparagraph (A), the Secretary shall use funds reserved under section 132(a) in such amounts as are necessary to increase the allotments to States to meet the requirements of subparagraph (A). Such funds shall be used in the same manner as the States use the other funds allotted under this subsection.

"(C) Definition of allotment difference.—

"(i) In general.—For purposes of this paragraph, the term 'allotment difference' means the difference between—

"(I) the total amount a State would receive of the amounts available for allotment under subsection (b)(2) for a fiscal year pursuant to paragraphs (3) and (4); and

"(II) the total amount the State would receive of the amounts available for allotment under subsection (b)(2) for the fiscal year if such amounts were allotted pursuant to the unconsolidated formulas (applied as described in clause (iii)) that were used in allotting funds for fiscal year 2003.

"(ii) Unconsolidated formulas.—For purposes of clause (i), the unconsolidated formulas are:

"(I) The requirements for the allotment of funds to the States contained in section 132(b)(1)(B) of this Act (as in effect on the day before the date of enactment of the Workforce Reinvestment and Adult Education Act of 2003) that were applicable to the allotment of funds under such section for fiscal year 2003.

"(II) The requirements for the allotment of funds to the States contained in section 132(b)(2)(B) of this Act (as in effect on the day before the date of enactment of the Workforce Reinvestment and Adult Education Act of 2003) that were applicable to the allotment of funds under such section for fiscal year 2003.

"(III) The requirements for the allotment of funds to the States that were contained in section 6 of the Wagner-Peyser Act (as in effect on the day before the date of enactment of the Workforce Reinvestment and Adult Education Act of 2003) that were applicable to the allotment of funds under such Act for fiscal year 2003.

"(IV) The requirements for the allotment of funds to the States that were established by the Secretary for Reemployment Services Grants that were applicable to the allotment of funds for such grants for fiscal year 2003.

"(iii) Proportionate application of unconsolidated formulas based on fiscal year 2003.—In calculating the amount under clause (i)(II), each of the unconsolidated formulas identified in clause (ii) shall be applied, respectively, only to the proportionate share of the total amount of funds available for allotment under subsection (b)(2) for a fiscal year that is equal to the proportionate share to which each of the unconsolidated formulas applied with respect to the total amount of funds allotted to the States under all of the unconsolidated formulas in fiscal year 2003.

"(iv) Rule of construction.—The amounts used to adjust the allotments to a State under subparagraph (B) for a fiscal year shall not be included in the calculation of the amounts under clause (i) for a subsequent fiscal year, including the calculation of allocation percentages for a preceding fiscal year applicable to paragraphs (3) and (4) and to the unconsolidated formulas described in clause (ii).".

Page 50, line 1, strike "15 percent" and insert "25 percent".

Page 50, line 5, insert "and" after the semicolon;

Page 50, strike lines 6 through 11.

Page 50, line 12, strike "(iv) 10 percent" and insert "(iii) 15 percent".

Page 61, line 3, strike "and".

Page 61, line 5, insert "and" after "employers;".

Page 61, after line 5, insert the following:

"(iii) reemployment services provided to unemployment claimants.".

Page 77, line 22, strike "$1,001,000,000" and insert "$1,250,000,000".

Page 80, strike lines 4 through 14 (and redesignate subsection (b) and (c) of section 116 as subsections (a) and (b) respectively).

Page 80, after line 22, insert the following:

(d) Migrant and Seasonal Farmworker Programs.—Section 167(d) is amended by inserting "(including permanent housing)" after "housing".

Page 91, line 20, strike "recipients" and insert "a recipient".

Page 108, beginning at line 24, strike "the English language and math, and English language acquisition" and insert "the English language and basic math,".

Page 126, line 25, strike "Definition of Criminal Offender.—" and insert "Definitions.—".

Page 128, line 7, strike ", including essential workplace skills".

Page 128, line 12, strike "family" and insert "Family".

Page 129, line 16, strike the period and insert a semicolon.

Page 129, line 17, strike "whether or not".

Page 129, line 24; page 130, lines 1, 4, 8, 10, 17, and 22; and page 131, lines 3, 10, and 14, strike the term "whether" each place such term appears.

Page 130, line 5, insert "when appropriate and scientifically based," after "real-life contexts,".

Page 131, line 15, strike "is of" and insert "are of".

Page 131, after line 18, insert the following:

"(e) Special Rule.—Eligible providers may use grant funds under this title to serve children participating in family literacy programs assisted under this part, provided that other sources of funds available to provide similar services for such children are used first.

Page 140, strike lines 8 through 15 and insert the following:

(a) In General.—There is established the National Institute for Literacy. The Institute shall be administered, in accordance with this part, under the supervision and direction of a Director. There shall be an agreement between an Interagency Group (comprised of the Secretary of Education, the Secretary of Labor, and the Secretary of Health and Human Services) and the Institute on how the purposes of the Institute may be achieved effectively. Such agreement—

(1) shall be regularly reviewed, and modified as needed to remain current with any changes in the purposes of the Institute; and

(2) shall be updated no later than 1 year after the enactment of this part.

Page 140, lines 17 through 19, strike "The Board (established under section 216 of this part), in consultation with the Secretary of Education," and insert "The Interagency Group".

Page 140, line 23, insert "If a vacancy in the position of the Director of the Institute occurs, the Interagency Group shall appoint an Interim Director until such time as a new Director can be appointed." after "and adults.".

Page 141, lines 5 and 6, strike ", if approved by the Board.".

Page 141, beginning at line 8, strike all of section 213 and insert the following:

SEC. 213. ADMINISTRATION.

(a) In General.—The Director of the Institute shall be responsible for administering the Institute. The Director of the Institute shall—

(1) provide leadership for the Institute, consistent with the purposes described in section 211(b);

(2) supervise all employees in the Institute;

(3) assign responsibility to carry out the duties of the Institute among officers and employees, and offices of the Institute;

(4) prepare requests for appropriations for the Institute and submit those requests to the Interagency Group;

(5) oversee the expenditure of all funds allocated for the Institute to carry out the purposes under section 211(b); and

(6) ensure that the Institute's standards for research quality are consistent with those promulgated by the Institute for Education Sciences.

(b) Offices.—The Institute shall have separate offices from the Department of Education, the Department of Labor, and the Department of Health and Human Services, and shall have maximum flexibility in its operations to carry out the purposes of the Institute.

(c) Administrative Support.—The Secretary of Education shall provide administrative support for the Institute, including the administration of grants, contracts and cooperative agreements, personnel, legal counsel, and payroll.

Page 144, line 5, insert "Director of the" before "Institute".

Page 144, line 17, strike ", when requested, policy and".

Page 145, after line 23, insert the following (and make such conforming changes as are necessary):

(8) develop an Internet site that provides useful information to educators and the public on reading literacy that is consistent with the purposes described in section 211(b).

Page 146, lines 14 through 17, strike "The Institute, in consultation with the Board, may award fellowships, with such stipends and allowances as the Director of the Institute considers necessary," and insert "The Director of the Institute may award fellowships, with such stipends and allowances as necessary,".

Page 147, lines 3 and 4, strike "The Institute, in consultation with the Board," and insert "The Director of the Institute".

Page 148, line 16, strike "work closely with" and insert "provide advice to".

Page 148, strike lines 20 through 24 (and make such conforming changes as are necessary).

Page 150, lines 10 and 11, strike "The Board, in consultation with the Director of the Institute," and insert "The Director of the Institute".

Page 151, line 18, strike "Labor and Human Resources" and insert "Health, Education, Labor, and Pensions".

Page 152, after line 12, insert the following (and make such conforming changes as are necessary):

(3) the term "Interagency Group" means the Secretary of Education, the Secretary of Labor, and the Secretary of Health and Human Services;

(4) the term "literacy" means the ability to read, write, and speak the English language with competence, knowledge, and comprehension; and

Page 153, line 4, insert "the administration of" after "such amounts for".

Page 153, after line 12, insert the following:

PART C—GENERAL PROVISIONS

SEC. 241. TRANSITION.

The Secretary shall take such actions as the Secretary determines to be appropriate to provide for the orderly implementation of this title.

The CHAIRMAN. Pursuant to House Resolution 221, the gentleman from California (Mr. McKeon) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. McKeon).

Mr. McKEON. Mr. Chairman, I yield myself such time as I may consume.

I rise to offer this bipartisan amendment which contains a number of changes to improve the underlying bill that will help millions of unemployed Americans find jobs.

The amendment revises the formula for allocation of funds to States under the consolidated adult funding stream. The amendment includes a hold harmless provision for States so that in each year each State will receive at least what that State would have received under the current formulas for the three adult employment and training programs. It also creates a two-part formula reflective of the population to be served while minimizing the large swings from year to year in funding among States.

The amendment revises the factors for the youth formula for allocation of funds to States to better reflect available data on youth. It also clarifies that the new formula applies only to funds appropriated in excess of the level of funds appropriated in 2003. While better targeting the resources, this provision will ensure that States are not adversely affected by this formula revision.

The amendment makes TANF a mandatory partner in the one-stop career center system unless the governor of the State notifies the Secretaries of Labor and of Health and Human Services that the governor does not want the TANF program to be a mandatory partner. Including TANF in the one-stop centers will help provide a continuum of services for welfare participants. Individuals no longer receiving cash assistance will be able to continue to access job search, counseling and training services available through WIA. This continuity should help individuals become self-sufficient.

The amendment reinstates the requirement that youth providers be selected by competitive process, unless the local board determines that there are insufficient numbers of eligible providers of youth services in the local area involved.

The amendment clarifies that State-recognized tribes may continue to participate in the WIA program for Native Americans.

The amendment provides that the National Institute for Literacy is under the direction of an interagency group, composed of the Department of Education, the Department of Labor and the Department of Health and Human Services. This is current law.

The amendment makes additional clarifying, technical and conforming amendments to Titles I and II.

These amendments, Mr. Chairman, will ensure that workers have better access to the benefits included in the bill. As with the rest of the bill, these improvements will help hundreds of thousands of Americans who are searching for good and stable new jobs.

I urge my colleagues to adopt this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek time in opposition?

Mr. KILDEE. Yes. Mr. Chairman. I ask unanimous consent to claim the time in opposition although I am not in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KILDEE. Mr. Chairman, I yield as much time as he may consume to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank my friend for yielding me time.

Mr. Chairman, as a member of the Committee on Education and the Workforce, I rise not in opposition to the technical amendment, but I do oppose the underlying bill.

Mr. Chairman, I, along with other members on the committee, have worked hard to try to work in a bipartisan fashion in the committee to produce bills that we feel comfortable that both sides of the aisle can support. Unfortunately, I cannot say that that is true with this legislation before us today. I think it is a significant step in the wrong direction in regards to the workforce investment legislation to where we need to go.

Just last month, Mr. Chairman, the Department of Labor revised their unemployment rate to 6 percent. We lost approximately 48,000 jobs in the last month alone, which is approximately the size of my hometown, La Crosse, Wisconsin. Over the last 2 years we have lost 2.7 million jobs in this economy, and I think the American people are going to have to ask at some point whether this administration is capable of producing one new job during the 4 years in which they are in charge. Right now they are working from a 2.7 million job loss hole, and I think that question is very seriously in doubt right now.

This would have provided a perfect vehicle, as the gentleman from Michigan (Mr. KILDEE) tried to accomplish in the committee, for the extension of unemployment benefits which will soon expire and Congressional Budget Office shows that for every dollar spent for the extension of these unemployment benefits, it provides a $1.74 return on economic stimulus in the economy, unlike the tax exemption on corporate dividends that the President is proposing, which will only return 9 cents on the dollar in economic stimulus for our economy.

There are very few tools at our disposal that can actually have an impact on economic growth and job creation in this country. This is one of them, and that is why it is so essential that we work hard in a bipartisan fashion to structure a piece of legislation that is going to make sense for the 2.7 million who are currently out of work and for the changing needs of the workforce in this century.

Unfortunately, this bill actually reduces preventative in-school youth training programs targeted at students before they may drop out of school, and it consolidates adult employment and training programs into one block grant, removing many of the Federal performance and accountability measures that make the Workforce Investment Act a quality workforce program.

In addition, H.R. 1261 requires participating partners, and this is significant because this is what's going to lead to the reduction of program funding; it requires participating partners to contribute an unlimited amount towards infrastructure costs for these one-stop centers. This sets the stage for reducing job training programs by taking money away from the participating partners of this act such as veterans employment programs, Perkins vocational education program, and the vocational rehabilitation program. These programs have already been severely slashed because of the current state of State budgets, and the provision will only further jeopardize these valuable funding streams.

Specifically, I am concerned that the rerouting of funding could have a devastating impact on the Wisconsin technical college system's abilities to provide training and education for students. Over 8,000 dislocated workers alone looked to Wisconsin technical colleges in just recent months for education and job retraining. I foresee it also having a negative impact on our State's economy because it will not be able to provide students with the academic foundation and technical skills that will make them workforce ready.

We have made significant progress under the Workforce Investment Act in recent years in regards to the direction of job training opportunities in our community. We are very proud of the one-stop job centers, the workforce investment boards, the public-private partnerships that have been established back in the State of Wisconsin in regards to these programs and the tremendous amount of good it has done to so many of our citizens during a particularly tough run of our Nation's economy.

I believe we can do much better with this underlying piece of legislation, and hopefully as we move forward with the process in working with the Senate that we are going to be able to refine some of these points I have highlighted here today to produce a job training and workforce development bill that is going to add to our economic growth and help create more jobs in our economy at a time when we desperately need it.

I thank my friend again from Michigan for the leadership that he has shown on this issue, the experience that he is providing and also for yielding me this time.

Mr. McKEON. How much time do we have left?

The CHAIRMAN. The gentleman from California (Mr. McKEON) has 2½ minutes remaining, and the gentleman from Michigan (Mr. KILDEE) 30 seconds remaining.

Mr. KILDEE. Mr. Chairman, I yield back my time.

Mr. McKEON. Mr. Chairman, I yield the balance of our time to the gentleman from Ohio (Mr. BOEHNER), the chairman of the committee.

Mr. BOEHNER. Mr. Chairman, let me clarify some of the remarks that my good friend from Wisconsin was making during his presentation.

Right now we have taken the 63 Federal job training-retraining programs back in the late 1990s and ran them into three funding streams to the States. What we propose to do in this bill is to reduce that to one funding stream. This idea of we are block granting this to the States and giving full discretion to the governor is just not true.

□ 1330

Under the bill, we require that half of the funds go directly to the local boards. Of the half that stays at the State, the State must use 50 percent of that money to assist and provide services to local boards.

So when we begin to look at how this program will be enhanced, at least 75 percent of the money will be spent by our local boards. The other 25 percent is given to the governors based on their need to react to unemployment problems, sudden unemployment problems somewhere else in the State where additional assistance may be needed.

In the bill we also provide much more local control by our local boards. Our vision when we started this was to give local businesses and local community leaders the ability to control what happens in terms of how these monies are spent and the types of services that are provided. I do believe that it is going to result in not only better services, but better outcomes for our workers.

Let me make one other point that has been referred to several times where we eliminate the funding in this bill for in-school youth activities. There are a tremendous number of programs already designed to deal with in-school youth who could possibly be in danger or risk of dropping out. We should focus the limited youth resources we have in this bill to out-of-school youth or in-school youth outside of school time because there is not as much money as we would like to spend in these programs. There are sufficient programs for in-school youth during the school day.

We are trying to better target our resources to get better results for those at-risk students who may in fact be thinking of dropping out of school.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. McKEON).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 108–92.

AMENDMENT NO. 2 OFFERED BY MR. ALLEN

Mr. ALLEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. ALLEN:

Page 13, line 7, insert ", administrators of entities providing adult education and literacy activities," after "school systems".

The CHAIRMAN. Pursuant to House Resolution 221, the gentleman from Maine (Mr. ALLEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I yield myself such time as I may consume.

This amendment directs governors to appoint administrators of adult education and literacy programs to be members of local workforce investment boards. That is the current law but the underlying bill strips that provision out of the proposal.

This amendment would ensure that workforce investment boards are well-informed when developing strategies to strengthen and improve our Nation's workforce. Business and workforce representatives need to be aware of all that the adult education system can offer.

As the participation in adult education continues to grow, we must expand and support a strong relationship between the education community and the business sector. The better educated and informed our workforce, the better our businesses can compete in the global economy. We know that a person with a college degree earns more than $1 million in the course of his or her lifetime as compared to someone with a high school diploma. Clearly education is a vital part of developing a successful workforce. Adult educators must continue to have a voice in workforce development, and that is what my amendment would provide.

I am told that the majority has agreed to support this amendment. I thank the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. McKEON) for their help in preserving active communication between the education and business communities to ensure a sufficient and quality workforce.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek the time in opposition?

Mr. McKEON. Mr. Chairman, although I do not oppose the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentleman from California (Mr. McKEON) is recognized for 5 minutes.

There was no objection.

Mr. McKEON. Mr. Chairman, I yield myself such time as I may consume.

As I stated, we do not oppose the amendment. We feel that it will improve the bill. This amendment ensures that administration of entities providing adult education and literacy activities are included in the membership of each local board. The composition of the local workforce boards have been streamlined in H.R. 1261, and it is important that participants in adult education are represented on the local boards alongside superintendents of the local secondary school system and the presidents and chief executive officers of secondary educational institutions.

Mr. Chairman, I thank the gentleman for picking this up and offering the amendment, and we would be happy to accept the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ALLEN. Mr. Chairman, I thank the gentleman for his support, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine (Mr. ALLEN).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 108–92.

AMENDMENT NO. 3 OFFERED BY MR. VITTER

Mr. VITTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. VITTER:

Page 18, line 5, insert ", and how the centers ensure that such providers meet the employment needs of local employers and participants" after "partners".

Page 21, line 18, insert "how the centers ensure that such providers meet the needs of local employers and participants," after "providers,".

The CHAIRMAN. Pursuant to House Resolution 221, the gentleman from Louisiana (Mr. VITTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today with the Workforce Investment Act, we are addressing perhaps our best and most valuable resource in this economy and this society, which is people.

This bill, along with the economic stimulus package slated for tomorrow, are the results of a Congress and President who are focused on important issues relating to the economy, jobs, employment, and job training.

In my home State of Louisiana, we are working together at every level, State, regional and local, to improve our workforce and create real jobs, too. Passage of the Workforce Investment Act will advance those goals, and certainly we look forward to that.

But just as we expect government on all levels to work together toward this end, we certainly need to make sure that employers, training centers, potential employees, also all work together as seamlessly as possible. So my amendment is designed to improve the bill in that respect. It is a very simple and commonsense amendment, but one that I think is important to our overall goals.

In two sections of the bill, the section that sets out criteria for certification of one-stop centers and the section that sets out the criteria governors will use to determine eligibility for Federal funds, concise language is inserted that will ensure that the needs of local employers are taken into account. This gives input to those employers who at the end of the job training and education process will be asked and expected to hire newly trained workers.

Right now in some situations, including in my home State of Louisiana, there is a real gap. There are jobs there on the ground even in a relatively poor economy, but there is not the hired workforce to fill those jobs at the local level. A quick example, Avondale Shipyards in the Northrop Grumman Ship Systems, one of the biggest private employers in the whole State of Louisiana, busses in dozens of skilled workers every day from Mississippi because people with those specific job skills are not available immediately in the metro New Orleans area.

This amendment is a simple, commonsense amendment to try to fill that gap, to try to make sure that we train up workers in areas where there are jobs waiting in the economy. This will not only serve employers who need to fill those jobs, if possible, at the local level without resorting to bussing in workers or resorting to foreign workers. And, of course, it will also serve workers who want to be trained up, and most of all, want a good job to walk into at the end of their training.

With that, I want to congratulate the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. MCKEON) for their good work.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. VITTER. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I think the gentleman from Louisiana (Mr. VITTER) makes a valuable contribution to the bill. I believe Members ought to support the amendment, and we would be happy to include it.

The CHAIRMAN. Does any Member claim the time in opposition?

Mr. KILDEE. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I do not oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Michigan (Mr. KILDEE) is recognized for 5 minutes.

Mr. KILDEE. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, numbers that were released today show that Oregon continues to record the highest jobless rate in the Nation at 7.6 percent. Since this administration took office, my State has lost 28,600 jobs, and over 2.5 million private sector jobs have been lost nationwide.

Rather than addressing directly this grave problem by focusing on investments and programs that could put people back to work today; for example, simply repairing bridges that are falling apart all across America, the proposal is to tamper with valuable worker retraining programs that are actually making a positive difference.

I agree with the gentleman from Ohio (Mr. BOEHNER) that there was some outstanding work that was done in 1998 under the leadership of the gentleman from California and the gentleman from Michigan. I think there were important changes, but this legislation is an unfortunate attempt to not just rearrange the deck chairs on the Titanic, but pull them out from underneath some victims.

The most optimistic outcome is that it will cause a disruption in some services that people need. It fails to address the pressing needs of disadvantaged and unemployed workers around the Nation, fails to provide enhanced funding, and fails to strengthen the State and local publicly provided unemployment services. The changes in this bill do little to improve the situation for hard-hit working families in the current economic downturn in my community.

Not only are we bringing forward legislation that at best is disruptive, they are preventing opportunities by Democrats to help our constituents. The House rule that brought the bill forward denied us an opportunity to vote on an amendment to extend unemployment insurance benefits by 26 weeks for newly unemployed workers.

My constituents tell me this legislation could not come at a worse time. We are taking money potentially from programs that work and are well-managed, and handing them back in a block grant form, to a certain extent, to governors in States that are operating in a crisis mode, and the money could end up anywhere.

At a cumulative budget shortfall of over $70 billion, our States are facing the worst financial crisis since World War II. It is time for us to keep our funding commitments for programs that work instead of reshuffling programs, making it harder to keep our promises.

I have no objection to the Vitter amendment. I did want to have an opportunity to clarify my concerns, and hope that we as a Congress before we adjourn this spring are able to come forward with something that will make a difference helping the economy in areas for people that need it.

Mr. VITTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Chairman Boehner) to address the comments on the bill by the gentleman from Oregon.

Mr. BOEHNER. Mr. Chairman, I support the Vitter amendment, but let me just clarify for Members what we are doing here in the reauthorization of WIA.

This is nothing more than a fine-tuning effort, further streamlining the funding stream, further clarifying that we expect the local boards to get most of the money to provide the resources, and to give the local boards the flexibility to provide high quality services to men and women in their communities who have needs.

I think the amendment offered by the gentleman from Louisiana (Mr. VITTER) says we need to consider what the needs are in the local communities and is in fact a valuable contribution. But no one should believe that we are doing a complete overhaul of the Workforce Reinvestment Act. These one-stop shops around the country by and large have begun to work very well.

What we are trying to do here in this reauthorization is to make those changes to help the one-stops do a more effective job in their local communities, and to provide the governors and the local boards with the kind of flexibility they need to look at the broad needs of the workforce, whether it is training, retraining, preparing people for better jobs in their communities.

We believe that the underlying bill does in fact make this much more likely because services will be offered more efficiently, the use of the resources will be more efficient. Thus, we believe that the outcomes, the results of all of this, will give us better services and better outcomes at home.

□ 1345

Mr. KILDEE. Mr. Chairman, I yield the balance of my time to the gentlewoman from Texas (Ms. JACKSON-LEE).

The CHAIRMAN. The gentlewoman from Texas is recognized for 2½ minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if my colleagues want to know about jobs and job loss, they do not have to go any farther than Houston, Texas, when just about 2 years ago, Enron Corporation laid off thousands of employees that are now still suffering, an action that has built upon the increasing unemployment rate across the Nation.

Mr. Chairman, I would have liked to have been on the floor of the House today joining with my good friends on the other side of the aisle in passing a bill that would truly deal with workforce reinvestment and adult education. But in actuality what this does is rather than responding to the needs of the unemployed by extending unemployment benefits or including a jobs creation package, H.R. 1261 will repeal dedicated funding for vulnerable workers in America. It will probably impact Harris County and Houston, Texas, in a devastating way because, Mr. Chairman, we are still confronting the question of those unemployed workers.

Further, I would say that to my dismay, this bill gives to Governors the right to take unspecified amounts of funds from adult education, crucial, from disability and veterans services, crucial, and to cut job opportunities for the youth. Clearly, this is not a bill that creates jobs or responds to the needs of those who are in need.

And then I am disappointed that the Committee on Rules did not understand that our job is to create greater access to jobs, and that means that an amendment that I offered that dealt with the question of having online access to being able to get the training and the resources was an amendment that was not put in order, along with 12 to 13 other amendments of Democrats. If we are truly in the business of creating jobs, we would have done this in a bipartisan manner.

And then I think the ultimate insult, Mr. Chairman, of this legislation, and I am a believer in the first amendment, the freedom of religion, the freedom of speech, the freedom of association; but this Congress cannot in the year 2003 with the representations from Members of the other body about individuals' life-style or the individual's support of a President who would support segregationist policies, we cannot go on record in this body against civil rights, against civil liberties. This particular legislative initiative blindly allows individual groups to be able to discriminate against individuals on the basis of their religious beliefs.

Mr. Chairman, we can do better. I would think that we would want to do better. I would hope that my colleagues would vote this down, this legislative initiative, so we could go back to the drawing board and serve the American people as we should.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. VITTER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. VITTER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana (Mr. VITTER) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 4 printed in House Report 108–92.

AMENDMENT NO. 4 OFFERED BY MR. KLINE

Mr. KLINE. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. KLINE:

Page 18, line 18, strike "subsection (b)" and insert "subsection (b)(1)(B) and participating additional partner programs described in (b)(2)(B)".

Page 18, strike lines 21 through 25 and insert the following:

"(B) DETERMINATION OF GOVERNOR.—Subject to subparagraph (C), the Governor, in consultation with the State board, shall determine the portion of funds to be provided under subparagraph (A) by each one-stop partner and in making such determination shall consider the proportionate use of the one-stop centers by each partner, the costs of administration for purposes not related to one-stop centers for each partner, and other relevant factors described in paragraph (3).

"(C) LIMITATIONS.—

"(i) PROVISION FROM ADMINISTRATIVE FUNDS.—The funds provided under this paragraph by each one-stop partner shall be provided only from funds available for the costs of administration under the program administered by such partner, and shall be subject to the limitations with respect to the portion of funds under such programs that may be used for administration.

"(ii) FEDERAL DIRECT SPENDING PROGRAMS.—Programs that are Federal direct spending under section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(8)) shall not, for purposes of this paragraph, be required to provide an amount in excess of the amount determined to be equivalent to the proportionate use of the one-stop centers by such programs in the State.".

Page 19, line 3, insert "in accordance with the formula established under paragraph (3)" after "local area".

Page 20, line 2, strike "subsection (b)" and insert "subsection (b)(1)(B) and participating partner programs described in subsection (b)(2)(B), or the noncash resources available under such programs".

The CHAIRMAN. Pursuant to House Resolution 221, the gentleman from Minnesota (Mr. KLINE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I am pleased to offer an amendment to H.R. 1261 that remedies concerns raised about the funding of one-stop development centers. Under current law, each partner program in the WIA system is to contribute to the cost of infrastructure for one-stop career centers. Unfortunately, many partners do not contribute as intended and the process for determining each partner's share has proved to be cumbersome at best. As a result, WIA has been left to cover the one-stop center infrastructure costs, and fewer funds have been available for the provision of services and training for individuals.

H.R. 1261 recognizes the problems of saddling WIA with most of the infrastructure costs and takes the steps to remedy those problems. H.R. 1261 requires partner programs to help pay administrative and infrastructure costs. The amount is determined at the State level in consultation with the State workforce investment board. Under the bill, the directors of mandatory partner programs will sit on this board, giving them a voice in the negotiation. Under H.R. 1261, the Governor makes the final determination of the appropriate amount of funding to be provided by each partner program. Unfortunately, this provision caused partner programs to be concerned that the Governor would be able to take needed program dollars away from direct services in order to pay for administrative costs at the one-stop career centers.

My amendment solves this problem by ensuring the administrative funding requirements will not cut into funding for the services program partners provide. My amendment will require the Governor to consult with the State board to determine the proportionate use of the one-stop centers by each partner. This consideration will ensure a program accounting for 10 percent of the usage of the center would not be responsible for 50 percent of the infrastructure costs. The Governor and the State board would also consider any additional administrative costs each program must cover in addition to those costs associated with the participation in the one-stop centers. This will ensure that program dollars intended for services to individuals are not spent on infrastructure costs.

Some may suggest that it would be better to create a new Federal program to cover infrastructure costs. Rather than create yet another government program. I would prefer to improve the program we have. When WIA passed in 1998. Congress expected the partner programs to pay their portion of the administrative costs of operation. The process outlined in H.R. 1261. as modified by my amendment. will ensure this happens while maintaining flexibility to each State to set the standards that work best for them. I think we would all agree that one of the hallmarks of WIA, the one-stop career center system, benefits both job seekers and the programs themselves. The centers provide individuals with streamlined access to a variety of programs and improve the efficient delivery of service. We cannot, however, expect these robust relationships to continue without reasonable, proportional financial participation. By streamlining the process, H.R. 1261 ensures the best use of investment by partner programs.

I urge my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek the time in opposition?

Mr. KILDEE. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Michigan (Mr. KILDEE) is recognized for 5 minutes.

Mr. KILDEE. Mr. Chairman. I yield myself such time as I may consume.

The Kline amendment makes marginal improvements to the bill, but it does not reduce the funding that can be taken from veterans programs and programs serving individuals with disabilities. Instead, the Kline amendment puts this funding, and the services which it provides, at risk. I have two letters from leading organizations representing veterans and individuals with disabilities. Let me read from the letter from the National Rehabilitation Association:

"The Kline amendment would, we regret to say, have the unintended consequence of diverting deserving dollars from individuals with disabilities who want to work to fund a one-stop system which remains to this day largely inaccessible both programmatically and physically to individuals with disabilities."

Let me also read a part of the letter from the Paralyzed Veterans Association of America:

"This amendment will not protect the disabled veterans outreach program and local veterans employment representatives services because the authorizing language for those programs sets no specific limits on administrative costs. As a result, the full amount of money appropriated for DVOPs and LVERs could, ostensibly, be directed by Governors to be used for one-stop infrastructure expenses."

Clearly, this amendment does not address the critical issues of this legislation. It does, however, make marginal improvements. For that reason, I will not oppose it, but wish that we could get together at some point and try to improve the language.

NATIONAL REHABILITATION ASSOCIATION,
Alexandria, VA, May 8, 2003.

DEAR REPRESENTATIVE: As President and Executive Director of the National Rehabilitation Association, respectively, we have continuing concerns regarding the one-stop funding structure being proposed for mandatory and additional partner's participation in H.R. 1261 and in the proportionality approach to that funding embodied in the Kline amendment which was made in order under the Rule granted yesterday to this bill.

The National Rehabilitation Association was established in 1925 and is the longest-serving and one of the strongest advocates in ensuring the rights of individuals with disabilities are respected and realized. Our mission is to promote ethical and excellent practice in the field of vocational rehabilitation.

The Workforce Investment Act (WIA) comprises in Title IV programs administered under the Rehabilitation Act of 1973, as amended. The Public VR Program, as it is commonly known, is an accountable, eligibility-based employment program dedicated to the education, job training and counseling, career placement and independence of individuals with disabilities, including those individuals with significant disabilities.

The Public VR Program, being the productive partner that it is and always has been, continues to partner at the one-stops on a cost-allocation basis, consistent with OMB guidelines.

The Kline amendment would, we regret to say, have the unintended consequence of diverting deserving dollars from individuals with disabilities who want to work to fund a one-stop system which remains to this day largely inaccessible both programmatically and physically to individuals with disabilities.

The impact on individuals with disabilities is clear: If individuals with disabilities cannot get through the door of the one-stop shops, or do not find meaningful access to employment information once inside, these individuals will not become employed and may be forced to seek public assistance in lieu of advancing or initiating a career.

H.R. 1261 reneges on a promise by Congress to safeguard the separate funding stream of the Public VR Program, and in doing so, exposes the Public VR Program to a one-stop system that does not have a proven or uniform track record of accountability, according to a recent General Accounting Office (GAO) Report, and other well-respected organizations.

Both H.R. 1261 and the Kline amendment do not appreciate that the one-stops do not now have—nor have ever had—the qualified staff who provide comprehensive services and supports that individuals with disabilities require in seeking the dignity of work in an increasingly one-size-fits-all employment environment. These requirements include qualified rehabilitation counselors and other qualified professionals employed by accountable State Agencies, in conjunction with their Community Rehabilitation Program Partners (CRPs), who include private providers, employers and businesses.

Most importantly, the Kline amendment does not define the term "proportionality" and, accordingly, we are unsure of how and if this approach would work to the benefit of all individuals with disabilities who want to work.

Relatedly, the Public VR Program does not have a separate line item funding stream for administrative costs or a cap on administrative costs, which we believe, further complicates participation of the Public VR Program at the one-stops other than on a cost-allocation basis.

The untested, unproven proportionality approach advanced by the Kline amendment simply does not—and cannot—protect the millions of eligible individuals with disabilities who will benefit from the comprehensive services and supports that only the Public VR program can provide individuals with disabilities who want to work.

The Public VR Program has been doing more with less for years. Presently, there are 37 State Agencies on an Order of Selection, which places a priority of service on those individuals with the most significant disabilities. The waiting lists for the holistic services and supports that only the Public VR Program can provide individuals with disabilities increase everyday.

While the Public VR Program has served and secured employment for millions of eligible individuals with disabilities for decades, because of years of woeful underfunding, the following State Agencies cannot now serve all of the thousands upon thousands of eligible individuals with disabilities who seek the dignity of work and the comprehensive services that only the Public VR Program provides individuals with disabilities include, by Region:

Region I—Connecticut General, Maine General and Blind Agencies, Massachusetts General Agency, Rhode Island and Vermont General.

Region II—New Jersey General; the Virgin Islands.

Region III—Delaware Blind Agency, Maryland, Pennsylvania and West Virginia General Agencies.

Region IV—Georgia and Kentucky General and Blind Agencies, Mississippi, North Carolina, General Agency and Tennessee.

Region V—Illinois, Minnesota General, Ohio and Wisconsin.

Region VI—Iowa General, Kansas, Missouri General, Nebraska General.

Region VIII—Colorado; North Dakota.

Region VIII—Colorado, North Dakota.

Region IX—Arizona, California, Hawaii.

Region X—Oregon Blind, Washington State General Agency.

As we mentioned previously, these are the State Agencies that maintain continually-increasing waiting lists for eligible individuals with disabilities who want to share in the American Dream by having a career, owning a home, being able to support a family and living independently in their communities.

While having a career is the primary goal of the Public VR Program, this can only become a reality with a solid plan for employment developed with and supported by the Public VR qualified professionals in conjunction with the individual.

The Kline amendment does not and cannot solve the problems that individuals with disabilities continue to confront at the one-stops.

Just think about it. The Public VR Program is funding the administration of an inaccessible one-stop program—which is absent qualified staff and accountability—with funds designated for supporting the poorest group in our society with the highest unemployment rate and the majority of the community living below the poverty line.

Given the continuing, critical concerns the disability community at large has with the absence of accessibility, accountability and qualified staff at the one-stops, the National Rehabilitation Association cannot and will not support H.R. 1261.

Respectfully Submitted,
L. ROBERT MCCONNELL,
PH.D.,
President.
MICHELLE VAUGHAN, MBA,
Executive Director.

PARALYZED VETERANS OF AMERICA,
Washington, DC, May 8, 2003.

Hon. JOHN TIERNEY,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN TIERNEY: On behalf of Paralyzed Veterans of America (PVA), I want to thank you for offering your amendment to create line item funding for the operating costs of one-stops under H.R. 1261. This would have been the surest way to protect veterans' employment programs from damaging diversion of funds authorized by the subject bill.

Regrettably, the Rules Committee rejected your amendment and approved one that requires states, in determining funds to be taken, to consider the proportionate use of the one-stop centers by each partner, the costs of administration unrelated to the use of the one-stop center by each partner and other relevant factors. This amendment further requires that the funds provided by the one-stop partner programs for infrastructure costs are to be provided from funds available for administrative costs under the program and that those funds would be subject to whatever administrative cost limits are applicable to that program.

This amendment will not protect the disabled veterans outreach program (DVOP) and local veterans' employment representatives (LVERs) services because the authorizing language for those programs sets no specific limits on administrative costs. As a result, the full amount of money appropriated for DVOPs and LVERs could, ostensibly, be directed by Governors to be used for one-stop infrastructure expenses.

Thank you again for your efforts on behalf of veterans and veterans with disabilities.

Sincerely,

RICHARD FULLER,
National Legislative Director.

Mr. Chairman, I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. BOEHNER), the chairman of the committee.

The CHAIRMAN. The gentleman from Ohio is recognized for 2 minutes.

Mr. BOEHNER. Mr. Chairman, let me thank my colleague and new member of our committee, the gentleman from Minnesota (Mr. KLINE), for his important contribution. Many of us believe that the language was sufficient in the bill, but clearly there were questions raised about how the determination was going to be made over how much each of the participating partners were going to contribute to the infrastructure. The amendment that is offered here does in fact make it clear to the Governors that there is a proportionate share that each of these groups will contribute.

Why is this necessary? Unfortunately in some parts of the country, some groups just decided they were not going to be participating partners. Our goal here is to have one-stops where all of the providers of services are there. We are talking about providers of services that are funded by the Federal Government. They need to be participating. What we do here is to make sure that they have a financial commitment to the well-being of these one-stops as well.

The gentleman from Michigan makes a point that not all of these mandatory partners have administrative funds. Most of them do. Their participation in the funding of the infrastructure would come from their own administrative funds. But the one point that he did bring up was the veterans programs. They have administrative funds and it is done by regulatory process as opposed to being outlined in statute. And so we believe that because each of these groups has administrative funds by some means, the Governors and the statewide WIA board would take that into consideration in terms of what the proportionate share of costs should be for each of these groups. I do think the gentleman from Minnesota makes an important contribution, helps clarify the bill, and we should support his amendment.

Mr. KILDEE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. KLINE).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 108-92.

AMENDMENT NO. 5 OFFERED BY MR. LEWIS OF GEORGIA

Mr. LEWIS of Georgia. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. LEWIS of Georgia:

Page 36, line 4, strike "21" and insert "24".

The CHAIRMAN. Pursuant to House Resolution 221, the gentleman from Georgia (Mr. LEWIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 1261 as written leaves out a significant portion of its targeted population that needs job training. My simple amendment would extend the eligibility requirement from 21 years of age to 24 years of age for training programs in the Workforce Reinvestment and Adult Education Act. Existing job training programs such as Job Corps, YouthBuild, Conservation Corps, and others already use the age range 16 to 24. Extending the age from 21 to 24 will enable the Workforce Reinvestment and Adult Education Act to coincide with organizations that benefit from it.

When young people drop out of high school, they are in a suspended state of adolescence, not taking responsibility for themselves financially or otherwise. They often are unable to get a job or support themselves or their children, if they have children. Furthermore, the needs of the 22- to 24-year-old high school dropouts are more like the needs of the 18- to 21-year-olds than their counterparts in their late twenties and thirties. The process of completing their high school education, preparing for the workforce, the world of work, and developing the values of responsibility and the sense of belonging to a community are the difficult tasks of youth, but some have taken a detour onto the streets or prison. When they get back on track, they still need to be mentored. They need help, a sense of purpose, a sense of direction. They simply have not learned the skills and responsibilities in the work world to be adults. This amendment will help our young people meet this goal.

Mr. Chairman, I have visited organizations such as YouthBuild and Job Corps. I must tell you they do good work. These are good and necessary programs to help our young people get ahead. I strongly urge my colleagues, all of my colleagues, to pass this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member seek the time in opposition?

Mr. BOEHNER. Mr. Chairman, I ask unanimous consent to claim the time in opposition, even though I am not opposed to the amendment.

The CHAIRMAN. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. BOEHNER. Mr. Chairman, let me congratulate my friend and colleague from Georgia for his amendment and make it clear that I support his amendment.

The amendment ensures that States and local areas have flexibility in creating their own out-of-school youth program. For instance, a State may find it beneficial to allow youth who begin participating in an out-of-school youth program to continue in the program beyond the 21st birthday in order to complete the program. Often 22-, 23- and 24-year-olds have many of the same basic educational and job training needs as youth under the age of 21.

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And I think that the amendment offered by the gentleman from Georgia (Mr. LEWIS) aligns the eligibility age with other programs serving youth, including Job Corps and YouthBuild, and this will allow greater coordination amongst programs serving youth and could ease the transition for these youth into employment and self-sufficiency programs. So I congratulate the gentleman for his amendment and urge my colleagues to support it.

Mr. LEWIS of Georgia. Mr. Chairman, I thank the gentleman from Ohio (Mr. BOEHNER).

Mr. Chairman, I ask unanimous consent to reclaim my time.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The CHAIRMAN. The gentleman from Georgia (Mr. LEWIS) has 2½ minutes remaining.

Mr. LEWIS of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding me this time.

I am very familiar with the group that he is seeking to serve here. In the City of Flint, Michigan, we have people who really have a sense to find themselves during that period in their life, and I think extending this to age 24 is a reasonable thing for us to do and will make sure that we give those people in that age group that second chance to find themselves and to set goals for themselves. So I think this will be something that will add immeasurably to the bill, and I am very happy that the gentleman has offered the amendment and certainly urge everyone to support the amendment.

I know the gentleman from Atlanta has been up to my city and I have been to his city. We have seen youth in this group.

The CHAIRMAN. The gentleman has 1½ minutes remaining.

Mr. LEWIS of Georgia. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding me this time.

This is an excellent amendment, and the reason why I say that is because this is the month of May, when a number of our students are graduating from college, many of them older than the age originally in this legislation, and extending this to the age of 24 responds not only to those students who may be older in our colleges but also to returning veterans and military personnel who will be older. So might I just join in supporting this excellent amendment, and I would like to add as well my support for the amendment to be coming forth of the gentlewoman from California (Ms. MILLENDER-MCDONALD) dealing with single parents and pregnant women and others to expand the opportunity for training.

So I thank the gentleman for yielding, and I want to say this is a very progressive but important amendment on helping a large number of these young people who are in need of these very vital services.

Mr. LEWIS of Georgia. Mr. Chairman, I thank the gentlewoman.

Mr. Chairman, I yield back the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. LEWIS).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 108–92.

AMENDMENT NO. 6 OFFERED BY MR. KILDEE

Mr. KILDEE. Mr. Chairman, as designee of the gentleman from Florida (Mr. HASTINGS), I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. KILDEE:

Page 49, line 10, strike "80 percent" and insert "85 percent".

Page 49, line 13, strike "20 percent" and insert "15 percent".

The CHAIRMAN. Pursuant to House Resolution 221, the gentleman from Michigan (Mr. KILDEE) as the designee of the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

We have discussed this amendment with the majority, and we have agreement upon this.

This amendment simply would increase the amount of funding going to local areas by a statutorily defined formula.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I thank the ranking member for yielding me this time, and I am thankful for the opportunity for this intervention.

I rise to offer the amendment to the Workforce Investment Act Reinvestment and Adult Education Act of 2003. Although this amendment is a technical one, if enacted, it will result in an increase of need-based funding for virtually every workforce development board in the country. In fact, if the administration's fiscal year 2004 budget request is appropriated, the amendment would result in an increase of no less than $77.5 million in guaranteed formula or need-based funding in areas with highest demand for assistance. Specifically, the amendment requires that no less than 85 percent of the total funds allocated to local boards under the Comprehensive Employment and Training Activities for Adults program are formula based. H.R. 1261, as reported, establishes a formula for this funding that takes into consideration the unemployment rate of a given area compared with the entire State and the size of the workforce. Further, it gives priority to those living in areas of high unemployment as well as disadvantaged individuals.

I rise today to offer an amendment to the Workforce Reinvestment and Adult Education Act. Although my amendment is a technical one, if enacted, it will result in an increase of need-based funding for virtually every workforce development board in the country.

In fact, if the Administration's Fiscal Year 2004 budget request is appropriated, my amendment would result in an increase of no less than $77.5 million in guaranteed formula- or need-based funding in areas with the highest demand for assistance.

Specifically, the amendment requires that no less than 85 percent of the total funds allocated to local boards under the Comprehensive Employment and Training Activities for Adults program are formula-based. H.R. 1261, as reported, establishes a formula for this funding that takes into consideration the unemployment rate of a given area compared with the entire state and size of the workforce. Further, it gives priority to those living in areas of high unemployment, as well as disadvantaged individuals.

My amendment ensures that those areas with the highest unemployment rates and need for job training receive the greatest level of immediate and guaranteed assistance.

Even more, my amendment limits the ability of governors—Democrat or Republican—to play politics with adult job training and education funds, as well as those funds intended for dislocated worker assistance. The amendment is fair, and it is certainly in line with what Congress intended when it initially passed the Workforce Investment Act in 1998.

Mr. Chairman, America is faced with an unemployment epidemic of enormous proportion. Today, 8.8 million hard working Americans are out of jobs, many for reasons beyond their own control. Nearly 2 million of them have been without work for 27 weeks, and the average length of unemployment is almost 20 weeks, the highest since 1984.

Unfortunately, relief is nowhere in sight. 4.8 million workers are stuck in part-time jobs because they can't find full-time work, and there is a meager one job available for every three unemployed workers looking.

My amendment sends guaranteed help to those most in need. It places assistance over politics and ensures that those without jobs receive a greater level of assistance than they currently do under H.R. 1261.

I urge my colleagues to support my amendment.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I thank the gentleman from Florida for yielding.

Under the bill 80 percent of the funds are, under formula, to go to the local boards. This would bring that to 85 percent. I do think it gives the local boards more certainty over exactly the kind of funding that they should expect from year to year, would reduce the amount of dislocation or expectation as to what is coming in. I think he makes a valuable contribution, and we would be pleased to accept the amendment.

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman.

Mr. KILDEE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. KILDEE).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 108–92.

AMENDMENT NO. 7 OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-MCDONALD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. MILLENDER-MCDONALD:

Page 65, line 14, insert ", including single parents, displaced homemakers, and pregnant single women," after "individuals".

The CHAIRMAN. Pursuant to House Resolution 221, the gentlewoman from California (Ms. MILLENDER-MCDONALD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. MILLENDER-MCDONALD) on her amendment.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I yield myself such time as I may consume.

I thank the committee for the work that they have done on this act.

I am here today to offer my amendment to H.R. 1261. My concern is reflected in my amendment, and it is to ensure that all training and intensive services offered under the Workforce Investment Act continues to focus on displaced homemakers, single parents, and teen pregnant parents. It is imperative that displaced homemakers and other women in need are prepared for employment in nontraditional careers and that once they are employed they will be able to achieve a level of self-sufficiency. I have had first hand on this issue as I served as the director of Gender Equity in Los Angeles.

Men and women go to work because families depend more on women's income now more than ever before. Today's families with two full-time incomes are the least likely to live in poverty. Some women work because they are especially in need of economic independence that a job brings. Currently, there are 7 million displaced homemakers and 10 million single mothers living in the United States. And given the economic decline, I want to be certain that these individuals' needs continue to be met as they will be entering the workforce. As of 2001, working women were 40 percent more likely to be poor than working men and 6.6 percent of working women were living below the poverty line, according to the U.S. Census Bureau.

What we have learned since the JTPA was replaced by the WIA is that under the former JTPA, 149,356 displaced workers received job training in 1998, while 42,426 dislocated workers completed job training under its replacement, the Workforce Investment Act, or WIA, through the end of 2000. However, these numbers are not reflective of the displaced homemakers, the single parents, and the teen parents, and these are the folks who are in dire need of job training. While 40,468 displaced and dislocated workers were participating in the WIA training service in 2000, and they were women, we still are not recruiting, Mr. Chairman, or identifying those classes of prospective workers who need the job training necessary for a productive work success.

Among the adults served by WIA through 2000, 60 percent were women, 78 percent of those whom we talk about were unemployed upon the registration and 11 percent of whom received the TANF, Temporary Assistance for Needy Families. Fifty-eight percent of the adults participating in WIA in 2000 either held high school diplomas or had attained a higher level of education. About 40 percent of these adults received training services. While this is very important, it does not address those who are lacking a high school diploma or were unable to complete their education because of family matters.

Mr. Chairman, it should be noted that 121,000 fewer adults were trained under WIA in 2000 than received training under JTPA in 1998. These displaced homemakers and single parents are also greatly in need of the comprehensive job training services offered by WIA. We will be doing a great disservice to these women, particularly those from disadvantaged backgrounds, if we fail to adequately expose and educate them to work in high technology and nontraditional jobs.

Given the statistics in how these women are underrepresented in job training, we can and must do more to assist these displaced homemakers, single parents, and teen parents who are seeking employment for the first time as well as those who need to acquire 21st century skills in order to become marketable and economically self-sufficient in the emerging 21st century workplace. They are our today and tomorrow workforce. We must prepare them through comprehensive training and intensive service for this new high tech work environment.

Mr. BOEHNER. Mr. Chairman, will the gentlewoman yield?

Ms. MILLENDER-McDONALD. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I think the gentlewoman does make an important contribution to the bill and clarifies that these out-of-work homemakers and single mothers do in fact play a role and do need services and should in fact be considered in a higher level as funds are being distributed to the local boards, and I ask Members to support the gentlewoman's amendment.

Ms. MILLENDER-McDONALD. Mr. Chairman, I thank the distinguished chairman.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-McDONALD).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 108-92.

AMENDMENT NO. 8 OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. KAPTUR:

Page 86, line 20, insert "assistance regarding accounting and program operation practices (when such assistance would not be duplicative to assistance provided by the State)," after "this title,".

Page 87, line 2, strike the period and insert "; and"

Page 87, after line 2, inset the following;

(5) by inserting, after subsection (c) (as redesignated by paragraph (3)), the following:

"(d) BEST PRACTICES COORDINATION.—The Secretary shall establish a system whereby States may share information regarding best practices with regards to the operation of workforce investment activities under this Act."

The CHAIRMAN. Pursuant to House Resolution 221, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR) on her amendment.

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the Committee on Rules. I want to thank the gentleman from Ohio (Mr. BOEHNER) of the Committee on Education and the Workforce and the gentleman from Michigan (Mr. KILDEE), ranking member, for allowing us to move this amendment today, and I want to acknowledge the hard work of Keysha Brooks-Coley on my own staff who has worked so very hard on this amendment and others.

This past Friday the Department of Labor reported that unemployment again went up in our country to a level of 8.8 million citizens, of which at least 250,000 are unemployed in the State of Ohio, and the unemployment level is now somewhere around 6 percent of those that we are still counting.

Without question people need access to training and to transitional assistance, which this bill offers so much hope to those who are struggling out there, trying to find a good-paying job with good benefits. The amendment I have proposed would strengthen the technical assistance provisions of the underlying bill to allow the Department of Labor where a State does not do it to give help to localities to apply for the program and to administer the program.

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It would also require that a best practices system be established at the Department of Labor, so if a county in New York wants to learn what a county in Illinois might have done, or vice versa, that that would be available.

The amendment would require the Department of Labor to establish a coordinated system so there is no duplication at all. For example, in the technical assistance, it would only be allowed to be provided when the State itself is not doing it.

So this amendment was two parts: to better help the localities to apply, and then best practices.

I would like to just say for the record, if I could, Mr. Chairman, that we did try to offer another amendment and it was not allowed in order in the Committee on Rules. But I do think it is important with the gentleman from Ohio (Chairman BOEHNER) and the ranking member, the gentleman from California (Mr. GEORGE MILLER), here on the floor, to just state for the record that in a State like Ohio, which ranks at the bottom in terms of drawdowns of these funds. I really hope that as this bill is perfected, as it moves over to the other body and through conference, that some thought might be given to the accounting aspect of our funds, the Federal funds that are sent to the States, and to require quarterly reports, and also to differentiate between allocations to the State and actual expenditures by the State and the local counties.

Believe me, its impossible to get this information. We cannot even obtain it for a State like our own from the Department of Labor. We asked the General Accounting Office to become involved in this. Even they have not been able to obtain these numbers.

Frankly, I would like to strongly recommend to the committee that if dollars have not been spent by the States that there be a pass-through to the localities, so that our counties that are dealing with unemployed people and people needing training every day would have the flexibility to expend funds that, for whatever reason, seem to be getting lost or stored at the State capital level and never really getting down to those who need to establish contracts for trading with those who are unemployed.

Mr. Chairman, although this amendment does not deal with that, I would ask Members for strong consideration of the amendment that does require technical assistance to be given by the Department of Labor if the States are not doing it and also to establish this best-practices opportunity at the Department of Labor, so people can learn across our country, from one State to another, from one county to another, and strongly urge the committee to think about requiring strict accounting of these dollars, with quarterly reports and differentiating between expenditures and allocations, and then, if the State is not spending the money, allowing the locality to receive the pass-through of those funds.

I would ask for support of this amendment.

The CHAIRMAN. Does any Member claim the time in opposition?

Mr. BOEHNER. Mr. Chairman, I ask unanimous consent to claim the time in opposition, even though I am not opposed to the gentlewoman's amendment.

The CHAIRMAN. Without objection, the gentleman from Ohio (Mr. BOEHNER) is recognized for 5 minutes.

There was no objection.

Mr. BOEHNER. Mr. Chairman, I'yield myself such time as I may consume.

Mr. Chairman, let me ask my colleagues to support the gentlewoman from Ohio's amendment. I think for those States that do not provide the technical assistance to the local boards, they need that help, especially in terms of the financial integrity of the funds that they are dealing with. I do believe that the Department is in a position to do that. I would obviously think the sharing of best practices, that forum needs to occur, and somewhere at the Department of Labor is the most likely place for it to occur.

I should note with regard to the other amendment that the gentlewoman had offered that was not made in order under the rule dealing with the financial integrity of the monies that move from here to the States, that we do clarify the issue of obligations versus expenditures, which we think is an important step in ensuring that there is a clear picture of what the drawdown numbers are, which today I do not think is as clear as it could be.

We will continue to work with the gentlewoman as we get into conference at some point with the Senate in terms of ensuring that these Federal funds are used for their intended purpose.

With that, I would urge my colleagues to support the gentlewoman's amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just thank the chairman very much for his openness to these amendments and for working on this with us to perfect the legislation as it moves through the process. I am very grateful for that and grateful to the gentleman from California (Mr. GEORGE MILLER), the gentleman from Michigan (Mr. KILDEE), and the Committee on Rules.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. VITTER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. VITTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 423, noes 0, not voting 11, as follows:

[Roll No. 173]

AYES—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts

Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Andrews
Combest
Conyers
DeLay
Dingell
Feeney
Gephardt
Goss
Miller, Gary
Rohrabacher
Schrock

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes left to vote.

☐ 1440

Ms. DELAURO changed her vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. GOSS. Mr. Chairman, on rollcall No. 173, I was unavoidably detained. Had I been present, I would have voted "aye."

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1261) to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes, pursuant to House Resolution 221, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GEORGE MILLER of California. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. George Miller of California moves to recommit the bill H.R. 1261 to the Committee on Education and the Workforce with instructions to report the same back to the House promptly with an amendment that will achieve the policy of providing direct spending for 26 weeks of income support for unemployed individuals who have exhausted regular unemployment benefits and an additional 13 weeks of income support for individuals who have exhausted their Federal extended unemployment benefits, through the Workforce Investment Act in a manner equivalent to the receipt of Federal extended unemployment insurance benefits.

☐ 1445

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes in support of his motion.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, this week in the Committee on Ways and Means we attempted to offer this amendment to extend unemployment insurance benefits for those people who are going to lose their benefits at the end of this month.

That bill will spend $550 billion but does not provide one penny for those people who are going to lose their unemployment insurance benefits at the end of this month. Every prior recession we have extended Federal unemployment benefits for far longer than we have in this recession even though this recession is deeper than the prior recessions.

Mr. Speaker, in the next 6 months if we do not extend Federal unemployment insurance, 2 million of our fellow citizens are going to exhaust their State benefits. We have already seen 1 million of our citizens exhaust their extended benefits. What this motion simply does is we should be extending Federal unemployment insurance by 26 weeks and for those who have exhausted their benefits under the Federal system, an additional 13 weeks.

Mr. Speaker, the money is in the Federal unemployment trust account to pay for this; $21 billion is there. The money is there just for that reason, for a recession. We should do it. For those who are interested in helping stimulate the economy, the study by the Department of Labor found that every dollar of unemployment benefits generated $2.15 of economic activity. It is the right policy to do. It will help our economy. We have done it in the past on a bipartisan basis. We are going to use every opportunity we can. We have to do this before the end of this month.

I urge my colleagues to support the motion to recommit so that we can move forward to help the unemployed in our community.

Mr. Speaker, I thank the gentleman for yielding me time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, this motion responds to the economic realities that American families are facing today. We have 8.8 million individuals who are out of work. We have a growing budget deficit of about a half trillion dollars. Most alarming is the fact that three unemployed individuals are competing for every job.

In light of these dire economic conditions, this motion responds to America's needs by extending UI benefits. This motion would extend UI benefits for 26 weeks for newly unemployed workers and 13 weeks for those who have exhausted their benefits. Mr. Speaker, over 42 percent of those individuals who have exhausted their benefits are still unemployed under the present economic conditions.

Mr. Speaker, nearly 9 million workers are unemployed. The current UI extension expires at the end of this month, only 24 days from now. Where is the compassion of this House? How can we leave our Nation's families guessing as to when their next meal will be coming?

Mr. Speaker, this motion deserves the support of the House today.

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) has 2½ minutes remaining on this motion.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this amendment would have the effect of providing an equivalent of 26 weeks of unemployment insurance to individuals who have exhausted both their State and their Federal extended benefits. The importance of this amendment is that it can provide a certainty to those people who are going to exhaust their benefits to know that these benefits will be there. We have tried in the Committee on Ways and Means yesterday to offer an amendment to send a message to these families. It was rejected. We tried in our committee. It was rejected. We tried in the Committee on Rules last night. It was rejected.

None of you, if you were in the situation of these families, would want to be taken up to the eve of the exhaustion of your benefits or, as we did a few months ago, we went past the exhaustion of the benefits. They exhausted on the 31st, and we went into January before we approved those benefits.

We owe it to these families. These families were working before their job disappeared. They are trying to provide for their families. They are trying to provide for their health care. They are trying to provide for their education and keep their house and keep their car. The least we can do is let them know in advance, but so far the Republican leadership has refused to do that.

The administration claims that they are still debating on whether or not they will extend the unemployment benefits upon exhaustion. Every member of our committee voted for this amendment. Every member of our committee on our side of the aisle spoke for this amendment because it is a compassionate thing to do. It is a decent thing to do, and it is a smart economical thing to do because this money to these families will enable them to participate in the economy and put demand into the economy. It is the minimum that we can do. We would like to just have a simple extension of the unemployments benefits, but so far there has been a deaf ear on the other side of the aisle on that matter.

So we would like to have this motion to recommit to succeed, to go back and to extend the equivalent of those 26 weeks to those individuals and to those families that are in dire straits. A million more families have exhausted their benefits than at this time in the last recession. The severity and the duration of this economic downturn is such, and this administration has yet to take a single step, a single step to help create jobs in this country, to help create the benefits for these individuals that they need.

That is what this amendment helps us to address. The first plan of this administration was a massive failure. They passed their big tax cut, a trillion dollars, and we have lost 2½ million jobs. We cannot just do more of the same. The American families that are under this economic stress in this job market in this lousy economy deserve better.

Mr. BOEHNER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BOEHNER) is recognized for 5 minutes.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us is about helping job seekers find meaningful employment. And we know the one-stop shops have worked. And the underlying bill seeks to fine-tune that process, to make it more effective in helping more people find and keep meaningful employment.

Now, the motion to recommit is about the issue of unemployment insurance, something that is not in the purview of our committee. Now, Members in this House on both sides of the aisle have worked together to extends unemployment benefits on a regular basis, and I have full confidence that we will continue to do that if the need persists.

We are going to continue to meet our commitment and our resolve in this Congress to help those who are in fact unemployed. But let me just point out that if anyone thinks that the motion to recommit is going to result in one unemployed worker getting one additional dollar this year, they are wrong. This does not extend unemployment insurance through the unemployment insurance system. It would take the money and send it to the local one-stops, who have no system for distributing unemployment, and require them to distribute the money.

I will guarantee you there is not one dime that would flow to one unemployed worker within 2 years under this mechanism that was set up within the rules of the House in order to try to get this issue on the table today.

And if there is something that is even worse than that, in the motion to recommit it refers it back to the committee and we are promptly to deal with it. For those of you who are not that familiar with the nuance, that means the bill is dead forever.

Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding me time.

We are the committee that will deal with the issue. And the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, is correct, this motion to recommit says promptly, not forthwith. That means that everything they said means absolutely nothing, or perhaps that is too drastic a statement. When they said that they are going to have spending for 26 weeks, that is a bubble; and if you touch it, it bursts. When they said they are going to provide an additional 18 weeks of income support, that is a bubble; and if you touch it, it bursts, because the underlying structure of this motion to recommit kills the bill. That is what this motion to recommit does. No one will lose their unemployment payment, currently unemployed, all the way through August.

The gentleman from Maryland was correct, there are sufficient funds. The Committee on Ways and Means will act. The problem is they want to create a phony issue at a phony time so that they can act like they are going to do something. What they propose to do is blow bubbles. We propose to act and solve the problem. Vote "yes" on the motion to recommit, you kill the bill. Vote "no" and you will get an addressing of this problem in an appropriate time frame.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic votes on the question of final passage and on the motion to suspend the rules and agree to House Resolution 213.

The vote was taken by electronic device, and there were—yeas 202, nays 223, not voting 9, as follows:

[Roll No. 174]

YEAS—202

Abercrombie
Ackerman
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee

Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—223

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Andrews
Combest
DeLay
Dingell
Feeney
Gephardt
Herger
Miller, Gary
Schrock

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). The Chair would advise all Members there are 2 minutes left in this vote, approximately 2 minutes.

□ 1515

Mr. JOHNSON of Illinois changed his vote from "yea" to "nay."

Mrs. MALONEY changed her vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KILDEE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote followed by a second 5-minute vote on a motion to suspend the rules.

The vote was taken by electronic device, and there were—ayes 220, noes 204, not voting 10, as follows:

[Roll No. 175]

AYES—220

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
Emerson
Everett
Ferguson
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—204

Abercrombie
Ackerman
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano

Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tancredo
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wamp
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Andrews
Clyburn
Combest
DeLay
Dingell
Emanuel
Feeney
Gephardt
Miller, Gary
Schrock

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1523

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. EMANUEL. Mr. Speaker, on rollcall No. 175, I was unavoidably detained. Had I been present, I would have voted "no."

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT PUBLIC SERVICE EMPLOYEES SHOULD BE COMMENDED FOR THEIR DEDICATION AND SERVICE TO THE NATION

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 213.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MURPHY) that the House suspend the rules and agree to the resolution, H. Res. 213, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 16, as follows:

[Roll No. 176]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Andrews
Berman
Clyburn
Combest
DeLay
Dingell
Doolittle
Feeney
Gephardt
Greenwood
Kaptur
McCrery
Miller, Gary
Northup
Putnam
Schrock

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1530

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1261, WORKFORCE REINVESTMENT AND ADULT EDUCATION ACT OF 2003

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1261, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Ohio?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. BOEHNER. Mr. Speaker, I move that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER).

The motion was agreed to.

REPORT ON RESOLUTION PROVIDING AMOUNTS FOR EXPENSES OF COMMITTEE ON HOMELAND SECURITY IN THE 108TH CONGRESS

Mr. NEY, from the Committee on House Administration, submitted a privileged report (Rept. No. 108–93) on the resolution (H. Res. 110) providing amounts for the expenses of the Committee on Homeland Security in the 108th Congress, which was referred to the House Calendar and ordered to be printed.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF HOUSE RESOLUTION 148, PROVIDING FOR EXPENSES OF CERTAIN COMMITTEES OF THE HOUSE OF REPRESENTATIVES IN THE 108TH CONGRESS

Mr. NEY. Mr. Speaker, I ask unanimous consent that it shall be in order at any time without intervention of any point of order to consider House Resolution 148;

The resolution shall be considered as read for amendment;

The amendment recommended by the Committee on House Administration now printed in the resolution, modified by the amendment that I have placed at the desk, shall be considered as adopted;

The resolution, as amended, shall be debatable for 1 hour, equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration: and

The previous question shall be considered as ordered on the resolution, as amended, to final adoption without intervening motion.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike all after the resolved clause and insert the following:

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED EIGHTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Eighth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in such subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $10,327,531; Committee on Armed Services, $11,931,357; Committee on the Budget, $11,869,572; Committee on Education and the Workforce, $14,673,371; Committee on Energy and Commerce, $18,622,138; Committee on Financial Services, $13,696,487; Committee on Government Reform, $19,614,435; Committee on House Administration, $8,527,057; Permanent Select Committee on Intelligence, $7,809,730; Committee on International Relations, $14,552,695; Committee on the Judiciary, $14,048,616; Committee on Resources, $13,509,424; Committee on Rules, $5,669,311; Committee on Science, $11,690,845; Committee on Small Business, $5,120,301; Committee on Standards of Official Conduct, $3,071,250; Committee on Transportation and Infrastructure, $16,461,893; Committee on Veterans' Affairs, $5,486,795; and Committee on Ways and Means, $16,136,288.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2003, and ending immediately before noon on January 3, 2004.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $5,084,900; Committee on Armed Services, $5,871,876; Committee on the Budget, $5,856,333; Committee on Education and the Workforce, $7,047,896; Committee on Energy and Commerce, $9,101,042; Committee on Financial Services, $6,601,085; Committee on Government Reform, $9,740,963; Committee on House Administration, $4,122,092; Permanent Select Committee on Intelligence, $3,780,487; Committee on International Relations, $6,993,645; Committee on the Judiciary, $6,957,554; Committee on Resources, $6,492,029; Committee on Rules, $2,797,898; Committee on Science, $5,711,401; Committee on Small Business, $2,535,261; Committee on Standards of Official Conduct, $1,527,825; Committee on Transportation and Infrastructure, $7,982,558; Committee on Veterans' Affairs, $2,703,328; and Committee on Ways and Means, $7,908,037.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2004, and ending immediately before noon on January 3, 2005.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $5,242,632; Committee on Armed Services, $6,059,481; Committee on the Budget, $6,013,239; Committee on Education and the Workforce, $7,625,475; Committee on Energy and Commerce, $9,521,097; Committee on Financial Services, $7,095,402; Committee on Government Reform, $9,873,472; Committee on House Administration, $4,404,965; Permanent Select Committee on Intelligence, $4,029,243; Committee on International Relations, $7,559,050; Committee on the Judiciary, $7,091,062; Committee on Resources, $7,017,395; Committee on Rules, $2,871,413; Committee on Science, $5,979,444; Committee on Small Business, $2,585,041; Committee on Standards of Official Conduct, $1,543,425; Committee on Transportation and Infrastructure, $8,479,334; Committee on Veterans' Affairs, $2,783,466; and Committee on Ways and Means, $8,228,251.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 6. ADJUSTMENT AUTHORITY.

The Committee on House Administration shall have authority to make adjustments in amounts under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

Mr. NEY (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Ohio?

There was no objection.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF HOUSE RESOLUTION 110, PROVIDING AMOUNTS FOR EXPENSES OF COMMITTEE ON HOMELAND SECURITY IN THE 108TH CONGRESS

Mr. NEY. Mr. Speaker, I ask unanimous consent that it shall be in order at any time without intervention of any point of order to consider House Resolution 110;

The resolution shall be considered as read for amendment;

The amendment recommended by the Committee on House Administration now printed in the resolution shall be considered as adopted;

The resolution, as amended, shall be debatable for 1 hour, equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration; and

The previous question shall be considered as ordered on the resolution, as amended, to final adoption without intervening motion.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike all after the resolved clause and insert the following:

Resolved,

SECTION 1. EXPENSES FOR THE SELECT COMMITTEE ON HOMELAND SECURITY FOR THE ONE HUNDRED EIGHTH CONGRESS.

With respect to the One Hundred Eighth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than $10,952,787 for the expenses (including the expenses of all staff salaries) of the Select Committee on Homeland Security.

SEC. 2. FIRST SESSION LIMITATION.

Of the amount provided for in section 1, not more than $5,366,866 shall be available for expenses incurred during the period beginning at noon on January 3, 2003, and ending immediately before noon on January 3, 2004.

SEC. 3. SECOND SESSION LIMITATION.

Of the amount provided for in section 1, not more than $5,585,921 shall be available for expenses incurred during the period beginning at noon on January 3, 2004, and ending immediately before noon on January 3, 2005.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the Select Committee *on Homeland Security, signed by the chairman of such Committee, and approved in the manner directed by the Committee on House Administration.*

SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 6. ADJUSTMENT AUTHORITY.

The Committee on House Administration shall have authority to make adjustments in the amount under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

Mr. NEY (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Ohio?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 684

Ms. MAJETTE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 684.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Georgia?

There was no objection.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, yesterday on May 7, 2003, I had to miss several rollcall votes because of official business in my hometown of Houston, Texas, attending the honoring of Earl Loggins and the opening of a very important service in my constituency. If I had been present, I would have voted "aye" on rollcall vote 167, H.R. 766, the nanotechnology bill; I would have voted "aye" on rollcall vote 168, H. Con. Res. 53; and I would have voted "aye" on rollcall vote 169, H.R. 866.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 35 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1738

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 5 o'clock and 38 minutes p.m.

PROVIDING EXPENSES OF CERTAIN COMMITTEES OF THE HOUSE OF REPRESENTATIVES IN 108TH CONGRESS

Mr. NEY. Mr. Speaker, pursuant to the order of the House of today, I call up the resolution (H. Res. 148) providing for the expenses of certain committees of the House of Representatives in the One Hundred Eighth Congress, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the order of the House today, the resolution is considered read for amendment.

The text of House Resolution 148 is as follows:

H. RES. 148

Resolved,

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED EIGHTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Eighth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $10,623,640; Committee on Armed Services, $12,377,680; Committee on the Budget, $11,869,572; Committee on Education and the Workforce, $14,922,183; Committee on Energy and Commerce, $19,117,623; Committee on Financial Services, $16,995,487; Committee on Government Reform, $20,400,000; Committee on Homeland Security, $11,028,787; Committee on House Administration, $10,374,974; Permanent Select Committee on Intelligence, $7,809,730; Committee on International Relations, $16,037,995; Committee on the Judiciary, $17,248,067; Committee on Resources, $14,910,527; Committee on Rules, $5,669,311; Committee on Science, $12,301,690; Committee on Small Business, $6,372,008; Committee on Standards of Official Conduct, $3,443,150; Committee on Transportation and Infrastructure, $17,682,505; Committee on Veterans' Affairs, $6,776,617; and Committee on Ways and Means, $16,521,319.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2003, and ending immediately before noon on January 3, 2004.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $5,292,225; Committee on Armed Services, $5,943,675; Committee on the Budget, $5,894,018; Committee on Education and the Workforce, $7,398,237; Committee on Energy and Commerce, $9,385,902; Committee on Financial Services, $8,144,280; Committee on Government Reform, $10,000,000; Committee on Homeland Security, $5,657,656; Committee on House Administration, $5,028,573; Permanent Select Committee on Intelligence, $3,773,567; Committee on International Relations, $7,693,249; Committee on the Judiciary, $8,422,720; Committee on Resources, $7,360,564; Committee on Rules, $2,816,332; Committee on Science, $6,072,465; Committee on Small Business, $3,080,591; Committee on Standards of Official Conduct, $1,636,825; Committee on Transportation and Infrastructure, $8,722,428; Committee on Veterans' Affairs, $3,225,344; and Committee on Ways and Means, $8,063,151.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2004, and ending immediately before noon on January 3, 2005.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $5,331,415; Committee on Armed Services, $6,434,005; Committee on the Budget, $5,975,554; Committee on Education and the Workforce, $7,523,946; Committee on Energy and Commerce, $9,731,721; Committee on Financial Services, $8,851,207; Committee on Government Reform, $10,400,000; Committee on Homeland Security, $5,371,131; Committee on House Administration, $5,346,401; Permanent Select Committee on Intelligence, $4,036,163; Committee on International Relations, $8,344,746; Committee on the Judiciary, $8,825,346; Committee on Resources, $7,549,963; Committee on Rules, $2,852,979; Committee on Science, $6,229,225; Committee on Small Business, $3,291,417; Committee on Standards of Official Conduct, $1,806,325; Committee on Transportation and Infrastructure, $8,960,077; Committee on Veterans' Affairs, $3,551,273; and Committee on Ways and Means, $8,458,168.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 6. ADJUSTMENT AUTHORITY.

The Committee on House Administration shall have authority to make adjustments in amounts under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

The SPEAKER pro tempore. The amendment printed in the resolution, modified by the amendment reported by the Clerk in conjunction with that previous order, is adopted.

The text of House Resolution 148, as amended, is as follows:

Resolved,

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED EIGHTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Eighth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in such subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $10,327,531; Committee on Armed Services, $11,931,357; Committee on the Budget, $11,869,572; Committee on Education and the Workforce, $14,673,371; Committee on Energy and Commerce, $18,622,138; Committee on Financial Services, $13,696,487; Committee on Government Reform, $19,614,435; Committee on House Administration, $8,527,057; Permanent Select Committee on Intelligence, $7,809,730; Committee on International Relations, $14,552,695; Committee on the Judiciary, $14,048,616; Committee on Resources, $13,509,424; Committee on Rules, $5,669,311; Committee on Science, $11,690,845; Committee on Small Business, $5,120,301; Committee on Standards of Official Conduct, $3,071,250; Committee on Transportation and Infrastructure, $16,461,893; Committee on Veterans' Affairs, $5,486,795; and Committee on Ways and Means, $15,976,288.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2003, and ending immediately before noon on January 3, 2004.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $5,084,900; Committee on Armed Services, $5,871,876; Committee on the Budget, $5,856,333; Committee on Education and the Workforce, $7,047,896; Committee on Energy and Commerce, $9,101,042; Committee on Financial Services, $6,601,085; Committee on Government Reform, $9,740,963; Committee on House Administration, $4,122,092; Permanent Select Committee on Intelligence, $3,780,487; Committee on International Relations, $6,993,645; Committee on the Judiciary, $6,957,554; Committee on Resources, $6,492,029; Committee on Rules, $2,797,898; Committee on Science, $5,711,401; Committee on Small Business, $2,535,261; Committee on Standards of Official Conduct, $1,527,825; Committee on Transportation and Infrastructure, $7,982,558; Committee on Veterans' Affairs, $2,703,328; and Committee on Ways and Means, $7,828,037.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2004, and ending immediately before noon on January 3, 2005.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $5,242,632; Committee on Armed Services, $6,059,481; Committee on the Budget, $6,013,239; Committee on Education and the Workforce, $7,625,475; Committee on Energy and Commerce, $9,521,097; Committee on Financial Services, $7,095,402; Committee on Government Reform, $9,873,472; Committee on House Administration, $4,404,965; Permanent Select Committee on Intelligence, $4,029,243; Committee on International Relations, $7,559,050; Committee on the Judiciary, $7,091,062; Committee on Resources, $7,017,395; Committee on Rules, $2,871,413; Committee on Science, $5,979,444; Committee on Small Business, $2,585,041; Committee on Standards of Official Conduct, $1,543,425; Committee on Transportation and Infrastructure, $8,479,334; Committee on Veterans' Affairs, $2,783,466; and Committee on Ways and Means, $8,148,251.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 6. ADJUSTMENT AUTHORITY.

The Committee on House Administration shall have authority to make adjustments in amounts under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here today to consider H. Res. 148, an omnibus funding resolution providing for the expenses of certain committees of the United States House of Representatives in the 108th Congress.

In February of this year, the Chair, myself, and the gentleman from Connecticut (Mr. LARSON), ranking member, reviewed what was presented to us by each Chair and ranking member of each committee. They presented a budget request to the Committee on House Administration and introduced individual resolutions to support their funding requests. This resolution, H. Res. 148, the omnibus primary expense resolution, combines all of the individual resolutions that came from those committees into one bill, excluding the Select Committee on Homeland Security.

I am pleased to put before the House a bipartisan resolution that can be supported by a majority of Members on both sides of the aisle. I feel that both chairmen and ranking members will agree that this carefully crafted agreement will provide sufficient funding for them to carry out the duties and responsibilities for which they are charged.

As we all know, the Select Committee on Homeland Security was created at the beginning of this Congress. That committee will provide an important oversight function, overseeing the newly created Department of Homeland Security and ensuring that the combined agencies are doing the job we all expect of them with regards to protecting our homeland and its security. However, due to the fact that the Homeland Security Budget represents a special situation with regard to this funding cycle, we have not included them in this omnibus funding resolution, but they will instead be considered separately. During this cycle committees requested from the Committee on House Administration a total of $252.5 million in spending. This is $49 million more than what was authorized in the 107th Congress and represents a 24.1 percent requested increase.

In removing Homeland Security from the equation, the request by committees total $241.5 million, which is a $37.9 million increase over the 107th authorized levels and an 18.6 percent increase. This resolution reduces the amount requested by committees by $18.6 million, or a 7.7 percent decrease.

House Resolution 148, as amended, provides for expenses of all committees other than Homeland Security and authorizes $222.8 million, a 9.4 percent increase, and that is 9.4 percent over a 2-year period. This is a $19.3 million increase over the 107th congressional authorized levels.

It should be noted that the 108th Congress funding level of $222.8 million in this resolution is still lower than the funding levels in the 103rd Congress in both constant and actual dollars. The mark for the 103rd Congress was $223.3 million and when adjusted for inflation amounts to $284.7 million in 2003 dollars. This means that while 10 years have lapsed since the beginning of the 103rd Congress, our funding levels are just now reaching the levels authorized in that Congress on a real dollar business basis because of the drastic costs instituted in the 104th Congress. On a constant dollar basis, we are significantly under the adjusted amount by approximately $62 million.

The reason I mention this, Mr. Speaker, is it shows, I think, prudent history on the part of the House for the committees to continue to do their job. Yet if we look back at the 103rd Congress, we are living I think within a very reasonable presented budget. I am proud of the numbers we are putting forward with this resolution. As I stated earlier, I feel that most, not all, but most Members will be able to widely support this measure.

This resolution also carries forward a goal that we have reached in the 107th Congress whereby committees allocated at least one third of their resources to the minority. Since the 104th Congress, we have strived to reach the goal of dividing committee resources on a two-thirds/one-third basis between the majority and minority of each committee. I am proud to say that committee chairmen have worked with their respective ranking members and produced agreements that provide for a two-thirds/one-third split of resources. And it is important to note that if not for the leadership of Speaker HASTERT in cooperation with the gentleman from Connecticut (Mr. LARSON), our ranking member, this goal absolutely would never have been reached nor would we have been able to continue to ensure the fair division of the resources in this resolution.

Also I want to thank both the gentleman from California (Chairman THOMAS) and the gentleman from Maryland (Mr. HOYER), minority whip, for their work on this issue while in their previous assignments in setting this into motion.

When the gentleman from Maryland (Mr. HOYER) was the ranking member of the committee and I became the Chair 2 years ago, we decided this was going to absolutely finally be completed, and we did that. And when the gentleman from Connecticut (Mr. LARSON) became our ranking member, which we are so happy to have him in that position of leadership, he was insistent with the tenacity that I think his ranking members need to be aware of to make sure that goal that was attained should be kept and would be kept. So this is an argument that went right off the table because we completely agree with the gentleman from Connecticut (Mr. LARSON) that that is the only fair way to do it, and I hope this sets a precedent that after we are not in these positions it continues to be two-thirds/one-third split always.

I also want to thank the chairmen of each committee and their ranking member on their cooperation with each other on this matter.

In addition to the funding issues that are part of this process, the committee identified two special categories of requests that we feel need to be addressed separately from the regular funding process. I believe it is important to ensure that we put forth the most accurate reflection of the amounts we are providing to committees and those numbers should not be distorted and inflated with other special needs.

Here I refer to requests to upgrade committee hearings rooms and requests for disaster recovery equipment. In the 107th Congress, we removed hearing room upgrade requests from the normal committee funding process, as those costs would have severely distorted the actual amounts it cost to run each committee.

□ 1745

It was also felt that the hearing room served an institutional function and, therefore, upgrades should be paid for out of a centralized House fund where appropriate.

Hearing rooms were in desperate need of refurbishing. Most have not seen an upgrade in decades. Having removed the upgrades from the committee funding process, we were able to make significant progress towards bringing our hearing rooms up to 21st century standards. While we have not finished all of our main and subcommittee hearing rooms as yet, we are well on our way to making the proceedings of committees more accessible and user-friendly to the general public.

In the 104th Congress when the switch was flipped and Thomas became online and brought the Congress to the world and the world was able to view Congress, we then had to embark on the technological upgrades. I mention this because it would be very, very unfair for the first time really in our Nation's history to embark on these technical upgrades, it would be unrealistic to ask these committees to be able to do their function and to pay for this.

The beauty of this Congress as this continues, and we are going to work with our ranking member, the gentleman from Connecticut (Mr. LARSON), and all the other members of the committee, the beauty of it is if you cannot get to Washington, D.C., you do not have to be shut out of the process. The public will be able to watch their Congress and know what the Congress is doing; and I think this is a very, very laudable, good goal that we have to, again, encourage the upgrades to continue.

On a different, but related, note, the 108th Congress has seen a substantial, but understandable, amount of requests from committees with regard to disaster recovery equipment directly related to the events of September 11 and the subsequent biological attacks directed at this Capitol complex with the anthrax brought into our complex.

Like the hearing room upgrades, the protection of committee data was thought to serve an institutional function. Therefore, the cost of providing the mechanism that gives committees an alternative off-site storage site for data in the event of a catastrophic event should be borne by the House, and, again, not by committees individually.

Further, providing an enterprise solution for off-site data storage ensures that a common standard will be applied for the equipment purchased and used to provide back-up storage for committee data. The committee will continue to work with the proper entities in the House and consult with other committees to ensure that a secure, standard enterprise system is instituted that will satisfy the needs of committees.

In conclusion, I again would like to thank from my end of it the Speaker for his leadership, and also the Democratic leader, the gentlewoman from California (Ms. PELOSI). I would like to thank the ranking member, the gentleman from Connecticut (Mr. LARSON), for his efforts in working with the ranking members and with the majority in order to assist us in fashioning an agreeable bipartisan resolution that could be supported by minority Members on the floor and majority Members. I appreciate the patience and cooperation, and I will stress patience, that the gentleman from Connecticut (Mr. LARSON) has shown. Without that, we would not be here today on the floor with this resolution.

Thanks also should go out to the chairmen of the committees and the ranking members who submitted, for the most part, very fair and reasonable budget requests.

I would also like to thank the staff of the majority and minority on the committee, both sides, who have worked diligently to make sure this institution can continue and can service the constituents across this Nation, as the committees do and should.

I also want to note in closing that there has been a spirit on this committee, and it has been noted in the media, a spirit in this committee that was in the last Congress and has continued with the gentleman from Connecticut (Mr. LARSON) and also the minority members being able to express their view, push their point of view, and fight the good fight for what they believe in and for us to be able to also weigh in on the opinions. But at the end of the day, we realized that working together for the good of the committees and this institution is something that is working for the people of the Nation.

So I am very proud of the committee members, and I am very proud of our ranking member, his integrity and diligence, due diligence, for not only the ranking members, but for the good of the whole of the committees.

Mr. Speaker, I ask that Members support this carefully crafted bipartisan resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by expressing my support for House Resolution 148, which provides an overall average of a 9.4 percent increase in funding for the 19 committees under the jurisdiction of the Committee on House Administration; and I want to thank, again, the chairman of this committee for his outstanding work and effort. This is, after all, an extraordinarily important action that we are taking today. This funds the work of our committees, so in essence it funds the work of the people of this country.

The process through which this resolution was developed and the majority's commitment to ensuring equitable treatment for the minority indicates the healthy respect for the work of this institution and the vital contributions that both sides of the aisle make in enacting and overseeing public policy.

The committee chairman, the gentleman from Ohio (Mr. NEY), and his staff must be commended for their commitment to equity and bipartisanship.

I also want to express my gratitude to my leader, the gentlewoman from California (Ms. PELOSI), and her staff. Her leadership was critical to the progression towards fairness in the allocation of committee resources between the majority and the minority. As any outstanding leader would, the gentlewoman from California (Ms. PELOSI) early on chose to focus on the legitimate institutional needs of the House committee system. I thank her for that; and I thank her for her vision, her clarity, and her focus on the continued need for diversity in our committees, technological enhancement, and an outreach to Members, so that they are able to perform their tasks to their utmost ability. She reached out to the gentleman from Illinois (Speaker HASTERT) and to his staff to make sure that the committee funding for the House of Representatives did not get caught up in the same partisan bickering that previous Congresses had.

Without question, her leadership and decision to put politics aside has made my job much easier. I commend the gentlewoman from California (Ms. PELOSI) and the gentleman from Illinois (Speaker HASTERT) for working in conjunction to aid and abet the cause of this great institution of ours.

Mr. Speaker, I think all of our colleagues will agree that the proposed 9.4 percent increase in committee funding from the 107th Congress level is fiscally responsible and in fact quite thrifty, especially when three factors are considered: the committee workload, the committee staff compensation, and the mission-critical technological upgrades that the chairman so adequately addressed in his remarks.

Let me say as a person who is enjoying the experience of serving on this committee for the first time, we had the chairmen come before us and enunciate their specific concerns about the workload that they now possess, their desire to reach out beyond the Beltway, their specific concern as it relates to events that have transpired since September 11, and the new kind of pressure that so many of our committees find themselves under with expanding jurisdictions and issues that heretofore were not part of the day-to-day business of this institution. The Committee on Armed Services, the Committee on Veterans Affairs, and the Committee on International Relations all were particularly impacted in this past legislative session, so I am pleased that we were able to provide adequate funding for those specific committees.

Congress will confront many issues, including the heightened policing needed for the Nation's accounting, financial and pension systems, which will impose new demands on the Committee on Ways and Means, the Committee on Financial Services, the Committee on Education and the Workforce, and the Committee on Energy and Commerce, as well the investigation of the Space Shuttle *Columbia* tragedy, all important issues that fall squarely on the shoulders of our various committees impacted by this decision.

As to the committee staff itself, again I want to thank the various Chairs who came before our committee, to a person all concerned that there be equity. Since COLAs are already in place for the United States Senate and the executive branch, it is increasingly important that staffers who work for our House committees get the same kind of just reward and equity they richly deserve. They carry out the great work of our various committees here. The work this institution's committee staffs conduct on behalf of the American people is no less important than the work conducted by their peers in the Senate and the executive branch, and their monthly paychecks must reflect that.

Again, I thank the chairmen of the various committees who came forward and made that one of their top concerns as well.

As the chairman has pointed out, mission-critical technology upgrades equally are important as we continue to reach out to our constituents to make sure that they receive the most up-to-date data in a timely fashion. This can be a costly, but essential, activity; and we expect that a separate vehicle will be used to meet some of the essential institutional needs, but many technological needs cannot wait for later action. Again, I appreciate the great efforts that were put forward in the committee.

Most of all, I would like to focus on the great equity that this chairman has brought to the committee. I am a new ranking member to this committee, but I am well aware of its past history. The gentleman from Michigan (Mr. EHLERS) reminded me in subcommittee that it was not always the practice of the Democratic majority to provide the same kind of equity that the gentleman from Ohio (Mr. NEY) has pursued and the gentleman from Maryland (Mr. HOYER) along with him in the previous session, and I am proud to join in this session. Repeatedly and with the support of the Democratic leader, the gentlewoman from California (Ms. PELOSI), and the gentleman from Illinois (Speaker HASTERT), the issue of two-thirds/one-third funding has been uppermost in my concern and those of the Members of the minority, and also the way that those dollars are handled equitably within the committee process.

The gentleman from Ohio (Mr. NEY) has continually stepped forward, not only in words, but in deeds, to insist upon that kind of equity within our committees, and I thank him for that. It has been especially important to our Committee on Small Business. The gentlewoman from New York (Ms. VELÁZQUEZ) has made this issue important, and I thank the chairman for stepping forward and aiding and abetting her cause and the concerns of that committee.

Lastly, I would like to conclude by saying that I do think that it is important that when you are working in a bipartisan nature like this that you have an esprit de corps.

I want to thank my members of the minority on our committee, the gentleman from Texas (Mr. BRADY) and the gentlewoman from California (Ms. MILLENDER-MCDONALD), who have submitted remarks for the RECORD. Both bring great value to this committee process, and especially in carrying out the mission of our leader, the gentlewoman from California (Ms. PELOSI).

Mr. Speaker, let me begin by expressing my support for House Resolution 148, which provides for an overall average 9.4 percent increase in funding for the 19 committees under the jurisdiction of the Committee on House Administration from the level set in the 107th Congress.

The process through which this resolution was developed, and the Majority's commitment to ensuring equitable treatment for the Minority, indicate a healthy respect for the work of this institution and the vital contributions that both sides of the aisle make in enacting and overseeing public policy. The Committee Chairman, Rep. BOB NEY, and his staff must be commended for their commitment to comity and bipartisanship.

I also want to express my gratitude to my Leader, NANCY PELOSI, and her staff. Her leadership was critical to the progress toward fairness in the allocation of committee resources between the Majority and Minority which this resolution represents. As any outstanding leader would, Leader PELOSI early-on chose to focus on the legitimate institutional needs of the House committee system. She reached out to Speaker HASTERT and his staff to make sure that the committee funding work of House Administration did not get caught up in the same partisan bickering that had plagued committee funding in previous Congresses. Without question, her leadership and decision to put politics aside made my job much, much easier. I commend Leader PELOSI and Speaker HASTERT.

I think my colleagues will agree that the proposed 9.4 percent increase in committee funding from the 107th Congress level is a fiscally-responsible and in fact quite thrifty, especially when three key factors are considered: Factor #1: Increased committee workload: September 11, 2001 cast into sharp focus the need for the U.S. House of Representatives to examine the gaps and deficiencies in this nation's military and security apparatus. While I expect the new House Select Committee on Homeland Security to lead the charge in this area in the 108th Congress, virtually no House committee has been spared responsibilities because the issue of security extends to the jurisdiction of virtually every House committee. In addition, the recent military action in Iraq, combined with the immense diplomatic and reconstruction challenges associated with its successful resolution, will impose new oversight and legislative demands on several House committees, particularly the Committees on Armed Services, Veterans Affairs, and International Relations.

Other significant committee duties that were never contemplated at the beginning of the 107th Congress but will confront the committee system in 108th Congress include heightened policing of the nation's accounting, financial, and pension systems, which will impose new demands on the Committees on Ways & Means, Financial Services, Education

& the Workforce, and Energy & Commerce, and investigating the Space Shuttle Columbia tragedy, a critical mission that will fall largely to the Science Committee.

Factor #2 Committee staff compensation/cost-of-living adjustments. I was greatly encouraged that virtually all the committee chairs sought cost-of-living adjustments for their committee staff personnel on par with COLAs already in place in the U.S. Senate, the Executive Branch, House MRA's and House support offices like the Chief Administrative Office. If House committees are to attract and retain the best and brightest staffers the market has to offer, committees must properly compensate them. The work this institution's committee staff conduct on behalf of the American people is no less important than the work conducted by their peers in the Senate and Executive Branch. Their monthly paychecks must reflect that.

Factor #3 Mission-critical technology upgrades: Virtually every committee chairman and his ranking Minority member told us that they confront the immediate need of implementing disaster-recovery programs in the event that their committee is unable to conduct regular business in its House office space. Central to meeting this need is developing off-campus computer systems to store mission-critical data—a costly but essential activity. We expect that a separate vehicle will be used to meet this essential institutional need. But many technology needs cannot wait for later action.

I am pleased to report that in most instances, the 9.4 percent increase accounts for cost-of-living increases since the 107th funding resolution.

Managed properly by committee chairmen and their ranking minority members, I am confident that the proposed average 9.4 percent increase will provide most House committees adequate resources over the next two years to match the 4.1 percent pay increase that President Bush has provided to federal employees in the Executive Branch under the Federal Pay Comparability Act of 1990, a decision that the U.S. Senate quickly followed with respect to its committee staff compensation policies and that House Committees would be wise to follow.

It is my view that the proposed 9.4 percent increase is modest. One question is whether the proposed 9.4 percent increase is enough to permit the Chairmen and their ranking minority members to carry out the ambitious agendas they described to the Committee of House Administration in March, perform crucial oversight and legislative responsibilities as they relate to the post-September 11 environment, and respond to exigencies that no amount of planning can predict.

Mitigating my concern about the adequacy of the proposed 9.4 percent increase is the Majority's oft-repeated commitment to the "⅔–⅓ principle."

This common-sense principle will provide ranking minority members and the Minority committee staffs a minimum of ⅓ of the total funds, ⅓ of the total staff positions, and the discretion to expend those funds within appropriate administrative guidelines, with no unusual constraints on the Minority.

Because the principle sets only a floor, not a ceiling, committee chairmen can always grant additional spending and hiring authority to their ranking minority members. It is my fervent hope that chairmen will be favorably disposed to grant such authority as circumstances may require.

Were this a previous era in committee funding, I would be concerned that in cases where committee resources are just enough to cover basic committee needs, chairmen might be inclined to deprive the Minority of ⅓ of the resources. Fortunately, it is not a previous era. In two days of committee funding hearings in March, I specifically asked each chairman if he intended to honor this important principle in the 108th Congress. The answer, to my satisfaction, was "yes."

In the spirit of "trust but verify," I will monitor closely the distribution of resources to the ranking minority members of each committee during the 108th Congress. I expect no problems, however. Practiced faithfully, ⅓–⅔ principle will help ensure that the House committee operate in as non-partisan a manner as possible. The American people deserve nothing less.

I thank the distinguished Chairman for bringing House Resolution 148 to the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not have additional speakers; but I do want to say one thing, too, in closing from my end of it. I thanked our Speaker, the gentleman from Illinois (Mr. HASTERT), but I also want to thank Scott Palmer and Ted Van Der Meid of the Speaker's staff, who have helped us throughout this process. I think it is important to recognize them.

Mr. Speaker, I again stress that we have tremendous committees that have important obligations, and that is why this budget is important for our Members to support.

Mr. Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would be remiss as well if I did not thank my staff personally for the hard work that they have put forward in putting these deliberations together. I would also like to acknowledge Bill Cable, who was a valued member of this staff who is moving on, as well, and who we had a small party for today. His help in assisting George Shevlin was invaluable.

Mr. Speaker, I reserve the balance of my time.

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Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

One thing I wanted to express, I do appreciate, and the gentleman from Maryland (Mr. HOYER) is here, but I do appreciate that the gentleman from Maryland and the gentleman from Connecticut both indicated if, in fact, the body would change here in the numbers of who controls the Chamber they in fact will keep this ratio. I just want to add though in all sincerity on behalf of the majority, let us not put that to the test.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. NEY. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I felt compelled to come to the floor because I wanted to thank the gentlemen for the very kind comments that they had to say about my working on the Committee on House Administration. I know the distinguished gentleman from Connecticut (Mr. LARSON), the former President of the Connecticut Senate, and I both had that honor having been selected by our colleagues to head our State Senates. He is more than a worthy successor and I am very proud of the work that he is doing on this committee and I want to congratulate him.

The Committee on House Administration is uniquely an institutional committee that tries to provide the resources to Members, to staff so that we can serve our constituents better and so that staff will have an environment and the ability to serve well. I congratulate the gentleman from Connecticut for his work.

I know that the gentleman from Connecticut, like myself, has found the gentleman from Ohio (Mr. NEY), the chairman of the Committee on House Administration, to be an extraordinarily positive leader in this House and one who wants to do things and do things right and does not care about the politics, does not care about partisanship, is extraordinarily easy to work with, and I want to again say how much I enjoyed working with him.

If there is one downside to my "promotion" to the position of Democratic whip, it was that I left the Committee on House Administration on which I had served for I think approximately 14 years. And serving with the gentleman from Ohio (Mr. NEY), when I look back on the congressional career, whenever it ends, I want the gentleman to know when I look back on my career, one of the highlights will be the opportunity to serve with the gentleman from Ohio, to serve this institution and, indeed, in the cosponsorship of the Help America Vote Act, to serve our country as well.

I thank the gentleman for his kind words but, more than that, I want to thank him for his service to this institution and to this country. He does a great job. I know that the gentleman will enjoy and is enjoying working with the gentleman from Connecticut (Mr. LARSON), who is also, like the gentleman from Ohio and like me, committed to making sure that we operate in a way that will bring credit not to Republicans, not to Democrats, but to the House of Representatives and facilitate the work on behalf of the American people. I thank the gentleman from Ohio for his kind words and I thank the gentleman from Connecticut as well.

Mr. NEY. Mr. Speaker, reclaiming my time, I want to thank the gentleman. Prior to his arrival I had praised the gentleman from Maryland (Mr. HOYER), the minority whip, but I also want to mention something, and I have said this a lot of times. We have a homeland security bill coming up. It was a pleasure having the relationship with the gentleman from Maryland (Mr. HOYER) on that committee and members on that side of the aisle making the institution work. But during 9/11, when we had very, very tough decisions to make in this body that involved the Speaker's Office and at that time Leader GEPHARDT, and the gentleman from Maryland (Mr. HOYER) and myself and members of that committee, there was not one single time that the gentleman from Maryland (Mr. HOYER) ever, ever injected one ounce of politics in tough decisions which an individual could have done, and he never did it, and neither did the members of that committee on either side of the aisle. They hung together with what I call our Capitol family. We appreciate that. I will never forget it. We also hated to lose the gentleman, but we like the gentleman from Connecticut, too.

Mr. Speaker, I yield back the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

I would just like to add that in the presence of a great leader like the gentleman from Maryland (Mr. HOYER) and, as he indicated, also a former President of the Maryland legislative Senate, what an outstanding job that he has done in this committee. It is always great when one is able to stand on the shoulders of those who came before you, and the work that he has done for this committee has set a very important and exemplary example of how we should conduct ourselves here on the floor and in the committee. On behalf of all of those committee members and the committee staff who especially appreciate the gentleman's commitment to the one-third/two-thirds ratio, we extend our great thanks, love and devotion. In a word, the gentleman is a class act, as is the chairman, the gentleman from Ohio (Mr. NEY), and as we continue this love fest here on the floor of the House of Representatives.

Mr. Speaker, we have no further speakers on our side, and I yield back the balance of my time.

Ms. MILLENDER-MCDONALD. Mr. Speaker, Chairman NEY and Ranking Member LARSON, I am pleased to offer my support today in favor of H. Res. 148 to fund committees of the House of Representatives during the 108th Congress.

As the Committee on House Administration moves forward with its mission of overseeing the functions of the House, I want to make sure that as opportunities arise for companies to do business with the House, African American, Women and other minority-owned firms are included in the awarding of contracts. With the construction of the Visitors Center offering up to $100 million in contracts for Sequence 1, and $125 million in contracts to be awarded for Sequence 2, it is imperative that African American, Women and minority owned businesses have as much opportunity to submit and win bids as do majority-owned firms. Along these lines, I sent a letter to the Architect of the Capitol Alan Hantman on April 16 stating my interest in being informed regarding the status of the House's outreach efforts to include eligible women and minority-owned firms in ongoing construction projects.

As of 2001, we know that according to the Small Business Administration, 259,143 contracts totaling $15.6 billion were awarded to small disadvantaged firms nationwide. Overall, small disadvantaged businesses won 7.12 percent of contracts awarded across the country in 2001 according to the Congressional Research Service. Given this information, we must do all we can to ensure that minority-owned firms, which frequently come under the heading of small disadvantaged businesses are able to bid on and win contracts awarded by the House. I have a keen interest in this matter, given that my home State of California is one of four states across the country accounting for 35 percent of all businesses owned by African Americans as documented by the U.S. Census Bureau. Right here, the District of Columbia is home to the nation's highest percentage of African American-owned firms at 24 percent, yet only 2.5 percent of the District's business receipts come from these companies as reported by the U.S. Census. Further, the State of Maryland ranks second with 12 percent of the country's African American-owned businesses which generate 1.4 percent of Maryland's business tax receipts. It is clear from these numbers that as Members of the House, we can do more to assure African American, Women and other minority-owned firms greater access to contracts under our jurisdiction.

I wholeheartedly support the bipartisan nature of the funding resolution put forth by this committee, and I applaud the Chairman and Ranking Member as they continue to make efforts to make contracting opportunities controlled by the House more available to minority business owners.

The SPEAKER pro tempore (Mr. CULBERSON). All time for debate has expired.

Pursuant to the order of the House of today, the previous question is ordered on the resolution, as amended.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Resolution 148.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PROVIDING AMOUNTS FOR THE EXPENSES OF THE COMMITTEE ON HOMELAND SECURITY IN THE ONE HUNDRED EIGHTH CONGRESS

Mr. NEY. Mr. Speaker, pursuant to the order of the House of today, I call up the resolution (H. Res. 110) providing amounts for the expenses of the Committee on Homeland Security in the One Hundred Eighth Congress, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the resolution is considered read for amendment.

The text of House Resolution 110 is as follows:

H. RES. 110

Resolved,

SECTION 1. AMOUNTS FOR COMMITTEE EXPENSES.

For the expenses of the Committee on Homeland Security (hereafter in this resolution referred to as the "Committee"), including the expenses of all staff salaries, there shall be paid, out of the applicable accounts of the House of Representatives for committee salaries and expenses, not more than $11,028,787 for the One Hundred Eighth Congress.

SEC. 2. SESSION LIMITATIONS.

Of the amount specified in section 1—

(1) not more than $5,657,656 shall be available for expenses incurred during the period beginning at noon on January 3, 2003, and ending immediately before noon on January 3, 2004; and

(2) not more than $5,371,131 shall be available for expenses incurred during the period beginning at noon on January 3, 2004, and ending immediately before noon on January 3, 2005.

SEC. 3. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the Committee, signed by the Chairman of the Committee, and approved in the manner directed by the Committee on House Administration.

SEC. 4. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

The SPEAKER pro tempore. The amendment printed in the resolution is adopted.

The text of House Resolution 110, as amended, is as follows:

Resolved,

SECTION 1. EXPENSES FOR THE SELECT COMMITTEE ON HOMELAND SECURITY FOR THE ONE HUNDRED EIGHTH CONGRESS.

With respect to the One Hundred Eighth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than $10,952,787 for the expenses (including the expenses of all staff salaries) of the Select Committee on Homeland Security.

SEC. 2. FIRST SESSION LIMITATION.

Of the amount provided for in section 1, not more than $5,366,866 shall be available for expenses incurred during the period beginning at noon on January 3, 2003, and ending immediately before noon on January 3, 2004.

SEC. 3. SECOND SESSION LIMITATION.

Of the amount provided for in section 1, not more than $5,585,921 shall be available for expenses incurred during the period beginning at noon on January 3, 2004, and ending immediately before noon on January 3, 2005.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the Select Committee on Homeland Security, signed by the chairman of such Committee, and approved in the manner directed by the Committee on House Administration.

SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 6. ADJUSTMENT AUTHORITY.

The Committee on House Administration shall have authority to make adjustments in the amount under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here today to consider House Resolution 110, a resolution providing for the expenses of the Select Committee on Homeland Security.

House Resolution 110 authorizes a total of $10,952,787 for the 108th Congress for the Select Committee on Homeland Security with $5,366,000 being allocated for 2003 and $5,585,000 being allocated for 2004.

The select committee was created to oversee the implementation of the Homeland Security Act of 2002. Its functions include working with the President to ensure the efficient and timely establishment of the Department of Homeland Security; coordinating efforts between Congress and the Federal agencies responsible for protecting our Nation from terrorist attacks; and reviewing and studying laws, programs, and government activities affecting homeland security.

This funding will enable the select committee to provide this important oversight function by overseeing the newly created Homeland Security Department and ensuring that the combined agencies are doing the job we all expect of them with regards to protecting our homeland and its security.

The funding for the Select Committee on Homeland Security is being considered in a resolution separate from the resolution that was just passed that funds the other standing committees, which was House Resolution 148, again due to the fact that the select committee is not yet a permanent committee.

I think we can all agree that after the tragic events of September 11, 2001 and the subsequent biological attacks that took place here at the U.S. Capitol, it was necessary to create a Federal department to coordinate security activities on the home front and to follow that up by creating an entity that will conduct the appropriate oversight activities.

I believe this resolution represents the product of a carefully constructed budget request. Ongoing discussions were held between myself, our staff, the gentleman from California (Chairman COX) and his staff to come up with a budget that was not only reasonable, but would also allow the select committee to do the job that it was chartered to do. I should also mention the gentleman from Connecticut (Mr. LARSON), our ranking member, and his staff greatly assisted in this process by communicating with the select committee's ranking member, the gentleman from Texas (Mr. TURNER) to produce the product that we have before us.

Like the other committees, the select committee will adhere to the two-thirds/one-third ratio of dividing committee resources between the majority and the minority. I would like to thank the gentleman from California (Chairman COX) and the gentleman from Texas (Mr. TURNER) for their efforts in reaching that goal.

In conclusion, I believe this resolution provides the Select Committee on Homeland Security with the necessary funds to complete its mission. I urge my colleagues to support the passage of the resolution. I again thank our ranking member and our members from both sides of the aisle and the staff on the committee for bringing this before us today.

Mr. Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support House Resolution 110 which provides almost $11 million for the Select Committee on Homeland Security for the 108th Congress. Mr. Speaker, I want to commend my leader, the gentlewoman from California (Ms. PELOSI) and the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), for their outstanding choices in Select Committee on Homeland Security leadership. I do not believe one could select two finer individuals than the gentleman from California (Mr. COX) or the gentleman from Texas (Mr. TURNER). We all know that they face a daunting task of building a committee from scratch while they simultaneously are engaging in substantive committee business. Since September 11, this has created an important urgency that the United States Congress must address, and both of these gentlemen, we believe, along with the vast experience that the members of that committee will bring, will handle this task adroitly.

Again, I would applaud the efforts of the committee Chair in ensuring the one-third/two-thirds split on the committee, and I also want to extend an extra thanks to the gentleman from California (Mr. COX) as well who went out of his way to secure extra space on behalf of the committee as well.

Mr. Speaker, I strongly support House Resolution 110, which provides almost $11,000,000 to the Select Committee on Homeland Security for the 108th Congress. The Select Committee on Homeland Security is the newest committee in the House of Representatives. Its mission—to oversee and set policy for the new Department of Homeland Security—will affect the security and safety of every American for years to come.

No one denies that the Select Committee on Homeland Security must be given ample resources to oversee the most significant restructuring of the Federal government since 1947 and help secure this nation's borders. I am pleased that House Resolution 110 proposes just that.

As I learned during committee funding hearings in March, the gentleman from California, Chairman COX, and the gentleman from Texas, Rep. TURNER, face the daunting task of building a committee from scratch while simultaneously engaging in substantive committee business.

House Resolution 110 will provide the wherewithal for Mr. COX and Ranking Mr. TURNER to hire professional staff with a wide-range of expertise, establish secure office space, procure office equipment and technology, and conduct field hearings on a wide-range of security issues, including port security, First Responders, and continuity in communications.

Mr. Speaker, I want to commend my leader, NANCY PELOSI, and Speaker HASTERT for their outstanding choices to lead Homeland Security Committee. If there are two individuals better qualified to lead the committee, I do not know them. I dare say our colleagues do not know them, either.

Rep. TURNER and Rep. COX bring a command of the issues, the respect of their colleagues, an ability to put politics aside when circumstances demand it, and an incredible appetite for hard work. Without question, these qualities will serve the new committee very well. In selecting the gentlemen from Texas and California to carry out the toughest and most sensitive assignments of the 108th Congress, Leader PELOSI and Speaker HASTERT have distinguished themselves by putting the security and safety of the American people ahead of all other considerations. That is what leadership is all about.

I was especially pleased to learn during the March hearing that Chairman COX intends to honor what is referred to as the "Two-thirds, One-third Principle." This common-sense principle, which has worked extremely well for the other House committees, will provide Ranking Minority Member TURNER and the Committee's Minority Staff a *minimum* of one-third of the total funds, one-third of the total staff positions, and the control to expend those funds within the Committee's administrative guidelines, with no unusual constraints on the gentleman from Texas. Practiced faithfully, this principle will help ensure that the Select Committee on Homeland Security operates in as non-partisan a manner as possible. Given the sensitive nature of the Committee's work, the American people deserve nothing less.

Finally, let me thank Chairman Cox for his efforts to procure adequate committee space for Mr. TURNER and his staff. As we all know, space is a scarce resource in the House. Nevertheless, Mr. Cox has gone out of his way to accommodate the space needs of Mr. TURNER.

I thank the distinguished Chairman for bringing House Resolution 110 to the floor, and I yield back the balance of my time.

Mr. NEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of today, the previous question is ordered on the resolution, as amended.

The resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Resolution providing amounts for the expenses of the Select Committee on Homeland Security.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of House Resolution 110.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

APPOINTMENT AS MEMBER TO TICKET TO WORK AND WORK INCENTIVES ADVISORY PANEL

The SPEAKER pro tempore. Pursuant to section 101(f)(3) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 1320b-19), and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following member on the part of the House to the Ticket to Work and Work Incentives Advisory Panel:

Mrs. Berthy De la Rosa-Aponte, Cooper City, Florida, to a four-year term.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CULBERSON). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TAX CUTS FOR THE WEALTHY NOT HEALTHY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, 2 years ago, as the recession began and the government was projecting a $5.6 trillion surplus, the President muscled through a big $1.2 trillion tax cut based on those rosy projections that we would have surpluses as far as the eye could see. He said we could have it all. We could fully fund the Social Security Trust Fund and the lockbox and the Medicare Trust Fund and the lockbox, we could increase spending for education, the military, and we could cut taxes. A number of us at the time said, well, we really should not spend the money before we have it in the bank, and we said, let us do it year by year. We lost and we went forward.

Now, they also said at the time, and this is a quote from the gentleman from California (Mr. THOMAS), the chairman of the House Committee on Ways and Means, that their $1.2 trillion tax proposal was the solution for the then beginnings of the malaise of the United States economy.

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The quote, "By moving quickly our hope is to have both monetary and fiscal policy pull this economy out of its nose dive."

Since the gentleman from California (Mr. THOMAS) made that statement on the day the bill was passed, March 8, 2001, the United States of America has lost a million jobs and the economy is still in decline.

Now the entire surplus has vanished. We are now confronted with deficits as far as the eye can see. And what do they propose? They propose now to borrow money to give tax cuts. That is right. We are going to borrow money to give tax cuts. Never before in the history of our Nation will we have borrowed so much, a trillion dollars, to give to so few. A few thousand individuals will benefit principally from this massive tax giveaway.

Every penny of the Social Security surplus only paid by wage-earning Americans will be borrowed and in great part transferred to those who earn over a million dollars a year. $105,000 each average tax cut for people who earn over a million dollars a year. It is an awful lot of Social Security taxes. That is an awful lot of hours worked by Americans and their families to finance those tax cuts for the wealthiest of the wealthy. The top 5 percent, $200,000 and up, will get 64 percent of the benefits. And as I said, families $1 million and up will average $105,600. And it principally goes to people who do not work for wages.

Somehow this administration honors those who either inherited or otherwise, perhaps they were part of the Enron scam or something else have accumulated a bunch of money, or otherwise honorably earned a bunch of money, but they can invest for a living. They do not work for wages. They do not have to go in 40 hours a week, 60 hours a week. They do not have to hold two jobs. They do not have to work for wages. They should pay a tax rate lower, according to this administration, than working American families.

Now, in the short term they say this trickle down from these wealthy people will put those working wage-earning folks back to work, and understand their theory since wage earners will pay higher taxers than investors, that will ultimately undo the deficits. We will get the money from the wage earners because the investors will not be paying the taxes anymore. But even to get there, they had to put in a Brooklyn Bridge provision which is that many of the provisions of this legislation will expire in a few years. Otherwise, the cost tag would go over a trillion dollars; and since we are borrowing all this money to give back, that would be a problem with a lot of folks. So the Brooklyn Bridge provision says that most of these tax cuts, except the ones that go to the wealthy, will expire in 2005. So the child care credit increase up to a thousand dollars, well, that drops back down to $700 in 2005. The increasing of the 10 percent bracket for the lowest income earners, those around $12,000–$14,000 a year, well, that expires in 2005. Married couples, helping to do away with the marriage penalty, that expires in 2005. The AMT, a lot of people do not know what that is, but a lot of middle-income families and upper-middle-income families will be falling into this trap, it needs to be fixed, that expires in 2005.

But guess what? The capital gains and dividend provisions, those that give the $105,000 a year to the families that earn over a million dollars, that never expires under the proposal the House will vote on tomorrow. And the top bracket rate reductions, those will not ever expire either. Wage-earning suckers will pay the bill while people who can afford to invest for a living will reap the benefits.

But this is trickle-down economics revisited; and as we know, it worked really well in the 1980s. In fact, DICK CHENEY was one of the principal architects back then to the deficit-producing, job-killing, trickle-down economics of the 1980s; and now we will revisit it in the 21st century. Shame on this House of Representatives for bringing up this bill in this manner with this constrained debate with no alternative that would produce jobs and wealth in this country allowed to be offered.

MACROECONOMIC ANALYSIS OF H.R. 2, THE "JOBS AND GROWTH RECONCILIATION TAX ACT OF 2003" PREPARED BY THE STAFF OF THE JOINT COMMITTEE ON TAXATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. THOMAS) is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, pursuant to clause 3 (h)(2)(A)(iii) of rule XIII, I submitted the following macroeconomic impact analysis:

In accordance with House Rule XIII.3(h)(2), this document, prepared by the staff of the Joint Committee on Taxation ("Joint Committee staff"), provides a macroeconomic analysis of H.R. 2, the "Jobs and Growth Reconciliation Tax Act of 2003." The analysis presents the results of simulating the changes contained in H.R. 2 under three economic models of the economy. The models employ a variety of assumptions regarding Federal fiscal policy, monetary policy, and behavioral responses to the proposed changes in law.

1. DESCRIPTION OF MODELS AND RESULTS FORMAT

(A) MODELS

The Macroeconomic Equilibrium Growth ("MEG") model.—This model, developed by the Joint Committee staff, is based on the standard, neoclassical assumption that the amount of output is determined by the availability of labor and capital, and in the long run, prices adjust so that demand equals supply. This feature of MEG is comparable to a Solow growth model, described as the "textbook growth model" by the Congressional Budget Office (An Analysis of the President's Budgetary Proposals for Fiscal Year 2004, March 2003, pp. 28–29) ("CBO"). Individuals are assumed to make decisions based on observed characteristics of the economy, including current period wages, prices, interest rates, tax rates, and government spending levels. Because individuals do not anticipate changes in the economy or government finances, this type of behavior is referred to as "myopic behavior." Consumption in MEG is determined according to the life-cycle theory, which implies that individuals attempt to even out their consumption patterns during their lifetimes.

MEG differs from a simple neoclassical growth model in that prices in MEG adjust to equilibrate supply and demand with a delay or lag, rather than instantaneously. This feature allows the model to simulate a disequilibrium adjustment path, in which resources may be underemployed or over-employed (used at an unsustainable rate) in response to policies that stimulate or depress economic activity. It also allows an analysis of the effects of differing intervention policies by the Federal Reserve Board. In this respect, the MEG model resembles econometric models such as the Macroeconomic Advisers model and the Global Insight model.

In the MEG simulations in each of the tables below, it is assumed that the Federal Reserve Board either acts aggressively by raising interest rates to counteract almost completely any demand stimulus provided by H.R. 2 ("MEG aggressive Fed response"), or remains neutral with respect to any changes in fiscal policy, allowing temporary changes in demand to affect levels of employment and output ("MEG neutral Fed response").

The Global Insight ("GI") econometric model.—Like the MEG model, this commercially available model is capable of simulating disequilibrium adjustments to changes in demand. The model is made up of a set of equations that estimate from historical data the behavioral coefficients that determine the timing and strength of economic relationships within the model. Comparable parameters in the MEG and OLG models are derived from economic research. In many cases this research is also based on econometric analysis of historical data.

Individuals and firms behave myopically in the GI model. For this analysis, the Joint Committee staff uses an estimated monetary reaction function designed to moderate gradually, but not completely offset, deviations from full employment by lowering or increasing interest rates. Thus, if the economy is operating near capacity, proposals that increase employment and accelerate the economy will result in increasing interest rates.

The overlapping generations life cycle model ("OLG").—In this model, individuals are assumed to make consumption and labor supply decisions with perfect foresight of economic conditions, such as wages, prices, interest rates, tax rates, and government spending, over their lifetimes. The OLG model is similar to the type of model described as a "life cycle model" by the CBO, ibid.

One result of the perfect foresight assumption is that if a policy results in an economically unstable outcome, such as increasing government deficits indefinitely into the future, the model will not solve. Therefore, to run simulations in this model, it is necessary to assume that an offsetting budget balancing fiscal policy will be enacted. In the tables below, it is assumed that either government spending will be reduced after 2013 to offset the tax cut ("OLG future government spending offset") or individual income tax rates will be increased after 2013 ("OLG future tax rate increase").

The cut in government spending to offset the costs of a tax cut can be modeled either as a cut in transfer payments, as is presented here, or as a cut in "non-productive government spending." The latter assumption is used in CBO, ibid. The difference between the two approaches is that consumers are assumed to value transfer payments, and thus work and save more within the budget window in anticipation of losing them; but they are assumed not to value non-productive spending, and therefore do not increase work or savings in anticipation of this cut. Thus, the anticipation of valued spending cuts results in more growth in the early years than the anticipation of non-valued spending cuts.

(B) RESULTS FORMAT

Because the exact time path of the economy's adjustment to changes such as a new tax policy is highly uncertain, the Joint Committee staff presents results as percent changes during the Congressional budgeting time frame. In addition, for the MEG and OLG models, which have been designed to provide long-run equilibrium results, information is provided about the long run. While it is impossible to incorporate unknowable intervening circumstances, such as major resource or technological discoveries or shortages, these models are designed to predict the long-run effects of policy changes, assuming other, unpredictable influences are held constant.

Because the MED model is myopic, if the policy simulated is ultimately a fiscally unstable policy, such as a net decrease in taxes that produces deficits that grow faster than the rate of growth of the economy, "long-run" is defined as the last period before the model fails to solve because of this unstable situation. For the OLG simulations, which incorporate a stabilizing fiscal policy offset, "long-run" is defined as the eventual steady-state solution.

2. ESTIMATED MACROECONOMIC EFFECTS OF H.R. 2

The magnitude of the macroeconomic effects generated by these simulations depends upon a number of assumptions, some of which are described above, that are inherent in the models used. Several additional assumptions detailed below.

(A) ASSUMPTIONS

Effect of tax rate reductions on investment.—Reductions in marginal tax rates (tax rates on the last dollar of income earned) on interest, dividend, or capital gains income create incentives for individuals to save and invest a larger share of their income, as each additional dollar of investment yields more after-tax income. Conversely, reductions in the average tax rate on income from capital provide taxpayers with more after-tax income for the same amount of investment, reducing their incentive to save and invest. Changes in the statutory tax rate affect both marginal and average rates of tax on these sources of income, providing potentially offsetting incentives. Consistent with existing research, the model simulations assume that on net, the marginal rate effect is slightly larger than the average rate effect, and thus decreases in tax rates on capital income increase savings.

Effect of reductions in the dividend tax rate.—There is general agreement that dividend taxation reduces the return on investments financed with new share issues. However, there are two alternative views regarding the effect of dividend taxation on corporate investment returns financed with retained earnings. The "traditional view" holds that reductions in dividend taxes would lower the cost of corporate investment financed with either new share issues or retained earnings, and thus would provide an incentive for corporations to increase investment. Alternatively, the "new view," holds that a reduction in the dividend tax rate would not lower the cost of corporate investment financed with retained earnings. Under this view, a decrease in the dividend tax rate would result in an immediate increase in the value of outstanding stock reflecting the reduction in dividend tax payments, thus increasing the wealth of the stockholders, and providing an incentive for additional consumption. The model simulations assume that half of the corporate sector is in accordance with the traditional view and half with the new view.

Foreign investment flows.—Increased Federal government budget deficits increase the amount of borrowing by the Federal government. Unless individuals increase their savings enough to finance completely the increased deficit, the increase in government borrowing will reduce the amount of domestic capital available to finance private investment. This effect is often referred to as the "crowding out" of private business activity by Federal government activity. A reduction in national saving may lead to a reduction in domestic investment, and domestic capital formation, depending on the mobility of international capital flows. The government and private firms would compete for the supply of available funds and interest rates would rise to equate the demand and supply of funds. Returns on foreign investments would accure mainly to foreigners and would only increase the resources available to Americans to the extent that higher domestic investment resulted in higher wages in the United States. The MEG and GI simulations incorporate an assumption that there would be some in-flow of foreign capital to the extent that the rate of return on capital is increased by the tax policy. However, the inflow in foreign capital is not enough to offset completely the increased Federal borrowing. The OLG simulations assume there is no inflow of foreign capital.

Effect of tax rate reductions on labor supply.—As in the case of savings responses, tax rate reductions provide offsetting labor supply incentives. Reductions in the marginal tax rate on earnings create an incentive to work more because taxpayers get to keep more of each dollar earned, making each additional hour of work more valuable; while reductions in the average tax rate create an incentive to work less, because they result in taxpayers having more after-tax income at their disposal for a given amount of work.

Consistent with existing research, the simulations assume that taxpayers in different financial positions respond differently to these incentives. Typically, the largest response comes from secondary workers (individuals whose wages make a smaller contribution to household income than the primary earner in the household) and other underemployed individuals entering the labor market. As described above, labor supply responses are modeled separately for four different groups in MEG: low income primary earners, other primary earners, low income secondary earners, and other secondary earners.

Effects of reductions in tax liability on demand.—Generally, any net reduction in taxes results in taxpayers making more purchases because they have more take-home income at their disposal. Policies that increase incentives for taxpayers to spend their income rather than save it provide a bigger market for the output of businesses. The amount of economic stimulus resulting from demand side incentives depends on whether the economy has excess capacity at the time of enactment of the policy, and on how the Federal Reserve Board reacts to the policy. If the economy is already producing near capacity, demand-side policies may, instead, result in inflation, as consumers bid up prices to compete for a fixed amount of output. If the Federal Reserve Board believes there is a risk that the policy will result in inflation, it may raise interest rates to discourage consumption. In this case, depending on how strongly the Federal Reserve Board reacts, little, if any increase in spending will occur as a result of would-be stimulative tax policy. The MEG aggressive Fed response simulation assumes the Federal Reserve Board completely counteracts demand stimulus; the MEG neutral Fed response simulation assumes the Federal Reserve Board ignores the stimulus; and the GI simulation assumes the Federal Reserve Board partially counteracts demand stimulus. The OLG simulations have no monetary sector because they assume demand automatically adjusts to supply through market forces.

(B) SIMULATION RESULTS

Economic Growth.—

TABLE 1.—EFFECTS ON NOMINAL GROSS DOMESTIC PRODUCT PERCENT CHANGE IN NOMINAL GDP

	Calendar years	
	2003–08	2009–13
Neoclassical Growth Model:		
MEG—aggressive Fed reaction	0.3	0.2
MEG—neutral Fed reaction	0.9	1.0
Econometric Model:		
GI Fed Taylor reaction function	1.5	1.2
Life Cycle Model With Forward Looking Behavior:		
OLG Reduced Government Spending in 2014	n.a.	n.a.
OLG Increased Taxes in 2014	n.a.	n.a.

TABLE 2.—EFFECTS ON REAL GROSS DOMESTIC PRODUCT PERCENT CHANGE IN NOMINAL GDP

	Calendar years	
	2003–08	2009–13
Neoclassical Growth Model:		
MEG—aggressive Fed reaction	0.2	−0.1
MEG—neutral Fed reaction	0.3	0.0
Econometric Model:		
GI Fed Taylor reaction function	0.9	−0.1
Life Cycle Model With Forward Looking Behavior:		
OLG Reduced Government Spending in 2014	0.2	−0.1
OLG Increased Taxes in 2014	0.2	−0.2

As shown in Table 1, depending on the assumed Federal Reserve Board reaction to the policy, the estimated change in Gross Domestic Product ("GDP") due to this proposal can range at least from a 0.3 percent (an average of $43 billion) to a 1.5 percent (an average of $183 billion) increase in nominal, or current dollar GDP over the first five years, and 0.2 percent to a 1.2 percent increase over the second five years. As shown on Table 2, depending on the assumed Federal Reserve Board reaction to the policy, and on how much taxpayers anticipate and plan for the effects of future Federal government deficits, the change in real (inflation-adjusted) GDP due to those proposal can range from a 0.2 percent (an average of $18 billion per year) to a 0.9 percent (an average of $76 billion per year) increase in real GDP over the first five years, with a small decrease over the second five years.

Investment.—

TABLE 3.—EFFECTS ON CAPITAL STOCK

	Calendar years	
	2003–08	2009–13
Percent Change in Non-Residential Capital Stock		
Neoclassical Growth Model:		
MEG—aggressive Fed reaction	0.6	0.4
MEG—neutral Fed reaction	0.8	0.6
Econometric Model:		
GI Fed Taylor reaction function	1.5	0.4
Life Cycle Model With Forward Looking Behavior:		
OLG Reduced Government Spending in 2014	0.1	−0.7
OLG Increased Taxes in 2014	0.1	−0.8
Percent Change in Residential Housing Stock		
Neoclassical Growth Model:		
MEG—aggressive Fed reaction	−1.0	−1.5
MEG—neutral Fed reaction	−0.8	−1.1
Econometric Model:		
GI Fed Taylor reaction function	−0.5	−1.3
Life Cycle Model With Forward Looking Behavior:		
OLG Reduced Government Spending in 2014	−0.2	−0.1
OLG Increased Taxes in 2014	−0.2	−0.1

As the results in Table 3 indicate, this policy may increase investment in non-residential capital in the first five years by 0.1 percent to 1.5 percent, while reducing investment in residential capital by −0.2 percent to −1.0 percent because of the reduced cost of capital, which is due to the reduction in taxation of dividends and capital gains, and the temporary bonus depreciation. The investment incentives for producers' equipment in this proposal are likely to shift some investment from housing to other capital. The size of the shift differs between the simulations because of different assumptions about adjustment costs and savings responses. In the second five years, the sunset of the bonus depreciation provision, combined with the negative effects of crowding out will slow increases in private nonresidential investment. The simulations indicate that eventually the effects of the increasing deficit will outweigh the positive effects of the tax policy, and the build up of private nonresidential capital stock will likely decline.

Labor Supply and Employment.—

TABLE 4.—EFFECTS ON EMPLOYMENT PERCENT CHANGE IN EMPLOYMENT

	Calendar years	
	2003–08	2009–12
Neoclassical Growth Model:		
MEG—aggressive Fed reaction	0.2	0.0
MED—neutral Fed reaction	0.4	−0.1
Econometric Model:		
GI Fed Taylor reaction function	0.8	−0.4
Life Cycle Model With Forward Looking Behavior:		
OLG Reduced Government Spending in 2014	0.2	−0.1
OLG Increased Taxes in 2014	0.2	−0.1

As shown in Table 4, employment may increase from 0.2 percent (approximately 230,000 new jobs) to 0.8 percent (about 900,000 new jobs) in the first five years, as the effects of the acceleration of individual rate cuts, and the initial increase in investment prevail. Employment increases in the first five years because of both the positive labor supply incentive from the individual rate cuts, and the economic stimulus effect of the proposal taken as a whole. This increase disappears by the end of the budget period, ranging from 0 percent to −0.4 percent. The acceleration of the individual tax rate reductions is effectively a temporary provision relative to present law; thus, the positive labor supply incentives are temporary.

A substantial portion of the tax cuts in the proposed growth package, those attributable to the acceleration of the individual income tax provisions in the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA"), and the bonus depreciation/NOL carryback combination are temporary (operating from 2003–2006), and therefore likely to result in modest demand stimulus primarily in the first five years in the myopic models. In the OLG stimulations, in which individuals foresee the temporary nature of the stimulus, the increase in consumption is spread across both periods.

3. BUDGETARY EFFECTS

When the macroeconomic effects of a change in tax policy are taken into account, estimates of the change in receipts due to the proposal may change. To the extent that a new policy changes the rate of growth of the economy, it is likely to change the amount of taxable income, which will have a "feedback effect" on receipts. In addition, by increasing the after-tax return on investments in capital that generate taxable income, a change in policy may shift investment from non-taxable or tax-favored sectors, such as the owner-occupied housing market, into the taxable sector, and thereby increase receipts. The model simulations indicate that the policy analyzed here is likely to result in more economic growth in the first five years than under current law, and hence results in less revenue loss than what is predicted using conventional revenue estimates. As the GDP growth declines in years 6–10, the revenue feedback also declines.

A change in policy, however, may result in inflation as well as real economic growth. Inflation causes increases in nominal revenues (revenues measured in current dollars), without necessarily increasing the purchasing power of the Federal government. Conventional budget analysis is conducted in nominal dollars. To the extent that this analysis applies equally to revenue and expenditure estimates, this practice provides a reasonably accurate picture of the effects of inflation on the Federal budget. However, the Joint Committee staff analyzes the effects of tax policy on receipts, but not spending. Reporting revenues due to inflation, without reporting the commensurate budget effects would present an inaccurate picture of the effects of the proposal on the entire deficit. Therefore, the Joint Committee staff provides budgetary analysis in real (inflation-adjusted), rather than nominal terms. Table 5 shows the percent revenue feedback relative to the conventional revenue estimate, in real terms.

Even when presented in real terms, revenue feedback analysis alone may provide an incomplete picture of the effects of tax policy on the Federal budget. To the extent that the policy results in a net decrease in Federal receipts, with no offsetting expenditure reductions, the policy results in an increase in the Federal deficit. Increases in the Federal deficit generate additional debt service costs.

To determine how changes in tax policy affect the ability of the government to meet its current and future obligations it is helpful to compare tax-induced changes in the deficit and GDP. If GDP is growing faster than the deficit, the fiscal situation is improving, whereas if the deficit is growing faster, the fiscal situation is worsening. If deficits are growing faster (slower) than GDP, then the ratio of Federal debt to GDP would increase (decrease), which implies that future generations would have less (more) income to consume and invest after making payments on the debt.

TABLE 5.—EFFECTS ON REAL REVENUES PERCENT FEEDBACK IN REAL REVENUES RELATIVE TO REAL CONVENTIONAL ESTIMATE

	Calendar Years	
	2003–08	2003–13
Neoclassical Growth Model:		
MEG—aggressive Fed reaction	9.8	3.6
MEG—neutral Fed reaction	27.5	23.4
Economic Model:		
GI Fed Taylor reaction function	16.1	11.8
Life Cycle Model With Forward Looking Behavior:		
OLG Reduced Government Spending in 2014	6.1	3.0
OLG Increased Taxes in 2014	5.8	2.6

Table 5 shows the relationship between the change in receipts generated using macroeconomic analysis, and the predicted change in receipts provided by a conventional revenue estimate. A positive percentage indicates the estimated revenue loss is less when macroeconomic effects are taken into account than when estimated using conventional methods. As the simulations indicate, depending on how much temporary demand stimulus is generated by the proposal, the revenue feedback could range from 5.8 percent to 27.5 percent in the first five years, and 2.6 percent to 23.4 percent over the ten-year budget period.

4. Data Sources

All of the macroeconomic models used by the Joint Committee staff are based primarily on quarterly National Income and Product Account ("NIPA") data published by the Bureau of Economic Analysis, U.S. Department of Commerce. In the MEG model, and to the extent possible in the commercial models, Joint Committee staff use the forecast for Federal and State and local government expenditures and receipts forecast by the Congressional Budget Office (The Budget and Economic Outlook: Fiscal Years 2004–2013, January 2003) instead of the NIPA series for these fiscal variables. For purposes of modeling changes in average and marginal tax rates in the macroeconomic models, the Joint Committee staff use microsimulation models that are based on tax return data provided by the Statistics of Income Division of the Internal Revenue Service ("SOI").

The Joint Committee staff uses these microsimulation models to determine average tax rates and average marginal tax rates for the different sources of income in each model, and to calculate the changes in these rates due to the proposal. The tax calculator calculates the change in liability due to the proposal for each record. These changes are aggregated for use in the macroeconomic models according to the different levels of disaggregation in each model. In the aggregations, averages are weighted by the income for each group. The percent change in average and marginal rates due to this proposal are:

TABLE 6.—PERCENT CHANGE IN TAX RATES DUE TO PROPOSAL

Year	Average tax rate on wages	Average marginal tax rate on			
		Wages	Interest	Dividends	Capital gains
2003	-11	-9	-11	-51	-24
2004	-10	-6	-8	-49	-23
2005	-9	-3	-6	-52	-24
2006	0	0	0	-48	-23
2007	-1	0	0	-48	-23
2008	0	0	0	-50	-22
2009	-1	0	0	-47	-22
2010	-1	0	0	-48	-22
2011	-1	0	0	-52	-22
2012	-1	0	0	-50	-21
2013	0	0	0	0	0

To obtain information about the effects of proposals affecting business tax liability, the Joint Committee staff uses a corporate tax microsimulation model that is similar in structure to the individual tax model. This data source for the corporate model is a sample of approximately 140,000 corporate tax returns provided by SOI.

Depending on the requirements of the policy simulation, the corporate model can be run either on a full cross section of sampled tax returns, (i.e., one full year, or on a panel of returns constructed from any combination of tax years in the 1987 through 1998 period). This panel feature is particularly useful in tracking net operating losses and credits that can be either carried back or carried forward to other tax years.

Finally, Joint Committee microsimulation tax calculators are also used to help assess the effect of a tax proposal on the cost of capital because some firms are operating at or near a net operating loss ("NOL") position, not all of the 50 percent of equipment expenses can be deducted by each firm each year. A key component of the cost of capital is the net present value of depreciation deductions. An increase in the value of the depreciation deduction lowers the cost of capital. The calculated percent increases in the net present value of the depreciation deduction due to this proposal are shown below (the change is different for each of the first three years because of the temporary nature of the bonus depreciation provisions in present law and in the proposal):

TABLE 7.—EFFECTS ON NET PRESENT VALUE OF DEPRECIATION DEDUCTION

Year	Percent change from present law
2003	8.3
2004	9.1
2005	15.4
2006	.005

5. Conclusion

The Joint Committee staff model simulations indicate that H.R. 2 would likely stimulate the economy immediately after enactment by creating temporary incentives to increase work effort, business investment, and consumption. This stimulus is reduced over time because the consumption, labor, and investment incentives are temporary, and because the positive business investment incentives arising from the tax policy are eventually likely to be outweighted by the reduction in national savings due to increasing Federal government deficits.

SUPPORTING JOBS AND GROWTH ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, I rise today in strong support of H.R. 2, the Jobs and Growth Act of 2003. Now that we have won the battle for Baghdad and liberated the people of Iraq from despotism, it is time to win the battle for jobs and liberate the American family from economic uncertainty.

American families need more job opportunities and they need them now. The Democrats' plan for the American family is the same that it has been for 50 years, tax and spend, tax and spend, in other words, to take a larger slice of the family income pie. Our plan, the Republican plan, is to grow the size of that family income pie by growing the economy. Democrats have a plan to create more government. Republicans have a plan to create more jobs. The

Republican plan will create 1.2 million new jobs by the end of 2004. The Democrat plan grows the government and erases tax relief, increasing taxes by $128 billion, dramatically threatening our economic recovery.

Mr. Speaker, Americans want more jobs, not more government. When economic growth occurs, businesses generate greater profits, more people go to work, they get better jobs, and they get better wages. But to encourage individuals and families to risk their time, to risk their savings on that new software idea, a transmission repair shop or any other enterprise, they need tax relief. Our plan provides it.

Mr. Speaker, we have historical evidence that tax relief works. Each time our Nation has significantly reduced income tax rates, economic growth has followed. After President Reagan lowered tax rates in the 1980s, real economic growth averaged 3.2 percent per year and Federal revenues actually increased by 20 percent.

When President Kennedy reduced marginal rates in the 1960s, we experienced several years of 5 percent economic growth.

The same is true of tax relief during the 1920s, where economic growth averaged 4.3 percent. The Democrats criticize the Jobs and Growth Act because they claim tax relief causes deficits. But as I just explained, history shows us that tax relief and business incentives can grow our economy and create jobs. That is the way to fight deficits. And while the Democrats protest job-creating tax relief on the one hand, they want to bust the budget by increasing Federal Government spending by over $1 trillion on the other.

The tax relief proposed in the Republican Jobs and Growth Plan amounts to just 2 percent of the budget. In other words, 98 percent of the deficit problem is on the spending side, the Democrat side. No Democrat in Congress should be able to look the American people in the eye, claim to care about deficits, yet propose to spend billions and billions more on Federal programs.

The Democrat plan guts the family budget. It is wrong. It is unfair, and does nothing to create jobs. Democrats claim to love jobs. They just seem to hate those who create them.

Now, Mr. Speaker, before becoming a Member of Congress, I was a small businessman for 10 years. And small business is the job engine of America, creating two out of three new jobs in our Nation. While consumer spending has grown over the last 2 years, total business investment has declined for 8 consecutive quarters. We must reverse this trend.

Mr. Speaker, we cannot have capitalism without capital. Small business needs greater access to capital. Under the Republican jobs and growth package, 23 million small businesses in America would face a simpler, fairer Tax Code. They will benefit from a reduction in marginal income tax rates; they will face lower capital gains and dividend taxes; they can increase the amount of plant and equipment they can expense, all of which will allow them to grow their businesses and hire new workers.

Mr. Speaker, H.R. 2 will indeed create new jobs and jump-start the economy. I urge all of my colleagues to support the Jobs and Growth Act and do the right thing for our economy and do the right thing for our American families.

HONORING HILL T.O.P.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. WICKER) is recognized for 5 minutes.

Mr. WICKER. Mr. Speaker, I rise today to commend a group of remarkable volunteers in my district call Hill T.O.P., which stands for Tupelo Outreach Project.

Conceived by the head of the local FBI field office in Tupelo, Mississippi, Hill T.O.P.'s mission is to meet the physical, spiritual, emotional, and social needs of the people of Tupelo and Lee counties.

Since its formation in 1995, Hill T.O.P. has quickly grown into one of the preeminent youth outreach ministries in the region. Just a few weekends ago, the annual event had teenage workers and adult supervisors at 57 different sites, helping needy families with yard work, clean up, painting, and minor home repairs.

With the idea that "mission work begins at home," the organization started by FBI agent Mark Denham, truly embodies the finest principles of the Golden Rule and the biblical admonition to love thy neighbor as thyself.

Once a year, Hill T.O.P. seeks to provide what may seem simple services to dozens of elderly and less fortunate families in and around Lee County, such as painting a fence or raking a yard. To the recipients, these services would otherwise be financially or physically impossible.

This ministry is a wonderful example of the kind of commitment to community service that, I am proud to say, is evidenced throughout my home State of Mississippi. The work performed by Hill T.O.P. participants, youth and adults, demonstrates the strong volunteer spirit and Judeo-Christian values which lead so many Mississippians and Americans to become involved in activities to help friends and neighbors in need.

The organization's simple focus over the past 9 years has been on team work and serving God. This is probably one of the main reasons Hill T.O.P. continues to attract more enthusiastic volunteers each year. When Hill T.O.P. was started in 1995, Mr. Speaker, volunteers numbered 75 youths, and the group helped eight local families. This year's events included 347 volunteers working on 57 different projects. The volunteers came from different religious denominations, social backgrounds, and races, with more than 35 church youth groups being involved.

Everything Hill T.O.P. contributes to the community is the result of a massive outpouring of generosity and a volunteer spirit which is quite alive and well in our society. Professionals give of their time. Donations come from the wealthy and not-so-wealthy alike. Civic clubs and other organizations provide food, and the list goes on.

Mr. Speaker, this is an editorial about Hill T.O.P., which appeared in the April 25, 2003, edition of the Northeast Mississippi Daily Journal.

The editorial calls the efforts "an amazing pooling of the local volunteerism, inter-church cooperation, and efficient organization."

Mr. Speaker, the editorial reads as follows:

[From the Northeast Mississippi Daily Journal, Apr. 26, 2003]

At the Hill T.O.P.—Amazing Volunteer Days Accomplish Great Things

The unusual number of home repair projects visible to passersby today and Sunday in Tupelo and Lee County grows from the work of more than 400 volunteers involved in Hill T.O.P.—Tupelo Outreach Project.

The annual weekend of building, painting, cleaning, repairing, roofing and other chores places kids and adult supervisors at 57 sites. The work for people physically or financially unable to do it themselves can be as simple as raking yards and as complex as rebuilding porches or installing handicap access ramps.

The project started in one congregation. Now, it involves dozens who share a common understanding that service to others is at the heart of Christian discipleship.

Everything about the weekend is provided without cost to the people given help. Tools and materials used in the weekend are mostly donated, and they are stored in a warehouse funded by the Carpenter Foundation, a major funding source for many philanthropic enterprises in the greater Tupelo area. Many of the adult volunteers bring to the weekend a lifetime of professional skills in engineering, home-building, landscaping, administration, the arts, education, and the health sciences. All their labor and knowledge is freely given.

Behind the scenes, volunteers from many congregations pool their time and talent to provide food for most meals and snacks for each shift of workers. Outback Steakhouse continues its amazing record of corporate generosity with donation of the Saturday night meals.

Ecumenical worship services sustain the inspiration for the weekend.

The event also has strong support from many civic clubs, Tupelo's banking community, and individuals who make donations. All in all, it is an amazing pooling of local voluntarism, inter-church cooperation, and efficient organization.

Volunteers range from kids in their second decades to seniors in their ninth decade.

Mark Denham is the volunteer director, and Bill Dickson is his chief assistant. The two accomplish in one Hill T.O.P. weekend what some would consider the feat of a lifetime.

Mr. Speaker, I congratulate my friend, FBI agent Mark Denham, for his vision and leadership, and I commend the citizen volunteers of Hill T.O.P. for truly making a difference in the lives of their neighbors.

TAX CUT HURTS MIDDLE-INCOME AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, I rise tonight to discuss the proposed Republican tax cut that will be on the floor tomorrow, and I speak tonight because I know that the majority will not give us the kind of time to debate the issue tonight that the subject deserves.

I want to begin by just saying for anyone in the country trying to follow this debate, it is bound to be confusing and the question would have to arise, What is going on? I hate to say it, but I am afraid there is a good deal of deception in the arguments that are being made to promote this particular tax cut. For example, when the President spoke on April 15, he said that American workers and American businesses need every bit of their tax relief now. He said, a significant part of the benefit from his tax cut package would come within the first 2 years of the plan. He wanted to give Americans, he said, immediate tax relief.

□ 1830

When we look at the facts, only 6 percent of the tax cuts in the President's package would occur in the current fiscal year which ends September 30. Only 21 percent of the tax cuts would occur by the end of fiscal year 2004.

The White House has also released a fact sheet which says that under the President's proposal to speed up tax relief 92 million American taxpayers would receive, key words, on average a tax cut of $1,083 in 2003. Once again, the averages do not speak the truth. Eighty percent of the American taxpayers would get less than the average of $1,000. Forty-nine percent of the American taxpayers would receive a tax cut of less than $100.

So what is really going on here? It is very clear. If we look at what the Republican majority does and not what they say, the goal is to reduce taxes on the wealthiest people in this country. The goal is to push the burden of funding government from the Federal level onto the States, and this is driven by an astonishing and remarkable continuing hostility to everything that the Federal Government does.

Let us look at our brothers in the States. Almost every State in this country is struggling with trying to fulfill their responsibilities. They are under pressures to raise property taxes and sales taxes because of reductions in Federal funds. We are not talking about a tax cut at the Federal level. We are talking about a tax shift. They are reducing funding for education, reducing funding for Medicaid, laying off State employees.

There is no way, furthermore, that we can call this tax cut fair by any stretch of the imagination. To take one more figure, one group of Americans will get tax cuts that total $139 billion. That group of American taxpayers are the 183 households that earn more than $1 million per year. Another group of Americans will get a total package of $139 billion, but that group is 124 million American households, the bottom 89 percent of our taxpayers, but that is not the worst.

People will come to this floor and they will say we are going to let people keep more of their money. It is not their money. Every single dollar that is going to be given back in tax cuts under the Republican proposal, every single dollar will be borrowed from the American people, and we, the American people, will wind up if this tax cut passes tomorrow with an additional Federal debt of somewhere between $550 billion on the low side to well over $1 trillion on the upside. This is our children's money that is being taken from them to give to the wealthiest people in the country, and it is an outrage.

This will also, for obvious reasons, drive up the debt. We have people coming to this floor and saying, well, these tax cuts will stimulate economic growth and they will try to leave us with the impression that there will be even more Federal revenues coming in. It is not true. By every economic model that the Congressional Budget Office has run, there is a dramatic decline in Federal revenues. We are looking, when we add up the 2001 tax legislation, other Bush administration tax proposals, when we package it all together, we are looking at a reduction in Federal revenues over 10 years of $4.6 trillion.

This plan is a disaster for our States, for working Americans. It is a violation of the fundamental premise that we will work together in this country to build a better and stronger America. This plan, this Republican tax cut plan, is a disaster for the country.

PRESCRIPTION DRUG PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise tonight to talk about an issue that I have talked about on this House floor before, and that is the high cost of prescription drugs here in the United States compared to the rest of the industrialized world, but before I do I want to just come back to something my colleague just was talking about in terms of the tax relief.

I am going to support the tax relief package because I understand that there are only three things people can do with their money. One is they can spend it. Two, they can save it, or three, they can send it to the government in the form of taxes. They can only spend it, save it or pay taxes. That is the only three things people can do, and we know that when the economy is soft, at least most of us believe, that if we allow people to keep their own money, that will grow the economy faster than having them send it into the Federal Government.

I want to talk about something else tonight because cutting taxes is not the only way that we can help the economy, and on this first chart I say if we want to allow Americans to keep and spend over $600 billion during the next 10 years, here is a good place to start.

We have got the picture of some prescription drug containers. That is right, according to the Congressional Budget Office, the CBO, American seniors will spend over $1.8 trillion on prescription drugs over the next 10 years. A conservative estimate would be that we could save 35 percent by allowing free markets to work. Thirty-five percent of $1.8 trillion equates to $630 billion. Now, if my colleagues doubt that, just look at this chart, and this chart is available on my Web site at gil.house.gov, and just check the number for yourself, but let me pull out a few of these.

A common drug we all know about is Cipro. It is made by a German company named Bayer. They also make aspirin. Cipro in the United States, it sells for $87.99. This is according to the Life Extension Foundation, but on average, last year, Cipro sold in the United States, a 30-day supply, for about $87.99. The average price in Canada for those same drugs, $53.55 and in Europe, $40.75, less than half the price in Europe for the same drug.

Let us look at GLUCOPHAGE, a very commonly prescribed drug for diabetes, in many respects a miracle drug. In the United States, average price for 30-day supply, $124.65. That same drug sells in Canada for $26.47, and in Europe the average price is $22.

We go on down the list, we look at drugs like Premarin, Premarin in the United States, $55; in Europe, $8.95. Zocor, very commonly prescribed drug, today $123 in the United States; $28 in Europe. Do the arithmetic. I think we are being very conservative.

At the bottom of this chart I have something from one of my favorite Presidents, President Ronald Reagan. He said, "Markets are more powerful than armies."

Tax cuts are great, but if we want to help seniors lower prescription drug prices and allow Americans to keep and spend $630 billion of their money, let us open markets now. Americans deserve world class drugs at world market prices.

I was in Germany not too long ago, and we actually bought some drugs. This is a very commonly prescribed, a very effective drug against women's breast cancer. This drug was bought at the Munich airport pharmacy for $59.05 American. This same box of drugs bought here in Washington, D.C., sells for $366. What makes matters worse, this drug was developed, almost all of the research expenses were paid for by the American taxpayers. I think Americans ought to pay their fair share for the price of research and development for all of these miracle drugs. I think most Americans believe that, but we should not be required to subsidize the starving Swiss.

The time has come to open up markets, to give Americans access to world class drugs at world class prices. We can do that in the next several weeks. I need my colleagues' help. Let us all work together to make certain that Americans have access to those drugs at prices that they can afford.

BILL OF RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. CASE) is recognized for 5 minutes.

Mr. CASE. Mr. Speaker, our Federal budget and taxes are heavy on all of our minds tonight, but I stand today in defense of that most basic expression of our fundamental freedoms, our Bill of Rights, and I rise in doing so with incredible pride in my State of Hawaii, which does not just talk about the Bill of Rights, we live it.

For generations now we have understood, not just in our heads but in our hearts, in our bones, the very essence of the Bill of Rights, which is that it protects minorities against the will of the majority. We have understood it not just because it was handed down to us from the cultural heritage of our indigenous peoples, the native Hawaiians, but because in Hawaii we are all minorities. Ethnically, no race is a majority. My own Caucasian race, no more than 25 percent. Americans of Asian descent, no more than 40 percent. Native Hawaiians, little over 10 percent. None of us is in the majority. We have to take care of each other, and similarly with the religions we have in Hawaii.

Our predominant Christian tradition in the rest of our country, no more than a third of the people in Hawaii, perhaps another third practicing religions that come primarily from Asia. Buddhist, Shinto, Hindu, and the rest of them an assortment of religions.

So in my Hawaii tolerance of diversity is not a matter just of civility. It is a matter of basic necessity.

In this tradition I am especially proud that my Hawaii State legislature has become the first legislative body in our country to officially call upon this Congress to alter those portions of the so-called PATRIOT Act and related Bush administration executive orders which run counter to this foundation rock of our democracy and rather than summarize what my legislature did, let me just read Senate Concurrent Resolution 18 passed just a few days ago by overwhelming majorities and reaffirming our commitment in Hawaii to civil liberties in the Bill of Rights.

“Whereas, the Hawaii State legislature is committed to upholding the United States Constitution and its Bill of Rights, and the Hawaii State Constitution and our Bill of Rights; and

“Whereas, the State of Hawaii has a distinguished history of safeguarding the freedoms of its residents; and

“Whereas, the State of Hawaii is comprised of a diverse and multi-ethnic population, and has experienced firsthand the value of immigration to the American way of life; and

“Whereas, the residents of Hawaii during World War II experienced firsthand the dangers of unbalanced pursuit of security without appropriate checks and balances for the protection of basic liberties; and

“Whereas, the recent adoption of the U.S. PATRIOT Act and several executive orders may unconstitutionally authorize the Federal Government to infringe upon fundamental liberties in violation of due process, the right to privacy, the right to counsel, protection against unreasonable searches and seizures, and basic first amendment freedoms, all of which are guaranteed by the Constitutions of Hawaii and the United States; and

“Whereas, the citizens of Hawaii are concerned that the actions of the Attorney General of the United States and the United States Justice Department pose significant threats to Constitutional protections: now, therefore,

“BE IT RESOLVED by the Senate” and House of the State of Hawaii “that the State of Hawaii urges its Congressional delegation to work to repeal any sections of the USA PATRIOT Act or recent executive orders that limit or violate fundamental rights and liberties protected by the Constitutions of Hawaii and the United States; and

“BE IT FURTHER RESOLVED that to the extent legally possible, no State resources, including law enforcement funds and educational administrative resources, may be used for unconstitutional activities, including but not limited to the following under the USA PATRIOT Act:

“Monitoring political and religious gatherings exercising their first amendment rights;

“Obtaining library records, bookstore records and website activities without proper authorization and without notification;

“Issuing subpoenas through the United States Attorney's Office without a court's approval or knowledge;

“Requesting nonconsensual releases of student and faculty records from public schools and institutions of higher learning; and

“Eavesdropping on confidential communications between lawyers and their clients.

“Be it further resolved that this resolution be forwarded to this U.S. Congress.”

Mr. Speaker, powerful words from my State legislature, and I have heard it said that those who oppose any provision of the PATRIOT Act are not patriotic. For my State and myself personally, I categorically reject that view. We in Hawaii give nothing away to any other part of our great country and our patriotism. We are proud of our country and our place in it. We are proud of the military service of our own sons and daughters in defense of this country, and we are proud that we in Hawaii are the center of our Nation's defense efforts in half of our world stretching from the mainland United States to the coasts of Africa.

To quote my State legislature in passing this resolution, our United States can be both safe and free. We must revisit the PATRIOT Act and accomplish the basic protection of our Bill of Rights.

☐ 1845

PASS MEANINGFUL TAX RELIEF

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentlewoman from Ohio (Ms. PRYCE) is recognized for 5 minutes.

Ms. PRYCE of Ohio. Mr. Speaker, I am going to get right to the point, we have an economy today that is flat on its back. The national unemployment rate has hit an 8-year low at 6 percent. Manufacturing has dipped to historic lows, causing inventories to decline. While worker productivity may be on the rise, more and more employees are logging in 3 hours less every day. In the past 2 years, the Nasdaq has fallen over 60 percent.

Americans are out of work, and those with jobs are seeing their 401(k)s and retirement savings dwindle by the day. What this economy needs, Mr. Speaker, is what we would call in Ohio a Buckeye boost.

We know what the problem is, an investor-led sluggishness, that is stifling growth, new capital demand, and job creation. And we have the right solution.

That formula for success begins with the understanding that government does not earn a profit. Government just does not earn a profit. Government does not create the jobs in this economy. Government can only stand in the way of progress and prosperity.

So House Republicans have developed a common sense plan that targets the twin pillars of economic growth, consumers and small businesses. Let us talk about consumers first. It might surprise the average American to know that he or she comprises three-fourths of economic activity in this country. That is right. Consumer spending on goods and services represents 75 percent of the entire economy.

Think about that for a minute. That is why Republicans place such emphasis on returning power and income back to the hands of the individual taxpayer. Because when they have the money, they spend it on their needs and their family's needs, and that grows the economy.

So our plan accelerates income tax relief for every American who pays taxes. We give a little extra help for married couples struggling to make ends meet by eliminating the extra taxes they pay just for saying "I do." I do not know about others, but I have never seen the tax man leave a wedding gift when he confiscates the extra taxes from married couples every April 15.

Additionally, our plan expands the child tax credit for families, giving parents an extra $1,000 to help raise their child and pay the bills. Finally, the onerous AMT continues to push more and more families into higher tax brackets. Our plan will save nearly 10 million Americans from paying more. That is real relief.

Let us talk about small businesses for a moment. Now the second and perhaps the most important part of this package is small businesses. Nine out of 10 jobs in your neighborhoods and communities were created by small businesses. That local entrepreneur who wanted to take a risk and open their own business is the reason jobs are created and this economy grows.

Republicans feel it is important to help that small business owner whenever we can. Our business expensing provisions are just what the doctor ordered. Every business owner I talked to in Columbus, Ohio, tells me how important these expensing deductions are because when we lower costs, we free up income. That lets us businesses make investments elsewhere.

How often do we forget that over 23 million small business owners pay taxes at the personal rates, not the lower corporate tax rates. Did you ever wonder where the Democrats come up with these bogus numbers for the "super rich" and then they wage class warfare with these numbers? The dirty little secret they hope Americans do not realize is that most of these super wealthy people are actually small business owners.

Finally, the capital gains and dividends relief provisions in this package are an economist's dream come true. History is on our side. Every time this Congress has reduced the capital gains rate in this country, the economy has grown and revenues into Washington have increased. Conversely, every time we have raised the rate in order to tax businesses more and reduce the deficit, the opposite has happened. It is a simple economic truism. If you want more of something, tax it less.

So the gentleman from California (Mr. THOMAS) and the Committee on Ways and Means have developed a revolutionary idea to tax both dividends and capital gains less. This provision alone is projected to produce 400,000 new jobs and boost the stock market by as much as $550 billion. That is what I call a return on investment.

Mr. Speaker, we have failed the American taxpayer and the American worker if we do not first commit in this body to do our level best to create more and better-paying jobs, and that is what we have done. Taken together, this package will produce 1.2 million new jobs in a little more than a year.

In contrast, our opponents' plan pledges more spending and more unemployment checks, but no new jobs. There is not one guarantee for any new job under their plan because they raise taxes on individuals and businesses 1 year after they lower them.

So the next time Members hear of soaking the rich or reverse Robin Hood, just ask our opponents if their constituents would prefer 1.2 million new jobs or none with an unemployment check. The choice is clear.

This economy has one obstacle standing between historic levels of growth and a jobless recovery. That is meaningful tax relief. As Members, we can choose to do something about it, to make bold decisions for a bold recovery. Or we can sit on the sidelines, wring our hands, and hope, like the Democrats, that things get better on their own.

Mr. Speaker, the American people did not send us here to be potted plants. We came to change the course of history, to make this country a better place to live, work and raise a family, and that is what I intend to do.

VOTE FOR DEMOCRATIC SUBSTITUTE ON JOBS AND GROWTH PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, what I like about the opportunity in addressing colleagues and speaking about issues in a pointed fashion, we can simply cut to the chase.

Mr. Speaker, it was in 1993 that a Democratic House and the President of the United States had to make a very difficult decision. But out of making that budgetary decision, we moved into the 1990s rebuilding our economy and generating the kind of surplus that America had not seen for 10, 15, 20, 25, 30 years. In 1997 again, when I was a Member of this body, the President of the United States, William Jefferson Clinton, and many of us, the Democratic Caucus, worked in a bipartisan manner to put forward a budget that really addressed the question of rebuilding the surplus.

So we see that out of that work we do not have to give anecdotal stories. We do not have to speak to pie in the sky. We have real proof because in January 2001 we had a $5.6 trillion surplus built upon the sacrifices of Democrats and the willingness to invest in the American public.

As we move through the Republican presidency, President Bush and the Republican Congress, under the Republican budget we now have a minus $2 trillion deficit as given to us by the Congressional Budget Office and the House Budget Committee, two independent sources.

Interestingly enough, we come over here to this question of jobs, and we hear that the bill on the floor of the House tomorrow is a job growth bill. We surely need jobs. I need jobs in Houston, Texas, and the State of Texas, jobs in New York and California, Mississippi and Kansas and Colorado, jobs all over the Nation. Well, from January 1993 to April 1995, the Bureau of Labor Statistics will tell us that the labor market gained 6.8 million jobs, not pie in the sky, reality.

Under President Clinton's policies and a Democratic Caucus working together from 1993 to 1995, we gained 6.8 million jobs. Then we get to January 2001, changing the administration and a Republican Congress, April 2003, we have lost 2.7 million jobs.

That is why I believe it is extremely important that we look realistically at what we need to do tomorrow. Frankly, what we need to do is to pass a real jobs growth initiative. The Democrats have the answer. We know that millions of Americans are going to lose their unemployment benefits, working men and women who do not owe us anything, we owe them because they worked and put dollars into the economy. So we want to extend Federal unemployment benefits.

We believe that we should support the States who are suffering. Texas alone has a $12 billion deficit. Republicans are down in Texas trying to redraw lines of congressional seats that will cost the State millions and millions of dollars. It is a nonsensical plan, but we are willing to commit money to the States to help with Medicaid, education, homeland security and infrastructure.

We were just in Texas looking at the needs of the Port Authority, looking at the needs of hospitals and emergency rooms. This is a program that makes sense to put money into States and support them. Yes, we would like to make sure that we include a response to the Republican plan by creating jobs. Every single aspect of our particular proposal, the Democratic proposal, would do so.

I hope there is a substitute. But, Mr. Speaker, frankly, I hope that it is a substitute that will draw the support of all of our colleagues, Democrats and Republicans, because if Members are truly interested in job creation, we cannot do it by giving a tax cut to 1 percent of the population or individuals making over $350,000. Those individuals making a million dollars and up getting $17,000 in a tax cut, and as the numbers go down to working Americans, we wind up with zero.

People are hurting. The unemployment rate is increasing, but let me add another component to this. This is the month of May. I will be attending many, many graduations, young Americans looking for jobs. And I can say there are no jobs. The job numbers are down. Add to that the brave men and women from the United States military just returning from Iraq. Yes, many will maintain their service in the military, and we applaud that. But many of them will be ending their service in the military, brave men and women who were willing to offer themselves to fight for our principles, and they have no jobs, plain and simple.

I do not understand how we can put forward a tax cut of $550 billion, ultimately $1.7 trillion, and suggest it is job creation when if Members speak to any of the CEOs of the Fortune 500 corporations and others they question whether or not the dividend tax cut would generate any dollars. What we need is investment in our small businesses, and investment in homeland security and infrastructure. That creates jobs.

Mr. Speaker, I am about to submit to the Committee on Rules another amendment that decreases taxes, and that is for those hard-working, taxpaying employees that suffered the roller coaster of corporate malfeasance and criminal activity of corporations like WorldCom, which went bankrupt, Enron went bankrupt, they gave them severance pay, and they had to pay taxes on the severance pay.

I am putting forward an amendment which will decrease taxes on these hard-working Americans who lost their jobs so that no one has to pay taxes on any kind of pay they get when the corporation went bankrupt because of malfeasance and criminal activity.

Mr. Speaker, I conclude by saying vote for a real jobs growth program. Vote for the Democratic substitute and stop all of the poppycock about what a $550 billion tax cut can do except put money in the pockets of the rich.

JOBS AND GROWTH PACKAGE WILL STIMULATE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. HARRIS) is recognized for 5 minutes.

Ms. HARRIS. Mr. Speaker, I remain amazed at revisionist history which continues to accompany arguments against this visionary jobs and growth package.

We continue to hear accusations that the President's 2001 economic plan has not worked. Against what benchmark are we evaluating the success of this policy? President Bush inherited a speculative bubble that had burst in the Clinton-Gore recession when this body passed that plan. September 11, of course, worsened our economic outlook even more dramatically.

What was the result, then, of the President's 2001 economic plan? A potential deep depression became one of the shortest recessions on record. The economy is growing again, yet the American people continue to fear for their own economic security and for the dreams they nurture for their children and grandchildren.

The recovery remains sluggish, because the temporary nature of the 2001 tax cuts has restrained businesses from fully returning to the investment and growth mode. An unpredictable and ever-changing Federal tax policy is inimical to the long-term, predictable model that businesses require.

Thus, this year's job and growth package finishes the job that President Bush and Congress began in 2001.

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Mr. Speaker, President Bush's plan to revitalize our economy is rooted in values instead of expediency. It reflects his belief that the genius of the American people is more powerful than the power of government. It follows the principle that indeed the American people are far better than Washington bureaucrats when it comes to creating jobs and wealth. John F. Kennedy and Ronald Reagan understood the power of this idea. They featured tax cuts as the centerpiece of their economic agenda, launching two of the longest economic expansions in American history. When Ronald Reagan inherited a shattered economy wracked by double-digit inflation, 20 percent interest rates, long gas lines and stagnant productivity, he turned the conventional economic wisdom on its head. At the time, the so-called experts told us that high inflation was a necessary evil of a growing economy. They also said that the Reagan tax cut plan would not fix the economy; it would only worsen it. They were wrong. President Reagan once quipped that when a friend of his was invited to a costume party, he actually slapped some egg on his face and went as a liberal economist.

President Bush's plan will rescue us from the economic morass the previous administration left behind, just as Ronald Reagan's visionary leadership accomplished more than 20 years ago. The jobs and growth package Chairman THOMAS has proposed includes all of the President's priorities, including the acceleration of individual rate cuts, marriage penalty relief, an increase in the child tax credit and a capital gains and dividend tax cut. Balancing the budget remains a very important objective and growing the economy while controlling spending is the best way to achieve that goal. I am concerned about deficits, but I am much more concerned about making certain that Americans have jobs.

The Federal Government's tax revenues increased after the Reagan tax cuts. The deficits of the 1980s occurred because spending outpaced revenue. Thus, we must keep spending in check. This tax plan will create 1.2 million new jobs for Americans, and we must pass it.

ORDER OF BUSINESS

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I ask unanimous consent to give my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

ON REPUBLICAN TAX PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is recognized for 5 minutes.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I am here this evening to talk about H.R. 2, the Republican proposed tax plan. By proposing H.R. 2, House Republicans are prompting a reckless tax cut for the wealthiest 1 percent of all Americans. Despite their efforts to deceive Americans, this tax cut will not create jobs or stimulate the economy. In California, 47 percent of taxpayers would receive less than $100 from the Republicans' tax plan, while the average tax cut for the top 1 percent of California taxpayers would be $35,940. The Republican proposal offers virtually no benefit to the average American. Even more alarming is that Republicans propose gutting critical programs that many Californians rely on, like Medicare, Social Security and education, to pay for the so-called tax cut.

In addition, the Republicans' tax package will generate a record $1.4 trillion deficit over the next 10 years. Imagine what we could do with $1.4 trillion. We could be using that amount of money to shore up our ailing Social Security and Medicare programs; $1.4 trillion could be used to assist States like California who are facing enormous budget deficits. This would put a halt to increases in property taxes and to cuts in education. If we really want to stimulate the economy, we need to provide tax relief for working families, like the Democratic tax proposal does. Republicans are showing their true values and priorities by giving permanent tax breaks to the very wealthy while shortchanging America's families.

If my Republican colleagues have any regard for hardworking American families, they will heed my plea to not support H.R. 2.

JOBS AND GROWTH PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, just yesterday our friends across the aisle introduced their version of a jobs and growth package. I have looked into the details of this plan, and it is nothing more than another empty promise to America's workers and entrepreneurs. On a daily basis, we in Congress meet with our constituents, and the message that they are sending should be clear to each and every one of us. Significant tax relief and jobs growth is what our economy needs most. We do not need another do-nothing plan, and American workers will not accept more spending on government programs. They will not accept more spending on government programs. They are sick and tired of tax and spend and tax and spend some more. And they are sick and tired of the old class warfare tactics.

The Democrats have proposed a $152 billion stimulus plan for a Nation with a GDP of over $10 trillion each year. Putting this in perspective, you may as well try and boost nationwide bubble gum sales by buying a single piece of bubble gum. The American people are not dumb. They know that you cannot expect significant economic growth without significant investment, and by "investment" I mean tax relief. Tax relief is an investment. It provides the capital that businesses and investors need to fuel expansion and jobs growth. There is no mystery here.

Republicans have a jobs and growth plan that is absolutely necessary. It amounts to much more than a drop-in-the-bucket plan that is proposed by those across the aisle whose talents lay more in spending taxpayer dollars than trusting hardworking Americans to manage their own paychecks.

I want to speak specifically, Mr. Speaker, to the President's plan and what it means for Tennessee. This is a great plan. It will create new jobs. In Tennessee, it is going to create 11,500 new jobs per year for the next 4 to 5 years. That is about 55,000 new jobs for Tennesseans alone. Nationwide we are talking about 1.2 million new jobs by the end of 2004, and almost 2.9 million new jobs in the next 4 to 5 years. This is a jobs and growth plan. Increasing the child tax credit to $1,000 is good for American families. When we are talking about the child tax credit, that is money back in the hands of 27 million Americans during 2003. Moving the child tax credit from $600 to $1,000 is good for American families. It means less money taken from their paycheck to pay for taxes. Accelerating the individual rate reductions in 2003 is good for millions of taxpayers. Again, that means less money from their paycheck to pay for taxes. Providing marriage penalty relief now is the right thing to do. Marriage penalty relief means less money from their paycheck to pay for taxes.

I would encourage every Member of this body, our friends on both sides of the aisle, to join in making these tax cuts permanent. These are not radical provisions, Mr. Speaker; and they are central to a plan that will not only stimulate the economy, it provides a foundation for long-term job and economic growth. It is a plan for America's future that will produce results.

OLD MEN'S OIL WARS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I would just like to say in response to the earlier Special Order, if the tax rate programs of the Bush administration as enacted 2 years ago actually produced jobs, then why has America lost nearly 3 million more jobs since that last bill was passed when in fact all those dollars were not invested in America but taken abroad and continue to empty out the manufacturing and agricultural sector of this country?

My speech this evening actually has to do with old men's oil wars. I thought it would be important to put on the record the following:

Midland, Texas, home to our current President, was drilled dry of oil decades ago. The President's father, who had also been President, had launched Zapata Oil Company to find more oil when Texas ran dry in the Gulf of Mexico and beyond. And then to his son, when the father was President and through his father's friends, was born Harken Energy which the current President headed. Both these firms looked beyond Texas' border for black gold. Both these firms were headed by men who became President of the United States. Harken invested in Bahrain. The President had to divest himself of that before he became our current President; but his father, George 41, still remains a Carlyle Group oil and defense acolyte. Their world view is shaped by oil. Their life has been oil. The politics they pursue is directly entwined with oil.

America consumes 25 percent of the world's petroleum, which is a diminishing world resource, yet we only have 2 percent of the world's people. So having drilled America dry for all intents and purposes, the fifties oilmen, I call them, began to rely more heavily on remaining global supplies. The motherlode lies in the Middle East. It is now on these supplies that America has become dangerously reliant. But rather than become energy self-sufficient here at home and create thousands of jobs in this country, America's older leaders have continued to drive America backwards into a dying petroleum age.

But Henry Kissinger, age 79, is smiling. For longer than I have been an adult, his vision has been to tie Iraq's oil to Israel and points west. This trade route would secure U.S. vital interests in the Persian Gulf, in oil and Israel. And now America has assured that Iraq is policed by over 100,000 U.S. forces.

Donald Rumsfeld, age 70, is smiling, too. He vainly bragged this month he is not known for his diplomacy. The world agreed. In his 1983 visit to Saddam Hussein as Middle East special envoy for the Reagan administration, he was rebuffed when he proposed on behalf of Bechtel Corporation, whose chairman in those days was George Schulz, an oil pipeline that would extend from Iraq through Jordan to Aqaba. Hussein demurred, fearing the pipeline would run too close to Israel. Now Rumsfeld has sat in Abu Gharyb Palace in Baghdad as viceroy Jay Garner receives Bechtel and Halliburton, which DICK CHENEY headed. That company now receives noncompetitively bid contracts from this government to secure the oil fields. Not far from northern Iraq lies Baku on the Caspian Sea, an oil bonanza that even Hitler coveted. U.S. forces in both Iraq and Afghanistan make future pipeline defense there so much easier.

George Schulz, age 82, is smiling. No longer Chair of Bechtel, he still serves on its board. His Stanford protege Condoleezza Rice, for whom Chevron named an oil tanker, heads the National Security Council.

DICK CHENEY, 62, is smiling. Halliburton, of which he served as CEO before becoming Vice President, just landed a no-bid contract, $7 billion from the government of the United States paid for by the taxpayers of the United States, to control the oil fields of Iraq. Vice President CHENEY already is receiving $180,000 a year from Halliburton in deferred compensation. I want to know if Halliburton plans to make an oil deal with President Karzai in Afghanistan who just happens to have ties to Unocal Oil.

Let America embrace the world of the future. Let us move beyond the hydrocarbon age. U.S. addiction to foreign petroleum has cost too many lives and the undemocratic oil kingdoms it has perpetuated are an international disgrace and the primary reason for the rise of terrorism. This world view of the old oil barons should be no more. Let America become energy independent here at home. Let the oil kingdoms democratize. Let us invest that $100 billion-plus we spend to defend foreign oil routes in new technologies here at home: photovoltaics, fuel cells, biofuels, in high speed rail, hydrogen, renewables.

Mr. Speaker, it is time for a new generation of Americans to take over the government of the United States.

□ 1915

GENERAL LEAVE

Mr. PRICE of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the subject of the special order today.

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

THE REPUBLICANS' PROPOSED TAX CUT PACKAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from North Carolina (Mr. PRICE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PRICE of North Carolina. Mr. Speaker, I come to the floor tonight with several of my colleagues to discuss our Republican friends' proposed tax cut package and the way it will affect the Federal budget and the American people.

Mr. Speaker, President Bush has presided over the Nation's worst economic performance since the Great Depression and the worst fiscal reversal in all of American history. Since President Bush took office, we have lost more than 2.7 million private sector jobs, and real GDP has inched at only 1.5 percent annually, the worst record for any administration in over 50 years. The 10-year $5.6 trillion unified budget surplus projected when President Bush came into office is gone, totally gone. In its place the administration has proposed a budget with over $2 trillion in deficits over that same time period. That is a fiscal reversal approaching $8 trillion.

These charts tell the story. Here we have the fiscal reversal illustrated going from a $5.6 trillion surplus 2 years ago projected until now looking at a $2 trillion deficit over the next 10 years. And this chart gives the picture on jobs. In the first 28 months of the Clinton administration, 6.8 million private sector jobs gained, 1993 through April of 1995. In the first 28 months of the Bush administration, 2.7 million private sector jobs lost as of April of this year.

Unfortunately, in the face of all this, in the face of the worst fiscal reversal in this Nation's history, the response of our Republican friends is to propose more and more of the same failed policies. Finding themselves in a hole, their message seems to be just keep digging. Mr. Speaker, Democrats believe that a stimulus plan should be based on three simple principles, principles that should be self-evident but that our Republican friends incredibly seem unable to grasp.

First, a stimulus plan should be fair. It should put money back in the pockets of average Americans, boosting consumer demand and the business investment needed to meet it.

Secondly, a stimulus plan should actually stimulate the economy. It should be fast-acting with its impact concentrated to provide an immediate jump-start to the economy. It should get the most bang for the buck by targeting consumers likely to spend and businesses likely to invest and hire new workers.

Finally, a stimulus plan should be fiscally sound. It should be paid for. It should not pile up national debt. It should not contain gimmicks which disguise its true cost.

Mr. Speaker, the Democratic plan that we will be debating tomorrow is organized around these three principles. The Republican plan fails to meet the standards by a country mile. It is not even close. Tomorrow the House is scheduled to debate the Republicans' $550 billion tax cut, every penny of it borrowed money, funded by increased government debt that will be passed on to our children and grandchildren.

Tax cuts that actually stimulate the economy during a downturn make good sense. However, the Republican plan only puts in place 9 percent of its tax cuts this year, precisely when they are needed the most. The House Republican plan centers on tax cuts, on stock dividends and capital gains, both of which economists have rated as very ineffective in stimulating the economy. These proposals would benefit mainly upper-income individuals who are much more likely to save such windfalls than would be low- and moderate-income families. Under the Republicans' proposal millionaires would receive approximately $139 billion in tax cuts through 2013. That is essentially the same amount of tax cuts that would be received by the entire bottom 89 percent of households combined.

Mr. Speaker, it is simply irresponsible to be considering large upper-bracket tax cuts that will worsen the long-term deficit to the tune of $1.2 trillion over the next 10 years, to be doing this at a time when we should be paying down the national debt to prepare for the retirement of the baby boom generation, which after all begins in only 5 years. Moreover the Republican plan is full of phony sunsets and other gimmicks that actually understate its true cost.

By contrast House Democrats have proposed a stimulus package that is fast, fair acting, fiscally responsible, and paid for. It uses a proven approach to creating jobs and growing the economy, puts money directly into the hands of average Americans, the very people most likely to spend it, and it provides tax relief to businesses most likely to invest. It focuses on jump-starting the economy now at a fraction of the cost of the Republican tax cut proposal. It provides permanent tax cuts for most American families, including an immediate increase in the child tax credit, marriage penalty relief, the expansion of the 10 percent tax bracket. The House Democratic plan also extends unemployment benefits for 26 weeks. It increases the level of benefits and provides temporary aid to States to broaden coverage to low-wage earners and part-time workers. These benefits would provide financial help to 5 million out-of-work Americans, and economists have rated that as one of the most effective stimuli that would we could apply.

In contrast the Republican plan would allow the Federal Unemployment Benefits program to expire on May 31, leading to millions of families being denied this unemployment insurance to help tide them over.

What about the States? As a result of a bad economy, States are facing the worst fiscal crisis since World War II. States across the country are cutting education and health programs and raising taxes, undermining jobs, undermining economic recovery. The Democratic jobs and growth plan in stark contrast to the Republican plan which has said to the States go elsewhere, the Democratic plan would provide $44 billion in aid to States to minimize tax increases and service cuts and to prevent the job losses that would otherwise occur.

The second chart compares the stimulative effect of the proposals I have been discussing. If we extend Federal unemployment benefits for every dollar we spend, the stimulative effect in the economy, the amount of economic activity generated, comes to $1.73, one of the most effective things we could do. If we support the States through Medicaid and education and homeland security funding, for every dollar we invest that way we get $1.24 in bang for the buck, also a good stimulative effect.

The centerpiece for our Republican friends' dividend tax reduction, 9 cents of impact for every dollar of revenue lost. If what we are talking about is stimulating the economy, then this chart says it all.

Finally, the Democratic plan would provide companies with a tax credit worth up to $2,400 for hiring somebody who has been out of work at least 6 months and includes $29 billion in tax incentives to generate investment and jobs now, such as allowing small businesses to expense up to $75,000 of the cost of new investments through 2004, triple the current limit. In other words, businesses would be encouraged to invest sooner rather than later, again fueling economic growth.

Mr. Speaker, the bottom line is that the Democratic plan would create almost twice as many jobs as the Republican plan in the first year. Let me be specific. The Democratic plan would create 1.1 million jobs compared to the Republicans' 600,000 jobs. And the Democratic plan would achieve this at a fraction of the cost.

Instead of saddling our children and grandchildren with a mounting national debt, I urge my colleagues to support the Democratic plan that will help revive the economy, promotes economic growth, offers tax relief to those who need it most, uses honest accounting, and is paid for.

A number of Members are going to be speaking over this hour about the choices that we have tomorrow and about what we can do now, what we can do effectively to turn this economy around and to do that in a fiscally responsible way, and I yield to the gentleman from Virginia (Mr. MORAN), a valued colleague from Virginia, a member of the Committee on the Budget who over the years has stood for fiscal integrity, fiscal responsibility.

Mr. MORAN. Mr. Speaker, I thank the gentleman from North Carolina (Mr. PRICE), my very good friend and colleague, for yielding. I thank him for laying out the Democratic and the Republican plans tonight.

These are going to be the subjects of the debate tomorrow, and it appears that we are going to have another party-line vote. My friend recalls another party-line vote that we had in 1993 when President Clinton proposed an economic growth strategy to get out of another Bush recession. We were told by our colleagues on the Republican side of the aisle that this was going to cause more unemployment, further recession, that we would never recover, that it was unfair.

The fact is President Clinton did raise taxes. We are not talking about raising any taxes. President Clinton went ahead, raised taxes on the wealthiest people in this country. He balanced the budget. He made sure everything was paid for, that we did not have to borrow money from Social Security and Medicare to pay for tax cuts as of course this tax cut plan does. It borrows every penny out of Social Security and Medicare. But now that we look back on the effects of that economic growth strategy that was very consistent with the Democratic plan that the gentleman from North Carolina (Mr. PRICE) has laid out and that the Democrats are going to present tomorrow, it worked. It worked.

During the 8 years of the Clinton administration, this country experienced the highest prosperity that any country in the history of civilization has ever experienced. Certainly this was the best extended economic boom that America could ever have realized. And, in fact, all those people, those people at the highest tax bracket, that was 39.6 percent at that time, they took home more after-tax income than has ever been achieved in any economy in the history of this United States of America. The wealthiest made more wealth, more wealth than they have ever experienced. So it was not a confiscatory rate. What we did was to plow money back into investing in people and education and training, balancing the budget so the financial markets had confidence that there were not going to be high interest rates in the future, and it worked. It worked. And of course those who own the means of production, they benefitted the most.

So now what are we going to do? As the gentleman from North Carolina (Mr. PRICE) has shared with us, we are doing just the opposite of the Clinton plan. We are consistent with what President Bush has already done, although so far the tax cuts that he has implemented have cost this economy 2.7 million jobs, but now we have a tax cut that is going to give the same amount of money to 1/10 of 1 percent of the American people. The 1/10 of the 1 percent of the very wealthiest Americans are going to get the same amount of money that the 90 percent of Americans who are earning less than $95,000 a year, which is pretty good but those are in the middle class. From $95,000 down, that is 90 percent of the American people, they are going to get as much benefit as the top 1/10 of 1 percent of the very wealthiest. Can that possibly be fair? It is not fair, and it is going to come back to haunt us. And this money that has to be borrowed from Social Security and Medicare that is going to come due, we are not going to have to pay it. Our kids are going to have to pay it. We have estimates now that the public debt of a child that is born today, by the time they are ready to enter high school, we are going to have $12 trillion of debt.

□ 1930

By the time they become a working adult, it is going to be much more than that; and they are going to be spending half of their income paying off debt that their parents' generation caused because of these tax cuts that are unpaid for. It is almost criminal.

Also, in addition to being so unfair to subsequent generations of Americans, it is so duplicitous. Now, I know it seems like nickel and diming; but, gosh sakes, in order to get this plan that is going to be offered by the majority through, we get a whole lot of magic tricks in this.

For example, you raise the child tax credit to $1,000, but for 3 years; and then you bring it back down again so that it does not look as though it is as costly as it really is. You do the same thing with the marriage penalty.

The American people ought to ask the proponents of this tax plan, do we get to keep these tax cuts? Are you going to give it on the one hand and take it away from the other? The fact is it is the latter. It is just like the last tax cut, to purport we could pay for it, they sunsetted it all in 2011. Now they come back, of course, and want to make all the tax cuts permanent.

Mr. PRICE of North Carolina. Why on Earth would our Republican friends want to do such a thing? It clearly is something that they do not intend to stick by. They do not really intend for these tax cuts to expire. Why would they write such a bill?

Mr. MORAN of Virginia. I suspect, I know it is a very good question, that they figure the American people are never going to catch on to what they are doing, to what the real cost of these tax cuts are, to the fact that the real cost of these tax cuts is $4.6 trillion over the next decade, if you include the interest on the debt that has to be borrowed and if you do what we know is going to have to be done, which is to make all these tax cuts permanent.

No Congress is going to restore taxes, nor is it going to increase taxes. We know everybody wants to cut taxes, so they are not going to be reinstated. It is just like the ones passed in 2001. We know that, the Republicans know that, but the Republicans are assuming the American people are not going to catch on, and they can fit this in a budget resolution and purport to suggest that this is some kind of balanced budget. It is not. We have got deficits as far as the eye can see. Who is going to pay for them? Not us. We are going to be retired. It is our kids that are going to have to pay for them. Thousands of dollars a year they are going to be paying because of what we are about to do tomorrow.

This is wrong. This country cannot afford it. What this country can afford is getting people back on their feet, getting money back to States where they can generate $1.73 for every dollar invested, instead of 9 cents generated by the President's proposal.

We need to believe in America. We need to recognize what has worked in the past, what worked in the 90s, and what has not worked since President Bush took office. We have turned a $5.6

trillion surplus into trillions of dollars of debt, and it is mounting every year.

I know my colleagues are here, and they want to share their views as well; but I appreciate the gentleman yielding.

Mr. PRICE of North Carolina. Before we yield to our colleague from Washington State, let me just commend the gentleman for a powerful statement and also for reminding us of a little bit of history, not too ancient history, but history that goes back to 1993 and a night on this House floor that many of us will never forget, where without a single Republican vote we passed a far-reaching plan to move the budget toward balance; and in fact from every year from then forward, until this President took office, every year for 8 years the deficit came down.

Mr. MORAN of Virginia. We had the strongest economy.

Mr. PRICE of North Carolina. The strongest economy and the most sustained recovery. We even reached the point where we were running a surplus, not just a Social Security surplus, but a surplus in the general fund of this government. We retired $400 billion worth of the national debt. But our Republican friends might not be convinced by that historical lesson. It does not reflect very well on them.

So let me just ask the gentleman, look back to some previous Republican administrations. Is it not true that in 1982, when the Nation went into a recession and President Reagan had pushed through some tax cuts and the deficits were mounting, that with Senator Robert Dole's leadership some of those tax cuts were rescinded and some spending was cut? The Congress and the President found themselves in a hole, and they quit digging. They at least quit digging. They did not make the problem worse. To some extent they halted the deterioration of our fiscal situation.

Then think about the first President Bush. I am sure you remember that battle. President Bush said "read my lips" and had gotten himself locked into a situation. But when the economy declined, when the fiscal situation deteriorated, he had the courage and the statesmanship to work with Democrats across the aisle and to put a 5-year budget plan in place. So the first President Bush, when he found himself in a hole, he quit digging.

So if our Republican friends do not find the 1993 episode instructive, then maybe they will find those earlier episodes instructive. Then the question comes back, why is it that this White House seems to feel none of that restraint? Why is it that this Republican leadership seems to feel none of that concern, but is perfectly willing, finding themselves in a deep and dangerous fiscal hole, to propose that we should just keep digging?

Mr. MORAN of Virginia. That is the operable phrase, my friend. If you are in a hole, and we are in a very deep deficit hole, you ought to stop digging. In 2001 we were told that the tax cuts of $1.3 trillion were going to revive the economy. They did nothing like that. What they did was to cause more unemployment and the financial markets to lose confidence in the future, and it has hurt States and localities terribly.

I suspect, though, that the answer to the gentleman's question, why has this President Bush acted so differently than his father, is that he recognizes that although his father did the right thing in 1990, set this country on the course of a balanced budget, and really it was President Clinton acting consistently with that 1990 legislation in 1993, but the first President Bush deserves a lot of credit. But I suspect the people in the White House now feel that may have been why he lost the presidency.

But that ought not be the criteria. The criteria ought to be whether your years in service to this country have produced a better America, not only for your family and my family and the whole American family, but, most importantly, for future generations of America. That is what we are looking for. We are looking for that long-sighted economic policy that has worked in the past.

I thank the gentleman for his thoughtful, historical perspective; and I yield back to the gentleman so he may call on other colleagues.

Mr. PRICE of North Carolina. I thank the gentleman.

I turn to our colleague, the gentleman from the State of Washington (Mr. McDERMOTT), a member of the Committee on Ways and Means and a long time member of the Committee on the Budget.

Mr. McDERMOTT. Mr. Speaker, I was coming downstairs from the Committee on Rules where I was up there making a presentation as they prepare for our consideration of this bill tomorrow. It was never so clear to me as it was sitting there that we are in a one-party government here, where the President and the House and the Senate are all from one party, and they are going to have a discussion down here tomorrow on their proposal. But what I really am fearful of is that the proposal the gentleman is putting out here tonight will not be allowed into the discussion tomorrow, except in a very abbreviated form. I think that is unfortunate, because I think the American people ought to have a chance to choose between alternatives. That is what this government is about.

Will Rogers one time said people would rather have fair taxes than lower taxes. The fact is we do not have fair taxes. The proposal that is coming down here tomorrow is one that 80 percent of the benefit goes to people above $90,000 a year in income. Now, I do not think they need a tax break. The effect of this bill tomorrow would be to give a $105,000 tax break to people making $1 million, while people who are making $40,000 will get $325.

Now, that is not a fair tax structure, and it basically says the only people who know what to do with their money are people who are rich. If you give it to the people down there making $40,000, they will not know what to do with it. They will squander it away on something, I do not know what; but if we give it to the rich people, suddenly things will be stimulated.

The problem with that theory is that the Commerce Department, Mr. Bush's Commerce Department, has come out and said that industry in this country is operating at 75 percent of capacity. There is plenty of capacity right now. There is no need for further investment in capacity. What you need is people with money in their hands to buy things.

Now, the bill that I proposed, the amendment I proposed upstairs, is a proposal that would give a tax holiday on the first $20,000 of your payroll taxes. Everybody pays payroll taxes. Not everybody pays income tax, because if you are down low enough, you do not. But if you are down low or high up, you pay payroll taxes for Social Security and for Medicare.

If you gave a tax holiday on $20,000 of income, everybody in this country, every working person in this country, would get somewhere between $1,400 or $1,500 in rebates. That means that 94 percent of the money would go to people below $75,000 in income, and it goes all the way to the bottom. Everybody gets it. In my view, that is a fair tax cut, if you are going to have one.

I really think the idea of a tax cut in the first place is a bad one. Sitting on the Committee on Ways and Means, I have watched these tax cuts go whistling through there one after another, and we go deeper in debt.

I was looking at what is going on in the States. California is $34 billion in the hole; New York is $12 billion; Texas is $10 billion; Washington State, my State, is $2.4 billion. The National Conference of State Legislatures reports that 41 States have accumulated almost $84 billion worth of deficit in this year, and what we are doing at the national level is looking out on those States and all the mess that is out there and saying, tough luck, you are on your own.

Now, that is a major philosophical debate that goes on in this House, what responsibility does the Federal Government have and what responsibility does the State have, and this administration has been pushing off on to the States all the responsibility for education, health care, the environment, whatever; and the States are being destroyed.

The Missouri Governor, the new Governor, is going around turning off every third light bulb. He put out a memo for the State of Missouri. Connecticut is laying off prosecutors in the court system. In Kentucky they are laying off prison guards. Nebraska just put 25,000 women and children off the Medicaid program. In Michigan they are considering a proposal to put advertising on the sides of police cars so they can make money, making them rolling billboards. That is where these States are. Ohio has taken 50,000 off of health coverage and Colorado is cutting out the senior citizen benefits on property taxes for 120,000 seniors in Colorado.

Now, I could go on with that list, and it does not make any difference what State you are talking about. And we at this level are saying what we are going to do with the money we have is we are going to give it to those people at the top. They are the only ones who know what to do. They are going to save us. And we are not giving money out to the States and the counties, with all the problems at the State level or dealing with the problems in our own system, or preparing for all the people who are going to come on to Medicare and Social Security in 2008 or 2009 or 2010. We are not preparing for that at all.

□ 1945

Today, we are giving it all away. And then we are saying, gee, Social Security does not work anymore, Medicare does not work anymore. We have to put that responsibility on people.

Next Friday, a week from today, we will be dismantling the Medicare system in the same way. That is the system that this party has put in order and they are going to keep doing it one week at a time, and we are seeing it, and we will not have any money to respond to that because we have given it all away.

Now, we have a choice tomorrow. We could say no to the President's way and the Committee on Ways and Means chairman's way. The chairman said upstairs that the Congress is kind of like a poker game where everybody sits down at the table and at the end of the night the same amount of money is there, but different people have it. And what I am saying, my answer to that is yes, that is true, and I think that ordinary working people ought to get it and the Democratic proposal is an attempt to do that. But the leadership of this House is going to bring in a bill tomorrow that will make it increasingly unfair in this country.

I congratulate my colleagues from North Carolina and Virginia and Connecticut for coming down here and letting the people know that the Democrats do have a proposal, because they will control the rule tomorrow in such a way it will look like we did not even have any ideas. We do have ideas, but they are not consistent with giving it all to the people on the top.

Mr. Speaker, the American people are sitting there, after dinner, at the dinner table and you think to yourself, does somebody who makes $1 million really need a $105,000 tax break? I mean just ask yourself. And then you think about the people in your neighborhood who are scraping to pay their drug benefits and do the things that they have to do for themselves. My mother just bought a hearing aid. She is 93. Hearing aids cost $800 if you can get a cheap one. They are not covered by Medicare. So if you do not have kids who can help you, you do not get a hearing aid.

I mean, do we really need to give all of this money to the people on the top? Where is the fairness in that?

I think the gentleman from North Carolina (Mr. PRICE) should be congratulated for his effort tonight to give the people an understanding of what is going on. It is unfair.

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman and I particularly appreciate his focus on the plight of the States. My colleagues may recall that the governors were in town a few weeks ago, Democratic and Republican governors who went to the White House, I understand, and talked about the ways that in a temporary way there could be some help for the States and, as we said earlier, help for the States is one of the best ways to stimulate the economy. It gives good bang for the buck. They suggested such obvious ideas as a little better cost-sharing on Medicare temporarily to tide them over. What kind of reception did they get down there, Republican and Democratic governors alike?

Mr. McDERMOTT. They basically were stiffed.

Mr. PRICE of North Carolina. Stiff-armed, I understand.

Mr. McDERMOTT. Mr. Speaker, I do not think the American people understand, and the gentleman is down in Chapel Hill and he knows the pressure that is on the hospitals; it is the same in Chicago or Richmond or Seattle or New York or anywhere. What we are saying to those counties, to those cities, to those States, we are not going to help you. You are on your own. The President made no provision.

Mr. PRICE of North Carolina. What about our Republican colleagues in the House? They are supposedly in closer touch with these local communities. Does their bill contain one dime of help for the States?

Mr. McDERMOTT. No, not a single dime.

Mr. PRICE of North Carolina. And the Democratic plan, $44 billion, it is temporary, it stimulates the economy, it helps bail the States out. It will help avoid counterproductive things at the State level, cutting back services, raising taxes. What good is it going to do to cut taxes here if they have to be reimposed at the State level?

Mr. McDERMOTT. Mr. Speaker, I think the long-term effects of not dealing with the social problems in this society are more costly in the end than if you put the money up front. If you do not feed people and take care of them and give them preventive health care, you pay much more at the far end when they are seriously ill and then you spend thousands and thousands of dollars that would not have been necessary if you had dealt with it in the early stages. It is so cost ineffective.

We talk about history. I do not know where the people went who were here on the other side when I came here. They used to talk about deficits being terrible and bad, and they have all disappeared. I mean I sat on the Committee on Ways and Means and the Treasury Secretary, Mr. Snow, came before us and said, deficits are not bad. I could not believe what is going on. We are going to spend so much money financing that debt. And the gentleman and I, we will not do it. It will be our kids. That is not fair.

Mr. PRICE of North Carolina. Mr. Speaker, there is nobody within our hearing tonight who could not think of better public and private uses for that than throwing it down the rat hole of $300 billion, $400 billion of interest on the debt each year. I thank the gentleman for his contribution.

Mr. Speaker, I am pleased now to recognize our colleague from Virginia, another colleague from Virginia (Mr. SCOTT), a member of the Committee on the Budget and a much respected Member of this body who has made himself an expert on budget affairs, and we appreciate him having his usual array of charts tonight to illustrate the situation we are facing.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman from North Carolina for his distinguished leadership on this budget issue. It is a very difficult issue and the gentleman has provided excellent leadership, and we thank him for that service.

The gentleman is right, I like to use charts, because we have heard a lot of descriptions, we have heard a lot of adjectives and projections. Let us just look at the numbers. This chart shows the numbers over the past few years of what the deficit has been, starting with Presidents Johnson, Nixon, Ford, Carter, great deficits under Presidents Reagan and the first Bush. And we have heard comments about the 1993 vote when President Clinton came in, without a Republican vote in the entire House or Senate, very close votes, 218 to 216 in the House, 50–50 with Vice president Gore breaking the tie in the Senate. And, as a direct result of that, along with economic growth, every year was better than the one before until we went into a surplus. Social Security and the lockbox, Medicare in a lockbox and a $100 billion surplus after that.

The Republicans will say that after 2 years of the Clinton administration, they took over. That is true, and they offered the same kind of tax cuts that President Bush has signed, but President Clinton vetoed that bill. They threatened to close down the government. He vetoed it again. They closed down the government. He vetoed the bill again, and continued vetoing their irresponsible tax cuts year after year as the budget situation got better and better each year. Under his leadership, he had enough Democrats in the House and the Senate to sustain those vetoes and control the budget situation year after year, each year being better than the last.

When President Bush came in, he signed those irresponsible tax cuts and we see what happens. Actually, this chart, as bad as it looks, needs to be updated. We have not gotten the more recent numbers; it may in fact be off the chart.

People ask, well, if things are this bad, where is the Democratic plan? Well, the Democratic plan is in green. That is our plan; this is their plan.

Now, how did we get in this mess? We got in this mess with tax cuts and we have asked, well, who got the tax cuts? And you have heard the adjectives. Let us look at the graph. The bottom 20 percent, the next 20 percent, the middle 20 percent, the fourth 20 percent, and the top 20 percent, blue is the 2001 tax cut, green is the proposed 2003 tax cut. The same pattern.

Now, there is a line that is hard to see right at about the 50 percent mark. The top 1 percent get 50 percent of the tax cut that we enacted in 2001. So we have a budget mess. We got there with tax cuts to the wealthy, and we were told that the reason we needed to do that, the reason we needed to mess up the budget to give tax cuts to the wealthy was to create jobs.

Let us look at the jobs per administration, the second Truman administration, the Eisenhower administration, first and second, Kennedy, Johnson, Johnson, all of the administrations over the years, the job creation record, George W. Bush, President Bush, the worst job creation record since the Truman administration, a loss of over 2.5 million jobs.

Now, we are told that, well, what do you expect after September 11? Let us point out that this chart includes the Korean War. It includes the Vietnam War. It includes the whole Cold War, the first Persian Gulf War, hostages taken in Iran, it includes all of that, and still the worst in over 50 years.

So how bad does it have to get before we acknowledge that it did not work?

What did we get? We got debt. If we left the budget alone, we would have paid off the national debt by 2008. The projection in May of 2001, right after this administration came in, virtually no debt held by the public. Instead, in 2008 we are going to have almost $5 trillion in debt.

With debt, we get interest on the national debt. Let us look at the interest. The interest on the national debt, because the debt was going to zero, was going to zero, interest on the national debt. Instead, this red line is the interest on the national debt that we have to pay. And the difference as we go, the billions of dollars in additional debt by 2010, $1.6 trillion wasted in additional interest on the national debt that we would not have had to pay.

Now, let us put these numbers in perspective. The green is the interest on the national debt that we were going to pay going down to zero. Red is the interest on the national debt that we are going to pay. Blue is the defense budget. To show how much interest on the national debt we are going to end up paying and put it in perspective, instead of zero we are going to be spending almost as much interest on the national debt as we are spending on national defense.

Now, let us make it personal. Take the interest on the national debt, divided by the population, multiplied by 4, what is a family of four's portion of the national debt? Right now it is about $4,500 every year, interest on the national debt going to zero. By 2013, because we have messed up the budget, interest on the national debt, a family of four's portion of interest on the national debt, $8,500 and growing. That means the first $8,500, you get nothing, except pay for what has already been spent.

Now, the next chart shows how challenging a situation we have gotten ourselves into because this is the Social Security chart. Right now, we are not even balancing the budget, spending the Social Security surplus. We are not balancing the budget. But in 2017, because the baby boomers are retiring, we are having a deficit, almost $1 trillion, running up to about $1 trillion over the next 30 years. If we cannot balance the budget with a Social Security surplus and we are spending the surplus, what are we going to be doing out here when we have a $300 billion deficit, divided by 300 million people in America, $1,000 a piece, will be $300 billion, that is $1,000 for every man, woman, and child, for Social Security deficit, you end up with the interest on the national debt deficit. How bad does it have to get?

There is one more thing I want to mention. That is, I told my colleagues about the chart where 1 percent gets half of the tax cut. Instead of the tax cut for the upper 1 percent, if we had allocated that into a trust fund for Social Security, we could pay Social Security for the next 75 years without any diminution in benefits. Seventy-five years for the tax cut that the top 1 percent got.

Mr. Speaker, we cannot afford another tax cut. We need to go back to the green, the Democratic plan. What we are doing, what we have done to the budget is obscene. What we are doing to the budget is just unconscionable.

Mr. PRICE of North Carolina. Mr. Speaker, if I could just ask the gentleman to underscore what he just said. Are you saying that the amount that it would take to make Social Security whole for the next 75 years is less than the amount of this Republican tax cut?

Mr. SCOTT of Virginia. Mr. Speaker, it is less than what the top 1 percent got in 2001.

Mr. LARSON of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. PRICE of North Carolina. Yes.

Mr. LARSON of Connecticut. Mr. Speaker, I am very intrigued by the gentleman's charts, and it seems to me, based on the number of speakers that we have had in this hour that we have been given; my question is, Mr. Stockton used to say that what we have to do in order to get rid of these social programs that the Democrats have put forward like Social Security, Medicare, and Medicaid, is starve the beast.

□ 2000

Is this not the method that is now being used? We have just heard the gentleman from Washington State talk about what is going to happen next week with respect to Medicare. We saw a budget atrocity last week. And now we are talking about taxes, a tax cut tomorrow that basically leaves us, as your charts amplify, with no money to provide for these much-needed and highly successful and highly valued programs that have helped all of our citizens.

Mr. SCOTT of Virginia. You cannot get to balance through spending cuts. As I indicated, the entire defense budget is about $400 billion. We are 500 billion and counting, slightly offset because we are spending $150 billion on Medicare and Social Security surplus that is coming in. But this is out of budget. The onbudget part of the budget, what is coming in and going out outside of Social Security and Medicare is $500 billion. The entire defense budget. Everything we spend outside of Social Security, Medicare, and defense and pensions, everything is about $800 billion. Everything. Foreign aid, FBI, prisons, NASA, everything, education, roads, everything. It is about 800. If you cut the government in half, you could not balance it as bad as it has gotten.

Mr. LARSON of Connecticut. So this is incredible when you think that this seems to be all part of a design, a design that is geared to in fact deny people over time the ability to respond to needs that we know, as your charts illustrate, with the baby boomers retiring, that are funds that are going to be necessitated, less the programs per the design of starving the beast, the beast in this case being social programs.

Mr. SCOTT of Virginia. You cannot create a chart like this by accident. Eight consecutive years, each year better than the last; under the present administration, each year worse than the last and no help in sight. You do not do that by accident.

Mr. PRICE of North Carolina. I wonder if the gentleman from Virginia (Mr. SCOTT) would put the chart back up giving the distribution of who benefits from these tax cuts, because on the talk shows these days you sometimes hear it said, well, of course, the tax cuts are mainly going to benefit the wealthy because they are the ones that pay the taxes. As a matter of fact, is it not true that this tax cut compounds the advantage of the wealthy? It does not just mirror their advantage.

For example, if you look just at millionaires, millionaires in this country pay 19 percent of the income taxes, but what percent of this tax cut do you think they get? Twenty-seven percent. They get 27 percent of the tax cut; they pay 19 percent of the taxes. So it just does not wash to say, well, they are paying more taxes, so naturally they get a better tax cut.

The fact is this is a grossly unfair tax cut, and it targets those in the upper brackets. That is not fair, but it also does not do what needs to be done in terms of turning this economy around.

Mr. SCOTT of Virginia. Mr. Speaker, this chart shows that the top one percent get half the tax cut that we enacted in 2001. The people in the lower brackets who are more likely to spend the money and stimulate the economy, you can hardly see the lines that they get. The top 20 percent get the lion's share of the tax cut and virtually nothing on down. All of the studies show if you give money to those who are most likely to spend it, you will stimulate the economy.

Mr. PRICE of North Carolina. I thank the gentleman for a very fine presentation.

I yield to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, again noting the chart there, I just want to point out that certainly it is true that most individuals are happy to get any form of a tax cut from their government. That is an indisputable truth. People like to receive a tax cut. When I go home to my district and talk to people about a tax cut, they are generally enthused, even if it is a modest amount. But when you explain to them the ramification of this tax cut, the enormity of the tax cut, the extended amount of time, and then what will have to be sacrificed in order to achieve that goal, it is an entirely different story.

People back in my district in Connecticut have a lot of common sense. They understand that you cannot have it all. We cannot possibly prosecute the war in Afghanistan, the war against terror, the war against Iraq and not sacrifice. And yet seemingly with both our budget proposals and now our tax cuts we are asking people to sacrifice. The people we are asking to sacrifice are the veterans, the elderly in need of prescription drugs, the towns and States as have been enumerated here today that desperately need town aid so they will not have to raise local taxes or cut programs and close schools, the communities that need school construction funds, the amount of money that will not be available for special education, that we will continue to underfund that program, a Federal commitment. We have enough money to provide a tax cut for the wealthiest 1 percent, but not enough to take care of those in the shadows of life, those in the dawn of life, and those in the twilight of life as Hubert Humphrey would so eloquently talk about.

So tomorrow we are seeing a philosophical debate on the direction and focus of this Nation. And what the Nation stands for in a time of sacrifice when men and women are truly sacrificing their lives overseas to defend our vital freedoms for what? When they come home and face the devastating deficits and the problematic concerns that that will raise for each and every one of their children as we project these deficits out into the future.

This is an outrage. We do not have the megaphone here. We cannot even get a small voice because of how our Committee on Rules allocates time for people to come to the floor. I commend the gentleman from North Carolina (Mr. PRICE), always able to articulate in a very intelligent manner the disparity that exists here and providing the intellectual underpinnings hopefully so the other voices in America besides the right wing and talk radio get the message out here to the American public what is absolutely happening to them.

People understand you cannot have it all. What the Democratic proposal demonstrates is that knowing that and knowing that we are going to have to sacrifice, should we not make sure that there is money there for prescription drugs, for school construction, for Social Security, for Medicare, Medicaid. Our hospitals are crying to us because of the needs that they have to take care of the population that comes to our urban and rural hospitals on a daily basis. I thank the gentleman for his strong voice here on the floor.

Mr. PRICE of North Carolina. Mr. Speaker, the gentleman is absolutely right. As to the pressing nature of these needs, many of them carry out of the State level at the time that our States are flat on their back fiscally, and our Republican friends are offering no help in that regard whatsoever.

The gentleman talks about tax cuts. And we know people would rather pay less taxes than more. We are all pleased when we can offer tax cuts; but it does matter what kind of tax cuts.

Mr. LARSON of Connecticut. Ask them if they would like to see a veteran get his benefits. Would they forego a tax cut to see veterans get their benefits? These are the questions the American public needs to ask themselves. Would you forego the tax cut so your parents could have prescription drugs? Would you forego a tax cut so you did not have to raise local property taxes and actually provide school construction or lessen the burden that school districts have to pay because of special education? Would you be willing to forego that tax cut if we were reinvesting in our infrastructure and providing jobs for people? That is what the Democratic proposal is all about.

Mr. PRICE of North Carolina. Sure and that is what we need to face. If you are going to have tax cuts then, for goodness sake, have the honesty and the integrity to pay for those tax cuts so it is not coming out of the hide of the most vulnerable among us.

There are some tax cuts in the Democratic proposal, but they are aimed at the broad middle class in this country. They were designed to stimulate the economy and they are paid for. And in all three of those respects they contrast with these upper-bracket tax cuts which our Republican friends are trying to peddle as an economic stimulus when I do not know any economist who is going to tell you you get much bang for the buck from cutting the tax on dividends for goodness sake. The estimate I have heard is 9 cents on the dollar. That is not a very good return.

Mr. LARSON of Connecticut. The gentleman is absolutely right. I could not agree more with him. To quote our leader as she often says, "These are both fair and fast-acting and fiscally responsible."

That is the alternative that is being presented tomorrow. It is up to us to get back to our districts and talk to people. I have held town hearings on these issues which I think are vitally important so that average citizens get to speak up.

They get it when they see the choice. Tomorrow is going to be an orchestrated event whereby a proposal will be jammed down the minority's throat with maybe an hour of debate on an issue that is this important to the American citizens.

We owe it, Democrat and Republican alike, to go back to our districts and say during this time of national crisis as we are fighting terrorism, ask them plainly and clearly, would you forego a tax cut so that you get prescription drugs for the people that need them? So that the veterans can get their benefits? So that school buildings could be paid for and technologically upgraded? So that the special education students would get their fair share of money, lessening the burdens on our local communities and States?

It is great to pat yourself on the back here and say you gave a tax cut, but our tax cuts here become their tax increases back home with a suffering burden that none of our States and municipalities can afford at this time.

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman.

Before we run out of time, I want to turn to one of our most passionate and effective advocates in the House, the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I would like to thank the gentleman from North Carolina (Mr. PRICE) for organizing this stellar Special Order this evening on the important question of economic stimulus and recovery for our people and join with all of my able colleagues, the gentleman from Virginia (Mr. SCOTT), the gentleman from Connecticut (Mr. LARSON), and others this evening.

I just wanted to mention jobs, J-O-B-S; and the Republican tax cut bill is a job killer. There is plenty of evidence that this plan is merely a repeat of what happened in 2001 in this Congress, in the first Bush tax bill that came before us where now we have lost 3 million more jobs across this country.

It is also a debt-accumulator bill. This tax bill is not going to balance the budget. It is going to increase the deficit. I always thought Republicans were budget balancers. That is what Republicans used to be. They are not that anymore. And I just wanted to point out back in 1981 when Congressman DICK CHENEY was a Member of this House, I came here 2 years later in the midst of the worst recession America had faced since the Great Depression. July 29, 1981, when Mr. CHENEY chaired the Republican Policy Committee here, a bill was passed that they called the 1981 tax cut bill. And in the following 2 years, millions of Americans were thrown on to unemployment lines; and I became part of a class to try to restore economic integrity to this country. It took us almost 20 years until Bill Clinton became President of the United States. And in 1993, 1996, we began to restore those surpluses that the gentleman from Virginia (Mr. SCOTT) referenced.

In 2001 under the first Bush plan, the gentleman from California (Mr. THOMAS) said here, "By moving quickly our hope is to have both monetary and fiscal policy pull this economy out of its nose dive."

And again, now, we have another job-killer bill. We had a job-killer bill in 1981. We had a job-killer bill in 2001, and now we will have another job-killer bill brought up on this floor tomorrow. It seems to me that one thing Democrats stand for is full employment and good jobs. We should reject this bill tomorrow. It is a repeat of the same old hash they gave us back in 1981 and they gave us in 2001. We should not be snookered for the third time.

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentlewoman, and I want to thank all of my colleagues who were part of this Special Order tonight.

Often we have very heated debates in this House and we have a good bit of rhetoric filling the air; sometimes there may even be an exaggeration or two. But I must say with respect to this bill tomorrow and with respect to our fiscal situation, we are not exaggerating. We are not exaggerating the danger we face. We are not exaggerating the unprecedented character of the risks that are being taken with our fiscal future by this administration and by the leadership of this House.

□ 2015

We are not exaggerating the differences between the parties.

There is a simple three-point test that any proposal ought to be able to pass: Is it effective? Does it stimulate the economy? Is it broad based and fair? Is it fiscally responsible? The two plans before us tomorrow could not be more opposed or more different in the way those basic questions are answered.

So I thank all of my colleagues for helping us line this out tonight and address our colleagues about this critical debate. It is not an exaggeration to say that our fiscal future is on the line, and I appreciate all those who have helped point that out so forcefully this evening.

Mr. HINOJOSA. Mr. Speaker, I rise today to discuss the tax proposal the House Ways and Means Committee approved on a party-line vote of 24–15 last Tuesday. I believe that what the committee reported to the House floor is flawed, misguided and will harm our American economy now and for generations to come.

I agree with Ways and Means Committee Chairman THOMAS's assertion during the committee's consideration of the tax bill that, "Congress must take bold steps to spur economic expansion, create more jobs for workers, better opportunities for families and bigger paychecks for all Americans." I agree with that. But, I strongly disagree with the ways and means by which he intends to accomplish these goals.

Mr. THOMAS's bill focuses tax relief on the wealthiest 1 percent of the population by providing tax cuts mainly on stock dividends and capital gains. Many economists have rated this proposal as very ineffective in stimulating the economy. It would be more appropriate to provide an immediate increase in the child tax credit, marriage penalty relief and the expansion of the 10-percent tax bracket.

With deficits soaring, the last thing our government should be doing is proposing major tax cuts that do not spur economic growth. Our government would be borrowing to finance the revenue losses associated with the tax cuts for years to come. Furthermore, Chairman THOMAS's proposal fails to include support for state and local governments. It crowds out Federal investment in education, training, infrastructure, and research and development to pay for their tax cuts for the wealthy.

Next year, the GOP tax plan gives tax cuts totaling approximately $44 billion to those making over $374,000 a year, while their budget provides $9.7 billion less than the amount promised in the No Child Left Behind Act for educating our children.

The Thomas plan also allows the extended unemployment benefits program to expire May 31, 2003, leading to millions of families being denied needed unemployment insurance.

Not only would extending benefits help the families of nearly 5 million out-of-work Americans pay their bills, it would also efficiently jumpstart the economy by putting money into the pockets of consumers who will spend it.

I urge my colleagues to defeat this plan when it comes to the floor of the House.

Mr. PRICE of North Carolina. Mr. Speaker, I yield back the balance of my time.

REPUBLICANS' JOBS AND GROWTH PACKAGE

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). Under the Speaker's announced policy of January 7, 2003, the gentleman from South Carolina (Mr. WILSON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WILSON of South Carolina. Mr. Speaker, I rise tonight with several of my colleagues in support of the Republicans' jobs and growth package, H.R. 2, which we are scheduled to vote on tomorrow; and in fact, this vote is so important, I am really going to be missing a very significant event in South Carolina.

We are very proud that President George W. Bush is going to be commencement speaker tomorrow at the University of South Carolina for graduation. I am just so proud of our president there, President Sorenson, what he has done for our institution, the trustees, Mack Whittle, Miles Loaholt, Mark Buyck, Eddie Floyd. They are working so hard to make the University of South Carolina, my alma mater from law school, one of the best universities in the United States; and certainly having our President there tomorrow, I am just so proud, and I know that my wife, Roxanne, will be right on the front row with our sons Julian and Hunter and Alan to encourage the President.

Our economy is hurting and it needs an immediate boost. House Republicans believe the best way to get the economy back on track is to allow Americans to keep more of their own money, and I heard a few minutes ago that indeed it was not the public's money, it was not the people's money; but I know so well that, indeed, it is the people's money, and that is the first fact that we should address; and I appreciate good people like Jerry Bell of the Lexington County Chronicle making that point almost every week in his publication.

This will give the economy an immediate shot in the arm by accelerating tax relief from the marriage penalty, increasing the child tax credit and providing working families with more of their hard-earned dollars through accelerated income tax relief.

Furthermore, with sizeable, long-term tax relief on capital, businesses will receive investment incentives that will help create more jobs. This Republican plan is estimated to create 1.2 million jobs by the end of 2004 alone and will create many more in the years to come.

On the other side of the aisle, House Democrats are talking about a government growth package. It busts a $30 billion hole in the budget, guts the Republican child tax credit increases, and it weakens job growth by watering down Republican tax relief for small businesses. Once again, the Democrats' answer to every problem, raise taxes and spend more.

Americans are already overtaxed. Americans for Tax Reform, an invaluable nonprofit group headed by the visionary Grover Norquist, has tracked the tax burden in a way that puts it in proper perspective. Each year, Americans for Tax Reform determines the cost to government date which is the average date at which every American worker has earned enough to pay his or her share of taxes imposed by Federal, State and local governments. The cost to government date 2002 was July 1, representing the largest tax burden since 1996.

Today, we are working a full 6 months just to give Uncle Sam his yearly check before we can even begin to earn enough to pay for food, health care, medicine, housing, clothing, college tuition, car payments and all the other needs that we have to provide for our families.

My friend and former Congressman, the gentleman from Oklahoma (Mr. WATTS), put it best when he said, "Americans are taxed when we turn on a light. We are taxed when we use the phone. We are taxed when we eat lunch. We are taxed when we do brunch. Moms are taxed at the gas pump when they fill the tank to drive the kids home from a little league game. Dads are taxed when they try to save a few bucks for retirement in order to provide for their families, and Grandma and Grandpa are taxed for having the audacity to die."

Ronald Reagan was even more blunt and always correct when he described the government's economic policy this way, "If it moves, tax it."

President George W. Bush understands that Americans are overtaxed. President Bush also understands that the only way to increase jobs in America is to allow individuals and small businesses to keep more of their own money to invest in our economy.

The gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, has crafted a very wise and sensible bill that takes the best solutions of President Bush's proposals, and I urge all of my colleagues to vote for this bill tomorrow.

Americans have given Republicans a tremendous opportunity to lead on issues that affect every working family. We must not squander this moment and work to bring them real tax relief. Let us hold true to the commission given by President Ronald Reagan.

We need true tax reform that will at least make a start toward restoring for our children the American Dream, that wealth is denied to no one, that each individual has the right to fly as high as his strength and ability will take him.

At this time, I will be yielding to the gentleman from North Carolina (Mr. HAYES). He is a very respected member on the Committee on Armed Services. He also serves on the Committee on Transportation and Infrastructure, the Committee on Agriculture; and I know firsthand the respect that his constituents have for him.

Last year, I went with my sons Julian and Hunter door to door in his hometown of Concord, North Carolina; and that is where one really finds out what people think of their local Congressman, and I found out that he was a person who was well thought of. He was highly respected and my colleagues will see tonight what a knowledgeable and fine person the Congressman from North Carolina is.

Mr. HAYES. Mr. Speaker, I want to thank my good friend and colleague, the gentleman from South Carolina (Mr. WILSON), for yielding time; and if I may, I would like my colleague to yield just a few moments of time to the gentleman from Pennsylvania (Mr. MURPHY), who has a very important issue that he wants to raise before we continue to discuss the important issue of how can we in the U.S. Congress allow our folks back home to keep more of their own money.

Mr. MURPHY. Mr. Speaker, will the gentleman yield?

Mr. WILSON of South Carolina. I yield to the gentleman from Pennsylvania.

SUICIDE AWARENESS WEEK

Mr. MURPHY. Mr. Speaker, I appreciate the gentleman yielding to me.

These issues about creating jobs and dealing with the economy are extremely important to families. I would just like to take a couple of moments to talk about another important issue to families.

Later on the floor this evening, one of our other colleagues, the gentlewoman from California (Mrs. NAPOLITANO), will also be speaking; and she and I have been working together to establish a Mental Health Caucus in the U.S. Congress, and I am proud to co-chair that caucus with her.

The goal of the Mental Health Caucus is to raise awareness both in Congress and among the public of the importance of mental health; and it is fitting that this week we speak because it is Suicide Awareness Week, and it is really the first issue that this caucus is taking up on speaking on the floor.

Every 18 minutes someone in this country takes their own life, and suicide is the 11th leading cause of death in the United States and third leading cause of death among 15- to 24-year-olds. The American Society of Suicidology found that 4 to 8 percent of adolescents attempted suicide within the last 12 months, and data from the Centers for Disease Control and Prevention indicate that half a million teens attempt suicide each year.

In 2000, suicide attempts outnumbered homicides by five to three. In that same year, in my home State of Pennsylvania, 1,356 people took their own lives. As a psychologist, a husband and a father, I find these numbers disturbing, as does everybody else who works in this Chamber.

Everyone knows someone who has been depressed in any given year. In fact, about one out of every 10 adults in this country suffers from some form of depression. Every family knows someone who has suffered from this. For those suffering from severe depression, without treatment, nearly one in six will commit suicide.

The good news is that suicide can be prevented if one recognizes the signs. People commit suicide when they are overwhelmed with a sense of hopelessness and are unable to see alternative solutions to problems. Suicidal behavior is often linked to depression or drug or alcohol abuse. These are not the worried well, but these are people whose life circumstances are overwhelming or they have a physiologically based depression or mental illness that leaves them feeling that the only way to end their pain is to end their life.

Those who have suffered the loss of a loved one from suicide know the pain does not end with death. The family members and friends will feel the loss, perhaps triggering their own life struggle to come to terms.

When someone tells you they are thinking of suicide, it is very important that everyone take them seriously and get them professional and medical help. In fact, if someone has reason to believe that, they should call 911 or the national suicide hotline which is 1-800-SUICIDE.

I would like to mention other dangers include talks of hopelessness, helplessness, worthlessness, preoccupation with death, loss of interest in things that a person cares about or giving away valued objects as if preparing to say good-bye.

In sum, danger signs may also take the form of engaging in risky or dangerous behavior, like teens who take too many chances with fast cars or drugs or alcohol.

I would like to highlight for just a moment here some of the things happening in my home State. Since the 1980s, Pennsylvania has made a strong effort towards preventing suicide in youth. The Commonwealth Student Assistance Program was created in 1985; and core teams in each secondary school consist of teachers, principals, school counselors, school nurses, psychologists and social workers from this program called SAP; and they work with identifying students and helping them.

They also have Service for Teens at Risk, otherwise known as STAR, to address problems of teen suicide and violence. They serve children in Pennsylvania and West Virginia.

I would like to make one other note here, too, that although I focused on suicide among our youth, a common misperception is that suicide rates are highest among the young. However, it is the elderly, particularly elder white males, with the highest rates. White men, 85 and older, have suicide rates of six times that of the overall national rate.

If we are going to address the problems of suicide, everyone needs to recognize the warning signs. Parents need to talk to their children. Adults and others need to talk to their parents.

This brings us to the underlying important issue of mental health care. Without question, having major depression increases the risk for suicide, and anyone suffering from depression in this country must recognize that depression is a treatable disorder; and we in Congress can do more to improve access to mental health care.

I know that others will be talking about this later tonight, and I appreciate the gentleman yielding on this during this important time when we are speaking about families on many levels. It is important to know we do care about the family on every level, what happens to them mentally and emotionally, socially, economically. All these things are the business of Congress, and they are the business of government; and, again, I thank the gentleman for the time.

At this point, I will insert for the RECORD my full statement.

I join my colleagues on the floor tonight to call attention to a health care epidemic that claims the lives of three-quarters of a million Americans a year: suicide. This is "Suicide Awareness Week," and it's an important reminder why it's so important for parents, educators, and children to learn the signs of depression and suicide.

I'd like to first take a moment to thank my colleague, Mrs. NAPOLITANO of California, for her hard work in establishing the Congressional Mental Health Caucus, and I'm proud to be co-chair of that Caucus with her. The goal of the Mental Health Caucus is to raise awareness, both in Congress and among the public, of the importance of mental health.

It is fitting that suicide awareness is the first issue that the Caucus takes up by speaking on the Floor today. Every 18 minutes, someone in this country takes their own life. Suicide is the 11th leading cause of death in the United States, and the 3rd leading cause of death among 15–24 year olds. The American Society of Suicidology found that 4 to 8 percent of adolescents attempted suicide within the last twelve months. Data from the Centers for Disease Control and Prevention indicates that a half-million teens attempt suicide each year. In 2000, suicide deaths outnumbered homicides by 5 to 3, and that same year in my home state of Pennsylvania, 1,356 people took their own lives. As a psychologist, a husband, a father, I find these numbers deeply disturbing. Everyone in this Chamber knows someone who had been depressed—in any given year, about 1 out of every 10 adults in this country suffer from some form of depression. For those suffering from severe depression, without treatment nearly one in six will commit suicide.

The good news is that suicide can be prevented if you recognize the signs. People commit suicide when they are overwhelmed with a sense of hopelessness and unable to see alternative solutions to problems. Suicidal behavior is often linked to depression or drug and alcohol abuse. These are not the "worried well," but a person whose life's circumstances of physiologically-based depression or mental illness leaves them feeling that the only way to end their pain is to end their life. Those who have suffered the loss of a loved one from suicide know that the pain does not end with death. Family members and friends will feel the loss—perhaps triggering their own lifelong struggle to come to terms with the loss.

If someone tells you they are thinking about suicide, you should take them seriously and get them professional medical help immediately. If you have any reason to believe that someone is in imminent danger of harming him or herself, call 911 or the national suicide hotline, 1–800–SUICIDE. Other danger signs include talking about hopelessness, helplessness, or worthlessness; preoccupation with death, loss of interest in things that a person cares about, or giving away valued objects as if preparing to "say goodbye." In some, danger signs may also take the form of engaging in risky or dangerous behavior.

I'd like to take a few minutes to highlight some of the efforts my home State, Pennsylvania, has undertaken. Since the 1980's, Pennsylvania has made strong efforts toward preventing youth suicide. The Commonwealth Student Assistance Program (SAP) was created in 1985 and operates in all 501 school districts. Every secondary school building is required to have a student assistance program. Core teams in each secondary school, consisting of teachers, principals, school counselors, school nurses, 'psychologists, social workers, and community liaisons from mental health and drug and alcohol agencies assist in identifying students at risk for suicide or other behavioral health problems.

I am also proud of the accomplishments of the Services for Teens at Risk, commonly abbreviated as STAR-Center, in addressing problems related to youth suicide, depression, and violence. STAR-Center began in Pittsburgh in 1986, and is affiliated with the Western Psychiatric Institute and Clinic. The Center's clinic serves patients in West Virginia, Ohio, and Pennsylvania, and since 1996 has treated over 6,400 children and adolescents at risk for suicide. Through its outreach program STAR-Center goes into communities throughout Pennsylvania to address suicide, depression, and other mental health issues our teens may face. And when a suicide or other tragedy does occur, STAR-Center staff consults with educators on how to provide postvention services. This is particularly important given the traumatic impact the death of a fellow student can have on his or her peers. The center also publishes STAR-Center Link, a newsletter featuring best practices on mental health treatment and violence prevention, and its "Survivors of Suicide" program is nationally recognized. I'd personally like to thank the staff of STAR-Center for their dedication to our youth.

Although I've focused a lot on suicide among our youth, one common misperception is that suicide rates are highest among the young. However, it is the elderly, particularly older white males, who have the highest rates. White men 85 and older have suicide rate that is six times that of the overall national rate. If we are going to address the problem of suicide, everyone needs to learn to recognize the warning signs, parents need to talk to their children, and adult children need to talk to their parents.

This brings us to the important underlying issue, mental health care. Without question, having major depression increases the risk for suicide. Anyone suffering from depression in this country must recognize that depression is a treatable disorder. And we here in Congress can do more to improve access to mental health care. Legislation has been introduced in the House to provide for Mental Health Parity, H.R. 953. I am proud to be a co-sponsor of this legislation, and I hope my colleagues will support this bill as well.

JOBS AND GROWTH PACKAGE

Mr. HAYES. Mr. Speaker, I thank the gentleman for bringing to our attention a vitally important part of our attempt to do everything we can for families in America, to strengthen those families and to provide them with the wherewithal they need to support this great country.

The gentleman from South Carolina (Colonel WILSON) did spend time in my district. The gentleman's district and mine are very similar. We have some large cities, Columbia and Charlotte, Fayetteville; but we also have a tremendous amount of rural America that we represent in our districts, and as the gentleman and I spend time listening to our constituents, the themes are clear and consistent. National security and economic security through good jobs are the two issues that are on people's minds.

I continue to refer to the gentleman as our colonel because our Armed Forces have distinguished themselves in ways heretofore never known. We are talking about the economy and jobs tonight, not only because it is so vitally important, but because we are in the midst of a period of trial in America, the likes of which we have never seen.

September 11, 2001, no one ever thought that would happen. The terror, the horror of that still sticks with us, our people, our families, and, yes, our economy. We are fighting a war on terrorism very successfully, and that is a most appropriate use of the money that our constituents work so hard to earn. That is a big issue as we discuss what tomorrow will be, a jobs creation, economic stimulus package.

It is not a complicated matter. Whose money are we here discussing tonight? Are we discussing the government's money? I do not think so. The last time I checked, the government had no money except that money which was sent to us by our people back home.

That being true, then the question very simply is, Whom do the people trust to spend that money most wisely? In my case, we do not talk in my district, and I am sure it is the same in my colleague's, that much about Democrats and Republicans, because obviously both constituencies are vitally important; and the Democrats in my district are very conservative. They care about their families. They care about education. They care about jobs.

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Mr. Speaker, as I and other Members of Congress empower and enable our people at home to keep more of their money to spend on their education, their needs, then that money goes straight into the economy because there is not only a need for services and goods, there is the financial ability to buy those goods and services.

Here we have a chart. This is the essence of our discussion tonight, creating new jobs. How do we do it? Fulfilling America's promise of a bright financial future for us, but more especially for future generations. I have a new granddaughter, 3 weeks last Monday night. Members can rest assured, I am concerned about future generations.

The package that we are considering and will pass tomorrow creates over a million new jobs. A million new jobs or zero. What is the choice?

Mr. WILSON of South Carolina. Mr. Speaker, I appreciate the gentleman bringing up the point about jobs.

Joining us in this discussion is the gentleman from Pennsylvania (Mr. MURPHY). I am very proud that he is a member of the Committee on Financial Services and the Committee on Government Reform. Additionally he serves on the Committee on Veterans' Affairs. He is a freshman, but as a freshman he has been the most recent of being truly in a tough campaign and finding out what the people think. I look forward to joining the Mental Health Caucus along with the gentleman. I am proud that the gentleman has taken that lead, and I yield to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, when I came to this town I found it to be very different. Back in Pennsylvania, it is not always one of those things that has such partisan disagreements as Republicans or Democrats or Independents. It is a matter of talking with people and finding out what is important to them. In that I would just like to relate a couple things. Whether it is rural communities in Washington County, Pennsylvania, or towns that are struggling along in Allegheny County, Pennsylvania, but Americans are concerned about basic things for their family. I hear them say they want some of their tax money back. Some of the issues that are going to be discussed in upcoming votes about increasing the child credit to a thousand dollars, to eliminate the marriage penalty, are so important to families so they can have money for rent, mortgages, and groceries. It is important because they know what their families need.

Here we are battling within the Beltway, and most Americans do not care about Republicans or Democrats. They care about doing the right thing for their family. When they go to bed at night and when they wake up in the morning, that is what they are concerned about. Whether they have decent jobs is a big part of that. Some of the things that are so important are in this job package.

They included aspects which will help small business. Having owned a small business for a few years, I know how important those aspects are. Again, many Americans may not appreciate such concepts as depreciation or small business expensing, but when you are a small business owner and you are taking the money that is really your family's money and investing it to create jobs for other employees, whether it is buying equipment, whether it is a computer or desk or building new office space, that is money that the family cannot use. They are making an investment, and when government says we would like you to take some of that money to create jobs, it means a tremendous amount to families to do that.

I hope we can lay down the arms of battle and pick up the arms that embrace jobs, and do what is right for families. I believe many of these things here, again when we go back to the streets and the farms of America and ask them what they think, they like these ideas of creating new jobs and bringing some of that money back home so they can do what is best for their families.

Mr. WILSON of South Carolina. Mr. Speaker, I thank the gentleman for his input. For a person who is leading a young family, the gentleman is making a difference trying to protect them for the future.

As we discuss H.R. 2 tomorrow, the Jobs and Growth Tax Act of 2003, we are going to hear a lot of scare tactics and misinformation, but I would like to go over what the different points are of the act because I believe the American people will understand that this is beneficial again in creating jobs, creating opportunities for our young people, for persons of all ages to have a better life. I am so pleased that we have an opportunity to discuss it tonight, and then tomorrow to vote on it.

The first point about the acceleration of the 2001 tax relief for individuals, the President achieved an historic cut in taxes, and this is being accelerated.

The first point about the child credit, this will increase the child credit to $1,000 for 2003, 2004, and 2005. I am so aware of the costs, having raised 4 children myself, along with my wife Roxanne, and I know how helpful this is going to be to young families as they are able to care for their children and give them the opportunities they want.

The 10 percent bracket, this will accelerate the expansion of the 10 percent bracket for 2003, 2004 and 2005.

Marriage penalty relief, this accelerates the expansion of the 15 percent bracket and the increase in the standard deduction for married persons filing joint returns, again in the years 2003, for immediate relief, 2004 and 2005.

Individual rate cuts, this accelerates the 2006 individual rate cut scheduled for 2003 retroactively. That means that immediately the people of the United States will receive benefits, and families could receive a benefit on average of $1,048. This is real money to families, and so helpful to raising children and meeting the needs that we have of car payments, mortgage payments, and medical bills.

The increase in the individual alternative minimum tax, the exemption amount, this will be increased by $7,500 for single persons and $15,000 for joint filers in 2003, 2004, and 2005.

To help create the jobs, the business investment incentives that are in the bill which will be voted on tomorrow, first is bonus depreciation. This will increase the bonus depreciation from 30 to 50 percent and extend it through December 31, 2005. This will encourage businesses to buy equipment to increase manufacturing which creates jobs. I want to commend the gentleman from Illinois (Mr. WELLER), who helped lead the effort to provide for the bonus depreciation increase so that small businesses could grow.

Then we have small business expensing for 2003 through 2007. That is an increase in the amount small businesses can expense. That would be immediately from $25,000 to $100,000. It increases the definition of small business from $200,000 for capital purchases to $400,000, and the provisions are indexed for inflation.

We all know that the backbone of business in America are small businesses. They provide in my State 85 percent of the employment. They are 99 percent of the businesses. So this is something I really am so pleased to have the support of the National Federation of Independent Businesses. We have excellent groups like NFIB which are letting Americans know how beneficial this will be.

There is another business investment incentive and that is the net operating loss carryback which will extend the net operating loss carryback for 3 years, 2003 to 2005, and holds taxpayers harmless for the alternative minimum tax.

Finally, another provision which will be voted on tomorrow is the dividend and capital gain tax reduction. This will reduce the tax rate on dividends and capital gains to 5 percent to taxpayers in the lowest tax bracket, and to 15 percent to all other taxpayers.

I had an opportunity yesterday to meet Rick Wagner, who is the CEO of General Motors. In his presentation he indicated that there would be an increase in the value of the stock market of between 6 to 15 percent. This is hundreds of millions of dollars, billions of dollars which will benefit the American public.

In fact, the dividend reductions in taxes, a majority of that are for the senior citizens of the United States. So I am so pleased that Mr. Wagner, who is building a home in Daufuskie Island in South Carolina, we welcome somebody who has been such an aggressive promoter of reducing taxes on the American people and to increase the value of the stock market, to increase and give incentives for more investment, more jobs for the American people.

Those are the facts that are very clear. I know and I apologize if it sounded like I was an accountant, and I love accountants, but the American people need to know the facts. They will hear other information. The bottom line is this is beneficial to the American taxpayer.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I might ask a series of questions, and ask that the chart with the tax breakdown be put up on the easel. The gentleman did a wonderful job of outlining the specific areas in which money would be created and put into the economy. The gentleman indicated all of the different pluses of this stimulus package.

I think it would be instructive at this point in time to see where that money comes from. If you would point to the bottom figure, the top 50 percent pays 96.09 percent of the tax bill. So if we are going to give people more of their own money back, we have to go where that money is in order to supply a stimulus, that fuel for the economic engine that creates jobs and creates revenue to drive this wonderful country forward. So I think it is very instructive for people to look at that as we continue this discussion.

Earlier our colleagues on the other side of the aisle I think made just a little difference in the way you and I would look at things. Trying to phrase this kindly, we talk about deficits. You and I and the people in Columbia and Concord hate deficits. They and you and I have to balance our checkbook every month. We cannot spend more than we have or serious problems occur. That is not a serious question. That needs to stay on the table. Everybody agrees on that.

The question becomes how do we create the revenue so this Federal Government can provide for the national defense of our young men and women who have done so well, and provide for the interstate highway system. There is the answer, we have to go where the money is. But our friends and folks at home would be interested to know that these new budget hawks, these new deficit reduction folks, and I am glad to see their new interest, there was a total a couple of weeks ago that was run up, a total of the amendments that they added to the budget bill. I have not seen it published, but the total of their additions, the folks that want to cut the deficit so and are so alarmed by the deficit, which we all hate, added over $1.6 trillion to that budget.

I trust the people at home. I trust them to see through the subterfuge. We talk about stimulating the economy and creating jobs. It is our people using their common sense to solve problems to create jobs and to grow that economy.

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Do not fall for the tax and spend. They have never seen a tax hike that they did not like here.

Mr. WILSON of South Carolina. It is so obvious by the tax breakdown that the gentleman from North Carolina (Mr. HAYES) brought out and the points he brought out that we need to be promoting, as the President is doing, the jobs and economic growth plan. I want to quote the President's speech in Little Rock this week. He has clearly indicated that by growing the economy, that is how you reduce the deficit, not by spending more money, as the gentleman correctly indicated the other side is truly proposing, but to grow the economy. His direct quote was, "In order to offset any deficit, you've got to have more revenues. The best way to have more revenues is to encourage economic growth. The more economic growth there is, the more people are working, the more likely it is that you're going to get more revenues into the Treasury of the United States, and also to the individual States. I'm concerned about the deficit but I'm first and foremost concerned about that person looking for a job." That is what President Bush said this week in Little Rock, Arkansas. I am so proud that he has correctly identified what the gentleman just identified.

Mr. HAYES. If the gentleman will yield further, earlier tonight we heard our colleagues talk about sending more money back to the States. My first question to the gentleman from South Carolina is, are the States better off if they are allowed to keep their own money and spend it there or are they better off sending it to Washington, us taking part of it and then sending the remains back? What do the people back home tell the gentleman? I bet I know the answer.

Mr. WILSON of South Carolina. I had the great privilege of serving the people of South Carolina for 17 years in the State senate. In fact, the State budget is being debated probably as we speak tonight. I know that instead of just sending money back to the States, we have already had a revenue-sharing experience that did not work and so that is simply spending more money. What we need to do is what the President has proposed and, that is, create new jobs, create new opportunities for people to have incomes.

I know that in South Carolina, we are very proud about the expansion of Michelin Tire Corporation in Lexington, South Carolina. There are three plants there producing wonderful jobs and wonderful tires for the people of America. We have worked hard in our State to attract foreign economic investment. We are very proud that in Spartanburg in the community of Greer that we have the BMW facility. All Z-3s in the world are made there, the X-5s. Every time I have had the opportunity to travel, I have been very proud to know that we have had the economic expansion of BMW in our State providing jobs. That is what we are trying to do in the bill tomorrow with H.R. 2, and, that is, to encourage economic investment in the United States, to provide jobs and to give families the ability to spend their own money.

Mr. HAYES. I would like to ask the gentleman one more question. Another thing we heard earlier was that we are not helping the States. That is simply not true. Before the gentleman answers my question, let me make one more point. They talk about States who are cutting teachers and education, who are cutting prosecutors, who are cutting prison guards. My State is not cutting those vital services. They have choices to make. I do not want to send money back to States that are making those kinds of decisions. I do not think that is happening. But the gentleman has a chart before him that gives a good illustration of how we in Washington are working to help our States. Would the gentleman describe that to our listeners at home, please?

Mr. WILSON of South Carolina. This does indicate that under unemployment insurance, that the States have received $8 billion. This is from Federal funding. In 2002, only $2 billion of that was actually used. There was a surplus apparently of $6 billion. The bottom line is by creating jobs, what we are doing in the plan that we will be voting for tomorrow, we are providing for additional State revenue by sales tax. That is virtually a universal tax in the United States at most State levels and, that is, by providing for an increase in income, by a person having the ability to keep their own money, when they go to the store and buy products, when they are at Wal-Mart as I frequently am, that with the sales tax, that goes straight to the State. It goes for schools.

Additionally, I am so pleased that this package includes a reduction in the capital gains tax. I can tell the gentleman from firsthand experience, until 16 months ago I was a real estate attorney. I know that by reducing the capital gains tax, and this has been a cause of the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), for a number of years. By reducing the capital gains tax, this will help again create jobs. The first thing that will occur, because I ran into it, a number of people that I know, particularly elderly people, would not sell property they have, real property, because they felt like they were being overly taxed and they considered it an insult, whatever the percentage was. So by reducing it to 5 percent, what will occur is that people who are currently holding on to property simply because they do not want to pay a capital gains tax, they will sell that property. When they do sell the property, the first occurrence will be construction. I met with the homebuilders association this week. They are very supportive.

The AGC and the ABC, the various construction interests, are very pleased that if we can have a sale of property and the construction, the jobs are created. This also is going to benefit local governments and State governments in that having a turnover of real property, the taxes that are generated will go for schools. They will go for the services of local governments. This is going to be so beneficial because many people in our State, and I think this is true in other States, too, they will actually put goats or they will put a cow on some extraordinarily valuable property in the middle of an urban area. That is because they are able legitimately to qualify for an agricultural assessment.

When they get an agricultural assessment, they may pay $10 in taxes on that particular tract of land. But by having the reduction in the capital gains taxes, by having the sale of the property, by having the development of that property by construction of new businesses or homes, that will generate thousands of dollars, instead of $10 to the local governments, that can be used to build schools, to address the problems that we have in local government, that we have to produce the best schools that we can for our citizens. There is just so much positive in the bill that we will be voting on tomorrow.

I know that the gentleman probably has another question that he wants to ask me.

Mr. HAYES. I thank the gentleman again for his incredible leadership not only here tonight but back home in South Carolina, not only as a Congressman but as a colonel in our wonderful Armed Forces. I think it is appropriate that we close with our continued pride, support and absolute awe at the way they have conducted themselves. That is so important to the economy, to rid the world of terrorists. The costs that have been incurred, they have created hardships for all of us. But thanks to their ingenuity, their courage, their training, their bravery, their leadership, they have gone in and outthought and outfought a very, very difficult enemy. Now we have, because of their sacrifices, the opportunity to put this economy back on its feet, to put our people at home to work. I hope the McMillens in Hampton County are listening tonight. They are farming pretty hard so they may not be. I hope the folks in Richmond County, in Hoke County, all throughout the eighth district, are listening because they understand from the gentleman's leadership and his presentation the sound, commonsense approach that this jobs growth economic stimulus plan that the gentleman and I and others on this side of the aisle support so strongly, they understand and appreciate what that brings to our districts and to our economy.

Mr. Speaker, tonight we have heard the truth in a very clear, in a very concise, and in an understandable fashion. The presentation of the gentleman from South Carolina is responsible for that. I thank the gentleman for serving our country. I thank him for serving this Congress.

Mr. WILSON of South Carolina. Mr. Speaker, I want to conclude with some other points real quickly, that is, that the President's jobs and economic growth plan is designed to strengthen the economy by allowing Americans to keep more of their own money to spend, save, and invest by creating jobs. The President's plan to cut taxes and hold the line on government spending would grow the economy and ultimately reduce the deficit as stronger economic growth and job creation causes revenues to rise to meet the restrained level of spending.

At this time, too, I would like to, as we are concluding, indicate the various groups that are supportive of the bill tomorrow, H.R. 2. In fact, I would like to read a letter which was sent by the Tax Relief Coalition. There are hundreds and hundreds of organizations, in fact there are over 1,000, that are supporting the Jobs and Growth Tax Act of 2003. This is a letter again sent by the Tax Relief Coalition:

"On behalf of the more than 1,000 organizations and 1.8 million businesses of the Tax Relief Coalition, we urge you as a member of Congress to support the full elimination of the double taxation of dividends, the increase in the small business expensing allowance, and the acceleration of all the scheduled income tax rate reductions when the Committee on Ways and Means considers the economic growth reconciliation legislation. As companies and organizations representing businesses that employ tens of millions of Americans, we believe these provisions are necessary if we are to jumpstart the economy and put people back to work.

"The full elimination of the double taxation of dividends within the framework of a $550 billion tax relief package is achievable and will have a singularly positive effect on the economy in both the short term and the long term. It will spur consumer spending by putting more money in the hands of shareholders who will pay less in taxes, receive higher dividend payouts and accumulate increased wealth as a result of the upward pressure on stock prices. The resulting increased demand and lower cost of capital will sustain economic growth and create jobs as companies invest in the new equipment, build new plants and develop new products. Many economists also believe eliminating this double tax will boost the stock market from 10 to 20 percent.

"Since small businesses create two-thirds of the new jobs in the United States, the importance of the small business provisions of the President's proposal should not be underestimated. Approximately 85 percent of small business owners file tax returns as individuals and represent nearly 80 percent of the taxpayers at the top income bracket. Accelerating all of the scheduled income tax rate reductions to this year, 2003, will provide approximately $10 billion in tax savings to small businesses that file as individuals. Allowing small business owners to expense critical investments will facilitate economic expansion, so we urge you to support raising the small business expensing limit from $25,000 to $75,000 and indexing it for inflation. These changes will create savings for small businesses that will put money directly into the economy and create new jobs.

"Any proposal that does not include the critical small business provisions and result in the full elimination of the unfair double taxation on dividends will significantly compromise the economic benefits of the President's package and jeopardize the hundreds of thousands of new jobs that would otherwise be created.

"In our view, representing tens of millions of working Americans and businesses, if you do not include the dividend tax reduction and the critical small business provisions, the jobs and growth package will simply not have the same effect.

"This has been respectfully submitted by the Tax Relief Coalition."

Mr. Speaker, I am just very honored to have been here tonight with the gentleman from North Carolina to present on behalf of nearly 1,000 business associations, businesses and other think tanks that are proposing that we reduce taxes and the tax burden on the American people. I just cannot wait until tomorrow, and I hope the American people follow the debate. I am confident that just as we had the debates following the tax increases of 1993, which when those tax increases were put in place that we heard were so good tonight, the immediate effect was that a Republican Congress was elected for the first time in over 40 years.

And so people do understand these issues. I know in the State of South Carolina that we understand those issues because, in fact, not only was there a new Republican majority in the House here in Washington, but for the first time since 1877 there was a Republican majority and the first Republican Speaker of the House of Representatives in the entire South, David Wilkins, was elected. The American people do understand these issues. We have gotten excellent leadership in our State and here in Washington. The Republicans then achieved a majority in the State Senate in 2001 for the first time since 1877 because people do understand the philosophical differences between the two parties. They understand that we as Republicans are working for limited government, expanded freedom. On the other side, they have tax-and-spend policies. They are well meaning, but they are wrong.

□ 2100

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HENSARLING). The Chair would generally remind Members to address their remarks to the Chair and not to those outside the Chamber.

GENERAL LEAVE

Mrs. NAPOLITANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

MENTAL HEALTH CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentlewoman from California (Mrs. NAPOLITANO) is recognized for 60 minutes as the designee of the minority leader.

Mrs. NAPOLITANO. Mr. Speaker, as the Democratic Chair of the bipartisan Congressional Mental Health Caucus, which we recently began, I am pleased to anchor at this time along with my Republican cochair, the gentleman from Pennsylvania (Mr. MURPHY), who spoke a few minutes. He was granted some time by my good friend to make his remarks, and I hope that he will be able to return.

Mr. Speaker, this week is National Suicide Awareness Week, and we want to highlight that fact. Approximately 30,000 people, 30,000 people, commit suicide in the United States every year, making suicide the 11th leading cause of death nationwide. Suicide is particularly a problem among young people, communities of color, and seniors. The States with the five highest suicide rates are Nevada, Wyoming, Montana, New Mexico, and Arizona.

Everyone should be screened by the health care providers in our schools for mental health and/or risk of suicide. Because of the associated stigma of the crazies, we cannot count on people to seek out help on their own. Another key point is our need for more mental health professionals to break down financial and language barriers to mental health.

Mr. Speaker, I will right now take the time to introduce the gentleman from Texas (Mr. RODRIGUEZ) to address this same issue.

Mr. RODRIGUEZ. Mr. Speaker, I would like to thank the gentlewoman from California (Mrs. NAPOLITANO) for taking this opportunity to talk about suicide and the mentally ill. I think one of the difficulties that we encounter is the fact that when it comes to the mentally ill, it is usually one of the last that we talk about, and in fact it is usually an afterthought in terms of providing resources that are drastically needed for not only for the mentally ill but for the issue in terms of preventing suicides.

Mental disorders are common in the United States, and we sometimes do not realize how common they are. There is an estimated 22 percent of Americans age 18 and older and one out of five adults who suffer from diagnosed mental disorders throughout a year. Tragically, mental disorder is often linked with suicide. Of the 29,350 people who died by suicide in the year 2000, more than 90 percent of the people who killed themselves have diagnosable mental disorders, commonly depressive disorders as well as substantive abuse disorders and other dual diagnoses.

At this time I would also like to focus my remarks on critical segments of our population, and that is our veterans. Today while we continue to deploy troops in Iraq, it is important to remember that the wounds of combat that would disable and harm our troops are not merely just physical. Many combat wounds will affect the minds, the brain, and the spirit of our Armed Forces and their loved ones. So often we forget that long after the visible battle wounds are healed, many veterans continue to suffer not only physically but also mentally. For our heroes of today as well as yesterday's stress-related conditions like post-traumatic stress disorders, PTSD, and depression can be among the most chronic and disabling of the illnesses. For example, more than 30 percent of veterans, Vietnam veterans, have experienced PTSD at some point after the war experience. I have heard alarming statistics just the other day in some testimony on the House Committee on Veterans' Affairs, a witness testified that a great number of Vietnam veterans that did not die during Vietnam, of which we lost over 59,000 lives, committed suicide after they came back than soldiers lost in the battle in that conflict.

Given these alarming statistics, it is shameful that we have not appropriated sufficient funds to provide our heroes with the care that they need. From 1996 to 2000, programs for PTSD, or the homeless substantive abuse programs, and serious mental illness grew approximately 5.5 percent overall in the number of patients that they served, but the resources shrank approximately 13.5 percent for the budgets for the mentally ill that are veterans.

In addition to the painful experience of dealing with their mental disorders and especially PTSD and others, many of these veterans find themselves on the street. Homelessness is prevalent in this segment of veterans. A large number of displaced and at-risk veterans live with lingering effects of posttraumatic stress disorders and substance abuse, compounded by the lack of family and social support networks. Although accurate numbers are challenging to identify since no one really keeps the national records on homeless veterans, but the VA estimates that on any given night we will find 300,000 veterans that are homeless, and more than half a million experience homelessness throughout the course of any given year. This is important to note: Of the homeless that are out there, 40 percent report mental health problems.

In order to properly serve these veterans we must be committed to a comprehensive approach to the treatment and we must appropriate sufficient resources in dollars. Veterans need a coordinated effort that provides secure housing and nutritional meals; essential physical health care, substance abuse aftercare, and the mental health counseling; and personal development. And one of the things about substance abuse is a lot of the times the mentally ill, as they try to cope with their depression, as they try to meet and cope with the problems that they are encountering, they self-medicate, and that is why a lot of them go into substance abuse.

As a Member of the House Committee on Veterans' Affairs, I am proud of the work that we put forth and passed in Public Law 107-95, which is the Homeless Veterans Comprehensive Assistance Act, a year and a half ago, to properly address this shameful issue.

This truly comprehensive legislation sought to end homelessness among veterans within a decade, but we have got to continue to move forward. However, just this week we held an oversight hearing where we invited Deputy Secretary McKay to provide us a status report on the implementation of the Homeless Veterans Comprehensive Assistance Act.

The news is not that good. If we continue at this pace, we will not reach our goal in 10 years. Rather, it will take 25 years. This is not acceptable. Especially now after we have seen also the veterans from the Gulf war and now we have the veterans from Iraq, and we encounter to have veterans who are fighting the war on terrorism, we have to make sure that as they leave the Armed Forces that we are there for them, and I am disappointed that the VA has not moved on the critical programs such as the creation of special needs grants for women, veterans especially, and the chronically mentally ill, the ones who real seriously ill and need that service, as well as the fragile elderly and the terminal ill. We must move on the creation of specialized treatment programs for these veterans that are in need. These critical programs have not yet been designed, and it is difficult and it is hard, but we need to continue to move.

In closing, let me just say that I want to thank my colleagues once again for raising this issue and mentioning the importance of zeroing in on the issue of suicide and the issue of the mentally ill. As a social worker personally with clinical experience and training, I am proud to echo the concerns of my colleagues and to urge this body to devote adequate resources and to implement programs which speak to the needs that are before us and of those that are forgotten, yet critical segment of our society, and that is the mentally ill and those who commit suicide.

And I want to add one additional thing. As we talk about suicide, I know the gentlewoman from California (Mrs. NAPOLITANO) has done significant work for the Latino young ladies, Latinas, who are prone to commit suicide, in the need to reach out to our young. We have forgotten Columbine. We have forgotten the fact that we still have young people throughout this country that need assistance, and when it comes to our young, we have not done what we should do, and that is to make sure we have the programs to reach out to them. Most of the time throughout this country, the only resources they have is after they get into the criminal justice system. And that is too late. We need to make sure we have programs that reach out to our young.

I want to congratulate the gentlewoman from California (Mrs. NAPOLITANO) for her legislation and her efforts in providing that assistance in the area of Latina suicide and health care.

One of the other areas that I would like to mention that sometimes goes unnoticed, and that is the issue of depression. As people suffer from depression, women and young, men, young people and the elderly, it is an issue that we do not see as a mental health issue, but it is an issue that hits us without us realizing it. Just like the work burnout. By the time one realizes it, they have gotten into trouble, and a lot of times people lose their jobs because they get burned out and do not have the energy. But people suffer from depression, and it is important for us to work on those areas.

And I just want to mention one other item because I think it is important. As we look at the issue of terrorism and as we look at the problems and the things that we have been confronted with, what has occurred here not only at the Pentagon but what has occurred in New York, those in individuals in New York, those individuals at the Pentagon, as well as others, we need to make sure we reach out to them because they have experienced what a lot of us have not, and in so doing, they are also going to be suffering from nightmares. They are also going to be suffering from coping with a situation that they themselves went through, and so they are going to be having what we might consider post-traumatic stress disorders of which they need to be able to deal with. So as a society and as a community in these United States, we need to put the resources in those areas. And once again I want to thank the gentlewoman from California (Mrs. NAPOLITANO) for having taken the time for us to be here tonight and I want to congratulate her in bringing up this issue that is usually left in the back burner.

Mr. Speaker, when we talk about health care a lot of times as an afterthought we talk about mental health, and that is unfortunate. We really need to put that on the front burner. We need to make sure we bring it forth and provide the resources. I thank the gentlewoman for having me here tonight.

Mrs. NAPOLITANO. I thank the gentleman from Texas (Mr. RODRIGUEZ). Mr. Speaker, I think he has made some very valid points, and I want to elaborate a little more on that, in that more than one third of our veterans need psychiatric care, most, as the gentleman has stressed, for the PTSD, posttraumatic stress disorder, and unfortunately the Veterans Administration's spending for mental health care has decreased since 1996 by a whopping 23 percent, almost a quarter. Veterans in need of mental health services often have to wait weeks, even months in some parts of country, for appointments, never mind having assistance by a psychologist, psychiatrist. One reason is because only 40 percent of the Veterans Administration clinics, Mr. Speaker, have mental health professionals.

□ 2115

Many veterans are forced to travel over an hour for care. Veterans who need weekly or biweekly follow-up appointments for therapy or medication regulation can only be seen every 6 weeks. The Veterans Administration desperately needs more psychiatric staff. Sadly, less than 9 percent of the Veterans Administration funds are available for residency training or designated for psychiatric residency in the year 2002.

Our heroes, our active duty soldiers, just recently on television there was a young soldier who when asked what he was thinking when he came home, he said, I wake up with dreams where I was in the tank seeing the Iraqis use women and children as shields. Somebody needs to help those young men and women who have witnessed the atrocities and do not have the ability to download or be able to have professional assistance to deal with this traumatic scene that they are going to live with for the rest of their lives.

Not only are they in immediate danger in combat service, they need our help to be able to function properly in our society. Many of them experience extreme flashbacks and nightmares of war situations, but they may not openly talk about them. I can tell you, Mr. Speaker, from experience, from my brother-in-law who was in World War II, he refused to talk about his experiences because they were so painful.

Soldiers must be screened for these mental health problems and given assistance before they progress to suicidal proportions. Families of soldiers who have served in war also need mental health services to cope with their loved ones' fears, their anxiety, and their issues.

Very sadly, unfortunately, lack of appropriate mental health services for soldiers has led not only to suicide, but to homicide. Last year, the four soldiers at Fort Bragg allegedly killed their wives or partners. Family members noticed the soldiers were experiencing rage and other mental wounds of service and needed mental health treatment. None was provided; none was available.

We talk about our homeless, our street people. As my colleague just mentioned, there are over 300,000 people without shelter on any given night. Approximately 25 percent of these homeless have serious mental illness, such as schizophrenia, bipolar disorder and PTSD. Unfortunately, many minorities, particularly African Americans, are overrepresented among the mentally ill homeless population.

Only a handful of the homeless shelters currently provide comprehensive mental health services; and yet without these services, we will never break the cycle of homelessness and help people get back on their feet and function in our society. We do not even have accurate figures on the number of homeless people who commit suicide; but given their likelihood of mental health illness, their desperate situation, this number is expected to be high.

Now I go on to our youngsters, Mr. Speaker. Suicide is the third leading cause of death among young people ages 10 to 24, followed by unintentional injuries and homicide. Our U.S. Surgeon General estimates that one in five children, one in five children, will experience a serious mental health problem during their school years. Can you imagine, one in five? That means three of my grandchildren, because I have fourteen. A sad statistic.

A variety of causes lead youth to serious mental health problems and suicide, including academic problems, peer pressure, fear of school violence, severe change in family situation, rape during college years, and the double stigma of the mental stress and the rape.

Children are considered by many psychologists to be the most resilient age group with regard to mental illness, meaning that, if given appropriate treatment, children are likely to fully recover, if they are given treatment. Children also need a good deal of preventative mental health care to ensure that they do not reach the critical suicide stage. They need help in adapting to dramatic life changes, such as moving from one city to another, switching schools, parental divorce or a loss of a family member, a loved one.

Latino adolescents are the most likely of any racial or ethnic group to attempt suicide in the United States. The Native American and Alaskan Native youth are the most likely of any racial or ethnic group to commit suicide.

I first learned of this problem in a 1990 report by a representative group of health care providers of Hispanic origin that brought to us here in Washington a report presented to the Congressional Hispanic Caucus. It stated that a shocking one in three Latino adolescents ages 9 to 11 had seriously considered suicide, and that 15 percent of those adolescents actually attempted suicide. That is horrible. That is unacceptable.

So we responded by spearheading and securing funding from Health and Human Services, SAMHSA, substance abuse, for a pilot program in my district to provide school-based mental health services through a nonprofit mental health care provider. This program has served over 300 students in three middle schools and one high school, many of whom have no health insurance and could not have received these services elsewhere. They were either unable to provide services to them or their provider would not cover them.

Children exposed to violence and poverty are at a heightened risk for mental illness and for suicide, as are students who have experienced, as I said, parental death or divorce. Children in schools need to be screened for mental illness and suicide risk factors so they can be given appropriate care. Schools should have trained personnel who can spot the first signs and prevent at-risk children from attempting suicide.

Seventy percent of school children and adolescents nationwide who need mental health services are not getting them. Untreated mental illness has led to violence in schools; and as we have seen in the newspaper, there continues to be almost on a daily basis an instance where something has happened in a school, there is violence, there is a suicide attempt or suicide has been committed.

In 1996 a Health and Human Service study found that almost 20 percent of students feared being violently attacked by their peers at school. Students have attacked their teachers and their administrators at a time that is crucial for children in middle schools and high schools that have tremendous pressures.

Then we look at the shortage of mental health services. Many schools do not have mental health professionals. In fact, I do not know of many that can even afford nurses, let alone mental health care providers. Nearly all people who commit suicide have a diagnosable mental illness or substance abuse problem, something that has been found in about 70 percent of the students that have been treated for mental health illness, or they have more than one.

Most people who need mental health services do not have access to them because of the stigma associated with mental health care, because of financial barriers, because of language barriers, or simply a lack of available services. This is a particular problem in minority communities, where individuals are less likely to have health insurance and more likely to have a language barrier to receive care. Only 32 percent of Hispanic female youth at risk for suicide during the year of 2000 received mental health treatment. That is only 32 percent.

The shortage of mental health professionals is a vital, vital necessity, especially amongst minorities. We are facing a severe shortage of mental health professionals, particularly in the areas in high populations of minorities, who can render services bilingually, in the native language, or a language that they can understand.

Research in other areas of health care indicates that minority health care workers are more likely to practice in areas with high minority populations; but unfortunately, we have shockingly few minority health care professionals. Only 1 percent of licensed psychologists are Hispanic, 1 percent. Moreover, there are only 29 mental health professionals for every 100,000 Hispanics in the United States. There are only 70 Asian American/Pacific Islander mental health providers for every 100,000 Asian American/Pacific Islanders in the United States. Further, half of the Asian American/Pacific Islanders who need mental health services report that they do not access them because of language barriers. Interesting.

But do not think that mental illness and suicide only plague minority communities or young people. Let us look at our elderly. Our Nation's seniors are at an enormously high risk of suicide. In fact, the highest suicide rate in the United States of any age group occurs among people ages 65 years and older. There is an average of one suicide among elderly every 90 minutes.

Seniors are at a high risk for depression. Fifteen out of every 100 people in the U.S. over 65 are depressed. Unfortunately, it goes unnoticed, because families and health care providers are focused only on their health, more often than not. But depression among seniors, when left untreated, can worsen conditions, lead to disability and, ultimately, result in suicide.

Now, Substance Abuse Mental Health Services estimates that 20 percent of the elderly over 65 years old who commit suicide visited a physician within 24 hours of their act; 41 percent visited within a week of their suicide; and 75 percent have been seen by a physician within 1 month of their suicide. Clearly, our physicians are not screening their elderly patients for depression or suicide risk, nor are they providing adequate treatment for mental illness. This has to change. It must change. It cannot continue.

Depression and suicide are not a normal part of aging; and they must not, they cannot be ignored. The most common causes of senior depression and suicide include terminal illness, physical pain, loss of a spouse, and/or social isolation.

Then we go into Medicare. Unfortunately, current Medicare rules make it very difficult for seniors to access mental health services. Currently, Medicare requires beneficiaries to pay 50 percent copay for mental health services, compared to 20 percent copay for other health services. We must make mental health equal to health care delivery.

Further, Medicare imposes a lifetime limit of in-patient care in psychiatric hospitals of 190 days, a lifetime limit, 190 days. Later this year, hopefully Congress will debate this Medicare modernization; and when we do, we must make it clear that we must address these insufficient mental health provisions, and we must ensure that Medicare provides access to mental health services that our seniors desperately need.

Medicare is not the only Federal program falling short on mental health services. While men are more likely to commit suicide, women attempt suicide twice as often as men, often using less lethal means such as pills or slicing their wrists. Suicide is more common among single, divorced, or widowed women than among married women.

The two most common mental illnesses among women who attempt suicide are postpartum depression and bipolar disorder. Suicide rates for women peak between the ages of 45 and 54, often due, guess what, to hormonal changes during menopause that affect their mental health. Unfortunately, gynecologists and obstetricians do not screen enough patients for postpartum depression or mental health illnesses related to menopause.

Then we look at our college students. They are at a heightened risk for mental illness and suicide because they are away from home for the first time, away from traditional support systems, and face intensive peer pressure and academic pressure, and, as has happened in many of our colleges, unfortunately and sadly, rape on our campuses.

□ 2130

This brings shame, shock, and denial and causes them to take the ultimate step of suicide. It is the second leading cause of death among college students. The rate among these students has tripled since 1970.

Well, Mr. Speaker, we are coming to the end of the hour and I want to make sure that we stress that we need to make mental health a higher national priority, to expand access to health care, mental health care for all Americans. I thank the gentleman from Pennsylvania (Mr. MURPHY). He has consented to be a cochair in our bipartisan Mental Health Caucus which now numbers over 17 Members from both sides. We invite more Members to join and work with us and bring this up into the light and be able to talk about it, discuss it, and do something about it.

Mr. Speaker, this is a large and daunting issue. The mentally ill need all the support and supporters they can get. We must eradicate the stigma and work openly and honestly to help those many that need our help.

I want to thank all of the Members who are working with us to improve mental health issues in our Nation. I want to thank my distinguished colleague and cochair, once again, the gentleman from Pennsylvania (Mr. MURPHY), and I would then say to my colleagues that I am very pleased that even at this late hour, I have an opportunity to bring before my colleagues one of the things that has bothered a lot of us for a long time.

Ms. BORDALLO. Mr. Speaker, I am pleased to join my colleagues this evening on this most important issue and I thank my colleague, Mrs. NAPOLITANO, for bringing attention to National Suicide Awareness Week. This is a very personal issue for me as I have experienced first hand the impact of suicide on family and friends.

Tonight I want to bring special attention to the issue of suicide in youth and young adults.

In the year 2000, persons under age 25 accounted for 15 percent of all suicides. In 1999, more teenagers and young adults died from suicide than from cancer, heart disease, AIDS, birth defects, stroke, and chronic lung disease combined.

Nationally, suicide is the 9th leading cause of death. Among 10–24 year-olds, suicide ranks 3rd and in Guam, where the suicide rate is six times higher than the national average, it ranks 2nd as the leading cause of death in youth and young adults.

Mr. Speaker, we cannot stand by and allow this tragedy to continue. We must focus our efforts on what causes the youth in our communities to choose to end their lives.

The report of the Surgeon General's Conference on Children's Mental Health: Developing a National Action Agenda indicates that children with mental health needs are usually identified by the schools only after their emotional or behavioral problems cannot be managed by their regular classroom teacher.

We must educate and train parents, teachers and others who work with our children to recognize the warning signs of suicidal young adults.

We must provide funding for the programs and services that will treat our children and provide guidance and support to their family and friends, including expanding Medicaid eligibility to allow lower income and poor families to access programs and services.

We must also recognize the racial, cultural and ethnic influence on behaviors and its effect on properly identifying at-risk youth and address its impact on intervention and access to the programs and services.

Most importantly, we must help our children understand that suicide is never the answer to their problems.

Ms. WATSON. Mr. Speaker, there are approximately 30,000 suicide deaths every year in the U.S. Suicide is the 11th leading cause of death nationwide, and is the 3rd leading cause of death among people ages 10–24, following unintentional injuries and homicide.

Statistics of completed suicide only tell part of the story. National Institute of Mental Health (NIMH) estimates that research indicates that there are an estimated 8–25 attempted suicides to one completion; the ratio is higher in women and youth. Adolescent males are 4 times more likely to actually commit suicide than females. Adolescent females are twice as likely as adolescent males to attempt suicide.

Since peaking in the early 1990's, overall adolescent suicide rates have dropped. However, most of this is attributed to a drop in male adolescent suicide. Rates for females have remained constant. Fifty-three percent of young people who commit suicide abuse substances.

Most people who commit suicide have a diagnosable mental illness, but are not receiving treatment.

Children who are exposed to violence, experience a loss in the family, experience parental divorce, or have academic problems are at a heightened risk for mental health problems and suicide.

The U.S. Surgeon General estimates that 1 in 5 children will experience a serious mental health problem during their school years. Seventy percent of these children will not receive mental health services, putting them at an even higher risk of suicide.

Native American/Alaskan Native youth are more than twice as likely to commit suicide as any other adolescent racial group to commit suicide, with approximately 20 deaths per 100,000 Native Americans/Alaskan Natives ages 15–19.

Hispanic adolescents are most likely to exhibit non-lethal suicide behavior. A 1999 report found that a shocking 1 in 3 Latina adolescents seriously considered suicide. Fifteen percent of Hispanic high school-age females actually attempt suicide each year.

People who are homeless, incarcerated, in the foster care system, or exposed to serious violence are all at a higher risk for mental illness and suicide. African-Americans and Hispanics are overrepresented in these groups.

Minorities are less likely to access mental health care, due to lack of insurance and other financial barriers and cultural stigma. For instance, only one third of African-Americans in need of mental health services actually receive them.

.Among Hispanic Americans with a mental disorder, fewer than 1 in 11 contact mental health specialists, while fewer than 1 in 5 contact general health care providers. Among Hispanic immigrants with mental disorders, fewer than 1 in 20 use services from mental health specialists, while fewer than 1 in 10 use services from general health care providers.

Of Asian-Americans who report needing mental health services, half of them do not receive them because they cannot find a provider who speaks their language.

There is a serious lack of mental healthcare providers, and an even greater lack of minority providers, who are more likely to practice in communities with high minority populations.

We must invest more in our mental healthcare system in order to prevent suicide. We need more psychiatrists and psychologists. We need to screen all of our children for mental health problems and suicide risk factors. And when our children exhibit symptoms of mental illness—such as withdrawal from family and friends, academic trouble, sadness or behavioral problems—we must make sure they get the appropriate treatment immediately.

Mrs. NAPOLITANO. Mr. Speaker, I yield back the balance of my time.

RECESS

The SPEAKER pro tempore (Mr. HENSARLING). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 32 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2201

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 10 o'clock and 1 minute p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2, JOBS AND GROWTH RECONCILIATION TAX ACT OF 2003

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–95) on the resolution (H. Res. 227) providing for consideration of the bill (H.R. 2) to amend the Internal Revenue Code of 1986 to provide additional tax incentives to encourage economic growth, which was referred to the House Calendar and ordered to be printed.

OMISSION FROM THE CONGRESSIONAL RECORD OF THURSDAY MAY 1, 2003, AT PAGE H3632

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 162—An Act to provide for the use and distribution of certain funds awarded to the Gila River Prima-Maricopa Indian community, and for other purposes.

CORRECTION TO THE CONGRESSIONAL RECORD OF TUESDAY, MAY 6, 2003, AT PAGE H3658

APPOINTMENT AS MEMBERS TO UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

The SPEAKER pro tempore. Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for fiscal year 2001 (22 U.S.C. 7002), amended by Division P of the Consolidated Appropriations Resolution, 2003 (P.L. 108–7), and the order of the House of January 8, 2003, the Chair announces the Speaker's reappointment of the following members on the part of the House to the United States-China Economic and Security Review Commission:

Ms. June Teufel Dreyer, Coral Gables, Florida, for a term to expire December 31, 2003;

Mr. Larry Wortzel, Alexandria, Virginia, for a term to expire December 31, 2004;

Mr. Stephen D. Bryen, Silver Spring, Maryland, for a term to expire December 31, 2005.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DINGELL (at the request of Ms. PELOSI) for today on account of medical reasons.

Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for May 7 after 3:00 p.m. on account of official business in the district.

Mr. FEENEY (at the request of Mr. DELAY) for today and the balance of the week on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Mr. CASE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Ms. LINDA T. SÁNCHEZ of California, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. HENSARLING) to revise and extend their remarks and include extraneous material:)

Ms. PRYCE of Ohio, for 5 minutes, today.

Ms. HARRIS, for 5 minutes, today.

Mrs. BLACKBURN, for 5 minutes, today.

Mr. THOMAS, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found a truly enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 289. An act to expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge.

ADJOURNMENT

Mr. REYNOLDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, May 9, 2003, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2089. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Tobacco Payment Program (RIN: 0560-AG96) received May 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2090. A letter from the Directors, FinCEN, Department of the Treasury, transmitting the Department's final rule — Customer Identification Prorams for Banks, Savings Associations, Credit Unions and Certain Non-Federally Regulated Banks (RIN: 1506-AA31) received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2091. A letter from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting the Department's final rule — Tenant Participation in State-Financed, HUD-Assisted Housing Developments [Docket No. FR-4611-F-02] (RIN: 2502-AH55) received May 2, 2003; to the Committee on Financial Services.

2092. A letter from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting the Commission's final rule — Customer Identification Programs for Mutual Funds [Release No. IC-26031; File No. S7-26-02] (RIN: 1506-AA33) received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2093. A letter from the Directors, FinCEN, Securities and Exchange Commission, transmitting the Commission's final rule — Customer Identification Programs for Broker-Dealers [Release No. 34-47752, File No. S7-25-02] (RIN: 1506-AA32) received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2094. A letter from the Directors, FinCEN, Securities and Exchange Commission, transmitting the Commission's final rule — Customer Identification Programs for Mutual Funds [Release No. IC-26031; File No. S7-26-02] (RIN: 1506-AA33) received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2095. A letter from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Office of Special Education and Rehabilitative Services; National Institute on Disability and Rehabilitation Research -Rehabilitation Engineering Research Centers

(RERCs) Program: Notice Inviting Applications for Fiscal Year (FY) 2003 [CFDANo.: 84.133E] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2096. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received May 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2097. A letter from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting the Commission's final rule — Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule") received April 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2098. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's annual report on entitled, "Patterns of Global Terrorism: 2002," pursuant to 22 U.S.C. 2656f; to the Committee on International Relations.

2099. A letter from the Assistant Secretary, International Security Policy, Department of Defense, transmitting the Department's FY 2004 Cooperative Threat Reduction Annual Report; to the Committee on International Relations.

2100. A letter from the Deputy Chief of Mission, Embassy of the Russian Federation, transmitting the Statement of the State Duma on the situation around the Republic of Iraq of January 22, 2003; to the Committee on International Relations.

2101. A letter from the Director, Workforce Compensation and Performance Service, Office of Personnel Management, transmitting the Office's final rule — Locality Pay Areas (RIN: 3206-AJ62) received April 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2102. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 021212307-3037-02; I.D. 041503A] received April 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2103. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Scup Fishery; Gear Restricted Area (GRA) Exemption Program [Docket No. 021122284-3056-03; I.D. 110602A] (RIN: 0648-AQ30) received May 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2104. A letter from the Director, Regulations and Forms Services Division, Department of Homeland Security, transmitting the Department's final rule — Electronic Signature on Applications and Petitions for Immigration and Naturalization [CIS No. 2224-02] (RIN: 1615-AA83) received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2105. A letter from the Chief Legal Counselor, Department of Homeland Security, transmitting the Department's final rule — Electronic Signature on Applications and Petitions for Immigration and Naturalization Benefits [CIS No. 2224-02] (RIN: 1615-AA83) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2106. A letter from the Rules Administrator, Office of General Counsel, Department of Justice, transmitting the Department's final rule — Bureau of Prisons Emergencies [BOP-1117-I] (RIN: 1120-AB17) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2107. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — VISAS: Documentation of Nonimmigrants under the Immigration and Nationality Act, as amended: Student and Exchange Visitor Information System (SEVIS) — received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2108. A letter from the General Counsel, National Science Foundation, transmitting the Foundation's final rule — Antarctic Meteorites (RIN: 3145-AA40) received April 3,2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2109. A letter from the Acting Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Tour Operators (RIN: 3245-AE98) received May 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

2110. A letter from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting the Administration's final rule — Small Business Size Regulations; Petroleum Refiners (RIN: 3245-AE84) received may 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

2111. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Reasonable Charges for Medical Care or Services; 2003 Update (RIN: 2900-AL57) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2112. A letter from the Director, Regulations Management, Departyment of Veterans Affairs, transmitting the Department's final rule — Eligibility for Burial of Adult Children; Eligibility for Burial of Minor Children; Eligibility for Burial of Certain Filipino Veterans (RIN: 2900-AI95) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2113. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax Return Preparers-Electronic Filing [TD 9053] (RIN: 1545-BC12) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2114. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Definitions (Rev. Rul. 2003-46) received May 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2115. A letter from the Under Secretary, Department of Defense, transmitting the Defense Environmental Restoration Program report for FY 2002, pursuant to 10 U.S.C. 2706(a)(1); jointly to the Committees on Armed Services and Energy and Commerce.

2116. A letter from the Secretary, Federal Trade Commission, transmitting the Second Annual report pursuant to the College Scholarship Fraud Prevention Act of 2000; jointly to the Committees on Education and the Workforce and the Judiciary.

2117. A letter from the Administrator, Agency for International Development, transmitting a report required by Section 653(a) of the Foreign Assistance Act of 1961; jointly to the Committees on International Relations and Appropriations.

2118. A letter from the Attorney General, Department of Justice, transmitting a report required by the Foreign Intelligence Surveillance Act of 1978, pursuant to 50 U.S.C. 1807; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

2119. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's enclosed bill to amend the Railroad Retirement Act to solve several technical problems that have arisen in connection with the establishment of and actions by the National Railroad Retirement Investment Trust; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

2120. A letter from the General Counsel, Department of Defense, transmitting the Department's legislative initiatives as part of the National Defense Authorization Act for FY 2004; jointly to the Committees on Government Reform, the Judiciary, and Armed Services.

2121. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's proposed legislation to authorize appropriations to carry our its authorities and responsibilities in the conduct of foreign affairs for fiscal years 2004 and 2005; jointly to the Committees on International Relations, Government Reform, the Judiciary, and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NEY: Committee on House Administration. House Resolution 110. Resolution providing amounts for the expenses of the Committee on Homeland Security in the One Hundred Eighth Congress; with amendments (Rept. 108-93. Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. House Resolution 2. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives to encourage economic growth; with amendments (Rept. 108-94). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 227. Resolution providing for consideration of the bill (H.R. 2) to amend the Internal Revenue Code of 1986 to provide additional tax incentives to encourage economic growth (Rept. 108-95). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. AKIN (for himself, Mr. DELAY, Mr. BLUNT, Mr. CANTOR, Ms. PRYCE of Ohio, Mr. ADERHOLT, Mr. BACHUS, Mr.

BAKER, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BASS, Mrs. BLACKBURN, Mr. BEAUPREZ, Mr. BEREUTER, Mr. BISHOP of Utah, Mr. BOEHNER, Mr. BONILLA, Mrs. BONO, Mr. BONNER, Mr. BOOZMAN, Ms. BORDALLO, Mr. BRADY of Texas, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. BURNS, Mr. BURR, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMP, Mr. CHOCOLA, Mr. COLE, Mr. COLLINS, Mr. CRANE, Mr. CULBERSON, Mr. CUNNINGHAM, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Tennessee, Mr. TOM DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DEMINT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DOOLITTLE, Mr. DUNCAN, Ms. DUNN, Mrs. EMERSON, Mr. FEENEY, Mr. FLAKE, Mr. FOLEY, Mr. FORBES, Mr. FOSSELLA, Mr. FRANKS of Arizona, Mr. FRELINGHUYSEN, Mr. GALLEGLY, Mr. GARRETT of New Jersey, Mr. GIBBONS, Mr. GILLMOR, Mr. GINGREY, Mr. GOODE, Mr. GOODLATTE, Mr. GRAVES, Mr. GREEN of Texas, Mr. GUTKNECHT, Ms. HARRIS, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HOBSON, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. HOUGHTON, Mr. HULSHOF, Mr. HUNTER, Mr. ISSA, Mr. ISTOOK, Mr. JANKLOW, Mr. JENKINS, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KELLER, Mr. KENNEDY of Minnesota, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE, Mr. LAHOOD, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Mr. LUCAS of Oklahoma, Mr. MANZULLO, Mr. MCCRERY, Mr. MCHUGH, Mr. MCINNIS, Mr. MICA, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEY, Mrs. NORTHUP, Mr. NUNES, Mr. OSBORNE, Mr. OSE, Mr. OTTER, Mr. PEARCE, Mr. PENCE, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. PORTER, Mr. PLATTS, Mr. POMBO, Mr. PUTNAM, Mr. REGULA, Mr. REHBERG, Mr. RENZI, Mr. REYNOLDS, Mr. ROGERS of Kentucky, Mr. ROGERS of Michigan, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. RYAN of Wisconsin, Mr. RYUN of Kansas, Mr. SAXTON, Mr. SCHROCK, Mr. SESSIONS, Mr. SHADEGG, Mr. SHERWOOD, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMPSON, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SMITH of Michigan, Mr. SOUDER, Mr. STEARNS, Mr. SULLIVAN, Mr. TANCREDO, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. TERRY, Mr. TIAHRT, Mr. TIBERI, Mr. TOOMEY, Mr. WALSH, Mr. WAMP, Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Mr. WELLER, Mr. WHITFIELD, Mr. WILSON of South Carolina, Mr. WOLF, Mr. YOUNG of Florida, and Mr. YOUNG of Alaska):

H.R. 2028. A bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance; to the Committee on the Judiciary.

By Mr. CAMP (for himself and Mr. BLUNT):

H.R. 2029. A bill to amend the Internal Revenue Code of 1986 to provide that long-term vehicle storage by tax-exempt organizations which conduct county and similar fairs shall not be treated as an unrelated trade or business; to the Committee on Ways and Means.

By Mr. CASE (for himself, Mr. ABERCROMBIE, Ms. PELOSI, Mrs. JONES of Ohio, Mr. GEORGE MILLER of California, Ms. LEE, Mr. HONDA, Mrs. NAPOLITANO, Mr. MCDERMOTT, Ms. WATSON, Mr. MORAN of Virginia, Mr. SERRANO, Mr. TIERNEY, Ms. JACKSON-LEE of Texas, Mr. THOMPSON of California, Mr. MATSUI, Mr. GREEN of Texas, Ms. WOOLSEY, Mr. FRANK of Massachusetts, Mr. FROST, Mr. RODRIGUEZ, Ms. LOFGREN, Mr. GRIJALVA, Mr. ANDREWS, Mr. OWENS, Mr. KILDEE, Mr. PAYNE, Mr. SHAYS, Mr. SNYDER, Mr. STARK, Mr. HINOJOSA, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. WU, Ms. DELAURO, Mr. BECERRA, Mr. REYES, Mr. HASTINGS of Florida, Mr. MARKEY, Mr. THOMPSON of Mississippi, Mr. SANDERS, Mr. GUTIERREZ, Mr. KUCINICH, Mr. SCOTT of Virginia, Mrs. MCCARTHY of New York, Mr. HINCHEY, Mr. SKELTON, Ms. MILLENDER-MCDONALD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Ms. CORRINE BROWN of Florida, Ms. SLAUGHTER, Mr. DAVIS of Illinois, Mr. HOEFFEL, Ms. BERKLEY, Mr. TOWNS, Ms. BALDWIN, Mr. FALEOMAVAEGA, Mr. BALLENGER, Mr. EVANS, Ms. CARSON of Indiana, Mr. WATT, Mr. RYAN of Ohio, Mr. WEINER, Mr. MCKEON, Mr. MCNULTY, Mr. NADLER, Mr. WYNN, Mr. CROWLEY, Mr. BRADY of Pennsylvania, Mr. ORTIZ, Mr. SANDLIN, Ms. SOLIS, Mrs. LOWEY, Mrs. MALONEY, Mr. BACA, Ms. MCCOLLUM, Ms. WATERS, Ms. SCHAKOWSKY, Mr. FARR, Mr. UDALL of New Mexico, Mr. OBEY, Mr. ETHERIDGE, Mr. OSBORNE, Ms. BORDALLO, Mr. MCGOVERN, Ms. KILPATRICK, Mr. BERMAN, and Mr. CARDIN):

H.R. 2030. A bill to designate the facility of the United States Postal Service located at 120 Baldwin Avenue in Paia, Maui, Hawaii, as the "Patsy Takemoto Mink Post Office Building"; to the Committee on Government Reform.

By Mr. COLE:

H.R. 2031. A bill to amend the Internal Revenue Code of 1986 to restore and make permanent the exclusion from gross income for amounts received under qualified group legal services plans and to increase the maximum amount of the exclusion; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois (for himself, Mr. SHIMKUS, Mr. DOGGETT, Mr. UDALL of Colorado, Mr. MOORE, Mr. MCNULTY, Mr. ENGEL, Mr. RYUN of Kansas, Mr. HINOJOSA, Mr. MCHUGH, Mr. HOLDEN, Ms. LEE, Mr. DOYLE, Mr. HOYER, Ms. SCHAKOWSKY, Mr. TOWNS, Mr. HINCHEY, Mr. SERRANO, Mr. PAYNE, Mr. GRIJALVA, Mr. KILDEE, Mr. BRADY of Pennsylvania, Mr. PALLONE, and Mrs. CHRISTENSEN):

H.R. 2032. A bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes; to the Committee on Energy and Commerce.

By Ms. DUNN (for herself, Mr. MCDERMOTT, and Mr. RUSH):

H.R. 2033. A bill to amend title XVIII of the Social Security Act to increase the minimum percentage increase under the MedicareChoice program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER (for himself and Mr. TANNER):

H.R. 2034. A bill to amend the Internal Revenue Code of 1986 to provide that an employer shall be liable for Social Security taxes on unreported tips paid to an employee only after the Internal Revenue Service establishes the amount of tips received by that employee; to the Committee on Ways and Means.

By Ms. HOOLEY of Oregon (for herself, Mr. LATOURETTE, Mr. FRANK of Massachusetts, Ms. WOOLSEY, Mr. BROWN of Ohio, Ms. NORTON, Mr. KENNEDY of Rhode Island, Mr. LARSON of Connecticut, Mr. BAIRD, Mr. FROST, Ms. LOFGREN, Ms. SLAUGHTER, Mr. KANJORSKI, Ms. CARSON of Indiana, Mr. SHERMAN, Ms. SCHAKOWSKY, Mr. WEXLER, Mr. PLATTS, Mr. GILLMOR, Mr. BAKER, Mr. GUTIERREZ, Mr. CLAY, Ms. BERKLEY, Mrs. LOWEY, Mrs. MALONEY, Mr. UDALL of Colorado, Mr. KIND, Ms. LEE, Mr. MOORE, Mr. CAPUANO, Mr. LYNCH, Mr. HASTINGS of Florida, Mr. JONES of North Carolina, Mr. HINCHEY, Mr. EMANUEL, Mr. HOLDEN, Mr. KILDEE, Ms. WATSON, Mr. ACKERMAN, Ms. MILLENDER-MCDONALD, Ms. WATERS, Mr. SOUDER, Mr. TIBERI, and Mr. GONZALEZ):

H.R. 2035. A bill to prevent identity theft, and for other purposes; to the Committee on Financial Services.

By Mr. ISAKSON:

H.R. 2036. A bill to amend the Internal Revenue Code of 1986 to provide economic incentives for the preservation of open space and conservation of natural resources, and for other purposes; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself, Mr. LEACH, Ms. NORTON, Mr. OBERSTAR, Ms. JACKSON-LEE of Texas, Mr. DELAHUNT, Mr. JACKSON of Illinois, Mr. GEORGE MILLER of California, Mr. FRANK of Massachusetts, Mr. TOWNS, Mr. HINCHEY, Mr. PAYNE, Mr. BROWN of Ohio, Ms. BALDWIN, Mr. OWENS, Mr. PAUL, Mr. RUSH, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE, Mr. DEFAZIO, Ms. WOOLSEY, Mr. FARR, Ms. HOOLEY of Oregon, Mr. HOEFFEL, Mr. SANDERS, Ms. CARSON of Indiana, Mr. MCGOVERN, Ms. ESHOO, and Mr. CLAY):

H.R. 2037. A bill to affirm the religious freedom of taxpayers who are conscientiously opposed to participation in war, to provide that the income, estate, or gift tax payments of such taxpayers be used for nonmilitary purposes, to create the Religious Freedom Peace Tax Fund to receive such tax payments, to improve revenue collection, and for other purposes; to the Committee on Ways and Means.

By Mrs. MCCARTHY of New York (for herself, Mr. SHAYS, Mr. CONYERS, Mr. SMITH of New Jersey, Mr. NADLER, Ms. LOFGREN, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. MEEHAN, Mr. DELAHUNT, Mr. WEXLER, Mr. WEINER, Ms. LINDA T. SÁNCHEZ of California, Mr. EMANUEL, Mr. CASE, Mrs. MALONEY, Ms. CORRINE BROWN of Florida, Mr. KENNEDY of Rhode Island, Mr. RANGEL, Ms. WOOLSEY, Mr.

Ackerman, Ms. Schakowsky, Mr. Honda, Mr. Stark, Ms. Solis, Ms. Lee, Mr. Van Hollen, Mr. Waxman, Mr. Towns, Ms. Roybal-Allard, Mr. Grijalva, Ms. Carson of Indiana, Ms. Norton, Mr. Lipinski, Mr. Rush, Ms. Watson, Mr. Davis of Illinois, Mr. Lewis of Georgia, Mr. Jackson of Illinois, Mr. Gutierrez, Mr. Owens, Mr. Blumenauer, Mr. Cummings, Ms. Eddie Bernice Johnson of Texas, Mr. Farr, Ms. Loretta Sanchez of California, Mr. Moran of Virginia, Mr. Markey, Mr. Andrews, Mr. Holt, Mr. Payne, Mr. McGovern, Mr. Pascrell, Mr. Frank of Massachusetts, Mrs. Tauscher, Ms. DeLauro, Mr. Engel, Mr. Capuano, Mr. Hoeffel, Mrs. Lowey, Mr. Menendez, Ms. Velázquez, Mr. Tierney, Mr. Brady of Pennsylvania, Mr. Rothman, Mr. Fattah, Ms. Harman, Mr. Bishop of New York, and Mr. Langevin):

H.R. 2038. A bill to reauthorize the assault weapons ban, and for other purposes; to the Committee on the Judiciary.

By Mr. McCRERY:

H.R. 2039. A bill to amend section 376 of title 28, United States Code, to allow a period of open enrollment for certain individuals who are elevated to the position of chief judge of a district; to the Committee on the Judiciary.

By Mr. OSBORNE:

H.R. 2040. A bill to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska; to the Committee on Resources.

By Mr. PALLONE:

H.R. 2041. A bill to provide for grants to States for enacting statewide laws regulating public playgrounds consistent with playground safety guidelines established by the Consumer Product Safety Commission; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself, Mr. Boehlert, Ms. Schakowsky, Mr. McHugh, Ms. Velázquez, Mr. Gilchrest, Mr. Doggett, Mrs. Johnson of Connecticut, Mr. Grijalva, Mrs. Kelly, Mr. Allen, Mr. LoBiondo, Mr. Pallone, Mr. Saxton, Mr. Bishop of New York, Mr. Shays, Mr. Davis of Florida, and Mr. Walsh):

H.R. 2042. A bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BUYER (for himself and Ms. Hooley of Oregon):

H. Con. Res. 168. Concurrent resolution commending the Expedition-Six crew of the International Space Station, Commander Ken Bowersox, Flight Engineer Nikolai Budarin, and NASA ISS Science Officer Don Pettit, for their contributions in furthering scientific discovery for the world, and welcoming them back home to Earth; to the Committee on Science, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Mr. Hyde, Mr. Langevin, and Mr. Ramstad):

H. Con. Res. 169. Concurrent resolution expressing the sense of Congress that the United States Government should support the human rights and dignity of all persons with disabilities by pledging support for the drafting and working toward the adoption of a thematic convention on the human rights and dignity of persons with disabilities by the United Nations General Assembly to augment the existing United Nations human rights system, and for other purposes; to the Committee on International Relations.

By Mr. OSE:

H. Con. Res. 170. Concurrent resolution supporting the goals and ideals of "National Community Residential Care Month"; to the Committee on Government Reform.

By Mr. RAHALL (for himself and Mr. Rohrabacher):

H. Con. Res. 171. Concurrent resolution expressing the thanks of Congress to the people of Qatar for their cooperation in supporting United States Armed Forces and the armed forces of coalition countries during the recent military action in Iraq and welcoming His Highness Sheikh Hamad bin Khalifah Al-Thani, Emir of the State of Qatar, to the United States; to the Committee on International Relations.

By Mr. HASTERT (for himself, Mr. Blunt, Ms. Pryce of Ohio, Mr. Reynolds, Mr. Weller, Mr. Kingston, Mr. Radanovich, Mr. Pombo, and Mr. Porter):

H. Res. 224. A resolution expressing the sense of the House of Representatives that Congress should provide adequate funding to protect the integrity of the Frederick Douglass National Historic Site; to the Committee on Resources.

By Mr. ISRAEL:

H. Res. 225. A resolution providing for consideration of the bill (H.R. 1652) to provide extended unemployment benefits to displaced workers, and to make other improvements in the unemployment insurance system; to the Committee on Rules.

By Mr. KUCINICH:

H. Res. 226. A resolution recognizing the 140th anniversary of the founding of the Brotherhood of Locomotive Engineers, and congratulating the members and officers of the Brotherhood of Locomotive Engineers for the union's many achievements; to the Committee on Transportation and Infrastructure.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

27. The SPEAKER presented a memorial of the Legislature of the State of North Dakota, relative to Senate Concurrent Resolution No. 4040 memorializing the United States Congress that the 58th Legislative Assembly supports and honors the personnel of the Armed Forces of the United States; to the Committee on Armed Services.

28. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 752 memorializing the United States Congress to continue the funding for career and technical education in public secondary and postsecondary schools when authorizing the Perkins Vocational and Applied Technology Act in 2003; to the Committee on Education and the Workforce.

29. Also, a memorial of the General Assembly of the State of Iowa, relative to Senate Resolution No. 22 memorializing the United States Congress to urge the federal government to continue to fund the Best Buddies Iowa program; to the Committee on Education and the Workforce.

30. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 9 memorializing the United States Congress that we call for the creation of a Great Lakes Caucus; to the Committee on International Relations.

31. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 10 memorializing the United States Congress to encourage the International Joint Commission to maintain its participation in developing feasible and defensible strategies and policies that protect the Great Lakes water from out-of-basin diversions and to continue to support the Annex 2001 process in a deeply considered and scientifically informed manner; to the Committee on International Relations.

32. Also, a memorial of the Senate of the State of Kansas, relative to Senate Resolution No. 1827 memorializing the United States Congress to seek a constitutional amendment to protect the pledge of allegiance and our national motto; to the Committee on the Judiciary.

33. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 424 memorializing the United States Congress to adopt legislation in support of funding for nitrogen reduction technology in the 108th Congress; to the Committee on Transportation and Infrastructure.

34. Also, a memorial of the House of Representatives of the State of Delaware, relative to House Concurrent Resolution No. 12 memorializing the United States Congress that the Bush Administration be encouraged to support a free trade agreement between the United States and Taiwan; to the Committee on Ways and Means.

35. Also, a memorial of the General Assembly of the State of Iowa, relative to House Concurrent Resolution No. 19 memorializing the United States Congress and the President to eliminate trade barriers with Taiwan by negotiating and adopting a free trade agreement between the United States and Taiwan; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. Wicker.

H.R. 33: Mr. Davis of Tennessee.

H.R. 54: Mr. Blunt, Mr. English, Mr. Rogers of Michigan, Mr. Weller, Mr. McHugh, and Mr. Herger.

H.R. 125: Mr. Dingell.

H.R. 135: Mr. Gerlach.

H.R. 176: Mr. Norwood and Mr. Weldon of Florida.

H.R. 276: Mr. Wicker.

H.R. 290: Mr. Price of North Carolina.

H.R. 375: Mr. Alexander and Mr. Bonner.

H.R. 459: Mr. Toomey.

H.R. 467: Ms. Schakowsky, Mr. Rothman, and Mr. Kucinich.

H.R. 468: Ms. Schakowsky and Mr. Kucinich.

H.R. 469: Ms. Eddie Bernice Johnson of Texas.

H.R. 470: Ms. Lofgren and Ms. DeLauro.

H.R. 471: Ms. Lofgren and Ms. DeLauro.

H.R. 472: Ms. Lofgren, Ms. DeLauro, and Mr. Abercrombie.

H.R. 473: Ms. Lofgren and Mr. George Miller of California.

H.R. 474: Ms. Lofgren and Ms. DeLauro.

H.R. 492: Mr. Petri.

H.R. 569: Ms. Eshoo.

H.R. 720: Mr. Tauzin.

H.R. 727: Mr. Markey.

H.R. 737: Mr. Wu.

H.R. 754: Mr. McHugh and Mr. Pickering.

H.R. 765: Mr. Wicker.

H.R. 781: Mr. Gonzalez and Mr. Bradley of New Hampshire.

H.R. 785: Mr. Terry, Mr. Simpson, Mr. Bilirakis, Mr. Tierney, Mrs. Capps, Mr. Chabot, Mr. Boucher, and Mr. Nadler.

H.R. 786: Mr. Mario Diaz-Balart of Florida and Mr. Faleomavaega.

H.R. 816: Mr. Hoeffel.

H.R. 817: Mr. Cummings and Mr. English.

H.R. 833: Mr. Cantor.

H.R. 876: Mr. Michaud, Mr. Platts Mr. Holt, Mr. Sullivan, and Mr. Cole.

H.R. 880: Mr. Honda and Mr. Frank of Massachusetts.

H.R. 898: Mr. Hoyer, Mr. Tancredo, Mr. Peterson of Pennsylvania, Mr. Van Hollen, Mrs. Lowey, Mr. Wynn, Mr. Ruppersberger, Mr. Taylor of Mississippi, Mr. Fattah, and Mr. Hinchey.

H.R. 920: Mr. Matsui and Mr. Hastings of Florida.

H.R. 934: Mr. Hastings of Florida.

H.R. 935: Mr. Payne, Mr. Case, and Ms. McCollum.

H.R. 936: Ms. Slaughter.

H.R. 941: Mr. Markey.

H.R. 953: Mr. Ferguson.

H.R. 954: Ms. Carson of Indiana.

H.R. 965: Mr. Gutierrez and Mrs. Maloney.

H.R. 980: Mr. Weller.

H.R. 998: Mr. Frost.

H.R. 1003: Mr. Conyers, Ms. Lee, and Mr. Kucinich.

H.R. 1094: Mr. Emanuel, Mr. Stupak, Mr. Udall of Colorado, Mr. Davis of Alabama, Mr. Boswell, Mr. Berman, Mrs. Lowey, and Mr. Davis of Tennessee.

H.R. 1105: Mr. Price of North Carolina.

H.R. 1114: Mr. Leach.

H.R. 1119: Mr. Doolittle.

H.R. 1125: Mr. Gibbons, Mr. Lewis of Kentucky, and Mr. Emanuel.

H.R. 1146: Mr. Lucas of Oklahoma and Mr. Ney.

H.R. 1157: Mr. Thompson of California, Mr. Ryan of Ohio, Mr. Baird, and Ms. Linda T. Sánchez of California.

H.R. 1227: Mr. Oxley.

H.R. 1236: Mr. Rogers of Michigan and Mr. Simpson.

H.R. 1266: Mr. Boswell.

H.R. 1275: Mr. Rangel.

H.R. 1288: Mr. Quinn, Mr. Johnson of Illinois, Mr. Miller of North Carolina, Ms. Velázquez, Mr. Filner, Mr. Bass, Mr. Baca, Mr. McHugh, Mr. Waxman, and Mr. Rodriguez.

H.R. 1306: Mr. Wynn.

H.R. 1316: Mr. Goode and Mr. Lynch.

H.R. 1317: Mr. Berry.

H.R. 1321: Mr. Ryan of Ohio and Mr. Cummings.

H.R. 1329: Mr. Ehlers.

H.R. 1336: Mr. Pence and Mr. Levin.

H.R. 1348: Ms. Loretta Sanchez of California.

H.R. 1375: Mr. Cantor.

H.R. 1385: Mr. Faleomavaega, Ms. Ginny Brown-Waite of Florida, Mr. Marshall, Mr. Ney, Mr. McNulty, and Mr. Sanders.

H.R. 1389: Mr. Israel.

H.R. 1397: Mr. Ryan of Ohio.

H.R. 1460: Mr. Kolbe, Mr. Bradley of New Hampshire, Mr. Grijalva, and Ms. Ginny Brown-Waite of Florida.

H.R. 1512: Mr. Kildee, Mr. Dingell, and Mr. Knollenberg.

H.R. 1515: Mr. Kolbe.

H.R. 1519: Mr. Holden.

H.R. 1523: Mr. Hulshof.

H.R. 1564: Mr. Grijalva.

H.R. 1567: Mr. Bilirakis, Mr. Norwood, Mr. Baker, Mr. Forbes, Mr. Brown of South Carolina, Mr. Goode, Mr. Rohrabacher, Mr. Burton of Indiana, Mr. Duncan, Mr. Bartlett of Maryland, Mr. Tancredo, and Mr. Shadegg.

H.R. 1568: Mr. Bishop of New York and Mr. Hoeffel.

H.R. 1577: Mr. Camp, Mr. Upton, Mr. Ehlers, Mr. Rogers of Michigan, Mr. Knollenberg, Mrs. Miller of Michigan, and Mr. Flake.

H.R. 1580: Mr. Hostettler.

H.R. 1586: Mr. Keller and Mr. Simmons.

H.R. 1613: Ms. Lee, Mr. Thompson of Mississippi, Ms. Jackson-Lee of Texas, Mr. Davis of Tennessee, Mr. Miller of North Carolina, Mr. Bishop of Georgia, Mr. Clyburn, Mr. Watt, Mr. Hastings of Florida, Mr. Davis of Alabama, Mr. Lewis of Georgia, Mr. Ballance, Mr. Jackson of Illinois, Mr. Wynn, Mr. Clay, Mr. Scott of Virginia, Ms. Watson, and Mr. McNulty.

H.R. 1614: Mr. Green of Texas.

H.R. 1615: Mr. Hoeffel.

H.R. 1618: Mr. Collins.

H.R. 1641: Mr. Acevedo-Vilá, Mr. Spratt, and Mr. Hyde.

H.R. 1652: Mr. Miller of North Carolina, Mr. Strickland, and Ms. Jackson-Lee of Texas.

H.R. 1662: Mr. Ross, Mr. Putnam, and Mr. Bishop of Georgia.

H.R. 1684: Mr. Leach, Mr. Gibbons, Ms. Lofgren, Ms. Schakowsky, and Mr. Sabo.

H.R. 1688: Mr. Levin, Mr. Schiff, Mr. Gutierrez, Mr. Strickland, Mr. Bishop of New York, Mr. Wu, and Mr. Nadler.

H.R. 1692: Ms. Loretta Sanchez of California.

H.R. 1708: Mr. Davis of Illinois, Ms. Kaptur, Mr. Dingell, Mr. Payne, Mr. Nadler, Mr. Price of North Carolina, and Mr. Baird.

H.R. 1711: Mr. Pascrell and Mr. Janklow.

H.R. 1719: Mr. Frank of Massachusetts and Mr. McDermott.

H.R. 1749: Ms. Jackson-Lee of Texas, Mrs. Miller of Michigan, Mr. Filner, Mr. Hyde, Mr. Jones of North Carolina, and Mr. Wolf.

H.R. 1751: Mr. Emanuel.

H.R. 1754: Mr. Goodlatte, Mr. Gutknecht, and Mr. McHugh.

H.R. 1767: Mr. Kline and Mr. Beauprez.

H.R. 1769: Mr. Simmons, Mr. Baker, Mr. Feeney, Mr. Pomeroy, Mr. Inslee, Mrs. Jones of Ohio, Mr. Bell, Mr. Nethercutt, Ms. Hart, Mr. Hastings of Washington, Mr. Dicks, Mr. McNulty, Mrs. Tauscher, Ms. Hooley of Oregon, Mr. Kleczka, Mr. Jefferson, Mr. Frost, Mr. Jones of North Carolina, Mr. Franks of Arizona, Mr. Meek of Florida, Mr. Spratt, Mr. Baird, Mr. Ryan of Ohio, Mr. Aderholt, Mr. Michaud, Mr. LaTourette, Mr. Beauprez, Mr. Johnson of Illinois, Mr. Otter, Mr. Baca, Mr. Toomey, Mr. Bartlett of Maryland, Mrs. Biggert, Mr. Goode, Mr. King of Iowa, Mr. Wilson of South Carolina, Mr. Smith of Michigan, Mr. Norwood, Mr. Etheridge, Mr. Larsen of Washington, and Mr. Hayes.

H.R. 1779: Mr. Rangel, Mr. Souder, Mr. Wilson of South Carolina, Mr. Franks of Arizona, and Mr. Faleomavaega.

H.R. 1784: Mr. Linder, Mr. Nethercutt, and Mr. Hoeffel.

H.R. 1814: Mr. Gibbons, Mr. Ryun of Kansas, Ms. Lee, Mr. Ballance, Mr. Berman, Mr. Wu, Mr. Etheridge, Mr. Moran of Virginia, Mr. Faleomavaega, and Mr. Skelton.

H.R. 1824: Mr. Gordon, Mr. Frost, Ms. Jackson-Lee of Texas, Mr. Bishop of New York, Mr. Lampson, Mr. Cooper, Mr. Hoeffel, Mr. Upton, Mr. Larson of Connecticut, Mr. Towns, Mr. Kildee, Mr. Smith of Michigan, Mr. Wynn, and Mr. Faleomavaega.

H.R. 1828: Mr. Waxman, Mr. Holden, Mrs. Jones of Ohio, Mr. LaTourette, Mr. Hayworth, Mr. Carson of Oklahoma, Mr. Schiff, Mr. Cardoza, Mr. Garrett of New Jersey, Mr. Etheridge, Mr. Boswell, Mr. Miller of Florida, Mr. Johnson of Illinois, and Mr. Graves.

H.R. 1839: Mrs. Blackburn.

H.R. 1900: Mr. Tiberi, Ms. Eddie Bernice Johnson of Texas, Mr. Frost, Mr. Bishop of New York, Mr. Davis of Alabama, Mr. Lewis of Georgia, Mr. Lewis of California, Mr. Cole, Mr. Clyburn, and Mr. LaHood.

H.R. 1904: Mr. Scott of Georgia, Mr. Bonner, Mr. Goode, Mr. Bishop of Georgia, Mr. Cantor, and Ms. Pryce of Ohio.

H.R. 1906: Mr. Grijalva.

H.R. 1925: Mr. Upton.

H.R. 1992: Mr. Serrano and Mr. Hinojosa.

H.R. 2017: Mr. Kucinich, Mr. Frank of Massachusetts, Mr. Costello, Mr. Farr, Mr. Frost, Mr. DeFazio, and Mr. Brown of Ohio.

H.R. 2021: Ms. Norton.

H.R. 2023: Mr. Waxman and Ms. Waters.

H. Con. Res. 151: Mr. Gutknecht.

H. Res. 220: Mr. McDermott, Mr. Frost, and Mr. Serrano.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 684: Ms. Majette.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2

Offered By: Mr. Emanuel

Amendment No. 1. Insert at the end of the bill the following (and amend the table of contents accordingly):

TITLE V—EXTENSION OF DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

SEC. 501. EXTENSION OF DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) In General.—Subsection (e) of section 222 (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2007".

(b) Conforming Amendments.—

(1) Section 222(b)(2)(B) is amended by striking "2004 or 2005" and inserting "2004, 2005, 2006, or 2007".

(2) The heading of section 222(b)(2)(B) is amended by striking "and 2005" and inserting ", 2005, 2006, and 2007".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

TITLE VI—CORPORATE EXPATRIATION; REDUCTION OF BONUS DEPRECIATION

SEC. 601. TAX TREATMENT OF CORPORATE EXPATRIATION.

(a) In General.—Subchapter C of chapter 80 (relating to provisions affecting more than one subtitle) is amended by adding at the end the following new section:

"SEC. 7874. TAX TREATMENT OF CORPORATE EXPATRIATION.

"(a) Inverted Corporations Treated as Domestic Corporations.—

‘‘(1) IN GENERAL.—If a foreign incorporated entity is treated as an inverted domestic corporation, then, notwithstanding section 7701(a)(4), such entity shall be treated for purposes of this title as a domestic corporation.

‘‘(2) INVERTED DOMESTIC CORPORATION.—For purposes of this section, a foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

‘‘(A) the entity completes after March 4, 2003, the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership,

‘‘(B) after the acquisition at least 80 percent of the stock (by vote or value) of the entity is held—

‘‘(i) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

‘‘(ii) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership, and

‘‘(C) the expanded affiliated group which after the acquisition includes the entity does not have substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

‘‘(3) TERMINATION.—This subsection shall not apply to any acquisition completed after December 31, 2007.

‘‘(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

‘‘(1) FOREIGN INCORPORATED ENTITY.—The term ‘foreign incorporated entity’ means any entity which is, or but for subsection (a) would be, treated as a foreign corporation for purposes of this title.

‘‘(2) EXPANDED AFFILIATED GROUP.—The term ‘expanded affiliated group’ means an affiliated group as defined in section 1504(a) but without regard to paragraphs (2), (3), and (4) of section 1504(b), except that section 1504(a) shall be applied by substituting ‘more than 50 percent’ for ‘at least 80 percent’ each place it appears.

‘‘(3) CERTAIN STOCK DISREGARDED.—There shall not be taken into account in determining ownership under subsection (a)(3)(B)—

‘‘(A) stock held by members of the expanded affiliated group which includes the foreign incorporated entity, or

‘‘(B) stock of such foreign incorporated entity which is sold in a public offering related to the acquisition described in subsection (a)(3)(A).

‘‘(4) PLAN DEEMED IN CERTAIN CASES.—If a foreign incorporated entity acquires directly or indirectly substantially all of the properties of a domestic corporation or partnership during the 4-year period beginning on the date which is 2 years before the ownership requirements of subsection (a)(3)(B) are met, such actions shall be treated as pursuant to a plan.

‘‘(5) CERTAIN TRANSFERS DISREGARDED.—The transfer of properties or liabilities (including by contribution or distribution) shall be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.

‘‘(6) SPECIAL RULE FOR RELATED PARTNERSHIPS.—For purposes of applying subsection (a)(3)(B) to the acquisition of a domestic partnership, except as provided in regulations, all partnerships which are under common control (within the meaning of section 482) shall be treated as 1 partnership.

‘‘(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to determine whether a corporation is an inverted domestic corporation, including regulations—

‘‘(A) to treat warrants, options, contracts to acquire stock, convertible debt interests, and other similar interests as stock, and

‘‘(B) to treat stock as not stock.

‘‘(c) SPECIAL RULE FOR TREATIES.—Nothing in section 894 or 7852(d) or in any other provision of law shall be construed as permitting an exemption, by reason of any treaty obligation of the United States heretofore or hereafter entered into, from the provisions of this section.

‘‘(d) REGULATIONS.—The Secretary shall provide such regulations as are necessary to carry out this section, including regulations providing for such adjustments to the application of this section as are necessary to prevent the avoidance of the purposes of this section, including the avoidance of such purposes through—

‘‘(1) the use of related persons, pass-through or other noncorporate entities, or other intermediaries, or

‘‘(2) transactions designed to have persons cease to be (or not become) members of expanded affiliated groups or related persons.’’.

(b) CONFORMING AMENDMENT.—The table of sections for subchapter C of chapter 80 is amended by adding at the end the following new item:

‘‘Sec. 7874. Tax treatment of corporate expatriation.’’

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after March 4, 2003.

SEC. 602. REDUCTION IN BONUS DEPRECIATION.

(a) IN GENERAL.—Clause (i) of section 168(k)(4)(A), as added by section 201(a), is amended by inserting ‘‘(or such lesser percentage as the Secretary estimates will offset the excess (if any) of the revenue reduction resulting from the amendments made by section 501 of the Jobs and Growth Reconciliation Tax Act of 2003 over the revenue attributable to the amendments made by section 601 of such Act)’’ after ‘‘50 percent’’.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SENATE—*Friday, May 9, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Once again, we are privileged to have our guest Chaplain, Rev. Charles V. Antonicelli, of St. Joseph's Catholic Church on Capitol Hill, lead us in prayer.

PRAYER

The guest Chaplain offered the following prayer:

Heavenly Father, we give You thanks this day. With the Psalmist we proclaim:

> Praise the Lord, all you nations; glorify him all you peoples! For steadfast is his kindness toward us, and the fidelity of the Lord endures forever.

We ask Your continued blessing on us as we seek to do Your will. Protect those who risk their lives to keep us free, Lord, and keep us always grateful for their sacrifice.

Bless the women and men of this Senate. Enkindle in them Your Spirit of justice and compassion; of service and sacrifice; of love and understanding, so that they may be Your instruments of peace in our world.

We ask this in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the previous order, the majority leader is recognized to speak as in morning business.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will resume consideration of the energy bill. When we return to the energy bill, I will be offering the first amendment. That amendment will be the ethanol amendment that a number of Senators referred to during yesterday's session. This amendment will be offered on behalf of myself and Senator DASCHLE as a leadership amendment.

Today, Members are welcome to speak on that amendment or the energy bill in general. However, as I announced, there will be no rollcall votes during today's session.

On Monday, the Senate will begin consideration of the jobs/growth bill. The order allows for up to 2 hours of consideration during Monday's session, but there will be no rollcall votes on Monday as well.

I will have more to say on next week's schedule later today, but looking over that schedule this morning, at this juncture I do want to tell my colleagues it is going to be a very busy week that likely will go late Friday. Although I am not planning to go into Saturday, in looking at what we need to accomplish next week in terms of the jobs and growth package, in addressing, on Thursday, HIV/AIDS, and then during the week, on Friday or sometime during the week addressing the issue surrounding the debt limit—all three of those issues we need to complete next week. I do want to notify my colleagues, it is going to be a long week that will likely extend late into Friday.

At this time I have a statement on another subject. The subject is being introduced and talked about in terms of the backdrop of what we have seen occur in the last 5 months on the floor of the Senate in terms of the use of a filibuster being used in an unprecedented way with regard to the nominations for judicial vacancies.

AMENDING SENATE RULES

Mr. FRIST. Mr. President, with some regret but determination, and along with 11 Senators, I submit today—let me read the list of Senators at this juncture who are cosponsors of this resolution, a resolution to amend the Senate rules. The cosponsors are: Senators MILLER, MCCONNELL, STEVENS, SANTORUM, KYL, HUTCHISON, ALLEN, LOTT, HATCH, CORNYN, and CHAMBLISS.

I submit a resolution to amend the Senate rules. At this point I will send the resolution to the desk. I ask it be referred to the appropriate committee.

The PRESIDENT pro tempore. The resolution will be received and appropriately referred.

Mr. FRIST. Mr. President, this amendment will change the way the Senate concludes debate on Presidential nominees. No longer will it be necessary to overcome a 60-vote barrier before Senators can exercise their power to consent to a nomination.

Five months into the 108th Congress, we confront multiple filibusters of highly qualified and intellectually superior judicial nominees, filibusters that are unfair to the nominees, unfair to the President, and unfair to the majority of Senators—Senators who are ready to confirm them.

Of course, we all fully respect and honor the views of any Senator who differs from our own assessment on the quality of any particular nomination, and I think if he or she finds a particular nominee unfit for any reason, they should vote to reject. But by denying the right of an up-or-down vote on a nominee and choosing, rather, to filibuster, they deny the Senate and each Senator the right to vote at all.

The remedy is filibuster reform. Over time, many Democrats as well as many Republicans have proposed changes to introduce greater fairness in the Senate rules. It is to these proposals that I have looked in crafting this resolution.

My proposal is similar to S. Res. 85, proposed in March by my distinguished Democratic colleague from Georgia, Senator ZELL MILLER. It also tracks a recommendation offered in 1995 by the distinguished Democratic Senators from Iowa and Connecticut, TOM HARKIN and JOE LIEBERMAN. Both the Harkin-Lieberman and the Miller resolutions provide for declining cloture requirements of 60, 57, 54, and 51 on successive cloture motions. They represent a wholesale reform of the cloture rule, applying to every debatable proposition.

My resolution is different. My resolution, by contrast, is more narrowly tailored, tailored to respond to the problem at hand. My resolution applies only to nominations. It leaves the rest of rule XXII unamended. It addresses the very specific defect that needs repair.

There are other differences, however minor, from these other cloture reform efforts. Unlike these earlier proposals, mine would not allow a cloture motion to be filed until a nomination had been pending before the Senate for at least 12 hours. This provision tracks language that the distinguished Democratic leader inserted into S. Res. 8, the power-sharing resolution he introduced in the last Congress.

I share his purpose to ensure that there exists an adequate foundation of debate before cloture is sought.

My resolution also provides for a step below constitutional majority of 51 votes on the fourth cloture attempt.

Under my proposal, further cloture motions will require a majority of all Senators present and voting. This provision is included in response to colleagues who believe that supermajority voting requirements on nominations are unconstitutional. If 95 Senators are present, a 51-vote threshold is still a supermajority. Cloture by a majority of Senators present and voting has deep historical roots among Senate Democrats.

In past years, such a change was offered by eminent and distinguished Senators such as Hubert Humphrey of Minnesota, Paul Douglas of Illinois, and Wayne Morse of Oregon. These Senators proposed to reach all Senate debate, not just nominations.

Under the proposed new procedures, cloture cannot be precipitously invoked. Not only is there a 12-hour waiting period, but in addition, the resolution tracks the provision from the Harkin-Lieberman and Miller initiatives that one cloture motion cannot be filed until disposition of the prior cloture vote. This is contrary to the present operation of rule XXII which permits multiple cloture motions to be advanced without waiting for the outcome of the cloture motion previously filed. Between the time a nomination is brought to the floor and the moment that it can be confirmed by a simple majority vote, the elapsed time would be 13 session days.

I stated that I regret having to introduce this resolution. The right to debate is not unlimited but, indeed, it is precious and important. My first vote as a U.S. Senator was in 1995 to table the Harkin-Lieberman resolution even though I was a freshman in a newly elected majority, and the cloture amendment they proposed would have advanced our party. By contrast, in the Senate today are nine Democratic Senators who voted in favor of the sweeping Harkin-Lieberman reform. I ask: Will they now support my more narrow remedy?

I was presiding when the distinguished Democratic Senator from West Virginia, ROBERT BYRD, took to the floor to contend that Harkin-Lieberman was unnecessary because it was primarily aimed at controlling filibusters on motions to proceed. "No need to change the rules," said the Senator, "because a leader could avoid such filibuster by offering nondebatable motions in the morning hour." The Senator did not argue the absence of a problem but, rather, the presence of an alternative solution, a safety valve so further limiting of debate was not required.

I was persuaded by his logic. I opposed then, and would oppose now, comprehensive change in rules governing Senate debate.

However, in the case of nominations, the safety valve of an alternative solution is not as readily at hand. Under existing cloture rules, the filibuster of a nomination is the last word and it is fatal.

Filibustering nominations is a relatively new phenomenon, even as to the nominees for the executive branch, and it has emerged in this Congress as a particular problem relative to Federal judges. Prior to this year, the record number of cloture votes on any nominee was three, and on a judicial nominee the record was two. Already, we have had six cloture votes on the nomination of Miguel Estrada to the District of Columbia Circuit Court of Appeals, two cloture votes on the nomination of Priscilla Owen to the Fifth Circuit Court of Appeals, and indeed threats from the minority for additional filibusters on other nominees. Clearly, we have entered upon a new era, damaging to the Senate as an institution, where a majority will be denied its right to consent to a nomination because a minority will filibuster to hold that nomination hostage.

The need to reform the filibuster on nominations is obvious, and it is now urgent. Many will contend that the Senate should not rubberstamp Presidential appointments. I fully concur. The Senate's responsibility under article II to advise and consent is critical to maintaining the checks and balances of our constitutional system. For reasons sufficient unto itself, the Senate may reject any nominee. Brought forward to a vote, the Supreme Court nominations of Clement Haynsworth, G. Harrold Carswell, and Robert Bork all failed on the Senate floor, and not by filibuster. Scholars may argue whether these nominees should have been turned aside, but no one can dispute the Senate's right to reject them. The Senate's constitutional role must never be diminished.

In the case of Miguel Estrada and Priscilla Owen, it is plain that the votes to confirm are present. They have the support of a majority of Senators. But the votes to confirm cannot be taken because these debates have been tainted by filibuster. Without filibuster reform, a disciplined minority can cast an ever-lengthening shadow over the confirmation process. Through reform, we will respect the right of all Senators to act upon a nomination brought to the floor. In so doing, we will strengthen the Senate as an institution and enhance its constitutional purpose.

It is unfortunate that we have come to this point. I would have far preferred that nominations be given a floor vote after full and free debate. As the filibuster strategy emerged, I tried many times without success to secure agreements to vote at a time certain. Wanting to respect minority rights and, indeed, the right of all Senators, I withheld filing for cloture on the Estrada nomination until it had been pending for 13 days.

But just as I act with regret, I act with determination. For almost all our Nation's history, filibustering nominations was unheard of and unknown. It was unknown when the cloture rule was adopted in 1917. It was unknown when the rule was extended to nominations in 1949. The renowned filibusters of the 1950s and 1960s never involved filibustering a judge. Senator Richard Russell of Georgia led both filibusters, but even in the face of glowing judicial activism neither he nor his allies ever filibustered a judge.

Obviously, some respected traditions have changed. Senate rules are not immutable. Senate norms have altered over time, and our rules have changed in response. The initial cloture rule of 1917 was a reaction to cumulative and growing consternation over years of uncontrolled filibusters. The 1949 expansion reflected frustration that the original rule was too narrow and applied only to pending measures. In 1959 and 1975, the rule was amended because the hurdle for cloture was thought to be too high. In 1979, Senator BYRD successfully amended the rule to eliminate the abuse of postcloture filibuster. Before the practice of filibustering nominations takes deeper root and damages the Senate even more, it is time to amend our rules again. I act now as a first step to ensure we have a confirmation process that is fair to the nominees, that is fair to the President, and that is fair to all Senators. If we achieve that, we will also be fair to the American people.

THE ENERGY POLICY ACT OF 2003

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 14, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 14) to enhance the energy security of the United States, and for other purposes.

The PRESIDENT pro tempore. The majority leader.

AMENDMENT NO. 539

(Purpose: To eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence)

Mr. FRIST. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] for himself and Mr. DASCHLE, Mr. INHOFE, Mr. DORGAN, Mr. LUGAR, Mr. JOHNSON, Mr. GRASSLEY, Mr. HARKIN, Mr. HAGEL, Mr. DURBIN, Mr. VOINOVICH, Mr. NELSON of Nebraska, Mr. TALENT, Mr. DAYTON, Mr. COLEMAN, Mr. EDWARDS, Mr. CRAPO, Mr. CONRAD, Mr. DEWINE, and Mr. BAUCUS, proposes an amendment numbered 539.

Mr. FRIST. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. FRIST. Mr. President, I am pleased to offer this renewable fuels amendment on behalf of myself and Senator DASCHLE, as well as a number of other Senators on both sides of the aisle who have worked on this important issue for a number of years.

I think the fact that the Democratic leader and I have joined together to offer this amendment demonstrates the significance of this particular issue as well as the broad bipartisan support that this compromise package enjoys.

I do want to take this opportunity to commend all of the cosponsors of the amendment, many of whom came to the floor yesterday morning to speak, for their hard work, their dedication over the years in forging this agreement. I also note that the President has made passage of this amendment a priority, and I commend him for his commitment to getting this done.

This particular amendment will enhance America's energy independence and energy security by increasing the use of domestically produced, clean, renewable fuels. As the chairman of the Energy Committee has pointed out many, many times, America is dangerously dependent on foreign oil. We currently import 60 percent of the oil we consume, and that number is increasing. One of the major goals of this energy bill we are debating on the floor of the Senate is to reduce our dependence on foreign oil. This amendment is a critical component of that effort.

The Frist-Daschle amendment establishes a national renewable fuels standard of 5 billion gallons per year by the year 2012, nearly tripling the use of ethanol and biodiesel over the next decade. It phases out the use of MTBE over a 4-year period and authorizes funding to prevent and clean up MTBE contamination from leaking underground tanks. And it repeals the Federal oxygen content requirement for reformulated gasoline, with strong antibacksliding language to ensure that air quality is not compromised.

Mr. President, as I said, this amendment is the product of a great deal of work by many Members of the Senate over the last several years. It is a compromise that has broad, bipartisan support. It will reduce our dependence on foreign oil. It will protect the environment. It will create jobs. It will increase farm incomes. It will stimulate investment in rural communities.

I look forward to working with Senator DASCHLE and all of the other supporters of this package to get it adopted as expeditiously as possible.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The minority whip.

JUDICIAL NOMINATIONS

Mr. REID. Mr. President, I know the schedule of the majority leader is burdensome. I do wish to say a few words while he is here regarding the proposed rule change.

First of all, I have said, on a number of occasions in recent weeks, that I understand the intensity of the feeling of members of the majority—some members, not all—on the Miguel Estrada nomination and that of Priscilla Owen. But I do say, that for people to lament that the process is broken regarding judges is simply without foundation or fact. Mr. President, 124 judges have been approved for President Bush—124. Two have been held up.

The number of cloture motions that have been filed, for those of us who have served in the Senate for some time, is somewhat meaningless. The reason you continually file new cloture motions is if there is a change in the vote. And for Priscilla Owen and Miguel Estrada, there has not been a single vote change—not one. They are all the same. So filing those cloture motions is just for show; it has no basis in substance.

Now, I do say to the leader that I think this is being approached in a proper fashion. I think that to go to seek a rules change is the way it should be done. If you don't like what is going on here, try to change a rule.

I have been personally—and I am sure it has not gone without the notice of others—concerned about some of the statements made by Members of the majority saying they are going to have this rule changed regardless of what the Rules Committee does; that if it does not work out in the Rules Committee, they are going to come here and have the Presiding Officer just say what we have been doing is unconstitutional.

Now, one of the newspapers announced that this would be nuclear. I think, legislatively, nuclear is the proper term.

I have no problem—I say this to the majority leader—seeking to change the rules. If the rules are changed by a procedure we have always used here in the Senate, I will go along with that. But to have something done, that is to say suddenly that you cannot have a filibuster because it is unconstitutional, creates many different problems. Does that mean if 11 members of the Judiciary—a majority—holds up a judicial nominee, that that is unconstitutional and it can come immediately to the floor? I think not.

So I recognize—I have been as frustrated as anyone trying to get cloture motions filed and cloture determined on a vote. I can remember when I was a relatively new Member of the Senate—I was not too new then—during the Clinton administration and we were trying to get grazing changed in the western part of the United States. We had four or five cloture motions filed. We got up to 57 or 58 Senators on that occasion. And we were moving, filing the cloture motions that seemed to be gaining status.

Then suddenly GEORGE MILLER from the House and HARRY REID from the Senate were called to the White House, and the President of the United States, Bill Clinton, said: We are not going to support you on this anymore. It is over with. He had made some arrangements with House Members, and our trying to get cloture invoked on something we believed was very important was, in effect, pulled out from under us. I can still remember that.

But in those, I say to the majority leader, when cloture motions were filed by Senator BYRD, we kept gaining votes. In relation to Miguel Estrada and Priscilla Owen, that is not the case.

So again, I say, that the majority leader is approaching this in the Senate way, the right way. I do say—and I know he has had conversations with the Democratic leader, and I have spoken to other Members on the other side—I hope it will be done in that fashion and not by some jury-rigged fashion to change the rules by some "constitutional" matter.

I even understand one of the Republican Senators is filing a lawsuit. Fine. More power to them. Let them file a lawsuit. I think that is the way it should be determined. But don't change the Senate rules in some other fashion because it would really damage our ability to move forward on legislation.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, just in closing, on my behalf, the whole purpose of submitting this resolution today is to further elevate the debate in recognition that things change in the Senate over time. As we look back over the cherished history we all share—and it is our heritage—things today are different, and there are times for the rules to change. When you even contemplate changing the rules, you have to give a great deal of thought and debate and discussion, and that is what is underway today in submitting this resolution. I believe it is a reasonable, commonsense way of addressing an approach to addressing the issue.

I look forward to the continued debate, in referring it to the appropriate committee, where that debate can begin. And we can be commenting on the floor itself.

Again, this proposal is a bit different from the others that have been submitted in the past. It is similar in many ways in drawing upon previous legislation. It is different in the fact that it is narrow and applies to nominations; that there is this 12-hour period to give adequate time to have the debate and discussion; to start off with a threshold that is 60 votes, but over a period of 4 steps comes down to ultimately what is a majority vote of those present. The only other difference is the cloture votes would be filed sequentially. You have to dispose of one cloture vote before you go to the next, again to make sure we do not cut off adequate time to have a debate, but also to assure, at the end of the day, that the right of every Senator to express themselves in an up-or-down vote will be present.

So I am very excited about the resolution itself. Again, we are trying to do it in a very deliberate, a very focused, a very disciplined way. That is the purpose of the submission of the resolution today. I do hope it provokes discussion and debate on this floor and in committee so we can bring this, what is unprecedented in terms of partisan filibusters, to an end as it applies to judicial nominees.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I was not in the Chamber until just a few moments ago. I didn't have the luxury of hearing the distinguished majority leader. His comments have been reported to me, and I have now had the opportunity to see the text of his remarks.

I welcome the introduction of his resolution. A Senator is within his rights and certainly a majority leader is within his rights to suggest changing the rules. If we are to change rules, there is a procedure. And I respect the majority leader's interest and determination to suggest ways that the rules could be changed with regard to filibusters or, for that matter, any rule involving Senate procedure.

He joined me in opposing this proposal when it was offered by Senators HARKIN and LIEBERMAN about 10 years ago. But obviously, over the course of 10 years, we all have a right and an expectation that we will change our points of view from time to time. He has on this matter.

As in most parts of this country, slogans and phrases sometimes have more wisdom than one might see on the surface. There is an old slogan or saying in South Dakota that I am sure is repeated in other States: "If it ain't broke, don't fix it." It ain't broke.

Anytime you can confirm 124 judicial nominees in the course of 2½ years, I don't see much broken. That is a 98.4-percent confirmation rate. Any baseball player standing at home plate would settle for 500 percent, 400 percent, 300 percent. Any quarterback would love to have a 98-percent rate of completion on passes. I don't know of another administration that has enjoyed the success in confirmations of its judges that this administration has: 124 to 2; that is the score; 124 circuit judges, district judges; 124 nominees who have worked their way through hearings, through a committee vote in the Judiciary Committee, and on to the floor in 2½ years; 124 to 2.

Those two, Miguel Estrada and Priscilla Owen, have unique circumstances. In the case of Mr. Estrada, it is a matter of asking him with all deference to fill out the application form for the job.

I have many employees. I am fortunate to have such good ones. But nobody would work in our office if they refused to fill out pages 3 and 4 and 5 of a 5-page application. If they said: I will fill out the first two pages but not the last three, I would say: Find another job. You are not going to work here.

That is really what Mr. Estrada is saying to us. In spite of the fact that Mr. Bork, Mr. Rehnquist, Mr. Civiletti, and so many other nominees who have had similar circumstances have provided the very information we are asking of Mr. Estrada, Mr. Estrada and his supporters in the administration are saying: No, we will not comply. We will not fill out the job application.

Our response is: Fill out the job application and you will get a vote. It is that simple. In the case of Ms. Owen, we have a record that is very disconcerting, a record of putting her own views ahead of the law. We cannot accept that either. If she would comply with the law and interpret the law, it would be one thing; but to ignore the law and to use her own views as she applies her decisionmaking authority is not something that is acceptable as well. So you have those two nominees.

I know some of my colleagues have lamented this notion that filibusters could be employed, but we had a filibuster in the 106th Congress of a man of incredible stature and standing, Richard Paez. He was a nominee to be U.S. Circuit Judge in the Ninth Circuit during the 106th Congress. This was a filibuster. I find it interesting that the majority leader was one of those who voted against cloture. He apparently felt at the time that cloture was inappropriate, or he would not have voted against it. In other words, he voted to extend the filibuster during that debate on Mr. Paez.

But Senator FRIST certainly is not alone. There were 14 people who voted to continue debate on Mr. Paez. Senator HATCH, as recently as 1994, said the filibuster is—using his words—"one of the few tools that the minority has to protect itself and those the minority represents." Senator HATCH made the statement during a filibuster to a Clinton nominee to the Third Circuit. In 1997, 3 years later, Senator HATCH stated:

> Determining which of President Clinton's nominees will become activists is complicated and it will require the Senate to be more diligent and extensive in its questioning. . . .

Senator Smith of New Hampshire—no longer with us in the Senate—also came to the floor to argue forcefully in support of filibustering judicial nominees. His quote:

> So I do not want to hear that I am going down some trail the Senate has not gone down before by talking about these judges and delaying. It is simply not true. Don't pontificate on the floor and tell me somehow I am violating the Constitution . . . by blocking a judge or filibustering a judge that I don't think deserves to be on the court. That is my responsibility. That is my advise and consent role, and I intend to exercise it.

So, first, on the basis of the record, 124 to 2, and second, on the basis of past precedent, both with regard to Republican positions relating to these judges, as well as to the advocacy of the filibuster in prior years, makes me question: Why now, with that record, would anybody be concerned about the rights of the minority, the rules of the Senate, or the longstanding practice every Senator has been the beneficiary of with regard to using the rules of the Senate to advance his or her arguments?

Mr. President, I guess I will simply reiterate the admonition many South Dakotans oftentimes use: If it ain't broke, don't fix it. Mr. President, it ain't broke.

The Federalist Papers are those papers we turn to with some frequency as we attempt to interpret the intentions of our Founding Fathers as they considered the institutions of the Senate and the House, our democracy. Federalist 63 says:

> The people can never willfully betray their own interests; but they may possibly be betrayed by the representatives of the people; and the danger will be evidently greater where the whole legislative trust is lodged in the hands of one body of men, than where the concurrence of separate and dissimilar bodies is required in every public act.

Well, the key word in Federalist 63 is the word "dissimilar." We are not the House of Representatives. We are the body where deliberative, extensive, unlimited debate is protected. That is the essence of the Senate. I sometimes don't know that we live up to the moniker "the greatest deliberative body in the world." Sometimes I don't think we are particularly deliberative. But we are rooted in the traditions of unlimited debate. That has been the essence of this body for well over 200 years.

I hope we never minimize the importance of our distinctions, our dissimilarities with the House, the intentions of the Founding Fathers when it comes to the protections, traditions, and the usefulness of the rules of the Senate, just as they applied over 200 years ago. That, in essence, is what is at stake.

As I said at the beginning, the majority leader is certainly within his right to propose rules changes. That has happened by leaders and Senators on both sides of the aisle for hundreds of years. We will always examine ways with which to make the Senate work more functionally and perhaps more efficiently. I don't want to give up the tradition of the very essence and meaning of the body for the sake of efficiency, for the sake of moving things along because, indeed, that was not the intent or the expectation of our Founding Fathers.

Let me finish by restating the score: 124 to 2. It ain't broke.

THE ENERGY POLICY ACT OF 2003—Continued

Mr. DASCHLE. Mr. President, I know the majority leader also came before the Senate this morning to do what I expected he would do yesterday. He has laid down the first amendment in the energy debate. I want to again commend him for his leadership and involvement with regard to the ethanol amendment. The ethanol amendment enjoys broad bipartisan support. That was evidenced, of course, yesterday as people on both sides of the aisle came to the floor and spoke eloquently and with conviction about the importance of this legislation. It is important, in part, because of our dependency upon foreign sources of oil.

We use too much imported oil. The more we can become self-sufficient and independent, the more we can truly not only help our own economy, but create environments within which questions pertaining to our dependence will not become key issues as we resolve whatever diplomatic or international challenges our country may face.

Energy independence is a laudable goal and it is within our grasp. But the only way it can be achieved is with the creation of renewable fuels, the creation of fuels that can be discovered, utilized, and created in this country. There is no better example of that than ethanol. Ethanol reliance means energy independence.

Secondly, the environmental issues are clearly at stake as we consider the consequences of ethanol. Clean air benefits cannot be understated. In 2002 alone—just last year—ethanol use in the United States reduced greenhouse gas emissions by 4.3 million tons, which is the equivalent of removing more than 636,000 vehicles from the road. That is a remarkable achievement. That was in 1 year. If you can imagine taking 636,000 vehicles off the road in 1 year, and the effect it would have on greenhouse gases if we could do that, that is in essence what we were able to create with this increased reliance on ethanol—not to mention our opportunity to phase out methyl tertiary butyl ether, MTBE, contamination.

MTBE contamination was also used as an oxygenate to improve environmental circumstances when the oxygen standard was passed in the early 1990s. We only found later how contaminating and toxic it can be. So phasing out MTBE is also a part of our legislative approach, and that, too, will have dramatic positive environmental consequences.

We talk about the economic consequences of ethanol and that, too, can hardly be overstated. One in three rows of corn in South Dakota today is being used to produce ethanol. The ethanol industry is creating $1 billion in additional economic impact in my State alone. It means higher corn prices. It means prices will increase, according to USDA estimates, 50 cents a bushel, about $1.3 billion in additional farm income annually once this legislation is enacted.

The University of South Dakota has stated this proposal has the potential to create 10,000 new jobs in our State, bringing in more than $600 million annually to the State economy and over 214,000 jobs nationally once the RFS is implemented.

From an economic point of view, in addition to the environmental and energy independence advantages, we also have, of course, an agricultural advantage: more income for farmers with less reliance on farm programs.

There is a lot to be said for this legislation. I am very pleased, after all these years, as lonely as it was when we started, to see this kind of broad-based support. I would estimate now more than two-thirds, maybe three-fourths, of the Senate would support this legislation. We are well on our way to establishing what I view to be an appreciation of the importance, the contribution, the impact that ethanol can have in energy, in the economy, in agriculture, and in foreign policy.

That is why I feel as strongly as I do about the amendment, and that is why I am pleased to be a cosponsor with Senator FRIST and many of our colleagues, including the distinguished Senator from South Dakota, Mr. JOHNSON, on this amendment.

I hope the Senate will act quickly. Let us adopt this amendment. Let us ensure, whether it is part of the energy bill or a freestanding bill that was reported out of the Environment and Public Works Committee, that we will have the opportunity to enact this legislation into law sometime this year. We should not wait any longer. It should happen this year. It can happen this year. With the broad bipartisan support, it will happen this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I ask unanimous consent to be added as a cosponsor to the renewable fuels standard amendment just offered by Senator DASCHLE and Senator FRIST.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON. Mr. President, I rise today in very strong support of the bipartisan renewable fuels standard amendment and to encourage my colleagues to support this critically important provision when it comes to a vote.

Last year, Senator HAGEL, my Republican colleague from Nebraska, and I worked on a renewable fuels standard for ethanol and biodiesel during consideration of the Senate energy bill. We were successful in securing inclusion of a renewable fuels standard in the Senate energy bill. We were successful on the Senate floor, but as we got to conference with the House of Representatives, the entire energy bill wound up not being passed and the whole collection of provisions collapsed in the end. But we were successful in the Senate Energy Committee last year, we were successful on the Senate floor, and I am very optimistic this year that we not only will pass a renewable fuels standard in the Senate once again but that with newfound interest in the RFS in the House of Representatives, I am confident this will ultimately make it to the President's desk and become law this year.

Regrettably, time ran out on us last year during the 107th Congress, and yet two-thirds of the Senate voted in favor of a renewable fuels standard and against amendments that would have weakened or eliminated it.

Today, ethanol and biodiesel comprise less than 1 percent of all transportation fuel consumed in the United States. Out of 134 billion gallons of fuel consumed in the U.S., renewable ethanol and biodiesel made from soybeans comprise less than 3 billion gallons—3 billion out of 134 billion gallons consumed.

Our amendment, identical to language passed in the Environment and Public Works Committee, would require that 5 billion gallons of transportation fuel be comprised of renewable fuel by the year 2012.

The consensus was agreed to last year after productive negotiations between the renewable fuels industry, agriculture groups, the oil industry, and environmentalists.

Rural States such as South Dakota can make enormous contributions to energy independence throughout our Nation with a renewable fuels standard. Thanks to the establishment of six new farmer-owned co-ops in South Dakota since 1999, ethanol has enjoyed significant growth in our State. We are currently ranked fifth in U.S. production.

Remarkably, one out of every three rows of corn in South Dakota is market bound for ethanol production already. More than 1 million bushels of corn are sold annually to produce nearly 400 million gallons of ethanol in my home State of South Dakota.

Around 8,000 farm families are involved in value-added ethanol production at one of the eight facilities currently in operation, and two more facilities are under construction. Ethanol helps these South Dakota families increase their income in three ways.

First, ethanol plants help spur competition for corn and boost corn prices locally. Corn prices include between 8 and 15 cents per bushel when an ethanol plant is based in a local market. Second, membership in a value-added ethanol co-op yields profits, or dividends, from ethanol production which supplements farm income. And third, it creates farm jobs in rural communities throughout our State.

However, most farmers involved with ethanol indicate to me that a significant share of their investment thus far in ethanol facilities has been, for all practical matters, a faith-based investment. They simply have faith that ethanol is right for their investment and right for America, but there has been no adoption of ethanol or biodiesel as a part of a national energy strategy.

Adoption of our bipartisan RFS amendment today will give them and other producers more than just faith when considering whether to invest in an ethanol plant. Our amendment will give producers a rock solid commitment that the United States will, in fact, increase the demand and the market for ethanol and biodiesel.

The U.S. energy situation, as we all know, is uncertain, considering how volatility in gas and diesel prices, the growing tension in the world from terrorist attacks, and how the war in Iraq affected us. The more we depend on oil from the Middle East, the more our stability is inevitably tied to governments and factions in that region. The use of domestic clean renewable energy sources can increase our energy security and increase our Nation's security. It must be a critical part of our Nation's energy strategy.

Simply put, adoption of the RFS amendment will help lower our dependence on foreign oil, strengthen energy security, increase farm income, provide for clean air, and create jobs throughout the United States, particularly in the rural communities.

An important, but underemphasized fuel is biodiesel, which is chiefly produced from excess soybean oil. In South Dakota, soybean production has increased by a dramatic 200 percent in the last 10 years. Recently, biodiesel has emerged as a promising new energy source. RFS would greatly increase the prospects for biodiesel production benefiting soybean farmers from South Dakota and throughout the Nation.

I want to ensure the RECORD reflects the influence and the extraordinary leadership that my colleague, Senator DASCHLE, has lent to the support of ethanol and a renewable fuels standard.

For over 20 years, Senator DASCHLE has been fighting for ethanol. When we began this debate, there were times in South Dakota that the discussion was about gasohol. There are times when Senator DASCHLE has been jokingly referred to in our State as "Senator Gasohol." His leadership was instrumental in creating incentives which led to a surge in the demand for ethanol in the early to mid-1990s.

In the year 2000, it was Senator DASCHLE again who first introduced the concept of a RFS as the next building block for expansion of the renewable fuel industry. Today, I am pleased and I am proud to join Senator DASCHLE and many other Senators on a bipartisan basis to demonstrate strong support for an RFS.

In the 20 years or more Congress and States have provided incentives to produce ethanol, we have learned a lot of lessons. Tax incentives at the State and Federal level provided lifeblood for the ethanol industry and helped make the production of ethanol a competitive alternative to other fuels. The most aggressive growth spurt for ethanol occurred as a result of the Clean Air Act.

Ethanol production doubled in the 1990s, with 10-percent annual growth. In 1990, the year we passed the Clean Air Act, the United States produced about 800 million gallons of ethanol. By 2000, we produced 1.6 billion gallons of ethanol. Coincidentally, the most recent explosion in ethanol development took place as a result of the anticipation that Congress would establish an RFS. The renewable fuels standard was first introduced in 2000 and production since that time has dramatically expanded from 1.6 billion gallons to approximately 3 billion gallons this year. Once again, ethanol production has doubled. At this stage, enactment of an RFS is the single most important market driver for ethanol that we can contemplate.

What lessons have we learned? If 8,000 farm families in South Dakota invested their hard-earned money in the development of eight ethanol plants without an RFS, we could just imagine how many more producers South Dakota and across the entire Nation will be willing to invest in renewable ethanol or biodiesel production if we adopt an RFS.

Ethanol plants are being constructed in record time with larger capacity and more farmer investor financing than ever before. The most impressive expansion in capacity has been right in my home State of South Dakota. Passage of an RFS will ensure greater capacity expansion, a dramatic stimulus to the economic growth of rural America. It will create jobs and it will increase our energy security.

I strongly encourage my colleagues to adopt the bipartisan RFS amendment being offered by Senator DASCHLE and Senator FRIST today. I urge support for this amendment.

I yield the floor.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. DASCHLE. Mr. President, I came to the floor earlier today to respond to the distinguished majority leader. I just had the opportunity to hear the President's remarks with regard to judicial nominations. I felt it was important to come back to the floor for just a couple of minutes to respond and to make sure the American people are clear and the record is clear with regard to judicial nominations and what I would view to be the rest of the story.

The rest of the story can be found on three charts. We have heard a lot this morning about the intransigence of the Senate, about how much the Senate is in crisis because we haven't confirmed nominations; about how the system is broken. In South Dakota, we like to say, If it ain't broke, don't fix it.

I have three charts to prove that it "ain't broke." One-hundred and twenty-four is the first chart. One-hundred and twenty-four judicial nominees have been confirmed in this administration. That is a record. There is no administration we can find that has had a better record than this. One-hundred and twenty-four circuit and district court nominees have been confirmed since this President has taken office. Here is the number that have not: That is right—2; 124 to 2.

We have done a little math. Here is the third chart. That is a 98.4-percent approval rate. I don't know of a business, or a sports figure, or a politician who gets 98.4 percent of what they ask. But that is the record. That is exactly the success level of this administration when it comes to judicial nominees—98.4 percent.

"If it ain't broke, don't fix it."

I find it particularly interesting that over the course of the 8 years of the Clinton administration, we had 50 judicial nominations that didn't get a hearing.

You talk about a filibuster. What about the fact that a person can't even get a hearing in the committee? Ten judicial nominees got a hearing but no vote. Sixty-five nominees never got to the Senate floor over the course of 8 years during the 1990s. I will tell you that there was no 98.4-percent approval rate then. But that is the record.

To reiterate—just to be sure everybody understands, I will do this one more time—one-hundred and twenty-four nominees were confirmed in 2½ years, circuit and district court nominees approved in the Senate—a record. Two nominees have not: Mr. Estrada because he has refused to fill out his job application, and Ms. Owen in large measure because she puts her own views ahead of the law. Those are the two.

One-hundred and twenty-four to two, that comes out to 98.4 percent of all Bush nominees confirmed to date.

I will end where I began. "If it ain't broke, don't fix it".

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, we are dealing with the energy bill on the floor of the Senate, and specifically we are considering an amendment that has been offered dealing with renewable fuels, or ethanol. I want to talk a bit about that subject, but I think it is important that perhaps I first comment on the discussion just preceding when Senator DASCHLE came to the floor to talk about judgeships.

Let me reiterate for a moment something that I think is very important for people to understand. I know the majority leader and the President today have talked about some collapse in the system and some great concern about the fact that judges aren't getting confirmed.

Let's understand something. We have the lowest number of vacancies on the Federal bench we have had in a decade and a half. Why is that the case? It is because we have been approving nominations sent to this Senate by the President day after day—124 of them. I voted for all but 3 of them—124.

The reason the majority leader and others say the system has collapsed is that there are two nominees who haven't gotten through the Senate. They are upset about that. Well, there is nothing in the U.S. Constitution that says there is a requirement for the Senate to be a rubberstamp for any President, Republican or Democrat. The fact is that most of President Bush's nominees are going to be approved by the Senate—and have been, 98.4 percent. If the President sends us a nominee who aspires to be put on the Federal circuit court for an entire lifetime and that nominee says, You have no right to the information you requested from me, then I say you have no right to expect that the Senate will approve you for a lifetime appointment on the Federal bench.

Mr. Estrada has been told that he is to provide information to the Senate in order that we may evaluate it.

He has been unwilling to do that. So has the Bush administration. In fact, until Mr. Estrada provides that information to the Senate, he is not going to get a final vote on his nomination. If he decides never to provide that information to the Senate, in my judgment, he is not going to be a circuit court judge; the Senate is not going to approve his nomination.

Let's understand the facts. There is a lot of hyperbole used here in politics. The facts are these: This Senate has done a masterful job, in my judgment, of moving through the nominations sent to us by President Bush. Day after day and time after time, we have done that. In my State, we had two judgeships open. Both Federal judgeships were filled by Republicans nominated by President Bush—one in Fargo and one in Bismarck. I am a Democrat, but I was proud to support both of the nominees. I came to the floor and spoke in support of both Republican nominees, who I think will make outstanding Federal judges. They are now both on the bench.

That is the way the system should work, and it is the way it has worked in almost every circumstance—except for two. Because of those two, we have the majority leader and the President of the United States say the sky is falling. Nonsense, what sheer, utter nonsense. The sky is not falling.

What has happened is, we have a couple of nominees with whom this Senate has decided it does not want to proceed—until we get certain information from Mr. Estrada; and the other nomination, Judge Owen, was turned down last year by the Senate Judiciary Committee.

I wish to make this point: I know these days, with the 24/7 news cycle, there are some who believe if you say something and it gets repeated often enough—over and over and over again—that it will become fact. Well, it is not a fact for the President, and it is not a fact for the majority leader, to be able to say to the American people that we are somehow obstructing the nominations of Federal judges. That is simply not the case. It is demonstrably not the case, and there isn't any way they can make that case because the record is clear and the facts are in: 124 Federal judges have been confirmed, 125 if you consider the other judge which is a special judgeship for a 15-year appointment, but out of those 124, 125, all but 2 have moved here in the Senate.

I do not know of another time when the minority has been as cooperative and done as much to make sure we have filled these judgeships. In fact, when President Bush took office, and going back a year and a half ago, when my colleague, Senator LEAHY, inherited the chairmanship of the Judiciary Committee, we had a substantial number of openings on the Federal bench that had not been resolved and that had not been filled, and we have now moved very quickly, with the President, to resolve that, and we have the lowest number of vacancies on the Federal bench for the past decade and a half.

Let me be clear that there is not a circumstance here where there has been obstruction in the Senate. We have approved most of this President's nominees, and likely will continue to do so; and I will likely continue to vote for nearly all of them. But there will be circumstances in which a specific nominee will not get through this Senate for a number of reasons, and when that is the case, it is not appropriate and not factual for someone to get on a microphone and tell us: The sky is falling. That is total, sheer nonsense.

THE ENERGY POLICY ACT OF 2003—Continued

Mr. DORGAN. Well, Mr. President, now that I have that off my chest, let me go on to talk about energy.

I am proud to be on the floor of the Senate in support of the ethanol amendment, which is bipartisan. It is interesting to me that this legislation dealing with ethanol is an amendment that comes to the floor by virtue of Senator FRIST, Senator DASCHLE, myself, Senator TALENT, Senator JOHNSON, and so many others, with strong bipartisan support. It is saying: At least one part of this country's energy strategy that makes sense is to take the starch and sugars from a kernel of corn, ferment that, and get a drop of alcohol and extend America's energy supply. You do a couple things with that: You expand the opportunity for markets for agricultural products and help family farmers, and you actually grow your energy supply in America's farm fields by producing corn that can be then used to produce ethanol. What a remarkable thing to do. It makes good sense to extend our energy supply by producing ethanol.

Now, let me talk a bit about what sets us up to do this. First, we have to have a serious discussion about America's energy future. I have spoken of this before, but I wish to do it very briefly again.

We need to use fossil fuels in this country's future. There is no question about that: coal, oil, natural gas. We use them, and we will use them. But if our energy strategy is only that—if America's future energy strategy is only a dig and drill strategy—then it is a "yesterday forever" strategy. Every 25 years we can come to the floor of the Senate, we can have another debate about how much we are going to dig, how much we are going to drill, and probably satisfy our urge to speak. But we will not have satisfied this country's need for a different kind of energy strategy.

So an energy bill that makes sense for this country's future is one that does dig and drill, with environmental safeguards, but it must do more than that. It should, first, include incentivized production, but, second, it should provide conservation measures, because a barrel of oil saved is a barrel of oil produced in our economy. Then, in addition to production and conservation, an energy bill that makes sense is an energy bill that has a title that deals with the efficiency of all of the appliances that we use in our daily lives. And, fourth, it should include a provision that deals with limitless and renewable sources of energy. That is what this amendment is about.

So production, conservation, efficiency, and limitless and renewable sources of energy—that is what an energy bill is about, if it is balanced. Add in the limitless and renewable sources of energy, for my money, it means we should pole vault over all of these 25-year debates and say, we want to move to a new energy future.

One hundred years ago, when you wanted to gas up an old Ford, a Model T Ford, you pulled up to the gas pumps, you stuck that hose in the gas tank and began pumping. One hundred years later, we do exactly the same thing. If you happened to have driven a Ford this morning, and stopped at a gas pump, you did exactly the same thing they did a century ago: You run gas through the car's carburetor. And God bless us, we have great cars, and we have fuel at every gas pump, and no waiting lines. That is the way we fuel our automobile, our transportation fleet.

Let me describe what is happening with respect to energy in this country. If you look at the total demand for oil, and then look at transportation, you will see that the fastest rising demand for energy in this country, for oil particularly, is in transportation; it is in our vehicle fleet. That is where our demand for energy is rising.

What I believe we should do is heed the words of President Bush, who said: Let's move to a hydrogen fuel cell future. When President Bush called for that in the State of the Union Address, I said: This makes great sense. I had previously introduced a piece of legislation suggesting the same. I suppose that is why I thought it made great sense.

But the fact is, for this President to put his administration on the line in support of a hydrogen future with fuel cells is a very important step. To be sure, his plan is not very bold. I suggest that his plan is rather timid: in fact, it is $1.2 billion, half of which is new money, and part of which comes out of other important energy initiatives, particularly in renewables. But I don't want that to diminish the fact it is very important that this President—a Republican President, who comes from an oil State—says: Let's move to a different kind of energy future, especially with respect to transportation and the vehicle fleet.

Let's see if your children, and our grandchildren, might not be able to turn the key on an automobile that uses hydrogen in fuel cells. Hydrogen is ubiquitous. It is everywhere. Hydrogen is in water. You can put up a windmill, with more efficient turbines, and take energy from the wind, produce electricity, and use that electricity—through the process of electrolysis—to separate hydrogen and oxygen from water, and then store the hydrogen, and use that to power our vehicle fleet. That is one application: using wind energy to produce electricity to produce hydrogen. But there are so many ways to produce hydrogen, and it is everywhere.

So what we have to do is begin to solve this problem of moving to a hydrogen future—the problem of production, the problem of transportation, storage, and infrastructure. But the fact is, although these are problems, they are not insurmountable.

I drove a hydrogen car yesterday that was here on Capitol Hill. It is the second one I have driven. This was a General Motors car. One was United Technologies. Hydrogen vehicles are twice as efficient in getting power to the wheel as the internal combustion engine. Do you know what they put out of the tailpipe? Water vapor. What a wonderful thing: You find an engine that is twice as efficient, using a fuel cell, and you clean up the environment by putting water vapor out of the tailpipe of a vehicle. What a wonderful thing to do.

Now, I can't tell you how important it is to have the President's support on this. I nearly tripled what the President wanted by pushing, along with Senator DOMENICI, and others in the Energy Committee, to say: Let's substantially increase the amount of resources we are going to put towards moving in this direction of a hydrogen future. This requires bold, big initiatives. So the bill on the floor is slightly over $3 billion. I would like it to be $6.5 billion. I would like targets and timetables. I would like to see 100,000 vehicles using fuel cells on America's roads by 2010.

I would like to see 2.5 million vehicles on America's roads by 2020. Targets and timetables is the way we drive this issue. With research and development in a whole range of areas, and development of infrastructure, we can do this. We won't do it if we just revert back to what we have always done.

When I was a little boy growing up in a town of 350–400 people, they decided to try to dig an oil well 5 miles from my little town. It was the biggest thing in the world. We were so excited when somebody said they would try to dig an oil well on Bon Woodruff's farm. We thought it was the biggest thing. I remember driving out there. We used to drive out there all the time, the whole town. We would all drive out to see where the oil well was. We would watch the rig being put up. When it got up, it had lights all over it. They were drilling day and night. People were driving out and parking, watching. There was nothing going on, just lights and a rig. In my town that was a big deal. It was a dry hole. They never got oil. But it was a pretty interesting several months.

As a little boy, I thought about the drilling for oil, where we find oil abroad, and how we use oil to power our vehicle fleet. Fifty-five percent of that which we use comes from outside of our country. That doesn't make sense. Much of it comes from troubled parts of the world, a third from the Middle East. We could wake up some day and discover the supply of oil is cut off because of terrorists. Then America's economy would be flat on its back. The 55 percent foreign oil we are now dependent on is going to rise to 68 percent if we don't do something.

What is the greatest demand? Transportation. We have to do something big and bold. We have to have an energy policy that says to the people: We will get out of this. We may never be completely independent, but we will sure be a whole lot less dependent on foreign sources of energy.

That brings me to the amendment. The amendment dealing with ethanol. I am a big fan of growing part of our fuel in the farm fields. You grow that corn, take that ear of corn, take the kernels off, and with those kernels of corn you produce alcohol. It is important to farmers. It is a new market for their crop. It is important to our country's energy needs because it extends America's energy supply.

MTBE, a fuel additive, will be phased out in this legislation. We are discovering when MTBE shows up in America's groundwater, it is harmful to health. We will get rid of it. When we do, it will dramatically increase the demand for ethanol across America. That demand will increase to nearly 5 billion gallons. That means we will see more and more plants built around the country that will use the agriculture feedstock, take the alcohol from it. You still have the protein feedstock left to feed to the cattle, and you have grown some energy in America's fields. It is, therefore, renewable. We are not using it up. It is renewable year after year.

I am pleased that now for the first time we see a robust bipartisan group. It is not that it has not always been bipartisan; it has always been a bipartisan debate. But when you have the majority leader and minority leader leading an amendment, that is a big deal. Those of us who care about ethanol understand this is a moment in time in which we register strong support for moving in a different direction, for being bold. I talked about hydrogen and fuel cells. That is one part of being bold. The other part of renewable and limitless sources of energy is ethanol. There is more, including biodiesel, among others. So there is much to do.

The legislation we have brought to the floor from the Energy Committee is imperfect. But it has some good features. We will add some additional features. Senator DOMENICI should be commended. He is a pleasure to work with. Senator BINGAMAN on our side of the aisle, ranking Democrat, is the same, a terrific Senator who has done a great job. The energy bill needs some strengthening. We need a Renewable Portfolio Standard to improve the future for renewable energy for electricity. We need a Renewable Fuels Standard, which includes the ethanol amendment.

We need protections on the electricity title that do not now exist. I chaired hearings in the last year and a half with respect to what Enron Corporation did in the State of California and on the West Coast. When I said during that time that it looked to me like it was massive manipulation of electricity markets, and grand theft going on to the tune of billions of dollars for consumers in California and the West Coast, that was pooh-poohed by everybody. All the conservative columnists and others, Mr. Krauthammer and others, would write: Who are you kidding? There is no manipulation. Every time something likes this goes on, the Democrats claim there is manipulation.

We now know there was grand theft going on. Massive criminal investigations are occurring. The Federal Energy Regulatory Commission, which for a long while did its best imitation of a potted plant and decided it would not do anything while the people were victimized, has now said it was not just Enron, but there were a number of companies on the West Coast that decided to take the opportunity to shut down the electricity plants, short the load, drive up prices, and profiteer as a result of it.

Strategies like Death Star, Get Shorty, Fat Boy. You don't know what Fat Boy is? Fat Boy was a strategy by which energy traders working for the Enron Corporation colluded to try to see if they could steal from consumers. Death Star, same thing; Get Shorty, there were a dozen of them and more. Even more than the strategies, which were written in memos that we now have, we also have the transcripts of telephone conversations in which they talk about how they will shut down the plant in order to short the load and drive up price. They moved electricity in and out of a couple of States in order to increase the price, in some cases tenfold in 24 hours. What is that called, except stealing?

There are going to be people who go to jail for it. The electricity title in this bill must address these issues, wash trades, and others. It addresses a couple of them, but not nearly enough. We need to put consumer protections in here so what happened to the people in California does not ever happen again. We have a lot of people running around the country saying: We need to restructure the electricity title. We need to restructure electricity issues so there is massive competition.

We have a bit of experience with that which tells us that when you have very big players who have the ability to control and monopolize markets, and you also have a consumer, if you don't have a referee in between making sure the big interests are not cheating, the little interests get trampled. That is what happened on the West Coast. It is not just petty theft. It is billions of dollars.

My colleague who will speak following me, Senator NELSON of Florida, was a member of the subcommittee where we investigated these issues. Frankly, it made you sick to see what was going on.

Finally FERC stepped in and imposed a price cap. Finally an investigation was undertaken. The Justice Department is involved. The fact is, we should not and will not pass an energy bill through the Congress without an electricity title that provides protections to make sure this never happens again.

There will be other amendments. I am proud today to support this amendment, a bipartisan strong amendment on ethanol. We will also need to include a Renewable Portfolio Standard in the bill. We need to put in provisions that deal with consumer protections with respect to electricity. There is much yet to do. It is a pretty good start. This bill will advance America's energy interests, if we can add the amendments and add some protections.

Following the war in Iraq, what we know exists in the Middle East, as well as all of the uncertainties around the world, if anybody still wonders whether we need an energy policy, they have been asleep. This country needs to make sure its economy, its way of life, the future for the American people is not held hostage by the whims, confrontations, tragedies and conflicts in other parts of the world. That is what a good energy strategy, a balanced energy strategy, will do for our future.

I yield the floor.

Mr. NELSON of Florida. Mr. President, will the Senator yield for a question?

Mr. DORGAN. I am happy to yield for a question.

Mr. NELSON of Florida. The Senator from North Dakota and I are joined at the hip on so many of these issues he has just raised regarding energy. This Senator was particularly intrigued by the compelling argument the Senator from North Dakota made about a hydrogen engine being developed.

Does the Senator know, will there be an attempt to increase the amount of funding for research and development for a new hydrogen engine that will be in this particular bill?

Mr. DORGAN. The Senator from Florida should know that I offered an amendment in the Energy Committee that failed, I believe, by one or two votes. I intend to offer it again on the floor. It is similar to legislation introduced in the Senate that creates an Apollo-like program on hydrogen and fuel cells. My belief is we ought to do for this as we did with respect to going to the moon. President Kennedy said let's put a person on the moon by the end of the decade. Sure enough, Neil Armstrong stepped off that ladder running and planted his foot on the surface of the moon by the end of the decade.

It seems to me if this country really wants to effect substantial change, then you have to set goals and timetables. My proposal, which I introduced with a number of colleagues in the Senate—actually prior to the State of the Union Address in which the President announced his support for this initiative—is a $6.5 billion authorization over 10 years that sets targets and timetables and puts this country squarely behind an aggressive Apollo-type program, saying let's get there and, as a nation, let's aspire to reach a goal. Yes, I intend to offer it as an amendment to the energy bill.

Mr. NELSON of Florida. This Senator will be one of the Senator's cosponsors on the amendment. It is interesting that you have described it in terms of an Apollo-type program, which is exactly what this Nation needs. If we put our minds to something, as we did in the 1960s—announced by the President that we were going to the Moon by the end of the decade, and then return safely, and the Nation marshals its will and resources to do a technological feed as we did in going to the Moon, if we apply that same kind of will to addressing the energy crisis by the development of a hydrogen cell, a hydrogen engine that can propel most of our vehicles in this transportation sector—and the Senator's chart shows that transportation is the largest consumer of energy in the United States—if we did that, then clearly, as the Senator from North Dakota says—and I second it—we are going to wean ourselves from the foreign oil that we find ourselves so dependent upon today.

I will just offer as support for the Senator's statements that onboard the space shuttle we produced electricity from a hydrogen fuel cell. It is the mixture of hydrogen and oxygen that then produces electricity. What does it have as a byproduct? Water. As a matter of fact, onboard a mission of the space shuttle, so much excess water is produced that it needs to be released into space; a water dump is done, usually after each flight day.

It is there, it is technology we understand, and we are using it today in space aboard spacecraft. There is no reason we cannot bring down the per unit cost of a hydrogen engine if we put our minds and our technology and resources into it. What it would do for us is lessen our dependence upon foreign oil, which would lessen some of the kinds of things that we have to do in that region of the world that gets us inextricably involved in our military and foreign affairs.

Mr. DORGAN. Mr. President, I know the Senator wants to take the floor in his own right. I think it is important for people to know he is the only Member of the Senate who has actually flown on the space shuttle. Many people know that. Many years ago, he was part of the crew of a space shuttle. He knows of what he speaks.

I was originally going to call the bill I introduced—trying to move us in a bold, aggressive way toward a hydrogen future and fuel cell—the Manhattan Project, which was another successful project that dealt with something different. The Manhattan and Apollo Projects were both projects that had this country saying let's do this with targets and timetables. I think that is what we should do with respect to the President's call for a hydrogen economy and fuel cell, especially having this President's administration behind this initiative.

It is no small thing to have a President from an oil State say to the country: Let's see if we can move toward a future with hydrogen and fuel cells.

Good for him. That support is going to be very important. I will indeed offer my amendment to the energy bill at some point in the coming days, and I am happy to have the support of the Senator from Florida.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, this week we began debate on the energy bill, a vast and complex piece of legislation, arguably an important piece of legislation, that deals with an issue that touches every American in some way, shape, or form. Access to stable, reliable sources of energy is central to the strength of our economy.

I have real concern, as we take up this bill, that it not simply be a piece of legislation where we look to include every element, every fragment, every idea ever considered that might, in fact, alter energy markets around the country or around the world. I am concerned that in our effort to craft an energy policy, we simply look for ways to aid or to assist particular businesses, industries, or areas of research.

This bill currently includes very substantial loan guarantees to successful private corporations around the country; it includes research subsidies for investment in fossil fuel research, oil and gas development; and it includes a very complex and sizable tax package, some of which I think is questionable as to whether it will achieve the kind of fairness, equity, and efficiency in the energy markets we would like to see.

This morning, however, I wish to speak about one particular provision that is before us in the form of an amendment, an amendment that has been offered to dramatically increase the size and the scope of the Federal ethanol program. It not only expands the size of the ethanol program in America, but it effectively makes it mandatory, taking us from a 2-billion-gallon-a-year ethanol program to some 5 billion gallons a year over the next 8 years.

I can understand there are a lot of supporters of the ethanol program in this Chamber. A lot of the Members of the Senate have farm economies back home and see income or productivity that comes from this Federal program. But I do not think it is right to provide a subsidy at the taxpayers' expense for a program that cannot stand on its own feet.

Among the concerns I have with the current program, first and foremost is the supposed environmental benefits of ethanol. It is true, as an oxygenate, ethanol reduces the volatile compounds that are emitted into the atmosphere from fuel, from gasoline, but it does not do anything substantively to reduce the level of NOx in the atmosphere that contributes to the ozone problem, to the smog problems. I think as this debate goes forward, we will hear a lot of discussions from some of those Senators who represent urban parts of the country that have tough, real problems with ozone and smog. They have grave concerns about this program that provides a huge taxpayer subsidy without dealing with those important environmental issues.

From an energy perspective, we will hear a lot of discussion about the amount of energy that will be produced from this renewable resource because it is corn based, but from most proponents we will not hear a lot of discussion about the energy it takes to produce this ethanol in the first place. It takes nearly a gallon of fuel to produce a gallon of fuel. So at the end of the day, you may have ethanol that you can blend in gasoline and put in your car, but you have used quite a bit of energy to get there in the process.

From an energy perspective, energy efficiency, energy independence, even then, in the best case, the benefits are marginal, if they exist at all.

Finally, of real concern is the subsidy itself. There is an enormous taxpayer subsidy that is used to provide viability to this industry. As everyone goes to the pump, they pay 18.3 cents in tax for every gallon of gas they put in their car. If that gallon is blended with 10-percent ethanol, it is exempt from 5.3 cents of that gas tax. That represents a 53-cent-a-gallon subsidy for the ethanol itself—53 cents. At the end of the day, that means a billion dollars less going into our highway trust fund.

We are going to deal with the highway reauthorization bill later this year, and there are a lot of supporters of highways who are pushing for more money. I think we need to take a long, hard look at what the right amount to spend on infrastructure is in this country. But we certainly do not need to be subsidizing a questionable effort such as this ethanol program in a way that takes money out of our highway trust fund, a billion dollars a year today, and with this expansion that will go to $2 billion a year by 2012. That means $2 billion a year lost from the highway trust fund.

Now, for years the argument that was made by House Members, Senators or legislators all across the country to support this subsidy, was that we need the subsidy in order to encourage people to use the ethanol fuel. That is why we have the subsidy. We need it if we are going to get people to use this fuel.

That subsidy has not been very successful in getting people to use that much of the fuel. So now they are going to go to a mandate.

Well, I can understand why one would want to force a mandate on the American people if they are determined to force them to purchase the fuel. But if it is going to be mandated, why is the subsidy still needed?

That is one of the central issues we are going to have to deal with in this debate, and we need to at least put people on the record as to why they think we still need to subsidize this industry, in many ways a very concentrated industry.

There are about half a dozen very large, successful businesses, that are responsible for about 70 percent of the ethanol produced in this country. Why do we ask taxpayers to continue to subsidize this industry when we have a mandate in place that forces them to buy the product? That makes no sense. I do not think it is fair in the first place to force them to buy the product, but I certainly do not think it is fair to force them to subsidize the product at the same time. It has got to be one or the other. If a subsidy is to be provided because it is the only way to get people to purchase the product, at least that is a rational argument—not one I support but it is a rational argument. If the only way to get them to buy the product is to mandate it, to force them to buy it, that is also a rational argument, although not one that I support. But it cannot be both ways. A subsidy cannot be forced on the American people, the money cannot be diverted from the trust fund and have the mandate at the same time.

If the mandate is going to be that 5 billion gallons of this fuel has to be purchased every year, the least we can do is then treat it the same way we treat any other fuel in this country with an appropriate, fair, and well-thought-out excise tax. The American people deserve consistency and fairness in this matter.

I think it is a shame that we have a program such as this ethanol program that really has not proven its worth, that unfortunately channels huge taxpayer subsidy to a small number of very successful, profitable companies around the country. I would rather see a bill that did not have this taxpayer subsidy in it in the first place, but if we are going to take up this issue, let us at least be fair and equitable in the way we deal with it.

We need a good, thoughtful energy policy in the United States. This kind of subsidy ought not to be part of that program and that policy.

I have a number of other concerns with the legislation before us, but I hope when the time comes we can work to craft an amendment that would right this wrong, that would ensure that ethanol is treated the same as any other fuel that we have in the country, and that would improve the quality of this legislation before it passes the Senate, if it is able to do so.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. DOLE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business

The PRESIDING OFFICER. Without objection, it is so ordered.

HAIL TO THE CHIEF

Mr. STEVENS. Mr. President, the other morning, as I read the clips from the Anchorage Daily News, I was taken by a report of an event that took place when President Bush landed on the aircraft carrier off of San Diego.

I ask unanimous consent that this Anchorage Daily News article be printed in the RECORD following my remarks on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. This article referred to Petty Officer 3rd Class Francis Cushingham IV, who met and shook hands with the President three times while he was on the aircraft carrier. It describes how this 21-year-old Alaskan from Eagle River and his 5,000 shipmates played host to President Bush and what they did.

President Bush was on board all day getting to shake hands with almost every member of the crew. As the article says:

> Trust an Alaskan to make the most of opportunity. Despite an uncertain start, Cushingham managed to shake Bush's hand three separate times, get his picture taken with the President, and appear in a background shot on the Today show.

The article goes on to say that Cushingham considers it to be proof of his few moments of glory and has a quote from him:

> It's something I'm going to keep to show to my children and my grandchildren. I can say, "Hey, I met the President."

There are people who criticized the President for having landed on that aircraft carrier. As a pilot, I envy the opportunity he had to land on that aircraft carrier and I certainly do not criticize the President for his visit.

Our battle carrier groups are tremendous examples of the ability of the United States to project force to all corners of the globe. What better way to show the world that force than to have the President of the United States land on this aircraft carrier as it returned to its home base?

In fact, before the President landed on that carrier, the basic air combat groups on board the carrier had left. They fly ahead of the vessel as it goes into home port so they can go have their reunions with their families at the air bases, which reflect their duties. The sailors' families meet them as they come in to port. In this instance, it was San Diego. I have witnessed some of those real amazing events when a major ship comes back into port.

This visit of the Commander-in-Chief was accomplished within normal allocation of training flight hours to the pilots who flew him there. He was a passenger. He, as well as I, would like to experience landing a plane on an aircraft carrier but we know we cannot do that.

Very clearly, the President was carrying out the tradition of every President since John Tyler in 1844. President Eisenhower visited aircraft carriers after World War II. In 1980, Jimmy Carter visited the Nimitz, and in 1994, President Bill Clinton, on the George Washington, went from England to France for the 50th anniversary of the Battle of Normandy. I do not remember any criticism of that. In fact, to the contrary. I think Americans are proud of the fact their President goes out to greet the troops as they are coming back and spends time with them.

As this article points out, this Alaskan greeted the President as he came out of the gym. He had gone to work out with some of the guys and gals on board. I cannot think of a better way for a Commander-in-Chief to demonstrate the great confidence we have in the young men and women who performed their duty in Iraq.

I ask unanimous consent that another article which I have be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. STEVENS. This is an article from the Copley News Service entitled "Bush Continues Seagoing Tradition." It points out the number of times that Presidents have gone on board aircraft carriers.

Long before I came to the Senate, I remember when Adlai Stevenson came to Alaska. He was just a Presidential candidate. We traveled miles and miles to see him, although I was a Republican candidate for office at the time. I think every American wants to see the President and is totally honored to ever be in the presence of the President. That person represents the honor of our country, and I cannot think of a better way for a President to do it than to go out and land on an aircraft carrier and honor those who have served our country so well in Iraq.

I do congratulate the President and I hope he keeps it up. I hope he visits every naval vessel he can visit and every military base he can visit.

This generation has done a tremendous job for us in Afghanistan and Iraq. My generation was referred to as "the greatest generation." I think these young people far surpass what we did in terms of their ability to follow orders, to achieve the goals that are set for them, and to do it in a very humane and humanitarian way.

Again, I think the President did the right thing by thanking the soldiers and sailors and marines on that aircraft carrier in person. I again repeat, I hope he will do it again.

EXHIBIT 1

AFTER SHAKY START, ALASKAN GREETS BUSH THREE TIMES

(By Sheila Toomey)

Petty Officer 3rd Class Francis Cushingham IV was so nervous about meeting the president that he almost blew his first opportunity.

"I'm all freaking out. I was basically scared to meet him. I mean, he's like basically the most powerful person on the planet," Cushingham said by phone Friday from San Diego, where the aircraft carrier USS Abraham Lincoln is docked.

The 21-year-old from Eagle River and his 5,000 shipmates played host Thursday to President Bush, who declared victory in Iraq in a speech broadcast from the carrier as it approached the California coast. The ship, which left the United States in July, was returning from duty in the Persian Gulf.

Bush was on board all day, and getting to shake his hand became a ship-wide obsession.

Trust an Alaskan to make the most of opportunity. Despite an uncertain start, Cushingham managed to shake Bush's hand three separate times, get his picture taken with the president and appear in a background shot on the "Today" show.

"I'm basking in it," Cushingham said. "Everybody was honored and excited. There's a lot of people who didn't get the chance to shake his hand, and they're all bummed out."

The first occasion was outside Cushingham's work station, a room of computers used in navigating the massive ship that's located along a corridor leading to the captain's cabin. When a bunch of Secret Service agents appeared, signaling the president's approach, Cushingham said he got nervous and turned to leave. A colleague stopped him, and the first shake took place.

"I said, 'How are you, sir? It's a pleasure to meet you, sir.' He said, 'Thank you for your service to your country.' I swore my face was the brightest hue of red you could possibly muster, but my friend said I didn't look nervous."

An hour later, Bush was returning from the ship gym, wearing workout clothes, needing a shower, friendly and shorter than he looks on television, the 6-foot-3-inch Alaskan said.

"He stood in the doorway, saw all of us with our cameras, and pretty much offered a photo op right there. . . . He said, 'Who has a camera? Who am I standing with first?' "

"I shook his hand about 4:20 in the afternoon," Cushingham said. "Pacific time."

The third shake was up on deck, after Bush's speech. Now a pro, no longer nervous, Cushingham maneuvered to be among the group Bush was scheduled to shake hands with in the afterglow of the international media event.

Pressing presidential flesh was good, Cushingham said, but the photo is best. It's proof of his few moments of glory.

"It's something I'm going to keep to show to my children and my grandchildren. I can say, 'Hey, I met the president.' "

Exhibit 2

Bush Continues Seagoing Tradition

(By Otto Kreisher)

WASHINGTON.—President Bush's stay aboard the Abraham Lincoln off San Diego today will continue an unbroken record of presidential visits to U.S. Navy aircraft carriers that goes back to Dwight D. Eisenhower in 1957.

Nearly half of those carrier visits have occurred in the same Southern California waters that Bush will sail through during his overnight cruise aboard the Lincoln as it nears the end of a war-extended deployment to the Persian Gulf.

The Lincoln will be the first U.S. warship Bush has gone aboard as president, an apt recognition of the major role that carriers have played in the conflicts that he ordered in Afghanistan and Iraq.

Because the Lincoln will be too far off San Diego for a helicopter, Bush will fly to the carrier in a tactical aircraft, a historic first for a president.

After arriving at North Island Naval Air Station aboard Air Force One this morning, Bush will board a twin-jet S-3B Viking from Sea Control Squadron 35. The plane will make a cable-assisted landing on the Lincoln.

Though he served in the Texas Air National Guard, Bush will be merely a passenger strapped in next to the pilot, according to White House spokesman Ari Fleischer. "For the sake of the landing," Fleischer said. "I'm sure he will be doing no piloting."

Closer to land tomorrow, Bush will return by helicopter and leave North Island before the Everett, Wash.,-based carrier arrives in San Diego Bay.

The Navy will not discuss where Bush will stay during his night on the nuclear-powered carrier, citing security concerns. But the president could use either the spacious suite provided for the carrier battle group commander, Rear Adm. John M. Kelly, or the large cabin available to the Lincoln's commanding officer, Capt. Kendall Card.

Both provide a comfortable bedroom with adjoining "head"—Navy for bathroom—and large conference or dining room located several levels above the flight deck.

Presidential staff likely will be put into some of the officer staterooms vacated by about half of the air wing's squadrons, which will have flown off to their home stations before Bush arrives.

Eisenhower started the trend of commanders-in-chief touring carriers with his overnight stay on the Saratoga in June 1957. But every U.S. president has spent time on a Navy vessel since John Tyler in 1844, although for several the only nautical exposure was on the presidential yachts.

Other presidents have spent a lot of time on warships, with the two Roosevelts—both one-time assistant Navy secretaries—leading the pack in visits.

Theodore Roosevelt, who had served as acting Navy secretary, visited at least six warships as president, including a primitive submarine in 1905.

Franklin D. Roosevelt, who had been assistant Navy secretary, spent months aboard 12 different warships, including many wartime voyages for overseas conferences with allied leaders.

Although neither Roosevelt ever visited a carrier, both have had flattops named for them.

George H.W. Bush followed FDR's example of using warships for security overseas. He stayed aboard the cruiser Belknap during a 1989 summit with Soviet President Mikhail Gorbachev in Malta and on the amphibious assault ship Tripoli during a New Year's 1992 visit to troops in Somalia.

The elder Bush, a World War II Navy carrier pilot, also visited the carrier Forrestal during his Malta stay.

John F. Kennedy, a PT boat captain in World War II, became the first president to visit a carrier off San Diego when he toured the Oriskany on June 6, 1963. He then spent that night aboard the Kitty Hawk, watching flight operations.

Lyndon B. Johnson spent a night aboard the nuclear-powered Enterprise off San Diego on Nov. 10–11, 1967.

Richard Nixon used two carriers to broadcast Armed Forces Day message to the troops: The Hornet on May 17, 1969, off the Virginia coast and the Independence on May 19, 1973, docked at Norfolk.

Jimmy Carter's visits aboard the carrier named for Eisenhower in 1978 and the Nimitz in 1980 occurred in the Atlantic. The former nuclear-qualified submariner toured the Eisenhower's nuclear reactor spaces—probably the only president ever to visit that highly restricted area.

Ronald Reagan spend part of Aug. 20, 1981, on the San Diego-based Constellation, off the California coast.

Bill Clinton visited three carriers and spent a night aboard the George Washington on June 5–6, 1994, sailing from England to Normandy for the 50th anniversary of the D-day invasion.

SMITHSONIAN BROUHAHA

Mr. STEVENS. Mr. President, turning to another subject, I have been concerned about the newspaper reports and stories about the Smithsonian's exhibit that was moved within the museum by its managers. Many of those newspaper stories and other news stories have indicated that I pressured the Smithsonian Museum to move that exhibit. That is absolutely not true. No member of my office nor I contacted the Smithsonian. I checked with the other two members of the Alaska delegation. None has commented on that exhibit or interfered in any way.

When I looked into it, I concluded the Smithsonian was right. It was not just an exhibit of beautiful pictures of Alaska—and I love beautiful pictures of my State. It was an attempt to use the Smithsonian as a place to carry forward the position of the Wilderness Society on the question of whether or not oil and gas development should take place on the Arctic coast.

That is a public issue. Suppose I had taken all the photos and all the exhibits I have displayed on the floor and took them to the Smithsonian and said I wanted them positioned so the people coming in can understand why we should go forward in drilling ANWR. I believe the Senate would come apart at the seams.

This action that has been taken is contrary to the basic concept of the Smithsonian. It should not be a place for advocacy on a public issue. Clearly, that is what happened. It was an exhibit based on a book with contributors William Meadows of the Wilderness Society; Debbie Miller, of the Alaska Wilderness Society; Fran Mauer, former refuge manager; and former President Jimmy Carter, of the Alaska Wilderness League.

Let me describe the cover of the book. The book talks about seasons of life and land and a photographic journey through Alaska. That is wonderful. They are great photographs. What is the purpose of the book? The purpose of the book is to make people think the land depicted in this book is endangered. There is a picture of a red sign with caribou, labeled "endangered." "Why is this land connected to us all?"

Of the 19 million acres of the Arctic Wildlife Refuge, all but 1.5 million is protected. The Arctic Wildlife Refuge is already protected. It is not endangered. The other 1.5 million acres is an area set aside by an amendment offered by Senator Tsongas of Massachusetts, a Democrat, and Senator Jackson of Washington, a Democrat. It was passed by the Senate, passed by the House, and the bill was signed by President Jimmy Carter in 1980 after the election.

President Carter has a foreword in this book. It says:

> In 1960, President Dwight D. Eisenhower established the original 8.9 million-acre Arctic National Wildlife Range to preserve its unique wildlife, wilderness, and recreational values.

I know that; I helped draft that order. I was at the Interior Department as a solicitor of the Department of the Interior.

President Carter continues:

> Twenty years later, I signed the Alaska National Interest Lands Conservation Act. monumental legislation safeguarded more than 100 million acres of national parks, refuges, and forest lands in Alaska.

That is true.

> This loss specifically created the Arctic National Wildlife Refuge, doubled the size of the former range, and restricted development in areas that are clearly incompatible with oil exploration.
>
> Since I left office, there have been repeated proposals to open the Arctic Refuge coastal plain to oil drilling. Those attempts have failed because of tremendous opposition by the American people. . . .

This is a propaganda book. President Carter signed that law that had the Tsongas-Jackson amendment that authorized us to go forward with oil and gas development as long as an environmental impact statement demonstrated there would be no irreparable harm to the Arctic Plain.

President Carter has now developed opposition after signing the law that authorized oil and gas development. And the law would never have passed if it had not permitted it.

The basic thing today is what to do about these people both in the Senate and elsewhere who are trying to persecute the Smithsonian officials who saw what they were trying to do. They were trying to use the Smithsonian to further their cause in opposition to the discussions going on in the Congress on ANWR. The House had just passed a bill containing the approval to proceed with oil and gas leasing. They knew that. They wanted to put it up in the Smithsonian and have all the visitors to the beautiful Smithsonian look at this exhibit and come to the conclusion that those who propose proceeding with the authority under the 1980 act that President Carter signed, are somehow wrong.

That is advocacy on an issue that is pending before the U.S. Congress, and it is wrong to use the Smithsonian for that purpose. I do not believe we should let it go unnoticed. People are criticizing the management of the Smithsonian for having recognized that. I will defend them. They were right.

As a matter of fact, I would defend them if someone from my point of view went to the Smithsonian and demanded space to use the Smithsonian to advocate my point of view. That is not right. They have every right in the world to produce this book, every right in the world to publish it, to distribute it, to sell it, and to advocate a position against what I believe in. The constitutional right of free speech in this country gives them the absolute right to do what they want to do, but they do not have the right to use federally supported facilities like the Smithsonian and demand the right to use it and castigate those who manage the institution, who caught them in the act and said: You cannot do that.

I applaud the Smithsonian managers and I tell them unquestionably, I want them to notify me if there is any further attempt to bully them. We are going to get to the bottom of this one because it is absolutely wrong to challenge and castigate people who are doing their job correctly. The Smithsonian did the proper thing, and their opponents should admit it and stop this.

Every article I have seen, every radio account that I have seen, anything that has been said about this, indicates I am the one who put pressure on the Smithsonian to move it. It is not true. We did not do that. But I do applaud the people who made the decision that this is wrong.

I think the Congress should insist that the Smithsonian and other Federal facilities not be used for advocacy, pro or con, on legislation pending in the U.S. Congress.

AIR CARGO SECURITY IMPROVEMENT ACT

Mr. NELSON of Florida. Mr. President, I rise to give my comments on an act that we passed yesterday. It is the Air Cargo Security Improvement Act. I think it is worth noting some of the particulars of this legislation which passed the Senate last night because it is another important step toward fully protecting the United States and all Americans from terrorists who intend to use our aviation system to commit future attacks.

While there are a bunch of provisions in this bill, it includes the creation of a security program to protect our air cargo from terrorist attacks. This bill mandates crucial studies on blast-resistant cargo containers. It also provides for TSA, the Transportation Security Administration, passenger screening. That is known as CAPPS II. It also provides how to defend our airliners from shoulder-fired missile attacks. That is a shoulder-mounted, heat-seeking missile, similar to that used in the attack of last December on an Israeli charter jet in the skies over Kenya.

This legislation is clearly in the interest of the United States and in the interest of freedom-loving people around the world. It also addresses a deep concern of mine regarding foreign citizens coming to the United States to receive pilot training on all sizes of aircraft. Does that have a resonance? Does that call to mind something that had disastrous consequences to this country?

Well, indeed, because what we have seen is what can happen when people come to our country with the specific intent to do us great harm. Many of the September 11 hijackers had learned to fly airplanes right here in the United States. They used those airplanes, then, as deadly weapons against the interests of Americans and the people who were in those buildings. They learned to fly in flight schools right here in the United States.

Now, section 113 of the Aviation and Transportation Security Act, which was enacted in the last Congress, requires background checks of all foreign flight school applicants seeking training to operate aircraft that are 12.500 pounds or more. I had attached that particular provision in the Commerce Committee, and that was part of the package that ultimately became law.

Clearly, that was a step in the right direction because, had that been in effect, it would have screened out those who did harm to us by learning to fly airliners in our own flight training schools here. But that provision—with a cutoff of only learning to fly 12.500-pound aircraft or more—doesn't help us from preventing different types of potential attacks against our domestic security.

To rectify that problem, we attached another amendment to the bill that passed last night which addresses the issue of background checks for all foreign flight students who come to flight schools to learn to fly in the United States.

Why? Besides the obvious—the events on September 11—the FBI has issued terrorism warnings indicating that small planes might be used to carry out suicide attacks. Small aircraft can be used by terrorists to attack nuclear facilities, carry explosives, or to deliver biological or chemical agents. We remember what they found on the computer of one of the suspected hijackers: information about learning to fly a crop duster.

For example, if a crop duster is filled with a combination of fertilizers and explosives and were it to be taken into an area of high concentration of people, such as a sports stadium, that could do some serious damage and some serious injury, not even to speak of the possibility of distributing biological or chemical agents from something like a crop duster. It is in the interest of this country to ensure we are not training terrorists to perform those acts.

The bill that passed last night will close an important loophole and answer the critical warnings issued recently by the FBI by extending the background check requirement to all foreign applicants to U.S. flight schools regardless of the size of aircraft they seek to learn to fly.

The flight schools naturally have been concerned: Is this going to be more redtape for them? The fact is, when we passed this provision over a year ago, it was assigned to the Department of Justice. The Department of Justice never implemented the bill, to the great frustration of the owners and the operators of flight schools, so that they could never get the foreign flight students in because the Department of Justice had not implemented the rules to allow those background checks, which is a simple little fingerprint test that can be done in our embassies and consulates abroad before the foreign flight student ever comes to America. Naturally, the flight schools were frustrated.

We are rectifying that situation for the flight schools because this is not going to be in the Department of Justice, where the holdup occurred: it is going to be in the new Department of Homeland Security, specifically designated to the TSA, the Transportation Security Administration, and it is my expectation that the TSA, which provided excellent advice in the fine-tuning of this legislation, will apply an appropriate level of background screening to all foreign nationals who seek flight training in the United States, and then the frustrations of the flight schools will be taken care of. The flight schools will be able to know that the background check has already been done abroad before the flight student from a foreign land arrives.

That procedure is not going to allow anyone to slip through the cracks. We cannot aid anyone who intends to do harm to Americans and to our Nation.

I thank all the Senators who helped me with this legislation. It has been a couple of years in the making to finally get it to this point. The chairman and ranking members, Senators McCAIN and HOLLINGS, and their staff have worked with us to ensure the inclusion of this provision in the bill. Finally, we are on the way to solving this problem.

NOMINATION OF DEBORAH COOK

Mr. BAUCUS. Mr. President, I would like to explain why I opposed the nomination of Deborah Cook to the U.S. Circuit Court of Appeals for the Sixth Circuit earlier this week.

As I have stated, before, appointees to the Federal bench must be able to set aside their personal philosophies and beliefs. They must be able to administer and enforce the law in a fair and impartial manner. Because the U.S. Supreme Court hears fewer and fewer cases each year, the circuit courts are the court of last resort for many ordinary citizens and businesses. The circuit courts often have the last word on important cases dealing with civil rights, environmental protection, consumer protections, and labor issues, among many others. Circuit court judges must demonstrate a record of integrity, honesty, fairness, and a willingness to uphold the law. It doesn't matter if that person is nominated by a Democrat or a Republican—the standard remains the same.

In reviewing Ms. Cook's record, I noted several instances in which she clearly ignored her own State's Constitution or her own court's prior precedent in issuing her opinion or dissent. This was particularly striking in cases involving worker and consumer rights and protections. Her record indicates she lacks the sensitivity and legal integrity so vital to any person worthy of a lifetime appointment as a U.S. circuit court judge. Her record indicates she cannot set aside her own personal philosophies and beliefs in deciding the cases before her.

In short, I could not in good conscience, exercising my duty under the Constitution, vote to confirm Deborah Cook to a lifetime appointment on the Sixth Circuit Court of Appeals.

BUSINESS PRACTICES IN THE GUN INDUSTRY

Mr. LEVIN. Mr. President, a declaration recently filed in a California lawsuit by Mr. Robert A. Ricker, former assistant general counsel for the National Rifle Association and former executive director of the American Shooting Sports Council, revealed that many in the gun industry have long known that their business practices make it easier for criminals to gain access to guns yet often fail to do anything about it.

In his declaration, Mr. Ricker cites an example of irresponsible business practices in the gun industry known as straw purchasing. Straw purchases are a primary avenue by which a relatively small number of federally licensed firearm dealers supply the criminal market. A straw purchase involves a buyer with a clean record purchasing a gun for someone who is prohibited by law from doing so. Mr. Ricker asserts that it has long been known in the gun industry that many straw purchases and other questionable sales can be stopped if dealers are trained in preventing illegal activity. However, in the absence of such training and a commitment to responsible business practices, many straw sales continue to take place undetected. Instead of requiring their dealers to act responsibly, Mr. Ricker says that it has been a common practice among some gun manufacturers to adopt a "see-no-evil, hear-no-evil, speak-no-evil" approach. This approach does nothing to discourage the evasion of firearms laws and regulations.

Mr. Ricker's accounts confirm what has long been suspected. Some gun manufacturers and dealers know their practices facilitate criminal access to firearms but they do nothing about it. The Lawful Commerce in Arms Act that recently passed the House and that has been referred to the Senate Judiciary Committee would shield those negligent and reckless gun dealers and manufacturers from many legitimate civil lawsuits. Certainly, those in the industry who conduct their business negligently or recklessly should not be shielded from the consequences of their actions. Mr. Ricker's declaration contributes further evidence that this bill would assist some in the gun industry in avoiding responsibility for their business practices.

ADDITIONAL STATEMENTS

NATIONAL NURSES WEEK

• Mr. JOHNSON. Mr. President, I acknowledge the importance of this week and pay tribute to a very important sector of our health care workforce. This week marks "National Nurse Week," which highlights the critical role that nurses play in our Nation's health care system. Nurses are the backbone of our health care system and their continued dedication and commitment to both patients and doctors deserves our praise during this special week. I am thankful for all the hard work that the men and women of this profession provide to the people of South Dakota and our Nation.

South Dakota is fortunate to have several successful nursing programs throughout the State dedicated to providing outstanding service to the people of South Dakota. It is important that these institutions continue to grow and work to bring bright young professionals to the nursing field. This job has become more difficult in recent years as the profession faces increased workforce shortages. The average practicing nurse is in her midforties and will soon leave the workforce for retirement. At the same time, we have less and less young nurses entering the field. This is especially a problem for rural States, such as South Dakota, which have chronic health care worker recruitment and retention problems. The nursing shortage also puts great strain on those currently working in the profession. Initiatives need to be taken on both fronts, professional and educational, to address these challenges and bolster the nursing workforce in preparation for an aging baby boom generation.

Last year, I was pleased to be a cosponsor of the Nurse Reinvestment Act, which was signed into law. This critically important legislation has established five standards that will help alleviate many of the problems facing the nursing profession, including a specific focus on implementing these programs in rural areas. First, it creates a National Nurse Service Corps Scholarship Program, which provides scholarships in exchange for at least 2 years of service in a critical nursing shortage area or facility. Second, it will recruit nurses by establishing Nurse Recruitment Grants and by creating both national and State public awareness campaigns. Third, it creates "career ladder" programs that will encourage individuals to pursue additional education, training, and advancement within the profession. Fourth, it includes a loan, scholarship, and stipend program for graduate level education in the nursing profession in exchange for teaching at an accredited school of nursing. Finally, it establishes a National Commission on the Recruitment and Retention of Nurses to conduct studies and make recommendations on the vital issues facing the nursing profession.

The fiscal year 2003 Omnibus Appropriations bill designated $20 million in funding for the Nurse Reinvestment Act. While this marks a step in the right direction, I would like to see this funding increased to accurately reflect what is really needed to curb the workforce shortage crisis. I joined several of my colleagues in fighting for $250 million in new money for this program last year, and as a member of the Senate Appropriations Committee, I will continue to fight for additional resources towards that goal.

As I have noted, the nursing workforce is the foundation of our health care system. The continued dedication and commitment of our country's nurses is truly inspirational and has made patients' lives better and doctors' jobs easier. I look forward to seeing this workforce grow as a result of the wonderful programs authorized by the Nurse Reinvestment Act. I will do what I can to help foster the expansion of these programs and I celebrate Nurses Week by thanking the nurses of this country for all that they do.●

MESSAGE FROM THE HOUSE

At 11:44 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 874. An act to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents.

H.R. 1261. An act to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes.

The message also announced that pursuant to section 101(f)(3) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 1320b–19), and the order of the House of January 8, 2003, the Speaker appoints the following member on the part of the House of Representatives to the Ticket to Work and Work Incentives Advisory Panel: Mrs. Berthy De La Rosa-Aponte of Cooper City, FL, to a 4-year term.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 874. An act to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents; to the Committee on Commerce, Science, and Transportation.

H.R. 1261. An act to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2272. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Use of Debit cards for Flexible Spending Arrangements (Rev. Rul. 2003-43)" received on May 7, 2003; to the Committee on Finance.

EC–2273. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice (Notice 2003-32)" received on May 7, 2003; to the Committee on Finance.

EC–2274. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Continuing Employment Exception to Medicare Tax Not Available If State or Local Government Employee Not a Member of a State Retirement System (Rev. Rule 2003-46)" received on May 7, 2003; to the Committee on Finance.

EC–2275. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "April—June 2003 Bond Factor Amounts (Rev. Rul. 2003-44)" received on May 7, 2003; to the Committee on Finance.

EC–2276. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bank Demutualization (Rev. Rul. 2003-48)" received on May 7, 2003; to the Committee on Finance.

EC–2277. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Earnings Calculation for Returned or Recharacterized IRA Contribution (RIN 1545-BA82)" received on May 7, 2003; to the Committee on Finance.

EC–2278. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Length of Service Award Program (Rev. Rul. 2003-47)" received on May 7, 2003; to the Committee on Finance.

EC–2279. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 403(b) distribution reporting and withholding (Notice 2003-20)" received on May 7, 2003; to the Committee on Finance.

EC–2280. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure 2003-35 Gaming Industry Tip Compliance Agreement" received on May 7, 2003; to the Committee on Finance.

EC–2281. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Constructive Transfers and Transfers of Property to a Third Party on Behalf of a Spouse (1545-AX99)" received on May 7, 2003; to the Committee on Finance.

EC–2282. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendment of Waiver of Loss Carryovers from Separate Return Limitation Years (1545-BB39)" received on May 7, 2003; to the Committee on Finance.

EC–2283. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Under Section 817A Regarding Modified Guaranteed Contracts (1545-AY48)" received on May 7, 2003; to the Committee on Finance.

EC–2284. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "National Median Gross Income for 2003 Revenue Procedure (Rev. Proc. 2003-29)" received on May 7, 2003; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance, with an amendment in the nature of a substitute and an amendment to the title:

S. 2. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives to encourage economic growth.

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 709. A bill to award a congressional gold medal to Prime Minister Tony Blair.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORZINE (for himself, Mr. LEAHY, Mr. COCHRAN, and Mrs. LINCOLN):

S. 1035. A bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55; to the Committee on Armed Services.

By Mr. ALLARD (for himself, Mr. FEINGOLD, Mr. KOHL, Mr. ROBERTS, Mr. CAMPBELL, Mr. BURNS, and Mr. CRAIG):

S. 1036. A bill to provide for a multi-agency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. SNOWE (for herself, Mr. ROCKEFELLER, Mr. WARNER, Mr. HOLLINGS, Mr. KERRY, Ms. COLLINS, Mr. CARPER, Mr. ALLEN, Ms. LANDRIEU, Mrs. LINCOLN, Mr. FITZGERALD, Mr. DORGAN, Mr. CORZINE, Mr. CAMPBELL, Mr. SCHUMER, Mr. CHAFEE, Mr. SMITH, Mr. HARKIN, Ms. MIKULSKI, Ms. CANTWELL, Mr. NELSON of Nebraska, Mr. CRAIG, Mrs. FEINSTEIN, and Mr. LAUTENBERG):

S. 1037. A bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs; to the Committee on Finance.

By Mr. THOMAS (for himself, Mr. ENZI, Mr. CRAIG, Mr. STEVENS, and Mr. BURNS):

S. 1038. A bill to limit the acquisition by the United States of land located in a State in which 25 percent or more of the land in that State is owned by the United States; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself, Mr. MILLER, Mr. MCCONNELL, Mr. STEVENS, Mr. SANTORUM, Mr. KYL, Mrs. HUTCHISON, Mr. ALLEN, Mr. LOTT, Mr. HATCH, Mr. CORNYN, and Mr. CHAMBLISS):

S. Res. 138. A resolution to amend rule XXII of the Standing Rules of the Senate relating to the consideration of nominations requiring the advice and consent of the Senate; to the Committee on Rules and Administration.

By Mr. SUNUNU:

S. Res. 139. A resolution expressing the thanks of the Senate to the people of Qatar for their cooperation in supporting United States Armed Forces and the armed forces of coalition countries during the recent military action in Iraq, and welcoming His Highness Sheikh Hamad bin Khalifah Al-Thani, Emir of the State of Qatar, to the United States; considered and agreed to.

By Mr. CAMPBELL (for himself, Mr. DURBIN, Mr. BOND, Mr. HOLLINGS, Mr. KERRY, Mrs. MURRAY, Mr. BIDEN, Mrs. LINCOLN, Mr. JOHNSON, Mr. INHOFE, Mr. TALENT, Mr. BUNNING, Mr. ALLEN, Mr. ENZI, Mr. SMITH, Ms. LANDRIEU, Mr. DOMENICI, and Mr. CRAPO):

S. Res. 140. A resolution designating the week of August 10, 2003, as "National Health Center Week"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 215

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 215, a bill to authorize funding assistance for the States for the discharge of homeland security activities by the National Guard.

S. 269

At the request of Mr. JEFFORDS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S . 269, a bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

S. 528

At the request of Mr. BINGAMAN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 528, a bill to reauthorize funding for maintenance of public roads used by school buses serving certain Indian reservations.

S. 910

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 910, a bill to ensure the continuation of non-homeland security functions of Federal agencies transferred to the Department of Homeland Security.

S. 982

At the request of Mrs. BOXER, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 983

At the request of Mr. CHAFEE, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 983, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1000

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1000, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to provide TRICARE eligibility for members of the Selected Reserve of the Ready Reserve and their families; to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserve components and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE (for himself, Mr. LEAHY, Mr. COCHRAN, and Mrs. LINCOLN):

S. 1035. A bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55; to the Committee on Armed Services.

Mr. CORZINE. Mr. President, I rise today to introduce a bill that would reduce the retirement age for members of the National Guard and Reserve from 60 to 55. This change would allow 93,000 reservists currently aged 55 to 59 to retire with full benefits and would restore parity between the retirement systems for Federal civilian employees and reservists.

In the interests of fairness, the United States must act quickly to restore parity between the retirement age for civilian Federal employees and their reserve counterparts. When the reserve retirement system was created in 1947, the retirement age for reservists was identical to the age for civilian employees. At age 60, reservists and government employees could hang up their uniforms and retire with full benefits. However, since 1947, the retirement age for civilian retirees has been lowered by 5 years, while the reserve retirement age has not changed.

The disparate treatment of Federal employees and reservists would have been serious enough had the nature of the work performed by the reserves not changed substantially over the past five decades. But America has never placed greater demands on its ready reserve than it does now. More than 200,000 reservists are serving their country in the war against terrorism at home, abroad, and in the conflict with Iraq. America's dependence on our ready reserve has never been more obvious, as reservists are now providing security at our Nation's airports and air patrols over our major cities. As Charles Cragin, the Deputy Assistant Secretary of Defense, recently noted, "The nature and purpose of reserve service has changed since the end of the cold war. They are no longer weekend warriors. They represent almost 50 percent of the total force."

With call-ups that last several months and take reservists far from home, serving the Nation as a reservist has taken on more of the trappings of active duty service than ever before. The recent conflict has only further underscored the demands placed on the National Guard and Reserve. Before the war on terrorism began, reservists were performing about 13 million man-days each year, more than a 10-fold increase over the one million man-days per year the reserves averaged just 10 years ago. These statistics, the latest numbers available, do not even reflect the thousands of reservists who have been deployed since September 11 nor do they take into account the number of reservists who have been deployed in the current military action against Iraq. There is little doubt there will be a dramatic increase in the number of man-days for 2002 and 2003. In my view, with additional responsibility should come additional benefits.

The Department of Defense typically has not supported initiatives like this. The Department has expressed concern over the proposal's cost, which is estimated to be approximately $20 billion over 10 years, although CBO figures are not yet available. However, I am concerned that the Department's position may be shortsighted.

At a time when there is a patriotic fervor and a renewed enthusiasm for national service, it is easy to forget that not long ago, the U.S. military was struggling to meet its recruitment and retention goals. In the aftermath of September 11, defense-wide recruitment and retention rates have improved. However, there is no guarantee that this trend will continue. Unless the overall package of incentives is enhanced, there is little reason to believe that we will be able to attract and retain highly-trained personnel.

Active duty military personnel have often looked to the reserves as a way of continuing to serve their country while being closer to family. With thousands of dollars invested in training active duty officers and enlisted soldiers, the United States benefits tremendously when personnel decide to continue with the reserves. But with reserve deployments increasing in frequency and duration—pulling reservists away from their families and civilian life for longer periods—the benefit of joining the reserves instead of active duty has been severely reduced. The more we depend on the reserves, the greater chance we have of losing highly trained former active duty servicemen and women. The added incentive of full retirement at 55 might provide an important inducement for some of them to stay on despite the surge in deployments.

Enacting this legislation will send the clear message that the United States values the increased sacrifice of our reservists during these trying times. The legislation has been endorsed by key members of the Military Coalition, including the Veterans of Foreign Wars, the Air Force Sergeants Association, the Air Force Association, the Retired Enlisted Association, the Fleet Reserve Association, the Naval Reserve Association, and the National Guard Association. The bill would restore parity between the reserve retirement system and the civilian retirement system, acknowledge the increased workload of reserve service, and provide essential personnel with an inducement to join and stay in the reserves until retirement.

I hope my colleagues will join me in supporting this important legislation, and I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDUCTION IN AGE FOR RECEIPT OF MILITARY RETIRED PAY FOR NON-REGULAR SERVICE.

(a) REDUCTION IN AGE.—Section 12731(a)(1) of title 10, United States Code, is amended by striking "at least 60 years of age" and inserting "at least 55 years of age".

(b) APPLICATION TO EXISTING PROVISIONS OF LAW OR POLICY.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch, that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to the age in effect for qualification for such retired pay under section 12731(a) of title 10, United States Code, as amended by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and shall apply to retired pay payable for that month and subsequent months.

By Mr. ALLARD (for himself, Mr. FEINGOLD, Mr. KOHL, Mr. ROBERTS, Mr. CAMPBELL, Mr. BURNS, and Mr. CRAIG):

S. 1036. A bill to provide for a multiagency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ALLARD. Mr. President, last year, I joined eleven colleagues in an effort to pass legislation that dealt with the eradication, monitoring, and surveillance of chronic wasting disease. Today, I am offering similar legislation, the "Chronic Wasting Disease Support Act of 2003." Before I discuss the legislation further, I first want to thank Senator FEINGOLD for his leadership on this matter and for working diligently to eradicate the disease. I also want to congratulate the State of Colorado, especially those Departments and Divisions that have been on the leading edge of disease management and eradication. They faced a horrendous task—processing tens of thousands of tests on a tight timeframe. While more work lies ahead, they are to be commended for their effort.

What was first a serious problem in the western United States, chronic wasting disease now poses a serious threat to every State of the union. As a United States Senator, chronic wasting disease presents not only a great animal health challenge, but a scientific quandary as well. As a veterinarian, chronic wasting disease presents an even greater challenge to the scientific communities of both the States and the Federal Government because we know so little about the disease. This legislation, cosponsored by Senators FEINGOLD, KOHL, ROBERTS, CAMPBELL, BURNS and CRAIG, is a bipartisan effort to defeat the disease and to send a message that CWD must remain a priority for the Federal Government.

The importance of this bill to both the State and Federal Government cannot be emphasized enough. It authorizes $34.5 million in the battle against chronic wasting disease. Although the bill authorizes a substantial amount of Federal funding to fight and eradicate the disease, the States will retain their undisputed primacy and policy-making authority with regard to wildlife management. Nothing in this act interferes with or otherwise affects the primacy of the States in managing wildlife generally, or managing, surveying and monitoring the incidence of chronic wasting disease. It is important that all members of our delegation and in both the House and the Senate, coordinate our efforts as we fight the disease.

Chronic wasting disease, or CWD, may be a new threat to some. Others may not be familiar with it at all. However, it is not new to those of us in Colorado and Wyoming, who have been dealing with it for over twenty years, and if the disease continues to spread, those unfamiliar with the fatal disease will, unfortunately, become experts in

CWD policy. The scientific community has gone to great lengths to deal with the disease on limited budgets. These experts, through scientific publication and Congressional hearings, have told us that, although we have learned a tremendous amount about chronic wasting disease, there is much that we do not know and much that we must do to eradicate it.

One thing we do know is that sound science is the answer, and that the Chronic Wasting Disease Support Act of 2003 is intended to greatly increase research, monitoring, surveillance, and management of the disease on all levels. It bolsters testing capacity, diagnostics capabilities, and funding authorization.

Increased research and research funding is necessary because the disease is quite simply a mystery—the origin and transmission of CWD remains unknown. Unfortunately, the only way to treat an animal with CWD or to contain the disease is to destroy the animal and cull the herd. Together, we must embark on an ambitious and sound scientific commitment for research and investigation to end chronic wasting disease. That is what this bill calls for—cooperation and collaboration, working together at both the State and Federal level to achieve a common objective. We must end chronic wasting disease, and we must begin our eradication efforts now.

The impact CWD will have on wildlife and agriculture is undeniable, and the economic and emotional toll of the disease cannot be overstated. Communities that are economically reliant upon deer and elk related enterprises will feel the impact of CWD as concern about the disease grows. But we can stop this, and we must stop this. We have an opportunity to restore cervid health, to contain the disease, and, most importantly, to eradicate the disease. This is the challenge that I urge my colleagues to accept, and to take decisive action; adequate research funding that is directed toward the complete eradication of chronic wasting disease starts with this authorizing legislation.

In those States that are already dealing with CWD, the fiscal demands required to manage the disease are quite apparent. State budgets are stretched thin as they cull wild and captive herds and research for workable solutions to stop the disease. With State budgets already strained, an infusion of Federal resources and technical assistance is required to help the States keep CWD from spreading, to treat infected or exposed populations, and to greatly expand research for testing and possible cures. This bill does just that by providing assistance in the form of grants, Federal research programs and incidence reporting, as well as scientific assistance. State and Federal cooperation will protect animal welfare, safeguard our valued livestock industry, provide relief to family elk ranchers, help guarantee America's food safety, and protect the public health.

The Chronic Wasting Disease Support Act of 2003 provides the foundation for a nationwide increase in diagnostic capabilities. Undoubtedly, the spread of CWD and the increased awareness of the disease, will cause the demand for testing to grow exponentially—this bill helps us prepare to handle a large volume of cases efficiently and reliably. The legislation calls for the development of new testing methods to help us understand the disease, as well as developing a live test.

Chronic wasting disease presents a common problem to the States and the Federal Government. The Federal conduit role that is provided in the bill will allow animal health experts to unravel the CWD mystery. The challenge we face is to achieve what we all recognize as a common objective—to understand CWD and to eradicate it. But, we must act quickly or this disease will redefine the wildlife characteristics of our States.

Thank you, Senator FEINGOLD. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chronic Wasting Disease Support Act of 2003".

SEC. 2. DEFINITION OF CHRONIC WASTING DISEASE.

In this Act, the term "chronic wasting disease" means the animal disease afflicting deer and elk that—

(1) is a transmissible disease of the nervous system resulting in distinctive lesions in the brain; and

(2) belongs to the group of diseases known as transmissible spongiform encephalopathies, which group includes scrapie, bovine spongiform encephalopathy, and Cruetzfeldt-Jakob disease.

SEC. 3. FINDINGS.

Congress finds the following:

(1) Pursuant to State and Federal law, the States retain undisputed primacy and policymaking authority with regard to wildlife management, and nothing in this Act interferes with or otherwise affects the primacy of the States in managing wildlife generally, or managing, surveying, and monitoring the incidence of chronic wasting disease.

(2) Chronic wasting disease, the fatal neurological disease found in cervids, is a fundamental threat to the health and vibrancy of deer and elk populations, and the increased occurrence of chronic wasting disease in regionally diverse locations in recent months necessitates an escalation in research, surveillance, monitoring, and management activities focused on containing, managing, and eradicating this lethal disease.

(3) As the States move to manage existing incidence of chronic wasting disease and insulate non-infected wild and captive cervid populations from the disease, the Federal Government should endeavor to provide integrated and holistic financial and technical support to these States.

(4) In its statutory role as supporting agent, relevant Federal agencies should provide consistent, coherent, and integrated support structures and programs for the benefit of State wildlife and agricultural administrators, as chronic wasting disease can move freely between captive and wild cervids across the broad array of Federal, State, and local land management jurisdictions.

(5) The Secretary of the Interior, the Secretary of Agriculture, and other affected Federal authorities can provide consistent, coherent, and integrated support systems under existing legal authorities.

TITLE I—DEPARTMENT OF THE INTERIOR ACTIVITIES

SEC. 101. GRANTS FOR STATE AND TRIBAL EFFORTS TO MANAGE CHRONIC WASTING DISEASE IN WILDLIFE.

(a) AVAILABILITY OF ASSISTANCE.—The Secretary of the Interior shall develop a grant program to allocate funds appropriated to carry out this section directly to the State agency responsible for wildlife management in each State that petitions the Secretary for a portion of such fund to develop and implement long term management strategies to address chronic wasting disease in wildlife.

(b) FUNDING PRIORITIES.—In determining the amounts to be allocated to grantees under subsection (a), priority shall be given based on the following criteria:

(1) Relative scope of incidence of chronic wasting disease in the State, with priority given to those jurisdictions with the highest incidence of the disease.

(2) Expenditures on chronic wasting disease management, monitoring, surveillance, and research, with priority given to those States and tribal governments that have shown the greatest financial commitment to managing, monitoring, surveying, and researching chronic wasting disease.

(3) Comprehensive and integrated policies and programs focused on chronic wasting disease management between involved State wildlife and agricultural agencies and tribal governments, with priority given to grantees that have integrated the programs and policies of all involved agencies related to chronic wasting disease management.

(4) Rapid response to new outbreaks of chronic wasting disease, whether occurring in States in which chronic wasting disease is already found or States with first infections, with the intent of containing the disease in any new area of infection.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 to carry out this subsection.

SEC. 102. COMPUTER MODELING OF DISEASE SPREAD IN WILD CERVID POPULATIONS.

(a) MODELING PROGRAM REQUIRED.—The Secretary of the Interior shall establish a modeling program to predict the spread of chronic wasting disease in wild deer and elk in the United States.

(b) ROLE.—Computer modeling shall be used to identify areas of potential disease concentration and future outbreak and shall be made available for the purposes of targeting public and private chronic wasting disease control efforts.

(c) DATA INTEGRATION.—Information shall be displayed in a GIS format to support management use of modeling results, and shall be displayed integrated with the following:

(1) Land use data.

(2) Soils data.

(3) Elevation data.

(4) Environmental conditions data.

(5) Wildlife data; and

(6) Other data as appropriate.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of the Interior $1,000,000 under this section.

SEC. 103. SURVEILLANCE AND MONITORING PROGRAM REGARDING PRESENCE OF CHRONIC WASTING DISEASE IN WILD HERDS OF DEER AND ELK.

(a) Program Development.—Using existing authorities, the Secretary of the Interior, acting through the United States Geological Survey, shall conduct a surveillance and monitoring program on Federal lands managed by the Secretary to identify—

(1) the incidence of chronic wasting disease infection in wild herds of deer and

(2) the cause and extent of the spread of the disease; and

(3) potential reservoirs of infection and vectors promoting the spread of the disease.

(b) Tribal Assistance.—In developing the surveillance and monitoring program for wild herds on Federal lands, the Secretary of the Interior shall provide assistance to tribal governments or tribal government entities responsible for managing and controlling chronic wasting disease in wildlife on tribal lands.

(1) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of the Interior $3,000,000 to establish and support the surveillance and monitoring program.

SEC. 104. NATIONAL REPOSITORY OF INFORMATION REGARDING CHRONIC WASTING DISEASE.

(a) Information Repository.—The United States Department of the Interior, using existing authorities, shall develop and maintain an interactive, Internet based web site that displays—

(1) surveillance and monitoring program data regarding chronic wasting disease in both wild and captive cervid populations and other wildlife that are collected by the Department of the Interior, the Department of Agriculture, other Federal agencies, State agencies, and tribal governments assisted under this Act; and

(2) modeling information regarding the spread of chronic wasting disease in the United States; and

(3) other relevant information regarding chronic wasting disease received from other sources.

(b) Information Sharing Policy.—The national repository shall be available as a resource for Federal and State agencies responsible for managing and controlling chronic wasting disease and for institutions of higher education and other public or private research entities conducting research regarding chronic wasting disease. Data from the repository shall be made available to other Federal agencies, State agencies and the general public upon request.

TITLE II—DEPARTMENT OF AGRICULTURE ACTIVITIES

SEC. 201. SAMPLING AND TESTING PROTOCOLS.

(a) Sampling Protocol.—Within 30 days of enactment of this Act, the Secretary of Agriculture shall release guidelines for use by Federal, State, tribal and local agencies for the collection of animal tissue to be tested for chronic wasting disease. Guidelines shall include, at a minimum, procedures for the collection and stabilization of tissue samples for transport for laboratory assessment. Such guidelines shall be updated as necessary.

(b) Testing Protocol.—Within 30 days of enactment of this Act, the Secretary of Agriculture shall release a protocol to be used in the laboratory assessment of samples of animal tissue that may be contaminated with chronic wasting disease.

(c) Laboratory Certification and Inspection Program.—

(1) In general.—Not later than 30 days after the date of enactment of this Act, the Secretary shall establish a program for the certification and inspection of Federal and non-Federal laboratories (including private laboratories) under which the Secretary shall authorize laboratories certified under the program to conduct tests for chronic wasting disease.

(2) Verification.—In carrying out the program established under paragraph (1), the Secretary may require that the results of any tests conducted by private laboratories shall be verified by Federal laboratories.

(d) Development of New Tests.—Not later than 45 days after the date of enactment of this Act, the Secretary shall accelerate research into—

(1) the development of animal tests for chronic wasting disease, including—

(A) tests for live animals; and

(B) field diagnostic tests; and

(2) the development of testing protocols that reduce laboratory test processing time.

SEC. 202. ERADICATION OF CHRONIC WASTING DISEASE IN HERDS OF DEER AND ELK.

(a) Captive Herd Program Development.—The Secretary of Agriculture, acting through the Animal and Plant Health Inspection Service, shall develop a program to identify the rate of chronic wasting disease infection in captive herds of deer and elk, the cause and extent of the spread of the disease, and potential reservoirs of infection and vectors promoting the spread of the disease.

(1) Implementation.—The Secretary of Agriculture shall provide financial and technical assistance to States and tribal governments to implement surveillance and monitoring program for captive herds.

(2) Cooperation.—In developing the surveillance and monitoring program for captive herds, the Secretary of Agriculture shall cooperate with State agencies responsible for managing and controlling chronic wasting disease in captive wildlife. Grantees under this section shall submit to the Secretary of Agriculture a plan for monitoring chronic wasting disease in captive wildlife and reducing the risk of disease spread through captive wildlife transport. As a condition of awarding aid under this section, the Secretary of Agriculture may prohibit or restrict the—

(A) movement in interstate commerce of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of chronic wasting disease; and

(B) use of any means of conveyance or facility in connection with the movement in interstate commerce of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of chronic wasting disease.

(3) Coordination.—The Secretary of Agriculture, in cooperation with the Secretary of the Interior, shall establish uniform standards for the collection and assessment of samples and data derived from the surveillance and monitoring program.

(b) Captive Herd Program.—The Secretary of Agriculture, acting through the Animal and Plant Health Inspection Service, shall, consistent with existing authority, provide grants to assist states in reducing the incidence of chronic wasting disease infection in captive herds of deer and elk.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Agriculture $8,000,000 to conduct activities under this section, of which no less than $6 million is to be awarded to State and tribal governments.

SEC. 203. EXPANSION OF DIAGNOSTIC TESTING CAPACITY.

(a) Purpose.—Diagnostic testing will continue to be conducted on samples collected under the surveillance and monitoring programs regarding chronic wasting disease conducted by the States and the Federal Government and Indian Tribes, including the programs required by this Act, but current laboratory capacity is inadequate to process the anticipated sample load.

(b) Upgrading of Federal Facilities.—The Secretary of Agriculture shall provide for the upgrading of Federal laboratories to facilitate the timely processing of samples from the surveillance and monitoring programs required by this Act and related epidemiological investigation in response to the results of such processing.

(c) Upgrading of Certified Laboratories.—Using the grant authority provided under section 2(d) of the Competitive, Special and Facilities Research Grant Act (7 U.S.C. 450i(d)), the Secretary of Agriculture shall make grants to provide for the upgrading of laboratories certified by the Secretary to facilitate the timely processing of samples from surveillance and monitoring programs and related epidemiological investigation in response to the results of such processing.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Agriculture $7,500,000 to carry out this section.

SEC. 204. EXPANSION OF AGRICULTURAL RESEARCH SERVICE RESEARCH.

(a) Expansion.—The Secretary of Agriculture, acting through the Agricultural Research Service, shall expand and accelerate basic research on chronic wasting disease, including research regarding detection of chronic wasting disease, genetic resistance, tissue studies, and environmental studies.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Agriculture $1,000,000 to carry out this section.

SEC. 205. EXPANSION OF COOPERATIVE STATE RESEARCH, EDUCATION AND EXTENSION SERVICE SUPPORTED RESEARCH AND EDUCATION.

(a) Research Efforts.—The Secretary of Agriculture, acting through the Cooperative State Research, Education and Extension Service, shall expand the grant program regarding research on chronic wasting disease.

(b) Educational Efforts.—The Secretary of Agriculture shall provide educational outreach regarding chronic wasting disease to the general public, industry and conservation organizations, hunters, and interested scientific and regulatory communities.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Agriculture—

(1) $3,000,000 to carry out subsection (a); and

(2) $1,000,000 to carry out subsection (b).

TITLE III—GENERAL PROVISIONS

SEC. 301. INTERAGENCY COORDINATION.

(a) In General.—Within 60 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall enter into a cooperative agreement for the purpose of coordinating actions and disbursing funds authorized under this Act to prevent the spread of chronic wasting disease and related diseases in the United States.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretaries shall submit to Congress a report that—

(1) describes actions that are being taken, and will be taken, to prevent the further outbreak of chronic wasting disease and related diseases in the United States; and

(2) contains any additional recommendations for additional legislative and regulatory actions that should be taken to prevent the spread of chronic wasting disease in the United States.

SEC. 303. RULEMAKING.

(a) JOINT RULEMAKING.—To ensure that the surveillance and monitoring programs and research programs required by this Act are compatible and that information collection is carried out in a manner suitable for inclusion in the national database required by section 102, the Secretary of the Interior and the Secretary of Agriculture shall jointly promulgate rules to implement this Act.

(b) PROCEDURE.—The promulgation of the rules shall be made without regard to—

(1) chapter 5 of title 44, United States Code (commonly known as the "Paperwork Reduction Act");

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) the notice and comment provisions of section 553 of title 5, United States Code.

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary of the Interior and the Secretary of Agriculture shall use the authority provided under section 808 of title 5, United States Code.

(d) RELATION TO OTHER RULEMAKING AND LAW.—The requirement for joint rulemaking shall not be construed to require any delay in the promulgation by the Secretary of Agriculture of rules regarding the interstate transportation of captive deer or elk or to effect any other rule or public law implemented by the Secretary of Agriculture or the Secretary of the Interior regarding chronic wasting disease before the date of the enactment of this Act.

Mr. FEINGOLD. Mr. President, today, I am pleased to join the Senator from Colorado (Mr. ALLARD) in introducing comprehensive legislation to address the problem of chronic wasting disease. This legislation is similar to legislation we introduced last year, updated to reflect current status of this issue. I am delighted to be continuing my efforts with him on this bill and to again also be working with my senior Senator from Wisconsin (Mr. KOHL) and commend them and their staff for all their tireless efforts.

This disease is a serious problem affecting both wild and captive deer in my home State of Wisconsin. It has spread from Wisconsin to the neighboring states of Minnesota and Illinois. This legislation is acutely needed, as Wisconsin's experience in getting Federal assistance to address this problem, though eventually forthcoming, has been extremely slow and frustrating. The Federal Government must make chronic wasting disease a higher priority, and Congress must provide the relevant federal agencies with the additional funds and authority so that they can do so.

Congress delayed action on this bill in the last Congress, under promises that the Department of the Interior, DOI, and the Department of Agriculture, USDA, would be acting quickly to put together and implement a comprehensive CWD management plan. It has now been nearly a year, and no such plan has emerged. I was successful in getting a provision included in the 2003 Omnibus Appropriations bill calling for the plan to be released no later than May 20, 2003. That deadline is rapidly approaching, and the legislation we introduce today will provide a clear message—CWD must be a priority for the Federal Government and for this administration.

A coordinated approach is needed, due to the severity of this disease, its ability to spread, and our urgent need for information to address it. Chronic wasting disease belongs to the family of transmissible spongiform encephalopathies, TSEs, diseases. TSEs are a group of transmissible, slowly progressive, degenerative diseases of the central nervous systems of several species of animals. Animal TSEs include, in addition to chronic wasting disease, CWD, in deer and elk, bovine spongiform encephalopathy in cattle, scrapie in sheep and goats, feline spongiform encephalopathy in cats, and mink spongiform encephalopathy in mink.

The State of Wisconsin has just completed an historic effort to test the deer in our State. Results from more than 41,000 whitetail deer tested in our State have turned up 207 CWD positive animals. Almost all of the infected deer, 201 of the total, came from a 411 square mile eradication zone of Dane, Iowa and Sauk counties. My State began intensive testing of deer after CWD was discovered on February 28, 2002. Over 1,200 people in my State have been involved, conducting thousands of hours of work at millions of dollars of expense. CWD has also been found in several captive herds in my State as well.

In that vein, the legislation we are introducing in comprehensive, addressing both captive and wild animals and short term and long term needs. It authorizes a $34.5 million Federal chronic wasting disease program that will be administered by the United States Departments of Interior and Agriculture, USDA. It is similar to legislation being introduced today in the House of Representatives by the Representatives from Colorado (Mr. MCINNIS), and from Wisconsin (Mr. GREEN), and was cosponsored on a bipartisan basis by Wisconsin delegation members in the House Of Representatives in the last Congress. I think it is extremely appropriate that legislators from Colorado, the state that has the longest history in chronic wasting disease, have made a concerted effort to work with Wisconsin members who are struggling with a new outbreak. I deeply appreciate the commitment of the Representative from Colorado (Mr. MCINNIS), toward finding a solution that works for both our States. I think these are good comprehensive efforts, and I would like to highlight a few provisions in detail.

The bill I am introducing with the Senator from Colorado (Mr. ALLARD), authorizes $16 million for grants to States and tribal governments battling CWD. The Interior Department to give up to $10 million in grants to States to help them plan and implement management strategies to address chronic wasting disease in both wild herds of deer and elk. The Interior Department is directed, in addition, to develop a national chronic wasting disease incident database, building on the existing USDA reporting program. The USDA is authorized to award up to $6 million in grants to those same entities for the management of CWD in captive deer and elk. These amounts are nearly triple $5.6 million that USDA made available to States for use to address CWD in both captive and wild cervids.

I am particularly pleased that the Senator from Colorado (Mr. ALLARD), has incorporated provisions that I authored to address Wisconsin's ongoing need for enhanced testing capacity to move toward a system of widely available testing for hunters. Under the bill, USDA is required to release, within 30 days, protocols both for labs to use in performing tests for chronic wasting disease and for the proper collection of animal tissue to be tested. USDA is further required to develop a certification program for Federal and non-Federal labs, including private labs, conducting chronic wasting disease tests within 30 days of enactment. I hope all these measures will enhance Wisconsin's capacity to continue its deer testing program. To address longer term needs, the USDA is directed to accelerate research into the development of live animal tests for chronic wasting disease, including field diagnostic tests, and the development of testing protocols that reduce laboratory test processing time.

This bill is needed, because State wildlife and agriculture departments do not have the fiscal or scientific capacity to adequately confront the problem. Their resources are spread too thin as they attempt to prevent the disease from spreading. Federal help in the form of management funding, research grants, and scientific expertise is urgently needed. Federal and state cooperation will protect animal welfare, safeguard our valued livestock industry, help guarantee America's food safety, and protect the public health.

I look forward to working with my colleague from Colorado (Mr. ALLARD), to seek passage of this measure. This is a good bill and it deserves the Senate's support.

By Ms. SNOWE (for herself, Mr. ROCKEFELLER, Mr. WARNER, Mr. HOLLINGS, Mr. KERRY, Ms. COLLINS, Mr. CARPER, Mr. ALLEN, Ms. LANDRIEU, Mrs. LINCOLN, Mr. FITZGERALD, Mr. DORGAN, Mr. CORZINE, Mr. CAMPBELL, Mr. SCHUMER, Mr. CHAFEE, Mr. SMITH, Mr. HARKIN, Ms. MIKULSKI, Ms. CANTWELL, Mr. NELSON of Nebraska, Mr. CRAIG, Mrs. FEINSTEIN, and Mr. LAUTENBERG):

S. 1037. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of all oral anticancer drugs; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce, the Access to Cancer Therapies Act, which will extend Medicare coverage for all oral anticancer drugs. This legislation will help ensure that Medicare beneficiaries with cancer have access to the most advanced and effective drug therapies. I am pleased to be joined today by 19 of my colleagues in introducing this legislation. The strong bipartisan support the bill has received, even before introduction, indicates its importance to members of the Senate.

As we know, presently Medicare does not include an outpatient prescription drug benefit. While this is a tremendous hardship for all beneficiaries, it is especially difficult for seniors who have cancer, which prevents them from receiving the most appropriate drug treatments as recommended by their physicians.

Enacting a comprehensive Medicare drug benefit is certainly one of my top priorities. However, even if we are successful and enact a bill into law this year, the comprehensive benefit is not expected to be available until 2006 at the earliest. This bill, on the other hand, would allow Medicare to begin coverage of oral anticancer drugs within 90 days of enactment. These patients are facing life and death choices. I believe it is our responsibility to provide access to the most effective and appropriate drug therapies.

Congress recognizes the importance of expanding coverage to vital cancer treatments and in 1993 created a unique Medicare drug benefit for oral anticancer drugs. Unfortunately, coverage under this law only is provided if the drug is equivalent to drugs provided "incident" to a physician visit; for example, drugs that must be injected. At present, upwards of 95 percent of cancer drug therapy is covered by Medicare either in a physician office or as an oral form, which qualifies under the 1993 legislation. However, in the very near future as much as 25 percent of cancer drug therapies will be oral drugs not covered. By enacting this legislation into law, we can ensure these new outpatient cancer treatment therapies will be available to Medicare beneficiaries.

This is a developing trend. Today, there are about 40 oral anti-cancer drugs, but less than 10 are reimbursed by Medicare. In fact, one of the most common and effective drugs used in the treatment of breast cancer, tamoxifen, is among those drugs that currently are not reimbursed by Medicare.

As cancer therapy becomes more reliant on oral drugs, Medicare coverage policy must be updated to cover the new therapies. Otherwise the intent of the very limited 1993 policy will become meaningless and Medicare beneficiaries will increasingly lose access to the best cancer therapies.

Let me provide some very encouraging examples of oral anti-cancer drugs that illustrates the urgency of both this policy change and of enacting Medicare prescription drug legislation. Over the past two years, the FDA has approved a number of remarkable oral anticancer drugs that are producing outstanding results. Two such examples include Gleevec, which was approved in 2001 and IRESSA, which was approved on May 5.

Gleevec is used to treat one type of leukemia and may also be effective against a rare but lethal stomach cancer. It is the first, let me repeat, first, cancer drug to specifically address a molecular target, which not only is in the cancer, but actually is the cause of the cancer, according to the National Cancer Institute. More precisely, Gleevec eliminates a specific enzyme needed for the cancer to thrive. By contrast, most current cancer therapies act like a shotgun, killing both cancer and normal cells.

IRESSA, another revolutionary oral anticancer drug that the FDA recently approved, treats advanced non-small-cell lung-cancer, NSCLC. Considering lung cancer is the leading cause of cancer deaths in the United States, estimated to account for approximately 157,000 deaths in 2003, and NSCLC is the most common form of lung cancer, accounting for 80 percent of all lung cancer cases, it is imperative that Medicare beneficiaries have access to this new drug. For many who do not respond to chemotherapy treatments, IRESSA is the last line of defense.

However, both of these cancer treatments are expensive. For instance, while Gleevec is a revolutionary and highly effective treatment, it is not a cure. It simply arrests the cancer and returns most lab tests to normal, requiring many patients to take the drug for life. Considering the extraordinary costs of these treatments—a month's supply of Gleevec costs upwards of $2,400 and IRESSA, the last treatment option for many NSCLC patients, costs approximately $1,900 per month of treatment, with the average treatment lasting seven months—Medicare coverage is a necessity.

It is imperative that Medicare provide reliable access to these advanced medications to help beneficiaries with cancer. Biomedical research is providing new, more targeted, and less toxic methods of treatment through new oral anti-cancer drugs that patients can safely take in the comfort of their own homes, which will help improve outcomes and enhance patient quality of life.

We must act now to ensure all oral anti-cancer drugs are available to our seniors. The Access to Cancer Therapies Act will build on current Medicare policy by ensuring coverage of all anti-cancer drugs, whether oral or injectable, are available to Medicare beneficiaries. The Act will provide beneficiaries with access to innovative new therapies that are less toxic and more convenient, more clinically effective and more cost-effective than many currently covered treatment options. I urge my colleagues to support this bill.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce a small bill, but one with important consequences. My measure, the "Access to Cancer Therapies Act," would provide coverage of all oral anti-cancer drugs under the Medicare program. I am pleased to join Senator SNOWE in introducing this measure.

As my colleagues know, there is no Medicare outpatient prescription drug benefit today. If there was, we would not need this legislation. There should be and there must be a meaningful and fair Medicare prescription drug benefit this year. Seniors are reeling from the burden of their prescription drug expenses, and they can't defer their illnesses or their costs.

This legislation also reminds us of how crucial prescription drug coverage will be in the future. In 1993, Congress created a unique Medicare drug benefit for oral anti-cancer drugs—but only if the drug is equivalent to drugs provided "incident" to a physician visit; for example, drugs that must be injected. At present, upwards of 90 percent of cancer drug therapy is covered by Medicare either in a physician office or in a reimbursed oral form. But by 2010 as much as 25 percent of cancer drug therapy will be in the form of oral drugs that are not currently covered.

As cancer therapy moves more toward reliance on oral drugs, Medicare coverage policy must be updated to cover the new therapies, or else even the intent of this very limited policy will be meaningless and Medicare beneficiaries will increasingly lose access to the best cancer therapies. And without this legislative change, beneficiaries will increasingly bear the burden of buying these drugs from their own pockets, which most seniors can ill-afford.

While biomedical research is providing new, more targeted, and less toxic methods of treatment through new oral anti-cancer drugs that patients can safely take in the comfort of their own homes, Medicare policy is currently unable to provide reliable access to these medications for beneficiaries with cancer.

This legislation is important not only to seniors surviving cancer, but to all Americans. A recent poll conducted for the National Coalition of Cancer Survivorship found that 9 out of 10 Americans believe that Medicare should pay for all medically approved cancer therapies.

Even if we do not succeed in enacting a comprehensive Medicare drug benefit this year, it is time to do what Americans want for cancer survivors by passing the Access to Cancer Therapies Act in the 108th Congress. This legislation gives people with cancer immediate access to life-saving drugs. This is a stop-gap provision that would be phased out when a comprehensive Medicare drug benefit is put into place that would cover oral anti-cancer drugs consistently with all other drugs.

At the very least, we must ensure all oral anti-cancer drugs are available to our seniors. The Access to Cancer Therapies Act will build on current Medicare policy by ensuring coverage of all anti-cancer drugs, whether oral or injectable, are available to Medicare beneficiaries. The act will provide beneficiaries with access to innovative new therapies that are less toxic and more convenient, more clinically effective and more cost-effective than many currently covered treatment options. In the last Congress, 57 Senators cosponsored this bill. This is an opportunity to improve our Medicare program immediately. I urge my colleagues to support this bill.

By Mr. THOMAS (for himself, Mr. Enzi, Mr. Craig, Mr. Stevens, and Mr. Burns):

S. 1038. A bill to limit the acquisition by the United States of land located in a State in which 25 percent or more of the land in that State is owned by the United States; to the Committee on Energy and Natural Resources.

Mr. THOMAS. Mr. President, I rise to introduce the "No-Net-Loss of Private Lands Act." This legislation is a common sense proposal which will limit additional Federal land acquisition in the public land States.

Throughout our country, the Federal Government continues to acquire greater amounts of land. It is time to stop the growth of the Federal Government and begin to protect private property.

This is especially true for those of us living in the West. Roughly 50 percent of the land in my home State of Wyoming is owned by the Federal Government. Many other western States have an even higher percentage of Federal ownership, including Nevada and Alaska that have over 80 percent of their surface land owned by the Federal Government.

Unfortunately, the Federal Government has not always been a good neighbor to the people of the West. The Federal land management agencies continue to acquire vast amounts of land and restrict access to these areas for multiple use purposes. This creates great hardship for local communities, destroying jobs and depressing the economy in many areas around the West.

The time has come to curb the Federal Government's insatiable appetite for additional land in the United States. The "No-Net-Loss of Private Lands Act" is a reasonable approach to stopping the ever-increasing growth of Federal land ownership. This measure requires the Federal Government to release an equal value of land when it acquires property in States which are at least 25 percent federally-owned. Property would be released at the time of the new acquisition, and land disposal would not necessarily have to come from the same agency making the acquisition. In addition, the legislation includes a provision waving the disposal requirement in time of war or national emergency.

During my time in Congress, I have worked extensively to protect unique public lands such as national parks and other special areas. This legislation would do nothing to limit our ability to acquire more of these pristine and special areas in the future. Unfortunately, the Federal Government's quest for more land has included too many areas that do not contribute to our natural resource heritage. Rather, acquisitions often simply lock-up areas that should remain private and productive.

It is time for Congress to protect the rights of private property owners and instill some restraint in Federal land acquisitions. The "No-Net-Loss of Private Lands Act" is a reasonable proposal that will provide this much needed discipline.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1038

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "No Net Loss of Private Land Act".

SEC. 2. LIMITATION ON ACQUISITION OF LAND.

(a) In General.—Notwithstanding any other law, the United States may acquire an interest in 100 or more acres of land within a State described in subsection (c) only if, before any such acquisition, the United States disposes of the surface estate to land in that State in accordance with subsection (b).

(b) Disposition of Surface Estate.—The disposition of the surface estate in land by the United States qualifies for the purposes of this section if—

(1) the value of the surface estate of the land disposed of by the United States is approximately equal to the value of the interest in land subject to this section that is to be acquired by the United States, as determined by the head of the department, agency, or independent establishment concerned; and

(2) the head of the department, agency, or independent establishment concerned certifies that the United States has disposed of land for the purpose of this section.

(c) Affected States.—A State is described in this section if—

(1) it is 1 of the States of the United States; and

(2) 25 percent or more of the land within that State is owned by the United States.

(d) Acquisition.—For the purpose of this section, the term "acquire" includes acquisition by donation, purchase with donated or appropriated funds, exchange, devise, and condemnation.

(e) Applicability.—This section does not apply to—

(1) any land held in trust for the benefit of an Indian tribe or individual or held by an Indian tribe or individual subject to a restriction by the United States against alienation;

(2) real property acquired pursuant to a foreclosure under title 18, United States Code;

(3) real property acquired by any department, agency, or independent establishment in its capacity as a receiver, conserver, or liquidating agent which is held by that department, agency, or independent establishment in its capacity as a receiver, conserver, or liquidating agent pending disposal;

(4) real property that is subject to seizure, levy, or lien under the Internal Revenue Code of 1986; or

(5) real property that is securing a debt owed to the United States.

(e) Waiver.—The head of a department, agency, or instrumentality of the United States may waive the requirements of this section with respect to the acquisition of land by that department, agency, or instrumentality during any period in which there is in effect a declaration of war or a national emergency declared by the President.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 138—TO AMEND RULE XXII OF THE STANDING RULES OF THE SENATE RELATING TO THE CONSIDERATION OF NOMINATIONS REQUIRING THE ADVICE AND CONSENT OF THE SENATE

Mr. FRIST (for himself, Mr. Miller, Mr. McConnell, Mr. Stevens, Mr. Santorum, Mr. Kyl, Mrs. Hutchison, Mr. Allen, Mr. Lott, Mr. Hatch, Mr. Cornyn, and Mr. Chambliss) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 138

Resolved, That rule XXII of the Standing Rules of the Senate is amended—

(1) in paragraph (2), by striking "Notwithstanding" and inserting "Except as provided by paragraph 3 and notwithstanding"; and

(2) by adding at the end the following:

"3. (a) The provisions of this paragraph shall apply to the considerations of nominations requiring the advice and consent of the Senate.

"(b)(1) Notwithstanding the provisions of rule II or rule IV or any other rule of the Senate and after a nomination requiring the advice and consent of the Senate has been pending before the Senate for at least 12 hours, a motion signed by 16 Senators to bring to a close the debate on that nomination may be presented to the Senate and the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and 1 hour after the Senate meets on the following calendar day but 1, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question: 'Is it the sense of the Senate that the debate shall be brought to a close?'.

"(2) If the question in clause (1) is agreed to by three-fifths of the Senators duly chosen and sworn then the nomination pending before the Senate shall be the unfinished business to the exclusion of all other business until disposed of.

"(3) After cloture is invoked, no Senator shall be entitled to speak in all more than 1 hour on the nomination pending before the Senate and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. No dilatory motion shall be in order. Points of order and appeals from the decision of the Presiding Officer shall be decided without debate.

"(4) After no more than 30 hours of consideration of the nomination on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins. The 30 hours may be increased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators duly chosen and sworn, and any such time thus agreed upon shall be equally divided between and controlled by the Majority and Minority Leaders or their designees. However, only one motion to extend time, specified above, may be made in any 1 calendar day.

"(5) Notwithstanding other provisions of this rule, a Senator may yield all or part of his 1 hour to the majority or minority floor managers of the nomination or to the Majority or Minority Leader, but each Senator specified shall not have more than 2 hours so yielded to him and may in turn yield such time to other Senators.

"(6) Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least 10 minutes, is, if he seeks recognition, guaranteed up to 10 minutes, inclusive, to speak only.

"(c)(1) If, upon a vote taken on a motion presented pursuant to subparagraph (b), the Senate fails to invoke cloture with respect to a nomination pending before the Senate, subsequent motions to bring debate to a close may be made with respect to the same nomination. It shall not be in order to file subsequent cloture motions on any nomination, except by unanimous consent, until the previous motion has been disposed of.

"(2) Such subsequent motions shall be made in the manner provided by, and subject to the provisions of, subparagraph (b), except that the affirmative vote required to bring to a close debate upon that nomination shall be reduced by 3 votes on the second such motion, and by 3 additional votes on each succeeding motion, until the affirmative vote is reduced to a number equal to or less than an affirmative vote of a majority of the Senators duly chosen and sworn. The required vote shall then be a simple majority.".

Mr. HATCH. Mr. President, I rise today to offer my support for the introduction of this resolution which offers a more than reasonable proposal to fix a confirmation process that Members on both ides of the aisle agree is broken.

Simultaneous filibusters of two circuit court nominees who would clearly be confirmed in up-or-down votes are unprecedented. From what I understand, the minority has plans for even more filibusters of judicial nominees. The resulting politicization of the confirmation process threatens the untarnished respect in which we hold our third branch of Government—the one branch of Government intended to be above political influence.

There is also a significant constitutional consideration at stake here. In its enumeration of Presidential powers, the Constitution specifies that the confirmation process begins and ends with the President. The Senate has the intermediary role of providing advice and consent. Here is the precise language of article II, section 2:

> The President . . . shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law[.]

There is no question that the Constitution squarely places the appointment power in the hands of the President. As Alexander Hamilton explained the The Federalist No. 66:

> It will be the Office of the President to nominate, and, with the advice and consent of the Senate, to appoint. There will, of course, be no exertion of choice on the part of the Senate. They may defeat one choice of the Executive, and oblige him to make another: but they cannot themselves choose—they can only ratify or reject the choice he may have made.

It is significant that the Constitution outlines the Senate's role in the appointments process in the enumeration of Presidential powers in article II, rather than in the enumeration of congressional powers in article I. This choice suggests that the Senate was intended to play a more limited role in the confirmation of Federal judges.

Hamilton's discussion of the appointments clause in The Federalist No. 76 supports this reading. Hamilton believed that the President, acting alone, would be the better choice for making nominations, as he would be less vulnerable to personal considerations and political negotiations than the Senate and more inclined, as the sole decision maker, to select nominees who would reflect well on the presidency. The Senate's role, by comparison, would be to act as a powerful check on "unfit" nominees by the President. As he put it, "[Senate confirmation] would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity." This is a far cry from efforts we have seen over the past couple of years to inject ideology into the nominations process, and to force nominees to disclose their personal opinions on hot-button and divisive policy issues like abortion, gun control, and affirmation action.

Historically, deliberation by the Senate could be quite short, especially when compared to today's practice. Take, for example the 1862 nomination and confirmation of Samuel F. Miller to the U.S. Supreme Court. He was nominated, confirmed, and commissioned all on the same day! The Senate formally deliberated on his nomination for only 30 minutes before confirming him. His experience was not the exception. Confirmations on the same day, or within a few days, of the nomination were the norm well into the 20th century.

Contrast the nominations of Miguel Estrada and Priscilla Owen. They were appointed 2 years ago and have yet to be afforded an up-or-down vote by the Senate. Mr. Estrada has now endured six cloture votes more than 3 months after debate on his nomination began. Justice Owen's nomination has been subjected to two cloture votes. Clearly, this is a far cry from the role for the Senate that the Framers contemplated. What was enumerated in the Constitution as advice and consent has in practice evolved to negotiation and cooperation in the best cases, and delay and obstruction in the worst cases—like that of Mr. Estrada and Justice Owen.

The Estrada and Owen nominations illustrate what is wrong with our current system of confirming nominees. Despite a bipartisan majority of Senators who stand ready to vote on these nominations, a vocal minority of Senators is precluding the Senate from exercising its advice and consent duty. This is tyranny of the minority, and it is unfair.

It is unfair to the nominee, who must put life on hold while hanging in endless limbo. It is unfair to the judiciary, our co-equal branch of Government, which needs its vacancies filled. It is unfair to our President, who has a justified expectation that the Senate will give his nominees an up-or-down vote. And it is unfair to the majority of Senators who are prepared to vote on this nomination.

Many of my colleagues, both Republicans and Democrats, agree that the confirmation process is broken. Senator FEINSTEIN stated in a recent letter to the White House that the judicial confirmation process is "going in the wrong direction" and is potentially "spiral[ing] out of control." Senator SCHUMER has also indicated that his goal is to repair the "broken" judicial confirmation process and the "vicious cycle" of "delayed" Senate nominees.

The resolution submitted today sets forth a proposal that strikes a balanced solution by allowing for ample, yet not endless, debate on nominations. It provides that cloture may be filed only after a nomination has been pending before the Senate for a minimum of 12 hours. Sixty votes are required to invoke cloture on the first motion. After that, the number of required votes on successive cloture motions would decrease to 57, then to 54, then finally to a simple majority of Senators present and voting. A successive cloture motion cannot be filed until disposition of the prior cloture motion, thereby ensuring that a nomination cannot be confirmed by a simple majority vote until a minimum of 13 session days have elapsed.

This proposal has its roots in S. Res. 85, which was submitted by Senator MILLER on March 13 of this year. In addition, it is similar to a 1995 proposal of Senator HARKIN and Senator LIEBERMAN, which also provided for graduated vote requirements to invoke cloture. In support of their proposal, Senator HARKIN stated, "I may not agree with everything that Republicans are proposing, but they are in the majority and they ought to have the right to have us vote on the merits of what they propose." With regard to judicial nominations, I could not agree more.

Senator HARKIN also cited the research of a bipartisan group named "Action Not Gridlock," which commissioned a poll in the summer of 1994 showing that "80-percent of independents, 74-percent of Democrats, and 79-percent of Republicans said that when enough time was consumed in debate, that after debate a majority ought to be able to get the bill to the floor. That a majority ought to be able, at some point, to end the debate." I would be surprised if a similar poll today would yield substantially different results. I think that the American people understand the fundamental injustice of a minority's ability to block an up-or-down vote on nominations.

In support of their 1995 proposal, Senator LIEBERMAN stated, "Some say there is a danger of a tyranny of the majority. I say that there is a danger inherent in the current procedure of a tyranny of the minority over the majority, inconsistent with the intention of the Framers of the Constitution." Today, the "tyranny of the minority" to which Senator LIEBERMAN referred over 8 years ago is in effect and wielding the filibuster in a most unjust manner against President Bush's exceptional nominees who have bipartisan support. I support today's resolution because it will dilute the tyrannical power of the filibusters against these nominees.

I have alluded to my frustrations with the current filibusters of President Bush's nominations. But the bottom line is this: many of us agree that we must try to repair the broken confirmation process. A bipartisan majority of Senators stands ready to vote on the two nominees who are currently being filibustered. This resolution is a reasonable accommodation that preserves the opportunity for extended debate, yet allows Senators to, eventually, do their duty and vote. I hope that my colleagues will support this resolution.

SENATE RESOLUTION 139—EXPRESSING THE THANKS OF THE SENATE TO THE PEOPLE OF QATAR FOR THEIR COOPERATION IN SUPPORTING UNITED STATES ARMED FORCES AND THE ARMED FORCES OF COALITION COUNTRIES DURING THE RECENT MILITARY ACTION IN IRAQ, AND WELCOMING HIS HIGHNESS SHEIKH HAMAD BIN KHALIFAH AL-THANI, EMIR OF THE STATE OF QATAR, TO THE UNITED STATES

Mr. SUNUNU submitted the following resolution; which was considered and agreed to:

S. RES. 139

Whereas Qatar is a longstanding ally of the United States in the Middle East region;

Whereas the people of Qatar graciously hosted United States Armed Forces and the armed forces of coalition countries during the recent military action in Iraq;

Whereas the United States and Qatar will continue to build upon this military cooperation;

Whereas Qatar continues to grow in its economic and strategic defense cooperation with the United States and its allies;

Whereas the people of Qatar voted on April 29, 2003, on a referendum approving the establishment of their first Parliamentarian Constitution;

Whereas years of democratic reform, including the establishment of a parliament based on universal suffrage, development of greater freedom of the press, and evolution of a free market have greatly strengthened the bonds between our two nations;

Whereas an unwavering commitment to the development of the education of its citizens reinforces Qatar's path toward democracy; and

Whereas Doha, the capital of Qatar, hosted in November of 2001 the Fourth World Trade Organization Ministerial Conference, where a number of agreements expanding our defense, commercial, and cultural ties were signed: Now, therefore, be it

Resolved, That the Senate—

(1) expresses thanks to the people of Qatar for their support of United States Armed Forces and the armed forces of coalition countries during the recent military action in Iraq;

(2) warmly welcomes His Highness Sheikh Hamad bin Khalifah Al-Thani, Emir of the State of Qatar, to the United States; and

(3) looks forward to broadening and deepening the friendship and cooperation between the United States and Qatar.

SENATE RESOLUTION 140—DESIGNATING THE WEEK OF AUGUST 10, 2003, AS "NATIONAL HEALTH CENTER WEEK"

Mr. CAMPBELL (for himself, Mr. DURBIN, Mr. BOND, Mr. HOLLINGS, Mr. KERRY, Mrs. MURRAY, Mr. BIDEN, Mrs. LINCOLN, Mr. JOHNSON, Mr. INHOFE, Mr. TALENT, Mr. BUNNING, Mr. ALLEN, Mr. ENZI, Mr. SMITH, Ms. LANDRIEU, Mr. DOMENICI, and Mr. CRAPO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 140

Whereas community, migrant, public housing, and homeless health centers are nonprofit, community owned and operated health providers and are vital to the Nation's communities;

Whereas there are more than 1,000 such health centers serving 13,000,000 people at more than 4,000 health delivery sites, in urban and rural communities in all 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands;

Whereas such health centers have provided cost-effective, high-quality health care to the Nation's poor and medically underserved (including the working poor, the uninsured, and many high-risk and vulnerable populations), acting as a vital safety net in the Nation's health delivery system by meeting escalating health needs and reducing health disparities;

Whereas these health centers provide care to 1 of every 5 low-income babies born in America, 1 of every 8 uninsured individuals, 1 of every 9 medicaid beneficiaries, 1 of every 9 people of color, and 1 of every 10 rural Americans, and these Americans would otherwise lack access to health care;

Whereas these health centers and other innovative programs in primary and preventive care reach out to almost 750,000 homeless persons and nearly 850,000 farmworkers;

Whereas these health centers make health care responsive and cost-effective by integrating the delivery of primary care with aggressive outreach, patient education, translation, and enabling support services;

Whereas these health centers have increased the use of preventive health services such as immunizations, Pap smears, mammograms, and glaucoma screenings;

Whereas in communities served by these health centers, infant mortality rates have been reduced between 10 and 40 percent;

Whereas these health centers are built by community initiative;

Whereas Federal grants provide seed money that empowers communities to find partners and resources, and to recruit doctors and needed health professionals;

Whereas Federal grants on average contribute 25 percent of a health center's budget, with the remainder provided by State and local governments, medicare, medicaid, private contributions, private insurance, and patient fees;

Whereas these health centers are community oriented and patient focused;

Whereas these health centers tailor their services to fit the special needs and priorities of communities, and work together with schools, businesses, churches, community organizations, foundations, and State and local governments;

Whereas these health centers contribute to the health and well-being of their communities by keeping children healthy and in school, and helping adults remain productive and on the job;

Whereas these health centers engage citizen participation and provide jobs for 60,000 community residents; and

Whereas the designation of the week of August 10, 2003, as "National Health Center Week" would raise awareness of the health services provided by health centers: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of August 10, 2003, as "National Health Center Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

Mr. CAMPBELL. Mr. President, today I am submitting a resolution declaring the week of August 10, 2003, as a National Health Center Week dedicated to raising awareness of health services provided by community, migrant, public housing, and homeless health centers. I am pleased to be joined in this effort by 17 of my colleagues.

The resolution expresses the sense of Congress that these health centers contribute to the health and well-being of their communities by keeping children healthy and in school and helping adults remain productive and on the job.

The resolution also recognizes health centers for providing cost-effective, high-quality health care to the Nation's poor and medically underserved and by acting as a vital safety net in the Nation's health delivery system. These non-profit, community based centers are performing a vital service to our country's more vulnerable populations and they are to be commended for their efforts.

Health centers throughout the country have a 30-year history of success. Studies continue to show that the centers effectively and efficiently improve our Nation's health.

Over the past 2 years, the number of patients seen by community health centers in my state of Colorado has increased 20.8 percent and the number of visits provided has increased by 26 percent over the same period. Of the patients seen in Colorado in 2002, 48 percent had no health insurance, 26 percent were Medicaid recipients and 94 percent had family incomes less than $36,200 a year for a family of four. Community health centers are truly America's healthcare safety net.

I believe it is important that we support and honor this nation-wide network of community based providers. That is why I urge my colleagues to act quickly on this legislation. Let's show our community health center network that we value its significant contribution to the health of our citizens by declaring the week of August 10, 2003, a National Health Center Week.

AMENDMENTS SUBMITTED & PROPOSED

SA 539. Mr. FRIST (for himself, Mr. DASCHLE, Mr. INHOFE, Mr. DORGAN, Mr. LUGAR, Mr. JOHNSON, Mr. GRASSLEY, Mr. HARKIN, Mr. HAGEL, Mr. DURBIN, Mr. VOINOVICH, Mr. NELSON of Nebraska, Mr. TALENT, Mr. DAYTON, Mr. COLEMAN, Mr. EDWARDS, Mr. CRAPO, Mr. CONRAD, Mr. DEWINE, and Mr. BAUCUS) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes.

TEXT OF AMENDMENTS

SA 539. Mr. FRIST (for himself, Mr. DASCHLE, Mr. INHOFE, Mr. DORGAN, Mr. LUGAR, Mr. JOHNSON, Mr. GRASSLEY, Mr. HARKIN, Mr. HAGEL, Mr. DURBIN, Mr. VOINOVICH, Mr. NELSON of Nebraska, Mr. TALENT, Mr. DAYTON, Mr. COLEMAN, Mr. EDWARDS, Mr. CRAPO, Mr. CONRAD, Mr. DEWINE, and Mr. BAUCUS) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

At the end of title V, add the following:

Subtitle —General Provisions Relating to Renewable Fuels

SEC. 5 1. RENEWABLE CONTENT OF GASOLINE.

(a) IN GENERAL.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (r); and

(2) by inserting after subsection (n) the following:

"(o) RENEWABLE FUEL PROGRAM.—

"(1) DEFINITIONS.—In this section:

"(A) CELLULOSIC BIOMASS ETHANOL.—The term 'cellulosic biomass ethanol' means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

"(i) dedicated energy crops and trees;

"(ii) wood and wood residues;

"(iii) plants;

"(iv) grasses;

"(v) agricultural residues;

"(vi) fibers;

"(vii) animal wastes and other waste materials; and

"(viii) municipal solid waste.

"(B) RENEWABLE FUEL.—

"(i) IN GENERAL.—The term 'renewable fuel' means motor vehicle fuel that—

"(I)(aa) is produced from grain, starch, oilseeds, or other biomass; or

"(bb) is natural gas produced from a biogas source, including a landfill, sewage waste treatment plant, feedlot, or other place where decaying organic material is found; and

"(II) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle.

"(ii) INCLUSION.—The term 'renewable fuel' includes—

"(I) cellulosic biomass ethanol; and

"(II) biodiesel (as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f))).

"(C) SMALL REFINERY.—The term 'small refinery' means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

"(2) RENEWABLE FUEL PROGRAM.—

"(A) REGULATIONS.—

"(i) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Administrator shall promulgate regulations to ensure that gasoline sold or introduced into commerce in the United States (except in Alaska and Hawaii), on an annual average basis, contains the applicable volume of renewable fuel determined in accordance with subparagraph (B).

"(ii) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under clause (i)—

"(I) shall contain compliance provisions applicable to refiners, blenders, distributors, and importers, as appropriate, to ensure that the requirements of this paragraph are met; but

"(II) shall not—

"(aa) restrict cases in geographic areas in which renewable fuel may be used; or

"(bb) impose any per-gallon obligation for the use of renewable fuel.

"(iii) REQUIREMENT IN CASE OF FAILURE TO PROMULGATE REGULATIONS.—If the Administrator does not promulgate regulations under clause (i), the percentage of renewable fuel in gasoline sold or dispensed to consumers in the United States, on a volume basis, shall be 1.8 percent for calendar year 2005.

"(B) APPLICABLE VOLUME.—

"(i) CALENDAR YEARS 2005 THROUGH 2012.—For the purpose of subparagraph (A), the applicable volume for any of calendar years 2005 through 2012 shall be determined in accordance with the following table:

"Calendar year:	Applicable volume of renewable fuel (in billions of gallons):
2005	2.6
2006	2.9
2007	3.2
2008	3.5
2009	3.9
2010	4.3
2011	4.7
2012	5.0.

"(ii) CALENDAR YEAR 2013 AND THEREAFTER.—For the purpose of subparagraph (A), the applicable volume for calendar year 2013 and each calendar year thereafter shall be equal to the product obtained by multiplying—

"(I) the number of gallons of gasoline that the Administrator estimates will be sold or introduced into commerce in the calendar year; and

"(II) the ratio that—

"(aa) 5,000,000,000 gallons of renewable fuel; bears to

"(bb) the number of gallons of gasoline sold or introduced into commerce in calendar year 2012.

"(3) APPLICABLE PERCENTAGES.—

"(A) PROVISION OF ESTIMATE OF VOLUMES OF GASOLINE SALES.—Not later than October 31 of each of calendar years 2004 through 2011, the Administrator of the Energy Information

Administration shall provide to the Administrator of the Environmental Protection Agency an estimate of the volumes of gasoline sold or introduced into commerce in the United States during the following calendar year.

“(B) DETERMINATION OF APPLICABLE PERCENTAGES.—

“(i) IN GENERAL.—Not later than November 30 of each of calendar years 2005 through 2012, based on the estimate provided under subparagraph (A), the Administrator of the Environmental Protection Agency shall determine and publish in the Federal Register, with respect to the following calendar year, the renewable fuel obligation that ensures that the requirements of paragraph (2) are met.

“(ii) REQUIRED ELEMENTS.—The renewable fuel obligation determined for a calendar year under clause (i) shall—

“(I) be applicable to refiners, blenders, and importers, as appropriate;

“(II) be expressed in terms of a volume percentage of gasoline sold or introduced into commerce; and

“(III) subject to subparagraph (C)(i), consist of a single applicable percentage that applies to all categories of persons specified in subclause (I).

“(C) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the Administrator shall make adjustments—

“(i) to prevent the imposition of redundant obligations on any person specified in subparagraph (B)(ii)(I); and

“(ii) to account for the use of renewable fuel during the previous calendar year by small refineries that are exempt under paragraph (9).

“(4) CELLULOSIC BIOMASS ETHANOL.—For the purpose of paragraph (2), 1 gallon of cellulosic biomass ethanol shall be considered to be the equivalent of 1.5 gallons of renewable fuel.

“(5) CREDIT PROGRAM.—

“(A) IN GENERAL.—The regulations promulgated under paragraph (2)(A) shall provide—

“(i) for the generation of an appropriate amount of credits by any person that refines, blends, or imports gasoline that contains a quantity of renewable fuel that is greater than the quantity required under paragraph (2);

“(ii) for the generation of an appropriate amount of credits for biodiesel; and

“(iii) for the generation of credits by small refineries in accordance with paragraph (9)(C).

“(B) USE OF CREDITS.—A person that generates credits under subparagraph (A) may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with paragraph (2).

“(C) DURATION OF CREDITS.—A credit generated under this paragraph shall be valid to show compliance—

“(i) subject to clause (ii), for the calendar year in which the credit was generated or the following calendar year; or

“(ii) if the Administrator promulgates regulations under paragraph (6), for the calendar year in which the credit was generated or any of the following 2 calendar years.

“(D) INABILITY TO GENERATE OR PURCHASE SUFFICIENT CREDITS.—The regulations promulgated under paragraph (2)(A) shall include provisions allowing any person that is unable to generate or purchase sufficient credits to meet the requirements of paragraph (2) to carry forward a renewable fuel deficit on condition that the person, in the calendar year following the year in which the renewable fuel deficit is created—

“(i) achieves compliance with the renewable fuel requirement under paragraph (2); and

“(ii) generates or purchases additional renewable fuel credits to offset the renewable fuel deficit of the previous year.

“(6) SEASONAL VARIATIONS IN RENEWABLE FUEL USE.—

“(A) STUDY.—For each of calendar years 2005 through 2012, the Administrator of the Energy Information Administration shall conduct a study of renewable fuel blending to determine whether there are excessive seasonal variations in the use of renewable fuel.

“(B) REGULATION OF EXCESSIVE SEASONAL VARIATIONS.—If, for any calendar year, the Administrator of the Energy Information Administration, based on the study under subparagraph (A), makes the determinations specified in subparagraph (C), the Administrator of the Environmental Protection Agency shall promulgate regulations to ensure that 35 percent or more of the quantity of renewable fuel necessary to meet the requirements of paragraph (2) is used during each of the 2 periods specified in subparagraph (D) of each subsequent calendar year.

“(C) DETERMINATIONS.—The determinations referred to in subparagraph (B) are that—

“(i) less than 35 percent of the quantity of renewable fuel necessary to meet the requirements of paragraph (2) has been used during 1 of the 2 periods specified in subparagraph (D) of the calendar year; and

“(ii) a pattern of excessive seasonal variation described in clause (i) will continue in subsequent calendar years.

“(D) PERIODS.—The 2 periods referred to in this paragraph are—

“(i) April through September; and

“(ii) January through March and October through December.

“(E) EXCLUSION.—Renewable fuel blended or consumed in calendar year 2005 in a State that has received a waiver under section 209(b) shall not be included in the study under subparagraph (A).

“(7) WAIVERS.—

“(A) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the requirements of paragraph (2) in whole or in part on petition by 1 or more States by reducing the national quantity of renewable fuel required under paragraph (2)—

“(i) based on a determination by the Administrator, after public notice and opportunity for comment, that implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

“(ii) based on a determination by the Administrator, after public notice and opportunity for comment, that there is an inadequate domestic supply or distribution capacity to meet the requirement.

“(B) PETITIONS FOR WAIVERS.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall approve or disapprove a State petition for a waiver of the requirements of paragraph (2) within 90 days after the date on which the petition is received by the Administrator.

“(C) TERMINATION OF WAIVERS.—A waiver granted under subparagraph (A) shall terminate after 1 year, but may be renewed by the Administrator after consultation with the Secretary of Agriculture and the Secretary of Energy.

“(8) STUDY AND WAIVER FOR INITIAL YEAR OF PROGRAM.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary of Energy shall conduct for the Administrator a study assessing whether the renewable fuel requirement under paragraph (2) will likely result in significant adverse impacts on consumers in 2005, on a national, regional, or State basis.

“(B) REQUIRED EVALUATIONS.—The study shall evaluate renewable fuel—

“(i) supplies and prices;

“(ii) blendstock supplies; and

“(iii) supply and distribution system capabilities.

“(C) RECOMMENDATIONS BY THE SECRETARY.—Based on the results of the study, the Secretary of Energy shall make specific recommendations to the Administrator concerning waiver of the requirements of paragraph (2), in whole or in part, to prevent any adverse impacts described in subparagraph (A).

“(D) WAIVER.—

“(i) IN GENERAL.—Not later than 270 days after the date of enactment of this paragraph, the Administrator shall, if and to the extent recommended by the Secretary of Energy under subparagraph (C), waive, in whole or in part, the renewable fuel requirement under paragraph (2) by reducing the national quantity of renewable fuel required under paragraph (2) in calendar 2005.

“(ii) NO EFFECT ON WAIVER AUTHORITY.—Clause (i) does not limit the authority of the Administrator to waive the requirements of paragraph (2) in whole, or in part, under paragraph (7).

“(9) SMALL REFINERIES.—

“(A) TEMPORARY EXEMPTION.—

“(i) IN GENERAL.—The requirements of paragraph (2) shall not apply to small refineries until calendar year 2011.

“(ii) EXTENSION OF EXEMPTION.—

“(I) STUDY BY SECRETARY OF ENERGY.—Not later than December 31, 2007, the Secretary of Energy shall conduct for the Administrator a study to determine whether compliance with the requirements of paragraph (2) would impose a disproportionate economic hardship on small refineries.

“(II) EXTENSION OF EXEMPTION.—In the case of a small refinery that the Secretary of Energy determines under subclause (I) would be subject to a disproportionate economic hardship if required to comply with paragraph (2), the Administrator shall extend the exemption under clause (i) for the small refinery for a period of not less than 2 additional years.

“(B) PETITIONS BASED ON DISPROPORTIONATE ECONOMIC HARDSHIP.—

“(i) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the Administrator for an extension of the exemption under subparagraph (A) for the reason of disproportionate economic hardship.

“(ii) EVALUATION OF PETITIONS.—In evaluating a petition under clause (i), the Administrator, in consultation with the Secretary of Energy, shall consider the findings of the study under subparagraph (A)(ii) and other economic factors.

“(iii) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

“(C) CREDIT PROGRAM.—If a small refinery notifies the Administrator that the small refinery waives the exemption under subparagraph (A), the regulations promulgated under paragraph (2)(A) shall provide for the generation of credits by the small refinery under paragraph (5) beginning in the calendar year following the date of notification.

“(D) Opt-in for small refineries.—A small refinery shall be subject to the requirements of paragraph (2) if the small refinery notifies the Administrator that the small refinery waives the exemption under subparagraph (A).

“(10) Ethanol market concentration analysis.—

“(A) Analysis.—

“(i) In general.—Not later than 180 days after the date of enactment of this paragraph, and annually thereafter, the Federal Trade Commission shall perform a market concentration analysis of the ethanol production industry using the Herfindahl-Hirschman Index to determine whether there is sufficient competition among industry participants to avoid price-setting and other anticompetitive behavior.

“(ii) Scoring.—For the purpose of scoring under clause (i) using the Herfindahl-Hirschman Index, all marketing arrangements among industry participants shall be considered.

“(B) Report.—Not later than December 1, 2004, and annually thereafter, the Federal Trade Commission shall submit to Congress and the Administrator a report on the results of the market concentration analysis performed under subparagraph (A)(i).

“(p) Renewable Fuel Safe Harbor.—

“(1) In general.—

“(A) Safe harbor.—Notwithstanding any other provision of Federal or State law, no renewable fuel (as defined in subsection (o)(1)) used or intended to be used as a motor vehicle fuel, nor any motor vehicle fuel containing renewable fuel, shall be deemed to be defective in design or manufacture by reason of the fact that the fuel is, or contains, renewable fuel, if—

“(i) the fuel does not violate a control or prohibition imposed by the Administrator under this section; and

“(ii) the manufacturer of the fuel is in compliance with all requests for information under subsection (b).

“(B) Safe harbor not applicable.—In any case in which subparagraph (A) does not apply to a quantity of fuel, the existence of a design defect or manufacturing defect with respect to the fuel shall be determined under otherwise applicable law.

“(2) Exception.—This subsection does not apply to ethers.

“(3) Applicability.—This subsection applies with respect to all claims filed on or after the date of enactment of this subsection.”.

(b) Penalties and Enforcement.—Section 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking “or (n)” each place it appears and inserting “(n), or (o)”; and

(B) in the second sentence, by striking “or (m)” and inserting “(m), or (o)”; and

(2) in the first sentence of paragraph (2), by striking “and (n)” each place it appears and inserting “(n), and (o)”.

(c) Exclusion From Ethanol Waiver.—Section 211(h) of the Clean Air Act (42 U.S.C. 7545(h)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

“(5) Exclusion from ethanol waiver.—

“(A) Promulgation of regulations.—Upon notification, accompanied by supporting documentation, from the Governor of a State that the Reid vapor pressure limitation established by paragraph (4) will increase emissions that contribute to air pollution in any area in the State, the Administrator shall, by regulation, apply, in lieu of the Reid vapor pressure limitation established by paragraph (4), the Reid vapor pressure limitation established by paragraph (1) to all fuel blends containing gasoline and 10 percent denatured anhydrous ethanol that are sold, offered for sale, dispensed, supplied, offered for supply, transported, or introduced into commerce in the area during the high ozone season.

“(B) Deadline for promulgation.—The Administrator shall promulgate regulations under subparagraph (A) not later than 90 days after the date of receipt of a notification from a Governor under that subparagraph.

“(C) Effective date.—

“(i) In general.—With respect to an area in a State for which the Governor submits a notification under subparagraph (A), the regulations under that subparagraph shall take effect on the later of—

“(I) the first day of the first high ozone season for the area that begins after the date of receipt of the notification; or

“(II) 1 year after the date of receipt of the notification.

“(ii) Extension of effective date based on determination of insufficient supply.—

“(I) In general.—If, after receipt of a notification with respect to an area from a Governor of a State under subparagraph (A), the Administrator determines, on the Administrator's own motion or on petition of any person and after consultation with the Secretary of Energy, that the promulgation of regulations described in subparagraph (A) would result in an insufficient supply of gasoline in the State, the Administrator, by regulation—

“(aa) shall extend the effective date of the regulations under clause (i) with respect to the area for not more than 1 year; and

“(bb) may renew the extension under item (aa) for 2 additional periods, each of which shall not exceed 1 year.

“(II) Deadline for action on petitions.—The Administrator shall act on any petition submitted under subclause (I) not later than 180 days after the date of receipt of the petition.”.

SEC. 5 2. RENEWABLE FUEL.

(a) In General.—The Clean Air Act is amended by inserting after section 211 (42 U.S.C. 7411) the following:

“SEC. 212. RENEWABLE FUEL.

“(a) Definitions.—In this section:

“(1) Municipal solid waste.—The term ‘municipal solid waste’ has the meaning given the term ‘solid waste’ in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

“(2) RFG state.—The term ‘RFG State’ means a State in which is located 1 or more covered areas (as defined in section 211(k)(10)(D)).

“(3) Secretary.—The term ‘Secretary’ means the Secretary of Energy.

“(b) Survey of Renewable Fuel Market.—

“(1) Survey and report.—Not later than December 1, 2006, and annually thereafter, the Administrator shall—

“(A) conduct, with respect to each conventional gasoline use area and each reformulated gasoline use area in each State, a survey to determine the market shares of—

“(i) conventional gasoline containing ethanol;

“(ii) reformulated gasoline containing ethanol;

“(iii) conventional gasoline containing renewable fuel; and

“(iv) reformulated gasoline containing renewable fuel; and

“(B) submit to Congress, and make publicly available, a report on the results of the survey under subparagraph (A).

“(2) Recordkeeping and reporting requirements.—

“(A) In general.—The Administrator may require any refiner, blender, or importer to keep such records and make such reports as are necessary to ensure that the survey conducted under paragraph (1) is accurate.

“(B) Reliance on existing requirements.—To avoid duplicative requirements, in carrying out subparagraph (A), the Administrator shall rely, to the maximum extent practicable, on reporting and recordkeeping requirements in effect on the date of enactment of this section.

“(3) Confidentiality.—Activities carried out under this subsection shall be conducted in a manner designed to protect confidentiality of individual responses.

“(c) Commercial Byproducts From Municipal Solid Waste Loan Guarantee Program.—

“(1) Establishment of program.—The Secretary shall establish a program to provide guarantees of loans by private institutions for the construction of facilities for the processing and conversion of municipal solid waste into fuel ethanol and other commercial byproducts.

“(2) Requirements.—The Secretary may provide a loan guarantee under paragraph (1) to an applicant if—

“(A) without a loan guarantee, credit is not available to the applicant under reasonable terms or conditions sufficient to finance the construction of a facility described in paragraph (1);

“(B) the prospective earning power of the applicant and the character and value of the security pledged provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with the terms of the loan; and

“(C) the loan bears interest at a rate determined by the Secretary to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan.

“(4) Criteria.—In selecting recipients of loan guarantees from among applicants, the Secretary shall give preference to proposals that—

“(A) meet all applicable Federal and State permitting requirements;

“(B) are most likely to be successful; and

“(C) are located in local markets that have the greatest need for the facility because of—

“(i) the limited availability of land for waste disposal; or

“(ii) a high level of demand for fuel ethanol or other commercial byproducts of the facility.

“(5) Maturity.—A loan guaranteed under paragraph (1) shall have a maturity of not more than 20 years.

“(6) Terms and conditions.—The loan agreement for a loan guaranteed under paragraph (1) shall provide that no provision of the loan agreement may be amended or waived without the consent of the Secretary.

“(7) Assurance of repayment.—The Secretary shall require that an applicant for a loan guarantee under paragraph (1) provide an assurance of repayment in the form of a performance bond, insurance, collateral, or other means acceptable to the Secretary in an amount equal to not less than 20 percent of the amount of the loan.

"(8) GUARANTEE FEE.—The recipient of a loan guarantee under paragraph (1) shall pay the Secretary an amount determined by the Secretary to be sufficient to cover the administrative costs of the Secretary relating to the loan guarantee.

"(9) FULL FAITH AND CREDIT.—

"(A) IN GENERAL.—The full faith and credit the United States is pledged to the payment of all guarantees made under this subsection.

"(B) CONCLUSIVE EVIDENCE.—Any guarantee made by the Secretary under this subsection shall be conclusive evidence of the eligibility of the loan for the guarantee with respect to principal and interest.

"(C) VALIDITY.—The validity of the guarantee shall be incontestable in the hands of a holder of the guaranteed loan.

"(10) REPORTS.—Until each guaranteed loan under this subsection has been repaid in full, the Secretary shall annually submit to Congress a report on the activities of the Secretary under this subsection.

"(11) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

"(12) TERMINATION OF AUTHORITY.—The authority of the Secretary to issue a new loan guarantee under paragraph (1) terminates on the date that is 10 years after the date of enactment of this section.

"(d) AUTHORIZATION OF APPROPRIATIONS FOR RESOURCE CENTER.—There is authorized to be appropriated, for a resource center to further develop bioconversion technology using low-cost biomass for the production of ethanol at the Center for Biomass-Based Energy at the University of Mississippi and the University of Oklahoma, $4,000,000 for each of fiscal years 2004 through 2006.

"(e) RENEWABLE FUEL PRODUCTION RESEARCH AND DEVELOPMENT GRANTS.—

"(1) IN GENERAL.—The Administrator shall provide grants for the research into, and development and implementation of, renewable fuel production technologies in RFG States with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol.

"(2) ELIGIBILITY.—

"(A) IN GENERAL.—The entities eligible to receive a grant under this subsection are academic institutions in RFG States, and consortia made up of combinations of academic institutions, industry, State government agencies, or local government agencies in RFG States, that have proven experience and capabilities with relevant technologies.

"(B) APPLICATION.—To be eligible to receive a grant under this subsection, an eligible entity shall submit to the Administrator an application in such manner and form, and accompanied by such information, as the Administrator may specify.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2004 through 2008.

"(f) CELLULOSIC BIOMASS ETHANOL CONVERSION ASSISTANCE—

"(1) IN GENERAL.—The Secretary may provide grants to merchant producers of cellulosic biomass ethanol in the United States to assist the producers in building eligible production facilities described in paragraph (2) for the production of cellulosic biomass ethanol.

"(2) ELIGIBLE PRODUCTION FACILITIES.—A production facility shall be eligible to receive a grant under this subsection if the production facility—

"(A) is located in the United States; and

"(B) uses cellulosic biomass feedstocks derived from agricultural residues or municipal solid waste.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection—

"(A) $100,000,000 for fiscal year 2004;

"(B) $250,000,000 for fiscal year 2005; and

"(C) $400,000000 for fiscal year 2006.".

(b) CONFORMING AMENDMENT.—The table of contents for the Clean Air Act (42 U.S.C. 7401 prec.) is amended by inserting after the item relating to section 211 the following:

"212. Renewable fuels.".

SEC. 5 3. SURVEY OF RENEWABLE FUELS CONSUMPTION.

Section 205 of the Department of Energy Organization Act (42 U.S.C. 7135) is amended by adding at the end the following:

"(m) SURVEY OF RENEWABLE FUELS CONSUMPTION.—

"(1) IN GENERAL.—In order to improve the ability to evaluate the effectiveness of the Nation's renewable fuels mandate, the Administrator shall conduct and publish the results of a survey of renewable fuels consumption in the motor vehicle fuels market in the United States monthly, and in a manner designed to protect the confidentiality of individual responses.

"(2) ELEMENTS OF SURVEY.—In conducting the survey, the Administrator shall collect information retrospectively to 1998, on a national basis and a regional basis, including—

"(A) the quantity of renewable fuels produced;

"(B) the cost of production;

"(C) the cost of blending and marketing;

"(D) the quantity of renewable fuels blended;

"(E) the quantity of renewable fuels imported; and

"(F) market price data.".

Subtitle —Federal Reformulated Fuels

SEC. 5 1. SHORT TITLE.

This subtitle may be cited as the "Federal Reformulated Fuels Act of 2003".

SEC. 5 2. LEAKING UNDERGROUND STORAGE TANKS.

(a) USE OF LUST FUNDS FOR REMEDIATION OF CONTAMINATION FROM ETHER FUEL ADDITIVES.—Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended—

(1) in paragraph (7)(A)—

(A) by striking "paragraphs (1) and (2) of this subsection" and inserting "paragraphs (1), (2), and (12)"; and

(B) by inserting "and section 9010" before "if"; and

(2) by adding at the end the following:

"(12) REMEDIATION OF CONTAMINATION FROM ETHER FUEL ADDITIVES.—

"(A) IN GENERAL.—The Administrator and the States may use funds made available under section 9013(1) to carry out corrective actions with respect to a release of methyl tertiary butyl ether or other ether fuel additive that presents a threat to human health, welfare, or the environment.

"(B) APPLICABLE AUTHORITY.—Subparagraph (A) shall be carried out—

"(i) in accordance with paragraph (2), except that a release with respect to which a corrective action is carried out under subparagraph (A) shall not be required to be from an underground storage tank; and

"(ii) in the case of a State, in accordance with a cooperative agreement entered into by the Administrator and the State under paragraph (7).".

(b) RELEASE PREVENTION AND COMPLIANCE.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by striking section 9010 and inserting the following:

"SEC. 9010. RELEASE PREVENTION AND COMPLIANCE.

"Funds made available under section 9013(2) from the Leaking Underground Storage Tank Trust Fund may be used for conducting inspections, or for issuing orders or bringing actions under this subtitle—

"(1) by a State (pursuant to section 9003(h)(7)) acting under—

"(A) a program approved under section 9004; or

"(B) State requirements regulating underground storage tanks that are similar or identical to this subtitle, as determined by the Administrator; and

"(2) by the Administrator, acting under this subtitle or a State program approved under section 9004.

"SEC. 9011. AUTHORIZATION OF APPROPRIATIONS.

"In addition to amounts made available under section 2007(f), there are authorized to be appropriated from the Leaking Underground Storage Tank Trust Fund, notwithstanding section 9508(c)(1) of the Internal Revenue Code of 1986—

"(1) to carry out section 9003(h)(12), $200,000,000 for fiscal year 2003, to remain available until expended; and

"(2) to carry out section 9010—

"(A) $50,000,000 for fiscal year 2003; and

"(B) $30,000,000 for each of fiscal years 2004 through 2008.".

(c) TECHNICAL AMENDMENTS.—(1) Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by striking the item relating to section 9010 and inserting the following:

"Sec. 9010. Release prevention and compliance.
"Sec. 9011. Authorization of appropriations.".

(2) Section 9001(3)(A) of the Solid Waste Disposal Act (42 U.S.C. 6991(3)(A)) is amended by striking "sustances" and inserting "substances".

(3) Section 9003(f)(1) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)(1)) is amended by striking "subsection (c) and (d) of this section" and inserting "subsections (c) and (d)".

(4) Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991c(a)) is amended in the second sentence by striking "referred to" and all that follows and inserting "referred to in subparagraph (A) or (B), or both, of section 9001(2).".

(5) Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended—

(A) in subsection (a), by striking "study taking" and inserting "study, taking";

(B) in subsection (b)(1), by striking "relevent" and inserting "relevant"; and

(C) in subsection (b)(4), by striking "Evironmental" and inserting "Environmental".

SEC. 5 3. RESTRICTIONS ON THE USE OF MTBE.

(a) FINDINGS.—Congress finds that—

(1) since 1979, methyl tertiary butyl ether (referred to in this section as "MTBE") has been used nationwide at low levels in gasoline to replace lead as an octane booster or anti-knocking agent;

(2) Public Law 101–549 (commonly known as the "Clean Air Act Amendments of 1990") (42 U.S.C. 7401 et seq.) established a fuel oxygenate standard under which reformulated gasoline must contain at least 2 percent oxygen by weight;

(3) at the time of the adoption of the fuel oxygenate standard, Congress was aware that—

(A) significant use of MTBE could result from the adoption of that standard; and

(B) the use of MTBE would likely be important to the cost-effective implementation of that standard;

(4) Congress is aware that gasoline and its component additives have leaked from storage tanks, with consequences for water quality;

(5) the fuel industry responded to the fuel oxygenate standard established by Public Law 101–549 by making substantial investments in—

(A) MTBE production capacity; and

(B) systems to deliver MTBE-containing gasoline to the marketplace;

(6) when leaked or spilled into the environment, MTBE may cause serious problems of drinking water quality;

(7) in recent years, MTBE has been detected in water sources throughout the United States;

(8) MTBE can be detected by smell and taste at low concentrations;

(9) while small quantities of MTBE can render water supplies unpalatable, the precise human health effects of MTBE consumption at low levels are yet unknown as of the date of enactment of this Act;

(10) in the report entitled "Achieving Clean Air and Clean Water: The Report of the Blue Ribbon Panel on Oxygenates in Gasoline" and dated September 1999, Congress was urged—

(A) to eliminate the fuel oxygenate standard;

(B) to greatly reduce use of MTBE; and

(C) to maintain the environmental performance of reformulated gasoline;

(11) Congress has—

(A) reconsidered the relative value of MTBE in gasoline; and

(B) decided to eliminate use of MTBE as a fuel additive;

(12) the timeline for elimination of use of MTBE as a fuel additive must be established in a manner that achieves an appropriate balance among the goals of—

(A) environmental protection;

(B) adequate energy supply; and

(C) reasonable fuel prices; and

(13) it is appropriate for Congress to provide some limited transition assistance—

(A) to merchant producers of MTBE who produced MTBE in response to a market created by the oxygenate requirement contained in the Clean Air Act (42 U.S.C. 7401 et seq.); and

(B) for the purpose of mitigating any fuel supply problems that may result from elimination of a widely-used fuel additive.

(b) Purposes.—The purposes of this section are—

(1) to eliminate use of MTBE as a fuel oxygenate; and

(2) to provide assistance to merchant producers of MTBE in making the transition from producing MTBE to producing other fuel additives.

(c) Authority for Water Quality Protection From Fuels.—Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended—

(1) in paragraph (1)(A)—

(A) by inserting "fuel or fuel additive or" after "Administrator any"; and

(B) by striking "air pollution which" and inserting "air pollution, or water pollution, that";

(2) in paragraph (4)(B), by inserting "or water quality protection," after "emission control,"; and

(3) by adding at the end the following:

"(5) Restrictions on use of MTBE.—

"(A) In general.—Subject to subparagraph (E), not later than 4 years after the date of enactment of this paragraph, the use of methyl tertiary butyl ether in motor vehicle fuel in any State other than a State described in subparagraph (C) is prohibited.

"(B) Regulations.—The Administrator shall promulgate regulations to effect the prohibition in subparagraph (A).

"(C) States that authorize use.—A State described in this subparagraph is a State that submits to the Administrator a notice that the State authorizes use of methyl tertiary butyl ether in motor vehicle fuel sold or used in the State.

"(D) Publication of notice.—The Administrator shall publish in the Federal Register each notice submitted by a State under subparagraph (C).

"(E) Trace quantities.—In carrying out subparagraph (A), the Administrator may allow trace quantities of methyl tertiary butyl ether, not to exceed 0.5 percent by volume, to be present in motor vehicle fuel in cases that the Administrator determines to be appropriate.

"(6) MTBE merchant producer conversion assistance.—

"(A) In general.—

"(i) Grants.—The Secretary of Energy, in consultation with the Administrator, may make grants to merchant producers of methyl tertiary butyl ether in the United States to assist the producers in the conversion of eligible production facilities described in subparagraph (C) to the production of—

"(i) iso-octane or alkylates, unless the Administrator, in consultation with the Secretary of Energy, determines that transition assistance for the production of iso-octane or alkylates is inconsistent with the criteria specified in subparagraph (B); and

"(ii) any other fuel additive that meets the criteria specified in subparagraph (B).

"(B) Criteria.—The criteria referred to in subparagraph (A) are that—

"(i) use of the fuel additive is consistent with this subsection;

"(ii) the Administrator has not determined that the fuel additive may reasonably be anticipated to endanger public health or the environment;

"(iii) the fuel additive has been registered and tested, or is being tested, in accordance with the requirements of this section; and

"(iv) the fuel additive will contribute to replacing quantities of motor vehicle fuel rendered unavailable as a result of paragraph (5).

"(C) Eligible production facilities.—A production facility shall be eligible to receive a grant under this paragraph if the production facility—

"(i) is located in the United States; and

"(ii) produced methyl tertiary butyl ether for consumption in nonattainment areas during the period—

"(I) beginning on the date of enactment of this paragraph; and

"(II) ending on the effective date of the prohibition on the use of methyl tertiary butyl ether under paragraph (5).

"(D) Authorization of appropriations.—There is authorized to be appropriated to carry out this paragraph $250,000,000 for each of fiscal years 2004 through 2007.".

(d) No Effect on Law Concerning State Authority.—The amendments made by subsection (c) have no effect on the law in effect on the day before the date of enactment of this Act concerning the authority of States to limit the use of methyl tertiary butyl ether in motor vehicle fuel.

SEC. 5 4. ELIMINATION OF OXYGEN CONTENT REQUIREMENT FOR REFORMULATED GASOLINE.

(a) Elimination.—

(1) In general.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended—

(A) in paragraph (2)—

(i) in the second sentence of subparagraph (A), by striking "(including the oxygen content requirement contained in subparagraph (B))";

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(B) in paragraph (3)(A), by striking clause (v); and

(C) in paragraph (7)—

(i) in subparagraph (A)—

(I) by striking clause (i); and

(II) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(ii) in subparagraph (C)—

(I) by striking clause (ii); and

(II) by redesignating clause (iii) as clause (ii).

(2) Applicability.—The amendments made by paragraph (1) apply—

(A) in the case of a State that has received a waiver under section 209(b) of the Clean Air Act (42 U.S.C. 7543(b)), beginning on the date of enactment of this Act; and

(B) in the case of any other State, beginning 270 days after the date of enactment of this Act.

(b) Maintenance of Toxic Air Pollutant Emission Reductions.—Section 211(k)(1) of the Clean Air Act (42 U.S.C. 7545(k)(1)) is amended—

(1) by striking "Within 1 year after the enactment of the Clean Air Act Amendments of 1990," and inserting the following:

"(A) In general.—Not later than November 15, 1991,"; and

(2) by adding at the end the following:

"(B) Maintenance of toxic air pollutant emissions reductions from reformulated gasoline.—

"(i) Definition of PADD.—In this subparagraph the term 'PADD' means a Petroleum Administration for Defense District.

"(ii) Regulations concerning emissions of toxic air pollutants.—Not later than 270 days after the date of enactment of this subparagraph, the Administrator shall establish by regulation, for each refinery or importer (other than a refiner or importer in a State that has received a waiver under section 209(b) with respect to gasoline produced for use in that State), standards for toxic air pollutants from use of the reformulated gasoline produced or distributed by the refiner or importer that maintain the reduction of the average annual aggregate emissions of toxic air pollutants for reformulated gasoline produced or distributed by the refiner or importer during calendar years 1999 and 2000 (as determined on the basis of data collected by the Administrator with respect to the refiner or importer).

"(iii) Standards applicable to specific refineries or importers.—

"(I) Applicability of standards.—For any calendar year, the standards applicable to a refiner or importer under clause (ii) shall apply to the quantity of gasoline produced or distributed by the refiner or importer in the calendar year only to the extent that the quantity is less than or equal to the average annual quantity of reformulated gasoline produced or distributed by the refiner or importer during calendar years 1999 and 2000.

"(II) Applicability of other standards.—For any calendar year, the quantity of gasoline produced or distributed by a refiner or importer that is in excess of the quantity subject to subclause (I) shall be subject to standards for emissions of toxic air pollutants promulgated under subparagraph (A) and paragraph (3)(B).

"(iv) CREDIT PROGRAM.—The Administrator shall provide for the granting and use of credits for emissions of toxic air pollutants in the same manner as provided in paragraph (7).

"(v) REGIONAL PROTECTION OF TOXICS REDUCTION BASELINES.—

"(I) IN GENERAL.—Not later than 60 days after the date of enactment of this subparagraph, and not later than April 1 of each calendar year that begins after that date of enactment, the Administrator shall publish in the Federal Register a report that specifies, with respect to the previous calendar year—

"(aa) the quantity of reformulated gasoline produced that is in excess of the average annual quantity of reformulated gasoline produced in 1999 and 2000; and

"(bb) the reduction of the average annual aggregate emissions of toxic air pollutants in each PADD, based on retail survey data or data from other appropriate sources.

"(II) EFFECT OF FAILURE TO MAINTAIN AGGREGATE TOXICS REDUCTIONS.—If, in any calendar year, the reduction of the average annual aggregate emissions of toxic air pollutants in a PADD fails to meet or exceed the reduction of the average annual aggregate emissions of toxic air pollutants in the PADD in calendar years 1999 and 2000, the Administrator, not later than 90 days after the date of publication of the report for the calendar year under subclause (I), shall—

"(aa) identify, to the maximum extent practicable, the reasons for the failure, including the sources, volumes, and characteristics of reformulated gasoline that contributed to the failure; and

"(bb) promulgate revisions to the regulations promulgated under clause (ii), to take effect not earlier than 180 days but not later than 270 days after the date of promulgation, to provide that, notwithstanding clause (iii)(II), all reformulated gasoline produced or distributed at each refiner or importer shall meet the standards applicable under clause (iii)(I) beginning not later than April 1 of the calendar year following publication of the report under subclause (I) and in each calendar year thereafter.

"(vi) REGULATIONS TO CONTROL HAZARDOUS AIR POLLUTANTS FROM MOTOR VEHICLES AND MOTOR VEHICLE FUELS.—Not later than July 1, 2004, the Administrator shall promulgate final regulations to control hazardous air pollutants from motor vehicles and motor vehicle fuels, as provided for in section 80.1045 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph).".

(c) COMMINGLING.—

(1) IN GENERAL.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended by adding at the end the following:

"(11) COMMINGLING.—The regulations under paragraph (1) shall permit the commingling at a retail station of reformulated gasoline containing ethanol and reformulated gasoline that does not contain ethanol if, each time such commingling occurs—

"(A) the retailer notifies the Administrator before the commingling, identifying the exact location of the retail station and the specific tank in which the commingling will take place; and

"(B) the retailer certifies that the reformulated gasoline resulting from the commingling will meet all applicable requirements for reformulated gasoline, including content and emission performance standards.

(d) CONSOLIDATION IN REFORMULATED GASOLINE REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall revise the reformulated gasoline regulations under subpart D of part 80 of title 40, Code of Federal Regulations, to consolidate the regulations applicable to VOC-Control Regions 1 and 2 under section 80.41 of that title by eliminating the less stringent requirements applicable to gasoline designated for VOC-Control Region 2 and instead applying the more stringent requirements applicable to gasoline designated for VOC-Control Region 1.

(e) SAVINGS CLAUSE.—

(1) IN GENERAL.—Nothing in this section or any amendment made by this section affects or prejudices any legal claim or action with respect to regulations promulgated by the Administrator before the date of enactment of this Act regarding—

(A) emissions of toxic air pollutants from motor vehicles; or

(B) the adjustment of standards applicable to a specific refinery or importer made under those regulations.

(2) ADJUSTMENT OF STANDARDS.—

(A) APPLICABILITY.—The Administrator may apply any adjustments to the standards applicable to a refinery or importer under subparagraph (B)(iii)(I) of section 211(k)(1) of the Clean Air Act (as added by subsection (b)(2)), except that—

(i) the Administrator shall revise the adjustments to be based only on calendar years 1999 and 2000;

(ii) any such adjustment shall not be made at a level below the average percentage of reductions of emissions of toxic air pollutants for reformulated gasoline supplied to PADD I during calendar years 1999 and 2000; and

(iii) in the case of an adjustment based on toxic air pollutant emissions from reformulated gasoline significantly below the national annual average emissions of toxic air pollutants from all reformulated gasoline—

(I) the Administrator may revise the adjustment to take account of the scope of the prohibition on methyl tertiary butyl ether imposed by paragraph (5) of section 211(c) of the Clean Air Act (as added by section 203(c)); and

(II) any such adjustment shall require the refiner or importer, to the maximum extent practicable, to maintain the reduction achieved during calendar years 1999 and 2000 in the average annual aggregate emissions of toxic air pollutants from reformulated gasoline produced or distributed by the refiner or importer.

SEC. 5 5. PUBLIC HEALTH AND ENVIRONMENTAL IMPACTS OF FUELS AND FUEL ADDITIVES.

Section 211(b) of the Clean Air Act (42 U.S.C. 7545(b)) is amended—

(1) in paragraph (2)—

(A) by striking "may also" and inserting "shall, on a regular basis,"; and

(B) by striking subparagraph (A) and inserting the following:

"(A) to conduct tests to determine potential public health and environmental effects of the fuel or additive (including carcinogenic, teratogenic, or mutagenic effects); and"; and

(2) by adding at the end the following:

"(4) STUDY ON CERTAIN FUEL ADDITIVES AND BLENDSTOCKS.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall—

"(i) conduct a study on the effects on public health (including the effects on children, pregnant women, minority or low-income communities, and other sensitive populations), air quality, and water resources of increased use of, and the feasibility of using as substitutes for methyl tertiary butyl ether in gasoline—

"(I) ethyl tertiary butyl ether;

"(II) tertiary amyl methyl ether;

"(III) di-isopropyl ether;

"(IV) tertiary butyl alcohol;

"(V) other ethers and heavy alcohols, as determined by then Administrator;

"(VI) ethanol;

"(VII) iso-octane; and

"(VIII) alkylates; and

"(ii) conduct a study on the effects on public health (including the effects on children, pregnant women, minority or low-income communities, and other sensitive populations), air quality, and water resources of the adjustment for ethanol-blended reformulated gasoline to the volatile organic compounds performance requirements that are applicable under paragraphs (1) and (3) of section 211(k); and

"(iii) submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the studies under clauses (i) and (ii).

"(B) CONTRACTS FOR STUDY.—In carrying out this paragraph, the Administrator may enter into 1 or more contracts with nongovernmental entities such as—

"(i) the national energy laboratories; and

"(ii) institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).".

SEC. 5 6. ANALYSES OF MOTOR VEHICLE FUEL CHANGES.

Section 211 of the Clean Air Act (42 U.S.C. 7545) (as amended by section 5 1(a)) is amended by inserting after subsection (p) the following:

"(q) ANALYSES OF MOTOR VEHICLE FUEL CHANGES AND EMISSIONS MODEL.—

"(1) ANTI-BACKSLIDING ANALYSIS.—

"(A) DRAFT ANALYSIS.—Not later than 4 years after the date of enactment of this paragraph, the Administrator shall publish for public comment a draft analysis of the changes in emissions of air pollutants and air quality due to the use of motor vehicle fuel and fuel additives resulting from implementation of the amendments made by the Reliable Fuels Act.

"(B) FINAL ANALYSIS.—After providing a reasonable opportunity for comment but not later than 5 years after the date of enactment of this paragraph, the Administrator shall publish the analysis in final form.

"(2) EMISSIONS MODEL.—For the purposes of this subsection, as soon as the necessary data are available, the Administrator shall develop and finalize an emissions model that reasonably reflects the effects of gasoline characteristics or components on emissions from vehicles in the motor vehicle fleet during calendar year 2006.".

SEC. 5 7. ADDITIONAL OPT-IN AREAS UNDER REFORMULATED GASOLINE PROGRAM.

Section 211(k)(6) of the Clean Air Act (42 U.S.C. 7545(k)(6)) is amended—

(1) by striking "(6) OPT-IN AREAS.—(A) Upon" and inserting the following:

"(6) OPT-IN AREAS.—

"(A) CLASSIFIED AREAS.—

"(i) IN GENERAL.—Upon";

(2) in subparagraph (B), by striking "(B) If" and inserting the following:

"(ii) EFFECT OF INSUFFICIENT DOMESTIC CAPACITY TO PRODUCE REFORMULATED GASOLINE.—If";

(3) in subparagraph (A)(ii) (as redesignated by paragraph (2))—

(A) in the first sentence, by striking “subparagraph (A)” and inserting “clause (i)”; and

(B) in the second sentence, by striking “this paragraph” and inserting “this subparagraph”; and

(4) by adding at the end the following:

“(B) OZONE TRANSPORT REGION.—

“(i) APPLICATION OF PROHIBITION.—

“(I) IN GENERAL.—On application of the Governor of a State in the ozone transport region established by section 184(a), the Administrator, not later than 180 days after the date of receipt of the application, shall apply the prohibition specified in paragraph (5) to any area in the State (other than an area classified as a marginal, moderate, serious, or severe ozone nonattainment area under subpart 2 of part D of title I) unless the Administrator determines under clause (iii) that there is insufficient capacity to supply reformulated gasoline.

“(II) PUBLICATION OF APPLICATION.—As soon as practicable after the date of receipt of an application under subclause (I), the Administrator shall publish the application in the Federal Register.

“(ii) PERIOD OF APPLICABILITY.—Under clause (i), the prohibition specified in paragraph (5) shall apply in a State—

“(I) commencing as soon as practicable but not later than 2 years after the date of approval by the Administrator of the application of the Governor of the State; and

“(II) ending not earlier than 4 years after the commencement date determined under subclause (I).

“(iii) EXTENSION OF COMMENCEMENT DATE BASED ON INSUFFICIENT CAPACITY.—

“(I) IN GENERAL.—If, after receipt of an application from a Governor of a State under clause (i), the Administrator determines, on the Administrator's own motion or on petition of any person, after consultation with the Secretary of Energy, that there is insufficient capacity to supply reformulated gasoline, the Administrator, by regulation—

“(aa) shall extend the commencement date with respect to the State under clause (ii)(I) for not more than 1 year; and

“(bb) may renew the extension under item (aa) for 2 additional periods, each of which shall not exceed 1 year.

“(II) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted under subclause (I) not later than 180 days after the date of receipt of the petition.”.

SEC. 5 8. FEDERAL ENFORCEMENT OF STATE FUELS REQUIREMENTS.

Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) by striking “(C) A State” and inserting the following:

“(C) AUTHORITY OF STATE TO CONTROL FUELS AND FUEL ADDITIVES FOR REASONS OF NECESSITY.—

“(i) IN GENERAL.—A State”; and

(2) by adding at the end the following:

“(ii) ENFORCEMENT BY THE ADMINISTRATOR.—In any case in which a State prescribes and enforces a control or prohibition under clause (i), the Administrator, at the request of the State, shall enforce the control or prohibition as if the control or prohibition had been adopted under the other provisions of this section.”.

SEC. 5 9. FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall jointly conduct a study of Federal, State, and local requirements concerning motor vehicle fuels, including—

(A) requirements relating to reformulated gasoline, volatility (measured in Reid vapor pressure), oxygenated fuel, and diesel fuel; and

(B) other requirements that vary from State to State, region to region, or locality to locality.

(2) REQUIRED ELEMENTS.—The study shall assess—

(A) the effect of the variety of requirements described in paragraph (1) on the supply, quality, and price of motor vehicle fuels available to the consumer;

(B) the effect of the requirements described in paragraph (1) on achievement of—

(i) national, regional, and local air quality standards and goals; and

(ii) related environmental and public health protection standards and goals (including the protection of children, pregnant women, minority or low-income communities, and other sensitive populations);

(C) the effect of Federal, State, and local motor vehicle fuel regulations, including multiple motor vehicle fuel requirements, on—

(i) domestic refiners;

(ii) the fuel distribution system; and

(iii) industry investment in new capacity;

(D) the effect of the requirements described in paragraph (1) on emissions from vehicles, refiners, and fuel handling facilities;

(E) the feasibility of developing national or regional motor vehicle fuel slates for the 48 contiguous States that, while protecting and improving air quality at the national, regional, and local levels, could—

(i) enhance flexibility in the fuel distribution infrastructure and improve fuel fungibility;

(ii) reduce price volatility and costs to consumers and producers;

(iii) provide increased liquidity to the gasoline market; and

(iv) enhance fuel quality, consistency, and supply; and

(F) the feasibility of providing incentives, and the need for the development of national standards necessary, to promote cleaner burning motor vehicle fuel.

(b) REPORT.—

(1) IN GENERAL.—Not later than June 1, 2007, the Administrator of the Environmental Protection Agency and the Secretary of Energy shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) RECOMMENDATIONS.—

(A) IN GENERAL.—The report shall contain recommendations for legislative and administrative actions that may be taken—

(i) to improve air quality;

(ii) to reduce costs to consumers and producers; and

(iii) to increase supply liquidity.

(B) REQUIRED CONSIDERATIONS.—The recommendations under subparagraph (A) shall take into account the need to provide advance notice of required modifications to refinery and fuel distribution systems in order to ensure an adequate supply of motor vehicle fuel in all States.

(3) CONSULTATION.—In developing the report, the Administrator of the Environmental Protection Agency and the Secretary of Energy shall consult with—

(A) the Governors of the States;

(B) automobile manufacturers;

(C) State and local air pollution control regulators;

(D) public health experts;

(E) motor vehicle fuel producers and distributors; and

(F) the public.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 167, 168, 173, and 174. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF JUSTICE

Adam Noel Torres, of California, to be United States Marshal for the Central District of California.

COAST GUARD

The following named officer for appointment to the grade indicated in the United States Coast Guard under title 14, U.S.C., section 276:

To be captain

Lewis J. Buckley, 4403

DEPARTMENT OF JUSTICE

William Emil Moschella, of Virginia, to be an Assistant Attorney General.

Leonardo M. Rapadas, of Guam, to be United States Attorney for the District of Guam and concurrently United States Attorney for the District of the Northern Mariana Islands.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

EXPRESSING THANKS TO THE PEOPLE OF QATAR

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 139 submitted earlier today by Senator SUNUNU.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 139) expressing the thanks of the Senate to the people of Qatar for their cooperation in supporting United States armed forces and the armed forces of coalition countries during the recent military action in Iraq, and welcoming His Highness Sheikh Hamad bin Khalifah Al-Thani, Emir of the State of Qatar, to the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Madam President, I ask unanimous consent that the resolution and preamble be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements regarding this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 139) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 139

Whereas Qatar is a longstanding ally of the United States in the Middle East region;

Whereas the people of Qatar graciously hosted United States Armed Forces and the armed forces of coalition countries during the recent military action in Iraq;

Whereas the United States and Qatar will continue to build upon this military cooperation;

Whereas Qatar continues to grow in its economic and strategic defense cooperation with the United States and its allies;

Whereas the people of Qatar voted on April 29, 2003, on a referendum approving the establishment of their first Parliamentarian Constitution;

Whereas years of democratic reform, including the establishment of a parliament based on universal suffrage, development of greater freedom of the press, and evolution of a free market have greatly strengthened the bonds between our two nations;

Whereas an unwavering commitment to the development of the education of its citizens reinforces Qatar's path toward democracy; and

Whereas Doha, the capital of Qatar, hosted in November of 2001 the Fourth World Trade Organization Ministerial Conference, where a number of agreements expanding our defense, commercial, and cultural ties were signed: Now, therefore, be it

Resolved, That the Senate—

(1) expresses thanks to the people of Qatar for their support of United States Armed Forces and the armed forces of coalition countries during the recent military action in Iraq;

(2) warmly welcomes His Highness Sheikh Hamad bin Khalifah Al-Thani, Emir of the State of Qatar, to the United States; and

(3) looks forward to broadening and deepening the friendship and cooperation between the United States and Qatar.

ORDERS FOR MONDAY, MAY 12, 2003

Mr. FRIST. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m., Monday, May 12. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that the Senate immediately proceed to the consideration of Calendar No. 90, S. 2, the reconciliation bill, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Madam President, for the information of all Senators, on Monday the Senate will begin consideration of the reconciliation bill. The bill was passed out of the Finance Committee last evening. The Senate will debate the jobs and economic growth package for up to 2 hours on Monday. However, we will not be considering amendments on that day. Therefore, as announced earlier, there will be no rollcall votes on Monday.

On Tuesday, the Senate will begin consideration of amendments, and therefore Senators may expect rollcall votes. I anticipate that the first vote on Tuesday will occur at approximately 12 noon. That vote may be in relation to an amendment to the reconciliation bill, or perhaps any executive matter that can be cleared.

Throughout next week, as I said in the opening this morning, we will have busy sessions. I will share with my colleagues the importance of addressing three major issues, all of which have to be addressed next week.

We have the jobs and economic growth bill, which we will begin Monday; and at that point we have certain time limits we will be dealing with on Monday and Tuesday and, likely, into Wednesday.

Next week, we will also be considering the bipartisan global HIV/AIDS bill, a bill that is very important to this country, and internationally, as we look at the ravages of this virus, as well as the debt limit legislation—legislation about which we have had discussions on both sides of the aisle, and we have agreed that it needs to be dealt with soon and in a timely manner.

In order for the Senate to complete action on these measures, late nights next week are likely. Rollcall votes should be expected throughout the week, including throughout Friday. Again, I mentioned this morning that if we work efficiently during the week, I think we can finish Friday afternoon. If not, there is a chance we will have to go into the weekend. I mention that because I know, as the week goes forward, I will be hearing about scheduling conflicts. I want my colleagues to know upfront that we need to address these important issues. If we cannot do it in a timely way, we may have to go into Saturday.

I have no further announcements to make at this time. I will be making further announcements next week regarding specifics of the schedule as we progress on the items I have mentioned.

ADJOURNMENT UNTIL 2 P.M. MONDAY, MAY 12, 2003

Mr. FRIST. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:54 p.m, adjourned until Monday, May 12, 2003, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 9, 2003:

DEPARTMENT OF JUSTICE

ADAM NOEL TORRES, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE CENTRAL DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

WILLIAM EMIL MOSCHELLA, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

LEONARDO M. RAPADAS, OF GUAM, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF GUAM AND CONCURRENTLY UNITED STATES ATTORNEY FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS FOR THE TERM OF FOUR YEARS.

COAST GUARD NOMINATION OF LEWIS J. BUCKLEY.

HOUSE OF REPRESENTATIVES—*Friday, May 9, 2003*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 9, 2003.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, You are the lasting defense in battle and the guardian of Your people. Members of Congress have stood with the American people throughout the Iraqi conflict and now rejoice in seeing our military troops returning home. Bless and reward all those who proudly wear the uniforms of the Armed Forces of this Nation. Continue to protect those who are still in harm's way anywhere in the world. Strengthen their families in love and answer the prayers of their children. Bring healing to those who have been injured in military combat and grant eternal peace to those who have died. May their families persevere in faith and find compassion and support in their every need.

May the last 50 days now bear true and lasting results of goodness and peace.

Lord, may the celebration of Mother's Day this weekend celebrate the gift of life and renew the profound significance of family relationships, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Montana (Mr. REHBERG) come forward and lead the House in the Pledge of Allegiance.

Mr. REHBERG led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain five 1-minute speeches per side.

RELEASE OF DR. SALAI TUN THAN

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, I rise today to announce good news. Dr. Salai Tun Than, University of Georgia graduate and a political prisoner of the Burmese government since December 2001, was released from his 7-year sentence this past Sunday. While many were instrumental in Dr. Tun Than's release, including the University of Georgia Student Government Association and the UGA chapter of Amnesty International, I would like to express my gratitude to Burmese Ambassador Linn Myaing for his assistance and willingness to meet with me to discuss Dr. Tun Than.

While I am grateful for Dr. Tun Than's release, I am concerned that his release was contingent upon conditions restricting his future political engagement, effectively denying him his freedom of speech. I hope that in the future, the Burmese Government will strive for more openness, freedom, and democracy in its political process.

Burma holds more than 1,000 prisoners like Dr. Tun Than in its prisons, many of whom have been there longer than Dr. Tun Than. This situation must change. I urge the Burmese Government not to stop with the release of Dr. Tun Than, but to release other political prisoners. Only then can democracy and individual liberty flourish in Burma.

REPUBLICAN ECONOMIC PLAN FAILS

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, today the House of Representatives has a historic decision to make. We can get the economy moving again with a fair, fast-acting, and fiscally sound Democratic plan; or we can pass a reckless plan that the Republicans are proposing that does not create jobs.

The debate today is about leadership. Sadly, that leadership is lacking from President Bush and from the Republicans in Congress. In 2 years, President Bush and the Republicans in Congress have presided over the most dramatic deterioration in our Nation's economic health in our Nation's history. We have lost 563 jobs every working hour of every working day since President Bush became President. That is 2.7 million jobs.

That is why today is so tragic. We have an opportunity to create jobs and build a strong economy in a fiscally sound way. Instead, the reckless tax plan that the President has proposed has not only set a bad example; it has set in motion a feeding frenzy of one-upmanship on tax cuts.

None of these tax cuts is affordable. None of them creates jobs, and they are not fair. All of them do damage to our long-term economic growth and contribute to the national deficit.

Mr. Speaker, I urge my colleagues to reject the Republican tax cut for millionaires that leaves working families out in the cold. Vote "no," reject the Republican proposal, reject their undermining of opportunity in our country. Unfortunately, we do not have an opportunity for Members to support the Democratic plan because the Republican leadership would not allow the free debate on the floor of this House of another proposal to promote economic growth to create jobs in a fiscally sound way.

H.R. 2 IS TAX RELIEF FOR EVERYONE

(Mr. REHBERG asked and was given permission to address the House for 1

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

minute and to revise and extend his remarks.)

Mr. REHBERG. Mr. Speaker, I would like to know just exactly what are tax cuts for the rich? I hear it all of the time from critics of tax relief, so I looked into it and discovered that if we applied the sweeping logic of the antitax relief crowd, the term "rich people" would have to include everyone who makes more than $5,000 a year. It turns out everyone is rich, because I am here to tell Members H.R. 2 is tax relief for everyone.

Our bill expands the 10 percent tax bracket beginning this year. Is that a tax cut for the rich? It increases the standard deduction for married couples filing joint returns beginning this year. Are all married couples rich? It provides $1,000 child tax credit beginning this year. Do only rich people have children?

In fact, the House Jobs and Growth Tax Act will create an estimated 1.2 million jobs by the end of 2004. That translates into 2,700 jobs for Montanans this year, another 2,500 next year. It will also provide a tax break for small business and boost our struggling economy.

So let us get this straight. What they are calling tax cuts for the rich is going to bring us new jobs; relief for the poorest Americans; help for married couples; help for small businesses, the backbone of our economy; an increase in the child credit; and an immediate jump-start to our economy. Call it what you like, it is good for Montana.

WHAT ARE REPUBLICANS AFRAID OF?

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, what are Republicans afraid of? Are they afraid of the anger of millions of unemployed when they find out Republicans are passing yet another massive tax cut to the already well-off, while unemployment benefits for hard-hit families are about to run out? Are Republicans afraid of middle-class workers who do not know whether we are going to have another waive of corporate downsizing in this country that will put their jobs, their health care, and their kids' educations at risk?

What is clear is that Republicans are afraid of something because they will not even allow Democrats to offer our alternative plan. Republicans do not want an open debate because they do not want the American middle class to see that they are borrowing hundreds of billions of dollars tomorrow for the tax cuts they pay today.

America cannot be red, white, and broke and meet its challenges both at home and abroad. It is time for the Republicans to realize that a tax cut is not the answer to every problem. For 2½ years it has not worked; ask the 2 million jobs that are now gone. It is time to stop squandering the future of American families and start doing something about this economic mess.

HONORING VERNA ZIEGENHAGEN DURING TEACHER APPRECIATION WEEK

(Mr. KLINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE. Mr. Speaker, I rise today to recognize the achievements of a truly inspirational individual. As we conclude Teacher Appreciation Week, I would like to pay tribute to Minnesota educator Verna Ziegenhagen, and the many dedicated teachers like her who have inspired each of us.

Who among us cannot look back and recall one teacher who made a difference in our lives? Verna Ziegenhagen has been that person for hundreds of Minnesota children. Throughout her 53 years as a teacher, Verna Ziegenhagen instructed and inspired the students of German Lake; Le Center; Heidelberg; Lexington; and Le Seuer, Minnesota.

Following her 53-year teaching career, Verna transplanted to her rural Le Center property a 100-plus-year-old country schoolhouse, which she filled with the mementoes of her teaching career. What began as a personal journey to preserve the memories is now a museum of tribute to her former students and, by extension, a shrine to her own dedication and sacrifice.

Verna's dedication to teaching continues in spite of her retirement. For the past 16 years, this two-time Teacher of the Year has maintained and operated the museum, constantly changing the theme to reflect the seasons and capture the imagination of visitors. This is a wonderful teacher. We thank her.

REPUBLICANS FAIL TO TURN RECESSION AROUND

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, our Nation is in a job recession with 2.7 million jobs lost since President Bush took office, the worst jobs record in 40 years. For almost 3 years, the Republicans had the power to turn this recession around, and they have failed miserably.

For the past 2 years, the President and Republicans in Congress have repeatedly chosen tax breaks for the elite, and the American people are still waiting for one job to be created. Today Republicans are at it again with a bill on the floor that amounts to nothing more than a huge payback to the wealthiest Americans in our Nation, a payback that is disguised in the form of breaks on capital gains and stock dividends, two proposals economists conclude will not create jobs or growth in the near future.

Mr. Speaker, at a time when our economy needs a true jolt to reverse America's economic skepticism, the Republican proposal will not stimulate the economy. The Republican record on economic stimulus is uninspiring, and one that should not be extended today. We have had enough of it. Let us not continue down this road and this continued economic downturn.

NEW TAX BILL IS FOR CREATING JOBS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, North Carolina unemployment is as bad as it is anywhere. Broyhill Industries just announced it is laying off 500 people from their furniture factory.

My little company has been operating wide open in North Carolina, lots of overtime, and that does not cost anything in additional expenditures and investment, but it reduces our efficiency.

The jobs part of the tax bill increasing depreciation writeoffs make it sensible to buy machinery and to cut down on overtime by creating four new jobs by investing $170,000. We would not do this if it were not a plus in the tax bill. The jobs will be created in the same county where Broyhill laid off 500 people.

Mr. Speaker, I think people who have never been involved in employing people and working together do not recognize what an advantage this new tax bill is for creating jobs.

HERE REPUBLICANS GO AGAIN

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, here they go again. When they first took office, the Bush administration said we needed a big tax cut to get the economy moving again. They gave us a big tax cut, financed out of the deficit, financed out of Social Security; and we lost 1.7 million jobs since that tax cut. We have lost 2.5 million jobs since the Bush administration took office.

This morning they want to give us another trillion dollar tax cut to create more jobs, and the fact of the matter is that most of it will be financed out of the Social Security system and out of the deficit. When is this Nation going to learn that these people do not have a plan? They have yet to create a single new job; but what they will do in this tax cut is for those families earning over a million dollars, they will get $93,000 back next year in tax cuts. For the average family, they will get $217 back. In fact, over the next decade those families will take more in tax cuts than 90 percent of the population.

Mr. Speaker, this is once again showering hundreds of billions of dollars on the wealthiest people in the country while 2.5 million people are out of work, while 4 million people have given up looking for work, and three people are looking for every job that exists in this country. The Republicans and President Bush owe America better.

☐ 0915

ECONOMIC STIMULUS

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, we have heard a lot of debate this morning already about no opportunities, but of course our friends on the other side will get an opportunity for a motion to recommit; and I think they can use that to highlight the plan, whatever it is that they have to offer.

In southern Illinois we still have some of those old water pumps. You crank that pump and sometimes you crank and crank and there is no water that comes out. So what do you have to do? You have to get water. You have to pour it down to prime it. And then as you use that pump, the water comes up. That is what we are trying to do today.

There are two basic provisions on this tax cut bill, one is for individuals and one is for businesses, directed primarily to small businesses, the main job-creation engine of our country. It is not just individuals who are hurting but local governments are hurting, counties, States, townships, local communities. The best way to get us out of our deficits and our malaise and our problems throughout this country is to get a growing, thriving economy. That is what we are trying to do today. That is what this bill does. That is why I support it.

VOTE NO ON THE TAX BILL

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, today this House will vote on the Republicans' wildly irresponsible tax bill which fails to stimulate our economy or create jobs, explodes the budget deficit and the national debt, and robs Social Security and other key priorities of crucial funding. Our Republican friends continue to make wild claims about this tax bill, but the American people need to ask one very simple question: Do I trust TOM DELAY and the Republican majority who said that we would balance the budget, create jobs, and get the economy moving 2 years ago? Or do we trust an individual like Mr. Buffett, the largest investor, perhaps, in America, who recently said that cutting taxes on corporate dividends, an idea incorporated in the GOP bill, unfairly favors the wealthy and doubted that it would stimulate the economy? That is Warren Buffett. That is not one of us. Democrats strongly agree with him, however.

We offered a plan that is fast-acting, fair and fiscally responsible, a plan that would create five times, over a million jobs, as this GOP bill does.

Reject this failed policy.

THE JOURNAL

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 311, nays 72, not voting 51, as follows:

[Roll No. 177]

YEAS—311

Abercrombie
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Collins
Cox
Cramer
Crenshaw
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Flake
Foley
Forbes
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Grijalva
Hall
Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hostettler
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Jackson (IL)
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Kanjorski
Keller
Kelly
Kildee
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Mollohan
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Napolitano
Nethercutt
Ney
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Pallone
Pascrell
Payne
Pearce
Pelosi
Peterson (PA)
Petri
Pickering
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Watson
Weiner
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn

NAYS—72

Allen
Baird
Baldwin
Berry
Brady (PA)
Brown (OH)
Brown, Corrine
Capuano
Cooper
Costello
Crowley
DeFazio
Doggett
Engel
English
Fattah
Filner
Fletcher
Ford
Fossella
Gonzalez
Green (TX)
Gutierrez
Gutknecht
Hart
Hastings (FL)
Hefley
Holt
Hooley (OR)
Hulshof
Jackson-Lee (TX)
Johnson, E. B.
Kaptur
Kennedy (MN)
Kennedy (RI)
Kilpatrick
Kucinich
Larsen (WA)
Lipinski
LoBiondo
McDermott
McNulty
Miller, George
Moore
Neal (MA)
Oberstar
Olver
Pastor
Peterson (MN)
Ramstad
Sabo
Sánchez, Linda T.

Sanchez, Loretta
Schakowsky
Shadegg
Snyder
Spratt
Strickland
Stupak
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Weller
Wicker
Wu

NOT VOTING—51

Ackerman
Barton (TX)
Boyd
Burton (IN)
Capito
Clay
Cole
Combest
Conyers
Crane
Cubin
Delahunt
Diaz-Balart, L.
Feeney
Gephardt
Gillmor
Hinchey
Hyde
Istook
Jefferson
Johnson, Sam
Jones (OH)
King (IA)
Kleczka
Larson (CT)
Lewis (CA)
Maloney
Miller, Gary
Murtha
Nadler
Northup
Owens
Oxley
Paul
Pence
Pitts
Platts
Quinn
Rush
Sanders
Schrock
Smith (MI)
Stark
Tancredo
Watt
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote.) Members are advised that 2 minutes remain in this vote.

□ 0939

Mr. GONZALEZ changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 53. Concurrent Resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 96. Concurrent Resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

H. Con. Res. 138. Concurrent Resolution authorizing the printing of the Biographical Directory of the United States Congress, 1774–2005.

The message also announced that the Senate has passed bills and concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 113. An act to amend the Foreign Intelligence Surveillance Act of 1978 to cover individuals, other than United States persons, who engage in international terrorism without affiliation with an international terrorist group.

S. 165. An act to improve air cargo security.

S. Con. Res. 26. Concurrent Resolution condemning the punishment of execution by stoning as a gross violation of human rights, and for other purposes.

The message also announced that pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualifications specified under section 1237(b)(3)(E) of Public Law 106–398, and upon the recommendation of the Majority Leader, in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, the Chair, on behalf of the President pro tempore, appoints the following individuals to the United States-China Economic Security Review Commission—

Roger W. Robinson, Jr. of Maryland, for a term expiring December 31, 2005;

Robert F. Ellsworth of California, for a term expiring December 31, 2004; and

Michael A. Leden of Maryland, for a term expiring December 31, 2003.

The message also announced that pursuant to sections 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the Canada-United States Interparliamentary Group during the First Session of the One Hundred Eighth Congress, to be held in Canada, May 15–19, 2003:

The Senator from Vermont (Mr. LEAHY).

The Senator from Hawaii (Mr. AKAKA).

The message also announced that pursuant to the provisions of Senate Resolution 105 (adopted April 13, 1989), as amended by Senate Resolution 149 (adopted October 5, 1993), as amended by Public Law 105–275, further amended by Senate Resolution 75 (adopted March 25, 1999), and Senate Resolution 383 (adopted October 27, 2000), the Chair, on behalf of the Democratic Leader, announces the appointment of the following Senators to serve as members of the Senate National Security Working Group for the One Hundred Eighth Congress:

The Senator from West Virginia (Mr. BYRD) (Democratic Administrative Co-Chairman).

The Senator from Michigan (Mr. LEVIN) (Democratic Co-Chairman).

The Senator from Delaware (Mr. BIDEN) (Democratic Co-Chairman).

The Senator from Massachusetts (Mr. KENNEDY).

The Senator from Maryland (Mr. SARBANES).

The Senator from Massachusetts (Mr. KERRY).

The Senator from North Dakota (Mr. DORGAN).

The Senator from Illinois (Mr. DURBIN).

The Senator from Florida (Mr. NELSON).

The message also announced that pursuant to the provisions of Senate Resolution 105 (adopted April 13, 1989), as amended by Senate Resolution 149 (adopted October 5, 1993), as amended by Public Law 105–275, further amended by Senate Resolution 75 (adopted March 25, 1999), and Senate Resolution 383 (adopted October 27, 2000), the Chair announces, on behalf of the Majority Leader, the appointment of the following Senators to serve as members of the Senate National Security Working Group for the One Hundred Eighth Congress:

The Senator from Tennessee (Mr. FRIST), Majority Leader.

The Senator from Alaska (Mr. STEVENS), President pro tempore (Co-Chairman).

The Senator from Mississippi (Mr. COCHRAN), (Majority Administratve Co-Chairman).

The Senator from Arizona (Mr. KYL) (Co-Chairman).

The Senator from Mississippi (Mr. LOTT), (Co-Chairman).

The Senator from Indiana (Mr. LUGAR).

The Senator from Virginia (Mr. WARNER).

The Senator from Colorado (Mr. ALLARD).

The Senator from Alabama (Mr. SESSIONS).

The Senator from Oklahoma (Mr. NICKLES).

JOBS AND GROWTH RECONCILIATION TAX ACT OF 2003

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 227 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 227

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2) to amend the Internal Revenue Code of 1986 to provide additional tax incentives to encourage economic growth. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), ranking member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 227 is a closed rule providing 1 hour of debate for consideration of H.R. 2, the Jobs and Growth Reconciliation Act of 2003. The rule waives all points of order against the bill, as amended, and against its consideration; provides one motion to recommit with or without instructions.

Mr. Speaker, our economy is a global one, dependent on free markets, free trade and free-flowing exchange of ideas and information. But our economy is also local. Its effects ripple through communities throughout America impacting each and every working family. In the final months of the previous administration, America's economy was beginning to slow. President Bush in one of his first major policy initiatives of his new presidency shepherded through the largest tax reduction package in a generation, needed tax relief for working families that this Congress approved in bipartisan fashion. We lowered rates for American workers, made the Tax Code fairer by easing the marriage penalty, and provided an immediate shot in the arm to overtaxed American families and our national economy by providing a well-deserved rebate to some 95 million taxpayers.

☐ 0945

The result? The shortest and shallowest recession in America's history.

Then the unthinkable happened. While positive growth registered in the fourth quarter of 2001, the horrific attacks on our Nation on September 11 left our Nation and our economy traumatized, and nowhere was that impact felt harder than in my home State of New York.

Still, our country rallied and produced positive growth in all four quarters of 2002, according to the National Bureau of Economic Research. But this calculated growth has not always been readily recognizable across America. The American people demand and deserve an energized economy, complete with expanding job opportunities and investment incentives.

As a logical compliment of the Economic Growth and Tax Relief Reconciliation Act, today's bill provides consistent tax relief and growth policies that will generate, on average, 575,000 jobs a year for the next 5 years.

In New York, this will mean nearly 36,000 new jobs every year for 5 years. For my part of the State, which never shared in the economic boom of the 1990s, job growth remains the number one priority, and this type of positive impact is what this and so many other parts of our country need. Plus, it puts more money back in the hands of hard-working Americans. Former President Richard Nixon once said, "We can never make taxation popular, but we can make taxation fair."

Two years ago, this Congress started to make the Tax Code more fair, and today we have the opportunity once again to achieve parity and fairness in the Tax Code. For years it has been well-documented that taxpayers in my home State of New York send far more of their hard-earned money to Washington than they get back in Federal programs and services. Frankly, my constituents and their pocketbooks have noticed.

My constituents have expressed their sincere concerns with the double taxation of dividends. Many are middle-class, retired seniors who rely on dividends as parts of their income. This legislation drastically reduces the dividend tax burden, making stocks more valuable and increasing expected rates of return. Stockholders in my district and all across America will have more control over their own money, while at the same time watching it grow at a faster rate.

The effect is twofold: First, to bring fairness to the Tax Code by greatly reducing the double taxation of dividends; second, as dividend paying stocks become more attractive, more potential investors will be brought to the market.

This bill also ensures equal treatment of dividends and capital gains by lowering the rate for each to 15 percent. By lowering the rates on dividends and capital gains, people will be more willing to invest because they will pay less tax on the returns to their investment, and corporate managers may find it more attractive to invest in projects since their cost of capital will decline. When businesses find their cost of capital lowered, it increases the likelihood that they will invest in new machinery, projects and employees. As more people invest, more companies grow and more jobs are created.

Another important component of this job-creating tax relief is our continued effort towards greater corporate accountability. By strengthening dividends, investors will have solid evidence of a company's corporate health, proving the investor's adage that "profits are an opinion, but cash is a fact." By reducing the advantage of paying interest ahead of paying dividends, the incentive for some corporate managers to cook the books will be greatly diminished.

Equally important, this bill accelerates common-sense tax relief for families. By increasing the child tax credit to $1,000 for calendar years 2003 through 2005 and by expediting marriage penalty relief, families will retain valuable resources to help pay for their child's education, make a mortgage payment or help pay off the debt.

As President Bush said, "If tax relief is good for Americans years from now, it is even better when the American economy needs it today."

In New York, over 2 million married couples will benefit from marriage penalty relief and over 1.5 married families with children will benefit from the increased child tax credit.

Our country is blessed with a strong entrepreneurial spirit. Under this bill, small businesses will have the option of immediately deducting $100,000 in expenses, a significant increase over the current $25,000 deduction. Because most small businesses pay taxes as individuals, accelerating the top rate reduction means lower taxes for small business owners. That means that millions of entrepreneurs will have more resources to spend on employees, supplies or expansion efforts.

Mr. Speaker, the President has laid out clear goals for a strong, growing economy. Today this body can move one step closer to implementing this plan to create 1.2 million jobs by the end of 2004 alone.

Our country is already facing great challenges, and we must remain diligent in our efforts to tackle what lies ahead. The Jobs and Growth Tax Reconciliation Act confronts head on the serious issues before us, boosting employment levels, lowering the tax burden and growing the economy.

I urge my colleagues to join me in supporting this rule, as well as the crucial underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rule poses a serious threat to the American economy because it prevents the House from considering anything other than the same old failed Bush economics that have left America with the weakest economy in a generation.

Now, when I am back in my district in Texas, I am often asked a question that is highly relevant to today's debate. That question is, "Why does the Bush administration continue to insist on more tax breaks for the wealthiest few, while the country is running record deficits?" So I want to take a few minutes to share with the House the explanation I give to my own constituents.

It all began during the 2000 campaign for President. At the start of that campaign, the Republican candidate from my State of Texas, who now serves as President, made an almost unprecedented decision. He became one of the very few presidential candidates who have ever rejected Federal funding during the primaries. By rejecting Federal funds, of course, he freed himself from the State by State spending limits and, therefore, he was able to outspend his most serious Republican rival for the nomination at a critical point in the primary campaign.

As a part of the decision to reject Federal funds, the Bush campaign established a special group called the "Pioneers." Each Member of this small elite group agreed to raise at least $100,000 for the Bush campaign.

I submit for the RECORD a list of more than 5 Bush campaign "Pioneers" as compiled by Texans for Public Justice. I also submit for the RECORD an article from the May 6, 2003, edition of the Washington Post. Its headline reads, "'Pioneers paved Bush's way with big dollars.'"

UPDATED LIST OF PIONEERS AND POTENTIAL PIONEERS PREPARED FROM AVAILABLE RECORDS

Prefix	FN	MI	LN	State	Trk #	Total as of 3/15/00
	Steve		Albano	MA	1234	
Mr.	David	G.	Albert	MD	2783	
Mr.	**Anthony**	**J.**	**Alexander**	**OH**	**10439**	**$108,100.00**
Mr.	Joe	B.	Allen	TX	1170	$217,550.00
Ms.	Ruth		Altshuler	TX	1270	
	Jeffrey	S.	Amling	MD	1254	
	Lee	S.	Anderson	TX	1228	
Mr.	Paul		Anderson	FL	3801	$38,857.00
	Mark		Andrews	TX	1453	
Mr.	**Scott**		**Andrews**	**VA**	**4282**	**$55,750**
Mr.	**George**		**Argyros**	**CA**	**3011**	**$103,185.00**
	Victor		Arias, Jr.	TX	2660	
	Gaylord		Armstrong	TX	1772	
Mr. & Mrs.	Tobin		Armstrong	TX	1260	
Mr.	Jorge		Arrizurieta	FL	3802	$79,100.00
Mr.	Alfred	S.	Austin	FL	3803	$43,200.00
	Jeanie		Austin	FL		
	John		Avila, Jr.	TX	1542	
	Jeffrey		Barbakow	CA	6756	
Mr.	**Haley**		**Barbour**	**DC**	**2657**	
Mr.	**Doug**		**Barclay**	**NY**	**3206**	**$84,350**
Mr. & Mrs.	Bob		Barnes	TX	2112	
	Gregory	C.	Barnes	TX	1640	
	William	E.	Barnett	TX	1326	
	John	W.	Barnhill, Jr.	TX	1399	
	Sam		Barshop	TX	1102	
	Roger		Barth	DC	4800	
The Hon.	Joe		Barton	TX	1267	$100,055.00
	Roy	Howard	Baskin, III	TX	6750	
Mr.	Lee	M.	Bass	TX	1164	$236,150.00
Mr. and Mrs.	George	S.	Bayoud, Jr.	TX	1101	$124,650.00
Mr.	Henry (Peter)	C.	Beck III	TX	1168	
Mr.	Louis	A.	Beecherl	TX	1200	$131,250.00
	Carter		Beese	DC		
Mr.	Dennis	R.	Berman	TX	1104	$103,875.00
Mrs.	Lea		Berman	DC	9117	
	Wayne		Berman	DC		
	Tom		Bernstein	NY	2650	
	Randy		Best	TX	1105	
Mr.	Roland	W.	Betts	NY	2521	$92,900.00
Mr.	**Eric**		**Bing**	**TX**	**2519**	**$50,904.09**
Senator	Teel		Bivins	TX	1106	$130,180.00
	Tom		Bivins	TX	1107	
	Mari Ann		Blatch	CT	1248	
	Mark	J.	Block	WI	1406	
Mr.	James	J.	Blosser	FL	3808	$85,731.00
	Perry		Bodin	TX	1654	
Mr.	Joseph		Bogosian	VA	4654	$212,861.10

UPDATED LIST OF PIONEERS AND POTENTIAL PIONEERS PREPARED FROM AVAILABLE RECORDS

Prefix	FN	MI	LN	State	Trk #	Total as of 3/15/00
Mr.	Michael	M.	Boone	TX	1109	$98,800.00
Senator	Rudy		Boschwitz	MN	2685	$388,193.00
Ms.	Katherine	E.	Boyd	CA	3086	$344,415.00
	Jimmy		Bradley	TX	1275	
Mr.	Daniel	H.	Branch	TX	1110	$249,950.00
	Theldon	R.	Branch III	TX	1435	
Mr.	Stephen	F.	Brauer	MO	2853	$113,850.00
Mr.	Tim		Bridgewater	UT	1362	$114,675.00
	Tucker		Bridwell	TX	2201	
Ms.	Nancy	G.	Brinker	TX	1111	$170,680.00
Mr.	William	O.	Brisben	OH	2520	$165,250.00
Mr. & Mrs.	Dick		Brooks	TX	1779	
	Richard	E.	Brophy	TX	6753	
Mr.	Les		Brorsen	VA	4301	$136,505.17
Mr.	**Lee**		**Brown**	**KY**	**9926**	**$105,145.00**
Mr.	C. David		Brown II	FL	3810	
	Robert	H.	Brown, Jr.	TX	1153	
	Alan	R.	Buckwalter	TX	1349	
Mr.	**J. Fred**		**Bucy, Jr.**	**TX**		
	J. Bruce		Bugg, Jr.	TX	1113	
Mr. & Mrs.	Jerry		Bullin	TX	1461	
Mr.	Christopher	B.	Burnham	CT	3203	$72,449.00
	Robert		Burt	IL	1641	
Mr.	Jonathan		Bush	CT	3204	$169,000.00
	Neil		Bush	TX	1304	
Mr.	William	H.T.	Bush	MO	2850	$76,700.00
	Roger	P.	Byrne	TX	6814	
Mr. & Mrs.	Doug		Campbell	TX	6822	
Mr.	Joseph	C.	Canizaro	LA	2905	$157,159.00
Mr.	Stephen		Canton	MD	4801	$99,550.00
	David		Carmen	DC	4802	
Mr.	A.R. "Pete"		Carpenter	FL	3830	$90,650.00
Mr.	Claiborne		Carrington	TX	1247	$111,850.00
	Joey		Carter	TX	1182	
Mr.	Charles		Cawley	DE	8330	$369,156.00
Mr. and Mrs.	Bill		Ceverha	TX	1116	$130,030.00
	John	T.	Chain, Jr.	TX	1227	
Ms.	Elaine		Chao	DC	7621	$102,850.00
Ms.	Martha		Chayet	MA	4307	$177,160.00
	Felix	Y.	Chen	TX	1165	
	Deepak		Chopra	CA	4813	
	Donald	O.	Clark	DC	1402	
Mr.	James		Click	AZ	2600	$196,645.00
	Ned		Cloonan	NY	9924	
Mr.	Glenn		Collins	TX		
Mr.	Herb		Collins	MA	2560	$125,025.00
Mr.	**John**		**Collins**	**FL**	**3880**	**$45,975**
Mr.	Peter	R.	Coneway	TX	1180	$141,650.00

UPDATED LIST OF PIONEERS AND POTENTIAL PIONEERS PREPARED FROM AVAILABLE RECORDS

Prefix	FN	MI	LN	State	Trk #	Total as of 3/15/00
Mr.	James		Connolly	MA	9759	$136,910.00
	Lou		Cook			
	Dan	W.	Cook III	TX	1114	
Mr.	Louis		Cordia		3710	
Mr.	**Bob**		**Corker**	**TN**	**8965**	**$198,280.00**
	Will	A.	Courtney, Sr.	TX	1226	
Mr. & Mrs.	Tom		Craddick	TX	1800	
Mr. & Mrs.	Nathan		Crain	TX	1500	
Mr. & Mrs.	Ben		Crenshaw	TX	2652	
	Les		Csorba	TX	1387	
Mr.	Jim		Culbertson	NC	1294	
	Bill		Cunningham	TX	1824	
Mr.	**William**	**J.**	**Danhoff**	**MI**	**2813**	**$185,320.00**
	John	F.	Davis, III	TX	2252	
Mr.	**Robert**		**Day**	**CA**	**3026**	**$193,400.00**
	Francois		de Saint Phall	NY	4804	
Mr.	Robert	H.	Dedman, Jr.	TX	1115	$105,850.00
	John		Delaney	MD	4803	
	Randolph		DeLay	TX	6868	
	Hector		Delgado	TX		
Mr.	Robert		Devlin	TX	1366	$112,000.00
Mr.	Bill		DeWitt	OH	4329	$605,082.12
	Arthur		Diedrick		3224	
	Lacey Neuhaus		Dorn	TX	1191	
	John	E.	Drury	TX	1380	
	Archie	W.	Dunham	TX	1391	
Congresswoman	Jennifer		Dunn	WA	2524	$309,568.24
Mr.	**Alan**	**M.**	**Dunn**	**VA**	**2785**	**$23,100**
Mr.	Patrick		Durkin	CT	3220	$110,400.00
Mr.	Richard		Egan	MA	3400	$167,250.00
Governor	John		Engler	MI	2843	$157,105.00
	Gregg		Engles	TX	7481	
Mr.	Roger		Enrico	CT		
The Hon.	Donald	B.	Ensenat	LA	1091	
	Sheldon		Erikson	TX	1295	
Mr.	Melvyn	J.	Estrin	MD	4152	
Mr.	**Don**		**Evans**	**TX**		
Mr.	Tre		Evers	FL	3826	
Mr.	Nelson		Fairbanks	FL	3827	$76,959.00
Ms.	Martha		Fallgatter	CA	5784	$114,434.00
Mr.	Robert	E.	Fee	NY	7700	$100,150.00
	Alan		Feld	TX	1117	
	James		Finkle		2958	
Mr.	Martin		Fiorentino	FL	3830	$90,650.00
Mr.	**David**		**Fisher**	**IA**	**4117**	**$57,790**
	J. Stuart		Fitts	TX	1503	
	I.D.		Flores III	TX	1659	
Dr.	Ed		Floyd	SC	8846	$107,211.44

UPDATED LIST OF PIONEERS AND POTENTIAL PIONEERS PREPARED FROM AVAILABLE RECORDS

Prefix	FN	MI	LN	State	Trk #	Total as of 3/15/00
Mr.	Tom		Foley	CT	3202	$139,850.00
Mr.	William	P.	Foley, II	CA	8612	$132,110.00
	Gene		Fondren	TX	1225	
The Hon.	Matt		Fong	CA	3004	
Mr.	Jose		Fourquet	NY	4654	$212,861.10
Mr.	Sam		Fox	MO	2856	$118,102.35
	Charles		Francis	DC	1189	
Mr.	James	B.	Francis, Jr.	TX	1100	$109,400.00
	Stephen	E.	Frank	CA	3084	
The Hon.	Barbara Hackman		Franklin	CT	3227	
Mr.	Brad		Freeman	CA	3100	$273,025.00
Mr.	**Russ**		**Freeman**	**ND**	**3031**	**$101,810.00**
	Tom		Frost, Jr.	TX	1638	
Mr.	Jeff		Fuqua	FL		
	Ramiro	A.	Galindo	TX	1355	
	Rich		Gelfond	NY	4805	
	John	T.	Gill	TX	1549	
Mr.	Tony		Gioia	NY	8534	
Mr.	David	F.	Girard-diCarlo	PA	3552	$155,250.00
Mr.	Charles	L.	Glazer	CT	2682	$107,200.00
Mr.	D. Stephen		Goddard	TX	1360	$87,025.00
	Ronald	J.	Goldman	TX	1277	
Mayor	**Steve**		**Goldsmith**	**IN**	**8585**	**$122,000.00**
	Robert	E.	Grady	CA	1786	
Mr.	**Robert**	**T.**	**Grand**	**IN**	**2678**	**$126,550.00**
Mr.	Hank		Greenberg	NY	9924	$83,500.00
	G. Michael		Gruber	TX	1119	
	R. David		Guerra	TX	4474	
Mr.	**Mark**		**Guzzetta**	**FL**	**8199**	**$49,200.00**
	Michael		Haas	TX	1285	
	Rolf		Haberecht	TX	1291	
	Craig		Haffner	CA	3088	
Mrs.	Adele	C.	Hall	KS	9758	$121,552.80
Mr.	Fred	Jones	Hall	OK	5007	
Mr.	Timothy	M.	Hammonds	DC	4004	$57,070.00
	Kent		Hance	TX	1120	
Mr.	Jon		Hanson	NJ	2953	
	John	K.	Harkins	TX	1188	
Mr.	**James**	**H.**	**Harless**	**WV**		
Mr.	**Jim**		**Haslam**	**TN**	**9000**	**$118,475.00**
	Brack	G.	Hattler	PA	1778	
Ms.	Joyce		Haver	AZ	5608	$91,850.01
	Albon	O.	Head, Jr.	TX	1224	
Mr.	Richard		Heath	TX	1121	$112,780.00
	Jeffrey	M.	Heller	TX	6638	
	Raymond	C.	Hemmig	TX	1268	
Mr.	John	M.	Hennessy	NY	9914	$156,300.00
Mr.	**Hans**	**H.**	**Hertell**	**PR**	**10786**	

UPDATED LIST OF PIONEERS AND POTENTIAL PIONEERS PREPARED FROM AVAILABLE RECORDS

Prefix	FN	MI	LN	State	Trk #	Total as of 3/15/00
Mr.	R. Steven		Hicks	TX	1122	$220,700.00
Mr.	Mike		Hightower	FL	3837	
	Elsie	H.	Hillman	PA	3553	
Mr.	J. Roger		Hirl	TX	6660	$65,625.00
	Robert	B.	Hixon	TX	1251	
	James	M.	Hoak	TX	1123	
	Jerry	H.	Hodge	TX	1124	
Mr.	Al		Hoffman	FL	3839	$67,080.00
	Richard	F.	Hohlt	VA	1090	
	Mickey		Holden	TX	6806	
Mr.	Robert	B.	Holland	TX	1125	$115,175.00
	Ned		Holmes	TX	1358	
Mr.	David		Horowitz	CA	4825	$166,297.00
Mr.	**N.**	**D.**	**Horton**	**GA**	**8392**	**$160,950.00**
	Timothy	J.	Howard	CA	1258	
Mr.	**Al**		**Hubbard**	**IN**	**8584**	**$118,000.00**
Ms.	**Kathy**		**Hubbard**	**IN**	**4841**	**$110,050.00**
Mr.	R. D.		Hubbard	CA	3009	$132,175.00
	Albert		Huddleston	TX	1264	
	David		Hudnall	TX	1284	
	Kristen		Hueter	CA	3042	
Mr.	James		Huffines	TX	1126	$103,545.00
Mr.	Richard	E.	Hug	MD	4151	$175,000.00
Mr.	Gaylord	T.	Hughey, Jr.	TX	1127	$37,851.00
Mr.	**J.C.**		**Huizenga**	**MI**	**2800**	**$301,760.00**
	Ralph	T.	Hull	TX	1544	
	Daniel		Huneke		7674	
Mr.	Gary	H.	Hunt	CA	3038	
Mr.	Ray	L.	Hunt	TX	1002	
	William	O.	Hunt	TX	1293	
	Charles		Hurwitz	TX	1177	
	Katherine		Idsal	TX	1176	
	Warren		Idsal	TX	1176	
	Hector		Irastorza	DC	4808	
Mr.	Alphonso		Jackson	TX	1185	
Mr.	**Christopher**	**T.**	**Jenny**	**MA**	**2552**	**$193,550.00**
	David		Johnson	MI	2809	
	John	W.	Johnson	TX	1303	
Ms.	**Karen**		**Johnson**	**TX**	**1375**	**$290,281.21**
Mr.	Robert W. "Woody"		Johnson	NY	9913	$212,100.00
Mr.	Thomas	L.	Johnson	TX	1375	$290,281.21
Mr.	Walter	E.	Johnson	TX	1367	$97,375.00
	George	Dean	Johnson, Jr.	FL	1241	
Mr.	Don	D.	Jordan	TX	1363	$113,876.19
	Robert	W.	Jordan	TX	1550	
	Paul	C.	Jost	VA	1777	
Mr. & Mrs.	Gurumurthy		Kalyanaram	TX	2456	
Mr.	Shelly		Kamins	MD	4268	$7,000.00

UPDATED LIST OF PIONEERS AND POTENTIAL PIONEERS PREPARED FROM AVAILABLE RECORDS

Prefix	FN	MI	LN	State	Trk #	Total as of 3/15/00
	Robert		Kaminski	TX	1167	
Mr.	Stephen		Kass	CA	3139	$147,362.50
Mr.	Craig		Keeland	TX	1551	$100,000.00
Mr.	Ken		Kendrick	AZ	9411	
Mr.	**John**	**W.**	**Kessler**	**OH**	**7524**	**$70,650**
	Aman		Khan	TX	1245	
Mrs.	**Bobbie**		**Kilberg**	**VA**	**2765**	**$46,145.00**
	I.K.	K.	Kim	TX	1292	
	Thomas	R.	Kincaid	TX	1238	
Mr. and Mrs.	Rich and Nancy		Kinder	TX	1202	$188,340.00
Mr.	**Jim**		**Kittle**	**IN**	**10563**	**$102,000.00**
Mr.	Robert		Kjellander	IL	9126	
	David	H.	Knapp	TX	6707	
	Jack		Knox	TX	1128	
Mrs.	Dorothy	B.	Koch	MD	2769	$141,725.00
Mr.	C. Michael		Kojaian	MI	2800	$301,760.00
Mr.	Hersh		Kozlov	NJ	2980	
Mr.	Tom		Kuhn	MD	1178	$35,550.00
Mr.	Floyd		Kvamme	CA	3071	
Mr.	**Rob**		**LaKritz**	**MI**	**6900**	**$44,150**
Mr.	David	M.	Laney	TX	1129	$113,527.40
Mr.	Mark		Langdale	TX	1130	
Mr. and Mrs.	James		Langdon, Jr.	DC	2777	$159,710.00
	Garland	M.	Lasater, Jr.	TX	1196	
	Steve		Late	TX	2106	
Mr. and Mrs.	Frank		Lavin		1408	$117,350.00
	H. Ward		Lay	TX	1131	
Mr. and Mrs.	Kenneth		Lay	TX	1330	$112,050.00
Mr.	**Fred**	**W.**	**Lazenby**	**TN**	**5451**	**$100,450.00**
Mr.	Howard		Leach	CA	3042	$429,610.00
	Winnie		LeClercq-Jac	GA	3458	
Mr.	R. Steve		Letbetter	TX	1363	$113,876.19
	John	P.	Lewis	TX	1297	
	Bill	M.	Lindig	TX	1359	
	Mary		Ling	CA	3188	
	Jack	E.	Little	TX	1309	
The Hon. and Mrs.	Tom and Nancy		Loeffler	TX	1201	$185,326.17
	Robert	L.	Looney	TX	1290	
Mr.	Jorge	Luis	Lopez	FL	8177	
Mr.	Jeff	B.	Love	TX	1327	$100,350.00
	Tom		Luce	TX	1132	
	Wales		Madden, III	TX	1133	
Mr.	John		Mahaffey	MO	9752	$92,975.00
	Matthew	E.	Malouf	TX	1134	
	Jeffrey	A.	Marcus	TX	1135	
Ms.	**Adair**		**Margo**	**TX**	**2142**	**$60,480**
Mr.	Thomas	P.	Marinis	TX	1170	$217,550.00
Mr. & Mrs.	Harold		Marshall	TX	6725	

UPDATED LIST OF PIONEERS AND POTENTIAL PIONEERS PREPARED FROM AVAILABLE RECORDS

Prefix	FN	MI	LN	State	Trk #	Total as of 3/15/00
Governor	Bob		Martinez	FL	3843	$53,500.00
	Vidal	G.	Martinez	TX	1242	
Mr.	**William**		**Martini**	**NJ**	**2958**	**$98,000.00**
	Mark		Masinter	TX	1287	
	Charles		Mathewson	NV	1243	
	Frederick	D.	McClure	TX	1256	
Ms.	Sharon		McCutchin	TX	1111	$170,680.00
	Michael	R.	McElwrath	TX	1431	
	M. Colleen	Colleen	McHugh	TX	1269	
	Gordon		McKenna	TX	1136	
	Drayton		McLane Jr.	TX	1301	
The Hon.	**Ed**		**McMahan**	**FL**	**2680**	
Mr.	**Colin**		**McMillan**	**NM**	**3902**	**$106,750.00**
Mr. and Mrs.	Dean		McWilliams	TX	1172	$100,135.00
	Tom		Mercer	TX	1660	
Mr.	J. Frank		Mermoud	DC	2767	$137,175.00
Mr.	P.		Merritt	TX	2082	
	Jack	L.	Messman	TX	1223	
Mr.	David	A.	Metzner	VA	6826	
Mr.	Fred		Meyer	TX	1006	
Dr.	Adib		Mikhail	TX	1767	
	Charles		Miller	TX	1137	
	Tyree	B.	Miller	TX	1181	
Mr.	Vance	C.	Miller	TX	1138	$101,835.00
The Hon.	David		Miner	NC	2680	$108,900.00
Mr.	Stephan	M.	Minikes	DC	5395	$129,766.66
Ms.	**Suzie**		**Mitchell**	**MI**	**2848**	**$176,250.00**
	Bob		Monahan	PA	4809	
Mr. & Mrs.	Tom		Moncrief	TX	1229	
Mr.	Phil		Montgomery	TX	1139	$93,298.49
	Ike	J.	Monty	TX	2114	
	Jeffrey	S.	Moorad	CA	1222	
	S. Reed		Morian	TX	1379	
	Clifton	H.	Morris Jr.	TX	1221	
	Gene	V.	Morrison	TX	2182	
Mr.	**Gary**		**Morse**	**FL**	**3848**	**$101,050.00**
	Rob		Mosbacher, Jr.	TX	1382	
Mr.	**Dennis**		**Muchmore**	**MI**	**2813**	**$185,320.00**
	Robert	F.	Murchison	TX	1140	
Mr.	**Madison**		**Murphy**	**AR**	**2525**	**$184,632.50**
Mr.	Palmer		Murray	CA	3089	
	John		Muse	GB	1512	
Mr.	Charles	D.	Nash, Jr.	TX	1141	$126,900.00
	John	L.	Nau III	TX	1236	
	Jim		Neale	TX	1192	
Mr.	**Patrick**		**Nesbitt**	**CA**	**3049**	**$137,025.00**
	Walter	E.	Neuls	TX	1501	
Mr.	**Andres**		**Nevarez**	**PR**	**10785**	

UPDATED LIST OF PIONEERS AND POTENTIAL PIONEERS PREPARED FROM AVAILABLE RECORDS

Prefix	FN	MI	LN	State	Trk #	Total as of 3/15/00
	Fred	R.	Nichols	TX	1262	
Mr.	Jim		Nicholson	MI	2841	$181,688.50
Mr.	Dennis	E.	Nixon	TX	4426	$82,595.00
Mr.	Alan	P.	Novak	PA	3550	$125,250.00
Mr.	Erle		Nye	TX	1142	$137,594.71
Mr.	Bob		O'Connell	MA	10452	$86,520.00
	Ralph		O'Connor	TX	1286	
Mr.	Joseph	J.	O'Donnell	MA	2551	$62,316.08
	C. Patrick		Oles, Jr.	TX	1166	
Mr.	Joe		O'Neill	TX	1209	$79,200.00
Mr.	John		Ong	OH	8589	$102,075.00
	Robert	R.	Onstead	TX	1333	
Mr.	**H.**	**M.**	**Osteen, Jr.**	**GA**	**8395**	**$54,000**
	Karen		Overbeck and	TX	1199	
Governor	Bill		Owens	CO	9798	$332,683.08
Mr.	Patrick		Oxford	TX	1179	$117,968.00
Mr.	**William**		**Palatucci**	**NJ**	**2952**	**$106,400.00**
Mr.	**John**		**Palmer**	**MS**	**9800**	**$126,950.00**
Mr.	Anthony		Parker	DC	1570	
Mr.	Gerald	L.	Parsky	CA	3050	
Mr.	Jim		Paul,	TX	2109	$120,168.29
	Jim		Paul, Jr.	TX	2109	
The Hon.	Bill		Paxon	VA	5260	
Mr.	Marshall	B.	Payne	Tx	1764	$128,174.00
Mr.	**Stephen**	**P.**	**Payne**	**TX**	**9023**	**$105,359.37**
	John		Pease	TX	1780	
Mr.	**Robert**	R.	**Penn**	**TX**		
Mr.	Thomas	F.	Petway III	FL	3849	
Mr.	R.H.		Pickens	TX	1147	$100,000.00
Mr.	**Bryan**		**Pickens**	**TX**		
Mr.	**John T.**	**T.**	**Pickens**	**TX**		
Mr.	**Mike**		**Pickens**	**TX**		
Mr.	**William**	**C.**	**Pickens**	**TX**		
	James		Pikl	TX	6635	
	Lonnie		Pilgrim	TX	2076	
Mr.	**Sergio**		**Pino**	**FL**	**3850**	**$51,500**
	Gary		Polland	TX	2516	
	Judy		Pollock	TX	1769	
	David	M.	Porter	TX	1149	
Mr.	Don		Powell	TX	1204	$135,537.34
	Clinton		Pownall	FL	6711	
	Malcolm	S.	Pray, Jr.	CT	3221	
Mr.	Heinz	C.	Prechter	MI	2800	$301,760.00
Mr.	John		Price	UT	3250	$174,236.00
Mr.	**Chesley**		**Pruet**	**AR**	**3241**	**$142,982.50**
Mr.	John		Rainey	SC	1244	$112,250.00
	Frank		Rapoport	PA	4810	
	Bobby		Ray	TX	1296	

UPDATED LIST OF PIONEERS AND POTENTIAL PIONEERS PREPARED FROM AVAILABLE RECORDS

Prefix	FN	MI	LN	State	Trk #	Total as of 3/15/00
Dr.	Ralph		Reed	GA	2655	
	Michael		Reilly	TX	1278	
Mr.	**James**	**M.**	**Reynolds**	**GA**	**8392**	**$160,950.00**
Mr.	Mercer		Reynolds	OH	4329	$605,082.12
Governor	Tom		Ridge	PA	3577	$251,550.00
	Thomas		Riley	NH	1573	
	Brett		Ringle	TX	1118	
Mr.	Dub		Riter	TX	1203	$101,375.00
	A.W. "Dub"		Riter, Jr.	TX	1203	
	Forrest		Roan	TX	1255	
	Thomas	A.	Roberts	NY	1174	
	Corbin	J.	Robertson, Jr.	TX	1329	
	Marcos		Rodriguez	TX	1233	
Mr.	**Sig**		**Rogich**	**NV**	**7752**	**$100,520.00**
Mr.	Raul	R.	Romero	TX	1375	$290,281.21
Mr.	John	D.	Rood	FL	3852	
	Tim		Rooney	TX	1190	
Mr.	Edward	W.	Rose	TX	1764	$128,174.00
Mr.	Evans		Rose	PA	3556	$73,700.00
	Rusty		Rose	TX		
	Billy		Rosenthal	TX	1219	
	Laura		Rowe	TX	1232	
	Robert		Rowling	TX	1151	
	James	R.	Royer	TX	1371	
Mr.	**Larry**		**Ruvo**	**NV**	**9016**	**$120,575.00**
	Terry		Ryan	TX	2235	
Mr.	**John "Chip"**		**Saltsman, Jr.**	**TN**	**5598**	**$104,000.00**
	Alann	Bedford	Sampson	TX	1218	
Mr.	A. R.		Sanchez, Jr.	TX	1205	$14,175.00
Mr.	**David**		**Saperstein**	**CA**	**3055**	**$75,550**
Mr.	Dwight		Schar	VA	3700	$103,250.00
Mr.	William		Scherer	FL	3895	$120,800.00
	John	P.	Schmitz	DC	6769	
Mr.	**Rock**		**Schnabel**	**CA**	**3056**	**$75,600.00**
	Larry		Schoenbrun	TX	1781	
Ambassador	Peter	F.	Secchia	MI	2816	$124,635.00
Mr.	Nick		Serafy,	TX	1207	$13,950.00
	Dan		Shelley	TX	2157	
	Bud		Shiver	TX		
Mr.	Allan		Shivers	TX	1206	$37,976.06
Mr.	Ned		Siegel	FL	3856	$84,650.00
Mr.	Martin		Silverstein	PA	4811	$100,035.00
Mr.	James		Simmons	AZ	2600	$196,645.00
	L.E.		Simmons	TX	1397	
	Mary Louise		Sinclair	TX	1154	
	Dan		Sitomer	CA	3058	
Ms.	Windy		Sitton	TX	1900	
Mr.	Gregory		Slayton	CA	3117	$103,400.00

UPDATED LIST OF PIONEERS AND POTENTIAL PIONEERS PREPARED FROM AVAILABLE RECORDS

Prefix	FN	MI	LN	State	Trk #	Total as of 3/15/00
	Thomas	W.	Smith	CT	1239	
Mr.	Cliff		Sobel	NJ	2950	$187.935.00
	William	T.	Solomon	TX	1508	
	Lionel		Sosa	TX	1875	
Mr.	Alex		Spanos	CA	2684	$209,350.00
	Rick		Sperry	PA	1282	
Mr.	**Ronald**		**Spogli**	**CA**	**3085**	**$18,000.00**
Mr.	Manny		Stamatakis	PA	3551	$128,200.00
Mr.	Craig		Stapleton	CT	3200	$197,275.00
Mrs.	Debbie		Stapleton	CT	3201	$115,850.00
Mr.	Roger	T.	Staubach	TX	1246	$78,345.00
	Russell	D.	Steagall	TX	1217	
Senator	Glenn		Steil	MI	2801	$106,061.00
Ms.	**Sandra**		**Stein**	**CA**	**4825**	**$159,547**
Mr.	**Tom**		**Stemberg**	**MA**	**2556**	**$72,250**
	Steven		Stodghill	TX	1249	
	Gerald	Harris	Stool	TX	1155	
	Theodore	H.	Strauss	TX	1156	
Mr.	**Butch**		**Swindells**	**OR**	**3325**	
	Jeff		Swope	TX	1259	
	Jack		Taylor	MO		
Mr.	Peter		Terpeluk	DC	1755	$40,300.00
The Hon.	Mac		Thornberry	TX	1265	
	Lee		Thurburn	TX	1299	
	Bart		Tiernan	NY	1271	
	Rice	M.	Tilley, Jr.	TX	1216	
Mr.	**Joe**		**Ting**	**TX**	**1381**	**$51,750**
	Arnel		Trovada	TX	1668	
Mr.	Sol		Trujillo	CO		
Mr.	Dirk		Van Dongen	DC		
Dr.	**Rene**		**Vasquez**	**PR**	**2674**	
	Robert	C.	Vaughn	TX	1158	
Mr.	Jack	C.	Vaughn, Jr.	TX	1157	$117,203.91
	John		Vernon	TX	1515	
	Ed and Ann		**Vetter**			
	Kris Anne		Vogelpohl	TX	1439	
	Jeff		Vogt	CT	2696	
	Paul		Wageman	TX	1171	
Mr.	Raymond	T.	Wagner	MO	4749	$104,000.00
Mr.	**Tom**		**Wagner**	**OH**	**9944**	**$150,720.00**
	Sue		Walden	TX	1184	
	Kent		Waldrep	TX	1235	
	Bill		Walker	LA	2920	
Ms.	**Elsie**		**Walker**	**MD**	**4282**	**$55,750**
Mr.	Roger		Wallace	TX	1161	$123,720.00
	Tony		Walters	PA	4812	
Mrs.	Heather	Hill	Washburne	TX	1162	
	Chuck		Watson	TX	1361	

UPDATED LIST OF PIONEERS AND POTENTIAL PIONEERS PREPARED FROM AVAILABLE RECORDS

Prefix	FN	MI	LN	State	Trk #	Total as of 3/15/00
	Bill		Webb	TX	2503	
Mr.	Fred		Webber	VA	4015	$206,104.36
	Jerry		Weintraub		3007	
Mr.	Ron		Weiser	MI	2803	$588,309.01
Governor	**William**		**Weld**	**MA**	**4307**	**$177,160.00**
Mr.	Paul		Welday	MI	2848	$176,250.00
Ms.	Jimmy		Westcott	TX	1111	$170,680.00
Mr.	Robert	H.	Whilden, Jr.	TX	1170	$217,550.00
Mr.	George	M.	Williams	TX	1252	$98,475.00
Mr.	J. Roger		Williams	TX	1208	$388,266.39
	Phillip	E.	Williams, Jr.	TX	1288	
	Garland		Williamson	TN	1283	
	William		Wise	TX	1302	
Mr. & Mrs.	Blair		Woodall	TX	1253	
Mr.	Bob		Wright	TX	1195	
Mr.	Charles		Wyly	TX	1163	$33,900.00
	Barry		Wynn		4861	
	Bracebridge		Young	MA	1423	
	John	H.	Young	TX	1378	
	Fausto		Yturria, Jr.	TX	1880	
Dr.	Zach	P.	Zachariah	FL	3866	$130,196.00
Mr.	**Ken**		**Zangara**	**NM**	**9432**	**$102,525.00**
	Fred	S.	Zeidman	TX	2516	
	Bob		Zincke	TX	1305	

LAWSUIT REVEALS 312 NEW BUSH "PIONEER" FUNDRAISERS

Austin & Boston: Newly released Bush presidential campaign documents reveal 312 previously unknown members of Bush's record-breaking "Pioneer" fundraising network. Participants volunteered to help the campaign circumvent a $1,000 federal campaign contribution limit by pledging to bundle checks from family, friends and associates (most Pioneers pledged to raise at least $100,000). Combined with previous disclosures, the new data publicly identify 538 participants in the Pioneer program. Yet the new documents still do not reveal what each participant raised nor the total amount of Pioneer money raised. Indeed, there is some evidence that the campaign has yet to disclose everyone who answered the "Pioneer" call.

The new disclosures come in response to a legal challenge to a provision of the McCain-Feingold 2002 Bipartisan Campaign Reform Act that doubled the limit on individual contributions to federal candidates to $2,000 and up to $12,000 in races involving a self-funded candidate. Represented by the National Voting Rights Institute (NVRI), the plaintiffs, known as "the Adams plaintiffs," argued that the increased limits would open the floodgates to donations from the wealthy and make it impossible for candidates without large networks of maximum donors to run for office. The Pioneer program is a leading example of the way that wealthy interests are able to bundle together large contributions to influence elections. A federal court panel ruling on May 2 rejected the arguments made by the Adams plaintiffs.

In response to a September 2002 subpoena from the plaintiffs requesting complete contribution data and other information on the Pioneer program, representatives of the campaign claimed to possess only limited information. For example, Bush attorneys claimed that they could not locate an accounting of the total amount of money raised by each Pioneer fundraiser. Bush lawyers provided only limited financial data on just 212 of the 538 disclosed Pioneer fundraisers. The total amount attributed to these 212 fundraisers through some unknown data in the campaign is $24.9 million, far short of the $60 million to $80 million that observers suspect that the program raised.

"It's time to end the secrecy over who bankrolled the Bush campaign," said Craig McDonald, an expert witness for the plaintiffs and director of Texans for Public Justice, a research organization that has tracked Bush's fundraising since his gubernatorial days. "It just isn't believable that the President's campaign lost most of a $60 million fundraising list. Has anyone checked Donald Evans' laptop?"

"These documents reveal the disproportionate power gained by those who can bundle huge sums of hard money for political campaigns," said NVRI Executive Director John C. Bonifaz. "With the hard money increases in the Bipartisan Campaign Reform Act, elite donors such as the Bush Pioneers will achieve a stranglehold over the electoral process and ordinary voters will be locked out. This offends the basic constitutional promise of political equality for all."

The newly released information and an accompanying Texans for Public Justice (TPJ) analysis reveals the identities of previously unknown Pioneer fundraisers. Key facts about the newly released Pioneer volunteers include:

The campaign credited each of 21 super Pioneers (or partnerships in which two or three participants shared one Pioneer tracking number) with raising more than $200,000 through some unknown data in the campaign. Topping the list are business partners William DeWitt and Mercer Reynolds, whom the new records reveal supported Bush to an extent rivaled perhaps only by Enron. Sharing the same Pioneer tracking number, these two Men—who bailed out Bush's hemorrhaging Bush Oil Co., in 1984 and invested in the Texas Rangers venture that made Bush a millionaire 15 times over—delivered a minimum of $605,082.

The largest known single individual Pioneer was Michigan real estate magnate Ronald Weiser, who was credited with delivering at least $588,309.

At least 49 of the newly identified fundraisers are Lawyers & Lobbyists Randy DeLay, brother of House Majority Whip Tom DeLay.

At least 44 of the just-disclosed fundraisers come from the Energy and Natural Resources industry, including former Dynergy CEO Chuck Watson and former El Paso Energy CEO William Wise, whose companies were battered by Enronesque allegations of accounting fraud and "round-trip trading." The oil company of Pioneer Ray Hunt has teamed up with Halliburton to build a gas pipeline through a fragile Peruvian rain forest that is home to remote indigenous tribes.

Former Enron chief Ken Lay was credited with raising at least $112,050.

Two-thirds of the new fundraisers (201) come from Bush's home state of Texas, followed by 18 from California and 16 from Washington, D.C.

Critics have long contended that Bush's Pioneer disclosures were incomplete—if not selective. Bush campaign officials told the media that almost 400 individuals already had taken the Pioneer pledge by July 1999. An April 2000 article reported that the campaign had revealed just one-third of the names that appeared on campaign Pioneer lists obtained by The Nation. In fact, six of the eleven Pioneers that The Nation reported by name did not appear in the newly released documents (all of these happen to be current or former corporate lobbyists). Prior to the latest disclosure, the Bush campaign had revealed just 226 Pioneers whom it said had raised at least $100,000 each.

Materials related to the new Pioneer disclosures made available at the TPJ web site include:

1. Previously sealed depositions of Bush for President Committee Finance Director Jack Oliver;
2. A sample of the more than 300 Pioneer tracking forms produced by the campaign;
3. A campaign spreadsheet tracking 505 Pioneer program participants (including limited contribution data on 212 of them);
4. A TPJ-compiled list of all 538 known Pioneer program participants; and
5. A preliminary TPJ analysis of the newly revealed Pioneer participants.

"PIONEERS" PAVED BUSH'S WAY WITH BIG DOLLARS

Some of the lobbyists and corporate executives who funded President Bush's campaign agreed to raise at least $250,000 apiece, much more than the previously reported goal of $100,000, according to campaign documents.

The documents, released as part of litigation over the nation's new campaign-finance law, show that the Bush campaign's financial appetite made the contribution limit of $1,000 look like little more than a formality.

Although no individual could legally give more than $1,000, the campaign circulated pledge sheets inviting donors to raise $250,000 from their friends and subordinates, then tracked the results with a computer code so the donor would get credit for all the checks.

Those who raised $100,000 were recognized as Pioneers, but the campaign documents show that there was a previously undisclosed class of donor who raised as much as $600,000. When the Pioneer program was created by Bush's presidential exploratory campaign in 1999, the announced goal for members was $100,000, although the campaign always made it clear that they could raise more.

In fact, they were encouraged to do so. The pledge form from the finance committee of the George W. Bush Presidential Exploratory Committee Inc. had an "I pledge to raise" section ranging from $25,000 to $250,000.

Republican officials said the campaign made no distinction between the premium Pioneers and the regular ones.

One enthusiastic telemarketing executive was not content with the choices on the form and wrote "$5.75 million" in bold letters, although there is no indication he raised that much. At least 26 supporters promised to raise $250,000, one wrote in $500,000 and two pledged $1 million. Many of them fell short.

The form asked donors to give a target date for completing the goal. A corner of the form included a four-digit number that the campaign used to track the contributions on spreadsheets. "Remember, your Solicitor Tracking Number is your personal tracking number for money that you raise," the form said. "Please place this number on any check that you solicit."

The campaign also tracked contributions by industry, and Democrats have asserted that the system was set up to expedite reward and punishment. Jack Oliver, the campaign's national finance director, said in a deposition during the campaign-finance litigation that the number was used to prevent disputes over who had raised what.

"The Pioneer system itself, the tracking method was effective because people didn't fight over things like they usually did," said Oliver, now the deputy chairman of the Republic National Committee.

Targeted solicitations were made to airline, association and utility executives and Bush's class at Harvard Business School, according to the documents. Some of the letters used campaign stationary, but Oliver said the solicitations were from individual Bush supporters and not the campaign. "We wanted to reach out as broadly as humanly possible, to touch as many different segments of America as we could," Oliver said in the deposition.

Pioneers were given briefings on confidential polling data and were feted at a reception at the Republican National Convention. Since Bush took office, at least 19 have been named ambassadors.

The documents, which were first reported by the Dallas Morning News and the New York Times, showed that at least 27 couples had raised $200,000 or more for Bush by the time he had defeated Sen. John McCain (R-Ariz.) in the 2000 primaries, and the money kept rolling in for several more months.

Many of the super-Pioneers were longtime friends of Bush, but others were executives who stood to benefit substantially from his administration. Frederick L. Webber, credited with raising $206,000 through March 15, 2000, was president and chief executive of the American Chemistry Council until seven months ago. The council, which represents chemical manufacturers, promotes the "sound science" approach to environmental regulation that has been a mantra of Bush's administration.

Another of the premium Pioneers was Richard E. Hug of Baltimore, founder and chairman emeritus of Environmental Elements Corp., which makes smokestack scrubbers and other pollution controls. Hug said that Bush's Clear Skies Initiative, which would revise parts of the Clean Air Act and is being considered by Congress, would be "very beneficial" to his company by requiring utilities to upgrade their emission systems, but that it had nothing to do with the $275,000 he raised.

"The Pioneers program really incentivized people to do a great job for the next president," said Hug, who was Bush's Maryland Finance chairman. "There wasn't any financial remuneration or anything like that, but it was just being on the team. I can't imagine there's any Pioneer who won't help George W. again."

Hug noted with a chuckle that the Pioneers had to pay extra for the sterling silver cufflinks that served as emblems of their service to the campaign.

Bonnie Tenneriello, staff attorney for the National Voting Rights Initiative, which released the documents, said they show that the campaign-finance system gives "a huge advantage to wealthy individuals who are able to network and effectively aggregate huge amounts."

Her group went to court to argue against the doubling of the money that can be given to a campaign as a direct contribution, known as hard money, to $2,000 under the new campaign finance law Bush signed last year. On Friday, a three-judge panel of the U.S. District Court for the District of Columbia struck down major provisions of the law, but left in place the higher ceiling for direct contributions to campaigns.

Republican sources said that because of the new limit, Bush's reelection campaign is likely to ask Pioneers to raise at least $200,000.

Mr. Speaker, this is what I point out to my constituents. Had it not been for Candidate Bush's decision to reject Federal funding, he might have lost nomination, and thus never have become President. So, in reality, it was the Bush "Pioneers" who elected the 43rd President of the United States.

Mr. Speaker, it should come as no great surprise that the top priority for many of the Bush "Pioneers" is to reduce the taxes they pay through the inheritance tax, through the top marginal income tax rate, and through capital gains taxes, and it should come as no great surprise that the Bush administration, from the day it entered office, has made it a priority to reduce taxes on the wealthiest few.

Mr. Speaker, the Republican bill on the House floor today is merely the latest installment in this plan to give budget-busting tax breaks to the wealthiest few. If Republicans were shooting straight with the American people, they would call it the "Pioneer's Tax Relief Act, Part 2."

Make no mistake: It is just another phase in the same old budget-busting Republican priorities that have already failed the economy. Part 1 of the Pioneers Tax Relief Act was the package of tax breaks that the Republicans passed in 2001.

To see how badly the Republican economic plan has failed, all we have to do is look around. All in all, some 2.7 million Americans have lost their jobs since George W. Bush became President. In fact, only Herbert Hoover lost more jobs than George W. Bush has.

The stock market is down. Republicans have driven America's deficit so high that the Bush administration's own Treasury Department has twice asked the Congress to raise the debt limit so they can borrow more money. And Alan Greenspan is worried about the long-term economic damage that would be caused by even more budget-busting tax breaks.

Mr. Speaker, in just over 2 years Republicans have compiled a record of unmitigated economic failure. I defy anyone to explain how Bush economics is working for America.

The truth is Americans are still suffering from the second Bush recession in just over a decade. In fact, it is the third Republican recession in the past 20 years. If Republicans keep driving the economy into the ground, colleges will have to start teaching the new basic equation of Economics 101: Republican power plus Republican economic policies equals American recession.

But none of that seems to matter to the Republicans who control the Federal Government right now, because with this bill they are pushing more of the same old Bush failed economics.

It does not seem to matter that those failed policies have left America with the worst economy in a generation, or that America has actually lost jobs since Republicans passed Part 1 of the Pioneer's Tax Relief Act, their 2001 package of tax relief for the wealthiest, or that Part 2, the bill on the floor, will not create any more jobs than Part 1 does.

It does not seem to matter that this bill shortchanges the majority of Americans on tax relief, or that it drives the Nation even deeper into debt, raising the debt tax on all Americans and hurting the economy over the long term.

All that seems to matter to the President and to the Republicans in Congress is this fact: Part 2 of the Pioneers Tax Relief Act gives every millionaire a $93,000 tax break, even as it sticks the rest of America with the bill. To put it in context, the $93,000 tax break for millionaires is almost enough money to qualify as a Bush "Pioneer."

It is hard to believe, Mr. Speaker, but that is the sad truth. A small elite group, the "Pioneers," and a few people like them, are the focus of Republican economic policy. And no matter how bad the economy gets, the President and this Republican Congress will keep raiding ordinary taxpayers to pay for more tax breaks for the wealthiest of the wealthy, and that is why we are here today, stuck with yet another Republican tax plan that is bad for the economy. As I have said before, it does not have to be this way. Most Americans believe, as House Democrats do, that it is ridiculous to stick with economic policies that have so clearly failed.

That is why we have proposed the Democratic Jobs and Growth Plan. It is fast-acting, creating 1 million new jobs. It is fair, providing meaningful tax relief to working families. And it is fiscally responsible, completely paid for over 10 years. But Republican leaders are apparently afraid of sound economic policy, because just late last night in the Committee on Rules they blocked the Democratic Jobs and Growth Plan.

Mr. Speaker, Americans have suffered long enough under the same old failed Bush-onomics. It is time for a change, before Republicans do permanent damage to our economy. But the only way to change America's economic policy today is on the important parliamentary vote on the previous question. If we defeat the previous question, I will amend the rule to allow the House to vote on the Democratic Jobs and Growth Plan. That is the only way we can provide immediate job-boosting help to the economy today.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LINDER), a distinguished member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, if we just take that last comment by the gentleman from Texas and play it over and over and over, we would have today's debate, because they are concerned that people who pay taxes will get tax relief.

We have over the last 40 years removed 50 percent of the income earners from the tax rolls. This year the top 1 percent of the income earners will pay 38 percent of all the income taxes. The bottom 50 percent collectively will pay less than 3 percent. And, guess what? I do not mean to sound remedial here, but if you are going to cut taxes, the taxpayers are going to get the relief.

□ 1000

We have done this before in this country. In 1961 President Kennedy said, "A rising tide lifts all boats." They removed the top tax bracket from 90 percent to 70 percent, and guess who got the relief? The top tax bracket.

We reduce taxes in this country for a reason, and it is an economic reason. The less burden the government places on the backs of small businesses and income earners, the more economic activity we will have, and more economic activity means more jobs, and more jobs means more taxpayers, and indeed, more revenues.

In 1980, before the Reagan tax cut, the American people contributed $519 billion to the Federal Government. After those outrageous tax cuts, 10 years later, the American people contributed $1.54 trillion. A rising tide lifts all boats.

If we want to stop this country from going into recession, if we want to build a growing economy, we simply have to remove the heavy burden of government from the backs of small business and income earners and let them create jobs, which will increase revenues.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, this is a day that I do not think our country will ever forget. It is a day of infamy. It is a day that the Republican majority has decided that it is their way or the highway. If they have a bill that they are so proud of, why is it that they believe that the Democrats should not be able to at least reveal what we want to do?

Here we are on the brink in history where we are bringing democracy and freedom to Iraq; but at the same time, we are diminishing it here in the House of Representatives.

This bill that is coming up, the secret Bush tax plan that even the President did not know about, came to the Committee on Ways and Means on Tuesday, we voted for it on Friday and never given an opportunity to bring our bill to the floor. I really believe that it should be shameful that in this House of Representatives that we ever forget what they are doing to the American people.

Some people have just said that if you are not rich, you are not entitled to a tax cut. If you are the working poor, if you are unemployed, you are not entitled to any relief. We truly believe in this House, the people's House, what the majority is doing; they are not doing it to the Democrats who are the minority, they are not just doing this to the House of Representatives and the Congress; they are doing it to America, because they are afraid to allow a different point of view to be heard.

I hope we never, never, never forget this day. I hope when the Democrats get the majority, that they never, never, never do what the Republicans are doing today. They should be ashamed of themselves for what they are doing to the legislative process, but more important than anything else, what they are doing to the good people of the United States of America.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

It is a tough day when I watch some of my colleagues use kind of a class warfare tactic. I would think I was in a political 101 class when I listened to "pioneers," except I know that the President, when he ran as a candidate from being the Governor of Texas, he took all legal money from those pioneers. Not all parties can claim that over the recent decade.

But when we look here, I know something about Grand Prairie taxes where my colleague, the ranking member of the Committee on Rules, comes from. My wife lived there; grew up there until she moved to New York with me. I know a little about western New York where I reside, but I know a little about Harlem, where the ranking member of the Committee on Ways and Means resides. They are not rich in my area. They are not rich in Grand Prairie, Texas; and they are not rich in Harlem. But this bill, a typical family of four earning $40,000 will see their taxes go from $1,178 to $45 a year, and 23 million small businesses, whether it is Grand Prairie or Buffalo or Harlem, will be able to create new jobs with new incentives and tax relief under this bill.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, I rise in utter astonishment at my colleagues on the other side of the aisle. Here we are today with a plan before us that has the potential to create 1.2 million jobs by the end of next year, a plan that would raise the total value of the stock market by at least $550 billion, a plan that has the ability to help small businesses invest in more equipment and expand operations, a plan that would guarantee working families more of what they earn through increases in the child tax credit and further reductions in their overall income tax rates.

My colleagues on the other side of the aisle are trying to block it.

I wonder if the small business owners in their home towns would disagree with them if they knew they did not want them to be able to buy that extra piece of equipment or keep a little more of their profit so that they could hire an extra person. I wonder if the single mother of two from their community who is working two jobs just to make ends meet would ask them to support this package so that they could provide her with a little extra spending money for food and clothes and rent. And I wonder if their neighbors, who are trying to save for their children's education and their retirement, would want them to support this pro-growth package that would increase the value of their 401(k)s.

Their questions are the same as mine: Why do they oppose job creation? Why do they want to stop businesses from becoming productive and growing their operations? And why do they think they can spend working families' money better than the families themselves?

Mr. Speaker, it is a clear choice before us today. We can complain, we can bury our heads in the sand and do nothing, pretending that we do not need to inject some lifeblood into this economy, or we can look to the future and understand that right now we have the opportunity and the obligation to create jobs and grow this economy.

Let us get on with it, Mr. Speaker.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time.

We just heard a representation of what their bill is going to do. We ought to judge the credibility of those representations. The gentleman from Texas (Mr. DELAY), October 24, 2001: "This tax plan is the right medicine for our economy. It is the best way to put people back to work and create jobs."

After we adopted his policy, we have lost 2.7 million jobs in America.

The gentleman from Texas (Mr. DELAY) said, "The Democrats bring to the floor today a tax package that will cost jobs." He said that May 27, 1993. That program resulted in the creation of 22 million jobs over the next 8 years and the reduction of the deficit and the creation of 4 years of surplus for the first time in 80 years.

President Bush said of his last tax bill in 2001: "Tax relief is central to my plan to encourage economic growth and we can proceed with tax relief without fear of budget deficits." We now have the largest budget deficit in the history of this country confronting us after the adoption of his plan; and we have just increased, through the House, it has not passed the Senate, $1 trillion in additional debt. That is a debt tax.

The gentleman from New York (Mr. REYNOLDS) talks about the $45 that they are going to pay in taxes, but the gentleman from New York (Mr. REYNOLDS) does not talk about the additional thousands of dollars that they are going to have to pay on the debt that has been created and the interest that his kids will have to pay.

Mr. Speaker, today this Republican leadership slams the door of democracy in this House in a style befitting a third-rate dictatorship. It utterly ignores the 140 million Americans who are represented by Democrats. While we preach the value and power of democracy in Iraq and elsewhere, the Republican majority is denying it right here in this House right now.

The Republicans have not just refused to give the Democrats an opportunity to offer an alternative to this reckless, unaffordable, and unfair tax bill; they have breached their solemn obligation to let this House work its will, and the gentleman from California (Mr. DREIER) in 1993 said that was wrong. I heard the quote so many times: "Power corrupts, and absolute power corrupts absolutely."

The Republicans control the House, they control the Senate, and they control the presidency; and they have corrupted this House with this rule and other rules like it. A closed rule, a gag rule. It does not allow debates, it does not allow alternatives, and it promotes a program that will further decimate the economy of this country and be extraordinarily unfair to middle-income taxpayers while advantaging some wealthy people, not all; and it will be bad for America.

Reject this rule; reject this bill. Let us do fairness for our taxpayers and for America.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

I did not get here until January of 1999, but I am told since the Republicans took control in January of 1995, every single bill that comes on the floor of this House will have a recommit, and I am here today to tell my colleagues that this bill will have a recommit so the minority can write it any way they want and it will be up for consideration. We will have a recommit vote, and then we will have final passage, and the will of the House will be done.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. REYNOLDS. I yield to the gentleman from Maryland, the minority whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding. I respect the gentleman. He and I served on the Committee on House Administration. The gentleman knows, however, full well, and the American public ought to know, that a motion to recommit, as the gentleman so well knows, is very restricted. And the gentleman knows we cannot offer our substitute under the rules because the Committee on Rules would not give us a waiver.

So saying we have a motion to recommit, which we do, he knows full well that it restricts us in dealing with unemployment insurance, it restricts us in dealing with the sunsets that the Republicans have put on middle-class income workers. The gentleman knows that; am I correct?

Mr. REYNOLDS. Mr. Speaker, I would have to answer the minority whip when we are on my time, and that is I have been reading the minority's press clips since I have been here, and to them it seems to be the biggest deal for mankind what the recommit motion is and how that vote occurred here. So I am confused the gentleman's suggestion today of how restrictive it is, after I read the press releases of so many of the gentleman's colleagues on what they think it is when they moved it before this House.

Mr. HOYER. Let us forget about the press releases.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in strong support of this rule for H.R. 2, the Jobs and Growth Act of 2003. American families need more job opportunities, and they need them now. The Democrats' plan for the American family is the same it has been for 50 years; tax and spend, tax and spend. In other words, to take a larger slice of the family income pie. Our plan, the Republican plan, is to grow the size of that family income pie by growing the economy.

Democrats have a plan to create more government. Republicans have a plan to create more jobs. The Republican plan will create 1.2 million new jobs by the end of 2004 alone. The Democrat budget plan grows the government and erases tax relief, actually increasing taxes by $128 billion on American families and businesses, threatening, dramatically threatening our economic recovery.

Mr. Speaker, we cannot have capitalism without capital. The Democrat plan does nothing for capital formation. It does nothing for jobs. Democrats claim to love jobs; they just seem to hate the people who create them.

Under the Republican jobs and growth plan, 23 million small businesses in America would face a simpler, fairer Tax Code. They will benefit from a reduction in marginal income tax rates and face lower capital gains taxes.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. McGOVERN. Mr. Speaker, I oppose this closed rule and the underlying bill. As everyone here knows, our economy is in very bad shape. Unemployment is at 6 percent and millions of Americans are unable to find work. The deficit is exploding, leading to a crushing debt for our children and our grandchildren. Our States and local communities are facing their worst fiscal crisis in 50 years. Police, firefighters, and teachers are being laid off.

But instead of addressing these issues with sensible, thoughtful, and fair fiscal policy, the Republican majority offers up their usual menu of tax breaks for the wealthy. Part of the problem may be that the Republican majority is so out of touch with the plight of American workers, they cannot even decide what committee has authority over the issue. The chairman of the Committee on Education and the Workforce says it is not his responsibility, and last night, the chairman of the Committee on Ways and Means said it is not his responsibility.

Mr. Speaker, the Americans who are suffering in this economy deserve more than jurisdictional "hot potato." Somehow, though, my Republican friends figured out who was in charge of tax giveaways to the wealthy, because that is the bill we have before us today.

Now, last night in the Committee on Rules, Members from both parties attempted to offer amendments to improve the bill. The Republican majority rejected each of those amendments. In fact, they denied the minority the opportunity to offer a substitute.

So here in the greatest deliberative body in the world, on a bill with enormous implications for the future of our country, this House is denied the ability to deliberate.

□ 1015

We are told that there is not enough time to consider the amendments, that we need to finish our work early today so Members can catch their planes.

Mr. Speaker, that excuse will not fly. We must make the time to debate and vote on thoughtful amendments to a multi-billion dollar tax bill. This past Tuesday, for example, would have been a great day to debate these important issues. On that day this House authorized the printing of bills on how a bill becomes a law, authorized the printing of a biographical directory of the U.S. Congress, and renamed four post offices.

It seems to me we could have found a few minutes in there to debate the tax policies of the United States, not in a closed and undemocratic process, but in an open and fair process that allows Members of both sides to be able to work their will.

Mr. Speaker, the American people deserve a House that has the right priorities, that helps people who need it most, and that does its work responsibly. Today, once again, the American people are getting less than they deserve.

Mr. Speaker, I urge my colleagues to reject this rule and defeat this bill.

Mr. REYNOLDS. Mr. Speaker, may I inquire of the amount of time remaining on both sides?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from New York (Mr. REYNOLDS) has 14 minutes remaining. The gentleman from Texas (Mr. FROST) has 15½ minutes remaining.

Mr. REYNOLDS. Mr. Speaker, I yield 1½ minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I thank my friend and colleague, the gentleman from New York (Mr. REYNOLDS) for yielding me time in which to speak in support of this rule and the underlying bill.

This important legislation will create real job growth in America. In fact, according to some research institutions, it will create close to 6,000 jobs in Nevada next year alone.

Mr. Speaker, that is 6,000 more Nevadans who will be better off, better able to feed their children, better off to save for retirement, better off to pay their mortgage next year as a result of this important economic bill.

With more pages than the Bible, our Tax Code contains many outdated, unnecessary and unfair taxes, many of which place an undue burden on our seniors. One example is the double taxation on dividends which punishes both savings and investment. It is simply unfair. Worse, seniors bear a disproportionate share of the burden under this tax because they typically have higher levels of savings being used as income during their retirement years. In fact, seniors receive an average of 47 percent of their income from dividends every year. With enactment of this bill, seniors will be able to depend on that steady source of income.

In addition, over 230,000 Nevadans who filed returns in 2001 with dividend income will benefit from this bill and be able to reinvest their money, thus providing a real and positive impact on both the Nevada and U.S. economy.

Mr. Speaker, I am disappointed to hear some Members on the other side of the aisle today express their views that this bill is too expensive and unnecessary. I say to them, tell that to the over 230,000 Nevadans, mostly seniors, who pay taxes on the dividends and the more than 6,000 Nevadans who will find a job as a result of this bill.

I urge all of my colleagues to support the rule and support the underlying bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank my good friend and the distinguished ranking member, the gentleman from Texas (Mr. FROST) for yielding me time.

Mr. Speaker, my colleague and good friend, the gentleman from New York (Mr. REYNOLDS) spoke about the fact that Democrats have received a motion to recommit for all the years that he is here. For all the years he is here, if we added up all of the motions to recommit that are allowed by the Republican majority, it would not add up to 9 hours of debate. We are given 10 minutes on a motion to recommit. That does not help very much in a free and open society in what is supposed to be the most deliberative body in the world. That has been curtailed and democracy loses when we close our rules, and democracy loses here today.

Regarding the substance of the matter, envision that you are profoundly in debt and you have only a portion of the money you need to pay for major expenses coming up. What would you do? Would you, instead of working harder, saving more and paying off your debt as soon as possible, run up your credit card balance with expensive gifts for your wealthiest friends? No. The mere idea is preposterous.

Mr. Speaker, if our economy was growing like it was before last year's obese, obtuse and downright obnoxious tax cut, I would be the first one to support cutting taxes, but our economy is not growing. In fact, it is hurting more that we are in a war, the war on terrorism, and we are not funding our homeland security responsibilities. The President and majority argue that further tax cuts will head off recession because to them tax cuts are a one-size-fits-all solution. The President and the majority have a tax cut obsession.

Stretched over 10 years and designed with wrong priorities in mind, the cuts are not aimed where they can light a fire under the economy. Instead, the Thomas tax plan takes money out of needed social programs and gives it to people who are wealthy. Right now America needs an economic plan that focuses on providing relief to low and middle income families hardest hit by the Bush recession. Instead of making tax cuts for families a priority, Republicans make the increase in the child tax credit a temporary afterthought. The so-called increase in the child credit is like a magic trick, sort of like the marriage penalty, it is there and in 3 years it is gone.

Indeed, America's greatness is based on its willingness to sacrifice today for the freedom and prosperity of tomorrow. This tax cut plan is completely out of touch with economic reality in America. It might as well come out of the Iraqi Information Ministry. We know how truthful they are.

House Democrats are proposing a package that is front-loaded and fast acting, a real stimulus plan that will jump-start the economy. I urge my colleagues to vote no on the rule and on the underlying principle: The bigger the wallet, the bigger the benefit.

Mr. Speaker, the following is the story of Thomas Zogg, one of my constituents that e-mailed me, which is emblematic of the problems we are talking about today.

> Dear Congressman Hastings, I wanted to bring to your attention that while I most certainly appreciate the help I'm getting from Unemployment, the bi-weekly payment of $550.00 is just not enough.
>
> I was laid off back in August of 2002 and have yet to secure a job that actually pays enough to survive.
>
> So far, I have had to spend all of my savings, cash in my retirement plan, sell my car just to make ends and pay the rent. It's a terrible situation and now that I have nothing of value left to sell, all of my unemployment money needs to go toward paying rent.
>
> All of my bills are falling behind, and there is no money left to buy food. I don't even have any money to relocate even if I could find a job outside of Florida.
>
> I'm not sure what to do next.
>
> I can't get health insurance, and as a diabetic, and I can't afford to pay for a doctor's visit to get a prescription. I can't afford to pay for medication either. Lets hope it gets better soon or I'll be homeless.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today in strong support for the rule for H.R. 2.

This is a fair rule for a critically important bill, important to get our economy moving again and create 1.2 million jobs. Before coming to Congress I spent 20 years in business and I know the importance of providing jobs for hardworking Americans. Retroactively lowering rates and expanding the 10 percent bracket will have an immediate stimulative impact on our economy to grow jobs. Accelerating the marriage penalty phaseout and raising the per child tax credit to $1,000 will give families the financial flexibility they need. Reducing the tax rate on dividends will put more money in seniors' pockets. And for small businesses, quadrupling the amounts that companies can immediately expense will help them grow and create jobs.

Mr. Speaker, this is a good rule and a great bill, and I urge all of my colleagues to support it.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER of Texas. Mr. Speaker, in 2001 we approved a tax cut based on the Congressional Budget Office's estimate that we had a surplus over the next 10 years. Today our Republican colleagues come to the floor asking for a tax cut when the Congressional Budget Office projects a deficit over the next decades and as far as the eye can see. In that case, I think it is important for our Republican colleagues to be honest with the American people and go to them and let them know that in order to give this tax cut they have got to borrow the money, and here is the kind of credit application our Republican friends ought to submit to the people of this country.

Typical application from the Members of Congress, always have to list your credit history. Our credit history is that we are in debt today $6.4 trillion. We pay $332 billion in interest. That is almost a billion dollars a day. Our estimated income for the next 10 years is $19.6 trillion. Our estimated expenditures exceed that, 23.6. It is estimated that in 2013 we will owe $12 trillion. And our estimated annual interest payments will be 6 to $700 billion, approaching what it costs to fund the Department of Defense.

So what is our request from our Republicans? We need to borrow $550 billion so we can give a tax cut. The interest cost on it is going to run another $273 billion, and so the whole deal will costs $820 billion. What is the repayment schedule? It is unknown. I suggest that if you present this loan application to your local banker, they would say I am sorry, we are going to have to deny your loan.

That is what we are being asked to do today by our Republican colleagues. Borrow money to finance a tax cut, charge it to the next generations with no prospect of repayment. I suggest this is the wrong direction for America.

We must have a fiscally responsible tax cut like the Democrats propose that was paid for by not increasing our national debt. I urge you to vote no on the Republican proposal.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, despite what the economists tell us America is in recession. My districts in eastern Indiana has seen job loss since the final days of the Clinton administration and that economic collapse has gone forwards unabated. The time for another pro-growth tax cut is now. The Jobs and Growth Act is such a measure.

Now, we have heard already this morning, Mr. Speaker, that cutting taxes on capital gains and dividends is nothing more than a tax cut for the rich. But as a Pittsburg pipefitter said of the same cut in capital gains taxes advanced by President Reagan 20 years ago, "It may be a tax cut for the rich but I ain't never been hired by a poor man."

President Kennedy was probably a bit more eloquent when he defended his cuts in the capital gains tax. He said, "A rising tide lifts all ships."

Now that the war is behind us, America needs the tide of our economy to rise again. Let us put politics aside, speed tax relief to working families, small businesses and family farms. Let us pass the Jobs and Growth Act today.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from South Carolina (Mr. SPRATT), the ranking member on the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, first of all, let us be clear, this is not a $550 billion tax cut. Take out the phony sunsets, the false expiration dates, and it is easily over a trillion dollars. By our calculation, the total impact of this tax package, of these tax cuts is $1 trillion 123 billion.

Now, what happens when you force feed another $1 trillion 123 billion to the budget we have got, which is already in deficit? The surplus is gone. It adds dollar for dollar to the bottom line, and here is what happens to the bottom line. This is what you are doing if you vote up this budget, this tax cut today.

The deficit this year in 2003 will go to $426 billion. The deficit next year in 2004 will go to $494 billion. Here is the calculation of it. You cannot see it from there, but come look at it and contest it if you disagree.

From 2004 to 2013 the total amount of deficit that we will incur, this budget will incur over the next 10 years goes to $3 trillion 953 billion, and that is offsetting the deficits with the surpluses in Social Security. If you back out Social Security, if you put it in the lockbox, remember the lockbox, you know what happens. The total debt of the United States, the accumulated deficits over the next 10 years go to $6 trillion 521 billion. That is the legacy that you are leaving your children, our children, and this country if you vote for this tax cut today. That is the course you are putting us on.

Now, here it is stated a different way. The bottom line on this curve shows you that the deficit drops to 3 to $400 billion and never comes out for the next 10 years. There is no recovery. It gets worse and worse if you put the country on this math.

Now, you have to ask yourself is there a better way? Is there some way to do it better?

□ 1030

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I represent a rural district that has been hit by 3 consecutive years of draught, contains the three poorest counties in the United States, definitely not a wealthy area. We are losing population, particularly our young people.

The best way to keep our young people is to have them start their own business, to be involved in entrepreneurial activity. H.R. 2 is the most small business-friendly piece of legislation I have seen in years. It increases expensing allowance, expands the definition of small business, extends operating loss carryback. Also, the reduction in the capital gains tax to 5 percent for the low-income tax bracket also helps farmers and ranchers whose lands have appreciated in value, but they cannot sell out because of the debt they have accumulated and because of the capital gains tax they would have to pay.

Most people in my district appreciate the child tax credit increase and the elimination of the marriage tax. These are not wealthy people.

I support the rule, and I urge support of H.R. 2.

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I rise in opposition to this outrageous rule and its outrageous tax cut. We are not even given time to debate this bill. We can have democracy in Iraq, but not here on the House floor.

Mr. Speaker, I rise today with mixed emotions. I am angered by the blatant disregard by the Republican majority for the rights of the minority to offer an alternative. On top of that, we have just 1 hour of debate on this bill that will reduce Federal revenues by at least $550 billion. Not only are the views of the minority members being squashed, but the American people are being denied the opportunity to hear a frank and open debate about the future direction of their country. There is democracy in Iraq now, but not on the floor of the U.S. House of Representatives.

I am also saddened. Saddened by the fact that my colleagues on the other side of the aisle, many of them good friends, have abandoned fiscal discipline. They have embraced tax cuts as a panacea for all our ills. They have made a conscious decision to enjoy their cake now and saddle our children, grandchildren and great-children with debt.

Oh how times have changed. In 1995, the Republican Majority Leader, Mr. DELAY, said "By the year 2002, we can have a Federal Government with a balanced budget or we can continue down the present path towards total fiscal catastrophe." I don't often agree with the gentleman from Texas, but on this point I am with him 100 percent.

Democrats have a fiscally sound bill that will provide immediate assistance to the 8 million unemployed Americans.

Democrats have a fiscally sound bill that will provide immediate assistance to States that are being overwhelmed by budget crises of their own.

Democrats have a fiscally sound bill that will provide immediate assistance to small businesses which are the job creators.

Democrats have a fiscally sound bill that will give the majority of Americans tax relief right now.

Republicans offer a plan that has been tried, tried, and tried again. Each and every time it has failed. Giving the wealthiest a tax cut does not spur economic activity. Wealthy people save the extra money. Middle class and low-income families spend the extra money. But, what we have before us today is a whopping permanent tax cut for the rich and a meager temporary tax cut for the rest of us.

Mr. Speaker, I also have some fear in my gut right now. I fear that we will leave many, many children behind because of this foolish tax cut policy. I fear that one again seniors will be forced to choose between paying their rent and buying prescription drugs so that Republicans can provide a boondoggle of tax cut to 1 percent of Americans. I fear that the bipartisan effort that led to a balanced budget and actual payments toward eliminating our national debt has been squandered in a frenzy of demagoguery.

I urge my colleagues on the other side of the aisle to stop. Take a breath. Think about what you are doing. Vote against the rule. Vote against this bill. Don't write out a bill, stuff it into an envelope and mark it to be paid by the next generation.

Mr. FROST. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise to speak about this rule and this bill of the Republican leadership that clearly engages in a game of make-believe, believing that big tax cuts for the wealthiest, which will not even be enacted for years to come, will ease the pain of today's unemployed workers now.

Mr. Speaker, the Republican leadership is clearly engaging in a game of make-believe as they push their tax plan. In their imaginary world, big tax cuts for the wealthiest—the bulk of which won't be enacted for years to come—would ease the pain of unemployed workers now.

We have already seen what happens when the Republicans legislate in a dream world. Since they passed their last irresponsible tax cut, more than 1½ million America's have lost their jobs. Only in fantasyland is that considered effective economic stimulus.

But America's working families live in the real world. They understand the real damage this plan will cause. I oppose this rule and the Republican's budget and urge my colleagues to do the same.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, we have heard it before, we can afford tax cuts, large increases in national defense and still balance the budget. This is not a new idea. We heard it 22 years ago from President Reagan and Congress. The result, America's national debt quadrupled in just over a decade.

We heard this idea again 2 years ago when House Republicans speaking today proposed a $1 trillion tax cut and said the national debt will be paid off by 2013. The result, last month those same Republicans had to vote to increase the national debt ceiling in 2013 to $12 trillion, a $6 trillion increase. Result: we have gone from the largest surplus in American history to the largest deficit in American history in just over 2 years and 2.5 million workers have lost their jobs.

Now those same House Republicans want us to follow their lead once again, asking us to ignore their $12 trillion miscalculation just 24 months ago. It is tempting to be swayed by their siren song of simple solutions, cut taxes by trillions, balance the budget, no sacrifice, no tough choices; and how I wish it were that simple. If it were, we could triple the size of this tax cut today and pay off the national debt tomorrow. The free-lunch philosophy might make for good sound bites, but it is fiscally irresponsible policy.

The Congressional Budget Office, headed by President Bush's, one of his top White House economists, just a year or two ago recently concluded that any economic growth in the administration's tax cut proposals would be offset by the long-term drag effect of massive structural deficits as far as the eye can see.

This is a growth bill all right. It will grow our national debt and the taxes our children will have to pay in interest on that debt for the rest of their lives. Once the economy gets on its feet, $300 billion annual deficits, structural deficits will stifle business growth by soaking up capital and driving up interest costs for buying new homes, cars, running businesses or family farms.

The free-lunch philosophy has not worked in the past, and it will not work today. Vote "no" on this fiscally irresponsible bill.

Mr. Speaker, we have heard it before: "We can afford massive tax cuts, large increases in national defense and still balance the budget." This is not a new idea. We heard it 22 years ago from Congress and President Reagan. The result? America's national debt quadrupled in just over a decade.

We heard this idea 2 years ago when House Republicans proposed a trillion dollar tax cut and said the national debt will be paid off by 2013. The result? Last month those same Republicans had to vote to increase the national debt in 2013 to $12 trillion, a $6 trillion increase. The result? We have gone from the largest surplus in American history to the largest deficit in American history in just over 2 years and 2½ million workers have lost their jobs.

Now, those same House Republicans want us to follow their lead once again, asking us to ignore their $12 trillion miscalculation just two years ago. "Let's have more massive tax cuts, increase defense spending, rebuild Afghanistan and Iraq, and oh, yes, we will balance the budget."

It is tempting to be swayed by the siren song of simple solutions—cut taxes by hundreds of billions of dollars and balance the budget—no sacrifice and no tough choices. How I wish it were that simple. If it were, we could triple the size of this tax cut and pay off the national debt right a way.

The free lunch philosophy might make for good sound bites, but it is fiscally irresponsible policy. That philosophy quadrupled our national debt in the 1980s and it contributed to our going from the largest surplus to the largest deficit in American history.

The Congressional Budget Office, headed by one of President Bush's top White House economists recently concluded that any economic growth from the administration's tax cuts would be offset by the long-term drag effect of massive structural deficits for as far as the eye can see.

I hear supporters of this tax bill say we could pay for the tax cuts with spending cuts. Well, show me the beef. The truth is that the administration is proposing increases in three of the five largest Federal programs: defense, medicare and interest on the national debt.

It took House Republicans all of 2 weeks to completely retreat from their proposals to cut Medicare by $162 billion, Medicaid by $110 billion and veterans benefits by $28 billion. And, frankly, I hope the House will reject the administration plan to cut highway spending and education funds for military children even while their parents are deployed to Iraq.

The dirty little secret in this process is that the tax cut deal in this bill does not mention the fiscal impact of $795 billion in additional tax cuts proposed by the administration or Congressional Republicans.

So, here we go again. Pass massive tax cuts. Talk tough on spending cuts, knowing full well Congress won't pass those spending cuts. The end result? Exactly what it was in 1981 and 2001—tax cuts paid for by massive borrowing from our children and grandchildren.

This is a growth bill all right. It will grow our national debt and the taxes our children will have to pay on the interest on that debt. Once the economy gets on its feet, $300 billion annual deficits will stifle business growth by soaking up capital and driving up interest costs on houses, cars, businesses and farmers.

The free lunch philosophy has not worked in the past and it will not work today.

If we are to have a tax cut, it should focus its stimulus now, not 10 years from now, it should be fair to average working Americans and it should not do damage to our long-term national debt.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I am proud to be here today to support this very comprehensive economic stimulus package. This plan actually has three fundamental caveats: number one, jobs; number two, jobs; number three, jobs. Jobs, jobs, jobs. If someone does not have a job and they want a job, this plan is for them. If they do have a job and they want a better-paying job, this plan is for them as well.

Some are saying that this is a plan for the rich because it would reduce double taxation on dividends. Those that are saying that are stuck in an economic time warp because they are out of touch with reality. Today, a huge percentage of the American public is invested in the stock market. Double taxation is not only unfair, it is un-American.

That is why I am supporting this plan because I sincerely believe it is the right vehicle to get us on the right road to economic recovery. This plan is an economic engine that is pro-growth, pro-opportunity and pro-family; and I am talking about the American family, every single one of them.

This is not the time to wring our hands. This is a time to be bold, like the President has been and like our proud troops have been, and I am proud to support this bold plan.

I urge adoption of the rule.

Mr. FROST. Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas (Mr. FROST) has 6½ minutes remaining. The gentleman from New York (Mr. REYNOLDS) has 8½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

The SPEAKER pro tempore. The Chair will entertain unanimous consent requests and the request only. Time beyond the unanimous consent request will be timed and subtracted.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I vigorously oppose this ridiculous and unsatisfactory——

The SPEAKER pro tempore. Does the gentlewoman have a unanimous consent request to make? Does the gentlewoman have a unanimous consent request to make?

Mr. REYNOLDS. Regular order, please, Mr. Speaker.

Ms. JACKSON-LEE of Texas. Vote down this rule.

Mr. Speaker, I rise in opposition to the rule, H. Res. 227. This rule is an outrageous departure from well-established House procedure.

The minority party is invariably allowed to offer an amendment in the form of a substitute to the majority bill. This extraordinary and malicious rule denies the Democratic Party that opportunity. This closed rule shuts the door on debate of numerous valuable provisions that were included in the Democratic substitute to H.R. 2 as well as many valuable amendments that my Democratic colleagues and I proposed to the bill.

The bill we will debate on this floor today impacts every American citizen regardless of their political affiliation. Both H.R. 2 and the Democratic substitute jobs and tax bill proposed solutions to the longstanding problems of unemployment and economic stagnancy.

At the very least, the American people have the right to have the issue of the best way to create jobs and jumpstart our economy fully debated on the House of Representatives floor. This prohibitive rule strips Americans of that right.

For example, I proposed an amendment to H.R. 2 that was not made in order and will therefore not have the benefit of floor debate. My amendment granted much needed tax relief to Americans who lost their jobs because of the faults of others. Under the provisions of my amendment, the severance packages of employees who lost their jobs because of the criminal activity or corporate malfeasance of their employers, are exempt from taxation.

My amendment would help suffering former employees such as those laid off from Enron. In Houston alone, approximately 4,500 Enron employees lost their jobs. As they were shown the door, Enron employees received a severance package worth at most a mere $13,500. Given the struggles many Enron employees endured this sum was insufficient.

For example, Nathan Childs of Houston was laid off from Enron. He and his wife, Adena, had to give up their apartment. The stress of the unemployment made their oldest son so ill he had to be hospitalized. Adena Childs had a stroke at the young age of 29 years old. Bill Peterson, also of Houston, is another Enron employee laid off in the massive cuts. Mr. Peterson lost his job while undergoing chemotherapy. He and his wife were forced to sell their car and home. For the first time in their married lives they were without life or medical insurance.

My amendment would have kept every penny of the Enron severance in the pockets of struggling Americans like Nathan Childs and Bill Peterson. At the very least families like those who lost their jobs in the Enron debacle are due the opportunity to have their Congressperson engage in debate on their behalf. Likewise, those American who would have benefitted from the Democratic substitute job stimulus bill and those who benefitted from my colleagues various amendments are due vigorous debate on their behalf.

Mr. Speaker, I vehemently oppose H. Res. 227. This rule violates established procedure. This rule take the malicious step of denying the minority party the opportunity to propose a substitute. I also oppose this rule because many provision, in the minority substitute and in proposed amendments, that benefit needy American families will not be heard on the House of Representatives floor.

The SPEAKER pro tempore. Time has been subtracted beyond the unanimous consent request.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, what are Republicans afraid of? Are they afraid of the anger of millions of unemployed when they found out Republicans are passing yet another massive tax cut while unemployment benefits for hard hit families are about to run out?

Are Republicans afraid of middle-class workers who do not know whether we are going to have yet another wave of corporate downsizing in this country that will put their jobs, their health care and their kids education at risk?

What is clear is that Republicans are afraid of something because they will not even allow Democrats to offer our alternative plan. We go halfway around the world to bring democracy to Iraq, and then they stifle democracy here. What a lesson to all those who we seek to spread the benefits of democracy to. They defile this bastion of democracy.

Republicans do not want an open debate because they do not want the American middle class to see what they are doing. They borrow hundreds of billions from tomorrow to pay for tax cuts today, geared to those who already have plenty of income. Republicans create a mountain of debt on this and the next generation of Americans, and they conduct class warfare when they sunset the minimal tax provisions they provide to average Americans in 3 years, but wealthy Americans, they let those provisions continue to ride for quite some time.

America simply cannot be red, white and broke and meet its challenges both at home and abroad in the years to come. It is time for Republicans to realize that their tax cut is not the answer to every problem. For 2½ years it has not worked: ask the 8.8 million Americans who are unemployed.

Let us stop squandering the future of American families and start doing something about the economic mess they have created; and if my colleagues will not, at least allow us to offer an alternative that will put millions of Americans back to work. Give us the opportunity for a vote. What are my colleagues hiding from? Let us show the rest of the world what democracy is really about.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Half of the tax relief package in 2003 is directed to the child tax credit, expanding the 10 percent bracket, eliminating the marriage penalty, accelerating the marginal rate cuts, and ensuring that middle-class families do not face the AMT. 9.9 million taxpayers will not pay the AMT because of H.R. 2. Ten million Americans who are our seniors will directly receive assistance from the dividend return they are going to get in their senior income.

If I were able to signal a message to the White House, I would say, Mr. President, we are on our way shortly to have a rule vote and we are no longer talking about your early ideas, should we or should we not have a tax cut. Mr. President, there is going to be a tax cut when the House concludes its business, I predict, and I predict it will pass by a bipartisan support, just as the one did that the President initiated in 2001.

So as we look here today, we are talking some process, but when I sat in that Committee on Rules meeting last night, over half of the amendments introduced by my Democratic colleagues came forth on how they want to deal in tax planning, not to do away with it.

So today we are moving forward. We are going to have a rule vote, and then we are going to take the bill on the floor, if it passes the rule, and we are going to have an opportunity to debate what the tax policy will be for this country. I believe, not only in my district and my State, but the country wants that money back in their pockets rather than the Federal Government spending it.

Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise in support of the jobs and growth package and the rule that accompanies it.

Mr. Speaker, our economy is in the doldrums. 525,000 Americans have lost their jobs since February; 95,000 Americans have lost their manufacturing jobs. In my State of New Hampshire, 21 percent of our manufacturing jobs have disappeared; 17,000 of my fellow Granite Staters are out of work.

Mr. Speaker, businesses and families need the 1.2 million jobs represented by H.R. 2; but, Mr. Speaker, it always comes down to individual Americans, and a couple of weeks ago, I spoke with a high-tech worker in Bedford, New Hampshire, who had lost his job and been out of work for several months. That is just one American, but every American who cannot find a job is one American too many, and that is why today we need H.R. 2, to get Americans back to work.

I urge support for the rule and H.R. 2.

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, I think the fundamental question here this morning is what do the American people want. We know what we want; we know what my colleagues want. But what do the American people want?

I will tell my colleagues what the American people want. The American people want a tax plan that will create jobs immediately, stimulate the economy immediately, and is paid for immediately, now, and will not add to the debt of our younger generations to pay for.

The Republican plan does that. It adds to that debt. They cannot argue that. Is it fair to have that generation that went over in Iraq to fight so bravely, for those young men and women to come back here and to have to pay for the war, to pay for the debt?

The Democratic plan that we support gives fair and balanced tax cuts. It gives immediate, targeted tax cuts for working families. It expands the 10 percent income tax bracket. It increases the child tax credit, ends the marriage penalty and, yes, extends unemployment benefits for those that need it.

The American people are hurting. We have more people out of work than we have had in over 20-some years. Under the Republican administration, unemployment has skyrocketed. We need help for those that need it the most. We need help to give to our States.

Under our Democratic plan, for our States' struggling economies, we give $44 billion; for the small businesses and the small manufacturers, $29 billion: and for those employers who will dare go and do the right thing and hire an unemployed person, we give a tax credit of $2,500. That is what is meaningful. That is what our people want, and I urge this House to reject and to vote for the Democratic plan.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM), one of the great patriots of this House.

Mr. CUNNINGHAM. Mr. Speaker, I am not on the Committee on Ways and Means, but I do understand that before the committee the Democrats did not offer a plan. They wanted to do it in the dead of night with no rule, scrutiny and no amendments whatsoever and make press releases.

They demagogue today all the things that they demagogued in 1993 when they had the House, the White House, and the Senate. They cut veterans' COLAs. We restored that. They cut military COLAs. We restored that. Social Security, another demagogue issue, well they increased the tax on Social Security; and they spent every dime out of the Social Security trust fund.

I remember the gentleman from Missouri talking, oh, the lady in the red dress, we need middle-class tax breaks. They increased the tax on the middle class, and then they stand up here without any scrutiny, without bringing their substitute, their motion to recommit before the committee. It is a little disingenuous.

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Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Speaker, this is all about the Wizard of Oz. What is behind the curtain? They do not want anybody to look. Why? Because what is behind the curtain since President Bush took office is every single hour, and we have been debating this rule for 1 hour, and in that 1 hour, 563 Americans have lost their jobs, and there is nothing in this bill for them. That is obscene. The rule is bad. That is worse.

At the same time, we have been borrowing from our children. Every single minute that President Bush has been in office, we have borrowed $585,000. Since this debate has taken place, about 90 minutes, we have borrowed $52 million, and that does not include what we will have to borrow to pay for this tax cut.

This tax cut is wrong. It will not help the economy. It is targeted to the wrong group of taxpayers, and it will increase the debt we leave to our children. It is irresponsible, and it is a gimmick to keep the American people from looking behind the curtain. We need to vote "no" on this rule, and we need to vote "no" on this tax bill.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget.

Mr. NUSSLE. Mr. Speaker, just like last year when the Democrats did not have a budget, this year they do not have an economic plan. They have a press release that they rushed to the floor today, had it put into legislative language, but it is basically a press release. What does it do? It spends and it taxes. In fact, in the Committee on Ways and Means, half of the amendments that were introduced raised taxes on the American people.

I do not know what economics book they are reading; but not only do we not raise taxes during a recession, but as the gentleman earlier said, it does not cost the government when we talk about tax cuts. Taxes cost Americans. When we leave money in the pockets of the people that earned the money in the first place, that is what is called America. When we tax and spend, that is what is called liberalism.

Unfortunately, that is what we are offered with more today. The Democratic plan increases the debt actually more than the Republican plan. Just like the gentleman from South Carolina (Mr. SPRATT) said, the plan for the Republicans increases the debt; we have had the Democratic plan scored over 10 years, and it increases the debt $1.7 trillion.

Mr. Speaker, I rise in support of H.R. 2—"The Jobs and Growth Act of 2003."

This bill is appropriately named—it provides tax relief to boost economic growth and create jobs. And that is what workers and their families in Iowa and across the nation need today—a stronger economy and more jobs.

We cannot afford to sit back and do nothing. We are rising to the challenge and taking action to get our economy growing again. We will help ensure that every worker who wants a job can be fully employed.

The economy is struggling to overcome a number of shocks that no one anticipated: the terrorist attacks of September 11, 2001; a recession; the ongoing war on terror; military conflicts in Afghanistan and in Iraq; and a bursting of the stock market bubble. We should be thankful that our Nation's economy has been relatively resilient in the face of such shocks. Things could be much worse.

In 2001, we passed tax relief legislation—including $40 billion in tax rebates—that was perfectly timed to help keep the recession from being worse than it was. Last year, we passed stimulus legislation—"The Job Creation and Worker Assistance Act"—that included business investment incentives and extended unemployment benefits. Without these policies, the economy would be in much worse shape and an additional 1½ million jobs would have been lost.

But things aren't as good as we want them to be. Our economy has lost 2 million jobs over the past 2 years and the unemployment rate is up to 6 percent. We've had a half million jobs lost in just the last 3 months. Real GDP is growing at only 1½ percent over the past 6 months. The evidence is clear: We need to adopt policies to help boost our economy and create jobs.

This bill will do that. It will help families in Iowa. It will help businesses. It will promote investment and jobs. It will help to get our economy growing again. It provides for immediate help for all taxpayers, including lower income tax rates, increased child tax credits, and marriage penalty relief.

When it comes to job creation, small businesses are the engine that keeps our economy pumping. Small business investment in Iowa and across the nation will particularly benefit from the higher depreciation allowances that will reduce the cost of new equipment that businesses need to maintain operations and grow. There will be an improved flow of investment funds for new capital investments from the reduction in capital gains and dividend income tax rates.

We've heard various estimates about how many jobs the President's plan would create; or how many jobs a bill at $550 billion, or at $350 billion would create. Or how many the Democrats want to claim from their proposal. What we know is that this bill, H.R. 2, has more tax relief in FY 2003 and FY 2004 than was even included in the President's plan. It certainly has more tax relief than in the Democrats' plan—and more total stimulus, too. The tax relief of this bill will clearly help to create as many or more jobs than either the President's plan or the Democrats' plan—and the numbers we've heard for those plans are in the range of 1 million to 1.4 million jobs. This bill will boost jobs by well over a million jobs by the end of 2004. This legislation will add an estimated more than 9,000 jobs in Iowa just in 2004 alone.

Our plan will promote sustained growth in the economy and jobs. The Democratic plan is like a rug pulled out from underneath the economy. They want to raise taxes by nearly $200 billion. Their plan would kill economic growth and jobs right when growth was getting started.

As Chairman of the Budget Committee, I can say that the $550 billion of tax relief in H.R. 2 is within the revenue and spending levels provided in the budget resolution. In fact, the budget resolution provides for as much as $1.2 trillion of tax relief. And, I can remind everyone that the budget resolution shows a return to a balanced budget. We are in favor of the tax relief that the bill under consideration provides—but we also provide that tax relief with an eye toward boosting the economy and returning the budget to balance.

I urge my colleagues in the House to support this bill—to support growth in our economy and growth in jobs, and all within a framework of returning the budget to balance.

Mr. FROST. Mr. Speaker, I would inquire of the other side how many speakers they have left.

Mr. REYNOLDS. Mr. Speaker, I have one additional speaker, and I reserve the right to close.

Mr. FROST. Mr. Speaker, we are prepared to close, but customarily we close by preceding the last speaker on the other side.

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule. When we won the majority back in 1994, we decided that we were going to guarantee that the minority had something that we on numerous occasions were denied. That was an opportunity to offer a motion to recommit.

I will admit that we very much wanted to try to put together a structure whereby we could allow a substitute for the minority. But as we looked at what this bill is called, Mr. Speaker, it is called the Jobs and Growth Tax Act of 2003. What that means is we are putting into place policies that will reduce the tax burden so we can stimulate economic growth.

Unfortunately, the package that was submitted to us yesterday by the minority to be offered as a substitute consisted, as was just said by the chairman of the Committee on the Budget, of tax increases; and it also goes into a wide range of other areas which have nothing to do with the Jobs and Growth Tax Act of 2003. In fact, we would have to provide waivers of almost every single rule imaginable to have made in order their substitute.

That is why, Mr. Speaker, I would argue that we have done the minority a tremendous favor, a tremendous favor by saving them from casting a vote in support of a tax increase as we deal with what Secretary Snow yesterday described as a wobbly recovery. We all acknowledge that we are dealing with economic challenges. As we listen to our friends talk about the unemployment rate, we know jobs have been lost, and we know also that this downturn began the last 2 quarters of 2000 before this administration came into office.

We also know as we looked at the statements that were made by the President in his campaign, he said if we faced war, recession or a national emergency, we would be forced to go into deficit spending. And guess what, we have encountered all three. We are working diligently to ensure that we can climb out, and the best way to climb out is to unleash the potential of the American people which we know is limitless if we can provide that kind of opportunity for them.

So, Mr. Speaker, we have a fair rule which does guarantee them their motion to recommit, and we also will have a chance to put into place a package which will do what President Bush has been arguing consistently, to give the American people a chance to keep some of their own hard-earned monies, generate economic growth, and then have the level of revenues that we need to balance the budget, to meet our priorities when it comes to education and health care and homeland security and national defense.

Mr. Speaker, I think we have a wonderful package here. We have saved the Democrats from themselves. Let us support this rule, move ahead with a rigorous debate, and then pass our growth package.

Mr. FROST. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, because this rule is so patently unfair, I urge every Member of this House, even those who do not care about the integrity of the institution itself, to vote against the previous question. If the previous question is defeated, I will offer an amendment to the rule. My amendment will allow the House to consider the Rangel substitute, the Rebuilding America Through Jobs Democratic substitute which was voted down in the Committee on Rules last night by a straight party-line vote.

The Democratic plan provides immediate job-boosting help to the economy. It provides fair tax relief by giving working families a break. It does not pander to the wealthiest of the wealthy. It provides a desperately needed extension of unemployment assistance to the millions of people without jobs under George W. Bush. It stimulates the economy by giving tax incentives to all businesses, especially small businesses and U.S. manufacturing.

Let me make it very clear that a "no" vote on the previous question will not stop consideration of Republican Pioneers Tax Relief Act. A "no" vote will simply allow the House to consider the Democratic Jobs and Growth Plan: but a "yes" vote on the previous question will prevent the House from taking up this responsible alternative. Make no mistake, this vote is the only opportunity the House will have to consider the Rangel substitute. I urge a "no" vote on the previous question.

Mr. Speaker, I ask unanimous consent the text of the amendment be printed in the RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, our economy is in need of a doctor, but the diagnosis suggests a remedy that is more comprehensive than the Band-Aid approach some of my colleagues suggest. Rather, the economy requires a shock to the system to stimulate a more rapid rate of growth, create incentives to work, save and invest, and encourage more disciplined Federal spending. The prognosis is very promising, but it stipulates immediate attention. That is why I urge a "yes" vote on this rule and the underlying legislation. A "yes" vote delivers money back into the hands of our constituents, the American taxpayers, and sends jobs to our districts.

The material previously referred to by Mr. FROST is as follows:

In the resolution strike "and (2)" and insert the following:

"(2) the amendment printed in Sec. 2 of this resolution if offered by Representative Rangel or a designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 60 minutes equally divided and controlled by the proponent and an opponent; and (3)"

Strike all after the enacting clause and insert in lieu thereof the following:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Jobs and Growth Reconciliation Tax Act of 2003".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; references; table of contents.

TITLE I—IMMEDIATE STIMULUS AND JOB CREATION

Subtitle A—Family Tax Relief

Sec. 101. Acceleration of increase in child tax credit.
Sec. 102. Increase in standard deduction for married taxpayers filing joint returns accelerated.
Sec. 103. Acceleration of 10-percent individual income tax rate bracket expansion.
Sec. 104. Acceleration of elimination of marriage penalty in earned income credit.

Subtitle B—Incentives to Hire the Long-Term Unemployed
Sec. 111. Incentives to hire the long-term unemployed.
Subtitle C—Extension of Unemployment Benefits
Sec. 121. Short title.
PART I—TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION
Sec. 131. References.
Sec. 132. Extension of the Temporary Extended Unemployment Compensation Act of 2002.
Sec. 133. Entitlement to additional weeks of temporary extended unemployment compensation.
Sec. 134. Extended benefit periods.
PART II—UNEMPLOYMENT BENEFITS FOR INDIVIDUALS QUALIFYING BASED ON PART-TIME WORK OR AN ALTERNATIVE BASE PERIOD
Sec. 141. Federal-State agreements.
Sec. 142. Payments to States having agreements under this part.
Sec. 143. Financing provisions.
Sec. 144. Definitions.
Sec. 145. Applicability.
PART III—ENHANCED UNEMPLOYMENT BENEFITS
Sec. 151. Federal-State agreements.
Sec. 152. Payments to States having agreements under this part.
Sec. 153. Definitions.
Sec. 154. Applicability.
Subtitle D—Trust Fund to Meet Nation's Pressing Needs
Sec. 161. Trust fund to meet nation's pressing needs.
TITLE II—LONG-TERM JOB CREATION AND GROWTH
Sec. 201. Increase and extension of bonus depreciation.
Sec. 202. Increased expensing for small business.
Sec. 203. Deduction relating to income attributable to United States production activities.
TITLE III—FISCAL RESPONSIBILITY AND PROVISIONS ADDRESSING CORPORATE ABUSE
Subtitle A— General Provisions
Sec. 301. Freeze of top individual income tax rates.
Sec. 302. Restoration of phaseouts of deductions for personal ·exemptions and of itemized deductions.
Sec. 303. Repeal of exclusion for extraterritorial income.
Subtitle B—Abusive Tax Shelter Shutdown and Taxpayer Accountability
PART I—PROVISIONS DESIGNED TO CURTAIL TAX SHELTERS
Sec. 311. Clarification of economic substance doctrine.
Sec. 312. Penalty for failing to disclose reportable transaction.
Sec. 313. Accuracy-related penalty for listed transactions and other reportable transactions having a significant tax avoidance purpose.
Sec. 314. Penalty for understatements attributable to transactions lacking economic substance, etc.
Sec. 315. Modifications of substantial understatement penalty for nonreportable transactions.
Sec. 316. Tax shelter exception to confidentiality privileges relating to taxpayer communications.
Sec. 317. Disclosure of reportable transactions.
Sec. 318. Modifications to penalty for failure to register tax shelters.
Sec. 319. Modification of penalty for failure to maintain lists of investors.
Sec. 320. Modification of actions to enjoin certain conduct related to tax shelters and reportable transactions.
Sec. 321. Understatement of taxpayer's liability by income tax return preparer.
Sec. 322. Penalty on failure to report interests in foreign financial accounts.
Sec. 323. Frivolous tax submissions.
Sec. 324. Regulation of individuals practicing before the department of treasury.
Sec. 325. Penalty on promoters of tax shelters.
Sec. 326. Statute of limitations for taxable years for which listed transactions not reported.
Sec. 327. Denial of deduction for interest on underpayments attributable to nondisclosed reportable and noneconomic substance transactions.
PART II—OTHER PROVISIONS
Sec. 331. Limitation on transfer or importation of built-in losses.
Sec. 332. Disallowance of certain partnership loss transfers.
Sec. 333. No reduction of basis under section 734 in stock held by partnership in corporate partner.
Sec. 334. Repeal of special rules for fasits.
Sec. 335. Expanded disallowance of deduction for interest on convertible debt.
Sec. 336. Expanded authority to disallow tax benefits under section 269.
Sec. 337. Modifications of certain rules relating to controlled foreign corporations.
Sec. 338. Basis for determining loss always reduced by nontaxed portion of dividends.
Sec. 339. Affirmation of consolidated return regulation authority.
Subtitle C—Prevention of Corporate Expatriation To Avoid United States Income Tax
Sec. 341. Prevention of corporate expatriation to avoid United States income tax.
Subtitle D—Inclusion in Gross Income of Funded Deferred Compensation of Corporate Insiders
Sec. 351. Inclusion in gross income of funded deferred compensation of corporate insiders.

TITLE I—IMMEDIATE STIMULUS AND JOB CREATION

Subtitle A—Family Tax Relief

SEC. 101. ACCELERATION OF INCREASE IN CHILD TAX CREDIT.

(a) IN GENERAL.—The items relating to calendar years 2001 through 2008 in the table contained in paragraph (2) of section 24(a) (relating to per child amount) are amended to read as follows:

"2003 thru 2009	$ 800
2010 or thereafter	1,000".

(b) ACCELERATION OF INCREASE IN REFUNDABLE PORTION OF CREDIT.—

(1) IN GENERAL.—Clause (i) of section 24(d)(1)(B) is amended to read as follows:

"(i) 15 percent of so much of the taxpayer's earned income (within the meaning of section 32) which is taken into account in computing taxable income for the taxable year as exceeds $7,500, or".

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 24(d) is amended—

(A) by striking "$10,000" and inserting "$7,500", and

(B) by striking "2000" and inserting "2002".

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 102. INCREASE IN STANDARD DEDUCTION FOR MARRIED TAXPAYERS FILING JOINT RETURNS ACCELERATED.

(a) IN GENERAL.—Subparagraph (A) of section 63(c)(2), as amended by the Economic Growth and Tax Relief Reconciliation Act of 2001, is amended by striking "the applicable percentage of" and inserting "twice".

(b) CONFORMING AMENDMENTS.—

(1) Section 301(d) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking "2004" and inserting "2002".

(2) Section 63(c) is amended by striking paragraph (7).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 103. ACCELERATION OF 10-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET EXPANSION.

(a) IN GENERAL.—Clause (i) of section 1(i)(1)(B) (relating to the initial bracket amount) is amended by striking "($12,000 in the case of taxable years beginning before January 1, 2008)".

(b) INFLATION ADJUSTMENT.—Subparagraph (C) of section 1(i)(1) is amended to read as follows:

"(C) INFLATION ADJUSTMENT.—In prescribing the tables under subsection (f)—

"(i) no adjustment shall be made in the $14,000 amount for any taxable year beginning before 2004, and

"(ii) the adjustment in such amount with respect to taxable years beginning after 2003 shall be determined under subsection (f)(3) by substituting '2003' for '1992' in subparagraph (B) thereof."

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(2) TABLES FOR 2003.—The Secretary of the Treasury shall modify each table which has been prescribed under section 1(f) of the Internal Revenue Code of 1986 for taxable years beginning in 2003 and which relates to the amendment made by this section to reflect such amendment.

SEC. 104. ACCELERATION OF ELIMINATION OF MARRIAGE PENALTY IN EARNED INCOME CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 32(b)(2) is amended to read as follows:

"(B) JOINT RETURNS.—In the case of a joint return filed by an eligible individual and such individual's spouse, the phaseout amount determined under subparagraph (A) shall be increased by $3,000."

(b) CONFORMING AMENDMENT.—Clause (ii) of section 32(j)(1)(B) is amended by striking "2007" and inserting "2002".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

Subtitle B—Incentives to Hire the Long-Term Unemployed

SEC. 111. INCENTIVES TO HIRE THE LONG-TERM UNEMPLOYED.

(a) IN GENERAL.—Paragraph (1) of section 51(d) (relating to members of targeted groups) is amended by striking "or" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", or", and by adding at the end the following new subparagraph:

"(I) a qualified long-term unemployed individual."

(b) Qualified Long-Term Unemployed Individual.—Subsection (d) of section 51 is amended by redesignating paragraphs (10), (11), and (12) as paragraphs (11), (12), and (13), respectively, and by inserting after paragraph (9) the following new paragraph:

"(10) Qualified long-term unemployed individual.—

"(A) In general.—The term 'qualified long-term unemployed individual' means any individual who is certified by the designated local agency—

"(i) as having exhausted, during the 1-year period ending on the hiring date, all rights to regular unemployment compensation under State or Federal law, and

"(ii) as having a hiring date which is during the 1-year period beginning on the date of the enactment of this paragraph.

Subsection (c)(4) shall not apply to any qualified long-term unemployed individual.

"(B) Exhaustion of benefits.—For purposes of subparagraph (A), an individual shall be deemed to have exhausted such individual's rights to regular compensation when—

"(i) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period, or

"(ii) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed."

(c) Effective Date.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

Subtitle C—Extension of Unemployment Benefits

SEC. 121. SHORT TITLE.

This subtitle may be cited as the "Unemployment Benefits Extension Act".

PART I—TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION

SEC. 131. REFERENCES.

Except as otherwise expressly provided, whenever in this part an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 26 U.S.C. 3304 note).

SEC. 132. EXTENSION OF THE TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2002.

(a) Extension of Program.—Section 208 is amended to read as follows:

"SEC. 208. APPLICABILITY.

"(a) In General.—Subject to subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

"(1) beginning after the date on which such agreement is entered into; and

"(2) ending before March 1, 2004.

"(b) Transition.—In the case of an individual who is receiving temporary extended unemployment compensation for the week which immediately precedes the first day of the week that includes March 1, 2004, temporary extended unemployment compensation shall continue to be payable to such individual for any week thereafter from the account from which such individual received compensation for the week immediately preceding that termination date. No compensation shall be payable by reason of the preceding sentence for any week beginning after October 31, 2004.".

(b) Effective Date.—The amendment made by this section shall take effect as if included in the enactment of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21).

SEC. 133. ENTITLEMENT TO ADDITIONAL WEEKS OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.

(a) Weeks of TEUC Amounts.—Paragraph (1) of section 203(b) is amended to read as follows:

"(1) In general.—The amount established in an account under subsection (a) shall be equal to 26 times the individual's weekly benefit amount for the benefit year.".

(b) Weeks of TEUC-X Amounts.—Section 203(c)(1) is amended by striking "an amount equal to the amount originally established in such account (as determined under subsection (b)(1))" and inserting "7 times the individual's weekly benefit amount for the benefit year".

(c) Effective Date.—

(1) In general.—The amendments made by this section—

(A) shall take effect as if included in the enactment of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21); but

(B) shall apply only with respect to weeks of unemployment beginning on or after the date of enactment of this Act, subject to paragraph (2).

(2) Special rules.—In the case of an individual for whom a temporary extended unemployment account was established before the date of enactment of this Act, the Temporary Extended Unemployment Compensation Act of 2002 (as amended by this part) shall be applied subject to the following:

(A) Any amounts deposited in the individual's temporary extended unemployment compensation account by reason of section 203(c) of such Act (commonly known as "TEUC-X amounts") before the date of enactment of this Act shall be treated as amounts deposited by reason of section 203(b) of such Act (commonly known as "TEUC amounts"), as amended by subsection (a).

(B) For purposes of determining whether the individual is eligible for any TEUC-X amounts under such Act, as amended by this part—

(i) any determination made under section 203(c) of such Act before the application of the amendments made by this part shall be disregarded; and

(ii) any such determination shall instead be made by applying section 203(c) of such Act, as amended by this part—

(I) as of the time that all amounts established in such account in accordance with section 203(b) of such Act (as amended by this part, and including any amounts described in subparagraph (A)) are in fact exhausted, except that

(II) if such individual's account was both augmented by and exhausted of all TEUC-X amounts before the date of enactment of this Act, such determination shall be made as if exhaustion (as described in section 203(c)(1) of such Act) had not occurred until such date of enactment.

SEC. 134. EXTENDED BENEFIT PERIODS.

(a) Application of Revised Rate of Insured Unemployment.—Section 207 is amended—

(1) by striking "In" and inserting "(a) In General.—In"; and

(2) by adding at the end the following:

"(b) Insured Unemployment Rate.—For purposes of carrying out section 203(c) with respect to weeks of unemployment beginning on or after the date of enactment of this subsection, the term 'rate of insured unemployment', as used in section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note), has the meaning given such term under section 203(e)(1) of such Act, except that individuals exhausting their right to regular compensation during the most recent 3 calendar months for which data are available before the close of the period for which such rate is being determined shall be taken into account as if they were individuals filing claims for regular compensation for each week during the period for which such rate is being determined, and section 203(d)(1)(A) of such Act shall be applied by substituting 'either (or both)' for 'each'.".

(b) Additional Extended Benefit Period Trigger.—

(1) In general.—Section 203(c) is amended by adding at the end the following:

"(3) Additional extended benefit period trigger.—

"(A) In general.—Effective with respect to compensation for weeks of unemployment beginning on or after the date of enactment of this paragraph, an agreement under this title shall provide that, in addition to any other extended benefit period trigger, for purposes of beginning or ending any extended benefit period under this section—

"(i) there is a State 'on' indicator for a week if—

"(I) the average rate of total unemployment in such State (seasonally adjusted) for the period consisting of the most recent 3 months for which data for all States are published before the close of such week equals or exceeds 6 percent; and

"(II) the average rate of total unemployment in such State (seasonally adjusted) for the 3-month period referred to in subclause (I) equals or exceeds 110 percent of such average rate for either (or both) of the corresponding 3-month periods ending in the 2 preceding calendar years; and

"(ii) there is a State 'off' indicator for a week if either the requirements of subclause (I) or (II) of clause (i) are not satisfied.

"(B) No effect on other determinations.—Notwithstanding the provisions of any agreement described in subparagraph (A), any week for which there would otherwise be a State 'on' indicator shall continue to be such a week and shall not be determined to be a week for which there is a State 'off' indicator.

"(C) Determinations made by the Secretary.—For purposes of this subsection, determinations of the rate of total unemployment in any State for any period (and of any seasonal adjustment) shall be made by the Secretary.".

(2) Conforming amendment.—Section 203(c)(1) is amended by inserting "or (3)" after "paragraph (2)".

PART II—UNEMPLOYMENT BENEFITS FOR INDIVIDUALS QUALIFYING BASED ON PART-TIME WORK OR AN ALTERNATIVE BASE PERIOD

SEC. 141. FEDERAL-STATE AGREEMENTS.

(a) In General.—Any State which desires to do so may enter into and participate in an agreement under this part with the Secretary of Labor (hereinafter in this part referred to as the "Secretary"). Any State which is a party to an agreement under this part may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) Provisions of Agreement.—

(1) IN GENERAL.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of regular compensation to individuals in amounts and to the extent that they would be determined if the State law were applied with the modifications described in paragraph (2).

(2) MODIFICATIONS DESCRIBED.—The modifications described in this paragraph are as follows:

(A) In the case of an individual who is not eligible for regular compensation under the State law because of the use of a definition of base period that does not count wages earned in the most recently completed calendar quarter, eligibility for compensation under this part shall be determined by applying a base period ending at the close of the most recently completed calendar quarter.

(B) In the case of an individual who is not eligible for regular compensation under the State law because such individual does not meet requirements relating to availability for work, active search for work, or refusal to accept work, because such individual is seeking, or is available for, less than full-time work, compensation under this part shall not be denied by such State to an otherwise eligible individual who seeks less than full-time work or fails to accept full-time work.

(c) COORDINATION RULE.—The modifications described in subsection (b)(2) shall also apply in determining the amount of benefits payable under any Federal law to the extent that those benefits are determined by reference to regular compensation payable under the State law of the State involved.

SEC. 142. PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS PART.

(a) GENERAL RULE.—There shall be paid to each State which has entered into an agreement under this part an amount equal to—

(1) 100 percent of any regular compensation made payable to individuals by such State by virtue of the modifications which are described in section 141(b)(2) and deemed to be in effect with respect to such State pursuant to section 141(b)(1), and

(2) 100 percent of any regular compensation—

(A) which is paid to individuals by such State by reason of the fact that its State law contains provisions comparable to the modifications described in section 141(b)(2), but only

(B) to the extent that those amounts would, if such amounts were instead payable by virtue of the State law's being deemed to be so modified pursuant to section 141(b)(1), have been reimbursable under paragraph (1).

(b) DETERMINATION OF AMOUNT.—Sums under subsection (a) payable to any State by reason of such State having an agreement under this part shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this part for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(c) ADMINISTRATIVE AND OTHER EXPENSES.—There is hereby appropriated out of the employment security administration account of the Unemployment Trust Fund (as established by section 901(a) of the Social Security Act) $500,000,000 to reimburse States for the costs of the administration of agreements under this part (including any improvements in technology in connection therewith) and to provide reemployment services to unemployment compensation claimants in States having agreements under this part. Each State's share of the amount appropriated by the preceding sentence shall be determined by the Secretary according to the factors described in section 302(a) of the Social Security Act and certified by the Secretary to the Secretary of the Treasury.

SEC. 143. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act), and the Federal unemployment account (as established by section 904(g) of the Social Security Act), of the Unemployment Trust Fund shall be used, in accordance with subsection (b), for the making of payments (described in section 142(a)) to States having agreements entered into under this part.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums described in section 142(a) which are payable to such State under this part. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification by transfers from the extended unemployment compensation account (or, to the extent that there are insufficient funds in that account, from the Federal unemployment account) to the account of such State in the Unemployment Trust Fund.

SEC. 144. DEFINITIONS.

For purposes of this part:

(1) IN GENERAL.—The terms "compensation", "regular compensation", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970, subject to paragraph (2).

(2) STATE LAW AND REGULAR COMPENSATION.—In the case of a State entering into an agreement under this part—

(A) "State law" shall be considered to refer to the State law of such State, applied in conformance with the modifications described in section 201(b)(2), and

(B) "regular compensation" shall be considered to refer to such compensation, determined under its State law (applied in the manner described in subparagraph (A)),

except as otherwise provided or where the context clearly indicates otherwise.

SEC. 145. APPLICABILITY.

An agreement entered into under this part shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into, and

(2) ending before July 1, 2004.

PART III—ENHANCED UNEMPLOYMENT BENEFITS

SEC. 151. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this part with the Secretary of Labor (hereinafter in this part referred to as the "Secretary"). Any State which is a party to an agreement under this part may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—

(1) IN GENERAL.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of regular compensation to individuals in amounts and to the extent that they would be determined if the State law were applied with the modification described in paragraph (2).

(2) MODIFICATION DESCRIBED.—The modification described in this paragraph is that the amount of regular compensation (including dependents' allowances) payable for any week shall be equal to the amount determined under the State law (before the application of this paragraph), plus an additional—

(A) 15 percent, or

(B) $25,

whichever is greater.

(c) NONREDUCTION RULE.—Each agreement shall provide that such agreement shall not apply (or shall cease to apply) upon a determination by the Secretary that the method governing the computation of regular compensation under the State law of that State has been modified in a way such that—

(1) the average weekly amount of regular compensation which will be payable during the period of the agreement (determined disregarding the modification described in subsection (b)(2)) will be less than

(2) the average weekly amount of regular compensation which would otherwise have been payable during such period under the State law, as in effect on September 11, 2001.

(d) COORDINATION RULE.—The modification described in subsection (b)(2) shall also apply in determining the amount of benefits payable under any Federal law to the extent that those benefits are determined by reference to regular compensation payable under the State law of the State involved.

SEC. 152. PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS PART.

(a) GENERAL RULE.—There shall be paid to each State which has entered into an agreement under this part an amount equal to 100 percent of any regular compensation made payable to individuals by such State by virtue of the modification described in section 151(b)(2) and deemed to be in effect with respect to such State pursuant to section 151(b)(1).

(b) DETERMINATION OF AMOUNT.—Sums under subsection (a) payable to any State by reason of such State having an agreement under this part shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this part for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

SEC. 153. DEFINITIONS.

For purposes of this part:

(1) IN GENERAL.—The terms "compensation", "regular compensation", "extended compensation", "additional compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970, subject to paragraph (2).

(2) STATE LAW AND REGULAR COMPENSATION.—In the case of a State entering into an agreement under this part—

(A) "State law" shall be considered to refer to the State law of such State, applied in conformance with the modification described in section 151(b)(2), subject to section 151(c), and

(B) "regular compensation" shall be considered to refer to such compensation, determined under its State law (applied in the manner described in subparagraph (A)), except as otherwise provided or where the context clearly indicates otherwise.

SEC. 154. APPLICABILITY.

(a) IN GENERAL.—An agreement entered into under this part shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into, and

(2) ending before January 1, 2004.

Subtitle D—Trust Fund to Meet Nation's Pressing Needs

SEC. 161. TRUST FUND TO MEET NATION'S PRESSING NEEDS.

(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Pressing Domestic Needs Trust Fund', consisting of such amounts as may be transferred to the Trust Fund as provided in this section.

(b) TRANSFERS TO FUND.—There are hereby transferred from the general Fund of the Treasury to the Pressing Domestic Needs Trust Fund so much of the additional amounts received in the Treasury by reason of the amendments made by title III of this Act as does not exceed—

(1) $18,000,000,000 to be used for increasing Federal matching funds under medicaid, and

(2) $26,000,000,000 to be used for infrastructure improvements, homeland security, community development, and education.

(c) EXPENDITURES.—Amounts in the Pressing Domestic Needs Trust Fund shall be available, as provided by appropriation Acts, for purposes and in the amount specified in subsection (b).

Subtitle D—Trust Fund to Meet Nation's Pressing Needs

SEC. 161. TRUST FUND TO MEET NATION'S PRESSING NEEDS.

(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Pressing Domestic Needs Trust Fund', consisting of such amounts as may be transferred to the Trust Fund as provided in this section.

(b) TRANSFERS TO FUND.—There are hereby transferred from the general Fund of the Treasury to the Pressing Domestic Needs Trust Fund so much of the additional amounts received in the Treasury by reason of the amendments made by title III of this Act as does not exceed—

(1) $18,000,000,000 to be used for increasing Federal matching funds under medicaid, and

(2) $26,000,000,000 to be used for infrastructure improvements, homeland security, community development, and education.

(c) EXPENDITURES.—Amounts in the Pressing Domestic Needs Trust Fund shall be available, as provided by appropriation Acts, for purposes and in the amount specified in subsection (b).

TITLE II—LONG-TERM JOB CREATION AND GROWTH

SEC. 201. INCREASE AND EXTENSION OF BONUS DEPRECIATION.

(a) IN GENERAL.—Section 168(k) (relating to special allowance for certain property acquired after September 10, 2001, and before September 11, 2004) is amended by adding at the end the following new paragraph:

"(4) 50-PERCENT BONUS DEPRECIATION FOR CERTAIN PROPERTY.—

"(A) IN GENERAL.—In the case of 50-percent bonus depreciation property—

"(i) paragraph (1)(A) shall be applied by substituting '50 percent' for '30 percent', and

"(ii) except as provided in paragraph (2)(C), such property shall be treated as qualified property for purposes of this subsection.

"(B) 50-PERCENT BONUS DEPRECIATION PROPERTY.—For purposes of this subsection, the term '50-percent bonus depreciation property' means property described in paragraph (2)(A)(i)—

"(i) the original use of which commences with the taxpayer after April 30, 2003,

"(ii) which is acquired by the taxpayer after April 30, 2003, and before May 1, 2004, but only if no written binding contract for the acquisition was in effect before May 1, 2003, and

"(iii) which is placed in service by the taxpayer before January 1, 2005, or, in the case of property described in paragraph (2)(B) (as modified by subparagraph (C) of this paragraph), before January 1, 2006.

"(C) SPECIAL RULES.—Rules similar to the rules of subparagraphs (B) and (D) of paragraph (2) shall apply for purposes of this paragraph; except that reference to September 10, 2001, shall be treated as references to April 30, 2003.

"(D) AUTOMOBILES.—Paragraph (2)(E) shall be applied by substituting '$9,200' for '$4,600' in the case of 50-percent bonus depreciation property.

"(E) ELECTION OF 30 PERCENT BONUS.—If a taxpayer makes an election under this subparagraph with respect to any class of property for any taxable year, subparagraph (A)(i) shall not apply to all property in such class placed in service during such taxable year."

(b) MODIFICATION TO 30-PERCENT BONUS DEPRECIATION PROPERTY.—

(1) PORTION OF BASIS TAKEN INTO ACCOUNT.—Subparagraphs (B)(ii) and (D)(i) of section 168(k)(2) are each amended by striking "September 11, 2004" each place it appears and inserting "January 1, 2005".

(2) ELECTION.—Clause (iii) of section 168(k)(2)(C) is amended by adding at the end the following: "The preceding sentence shall be applied separately with respect to property treated as qualified property by paragraph (4) and other qualified property."

(3) ACQUISITION DATE.—Clause (iii) of section 168(k)(2)(A) is amended by striking "September 11, 2004" each place it appears and inserting "January 1, 2005".

(c) CONFORMING AMENDMENTS.—

(1) The subsection heading for section 168(k) is amended by striking "SEPTEMBER 11, 2004" and inserting "JANUARY 1, 2005".

(2) The heading for clause (i) of section 1400L(b)(2)(C) is amended by striking "30-PERCENT ADDITIONAL ALLOWABLE PROPERTY" and inserting "BONUS DEPRECIATION PROPERTY UNDER SECTION 168(K)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 202. INCREASED EXPENSING FOR SMALL BUSINESS.

(a) IN GENERAL.—Paragraph (1) of section 179(b) (relating to dollar limitation) is amended to read as follows:

"(1) DOLLAR LIMITATION.—The aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $25,000 ($75,000 in the case of taxable years beginning in 2003 or 2004).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 203. DEDUCTION RELATING TO INCOME ATTRIBUTABLE TO UNITED STATES PRODUCTION ACTIVITIES.

(a) IN GENERAL.—Part VIII of subchapter B of chapter 1 (relating to special deductions for corporations) is amended by adding at the end the following new section:

"SEC. 250. INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.

"(a) IN GENERAL.—In the case of a corporation, there shall be allowed as a deduction an amount equal to 10 percent of the qualified production activities income of the corporation for the taxable year.

"(b) PHASEIN.—In the case of taxable years beginning in 2006, 2007, 2008 or 2009, subsection (a) shall be applied by substituting for the percentage contained therein the transition percentage determined under the following table:

"Taxable years beginning in:	The transition percentage is:
2006	1
2007	2
2008	4
2009	9

"(c) QUALIFIED PRODUCTION ACTIVITIES INCOME.—For purposes of this section, the term 'qualified production activities income' means the product of—

"(1) the portion of the modified taxable income of the taxpayer which is attributable to domestic production activities, and

"(2) the domestic/foreign fraction.

"(d) DETERMINATION OF INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.—For purposes of this section—

"(1) IN GENERAL.—The portion of the modified taxable income which is attributable to domestic production activities is so much of the modified taxable income for the taxable year as does not exceed—

"(A) the taxpayer's domestic production gross receipts for such taxable year, reduced by

"(B) the sum of—

"(i) the costs of goods sold that are allocable to such receipts,

"(ii) other deductions, expenses, or losses directly allocable to such receipts, and

"(iii) a ratable portion of other deductions, expenses, and losses that are not directly allocable to such receipts or another class of income.

"(2) ALLOCATION METHOD.—Except as provided in regulations, allocations under clauses (ii) and (iii) of paragraph (1)(B) shall be made under the principles used in determining the portion of taxable income from sources within and without the United States.

"(3) SPECIAL RULE.—

"(A) For purposes of determining costs under clause (i) of paragraph (1)(B), any item or service brought into the United States without a transfer price meeting the requirements of section 482 shall be treated as acquired by purchase, and its cost shall be treated as not less than its value when it entered the United States. A similar rule shall apply in determining the adjusted basis of leased or rented property where the lease or rental gives rise to domestic production gross receipts.

"(B) In the case of any property described in subparagraph (A) that had been exported by the taxpayer for further manufacture, the increase in cost (or adjusted basis) under subparagraph (A) shall not exceed the difference between the value of the property when exported and the value of the property when brought back into the United States after the further manufacture.

"(4) Modified taxable income.—The term 'modified taxable income' means taxable income computed without regard to the deduction allowable under this section.

"(e) Domestic Production Gross Receipts.—For purposes of this section—

"(1) In general.—The term 'domestic production gross receipts' means the gross receipts of the taxpayer which are derived from—

"(A) any sale, exchange, or other disposition of, or

"(B) any lease, rental or license of,

qualifying production property which was manufactured, produced, grown, or extracted in whole or in significant part by the taxpayer within the United States.

"(2) Special rule.—The term 'domestic production gross receipts' includes gross receipts of the taxpayer from the sale, exchange, or other disposition of replacement parts if—

"(A) such parts are sold by the taxpayer as replacement parts for qualified production property produced or manufactured in whole or significant part by the taxpayer in the United States, and

"(B) the taxpayer (or a related party) owns the designs for such parts.

"(3) Related party.—The term 'related party' means any corporation which is a member of the taxpayer's expanded affiliated group.

"(f) Qualifying Production Property.—For purposes of this section—

"(1) In general.—Except as otherwise provided in this paragraph, the term 'qualifying production property' means—

"(A) any tangible personal property,

"(B) any computer software, and

"(C) any films, tapes, records, or similar reproductions.

"(2) Exclusions from qualifying production property.—The term 'qualifying production property' shall not include—

"(A) consumable property that is sold, leased, or licensed by the taxpayer as an integral part of the provision of services,

"(B) oil or gas (or any primary product thereof),

"(C) electricity,

"(D) water supplied by pipeline to the consumer,

"(E) any unprocessed timber which is softwood,

"(F) utility services, or

"(G) any property (not described in paragraph (1)(B)) which is a film, tape, recording, book, magazine, newspaper, or similar property the market for which is primarily topical or otherwise essentially transitory in nature.

For purposes of subparagraph (E), the term 'unprocessed timber' means any log, cant, or similar form of timber.

"(g) Domestic/Foreign Fraction.—For purposes of this section—

"(1) In general.—The term 'domestic/foreign fraction' means a fraction—

"(A) the numerator of which is the value of the domestic production of the taxpayer, and

"(B) the denominator of which is the value of the worldwide production of the taxpayer.

"(2) Value of domestic production.—The value of domestic production is the excess of—

"(A) the domestic production gross receipts, over

"(B) the cost of purchased inputs allocable to such receipts that are deductible under this chapter for the taxable year.

"(3) Purchased inputs.—

"(A) In general.—Purchased inputs are any of the following items acquired by purchase:

"(i) Services (other than services of employees) used in manufacture, production, growth, or extraction activities.

"(ii) Items consumed in connection with such activities.

"(iii) Items incorporated as part of the property being manufactured, produced, grown, or extracted.

"(B) Special rule.—Rules similar to the rules of subsection (d)(3) shall apply for purposes of this subsection.

"(4) Value of worldwide production.—

"(A) In general.—The value of worldwide production shall be determined under the principles of paragraph (2), except that—

"(i) worldwide production gross receipts shall be taken into account, and

"(ii) paragraph (3)(B) shall not apply.

"(B) Worldwide production gross receipts.—The worldwide production gross receipts is the amount that would be determined under subsection (e) if such subsection were applied without any reference to the United States.

"(5) Special rule for affiliated groups.—

"(A) In general.—In the case of a taxpayer that is a member of an expanded affiliated group, the domestic/foreign fraction shall be the amount determined under the preceding provisions of this subsection by treating all members of such group as a single corporation.

"(B) Expanded affiliated group.—The term 'expanded affiliated group' means an affiliated group as defined in section 1504(a), determined—

"(i) by substituting '50 percent' for '80 percent' each place it appears, and

"(ii) without regard to paragraphs (2), (3), and (4) of section 1504(b).

"(h) Definitions and Special Rules.—

"(1) United states.—For purposes of this section, the term 'United States' includes the Commonwealth of Puerto Rico and any other possession of the United States.

"(2) Special rule for partnerships.—For purposes of this section, a corporation's distributive share of any partnership item shall be taken into account as if directly realized by the corporation.

"(3) Coordination with minimum tax.—The deduction under this section shall be allowed for purposes of the tax imposed by section 55; except that for purposes of section 55, alternative minimum taxable income shall be taken into account in determining the deduction under this section.

"(4) Ordering rule.—The amount of any other deduction allowable under this chapter shall be determined as if this section had not been enacted.

"(5) Coordination with transition rules.—For purposes of this section—

"(A) domestic production gross receipts shall not include gross receipts from any transaction if the binding contract transition relief of section 303(c)(2) of the Jobs and Growth Reconciliation Tax Act of 2003 applies to such transaction, and

"(B) any deduction allowed under section 2(e) of such Act shall be disregarded in determining the portion of the taxable income which is attributable to domestic production gross receipts.".

(b) Clerical Amendment.—The table of sections for part VIII of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 250. Income attributable to domestic production activities.".

(c) Effective Date.—

"(1) In general.—The amendments made by this section shall apply to taxable years beginning after 2005.

"(2) Application of section 15.—Section 15 of the Internal Revenue Code of 1986 shall apply to the amendments made by this section as if they were changes in a rate of tax.

TITLE III—FISCAL RESPONSIBILITY AND PROVISIONS ADDRESSING CORPORATE ABUSE

Subtitle A—General Provisions

SEC. 301. FREEZE OF TOP INDIVIDUAL INCOME TAX RATES.

(a) Freeze of Top Individual Income Tax Rates.—Paragraph (2) of section 1(i) (relating to reductions in rates after June 30, 2001) is amended—

(1) in the column for the highest rate—

(A) by striking "37.6" and inserting "38.6", and

(B) by striking "35.0" and inserting "38.6", and

(2) in the column for the next highest rate—

(A) by striking "34.0" and inserting "35.0", and

(B) by striking "33.0" and inserting "35.0".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

(c) Restoration of Rate Reductions If Funds Not Committed to Meet Nation's Pressing Needs.—

(1) In general.—On December 31, 2003, the Director of the Office of Management and Budget shall determine whether there is a noncommitted balance in the Pressing Domestic Needs Trust Fund (established by section 161 of this Act). If such a noncommitted balance is determined, the Secretary of the Treasury shall reduce the rates otherwise applicable under the amendment made by subsection (a) so that the total revenue raised by such amendment is reduced by the amount of such noncommitted balance.

(2) Noncommitted balance.—For purposes of paragraph (1), the noncommitted balance of the trust fund is the portion of the amounts in the trust fund which are not committed to meeting the pressing needs specified in section 161.

(d) Restoration of Rate Reductions If Balanced Budget.—The amendments made by this section shall cease to apply to any taxable year beginning after a calendar year if there is no deficit in the Federal budget for the fiscal year ending in such calendar year.

SEC. 302. RESTORATION OF PHASEOUTS OF DEDUCTIONS FOR PERSONAL EXEMPTIONS AND OF ITEMIZED DEDUCTIONS.

(a) Phaseout of Personal Exemptions.—Paragraph (3) of section 151(d) is amended by striking subparagraphs (E) and (F).

(b) Phaseout of Itemized Deductions.—Section 68 (relating to overall limitation on itemized deductions) is amended by striking subsections (f) and (g).

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 303. REPEAL OF EXCLUSION FOR EXTRATERRITORIAL INCOME.

(a) In General.—Section 114 is hereby repealed.

(b) Conforming Amendments.—

(1) Subpart E of part III of subchapter N of chapter 1 (relating to qualifying foreign trade income) is hereby repealed.

(2) The table of subparts for such part III is amended by striking the item relating to subpart E.

(3) The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 114.

(c) Effective Date.—

(1) In general.—The amendments made by this section shall apply to transactions occurring after the date of the enactment of this Act.

(2) Binding contracts.—The amendments made by this section shall not apply to any transaction in the ordinary course of a trade or business which occurs pursuant to a binding contract—

(A) which is between the taxpayer and a person who is not a related person (as defined in section 943(b)(3) of such Code, as in effect on the day before the date of the enactment of this Act), and

(B) which is in effect on April 11, 2003, and at all times thereafter.

For purposes of this paragraph, a binding contract shall include a purchase option, renewal option, or replacement option which is included in such contract.

(d) Revocation of Section 943(e) Elections.—

(1) In general.—In the case of a corporation that elected to be treated as a domestic corporation under section 943(e) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act)—

(A) the corporation may revoke such election, effective as of the date of the enactment of this Act, and

(B) if the corporation does revoke such election—

(i) such corporation shall be treated as a domestic corporation transferring (as of the date of the enactment of this Act) all of its property to a foreign corporation in connection with an exchange described in section 354 of the Internal Revenue Code of 1986, and

(ii) no gain or loss shall be recognized on such transfer.

(2) Exception.—Subparagraph (B)(ii) of paragraph (1) shall not apply to gain on any asset held by the revoking corporation if—

(A) the basis of such asset is determined in whole or in part by reference to the basis of such asset in the hands of the person from whom the revoking corporation acquired such asset,

(B) the asset was acquired by transfer (not as a result of the election under section 943(e) of such Code) occurring on or after the 1st day on which its election under section 943(e) of such Code was effective, and

(C) a principal purpose of the acquisition was the reduction or avoidance of tax.

(e) General Transition.—

(1) In general.—In the case of a taxable year ending after the date of the enactment of this Act and beginning before January 1, 2009, for purposes of chapter 1 of such Code, each current FSC/ETI beneficiary shall be allowed a deduction equal to the transition amount determined under this subsection with respect to such beneficiary for such year.

(2) Current FSC/ETI beneficiary.—The term "current FSC/ETI beneficiary" means any corporation which entered into one or more transactions during its taxable year beginning in calendar year 2001 with respect to which FSC/ETI benefits were allowable.

(3) Transition amount.—For purposes of this subsection—

(A) In general.—The transition amount applicable to any current FSC/ETI beneficiary for any taxable year is the phaseout percentage of the adjusted base period amount.

(B) Phaseout percentage.—

(i) In general.—In the case of a taxpayer using the calendar year as its taxable year, the phaseout percentage shall be determined under the following table:

"Years:	The phaseout percentage is:
2004 and 2005	100
2006	75
2007	75
2008	50
2009 and thereafter	0

(ii) Special rule for 2003.—The phaseout percentage for 2003 shall be the amount that bears the same ratio to 100 percent as the number of days after the date of the enactment of this Act bears to 365.

(iii) Special rule for fiscal year taxpayers.—In the case of a taxpayer not using the calendar year as its taxable year, the phaseout percentage is the weighted average of the phaseout percentages determined under the preceding provisions of this paragraph with respect to calendar years any portion of which is included in the taxpayer's taxable year. The weighted average shall be determined on the basis of the respective portions of the taxable year in each calendar year.

(4) Adjusted base period amount.—For purposes of this subsection—

(A) In general.—In the case of a taxpayer using the calendar year as its taxable year, the adjusted base period amount for any taxable year is the base period amount multiplied by the applicable percentage, as determined in the following table:

"Years:	The applicable percentage is:
2003	100
2004	100
2005	105
2006	110
2007	115
2008	120
2009 and thereafter	0

(B) Base period amount.—The base period amount is the aggregate FSC/ETI benefits for the taxpayer's taxable year beginning in calendar year 2001.

(C) Special rules for fiscal year taxpayers, etc.—Rules similar to rules of clauses (ii) and (iii) of paragraph (3)(B) shall apply for purposes of this paragraph.

(5) FSC/ETI benefit.—For purposes of this subsection, the term 'FSC/ETI benefit' means—

(A) amounts excludable from gross income under section 114 of such Code, and

(B) the exempt foreign trade income of related foreign sales corporations from property acquired from the taxpayer (determined without regard to section 923(a)(5) of such Code (relating to special rule for military property), as in effect on the day before the date of the enactment of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000).

In determining the FSC/ETI benefit there shall be excluded any amount attributable to a transaction with respect to which the taxpayer is the lessor unless the leased property was manufactured or produced in whole or in part by the taxpayer.

(6) Special rule for farm cooperatives.—Under regulations prescribed by the Secretary, determinations under this subsection with respect to an organization described in section 943(g)(1) of such Code, as in effect on the day before the date of the enactment of this Act, shall be made at the cooperative level and the purposes of this subsection shall be carried out by excluding amounts from the gross income of its patrons.

(7) Certain rules to apply.—Rules similar to the rules of section 41(f) of such Code shall apply for purposes of this subsection.

(8) Coordination with binding contract rule.—The deduction determined under paragraph (1) for any taxable year shall be reduced by the phaseout percentage of any FSC/ETI benefit realized for the taxable year by reason of subsection (c)(2). The preceding sentence shall not apply to any FSC/ETI benefit attributable to a transaction described in the last sentence of paragraph (5).

(9) Special rule for taxable year which includes date of enactment.—In the case of a taxable year which includes the date of the enactment of this Act, the deduction allowed under this subsection to any current FSC/ETI beneficiary shall in no event exceed—

(A) 100 percent of such beneficiary's adjusted base period amount for calendar year 2003, reduced by

(B) the aggregate FSC/ETI benefits of such beneficiary with respect to transactions occurring during the portion of the taxable year ending on the date of the enactment of this Act.

Subtitle B—Abusive Tax Shelter Shutdown and Taxpayer Accountability

PART I—PROVISIONS DESIGNED TO CURTAIL TAX SHELTERS

SEC. 311. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) In General.—Section 7701 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Clarification of Economic Substance Doctrine; Etc.—

"(1) General rules.—

"(A) In general.—In applying the economic substance doctrine, the determination of whether a transaction has economic substance shall be made as provided in this paragraph.

"(B) Definition of economic substance.—For purposes of subparagraph (A)—

"(i) In general.—A transaction has economic substance only if—

"(I) the transaction changes in a meaningful way (apart from Federal tax effects and, if there is any Federal tax effects, also apart from any foreign, State, or local tax effects) the taxpayer's economic position, and

"(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

"(ii) Special rule where taxpayer relies on profit potential.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

"(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

"(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

"(C) Treatment of fees and foreign taxes.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

"(2) Special rules for transactions with tax-indifferent parties.—

"(A) Special rules for financing transactions.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

"(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

"(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

"(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

"(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

"(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

"(C) SUBSTANTIAL NONTAX PURPOSE.—In applying subclause (II) of paragraph (1)(B)(i), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

"(D) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

"(E) TREATMENT OF LESSORS.—In applying subclause (I) of paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease, the expected net tax benefits shall not include the benefits of depreciation, or any tax credit, with respect to the leased property and subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

"(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

"(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after February 13, 2003.

SEC. 312. PENALTY FOR FAILING TO DISCLOSE REPORTABLE TRANSACTION.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6707 the following new section:

"SEC. 6707A. PENALTY FOR FAILURE TO INCLUDE REPORTABLE TRANSACTION INFORMATION WITH RETURN OR STATEMENT.

"(a) IMPOSITION OF PENALTY.—Any person who fails to include on any return or statement any information with respect to a reportable transaction which is required under section 6011 to be included with such return or statement shall pay a penalty in the amount determined under subsection (b).

"(b) AMOUNT OF PENALTY.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amount of the penalty under subsection (a) shall be $50,000.

"(2) LISTED TRANSACTION.—The amount of the penalty under subsection (a) with respect to a listed transaction shall be $100,000.

"(3) INCREASE IN PENALTY FOR LARGE ENTITIES AND HIGH NET WORTH INDIVIDUALS.—

"(A) IN GENERAL.—In the case of a failure under subsection (a) by—

"(i) a large entity, or

"(ii) a high net worth individual,

the penalty under paragraph (1) or (2) shall be twice the amount determined without regard to this paragraph.

"(B) LARGE ENTITY.—For purposes of subparagraph (A), the term 'large entity' means, with respect to any taxable year, a person (other than a natural person) with gross receipts in excess of $10,000,000 for the taxable year in which the reportable transaction occurs or the preceding taxable year. Rules similar to the rules of paragraph (2) and subparagraphs (B), (C), and (D) of paragraph (3) of section 448(c) shall apply for purposes of this subparagraph.

"(C) HIGH NET WORTH INDIVIDUAL.—For purposes of subparagraph (A), the term 'high net worth individual' means, with respect to a reportable transaction, a natural person whose net worth exceeds $2,000,000 immediately before the transaction.

"(c) DEFINITIONS.—For purposes of this section—

"(1) REPORTABLE TRANSACTION.—The term 'reportable transaction' means any transaction with respect to which information is required to be included with a return or statement because, as determined under regulations prescribed under section 6011, such transaction is of a type which the Secretary determines as having a potential for tax avoidance or evasion.

"(2) LISTED TRANSACTION.—Except as provided in regulations, the term 'listed transaction' means a reportable transaction which is the same as, or substantially similar to, a transaction specifically identified by the Secretary as a tax avoidance transaction for purposes of section 6011.

"(d) AUTHORITY TO RESCIND PENALTY.—

"(1) IN GENERAL.—The Commissioner of Internal Revenue may rescind all or any portion of any penalty imposed by this section with respect to any violation if—

"(A) the violation is with respect to a reportable transaction other than a listed transaction,

"(B) the person on whom the penalty is imposed has a history of complying with the requirements of this title,

"(C) it is shown that the violation is due to an unintentional mistake of fact;

"(D) imposing the penalty would be against equity and good conscience, and

"(E) rescinding the penalty would promote compliance with the requirements of this title and effective tax administration.

"(2) DISCRETION.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner and may be delegated only to the head of the Office of Tax Shelter Analysis. The Commissioner, in the Commissioner's sole discretion, may establish a procedure to determine if a penalty should be referred to the Commissioner or the head of such Office for a determination under paragraph (1).

"(3) NO APPEAL.—Notwithstanding any other provision of law, any determination under this subsection may not be reviewed in any administrative or judicial proceeding.

"(4) RECORDS.—If a penalty is rescinded under paragraph (1), the Commissioner shall place in the file in the Office of the Commissioner the opinion of the Commissioner or the head of the Office of Tax Shelter Analysis with respect to the determination, including—

"(A) the facts and circumstances of the transaction,

"(B) the reasons for the rescission, and

"(C) the amount of the penalty rescinded.

"(5) REPORT.—The Commissioner shall each year report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

"(A) a summary of the total number and aggregate amount of penalties imposed, and rescinded, under this section, and

"(B) a description of each penalty rescinded under this subsection and the reasons therefor.

"(e) PENALTY REPORTED TO SEC.—In the case of a person—

"(1) which is required to file periodic reports under section 13 or 15(d) of the Securities Exchange Act of 1934 or is required to be consolidated with another person for purposes of such reports, and

"(2) which—

"(A) is required to pay a penalty under this section with respect to a listed transaction,

"(B) is required to pay a penalty under section 6662A with respect to any reportable transaction at a rate prescribed under section 6662A(c), or

"(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction,

the requirement to pay such penalty shall be disclosed in such reports filed by such person for such periods as the Secretary shall specify. Failure to make a disclosure in accordance with the preceding sentence shall be treated as a failure to which the penalty under subsection (b)(2) applies.

"(f) COORDINATION WITH OTHER PENALTIES.—The penalty imposed by this section is in addition to any penalty imposed under this title."

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6707 the following:

"Sec. 6707A. Penalty for failure to include reportable transaction information with return or statement."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns and statements the due date for which is after the date of the enactment of this Act.

SEC. 313. ACCURACY-RELATED PENALTY FOR LISTED TRANSACTIONS AND OTHER REPORTABLE TRANSACTIONS HAVING A SIGNIFICANT TAX AVOIDANCE PURPOSE.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662 the following new section:

"SEC. 6662A. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERSTATEMENTS WITH RESPECT TO REPORTABLE TRANSACTIONS.

"(a) IMPOSITION OF PENALTY.—If a taxpayer has a reportable transaction understatement for any taxable year, there shall be added to the tax an amount equal to 20 percent of the amount of such understatement.

"(b) Reportable Transaction Understatement.—For purposes of this section—

"(1) In general.—The term 'reportable transaction understatement' means the sum of—

"(A) the product of—

"(i) the amount of the increase (if any) in taxable income which results from a difference between the proper tax treatment of an item to which this section applies and the taxpayer's treatment of such item (as shown on the taxpayer's return of tax), and

"(ii) the highest rate of tax imposed by section 1 (section 11 in the case of a taxpayer which is a corporation), and

"(B) the amount of the decrease (if any) in the aggregate amount of credits determined under subtitle A which results from a difference between the taxpayer's treatment of an item to which this section applies (as shown on the taxpayer's return of tax) and the proper tax treatment of such item.

For purposes of subparagraph (A), any reduction of the excess of deductions allowed for the taxable year over gross income for such year, and any reduction in the amount of capital losses which would (without regard to section 1211) be allowed for such year, shall be treated as an increase in taxable income.

"(2) Items to which section applies.—This section shall apply to any item which is attributable to—

"(A) any listed transaction, and

"(B) any reportable transaction (other than a listed transaction) if a significant purpose of such transaction is the avoidance or evasion of Federal income tax.

"(c) Higher Penalty for Nondisclosed Listed and Other Avoidance Transactions.—

"(1) In general.—Subsection (a) shall be applied by substituting '30 percent' for '20 percent' with respect to the portion of any reportable transaction understatement with respect to which the requirement of section 6664(d)(2)(A) is not met.

"(2) Rules applicable to compromise of penalty.—

"(A) In general.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which paragraph (1) applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

"(B) Applicable rules.—The rules of paragraphs (3), (4), and (5) of section 6707A(d) shall apply for purposes of subparagraph (A).

"(d) Definitions of Reportable and Listed Transactions.—For purposes of this section, the terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).

"(e) Special Rules.—

"(1) Coordination with penalties, etc., on other understatements.—In the case of an understatement (as defined in section 6662(d)(2))—

"(A) the amount of such understatement (determined without regard to this paragraph) shall be increased by the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements for purposes of determining whether such understatement is a substantial understatement under section 6662(d)(1), and

"(B) the addition to tax under section 6662(a) shall apply only to the excess of the amount of the substantial understatement (if any) after the application of subparagraph (A) over the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements.

"(2) Coordination with other penalties.—

"(A) Application of fraud penalty.—References to an underpayment in section 6663 shall be treated as including references to a reportable transaction understatement and a noneconomic substance transaction understatement.

"(B) No double penalty.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6662B or 6663.

"(3) Special rule for amended returns.—Except as provided in regulations, in no event shall any tax treatment included with an amendment or supplement to a return of tax be taken into account in determining the amount of any reportable transaction understatement or noneconomic substance transaction understatement if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.

"(4) Noneconomic substance transaction understatement.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).

"(5) Cross reference.—

"For reporting of section 6662A(c) penalty to the Securities and Exchange Commission, see section 6707A(e)."

(b) Determination of Other Understatements.—Subparagraph (A) of section 6662(d)(2) is amended by adding at the end the following flush sentence:

"The excess under the preceding sentence shall be determined without regard to items to which section 6662A applies and without regard to items with respect to which a penalty is imposed by section 6662B."

(c) Reasonable Cause Exception.—

(1) In general.—Section 6664 is amended by adding at the end the following new subsection:

"(d) Reasonable Cause Exception for Reportable Transaction Understatements.—

"(1) In general.—No penalty shall be imposed under section 6662A with respect to any portion of a reportable transaction understatement if it is shown that there was a reasonable cause for such portion and that the taxpayer acted in good faith with respect to such portion.

"(2) Special rules.—Paragraph (1) shall not apply to any reportable transaction understatement unless—

"(A) the relevant facts affecting the tax treatment of the item are adequately disclosed in accordance with the regulations prescribed under section 6011,

"(B) there is or was substantial authority for such treatment, and

"(C) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

A taxpayer failing to adequately disclose in accordance with section 6011 shall be treated as meeting the requirements of subparagraph (A) if the penalty for such failure was rescinded under section 6707A(d).

"(3) Rules relating to reasonable belief.—For purposes of paragraph (2)(C)—

"(A) In general.—A taxpayer shall be treated as having a reasonable belief with respect to the tax treatment of an item only if such belief—

"(i) is based on the facts and law that exist at the time the return of tax which includes such tax treatment is filed, and

"(ii) relates solely to the taxpayer's chances of success on the merits of such treatment and does not take into account the possibility that a return will not be audited, such treatment will not be raised on audit, or such treatment will be resolved through settlement if it is raised.

"(B) Certain opinions may not be relied upon.—

"(i) In general.—An opinion of a tax advisor may not be relied upon to establish the reasonable belief of a taxpayer if—

"(I) the tax advisor is described in clause (ii), or

"(II) the opinion is described in clause (iii).

"(ii) Disqualified tax advisors.—A tax advisor is described in this clause if the tax advisor—

"(I) is a material advisor (within the meaning of section 6111(b)(1)) who participates in the organization, management, promotion, or sale of the transaction or who is related (within the meaning of section 267(b) or 707(b)(1)) to any person who so participates,

"(II) is compensated directly or indirectly by a material advisor with respect to the transaction,

"(III) has a fee arrangement with respect to the transaction which is contingent on all or part of the intended tax benefits from the transaction being sustained, or

"(IV) as determined under regulations prescribed by the Secretary, has a continuing financial interest with respect to the transaction.

"(iii) Disqualified opinions.—For purposes of clause (i), an opinion is disqualified if the opinion—

"(I) is based on unreasonable factual or legal assumptions (including assumptions as to future events),

"(II) unreasonably relies on representations, statements, findings, or agreements of the taxpayer or any other person,

"(III) does not identify and consider all relevant facts, or

"(IV) fails to meet any other requirement as the Secretary may prescribe."

(2) Conforming amendment.—The heading for subsection (c) of section 6664 is amended by inserting "for Underpayments" after "Exception".

(d) Conforming Amendments.—

(1) Subparagraph (C) of section 461(i)(3) is amended by striking "section 6662(d)(2)(C)(iii)" and inserting "section 1274(b)(3)(C)".

(2) Paragraph (3) of section 1274(b) is amended—

(A) by striking "(as defined in section 6662(d)(2)(C)(iii))" in subparagraph (B)(i), and

(B) by adding at the end the following new subparagraph:

"(C) Tax shelter.—For purposes of subparagraph (B), the term 'tax shelter' means—

"(i) a partnership or other entity,

"(ii) any investment plan or arrangement, or

"(iii) any other plan or arrangement,

if a significant purpose of such partnership, entity, plan, or arrangement is the avoidance or evasion of Federal income tax."

(3) Section 6662(d)(2) is amended by striking subparagraphs (C) and (D).

(4) Section 6664(c)(1) is amended by striking "this part" and inserting "section 6662 or 6663".

(5) Subsection (b) of section 7525 is amended by striking "section 6662(d)(2)(C)(iii)" and inserting "section 1274(b)(3)(C)".

(6)(A) The heading for section 6662 is amended to read as follows:

"SEC. 6662. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERPAYMENTS."

(B) The table of sections for part II of subchapter A of chapter 68 is amended by striking the item relating to section 6662 and inserting the following new items:

"Sec. 6662. Imposition of accuracy-related penalty on underpayments.

"Sec. 6662A. Imposition of accuracy-related penalty on understatements with respect to reportable transactions."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 314. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

"SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

"(a) IMPOSITION OF PENALTY.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

"(b) REDUCTION OF PENALTY FOR DISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

"(c) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

"(1) IN GENERAL.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

"(2) NONECONOMIC SUBSTANCE TRANSACTION.—The term 'noneconomic substance transaction' means any transaction if—

"(A) there is a lack of economic substance (within the meaning of section 7701(m)(1)) for the transaction giving rise to the claimed tax benefit or the transaction was not respected under section 7701(m)(2), or

"(B) the transaction fails to meet the requirements of any similar rule of law.

"(d) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

"(1) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

"(2) APPLICABLE RULES.—The rules of paragraphs (3), (4), and (5) of section 6707A(d) shall apply for purposes of paragraph (1).

"(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

"(f) CROSS REFERENCES.—

"(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

"(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e)."

(b) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

"Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after February 13, 2003.

SEC. 315. MODIFICATIONS OF SUBSTANTIAL UNDERSTATEMENT PENALTY FOR NONREPORTABLE TRANSACTIONS.

(a) SUBSTANTIAL UNDERSTATEMENT OF CORPORATIONS.—Section 6662(d)(1)(B) (relating to special rule for corporations) is amended to read as follows:

"(B) SPECIAL RULE FOR CORPORATIONS.—In the case of a corporation other than an S corporation or a personal holding company (as defined in section 542), there is a substantial understatement of income tax for any taxable year if the amount of the understatement for the taxable year exceeds the lesser of—

"(i) 10 percent of the tax required to be shown on the return for the taxable year (or, if greater, $10,000), or

"(ii) $10,000,000."

(b) REDUCTION FOR UNDERSTATEMENT OF TAXPAYER DUE TO POSITION OF TAXPAYER OR DISCLOSED ITEM.—

(1) IN GENERAL.—Section 6662(d)(2)(B)(i) (relating to substantial authority) is amended to read as follows:

"(i) the tax treatment of any item by the taxpayer if the taxpayer had reasonable belief that the tax treatment was more likely than not the proper treatment, or".

(2) CONFORMING AMENDMENT.—Section 6662(d) is amended by adding at the end the following new paragraph:

"(3) SECRETARIAL LIST.—For purposes of this subsection, section 6664(d)(2), and section 6694(a)(1), the Secretary may prescribe a list of positions for which the Secretary believes there is not substantial authority or there is no reasonable belief that the tax treatment is more likely than not the proper tax treatment. Such list (and any revisions thereof) shall be published in the Federal Register or the Internal Revenue Bulletin."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 316. TAX SHELTER EXCEPTION TO CONFIDENTIALITY PRIVILEGES RELATING TO TAXPAYER COMMUNICATIONS.

(a) IN GENERAL.—Section 7525(b) (relating to section not to apply to communications regarding corporate tax shelters) is amended to read as follows:

"(b) SECTION NOT TO APPLY TO COMMUNICATIONS REGARDING TAX SHELTERS.—The privilege under subsection (a) shall not apply to any written communication which is—

"(1) between a federally authorized tax practitioner and—

"(A) any person,

"(B) any director, officer, employee, agent, or representative of the person, or

"(C) any other person holding a capital or profits interest in the person, and

"(2) in connection with the promotion of the direct or indirect participation of the person in any tax shelter (as defined in section 1274(b)(3)(C))."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to communications made on or after the date of the enactment of this Act.

SEC. 317. DISCLOSURE OF REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 6111 (relating to registration of tax shelters) is amended to read as follows:

"SEC. 6111. DISCLOSURE OF REPORTABLE TRANSACTIONS.

"(a) IN GENERAL.—Each material advisor with respect to any reportable transaction shall make a return (in such form as the Secretary may prescribe) setting forth—

"(1) information identifying and describing the transaction,

"(2) information describing any potential tax benefits expected to result from the transaction, and

"(3) such other information as the Secretary may prescribe.

Such return shall be filed not later than the date specified by the Secretary.

"(b) DEFINITIONS.—For purposes of this section—

"(1) MATERIAL ADVISOR.—

"(A) IN GENERAL.—The term 'material advisor' means any person—

"(i) who provides any material aid, assistance, or advice with respect to organizing, promoting, selling, implementing, or carrying out any reportable transaction, and

"(ii) who directly or indirectly derives gross income in excess of the threshold amount for such aid, assistance, or advice.

"(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A), the threshold amount is—

"(i) $50,000 in the case of a reportable transaction substantially all of the tax benefits from which are provided to natural persons, and

"(ii) $250,000 in any other case.

"(2) REPORTABLE TRANSACTION.—The term 'reportable transaction' has the meaning given to such term by section 6707A(c).

"(c) REGULATIONS.—The Secretary may prescribe regulations which provide—

"(1) that only 1 person shall be required to meet the requirements of subsection (a) in cases in which 2 or more persons would otherwise be required to meet such requirements,

"(2) exemptions from the requirements of this section, and

"(3) such rules as may be necessary or appropriate to carry out the purposes of this section."

(b) CONFORMING AMENDMENTS.—

(1) The item relating to section 6111 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

"Sec. 6111. Disclosure of reportable transactions."

(2)(A) So much of section 6112 as precedes subsection (c) thereof is amended to read as follows:

"SEC. 6112. MATERIAL ADVISORS OF REPORTABLE TRANSACTIONS MUST KEEP LISTS OF ADVISEES.

"(a) IN GENERAL.—Each material advisor (as defined in section 6111) with respect to any reportable transaction (as defined in section 6707A(c)) shall maintain, in such manner as the Secretary may by regulations prescribe, a list—

"(1) identifying each person with respect to whom such advisor acted as such a material advisor with respect to such transaction, and

"(2) containing such other information as the Secretary may by regulations require.

This section shall apply without regard to whether a material advisor is required to file a return under section 6111 with respect to such transaction."

(B) Section 6112 is amended by redesignating subsection (c) as subsection (b).

(C) Section 6112(b), as redesignated by subparagraph (B), is amended—

(i) by inserting "written" before "request" in paragraph (1)(A), and

(ii) by striking "shall prescribe" in paragraph (2) and inserting "may prescribe".

(D) The item relating to section 6112 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

"Sec. 6112. Material advisors of reportable transactions must keep lists of advisees."

(3)(A) The heading for section 6708 is amended to read as follows:

"SEC. 6708. FAILURE TO MAINTAIN LISTS OF ADVISEES WITH RESPECT TO REPORTABLE TRANSACTIONS."

(B) The item relating to section 6708 in the table of sections for part I of subchapter B of chapter 68 is amended to read as follows:

"Sec. 6708. Failure to maintain lists of advisees with respect to reportable transactions."

(c) Effective Date.—The amendments made by this section shall apply to transactions with respect to which material aid, assistance, or advice referred to in section 6111(b)(1)(A)(i) of the Internal Revenue Code of 1986 (as added by this section) is provided after the date of the enactment of this Act.

SEC. 318. MODIFICATIONS TO PENALTY FOR FAILURE TO REGISTER TAX SHELTERS.

(a) In General.—Section 6707 (relating to failure to furnish information regarding tax shelters) is amended to read as follows:

"SEC. 6707. FAILURE TO FURNISH INFORMATION REGARDING REPORTABLE TRANSACTIONS.

"(a) In General.—If a person who is required to file a return under section 6111(a) with respect to any reportable transaction—

"(1) fails to file such return on or before the date prescribed therefor, or

"(2) files false or incomplete information with the Secretary with respect to such transaction,

such person shall pay a penalty with respect to such return in the amount determined under subsection (b).

"(b) Amount of Penalty.—

"(1) In general.—Except as provided in paragraph (2), the penalty imposed under subsection (a) with respect to any failure shall be $50,000.

"(2) Listed transactions.—The penalty imposed under subsection (a) with respect to any listed transaction shall be an amount equal to the greater of—

"(A) $200,000, or

"(B) 50 percent of the gross income derived by such person with respect to aid, assistance, or advice which is provided with respect to the reportable transaction before the date the return including the transaction is filed under section 6111.

Subparagraph (B) shall be applied 'by substituting '75 percent' for '50 percent' in the case of an intentional failure or act described in subsection (a).

"(c) Rescission Authority.—The provisions of section 6707A(d) (relating to authority of Commissioner to rescind penalty) shall apply to any penalty imposed under this section.

"(d) Reportable and Listed Transactions.—The terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).".

(b) Clerical Amendment.—The item relating to section 6707 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "tax shelters" and inserting "reportable transactions".

(c) Effective Date.—The amendments made by this section shall apply to returns the due date for which is after the date of the enactment of this Act.

SEC. 319. MODIFICATION OF PENALTY FOR FAILURE TO MAINTAIN LISTS OF INVESTORS.

(a) In General.—Subsection (a) of section 6708 is amended to read as follows:

"(a) Imposition of Penalty.—

"(1) In general.—If any person who is required to maintain a list under section 6112(a) fails to make such list available upon written request to the Secretary in accordance with section 6112(b)(1)(A) within 20 business days after the date of the Secretary's request, such person shall pay a penalty of $10,000 for each day of such failure after such 20th day.

"(2) Reasonable cause exception.—No penalty shall be imposed by paragraph (1) with respect to the failure on any day if such failure is due to reasonable cause."

(b) Effective Date.—The amendment made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 320. MODIFICATION OF ACTIONS TO ENJOIN CERTAIN CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS.

(a) In General.—Section 7408 (relating to action to enjoin promoters of abusive tax shelters, etc.) is amended by redesignating subsection (c) as subsection (d) and by striking subsections (a) and (b) and inserting the following new subsections:

"(a) Authority To Seek Injunction.—A civil action in the name of the United States to enjoin any person from further engaging in specified conduct may be commenced at the request of the Secretary. Any action under this section shall be brought in the district court of the United States for the district in which such person resides, has his principal place of business, or has engaged in specified conduct. The court may exercise its jurisdiction over such action (as provided in section 7402(a)) separate and apart from any other action brought by the United States against such person.

"(b) Adjudication and Decree.—In any action under subsection (a), if the court finds—

"(1) that the person has engaged in any specified conduct, and

"(2) that injunctive relief is appropriate to prevent recurrence of such conduct,

the court may enjoin such person from engaging in such conduct or in any other activity subject to penalty under this title.

"(c) Specified Conduct.—For purposes of this section, the term 'specified conduct' means any action, or failure to take action, subject to penalty under section 6700, 6701, 6707, or 6708."

(b) Conforming Amendments.—

(1) The heading for section 7408 is amended to read as follows:

"SEC. 7408. ACTIONS TO ENJOIN SPECIFIED CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS."

(2) The table of sections for subchapter A of chapter 67 is amended by striking the item relating to section 7408 and inserting the following new item:

"Sec. 7408. Actions to enjoin specified conduct related to tax shelters and reportable transactions."

(c) Effective Date.—The amendment made by this section shall take effect on the day after the date of the enactment of this Act.

SEC. 321. UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY INCOME TAX RETURN PREPARER.

(a) Standards Conformed to Taxpayer Standards.—Section 6694(a) (relating to understatements due to unrealistic positions) is amended—

(1) by striking "realistic possibility of being sustained on its merits" in paragraph (1) and inserting "reasonable belief that the tax treatment in such position was more likely than not the proper treatment",

(2) by striking "or was frivolous" in paragraph (3) and inserting "or there was no reasonable basis for the tax treatment of such position", and

(3) by striking "Unrealistic" in the heading and inserting "Improper".

(b) Amount of Penalty.—Section 6694 is amended—

(1) by striking "$250" in subsection (a) and inserting "$1,000", and

(2) by striking "$1,000" in subsection (b) and inserting "$5,000".

(c) Effective Date.—The amendments made by this section shall apply to documents prepared after the date of the enactment of this Act.

SEC. 322. PENALTY ON FAILURE TO REPORT INTERESTS IN FOREIGN FINANCIAL ACCOUNTS.

(a) In General.—Section 5321(a)(5) of title 31, United States Code, is amended to read as follows:

"(5) Foreign financial agency transaction violation.—

"(A) Penalty authorized.—The Secretary of the Treasury may impose a civil money penalty on any person who violates, or causes any violation of, any provision of section 5314.

"(B) Amount of penalty.—

"(i) In general.—Except as provided in subparagraph (C), the amount of any civil penalty imposed under subparagraph (A) shall not exceed $5,000.

"(ii) Reasonable cause exceptionNo penalty shall be imposed under subparagraph (A) with respect to any violation if—

"(I) such violation was due to reasonable cause, and

"(II) the amount of the transaction or the balance in the account at the time of the transaction was properly reported.

"(C) Willful violations.—In the case of any person willfully violating, or willfully causing any violation of, any provision of section 5314—

."(i) the maximum penalty under subparagraph (B)(i) shall be increased to the greater of—

"(I) $25,000, or

"(II) the amount (not exceeding $100,000) determined under subparagraph (D), and

"(ii) subparagraph (B)(ii) shall not apply.

"(D) Amount.—The amount determined under this subparagraph is—

"(i) in the case of a violation involving a transaction, the amount of the transaction, or

"(ii) in the case of a violation involving a failure to report the existence of an account or any identifying information required to be provided with respect to an account, the balance in the account at the time of the violation."

(b) Effective Date.—The amendment made by this section shall apply to violations occurring after the date of the enactment of this Act.

SEC. 323. FRIVOLOUS TAX SUBMISSIONS.

(a) Civil Penalties.—Section 6702 is amended to read as follows:

"SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

"(a) Civil Penalty for Frivolous Tax Returns.—A person shall pay a penalty of $5,000 if—

"(1) such person files what purports to be a return of a tax imposed by this title but which—

"(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

"(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

"(2) the conduct referred to in paragraph (1)—

"(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(B) reflects a desire to delay or impede the administration of Federal tax laws.

"(b) Civil Penalty for Specified Frivolous Submissions.—

"(1) Imposition of penalty.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

"(2) Specified frivolous submission.—For purposes of this section—

"(A) Specified frivolous submission.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

"(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(ii) reflects a desire to delay or impede the administration of Federal tax laws.

"(B) Specified submission.—The term 'specified submission' means—

"(i) a request for a hearing under—

"(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

"(II) section 6330 (relating to notice and opportunity for hearing before levy), and

"(ii) an application under—

"(I) section 6159 (relating to agreements for payment of tax liability in installments),

"(II) section 7122 (relating to compromises), or

"(III) section 7811 (relating to taxpayer assistance orders).

"(3) Opportunity to withdraw submission.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

"(c) Listing of Frivolous Positions.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

"(d) Reduction of Penalty.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

"(e) Penalties in Addition to Other Penalties.—The penalties imposed by this section shall be in addition to any other penalty provided by law."

(b) Treatment of Frivolous Requests for Hearings Before Levy.—

(1) Frivolous requests disregarded.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(g) Frivolous Requests for Hearing, Etc.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review."

(2) Preclusion from raising frivolous issues at hearing.—Section 6330(c)(4) is amended—

(A) by striking "(A)" and inserting "(A)(i)";

(B) by striking "(B)" and inserting "(ii)";

(C) by striking the period at the end of the first sentence and inserting "; or"; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

"(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A)."

(3) Statement of grounds.—Section 6330(b)(1) is amended by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing".

(c) Treatment of Frivolous Requests for Hearings Upon Filing of Notice of Lien.—Section 6320 is amended—

(1) in subsection (b)(1), by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing", and

(2) in subsection (c), by striking "and (e)" and inserting "(e), and (g)".

(d) Treatment of Frivolous Applications for Offers-in-Compromise and Installment Agreements.—Section 7122 is amended by adding at the end the following new subsection:

"(e) Frivolous Submissions, Etc.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review."

(e) Clerical Amendment.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

"Sec. 6702. Frivolous tax submissions."

(f) Effective Date.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 324. REGULATION OF INDIVIDUALS PRACTICING BEFORE THE DEPARTMENT OF TREASURY.

(a) Censure; Imposition of Penalty.—

(1) In general.—Section 330(b) of title 31, United States Code, is amended—

(A) by inserting ", or censure," after "Department", and

(B) by adding at the end the following new flush sentence:

"The Secretary may impose a monetary penalty on any representative described in the preceding sentence. If the representative was acting on behalf of an employer or any firm or other entity in connection with the conduct giving rise to such penalty, the Secretary may impose a monetary penalty on such employer, firm, or entity if it knew, or reasonably should have known, of such conduct. Such penalty shall not exceed the gross income derived (or to be derived) from the conduct giving rise to the penalty and may be in addition to, or in lieu of, any suspension, disbarment, or censure."

(2) Effective date.—The amendments made by this subsection shall apply to actions taken after the date of the enactment of this Act.

(b) Tax Shelter Opinions, Etc.—Section 330 of such title 31 is amended by adding at the end the following new subsection:

"(d) Nothing in this section or in any other provision of law shall be construed to limit the authority of the Secretary of the Treasury to impose standards applicable to the rendering of written advice with respect to any entity, transaction plan or arrangement, or other plan or arrangement, which is of a type which the Secretary determines as having a potential for tax avoidance or evasion."

SEC. 325. PENALTY ON PROMOTERS OF TAX SHELTERS.

(a) Penalty on Promoting Abusive Tax Shelters.—Section 6700(a) is amended by adding at the end the following new sentence: "Notwithstanding the first sentence, if an activity with respect to which a penalty imposed under this subsection involves a statement described in paragraph (2)(A), the amount of the penalty shall be equal to 50 percent of the gross income derived (or to be derived) from such activity by the person on which the penalty is imposed."

(b) Effective Date.—The amendment made by this section shall apply to activities after the date of the enactment of this Act.

SEC. 326. STATUTE OF LIMITATIONS FOR TAXABLE YEARS FOR WHICH LISTED TRANSACTIONS NOT REPORTED.

(a) In General.—Section 6501(e)(1) (relating to substantial omission of items for income taxes) is amended by adding at the end the following new subparagraph:

"(C) Listed transactions.—If a taxpayer fails to include on any return or statement for any taxable year any information with respect to a listed transaction (as defined in section 6707A(c)(2)) which is required under section 6011 to be included with such return or statement, the tax for such taxable year may be assessed, or a proceeding in court for collection of such tax may be begun without assessment, at any time within 6 years after the time the return is filed. This subparagraph shall not apply to any taxable year if the time for assessment or beginning the proceeding in court has expired before the time a transaction is treated as a listed transaction under section 6011."

(b) Effective Date.—The amendment made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

SEC. 327. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONDISCLOSED REPORTABLE AND NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) In General.—Section 163 (relating to deduction for interest) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Interest on Unpaid Taxes Attributable to Nondisclosed Reportable Transactions and Noneconomic Substance Transactions.—No deduction shall be allowed under this chapter for any interest paid or accrued under section 6601 on any underpayment of tax which is attributable to—

"(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

"(2) any noneconomic substance transaction understatement (as defined in section 6662B(c))."

(b) Effective Date.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

PART II—OTHER PROVISIONS

SEC. 331. LIMITATION ON TRANSFER OR IMPORTATION OF BUILT-IN LOSSES.

(a) In General.—Section 362 (relating to basis to corporations) is amended by adding at the end the following new subsection:

"(e) Limitations on Built-in Losses.—

"(1) Limitation on importation of built-in losses.—

"(A) In general.—If in any transaction described in subsection (a) or (b) there would (but for this subsection) be an importation of a net built-in loss, the basis of each property described in subparagraph (B) which is acquired in such transaction shall (notwithstanding subsections (a) and (b)) be its fair market value immediately after such transaction.

"(B) Property described.—For purposes of subparagraph (A), property is described in this paragraph if—

"(i) gain or loss with respect to such property is not subject to tax under this subtitle in the hands of the transferor immediately before the transfer, and

"(ii) gain or loss with respect to such property is subject to such tax in the hands of the transferee immediately after such transfer.

In any case in which the transferor is a partnership, the preceding sentence shall be applied by treating each partner in such partnership as holding such partner's proportionate share of the property of such partnership.

"(C) Importation of net built-in loss.—For purposes of subparagraph (A), there is an importation of a net built-in loss in a transaction if the transferee's aggregate adjusted bases of property described in subparagraph (B) which is transferred in such transaction would (but for this paragraph) exceed the fair market value of such property immediately after such transaction."

"(2) Limitation on transfer of built-in losses in section 351 transactions.—

"(A) In general.—If—

"(i) property is transferred in any transaction which is described in subsection (a) and which is not described in paragraph (1) of this subsection, and

"(ii) the transferee's aggregate adjusted bases of the property so transferred would (but for this paragraph) exceed the fair market value of such property immediately after such transaction,

then, notwithstanding subsection (a), the transferee's aggregate adjusted bases of the property so transferred shall not exceed the fair market value of such property immediately after such transaction.

"(B) Allocation of basis reduction.—The aggregate reduction in basis by reason of subparagraph (A) shall be allocated among the properties so transferred in proportion to their respective built-in losses immediately before the transaction.

"(C) Exception for transfers within affiliated group.—Subparagraph (A) shall not apply to any transaction if the transferor owns stock in the transferee meeting the requirements of section 1504(a)(2). In the case of property to which subparagraph (A) does not apply by reason of the preceding sentence, the transferor's basis in the stock received for such property shall not exceed its fair market value immediately after the transfer."

(b) Comparable Treatment Where Liquidation.—Paragraph (1) of section 334(b) (relating to liquidation of subsidiary) is amended to read as follows:

"(1) In general.—If property is received by a corporate distributee in a distribution in a complete liquidation to which section 332 applies (or in a transfer described in section 337(b)(1)), the basis of such property in the hands of such distributee shall be the same as it would be in the hands of the transferor; except that the basis of such property in the hands of such distributee shall be the fair market value of the property at the time of the distribution—

"(A) in any case in which gain or loss is recognized by the liquidating corporation with respect to such property, or

"(B) in any case in which the liquidating corporation is a foreign corporation, the corporate distributee is a domestic corporation, and the corporate distributee's aggregate adjusted bases of property described in section 362(e)(1)(B) which is distributed in such liquidation would (but for this subparagraph) exceed the fair market value of such property immediately after such liquidation."

(c) Effective Date.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act.

SEC. 332. DISALLOWANCE OF CERTAIN PARTNERSHIP LOSS TRANSFERS.

(a) Treatment of Contributed Property With Built-In Loss.—Paragraph (1) of section 704(c) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following:

"(C) if any property so contributed has a built-in loss—

"(i) such built-in loss shall be taken into account only in determining the amount of items allocated to the contributing partner, and

"(ii) except as provided in regulations, in determining the amount of items allocated to other partners, the basis of the contributed property in the hands of the partnership shall be treated as being equal to its fair market value immediately after the contribution.

For purposes of subparagraph (C), the term 'built-in loss' means the excess of the adjusted basis of the property (determined without regard to subparagraph (C)(ii)) over its fair market value immediately after the contribution."

(b) Adjustment to Basis of Partnership Property on Transfer of Partnership Interest If There Is Substantial Built-In Loss.—

(1) Adjustment required.—Subsection (a) of section 743 (relating to optional adjustment to basis of partnership property) is amended by inserting before the period "or unless the partnership has a substantial built-in loss immediately after such transfer".

(2) Adjustment.—Subsection (b) of section 743 is amended by inserting "or with respect to which there is a substantial built-in loss immediately after such transfer" after "section 754 is in effect".

(3) Substantial built-in loss.—Section 743 is amended by adding at the end the following new subsection:

"(d) Substantial Built-In Loss.—

"(1) In general.—For purposes of this section, a partnership has a substantial built-in loss with respect to a transfer of an interest in a partnership if the transferee partner's proportionate share of the adjusted basis of the partnership property exceeds by more than $250,000 the basis of such partner's interest in the partnership.

"(2) Regulations.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of paragraph (1) and section 734(d), including regulations aggregating related partnerships and disregarding property acquired by the partnership in an attempt to avoid such purposes."

(4) Clerical amendments.—

(A) The section heading for section 743 is amended to read as follows:

"SEC. 743. ADJUSTMENT TO BASIS OF PARTNERSHIP PROPERTY WHERE SECTION 754 ELECTION OR SUBSTANTIAL BUILT-IN LOSS."

(B) The table of sections for subpart C of part II of subchapter K of chapter 1 is amended by striking the item relating to section 743 and inserting the following new item:

"Sec. 743. Adjustment to basis of partnership property where section 754 election or substantial built-in loss."

(c) Adjustment to Basis of Undistributed Partnership Property if There Is Substantial Basis Reduction.—

(1) Adjustment required.—Subsection (a) of section 734 (relating to optional adjustment to basis of undistributed partnership property) is amended by inserting before the period "or unless there is a substantial basis reduction".

(2) Adjustment.—Subsection (b) of section 734 is amended by inserting "or unless there is a substantial basis reduction" after "section 754 is in effect".

(3) Substantial basis reduction.—Section 734 is amended by adding at the end the following new subsection:

"(d) Substantial Basis Reduction.—

"(1) In general.—For purposes of this section, there is a substantial basis reduction with respect to a distribution if the sum of the amounts described in subparagraphs (A) and (B) of subsection (b)(2) exceeds $250,000.

"(2) Regulations.—

"For regulations to carry out this subsection, see section 743(d)(2)."

(4) Clerical amendments.—

(A) The section heading for section 734 is amended to read as follows:

"SEC. 734. ADJUSTMENT TO BASIS OF UNDISTRIBUTED PARTNERSHIP PROPERTY WHERE SECTION 754 ELECTION OR SUBSTANTIAL BASIS REDUCTION."

(B) The table of sections for subpart B of part II of subchapter K of chapter 1 is amended by striking the item relating to section 734 and inserting the following new item:

"Sec. 734. Adjustment to basis of undistributed partnership property where section 754 election or substantial basis reduction."

(d) Effective Dates.—

(1) Subsection (a).—The amendment made by subsection (a) shall apply to contributions made after the date of the enactment of this Act.

(2) Subsection (b).—The amendments made by subsection (b) shall apply to transfers after the date of the enactment of this Act.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to distributions after the date of the enactment of this Act.

SEC. 333. NO REDUCTION OF BASIS UNDER SECTION 734 IN STOCK HELD BY PARTNERSHIP IN CORPORATE PARTNER.

(a) IN GENERAL.—Section 755 is amended by adding at the end the following new subsection:

"(c) NO ALLOCATION OF BASIS DECREASE TO STOCK OF CORPORATE PARTNER.—In making an allocation under subsection (a) of any decrease in the adjusted basis of partnership property under section 734(b)—

"(1) no allocation may be made to stock in a corporation which is a partner in the partnership, and

"(2) any amount not allocable to stock by reason of paragraph (1) shall be allocated under subsection (a) to other partnership property.

Gain shall be recognized to the partnership to the extent that the amount required to be allocated under paragraph (2) to other partnership property exceeds the aggregate adjusted basis of such other property immediately before the allocation required by paragraph (2)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 334. REPEAL OF SPECIAL RULES FOR FASITS.

(a) IN GENERAL.—Part V of subchapter M of chapter 1 (relating to financial asset securitization investment trusts) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (6) of section 56(g) is amended by striking "REMIC, or FASIT" and inserting "or REMIC".

(2) Clause (ii) of section 382(l)(4)(B) is amended by striking "a REMIC to which part IV of subchapter M applies, or a FASIT to which part V of subchapter M applies," and inserting "or a REMIC to which part IV of subchapter M applies,".

(3) Paragraph (1) of section 582(c) is amended by striking ", and any regular interest in a FASIT,".

(4) Subparagraph (E) of section 856(c)(5) is amended by striking the last sentence.

(5) Paragraph (5) of section 860G(a) is amended by adding "and" at the end of subparagraph (B), by striking ", and" at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).

(6) Subparagraph (C) of section 1202(e)(4) is amended by striking "REMIC, or FASIT" and inserting "or REMIC".

(7) Subparagraph (C) of section 7701(a)(19) is amended by adding "and" at the end of clause (ix), by striking ", and" at the end of clause (x) and inserting a period, and by striking clause (xi).

(8) The table of parts for subchapter M of chapter 1 is amended by striking the item relating to part V.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2003.

(2) EXCEPTION FOR EXISTING FASITS.—

(A) IN GENERAL.—Paragraph (1) shall not apply to any FASIT in existence on the date of the enactment of this Act.

(B) TRANSFER OF ADDITIONAL ASSETS NOT PERMITTED.—Except as provided in regulations prescribed by the Secretary of the Treasury or the Secretary's delegate, subparagraph (A) shall cease to apply as of the earliest date after the date of the enactment of this Act that any property is transferred to the FASIT.

SEC. 335. EXPANDED DISALLOWANCE OF DEDUCTION FOR INTEREST ON CONVERTIBLE DEBT.

(a) IN GENERAL.—Paragraph (2) of section 163(l) is amended by striking "or a related party" and inserting "or equity held by the issuer (or any related party) in any other person".

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 163(l) is amended by striking "or a related party" in the material preceding subparagraph (A) and inserting "or any other person".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued after the date of the enactment of this Act.

SEC. 336. EXPANDED AUTHORITY TO DISALLOW TAX BENEFITS UNDER SECTION 269.

(a) IN GENERAL.—Subsection (a) of section 269 (relating to acquisitions made to evade or avoid income tax) is amended to read as follows:

"(a) IN GENERAL.—If—

"(1)(A) any person acquires stock in a corporation, or

"(B) any corporation acquires, directly or indirectly, property of another corporation and the basis of such property, in the hands of the acquiring corporation, is determined by reference to the basis in the hands of the transferor corporation, and

"(2) the principal purpose for which such acquisition was made is evasion or avoidance of Federal income tax by securing the benefit of a deduction, credit, or other allowance,

then the Secretary may disallow such deduction, credit, or other allowance."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to stock and property acquired after February 13, 2003.

SEC. 337. MODIFICATIONS OF CERTAIN RULES RELATING TO CONTROLLED FOREIGN CORPORATIONS.

(a) LIMITATION ON EXCEPTION FROM PFIC RULES FOR UNITED STATES SHAREHOLDERS OF CONTROLLED FOREIGN CORPORATIONS.—Paragraph (2) of section 1297(e) (relating to passive investment company) is amended by adding at the end the following flush sentence:

"Such term shall not include any period if there is only a remote likelihood of an inclusion in gross income under section 951(a)(1)(A)(i) of subpart F income of such corporation for such period."

(b) DETERMINATION OF PRO RATA SHARE OF SUBPART F INCOME.—Subsection (a) of section 951 (relating to amounts included in gross income of United States shareholders) is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULES FOR DETERMINING PRO RATA SHARE OF SUBPART F INCOME.—The pro rata share under paragraph (2) shall be determined by disregarding—

"(A) any rights lacking substantial economic effect, and

"(B) stock owned by a shareholder who is a tax-indifferent party (as defined in section 7701(m)(3)) if the amount which would (but for this paragraph) be allocated to such shareholder does not reflect such shareholder's economic share of the earnings and profits of the corporation."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years on controlled foreign corporation beginning after February 13, 2003, and to taxable years of United States shareholder in which or with which such taxable years of controlled foreign corporations end.

SEC. 338. BASIS FOR DETERMINING LOSS ALWAYS REDUCED BY NONTAXED PORTION OF DIVIDENDS.

(a) IN GENERAL.—Section 1059 (relating to corporate shareholder's basis in stock reduced by nontaxed portion of extraordinary dividends) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) BASIS FOR DETERMINING LOSS ALWAYS REDUCED BY NONTAXED PORTION OF DIVIDENDS.—The basis of stock in a corporation (for purposes of determining loss) shall be reduced by the nontaxed portion of any dividend received with respect to such stock if this section does not otherwise apply to such dividend."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dividends received after the date of the enactment of this Act.

SEC. 339. AFFIRMATION OF CONSOLIDATED RETURN REGULATION AUTHORITY.

(a) IN GENERAL.—Section 1502 (relating to consolidated return regulations) is amended by adding at the .end the following new sentence: "In prescribing such regulations, the Secretary may prescribe rules applicable to corporations filing consolidated returns under section 1501 that are different from other provisions of this title that would apply if such corporations filed separate returns."

(b) RESULT NOT OVERTURNED.—Notwithstanding subsection (a), the Internal Revenue Code of 1986 shall be construed by treating Treasury regulation §1.1502-20(c)(1)(iii) (as in effect on January 1, 2001) as being inapplicable to the type of factual situation in 255 F.3d 1357 (Fed. Cir. 2001).

(c) EFFECTIVE DATE.—The provisions of this section shall apply to taxable years beginning before, on, or after the date of the enactment of this Act.

Subtitle C—Prevention of Corporate Expatriation To Avoid United States Income Tax

SEC. 341. PREVENTION OF CORPORATE EXPATRIATION TO AVOID UNITED STATES INCOME TAX.

(a) IN GENERAL.—Paragraph (4) of section 7701(a) (defining domestic) is amended to read as follows:

"(4) DOMESTIC.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'domestic' when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State unless, in the case of a partnership, the Secretary provides otherwise by regulations.

"(B) CERTAIN CORPORATIONS TREATED AS DOMESTIC.—

"(i) IN GENERAL.—The acquiring corporation in a corporate expatriation transaction shall be treated as a domestic corporation.

"(ii) CORPORATE EXPATRIATION TRANSACTION.—For purposes of this subparagraph, the term 'corporate expatriation transaction' means any transaction if—

"(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly substantially all of the properties held directly or indirectly by a domestic corporation, and

"(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation.

"(iii) LOWER STOCK OWNERSHIP REQUIREMENT IN CERTAIN CASES.—Subclause (II) of clause (ii) shall be applied by substituting '50 percent' for '80 percent' with respect to any nominally foreign corporation if—

"(I) such corporation does not have substantial business activities (when compared to the total business activities of the expanded affiliated group) in the foreign country in which or under the law of which the corporation is created or organized, and

"(II) the stock of the corporation is publicly traded and the principal market for the public trading of such stock is in the United States.

"(iv) PARTNERSHIP TRANSACTIONS.—The term 'corporate expatriation transaction' includes any transaction if—

"(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly properties constituting a trade or business of a domestic partnership,

"(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former partners of the domestic partnership or related foreign partnerships (determined without regard to stock of the acquiring corporation which is sold in a public offering related to the transaction), and

"(III) the acquiring corporation meets the requirements of subclauses (I) and (II) of clause (iii).

"(v) SPECIAL RULES.—For purposes of this subparagraph—

"(I) a series of related transactions shall be treated as 1 transaction, and

"(II) stock held by members of the expanded affiliated group which includes the acquiring corporation shall not be taken into account in determining ownership.

"(vi) OTHER DEFINITIONS.—For purposes of this subparagraph—

"(I) NOMINALLY FOREIGN CORPORATION.—The term 'nominally foreign corporation' means any corporation which would (but for this subparagraph) be treated as a foreign corporation.

"(II) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group (as defined in section 1504(a) without regard to section 1504(b)).

"(III) RELATED FOREIGN PARTNERSHIP.—A foreign partnership is related to a domestic partnership if they are under common control (within the meaning of section 482), or they shared the same trademark or tradename."

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by this section shall apply to corporate expatriation transactions completed after September 11, 2001.

(2) SPECIAL RULE.—The amendment made by this section shall also apply to corporate expatriation transactions completed on or before September 11, 2001, but only with respect to taxable years of the acquiring corporation beginning after December 31, 2003.

Subtitle D—Inclusion in Gross Income of Funded Deferred Compensation of Corporate Insiders

SEC. 351. INCLUSION IN GROSS INCOME OF FUNDED DEFERRED COMPENSATION OF CORPORATE INSIDERS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 is amended by adding at the end the following new section:

"SEC. 409A. INCLUSION IN GROSS INCOME OF FUNDED DEFERRED COMPENSATION OF CORPORATE INSIDERS.

"(a) IN GENERAL.—If an employer maintains a funded deferred compensation plan—

"(1) compensation of any disqualified individual which is deferred under such funded deferred compensation plan shall be included in the gross income of the disqualified individual or beneficiary for the 1st taxable year in which there is no substantial risk of forfeiture of the rights to such compensation, and

"(2) the tax treatment of any amount made available under the plan to a disqualified individual or beneficiary shall be determined under section 72 (relating to annuities, etc.).

"(b) FUNDED DEFERRED COMPENSATION PLAN.—For purposes of this section—

"(1) IN GENERAL.—The term 'funded deferred compensation plan' means any plan providing for the deferral of compensation unless—

"(A) the employee's rights to the compensation deferred under the plan are no greater than the rights of a general creditor of the employer, and

"(B) all amounts set aside (directly or indirectly) for purposes of paying the deferred compensation, and all income attributable to such amounts, remain (until made available to the participant or other beneficiary) solely the property of the employer (without being restricted to the provision of benefits under the plan), and

"(C) the amounts referred to in subparagraph (B) are available to satisfy the claims of the employer's general creditors at all times (not merely after bankruptcy or insolvency).

Such term shall not include a qualified employer plan.

"(2) SPECIAL RULES.—

"(A) EMPLOYEE'S RIGHTS.—A plan shall be treated as failing to meet the requirements of paragraph (1)(A) unless—

"(i) the compensation deferred under the plan is payable only upon separation from service, death, or at a specified time (or pursuant to a fixed schedule), and

"(ii) the plan does not permit the acceleration of the time such deferred compensation is payable by reason of any event.

If the employer and employee agree to a modification of the plan that accelerates the time for payment of any deferred compensation, then all compensation previously deferred under the plan shall be includible in gross income for the taxable year during which such modification takes effect and the taxpayer shall pay interest at the underpayment rate on the underpayments that would have occurred had the deferred compensation been includible in gross income on the earliest date that there is no substantial risk of forfeiture of the rights to such compensation.

"(B) CREDITOR'S RIGHTS.—A plan shall be treated as failing to meet the requirements of paragraph (1)(B) with respect to amounts set aside in a trust unless—

"(i) the employee has no beneficial interest in the trust,

"(ii) assets in the trust are available to satisfy claims of general creditors at all times (not merely after bankruptcy or insolvency), and

"(iii) there is no factor that would make it more difficult for general creditors to reach the assets in the trust than it would be if the trust assets were held directly by the employer in the United States.

Except as provided in regulations prescribed by the Secretary, such a factor shall include the location of the trust outside the United States.

"(c) DISQUALIFIED INDIVIDUAL.—For purposes of this section, the term 'disqualified individual' means, with respect to a corporation, any individual—

"(1) who is subject to the requirements of section 16(a) of the Securities Exchange Act of 1934 with respect to such corporation, or

"(2) who would be subject to such requirements if such corporation were an issuer of equity securities referred to in such section.

"(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED EMPLOYER PLAN.—The term 'qualified employer plan' means—

"(A) any plan, contract, pension, account, or trust described in subparagraph (A) or (B) of section 219(g)(5), and

"(B) any other plan of an organization exempt from tax under subtitle A.

"(2) PLAN INCLUDES ARRANGEMENTS, ETC.—The term 'plan' includes any agreement or arrangement.

"(3) SUBSTANTIAL RISK OF FORFEITURE.—The rights of a person to compensation are subject to a substantial risk of forfeiture if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.

"(4) TREATMENT OF EARNINGS.—Except for purposes of subsection (a)(1) and the last sentence of (b)(2)(A), references to deferred compensation shall be treated as including references to income attributable to such compensation or such income."

(b) CLERICAL AMENDMENT.—The table of sections for such subpart A is amended by adding at the end the following new item:

"Sec. 409A. Inclusion in gross income of funded deferred compensation of corporate insiders."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts deferred after July 10, 2002.

Mr. REYNOLDS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 219, nays 203, not voting 12, as follows:

[Roll No. 178]

YEAS—219

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot

Chocola
Coble
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—203

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Boyd
Brady (TX)
Cole
Combest
Conyers
Feeney
Gephardt
Herger
King (IA)
Miller, Gary
Northup
Schrock

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that a minimum of 2 minutes remain in this vote.

□ 1113

Mr. WYNN and Mr. BALLANCE changed their vote from "yea" to "nay."

Mr. LEWIS of California and Mr. PAUL changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 203, not voting 11, as follows:

[Roll No. 179]

AYES—220

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—203

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John

Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Boyd
Cole
Combest
Cramer
Feeney
Gephardt
Hunter
King (IA)
Miller, Gary
Northup
Schrock

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1121

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. THOMAS. Mr. Speaker, pursuant to House Resolutions 227, I call up the bill (H.R. 2) to amend the Internal Revenue Code of 1986 to provide additional tax incentives to encourage economic growth, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 227, the bill is considered read for amendment.

The text of H.R. 2 is as follows:

H.R. 2

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Jobs and Growth Tax Act of 2003".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; references; table of contents.

TITLE I—ACCELERATION OF CERTAIN PREVIOUSLY ENACTED TAX REDUCTIONS; INCREASED EXPENSING FOR SMALL BUSINESSES

Sec. 101. Acceleration of 10-percent individual income tax rate bracket expansion.
Sec. 102. Acceleration of reduction in individual income tax rates.
Sec. 103. Acceleration of 15-percent individual income tax rate bracket expansion for married taxpayers filing joint returns.
Sec. 104. Acceleration of increase in standard deduction for married taxpayers filing joint returns.
Sec. 105. Acceleration of increase in child tax credit.
Sec. 106. Increased expensing for small business.
Sec. 107. Minimum tax relief to individuals.
Sec. 108. Application of EGTRRA sunset to this title.

TITLE II—DIVIDEND EXCLUSION TO ELIMINATE DOUBLE TAXATION OF CORPORATE EARNINGS

Sec. 201. Dividend exclusion to eliminate double taxation of corporate earnings.
Sec. 202. Rules for application of dividend exclusion and retained earnings basis adjustments.
Sec. 203. Treatment of regulated investment companies and real estate investment trusts.
Sec. 204. Treatment of insurance companies.
Sec. 205. Treatment of S corporations.
Sec. 206. Repeal of accumulated earnings tax and personal holding company tax.
Sec. 207. Effective dates.

TITLE I—ACCELERATION OF CERTAIN PREVIOUSLY ENACTED TAX REDUCTIONS; INCREASED EXPENSING FOR SMALL BUSINESSES

SEC. 101. ACCELERATION OF 10-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET EXPANSION.

(a) IN GENERAL.—Clause (i) of section 1(i)(1)(B) (relating to the initial bracket amount) is amended by striking "($12,000 in the case of taxable years beginning before January 1, 2008)".

(b) INFLATION ADJUSTMENT BEGINNING IN 2003.—Section 1(i)(1)(C) (relating to inflation adjustment) is amended to read as follows:

"(C) INFLATION ADJUSTMENT.—In prescribing the tables under subsection (f) which apply with respect to taxable years beginning in calendar years after 2002—

"(i) the cost-of-living adjustment used in making adjustments to the initial bracket amount shall be determined under subsection (f)(3) by substituting '2001' for '1992' in subparagraph (B) thereof, and

"(ii) such adjustment shall not apply to the amount referred to in subparagraph (B)(iii).

If any amount after adjustment under the preceding sentence is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(2) TABLES FOR 2003.—The Secretary of the Treasury shall modify each table which has been prescribed for taxable years beginning in 2003 and which relates to any amendment made by this section, section 102, or section 103 to reflect each such amendment.

SEC. 102. ACCELERATION OF REDUCTION IN INDIVIDUAL INCOME TAX RATES.

(a) IN GENERAL.—The table in paragraph (2) of section 1(i) (relating to reductions in rates after June 30, 2001) is amended to read as follows:

"In the case of taxable years beginning during calendar year:	The corresponding percentages shall be substituted for the following percentages:			
	28%	31%	36%	39.6%
2001	27.5%	30.5%	35.5%	39.1%
2002	27.0%	30.0%	35.0%	38.6%
2003 and thereafter	25.0%	28.0%	33.0%	35.0%".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 103. ACCELERATION OF 15-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET EXPANSION FOR MARRIED TAXPAYERS FILING JOINT RETURNS.

(a) IN GENERAL.—Paragraph (8) of section 1(f) (relating to phaseout of marriage penalty in 15-percent bracket) is amended to read as follows:

"(8) ELIMINATION OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.—With respect to taxable years beginning after December 31, 2002, in prescribing the tables under paragraph (1)—

"(A) the maximum taxable income in the 15 percent rate bracket in the table contained in subsection (a) (and the minimum taxable income in the next higher taxable income bracket in such table) shall be 200 percent of the maximum taxable income in the 15-percent rate bracket in the table contained in subsection (c) (after any other adjustment under this subsection), and

"(B) the comparable taxable income amounts in the table contained in subsection (d) shall be ½ of the amounts determined under subparagraph (A).".

(b) CONFORMING AMENDMENTS.—

(1) The heading for subsection (f) of section 1 is amended by striking "PHASEOUT" and inserting "ELIMINATION".

(2) Section 302(c) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is

amended by striking "2004" and inserting "2002".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 104. ACCELERATION OF INCREASE IN STANDARD DEDUCTION FOR MARRIED TAXPAYERS FILING JOINT RETURNS.

(a) In General.—Paragraph (2) of section 63(c) (relating to basic standard deduction) is amended to read as follows:

"(2) Basic standard deduction.—For purposes of paragraph (1), the basic standard deduction is—

"(A) 200 percent of the dollar amount in effect under subparagraph (C) for the taxable year in the case of—

"(i) a joint return, or

"(ii) a surviving spouse (as defined in section 2(a)),

"(B) $4,400 in the case of a head of household (as defined in section 2(b)), or

"(C) $3,000 in any other case.".

(b) Conforming Amendments.—

(1) Section 63(c)(4) is amended by striking "(2)(D)" each place it occurs and inserting "(2)(C)".

(2) Section 63(c) is amended by striking paragraph (7).

(3) Section 301(d) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking "2004" and inserting "2002".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 105. ACCELERATION OF INCREASE IN CHILD TAX CREDIT.

(a) In General.—Subsection (a) of section 24 (relating to child tax credit) is amended to read as follows:

"(a) Allowance of Credit.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year with respect to each qualifying child of the taxpayer an amount equal to $1,000.".

(b) Advance Payment of Portion of Increased Credit in 2003.—

(1) In general.—Subchapter B of chapter 65 (relating to abatements, credits, and refunds) is amended by adding at the end the following new section:

"SEC. 6429. ADVANCE PAYMENT OF PORTION OF INCREASED CHILD CREDIT.

"(a) In General.—Each eligible taxpayer shall be treated as having made a payment against the tax imposed by chapter 1 for such taxpayer's first taxable year beginning in 2002 in an amount equal to the child tax credit refund amount.

"(b) Eligible Taxpayer.—For purposes of this section, the term 'eligible taxpayer' means any taxpayer if—

"(1) such taxpayer was allowed a credit under section 24 for such taxpayer's first taxable year beginning in 2002, and

"(2) at least one qualifying child (as defined in section 24(c)) of the taxpayer for such year meets the age requirement for 2003.

"(c) Child Tax Credit Refund Amount.—

"(1) In general.—For purposes of this section, the child tax credit refund amount is equal to the excess (if any) of—

"(A) the amount which would have been allowed as a credit under section 24 for the taxpayer's first taxable year beginning in 2002 if—

"(i) the per child amount for such year were $1,000, and

"(ii) only qualifying children (as defined in section 24(c)) of the taxpayer for such year who meet the age requirement for 2003 were taken into account, over

"(B) the amount which would have been allowed as a credit under section 24 for the taxpayer's first taxable year beginning in 2002 if only qualifying children (as defined in section 24(c)) of the taxpayer for such year who meet the age requirement for 2003 were taken into account.

"(2) Adjustments.—The amounts described in subparagraphs (A) and (B) of paragraph (1) shall be determined—

"(A) without regard to section 24(d)(1)(B)(ii), and

"(B) as if the credit allowed under section 24(d) were allowed under section 24.

"(d) Age Requirement.—A child of a taxpayer meets the age requirement for 2003 if such child meets the requirement of section 24(c)(1)(B) for the taxpayer's first taxable year beginning in 2003.

"(e) Timing of Payments.—In the case of any overpayment attributable to this section, the Secretary shall, subject to the provisions of this title, refund or credit such overpayment as rapidly as possible and, to the extent practicable, before December 31, 2003.

"(f) Coordination With Child Tax Credit.—

"(1) In general.—The amount of credit which would (but for this paragraph) be allowable under section 24 for the taxpayer's first taxable year beginning in 2003 shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under this section. Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

"(2) Joint returns.—In the case of a refund or credit made or allowed under this section with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.

"(g) No Interest.—No interest shall be allowed on any overpayment attributable to this section.".

(2) Clerical amendment.—The table of sections for subchapter B of chapter 65 is amended by adding at the end the following new item:

"Sec. 6429. Advance payment of portion of increased child credit.".

(c) Effective Dates.—

(1) Subsection (a).—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2002.

(2) Subsection (b).—The amendments made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 106. INCREASED EXPENSING FOR SMALL BUSINESS.

(a) In General.—Paragraph (1) of section 179(b) (relating to dollar limitation) is amended to read as follows:

"(1) Dollar limitation.—The aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $75,000.".

(b) Increase in Qualifying Investment at Which Phaseout Begins.—Paragraph (2) of section 179(b) (relating to reduction in limitation) is amended by striking "$200,000" and inserting "$325,000".

(c) Off-the-Shelf Computer Software.—Paragraph (1) of section 179(d) (defining section 179 property) is amended to read as follows:

"(1) Section 179 property.—For purposes of this section, the term 'section 179 property' means property—

"(A) which is—

"(i) tangible property (to which section 168 applies), or

"(ii) computer software (as defined in section 197(e)(3)(B)) which is described in section 197(e)(3)(A)(i) and to which section 167 applies,

"(B) which is section 1245 property (as defined in section 1245(a)(3)), and

"(C) which is acquired by purchase for use in the active conduct of a trade or business. Such term shall not include any property described in section 50(b) and shall not include air conditioning or heating units.".

(d) Adjustment of Dollar Limit and Phaseout Threshold for Inflation.—Subsection (b) of section 179 (relating to limitations) is amended by adding at the end the following new paragraph:

"(5) Inflation adjustments.—

"(A) In general.—In the case of any taxable year beginning in a calendar year after 2003, the dollar amounts in paragraphs (1) and (2) shall each be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

"(B) Rounding.—

"(i) Dollar limitation.—If the amount in paragraph (1) as increased under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

"(ii) Phaseout amount.—If the amount in paragraph (2) as increased under subparagraph (A) is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.".

(e) Revocation of Election.—Paragraph (2) of section 179(c) (relating to election irrevocable) is amended to read as follows:

"(2) Revocation of election.—The taxpayer may revoke an election under paragraph (1), and any specification contained in any such election, with respect to any property. Such revocation, once made, shall be irrevocable.".

(f) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 107. MINIMUM TAX RELIEF TO INDIVIDUALS.

(a) In General.—So much of paragraph (1) of section 55(d) (relating to exemption amount for taxpayers other than corporations) as precedes subparagraph (C) thereof is amended to read as follows:

"(1) Exemption amount for taxpayers other than corporations.—In the case of a taxpayer other than a corporation, the term 'exemption amount' means as follows:

"(A) Joint return and surviving spouse.—In the case of a joint return or a surviving spouse, the amount under the following table:

"In the case of taxable years beginning:	**The exemption amount is:**
Before 2001	$45,000
In 2001 and 2002	$49,000
In 2003, 2004, and 2005	$57,000
After 2005	$45,000.

"(B) Individual not married and not a surviving spouse.—In the case of an individual who is not a married individual and is not a surviving spouse, the amount under the following table:

"In the case of taxable years beginning:	**The exemption amount is:**
Before 2001	$33,750
In 2001 and 2002	$35,750
In 2003, 2004, and 2005	$39,750
After 2005	$33,750.".

(b) Conforming Amendments.—

(1) Section 55(d)(1)(C) is amended—

(A) by striking ", and" and inserting a period, and

(B) by striking "50 percent" and inserting "Married individual filing a separate return.—50 percent".

(2) Section 55(d)(1)(D) is amended by striking "$22,500" and inserting "Estate and trust.—$22,500".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 108. APPLICATION OF EGTRRA SUNSET TO THIS TITLE.

Each amendment made by this title (other than section 106) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

TITLE II—DIVIDEND EXCLUSION TO ELIMINATE DOUBLE TAXATION OF CORPORATE EARNINGS

SEC. 201. DIVIDEND EXCLUSION TO ELIMINATE DOUBLE TAXATION OF CORPORATE EARNINGS.

(a) In General.—Part III of subchapter B of chapter 1 is amended by inserting after section 115 the following new section:

"SEC. 116. DIVIDEND EXCLUSION TO ELIMINATE DOUBLE TAXATION OF CORPORATE EARNINGS.

"(a) Exclusion.—Gross income does not include the excludable portion (as defined in section 281) of any amount received as a dividend.

"(b) Comparable Treatment for Retained Earnings.—If the excludable dividend amount (as defined in section 281) of any corporation for any calendar year exceeds the dividends paid by the corporation in such calendar year, the basis of stock in the corporation shall be increased in the manner and to the extent provided in section 282.

"(c) Reporting to Shareholders.—For reporting to shareholders, see section 6042."

(b) Clerical Amendment.—The table of sections for such part III is amended by inserting after the item relating to section 115 the following new item:

"Sec. 116. Dividend exclusion to eliminate double taxation of corporate earnings."

SEC. 202. RULES FOR APPLICATION OF DIVIDEND EXCLUSION AND RETAINED EARNINGS BASIS ADJUSTMENTS.

(a) In General.—Subchapter B of chapter 1 (as amended by subsection (d)) is amended by inserting after part IX the following new part:

"PART X—RULES FOR APPLICATION OF DIVIDEND EXCLUSION AND RETAINED EARNINGS BASIS ADJUSTMENTS.

"Sec. 281. Excludable portion of dividends.
"Sec. 282. Retained earnings basis adjustments.
"Sec. 283. Treatment of distributions after previous retained earnings basis adjustments.
"Sec. 284. Special rules for credits and refunds.
"Sec. 285. Special rules for foreign corporations and shareholders.
"Sec. 286. Other special rules.
"Sec. 287. Regulations.

"SEC. 281. EXCLUDABLE PORTION OF DIVIDENDS.

"(a) Excludable Portion.—For purposes of section 116, the term 'excludable portion' means, with respect to any dividend paid by a corporation in a calendar year, an amount which bears the same ratio to such dividend as the excludable dividend amount of such corporation for the calendar year bears to the total amount of dividends paid by such corporation in such calendar year.

"(b) Excludable Dividend Amount.—For purposes of this part and section 116—

"(1) In general.—The term 'excludable dividend amount' means, with respect to any corporation for any calendar year, the excess of—

"(A) the sum of—

"(i) the fully taxed earnings amount for the preceding calendar year,

"(ii) the aggregate amount of dividends received by the corporation during such preceding year which are excluded from gross income under section 116(a), and

"(iii) the aggregate amount of increases during such preceding year under section 116(b) in the basis of stock held by the corporation, over

"(B) the amount of applicable income tax taken into account under subparagraph (A)(i).

"(2) Carryover of excess of excludable dividend amount over earnings and profits.—The excludable dividend amount of a corporation for any calendar year shall be increased by the excess of—

"(A) the excludable dividend amount of such corporation for the preceding calendar year, over

"(B) the maximum amount which could have been paid by the corporation as dividends during such preceding calendar year.

"(c) Fully Taxed Earnings Amount.—

"(1) In general.—The fully taxed earnings amount for any calendar year is the amount of the applicable income tax shown on applicable returns for such year divided by the highest rate of tax specified in section 11.

"(2) Increase for prior year assessments.—The fully taxed earnings amount for any calendar year shall be increased by the amount of any applicable income tax (not previously taken into account under paragraph (1)) which is assessed during such year divided by the highest rate of tax specified in section 11.

"(3) Limitation to amount paid.—If an amount described in paragraph (1) or (2) is paid after the close of the calendar year in which such amount would (but for this paragraph) be taken into account, such amount shall be taken into account for the calendar year in which paid.

"(4) Highest rate of tax.—For purposes of this subsection, the highest rate of tax specified in section 11 with respect to any applicable income tax shall be such highest rate for the taxable year for which (or by reference to which) such tax is determined.

"(d) Definitions.—For purposes of this part—

"(1) Applicable income tax.—

"(A) In general.—The term 'applicable income tax' means the excess (if any) of—

"(i) the sum of the taxes imposed by sections 11, 55, 511, 801, 831, 882, 1201, 1291 (without regard to section 1291(c)(1)(B)), and 1374, over

"(ii) the sum of the credits under part IV of subchapter A (other than subpart C and section 27(a)).

"(B) Transitional rules.—

"(i) In general.—Such term shall not include any tax imposed for any taxable year ending before April 1, 2001.

"(ii) Treatment of minimum tax credit.—The applicable income tax shall not be reduced by the credit under section 53 attributable (determined as if such credit were used on a first-in first-out basis) to taxable years ending before April 1, 2001.

"(iii) Section 1374.—The reference to section 1374 in subparagraph (A)(i) shall not apply to taxable years beginning before January 1, 2003.

"(iv) Other taxes included.—The taxes imposed by sections 531 and 541 (as in effect before their repeal) shall be taken into account under subparagraph (A)(i) for taxable years ending after March 30, 2001, and beginning before January 1, 2003.

"(2) Applicable return.—

"(A) In general.—The term 'applicable return' means, with respect to a calendar year, any return of applicable income tax for a taxable year if the 15th day of the 8th month following the close of such taxable year occurs during such calendar year.

"(B) Filing requirement.—If a return is filed after the close of the calendar year with respect to which such return would (but for this subparagraph) be treated as an applicable return under subparagraph (A), such return shall be treated as an applicable return for the calendar year in which filed.

"SEC. 282. RETAINED EARNINGS BASIS ADJUSTMENTS.

"(a) In General.—If any portion of the excess described in section 116(b) is allocated to a share of stock in a corporation under subsection (b), the basis of such share shall be increased by the amount so allocated.

"(b) Allocation of Excess.—

"(1) In general.—A corporation may allocate the excess described in section 116(b) for any calendar year to shares of stock in the corporation at 1 or more times during the calendar year to the extent that cash in the amount of such excess, if distributed at the time of such allocation, would be a dividend.

"(2) Manner.—Except as provided in regulations prescribed by the Secretary, any amount allocated under paragraph (1) shall be allocated in the same manner as if cash in such amount were actually distributed as dividends. No allocation shall be effective before the date on which it is made by the corporation.

"(3) Exception for certain preferred stock.—No amount may be allocated under this subsection to stock described in section 1504(a)(4) (determined without regard to subparagraph (A) thereof).

"(c) Effect on Earnings and Profits.—Earnings and profits of a corporation making an allocation under subsection (b), and of a corporation receiving such an allocation, shall be adjusted in the same manner as if the allocation were treated as a dividend.

"(d) Authority to Allow Carryover of Unallocated Excess Excludable Dividend Amount.—Notwithstanding section 281, the Secretary may by regulation allow a corporation to increase the excludable dividend amount for any calendar year by the amount of the excess described in section 116(b) for the preceding calendar year which is not allocated under subsection (b).

"SEC. 283. TREATMENT OF DISTRIBUTIONS AFTER PREVIOUS RETAINED EARNINGS BASIS ADJUSTMENTS.

"(a) Treatment of Distributions.—

"(1) In general.—If a corporation makes distributions described in section 301(a) with respect to any class of stock in any calendar year which are not excludable under section 116(a), such distributions shall not be treated as dividends (and paragraphs (2) and (3) of section 301(c) shall apply to such distributions) to the extent such distributions do not exceed the corporation's cumulative retained earnings basis adjustment amount for such class as of the beginning of such year. If such distributions exceed such amount, this paragraph shall be applied to a proportionate share of each such distribution.

“(2) Special rules for recharacterized dividends.—If any dividend (determined without regard to this subsection) during any calendar year with respect to any class of stock in a corporation is treated as a distribution other than a dividend under paragraph (1), such treatment shall be disregarded for purposes of—

“(A) determining the excludable portion under section 281 of dividends paid by the corporation during the calendar year, and

“(B) determining whether any distribution during the calendar year with respect to stock in the corporation is treated as a dividend.

“(b) Cumulative Retained Earnings Basis Adjustment Amount.—For purposes of this section, the term ‘cumulative retained earnings basis adjustment amount’ means, with respect to any class of stock for any calendar year, the excess (if any) of—

“(1) the aggregate of the excess described in section 116(b) allocated to shares of such class of stock under section 282 for all preceding calendar years, over

“(2) the aggregate amount of distributions to which subsection (a)(1) applies with respect to such class of stock for all preceding calendar years.

“SEC. 284. SPECIAL RULES FOR CREDITS AND REFUNDS.

“(a) In General.—No overpayment of an applicable income tax may be allowed as a credit or refund to the extent that the overpayment exceeds the sum of—

“(1) the aggregate applicable income taxes for the calendar year in which the credit or refund would otherwise be allowed or made, and

“(2) an amount equal to the lesser of—

“(A) the product of the corporation's excludable dividend amount for such calendar year and the fraction the numerator of which is the highest rate of tax specified in section 11 (within the meaning of section 281(c)(4)) and the denominator of which is 1 minus such highest rate, or

“(B) the amount specified by the corporation for purposes of this paragraph.

“(b) Adjustments to Excludable Dividend Amounts Resulting From Credits and Refunds.—If subsection (a) applies to any credit or refund which is allowed or made in a calendar year—

“(1) the applicable income taxes described in subsection (a)(1) otherwise taken into account under section 281 for determining the excludable dividend amount for the succeeding calendar year shall be reduced (but not below zero) by the amount of the credit or refund, and

“(2) the excludable dividend amount for the calendar year shall be reduced by the excess of—

“(A) the amount determined under subsection (a)(2) divided by the highest rate of tax specified in section 11, over

“(B) the amount determined under subsection (a)(2).

“(c) Disallowed Overpayment Not Lost.—Nothing in subsection (a) shall be construed to reduce the amount of any overpayment for which credit or refund is not allowed by reason of subsection (a), and such overpayment shall continue to be taken into account in applying subsection (a) for succeeding calendar years until a credit or refund is allowed or made.

“(d) Exception for Foreign Tax Credit.—This section shall not apply to any overpayment to the extent that such overpayment is attributable to the credit allowed under section 27(a).

“(e) Denial of Interest.—No interest shall be allowed on any overpayment during the period that credit or refund of such overpayment is not allowed by reason of this section.

“SEC. 285. SPECIAL RULES FOR FOREIGN CORPORATIONS AND SHAREHOLDERS.

“(a) Computation of Excludable Dividend Amounts of Foreign Corporations.—

“(1) Reduction in excludable dividend amount for certain taxes.—The reduction under section 281(b)(1)(B) (without regard to this subparagraph) shall be increased by the sum of—

“(A) the taxes imposed by section 884 (relating to branch profits tax), and

“(B) so much of the taxes imposed by section 881 as are attributable to dividends which would (but for subsection (b)) be excludable under section 116 or are attributable to distributions which are described in section 283(a).

“(2) Treatment of disallowed exclusions and adjustments.—Notwithstanding subsection (b)—

“(A) the excludable dividend amount of a foreign corporation for a calendar year shall be increased by—

“(i) the dividends received by the corporation which (but for subsection (b)) would be excludable under section 116(a), and

“(ii) the distributions received by such corporation during such year which are described in section 283(a), and

“(B) the earnings and profits of a foreign corporation—

“(i) shall be increased by the amount described in subparagraph (A)(ii), and

“(ii) shall not be increased by any excess described in section 116(b) allocated to such corporation for which an increase in basis is not allowed by reason of subsection (b)(2).

“(b) Taxation of Foreign Shareholders.—In the case of a shareholder who is a nonresident alien individual or a foreign corporation—

“(1) no dividends shall be excludable under section 116(a),

“(2) there shall be no increase in basis for any excess described in section 116(b) allocated to such individual or corporation under section 282, and

“(3) any distribution described in section 283 shall be treated as a dividend for purposes of sections 871 and 881 and chapter 3.

“(c) Rules Relating to Foreign Tax Credit.—

“(1) In general.—No credit shall be allowed under section 901 for any taxes paid or accrued (or deemed paid under section 902 or 960) with respect to any dividend excludable under section 116 and any distribution described in section 283(a).

“(2) Excludable dividend amount.—The excludable dividend amount of a corporation for any calendar year shall be determined without regard to a reduction in the credit allowed by section 27(a) on an applicable return for a prior calendar year.

“SEC. 286. OTHER SPECIAL RULES.

“(a) Redemptions.—If a corporation makes a distribution to a shareholder during any calendar year with respect to its stock and section 301 does not apply to such distribution, the excludable dividend amount for the calendar year, and the cumulative retained earnings basis adjustment amount as of the beginning of the calendar year in which the distribution is made, shall be reduced by the ratable share of such amounts attributable to the stock so redeemed.

“(b) Coordination With Section 246(c).—

“(1) Holding period requirements.—If a shareholder disposes of any share of stock before the holding period requirements of section 246(c) are met—

“(A) the basis of such share shall be reduced by the amount of dividends received with respect to such share which are excludable under section 116(a), and

“(B) there shall be no increase in basis for any excess described in section 116(b) allocated to the shareholder of such stock under section 282.

“(2) Related payments.—No deduction shall be allowed under this chapter for any related payments described in section 246(c)(1)(B) with respect to any dividend excludable under section 116(a) or basis increase under section 116(b) with respect to any share of stock to the extent that such payments do not exceed the amount of such dividend or basis increase.

“(3) Treatment of disallowed exclusions and adjustments.—The excludable dividend amount of any corporation for a calendar year, and its earnings and profits, shall not be increased by—

“(A) the dividends received by the corporation which are excludable under section 116(a) and which resulted in a basis reduction under paragraph (1)(A), and

“(B) the aggregate increases in basis which (but for paragraph (1)(B)) would be made in stock held by the corporation.

“(c) Treatment of Regulated Investment Companies and Real Estate Investment Trusts.—

“(1) In general.—Except as provided in regulations, the excludable dividend amount of a regulated investment company or real estate investment trust shall be zero.

“(2) Cross reference.—

“For special rules relating to application of this part to regulated investment companies and real estate investment trusts, see section 852(g).

“(d) Exclusion and Basis Allocation Reduced Where Portfolio Stock Held by Corporation is Debt-Financed.—

“(1) Treatment of excludable dividend.—In the case of any debt-financed portfolio stock (within the meaning of section 246A), the amount excluded under section 116(a) with respect to any dividend received with respect to such stock shall be an amount equal to the product of—

“(A) the amount which would be excluded under section 116(a) without regard to this paragraph, and

“(B) 100 percent minus the average indebtedness percentage (within the meaning of section 246A(d)).

“(2) Treatment of basis increase.—In the case of any debt-financed portfolio stock (within the meaning of section 246A) with respect to which there is an increase in basis under section 116(b) during any taxable year, the gross income of the taxpayer shall be increased by an amount equal to the product of—

“(A) the amount of the increase under section 116(b), and

“(B) the average indebtedness percentage (within the meaning of section 246A(d)).

“(3) Limitation.—The aggregate amount of reductions under paragraph (1) and increases in gross income under paragraph (2) with respect to any debt-financed portfolio stock shall not exceed the amount of interest deduction (including any deductible short sale expense) allocable to such stock.

“(4) Treatment of increase in gross income.—The excludable dividend amount of a corporation for a calendar year shall not be increased by reason of any increase in gross income under paragraph (2).

“(5) Exception.—This subsection shall not apply to any dividend described in paragraph (1) or (2) of section 246A(b).

"(e) Cooperatives.—In the case of a cooperative to which subchapter T applies—

"(1) the excludable dividend amount of such cooperative shall be allocated for purposes of section 116 and this part between shares of such cooperative held by patrons and shares held by other persons in such manner as the Secretary shall prescribe by regulations, and

"(2) no deduction shall be allowed to the cooperative under this chapter for any dividend paid to a patron which is excludable under section 116(a) or for any distribution described in section 283(a) which reduced the basis of stock held by the cooperative under section 301(c)(2).

"(f) ESOP Stock.—Any dividend allowed as a deduction under section 404(k) shall not be treated as a dividend for purposes of section 116 and this part, and any stock with respect to which such a dividend may be paid shall not be taken into account in making any allocation under 282 or any distribution described in section 283(a).

"SEC. 287. REGULATIONS.

"The Secretary shall prescribe such regulations as may be appropriate to carry out section 116 and this part, including regulations—

"(1) providing for the treatment of options and convertible debt as stock, including modification of the attribution rules under section 318(a)(4),

"(2) providing for the allocation of the excludable dividend amount and the cumulative retained earnings basis adjustment amount in the case of transactions described in section 312(h),

"(3) waiving the application of section 246(c)(4) for purposes of sections 286(b) and 1059(g),

"(4) modifying the consolidated return regulations to the extent necessary or appropriate to apply the provisions of this part, including regulations that accelerate the inclusion in the excludable dividend amount of a higher-tier member with respect to—

"(A) activities of lower-tier members of the group,

"(B) dividends excludable under section 116(a) received from such lower-tier members, and

"(C) increases in basis allocated under section 282 to stock in such lower-tier members,

"(5) providing for the application of section 116 and this part in the case of pass-thru entities, including appropriate adjustments to basis, and

"(6) as are necessary to further the purposes of section 116 and this part and to prevent the circumvention of such purposes.

Any regulations under paragraph (4) may be effective as of the effective date of this part."

(b) Reporting of Excludable Dividends and Retained Earnings Basis Adjustments.—

(1) In general.—Section 6042(a) (relating to returns regarding payments of dividends and corporate earnings and profits) is amended to read as follows:

"(a) Requirement of Reporting.—

"(1) In general.—Every person—

"(A) who makes payments of dividends aggregating $10 or more to any other person during any calendar year,

"(B) who allocates under section 282 increases in basis of stock in a corporation aggregating $10 or more to any other person during any calendar year,

"(C) who makes distributions described in section 283(a) aggregating $10 or more to any other person during any calendar year, or

"(D) who receives such payments of dividends, allocations of increases in basis, or distributions as a nominee and who makes payments or allocates increases aggregating $10 or more during any calendar year to any other person with respect to the dividends, allocations, or distributions received,

shall make a return at the time and in the manner prescribed by the Secretary, setting forth the information described in paragraph (3).

"(2) Returns required by secretary.—Every person who makes payments of dividends, allocations under section 282, or distributions described in section 283(a) to which paragraph (1) does not apply shall, when required by the Secretary, make a return setting forth the information described in paragraph (3).

"(3) Information reported.—Information described in this paragraph includes—

"(A) the aggregate amount of dividends, including the portion of such amount excludable from gross income under section 116(a),

"(B) the amount of each allocation of basis under section 282 with respect to each share of stock and the date of such increase,

"(C) the amount of each distribution described in section 283(a), including the portion of such amount to which paragraph (2) or (3) of section 301(c) applies and the date of such distribution, and

"(D) such other information as the Secretary may require.

In the case of a nominee described in paragraph (1)(D), this paragraph shall apply with respect to the payments and allocations made by the nominee."

(2) Application to foreign persons.—Section 6042 is amended by adding at the end the following new subsection:

"(e) Application to Foreign Persons.—The Secretary may provide for the application of this section to payments, allocations, and distributions made by or to a foreign person to the extent necessary to carry out the provisions of section 116 and part X of subchapter B of chapter 1."

(3) Conforming amendments.—

(A) Section 6042(b)(3) is amended by striking "or (B)" and inserting "or (D)".

(B) Section 6042(c)(2) is amended to read as follows:

"(2) the information described in subsection (a)(3) required to be shown on the return."

(c) Amendments to Other Sections.—

(1) Minimum tax.—Clause (i) of section 56(g)(4)(B) is amended by striking "or under section 114" and inserting ", section 114, or section 116".

(2) Coordination with dividend received deductions.—

(A) Section 246 is amended by adding at the end the following new subsection:

"(f) Coordination With Dividend Exclusion.—No deduction shall be allowed under section 243, 244, or 245 with respect to the amount of any dividend excluded from gross income under section 116 or would be so excluded but for sections 285(b)(1) and 286(d)."

(B) Section 243 is amended by adding at the end the following new subsection:

"(f) Termination.—Paragraph (1) of subsection (a) shall not apply to any dividend—

"(1) paid from earnings and profits accumulated in taxable years ending after April 1, 2001,

"(2) made with respect to stock issued after February 2, 2003, or

"(3) received by a corporation after December 31, 2005."

(3) Carryovers in certain corporation acquisitions.—Section 381(c) is amended by adding at the end the following new paragraph:

"(27) EDA and CREBAA.—The acquiring corporation shall take into account (to the extent proper to carry out the purposes of this section, section 116, and part X of subchapter B, and under such regulation as may be prescribed by the Secretary) the excludable dividend amount and the cumulative retained earnings basis adjustment amount in respect of the distributor or transferor."

(4) Trusts and estates.—Subsection (a) of section 643 is amended—

(A) by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

"(7) Dividends, etc.—There shall be included the amount of any dividends excluded from gross income under section 116 and the amount of any distribution described in section 283.", and

(B) by striking "and (6)" in the last sentence and inserting ", (6), and (7)".

(5) Partnerships.—

(A) Paragraph (5) of section 702(a) is amended to read as follows:

"(5) dividends with respect to which there is an exclusion under section 116 or a deduction under part VIII of subchapter B,".

(B) Section 705(a)(1) is amended by striking "and" at the end of subparagraph (B), by striking the semicolon at the end of subparagraph (C) and inserting ", and", and by adding at the end the following new subparagraph:

"(D) increases in basis under section 116(b) allocated to the partnership;".

(6) Extraordinary dividends.—

(A) In general.—Section 1059 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) Treatment of Excludable Dividends and Retained Earnings Basis Adjustments as Extraordinary Dividends.—

"(1) In general.—For purposes of this section, any dividend excludable under section 116(a) or increase in basis under section 116(b) shall be treated as an extraordinary dividend, except that this section shall be applied by substituting '1 year (or such other period as the Secretary may prescribe)' for '2 years' each place it appears.

"(2) Treatment of deemed extraordinary dividends.—The excludable dividend amount of any corporation for a calendar year, and its earnings and profits, shall not be increased by—

"(A) the dividends received by the corporation which are treated as extraordinary dividends by reason of paragraph (1), and

"(B) the aggregate increases in basis under section 116(b) which are so treated.

"(3) Regulations.—The Secretary may by regulation provide for exceptions to the application of paragraph (1)."

(B) Paragraph (3) of section 1059(d) is amended by inserting "section 1223(11) shall not apply and" after "subsection (a),".

(C)(i) Section 1059 is amended by striking "corporation" each place it appears in subsection (a) and inserting "taxpayer".

(ii) The section heading for section 1059 is amended by striking "corporate" and by inserting "and excludable" before "dividends".

(iii) The item relating to section 1059 in the table of sections for part IV of subchapter O of chapter 1 is amended by striking "corporate" and by inserting "and excludable" before "dividends".

(7) Private foundations.—Section 4940(c) is amended by adding at the end the following new paragraph:

"(6) Coordination with dividend exclusion.—For purposes of this section, gross investment income shall not include—

"(A) a dividend to the extent excluded from gross income under section 116(a), and

"(B) a distribution described in section 283."

(d) Conforming Amendments.—

(1)(A) Part X of subchapter B of chapter 1, as in effect on the day before the date of the enactment of this Act, is hereby moved after part XI of such subchapter B and redesignated as part XII.

(B) Section 281, as so in effect, is redesignated as section 296.

(C) The table of sections for such part XII, as so designated, is amended by striking "Sec. 281" and inserting "Sec. 296."

(D) The table of parts for subchapter B of chapter 1 is amended by striking the items relating to parts X and XI and inserting the following new items:

"Part X. Rules for application of dividend exclusion and retained earnings basis adjustments.
"Part XI. Special rules relating to corporate preference items.
"Part XII. Terminal railroad corporations and their shareholders."

(2) Subsection (f) of section 301 is amended by adding at the end the following new paragraph:

"(4) For exclusion from gross income of certain dividends, see section 116."

SEC. 203. TREATMENT OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.

(a) In General.—Section 852 is amended by adding at the end the following new subsection:

"(g) Special Rules Relating to Section 116 and Part X of Subchapter B.—

"(1) Excludable portion.—

"(A) In general.—For purposes of section 116(a), the excludable portion of any dividend paid by any qualified investment entity shall be the amount so designated by such entity in a written notice mailed to its shareholders not later than 60 days after the close of its taxable year in which such dividend is paid.

"(B) Limitation.—If the aggregate amount so designated with respect to a taxable year (including dividends paid after the close of the taxable year as described in section 855) exceeds the aggregate amount of dividends received by such entity during such year which are excludable from gross income under section 116(a), then the amount of a dividend otherwise excludable by reason of a designation under subparagraph (A) shall be reduced by an amount which bears the same ratio to the amount otherwise excludable as such excess bears to the total amount designated under subparagraph (A).

"(C) Treatment of capital gain and exempt-interest dividends.—Any amount designated under subparagraph (A) as excludable under section 116 may not be treated as a capital gain dividend or an exempt-interest dividend.

"(D) Coordination with section 853.—The election under section 853 shall not apply to dividends excludable under section 116 and distributions described in section 283(a) received by a qualified investment entity.

"(2) Retained earnings basis adjustments.—

"(A) In general.—A qualified investment entity may allocate any increase in basis allocated to the entity under section 282 to shares of stock in the entity at 1 or more times during the taxable year in the manner and the time prescribed in paragraphs (2) and (3) of section 282(b).

"(B) Designation.—For purposes of section 116(b), the increase in basis allocated to any share of stock in the entity shall be the amount so designated by such entity in a written notice mailed to its shareholders not later than 60 days after the close of its taxable year in which such allocation is made.

"(C) Limitation.—Rules similar to the rules of paragraph (1)(B) shall apply to amounts allocated under this paragraph.

"(D) Shareholder treatment of amounts designated.—Shareholders of such entity who receive an allocation under this paragraph from such entity shall take into account such allocation as if it were an allocation under section 282.

"(E) Earnings and profits.—Earnings and profits of the entity making such an allocation shall be adjusted in the same manner as provided in section 282(c).

"(3) Certain distributions after previous retained earnings basis adjustments.—

"(A) In general.—If any qualified investment entity receives during any taxable year distributions described in section 283(a) which reduced the basis of stock held by such entity under section 301(c)(2), the entity may designate any distributions described in section 301(a) made by such entity in such taxable year which are not excludable under section 116(a) (after the application of paragraph (1)) as distributions described in section 283(a). Such designations shall be made in a written notice mailed to its shareholders not later than 60 days after the close of its taxable year in which such distribution is made.

"(B) Limitation.—If the aggregate amount so designated with respect to a taxable year (including distributions paid after the close of the taxable year as provided in section 855(e)) exceeds the aggregate distributions described in section 283(a) which reduced the basis of stock held by such entity under section 301(c)(2) for such taxable year, then the amount of a distribution otherwise treated as a distribution described in section 283(a) by reason of a designation under subparagraph (A) shall be reduced by an amount which bears the same ratio to the amount otherwise so treated as such excess bears to the total amount designated under subparagraph (A).

"(C) Shareholder treatment of amounts designated.—Shareholders of such entity who receive a distribution from such entity which is designated under this paragraph shall treat such distribution as a distribution described in section 283(a).

"(D) Treatment of capital gain and exempt-interest dividends.—Any distribution designated under subparagraph (A) may not be treated as a capital gain dividend or an exempt-interest dividend.

"(E) Adjustments.—No adjustment shall be made in the earnings and profits of a qualified investment entity with respect to a distribution by such entity which is designated under subparagraph (A).

"(4) Coordination with dividends paid deduction.—No allocation or distribution designated under paragraph (2) or (3) shall be treated as a dividend for purposes of section 561.

"(5) Definitions.—For purposes of this subsection—

"(A) Qualified investment entity.—The term 'qualified investment entity' means—

"(i) a regulated investment company, and

"(ii) a real estate investment trust.

"(B) Exempt-interest dividend.—The term 'exempt-interest dividend' has the meaning given to such term by subsection (b)(5)."

(b) Other Rules Relating to Regulated Investment Companies.—

(1) Distribution requirements.—

(A) Clause (i) of section 852(a)(1)(B) is amended by inserting "and its dividend income excludable under section 116(a)," before "over".

(B) Section 852(a) is amended by striking "and" at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:

"(2) 90 percent of the distributions described in section 283(a)—

"(A) which are received by such company during the taxable year, and

"(B) which reduce under section 301(c)(2) the basis of stock held by such company,

are distributed during such year under subsection (g)(3)(A), and".

(C) Section 855 is amended by adding at the end the following new subsection:

"(e) Distribution of Previously Retained Earnings Basis Adjustments.—Rules similar to the rules of the preceding provisions of this section shall apply to distributions described in section 852(g)(3)(A)."

(2) Taxation of entity and shareholders.—

(A) The material following paragraph (3) of section 851(b) is amended—

(i) by inserting ", dividends excludable from gross income under section 116(a), and distributions described in section 283(a) which reduce the basis of stock under section 301(c)(2)" after "103(a)" in the third sentence, and

(ii) by adding at the end the following new sentence: "For purposes of paragraph (2), distributions described in section 283(a) which reduce the basis of stock under section 301(c)(2) shall be treated as dividends."

(B) Section 852(b)(2)(D) is amended by striking "and exempt-interest dividends" and inserting ", exempt-interest dividends, and any dividends excludable under section 116(a)".

(C) Subparagraph (B) of section 852(b)(4) is amended to read as follows:

"(B) Loss attributable to exempt dividends.—If—

"(i) a shareholder of a regulated investment company receives an exempt-interest dividend, a dividend excludable under section 116(a), or an allocation under subsection (g)(2), with respect to any share, and

"(ii) such share is held by the taxpayer for 6 months or less,

then any loss on the sale or exchange of such share shall, to the extent of the sum of the amounts of such dividends and allocations, be disallowed."

(D) Paragraph (3) of section 4982(c) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) any dividend excludable from gross income under section 116(a)."

(c) Other Rules Relating to Real Estate Investment Trusts.—

(1) Distribution requirements.—

(A) Subparagraph (A) of section 857(a)(1) is amended by striking "and" at the end of clause (i), by striking "minus" at the end of clause (ii), and by inserting at the end the following new clause:

"(iii) 90 percent of its dividend income excludable under section 116(a); minus"

(B) Subsection (a) of section 857 is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) 90 percent of the distributions described in section 283(a)—

"(A) which are received by such trust during the taxable year, and

"(B) which reduce under section 301(c)(2) the basis of stock held by such trust,

are distributed during such year under subsection (g)(3)(A); and".

(C) Section 858 is amended by adding at the end the following new subsection:

"(d) DISTRIBUTION OF PREVIOUSLY RETAINED EARNINGS BASIS ADJUSTMENTS.—Rules similar to the rules of the preceding provisions of this section shall apply to distributions described in section 852(g)(3)."

(2) TAXATION OF ENTITY AND SHAREHOLDERS.—

(A)(i) Section 856(c)(2) is amended—

(I) by inserting "(including dividends excludable from gross income under section 116(a)) and distributions described in section 283(a) which reduce the basis of stock under section 301(c)(2)" after "dividends" in subparagraph (A), and

(II) by inserting "(including tax-exempt interest)" after "interest" in subparagraph (B).

(ii) Section 856(c) is amended by adding at the end the following new paragraph:

"(8) GROSS INCOME TESTS.—For purposes of paragraphs (2) and (3), gross income shall be treated as including tax-exempt interest, dividends excludable from gross income under section 116(a), and distributions described in section 283(a) which reduce the basis of stock under section 301(c)(2)."

(B) Section 857(b)(2)(B) is amended by inserting " or any dividends paid which are excludable under section 116(a)" after "subparagraph (D)".

(C) Section 857(b) is amended by adding at the end the following new paragraph:

"(10) LOSS ATTRIBUTABLE TO EXEMPT DIVIDENDS.—If—

"(A) a shareholder of a real estate investment trust receives a dividend excludable under section 116(a) or an allocation under section 852(g)(2) with respect to any share, and

"(B) such share is held by the taxpayer for 6 months or less,

then any loss on the sale or exchange of such share shall, to the extent of the sum of the amounts of such dividends and allocations, be disallowed."

(D) Subsection (g) of section 857 is amended to read as follows:

"(g) CROSS REFERENCES.—

"(1) For provisions relating to excise tax based on certain real estate investment trust taxable income not distributed during the taxable year, see section 4981.

"(2) For special rules relating to application of dividend exclusion and retained earnings basis adjustments, see section 852(g)."

(E) Paragraph (1) of section 4981(c) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) any dividend excludable from gross income under section 116(a)."

SEC. 204. TREATMENT OF INSURANCE COMPANIES.

(a) LIFE INSURANCE COMPANIES.—

(1) Section 803 is amended by adding at the end the following new subsection:

"(c) SPECIAL RULES FOR EXCLUDABLE DIVIDENDS AND RETAINED EARNINGS BASIS ADJUSTMENTS.—

"(1) IN GENERAL.—The exclusion under section 116(a) with respect to any dividend received by a life insurance company shall only apply to such company's share (as determined under section 812) of such dividend.

"(2) RETAINED EARNINGS BASIS ADJUSTMENTS.—In the case of any increase in basis under section 116(b) allocated under section 282 to stock held by a life insurance company—

"(A) the life insurance company's and policyholders' shares of such allocation shall be determined in accordance with section 812 in the same manner as if it were a dividend, and

"(B) life insurance company gross income of such company shall be increased by the policyholders' share of such allocation.

"(3) RULES FOR SEGREGATED ASSET ACCOUNTS.—In the case of stock held in a segregated asset account (within the meaning of section 817), this subsection shall be applied as if the policyholders' share of the excludable portion of any dividend, or any increase in basis under section 116(b), with respect to such stock were 100 percent.

"(4) COMPUTATION OF EXCLUDABLE DIVIDEND AMOUNT.—In the case of a life insurance company, the increase under clause (ii) or (iii) of section 281(b)(1)(A) in the company's excludable dividend amount shall be limited to the company's share (as determined under section 812) of the dividends or increases in basis described in either such clause."

(2) Section 812(d)(1)(A) is amended by inserting "(including dividends excludable under section 116(a))" after "dividends".

(3) Section 815(c)(2)(A)(iii) is amended by adding ",the amount of dividends excludable under section 116(a) (as modified by section 803(c)(1)), and the amount of basis increase under section 116(b) (as modified by section 803(c)(2))" after "section 103".

(b) OTHER INSURANCE COMPANIES.—

(1) Section 832(b)(5)(B) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding after clause (iii) the following new clause:

"(iv) any dividend excludable under section 116(a) which is received during such taxable year and any increase in basis under section 116(b) which is allocated under section 282 to such company during such taxable year."

(2) Section 832(c) is amended by striking "and" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting "; and", and by adding at the end the following new paragraph:

"(14) the amount of dividends received during the taxable year which are excluded from gross income under section 116(a)."

(3) Section 833(b)(3)(E) is amended—

(A) by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", and", and by inserting after clause (ii) the following new clause:

"(iii) the aggregate amount excluded for the taxable year under section 116(a).", and

(B) by adding at the end the following: "The amount determined under clause (iii) shall be reduced by the amount of any decrease in such deductions for the taxable year by reason of section 832(b)(5)(B) to the extent such decrease is attributable to the exclusion under section 116(a)."

(4) Section 834(c) is amended by adding at the end the following new paragraph:

"(10) EXCLUDABLE DIVIDENDS.—The amount of dividends received during the taxable year which are excluded from gross income under section 116(a)."

SEC. 205. TREATMENT OF S CORPORATIONS.

(a) BASIS ADJUSTMENTS RELATING TO DIVIDENDS.—Section 1367(a)(1) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding at the end the following new subparagraph:

"(D) increases in basis under section 116(b) allocated to the S corporation.".

(b) APPLICATION OF SECTION 116 AND PART X OF SUBCHAPTER B TO S CORPORATIONS.—Section 1368 is amended by adding at the end the following new subsection:

"(f) COORDINATION WITH DIVIDEND EXCLUSION AND RETAINED EARNINGS BASIS ADJUSTMENTS.—

"(1) DETERMINATION OF EXCLUDED DIVIDENDS AMOUNT.—

"(A) IN GENERAL.—Clauses (ii) and (iii) of section 281(b)(1)(A) shall not apply to amounts received or allocated in a taxable year for which the corporation is an S corporation.

"(B) CROSS REFERENCE.—

"For treatment of taxes imposed by section 1374, see section 281(d)(1).

"(2) DISTRIBUTIONS.—Subject to regulations prescribed by the Secretary, the preceding provisions of this section shall not apply to any dividend excludable from gross income under section 116(a) and any distribution described in section 283(a)."

(c) MODIFICATION TO TREATMENT OF SECTION 1374 TAX.—

(1) Paragraph (2) of section 1366(f) is amended to read as follows:

"(2) TREATMENT OF TAX IMPOSED ON BUILT-IN GAINS.—The amount of the items of the net recognized built-in-gain taken into account under section 1374(b)(1) (reduced by any deduction allowed under section 1374(b)(2)) shall not be taken into account under this section."

(2)(A) Subsection (c) of section 1371 is amended by adding at the end the following new paragraph:

"(B) EARNINGS AND PROFITS.—The accumulated earnings and profits of the corporation shall be increased at the beginning of the taxable year by the amount not taken into account under section 1366 by reason of section 1366(f)(2) (determined without regard any reduction of such amount under section 1374(b)(2)) reduced by the tax imposed by section 1374 (net of credits allowed)."

(B) Paragraph (1) of section 1371(c) is amended by striking "and (3)" and inserting ", (3), and (4)".

(d) REPEAL OF TAX AND TERMINATION WHERE EXCESS PASSIVE INVESTMENT INCOME.—

(1) REPEAL OF TAX.—

(A) IN GENERAL.—Section 1375 is repealed.

(B) CONFORMING AMENDMENTS.—Sections 26(b)(2)(J) and 1366(f)(3) are repealed.

(2) REPEAL OF TERMINATION.—Section 1362(d) is amended by striking paragraph (3).

SEC. 206. REPEAL OF ACCUMULATED EARNINGS TAX AND PERSONAL HOLDING COMPANY TAX.

(a) IN GENERAL.—Parts I and II of subchapter G of chapter 1 (relating to corporations improperly accumulating surplus and to personal holding companies) are hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 12 is amended by striking paragraph (2) and by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), and (6), respectively.

(2) Section 26(b)(2) is amended by striking subparagraphs (F) and (G).

(3) Section 30A(c) is amended by inserting "or" at the end of paragraph (1), by striking paragraphs (2) and (3), and by redesignating paragraph (4) as paragraph (2).

(4) Section 41(e)(7)(E) is amended by adding "and" at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

(5) Section 56(b)(2) is amended by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

(6) Section 111 is amended by striking subsection (d).

(7) Section 170(e)(4)(D) is amended by adding "and" at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

(8) Sections 170(f)(10)(A), 508(d), 4947, and 4948(c)(4) are each amended by striking "545(b)(2)," each place it appears.

(9)(A) Section 316(b) is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(B) Section 331(b) is amended by striking "(other than a distribution referred to in paragraph (2)(B) of section 316(b))".

(10) Section 341(d) is amended—

(A) by striking "section 544(a) (relating to personal holding companies)" and inserting "section 465(f) (relating to constructive ownership rules)", and

(B) by inserting before the period at the end of the next to the last sentence "and such paragraph (2) shall be applied by inserting 'or by or for his partner' after 'his family' ".

(11) Section 381(c) is amended by striking paragraphs (14) and (17).

(12) Section 443(e) is amended by striking paragraphs (1) and (2) and by redesignating paragraphs (3), (4), and (5) as paragraphs (1), (2), and (3), respectively.

(13) Section 447(g)(4)(A) is amended by striking "other than—" and all that follows and inserting "other than an S corporation."

(14)(A) Section 465(a)(1)(B) is amended to read as follows:

"(B) a C corporation which is closely held,".

(B) Section 465(a)(3) is amended to read as follows:

"(3) CLOSELY HELD DETERMINATION.—For purposes of paragraph (1), a corporation is closely held if, at any time during the last half of the taxable year, more than 50 percent in value of its outstanding stock is owned, directly or indirectly, by or for not more than 5 individuals. For purposes of this paragraph, an organization described in section 401(a), 501(c)(17), or 509(a) or a portion of a trust permanently set aside or to be used exclusively for the purposes described in section 642(c) shall be considered an individual."

(C) Section 465(c)(7)(B) is amended by striking clause (i) and by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

(D) Section 465(c)(7)(G) is amended to read as follows:

"(G) LOSS OF 1 MEMBER OF AFFILIATED GROUP MAY NOT OFFSET INCOME OF PERSONAL SERVICE CORPORATION.—Nothing in this paragraph shall permit any loss of a member of an affiliated group to be used as an offset against the income of any other member of such group which is a personal service corporation (as defined in section 269A(b) but determined by substituting '5 percent' for '10 percent' in section 269A(b)(2))."

(E) Section 465 is amended by adding at the end the following new subsection:

"(f) CONSTRUCTIVE OWNERSHIP RULES.—For purposes of subsection (a)(3)—

"(1) STOCK NOT OWNED BY INDIVIDUAL.—Stock owned, directly or indirectly, by or for a corporation, partnership, estate, or trust shall be considered as being owned proportionately by its shareholders, partners, or beneficiaries.

"(2) FAMILY OWNERSHIP.—An individual shall be considered as owning the stock owned, directly or indirectly, by or for his family. For purposes of this paragraph, the family of an individual includes only his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants.

"(3) OPTIONS.—If any person has an option to acquire stock, such stock shall be considered as owned by such person. For purposes of this paragraph, an option to acquire such an option, and each one of a series of such options, shall be considered as an option to acquire such stock.

"(4) APPLICATION OF FAMILY AND OPTION RULES.—Paragraphs (2) and (3) shall be applied if, but only if, the effect is to make the corporation closely held under subsection (a)(3).

"(5) CONSTRUCTIVE OWNERSHIP AS ACTUAL OWNERSHIP.—Stock constructively owned by a person by reason of the application of paragraph (1) or (3), shall, for purposes of applying paragraph (1) or (2), be treated as actually owned by such person; but stock constructively owned by an individual by reason of the application of paragraph (2) shall not be treated as owned by him for purposes of again applying such paragraph in order to make another the constructive owner of such stock.

"(6) OPTION RULE IN LIEU OF FAMILY RULE.—If stock may be considered as owned by an individual under either paragraph (2) or (3) it shall be considered as owned by him under paragraph (3).

"(7) CONVERTIBLE SECURITIES.—Outstanding securities convertible into stock (whether or not convertible during the taxable year) shall be considered as outstanding stock if the effect of the inclusion of all such securities is to make the corporation closely held under subsection (a)(3). The requirement under the preceding sentence that all convertible securities must be included if any are to be included shall be subject to the exception that, where some of the outstanding securities are convertible only after a later date than in the case of others, the class having the earlier conversion date may be included although the others are not included, but no convertible securities shall be included unless all outstanding securities having a prior conversion date are also included."

(15)(A) Section 553(a)(1) is amended by striking "section 543(d)" and inserting "subsection (c)".

(B) Section 553 is amended by adding at the end the following new subsection:

"(c) ACTIVE BUSINESS COMPUTER SOFTWARE ROYALTIES.—

"(1) IN GENERAL.—For purposes of subsection (a), the term 'active business computer software royalties' means any royalties—

"(A) received by any corporation during the taxable year in connection with the licensing of computer software, and

"(B) with respect to which the requirements of paragraphs (2), (3), and (4) are met.

"(2) ROYALTIES MUST BE RECEIVED BY CORPORATION ACTIVELY ENGAGED IN COMPUTER SOFTWARE BUSINESS.—The requirements of this paragraph are met if the royalties described in paragraph (1)—

"(A) are received by a corporation engaged in the active conduct of the trade or business of developing, manufacturing, or producing computer software, and

"(B) are attributable to computer software which—

"(i) is developed, manufactured, or produced by such corporation (or its predecessor) in connection with the trade or business described in subparagraph (A), or

"(ii) is directly related to such trade or business.

"(3) ROYALTIES MUST CONSTITUTE AT LEAST 50 PERCENT OF INCOME.—The requirements of this paragraph are met if the royalties described in paragraph (1) constitute at least 50 percent of the ordinary gross income of the corporation for the taxable year.

"(4) DEDUCTIONS UNDER SECTIONS 162 AND 174 RELATING TO ROYALTIES MUST EQUAL OR EXCEED 25 PERCENT OF ORDINARY GROSS INCOME.—

"(A) IN GENERAL.—The requirements of this paragraph are met if—

"(i) the sum of the deductions allowable to the corporation under sections 162, 174, and 195 for the taxable year which are properly allocable to the trade or business described in paragraph (2) equals or exceeds 25 percent of the ordinary gross income of such corporation for such taxable year, or

"(ii) the average of such deductions for the 5-taxable year period ending with such taxable year equals or exceeds 25 percent of the average ordinary gross income of such corporation for such period.

If a corporation has not been in existence during the 5-taxable year period described in clause (ii), then the period of existence of such corporation shall be substituted for such 5-taxable year period.

"(B) DEDUCTIONS ALLOWABLE UNDER SECTION 162.—For purposes of subparagraph (A), a deduction shall not be treated as allowable under section 162 if it is specifically allowable under another section.

"(C) LIMITATION ON ALLOWABLE DEDUCTIONS.—For purposes of subparagraph (A), no deduction shall be taken into account with respect to compensation for personal services rendered by the 5 individual shareholders holding the largest percentage (by value) of the outstanding stock of the corporation. For purposes of the preceding sentence individuals holding less than 5 percent (by value) of the stock of such corporation shall not be taken into account."

(16) Section 556(b)(1) is amended by striking ", but not including" and all that follows and inserting a period.

(17) Section 561(a) is amended by striking paragraph (3), by inserting "and" at the end of paragraph (1), and by striking ", and" at the end of paragraph (2) and inserting a period.

(18) Section 562(b) is amended to read as follows:

"(b) DISTRIBUTIONS IN LIQUIDATION.—Except in the case of a foreign personal holding company described in section 552—

"(1) in the case of amounts distributed in liquidation, the part of such distribution which is properly chargeable to earnings and profits accumulated after February 28, 1913, shall be treated as a dividend for purposes of computing the dividends paid deduction, and

"(2) in the case of a complete liquidation occurring within 24 months after the adoption of a plan of liquidation, any distribution within such period pursuant to such plan shall, to the extent of the earnings and profits (computed without regard to capital losses) of the corporation for the taxable year in which such distribution is made, be treated as a dividend for purposes of computing the dividends paid deduction.

For purposes of paragraph (1), a liquidation includes a redemption of stock to which section 302 applies. Except to the extent provided in regulations, the preceding sentence shall not apply in the case of any mere holding or investment company which is not a regulated investment company."

(19) Section 563 is amended by striking subsections (a) and (b), by redesignating subsections (c) and (d) as subsections (a) and (b), and by striking ", (b), or (c)" in subsection (b) (as so redesignated).

(20) Section 564 is hereby repealed.

(21) Section 631(c) is amended by striking the next to the last sentence and inserting the following: "This subsection shall have no application for purposes of applying subchapter G (relating to corporations used to avoid income tax on shareholders).".

(22) Section 852(b)(1) is amended by striking "which is a personal holding company (as defined in section 542) or".

(23)(A) Section 856(h)(1) is amended to read as follows:

"(1) IN GENERAL.—For purposes of subsection (a)(6), a corporation, trust, or association is closely held if the stock ownership requirement of section 465(a)(3) is met.".

(B) Section 856(h)(3)(A)(i) is amended by striking "section 542(a)(2)" and inserting "section 465(a)(3)".

(C) Paragraph (3) of section 856(h) is amended by striking subparagraph (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(D) Subparagraph (C) of section 856(h)(3), as redesignated by the preceding subparagraph, is amended by striking "subparagraph (C)" and inserting "subparagraph (B)".

(24) The last sentence of section 882(c)(2) is amended to read as follows:

"The preceding sentence shall not be construed to deny the credit provided by section 33 for tax withheld at source or the credit provided by section 34 for certain uses of gasoline.".

(25) Section 936(a)(3) is amended by striking subparagraphs (B) and (C), by inserting "or" at the end of subparagraph (A), and by redesignating subparagraph (D) as subparagraph (B).

(26) Section 936 is amended by striking subsection (g).

(27) Section 992(d) is amended by striking paragraph (2) and by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), and (6), respectively.

(28) Section 992 is amended by striking subsection (e).

(29) Section 1202(e)(8) is amended by striking "section 543(d)(1)" and inserting "section 553(c)(1)".

(30) Section 1298(b) is amended by striking paragraph (8) and redesignating paragraph (9) as paragraph (8).

(31) Section 1504(c)(2)(B) is amended by adding "and" at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

(32)(A) Section 1551(a) is amended by striking "or the accumulated earnings credit" and all that follows and inserting "unless such transferee corporation shall establish by the clear preponderance of the evidence that the securing of such benefits was not a major purpose of such transfer.".

(B) The section heading for section 1551 is amended by striking "and accumulated earnings credit".

(C) The item relating to section 1551 in the table of sections for part I of subchapter B of chapter 6 is amended by striking "and accumulated earnings credit".

(33)(A) Section 1561(a) is amended—

(i) by striking paragraph (2),

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3),

(iii) by striking "paragraph (3)" each place it appears and inserting "paragraph (2)",

(iv) by striking "paragraph (4)" and inserting "paragraph (3)", and

(v) by striking the third sentence.

(B) Section 1561(b) is amended to read as follows:

"(b) CERTAIN SHORT TAXABLE YEARS.—If a corporation has a short taxable year which does not include a December 31 and is a component member of a controlled group of corporations with respect to such taxable year, then for purposes of this subtitle, the amount in each taxable income bracket in the tax table in section 11(b) for such corporation for such taxable year shall be the amount specified in subsection (a)(1), divided by the number of corporations which are component members of such group on the last day of such taxable year. For purposes of the preceding sentence, section 1563(b) shall be applied as if such last day were substituted for December 31.".

(34) Section 2057(e)(2)(C) is amended by adding at the end the following new sentence: "References to sections 542 and 543 in the preceding sentence shall be treated as references to such sections as in effect on the day before their repeal."

(35) Sections 6422 is amended by striking paragraph (3) and by redesignating paragraphs (4) through (12) and paragraphs (3) through (11), respectively.

(36) Section 6501 is amended by striking subsection (f).

(37) Section 6503(k) of such Code is amended by striking paragraph (1) and by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

(38) Section 6515 is amended by striking paragraph (1) and by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

(39) Section 6601(b) is amended by striking paragraph (4) and redesignating paragraph (5) as paragraph (4).

(40) Subsections (d)(1)(B) and (e)(2) of section 6662 of such Code are each amended by striking "or a personal holding company (as defined in section 542)".

(41) Section 6683 is hereby repealed.

(42) Section 7518(c)(1) is amended by inserting "and" at the end of subparagraph (C), by striking ", and" at the end of subparagraph (D) and inserting a period, and by striking subparagraph (E).

(c) CLERICAL AMENDMENTS.—

(1) The table of parts for subchapter G of chapter 1 of such Code is amended by striking the items relating to parts I and II.

(2) The table of sections for part IV of such subchapter G is amended by striking the item relating to section 564.

(3) The table of sections for part I of subchapter B of chapter 68 of such Code is amended by striking the item relating to section 6683.

SEC. 207. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this title shall apply to distributions received, and basis allocations made under section 282 of the Internal Revenue Code of 1986 (as added by this title), after December 31, 2002.

(b) SPECIAL RULES.—

(1) SECTION 1374 TAX.—In applying the amendments made by this title, any tax imposed by section 1374 of the Internal Revenue Code of 1986 for any taxable year beginning before January 1, 2003, shall not be taken into account.

(2) SECTION 205(d) AND 206.—The amendments made by sections 205(d) and 206 shall apply to taxable years beginning after December 31, 2002; except that—

(A) section 547 of such Code (as in effect before its repeal) shall continue to apply to deficiency dividends (as defined in section 547(d) of such Code) relating to taxable years beginning before January 1, 2003, and

(B) subsections (a) and (b) of section 563 of such Code (as so in effect) shall continue to apply to dividends relating to taxable years beginning before January 1, 2003.

Notwithstanding subparagraphs (A) and (B), such dividends shall not be taken into account in applying section 116 of such Code or part X of subchapter B of chapter 1 of such Code.

The SPEAKER pro tempore. The amendment printed in the bill is adopted.

The text of H.R. 2, as amended, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Jobs and Growth Reconciliation Tax Act of 2003".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; references; table of contents.

TITLE I—ACCELERATION OF CERTAIN PREVIOUSLY ENACTED TAX REDUCTIONS

Sec. 101. Acceleration of increase in child tax credit.

Sec. 102. Acceleration of 15-percent individual income tax rate bracket expansion for married taxpayers filing joint returns.

Sec. 103. Acceleration of increase in standard deduction for married taxpayers filing joint returns.

Sec. 104. Acceleration of 10-percent individual income tax rate bracket expansion.

Sec. 105. Acceleration of reduction in individual income tax rates.

Sec. 106. Minimum tax relief to individuals.

TITLE II—GROWTH INCENTIVES FOR BUSINESS

Sec. 201. Increase and extension of bonus depreciation.

Sec. 202. Increased expensing for small business.

Sec. 203. 5-year carryback of certain net operating losses.

TITLE III—REDUCTIONS IN TAXES ON DIVIDENDS AND CAPITAL GAINS

Sec. 301. Reduction in capital gains rates for individuals; repeal of 5-year holding period requirement.

Sec. 302. Dividends of individuals taxed at capital gain rates.

Sec. 303. Sunset of title.

TITLE IV—CORPORATE ESTIMATED TAX PAYMENTS FOR 2003

Sec. 401. Time for payment of corporate estimated taxes.

TITLE I—ACCELERATION OF CERTAIN PREVIOUSLY ENACTED TAX REDUCTIONS

SEC. 101. ACCELERATION OF INCREASE IN CHILD TAX CREDIT.

(a) IN GENERAL.—The items relating to calendar years 2001 through 2008 in the table contained in paragraph (2) of section 24(a) (relating to per child amount) are amended to read as follows:

"2003, 2004, 2005 .... $1,000
2006, 2007, or 2008 .... 700".

(b) Advance Payment of Portion of Increased Credit in 2003.—

(1) In general.—Subchapter B of chapter 65 (relating to abatements, credits, and refunds) is amended by inserting after section 6428 the following new section:

"SEC. 6429. ADVANCE PAYMENT OF PORTION OF INCREASED CHILD CREDIT FOR 2003.

"(a) In General.—Each taxpayer who claimed a credit under section 24 on the return for the taxpayer's first taxable year beginning in 2002 shall be treated as having made a payment against the tax imposed by chapter 1 for such taxable year in an amount equal to the child tax credit refund amount (if any) for such taxable year.

"(b) Child Tax Credit Refund Amount.—For purposes of this section, the child tax credit refund amount is the amount by which the aggregate credits allowed under part IV of subchapter A of chapter 1 for such first taxable year would have been increased if—

"(1) the per child amount under section 24(a)(2) for such year were $1,000,

"(2) only qualifying children (as defined in section 24(c)) of the taxpayer for such year who had not attained age 17 as of December 31, 2003, were taken into account, and

"(3) section 24(d)(1)(B)(ii) did not apply.

"(c) Timing of Payments.—In the case of any overpayment attributable to this section, the Secretary shall, subject to the provisions of this title, refund or credit such overpayment as rapidly as possible and, to the extent practicable, before October 1, 2003. No refund or credit shall be made or allowed under this section after December 31, 2003.

"(d) Coordination With Child Tax Credit.—

"(1) In general.—The amount of credit which would (but for this subsection and section 26) be allowed under section 24 for the taxpayer's first taxable year beginning in 2003 shall be reduced (but not below zero) by the payments made to the taxpayer under this section. Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

"(2) Joint returns.—In the case of a payment under this section with respect to a joint return, half of such payment shall be treated as having been made to each individual filing such return.

"(e) No Interest.—No interest shall be allowed on any overpayment attributable to this section.".

(2) Clerical amendment.—The table of sections for subchapter B of chapter 65 is amended by adding at the end the following new item:

"Sec. 6429. Advance payment of portion of increased child credit for 2003.".

(c) Effective Dates.—

(1) Subsection (a).—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2002.

(2) Subsection (b).—The amendments made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 102. ACCELERATION OF 15-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET EXPANSION FOR MARRIED TAXPAYERS FILING JOINT RETURNS.

(a) In General.—The item relating to 2005 in the table contained in subparagraph (B) of section 1(f)(8) (relating to applicable percentage) is amended to read as follows:

"2003, 2004, and 2005 .... 200".

(b) Conforming Amendments.—

(1) Section 1(f)(8)(A) is amended by striking "2004" and inserting "2002".

(2) Section 302(c) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking "2004" and inserting "2002".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 103. ACCELERATION OF INCREASE IN STANDARD DEDUCTION FOR MARRIED TAXPAYERS FILING JOINT RETURNS.

(a) In General.—The item relating to 2005 in the table contained in paragraph (7) of section 63(c) (relating to applicable percentage) is amended to read as follows:

"2003, 2004, and 2005 .... 200".

(b) Conforming Amendment.—Section 301(d) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking "2004" and inserting "2002".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 104. ACCELERATION OF 10-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET EXPANSION.

(a) In General.—Clause (i) of section 1(i)(1)(B) (relating to the initial bracket amount) is amended by striking "($12,000 in the case of taxable years beginning before January 1, 2008)" and inserting "($12,000 in the case of taxable years beginning after December 31, 2005, and before January 1, 2008)".

(b) Inflation Adjustment.—Subparagraph (C) of section 1(i)(1) is amended to read as follows:

"(C) Inflation adjustment.—In prescribing the tables under subsection (f) which apply with respect to taxable years beginning in calendar years after 2000—

"(i) the Secretary shall make no adjustment to the $12,000 initial bracket amount for any taxable year,

"(ii)(I) the Secretary shall make no adjustment to the $14,000 initial bracket amount for any taxable year beginning before January 1, 2004,

"(II) the cost-of-living adjustment used in making adjustments to the $14,000 initial bracket amount for any taxable year beginning during 2004 or 2005 shall be determined under subsection (f)(3) by substituting '2002' for '1992' in subparagraph (B) thereof, and

"(III) the cost-of-living adjustment used in making adjustments to the $14,000 initial bracket amount for any taxable year beginning after December 31, 2008, shall be determined under subsection (f)(3) by substituting '2007' for '1992' in subparagraph (B) thereof, and

"(iii) the adjustments under clause (ii) shall not apply to the amount referred to in subparagraph (B)(iii).

If any amount after adjustment under the preceding sentence is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50."

(c) Effective Date.—

(1) In general.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(2) Tables for 2003.—The Secretary of the Treasury shall modify each table which has been prescribed under section 1(f) of the Internal Revenue Code of 1986 for taxable years beginning in 2003 and which relates to the amendment made by this section to reflect such amendment.

SEC. 105. ACCELERATION OF REDUCTION IN INDIVIDUAL INCOME TAX RATES.

(a) In General.—The table in paragraph (2) of section 1(i) (relating to reductions in rates after June 30, 2001) is amended to read as follows:

"In the case of taxable years beginning during calendar year:	***The corresponding percentages shall be substituted for the following percentages:***			
	28%	**31%**	**36%**	**39.6%**
2001	*27.5%*	*30.5%*	*35.5%*	*39.1%*
2002	*27.0%*	*30.0%*	*35.0%*	*38.6%*
2003 and thereafter.	*25.0%*	*28.0%*	*33.0%*	*35.0%".*

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 106. MINIMUM TAX RELIEF TO INDIVIDUALS.

(a) In General.—

(1) Subparagraph (A) of section 55(d)(1) is amended by striking "$49,000 in the case of taxable years beginning in 2001, 2002, 2003, and 2004" and inserting "$64,000 in the case of taxable years beginning in 2003, 2004, and 2005".

(2) Subparagraph (B) of section 55(d)(1) is amended by striking "$35,750 in the case of taxable years beginning in 2001, 2002, 2003, and 2004" and inserting "$43,250 in the case of taxable years beginning in 2003, 2004, and 2005".

(b) Effective Date.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2002.

TITLE II—GROWTH INCENTIVES FOR BUSINESS

SEC. 201. INCREASE AND EXTENSION OF BONUS DEPRECIATION.

(a) In General.—Section 168(k) (relating to special allowance for certain property acquired after September 10, 2001, and before September 11, 2004) is amended by adding at the end the following new paragraph:

"(4) 50-percent bonus depreciation for certain property.—

"(A) In general.—In the case of 50-percent bonus depreciation property—

"(i) paragraph (1)(A) shall be applied by substituting '50 percent' for '30 percent', and

"(ii) except as provided in paragraph (2)(C), such property shall be treated as qualified property for purposes of this subsection.

"(B) 50-percent bonus depreciation property.—For purposes of this subsection, the term '50-percent bonus depreciation property' means property described in paragraph (2)(A)(i)—

"(i) the original use of which commences with the taxpayer after May 5, 2003,

"(ii) which is acquired by the taxpayer after May 5, 2003, and before January 1, 2006, but only if no written binding contract for the acquisition was in effect before May 6, 2003, and

"(iii) which is placed in service by the taxpayer before January 1, 2006, or, in the case of property described in paragraph (2)(B) (as modified by subparagraph (C) of this paragraph), before January 1, 2007.

"(C) Special rules.—Rules similar to the rules of subparagraphs (B) and (D) of paragraph (2) shall apply for purposes of this paragraph; except that references to September 10, 2001, shall be treated as references to May 5, 2003.

"(D) Automobiles.—Paragraph (2)(E) shall be applied by substituting '$9,200' for '$4,600' in the case of 50-percent bonus depreciation property.

"(E) Election of 30 percent bonus.—If a taxpayer makes an election under this subparagraph with respect to any class of property for any taxable year, subparagraph (A)(i) shall not apply to all property in such class placed in service during such taxable year."

(b) Extension of Placed in Service Dates, Etc. for 30-Percent Bonus Depreciation Property.—

(1) In general.—Clause (iv) of section 168(k)(2)(A) is amended—

(A) by striking "January 1, 2005" and inserting "January 1, 2006", and

(B) by striking "January 1, 2006" (as in effect before the amendment made by subparagraph (A)) and inserting "January 1, 2007".

(2) PORTION OF BASIS TAKEN INTO ACCOUNT.—

(A) Subparagraphs (B)(ii) and (D)(i) of section 168(k)(2) are each amended by striking "September 11, 2004" each place it appears in the text and inserting "January 1, 2006".

(B) Clause (ii) of section 168(k)(2)(B) is amended by striking "PRE-SEPTEMBER 11, 2004" in the heading and inserting "PRE-JANUARY 1, 2006".

(3) ACQUISITION DATE.—Clause (iii) of section 168(k)(2)(A) is amended by striking "September 11, 2004" each place it appears and inserting "January 1, 2006".

(4) ELECTION.—Clause (iii) of section 168(k)(2)(C) is amended by adding at the end the following: "The preceding sentence shall be applied separately with respect to property treated as qualified property by paragraph (4) and other qualified property."

(c) CONFORMING AMENDMENTS.—

(1) The subsection heading for section 168(k) is amended by striking "SEPTEMBER 11, 2004" and inserting "JANUARY 1, 2006".

(2) The heading for clause (i) of section 1400L(b)(2)(C) is amended by striking "30-PERCENT ADDITIONAL ALLOWABLE PROPERTY" and inserting "BONUS DEPRECIATION PROPERTY UNDER SECTION 168(k)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 202. INCREASED EXPENSING FOR SMALL BUSINESS.

(a) IN GENERAL.—Paragraph (1) of section 179(b) (relating to dollar limitation) is amended to read as follows:

"(1) DOLLAR LIMITATION.—The aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $25,000 ($100,000 in the case of taxable years beginning after 2002 and before 2008).".

(b) INCREASE IN QUALIFYING INVESTMENT AT WHICH PHASEOUT BEGINS.—Paragraph (2) of section 179(b) (relating to reduction in limitation) is amended by inserting "($400,000 in the case of taxable years beginning after 2002 and before 2008)" after "$200,000".

(c) OFF-THE-SHELF COMPUTER SOFTWARE.—Paragraph (1) of section 179(d) (defining section 179 property) is amended to read as follows:

"(1) SECTION 179 PROPERTY.—For purposes of this section, the term 'section 179 property' means property—

"(A) which is—

"(i) tangible property (to which section 168 applies), or

"(ii) computer software (as defined in section 197(e)(3)(B)) which is described in section 197(e)(3)(A)(i), to which section 167 applies, and which is placed in service in a taxable year beginning after 2002 and before 2008,

"(B) which is section 1245 property (as defined in section 1245(a)(3)), and

"(C) which is acquired by purchase for use in the active conduct of a trade or business.

Such term shall not include any property described in section 50(b) and shall not include air conditioning or heating units.".

(d) ADJUSTMENT OF DOLLAR LIMIT AND PHASEOUT THRESHOLD FOR INFLATION.—Subsection (b) of section 179 (relating to limitations) is amended by adding at the end the following new paragraph:

"(5) INFLATION ADJUSTMENTS.—

"(A) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2003 and before 2008, the $100,000 and $400,000 amounts in paragraphs (1) and (2) shall each be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

"(B) ROUNDING.—

"(i) DOLLAR LIMITATION.—If the amount in paragraph (1) as increased under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

"(ii) PHASEOUT AMOUNT.—If the amount in paragraph (2) as increased under subparagraph (A) is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.".

(e) REVOCATION OF ELECTION.—Paragraph (2) of section 179(c) (relating to election irrevocable) is amended to read as follows:

"(2) REVOCATION OF ELECTION.—An election under paragraph (1) with respect to any taxable year beginning after 2002 and before 2008, and any specification contained in any such election, may be revoked by the taxpayer with respect to any property. Such revocation, once made, shall be irrevocable.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 203. 5-YEAR CARRYBACK OF CERTAIN NET OPERATING LOSSES.

(a) IN GENERAL.—Subparagraph (H) of section 172(b)(1) is amended—

(1) by inserting "5-YEAR CARRYBACK OF CERTAIN LOSSES.—" after "(H)", and

(2) by striking "or 2002" and inserting ", 2002, 2003, 2004 or 2005".

(b) TEMPORARY SUSPENSION OF 90 PERCENT LIMIT ON CERTAIN NOL CARRYBACKS.—Subclause (I) of section 56(d)(1)(A)(ii) is amended—

(1) by striking "or 2002" and inserting ", 2002, 2003, 2004, or 2005", and

(2) by striking "and 2002" and inserting ", 2002, 2003, 2004, or 2005".

(c) TECHNICAL CORRECTIONS.—

(1) Subparagraph (H) of section 172(b)(1) is amended by striking "a taxpayer which has".

(2) Section 102(c)(2) of the Job Creation and Worker Assistance Act of 2002 (Public Law 107-147) is amended by striking "before January 1, 2003" and inserting "after December 31, 1990".

(3)(A) Subclause (I) of section 56(d)(1)(A)(i) is amended by striking "attributable to carryovers".

(B) Subclause (I) of section 56(d)(1)(A)(ii) is amended—

(i) by striking "for taxable years" and inserting "from taxable years", and

(ii) by striking "carryforwards" and inserting "carryovers".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to net operating losses for taxable years ending after December 31, 2002.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (c) shall take effect as if included in the amendments made by section 102 of the Job Creation and Worker Assistance Act of 2002.

(3) ELECTION.—In the case of a net operating loss for a taxable year ending during 2003—

(A) any election made under section 172(b)(3) of such Code may (notwithstanding such section) be revoked before November 1, 2003, and

(B) any election made under section 172(j) of such Code shall (notwithstanding such section) be treated as timely made if made before November 1, 2003.

TITLE III—REDUCTION IN TAXES ON DIVIDENDS AND CAPITAL GAINS

SEC. 301. REDUCTION IN CAPITAL GAINS RATES FOR INDIVIDUALS; REPEAL OF 5-YEAR HOLDING PERIOD REQUIREMENT.

(a) IN GENERAL.—

(1) Sections 1(h)(1)(B) and 55(b)(3)(B) are each amended by striking "10 percent" and inserting "5 percent".

(2) The following sections are each amended by striking "20 percent" and inserting "15 percent":

(A) Section 1(h)(1)(C).

(B) Section 55(b)(3)(C).

(C) Section 1445(e)(1).

(D) The second sentence of section 7518(g)(6)(A).

(E) The second sentence of section 607(h)(6)(A) of the Merchant Marine Act, 1936.

(b) CONFORMING AMENDMENTS.—

(1) Section 1(h) is amended—

(A) by striking paragraphs (2) and (9),

(B) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively, and

(C) by redesignating paragraphs (10), (11), and (12) as paragraphs (8), (9), and (10), respectively.

(2) Paragraph (3) of section 55(b) is amended by striking "In the case of taxable years beginning after December 31, 2000, rules similar to the rules of section 1(h)(2) shall apply for purposes of subparagraphs (B) and (C).".

(3) Paragraph (7) of section 57(a) is amended—

(A) by striking "42 percent" the first place it appears and inserting "7 percent", and

(B) by striking the last sentence.

(c) TRANSITIONAL RULES FOR TAXABLE YEARS WHICH INCLUDE MAY 6, 2003.—For purposes of applying section 1(h) of the Internal Revenue Code of 1986 in the case of a taxable year which includes May 6, 2003—

(1) The amount of tax determined under subparagraph (B) of section 1(h)(1) of such Code shall be the sum of—

(A) 5 percent of the lesser of—

(i) the net capital gain determined by taking into account only gain or loss properly taken into account for the portion of the taxable year on or after May 6, 2003 (determined without regard to collectibles gain or loss, gain described in section 1(h)(6)(A)(i) of such Code, and section 1202 gain), or

(ii) the amount on which a tax is determined under such subparagraph (without regard to this subsection),

(B) 8 percent of the lesser of—

(i) the qualified 5-year gain (as defined in section 1(h)(9) of the Internal Revenue Code of 1986, as in effect on the day before the date of the enactment of this Act) properly taken into account for the portion of the taxable year before May 6, 2003, over

(ii) the excess (if any) of—

(I) the amount on which a tax is determined under such subparagraph (without regard to this subsection), over

(II) the amount on which a tax is determined under subparagraph (A), plus

(C) 10 percent of the excess (if any) of—

(i) the amount on which a tax is determined under such subparagraph (without regard to this subsection), over

(ii) the sum of the amounts on which a tax is determined under subparagraphs (A) and (B).

(2) The amount of tax determined under subparagraph (C) of section (1)(h)(1) of such Code shall be the sum of—

(A) 15 percent of the lesser of—

(i) the excess (if any) of the amount of net capital gain determined under subparagraph (A)(i) of paragraph (1) of this subsection over the amount on which a tax is determined under subparagraph (A) of paragraph (1) of this subsection, or

(ii) the amount on which a tax is determined under such subparagraph (C) (without regard to this subsection), plus

(B) 20 percent of the excess (if any) of—

(i) the amount on which a tax is determined under such subparagraph (C) (without regard to this subsection), over

(ii) the amount on which a tax is determined under subparagraph (A) of this paragraph.

(3) For purposes of applying section 55(b)(3) of such Code, rules similar to the rules of paragraphs (1) and (2) of this subsection shall apply.

(4) In applying this subsection with respect to any pass-thru entity, the determination of when gains and loss are properly taken into account shall be made at the entity level.

(5) For purposes of applying section 1(h)(11) of such Code, as added by section 302 of this Act, to this subsection, dividends which are qualified dividend income shall be treated as gain properly taken into account for the portion of the taxable year on or after May 6, 2003.

(6) Terms used in this subsection which are also used in section 1(h) of such Code shall have the respective meanings that such terms have in such section.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided by this subsection, the amendments made by this section shall apply to taxable years ending on or after May 6, 2003.

(2) WITHHOLDING.—The amendment made by subsection (a)(2)(C) shall apply to amounts paid after the date of the enactment of this Act.

(3) SMALL BUSINESS STOCK.—The amendments made by subsection (b)(3) shall apply to dispositions on or after May 6, 2003.

SEC. 302. DIVIDENDS OF INDIVIDUALS TAXED AT CAPITAL GAIN RATES.

(a) IN GENERAL.—Section 1(h) (relating to maximum capital gains rate), as amended by section 301, is amended by adding at the end the following new paragraph:

"(11) DIVIDENDS TAXED AS NET CAPITAL GAIN.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'net capital gain' means net capital gain (determined without regard to this paragraph), increased by qualified dividend income.

"(B) QUALIFIED DIVIDEND INCOME.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'qualified dividend income' means dividends received during the taxable year from domestic corporations.

"(ii) CERTAIN DIVIDENDS EXCLUDED.—Such term shall not include—

"(I) any dividend from a corporation which for the taxable year of the corporation in which the distribution is made, or the preceding taxable year, is a corporation exempt from tax under section 501 or 521,

"(II) any amount allowed as a deduction under section 591 (relating to deduction for dividends paid by mutual savings banks, etc.), and

"(III) any dividend described in section 404(k).

"(iii) EXCLUSION OF CERTAIN DIVIDENDS.—Such term shall not include any dividend on any share of stock—

"(I) with respect to which the holding period requirements of section 246(c) are not met, or

"(II) to the extent that the taxpayer is under an obligation (whether pursuant to a short sale or otherwise) to make related payments with respect to positions in substantially similar or related property.

"(C) SPECIAL RULES.—

"(i) AMOUNTS TAKEN INTO ACCOUNT AS INVESTMENT INCOME.—Qualified dividend income shall not include any amount which the taxpayer takes into account as investment income under section 163(d)(4)(B).

"(ii) EXTRAORDINARY DIVIDENDS.—If an individual receives, with respect to any share of stock, qualified dividend income from 1 or more dividends which are extraordinary dividends (within the meaning of section 1059(c)), any loss on the sale or exchange of such share shall, to the extent of such dividends, be treated as long-term capital loss.

"(iii) TREATMENT OF DIVIDENDS FROM REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—A dividend received from a regulated investment company or a real estate investment trust shall be subject to the limitations prescribed in sections 854 and 857."

(b) EXCLUSION OF DIVIDENDS FROM INVESTMENT INCOME.—Subparagraph (B) of section 163(d)(4) (defining net investment income) is amended by adding at the end the following flush sentence:

"Such term shall include qualified dividend income (as defined in section 1(h)(11)(B)) only to the extent the taxpayer elects to treat such income as investment income for purposes of this subsection."

(c) TREATMENT OF DIVIDENDS FROM REGULATED INVESTMENT COMPANIES.—

(1) Subsection (a) of section 854 (relating to dividends received from regulated investment companies) is amended by inserting "section 1(h)(11) (relating to maximum rate of tax on dividends and interest) and" after "For purposes of".

(2) Paragraph (1) of section 854(b) (relating to other dividends) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) MAXIMUM RATE UNDER SECTION 1(h).—

"(i) IN GENERAL.—If the aggregate dividends received by a regulated investment company during any taxable year are less than 95 percent of its gross income, then, in computing the maximum rate under section 1(h)(11), rules similar to the rules of subparagraph (A) shall apply.

"(ii) GROSS INCOME.—For purposes of clause (i), in the case of 1 or more sales or other dispositions of stock or securities, the term 'gross income' includes only the excess of—

"(I) the net short-term capital gain from such sales or dispositions, over

"(II) the net long-term capital loss from such sales or dispositions."

(3) Subparagraph (C) of section 854(b)(1), as redesignated by paragraph (2), is amended by striking "subparagraph (A)" and inserting "subparagraph (A) or (B)".

(4) Paragraph (2) of section 854(b) is amended by inserting "the maximum rate under section 1(h)(11) and" after "for purposes of".

(5) Subsection (b) of section 854 is amended by adding at the end the following new paragraph:

"(5) COORDINATION WITH SECTION 1(h)(11).—For purposes of paragraph (1)(B), an amount shall be treated as a dividend only if the amount is qualified dividend income (within the meaning of section 1(h)(11)(B))."

(d) TREATMENT OF DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—Section 857(c) (relating to restrictions applicable to dividends received from real estate investment trusts) is amended to read as follows:

"(c) RESTRICTIONS APPLICABLE TO DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—

"(1) SECTION 243.—For purposes of section 243 (relating to deductions for dividends received by corporations), a dividend received from a real estate investment trust which meets the requirements of this part shall not be considered a dividend.

"(2) SECTION 1(h)(11).—For purposes of section 1(h)(11) (relating to maximum rate of tax on dividends), rules similar to the rules of section 854(b)(1)(B) shall apply to dividends received from a real estate trust which meets the requirements of this part."

(e) CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 1(h), as redesignated by section 301, is amended to read as follows:

"(3) ADJUSTED NET CAPITAL GAIN.—For purposes of this subsection, the term 'adjusted net capital gain' means the sum of—

"(A) net capital gain (determined without regard to paragraph (11)) reduced (but not below zero) by the sum of—

"(i) unrecaptured section 1250 gain, and

"(ii) 28-percent rate gain, plus

"(B) qualified dividend income (as defined in paragraph (11))."

(2) Subsection (f) of section 301 is amended adding at the end the following new paragraph:

"(4) For taxation of dividends received by individuals at capital gain rates, see section 1(h)(11)."

(3) Paragraph (1) of section 306(a) is amended by adding at the end the following new subparagraph:

"(D) TREATMENT AS DIVIDEND.—For purposes of section 1(h)(11), any amount treated as ordinary income under this paragraph shall be treated as a dividend received from the corporation."

(4)(A) Subpart C of part II of subchapter C of chapter 1 (relating to collapsible corporations) is repealed.

(B)(i) Section 338(h) is amended by striking paragraph (14).

(ii) Sections 467(c)(5)(C), 1255(b)(2), and 1257(d) are each amended by striking ", 341(e)(12),".

(iii) The table of subparts for part II of subchapter C of chapter 1 is amended by striking the item related to subpart C.

(5) Section 531 is amended by striking "equal to" and all that follows and inserting "equal to 15 percent of the accumulated taxable income."

(6) Section 541 is amended by striking "equal to" and all that follows and inserting "equal to 15 percent of the undistributed personal holding company income."

(7) Section 584(c) is amended by adding at the end the following new flush sentence:

"The proportionate share of each participant in the amount of dividends received by the common trust fund and to which section 1(h)(11) applies shall be considered for purposes of such paragraph as having been received by such participant."

(8) Paragraph (5) of section 702(a) is amended to read as follows:

"(5) dividends with respect to which section 1(h)(11) or part VII of subchapter B applies,".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 303. SUNSET OF TITLE.

All provisions of, and amendments made by, this title shall not apply to taxable years beginning after December 31, 2012, and the Internal Revenue Code of 1986 shall be applied and administered to such years as if such provisions and amendments had never been enacted.

TITLE IV—CORPORATE ESTIMATED TAX PAYMENTS FOR 2003

SEC. 401. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986, 52 percent of the amount of any required installment of corporate estimated tax which is otherwise due in September 2003 shall not be due until October 1, 2003.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

The Members should know that we have a statement of administration policy on this bill, and it reads in part: "The administration strongly supports House passage of H.R. 2 and commends the House for including all the elements of the jobs and growth plan proposed by the President." I would also like to call Members' attention to today's CONGRESSIONAL RECORD. In the CONGRESSIONAL RECORD, beginning on page 3829 is the first analysis of a tax bill by the Joint Committee on Taxation utilizing the power provided to the joint committee by rule XIII. It says in part that "in accordance with House rule XIII, this document, prepared by the staff of the Joint Committee on Taxation . . . provides a macroeconomic analysis of H.R. 2.

"The analysis presents the results of simulating the changes contained in H.R. 2 under three economic models of the economy. The models employ a variety of assumptions regarding Federal fiscal policy, monetary policy, and behavioral responses to the proposed changes in law."

It then goes on on page 3830, 3831, 3832, to examine this bill under those three macroeconomic models, and it explains in detail the models that are used. It says, for example, if Members take the time to look on page 3831 of the May 8 CONGRESSIONAL RECORD, in part: "The estimated change in Gross Domestic Product ('GDP') due to this proposal can range at least from a 0.3 percent (an average of $43 billion) to a 1.5 percent (an average of $183 billion) increase in nominal, or current dollar GDP over the first 5 years, and 0.2 to a 1.2 percent increase over the second 5 years."

This bill, according to the bipartisan professional staff at the Joint Committee on Taxation, says this bill grows the economy. In addition, they say, that up to 900,000 jobs in the first 5 years will be created "as the effects of the acceleration of individual rate cuts, and the initial increase in investment prevail. Employment increases in the first 5 years because of both the positive labor supply incentive from the individual rate cuts, and the economic stimulus effect of the proposals taken as a whole." The bipartisan, professional Joint Committee on Taxation says this bill creates jobs and stimulates the economy.

It probably would be more fun for either side to read the effects of the bill based upon some particular ax-grinding institute that has a really fair-sounding name that is funded by various organizations because the hyperbole in the way they examine the bill is a whole lot more fun. It is not very realistic, but it is a whole lot more fun.

This is the professional bipartisan staff of the Joint Committee on Tax under rule XIII concluding on page 3831: "As the simulations indicate, depending on how much temporary demand stimulus is generated by the proposal, the revenue feedback," money coming back to the Federal Government by spending money in this bill to cut people's taxes, give it back to them, "the revenue feedback could range from 5.8 percent to 27.5 percent in the first 5 years, and" between "2.6 and 23.4 percent over the 10-year budget period."

It stimulates the economy, creates jobs, brings more revenue back to the Federal Government. That is what this bill is about.

Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. RANGEL. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. RANGEL. Mr. Speaker, last evening in the Committee on Rules, the chairman of the Committee on Ways and Means said that he would allow the Democrats to bring their substitute to the floor but only under the conditions that no waivers of points of order be made; and then he went further and told the committee, the Committee on Rules, that is, that he did not want any waivers of points of order himself.

□ 1130

So, Mr. Speaker, my parliamentary inquiry is that there is a provision of the Budget Act that makes it not in order to consider legislation in the House that reduces amounts deposited in the Social Security Trust Fund. It is clear that the bill before us today will reduce the amounts deposited into both the Social Security and Medicare Trust Fund.

In view of the fact that the gentleman from California (Mr. THOMAS) has asked that points of order not be waived, is not this bill before us today in violation of that rule?

The SPEAKER pro tempore (Mr. SIMPSON). The Chair cannot make a hypothetical ruling. The House did adopt House Resolution 227, which waives all points of order.

Mr. RANGEL. Mr. Speaker, it is difficult for me to hear you. The House is not in order.

The SPEAKER pro tempore. The House will be in order.

The Chair cannot make a hypothetical ruling on what might have been said in the Committee on Rules. The House did adopt House Resolution 227, which provides for consideration of this bill without intervention of any point of order.

Mr. RANGEL. The Speaker is saying that the Committee on Rules waived the points of order that the chairman of the Committee on Ways and Means said last night was not necessary. Is that the ruling of the Chair?

The SPEAKER pro tempore. The House adopted the resolution waiving all points of order.

Mr. THOMAS. Will the gentleman yield?

The SPEAKER pro tempore. At this time the Chair is entertaining a parliamentary inquiry.

The gentleman from New York is recognized.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is clear that this is a day that is going to be remembered in America, in this House of Representatives. A bill has come on the floor. The chairman said he did not want points of order. It is clear that the bill is in violation of the parliamentary rules of this House unless the points of order were waived. It is clear that they planned in the middle of the night to say it is "their way or the highway."

It is a bad bill. But to deny Democrats an opportunity for an alternative, knowing that they have the votes, I think has damaged the reputation of this House of Representatives for days and for months and for years to come. Shame on you for doing it.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on my time, to respond to the gentleman from New York, I asked that the measures be treated equally and fairly. That was my position. But apparently the Committee on Rules rejected my position, and, notwithstanding the fact that I was trying to support the gentleman from New York, in the opinion of the Committee on Rules, apparently the gentleman's bill was so far out of the normal procedure that they determined not to make it in order.

I had asked that the Committee on Rules treat both bills the same way, and I was denied in my request to the Committee on Rules.

Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON), a member of the committee.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise in support of the Jobs and Growth Tax Reconciliation Act. This bill is going to provide much-needed tax relief for individuals and businesses to help create jobs today, while generating long-term economic growth for the future.

According to the Heritage Foundation, this bill creates 67,000 jobs in Texas in this year alone. That is great news for those who want a paycheck, not an unemployment benefit.

The bonus depreciation and small business expensing provisions effectively put business purchases "on sale." These provisions are vital to the telecommunications corridor in North Texas, because businesses that have delayed replacing their telecom equipment should find it easier to make these purchases.

Our economy has been driven by consumer spending, and these depreciation and expensing provisions should help jump-start business purchases.

The rate cuts, marriage penalty relief and child credit improvements help families as well as sole proprietorships, for whom the individual tax rate is their corporate rate.

I am glad to have a significant reduction in the double taxation of dividends. This is not necessarily the proposal I would have written, because I believe, like the President, we ought to eliminate double taxation of dividends. But reducing the tax on dividends from an individual's normal tax rate to the 5 percent or 15 percent rate will help millions of seniors who depend upon dividend income for their day-to-day expenses, as well as help millions of other Americans who own stock.

Mr. Speaker, it is time to give this economy a jump-start by passing this bill today.

I rise in support of the jobs and growth tax act.

This bill will provide much-needed tax relief for individuals and businesses to help create jobs today, while generating long-term economic growth for the future.

According to the Heritage Foundation, this bill creates 67,000 jobs in Texas in 2004 alone! That's great news for those who want a pay check, not an unemployment benefit.

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Our economy has been driven by consumer spending and these depreciation and expensing provisions should help to jump start business purchases.

The rate cuts, marriage penalty relief and child credit improvements will help families as well as sole proprietorships, for whom the individual tax rate is their corporate rate.

I am glad to have a significant reduction in the double taxation of dividends. This is not the proposal I would have written because I want to eliminate the double taxation of dividends.

Reducing the tax on dividends from an individual's normal tax rate to the 5 percent or 15 percent rate will help millions of seniors who depend upon dividend income for their day-to-day expenses as well as help millions of other Americans who own stock.

I will qualify my support for the dividends portion of this bill due to the fact that it discriminates against Americans who own stock in foreign companies.

Among the thousands of employee-shareholders in my district who would be seriously affected are the employees of Nortel, Aegon, Nokia, Alcatel Ericsson and Gadbury Schweppes.

I want this penalty to be gone the next time we vote on tax relief.

It is time to give this economy a jumpstart by passing this bill today.

PARLIAMENTARY INQUIRY

Mr. RANGEL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANGEL. Mr. Speaker, the staff has given me four violations of the Budget Act, section 401, section 311, and other violations of the House rules.

Am I to assume that the initial ruling of the Chair on the waiving of points of order would apply to all of the violations that Republicans have as it relates to the rules of the House?

The SPEAKER pro tempore. The Chair would advise the Member that the House just moments ago by majority vote adopted House Resolution 227, which provides that upon its adoption, it shall be in order without intervention of any point of order to consider in the House H.R. 2.

It waives all points of order that might otherwise be argued to lie. Therefore, the question is moot.

Mr. RANGEL. Mr. Speaker, will this apply to other violations that the minority is not even aware of now?

The SPEAKER pro tempore. The Chair will repeat that it waives all points of order.

Mr. RANGEL. I thank the gentleman. Mr. Speaker, in view of that protection that the majority gave itself, I yield 1 minute to the gentleman from Michigan (Mr. DINGELL), the Dean of the House of Representatives.

Mr. DINGELL. Mr. Speaker, this is a bad bill and a bad rule. It is unfair. It is a bill which could best be entitled "leave no millionaire behind." It has not worked before, it will not work again.

If this bill passes, it will cost my State of Michigan $111 million in revenue. I would note that the millionaires will get $100,000 a year back. Ordinary citizens are going to be lucky if they get $100. It is going to raid Social Security, Medicare and Medicaid. It is going to put the education of our kids at risk, and put our State and local governments in more of a straitjacket than they already are financially.

I would note there is one outrageous provision in this piece of legislation which defines American corporations like Chrysler, Mazda, National Steel and BASF as foreigners. Chrysler employs better than 100,000 American workers and contributes to the American economy better than 1 percent of its total gross domestic product.

I would urge the President or my Republican friends over there to come back to Michigan to see the new plant being built at Dundee, Michigan, to provide jobs and opportunities for the American people.

This is an outrageous procedure, an outrageous bill, and it should be voted down.

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. RYAN), a member of the committee, for the purpose of a colloquy.

Mr. RYAN of Wisconsin. Mr. Speaker, I would like to engage the chairman of the Committee on Ways and Means in a colloquy. I would like to speak specifically about one provision in the bill before the House today regarding the double taxation of dividends.

As drafted, the bill applies a new 15 percent-5 percent rate structure to dividends paid by domestic corporations, while dividends paid by foreign corporations will be taxed at the new individual rates of 10 percent, 15 percent, 25 percent, 28 percent, 33 percent, and as much as 35 percent.

U.S. subsidiaries of foreign-based firms are a very important part of our economy and economic recovery. These companies employ 5.6 million workers right here in America. Furthermore, American taxpayers own approximately $1.8 trillion worth of foreign stocks. Approximately 900 non-U.S. companies are traded on U.S. stock changes.

Will the chairman correct this discrepancy as we move forward so as to ensure that the final bill passed by Congress reduces taxes on the dividends paid by both domestic and foreign-owned corporations and treats them equally?

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. RYAN of Wisconsin. I yield to the gentleman from California.

Mr. THOMAS. I will tell the gentleman he raises an important point, but it is also a part of a larger tax policy problem.

Currently, as the gentleman may know, under the U.S. Tax Code we punish U.S. corporations for being U.S. corporations. Several provisions of our Tax Code put U.S. corporations at a disadvantage versus their international competitors. These flaws in the Tax Code force U.S. companies to move their headquarters overseas in order to compete. We must reform our Tax Code to improve our international competitiveness. The Committee on Ways and Means will be addressing this larger issue in this Congress.

With regard to the specific issue of dividend payments to U.S. citizens by foreign corporations, it is my intent as the legislation process proceeds to craft a solution that treats all American shareholders of either domestic or foreign-owned corporations fairly and equally, while improving the competitiveness of the U.S. Tax Code.

Mr. RYAN of Wisconsin. Mr. Speaker, reclaiming my time. I thank the chairman for engaging in this colloquy.

PARLIAMENTARY INQUIRY

Mr. RANGEL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANGEL. Mr. Speaker, in view of the fact that the majority has waived the points of order on their major tax cut bill, and further that the minority will not have the opportunity to introduce a substitute, under the rule, does the minority have the opportunity to have a motion to recommit?

The SPEAKER pro tempore. Under the rule, a motion to recommit will be available.

Mr. RANGEL. Will the minority then have the same advantage as the majority in terms of waiving the points of order at least for the 10 minutes that the minority would have on its motion to recommit?

The SPEAKER pro tempore. The rule allows for a motion to recommit that is otherwise in order under the rules.

Mr. RANGEL. Mr. Speaker, I understand that you are saying that we are entitled to the motion to recommit. The parliamentary inquiry is will the points of order be waived for the minority under the motion to recommit?

The SPEAKER pro tempore. The rule does not waive points of order for the motion to recommit.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. STARK), a senior member of the Committee on Ways and Means and the ranking member on the Subcommittee on Health.

Mr. STARK. Mr. Speaker, I rise today to oppose H.R. 2, which benefits only the wealthy among us. It is interesting as this bill becomes law my 2003 tax cut will be equal to my daughter's entire annual income as a fifth grade teacher in California, while she will receive less than $8 a week as a tax cut, and that is wrong.

Republicans are throwing $550 billion down the drain to the richest 5 percent among us. Let us take a moment to see who loses. Nearly 9 million unemployed workers are going to lose out, because they will get no unemployment benefits. Our children will lose out, because they will be left behind and they will get no education benefits. America's seniors will see Medicare and Social Security weakened. Low income mothers and children who depend on Medicaid and CHIP for their health care will lose out because these programs are being slashed.

Why are Republicans pursuing this tax cut? They hate poor people.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentlewoman from Washington (Ms. DUNN), a member of the committee.

Ms. DUNN. Mr. Speaker, I rise in support of this legislation to strengthen our economy, to create jobs and to provide tax relief to millions of America's workers and their families. This is a sensible, thoughtful approach to stimulate economic growth and job creation.

The people I represent in Washington State are particularly aware of the need in our economy for a stimulus. Our State's unemployment rate is approximately 7 percent. My State is ranked consistently in the top three States with the highest unemployment rate in the Nation.

In this Congress we have been especially sensitive in extending numerous times unemployment benefits to provide a safety net for those workers who have lost their jobs, but we also all know that the very best safety net for our workers is to stimulate the job market so these folks can go back to work.

□ 1145

Estimators predict that this legislation will create over 1 million jobs by the end of 2004. In Washington State alone, this legislation would create 17,000 jobs within the next 18 months.

These jobs are going to be created largely by the millions of small businesses in our Nation. We all know that small business is the engine of our economy. Nearly 80 percent of the benefits from reducing the highest marginal tax rates will help small business owners.

Equally important, this legislation touches the lives of tens of millions of American individuals and their families. Beyond the stimulus of economic effects, we ensure that taxpayers can keep more of their own money.

By raising the child tax credit, parents can pay for the child care services their children may need.

By reducing the marginal income tax rates, individuals will have more take-home pay through lower withholding. By eliminating the marriage penalty sooner rather than later, couples can save for their first home.

By reducing the tax on dividends, we are directly helping senior citizens who depend on dividend income to supplement their Social Security payments; and by reducing capital gains taxes, we are also helping older parents whose children have moved away and who now are downsizing by selling their homes.

This constructive tax cut package will stimulate economic growth, it will create jobs, and it will leave more money with the people who earned those dollars in the first place.

This is exactly how we should help our economy, Mr. Speaker; and I urge my colleagues to join in support for this bill.

Mr. RANGEL. Mr. Speaker, may I inquire from the chairman of the Committee on Ways and Means, since so few Republicans want to speak in support of the bill, whether he would consider yielding some time to the Democrats.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, in examining the number of Members who are enthusiastic on my side of the aisle about this bill, what I am trying to do is figure out a way to allow for senior members on the committee to have a full expression of their support in a particular manner, and there are many other Members of the Republican Conference who are not on the committee and have requested time to speak as well. And what I am trying to do is manage the time in a way that the more-senior members have an opportunity to present the particulars of the bill and that the other Members also have a chance to speak.

So we are going to be working on trying to fit all of the people in.

Mr. RANGEL. Mr. Speaker, reclaiming my time, I want to thank the gentleman from California for whatever he said.

Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN), a senior member of the Committee on Ways and Means and the ranking member of the Subcommittee on Trade.

Mr. LEVIN. Mr. Speaker, the Republican bill is not a growth bill; it is fiscally irresponsible for this Nation and is unfair to individual taxpayers. Only 9 percent of the tax cuts will take effect this year. It would mean more and more and more deficits. This bill should carry on with the sign, "Deficits don't Matter." A family with $1 million in income this year would save 95,000 bucks in taxes. A family with $40,000 to $75,000, only $218.

A rising tide of tax breaks for the very, very, very wealthy will not raise all boats, only very big yachts. I urge a "no" vote.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1½ minutes to the gentleman from Georgia (Mr. COLLINS), a member of the Committee on Ways and Means.

Mr. COLLINS. Mr. Speaker, this is a workers' bill. This bill will benefit the American worker. It will open jobs, 1.2 million by the end of 2004, half a million by the end of this year. This is good news for the American worker.

We hear about 6 percent unemployment, but we do not hear the flip side: 94 percent of Americans are employed. This bill is about maintaining those jobs and adding jobs and making workers more competitive in the global marketplace.

There is talk about unemployment benefits. Mr. Speaker, the best unemployment benefit is a job so that people in this country can collect a paycheck. This bill does that.

This bill helps businesses grow so jobs will grow. Provisions of this bill will keep American companies here in America and keep those jobs here.

There is nothing that the American worker cannot do. Given a level playing field of tax policies, American workers can out-produce, out-compete, and out-perform any other nation's workforce.

Some people claim this tax bill is only for the rich. That is wrong, and they know it. The President has submitted a tax bill here that will help 104 million American taxpayers. Two-thirds of this workers' bill goes to child tax credits, expanding the number of taxpayers in the 10 percent bracket, eliminating the marriage penalty, accelerating marginal rate cuts, and ensuring that middle-income families do not face the alternative minimum tax.

Mr. Speaker, this is a good bill. The biggest problem is that it does not go far enough. I would like to see more. However, it will stimulate the economy, it will grow jobs, it will make American workers more competitive than foreign workers. I support this bill and urge my colleagues to do the same.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN), a senior member of the Committee on Ways and Means and an outstanding Member of the Congress.

Mr. CARDIN. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

Make no mistake about it, this bill is extreme and reckless. Mr. Speaker, $550 billion-plus, every dollar must be borrowed. The Republican budget, by its own numbers, doubles the national debt from $6 trillion to $12 trillion over the next 10 years. Two-thirds of the relief on the capital gains and on the dividend exclusion goes to those people who have incomes over $200,000. Yet, not one dime for the unemployed.

Yes, we have an urgent need. We have an urgent need to act to extend unemployment insurance benefits that expire at the end of this month. That is immediate, fiscally responsible. We have the money in our trust account, and it will help create jobs. Two million Americans in the next 6 months will exhaust their State unemployment insurance benefits and will get no relief.

This bill is extreme, it is reckless, and it is wrong.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Illinois (Mr. WELLER), a member of the Committee on Ways and Means.

Mr. WELLER. Mr. Speaker, I rise in very strong support of this legislation that deserves bipartisan support. The jobs and growth package that is before us today is projected by independent economists to generate 1.2 million jobs over the next couple of years, and we do it in 2 ways: by putting extra money in the pocketbooks of working Americans, by raising their take-home pay, by lowering their taxes, and by providing incentives for businesses to invest. If we want to create jobs, we need investment and we need consumers to spend.

Two-thirds of this tax package goes to individuals. In fact, the average family, the average tax-paying family, if you pay taxes, Federal taxes, you benefit from this proposal. Two-thirds of this package goes to working Americans, individuals. Over $1,000, it is projected, the average family will see in higher take-home pay by doubling the child tax credit, this year; by lowering the rates for everybody, this year; and by eliminating the marriage penalty, this year. In fact, I have a couple in my district I have often talked about, Jose and Magdalena Castillo of Jolie, Illinois, laborers, construction workers. As a result of this legislation, their marriage tax penalty will be eliminated this year. This is $1,400 that they will be able to spend back home. Think about that. Spend it back home in Jolie, Illinois, rather than back here in Washington, as some do.

But this legislation also creates jobs. It is estimated that it is going to create jobs by encouraging business investment, up to 1.2 million new jobs. The way it does that is that it encourages investment in manufacturing jobs, technology jobs, real estate and development jobs for construction workers. In fact, by doing this, we provide for the bonused appreciation or what some called accelerated appreciation, 50 percent expensing. We should think about that. If we are investing in a business, investing in new security for a plant or a workplace to protect workers and customers and visitors, we will be able to deduct 50 percent of the cost of that this year, creating a job for a technology worker, or someone that is producing that security product. The same thing if it is a machine tool or a company car, or telecommunications equipment.

We encourage business to purchase a product, which the bonused appreciation will do now, and that is why this legislation is going to be so effective in jump-starting the economy now, creating 1.2 million jobs. These are all good provisions and are going to create good jobs for working Americans.

Mr. RANGEL. Mr. Speaker, it is a great pleasure to yield 1 minute to the gentleman from Texas (Mr. RODRIGUEZ), a national leader in his own right, a leader in the Congress, and the chairman of the Hispanic Caucus.

Mr. RODRIGUEZ. Mr. Speaker, there is a little saying that goes that if you dig yourself into a hole, one of the only ways to get out of that hole is to stop digging.

Well, the Republicans have dug ourselves into a hole, including us, and promised jobs with the first $1.3 trillion tax cut that we had the first year of the administration. Where are the jobs? The only way we can get out of it is to stop digging.

Unemployment is growing, the Federal deficit is growing, the sense of frustration and despair among hard-working Americans is growing. The only thing that is not growing is the economy. And the tax bill we are debating today fails to deliver on the promise of new jobs.

The President and the Republicans here in Congress are continuing to push for more and more tax cuts and, at the same time, not allowing us to have the opportunity under a democratic process to be able to submit our own alternative. The tax cut bill we are debating today does little to alleviate the problems facing our families. While the bill under consideration today promises jobs and growth, the tax cuts are targeted primarily at the wealthiest of this country. It is greed, and that greed is going to choke the economy.

Mr. THOMAS. Mr. Speaker, I really have a difficult time understanding the concept that giving people back their own money is greed.

Mr. Speaker, it is my pleasure to yield 1½ minutes to the gentleman from California (Mr. HERGER), a member of the Committee on Ways and Means.

Mr. HERGER. Mr. Speaker, I rise in strong support of the legislation before us appropriately titled the Jobs and Growth Act of 2003. That is exactly what our efforts today are all about: growing our economy and creating jobs.

This legislation provides immediate tax relief while also making our Tax Code more investor-friendly and less of an impediment to future economic growth. Specifically, this bill accelerates the income tax rate reductions enacted 2 years ago, rather than phasing in over the next several years as previously planned. These lower rates would take effect beginning this year.

This legislation will increase the child tax credit from $600 per child to $1,000 per child. This means real tax relief for families struggling to make ends meet.

This bill also speeds up relief from the unfair marriage tax penalty and increases the exemption amount for the alternative minimum tax, or AMT, meaning that fewer families will be subjected to this burdensome tax.

I am especially pleased that this legislation makes it easier for small businesses to make new business purchases by raising the amount of new investment that small businesses can deduct from their taxes, from $25,000 a year to $100,000 a year. This provision will be of great benefit to millions of small businesses across America.

Mr. Speaker, the government cannot grow the economy or create new jobs. Good government policies, however, can allow the ingenuity of the American people to flourish. Let us get our economy moving again. I urge all of my colleagues to support this bill.

□ 1200

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. MCDERMOTT), a member of the Committee on Ways and Means and an outstanding Member of the House.

Mr. MCDERMOTT. Mr. Speaker, the Chair, in a rare moment of clarity last night in the Committee on Rules, told us this is like a poker game. The money on the table at the end of the game is just the same as when you started, just different people have the money than they did at the beginning. And he is absolutely right. The rich get the money in this bill and the middle class gets stiffed.

We cannot trust the middle class to make decent decisions. Eighty percent of this money, of the $500 billion goes to people above $75,000; $105,000 for millionaires; $325 for people making $40,000.

Now, Mr. Speaker, this is not a poker game. This is a crap game we are in, and we have got loaded dice. It is crooked and we have got to shut this game down in 2004 or the middle class is going to be slaughtered.

This Congress is only one thing, and I brought what everybody ought to get. I got one of these. It says here, I approve of everything George Bush does, Member of Congress. This is the rubber stamp, crooked crap game Congress.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one of the things I really do enjoy about the gentleman from Washington (Mr. MCDERMOTT) is that he is consistent. His description of my quote and the meaning of it is consistent with the way in which he presents his version of the facts.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), a member of the committee.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong support of this bill and congratulate the gentleman from California (Mr. THOMAS) on a very strong and timely proposal to help people and to get our economy moving.

In my district, manufacturing is struggling. Small manufacturers are at risk. Jobs from those industries, the machine tool industry, the electronic components industry, the aircraft industry are hemorrhaging, reaching 20 percent in the last 2 years. We have got to act.

This bill provides not only the right to go back for 5 years and, carry net operating losses back to recover taxes paid, but also some dramatic, incentives, the most generous expensing provisions enhanced depreciation bonuses, to help companies invest in the equipment they need to compete with China and the equipment they need to hire more people. You can go back and recapture. In my district a lot of small manufacturing companies are losing money this year. They lost money last year. But now they can go back and recapture tax dollars to keep themselves going, to keep employment up, to stay alive during this period or to invest in new machinery and equipment to make themselves more productive and more competitive in the future.

This is the best bill for manufacturing that has ever come to the floor of the House in my 21 years in this Congress, because it puts more money in the pockets of the people of America through accelerating the brackets and it strengthens small manufacturing. The capital gains and dividend provisions will also strengthen the economy and provide some real stimulus at a time when economic activity is all too flat and the number of unemployed is all too great.

So if you want a strong manufacturing and a vibrant economy to get moving, this is a good bill at the right time.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KLECZKA), an outstanding member of the committee and the Congress.

Mr. KLECZKA. Mr. Speaker, jobs, jobs, jobs. Two years ago the Republicans in Congress passed a tax cut totaling $1.3 trillion, and that bill was to stimulate the economy, create jobs, get this country moving again, $1.3 trillion. And you know what happened? We lost 2 million jobs in this country. So now the Republicans have another way to create jobs and that is another tax cut bill. This one totals about $1 trillion if you add up the true cost of the bill.

The problem with that is 70 percent of the benefits are going to go to the richest 5 percent of households in the country. And you do not create jobs by giving rich people capital gains breaks, profits in stocks and bonds or on dividends. That is not going to create jobs. The only thing that this bill is going to stimulate, the only thing that is going to be stimulated with an election next year is campaign contributions to those who support it.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I invite the gentleman from Wisconsin to perhaps read page 3831 of the CONGRESSIONAL RECORD in which the Bipartisan Joint Committee on Taxation says that up to 900,000 new jobs in the first 5 years will be created by the acceleration of individual rate cuts and the initial increase in investments prevail.

The gentleman does not want to believe and he has every right not to believe; but, frankly, the facts refute his position.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), a member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman, the chairman of the full committee, for his work on this legislation and would urge my colleagues to adopt it.

Let me start with a point of agreement with the preceding speaker in the well, my good friend, the gentleman from Wisconsin (Mr. KLECZKA). Jobs, jobs, and more jobs. That is precisely what this legislation is about, to offer economic opportunities, to create new jobs. We can do that. And, indeed, I would commend to my friend a bill we passed a couple of years ago where we reduced the top rate on capital gains taxation, where we offered primary residential exemption. What did we do for our friends in construction, in the building trades? We put people to work. People were buying homes. People had more of their money to save, spend, and invest. And rather than the notion of economic passive visit, and rather than the notion of greed, quite the contrary has been true.

When the American people have more of their own money, it helps Main Street. It helps Wall Street. Mr. Speaker, it helps your street, because people have money to spend. New jobs will be created. The chairman pointed out the findings. We know it has worked. It has worked time and again so it will work in this instance.

Support this legislation precisely because we want to create jobs. Support this legislation precisely because we want to promote economic growth.

Now on a sad note of discord, this Chamber has been compared to many different settings. It is sad that some on the left want to compare this to the Grand Old Opry because in the words of that great country ballad, that is their story and they are sticking to it, that somehow this only helps the rich.

Let me tell you, Mr. Speaker, we are talking about real money staying in the pockets of real families. We are talking about accelerating the per child tax credit to $1,000 this year. We are talking about eliminating the marriage penalty this year. We are talking about moving forward this year to help our economy grow, to create jobs, and to get it done now rather than hesitating, rather than waiting, rather than remaining in the economic doldrums. Support the legislation.

Mr. RANGEL. Mr. Speaker, I ask unanimous consent, in view of the overwhelming interest in America and in the House on this bill, that the amount of time for debate be extended an additional hour.

Mr. CUNNINGHAM. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. RANGEL. Mr. Speaker, I ask the chairman of the committee whether he would join with me since he was so cooperative yesterday in the Committee on Rules.

The SPEAKER pro tempore. There is an objection heard.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. LEWIS), the conscience of the Congress and a civil rights leader, since the Republicans object to the discussion.

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to express my outrage at this irresponsible and unfair tax bill. Those at the very top would get a generous tax cut, but those at the bottom would do no better. And there is no evidence that this bill would create even one job.

We can do better. We have the ability. We have the capacity to do better and we must do better. We owe it to the hardworking American who will not benefit under this bill, and we owe it to the 2.7 million people who have lost their jobs since President Bush took office.

This bill has no compassion, not one ounce of compassion. It is a shame and it is a disgrace and I just do not understand it. I cannot for the life of me understand how we can spend billions of dollars to rebuild Iraq, to build schools, to provide health care, and yet we cannot find a cent for the unemployed here at home. That is not right. That is not fair and that is not just. As a great Nation we must do better. I ask my colleagues to vote down this irresponsible and unfair deal.

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. RAMSTAD), a member of the committee.

Mr. RAMSTAD. Mr. Speaker, I thank the gentleman for yielding me time. I rise in strong support of this economic growth package to put Minnesotans back to work.

Mr. Speaker, too many people in Minnesota have lost their jobs, and, as a result, too many families are hurting.

Nationally, over 1 million Americans have lost their jobs over the last 2 years because of sagging economic growth.

We must pass H.R. 2, the economic growth and jobs package, to stimulate economic growth and create jobs. Economists predict this package of tax incentives and tax reductions will result in the creation of at least 1.4 million new jobs in the next 2 years.

Unfortunately, our friends on the other side who oppose this job-creating legislation fail to understand that economic growth is the key not only to job creation, but also to increased tax revenues to fund the necessary functions of government.

More jobs mean more taxpayers, which mean more revenues, the fundamental point missed by critics of this economy growth package from our Ways and Means Committee.

This critical job-creating legislation will accelerate the rate cuts, marriage penalty elimination and child tax credits; increase small business expensing to provide the core of our economy with incentives to grow; and cut taxes on corporate dividends and capital gains to give the stock market a boost and promote private investment.

Mr. Speaker, Minnesotans looking for work need jobs. The economy needs a boost. We need to increase business spending, consumer spending and investment. This legislation will provide the incentives and tax relief for the economic growth and job creation we need now.

Let's pass this legislation and help put people back to work.

Mr. THOMAS. Mr. Speaker, might I inquire about the division of time.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) has 9 minutes remaining. The gentleman from New York (Mr. RANGEL) has 20½ minutes remaining.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. NEAL), an outstanding member of Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL).

Mr. Speaker, let me stand in opposition today to this Republican deficit plan and remind my colleagues of the warning that is often cited about not learned from the mistakes of history.

Let us talk about the wise reflections today of David Stockman, who essentially said that what was proposed 20 years ago was fiscal folly and suggested in his memoirs that not only was it irresponsible, it represented a threat to the long term fiscal stability of this Nation. He concluded that more debt would be rolled up than all of the debts accumulated by Reagan's 39 predecessors. And after leaving as Reagan's Budget Director he said, "We were not headed toward a brave new world as I had thought in February. We were not headed toward a vindication of the President's half-revolution, as Don Regan and the supply-siders fatuously insisted in November. Where we were headed was toward fiscal catastrophe."

These tax cuts are geared and aimed towards the wealthiest of Americans. Again, the argument in this Chamber essentially is this: It is okay today to have a huge deficit after this economy soared when we repaired that philosophy just a few years ago.

Fiscal catastrophe indeed, Mr. Speaker, that is where we are headed.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. MCNULTY), my colleague and a member of the Committee on Ways and Means.

Mr. MCNULTY. Mr. Speaker, let us talk for a moment about deficit and debts. I am willing to give the President the benefit of the doubt when he first proposed that huge tax cut in the year 2001. Maybe we did not quite know where the economy was going. We certainly did not know about September 11 and the impact that would have on the economy. But we know where we are today.

Last year we had a $159 billion budget deficit. According to the President's own numbers, this year we will have a $347 billion deficit, the biggest in the history of the country. Next year $385 billion, then the biggest in the history of the country. The following year $295 billion. Do the quick math. Over the next 3 years a trillion dollars added to an already existing $6.4 trillion in national debt upon which we paid $332 billion in interest last year.

Let us stop mortgaging the future of our children and our grandchildren. This must stop. Reject this bill.

Always remembering the famous words of my friend, the gentleman from Texas (Mr. STENHOLM), when he said, Down where I come from, you find yourself in a deep hole, the first rule is stop digging.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. JEFFERSON), an outstanding member of the Committee on Ways and Means.

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the folks at home must be really confused about this debate today. A few years ago we heard the Republican leadership come to the floor with a tax bill saying we were awash in cash and we needed to give the people back their money. And the government should not have the money, the people should have it.

□ 1215

The trouble is before we could give the folks their money back, the government spent the money. Now we are back telling them the same thing, it is the people's money, we ought to give them back their money, but the only way to give them back the money this time is to borrow the money.

This does not make any sense. It is about like a businessperson saying I do not have any money, do not have any cash, do not have any profits, but I want to give my folks a distribution. I am going to go borrow money at the bank, give it back and give folks a distribution and pay for it later somehow, some way.

This is called a stimulus package but a stimulus package ought to be temporary in effect. It ought to stimulate consumption. The only stimulus package we can have to make any sense is have consumption on the part of States, on individuals or on the part of business.

We leave the folks out of this package who could probably provide the stimulus that we are looking for. The folks who are in the 10 and 15 percent bracket do not get a break under this deal. The folks who work every day and who do not pay income taxes, who pay payroll taxes through the nose, do not get a break under this bill. These folks would actually consume something in this economy if we put the money back in their hands.

This is a wrong-headed bill. I urge it be voted down.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. TANNER), a member of the Committee on Ways and Means.

Mr. TANNER. Mr. Speaker, I adopt everything that has been said about the debt of this country. We are going broke, if anybody looks at it, but I want to say one thing here this morning.

This is a sad day. My colleagues can hide a lot of things around theories of job creation and so forth, but there is one thing they cannot hide today, and that is we are borrowing money after we sent young men and women in uniform to die in Iraq. We buried one in west Tennessee last week, and my colleagues cannot deny the fact that what is going on here this morning is shameful.

They are borrowing money to give a tax cut to people like me, to give the bill to the kids that died in Vietnam and Cambodia and everywhere else over there, but today in Iraq and Afghanistan they are doing it. They are borrowing the money and giving them a bill and they have got to pay interest on it. There is no honor in that. No President and no Congress since the war of 1812 has sent people into war and then tried in no way to pay for it, no way, and what they are doing is there is no honor here this morning. This room reeks with the stain of what we are doing.

Mr. RANGEL. Mr. Speaker, could I get some understanding of the time that is remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from New York (Mr. RANGEL) has 16½ minutes remaining. The gentleman from California (Mr. THOMAS) has 9 minutes remaining.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BECERRA), a member of Committee on Ways and Means.

Mr. BECERRA. Mr. Speaker, I think my colleague from Tennessee was right.

We talk these days about shared sacrifice. We have men and women in uniform who are returning from service where they were in harm's way. These are individuals, all of our enlisted men and women, who earn incredibly less than $30,000 a year. They put their life on the line for us. They are looking to come back home and have a job.

It is true, jobs, jobs, jobs are what matter. Yet today we are hemorrhaging 75,000 jobs per month in this country. We have lost nearly 3 million jobs since President Bush took office in 2001. We need jobs, not deficits. Yet, that is what we are getting from this tax cut bill. Deficits do matter.

A $550 billion tax cut mostly for the wealthy will blow up the bank. We have a $350 billion deficit for this year. We pay a quarter of a trillion dollars a year in interest on the national debt.

What is the message to our returning soldiers? It is $100,000 for a millionaire in tax cuts. They will get about $200 for the year, about enough to pay for a tank of gas a month. Our children will pay for this tax cut. Let us defeat this bill.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1½ minutes to the gentleman from Michigan (Mr. CAMP), a member of the Committee on Ways and Means.

Mr. CAMP. Mr. Speaker, I rise to commend the chairman for putting together a balanced jobs bill. This legislation helps families, wage earners and employers by improving incentives for job creation, work and savings.

The child credit is doubled, strengthening families. For wage earners the marriage penalty relief and tax rate cuts are accelerated, particularly effective in small and medium businesses and family farms. These flow-through family businesses result for more than 40 percent of the net income in this country.

The legislation provides job creation incentives for all employers by increasing expensing for small business employers, by increasing the bonus depreciation element for other employers.

Michigan has the largest unemployment they have had in 9 years. By lowering the Federal tax burden, we will help expand the economy. Faster economic growth would create jobs and, particularly in the small business area, will allow them to remain the engine of economic growth in this country.

Vote for this bill.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT), a member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, when it comes to turning around this economy, assisting the many who have lost their jobs since President Bush got his, this Administration does not have a clue. With a deficit larger than a fleet of aircraft carriers, these Republicans have no idea how to bring our struggling economy in for a soft landing.

As always, their snake oil cure-all is the same old "Dr. George's red-ink elixir." No matter how irresponsible, no matter how many lives are endangered, they award more tax breaks to the fat cats, and if you are not among the elite few, than, frankly, my dear, they do not give a flip.

With the largest deficit in American history adding to a national debt spiraling to almost unimaginable heights, extremists borrow more from us all in order to give tax breaks to a few, and the funds they so freely loot are the very hard-earned dollars we contribute for our Social Security and Medicare.

In Texas, we are suffering a freeze on hiring teachers, no new textbooks, and meanwhile while the President breaks his promise to fund $9 billion of the "Leave no child behind" law. This revenue depleting vote is the major education vote of the year. The bill does not raise all boats. It hangs an immense anchor of debt on the necks of our children to whom it denies opportunity.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY), a member of the Committee on Ways and Means.

Mr. POMEROY. Mr. Speaker, we have before us a bill that will add more than half a trillion dollars to the national debt. Advertised as a jobs bill, 89 percent of this budget buster does not do a thing this calendar year. According to the New York Times, the benefits go overwhelmingly to the wealthiest few in this country.

We could do so much better and it is pretty darn clear they cannot even defend this monstrosity. Why else would they reduce debate to a single hour? Why else would they deny all amendments? Why else would they deprive the minority of our historic right to offer an alternative, one that stimulates the economy with tax cuts to small businesses and working families without exploding the deficit?

If the majority was so confident about this proposal, one would think they would welcome debate. One would think they would love a side-by-side vote, their proposal and our proposal. Instead, they are shamefully jamming this proposal through this House, sticking our children with hundreds of hundreds of billions of dollars of additional national debt to fund a tax cut windfall to the wealthiest few in this country.

Reject this shameful bill.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES), a member of the Committee on Ways and Means.

Mrs. JONES of Ohio. Mr. Speaker, over the past 5 months I have had the opportunity to have my first service on the Committee on Ways and Means, and I must say it has been very, very interesting and a wonderful experience.

Right now, in the State of Ohio where my colleague who sits on Ways and Means with me, we have 57,000 jobs that were lost in the City of Cleveland, 167,000 jobs that were lost in the State of Ohio, since this President took office.

What I would have wanted to see is the people of the State of Ohio who have been laid off and blocked out having to have the opportunity to get unemployment benefits. What I wanted to see is when we are in a terrible situation, a recession, that my State would have received some money to help the people who need a prescription drug benefit, the kids who need child care and day care. What I did not see in this tax cut proposal presented by the chairman of the committee is any help for them.

I understand business and business wants support, but all the business people in my community said do not give me a tax cut, help the poor.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1½ minutes to the gentleman from Ohio (Mr. PORTMAN), one of the most senior members of the Committee on Ways and Means.

Mr. PORTMAN. Mr. Speaker, I thank the chairman for yielding me the time, and I thank my colleague from Ohio who just spoke.

One thing that excites me about this bill is it will create 1.2 million new jobs by the end of next year, including over 34,000 new jobs in the State of Ohio. The folks from Cincinnati where I come from who are unemployed want a job, and that is what this bill is all about.

I congratulate the chairman, I congratulate the President for taking us down this track. This bill addresses what ails us in our economy.

First, consumer demand is down. We provide more money in people's pockets this year. Someone just said it is not this year. It is this year. Companies will withhold less this year. They will have more money to spend, increasing consumer demand.

Second, it helps small business, very directly, and that is the engine of new economic growth and new jobs.

Third, and most importantly I believe, it gets business investment back where it ought to be. In the last 3 years, every economist, right, left or center, will tell my colleagues the same thing, business investment is down. We have got to increase that. That is what the dividends tax piece is about. That is what the capital gains piece is about. It is to get businesses back in the business of expanding plant and equipment and creating new jobs.

I would ask my colleagues on the other side, what it is their idea? I know some of my colleagues think by sending money from Washington back to the States it creates jobs, but that is government-to-government transfer. I do not see that as creating jobs to ensure that unemployment does go down. It is 6 percent now. It is too high. It is too high in Ohio, it is too high around the country.

To ensure that the stock market goes up, which this bill will do, the economists, again, regardless of their affiliation with what organization, right, left or center, say it will help bring the stock market up.

Finally, in order to get this economy on a growth path again, I strongly support this legislation. I hope my colleagues will do so on a bipartisan basis.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Ohio had the audacity to say what is our idea after they stayed up all night to deny us the opportunity to express our ideas. I am telling my colleagues, in New York they call that hutzpah.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise in strong opposition to the Thomas tax plan. The reckless tax cut contained in the Thomas plan is unfair and is irresponsible.

Mr. Speaker, I rise in strong opposition to the Thomas Tax Plan. The reckless tax cut contained in the Thomas bill is unfair, fiscally irresponsible, and the perverse and persistent Republican obsession with dividend cuts will do nothing to create the jobs that our people so desperately need.

Mr. Speaker, mark my words: This bill will continue the pattern of tax increases in states and municipalities throughout our country as our state and local governments struggle to replace the resources that the Federal government no longer is providing.

True to the Republican Party's credo, the Thomas bill is a rich persons' bill, with relief completely targeted toward those who need it least. It will load up our children and grandchildren with massive debt, debt that middle class families simply cannot carry. The Republicans will euphemistically call this a jobs bill, but just whom do they think that they are kidding?

This bill is hostile to families and loaded with accounting gimmicks calculated to conceal the size and cost of the Thomas proposal. Can you imagine that anyone genuinely interested in middle class families would offer a bill with a $1000 child tax credit for 2005 that actually reduces the child tax credit to $700 in 2006?

While this bill is a very bad deal for low-and middle-income families, it's an answered prayer for millionaires. According to the Tax Policy Center, on average, the House GOP tax package would provide tax cuts of $93,500 to those making over $1 million, while the typical taxpayer would get an average tax cut of $217 (even less than the President's plan)—less than 60 cents a day. In fact, 53 percent of taxpayers would get less than $100 under the House GOP plan.

Mr. Speaker, our fiscal future is on the line. Where is the targeted tax relief for middle-class families in this bill? Do we want a plan that will create more than 1 million jobs and promote long-term economic growth as the Democrats have proposed, or do we just want to continue the Republican predisposition to pay attention solely to the wealthy?

I will continue to stand for low-and middle-income families, for Main Street, not Wall Street. All of us should. Reject the Republicans' latest early Christmas gift to the wealthy. Reject this ill-considered tax cut. Reject the Thomas bill.

Mr. RANGEL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much for yielding to me.

I rise in vigorous opposition to this very horrific bill.

Mr. Speaker, I rise in vehement opposition to H.R. 2, the "Job and Growth Reconciliation Tax Act of 2003." I am completely against this bill for many reasons. First, and foremost, the provisions of this bill fail to address the employment and economic needs of struggling Americans. Second, I oppose H.R. 2 because the rule governing debate of the bill did not allow for consideration of the Democratic substitute, a better bill for Americans and the economy.

H.R. 2 VS. DEMOCRATIC STIMULUS PLAN

The economic plan set out in H.R. 2 is neither fair, nor fast-acting, nor fiscally responsible. H.R. 2, like the President's plan before it, proposes a reckless tax cut that will not create jobs and will hurt long-term economic growth by saddling our children with massive debt. The Democrats' substitute plan will create more than 1 million jobs and promote long-term ecnomic growth.

To jumpstart the economy, my Democratic colleagues have offered a real economic growth plan that would create more than 1 million jobs in 2003, with significant investments and tax relief in 2003 for middle-class families. In contrast, the Republicans' plan, set out in H.R. 2, only puts in place 11 percent of the tax cuts this year, when it is essential to provide rapid economic growth.

Like President Bush's plan, H.R. 2 centers on a tax proposal, a dividend tax cut, and a capital gains tax cut. None of these measures will create jobs. Not only do my Democratic colleagues oppose H.R. 2, expert economists and Wall Street financiers have said that the dividend tax cut in the Republican proposal is one of the least efficient means to stimulate economic growth.

H.R. 2 IS A PHONY ECONOMIC STIMULUS

H.R. 2 is an economic sham. The Republicans have focused on tax cuts, which is fiscally irresponsible. When the Bush administration took office, the United States had a projected $5.6 trillion 10-year surplus. If the tax cuts in H.R. 2 are passed they will have created a $2 trillion deficit over the next 10 years. That is a loss of $7.6 trillion.

Even Federal Reserve Chairman Alan Greenspan, says that these huge deficits actually threaten economic growth. On April 30, 2003, in testimony before the Senate Banking Committee, Chairman Greenspan said, "It is very important for us to maintain the degree of fiscal restraint over the years ahead, because it's only under those conditions that I think we can create a fiscal policy which significantly assists in acceleration of economic growth."

The increased Child Tax Credit is also a sham. The Republicans make the increase in the child tax credit a temporary afterthought. The so-called increase proposed in H.R. 2 for the child tax credit will drop in 2006 from $1000 to $700. This is no way to put families and our children first. In H.R. 2 the Republicans clearly display their priorities. The Republicans give tax breaks to the wealthy, while America's middle class and poor families are shortchanged.

SHORTCHANGING THE FUTURE

Next year, the Republican plan proposes tax cuts totaling nearly $44 billion to individuals who make $374,000 a year or more. The Republican tax cuts not only shortchange families and children, but also America's senior citizens.

At the beginning of this Administration, the government was projected to save every dollar of the Social Security surplus. However, under H.R. 2, Republicans would borrow and spend all of the money from the Social Security Trust Fund over the next 10 years. Furthermore, H.R. 2 provides tax cuts of $93,500 to those making over $1 million. Yet, taxpayers in the low to middle income bracket would get an average tax cut of only $217, far too little to stimulate our sluggish economy.

THE 18TH DISTRICT OF TEXAS

A tax cut that saves Americans an average of only 60 cents per day is insufficient. In my district, the 18th Congressional District of Texas, which includes Houston, Harris County and other areas, the Republican plan will cut $13,508 for taxpayers making the top 2 percent of area incomes. For taxpayers in the lower 56 percent of incomes, the Republican plan cuts merely $136. Clearly, the Republican tax cuts do little for the majority of taxpayers in my district.

The Republican's capital gains provisions likewise do little for my District. Ninety percent of taxpayers in the 18th District of Texas earn less than $100,000 per year. Those individuals would received an average of $38 from the capital gains and dividend tax cut. In my District, 82 percent of taxpayers would receive no benefit at all from the reduction of capital gains taxes, while 79 percent of taxpayers in my district would receive no benefit from the reduction of dividend taxes.

One might call H.R. 2 the "do little" tax plan. In my district, many could call this the "do nothing" plan because nothing is what they will receive if the Republican bill passes. H.R. 2 will not create real growth in my District or anywhere else in our economy. Similarly, H.R. 2 will not create real relief for the many Americans who are struggling to provide for themselves and their families during these trying economic times.

Although the unemployment rate continues to climb, the Republican bill causes the extended unemployment benefits program to expire on May 31. That will lead to millions of families being denied needed unemployment insurance at the end of this month. Not only would extending benefits help the families of nearly 5 million out-of-work Americans pay their bills. It would also efficiently put money into the pockets of consumers who will stimulate the economy through spending.

H.R. 2 professes to create about 1 million jobs in this country with a $550 billion tax cut. In other words, those new jobs, even if they were created, would come at a cost of over $550,000 per job. Let me say that another way, the Republicans plan to create only 2 jobs for every $1 million dollars of federal investment. That is a terrible return.

A better investment would be to put that $1 million into state and local health care programs. An investment in those programs would support 26 jobs, instead of just 2. Investing $1 million into the public schools creates 28 jobs.

In other state and local programs such as homeland security, police or fire protection $1 million can produce 27 jobs. Putting $1 million into these programs create 13 or 14 times more jobs than the Republican plan. The Democratic plan costs less and produces more. Our plan invests money where it will make the most significant and immediate impact. Under our plan, the money goes to the people and states that will spend, and create jobs right now.

DEMOCRATIC SUBSTITUTE CREATES JOBS AND PROMOTES GROWTH

In January, Democrats unveiled a short-term economic growth plan to help jump-start the economy now. Now, Democrats have built on that plan by focusing on both short-term and long-term strategies to create jobs. Our plan, which does not add to the deficit, includes economic proposals that are worthy of this country.

The Minority party has heard the cries of our constituents, we have listened to economic experts, and we know that tax cuts for the middle-class encourage spending and create jobs. The Democratic plan increases the current child tax credit to $800, and speeds up marriage penalty relief and the expansion of the 10 percent bracket.

FUNDS FOR FINANCIALLY-PRESSED FAMILIES AND THE UNEMPLOYED

The Democratic plan pumps money into the economy by extending unemployment benefits to the millions of unemployed workers who cannot get jobs. The Democratic bill would continue the extended unemployment benefits program for an additional 9 months. The Democratic plan will also double the duration of unemployment benefits from 3 to 26 weeks, and provide more coverage for millions of workers who have already exhausted their federal unemployment benefits but are still out of work. Economists have estimated that each $1.00 of unemployment benefits leads to $1.73 in economic growth.

SUPPORT FOR STATES AND LOCALITIES

Almost every state in America is burdened with a deficit. Many states are laying off teachers and canceling needed maintenance on school buildings. Yet, the Republican economic plan fails to provide one penny for state aid, while calling for $1.2 trillion in new tax cuts. Fiscal crises in the states are forcing tax increases and cuts not only in education but also in other critical programs in the states. The cuts undermine the economy's recovery and decimate planning for the future. The Democratic plan provides states with $44 billion this year to avoid these cuts.

Allocating $44 billion to the states will address critical needs for our constituents in the areas of health care, education, homeland security, transportation, and infrastructure. Among other things, the Democratic plan provides $18 billion for a 1-year increase in the Medicaid payments to states for children, low-income seniors, people in nursing homes, and the disabled. Funding programs such as these create more economic stimulus than hefty tax cuts for the wealthy.

BUSINESS INCENTIVES FOR JOB CREATION

The Democratic plan includes $32 billion in tax relief for the small businesses that are the backbone of our economy, as well as other business investments. The Democratic plan provides immediate tax relief for small businesses and enables them to generate investment and jobs in 2003 and 2004. The Democratic plan triples the amount small businesses can write off their taxes for new investments made in 2003 and in 2004 from $25,000 to $75,000.

In addition, the Democratic plan provides immediate tax relief for all businesses to invest in new plant and equipment in 2003. Specifically, the plan speeds up bonus depreciation provisions, so that businesses can write off 50 percent for investments in plants and equipment in 2003. These provisions will encourage new investments now when the economy needs it most.

The Democratic plan also includes a business tax cut that directly helps the long-term unemployed get new jobs. This tax cut encourage business to hire people who have been out of work at least 6 months, the plan provides these companies with a tax credit worth up to $2,400 (40 percent of the first $6000 in annual wages).

By encouraging companies to start hiring again, this credit helps grow the economy by putting people back to work at the same time as it helps the specific businesses that hire people.

CONCLUSION

Mr. Speaker, for these many reasons I oppose H.R. 2, and encourage my colleagues not to pass this misguided legislation.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, 2 years ago today, my son's 13th birthday, the gentleman from California (Mr. THOMAS) told us that his tax breaks then would create jobs. It did, 229 of them, but the rest of America lost 2 million jobs. He said it would stimulate growth. It did, $817 billion of new debt that my kids and other kids and those kids coming home from Afghanistan, those kids coming home from Iraq are going to have to pay.

I think it is incredibly important that 2 years to the day that my colleagues have increased the debt by $817 billion, they are saying let us do it again, and when I go home and see my son tonight, I have got to look him in the eye and say, I failed you, I failed you because I let folks think for the present at the expense of the future. I let folks like the gentleman from California (Mr. THOMAS) and others who promised to be for a balanced budget, who promised to be fiscally responsible, I failed because I did not get them to keep their promise.

I am going to keep my promise and be fiscally responsible. I beg my colleagues to do the same.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 15 seconds to the gentleman from California (Mr. CUNNINGHAM).

□ 1230

Mr. CUNNINGHAM. Mr. Speaker, in response to the gentleman from Mississippi (Mr. TAYLOR), when I first came here, there was a $5.2 trillion debt. That is nearly a billion dollars a day. We paid off over $400 billion in debt when we balanced the budget. It is hard to decrease that when we inherit a 5.3.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. STENHOLM), a voice that is heard in the Congress and throughout the United States.

Mr. STENHOLM. Mr. Speaker, we can shout down the gentleman from Mississippi, but the facts are the debt is going to go up $1.4 trillion in less than 2 years' time under the leadership of this side of the aisle. That is more than occurred in the first 205 years of this country. This tax cut that we vote today will borrow $800-plus billion over the next 10 years just to pay for it.

I am standing up for my grandchildren today. The other side of the aisle can continue to ignore it; but let me point out all of the charts we have seen up here today, I assume for this moment they are all accurate, doing everything they profess to do over their economic game plan, we will owe $12 trillion at the end of 10 years' time. And some time between now and July 1, they are going to have to stand up and vote to increase the debt ceiling to pay for that which they argue for today.

Do they really want to do that for our grandchildren? Or should we start looking into the future and not continue to look for what is good for us today? My vote today is with my grandchildren, not for us.

Mr. RANGEL. Mr. Speaker, can I get a reading on the remaining time on this short debate?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from New York (Mr. RANGEL) has 10 minutes remaining, and the gentleman from California (Mr. THOMAS) has 6¼ minutes remaining.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Speaker, today in some parts of Maine, unemployment is over 30 percent. Under this plan, 94 percent of the people in my district will get an average tax cut totaling only $52 from the cuts on capital gains and dividends. How will this plan put money in their pockets to spend and consume so we can stimulate the economy? How will this help them get jobs?

I spent the last 29 years before I was elected to Congress working in a paper mill. I know what working people need, and this bill will not help the working people at all. I have no problem with tax cuts. I support the marriage penalty relief, estate relief tax, bonus depreciation, additional expensing, and expanding the 10 percent tax bracket; but we have got to choose measures that we can afford, and we have to choose measures that actually stimulate the economy.

Let us not run up a greater deficit or put Social Security in danger with a tax cut that even Alan Greenspan thinks will not help the economy.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. SPRATT), one of the major drafters of the substitute bill.

Mr. SPRATT. Mr. Speaker, when I was last up here on the rule, we had this chart here which shows what happens, the damage done to the deficit, to the bottom line. It is $426 billion this year, $494 billion, totalling $4 trillion over 10 years. I ask the question: Is there not a better way? Indeed, we had a better way. We had an alternative which, for no impact on the deficit long term, we could have added, according to the macroeconomic economic adviser's model, the same one they are using, 1 million new jobs stimulating the economy to that effect in calendar year 2003 for seven times the amount of money.

For the $550 billion tax cut here, we only get 600,000 jobs. Why would they not at least allow us to come here in the well of this House, this free market, this forum for America, and present what is manifestly a better plan if we want to create jobs, twice as many jobs as their proposal will create, and it has no long-term effect on the budget? That is because what we are going to do here is start up the economy, but we are not going to increase the deficit and the idea is because that will stifle growth and kill jobs. We had a better plan, and they would not let us offer it. The question is why.

Mr. RANGEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I rise today to oppose this reckless Republican tax cut in a budget already plagued by deficits as far as the eye can see.

In light of the worst fiscal reversal in the nation's history, the Republican leadership has decided to propose more of the same failed policies. In addition, the leadership is stymieing debate by bringing a closed rule to the floor and prohibiting the Democrats from offering an alternative proposal.

This proposal to be debated today will do nothing to stimulate the economy, create jobs, increase investor confidence, or put money back in the hands of the people who need it the most. In fact, all this tax bill will do give tax breaks to people who don't need it on the backs of our children and grandchildren.

The Republican tax bill is cloaked in a series of half-truths. The leadership has placed a $550 billion price tag on this measure, but we all know that because major provisions of the bill are scheduled to expire after the three years, the true cost of the tax cut will be much higher.

How can this body even justify considering large upper-bracket tax cuts that will worsen the long-term deficit to $1.2 trillion over the next 10 years? We should be paying down the national debt to prepare for the retirement of the baby boom generation, set to begin in 5 years.

If Democrats were given the opportunity to offer our plan, the Democratic Jobs and Economic Growth Plan, people would see a true contrast. They would see a responsible economic proposal designed to stimulate the economy now. Our plan is a fair, fast-acting, and fiscally sound alternative.

The Democratic plan includes tax cuts for working families and small businesses, and creates more than one million jobs by the end of 2003 and does not inflict the long-term damage to the budget that the Republican plan does.

Finally, by providing tax cuts to working families and extending unemployment benefits, the Democratic plan helps average Americans, the people most likely to spend money and boost consumer demand, thus creating jobs.

I am sure this body will end up passing this dangerous Republican tax bill, and when it does, we will be adding another $2 trillion of debt that our children and grandchildren are going to have to pay. It is almost criminal to be saddling future generations with having to finance a tax cut for us today.

Mr. Speaker, this tax cut is reckless and irresponsible and not in the best interests of this nation. I strongly urge this body to oppose this measure.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, we are now $2 trillion into the Republican economic scheme. First, they gave away a trillion dollars because we had such a big surplus, they wanted to return it to the people. Now we have trillions of dollars of debt. Now they want another trillion dollars, and they have not created a single job. The American people have been waiting for 2, 2.5 years for jobs, and this bill does nothing to create a job.

This bill does nothing but increase the deficit. It does nothing but increase the giveaways to the wealthiest people in this country. Yet the American people and their families are waiting to have the opportunity to go back to work, to stimulate the economy. But that is not what this legislation does. This legislation ignores the needs of working people in this country, ignores the needs of those families of working people in this country, and ignores the needs of those children who live in those families of working people in this country. How does it do it? By simply showering a trillion dollars over the next 10 years on Americans who do not need this money, many of whom have come to us and said, do something productive with it, and ignores the problems in the economy of this country.

Mr. THOMAS. Mr. Speaker, I yield 1½ minutes to the gentleman from Louisiana (Mr. MCCRERY), a member of the Committee on Ways and Means.

Mr. MCCRERY. Mr. Speaker, I believe the Federal Reserve's recent warning about the dangers of deflation is worth noting in the context of this debate. The spectre of deflation, I believe, raises the stakes in this debate over a growth and jobs plan. In fact, the May 6 statement of the Federal Reserve Board's Open Market Committee can itself be read as a plea to Congress to take the steps necessary to spur economic growth and prevent deflation.

The Wall Street Journal on its editorial page recently said, "In any case, Mr. Greenspan's main duty is monetary policy, and that is where his words really matter. His deflation warning ought to be a wake-up call to Congress."

Lower tax rates to stimulate growth and greater liquidity to prevent deflation is exactly the right policy mix. The Fed has supplied the liquidity; it is up to us in the Congress to supply the lower tax rates.

Our Nation's economy is in trouble. Americans expect the President and the Congress to take action to get the economy out of the ditch, back on the road creating jobs. Republicans and Democrats may differ on how best to use fiscal policy to help the economy, but to do nothing should not be an option. This President should be given a chance to use his policies to turn around our economy. This bill does just that. It obtains all of the elements of the President's economic growth and jobs proposal. Let us pass this bill; give the President a chance to lead us out of economic darkness.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, this debate has boiled down to simply a difference in priorities. I agree with a lot of my colleagues that a tax cut is probably needed: but we followed the advice of the other side of the aisle 2 years ago, and we have heard my colleagues, and the other side knows the facts because they hear from their constituents as well. Their package produced 2 million less jobs, 1 million people with fewer insurance.

What we are asking for on this side is that more people have the opportunity to enjoy a tax cut, not simply rich people or poor people, the wrong people. I do not accept some of the language. I just think more people should benefit. The Republican Party used to stand for that. The Republican Party used to stand for balancing budgets and not running a deficit. I guess power breeds a different kind of mentality here.

Mr. Speaker, the last thing I would say is this, every State for every Member here is running a deficit. My State is running a $400 million deficit, North Carolina has already cut $2 billion and has to cut $400 million more. Michigan has a $1.8 billion deficit; and I would say to the gentleman from Michigan (Mr. CAMP), we should help the States.

We made an argument to help the airlines, and it was the right thing to do. States do not have the advantage we have here at the Federal level. They cannot go borrowing and borrowing and borrowing. They have to make ends meet. We should help them because we would save jobs and save their economy.

Last, I speak to the University of Tennessee graduates tomorrow at 9 a.m. about jobs. I cannot brag about what the other side is doing, and they cannot either. Let us pass a real jobs package; let us reject the Republican package and accept the Democratic package.

The SPEAKER pro tempore. The gentleman's time has expired.

The Chair would ask Members to respect the time yielded to them.

Mr. FORD. Mr. Speaker, I ask unanimous consent for 5 additional minutes.

Mr. HULSHOF. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. FORD. Mr. Speaker, I ask unanimous consent for 5 additional minutes on this side and 5 additional minutes on the Republican side.

Mr. HULSHOF. I object.

The SPEAKER pro tempore. Objection is heard. The gentleman will take his seat.

Mr. RANGEL. Mr. Speaker, has the Chair ruled on the unanimous consent request of the gentleman from Tennessee (Mr. FORD)?

The SPEAKER pro tempore. An objection was heard.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I rise in strong opposition to this bill. I rise in opposition because the author of this bill is from the great State of California. This bill cuts $850 million out of the State budget, a budget that is already bankrupt. That bankruptcy affects every school district in California, every city and county in California, every hospital in California, every police force and fire department in California.

How can Members say at a time when these States are in such financial need we are going to help them by pulling the rug out from underneath them? This tax cut is the worse thing that could happen to the State of California, and it is shameful that a Republican from California is offering it.

Mr. Speaker, I rise today to read some headlines from my state of California. These are just from the last few days, but they are illustrative of the kinds of headlines that we have been seeing across our state during the past year: "Parents scramble to save popular school programs", the San Francisco Chronicle, May 8th; "San Jose faces service cuts, fee increases: Budget plan calls for loss of 231 jobs", San Jose Mercury, May 3rd; "Budget anxiety—California's teachers worry about layoff", Los Angeles Times, May 6th; "Financial crunch hits extra hard", Monterey Herald, May 4th; and "Proposed Section 8 changes feared", Santa Cruz Sentinel, May 2nd.

Across the state of California, both statewide government agencies and local municipalities are feeling the crush of the approximately $35 billion budget shortfall. The state is looking for help. We are asking, much like New York City did in 1975, for help from our national leaders. And, much like Ford did in that day, the President and Republican leaders here in Congress are sending a message to California: G.O.P. to California: Drop dead.

The so-called "stimulus package" proposed by Representative THOMAS calls for—depending on who you listen to—somewhere between $300 and $500 billion in tax cuts. Included in this package is legislation that would do away with taxes on dividends.

What the President and the Republicans, and even Representative THOMAS, a Californian, have not told you is that this elimination of taxes on dividends will not just affected the amount of revenue coming into the federal government, it will also affect the amount of money collected by the states. The Legislative Analysis office of the State of California has calculated the State will lose approximately $850 million in income tax revenues if dividends are no longer counted as taxable income, $850 million. This will only serve to increase the budget gap that already exists. I am fairly certain the returns to individual California as a result proposed will not be as great as the losses the entire state.

Unlike the Senate proposal. THOMAS' proposal does not include any direct assistance to the states. In fact, the President is seeking to cut funding entirely to programs that have been beneficial to California.

The COPs program has been a wildly successful program in the state of California, which provided 437 more police officers on the streets in California last year. What does Bush do? He eliminates the funding from his proposed budget.

The State Criminal Alien Assistance Program assists California in jailing alien criminals. What does Bush do? He eliminates the funding in his proposed budget.

Section 8 housing funds for low-income citizens, administered by the HUD, has provided millions of families into housing across the nation. Sure, it's not a perfect program, but the President would like to see the states administrater the program instead. He claims this will save the Federal government money—but is he at all concerned with the costs, administrative and otherwise, that will be passed onto the states as a result?

There is not one penny in this legislation to assist the states. There is not one shred of hope for the state of California, or the nearly 250,000 people who are unemployed, in this bill. How can anyone in the California delegation allow our state to suffer? How can you present them with this kind of legislation and not offer them any kind of assistance? I urge my colleagues to vote against this bill and allow the Democratic substitute to be debated—which includes $40 billion in direct assistance to the states. Otherwise, I can see the headlines now: "State Falls Deeper into Debt"; "More jobs eliminated"; and "Schools closing across California."

Let's change the headlines. Let's do it now, vote down the Thomas bill and consider the Democratic alternative immediately.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the Committee on Ways and Means who understands when someone stands up and says give us more, that is all they ever talk about, just give us more.

Mr. ENGLISH. Mr. Speaker, the bill before us is perhaps the most important bill for our economy that we are going to be voting on this year, and I strongly support it because it is a measure that provides a powerful tonic for economic growth and job creation.

We estimate that over a million jobs will be created as a result of this bill, and what I want to underscore here is that this bill is strongly and powerfully pro-manufacturing. It will stimulate manufacturing jobs in a sector which has been battered by the economic slowdown. Two provisions, the increase on the business expensing allowance and a 5-year carryback of net operating losses, will go directly toward preserving and creating high-paying manufacturing jobs in our economy.

A strong expensing allowance is the right medicine for the ailing manufacturing sector. It significantly reduces the cost of capital so that manufacturers can invest in new equipment and machinery and in the process dramatically increase workers' productivity. Allowing businesses to deduct more quickly the cost of capital investments makes those investments more affordable. This is seed corn for the economy. We need it now, and I urge passage of this legislation.

Mr. RANGEL. Mr. Speaker, could I have information as to how much limited time remains.

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) has 5 minutes remaining, and the gentleman from California (Mr. THOMAS) has 3¾ minutes remaining.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I rise in opposition to this legislation. I think it is misguided and will not produce the economic stimulus that our Nation needs. The lesson we do not need to learn twice is that 2 years ago we enacted a tax cut that was heavily tilted toward the wealthy. It failed to stimulate our economy, and it wiped out every last bit of what budget surplus we had.

Mr. Speaker, it is high time we learn from our mistakes. We want to stimulate our economy. We need to get businesses investing in our customers and spending; but in cutting dividend and capital gains taxes, this bill is a long way from doing the job.

Mr. Speaker, in my home district, the 29th Congressional District of Texas, 94 percent of my taxpayers bring home less than $100,000.

□ 1245

How do these tax cuts affect them? The dividend tax cut will give them a whopping $39 in tax savings. Ninety-four percent will receive $39. That is not incentive. I have a district that consumes, they are people that work and they will spend the money, but let us give it to the folks that actually do that. Some 80 percent of my constituents do not report any capital gains or dividend income on their tax returns. Four out of five of my constituents see no tax relief from these cuts and that is not right.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I thank the gentleman from New York for yielding time.

The American people find themselves in the middle of a job recession. This tax bill does nothing to kick-start the economy. In Illinois, in Chicago, we have lost 56,000 jobs, one of the greatest losses. Fifteen months ago, we passed one of the largest tax cuts in history. The net result? 2.5 million Americans have lost their jobs, 5 million Americans have lost their health care, $1 trillion worth of corporate assets have been foreclosed on and 2 million Americans who were at one time in the middle class are now in poverty. That has been the net result of a tax plan that was passed 14 months ago. That is how it has affected the American people.

This tax cut only does exactly what the first tax cut did. It puts its foot on the accelerator and does nothing to focus its benefits on the economy and the job recession the American people find themselves in today. If we would focus on jobs and job creation, we would have a tax plan that would get bipartisan support. That is the goal of what our plan does, which is to produce jobs and kick-start the economy today so we can get economic growth. Less than 10 percent of this tax plan is designed on the economy today. That is why it will continue the sluggishness that our U.S. Treasury Secretary acknowledged the economy is in and continue the jobless recession that has been produced by the first tax cut of 2001.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Speaker, in the real world if a family's house's foundation begins to crumble and the family does not have savings enough to make the necessary repairs, they would take out a home equity loan, a short-term loan, in order to rebuild the foundation of their family's home. It seems that the majority opinion on the minority side is to repudiate the economic policies of President John F. Kennedy, that a rising tide lifts all boats. The substitute that was offered last night says that in order to stimulate the economy we should spend more money. Were that the case, America would never experience a recession because Congress always spends more money.

The other side has said that the judgment of individual Members of Congress seems to be superior to the judgement of America's families as they sit around the kitchen table trying to pay the bills. We are trying to embrace consumer confidence and investor confidence.

Mr. Speaker, I urge passage of H.R. 2. Our economy's foundation is crumbling and it is time that we repair it.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. BALLANCE).

Mr. BALLANCE. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me this time.

As a new Member of this 108th Congress, I recently traveled throughout the rural areas of North Carolina. I find that the people who sent me down to Washington, D.C. are hurting. We are losing manufacturing jobs. When I go into the farm community, our farmers are suffering. They have huge tractors that they do not need and they cannot pay for. They have built barns that cost $15,000 that they do not have any tobacco to put in them. I find that many of these same farmers have hired workers to take care of their crops. They no longer have an opportunity to pay these people who can then support their families.

We are hurting in rural America. We need an opportunity to put some money in the pockets of people who will spend it and spur this economy, not this plan that is being sent by the majority.

Mr. RANGEL: Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time and I appreciate the opportunity.

I think the main point that we all need to understand is we are going to borrow $550 billion, not to invest in education, not to invest in health care but a giveaway to the top 1 percent. Four out of five people in my congressional district will see no benefit from the capital gains. Four out of five people in my district will not see any benefit from the dividend tax. If you make $40,000 a year in Akron, Ohio or in Youngstown, Ohio, you get 100 bucks. Meanwhile, tuition is up 12 percent. Health care is up 12 percent.

This is voodoo economics. It is bait and switch. It is an economic joke and it reminds me of the old country song that the gentleman cited a few minutes ago: You get the elevator; we get the shaft.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 30 seconds to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, common sense tells you the best thing we can do to balance the budget and pay down our debt is to get people back to work, because when you are not working, you are not paying Federal taxes, you are not paying into Social Security, you are not helping States balance their budget.

In my home State of Texas, the President's job bill will create 42,000 new jobs each year. That is the equivalent of taking the Pentagon, the world's largest office building, building it in Texas and filling it each and every year with new Texas workers. This is real jobs at a time when we need it the most. And with so many new jobs waiting to occur, we ought not wait another day to get this to the President's desk.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from New

York (Mr. RANGEL) has 1 minute remaining and the gentleman from California (Mr. THOMAS) has 2¼ minutes remaining.

Mr. RANGEL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, I rise in strong opposition to this bill that America does not want. America needs jobs.

Mr. Speaker, I come to the floor of the House today with a profound sense of outrage. I am outraged that the majority has once again brought a tax cut bill to the floor that will further exacerbate the spiraling deficits that confront our government. I am also outraged that the majority has denied Democrats the opportunity to offer and debate a substitute. Finally, I am outraged at the disservice that the American public has to endure because they will not be afforded the opportunity to witness a full debate on the merits of the bill we are considering.

The bill under consideration provides tax cuts for individuals and businesses totaling $549.5 billion over 11 years. The facts of the matter are, this horrific bill fails to provide real solutions to the problems of stagnant economic growth, unemployment and the fiscal crises in the States. This bill is overwhelmingly skewed toward the wealthy. According to the Center on Budget and Policy Priorities and the Tax Policy Center, taxpayers with incomes of more than $1 million will receive an average tax cut of $105,600 in 2003, with $42,800 of that coming from cuts in the capital gains and dividends tax rate. Middle income taxpayers would receive an average tax cut of just $218. The top 5 percent of households would receive 75 percent of the benefits. Only one-fifth of households with income between $40,000 and $50,000 a year receive any benefit at all.

A look at the facts reveals that this bill will result in staggering long-term deficits that will burden future generations, forcing cuts in vital programs such as Social Security and Medicare and further weakening economic growth. I am astonished that my colleagues have the temerity to bring this bill to the floor, especially when Federal Reserve Chairman Alan Greenspan recently warned against costly new tax cuts when the government is already facing record-high deficits. It is very interesting that the majority will tout Chairman Greenspan when it suits them, and discounts his counsel when it runs counter to their political agenda.

I am also outraged the bill before us does absolutely noting to address the budget crises affecting States. States are facing their worst budget gaps since World War II.

Unlike the Federal Government, States must balance their budgets every year and have been forced to cut programs and lay off thousands of workers. I believe that the best way to stimulate the economy is to put money into the coffers of State governments, and into the hands of a everyday workers like those who live and work in my district. This bill will do nothing to support programs related to education and health care, hiring back furloughed employees, or extending unemployment benefits to millions of the unemployed.

My concerns are quite simple, unemployment is now at 6 percent and the number of workers who have been unemployed for more than 6 months account for 20 percent of all unemployed workers, the largest proportion in a decade. The economy has lost 2.7 million jobs in the last 2 years, but this bill does nothing to help the unemployed. Contrary to what the bill's supporters believe, a tax cut for wealthy investors does nothing to help unemployed workers pay the bills.

This is the third economic stimulus package of the Bush administration. The first two did little to stimulate the economy and this one will only increase the misery index for many Americans. America cannot endure another stimulus plan that results in more economic stagnation, sagging consumer confidence and rising unemployment. This bill does not include a 26-week extension of unemployment benefits nor temporary grants to States to provide benefits to low-wage and part-time workers.

Mr. Speaker, today the majority is engaged in another reckless tax cut endeavor that is steeped in unfairness and will contribute to staggering deficits. I am outraged that Democrats have been denied the opportunity to provide a viable alternative and Americans are being deprived of the opportunity to hear a full and open debate.

I cannot and will not support this bill and urge my colleagues to be courageous and hold and similarly cast a dissenting vote.

Mr. RANGEL. Mr. Speaker, I would like for our minority leader to close the debate on behalf of the Democrats that were denied the substitute. So could I make inquiry of the chairman of the Committee on Ways and Means as to how many speakers he has remaining?

Mr. THOMAS. I believe we have at least three remaining.

Mr. RANGEL. Would you mind if I waited until they got down to one?

The SPEAKER pro tempore. Does the gentleman reserve the balance of his time?

Mr. RANGEL. Yes.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. FOLEY), a member of the Committee on Ways and Means.

Mr. FOLEY. Mr. Speaker, between the Senate's attempt to raise taxes and the Democrats' desire to spend more of your money, we will never see economic growth in this country. There is a reason the Joint Economic Committee calls this bill near-term stimulus and long-term growth.

I understand on the other side of the aisle their Small Business Caucus must be very small because they must have missed the business and investment incentives: Bonus depreciation, small business expensing, net operating loss carryback. They must have missed for children and families the child tax credit which increases to $1,000 the credit available for parents trying to raise their children. An expansion of the 10 percent bracket. Marriage penalty relief. These are good things to stimulate the economy. Yet the only thing they can come up with is a complaint that our Chief Executive and Commander in Chief landed his plane on an aircraft carrier.

People need jobs. This bill is about jobs. People need tax relief. This bill is about tax relief. I owned a small business. I know how to work our way out of a difficult economy. I wish we had more cooperation. I wish we had more participation.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 30 seconds to the gentleman from Texas (Mr. DELAY), the majority leader of the House of Representatives.

Mr. DELAY. I thank the gentleman for yielding me this time.

Mr. Speaker, this bill before us will lower taxes for individuals, married couples, parents, small businesses, investors, and workers at every income level, and it will create jobs. I thank Chairman THOMAS for producing a great bill, and I thank him for agreeing to perfect it as this process moves forward.

Mr. Speaker, this jobs and growth package will not only grow the national economy but through that growth it will help us support and fund the war on terror and our other priorities for years to come. The American people understand the relationship between the war on terror and economic recovery, even if the opposition does not.

They understand success in one depends on the other. Indeed, history has proven, even in the last 19 months, that prosperity without security is fleeting and security without prosperity is impossible. Today the United States may be the most prosperous and secure Nation on Earth, but make no mistake about it, people are hurting. Unemployment is on the rise and anxiety runs high. Investment is chilled and the stock market is stagnant. Many Americans are unsure about their jobs and many small businesses are on the brink.

Mr. Speaker, on behalf of the Republican majority: This will not stand. Great nations do not cringe when their prosperity and security are threatened. But that is exactly what the opposition proposed.

Last month when Americans cheered as Allied troops liberated 24 million Iraqis and removed a terrorist dictator from power, Democrats grumbled that we could have brought down that statue for a lot less money. And now this month they have the gall to suggest that we twiddle our thumbs as Americans struggle to feed their families. They make time to block qualified judicial nominees and critique the President's travel wardrobe, but not to develop a serious plan that creates jobs. So embarrassing is the minority's lack of leadership on the economy that they did not even propose a remedy to the economy until just yesterday. And that proposal? To raise taxes. How unimaginative. How pathetic. How typical.

Just as they failed to propose serious alternatives to the energy bill, the budget and Operation Iraqi Freedom, the Democrats have once again walked away from the national debate. They have ignored the troubles of the American people and surrendered the field of public discourse. And they demonstrated once again that they are unwilling—indeed incapable—of governing in these very serious times. So be it. The American people saw the differences between the parties on how best to deal with threats to our security, and today they will see our differences on how best to deal with threats to our prosperity.

To those who would follow the timid path of the do-nothing Democrats, I have to thank you. Your vote will only make those differences all the clearer to the American people. But to those who would join the President and the majority today to pass this bill, you will be remembered, years from now, as the men and women of the 108th who got our economy moving again and who made the United States a safer and a more prosperous place.

For your vote, I do not have to thank you. History will.

Mr. RANGEL. Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank the ranking member for yielding me this time.

Mr. Speaker, today the House of Representatives has a very historic decision to make. Other speakers have referenced the sacrifice of our young men and women in uniform in Iraq and the gratitude we have to them for the sacrifice that they were willing to make. They were successful in their mission. Our mission is to build a future worthy of their sacrifice. That cannot be done by voting for the reckless, irresponsible proposal put forth by the Republican majority on this floor today.

The distinguished majority leader said we did not have a plan until yesterday. We had a plan the day before the President had a plan in January, a plan that was fair, fast-acting and fiscally sound.

□ 1300

And the plan that we brought to the Committee on Rules yesterday was consistent with those provisions and those principles. But so frightened were the Republicans of the truth on this floor that they would not allow the Democratic plan for job creation and economic growth to be brought to this floor. So frightened were they of the truth that they have tried to silence the voice of over 100 million people in our country who are represented on this side of the aisle.

We are building a visitors center outside for people to come and witness democracy. What do we tell them when we say that so many Americans cannot have their voices heard on this floor around the debate of a proposal for economic growth and job creation?

This day is a historic day. In many ways it is a sad day. And I would like to put it in perspective. Ten years ago, faced with a struggling economy and a growing deficit, a new Congress and a new President courageously passed a budget bill that took us on a path to fiscal soundness. The stock markets responded, the economy prospered, and we had a record of economic growth that is unsurpassed in our Nation's history. We did that with Democratic votes only. Not one Republican was willing to step up to the plate for fiscal soundness and economic growth and job creation. At the end of the Clinton administration, by the end of the Clinton administration, 22 million new jobs were created. The country was on the path of a record surplus of $5.6 trillion, and the unemployment rate was at an all-time low. To achieve that, it took leadership and it took courage.

Mr. Speaker, the debate today is about leadership. Sadly, that leadership is lacking from both President Bush and from the Republican Congress. What a difference 2 years makes. President Bush and the Republicans in Congress have presided over the most dramatic deterioration in our economic health in our Nation's history. Since President Bush took office, we have gone from the strongest economy ever in the United States to a weak, struggling economy that was described by the majority leader just a moment ago. We have gone from historically low unemployment rate to losing 2.7 million jobs in the first 2 years of the President's term. In fact it is 27 months, 2.7 million jobs, the worst record of job creation in nearly 6 decades.

I call my colleagues' attention to this chart. Every President since World War II is on the upside of the line of job creation. Every President except one, George W. Bush. President Clinton, 22 million jobs in 8 years. President Bush, losing 2.7 million jobs in the first 2 years of his term. That was a result of his failed economic policies.

And what is his answer to this record unemployment? The same warmed-over stew. The same recipe for economic disaster. This number, 563, drives home the point in a personal way. Since President Bush became President, every working hour of every working day, 563 Americans lose their jobs. A little more than the number of people who serve in the Congress, House and Senate combined, lose their jobs every hour of every working day since the President has taken office. Under the Republican leadership, April's unemployment rate reached 6 percent. Nearly 9 million Americans are out of work, the worst job slump since the Great Depression. Another 9 million have either given up looking for work at all or are working part time. That is why today is so tragic. Tragedy is about missed opportunities.

We have an opportunity today to create jobs and build a strong economy without endangering our fiscal responsibility. Instead, the reckless tax plan the President and the Republicans in Congress have set forth is not only irresponsible in its substance; it is irresponsible in the bad example that the President and the White House set. They created a feeding frenzy of tax cuts, of trying to outdo each other, making matters worse. That is what is lacking in leadership. Not leadership to grow the economy and create jobs, but a bad example to take us on the opposite course.

So instead of having our plan on the floor today which is fair, fast-acting in creating jobs, again, fair in who benefits from it, and a fiscally sound plan that is paid for, instead we have a reckless tax plan that the President has proposed. None of these proposals, the President's, the House Republicans', the Senate Republicans', none of them is affordable. They do not create jobs and certainly in no way are commensurate with the cost involved.

Give them the benefit of the doubt. They keep saying they are going to create 550,000 new jobs, fewer jobs than were lost in January and February of this year and at the cost of a tax bill of $550 billion, a cost of $1 million a job. Where is the fiscal soundness in that? Where is the taxpayer getting his or her money's worth? The Republican plan spends every penny of the Social Security trust fund that comes in over the next decade just as the baby boomers begin to retire.

This is so irresponsible, but do not just take my word for it. The Committee for Economic Development, a 60-year-old independent group of CEOs and civic leaders, calls the President's tax plan "arsenic poisoning for the economy" which worsens "a fiscal crisis that threatens our future standard of living." Four hundred economists including 10 Nobel Laureates warn that "passing these tax cuts will worsen the long-term budget outlook, adding to the Nation's projected chronic deficits" and will "reduce the capacity of the Government to finance Social Security and Medicare benefits as well as investments in schools, health, (and) infrastructure."

The American people want, they expect, and they deserve an economic recovery plan that is fair, fast-acting, and fiscally responsible. The Republican tax plan fails on all three counts. They are profoundly unfair to working families. They do not create jobs. Even the President's own economic advisors admit that his plan will not create enough jobs to make up for those lost in the first 2 months, much less in the last 2 years. And the Republican tax cuts are a fiscal budgetary disaster.

Now Republicans claim that the stark deficits somehow do not matter and that they will be erased by a growing economy. But Federal Reserve Chairman Alan Greenspan testified before Congress: "There's no question that as deficits go up," he said, "contrary to what some have said, it does affect long-term interest rates. It does have a negative impact on the economy," and, "Economic growth alone cannot be safely counted on to eliminate deficits."

Americans need to understand what these huge Republican deficits will mean for the future of our country. The President's own projections show that the interest we will pay on the national debt will exceed all discretionary spending foreclosing the opportunity to make critical and necessary investments in the future, again, in education, homeland security, health care for seniors, transportation, and the environment for years to come.

With that, Mr. Speaker, I want to say that it is within our power in this body for us to do what is right for the American people. It is within our power to support, although the Republicans will not let us bring it to the floor, a Democratic plan for real job growth and real economic growth, one that actually creates jobs and economic growth now and is fully paid for. The Democratic plan stands in stark contrast to the Republican recklessness. The Democratic plan, again, is fair, it gives tax cuts to all taxpayers, all taxpayers, including those most likely to spend it, low- and middle-income working families.

One of our colleagues on the other side said earlier our answer to this was to spend more money. Our plan is paid for, and those initiatives to help small businesses which in turn create jobs and create capital are fiscally sound. Our support for extending the unemployment benefits, it is the most dynamic investment we can make. It injects demand into the economy, putting purchasing power into the hands of working families, especially those who are out of work and are going to purchase necessities. We get $1.73 of value for every dollar spent on that unemployment benefit extension. We get 9 cents for every dollar spent on the dividend tax exclusion.

So I say to my colleagues this is the choice that America faces. This is the choice we should have been able to debate and to vote on today. But the Republican leaders know that our plan is fair, fast-acting, and fiscally responsible, and theirs is not. So they will not even allow us the opportunity to bring to the floor, to this people's House our plan for an up-or-down vote. The Republican plan harms the economy and repeats the failed policies that have deepened this job slump. Instead of investing in our children, the plan indebts them.

Mr. Speaker, I urge my colleagues to reject this reckless, irresponsible Republican tax cut for millionaires that leaves working families out in the cold. I urge my colleagues to say no to raiding the Social Security trust fund. I urge my colleagues to say no to indebting our children instead of investing in them and their future. I urge my colleague to say no to the unfairness of the Republican tax plan that overwhelmingly benefits those who need it least at the expense of working families of America, job creation, and economic growth. And I urge my colleagues to reject their plan because it is not true, it is not faithful to our mission to make a future worthy of the sacrifice that was made by our young men and women so recently for our country.

Mr. THOMAS. Mr. Speaker, has all time expired on the other side of the aisle?

The SPEAKER pro tempore (Mr. SIMPSON). All time has expired for the gentleman from New York (Mr. RANGEL).

Mr. THOMAS. Mr. Speaker, it is my pleasure, then, to yield the remainder of my time to the honorable Speaker of the House of Representatives, the gentleman from Illinois (Mr. HASTERT).

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Mr. HASTERT. Mr. Speaker, I thank the chairman for yielding me time.

I rise today to make a simple plea: Support this bill and support job creation in this country.

Before I got into this game of politics I taught economics and history. In the study of history you find that sometimes two people look back at the same event and see different occurrences and that different things happened. There a lot of different interpretations of the Civil War, the War Between the States, whatever you might have.

I think there are also a lot of interpretations of what happened in the nineties to the economy. I remember that vote that the minority leader talked about that night. It was at a time when the Clinton administration was in the doldrums, it was a time when their economy was floundering. They did have a vote, and I think the subsequent result of that was we came with a Republican majority. But there are a lot of different views on how history develops.

Today we see the result of that bubble of the nineties deflating. We see the result, where businesses and corporations who based their growth on debt found out that maybe that was wrong-minded. We find it is a time that maybe we need to make investments, so corporations, the creator of jobs, and small businesses, the creator of jobs, actually put out dollars, so that you can create jobs, and not debt, where you could grow on debt because it is deductible on your taxes.

What we want is for people to invest their money. We want small businesses to say we are going to invest in that new pickup truck, or that new product, or a tractor, so that we can put somebody on it, so we can create a job, so that we can expense it and create more economic activity in this country.

Our unemployment rate is now at 6 percent. I have to say that that is unacceptable and we have to do something about it.

We have heard that onomatopoeia of rhetoric, of negative words, but words only last so long. Words sometimes are an important tool in this place, but the fact is truth is important, and the truth is we need to get the economy going again.

There are a couple of ways to do it. You can bring consumer confidence back. You can give families the confidence they need so they can start to buy and invest in this economy.

You can make sure that small business people feel that they have the confidence and they have the capital that they need to invest in jobs and create jobs. You can create an environment to make people feel comfortable to invest their money, and that is almost all of us. Anybody who has a 401(k) or a pension plan or a mutual fund, we are all investors, and we have seen in these rocky times some of those investments go down. But we need to give those folks the confidence that they can invest in this economy and see it grow again.

Mr. Speaker, the Committee on Ways and Means and the chairman of the Committee on Ways and Means put together a bill that does those things. Eighty percent of all jobs are created by small business, so the gentleman from California (Chairman THOMAS) and the Committee on Ways and Means made sure that this legislation takes steps to ease the burden on small business. This is one way to help them grow, so they are going to expand and so business will hire more workers.

Consumers drive this economy, so this package is designed to put more money in the hands of the consumers so that they can invest in the economy. That is why we accelerate the tax cuts passed last year. That is why we accelerate the marriage penalty relief. That is why we speed up the child tax deduction.

That is not for rich people. That is for real people, people that go to work every day, people that punch a time clock, people that make this economy work.

Finally, yes, we need to get some confidence back in the market. Almost every family has lost some of their wealth because of the decline in our economy. We have had a decline in the economy; we have had 9/11; we have had a war in Iraq; and we have had a war in Afghanistan. But it is time to change the focus, it is time to get this economy going again, and there is one way to do it, and that is, today, put your card in that slot and say let us get this economy going again.

Vote for this package. Get America back on its feet. It is our responsibility to create that environment for the economy, and we have this chance to do it today. Let us do it.

Mr. KING of Iowa. Mr. Speaker, I support the Jobs and Growth Package, H.R. 2, and want to express my appreciation to President Bush, House Leadership and the Ways and Means Committee members for their commitment to tax relief for Americans. Tax relief and simplification are desperately needed by working Americans all across this country and in my home state of Iowa. At a time when many families are feeling the pinch, it is essential that we allow Americans to keep more of their hard-earned dollars. Two hundred billion dollars will be brought into the economy by the end of next year with this legislation, giving much needed relief to over-taxed Americans and businesses.

Small business and farming are the backbone of Iowa's economy. What I believe may be the most important components of this tax package are the provisions encouraging business investment. Accelerated depreciation incentives and increasing the amount small businesses can expense to $100,000 are crucial to the success of entrepreneurs in Iowa. Our tax code is laden with anti-business provisions, and I am delighted that my colleagues in the House of Representatives have reversed trends and are growing American pocketbooks and not government. Our collective appreciation should really be for all the innovative and dedicated entrepreneurs who have run the gauntlet of high taxes and excessive regulation. Overall, this measure will create over 9,000 jobs in my home state in just the first year.

One of the most damaging elements of our tax code is the capital gains tax. It is unconscionable that we deliberately punish success. America's capital gains tax rates affect the cost of capital, investment and our economy's overall growth. By bringing down those rates in H.R. 2, we promote growth, raise the value of stocks and retirement plans, reduce tax on savings, and inject fairness into our tax code. I wholly expect that we will do much more in the very near future to rid this blight on America's economy.

I applaud the President for his unyielding support for a reduction in the tax paid by individuals on stock dividends. Half of all Americans who receive dividend income are seniors. As I represent one of the most senior districts in the country, I am grateful that the House of Representatives has chosen to support this vital priority of the President.

There is much more to like about the tax relief efforts included in H.R. 2. This initiative leads us in the right direction toward simplification and limiting government interference. Hopefully soon we can simplify the tax code right out of existence. As our economy grows, we should heed the lessons of unburdening Americans. If a lot of tax relief helps, what would a little do? H.R. 2 reduces the marriage penalty.

The House of Representatives has done well to support the overwhelming majority of Americans who support and need tax relief. Americans seeking jobs, need, and expect us, to free up investment. H.R. 2 will have a positive impact in stimulating the economy and growing the private sector and that means more jobs. I support tax cuts, I support our President and I support H.R. 2.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in support of the Democratic Jobs and Economic Growth Plan and in opposition to the Republican tax cut. The Democratic package is fair, fast acting, and fiscally responsible, while the Republican plan is not fiscally responsible nor will it stimulate the economy. Unfortunately, debate has once again been stifled and we will not even have the opportunity to vote on the Democratic package which provides real tax relief to more Americans at no cost to the Federal Treasury over 10 years. By continuing down the path of irresponsible tax cuts that add to deficits and increase long term costs, the Republican plan will do nothing to stimulate the economy. Federal Reserve Chairman Alan Greenspan has said that by increasing the budget deficit through tax cuts, as the majority party is attempting to do today, Congress will "induce a rise in long-term interest rates . . . significantly undercutting the benefits that would be achieved from the tax cuts."

I am a long time supporter of lower capital gains taxes, but the bill before us takes an irresponsible approach. I am proud to be an original cosponsor of H.R. 44, the Investment Tax Incentive Act. This bill would take a responsible and stimulative approach to cutting the capital gains tax by creating a 2 year investment window allowing investors to lock in lower rates on capital gains by purchasing new assets now. The higher cost of the Republican tax plan before us today does not result in increased economic stimulus because $115 billion of the $297 billion from the capital gains portion will go to the 184,000 households who make more than $1 million annually. This results in an investment tax cut of $625,000 per millionaire household over 10 years. Accelerating income tax rates as lucrative as the dividend tax proposal, so that it returns funds to only a few Americans without putting money in the hands of the middle class, who will spend the money. According to the Urban Institute, the average American household will receive $217 per year in tax relief, which will do little if anything to spark economic growth. On May 2, a Goldman Sachs Economics Analyst said "the dividend tax exclusion looks especially ineffective as a stimulative measure, providing only 8 cents on the dollar." Let's not drive future generations further into debt with irresponsible and ineffective financial policy.

The Democratic growth package offers $44 billion in aid to prevent sales and property tax increases and education cuts. If these cuts continue at the state level, economic growth will continue to slow, regardless of what Congress does. For less than 20 percent of the cost of the Republican dividend tax cut, we would give states $50 billion to prevent sales and property tax increases and education cuts during these difficult economic times. Rather than act responsibly, the Republicans have again turned to failed tax cuts policies which have resulted in the loss of 2.7 million jobs since January 2001. History has demonstrated that the failed tax policies of 1981 revisited in the tax policy before us today will result in the same dire consequences for working men and woman in America.

To avoid raising taxes, the Missouri House and Senate agreed Wednesday to cut elementary and secondary education fundings by $200 million, which will result in fewer teachers, larger class sizes, and other adverse conditions. As a former Missouri State Representative, I know firsthand the difficulties that the states are facing today having experienced similar budget shortfalls in the 1980's when the economy was soft and impacted by the Regan era tax cuts. Also, a former teacher, it breaks my heart to see critically needed investments removed from educating our children. Instead of the House passing tax cuts that create larger deficits, we should create policies which invest in children, not borrow from them.

The Democratic package focuses on job creation and helping all Americans, not just millionaires. The plan expands the 10 percent income tax bracket, giving each working American a tax cut. In addition, the package immediately increases the child tax credit to $800 per child and eases the marriage penalty. I strongly support these two provisions alone for their immediate benefits to working men and women. For businesses, the plan encourages investment and creates jobs by increasing small business expensing and accelerating depreciation for all businesses. These provisions will help business invest today when the economy needs it most. The package also provides 6 months of extended unemployment benefits and broadens coverage to include low wage earners and part time workers. Economy.com cites this as the top way to stimulate the economy, injecting $1.72 into the economy for each federal dollar spent. Best of all, the Democratic package is fiscally responsible, and it is 100 percent offset by freezing top income tax brackets at today's rates and closing offshore tax shelters.

I urge my colleagues to oppose the reckless tax plan and vote on a plan which will offer real tax relief for all Americans without breaking the budget. Our future generations must not be forced to pay for our actions today.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to express my disappointment over the Rules Committee's decision that the amendment offered by myself and several other distinguished members of the Select Committee on Homeland Security's Subcommittee on Infrastructure and Border Security was not ruled in order.

Furthermore, debate was once again stifled in this House by the majority's decision not to allow even the democratic substitute offered by my friend, Mr. RANGEL.

My amendment would have addressed critical vulnerabilities in our nation's infrastructure, vulnerabilities that if exploited by our enemies will have terrible costs in both lives and dollars.

It would have done this by delaying for only one year the implementation of the dividend portion of the tax cut.

As I speak, several areas of critical infrastructure remain vulnerable to terrorist attacks.

We are, without a doubt, still living in a dangerous time. Neither Saddam Hussein nor his weapons of mass destruction have been found.

The next attack on America could come at any time. We cannot afford to wait any longer to shore up our homeland defenses.

Due to the urgent nature of this request, we felt that delaying a portion of the tax cut package was the obvious way to pay for these critical projects.

That delay would have generated 4 billion dollars. That represents only seven-tenths of one percent of the tax cut we are discussing today. Seven-tenths of one percent!

For that comparatively small cost, the citizens of this country could have been made a lot safer.

That tiny fraction of this tax package would have been used to:

Help safeguard millions of our citizens by completing necessary chemical plant vulnerability assessments;

Increase the National Guard's Civil Support teams so that they are protecting the citizens of all 50 states;

Provide needed physical security at federal dams and waterways all across this country;

Enhance port security by funding port security grants;

Increase the size of our Coast Guard;

Increase the number of inspectors at our border;

Enhance the safety and efficacy of our firefighters with firefighter assistance grants and grants for interoperability with police and emergency medical personnel;

And provide more security to our Nation's food and water supplies. And this is only a portion of the programs my amendment would fund.

Once again, I must highlight how much we could have gotten—for so little. As I said earlier, this amendment would not have affected 99.3 percent of the tax cut package.

Sadly, the message from the Republicans is clear: They care more about cutting taxes for the wealthy than protecting the public.

They will not even sacrifice less than one percent of their ill-advised tax cut to help keep the citizens of our country safe from terrorist threats.

H.R. 2 violates 4 Rules of the House, so the Rules Committee granted H.R. 2 special protections. Instead of being fair and granting the same protections to my amendment or the Democratic Substitute, they refused and ruled us out of order.

They did the same thing to all the other important amendments offered by the Democrats.

The Republicans have turned this House, the people's House, into a dark place where debate is feared because it just might shine some light on the unjust policies that they want to shove down the throats of the American people.

This is not right, it is not fair, it is un-democratic, and it is un-American.

Ms. DELAURO. Mr. Speaker, I rise in strong opposition to this legislation. At a time when 8.8 million Americans are out of work, when their unemployment benefits are about to expire and when our economy has not created a new job in nearly two-and-a-half years, Congress should be rushing to get our economy moving again.

But by cutting taxes for only the wealthiest taxpayers, this bill will do nothing to jumpstart job creation. In fact, Goldman Sachs has rated the dividend tax cut as one of the least effective options in terms of stimulating economic growth. Under this plan, people making more than $1 million will get a $93,537 tax break—while those making between $20,000 and $30,000 will get only $189.

Our States are already facing fiscal crises and cuts in vital services. They are cutting education, child care and health services. In fact, half of the Nation's Governors—Democrat and Republican alike—have already proposed tax increases out of necessity. This bill does nothing to provide aid to States, and in fact, the budget chief for my State's Republican Governor said the President's dividends tax plan would cost Connecticut $100 million.

Instead of a dividend tax cut that will cost States millions—a tax cut even Alan Greenspan says will explode the deficit—the Democratic plan provides real tax cuts for working families. Our plan proposes an immediate increase in the child tax credit to $800 per child, refundable for low-wage families. It provides investment tax incentives for business and targeted assistance for those looking for work, including a long-overdue extension in fiscal relief, so that we do not end up leaving them with no choice but to raise taxes.

Let's do the right thing for our families, turn aside this bill and pass a meaningful economic package that provides tax cuts for families and ensures long-term growth for our economy.

Mr. MANZULLO. Mr. Speaker, today we are considering H.R. 2, the Jobs and Growth Tax Act of 2003. The bill will provide tax cuts for American taxpayers of $550 billion over the next 10 years. This reduction in taxes is an appropriate measure to kick-start a lackluster economy and will permit the economy to grow at a faster rate for many years to come.

As Chairman of the House Small Business Committee, I am particularly pleased that the bill before us includes a number of significant provisions to assist America's small business owners. By quadrupling small business expensing from $25,000 to $100,000, many small business owners will be able to increase capital investment in their businesses. The increase in the overall investment limit to $400,000 and the fact these figures will be indexed for inflation are also tremendously helpful.

The acceleration of the tax rate cuts, originally enacted in 2001, will also greatly assist small business owners. More than 85 percent of all small businesses pay individual, instead of corporate, income taxes. Accelerating the scheduled reduction in the individual income tax rates will immediately put money back into the hands of small business owners, allowing those owners to infuse their businesses with much needed capital.

Also, according to the Joint Economic Committee, small business owners receive 80 percent of the tax relief from reducing the top marginal rate to 35 percent. Marginal rate cuts increase the likelihood that a small business owner will hire additional employees and will lead to higher wages and/or benefits for those workers.

Lastly, the reduction in the taxation of capital gains also will benefit small business owners who sell their businesses at retirement or at other times. In addition, small business owners will benefit from the general improvement in the economy that will result from the lower taxation of capital gains and dividends generally.

I urge my colleagues to join with me in support of America's small businesses. Join with me in voting for the bill on final passage.

Mr. LEACH. Mr. Speaker, it is with great reluctance that I rise to oppose this tax cut at this time. I do so recognizing that the bill contains a number of attractive features—a reduction in capital gains, greater flexibility for business depreciation schedules, for instance. I also acknowledge that the Ways and Means Committee has markedly improved on the administration's initial proposal, reducing by several hundred billion the magnitude of the tax cut and tying dividend income to capital gains rates rather than eliminating taxes on dividends entirely.

But as appealing as all tax cuts are, they must meet tests of appropriateness and fairness. These tests are not met.

It is true that the national and world economy is to some degree stalled. It is not true, however, that fiscal policy changes are always stimulative, particularly in the short run. Monetary policy—the interest rate and money supply controls of the Federal Reserve—are more effective short term stimulus instruments. They must, however, work within the constraints of fiscal policy. To the degree they are blunted by deficit financing, stimulus may be weakened. Here, it should be noted that deficit financing is definitely linked to interest rate hikes. While deficits that are tax cut driven may not be as harmful to the general economy as those that are spending related, they nevertheless have cost of capital implications.

Here it should be noted that liberals in Congress in general favor stimulating the economy with substantial programmatic spending increases. Conservatives, on the other hand, tend to favor tax cuts. I find the conservative case preferable to the liberal one, but I believe the case for a steady rudder is more compelling than either. I voted for the House budget resolution which sets limits on how much Congress can appropriate and reduce taxes because I believe the case for holding spending increases to levels near or at inflation levels is reasonable, but I have grave doubts about a significant tax cut at this time. Whether one believes the war with Iraq was wise, or will prove to accelerate or decelerate international terrorism, it and its aftermath must be fiscally accommodated. Wars cannot be paid for with tax cuts.

Advocates of the tax cut properly point out that in relation to the GNP the tax cut might be considered more modest than the hyperbolic rhetoric that has been associated with it. This may be true, but at some point a difference in degree can become one in kind.

For a variety of reasons related to foreign challenges and a weakened domestic economy we have returned to deficits at the Federal as well as State levels of government. But there is a profound distinction between a $50 to $100 billion deficit and a half trillion dollar one. Legislative budgets, like family budgets, must be subjected to common sense discipline. At the governmental level this is particularly the case in the coming decade which will be characterized by a three to four Americans of working are relative to retired. In the decades after, significant demographic changes will take place in our society and the number of retired citizens relative to working age Americans will increase. If we cannot operate with fiscal prudence today, we will have a calamitously difficult time managing our economy in the future.

One aspect of the economy today makes deficits and the attendant need for debt repayment even more problemsome. Debt management is generally easier at lower rates of interest but in deflationary times such as the 1930s debt repayment even at low interest rates become the singularly most difficult challenge in the economy. Today we have general deflation and sectoral deflation, but the intertwining of international politics, particularly terrorism, with the competitive pressures wrought by the global living will make general deflationary pressures real. In this circumstance prudent debt management is critical for government as well as the family. Deficits might have to be contemplated but interest rates could be more difficult to manage than in inflationary times when dollars become cheapened and easier to acquire, whether in business through profits or government through taxes.

As for fairness, I have always believed there is a compelling case for tax simplification—a reduction in rates tied to the elimination of the vast majority of deductions that have come to dominate our tax code. But I also believe in credible progressivity. A well-to-do citizen should pay a somewhat higher rate than a less well-to-do individual. So I have had doubts about flat taxes. But what the proposal before us today does is invert the curve. Not only will taxes not be flat, but high income citizens who receive dividends will pay a lower rate of taxes than the working middle class. Economists call this regressive taxation. Some Americans will benefit. Others will consider it unfair. Tax systems depend on social acceptance. The approach before us today may undercut the faith of a lot of Americans in the system and as importantly take pressure off the need for fundamental tax reform.

The precept that an extremely well-to-do person who receives dividends and may not hold a job should pay taxes at a substantially lower rate than a middle class citizen who works for a living demands review.

At issue is the question of wealth distribution and wealth divisions in society. In the decade of the '90s the divisions between rich and poor widened. What this tax bill does is accentuate these divisions. Government tax policy will be redistributive in ways never before countenanced. Burdens will be shifted from the rich to the middle class.

At the risk of presumption, let me turn for a minute to the problems State governments are having, which the changes contemplated today may exacerbate. Many State income tax codes are based on a percentage of the Federal obligation, so a tax cut at the Federal level becomes one at the State, too. Perhaps State governments will react by cutting services further or raising taxes, but they, like the Federal Government, seem inclined to take the less disciplined way out and deficit finance.

In my home State, in the name of "economic development" a lot of new funding is being proposed subject to bonds being issued. The problem is that just as tax cuts are advanced by conservatives as "stimulative," bonding is proposed by liberals as good for "economic development." But precepts are conjectural.

There is, of course, a profound case in a State like Iowa for bonding facility construction for public services such as a new hygienics lab or dormitories for students, but States should not presume to be banks, sources for credit that would otherwise be available to the private sector. Iowa, for instance, has more jobs than a credit crunch. What attracts business to come to or stay in the State is less likely to relate to availability of State development funds as it will to whether the State has quality services and competitive levels of taxation. All States have a budget crunch. To the degree Iowa can distinguish itself with fiscal balance, it will be the long term beneficiary.

My concern is that if common sense fiscal discipline is abandoned by legislatures at all levels, there will be a run on governmental confidence. A run on governmental confidence can produce a run on our economic system.

What is needed is a sense of proportion. Good ideas must be measured against social costs. To grow an economy we must recognize that discipline is essential. Good tax cut ideas, just as good spending initiatives, cannot always be afforded.

Mr. CASTLE. Mr. Speaker, I oppose H.R. 2, the "Jobs and Growth Reconciliation Tax Act of 2003" as currently drafted. I applaud the President's leadership in trying to strengthen our economy. However, to accomplish this goal I believe that any legislation intended to help the economy must be targeted to help working Americans and businesses now, and not worsen our long-term budget situation. In its current form, this legislation does not meet these two important tests. The bill goes beyond what is needed to provide immediate tax relief to American workers and families and its overall cost could jeopardize our ability to get the budget back in balance as soon as possible.

Throughout my public service, I have been a strong supporter of balanced budgets. A balanced budget tells our citizens its government is managing their money well. That increases confidence and strengthens the economy. When I served as Governor of Delaware, we balanced our State budget every year and cut taxes three separate times for both individuals and businesses. When I came to Congress, one of my top priorities was to help balance the Federal budget. I was proud to support the Balanced Budget Act of 1997 which helped lead to a balanced Federal budget from 1998 to 2001, and included the largest tax relief since 1981. In 2001, when the Federal Government projected a $4 trillion surplus for the next 10 years, I supported President Bush's $1.35 trillion tax cut that delivered broad based income tax relief and marriage penalty relief to hundreds of thousands of Delawareans.

As a result of an economic downturn made worse by terrorist attacks on our Nation, the Federal budget is facing deficits for the foreseeable future. At the same time we have critical demands to fight the war on terrorism, rebuild Iraq, protect our Nation at home, and pay for important programs like health care and education. In particular, we are still trying to address the need for a Medicare prescription drug plan and its significant costs. With these challenges we must review all spending and revenue changes carefully to ensure they are absolutely needed. We are rightly limiting new Government spending in our budget, but we must also take a hard look at any tax cuts that are not narrowly targeted toward immediate economic stimulus or do not take into account the long term consequences of Federal deficits.

Some have argued that we must have the largest tax cut possible, stating that it will pay for itself because stimulating the economy will produce new tax revenue for the Federal Government. I have listened to these arguments, but reports from independent sources like the Congressional Budget Office indicate that deficits will increase an additional $2.7 trillion by 2013 if the tax cut and spending initially proposed were enacted.

Others have argued that the deficit is still small as a percentage of Gross National Product, that it will not damage the economy, and that Congress should not be concerned about the impact this tax cut will have on the deficit. Again, I have listened to these arguments, but far more persuasive are the warnings by independent, conservative economists like Federal Reserve Chairman Alan Greenspan and the fiscal conservatives at the Concord Coalition who state that both large tax cuts and spending increases must be paid for or they will worsen the looming deficit problems our country will face when the baby boom generation retires and begins drawing down their Social Security and Medicare benefits.

Americans want prudent action, fairness and common sense from their government. In Delaware, the average hardworking person is not asking for the largest tax cut possible. They would support a reasonable plan to help boost the economy that does not put our economic future at risk. I have studied the tax relief proposals and it is clear that we could provide immediate tax relief to every working American, as well as help to businesses, especially small businesses within a package of $350 billion over ten years. That could include speeding up the reductions in all individual tax rates from the 2001 tax bill, increasing the tax credit for children to $1,000, eliminating the marriage penalty, and providing expensing and accelerated depreciation relief for businesses. Even the Wall Street Journal agrees that speeding up the reduction in tax rates would have the most immediate stimulus on the economy by putting money in people's pockets and giving businesses relief for their investment in equipment and other expenses.

Unfortunately, in the current bill, the most costly single provision remains the sharp reduction in the tax on dividends. In fact, the shape and long-term cost of the bill is distorted by the effort to maximize the reduction in dividend and capital gains taxes. The bill would phase-out much of the tax relief for families and individuals to pay for this section. The alternative is to extend those tax provisions later, but initial estimates indicate that would cost another $210 billion, which is $34 billion more than what President Bush requested in tax relief. If we are serious about keeping the deficit in check and giving straight forward tax relief, that is not the right decision. Although some reduction in dividend taxes is reasonable, we must acknowledge that we simply cannot afford steep reductions in taxes on dividends at this time. Further reductions in taxes on dividends should be addressed as part of a long-term tax reform effort when we are not facing the deficits that are a real threat to the Federal budget and our economy.

Effective governing requires careful decisions and often painful compromises. There are those who honestly believe that tax relief is absolutely necessary at this time. There are others who urge caution to protect against deficits at a time when we face the dual challenges of a war on terrorism and the needs of an aging population. Enacting some tax relief to immediately strengthen the economy is a fair compromise, but this bill does not achieve that goal. It is possible that a more affordable tax relief bill will emerge from final negotiations with the Senate. I urge the leaders of both the House and the Senate to work toward a bill that provides immediate relief now to all working Americans. We need a bill that does not exacerbate long-term deficits or the need to address prescription drug relief, the war on terrorism, and Social Security. I think those goals can be accomplished in a $350 billion tax package or one slightly higher if Congress can come to agreement on closing some abusive tax loopholes.

I must oppose this legislation and will continue to work toward a more fiscally responsible bill that helps all Americans without jeopardizing our budget and economic future.

Mr. FILNER. Mr. Speaker, I rise in opposition to the Republican majority's ineffective stimulus package. This plan will not accomplish its stated goal of stimulating the economy. In order for tax relief to be effective and fair in stimulating the economy quickly, it must be targeted at those who need it and those who will actually spend it. Giving money to those who will spend it is the most effective way to pump money into the economy.

The Republicans refuse to acknowledge the importance of targeting relief appropriately. The vast majority of the benefits in the Republican plan will go to wealthy individuals. It ignores many groups that are in dire need and attempts to placate others by offering temporary benefits. The benefits for the rich are long term and this administration intends them to be permanent. Rather than calling this an economic stimulus, let's call it what it really is: the renewal of trickle-down economics.

The Democratic alternative provides tax relief to those who need it and those who will spend the money that they receive. Families need a tax cut and the Democratic plan delivers with a permanent increase in the child tax credit, an immediate expansion of the 10-percent tax-rate bracket, and elimination of the marriage penalty. This relief will go to low- and middle-income Americans who will put it back into the American economy immediately. Those who lost their job in the economic slowdown need assistance and the Democratic package helps them with an extension of their unemployment benefits. This money will be spent right away to pay bills and provide for the needs of their families. The States are in need of economic assistance and the Democratic package gives them the direct aid that they need to the tune of $44 billion over 10 years. This is money that will be immediately invested in education, healthcare, and homeland security so that States won't have to layoff any more workers and can begin to hire some back. Small businesses need a stimulus and the Democratic package provides them with tax incentives that encourage investment, foster expansion, and reward those who hire workers who have been unemployed for at least 6 months.

I believe we should go even further in targeting relief to those who need it. I have proposed a plan that provides an exemption from approximately the first $20,000 of payroll tax, FICA, for all taxpayers and businesses. This will put about $1,300 into the pockets of those who will spend it to stimulate the economy and be a big boon to small business. Ask any low- and middle-income family how they would spend a couple of thousand dollars and they will give you a list of things they need right now. To keep the Social Security Fund whole, the bill eliminates the current $87,000 cap on FICA contributions—meaning that those earning more than $107,000 a year would pay their fair share.

These alternative proposals would be fast-acting and effective. Equally important, they would be fully paid for. They don't add one dime to our record deficits.

The contrast could not be clearer—the President only seems to trust the richest Americans to receive more of their money back, while my proposal, and the Democratic plan, would provide a significant benefit to low- and middle-income families who would actually spend the money to stimulate the economy—and be an equally significant benefit to small business.

Mr. ORTIZ. Mr. Speaker, in August 2001, this Government began a reckless rush towards higher deficits under the guise of "tax cuts." Obviously the 2001 attacks and subsequent wars added to the deficit, but it was precisely the August 2001 tax cut that began this Government's return to deficit spending.

While "tax cuts" should mean the Government already has the money to "return" to taxpayers—in 21st Century politics, "tax cuts" are made without having the money to do it. They are billed as "economic development" but really mean: wealthier Americans get nearly all the tax breaks; the greater tax burden is moved to working Americans; and tax increases are now part of the equation among Republicans in order to stem the flow of red ink from this country.

Government should always pay its way and not run such enormous deficits. If we are returning taxpayers' money, it must already be in hand, not just hoped for. In a democracy, governments have an open debate about adding $549.5 billion to the Nation's already escalating debt. Today, in the House of Representatives, the leadership is ramming this bill through without allowing Democrats to offer an alternative out of fear that anything else offered on the floor would beat this awful bill

It might be another story if there were any evidence that tax cuts worked, in a healthy or unhealthy economy. We know from past painful, expensive, experience that tax cuts do not stimulate the economy, in fact: the weaker the economy, the more damage they do to the economy.

I oppose this bill with fuzzy Enron math that adds hundreds of billions of dollars to an already outrageous deficit.

Mr. SMITH of Texas. Mr. Speaker, the Jobs and Growth Tax Act of 2003 includes relief from the marriage tax, child care tax credits, small business expensing, and a dividend tax reduction.

According to an analysis by the Heritage Foundation, the bill creates approximately 1.2 million jobs by the end of 2004. This includes 61,000 jobs in Texas. In addition, it will inject $200 billion into the economy to help drive consumer spending and job creation.

A key piece of this legislation is dividend relief. It also promotes investment by reducing the tax on capital gains. These two modifications simplify the tax code by creating similar tax treatment for both capital gains and dividends.

Eighty-four million or over 50 percent of adult Americans invest in the stock market. And over 70 million own a home. The Jobs and Growth Tax Act puts dollars back into the pockets of millions of families by reducing the tax on dividends and capital gains to 5 percent for the lowest two tax brackets and 15 percent for the remaining brackets. This increases economic growth, as well as the incomes of working Americans.

Seniors, who tend to own a larger share of stocks than other age group will benefit greatly from the much-needed tax relief in this bill.

What does our economy need? The answer is before the House today: more jobs and tax relief. We must create more jobs and the best way to help companies, investors and entrepreneurs to create good, private-sector jobs is to reduce taxes across-the-board. And the best way to refuel the economy and ensure our ability to compete is to reduce taxes.

I urge my colleagues to support this bill.

Mr. UDALL of Colorado. Mr. Speaker, I cannot vote for this bill. The bill does include some features that I support—but, overall, it does too little to address the real needs of the economy and the country, and it does too much to make our budgetary problems worse. The bill's supporters, reading from a script written by the White House, say that the bill will create jobs. That sounds like good salesmanship, because in fact there is a desperate need for an increase in employment to begin to make up for the millions of jobs that have disappeared over the last two years. But as any salesman knows, a good slogan can't disguise a product that won't perform—and when it comes to creating jobs, I am convinced this bill won't perform as advertised.

No analysis I have seen—whether by the Congressional Budget Office, Federal Reserve Chairman Alan Greenspan, or any other expert—supports the claim that enacting this bill will help put very many people back to work anytime soon. Of course, the bill's supporters—like the pitchman in the old TV ad—say we have their word on it. Excuse my doubts, but I don't think that's proof enough.

On the other hand, while its claimed benefits are doubtful, there is no doubt about how the bill will affect the federal budget—it will throw it further out of balance and lead to much deeper deficits. I think this is well summarized by the analyses of the Tax Policy Center and the Center on Budget and Policy

Priorities, which show that the bill's effect on revenues is much greater than claimed.

In fact, according to those experts, the bill "fit[s] within the $550 billion allotted to the Ways and Means Committee only by using gimmicks that cloak its true cost. If the provisions scheduled to terminate before 2013 are extended—as Chairman Thomas envisions and as Congress would be likely to do—the total cost of the plan would be between $865 billion and $1.1 trillion through 2013. In other words . . . the plan could be twice as costly as advertised. [It] . . . thus manages both to be more tilted to the very well-off and more expensive than the original Bush proposal, which would cost $726 billion through 2013."

This concerns me because I think we need to take deficits seriously, for reasons well stated in recent testimony by The Concord Coalition's President, Peter G. Peterson to the Committee on Financial Services.

I was struck by Mr. PETERSON's statement that "A future of mounting deficits is a cause for grave concern. Mounting deficits can slow and even halt the steady growth in material living standards that has always nourished the American Dream. When such deficits are incurred in order to fund a rising transfer from young to old, they also constitute an injustice against future generations . . . This policy, after all, constitutes an explicit decision by today's adults to collectively shift the current cost of government from themselves to their children and grandchildren."

In other words, because it would lead to deeper deficits, this bill would do just what President Bush, in his State of the Union address, said we should not do—instead of meeting today's challenges, it would simply create new problems for our children.

I don't think that is sound policy—especially when a better alternative is available. And that is why I voted for the motion to recommit offered by Representative RANGEL. If that motion had been approved, that alternative would have come to the floor.

That alternative included very meaningful tax cuts. It included an increase in the child tax credit to $800 per child, an immediate expansion of the 10-percent tax-rate bracket to levels that under the 2001 tax bill would be reached in 2008, and immediate elimination of the "marriage penalty" aspect of the income tax. It also included investment tax credits for small businesses, such as business expensing up to $75,000 and bonus depreciation.

Those cuts would immediately put money into the pockets of middle-income Americans, who are the people most likely to spend it promptly, boosting consumer demand and thus helping set the stage for an increase business investment needed to meet that demand.

The alternative also had other important provisions to respond to the immediate needs of our country and the American people.

It provided for extending and expanding unemployment insurance, whose benefits go to the families most affected by the economic downturn—the ones who need real help now. And it included a provision to create a permanent, revenue-neutral corporate tax deduction to encourage American manufacturing companies to expand their operations, as well as a new tax incentive to provide a tax credit of up to $2,400 to businesses that hire people who now are unemployed.

And, while the administration and our Republican colleagues seem ready to forget the states, which are experiencing their worst fiscal crisis since World War II, the alternative did not. It would have provided $44 billion over 10 years in direct aid to states for homeland security, education, health care for senior citizens, and highway and other infrastructure improvements.

And, just as important as everything else, the alternative was fiscally responsible—fully paid for over 10 years. So, it would have added as many as a million new jobs without adding anything to the deficit.

Mr. Speaker, I don't know why the Republican leadership refused to let the House even consider that alternative—but maybe those salesmen didn't want us to have that choice. For me, the choice would have been clear. I would have voted for the alternative—but I cannot vote for the bill.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today again speaking on our need to "Build a Sound Economy". Taxation is a financial burden that must be equally shared by all Americans, blessed with the ability to earn an income. Thomas Paine, an American Free-thinker once reminded us that; "War involves in its progress such a train of unforeseen and unsupposed circumstances that no human wisdom can calculate the end. It has but one thing certain, and that is to increase taxes." And yet, at the end of our War efforts in Iraq, we are at this time considering the reduction of taxes.

Through Taxation, we as Americans are afforded the opportunity to ensure the prosperity of our nation, and our citizens. Whether our citizens are from the Farms of Iowa, the Factories of Tennessee, or the Financial Districts of New York City or my home District of Chicago, their earning power and its fruits are what make America Great. Many Americans have worked all their lives, and are now in retirement. Others are still working in the various industries which breathe the life blood into our Great Nation. And yet, still others, whether due to underage, infirmity, or other unique circumstances are unable to impart into the American Economy, but their contributions in their communities are cherished by those who know them.

When the President took office, the government was projected to save every dollar of the Social Security surplus. But under the GOP tax plan, Republicans in the House would borrow and spend all of the money from the Social Security Trust Fund over the next 10 years, just as the Baby Boomers are about to retire. The single issue which we must not forget when we consider the Stability of our Economy is that it is closely tied to the Equality of our Tax System, and our governance over the Social Security Trust Funds. Our Tax System is a means to ensure an equitable distribution of the responsibility of paying taxes. Plato, the noted Philosopher once said, "When there is an income tax, the just man will pay more and the unjust less on the same amount of income." This is our opportunity to learn from Plato. In the President's Tax Plan, the two provisions making up more than half of the tax package, (cutting the tax on stock dividends by more than a half and the capital gains tax cut), primarily benefit the wealthy and in fact are the only permanent tax cuts in the plan.

Voltaire, the famed writer stated, "In the matter of taxation, every privilege is an injustice". We must work diligently to root out the injustices currently being considered for inclusion in our Tax System. The citizens of my home state of Illinois are waiting for us, their elected officials to come together to ensure that we protect them, and guard their earnings against any and all unfair concessions.

Mr. Speaker, Gentlemen and Ladies of the House let us not fail our citizens in our efforts to place us finally on the Road to Economic Growth. We must remain steadfast in our efforts to accomplish that heavy task, to clearly and evenly mete out portions of the tax burden amongst our citizens.

Mr. OWENS. Mr. Speaker, I rise in opposition to the voodoo economics of the Republican 550 billion dollar tax package. I support the more practical and better targeted Democratic alternative legislation. We are taking action today; however, the quest for a meaningful tax policy for our nation must continue with the widest possible participation in the debate. One constructive component of a new and fairer tax policy must be a greater allocation of the tax burden to the corporate sector. We must have less pain for individual and family income tax payers and more responsibility shouldered by profit making corporations. This process should start now with a surcharge imposed on corporate profits to pay for the Iraq war and occupation.

Mr. Speaker, I have introduced the Domestic Budget Protection Act, H.R. 1804, which will eliminate the Iraqi War competition for federal funds and allow the Congress to resume the necessary funding for vital domestic programs. The following important facts must be considered:

While the Congress has allocated 79 billion dollars for the Iraq War and occupation, unprecedented hardship devastates state, local, and education agencies—

Thousands of teachers and government employees are threatened with layoffs—

Since the Bush Administration offers no revenue sharing relief, taxes are being increased in states and localities across the nation—

During past wars a surcharge on corporate profits has lessened the competition of the military budget with domestic budget priorities—

In H.R. 1804, the following is cited: The Congress finds that there is an established precedent for the long-term financing of a U.S. War effort. A special tax on the profits of the nation's largest corporations would be in accordance with previous precedents: World War I, World War II, Korea and Vietnam.

The Congress finds that in the last 25 years corporations have steadily borne less and less of the overall tax burden. The corporate share of the tax burden has dropped from a high of 35 percent in 1945 to a level of 8 percent in the year 2002. At the same time the individual income tax share of the tax burden has grown from 13 percent in 1940 to 46 percent in 2002.

The Congress finds that it is necessary to suspend further reductions in assistance to domestic programs. It is also imperative that any increases in basic revenue be utilized to increase assistance to vital domestic programs.

Historically, a special tax placed on the profits of the nation's largest corporations has been used to fund the U.S. War effort. The Domestic Budget Protection Act follows in these historic steps and offers a solution to increase assistance to domestic programs by placing a surcharge on corporations with assets greater than 10 million dollars. This special revenue will be used to fund the war and occupation and thus free up other revenue to fund domestic programs. In the last 25 years corporations have borne less and less of the overall tax burden. Their share, while dropping as low as 6 percent within the last 20 years, is currently 8 percent. On the other hand, individual income taxes as a share of the overall burden has risen from 13.6 percent in 1940 to the present level of 46.3 percent.

In conclusion, Mr. Speaker, let me emphasize the fact that the Republican Majority is determined to hide: America is the richest nation that ever existed on the face of the earth. We have the resources to do whatever we decide is important. Our greatest untapped pool of wealth is the pool of corporate profits which grow boundlessly as a result of the favorable economic, political, and militarily security environment maintained by the American people. We must have less pain for the family taxpayers and more revenue responsibility by corporations. Members should begin by supporting the Domestic Budget Protection Act—H.R. 1804.

Mr. COSTELLO. Mr. Speaker, I rise today in opposition to H.R. 2, the Republican Jobs and Growth Tax Reconciliation Act.

This bill will not put unemployed Americans back to work. The tax cuts that were enacted in 2001 have done little to stimulate the economy over the last two years. Instead, unemployment is up, and governments on every level—from local to federal—are facing severe deficits.

I am extremely disappointed that the Republicans adopted a rule that prohibited the Democrats from offering a substitute. The Republican bill will cost the U.S. taxpayer $549.5 billion over the life of the bill while the Democratic bill is fully paid for over that same time period.

The Democratic alternative would have provided immediate stimulus and jobs creation by extending benefits for the long-term unemployed and expanding the work opportunity jobs credit. It targets tax relief to those who needed it most, by increasing the child tax credit and providing this credit to more Americans, accelerating the widening of the 10 percent tax-bracket and accelerating marriage penalty relief.

It also provides funds immediately to the states to meet their critical needs by including funding for Medicaid, homeland security, and transportation infrastructure.

The Democratic alternative would also provide for long-term job creation and growth by expanding the amount of new investments that a small business can deduct and by allowing all companies an accelerated depreciation of 50 percent for 12 months. It also reduces corporate tax rates by 3.5 percent.

In addition, the Democratic alternative would have prevented companies from expatriating to tax-shelter countries like Bermuda and stopped top corporate executives from protecting their own retirement benefits at the expense of their workers.

I am deeply disappointed that we will not have an opportunity to fully debate this bill's impact on the economy, and that we were unable to offer any amendments to the Republican bill. The Republican bill is flawed and I urge my colleagues to join me in voting no on this bill, which will not help our hard-working and unemployed Americans.

Mr. EVANS. Mr. Speaker, I am here today to address my concerns regarding the pending tax cut legislation. This so-called "economic growth" bill will do nothing to grow the economy, increase the number of jobs, or help the middle or low income families that make up the backbone of this great nation.

This program is directed at cutting the taxes of the rich in an attempt to resurrect fiscal policies that have been proven to fail. The only way to stimulate growth is to employ people, providing them with good paying jobs and an income that allows for purchasing the items that we produce. That means that we need a plan that creates jobs and assists those who are currently unemployed. The Democrat plan does that, the plan that is on this floor does not. It cuts taxes that advantage the top 1 percent of the population. That means we do not affect the other 99 percent, which by my accounting seems to mean that the majority of Americans are left behind looking for work with no support from those of us who were sent here to help.

Additionally, the plan before us will do nothing stimulate the economy now, and sacrifices the economy of the future. Without jobs now, without assistance to the states now, without sensible policies now, we will simply create a shortfall that will be paid for out of Social Security and our children's future. Currently, schools are closing early, the unemployment rate is growing, and states are struggling to provide basic services at minimal levels. The direction taken in this legislation is fiscally irresponsible if we expect to live up to the promise we made to the people of the United States.

I urge my colleagues to vote against this irresponsible legislation and set this Congress in the direction of true job and economic growth.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 2, the Jobs and Growth Tax Act of 2003.

Although there is general consensus among many economic forecasters that our economy is poised to grow at a faster pace than it has over the last year, action is necessary in order to hasten the recovery. While GDP has continued to increase, the modest increases we have been witnessing are not sufficient to stabilize employment. Consumer confidence and spending have improved, however business and investor confidence have not followed suit. The legislation before us today will stimulate growth and investment, and expedite our economic recovery.

First, this legislation will increase purchasing power for all Americans through an acceleration of the 2001 tax cuts for individuals. Accelerating tax relief from the marriage penalty, increasing the child tax credit, expansion of the 10 percent tax bracket and providing working families with relief from the AMT will help to give our economy an immediate stimulus.

Secondly, this package creates business and investment incentives to spur business growth, ultimately leading to job creation. Increases in depreciation allowances for business and an increased allowance for expensing capital purchases for small business will promote capital investment, putting more money back into the economy and creating more jobs. These provisions will work to counteract the general climate of caution in the business sector that has resulted in layoffs, a reluctance to invest in new capacities, and aggressive actions to maintain low levels of inventories.

Finally, the bill reduces the tax rate on dividends and capital gains to spur investment and business growth. Today, we are faced with the simple fact that the overall economy cannot improve until the stock market recovers. Additionally, today, eighty-four million Americans, over 50 percent of our population, are invested in the stock market, and investment plays an increasingly important role in our individual financial security. With much of this investment in 401(k)s, IRAs and pension plans, it is vital to many Americans that we do all we can to increase the growth of the stock market. Additionally, capital gains tax reductions have historically resulted in freeing stranded capital locked in mature investments as well as increasing capital for new investment. The reduction of the tax rate on dividends and capital gains to 5 percent and 15 percent will increase the purchasing power of individuals, stimulate investment and capital formation in business, and increase job creation through business growth.

For these reasons, Mr. Speaker, I rise in support of this measure, in support of an immediate stimulus and infusion of confidence in our economy, in support of creating jobs, and in support of long-term economic stability and growth for the future.

Mr. CRENSHAW. Mr. Speaker, the way the other side shapes this debate, you'd think keeping money in Washington is going to boost the economy, create jobs, and give business owners the incentive to hire more workers. Nothing could be further from reality. But that's where this debate has gone.

"We can't afford it," they say. "It's too much money," they argue. "Deficits until the cows come home," they claim. The reality is that taxes are the leg irons on economic growth. That's the big picture. We are in a situation where economic growth has plodded along at a snail's pace since 1999. Then we were hit by a number of circumstances beyond our control—but each with a huge impact on the economy.

So what do we propose? Well, the best way to create jobs is to kick-start our economy. The best way to improve our economy is to let people keep more of their money. The vehicle that will get us there is H.R. 2, the Jobs and Growth package. H.R. 2 will empower consumers, encourage investment, and enhance the retirement of our senior citizens.

The Jobs and Growth package is $550 billion in job creation. It lets families keep more of the money they've earned creating opportunities for every American who wants to work.

On that note: Every American who wants to work, ought to have an opportunity. Who are we to stand in the way of growth and prosperity?

You simply can't keep pooling the money here in Washington and expect the economy to grow. This package creates 1.2 million new jobs this year, 45,000 of those in my home State of Florida. H.R. 2 is pro job, pro family, and pro economy. This package creates work opportunities, and accelerates real relief for real families this year. This package increases the child tax credit to $1,000.

This package reduces the marriage tax penalty. This bill will allow a family to buy a new washing machine this year, save for their child's education next year, and buy a new car the year after that. This package lets 27 million taxpayers benefit from the increased child tax credit. Two-thirds of this package goes to individuals.

This plan provides some relief to 10 million senior citizens who currently pay the wrong and immoral double taxation of dividends. This will relieve at least some of their worry that they'll outlive their retirement nest egg.

This plan gives the backbone of our economy—small business owners—the freedom to invest in their business, hire more employees, and create more taxpayers. The federal government is not going to spend us out of a slowdown. That is not an option. You want to increase the tax rolls? Then increase the opportunities for work. You do that by empowering consumers, employing workers, growing the economy.

This is the taxpayer's money, not the federal government's. I urge my colleagues to pass this bill. H.R. 2 is the kick-start this economy needs.

Mr. BLUMENAUER. Mr. Speaker, in Oregon the economic pain of unemployment and state budget deficits is not an abstraction. The nation's highest unemployment rate of 7.6 percent is compounded by failure of the federal government to meet its commitments for hometown security, healthcare and education. Not only is the rate of unemployment high, many are experiencing long-term unemployment. Nationally, nearly 2 million workers have been out of work for at least 6 months, the highest level in 20 years.

Oregonians are clear about their priorities:

(a) Education—We must fully fund IDEA and the President's own signature education bill.

(b) Healthcare—Oregon's budget crisis is forcing reductions, cuts and closures to critical programs for our seniors, disadvantaged, and poor. We must fund these basic services.

(c) Spending on Crumbling Bridges—Infrastructure investments put people to work tomorrow, improve economic efficiency and better our communities. Replacing Oregon's bridges will cost over $4 billion and would provide 190,000 jobs and $25 billion in economic activity.

(d) Hometown Security—My constituents are concerned about security from terrorism and health threats such as SARS. We should invest in projects and programs that will make our communities safer and healthier.

(e) Unemployment Benefits—We need to extend the unemployment benefits due to expire.

We should reject the Enron-style accounting used in this tax bill, which distorts the true costs and intent of the tax cut package. The Republican estimate of "only" $550 billion was accomplished by putting in unrealistic "sunsets" to various tax provisions. The tax cuts they have every intention of making permanent will increase deficits by over $1.1 trillion if in place over the next 10 years.

Current budget realities, a wavering economy, and international conflicts have resulted in tumultuous and complicated times. However, a simple course of fiscal responsibility and domestic security can be achieved by taking common sense actions:

No tax cuts before we meet our obligations;

Be honest about the actual costs of tax cuts and spending;

Meet federal obligations to programs that are staggering state and local budgets;

Help those who need it the most, not the least;

Don't mortgage the future by playing fast and loose with the truth today and the economy tomorrow.

Mr. MARKEY. Mr. Speaker, it's been said that the French drink champagne only when they're happy or when they're sad. Otherwise, they never touch it . . . unless they're thirsty.

This is kind of like the Republicans' approach to tax cuts. Republicans propose tax cuts when the budget is in surplus. They propose tax cuts when the budget is in deficit. Otherwise, they never propose tax cuts . . . unless they're thirsty for more giveaways for the rich.

President Bush took office with a projected $5.6 trillion budget surplus and the Republicans immediately called for a huge tax cut. Now the Republicans have turned that surplus into what will be a $4.0 trillion budget deficit by 2011, and they are still calling for a huge tax cut.

Republicans have violated the First Law of Holes, which is "When you're in one, stop digging."

Although the war in Iraq has ended, but President Bush has dropped his own version of the MOAB—the Mother Of All Budgets—on the American economy.

Unlike the Army's MOAB, the Bush MOAB devastates the Medicare program and the Social Security trust fund.

The Bush MOAB pounds the Social Security and Medicare trust funds for the Greatest Generation who built this country.

The Bush MOAB shells funding for health care for America's veterans.

And the Bush MOAB obliterates education funding for our children and jobs for Americans out of work.

As the Bush administration and this Republican Congress drop a MOAB on the American people and our economy, they are also air dropping bottles of champagne on the wealthiest individuals and corporations in our country who will be the primary beneficiaries of this selfish and unprecedented tax cut. Because according to the GOP, there is no bad time for a tax cut—if you ask a majority of Americans, they'll tell you that in a devastated economy at a time of war, it is IMMORAL to cut taxes for the wealthiest at the expense of the poorest Americans.

We should be putting funds aside to help care for the estimated 14 million Americans who will have Alzheimer's by the middle of the century, the more than 1 million people who suffer from Parkinson's Disease, or the 30,000 Americans afflicted with Lou Gehrig's Disease.

We should be putting funds aside to care for the Baby Boomers, who will be retiring in huge numbers at the end of the decade. This group will soon begin drawing an estimated $25 trillion in Social Security and Medicare benefits, which are currently unfunded.

This Republican tax cut and Bush MOAB blows up our country's fiscal future and the potential for our government to take care of those who built this country and fought for this country.

Mr. HOLT. Mr. Speaker, I favor cutting taxes, but in balanced and fiscally responsible ways. That's why I have been one of the few Democrats in Congress who has been willing to cross party lines to vote for eliminating the estate tax, to vote for eliminating the marriage penalty, to vote for cutting taxes for small businesses, to vote for cutting taxes to help people pay for education and retirement, and to vote for cutting taxes for senior citizens.

With a war in Iraq and looming postwar costs, increased expenses for domestic security and a ballooning budget deficit, Congress must exercise restraint on both revenues and spending to prevent fiscal policy from spiraling out of control. The consensus in favor of balancing the budget over the long term must be re-established.

The fiscal outlook is much worse than official administration projections indicate. These projections assume that the tax cuts enacted in 2001 will expire at the end of 2010. They also assume that discretionary spending, the part of the budget that pays for national defense, domestic security, education and transportation, will shrink continuously as a share of the economy. Neither of these assumptions is realistic.

We need a tax bill that recognizes the ballooning budget deficit and address the economic realities of the world we are facing.

No one denies that our economy needs an immediate stimulus. Unfortunately, this measure fails to provide such a stimulus, but instead gives away billions to the wealthy while creating precious few jobs.

This tax bill is completely out of touch with the economic realities facing the federal government, the states, and millions of American taxpayers and workers. It fails to provide real solutions to the problems of stagnant economic growth, unemployment and the fiscal crises in the states. For the past two and a half years, this Congress has given the President everything he wanted on economic policy, and it has led to a total economic disaster. We've lost more jobs than any time since the Second World War. Why would we want to vote for more of the same?

In addition to being ineffective, today's bill is also unfair. Benefits targeted to low- and middle-income families, such as the expansion of the 10 percent tax bracket and the increase in the child tax credit, are temporary, while the centerpiece of the measure—a massive cut in the dividend and capital gains tax rates costing nearly $280 billion—is essentially permanent, sun setting at the end of the budget period.

According to the Center on Budget and Policy Priorities and the Tax Policy Center, taxpayers with incomes of more than $1 million will receive an average tax cut of $105,600 in 2003, with $42,800 of that coming from cuts in the capital gains and dividends tax rate, while middle income taxpayers would receive an average tax cut of just $218. The top 5 percent of households would receive 75 percent of the benefits from the dividend and capital gains rate cut, while only one-fifth of households with income between $40,000 and $50,000 a year receive any benefit at all.

In return for cutting taxes for the wealthy, the government will be saddled with staggering long-term deficits that will burden future generations. As a result, it will reduce our ability to support vital programs such as Social Security and Medicare, as well as make needed investments in schools, health care, infrastructure, and basic research.

Long-term deficits also weaken economic growth. Just last week, Federal Reserve Chairman Alan Greenspan warned against costly new tax cuts when the government is already facing record-high deficits. Wall Street analysts estimate that annual deficits over the next 10 years could total $4 trillion, with a possible budget deficit this year alone of nearly $500 billion—the highest annual deficit in the history of the republic. Just two years ago, the projected surplus was $5.6 trillion. As the deficits increases, interest rates go up—which makes it harder on families to pay for mortgages, education loans, credit card bills, and car payments.

Further, the bill does nothing to address the budget crises affecting the states, which are facing their worst budget gaps since World War II. Unlike the federal government, states must balance their budgets every year and have been forced to cut programs and lay off thousands of workers.

Mr. Speaker the unemployment rate is now at 6 percent and the number of workers who have been unemployed for more than six months account for 20 percent of all unemployed workers, the largest proportion in a decade. There are almost 9 million officially unemployed Americans and another 9 million who are either working part-time because they can't find full-time work or who are so completely discouraged that they have stopped looking for work. The economy has lost over 2 million jobs in the last two years, but this bill does nothing to help the unemployed.

In his State of the Union address earlier this year, the president said that "we will not pass along our problems to other Congresses, other presidents, and other generations." But this bill does exactly that. This is the third "economic stimulus" package of the Bush administration. The first two did little to stimulate the economy and no one, including the Congressional Budget Office, expects this bill will do much better. Why on earth would we want to saddle today's children with debt to give bonuses to wealthy people, knowing full well that economic benefits will not trickle down to middle income people? We need real stimulus that will create jobs, fuel the economy, and help our states through their current fiscal crises.

Mr. CHOCOLA. Mr. Speaker, last week, Congress received some troubling economic news. The unemployment rate is now at 6 percent.

That news ought to send a clear signal to members of this body that we need a strong economic recovery plan.

You see, when the economy grows, somebody is more likely to find work. Therefore, we ought to be asking the questions: How do we encourage economic growth? What can this Congress do to promote job creation here in America?

The other day I was speaking with someone who doesn't agree that cutting taxes are a good thing. They expressed to me their concern that if we continue to cut taxes that we will only continue deeper into deficits. They said, "Aren't you at all concerned about deficits?"

I responded that of course I was concerned and there are three proven steps we can take to control them.

I said, "The way I see it, there are three things we can do to control deficits—we can either raise taxes, control spending, or cut taxes."

I asked if they were in favor of raising taxes. Of course not, was their immediate response.

I then asked, which programs do you want to significantly cut to control spending. They responded they couldn't think of anything that should be cut.

I then said, well, you have to be for cutting taxes. It's the only other option for controlling deficits.

They sat there silent for a second, thinking about what I had said. They then turned to me and said, you know what—you're right.

Mr. Speaker, I believe the best way to achieve growth is for hard working people to keep more of their own money. This bill achieves the result of putting money back into the taxpayer's pocket, which will in turn stimulate economic activity, and create much needed jobs.

The Jobs and Growth Tax Act before us today is an important sign that members of both parties in the House of Representatives now recognize that tax relief helps create jobs.

This legislation will lower taxes on capital gains, lower taxes on dividends that small businesses could write off, and reduce individual income tax rates.

If you're interested in job creation, if you're interested in a pro-growth package, then let's enact meaningful tax relief and pass this bill so more Americans can find work.

Mr. KIND. Mr. Speaker, today we are considering the legislative follow-up to the majority's irresponsible budget resolution narrowly passed earlier this year. It is another chance to ask ourselves if what we are doing is the right choice for America, and the right choice for future generations. I can only hope that this House reflects on past performance, and switches course away from the path toward fiscal oblivion that the majority is leading our nation.

Based on the policies promoted by the President and the majority, the Federal Government will be running deficits as far as the eye can see, with a record $400 billion deficit in 2004 alone. Just to keep things in perspective, the Congressional Budget Office estimated in 2000 that by 2010, we would have a $5.6 trillion budget surplus. That projected surplus has turned into a projected $2 trillion deficit over ten years—a reverse of $8 trillion since President Bush took office.

Now, it is understandable that in a time of economic slowdown, increased terrorist threats, and military action in Iraq, government spending priorities change, and we may have to run some short-term budget deficits to meet new challenges. However, the most disturbing thing about the majority's fiscal policy is that they make no effort to stem this deficit trend.

This is an important problem because deficits do matter. Contrary to what the President and the congressional leadership are claiming to the American people that deficits somehow, some way, magically do not matter anymore in regards to economic performance, history, and leading economists, tell us different.

In an opinion article printed in the New York Times on April 9, 2003, titled "No New Tax Cuts," members of the nonpartisan and widely respected Concord Coalition, including former Senators Bob Kerrey, Sam Nunn, and Warren B. Rudman, former cabinet secretaries Peter G. Peterson and Robert E. Rubin, and former Federal Reserve chairman Paul A. Volcker, outlined their opposition to the majority's plan because of its long-term fiscal impacts.

In the article, they state that "Congress cannot simply conclude that deficits don't matter. Over the long term, deficits matter a great deal. They lower future economic growth by reducing the level of national savings that can be devoted to productive investments. They raise interest rates higher than they would be otherwise. They raise interest payments on the national debt. They reduce the fiscal flexibility to deal with unexpected developments. If we forget these economic consequences, we risk creating an insupportable tax burden for the next generation."

We cannot in good conscience pass along an unconquerable debt to future generations. Further, we should not be enacting unbalanced tax cuts that will fail to stimulate the economy.

For example, the Republican tax package is heavily weighted toward the top 0.1 percent of income earners (those making over $1 million annually) with approximately 25 percent of the $550 billion package going to this top 0.1 percent. This amount is equal to what 90 percent of the rest of all taxpayers will see from the proposal.

This imbalance is highlighted in the most talked about portions of this legislation, the dividend and capital gains tax cuts. These cuts will do little if anything to stimulate the economy and will be of very little benefit to most Americans. In fact, nearly 80 percent of Americans making less than $100,000 per year report no dividend income. Further, the Republicans attempt to mask the total cost of their proposal by sunsetting many of their cuts after five years. With a plan that excludes the vast majority of Americans, it is not surprising that economic experts from across the political spectrum have stated clearly that the Republican plan makes little sense at this time.

A statement issued by ten Nobel prize winning economists on February 10, 2003, supports this point. It reads "regardless of how one views the specifics of the Bush plan, there is wide agreement that its purpose is a permanent change in the tax structure and not the creation of jobs and growth in the near-term. The permanent dividend tax cut, in particular, is not credible as short-term stimulus. As tax reform, the dividend tax cut is misdirected in that it targets individuals rather than corporations, is overly complex, and could be, but is not, part of a revenue-neutral tax reform effort."

What makes the least sense is that the Republicans are moving this ineffective tax cut package at exactly the worst moment in our Nation's history, when we have 80 million baby boomers rapidly approaching retirement age and starting to enter the Social Security and Medicare systems. Instead of the irresponsible budget before us, we should be practicing fiscal discipline to get the Nation on sound fiscal footing in anticipation of that demographic time bomb going off.

We have an alternative proposal ready that offers real and responsible economic stimulus, while ensuring the viability of Social Security and Medicare. Unfortunately, the majority has refused to allow debate on this Democratic alternative.

The alternative focuses on the middle class by permanently increasing the child tax credit, ending the marriage penalty tax, and providing $32 billion to small businesses so they can expand and create jobs. Most importantly, however, the Democratic plan is fast acting, will create more jobs than the Republican plan, and is fully paid for so our children and grandchildren are not left holding a bag full of I.O.U.s and debt.

The Democratic plan also extends unemployment benefits to some of the 2.7 million workers who have lost their jobs, mostly in manufacturing, since President Bush took office. This is particularly important for my home state of Wisconsin, which had the third highest rate of new unemployment filings in March. Economists estimate this investment in our workforce will yield $1.73 in economic growth for every $1 invested, compared to $0.09 for every dollar spent in the majority's plan.

The President has gotten everything he has requested for the economy from Congress, and the results show the worst economic performance under any President in the last 50 years. Now is the time to stop the bleeding, and start making responsible fiscal decisions. It is time to start investing in our children, instead of borrowing against their future.

I urge my colleagues to reject the majority's irresponsible tax package and pass the motion to recommit so that we can bring forward the Democratic alternative.

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to express my outrage at this irresponsible, not to mention unfair, tax bill that the majority has concocted.

This bill is full of gimmicks to hide its real cost, but when all is said and done, the total cost of the President's package combined with his previously enacted tax cuts will result in a $2.8 trillion deficit by 2013.

$2.8 trillion.

That's some feat considering that this President inherited a $5.6 trillion surplus.

This bill is beyond irresponsible. And, if that weren't bad enough, this plan is unfair.

Those at the very top will get a generous tax cut, but those at the bottom will do no better.

In the first year, households with incomes of more than $1 million would receive an average tax cut of over $93,000, while households earning between $40,000 and $50,000 would average a cut of only $452.

Despite their claims to the contrary, there is no evidence that this bill will create even one job.

Nor will it lead to sustained, long-term economic growth. It will undermine our economy and create record deficits that will burden our future generations.

The simple truth is that Republicans designed this bill to give their wealthy friends huge tax breaks, while offering nothing for those who truly need tax relief—the working families and individuals of America.

What little help they do offer to the middle class expires at the end of 2005, while the capital gains and dividend tax cuts continue through 2013. But, it's no secret that the majority intends to extend them indefinitely thereafter.

They did it before, and you had better believe that they'd do it again. And when they do, this $550 billion plan will end up costing us more than $1 trillion.

This bill is unacceptable.

We can do better. We have the ability, we have the capacity to do better, and we must do better. We owe it to the hardworking Americans who won't benefit under this bill.

And, we owe it to the 2.7 million people who've lost their jobs since President Bush took office. This bill has no compassion for them. They're left out in the cold under this proposal.

It is a shame and it is a disgrace. I just don't understand it.

I can't for the life of me understand how we can spend billions of dollars to rebuild Iraq—to build schools, to provide health care—yet we can't find a cent for our unemployed here at home.

That is not right, that is not fair, and that is not just.

As a great nation, we must do better.

I urge my colleagues to vote no on this irresponsible and unfair bill.

Mr. THOMPSON of California. Mr. Speaker, on April 24, President Bush told the workers of Canton, Ohio that the best way to solve the deficit is to grow the revenues—and have fiscal sanity in Washington, DC.

As a member of the Blue Dog Coalition, I've been championing fiscal sanity since I first came to Congress. But, I just don't see the fiscal sanity of passing a $550 billion tax cut package that we flat out can't afford.

Especially when it's a tax package touted as help for the working person and the elderly but structured to help those in the top income brackets.

The corner stone of this bill is a proposal to reduce the tax paid on dividends and capital gains.

We've heard all about how this is going to stimulate the economy and create jobs, and boy is it ever going to help out seniors, with over half of them receiving dividend income.

Well, yes. Over half of our Nation's seniors receive dividend income. And, this bill will cut their taxes. But, if they make less than $50,000 a year, their tax cut will be a grand total of $44.

Since the average senior income is far less than $50,000, it doesn't seem that this bill is going to help seniors as much as some might like you to think.

And, this bill certainly doesn't help America's workers as much as some might like you to think.

The White House claims that this bill will create 190,000 jobs in this year alone. That's great, because the Labor Department says that we just lost 190,000 jobs in March and April. In fact, we've lost 2.7 million jobs since the last round of tax cuts were passed—over 239,000 in California alone.

And this new tax bill doesn't mean more jobs for California. In fact, this tax bill doesn't do anything good for California.

Over 146,000 jobs will be lost and state revenue will be cut by more than $1.2 billion. And, at the end of the day, most Californians, 47 percent, will get a tax cut of less than $100.

Where's the fiscal sanity in growing the deficit through a $550 billion tax cut, when the people who really need our help aren't the ones who are getting it?

Right now, this country is over $6.4 trillion in debt.

We increased our debt limit by $450 billion just 10 months ago—and we've already spent all of it. Now, we are trying to increase the debt limit by an additional $980 billion.

But, it doesn't look like that increase will come in time; it seems we've spent our money so quickly that we need to borrow an additional $79 billion just to meet our bills in May and June.

If we can't pay our bills now, how are we going to do it once we've shrunk revenues by $550 billion? Will we just borrow more?

At the rate we're going, this Nation is going to be over $12 trillion in debt within 10 years.

And, don't forget—we pay interest on that debt. Today, it costs us over $1 billion a day. Ten years from now, under a best case scenario of interest rates not going up, it will cost us over $2 billion a day.

Some say that debt only matters in comparison to our GDP. Well, if things don't change, by 2013 our debt will be almost 50 percent of our GDP. That matters. And, it matters now, when debt is almost 35 percent of our GDP.

Debt does matter. Deficits do matter.

They matter less in times of war, but they are still critically important factors in our overall economic security.

And, passing measures that will only worsen our economic projections and pass the buck—and the bill—to future generations is neither fiscally responsible nor fiscally sane.

Mr. BACA. Mr. Speaker, I rise in opposition to H.R. 2. This is simply another tax cut for the rich that will have no real effect on the economy. Its only effect will be to put more Americans out of work, and leave more Americans out of luck.

Let's be honest with the American people, this bill is about overhauling the Tax Code bit by bit until working families pay the lion's share of the taxes. It has nothing to do with getting the economy moving again.

This package fails to create jobs or create the conditions for an economic recovery. Ironically enough, this bill that the Republicans are calling an economic stimulus plan actually does the exact opposite.

It fails to extend the unemployment benefits that millions of Americans are depending on to pay for groceries, utilities, and rent, and makes it more difficult for Americans to get back to work.

And it pushes us into the abyss of deficit spending, which will only create more drag on the economy.

It just doesn't make sense.

Four hundred economists, including eight Nobel Prize winners and FED Chairman Greenspan, have all expressed severe doubts about whether this bill will do anything other than jeopardize Social Security and increase the deficit to $1.4 trillion.

While school districts are suffering from the nationwide State budget crisis, Republicans aim to deny States the money owed to them from the No Child Left Behind Act. While the shelves at food banks are empty Republicans are cutting back on government programs like food stamps, welfare and others that help people during difficult times.

How is this bill going to stimulate the economy? Only 9 percent of the tax cuts would take place this year. The rest of the plan centers on the President's dividend tax cut. It cuts the tax on stocks and dividends by more than 50 percent. American working families don't live from dividend check to dividend check; they live from paycheck to paycheck.

Last, we should remember that the war in Iraq didn't cause the massive budget deficit. The deficit is due to the millionaire-only tax cut that Congress passed 2 years ago. The deficit has only grown worse because of the Bush economy, the war, and corporate scandals in the last year.

We cannot afford to make the same mistake twice. American working families deserve better.

Mr. Speaker, I will not vote for this, and I encourage my colleagues on both sides of the aisle to call for a real economic stimulus plan and a budget that will help put American working families back on their feet.

Mr. FRELINGHUYSEN. Mr. Speaker, today, I rise in strong support of H.R. 2, the Jobs and Growth Tax Act. It is clear our Nation's economy needs a spark, and I believe H.R. 2 will provide that needed spark.

The President said that we need more demand for goods and services so more Americans can find work, and I agree. The best way to encourage demand for goods and services is to let taxpayers keep their hard-earned money.

Our economic growth plan calls for speeding up the historic tax relief we passed in 2001 so individuals and families get the benefits of those tax cuts today, when we need it most. Under the House plan, nearly every American who pays income taxes will get much needed tax relief.

This tax relief will help small business men and women expand their businesses. The job growth measures contained in this bill means an average of nearly 20,000 jobs will be created in New Jersey, each year for the next 4 years—with 25,000 jobs created in 2004 alone.

It will also mean for nearly 800,000 parents in New Jersey, a check—this year, within weeks of the bill's signing—for up to $400 for each eligible child who qualifies for the increased child tax credit, which under current law stands at $600 per child, but under the bill we passed today would be increased to $1,000.

Ninety-two million American taxpayers would receive, on average, a tax cut of $1,083 in 2003—putting nearly $100 billion back into the economy over the next 12 months.

Three million moderate-income families would see their income tax burden eliminated entirely.

The marriage tax penalty would be reduced for working couples this year, instead of waiting until 2009. In New Jersey, this means relief for nearly 1.2 million married couples.

America has made tremendous strides in the strengthening of our national security, and now we must take steps that are just as bold to protect our economic security. Tax relief that will help create jobs, let taxpayers keep more of the hard-earned money and immediately inject millions into our market-based economy is the answer.

For those reasons and more, H.R. 2 is an important step on the path toward renewed economic growth and job security for all Americans. I urge my colleagues to vote in favor of H.R. 2.

Mr. WELDON of Florida. Mr. Speaker, I rise in strong support of H.R. 2, the Jobs and Growth Tax Reconciliation Act of 2003. This economic plan will lead to the creation of jobs and stimulate our economy both in the short-term and the long-term.

This plan provides much needed tax relief for seniors, families and for small businesses all with the aim of creating jobs and getting our economy going.

First, as an age group, senior citizens will be the most benefited by cutting the dividend tax. Seniors are more likely than most Americans to own dividend-paying stocks, receiving 47 percent of all dividends.

Since 1978, half of all dividend-paying stocks have stopped paying dividends, primarily because they are double taxed by the Federal Government. A drastic reduction in the dividend tax will (1) encourage businesses to pay higher dividends, (2) give a more dependable return on investments, and (3) lead to better corporate accountability.

Many seniors took the necessary steps to provide for their retirement and double taxation of dividends hurts them and must be eliminated. Eliminating the double taxation of dividends will put billions of dollars back into the economy each year and enhance the retirement savings of all Americans.

Small businesses are the backbone of our economy and unfortunately they are being taxed out of business. Passage of the President's tax plan will provide small businesses with significant tax incentives to expand their operations. Specifically, the bill will boost the economy by allowing small businesses to writeoff in the first year, $100,000 in new equipment purchases. Current law allows them to deduct only $25,000. This level of tax relief will lead to equipment purchases, which will in turn create jobs and increase productivity.

In addition to the provisions above, other provisions of the tax bill will further benefit American families, who are hardest hit by Federal tax policies.

Adoption of the President's tax plan will increase and expand the child tax credit to $1,000 per child today, instead of waiting until 2010 as is in the current law. The bill also cuts the marriage penalty, which unfairly forces married couples to pay more in taxes.

Increasing the per child tax credit and cutting the marriage penalty, empowers American families by letting them keep more of the money they have worked so hard to earn.

This is vital legislation and I urge my colleagues, for the sake of America's workers, seniors and families, to vote yes for H.R. 2, the Jobs Growth Tax Reconciliation Act of 2003.

Mr. SCHIFF. Mr. Speaker, scores of Americans continue to lose their jobs each day, the deficit climbs to new and unprecedented heights, states and local communities struggle to find the resources to protect their communities from potential terrorist threats, and we have only made a downpayment on the expenses of the war on terrorism.

These are not circumstances which cry out for a half-trillion dollar tax cut. Far from it—they call for prudence, for fiscal responsibility, and for an acknowledgement that the government cannot denude itself of the ability to defend itself by increasing spending and cutting taxes with no end in sight.

I rise today to urge my colleagues to oppose this fiscally irresponsible tax plan that will only saddle future generations with enormous debt and put us on a path of almost permanent deficits.

Over the last 2 years, a staggering 2.7 million private sector jobs have been lost and the number of people unemployed for 6 months or longer has tripled. My Democratic colleagues have responded to this crisis by delivering a job creation plan to jumpstart our economy and put Americans back to work. By putting money directly in the pockets of those who need it most and those most likely to spend it, the Democratic plan will get our economy moving again.

The House leadership plan, on the other hand, ignores the desires and demands of Americans. By making room for a dividend tax cut proposal and tax cuts for the wealthy, the House leadership has indicated a willingness to sacrifice funding for important domestic priorities such as education, health care, and a significant Medicare prescription drug benefit.

We must work harder, we must do better, to ensure that budget decisions are made in a balanced and thoughtful way that maintains fiscal discipline, continues to pay down our debt, and supports priorities like Social Security and Medicare.

In years past, my colleagues on the other side of the aisle have touted the virtues of fiscal responsibility. I urge them to return to that position by joining us in embracing a fiscally responsible approach to stimulating our economy and providing relief and investment for all Americans.

Mr. CROWLEY. Mr. Speaker, this debate is all about jobs and job creation. One side has a plan, and the other side has failed ideas that have yet to help America or create one new job. Since George Bush assumed the Presidency, America has seen 2.7 million American jobs disappear. But what do the President and the Republicans think we should do—give millionaires a tax break on their stock dividends.

This will not create one new job. Even the conservative Wall Street Journal has stated that this Republican tax give-away will actually destroy job creation in America, something the Republicans have become very good at in 3 short years.

The Wall Street Journal states, "The elimination of taxes on dividends will diminish the abilities of businesses to take tax incentives on capital investment and R&D—things that actually create jobs".

All the while, Democrats support a plan that will actually create one million new jobs here in America, while extending unemployment benefits for the millions of Americans who have lost their jobs due to the failed economic policies of George Bush and the Republican Party.

Oppose Bush-onomics, which has seen the disappearance of over 3,100 jobs a day since January 2001 and start to fight for Americans and American jobs.

Mr. PASTOR. Mr. Speaker, I rise today in total and complete opposition to this ill-advised legislation that masquerades as a vehicle for creating jobs. There is nothing, I repeat, nothing in this bill that will create any jobs.

The President has traveled throughout the country saying this is a jobs bill and if we, once again, give massive tax cuts to the top 10 percent of earners in this country, we will have more jobs. Nothing could be further from the truth.

Have we forgotten that in this very month, just 2 years ago, we passed the Economic Growth and Tax Relief Reconciliation Act which cut taxes by $1.35 trillion. And, do the Members of this House realize that unemployment, now, 2 years later, remains at 6 percent. This House passed one of the largest tax cuts in the history of the Nation in 2001, in hopes of creating jobs and growing the economy, and we have created no jobs, in fact, we have lost almost 2.7 million private sector jobs, and the economy grows at a measly 1.6 percent, the weakest economic growth in 50 years.

Bottom line, Mr. Speaker, huge tax cuts for upper income individuals do nothing to create jobs.

What this bill will do, though, is continue to add to the Nation's debt. This tax cut will mean that we will have annual budget deficits year after year after year. This House has already passed a budget resolution with a projected deficit of $385 billion in fiscal year 2004. And, if we don't use the Social Security trust fund to mask this deficit, we are going to put ourselves $558.4 billion further in debt just this year.

Economist after economist, including Alan Greenspan who testified to the Financial Services Committee just last week, say that the increased deficits caused by these tax cuts will actually damage the economy. Even our own Congressional Budget Office has said that the effect of this tax cut is not obvious.

Mr. Speaker, over 74,000 hardworking Americans are losing their jobs every month. In the last 3 months, more than a half million people have lost their jobs. The President and this House choose to address that crisis by providing another massive tax cut to the wealthiest of Americans, in hopes that this will somehow put these people back to work. I must admit that I am missing the logic in this argument. And the millions of Americans who have lost their jobs since the last tax cut in May 2001 are also missing the logic, in fear.

Mr. Speaker, we should send this bill back to the committee and to the White House and ask that they come back with meaningful and serious proposals to move this economy forward. If we want to cut taxes, cut the taxes of those middle class Americans who will actually put that money back into the economy. If we want to create jobs, let's pass legislation that increases educational and training programs and makes sure that large and small businesses invest their funds in programs to put people back to work. This bill does neither.

It is time for serious solutions to serious problems. Politically motivated tax cuts for the wealthiest of Americans will not help the elderly pay for their prescription drugs. These tax cuts will not help the unemployed father live his dream of putting his children through college. These tax cuts will do nothing to help the single mother, who works in a factory or cleans 50 hotel rooms a day, find a better job in hopes of giving her children a better life.

Let us reject this masquerade. Let us do something to help those who need our help.

Mrs. McCARTHY of New York. Mr. Speaker, I rise in opposition to this bill because it is a shortsighted attempt to appease special interests at the expense of driving our country deeper into debt and shortchanging important programs.

America is going through very trying times. The economy is stagnant, unemployment is up, consumer confidence is down and our Armed Forces have just fought a war with Iraq. Tax relief and stimulating the economy for Long Island have been my priorities since I came to Congress, and given the current state of the economy, are critical now more than ever.

The debate surrounding an economic stimulus package comes down to simply asking the question, "What stimulates the economy?" There is a fine balance between giving our economy a shot in the arm, slowing the growth of the deficit, giving families and small businesses the tax relief they need and protecting our country's national security concerns.

Today's proposal falls short of achieving this balance because the bulk of its stimulus is aimed at providing dividend and capital gains tax relief. This $280 billion proposal, more than half the cost of the entire bill, does not provide our economy the bang for the buck needed for future growth.

In fact, I'm concerned this proposal could actually have serious impacts on other segments of the economy. For example, if we provide special tax treatment for companies that offer dividends, what happens to smaller companies who do not offer dividends, but instead use additional income to invest in their company, i.e. technology, etc.? Would they have a difficult time attracting investors? Moreover, what happens to the bond market? Municipalities rely heavily on bonds to finance school construction and other public works projects. How will they compete against companies that offer dividends with this new tax treatment?

Instead of spending the bulk of a stimulus plan on a proposal that only benefits companies offering dividends, we should help the areas of our economy that could benefit most from a stimulus. For example, State and local governments are struggling as the faltering economy has caused huge fiscal problems for the States, at the same time that States need to spend more on critical investments, such as homeland security, healthcare, and education. In fact, States are facing budget deficits in the range of $60 to $85 billion for State fiscal year 2004, larger than any time in the last half-century.

We can help our States by investing in infrastructure and homeland security projects that create jobs and lower unemployment. In addition, it would cost a fraction of the $280 billion dividend proposal Republicans insist on passing today.

What I find equally upsetting is the disregard for our national debt. This bill pushes our country $550 billion deeper into debt. And although Republicans claim that going deeper in debt is necessary to get out of debt, you must carefully examine the policies that claim to bring us back into balance. Unfortunately, Republicans have failed to show why we should support a dividend tax break instead of helping our States and middle-income households. If we are going into debt, it shouldn't be on the back of flawed policy.

As the majority, House leadership could have allowed plenty of time to debate the merits of their proposal, but instead they choose not to allow anyone to offer amendments and limit debate to 2 hours. This blatant disregard of the Democratic process is yet another example of this Republican Congress cowering to special interests and forcing another flawed policy on the American people. This take it or leave it attitude does nothing to improve the state of our ailing economy. It does, however, jeopardize what we leave behind to our children.

Mr. UDALL of New Mexico. Mr. Speaker, as the national data continue to show how bad this Bush recession really is hurting the American people, the GOP majority has once again missed a golden opportunity to pass an economic growth plan that really helps working men and women, the very people who have suffered the most under this administration's unsound policies.

Today, we have before us an irresponsible $550 billion Republican tax bill that is based on the President's goal of eliminating taxes on dividend income and continues the Republican mismanagement of our Nation's economy by recklessly borrowing from future generations to reward the wealthy.

I support an alternative economic growth plan that creates over 1 million jobs, provides assistance to individuals, small businesses and States through a fair distribution of benefits without gimmicks, and makes investments in homeland security, infrastructure, and health care. I support a plan that provides for greater economic stability by committing to fiscal responsibility, preserving Social Security, and ensuring minimal long-term debt. Even Federal Reserve Chairman Alan Greenspan recently has reiterated his position that the Nation is best served when the cost of any new tax cuts are offset, something the Rangel plan does. The cost of the Rangel plan is offset by suspending scheduled future tax cuts for the top two income tax brackets—taxpayers with incomes about $151,300.

The plan I support, offered by Mr. Rangel, provides a stark contrast to the Bush administration's indifference to the growing unemployment crisis. Over 2 million jobs have been lost since 2001. It is therefore critical that we extend emergency unemployment benefits for another 6 months and also increase benefits by 13 weeks to 26 weeks total. The Rangel plan does exactly that. But again, just like last year, the majority is not addressing these real needs to help the unemployed—those who are, in fact, most likely to actually spend money and get our economy back on track. We cannot wait for unemployment benefits to expire before we act.

Another stark contrast between the Rangel plan and the Bush plan is the assistance provided for State and local governments. With collective State and local deficits of $200 billion from fiscal year 2002–2004, the Federal Government has a major responsibility to help our State and local governments in many key areas such as health care, homeland security and infrastructure. We should provide assistance to State and local governments. This will bolster national security and create jobs by temporarily expanding the Federal Medicaid Assistance Percentage (FMAP). We should target money to Homeland Security and infrastructure projects that are ready to go.

The Rangel plan would also expand the child tax credit, thereby covering nearly 2 million additional children and boosting the level of the child tax credit from $600 to $800 per child. The income threshold would be dropped from $10,000 to $7,500 and the percentage of the credit that would be refundable for lower-income taxpayers would be increased from 10 to 15 percent. In addition, I would accelerate the start of marriage penalty relief, boosting current law standard deduction and EITC provisions.

I also believe that we should accelerate the 10 percent income bracket and immediately expand the 10 percent marginal income tax rate to 2008 levels, from $6,000 to $7,000 for single individuals and from $12,000 to $14,000 for married taxpayers filing jointly. Providing the targeted tax relief to this bracket and marginal income tax rate will have a much stronger stimulating effect on the economy instead of targeting the wealthiest in America who will end up saving instead of spending anyway.

Furthermore, I believe Congress and the President must focus on job creation for small businesses and foster U.S.-based production by including business investment incentives to create and retain jobs in the United States.

This can be done by allowing greater small business expensing and bonus depreciation and by closing the most egregious tax shelter loopholes and corporate expatriation techniques. Under the Rangel plan, small businesses would be allowed to expense up to $75,000 of new investment costs, a $50,000 increase from the current $25,000 that businesses are allowed to expense. Additionally, all companies would benefit from bonus depreciation that is revised to provide for 50 percent bonus depreciation over the next 12 months and a 30 percent bonus for the last half of 2004. Also, the Rangel plan would repeal the Foreign Sales Corporation (FSC)/Extraterritorial Income (ETI) Tax Program and replace it with a corporate rate deduction for domestic manufacturers. This would provide American companies with a strong incentive to maintain and expand their operations in the United States, protect and create jobs and allow U.S. manufacturers to remain competitive in the global marketplace.

Our country needs responsible tax policies that do not further increase the deficit already built up under this administration's watch. Apparently the majority believes the only way to create jobs is by borrowing more money, ignoring the current deficit, and increasing the national debt. I disagree with this strategy. I disagree with their plan. And I strongly oppose passage of this misnamed jobs and growth plan.

Unfortunately, the Rangel plan will not be given the vote it deserves on the House floor today. I am confident that if the American people really knew what was in the Thomas plan, every Member of Congress would hear the outcry from their constituents to vote no on it. Apparently the majority is concerned about the same. How else can one explain the all-too-familiar blow they strike at the Democratic process by not allowing a substitute to come to the floor?

I urge my colleagues to vote no on the Thomas plan, vote yes on the motion to recommit and support a responsible and effective stimulus plan.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Pursuant to House Resolution 227, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. RANGEL. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. RANGEL moves to recommit the bill, H.R. 2, with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Jobs and Growth Reconciliation Tax Act of 2003".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; references; table of contents.

TITLE I—IMMEDIATE STIMULUS AND JOB CREATION

Subtitle A—Family Tax Relief

Sec. 101. Acceleration of increase in child tax credit.
Sec. 102. Increase in standard deduction for married taxpayers filing joint returns accelerated.
Sec. 103. Acceleration of 10-percent individual income tax rate bracket expansion.
Sec. 104. Acceleration of elimination of marriage penalty in earned income credit.

Subtitle B—Incentives to Hire the Long-Term Unemployed

Sec. 111. Incentives to hire the long-term unemployed.

Subtitle C—Extension of Unemployment Benefits

Sec. 121. Short title.

PART I—TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION

Sec. 131. References.
Sec. 132. Extension of the Temporary Extended Unemployment Compensation Act of 2002.
Sec. 133. Entitlement to additional weeks of temporary extended unemployment compensation.
Sec. 134. Extended benefit periods.

PART II—UNEMPLOYMENT BENEFITS FOR INDIVIDUALS QUALIFYING BASED ON PART-TIME WORK OR AN ALTERNATIVE BASE PERIOD

Sec. 141. Federal-State agreements.
Sec. 142. Payments to States having agreements under this part.
Sec. 143. Financing provisions.
Sec. 144. Definitions.
Sec. 145. Applicability.

PART III—ENHANCED UNEMPLOYMENT BENEFITS

Sec. 151. Federal-State agreements.
Sec. 152. Payments to States having agreements under this part.
Sec. 153. Definitions.
Sec. 154. Applicability.

Subtitle D—Trust Fund to Meet Nation's Pressing Needs

Sec. 161. Trust fund to meet nation's pressing needs.

TITLE II—LONG-TERM JOB CREATION AND GROWTH

Sec. 201. Increase and extension of bonus depreciation.
Sec. 202. Increased expensing for small business.
Sec. 203. Deduction relating to income attributable to United States production activities.

TITLE III—FISCAL RESPONSIBILITY AND PROVISIONS ADDRESSING CORPORATE ABUSE

Subtitle A—General Provisions

Sec. 301. Freeze of top individual income tax rates.
Sec. 302. Restoration of phaseouts of deductions for personal exemptions and of itemized deductions.
Sec. 303. Repeal of exclusion for extraterritorial income.

Subtitle B—Abusive Tax Shelter Shutdown and Taxpayer Accountability

PART I—PROVISIONS DESIGNED TO CURTAIL TAX SHELTERS

Sec. 311. Clarification of economic substance doctrine.
Sec. 312. Penalty for failing to disclose reportable transaction.

Sec. 313. Accuracy-related penalty for listed transactions and other reportable transactions having a significant tax avoidance purpose.
Sec. 314. Penalty for understatements attributable to transactions lacking economic substance, etc.
Sec. 315. Modifications of substantial understatement penalty for nonreportable transactions.
Sec. 316. Tax shelter exception to confidentiality privileges relating to taxpayer communications.
Sec. 317. Disclosure of reportable transactions.
Sec. 318. Modifications to penalty for failure to register tax shelters.
Sec. 319. Modification of penalty for failure to maintain lists of investors.
Sec. 320. Modification of actions to enjoin certain conduct related to tax shelters and reportable transactions.
Sec. 321. Understatement of taxpayer's liability by income tax return preparer.
Sec. 322. Penalty on failure to report interests in foreign financial accounts.
Sec. 323. Frivolous tax submissions.
Sec. 324. Regulation of individuals practicing before the department of treasury.
Sec. 325. Penalty on promoters of tax shelters.
Sec. 326. Statute of limitations for taxable years for which listed transactions not reported.
Sec. 327. Denial of deduction for interest on underpayments attributable to nondisclosed reportable and noneconomic substance transactions.

PART II—OTHER PROVISIONS

Sec. 331. Limitation on transfer or importation of built-in losses.
Sec. 332. Disallowance of certain partnership loss transfers.
Sec. 333. No reduction of basis under section 734 in stock held by partnership in corporate partner.
Sec. 334. Repeal of special rules for fasits.
Sec. 335. Expanded disallowance of deduction for interest on convertible debt.
Sec. 336. Expanded authority to disallow tax benefits under section 269.
Sec. 337. Modifications of certain rules relating to controlled foreign corporations.
Sec. 338. Basis for determining loss always reduced by nontaxed portion of dividends.
Sec. 339. Affirmation of consolidated return regulation authority.

Subtitle C—Prevention of Corporate Expatriation To Avoid United States Income Tax

Sec. 341. Prevention of corporate expatriation to avoid United States income tax.

Subtitle D—Inclusion in Gross Income of Funded Deferred Compensation of Corporate Insiders

Sec. 351. Inclusion in gross income of funded deferred compensation of corporate insiders.

TITLE I—IMMEDIATE STIMULUS AND JOB CREATION

Subtitle A—Family Tax Relief

SEC. 101. ACCELERATION OF INCREASE IN CHILD TAX CREDIT.

(a) IN GENERAL.—The items relating to calendar years 2001 through 2008 in the table contained in paragraph (2) of section 24(a) (relating to per child amount) are amended to read as follows:

"2003 thru 2009	$ 800
2010 or thereafter	1,000".

(b) ACCELERATION OF INCREASE IN REFUNDABLE PORTION OF CREDIT.—

(1) IN GENERAL.—Clause (i) of section 24(d)(1)(B) is amended to read as follows:

"(i) 15 percent of so much of the taxpayer's earned income (within the meaning of section 32) which is taken into account in computing taxable income for the taxable year as exceeds $7,500, or".

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 24(d) is amended—

(A) by striking "$10,000" and inserting "$7,500", and

(B) by striking "2000" and inserting "2002".

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 102. INCREASE IN STANDARD DEDUCTION FOR MARRIED TAXPAYERS FILING JOINT RETURNS ACCELERATED.

(a) IN GENERAL.—Subparagraph (A) of section 63(c)(2), as amended by the Economic Growth and Tax Relief Reconciliation Act of 2001, is amended by striking "the applicable percentage of" and inserting "twice".

(b) CONFORMING AMENDMENTS.—

(1) Section 301(d) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking "2004" and inserting "2002".

(2) Section 63(c) is amended by striking paragraph (7).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 103. ACCELERATION OF 10-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET EXPANSION.

(a) IN GENERAL.—Clause (i) of section 1(i)(1)(B) (relating to the initial bracket amount) is amended by striking "($12,000 in the case of taxable years beginning before January 1, 2008)".

(b) INFLATION ADJUSTMENT.—Subparagraph (C) of section 1(i)(1) is amended to read as follows:

"(C) INFLATION ADJUSTMENT.—In prescribing the tables under subsection (f)—

"(i) no adjustment shall be made in the $14,000 amount for any taxable year beginning before 2004, and

"(ii) the adjustment in such amount with respect to taxable years beginning after 2003 shall be determined under subsection (f)(3) by substituting '2003' for '1992' in subparagraph (B) thereof."

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(2) TABLES FOR 2003.—The Secretary of the Treasury shall modify each table which has been prescribed under section 1(f) of the Internal Revenue Code of 1986 for taxable years beginning in 2003 and which relates to the amendment made by this section to reflect such amendment.

SEC. 104. ACCELERATION OF ELIMINATION OF MARRIAGE PENALTY IN EARNED INCOME CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 32(b)(2) is amended to read as follows:

"(B) JOINT RETURNS.—In the case of a joint return filed by an eligible individual and such individual's spouse, the phaseout amount determined under subparagraph (A) shall be increased by $3,000."

(b) CONFORMING AMENDMENT.—Clause (ii) of section 32(j)(1)(B) is amended by striking "2007" and inserting "2002".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

Subtitle B—Incentives to Hire the Long-Term Unemployed

SEC. 111. INCENTIVES TO HIRE THE LONG-TERM UNEMPLOYED.

(a) IN GENERAL.—Paragraph (1) of section 51(d) (relating to members of targeted groups) is amended by striking "or" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", or", and by adding at the end the following new subparagraph:

"(I) a qualified long-term unemployed individual."

(b) QUALIFIED LONG-TERM UNEMPLOYED INDIVIDUAL.—Subsection (d) of section 51 is amended by redesignating paragraphs (10), (11), and (12) as paragraphs (11), (12), and (13), respectively, and by inserting after paragraph (9) the following new paragraph:

"(10) QUALIFIED LONG-TERM UNEMPLOYED INDIVIDUAL.—

"(A) IN GENERAL.—The term 'qualified long-term unemployed individual' means any individual who is certified by the designated local agency—

"(i) as having exhausted, during the 1-year period ending on the hiring date, all rights to regular unemployment compensation under State or Federal law, and

"(ii) as having a hiring date which is during the 1-year period beginning on the date of the enactment of this paragraph.

Subsection (c)(4) shall not apply to any qualified long-term unemployed individual.

"(B) EXHAUSTION OF BENEFITS.—For purposes of subparagraph (A), an individual shall be deemed to have exhausted such individual's rights to regular compensation when—

"(i) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period, or

"(ii) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

Subtitle C—Extension of Unemployment Benefits

SEC. 121. SHORT TITLE.

This subtitle may be cited as the "Unemployment Benefits Extension Act".

PART I—TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION

SEC. 131. REFERENCES.

Except as otherwise expressly provided, whenever in this part an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107-147; 26 U.S.C. 3304 note).

SEC. 132. EXTENSION OF THE TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2002.

(a) EXTENSION OF PROGRAM.—Section 208 is amended to read as follows:

"SEC. 208. APPLICABILITY.

"(a) IN GENERAL.—Subject to subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

"(1) beginning after the date on which such agreement is entered into; and

"(2) ending before March 1, 2004.

"(b) TRANSITION.—In the case of an individual who is receiving temporary extended unemployment compensation for the week which immediately precedes the first day of the week that includes March 1, 2004, temporary extended unemployment compensation shall continue to be payable to such individual for any week thereafter from the account from which such individual received compensation for the week immediately preceding that termination date. No compensation shall be payable by reason of the preceding sentence for any week beginning after October 31, 2004.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21).

SEC. 133. ENTITLEMENT TO ADDITIONAL WEEKS OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.

(a) WEEKS OF TEUC AMOUNTS.—Paragraph (1) of section 203(b) is amended to read as follows:

"(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to 26 times the individual's weekly benefit amount for the benefit year.".

(b) WEEKS OF TEUC–X AMOUNTS.—Section 203(c)(1) is amended by striking "an amount equal to the amount originally established in such account (as determined under subsection (b)(1))" and inserting "7 times the individual's weekly benefit amount for the benefit year".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section—

(A) shall take effect as if included in the enactment of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21); but

(B) shall apply only with respect to weeks of unemployment beginning on or after the date of enactment this Act, subject to paragraph (2).

(2) SPECIAL RULES.—In the case of an individual for whom a temporary extended unemployment account was established before the date of enactment of this Act, the Temporary Extended Unemployment Compensation Act of 2002 (as amended by this part) shall be applied subject to the following:

(A) Any amounts deposited in the individual's temporary extended unemployment compensation account by reason of section 203(c) of such Act (commonly known as "TEUC–X amounts") before the date of enactment of this Act shall be treated as amounts deposited by reason of section 203(b) of such Act (commonly known as "TEUC amounts"), as amended by subsection (a).

(B) For purposes of determining whether the individual is eligible for any TEUC–X amounts under such Act, as amended by this part—

(i) any determination made under section 203(c) of such Act before the application of the amendments made by this part shall be disregarded; and

(ii) any such determination shall instead be made by applying section 203(c) of such Act, as amended by this part—

(I) as of the time that all amounts established in such account in accordance with section 203(b) of such Act (as amended by this part, and including any amounts described in subparagraph (A)) are in fact exhausted, except that

(II) if such individual's account was both augmented by and exhausted of all TEUC–X amounts before the date of enactment of this Act, such determination shall be made as if exhaustion (as described in section 203(c)(1) of such Act) had not occurred until such date of enactment.

SEC. 134. EXTENDED BENEFIT PERIODS.

(a) APPLICATION OF REVISED RATE OF INSURED UNEMPLOYMENT.—Section 207 is amended—

(1) by striking "In" and inserting "(a) IN GENERAL.—In"; and

(2) by adding at the end the following:

"(b) INSURED UNEMPLOYMENT RATE.—For purposes of carrying out section 203(c) with respect to weeks of unemployment beginning on or after the date of enactment of this subsection, the term 'rate of insured unemployment', as used in section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note), has the meaning given such term under section 203(e)(1) of such Act, except that individuals exhausting their right to regular compensation during the most recent 3 calendar months for which data are available before the close of the period for which such rate is being determined shall be taken into account as if they were individuals filing claims for regular compensation for each week during the period for which such rate is being determined, and section 203(d)(1)(A) of such Act shall be applied by substituting 'either (or both)' for 'each'.".

(b) ADDITIONAL EXTENDED BENEFIT PERIOD TRIGGER.—

(1) IN GENERAL.—Section 203(c) is amended by adding at the end the following:

"(3) ADDITIONAL EXTENDED BENEFIT PERIOD TRIGGER.—

"(A) IN GENERAL.—Effective with respect to compensation for weeks of unemployment beginning on or after the date of enactment of this paragraph, an agreement under this title shall provide that, in addition to any other extended benefit period trigger, for purposes of beginning or ending any extended benefit period under this section—

"(i) there is a State 'on' indicator for a week if—

"(I) the average rate of total unemployment in such State (seasonally adjusted) for the period consisting of the most recent 3 months for which data for all States are published before the close of such week equals or exceeds 6 percent; and

"(II) the average rate of total unemployment in such State (seasonally adjusted) for the 3-month period referred to in subclause (I) equals or exceeds 110 percent of such average rate for either (or both) of the corresponding 3-month periods ending in the 2 preceding calendar years; and

"(ii) there is a State 'off' indicator for a week if either the requirements of subclause (I) or (II) of clause (i) are not satisfied.

"(B) NO EFFECT ON OTHER DETERMINATIONS.—Notwithstanding the provisions of any agreement described in subparagraph (A), any week for which there would otherwise be a State 'on' indicator shall continue to be such a week and shall not be determined to be a week for which there is a State 'off' indicator.

"(C) DETERMINATIONS MADE BY THE SECRETARY.—For purposes of this subsection, determinations of the rate of total unemployment in any State for any period (and of any seasonal adjustment) shall be made by the Secretary.".

(2) CONFORMING AMENDMENT.—Section 203(c)(1) is amended by inserting "or (3)" after "paragraph (2)".

PART II—UNEMPLOYMENT BENEFITS FOR INDIVIDUALS QUALIFYING BASED ON PART-TIME WORK OR AN ALTERNATIVE BASE PERIOD

SEC. 141. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this part with the Secretary of Labor (hereinafter in this part referred to as the "Secretary"). Any State which is a party to an agreement under this part may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—

(1) IN GENERAL.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of regular compensation to individuals in amounts and to the extent that they would be determined if the State law were applied with the modifications described in paragraph (2).

(2) MODIFICATIONS DESCRIBED.—The modifications described in this paragraph are as follows:

(A) In the case of an individual who is not eligible for regular compensation under the State law because of the use of a definition of base period that does not count wages earned in the most recently completed calendar quarter, eligibility for compensation under this part shall be determined by applying a base period ending at the close of the most recently completed calendar quarter.

(B) In the case of an individual who is not eligible for regular compensation under the State law because such individual does not meet requirements relating to availability for work, active search for work, or refusal to accept work, because such individual is seeking, or is available for, less than full-time work, compensation under this part shall not be denied by such State to an otherwise eligible individual who seeks less than full-time work or fails to accept full-time work.

(c) COORDINATION RULE.—The modifications described in subsection (b)(2) shall also apply in determining the amount of benefits payable under any Federal law to the extent that those benefits are determined by reference to regular compensation payable under the State law of the State involved.

SEC. 142. PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS PART.

(a) GENERAL RULE.—There shall be paid to each State which has entered into an agreement under this part an amount equal to—

(1) 100 percent of any regular compensation made payable to individuals by such State by virtue of the modifications which are described in section 141(b)(2) and deemed to be in effect with respect to such State pursuant to section 141(b)(1), and

(2) 100 percent of any regular compensation—

(A) which is paid to individuals by such State by reason of the fact that its State law contains provisions comparable to the modifications described in section 141(b)(2), but only

(B) to the extent that those amounts would, if such amounts were instead payable by virtue of the State law's being deemed to be so modified pursuant to section 141(b)(1), have been reimbursable under paragraph (1).

(b) DETERMINATION OF AMOUNT.—Sums under subsection (a) payable to any State by reason of such State having an agreement under this part shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this part for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(c) ADMINISTRATIVE AND OTHER EXPENSES.—There is hereby appropriated out of the employment security administration account of the Unemployment Trust Fund (as established by section 901(a) of the Social Security Act) $500,000,000 to reimburse States for the costs of the administration of agreements under this part (including any improvements in technology in connection therewith) and to provide reemployment services to unemployment compensation claimants in States having agreements under this part. Each State's share of the amount appropriated by the preceding sentence shall be determined by the Secretary according to the factors described in section 302(a) of the Social Security Act and certified by the Secretary to the Secretary of the Treasury.

SEC. 143. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act), and the Federal unemployment account (as established by section 904(g) of the Social Security Act), of the Unemployment Trust Fund shall be used, in accordance with subsection (b), for the making of payments (described in section 142(a)) to States having agreements entered into under this part.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums described in section 142(a) which are payable to such State under this part. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification by transfers from the extended unemployment compensation account (or, to the extent that there are insufficient funds in that account, from the Federal unemployment account) to the account of such State in the Unemployment Trust Fund.

SEC. 144. DEFINITIONS.

For purposes of this part:

(1) IN GENERAL.—The terms "compensation", "regular compensation", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970, subject to paragraph (2).

(2) STATE LAW AND REGULAR COMPENSATION.—In the case of a State entering into an agreement under this part—

(A) "State law" shall be considered to refer to the State law of such State, applied in conformance with the modifications described in section 201(b)(2), and

(B) "regular compensation" shall be considered to refer to such compensation, determined under its State law (applied in the manner described in subparagraph (A)),

except as otherwise provided or where the context clearly indicates otherwise.

SEC. 145. APPLICABILITY.

An agreement entered into under this part shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into, and

(2) ending before July 1, 2004.

PART III—ENHANCED UNEMPLOYMENT BENEFITS

SEC. 151. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this part with the Secretary of Labor (hereinafter in this part referred to as the "Secretary"). Any State which is a party to an agreement under this part may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—

(1) IN GENERAL.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of regular compensation to individuals in amounts and to the extent that they would be determined if the State law were applied with the modification described in paragraph (2).

(2) MODIFICATION DESCRIBED.—The modification described in this paragraph is that the amount of regular compensation (including dependents' allowances) payable for any week shall be equal to the amount determined under the State law (before the application of this paragraph), plus an additional—

(A) 15 percent, or

(B) $25,

whichever is greater.

(c) NONREDUCTION RULE.—Each agreement shall provide that such agreement shall not apply (or shall cease to apply) upon a determination by the Secretary that the method governing the computation of regular compensation under the State law of that State has been modified in a way such that—

(1) the average weekly amount of regular compensation which will be payable during the period of the agreement (determined disregarding the modification described in subsection (b)(2)) will be less than

(2) the average weekly amount of regular compensation which would otherwise have been payable during such period under the State law, as in effect on September 11, 2001.

(d) COORDINATION RULE.—The modification described in subsection (b)(2) shall also apply in determining the amount of benefits payable under any Federal law to the extent that those benefits are determined by reference to regular compensation payable under the State law of the State involved.

SEC. 152. PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS PART.

(a) GENERAL RULE.—There shall be paid to each State which has entered into an agreement under this part an amount equal to 100 percent of any regular compensation made payable to individuals by such State by virtue of the modification described in section 151(b)(2) and deemed to be in effect with respect to such State pursuant to section 151(b)(1).

(b) DETERMINATION OF AMOUNT.—Sums under subsection (a) payable to any State by reason of such State having an agreement under this part shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this part for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

SEC. 153. DEFINITIONS.

For purposes of this part:

(1) IN GENERAL.—The terms "compensation", "regular compensation", "extended compensation", "additional compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970, subject to paragraph (2).

(2) STATE LAW AND REGULAR COMPENSATION.—In the case of a State entering into an agreement under this part—

(A) "State law" shall be considered to refer to the State law of such State, applied in conformance with the modification described in section 151(b)(2), subject to section 151(c), and

(B) "regular compensation" shall be considered to refer to such compensation, determined under its State law (applied in the manner described in subparagraph (A)),

except as otherwise provided or where the context clearly indicates otherwise.

SEC. 154. APPLICABILITY.

(a) IN GENERAL.—An agreement entered into under this part shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into, and

(2) ending before January 1, 2004.

Subtitle D—Trust Fund to Meet Nation's Pressing Needs

SEC. 161. TRUST FUND TO MEET NATION'S PRESSING NEEDS.

(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Pressing Domestic Needs Trust Fund', consisting of such amounts as may be transferred to the Trust Fund as provided in this section.

(b) TRANSFERS TO FUND.—There are hereby transferred from the general Fund of the Treasury to the Pressing Domestic Needs Trust Fund so much of the additional amounts received in the Treasury by reason of the amendments made by title III of this Act as does not exceed—

(1) $18,000,000,000 to be used for increasing Federal matching funds under medicaid, and

(2) $26,000,000,000 to be used for infrastructure improvements, homeland security, community development, and education.

(c) EXPENDITURES.—Amounts in the Pressing Domestic Needs Trust Fund shall be available, as provided by appropriation Acts, for purposes and in the amount specified in subsection (b).

TITLE II—LONG-TERM JOB CREATION AND GROWTH

SEC. 201. INCREASE AND EXTENSION OF BONUS DEPRECIATION.

(a) IN GENERAL.—Section 168(k) (relating to special allowance for certain property acquired after September 10, 2001, and before September 11, 2004) is amended by adding at the end the following new paragraph:

"(4) 50-PERCENT BONUS DEPRECIATION FOR CERTAIN PROPERTY.—

"(A) IN GENERAL.—In the case of 50-percent bonus depreciation property—

"(i) paragraph (1)(A) shall be applied by substituting '50 percent' for '30 percent', and

"(ii) except as provided in paragraph (2)(C), such property shall be treated as qualified property for purposes of this subsection.

"(B) 50-PERCENT BONUS DEPRECIATION PROPERTY.—For purposes of this subsection, the term '50-percent bonus depreciation property' means property described in paragraph (2)(A)(i)—

"(i) the original use of which commences with the taxpayer after April 30, 2003,

"(ii) which is acquired by the taxpayer after April 30, 2003, and before May 1, 2004, but only if no written binding contract for the acquisition was in effect before May 1, 2003, and

"(iii) which is placed in service by the taxpayer before January 1, 2005, or, in the case of property described in paragraph (2)(B) (as modified by subparagraph (C) of this paragraph), before January 1, 2006.

"(C) SPECIAL RULES.—Rules similar to the rules of subparagraphs (B) and (D) of paragraph (2) shall apply for purposes of this paragraph; except that reference to September 10, 2001, shall be treated as references to April 30, 2003.

"(D) AUTOMOBILES.—Paragraph (2)(E) shall be applied by substituting '$9,200' for '$4,600' in the case of 50-percent bonus depreciation property.

"(E) ELECTION OF 30 PERCENT BONUS.—If a taxpayer makes an election under this subparagraph with respect to any class of property for any taxable year, subparagraph (A)(i) shall not apply to all property in such class placed in service during such taxable year."

(b) MODIFICATION TO 30-PERCENT BONUS DEPRECIATION PROPERTY.—

(1) PORTION OF BASIS TAKEN INTO ACCOUNT.—Subparagraphs (B)(ii) and (D)(i) of section 168(k)(2) are each amended by striking "September 11, 2004" each place it appears and inserting "January 1, 2005".

(2) ELECTION.—Clause (iii) of section 168(k)(2)(C) is amended by adding at the end the following: "The preceding sentence shall be applied separately with respect to property treated as qualified property by paragraph (4) and other qualified property."

(3) ACQUISITION DATE.—Clause (iii) of section 168(k)(2)(A) is amended by striking "September 11, 2004" each place it appears and inserting "January 1, 2005".

(c) CONFORMING AMENDMENTS.—

(1) The subsection heading for section 168(k) is amended by striking "SEPTEMBER 11, 2004" and inserting "JANUARY 1, 2005".

(2) The heading for clause (i) of section 1400L(b)(2)(C) is amended by striking "30-PERCENT ADDITIONAL ALLOWABLE PROPERTY" and inserting "BONUS DEPRECIATION PROPERTY UNDER SECTION 168(K)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 202. INCREASED EXPENSING FOR SMALL BUSINESS.

(a) IN GENERAL.—Paragraph (1) of section 179(b) (relating to dollar limitation) is amended to read as follows:

"(1) DOLLAR LIMITATION.—The aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $25,000 ($75,000 in the case of taxable years beginning in 2003 or 2004).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 203. DEDUCTION RELATING TO INCOME ATTRIBUTABLE TO UNITED STATES PRODUCTION ACTIVITIES.

(a) IN GENERAL.—Part VIII of subchapter B of chapter 1 (relating to special deductions for corporations) is amended by adding at the end the following new section:

"SEC. 250. INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.

"(a) IN GENERAL.—In the case of a corporation, there shall be allowed as a deduction an amount equal to 10 percent of the qualified production activities income of the corporation for the taxable year.

"(b) PHASEIN.—In the case of taxable years beginning in 2006, 2007, 2008 or 2009, subsection (a) shall be applied by substituting for the percentage contained therein the transition percentage determined under the following table:

"Taxable years beginning in:	The transition percentage is:
2006	1
2007	2
2008	4
2009	9

"(c) QUALIFIED PRODUCTION ACTIVITIES INCOME.—For purposes of this section, the term 'qualified production activities income' means the product of—

"(1) the portion of the modified taxable income of the taxpayer which is attributable to domestic production activities, and

"(2) the domestic/foreign fraction.

"(d) DETERMINATION OF INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.—For purposes of this section—

"(1) IN GENERAL.—The portion of the modified taxable income which is attributable to domestic production activities is so much of the modified taxable income for the taxable year as does not exceed—

"(A) the taxpayer's domestic production gross receipts for such taxable year, reduced by

"(B) the sum of—

"(i) the costs of goods sold that are allocable to such receipts,

"(ii) other deductions, expenses, or losses directly allocable to such receipts, and

"(iii) a ratable portion of other deductions, expenses, and losses that are not directly allocable to such receipts or another class of income.

"(2) ALLOCATION METHOD.—Except as provided in regulations, allocations under clauses (ii) and (iii) of paragraph (1)(B) shall be made under the principles used in determining the portion of taxable income from sources within and without the United States.

"(3) SPECIAL RULE.—

"(A) For purposes of determining costs under clause (i) of paragraph (1)(B), any item or service brought into the United States without a transfer price meeting the requirements of section 482 shall be treated as acquired by purchase, and its cost shall be treated as not less than its value when it entered the United States. A similar rule shall apply in determining the adjusted basis of leased or rented property where the lease or rental gives rise to domestic production gross receipts.

"(B) In the case of any property described in subparagraph (A) that had been exported by the taxpayer for further manufacture, the increase in cost (or adjusted basis) under subparagraph (A) shall not exceed the difference between the value of the property when exported and the value of the property when brought back into the United States after the further manufacture.

"(4) MODIFIED TAXABLE INCOME.—The term 'modified taxable income' means taxable income computed without regard to the deduction allowable under this section.

"(e) DOMESTIC PRODUCTION GROSS RECEIPTS.—For purposes of this section—

"(1) IN GENERAL.—The term 'domestic production gross receipts' means the gross receipts of the taxpayer which are derived from—

"(A) any sale, exchange, or other disposition of, or

"(B) any lease, rental or license of, qualifying production property which was manufactured, produced, grown, or extracted in whole or in significant part by the taxpayer within the United States.

"(2) SPECIAL RULE.—The term 'domestic production gross receipts' includes gross receipts of the taxpayer from the sale, exchange, or other disposition of replacement parts if—

"(A) such parts are sold by the taxpayer as replacement parts for qualified production property produced or manufactured in whole or significant part by the taxpayer in the United States, and

"(B) the taxpayer (or a related party) owns the designs for such parts.

"(3) RELATED PARTY.—The term 'related party' means any corporation which is a member of the taxpayer's expanded affiliated group.

"(f) QUALIFYING PRODUCTION PROPERTY.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'qualifying production property' means—

"(A) any tangible personal property,

"(B) any computer software, and

"(C) any films, tapes, records, or similar reproductions.

"(2) EXCLUSIONS FROM QUALIFYING PRODUCTION PROPERTY.—The term 'qualifying production property' shall not include—

"(A) consumable property that is sold, leased, or licensed by the taxpayer as an integral part of the provision of services,

"(B) oil or gas (or any primary product thereof),

"(C) electricity,

"(D) water supplied by pipeline to the consumer,

"(E) any unprocessed timber which is softwood,

"(F) utility services, or

"(G) any property (not described in paragraph (1)(B)) which is a film, tape, recording, book, magazine, newspaper, or similar property the market for which is primarily topical or otherwise essentially transitory in nature.

For purposes of subparagraph (E), the term 'unprocessed timber' means any log, cant, or similar form of timber.

"(g) DOMESTIC/FOREIGN FRACTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'domestic/foreign fraction' means a fraction—

"(A) the numerator of which is the value of the domestic production of the taxpayer, and

"(B) the denominator of which is the value of the worldwide production of the taxpayer.

"(2) VALUE OF DOMESTIC PRODUCTION.—The value of domestic production is the excess of—

"(A) the domestic production gross receipts, over

"(B) the cost of purchased inputs allocable to such receipts that are deductible under this chapter for the taxable year.

"(3) PURCHASED INPUTS.—

"(A) IN GENERAL.—Purchased inputs are any of the following items acquired by purchase:

"(i) Services (other than services of employees) used in manufacture, production, growth, or extraction activities.

"(ii) Items consumed in connection with such activities.

"(iii) Items incorporated as part of the property being manufactured, produced, grown, or extracted.

"(B) SPECIAL RULE.—Rules similar to the rules of subsection (d)(3) shall apply for purposes of this subsection.

"(4) VALUE OF WORLDWIDE PRODUCTION.—

"(A) IN GENERAL.—The value of worldwide production shall be determined under the principles of paragraph (2), except that—

"(i) worldwide production gross receipts shall be taken into account, and

"(ii) paragraph (3)(B) shall not apply.

"(B) WORLDWIDE PRODUCTION GROSS RECEIPTS.—The worldwide production gross receipts is the amount that would be determined under subsection (e) if such subsection were applied without any reference to the United States.

"(5) SPECIAL RULE FOR AFFILIATED GROUPS.—

"(A) IN GENERAL.—In the case of a taxpayer that is a member of an expanded affiliated group, the domestic/foreign fraction shall be the amount determined under the preceding provisions of this subsection by treating all members of such group as a single corporation.

"(B) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group as defined in section 1504(a), determined—

"(i) by substituting '50 percent' for '80 percent' each place it appears, and

"(ii) without regard to paragraphs (2), (3), and (4) of section 1504(b).

"(h) DEFINITIONS AND SPECIAL RULES.—

"(1) UNITED STATES.—For purposes of this section, the term 'United States' includes the Commonwealth of Puerto Rico and any other possession of the United States.

"(2) SPECIAL RULE FOR PARTNERSHIPS.—For purposes of this section, a corporation's distributive share of any partnership item shall be taken into account as if directly realized by the corporation.

"(3) COORDINATION WITH MINIMUM TAX.—The deduction under this section shall be allowed for purposes of the tax imposed by section 55; except that for purposes of section 55, alternative minimum taxable income shall be taken into account in determining the deduction under this section.

"(4) ORDERING RULE.—The amount of any other deduction allowable under this chapter shall be determined as if this section had not been enacted.

"(5) COORDINATION WITH TRANSITION RULES.—For purposes of this section—

"(A) domestic production gross receipts shall not include gross receipts from any transaction if the binding contract transition relief of section 303(c)(2) of the Jobs and Growth Reconciliation Tax Act of 2003 applies to such transaction, and

"(B) any deduction allowed under section 2(e) of such Act shall be disregarded in determining the portion of the taxable income which is attributable to domestic production gross receipts.".

(b) CLERICAL AMENDMENT.—The table of sections for part VIII of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 250. Income attributable to domestic production activities.".

(c) EFFECTIVE DATE.—

"(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after 2005.

"(2) APPLICATION OF SECTION 15.—Section 15 of the Internal Revenue Code of 1986 shall apply to the amendments made by this section as if they were changes in a rate of tax.

TITLE III—FISCAL RESPONSIBILITY AND PROVISIONS ADDRESSING CORPORATE ABUSE

Subtitle A— General Provisions

SEC. 301. FREEZE OF TOP INDIVIDUAL INCOME TAX RATES.

(a) FREEZE OF TOP INDIVIDUAL INCOME TAX RATES.—Paragraph (2) of section 1(i) (relating to reductions in rates after June 30, 2001) is amended—

(1) in the column for the highest rate—

(A) by striking "37.6" and inserting "38.6", and

(B) by striking "35.0" and inserting "38.6", and

(2) in the column for the next highest rate—

(A) by striking "34.0" and inserting "35.0", and

(B) by striking "33.0" and inserting "35.0".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

(c) RESTORATION OF RATE REDUCTIONS IF FUNDS NOT COMMITTED TO MEET NATION'S PRESSING NEEDS.—

(1) IN GENERAL.—On December 31, 2003, the Director of the Office of Management and Budget shall determine whether there is a noncommitted balance in the Pressing Domestic Needs Trust Fund (established by section 161 of this Act). If such a noncommitted balance is determined, the Secretary of the Treasury shall reduce the rates otherwise applicable under the amendment made by subsection (a) so that the total revenue raised by such amendment is reduced by the amount of such noncommitted balance.

(2) NONCOMMITTED BALANCE.—For purposes of paragraph (1), the noncommitted balance of the trust fund is the portion of the amounts in the trust fund which are not committed to meeting the pressing needs specified in section 161.

(d) RESTORATION OF RATE REDUCTIONS IF BALANCED BUDGET.—The amendments made by this section shall cease to apply to any taxable year beginning after a calendar year if there is no deficit in the Federal budget for the fiscal year ending in such calendar year.

SEC. 302. RESTORATION OF PHASEOUTS OF DEDUCTIONS FOR PERSONAL EXEMPTIONS AND OF ITEMIZED DEDUCTIONS.

(a) PHASEOUT OF PERSONAL EXEMPTIONS.—Paragraph (3) of section 151(d) is amended by striking subparagraphs (E) and (F).

(b) PHASEOUT OF ITEMIZED DEDUCTIONS.—Section 68 (relating to overall limitation on itemized deductions) is amended by striking subsections (f) and (g).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 303. REPEAL OF EXCLUSION FOR EXTRATERRITORIAL INCOME.

(a) IN GENERAL.—Section 114 is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Subpart E of part III of subchapter N of chapter 1 (relating to qualifying foreign trade income) is hereby repealed.

(2) The table of subparts for such part III is amended by striking the item relating to subpart E.

(3) The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 114.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to transactions occurring after the date of the enactment of this Act.

(2) BINDING CONTRACTS.—The amendments made by this section shall not apply to any transaction in the ordinary course of a trade or business which occurs pursuant to a binding contract—

(A) which is between the taxpayer and a person who is not a related person (as defined in section 943(b)(3) of such Code, as in effect on the day before the date of the enactment of this Act), and

(B) which is in effect on April 11, 2003, and at all times thereafter.

For purposes of this paragraph, a binding contract shall include a purchase option, renewal option, or replacement option which is included in such contract.

(d) REVOCATION OF SECTION 943(e) ELECTIONS.—

(1) IN GENERAL.—In the case of a corporation that elected to be treated as a domestic corporation under section 943(e) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act)—

(A) the corporation may revoke such election, effective as of the date of the enactment of this Act, and

(B) if the corporation does revoke such election—

(i) such corporation shall be treated as a domestic corporation transferring (as of the date of the enactment of this Act) all of its property to a foreign corporation in connection with an exchange described in section 354 of the Internal Revenue Code of 1986, and

(ii) no gain or loss shall be recognized on such transfer.

(2) EXCEPTION.—Subparagraph (B)(ii) of paragraph (1) shall not apply to gain on any asset held by the revoking corporation if—

(A) the basis of such asset is determined in whole or in part by reference to the basis of such asset in the hands of the person from whom the revoking corporation acquired such asset,

(B) the asset was acquired by transfer (not as a result of the election under section 943(e) of such Code) occurring on or after the 1st day on which its election under section 943(e) of such Code was effective, and

(C) a principal purpose of the acquisition was the reduction or avoidance of tax.

(e) GENERAL TRANSITION.—

(1) IN GENERAL.—In the case of a taxable year ending after the date of the enactment of this Act and beginning before January 1, 2009, for purposes of chapter 1 of such Code, each current FSC/ETI beneficiary shall be allowed a deduction equal to the transition amount determined under this subsection with respect to such beneficiary for such year.

(2) CURRENT FSC/ETI BENEFICIARY.—The term "current FSC/ETI beneficiary" means any corporation which entered into one or more transactions during its taxable year beginning in calendar year 2001 with respect to which FSC/ETI benefits were allowable.

(3) TRANSITION AMOUNT.—For purposes of this subsection—

(A) IN GENERAL.—The transition amount applicable to any current FSC/ETI beneficiary for any taxable year is the phaseout percentage of the adjusted base period amount.

(B) PHASEOUT PERCENTAGE.—

(i) IN GENERAL.—In the case of a taxpayer using the calendar year as its taxable year, the phaseout percentage shall be determined under the following table:

"Years:	The phaseout percentage is:
2004 and 2005	100
2006	75

“Years:	The phaseout percentage is:
2007	75
2008	50
2009 and thereafter	0

(ii) SPECIAL RULE FOR 2003.—The phaseout percentage for 2003 shall be the amount that bears the same ratio to 100 percent as the number of days after the date of the enactment of this Act bears to 365.

(iii) SPECIAL RULE FOR FISCAL YEAR TAXPAYERS.—In the case of a taxpayer not using the calendar year as its taxable year, the phaseout percentage is the weighted average of the phaseout percentages determined under the preceding provisions of this paragraph with respect to calendar years any portion of which is included in the taxpayer's taxable year. The weighted average shall be determined on the basis of the respective portions of the taxable year in each calendar year.

(4) ADJUSTED BASE PERIOD AMOUNT.—For purposes of this subsection—

(A) IN GENERAL.—In the case of a taxpayer using the calendar year as its taxable year, the adjusted base period amount for any taxable year is the base period amount multiplied by the applicable percentage, as determined in the following table:

“Years:	The applicable percentage is:
2003	100
2004	100
2005	105
2006	110
2007	115
2008	120
2009 and thereafter	0

(B) BASE PERIOD AMOUNT.—The base period amount is the aggregate FSC/ETI benefits for the taxpayer's taxable year beginning in calendar year 2001.

(C) SPECIAL RULES FOR FISCAL YEAR TAXPAYERS, ETC.—Rules similar to rules of clauses (ii) and (iii) of paragraph (3)(B) shall apply for purposes of this paragraph.

(5) FSC/ETI BENEFIT.—For purposes of this subsection, the term 'FSC/ETI benefit' means—

(A) amounts excludable from gross income under section 114 of such Code, and

(B) the exempt foreign trade income of related foreign sales corporations from property acquired from the taxpayer (determined without regard to section 923(a)(5) of such Code (relating to special rule for military property), as in effect on the day before the date of the enactment of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000).

In determining the FSC/ETI benefit there shall be excluded any amount attributable to a transaction with respect to which the taxpayer is the lessor unless the leased property was manufactured or produced in whole or in part by the taxpayer.

(6) SPECIAL RULE FOR FARM COOPERATIVES.—Under regulations prescribed by the Secretary, determinations under this subsection with respect to an organization described in section 943(g)(1) of such Code, as in effect on the day before the date of the enactment of this Act, shall be made at the cooperative level and the purposes of this subsection shall be carried out by excluding amounts from the gross income of its patrons.

(7) CERTAIN RULES TO APPLY.—Rules similar to the rules of section 41(f) of such Code shall apply for purposes of this subsection.

(8) COORDINATION WITH BINDING CONTRACT RULE.—The deduction determined under paragraph (1) for any taxable year shall be reduced by the phaseout percentage of any FSC/ETI benefit realized for the taxable year by reason of subsection (c)(2). The preceding sentence shall not apply to any FSC/ETI benefit attributable to a transaction described in the last sentence of paragraph (5).

(9) SPECIAL RULE FOR TAXABLE YEAR WHICH INCLUDES DATE OF ENACTMENT.—In the case of a taxable year which includes the date of the enactment of this Act, the deduction allowed under this subsection to any current FSC/ETI beneficiary shall in no event exceed—

(A) 100 percent of such beneficiary's adjusted base period amount for calendar year 2003, reduced by

(B) the aggregate FSC/ETI benefits of such beneficiary with respect to transactions occurring during the portion of the taxable year ending on the date of the enactment of this Act.

Subtitle B—Abusive Tax Shelter Shutdown and Taxpayer Accountability

PART I—PROVISIONS DESIGNED TO CURTAIL TAX SHELTERS

SEC. 311. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

“(m) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; ETC.—

“(1) GENERAL RULES.—

“(A) IN GENERAL.—In applying the economic substance doctrine, the determination of whether a transaction has economic substance shall be made as provided in this paragraph.

“(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A)—

“(i) IN GENERAL.—A transaction has economic substance only if—

“(I) the transaction changes in a meaningful way (apart from Federal tax effects and, if there is any Federal tax effects, also apart from any foreign, State, or local tax effects) the taxpayer's economic position, and

“(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

“(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

“(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

“(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

“(C) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

“(2) SPECIAL RULES FOR TRANSACTIONS WITH TAX-INDIFFERENT PARTIES.—

“(A) SPECIAL RULES FOR FINANCING TRANSACTIONS.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

“(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

“(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

“(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

“(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

“(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

“(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

“(C) SUBSTANTIAL NONTAX PURPOSE.—In applying subclause (II) of paragraph (1)(B)(i), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

“(D) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

“(E) TREATMENT OF LESSORS.—In applying subclause (I) of paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease, the expected net tax benefits shall not include the benefits of depreciation, or any tax credit, with respect to the leased property and subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

“(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

“(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after February 13, 2003.

SEC. 312. PENALTY FOR FAILING TO DISCLOSE REPORTABLE TRANSACTION.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6707 the following new section:

“SEC. 6707A. PENALTY FOR FAILURE TO INCLUDE REPORTABLE TRANSACTION INFORMATION WITH RETURN OR STATEMENT.

“(a) IMPOSITION OF PENALTY.—Any person who fails to include on any return or statement any information with respect to a reportable transaction which is required under section 6011 to be included with such return or statement shall pay a penalty in the amount determined under subsection (b).

"(b) AMOUNT OF PENALTY.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amount of the penalty under subsection (a) shall be $50,000.

"(2) LISTED TRANSACTION.—The amount of the penalty under subsection (a) with respect to a listed transaction shall be $100,000.

"(3) INCREASE IN PENALTY FOR LARGE ENTITIES AND HIGH NET WORTH INDIVIDUALS.—

"(A) IN GENERAL.—In the case of a failure under subsection (a) by—

"(i) a large entity, or

"(ii) a high net worth individual,

the penalty under paragraph (1) or (2) shall be twice the amount determined without regard to this paragraph.

"(B) LARGE ENTITY.—For purposes of subparagraph (A), the term 'large entity' means, with respect to any taxable year, a person (other than a natural person) with gross receipts in excess of $10,000,000 for the taxable year in which the reportable transaction occurs or the preceding taxable year. Rules similar to the rules of paragraph (2) and subparagraphs (B), (C), and (D) of paragraph (3) of section 448(c) shall apply for purposes of this subparagraph.

"(C) HIGH NET WORTH INDIVIDUAL.—For purposes of subparagraph (A), the term 'high net worth individual' means, with respect to a reportable transaction, a natural person whose net worth exceeds $2,000,000 immediately before the transaction.

"(c) DEFINITIONS.—For purposes of this section—

"(1) REPORTABLE TRANSACTION.—The term 'reportable transaction' means any transaction with respect to which information is required to be included with a return or statement because, as determined under regulations prescribed under section 6011, such transaction is of a type which the Secretary determines as having a potential for tax avoidance or evasion.

"(2) LISTED TRANSACTION.—Except as provided in regulations, the term 'listed transaction' means a reportable transaction which is the same as, or substantially similar to, a transaction specifically identified by the Secretary as a tax avoidance transaction for purposes of section 6011.

"(d) AUTHORITY TO RESCIND PENALTY.—

"(1) IN GENERAL.—The Commissioner of Internal Revenue may rescind all or any portion of any penalty imposed by this section with respect to any violation if—

"(A) the violation is with respect to a reportable transaction other than a listed transaction,

"(B) the person on whom the penalty is imposed has a history of complying with the requirements of this title,

"(C) it is shown that the violation is due to an unintentional mistake of fact;

"(D) imposing the penalty would be against equity and good conscience, and

"(E) rescinding the penalty would promote compliance with the requirements of this title and effective tax administration.

"(2) DISCRETION.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner and may be delegated only to the head of the Office of Tax Shelter Analysis. The Commissioner, in the Commissioner's sole discretion, may establish a procedure to determine if a penalty should be referred to the Commissioner or the head of such Office for a determination under paragraph (1).

"(3) NO APPEAL.—Notwithstanding any other provision of law, any determination under this subsection may not be reviewed in any administrative or judicial proceeding.

"(4) RECORDS.—If a penalty is rescinded under paragraph (1), the Commissioner shall place in the file in the Office of the Commissioner the opinion of the Commissioner or the head of the Office of Tax Shelter Analysis with respect to the determination, including—

"(A) the facts and circumstances of the transaction,

"(B) the reasons for the rescission, and

"(C) the amount of the penalty rescinded.

"(5) REPORT.—The Commissioner shall each year report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

"(A) a summary of the total number and aggregate amount of penalties imposed, and rescinded, under this section, and

"(B) a description of each penalty rescinded under this subsection and the reasons therefor.

"(e) PENALTY REPORTED TO SEC.—In the case of a person—

"(1) which is required to file periodic reports under section 13 or 15(d) of the Securities Exchange Act of 1934 or is required to be consolidated with another person for purposes of such reports, and

"(2) which—

"(A) is required to pay a penalty under this section with respect to a listed transaction,

"(B) is required to pay a penalty under section 6662A with respect to any reportable transaction at a rate prescribed under section 6662A(c), or

"(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction,

the requirement to pay such penalty shall be disclosed in such reports filed by such person for such periods as the Secretary shall specify. Failure to make a disclosure in accordance with the preceding sentence shall be treated as a failure to which the penalty under subsection (b)(2) applies.

"(f) COORDINATION WITH OTHER PENALTIES.—The penalty imposed by this section is in addition to any penalty imposed under this title."

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6707 the following:

"Sec. 6707A. Penalty for failure to include reportable transaction information with return or statement."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns and statements the due date for which is after the date of the enactment of this Act.

SEC. 313. ACCURACY-RELATED PENALTY FOR LISTED TRANSACTIONS AND OTHER REPORTABLE TRANSACTIONS HAVING A SIGNIFICANT TAX AVOIDANCE PURPOSE.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662 the following new section:

"SEC. 6662A. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERSTATEMENTS WITH RESPECT TO REPORTABLE TRANSACTIONS.

"(a) IMPOSITION OF PENALTY.—If a taxpayer has a reportable transaction understatement for any taxable year, there shall be added to the tax an amount equal to 20 percent of the amount of such understatement.

"(b) REPORTABLE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

"(1) IN GENERAL.—The term 'reportable transaction understatement' means the sum of—

"(A) the product of—

"(i) the amount of the increase (if any) in taxable income which results from a difference between the proper tax treatment of an item to which this section applies and the taxpayer's treatment of such item (as shown on the taxpayer's return of tax), and

"(ii) the highest rate of tax imposed by section 1 (section 11 in the case of a taxpayer which is a corporation), and

"(B) the amount of the decrease (if any) in the aggregate amount of credits determined under subtitle A which results from a difference between the taxpayer's treatment of an item to which this section applies (as shown on the taxpayer's return of tax) and the proper tax treatment of such item.

For purposes of subparagraph (A), any reduction of the excess of deductions allowed for the taxable year over gross income for such year, and any reduction in the amount of capital losses which would (without regard to section 1211) be allowed for such year, shall be treated as an increase in taxable income.

"(2) ITEMS TO WHICH SECTION APPLIES.—This section shall apply to any item which is attributable to—

"(A) any listed transaction, and

"(B) any reportable transaction (other than a listed transaction) if a significant purpose of such transaction is the avoidance or evasion of Federal income tax.

"(c) HIGHER PENALTY FOR NONDISCLOSED LISTED AND OTHER AVOIDANCE TRANSACTIONS.—

"(1) IN GENERAL.—Subsection (a) shall be applied by substituting '30 percent' for '20 percent' with respect to the portion of any reportable transaction understatement with respect to which the requirement of section 6664(d)(2)(A) is not met.

"(2) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

"(A) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which paragraph (1) applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

"(B) APPLICABLE RULES.—The rules of paragraphs (3), (4), and (5) of section 6707A(d) shall apply for purposes of subparagraph (A).

"(d) DEFINITIONS OF REPORTABLE AND LISTED TRANSACTIONS.—For purposes of this section, the terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).

"(e) SPECIAL RULES.—

"(1) COORDINATION WITH PENALTIES, ETC., ON OTHER UNDERSTATEMENTS.—In the case of an understatement (as defined in section 6662(d)(2))—

"(A) the amount of such understatement (determined without regard to this paragraph) shall be increased by the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements for purposes of determining whether such understatement is a substantial understatement under section 6662(d)(1), and

"(B) the addition to tax under section 6662(a) shall apply only to the excess of the amount of the substantial understatement (if any) after the application of subparagraph (A) over the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements.

"(2) COORDINATION WITH OTHER PENALTIES.—

"(A) APPLICATION OF FRAUD PENALTY.—References to an underpayment in section 6663 shall be treated as including references to a reportable transaction understatement and a noneconomic substance transaction understatement.

"(B) NO DOUBLE PENALTY.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6662B or 6663.

"(3) SPECIAL RULE FOR AMENDED RETURNS.—Except as provided in regulations, in no event shall any tax treatment included with an amendment or supplement to a return of tax be taken into account in determining the amount of any reportable transaction understatement or noneconomic substance transaction understatement if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.

"(4) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).

"(5) CROSS REFERENCE.—

"For reporting of section 6662A(c) penalty to the Securities and Exchange Commission, see section 6707A(e)."

(b) DETERMINATION OF OTHER UNDERSTATEMENTS.—Subparagraph (A) of section 6662(d)(2) is amended by adding at the end the following flush sentence:

"The excess under the preceding sentence shall be determined without regard to items to which section 6662A applies and without regard to items with respect to which a penalty is imposed by section 6662B."

(c) REASONABLE CAUSE EXCEPTION.—

(1) IN GENERAL.—Section 6664 is amended by adding at the end the following new subsection:

"(d) REASONABLE CAUSE EXCEPTION FOR REPORTABLE TRANSACTION UNDERSTATEMENTS.—

"(1) IN GENERAL.—No penalty shall be imposed under section 6662A with respect to any portion of a reportable transaction understatement if it is shown that there was a reasonable cause for such portion and that the taxpayer acted in good faith with respect to such portion.

"(2) SPECIAL RULES.—Paragraph (1) shall not apply to any reportable transaction understatement unless—

"(A) the relevant facts affecting the tax treatment of the item are adequately disclosed in accordance with the regulations prescribed under section 6011,

"(B) there is or was substantial authority for such treatment, and

"(C) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

A taxpayer failing to adequately disclose in accordance with section 6011 shall be treated as meeting the requirements of subparagraph (A) if the penalty for such failure was rescinded under section 6707A(d).

"(3) RULES RELATING TO REASONABLE BELIEF.—For purposes of paragraph (2)(C)—

"(A) IN GENERAL.—A taxpayer shall be treated as having a reasonable belief with respect to the tax treatment of an item only if such belief—

"(i) is based on the facts and law that exist at the time the return of tax which includes such tax treatment is filed, and

"(ii) relates solely to the taxpayer's chances of success on the merits of such treatment and does not take into account the possibility that a return will not be audited, such treatment will not be raised on audit, or such treatment will be resolved through settlement if it is raised.

"(B) CERTAIN OPINIONS MAY NOT BE RELIED UPON.—

"(i) IN GENERAL.—An opinion of a tax advisor may not be relied upon to establish the reasonable belief of a taxpayer if—

"(I) the tax advisor is described in clause (ii), or

"(II) the opinion is described in clause (iii).

"(ii) DISQUALIFIED TAX ADVISORS.—A tax advisor is described in this clause if the tax advisor—

"(I) is a material advisor (within the meaning of section 6111(b)(1)) who participates in the organization, management, promotion, or sale of the transaction or who is related (within the meaning of section 267(b) or 707(b)(1)) to any person who so participates,

"(II) is compensated directly or indirectly by a material advisor with respect to the transaction,

"(III) has a fee arrangement with respect to the transaction which is contingent on all or part of the intended tax benefits from the transaction being sustained, or

"(IV) as determined under regulations prescribed by the Secretary, has a continuing financial interest with respect to the transaction.

"(iii) DISQUALIFIED OPINIONS.—For purposes of clause (i), an opinion is disqualified if the opinion—

"(I) is based on unreasonable factual or legal assumptions (including assumptions as to future events),

"(II) unreasonably relies on representations, statements, findings, or agreements of the taxpayer or any other person,

"(III) does not identify and consider all relevant facts, or

"(IV) fails to meet any other requirement as the Secretary may prescribe."

(2) CONFORMING AMENDMENT.—The heading for subsection (c) of section 6664 is amended by inserting "FOR UNDERPAYMENTS" after "EXCEPTION".

(d) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 461(i)(3) is amended by striking "section 6662(d)(2)(C)(iii)" and inserting "section 1274(b)(3)(C)".

(2) Paragraph (3) of section 1274(b) is amended—

(A) by striking "(as defined in section 6662(d)(2)(C)(iii))" in subparagraph (B)(i), and

(B) by adding at the end the following new subparagraph:

"(C) TAX SHELTER.—For purposes of subparagraph (B), the term 'tax shelter' means—

"(i) a partnership or other entity,

"(ii) any investment plan or arrangement, or

"(iii) any other plan or arrangement,

if a significant purpose of such partnership, entity, plan, or arrangement is the avoidance or evasion of Federal income tax."

(3) Section 6662(d)(2) is amended by striking subparagraphs (C) and (D).

(4) Section 6664(c)(1) is amended by striking "this part" and inserting "section 6662 or 6663".

(5) Subsection (b) of section 7525 is amended by striking "section 6662(d)(2)(C)(iii)" and inserting "section 1274(b)(3)(C)".

(6)(A) The heading for section 6662 is amended to read as follows:

"SEC. 6662. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERPAYMENTS."

(B) The table of sections for part II of subchapter A of chapter 68 is amended by striking the item relating to section 6662 and inserting the following new items:

"Sec. 6662. Imposition of accuracy-related penalty on underpayments.

"Sec. 6662A. Imposition of accuracy-related penalty on understatements with respect to reportable transactions."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 314. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

"SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

"(a) IMPOSITION OF PENALTY.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

"(b) REDUCTION OF PENALTY FOR DISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

"(c) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

"(1) IN GENERAL.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

"(2) NONECONOMIC SUBSTANCE TRANSACTION.—The term 'noneconomic substance transaction' means any transaction if—

"(A) there is a lack of economic substance (within the meaning of section 7701(m)(1)) for the transaction giving rise to the claimed tax benefit or the transaction was not respected under section 7701(m)(2), or

"(B) the transaction fails to meet the requirements of any similar rule of law.

"(d) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

"(1) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

"(2) APPLICABLE RULES.—The rules of paragraphs (3), (4), and (5) of section 6707A(d) shall apply for purposes of paragraph (1).

"(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

"(f) CROSS REFERENCES.—

"(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

"(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e)."

(b) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

"Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after February 13, 2003.

SEC. 315. MODIFICATIONS OF SUBSTANTIAL UNDERSTATEMENT PENALTY FOR NONREPORTABLE TRANSACTIONS.

(a) SUBSTANTIAL UNDERSTATEMENT OF CORPORATIONS.—Section 6662(d)(1)(B) (relating to special rule for corporations) is amended to read as follows:

"(B) SPECIAL RULE FOR CORPORATIONS.—In the case of a corporation other than an S corporation or a personal holding company (as defined in section 542), there is a substantial understatement of income tax for any taxable year if the amount of the understatement for the taxable year exceeds the lesser of—

"(i) 10 percent of the tax required to be shown on the return for the taxable year (or, if greater, $10,000), or

"(ii) $10,000,000."

(b) REDUCTION FOR UNDERSTATEMENT OF TAXPAYER DUE TO POSITION OF TAXPAYER OR DISCLOSED ITEM.—

(1) IN GENERAL.—Section 6662(d)(2)(B)(i) (relating to substantial authority) is amended to read as follows:

"(i) the tax treatment of any item by the taxpayer if the taxpayer had reasonable belief that the tax treatment was more likely than not the proper treatment, or".

(2) CONFORMING AMENDMENT.—Section 6662(d) is amended by adding at the end the following new paragraph:

"(3) SECRETARIAL LIST.—For purposes of this subsection, section 6664(d)(2), and section 6694(a)(1), the Secretary may prescribe a list of positions for which the Secretary believes there is not substantial authority or there is no reasonable belief that the tax treatment is more likely than not the proper tax treatment. Such list (and any revisions thereof) shall be published in the Federal Register or the Internal Revenue Bulletin."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 316. TAX SHELTER EXCEPTION TO CONFIDENTIALITY PRIVILEGES RELATING TO TAXPAYER COMMUNICATIONS.

(a) IN GENERAL.—Section 7525(b) (relating to section not to apply to communications regarding corporate tax shelters) is amended to read as follows:

"(b) SECTION NOT TO APPLY TO COMMUNICATIONS REGARDING TAX SHELTERS.—The privilege under subsection (a) shall not apply to any written communication which is—

"(1) between a federally authorized tax practitioner and—

"(A) any person,

"(B) any director, officer, employee, agent, or representative of the person, or

"(C) any other person holding a capital or profits interest in the person, and

"(2) in connection with the promotion of the direct or indirect participation of the person in any tax shelter (as defined in section 1274(b)(3)(C))."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to communications made on or after the date of the enactment of this Act.

SEC. 317. DISCLOSURE OF REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 6111 (relating to registration of tax shelters) is amended to read as follows:

"SEC. 6111. DISCLOSURE OF REPORTABLE TRANSACTIONS.

"(a) IN GENERAL.—Each material advisor with respect to any reportable transaction shall make a return (in such form as the Secretary may prescribe) setting forth—

"(1) information identifying and describing the transaction,

"(2) information describing any potential tax benefits expected to result from the transaction, and

"(3) such other information as the Secretary may prescribe.

Such return shall be filed not later than the date specified by the Secretary.

"(b) DEFINITIONS.—For purposes of this section—

"(1) MATERIAL ADVISOR.—

"(A) IN GENERAL.—The term 'material advisor' means any person—

"(i) who provides any material aid, assistance, or advice with respect to organizing, promoting, selling, implementing, or carrying out any reportable transaction, and

"(ii) who directly or indirectly derives gross income in excess of the threshold amount for such aid, assistance, or advice.

"(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A), the threshold amount is—

"(i) $50,000 in the case of a reportable transaction substantially all of the tax benefits from which are provided to natural persons, and

"(ii) $250,000 in any other case.

"(2) REPORTABLE TRANSACTION.—The term 'reportable transaction' has the meaning given to such term by section 6707A(c).

"(c) REGULATIONS.—The Secretary may prescribe regulations which provide—

"(1) that only 1 person shall be required to meet the requirements of subsection (a) in cases in which 2 or more persons would otherwise be required to meet such requirements,

"(2) exemptions from the requirements of this section, and

"(3) such rules as may be necessary or appropriate to carry out the purposes of this section."

(b) CONFORMING AMENDMENTS.—

(1) The item relating to section 6111 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

"Sec. 6111. Disclosure of reportable transactions."

(2)(A) So much of section 6112 as precedes subsection (c) thereof is amended to read as follows:

"SEC. 6112. MATERIAL ADVISORS OF REPORTABLE TRANSACTIONS MUST KEEP LISTS OF ADVISEES.

"(a) IN GENERAL.—Each material advisor (as defined in section 6111) with respect to any reportable transaction (as defined in section 6707A(c)) shall maintain, in such manner as the Secretary may by regulations prescribe, a list—

"(1) identifying each person with respect to whom such advisor acted as such a material advisor with respect to such transaction, and

"(2) containing such other information as the Secretary may by regulations require.

This section shall apply without regard to whether a material advisor is required to file a return under section 6111 with respect to such transaction."

(B) Section 6112 is amended by redesignating subsection (c) as subsection (b).

(C) Section 6112(b), as redesignated by subparagraph (B), is amended—

(i) by inserting "written" before "request" in paragraph (1)(A), and

(ii) by striking "shall prescribe" in paragraph (2) and inserting "may prescribe".

(D) The item relating to section 6112 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

"Sec. 6112. Material advisors of reportable transactions must keep lists of advisees."

(3)(A) The heading for section 6708 is amended to read as follows:

"SEC. 6708. FAILURE TO MAINTAIN LISTS OF ADVISEES WITH RESPECT TO REPORTABLE TRANSACTIONS."

(B) The item relating to section 6708 in the table of sections for part I of subchapter B of chapter 68 is amended to read as follows:

"Sec. 6708. Failure to maintain lists of advisees with respect to reportable transactions."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions with respect to which material aid, assistance, or advice referred to in section 6111(b)(1)(A)(i) of the Internal Revenue Code of 1986 (as added by this section) is provided after the date of the enactment of this Act.

SEC. 318. MODIFICATIONS TO PENALTY FOR FAILURE TO REGISTER TAX SHELTERS.

(a) IN GENERAL.—Section 6707 (relating to failure to furnish information regarding tax shelters) is amended to read as follows:

"SEC. 6707. FAILURE TO FURNISH INFORMATION REGARDING REPORTABLE TRANSACTIONS.

"(a) IN GENERAL.—If a person who is required to file a return under section 6111(a) with respect to any reportable transaction—

"(1) fails to file such return on or before the date prescribed therefor, or

"(2) files false or incomplete information with the Secretary with respect to such transaction,

such person shall pay a penalty with respect to such return in the amount determined under subsection (b).

"(b) AMOUNT OF PENALTY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the penalty imposed under subsection (a) with respect to any failure shall be $50,000.

"(2) LISTED TRANSACTIONS.—The penalty imposed under subsection (a) with respect to any listed transaction shall be an amount equal to the greater of—

"(A) $200,000, or

"(B) 50 percent of the gross income derived by such person with respect to aid, assistance, or advice which is provided with respect to the reportable transaction before the date the return including the transaction is filed under section 6111.

Subparagraph (B) shall be applied by substituting '75 percent' for '50 percent' in the case of an intentional failure or act described in subsection (a).

"(c) RESCISSION AUTHORITY.—The provisions of section 6707A(d) (relating to authority of Commissioner to rescind penalty) shall apply to any penalty imposed under this section.

"(d) REPORTABLE AND LISTED TRANSACTIONS.—The terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).".

(b) CLERICAL AMENDMENT.—The item relating to section 6707 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "tax shelters" and inserting "reportable transactions".

(c) Effective Date.—The amendments made by this section shall apply to returns the due date for which is after the date of the enactment of this Act.

SEC. 319. MODIFICATION OF PENALTY FOR FAILURE TO MAINTAIN LISTS OF INVESTORS.

(a) In General.—Subsection (a) of section 6708 is amended to read as follows:

"(a) Imposition of Penalty.—

"(1) In general.—If any person who is required to maintain a list under section 6112(a) fails to make such list available upon written request to the Secretary in accordance with section 6112(b)(1)(A) within 20 business days after the date of the Secretary's request, such person shall pay a penalty of $10,000 for each day of such failure after such 20th day.

"(2) Reasonable cause exception.—No penalty shall be imposed by paragraph (1) with respect to the failure on any day if such failure is due to reasonable cause."

(b) Effective Date.—The amendment made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 320. MODIFICATION OF ACTIONS TO ENJOIN CERTAIN CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS.

(a) In General.—Section 7408 (relating to action to enjoin promoters of abusive tax shelters, etc.) is amended by redesignating subsection (c) as subsection (d) and by striking subsections (a) and (b) and inserting the following new subsections:

"(a) Authority To Seek Injunction.—A civil action in the name of the United States to enjoin any person from further engaging in specified conduct may be commenced at the request of the Secretary. Any action under this section shall be brought in the district court of the United States for the district in which such person resides, has his principal place of business, or has engaged in specified conduct. The court may exercise its jurisdiction over such action (as provided in section 7402(a)) separate and apart from any other action brought by the United States against such person.

"(b) Adjudication and Decree.—In any action under subsection (a), if the court finds—

"(1) that the person has engaged in any specified conduct, and

"(2) that injunctive relief is appropriate to prevent recurrence of such conduct,

the court may enjoin such person from engaging in such conduct or in any other activity subject to penalty under this title.

"(c) Specified Conduct.—For purposes of this section, the term 'specified conduct' means any action, or failure to take action, subject to penalty under section 6700, 6701, 6707, or 6708."

(b) Conforming Amendments.—

(1) The heading for section 7408 is amended to read as follows:

"SEC. 7408. ACTIONS TO ENJOIN SPECIFIED CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS."

(2) The table of sections for subchapter A of chapter 67 is amended by striking the item relating to section 7408 and inserting the following new item:

"Sec. 7408. Actions to enjoin specified conduct related to tax shelters and reportable transactions."

(c) Effective Date.—The amendment made by this section shall take effect on the day after the date of the enactment of this Act.

SEC. 321. UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY INCOME TAX RETURN PREPARER.

(a) Standards Conformed to Taxpayer Standards.—Section 6694(a) (relating to understatements due to unrealistic positions) is amended—

(1) by striking "realistic possibility of being sustained on its merits" in paragraph (1) and inserting "reasonable belief that the tax treatment in such position was more likely than not the proper treatment",

(2) by striking "or was frivolous" in paragraph (3) and inserting "or there was no reasonable basis for the tax treatment of such position", and

(3) by striking "Unrealistic" in the heading and inserting "Improper".

(b) Amount of Penalty.—Section 6694 is amended—

(1) by striking "$250" in subsection (a) and inserting "$1,000", and

(2) by striking "$1,000" in subsection (b) and inserting "$5,000".

(c) Effective Date.—The amendments made by this section shall apply to documents prepared after the date of the enactment of this Act.

SEC. 322. PENALTY ON FAILURE TO REPORT INTERESTS IN FOREIGN FINANCIAL ACCOUNTS.

(a) In General.—Section 5321(a)(5) of title 31, United States Code, is amended to read as follows:

"(5) Foreign financial agency transaction violation.—

"(A) Penalty authorized.—The Secretary of the Treasury may impose a civil money penalty on any person who violates, or causes any violation of, any provision of section 5314.

"(B) Amount of penalty.—

"(i) In general.—Except as provided in subparagraph (C), the amount of any civil penalty imposed under subparagraph (A) shall not exceed $5,000.

"(ii) Reasonable cause exception.—No penalty shall be imposed under subparagraph (A) with respect to any violation if—

"(I) such violation was due to reasonable cause, and

"(II) the amount of the transaction or the balance in the account at the time of the transaction was properly reported.

"(C) Willful violations.—In the case of any person willfully violating, or willfully causing any violation of, any provision of section 5314—

"(i) the maximum penalty under subparagraph (B)(i) shall be increased to the greater of—

"(I) $25,000, or

"(II) the amount (not exceeding $100,000) determined under subparagraph (D), and

"(ii) subparagraph (B)(ii) shall not apply.

"(D) Amount.—The amount determined under this subparagraph is—

"(i) in the case of a violation involving a transaction, the amount of the transaction, or

"(ii) in the case of a violation involving a failure to report the existence of an account or any identifying information required to be provided with respect to an account, the balance in the account at the time of the violation."

(b) Effective Date.—The amendment made by this section shall apply to violations occurring after the date of the enactment of this Act.

SEC. 323. FRIVOLOUS TAX SUBMISSIONS.

(a) Civil Penalties.—Section 6702 is amended to read as follows:

"SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

"(a) Civil Penalty for Frivolous Tax Returns.—A person shall pay a penalty of $5,000 if—

"(1) such person files what purports to be a return of a tax imposed by this title but which—

"(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

"(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

"(2) the conduct referred to in paragraph (1)—

"(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(B) reflects a desire to delay or impede the administration of Federal tax laws.

"(b) Civil Penalty for Specified Frivolous Submissions.—

"(1) Imposition of penalty.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

"(2) Specified frivolous submission.—For purposes of this section—

"(A) Specified frivolous submission.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

"(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(ii) reflects a desire to delay or impede the administration of Federal tax laws.

"(B) Specified submission.—The term 'specified submission' means—

"(i) a request for a hearing under—

"(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

"(II) section 6330 (relating to notice and opportunity for hearing before levy), and

"(ii) an application under—

"(I) section 6159 (relating to agreements for payment of tax liability in installments),

"(II) section 7122 (relating to compromises), or

"(III) section 7811 (relating to taxpayer assistance orders).

"(3) Opportunity to withdraw submission.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

"(c) Listing of Frivolous Positions.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

"(d) Reduction of Penalty.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

"(e) Penalties in Addition to Other Penalties.—The penalties imposed by this section shall be in addition to any other penalty provided by law."

(b) Treatment of Frivolous Requests for Hearings Before Levy.—

(1) Frivolous requests disregarded.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(g) Frivolous Requests for Hearing, Etc.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review."

(2) Preclusion from raising frivolous issues at hearing.—Section 6330(c)(4) is amended—

(A) by striking "(A)" and inserting "(A)(i)";

(B) by striking "(B)" and inserting "(ii)";

(C) by striking the period at the end of the first sentence and inserting "; or"; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

"(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A)."

(3) Statement of grounds.—Section 6330(b)(1) is amended by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing".

(c) Treatment of Frivolous Requests for Hearings Upon Filing of Notice of Lien.—Section 6320 is amended—

(1) in subsection (b)(1), by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing", and

(2) in subsection (c), by striking "and (e)" and inserting "(e), and (g)".

(d) Treatment of Frivolous Applications for Offers-in-Compromise and Installment Agreements.—Section 7122 is amended by adding at the end the following new subsection:

"(e) Frivolous Submissions, Etc.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review."

(e) Clerical Amendment.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

"Sec. 6702. Frivolous tax submissions."

(f) Effective Date.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 324. REGULATION OF INDIVIDUALS PRACTICING BEFORE THE DEPARTMENT OF TREASURY.

(a) Censure; Imposition of Penalty.—

(1) In general.—Section 330(b) of title 31, United States Code, is amended—

(A) by inserting ", or censure," after "Department", and

(B) by adding at the end the following new flush sentence:

"The Secretary may impose a monetary penalty on any representative described in the preceding sentence. If the representative was acting on behalf of an employer or any firm or other entity in connection with the conduct giving rise to such penalty, the Secretary may impose a monetary penalty on such employer, firm, or entity if it knew, or reasonably should have known, of such conduct. Such penalty shall not exceed the gross income derived (or to be derived) from the conduct giving rise to the penalty and may be in addition to, or in lieu of, any suspension, disbarment, or censure."

(2) Effective date.—The amendments made by this subsection shall apply to actions taken after the date of the enactment of this Act.

(b) Tax Shelter Opinions, Etc.—Section 330 of such title 31 is amended by adding at the end the following new subsection:

"(d) Nothing in this section or in any other provision of law shall be construed to limit the authority of the Secretary of the Treasury to impose standards applicable to the rendering of written advice with respect to any entity, transaction plan or arrangement, or other plan or arrangement, which is of a type which the Secretary determines as having a potential for tax avoidance or evasion."

SEC. 325. PENALTY ON PROMOTERS OF TAX SHELTERS.

(a) Penalty on Promoting Abusive Tax Shelters.—Section 6700(a) is amended by adding at the end the following new sentence: "Notwithstanding the first sentence, if an activity with respect to which a penalty imposed under this subsection involves a statement described in paragraph (2)(A), the amount of the penalty shall be equal to 50 percent of the gross income derived (or to be derived) from such activity by the person on which the penalty is imposed."

(b) Effective Date.—The amendment made by this section shall apply to activities after the date of the enactment of this Act.

SEC. 326. STATUTE OF LIMITATIONS FOR TAXABLE YEARS FOR WHICH LISTED TRANSACTIONS NOT REPORTED.

(a) In General.—Section 6501(e)(1) (relating to substantial omission of items for income taxes) is amended by adding at the end the following new subparagraph:

"(C) Listed transactions.—If a taxpayer fails to include on any return or statement for any taxable year any information with respect to a listed transaction (as defined in section 6707A(c)(2)) which is required under section 6011 to be included with such return or statement, the tax for such taxable year may be assessed, or a proceeding in court for collection of such tax may be begun without assessment, at any time within 6 years after the time the return is filed. This subparagraph shall not apply to any taxable year if the time for assessment or beginning the proceeding in court has expired before the time a transaction is treated as a listed transaction under section 6011."

(b) Effective Date.—The amendment made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

SEC. 327. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONDISCLOSED REPORTABLE AND NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) In General.—Section 163 (relating to deduction for interest) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Interest on Unpaid Taxes Attributable To Nondisclosed Reportable Transactions and Noneconomic Substance Transactions.—No deduction shall be allowed under this chapter for any interest paid or accrued under section 6601 on any underpayment of tax which is attributable to—

"(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

"(2) any noneconomic substance transaction understatement (as defined in section 6662B(c))."

(b) Effective Date.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

PART II—OTHER PROVISIONS

SEC. 331. LIMITATION ON TRANSFER OR IMPORTATION OF BUILT-IN LOSSES.

(a) In General.—Section 362 (relating to basis to corporations) is amended by adding at the end the following new subsection:

"(e) Limitations on Built-in Losses.—

"(1) Limitation on importation of built-in losses.—

"(A) In general.—If in any transaction described in subsection (a) or (b) there would (but for this subsection) be an importation of a net built-in loss, the basis of each property described in subparagraph (B) which is acquired in such transaction shall (notwithstanding subsections (a) and (b)) be its fair market value immediately after such transaction.

"(B) Property described.—For purposes of subparagraph (A), property is described in this paragraph if—

"(i) gain or loss with respect to such property is not subject to tax under this subtitle in the hands of the transferor immediately before the transfer, and

"(ii) gain or loss with respect to such property is subject to such tax in the hands of the transferee immediately after such transfer.

In any case in which the transferor is a partnership, the preceding sentence shall be applied by treating each partner in such partnership as holding such partner's proportionate share of the property of such partnership.

"(C) Importation of net built-in loss.—For purposes of subparagraph (A), there is an importation of a net built-in loss in a transaction if the transferee's aggregate adjusted bases of property described in subparagraph (B) which is transferred in such transaction would (but for this paragraph) exceed the fair market value of such property immediately after such transaction."

"(2) Limitation on transfer of built-in losses in section 351 transactions.—

"(A) In general.—If—

"(i) property is transferred in any transaction which is described in subsection (a) and which is not described in paragraph (1) of this subsection, and

"(ii) the transferee's aggregate adjusted bases of the property so transferred would (but for this paragraph) exceed the fair market value of such property immediately after such transaction,

then, notwithstanding subsection (a), the transferee's aggregate adjusted bases of the property so transferred shall not exceed the fair market value of such property immediately after such transaction.

"(B) Allocation of basis reduction.—The aggregate reduction in basis by reason of subparagraph (A) shall be allocated among the property so transferred in proportion to their respective built-in losses immediately before the transaction.

"(C) Exception for transfers within affiliated group.—Subparagraph (A) shall not apply to any transaction if the transferor owns stock in the transferee meeting the requirements of section 1504(a)(2). In the case of property to which subparagraph (A) does not apply by reason of the preceding sentence, the transferor's basis in the stock received for such property shall not exceed its fair market value immediately after the transfer."

(b) COMPARABLE TREATMENT WHERE LIQUIDATION.—Paragraph (1) of section 334(b) (relating to liquidation of subsidiary) is amended to read as follows:

"(1) IN GENERAL.—If property is received by a corporate distributee in a distribution in a complete liquidation to which section 332 applies (or in a transfer described in section 337(b)(1)), the basis of such property in the hands of such distributee shall be the same as it would be in the hands of the transferor; except that the basis of such property in the hands of such distributee shall be the fair market value of the property at the time of the distribution—

"(A) in any case in which gain or loss is recognized by the liquidating corporation with respect to such property, or

"(B) in any case in which the liquidating corporation is a foreign corporation, the corporate distributee is a domestic corporation, and the corporate distributee's aggregate adjusted bases of property described in section 362(e)(1)(B) which is distributed in such liquidation would (but for this subparagraph) exceed the fair market value of such property immediately after such liquidation."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act.

SEC. 332. DISALLOWANCE OF CERTAIN PARTNERSHIP LOSS TRANSFERS.

(a) TREATMENT OF CONTRIBUTED PROPERTY WITH BUILT-IN LOSS.—Paragraph (1) of section 704(c) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following:

"(C) if any property so contributed has a built-in loss—

"(i) such built-in loss shall be taken into account only in determining the amount of items allocated to the contributing partner, and

"(ii) except as provided in regulations, in determining the amount of items allocated to other partners, the basis of the contributed property in the hands of the partnership shall be treated as being equal to its fair market value immediately after the contribution.

For purposes of subparagraph (C), the term 'built-in loss' means the excess of the adjusted basis of the property (determined without regard to subparagraph (C)(ii)) over its fair market value immediately after the contribution."

(b) ADJUSTMENT TO BASIS OF PARTNERSHIP PROPERTY ON TRANSFER OF PARTNERSHIP INTEREST IF THERE IS SUBSTANTIAL BUILT-IN LOSS.—

(1) ADJUSTMENT REQUIRED.—Subsection (a) of section 743 (relating to optional adjustment to basis of partnership property) is amended by inserting before the period "or unless the partnership has a substantial built-in loss immediately after such transfer".

(2) ADJUSTMENT.—Subsection (b) of section 743 is amended by inserting "or with respect to which there is a substantial built-in loss immediately after such transfer" after "section 754 is in effect".

(3) SUBSTANTIAL BUILT-IN LOSS.—Section 743 is amended by adding at the end the following new subsection:

"(d) SUBSTANTIAL BUILT-IN LOSS.—

"(1) IN GENERAL.—For purposes of this section, a partnership has a substantial built-in loss with respect to a transfer of an interest in a partnership if the transferee partner's proportionate share of the adjusted basis of the partnership property exceeds by more than $250,000 the basis of such partner's interest in the partnership.

"(2) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of paragraph (1) and section 734(d), including regulations aggregating related partnerships and disregarding property acquired by the partnership in an attempt to avoid such purposes."

(4) CLERICAL AMENDMENTS.—

(A) The section heading for section 743 is amended to read as follows:

"SEC. 743. ADJUSTMENT TO BASIS OF PARTNERSHIP PROPERTY WHERE SECTION 754 ELECTION OR SUBSTANTIAL BUILT-IN LOSS."

(B) The table of sections for subpart C of part II of subchapter K of chapter 1 is amended by striking the item relating to section 743 and inserting the following new item:

"Sec. 743. Adjustment to basis of partnership property where section 754 election or substantial built-in loss."

(c) ADJUSTMENT TO BASIS OF UNDISTRIBUTED PARTNERSHIP PROPERTY IF THERE IS SUBSTANTIAL BASIS REDUCTION.—

(1) ADJUSTMENT REQUIRED.—Subsection (a) of section 734 (relating to optional adjustment to basis of undistributed partnership property) is amended by inserting before the period "or unless there is a substantial basis reduction".

(2) ADJUSTMENT.—Subsection (b) of section 734 is amended by inserting "or unless there is a substantial basis reduction" after "section 754 is in effect".

(3) SUBSTANTIAL BASIS REDUCTION.—Section 734 is amended by adding at the end the following new subsection:

"(d) SUBSTANTIAL BASIS REDUCTION.—

"(1) IN GENERAL.—For purposes of this section, there is a substantial basis reduction with respect to a distribution if the sum of the amounts described in subparagraphs (A) and (B) of subsection (b)(2) exceeds $250,000.

"(2) REGULATIONS.—

"For regulations to carry out this subsection, see section 743(d)(2)."

(4) CLERICAL AMENDMENTS.—

(A) The section heading for section 734 is amended to read as follows:

"SEC. 734. ADJUSTMENT TO BASIS OF UNDISTRIBUTED PARTNERSHIP PROPERTY WHERE SECTION 754 ELECTION OR SUBSTANTIAL BASIS REDUCTION."

(B) The table of sections for subpart B of part II of subchapter K of chapter 1 is amended by striking the item relating to section 734 and inserting the following new item:

"Sec. 734. Adjustment to basis of undistributed partnership property where section 754 election or substantial basis reduction."

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to contributions made after the date of the enactment of this Act.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to transfers after the date of the enactment of this Act.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to distributions after the date of the enactment of this Act.

SEC. 333. NO REDUCTION OF BASIS UNDER SECTION 734 IN STOCK HELD BY PARTNERSHIP IN CORPORATE PARTNER.

(a) IN GENERAL.—Section 755 is amended by adding at the end the following new subsection:

"(c) NO ALLOCATION OF BASIS DECREASE TO STOCK OF CORPORATE PARTNER.—In making an allocation under subsection (a) of any decrease in the adjusted basis of partnership property under section 734(b)—

"(1) no allocation may be made to stock in a corporation which is a partner in the partnership, and

"(2) any amount not allocable to stock by reason of paragraph (1) shall be allocated under subsection (a) to other partnership property.

Gain shall be recognized to the partnership to the extent that the amount required to be allocated under paragraph (2) to other partnership property exceeds the aggregate adjusted basis of such other property immediately before the allocation required by paragraph (2)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 334. REPEAL OF SPECIAL RULES FOR FASITS.

(a) IN GENERAL.—Part V of subchapter M of chapter 1 (relating to financial asset securitization investment trusts) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (6) of section 56(g) is amended by striking "REMIC, or FASIT" and inserting "or REMIC".

(2) Clause (ii) of section 382(l)(4)(B) is amended by striking "a REMIC to which part IV of subchapter M applies, or a FASIT to which part V of subchapter M applies," and inserting "or a REMIC to which part IV of subchapter M applies,".

(3) Paragraph (1) of section 582(c) is amended by striking ", and any regular interest in a FASIT,".

(4) Subparagraph (E) of section 856(c)(5) is amended by striking the last sentence.

(5) Paragraph (5) of section 860G(a) is amended by adding "and" at the end of subparagraph (B), by striking ", and" at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).

(6) Subparagraph (C) of section 1202(e)(4) is amended by striking "REMIC, or FASIT" and inserting "or REMIC".

(7) Subparagraph (C) of section 7701(a)(19) is amended by adding "and" at the end of clause (ix), by striking ", and" at the end of clause (x) and inserting a period, and by striking clause (xi).

(8) The table of parts for subchapter M of chapter 1 is amended by striking the item relating to part V.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2003.

(2) EXCEPTION FOR EXISTING FASITS.—

(A) IN GENERAL.—Paragraph (1) shall not apply to any FASIT in existence on the date of the enactment of this Act.

(B) TRANSFER OF ADDITIONAL ASSETS NOT PERMITTED.—Except as provided in regulations prescribed by the Secretary of the Treasury or the Secretary's delegate, subparagraph (A) shall cease to apply as of the earliest date after the date of the enactment of this Act that any property is transferred to the FASIT.

SEC. 335. EXPANDED DISALLOWANCE OF DEDUCTION FOR INTEREST ON CONVERTIBLE DEBT.

(a) In General.—Paragraph (2) of section 163(l) is amended by striking "or a related party" and inserting "or equity held by the issuer (or any related party) in any other person".

(b) Conforming Amendment.—Paragraph (3) of section 163(l) is amended by striking "or a related party" in the material preceding subparagraph (A) and inserting "or any other person".

(c) Effective Date.—The amendments made by this section shall apply to debt instruments issued after the date of the enactment of this Act.

SEC. 336. EXPANDED AUTHORITY TO DISALLOW TAX BENEFITS UNDER SECTION 269.

(a) In General.—Subsection (a) of section 269 (relating to acquisitions made to evade or avoid income tax) is amended to read as follows:

"(a) In General.—If—

"(1)(A) any person acquires stock in a corporation, or

"(B) any corporation acquires, directly or indirectly, property of another corporation and the basis of such property, in the hands of the acquiring corporation, is determined by reference to the basis in the hands of the transferor corporation, and

"(2) the principal purpose for which such acquisition was made is evasion or avoidance of Federal income tax by securing the benefit of a deduction, credit, or other allowance,

then the Secretary may disallow such deduction, credit, or other allowance."

(b) Effective Date.—The amendment made by this section shall apply to stock and property acquired after February 13, 2003.

SEC. 337. MODIFICATIONS OF CERTAIN RULES RELATING TO CONTROLLED FOREIGN CORPORATIONS.

(a) Limitation on Exception From PFIC Rules for United States Shareholders of Controlled Foreign Corporations.—Paragraph (2) of section 1297(e) (relating to passive investment company) is amended by adding at the end the following flush sentence:

"Such term shall not include any period if there is only a remote likelihood of an inclusion in gross income under section 951(a)(1)(A)(i) of subpart F income of such corporation for such period."

(b) Determination of Pro Rata Share of Subpart F Income.—Subsection (a) of section 951 (relating to amounts included in gross income of United States shareholders) is amended by adding at the end the following new paragraph:

"(4) Special rules for determining pro rata share of subpart F income.—The pro rata share under paragraph (2) shall be determined by disregarding—

"(A) any rights lacking substantial economic effect, and

"(B) stock owned by a shareholder who is a tax-indifferent party (as defined in section 7701(m)(3)) if the amount which would (but for this paragraph) be allocated to such shareholder does not reflect such shareholder's economic share of the earnings and profits of the corporation."

(c) Effective Date.—The amendments made by this section shall apply to taxable years on controlled foreign corporation beginning after February 13, 2003, and to taxable years of United States shareholder in which or with which such taxable years of controlled foreign corporations end.

SEC. 338. BASIS FOR DETERMINING LOSS ALWAYS REDUCED BY NONTAXED PORTION OF DIVIDENDS.

(a) In General.—Section 1059 (relating to corporate shareholder's basis in stock reduced by nontaxed portion of extraordinary dividends) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) Basis for Determining Loss Always Reduced by Nontaxed Portion of Dividends.—The basis of stock in a corporation (for purposes of determining loss) shall be reduced by the nontaxed portion of any dividend received with respect to such stock if this section does not otherwise apply to such dividend."

(b) Effective Date.—The amendment made by this section shall apply to dividends received after the date of the enactment of this Act.

SEC. 339. AFFIRMATION OF CONSOLIDATED RETURN REGULATION AUTHORITY.

(a) In General.—Section 1502 (relating to consolidated return regulations) is amended by adding at the end the following new sentence: "In prescribing such regulations, the Secretary may prescribe rules applicable to corporations filing consolidated returns under section 1501 that are different from other provisions of this title that would apply if such corporations filed separate returns."

(b) Result Not Overturned.—Notwithstanding subsection (a), the Internal Revenue Code of 1986 shall be construed by treating Treasury regulation §1.1502-20(c)(1)(iii) (as in effect on January 1, 2001) as being inapplicable to the type of factual situation in 255 F.3d 1357 (Fed. Cir. 2001).

(c) Effective Date.—The provisions of this section shall apply to taxable years beginning before, on, or after the date of the enactment of this Act.

Subtitle C—Prevention of Corporate Expatriation To Avoid United States Income Tax

SEC. 341. PREVENTION OF CORPORATE EXPATRIATION TO AVOID UNITED STATES INCOME TAX.

(a) In General.—Paragraph (4) of section 7701(a) (defining domestic) is amended to read as follows:

"(4) Domestic.—

"(A) In general.—Except as provided in subparagraph (B), the term 'domestic' when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State unless, in the case of a partnership, the Secretary provides otherwise by regulations.

"(B) Certain corporations treated as domestic.—

"(i) In general.—The acquiring corporation in a corporate expatriation transaction shall be treated as a domestic corporation.

"(ii) Corporate expatriation transaction.—For purposes of this subparagraph, the term 'corporate expatriation transaction' means any transaction if—

"(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly substantially all of the properties held directly or indirectly by a domestic corporation, and

"(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation.

"(iii) Lower stock ownership requirement in certain cases.—Subclause (II) of clause (ii) shall be applied by substituting '50 percent' for '80 percent' with respect to any nominally foreign corporation if—

"(I) such corporation does not have substantial business activities (when compared to the total business activities of the expanded affiliated group) in the foreign country in which or under the law of which the corporation is created or organized, and

"(II) the stock of the corporation is publicly traded and the principal market for the public trading of such stock is in the United States.

"(iv) Partnership transactions.—The term 'corporate expatriation transaction' includes any transaction if—

"(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly properties constituting a trade or business of a domestic partnership,

"(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former partners of the domestic partnership or related foreign partnerships (determined without regard to stock of the acquiring corporation which is sold in a public offering related to the transaction), and

"(III) the acquiring corporation meets the requirements of subclauses (I) and (II) of clause (iii).

"(v) Special rules.—For purposes of this subparagraph—

"(I) a series of related transactions shall be treated as 1 transaction, and

"(II) stock held by members of the expanded affiliated group which includes the acquiring corporation shall not be taken into account in determining ownership.

"(vi) Other definitions.—For purposes of this subparagraph—

"(I) Nominally foreign corporation.—The term 'nominally foreign corporation' means any corporation which would (but for this subparagraph) be treated as a foreign corporation.

"(II) Expanded affiliated group.—The term 'expanded affiliated group' means an affiliated group (as defined in section 1504(a) without regard to section 1504(b)).

"(III) Related foreign partnership.—A foreign partnership is related to a domestic partnership if they are under common control (within the meaning of section 482), or they shared the same trademark or tradename."

(b) Effective Dates.—

(1) In general.—The amendment made by this section shall apply to corporate expatriation transactions completed after September 11, 2001.

(2) Special rule.—The amendment made by this section shall also apply to corporate expatriation transactions completed on or before September 11, 2001, but only with respect to taxable years of the acquiring corporation beginning after December 31, 2003.

Subtitle D—Inclusion in Gross Income of Funded Deferred Compensation of Corporate Insiders

SEC. 351. INCLUSION IN GROSS INCOME OF FUNDED DEFERRED COMPENSATION OF CORPORATE INSIDERS.

(a) In General.—Subpart A of part I of subchapter D of chapter 1 is amended by adding at the end the following new section:

"SEC. 409A. INCLUSION IN GROSS INCOME OF FUNDED DEFERRED COMPENSATION OF CORPORATE INSIDERS.

"(a) In General.—If an employer maintains a funded deferred compensation plan—

"(1) compensation of any disqualified individual which is deferred under such funded deferred compensation plan shall be included in the gross income of the disqualified individual or beneficiary for the 1st taxable year in which there is no substantial risk of forfeiture of the rights to such compensation, and

“(2) the tax treatment of any amount made available under the plan to a disqualified individual or beneficiary shall be determined under section 72 (relating to annuities, etc.).

“(b) Funded Deferred Compensation Plan.—For purposes of this section—

“(1) In general.—The term ‘funded deferred compensation plan’ means any plan providing for the deferral of compensation unless—

“(A) the employee’s rights to the compensation deferred under the plan are no greater than the rights of a general creditor of the employer, and

“(B) all amounts set aside (directly or indirectly) for purposes of paying the deferred compensation, and all income attributable to such amounts, remain (until made available to the participant or other beneficiary) solely the property of the employer (without being restricted to the provision of benefits under the plan), and

“(C) the amounts referred to in subparagraph (B) are available to satisfy the claims of the employer’s general creditors at all times (not merely after bankruptcy or insolvency).

Such term shall not include a qualified employer plan.

“(2) Special rules.—

“(A) Employee’s rights.—A plan shall be treated as failing to meet the requirements of paragraph (1)(A) unless—

“(i) the compensation deferred under the plan is payable only upon separation from service, death, or at a specified time (or pursuant to a fixed schedule), and

“(ii) the plan does not permit the acceleration of the time such deferred compensation is payable by reason of any event.

If the employer and employee agree to a modification of the plan that accelerates the time for payment of any deferred compensation, then all compensation previously deferred under the plan shall be includible in gross income for the taxable year during which such modification takes effect and the taxpayer shall pay interest at the underpayment rate on the underpayments that would have occurred had the deferred compensation been includible in gross income on the earliest date that there is no substantial risk of forfeiture of the rights to such compensation.

“(B) Creditor’s rights.—A plan shall be treated as failing to meet the requirements of paragraph (1)(B) with respect to amounts set aside in a trust unless—

“(i) the employee has no beneficial interest in the trust,

“(ii) assets in the trust are available to satisfy claims of general creditors at all times (not merely after bankruptcy or insolvency), and

“(iii) there is no factor that would make it more difficult for general creditors to reach the assets in the trust than it would be if the trust assets were held directly by the employer in the United States.

Except as provided in regulations prescribed by the Secretary, such a factor shall include the location of the trust outside the United States.

“(c) Disqualified Individual.—For purposes of this section, the term ‘disqualified individual’ means, with respect to a corporation, any individual—

“(1) who is subject to the requirements of section 16(a) of the Securities Exchange Act of 1934 with respect to such corporation, or

“(2) who would be subject to such requirements if such corporation were an issuer of equity securities referred to in such section.

“(d) Other Definitions and Special Rules.—For purposes of this section—

“(1) Qualified employer plan.—The term ‘qualified employer plan’ means—

“(A) any plan, contract, pension, account, or trust described in subparagraph (A) or (B) of section 219(g)(5), and

“(B) any other plan of an organization exempt from tax under subtitle A.

“(2) Plan includes arrangements, etc.—The term ‘plan’ includes any agreement or arrangement.

“(3) Substantial risk of forfeiture.—The rights of a person to compensation are subject to a substantial risk of forfeiture if such person’s rights to such compensation are conditioned upon the future performance of substantial services by any individual.

“(4) Treatment of earnings.—Except for purposes of subsection (a)(1) and the last sentence of (b)(2)(A), references to deferred compensation shall be treated as including references to income attributable to such compensation or such income.”

(b) Clerical Amendment.—The table of sections for such subpart A is amended by adding at the end the following new item:

“Sec. 409A. Inclusion in gross income of funded deferred compensation of corporate insiders.”

(b) Effective Date.—The amendments made by this section shall apply to amounts deferred after July 10, 2002.

Mr. THOMAS (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. RANGEL. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will continue to read.

The Clerk continued the reading of the motion to recommit.

Mr. THOMAS (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. RANGEL. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will continue to read.

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that our substitute be made in order.

POINT OF ORDER

Mr. THOMAS. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. THOMAS. Mr. Speaker, the point of order is that the substitute was not made in order under the rule. Therefore, it is not germane.

The SPEAKER pro tempore. The Clerk must first continue reading the motion to recommit.

The Clerk continued the reading of the motion to recommit.

Mr. RANGEL (during the reading). Mr. Speaker, I ask unanimous consent that the remainder of the motion to recommit be considered as read and printed in the Record. That concludes the references to the table of contents of this substitute bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

POINT OF ORDER

Mr. THOMAS. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. THOMAS. Mr. Speaker, as is made imminently clear by the reading of the table of contents, the motion to recommit is not germane. It is in violation of clause 7 of rule XVI of the House because the motion to recommit relates to subject matter not contained in the underlying bill. The underlying bill only relates to reducing income taxation. Therefore, the amendment is not germane and, therefore, is out of order.

The SPEAKER pro tempore. Do other Members wish to be heard on the point of order?

Mr. RANGEL. Mr. Speaker, the gentleman from California said yesterday that he wanted an equality in the rule that was before this House. He said that he would not be supporting anything that would not allow us to be heard, and that he would also not ask for points of order to be waived on the majority’s bill.

It seems to me that if what they are saying is true, that this is supposed to be a jobs bill, how can anyone in this country, anyone in this Congress, say that giving some assistance to the millions of people that have lost their jobs during this administration, that giving some relief, giving some unemployment compensation, is out of order and not relevant?

□ 1330

How can we say that the working people who do not see any of the benefits of this tax cut, when we are talking about giving them benefits, giving them the opportunity to buy, to purchase, and to stimulate the economy, how can we say that it is not relevant? How can we say that Medicaid and giving assistance to our States that are in economic dire need, what kind of rule could they come up with, call it fair, call it equitable, and not give us a chance to express ourselves?

I suggest to my colleagues that what we are trying to do is to have an alternative. That is not the Republican way, that is not the Democratic way, that is the American way, that we be allowed to be heard.

Mr. Speaker, we made an appeal to the Committee on Rules. The chairman of the Committee on Ways and Means admitted this morning that he asked to have the same type of treatment for us as they were asking for themselves. True, he said, he was not going to ask for a waiver of the rules; but that is not the case. Somehow, between a nod and a blink, he got a waiver of the rules. We picked out five violations of the budget; and yet they say that they got a waiver of the rules that we control ourselves by.

So the only thing I am saying is this: they have got the votes. They have held this bill until they can get the votes. They have kept every Republican's foot to the fire in order to give tax relief for the richest people in the United States of America. We are not asking to win; we are merely asking to be heard. We are asking for the opportunity, using the same rules that they have had for themselves, for ourselves.

Mr. Speaker, I hope that you allow this substitute to be heard, to be argued, and to be voted on.

The SPEAKER pro tempore (Mr. SIMPSON). The Chair is prepared to rule on the point of germaneness.

The gentleman from California makes a point of order that the motion to recommit is not germane.

The motion to recommit instructs the Committee on Ways and Means to report forthwith the bill to the House with an amendment that provides, in pertinent part, for an extension of unemployment benefits under the Temporary Extended Unemployment Compensation Act of 2002.

The bill, H.R. 2, amends the Internal Revenue Code to provide various economic growth incentives. The changes to the Code proposed by the bill are confined to the revenue jurisdiction of the Committee on Ways and Means.

Clause 7 of rule 16 provides that no proposition on a "subject different from that under consideration shall be admitted under the color of amendment." As recorded on page 678 of the House Rules and Manual, a general principle of the germaneness rule is that an amendment must relate to the subject matter under consideration. The amendment proposed in the motion to recommit would, in pertinent part, extend unemployment insurance benefits, a matter not addressed by the underlying bill and falling outside the revenue jurisdiction of the Committee on Ways and Means.

Accordingly, the motion is not germane and the point of order is sustained.

Mr. RANGEL. Mr. Speaker, with all due respect, in view of the inequities that exist in bringing this bill to the floor, I respectfully appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Speaker, the real American way is to play by the rules. I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is the motion offered by the gentleman from California (Mr. THOMAS) that the appeal of the ruling of the Chair be laid on the table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RANGEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 202, not voting 11, as follows:

[Roll No. 180]

AYES—222

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall(CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Boyd
Clyburn
Cole
Combest
Conyers
Feeney
Gephardt
King (IA)
Miller, Gary
Northup
Schrock

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). The Chair would advise Members that 2 minutes remain in this vote.

☐ 1351

Ms. WOOLSEY and Mr. DOGGETT changed their vote from "aye" to "no."

So the decision of the Chair stands as the judgment of the House.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO RECOMMIT OFFERED BY MR. MOORE

Mr. MOORE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MOORE. Yes, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MOORE moves to recommit the bill, H.R. 2, to the Committee on Ways and Means with instructions to promptly report the same back to the House with an amendment that provides that the bill's provisions will not take effect until the Federal budget is in balance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) is recognized for 5 minutes in support of his motion.

Mr. MOORE. Mr. Speaker, I urge the Members of this body to vote for the motion to recommit. This is not a partisan issue to me. In fact, 2 years ago, Mr. Speaker, I voted for the President's tax cut. But that was then and this is now. Two years ago we had a projected surplus of $5.6 trillion. Now we have a projected deficit of $400 billion. That was then and this is now.

Deficits do matter. At one time or another all of us in this Chamber have said that deficits do matter, that debt does matter. We had then, 2 years ago, a $5.7 trillion debt. Now we have a $6.4 trillion debt. The debt tax, the debt tax, not the death tax, Mr. Speaker, the debt tax is $1 billion a day. And this bill, if it is passed, will increase the debt tax and the party that is supporting this bill will increase taxes to every taxpayer in this country in the future if this bill passes. They want to raise that tax and I think that we should not do that, Mr. Speaker.

They want to borrow money to pay for a tax cut now and pass the bill for that tax cut to our children and our grandchildren. That is the wrong thing to do. It is outrageous. It is selfish and we should vote that down. I urge the Members of this Congress to vote for the motion to recommit.

Mr. Speaker, I yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, January 26, 1995, I joined with the 135 remaining Members on this side of the aisle to pass a balanced budget constitutional amendment. It is one of the happier days of my now 24 years in this House of Representatives. One of the saddest days was watching it be defeated by one vote on the floor of the Senate. Had the Senate voted for the balanced budget constitutional amendment, this bill could not be on the floor today, could not be on the floor today. But it is on the floor today.

Suddenly deficits do not matter. Balancing the budget does not matter. It is all on the myth and projections that we have heard over and over and over again, not only by this bill today, but also the one in 2001 and 2002. And the facts will speak for themselves.

I rise today in this motion to recommit and urge the 135 of you still here, including the Speaker, the majority leader, and all of the leaders on this side who will bring a constitutional amendment back to the floor by the first of July, I ask a simple question: How can you support this bill and at the same time say you believe that fiscal responsibility and balancing the budget matters?

Deficits no longer matter, Mr. Speaker. They matter to me. I am just as consistent today in my vote no on final passage and yes on this as I was when I joined with you regarding the seriousness of balancing the budget. And to those that argue that this is a growth package, your own economics do not support that this will be paid for. You will have to borrow not just the $550 billion but the 240 in interest to pay for this. But you are perfectly willing to do it.

I heard a moment ago the Speaker talking about debt and talking about how we want to change the corporate behavior. I agree with him, but you have got to start with us here right now. You cannot just talk about them. You have got to talk about us.

Under your own game plan that you are bound and determined to pass and take full credit for, and you will deserve it, you will deserve it, this country will owe over $12 trillion at the end of this game plan, exactly the time the baby boomers begin to retire. And at no time have we spent one second trying to deal with the problem of the baby boomers in Social Security and Medicare in the future. It is all about us today.

Mr. Speaker, if you are consistent in believing that balancing the budget does matter, I submit to you there is no way with a clean conscience you cannot vote for this motion to recommit and go back to the drawing board and at least give those of us who are willing to work for a more sensible economic game plan the opportunity to do so. Please join me in support of this motion to recommit and show that we are, in fact, sincere. Or if you are perfectly willing to assume the borrow and spend Republicans of the future, vote with this package today. I am for balancing the budget. I am not for borrowing and spending. It is not going to be in the best interest of this country in the future.

Mr. MOORE. Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, here we go again. This motion does not recommit the bill. It kills tax relief, job creation, and economic growth, because the motion to recommit contains the word "promptly" instead of "forthwith."

Have you heard this before? Do you want me to stop?

Vote no on the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MOORE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 202, noes 218, not voting 15, as follows:

[Roll No. 181]

AYES—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Clay
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta

Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—218

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Boyd
Cannon
Clyburn
Cole
Combest
Cox
Dunn
Feeney
Fossella
Gephardt
King (IA)
LaHood
Miller, Gary
Northup
Schrock

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). The Chair would announce that less than 2 minutes remain in this vote.

□ 1415

Mr. HOEFFEL changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 181, I was inadvertently detained. Had I been present, I would have voted "no."

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RANGEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 203, not voting 10, as follows:

[Roll No. 182]

AYES—222

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—203

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Boyd
Clyburn
Cole
Combest
Feeney
King (IA)
LaHood
Miller, Gary
Northup
Schrock

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1431

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of H.R. 2, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 1527, NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION ACT OF 2003

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of May 12 to grant a rule for the consideration of H.R. 1527, the National Transportation Safety Board Reauthorization Act of 2003, which may require that amendments be printed in the CONGRESSIONAL RECORD prior to their consideration on the floor. The Committee on Transportation and Infrastructure ordered the bill reported on April 9, 2003, and filed its report in the House on May 1, 2003.

Members should draft their amendments to the text of the bill as reported by the Committee on Transportation and Infrastructure. Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to the distinguished majority leader for the purpose of inquiring about the schedule for the following week.

Mr. DELAY. I appreciate the gentleman yielding.

Mr. Speaker, the House will convene on Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of this week. Any votes called on these measures will be rolled until 6:30 p.m. on Tuesday.

On Wednesday, we expect to consider additional bills under suspension of the rules, as well as H.R. 1000, the Pension Security Act of 2003.

On Thursday, we plan to take up H.R. 1527, the National Transportation Safety Board reauthorization.

Finally, I would like to note for all Members that we are making a change to the schedule that we sent to all the offices at the beginning of the year. We do not plan to have votes next Friday, May 16.

Mr. HOYER. I thank the majority leader for giving us that information. I know Members are pleased to hear about Friday, the 16th.

Mr. Leader, the pension bill to which you referred, will this bill that is brought to the floor be a product of the Committee on Education and the Workforce or will it be a joint product of the Committee on Ways and Means and that committee?

Mr. DELAY. If the gentleman will yield further, it is my understanding that the pension bill will be a joint product from the Committee on Ways and Means and the Committee on Education and the Workforce.

Mr. HOYER. I thank the gentleman.

Mr. Leader, as you know, there was great consternation and concern on our side of the aisle about how this massive tax bill was considered today, not only in terms of the fact that we did not get to offer a substitute but also in terms of the very abbreviated time that such a major piece, the gentleman from Pennsylvania (Mr. ENGLISH) referred to it as the most important bill that we might consider during this session of the Congress, was given 1 hour of general debate.

Given that, can you give any assurances that when the pension bill comes to the floor that we will be given an opportunity to offer a substitute and that sufficient time to discuss such a major piece of legislation will be allotted?

I yield to my friend.

Mr. DELAY. I appreciate my friend yielding. Obviously we will work with you to do whatever we can to allow the minority side to have a substitute that is germane to the bill. We think it is important that you be allowed to debate these issues and have an alternative if you choose to offer one. The gentleman is correct, the pension bill is a very important bill and should have enough time to be fully discussed by this House.

Mr. HOYER. Reclaiming my time, I appreciate the gentleman's observation that he would like to work with us in trying to get there.

What impediments would you see to us having a substitute to the pension bill that is offered?

Mr. DELAY. If the gentleman will continue to yield, I am not advised nor do I contemplate any impediment whatsoever, particularly on a pension bill. As the gentleman knows, on a bill that comes from the Committee on Ways and Means, particularly when it deals with the Tax Code, it is always and has always been a closely held bill because any amendment or any substitute has long-ranging implications and consequences. And so the Ways and Means bills have always been held. In the case of a pension bill, it is pretty straightforward. If the minority has a substitute that is germane to the bill, certainly we will give it every consideration.

Mr. HOYER. I thank the gentleman.

Mr. Leader, there has been a lot of discussion about the partial-birth abortion bill. It is not on the schedule for next week, as I understand it. Do you have any idea when this might come up? In particular, do you expect it to come up before the Memorial Day break? I yield to my friend.

Mr. DELAY. I thank the gentleman for yielding. As the distinguished minority whip is probably aware, the Senate passed this very important legislation before the Easter break. The Committee on the Judiciary has marked up the bill. But the calendar being as full as it is before the Memorial Day break, I really cannot see where we can get it to the floor before early summer, sometime probably in June.

Mr. HOYER. With respect to Medicare prescription drugs, Mr. Leader, we are hearing that this bill may be coming to the floor very soon. Can you tell us when we might expect this bill on the floor and again will that be on the floor before the Memorial Day recess?

Mr. DELAY. If the gentleman will yield further, now that the budget resolution has been adopted and we have set aside funds for modernizing the Medicare program and add a prescription drug benefit, the Committee on Ways and Means and the Committee on Energy and Commerce are working very hard to craft a legislative proposal. As the gentleman is very aware and everyone in this House is aware, this is a very difficult issue and it takes a long time to bring parties together. We hope to consider this legislation in the coming weeks, but we really do not have a feel right now as to when we can bring it up. It is difficult to say whether we can have it before the Memorial Day break or not.

Mr. HOYER. I thank the gentleman for that information.

There is another bill which I understand is pretty controversial but which is being worked on. I do not know whether the leader might inform us as to when we might expect to see this bill, and that is the forest management bill. Could you give us some information on where that bill stands at this point in time?

Mr. DELAY. If the gentleman will yield further, the healthy forest bill that we anticipated to be on this floor next week, and we are still working hard to do that, ran into a little problem of jurisdiction. The Committee on the Judiciary has yet to mark that bill up, or their portion of the bill up. They hope to do that next week. If everyone would cooperate, we could mark it up and get it to the floor by the end of next week. If not, then we have every intention of scheduling that bill in the following week.

Mr. HOYER. So in any event, your expectation would be we would pass, or consider it, by the Memorial Day break?

Mr. DELAY. If the gentleman will yield further, I would hope so, yes.

Mr. HOYER. Mr. Leader, I take it there are no other items for next week other than those which we have referenced?

Mr. DELAY. The gentleman is correct.

Mr. HOYER. I thank the leader for the information.

ADJOURNMENT TO TUESDAY, MAY 13, 2003

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Tuesday, May 13, 2003, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON THURSDAY, MAY 15, 2003

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, May 14, it adjourn to meet at 9 a.m. on Thursday, May 15, for the purpose of receiving in this Chamber former Members of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON THURSDAY, MAY 15, 2002, FOR THE PURPOSE OF RECEIVING FORMER MEMBERS OF CONGRESS

Mr. DELAY. Mr. Speaker, I ask unanimous consent that it may be in order on Thursday, May 15, for the Speaker to declare a recess subject to the call of the Chair for the purpose of receiving in this Chamber former Members of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 20

Mr. CHOCOLA. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 20.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

COMMUNICATION FROM HON. NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from NANCY PELOSI, Democratic Leader:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, May 9, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House,
U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 5(a) of the Abraham Lincoln Bicentennial Commission Act (36 U.S.C. 101 note), I hereby appoint Representative LOUISE SLAUGHTER of New York and Representative JESSE JACKSON, Jr. of Illinois, to the Abraham Lincoln Bicentennial Commission for the 108th Congress.

Best regards,

NANCY PELOSI.

□ 1445

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HENSARLING). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXCHANGE OF SPECIAL ORDER TIME

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to take the Special Order time of the gentleman from Washington (Mr. INSLEE).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

THE EFFECTS OF PASSING H.R. 2, JOBS AND GROWTH TAX ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, today we passed a bill out of here in an hour that spent $550 billion worth of taxes. The fact that the House of Representatives, which is the body charged by the Constitution with the responsibility of originating all tax policy in this country, that we can deal with a bill of that size with 1 hour's debate is an absolute travesty. The Founders of this country never considered that a bill of that magnitude with those kinds of long-range effects would be considered on the back of galloping horses as we run to the airport to catch planes all over the country.

The theory of this bill is that if we give back taxes, somehow we will give it to people who will then invest it, creating jobs that will lead to employment in this country. We will hear over and over and over again we are going to create a million jobs, and all this kind of stuff. But the fact is that the Department of Commerce says that today our industries in this country are operating at 75 percent capacity. That means that they can make 25 percent more of whatever it is they make whether it is shirts or tables or furniture or automobiles. They have already the capacity to produce more goods.

What is not happening is that there are people there who have money to purchase those things. So the concept that we are going to give more to the people running the factory and that some factory owner is so stupid that he has already put out all of whatever he can make and thinks he can sell that he would now make more, he would get more machinery and open up a new building and make more automobiles or more whatever, it simply does not pass the commonsense test. If someone runs a bakery and they make 10 loaves of bread and their ovens will allow them to make 20 loaves of bread, but they only sell seven loaves of bread, why would they make 20 loaves of bread? Why would they hire another baker, buy more flour and more yeast and make more bread? So this theory that suddenly if we give more money to the people at the top will magically create jobs is absolutely nonsense. What is needed, obviously, is for the people at the bottom who buy things to have more money.

The bill we just passed out of here in an hour gave 80 percent of the benefit to people making more than $75,000 a year. Now, $75,000 a year is a pretty good income. One can do quite a bit with $75,000 a year. But do all the people above it need more? Do they need to take 80 percent of the benefit and 20 percent goes to the people below? If one is a millionaire under that bill, they will get $105,000 tax refund, $105,000. What will these people on the bottom get? $325.

Most people buy what they can afford, and if they have a small income, they sometimes cannot afford things so they do not buy them. When they have got a big income, they can do whatever they want. But this bill says these people over here with all the money, we are going to give them more, and these people over here, we are going to give them $325.

There are many ways we could have written this bill. I had a proposal to give a payroll tax holiday. There were other proposals that were out here. But the point is that we needed a bill that was fair, that gave the money to the people at the bottom. I was prepared to give a $1,400 amount to everybody in the whole society because everybody pays the payroll tax. Everybody pays Social Security. Everybody pays Medicare, and if we gave that back to people on the first $20,000 of their income, the people on the bottom would get about $1,500 in refund. They could spend it to buy an extra shirt, to take their family to dinner, to do many of the things that would keep the small businesses open that are now closing because nobody can come and buy dinner for their family. They have to stay at home and live within a tight budget. But the leadership of this House for some reason did not want us to deal with that. They would not let us deal with unemployment. None of the people at the bottom got anything. That is a sad day for this House.

ORDER OF BUSINESS

Mr. STRICKLAND. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

TAX CUTS AND VETERANS BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, we have just voted on a large tax cut bill in this House, but I think it is important for the American people to understand how our fiscal irresponsibility is affecting other aspects of our society. I think it is important for the American people to know that the budget the President sent to this House originally and which was passed by this Chamber cut mandatory and discretionary spending for veterans programs by $28.3 billion. It is hard to believe that at a time when our President was asking America's young men and women to go to Iraq and to fight and in many cases give their lives that he sent a budget to this House that cut veterans benefits by $28.3 billion.

Let me tell my colleagues what else was in that budget that the President sent over that hurts our Nation's veterans. He was asking that the co-payment for a prescription drug that a veteran would need to pay would go from $7 a prescription up to $15 a prescription. Just about a year and a half ago, we increased that co-payment, or the House did against my objection and the objection of my Democratic colleagues, they increased that co-payment for a prescription drug from $2 up to $7 and now the President is asking that that co-payment be increased from $7 to $15 a prescription? And do my colleagues not understand that many veterans get 10 or more prescriptions a month? That is 10 times 15. That is a lot of money for veterans who may be living on very limited fixed incomes. It is shameful. It is shameful what the President has asked in his budget that he sent to the House.

But it gets even worse. The President has suggested that there be an annual enrollment fee imposed upon veterans of $250 annually. Think about that. These are young Americans who have gone and served our country, many of them during wartime. They have served honorably; they have come back to this country. They are participating in the VA healthcare system, and the President says they should be charged an annual enrollment fee of $250 at the very time that we are giving huge, huge tax cuts to the richest people in this country, many of them who have never served in the military. It is just outrageous. But it gets worse because in the President's budget he suggested that the cost for clinic visit be increased.

At the time when we are giving large tax cuts to the wealthiest in our country, many of whom have never served in our military, we are putting additional financial burdens on the backs of our Nation's veterans. And then about 1 year ago, this administration's Department of Veterans Affairs put out a gag order, and basically the gag order said this: too many veterans are coming in for services. We do not have enough money to provide those services; so none of our health care providers around the country can any longer make public service announcements encouraging veterans to use the benefits that they are entitled to receive. No longer can our health care professionals participate in health fairs which could identify diseases in their early stages so that they could be prevented. No longer are our health care professionals around the country allowed to put out newsletters describing the services that veterans are legally entitled to and encouraging them to take advantage of those services.

Mr. Speaker, we are limiting what we are willing to do for our veterans so that we can give huge tax breaks to the richest people in this country. And the question is this: The President and leadership of this House must make a choice. Are we going to defend and protect and provide for our veterans, or are we going to continue to cut their benefits, to cut services to veterans in order to give money to the richest people in this country? That is a choice that is facing those of us who serve in this House.

MOTHER'S DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BURNS) is recognized for 5 minutes.

Mr. BURNS. Mr. Speaker, I rise today to celebrate all the mothers in America. During the last few weeks, we have watched as our Armed Forces fought and won a war in Iraq. This weekend many of those troops will celebrate Mother's Day at home with their families, and in fact, some of those returning troops are mothers themselves.

Earlier this year while those mothers and daughters and fathers and sons bravely fought for the freedom of the people of Iraq and for the security of America, the House passed a bill to relieve some of the tax burden on our troops. Today we gave all American mothers tax relief. This is more than a bouquet of flowers. It is more than a sentimental greeting card. Tax relief for working mothers and their children may correspond with Mother's Day, but it produces dividends well beyond this Sunday.

This plan gives the economy an immediate shot in the arm by accelerating tax relief for the marriage penalty, increasing the child tax credit, and providing working mothers with more of their hard-earned dollars through an accelerated tax relief program. And just think, these mothers can use their recouped income for their needs, for the needs of their children, for the needs of their family.

Furthermore, with sizable long-term tax relief on capital, businesses will receive the investment incentives that will help create more jobs. Just think, because of the legislation this House passed today, more mothers who are without a job will find one. More mothers who own small businesses will be able to expand that business instead of closing their doors. More mothers will provide their children with a better life. On this Mother's Day, this House can tell mothers of America that we have not given them flowers, we have given them the flower shop.

REQUEST FOR SPECIAL ORDER

Mr. SHERMAN. Mr. Speaker, I rise to claim the Democratic 5 minutes after the Republican.

Mr. CUNNINGHAM. Mr. Speaker, I have to object because he has had three in a row, and it is going back and forth, and if it stays in regular order, then it is alternating.

THE BENEFITS OF PASSING H.R. 2, JOBS AND GROWTH TAX ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 5 minutes.

Mr. SHUSTER. Mr. Speaker, while many economic indicators show that the American economy is back on the road to recovery, working families in central and western Pennsylvania continue to struggle to pay their bills. Unemployment rates for some portions of my district have risen as high as 14 percent, and jobs are difficult to find, even for the most well-trained workers.

For my constituents, the time to act on these alarming trends is now. I applaud the leadership of the gentleman from California (Mr. THOMAS) and the Committee on Ways and Means on crafting H.R. 2 to help spur our Nation's economy, and we in the House were right to pass this vital legislation. The provisions of H.R. 2 will put billions back into our country and create thousands of new jobs for Pennsylvania workers. This legislation will ensure our economy continues to grow and creates jobs in the years ahead. H.R. 2 is an important step in answering the economic questions facing millions of American taxpayers.

☐ 1500

The benefits of H.R. 2 are staggering. Twenty-seven million taxpayers will benefit from the increased child tax credit in 2003 alone; nearly 10 million taxpayers will not pay the AMT; 10 million seniors will become more financially secure in retirement by keeping more of their dividend income.

In fact, half of the immediate tax relief provisions of H.R. 2 are directed towards the child tax credit, eliminating the marriage penalty tax, accelerating rate reductions for middle-class families and ensuring these families do not face the alternative minimum tax; real money for families.

As a former small business owner, I understand the importance of H.R. 2 to small businesses throughout America. H.R. 2 will benefit family businesses by increasing the immediate deduction for small business from $25,000 to $100,000 and modifying the definition of small business to allow more businesses to grow and prosper.

Mr. Speaker, I congratulate my colleagues in the House for supporting H.R. 2, and I urge the other body to move swiftly on this important legislation for our Nation and for working families.

BENEFITS OF TAX CUT BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, this bill is a job killer. It ensures the continuation of the Bush recession.

Now, some will benefit from this. In fact, those who earn over $1 million a year will average more than $93,000. That is almost enough to be a Bush Pioneer, if you give $100,000 to the Bush campaign.

What has happened here in this debate is that the minor economic benefits of this proposal have been talked about extensively, but the offsetting and much larger economic detriments have not been discussed as extensively. Because my colleagues on the Democratic side are so incensed at how unfair this bill is, we have not had enough time to talk about what a job killer it is.

What does this bill do? Yes, it does put some wealthy individuals in a position where they can buy the new $350,000 Mercedes. It is an expensive car. It is a new car. It is the latest toy. And that is where a big chunk, along with similar consumption items, foreign consumption items, where a significant part of this tax bill's result is going.

It is true that some of it will be invested by the wealthy. Some of it will stimulate domestic demand. So there is some positives of the $550 billion. It is hard to find $550 billion that does not have some positives.

But what about the negative? 100 percent of the cost of this bill, and as the gentleman from South Carolina (Mr. SPRATT) explained, that is over $1 trillion, gets sucked out of our capital markets. What does this mean? It means that the over 2.5 million Americans who have already lost their job in the Bush recession will not find new jobs, because when small businesses in my district go to borrow money, the banker will say no, money is not available. We lent it instead to the U.S. Treasury, who has an excellent record of paying it back.

How are small businesses supposed to get the capital they need to expand? They are not going to be able to get it from our capital markets, because $1 trillion is going to be sucked out to pay for this deficit.

It is not typical for me to come to this floor and criticize one of my California colleagues and how they run their office, but I say to the gentleman from California (Mr. THOMAS), you must give your staff a raise, because they have come up with a more regressive tax proposal than the Bush administration. They have done more for the Pioneers.

Look at this. This is amazingly regressive, with virtually nothing going to half of Americans, and $93,000 going to the very wealthy. How do they achieve that? Let us look at the next chart. They come up with an interesting approach.

The tax provisions that help middle-class families cease to have any effect in 2007, whereas the provisions that are responsible for the millionaires getting $93,000 each each year continue for quite some time. In fact, this bill does not have a single provision that helps middle-class families that continues in effect past 2007.

So, let us summarize this bill:

Benefits in 2008 for future years that help middle-class families, zero.

Benefits to 50 percent of all Americans from the dividend provisions in this bill, 1 percent.

Benefits to the top 1 percent coming from the dividend provisions and capital gains provisions of this bill, over 50 percent.

Having a staff that can put together a bill that is more regressive than the White House was able to put together, priceless.

Yes, RepubliCard. Some things, campaign contributions just cannot buy. For everything else, there is RepubliCard. RepubliCard. The country club will accept nothing less.

Also, finally, do not forget to apply for the Deficit Express Card, now with a $12 trillion credit limit, because we will indeed have a $12 trillion national debt with the budget adopted by the majority party. Deficit Express Card, don't leave the House without it.

SETTING THE RECORD STRAIGHT ON ECONOMIC HISTORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, if Patrick Henry could come back today, he would be appalled at what taxation with representation gives us today.

There was not time to speak during the debate, so I would like to set the record straight, and these are facts, undisputable facts.

First of all, I would like to address the issue that George W. Bush lost jobs and the surplus. Fact: In history, in the year 2000, we were starting into a recession. Alan Greenspan. We had tax relief 2 years ago. Alan Greenspan and the majority of economists say that that tax relief shallowed that recession.

Then, Mr. Speaker, we had 9/11. I cannot tell you the effects of this. To New York it was $283 billion, including the $83 billion in lost revenue, and it did hurt this country.

I would like to respond to the ranking minority leader, the gentlewoman from California (Ms. PELOSI). She stated that only Democrats voted for the 1993 tax increase. Let me tell you why Republicans did not vote for the 1993 tax bill. I would say in fairness, not all the Democrats were here during that 1993 period and they should not be held accountable, but the Democrat leadership should.

First of all, they gave us the largest tax increase in history in 1993, and this is when the White House, the House and the Senate was controlled by the Democrats. I heard the gentleman from Missouri (Mr. GEPHARDT) stand up here and plead for a middle-class tax cut in that 1993 bill. It was the largest tax on the middle class we have ever had in U.S. history. There was a $360 billion deficit, forever, no light at the end of the tunnel. No, we were not going to vote for that.

There was a $320 billion increase. Did they increase the spending on veterans? No. Did they increase it on the military or Social Security or the Social Security Trust Fund? No. They did it at that time on the then First Lady HILLARY CLINTON's health care government control plan and welfare.

Well, what did they do? They cut the veterans' COLA in the 1993 bill. Things they demagogue every single day, they cut the entire COLA for veterans. They cut the entire COLA for military. When Republicans took the majority, we passed and rescinded that and we restored those COLAs for our veterans and our military.

They demagogue every day about Social Security and our seniors. They increased the tax on Social Security. They cut every dime out of the Social Security Trust Fund for their tax increase, and that is wrong as well.

Did they cut spending? No, they did not. They even had an increase in the gas tax that went into the general fund. When we took the majority in 1994 we changed that also. We did not eliminate it, what we did was put it into the transportation fund so that liberals could not spend it on social programs.

In 2000, as I said, there was a recession. Under Bill Clinton we had 147 military deployments, in Haiti, Somalia, Iraq five times, Sudan, Bosnia, Kosovo. In Bosnia and Kosovo, we flew 86 percent of the missions, we paid for 90 percent. The U.S., not "Butros-Butros By-Golly" in the UN, but we paid for 90 percent of those wars.

Then the next fallacy is the Clinton surplus. Not a single Clinton budget after the 1993 bill passed this floor. Republicans even brought two of his budgets to the floor to have Democrats vote on them. They were so ridiculous, they got the same amount of votes as the Hillary Clinton health care plan, three votes. Why? Because it was so outrageous and demagogued. But yet they would not vote for it. Not one substitute, even the Blue Dog budget, ever passed this floor.

So we restored the veterans and military COLAs, we took transportation dollars and put them into the Transportation Trust Fund, we balanced the budget, and yet they claim that it was a Clinton Democrat surplus.

It just is not true.

DEALING WITH THE ISSUES IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, let me note that one of the prior speakers from the other side of the aisle was talking about the tax cut going to the richest part of America, which they defined as any family earning over $75,000 a year.

Now, I would hope that every working family out there, where a man and woman working as hard as they do in order to make ends meet, realizes that if their total family income is over $75,000, the people on this side of the aisle have been labeling them as the rich, as the wealthy, as the people who need to be exploited in order to help all the other people.

This is quite disturbing. It is certainly disturbing to me. I do not come from a wealthy family and the people I know work really hard in order to have a family income of $75,000 a year. Let me note that in our package, we are hearing a complaint that we are helping families that earn $75,000 a year, we are hearing complaints we have included a child tax credit, we are hearing a complaint we have ended the marriage penalty tax, that we have tried to give the seniors a little relief on their earnings limitations, things that were dramatically reversed in the opposite direction during the Clinton years when the Democrats controlled both Houses of Congress and the presidency.

They just went to work on all of the ordinary Americans. Of course, ordinary Americans are anyone who earns under $75,000. But if you earned $75,000 a year, you are the enemy and you are the target, according to our colleagues on the other side of the aisle.

But that is not the subject I wish to talk about today. Just very quickly, let me note I have spent a great deal of time in Afghanistan over the years. People in this body understand that I have taken special care with the issue of Afghanistan. I warned this body for years during the Clinton administration that we had to do something about the Taliban or it would come back to hurt us, and it did, in a big way on September 11, when 3,000 of our own people were slaughtered by an attack that had been based in Afghanistan.

I rise today to warn my colleagues that the situation in Afghanistan is not going in the right way. Although much progress has been made, there are some things we need to worry about. Let us remember that the Northern Alliance in Afghanistan, some of the same people, these mujahedin fighters who fought against the Soviet Union, and I was there in Afghanistan at the time with them, those very same people were recruited by this administration, by the United States, to help us defeat the Taliban and drive al Qaeda, which was a terrorist gang headed by bin Laden, out of Afghanistan.

□ 1515

Their bravery, along with that of our Special Forces teams, had a magnificent victory in Afghanistan. We drove them out; but since that time, we have not done what is right by the Afghan people again. When they helped us drive out the Soviet Union troops and end the Cold War, we let them sleep in the rubble. There has not been the progress in helping them rebuild their country in Afghanistan that they need to experience. America needs to pay attention to this. There are prices to pay when we do not do what is right.

The heroin crop in Afghanistan has quadrupled over the last year and a half. That is because the people are desperate. They have no other source of income. We have to go in there and help those people rebuild their country, and we are not doing so.

What is worse than that is our embassy, under the control of the United States State Department, is pushing to undermine the Northern Alliance that drove out the Taliban and defeated al Qaeda, they are undermining these brave militia men and instead, shifting power over to another group in Afghanistan, many of whom were allied with the Taliban. Now, if you think that is screwed up, it is hard to fathom when you take a look at it.

What the people in the northern part of Afghanistan are looking for is the right to elect their own provincial leaders, their governors, and their own mayors and city councilmen; they are asking for that right before they would disarm. Our embassy is pushing a centralized system on the people of Afghanistan modeled after the French, of all people, where the government, the central government would appoint the heads of the local police and the schools and whatever. Well, no wonder the Northern Alliance who fought the Taliban are not willing to give up their arms until they know they have a right to cast ballots to determine their own destiny.

Our State Department, for some reason, does not have faith in the American system of government to the point that we are willing to share that with the people of Afghanistan. We need to keep track of what is going on over there. The people in Congress, the administration needs to keep closer track of what is happening and make sure that democracy works and the people of Afghanistan can share in the prosperity of this era.

EXCHANGE OF SPECIAL ORDER TIME

The SPEAKER pro tempore (Mr. HENSARLING). Under a previous order of the House, the gentleman from Ohio (Mr. RYAN) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Ohio.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

CALLING ON AMERICANS TO ENSURE THEY ARE HEARD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, first of all, I am moved to wish all of the mothers of America a happy Mother's Day. Just a few hours ago, I stood with mothers from this community acknowledging the very special challenges that mothers have, particularly unemployed mothers in supporting their families, nurturing sons and daughters who cannot find employment. I encourage them to have their voices heard. In fact, I challenged the mothers of America, particularly the large numbers of mothers who face economic troubles and challenges every day, to have a mothers' march so that their voices can be heard; a mothers' march that will march on Washington to ask the hard questions about health care, education, Medicare and Medicaid, the kinds of issues that my friends on the other side of the aisle make light of, throw it to the wind, call it the poor people's issues.

So, Mr. Speaker, I would like to take issue with some of the good words of my friends from the other side of the aisle. I will show my colleagues the headline in USA Today that says, "Support for the Bush tax cut is growing." I have an answer to that, Mr. Speaker. Every Sunday morning, before millions of Americans go off to church, the owned and paid-for national television programs time after time show the same droning voice, one side of the issue, how great a $550 billion tax cut is. If our airwaves, that are supposed to be protected by the first amendment, do not allow the opposition perspective to even be heard, then what would we expect from the American people? What would we expect but for the polling to go from 42 percent to 52 percent. Shame on America's media. They only showed one side of the war, and now they are only going to show one side of the domestic tax debate.

Our good friends in this House followed suit. Never in the history of this body, the body that is supposed to be responsible for the purse strings of America, and debated on the floor of the House a lousy 1 hour when, in the times of the Democratic control, hours of debate, days of debate were given to the opposition to express their viewpoint. But yet we were denied both a motion to recommit and a substitute. What do you expect from the American people?

But let me tell the American people, those of them who claim to be interested in this government: you can lay back and let the polls speak for you if you desire to do so. You can say Democrats cannot be heard. But you look at this picture in The Washington Post and see the throngs of Iraqis, the bills that are going to be mounting; and yet my colleagues are arguing for a $550 billion tax cut that is going to do nothing for the people of this Nation.

In fact, just my district, as an example, those individuals, the average tax cut for the top 2 percent of taxpayers in the 18th congressional district, a somewhat similar district to American districts around the country, those making the top 2 percent, they will get $13,000. But the average tax cut for the lower 56 percent of the taxpayers in the 18th congressional district will be a lousy $136.

The Democratic job plan sings a different tune, but we cannot get the airing or the hearing before the American public. We believe in tax cuts for working families, increasing the child tax credit, expansion of the 10 percent bracket, eliminating the marriage penalty. We believe in allowing small businesses to expense up to $75,000, bonused appreciation. We understand that small businesses are the backbone of America. And for those of you looking for jobs and are frustrated, deflated, and frightened, we understand the compassion that is needed for you to be able to support your families; but our Republican friends did not extend your unemployment benefits.

We know the crises that are going on in families today, the very tough decisions that have to be made about food or pay the rent, but our Republican friends are not interested. We give broader coverage for those who are unemployed. We give money back to the States. How many of you come from States where they are grappling with a budget deficit and they cannot afford to pay teachers or child care providers? We understand that in providing health care, education, and homeland security and infrastructure.

Might I suggest to my colleagues that it is a mockery to think that this $550 billion joke is going to create jobs. The President's plan is $550 billion. He alleges that it will create 1 million jobs. That means we are paying $550,000 per job. Two jobs, two jobs, it takes.

So all I can say to the American public and to my colleagues in this House, when the Republicans are in charge, this chart shows us that we lose jobs. When the Democrats were in charge, including President Clinton, we voted in 1993 to surge the economy and in 1997 to surge the economy, and we did that. And the 1990s were one of the most prosperous decades in the history of this Nation. It is a shame on America, a shame on the media for you to allow yourselves to be so duped. I hope you understand. If you do not stand up and speak for yourself, you will be run over.

EXCHANGE OF SPECIAL ORDER TIME

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LORETTA SANCHEZ) is recognized for 5 minutes.

Mr. VAN HOLLEN. Mr. Speaker, I ask unanimous consent to take the time of the gentlewoman from California.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

REPUBLICAN TAX CUTS MEAN RECKLESS FISCAL COURSE FOR AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. VAN HOLLEN) is recognized for 5 minutes.

Mr. VAN HOLLEN. Mr. Speaker, earlier today, in less than 1 hour's time, this House of Representatives set our Nation on a very reckless economic course. We are here today in a time of great national challenge. Overseas we face the large challenge of rebuilding Iraq and trying to establish a democratic form of government in that country of about 23 million people. The President recently asked for, and the Congress appropriated, about $80 billion for our efforts in Iraq.

But while we are engaged in Iraq and Afghanistan and elsewhere, we must not forget the very real needs right at home. Because while we build new schools and new hospitals in Iraq and we work to get the Iraqi economy moving again, this administration has been very much out of touch with our needs right here at home and with getting our economy moving again right here in America.

Since the Bush administration came to office, we have lost 2.7 million jobs in this country. Gone, vanished. Half a million of those jobs were lost in the last 3 months alone. And today, 8.8 million Americans are unemployed.

We need an economic plan that will put America back to work and a plan that will reflect the values and the priorities of the American people. The Republican tax package that was adopted earlier today does not. It will not stimulate the economy, it will only stimulate red ink in the years to come, and it does not reflect the priorities of the American family; it reflects the priorities of a very few at the expense of our national interests.

In fact, the message of the Republican tax cut today was loud and clear: forget about the people who are out of work. Forget about the long-term fiscal health of our country. Their number one domestic priority, number one, the most pressing need in America today, according to the package and message they sent, is that the very wealthiest in our country, the people at the very top of the ladder are being taxed too much and we need to give them a big tax cut in the form of capital gains tax cuts and a removal of the tax on stock dividends.

I can tell my colleagues, and I think we all know, that the troops who sacrificed so bravely, most of them are not waiting for their big stock dividends in the mail. But our troops, their children, and all Americans will be paying for this in the long run, because this tax cut is going to exacerbate the fiscal problems in this country. We have already had the biggest reversal in American history, from a $5.6 trillion projected surplus to $2 trillion projected deficits. And who is going to pay? In the long run, we are all going to pay, because we either pay in terms of taxes increased on our children in future generations, or major cuts in programs that are important to the American people such as Social Security and Medicare.

In fact, we are going to be paying right now, because when we reduce our obligations to the States, when we do not fulfill our promises under the Leave No Child Behind Act, where this year we are $9 billion short of what had been committed, we place greater burdens on the States. And the States either have to do one of two things. They either have to increase revenues and taxes, or they have to cut back on programs.

In the State of Maryland, we are seeing dramatic cuts in higher education. Who is paying for those? Students. Their tuition is going up by more than 10 percent. It is simply a tax on students. It is a tax on other people. You cannot get a free lunch. The American people know that. Someone has to pay.

Look at what we are doing to veterans benefits. Sure, we are reducing taxes to the very wealthiest in this country, but what is the result? A dramatic cutback in benefits for veterans.

So what do we do? There was an alternative plan put forward by the Democrats, but no one was allowed an up-or-down vote on that plan here in this body. It called for greater relief for the States so they do not have to either increase taxes back home locally or dramatically cut education and health benefits. It called for a tax break for more middle Americans, increasing the child tax credit, an acceleration of the marriage penalty relief. It called for greater relief for unemployed workers and their families so that they could continue to pay the rent, continue to put food on the table; and that relief has a big impact on the economy. Those are people who need the funds, they have been in need of work, they lost their jobs through no fault of their own, they are continuing to look for work; and when they get that dollar of help, they go out and spend it in the economy.

Finally, it provides for business tax credits to provide for investment now.

Mr. Speaker, in closing, I just find that this particular proposal that was adopted today sets our Nation on a reckless course. We need a plan for all of America that will move our entire Nation forward, and I hope in the days ahead we will do that.

□ 1530

REPUBLICAN ECONOMIC PLAN IS NOT FAIR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Wisconsin (Ms. BALDWIN) is recognized for 5 minutes.

Ms. BALDWIN. Mr. Speaker, what are the tests that an economic stimulus package should pass in order for us to conclude that it will be successful?

An economic stimulus plan should be fair, should be fast acting, it should be fiscally responsible, like our Democratic plan is. We all know the Republican tax plan does not meet any of these criteria. That is why they have essentially given up claiming that it is a stimulus package.

No matter how many gimmicks the Republican tax cut plan uses, the one thing it cannot hide is the fact that this bill predominantly benefits the very wealthy. Like the first Bush tax cut passed in the summer of 2001, it seems custom designed by and primarily for the benefit of the very wealthiest of Americans.

Today I would like to show how different people fare under the House Republican budget proposal. I guess it all boils down to who you are and what you do. For example, are you a prize fighter or a firefighter? A prize fighter, like Mike Tyson, had reported earnings of $48 million last year. He stands to gain well over $100,000 from the House Republican plan. While a firefighter making an average salary of roughly $35,000 will save $332 through the Republican tax cut. $100,000 is the absolute minimum that millionaires will receive from the tax cut passed earlier today. Most will receive a lot more.

How will other people fare under the Republican tax cut? Well, again, it depends on who you are. Are you the Terminator or an average exterminator? Arnold Schwarzenegger will gain in the hundreds of thousands of dollars from this tax cut while the average exterminator could save about $452. Yes, it all depends on who you are.

Are you a Texas Ranger or a forest ranger? This year Alex Rodriguez will earn $23 million playing shortstop for the Texas Rangers while the typical forest ranger will make a little over $21,000. Alex would scoop up way more than a hundred thousand dollars in tax savings. The forest ranger, he might pocket a little less than $200.

Well, are you a recording artist or a tattoo artist? Music artist Britney Spears' tax savings compares quite handsomely with tattoo artist Rene Mezechenko. Rene's tax cut will be around $300. Britney's will be in the hundreds of thousands of dollars. It all depends on who you are.

Are you an executive officer or an executive assistant? Jeffrey Barbakow, CEO of Tenent Healthcare made $115,600,000 last year, according to the New York Times. Pamela Taylor, an executive assistant, made $39,000. Pamela's tax cut will be $452.

You get the picture. Those who need tax relief the most are getting the least. Congress should stop pandering to the rich special interests and get around to the tasks of putting Americans back to work.

Now, I have had a little bit of fun with these pairings, but this is serious business. I represent a lot of people who hold jobs with titles like firefighter, executive assistant, factory worker, store clerk, nurse, and teacher. I also represent a lot of people who have recently lost their jobs in this turbulent economy. None of these folks are calling me on the phone to beg for a dividend tax cut. They are calling me to say put Wisconsin back to work. Put America back to work and do so in a way that is fair, fast acting, and fiscally responsible. That is what the Democratic plan would do.

REPUBLICANS TAX IRRESPONSIBLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, today our Chamber threw away any semblance of fiscal responsibility by passing H.R. 2, the Republican tax bill that provides more massive tax cuts, while ignoring the needs of the majority of

Americans. Two years ago the administration and Congress were looking covetously at a staggering $5.6 trillion cumulative surplus through 2010. At the time Congress was continually reassured by the administration that we could afford an enormous tax cut, ensure the solvency of Social Security and Medicare, pay down the national debt, fund our domestic priorities and still have a large surplus reserve fund to front anticipated emergencies.

Like many of my colleagues, I cautioned the administration at the time that its budget and enormous tax cut were based on unrealistic surplus projections that would never materialize. Not surprisingly the Congressional Budget Office confirmed that in less than 2 years the 10-year projected surplus has been erased. While portions of this decline are a result of our efforts to defeat terrorism and preserve national security both at home and abroad, the depletion of the surplus to date was largely caused by the administration's fiscally irresponsible policies of 2001.

What do we get for these tax cuts which were supposed to stimulate our economy? Well, we now have the highest unemployment rate in 9 years. Severe cuts in State budgets and programs and the largest among deficit in national debt in our Nation's history. Not content with these successes, the Republicans now want more tax cuts largely skewed to the wealthiest Americans, the top rate income tax reduction in dividend taxation provisions are particularly egregious when 8.8 million Americans are unemployed, with the average length of unemployment now at about 20 weeks. The Republican tax cuts ignore the situation of those Americans. Furthermore, our Nation will have to borrow to pay for the funds to pay for these tax cuts at a time when the United States has a $6.4 trillion national debt and spend $1 billion per day on interest payments for that debt. In fact, debt interest payments are now the third largest expenditure in the Federal budget. Money that could instead be used for homeland security, health care, prescription drugs for our seniors, or education for our children.

Almost as outrageous as the provisions of the Republican tax plan was, the House leadership decision not to allow the Democrats to offer their alternative was even more egregious. Our plan was far more fiscally responsible, costing only $129 billion in immediate spending, and even those costs would be offset for long term economic gains such as income taxes from newly employed Americans. The Democratic plan would create 1 million new jobs, more than double the estimate for the Republican plan. Additionally, it would put money in the pockets of families most likely to spend, provide tax relief for businesses most likely to invest, and hire and provide direct financial assistance to States that are struggling to provide health care and other vital human services to their citizens. This financial assistance would forestall State tax increases or service cutbacks that would otherwise deepen the recession and destroy jobs.

Mr. Speaker, I am deeply disturbed by the outcome of today's vote, as well as the heavy handed tactics used by the Republican leadership that denied a debate on our responsible alternative. I will maintain my opposition to irresponsible tax and budget policies that are leading this Nation down a path that could put the economic survival and stability of our Nation in jeopardy.

BUSH ECONOMIC STRATEGY LEAVES AMERICA BEHIND

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, I rise today to join my Democratic colleagues in expressing my outrage with the Bush administration and the Republican majority who are truly waging economic warfare against the American people, most notably our children and our grandchildren.

Mr. Speaker, the tax package the Republicans undemocratically and very brutally rammed through here today represent dropping a big bomb on American families. It is un-American to devastate the lives of American families who happen not to be rich. This budget, this tax cut will leave a huge crater in the economy and the Federal budget that will take decades to repair.

What is most troubling about this irresponsible, unfair, and ill-advised plan for economic disaster? What does it mean for our children, especially our most vulnerable children? You simply cannot be for leaving no child behind when you are handing out massive tax cuts for millionaires at the expense of our children. What do we tell the parents of these children when they ask what is our government going to do to create jobs? What is our government doing to help kids? What is our government doing to expand health care to help senior citizens or to improve education or to ease inequality?

I guess we tell them that we have a President and a Republican majority in Congress who care more about eliminating taxes on stock dividends than eliminating poverty. We tell them we have a President who is slashing Head Start funds, cutting job training programs and after school programs and spending the entire Social Security surplus. We tell them that this may be the first President in over half a century who may serve an entire term in office without creating one single job. And we tell them we have an administration that is seeking to wipe out affirmative action because it is apparently blind to the enormous inequalities in our country. And we let them know that this mean-spirited tax cut will disproportionately affect African American and Latino children. We tell them that we have a President who is, yes, waging war at home, a war on our future, a war on opportunities for our children, a war on equality and war on our economy. There are 9 million people unemployed in this country, including 2 million unemployed African Americans and almost 1.5 million Latinos. That is a disgrace and there is no help for them in this Bush plan.

We are in a jobs depression. What our economy needs and what Americans need are more job opportunities. How do you benefit from a tax cut when you do not even have a job? Where is the compassion in this?

We need increased technical training for young people and transition assistance for displaced workers, many of whom are victims of our trade policy. Just look at NAFTA. Under NAFTA we have seen a quarter of a million actual and potential jobs disappear. Now the administration is looking to expand NAFTA to virtually every single country in the Western Hemisphere. How many jobs will we lose then?

As Marian Wright Edelman, President of the Children's Defense Fund, said, it is awfully hard to be a poor child in this country. It is awfully hard to be a parent. It is hard to be one of the millions of Americans desperately searching for jobs and not finding them while their unemployment benefits are expiring.

□ 1545

It is hard for tens of millions of people in Bush's mark. We could be turning the tide on this jobs depression. We should be investing in our future, but on the eve of Mother's Day, rather than saying Happy Mother's Day, the Republicans are shattering the lives of millions of mothers by cutting taxes for the rich, sacrificing the poor and neglecting the middle class.

Mr. Speaker, the President waged an immoral war in Iraq and now he is doing it right here at home. Wake up, America, and fight this very unpatriotic assault on American families and children. You must fight back.

ALLOW DEMOCRACY ON THE FLOOR OF THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, we have seen many Democrats here speaking out of a sense of frustration. The bill we voted on today is a bill of tremendous importance, and yet all we had was one hour to debate this bill. Many of us that wanted to come down and participate in the debate could not even get one minute's time to debate this bill because the Republicans kept a closed rule, which said there will be one hour of debate, 30 minutes for each side, and no substitute allowed.

I did a little calculation. There are 435 Members of the House of Representatives in this country, and if every one of us wanted to speak on this bill with only one minute total time, that would leave each of us a grand total of eight seconds each to speak on a bill worth billions and billions and trillions of dollars. Surely our Founding Fathers are rolling in their graves when they see how the Republican majority has turned this House into an undemocratic institution where the people who are elected by the people cannot even have the ability to speak their minds.

We are fighting for democracy in Iraq, but we will not allow democracy on the floor of the United States House of Representatives. For shame.

The average American is not stupid. In fact, the average American is very smart. The average American knows that when he or she has a budget they must live within their budget. They make a certain amount of money. They take home that money. They have to pay their bills with that money, and they know that they cannot week in and week out spend more than they take in. A person can do it for a while. They can charge everything on their credit card for a while. They can keep paying minimums on their credit card for a while, but sooner or later the bubble is going to burst. That is what we are doing here in the United States Congress.

My Republican friends talk a good game about balancing the budget and a balanced budget amendment, and by the way, the balanced budget amendment passed here in the House several years ago, failed by one vote in the Senate, and the Republicans, despite having the majority in both Houses, have not brought it up again.

The fact of the matter is that when Bill Clinton left office we had a surplus of $200 billion per year, and now in two short years we have a deficit of $400 billion per year, and these tax cuts, mainly for the wealthy, will dig us deeper and deeper and deeper in a hole.

We are leaving our children and our grandchildren with a legacy of debt. We are having an orgy now of tax cuts and saying to our future generations, you pay the bill. We are going to walk away. We are going to do things that are easy. Everyone likes a tax cut. Of course, a majority of people favor the tax cuts. Everyone wants more money in their pockets, but what are we doing to our children and our grandchildren and the fiscal responsibility of this country?

The Republican leadership, the Republican majority here wants to do this, in my estimation, deliberately. The ancillary benefits, giving their rich friends a tax cut, is only an ancillary benefit. They want to starve this government and make it impossible for there to be any kind of program, entitlement programs like Social Security or Medicare or Medicaid or education, for our children. They do not want it so a balanced budget goes out the window. Deficits and deficits.

Let us take a quote from the gentleman from Texas (Mr. DELAY), the current majority leader. This is what he said in 1995, "By the year 2002, we can have a Federal Government with a balanced budget or we can continue down the present path toward total fiscal catastrophe." That was in 1995. I ask the majority leader and the people on the other side of the aisle, what was true in 1995 is certainly true in 2003. We cannot continue to run these deficits. We cannot continue to have this kind of fiscal irresponsibility. The borrow and spend Republicans cannot continue to lead this country down a path of fiscal irresponsibility.

It is a disgrace that we now have to take to the floor of the House after the bill has been voted on because we could not get the time to talk before.

TAX CUTS AND THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LOFGREN) is recognized for 5 minutes.

Ms. LOFGREN. Mr. Speaker, just 3 years ago when the President took office, San Jose, California's unemployment rate was only 1.7 percent. At that time, our Nation had a projected $5.6 trillion 10-year surplus. Today, instead, we have an 8.5 percent unemployment rate in Santa Clara County, and with this tax package a $2 trillion projected national deficit.

Since the President took office, San Jose has lost almost 16 percent of its jobs. When all is said and done, it is projected that we will, in fact, use the over $12 trillion in debt ceiling that Republicans slipped into the budget resolution a few weeks ago. What a turnaround.

What does the President propose? For the most part, more of the same failed tax schemes. Tax cuts for a select few have done nothing to improve the economy so far and more of the same will not help. Further, the Republican tax plan does nothing to help unemployed workers and will leave millions of families out in the cold when their unemployment benefits expire on May 31.

Mr. Speaker, since the President took office, California has lost 239,000 jobs. Over 175,000 of those jobs were deleted from my home, Santa Clara County, and I hear from people at home, well-qualified, well-educated and talented people who have been laid off for over a year, people who have sent out 2,000 resumes who cannot get a job interview, people whose stock portfolios are shot, whose bank accounts are drained, whose unemployment insurance is running out and who cannot find work.

It is pathetic that the President's answer is this tax cut scheme. While there are a few temporary crumbs to small business and normal people, the vast majority of the financial impact is caused by the tax cuts for the few, which will not create economic growth. The President's words about creating jobs and stimulating growth are right. It is just that his plan is disconnected from his rhetoric.

He must think the unemployed are also dumb, that they will not see the truth of what is happening here, but I think he is wrong on that score and is it not ironic that those few provisions in this tax bill we passed today, like the child tax credit and marriage tax reform and expensing for small businesses, the things that benefit normal people, those sunset. The real expensive part of the program that is skewed to the select, those go on forever.

The Republican plan is irresponsible, deceptive, will not create jobs or grow the economy and will saddle the country with debt to hurt our potential for long-term economic growth. We are actually borrowing money from the Social Security Trust Fund to cut taxes for the top 5 percent of households.

Economists tell us that this plan is the smallest bang for the buck in terms of creating economic stimulus of any of the plans that have been publicly discussed. It is projected to create less jobs in the next year than we have lost in the last 2 months.

Republicans both in this House and in the White House talk a lot about faith-based programs. The man who calls the shots here in the House, the majority leader, does not even believe in evolution, and I have heard that is true for the President as well. They have a right to have faith, even when it seems at odds with the facts in their religious lives, but when their faith in tax cuts for the few threaten the economic stability for our Nation, then I think it is time to draw the line on their blind faith.

Today, the Republicans in this House used their narrow majority to shorten debate and prevent consideration of the fiscally responsible growth plan. There is an aura of corruption that clings to the Republican leaders who celebrate the onset of democracy in Iraq but cannot abide real democratic processes in the Congress of our Nation that is supposed to be freedom's leader.

This is a watershed day, one that I think in later years we will recall with dread and with regret.

MORE MEDIA DEREGULATION WILL BE A DISASTER FOR DEMOCRACY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. SANDERS) is recognized for 5 minutes.

Mr. SANDERS. Mr. Speaker, I recently held a town meeting at St. Michael's College in Vermont to discuss an issue that for obvious reasons does not get much media coverage, and we had over 600 people, Vermonters, coming out to this meeting to discuss the issue of corporate control over the media and the impact that further media deregulation will have on the quality of our democracy.

At that meeting we had a gentleman named Michael Copps, one of the commissioners on the Federal Communications Commission, who laid out what is happening at the FCC and told us what most Americans do not know, that on June 2 the FCC is likely to hold a vote which will further deregulate media in the United States and create a situation in which a handful, a tiny handful of huge media conglomerates will largely control what the American people see, hear and read. What we have today is already a very dangerous situation. What is likely to happen after June 2 will be even worse.

What do we have today? If we turn on the television and watch NBC, how many people know who owns NBC? It is owned by General Electric, one of the largest corporations in the world, a corporation with enormous conflicts of interests in a dozen different areas. Turn on CBS. Who owns CBS? It is owned by Viacom, another huge company. Turn on ABC, owned by Disney. Turn on Fox, owned by the right wing Australian billionaire Rupert Murdock. Turn on CNN, owned by AOL-Time Warner, another huge corporation.

What happens when we end up with a few large companies determining the flow of information in America? Two things happen. Number one, if we listen to radio, we know that on talk radio, the only differences that we hear are between right wing radio talk show hosts and extreme right wing talk show hosts. There is virtually nobody on national talk radio who is expressing the needs of working Americans, of the middle class, of low income people.

If we watch television, huge sections, huge areas of great concern to the American people are virtually never discussed. How many Americans know that we as a Nation have the most unfair distribution of wealth and income of any major country on earth? The richest 1 percent own more wealth than the bottom 95 percent, and the Bush tax proposal will only make that situation worse.

Have my colleagues heard discussion on that issue? Is it appropriate to give tax breaks to billionaires when we have the highest rate of childhood poverty in the industrialized world? When we turn on the television we can see a lot of advertising come from the large drug companies. How many Americans know that we are the only major country on earth that does not have a national health care program that guarantees health care to all people as a right of citizenship? Yet we end up spending twice as much per capita on health care as any other country.

□ 1600

Mr. Speaker, turn on television, you hear a lot of discussion about a lot of things; but you may not know in the United States, our people, especially seniors, are forced to pay by far, not even close, the highest prices in the world for prescription drugs. Turn on TV, read the editorial papers of your newspapers. You will hear how great our trade policy is doing. How many people know that NAFTA, most-favored nation status with China, was pushed upon Congress by the big-money interests who also own the media but have resulted in huge job losses for working people in this country.

If deregulation of media goes forward, this is what will happen. For the first time, we will have television stations and newspapers in a given town or city owned by the same person. You are going to turn on TV and get the same point of view as you do from the local newspaper owner. Also as a result of further media deregulation, we will see large television companies able to own more and more TV stations all over the country. The trend is very clear. Fewer and fewer large corporations own more and more of the media. This is dangerous for democracy. It must be opposed.

TAX CUT AIMED AT COFFERS OF THE RICH

The SPEAKER pro tempore (Mr. HENSARLING). Under a previous order of the House, the gentleman from New York (Mr. MEEKS) is recognized for 5 minutes.

Mr. MEEKS of New York. Mr. Speaker, the first tragedy of today is we did not have democracy at its best. Democracy at its best would have called for a debate on this great floor of the House of Representatives so that the Democrats and Republicans would have had an opportunity to roll out their respective plans so that the people of America would have known what the Republican plan was and what the Democratic plan was.

However, it must be out of fear that the majority had decided that they were going to completely silence the minority by not allowing them to debate the issues on the floor so that the American people can see what is happening here in this House of Representatives.

Therefore, I am compelled to come to make a statement in Special Orders as opposed to debating with my colleagues on something that is so fundamental and so important to our great Nation. It is important to its future, and it is important for our children and our children's children. So I have to rise today to express my concern and opposition to the huge, unfair, and illogical tax cut which the majority just propelled through the House of Representatives today.

I listened to the debate this morning, and I had to wonder how long it would take, if you would call that a debate. Because it was only an hour and we did not have an opportunity to do anything else on our side. I had to wonder how long would it take before we, as a body, realize that this tax cut is nothing more than the 2001 tax cut in 2003 clothes.

In May of 2001, we, those of us who are Democrats, made a passionate plea to the administration to temper and equally disburse its 10-year tax cut which did not protect the Social Security trust fund, did not include funds for much-needed domestic priorities, and was almost totally based on projected revenues barring any catastrophic event. A modest tax surplus meant that Americans had earned some tax relief.

My Democratic colleagues on the Committee on Ways and Means, led by the gentleman from New York (Mr. RANGEL), proposed a fair and responsible tax cut, job creation and economic stimulus plan. Most importantly, we tried to convince the administration that should some major national emergency require us to draw on emergency funds, there would be none if we spent it all then. The media and many called us pessimists and naysayers. But then sad for all of us, September 11 happened; and on September 12, 2001, we found ourselves poised to expend the greatest amount of personal, monetary, and political resources in our history.

The debt ceiling has now become a ballistic missile, and it is unguided at that. Most importantly, we are now faced with the largest deficit in the history of this great country. This does not sound like fiscal responsibility to me. What this $550 billion fiscal monster does effect is another round of tax cuts tilted toward the affluent and deficits that will become a future tax on the rest of us and our children.

The Social Security trust fund surpluses will be misused every year for at least 11 years to mask the even larger deficits. Estimates are that by 2012 the resulting debt load will be about $50,000 per American household. This is a travesty, and we should not be a part of it. Some say, what about some tax relief? I agree with providing some tax relief. I agree with not allowing marriage to be a discriminating tax category. I believe people should be given incentives to save more for their retirement, especially when they live longer, and the Republican policies that we see will make us live longer, but without Social Security.

I cannot agree with leveraging Social Security, earned income and child tax credits, food stamps, family support, student loans, public housing, drug elimination programs, section 8 housing opportunities, and the virtual zeroing out of all unemployment compensation in order to make the rich richer and the real people the holders of a budget-busting, loose-cannon tax cut promissory note.

So, as I conclude, we sought then, as we do now, to provide tax relief that is fair, responsible, and immediate.

This tax cut is aimed at the coffers of the rich. We all know that tax cuts for the rich and affluent will not help the economy. The people who will spend the money are those who need it the most! Let's keep in mind that 2.6 million private sector jobs have been lost since the end of 2000! It is 2003 and we are still paying for unintended consequences, ill-conceived tax cuts and growing domestic obligations. This is not the time for "country store" give-aways!! and if we give anything away—we should at least give everyone something to spend and not just those who have it already. We should seek to do something that is fair, responsible and immediate.

Economists nation-wide are in agreement that this type of tax cut will do little or nothing to create jobs or stimulate the economy. More than 400 professional economists, including ten Nobel Laureates agree that: "Regardless of how one views the specifics of the Bush plan, there is wide agreement that its purpose is a permanent change in the tax structure and not the creation of jobs and growth in the near term." Mr. Speaker, I submit to you that such comments are not politically driven. They do not reflect some partisan attempt to dismantle sound and effective fiscal policy. The in-coming Director of the Congressional Budget Office, a Republican appointee, has testified to the skepticism of these tax cuts either stimulating the economy or paying for themselves.

Mr. Speaker we sought then—as we do now—to provide tax relief that is fair, responsible and immediate. Throughout the day's debate, extension of remarks, special orders and other comments, my colleagues have eloquently highlighted the Democratic alternative: fair, responsible, and immediate have been our cry. I won't repeat the details—Mr. Speaker you know what they are. We were unable to even bring a Democratic alternative up for debate and that, Mr. Speaker, is the real tragedy of this debacle.

TAX BREAKS FOR THE ELITE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, as so many of my Democratic colleagues this afternoon brought forth, it is amazing to all of us on this side of the aisle that the Republicans would bring up this tax cut legislation which basically just gives money back to wealthy individuals and does nothing to help the economy, and at the same time we face this huge job recession throughout the country.

The most egregious part of it was today when the Democrats tried to bring up their alternative as a substitute, the Republican majority under the Committee on Rules refused to allow the Democratic substitute to even be brought to the floor, refused to even have a debate on a Democratic alternative which we believe very strongly would provide economic stimulus, create jobs, grow the economy, and bring us out of a recession, one of the worst we have had now long-term for the last couple of years.

All the Democrats were asking for was an opportunity to debate. I think the fear on the part of the Republican leadership was that if the Democratic substitute was allowed to be considered today, perhaps some of the Republicans might have voted for it, or at least the public and the media's attention would have been focused on an alternative and have shown that the Republican proposal was not a good one and just basically was a tax giveaway to millionaires.

Mr. Speaker, our Nation is in a job recession with 2.7 million jobs lost since President Bush took office, the worst jobs record in 40 years. For 3 years the Republicans have had the power to turn this recession around, and they failed miserably. When I listen to the Republican leadership and the President, it seems like they are just coming into office, and they forget they have been in office almost 3 years; and during that whole time the economy gets worse every day.

For the past 2 years alone, the President and the Republicans in Congress have repeatedly chosen tax breaks for the elite, and the American people are still waiting for one job to be created. Keep in mind, this is a failed economic policy. This Bush policy, the President's policy, he has had an opportunity. He passed tax cuts last year, and since those tax cuts were passed, we have had a loss of another 1.7 million jobs. This is not something new. This is a policy that was tried over a year ago; and after it passed in the time it has had to take effect for the last year, the economic situation has gotten worse.

What do the Republicans say in response? They say let us try it again. They have a bill on the floor that amounts to another payback to the wealthiest Americans in our Nation. Tax cuts last year for the wealthy, and tax cuts again for the wealthy. They disguise it somehow. They say it is a little different this time because it is going to give breaks on capital gains and stock dividends; but these are two proposals that economists conclude will not create jobs or growth in the near future.

When our economy needs a true jolt to reverse America's economic skepticism, the Republican proposal will not stimulate the economy, and the Republican record on economics is uninspiring and one that should not be extended today.

I am not the only one saying this, and Democrats are not the only ones saying this. If we look at some of the columns in the media and the economists around the country, they all are saying the same thing. But one of the best statements was made in today's New York Times by Paul Krugman called "Into the Sunset." I just wanted to read certain parts of it because I think it points out very dramatically that this is a failed economic policy, that this tax cut, this plan that the Republicans had us vote on today, is just an extension of their failed Bush economic policy.

If I can read sections from Paul Krugman's opinion, it says that the tax cut package the House is expected to pass today is a package that relies on exactly the same bait-and-switch tactics used to sell the 2001 year tax. Here is the story:

> In 2001, some swing Senators insisted on a budget resolution limiting the size of any tax cut. No problem. House-Senate negotiators pushed through a huge tax cut anyway, saving several hundred billion dollars by making the whole thing expire in the 10th year. Among other things, this sunset clause implied that heirs to large estates would pay no tax if their parents died in 2010, but would face significant taxes if their parents made it into 2011. At the time, I suggested that it be renamed the Throw Mama From the Train Act of 2001.
>
> So we remember the kind of tricks that were played last year. We were told this was going to sunset, and everyone was running around saying does that mean I have to decide what year I am going to die?

□ 1615

Mr. Krugman says:

> Needless to say, last year's bill was silly by design. The administration didn't intend to compromise. It fully expected to get the sunset clause repealed in a future Congress and President Bush was soon out there ridiculing the way the tax cut was programmed to expire, implying that the expiration date was imposed by scheming liberals when in fact it was a trick perpetrated by his own congressional allies. Now Congress is voting on more tax cuts. This time we're already running a record budget deficit and the long run prospect is bleak. Still the administration claims to be making a concession by agreeing to scale back its $726 billion tax cut to a mere $500 billion.

What Mr. Krugman is basically getting at and I think this is an aspect of this tax plan that we need to bring out, is that the President comes forward and says, I want a huge tax cut that is going to go mainly to millionaires and wealthy people and then some Republicans either in the House or in the other body come forward and say, oh, that is too big, we have to make it half of that or a third of that, and then one House or the other passes a bill that is maybe half the President's proposal and they play around back and forth and ultimately come up with something that is somewhat less than what the President proposed, but the bottom line is it is a huge tax break still, it breaks the budget, it creates a deficit and it primarily goes to wealthy individuals. So they play this game over and over again.

Paul Krugman goes on to say:

> The new tax cut plan echoes the 2001 scam in other ways. In 2001 a tax cut that delivered about 40 percent of its benefits to the richest 1 percent of families was marketed as a tax break for ordinary folks. The same is true this time. In fact the extent to which the House bill favors the rich is breathtaking. The typical family would get a tax break of only $217 next year but families with incomes above $1 million would get an average of $93,500 each. The estimates are that over the next decade, 27 percent of the tax cut, about the share that goes to the bottom 90 percent of the population, will go to these very high income families who comprise a mere 0.13 percent of the population.

So we are talking about very, very few people that benefit from this. But the bottom line is, it would not matter even if I was a millionaire. I would not want this tax cut to go into effect because it does not do anything to stimulate the economy. Even if you had $1 billion, why in the world would you want a tax cut that does not do anything to turn the economy around, because in the long run you are not going to make as much money because the economy continues to spin downward.

So he says in this op-ed, Paul Krugman:

> Finally, as in 2001, we're being told that this tax cut will create lots of jobs. But why should we believe that? It's hard to find an independent economist who thinks the Bush proposal would create the 1.4 million jobs claimed by the administration. And as I have explained in this column, even that many jobs would be a poor payoff for a tax cut that big. And bear in mind that Bush-style tax cuts now have a track record. Of the 2.1 million jobs lost over the last 2 years, 1.7 million vanished after the passage of the 2001 tax cut.

So the problem that we have is you can look at this in any way. If you are rich, even though you might be getting a nice, big break, the bottom line is your investments are not going to grow and you are not going to make much money because as the economy continues to trend downward, your investments are not going to be worth anything or certainly not worth as much. From the point of view of the budget, it is a disaster because it creates a larger deficit. And as we borrow more money and more money is taken out, that is not available to the private sector, it is very hard for new investments to be made by small businesses or other corporations in the private sector because they cannot borrow the money, it is all being taken by the Federal Government. And so that has a downward impact on the economy. And then the other thing that it does is in borrowing, you are taking money from the Social Security and the Medicare trust fund. So you are jeopardizing those funds as well. There is not anybody who can make a legitimate argument that this Bush plan makes sense. What Krugman is saying and I think is so true is, we already tried it last year and the economy continues to get worse. So why should we repeat it again?

Finally in this op-ed Paul Krugman says:

> The odds are that this scam, like the scam of 2001, will succeed, the tax cut will be passed and the budget will plunge even deeper into the red and one day we'll realize that international investors are treating us like a banana republic, that they won't finance our trade deficit unless they are paid very high rates of interest. Have I mentioned that the dollar has just fallen to a 4-year low against the euro? And everyone will wonder why.

That is the bottom line. I think that the Republicans basically figure, well, nobody is paying attention, we will have this huge tax cut and when we have to pay it back, that will be somebody else's problem down the road. The amazing thing is that it would be so easy to try something different, to try an alternative, one that the Democrats have put forward, that would actually do something to make a difference in the economy. Of course, I am saying this because as a Democrat I like the Democratic plan but I would argue, if the other plan of constant tax cuts does not work and has not worked, why not try something new? We can call it the Republican plan if you like. I do not care. I just want to pass it so that we can do something to turn this economy around.

Let me talk a little bit about this Democratic proposal that we tried to get considered on the floor of the House of Representatives today but, of course, the Republicans would not allow us to consider it. They would not allow it to be even debated. We have several provisions in this Democratic proposal that I think would do a lot to create jobs and stimulate economic growth, both in the short term as well as in the long term. First, tax cuts for working families, not for wealthy people but for the average guy. The Democratic plan provides an immediate increase in the child tax credit to $800 per child. For low-wage working families, this credit is refundable and will reach more than 2.6 million children not covered by the current law.

Furthermore, the Democratic package makes immediate both the expansion of the 10 percent tax rate brackets, now slated to occur in 2008, and key provisions to eliminate the marriage penalty. Within months, these provisions will put money in the pockets of average Americans, boosting consumer demand and the jobs and business investments needed to meet it.

Secondly, investment tax incentives for business. The Republicans act as if they give a big tax break again to the wealthiest Americans, that somehow they are going to reinvest that in the economy. But there is nothing that says they have to and experience shows that they often do not. What the Democrats do is they target any kind of tax credit. We have an investment tax incentive for business. The Democratic plan provides tax incentives to businesses to generate investment and jobs now. The plan allows small businesses to expense up to $75,000 of the cost of new investments through 2004, triple the current limit. For all businesses, the plan restructures last year's bonus depreciation provisions so that firms can write off a 50 percent bonus for the next 12 months and only a 30 percent bonus for the balance of 2004. Domestic manufacturers get a tax break in the Rangel remedy to a World Trade Organization case against the United States. And all business tax components encourage investment now when the economy needs a boost. So we are saying that we are going to give the businesses these incentives but they have got to invest it back into the economy now, create jobs now. That is how we turn the economy around. That is a big part of it.

A third point. The Democratic plan targets assistance to those looking for jobs. A large part of the debate today on the floor was the fact that the Republicans would not consider an extension of unemployment compensation beyond the end of this month. Part of that, of course, is because we are concerned about people and how they are going to make ends meet, but the other part of it is we know that if you extend unemployment that money immediately goes into the economy. People buy things. Because they do not have a lot of money, they have to spend, for food, for necessities, whatever. So the Democratic plan extends unemployment benefits for 26 weeks that expires at the end of the month and that increases the level of benefits and also provides temporary aid to States to broaden coverage to low-wage earners and part-time workers. This assistance for those looking for work is the most effective stimulus for the economy and consumer demand by putting money in the pockets of those most likely to spend it.

Lastly, I wanted to mention money going back to the States. A big part of the economic downturn now is the fact that the States have contracted their spending because many of them have deficits. So they are spending less money, less money is going into the economy and as a result people lose jobs and there is less consumer spending and all the other things that come about because there is less money circulating. The Republicans, we have asked them to do something to give money back to the States. They refuse to do it. It is not part of their plan. So in our Democratic plan, we give money back to the States and municipalities to create jobs through expenditures on infrastructure, homeland security, education and health care. The Democratic plan provides States with funds to avoid the State cuts that have been occurring in New Jersey and other States and to address critical needs in areas including Medicaid, homeland security, transportation and an additional fund for one-time assistance to help those hurt most by unemployment and a stagnant economy. Basically what we do is increase the amount of money that the Federal Government gives to the States for these various purposes. The States have to pay less, the Federal Government pays more, and so the States do not face the fiscal crisis that they now face. That is another way of providing more money into the economy, creating jobs, creating new highways, new infrastructure, water projects, sewer treatment plans, that type of thing.

I just wanted to make a few points in comparison between the Democratic and the Republican plan. Again I know some may say, Why are you talking about this Democratic plan? You didn't even have an opportunity to bring it up today. But I think it is important to talk about it even though the Republicans would not allow us to bring it up because I think if you make the comparison that I am about to make, you will see that ours is better and that is why they did not want to let it come up because they did not want to let it see the light of day.

First of all, only the Democratic plan maximizes job creation now. It uses a proven approach to create jobs and grow the economy by putting money in the pockets of families most likely to spend it and providing tax relief to businesses most likely to invest it. It will add 1.1 million jobs to our economy this year, 2003. By contrast, the House Republican plan focuses on untested and indirect provisions, such as the dividend tax breaks and capital gains tax cuts.

You understand what we are saying. If you look at the Democratic plan, the money is going directly in the pockets of people, directly into the States for expenditures on infrastructure. The Republicans assume that somehow tax breaks for stock dividends or capital gains are going to be reinvested because that is what people are going to do and there is no guarantee they will. Secondly, only the Democratic plan protects long-term economic growth with fiscal discipline. Our plan, the Democratic plan, is fully paid for. We do not make budget deficits worse over the long term. So you do not have the negative consequences of creating a larger debt that I described and many of my colleagues described before under the Democratic proposal. This fiscal discipline helps to keep interest rates low and builds the foundation for a strong economy now and in the future. By contrast, Republicans are proposing a plan that will make the deficit much worse. I say much worse, a lot worse. Already, the $5.6 trillion surplus President Bush inherited has been replaced by a $2 trillion deficit in the 2 years or so that he has been in office. Now Republicans are proposing tax cuts costing more than half a trillion dollars, part of an overall tax agenda that would add an additional $1.2 trillion in deficits over the next 10 years. Large, long-term deficits harm the economy by driving up interest rates and undermining business investment and job growth. If you look at what the economists predict with this tax cut, we are going to be back into the deficit situations that we were in 15, 20 years ago. And we are going to create a long-term recession. Anyone will tell you that that is the case. Yet the Republicans persist.

Another point. Only the Democratic plan is fair. It puts money directly into the hands of average Americans, the very people most likely to spend the money. It provides a balanced package of tax relief for businesses to encourage additional hiring and investment. But the Republican proposal, because it centers on the stock dividends and capital gains, provides very small tax cuts to the average American while providing huge tax cuts to the very few. So not only does it not work but it is unfair.

Another point. Only the Democratic plan prevents tax increases and service reductions by States. Again I mentioned this before. Because of the fiscal crisis that the States are facing and they are forcing themselves to have tax increases or cuts in critical programs, the States ultimately undermine jobs and economic recovery. But the Democratic plan provides States temporary assistance to avoid these tax increases and service cuts at the State level and prevents the job losses that would otherwise occur. None of the Republican proposals provide any funds to address the States' budget woes or give money back to the States.

Finally, and I think this is very important, too, only the Democratic plan uses honest accounting. The Democratic plan contains no gimmicks or unstated costs. Over 10 years, the cost of the package is fully paid for, so the plan does not increase budget deficits. By contrast, the House Republican plan includes the artificial expiration of many of the plan's components.

As I mentioned in that op-ed by Paul Krugman, at the end of 2005, and because it is unlikely that Congress in fact would allow these provisions to expire, the true cost of the Republican plan is probably even larger because they will make a lot of these tax cuts permanent and that will only burden the economy with even greater deficits.

Again I would like to end my discussion, Mr. Speaker, of the Republican tax and economic plan with some references to some editorials in the New York Times, because I always worry that someone will listen to me and say, well, he's saying that because he's a Democrat. I like to have third-party validators if I could. There were two editorials that appeared in the New York Times in the last couple of weeks that I thought were pretty wise in terms of their analysis of what the Republicans are proposing as opposed to the Democrats. One talks about the misguided nature of the cuts that the Republicans have proposed and the other talks about how because all these cuts are taking place, we are going to see major problems that face the public because there will not be money for education, there will not be money for homeland defense, there will be continued problems for the States, and also the fact that there is nothing in the Republican plan to extend unemployment benefits.

Let me start with that. On April 26, the New York Times did an editorial called The Forgotten Half of Budgeting. It says:

As Congress returns to business this week with leaders bent on pushing President Bush's tax cut, there is little talk about the vital programs that face future cutbacks in the budget. At least $168 billion across the decade is scheduled to be wrenched out of domestic spending as more than $2 trillion in deficits and borrowing is rung up under Mr. Bush's growth program. It may be pitifully wishful thinking at this point but instead of enacting another swath of tax cuts, Congress should keep the revenue and direct it at some of the following priorities. And they talk about them. First, fiscal relief for the States, which are slashing health care benefits for the needy as they wrestle with booming deficits that cannot be rolled over into some other administration's debt-besotted future. Many Senators favor emergency aid on the order of $35 billion, much of it for Medicaid because States are taking children and adults off the Medicaid rolls because they cannot afford to provide health care for low-income people.

□ 1630

"Extended benefits for unemployed Americans whose emergency benefits program expires May 31. The Nation continues to hemorrhage jobs, and everyone who is trying to find employment is not succeeding in this economy. The cost of continuing the emergency benefits is about $1 billion a month, a fraction of the cost of the lowest denominator tax cut."

So why not extend benefits to these people who cannot find work? They are trying to find work. They cannot.

Next: "More money for education, which faces a $20 billion cut over 10 years in the budget."

Do the Members remember when President Bush talked about no child being left behind and we passed his education bill last year that no child was going to be left behind? It is facing major cuts over the next 10 years because of the President's tax cut plan, and many children will be left behind.

The New York Times says that "if Congress skipped the tax cut, education funds could easily be made whole, and the administration could match the rhetoric of the President's no-child-left-behind promises with adequate financing. Lawmakers could also cover the cost of educating children with special learning needs, a Federal mandate that is short by billions of dollars annually."

And finally, funds for homeland security. We have talked about the war against terrorism. We have talked about how we have to fight it both abroad and at home. But these tax cuts make it very difficult, if not impossible, to fund the homeland security needs that so many States and localities are depending on.

"The gap is quickly growing," The New York Times says, "between Federal directives to localities and financing. The Senate sought, then dropped, extra financing for vulnerable ports and budget negotiations. And for all the homage to first responders, cuts loom for local law enforcement." So, again, we cannot even meet the homeland security needs.

And finally more recently, last Friday, in fact, The New York Times issued an editorial called, "Misguided Cuts in Washington." I think this really kind of sums it up, and I would like to end this portion of my Special Order by referencing this editorial in The New York Times.

It starts out by saying: "The political dichotomy is breathtaking: as State and local politicians struggle with deepening deficits and rising taxes, President Bush plays the fiscal Nero, the virtuoso fiddler for ever more tax cuts. If the Washington wing of the GOP is deaf to the cries of pain from the Nation's statehouses, surely it must hear the measured warning from Alan Greenspan, the Nation's economic guru, that new tax cuts are definitely not needed now. They will probably harm the economy, not help it, he cautions, compounding the Republicans' feckless deficit spending while pushing up the national debt along with interest rates.

"But, no, the detaxation mania continues apace as House and Senate leaders press towards a Memorial Day deadline that will be a rendezvous with foolhardiness. By then, they hope to enact a Bush tax cut and spending plan adding $2.7 trillion in deficits to a coming decade of red ink, this only 2 years after the first Bush tax cuts helped wipe out an anticipated $5 trillion surplus." We had a $5 trillion dollars surplus anticipated when the President took office.

"Not so coincidentally, Congress will have to raise the $6.4 trillion debt ceiling immediately to help pay for borrowing that is likely to last even longer than the easy careers of our detaxation politicians.

"The most feverish concern discernible right now among Republican leaders is not the fate of the emergency unemployment benefits that are due to expire this month, affecting 3.9 million Americans. It is the preservation of as much as possible in the President's disastrous dividend tax cut plan. A pitifully small group of Republican resisters is holding out, demanding $200 billion less." We know that is not going anywhere.

"Cutting the dividend tax rate may make some of Mr. Bush's key supporters happy, but there are two things it really will not do: juice up the economy or significantly reduce most taxpayers' total bills as the burden shifts downward. The pending Bush tax cuts will cost the States at least $64 billion more over 10 years . . .

"The Federal Government's failure to help localities pay for critical services during a slumping economy has sent State and municipal taxes soaring. And although the President is selling his cuts as a fast job-creating stimulus, it is hard to find any serious economist who agrees, particularly when it comes to the dividends tax . . .

"A private forecasting specialist estimates that the dividend cut will mean very little in comparison with the instant bang for the buck that would come from an extension of jobless benefits and an infusion of emergency aid to the States."

Mr. Speaker, someone could say he is just saying that because he is a Democrat. The bottom line is we have tried the Bush economic policy. We have tried it now for almost 3 years, and this is simply a repeat of the same thing. It is not working. Normally when something does not work, we say okay, let us scrap it and try something that does; and for the life of me I do not understand what motivates my colleagues on the Republican side, and the President in suggesting that we do more of the same unless I guess we just figure they are catering to the special interests and wealthy individuals because those are their friends and those are who finance their campaigns. But even if I were a millionaire, I would not favor this tax cut plan because I do not think it helps anybody; and ultimately if the economy does not grow, it does not matter whether one is rich or poor, they are going to still not benefit.

And with that, Mr. Speaker, I would like to conclude my presentation tonight that relates to the economy, and I wanted to mention two foreign policy issues that very much need immediate attention and have been in the news the last few weeks. I would like to start out, if I could, for about 5 minutes talking about the stalled peace process in Northern Ireland. I want to express my disappointment, Mr. Speaker, that the peace process in Northern Ireland has once again been derailed. With Prime Minister Tony Blair's announcement of the indefinite postponement of the elections in Northern Ireland, I worry that Great Britain is bowing to the demands of Unionist radicals in Northern Ireland who obviously oppose the Good Friday Accords.

Mr. Speaker, as the Members may know, last October Prime Minister Blair suspended the Belfast Assembly in Northern Ireland. Since then, Prime Minister Blair and Prime Minister Ahern of the Republic of Ireland have held meeting after meeting to bring the Good Friday Accords back on track and reinstitute the Northern Ireland Assembly in Belfast.

With the clock ticking towards the scheduled elections on May 29, Prime Ministers Blair and Ahern held numerous and made subsequent statements that led many media outlets around the world to report that the Northern Ireland Assembly was close to being reinstated, but at the 11th hour, Prime Minister Blair asked the Irish Republican Army to declare their commitment to the Good Friday Accords and disarmament. While the IRA was not an original signatory of the Good Friday Accords, they still welcomed the Prime Minister's questions. The IRA, both through a recently released statement and through statements made by Sinn Fein's President Gerry Adams, made several clear and unambiguous statements pledging their peaceful intentions.

The IRA stated quite clearly: "We are resolved to see the complete and final closure of this conflict. The IRA leadership is determined to ensure that our activities, disciplines and strategies will be consistent with this. Furthermore, the full and irreversible implementation of the agreement and other commitments will provide a context in which the IRA can proceed to definitively set arms aside to further our political objectives. We are committed to playing our part in creating the conditions in which unionists, nationalists and republicans can live together peacefully."

It is obvious to me that the IRA has clearly stated their peaceful intentions to bring a complete and final closure to the conflict in Northern Ireland and they have committed to disarmament to bring a final end to the insurrections. But in the final days before Prime Minister Blair's announcement of the postponement of the elections, he continued to press the IRA to clarify their intentions. While much of the international community, Mr. Speaker, and the press viewed the IRA's statements as a giant step towards peace, Prime Minister Blair oddly continued to claim that they were not going far enough. Then suddenly the Prime Minister cancelled the elections in spite of opposition from the Irish Government and every political party in Northern Ireland, except the Ulster Unionists.

For the last 5 years, Blair has been urging the IRA to make a statement pledging their support for peace. Now when the agreement is about to fall apart, the IRA stepped up to the plate and the Prime Minister let a home run pitch pass him by. It seems that rather than working for what is truly important, peace, he is carrying the water of the Ulster Unionists.

So the question is, Does Prime Minister Blair really want to see a peaceful resolution to the situation in Northern Ireland, or has it all just been a big political ploy to get the Irish Republicans to pledge peace and then force them back under the control of the British Crown? And I certainly hope the latter is not the case.

I call on Prime Minister Blair to first announce a June date for the Assembly elections in Northern Ireland. Then he must bring the parties back to the table to reinstate the peace process and most importantly the Assembly. Now at this critical time, Mr. Blair must show true leadership and prove that he is not simply a pawn to Protestant Unionist Radicals in Northern Ireland.

Mr. Speaker, this is a truly remarkable and historic time in Northern Ireland's history. I can honestly say a lasting and just peace I think is within reach, but now it is up to the Prime Minister to do what is right and allow the people of Northern Ireland the opportunity to decide for themselves who should govern their provinces.

Mr. Speaker, if I could just turn to another foreign policy issue and then I will conclude this afternoon. I have been very concerned over the last month or so about the fact that even though the time seems to be right for a settlement between the Greek and Turkish sides in Cyprus that it has not occurred, and we still have not had negotiations start up again since they fell apart a couple of months ago. And I basically came to the floor this evening to highlight actions taken last week by President of the Republic of Cyprus, Tassos Papadopoulos that will help continue the process of reunifying the people of the island of Cyprus despite the fact that a political settlement has still not been reached over Turkey's 29-year illegal occupation of 37 percent of the island.

On April 30, President Papadopoulos announced several measures aimed at enabling citizens living in the Turkish-occupied territory the ability to enjoy all the benefits other citizens of Cyprus enjoy. The President and the Council of Ministers finalized measures covering the fields of transportation, including the movement of goods and vehicles, employment of Turkish Cypriots, measures to help relatives of missing Turkish Cypriots and critical measures working for the improvement of medical care, education, and telecommunications.

While the President said that his government will do everything in its power to effectively implement these measures, he also strongly stated that these measures should not be interpreted as a substitute for the efforts to reach a political settlement in Cyprus.

Mr. Speaker, these measures show the length the Cypriot Government is willing to go to ensure that Turkish Cypriots no longer have to endure the poor economic conditions they have been living under since the occupation in 1974. The measures come less than 2 months after peace negotiations came to an end thanks to the intransigence of Turkish-Cypriot leader, Rauf Denktash. Despite the giant setback, President Papadopoulos stressed the Greek Cypriot side will not only continue efforts to reach a solution but also once again pledge to continue the efforts for a Cyprus settlement that would properly serve the interests of both Cyprus communities, and the President's action last week clearly shows he plans to back these words up with action.

Mr. Speaker, over the last couple of weeks, we have witnessed another milestone, the free movement of Cypriots from both sides of the wall, something that has not occurred since the occupation. The action came after the Turkish Cypriot regime eased restrictions on movements of residents to and from the occupied areas. At the same time, the Turkish Cypriot regime said it would allow Greek Cypriots to cross into the occupied areas but put restrictions on this travel, including the showing of passports. The United Nations estimates that since the easing of restrictions, more than 170,000 Greek Cypriots have crossed into the occupied area, while 75,000 Turkish Cypriots have made the reverse trip.

This peaceful and orderly movement of both Greek and Turkish Cypriots during the last couple of weeks clearly demonstrates their shared desire and ability to live together on a reunited Cyprus. The actions have also disproved Denktash's claim that the presence of the occupation army and the maintenance of a dividing wall area are necessary for the security of the two communities. It shows his statements to be both false and, I think, totally unfounded.

Mr. Speaker, I continue to believe that the only solution to the Cyprus question must be sought through negotiations conducted on the basis of the Kofi Annan United Nations plan, and I also continue to believe that the Bush administration did not put enough pressure on the Turkish Government to force Denktash to negotiate in good faith. Turkey must finally realize that by supporting Denktash's intransigence, it is causing harm to its own long-term interests as a potential full member of the European Union. After the setback of the U.N. efforts, the Bush administration must redouble its effort to persuade Turkey and the Turkey-Cypriot leader to work constructively within the U.N. process to achieve a negotiated settlement to end the division of Cyprus; and I am hopeful, Mr. Speaker, that the Bush administration will change its policy and finally exert pressure on the Turkish Government.

I think it is time for all the citizens of Cyprus to be reunified so they can all reap the economic rewards available with the nation's recent accession to the European Union; and I only hope that both these cases, in both the cases of Cyprus and Northern Ireland, that we can see a peaceful resolution of the conflict.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CLYBURN (at the request of Ms. PELOSI) for today after noon on account of official business in the district.

Mr. COLE (at the request of Mr. DELAY) for today on account of examining damage in his district due to severe weather.

Mr. KING of Iowa (at the request of Mr. DELAY) for today on account of family commitments.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. INSLEE, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Ms. LORETTA SANCHEZ of California, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Ms. BALDWIN, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. DAVIS of Alabama, for 5 minutes, today.

Mr. MEEKS of New York, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. MARKEY, for 5 minutes, today.

Ms. LOFGREN, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

(The following Members (at the request of Mr. BURNS) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, May 13, 14, 15, and 16.

Mr. BURNS, for 5 minutes, today.

Mr. SHUSTER, for 5 minutes, today.

Mr. CUNNINGHAM, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 113. An act to amend the Foreign Intelligence Surveillance Act of 1978 to cover individuals, other than United States persons, who engage in international terrorism without affiliation with an international terrorist group; to the Committee on the Judiciary, in addition to the Permanent Select Committee on Intelligence for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 165. An act to improve air cargo security; to the Committee on Transportation and Infrastructure.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until Tuesday, May 13, 2003, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2122. A communication from the President of the United States, transmitting requests for FY 2004 budget amendments for the Departments of Agriculture, Energy, Housing and Urban Development, the Interior, Justice, Labor, and Transportation; the Office of Personnel Management; and the Farm Credit Administration; (H. Doc. No. 108-70); to the Committee on Appropriations and ordered to be printed.

2123. A letter from the Under Secretary, Department of Defense, transmitting the Department's report entitled, "Distribution of DoD Depot Maintenance Workloads Fiscal Years 2003 and 2007"; to the Committee on Armed Services.

2124. A letter from the Director, Division of Scientific Planning and Policy Analysis, Department of Health and Human Services, transmitting the Department's enclosed "Errata" sheet regarding the FY 2001 National Institutes of Health Annual Report on Health Disparities Research; to the Committee on Energy and Commerce.

2125. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1-732 and 1-734(a)(1)(A); to the Committee on Government Reform.

2126. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Five Plant Species from the Northwestern Hawaiian Islands, Hawaii (RIN: 1018-AH09) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2127. A letter from the Secretary, Judicial Conference of the United States, transmitting recommendations for the uniform percentage adjustment of each dollar amount specified in Title 11 regarding bankruptcy administration and in 28 U.S.C. 1930 with respect to bankruptcy fees, pursuant to 11 U.S.C. 104 note; to the Committee on the Judiciary.

2128. A letter from the Chair, United States Sentencing Commission, transmitting a report required by section 225(c) of the Homeland Security Act of 2002, Pub. L. 107-296 entitled, "Increased Penalties For Cyber Security Offenses"; to the Committee on the Judiciary.

2129. A letter from the Chair, United States Sentencing Commission, transmitting a report required by section 314 of the Bipartisan Campaign Reform Act of 2002, Pub. L. 107-155 entitled, "Increased Penalties For Campaign Finance Offenses and Legislative Recommendations"; to the Committee on the Judiciary.

2130. A letter from the Chair, United States Sentencing Commission, transmitting the Commission's amendments to the sentencing guidelines, policy statements, and official commentary, pursuant to 28 U.S.C. 994(p); to the Committee on the Judiciary.

2131. A letter from the Senior Attorney, Research and Special Program Administration, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Requirements for Maintenance, Requalification, Repair and Use of DOT Specification Cylinders: Response to Appeals and Extension of Compliance Dates [Docket No. RSPA-01-10373 (HM-220D)] (RIN: 2137-AD58) received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2132. A letter from the Acting Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Job Corps Centers (RIN: 3245-AF02) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

2133. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rules and Regulations (Rev. Proc. 2003-29) received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2134. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Eligible Deferred Compensation Plans under Section 457 [Notice 2003-20] received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2135. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Amounts received Under Accident and Health Plans (Rev. Rul. 2003-43) received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2136. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Deferred Compensation Plans of State and Local Governments and Tax Exempt Organizations (Rev. Rul. 2003-47) received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2137. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Guidance Under Section 1502; Amendment of Waiver of Loss Carryovers from Separate Return Limitation Years received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2138. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Constructive transfers and transfers of property to a third party on behalf of a spouse [TD 9035] (1545-AX99) received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2139. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Earnings Calculation for Returned or Recharacterized IRA Contributions [TD 9056] (RIN: 1545-BA82) received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2140. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Purpose and scope of exception of reorganization exchanges (Rev. Rul. 2003-48) received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2141. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit (Rev. Rul. 2003-44) received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2142. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Gaming Industry Tip Compliance Agreement Program (Rev. Proc. 2003-35) received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2143. A letter from the Secretary, Department of Energy, transmitting the 2002 Annual Report to Congress on activities of the Department of Energy in response to recommendations and other interactions with the Defense Nuclear Facilities Safety Board, pursuant to 42 U.S.C. 2286e(b); jointly to the Committees on Energy and Commerce and Armed Services.

2144. A letter from the Assistant Secretary for Economic Development, Department of Commerce, transmitting the annual report on the activities of the Economic Development Administration for Fiscal Year 2001, pursuant to 42 U.S.C. 3217; jointly to the Committees on Transportation and Infrastructure and International Relations.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1000. The Committee on Ways and Means discharged. Referred to the Committeee on the Whole House on the state of the Union.

H.R. 1904. The Committee on Resources discharged.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. GOODLATTE: Committee on Agriculture. H.R. 1904. A bill to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; referred to the Committee on Judiciary for a period ending not later than May 16, 2003, for consideration for such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X (Rept. 108–96, Pt 1).

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1904. Referral to the Committee on Resources extended for a period ending not later than May 9, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BACHUS (for himself, Mrs. Maloney, Mr. Oxley, and Mr. Frank of Massachusetts):

H.R. 2043. A bill to establish a mechanism for developing uniform United States positions on issues before the Basel Committee on Banking Supervision at the Bank for International Settlements, to require a review on the most recent recommendation of the Basel Committee for an accord on capital standards, and for other purposes; to the Committee on Financial Services.

By Mr. RUSH (for himself, Mr. Stupak, Mr. Gordon, Mr. Green of Texas, Mr. Engel, Ms. Lee, Mr. Towns, Mr. Wynn, Mr. Cummings, Ms. Watson, Ms. Jackson-Lee of Texas, Mr. Walden of Oregon, Ms. Eddie Bernice Johnson of Texas, Mr. Scott of Virginia, Mr. Clay, Mr. Jackson of Illinois, Mr. Owens, Mr. Davis of Illinois, Mr. Dingell, Ms. Millender-McDonald, Mr. Meeks of New York, Ms. DeGette, Ms. Eshoo, Mr. Conyers, Mr. Shimkus, Mr. Gonzalez, and Mr. Upton):

H.R. 2044. A bill to amend the Internal Revenue Code of 1986 to provide for a deferral of tax on gain from the sale of telecommunications businesses in specific circumstances or a tax credit and other incentives to promote diversity of ownership in telecommunications businesses; to the Committee on Ways and Means.

By Mr. ADERHOLT (for himself, Mr. Akin, Mr. Bachus, Mr. Bartlett of Maryland, Mr. Beauprez, Mrs. Blackburn, Mr. Bonner, Mr. Brady of Texas, Mr. Brown of South Carolina, Mr. Burgess, Mr. Cannon, Mr. Cantor, Mr. Chocola, Mr. Crane, Mr. DeLay, Mr. DeMint, Mr. Doolittle, Mr. Feeney, Mr. Goode, Mr. Goodlatte, Ms. Hart, Mr. Hayes, Mr. Hayworth, Mr. Herger, Mr. Hoekstra, Mr. Hostettler, Mr. Istook, Mr. Sam Johnson of Texas, Mr. Jones of North Carolina, Mr. King of Iowa, Mr. Kline, Mr. Lewis of Kentucky, Mr. Lucas of Kentucky, Mr. McIntyre, Mr. Miller of Florida, Mrs. Musgrave, Mrs. Myrick, Mr. Otter, Mr. Oxley, Mr. Pence, Mr. Pitts, Mr. Rogers of Alabama, Mr. Ryun of Kansas, Mr. Sessions, Mr. Shuster, Mr. Smith of New Jersey, Mr. Souder, Mr. Stenholm, Mr. Terry, Mr. Tiahrt, Mr. Tiberi, Mr. Vitter, Mr. Wamp, Mr. Whitfield, Mr. Wicker, and Mr. Wilson of South Carolina):

H.R. 2045. A bill to defend the Ten Commandments; to the Committee on the Judiciary.

By Mr. RANGEL (for himself, Mr. Andrews, Mr. Baca, Mr. Bell, Mr. Blumenauer, Mr. Brown of Ohio, Mrs. Christensen, Mr. Cummings, Mr. Davis of Illinois, Mr. Delahunt, Ms. DeLauro, Mr. Engel, Ms. Eshoo, Mr. Etheridge, Mr. Gutierrez, Mr. Hill, Mr. Holt, Mr. Honda, Mr. Hoyer, Mr. Lantos, Ms. Lee, Mr. Levin, Mr. McGovern, Mr. Menendez, Mr. Michaud, Ms. Millender-McDonald, Mr. George Miller of California, Mr. Oberstar, Mr. Ortiz, Mr. Pallone, Ms. Pelosi, Mr. Price of North Carolina, Mr. Rothman, Mr. Ryan of Ohio, Mr. Sabo, Mr. Sandlin, Ms. Slaughter, Mrs. Jones of Ohio, Ms. Waters, Mr. Waxman, and Mr. Ballance):

H.R. 2046. A bill to amend the Internal Revenue Code of 1986 to rebuild America through job creation; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself and Mr. Rangel):

H.R. 2047. A bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit and the welfare-to-work credit; to the Committee on Ways and Means.

By Mr. GILCHREST:

H.R. 2048. A bill to extend the period for reimbursement under the Fishermen's Protective Act of 1967, and to reauthorize the Yukon River Restoration and Enhancement Fund; to the Committee on Resources.

By Mr. ACKERMAN (for himself, Mr. Weldon of Florida, Mr. Hinchey, Mr. McNulty, Mr. Wynn, Mr. Rangel, Mr. Terry, Mr. Frost, Mr. Taylor of Mississippi, and Mr. Thompson of Mississippi):

H.R. 2049. A bill to amend the Public Health Service Act with respect to testing pregnant women and newborn infants for infection with the human immunodeficiency virus; to the Committee on Energy and Commerce.

By Mr. ACKERMAN (for himself and Mr. Wexler):

H.R. 2050. A bill to prohibit cooperation with or assistance to any investigation or prosecution under a universal jurisdiction statute; to the Committee on International Relations.

By Mr. BERRY:

H.R. 2051. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Wolf House, located in Norfolk, Arkansas, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. BURR (for himself, Mr. Dingell, Mr. Deal of Georgia, Mr. Price of North Carolina, and Mr. Markey):

H.R. 2052. A bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations; to the Committee on Energy and Commerce.

By Mr. CAPUANO (for himself, Mr. Fletcher, Ms. Norton, Ms. Millender-McDonald, Mr. McNulty, Mr. Frost, Mr. Engel, Ms. Lee, Mr. Reyes, Ms. DeLauro, Mr. Serrano, Mr. Simmons, Mr. Markey, and Mr. Baca):

H.R. 2053. A bill to authorize the Secretary of Health and Human Services to award grants to associate degree schools of nursing and professional nursing organizations to improve nursing education, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JOHN:

H.R. 2054. A bill to amend the Bill Emerson Humanitarian Trust Act to provide clarification with respect to the period of time for which funds may be held in the trust established under that Act; to the Committee on Agriculture.

By Mr. JONES of North Carolina:

H.R. 2055. A bill to amend Public Law 89-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore; to the Committee on Resources.

By Mr. McINNIS:

H.R. 2056. A bill to amend the Trade Act of 1974 to include certain specialty metals as import-sensitive articles that are ineligible for duty-free treatment under the generalized system of preferences program under title V of that Act; to the Committee on Ways and Means.

By Mr. McINNIS (for himself, Mr. Green of Wisconsin, Mr. Ryan of Wisconsin, Mr. Sensenbrenner, Mr. Petri, and Mrs. Musgrave):

H.R. 2057. A bill to provide for a multiagency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ:

H.R. 2058. A bill to authorize the Secretary of the Interior to provide a grant to the State of New Jersey for the construction of a memorial to the New Jersey victims of the terrorist attacks of September 11, 2001; to the Committee on Resources.

By Mr. PEARCE (for himself, Mr. Udall of New Mexico, and Mrs. Wilson of New Mexico):

H.R. 2059. A bill to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes; to the Committee on Resources.

By Mr. PLATTS:

H.R. 2060. A bill to amend the Law Enforcement Pay Equity Act of 2000 to permit certain annuitants of the retirement programs of the United States Park Police and United States Secret Service Uniformed Division to receive the adjustments in pension benefits to which such annuitants would otherwise be entitled as a result of the conversion of members of the United States Park Police and United States Secret Service Uniformed Division to a new salary schedule under the amendments made by such Act; to the Committee on Government Reform.

By Mr. PORTMAN (for himself and Mr. Cummings):

H.R. 2061. A bill to make improvements with respect to the Drug-Free Media Campaign Act of 1998 and to authorize such Campaign through fiscal year 2008; to the Committee on Energy and Commerce.

By Ms. LORETTA SANCHEZ of California (for herself, Ms. Harman, Mr. Abercrombie, Mr. Baca, Mr. Berman, Mr. Capuano, Mrs. Davis of California, Mr. DeFazio, Mr. Delahunt, Mr. Engel, Mr. Farr, Mr. Filner, Mr. Frank of Massachusetts, Mr. Hinchey, Mr. Holt, Mrs. Johnson of Connecticut, Mrs. Jones of Ohio, Mr. Lantos, Mrs. Maloney, Mr. Olver, Mr. Rodriguez, Mr. Sanders, Ms. Schakowsky, Mr. Shays, Mr. Sherman, Ms. Slaughter, Mr. Stark, Mrs. Tauscher, Ms. Velázquez, Mr. Waxman, and Mr. Wexler):

H.R. 2062. A bill to restore freedom of choice to women in the uniformed services serving outside the United States; to the Committee on Armed Services.

By Mr. SCHIFF (for himself, Mr. Dingell, Mr. Frost, Mr. Larsen of Washington, Mr. Spratt, Mr. McDermott, Mrs. Jones of Ohio, Mr. Frank of Massachusetts, Mr. Case, Ms. Watson, Mr. Brown of Ohio, and Mr. Wexler):

H.R. 2063. A bill to authorize the use of Cooperative Threat Reduction funds for projects and activities to address proliferation threats outside the states of the former Soviet Union, and for other purposes; to the Committee on International Relations.

By Mr. SMITH of New Jersey (for himself, Mr. Renzi, and Mr. Garrett of New Jersey):

H.R. 2064. A bill to amend the Internal Revenue Code of 1986 to exclude certain severance payments from gross income for employees who are laid off; to the Committee on Ways and Means.

By Mr. TIBERI (for himself, Mr. Andrews, Mr. Wicker, and Mr. Matheson):

H.R. 2065. A bill to amend the Fair Labor Standards Act of 1938 to exempt licensed funeral directors and licensed embalmers from the minimum wage and overtime compensation requirements of that Act; to the Committee on Education and the Workforce.

By Ms. WATERS:

H.R. 2066. A bill to amend title 38, United States Code, to increase the allowance for burial expenses of certain veterans buried in private or State-owned cemeteries; to the Committee on Veterans' Affairs.

By Mr. WU:

H.R. 2067. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income to individuals who do not itemize deductions; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. Farr, Mr. Blunt, Mr. Gibbons, Mr. McHugh, Mr. Tanner, Mr. Moran of Virginia, Mr. Udall of New Mexico, Mr. Boyd, Mr. DeMint, Mr. Shaw, Mr. Lantos, Mr. Kennedy of Rhode Island, Ms. Harris, Mr. Deutsch, Mr. Engel, Mr. Porter, Mr. Delahunt, Mr. Rangel, Mr. Boehlert, Ms. Norton, Mr. Abercrombie, Mr. Upton, Mr. Smith of New Jersey, Ms. Bordallo, Mr. Ryan of Ohio, Ms. Berkley, Mrs. Christensen, and Mr. Case):

H. Con. Res. 172. Concurrent resolution supporting the 20th Annual National Tourism Week; to the Committee on Government Reform.

By Mr. FOLEY (for himself and Mr. Lantos):

H. Con. Res. 173. Concurrent resolution recognizing the historic significance of the 55th anniversary of the founding of the state of Israel and reaffirming the bonds of friendship and cooperation between the United States and Israel; to the Committee on International Relations.

By Mr. HASTINGS of Florida:

H. Con. Res. 174. Concurrent resolution calling on the President to request former President Jimmy Carter, and members of the Carter Center, to assist the Office of Reconstruction and Humanitarian Assistance for Post-War Iraq (ORHA); to the Committee on International Relations.

By Mr. PAYNE (for himself, Mr. Blumenauer, Mr. Bilirakis, Ms. Berkley, Mr. Berman, Ms. Ginny Brown-Waite of Florida, Mr. Crowley, Mr. Dicks, Mr. Doyle, Ms. Eshoo, Mr. Fossella, Mr. Hinchey, Mr. Holt, Mr. Kennedy of Minnesota, Mr. Knollenberg, Mr. Lantos, Ms. Lee, Mrs. Maloney, Mr. McGovern, Mr. McIntyre, Mr. McNulty, Mr. Markey, Mr. Pallone, Ms. Ros-Lehtinen, Mrs. Tauscher, and Ms. Watson):

H. Con. Res. 175. Concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece; to the Committee on International Relations.

By Mr. PLATTS:

H. Con. Res. 176. Concurrent resolution supporting the goals and ideals of Financial Planning Week, recognizing the significant impact of sound financial planning on achieving life's goals, and honoring American families and the financial planning profession for their adherence and dedication to the financial planning process; to the Committee on Government Reform.

By Mr. WU (for himself, Mr. Rohrabacher, Mr. Wexler, Mr. Brown of Ohio, and Mr. Chabot):

H. Res. 228. A resolution declaring that the warm relations and bilateral exchanges between the people of the United States and the people of Taiwan should continue and grow deeper, recognizing the important contributions of Taiwanese-Americans to the United States, and supporting the goals and ideals of Taiwanese-American Heritage Week; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII. memorials were presented and referred as follows:

36. The SPEAKER presented a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Resolution No. 1026 memorializing the United States Congress to express support for the President and Armed Forces of the United States of America; to the Committee on Armed Services.

37. Also, a memorial of the Legislature of the State of Montana, relative to Senate Joint Resolution No. 26 memorializing the United States Congress to appropriate just compensation to the State for the impact of federal land ownership on the State's ability to fund public education; to the Committee on Education and the Workforce.

38. Also, a memorial of the Legislature of the State of New Mexico, relative to Senate Memorial No. 56 memorializing the United States Congress that the Federal Energy Regulatory Commission be requested to withdraw its current standard market design for the nation's wholesale electricity markets; to the Committee on Energy and Commerce.

39. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 1 memorializing the United States Congress that the Legislature designates April 24, 2003, as the "California Day of Remembrance for the Armenian Genocide of 1915-1923"; to the Committee on Government Reform.

40. Also, a memorial of the Legislature of the State of Wyoming, relative to Enrolled Joint Resolution No. 3 memorializing the United States Congress that the legislature declares the existence of a state of emergency due to a shortage of water available to Wyoming caused in significant part by the deteriorating conditions of the state's watersheds located on federal lands; to the Committee on Resources.

41. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Resolution No. 1022 memorializing the United States Congress to rescind all of the state's previous calls for a constitutional convention to amend the constitution of the United States; to the Committee on the Judiciary.

42. Also, a memorial of the Legislature of the State of Arizona, relative to House Memorial No. 2001 memorializing the United States Congress to consider legislation that would provide greater federal resources to border states for border enforcement; to the Committee on the Judiciary.

43. Also, a memorial of the Legislature of the State of Wyoming, relative to Enrolled Joint Resolution No. 1 memorializing the United States Congress to equalize the tax treatment of employer-provided and individually purchased health insurance by creating a tax credit for the full amount of insurance purchased by individuals; to the Committee on Ways and Means.

44. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 13 memorializing the United States Congress to amend federal selective service and immigration laws to grant the right of citizenship to any and all immigrants who honorably serve in the military; jointly to the Committees on Armed Services and the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII. sponsors were added to public bills and resolutions as follows:

H.R. 20: Ms. Linda T. Sánchez of California.

H.R. 58: Mr. KLINE, Mr. SAXTON, and Mr. BRADLEY of New Hampshire.

H.R. 102: Ms. GINNY BROWN-WAITE of Florida and Mr. ORTIZ.

H.R. 111: Mr. RENZI, Mr. FALEOMAVAEGA, Mr. PETRI, and Mr. COLLINS.

H.R. 176: Mr. ROHRABACHER.

H.R. 192: Ms. HARRIS.

H.R. 195: Mr. WICKER.

H.R. 235: Mr. COBLE, Mr. MCINNIS, Mr. TERRY, Mr. YOUNG of Alaska, Mr. SIMPSON, Mr. PETERSON of Pennsylvania, and Mr. ROHRABACHER.

H.R. 266: Mr. MATHESON, and Mrs. MILLER of Michigan.

H.R. 284: Mr. ROGERS of Kentucky, Mr. GILCHREST, Mr. HOBSON, Mr. VAN HOLLEN, and Mrs. BLACKBURN.

H.R. 296: Mr. BISHOP of New York, Mr. WEINER, Mr. CAPUANO, and Mr. TOOMEY.

H.R. 300: Mr. HEFLEY.

H.R. 303: Mr. CUNNINGHAM: Mr. RADANOVICH, Mr. ROTHMAN, Mr. WELDON of Florida, and Mr. GALLEGLY.

H.R. 331: Mr. FALEOMAVAEGA and Mr. GOODE.

H.R. 348: Mr. FOSSELLA.

H.R. 438: Mr. KOLBE.

H.R. 442: Mr. MORAN of Kansas and Mr. BELL.

H.R. 450: Mrs. JO ANN DAVIS of Virginia.

H.R. 466: Mr. COLLINS and Mr. KILDEE.

H.R. 476: Mr. GRIJALVA, Mrs. MCCARTHY of New York, and Mr. PLATTS.

H.R. 515: Ms. LINDA T. SÁNCHEZ of California.

H.R. 548: Mr. CARTER, Mr. LARSON of Connecticut, Mr. TAYLOR of Mississippi, Mr. BALLANCE, and Ms. LORETTA SANCHEZ of California.

H.R. 569: Mr. MARKEY.

H.R. 571: Mrs. MYRICK, Mr. BAIRD, Mr. GARY G. MILLER of California, and Mr. ISAKSON.

H.R. 583: Mr. RYUN of Kansas, Mr. COLE, Mr. EMANUEL, Mr. BALLENGER, Mr. SCOTT of Georgia, and Mr. THOMPSON of Mississippi.

H.R. 593: Ms. LORETTA SANCHEZ of California.

H.R. 648: Mr. MANZULLO.

H.R. 709: Mr. GUTKNECHT.

H.R. 713: Mr. FARR.

H.R. 716: Mr. MCGOVERN, Mrs. KELLY, Mr. SPRATT, Mr. PASCRELL, Mr. CASE, Ms. WOOLSEY, Mr. LANGEVIN, Mr. DAVIS of Tennessee, Ms. ESHOO, Mr. MATHESON, and Mr. WELDON of Pennsylvania.

H.R. 717: Mr. ENGEL, Ms. MCCULLUM, Ms. BERKLEY, Mr. MORAN of Virginia, Mr. FILNER, Mr. BROWN of Ohio, Ms. CORRINE BROWN of Florida, Mr. HOEFFEL, Mr. BISHOP of New York, Mr. LEVIN, Mr. FROST, Mr. MCGOVERN, Ms. MCCARTHY of Missouri, and Mr. NADLER.

H.R. 728: Mr. BRADLEY of New Hampshire.

H.R. 737: Mr. ROTHMAN and Mr. LARSEN of Washington.

H.R. 742: Mr. FERGUSON, Mr. PAYNE, Mr. LARSON of Connecticut, Mr. CUMMINGS, Ms. SCHAKOWSKY, Mr. PICKERING, Mr. FRELINGHUYSEN, and Mr. RYAN of Ohio.

H.R. 761: Ms. GINNY BROWN-WAITE of Florida.

H.R. 767: Mr. BUYER, Mr. RYAN of Wisconsin, Mr. TERRY, Mr. GUTKNECHT, and Mr. GREEN of Wisconsin.

H.R. 770: Mr. LEWIS of Georgia, Mrs. CHRISTENSEN, and Ms. WATERS.

H.R. 785: Mr. LOBIONDO, and Ms. LORETTA SANCHEZ of California.

H.R. 792: Mr. RENZI and Mr. CARDOZA.

H.R. 796: Mr. ISRAEL.

H.R. 800: Mr. WALDEN of Oregon and Mr. FOLEY.

H.R. 806: Mr. HOEFFEL and Ms. BALDWIN.

H.R. 837: Mr. MCHUGH, Mr. LAHOOD, and Mr. SOUDER.

H.R. 839: Mr. LAHOOD, Mr. HULSHOF, Mrs. MYRICK, Mr. SIMPSON, Mr. MATHESON, Mr. GRAVES, Mr. BRADLEY of New Hampshire, Mr. POMEROY, Mr. BONNER, Mr. OTTER, and Mr. WOLF.

H.R. 871: Mr. DEAL of Georgia.

H.R. 873: Mr. WEXLER, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. CARSON of Oklahoma, Mr. SHAYS, Mr. MCGOVERN, and Mr. COSTELLO.

H.R. 876: Mr. PALLONE, Mr. BISHOP of Georgia, Mr. POMBO, and Ms. CARSON of Indiana.

H.R. 882: Mr. FERGUSON.

H.R. 887: Mr. VAN HOLLEN.

H.R. 898: Ms. BORDALLO, Mr. AKIN, Mr. MCNULTY, Mr. CARDIN, Mrs. TAUSCHER, Mr. MEEK of Florida, Ms. VELÁZQUEZ, and Mrs. JONES of Ohio.

H.R. 919: Mr. HOEFFEL, Mr. FALEOMAVAEGA, Ms. ROS-LEHTINEN, and Mr. NEY.

H.R. 927: Mr. MCCOTTER.

H.R. 935: Mr. EMANUEL and Mr. SCHIFF.

H.R. 941: Mrs. SLAUGHTER.

H.R. 962: Mr. PALLONE, Mrs. LOWEY, Mr. DOYLE, Mr. OWENS, and Ms. DELAURO.

H.R. 976: Mr. RYAN of Ohio.

H.R. 980: Mr. TAYLOR of Mississippi and Mr. TOWNS.

H.R. 983: Mr. CALVERT and Ms. SOLIS.

H.R. 996: Mr. LINDER, Mr. DEAL of Georgia, and Mr. OSBORNE.

H.R. 1031: Mr. RUSH, Mr. CUMMINGS, and Ms. WATERS.

H.R. 1046: Mr. GOODE and Mr. MCNULTY.

H.R. 1049: Ms. LOFGREN.

H.R. 1063: Mr. LUCAS of Kentucky and Mr. POMBO.

H.R. 1083: Mr. KING of New York, Mr. CARSON of Oklahoma, Mr. STARK, Mr. MORAN of Virginia, Mr. ORTIZ, Ms. CARSON of Indiana, Mr. BOEHLERT, and Ms. Slaughter.

H.R. 1108: Mr. BROWN of Ohio, and Mr. CUMMINGS.

H.R. 1110: Mr. BISHOP of Georgia.

H.R. 1115: Mr. CHABOT, Mr. MCHUGH, and Mrs. NORTHUP.

H.R. 1119: Mr. CRENSHAW, Mr. OXLEY, Mr. ISSA, and Mr. KING of Iowa.

H.R. 1125: Mrs. JO ANN DAVIS of Virginia, Mr. TIERNEY, Mr. ROTHMAN, Mr. CARDOZA, and Mr. MATSUI.

H.R. 1137: Mr. PETERSON of Pennsylvania.

H.R. 1155: Mr. YOUNG of Alaska, Mr. LIPINSKI, Mr. MCHUGH, Mr. HOLT, Mr. BOYD, Mr. MANZULLO, Mr. PAUL, and Mr. HINCHEY.

H.R. 1160: Ms. WOOLSEY, Mr. KILDEE, Mr. RYAN of Ohio, Mr. GREEN of Texas, Mr. COSTELLO, Mr. MILLER of North Carolina, Mr. LUCAS of Kentucky, Mr. EDWARDS, Mr. BISHOP of Georgia, and Mr. CLAY.

H.R. 1162: Mr. JEFFERSON.

H.R. 1185: Mr. UDALL of Colorado.

H.R. 1196: Mr. TIERNEY and Mr. FARR.

H.R. 1202: Mr. OXLEY.

H.R. 1225: Mr. RYAN of Ohio, Mr. ROGERS of Kentucky, Mr. MICHAUD, Ms. ROYBALL-ALLARD, Mr. VAN HOLLEN, and Mr. ENGEL.

H.R. 1226: Mr. WEXLER.

H.R. 1229: Mr. GARRETT of New Jersey and Mrs. NORTHUP.

H.R. 1231: Mr. GALLEGLY, Mr. RYAN of Wisconsin, Mr. FORD, Mr. THOMPSON of California, Mr. MORAN of Kansas, and Mr. GARRETT of New Jersey.

H.R. 1238: Ms. SLAUGHTER.

H.R. 1257: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1267: Mr. HOEFFEL, Mr. EMANUEL, and Ms. JACKSON-LEE of Texas.

H.R. 1276: Mr. BONNER and Ms. PRYCE of Ohio.

H.R. 1279: Mr. BALLANCE, Mr. KINGSTON, and Mr. HYDE.

H.R. 1294: Ms. HARMAN.

H.R. 1295: Mr. GRIJALVA, Mr. LANTOS, and Mr. SMITH of New Jersey.

H.R. 1301: Mr. LAHOOD, Ms. CARSON of Indiana, Mr. GORDON, Mr. CAPUANO, and Mr. MARKEY.

H.R. 1309: Mr. SANDLIN.

H.R. 1310: Mr. DUNCAN, Mr. OTTER, and Mrs. NORTHUP.

H.R. 1359: Mr. FROST.

H.R. 1381: Mr. SANDERS, Mr. LIPINSKI, Mr. COSTELLO, and Mr. ROSS.

H.R. 1386: Mr. ABERCROMBIE and Mr. SMITH of New Jersey.

H.R. 1388: Mr. FROST, Mr. HALL, Mr. MORAN of Virginia, Mr. UPTON, and Ms. SLAUGHTER.

H.R. 1426: Mr. POMBO.

H.R. 1429: Mr. GRIJALVA.

H.R. 1430: Mr. WEXLER, Ms. LOFGREN, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 1440: Mr. LANTOS.

H.R. 1443: Mr. LUCAS of Kentucky and Mr. GILLMOR.

H.R. 1472: Mr. KLECZKA, Mr. WELDON of Pennsylvania, Mr. LAHOOD, and Ms. LOFGREN.

H.R. 1473: Mr. ANDREWS.

H.R. 1478: Mrs. MUSGRAVE.

H.R. 1479: Mr. FORBES.

H.R. 1511: Mr. HASTERT, Mr. SMITH of New Jersey, Mrs. CUBIN, Mr. BUYER, Mr. CROWLEY, Mr. WEINER, Mrs. EMERSON, Mr. GOSS, Mr. HOUGHTON, Mr. LEWIS of Kentucky, Mr. MORAN of Kansas, Mr. PETRI, Mr. WHITFIELD, Mr. YOUNG of Florida, Mr. OSBORNE, Mr. CARTER, Mr. ROYCE, Mr. GOODLATTE, Mr. MCHUGH, Mr. LAHOOD, Mr. TANCREDO, Mr. PETERSON of Pennsylvania, Mr. LEACH, Mr. TERRY, Mr. MCINNIS, Mr. MCCRERY, Mr. SHERWOOD, Mr. SMITH of Michigan, Mr. TIAHRT, Mr. TURNER of Ohio, Mr. VITTER, Mr. ISSA, Mr. THORNBERRY, Mr. DREIER, Mr. SOUDER, and Mr. BURTON of Indiana.

H.R. 1517: Mr. TERRY, Mr. HAYWORTH, and Mr. PETERSON of Pennsylvania.

H.R. 1536: Mr. MCNULTY and Mr. CAMP.

H.R. 1540: Mr. VAN HOLLEN.

H.R. 1568: Mr. BELL, Mr. WAMP, Mr. CUMMINGS and Mr. FATTAH.

H.R. 1638: Mr. CARDOZA and Mr. MILLER of Florida.

H.R. 1652: Ms. MCCOLLUM, Mr. WATT, Mr. ACKERMAN, and Mr. HINCHEY.

H.R. 1691: Mr. POMBO, Mr. ISRAEL, Ms. GINNEY BROWN-WAITE of Florida, Mr. FROST, and Mrs. MILLER of Michigan.

H.R. 1694: Mr. FRANK of Massachusetts and Mr. GRIJALVA.

H.R. 1704: Mr. LIPINSKI, Ms. CORRINE BROWN of Florida, Mr. FROST, Ms. KILPATRICK, Ms. LORETTA SANCHEZ of California, Mr. OWENS, Mr. GRIJALVA, and Mr. BOSWELL.

H.R. 1708: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MURTHA, and Mr. BILIRAKIS.

H.R. 1710: Mr. ROSS, Mr. GOODE, Mr. LEVIN, Mr. CLAY, Mr. LANGEVIN, Ms. SLAUGHTER, Mr. ENGEL, Mr. SCHIFF, and Mr. SMITH of Washington.

H.R. 1714: Mr. LINDER, Mr. FALEOMAVAEGA, Mr. LARSEN of Washington, Mr. PASTOR, and Mr. SMITH of Washington.

H.R. 1717: Ms. BERKLEY.

H.R. 1734: Ms. BALDWIN, Mr. GARRETT of New Jersey, and Mr. HINCHEY.

H.R. 1735: Mr. CUMMINGS, Mr. ACEVEDO-VILÁ, Mr. CUNNINGHAM, Mr. FALEOMAVAEGA, Mr. GUTIERREZ, Mr. BEREUTER, Mr. GILLMOR, and Mr. RANGEL.

H.R. 1738: Ms. WATERS, Mr. PALLONE, and Ms. LORETTA SANCHEZ of California.

H.R. 1767: Mrs. MYRICK, Mr. GUTKNECHT, Mr. PETERSON of Minnesota, Mr. DOOLEY of California, and Mr. TANCREDO.

H.R. 1769: Mr. SMITH of Washington, Mr. MCINTYRE, Mr. COBLE, Mr. GILLMOR, and Mr. FORBES.

H.R. 1776: Mr. LEWIS of Kentucky.

H.R. 1795: Mr. CUMMINGS.

H.R. 1796: Mr. JOHNSON of Illinois.

H.R. 1803: Mr. GONZALEZ, Mr. CONYERS, Ms. SCHAKOWSKY, and Mr. SCHIFF.

H.R. 1807: Mr. GOODE and Mr. ENGLISH.

H.R. 1808: Mr. GARRETT of New Jersey.

H.R. 1812: Mr. GUTIERREZ, Mr. CUMMINGS, and Mr. SANDERS.

H.R. 1814: Mr. PASTOR and Mr. HASTINGS of Florida.

H.R. 1819: Mr. NETHERCUTT.

H.R. 1839: Mr. FEENEY.

H.R. 1868: Mr. FROST, Mr. WAXMAN, Mr. LEWIS of Georgia, Mr. OWENS, Mr. CUMMINGS, Mr. GUTIERREZ, Mr. KILDEE, Mr. WYNN, and Mr. RANGEL.

H.R. 1873: Mr. MCHUGH, Mr. NEY, and Mr. FROST.

H.R. 1890: Mr. CRANE and Mr. HULSHOF.

H.R. 1894: Mr. WOOLSEY.

H.R. 1902: Mr. COOPER, Mr. FILNER, Ms. LORETTA SANCHEZ of California, and Mr. WYNN.

H.R. 1904: Mr. BROWN of South Carolina, Mr. BARRETT of South Carolina, Mr. BURNS, Mr. SCOTT of Virginia, Mr. SWEENEY, and Mrs. JO ANN DAVIS of Virginia.

H.R. 1905: Ms. BERKLEY, Mr. WEXLER, and Mrs. MCCARTHY of New York.

H.R. 1908: Mr. KILDEE.

H.R. 1910: Mr. WICKER, Mr. VITTER, Mr. RODRIGUEZ, Mrs. JO ANN DAVIS of Virginia, Mr. MCGOVERN, Mr. OBERSTAR, Mr. THOMPSON of California, Ms. ESHOO, Mr. WOLF, Mr. FILNER, Ms. LEE, Mr. LAHOOD, Mr. GRIJALVA, Mr. WYNN, Mr. PALLONE, Mr. KLECZKA, Mr. LANGEVIN, Ms. MCCOLLUM, and Mr. PASTOR.

H.R. 1927: Mrs. JOHNSON of Connecticut, Mr. NEAL of Massachusetts, and Mr. HERGER.

H.R. 1933: Ms. SLAUGHTER, Mr. HONDA, Ms. LINDA T. SÁNCHEZ of California, and Mr. CASE.

H.R. 1934: Mr. DAVIS of Illinois.

H.R. 1954: Ms. SOLIS and Mr. DREIER.

H.R. 1963: Mr. WAMP, Mr. TURNER of Texas, Mr. ROGERS of Michigan, and Mr. JANKLOW.

H.R. 1981: Ms. MCCOLLUM and Mr. MCNULTY.

H.R. 1999: Ms. DELAURO, Mr. FARR, Mr. GERLACH, Mr. MCHUGH, Mr. LANTOS, and Mr. CLAY.

H.R. 2009: Mr. FROST, Mr. MCDERMOTT, Mr. SHAW, Mr. HOUGHTON, Mr. HERGER, Mr. NUSSLE, Mr. BLUNT, Mr. MURPHY, Mr. GERLACH, Ms. DUNN, Mr. FOLEY, Mr. WELLER, Mr. COLLINS, Mr. JANKLOW, Mr. KLINE, Mr. ISAKSON, Mr. DEMINT, Mr. JENKINS, Mr. HAYWORTH, Mr. GOSS, Ms. HART, Mr. GUTKNECHT, Mr. COBLE, Mrs. JOHNSON of Connecticut, Mr. WELDON of Pennsylvania, Mr. RAMSTAD, and Mr. CANTOR.

H.R. 2023: Mr. BASS, Mr. MCNULTY, and Mr. ENGEL.

H.R. 2030: Mr. KANJORSKI, Ms. HARMAN, Mr. JEFFERSON, Mr. LANTOS, Ms. NORTON, Mr. FORD, Ms. LORETTA SANCHEZ of California, Mr. FILNER, Mr. ACEVEDO-VILÁ, Mr. MOLLOHAN, and Mrs. CHRISTENSEN.

H.R. 2039: Mr. BAKER.

H.J. Res. 4: Mr. TOM DAVIS of Virginia, Mr. GUTKNECHT, Mr. LOBIONDO, Mr. STEARNS, Mr. BONILLA, Mr. HOUGHTON, Mr. BACHUS, Mr. CHABOT, and Mr. SMITH of Washington.

H.J. Res. 8: Mr. LOBIONDO.

H.J. Res. 36: Mr. HOEFFEL.

H.J. Res. 37: Mr. WALSH.

H. Con. Res. 93: Mrs. BONO.

H. Con. Res. 116: Mr. NEY.

H. Con. Res. 121: Mr. HOEFFEL.

H. Con. Res. 143: Ms. GINNY BROWN-WAITE of Florida.

H. Con. Res. 152: Mr. ACKERMAN, Mr. RODRIGUEZ, Mr. CRAMER, Mr. SAM JOHNSON of Texas, Mr. SMITH of Washington, Mr. FROST, Mr. MILLER of North Carolina, and Mr. MCINTYRE.

H. Con. Res. 164: Mr. COLLINS.

H. Res. 20: Mr. ANDREWS, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. COOPER, Mr. CUMMINGS, Mr. HINCHEY, Ms. NORTON, Mr. JACKSON of Illinois, Mr. KILDEE, Mr. KIRK, Mr. LANTOS, Ms. LEE, Mr. MCDERMOTT, Mr. MCNULTY, Mr. OWENS, Mr. RANGEL, Mr. SMITH of New Jersey, Mr. STARK, Mr. TOWNS, Mr. WAXMAN, Mr. WYNN, Ms. JACKSON-LEE of Texas, Mr. CONYERS, Mrs. JONES of Ohio, Mr. MEEKS of New York, Mr. FALEOMAVAEGA, Mr. HASTINGS of Florida, Ms. WATSON, Mr. DELAHUNT, Mr. FORD, Mr. MENENDEZ, Mr. JEFFERSON, Mr. ROYCE, Mr. WOLF, Mr. MATSUI, Mr. GEORGE MILLER of California, Ms. WATERS, and Mr. HONDA.

H. Res. 45: Mrs. MUSGRAVE.

H. Res. 137: Mr. LEVIN, Mr. OWENS, Mr. EMANUEL, and Mr. FRANK of Massachusetts.

H. Res. 142: Mr. RYAN of Ohio.

H. Res. 157: Mr. MARKEY, Mr. KUCINICH, and Mr. WEXLER.

H. Res. 193: Mr. SENSENBRENNER and Mr. GUTIERREZ.

H. Res. 199: Mr. VAN HOLLEN, Mr. WOLF, Mr. ISAKSON, and Mr. MCNULTY.

H. Res. 211: Mr. AKIN and Mrs. MILLER of Michigan.

H. Res. 222: Mr. BONILLA, Mr. SAM JOHNSON of Texas, and Mr. DELAY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 20: Mr. CHOCOLA.

EXTENSIONS OF REMARKS

TRIBUTE TO NURSES AT WOODLAND TERRACE

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in honor of the nurses at the Woodland Terrace Nursing Home in my home District of Florida.

As you all know, this is national nurses week and I am privileged to speak on behalf of the many talented nurses at Woodland Terrace. The Fifth District of Florida, and in fact the entire State of Florida, has a large and growing population of senior citizens. I firmly believe that seniors are one of our nation's most valuable assets. We will be judged on how well we care for our seniors.

The nurses at Woodland Terrace have not shied away from this important responsibility. I continue to be impressed with the quality of care at Woodland Terrace; a standard which is largely attributable to the nurses who work there.

At a time when many analysts are predicting a nursing shortage in the near future, it is critical that the nursing workforce be given proper commendation for continual hard work and dedication to what can seem like a thankless profession. With that, I offer my most sincere thank you to the nurses at Woodland Terrace for a job well done!

HONORING THE POLO HIGH SCHOOL MARCHING PANTHER PRIDE BAND

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize the Polo High School Marching Panther Pride Band from Caldwell County, Missouri. The band, comprised of 7th through 12th grade students, has had many significant accomplishments in the last year. Most recently, the band has been honored with an invitation to play at the 2003 Toyota Gator Bowl in Jacksonville, Florida. I, along with Polo High School students and administrators, are proud of the band's successes.

The band has worked very hard in competition to establish a reputation of marching excellence over the last two school years, which was a pre-requisite for their acceptance in the 2003 Gator Bowl Parade. Additionally, the band has been acknowledged for many outstanding achievements including 2nd place in the class 1A parade at Carollton Band Day in 2001, 1st place in the class 1A parade at CMC Band Day in 2001, 1st place in class 1A at the Northwest Missouri State University Homecoming Flag Corps in 2002, the color guard competition in 2001, 1st place in the class 1A parade at the Missouri Day Parade in 2002, 1st place in the class 1A Parade at Central Missouri State University Homecoming in 2002, 2nd place in the class 1A parade at Northwest Missouri State University homecoming in 2002, and 1st place in the Chillicothe Christmas Parade in 2002.

Many students have dedicated their time and effort to making the band the accomplished organization that it is. I commend the time and dedication these students have put forth being a part of this wonderful after school activity while also working hard at their studies. Marisa Fultz, Drum Major and Field Commander and Brenna Hicks, Assistant Drum Major, have worked very hard to ensure that the band performs at its best.

Additionally, the band has received a great deal of support from the education community, including the Board of Education, Mrs. Marla Barnes, President of the Board of Education, Mr. Gerald Snodgrass, Superintendent, Mr. Robert Newhart, Polo High School Principal, Ms. Beverly McQueen, Elementary School Principal, and the band boosters led by president Darrin Hicks.

Mr. Speaker, I proudly ask you to join me in commending the Polo High School Marching Panther Pride Band. The band is a primary example of educational excellence in North Missouri and in their community. I wish them the best of luck at the Gator Bowl!

SHEILA J. ADAMS HONORED BY THE GREATER CINCINNATI CHAPTER OF THE NATIONAL CONFERENCE FOR COMMUNITY AND JUSTICE

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. PORTMAN. Mr. Speaker, I rise to pay tribute to Sheila J. Adams, a friend and constituent, who will be honored by the Greater Cincinnati Chapter of the National Conference for Community and Justice (NCCJ) at NCCJ's 75th Anniversary Dinner on May 22, 2003. NCCJ, founded in 1927 as the National Conference of Christians and Jews, is a human relations organization dedicated to fighting bias, bigotry and racism through understanding and respect among all races, religions and cultures.

Sheila was selected to be honored by NCCJ because, as one person noted, "She's been involved, she's been active, she's led. She's gone from success to significance. Success is about you, but significance is about what you've done for others." And Sheila has consistently done a lot for others.

For over thirty years, Sheila has been a human relations professional. As president and chief executive officer of the Cincinnati Urban League since 1990, Sheila oversees programs and services that help African Americans and others to achieve social and economic parity. Because the Urban League's goal is to eliminate the barriers of racism and level the economic playing field, her work includes employment and training programs; after school programs; parent empowerment programs; and adult and youth leadership development.

Sheila is also active with many other local organizations, serving on the Health Foundation; Cincinnati CAN (Community Action Now); Advocates for Youth Education; and the Cincinnati Chapter of Links, Inc. She has been honored as a Cincinnati Enquirer Woman of the Year; a Great Rivers Girl Scouts Woman of Distinction; and a University of Cincinnati Notable Black Alumni.

All of us in Cincinnati have benefitted from Sheila Adams' service. We congratulate her on this well deserved and distinguished award from NCCJ.

KEEPING THE PROMISE TO OUR DISABLED VETERANS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. FILNER. Mr. Speaker and colleagues, I rise to call the attention of the House to three bills that I have introduced to address concerns of our nation's disabled veterans. Each of the bills was introduced in response to requests from veterans all across the nation.

H.R. 1919 will authorize transportation on military aircraft on a space-available basis for veterans with a service-connected disability rated at 50% or more. Currently, members and retirees of the uniformed services and the reserves may travel free on Department of Defense (DoD) aircraft when space is available. This benefit is allowed when it does not interfere with military missions and is a recognition of military careers filled with rigorous duty.

But present policies do not extend this benefit to our disabled veterans. What more rigorous duty can be imagined than to become disabled in the service of our country? Why has the DoD chosen not to recognize the brave men and women who sacrificed their health and well-being while serving in uniform? This DoD policy is wrong, and H.R. 1919 would correct it.

This bill would cost the federal government nothing, and adding disabled veterans would not interfere with benefits for active-duty personnel. Current military is always given priority, and H.R. 1919 would do nothing to change that. What my bill would do is to allow

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

seats that would otherwise go unused to be occupied by men and women who have been disabled in their service to their nation.

Two other bills, H.R. 1917 and H.R. 1918, would also allow veterans with service-connected disabilities to use military facilities.

The DoD provides Morale, Welfare, and Recreation (MWR) programs to bring some of the benefits of civilian life to military communities. These programs are the cornerstone of community quality of life, providing for fitness, recreation, libraries, sports and athletic programs. DoD considers MWR programs as critical to mission readiness and productivity—these programs contribute to physical fitness and recruitment and retention of personnel.

In addition, civilian employees and their families are allowed access as a perk of their employee benefit package. Other groups, such as the Scouts of America, can also utilize the lands by getting special permission. In contrast, most of the over 2 million disabled veterans (rated 0% to 90% disabled) are currently deemed not disabled enough to be considered a patron of MWR. My bill, H.R. 1917, would fix that!

A third bill, H.R. 1918, would extend commissary and exchange store privileges to service-disabled veterans with a rating of 30% or more and their families. Congress must do all we reasonably can for the men and women in uniform who have become disabled in service to our nation. Our disabled veterans are important members of a greater military family, and they should be treated as such with every available opportunity.

I believe that changing these policies—use of military recreational lands, transportation on military aircraft, and commissary privileges-are the right steps to take for our disabled veterans! They have sacrificed their health and well-being for their country, and I believe that they have earned the right to these privileges. Please join with me by co-sponsoring these three bills and working for their passage.

A TRIBUTE TO ROBESON COUNTY CELEBRATION OF FLIGHT

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. McINTYRE. Mr. Speaker, it is with great pleasure that I rise today to salute the Robeson County Celebration of Flight celebration from May 14–May 18, 2003. The Lumberton Municipal Airport will host this special event that acknowledges and honors the 100-year celebration of the feat of Wilbur and Orville Wright.

Charles F. Kettering once said, "The Wright Brothers flew right through the smoke screen of impossibility." On December 17, 1903, at Kill Devil Hills near Kitty Hawk, North Carolina, the Wright Brothers manned the first-ever controlled, powered flight, and their optimism of achieving the impossible became our reality. And this reality has truly opened the world for all to see.

In honor of this historical event, The Robeson Aeronautical Foundation, Inc. and the Lumberton Municipal Airport have organized special events to celebrate this monumental feat. For three days, the Lumberton Municipal Airport will host school children from throughout the region. These children will be able to view a variety of exhibits highlighting the importance of sport aviation, the role of aviation in the military, and the history of aviation in the region. The celebration will culminate with a two-day air show featuring some of the best displays of aeronautical skill in the world.

My fellow colleagues please join me in saluting the Robeson County Celebration of Flight organizers for their time, energy, and resources in planning for this event. May God's blessings shine upon them and all that they have done, and may God bless this special celebration.

TRIBUTE TO JUDGE BURRELL MERRITT

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise to commemorate the accomplishments and character of a great American, a great friend and a constituent of mine, Judge Burrell Merritt. Burrell celebrated his 61st birthday this weekend and I was pleased to be a part of the celebration honoring him.

A lifelong resident of Brooksville, a graduate of Hernando High School, and a lawyer educated at the University of Florida, Burrell is a true Floridian and an outstanding lawyer and community leader.

In 1968 he joined the Richard E. McGee law firm as an associate and later that year he became a municipal judge for the City of Brooksville. In 1970 he became a partner in his own law firm, McGee and Merritt. In 1985, he was named a partner of a new firm, Merritt, High, Underwood & Eppley and in 1985 he was made senior partner in the Merritt and Mason firm.

In 1998 after thirty years practicing law, Burrell became a Circuit Judge for the Fifth Circuit serving Hernando County. He currently works with civil, family law, probate and child support enforcement cases.

He is a member of the Hernando County Bar Association, the Florida Bar Association and the American Bar Association and numerous other civic and social organizations, serving a leadership role in many of them. His skills and talent as a law professional have been recognized by numerous groups and associations. He has received a plethora of awards and accolades for his diligent work both as an attorney, judge and community member.

Aside from his accomplishments in his legal profession, Judge Merritt is also a Cattle Rancher. He operated the very successful Merritt Farm and Livestock Company in Brooksville.

Mr. Speaker it is easy to see why I am so proud of his accomplishments and why they are worthy of recognition on the floor of this body.

RICHARD JANULEWICZ ON HIS 20TH ANNIVERSARY WITH THE CLAY COUNTY PUBLIC HEALTH CENTER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Richard Janulewicz, Director of Clay County Public Health Center in Clay County, Missouri. Richard has exemplified the finest qualities of leadership and service and is being honored for his 20-year commitment to the health center and the citizens of Clay County.

Richard is well known among his staff and the citizens of Clay County for taking the initiative to make positive change in their community. He interacts on many levels with the people he comes in contact with and maintains the highest degree of professionalism and honesty. He prides himself on the hard work and dedication he has displayed over the past two decades.

During his years at the health center, Richard has designed and implemented new programs that have made Clay County one of the healthiest in the state. He has undoubtedly been one of the most influential people in Clay County's history. His colleagues and friends describe him as honest, dependable, helpful, trustworthy and professional. It is people like Richard that make me proud to call myself a Missourian.

Mr. Speaker, I proudly ask you to join me in commending the career of Richard Janulewicz, who exemplifies qualities of dedication and service as both an employee and a citizen of Clay County, Missouri.

ROBERT KANTER HONORED BY THE GREATER CINCINNATI CHAPTER OF THE NATIONAL CONFERENCE FOR COMMUNITY AND JUSTICE

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. PORTMAN. Mr. Speaker, I rise to pay tribute to a distinguished constituent, Robert Kanter, who will be honored by the Greater Cincinnati Chapter of the National Conference for Community and Justice (NCCJ), formerly the National Conference of Christians and Jews, at NCCJ's 75th Anniversary Awards Dinner on May 22, 2003. NCCJ, founded in 1927 as the National Conference of Christians and Jews, is a human relations organization dedicated to fighting bias, bigotry and racism through understanding and respect among all races, religions and cultures.

Bob's motivation for getting involved is simple—he enjoys it. He once said, "I found out you can get much personal satisfaction by giving your time and talent." Robert has given enormously to organizations in our area over the years. Currently, he is president of the Plum Street Temple Historic Preservation

Foundation; chairman of the Jewish Foundation; chairman of Jewish Health Systems, Inc.; a trustee of the Health Alliance of Greater Cincinnati; a board member of the Lower Price Hill Community School; and founder of the Man to Man Prostate Cancer Support Group at Wellness Community.

In the past, Bob served as chairman of the Health Alliance of Cincinnati; president of the Isaac M. Wise Foundation; chairman of the Jewish Hospital; co-chair of the Jewish Federation campaign; trustee of the Emery Center; board member at the Hebrew Union College Jewish Institute of Religion.

Bob is a graduate of the University of Cincinnati and began his career with a public accounting firm. In 1966, Bob formed Rookwood Properties, a company that acquires and manages investment real estate. Bob and his wife, Lynne, have three sons and seven grandchildren, all in the Cincinnati area.

A noted individual has said, "Robert is the conscience of the Jewish community in Cincinnati." All of us in Cincinnati thank Robert for his service to our area, and we congratulate him for being honored by NCCJ.

SENIOR CITIZENS NEED OUR HELP

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. FILNER. Mr. Speaker and colleagues, I rise today to urge support for two bills that I have just introduced to provide financial relief to our Nation's senior citizens. Both men and women will receive assistance with this legislation, but because older women are often with less financial resources, they will particularly benefit.

My first bill is H.R. 1922, the Fair Taxes for Seniors Act. This bill would provide a one-time increase in the capital gains tax exemption on the sale of a home for citizens who are 50 or older. Passing this bill would give many seniors the additional money they need for nursing home care, medical costs, and other retirement expenses.

The current capital gains tax exemption works well for younger people who often move from job to job, selling their homes. The current exemption works well for people who live in areas where housing prices are below average. But it is not working for individuals who have lived in one home for 20 to 50 years and have a capital gain that is much larger than the present exemption. In other words, it is not working for seniors who live in areas with higher housing prices.

A senior citizen named Eleanor lives in Glen Ellyn, IL and bought her home with her husband 45 years ago. The value of her home at the time of her husband's death was $32,000. Eleanor is now 78 years old and needs to move into a nursing care facility. Her house is worth $579,000, and the combined Federal and State taxes after the current capital gains exemption are $68,000. Her only income is from Social Security and a small pension, and she needs the money from the sale of her house in order to move into the nursing home. Eleanor would like to stay in the Chicago area because her friends are there, but the price of nursing care is high there as well. Should a 78-year-old woman have to move away from the city where she has lived all her life because, as a widow, she is considered single and has to pay higher taxes? The tax of $68,000 is money she should be able to use for medicine, living expenses, and her nursing home.

Marilyn is a single, professional woman who lives in Mission Hills, CA—near my Congressional District. She purchased her home over 30 years ago for $65,000. She chose to become involved in her community and has stayed in the same house throughout her lifetime. Marilyn is now 60 years old and would like to sell her home and move to a smaller condo in the same area. The selling price of her home is now $895,000, and her combined Federal and State taxes are $169,940 after the current exemption. Should singles who remain in one house for many years be taxed for their stability and their long-term commitment to their community—and essentially for being single? A one-time exemption on capital gains would allow Marilyn to downsize her life for her retirement years in a way that is financially sensible.

Sally, a divorced, single mother in Seattle, WA is 57 years old. She chose to stay in one home for 37 years so her children could stay in the same school system, and so she could live near her work and her church. One of her adult children has developed severe health problems and has had to pay medical bills not covered by insurance. Sally needs to help with these medical expenses and has decided to sell her home to pay some of the doctor's bills. Her home that she purchased for $55,000 is now worth $629,000, and the combined Federal and State taxes are $64,000. This tax money is money that Sally should be able to use to pay off medical bills as well as to get ready for her own retirement.

My bill would provide a one-time increase of $500,000 for a single person and $1 million for a couple in the amount excludable from the sale of a principal residence for taxpayers who have reached the age of 50. Let us help our citizens over age 50 who have lived in one home for many years. Let them keep the proceeds from the sale of their homes for retirement and health care costs. An added benefit is that family members and perhaps the government will be relieved of the burden of caring for these individuals as they grow older.

My second bill is H.R. 1923, the Social Security Survivors Fairness Act, legislation to provide Social Security widows' benefits for women under the age of 60. Maria is a 58-year-old widow who lives in San Ysidro, CA in my Congressional District. Throughout her lifetime, she worked in the home, raising her children and supporting her husband. Now her husband, who received Social Security benefits, has passed away. There currently is a provision for Maria to receive Social Security widows' benefits, but to qualify she must be 60 years old.

Social Security is telling Maria that she must find a way to support herself for 2 years before they are going to help with widows' benefits. It will be very difficult for her to find a job at her age, when she has never worked outside of her home. Women in their late 50s who are dependent on their husband's Social Security are left with no means of support if their spouse dies.

My bill would amend the Social Security Act to reduce from 60 to 55 the age at which an individual who is otherwise eligible may be paid widows' or widowers' insurance benefits.

I encourage my colleagues to support H.R. 1922 and H.R. 1923 to provide financial assistance to our country's most vulnerable citizens.

A TRIBUTE TO THOMAS AND MARY GREYARD

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. McINTYRE. Mr. Speaker, I rise today to pay tribute to Thomas and Mary Greyard who celebrate the 50th anniversary of their wedding on May 25, 2003. Natives of southeastern North Carolina, they have spent their 50 years of matrimony in McDonald, in my home county of Robeson.

The French author, Andre Maurois, once said, "A successful marriage is an edifice that must be rebuilt every day." With dedication, determination, and devotion, Thomas and Mary have followed their hearts and built their lives together for half a century.

Thomas and Mary are people of dedication. Dedication not only to each other, but to their two sons, their family, their church, and their community. Having both served as Mayor of the Town of McDonald, as elders and teachers at Iona Presbyterian Church, and as members of various local volunteer organizations, the Greyards have provided a positive example for all to follow.

The devotion that the Greyards have shown is a testament to their love and respect for each other. It is this same devotion to those things we hold most dear in our lives that has served as an example to those around them.

Thomas and Mary, thank you for your dedication and your devotion. We wish you continued success, and may God's strength, peace and joy be with you always!

TRIBUTE TO THE WALL-RIVES AMERICAN LEGION POST 58

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I would like to take a moment to commend the Wall-Rives American Legion Post 58. They are celebrating 75 years of dedicated service to the honorable veterans residing in Dunnellon, Florida.

On March 3, 1927, the American Legion Post 58 was issued a temporary charter from Department Headquarters in Palatka, Florida. They started out in 1927 with 15 members. Since then they have grown to . . . members through the hard work and dedication of their committed members.

American Legion Post 58 was christened "Wall-Rives Post 58" on May 26, 1947 in honor of Winchester Wall and Hugh Rives, two brave soldiers and residents of the area, who lost their lives during WWII, in the Bataan Death March.

The memory of these dedicated servicemen has been honored throughout the years by the members of the Legion as they continue the legacy of service to their community.

Mr. speaker, I am proud of the service that members of Wall-Rives Post 58 have rendered to our great nation in their 75 year history and I ask you to join with me in thanking them for their service.

RECOGNIZING FORD MOTOR COMPANY ON THEIR 100TH ANNIVERSARY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize the 100th anniversary of the Ford Motor Company. Ford has exemplified the social, economic, and cultural heritage America and is deserving of due recognition for their many accomplishments.

On June 16, 1903, 39-year-old Henry Ford and 11 associates started the Ford Motor Company. Armed with little cash, some tools, a few blueprints and abundant faith, these men set out to start one of the most innovative industrial and global institutions.

During the 1903 production year, the first commercial automobile, the Model A, was released by Ford. This 8-horsepower, 2-cylinder vehicle had a 2-speed transmission, 28-inch wheels with wooden spokes and 3-inch tires. It was the first of many alphabetical cars, as Ford went through 19 letters of the alphabet, creating Models A through S, with some of these cars being experimental and not available to the public.

October 1, 1908 was a historic day as Ford introduced the "Universal Car", the Model T. The Model T proved to be a versatile car that could be reconfigured by buyers to move cattle, haul freight, herd horses and even mow lawns. In its first year of production on the Model T, Ford set an industry record, producing 10,660 of the cars.

In the early days, all automobile makers built one car at a time. Ford revolutionized this process with the idea of moving the work to the worker. This became a reality when parts, components, and 140 assemblers stationed at different intervals inaugurated the first moving assembly line in 1913. A new era of industrial progress and growth began for the company.

The Ford plant in Claycomo, Missouri is a remarkable example of the many achievements of the company. Ford's employees, retirees, suppliers, dealers, and its many customers have truly been an asset to the 6th district.

Mr. Speaker, I proudly ask you to join me in commending the Ford Motor Company on their 100th anniversary and for their many contributions to the 6th district, the State of Missouri, the United States and the world.

THOMAS G. CODY HONORED BY THE GREATER CINCINNATI CHAPTER OF THE NATIONAL CONFERENCE FOR COMMUNITY AND JUSTICE

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. PORTMAN. Mr. Speaker, I rise to pay tribute to a dear friend and constituent, Thomas G. Cody, who will be honored for his extraordinary community service on May 22, 2003, by the Greater Cincinnati Chapter of the National Conference for Community and Justice (NCCJ) at NCCJ's 75th Anniversary Awards Dinner. NCCJ, founded in 1927 as the National Conference of Christians and Jews, is a human relations organization dedicated to fighting bias, bigotry, and racism through understanding and respect among all races, religions and cultures.

Tom was selected to receive NCCJ's honor for his 20 years of community service in Cincinnati. He has been described as someone who is enormously dedicated to our community, and who exhibits that in his service. Currently, Tom is on the board of trustees for the National Underground Railroad Freedom Center and is co-chair of Cincinnati CAN (Community Action Now). He has also served on the boards of trustees for Children's Hospital Medical Center; the Children's Hospital; Xavier University; Life Center; and NCCJ and is a past chair of the Cincinnati United Way and Community Chest and Greater Cincinnati Chamber of Commerce Board of Trustees.

Tom has also had a successful business career. He is currently vice chairman of Federated Department Stores, Inc. in Cincinnati. He joined Federated in 1982 from Pan American World Airways, Inc., where he was Senior Vice President, General Counsel and Secretary. A native of New York, Tom received a B.A. degree from Maryknoll College and a J.D. from St. John's University School of Law.

All of us in Greater Cincinnati are indeed fortunate that Tom Cody and his wife, Mary Ellen, settled in our region and chose to focus so much of their time and energy on making our community a better place. We congratulate him on receiving this prestigious honor from NCCJ.

THE GREEN ISLE CHILDREN'S RANCH

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor the Green Isle Children's Ranch in my Fifth Congressional District of Florida. At this center, a group of dedicated, hard-working, caring individuals has been working for more than 15 years to better the lives of at-risk children.

The Green Isle Children's Ranch was founded in 1987 by men and women who had worked within the prison system and had seen the great need to prevent children from entering the vicious cycle of detention home, jail, and prison.

The Ranch is an interfaith outreach center that helps at-risk children and troubled families. It houses, counsels, educates and spiritually nurtures troubled and at-risk children from ages 6–15. Most are emotionally handicapped; some suffer from such conditions as attention deficit disorder, and fetal alcohol syndrome. Most have been verbally abused and some physically or sexually abused. All have considerable inner emotional turmoil and anger and almost all are the products of broken homes.

The Mission of the Green Isle Children's Ranch is a noble one. It seeks to provide a residential program for at-risk children; to counsel, educate, and spiritually nurture them, and to provide parenting classes and guidance for each child's family. The ranch serves as a resource for troubled families, providing advice, counseling and a sympathetic ear. In addition, the Green Isle Children's Ranch networks with community organizations, such as local churches, Big Brothers, YMCA, other children's facilities, civic clubs, and community organizations, to expand upon the resources available to them as they strive to better the lives of children.

Green Isle uses a caring approach to help at-risk children, which was developed by Dr. Jack Lynd at the Edgewood Children's Ranch in Orlando. Counselors at the center work with each child's family, without regard to race, creed, national origin, or ability to pay-and they do it all without accepting tax money.

Mr. Speaker I am proud of the work done by the Green Isle Foundation. I'm proud to have such a facility in my district and I'm proud to say that because of this organization, so many children in my Fifth District of Florida have been positively affected. Their work is to be commended and their cause is so very honorable. I salute, the dedication and care with which Florida's at-risk children are being treated and I salute the Green Isle Children's Ranch.

RECOGNIZING THE GARY, IN NAACP

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to recognize and commend the members of the Gary branch of the National Association for the Advancement of Colored People (NAACP). On Friday, May 9, 2003, the Gary NAACP will hold its 40th Annual Life Membership Banquet at St. Timothy Community Church in Gary, Indiana.

The Gary NAACP was organized in 1915 by a group of residents to monitor and defend the rights of African-Americans in Northwest Indiana. The national organization, of which the Gary branch is a member, focuses on providing better and more positive ways of addressing the important issues facing minorities in social and job-related settings. Like the national organization, the Gary branch of the

NAACP serves its community by combating injustice, discrimination, and unfair treatment in our society.

The primary focus of the NAACP continues to be the protection and enhancement of the civil rights of African-Americans and other minorities. Today, that fight for equity and quality extends to many issues including health care for minorities. Thus, the theme for the evening is, Taking the Next Steps to Reduce Health Disparities. Long before it became a broad based public concern, efforts were underway to ensure that economic and social barriers would not lead to increasingly severe health crises in minority communities. The featured speaker, Dr. Willarda Edwards, National Health Director for the NAACP, will speak about how the NAACP has been leading the effort to inform and educate the community about health care costs; quality and access; disease prevention; health care professions and training; and youth and elderly issues.

Further, this year the Gary NAACP will honor two outstanding community leaders for their lifelong efforts to further equality in society as well as one sorority. Mr. John Betjeman, retiring CEO of Methodist Hospitals, will receive the Benjamin Hooks award and Dr. William Mays, CEO of Mays Chemical, will receive the Roy Wilkins award. Additionally, joining more than four hundred outstanding civil, community, and religious leaders of the region, the following distinguished individuals will be inducted as life members of the Gary NAACP in the categories indicated. Persons receiving the vintage life membership include: Dharathula Millender, Dorothy Clark, Anna Connor, Dr. FranCina Conard, Delorise Webster, and Rev. Samuel Roberts. Those receiving silver life memberships include: Roosevelt Allen, Jr., Ella Bradford, Valerie Allen Broadnax, Jacqueline Hall, Esq., and Christina Sally. St. Timothy Community Church will be receiving the gold life membership and Steven Christopher Tinsley and the Youth Church at St. Timothy Community Church will receive junior life memberships.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in paying tribute to the new life members as well as the other members of the Gary NAACP for the efforts, activities, and leadership that these outstanding men and women have championed to improve the quality of life for all residents of Indiana's First Congressional District.

WHY THE CRACKDOWN ON CUBA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Ms. LEE. Mr. Speaker, I would like to insert the following article entitled "Why the Crackdown in Cuba," by Wayne S. Smith into the RECORD.

WHY THE CRACKDOWN IN CUBA?

(By Wayne S. Smith)

Various newspaper articles reporting the deplorable crackdown on dissidents in Cuba have correctly noted that the situation there earlier had seemed to be inching toward somewhat greater tolerance. During his trip to Cuba in May of last year, for example, President Carter met with Cuban dissidents and in his televised speech to the nation spoke of the Varela Project, an initiative of theirs calling for greater political freedoms. And both before and after Carter's visit, many other Americans, myself included, regularly and openly met with the dissidents as part of a broad effort to expand dialogue and improve relations between our two countries.

Oswaldo Paya, the principal architect of the Varela Project, was even recently allowed to come to the United States to receive the W. Averell Harriman award from the National Democratic Institute in Washington, and from there he went on to Europe. The Cuban government may not have liked what he had to say while abroad, but he wasn't punished for it when he returned home. It did indeed seem that things might slowly be moving toward somewhat greater tolerance of dissent on the island.

Why then the recent arrest of dissidents? Is it, as some in the United States quickly posited, that Castro was simply hoping the rest of the world was so distracted by the war in Iraq, that no one would notice or react to the detention of a few dissidents in Cuba?

No, that explanation simply doesn't hold up. First of all, no one in his right mind (and whatever else he is, Castro is that) would have expected the arrest of over 80 dissidents, many of them well-known international figures, to go unremarked. The Cubans expected a firestorm, and they got it.

Second, the timing could hardly be worse from Castro's standpoint. The UN Human Rights Commission has just begun its annual deliberations to decide, among other things, whether to condemn Cuba for violations of human fights. Given the greater tolerance discussed above, there had seemed a good chance that Cuba would not be condemned this year. The crackdown, coming just now, makes that far less likely.

Given all that, why the crackdown and why now? To answer those questions, we must first note that the greater leeway for dissent noted above came in response to the overtures of groups in the American Congress and the American public, not to any easing of the hard line on the part of the Bush Administration. Quite the contrary, its policies and rhetoric remained as hostile and as threatening as ever. It ignored all Cuban offers to begin a dialogue and instead held to an objective of regime change. As Mr. James Cason, the Chief of the U.S. Interests Section has stated publicly, one of his tasks was to promote "transition to a participatory form of government."

Now, we would all like to see a more open society in Cuba; that indeed, is what we are all working toward. But it is not up to the United States to orchestrate it. In fact, it is not up to the United States to decide what form of government Cuba should have. Cuba is, after all, a sovereign country. To the Cubans, for the chief U.S. diplomat in Cuba to seem to be telling them what kind of government they should have seemed a return to the days of the Platt Amendment.

The Bush Administration was uncomfortable with signs of greater tolerance on Castro's part, for that simply encouraged those in the United States who wanted to ease travel controls and begin dismantling the embargo. New initiatives along those lines were expected in the Congress this spring. What to do to head them off?

What the Administration did is clear enough. It ordered the Chief of the U.S. Interests Section in Havana to begin a series of high-profile and provocative meetings with dissidents, even holding seminars in his own residence and passing out equipment of various kinds to them. He even held press conferences after some of the meetings. The Administration knew that such "bull-in-the-china-shop" tactics would provoke a Cuban reaction—hopefully an overreaction. And given that the purpose was "regime change", the Cubans came to see them as "subversive" in nature and as increasingly provocative. Those arrested were not charged with expressing themselves against the state, but with "plotting with American diplomats."

The circumstances are different, but to understand Cuban sensitivities in this case, let us imagine the reaction of the U.S. Government if Cuban diplomats here were meeting with members of the Puerto Rican Independence Party to help them promote Puerto Rico's transition from commonwealth to independence. Perhaps the Attorney General would not arrest everyone involved, but I wouldn't take any bets on it.

And the beginning of the war in Iraq did play a role in the crackdown. The Cubans saw it as a signal that the United States was determined to throw its weight around and to blow away anyone it doesn't like through the unilateral use of force. As one Cuban official put it to me recently: "This new pre-emptive-strike policy of yours puts us in a new ball game, and in that new game, we must make it clear that we can't be pushed around."

It was this kind of mind set that led to the crackdown and that turned the latter into a massive overreaction. The Cubans did exactly what the Bush Administration had hoped they would do. Virtually the whole active dissident community has now not only been arrested but put on trial (or notified that they soon will be) and given extremely heavy sentences. Tragic. This is a blot that will not be easily erased and that will impede any significant progress in U.S.-Cuban relations until there is some amelioration of conditions in Cuba. The Bush Administration meanwhile will certainly continue the pressures, and the provocations, so as to prevent any such amelioration.

It has been argued that Castro simply saw this as a propitious moment to halt dissent in Cuba, and there are doubtless some elements of truth to that argument. Castro has never liked to be criticized. Still over the past few years, he had tolerated criticism of the system. All things being equal he might have continued to do so. But the situation has changed, not just between the U.S. and Cuba, but internationally, in ways that the U.S. public is just beginning to understand.

In the dark days that lie ahead, people of good will in the United States who want to see a more normal relationship between our two countries, and to see a more open society in Cuba, should hold to the demonstrable truth that the best way to bring about both is through the reduction of tensions, the beginning of a meaningful dialogue and increased contacts. As Elizardo Sanchez, Cuba's leading human rights activist, has often put it, "the more American citizens in the streets of Cuban cities, the better for the cause of a more open society; so why do you maintain travel controls?" The policies followed by one administration after another over the past 44 years have accomplish nothing positive. True to form, the policy followed by the Bush Administration, and the clumsy tactics of the U.S. Interests Section, have produced only a crackdown. Exactly what we should not want!

CENTRAL NEW JERSEY CELEBRATES THE ORDER OF THE ELKS NATIONAL YOUTH WEEK

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. HOLT. Mr. Speaker, I rise today to recognize the important work of the Central New Jersey Elks Lodges who are observing National Youth Week. This week is intended to honor the Junior Citizens of Central New Jersey with whom the Elks have worked throughout the past twelve months. The Elks Lodges work in conjunction with the schools, Boy Scouts, Girl Scouts, Cub Scouts and other local youth organizations to promote the principles of the Order of the Elks and those of the collaborating organizations.

The ideals celebrated by the Order of the Elks, as a part of National Youth Week, include academic achievement, volunteerism, and community service. Young people are recognized at dinners organized by the Elks Lodges to their accomplishments in these areas. Examples of events include, working with the Cub Scouts and Boy Scouts to sponsor the Blue and Gold Dinner at which merit badges are distributed. The Tournament of Champions in conjunction with the schools celebrates the academic achievement of local students.

I commend the Order of the Elks for promoting these important ideals in our communities. They are reinforcing and rewarding our Junior Citizens for displaying important community values. It is only through the development of a combination of scholastic excellence and a meaningful sense of community participation that we can build strong communities for tomorrow. Clearly the Order of the Elks in celebrating National Youth Week is doing just that.

I ask that all the members join me in congratulating the Order of the Elks for their important work with youth in Central New Jersey.

ROAD TO BE NAMED IN MEMORY OF LIEUTENANT HECTOR POLLA

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. SKELTON. Mr. Speaker, let me take this means to recognize the fine accomplishments of the late Lieutenant Hector Polla. Lt. Polla is a decorated hero of World War II whose wartime sacrifices must be remembered. The United States Army will name the new Defense Access Road at Fort Leonard Wood, Missouri, after Lieutenant Hector Polla.

Hector John Polla was born in Lexington, Missouri, in 1916. He graduated from Higginsville High School and Wentworth Military Academy Junior College before heading to the United States Military Academy at West Point in 1937. Upon his graduation from West Point in 1941, Lt. Polla was deployed to the Philippines and stationed on the Bataan Peninsula. He was there when the Japanese attacked on December 8, 1941. His courage and gallantry during the defense of Bataan resulted in his being awarded the Silver Star Medal. He survived the Bataan Death March and spent nearly three years in Japanese prisoner of war camps. Survivors of the war camps praise him for the leadership, fortitude, and skill he demonstrated during the hard years of captivity. Lt. Polla died tragically in January 1945 after the Japanese ship on which he and other prisoners were being transported was bombed by American forces.

In addition to the Silver Star Medal, Polla's military medals and citations include the Purple Heart Medal, two Bronze Star Medals, the Prisoner of War Medal, the Asiatic-Pacific Campaign Medal with one bronze service star, the American Defense Service Medal, the Combat Infantryman Badge 1st Award, and the Philippine Defense Ribbon.

Mr. Speaker, I believe this is a fitting tribute to a man who served his country with the utmost dedication and bravery. The Lieutenant Hector Polla Road will help us remember how he and so many other soldiers have given everything to defend our country in her time of need.

THE DEDICATION OF THE BROOKSVILLE CEMETERY

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in honor of the work of a few historians in my Fifth Congressional District of Florida. The hard work and detailed research of these individuals resulted in a gravesite in the Brooksville City Cemetery in my district being designated as a Historical Landmark in the State of Florida.

The oldest gravesite in the Brooksville City Cemetery belongs to a woman named Charlotte Wynn Pyles Crum who was a member of an early Florida pioneering family and was killed shortly after the close of the Second Seminole Indian War.

Ms. Crum was traveling in the Brooksville area in 1842 along with her daughter and granddaughter when their group was fired upon by a band of Seminole Indians who were unaware of the war's end. All survived the attack except for Ms. Crum, whose death received sensationalized attention.

After much research about Ms. Crum's unusual death, the Division of Historical Resources within the Florida Department of State declared Ms. Crum's gravesite a Historical Landmark. At a ceremony this weekend, the cemetery will unveil a plaque in honor of the gravesite's distinction.

The Brooksville City Cemetery is in its own right a historical site because it is the final resting place for soldiers killed in the Civil War, the Spanish American War, World War I, World War II, the Korean War, and other national conflicts.

Mr. Speaker, I ask you to join me in honoring the cemetery, the work of the Florida Historical Resources Division and all those who made this weekend's dedication possible and brought Ms. Crum's gravesite the distinction it deserves.

HONORING GLEN L. EBERLY FOR LIFELONG CONTRIBUTION TO NORTHWEST INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and admiration that I rise today to honor Glen L. Eberly for his lifelong contribution to the residents of Northwest Indiana, especially the Town of Dyer. Glen is one of the most dedicated, distinguished and committed citizens I have had the pleasure of knowing.

On Thursday, May 8, 2003, the Dyer Chamber of Commerce will host a roast in recognition of Glen's honorable service and the uncompromising loyalty he has displayed to the residents of Dyer. The community could not have picked a more appropriate date to roast Glen, as May 8th was the birth date of one of this Nation's most highly regarded presidents, Harry S Truman. Like President Truman, Glen possesses the qualities of a strong work ethic, coupled with honesty and integrity. Additionally, May 8th will forever be a notable date in history for me personally, because on May 8, 1984, I won my first democratic primary for United States Congress.

Born January 13, 1930, Glen and his family moved to Dyer 8 years later. He graduated from Dyer High School and served his country for 2 years in the United States Air Force. He went on to attend Ball State University where he earned a bachelor's degree in education. Glen began his teaching career in 1953 at Dyer High School, where he taught history. In 1961, Glen received his master's degree in education from Purdue University and continued his career at Dyer High School as a guidance counselor. In 1968, Glen was named assistant principal at Lake Central High School and subsequently became principal.

In addition to his love for education, Glen has demonstrated a sincere affection for the community in which he lives. Thus, Glen has served as a member of the Dyer Town Council for three terms. While Glen has dedicated considerable time and energy to his work, he has always made an extra effort to give back to the community. He is a charter member of the Dyer Noon Lions Club and is a past member of the Dyer Evening Lions Club. Additionally, Glen is a charter member of the Dyer Jaycees and is a charter member of the Dyer Historical Society and currently serves as its president. Glen has served the communities of Dyer, St. John and Schererville in various administrative capacities since 1984 and has been the Town Council Coordinator for the Town of Dyer since 1992. Though Glen is dedicated to his career and the community of Dyer, he has never limited his time and love for his family. Glen and his wife, Charlotte, have been happily married for 50 years.

Mr. Speaker, Glen has truly dedicated his life to the Town of Dyer, as well as all of Northwest Indiana. He is one of the finest gentlemen I know. I respectfully ask that you and my other distinguished colleagues join me in congratulating Mr. Glen Eberly for his outstanding devotion to Indiana's First Congressional District. His unselfish and lifelong dedication to those in need is worthy of the highest commendation, and I am proud to represent him in Congress.

CONGRATULATIONS TO THE NEW YORK KENTUCKY DERBY WINNER—SAKATOGA STABLE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. RANGEL. Mr. Speaker, I rise today to congratulate the victors of the Kentucky Derby. On Saturday, May 3, the veteran jockey Jose Santos rode the gelding Funny Cide in the 129th running of the Kentucky Derby at the Louisville, Kentucky racetrack. Owned by Sakatoga Stable in Sackets Harbor, New York and trained by Barclay Tagg, Funny Cide is the first New York bred horse to win the Kentucky Derby and the first gelding to win the Derby since 1929. This is not only a victory for the owners, trainer, and rider of Funny Cide, but the entire State of New York and I wish them continued success.

HONORING CHIEF WARRANT OFFICER JIM KELLEY

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. BEAUPREZ. Mr. Speaker, I rise today to pay tribute to a great man, Chief Warrant Officer Jim Kelley. Jim is remembered as a loving husband, wonderful father and a lifelong friend to many. Jim was an example to us all leading his life with compassion and dedication in all that he did.

A member of the 192nd Assault Helicopter Company, Jim served his tour in Vietnam 1969 through 1970. He gave thirty-three years of service in the Air National Guard at Buckley, in Aurora, Colorado. Upon his retirement from service Jim was awarded the Legion of Merit, the highest military honor given during peacetime. I am thankful for the bravery Jim displayed in his service to our nation and the state of Colorado.

Mr. Speaker, it is an honor today to speak in memory of Jim Kelley, a noble cowboy that will be forever remembered for the dedication and bravery he displayed in his defense of America's freedom. He epitomizes the best of our country by demonstrating courage, selfless service and honor in abundance. He was a man of principle and courage; every life he touched is blessed for knowing this hero.

IN PRAISE OF MOTHERS

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. OTTER. Mr. Speaker, there are 435 of us in the United States House of Representatives. We come from almost every imaginable race, religion, creed and family background. Our political persuasions run the gamut of the American experience, and we sometimes seem to have 435 distinctly different viewpoints on any given issue.

Yet every one of us in the House—indeed, everyone on Capitol Hill—has at least one thing in common, and we cherish it most dearly. We all are the sons and daughters of the mothers who gave us life, who did their best to nurture and teach us, protect and care for us. For each of us, no matter how close or distant it since has become, that mother-and-child bond was the first formative influence on the people we were to become.

That bond and formative influence is as strong as ever for me. I am incredibly fortunate to have the warm affection and sage advice of my Mother still in my life. I was the sixth of Regina Otter's nine children. Not a day goes by that I don't draw inspiration from her physical, mental and spiritual strength after 88 years in this world. Her example of faith, charity, hard work, selfless dedication to family and friends and individual responsibility remains the standard by which I judge myself. I will forever fall short.

Perhaps more of our public policy debates should be infused with the wisdom of our mothers. Would we behave as selfishly, as myopically, if at crucial moments we recalled what Mom would want? Would we feel so compelled to seek out the political benefit, to place the short-term advantage over the long-term good, if Mom were there to remind us—sweetly but firmly—of the simple but profound truths of right and wrong?

Those of us in public life sometimes fall into the trap of believing our own press clippings—at least the positive ones. We think ourselves grand, elected by the good people of the world's oldest democracy, entrusted with the will of the greatest nation on Earth. At such times we would do well to remember the words of George Bernard Shaw, who said, "Perhaps the greatest social service that can be rendered by anybody to the country and to mankind is to bring up a family."

Mothers do that.

Yes, fathers also are incredibly important to strong families. Despite decades of social experimentation, research and analysis, no sound substitute has been found for the values, structured growth and sense of mutual dependence one finds in a traditional family unit for those fortunate enough to have it.

But make no mistake: Mothers are the anchors holding families in place against the gales, and the engines that enable them to progress toward their goals even through stormy seas. They are the lodestar on which we all depend to find our way through life. They are the shining examples of compassion and love to which we all aspire. And they are the souls of frail humanity who evoke the best from us when times are at their worst.

So on this Mother's Day, and every day, take some time to honor the one who made you who you are. Whether they are with you still or passed to a better place, the gesture will be noticed and appreciated. And you will be a better person for it.

Thank you, Mom.

TRIBUTE TO KARL SIEGFRIED

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to congratulate Karl Siegfried, a constituent of mine from New Port Richey, FL, who received a VITA Wireless Samaritan Award last month.

VITA, which is Latin for "life", is the name of the award given by the national Wireless Foundation to people who use wireless communication to contact authorities and ask for help in emergency situations.

While driving to work, Mr. Siegfried heard reports, on the radio, of a kidnapping that took place the night before. Mr. Siegfried identified the vehicle while sitting at the stoplight and then used wireless technology to identify the location of the kidnapper for emergency personnel.

His heroic efforts, which quite possibly saved the life of another individual, are certainly something to be admired and I am proud to have a person like him as a constituent of mine.

In recent years, cellular phones and wireless communication devices have become common fixtures in our society but the good-natured concern for your neighbor has waned. I am glad to see an organization like VITA honoring those who put their communication devices to work for the good of others.

I thank Mr. Siegfried for what he did, I thank VITA for honoring him, and I thank them both on behalf of the city of New Port Richey and communities all over the country.

A TRIBUTE TO MITSUBISHI ELECTRIC POWER PRODUCTS, INC., WARRENDALE, PA

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Ms. HART. Mr. Speaker, I rise today to recognize the achievements of Mitsubishi Electric Power Products, Inc., a leading manufacturer of equipment to major North American electric utilities and independent power producers, as they dedicate their new headquarters building in Warrendale, Pennsylvania.

Mitsubishi Electric Power Products (MEPPI) has been a positive force for economic development in the Fourth district and has contributed over $20 million in direct foreign investment since establishing their Warrendale campus in 1989.

As MEPPI has expanded their operations, they have included western Pennsylvania residents in their success. As the largest Japanese affiliated corporation in Allegheny County, MEPPI has grown from an organization with just a handful of employees to a company with a workforce of over 200 today. 97% of MEPPI's main product line, large power circuit breakers, is now manufactured in Warrendale. Made in Warrendale products are exported to several foreign markets including Canada, Mexico, Australia, the United Kingdom, and South America.

MEPPI technologies include Flexible AC Transmission Systems (FACTS). FACTS technologies significantly improve the capacity and reliability of the existing electrical transmission grid. Low environmental impact technologies such as FACTS do not necessitate the construction of new power transmission lines—a contentious process that often results in the takings of public and private lands.

MEPPI has also been an active participant in our community as demonstrated by their financial and organizational support for several very worthy western Pennsylvania philanthropic groups.

Please join me in congratulating Mitsubishi Electric Power Products as they expand their Warrendale campus and continue to involve Pennsylvanians in their company's success.

HONORING HENRY COVELLO

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. McGOVERN. Mr. Speaker, I rise today to correct an extension of remarks I submitted May 1, 2003. 1 would like to apologize to Henry Covello for inadvertently saying that he would receive a Purple Heart "posthumously." I should have said "belatedly."

Mr. Covello served our country in World War Two as a young man. His honor and bravery earned him a Purple Heart for his service in the war. His lifelong dedication to the United States Army is reflected by the prestige of the Purple Heart, among the highest honors an American citizen can receive. Following his service in World War Two, Mr. Covello went off to serve in Korea where he earned his second Purple Heart. I am proud to tell my colleagues that last weekend Mr. Covello received his third Purple Heart.

Mr. Covello served in the United States Army with the 82nd Airborne Division 504th Parachute Regiment, the 5th Airborne Ranger Co. 25th Division, and D Company 19 Regiment 24th Division. He served for nearly 25 years in the Army before permanently retiring to Worcester, Massachusetts.

Mr. Covello is an example for all Americans. Devoting himself to our armed forces, Mr. Covello's awards are the sign of a grateful nation. His service in the fight against tyranny and oppression should not be forgotten.

Mr. Speaker, I extend my sincere thanks to Mr. Covello, and to all of our veterans, for bravely fighting to protect our security and liberty. I am confident that my colleagues in the U.S. House of Representatives will join me in thanking Mr. Covello for his service.

PERSONAL EXPLANATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. ROGERS of Michigan. Mr. Speaker, on the legislative day of Wednesday, May 7, 2003, the House voted on two amendments by Mr. BELL of Texas to H.R 766, the Nanotechnology Research and Development Act of 2003. On House rollcall votes No. 165 and No. 166, I was unavoidably detained. Had I been present, I would have voted "yea" on both.

TRIBUTE TO JOHN McMORRAN OF LAKELAND, FL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to commemorate the life of a great American who died last month after 113 years of life.

At the time of his death John McMorran of Lakeland, FL, which lies partially in my Fifth Congressional District, was the oldest living American man and the fourth-oldest person in the world.

Born June 19, 1889, in a Michigan log cabin, John McMorran considered coffee his elixir and quit cigars at the tender age of 97. He retired at 84 after working in a munitions factory, delivering milk, and delivering mail and moved to Florida to enjoy his retirement.

More than 30 years later he was still enjoying life, friends, and his family, who all said he was a happy man who lived a great life.

Mr. McMorran had a 59-year-old grandson and a 35-year-old great-granddaughter and one great-great-grandson!

He was born the year that the Oklahoma Land Rush took place, 14 when the Wright Brothers made their historic first flight at Kitty Hawk, and too old for the draft in World War I.

Mr. McMorran was there for all the advancements and innovations of the Twentieth Century. He knew life before and after cars, before and after electricity in homes, before and after computers; cell phones, the Internet. After 113 years of life there's not much he missed out on.

I am proud to speak before the House today about John McMoffan and commemorate his long, successful life.

SUSTAINING AN AMERICAN DIPLOMATIC SUCCESS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. DUNCAN. Mr. Speaker, later this month, the U.S. will welcome President Note of the Marshall Islands as he visits our country. His visit here will coincide with the Bush Administration's transmittal to Congress of the document that governs the bilateral relationship enjoyed by our nations. This little known treaty embodies the best of U.S. diplomacy and strategic policy in recent decades. Ronald Reagan was President and the Democrats controlled both House of Congress when a bipartisan majority of both Houses approved the Compact of Free Association between the U.S. and two Pacific island micro-states.

The treaty of free association between the United States, Republic of the Marshall Islands and the Federated States of Micronesia ended more than four decades of United Nations trust territory status for the islands, and these new nations, under new flags, themselves then became members of the United Nations. Not only was this a good model for decolonization of dependent territories, but the compact also preserved U.S. strategic interests in the islands. Under the treaty, an area of ocean as large as the continental United States, with strategically located islands stretching from the mid-Pacific to the Asian rim, remains foreclosed in perpetuity to the military forces of any nation other than the United States.

U.S. strategic interest in the Marshall Islands began in 1946 when the U.S. conducted its first atmospheric nuclear weapons test at Bikini. During the next decade over 67 tests were conducted, leaving a legacy of injuries to people and contamination of homelands that is still being resolved through claims settlement proceedings authorized by Congress under the compact. Amazingly, the islanders suffered greatly but consider themselves survivors rather than just victims, U.S. allies rather than just a subjugated people.

In addition nuclear test sites in the islands, Kwajalein Missile Range in the Marshall Islands was perhaps the most vital facility in the U.S. intercontinental ballistic missile development program, a centerpiece of U.S. nuclear deterrence that prevented the Cold War from turning into nuclear winter. Renamed the U.S. Army Ronald Reagan Missile Test Range, Kwajalein played an indispensable role in the Strategic Defense Initiative that helped bring about disarmament and end the Soviet empire.

To preserve the compact's success and the underlying strategic interests, Congress has to renew the economic assistance provisions of the compact that expires this year. The Bush Administration has consulted with Congress about renewal terms in a bipartisan spirit, and has addressed concerns raised by GAO about fiscal accountability for the island governments, as well tightening up controls on migration between the islands and the mainland.

Free association is based on separate sovereignty, nationality and citizenship, and is free because any party to the compact can terminate it in favor of full independence at any time. Thus, it is not some screwy scheme of commingled nationality or neo-colonial entanglement. Indeed, the whole point of free association is that it continues as long as it serves the mutual interest of the parties. Clearly, from a strategic point of view alone, U.S. interests preclude letting the compact lapse.

Moreover, the islands have been good allies, reliably voting with the U.S. in the U.N. on important issues. Under the compact, islanders are eligible for service in the U.S. military, and both Marshall Islanders and Micronesians have fought with the 3d Infantry in the streets of Baghdad as comrades in arms with American soldiers.

This is an alliance that represents the best of American diplomacy, and the compact also demonstrates that America deals honorably with small nations that share our values. Obviously, there are other priorities, but the Administration should send the treaty renewal agreements to Congress without further delay, and Congress should renew the Compact of Free Association before it expires, thereby sustaining a bipartisan foreign policy and national security success story.

A TRIBUTE TO LUCILLE CORRINE HAGANS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Lucille Corrine Hagans in recognition of her commitment to helping others throughout her eighty-five years.

Ms. Hagans was born to the late Samuel and Hagar Cohen. Lucille and her family left the hills of Savannah, GA, and migrated to Coatesville, PA. In 1948, she moved to Brooklyn, NY. Her home was always filled with guests and she did not mind opening up her doors to those in need.

Ms. Hagans has been a positive role model for the lives of many. There were times she traveled through the snow and the rain to make sure that everyone in her household had food to eat and a place to lay their heads. She has always been a hard and diligent worker.

A great seamstress and milliner, Ms. Hagans has sewn for many people all over New York City. She has an innate gift of teaching. God has equipped her to help educate others. Ms. Hagans is also a clothing designer in her own right.

Ms. Hagans is a woman of character and standards. She lives a holy life and is a woman of prayer and consecration. She introduced her children and grandchildren to the Lord by taking them to church and teaching them the word of God. She has taught the women in her family to strive for what they want in this life. And, she has been a role model and a woman of integrity.

Mr. Speaker, through her longstanding commitments and her dedication to teaching and spreading the Lord's word, Lucille Corrine Hagans has shown that she is clearly devoted to her community. As such, she is more than worthy of receiving our recognition today. I therefore urge my colleagues to join me in honoring this remarkable woman.

COAL MINE DUST RULES MUST BE WITHDRAWN

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. RAHALL. Mr. Speaker. It is with alarm that today members of the United Mine Workers of America rally on the steps of the State Capitol in Charleston, West Virginia, to protest one of the greatest threats to their health and safety in many years.

It is unfortunate, but true, that this threat comes from their own Federal Government, in the form of proposed rules issued by the Mine Health and Safety Administration (MSHA) that would increase fourfold the amount of dust levels permitted in underground coal mines.

As a May 6, 2003, editorial in the Beckley, West Virginia, Register Herald pointed out, a recent study conducted by the National Institute for Occupational Safety and Health and MSHA already casts doubt on the efficacy of existing coal mine dust compliance rules. The editorial points out that about 1,000 miners still die a year from the dreaded black lung disease which is contracted as a result of sustained contact with coal mine dust. And as the editorial notes: "We need to dig for answers quickly, so the next century of coal mining can be accomplished without the threat of black lung disease." Following my remarks I ask that the editorial be printed in its entirety.

Yet, despite this study and a whole host of other evidence, MSHA on March 6th of this year published two proposed rules which would dramatically harm the health of our Nation's coal miners and conflict with both the letter and intent of the landmark Federal Coal Mine Health and Safety Act of 1969.

This week, in a letter I wrote to Labor Secretary Elaine Chao, I asked that these proposed rules be immediately withdrawn. There is no credible reason why any alleged "mine health" regulation should allow permissible dust levels to increase from the current 2 milligrams/cubic meter standards to 8 milligrams as would be possible under the March 6th dust rules.

The Labor Department and its agency, MSHA, should heed the call of the Register Herald editorial and take actions to eliminate the threat of black lung disease rather than allow increased dust levels in the Nation's coal mines.

BLACK LUNG: 30 YEARS AFTER PROTECTIONS, DISEASE AND QUESTIONS REMAIN

Under the Coal Mine Health and Safety Act of 1969, miners are to be exposed to no more than 2 milligrams of coal dust per cubic meter of air over eight hours—equal to a debris speck the size of a pinhead.

These federal coal-dust controls were designed to protect miners so black lung no longer would be an occupational hazard.

So, 30 years later, have these restraints been successful in halting a disease that reduces the ability to breathe and leads to heart failure?

At first glance, that seems to be the case. But statistics sometimes can be as clear as mud.

According to the study conducted by the National Institute for Occupational Safety and Health and the U.S. Mine Safety and Health Administration, black lung disease continues to develop in miners who have worked their entire careers under current, and supposedly acceptable, coal dust limits.

X-rays show that rates among miners with 20 years or less in the mines produce "no clear trend," the study said. Black lung "continues to occur among working coal miners, even among those first employed after the current federal exposure limit became effective" in 1972.

Even among surface miners, X-rays found that black lung occurred in 1.9 percent of cases.

Surface miners "had been thought not to have been at much risk because they work out in the open," noted Dr. E. Lee Petsonk, one of the study's authors and senior medical officer in the surveillance branch at the health institute's Division of Respiratory Disease Studies in Morgantown. "It is a finding of concern."

The $64,000 question, then, is a simple "why?" Why do new cases of black lung disease continue to develop in miners when coal-dust limits established to protect miners have been in effect for more than 30 years?

Are the dust levels being complied with? Are the rules still not stringent enough? And why are surface miners developing black lung?

Answering these questions is vital, because about 1,000 miners die from black lung each year. Many of those are West Virginia miners.

Coal, we pointed out in this space yesterday, will be around for a while. By a most conservative estimate, there are at least 100 years of coal deposits still to mine.

We need to dig for answers quickly, so the next century of coal mining can be accomplished without the threat of black lung disease.

GIRL SCOUT TROOP 378

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to congratulate the Heart of Florida Girl Scout Troop 378 in Citrus County, FL for their service to the community and to the people of my district.

The troop recently learned about the importance of voting and about the functions of American government as part of the "I-Count" Voter Education program and each Troop Member participating in the program received a patch upon completion.

Mr. Speaker, as you may know, those in the Girl Scout program measure their accomplishments and award merit based on the number of patches they accumulate. As part of earning this patch, the girls studied intently and listened to a speech I gave about the importance of voting—and how one vote can be the deciding factor in some instances.

It was when I spoke to the girls and had the chance to meet them and hear about all they had done in the community that I realized the tremendous amount of work they had done and their intense dedication to the Girl Scout program.

Mr. Speaker, let me briefly mention just a few of the things this group of girls has done throughout their years of involvement with this program.

As Daisies the girls learned to do crafts and learned the Girl Scout promise. They went on campouts, marched in parades and sang at Surry Place Nursing home.

As Brownies, the troop went to nursing homes to sing, volunteered at various events and continued to appear in local parades.

As Juniors, they collected old, unused cell phones to benefit battered women, helped at the local "Relay for Life," which benefits the American Cancer Society, and presented the local volunteer firefighters with cookies to thank them for their work in the community.

Now that the girls are Cadets they are still collecting cell phones and will be continuing their involvement in the "Relay for Life" program. This past Holiday Season they "Gift Adopted" a local under-privileged girl, and donated money and new gifts to make her Christmas brighter.

Currently they are saving the proceeds from the sale of their Girl Scout cookies for a trip to Savanna, GA to see where Juliette Gordon Low, the Girl Scout founder, was born.

Amber Auth, Nicole Bruno, Melissa Fonczak, Emily Stanton, Rebecca Rose, Kimberly Carbonari, Rebecca Morse, along with troop leader Mimi Rose and assistant troop leader Nora Auth, deserve to be commended for their service and dedication. I am proud to have them as my constituents and am honored to be their representation in Congress.

TRIBUTE TO MS. KATHERINE HALLBERG CELEBRATING THE FIRST PLACE WINNER OF THE 14TH CONGRESSIONAL DISTRICT HIGH SCHOOL ART COMPETITION, AN ARTISTIC DISCOVERY

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. DOYLE. Mr. Speaker, I rise today to honor Katherine Hallberg from Woodland Hills School District. Katherine is the top winner of the 2003 14th Congressional District High School Art Competition, An Artistic Discovery.

Katherine's acrylic painting entitled "Technicolor Portrait" was chosen from an outstanding collection of entries. Katherine is a young woman of considerable talent and is sure to have many successes in her future. The judges were very impressed by her use of light and shadow.

I look forward to seeing Katherine's artwork displayed in the U.S. Capitol building along with the artwork of the other competition winners from across the country. I am pleased to be associated with Katherine's artistic talents.

Congratulations Katherine. I wish you all the best of luck in the future.

REPUBLIC OF CHINA ON TAIWAN

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. ORTIZ. Mr. Speaker, three years ago, Mr. Chen Shui-bian was democratically elected President of the Republic of China on Taiwan. His election by the people of that island showed the world that democracy was alive and well and could easily thrive in a Chinese society like Taiwan.

During the last three years, President Chen and the people of Taiwan continue the practice of democracy in their country. Today Taiwan has free elections at every level, a free press, and the highest regard for human rights. Taiwan has set a good example for neighboring Asian nations, and other countries around the world, to follow.

President Chen has, on many occasions, stressed that Taiwan and neighboring countries must work together to discuss issues of mutual interests. Any progress toward improved relationships between nations along the Pacific Rim must ensure the interests of the 23 million people living in the Republic of China.

I have enjoyed working with Taiwan's Representative in Washington, Ambassador C.J. Chen. He and his aides do a good job of informing Congress of developments in Taiwan.

As the people of Taiwan prepare to celebrate their president's third anniversary in office, I hope Taiwan will find success in gaining observer status at the World Health Organization this May. As the outbreak of SARS threatens Asia and the world, Taiwan should be included in World Health Organization activities.

Secretary of State Colin Powell recently said, "infectious disease . . . requires an effective and coordinated response at local, national and international levels." SARS is a harsh reminder to the world that diseases know no border, and we must have an effective international coalition to combat SARS, and other infectious diseases we have yet to discover.

Taiwan has been affected by SARS; it is only right to include them in the global campaign against it.

I ask my colleagues to join me in commending the people of Taiwan for their continuing experiment with democracy. As we have noted before: in a democracy, it is not the first election that defines a democracy . . . it is all those that follow.

WASTEWATER TREATMENT WORKS SECURITY ACT OF 2003

SPEECH OF

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. SHUSTER. Mr. Speaker, I rise today in strong support of H.R. 866, the Wastewater Treatment Works Security Act of 2003, and I commend Chairman YOUNG for sponsoring this important legislation. H.R. 866 authorizes the EPA Administrator to issue grants for vulnerability assessments and security enhancements at our publicly owned treatment works facilities. In addition, the legislation calls on the Administrator to provide much needed technical assistance regarding security measures that can be made to our smaller publicly owned treatment works facilities, that is facilities that serve less than 20,000 people. Lastly, the bill provides critical funding for the improvement of the methodologies and tools used to carry out wastewater vulnerability assessments.

Mr. Speaker, ensuring that our wastewater treatment facilities are properly protected and secure is a crucial aspect of enhancing our Homeland Security. A terrorist attack on a public treatment facility could be devastating. I commend Chairman YOUNG for his hard work on this legislation, and his efforts to draw attention to the need to improve the security of wastewater treatment facilities.

HONORING CENTER HIGH SCHOOL'S "TOP 10" SENIORS

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. OSE. Mr. Speaker, I rise today to honor the talents and efforts of Center High School's "Top Ten" Academic Seniors for the 2002–2003 school year. These students have an unweighted, cumulative grade point average of between 3.88 and 4.0. These outstanding students have been accepted at the University of California—Los Angeles, UC Davis, UC Santa Cruz, UC San Diego, UC Berkeley, University of the Pacific, Stanford, Embry-Riddle Aeronautical University, and Brigham Young University.

Each of these students were honored at a scholarship dinner on Monday, April 28, 2003, where they were each presented with $200 scholarships made possible by community donations, and publicly recognized for their academic achievements.

I am very proud of these young men and woman. I ask my colleagues to join me in applauding Valerie Vinco, Navneet Riar, Tara Dougherty, Natalie Ramirez, Erin Baccay, Dieu-Huyen Nguyen, Adam Luber, Maybelline Disuanco, Kimberly Johnson, and Sabre Shin.

WISCONSIN THANKS JUSTICE WILLIAM BABLITCH FOR 35 YEARS OF SERVICE TO THE STATE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. KLECZKA. Mr. Speaker, it is my distinct pleasure to honor my friend and former colleague, Justice William A. Bablitch, as he celebrates 35 years of service to the people of Wisconsin.

Long known as a vigilant champion of the underprivileged, Justice Bablitch began serving others early in life. At the age of twenty-two, he traveled to Liberia in Western Africa with the Peace Corps, and spent his tour teaching young pupils in a local elementary school. Struck by the conditions that his students endured daily, he returned to his home state impassioned to work on behalf of the public and to study law at the University of Wisconsin.

After receiving his Juris Doctorate in 1968, the Justice spent three years as a District Attorney, during the tumultuous times of the student-led Vietnam protests. By working with the administration of the University of Wisconsin—Stevens Point and the Sheriff's Department of Stevens Point, he helped ensure that in the wake of the Kent State Massacre violence or bloodshed did not erupt at UWSP.

In 1973, Bill turned his talents to representing the people of Portage County in the Wisconsin State Senate where I had the esteemed pleasure of serving with him. A strong advocate for civil and human rights, Senator Bablitch pushed for legislation reform in discrimination, sexual assault, child abuse, and divorce law. His role as majority leader paved the way for public accessibility to Wisconsin government by creation of Wisconsin's Open Meeting and campaign reform laws.

Always a defender of social justice, Justice Bablitch's career has been highlighted by his twenty years in the Wisconsin Supreme Court where he has fought for the protection of consumers, the environment, and a patient's right to know.

While away from the office, Bill spends time with his wife, Anne, daughter, Bulleh, and granddaughters, Layteh and Nancy, at his homes in Northern Wisconsin and Hawaii. Whether fly-fishing with family and friends or cooking a meal for them, he has filled the lives of those around him with laughter and happiness.

Justice William Bablitch's retirement is certainly well deserved, but his leadership and passion for serving the best interests of Wisconsin citizens will be truly missed. Congratulations, my friend.

IN RECOGNITION OF LOUISE DANKBERG ON THE OCCASION OF HER RETIREMENT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to Louise Dankberg on the occasion of her retirement. Ms. Dankberg is an imcomparable leader who has consistently contributed to our community for over three decades in notable ways.

After 34 years, serving in a variety of positions, Ms. Dankberg is retiring from the New York State Department of Labor. Among her many achievements during her tenure, Ms. Dankberg has served as Loaned Executive to State Employees Federated Appeal (SEFA) of United Way, where she raised over $750,000 in six campaigns in 51 state agencies. As Executive Administrative Assistant to the New York City Director, Ms. Dankberg was responsible for major decisions of staff changes and successfully developed communications between branch offices and district managers. She also supervised 125 professional and support staff while serving as Job Service Supervisor. In addition, Ms. Dankberg acted to resolve issues, train new staff, and corresponded on behalf of the Governor and Commissioner of Labor in her role as Unemployment Insurance Supervisor of Telephone Call Center.

Through a variety of professional and civic activities, Ms. Dankberg has touched countless lives in the New York area. Ms. Dankberg has been very active within the New York State government. She has been the Female District Leader of the 74th Assembly District since 1993 and a New York State County Committee Member since 1973. She served as the Beth R. Cosnow Memorial Chairperson and as a New York State Commmitteewoman in 1993, and worked as a delegate to Supreme Court Judicial Conventions from 1971 to 1993. For over thirty years she has been a liaison with elected officials for the community and has served various positions in the Samuel J. Tilden Democratic Club, including president, vice president, treasurer, secretary, and membership and program committees chairperson.

Ms. Dankberg has also been a campaign manager for various judicial campaigns for Supreme and Civil Courts, as well as a member for the 14th Congressional District Caucus and the Policy, Executive, and New York County Democratic Committees. Her contributions to the community include numerous community forums, street fairs, and political debates.

An eminent civic leader, Ms. Louise Dankberg has held positions in many organizations, such as the International Association of Personnel in Employment Security, the Public Employees Federation, of which she was a founding member, the Organization of Management Confidential Employees, the Center for Women in Government, Mission Employment Jobathons, and the Job Service Improvement Program. Through these various associations, Ms. Dankberg has played a significant role in aiding the community with issues concerning employment.

In addition to being a leader of organizations, Ms. Dankberg is a staunch community advocate, bringing local issues to surface. She is a founding member of the Neighborhood Crime Prevention Council and the East Side Rezoning Alliance. Ms. Dankberg is also an active member of Gramercy Neighborhood Associates, the Stuyvesant Park Neighborhood Association, the 22nd Street Block Association, and the Manhattan Neighborhood Council. She is a co-chairperson of the Neighborhood Advisory Board, which donates to target groups through the New York City Division of Youth and Community Development.

Fortunately for all of us, Ms. Dankberg is merely retiring from the New York State Department of Labor and not from public life.

In recognition of her outstanding accomplishments, I ask my collegues to join me in honoring Louise Dankberg on the occasion of her retirement.

TRIBUTE TO LUIS A. ROSERO

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. BISHOP of New York. Mr. Speaker, I rise today to recognize and honor Luis A. Rosero a dedicated and noteworthy public servant from Queens, New York.

Luis A. Rosero engages our society with enthusiasm and vigor. From humble beginnings in Queens, NY, Luis Rosero has dedicated himself to a career in public service, protecting the rights of all citizens in the democratic process. Luis fights for what is good in our world.

Since my arrival in Congress at the beginning of this year, Luis has ably served the people of the First Congressional District of New York as my District Office Director. He has offered his years of experience to develop a new office, train new employees and manage the multi-faceted challenges of a busy New York office. Luis has offered comfort and assistance to my constituents, whether they need intervention with a federal agency, an answer to a vexing question of policy or someone to simply hear their concerns.

Luis' passion and energy have also made him a known and appreciated individual to his neighbors in his home community, and they now call him back to represent them as a New York City Councilman.

Many individuals aspire to make positive changes in the community in which they live, though some fail in their efforts through a lack of dedication and perseverance. Luis has the qualities of a leader and a deep belief in our system of government: I believe he will not fail to meet the demands of a public he has dedicated himself to serve.

I extend my best wishes and support for Luis Rosero in all of his future endeavors. I am sorry to see him leave my staff, but I am grateful for his efforts and I know he will go on to do great things. I wish Luis many years of good fortune and service to the public.

Mr. Speaker, I know my colleagues join me in wishing Luis A. Rosero the best of luck in all of his endeavors.

IN RECOGNITION OF NATIONAL SCHOOL NURSE DAY

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to acknowledge May 7th as National School Nurse Day.

There are approximately 60,000 registered nurses in public school systems across the country caring for more than 52 million students. Professional school nurses strengthen and facilitate our educational process by improving and protecting the health status of children and youth through prevention, detection and correction methods. School nurses work diligently in the school environment, serving not only our children and youth but also their teachers, community, state, and nation to provide valuable school health services.

School nurses have assisted our children for many years, and The National Association of School Nurses, the professional organization of school nurses, is celebrating its thirty-fifth anniversary this year.

Frequently, the only health care attention a child receives is through a school nurse. Our nation's children face an increasing number of chronic and severe health problems, from diabetes to asthma, obesity, depression and other mental and physical health problems. School nurses assist these children with their health problems so children can remain in school and achieve success.

School nurses also care for a large number of children with chronic and severe health problems, including children in wheelchairs, on ventilatory support or with special health procedures. School nurses provide direct services to them from initial assessment and diagnosis to treatment and maintenance so disabled children can learn and achieve academic success.

After September 11th, school nurses had to take on additional new roles. If another bio-terrorism event takes place, school nurses may be the first health care responders that will cope with symptoms of a chemical, radiological or other event as well as providing the necessary treatments and emergency evacuations.

School nurses are unsung heroes as they both effectively and efficiently meet the daily and emergency needs of the student populations they serve.

Professional school nurses have touched the lives of students throughout our great nation for over a century, and we commend them on their continued contributions to the development of our young people.

I urge all Americans to recognize the important contributions that school nurses make toward the health and well-being of our children and youth. National School Nurse Day is a wonderful way to commend them on their years of diligent efforts to keep our children healthy and safe in school.

CLEAN SMOKESTACKS ACT OF 2003

HON. HENRY A. WAXMAN

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 8, 2003

Mr. WAXMAN. Mr. Speaker, today I am again joining with Representative BOEHLERT in introducing the "Clean Smokestacks Act of 2003." This important legislation will finally clean up the nation's dirty, antiquated power plants.

When I originally introduced the "Clean Smokestacks Act" with Representative BOEHLERT in the 106th Congress, we had a modest beginning. We had a total of 15 cosponsors and little attention.

But by the end of the 107th Congress, the bill's supporters had grown to 135 House members. Senator JEFFORDS had successfully reported the companion legislation, the "Clean Power Act." And even the Bush Administration, at least in rhetoric, recognizes that we urgently need to clean up these power plants.

Electricity generation is our nation's single largest source of air pollution and greenhouse gas emissions. Nationally, power plants are responsible for about 35 percent of carbon dioxide emissions, 64 percent of sulfur dioxide emissions, 23 percent of nitrogen oxides emissions and 33 percent of mercury emissions.

These four pollutants are the major cause of some of the most serious environmental problems the nation faces, including acid rain, smog, respiratory illness, mercury contamination, and global warming. If we are going to improve air quality and reduce global warming, we must curb the emissions from these power plants.

When the original Clean Air Act was enacted in 1970, the electric utility industry argued that stringent controls should not be imposed on the oldest, dirtiest plants since they would soon be replaced by new state-of-the-art facilities. Although Congress acceded to these arguments and shielded old power plants from the law's requirements, many of these facilities—which were already old in 1970—are still in use. In some cases, power plants from 1922 are still in operation and have never had to meet the environmental requirements that a new facility would.

As a result, a single plant in the Midwest can emit as much NO_X pollution as the entire state of Massachusetts.

The Clean Smokestacks Act says it is time to clean up these aging plants. The Act sets strong emissions reduction requirements for all four of the key pollutants from power plants, and it finally sets a deadline for old plants to install modern pollution controls. The Act allows for emissions trading to increase flexibility and reduce costs, where trading won't cause environmental harm. And the Clean Smokestacks Act promotes cost-effective energy efficiency and renewable energy measures, which help reduce pollution and save consumers money.

This approach just makes sense. Because these power plants are so old and so dirty, cleaning them up provides tremendous benefits at reasonable costs. These requirements are one of the cheapest ways to get significant air quality improvements. And they finally provide a level playing field for new and old plants.

At the same time, this approach gives industry the benefit of increasing regulatory certainty by targeting all four pollutants at once. Industry can make better investments if it knows what all of the emissions requirements will be over the next decade or so.

Finally, the Clean Smokestacks Act recognizes that we need cleaner air, not regulatory relaxation, so it leaves the current Clean Air Act in place.

Since we first introduced this bill, the President has unveiled a competing proposal, the "Clear Skies Initiative" or CSI, which he claims targets the same goal of cleaning up power plants. It's important to recognize, however, that the Clean Smokestacks Act and CSI are not similar proposals with different levels of stringency. Rather, they have fundamentally different purposes.

The Bush Administration claims that their CSI proposal also targets the problem of aging power plants and provides certainty to the industry. It does neither, but it does rewrite significant portions of the Clean Air Act to weaken or delete important environmental protections.

In contrast to the Clean Smokestacks Act, the CSI proposal does not guarantee that all outdated power plants will ever install modem air pollution controls. And, because CSI does not address carbon dioxide emissions, it cannot promise to provide the industry with certainty regarding future federal or state emissions reductions requirements.

What CSI does do is rewrite key provisions of the Clean Air Act. CSI would repeal a requirement to reduce mercury emissions, limit the rights of states to protect themselves against out-of-state pollution, extend deadlines for areas to achieve clean air, and weaken protection for national parks, among other rollbacks. The real purpose of CSI appears to be weakening current Clean Air Act requirements for power plants and other sources, under cover of some looser and later emissions requirements. Not surprisingly, CSI is supported by industry, but is almost universally opposed by environmental groups.

So let there be no mistake—the Clean Smokestacks Act in the House, and the Clean Power Act in the Senate, are the proposals to strengthen the Clean Air Act by finally closing the loophole for old dirty power plants and addressing all four pollutants they emit.

In conclusion, let me commend Rep. BOEHLERT and all of the supporters of this legislation. I am pleased to be part of this bipartisan, bicameral approach to strengthening the Clean Air Act and protecting our environment.

TRIBUTE TO PAULA J. PETERSON

HON. SAM FARR

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 8, 2003

Mr. FARR. Mr. Speaker, I rise today to honor Paula J. Peterson, the Monterey District Park Superintendent for California Department of Parks and Recreation. She is retiring after more than 30 years of dedicated service with the State of California, and in recognition thereof, she is deserving of special public recognition and the highest commendations.

Paula attended Chico State University where she received her Bachelor of Arts degree in Recreation Administration in 1971, and a Master of Arts degree with distinction in Recreation Administration in 1977. She then embarked on her distinguished state service career with the California Department of Parks and Recreation in 1972 as the first full-time, female civil service State Park Ranger in the history of California at Big Basin State Park in the Santa Cruz Mountains. Based on her experience and performance, she continued to be promoted through ranks, ultimately attaining her current position.

Paula Peterson has played a lead role in interpreting and protecting the cultural and natural resources of California. Her outstanding leadership and organizational skills have touched the entire state park system.

Paula was responsible for the first publication of the "Defensive Tactics for Instructors" handbook in 1980. She coordinated the first Hispanic Heritage Week observance in Monterey in 1990. She received the 1996 Monterey District Safety Award after leading and maintaining an excellent District safety program. She was the recipient of the Department's 1999 Olmsted Award for Leadership and Vision based on her ability to motivate and inspire others to positive action; and her long-term commitment to park ideals and values.

Paula blazed the trail for other woman in the peace officer ranks within the State Park System and has been a positive and strong role model. She is commended for her extraordinary commitment and dedication and represents the highest ideals of the State Park professional.

Mr. Speaker, in the course of their careers, few people are fortunate to be associated with an individual whose personal and professional accomplishments have been an inspiration to so many. Because of Paula Peterson, I can count myself among the fortunate.

OUTSTANDING HIGH SCHOOL SENIORS, FIRST CONGRESSIONAL DISTRICT OF NEW MEXICO

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mrs. WILSON of New Mexico. Mr. Speaker, the following high school students from the First Congressional District of New Mexico have been awarded the Congressional Certificate of Merit. These students have excelled during their academic careers and proven themselves to be exceptional students and leaders with their scholastic achievements, community services, and participation in school and civic activities. It is my pleasure to be able to recognize these outstanding students for their accomplishments. Their parents, their teachers, their classmates, the people of New Mexico and I are proud of them.

CERTIFICATE OF MERIT AWARD WINNERS 2003

Katelynn Florentino, Freedom High School.
Chelsea Knepper, Manzano High School.
Victoria Soto, St. Pius X High School.
Jodieleigh Sierbert, Rio Grande High School.
Travis Green, Sandia Prep High School.
Darlene Lopez, Albuquerque Charter Vocational School.
William Winslow, Eldorado High School.
Jonathan Berch, Estancia High School.
Emily Frances Clauss, Albuquerque Academy.
Jessika Cremer, La Cueva High School.
Sharada Bean, Albuquerque High School.
Laura Thompson, Southwest Secondary Learning Center.
Julian Gomez, Los Lunas High School.
Monica Maestas, Valley High School.
Renee Giraudo, Cibola High School.
Finola Perry, New Futures School.
Taylor Kidwell, Hope Christian School.
Natalie Irene Mora, West Mesa High School.
Roseamond Stewart, Del Norte High School.
Brittany Allcorn, Moriarty High School.
Elisha Lovato, Bernalillo High School.
Joseph McCarthy, Hope Connection High School.
Ashley Ellison, Nuestros Valores Charter High School.
Marcus Romero, Mountainair High School.
Kaycee Kloeppel, Highland High School.
Paul Tafoya, Sierra Alternative High School.
Katherine Dahl, Cibola High School.
Dominic Montoya, Albuquerque Evening High School.
Catherine Sandoval, Menaul School.
Milessa Muchmore, Sandia High School.
Amber Marquez, Evangel Christian Academy.

CONGRATULATIONS WESTERN KENTUCKY UNIVERSITY'S WILLIAM E. BIVEN FORENSIC SOCIETY

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to congratulate Western Kentucky University's William Biven Forensic Society as its members celebrate their national and international championships.

The students and coaches have had an extremely successful year, winning the International Forensic Association Championship, the 2003 American Forensic Association National Championship, the Delta Sigma Rho—Tau Kappa Alpha National Championship and, most recently, the National Forensic Association Individual Events Championship. Western's forensics program has a legacy of championships, and this year's team has again debated its way to the top.

This evening at Western, the students will present some of their award-winning performances. I hope they enjoy this opportunity to relax and share their talents with the university and the Bowling Green community. They have certainly earned the chance to celebrate and showcase their work.

Congratulations to the students and coach Judy Woodring of the Western Kentucky University forensics team. Their dedicated work and achievements has brought them and their university recognition and pride.

A BILL TO ENSURE THAT THE IRS ACCURATELY ACCOUNT FOR FICA TAXES PAID BY EMPLOYERS ON EMPLOYEE'S TIP INCOME

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. HERGER. Mr. Speaker, I rise today with my colleague from Tennessee, Mr. TANNER, to introduce the Tip Tax Fairness Act, a bill to require the Internal Revenue Service (IRS) to accurately account for FICA taxes paid by employers on employee's tip income.

As we all know, many employees in the service sector of the business community earn a substantial portion of their income from tips. Recognizing this, Congress passed legislation years ago requiring employers and employees to pay FICA payroll taxes on tip income. This ensures that an employee's total earnings are reflected in their Social Security wage history, which determines the employee's Social Security benefits upon retirement.

In the IRS's effort to collect the FICA taxes they believe are owed on unreported tips, the agency has created an aggregate method for assessing employers which is inconsistent with congressional intent. Congress did not intend FICA taxes to be paid on an aggregate basis, because earnings subject to FICA taxes are intended to be credited to an employee's Social Security wage history.

Under current law, employees are required to report all of their tips to their employer. The employer is required to send this information to the IRS, along with the employer and employee share of the FICA taxes owed. If the IRS believes the amount of tip income reported is not accurate the agency will audit the employer, bill the employer using an aggregate estimate, and collect the employer's portion of the FICA taxes. However, the agency does not credit the employee's Social Security wage history. By not doing so, the agency is disregarding one of the reasons Congress required employers to pay FICA taxes on tips.

Furthermore, this lack of accounting on the part of the IRS, and the use of aggregate estimates, creates a dramatic shift in the burden of tax collection. Under this method, it is the employer who must determine if there was underreporting of income, not the IRS, and the employer who must disprove an inaccurate assessment. Many service providers have expressed concerns that this shift in burden pits the employer against their own employees, effectively turning them into "tip police."

The bill Mr. TANNER and I are introducing today is a solution that we believe employees and employers can support. Simply stated, this legislation requires the IRS to ensure that assessments paid by employers, for FICA taxes owed on unreported tips, are credited to each affected employee's Social Security wage history. As such, this measure requires the IRS to use FICA taxes as Congress intended.

Mr. Speaker, I urge my colleagues to support this worthy legislation.

CHRIS KELLERMAN, A RECIPIENT OF THE BRONZE STAR

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Chris Kellerman, a veteran of the Vietnam War who has been awarded the Bronze Star in recognition of his bravery and notorious achievement during ground operations against hostile forces in the Republic of Vietnam.

The Bronze Star Medal was established by Executive Order in 1944 and is awarded to any person who, while serving in any capacity with the Army of the United States, distinguishes himself or herself by heroic or meritorious achievement or service.

Staff Sergeant Kellerman earned his medal by venturing into unknown territory and taking a risk that he did not have to take, possibly saving the lives of several of his fellow soldiers.

A testament to his dedication to our Armed Forces and his drive to always succeed, Staff Sergeant Kellerman achieved his rank in the Army in record time, rising to his position of leadership in two years' time.

During his service in Vietnam from January 1968 through March 1969, his heroism was undeniable, as his acts of bravery during battle earned him not only the respect of his comrades and military honors.

Staff Sergeant Keller proved his dedication to his country and was honored only recently by the Defense Department with the medal he earned. I am proud to be able to honor him today on the floor of this body and am proud to call Staff Sergeant Kellerman a constituent and, Mr. Speaker, I ask you to join me in thanking him for his service to this country.

CELEBRATING THE 380TH ANNIVERSARY OF THE AVEDIS ZILDJIAN CYMBAL COMPANY

HON. WILLIAM. D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. DELAHUNT. Mr. Speaker, it is with enormous pride that I rise today in tribute to the Zildjian family of Massachusetts, whom we join today in marking an anniversary of an American success story. The Zildjian cymbal sets a standard for excellence—with skill, perseverance and devotion to family, employees and the community.

They arrived on our shores with an idea and a dream, and worked hard and smart to fulfill it. Now musicians around the world—from symphony percussionists to R&B drummers—swear by K/Z HiHats and Remixes and enrich the quality of our lives every day through the gift of music. On Friday of this week, May 9, a variety of friends and admirers will gather at the company offices in the town of Norwell, Massachusetts, to celebrate the 380th anniversary of the Avedis Zildjian Cymbal Company.

Zildjian Cymbals is the oldest, continuously owned family business in the United States—now in its 74th year of operation. However, the firm has a history going back almost four centuries. Zildjian was originally founded by Avedis I, an alchemist and subject of the Ottoman Empire living in Constantinople in 1623. He created a process—still a Zildjian trademark—to treat metal alloys to create cymbals of superior clarity and quality. As a result of his discovery, he was given the title "Zildjian" or Cymbalsmith by the Sultan.

After three centuries of manufacturing cymbals in Constantinople, the family business relocated to Quincy, Massachusetts, largely at the behest of Avedis Zildjian III, who had immigrated to the United States in 1909 and went into business for himself. When it came time for him to take over the family business in Turkey, Avedis pushed for America as the company's home. Although the foundry's establishment coincided with the beginning of the Great Depression, devotion of the family and from some of the great musicians of his day, helped Avedis persevere. Eventually, the company flourished.

In 1972, Zildjian opened a new manufacturing facility in Norwell, Massachusetts where an untold number of cymbals have been created by more than 100 dedicated employees and sold to musicians in every genre in dozens of countries around the world. After handing over the reigns of the company in 1977 to his son, Armand, Avedis Zildjian passed away in 1979. Under Armand's leadership, Zildjian continued its leadership in the production of high-quality cymbals and opened a drumstick factory in Alabama. In 1995, Zildjian became the first Percussion Company to obtain the ISO 9001 Quality Certification, a standard recognized around the globe for facilities that meet and exceed rigorous quality standards.

In 1999, yet another milestone was reached, as Armand Zildjian appointed his daughter, Craigie, to be the Chief Executive Officer, the first woman to hold that distinction since the entity's inception in 1623. With the passing of Armand Zildjian in 2002, Craigie Zildjian is poised to continue the Zildjian name brand and tradition of superior workmanship into the decades to come.

On May 9, 2003, a host of well wishers will join the entire Zildjian community and gather at the company headquarters to commemorate Zildjian's contribution to our universal heritage, our region's economy, the lives and livelihoods of its employees and the entrepreneurial spirit reflected in the evolution of this fine corporation. The festivities would doubtless have made Avedis Zildjian proud. And it is with equal pleasure that I enter this tribute into the Congressional Record so that this milestone is officially recognized and recorded in the official history of the United States of America.

LIBERTY HIGH SCHOOL IN ELDERSBURG, MD. RECOGNIZED AS A GRAMMY SIGNATURE SCHOOL FOR ITS OUTSTANDING MUSIC EDUCATION

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. BARTLETT of Maryland. Mr. Speaker, Liberty High School in Eldersburg, Maryland and its Instrumental Music Director Joseph Fischer has been recognized as one of only 50 Grammy Signature Schools nationwide in 2003 for its outstanding music education. Along with the recognition, the Grammy Foundation awarded Liberty High School with $1,000 toward its music education program.

The Grammy Foundation, a nonprofit arm of the Recording Academy; coordinates the Grammy Signature Schools recognition program for outstanding music education by public schools. Most of us are probably familiar with the Grammys awarded by the Recording Academy to outstanding recording artists. The Grammy Foundation is dedicated to engaging students of all ages through music and arts-based education programs. For more information about the Foundation and its programs, you can visit its website *www.grammy.com.* A list of all the winners is at *www.grammy.com/foundation/signature*___schools.html.

Liberty High School was one of 20,000 public high schools invited to submit detailed applications for the Grammy Signature Schools award.

Finalists for the Grammy Signature School award were determined on the basis of a scoring system applied and critiqued by a panel of top music educators and professionals. Finalists then had to submit additional documentation such as recordings of school concerts, sample concert programs and repertoire that were further reviewed by an independent screening committee.

As my colleagues are well aware, I was a scientist before I was elected to the Congress. However, I was also a teacher. I taught on the college level for more than 20 years. I support and applaud music education because it teaches participants the important life skills of discipline and team work. Liberty High School would not even have been considered as a Grammy Signature School without the leadership provided by its Instrumental Musical Director Joseph Fischer. It is the work of an excellent individual teacher, such as Mr. Fischer, that opens the door and inspires students to achieve success not just in their particular field of study, but in all future endeavors. I know that I am just echoing the gratitude of his students, their parents, faculty and administrators at Liberty High School when I salute Joseph Fischer.

ASSAULT WEAPONS BAN AND LAW ENFORCEMENT PROTECTION ACT OF 2003

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mrs. McCARTHY of New York. Mr. Speaker, today I am introducing the "Assault Weapons Ban and Law Enforcement Protection Act of 2003." This legislation will renew and strengthen the current assault weapons ban set to expire this Congress. I am joined by 68 of my colleagues in support of this legislation and overall goal of keeping illegal firearms out of the hands of criminals.

In September 2004, the assault weapons ban, which is supported by virtually every Federal, State and local law enforcement agency, is set to expire. Since its introduction in 1994, the ban has increased public safety and prevented dangerous weapons from falling into the hands of violent criminals, including gang members and terrorists. Unfortunately, even with its many successes, would-be criminals have demonstrated the ban's limitations.

A gun manufacturer's ability to slightly modify an assault weapon, and the sale of "parts kits" which permit criminals to assemble unlawful assault weapons, is a massive loophole in the current law, allowing these weapons to flood the market and jeopardize the lives of law enforcement officers

Additional steps must be taken to address these types of problems. This legislation begins by improving upon the current definition of a semi-automatic assault weapon to include any semi-automatic weapon that accepts a detachable ammunition magazine and possesses, a single, narrowly defined, assault weapon characteristic. Furthermore, it contains a provision that makes it more difficult for individuals to purchase or sell parts that make it possible to convert a lawful semi-automatic weapon into an unlawful assault weapon.

During the 2000 election cycle, then-Governor Bush made a campaign promise to support the extension of the ban, as did Attorney General Ashcroft during his 2001 Senate confirmation hearing. I am glad to hear of their support and look forward to working with them in the upcoming months. I can think of no legitimate reason for civilians to have access to military-style weapons that are useless for recreational activities and only serve the purpose of furthering unwanted criminal activity.

IMPROVING EDUCATION RESULTS FOR CHILDREN WITH DISABILITIES ACT OF 2003

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes:

Mrs. McCOLLUM. Mr. Chairman, I rise in support of H.R. 1350, to reauthorize the Individuals With Disabilities Education Act (IDEA). Although I have outstanding concerns about this bill that I will continue to work with my colleagues to resolve, this bill responds to the needs of special education teachers and the children they serve. It also authorizes much-needed funding levels for our States and local school districts.

H.R. 1350 will help schools identify special needs students at an earlier age and avoid misidentification of children. When a child is identified as having a disability at an early age, their parents and teachers are better able to address their needs and integrate them as much as possible into the regular educational curriculum. I have worked hard to secure funding for newborn hearing screening programs, which save schools millions of dollars in special education costs by ensuring early detection and intervention of infants with hearing loss. Further efforts to increase early identification, as H.R. 1350 will accomplish, will surely save our schools millions more in special education costs.

H.R. 1350 puts us on the right track to provide funding that has been promised to our States and local school districts for 28 years. Many of us would have preferred that this bill provide mandatory IDEA funding increases, but by authorizing a plan to reach full funding of 40 percent of the excess cost of educating students with disabilities within seven years, H.R. 1350 is a step in the right direction. This bill will provide funding that our schools desperately need now.

This reauthorization will also help us learn how to reduce excessive paperwork for teachers. H.R. 1350 requires the General Accounting Office to conduct a study on Federal requirements under the Individuals With Disabilities Education Act that result in excessive paperwork burdens for teachers. This study will help policymakers better understand how we can improve conditions for teachers.

I will continue to work with all community leaders to improve the discipline and procedural safeguards provisions in this bill. During my time in the Minnesota House of Representatives, our State crafted a careful balance between the rights of children with disabilities and non-disabled students. This allows schools to maintain a safe learning environment for all children and at the same time, resolve discipline issues. I hope to offer Minnesota as a model to create Federal policies that best meet the needs of students and schools.

The bill before us today, while not perfect, will make notable improvements to the Individuals With Disabilities Education Act. In the coming weeks, I will work very hard with the disability community and my colleagues in the Senate to pass a final version of this reauthorization that allows for the best educational opportunity for all children.

GEORGIA CELEBRATES CHIEF WARRANT OFFICER RON YOUNG, JR.

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. GINGREY. Mr. Speaker, the capture of Chief Warrant Officer Ron Young, Jr. by Iraqi forces terrified not only his family back in Lithia Springs, Ga., but also all the Americans watching the news clips of the POWs.

When our Nation goes to war, our soldiers answer the call to sacrifice with honor. In the War on Iraq, they proved once more that they're the greatest fighting force the world has ever known.

Yet, even with the best trained soldiers, even with the best equipment, real dangers confront our fighting men and women.

Such was the case on March 24, when the helicopter of Chief Warrant Officer Young and Chief Warrant Officer David Williams went down and they were captured by Iraqis.

For several days, the families of the captives and the American public watched the excruciating television footage of our brave soldiers being interviewed by their captors.

We could tell by the looks on their faces that they were unsure of their fates. In fact, as Ron Young recently said, death seemed to be an inevitability.

But their families held out hope. Without new information, hope was all they had.

Weeks passed with no news and hope turned to despair.

And on Palm Sunday, our despair turned to jubilation, as advancing U.S. forces liberated the POWs.

Many of us woke up that day to see the Young family celebrating Ron's freedom.

The Young family talked of their lasting faith, of their hope. They talked of their love for Ron and their excitement over his imminent return. Mrs. Young, a day from her birthday, had her wish come true: She would, indeed, be reunited with her son.

Their joy was our joy. When American soldiers face danger in the name of freedom, their compatriots rally behind them. We mourn their setbacks; we hail their victories.

We celebrate the safe return of Ron Young Jr., an American patriot and hero, to his family in Georgia.

On May 9, the people of Douglas County, Ga., will gather by the thousands to welcome home Chief Warrant Officer Young.

And we also want to say thank you to Ron Young and the thousands of other soldiers who put their lives on the line to defend their country and its people.

May God bless this country and its military.

IN RECOGNITION OF HEADMASTER WILLIAM MECKLENBURG POLK OF GROTON SCHOOL

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. FRELINGHUYSEN. Mr. Speaker, I am pleased to rise today to honor William Mecklenburg Polk, Headmaster of the Groton School in Groton, Massachusetts for twenty five years of dedicated service as Headmaster.

Like his illustrious predecessors John Crocker and Endicott Peabody, Bill Polk has left a remarkable legacy at the school and has touched the lives of thousands of young men and women who attended Groton over that span of time.

In his own words, "everyone who has attended Groton or entrusted their children to its care knows that Groton is a small, singular school. Today, in a society that seems increasingly to prize celebrity over character and self over service, Groton puts character, intellectual rigor, values, and service first."

Mr. Speaker, from his days as a Groton student, Bill Polk has epitomized Groton School values in all his academic, athletic, religious and pedagogic pursuits.

Appointed Headmaster in 1978, Bill Polk has made it his business, in his own words, to see that "Groton creates opportunities to cultivate individually students' minds and characters (and) as a church school, it inevitably challenges students to discover their own moral and spiritual values. Groton's insistence on the highest academic standards would matter little if its graduates, to borrow Walker Percy's line, 'earned straight A's in school but flunked life.'"

Mr. Speaker, and colleagues, please join me in saluting Headmaster Polk's stewardship and that of LuAnn Polk, his better half, for all of their years of service and love of the young, education and life.

SUICIDE PREVENTION WEEK

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. ORTIZ. Mr. Speaker, nearly all of our lives have been touched by suicide at some point, be it a family member, neighbor or friend. It represents the darkest moment in a life, and inevitably touches many other lives with sadness and curiosity.

Suicide is a mental health issue that crosses racial boundaries and deeply affects every community in the United States. The Hispanic community is no exception. As in most communities, Hispanics find suicide a difficult topic to broach. The stigma still attached to mental health issues makes asking for help difficult; but the most overwhelming problem for most Hispanics is access to care that will benefit them.

In 2000, 18% of Hispanic females aged 12–17 were considered at risk for suicide, compared to 16% of white females and 8% of Hispanic males. Only 32 percent of Hispanic female youths at risk for suicide receive mental health treatment, according to the 2000 National Household Survey on Drug Abuse.

In 1997, the Attorney General reported a national survey of high school students showed that Hispanic adolescents reported more suicide attempts proportionally than both whites and blacks.

Among Hispanic Americans with a mental disorder, fewer than 1 in 11 contact mental health specialists, while fewer than 1 in 5 contact general health care providers. The figure is even worse among Hispanic immigrants with mental disorders where fewer than 1 in 20 use services from mental health specialists, while fewer than 1 in 10 use services from general health care providers.

Many times access to mental health services can be difficult for individuals in Hispanic communities, due to language barriers, which keep them from accessing the critical assistance they need to cope with their illness.

Mr. Speaker, suicide is a serious problem among Hispanics, and other Americans. I want to thank Congresswoman Napolitano and Congressman Murphy for organizing the Mental Health Caucus to bring members together to shine light on the dark topic of suicide. I also thank the gentlewoman from Brownsville, Texas for organizing this special order to draw attention to this important subject.

RECOGNIZING THE CONTRIBUTIONS OF JUDGE JAMES BUCHELE

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. MOORE. Mr. Speaker, I rise to recognize the contributions made by James Buchele of Topeka, Kansas, to his city, county, state and nation, over a lengthy and distinguished public career that spans the thirty-five years I have known him.

Jim Buchele stepped down from the Kansas District Court bench in Shawnee County after eighteen years of service in 1999. Prior to his appointment, he served as United States Attorney for Kansas. His legal career began in 1966 with private practice in Topeka, after graduation from Washburn University School of Law and Kansas State University. He also served as City Attorney for Topeka and as chief of staff for Representative Martha Keys of Kansas' Second Congressional District. He served four terms as a state representative in the Kansas Legislature.

As an attorney and as a judge, Jim Buchele was involved in a wide range of state and federal litigation. After stepping down from the bench, Jim continued to serve as a professional mediator and arbitrator, as well as taking special assignments from the Kansas Supreme Court and serving as a member of the Kansas Children's Cabinet, which made recommendations regarding the management of the funds Kansas receives from the tobacco litigation settlement in order to finance programs and services for children.

Mr. Speaker, Roscoe Pound once said that "Law is experience developed by reason and applied continually to further experience." This sentence sums up Jim's lifetime of service in the law. During his time on the bench, for example, he specialized in handling domestic relations cases, including issues such as divorce, property division, child custody and other related matters. Shortly before he stepped down from the bench, the Topeka Capital-Journal published an article reviewing the special interest and attention that Judge Buchele brought to the family law docket in Shawnee County. I include the article in the RECORD and commend it to you and to my colleagues as evidence of a career in the law that brought tremendous benefits to Jim Buchele's community over a lengthy and successful career. As Owen Fiss wrote in the Harvard Law Review, "The function of the judge—a statement of social purpose and a definition of role—is not to resolve disputes, but to give the proper meaning to our public values."

Please join me in saluting Jim Buchele as he moves into full time retirement, where I'm sure he will continue to serve his community and nation at every possible opportunity.

JUDGE FOUND REWARDS IN FAMILY LAW

(By Steve Fry)

Shawnee County District Judge James Buchele measures his impact as a family law judge, in part, by a handful of cards and letters he has received from people who passed through his courtroom during divorces and subsequent disputes.

"Thanks a bunch. I really appreciate all that you have done," wrote a little girl, who told Buchele she was making A's and B's in school.

Another is a letter from a mother, whose children would be able to start college using the backlogged child support Buchele had recovered for the family.

Yet another is a letter from a mother, who hadn't been paid child support for two or three years before Buchele got it started again.

"This year I will be able to put the boys in Scouts,'" the woman wrote.

"I was really touched by that letter," Buchele said. "I never realized that that cost was out of reach for some people sometimes because the laws aren't being enforced.

"It makes you appreciate the impact you can have by taking on an area that most judges and lawyers don't like to mess with," he said, referring to family law.

There is a saying that in family law, especially divorces, you see good people at their worst, and in criminal law, you see bad people at their best as a defendant shows his most positive image to influence jurors.

In the past, a district judge quickly could tire of trying divorces, deciding child custody questions between contentious parents and refereeing bitter domestic battles.

"That is the traditional take on what family law is all about," Buchele said. "That's not the way it is in Shawnee County any more."

Formulation of the "Shawnee County Family Law Guidelines," mandatory attendance at a workshop for divorcing parents, the supervised exchange of children, the development of family law into a speciality in which about a dozen attorneys handle about 80 percent of the cases and reducing the number of family law judges from nine to two has helped quiet the local domestic battles, Buchele said.

In an area of law that normally is assigned to a judge for a couple of years or so, Buchele has handled family law in Shawnee County for five years.

"I would rather see good people who are struggling, especially when there are children involved, and help them than sentencing drug offenders when you wonder how much good you're doing," Buchele said.

Buchele said that in family law, there is a real possibility to help someone, sometimes if only to end a marriage that has gone bad.

After 18½ years, Buchele's stint on the Shawnee County District bench ends when he retires Thursday.

The most harmful thing for a child whose parents are divorcing is to witness the ongoing conflict between mother and father, Buchele said, noting children whose parents stay in conflict "are the ones who have problems."

"I put the kids' interest first," Buchele said, acknowledging sometimes his decisions weren't popular with the parents because things weren't "equal." But if being equal means perpetuating the conflict between parents, equal isn't in the best interests of the child, Buchele said.

Buchele handled many criminal trials, the most memorable being the cases of Bobby Jackson, killer of three men in April 1994 at a south Topeka strip bar, and Kenneth "Kenny" Cook, who in September 1992 robbed a man of his drugs, shot him to death with a black powder pistol, mutilated the victim's body to block his identification and sank his body in a river.

Buchele, who sentenced Jackson, learned of Jackson's March 18, 1995, escape from the Shawnee County Jail while reading a newspaper in a Miami airport. Buchele, who had sentenced Jackson to 72 years in prison for convictions of two counts of first-degree murder, one count of voluntary manslaughter and other charges, was shocked.

"I wondered if he was looking for me," said Buchele, who was a little afraid. "It was a lightning bolt."

Jackson was recaptured on March 22, 1995.

Buchele has a reputation for enforcing the rules in the courtroom, including literally keeping attorneys on their toes. A sitting attorney who spoke to Buchele would quietly be instructed to stand when speaking to a judge. A spectator entering the courtroom with a cup of coffee in his hand would quickly be shown the door.

Both are the examples of decorum in the court, and Buchele's model for courtroom conduct was Judge Earl O'Connor, former chief federal judge for the district of Kansas.

After hanging up his judicial robes, Buchele will handle special assignments throughout Kansas as a senior judge, sit on the Kansas Court of Appeals to help ease a backlog of cases and work full-time as a mediator and arbitrator in business and family disputes.

"I think there will be a high demand," Buchele said. Dispute resolution is even finding its way into criminal cases to resolve charges before the case goes to trial. Buchele is undecided how he feels about that. "It's certainly a revolutionary approach," Buchele said.

Buchele has also become a co-author with the recent publication of "Kansas Law and Practice: Kansas Family Law." Co-author of the legal work is Linda D. Elrod, a Washburn University law professor.

COLUMBIA, TENNESSEE NATIVE WINS NATIONAL TITLE

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. DAVIS of Tennessee. Mr. Speaker, I rise today in honor of Charles Morrison, Jr. of Columbia, Tennessee. The former Columbia Central High graduate recently took top honors among a field of 142 shooters at the 35th Annual ACUI Intercollegiate Clay Target Championships. Mr. Morrison is a freshman at Lindenwood University in St. Charles, Missouri where he is majoring in business.

The event, sponsored by the National Shooting Sports Foundation, consisted of teams from 22 colleges around the nation. The competition was held at the National Shooting Complex in San Antonio, Texas.

Morrison and his teammates finished with 5 shooters in the top 10, took the top four spots in the women's competition and captured first, second and third in team competition.

I ask my colleagues to join me in wishing Mr. Morrison all the best in the future. With focus, determination, and skill aiding you the sky is the limit.

ADDRESS BEFORE THE STUDENT GLOBAL AIDS CAMPAIGN, MIDDLEBURY COLLEGE, VT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. SANDERS. Mr. Speaker, I wanted to share with you some excerpts from remarks I gave at Middlebury College on May 2, 2003 regarding the international AIDS crisis:

Hello and thank you for inviting me to address this very important gathering. While I am most certainly not a great expert on this issue, I am appreciative that I have this opportunity to exchange a few thoughts with you.

The HIV virus respects no boundaries. In every corner of the world, it strikes young and old alike. Especially tragic, those infected include staggering numbers of children. Here are some numbers which should sober us all:

Last year, over three million people died of AIDS.

That represents nearly 8,500 persons dying each day from AIDS.

Last year alone, five million previously healthy people were infected with HIV.

Today, there are over 42 million people living with HIV/AIDS across the world.

No part of the world knows the devastation of HIV/AIDS more than Sub-Saharan Africa. Of the 42 million people living with the disease worldwide, over two-thirds—29 million people—are in this poverty-stricken region. 8.8 percent of the adult population in sub-Sahara Africa is infected with HIV/AIDS. And that number is growing: Seventy percent of the estimated 5 million new infections globally last year were in Sub-Saharan Africa. Unbelievably, in Swaziland, 38.6 percent of adults are infected.

Although the increase of AIDS/HIV infections has flattened in our own country, it still remains a crisis here. In North America overall, over one half of one percent of adults 15 to 49 years of age are infected, including an infection rate in the Caribbean of nearly two and a half percent.

How did the AIDS crisis get so dire? Part of the answer has to do with a failure in the American political system, a failure that was often mirrored in other political systems around the world.

The HIV virus was first identified in the United States over 20 years ago. Public policy is supposed to identify problems in society and come up with ways to make things right. But owing to a great failure on the part of many of our political and religious leaders at the time, the disease was not considered a matter of concern: On the contrary, it was met with ignorance, fear and, often, complete indifference. Tragically, many public figures used the appearance of AIDS as an opportunity to make political gains among right-wing voters by espousing the hateful and destructive rhetoric of homophobia. Some prominent religious conservatives framed the epidemic as a divinely-ordained blight upon gay men, while some reactionaries in Congress went so far as to consider bills proposing to quarantine gay men.

During these critical years, at the dawn of this pandemic, President Ronald Reagan remained silent. Although his supporters liked to call him "The Great Communicator," it took President Reagan seven years to publicly acknowledge the existence of the disease. AIDS, which in 1981—the first year of Reagan's term in office—had been diagnosed in roughly 335 people and took the lives of 158, exploded exponentially while he and his administration maintained a regime of silence in the face of the growing pandemic. Six years later, in 1987, when President Reagan finally uttered the word "AIDS" in public, over 71,000 people had been diagnosed in the United States and over 41,000 of them had died. In those shameful years of silence, the number of HIV/AIDS diagnoses had jumped 21,000 percent; the number of AIDS deaths had jumped 25,900 percent.

The failure of U.S. leadership, as well as political leadership around the world, at the outset of this crisis was blatant and unforgivable. Ignorance and denial and a stark homophobia squandered our best chance to face up to the threat, and control its devastating effects on our nation. My point here is not to be "political" or to make gratuitous criticism. It is to make the point that prejudice and silence are not the way to face up to huge threats to civil society. This is true whether the situation is SARS in China, or AIDS in South Africa, or arsenic-laced water in Bangladesh, or women's illnesses in a male-dominated medical culture. It is the responsibility of political leadership to courageously address problems even when they are politically uncomfortable.

Today, while we are not entirely free of the irresponsible and destructive rhetoric of two decades ago, while some still proclaim that AIDS is God's punishment for homosexuality, the AIDS landscape is considerably better. The government estimates that 40,000 Americans are infected with HIV each year, a figure that has remained roughly stable for over a decade. This figure was nearly offset each year by AIDS deaths, so the total number of Americans carrying the virus stayed level for a number of years. Today, however, with new drug treatments which stave off the effects of AIDS, deaths have plunged from around 40,000 annually to about 15,000. As a result, new infections are outstripping deaths. Although the United States does not keep national records on who has HIV and AIDS, the Center for Disease Control estimates that almost a million people—900,000—are infected with the AIDS virus. One quarter of them do not know they are infected; another quarter are receiving no care or treatment for their infection.

There is some good news on the horizon, even if the world-wide view is bleak. Yesterday, I voted for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003—which won in the House by an overwhelming vote. This bill will authorize $15 billion over the next five years to fight these terrible diseases in Africa and the Caribbean—the regions struck most severely by this scourge—through treatment and prevention on an unprecedented scale. This is certainly a very large step in the right direction. Although I do not often find myself in agreement with President Bush, I am heartened that he supports this initiative. The outcome of this legislation is that, with the participation of other wealthy nations, it is estimated that 2 million HIV-positive Africans will be provided some sort of treatment, and 7 million needless new HIV infections will be prevented.

However, a word of caution about this legislation which has not yet passed the Senate! While the House bill authorizes $3 billion a year for five years, an authorization is not an appropriation. It's not real money. Right now, despite the President's very public support of the legislation, the President asked for only $1.7 billion for global AIDS in his 2004 budget proposal and, according to The New York Times today, appropriators say that it will not be easy to find the rest of the money. What this means is that the pressure must stay on Congress and the President to actually allocate these funds at the level so publicly trumpeted and called a "moral Imperative" by President Bush this week.

Yet, despite this legislation, we continue to have a failure in leadership from the White House and the Congress. While the new legislation passed this week is certainly an important step in the right direction, most of the forty million people infected with HIV/AIDS, and the millions more who are being infected each year, live under a virtual death sentence.

This need not be the case. Government-sponsored research, in this country and abroad, has made giant steps forward. Biochemists and physicians have developed effective antiretroviral medicines that enable people to live with HIV and avoid the onset of full-blown AIDS. They provide a reasonable quality of life to those who would otherwise face nothing but suffering and death. Yet many of these medicines are priced so high that, while Magic Johnson and those with Cadillac health care plans may be able to afford them, most of the afflicted cannot afford the medicines which would promise them life, instead of death.

And now, let me touch upon a key element of the whole AIDS discussion—an element that deals with fundamental questions of morality, justice, economics, and politics: and that is the role of the pharmaceutical industry in the AIDS crisis. As I mentioned a moment ago, because of efforts of the federal government and the pharmaceutical industry, major breakthroughs have taken place which are saving countless lives. And we applaud those scientists and researchers, both in the public and private sector, who have done so much to advance the treatment of those with AIDS. But the question here is not just the issue of research, but who benefits from that research? And in that regard, I must tell you that I have some very, very deep concerns about the behavior of the pharmaceutical industry—the most profitable industry in the United States.

The profits of the drug companies come, in large part, from making drugs available to those who can afford to pay high prices for them. Drug prices are set to maximize profits, not to make needed medicines available to the widest number of people. (And in that regard I should point out that the United States is the only industrialized country not to regulate the prices of prescription drugs). This is true for most pharmaceuticals: it is especially true for AIDS medications. Despite the gravity of the AIDS crisis and the horrendous pain and suffering of those dying from AIDS, the drug companies in most cases have continued to put their desire for large profits above the pain of millions of people who suffer unspeakably around the globe. I wish I could tell you otherwise, but I fear that high profits and high CEO salaries are often more important to these companies than saving lives.

Let me use one example to illustrate this. Last month drug giant GlaxoSmithKline announced that it would reduce the price of its drug Combivir in the developing world from $1.70 per day to $0.90 per day. The same treatment costs $18 per day in the United States. Some might say that this is evidence of Glaxo's commitment to serve people over profits and, clearly, Glaxo's recent announcement will provide some real relief to those struggling to treat their infection. Yet, while this recent announcement surely makes for good public relations for Glaxo, which had net profits before taxes of $9.7 billion in 2002, we must ask ourselves some hard questions: Why have they done this? Is it enough? Will it help?

Why have they lowered the price of Combivir in the developing world? Well, two years ago pharmaceutical companies in the developing world figured out how to make a generic equivalent of Combivir at a much lower price. Today, for instance, India's Ranbaxy Laboratories offers the same treatment at 73 cents a day, in a tablet approved by the World Health Organization. So, in an important sense, Glaxo is not cutting prices as much as meeting competition. Although Glaxo has stated in the past that it would not sell AIDS drugs at a profit in the developing world and that its recent price cuts were made possible by continuing improvements in manufacturing processes and economies of scale, it only dropped its prices after manufacturers in India figured out how to produce the same drug at a lower price. And Glaxo's price is still more than the competition.

To understand the logic of the pharmaceutical companies from this example, you have to consider a second point that Glaxo, conveniently, did not include in their announcement of the price reduction of Combivir. Combivir is but one of a number of effective anti-retroviral medicines: many of them have their most significant impact when they are taken in combination with other medicines, i.e., cocktails.

It turns out that Combivir is most effective when taken in combination with a protease inhibitor called Agenerase. Agenerase—also produced by Glaxo—is still priced at $8 per day, or nearly $3,000 per year, making it completely unaffordable to many poorer patients. In Africa, for instance, most people earn less than $500 per year. So what Glaxo offers with one hand, it undercuts with the other. It is still not providing the necessary anti-AIDS cocktails that people in the developing world need if they are to survive. While there is some indication that Glaxo may reduce the price for this drug, it makes no sense for this drug to remain at an unaffordable price for those who need treatment. To put this in context, we should remember that in Swaziland, where the infection rate is 38.6 percent, the per capita income is $140 per year.

The issue that we're discussing now is a profound moral issue. Should people die from a disease that can be treated because they cannot afford the medicine that will save their lives? Should large drug companies make billions in profit each year, and pay their CEOs exorbitant pay, while they charge outrageously high prices for their products?

It is my belief that health care is a right, not a privilege. That is why I believe that the United States should join the rest of the industrialized world and develop a national health care program guaranteeing health care to all people, regardless of income.

The same logic means that, as part of the world community, we must demand nothing less than full access to all available means of saving the lives of those afflicted with AIDS. The predominant right here is not the right of drug companies to make obscene profits because an uncontrolled marketplace may allow that. The right we must uphold is the right of every human being, if imperiled, to access the medicines which can save his or her life. With over 40 million persons suffering from HIV/AIDS across the world, with 5 million new infections annually, with over 600,000 children under the age of 15 dying of AIDS last year, that is a right we must insist upon and fight for.

We have the technology to save these AIDS-threatened lives now. In this day of unprecedented global distribution networks, with a real commitment from the United States and other wealthy nations to begin funding this epic battle, the pharmaceutical companies must stop putting profit before people. And if they will not do it on their own, then the government of the United States must insist they do so. Pharmaceutical companies get all sorts of government support: tax breaks, government-funded research, patent protection, etc. In return, they must be required to provide medicines, at cost if need be, to combat the AIDS pandemic.

Any serious, comprehensive approach to fighting AIDS in the developing world must [also] include an unprecedented debt-forgiveness program. We must call on the World Bank and the IMF to write off the debts of the impoverished nations, not only in Africa, but in the Caribbean, in Central America, in South America, in Asia. As a requirement for writing off these debts, we can insist that the countries involved commit adequate resources to AIDs education and the fight against AIDS, as well as to building a society where fighting disease and want and malnutrition and lack of education is paramount.

Obviously, there is a lot of work to do. Every student in this auditorium has an opportunity to do something. The range of roles you can play is very broad—whether working directly in the delivery of healthcare services or prevention programs through relief organizations or public health programs; working in international development or finance for sane policies that actually benefit struggling communities and developing nations rather than policies that simply serve to further line the pockets of already-rich multinational corporations; or working in politics or public policy here in the United States for approaches that recognize the immeasurable global impact of every foreign policy and aid decision made in the U.S. Congress.

In whatever role you end up playing, it will be paramount to remember this: Even during our present economic slump—and especially when the world economy is so-called "roaring"—the biggest decisions made here and globally are about the allocation of resources. We have the resources to wage a successful war in the prevention of HIV/AIDS. We have medicines available today that can substantially alleviate the vast human suffering over 42 million persons are enduring right now, this minute. One of the great tests of our day—the battle against HIV/AIDS—will ultimately be measured by the yardstick of how we allocated our resources.

Our nation must insist that the pharmaceutical industry provide life-saving drugs to suffering millions, rather than providing tens of millions of dollars in salaries, stock option and retirement bonuses to its CEOs.

Let me conclude with a very hard, and very important truth. The United States, and its government, will not address the major problems which face us unless you demand we do so.

HONORING THE 50TH ANNIVERSARY OF ST. CLAIR COUNTY SHERIFF MEARL JUSTUS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 50th Anniversary of St. Clair County, Illinois Sheriff Mearl Justus' law enforcement career.

When Mearl Justus began as a part-time Cahokia police officer in 1953, he didn't even have a radio in his car. Now, exactly 50 years later, he's in charge of the St. Clair County Sheriff's department and every car has a computer in the dash. A lot of changes have come and gone in these past 50 years.

At first, Justus didn't even plan to become a police officer. Mearl says he was raised poor by his grandparents. Cahokia Mayor Bill Miskell back in 1953 told Justus he would make a good cop. The next thing he knew, he got a gun and a badge. At the time he was a twenty-one year old high school dropout. Since Cahokia did not have a high school, he attended school in nearby Dupo, but never finished. However, it didn't take long for Justus to learn about being a cop. So began a career in law enforcement that would span half a century, touch the lives of thousands of people and bring a new approach to law enforcement in our area.

Mearl soon returned to school, realizing that if he wanted to continue working as a cop, he needed an education in law enforcement. He soon received his GED and began looking for training opportunities. In 1959, he took a class at Southern Illinois University at Carbondale. It was a weeklong course, so Justus took a week long vacation and took the class. In 1976, he received his Associates Degree from Southwestern Illinois Community College (SWIC) and in 1978 he received his BS in the Administration of Criminal Justice from Western Illinois University. In 1983, Justus received a second Associates Degree from SWIC in Security Administration. He now possesses a master's degree in the Administration of Justice from the Metropolitan Collegiate Institute in London. Today, Mearl continues his education by teaching a law enforcement course at SWIC and has established a scholarship program to help other students with GED's to continue their education.

In his police career, Justus was appointed Police Chief in Cahokia in 1962 after serving on the force for a decade. According to Mearl, Cahokia had changed a lot since 1953. Cahokia grew from a small rural community, where the cops didn't even have two-way radios. If you needed a cop, Mearl says, you walked around until you found one. Cahokia, like other growing towns, became a place where crime grew as the population grew. He started seeing more burglaries, thefts and armed robberies. It wasn't until 1972 that he investigated his first murder, a case that haunts him today.

During that summer in 1972, 14-year old Robbie Watson turned up missing. Eight weeks later his body was found east of Dupo, Illinois. Mearl conducted an investigation with very few leads. Just one-year ago however, Justus received a letter from an inmate serving time in prison in another state on an unrelated crime who confessed to that murder. Justus still thinks everyday of this crime, which has yet to be closed.

In 1982, Justus decided to pursue a political career—something he said he always wanted. He was elected St. Clair County Sheriff in 1982 and was re-elected for four more terms. After that first election, Justus and his wife, Audrey, moved out of their Cahokia home and into an apartment above the jail. Audrey Justus has said living above the jail took some getting used to, though it is probably the most secure living quarters in the county. All the windows are locked and all the doors are security doors. Both Mearl and Audrey have lived there for 20 years.

Mearl enjoys being a politician, his wife has said, but not as much as being a cop. Mearl never stops campaigning. He treats everyday as if the election is tomorrow, Audrey has said. Of all his accomplishments, Mearl has been his happiest when he is helping the poor and the elderly. Mearl enjoys being accountable to the voters, instead of other politicians.

Mearl certainly believes in doing his job creatively. He is well known for his outspoken attitude about traditional police policy. In 1988, the Sheriff held a benefit for the Women's Crisis Center by holding a Slumber in the Slammer, where people paid $100 to spend the night in the new jail addition.

In 1990, he sent out more than 1,000 notices to fugitives in the county, telling them they had won free sneakers. When they turned up to claim their prizes, they got a trip to jail.

In 1992, Justus swapped 500 guns confiscated by his department for bulletproof vests for his deputies. He has sold ads on patrol cars to raise money. He pushes youth programs, educating kids about the perils of drugs and about the rewards of careers in law enforcement. His humble beginnings also taught Justus compassion. In 1988, he arranged a cataract surgery for a woman who had lost $6,000 in savings, including the $1,400 needed for the surgery, during a robbery. He also established a nutrition ministry at Cahokia Park United Methodist Church 35 years ago. Mearl also features a crack house of the month to spotlight crime areas throughout the County.

Justus rarely carries a gun, although he usually has one within reach. Justus has said he doesn't even like guns. He tells the students at the class he teaches at SWIC that too much emphasis is put on guns. He says more crimes are solved with a pen than with a gun. Good law enforcement is not always about guns.

Justus has a unique collection in his office. He has quite a collection of pigs; wooden pigs, plastic pigs, stuffed pigs, even pictures of pigs. The pig became Justus's mascot in the 60's when students across the nation were protesting the war in Vietnam. Justus says Pig stands for Pride, Integrity and Justice.

In his last campaign, rumors were running rampant that he was ready to retire. Mearl says there is no truth to that. He intends to complete the job he started some 50 years ago. But besides being Sheriff of St. Clair County and keeping up with all the Boards and Commissions on which he serves, Mearl still finds time to fish.

I have known Mearl for much of his career in law enforcement. I have always said he is the second best Sheriff in St. Clair County. My father Dan being the first, who served from 1966–1970. This year, as he has every year as Sheriff, Mearl assists the inmates of the jail to tend their own vegetable garden. The vegetables grown there feed the inmates and what's left is distributed to local nursing homes.

Mearl Justice is a unique individual. He never forgot where he came from and what it means to struggle in life and to work hard. He instills this attribute everyday, to everyone he meets and works with. Mearl says it best when he says that "there isn't anything he would do different. I am satisfied with my life."

Mr. Speaker, I ask my colleagues to join me in honoring Sheriff Mearl Justus on the occasion of his 50th Anniversary in the field of law enforcement and wish him many more years of service to the people of St. Clair County.

CONGRATULATING UNITED STATES CAPITOL POLICE ON 175TH ANNIVERSARY

SPEECH OF

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. LARSON of Connecticut. Mr. Speaker, I am an original co-sponsor of H. Con. Res. 156, honoring the men and women of the U.S. Capitol Police as they celebrate the 175th anniversary of the police force.

Congress established the Capitol Police during the administration of John Quincy Adams. Ponder how different the world was then, when the U.S. Congress was a young and largely untested deliberative body located in a relatively isolated town that was as much wilderness as it was settled territory.

In the last 175 years, the world has changed immeasurably, and so has the work of the Capitol Police.

Today the U.S. Capitol—which is simultaneously a national shrine, tourist attraction, and working office building—imposes extraordinary security requirements.

For example, more than three million tourists visited the Capitol complex in 2000. At the same time, the Capitol hosted more than 1,200 American and foreign dignitaries and 1,000 special events, and was the site of nearly 500 scheduled demonstrations. In addition to lawmakers and their staffs, a sizable number of journalists, concerned citizens, lobbyists, and service personnel also work within the Capitol complex.

To address these security requirements while keeping Congress as open and accessible as the Framers of the Constitution intended, the mission of the Capitol Police has expanded to provide the Congressional community and visitors with the highest possible quality of a full range of police services. These services are provided through the use of a variety of specialty support units and a network of foot patrols, vehicular patrols, and fixed posts.

In modern times, the Capitol Police have also had to cope with emergencies, bombings and shootings, including the tragic 1998 murders of Officer J.J. Chestnut and Detective John Gibson, that remain so painfully fresh in our memories.

After that tragic event, Congress properly heightened Capitol security, adopting a posture that requires considerable additional manpower. Recent events in the Middle East and elsewhere have obviously underscored the need for more officers and greater security. Fortunately, additional resources have been provided.

Congress has appropriated money to fund all the additional officers the Capitol Police can hire and train. Supplemental funds have also been provided to address needs identified since September 11, 2001.

Today, the Capitol Police face evolving threats from those who, for whatever reason, wish our country and our democracy harm. What was unthinkable only 18 months ago, has been done. We must remain vigilant and prepared as we work to rid the world of the scourge of terrorism and preserve and expand the promise of peace and democracy.

We will continue to rely on the Capitol Police as the first line of defense for the People's House and all who work and visit here.

The men and women of the Capitol Police meet their challenges with courage and a level of professionalism not exceeded anywhere. Since the dastardly attacks of September 11, and again after the heightened security level of the past few months, Capitol Police officers, under the able leadership of Chief Terrance Gainer, have worked long hours under adverse conditions. These men and women clearly represent the best that America has to offer.

I want to express my personal thanks for a job well done and wish the United States Capitol Police a sincere and happy 175th anniversary.

Mr. Speaker, I urge adoption of H. Con. Res. 156.

CONGRATULATING THOMAS SACCO, RECIPIENT OF THE PURPLE HEART

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Thomas Sacco, a veteran of World War II. After waiting 58 long years, he has finally been awarded the Purple Heart that he earned as a young private while serving his country in Europe.

Private Sacco was barely 18 years old when he volunteered to serve as a paratrooper in the famous and sometimes feared 101st Airborne division.

He was wounded in the town of Noville, Belgium. As his outfit advanced toward the Axis Army he was struck by shrapnel in his left arm and back and rendered unconscious.

58 years later his heroism and sacrifice is being recognized by the United States Government.

Mr. Speaker, I am proud to call Thomas Sacco a constituent and I ask you to join with me in thanking him for his service.

RECOGNIZING NATHAN A. LAUDICK ON HIS APPOINTMENT TO THE U.S. MILITARY ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize my constituent, Nathan A. Laudick of Van Wert, Ohio, who recently accepted his appointment to the U.S. Military Academy at West Point.

Nathan will soon graduate from Van Wert High School. During his high school career, he has maintained a high grade point average. He is an accomplished athlete, earning varsity letters in football, and track and field. And, he has clearly demonstrated his leadership ability, serving as a class officer and student body officer. He is a member of the National Honor Society.

Nathan Laudick can be very proud of his many accomplishments. He is a credit to his family, his school, and his community. By accepting his appointment, Nathan is accepting a unique challenge.

The Academy is the pinnacle of leadership development for the United States Army. As a member of the United States Corps of Cadets, he will face a most demanding academic curriculum and physical regimen. He will live, study and prepare in an environment where strong leadership thrives, individual achievement is expected, and personal integrity is demanded.

Mr. Speaker, General John W. Vessey, Jr. once wrote, "The Nation's ability to remain free and at peace depends in no small measure on whether we will continue to inspire our youth to serve."

I am confident that Nathan Laudick has the character and ability to excel at the U.S. Military Academy at West Point. I ask my colleagues to join me in wishing him well as he begins his very important service to our nation.

HONORING DR. KURT KORAL AS HE IS RECOGNIZED BY THE CONNECTICUT STATE DENTAL ASSOCIATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to join the Connecticut Dental Association in extending my sincere congratulations to Dr. Kurt Koral who will be honored today with the Distinguished Service Award.

In a career that has spanned nearly four decades, Dr. Koral has worked diligently to improve the field of dentistry. In addition to his private practice, he has and continues to serve on the staffs of both the Hospital of Saint Raphael and Yale-New Haven Hospital. He is also an Associate Professor at the Yale University School of Medicine's Department of Surgery. As a surgeon, professor, and legislative activist, Dr. Koral has touched the lives of thousands.

Throughout his career, Dr. Koral has demonstrated a unique commitment to the field of dentistry through his participation in numerous professional organizations and continued advocacy. Past President of the New Haven Dental Association, Fellow of the Pierre Fauchard Society and the American College of Dentists, and member of the Connecticut Dental Association, among many others, since 1968—Dr. Koral has committed a lifetime of leadership to his profession.

I have often spoke of the importance of participating in the legislative process. I believe that through these efforts real change can be made. Dr. Koral shares this belief and has worked hard over the years to effect public policy at every level of government. Today, as Chairman of the Connecticut Dental Association's Legislative Council, Dr. Koral is a leading voice in matters important to the Association and the field of dentistry.

For his many invaluable contributions and unparalleled advocacy, I am honored to rise today to pay tribute to Dr. Kurt Koral as he is recognized with the Connecticut Dental Association's Distinguished Service Award. Through his continued advocacy and constant participation, he has made a real difference in the lives of many. His efforts are sure to inspire others for many years to come.

HONORING MRS. CAROL A. GREINER

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Ms. SLAUGHTER. Mr. Speaker, I rise today to honor Mrs. Carol A. Greiner. Carol has been the Honorary President of the University of Buffalo Women's Club, and she has been tirelessly committed to the University and to the Buffalo region for years.

Carol has a long history of service to her community that is to be commended. Aside from her involvement in the University of Buffalo Women's Club, she has volunteered her time in many capacities that include organizing a campaign to raise funds for the establishment of the first kidney dialysis center in Seattle and serving as a dedicated participant in the Parent Teacher Association for over 17 years.

Carol is an example for how to balance the demands of family, career, and community service. She has strongly supported her husband, now President of the University of Buffalo, and helped him with his rise to success. She is a model parent, having raised four children—Kevin, Terrence, Daniel, and Susan.

I am sharing Carol's story with this chamber today because she so strongly exemplifies model citizenship. Carol and her husband selflessly give of themselves to their community. They were surrogate parents for a disturbed teenager, who recovered completely from her problems after living with the Greiners in their home. Other testaments to her civic commitment include membership in Working for Downtown, Bethel Head Start Program (where she served on the Board of Directors), the League of Women Voters, and Buffalo Philharmonic Orchestra (where she served on the Women's Committee).

I am privileged to know Mrs. Carol Greiner, and honored to consider her a friend. She is an asset to our community in Buffalo, and she stands as a shining example of a life lived in service to others.

PERSONAL EXPLANATION

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. CLYBURN. Mr. Speaker, on rollcall No. 170, 171, and 175, had I been present, I would have voted "no."

HONORING THE SOUTH LAKE MEMORIAL AMERICAN LEGION AUX #55

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to recognize the South Lake Memorial American Legion Auxiliary #55 on their Anniversary. Sixty-six years ago this Auxiliary was founded by the brave veterans of World War I and has been serving their community ever since.

Most recently, they were recognized as one of the strongest promoters of the "Spinoza Bear Program". This is a compassionate crusade that brings a smile to thousands of grieving children.

Their commitment to public service is renewed every year as they sponsor two young women to attend Girl's State, a wonderful program that has been developed to foster political activism in our nation's youth. They are involved in countless other activities that promote community involvement by their members.

Mr. Speaker, I am proud to call the men and women of the South Lake Memorial American Legion constituents, and I ask that you join with me today to congratulate them on their service to our nation.

RECOGNIZING GREGORY J.S. TRUMBLE ON HIS APPOINTMENT TO THE U.S. AIR FORCE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize my constituent, Gregory J.S. Trumble of Tiffin, Ohio, who recently accepted his appointment to the United States Air Force Academy.

Greg will soon graduate from Columbian High School. During his high school career, he has maintained a 3.6 grade point average. He is an accomplished athlete, earning varsity letters and serving as Captain of the track and field team and the cross country team. And, he has clearly demonstrated his leadership ability, having served as class president and participated in numerous activities. He is a member of the National Honor Society.

Gregory Trumble can be very proud of his many accomplishments. He is a credit to his family, his school, and his community. By accepting his appointment, Greg is accepting a unique challenge.

The Academy is the pinnacle of leadership development for the United States Air Force. As a member of the Cadet Air Wing, he will face a most demanding academic curriculum and physical regimen. He will live, study and prepare in an environment where strong leadership thrives, individual achievement is expected, and personal integrity is demanded.

Mr. Speaker, General John W. Vessey, Jr. once wrote, "The Nation's ability to remain free and at peace depends in no small measure on whether we will continue to inspire our youth to serve."

I am confident that Gregory Trumble has the character and ability to excel at the U.S. Air Force Academy. I ask my colleagues to join me in wishing him well as he begins his very important service to our Nation.

HONORING MARIA CONLON OF THE 2002–2003 UNIVERSITY OF CONNECTICUT WOMEN'S BASKETBALL TEAM

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Ms. DELAURO. Mr. Speaker, it is with the greatest pleasure that I rise today to join family, friends, and the Derby community on "Maria Conlon Day" to recognize the outstanding achievements of our hometown hero, Maria Conlon. Starting guard for the Lady Huskies of the University of Connecticut, Maria was instrumental throughout the season and the National Championship Tournament.

A graduate of Seymour High School, Maria displayed a unique talent during her high school career—a fact which is reflected in the recognition she received as WBCA Honorable Mention All-American, Gatorade State Player of the Year, three-time All-State pick, four-time All-League Selection, two-time State Championship MVP, and New Haven Register Player of the Year. She has owned the State records for three-pointers in both a season and career. She continues to own the school records at Seymour High School for points, assists, and steals. Maria was honored at the end of her high school career with the retirement of her jersey number.

During her three-year career with the University of Connecticut Huskies, Maria has become well-known for her sharpshooting from behind the three-point line. She is one of only two players to have been on the court in all seventy of UCONN's record-setting run of seventy straight victories. There are many facets which must come together to make such history. Maria's leadership, spirit, and uncompromising drive are one of the forces behind the Huskies' sensational victories.

Winning their fourth NCAA championship, this year's victory was especially gratifying because the Huskies overcame incredible odds to earn a repeat championship. The first women's basketball team in history to win a national championship without a single senior on the roster, the Lady Huskies have set a new standard for team work and perfection. Maria and her fellow teammates have again shown that their undeniable talent and dedication will make dreams a reality.

Maria has worked hard to achieve her goals and serves as a role model to young women across the country. We are certainly fortunate to have her call Derby home. I am honored to stand today and join the Derby community in congratulating Maria Conlon and honoring her on "Maria Conlon Day" for her outstanding achievements—not only as a Lady Husky, but as a member of our community. Hers is a legacy that will continue to inspire generations to come.

HONORING COACH NAN HARVEY

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Ms. SLAUGHTER. Mr. Speaker, I rise today to honor Coach Nan Harvey.

Nan Harvey is the Associate Athletics Director at the University of Buffalo. She has been a softball umpire for 28 years, and has devoted her life to women's athletics.

Nan's accomplishments on the field are beyond impressive. As head coach of women's softball at the University of Buffalo, she led her team to 38 wins in next three years, earning State University of New York Athletic Conference Coach of the Year honors in 1985. In 1991, Nan was inducted into the Western New York Softball Hall of Fame. In 1996, she was named the Amateur Softball Association Metro Buffalo Umpire of the Year. Later that year, Nan was given one of the highest honors for an ASA umpire when she was inducted into the National Indicator Fraternity of the Amateur Softball Hall of Fame. She's been an umpire for several national slow-pitch tournaments and the NCAA Division III National Championship for three years.

When I first began work on Title IX earlier this year, my office contacted Nan to find out more about the effects of Title IX at the University of Buffalo. She was enormously helpful and supportive in helping us lead the fight to save this fundamental civil rights law that ensures gender equality in athletic opportunities.

I was devastated to hear that Nan is currently battling ovarian cancer. She learned of her disease almost three years ago, and has been undergoing chemotherapy for 34 straight months. Her prognosis is still very uncertain, yet she fights this disease daily with grace and determination.

Let me tell you about the kind of person Nan Harvey is. Despite suffering chemotherapy treatments, she is still dedicated to University of Buffalo Athletics. She has dedicated a large portion of her life to her family at the University of Buffalo. I am deeply moved by Nan's decision regarding her estate. With her health in an uncertain state, Nan decided to bequeath to the University of Buffalo athletic department a minimum of $200,000 from her retirement funds. The money will be used with an emphasis on women's sports.

Her commitment to the University of Buffalo, and to female athletes, has inspired her colleagues, her students, and her community. In honor of everything that she has given to the school and to women's athletics, the University of Buffalo will be renaming its softball facility Nan Harvey Field.

I cannot express how deeply proud I am of Nan Harvey, of the life that she has led and the example she has set.

PERSONAL EXPLANATION

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. CLYBURN. Mr. Speaker, on rollcall Nos. 172 and 176, had I been present, I would have voted, "yea."

ON SUMTER COUNTY'S 150TH ANNIVERSARY

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to commemorate an important historical anniversary in Sumter County, Florida, in my Fifth Congressional District.

Sumter County recently turned 150 years old and the people of the area celebrated this anniversary in true Sumter-County style this past weekend. I was pleased to be a part of the events and join some of my constituents in celebrating this milestone in the county's history.

Sumter County first appeared on Florida's map on January 8, 1853 after State legislation called for its creation from a portion of Marion County, its neighbor to the north. Today, a century and a half later, Sumter County is home to more than 54,000, Floridians and that number is growing rapidly.

But rapid growth won't change what Sumter County is known for—its sense of community. Home to warm people and, as in the rest of Florida, warm weather, thousands of new residents move to Sumter County each year and find a home in what we've known for sometime to be one of the best places in the country to live.

I congratulate the residents, the municipalities and the businesses of Sumter County as they recognize this important anniversary. I wish them 150 more years of growth, development and prosperity.

RECOGNIZING ZACHARY G. FOSTER ON HIS APPOINTMENT TO THE U.S. MILITARY ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize my constituent, Zachary G. Foster of Tiffin, Ohio, who recently accepted his appointment to the U.S. Military Academy at West Point.

Zachary will soon graduate from Columbian High School. During his high school career, he has maintained a 3.8 grade point average. He is an accomplished athlete, earning varsity letters in soccer and swimming. And, he has clearly demonstrated his leadership ability, actively participating in Key Club, Knowledge Master Open and the National Honor Society.

Zachary Foster can be very proud of his many accomplishments. He is a credit to his family, his school, and his community. By accepting his appointment, Zachary is accepting a unique challenge.

The Academy is the pinnacle of leadership development for the United States Army. As a member of the United States Corps of Cadets, he will face a most demanding academic curriculum and physical regimen. He will live, study and prepare in an environment where strong leadership thrives, individual achievement is expected, and personal integrity is demanded.

Mr. Speaker, General John W. Vessey, Jr. once wrote, "The Nation's ability to remain free and at peace depends in no small measure on whether we will continue to inspire our youth to serve."

I am confident that Zachary Foster has the character and ability to excel at the U.S. Military Academy at West Point. I ask my colleagues to join me in wishing him well as he begins his very important service to our nation.

HONORING IRVING B. HARRIS FOR HIS INVALUABLE CONTRIBUTIONS IN PUBLIC SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Ms. DELAURO. Mr. Speaker, I am honored to rise today to join the Center for Human Potential and Public Policy and the many who have gathered at the University of Chicago to honor and celebrate the contributions of an outstanding American—a man who is my dear friend, Irving B. Harris. Today's Festschrift is a fitting tribute to a man who has spent a lifetime in the service of others.

As I look over the course of Irving's life, I am struck by his countless acts of generosity and compassion. As an advocate, a philanthropist, and a leading voice for children, his achievements have left an indelible mark on our society. Irving Harris recognized early on that the key to our children's success lay in their most formative years, birth to three. He inspired, developed and supported scores of programs and organizations dedicated to improving the lives of disadvantaged youngsters across the nation. He founded the Erikson Institute, a child development graduate school, and the Ounce of Prevention Fund, a public/private partnership that created and promoted community-based initiatives to improve early childhood development. He was a leader in development of Zero to Three: The National Center for Infants, Toddlers, and Families whose work to support families and promote the healthy development of babies and toddlers had a tremendous impact in communities across the nation. His work brought him national recognition as a leading voice for the betterment of children across the country.

Irving Harris is one of those rare individuals with roots in the world of business and finance who has used his hard-won wealth and influence to help others less fortunate. And his work and diligence and dedication is not only remarkable but unceasing. It is a reflection of all that we strive to be. His sincerity is marked by the principles he instilled in his own family—in his children and grandchildren, who today carry on his work on behalf of the other children of America.

Through education, public policy development, grant-making and advocacy, Irving Harris' vision and leadership has earned him recognition and many honors and awards over the years. He has served many organizations including the National Commission on Children and the Carnegie Corporation's New York Task Force on Meeting the Needs of Young Children.

It has been an enormous privilege for me to work with Irving over the years, and I look forward to continuing our collaboration. Irving knows that our young people represent the future and we as a community and nation must give them the tools to succeed. He recognized this simple fact many years ago, and dedicated his life to fulfilling that important goal.

Irving Harris continues his work today, as I hope he will for many more years to come. Thank you, Irving, for the difference you have made in this country, and the millions of lives you have made better through your vision, your passion, and your generous spirit of mind. You are an inspiration to all of us.

TRIBUTE TO DR. ELBERT W. SUTTON

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. MILLER. Mr. Speaker, I rise today to honor one of this nation's most distinguished and dedicated physicians, Dr. Elbert W. Sutton. After 43 years of faithful service to the Northwest Florida community, the past 24 years of which he has served as Director of the Santa Rosa County Health Department, Dr. Sutton will step down from his position in June of this year and begin his much deserved and well earned retirement.

A longtime resident of Milton, Florida, Dr. Sutton attended the University of Alabama as an undergraduate and subsequently received his medical degree from Tulane University in 1958. In 1960, he came to our community and opened a general private practice office. He kept this practice for 19 years until 1979, when he was appointed Director of the Santa Rosa County Health Department.

Over the course of his remarkable career, Dr. Sutton has continuously remained focused on helping to heal and improve the lives of area residents. In 1978, he was a partner in opening the Rehabilitation Institute of West Florida and I am proud to say that it remains operating today as part of the West Florida Hospital system. In 1986, Dr. Sutton joined forces again with other local healthcare professionals and created the Medical Assistance Clinic in Milton. This clinic provided medical care, to those who were unable to afford it, for 12 years until it was forced to close by rising medical costs. Finally, just two years ago, in 2001, Dr. Sutton helped create the Santa Rosa Community Clinic to provide primary healthcare services to residents in the surrounding community.

Upon his retirement, Dr. Sutton says it will be the people that he will miss most, both those he has helped serve and those he has worked with. I feel confident in saying that it is the people of Northwest Florida that will miss him more.

Mr. Speaker, I would like to offer my sincere and heartfelt congratulations to my good friend Dr. Elbert W. Sutton on his retirement from the Santa Rosa County Health Department. Very rarely does an individual have such a profound impact on a single community as Dr. Sutton has had on the First District of Florida. For the past 43 years, he has dedicated himself towards helping the residents of Northwest Florida and for that we will be forever grateful. Mr. Speaker, on this occasion we honor one of America's greatest public servants.

COMMEMORATING DUNNELLON'S BOOMTOWN DAYS

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to commemorate "Boomtown" days in Dunnellon in my Fifth Congressional District of Florida.

This festival is held each year in Dunnellon to celbrate the history behind how the city of Dunnellon came to be.

Mr. Speaker, the story of how Dunnellon came to be is an interesting one, but not atypical of a town formed in the late 1880's in this country.

Dunnellon was created in 1887 and then saw its population boom in 1889 affer phosphate was discovered there. The mining industry then "boomed" in the town and was responsible for the town's rapid growth and prosperity. Dunnellon was then dubbed a "Boomtown."

Each year, the city celebrates its heritage with a festival offering fun activities, contests, and parades for the people of Dunnellon.

This weekend, the residents of the city will carry on the tradition of celebrating "Boomtown days." I wish them the best and am proud to honor them in this Chamber today.

IN HONOR OF KALPANA CHAWLA

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. PALLONE. Mr. Speaker, I would like to thank the Co-Chairs of the India Caucus, my colleagues JOE CROWLEY and JOE WILSON, for holding a memorial today in the House of Representatives for Dr. Kalpana Chawla.

It is with great sadness that we remember the tragic events of February 1, 2003. The loss of seven astronauts on board the shuttle *Columbia* leaves us with profound sadness that cannot be expressed.

Dr. Kalpana Chawla in particular represented much of the best that our world has to offer and I would like to pay special tribute to her. Kalpana grew up in India and although she came from a small, rural area—her charm, drive and dedication allowed her to surpass all boundaries and develop into the fine astronaut that she was.

In reading interviews that Kalpana gave both before and during her mission on *Columbia*, a portrait emerged of an intelligent, determined woman, who managed a successful career, while at the same time being a devoted daughter and wife. She helped open the door further for women in science and space exploration careers, and I know the people of India, as all of us here today, will always hold a special place in our heart for Kalpana. Those who were fortunate to know her personally will never forget her, and her legacy will live on.

HOUSE CONCURRENT RESOLUTION CALLING ON THE PRESIDENT TO REQUEST FORMER PRESIDENT JIMMY CARTER TO ASSIST THE ORHA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce a Concurrent Resolution designed to meet the most important promise we made to the people of Iraq—a promise to help them become self-governing.

Rebuilding Iraq will be a daunting undertaking. The Office of Reconstruction and Humanitarian Assistance has been established in Baghdad, and its leader, retired General Jay Garner, is responsible for coordinating humanitarian assistance, restoring the nation's infrastructure, and establishing an interim government.

The ORHA is made up of retired generals and diplomats, government technocrats, and oil executives. Efforts to establish and maintain civilian stability and coordinate humanitarian assistance will monopolize the ORHA for some time to come; tasks that would be daunting enough if they had inherited an intact bureaucracy and police force. But the ORHA's biggest stumbling block may turn out to be that none of its members have any experience in forging cooperation amongst radically differing political, religious, and ethnic factions to facilitate even the beginnings of a self-governing nation.

Iraq is the test case for our peacekeeping, nation building and humanitarian policies and success will demonstrate, to ourselves, and the rest of the world, that we can both win wars and transform societies. The three postwar initiatives of providing humanitarian assistance, restoring infrastructure, and establishing an interim government, must commence and progress simultaneously.

The Resolution I introduce today calls on the President to request former President Jimmy Carter and members of the Carter Center to assist the ORHA in establishing an interim government in Iraq. Former President Carter is uniquely qualified to forge a peaceful, cooperative structure among Iraq's political, religious, and ethnic factions. He has dedicated himself to resolving conflicts and enhancing freedom and democracy throughout the world.

Regardless of our opinions on the invasion of Iraq, we must keep the promises we made to the Iraqi people. U.S. and allied soldiers, civilians, and diplomats remain committed to what is certainly the most critical phase of Operation Iraqi Freedom. I urge my colleagues to join me in supporting this Resolution to ensure they have all the experience and expertise available to help ensure their success.

HONORING BURCH OIL COMPANY: 75 YEARS OF SERVICE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. HOYER. Mr. Speaker, I rise today to honor the Burch Oil Company, an excellent example of successful American entrepreneurship that has evolved to become a pillar of a local community. I am proud to recognize my good friends at Burch Oil Company who have been serving the citizens of Southern Maryland since 1928 and are celebrating their seventy-fifth anniversary this month. Whether it has been supplying the services of vital oil resources or helping to serve the community, the Burch Oil Company has built a solid reputation within the Southern Maryland community.

Founded in May of 1928, by cousins S. Bernard Burch, Thaddeus Burch, and Thaddeus' son Joe Burch, the company quickly began to service the community's gasoline, motor oil, and, most important to the area at the time, kerosene needs. With the onset of the Great Depression many businesses failed, but Burch Oil was able to steadily grow.

From the beginning of the company, the Burch family took an active role in the community. S. Bernard Burch served as the chairman for the Democratic State Central Committee and helped to establish the Mechanicsvllle Volunteer Fire Department. Even during the worst of times, such as the Great Storm of 1933, the company delivered kerosene by skiff to hard hit St. George Island.

After S. Bernard Burch's death in May of 1944, a new era began with his son, F. Elliott Burch, Sr., who took over the reigns of the operation and guided the company through a period of steady growth for several decades until turning over the day-to-day duties to his two sons so he could devote more time to local politics. Serving as St. Mary's County Commissioner President from 1962 to 1970, F. Elliott, Sr. helped to steer St. Mary's County through a period of important community investments, during a time when local government was expanding to provide more services.

Outstanding service and high quality products have been the hallmarks of the Burch Oil Company since its founding by S. Bernard Burch in 1928; and on its 75th Anniversary, four generations of the Burch family, with a fifth soon to come of age, help to guide the hardworking and dedicated employees that have helped to make this company successful. In addition to their business success, they have been an integral component in helping to build St. Mary's County through their selfless commitment and belief in also performing public service to give back to the community in which they live. Today Burch Oil Company is led by F. Elliott (Sonny) Burch, Jr. and his brother Donald (Buddy) Burch, who have set their own high standard for community involvement, supported by 300 plus employees who carry on that proud tradition.

On behalf of the citizens of St. Mary's, Charles, and Calvert Counties, it is a great privilege to honor the Burch Oil Company for reaching the milestone of 75 years in serving the community of Southern Maryland. I ask my colleagues to join me in saluting a great example of American enterprise at its best. This company has been successful by its community, but continues to plough back its dividends every day through its public service. Congratulations to members of the Burch family and their employees and we wish you another 75 years of quality and reliable service to our community.

PERSONAL EXPLANATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. GREEN of Texas. Mr. Speaker, on Thursday, May 1, 2003, I regret that I missed the vote for rollcall 158, the vote on final passage for H.R. 1258, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. I would like the record to reflect that, had I been present, I would have voted "aye" on this legislation.

CONGRATULATIONS TO THE CRYSTAL RIVER MIDDLE SCHOOL CHEERLEADING SQUAD

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to congratulate the Crystal River Middle School Cheerleaders, from my Fifth Congressional District of Florida, for winning the national championship in their division at a competition held in Orlando last month.

The competition hosted more than 200 cheerleading squads from across the nation and truly was a venue for the best of the best to showcase their talents.

These seventh and eighth grade girls captured the top honors in the small school division and brought to Citrus County the first national championship trophy of any school, in any sport—ever.

The squad of 14 girls, led by Head Coach Irene Hupp and Assistant Coach Terry Yant, has made the city of Crystal River, all of Citrus County and the entire state of Florida very proud. I am immensely proud of them as well.

Mr. Speaker, it is my pleasure to honor Amanda Bass, Marlana Camden, Tiffany Daniel, Nicole Davis, Katie Dicks, Sabrina Gonzales, Brittany Jones, Amber Lunginsland, Amanda Mayor, Alyssa Parker, Hailey Roberts, Jilica Smith, Jacke Vivian, and Kylee Zarro.

They have accomplished a remarkable feat and deserve every accolade sent their way. I am proud to honor them before this body this evening and am proud to have such motivated hard working young people call my district home.

SERVICEMEMBERS CIVIL RELIEF ACT

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in support of H.R. 100, of which I am proud to be a cosponsor. Considering the hundreds of thousands of people serving our country around the world and the many active duty servicemembers currently returning from the Middle East, this is a very timely bill.

As a member of the House Veterans' Affairs Committee, I support strengthening legal protections for those on active duty in the armed forces. Just as we depend on them to defend our country, they depend on us to provide fair and updated benefits and services.

This bill updates laws in place to protect servicemembers from being harmed in civil, financial, or legal proceedings. All too often I hear stories of deployed soldiers receiving calls from family that they cannot afford to pay rent and will face eviction, or that debt is piling up, or that the family cannot break a lease in order to move to a more affordable home. This bill, which has the support of many veterans groups and military organizations, as well as the legal community, would help fix those dire situations for those serving in active duty and their families.

I am pleased to vote in favor of providing these overdue protections revisions. The passage of H.R. 100 will be a testament to our men and women in uniform—and their families—that their country supports and applauds their courageous service.

IN HONOR OF TERRI HAMILTON BROWN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Terri Hamilton Brown, upon the occasion of her retirement as Executive Director of the Cleveland Metropolitan Housing Authority (CMHA).

Ms. Brown's significant impact on the CMHA organization in less than 5 years has positively shifted the focus of housing in Cleveland where it should be—on the people who seek and depend upon affordable housing in Cuyahoga County. Her focus on revitalization, reorganization and renewal of the CMHA agency helped to build bridges within our community to make available quality and affordable homes for low-income families and individuals who are trying to break free of the devastating cycle of poverty.

Because of her leadership, integrity, and outstanding ability to connect easily with others, the CMHA organization has been raised to new levels of administrative efficiency, intercommunity partnership, accountability and true achievement that can be readily seen along our city streets. Ms. Brown's persistence, expertise and complete commitment on behalf of CMHA has produced profound strides in allowing CMHA to carry out its goals and mission as never before.

Mr. Speaker and Colleagues, please join me in honor and recognition of Terri Hamilton Brown whose vision, hard work and dedication on behalf of CMHA and all the people it serves has left an indelible and significant impact upon our community. Ms. Brown has rebuilt the foundation of a housing agency that successfully serves our most vulnerable citizens, and her work will have a lasting impact on every CMHA tenant and our entire Cleveland neighborhood for years to come. Please join me in wishing Ms. Brown our very best as she moves on to new challenges as Executive Director of University Circle Incorporated in Cleveland.

WHERE ARE THE DETAILS OF NEW FCC REGULATIONS?

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. BARTON of Texas. Mr. Speaker, more than 2 months ago Federal Communications Commission voted 3–2 on changes to the local telephone competition provisions of 1996 Telecommunications Act. This "Triennial Review" is required of this agency by the law we passed.

There has got a better way to regulate our Nation's telecommunications industry right now it is in nothing but a tailspin. The FCCs recent Triennial Review ruling has had many unfortunate portions, and clearly cannot be what the Supreme Court was expecting when it remanded the FCCs earlier decision. They seem to allow some companies the ability to provide telephone and Internet services across the nation with minimal investment, and minimal technicians and employees.

Unfortunately, after 2 months, no one, including the FCC, has seen the final details of these new regulations.

Mr. Speaker, how can regulators vote on provisions that they themselves have not seen? The internal turf battles within this agency go far beyond the walls of the Portals. While bureaucrats argue over how many angels can sit on the head of a pin, real people in this industry are being harmed.

Since January 2000, over 600,000 jobs have been lost in the telecommunications industry, most due to a failed policy of former Chairman Reed Hundt who tried to create artificial local competition.

Since the vote by the FCC on February 20th, many more jobs have been lost. Delay in issuing regulations by the FCC only continues this "meltdown" of one of our premiere growth industries.

I for one do not condone this bureaucratic delay and would hope that the FCC drastically changes its initial ruling from last February.

WELCOMING USS "LINCOLN" HOME

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. LARSEN of Washington. Mr. Speaker, I rise today to honor the women and men on board the USS *Abraham Lincoln.*

For nearly ten months the sailors on board the *Lincoln* have been engaged in protecting our homeland. During their deployment—the longest deployment for an aircraft carrier in 30 years—the crew served courageously and selflessly. The brave women and men aboard the *Lincoln* have been embraced by a thankful nation.

Having just returned from the *Lincoln*'s homecoming celebration, I can say without a doubt that the City of Everett and Snohomish County are happy to have the sailors home. While seeing them on national television gave me and our nation hope, seeing them in person with their families was even more inspirational.

I want to thank every one of those sailors today for their service, and I also want to thank their families for their service, even though it is a different kind of service. The sailors and their families sacrificed for this country. We owe them a debt of gratitude.

While our technology and know-how far surpassed our opponent's, the true success of Operation Iraqi Freedom was due to the women and men who volunteered for this service. Their commitment, dedication, bravery, and willingness to serve are what define our military might.

To those who served on this historic sailing of the USS *Abraham Lincoln,* I say: You have done your job and you have done it well. Our nation thanks you.

I am honored to be their Representative in Congress. I thank the Speaker for allowing me to speak on the floor today.

TRIBUTE TO THE SAN FERNANDO VALLEY'S HEROES IN LAW ENFORCEMENT

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to five outstanding members of our law enforcement and firefighter communities. Bradley C. Thompson, Michael Jensen, Jim Pollock, Brian Brown, and Edward Lee Teter will be honored tonight at the Valley Community Legal Foundation of the San Fernando Valley Bar Association "Law Day Dinner" honoring "Heroes in Law Enforcement." Each of these fine men have dedicated their lives to the service of the San Fernando Valley and leave a legacy of heroism for all to admire.

Deputy Bradley C. Thompson of the Los Angeles County Sheriff's Department distinguished himself last December when he fearlessly rescued a driver from a burning vehicle. Deputy Thompson observed a passenger van engulfed in flames on December 10 and immediately responded. Bradley selflessly proceeded into the fire and ultimately freed the driver, undoubtedly saving his life. His heroism is truly admirable.

Los Angeles Police Detective Michael Jensen has excelled at his job since joining the force in 1972. Michael ascended to the rank of Detective in North Hollywood. In that role, Officer Jensen has become a mentor for the division and has solved many critical cases. Michael continues to lead his fellow officers in the Valley and has proven to be an exceptional asset to our law enforcement community.

City of San Fernando Police Detective Jim Pollock began solving narcotics cases in 1979. He has become a vital liaison between local law enforcement and federal police agencies such as the FBI, ATF, and DEA. Detective Pollock was nationally recognized in 1996 for his efforts to dismantle a large interstate drug trafficking organization. Jim is invaluable to our communities efforts to improve the lives of San Fernando Valley residents.

California Highway Patrol officer Brian Brown began assignment in the West Valley in 1998. Over the past five years, Officer Brown has served the Ventura Freeway corridor with bravery. This past January, Brian happened upon a serious accident involving a burning car that had left the roadway. Officer Brown made several attempts to free the driver from the perilous wreck. For his efforts, Brian has been rightly nominated for the Medal of Valor.

Los Angeles City Fire Fighter Edward Lee Teter has served Pacoima from Fire Station 98 since 1982. His engineering skills and leadership have been tremendous assets to the Fire Department and the East Valley. Ed has also volunteered his time and efforts to help rebuild an orphanage in Tijuana, Mexico. Mr. Teter mentors many firefighters in his station and was recently recognized as "Officer of the Year" for his unselfish service.

Mr. Speaker, please join me in commending these fine individuals on their exemplary work for San Fernando Valley residents. Each of them has set a standard for leadership and dedication we can all aspire to. It is my privilege to join the San Fernando Valley Bar Association in recognizing our wealth of outstanding police and fire officers.

EXPRESSING NEED FOR FURTHER ACTION BY FCC FOLLOWING TRIENNIAL REVIEW

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. HALL. Mr. Speaker, I rise today to speak to the Federal Communications Commission's Triennial Review of the 1996 Telecommunications Act adopted over two months ago on February 20, 2003.

Today, the telecommunications industry waits for some certainty and clarity regarding these new rules adopted by the FCC. These rules, dealing with local telephone competition, have yet to be put to paper so that the affected companies can review the order and make business plans accordingly.

The telecommunications sector of our economy is hemorrhaging. Lost jobs, reduced capital investment and loss of investor confidence have affected nearly every company in this sector. The lack of clarity, as to these new rules, is prolonging this downward spiral.

Mr. Speaker, I urge the Commission to act on this issue and do it as soon as possible. This sector is too important to be left on hold.

COMMENDING THE WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION PROGRAM AND INCLINE HIGH SCHOOL

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. GIBBONS. Mr. Speaker, On April 26–28, 2003 more than 1200 students from across the United States visited Washington, D.C. to compete in the national finals of the We the People . . . The Citizen and the Constitution program, the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights.

I am proud to announce that for the second year in a row the class from Incline High School from Incline Village represented the State of Nevada in this national event. These young scholars worked diligently to reach the national finals for the second straight year and through their experience gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The 3-day national competition is modeled after hearings in the United States Congress. The hearings consist of oral presentations by high school students before a panel of adult judges on constitutional topics. The students' testimony is followed by a period of questioning by the judges who probe their depth of understanding and ability to apply their constitutional knowledge.

Administered by the Center for Civic Education, the We the People . . . program has provided curricular materials at upper elementary, middle, and high school levels for more than 26.5 million students nationwide. The program provides students with a working knowledge of our Constitution, Bill of Rights, and the principles of democratic government. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers and by participating in other educational activities.

It is inspiring to see these young people advocate the fundamental ideals of our government. It is important for our next generation to understand these values and principles which we hold as standards in our endeavor to preserve and realize the promise of our constitutional democracy.

In addition, I would like to recognize the commitment and support received from all of Incline Village, community organizations and parents. Individually, Bob Heilig, a community volunteer, has helped out a great deal with the students in the program. Judy Simpson, the State Coordinator of the program, and Daniel Wong, the district Coordinator of the Program have also contributed countless hours into making these students better citizens.

It is also important that we recognize the participants of this program individually. I would like to commend David Allison, Rochelle Comeaux, Ashley Hanna, Kristi Cole, David Gregory, Jonathan Shoop, Meghan Flanders, Daniel Herr, Danny St. John, Betsy McCann, Lee Rogers, Britt Van Hees, Elliot Becker, Ali Deroche, Jamie Ellsworth, Brooke Downey, Erin Myrmel, and Meredith Tiras for their hard work and tireless dedication.

The class from Incline High School diligently conducted research and prepared for their participation in the national competition. I again commend these young "constitutional experts" on their work for and commitment to the We the People . . . national finals. They represent the future leaders of our Nation.

TELECOMMUNICATIONS OWNERSHIP DIVERSIFICATION ACT OF 2003

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. RUSH. Mr. Speaker, I rise today to introduce the Telecommunications Ownership Diversification Act of 2003. This bill would level the playing field so that economically disadvantaged business owners could enter the communications field. As you know, since the passage of the 1996 Telecommunications Act there has been an unprecedented growth in the Telecom sector, which has often been referred to as the telecommunications revolution. However, conspicuously absent from this revolution has been minority and economically disadvantaged business owners. They have in essence been left on the fringes of this telecommunications revolution. There are many factors attributed to this lack of participation but chief among them is the lack of capital. Because entry into the telecommunications field is extremely capital intensive, many deserving, well qualified small business owners have been denied entry into this vital sector because they lack access to the needed capital to compete with large companies.

My bill would remedy this problem by making minor changes to the existing tax code, so that individuals who are currently under-represented in the ownership of telecommunications would be able to compete on an equal footing with large companies. It would provide sellers of telecommunications assets a tax deferral when those assets are bought for cash by certain small businesses. And it would provide investors an incentive to consider certain small businesses by providing a reduction in tax on gains from investing in these companies.

Former Chairman Kennard once eloquently stated that "ACCESS" is the civil rights of the 21st century. I believe the Telecommunications Ownership Diversification Act embodies the essence of this statement by making economically disadvantaged small business owners not only consumers of technology but also producers of technology. I hope that all my colleagues will join me in supporting this important initiative.

TRIBUTE TO MR. ROCCO BALDELLI

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to recognize native Rhode Islander, Mr. Rocco Baldelli, of the Tampa Bay Devil Rays, and his accomplishments during this past month of April. As a rookie this season, Rocco has demonstrated his baseball savvy and athleticism while drawing on experience from his outstanding high school career at Bishop Hendricken High School. We hope that this achievement serves as an inspiration to Rhode Islanders of all ages.

The Devil Rays' 6th pick in the first round of the Major League Baseball draft, this centerfielder recently, on April 30th, hit his first home run in the major leagues against the Minnesota Twins. This day also marked a special occasion, as Rocco's fortieth hit set a record for the most hits by a rookie in the month of April. He now has a fantastic batting average of .364 with 40 hits, and 20 runs batted in. As the House Resolution from the Rhode Island General Assembly I've included notes, Rocco reminds spectators of a young Mickey Mantle, Joe DiMaggio, or Willie Mays.

I congratulate Rocco on his spectacular achievements so far this season, and look forward to following his continued success.

[H. 6396: State of Rhode Island, in General Assembly, January Session, A.D. 2003]

House Resolution Congratulating Native Rhode Islander Rocco Baldelli for Setting the Major League Baseball Record for Most Hits by A Rookie in the Month of April

Introduced By: Representatives T Brien, Reilly, Menard, Laroche, and Murphy.

Date Introduced: May 1, 2003.

Referred To: House read and passed.

Whereas, Rocco Baldelli was a standout baseball player for Bishop Hendricken High and was the 6th player chosen in the first round of the Major League Baseball draft by Tampa Bay Devil Rays; and

Whereas, Rocco plays centerfield and his athleticism and baseball savvy reminds folks of a young Mickey Mantle, Joe DiMaggio or Willie Mays; and

Whereas, On April 30, 2003 Rocco not only hit his first Major League home run against the Minnesota Twins, but his home run also set the Major League Baseball record for most hits by a rookie in the month of April, with 40; and

Whereas Rocco broke the record of 39 previously held by Seattle's Ichiro Suzuki; and

Whereas Rocco, thus far in the season, has a spectacular batting average of .364, with 40 hits and 20 runs batted in: now, therefore be it

Resolved, That this House of Representatives of the State of Rhode Island and Providence Plantations hereby congratulates Rocco Baldelli for setting this new Major League Baseball record and wishes him a spectacular baseball career and future induction into the Major League Baseball Hall of Fame.

INTRODUCTION OF THE NURSE EDUCATION PROMOTION ACT

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. CAPUANO. Mr. Speaker, I rise today to recognize National Nurses Week and honor the essential work that America's nurses do every day. It is important to raise public awareness of the value of nursing and to help educate the public about the vital roles nurses play in meeting the health care needs of the American people. Nurses constitute the nation's largest group of heath care professionals. They serve in hospitals, nursing homes, schools, managed care facilities and community health centers, and their work is invaluable.

Unfortunately, fewer and fewer people are choosing nursing as a career. In recognition of National Nurses Week, I am pleased to join my friend and colleague Congressman Ernie Fletcher in introducing important legislation that helps address the nursing shortage by encouraging students to enter the profession. According to the General Accounting Office, between 1993 and 1996 enrollments at two-year associate nursing degree programs dropped 11 percent, while enrollments at three-year diploma programs dropped more than 40 percent. Between 1995 and 1998, enrollments at four-year bachelors programs dropped 19 percent. Even so, the demand for qualified nurses is increasing, and it will only grow as the baby boomers retire. The Bureau of Labor Statistics projects that more than one million new nurses will be needed by the year 2010.

This crisis threatens to compromise the quality of healthcare in this country. The Department of Health and Human Services reports that there is a "strong and consistent relationship" between nurse staffing and patient health. The GAO reports that between 2000 and 2030, the group of Americans who are 65 years of age and older will double. At the same time, the number of women between 25 and 54—the group that traditionally comprises most of the nursing workforce—is expected to remain the same. Mr. Speaker, today, more than ever before, we need nurses to care for our seniors. Unless we create incentives and opportunities for men and women to choose nursing as a career, this country will face a crisis in the next ten years.

To help address this problem, Congressman ERNIE FLETCHER and I are introducing the bipartisan Nurse Education Promotion Act. Our bill addresses the nursing shortage in a number of important ways. First, it establishes a competitive grant program for associate degree nursing schools to be used for nursing student recruitment, student scholarships, and the hiring of faculty.

Second, the bill establishes a competitive grant program for professional nurses associations, so that they may create and administer continuing education programs in cooperation with area hospitals and higher education institutions.

The nurses associations would coordinate class work at a central location for which nurses could receive college credit towards a BSN or equivalent degree and/or training in an understaffed and critical nursing specialty. The clinical portion of the continuing education could be done at any of the participating hospitals.

While we support other legislation to alleviate the nursing shortage, we believe that by focusing on the two-year schools our bill gets nurses into the field more quickly. By providing money for continuing education, we hope to ensure that nurses are able to meet the changing and increasingly complex demands of our healthcare system. As we celebrate National Nurses Week, we hope our colleagues will join us in our efforts to alleviate the nursing shortage and head off a major healthcare crisis that is just on the horizon.

IN HONOR OF THE HISPANIC ORGANIZATION OF STUDENTS IN TECHNOLOGY/SOCIETY OF HISPANIC PROFESSIONAL ENGINEERS AT NEW JERSEY INSTITUTE OF TECHNOLOGY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Hispanic Organization of Students in Technology (HOST), the student chapter of the Society of Hispanic Professional Engineers (SHPE) at the New Jersey Institute of Technology (NJIT). They were honored for their outstanding achievements at the HOST/SHPE Gala Banquet on April 30, 2003.

The Hispanic Organization of Students in Technology/Society of Hispanic Professional Engineers represents a group of extremely talented and dedicated students, who, at a young age, have already shown amazing promise and success. Under the leadership of Student President Danial Calles, HOST/SHPE attained the second highest membership of a Society of Hispanic Professional Engineers student chapter nationwide and was responsible for the third-highest attendance to the 2002 Society of Hispanic Professional Engineers Eastern Technical Career Conference.

Moises Cordero, Daniel Nunez, and Randy Weston, three students who form the Web Site Competition Team, made new strides for New Jersey Institute of Technology and for aspiring students when they won first place for the first ever Web Site Competition at the 2002 Society of Hispanic Professional Engineers Eastern Technical Career Conference. Their success illustrates not only the strength of NJIT, but the drive and potential of these promising students.

Under the guidance of Carlomango Ontaneda, the SHPE chapter advisor at NJIT has helped to empower many promising students to achieve their goals at NJIT and beyond. As Assistant Director for Recruitment at New Jersey Institute of Technology's Educational Opportunity Program, Mr. Ontaneda continues to demonstrate his commitment to increasing educational opportunities and helping students attain their dreams. He was recently the recipient of the Society of Hispanic Professional Engineers Eastern Technical Career Conference Higher Education Award.

Today, I ask my colleagues to join me in honoring the achievements of Mr. Ontaneda and the talented students of the Hispanic Organization of Students in Technology/Society of Hispanic Professional Engineers at New Jersey Institute of Technology. I applaud their dedication and their success, and wish them the best as they head towards an already bright future.

THE CENTENNIAL CELEBRATION OF ALL SAINTS EPISCOPAL CHURCH IN TOLEDO, OHIO

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Ms. KAPTUR. Mr. Speaker, Saturday, May 31, 2003 begins the centennial celebration of All Saints Episcopal Church in Toledo, Ohio. I am pleased to commemorate this momentous and joyous occasion by sharing it with my colleagues and for inclusion in the CONGRESSIONAL RECORD.

On June 3, 1903, five people under the leadership of Reverend William A. Grier founded the church as an Episcopal Mission Church. It was the only Negro Mission in the Toledo Episcopal Region. The church became a parish of its own in 1952. Since then, it has grown and remained a neighborhood anchor. It even experienced a rebirth in the last decade, with a new sanctuary and office in 1998, and a new parish hall in 2002.

In addition to its celebration dinner, the church has invited the members of neighboring churches to spend an evening with them in prayer, song, and scripture. On Tuesday, June 3, All Saints will observe its 100th birthday with a Holy Eucharist Service.

As it has since its founding 100 years ago, All Saints Episcopal Church continues to follow the words of Matthew 5:16, "Let your light so shine before men, that they may see your good works, and glorify your Father which is in Heaven." It remains a beacon of hope and a sanctuary of praise while its congregants forge ahead on a path begun a century ago and built upon through successive generations. We congratulate All Saints on reaching this milestone, and look forward to its life and work in a new century.

IN RECOGNITION OF MR. WILLIAM MECKLENBURG POLK

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mrs. MALONEY. Mr. Speaker, I ask my colleagues to join me honoring Mr. William Mecklenburg Polk, who has made outstanding contributions to American society. William Polk has truly distinguished himself throughout an extraordinary career in which he has served as a leader in the field of secondary education for almost four decades. During this time he has been an educator, coach, and mentor to thousands of students and colleagues.

For the last quarter century, William Polk has served with distinction as the headmaster of the Groton School in Groton, Massachusetts, one of the most rigorous and respected secondary schools anywhere in the world. This spring, he will preside over his final graduation ceremony before he and his wife, LuAnn, start their new life in Cambridge, Massachusetts, in what will no doubt be a very active retirement.

William Polk led the Groton School—his alma mater as well as that of President Franklin Delano Roosevelt, Governor and Ambassador Averell Harriman, countless leaders in every walk of American life, and several distinguished members of this body—with extraordinary wisdom and compassion throughout his tenure as Headmaster. His leadership helped assure that Groton's transition to a co-educational environment was successfully completed; helped usher the School through the onset of the digital age; and oversaw its entry into a new century. Fully half of the thousands of living Groton alumni know William Polk as their headmaster.

A Phi Beta Kappa graduate of Trinity College, William Polk is an accomplished theologian who earned a Master of Divinity degree at Union Theological Seminary after receiving a Rockefeller Fellowship. He has excelled in all the many roles in which he has served throughout his career—as a headmaster, teacher, theologian, coach, student, husband, father, athlete and role model for thousands of young men and women. William Polk truly embodies the Groton Scholl motto: "To Serve Is to Reign."

Mr. Speaker, I know that my colleagues will join me and two distinguished alumni of the Groton School, the Honorable BOBBY SCOTT and the Honorable JIM COOPER, in recognizing the extraordinary achievements and contributions to American life made by Mr. William Mecklenburg Polk.

He is indeed an American of whom all of our colleagues and all Americans should be very proud.

IN MEMORY OF CONGRESSMAN JOHN G. DOW

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. HINCHEY. Mr. Speaker, I rise today to memorialize a distinguished former Member of this Chamber, Congressman John G. Dow, who represented the lower Hudson Valley region of New York in the 89th, 90th and 92nd Congresses. Congressman Dow passed away on March 11, just two months shy of his ninety-eighth birthday.

I had the privilege to know Congressman Dow during my early career in politics. Others considered him a maverick, but I admired his courage, his honesty and his integrity. From his first days as a member of this Chamber, he distinguished himself by taking principled stands on the issues, even though his stances endangered his political future.

Most famously, he is remembered as one of only seven Members to take a stand against the escalation of the Vietnam War, voting to end funding for military operations in Vietnam in 1965. In one of the first votes he cast in the House he bucked his party and the very popular president who had been largely responsible for Dow's election.

It would not be until many years later that Dow's vote and his activism against the Vietnam War would be regarded as prescient. As a local editorial writer pointed out some years after the controversial vote, "Dow was a dove from the start, not one who evolved to the point of view."

No less important was Dow's strong stance against the constitutional amendment to prohibit burning the American flag. Dow wisely argued that such an amendment would actually amend the Constitution twice—by adding a new amendment and by curtailing the freedom of speech and expression guaranteed in the First Amendment, that amendment which was most prized by our founding fathers. Ultimately, that vote cost him re-election in 1968, but I cannot imagine a more honorable way to lose one's seat in Congress than in defense of the integrity of our Constitution.

During his first two consecutive terms in the House, from 1965 to 1969, Congressman Dow supported some of the most important legislation of his generation. He was an enthusiastic supporter of the Civil Rights movement, traveling to Jackson, Mississippi and Selma, Alabama to appear with the Reverend Martin Luther King, Jr. in support of the Civil Rights Act of 1964 and Voting Rights Act of 1965, and fighting for funding for school integration plans. He worked hard for the passage of Johnson's Great Society programs, for the establishment of rural and community development programs for rural areas, and voted to provide minimum wage protection for farm workers. Always, Dow argued that the military buildup must not crowd out such critical domestic needs.

When New York voters returned him to the House in the 1970 election, his committee assignments allowed him to shift his focus toward foreign policy and environmental protection. His record on human rights for peoples around the world was without parallel, recommending that foreign aid be directed toward "peaceful objectives . . . and not helping other countries carry on war." He fought the Nixon Administration on bringing the Vietnam conflict to a close, worked to increase funding for the Peace Corps, and sought trade restrictions on apartheid-era South Africa. Congressman Dow was also instrumental in strengthening the Federal Environmental Pesticide Act of 1971, which was reported out of the Agriculture Committee riddled with loopholes to benefit polluters, and the Federal Water Pollution Amendments of 1972. He introduced legislation to establish the Council for Environmental Quality, to create a permanent House committee on the environment, and to require the federal government to use only recycled paper.

When Dow lost his bid for re-election in 1972, he did not ease gently into retirement. On the contrary, he remained just as active and engaged in civic life as during his years in Congress. He ran for Congress three more times unsuccessfully, and then devoted his efforts to the burgeoning antinuclear movement. Through the early 1980s, he was a vocal opponent and stalwart activist opposing the Reagan Administration's defense policies. He continued to argue aggressively that out of control military spending was hurting the economy and denying Americans adequate health care and education.

Throughout his long and full life, John Dow never failed to be on the side of peace, justice and economic opportunity for all. He devoted his life to these principles and stuck to them even when it was not politically convenient to do so. His moral compass never strayed and his compassion for others never wavered. For me, he embodied the highest ideals of representation in this body.

I believe Congressman Dow's former colleague and esteemed veteran of this body, the late Congressman Morris Udall (D-Ariz) said it best: "Vigorous, kind, candid, honest with himself, his constituents and his colleagues—John Dow is a most remarkable man and public servant. I am proud to be his friend."

PERSONAL EXPLANATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Ms. McCOLLUM. Mr. Speaker, on Tuesday, May 6, 2003, I was unavoidably detained in my district and missed rollcall votes 159, 160, and 161.

Had I been present, I would have voted "yea" on rollcall votes 159, 160, and 161.

INTRODUCTION OF LEGISLATION TO EXPAND DEFENSE DEPARTMENT AUTHORITY FOR NUNN-LUGAR COOPERATIVE THREAT REDUCTION PROGRAMS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to introduce legislation that is of utmost importance to our national security and our future as a global community. My legislation will expand the Defense Department's authority for Nunn-Lugar cooperative threat reduction programs outside of the former Soviet Union. My bill will authorize efforts to dismantle and destroy nuclear, chemical, and other weapons of mass destruction in nations such as Pakistan, India, North Korea, China, Iran, and Iraq. These programs have a single objective: to reduce stockpiles of nuclear (and non-nuclear) materials in both military and nonmilitary facilities that may be converted to weapons of mass destruction to prevent such highly dangerous materials from being stolen or sold to terrorist organizations.

It is critical for our national security to ensure that terrorists do not have easy access to weapons of mass destruction, particularly nuclear weapons. Over a decade ago, the landmark Nunn-Lugar cooperative threat reduction legislation, the initiative of Senators Nunn and Lugar, was signed into law. This initiative was born out of necessity to ensure that the nuclear arsenal of the Soviet Union would not fall into the wrong hands as the Soviet empire was coming apart. Throughout the latter half of the Cold War, the Soviet and the US camps had achieved mutually assured destruction capability, which had resulted in an uneasy yet stable security with regard to our nuclear arsenals. The enemy was clear and identifiable. However, the demise of the Soviet empire ushered in a new post-Cold War period with unclear and unidentifiable threats, and a new and very real sense of urgency, instability and insecurity.

At this critical juncture, Congress established the Nunn-Lugar Cooperative Threat Reduction (CTR) program in 1991, authorizing the use of Defense Department funds to assist with the safe and secure transportation, storage, and dismantlement of nuclear, chemical and other weapons in the former Soviet Union. In the ten years since, while much has been done to dismantle Russia's and the former Soviet Republics' nuclear weapons, the dangers persist, and in some cases have increased.

In addition to the traditional nuclear weapons and materials concerns in the former Soviet Union, there are new and emerging threats from nuclear proliferators such as North Korea, Pakistan, and China, as well as Libya, Iran, Iraq, and stateless terrorist organizations headed by individuals such as Osama Bin Laden, that are actively in search of their next deal on nuclear weapons technology and components. It is this latter type of threat—the unclear, mobile, and not easily identifiable source of threat—that compels us to continue and increase our efforts to secure nuclear weapons and materials wherever they may be found.

The world has changed, and with it so too have the threats. We cannot afford to cut back on such worthwhile programs as Nunn-Lugar and other non-proliferation programs. There is much work to be done, and we must be increasingly vigilant in an ever-changing world with new threats that go far beyond nuclear weapons.

Significant progress has been made thus far, as reported in the May 2001 Cooperative Threat Reduction Scorecard issued by the Department of Defense. With regard to the established CTR Baseline attributed to Russia under the START process, the Nunn-Lugar program has successfully deactivated 5,504 of the 13,300 Warheads; destroyed 423 of the 1,473 ICBMs; eliminated 383 of the 831 ICBM Silos; eliminated 85 of the 167 Bombers; destroyed 483 of the 487 Long-Range Nuclear ALCMs; eliminated 352 of the 728 SLBM Launchers; eliminated 209 of the 936 SLBMs; destroyed 19 of the 48 SSBNs; and sealed all 194 Nuclear Test Tunnels. In addition, Ukraine, Kazakhstan and Belarus—the three former Soviet nuclear powerhouses—are nuclear weapons free, according to the Defense Threat Reduction Agency of the Department of Defense.

The Nunn-Lugar Cooperative Threat Reduction program can and should be credited for significant achievements in reducing threats from the former Soviet Union. However, continuing economic and social weaknesses in Russia, coupled with an eroding early warning system, poorly secured Russian nuclear, biological and chemical weapons and materials, and poorly paid Russian weapons scientists and security personnel, increase the threat of mass destruction on an unprecedented scale, especially if they fall into the hands of terrorists or rogue nations.

Mr. Speaker, now more than ever we must make a fundamental shift in the way we think about nuclear weapons, the spread of weapons of mass destruction, and our national security. My bill will authorize the Department of Defense to expand their cooperative threat reduction programs outside of the former Soviet Union.

URGING THE FCC TO RELEASE ITS TRIENNIAL REVIEW

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. BILIRAKIS. Mr. Speaker, I rise today to address the inaction of the Federal Communications Commission (FCC) regarding the Triennial Review of the 1996 Telecommunications Act adopted on February 20, 2003.

Mr. Speaker, regardless of where members come down on the issue of local telephone competition, one thing is clear to all of us; NO ONE has seen the order which was adopted more than two months ago. If the House of Representatives considers legislation pertaining to this matter, we should have the actual document to review before we vote.

The FCC adopted rules dealing with local telephone competition more than two months ago that have yet to be put to paper so that the affected companies can review the order, and the telecommunications industry is hemorrhaging. Jobs, capital investment and investor equity are being squandered at an unprecedented rate. This lack of clarity is prolonging this downward spiral. Many have referred to the chaos and uncertainty in the industry caused by this order. While some of this may be rhetoric, every day that goes by adds more credence to the fact that the delay in the release of this order is detrimental to the telecommunications industry.

I urge the FCC to release its Triennial Review as soon as possible.

YOUNG ISRAEL HONORS LANCE KAWESCH AND EMILY STEIN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. FRANK. Mr. Speaker, on this coming Sunday, May 11, Young Israel of Brookline, Massachusetts will honor Lance Kawesch and Emily Stein, "for the years of excellent service, tireless devotion and total dedication to Young Israel and our community."

Mr. Kawesch and Ms. Stein joined Young Israel shortly after their marriage, and have been hard working and valuable members of the Congregation ever since. Lance has served as President, and Emily is the Office Manager and Director of Operations. Between them, they have organized, supported, and contributed to a wide range of the important educational, religious, charitable and cultural activities which mark the work of Young Israel. Young Israel is a vibrant part of the district which I represent, and I am pleased to have the chance to join the members of Young Israel in saluting the important work of Lance Kawesch and Emily Stein.

HUMAN RIGHTS IN BELARUS AND CHECHNYA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. SMITH of New Jersey. Mr. Speaker, as Co-Chairman of the Organization on Security and Cooperation in Europe, I have followed with particular concern both the deadly climate in Chechnya and the deterioration of human rights in Belarus. Such violations of basic human rights deserve focused criticism, and it is appropriate that the agenda of the United Nations Commission on Human Rights included resolutions on each situation.

On April 17, the U.N. Commission voted 23–14 with 16 abstentions to approve a U.S.-cosponsored resolution urging the Belarusian authorities to investigate "fully and impartially" credible reports that senior government officials were involved in the disappearances in 1999 and 2000 of leading opposition figures and a journalist.

I have followed these cases closely and have become increasingly frustrated at the Belarusian regime's intransigence in meaningfully investigating these disappearances. Here in Washington and at OSCE Parliamentary Assembly meetings in Paris and Berlin, I have had occasion to meet with the wives of the disappeared. These meetings have been heart-wrenching. The cases of their husbands—who disappeared in 1999 and 2000 and are presumed to have been murdered—offer a chilling glimpse into the nature of the regime of Belarusian dictator Alexander Lukashenka, a regime that has the worst human rights record in Europe today. In February, I introduced H.R. 854, the Belarus Democracy Act, designed to bolster democratic development in that beleaguered country, and I am pleased that the State Department authorization bill approved yesterday by the House International Relations Committee includes key provisions of the Belarus Democracy Act. This bill encourages sanctions against the Belarusian regime until certain conditions are met, including a full accounting of these tragic disappearances.

The Belarusian people deserve to live in a society where democratic principles and human rights are respected and the rule of law is paramount, and I believe that the passage of the U.N. Human Rights Commission resolution is an important step towards that end.

Mr. Speaker, I wish I could report that the U.N. Commission on Human Rights had acted with equal conscience on the issue of Chechnya. We all know the desperate human rights situation in that war-torn region of the Russian Federation. Since the Chechen war reignited in 1999, international and domestic Russian human rights organizations have documented the disproportionate and indiscriminate use of force by elements of the Russian military, as well as extrajudicial killings, abuse of prisoners, kidnaping, rape, and extortion of civilians. According to official statistics, 2,800 persons are missing in Chechnya; mutilated bodies of young Chechen males turn up almost daily. A representative of the respected human rights organization Memorial reported at a recent Helsinki Commission briefing that "one of the recent tendencies is to explode the corpses" in order to prevent identification. Needless to say, all of this is in clear violation of the Geneva Convention and the OSCE Code of Conduct during internal conflicts.

What's left of the Chechen capital of Grozny after Russian artillery shelling has been compared to the ruins of Stalingrad in 1943. According to the U.N., there are 92,000 internally displaced persons forced to flee from the fighting, with around 17,000 living in tent camps in neighboring Ingushetia.

Chechen forces are not entirely blameless. There are credible reports of their executing prisoners and using non-combatants as human shields. They have also assassinated pro-Moscow Chechen officials. The U.S. Government has placed three militant groups involved in the Chechen resistance on its list of terrorist groups.

Still, is this an excuse for Russia's savage war against the civilian population?

Despite all the documentation and eyewitness testimony on egregious human rights violations committed in Chechnya, the Commission on Human Rights rejected by a vote of 15–21 an even-handed European Union resolution expressing deep concern at the reported ongoing violations of international law in Chechnya. I note that the U.S. delegation did not cosponsor the resolution, though it did support it when the measure came to a vote. We should not be surprised that China, Sudan and Zimbabwe voted against the resolution. I do find it disconcerting, though, that the delegations of Armenia and Ukraine are in that less than distinguished company.

Ambassador Jean Kirkpatrick, Head of the U.S. Delegation to the U.N. Commission noted: "The United States believes it important that the Commission address the serious human rights abuses that have occurred in Chechnya. We recognize Russia's right to defend its territorial integrity and itself against terrorism. The broader conflict in Chechnya cannot be resolved militarily and requires a political solution. Human rights violations by Russian forces in Chechnya need to be curtailed, and abusers held accountable."

So the people of Chechnya continue to suffer, and the U.N. Commission on Human Rights looks the other way.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. BECERRA. Mr. Speaker, on April 29, 2003 through May 1, 2003, due to medical reasons, I was unable to cast my floor vote on rollcall Nos. 146 through 158.

Had I been present for the votes, I would have voted "aye" on rollcall votes 146, 147, 148, 150, and 158; and I would have voted "nay" on rollcall votes 149, 151, 152, 153, 154, 155, 156, and 157.

H.R. 1350—IMPROVING EDUCATION RESULTS FOR CHILDREN WITH DISABILITIES ACT OF 2003

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in opposition to H.R. 1350. When Congress made the leap to dramatically change the way the nation treats the education of disabled students in 1975 when it created IDEA, it made a commitment to providing a free, quality education to children who previously had been neglected by the system. This commitment to fund 40 percent of the excess cost of education for children with disabilities was unprecedented. Six million children who had once been forced to seek private education or forego education altogether were given the opportunity that so many children take for granted. At least, that was the idea.

Unfortunately, this body has continued to neglect these children by refusing to fully fund the program. Today we had the opportunity to show these children, their parents, and their educators how serious we are about their education—but passing H.R. 1350 will be a failure to do that. Not only does the bill fail to fund IDEA above the 18 percent we currently give to the 40 percent Congress promised, but it actually sets back the education of children with disabilities. In fact, this bill weakens the civil rights protections that were initially established with IDEA, undermines parental involvement and even creates the potential for disabled students to be punished for actions related to their disabilities. When the Majority promises to leave no child behind, does it make an exception for children with disabilities?

Many groups, including the PTA, the National Mental Health Association, and the Children's Defense Fund oppose this bill because it falls short of improving education for children with disabilities. It has become clear that this bill favors school administrators—not children, parents, and the teachers who work so hard to give disabled children an equitable education.

I strongly support a good public education for all children and I believe that every child is entitled to the same. Those who passed IDEA in 1975 shared that view, and they set a goal to give students with disabilities the treatment and education they deserve. Unfortunately, this bill fails to live up to what the original authors of IDEA intended, and I must vote against it. However, I am committed to special education and I will continue to work to pass a bill that accomplishes the intended goals set out under the original Act.

REMEMBRANCE ON MOTHER'S DAY

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Ms. HOOLEY of Oregon. Mr. Speaker, as we approach the Mother's Day weekend, I rise today to remember the mothers of missing children, or mothers whose children's lives have tragically ended in violence. Our thoughts and prayers are with them.

Most of you remember the story of the two Oregon City girls who disappeared on their way to school last year: Ashley Pond in January and Miranda Gaddis in March.

Months later after a lengthy search by law enforcement and the community, the entire Nation was horrified as the FBI and Oregon City Police dug up the backyard of a home neighboring their apartment complex to discover the girls' bodies.

Ashley and Miranda were just 13 years old when their precious young lives ended in violence. I think of them often.

Throughout the last year, my staff and I have gotten to know Michelle Duffey, the mother of Miranda. She has survived horrors unimaginable except to those who have lived through this kind of terrible tragedy themselves. Less than 1 year after learning of her daughter's fate, Michelle is trying to rebuild a life for herself and her family.

Just consider for a moment, that throughout her grieving process, Michelle has been recognized in the grocery store and on the street. She continues to be called upon for numerous media interviews. This sort of notoriety must be very, very hard for her and her family to endure. And yet Michelle has taken that attention, gained some strength from the community's support, and has used that courageously to advocate on behalf of missing children and their families. I admire her fortitude. And I greatly appreciate her public service.

I will continue to stand by Michelle Duffey in her efforts to prevent this type of tragedy from happening to someone else's child.

Each year, nearly 800,000 children are reported missing according to the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention. This includes children who run away, who are abducted by family members and the most serious and deadly kidnappings, those by strangers. I am proud to be a member of the Missing Children's Caucus that supported the passage of the national AMBER Alert plan, that takes important steps to prevent such tragedies as happened in Oregon City. No legislation will ever prevent 100 percent of the atrocious crimes perpetrated against our Nation's children, but it is up to us to try. Michelle Duffey has been one of its strongest and best advocates.

This Sunday, I will remember Miranda and Ashley's mothers in my thoughts as we honor our Nation's mothers. I ask you to keep in mind all the mothers across America who are missing their children at this time, and to offer your thoughts and prayers for them and their children.

NAVY JUNIOR ROTC

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. ORTIZ. Mr. Speaker, I rise with pride today to recognize an outstanding Navy Junior ROTC from Corpus Christi, Texas, in my congressional district.

The Flour Bluff High School's Navy Junior ROTC is easily the very best in the country, having won the national title among all Navy Junior ROTC programs in the country for the past seven years. So they are used to being known as the "best of the best."

This week, they made their domination of Junior ROTC competitions complete by winning competitions against units from every branch of the service. For the first time, both the armed and unarmed drill teams from Flour Bluff won the all-service competition against teams from all other military branches.

The 33 students from the Coastal Bend of Texas who won the competition of 4,000 students on 155 teams were simply spectacular at the All Service Grand National Championship competition in Daytona Beach, Fla.

Both young women and men have competed for the championship—and both have won. The young women of Junior ROTC won the national title in 2000. The following year, the young men took the championship. But this year, they accomplished a new goal by both taking home the championship.

They are judged on drills, precision marching, personal appearance and their knowledge regarding current events. While these are exceptional young people who are outstanding young leaders, they have a visionary example of leadership in their unit Commander, Armando Solis.

Commander Solis has nurtured these teenagers through seven consecutive titles for the Flour Bluff High School Navy Junior ROTC. It is largely through his dedicated guidance that Flour Bluff's Navy Junior ROTC has been extremely successful in their national competitions.

I am particularly proud of these young people under Commander Solis' guidance. ROTC is a feeder program for tomorrow's officer corps, and there are a number of people who are serving us in uniform today who came through this particular program, and from Junior ROTC programs across the nation.

I ask my colleagues to join me today in commending the Flour Bluff High School's Navy Junior ROTC for their excellence.

A BILL TO PERMANENTLY EXTEND THE WORK OPPORTUNITY AND WELFARE-TO-WORK TAX CREDITS AND IMPROVE THE PROGRAMS

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. HOUGHTON. Mr. Speaker, today I am joined by my colleague from New York, Mr. RANGEL, in introducing our bill, "Encouraging Work Act of 2003." The bill would permanently extend the Work Opportunity Tax Credit (WOTC) and the Welfare-to-Work Credit (W–t–W) and make other changes discussed below. Both programs are currently due to expire on December 31, 2003. The credits are tax incentives designed to encourage employers to hire public assistance recipients and other individuals with barriers to employment. They are important tools in our efforts to help needy individuals become productive employees.

Improvements in the programs the past few years have made WOTC and W–t–W far more effective in providing employment, with training, for our nation's disadvantaged. Such training can be costly and the credits provide an incentive to employers to hire the disadvantaged and provide the needed training while offsetting costs associated with the latter effort.

Of course, many believe the programs would be even more successful if they could be extended indefinitely. We hear from both employers and state job services, which administer the programs, that the continued uncertainty surrounding short-term extensions impedes expanded participation and improvements in program administration. If the programs were made permanent, employers, both large and small, would be induced to expand their recruitment efforts and encourage the states to improve the administration of the programs. Such a change would benefit everyone.

WOTC provides employers a 40-percent tax credit on the first $6,000 of wages paid to those from targeted groups who are working at least 400 hours, or a partial credit of 25 percent for those working 120–399 hours. W–t–W provides employers a 35-percent tax credit on the first $10,000 of wages for those leaving welfare and working 400 hours in the first year. In the second year, the W–t–W credit is 50 percent of the first $10,000 of wages paid to qualifying employees.

In addition to making the credits permanent, our bill would simplify WOTC and W–t–W, as President Bush recommended in the Administration's FY 2004 budget, by combining them into one credit and making the rules for computing credits simpler. Among other changes, the bill would expand the food stamp category by increasing the age limit from 24 to 39 years of age for members of food stamp households and residents of enterprise zones or renewal communities ("a designated community resident"). The current ceiling of 24 limits the availability of individuals in these targeted categories. There are many individuals, over the age of 24, who could be gainfully employed if the age limit was expanded. Currently, the programs do an excellent job of helping women on welfare enter into the workforce. Over 80 percent of the hires in the programs are women. However, men from welfare households face a greater barrier to employment because they are no longer eligible for welfare once they turn 18. However, they can qualify up to age 24 if they are a member of a household receiving food stamps or live in an enterprise zone or renewal community. We believe increasing the age limit to 39 will provide employers an incentive to hire more "at-risk" males and provide them with a sense of personal responsibility and self-esteem in assuming their responsibilities as parents and members of society.

More than 80 percent of the 2.2 million individuals hired under the WOTC and W–t–W programs were previously dependent on public assistance programs. However, during periods of slow economic growth and rising unemployment, employers have more hiring options. The jobs skills of those coming off welfare today—many because they have reached their 5-year life time eligibility ceiling—are even less than the first generation that left the welfare rolls. Because of the high cost of recruiting, training, supervising low-skilled individuals, many employers will look elsewhere for employees if these programs are not renewed before the end of the year. WOTC and W–t–W are proven incentives for encouraging employers to seek employees from the targeted groups.

We urge our colleagues to join us in cosponsoring this important legislation to extend and improve the two programs.

HONORING DELONE BRADFORD-GLOVER

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. BISHOP of Utah. Mr. Speaker, I stand today to honor a tremendous individual and important representative of all who have worked so hard to preserve historic sites across the State of Utah. Delone Bradford-Glover has devoted a remarkable amount of time, energy and heart to the noble cause of preserving the Golden Spike National Historic Site. I wish to commend her unselfish devotion and dedication.

Delone began working with Bernice Gibbs Anderson over 50 years ago. Together they were the champions of the preservation of the Golden Spike. Delone was instrumental in assuring that the Last Spike Site at Promontory Summit received national recognition through its inclusion in the National Park System. Delone was President of the Golden Spike Association for more than 25 years. In that time Delone had the tremendous responsibility of planning every anniversary celebration and event, including recruiting re-enactment participants and ceremony guests, until retiring as active President two years ago. Specifically admirable was her work on the Centennial Celebration in 1969 when she lobbied for the anniversary celebration to take place and worked so hard to make it such a success. In 1994, Delone set out to save the Brigham City Depot and it was her work that encouraged the Union Pacific Railroad to deed that land to the Golden Spike Association on the 125th Anniversary year.

I take great pleasure in honoring this amazing citizen for her service to the Golden Spike. Her selfless devotion has impacted and will continue to effect countless generations of those in her community and the State of Utah as a whole. I would like to thank Delone Bradford-Glover for truly being the "Heart of the Golden Spike."

RECOGNIZING ANTHONY K. SITTER ON HIS APPOINTMENT TO THE U.S. NAVAL ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize my constituent, Anthony K. Sitter of Bowling Green, OH, who recently accepted his appointment to the U.S. Naval Academy.

Anthony will soon graduate from Bowling Green High School. During his high school career, he has maintained a 3.9 grade point average. He is an accomplished athlete, earning multiple varsity letters in swimming. And, he has demonstrated his strong leadership ability, serving as class president and as a delegate to Buckeye Boys State. He is a member of the National Honor Society.

Anthony Sitter can be very proud of his many accomplishments. He is a credit to his family, his school, and his community. By accepting his appointment, Anthony is accepting a unique challenge.

The Academy is the pinnacle of leadership development for the United States Navy. As a member of the U.S. Brigade of Midshipmen, he will face a most demanding academic curriculum and physical regimen. He will live, study and prepare in an environment where strong leadership thrives, individual achievement is expected, and personal integrity is demanded.

Mr. Speaker, General John W. Vessey, Jr. once wrote, "The Nation's ability to remain free and at peace depends in no small measure on whether we will continue to inspire our youth to serve."

I am confident that Anthony Sitter has the character and ability to excel at the U.S. Naval Academy. I ask my colleagues to join me in wishing him well as he begins his very important service to our Nation.

TRIBUTE TO ELIZABETH NEUFFER

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. MEEHAN. Mr. Speaker, I rise today to pay tribute to a Elizabeth Neuffer, a Boston Globe journalist who died in a car accident today while covering the conflict in Iraq.

Elizabeth was a well-respected journalist with the Globe, New England's largest daily newspaper. During the 1980s, she won a reputation for courageous reporting for her work on war crimes in the Balkans. She went on to report from Rwanda after the genocide; from Saudi Arabia, Kuwait and Iraq during the first Gulf War; and from the Soviet Union during the transition from Gorbachev to Yeltsin.

Her most recent assignment was the United Nations, and after covering the war in Afghanistan, she underwent training for reporters to be imbedded in Iraq and was helping to cover the ongoing conflict with her colleagues at the Globe. She was passionate about covering the reconstruction effort, and at the time of her death she was working on a story about efforts to remove the influence of the Ba'ath Party.

Her unique perspective as a reporter covering the realities of genocide helped her transfer an abstract debate about war crimes prosecution into a book, "The Key to My Neighbor's House: Seeking Justice in Bosnia and Rwanda."

Among her many awards while serving as the Globe's European bureau chief were the Courage in Journalism Award, as well as the Edward R. Murrow Fellow of the Council on Foreign Relations.

Elizabeth once said, "The truth may be hazardous to those who tell it, but truth is not dangerous, disinformation is. As I saw in Bosnia and Rwanda, it is propaganda that fans the flames of hatred."

Elizabeth will be missed not only by her family, friends, and those who loved her, but by those of us who had the privilege to work with her in the world of politics and journalism.

A TRIBUTE TO LILLIE MAE EVANS FEREBEE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Lillie Mae Evans Ferebee in recognition of her 100th birthday celebration and her commitment to her community.

Lillie Mae Evans Ferebee, the eldest daughter of the late Willie and Sarah Evans, was born on May 2, 1903 in Greenborough, Georgia. She is the only child from a family of six children. Mrs. Ferebee moved to New York in 1937 where she met and married her husband, the late Livingston Ferebee.

Although God never blessed them with biological children, they raised many family members and neighborhood children who have risen to become professionals throughout the great city of New York. The special gifts from God are her beloved daughter, Sharon Borno and her granddaughter, Yolanda Denise Taylor. Mrs. Ferebee has been the mother of these ladies from the time of their births.

Many beautiful people are found in the Borough of Brooklyn, including Ms. Ferebee herself, who at the age of 100 years old resides in the Brevoort Housing Development of the Bedford Stuyvesant community. Mrs. Ferebee is affectionately known as "Duchess" to her family.

A retired supervisor with the federal government at the Brooklyn Navy Yard, Mrs. Ferebee has lived her life with the axiom of helping those who are unable to care for themselves. She graduated and completed her early education in Greensborough, Georgia. Mrs. Ferebee has traveled throughout the United States as a motivational speaker. Prior to her retirement, Mrs. Ferebee administered care to many children in her neighborhood, enabling them to complete college and become business and health professionals, lawyers, and doctors. She has advocated on tenant issues for over 30 (thirty) years in the Brevoort Development. Mrs. Ferebee has been well respected for her role as captain of the Brevoort Tenant Association. Over the years, she has received numerous awards from the New York City Housing Authority, the Mt. Carmel Baptist Church, the Eastern Order, and many other community organizations.

Mr. Speaker, I'd like to salute Ms. Lillie Mary Evans Ferebee on her 100th birthday celebration. She is truly a gift from God and an honest and virtuous woman! As such, she is more than worthy of receiving our recognition today. I therefore urge my colleagues to join me in honoring this remarkable woman.

OROFINO HIGH SCHOOL

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. OTTER. Mr. Speaker, I rise today to acknowledge and praise the students of the Orofino High School Government Class for participating in the "We the People: The Citizen and the Constitution" national contest. The following students were recognized as the state winners: Tarina Anderson, Kelly Burge, Rachel Burrell, Sam Christiansen, Kayleen Copeland, Melissa Dangman, David Dobyns, Desirae Downing, Whitney Gochnour, Maggie Hall, Holly Jones, Mallory Larson, Hana Nedoma, Terra Rintelen, Brianna Savage, Jessica Silva, and Kyle Stanley. They competed in the national contest in Washington, D.C., displaying their knowledge of the government institutions of the United States and the ideals upon which our democratic form of government is based. Their teacher, Cindy Wilson, also should be commended for her commitment to teaching Constitutional principles and instilling an appreciation for civic participation in her students.

TRIBUTE TO DR. DOUGLAS R. JACKSON

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to Dr. Douglas R. Jackson in celebration of his 25th anniversary with the Community Baptist Church.

Dr. Jackson founded the Community Baptist Church in Saginaw, Michigan in 1981, and has been the President of Michigan Association of Christian Schools since 1990. He is a board member of the Independent Fundamental Baptist Association of Michigan and the International Baptist Mission in Tempe, Arizona. He is also chairman of the board at Maranatha Baptist Bible College in Watertown, Wisconsin, and treasurer of the board for Baptist World Mission in Huntsville, Alabama. Dr. Jackson's further accomplishments include his legislative lobbying for Christian education, and national recognition for the Michigan Association of Christian Schools.

I am honored today to recognize Dr. Douglas R. Jackson for his many accomplishments, and to wish him the best on the celebration of his 25 years with the Community Baptist Church.

PROVIDING FOR CONSIDERATION OF H.R. 1298, UNITED STATES LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA ACT OF 2003

SPEECH OF

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to voice my support for H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

This bill provides desperately needed funds to combat the global HIV/AIDS pandemic, and we must act now.

The fact that such a bill is before us today is due to the efforts of grassroots organizations all over this country. I would like to personally thank Thomas Peterson and the Aids Services Foundation of Orange County. Their efforts save lives, and I applaud their commitment and compassion.

In addition to the funding provided in the bill, this legislation also advances the so-called ABC methodology for prevention: Abstinence, Be Faithful, use Condoms—in that order.

Apparently this is not enough for the right wing of the Republican Party. They will offer amendments to make it an abstinence only bill. I urge this body to reject such proposals.

Mr. HYDE has done a fantastic job in drafting a bill that should have broad bipartisan support, and I commend him and thank him for his efforts. He has set forth a reasonable and sane program for prevention of HIV/AIDS, and we should not let uncompromising ideology prevent us from saving the lives of millions of people.

RECOGNIZING THE AMERICAN LEGION AUXILIARY UNIT 364 AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to recognize an extraordinary group of men and women in Northern Virginia. This year, members of the American Legion Auxiliary Unit 364 in Woodbridge, Virginia have received several awards and honors and several members are serving as officers at District and Department level. These accomplished individuals are valued contributors to the Northern Virginia community, and I commend them for their efforts.

As the 2002–2003 16th District President, Barbara A. Stevenson presided over 11 Units in the Northern Zone, Department of Virginia.

Kara Byrd served as the Commander of Post 364 and was honored twice for her hard work this year. She was the recipient of the Department of Virginia Member of the Year Award for 2001–2002. She also earned the Kathleen Seefeldt Community Service Award from the Dale City Civic Association.

Devon Cabot served as Honorary Junior Vice President, Southern Division for 2002–2003.

Laura Carruthers served as Department of Virginia Junior Secretary for 2002–2003.

Unit 364 Junior President Meaghan Cabot received the Department of Virginia Junior Member of the Year Award for 2001–2002.

Receiving the American Legion Auxiliary National Award for the most outstanding Unit Community Service Program in the Southern Division for 2001–2002 was Cathy Carruthers, also the Department of Virginia National Security Chairman for 2002–2003.

Another multiple award winner, Marcia Wheatley, served as Department of Virginia Legislative Chairman for 2002–2003. She was chosen for the American Legion Auxiliary National Award for the most outstanding Unit Legislative Program in the Southern Division for 2001–2002 and also received the Catherine Spellane Citizen of the Year Award presented by the Dale City Civic Association.

Mr. Speaker, in closing, I would like to take this opportunity to thank all the men and women who serve the American Legion Auxiliary Unit 364. Their constant efforts on behalf of the community, state, and nation deserve our highest praise. I ask that my colleagues join me in congratulating this group of extraordinary citizens.

INTRODUCTION OF THE STRATEGIC MATERIALS ACT OF 2003

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. MCINNIS. Mr. Speaker, today I am introducing the Strategic Materials Act of 2003, legislation that would ensure that we retain the ability and capacity to produce strategic metals, so important to our defense and many other vital industries in the United States.

I am a big supporter of free trade, but I also understand that the United States must take care that it does not become completely and totally dependent on another country for materials that could be vital to our defense. One such class of materials for which I believe we need to take care to maintain the capacity to produce is the raw material used to make titanium, and other nickel-based alloys, that are absolutely vital to maintaining our military, as well as important to our aerospace industry and other areas of our economy as well. Let me be clear, as a supporter of free trade, I do not suggest the U.S. erect barriers to the trade of these materials, I just suggest that we should not unilaterally dismantle and offer preferences to the importation of these specific materials. My bill will ensure that these specific import-sensitive strategic materials are not eligible for Generalized System of Preferences or GSP designation.

The GSP designation is designed to promote economic growth and development in designated developing countries, and I support using trade as a means to stimulate a developing country's exports and economy. Trade can be a better way to provide assistance, because it helps to develop a country rather than just providing direct aid. That said, I have concerns that GSP is not appropriate for certain strategic materials, especially given that other countries already have significant market share in some of these materials. Extending GSP to these strategic materials could very well mean the United States loses the capacity to produce these materials domestically, as well as lose jobs. The reason for GSP, to provide assistance to develop an export industry in a developing country, does not appear appropriate when a foreign country or countries already control a significant share of the U.S. market.

The legislation I am introducing today sends a clear message that, given the importance of maintaining a strong military and the importance to other sectors of the economy, we should not hasten to offer preferences, for that risks complete dependence on foreign countries for strategic materials like titanium sponge—the basis for titanium. We must take care we do not use a program designed to assist developing countries' trade to inadvertently assist the demise of our domestic capacity to produce these materials that help make our military the strongest in the world.

MACV

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Ms. MCCOLLUM. Mr. Speaker, I rise today in recognition of the Minnesota Assistance Council for Veterans (MACV), and in honor of their receiving the National Coalition for Homeless Veterans 2003 Outstanding Member Award.

The Outstanding Member Award is presented annually to the coalition member that demonstrates "exemplary commitment and service to American's homeless veterans." Through a strong, collaborative partnership with medical and veterans' centers across Minnesota and an unmatched commitment to the state's homeless veterans population, the MACV has met and exceeded these qualifications. As a result, this award recognizes the tremendous achievements the MACV has provided for all Minnesota citizens.

Since 1992, when it opened its first office in my Congressional District, the MACV has grown significantly. Today, the MACV operates eight transitional housing facilities throughout the state. By providing food, housing, employment and school opportunities in a structured, affordable program, the MACV represents a model organization for other states to replicate.

As we celebrate the achievements of the MACV and all our nation's homeless assistance programs, I urge my colleagues to remember the thousands of homeless veterans across the United States that go without help each and every day. On any given night, 275,000 veterans of the United States armed forces—including thousands in Minnesota—are homeless, and many struggle with alcohol, drug and mental challenges. It is critical that we continue to support the efforts of those who seek to provide these honorable veterans with a better way-of-life.

I commend the Minnesota Assistance Council for Veterans and their staff for this award, and thank the thousands of people across the United States committed to helping our nation's homeless veterans each and every day.

CONGRATULATING THE CINCINNATI ART MUSEUM ON ITS NEW CINCINNATI WING

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. PORTMAN. Mr. Speaker, I rise to salute the Cincinnati Art Museum on the occasion of the opening of its new Cincinnati Wing.

The Cincinnati Wing showcases 400 works of art with connections to Cincinnati, the Queen City, in 15 renovated galleries encompassing 18,000 square feet of space. The galleries are decorated with recreations of period wallpaper depicting the 200 year story of our great American city's history. This award-winning project also features panoramic views of beautiful Eden Park and downtown Cincinnati.

The elegant new space will allow rarely viewed Cincinnati art to be displayed. The collection includes paintings, sculptures and decorative art from the late 19th century to the 1980s. From the great ceramics of Rookwood Pottery and the superb carved furniture of Aesthetic Movement craftsmen such as Benn Pitman, to the sculpture of Hiram Powers and the paintings of Frank Duveneck and John Twachtman, Cincinnati's artists produced works of international renown and made the Queen City a center for art.

We congratulate Cincinnati Art Museum Director Timothy Rub, his very capable staff and the many supporters of the Art Museum in the Greater Cincinnati community for their vision and commitment. This new wing commemorates the rich tradition of the fine arts in Cincinnati and will be a magnificent to one of the great art museums in America.

HONORING THE CENTENNIAL ANNIVERSARY OF KOREAN IMMIGRATION TO THE UNITED STATES

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to congratulate the Centennial Committee of Korean Immigration as they celebrate 100 years of Korean immigration to the United States.

A century ago, 102 Koreans immigrated to Hawaii as sugar plantation workers, the leaders of a new wave of Korean immigration to the U.S. Today, the Korean-American community has grown to 2 million, making it the fifth largest Asian community in the U.S. Korean-Americans have overcome many challenges along the way; however, the success the Korean-American community currently enjoys is largely due to the perseverance and hard work of those first immigrants to Hawaii 100 years ago.

The United States has benefited greatly from the participation of the Korean-American community in business, medicine, the arts and many other fields. Moreover, the Korean-American community has flourished here. The 11th District of Virginia exemplifies this symbiotic relationship, with a large and vibrant Korean-American community making lasting contributions to Northern Virginia. As the Representative of a district that has greatly benefited from the participation of its Korean-American citizens, I was an original co-sponsor of House Concurrent Resolution 297, which recognizes the contributions of Korean-Americans during the past 100 years in business, science, the arts and other fields. This resolution passed in the House of Representatives by a 417–0 vote on September 23, 2002.

Mr. Speaker, in closing, I applaud the leadership of the Centennial Committee of Korean Immigration in commemorating the achievements and contributions of Korean-Americans in the United States. Efforts like theirs are what make our representative democracy work: they have helped not only to educate the American public about the values and accomplishments of the Korean-American community, but also to secure a more effective representation of those communities throughout the United States.

TRIBUTE TO HARVEY AND ANIS KELLEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate two outstanding cattle ranchers from Plateau Valley, Colorado whose hard work and dedication exemplifies the spirit of the West. Harvey and Anis Kelley are no less pioneers than their grandparents who first came to Colorado in early part of the last century. They have carried on that proud tradition for the last fifty years, and I am proud to pay tribute to their accomplishments before this body of Congress today.

No one can deny cattle ranching is a hard profession. There are no days off and no escape from inclement weather. Ranchers work from sunrise to sunset, and few today carry on this proud work and its traditions. Harvey and Anis are fine representatives of the heartland and their work is the life-blood of this nation. Therefore, it is with pride that I congratulate them upon receiving a lifetime recognition award from the Plateau Valley Cattlewomen at their Stockgrower's Banquet and Ball.

Mr. Speaker, it is a great privilege for me to recognize Harvey and Anis Kelley before this body of Congress and this Nation for their contributions to Plateau Valley and our country. I trust that the years ahead will continue to find Harvey and Anis side by side making a difference in the history of Colorado and our country. Thank you Harvey and Anis for making Colorado a place where hard work and tradition still thrive.

THE DEATHS OF GUILLERMO GAVIRIA CORREA AND GILBERTO ECHEVERRI MEJIA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. FARR. Mr. Speaker, I rise today with great sadness to express my grief for the deaths of Guillermo Gaviria Correa and Gilberto Echeverri Mejia. For their deaths, and the loss of eight other hostages that died with them, I wish to give my sincerest condolences to their families, to the people of Antioquia whom they served, and to the whole of Colombia.

Dr. Gaviria Correa, the governor of the Department of Antioquia, and his Peace Commissioner, Gilberto Echeverri Mejia, were killed by the guerilla group known as the Fuerzas Armadas Revolucionarias de Colombia (FARC) on May 5, 2003. They had been held captive by the FARC since April 21, 2003, the day their group was kidnapped while marching for peace to the town of Caicedo.

Guillermo Gaviria was a leader in the non-violent movement in Colombia. At a time when Colombia is being ripped apart by violence, when many Colombians are motivated by rough justice and revenge, he proposed a different approach—non-violence. Inspired by basic Christian teachings, Gandhi and Martin Luther King Jr., Guillermo Gaviria set out to change the way Colombians address the problems that face them.

He did not just seek to change the nature of the debate, he put his ideas into action. As governor of Antioquia he established the "Peace Congruent Plan", a plan which would: Face the causes of the armed conflict and the social violence through solutions reached among representatives from different communities ideologies and beliefs, and build social culture and a government based on participation.

Shortly after becoming governor, Guillermo Gaviria initiated a series of popular marches and demonstrations against the war. Each carried a motto, such as "Break the silence, the mothers, wives and daughters of the kidnapped are doing it". He organized "solidarity caravans" and peace demonstrations in every corner of the Department.

He challenged the FARC to stop attacking civilians. He challenged the paramilitaries to stop looting. He challenged both to leave civilians out of the conflict—"we won't be part of the war, but part of the peace." At every point, he remained faithful to his non-violent and religious creed: "Let us hate the sin but not the sinner". Governor Gaviria was a light to his people.

It is a tragedy for all of us that this light was extinguished. He was a unique figure in Colombia, a figure of hope, a figure of a brighter future. Colombia desperately needs people with great vision and great courage. Guillermo Gaviria was one of these people. How many more like him are there? How many have been killed in the incessant violence that plagues this beautiful country?

It pains me in particular to see the passing of Guillermo Gaviria and Gilberto Echeverri, two great hopes of the Colombian people. Antioquia is my second home. I lived and worked there as a Peace Corps Volunteer. The course my life has taken is closely tied to my time in and around the barrios of Medellin. I saw first-hand the extent of the challenges that the people of Medellin have to face. I also saw how industrious and dedicated they are. Guillermo Gaviria was a tribute to this "paisa" spirit. Antioquia has lost a dear native son.

In the wake of this tragedy, all Colombians must dedicate themselves to honoring the memory and vision of Guillermo Gaviria and Gilberto Echeverri. President Uribe, himself a "paisa" and former governor of Antioquia, can take the lead by continuing support for Governor Gavina's vision of a non-violent Colombia.

I look forward to working with the President in promoting this vision, one that Colombians, after so many years of violence, desperately deserve. Promoting and advancing non-violence is the best way to honor the memory of Governor Gaviria, and the best way to bring peace to a terribly troubled nation.

EUROPE DAY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. BEREUTER. Mr. Speaker, this Member wishes to note that today, May 9, is Europe Day.

Fifty-three years ago, then French Foreign Minister Robert Shuman announced a plan that proposed the pooling of European coal and steel production under a common authority as a way to bring some sense of order to the economic recovery of post-World War II Europe.

The Shuman Declaration, which was formalized in a treaty the following year, was regarded as the first step toward achieving a united Europe. Since that time, we have witnessed an extraordinary evolution within Europe toward what has now become the European Union—a treaty-based institutional framework which defines and manages economic and political cooperation among its current 15—soon to be—25 member countries.

Mr. Speaker, although the difficult debate over Iraq presented yet another challenge to the relationship between the United States and a few countries in Europe, it remains clear to this Member a strong, developed transatlantic relationship is critical to the long-term political, economic and security interests of both the United States and Europe. It is also clear that one of the central ingredients to a successful partnership with Europe is a stable, integrated and dynamic Europe—and the European Union has evolved to become, along with NATO, one of the two critical international organizations for achieving those objectives.

We in this country may not fully understand or appreciate all that has, and is, evolving within the European Union. But it remains clear that as we have worked so well with Europe within the NATO Alliance over the years, we must strive to develop a better working knowledge of, and relationship with, the European Union that will be both a transatlantic partner and an economic competitor for America.

Mr. Speaker, as we prepare for the forthcoming U.S.–EU summit in June, today, Europe Day, is as good a time as ever to begin to renew our enduring and critical alliance with the countries of Europe and with the European Union.

WORKFORCE REINVESTMENT AND ADULT EDUCATION ACT OF 2003

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1261) to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes:

Mr. LANGEVIN. Mr. Chairman, I rise in opposition to H.R. 1261, the reauthorizing legislation for the Workforce Investment Act. This bill will not benefit people with disabilities and other Americans who are seeking to secure jobs that increase self-sufficiency and integration into the mainstream of community life.

For years, state vocational rehabilitation programs have provided optimal service with minimal funding. In 2001, 233,000 individuals with disabilities entered the workforce with the help of VR. Those individuals earned $3.4 billion in wages and paid nearly $1 billion in State and Federal taxes. The success rate for VR programs nationally is 69 percent—higher than most other government programs providing services to adults. And after 3 years of job placement, 76 percent of those individuals continue to be gainfully employed.

H.R. 1261 grants governors unrestricted access to funds specifically intended for VR and other essential programs to use for one-stop center infrastructure, with no assurances that people with disabilities or other target populations would continue to benefit from the funds. One-stop centers, while effective in certain populations, are not programmatically—or in many cases, physically—accessible for people with disabilities.

In this time of state budget constraints, 37 state VR agencies are operating under such limited resources that they have instituted an "order of selection" policy, serving people with the most severe disabilities first. They are being forced to leave behind increasing numbers of eligible individuals who want to work. H.R. 1261 would exacerbate this situation, by taking funds from the successful VR programs to fund programs that cannot reach their target population. In light of the unemployment crisis faced by our Nation and staggering 70 percent unemployment rate in the disability community, it is critical that we preserve the funding stream for VR programs.

Please vote against H.R. 1261.

HONORING DR. JANIS LYNN PAUSHTER UPON HER RETIREMENT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today as a proud supporter of the excellent Fairfax County, Virginia, Public School System to recognize one of its shining lights. Dr. Janis Lynn Paushter, a 26-year contributor to our nationally recognized school system and principal of Fairhill Elementary School since 1991, is retiring at the end of this year's term.

The common sentiment of parents, teachers and students at Fairhill School on learning of her decision to retire is disappointment. Dr. Paushter is loved and respected throughout the Fairhill community for her leadership qualities, her excellence as a role model, her talents as a fair and trusted administrator and her genuine love for her students, associates and her position.

Dr. Paushter earned her Bachelor of Arts degree from Syracuse University, her Master's degree from Columbia University, and conducted additional post-graduate studies at George Mason University. She has been honored with numerous educational awards and has been invited to lecture on educational matters at Oxford University in England, Korea, and China.

Later this year, she will be relocating to Florida to establish a horse ranch with help from her two Jack Russell terriers and her German shepherd. Thanks to her talents as a mentor, her shining light will not be extinguished as she leaves, but illuminated more brightly through her associates and students.

I ask her colleagues to join me today in recognizing and commending Dr. Janis Paushter for her untiring support of thousands of Fairfax County students and in thanking her for all she has accomplished for education during her illustrious career.

WORKFORCE REINVESTMENT AND ADULT EDUCATION ACT OF 2003

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1261) to enhance the workforce investment system of the Nation by strengthening one-stop career centers; providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes:

Mr. CUMMINGS. Mr. Chairman, I rise today to urge all of my colleagues to vote against H.R. 1261, the Workforce Investment and Adult Education Act (WIA). WIA authorizes and funds employment, training, literacy, and vocational rehabilitation programs for adults and dislocated workers, as well as activities for disadvantaged and low-income youth.

I have numerous concerns with the legislation before this House. However, I want to briefly discuss just two of the reasons that make this bill flawed.

H.R. 1261 would jeopardize the quality of training provided to workers. This bill fails to help the thousands of Americans who are looking for work or in need of additional job training. H.R. 1261 takes away dedicated funding for vulnerable workers by consolidating funding for Employment Services and service to adults and dislocated workers into block grants. Mr. Speaker, given that unemployment numbers for the month of April rose to 6 percent, a four-month high, it does not make sense that this vital program would lose funding.

But most troubling is the fact that H.R. 1261 would permit faith-based organizations that receive WIA funds to hire or fire employees based on religion. This reverses the federal government's stance of fighting against federally-funded discrimination by exempting religious organizations from anti-discrimination requirements. It also reverses the policy that until now has been supported on a bipartisan basis—because it is the only right and sensible policy. It is the only true American policy.

I ask my colleagues to reject this bill. Provisions in H.R. 1261 would undermine programs designed to aid dislocated workers and public policy aimed at protecting workers from discrimination. American workers need and deserve better.

WORKFORCE REINVESTMENT AND ADULT EDUCATION ACT OF 2003

SPEECH OF

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1261) to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes:

Ms. BALDWIN. Mr. Chairman, last week, the Bureau of Labor Statistics announced that the unemployment rate rose to 6 percent. In my home state of Wisconsin, we had the fourth highest number of massive layoffs in the country behind much larger states like California and Texas. Sadly, it seems like many here in Washington have gotten used to these grim statistics; after all, under the economic stewardship of President Bush we've lost close to more than 2.7 million jobs since he took office. We have been losing 73,000 jobs a month, which accounts for President Bush having the worst jobs creation record of any President in U.S. history.

We can't count on the stewardship of the Bush administration to get America back to work. It has become clear that this Congress needs to step up and put the task squarely upon its shoulders. This week we have a chance to do this as we take up the reauthorization of the Workforce Investment Act (WIA) and the proposed tax cut. Both of these bills are important in how we not only help people find and maintain jobs, but how we will create new ones. However, I believe we may miss our opportunity to accomplish these goals unless both bills are torn up and rewritten. Today, I would like to specifically talk about the WIA.

The WIA was signed into law in 1998 with the intent of cementing the Federal government's commitment in helping states improve their employment, training, literacy, and vocational rehabilitation programs. Before the act was signed into law, states had a fragmented and duplicative number of programs that were meant to help prepare workers for jobs and to assist them in their searches.

Since its inception, thousands of displaced workers, veterans, and young adults have taken part in—and relied on—programs implemented by the WIA. The "one-stop" system created by WIA has provided them with consolidated services, such as job retraining classes, to get them out of unemployment lines and back onto the payrolls. Title II of the Act has played a critical role in helping adults with low-literacy, basic skill levels and limited English proficiency, by providing them with the training, tools and skills necessary to compete in today's knowledge-driven workforce.

The bill before us today takes the progress made over the last four years and stops it in its tracks. The WIA was custom designed to be effective in an economic downturn like the one we are experiencing now. American workers need the WIA strengthened, not scaled back, but that's exactly what the House Republicans want to do.

Those who have are unemployed will run out of unemployment insurance benefits in 23 days. The last time we extended unemployment benefits was shortly after Christmas and the holidays—when many people had already run out of benefits. For many families, the restoration of benefits was too little, too late. By not including the extension of unemployment benefits in this bill, we will in all likelihood delay helping workers who need it most. Not only does this diminish the original intent of this legislation, but it's also a slap in the face to the unemployed moms and dads who will to worry if they will be able to pay their mortgage and put food on the table. This is just wrong.

The bill today also block grants adult, dislocated worker, and employment service funding streams. In doing so, the bill would eliminate the funding focus for dislocated workers and terminates the existence of the employment service—the very service which connects individuals to jobs. By block granting the money, it also permits Governors to take funds from partner programs such as Adult Education, and Veterans Reemployment and job training programs for individuals with disabilities to fund other state workforce programs or other administrative costs. Governors would be allowed to take any amount of funding from any of these programs. Given the fact that 45 states have budget deficits, I believe the opportunity to use these funds for other purposes will be too tempting of a fruit for Governors not to pick.

To make matters worse, the bill removes a civil-rights protection that bans employment discrimination based on religious affiliation. This bill allows organizations receiving funds—taxpayers dollars—through WIA to discriminate in hiring based on religion. I believe this provision only serves to politicize the debate surrounding this bill and takes away from the debate we should be having, which is that we should be doing everything we can to help any unemployed worker find a job, not making it easier to discriminate against someone because of what they believe.

The WIA has played a critical role in coordinating state efforts to find people jobs and provide essential services to some of our most vulnerable citizens. At a time when our President's economic plan continues to fail in creating jobs and putting our economy back on the right track, now is not the time to weaken the WIA. I urge my colleagues to vote "NO" on H.R. 1261 and to bring a better bill—one that reflects Congress' commitment to putting Americans back to work—to the floor.

WORKFORCE REINVESTMENT AND ADULT EDUCATION ACT OF 2003

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1261) to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes:

Ms. WOOLSEY. Mr. Chairman, I rise today in strong opposition to H.R. 1261, especially in regard to the provisions in Section 123, which allows discrimination when a faith-based group runs job-training programs.

This provision sets a bad precedent for our Nation and I believe it does not belong in this bill. We should honor the separation between church and state set-forth by the Constitution. One of the most important rights we treasure in this country is the right to religious freedom. That's why I believe religion should continue to be a matter of personal choice and not something that is supported or dictated by the Federal Government.

Mr. Chairman, I am concerned that this provision inappropriately blurs the separation between church and state by subsidizing faith-based groups without requiring them to comply with federal non-discrimination laws. This means they could allow refuse to hire people who disagree with the organizations religious views. Employers could use religion to make promotional decisions or as a litmus test for hiring and firing. We would be allowing federal dollars to fund discrimination and that is wrong!

While proponents of this provision argue that they would be expanding opportunities for faith-based organizations, they would really be destroying a basic civil right protection that has existed in federal job training for 21 years. Religiously affiliated organizations currently participate in Federal job training programs with the non-discrimination clause in place. Yet, lifting the discrimination prohibitions will do nothing more than encourage discriminatory practices within these organizations.

Mr. Chairman, I am strongly against these Section 123 provisions and I encourage my colleagues to join me in opposing this flawed legislation.

TRIBUTE TO THE WALCK FAMILY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to congratulate the inspirational cattle-ranching Walck family of Plateau Valley, Colorado. The Walcks have labored morning to night for generations in this difficult but important occupation. Their efforts truly embody the American Spirit and our shared Western heritage. The Walcks serve as an example of the hard work and dedication that has made our nation great. It is an honor to pay tribute to their success before this body of Congress and this nation. Through their labors together, they serve also as an inspiration to families everywhere.

Until they retired in the mid 1990's, Dean, Roylee, Scott and Betty raised over three hundred cattle, with dedication and professionalism. They have been actively involved in numerous organizations dedicated to the improvement of the American cattle industry, including the Colorado Cattlemen's Association, the Colorado Hereford Association, the Simmental Association, the Mesa County Stockgrowers and the Plateau County Stockgrowers. Roylee also served with distinction as the state president of the Colorado Cowbelles, and with Betty, has long been an active member of the Plateau Valley Cattlewomen. For their service and dedication, the Plateau Valley Cattlewomen will honor them soon at their Stockgrower's Banquet and Ball.

Mr. Speaker, it is a great privilege for me to recognize Dean, Roylee, Scott and Betty Walck before this body of Congress and this nation. Their contributions to Plateau Valley and the heritage of the West is appreciated, and I am happy to bring them to the attention of my colleagues here today. They are a strong family who care much for Colorado and our Country. I wish them all the best.

SENATE—*Monday, May 12, 2003*

The Senate met at 2:03 p.m. and was called to order by the Honorable JOHN CORNYN, a Senator from the State of Texas.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. Charles V. Antonicelli, of St. Joseph's Catholic Church on Capitol Hill.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Lord God, we acknowledge You as the source of all blessing and goodness. We thank You and we praise Your name. We see Your wonder and Your power in the beauty of our created world. Help all in our country who have been affected by the devastating weather we have experienced.

We pray in a special way this day, Lord, for former Senator Russell Long, whom You have called back to Yourself. Grant him eternal rest and comfort his grieving family and friends.

Bless the Members of this Senate and their staffs. Grant them Your gifts of wisdom and courage, so that they may be good and faithful stewards of the resources You have placed in their care for the good of all whom they serve.

We ask this in Your holy name. Amen.

THE PLEDGE OF ALLEGIANCE

The Honorable JOHN CORNYN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 12, 2003.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN CORNYN, a Senator from the State of Texas, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. CORNYN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

SCHEDULE

Mr. THOMAS. Mr. President, momentarily the Senate will begin consideration of the jobs and economic growth reconciliation bill. Under the previous order, there will be up to 2 hours for debate on the bill today with no amendments in order. There will be no rollcall votes during today's session.

On Tuesday, the Senate will begin the amendment process with respect to the jobs and economic growth reconciliation bill. There will be busy sessions throughout the week as the Senate considers and completes the jobs and economic growth bill.

Later in the week, the Senate will also consider the bipartisan global HIV/AIDS bill and the debt limit extension legislation. In order for the Senate to complete action on these measures, late nights and rollcall votes should be expected throughout the week. On behalf of the majority leader, I advise my colleagues to make the necessary scheduling arrangements.

I also alert my colleagues that there may be a possible weekend session, since these are must-pass items and there are only a few remaining days before the Memorial Day recess. The majority leader will make further announcements regarding the schedule as we make progress on the items that I have just mentioned.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. THOMAS. Mr. President, what we would like to do is allocate 15 minutes to the Republicans, 15 minutes to the Democrats, 15 minutes to the Republicans, and 15 minutes for the Democrats, for a total of 1 hour as in morning business.

Mr. REID. Reserving the right to object, on our side we ask that the ranking member of the Finance Committee go first on our time, and the ranking member of the Budget Committee go second on our time.

Mr. THOMAS. Following the hour, I will be recognized to lay down the bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I think when the hour is up, we will just revisit what we are going to do.

Mr. THOMAS. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

JOBS AND ECONOMIC GROWTH RECONCILIATION

Mr. KYL. Mr. President, this will be the beginning of the debate on the legislation the Senate will be considering this week on an economic growth and jobs package. The legislation that came out of the Senate Finance Committee will be debated, as will other proposals and amendments. That will all be laid down a little bit later, but actually we will begin the conversation right now.

I will begin by noting something rather political, and that is that over the weekend talk shows I noticed a lot of pundits talking about what was good for the economy and what was good for the President. It got me thinking a little bit about the difference between some of our colleagues on the Democratic side and most of us on the Republican side who support the President's proposals for economic growth and job creation.

The point is this: Those pundits were saying if the economy is in pretty good shape next year, the President should have a pretty good chance of being reelected, but if the economy is not good, then it will be more difficult for the President to be reelected. That is not exactly rocket science, but it makes the point that many of us on this side have been making: The President would not propose a package for economic growth and job creation he did not think was not going to work. The whole point of his package is to help get the economy growing, to create jobs so people will be in the mood to reelect him President.

Obviously he wants to do good for the country, for the people of this country, for the senior citizens, for the economy at large, for American families. If he can get reelected, that would be a good thing. My point is that the President is not proposing something he thinks is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

going to be bad for the economy, because that would be the worst possible thing for him to do in terms of his reelection possibilities.

So it stands to reason that he really believes what he is proposing will work, and so do I. So do the majority of us. We would not be proposing this if it was not obvious to us that the best way to get the economy moving again, the best way for economic growth and job creation, is to reduce taxes in those areas of the economy which would provide the best economic growth with that tax relief.

We know, for example, that one of the best ways to get reinvestment is for people to have more of their money to invest, obviously. The best way for them to have more money is not to pay so much to Uncle Sam in taxes. That is what tax relief is all about.

Two years ago, we passed the tax relief President Bush suggested, but we phased it in over time. What the President is now proposing is, let's accelerate those tax reductions, those marginal rate income tax reductions, so they take effect immediately. If, as the President said, it is a good idea to do it in 2 years, it is an even better idea to do it now when we need that money in our pockets to invest so our businesses can create jobs and help with economic growth.

The first point of the President's plan is to take those tax breaks on the income tax marginal rates for each of the brackets we were reducing, and reduce them this year rather than waiting 2 years from now. It makes great economic sense. It will help families, it will help small businesses, and it will enable those businesses to take that money that is being saved and invest it in new jobs and in new business.

The second feature of the President's plan is to eliminate something very unfair in the current Tax Code. As a matter of fact, the United States is second only to Japan in having the worst possible tax policy on corporate dividends. Only one country in the world taxes dividends more than the United States: Japan. Every other country in the world that has developed economies has a much lower tax rate on dividends. So we have put ourselves at a competitive disadvantage with all of these other countries in the world. The reason we have such a disadvantage is because we do not just have one tax on corporate dividends; we repeat the tax. We tax the corporation the first time around when the income is earned, and as soon as they pay the dividends out to the shareholders, we tax it again. So it is a double taxation. No wonder our rate is so high. It is 70 percent.

As I said, only one country in the world, Japan, which is having huge economic difficulties at the current time, has a worse tax rate on dividends than we do. So the President logically says, let's get rid of that double taxation. The way he chose to do it was to repeal the tax on the dividends that are earned by American citizens, investors. The corporation still pays the tax, but it is not taxed the second time around.

There are many advantages to doing it that way: First, it really helps the senior citizens in this country who derive a lot of their income from this dividend income. Secondly, it really helps to spur economic growth because not only will the dividends then be used for reinvestment into business, but it also helps the stock market generally by infusing capital back into the stock market. The economists we have talked to all make the point that it is not just the corporations that choose to issue dividends that will benefit from this, and their taxpayers, but it is all of the stocks because of the general increase in the value of equities. I think we have seen that in the way the market has responded to the President's proposal.

A third side benefit of this elimination of the double tax of dividends is the impact it will have on corporate governance. We all know the problem that was revealed over the course of the last couple of years about certain corporations, not corporations that were paying dividends but corporations that were putting money into the hands of their executives, in some cases in a very bad way. Fortunately, the President cracked down hard on them, as did the Congress, with the Sarbanes-Oxley legislation. The idea is to create transparency, to let the stockholders know what is going on in corporations, and to give them an incentive not to create more debt but to finance their expansion through equity; that is to say, through offering stock to the public, which the public then buys, the money then enabling the corporation to invest in expansion of the business, hiring more people, for example, rather than going to the bank to borrow the money to do that.

Today, our Tax Code gives the incentive to go borrow because corporations get to deduct the interest on the money they borrow. That is the way corporations treat that when they pay the income tax. We need to give them at least an equal incentive and perhaps a greater incentive to finance their corporate expansion not through borrowing but, rather, through the issuance of stock, which then Americans can acquire.

What is one way to do that? By ensuring that if they pay dividends on that stock, the purchasers of the stock are not going to have to pay a tax on the dividends they receive. It is a way of providing an incentive for the corporations to finance their expansion that way.

For all of these reasons, the economists we have talked to are pretty clear that eliminating the double taxation on dividends would provide a real spurt in investment in business, would enable the businesses to expand, would create something like 500,000 jobs this year, 1.4 million jobs next year. That is real job creation.

There are those on the other side who say that is impossible. There are not going to be that many jobs created. The economy is not going to get better with the President's proposal.

I go back to my first point. The President has a very personal reason in mind, as well as the good of the country, when he talks about a program that will really improve the economy. He wants to be reelected. He would not be doing this if he thought it would be bad for the economy.

There is a misperception by some that this recession we are in right now is a recession that should be dealt with not by allowing businesses to have more money to reinvest to create jobs; that is to say, it is not a capital deficit problem but, rather, it is a matter of consumer spending. If only we would give more money to people, they would spend it and that would make everything better, create more demand for products, they would buy more, and so on. That just does not happen to be true.

Here are the statistics. Consumer spending has been going up. It went up 3.1 percent in the year 2002, 2.5 percent the year before that; disposable personal income has increased, up 4.3 percent last year.

The problem is not disposable personal income; it is not consumer spending that has been going on. We know from personal experience, people have been able to refinance their homes, they have been able to buy cars at zero percent interest. There are a lot of factors we are personally aware of that confirm it is not a matter of consumer spending but, rather, a capital asset problem. Businesses cannot get the money to expand.

What happened? We all know what happened in the stock market in the last several years. According to some people, $10 trillion in value in stocks has essentially disappeared, evaporated. The stocks were way up here, and now they are down here. What is the difference? It is $10 trillion in value, in assets, in money that corporations do not have anymore. They do not have that value, and therefore they cannot go to the bank and borrow. They cannot sell their stock for a good price; people are not buying. And the question is how do you get more capital assets into the business sector, which is the sector which provides the jobs. Whether it be small business or big business, it is the same; it is a capital asset deficit, not a consumer spending problem.

I will emulate my good friend from North Dakota, the master of charts. He has a chart for everything. I will produce a big chart, but I will now show the small version that will make the point. The upper line is the line increasing, and that is consumer spending. It shows that from 1999, the first year up to the current time, consumer spending has continued to increase. It went up 3.1 percent last year. We do not have a demand problem, a consumer spending problem in this country; we have a capital asset problem.

Here is what has happened with capital assets. Here is the big stock boom. With everyone investing in the stock markets, the corporations had a lot of value. And here is what happened to the stock. We all know what happened. A lot of that value was taken out as the market plunged. That is what this line shows. It hit the bottom and is just barely beginning to move up.

This is what we have to make up. This is the area we need to improve. It is the area of providing more capital to our businesses so they can expand and create more jobs. Again, how do you do that? They basically have two ways. They can try to borrow the money—not good policy, but besides that, they do not have the leverage to do that these days because the Federal institutions are looking at them and asking: How exactly are you going to repay us? How will you do something good with this money? We are not convinced yet that the value is there that they want to lend the money at a reasonable rate. Or they can go to the public and say: Here is some more stock; would you please buy it.

In the past, the public said: We are not sure we want to invest anymore in the stock market because you are not doing that well. So along comes the President's plan. He says: We will accelerate depreciation for small business, we will end the double taxation of dividends, and we will accelerate the marginal income tax relief we passed 2 years ago.

Just like that, we have created an opportunity for people to take the money they have saved, put it into the stock market, put it into businesses, or put it into small businesses that are not publicly traded and create those jobs. That is the genius of the President's program. It is nothing new. The same concept has been used before in tax relief that has been provided to investors who turn around and reinvest that in the businesses that create the jobs.

The problem is this recession is not like the old recessions, and that is why I understand those who are stuck in the last century in looking at this as a consumer or demand recession. This is the first 21st century recession, the first high-tech recession, and it is the first capital asset deficit recession. It is not a consumer recession. That is why it does not do any good, as the Democrat leader's plan essentially does, to just drop money out of an airplane and say: Here is money, consumers; go ahead and spend it on something. That is not the problem. That is not going to help. What we need is for those businesses to acquire capital so they can expand, create jobs, and therefore the economy can grow and we can all benefit.

There are those who want to demagog the issue, and I would never accuse colleagues on the other side of the aisle of this, but I have seen folks on TV say that is giving money to the rich, to the elite. First of all, over half of the American people today are investors. Senior citizens, in particular, are very large investors, and a significant amount of the tax relief the President is proposing would go to our seniors. As a matter of fact, under the President's jobs and economic growth plan, 13 million elderly taxpayers would receive an annual tax cut of $1,384 this year. One of every two senior filers receives dividend income, and as a group seniors receive half of all the taxable dividends paid to shareholders. So elimination of the double taxation of dividends provides average relief of $991 for the more than 9 million seniors who include dividend income on their tax return in the year 2003. That is a real benefit to the seniors in our society. It is a real benefit to the American taxpayer at large.

I will have more to say on this subject later. I appreciate my colleague from Wyoming allowing me to open this debate, and I look forward to hearing from my colleagues on the subject.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, although we are in morning business, I begin by thanking the chairman of the Finance Committee, Senator GRASSLEY, for the way he has approached putting this bill together. He has been a very fair, very honest, and very decent man, a man who keeps his word. Regrettably, he is not in the Chamber at this moment, but he will be spending a lot of time in the Chamber this week. I want the Senate to know how much this Senator regards the chairman of the Finance Committee. He has done a masterful job. He has a very difficult job. Believe me, I know; I have been in that position. He has always conducted the committee's business and the Senate's duties very appropriately, fairly, with courtesy and civility. I deeply appreciate that, and I know I speak for the rest of the members of our committee and the Senate Finance Committee as well as Members of this body.

The Finance Committee of the Senate works best when we work together. We then get a better product with broader support from both sides. The Finance Committee has a long and deserved reputation for working together cooperatively.

It is with great sadness I note today the passing of the former chairman of the committee, Russell Long, just a couple days ago. He was well known for not only his willingness but his desire to work hard with both sides of the aisle.

I served with Senator Long a good number of years ago, and I think he set the model. On occasion, the committee has deviated slightly, and every time it has, I think it has been a mistake. The tradition of bipartisanship has served the committee very well.

I know that is Chairman GRASSLEY's inclination as well. I also know that circumstances have not allowed him to carry out this role on this bill as much as he would like. It appears some in the committee have made nonnegotiable demands for what they say "must" be in this bill. Rather than pass a bill that would include all the terms with which we can agree, or at least most of us, some insist that the bill must, for example, include tax cuts for dividends. That is an insistence that some members of the committee are making and do not want to negotiate. Some insist this bill must include an acceleration of the tax rates for the 1 percent of American elite with income greater than $311,000. That is something they insist on or there is no bill; that is, rather than pass a bill with overwhelming support and seek a bipartisan vote.

The Senate often works because of willingness to compromise. Senators give up what they consider perfect in order to get in the end what will be good. I know Chairman GRASSLEY works to get things done in that way, and so does this Senator. Without compromise, we will get less done. Without compromise, the result will command less popular support. It will be more tenuous, more fragile, and without compromise the Senate will be a much more partisan place, a place that is not much fun in which to work.

But this is only Monday. It is early in the debate and there is still time, even at this late date. I believe it is not too late for us in the Senate to work in the Senate's best traditions; that is, work together.

Let me take a few moments now to discuss why we are here today. I will also discuss the President's proposal and the congressional reactions to it.

Why are we here today? In the first instance, we are here because the budget resolution directs us. The budget resolution expressing the will of the Congress tells us that this month we shall consider a reconciliation bill, so we are carrying out our duty under the budget process. We are also here because the times demand it. The times demand action.

On a Montana ranch, when the grass has burned dry and there is just dust in the air, the rancher has to take steps to feed and protect his herd. And when drought hits and times are tough, no Montana rancher would fail to dig down deep, even deeper, rather than fail to find a way to make things work to get his place back on solid ground.

On a larger scale, we are here today because the American economy demands it. There is a drought in the American economy, just as there has been in many parts of America, a very severe drought facing agriculture.

The week before last, the Government reported that the unemployment rate surged to 6 percent. Since January 2001, just 2 years ago, the private sector has lost, not gained—I might put that in the context of the 2001 tax cut—the private sector has lost more than 2.1 million jobs. The economy has lost more than half a million jobs in the last 3 months alone. We now have the fewest number of jobs in 41 months. Since January 2 years ago, the economy has grown by an anemic average of 1.5 percent, far below the post-World War II average.

Business owners tell me they are not investing, despite what the Senator from Arizona just said on the floor, because of so much uncertainty and too much overcapacity. Consumer confidence has dropped. Simply put, there is a lot of uncertainty out there.

The reason the investment curve has declined is very simply because the bubble burst. That bill that was run up in the 1990s, whether in the high-tech sector or the telecommunications sector—generally that bubble burst. The price-to-earnings ratio was way too high. Everyone knew it but said maybe they would get on the gravy train, knowing it would not last forever, but trying to stay on as long as it would last. Sure enough, the bubble did burst—no more gravy train. The economy didn't collapse, but we fell into recession.

As a consequence, there is amazing business overcapacity. Businesses are not investing now because they have overcapacity. They cannot fully use the capacity they now have because people are not buying as much as they once did. That is why investment is down.

The chart the Senator from Arizona pointed out to us a few minutes ago may be interesting. It has two lines on it, but his explanation for the lines is totally inaccurate. It is totally fallacious. There are other reasons to explain why the investment curve is down, and I just explained the main reason it is down.

There is a lot of uncertainty in the economy. There is a lot of uncertainty because there are fewer jobs and the unemployment is so high and there is also an increased need for unemployment benefits.

We have to increase investor confidence. They tell me, as I am sure they are telling you—businessmen are telling me, as I am sure they are telling you, over and over again, they are unwilling to invest now. They don't want to take that step to invest. They are afraid. They are a little nervous. Why? Because there is no pricing power. They cannot get people out to buy more of their products. The economy is stalled out. There is no great demand.

Consumer confidence has fallen off, too, actually. But the main reason for businesses not investing is people won't buy their products. They are waiting for citizens to buy more of their products. That is what is happening today. At least that is what all businessmen are telling me. I talk to Republicans and Democrats, Independents and liberals; I don't care who they are. I ask them, What is going on? What do we need to do?

I always get the same answer when I talk to people where the rubber meets the road; that is, business people, not theoretical economists. I don't mean to disparage the economists, but we all know economic prognoses and economic predictions are all over the lot because people are people. What really counts is those financial statements and those buy orders. Business people face the payrolls and the cost structures that business people face. That is what really counts.

Business people are telling me they are not investing partly because they have overcapacity already and can't use what they have; second, because there is just no great demand.

I also say that after looking at the economy today it is important for us to look at specific goals we think any tax bill, any economic growth bill should contain. One major point about any growth package is that it should take effect as soon as possible. That is what we are talking about here. We are talking about an economy that is stalled out, so any tax bill that is presented before us should take effect as soon as possible. It is an obvious point but one I make because the legislation before us fails totally on that point. It does not take effect soon at all.

We should also look at our long-term fiscal situation; that is, our debt. We should not add needless debts, additional burdens on our children and our grandchildren. We must avoid action today which may have the effect of raising interest rates, particularly mortgage interest rates, not far down the road.

I remind my colleagues that this is only May 2003. Things can change. Things can happen very quickly. Where are we going to be a year from now? Where are we going to be 2 years from now? What actions are we taking today that will have an effect on long-term interest rates? We are lucky that inflation is low, but I can remember when inflation was high and interest rates were very high and that day, unfortunately, will happen again. We don't know when, but we should not take actions to exacerbate that or make it more likely that interest rates will rise more quickly.

We should also address a third goal; that is, we should spread the benefit of the tax reduction among all taxpayers. We are all Americans. We all should benefit, not just the special elite.

Let me turn now to the President's proposal. The President proposes a budget, but under the Constitution Congress legislates. We do not merely rubberstamp the President's budget. We have a job to do. After all, we are supposedly elected to exercise our own independent judgment as Senators.

Many of the President's proposals command broad support. I support a good number of them. They may not be the most efficient stimulative proposals possible, but they should increase some consumer demand, and I, for one, think that is good. Specifically I support—and I believe Senators broadly do—helping families meet their costs by increasing the child credit to $1,000 right now. I also support speeding up relief for the marriage penalty.

Let's eliminate that marriage penalty. I also support expanding the 10-percent bracket immediately, to give immediate relief to most taxpayers. They will spend those dollars. They will spend them right away to help rebuild our economy.

Also, I support ensuring we do not worsen the difficulties created by the alternative minimum tax. I am pleased the committee-reported bill includes something on each of these items.

But Congress has a role to temper and improve the President's proposals. From my perspective, several areas are key.

First, the amount of the tax cut package is critical. The absence of fiscal responsibility over the long term affects interest rates now and in the future. We have a duty to be responsible. We must not worsen interest rates and dampen economic growth by passing an irresponsibly large package.

In January, 2 years ago, the Congressional Budget Office projected surpluses of $5.6 trillion for the next decade. That is an important figure to remember. Surpluses were projected 2 years ago of $5.6 trillion for the decade. Today, CBO projects the President's budget will result in deficits—not surpluses but deficits—of $2.1 trillion for the same period. That is a swing of almost $8 trillion in just 2 years, and recent projections make those projections look overly optimistic.

I might note other bills we are going to have to pay, whether it is Medicare, prescription drug benefits, more AMT—which we all know we will have to pay for relief for the alternative minimum tax—Iraq. Things are not going well in Iraq. That is going to cost money. Who knows what other events are going to occur around the world?

Think a little bit about the burgeoning health care costs which people are facing around this country and how much that is translating into Medicare costs and Medicaid costs, and with the baby boomers starting to retire in just a few years from now.

I believe we would be irresponsible by adding significantly to our deficit.

Our national balance of payments bill, which is how much more we owe other countries compared to what they owe us, is getting larger and larger on an absolute relative scale each year. Someday we are going to have to pay that bill. We all know we are going to have to pay that bill. The question is, When? What day? I would rather not hasten the day of paying that bill, and that bill will not be hastened the more fiscally responsible we are.

The dollar is declining against the euro. The dollar is not tanking. But why is it steadily declining against the euro? Could it be that the investors around the world are beginning to question America's long-term economic policies? I think that is a small part of it. I can't describe all of it. I don't know. But I raise those concerns.

Clearly, our fiscal circumstances are much less favorable than when we considered the 2001 tax bill. We are in a different situation today, much different from that of 2001.

Today, we must keep the size of the tax bill within narrower limits. Today, we must be more concerned about contributing to higher interest rates. In that regard, I am pleased that the committee-reported bill keeps within the $350-billion limit over the coming decade that was agreed to during consideration of the budget resolution.

Second, the President's proposal on dividends is troubling for many of us. It must either be eliminated or even more dramatically scaled down. Yes, the tax treatment of dividends might be a worthy subject—as part of a budget-neutral corporate tax reform debate. But the President's dividend proposal—at roughly $400 billion—is simply too fiscally irresponsible, too complicated, and affects too few taxpayers to be appropriately included in this stimulus package. It borders on irresponsibility.

Only 3 out of 10 tax filers report dividend income on their tax returns. They are the only ones who would benefit from the dividend proposal. In other words, seven out of 10 Montanans would see no tax benefit at all from a dividend tax cut as a consequence. The provisions in this bill should benefit taxpayers more broadly across the income spectrum. That way, they can most effectively get money to taxpayers who would spend it and spur the economy.

The committee changed the President's dividend proposal. Unfortunately, the committee-reported bill also contains an ill-conceived dividend proposal. The bill would exclude from income all dividend income up to $500. It then includes a 10-percent exclusion for dividend income above $500 from 2004 to 2007. And the exclusion increases to 20 percent for 2008 through 2012.

On one hand, the dividend exclusion provides simplification. A capped exclusion of $500 would make it no longer necessary for half of taxpayers with dividend income to report their dividends on their tax returns.

But this benefit is overshadowed by the worst part of the proposal—the 10-percent and 20-percent exclusion for dividends above $500. This provides a very large tax cut to the elite.

Take the example of a taxpayer who has $1 million in dividend income. Under the committee-reported bill, that fortunate taxpayer gets to exclude a little more than $100,000 of dividend income—$100,450, to be exact. Applying tax rates to this excluded income, this taxpayer would get a tax cut of about $35,000 a year from the dividend tax cut alone.

A third problem with the President's proposal is the acceleration of the rate cuts for that 1 percent of American elite with income greater than $311,000. This proposal alone costs some $35 billion.

In better times, I would support a package that included benefits for those making over $311,000. But these are not better times. In better times, I would support a package that included benefits for those who make over $311,000. But with the budget in the shape it is in, now is not the time to accelerate this rate reduction. This provision is just too costly and too narrow to effectively spur demand and rebuild the economy.

Fourth, more needs to be done to infuse funds to cash-strapped States and localities. The economic downturn has cut State and local revenues dramatically. But State constitutions—as opposed to the U.S. Constitution—require States to balance their budgets.

So State and local governments are forced to make widespread, often painful spending cuts in education, in health, and in other vital programs.

More than half the states are still struggling to balance their budgets this fiscal year. And almost all of them are struggling to balance their budgets for the fiscal year that begins in July.

These State spending cuts, layoffs, and tax increases, I believe, will offset the gains from tax breaks in this bill. And the economic gains to tax breaks for the elite are overstated or theoretical.

Last year, the State of Montana cut benefits for severely mentally ill youth, just in order to make ends meet. The State also made across-the-board cuts in Medicaid provider payments and increased cost sharing—both of which now threaten access to care for low-income Montanans.

If those cuts were not drastic enough, this year, the State legislature just cut more than a quarter of a million dollars from Meals on Wheels for seniors. That will mean about 67,000 meals lost over the next 2 years. And budget constraints have also forced my State to put 700 working families on a waiting list for child care.

Translating Montana's small population to a national level, those cuts are the equivalent of more than 2 million lost meals nationwide. It's the equivalent of a 22,000-family waiting list for child care.

We can pass all the Federal tax cuts we want. But what good will they do if we force States and localities to raise taxes, cut jobs, and reduce benefits.?

We can avoid these economically-damaging State and local actions by assisting these governments with their budgets through temporarily raising the Federal Medicaid match and through other, more broad-based methods.

I am pleased that the committee-reported bill includes something in State aid. Unfortunately, the committee-reported bill includes $20 billion—only a little more than 5 percent of its total—for this purpose. I would have preferred a package that included $40 billion in State aid; the need is that great.

Fifth, making tax cuts refundable will help spur economic growth. Very simply, it works. They will quickly get funds to people who are likely to spend them rapidly, spur demand, and rebuild the economy.

The President's proposal accelerated the $1,000 child credit. I supported the increase in the child credit when it was passed in 2001, and I support the acceleration.

But the President's proposal did not accelerate the refundability of the credit. Fortunately, during consideration of the bill, the Finance Committee adopted Senator LINCOLN's amendment to accelerate the refundability of the child credit. The Lincoln amendment will allow many low-income families to take full advantage of the increase in the credit.

Under current law, the credit is partially refundable. Families can take the credit if they pay payroll taxes, but do not have income tax liability. The amount that low-income families can get refunded is set to increase in 2005. Thanks to the Lincoln amendment, this improvement will be accelerated to 2003 along with the increase in the credit. More hard-working low-income families will be able to get up to $1,000 per child in this credit in 2003, thanks to the Lincoln amendment.

Sixth, we should increase the bonus depreciation deduction for the year that a business purchases new equipment. In 2001, we saw a sharp drop in direct investment by businesses. The next year, we changed the law to give a larger first-year deduction. The drop; in direct investment leveled, and even increased slightly. We need to provide more in the depreciation deduction for

2003 to encourage even more business investment.

And seventh, we need to extend unemployment benefits and help those who have exhausted their benefits. The government has reported that nearly 2 million people have been without work for 27 weeks or longer. The average time people have been unemployed is almost 20 weeks—the longest since 1984.

The weak economy has hit everyone. Unfortunately, some more than others. As we rebuild the economy, we should not leave these unemployed workers and their families behind.

Any bill to help rebuild the economy must help those most affected by the bad economy. As well, putting funds in these hands will be an effective stimulus. The recipients of unemployment benefits and their families are likely to spend every dollar they get quickly. This spurs demand which, in turn, helps rebuild the economy.

We cannot glibly assume that all actions we could take here would be equally stimulative. Not all tax cuts are created equal. Not all spending is equally stimulative, either.

A lot depends on when the provision takes effect. A provision that takes effect in 2006 will likely provide less stimulus than one that gets money into the system this year or next.

Much also depends on who receives the benefit. A provision that gets money into the hands of working and lower-income families—people who spend more of what they have, and spend it quickly—will be more stimulative than a provision that transfers money to elites who would save more of it.

Comparing various options for stimulus, a study by Economy.com concluded that extension of the Temporary Emergency Unemployment Compensation program would provide the most effective stimulus of the options they studied. They concluded that every dollar in these unemployment benefits generated an estimated $1.73 in demand in the year ahead.

In contrast, they estimated that cutting dividend rates and accelerating 2006 rate cuts both would generate less than a dollar's worth of demand in the year ahead for each dollar spent. So, in terms of stimulus, some policy options are better than others, and unemployment insurance would be among the best.

Finally, the Finance Committee improved the President's proposal by adopting a series of small but important provisions that will make people's lives better.

For example, the committee adopted an amendment that Senators HATCH and LINCOLN and I offered to significantly simplify tax return filing for millions of taxpayers. This provision reconciles the five varying child definitions into a single definition for a "qualifying child." It is time for us to stop talking about simplification. It is time for us to do something about simplification. This amendment will at least make it so that we have just one definition of who is a child for purposes of claiming a tax benefit.

Another useful improvement that the committee made to the President's proposal was in repealing the special occupational tax relating to alcoholic beverages. This provision will give much-needed relief and fairness to hundreds of thousands of small businesses.

Because this tax is levied on a per-location basis, a sole proprietorship must pay the same amount as one of the Nation's largest retailers. Locally owned chains pay as much as, if not more than, the Nation's largest single-site brewery. That is not fair, and this change will help.

I make all of these points with the recognition that our differences are not as large as what we have in common. We agree broadly that we need to help create jobs and get the economy moving. We in the Senate should take the steps needed to address these goals.

The economic times that face us call us to govern. We should avoid political point scoring. We must pass legislation to improve the lives of the people we represent.

Each of us was sent here by the people of our States. They sent us here not to make speeches, not to win debates; they sent us here to make life better. In these difficult times, they sent us here to help create jobs, to rebuild the economy. We have a duty to respond to the times, not the politics. We have a duty to do the people's work.

I thank the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Wyoming.

Mr. THOMAS. Mr. President, I am glad we have begun this debate to do something that is necessary to help solve a problem we have in this country. Clearly, there will be differences in our views as to how we do this, and I guess that is no surprise. I think most all of us agree something has to be done to help our economy. We do not agree on what is the best way to do that, of course. There are pretty general differences in how it ought to be resolved.

My friends on the other side of the aisle are more interested in sending out money on a short-term basis, sending checks to a bunch of people for 1 year; whereas we on this side are trying to find ways to create jobs, ways to change the economy so there is a future of prosperity rather than some kind of a Band-Aid that will surely wear out at the end of a year. So it is difficult, of course, and I understand that. But I do believe there is a clear difference between having a plan that will do something over time or simply doing something that will have an impact next week but will not continue.

For example, if you are going to do something for businesses, they have to have some confidence that what they are doing is going to last for a while. People do not change the way they manage their business because there is going to be a 1-year kind of a change. I think that is so true. So you have to do something that is a little more permanent than that.

I think we have to have a commitment to see to it that what we do, and what our vision is, really changes the economy—not having a Band-Aid, not having a patch, but doing something that will cause the economy, then, to have a good future for all the families in this country.

One of the differences, of course, is that our view is we need investments to create jobs, not to have a little more spending for a short period of time that will not be enough to stimulate the idea of reinvesting, but to stimulate the economy thus creating jobs.

Of course, by reducing taxes you put money in people's hands over a period of time. Most people have a view as to how they plan to operate economically in the future. One little burst of money does not make much of a difference in what a person does in their economic plan. We need to have something that is dependable for the future. We need something that is stimulative to both the consumer sector and the business sector. In relation to the President's proposal, I think particularly in the media, benefits from dividends have been largely dwelt upon, which is valid, but there is a very large other sector. The Senator from Montana talked about that. We have a consumer base and a business base, and we need to have both of them.

This bill will have an impact. As a matter of fact, in the first 18 months, $144 billion is put into the economy. That is a short period of time. That is a lot of dough in a short while. So that is an example of the kinds of things that are in the bill. I think we need to really make sure that we talk about the different items in the bill when we talk about it.

Of course, all of us must recognize we are in an unusual situation. People go back to the late 1990s and compare that period of time to present day. In the late 1990s, we had not had a turndown in the economy. In the late 1990s and the early 2000s, we had not had September 11, we had not had homeland defense, we had not had Iraq, we had not had an economy that was going down for several years. Today we have a different kind of situation.

So it is sort of interesting to me. I suppose I have tried as hard as anyone to be a budget balancer in this place, but I recognize you cannot talk about the same things under different circumstances. You can talk about balanced budgets all you want—and it is something I surely agree with—but when you are in a pit in terms of the economy, you have to do something so the economy will grow and replace that deficit. That is the whole purpose of what we are talking about.

We face, of course, an economic slowdown that began before the year 2000. The events of September 11 changed our world, stopped any recovery. The uncertainty of where we have been over the last several years has slowed down investment. There is no question about that. Now we are a little closer to the end of that, hopefully. The war and ongoing terrorism have created a challenge.

We have to create an environment that spurs both short- and long-term growth. The idea that we ought to do something for just a year to help the economy has been tried. It did not work. If you are a businessperson, if you are planning for your family, if you are doing anything long term, you have to know what you are doing is not going to expire in the next 9 months. So I think that is an important idea for us to build on.

Of course, tax reductions will very quickly put money in people's pockets—and a very broad part of the economy, as a matter of fact. That will help create the confidence necessary to do some of what this economy needs.

I disagree with those who maintain that the answer to strengthening our economy is to go on another Federal Government spending binge. I believe we are already spending too much. I am interested in reducing taxes and changing some of the ways we do business.

But we are talking now about a bill that moves us in the right direction, one that has innovation and inspiration for investment, wanting to do something that gives incentives to do that.

I was just in Wyoming over this past weekend talking to the Governor about the economy and the vision we want for our State and our country and our families over time, we need to really kind of know where we are going so we can measure what we do against what we do in the interim to see if we are going to get there. The governor said something about: I am more interested in figuring out what to do, getting on with it.

Getting on with it doesn't work unless you know where you want to go. That needs to be part of the case here.

Today we are considering a tax relief bill that will point the economy in the right direction. It is a good package. It puts money in the pockets of hard-working Americans, spurs investment, builds confidence in the economy, creates employment opportunities throughout America. Employment opportunities are the key.

Some of the provisions include accelerating the reduction in individual tax rates for everyone. As to this idea that it is just for the wealthy, of course, someone who pays a great deal in taxes gets more dollars out of it, but as a percentage, it is to help everyone. It increases small business expensing limits. One of the real things we can do is cause these small businesses to invest. It creates increased relief for individuals on the minimum tax. We have these tax deductions all along the line. And then we say, yes, but you can't use them because we have a minimum tax. I agree with the Senator, we need to do some tax changes just in the structure. Increase the child tax credit. We talk about dividends.

There are other things that are there: provide marriage penalty relief and, of course, the dividends. The dividends are not so much entirely just what people get out in dividends, but what it does to the corporate sector in how they function, how they operate, how they will be expanding, how they will create employment. These go beyond simply the distribution at the moment.

I am particularly pleased with the provisions that benefit small businesses; namely, of course, the acceleration of the individual tax rates. It increases small business expensing limits. Four out of five businesses have fewer than 20 employees. Generally we are talking about small business. Small firms are responsible for 55 percent of the new innovations and changes. From 1994 to 1998, nearly 11 million net jobs were added to the economy. Businesses that employed fewer than 20 workers created 80 percent of those jobs over that period of time.

It is a share of the private and nonfarm gross production produced by small businesses which sustains stability over time. It is approximately 50 percent of the GDP. We need to take a long look at that.

One of the things I think is important that we ought to talk about is the taxpayers in the highest income brackets are often entrepreneurs and small business owners, not just high-paid executives or people living off investment. Small business owners typically report their profits in their individual income tax returns. So that individual income tax is effectively the small business tax. When we talk about people who are earning more money getting some reduction, often those are small businesses that will put that money back in terms of investments.

Small businesses frequently pay the highest marginal rate. Taxpayers in the highest rate currently face a marginal rate of 38.6 percent. Although they file less than 1 percent of all tax returns, these taxpayers account for 16 percent of reported income, more than 31 percent of individual income tax payments.

Small business owners receive almost 80 percent of the tax relief from the top marginal tax rates of 35 percent. What we are seeking to do is to generate those jobs in the small businesses. Particularly, I suppose, in States such as Montana and Wyoming where almost all of our businesses are small, that is a crucial part of the economy. More than 98 percent of all companies have fewer than 100 employees. This is where we ought to be really focusing.

We talk about the dividend exclusion, of course, the economic impact of it. Double taxation of corporate earnings can eat up 60 percent of the profits, and the Federal tax is 35 percent at the corporate level, and another 38.6 percent of the remaining 65 percent at the individual level. There is something wrong with that—if you invest in a company and that money, before you can get it back, is taxed at that rate. That doesn't, of course, include any State or local taxes. So the tax burden on dividends could be higher than 60 percent.

This bill is a downpayment on ending double taxation. It is less than the President asked for. It is really less than the House has in theirs. But it is something that has a real impact on the future of jobs in this country.

We have a real challenge before us. I know we will be involved in many different views and all kinds of debate and discussion. There will be a great deal of interest in sending money back to the States. There is quite a bit of evidence that in most States over the last few years spending has gone up tremendously, taxing has gone down. So there are going to have to be some changes there. In our bill we put $20 billion, most of it to be designed for Medicaid. I hope, again, that we don't, in this effort to do something to help, increase the long-term arrangement as to who is going to pay for these various programs. I happen to be one who thinks government closer to the people is the best way to go and that we ought to give the States more and more opportunity to do their own thing by reducing our taxes. And if they need more taxes, that is where it ought to be, so that it can conform to the needs of a particular State.

We are going to be involved. As I understand the rule, there is a 20-hour limit on the debate on this reconciliation bill. That is good. We will need to address ourselves to a good many amendments. We talked about a good many of them in our committee before we got here. They deserve consideration. We should do that. All I ask is that we keep in mind we really ought to have a goal. That is to strengthen the economy in a way that extends over time; that we create opportunities rather than payouts; that we have an opportunity to have a stronger economy for a period of time. And that is really what it is all about.

I yield the floor.

The PRESIDING OFFICER. The acting Presiding Officer is pleased to recognize the distinguished chart king from North Dakota.

Mr. CONRAD. I thank the Chair. I won't disappoint.

I would like to respond to some of the arguments my colleague from Arizona made in his remarks because he referenced a number of matters which are mistaken. First, the Senator from Arizona said the current weakness in the economy is not a result of weak consumer demand. He then referred to numbers last year where for a couple of quarters consumer demand was good.

Weak consumer demand is right at the heart of the weakness of this economy. Consumer demand in the first quarter of this year went up at 1.4 percent. That is tepid. That is weak. That is right at the heart of the weakness of the economy. In the last quarter of last year, consumer demand went up 1.7 percent. That is right at the heart of why this economy is weak. People have lost confidence, and they have lost jobs, and they are not buying. That is why companies aren't investing.

Have we missed what has occurred? Our colleague said it is a capital problem, a lack of capital. That would suggest we have a lack of capacity in our manufacturing. That is not what we are seeing. The capacity of America is operating at 74.8 percent. That means 25 percent of the manufacturing capacity is idle. Why is it idle? Is it because of a lack of investment? Absolutely not. It is idle because there is a lack of demand. People are not buying. If we want to give a lift to the economy, we ought to strengthen consumer demand so they will buy from our businesses, so our businesses will have a reason to invest.

We know we have overcapacity in telecommunications, in computer chips, and in area after area. The reason we have a tremendous bubble in markets is because overcapacity developed.

That takes us to the plan before us. I believe the plan the President has put before us is ineffective with respect to dealing with the weakness in our economy. I believe it is fiscally irresponsible, and I believe it should be defeated. I believe the President's plan will actually weaken the economy further because it is going to explode the deficits and debt we see in this economy.

Finally, the proposal is unfair because it is heavily weighted to the wealthiest among us. One of the assertions made by my colleague from Arizona was that our corporate taxes are very high in this country. They are not. On this chart is a comparison of taxes made by the Organization for Economic Cooperation and Development, which is the international scorekeeper. This looks to the most recent year for which they have full figures. For corporate income taxes as a percentage of gross domestic product, the average is right here, about 3¼ percent. The United States is way down here on the chart. The suggestion that we have the second highest taxes on corporations next to Japan is just not so. It is just not so.

The reason they come to the conclusion they do is they take our nominal tax rates—the tax rates that are in the law books—and forget to look at what actually happens when you start paying taxes: the deductions, the writeoffs, the ability to reduce your tax burden from what is in the law. Certainly, we all know what the tax rates are in the law. But that isn't what the corporations pay. In fact, corporations pay substantially less than that because of deductions, exclusions, and writeoffs. So the reality is that we are a relatively low cost tax jurisdiction when you compare us with other countries in the world.

When we look at the question of stimulating the economy, I think this comparison is important. On this chart is Senator DASCHLE's plan. Here is the first-year cost and the 10-year cost, compared to what is before us in the Senate—called the Senate Finance Committee plan—and this is the House plan. You can see that in terms of stimulus, in terms of giving lift to the economy now, Senator DASCHLE's plan is far better, far stronger than the other competing plans. He has $125 billion of stimulus to the economy this year. The bill before us has $44 billion. The bill from the House has $48 billion in the first year. So they have very little lift to the economy in their plans.

Let's think about it logically. We have a $10.5 trillion economy, and they are proposing giving a $45 billion, or $46 billion, or $48 billion lift—in a $10 trillion economy. Most economists say you have to at least have 1 percent of gross domestic product to 1.5 percent to have any significant effect. They are far short of that—less than one-half of 1 percent. They are not going to give any meaningful lift to the economy. Senator DASCHLE's plan is about 1¼ percent of the gross domestic product. But, in addition to that, his cost over 10 years is much less. Their cost over 10 years is much more.

Why is that important? Because we know we are already in record deficit and we know that if we follow the President's plan, the deficits are going to explode, leaving us in a totally unsustainable situation.

Now, some have gone out and analyzed the effect on jobs of these various plans. Here is what they have found. Comparing the Democratic plan to the President's plan, they found that our plan gives about twice as much lift to the economy in the first year as does the President's plan. In the second year, it is about twice as much lift to the economy. But we do not have the negative long-term effect that the President's plan has.

Some people may look at this and say, What negative effect could the President's plan have long term? Well, economists have studied his plan—including 10 Nobel laureates in economics—and they have said the President's plan is not an economic plan, not a job growth plan; it will hurt long-term economic growth; it will diminish job creation in the country because it is all financed with borrowed money. The deadweight of those deficits and debt is going to hurt our long-term economic condition.

You know, it is interesting, the people hired by the White House to make these determinations came to that same conclusion. This is a group called Macroeconomic Advisers, hired by the White House to do macroeconomic analyses—our own budget office—and here is what they told us: The President's policy will give a short-term boost before 2004, and then it is worse than doing nothing.

After 2004, look at what happens to economic growth under the President's plan, according to Macroeconomic Advisers. It gives a short-term boost right before the 2004 election, and then look at what happens to economic growth. It plunges, and you are better off for the long term having done nothing.

How can that be? Here is what Macroeconomic Advisers—I didn't hire them, the White House did; the Congressional Budget Office hired them. Here is what they said, talking about the President's plan:

> Initially the plan would stimulate aggregate demand by raising disposable income, boosting equity values, and reducing the cost of capital.

These are arguments our friends on the other side of the aisle have made.

> However, the tax cut also reduces national saving directly while offering little new, permanent incentive for either private saving or labor supply. Therefore, unless it is paid for with a reduction in Federal outlays, the plan will raise equilibrium real interest rates, crowd out private sector investment, and eventually undermine potential gross domestic product.

That is not a plan that is an economic growth plan. It is a plan that will undermine long-term economic growth. It is not just economy.com and 10 Nobel laureates in economics, and it is not just Macroeconomic Advisers. Here is a group of 250 of the leading CEOs in America's Committee on Economic Development. They say the current budget projections seriously understate the problem of the growing deficits. They say while slower economic growth has caused much of the immediate deterioration in the deficit, the deficits in later years reflect our tax and spending choices. Deficits do matter. The aging of our population compounds the problem. I think they got it exactly right and the President has it exactly wrong.

This is the chart that tells us what is happening to our budget deficits. This chart shows us that the deficits are skyrocketing. In fact, they will be between $500 billion and $600 billion this year. We have never had a budget deficit of more than $290 billion in our country's history, and we are heading for a deficit, on an operating basis, of over $550 billion. That is on an operating basis.

To be fair, on an operating basis, I think the previous record deficit was $350 billion or $360 billion. So this is by far the biggest deficit, on an operating basis, we have ever had. It doesn't end anytime soon. The whole rest of this decade, we are running operating deficits, each and every year, of over $300 billion.

Let's review the background of how we got here. You will recall that 2 years ago we were told by the administration we could expect almost $6 trillion in surpluses—$5.6 trillion in surpluses, we were told, over the next 10 years. Now we see, according to the CBO, if we adopt the President's tax policy and his spending policy, instead of surpluses, we will have $2 trillion in deficits. That is fiscally irresponsible.

I am not talking about the short term. The Senator from Wyoming said you sometimes have to run a deficit to give lift to the economy. I agree with that. But we are talking about never getting out of deficit, according to the President's plan.

Take his own budget documents—and I will show them in a moment—according to the President's analysis of his own plan, you never escape from deficits, and they absolutely explode as the cost of the tax cuts increase at the very time the cost of the Government increases with the retirement of the baby boom generation.

Where did all that money go? Where did it go? Nearly an $8 trillion turn in 2 years—a turn for the worse. Where did it all go? The biggest chunk went to the tax cuts, those already passed and those proposed. That is 36 percent of the disappearance of the surplus.

The second biggest reason is additional spending in response to the attack on this country and the war. That is 28 percent of the disappearance of the surplus—increased spending for defense, increased spending for homeland security. Oh, no, this is not a matter of the Democrats were spending money. We all supported increasing defense spending and increasing homeland security.

The third biggest reason for the disappearance of the surplus, 27 percent of the reason is lower revenues, not as a result of tax cuts, but revenues lower than anticipated because the models predicting how much revenue we would get have simply been wrong. This is lower revenue, not as a result of tax cuts. Lower revenue is the third biggest part of the reason for the disappearance of the surplus. Those two together are 63 percent.

Only 9 percent of the disappearance of the surplus over the next 10 years is because of the economic downturn.

Now we have record budget deficits. The surpluses are all gone, and we are talking about massive deficits. What our friends on the other side of the aisle recommend is more tax cuts, massive tax cuts; not just tax cuts this year or next to give lift to the economy at a time of weakness, but tax cuts that go on in perpetuity.

They are not the tax cuts that have been advertised on television. They say there is a debate between $350 billion in the Senate and $550 billion in the House. That is not what the budget provides. The budget that our Republican friends passed provides for $1.3 trillion of additional tax cuts; $350 billion reconciled in the Senate bill, and another $200 billion allowed in the conference report. Then there is the part the media never talks about, another $725 billion of tax cuts that are the so-called unreconciled tax cuts, which simply means they are not given special protection on the floor from the normal operating procedures in the Senate.

Here we are with record deficits, and our friends propose another $1.3 trillion. Look, some of us are supporting tax cuts as well. I support additional tax cuts this year and next to give lift to the economy now, but I do not support running massive deficits that are only made deeper and more serious by tax cuts that have effect 5 years from now, 8 years from now, 10 years from now, and 15 years from now. It does not make any sense.

When I say we are faced with $2 trillion of deficits in the next 10 years according to the Congressional Budget Office, others say the deficits are going to be much more serious than that. Goldman-Sachs, a very distinguished private investment firm, has done an analysis. It says: No, the deficits are not going to be $2 trillion over the next 10 years; they are going to be $4 trillion. In fact, they are going to be $4.2 trillion when they do their estimates of where things are headed.

To buttress their idea, if we just look at the first 7 months of this year and the revenue that is coming in, what we see is it is $100 billion below the forecast. The forecast that was made just 7 months ago is proving to be all wrong. The revenue is running $100 billion below the forecast.

If that trend continues this year, we are going to have the lowest revenue to the Federal Government since 1959. When revenue was at a high percentage of the gross domestic product, the President said: You have to cut taxes; you are getting too much revenue; people are being overtaxed. So we did cut taxes. We cut them dramatically in 2001. Now we are headed for a circumstance in which the revenues are going to be the least since 1959, and the President's answer is cut taxes some more.

Again, I would support tax cuts and additional spending to give stimulus to the economy now. And yes, spending stimulates just like tax cuts do. In fact, they are probably a little better because at least some part of tax cuts get saved and do not get into the economy and do not stimulate the economy.

I would support a balanced package. I would certainly support additional tax cuts now to give lift to the economy now. Remember, very little of the President's proposal is effective now. Very little of the proposal before us is effective now. About 5 percent of the President's plan is effective this year. Ninety-five percent is off in the future. It makes no earthly sense. He is giving tax cuts when he is forecasting the economy to be strong. He is giving tax cuts when he is forecasting massive deficits. He is giving tax cuts right on the eve of the retirement of the baby boom generation when the cost of the Federal Government is going to explode.

Two years ago, the President told us: Adopt my plan and we will pay off virtually all the debt. That turned out to be wrong, too. This year, we have had $6.7 trillion of gross Federal debt. Now the Congressional Budget Office tells us if we adopt the President's plan, 10 years from now we will have $12 trillion of debt. The debt is going to almost double and at the worst possible time because the baby boom generation is going to start to retire.

I think the juxtaposition of all this is really odd. Maybe that is the best word to put to it. The President is asking for a massive tax cut when we already have record budget deficits, and at the very time our Republican colleagues are asking for the biggest increase in our debt in the history of the country. They are asking for a $984 billion increase in the debt. The largest increase we have ever had was in the President's father's administration when the debt was increased at one fell swoop by $915 billion.

The President today said to the American people: This money is not the Government's money, it is your money, and you ought to get it back. I agree with the President absolutely. The money that comes to the Federal Government is the people's money. He is absolutely right. But this debt is the people's debt. Social Security is the people's Social Security. Medicare is the people's Medicare.

Make no mistake about it, we the people are on the hook for this debt. When the President says, when we are already running record deficits, cut the revenue some more and increase spending—remember, the President's budget plan was not cut taxes and cut spending. The President's budget plan was to increase spending and to cut taxes, even when we have record deficits. The result is a massive explosion of debt, and it is the people's debt, make no mistake about that. In the future, when they come around to start to retire this debt, it is all of us who are going to be on the hook.

Maybe it is not going to be us. Maybe it is going to be our kids. Maybe that is the idea. Let us give ourselves big tax cuts. I would be a big beneficiary of those tax cuts.

I would get thousands of dollars of tax relief under this plan. I do not think it is right to give me a big tax cut now and shuffle it off to my kids and everybody else's kids. That is what is happening. That is, again, not my estimate of what is happening. This is from the President's own budget document. This is his long-term outlook of what happens if we adopt his plan. This is on page 43 of his analytical perspectives, and it shows the deficits now which, remember, these are record deficits. They look small on this chart because that is in comparison to what is to come. This is in percentage of GDP terms. This is not in dollar terms. So this is an apples-to-apples comparison.

Look what is going to happen if we adopt the President's spending and tax cut plan. The deficits explode, according to his own analysis of his own plan. It is not surprising why that is the case. This is the chart that tells it all. The blue bars are the Medicare trust fund. The green bars are the Social Security trust fund. The red bars are the tax cuts. What it shows is right now the trust funds are running big surpluses in anticipation of the retirement of the baby boom generation. But instead of using that money to pay down debt or prepay the liability, we are taking it and using it to pay for tax cuts.

What happens when those trust funds go cash negative when the baby boomers retire? Under the President's plan, at the very time the trust funds go cash negative, the cost of the tax cuts explode. Does this make sense? Is this really an economic growth plan? We are not talking about tax cuts now to give a lift to the economy when it is weak. We are talking about tax cuts that explode 10 and 15 years from now at the very time the expenses of the Federal Government explode because of the retirement of the baby boom generation.

Some are saying, well, deficits really do not matter. We do not need to worry about deficits anymore. The Chairman of the Federal Reserve Board thinks deficits matter. This is what he said to the Senate Banking Committee:

> There is no question that as deficits go up, contrary to what some have said, it does affect long-term interest rates. It does have a negative impact on the economy, unless attended.

He is exactly right. Deficits do matter. They always have. When Chairman Greenspan looks at this tax cut, here is what he says: Without spending reductions, they could be damaging to the economy.

With a large deficit, Mr. Greenspan said, you will be significantly undercutting the benefits that would be achieved from the tax cuts.

Not only is this time—

The PRESIDING OFFICER. The time of the distinguished Senator has expired.

Mr. CONRAD. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. One additional minute on the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I conclude by saying not only is this plan ineffective in terms of giving lift to the economy and irresponsible in terms of the exploding deficits and debt, but it is also unfair. It is unfair because it overwhelmingly gives the greatest benefit to the wealthiest among us.

The effect of this plan on people earning over $1 million in 2003 is this: They will get a $64,000 tax cut on average. That is for those earning incomes of over $1 million. Those who are in the middle of the wage distribution in our country will get a tax cut of $233.

We heard earlier that this thing has tremendous benefits to the elderly. Well, it certainly does. It has tremendous benefits to those who are wealthy who are elderly. Elderly earning more than $500,000 a year would get a $24,000 tax break.

The PRESIDING OFFICER. The additional minute requested by the Senator has expired.

Mr. CONRAD. I ask unanimous consent for an additional 30 seconds.

Mr. REID. The same on the other side, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I conclude by saying that if one is elderly and earns less than $50,000 a year, they will get a $90 tax reduction. If they are elderly and earn more than $500,000, they get a $24,000 tax reduction. That is not my idea of fair. That is not my idea of being effective for economic growth, and it is ultimately self-defeating because the plan is all financed by borrowed money.

The PRESIDING OFFICER. The additional 30 seconds requested by the distinguished Senator has expired.

Mr. REID. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. REID. When and if we complete the morning business—which I understand there is a minute and a half remaining; is that right?

The PRESIDING OFFICER. That is correct.

Mr. REID. What would be the order before the Senate at that time?

The PRESIDING OFFICER. There is 11 minutes remaining. I am in error.

Mr. REID. What would be the order following the majority using its 11 minutes?

The PRESIDING OFFICER. The Senate has an order to proceed to S. 2.

UNANIMOUS CONSENT REQUEST—H.J. RES. 51

Mr. REID. Mr. President, I ask unanimous consent at this time to proceed to H.J. Res. 51 prior to taking up the reconciliation bill. I ask unanimous consent to take into consideration the previous order that was entered regarding the debt limit. We have been told that the President must sign a bill increasing the debt limit by no later than Monday morning; that the country is in deep trouble with the debt.

I ask that we move to this matter. We have a unanimous consent agreement that would be in effect, and we could finish it in 1 day. I ask unanimous consent that we do that prior to moving to the tax bill.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS. I object.

The PRESIDING OFFICER. The objection is heard.

The distinguished Senator from Wyoming is recognized for 1½ minutes.

UNANIMOUS CONSENT REQUEST—MORNING BUSINESS

Mr. THOMAS. Mr. President, I ask unanimous consent that morning business be extended until 4:30 with the time equally divided.

The PRESIDING OFFICER. Is there an objection?

Mr. REID. I object at this time.

Mr. THOMAS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Louisiana be recognized for up to 5 minutes and that immediately following his statement—he be recognized as in morning business—the Senate return to a quorum being called.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The distinguished Senator is recognized.

Mr. BAUCUS. Mr. President, before the Senator proceeds, the Senator has an important statement to make. I urge that all conversations cease, since this is an important statement and out of respect for the substance of his remarks.

The PRESIDING OFFICER (Mrs. DOLE). The Senate will be in order so the Senator may be heard.

Mr. BREAUX. I thank the distinguished Senator.

EULOGY OF RUSSELL LONG

Mr. BREAUX. Madam President, I rise today to comment on the unfortunate and untimely passing this Friday evening of a great American, a former colleague of many of us in this body, the former distinguished Senator from my State of Louisiana, Senator Russell Long.

Someone once observed that "the greatest truths are the simplest, and so are the greatest men." This, indeed, was Russell Long, a simple man who loved his family, his God, his country, and our State of Louisiana. He was a man who always answered the call of duty and who, to quote Russell, always "did the best he could as God gave him the light to see."

Russell Long was my colleague. He was my partner in the Congress, he was my teacher, and he was also my friend.

Russell Long was a Senator in the last century, but his vision, his ideas, and his views on how a government should work will last as long as history is recorded.

I do not think it is an insult to say that Russell Long was a simple man who achieved greatness by answering the call of duty. Knowing him as I did—and many of us did—I believe he would proudly accept that description.

As a boy of only 16, Russell watched as his father died from an assassin's bullet and then dutifully accepted the call to fulfill and complete his father's unfinished work. Anyone who knew Russell understood how much he loved his dad and how much his father's legacy meant to him.

Some might have regarded that legacy as an awesome and unwelcome burden. Russell, himself, sometimes strained under the weight of high expectations and the harsh reviews that historians and journalists wrote about his father. But he never forgot that he was Huey Long's son. And, so, he dutifully dedicated his life to the work his father had started. The result, as we all know, was the body of law that created employee stock ownership plans. Those of us who knew him understood that this was Russell's most passionate work and, to him, a modern version of Huey's "Share Our Wealth" program. Just as his father was a champion for the poor and dispossessed, so did Russell become one of the most effective advocates of the notion that every American has a right to share in the great wealth and opportunity of the United States.

Just as he answered the call of duty when it came to his family legacy, Russell also answered the call of duty when it came to serving his country. In 1942, during the darkest hours of the Second World War, Russell volunteered to serve his Nation in the Navy. During the war, he distinguished himself in battle as the commander of a landing craft in the Mediterranean Sea during the Allied invasions of North Africa, Sicily, Italy and Southern France. Russell Long was truly among our greatest generation—a man of courage valor, faith and compassion—a patriot and a true American hero.

Russell answered the call of duty to his country in other ways. In 1948, when Senator John Overton died, Russell followed his father and mother into the U.S. Senate. He was sworn into office alongside other men elected that year—giants such as Lyndon Johnson, Hubert Humphrey, Robert Kerr, and Paul Douglas. In a body that had disdained his father, Russell—he was only 30 years old at the time—began a remarkable 38-year career during which he worked tirelessly and effectively on behalf of the poor, the elderly, and average Americans who wanted a chance to achieve the American dream.

As there are 100 Senators, there are 100 Russell Long stories, from Uncle Earl to his father Huey, to Russell's theory of fair taxation summarized in his immortal words, "Don't tax you, don't tax me, tax that fellow behind the tree."

Were I to list Russell's legislative achievements, we would be here all afternoon. But I don't think it is an overstatement to say that few people in our Nation's history have had more of an impact on our Nation's laws than Russell Long. Tens of millions of elderly people have literally been saved by Medicare—the health care system that Russell and Lyndon Johnson crafted and enacted in the Senate in 1965. Millions more handicapped people today have a better quality of life because Russell Long thought it important to expand the Social Security system to include the disabled. That happened in 1956 and it was the first major expansion of the Social Security system—and it would not have happened if not for Russell's tenacity in seeing it through to passage.

Millions of poor working Americans today have Russell Long to thank for the Earned Income Tax Credit, an idea he developed and passed into law in the early 1970s. Then and now, the EITC remains the cornerstone of our Nation's effort to give the working poor a better chance at a decent standard of living.

Russell also cared deeply about our American system of government and, in the wake of the Watergate scandals, worried that Americans might lose faith in the system he had fought—literally fought—to protect. For that reason, he pushed through legislation to change the way that we finance Presidential campaigns and established the tax form check-off that has guaranteed the integrity of our Presidential elections for more than a quarter century.

During my 14 years in the House, I had watched Russell closely. I admired him, learned from him, and felt privileged to say that I had served with him in the Congress. And I remember how excited I was when Russell finally realized that I was a congressman and not a young staff member.

But it has been my service on the Senate Finance Committee—the committee he chaired for 14 years—that has taught me so much about the genius and skill of the man who dominated the Senate for so many years. It was because of men such as Russell that the Senate worked so well during the 1950s, 1960s, 1970s and 1980s.

With Russell, his colleagues were neither Republican nor Democrat. They were just Americans who he considered his friends and colleagues in the Senate who were elected—as he looked at his life—to make Government work for the people we represent.

On a personal level, Lois and I will always remember Russell Long as a kind, decent, generous man who welcomed us into his life and invited us to share in a cause greater than ourselves. Carolyn was the love of his life, a gracious and charming lady, who became his partner in every way and is still known in Washington and Louisiana as one of the best and talented partners a public official could ever have. To Carolyn, Kay and Pam, I know I speak for Russell's colleagues in the Senate and for the people of this State when I say how grateful we are for the life of this simple man who dutifully answered the call to greatness.

So today we gather in sorrow because we have lost a friend, but let us all be thankful for having been here when Russell Long was here. May the Good Lord take him into his hands and welcome him into the Kingdom of Heaven.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

CONGRATULATIONS TO KELO-TV ON 50 YEARS OF SUCCESS

Mr. DASCHLE. Mr. President, in 1953, Joe L. Floyd opened the doors of South Dakota's first television station, and began his mission to provide television programming to even the most remote areas of our State. Since then, South Dakotans have had the comfort of knowing there was somewhere they could turn to obtain critical local information and programming. Through tornados and blizzards, KELO-TV has been there. Today, I come to the floor of the Senate to congratulate KELO on its 50th anniversary.

Providing television coverage to a rural State like South Dakota is no small challenge. The severe weather and vast distances make it difficult to get the airwaves into the homes of viewers, let alone to provide them with high-quality broadcasting and information in the manner KELO has over the years. In fact, after several towers were lost, many dubbed KELOLAND to be the Bermuda triangle of television towers. To KELO's credit, these setbacks never kept the station off the air for long, as their engineers scrambled around the clock to get the station up and running again quickly.

Despite the fact that KELO does not service any major metropolitan areas, it has always tried to take advantage of the most cutting-edge technologies that would allow them to offer the best local broadcasting to its viewers. Some of the station's technological highlights include: In 1955, KELO broadcast the first live local news broadcasts from the second floor of the Hollywood Theater Building. In 1957, KELO aired a game between Sioux Falls Cathedral and Marty Mission—the first live broadcast of a sports competition in South Dakota. In 1968, KELOLAND TV was the first station in the area to air the local news and programming in color. In 1991, KELOLAND TV was the first local station to bring closed-captioning of newscasts and many other programs to the deaf and hearing-impaired community. In 1997, KELO installed the first local Doppler weather radar report that allowed residents to have the most up-to-date information on the rapidly developing storms and severe weather conditions for which South Dakota is famous. Finally, this year, KELOLAND brought digital programming to the area.

KELO's commitment to its viewers has also been recognized nationally. In 2000, KELO's commitment to public service was rewarded with an Emmy in the Public Service Announcement—Campaign category. In 1999, KELO earned the "Friend in Need" Service to America Award from The National Association of Broadcasters (NAB) for its outstanding coverage of the devastating tornado that struck the town of Spencer, South Dakota. Not only did KELO provide award-winning coverage of this devastating tornado, the station also helped raise more than $1 million for the Spencer Tornado Relief Fund.

Most importantly, KELO has shown a sustained commitment to providing South Dakotans with the critical information they need about their communities. Whether it is news, weather or sports, local viewers have always been able to turn to KELO for accurate information.

I am proud to say that my staff and I currently enjoy a great working relationship with those who work at KELO. We know that we can always come to expect a fair and balanced approach to coverage of the issues and stories in which we are involved. Given KELO's history of honest and intelligent reporting, its viewers expect nothing less.

CBO REPORT

Mr. DOMENICI. Mr. President, at the time Senate Report No. 108-43 was filed, the Congressional Budget Office report was not available. The report is now available on the CBO website at www.cbo.gov.

HONORING CHIEF WARRANT OFFICER HANS N. GUKEISEN

Mr. JOHNSON. Mr. President, I rise today to pay tribute to CWO Hans N. Gukeisen, a South Dakotan who was killed on May 9 while serving in Operation Iraqi Freedom.

Chief Warrant Officer Gukeisen was a member of the 571st Medical Company and was stationed at Fort Carson, CO. He was killed when the Black Hawk helicopter he was copiloting crashed near Tikrit. Hans was on a mission to evacuate an Iraqi child who had suffered serious injuries in an explosion.

Chief Warrant Officer Gukeisen had joined the military in 1989 after graduating from Lead High School in Lead, SD. Although he left the military for a short time, he had continued his service by joining the South Dakota National Guard. To pursue his dream of becoming a helicopter pilot, Hans had re-enlisted in the Army and was assigned to the air ambulance of the 571st Medical Company.

Chief Warrant Officer Gukeisen's mother Margaret lives in Hill City, SD, and his father Terry in Lead. Hans' older brother Ray is also serving in the military as a Special Forces instructor at Fort Bragg. I know they, and everyone who knew Hans, will miss him deeply. Hans gave his life while helping defend America's liberty, freeing the Iraqi people, and, specifically in this mission, trying to save the life of a badly injured child.

Margaret has said she will remember her son as someone who loved hunting and fishing. These are common pastimes for a boy growing up in South Dakota. But I know the Gukeisen family, and the entire State of South Dakota, will also remember Hans as a hero who died while proudly serving his country.

Mr. President, I join with all South Dakotans in expressing my sympathies to the family of Chief Warrant Officer Gukeisen. I know that he will always be missed, but his service to our Nation will never be forgotten.

SUPPORT FOR NATO ENLARGEMENT

Ms. LANDRIEU. Mr. President, when NATO formed in 1949, the world had been liberated from the grips of Hitler and the Japanese. But, the rise of communism and the Soviet Union brought new threats and the fear of nuclear war. NATO was created with vision and vigor to combat, through political and military means, the spread of communism. NATO has succeeded.

Today, the Soviets are gone, and a partnership between Russia and NATO is growing. Still, freedom-loving societies have been threatened anew by state and non-state supported terrorists looking to achieve their destructive aims through the spread of WMD.

The question looms whether NATO will address these new threats or be pushed to the side because it was unable to transform when the cold war ended. Some have said NATO's mission ended when the Berlin Wall fell. Some have even said NATO is dead. Well, I do not think NATO is dead. Now is the time to recommit ourselves to NATO to ensure that the world's greatest alliance for peace perseveres and is improved to remain strong for another 50 years. To do so, NATO must adapt its mission to deal with today's threats. NATO members must commit to a common defense with both policy and budgetary commitments that improve interoperability and reduce the capabilities gap between the U.S. and other members. As NATO's largest and most powerful member, the United States and her leaders in the Senate stand ready to strengthen NATO and repair recently strained relationships amongst NATO members. We must do so, and we must take the first step by supporting NATO enlargement and the admission of seven new members: Romania, Bulgaria, Estonia, Slovenia, Slovakia, Latvia, and Lithuania.

NATO expansion makes strategic sense because expansion creates a united Europe. The addition of the seven aspirants creates a land bridge forming a contiguous alliance on the European Continent. Now, Western Europe from the Atlantic will be connected with its allies in Greece and Turkey on the Mediterranean and Black Sea. With the Partnership for Peace, NATO spreads across three continents. Bitter enemies just 13 years ago are now reliable allies.

NATO membership is a carrot to political and economic reform to all nations wishing to join the alliance. Again, just 13 years ago, the seven proposed new members of NATO were under the darkness and weight of the Iron Curtain. Today, they are burgeoning democracies committed to market economics. To be in NATO, a democratic form of governance is needed. Spain, Greece, and Portugal undertook political reforms to gain NATO approval, and the same is true today for the seven countries currently seeking NATO admission.

The seven new members are ready to actively participate and contribute to a robust NATO. In fact they are already doing so. I would like to cite Romania as one example. Romania has undertaken major political and economic reforms. Romania overthrew Nicolae Ceausescu—a ruthless and oppressive totalitarian leader. Since being unshackled, Romania has celebrated its freedom. Romania has held four nationwide elections, and democracy is blossoming.

Romania is also committed to the defense of the members of the NATO alliance, both in Europe and the U.S. Some have questioned what the seven new members can bring to the table to benefit NATO. We need not question whether Romania will be a positive force within NATO. Romania has risked the lives of its soldiers for the benefit of the United States.

Participation in Operation Desert Storm—Romania contributed a military hospital company to the Allied Forces.

Participation in Afghanistan—Romania used its own airlift, a C–130, to transport a battalion of soldiers to Afghanistan. These forces have made two rotations. Romania is currently involved in the peacekeeping mission in Afghanistan.

Operation Iraqi Freedom—Romania mobilized its military police and a nuclear, biological, chemical detection team to work alongside U.S. forces in Iraq.

Currently 5,000 U.S. marines are based at Constanza, Romania. Our strategic threats are different today than they were 50 years ago. We are no longer endangered by Russia. Today, the greatest threat to NATO and its members is the threat of terrorism and the spread of weapons of mass destruction. As a result, the U.S. should consider whether it would be wise to reconfigure our forces overseas.

Our new threats are coming from the Middle East and southwest Asia. Romania and Bulgaria are halfway between Germany and the Middle East. Moving bases closer to the threat will allow the U.S. to mobilize faster and get to the fight sooner. We would also be welcome in Romania and Bulgaria. There is some question whether we are still welcome in Western Europe.

There are those who say NATO is dead or has no modern mission. That is simply not the case. The Soviet Union may no longer be a threat, but threats still exist. The end of the cold war may have erased the notion of warfighting where million-man armies face million-man armies on the European Continent. But, the end of the cold war unleashed despots willing to use the asymmetrical means of terrorism and WMD proliferation as methods of aggression and diplomatic blackmail.

NATO must adopt a new mission—combating terrorism and WMD proliferation both in Europe and globally. The threats that emerged from September 11 do not only affect the United States, these threats should be a concern to the entire NATO community. As we have seen, al-Qaeda cells were active in Germany, Spain, France, and Italy.

International terrorism on our shores was unknown to Americans prior to September 11. However, it was not uncommon in Europe. The other NATO members should unite behind America's interests to root out terrorism and stop WMD proliferation because the European members have been targets before and could be targets, again. This will require NATO to look not only within its borders, but NATO must also look beyond its borders. NATO members and Partnership for Peace participants stretch from the Pacific Ocean in the U.S. to bordering on China in Kazakhstan. There are several countries just on the edges of NATO's borders who wish to terrorize those countries within NATO.

NATO has made a pledge to combat terrorism and WMD proliferation. The promise made by the NATO heads of state at the Prague summit to focus on terrorism and WMD proliferation is encouraging. Now, we need action. We should not let recent spats with France and Germany obstruct the implementation of this new mission. Moreover, France and Germany should not let their disagreements with the U.S. obstruct this new mission. Such actions benefit none.

For NATO to remain relevant, the European members must close the capabilities gap between U.S. and European forces. Many NATO members, including France and Germany, have reduced defense spending over the last decade. Such reductions leave the alliance vulnerable and make it difficult for NATO members to participate in operations with the U.S.

U.S. defense spending is dwarfing European defense spending. America's defense budget is greater than all other 18 NATO members combined. The $48 billion dollar increase in U.S. defense spending from fiscal year 2002 to fiscal year 2003 is greater than what 12 of the other 18 members spend on defense.

Europe's leaders are world leaders. NATO members must make a greater investment in national security, NATO's longevity, and world security. We do not need them to spend as much as the U.S.; we need them to complement the U.S. and add value to NATO operations.

NATO should focus its spending on interoperability and communications improvements. The U.S. has committed billions to making it so all four branches of the military can be linked using the same communications devices. We are dedicated to interoperability within our own forces. It has not been easy and the job is not finished, but we have seen the fruits of this effort in Iraq and Afghanistan. Who would have imagined years ago that a B–52 pilot could talk with a Special Operations team on the ground to deliver close air support? This was possible because of interoperability.

NATO must focus on such interoperability. Not only must we ensure that a European tanker plane can refuel a U.S. fighter. We must ensure that 26 members, who speak many different languages, can share a common communications network and operate as one cohesive force, not 26 independent militaries. If this gap is not closed, no value will be added and we will have to question NATO's worth.

NATO must not be just an alliance based on military strength. NATO must be a diplomatic alliance. Military might alone is not the solution. First, we must use all diplomatic means to achieve peace. The united strength of NATO as a diplomatic force will also increase the security of NATO's members.

In the near future, NATO must make decisions to determine whether it will be a vibrant alliance capable of protecting its members in the 21st century or whether it is a relic of the past. I know it can have a meaningful mission in the future—a mission focused on rooting out terrorism and stopping the spread of WMD. To do so, NATO members must increase defense spending and focus on modernization and interoperability. I am confident NATO's members want NATO to have a great role in shaping the 21st century. As a member of NATO, the U.S. should push for a strong alliance. By expanding NATO to include seven new members, we will take a key step in making NATO strong and viable for the 21st century. The Senate sent a strong message of support by approving the admission of Romania, Bulgaria, Latvia, Lithuania, Estonia, Slovenia, and Slovakia to NATO. The vote is good for the safety of the U.S., Europe, and the world.

ADDITIONAL STATEMENTS

LOCAL LAW ENFORCEMENT ACT OF 2003

• Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 12, 2001, in Bridgeport, CT. A Brazilian waiter was attacked on the street by eight men who verbally accosted him because they believed him to be of Arab descent. The man was also physically attacked by the group and suffered a broken arm and several facial bruises.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.●

ROSALIE ASLESEN RETIRES FROM SPEARFISH HIGH SCHOOL

● Mr. JOHNSON. Mr. President, I rise today to recognize and honor Rosalie Aslesen on the occasion of her retirement as school librarian for Spearfish High School in Spearfish, SD.

A native of Spearfish, Rosalie graduated from Spearfish High School and received her bachelor of arts degree in theatre arts from Black Hills State University in Spearfish. After graduation, she served as a Red Cross volunteer, assisting troops in Korea in the 1960s, spending time living in Hawaii, Virginia, and Maryland before returning for a brief time to Spearfish. She returned to Hawaii and obtained a master's degree in library science, before moving back to Spearfish with her husband Herb to take a job at Spearfish High School, where she has served as librarian since 1979.

Rosalie has earned the respect and admiration of all those who had the opportunity to work with her. Her friendly demeanor and wealth of knowledge helped her develop close friendships with various colleagues and students. In Rosalie's honor, her brother, William Vance, has donated an extensive collection of Library of America books to Spearfish High School. As a symbol of Rosalie's dedication to young people, these books will help educate future generations of young Americans.

Over the years, Rosalie has committed herself to helping Spearfish students learn more about their heritage and culture, about themselves and the world around them. She has worked hard to help students find the best in themselves. Thousands of students over the years have benefited from Rosalie's commitment to education and to the library sciences. From assisting students with research options for papers, to finding intricate details about the history of our world, Rosalie has served as a "human bookmark" in the book of life for countless young adults.

On the occasion of her retirement, I want to congratulate Rosalie Aslesen for her tireless dedication to Spearfish High School and her commitment to quality education. I also want to commend her for her valuable service to the community over the years. She has been very active in the United Church of Christ, has served on the board of the South Dakota Education Association, and has spent many years in the Spearfish Education Association, including the past 2 years as president. The lives of countless people have been enormously enhanced by Rosalie's service to South Dakota and her profession. Her achievements will serve as a model for other talented librarians throughout our State to emulate.

Mr. President, I wish Rosalie Aslesen the best on her retirement.●

TRIBUTE TO REAR ADMIRAL WILLIAM W. COBB, JR., U.S. NAVY

● Mr. LOTT. Mr. President, I would like to recognize one of the finest officers in the United States Navy, RADM William "Bill" Cobb, on the occasion of his retirement on May 15, 2003. Admiral Cobb will leave his current job as Program Executive Officers Ships after over 37 years of faithful and dedicated service to the Navy and our great Nation. During his time in Washington, he engaged the Congress on numerous issues vital to our national security. Today, it is my pleasure to recognize some of Bill's many accomplishments and commend him and his family for their service to the Navy and our Nation.

Admiral Cobb entered military service in 1968 after receiving a Bachelor of Science degree in Engineering from the United States Naval Academy. He continued his education at the Naval Post Graduate School where he earned a Master's Degree in Operations Research in 1975. Admiral Cobb also attended the National Defense University's Industrial College of the Armed Forces, ICAF, in 1990; the Defense Systems Management College in 1992; the Executive Program, University of Michigan, Graduate Business School in 1994; and the Senior Executive Program in National and International Security at Harvard University in 2001.

As Executive Officer aboard USS *Jouett*, CG 29, Admiral Cobb shined as a leader. Even though *Jouett* started out last in every competitive category, Admiral Cobb's ability to motivate all levels of the chain-of-command catapulted the ship to the fleet's number one combatant in battle readiness. He later assumed duties as Commanding Office of USS *Coontz*, DDG 37, where his ship provided the initial response to a distress call after USS *Stark* was struck by an errant Iraqi cruise missile. During his tour as Commander of Naval Surface Warfare Center, Indian Head, Naval Ordnance Command, and Commander Naval Surface Warfare Center, NSWC, he was responsible for all of the Navy's In-Service Engineering Agents, ISEA.

Admiral Cobb also excelled in a variety of key staff assignments including Chief of Staff and Head, Fleet Introduction and Lifetime Support Division, AEGIS Program Office; a tour in the Office of the Chief of Naval Operations as Head Readiness Sustainability Team, OP 09O; and Chief, Cruise Missile Division, Plans and Policy Directorate, Commander Atlantic Fleet, where he planned all of the Tomahawk strikes for Desert Storm. As Program Executive Officer for Theater Surface Combatants, PEO TSC, he was responsible for the AEGIS shipbuilding program, the Navy's Theater Ballistic Missile Defense, TBMD, program, and introduction of the Cooperative Engagement Capability, CEC. On the international front, he headed shipbuilding programs with Spain and Japan, and worked with thirteen of our closest allies on the Standard Missile program. His tremendous effort significantly enhanced our allied forces' defenses against the growing tactical ballistic missile threat. Admiral Cobb was also responsible for the life-cycle support of several ship classes including Ticonderoga Cruisers, Arleigh Burke Guided Missile Destroyers, Spruance Destroyers and Oliver Hazard Perry Frigates.

In conjunction with the Secretary of the Navy's reorganization efforts, Admiral Cobb took on the significant task of reorganizing three major Program Offices into one. Program Executive Officer, PEO, Ships now has sole responsibility for life-cycle support for all 13 surface ship classes, the heart of our entire Navy. This new Program Office is responsible for the execution of current and future shipbuilding programs that will carry the Navy well into the 21st century including the DDG 51 Arleigh Burke Class Destroyers, the LPD 17 San Antonio Class Amphibious Ships, the Navy's future destroyer DD(X), X, and the Littoral Combat Ship, LCS. The DD(X), and LCS programs, due in large part to Admiral Cobb's leadership, will revolutionize our Navy with the availability of more lethal and agile firepower than ever before seen in history.

Always an inspiration to those who served him, Admiral Cobb made it a point to recognize those Officers and Sailors who transformed his vision of the Navy into reality. His contribution to the success of our Navy goes well beyond the material changes he made in the programmatic world. Admiral Cobb made each sailor keenly aware of their importance to the Navy and the true appreciation that he held for their efforts. His unique ability to recognize talent and to foster camaraderie among those who served him had an enormous influence on countless junior sailors, and will continue to steer the course of our Navy well into the future.

On behalf of my esteemed colleagues, I offer the sincere congratulations of the United States Senate to Admiral Cobb, his wife Karen, son Bill II, Buddy, daughter Jeanne, and granddaughter Isabelle on a truly magnificent career. Admiral Cobb will be missed by our Navy and has the heartfelt appreciation of our entire Nation. We wish our friend the best of luck in his undoubtedly successful future and bid him "Fair Winds and Following Seas."•

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

RETIREMENT OF CAPTAIN NICHOLAS PERUGINI

• Mr. KERRY. Mr. President, I would like to express my appreciation and congratulations to Captain Nicholas Perugini of the National Oceanic and Atmospheric Administration, NOAA, Commissioned Corps on the occasion of his retirement. For more than 26 years, Captain Perugini has dedicated himself to the protection of our Nation's oceans and maritime commerce through his exemplary work in NOAA's charting program. He has served aboard three hydrographic survey vessels and a shore-based field party. As commanding officer of the NOAA ship Rude, Nick was in charge of the survey investigation into the grounding of the Queen Elizabeth 2. He was also a member of NOAA teams that assisted in the recovery of the TWA flight 800 and John F. Kennedy Jr. crash sites which occurred off the East Coast of the United States. Captain Perugini's commitment and leadership during these sensitive projects are an example of public service at its best. Nick consistently put aside ego and personal glory to do what is best for the Nation.

Captain Perugini now concludes his career as chief of NOAA's Marine Chart Division. A direct result of his tenure as chief was a significant advancement in the longstanding partnership between NOAA and the Coast Guard concerning safety of navigation issues. His vision and leadership led to the advances of new technologies, moving paper charting to the electronic world. Today, mariners know their location, in real time, on an electronic navigation system. This advance was not possible in the paper chart world.

With his guidance, NOAA and the Coast Guard entered into a Memorandum of Agreement, which pooled agency resources and greatly accelerated the production of Electronic Navigational Charts, ENC. He made the ENC data available to the public free, via the Internet. This relationship not only saved tax dollars, but the improved navigational tools have greatly increased the safety of navigation. Captain Perugini's work has resulted in a significant reduction in marine accidents, which has saved lives, property, and our environment from degradation.

From July 1998 to August 1999, I was pleased to have Nick as a member of my congressional staff as a legislative fellow. His amazing work ethic, interpersonal skills, commitment to the job, knowledge of maritime issues, and gracious humility made him an integral part of my office. I want to thank him for his work and commitment to our Nation.

I congratulate Captain Nicholas Perugini on his exemplary career and wish him, his wife Lisa, their daughter Katie, and their son Nicholas my best. Through his tireless efforts, he has made a difference and has helped to protect the marine environment and promote safe maritime commerce that is vital to our Nation's prosperity.•

TRIBUTE TO AMERICAN LEGION AUXILARY UNIT NO. 70

• Mr. BURNS. Mr. President, I rise today in recognition of the dedication and service that the American Legion Auxiliary Unit No. 70 has provided to Montana's veterans and their communities. The American Legion Auxiliary was formally founded in 1919 by a group of concerned women who stepped in to fill the role of the men who left home for the battlefields of World War I. These women were driven to service by their compassion, by their sense of civic duty, but, most of all, they were driven by their love of country.

In the more than eight decades since its founding, the American Legion Auxiliary has expanded to include hundreds of chapters in every state and territory. Likewise, their original mission expanded as well to include helping many others in need.

The women of American Legion Auxiliary Unit No. 70 have been particularly active in their community. They have donated funds to veteran's facilities and programs in Fort Harrison, Miles City, Glendive and Columbia Falls, MT. They are distributing more than 900 poppies in recognition of the service and sacrifice our veterans have given their country. During Operation Iraqi Freedom, they tied hundreds of yellow ribbons across Judith Gap to show their support for our troops and their family members.

Mr. President, I thank the women of American Legion Auxiliary Unit No. 70 and all the American Legion Auxiliaries for their service to our Nation's veterans and communities. These women have not only given their time and money in service to our Nation, they have given their hearts as well, and that is the best thing anyone can give.•

TRIBUTE TO GENERAL ELECTRIC'S APPLIANCE PARK

• Mr. BUNNING. Mr. President, I rise to honor the workers of General Electric's Appliance Park in Louisville, KY, for 50 years of hard work and quality manufacturing of appliances for the world. From producing the first box car in 1953 to the wide array of products GE manufactures today, generations of Kentucky workers have contributed to the success of the economy at GE's Appliance Park.

The original idea of merging nine plants into one major facility to mass produce GE's consumer products was initially scrutinized and met with skepticism by nay sayers. Doubters didn't think and agree that consumers demanded across America and the world such a vast array and selection of quality products. However, the ingenuity and vision of GE's leadership, behind its strong and committed workforce, considered America's growing population, rise of per capita income and social changes that occurred during the 1950s as evidence that such mass production was needed and wanted by the consumer. History shows they were right, and today General Electric is able to please consumers through offering an array of high quality products at an affordable price.

I am proud to have most of the workers at General Electric's Appliance Park living in the Commonwealth of Kentucky. They possess those core American values which have helped to make GE and this country a great success. I give great pride in calling attention to their excellence and work ethic. I know all will agree that for generations these GE Appliance Park workers "bring good things to life."•

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2. An act to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004.

The message also announced that pursuant to section 5(a) of the Abraham Lincoln Bicentennial Commission Act (36 U.S.C. 101 note), the Minority Leader appoints the following Members of the House of Representatives to the Abraham Lincoln Bicentennial Commission for the 108th Congress: Ms. SLAUGHTER of New York; Mr. JACKSON of Illinois.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2285. A communication from the Architect of the Capitol, transmitting, pursuant to law, the report of all expenditures during the period April 1, 2002, through September 30, 2002, from monies appropriated to the Architect of the Capitol; to the Committee on Appropriations.

EC-2286. A communication from the Senior Legal Advisor to the Bureau Chief, Media

Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Odessa, TX (MB Docket No. 02-95, RM-10421)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2287. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Genoa, Colorado) (MM Doc. No. 01-21)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2288. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Bishopville and Lamar, South Carolina) (MB Doc. No. 02-197)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2289. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations, Traverse City, MI (MB Docket No. 02-20, RM-10368)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2290. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations, Miami, FL (MM Docket No. 00-125, RM-9908)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2291. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. Stuart, Oklahoma (MB Doc. No. 02-287; RM-10569)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2292. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. Oak Grave, Louisiana (MB Doc. No. 02-321, RM-10583)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2293. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Sparkman, Arkansas; Moberly, Missouri; Kiowa, Oklahoma; Crowell, Menard and San Isidro, Texas) ((MM Doc. 01-215, RM-10228; MM Doc. No. 01-252, RM-10275; MM Docket No. 01-212, RM-10222; MM Doc. No. 01-210, RM-10225; RM-10225; MM Doc. No. 01-214, RM-10227; MM Docket No. 01-304, RM-10309; and MM Doc. No. 01-305, RM-10310)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2294. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations Lebanon and Speedway, Indiana) (MB Doc. No. 02-143)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2295. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations, Harrisburg, PA (MM Doc. No. 01-208, RM-10205)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2296. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission; transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Atoka, Haileyville and Clayton, Oklahoma) (MM Doc. No. 01-254, RM-10264; RM-10375; RM-10376)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2297. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Christiansted, VI (MB Doc. No. 02-220, RM-10518)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2298. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Jayton, Texas) (MM Doc. No. 01–295, RM–10305; RM–10381)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2299. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments FM Broadcast Stations (Goliad, Texas) (MM Doc. No. 01–155)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2300. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments of Section 73.202(b), Table of Allotments, DTV Broadcast Stations, Cheboygan, MI (MB Doc. No. 02–91, RM–10411)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2301. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations, Macon, GA (MB Doc. No. 02–281, RM–10563)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2302. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. Ozone and Iran, Texas (MB Doc. No. 02–261, RM–10503, RM–10607)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2303. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of section 73.202(b), table of Allotments, DTV Broadcast Stations, Wilmington, NC (MB Doc. No. 02–129, RM–10437)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2304. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations, Wailuku, HI (MB 02–221, RM–10519)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2305. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of section 73.622(b), Table of Allotments, DTV Broadcast Stations, Tuscaloosa, AL (MB Doc. No. 02–273; RM–10562)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2306. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. Detroit Lakes and Barnesville, Minnesota, and Enderlin, North Dakota (MM Doc. No. 00–53)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2307. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202 (b), Table of Allotments, DTV Broadcast Stations, Presque, Isle, ME (MB Docket No. 02–348, RM–10455)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2308. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Bethelehem, PA (MB Doc. No. 02–81, RM–10422)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2309. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations, Avalon, California (MB Doc. No. 02–22, RM–10520)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2310. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, DTV

Broadcast Stations, Lawton, OK (MB 02–219, RM–10506)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2311. A communication from the Deputy Assistant Administrator, Operations, National Marine Fisheries Service, Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Spiny Dogfish Fishery; 2003 Specifications (0648–AQ34)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2312. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of directed fishing for yellowfish sole by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2313. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Fishery for Loligo Squid for Charter 1" received on May 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2314. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Limitations on Construction or Alteration in the Vicinity of the Private Residence of the President of the United States Docket No. FAA 2003–14973 (Interim final rule; request for comments) (2120–AH83)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2315. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Occupant Crash Protection (2127–AI71)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2316. A communication from the Senior Attorney, Research and Special Program Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Requirements for Maintenance, Requalification, Repair and Use of DOT Specification Cylinders; Response to Appeals and Extension of Compliance Data (2137–AD58)" received on May 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2317. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the General Accounting Office reports listed or released in the month of March 2003; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GREGG, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 314. A bill to make improvements in the Foundation for the National Institutes of Health (Rept. No. 108–45).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE (for himself and Mr. CRAPO):

S. 1039. A bill to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works; to the Committee on Environment and Public Works.

By Mr. SHELBY (for himself, Mr. MILLER, and Mr. SMITH):

S. 1040. A bill to promote freedom, fairness, and economic opportunity for families by reducing the power and reach of the Federal establishment; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 1041. A bill to prohibit oil and gas drilling in Finger Lakes National Forest in the State of New York; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. COLEMAN:

S. 1042. A bill for the relief of Tchisou Tho; to the Committee on the Judiciary.

By Mr. INHOFE:

S. 1043. A bill to provide for the security of commercial nuclear power plants and facilities designated by the Nuclear Regulatory Commission; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. Res. 141. A resolution recognizing "Inventing Flight: The Centennial Celebration", a celebration in Dayton, Ohio of the centennial of Wilbur and Orville Wright's first flight; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 53

At the request of Mr. DURBIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 53, a bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for employee health insurance expenses paid or incurred by the employer.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 470

At the request of Mr. SARBANES, the names of the Senator from Nevada (Mr. REID) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 470, a bill to extend the authority for the construction of a memorial to Martin Luther King, Jr.

S. 518

At the request of Ms. COLLINS, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from New Mexico (Mr. DOMENICI) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 569

At the request of Mr. ENSIGN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 569, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 575

At the request of Mr. INOUYE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 575, a bill to amend the Native American Languages Act to provide for the support of Native American language survival schools, and for other purposes.

S. 596

At the request of Mr. ENSIGN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 596, a bill to amend the Internal Revenue Code of 1986 to encourage the investment of foreign earnings within the United States for productive business investments and job creation.

S. 601

At the request of Mr. SMITH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 601, a bill to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, for inclusion in the Fort Vancouver National Historic Site, and for other purposes.

S. 623

At the request of Mr. WARNER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 632

At the request of Mr. CRAIG, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 632, a bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular disease.

S. 664

At the request of Mr. HATCH, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 724

At the request of Mr. ENZI, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 724, a bill to amend title 18, United States Code, to exempt certain rocket propellants from prohibitions under that title on explosive materials.

S. 736

At the request of Mr. ENSIGN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 752

At the request of Mr. BINGAMAN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 752, a bill to amend the Internal Revenue Code of 1986 to treat distributions from publicly traded partnerships as qualifying income of regulated investment companies, and for other purposes.

S. 796

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 796, a bill to provide for the appointment of a Director of State and Local Government Coordination within the Department of Homeland Security and to transfer the Office for Domestic Preparedness to the Office of the Secretary of Homeland Security.

S. 818

At the request of Ms. SNOWE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 818, a bill to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration.

S. 884

At the request of Ms. LANDRIEU, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 884, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 893

At the request of Mr. SANTORUM, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 893, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 895

At the request of Mr. NICKLES, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 895, a bill to amend the Internal Revenue Code of 1986 to include wireless telecommunications equipment in the definition of qualified technological equipment for purposes of determining the depreciation treatment of such equipment.

S. 950

At the request of Mr. ENZI, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 950, a bill to allow travel between the United States and Cuba.

S. 979

At the request of Mr. ENSIGN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 979, a bill to direct the Securities and Exchange Commission to require enhanced disclosures of employee stock options, to require a study on the economic impact of broad-based employee stock option plans, and for other purposes.

S. 990

At the request of Ms. LANDRIEU, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 990, a bill to amend title 32, United States Code, to increase the maximum Federal share of the costs of State programs under the National Guard Challenge Program, and for other purposes.

S. CON. RES. 7

At the request of Mr. CAMPBELL, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. Con. Res. 7, a concurrent resolution expressing the sense of Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences.

S. RES. 136

At the request of Mr. KENNEDY, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 136, a resolution recognizing the 140th anniversary of the founding of the Brotherhood of Locomotive Engineers, and congratulating members and officers of the Brotherhood of Locomotive Engineers for the union's many achievements.

S. RES. 140

At the request of Mr. CAMPBELL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Res. 140, a resolution designating the week of August 10, 2003, as "National Health Center Week".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY (for himself, Mr. MILLER, and Mr. SMITH):

S. 1040. A bill to promote freedom, fairness, and economic opportunity for families by reducing the power and reach of the Federal establishment; to the Committee on Finance.

Mr. SHELBY. Mr. President, I rise today to once again introduce my flat tax bill, S. 1040. Although I fully support the President's plan for economic growth, I believe that we can do even better. Like the President's plan, my bill eliminates the double taxation of dividends. However, instead of retaining the current progressive tax rates that impede economic growth, S. 1040 creates a single rate for all taxpayers—seventeen percent when the tax is fully implemented—and gives tax-free treatment to all savings and investment, not just dividends.

A major reason why I support the flat tax is because it will place more money into the hands of hardworking Americans and will allow individuals—not the government—to decide how to best spend their money. Lowering taxes gives Americans more money for a large number of things such as monthly bills, insurance coverage, educational costs, prescription drugs, and family getaways. Lowering taxes also makes it easier for Americans to plan for their future through private savings. Although I strongly believe in the importance of private savings, my bill leaves the Social Security system intact and, in fact, provides seniors with more money by repealing the current tax on Social Security benefits.

I have said many times before that our current progressive tax system is unfair in that it punishes success. The only way to ensure true fairness is to adopt a single tax rate for all taxpayers. Transitioning to such a tax will not only increase the fairness of the tax code, but it will also increase the incentives to work and thus boost economic growth.

The flat tax is not only fairer than the current income tax, but it's also undeniably less complex. Under a flat tax, taxpayers would be able to fit their return on a form the size of a post card. Rather than spending hours pouring over convoluted IRS forms, or resorting to professional tax assistance, the flat tax allows taxpayers to determine their taxes quickly and easily. Paying taxes may never be a pleasant experience, but at least under a flat tax it wouldn't be mind-boggling.

I fully realize that the bill I am introducing today is a monumental shift from the current tax code. However, we must not allow the enormity of the task to deter us from enacting better, more efficient tax laws. I therefore urge my colleagues to join me in support of this legislation.

By Mr. COLEMAN:

S. 1042. A bill for the relief of Tchisou Tho; to the Committee on the Judiciary.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the bill for the relief of Tchisou Tho be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR TCHISOU THO.

(a) In General.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Tchisou Tho shall be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act or for adjustment of status to lawful permanent resident.

(b) Adjustment of Status.—If Tchisou Tho enters the United States before the filing deadline specified in subsection (c), Tchisou Tho shall be considered to have entered and remained lawfully and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) Deadline for Application and Payment of Fees.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) Reduction of Immigrant Visa Numbers.—Upon the granting of an immigrant visa or permanent residence to Tchisou Tho, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of that Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 141—RECOGNIZING "INVENTING FLIGHT: THE CENTENNIAL CELEBRATION", A CELEBRATION IN DAYTON, OHIO OF THE CENTENNIAL OF WILBUR AND ORVILLE WRIGHT'S FIRST FLIGHT

Mr. VOINOVICH (for himself and Mr. DeWine) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 141

Whereas 2003 marks the centennial of Wilbur and Orville Wright's achievement of the first controlled, powered flight in history;

Whereas Wilbur and Orville Wright grew up and worked at a bicycle shop in Dayton, Ohio, where they developed, built, and refined the first successful, heavier-than-air, manned, powered aircraft;

Whereas the Wright brothers developed the world's first flying field, the world's first flying school, and the world's first airplane manufacturing company in the Dayton area;

Whereas many legacies of the Wrights' inventiveness and creativity still exists in the region, including Wright-Patterson Air Force Base, the Dayton Aviation Heritage National Historical Park, the United States Air Force Museum, the National Aviation Hall of Fame, the Wright "B" Flyers, and the Engineers Club of Dayton;

Whereas the city of Dayton, area communities, a number of civic groups, private businesses, government agencies, and military partners, are joining together to honor the Nation's aerospace achievements;

Whereas Dayton is considered the "Birthplace of Aviation" and from July 3 through July 20, 2003, the Dayton region will host "Inventing Flight: The Centennial Celebration", the largest public centennial event in Ohio celebrating the first flight and one of only 4 events nationwide endorsed as a full partner by the United States Centennial of Flight Commission; and

Whereas the celebration will feature pavilions with aviation displays, blimp and hot-air balloon races, dance and cultural performances, river shows, historical reenactments, an international air and space symposium, National Aviation Hall of Fame ceremonies, and a military and general aviation show at the Dayton International Airport: Now, therefore, be it

Resolved, That the Senate recognizes "Inventing Flight: The Centennial Celebration", a celebration in Dayton, Ohio of the centennial of Wilbur and Orville Wright's first flight.

AMENDMENTS SUBMITTED & PROPOSED

SA 540. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 2, to amend the Internal Revenue Code of 1986 to provide additional tax incentives to encourage economic growth; which was ordered to lie on the table.

SA 541. Mr. ENSIGN (for himself and Mr. Corzine) submitted an amendment intended to be proposed by him to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 540. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 2, to amend the Internal Revenue Code of 1986 to provide additional tax incentives to encourage economic growth; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. . EXPENSING OF BROADBAND INTERNET ACCESS EXPENDITURES.

(a) In General.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 190 the following new section:

"SEC. 191. BROADBAND EXPENDITURES.

"(a) Treatment of Expenditures.—

"(1) In general.—A taxpayer may elect to treat any qualified broadband expenditure which is paid or incurred by the taxpayer as an expense which is not chargeable to capital account. Any expenditure which is so treated shall be allowed as a deduction.

"(2) Election.—An election under paragraph (1) shall be made at such time and in such manner as the Secretary may prescribe by regulation.

"(b) Qualified Broadband Expenditures.—For purposes of this section—

"(1) In general.—The term 'qualified broadband expenditure' means, with respect to any taxable year, any direct or indirect costs incurred and properly taken into account with respect to the purchase or installation of qualified equipment (including any upgrades thereto), together with any direct or indirect costs incurred and properly taken into account with respect to the connection of such qualified equipment to any qualified subscriber, but only if such costs are incurred after December 31, 2003, and before January 1, 2005.

"(2) Certain satellite expenditures excluded.—Such term shall not include any costs incurred with respect to the launching of any satellite equipment.

"(3) Leased equipment.—Such term shall include so much of the purchase price paid by the lessor of equipment subject to a lease described in subsection (c)(2)(B) as is attributable to expenditures incurred by the lessee which would otherwise be described in paragraph (1).

"(4) Limitation with regard to current generation broadband services.—Only 50 percent of the amounts taken into account under paragraph (1) with respect to qualified equipment through which current generation broadband services are provided shall be treated as qualified broadband expenditures.

"(c) When Expenditures Taken Into Account.—For purposes of this section—

"(1) In general.—Qualified broadband expenditures with respect to qualified equipment shall be taken into account with respect to the first taxable year in which—

"(A) current generation broadband services are provided through such equipment to qualified subscribers, or

"(B) next generation broadband services are provided through such equipment to qualified subscribers.

"(2) Limitation.—

"(A) In general.—Qualified expenditures shall be taken into account under paragraph (1) only with respect to qualified equipment—

"(i) the original use of which commences with the taxpayer, and

"(ii) which is placed in service,

after December 31, 2003.

"(B) Sale-leasebacks.—For purposes of subparagraph (A), if property—

"(i) is originally placed in service after December 31, 2003, by any person, and

"(ii) sold and leased back by such person within 3 months after the date such property was originally placed in service, such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in clause (ii).

"(d) Special Allocation Rules.—

"(1) Current generation broadband services.—For purposes of determining the amount of qualified broadband expenditures under subsection (a)(1) with respect to qualified equipment through which current generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified broadband expenditures shall be multiplied by a fraction—

``(A) the numerator of which is the sum of the number of potential qualified subscribers within the rural areas and the underserved areas which the equipment is capable of serving with current generation broadband services, and

``(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with current generation broadband services.

``(2) NEXT GENERATION BROADBAND SERVICES.—For purposes of determining the amount of qualified broadband expenditures under subsection (a)(1) with respect to qualified equipment through which next generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

``(A) the numerator of which is the sum of—

``(i) the number of potential qualified subscribers within the rural areas and underserved areas, plus

``(ii) the number of potential qualified subscribers within the area consisting only of residential subscribers not described in clause (i),

which the equipment is capable of serving with next generation broadband services, and

``(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with next generation broadband services.

``(e) DEFINITIONS.—For purposes of this section—

``(1) ANTENNA.—The term 'antenna' means any device used to transmit or receive signals through the electromagnetic spectrum, including satellite equipment.

``(2) CABLE OPERATOR.—The term 'cable operator' has the meaning given such term by section 602(5) of the Communications Act of 1934 (47 U.S.C. 522(5)).

``(3) COMMERCIAL MOBILE SERVICE CARRIER.—The term 'commercial mobile service carrier' means any person authorized to provide commercial mobile radio service as defined in section 20.3 of title 47, Code of Federal Regulations.

``(4) CURRENT GENERATION BROADBAND SERVICE.—The term 'current generation broadband service' means the transmission of signals at a rate of at least 1,000,000 bits per second to the subscriber and at least 128,000 bits per second from the subscriber.

``(5) MULTIPLEXING OR DEMULTIPLEXING.—The term 'multiplexing' means the transmission of 2 or more signals over a single channel, and the term 'demultiplexing' means the separation of 2 or more signals previously combined by compatible multiplexing equipment.

``(6) NEXT GENERATION BROADBAND SERVICE.—The term 'next generation broadband service' means the transmission of signals at a rate of at least 22,000,000 bits per second to the subscriber and at least 5,000,000 bits per second from the subscriber.

``(7) NONRESIDENTIAL SUBSCRIBER.—The term 'nonresidential subscriber' means any person who purchases broadband services which are delivered to the permanent place of business of such person.

``(8) OPEN VIDEO SYSTEM OPERATOR.—The term 'open video system operator' means any person authorized to provide service under section 653 of the Communications Act of 1934 (47 U.S.C. 573).

``(9) OTHER WIRELESS CARRIER.—The term 'other wireless carrier' means any person (other than a telecommunications carrier, commercial mobile service carrier, cable operator, open video system operator, or satellite carrier) providing current generation broadband services or next generation broadband service to subscribers through the radio transmission of energy.

``(10) PACKET SWITCHING.—The term 'packet switching' means controlling or routing the path of any digitized transmission signal which is assembled into packets or cells.

``(11) PROVIDER.—The term 'provider' means, with respect to any qualified equipment—

``(A) a cable operator,

``(B) a commercial mobile service carrier,

``(C) an open video system operator,

``(D) a satellite carrier,

``(E) a telecommunications carrier, or

``(F) any other wireless carrier,

providing current generation broadband services or next generation broadband services to subscribers through such qualified equipment.

``(12) PROVISION OF SERVICES.—A provider shall be treated as providing services to 1 or more subscribers if—

``(A) such a subscriber has been passed by the provider's equipment and can be connected to such equipment for a standard connection fee,

``(B) the provider is physically able to deliver current generation broadband services or next generation broadband services, as applicable, to such a subscriber without making more than an insignificant investment with respect to such subscriber,

``(C) the provider has made reasonable efforts to make such subscribers aware of the availability of such services,

``(D) such services have been purchased by 1 or more such subscribers, and

``(E) such services are made available to such subscribers at average prices comparable to those at which the provider makes available similar services'' in any areas in which the provider makes available such services.

``(13) QUALIFIED EQUIPMENT.—

``(A) IN GENERAL.—The term 'qualified equipment' means equipment which provides current generation broadband services or next generation broadband services—

``(i) at least a majority of the time during periods of maximum demand to each subscriber who is utilizing such services, and

``(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no deduction is allowed under subsection (a)(1).

``(B) ONLY CERTAIN INVESTMENT TAKEN INTO ACCOUNT.—Except as provided in subparagraph (C) or (D), equipment shall be taken into account under subparagraph (A) only to the extent it—

``(i) extends from the last point of switching to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a telecommunications carrier,

``(ii) extends from the customer side of the mobile telephone switching office to a transmission/receive antenna (including such antenna) owned or leased by a subscriber in the case of a commercial mobile service carrier,

``(iii) extends from the customer side of the headend to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a cable operator or open video system operator, or

``(iv) extends from a transmission/receive antenna (including such antenna) which transmits and receives signals to or from multiple subscribers, to a transmission/receive antenna (including such antenna) on the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a satellite carrier or other wireless carrier, unless such other wireless carrier is also a telecommunications carrier.

``(C) PACKET SWITCHING EQUIPMENT.—Packet switching equipment, regardless of location, shall be taken into account under subparagraph (A) only if it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of packet switching for current generation broadband services or next generation broadband services, but only if such packet switching is the last in a series of such functions performed in the transmission of a signal to a subscriber or the first in a series of such functions performed in the transmission of a signal from a subscriber.

``(D) MULTIPLEXING AND DEMULTIPLEXING EQUIPMENT.—Multiplexing and demultiplexing equipment shall be taken into account under subparagraph (A) only to the extent it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of multiplexing and demultiplexing packets or cells of data and making associated application adaptions, but only if such multiplexing or demultiplexing equipment is located between packet switching equipment described in subparagraph (C) and the subscriber's premises.

``(14) QUALIFIED SUBSCRIBER.—The term 'qualified subscriber' means—

``(A) with respect to the provision of current generation broadband services—

``(i) any nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

``(ii) any residential subscriber residing in a dwelling located in a rural area or underserved area which is not a saturated market, and

``(B) with respect to the provision of next generation broadband services—

``(i) any nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

``(ii) any residential subscriber.

``(15) RESIDENTIAL SUBSCRIBER.—The term 'residential subscriber' means any individual who purchases broadband services which are delivered to such individual's dwelling.

``(16) RURAL AREA.—The term 'rural area' means any census tract which—

``(A) is not within 10 miles of any incorporated or census designated place containing more than 25,000 people, and

``(B) is not within a county or county equivalent which has an overall population density of more than 500 people per square mile of land.

``(17) RURAL SUBSCRIBER.—The term 'rural subscriber' means any residential subscriber residing in a dwelling located in a rural area or nonresidential subscriber maintaining a permanent place of business located in a rural area.

``(18) SATELLITE CARRIER.—The term 'satellite carrier' means any person using the facilities of a satellite or satellite service licensed by the Federal Communications Commission and operating in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of such Code to establish and operate a channel of communications for distribution of signals, and owning or leasing a capacity or service on a satellite in order to provide such point-to-multipoint distribution.

``(19) SATURATED MARKET.—The term 'saturated market' means any census tract in which, as of the date of the enactment of this section—

"(A) current generation broadband services have been provided by a single provider to 85 percent or more of the total number of potential residential subscribers residing in dwellings located within such census tract, and

"(B) such services can be utilized—

"(i) at least a majority of the time during periods of maximum demand by each such subscriber who is utilizing such services, and

"(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no deduction is allowed under subsection (a)(1).

"(20) SUBSCRIBER.—The term 'subscriber' means any person who purchases current generation broadband services or next generation broadband services.

SA 541. Mr. ENSIGN (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 815. REAFFIRMATION OF SUPPORT FOR CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE; COMMEMORATION OF ANNIVERSARY OF ENACTMENT OF GENOCIDE CONVENTION IMPLEMENTATION ACT OF 1987.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1948, in the shadow of the Holocaust, the international community responded to Nazi Germany's methodically orchestrated acts of genocide by approving the Convention on the Prevention and Punishment of the Crime of Genocide, done at Paris on December 9, 1948.

(2) The Convention on the Prevention and Punishment of the Crime of Genocide confirms that genocide is a crime under international law, defines genocide as certain acts committed with intent to destroy a national, ethnical, racial, or religious group, and provides that parties to the Convention undertake to enact domestic legislation providing effective penalties for persons who are guilty of genocide.

(3) The United States, under President Harry Truman, was the first nation to sign the Convention on the Prevention and Punishment of the Crime of Genocide.

(4) The United States Senate ratified the Convention on the Prevention and Punishment of the Crime of Genocide on February 19, 1986.

(5) The Genocide Convention Implementation Act of 1987 (the Proxmire Act) (Public Law 100–606), signed into law by President Ronald Reagan on November 4, 1988, enacted chapter 50A of title 18, United States Code, to criminalize genocide.

(6) The enactment of the Genocide Convention Implementation Act marked a principled stand by the United States against the crime of genocide and an important step toward ensuring that the lessons of the Holocaust, the Armenian Genocide, and genocides in Cambodia, Rwanda and elsewhere will be used to help prevent future genocides.

(7) A clear consensus exists within the international community against genocide, as evidenced by the fact that 133 nations are party to the Convention on the Prevention and Punishment of the Crime of Genocide.

(8) Despite this consensus, many thousands of innocent people continue to fall victim to genocide, and the denials of past instances of genocide continue.

(9) November 4, 2003, is the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (Proxmire Act).

(b) REAFFIRMATION OF SUPPORT FOR GENOCIDE CONVENTION.—Congress reaffirms its support for the Convention on the Prevention and Punishment of the Crime of Genocide.

(c) COMMEMORATION OF ANNIVERSARY OF ENACTMENT OF GENOCIDE CONVENTION IMPLEMENTATION ACT OF 1987.—Congress acknowledges and anticipates the commemorization of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

(d) DEDICATION TO END GENOCIDE.—Congress encourages the people and the Government of the United States to rededicate themselves to the cause of ending the crime of genocide.

NOTICE OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN. Mr. President, I announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on May 15, 2003 in SR–328A at 11:30 a.m. The purpose of this hearing will be to review the nominations of Glenn Klippenstein, Julia Bartling, and Lowell Junkins to be a member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following fellows and interns on the Finance Committee be granted the privilege of the floor for the remainder of the week: Alisa Blum, Tyler Garret, Renee Johnson, Mark Kirbabas, Rhonda Sinkfield, and Mike Wiedrick.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276c–276g, as amended, appoints the following Senator as a member of the Senate Delegation to the Canada-U.S. Interparliamentary Group during the First Session of the 108th Congress, to be held in Canada, May 15–19, 2003: Senator GEORGE V. VOINOVICH of Ohio.

ORDERS FOR TUESDAY, MAY 13, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Tuesday, May 13. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business with Members permitted to speak for up to 10 minutes each. I further ask unanimous consent that the Senate recess from 12:30 until 2:15 for the weekly party lunches.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I would like to propound a parliamentary inquiry to the Chair.

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. MCCONNELL. Yes.

Mr. REID. Mr. President, is S. 2 as reported by the Finance Committee a reconciliation bill?

The PRESIDING OFFICER. The answer to the Senator's inquiry is no.

Mr. REID. If the Senate takes up S. 2, it then would be fully debatable and open to amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I have no objection to the request propounded by the distinguished Senator from Kentucky.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President, for the information of all Senators, tomorrow the Senate will be in a period of morning business, and when the reconciliation bill is received from the Finance Committee, the Senate will proceed to its consideration. Amendments are expected to be offered to the bill, and a late night is expected. Senators who wish to engage in the debate or to offer an amendment to the bill are encouraged to work with the bill managers so we can move forward in an orderly and efficient manner.

For the remainder of the week, the Senate will complete action on the jobs/growth bill, and also consider both the bipartisan global HIV/AIDS bill and the debt limit legislation. In order for the Senate to complete action on these measures, late nights and rollcall votes should be expected throughout the entire week. I therefore advise my colleagues to make the necessary scheduling arrangements.

Mr. REID. Mr. President, if the distinguished Senator will yield, as I have spoken to the distinguished assistant majority leader, we have on our side eight Senators who are scheduled tomorrow to go to the funeral of the late Senator Long. This is just for the information of the majority leader. Their plane leaves at 8 or 8:30 in the morning and returns at 7 o'clock in the evening. I know the majority is aware of that.

Mr. McCONNELL. Mr. President, let me say we are aware that there are a number of Senators going to Senator Long's funeral, and we have tried to craft this schedule in such a way as to accommodate those interests.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:32 p.m., adjourned until Tuesday, May 13, 2003, at 10 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Sunday, May 11, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 13

9:30 a.m.

Commerce, Science, and Transportation

To continue hearings to examine media ownership.

SR-253

Judiciary

To hold hearings to examine Project Safe Neighborhoods, focusing on gun violence.

SD-226

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the nominations of Steven B. Nesmith, of Pennsylvania, to be an Assistant Secretary of Housing and Urban Development, Jose Teran, of Florida, James Broaddus, of Texas, Lane Carson, of Louisiana, and Paul Pate, of Iowa, each to be a Member of the Board of Directors of the National Institute of Building Sciences, Nicholas Gregory Mankiw, of Massachusetts, to be a Member of the Council of Economic Advisers.

SD-538

Appropriations

Homeland Security Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Bureau of Customs and Border Protection, Transportation Security Administration, and Federal Law Enforcement Training Center.

SD-192

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 452, to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, S. 500, to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era, S. 601, to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, for inclusion in the Fort Vancouver National Historic Site, S. 612, to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona, H.R. 788, to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona, S. 630, to authorize the Secretary of the Interior to conduct a study of the San Gabriel River Watershed, and H.R. 519, to authorize the Secretary of the Interior to conduct a study of the San Gabriel River Watershed.

SD-366

10:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine investments in after school programs, focusing on effective academic and recreational opportunities and safe havens for youth.

SH-216

2 p.m.

Finance

International Trade Subcommittee

To hold hearings to examine the status of the free trade area of the Americas, focusing on negotiations and preparations for the Miami Ministerial.

SD-215

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 520, to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho, S. 625, to authorize the Bureau of Reclamation to conduct certain feasibility studies in the Tualatin River Basin in Oregon, S. 960, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii and to amend the Hawaii Water Resources Act of 2000 to modify the water resources study, S. 649, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in projects within the San Diego Creek Watershed, California, and S. 993, to amend the Small Reclamation Projects Act of 1956.

SD-366

MAY 14

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine.

SR-253

Appropriations

District of Columbia Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2004 for the government of the District of Columbia, focusing on the foster care systems.

SD-138

Governmental Affairs

To hold hearings to examine tissue banks, focusing on federal regulation.

SD-342

Indian Affairs

Business meeting to consider pending calendar business, to be immediately followed by oversight hearings to examine the role of funding of the Federal National Indian Gaming Commission.

SH-216

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine health insurance.

SD-116

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider S. 888, to reauthorize the Museum and Library Services Act, S. 686, to provide assistance for poison prevention and to stabilize the funding of regional poison control centers, S. 504, to establish academics for teachers and students of American history and civics and a national alliance of teachers of American history and civics, and S. 754, to amend the Public Health Service Act to improve immunization rates by increasing the distribution of vaccines and improving and clarifying the vaccine injury compensation program.

SD-430

10:15 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Defense.

SD-192

2 p.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the implementation of the 2002 Farm Bill.

SR-328A

Agriculture, Nutrition, and Forestry

To hold hearings to examine farm credit.

SR-328A

MAY 15

9:30 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2004 for programs under its jurisdiction.

SD-124

Commerce, Science, and Transportation

To hold oversight hearings to examine recommendations to tighten oversight of the Title XI Shipbuilding Loan Guarantee Program.

SR-253

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Appropriations
Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Defense.
SD–192

Governmental Affairs
To hold hearings to examine the Department of Homeland Security, focusing on state and local governments.
SD–342

Judiciary
Business meeting to consider pending calendar business.
SD–226

10 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings to examine the Fair Credit Reporting Act and issues presented by the Re-authorization of the Expiring Preemption Provisions.
SD–538

Indian Affairs
To hold hearings to examine S. 575, to amend the Native American Languages Act to provide for the support of Native American language survival schools.
SR–485

11:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine pending calendar business.
SR–328A

2 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine proposed budget estimate for fiscal year 2004 for foreign operations.
SD–138

Governmental Affairs
To hold hearings to examine the nominations of Susanne T. Marshall, of Virginia, to be Chairman of the Merit Systems Protection Board, Neil McPhie, of Virginia, to be a Member of the Merit Systems Protection Board, Terrence A. Duffy, of Illinois, to be a Member of of the Federal Retirement Thrift Investment Board, and Thomas Waters Grant, of New York, to be a Director of the Securities Investor Protection Corporation.
SD–342

2:30 p.m.
Commerce, Science, and Transportation
Oceans, Fisheries and Coast Guard Subcommittee
To hold hearings to examine the Marine Mammal Protection Act.
SR–253

Intelligence
To hold closed hearings to examine pending intelligence matters.
SH–219

MAY 16

9 a.m.
Foreign Relations
To hold hearings to examine the Department of State's Office of Children's Issues, focusing on international parental abduction.
SD–419

MAY 19

2 p.m.
Aging
To hold hearings to examine ageism in the health care system, focusing on short shrifting seniors.
SD–628

2:30 p.m.
Foreign Relations
African Affairs Subcommittee
To hold hearings to examine fighting AIDS in Uganda.
SD–419

MAY 20

9:30 a.m.
Rules and Administration
To hold oversight hearings to examine operations of the John F. Kennedy Center for the Performing Arts and the Smithsonian Institution.
SR–301

10 a.m.
Aging
To hold hearings to examine baby boomers, focusing on enhancing independence through innovation and technology.
SD–628

2:30 p.m.
Foreign Relations
To hold hearings to examine the future of U.S. economic relations in the Western Hemisphere.
SD–419

MAY 21

9 a.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings to examine SARS, focusing on state and local response.
SD–342

9:30 a.m.
Foreign Relations
Business meeting to consider an original bill to authorize foreign assistance for fiscal year 2004, to make technical and administrative changes to the Foreign Assistance and Arms Export Control Acts and to authorize a Millennium Challenge Account.
SD–419

10 a.m.
Energy and Natural Resources
Business meeting to consider.
SD–366

Indian Affairs
To hold oversight hearings to examine the proposed reorganization of the Bureau of Indian Affairs.
SR–485

MAY 22

10 a.m.
Indian Affairs
To hold oversight hearings to examine the status of telecommunications in Indian Country.
SR–485

JUNE 3

10 a.m.
Indian Affairs
To hold oversight hearings to examine the status of tribal fish and wildlife management programs.
SR–485

JUNE 4

10 a.m.
Indian Affairs
To hold hearings to examine S. 281, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes, to provide for training and technical assistance to Native Americans who are interested in commercial vehicle driving careers, and S. 725, to amend the Transportation Equity Act for the 21st Century to provide from the Highway Trust Fund additional funding for Indian reservation roads.
SR–485

2 p.m.
Indian Affairs
To hold oversight hearings to examine the impacts on tribal fish and wildlife management programs in the Pacific Northwest.
SR–485

JUNE 11

10 a.m.
Indian Affairs
To hold hearings to examine the nomination of Charles W. Grim, of Oklahoma, to be Director of the Indian Health Service, Department of Health and Human Services.
SR–485

JUNE 18

10 a.m.
Indian Affairs
To hold oversight hearings to examine Native American sacred places.
SR–485

CANCELLATIONS

MAY 15

9:30 a.m.
Foreign Relations
To continue hearings to examine an original bill to authorize foreign assistance for fiscal year 2004, to make technical and administrative changes to the Foreign Assistance and Arms Export Control Acts and to authorize a Millennium Challenge Account.
SD–419

POSTPONEMENTS

MAY 14

2:15 p.m.
Judiciary
Terrorism, Technology and Homeland Security Subcommittee
To hold hearings to examine recruitment of terrorists in prison.
SD–226

HOUSE OF REPRESENTATIVES—*Tuesday, May 13, 2003*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. MURPHY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 13, 2003.

I hereby appoint the Honorable TIM MURPHY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

MILITARY ENVIRONMENTAL EXEMPTIONS

Mr. BLUMENAUER. Mr. Speaker, while the headlines deal with the United States' struggle against terrorism and securing the peace in Iraq after the war, there is another less heralded battle, that is, for the world's environment, literally saving the planet.

When it comes to pure military might, the United States is unsurpassed. No one is even close. On the battle to save the planet, the prognosis is not quite so positive. Sea levels are rising, glaciers are retreating, pollution around the world is on the rise, energy consumption by both the United States and the developing world is increasing, large swaths of forests continued to be devoured, the world's fisheries depleted, and coral reefs dying.

In the United States, on the environmental front, when not missing in action, is certainly not as aggressive in leadership as other developed countries in Europe and Japan. The world's greatest polluter and energy consumer is not accepting our responsibility in our capacity as the world's wealthiest and most powerful Nation.

Ironically, part of the solution is to be found with our Defense Department. The greatest source of pollution in the United States is associated with our military and the testing and development of weapons. The most serious and dangerous, of course, is the nuclear waste in various parts of the country. We have it in our Pacific Northwest. But there are sites large and small in every State of the Union, literally tens of millions of acres.

The United States has made a tremendous investment in training the finest fighting force in the world. We have made a huge financial outlay. A small portion of that outlay could be devoted to cleaning up after ourselves and protecting the environment.

Sadly, the House will soon be debating a proposal that is 180 degrees in the wrong direction. The Committee on Armed Services and the Committee on Resources are looking at legislation that would completely exempt the Department of Defense from following environmental rules and regulations. It is wrong on so many different levels.

First of all, there is no need for the legislation. There has never been an example where a waiver that is able, under current law, to be authorized has ever been denied. There has never been an instance of military necessity for training where a waiver has not been granted; not once.

The consequences of military activity occur in many unexpected ways: perchlorate pollution in lettuce in the Imperial Valley, polluted drinking water on Martha's Vineyard. Three times since I have been in Congress we have had to pull firefighters out of the woods because unexploded ordnance has been exploding around them. Exempting, exempting the military from commonsense environmental regulations that apply to the rest of America would put more of our service people at risk, put their families at risk, put their neighbors at risk of bad air, bad water, dangerous practices.

It also misses the real threat to military readiness: the notion of land use encroachment. The same sprawl and unplanned growth that threatens farm and forest land, pollutes our air and water, and congests our roadways is a real threat to our ability to train and maintain the world's mightiest fighting force. Failure to plan and manage these impacts is a serious, ongoing problem that is ignored by the pending legislation.

It is also wrong on the most fundamental level. It is missing an opportunity to use the Department of Defense to set the highest standards. My experience with our military personnel is that given the right resources, the right orders, they can achieve any mission. If part of their order is to protect the environment, to clean up from past mistakes, to set standards of environmental stewardship, they will hit a homerun every time. It would have a transformational effect for the world dealing with tragic debris, environmental carnage of past actions.

There is also a fundamental arrogance and hypocrisy that the Federal Government's rules and regulations are necessary to protect the environment. It will impose them on a small business or local government, but not on the United States Government. Indeed, there are those who would try to work to take this misguided military exemption to try and extend it to all Federal activities. That would be a tragedy. It would not only underscore fundamental hypocrisy; it would put more pressure on small business and local governments and individuals because the Federal Government refuses to do its part.

In order to win the battle to protect the environment, America must provide leadership. A critical part of that leadership has always been our military. To send them a signal that environmental stewardship does not matter and that they do not have to play by the same rules the rest of us do is the wrong signal for them; it is the wrong signal for the rest of America; and it is certainly the wrong direction for our efforts against global warming, air and water pollution.

Mr. Speaker, I sincerely hope the House will have the presence of mind to reject this wrong-headed approach.

PENSION SECURITY IS A VICTORY FOR WORKING AMERICANS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Texas (Mr. DELAY) is recognized during morning hour debates.

Mr. DELAY. Mr. Speaker, another week, another victory for working Americans. On the heels of our bipartisan passage of the President's jobs and growth package, this week the House will consider the Pension Security Act of 2003.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

This legislation will empower employees and make them better informed about their retirement investment options. It will make businesses more accountable to their employees and corporations more accountable to their most valuable investors. And by giving rank-and-file employees increased flexibility and information, this legislation will better protect American savings from the effects of some misguided companies.

The legislation will allow employees with company stock to sell it and diversify their portfolios after just 3 years, rather than up to 10 as under current law. Employees will still be allowed to own shares of their own company, but companies could no longer require their employees to do so.

The Pension Security Act will help employees get even more personal investment advice than current law dictates. It also provides tax incentives to help working Americans pay for additional retirement planning services. And with this bill, we will ensure that all workers have access to quality advice about investment strategies, diversification, and risks.

To help keep people informed will also require companies to provide their employees with quarterly benefit statements with information about their investment performance and rights to diversify. Finally, this bill will confirm that when workers do not have access to their accounts during so-called blackout periods, companies must act in their employees' best interests.

Mr. Speaker, this is another step towards the establishment of a pension and retirement savings system in this country that does what it is supposed to do. Employees will be assured their investments are theirs, that the diversification strategy they employ will be tailored to their needs, and that they will have access to expert advisors bound to serve the interests of them and not anyone else. By empowering employees with more flexibility and information in their retirement planning, we will be adding to the long-term financial security of our Nation.

So as I said, Mr. Speaker, another week, another victory for working Americans.

REPUBLICANS DENY WORKERS EXTENDED UNEMPLOYMENT BENEFITS DURING ECONOMIC DOWNTURN

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, the gentleman from Texas (Mr. DELAY), the Republican leader of the House, began his talk by saying, a victory for working Americans last week. It is hard to think it was a victory for working Americans when we have over 1 million people who are unemployed, who are receiving unemployment compensation, and 36,000 of those in Ohio, their benefits expire on May 31; and this Republican Congress and this President refused to extend their unemployment benefits.

Last November many of us in this House, many of us on the Democratic side, called for an extension of unemployment benefits for the 23,000 workers in Ohio and 1.1 million-or-so workers nationwide whose benefits were set to expire at the end of the year. After bowing to public outrage, the White House begrudgingly gave congressional Republicans the green light to help the unemployed. They were reluctant; but because of the pressure they received from people in my State of Ohio and across the country from unemployed workers and people who care about unemployed workers, Republicans could not ignore the expiring of unemployment benefits any longer.

It is 5 months later, and we are going down that same road again. Several days ago, House Republicans passed President Bush's tax cut that gives millionaires an average tax cut of $93,000. If you make $1 million a year, you get a tax cut of $93,000. Fewer than half the people in my State, or about half the people in my State of Ohio, will get less than $200 from that same tax cut bill; but the 1 percent wealthiest people whose income averages $968,000 a year will get a $93,000 tax break. That is twice as much as the median total income of people in this country.

Mr. Speaker, I supported a Democratic alternative that extends unemployment benefits to help families struggling through the Bush recession and to provide real economic stimulus by putting the money in the pockets of those who will spend it, those who are unemployed, those who need it most, those who are most likely to put that money into the economy to create economic activity to create jobs. Our plan provides tax stimulus for small businesses and manufacturing that is the core of Ohio's economy and offers immediate relief to States like Ohio, almost all the 50 States, which are drowning in red ink, help to maintain Medicaid, avoid further job losses and cuts in critical programs, and prevent tax increases, so that States do not feel forced to raise taxes as most of them, Republican and Democratic Governors alike, are doing.

Did the House Republican leadership embrace this commonsense plan? No. Did the Republicans vote to extend unemployment benefits for 1 million Americans whose benefits are running out and who cannot find a job as hard as they are willing to work, one of the best ways to spur economic growth? No. Did the Republicans extend unemployment benefits? No. Did the Republicans give assistance to cash-strapped States all over the country that are raising taxes, cutting health care, and raising tuition rates on middle-class families? No. And why is the Republican answer to all of our economic problems always, always tax cuts for the rich?

The President's tax cut plan echoes the 2001 President's tax cut plan in other ways. The 2001 tax cut delivered 40 percent of its benefits to the richest 1 percent of the people in this country. They marketed it as a tax break for ordinary folks, and now they are saying it again. Keep in mind, half of the tax cut goes to people whose average income is $968,000 a year. The typical family, though, gets a tax break of about $200 next year; but families with incomes of $1 million get $93,000.

Two years ago, the President got his tax cut through Congress, which he claimed would create jobs. Two years later, today, we have lost since then 1.7 million jobs, and now they are saying we should do it again.

The latest unemployment statistics show 360,000 Ohioans are out of work, 33,000 more than were reported in January.

□ 1245

Ohio has lost a quarter of a million jobs since President Bush took office. President Bush has the worst job creation record, averaging a loss of 68,000 jobs a month, of any President in the last 58 years. Every month that President Bush has been in office, we have seen a decrease in the number of jobs in this country. We have lost 563 jobs for every working hour of every working day since President Bush took office.

During that time period in President Clinton's first term, nearly 11 million jobs were created, including nearly a half million manufacturing jobs. Yet we have seen over 1 million manufacturing jobs vanish since President Bush moved into the White House.

Over the next decade, 27 percent of the tax cut, about the share that goes to the bottom 90 percent of the population, would go to these very high-income families. Despite these economic statistics, President Bush will not ask Congress to do what his father asked Congress a dozen years ago. In the wake of the recession of the early 1900s, they extended unemployment benefits; the same thing that President Bush and House Republicans should do.

AMERICA APPRECIATES ALLIED SUPPORT

The SPEAKER pro tempore (Mr. MURPHY). Pursuant to the order of the House of January 7, 2003, the gentleman from North Carolina (Mr. COBLE) is recognized during morning hour debates for 5 minutes.

Mr. COBLE. Mr. Speaker, I want to revisit the war in Iraq, if I may.

On March 25 of this year, Mr. Speaker, I came to the House floor and said the following: "Many insist that this is a unilateral operation. Not true. There are many supporters, but they are reluctant to openly oppose Saddam. They fear him. They, in fact, Mr. Speaker, are afraid. Many of his neighbors loathe Saddam, but they stand in fear. But the Bush-Blair wagon will move forward with the support, albeit sometimes anonymous, of other nations."

Mr. Speaker, as we have continued to praise our U.S. troops, I want us to avoid ignoring our allies, because as I said on this floor about 2 months ago, it is not a unilateral effort. I recently read in the Sergeant Shaft article, which appears regularly in the Washington Times, a letter from an Australian commander who wrote, "When are the British and Australian troops going to be included in the television coverage?"

A fair question. Now, I am not critical of the coverage, Mr. Speaker, as it is only natural to praise our own troops first, but we certainly do not want to turn deaf ears to the contributions of our allies, Great Britain, Australia, Spain, Poland, many others.

I was recently in Denmark regarding the sensitive issue of maritime security and learned while there of the impressive assistance we have received from the Danes in this war effort.

Finally, Mr. Speaker, another point. Some Members of the Congress have been openly critical of President Bush's recent visit with our troops aboard the carrier *Lincoln*, alleging excessive costs. Some of these same critics are hardly paragons of restraint when it comes to pork barrel spending of taxpayers' dollars. I am more inclined, Mr. Speaker, to place a higher value upon the troops' enthusiastic welcome to the President as opposed to some sour grapes criticism after the fact.

To sum up, Mr. Speaker, President Bush has demonstrated responsible leadership. We have been a beneficiary of able assistance from our allies, which we need to openly and gratefully acknowledge; and we need to be patient and deliberate in restoring some sense of order in Iraq. But the people of Iraq who demanded the removal of Saddam need to demonstrate patience and deliberation as well.

HONORING PREGNANCY RESOURCE CENTERS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I come to the floor this afternoon to commend my colleagues' attention to a resolution that I will introduce today honoring Pregnancy Resource Centers.

According to surveys of women who have had abortions, 90 percent indicate they would have preferred other options had they simply known about them. The tragedy and irony in many situations is that most women are flooded with the pro-abortion message, but are rarely offered any other message of choice. Rather, unknowing clients are led to believe that abortion is the only solution to their problem.

Through costly advertising, young women go into abortion clinics and are assured that help is only a few hundred dollars away. Harmful consequences of abortions are minimized or simply ignored. Alternatives like parenting or adoption are not encouraged. In fact, they are rarely mentioned.

Sadly, it is only later that they learn there are alternatives. Desperately trying to spread this message to young women are the 2,500 Pregnancy Resource Centers across America. Through education and support, Pregnancy Resource Centers meet women's emotional and physical needs. They provide one-on-one counseling regarding the facts about adoption, abortion, and parenting so that the client may make a wise and informed decision about her pregnancy. Centers are dedicated to helping each woman resolve her situation in a way that equips her with better life skills for her future.

Practical help like parenting classes, support groups, education, and job skills classes are offered through many Pregnancy Resource Centers as well. Maternity clothes, baby needs, and even temporary housing is offered. Some Crisis Pregnancy Centers have full medical services on the premises, and unlike abortion clinics, these centers offer support for women suffering from postabortion syndrome.

For those women who have undergone an abortion, the devastation can be real and ongoing if she does not receive help. Most centers are commited to the healing, body and soul, of women who have suffered from an abortion. They offer medical and counseling services and stand alongside these women in their healing process.

Life-affirming pregnancy centers provide an example of love and compassion to women and their unborn babies. These centers have been upholding the value of all human life, born and unborn, for several decades. Women are increasingly turning to these centers for physical, psychological, emotional, and spiritual help. They are always treated with the utmost dignity and respect and are provided with accurate, up-to-date information in order to make informed decisions about their pregnancy, sexual health, and relationships. Because everyone should have access to this information, all services are free of charge.

I am honored to represent one such center in my hometown of Ocala, Florida. The Women's Pregnancy Center has been serving the people faithfully of Marion County for 22 years. This center serves nearly 1,500 women a year of all ages and backgrounds. They serve these women and men faithfully and discreetly.

In today's culture, abortion is too often the first thought for women facing unplanned pregnancy, but there are alternatives, and Pregnancy Resource Centers can provide them. These centers are not only the most strategic and effective, but often the most needed of the forces engaged in the defense of the unborn. It is fitting that we recognize these courageous and struggling agencies that seek to bring purpose to the surprises of life. Never are these needs greatest than in the smallest of families, a mother and her growing baby.

I invite Members to join in providing support for more than 2,500 Crisis Pregnancy Centers around the United States of America. The good work of these centers merits our recognition, and the compassionate staff deserve our admiration.

Mr. Speaker, I urge Members to become an original cosponsor of this resolution to demonstrate their support for Pregnancy Resource Centers and their tens of thousands of volunteer staff who are encouraging the protection and value of all human life in America.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 54 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STEARNS) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, You long to sustain us in our most difficult times. You desire to renew us in moments of rest.

Grant to the Members of the House of Representatives gifted moments throughout this week when Your presence is felt and Your companionship is realized in their work.

You can offer both healing and strengthening power to Your people when they seem caught by conflict and anxiety-producing situations.

Free all of them, Lord, interiorly that they may be their very best and Your chosen instruments to guide and even restrain the energies of this land of the free.

In You we move, act and have our very being, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Maine (Mr. MICHAUD) come forward and lead the House in the Pledge of Allegiance.

Mr. MICHAUD led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

BRENDA NICHOL

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Brenda Nichol has taught for the Armstrong-Indiana Intermediate Unit in western Pennsylvania for 8 years now. But on April 4, Brenda was notified that the small cross necklace she was wearing around her neck would have to be concealed by clothing or removed when she was in school. School officials claim that wearing the necklace in school violates the unit's policy as well as Pennsylvania school code regulations that prohibit school employees from wearing religious clothing or symbols in school. When asked to remove the necklace, Brenda refused. On April 8 she was suspended. On April 16 she was notified that the suspension would be for a year without pay.

Mr. Speaker, this is outrageous. School personnel, just like students, do not check their constitutional liberties at the schoolhouse door. Brenda is a dedicated teacher who has a constitutional right to wear her little cross pendant around her neck at school. I hope the court will overturn the intermediate unit's harsh punishment for their ridiculous decision.

CYPRUS

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, several weeks ago, this House for the first time in 6 years spoke unanimously and decisively on the current situation involving Cyprus. On March 27, this body voted 422–0 to express our disappointment that a United Nations-backed settlement plan would not be presented to the people of Cyprus for their consideration. The resolution, introduced by this Member, also called for the Greek and Turkish Cypriot leaders to quickly return to the negotiating table to find a fair and lasting settlement acceptable to all.

Since passage of that resolution, two extraordinary events have taken place on that divided island. The first took place over Easter holiday when Turkish Cypriot leader, Mr. Rauf Denktash, announced a freedom of movement policy whereby the border separating the two sides would be open for the free passage of the island's population. In another welcome move shortly thereafter, the Cyprus Government announced that it was initiating 19 confidence-building measures. Some of those included lifting of trade restrictions between the north and the south and the de-mining of the Greek Cypriot side of the buffer zone.

Mr. Speaker, whatever the impact the actions of this House had on events which have taken place on Cyprus, a new and positive attitude has taken hold on that island. This Member would like to commend Mr. Denktash for taking the bold and most welcome actions he initiated. In addition, this Member wishes to offer a special note of congratulations to President Papadopoulos for the comprehensive and impressive measures his government has put forward and has begun to implement.

Others include the hiring of Turkish Cypriot professionals in the Cyprus Government; restoration of direct telecommunications between the Greek Cypriot side and the north as well as with Turkey; permitting Turkish Cypriot athletes to participate as members of national sporting teams of the Republic of Cyprus; improved health care opportunities for Turkish Cypriots; and an accounting of missing personnel, just to name a few.

Of further interest, Turkish Prime Minister Erdogan traveled to north Cyprus last weekend. It was this Member's hope that the visit would help pave the way for the eventual resumption of settlement negotiations between the two Cypriot sides. In the meantime, however, it was also this Member's hope that Turkey could be helpful in building confidence on the island by announcing several new initiatives as well. These could include the demining of the Turkish side to the buffer zone; placing the town of Famagusta under U.N. control for its reconstruction and return of its original inhabitants; addressing the issue of the enclaved people living in northern Cyprus, and to restart the missing persons' investigative committee.

Mr. Speaker, while open borders, telecommunications and demining will not ultimately settle the division of the island, these measures, hopefully, will lead to more trust and a willingness to quickly resume the negotiations, and find a settlement for this division, which is the strong desire of this House.

MOURNING THE PASSING OF THE HONORABLE JOHN ROUSSELOT

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I take this time to inform our colleagues of the sad news that we received yesterday of the passing of our former colleague, Congressman John Rousselot. John Rousselot was one of the most dynamic and hardworking Members of this institution. He loved the People's House. He was an individual who in many ways was proposing ideas far ahead of his time. I was talking to our staff director of the Committee on Rules, Billy Pitts, who reminded me that he helped John Rousselot decades ago author the first balanced budget proposals. We all now know that both sides of the aisle talk about fiscal responsibility as we pursue our goal of trying to rein in wasteful Federal spending. No one did that with greater enthusiasm and passion than John Rousselot. He served with distinction on both the Banking Committee and the Ways and Means Committee, and he often would come forward with many creative proposals.

I have the privilege, Mr. Speaker, of now representing much of the area that Mr. Rousselot represented, and he is remembered very fondly by his constituents. No one was more tireless in their work in behalf of the concerns of the individuals whom he represented. I know the thoughts and prayers of all of my colleagues go to the family members of John Rousselot. I want to say that I personally will miss his advice and counsel greatly.

IN MEMORY OF MATTHEW J. RYAN, FORMER SPEAKER OF PENNSYLVANIA HOUSE

(Mr. ENGLISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGLISH. Today, Mr. Speaker, the House has the melancholy responsibility to take up a resolution memorializing one of the great leaders of the Pennsylvania State legislature who passed recently. I am referring to former State Speaker of the House Matthew Ryan whose 41-year extraordinary career, including repeated service as Speaker of the House beginning in 1981, is an extraordinary testament to how so much of our legislative talent and our best legal minds are still concentrated in our State legislatures.

I worked for the State House. I knew Speaker Ryan. I knew what an extraordinary individual he was and how, at a time when affiliation with parties is something that has lost public favor, he was one of the finest products of the Delaware County Republican organization, a great friend, an individual who absolutely dominated the State House by the force of his mind and the force of his personality and led it in very positive directions, a man who was far more bipartisan than the reputation of that institution but always a strong Republican and always a strong advocate of creating jobs and of welfare reform. We will miss him dearly. I hope his memory and his example will long be with us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER

Mr. BURGESS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 517) to direct the Commandant of the Coast Guard to convey the Coast Guard Cutter *Bramble*, upon its scheduled decommissioning, to the Port Huron Museum of Arts and History located in Port Huron, Michigan, for use for education and historical display, as amended.

The Clerk read as follows:

H.R. 517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTERS.

(a) In General.—The Commandant of the Coast Guard shall convey all right, title, and interest of the United States in and to a vessel described in subsection (b) to the person designated in subsection (b) with respect to the vessel (in this section referred to as the "recipient"), without consideration, if the person complies with the conditions under subsection (c).

(b) Vessels Described.—The vessels referred to in subsection (a) are the following:

(1) The Coast Guard Cutter BRAMBLE, to be conveyed to the Port Huron Museum of Arts and History (a nonprofit corporation under the laws of the State of Michigan), located in Port Huron, Michigan.

(2) The Coast Guard Cutter PLANETREE, to be conveyed to Jewish Life (a nonprofit corporation under the laws of the State of California), located in Sherman Oaks, California.

(c) Conditions.—As a condition of any conveyance of a vessel under subsection (a), the Commandant shall require the recipient to—

(1) agree—

(A) to use the vessel for purposes of education and historical display;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from use of the vessel by the Government under subparagraph (C);

(2) have funds available that will be committed to operate and maintain the vessel conveyed in good working condition—

(A) in the form of cash, liquid assets, or a written loan commitment; and

(B) in an amount of at least $700,000; and

(3) agree to any other conditions the Commandant considers appropriate.

(d) Maintenance and Delivery of Vessel.—Prior to conveyance of a vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. The Commandant shall deliver a vessel conveyed under this section at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of a vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

(e) Other Excess Equipment.—The Commandant may convey to the recipient of a vessel under this section any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function as an historical display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BURGESS) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

H.R. 517 conveys the Coast Guard Cutter *Bramble* to the Port Huron Museum of Arts and History located in Port Huron, Michigan, for use for education and historical display. The amendment we are considering also conveys the Coast Guard Cutter *Planetree* to Jewish Life, a nonprofit corporation that promotes the understanding of Jewish culture and history. The *Bramble* is completing a nearly 60-year-long career, performing the same tasks of buoy tending, ice breaking, search and rescue and law enforcement for which she was commissioned in 1944.

One of 39 original *Iris* Class 180-foot seagoing buoy tenders built in Duluth, Minnesota, the *Bramble* has served admirably all over the United States, including Alaska, Hawaii, and Puerto Rico. The Cutter *Bramble* has served on the Great Lakes since 1962 and has been homeported in Port Huron since 1975. With new technology evolving, the door has opened for a new class of buoy tenders to replace the 180-foot buoy tenders. The 225-foot Coast Guard Cutter *Hollyhock* will replace the *Bramble*, which will be decommissioned on May 22, 2003. The Cutter *Hollyhock* will be homeported in Port Huron.

Although the *Bramble* has reached the end of her service life to the Coast Guard, I can think of no better mission that she can continue to perform than public service. Serving as an educational and historical platform, she will remain a vital link to Port Huron's rich maritime heritage.

The Cutter *Planetree*, a 180-foot seagoing buoy tender commissioned in 1943, also has a long history of excellent service to the Coast Guard and to this Nation. She served in World War II and the Korean and Vietnam wars. In addition to operating from ports in Guam, the Great Lakes and throughout the Pacific Northwest, the *Planetree* made her Alaska debut in 1974 when she was transferred to Juneau. Decommissioned in 1999 in her homeport of Ketchikan, the *Planetree* currently is berthed in the San Francisco area where she was retired to a naval vessel graveyard. The *Planetree* was replaced by the new 175-foot buoy tender *Anthony Petit*. This legislation will make it possible for *Planetree* to resume her public service mission by serving as a symbolic ship honoring the original 66 exodus ships, their crew members, and the 77,000 Holocaust survivors those vessels carried to Israel.

This legislation dealing with the *Bramble* was introduced by the gentlewoman from Michigan (Mrs. MILLER) and, as it is being considered today, also includes the *Planetree* provision requested by the gentleman from California (Mr. BERMAN). This bill allows the public to continue to receive benefits from these vessels after their services are no longer required by the Coast Guard.

I urge all Members to vote for this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 517, a bill to authorize the conveyance of two Coast Guard cutters to nonprofit organizations so they can use them for education and historic displays.

The 180-foot buoy tender *Bramble* was commissioned in 1944 and served our Nation until its decommissioning on May 22, 2002. The *Bramble* has sailed the waters from Alaska and Hawaii to Puerto Rico. Since 1962, she has served on the Great Lakes and has been homeported in Port Huron, Michigan, since 1975.

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H.R. 517 will authorize the conveyance of *Bramble* to the Port Huron Museum of Arts and History where she will continue to be open to the public for educational and historical display purposes.

H.R. 517 also provides for the conveyance of the 180-foot buoy tender *Planetree* to the Jewish Life Corporation. The *Planetree* was commissioned in 1943 and served our Nation until it was decommissioned in 1999. During her service to our country, the *Planetree* served in World War II, the Korean War, and the Vietnam War. Since 1974, the *Planetree* has served in Ketchikan, Alaska. The Jewish Life Organization will use the *Planetree* to teach the public about the original 66 Exodus ships, their crewmembers and the 77,000 Holocaust survivors those vessels carried to Israel.

These conveyances include the standard requirements that Congress has used in the past for similar vessel conveyance, including prohibition of the vessel from being used for commercial transportation purposes, agreeing to make the vessels available to the Federal Government in a time of war or national emergency, and a requirement that the organizations have the necessary funds to operate and maintain the vessels in good working condition. There must be a minimum amount of at least $700,000 in financial resources available.

Therefore, Mr. Speaker, I urge my colleagues to support the passage of H.R. 517.

Mr. Speaker, I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield 5 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, today I rise to proudly support H.R. 517. This is a bill which would direct the Commandant of the Coast Guard to convey the Coast Guard cutter, the *Bramble*, to the Port Huron Museum of Arts and History in Port Huron, Michigan, upon its decommissioning on May 22, 2003.

The *Bramble* is also known by its nickname, "The Thorn of the Great Lakes." It is concluding 59 years of service to our Nation. This proud ship has a remarkable history which began in the Great Lakes, has ended in the Great Lakes, and so it is fitting that she remain there to memorialize its great maritime past.

First commissioned in 1945 in Duluth, Minnesota, she departed the Great Lakes for California to perform navigational duties. She continued these duties in Alaska in the Aleutian Island chain. She participated in "Operation Crossroads," the first test of atomic bombs' effects on surface ships at Bikini Island.

In 1957, after being outfitted as an icebreaker, the *Bramble* traveled 4,500 miles in 64 days, making her the first surface ship to circumnavigate the North American continent.

In 1962, the *Bramble* returned to the Great Lakes, and today she resides in Port Huron, Michigan, also commonly known as the Blue Water Area. This is an area that is very rich with maritime heritage.

Her duties include servicing hundreds of navigational buoys, weather buoys, fog signals, shore lights, and lighthouses as well. This good ship has received many awards during its tour of duty. Just to name a few: The Coast Guard Meritorious Unit Commendation, the American Campaign Medal, the World War II Victory Ribbon, the National Defense Service Medal, the Arctic Service Medal, and the Special Ops Service Medal.

One additional duty that the *Bramble* has performed for many years has actually affected me personally. I race every year in the longest freshwater sailboat regatta in the world. It is called the Port Huron to Mackinac Sailboat Race. This is an event that attracts literally hundreds of boats and thousands of sailors, and as the fleet progresses its way up Lake Huron, the *Bramble* has traditionally followed the fleet, always on call in case of some tragedy. This has been a huge comfort to the sailors that participate in this race, including myself. This year will be my 27th such race. And actually after 25 of these races they induct them into something called the "Old Goat Society," or in my case an old nanny goat. I think I am the only nanny goat in the United States Congress.

This year, though, the *Bramble* will not be following the fleet. A new cutter called the *Hollyhock* will do the honors, and I am certain that the Coast Guard will continue to demonstrate the skill and the bravery and the professionalism that it has always been known for.

Nevertheless, the *Bramble* has become an integral member of the Port Huron community, and over these many years of service, the community has come to view this ship as belonging to the town and to its people because this ship is part of our past, so much so that a charitable nonprofit organization made up of members of the community called the Port Huron Museum of Arts and History has been formed to take possession of and to administer the *Bramble* as a tangible example of Michigan's maritime character.

Upon receiving the *Bramble*, these groups intend to open it to the public, both in Port Huron and other locations around the Great Lakes, as it promotes an appreciation for maritime history and education, as it partners with our local community college, the local school district, and provides a training platform for training cadets of the Great Lakes Maritime Academy.

Passage of H.R. 517 would ensure that the *Bramble* will continue to loyally serve the communities.

Mr. Speaker, I would also like to thank the distinguished gentleman from New Jersey (Mr. LOBIONDO), chairman of the Subcommittee on Coast Guard and Maritime Transportation, for his assistance in this matter.

I urge my colleagues to support H.R. 517.

Mr. BURGESS. Mr. Speaker, I thank the gentlewoman from Michigan (Mrs. MILLER).

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. MCCOTTER).

Mr. McCOTTER. Mr. Speaker, I rise today in support of House Resolution 517 and thank the gentlewoman from Michigan (Mrs. MILLER) for introducing this bill.

Since 1945, the U.S. Coast Guard Cutter *Bramble* has protected passengers in ports in the Pacific, the Atlantic, and the Arctic, before finally coming home to the Great Lakes in 1962. Here, for over 40 years, with her crew of the Coast Guard's finest, the *Bramble* met every mission be it attending our waters, servicing navigation aids, guarding against ice, and most importantly protecting human life.

Today the proud *Bramble* has reached the sunset of her sailing days, as the Coast Guard's ever-evolving mission requires newer vessels.

Mr. Speaker, we can assign the *Bramble* one final mission: that of an educator and goodwill ambassador at the Port Huron Museum of Arts and History. There is no finer way to honor the *Bramble* and the brave men and women who boarded her.

I respectfully ask the House to support this legislation.

Mr. BERMAN. Mr. Speaker, I very much appreciate the efforts of Ranking Member OBERSTAR, and those of Chairman LOBIONDO and Ranking Member FILNER of the Coast Guard Subcommittee, and also Congresswoman MILLER and thank these Members for their support of H.R. 517.

I encourage my colleagues to vote in favor of this legislation, which would transfer the title of two decommissioned Coast Guard vessels to organizations that, I'm sure you would agree, plan to put them to good use.

Let me speak in particular about the provision of the bill that would transfer the title to the Coast Guard Cutter *Planetree* to Jewish Life, a non-profit U.S. corporation based in California. Jewish Life plans to refurbish the *Planetree* to act as a floating exhibit to commemorate the 66 Exodus ships that carried Holocaust survivors to Israel following World War II, and to educate Americans about their role in this critical event in Israel's history.

The *Planetree* was decommissioned 3 years ago. The vessel is not seaworthy and has been in cold-water storage in San Francisco ever since, at some expense to U.S. taxpayers.

While many are aware of the importance of the Exodus to the establishment of Israel, few are aware of the critical role that Americans played in it. Over 200 Americans manned the Exodus ships, which were responsible for carrying 70,000 Holocaust survivors to Israel.

The vessel, re-christened the *Exodus 2004*, will tour ports in the U.S. and Europe, and participate in ceremonies at each stop commemorating the Exodus. The vessel will end its tour in Israel, where it will remain as a floating exhibit as part of a museum dedicated to the Exodus.

I believe that this certainly is a worthwhile cause, and I encourage you to vote in support of the bill.

Mr. YOUNG of Alaska. Mr. Speaker, H.R. 517, introduced by Mrs. MILLER of Michigan, would direct the Commandant of the Coast Guard to convey the Coast Guard Cutter *Bramble*, upon its scheduled decommissioning, to the Port Huron Museum of Arts and History located in Port Huron, Michigan for use for education and historical display.

As amended, H.R. 517 would also direct the Commandant of the Coast Guard to convey the Coast Guard Cutter *Planetree*, decommissioned on March 19, 1999, to Jewish Life, a nonprofit corporation that promotes the understanding of Jewish history and culture. The vessel will serve as a symbolic ship honoring the original 66 Exodus ships, their crewmembers, and the 77,000 Holocaust survivors they brought to Israel.

Before the vessels are conveyed, the recipients of the vessels must agree to (1) use the designated vessel for education and historical display; (2) not use the vessel for commercial transportation; (3) make the vessel available in time of war or national emergency; and (4) hold the government harmless for any claims arising from exposure to hazardous materials. The recipients must also show their financial viability.

I urge the House to pass this legislation. Returning these decommissioned Coast Guard cutters to missions of public service benefits the public by providing important education and outreach activities.

Mr. MICHAUD. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Texas (Mr. BURGESS) that the House suspend the rules and pass the bill, H.R. 517, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to direct the Commandant of the Coast Guard to convey 2 Coast Guard cutters.".

A motion to reconsider was laid on the table.

TONY HALL FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. BURGESS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 281) to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the "Tony Hall Federal Building and United States Courthouse."

The Clerk read as follows:

H.R. 281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, shall be known and designated as the "Tony Hall Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Tony Hall Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BURGESS) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring before the House H.R. 281, introduced by the gentleman from Springfield, Ohio (Mr. HOBSON), which designates the Federal building and the United States Courthouse at 200 West 2nd Street in Dayton, Ohio, as the "Tony Hall Federal Building and United States Courthouse."

For nearly 40 years, Tony Hall has been an example of what it means to dedicate oneself to public service and service to others. He has been an exemplary citizen of both the State of Ohio and the United States. His history of public service and service to others began with the Peace Corps, where he taught English in Southeast Asia during 1966 and 1967. When he returned to the United States, he served 4 years in the Ohio House of Representatives, and then for 6 years in the Ohio State Senate.

In 1978, he was elected to this body where he served for 12 terms before resigning his seat to accept the nomination by President Bush to serve as the United States Ambassador to the United Nations Food and Agriculture Agencies.

By all accounts during his tenure in this body, Tony Hall was a tireless and outspoken advocate for combating world hunger, protecting human rights, and promoting humanitarian causes, including basic education, adult literacy, immunization, and other child survival programs and sustainable agriculture in other countries.

While in the House, Tony Hall served as chairman of the House Select Committee on Hunger and as the chairman and founding member of the Congressional Hunger Center. He also served ably on the Committee on Rules in addition to numerous other committee and caucus assignments.

This is the second time this body has considered legislation making this designation. In the previous Congress, this body agreed to H.R. 5335 by a voice vote on October 7, 2002, but it was never considered by the other body. I hope that the result of our consideration this year will be more positive.

This is a fitting tribute to a dedicated public servant. I support the legislation and encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

H.R. 281 is a bill to designate the Federal building and courthouse in Dayton, Ohio, as the Tony Hall Federal Building and the United States Courthouse in honor of our former colleague from Ohio, Tony Hall. The bill has strong bipartisan support.

Tony Hall is a true son of Ohio. He was born in Dayton in 1942. After attending local schools, he graduated from Denison University in 1964. He was accepted into the Peace Corps and served as a volunteer in Thailand from 1966 until 1968. Upon his return he was elected to the Ohio House of Representatives, and in 1972 he was elected to the Ohio Senate. In 1978, he was elected to the United States House of Representatives where he served for 12 terms.

Tony Hall currently serves as United States Ambassador to the United Nations Agencies for Food and Agriculture. Tony Hall was a founder and cochair of the Congressional Hunger Center, a nonprofit organization created to bring awareness to the growing persistent problem of world hunger. He also served as chairman of the House Select Committee on Hunger from 1989 until 1993. Congressman Hall sponsored legislation to help immunize the world's children against major diseases and to increase United States funding for Vitamin A and C.

His passion for protecting and ensuring human rights and combating hunger brought Congressman Hall to such places as North Korea, Peru, Sudan, Bosnia, Rwanda, Somalia, Bangladesh, and Haiti. In 1994, he helped nominate Bishop Carlos Belo for the Nobel Peace Prize for the bishop's role in protecting civilians during armed conflict.

Congressman Hall was an example to all with his steadfast commitment to promoting humanity and peace in a world stricken with poverty and war. This designation is a fitting tribute to his exceptional public service, and I urge my colleagues to support H.R. 281.

Mr. Speaker, I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. HOBSON).

Mr. HOBSON. Mr. Speaker, the legislation which I introduced which is now under consideration has been co-sponsored by every member of the Ohio congressional delegation. It would permanently name the Dayton, Ohio, Federal building in honor of our good friend, and colleague until very recently, Tony Hall. For years Tony Hall and I worked in a partnership for the benefit of the citizens of the Miami Valley on numerous projects and initiatives. I am very happy that he can now work directly on hunger issues in the United Nations, but it was still a very sad day for this Congress and the Miami Valley to see him leave.

Tony was an All-American when he was in college, Peace Corps volunteer, a noted traveler especially in checking on hunger, a devoted husband and father, and a dedicated public servant. Tony was the area's longest-serving Congressman and a three-time Nobel Peace Prize nominee known worldwide for his humanitarian work.

In Congress Tony was always guided by faith and family. He spent 21 years on the House Committee on Rules, was chairman of the House Democratic Caucus Task Force on Hunger, and was founder and chairman of the Congressional Hunger Center. We are all better people today because Tony Hall is in Congress, and the world is going to be a lot better off now that Tony Hall is working in the United Nations on all of our behalf and people of the world all over.

This legislation is a lasting way to pay tribute to Tony's efforts over the years, and I urge all my colleagues to support this bill as we do honor to this great servant of this Nation.

Mr. MICHAUD. Mr. Speaker, I yield 5 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman from Ohio (Mr. HOBSON) for his sponsorship of this resolution, which is most fitting for one of our former colleagues, Tony Hall, from the State of Ohio.

About 13 years ago it was my privilege to be a Member of the House Select Committee on Hunger, and if there are three names that stand out the most, in my humble opinion, and it is a matter of history, of our former colleagues, it is the late Congressman Mickey Leland from Texas, Bill Emerson from Missouri and Tony Hall from Ohio.

I have known Tony for these past years, and I have never known a person who is so genuine in his dedication and commitment to provide for the needs of the hungry, the poor and the needy.

I remember the time when we had left on a mission to Somalia with Bill Emerson, the gentleman from Georgia (Mr. LEWIS) and Tony Hall. It was upon our return from that trip in Somalia that we made a recommendation to President Bush that we definitely need humanitarian aid. If there ever was an experience in my life where I have ever seen the most degrading example of seeing how human beings could have survived in those circumstances in Somalia, Mr. Speaker, this was it. I sincerely hope that none of my colleagues or anybody would ever want to experience what I saw that day.

Tony Hall was a dear friend. Not only did he serve as an outstanding member of the Committee on Rules, but he certainly made his mark as a true humanitarian and great leader, not only here in this body, but as an example for all of us, in his dedication and commitment to provide for the hungry, the poor and the needy.

Mr. Speaker, I thank my good friend from Ohio for bringing this resolution, and I urge my colleagues to support it.

Mr. BURGESS. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER of Ohio. Mr. Speaker, I wish to recognize the work of Ambassador Tony Hall and support the naming of the Tony Hall Federal Building and United States Courthouse in Dayton, Ohio.

Ambassador Tony Hall represented Ohio's Third Congressional District, which included the Dayton area, for over 24 years. Mr. Hall resigned from Congress on September 9, 2002, to accept an appointment to the United Nations Agencies for Food and Agriculture in Rome, Italy, where he oversees the World Food Program, the Food and Agriculture Organization and the International Fund for Agricultural Development.

Mr. Speaker, many of his colleagues will long remember Tony Hall for his compassion and steadfast commitment to the causes that he championed. Perhaps he is most well known as a leading advocate for hunger relief programs and improving international human rights conditions around the world.

As a man of faith, Tony Hall aggressively supported the President's faith-based initiative and coauthored legislation to make changes to the Tax Code which would promote faith-based charities. He also worked with his Ohio colleagues to support Wright-Patterson Air Force Base, built upon the Air Force Research Laboratory's success in research and development, and worked for the nuclear cleanup of the weapons lab facility at the Miamisburg Mound.

Ambassador Hall was nominated three times for the Nobel Peace Prize for his humanitarian efforts and received numerous recognitions from the United Nations for his work on preventing hunger. In 1993, he raised public awareness in America and throughout the world by fasting for 22 days.

Born in Kettering, Ohio, Mr. Hall attended Denison University, where he was an All-American tailback and named the Ohio Conference's most valuable player in 1963. He served as a Peace Corps volunteer in Thailand in 1966 and 1967, and served in both the Ohio statehouse and senate before being elected to Congress in 1978, where he served on the prestigious Committee on Rules for 22 years.

The people of the Third District of Ohio are grateful for Tony Hall's commitment to public service.

Mr. MICHAUD. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, I rise in support of this bill to recognize the contributions of Tony Hall, his contributions to his district, his contributions to this House, his contributions to this country, and his contributions to the world. It is fitting that a public building, for people to see day after day, should be named for Tony Hall.

The gentleman from American Samoa (Mr. FALEOMAVAEGA) used the word "genuine" in speaking about Tony Hall. It is, indeed, a fitting word.

There is no one, I think, who has served in this body, certainly in recent times, whose works have done more to illuminate his faith than Tony Hall. Extraordinarily popular in his district, he did many things over a couple of decades for his district, for Wright-Patterson, for others, but it was really a transforming experience that he had on overseas congressional travel when he saw hunger face to face, when he saw people dying before his eyes, that he devoted himself primarily to eradicating hunger from the globe, and I would say in his district. I know in my own district in New Jersey he has inspired workers to redouble their efforts to fight hunger, just as he did back home, not just overseas, but through food banks and various programs, to eradicate hunger at his doorstep, as well as across the oceans.

When the House, unfortunately, abolished the Select Committee on Hunger some years ago, he took to fasting, as has been noted, and all over America people saw his football player frame emaciated. He did not succeed in restoring that select committee, but he did draw attention to the problem.

His faith, his deep religious faith, carried him to work even harder on the issue of hunger, and when he saw recently that he could do even more as America's representative in Rome to the international food and hunger organizations, he took that opportunity. It is a loss to the House of Representatives, but it certainly is a gain, a lifesaving gain, to millions of people around the world.

It certainly is fitting that we pay tribute to this man of faith, this genuine public servant, Tony Hall.

Mr. BURGESS. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I rise in support of H.R. 281, to designate the Federal Building and United States Courthouse at West 2nd Street in Dayton, Ohio, as the "Tony Hall Federal Building and United States Courthouse."

Our former colleague, Tony Hall, was nominated by President Bush to be the United States Ambassador to the United Nations food and agriculture agencies located in Rome, Italy, and resigned his seat as the representative of the Third District of Ohio last September to take the post in Rome, where he has continued his passionate work as a leading advocate for ending hunger and promoting food security around the world.

I want to especially thank the gentleman from Ohio (Mr. HOBSON). It was interesting to always watch the gentleman from Ohio (Mr. HOBSON) and Tony Hall together, a Republican and a Democrat, side by side, different voting districts, but very good friends. I want to thank the gentleman from Ohio (Mr. HOBSON) for introducing this and moving this so quickly, and also for the relationship they had, to honor Tony in his hometown in Dayton by attaching his name to the Federal building and courthouse. It is an appropriate recognition.

I personally, as we all do, miss Tony very much, our colleague in the House, but I know he is absolutely the right person to serve as the United States representative to the World Food Program. No one else could do a better job.

Tony Hall's name is synonymous, as the gentleman from New Jersey (Mr. HOLT) was saying, with the cause of alleviating hunger, both domestically and worldwide, as a result of his faith. He believes that food is the most basic of human needs, the most basic of human rights. He has passionately worked to convince others that the cause of hunger, which often gets lost in this legislative shuffle and pushed aside by more visible issues, deserved the prominent share of attention.

He worked as a tireless advocate for the cause of human rights, and he actually led the effort in bringing to the attention of this Congress the conflict diamond trade in authoring legislation, which has since been passed, to certify that diamonds Americans buy are not tainted with the blood of the people of Sierra Leone and other African nations.

Tony has never been deterred in his effort to help make positive differences in the lives of suffering people. In his years in Congress, he traveled to wherever the need arose and met with whomever he could to effect change.

I believe Tony's life destiny was to be a servant. He is an inspiration to everyone fortunate enough to know him. He has had a wonderful combination of compassion and passion, filled with a spiritual purpose; compassion to see the suffering in the less fortunate in the world, and the passion to do something about it.

I want to thank the gentleman from Ohio (Mr. HOBSON) again and all those who cosponsored this bill on both sides of the aisle, and look forward to seeing this building named with Tony Hall's name.

Mr. MICHAUD. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I, too, want to join in supporting this legislation and also in paying tribute to Tony Hall. I knew Tony and knew of Tony long before I came to Congress. During the 1970s, I used to spend a great deal of time in the Dayton-Cincinnati-Columbus area, Xenia and all of those places, and got to hear of Tony Hall and the kind of person that he was, a man who would spend his time dealing with the issue of hunger, which is not necessarily one of the most popular issues that one can deal with in the House of Representatives. But Tony made it a hallmark, made it his business to continuously raise that issue while a Member, and now continues to do so as he goes to work with world hunger.

I think it is a tremendous testament to him. I am pleased to join with my colleagues in support of this resolution and urge its passage.

Mr. BURGESS. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. GILLMOR).

Mr. GILLMOR. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am very pleased to be here to speak on behalf of this legislation to honor Tony Hall. I have known Tony for probably 30 years. I served with him for a long time in the State senate in Ohio and had the opportunity to serve with him in the United States Congress. Tony made a mark, both nationally and internationally, as a leader in the fight against hunger. I most recently had the opportunity to meet with him in his new position as Ambassador in Rome.

This is an honor very well deserved, and I am pleased to speak in support of the bill.

Mr. YOUNG of Alaska. Mr. Speaker, I rise today in support of H.R. 281, designating the Federal Building and United States Courthouse, located at 200 West 2nd Street, in Dayton, OH, the "Tony Hall Federal Building and United States Courthouse."

Born and raised in Dayton, OH, Congressman Hall attended the public schools of Dayton, graduating from Fairmont High School in 1960. He went on to attend Denison University in Granville, OH.

While most Members know that Congressman Hall earned success in the classroom, what many don't know is that he also earned high honors for his work on the gridiron, being named a Little All American as a running back at Denison University.

After graduation, he served in the Peace Corps in Thailand, upon his return he served in both the Ohio House of Representatives and the State Senate before being elected to honorably serve for 12 terms in this body.

While in this body, and as the founder and chairman of the Congressional Hunger Caucus, Congressman Hall aggressively fought to ensure that no person, anywhere, went hungry.

In 2002, Tony Hall accepted a Presidential appointment to the United Nations Food and Agriculture Programs, a post from which he can continue this important work. I join my colleagues in wishing Tony Hall the best of luck in his new position.

I support the legislation, and encourage my colleagues to do the same.

Mr. MICHAUD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Texas (Mr. BURGESS) that the House suspend the rules and pass the bill, H.R. 281.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BURGESS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZING USE OF CAPITOL GROUNDS FOR D.C. SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Mr. BURGESS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 128) authorizing the use of the Capitol Grounds for the D.C. Special Olympics Law Enforcement Torch Run.

The Clerk read as follows:

H. CON. RES. 128

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR D.C. SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN.

On June 6, 2003, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 2003 District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as the "event") may be run through the Capitol Grounds as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the

Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BURGESS) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 128 authorizes the use of the Capitol Grounds for the 18th annual District of Columbia Special Olympics Law Enforcement Torch Run, which will occur 6 June, 2003. This event is cosponsored by the United States Capitol Police, who will host opening ceremonies on the Capitol Grounds, and, once lit, the torch will be carried to Fort McNair.

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This event is the Special Olympics' largest grass-roots fund raiser, raising over $20 million during 2002. More than 85,000 law enforcement officers participated in the event worldwide last year, and an estimated 2,000 law enforcement officers representing 60 local and Federal law enforcement agencies will participate in this year's event.

Though the torch run will not occur until June 6, the District of Columbia Special Olympics is hosting their summer games this week on the campus of Catholic University. The sponsors of the event work with the Architect of the Capitol and the United States Capitol Police to comply with all applicable regulations relating to the use of the Capitol Grounds.

Mr. Speaker, I encourage my colleagues to join the law enforcement community in supporting the special Olympics and join me in supporting this resolution.

Mr. Speaker. I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this event needs little introduction. 2003 marks the 35th anniversary of the D.C. Special Olympics. The torch relay event is a traditional part of the opening ceremonies of the Special Olympics in the District of Columbia.

Each year, approximately 2,500 Special Olympians compete in over a dozen events. More than 1 million children and adults with special needs participate in the Special Olympics worldwide programs. The event is supported by literally thousands of volunteers.

The goal of the games is to help bring mentally challenged individuals into larger society under conditions whereby they are accepted and respected. Confidence and self-esteem are the building blocks of these Olympic games.

I enthusiastically support the resolution and the very worthwhile endeavor of the Special Olympics. I urge support for House Concurrent Resolution 128.

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to offer my full support for House Concurrent Resolution 128, authorizing the use of the Capitol Grounds for the 2003 DC Special Olympics Law Enforcement Torch Run.

This event occurs in over 35 countries, but was founded by the Chief of Police in Wichita, Kansas, who saw a unique opportunity to raise funds and increase awareness about the Special Olympics. The event was then adopted by the International Association of Police Chiefs.

This is the 18th year the event has been held on the Capitol Grounds, and each year it is the largest single grass-roots fundraising event for the Special Olympics.

Every two years, law enforcement officers representing their State or Nation's Torch Run program comprise a final leg team which carries the "Flame of Hope" into the opening ceremonies of the Special Olympics World Games.

I am proud to support this resolution, and encourage my colleagues to do the same.

Mr. MICHAUD. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Texas (Mr. BURGESS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 128.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 128, H.R. 281, and H.R. 517, the matters just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DELBERT L. LATTA POST OFFICE BUILDING

Mr. MURPHY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 985) to designate the facility of the United States Postal Service located at 111 West Washington Street in Bowling Green, Ohio, as the "Delbert L. Latta Post Office Building".

The Clerk read as follows:

H.R. 985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 111 West Washington Street in Bowling Green, Ohio, shall be known and designated as the "Delbert L. Latta Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the Delbert L. Latta Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. MURPHY) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY).

GENERAL LEAVE

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 985.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MURPHY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 985, introduced by my distinguished colleague from the State of Ohio (Mr. GILLMOR), designates the facility of the United States Postal Service located at 111 West Washington Street in Bowling Green, Ohio, as the Delbert L. Latta Post Office Building.

Mr. Speaker, this is a special day for this House as we have a chance here to honor one of our own former Members. U.S. Representative Delbert Latta, or Del, as he was affectionately known, worked 30 years for the people of the great State of Ohio's fifth district. He was one of the House's most devoted Members, and I am proud to be a part of these proceedings to honor him today.

Del grew up in northwest Ohio before serving our country in the Ohio National Guard and Marine Corps Reserve. After graduating from Ohio Northern University's law school in 1943, Del Latta began to practice law in Bowling Green. Ten years later, he sought and won a seat in the Ohio State senate, to which he was reelected two times. Finally, in November of 1958, Del Latta was elected to the 86th Congress, beginning a career where he spent most of his time fighting for fiscal prudence.

Not known as one of this body's most attention-seeking Members, Congressman Latta was definitely one of its most diligent. He held pivotal seats on the Committee on Rules, the Committee on Agriculture, and the Committee on the Budget during his time in the House. In 1975, he became the ranking member of the Committee on the Budget, a post he held for 13 years until his retirement. In that position, Del Latta played an important role by consistently fighting for budget-balancing measures and against wasteful government spending. He was the dean of his home State of Ohio's congressional delegation when he chose to not seek reelection in 1988, and he returned home to Bowling Green.

In addition, perhaps the most suitable aspects of renaming this post office building after Congressman Latta is the fact that this very facility once housed Congressman Latta's district office in Bowling Green.

Therefore, I urge all Members to recognize the public service career of former Ohio Congressman Del Latta by supporting the passage of H.R. 985. I thank my colleague from Ohio for introducing this important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 985, legislation which names a postal facility in Bowling Green, Ohio, after Delbert L. Latta. H.R. 985, introduced by the gentleman from Ohio (Mr. GILLMOR) on February 27, 2003, has met the committee cosponsorship requirement and enjoys the support of the entire Ohio delegation.

Delbert L. Latta is a former Member of Congress who represented the Fifth Congressional District in Ohio from 1959 to 1989. A native of "Beautiful Ohio," the title of the State song, Mr. Latta was born and educated in the State whose motto is, "With God all things are possible." He went on to serve in the Ohio National Guard and the U.S. Marines before settling down and practicing law in Bowling Green.

Prior to his election to the U.S. House of Representatives, Delbert Latta served in the State senate for three terms. In November of 1958, he was elected to the 86th Congress. During his 30 years in Congress, Representative Latta served on the House Committee on Agriculture, the Committee on the Budget, and the Committee on Rules. In 1988, Representative Latta decided not to run for reelection and returned home to Bowling Green, Ohio, where he is active in numerous community and civic organizations.

Mr. Speaker, I commend the gentleman from Ohio (Mr. GILLMOR) for seeking to honor former Congressman Del Latta in this matter, and I urge swift passage of this bill.

Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. MURPHY. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. GILLMOR), the sponsor of this legislation.

Mr. GILLMOR. Mr. Speaker, I thank the gentleman for yielding me this time.

I am very pleased to rise and ask my colleagues to support H.R. 985, which would duly honor a man who was my predecessor in this body, Congressman Del Latta. Del served for 30 years in this Chamber, and it was 30 years of distinguished service to the people of the fifth district of Ohio.

It designates the post office at 111 West Washington Street in Bowling Green as the Delbert L. Latta Post Office building, and I think it is particularly appropriate, because Del spent a great deal of time in that building. During most of his career in Congress, his congressional office was located there.

He was born in Weston, Ohio, in Wood County. He attended Findlay College and Ohio Northern University; and before World War II, from 1938 to 1941, he served in the Ohio National Guard and in the U.S. Army. He was in the Marine Corps Reserve from 1942 to 1943. He was admitted to practice law in 1944. He served later in the Ohio senate for three terms, from 1953 to 1958. After some gap in service, I had the privilege of also representing that State senate district. He was elected to the 86th Congress in November 1958.

During his tenure, he had a number of very important assignments: the Committee on Rules; the Committee on the Budget, where he was ranking minority member; and he also served three terms on the House Committee on Agriculture. He was very well known as the cosponsor of the Graham-Latta bill, which was a major tax cut bill in the Reagan administration. And after deciding he would not run for reelection in 1988, he returned to his home in Bowling Green, and Del remains active in the community today.

Among his achievements in public service are his involvement in the Watergate hearings and his role as dean of the Ohio delegation. The character, hard work, and the commitment he brought to public life had a significant effect on our State and on our Nation's public policy, and his accomplishments should not go unnoticed.

So I ask my colleagues to join me in supporting this important legislation.

Mr. MURPHY. Mr. Speaker, I have no other speakers on this issue, and I want to again thank the gentleman from Ohio for introducing this important legislation. I urge all Members to support the adoption of this measure.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 985.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HONORING THE LIFE AND WORK OF FORMER SPEAKER OF THE PENNSYLVANIA HOUSE OF REPRESENTATIVES MATTHEW J. RYAN

Mr. MURPHY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 178) honoring the life and work of former Speaker of the Pennsylvania House of Representatives Matthew J. Ryan and offering the deepest condolences of the United States House of Representatives to his wife and family on his death.

The Clerk read as follows:

H. RES. 178

Whereas Matthew J. Ryan, born in Philadelphia, Pennsylvania, led a distinguished career of public service devoted to the United States and the State of Pennsylvania;

Whereas Matthew J. Ryan served as a First Lieutenant in the United States Marine Corps from 1954 to 1956;

Whereas Matthew J. Ryan began his service to the 168th District of Pennsylvania in the Pennsylvania House of Representatives in 1962;

Whereas Matthew J. Ryan was elected Speaker of the Pennsylvania House of Representatives in 1981, 1995, 1997, 1999, 2001, and 2003;

Whereas Matthew J. Ryan was the second longest serving Member and the third longest serving Speaker of the Pennsylvania House of Representatives in its 321 year history;

Whereas Speaker Ryan's ability to negotiate with and unite Members possessing differing viewpoints in the Pennsylvania House of Representatives contributed to the betterment of Pennsylvania throughout his six terms as Speaker;

Whereas Speaker Ryan will be remembered for his quick wit and gracious demeanor, attributes which endeared him to colleagues and citizens alike;

Whereas Speaker Ryan received hundreds of awards and commendations during his four decades of service, including the National Conference of State Legislators' "Legislator of the Year Award" and the Delaware County Chamber of Commerce's "Citizen of the Year Award"; and

Whereas the "Speaker Matthew J. Ryan Building" of the Pennsylvania Capitol complex will forever serve as a testament to Speaker Ryan's faithful service to the State and as a reminder of his unwavering leadership in the Pennsylvania House of Representatives: Now, therefore, be it

Resolved, That the United States House of Representatives honors the outstanding life and work of former Speaker of the Pennsylvania House of Representatives Matthew J. Ryan and offers its deepest condolences to his wife and family on his death.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. MURPHY) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 178, introduced by my distinguished colleague, the gentleman from Pennsylvania (Mr. WELDON), honors the life and work of former Speaker of the

Pennsylvania House of Representatives Matthew J. Ryan and offers the deepest condolences of the United States House of Representatives to his wife and family on his death.

Mr. Speaker, Matthew Ryan was one of the most influential public servants in the great State of Pennsylvania for more than 20 years. After winning his first term to the State House in 1981, he ultimately rose to the level of Speaker where he served the longest tenure as House Speaker of any Republican in Pennsylvania history.

Speaker Ryan was a well-regarded member of the Pennsylvania State House, largely due to his close relations with all representatives of both parties. Current Pennsylvania Governor, Ed Rendell, a Democrat, kindly spoke to Speaker Ryan's effectiveness and affability, saying that he consistently provided "strong and effective leadership without resorting to destructive partisanship."

Governor Tom Ridge, who is now the Secretary of the Department of Homeland Security, often spoke in affectionate terms of the positive working relationship he had with Speaker Ryan; and similarly, Governor Mark Schweiker, who followed Governor Ridge, talked of Matt Ryan in the most endearing of terms.

Longtime Delaware County GOP Chairman Thomas Judge, Sr. has said, "You couldn't get mad at him. He was just an individual who would say he would disagree with you, and he certainly would give his viewpoint, but when you left the room, you were friends. He never held a grudge."

Because of this respect, Speaker Ryan's colleagues in the legislature honored him by rededicating the Capitol Annex in Harrisburg as the Matthew J. Ryan Legislative Office Building. Luckily, they could do that before Matt Ryan passed away so he could see his name on that building.

□ 1500

Matt Ryan, sadly, passed away on March 29, 2003, after a long battle with stomach cancer. He is survived by his wife, Delaware County Judge Patricia H. Jenkins; five children, Matt, Jr., Maureen, Katie, Terry and Jayne, and 12 grandchildren.

As the resolution states, we offer each of them the condolences of this House and the reassurance that Matthew J. Ryan will never be forgotten. Therefore, I urge all members to support the adoption of House Resolution 178 that honors the career and life of Matthew J. Ryan; and I thank my colleague, the gentleman from Pennsylvania (Mr. WELDON) for introducing this important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Speaker of the Pennsylvania House of Representatives, Matthew J. Ryan, is well known throughout Pennsylvania as an advocate for welfare reform, tax relief and creating jobs.

Speaker Ryan served in the House for 41 years. During that time he served as Republican policy chairman and whip and for longer than anyone else who ever held office.

Speaker Ryan was the elected Speaker for the first time in 1981, and colleagues from both sides of the aisle lauded him for the nonpartisan way in which he presided over that session. Elected Speaker again in 1995, 1997, 1999, 2001, 2003, Ryan is respected by his peers as a caucus unifier, feisty debater, parliamentary tactician, government expert, Pennsylvania booster, and a committed leader who plays fair and with esprit.

A member of the Pennsylvania Council on the Arts since 1995, Ryan founded Arts Education Day at the State capitol, an annual event that features hundreds of young performing and visual artists from across the State. For this and other support of arts education, in 2001 he received the Champion of Arts Education Award from the Pennsylvania Alliance for Arts Education.

In his 1981 acknowledgment speech, Ryan is quoted as saying, "We representatives of the Pennsylvania House, honored by our special heritage and enabled by our unique tradition, have sworn our pledges to serve our Commonwealth, to serve our country, and to save the dream of William Penn, and this service begins when this day's meeting ends."

Speaker Ryan served the Commonwealth of Pennsylvania well, and I urge my colleagues to support this resolution.

Mr. Speaker, I do not have any additional requests for time, and I yield back the balance of my time.

Mr. MOORE. Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from the State of Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I rise today in support of H.R. 178, honoring the life and work of the former Speaker of the Pennsylvania House of Representatives, Matthew J. Ryan. Our thoughts and prayers go out to his wonderful family.

Matt Ryan was a legendary figure in Pennsylvania politics and a true definition of an American statesman. As we remember Matt, we speak of dignity, wisdom and fairness. We also recall his strong-willed determination and focus in serving the State that he loved so dearly. In the world of politics it is rare to find someone who was so effective on so many levels and touched so many people.

Speaker Ryan offered an extended hand to both friend and foe, and it is fitting that his legacy includes friends and admirers who sat on both sides of the aisle.

Earlier this year, the Speaker told colleagues, "I'll be back," when he was forced to take leave and battle his illness. It was perhaps unnecessary because Matt Ryan has never left. He will always be with us.

The State of Pennsylvania has lost a leader, and the United States has lost one of its great citizens. I am honored to support House Resolution 178, to recognize the life and work of our distinguished and deeply missed Speaker.

Mr. MOORE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to again thank the gentleman from Pennsylvania (Mr. WELDON) for introducing this important legislation. Unfortunately, he was not able to be here personally.

I urge all Members to support the adoption of this measure.

Mr. HOEFFEL. Madam Speaker, I rise today to honor and remember Matthew J. Ryan, the former Speaker of the Pennsylvania House of Representatives.

Speaker Ryan, who passed away on March 29, 2003, dutifully served the Commonwealth of Pennsylvania in the Pennsylvania House of Representatives for over 40 years. I am glad to see that his life and work are being honored here today in the United States House of Representatives, and I deeply share the sentiments expressed in H. Res. 178.

Speaker Ryan climbed the ranks in the Pennsylvania House of Representatives, and I had the distinct pleasure of working with him while he was serving as the Majority Leader and then when he was first elected as Speaker in 1981. His leadership and sense of humor will be greatly missed as will his tireless work for the citizens of Pennsylvania.

Matt Ryan had a very effective way of maintaining order in the Pennsylvania House from the Speaker's chair. When the debate became loud and tempers were flaring, Matt would gently tap the gavel on the desk rather than bang the gavel head, and his gentle persuasion always returned the House to order.

I also want to express my condolences to Speaker Ryan's wife and family on their loss. I thank them for sharing Speaker Ryan with us with the people he represented. Speaker Matthew J. Ryan will be greatly missed, and I am very grateful to him and the work he did throughout his career.

Mr. MOORE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from Pennsylvania (Mr. MURPHY) that the House suspend the rules and agree to the resolution, H. Res. 178.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS THAT THE UNITED NATIONS SHOULD REMOVE THE ECONOMIC SANCTIONS AGAINST IRAQ COMPLETELY AND WITHOUT CONDITION

Mr. SMITH of Michigan. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 160) expressing the sense of Congress that the United Nations should remove the economic sanctions against Iraq completely and without condition, as amended.

The Clerk read as follows:

H. CON. RES. 160

Whereas United Nations Security Council Resolution 661 established sanctions as a result of Saddam Hussein's unprovoked, illegal aggression against the sovereign Arab State of Kuwait;

Whereas United Nations Security Council Resolution 687 continued the sanctions, which were intended to deprive the government of Saddam Hussein of maintaining or acquiring the means to threaten other states or peoples, or to continue to oppress his own people;

Whereas the United Nations Security Council, through the Oil-for-Food program, allowed for humanitarian goods to flow to Iraq while maintaining the sanctions regime and control over Iraq's oil revenue;

Whereas the Coalition that liberated Iraq poses no risk to other states or peoples, and there is no reason to believe that the people of Iraq, liberated from the tyrant Saddam Hussein, pose such a risk;

Whereas the Coalition is providing for the humanitarian needs of the Iraqi people;

Whereas the people of Iraq are now ready to rebuild their nation after over 30 years of tyranny;

Whereas the sanctions established by United Nations Security Council Resolutions 661 and 687 prohibit the importation of goods necessary for the Iraqi people to rebuild their country;

Whereas these sanctions restrict the trade of Iraqi goods, by and on behalf of the Iraqi people, necessary to allow expeditious rebuilding of Iraq and recovery from the tyranny of Saddam Hussein; and

Whereas continuing the sanctions imposed on the government of Saddam Hussein punishes the people of Iraq for the actions of a brutal tyrant who no longer rules them: Now, therefore, be it:

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the United Nations should immediately act to lift the economic sanctions imposed by United Nations Security Council Resolutions 661 and 687; and

(2) member states of the United Nations should allow and encourage their nationals to trade with Iraq.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. SMITH) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Michigan. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 160, the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SMITH of Michigan. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this resolution calls on the United Nations to immediately and unconditionally lift the economic sanctions on Iraq. The U.N. sanctions were passed after Saddam Hussein, a totalitarian dictator, invaded Kuwait in 1990. That resolution was the first of 17 U.N. resolutions passed over the next 11 years trying to bring Saddam Hussein under control.

At the time then-President Bush organized a coalition that sent in the military, forced Saddam Hussein out of Kuwait, and subsequently loosened the hold of this murderous tyrant over the Kurdish people in northern Iraq.

Madam Speaker, in September of 1991, the United Nations modified the sanctions to contain Saddam Hussein and allowed him to trade Iraq's oil for only humanitarian supplies through the so-called Oil for Food Program. These sanctions were meant to keep Saddam Hussein's military from developing more weapons and becoming a greater threat.

However, after an impressive military success, Iraq is now entering a new day and is no longer a threat. Coalition forces have freed the Iraqi people, and the U.N. sanctions which once strove to contain a murderous tyrant now contain the Iraqi people themselves. The Iraqi people have historically been one of the most highly educated, industrious, and entrepreneurial people in the Middle East. To rebuild their country, Iraq and the Iraqi people must be able to trade freely. Every additional day that these sanctions remain is an additional day that the people of Iraq are suffering from Saddam Hussein's tyranny.

The President has called on the United Nations to end these sanctions. I have introduced this resolution, and the gentleman from Illinois (Mr. HYDE), the chairman, and the ranking member, the gentleman from California (Mr. LANTOS) have moved it through the Committee on International Relations so members of the Security Council would understand that the United States Government speaks with a single voice in Iraq.

The coalition returned political freedom to the Iraqi people, but with these sanctions the U.N. is withholding the opportunity for economic freedom and recovery from Saddam Hussein's tyranny. I hope that Congress can send a strong message demanding that the United Nations immediately correct this mistake and lift the economic sanctions against Iraq.

Madam Speaker, let me briefly describe the resolution before us. This resolution recognizes that the United Nations sanctions were imposed on the regime of Saddam Hussein, not on Iraq or its people. Iraq had become a murderous toy for a totalitarian dictator. The Iraqi people did not choose to invade Kuwait. Their Arab neighbors and Saddam Hussein actually went and did it. The Iraqi people did not choose to go to war with Iran in the 1980s. Saddam Hussein did. The Iraqi people certainly did not decide to use chemical weapons against either Iranian soldiers or on Iraqi Kurds. Saddam Hussein did.

These sanctions were not imposed on the Iraqi people. They were imposed on the regime led by a crazy man who exploited the resources of Iraq for his own gains. And when this regime fell, so did the basis for his sanctions.

The resolution recognizes that the coalition freed the Iraqi people for a better future. It recognizes that at this time the coalition is providing for the humanitarian needs of the Iraqi people. The coalition is working as hard and as fast as it can to have Iraq standing on its own two feet, but restricting trade makes this very difficult.

Newspaper reports have said that after the Iran/Iraq war, it took 3 years for electric power to come back to some parts of Baghdad. The U.S. is pushing to get the people of Baghdad working and getting them electricity by this June.

The coalition is working with the United Nations and other organizations to provide as much as possible for the Iraqi people after the more than two decades of neglect of Iraq's infrastructure.

This resolution also recognizes that with the liberation of the Iraq, the effects of the sanctions have shifted. Sanctions were imposed, Madam Speaker, because the resources of Iraq were used to serve the dangerous interests of a single man. The sanctions help contain his ability to build an army and threaten Iraq's neighbors and the Iraqi people themselves.

Now that Saddam Hussein's regime has ended, the resources of Iraq can now serve the people of Iraq. When they seek to trade their goods for goods of others, it is in their own interest, not in those of a tyrant. The Iraqi people want to trade to rebuild their country, devastated by 30 years of misrule. Before Iraq was liberated, the sanctions contained Saddam Hussein. Now they contain the Iraqi people. The continuation of these sanctions has, in effect, equated the people of Iraq with their former dictator.

A majority of Iraqis have lived most of their adult lives under Saddam Hussein. The transition to a free enterprise economy will be difficult, impossible while trade sanctions continue.

Madam Speaker, I offer this resolution because some members of the Security Council have hesitated in ending these sanctions for what appear to be selfish reasons. In doing so they undermine the Iraqi people, and they continue to undermine their own credibility and that of the United Nations.

I know my colleagues in Congress will join me in calling on the United Nations to end the economic sanctions on Iraq.

Madam Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank and commend my good friend, the gentleman from Michigan (Mr. SMITH), my colleague, for his authorship of this resolution. I certainly want to commend him for his leadership and his expertise not only as a member of the Subcommittee on the Middle East and Central Asia, but his firm understanding of the issues now at hand. I also want to commend the chairman of our Committee on International Relations, the gentleman from Illinois (Mr. HYDE), and our senior ranking member, the gentleman from California (Mr. LANTOS) for their providing support of this legislation that is now before us.

Madam Speaker, I rise in strong support of this resolution.

First, I would like to express my condolences to the families of all those who died in yesterday's suicide bombing attack in Saudi Arabia. I hope for the speedy recovery of those who were injured. This attack demonstrated that in the midst of the very crisis facing these countries, we need to maintain our focus on the war on terrorism and remain focused on protecting our homeland.

Madam Speaker, the resolution before us today calls for an end to sanctions against Iraq, an issue that holds the key to resolving virtually every major economic and social problem in newly liberated Iraq. Sanctions on Iraq, established by the United Nations Security Council Resolution 661 and reaffirmed in United Nations Security Council Resolution 687, have been in place for nearly 13 years since the August 1990 Iraq invasion of Kuwait. These sanctions were intended to deprive Saddam Hussein insofar as it was possible of the means to carry out the most nefarious of his policies, threatening his neighbors and Iraq's own citizens, developing weapons of mass destruction and supporting terrorism.

□ 1515

Madam Speaker, clearly the need for United Nations sanctions on Iraq, indeed the very logic of sanctions, has now expired with the defeat and demise of Saddam Hussein's regime. Neither the coalition authorities nor the Iraqi people liberated from Saddam's tyranny pose any sort of threat to neighboring states. Nor, we can be certain, Madam Speaker, will the coalition authorities or a subsequent Iraqi regime support terrorism or develop weapons of mass destruction.

It is, therefore, time for the international community to decisively lift the sanctions and to allow the Iraqi people to resume a normal economic life and proceed with the reconstruction of their country, a crucial first step towards developing the healthy political and social environment in which democracy and social harmony can flourish.

Madam Speaker, I know that this matter is now being negotiated by our diplomats at the United Nations, and I have confidence that they will soon reach a satisfactory solution. I would certainly like to commend our Secretary of State, Colin Powell, for his outstanding leadership in this area.

This resolution strengthens our diplomats' hands by reinforcing the message that the world should support, and certainly not impede, economic development in liberated Iraq.

I urge my colleagues to join me in supporting H. Con. Res. 160 and urge an end to anachronistic sanctions on Iraq.

Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. FARR).

Mr. FARR. Madam Speaker, I thank the gentleman for yielding me the time.

I rise today in support of H. Con. Res. 160, a bill to remove the economic sanctions against Iraq. For too long, the sanctions have drained the Iraqi society and its vital economic energy. In their wake, we find a country whose standard of living has declined significantly, its middle class has all but disappeared, and its infrastructure is in total disrepair.

Now that dictator Saddam Hussein, the inspiration for the sanctions regime, has been defeated, there no longer remains any justification for its continuation. I hope that the lifting of the sanctions will lead to a prosperous Iraq economy which will benefit the people and bring them back into the world of free and open commerce.

I think that this bill, which signals the commitment of the United States to reconstruction in Iraq, is a good step in the right direction. I trust that the United Nations will respond positively to this initiative.

The removal of sanctions, however, will not alone bring prosperity to Iraq. Before there is prosperity, there must first be security. It is my firm belief that the United States, by intervening militarily in Iraq, has assumed the responsibility for the safety and the security of the Iraqi people.

I applaud the gentleman from Michigan's initiative on the economic front. We must also pay attention to the security front.

As we continue to assist Iraq in its reconstruction, I think we need to establish here in Congress an institutional framework for postconflict resolutions and for postconflict operations. Part of that institutional framework would be to strengthen the U.S. Government's ability to respond to authority gaps left by failed or otherwise collapsed states.

I propose to draft legislation for the creation of an integrated security component in NATO, which would train and equip special units which would provide for the security of the civilian population serving as an interim police force.

I urge my colleagues today to support H. Con. Res. 160, and I look forward to working with the sponsor and other interested Members of Congress to develop this postconflict legislation to close the security and justice gaps so that Iraq and countries emerging from conflict can achieve the economic prosperity to which they, and we, aspire.

Mr. FALEOMAVAEGA. Madam Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. SMITH of Michigan. Madam Speaker, I yield myself such time as I may consume.

I would like to say in relation to the gentleman from California (Mr. FARR) that our Committee on International Relations is looking carefully at these issues and looks forward to working with my colleague, and certainly in a bipartisan effort to deal with this possible legislation.

I would like to say also, Madam Speaker, that the gentleman from American Samoa (Mr. FALEOMAVAEGA) is one of the outstanding Representatives in Congress that is both exceptionally capable and also a good friend. Concluding my comments, I again urge the United Nations to act swiftly. In the language of the resolution the United Nations Security Council Resolution 661 established sanctions as a result of Saddam Hussein's unprovoked illegal aggression against the sovereign Arab State of Kuwait. This resolution is expressing the sense of Congress that now the United Nations should remove the economic sanctions against Iraq completely and without condition.

It is the hope of the United States to have this resolution in the United Nations passed by June 3. It is my personal opinion that if the United Nations refuses to pass this resolution, the United States and the coalition should act aggressively to still allow oil and other products to be exported from Iraq to allow necessary supplies be purchased to go to Iraq for rebuilding.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from Michigan (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 160, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of Michigan. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMENDING THOSE INDIVIDUALS WHO CONTRIBUTED TO THE DEBRIS COLLECTION EFFORT FOLLOWING THE SPACE SHUTTLE "COLUMBIA" ACCIDENT

Mr. BURGESS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 222) commending those individuals who contributed to the debris collection effort following the Space Shuttle *Columbia* accident.

The Clerk read as follows:

H. RES. 222

Whereas on February 1, 2003, the Space Shuttle Columbia and its crew of seven heroic astronauts were lost in a tragic accident;

Whereas the breakup of Columbia scattered debris over a large area of Texas, as well as Louisiana, Nevada, California, and possibly other States;

Whereas the Federal Emergency Management Agency was designated the lead agency for directing other Federal agencies in the recovery of the Space Shuttle Columbia debris;

Whereas personnel from the Federal Emergency Management Agency, the National Aeronautics and Space Administration, the United States Forest Service, the Environmental Protection Agency, and other agencies assisted in the recovery of the Columbia debris;

Whereas personnel from State and local agencies assisted in the recovery of the Columbia debris;

Whereas many citizens, including National Aeronautics and Space Administration contractor personnel from multiple States, volunteered their time to assist in the recovery of the Columbia debris;

Whereas two searchers perished and three others were injured in a helicopter crash while searching for Columbia debris;

Whereas citizens of eastern Texas offered their whole-hearted support, both physical and emotional, to the debris search teams; and

Whereas the combined efforts of all of these individuals and organizations resulted in the collection of more than seventy thousand pieces of debris, far more than was originally thought possible, providing accident investigators with vital evidence that will assist in determining the cause of the accident: Now, therefore, be it

Resolved, That the House of Representatives does offer its gratitude on behalf of the American people to the thousands of individuals who worked tirelessly to recover the Space Shuttle Columbia debris.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BURGESS) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. BURGESS).

GENERAL LEAVE

Mr. BURGESS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURGESS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the morning of February 1 was a tragic day for our space program, our Nation, and the world when the Space Shuttle *Columbia* broke apart upon re-entry over the skies of Texas.

Our Nation and our Congress have honored the memory of the seven astronauts who gave the last full measure of devotion to the cause of space exploration, and we pay our respects to the families of those affected by the tragedy.

Today, with this resolution, we honor over 20,000 Americans who worked long hours over the past several months under difficult weather and terrain conditions to find the remains of the *Columbia* crew and scattered pieces of the space shuttle. In a painstaking search over 680,000 acres, the search teams recovered over 83,000 pieces of the shuttle in order to piece together a puzzle and find answers for what went terribly wrong that morning.

This resolution honors the great Americans from NASA, the Department of Homeland Security, FEMA, the EPA, the Federal Bureau of Investigation, the Department of Defense, the Department of Transportation, the United States Forest Service, the Park Service, the Texas National Guard, Louisiana National Guard, fire crews from 42 States, State and local authorities, as well as many farmers, land owners, and citizens who helped locate, document, and pick up the pieces over the past several months.

Over 20,000 Americans from over 130 Federal, State and local agencies came together as a team for this noble effort, walking their specific search grids. Their selfless acts of dedication and generosity honored the memory of the Space Shuttle *Columbia* crew and greatly aided the Columbia Accident Investigation Board. The search teams endured snow and ice storms as well as brambles and swamps in their search.

We especially honor the pilot and Forest Service Ranger who lost their lives in a helicopter crash while searching for material in the Angelina National Forest in east Texas on March 27 of this year.

To quote President Bush in honoring the crew of the Space Shuttle *Columbia*, "This cause of exploration and discovery is not an option we choose; it is a desire written in the human heart. We are that part of creation which seeks to understand all creation. We find the best among us, send them forth into unmapped darkness, and pray they will return. They go in peace for all mankind, and all mankind is in their debt."

Likewise, all mankind is in the debt of the search and recovery teams for their noble effort and sacrifice. Thus, the House of Representatives offers its gratitude on behalf of the American people and to the thousands of individuals who worked tirelessly to recover the Space Shuttle *Columbia*.

Madam Speaker, I reserve the balance of my time.

Mr. HALL. Madam Speaker, I yield myself as much time as I might consume.

Of course, as has been pointed out very aptly by the gentleman from Texas (Mr. BURGESS), our country suffered a major tragedy on February 1, 2003. Of course, that was the day that the sky over my home State of Texas was filled with fiery debris from the Space Shuttle *Columbia*. We all mourn the loss of the seven brave men and women who perished that day, and will never forget their sacrifice. They made the ultimate sacrifices in the cause of space exploration and, of course, in the cause of science.

In the weeks and months since the loss of *Columbia* and its crew, the focus has been on finding the cause of the accident, not to place blame but to prevent future tragedy. Examination of shuttle debris has been a very important part of that investigation.

We know that it has not been an easy job to collect this. It has been a tedious job, and it has been day in and day out, long hours. It was scattered over at least two States with the bulk of it spread over a wide area of my home State of Texas. Yet within hours of the accident, we had teams of people, men and women, young men and young women, out scouring the countryside for that debris; and it was a very impressive effort.

It involved people from a number of Federal agencies, including personnel from the Federal Emergency Management Agencies, from NASA, from the United States Forest Service, and the EPA among others. It also involved people from State and local agencies who worked very long hours, in all kinds of weather; and it also involved citizens from many States who volunteered their time and volunteered their energy to this task. We owe all of them our thanks.

We also offer our condolences to those who perished when their helicopter crashed during the search for debris.

We know, Madam Speaker, and I also want to note, that there is another aspect of the story that needs to be highlighted, and that is the heartwarming response of my east Texas friends and my neighbors in the search in the area who comprised the search teams. There have been countless examples of folks in Texas opening their homes and hearts to those who have been engaged in the grueling work of debris recovery, and I am very proud of all of them.

The concentrated multiagency debris collection effort that was led by FEMA ended on April 30 when FEMA turned over the responsibilities for any further collection efforts to NASA. While that effort will continue, we can take stock of what has been accomplished today. It is an impressive accomplishment.

Nearly 85,000 pounds of debris, about 38 percent of *Columbia's* dry weight, was recovered. That was far more than had been hoped for when the search began in February. In addition, nearly 83,000 specific items have been recovered; and more than 79,000 of those have been identified. Most importantly, the board investigating the *Columbia* accident has said that the debris collected so far has been invaluable in helping them in their efforts to determine the cause of the accident.

Madam Speaker, I think the Nation owes a debt of gratitude to the thousands of individuals and organizations who work so tirelessly to recover the space shuttle debris. I do not personally think that that search is over because, as my colleagues know, common sense tells us and our knowledge of history, of weather facts, there is still snow on the ground in a lot of the area where the shuttle began to come apart. There are some very deep lakes that because of weather hazards we have not really been able to search those.

□ 1530

We need to really wait until that snow vanishes as the summer comes on, to where we can really look particularly around Fallon, Nevada, in that area, where a lot of our indications are that the very first major part of that Shuttle came apart. Then we need to get to the American people not 10 reasons that might have caused it, but get to the cause of it, because we have three more shuttles that we want to send up. We still have to have a presence in space, but we want it to be a safe presence, we want it to be safe for the men and women who will man them.

I think it is to be noted that I introduced House Resolution 222 as a way for this body to express our thanks on behalf of all America. We have a number of cosigners, and I hope we have more. I think it is the right thing to do, and I hope my colleagues will support it.

Madam Speaker, I reserve the balance of my time.

Mr. BURGESS. Madam Speaker, I yield myself such time as I may consume.

After hearing the ranking member's remarks, I am again reminded of the valuable leadership that the gentleman from Texas (Mr. HALL) brings to the Committee on Science, and the Subcommittee on Space and Aeronautics in particular. I appreciate his bringing this bill to the floor for our attention.

Madam Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Madam Speaker, on behalf of the other members of our Committee on Science, and certainly our chairman, the gentleman from New York (Mr. BOEHLERT), we commend the adoption of this resolution.

Two words in the English language are not spoken enough, and these words are "thank you." With this resolution before us, the House of Representatives, on behalf of government, on behalf of the American people, thank the thousands of search and discovery crews who scoured through thick forests and brambles, dove underwater in freezing lakes and reservoirs, trudged through swamps in icy temperatures and storms in search of the bits and pieces left over from the Space Shuttle *Columbia* tragedy. It was grim work that lasted many months, and those who undertook the solemn duty in east Texas and elsewhere deserve our thanks and praise.

Few things embody the triumph and tragedy that make up the fabric of our country more than the space program. The space program's very purpose, to discover what lies beyond our world, is at the heart of the American spirit. The thousands of Americans who aided in the *Columbia* debris search have become a vital part of our Nation's space program. They allow us to learn what went wrong that fateful morning of February 1 so that we can fix it and forge ahead with a stronger space program with the best balance between manned and unmanned flight.

With this resolution we honor those who walked more than 700,000 acres on foot, surveyed more than 1.6 million acres in aircraft, and swept over at least 23 square miles of lakes and reservoirs over the last several months to find what remained of the Space Shuttle *Columbia*. Now the 83,000 pieces of evidence are being shifted through at Kennedy and Johnson Space Centers and elsewhere, and the *Columbia* Accident Investigation Board is beginning to form findings and recommendations to make our Nation's space program better than it was before.

Just as the thousands of search crews took it upon themselves to have a solemn duty, we in Congress will soon be asked to perform our solemn duty to uphold the values and build on the legacy of the *Columbia* astronauts we lost. We have a duty to them, their families, the NASA family, the search crews, and to everyone who gains so much inspiration from the drive to discover what exists beyond our world. The lives lost cannot be in vain.

Today, with this resolution, we honor those who performed their duty. And to the thousands of men and women who engaged and congregated in east Texas in search of what remained of mission STS–107, the Space Shuttle *Columbia*, we say "thank you."

Mr. HALL. Madam Speaker, I yield 5 minutes to the delegate from American Samoa (Mr. FALEOMAVAEGA), who is on the Committee on International Relations, a very important committee.

Mr. FALEOMAVAEGA. Madam Speaker, not taking anything away from the spirit of this important resolution to commend and to honor some 20,000 of our fellow citizens in civilian life, and all who represented local, State, and Federal agencies who assisted with the collection of debris and materials of the Space Shuttle *Columbia*, I certainly want to commend my good friend, the gentlemen from Texas (Mr. HALL), for bringing this resolution to the floor for consideration by this body.

Absolutely, we should pay special tribute to our fellow Americans who assisted with the conduct of searching for the parts of the *Columbia* Shuttle. Just last week, the U.S. India Political Action Committee and the American Jewish Committee provided a special plaque that is now placed in the National Air and Space Museum commemorating the bravery of our astronauts who were part of the Space Shuttle *Columbia*. The inscription on this plaque that is now in the space museum states: "In memory of the astronauts on the Space Shuttle Columbia who came together from around the world, who gave their lives in the pursuit of progress for all humanity."

Madam Speaker, this being the month of May, I was honored last week to be invited by the President to the White House for his official proclamation of this month as being the National Asia Pacific Heritage Month. On behalf of some 12 million Asia Pacific Americans, I want to touch upon one specific Asian Pacific American. Of course, this tragedy touched all of us as Americans, but particularly affected were Indian Americans because they lost the first Indian American astronaut, Dr. Kalpana Chawla. Along with our Indian American friends, we also lost six other extraordinary individuals.

Dr. Kalpana Chawla came to symbolize the best amongst us. Born in Karnal, India, she studied in the United States and received her doctorate from the University of Colorado. Her life and professional success symbolizes the success of the Indian American community today in our country. In serving her adopted country, she demonstrated that Indian Americans are at the forefront of national achievements.

Again, I just wanted to point that out, again recognizing the bravery of the astronauts who participated in this *Columbia* Shuttle. I thank my good friend from Texas for allowing me to say a few words in support of this resolution.

Mr. BURGESS. Madam Speaker, I reserve the balance of my time.

Mr. HALL. Madam Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), who is the ranking member of the Subcommittee on Research of the Committee on Science, and my fellow Congresswoman from the neighboring county of Dallas.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I wish to thank my leadership and my distinguished colleagues that I am pleased to join this afternoon to praise the extraordinary individuals who contributed to the debris collection effort following the Space Shuttle *Columbia* accident.

On February 1, 2003, our great Nation was shocked to learn that the Space Shuttle *Columbia* and its crew of seven heroic astronauts were lost in a tragic accident. And although the explosion of the Space Shuttle *Columbia* sprinkled debris over much of Southwestern America, a large portion of that debris was scattered over a large portion of my home State of Texas.

This resolution honors the personnel from FEMA, the Federal Emergency Management Agency, the National Aeronautics and Space Administration, NASA, and the United States Forest Service, the Environmental Protection Agency, and other agencies assisting in the recovery of the *Columbia* debris. In addition, they were assisted by many, many volunteer citizens giving their time and effort to help in this investigation of national importance.

We wish to especially recognize the citizens of east Texas as they offered their wholehearted support, both physical and emotional, to the debris search teams. Their combined efforts resulted in the collection of more than 20,000 pieces of debris, far more than was originally thought possible, providing accident investigators with vital evidence that will assist in determining the cause of the accident.

Let it be known that these selfless individuals and their actions are very much appreciated. Their contributions to collection aided in continuation of the investigation and further space exploration.

I pledge to do what I can to help our space program recover from this terrible setback so that these important endeavors can flourish in the future. And as a senior member of the Committee on Science, I will work closely with my House colleagues to assist NASA and Harold Gehman, Jr., who leads the special investigation commission.

Madam Speaker, I will end by simply saying that the best way to show our appreciation for these heroes is to continue this research and be a visionary for our future, because we know that without vision, people perish.

Mr. BURGESS. Madam Speaker, I reserve the balance of my time.

Mr. HALL. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GREEN), a member of the Committee on Energy and Commerce and a long-time supporter of NASA, being from the Houston area.

Mr. GREEN of Texas. Madam Speaker, I rise in strong support of the resolution of my good friend, the gentleman from Texas (Mr. HALL).

Human space flight is America's ultimate commitment to scientific exploration and research, and astronauts receive and deserve the most glory because they take the ultimate risk, as we know from the *Columbia* and the crew of *Apollo 1*, and the *Challenger*. They all made the ultimate sacrifice.

It is interesting, this resolution, because yesterday I had the opportunity in my district to visit three middle schools, Hambrick Middle School in Aldine ISP, Patrick Henry and Stevenson Middle Schools in the Houston Independent School District, with NASA astronaut Franklin Chang Diaz to encourage our young children to pursue careers in math and science and engineering so they can get great jobs and maybe even work for NASA one day. This is a great experience. I have been able to do that for a number of years with the astronauts in our community, because space exploration is not just the here and now, it is the future.

That is why this resolution, I think, is so important because it does look into the future. To get our Space Shuttles back into orbit, we need to know what went wrong and how to fix it. To do this, 30,000 people from local, State, and Federal agencies participated in the search for debris from the *Columbia* to try to piece together what happened. These efforts resulted in 82,000 pieces weighing 80,000 pounds, when workers covered 1.6 million acres on the ground and in the air. Importantly, many wing pieces, tiles, and the flight data box have been recovered and are being analyzed by NASA engineers right now.

Amazingly, with the tremendous efforts of the search parties, five of the nine experiments aboard *Columbia* have been recovered, including one experiment developing cancer treatment drugs.

□ 1545

I would like to close by noting that the Federal Emergency Management Agency is assuming most of the $300 million tab on this important operation; $1.2 million will reimburse Texas for the over-900 Texas National Guard personnel who participated.

I urge my colleagues to remember the expense needed for human space flight when we consider NASA's funding later this year. Shuttle maintenance and safety requirements are the highest priority. We need to take the lessons learned from the *Columbia* recovery search to heart and put them into practice. Again, I thank the gentleman from Texas (Mr. HALL) and the gentleman from Texas (Mr. BURGESS) and urge my colleagues to suspend the rules and pass this resolution.

Mr. HALL. Madam Speaker, I yield myself such time as I may consume.

I urge the passage of this resolution. I thank the gentleman from Texas (Mr. BURGESS) for his participation and his support. He is a man of medicine and a very valuable member of the Committee on Science. I thank him for his input and will expect and appreciate his support of this resolution which I know is coming.

Madam Speaker, I yield back the balance of my time.

Mr. BURGESS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from Texas (Mr. BURGESS) that the House suspend the rules and agree to the resolution, H. Res. 222.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BURGESS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. BURGESS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 3 o'clock and 46 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1833

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GILCHREST) at 6 o'clock and 33 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 281, by the yeas and nays;

House Concurrent Resolution 160, by the yeas and nays;

House Resolution 222, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

TONY HALL FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 281.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BURGESS) that the House suspend the rules and pass the bill, H.R. 281, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 27, as follows:

[Roll No. 183]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graves
Green (TX)
Green (WI)
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—27

Blunt
Boyd
Brown, Corrine
Buyer
Capps
Case
Conyers
Cox
Edwards
Forbes
Gephardt
Granger
Greenwood
Gutierrez
Hulshof
Issa
Lantos
Lewis (CA)
Lipinski
Miller, Gary
Moran (VA)
Price (NC)
Rush
Schrock
Sweeney
Terry
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILCHREST) (during the vote). There are less than 2 minutes remaining on this vote.

□ 1853

Mr. BARTON of Texas changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the next question will be a 5-minute vote.

EXPRESSING THE SENSE OF CONGRESS THAT THE UNITED NATIONS SHOULD REMOVE THE ECONOMIC SANCTIONS AGAINST IRAQ COMPLETELY AND WITHOUT CONDITION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 160, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 160, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 25, as follows:

[Roll No. 184]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)

Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—25

Blunt
Boyd
Brown, Corrine
Buyer
Capps
Carter
Case
Conyers
Cox
Edwards
Forbes
Gephardt
Granger
Gutierrez
Hulshof
Johnson (CT)
Lipinski
Miller, Gary
Moran (VA)
Price (NC)
Rush
Schrock
Sweeney
Terry
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are less than 2 minutes remaining on this vote.

☐ 1902

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMENDING THOSE INDIVIDUALS WHO CONTRIBUTED TO THE DEBRIS COLLECTION EFFORT FOLLOWING THE SPACE SHUTTLE COLUMBIA ACCIDENT

The SPEAKER pro tempore (Mr. GILCHREST). The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 222.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BURGESS) that the House suspend the rules and agree to the resolution, H. Res. 222, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 23, as follows:

[Roll No. 185]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
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Green (TX)
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Hooley (OR)
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Hoyer
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Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
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King (IA)
King (NY)
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LaHood
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Larsen (WA)
Larson (CT)
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Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
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Majette
Maloney
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McCarthy (MO)
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McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
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Neal (MA)
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Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
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Peterson (MN)
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Petri
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Rahall
Ramstad
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Reyes
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Rodriguez
Rogers (AL)
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Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
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Smith (MI)
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Wilson (NM)
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Young (AK)

NOT VOTING—23

Ballenger
Boyd
Brown, Corrine
Buyer
Case
Conyers
Cox
Edwards
Forbes
Gephardt
Granger
Gutierrez
Hulshof
Lipinski
Miller, Gary
Moran (VA)
Murtha
Price (NC)
Rush
Schrock
Sweeney
Terry
Young (FL)

□ 1921

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 660

Mr. SOUDER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 660.

The SPEAKER pro tempore (Mr. GILCHREST). Is there objection to the request of the gentleman from Indiana?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1527, NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION ACT OF 2003

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 108–97) on the resolution (H. Res. 229) providing for consideration of the bill (H.R. 1527) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003 through 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1000, PENSION SECURITY ACT OF 2003

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 108–98) on the resolution (H. Res. 230) providing for consideration of the bill (H.R. 1000) to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide additional protections to participants and beneficiaries in individual account plans from excessive investment in employer securities and to promote the provision of retirement investment advice to workers managing their retirement income assets, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TURKEY'S DECADE-OLD BLOCKAGE AGAINST ARMENIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the floor this evening to discuss the decade-old blockade against Armenia by Turkey. This is one of the most egregious violations of international law by Turkey, and it is one that hardly gets any attention in the international community. I have been encouraged, however, by two recent reports on the Turkish blockade. The first was done by the State Department at the request of me and the gentleman from Michigan (Mr. KNOLLENBERG) and the second was written by members of the European Parliament.

Last year, members of the Congressional Caucus of Armenian Issues, of which the gentleman from Michigan and I are cochairs, identified a bill that would grant some Turkish goods duty free status. We protested very early about this, Mr. Speaker; and when it came time to include the bill, we obtained assurances from the administration that they would try to offset this provision for Turkey by pressing for Armenia's accession to the World Trade Organization. The letter from Deputy Secretary Armitage in this regard specifically stated, and I quote, "The administration is pressing Turkey to restore economic, political and cultural links with Armenia, and is encouraging Turkey to open its border with Armenia. We believe that such action would promote the economic development of both Turkey and Armenia." We were also promised, Mr. Speaker, a report by the State Department and the U.S. trade representative on the Turkish blockade by March 31 of this year.

Mr. Speaker, the report we received was entitled: "The Economic Impact of Turkish/Armenian Border Closure and Diplomatic Contacts with Both Parties on This Issue." I have included a copy of this report for the RECORD, Mr. Speaker. This report was only three pages long, Mr. Speaker; but it made clear some of the administration's views on the Turkish blockade. It stated: "The United States has long pressed for the opening of the border and the free flow of trade in the region." The report also listed various attempts that the United States has pressed Turkey on this issue and it stated: "Most recently the issue was raised with Turkish officials during Secretary Powell's April 2 visit to Ankara, Turkey."

Mr. Speaker, although members of the Congressional Caucus on Armenian Issues are encouraged by Secretary Powell's helpful comments during a very tense time in the Middle East, we also encourage a greater commitment by the administration to pressing Turkey to discontinue its incredibly damaging blockade.

The second report that I mentioned, Mr. Speaker, was coordinated with a conference sponsored by the European Parliament and the Turkish-Armenian Business Development Council, and it included members of the European Parliament and business community of both Turkey and Armenia. The title of the conference was: "Still an Iron Curtain: Armenia-Turkey relations, 10 years after the border was closed."

This conference, Mr. Speaker, highlighted not only the economic numbers that justify the lifting of the blockade but also the real Armenian and Turkish citizens that want the decade-old interruption of their normal life and commerce to end. The TABDC estimates that 30 to 40 percent of Armenia's GNP is lost each year solely to the border closure. Every year the Armenian Caucus pushes for a robust level of U.S. aid for Armenia, but these efforts to help revive the economy and civil society are hamstrung by Turkey's insistence in joining ranks with its belligerent brother, Azerbaijan. The State Department report also included a 2001 World Bank report entitled: "Trade, Transport and Telecommunications in the South Caucasus: Current

Obstacles to Regional Cooperation." This report repeats what is already common knowledge, that closed borders retard trade and development.

Mr. Speaker, it has been far too long for Armenia to suffer under the yoke of Turkey. This is the only situation in the world where one member of the WTO is blockaded by another. We have known for years about Turkey's illegal blockades; but since Armenia's accession to the WTO, Turkey's actions are egregious even more. There can be no excuse for Turkey to continue the blockade of Armenia and still hold itself up as a democracy, purportedly respecting the rights of all its citizens and neighbors.

Mr. Speaker, finally, I call on the Bush administration to continue to press Turkey hard to drop the 10 years of blockade against its sovereign neighbor. It is crucial for the United States to be seen in the international community as a peaceful arbitrator between enemies. The release of this burden on the peoples of Armenia and eastern Turkey would help the region recover from the market disruption after the fall of the Soviet Union. For peace to prosper, for democracy to truly take hold and for the economies of all the countries of the South Caucasus to move forward into the 21st century, relations must be normalized throughout the region. This region was mired in war and genocide before the rise of the Soviet Union. It should be an imperative of the Bush administration not to let this region slip back further economically.

UNITED STATES DEPARTMENT OF STATE,
Washington, DC, April 7, 2003.

Hon. FRANK PALLONE, JR.,
House of Representatives.

DEAR MR. PALLONE: As promised in Deputy Secretary Armitage's letter dated September 20, 2002, regarding the Turkey/Armenia border issue, enclosed is the State Department Report, Economic Impact of Turkish/Armenian Border Closure and on Diplomatic Contacts with Both Parties on This Issue. Also enclosed for your information is the 2002 World Bank Report entitled Trade, Transport and Telecommunications in the South Caucasus: Current Obstacles to Regional Cooperation.

I am pleased to note that the Administration's efforts on Armenia's accession to the WTO were successful and that Armenia became a member in December 2002.

We hope this information is useful to you. Please do not hesitate to contact us if we can be of assistance on this or any other matter.

Sincerely,

PAUL V. KELLY,
Assistant Secretary Legislative Affairs.

Enclosures: As stated.

ECONOMIC IMPACT OF TURKISH/ARMENIAN BORDER CLOSURE AND DIPLOMATIC CONTACTS WITH BOTH PARTIES ON THIS ISSUE

Citing Armenian aggression against Azerbaijan during the hostilities over Nagorno-Karabakh, the Government of Turkey closed its border with Armenia in March 1993. Turkey took this action following the Armenian seizure of Kelbajar, an Azerbaijani province outside Nagorno-Karabakh. Prior to that time, the border was open for one train a week between Kars in Turkey and Gyumri in Armenia. The United States has long pressed for the opening of the border and the free-flow of trade in the region.

Azerbaijan, too, severed all economic relations with Armenia and has refused to allow any direct trade. The trains between the two countries had already ceased operating owing to harassment of crews and torn-up tracks on both sides. As a result, trade between land-locked Armenia and neighboring markets has been distorted and Azerbaijan and Turkey have closed the most direct transportation corridor between their countries and the Mediterranean and Caspian Seas. Although there has been a cease-fire and an ongoing Nagorno-Karabakh peace process since 1944, the governments of Azerbaijan and Turkey say they will only open their borders with Armenia only when there is a settlement to the conflict.

The full extent of these trade distortions will ultimately be eliminated only with the opening of both borders. However, assuming only the Turkish/Armenian border were reopened, one would expect: a reduction in transportation costs to and from Armenia, an increase in Turkish-Armenian trade, and an improved overall economic environment in Armenia and eastern Turkey. Armenian Foreign Minister Oskanian has stated that the border closures were among the major hindrances to increasing export volumes and attraction of foreign investments to Armenia. And it is true today that transportation costs and customs duties can increase the prices of Armenian imports and exports by as much as 100 percent and in some cases even more due to the need to ship goods via Georgia or Iran. If the Turkish-Armenian border were to open, some economic observers estimate that overall transportation costs to and from Armenia might fall by 50 percent or more.

Assuming that these savings lead to lower prices, one would expect overall trade between Turkey and Armenia, as well as transit traffic between Armenia and Western Europe via Turkey, to increase in real terms as well. Regional trade has been declining as a result of the border closure in recent years and unofficial reports indicate that a reopening of the Turkey-Armenia border would lead to enhanced trade and enable Turkey to provide a larger portion of the nearly $1 billion worth of goods that Armenia imports each year. Also, existing transportation routes preclude trade in certain products, including building stone, produce, flowers, and meats. Opening the border would open the possibility to a profitable trade in such goods. Placing a voltage adjuster near the border would allow the transfer of excess electricity generated in Armenia to the energy-poor regions of eastern Turkey.

This increased economic activity and the improved access to local markets would have a positive impact on the economic environment throughout the region, especially in Armenia and eastern Turkey. The full economic potential of the region is unlikely to be achieved until there is a normalization of relations between Armenia and Azerbaijan as well. The opening of that border would enable the reopening of the railroads from Armenia to Azerbaijan and the creation of an uninterrupted railroad link between Istanbul and Baku and the Mediterranean and Caspian Seas. This would lead to enhanced trade between Turkey and the Caspian and Central Asian regions.

The internal conditions in Armenia and throughout the region must be prepared to take full advantage of an open border. As stated in the World Bank's Trade, Transport and Telecommunications in the South Caucasus: Current Obstacles to Regional Cooperation, (attached) "In the long run a peace settlement will only generate widespread and sustainable benefits, if the institutional and physical milieu is sufficiently supportive. The realization of these potential benefits appears highly unlikely, at present, as the current institutional and physical milieu is anything but supportive and offers few incentives for new development." The World Bank report makes a very rough estimate of regional trade normalization, and therefore open borders with both Turkey and Azerbaijan. The report found that open borders with Turkey and Azerbaijan could result in significant increases in Armenia's exports ($269–342 million) and GDP likely would rise up to 30–38 percent on a one-time basis. The percentage impact on Turkey's overall trade figures would be much less, but likely beneficial as well. It also bases its estimate on older trade figures (1999 or earlier).

The U.S. Government has budgeted approximately $1.336 billion to fund assistance programs in Armenia, plus $218 million in surplus Department of Defense and privately donated humanitarian commodities since Fiscal Year 1992. In Fiscal Year 2002, all U.S. Government agencies budgeted $103 million for assistance programs in Armenia.

The Governments of Armenia and Turkey have stated that they are willing to pursue improved relations. The U.S. Government continues to press the Government of Turkey at every appropriate opportunity to open the border with Armenia. Most recently the issue was raised with Turkish officials during Secretary Powell's April 2 visit to Ankara. The U.S. Government also urges the Government of Armenia to continue to raise these issues with the Turkish government. U.S. officials brought up the subject during Foreign Minister Oskanian's visit to Washington in February. In its role as Co-Chairman of the OSCE's Minsk Group, the U.S. is actively engaged in the search for a peaceful, mutually-acceptable resolution of the Nagorno-Karabakh conflict, including the normalization of regional trade relations, which would stabilize the situation in the region and provide the basis for greater economic growth in Armenia, Azerbaijan and eastern Turkey.

On the diplomatic front, in 2002 the Armenian Government increased diplomatic contact with the Government of Turkey. It encouraged working-, mid-, and senior-level diplomatic contacts with Turkey and accepted a Turkish proposal for trilateral ministerial consultations. Armenian Foreign Minister Oskanian held three rounds of discussions with Turkish Foreign Minister Cem, including one that also included Azerbaijani Foreign Minister Guliev. Following the change in government in Turkey last summer, the Armenian Foreign Minister also met once with the Foreign Minister of the interim Turkish Government. The Government of Turkey altered its stance on Armenia's WTO accession last year, helping to pave the way for Armenia's accession in December 2002. Turkish President Sezer sent President Kocharian a letter congratulating him on his March 5 re-election.

Drafted: CG Istanbul, Jonathan Henick; EUR/CACEN: Margaret Pawlick; Embassy Yerevan David Gehrenbeck.

Approved: The Deputy Secretary.

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CALIFORNIA AUTISM REPORT

The SPEAKER pro tempore (Mr. CHOCOLA). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, for some time I have been coming to the floor on a regular basis talking about the problem of the epidemic of autism. Just a few short years ago, 1 in 10,000 children were autistic. Today it is closer to 1 in 200. Think about that. We have had a 50-fold increase in the number of children who are autistic, and yet we have not had any real attention paid to the problem.

I wrote a letter to President Bush and to his administration, asking that there be a national conference called with leading scientists and experts from around the country and around the world to get together to try to find out why we are having such a terrible problem with this epidemic of autism, and this epidemic is one that is going to be with us for many, many, many years. These children who become autistic are going to grow up, live to be 65, 70 years old, but they are not going to be able in many cases to take care of themselves; so they are going to be dependent upon the taxpayers, upon society to take care of them, and so it is extremely important that we address this situation right now.

I have on this lectern beside me pictures of children from across the country who are autistic, and I and the parents of these children believe that many of them, maybe most of them, became autistic because of mercury that was in vaccines put in by the pharmaceutical companies under the title of thimerosal. Thimerosal is a preservative that was put in children's vaccines and other vaccines for a long time, since the 1940s, and now that we give children 25 to 30 vaccines before they start kindergarten, the cumulative effect of all that mercury going into their system and into their brain is an epidemic of autism, and yet nothing is being done about it.

We passed a Vaccine Injury Compensation Fund that was supposed to provide a nonadversarial approach to helping solve these problems of these autistic children and their families because of the huge amount of money that they have to lay out to take care of their children, and yet it has not worked. We have been trying to correct that, but we have not received the kind of cooperation from the other body that we need to get that job done.

Today we have got a new report from California, the Department of Developmental Services, and it says that in the past 4 years the amount of autistic children that have been found has doubled, in 4 years. That is in the State of California alone, and this has been going on all across the country. In some parts of the country, the number of children that are born and becoming autistic is much greater than 1 in 200. It is down to 150 in parts of New Jersey and Georgia and elsewhere in this country, and we must pay attention to it. We must get to the bottom of it, and we must provide a mechanism for these parents and these children to be taken care of before it is too late.

As I said before, it was 1 in 10,000 children were autistic. Now it is 1 in about 200. There has been almost a 300 percent increase in autism in 11 years, from 1987 to 1998, and in California they said that their report has led to numerous subsequent epidemiological studies in autism throughout the United States as well as the global health community, and yet we have not as a Nation addressed this problem.

It has been said in this study that in just a short period of time in California, autism will be more prevalent than cancer in children, than diabetes in children, Down Syndrome in children, and within 3 to 4 years will surpass in total number of cases both cerebral palsy and epilepsy in California. That is just California alone.

This is a silent epidemic, and most people in America who are not conversant with what autism is do not even realize it, and many of my colleagues unfortunately do not understand the gravity of this situation. So tonight and every night I am going to be coming down here. Tonight I am talking about the study that was done in California, but I am going to be coming down here reading letters from autistic families, from parents of autistic children who have no place to turn and nowhere to go, because when they go to the Vaccine Injury Compensation Fund for support and help, they are turned down without any review of their situation. We are trying to open that up.

There is about $2 billion in that fund right now, and we need to make it nonadversarial. If children are damaged by vaccines, if they are damaged by the mercury in vaccines, then those parents ought to be having access to that program as quickly as possible. It has been closed to them so far, many of them. We need to open it up with a 2-year look-back provision so that they can get in and have their case reviewed, because to have their child in that situation, to have them not be able to look at them, talk to them, running around flapping their arms, having chronic diarrhea and constipation is something that parents must not live with, and this Government needs to address this problem.

California has talked about it in this report, and the Congress of the United States and the White House need to come to grips with this problem right away.

THE BUSH ADMINISTRATION'S ECONOMIC POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the latest economic news is out, and it is not good. The trade deficit for March was announced today. It hit the second highest level in history, $43.5 billion more imports coming into our country than exports going out. What we are exporting are more U.S. jobs.

Why do we have such a high trade deficit? Rising oil prices and continued deterioration in our trade accounts because of NAFTA, especially Mexico as well as Canada. The March trade deficit with Mexico alone was a record $3.9 billion. The deficit with Canada was the highest since 2 years ago, January 2001.

NAFTA is not working for the United States. NAFTA is the great sucking sound. We are exporting our jobs, not our goods, and we are importing more goods from Mexico than ever in our history.

Unemployment in America has hit a 6 percent high with almost 9 million people out of work now. Just today the Bureau of Labor Statistics put out detailed information on joblessness in America. Where is Ground Zero in the Bush recession? It is the Visalia-Tulare-Porterville area in California with 18.1 percent unemployment. Of metropolitan areas with populations over a million people, the highest unemployment was found in Portland, Oregon, and San Jose, California, 8.4 percent each. I just returned from the San Jose area.

Indeed, of the 272 metropolitan areas for which year-to-year comparisons can be made, the largest declines in employment were found in San Diego, followed by Tulsa, Oklahoma; Flint, Michigan; and my home community of Toledo, Ohio. Ohio is first in our Nation in lost jobs as a percentage of our workforce since George Bush came into office in 2001. No State has suffered more than Ohio from the Bush administration's failed economic policies.

The dollar is hitting new lows in part due to impolitic comments made by our Treasury Secretary John Snow on Sunday talk shows. Is the Bush administration committed to a strong dollar? They say they are, but many experts are questioning the commitment in light of Secretary Snow's comment on Sunday that a falling dollar should help exporters. In fact, it is hard to make any sense of the Bush administration's economic policy. The administration seems bound and determined to start and hold a losing hand. All they can talk about are tax breaks for the wealthy.

But it is the consumer that is keeping our economy out of a depression. It is the middle-class consumer that made America great. It is the great middle class that fights our wars, makes our goods, delivers our services, and keeps our country strong. But the Bush administration wants to cut taxes for the super-rich, even though we know that that policy will lead to recession and more job losses.

In fact, look at what happened in our country after the first Bush set of tax breaks to the wealthy back in 2001: More and more job losses, over 2 million of them. They talked to us about jobless recovery. What is a jobless recovery? That is all we seem to have are jobless recoveries. Every time this group gets in office, they give us more unemployment. And, indeed, if the Members look back to 1981 when, under the Reagan administration, our Vice President, DICK CHENEY, was the head of the Republican Policy Committee here in the House, they did the same thing. They called it the Economic Tax Recovery Act of July 29, 1981, and do the Members know what happened back then? The minute the same kind of tax program was enacted, guess what happened? More and more and more job losses.

I came here in January 1983 to try to help dig America out of a hole, a job-loss hole as well as a deficit hole. It took us almost 15 years, and now we are back to the same mess we had back then. I say if it is strike one, strike two, and now strike three, they ought to be out.

The Republicans in this kind of trickle-down tax program are really going to gouge the middle class again. So I would say, Mr. Speaker, just take a look at the record. It is the same old story. And what do we get? More job losses, an administration that does not want to extend unemployment benefits to those who have been out of work. They say go find a job somewhere, except for one thing: More and more jobs are being lost every day. And the Buckeye State rings in number one in terms of job losses.

Mr. Speaker, America should do better, and America will do better a year from now when we elect a new President.

THE HIGH PRICE OF PRESCRIPTION DRUGS IN THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I come to the floor of the House again tonight to talk about something that needs to be resolved, and we in Congress need to get serious about it, and that is the high price that Americans pay for prescription drugs relative to the rest of the world. And we see this chart here, and again I do not ask people to take my word for this. I would ask them to do their own research, but the interesting thing is millions of Americans are doing that research for themselves, and they are coming to exactly the same conclusion, and that is Americans pay far more than anyone else in the industrialized world for the same drugs.

Let us look at this chart. These numbers are average numbers, and they are from the year 2002. The source is the Life Extension Foundation, but there are other groups doing the same kind of research, getting essentially the same results.

Let us look at some of the drugs that we buy in large quantities in the United States. Cipro, we all know about Cipro after the anthrax scare. It is a very effective antibiotic. It is made by a German company called Bayer. We in the United States usually call it Bayer, Bayer Aspirin, for example. In the United States, the average price for a 30-day supply is about $88. That same drug can be bought in Canada for $53.55, but in Germany where they make the drug, they sell it for $40.75.

Going on down the list, here is another very important drug. It is a miracle drug for many people suffering with diabetes called Glucophage. In the United States, according to Life Extension Foundation, the average price for a 30-day supply is $124.65. That same drug can be bought in Canada in the same dosage for $26.47, and in Germany they can buy it for $22.

Let us look at Norvasc, another very popular drug here in the United States; $67 here, $46 in Canada and only $33 in Europe.

Mr. Speaker, I am not here to say shame on the pharmaceutical industry, and perhaps I should, but the truth of the matter is it is shame on us. We are requiring Americans to pay anywhere from 30 to 300 percent more.

Last week I had down on the floor a little box of some drugs, a very powerful and wonderful drug. It is called to tamoxifen. Tamoxifen is perhaps the best anti-breast cancer drug ever discovered, but let me share this. In the United States, and we checked it out at the local pharmacy here in Washington, for 100 tablets, 20 milligrams, the price was $360. We can buy that same package of drugs in Munich, Germany for $59.05; $60 there, $360 here, six times more that Americans are required to pay for this life-saving drug. That is wrong, and we should do something about it.

Let me talk about the law because many people, particularly our friends at the FDA, are hiding behind the law. This is the actual law that they use to keep Americans from importing FDA-approved drugs from FDA-approved facilities, and here is what it says: The Secretary of the Treasury shall deliver to the Secretary of Health and Human Services upon his request samples of food, drugs, devices, and cosmetics which are being imported or offered for import to the United States, giving notice thereof to the owner or consignee who may appear before the Secretary of Health and Human Services, and some more legal goop, but here is what it comes down to. There are three criteria.

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The first is, if it appears from the examination of such samples or otherwise, that one such article has been manufactured, processed or packed under unsanitary conditions. We cannot say that about these drugs.

Or, two, such article is forbidden or restricted in sale in this country in which it was produced or from which it was exported. These are legal drugs in both the United States and in the other countries we are talking about.

Or, three, and this is the last one, such article is adulterated, misbranded or in violation of section 355 of this title. These drugs are legal. We are not talking about bringing in illegal drugs; we are talking about legal drugs from countries that are FDA approved.

It is not shame on them; it is shame on us for letting this situation exist.

Let me just tell you what this amounts to. Our own Congressional Budget Office tells us that, over the next 10 years, seniors in the United States of America will spend $1.8 trillion on prescription drugs. Simple arithmetic, do the math yourself, we believe, and I think this is being very conservative, if we simply open up markets, as we do with every other product in this country, just open up those markets, we can save a minimum of 35 percent; 35 percent of $1.8 trillion is $630 billion. Shame on us.

We are going to be talking here on the House floor in the next several weeks about a prescription drug benefit, maybe under Medicare, maybe under Medicaid. Clearly there are a lot of seniors falling through the cracks. But the issue is not so much coverage; the issue is affordability. We need to do something about it.

I am going to introduce a bill later this week. I hope my colleagues will join me in cosponsoring that bill.

HONORING JOHN P. BROWN, III

The SPEAKER pro tempore (Mr. CHOCOLA). Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, I rise today to celebrate a favorite son of Ohio, a husband, father, grandfather, public servant, and State AMVETS President. I am speaking of John P. Brown, III.

Mr. Speaker, John's life story imbues the kind of selflessness and sacrifice that is indicative of so many of our veterans. He served two tours in Vietnam. He was chosen to serve in the elite Honor Guard at the U.S. Naval Station in Philadelphia. John's contributions did not end there, though. He and his wife have raised a wonderful family, including three children, Charlene, Stephanie and Christopher, and seven grandchildren.

For 31 years, John worked for Ameritech and its predecessors. And more recently, he worked as a military liaison for Ohio's 17th Congressional District.

In Ohio, John's name is synonymous with veterans advocacy. He has given, and he continues to give, greatly to many, many veterans causes. He is a former vice commander for Ohio AMVETS. He is the local post commander, the founder and trustee of the Mahoning Veterans Memorial. He has been the host of a veterans radio talk show for 19 years; and for the last year, he served honorably as the commander of Ohio AMVETS.

John's love of country and commitment to military service is shared by his wife, Jan C. Brown, who is retired from the United States Air Force. Together, J.P. and Jan Brown answer in the affirmative the challenge presented by President John F. Kennedy, "Ask not what your country can do for you, but what you can do for your country."

Obviously, I could talk for quite some time about John's accomplishments and contributions, but I think it is more important for us to recognize what a decent, honorable, and rare man John is as a person.

The truth is that our democracy simply could not function without the sacrifice, dedication, and just plain hard work of people like John Brown. Many veterans are in his debt today, and so are many, many Ohioans.

Mr. Speaker, I go to John for guidance and advice regarding veterans health care and other issues important to our Nation's veterans, and he helps me be a better Congressman.

In recognition of John's many accomplishments, he is being honored at an AMVETS testimonial dinner in Youngstown, Ohio, on Saturday Evening. I cannot be at that event; but today, on this floor of the United States House of Representatives, I salute my friend, John P. Brown, III; and I honor his service to our country.

SNATCHING DEFEAT OUT OF THE JAWS OF VICTORY IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, for approximately 5 years I warned this body about the threat that the Taliban regime posed to the United States and the free world and the threat posed by the al Qaeda terrorist network, which was then operating out of Afghanistan. For years I was a voice in the wilderness; and later it was found, of course, that those warnings should have been heeded.

Tonight, I rise to alert my colleagues that our State Department may well be in the process of snatching defeat out of the jaws of victory in Afghanistan.

First and foremost, let us note that we, the American people, have not done right by the people of Afghanistan. These poor people, in their war-torn land, they again have helped us out, but again we have not stepped forward with the type of commitment to rebuild their country and to help them rebuild what would have been warranted by the sacrifices they have made.

Their bravery and their sacrifice helped defeat, not just helped defeat, it dramatically and specifically defeated the Soviet Army that was occupying their country, and that defeat of the Soviet Army was a major factor in the end of the Cold War. After the Cold War and after the Soviet Army left, we walked a way to leave them amidst land mines and rubble.

However, after we were attacked 10 years later by the Taliban and the al Qaeda, the Northern Alliance in Afghanistan, which are the northern tribes, you might say, of Afghanistan, rallied to our side and were instrumental in eliminating the Taliban regime and defeating al Qaeda. Without their support, we would have lost many hundreds, if not thousands, of troops in Afghanistan. These brave people, however, after they helped us defeat the Soviet Union, then they helped us defeat the Taliban, these brave people are still sleeping in the rubble.

We have not built, as Newt Gingrich noted recently, one new mile of road in Afghanistan. Three weeks ago, I was in Afghanistan and drove across the country on the same roads, the hole-pocked roads and horrible conditions that have existed there for years. Not one mile of new road, not one new energy project has been built, although most all Afghans live in the darkness of a nonelectric world.

We need to offer them a way out of their despair. We need to let them know that America's word counts and that they can count on us because they have helped us. We need to repay our debt to the people of Afghanistan. We need to offer them a way to lay down their rifles and pick up shovels and start rebuilding their country.

Instead, we have not done what is right by the people of Afghanistan, and our State Department seems to be not competent to get that job done, because for a year and a half the job has not been proceeding as it should.

Instead, our State Department is, what? Our State Department is pushing that our allies in the war against the Taliban, the Northern Alliance, should, without reservation, disarm and dismantle their military forces; this at a time when those people who sided with the Taliban could well take over the central government and as the Taliban are still skirmishing throughout the country periodically. Yet our State Department wants our allies to disarm.

By the way, our allies, and I visited them 1 month ago, want one thing and one thing only: the Northern Alliance, those who fought with us against the Taliban, are asking only that they have the right to elect their local leaders, their local mayors and provision leaders. That is what they are asking for. Is that not understandable? Is this not what America is all about?

It is funny that our State Department, however, is pushing a system that is totally contrary to the American experience. They, instead, are insisting that Afghanistan have, get this, a French-like centralized system of government, in which the provision leaders and the local leaders would be appointed. The local police chief is appointed by the centralized government in Kabul, the capital city. The school masters are appointed by the centralized government in Kabul.

This is not freedom. This is not what America is all about. Yet our State Department pushes in exactly the wrong direction. We need to oversee what the State Department is doing in Afghanistan before it collapses and before the heroin production in that country destroys any hope for those people to have a decent life in the future.

MAKING PUBLIC RECORDS REGARDING RELOCATION TO ARGENTINA OF WORLD WAR II CRIMINALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, I would like to this evening call to the attention of the Members of the House that tomorrow I, along with 22 original cosponsors, will introduce a resolution calling on the Government of Argentina to make public all of its official records pertaining to the relocation to Argentina of Nazis and other criminals of World War II.

Just 60 years ago, the world witnessed the most horrific crime ever perpetrated, the Holocaust. Hitler's campaign of genocide murdered 6 million Jews, 220,000 Roma, 200,000 mentally and physically disabled persons, and millions more homosexuals, Russians, Poles, and others. This campaign, known as the "Final Solution," was carried out with ruthless efficiency by Hitler's Nazi regime and its collaborators.

Following the fall of that regime in 1945, the Nuremberg Trials were established to prosecute those responsible for carrying out the genocide campaign. While many of the Nazis and war criminals who perpetrated these atrocities were tried at Nuremberg, others escaped Europe and fled.

Many of those who escaped sought refuge in Argentina, where the government of Juan Peron offered them a safe haven. While many historians believe at least 300 war criminals fled to Argentina, there is no accurate number available.

Those we do know about include some of the Holocaust's most notorious figures: Edward Roschmann, the "Butcher of Riga," and probable organizer of the ODESSA network; Eric Priebke, the SS captain involved in massacres of Italian victims; and Adolf Eichmann, chief of the Jewish Office of the Gestapo and responsible for implementing the "Final Solution." There are many others who belong on the list.

This era of Argentina's history is over, and Argentina has attempted to come to grips with this history. Despite these efforts, there is much we do not know about this era. Two prominent examples demonstrate this fact.

The fate of Klaus Barbie is not certain, as he briefly resided in Argentina on his way to a third country. Josef Mengele spent a short time in Argentina before leaving for Paraguay, but the details of his flight are uncertain as well.

Did the Government of Argentina know that these men traveled through the country? How long did they reside in Argentina? These questions and others remain unanswered. As two of the most dangerous and destructive men during the Holocaust, their actions after World War II should be known. Access to the documents that Argentina has may provide information on the final whereabouts of these and other war criminals.

Historians and researchers, however, are still encountering obstacles to Argentina's archives as repeated requests for documentation from that time period have been disregarded or refused. The New York Times reported on this in March of this year, and other researchers and historians have confirmed this fact.

My resolution calls on Argentina to build upon the steps it has already taken to shed light on the relocation of Nazis to Argentina following the end of World War II and to make public all official records pertaining to this era.

The world must always learn from its history. Knowledge of past events can guard against such things occurring in the future. Access to these records is necessary to form a full understanding of the Holocaust's aftermath and to thwart future attempts by war criminals to avoid prosecution. And just as important, if not more, the Nazis and war criminals who avoided prosecution for their roles in the Holocaust must be exposed. The world deserves to know of their crimes and their fates. The people of Argentina deserve nothing less than complete knowledge of their country's history. And the families of Holocaust victims deserve a full account of this time period.

Argentina should be praised for its recent efforts to investigate and bring to light the events of this time period as a member of the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research. Argentina also signed the Declaration of the Stockholm International Forum on the Holocaust and therefore agreed to "throw light on the still obscured shadows of the Holocaust" and to "take all necessary steps to facilitate the opening of archives in order to ensure that all documents bearing on the Holocaust are available to researchers."

□ 2000

In 1997, Argentina created the Commission of Inquiry into the Activities of Nazism in Argentina to identify Nazis who settled in the country, determine if Nazi loot had arrived in Argentina, and evaluate the impact of Nazism on Argentine society. However, documentation and details regarding these events in Argentina's history have still not been made available, despite commitments from Argentina's Government to do so. By making these documents and information public, the Government of Argentina will be making an enormous contribution to all those who seek an accurate accounting of history.

Before I close, I want to make clear that the purpose of this resolution is not to lay blame on Argentina, but to foster a clear and complete understanding of the events following the Holocaust. It is important to note that just prior to the start of World War II, 30,000 to 40,000 Jewish immigrants entered Argentina and sought asylum, thousands more than other countries were permitting at the time, and efforts are being made by the current government to expose these facts regarding the Holocaust.

I call on the Argentine Government to fully support the efforts it has previously made on this issue and to release any and all information and documents it has on the relocation of Nazis and other war criminals to within its borders after World War II. Recognition of these events is critical for a full understanding of the Holocaust and its aftermath.

WINNING THE PEACE IN POST-WAR IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for 60 minutes as the designee of the minority leader.

Mr. HOEFFEL. Mr. Speaker, this evening I would like to talk about the situation in Iraq and discuss whether or not we are taking the necessary steps to win the peace in that country. We have just seen a remarkable and important military victory in Iraq. We were successfully able to remove the threat posed by the regime of Saddam Hussein, remove his threat that was a direct confrontation with regional peace, and even world peace, due to his murderous regime and what we believe to be his possession of weapons of mass destruction. Our Armed Forces performed brilliantly. Our young men and women in uniform were brave and courageous, did everything that their military leaders and their political leaders asked them to do, and performed in an outstanding manner. We are proud of what they have done. All of America should be proud of our armed services today.

While the military victory is ours, the military mission is not yet fully accomplished. While we have deposed Saddam Hussein, we have not yet found his weapons of mass destruction, weapons that he had in the early and mid-1990s. The United Nations inspectors were finding them then. We must find those weapons now and destroy them or find out where they have been taken or hidden and hold their new owners accountable for their safe disposal.

But now that we have achieved this wonderful military victory, the question is, can we also win the peace. I think the answer right now is that we are not yet winning the peace in Iraq. Iraq is posing very significant challenges to its own people, to the coalition partners, and to everyone in the world interested in social justice and the creation of democratic countries with economic opportunity and freedom for people.

In Iraq there are some major challenges today. Security remains a huge challenge. There has been looting, lawlessness, car-jackings, break-ins. Humanitarian aid is lagging. There is a great need for medicine, for clean water, electricity. Relief workers are reporting it hard to do their jobs because of the lack of their own personal safety in Iraq. The much-needed reconstruction has not started yet. The demands of religious and ethnic groups are loud and unresolved, and the advent of pluralism and self-government seems to be a very long way off.

Two reports today help to illustrate these problems. The International Committee for the Red Cross, in an Iraq bulletin dated today, May 13, 2003, reports in Baghdad and central Iraq, under the general situation that security is, by far, the most important concern for Iraqis. Numerous security incidents happen daily in the capital: looting, banditry, ambushes, car-jacking, physical attacks and killings. Schools have reopened, which is very good news; but most parents are concerned about their children's safety.

The International Committee for the Red Cross reports on the medical situation in Baghdad hospitals. Hospitals and health centers are open again, functioning at about 50 percent of their capacity; but in most places, the cleaning staff have not yet returned to work. The main needs at the medical facilities are fuel to run the electricity and to simply transport the staff to and from the hospitals. Salaries and specific medical and surgical supplies are in need. Water is being distributed and electricity is available in hospitals, but only for a few hours a day.

In the community, reports the Red Cross, water and sanitation is a huge issue, again because of the lack of security. The looting of essential facilities is severely obstructing normal work. The Red Cross reports that one water plant recently visited had its generator and two main pumps stolen. Electricity production has not improved over the last 10 days, and there are huge problems in economic security as well, according to the Red Cross. They are delivering blankets and distributing food and nonfood items; market prices are much higher than they were before the war. Food stocks in average households could last for up to a month, but the average family has huge problems with a lack of cash income and the shortage of fuel and gas.

Also today, Mr. Speaker, the BBC reported from Basra in a report dated May 13, 2003, of some of the problems they are having in that area. Cholera is endemic. There have been 19 cases identified in Basra in the last 2 days alone. Dirty water is being blamed for that outbreak. They have problems with a variety of gastroenteritis and even hepatitis. The BBC reports that doctors have to function and practice in ill-equipped hospitals where they have just barely enough drugs and intervenous fluids to treat the victims, but the victims are afraid to come to the hospitals because of the lack of security. Finally, in Basra, car-jacking is a crime described by the BBC as taking off. If people go out in a decent car, the chances apparently are good that they will be walking home after being carjacked.

So, Mr. Speaker, the problems are clear. And in the last several weeks the efforts by the United States on the ground in postconflict Iraq are certainly well-meaning, but they often seem poorly planned, reactive to events rather than anticipating events, and out of touch with the reality of post-Saddam Iraq. In every major area we seem to have problems. The major challenges are peace-keeping, humanitarian aid, reconstruction, and new governance. And in every area we have problems. We are not projecting the confidence or success that we should project with the quick and unanticipated rotation of American officials that we are seeing in and out of Iraq. Apparently, every day, changes are being made. Most of us were just getting used to the notion of Jay Garner running the American operation. Well, he is out and Paul Bremmer is in. And seven or eight of the American officials that came with Jay Garner are apparently on their way out of the country as well.

Finally, there are obvious disturbing and harmful conflicts and jealousies between our own State Department and our own Department of Defense. We are not working from the same page.

Now, what are we going to do about all of this? What has the Bush administration proposed lately to try to resolve and address all of these problems? Well, I believe they have made a startling proposal from the White House: a draft resolution asking the United Nations to recognize the United States of America and Great Britain as occupying powers in Iraq, occupying powers, for at least 1 year's duration and, most likely, far beyond. And the question is tonight, Do we want this country to be an occupying power in Iraq or anyplace else, for that matter?

I think it is worth taking a look at some of the details of the draft proposal submitted by the United States last Friday to the United Nations, a proposal that the United States hopes the U.N. Security Council will approve after reflection and debate. It suggests that the United States of America and the United Kingdom, our great ally, be recognized as occupying powers under applicable international law. The resolution goes on to designate Great Britain and the United States as the authority and calls upon the authority to promote the welfare of the Iraqi people through the effective administration of the territory to restore conditions of security and stability so that the Iraqi people may freely determine their own political future.

Now, those are worthy goals, goals that all of us can share. The question is, do we really want the United Nations Security Council to designate the United States and Great Britain as the authority responsible for making this happen, as occupying powers? The draft resolution goes on to suggest that the Secretary General work with this new authority, the United States and Great Britain and the people of Iraq, with respect to the restoration and establishment of national and local institutions for representative governance.

The resolution further calls upon the Security Council to support the formation by the people of Iraq with the help of the authority of an Iraqi interim authority as a transitional administration. The resolution further says that the U.N. Security Council should decide that funds in the Iraqi Assistance Fund shall be disbursed at the direction of the authority, that is, the direction of the United States and Great Britain as an occupying power. The Iraqi Assistance Fund would be set up by virtue of cooperation between the International Monetary Fund, the Arab Fund, the World Bank, and other donations. The draft resolution calls upon the Security Council to decide that all export sales of petroleum and petroleum products and all proceeds from such sales shall be deposited into the Iraqi Assistance Fund, that fund to be controlled by the United States and Great Britain as occupying powers.

Finally, the draft resolution calls upon the U.N. Security Council to recognize Great Britain and the United States for the exercise of the responsibilities set forth in this resolution for an initial period of 12 months from the date of adoption, to continue thereafter as necessary until the Security Council decides otherwise.

So this resolution would have the United States and Great Britain deemed occupying powers, referred to as the authority, and given full responsibility to implement this resolution for at least 12 months, and to continue in that capacity unless the Security Council acts affirmatively to stop that grant of authority. Certainly this authority is considered by its proponents to be of duration well beyond 1 year.

□ 2015

Mr. Speaker, this House has to decide whether it is in the best interest of the United States to be such an occupying power, for 1 year, for 1 month, for 10 years. Do we want that role for this country, or do we want to internationalize operations in Iraq, seek help from allies; and turn to a multilateral rather than a unilateral approach to the challenges in Iraq?

The morning after our military victory, we awoke to those four challenges I have referred to: peacekeeping, humanitarian aid, reconstruction, and governance. How we face those challenges will determine whether we win the peace, whether we win the battle for the hearts and minds of the Iraqi people, whether we enhance our status in the Muslim world and maintain our credibility as the leader of free and democratic nations.

I fear we could fail to meet those challenges if we pursue an aggressive, antagonistic, confrontational diplomacy that makes demands on our allies, but does not listen to them. We could fail if we embrace unilateralism and abandon our traditional reliance on multilateralism. And we could fail if we allow the reality or even the appearance of an American military colonial government in Iraq. And certainly asking the United Nations to designate us as an occupying power comes very close to that military colonial government approach.

Mr. Speaker, I suggest eight steps that we take as a House and as a country to deal with these challenges:

First, the State Department, not the Defense Department, should now be in charge of American policy in Iraq. It is time to turn to the diplomats who have a history of working with other countries to try to foster democracy, to try to nation-build, a term President Bush used to disparage, but now he is jumping in with both feet to embrace. I think the State Department is better suited to our needs in Iraq now that the military victory has been so well won by the Defense Department.

Secondly, we should internationalize the stabilization and reconstruction operations as much as we can and not try to do this all by ourselves or with Great Britain or just with our coalition partners.

Thirdly, American troops in the field will certainly be needed for some period of time to help keep the peace; and, in fact, military operations on a, happily, much smaller scale are still occurring, but we should move quickly to spread the burden of peacekeeping in Iraq, and I suggest we turn to NATO. NATO is a robust military alliance that has the ability and the military punch to take on peacekeeping in Iraq. NATO defeated one tyrant in Kosovo and can surely keep order in post-Saddam Iraq.

Fourth, while emergency relief certainly must begin with the State Department and the United States Agency for International Development, which have decades of experience of relief operations, and which have strong relations with nongovernmental organizations around the world, there is no organization with more experience in humanitarian relief than the United Nations. It has vast resources, great experience and expertise. These attributes are unparalleled, and clearly the United Nations needs to be involved directly as the organization that would lead efforts for humanitarian assistance.

Fifthly, we must engage expert multilateral organizations including the United Nations, certainly the World Bank, certainly the International Monetary Fund, in the reconstruction of Iraq's infrastructure. A debt restructuring meeting is needed to help deal with Iraq's estimated $383 billion of foreign debt, compensation claims, and pending contracts.

Sixth, we should convene a donors conference soon after the military victory. Funds will be needed right away for quick-start reconstruction programs, and we ought to ask the donor nations of the world to come forward quickly for funding. And, incidentally, Mr. Speaker, this would be a wonderful opportunity for the Arab world to step forward with its resources and help to rebuild Iraq as part of this international effort.

Seventh, Iraqis must establish corruption-free control over their own oil. We need to help them establish a transparent and reformed industry, transparent in that it accounts for oil revenues and the operations of the oil companies, and an operation that would devote the profits to rebuilding the country itself.

Finally, we should urge the United Nations to sponsor a conference on the formation and direction of a transitional Iraqi-based government. I do not believe it is in our best interest for the United States to be the primary sponsor of an effort under way to set up an interim Iraqi authority. We ought to bring in our allies and our friends and ask the United Nations to do this.

This was done with great skill in Afghanistan, our military victory in Afghanistan. We built on Afghanistan's history of what is called the loya jirga, or the Meeting of Councils, and we, the United Nations, sponsored this loya jirga, and from that operation President Karzai emerged as a leader. And I believe the same thing could be successfully done in Iraq with the sponsorship of the United Nations.

Mr. Speaker, the Carnegie Endowment for International Peace, among many others, have pointed out that we needed to take a hard look at the reality of Iraq as a country. As Carnegie said, "Iraq is not a political blank slate to be transformed at American will into a democratic, secular, pluralist and Federal state. Instead, Iraq is a difficult country with multiple social groups and power centers with conflicting agendas."

We need to recognize that difficulty, Mr. Speaker. We need to involve the United Nations in our efforts. We need to build the institutions of democracy. It is absolutely the right long-term goal to be advocating for self-government and the democratic selection of self-government in Iraq, but before we can have successful elections, we need to develop the institutions of democracy. Free press. We need to establish for the first time in Iraq's history the notion of a free press, free to criticize government officials, free to speak freely. We need the notion of free speech in Iraq. Iraq does not have such a history, and no democratic elections will succeed before we establish free speech. That must come first.

We need to create a civil society in Iraq. We need to establish justice, trained lawyers and honest judges, and a justice system that works successfully to redress grievances for average citizens. There is a rule of law vacuum in Iraq, and we must fill that vacuum before we can credibly hold national elections.

We need to create economic opportunity in Iraq to help give people hope and give them a stake in society.

Mr. Speaker, we have got great challenges in Iraq, and I do not mean to minimize those challenges, but we will do best if we call upon our friends, if we institutionalize and internationalize our efforts to bring freedom and democracy to Iraq. We should not do this in a unilateral way. We should do it in a multinational way, and we must surely guard against being perceived as a colonial military power or an occupying power in Iraq.

Finally, Mr. Speaker, in Iraq and in the rest of the Middle East and throughout many areas in Europe, there is a great need for economic assistance, and I would suggest this House consider the establishment of a modern-day Marshall Plan, a plan modeled after our great success in Western Europe after World War II in which over 4 years we helped 14 countries with $13 billion of assistance to get those allies and former enemies of ours in World War II back on their feet economically. That $13 billion in the 1940s would be the equivalent of $100 billion today. That is a great deal of money, but that is an amount of money over several budget years, and with the help of our allies around the world, that is certainly achievable.

And what we can achieve with a modern-day Marshall Plan in Iraq and the rest of the world that has those kind of challenges is the establishment of not just economic opportunity where there is now grinding poverty, but the recognition that there is a sense of hopelessness among many in that part of the world, a sense that life cannot possibly be better for them as the future comes forward, a sense that many people have that things can only go downhill, and that their children will be born into more poverty with less opportunity and more hopelessness than they are currently experiencing.

It is that sense of hopelessness that we have got a moral obligation to try to change, and it is in our own national security interest that we would do so, because if we truly want to win the war on terror, which we desperately want to win, and which is certainly the greatest challenge facing us internationally today, we have to make sure we can offer hope and opportunity along with the rest of the civilized world to those countries that have such despair and hopelessness that some people turn in completely irrational ways to the life of suicide bomber or the terrorist rather than turning to a belief in social justice and a pluralistic society.

That is the goal we have for ourselves. That is the challenge we have now. We have an opportunity in Iraq to show that we believe in a multilateral approach to international challenges. We have an opportunity to say we believe in a pluralistic society that gives economic opportunity and creates social justice for people; that we will do so in a thoughtful way that avoids colonialism, avoids occupying power status, but rather turns in collaborative ways with allies in a multinational approach to give hope and opportunity to the people of Iraq and all people in the world that believe as we do in freedom and justice and democracy.

HEALTHY FOREST INITIATIVE

The SPEAKER pro tempore (Mr. CHOCOLA). Under the Speaker's announced policy of January 7, 2003, the gentleman from Utah (Mr. CANNON) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my general leave.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CANNON. Mr. Speaker, I have some graphics that I would like to use down at the other podium if I might.

Mr. Speaker, as members of the Western Caucus, we come to the floor today to discuss H.R. 1904, The Healthy Forest Restoration Act of 2003. This bill will be marked up tomorrow in the Committee on the Judiciary and is expected to be brought to the floor early next week.

Let me put this map up. What you see here is a map. If we can focus on the graphic here, what you see here is a map of the United States, and you can understand by looking at this map why we as members of the Western Caucus are concerned with healthy forests.

You will recognize that there is a color chart. What it indicates is that everything in yellow or green or red or the other colors other than white represent Federal lands that are managed by the Federal Government that includes also many lands from the Eastern part of the United States. And as you might guess, we have in the Western Caucus also people who are from the Eastern part of the United States.

□ 2030

We have at least a couple of people here tonight from the Western Caucus who will address some of the issues that are related to the problems of healthy forests.

If we get a fairly tight shot on this, what we can see in this graphic on the left, most of these pictures were taken from an area where there is a forest fire. The picture on the left is a picture of an area that had been thinned and prepared and did not burn. The picture on the right is the terribly scarred and destroyed timber, and by the way one cannot kill the timber by fire without killing a lot of endangered species and destroying watershed and creating huge difficulties for the environment.

That is the difference between the policy that we hope to implement through the Healthy Forest Act and what we currently have in much of our forests today. I am going to talk in particular and show some pictures later on about the effects of mud slides in a town very close to where I live in Utah, but I would like to end my piece of this introduction by quoting the President when he said, "I have sent you a healthy forest initiative to help prevent the catastrophic fires that have devastated communities, killed wildlife and burnt away millions of acres of treasured forests. I urge you to pass these measures for the good of both the environment and the economy."

I think if we focus on what the President said, we will realize this is a matter of major concern for all America, not just Americans who live in the West, not just for those people who live near federally managed forests in the East. This is a problem for all America, and it relates to our concerns for a healthy environment, for our concerns for endangered species and concerns for our economy.

I yield to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Speaker, I appreciate the gentleman's leadership on this issue.

The Representative from Utah is the chairman of the Western Caucus this year, and given the motivation by the Chief Executive to move forward on the healthy forest initiative, I join with my chairman of the caucus as well as the rest of the caucus in an enthusiastic effort to try to make sure that the healthy forest initiative goes forward.

Mr. Speaker, as we debate the healthy forest issue tonight, I am reminded that we were approaching the 100th-year anniversary of what Idahoans refer to as the "big blowup," that is, the fires of 1910. It was a series of 1,763 fires that ravaged some 3 million acres and killed 85 people during August of 1910. The hardest hit areas were the Clearwater National Forest, the Coeur d'Alene national forests of Idaho, the Lolo and the Cabinet national forests of Montana.

I would like to share with my colleagues, if I might, an excerpt from "The Big Burn," a book that was written on the Northwest fires by Stan Cohen and Don Miller:

"Daylight was shut out as far north as Saskatoon, Saskatchewan, Canada; as far south as Denver; and as far east as Watertown, New York. To the west, officers of a British vessel 500 miles out of San Francisco said that they were unable to take observations for ten days because of smoke in the atmosphere caused by the big burn. Some claim that smoke from the big blaze reached one-third of the way around the world."

This big burn started near a little town called Elk City, Idaho, a small community surrounded by dead and dying trees. That community is struggling to keep its one and only lumber mill in business. During the past 20 years, we have seen the growth of the surrounding forests double and the mortality rate from bugs and from viruses triple, all while the timber cuts steadily decline. In short, the sustainability of the forest is declining as the trees die.

A variety of factors have caused this monumental and potentially national disaster, including severe insect infestations, the practice of fighting nearly every wildfire and a passive forest management philosophy. The forest health crises on our public lands can no longer be ignored.

There are over 190 million acres of Federal land at risk to catastrophic fire. The national forest system is home to more than 72 million acres of high-risk catastrophic wildfire and more than 26 million acres at high risk to insect infestation and disease.

The administration must be commended for the action that it has already taken, which precipitated the healthy forest initiative through its current regulation to reduce procedural delays in preparing projects to reduce the fire danger and address forest health problems; but more must be done.

The Healthy Forest Restoration Act seeks to streamline bureaucratic procedures that stymie legitimate management efforts without unduly restricting public participation. Forest management projects could still be subject to rigorous environmental analysis as well as administrative challenges and lawsuits, but the process would be completed in a matter of months rather than in a matter of years.

Tough environmental safeguards in the bill would provide heightened restriction on management activities in inventoried roadless areas, and old growth trees would receive additional protection. At the same time, priority would be given to management projects near communities and the watershed.

The measure would also facilitate use of otherwise valueless wood, brush and slash for production of biomass energy, a key component in our upcoming energy bill; authorize Federal programs to support community-based partnerships addressing forest stewardship and watershed protection and restoration needs at the State and local level; and direct additional research on the early detection and containment of disease and insect infestations.

We cannot tolerate another season of death and destruction. We are past the analysis paralysis point, Mr. Speaker; and the point in this debate is that we must move forward. It is time we got to work on the ground. The sooner we get this legislation through Congress, the sooner we begin ensuring the future of our forests. We need to act quickly before Idaho is faced with another big burn.

I thank the gentleman from Utah for yielding to me.

Mr. CANNON. Mr. Speaker, I thank the gentleman from Idaho for his comments, and if the gentleman would engage in a colloquy, I have some statistics to go along with what the gentleman is just saying.

Apparently, the National Association of Public Administration did an analysis of the forest service and found that it spends 40 percent of its time and 20 percent of its money on planning. This is the analysis paralysis that the gentleman referred to. Is that the gentleman's experience in Idaho?

Mr. OTTER. It has been, and when I served on the Committee on Resources last year with the gentleman from Utah, as he will recall, Dale Bosworth, the new supervisor of the forest, indicated to us that, and he was the one that coined the term "analysis paralysis," and he indicated to us that so many of the resources of the forest agency are being consumed by not only procedures in court but also preparing to go to court and then filing such an analysis of overwhelming environmental studies hopefully to prevent themselves from having to go to court. I believe that the gentleman's figures of 40 percent and upwards are indeed quoted from Mr. Bosworth's testimony.

Mr. CANNON. That is the planning part of what the forest service does because the forest service, 20 percent of their resources go to planning; but around 50 percent, I have heard as much as 58 percent of the resources of the forest service, go for litigation. So we are spending the vast amount of our time and money playing and being paralyzed by analysis and not using that money to actually make our forests more healthy.

Mr. OTTER. I think that is one of the key components in this forest health restoration act and that is allowing for that opportunity to go to court if that is necessary, but the players must be part of the process prior to the plan being delivered and then taking them to court later.

As the gentleman will recall, many times in the testimony that we received in the Committee on Resources last year, there would be one or two of these interest groups that would be involved in the planning process, that would be involved in the environmental analysis, in the NEPA process and all the public hearings, and they would be agreeing and they would be working with the forest service; and then when the forest service had blocked the sale, the sale in some cases had gone through, then another interest group that had never had a dog in the fight suddenly rushes over to court with a $20 bill and then a 34 cent stamp, and filed an action to stay any future action on that sale.

In many cases, if it were the restoration or the recovery from a burn or some other kind of insect infestation, the opportunity window for harvesting what good that can come out of that forest was lost.

Mr. CANNON. In part, that is because if we get an infestation in dead trees, we only have until the next season, the next summer before those pine bark needles or whatever, the infestation is mature and goes into the live and healthy forest.

Mr. OTTER. That is right, and I think some of the pictures that the gentleman will show later will be very obvious in what can happen to a healthy forest that is overgrown and weakened as a result of the closing canopy and weakened as a result of the overgrowth.

I can tell my colleague that testimony I received up in a little town called Grangeville, Idaho, just last weekend, my colleague, Senator CRAIG from the Senate, who is from Idaho, joined me in that hearing, and we were told that in many cases there is as much as 80 tons per acre of fuel that has grown as a result of lack of harvest.

We had a sustainable yield, sustainable harvest program for years; and when we got away from that and took a passive attitude toward the management of our forests, the watershed, the habitat, the result was that the forest continued to grow. It did not stop. The forest continued to grow; and as a result, we have had a tremendous overgrowth, and just as is the case with any species, we get them crowded in too close of an area and if one gets sick, they all get sick; and that is where we are with our forests.

Mr. CANNON. While we are talking, let me just show a picture here that the gentleman was referring to earlier. If we can get a focus on that, we are talking in terms of statistics, but we can see on the left the terrific fire where we have got this large fuel load on the floor and in the forest, and on the right we have a thinned healthy forest; and we can see there is not really much of a transaction.

In fact, the Native Americans used to burn the forests with great regularity. When the Pilgrims first came, they could drive their carriages through the forest, and all the way down to the Revolutionary War they were burning the Hudson in areas around there to maintain health.

The problem is if we, through huge litigation costs and complicated processes, interfere with the healthiness of a forest, we get the fuel load and this terrible destruction as opposed to relatively healthy maintenance by occasional fires that the Native Americans used to manage those areas before.

Mr. OTTER. The other thing I would like to bring to my colleague's attention is the picture he shows there, the one closest to him which would be on the left. When we have that healthy a fuel loaded, what happens when that forest does burn, just as it shows there, it burns so hot that it actually calcines the Earth; and when it calcines the Earth 16, 18, 20 inches deep, it burns all of the natural nutrients right out of the soil. So the result is that nothing will grow there for years and years. It is like trying to grow something in a jar of marbles. There is not anything to hold the root system. There is not anything to feed the root system.

The big blowup that I referred to in my opening statement, part of the big burn of that 3 million acres was a place in Idaho in the St. Joe, just up from the St. Joe called Slate Creek, and that fire was in 1910, and today there are still areas in those reaches where nothing grows because the nutrients were burnt out of the soil over a hundred years ago, and there has been nothing to replace it.

Mr. CANNON. That is the kind of thing that happens when we get a huge fuel load in the forest and get the destruction like we have, this is the kind of destruction the gentleman is talking about happening where it actually turns the ground into where we burn the nutrients right out of the soil with an intense fire.

Mr. OTTER. Let me just go ahead and make one more analogy for anybody that may be watching this.

In the old days I know when I was growing up and we raked the leaves and everything in the fall of the year, we would rake them up into a pile; and if we burn them on the lawn, if we even have that little bit of fuel, even that little bit of heat, we would have a spot there for years to come. Just imagine magnifying that by 100 or 150 times and then how long that that spot is going to be there.

Mr. CANNON. We sort of forget how intense a fire can be. Even a grass fire can burn at great intensity, and we have got a ladder that takes us all the way up to the trees. We get a terrific burn, but let me give the gentleman a couple more statistics.

The forest service does more environmental statements than any other Federal agency, nearly twice as many as any other agency that does these; and this is the Federal Highway Administration. So they spend a lot of their time doing it more than any other agency, and in addition, they have to go through an 800-step decision-making process to complete the Upper South Platte Restoration Project, which simultaneously took 3 years to complete.

□ 2045

Talk about analysis paralysis: An 800-step process and 3 years while there may be some kind of either buildup of fire load, fuel load, or an infestation. That is just absolutely unacceptable and part of the cause for the problems we are seeing last summer and this summer.

Mr. OTTER. And sometimes it gets to the point where good people get very frustrated. I know in Idaho we have had some good people quit the Federal agencies there because of the fact that they just were not allowed to do their job, and they just got frustrated and they left.

Another aspect of that is since 1989, just 14 short years, we have shut down half of our ability to saw logs. We have shut down half of our lumber mills, about 37 lumber mills thus far. All those jobs are gone.

We get to the point that in many places in Idaho, these small communities that lived and worked for generation after generation, that grew up in those communities, school systems counted on those communities, the infrastructure around it, and when those lumber mills shut down, the towns died, the schools went away, and people then transferred. They end up having to transfer into the more populated areas, and to then go through vocational education to get a new job, ruining the historical fabric, ruining the work ethic, if you will, of the folks not only in the agencies, but also those folks that watched their grandfathers and grandmothers and their mothers and fathers that grew up in those areas, that went to college from those areas, and then came back to become silvaculturalists or become foresters because their great effort in life, their great desire in life was to go to work for the Forest Service.

I have traveled around the world in many capacities. In my private business capacity I was the president of the international division, and between that and being the Lieutenant Governor of Idaho for 14 years, it was my job to sell our groceries, to get around the world and strut our stuff and show these other countries what we had, and in the process I went to some 82 different countries. One of the things I found, when we got into some of these developing countries, is that they wanted to know about the School of Forestry, the College of Forestry at the University of Idaho. It had a reputation worldwide.

I talked with the President here just a while back and he said, you know, we may have to close down that school. We have already closed down some of the other natural resource schools because nobody is managing them anymore. We are making all our decisions in court. None of the decisions are being made on the forest floor. None of the decisions are really being made for the health and the cleanliness of the watershed, for the health and cleanliness of the water itself, the streams that run into those reaches of the mountains. As a result, we are losing our national reputation. We are losing, unfortunately, one of our real national heritages in our culture.

Mr. CANNON. I think that is absolutely true. The West has had a pretty severe drought. I think everyone in the Nation by now knows that we have had a severe drought. In Utah, and maybe the gentleman has had the same experience, we have had recently the worst of all worlds. We have had more rain in the last 2 or 3 weeks than we have had in the last 4 or 5 years. As a result of that, Utah is pretty green now on the surface. The problem is, come July, we have now added a couple of steps in that ladder we are missing, that fire ladder, so that fire will take off like crazy. We went from what we thought would have been a lesser burn season this year, because of the dryness and because of the lack of that ladder, to now what looks like maybe a much worse burn season. Is that what the gentleman is facing in Idaho?

Mr. OTTER. We have had some great rains. In fact, the farmers all call them million-dollar rains. I think Bonneville Power said the other day they had an $80 million week, the week that it rained so hard up in the Pacific Northwest. Because of the watershed, because of the snow and the watershed going into the reservoirs, they were going to have much more water in those reservoirs for the production of power than they thought they were going to have.

But any time there is that much fuel, and as the gentleman knows, come July and August when we hit those 100, 105 day temperatures out in the West, out in our country, out in the Rockies, that is going to dry that fuel. And unless we graze it with the cattle or have some other method of removing that, we are going to have that stairstep that the gentleman talked about, that stepladder that the gentleman talked about. We will have the grasses low, which will then meet the interface of the browse and the brush itself, and then right on up into the trees.

Mr. CANNON. And that is why it is so important to look at what the President said when he pointed out, "I have sent you a healthy forest initiative to prevent the catastrophic fires that devastate communities, kill wildlife, and burn away millions of acres of treasured forest. I urge you to pass these measures for the good of both our environment and our economy."

We need to do this now because our problem is acute right now as we speak.

Mr. OTTER. Tomorrow is not too soon. And I know, looking at Idaho, where we have the overgrowth, where we have high unemployment, all these counties that I talked about where that 1910 fire went up, I have six counties that run right up through that vein where that 1910 fire went that all have double-digit unemployment, they are all ready to go to work. All we need to do is to pass the hiring mechanism, and that hiring mechanism, that action mechanism is this bill.

Mr. CANNON. I thank the gentleman for his participation.

We have the pleasure of having with us a man of great experience in this area, and I would yield now to the gentleman from South Dakota. Let me say first, however, that he comes to us with a world of experience as the longtime Governor of the State and having followed these issues and been responsible for them from the State point of view for a very long time.

Mr. JANKLOW. Mr. Speaker, I thank the gentleman, and I have to apologize for this laryngitis I have this evening.

I asked myself as I sat here listening to my colleagues from Utah and from Idaho, why am I sitting down here this evening in an empty Chamber when I could be like everybody else and be someplace else? The fact of the matter is I am here because it is incredibly important that the people of America understand what we are doing to ourselves, because that is what it is. We are on a self-destructive tour that is really bringing about the death of human beings. All we need is to have one of these fires in the West, like we have had in the last several years.

Now, I live in the State of South Dakota. The State of South Dakota in the year 2000, we had a couple of forest fires that burned 132,000 acres of the 1.2 million acres in the Black Hills National Forest. That is approximately 10 percent of the entire Black Hills burned down in 2000. We had 600 soldiers and airmen on Active Duty. We had all of the South Dakota Highway Patrol there. We had 150 local fire departments, all but one of them volunteer fire departments, from all over South Dakota. In addition to that, I called the Governor of Minnesota, the Governor of Wisconsin, the Governors of Nebraska, Montana, and Wyoming. I told them this was beyond our capability. I asked them for help, and they sent their fire trucks. The inmates in our State prison system put in 43,632 hours fighting these fires.

But I tell my colleagues what is more important. At a time during our Nation's destiny, at a time in our Nation's history when we need funding for schools, we need money for diabetes research and cancer research, we need money for Lou Gehrig disease research and muscular dystrophy, we need money for all kinds of things, we have spent $6 billion, $6 billion, in the last 3 years in this country just fighting the forest fires through the U.S. Forest Service. And that does not count the hundreds of millions and billions that have been spent by local governments, the time for volunteers, or I should say the volunteer farmers and ranchers and citizens who have never booked for their own time, utilizing their own equipment and their own resources to try to put these fires out in the West.

Now, the government, if it wants to, has the right to burn down its forests, but it does not have the right to burn private people's property. It did not have the right to kill 23 firefighters in this country last year. It did not have the right to burn down hundreds of homes, hundreds of homes in this country last year. And it does not have the right to destroy private property like they treat their own.

The reality of the situation is that for decades, every time we had insect infestation, we sprayed them and tried to kill the insects. Every time we had a fire, we tried to put it out. And all we did was allow the forest to do what these gentlemen call building the fuel loading per acre, building what is called the ladder fuels in the forest. The ladder fuels are where we have a fire down on the bed of the forest, but then they get so hot they climb up to the top of the trees where they are called crowning, and then they start racing from treetop to treetop.

We had a fire in the Black Hills in the year 2000, the Jasper fire, moved 10 miles in 1 day. Ten miles in one day. All the firemen could do was run for their lives. I gave an evacuation order for 64 square miles of the Black Hills of South Dakota. I was asked by the forest supervisor to evacuate an area 8 by 8; 64 square miles of people went running for their lives grabbing what they could. You should have seen the panic in their faces as all of a sudden they get the word to run for their lives. They race into their houses, some of them trying to grab papers, some trying to grab the parakeet, the cat or the dog; some frantically looking for their children and family members; all thinking this fire will be upon them in a moment's notice, and we not knowing which direction or where those fires are going to go.

For too long we have made political decisions in these forests. Before our committee came the representative for the Foresters of America. The representative for the Foresters of America testified on behalf of the State foresters, and what did he say? He said he represented every one of the 50 State professional foresters in the country. And every one of them, through their testimony, said they support, they support, this healthy forest initiative.

This initiative guarantees that the public has a right to be heard. As a matter of fact, a substantive decision cannot be made unless the public is given notice and an opportunity to be involved. What it does say is if you do not involve yourself in the decision process, then you cannot involve yourself in the appeal process. That has been the law in the civil jurisdictions of America since almost this country was founded. If you try a case in the civil courts, and you do not raise an issue, you cannot raise it for the first time on appeal. You have to raise it in what they call the trial court to raise it in the appellate court.

Well, we are setting up the same process administratively in this bill. We say if you have a comment, if you have an objection, if you are for it or against it or just want to be interested, you must participate and give your input into the decision, or you cannot be involved in the appellate process.

This comes about as a result of all the Western Governors, all of them, Democrat and Republican alike, standing shoulder to shoulder, North Dakota, South Dakota, Nebraska, Wyoming, Montana, Utah, Idaho, Washington, Oregon, Alaska, New Mexico, Colorado, all coming together in a summit saying to the Federal officials, the Secretary of Agriculture, Mr. Glickman at the time, and the Secretary of the Interior Mr. Babbitt that there has to be a better way. We all agreed with each other. And out of it came the healthy forest initiative that the Western Governors supported, and from that it moved forward to this legislation.

For too long the decisions have been made by judges. Judges should interpret the law. The decisions need to be made in a democracy by the majority, after consulting, after receiving input, after having suggestions and involvement by the minority. But the majority has to rule.

Mr. Speaker, the most important thing of all is what I have saved until now, and that is that when these forests burn, Mr. Speaker, like the fires from hell as they burn in the West, thousands and thousands of acres, all of that ash material in the air, look how it shortens the lives of people with emphysema. We have no records of how many people have had their life shortened and ended that have emphysema or bronchitis, or suffer from asthma, or suffer from lung cancer or sinus trouble or a whole host of the cardiovascular kinds of problems.

□ 2100

Imagine a little child, the family bringing him home at birth from the hospital, the excitement and the joy as all the extended family and the community gathers together in Rapid City, South Dakota; in Custer, South Dakota; Gillette, Wyoming; Boise, Idaho; Colorado Springs or Pikes Peak. And here you have this tiny child breathing all these contaminants, these carcinogens, these things that will inhibit the development of the lung tissue and affect the ability of this child to live.

For too long, we have played politics with our natural resources. For too long we have played politics with our, and I use the word, national resources. And for too long we have played politics with the lives of our elderly, our working people, and our children. So I have a great deal of pride to say that I come here to support this legislation. It is good legislation.

Mr. Speaker, let me also say that when it came out of our committee, when it passed out of the Committee on Agriculture, it was by a voice vote, a strong, strong bipartisan vote. Democrats and Republicans stood together from all over this country on that committee, and a significant majority of them voted "aye" when asked if they supported this legislation. So I am excited about this legislation. It is going to finally turn the corner. We have, the testimony was, 120 million acres. If you can imagine the size of that, the State of South Dakota is 80 million acres. So it is something that is almost twice the size of the State of South Dakota that is in danger of fires. And 70 million of those acres of forests throughout America, only the national forests, 70 million of them are in extreme danger of fire. This is wrong. This is unconscionable. This is immoral. This is something we can fix.

And so I ask you, Mr. Speaker, and I ask you, ladies and gentlemen of this Congress, support this bill. Vote to save our natural resources and our national resources. Vote to extend the lives of our people. Vote to stop spending all the money that we have to spend on these unhealthy forests. Vote to stop spending all the money that we waste on fires, and let us invest it in the children of America, the sick of America, the problems of America.

Mr. CANNON. Would the gentleman consent to a colloquy?

Mr. JANKLOW. Yes, sir.

Mr. CANNON. I was struck by a number of the things you pointed out. People with emphysema suffering. By the way, a large forest fire in the West affects people across the whole country.

Mr. JANKLOW. Sir, the fires in Idaho stink up the air and plug up the lungs in South Dakota and Minnesota.

Mr. CANNON. And places east.

Mr. JANKLOW. And places east. All the way across the country. It affects the sunlight. It affects the haze that we get, the smell that we get. But more importantly, that haze is what we are breathing into the lungs of our sick people and our healthy people.

Mr. CANNON. And our children.

Mr. JANKLOW. And our little children.

Mr. CANNON. There are people who do not care very much about children or people with emphysema.

Mr. JANKLOW. I think they care. I do not think they think about it. Because sometimes, especially in this country, we all get so driven that we are going to accomplish our objective our way that we ignore the needs of other people. It is the old expression, and in my State we say, those are the kind of people that say, it's my way or the highway. That is what we are dealing with. These are not crazy people. These are not screwballs. They are very bright people, but it is their way or no way.

Mr. CANNON. So they tend to stop the ability we have to clean up our forests, to thin them out, to preserve them.

Mr. JANKLOW. Sir, all I want to do is save them. I am for saving the forests. I am 63 years old. I am out of here soon. But I have got grandchildren. I have got five grandchildren. These forests belong to them. Those forests are their heritage, and they are entitled to see them and not breathe them.

Mr. CANNON. That is right. To see them and not breathe them. Most of the people who, by the way, have a hard time with what we are doing in our forests, who create litigation to stop us from creating healthy forests, are also people who are adamantly opposed to adding CO_2 to the environment, and instead of sequestering CO_2 like we do when we have healthy forests, these people are unleashed to get a torrent of CO_2.

Mr. JANKLOW. Sir, the forest fire in Utah, Idaho, Montana, Wyoming, you pick your State, Washington, Oregon, California, South Dakota, the forest fires there in the last several years, each of the years, those fires, it will take over 100 years to sequester the carbon back into the soil. Everybody knows that carbon dioxide, everybody knows the release of that carbon contributes to global warming. We hear that all the time with respect to smokestack industries and burning of coal and burning of petrochemicals. The fires in the West release a year's supply of automobiles. But the sequestration to get them back in the soil will take a century.

Mr. CANNON. You get almost infinitely more mercury in the system from a forest fire than you get from all the coal-fired power plants around the world.

Mr. JANKLOW. You not only get more mercury but now you have destroyed the watershed. You have destroyed the things in the hills that contribute to clean and healthy waters running into the streams. In Lead, South Dakota, in Deadwood, the home of Wild Bill Hickok and Calamity Jane, Deadwood, the home of the largest gold mine in the western hemisphere, the old Homestake gold mine, the community of Deadwood had the Grisly Gulch fire that burned about 12,000 acres and only by the reason of the volunteer firemen and women because the Forest Service only sent three fire trucks for a fire that was racing into the communities of Lead and Deadwood. These fires were stopped by the volunteers. Then a couple of weeks later, 2 inches of rain came one evening and a river of muck came roaring down the hills, doing millions of dollars worth of damage with this muck and ash that was 2, 3, 4 feet deep in some spots.

But just as importantly, it now cleared away the hillside, so every time it rains, for dozens of years, every time it rains, you are going to have these waters racing down the hills into the valleys. But in addition to that, when you mix water with these ashes, you get lye. You get lye. When you take these little baby fish and these little fry, you kill them with lye. Lye is not good for human beings when they drink it. It is not a healthy substance. There are carcinogens in that. We have Federal laws that will put you in jail if you give cancer-causing ingredients to people. Yet no one seems to be bothered by giving cancer-causing ingredients to people as a result of forest fires. We cannot stop forest fires, but we can stop these kinds of forest fires by good forestry.

All I am asking for is best science. That is all I am asking for is best science.

Mr. CANNON. When I wrap up, I am going to show some pictures of these devastating mud flows that happen after a forest fire. I could not help while you were talking but think about the gentleman from Idaho (Mr. OTTER) when he was talking about working out deals with environmentalists. Then an unrelated group comes in and stops the process. It seems to me what the President has asked for in this legislation is a comprehensive response to a large problem in our system as opposed to these fragmented environmental groups who stop us here and there and everywhere.

Mr. JANKLOW. I will not attack the environmental groups. I am an environmentalist.

Mr. CANNON. I am an environmentalist.

Mr. JANKLOW. My grandchildren drink the water. They bathe in it. Their food is cooked in it. I want it to be nothing but healthy. But the worst environment in the world, a lousy environment, is when you are cold and you are hungry and you are unemployed. That is a bad environment. That is what the West being burned up is doing to people.

Mr. CANNON. I thank the gentleman.

Mr. Speaker, although Utah is primarily an arid State, it is famous for its beautiful and Sierra landscapes. In fact, I invite anyone who might be listening to come to southern Utah and visit Lake Powell, which is this incredible barren red rock and beautiful blue water juxtaposed together. It is absolutely remarkable. In spite of that view that many people have of the beautiful part of Utah, we have about 16 million acres of forest, about 8 million of those are managed by the National Forest Service; and so we have a huge interest in what happens. I would like to give just a couple of anecdotes to sort of help people understand why it is so important that we create some changes. We had some recent severe weather in the eastern part of the State of Utah, in the Uinta Basin and we had a blowdown of a number of trees. This happened in 2000. The dead trees developed a spruce beetle infestation, which then spread to some of the live trees nearby. The Forest Service acted quickly and decided it was a very small situation, only a few thousand board feet, maybe 12 or so truckloads of wood, a small area of destruction. They moved quickly with an environmental analysis and did a 90-page environmental assessment. Shortly after making the decision, they were given an appeal, a 19-page appeal that stayed the whole process and that is now under review.

We are looking now in Utah at another area that is going to be terrifically unhealthy and terrifically subject to the kind of devastating fires that you see in this graphic, if we can focus the camera on that for a moment. You see the haze and the smoke and the billowing carcinogens that are going to be breathed in South Dakota by children and other ill people and people all the way east of us where the prevailing winds blow.

Let me give you a second vignette which I think is significant and instructive. We had a huge fire in an area that is one of our most beautiful forested areas. It has the Green River, which is among the most exciting trout fishing in the whole world. I know that many of the people from other States will claim that, but this is really marvelous trout fishing.

A fellow was driving along with a camper when the wheel came off and as one would expect, he began dragging the trailer without the wheel and sparks flew. He saw what happened, realized he was dragging the trailer, realized that sparks were flying everywhere and that actually had caused the beginnings of a fire, stopped his truck and started to put out the fire. A Forest Service agent came by almost immediately and ordered him back into his truck to drive away from the fire and to not put the fire out, which was at that point controllable. He got back in his truck, started to pull forward, he emitted sparks from the dragging axle, started a couple of other little fires, a local policeman came by and ordered him to stop. He said, Just be consistent. Do I stop or not? At that point a group of river runners stopped by. They had water in their car. They jumped out to help put out the fire. The Forest Service agent told them not to do that. The fire then raged out of control and burned hundreds of thousands of acres. As the news reports, the cost was $3 million to suppress the fire. The local rural electric cooperatives there tell me that it cost them over $600,000 just to replace the poles with their electric power lines on them. The lost revenue from tourism that did not come has not been evaluated, but the area was hit hard by irrational activity, irrational activity that resulted, that came from the fact that we have unhealthy forests.

I would like to just show some pictures, including some of the areas where we have the aftermath of a fire. So if we could focus the camera here, we have the burned area in the Squires Forest. It is devastating. We thought of drawing an owl in here, an endangered owl with a little wisp of smoke coming out of his head to point out that this is bad for endangered species. The following pictures are pictures that were taken in a little town called Santaquin just outside my hometown of Mapleton. If we can focus tightly on that, what we see is a river of mud that has come downhill and affected these homes. Here is a closeup picture. You can see that that mud has come down from this direction and affected these houses. We do not think of mud as having a lot of power because it normally does not come knocking on the door, but you can see as you look down here how high up the mud has come, halfway to the door and windows and filled the whole yard.

In this picture, we can see that it has carried rocks and debris that are going to crush things. Here you have a whole area of the house has been torn out by this mud as it comes down. You can see the devastation of this home here. This is just dirt that got saturated with water after a forest fire. We had similar forest fires just north of this area in Provo. The difference is we had three-quarters of an inch in a very short period of time, in a very harsh storm that caused this to flow, whereas we cannot control nature. In Provo we had about the same amount of water, but it was more gradual over a longer period of time. We can see the terrific destruction, cars buried, windows shattered, mud going into basements, cars stranded. When you unleash the forces of nature, it is just almost beyond imagining how much damage can be done to an area because of that.

We have a problem today, Mr. Speaker. We have a problem. We have forests that are not healthy. That is the result of years and years and years of neglect. It is the result of years and years and years of people who have been narrow in their interests and who have stopped the sale of timber, who have stopped the thinning of timber, who have stopped our forest men and women who understand how to have healthy forests, stopped them from doing what they know how to do and left us with desperate circumstances, 70 or 75 million acres of forestland that is ready to be destroyed by fire.

□ 2115

We have suffered in the West with the worst drought in recent history, probably as bad as anything back to the Dust Bowl of the 1930s. These are terrible things. They have displaced people, destroyed farms and lives, and now we are going to add to that the further destruction of the forests through fire.

We had thought, and, in fact, we had some charts earlier that showed the anticipated fire damage in the West was going to be less this year than it was last year. Last year, of course, was a record year. We burned much of that which was ready to burn last year. Unfortunately, this year we have had some water over much of the West, and that, unfortunately, has created a fire ladder so that what was not as endangered 2 months ago is now viewed as being subject to devastating fires.

If we look at Utah today, it is as green as I have ever seen it. Unfortunately, that green over the next month or 2 or 3 is going to turn to brown grass that will light at any provocation, a lightning strike, a match or a cigarette carelessly thrown out of a window, a campfire burning out of control. Those things could all happen and will happen, we suspect, this summer with devastating effects.

We need to pass the forest health bill now.

Mr. Speaker, I yield to the gentleman from South Dakota (Mr. JANKLOW).

Mr. JANKLOW. Mr. Speaker, I am going to be extremely brief. This healthy forest initiative is an initiative that is incredibly important. It is not very often that we deal with things of that much substance. This is one of those opportunities. For too long we have made the forests into political issues where people fight with each other. The reality of the situation is every time we get that strong of emotions on all sides, usually we end up with a bad result. That is what we have here.

There is no one, there is no one, who says these forests are healthy, and when I say forests, I am talking about a couple hundred million acres of land in America, virtually the entire part of many of our States. In my State it is the Black Hills, which is the westernmost portion of the State. But there is no one who says these forests are being properly managed. There is no one who says we have been doing the right thing.

The arguments are what do we do to fix the problem, or do we just let God burn them down? It is okay to let God burn them down, but we are burning up people in the process. We are burning up people's homes in the process. We are destroying people's lives. We are shortening the lives of people. We are making it incredibly unhealthy for human beings. We are contributing to the wiping out of endangered species, be they plant life or be they animal life. So what we need to do is something different.

This is a reasonable approach that involves input from all corners of the philosophies. It preserves the right of anybody who does not like the decision to go to court, but more than anything else, it starts us on another track away from the track that we all agree has not worked.

For the sake of this country, for the sake of its resources, for the sake of our families, for the sake of endangered species, for the sake of our economy, and for the sake of our health, we need to pass this initiative.

Mr. CANNON. Mr. Speaker, I thank the gentleman from South Dakota (Mr. JANKLOW). I appreciate that, and I am reminded of his earlier words about the unanimity of the Committee on Agriculture, and it dawns on me that those people who see the problem and understand it have a tendency to agree. Locals who know it have a tendency to agree. We have lots of people with incoherent or separate, disparate ideas who get to pursue those ideas, through litigation or otherwise, stopping the process.

What we have here before us with this bill is a coherent and considerate approach that is good for the air, will help with clean air, will help with clean water, will help people in the economy, will help endangered species, and will also help species that are not endangered now. So I urge passage of this bill, Mr. Speaker.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CASE (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. GARY G. MILLER of California (at the request of Mr. DELAY) for today and the balance of the week on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. TURNER of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. ROHRABACHER) to revise and extend their remarks and include extraneous material:)

Mrs. MUSGRAVE, for 5 minutes, May 14 and 15.

Mr. GUTKNECHT, for 5 minutes, today and May 14.

Mr. ROHRABACHER, for 5 minutes, today and May 14.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on May 9, 2003, he presented to the President of the United States, for his approval, the following bills.

H.R. 289. To expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge.

ADJOURNMENT

Mr. CANNON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 14, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2145. A letter from the Directors, FinCEN, Department of the Treasury, transmitting the Department's final rule—Customer Identification Programs for Futures Commission Merchants and Introducing Brokers (RIN: 1506–AA34) received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2146. A letter from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule—Fees for Rice Inspection Services (RIN: 0580–AA82) received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2147. A letter from the Administrator, Rural UtilitiesService, Department of Agriculture, transmitting the Department's final rule—Useful Life of Facility Determination (RIN: 0572–AB80) received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2148. A letter from the Under Secretary, Food Stamp Program, Department of Agriculture, transmitting the Department's final rule—Food Stamp Program: Anticipating Income and Reporting Changes [Amendment No. 376] (RIN: 0584–AB57) received May 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2149. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Bacillus Thuringiensis Cry1F Protein in Cotton; Temporary Exemption from the Requirement of a Tolerance [OPP–2003–0147; FRL–7302–4] received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2150. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Air Force, Case Number 00–04, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2151. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02–08; to the Committee on Appropriations.

2152. A letter from the Director of Defense Research and Engineering, Department of Defense, transmitting the Annual Report of the Strategic Environmental Research and Development Program; to the Committee on Armed Services.

2153. A letter from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting the Commission's final rule—Mandated Electronic Filing and Website Posting for Forms 3, 4 and 5 [Release Nos. 33–8230, 34–47809, 35–27674, IC–26044; File No. S7–52–02] (RIN: 3235–AI26) received May 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2154. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Head Start Program (RIN: 0970–AB54) received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2155. A letter from the Director, Division of Acquisition Management Services, Department of Labor, transmitting the Department's final rule—Audit Requirements for Grants, Contracts, and Other Agreements (RIN: 1291–AA26) received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2156. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maine; Total Reduced Sulfur from Kraft Paper Mills [ME–062–7011a; A–1–FRL–7491–7] received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2157. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revisions to Regulation for Control of Fuel-Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installations [MD139–3098a; FRL–7478–1] received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2158. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Florida: Martin Gas Sales, Inc. Variance [FL–93–200318 (a); FRL–7491–5] received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2159. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Louisiana: Rescission of the Section 182(f) and 182(b)(1) Exemptions to the Nitrogen Oxides Control Requirements for the Baton Rouge Ozone Nonattainment Area [LA–60–1–7562; FRL–7492–9] received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2160. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Extension of Alternative Compliance Periods under the Anti-Dumping Program [FRL–7492–1] received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2161. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL–7490–3] received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2162. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Texas: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–7491–1] received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2163. A letter from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended [WT Docket No. 99–87]; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies [RM–9332] received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2164. A letter from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 90 of the Commission's Rules and Policies for Applications and Licensing of Low Power Operations in the Private Land Mobile Radio 450–470 MHz Band [WT Docket No. 01–146, RM–9966] received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2165. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Canada for defense articles and services (Transmittal No. 03–16), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2166. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 07–03 which informs of an intent to sign a Memorandum of Understanding (MOU) between the United States and the United Kingdom for Ballistic Missile Defense, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

2167. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective March 23, 2003 a 15% danger pay allowance has been established for Syria, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

2168. A letter from the Comptroller General, General Accounting Office, transmitting the Month in Review: March 2003 Reports, Testimony, Correspondence, and Other Publications, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

2169. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2170. A letter from the Executive Director, Marine Mammal Commission, transmitting the Commission's Commercial Activities Inventory Report, as required by the Federal Activities Inventory Reform Act of 1998 and detailed in OMB Circular No. A–87 (revised); to the Committee on Government Reform.

2171. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the eighth annual report on amounts paid to telecommunications carriers and manufacturers during FY 2002, and estimates of amounts expected to be paid in the current fiscal year; to the Committee on the Judiciary.

2172. A letter from the Attorney, Office of Chief Counsel, Department of Homeland Security, transmitting the Department's final rule—Security Threat Assessment for Individuals Applying for a Hazardous Materials

Endorsement for a Commercial Drivers License [Docket No. TSA-2003-14610; Amendment No. 1572-1] (RIN: 1652-AA17) received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2173. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zones; San Diego Bay, CA [COTP San Diego 03-010] (RIN: 1625-AA00 [Formerly RIN: 2115-AA97]) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2174. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zones; Captain of the Port Houston-Galveston Zone [COTP Houston-Galveston-02-009] (RIN: 1625-AA00 [Formerly RIN: 2115-AA97] received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2175. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security and Safety Zone: Protection of Large Passenger Vessels, Portland, OR [CGD13-03-012] (RIN: 1625-AA00) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2176. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Dragon Boat Race, Willamette River, Portland, OR [CGD13-03-014] (RIN: 1625-AA00) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2177. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Chesapeake Bay, Norfolk, Virginia [CGD05-03-040] (RIN: 1625-AA00) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2178. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Colorado River, Between Laughlin Bridge and Harrah's Hotel and Casino (This Section of the Colorado River divides Arizona and Nevada) [COTP San Diego 03-018] (RIN:1625-AA00) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2179. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Oceanside, California [COTP San Diego 03-017] (RIN: 1625-AA00) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2180. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone, Bayou Casotte, Pascagoula, MS [COTP Mobile-03-009] (RIN: 1625-AA00) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2181. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Amtrak Railroad Bridge, Susquehanna River, Havre de Grace, Maryland [CGD05-03-043] (RIN: 1625-AA00) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2182. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Construction or Alteration in the Vicinity of the Private Residence of the President of the United States [Docket No. FAA-2003-14973; Special Federal Aviation Regulation No.98] (RIN: 2120-AH83) received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2183. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Guidance Under Section 817A Regarding Modified Guaranteed Contracts [TD 9058] (RIN: 1545-AY48) received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2184. A letter from the Secretary, Department of Energy, transmitting notification that the Department of Energy requires an additional 45 days to transmit the implementation plan for addressing the issues raised in the Defense Nuclear Facilities Safety Board's Recommendation 2002-2, Weapons Laboratory Support of the Defense Nuclear Complex, pursuant to 42 U.S.C. 2286d(e); jointly to the Committees on Armed Services and Energy and Commerce.

2185. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that shrimp harvested with technology that may adversely affect certain sea turtles may not be imported into the United States unless the President makes specific certifications to the Congress by May 1; jointly to the Committees on Resources and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 229. Resolution providing for consideration of the bill (H.R. 1527) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003 through 2006, and for other purposes (Rept. 108-97). referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 230. Resolution providing for the consideration of the bill (H.R. 1000) to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide additional protections to participants and beneficiaries in individual account plans from excessive investment in employer securities and to promote the provision of retirement investment advice to workers managing their retirement income assets (Rept. 108-98). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BROWN of Ohio (for himself and Mrs. Wilson of New Mexico):

H.R. 2068. A bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BROWN of Ohio (for himself and Mrs. Wilson of New Mexico):

H.R. 2069. A bill to amend the Foreign Assistance Act of 1961 to provide increased foreign assistance for tuberculosis prevention, treatment, and control, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREENWOOD (for himself, Mr. Israel, and Mr. Fossella):

H.R. 2070. A bill to amend title XVIII of the Social Security Act to revitalize and improve the Medicare+Choice program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself, Mr. Delahunt, Mr. Abercrombie, Ms. Baldwin, Mr. Berman, Mr. Berry, Mrs. Biggert, Mr. Boozman, Mr. Brady of Texas, Mr. Peterson of Minnesota, Mr. Camp, Mr. Clay, Mr. Costello, Mr. DeFazio, Ms. DeLauro, Mr. Dooley of California, Mr. Doyle, Mrs. Emerson, Mr. Farr, Mr. Graves, Mr. Greenwood, Mr. Herger, Mr. Hinchey, Mr. Houghton, Mr. Johnson of Illinois, Mr. Kleczka, Mr. LaHood, Mr. Lampson, Mr. Leach, Mr. Lynch, Mr. Manzullo, Mr. McGovern, Mr. Moore, Mr. Moran of Kansas, Mr. Smith of Michigan, Mr. Nethercutt, Mr. Osborne, Mr. Otter, Mr. Paul, Mr. Ramstad, Mr. Rangel, Mr. Rehberg, Mr. Ross, Mr. Ryan of Wisconsin, Mr. Shays, Mr. Shimkus, Mr. Snyder, Ms. Solis, Mr. Stenholm, Mr. Tanner, Mr. Thompson of California, Mr. Tiberi, Mr. Towns, Mr. Van Hollen, and Mr. Whitfield):

H.R. 2071. A bill to allow travel between the United States and Cuba; to the Committee on International Relations.

By Mr. FOLEY (for himself, Mr. Tancredo, Mr. Paul, Mr. Green of Wisconsin, Mr. Bachus, Mr. LaTourette, Mr. Istook, Mr. Ney, Mr. English, Mr. Platts, Mr. McHugh, Mrs. Wilson of New Mexico, Mr. Souder, Mr. Nethercutt, Ms. Ros-Lehtinen, Mr. Hayworth, and Ms. Ginny Brown-Waite of Florida):

H.R. 2072. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty in the computation of the income tax on Social Security benefits; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 2073. A bill to amend title 32, United States Code, to provide assistance to States for the discharge of homeland security activities by the National Guard, and for other purposes; to the Committee on Armed Services.

By Mr. GUTIERREZ (for himself and Mr. Frank of Massachusetts):

H.R. 2074. A bill to require certain disclosures in connection with any international money transfer, and for other purposes; to the Committee on Financial Services.

By Mr. HASTINGS of Florida:

H.R. 2075. A bill to designate the facility of the United States Postal Service located at

1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the "Judge Edward Rodgers Post Office Building"; to the Committee on Government Reform.

By Mr. JOHN:

H.R. 2076. A bill to further the protection and recognition of veterans' memorials, to amend title 38, United States Code, to provide for grants to repair veterans memorials, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on the Judiciary, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Kansas (for himself, Mr. REHBERG, Mr. BOOZMAN, Mr. SHUSTER, Mr. JOHNSON of Illinois, Mr. UDALL of New Mexico, Mr. PETERSON of Pennsylvania, Mr. MICHAUD, and Mr. PEARCE):

H.R. 2077. A bill to amend title 49, United States Code, to enhance essential air service; to the Committee on Transportation and Infrastructure.

By Mr. OSE:

H.R. 2078. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to require equitable funding of pension plans maintained by corporations which also maintain executive pension plans; to the Committee on Education and the Workforce.

By Mr. PICKERING (for himself, Mr. JOHN, Mr. BERRY, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. ALEXANDER, Mr. ROSS, Mr. GREENWOOD, Ms. BORDALLO, Mr. OTTER, Mr. UPTON, Mr. LIPINSKI, Mr. BOSWELL, Mr. GOODE, Mr. BONNER, Mr. ADERHOLT, Mr. BACHUS, Mr. DAVIS of Alabama, Mr. BONILLA, Mr. EVERETT, Mr. PUTNAM, Mr. EDWARDS, and Mr. SIMPSON):

H.R. 2079. A bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SAXTON:

H.R. 2080. A bill to prevent International Monetary Fund loans for Iraq from being used to pay off Iraq's creditors; to the Committee on Financial Services.

By Mr. WU:

H.R. 2081. A bill to amend the Internal Revenue Code of 1986 to reduce to 5 percent the maximum rate of tax on net capital gain on assets held for more than 5 years; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. SKELTON, Mr. SIMMONS, Mr. BRADLEY of New Hampshire, Mr. WILSON of South Carolina, Mr. BISHOP of Utah, Mr. WELDON of Pennsylvania, Mr. HAYES, Mr. CALVERT, Mr. ALEXANDER, Mr. GINGREY, Mr. MCKEON, Mr. BARTLETT of Maryland, Mr. MILLER of Florida, Mr. SCHROCK, Mrs. MILLER of Michigan, Mr. REYES, Mrs. JO ANN DAVIS of Virginia, Mr. AKIN, Mr. KLINE, Mr. LOBIONDO, Mr. THORNBERRY, Mr. EVERETT, Mr. LARSEN of Washington, Mr. ROGERS of Alabama, Mr. GIBBONS, Mr. SAXTON, Mr. TURNER of Ohio, Mr. BRADY of Pennsylvania, and Mr. MCHUGH):

H. Con. Res. 177. Concurrent resolution recognizing and commending the members of the United States Armed Forces and their leaders, and the allies of the United States and their armed forces, who participated in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq and recognizing the continuing dedication of military families and employers and defense civilians and contractors and the countless communities and patriotic organizations that lent their support to the Armed Forces during those operations; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Ms. PRYCE of Ohio, Mr. BARTLETT of Maryland, Mr. BOEHLERT, Mr. BOSWELL, Mr. BOYD, Ms. CORRINE BROWN of Florida, Mr. BURTON of Indiana, Mr. DAVIS of Florida, Mr. DINGELL, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FOSSELLA, Mr. FRANK of Massachusetts, Mr. GIBBONS, Mr. GOODE, Mr. GOODLATTE, Mr. HOLT, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. KENNEDY of Minnesota, Mr. KIND, Mr. KING of New York, Mr. KLECZKA, Ms. LOFGREN, Mr. LYNCH, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MENENDEZ, Mrs. MYRICK, Mrs. NORTHUP, Mr. OSBORNE, Mr. POMEROY, Mr. RODRIGUEZ, Mr. ROSS, Mr. SANDLIN, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SKELTON, Mr. SPRATT, Mr. TOWNS, Mr. UDALL of New Mexico, Mr. WEXLER, and Mr. WILSON of South Carolina):

H. Con. Res. 178. Concurrent resolution expressing support for the goals of Veterans Educate Today's Students (VETS) Day, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HEFLEY (for himself, Mr. TOM DAVIS of Virginia, Mr. WAXMAN, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Illinois, Mr. RAMSTAD, and Mr. STUPAK):

H. Res. 231. A resolution supporting the goals and ideals of Peace Officers Memorial Day; to the Committee on Government Reform.

By Mr. MICHAUD:

H. Res. 232. A resolution providing for consideration of the bill (H.R. 17) to provide economic security for America's workers; to the Committee on Rules.

By Mr. STEARNS (for himself, Mrs. MUSGRAVE, Mr. RENZI, Mrs. JO ANN DAVIS of Virginia, Mr. SHIMKUS, Mr. PITTS, Mr. WICKER, Mr. RYUN of Kansas, Mr. GOODE, Mr. WALSH, Mr. WOLF, Mr. BARTLETT of Maryland, Mr. SULLIVAN, Mr. TERRY, Mr. KENNEDY of Minnesota, Mr. ENGLISH, Mr. ROGERS of Michigan, Mr. TANCREDO, Mr. HOEKSTRA, Mr. RYAN of Wisconsin, Mr. SOUDER, Mr. HAYES, Mrs. BLACKBURN, Mr. KLINE, Mr. HOSTETTLER, Mr. CHABOT, Ms. ROS-LEHTINEN, Mrs. MYRICK, Mr. GRAVES, Mr. GUTKNECHT, Mr. BUYER, Mr. MANZULLO, and Mr. ALEXANDER):

H. Res. 233. A resolution expressing the sense of the House of Representatives with respect to pregnancy resource centers; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

45. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 49 memorializing the United States Congress and the Department of Agriculture to provide assistance, including financial assistance, in the effort to deal with the infestation of the emerald ash borer; to the Committee on Agriculture.

46. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Memorial No. 4021 memorializing the United States Congress requesting for the Bonneville Power Administration to refrain from adopting rate increases at this time; to the Committee on Resources.

47. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 17 memorializing the United States Congress to pursue and support fuel cell research projects in Michigan; to the Committee on Science.

48. Also, a memorial of the Legislature of the State of Washington, relative to Substitute House Joint Memorial No. 4004 memorializing the United States Congress to amend the United States Code to expressly provide for the itemized deduction of state and local retail sales taxes for federal income tax purposes; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LATOURETTE:

H.R. 2082. A bill for the relief of Michael Dvorkin; to the Committee on the Judiciary.

By Ms. LEE:

H.R. 2083. A bill for the relief of Geert Botzen; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 107: Ms. NORTON.

H.R. 122: Ms. JACKSON-LEE of Texas, Mr. CASE, Mr. MCDERMOTT, Mr. FRANK of Massachusetts, Mr. MATHESON, Ms. SLAUGHTER, Mr. KIND, Ms. DELAURO, and Mr. SHERMAN.

H.R. 176: Mr. JANKLOW.

H.R. 192: Mr. ROTHMAN.

H.R. 217: Mr. GRIJALVA.

H.R. 218: Ms. CARSON of Indiana.

H.R. 221: Ms. LINDA T. SÁNCHEZ of California.

H.R. 223: Mr. OTTER.

H.R. 240: Mr. DAVIS of Florida.

H.R. 241: Mr. WILSON of South Carolina and Mr. ACEVEDO-VILÁ.

H.R. 290: Mr. WEXLER.

H.R. 296: Mr. PAYNE.

H.R. 303: Mr. KNOLLENBERG.

H.R. 339: Mr. YOUNG of Florida.

H.R. 347: Ms. SCHAKOWSKY.

H.R. 371: Mr. TURNER of Texas, Mr. HINCHEY, Mr. ORTIZ, Mr. BACA, Mr. GREEN of Texas, Mr. DEAL of Georgia, Mr. ALLEN, Mr. THOMPSON of Mississippi, and Mrs. MALONEY.

H.R. 375: Mr. RUPPERSBERGER.

H.R. 391: Mr. BARTLETT of Maryland, Mr. HAYWORTH, and Mr. MCINNIS.

H.R. 438: Mr. SIMMONS.

H.R. 440: Mr. ENGEL.

H.R. 466: Mr. UDALL of New Mexico, Mr. STUPAK, and Mr. NEAL of Massachusetts.

H.R. 504: Ms. SCHAKOWSKY.

H.R. 528: Mr. SHERMAN.

H.R. 571: Mr. HOEKSTRA.

H.R. 591: Mr. GOODE.

H.R. 673: Mr. SHUSTER.

H.R. 687: Ms. HARRIS, Mr. GILCHREST, Mr. GUTKNECHT, Mr. SAM JOHNSON of Texas, and Mr. PUTNAM.

H.R. 692: Mr. BLUMENAUER.

H.R. 709: Mr. MILLER of Florida.

H.R. 713: Mr. TOWNS.

H.R. 714: Mr. BARTLETT of Maryland.

H.R. 720: Mr. MILLER of Florida.

H.R. 731: Mr. TANCREDO.

H.R. 737: Mr. WEINER.

H.R. 759: Mr. OSE.

H.R. 785: Mr. SAXTON, Mr. GREENWOOD, Mr. ISRAEL, Mr. LEACH, and Mr. CANTOR.

H.R. 792: Mr. MEEHAN and Ms. KILPATRICK.

H.R. 800: Mr. WELDON of Florida.

H.R. 804: Mr. MICHAUD.

H.R. 813: Ms. DELAURO.

H.R. 816: Ms. ESHOO.

H.R. 817: Ms. ESHOO.

H.R. 872: Mr. UPTON and Mr. HOEKSTRA.

H.R. 876: Mr. PAYNE, Mr. FEENEY, Mr. HILL, Mr. SHIMKUS, Mr. GERLACH, and Mr. PICKERING.

H.R. 879: Mr. HAYES and Mr. KNOLLENBERG.

H.R. 883: Mr. DAVIS of Illinois.

H.R. 898: Mr. LANGEVIN.

H.R. 919: Ms. LEE, Mr. LEWIS of Georgia, Mr. CAMP, Mr. DAVIS of Illinois, Mr. FARR, Mr. TANNER, Mr. CARDIN, Mr. DELAHUNT, Mr. BACA, Mr. MOORE, Mr. FORD, and Mr. MENENDEZ.

H.R. 931: Mr. BARRETT of South Carolina.

H.R. 936: Ms. LINDA T. SÁNCHEZ of California.

H.R. 970: Mr. BOUCHER, Mr. CASE, Ms. WOOLSEY, Mr. SCHIFF, Mr. SHIMKUS, Mr. SHAYS, and Ms. WATSON.

H.R. 980: Mr. FRANK of Massachusetts and Ms. ESHOO.

H.R. 1006: Mr. SIMMONS, Mr. MCNULTY, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Mrs. NAPOLITANO, and Mr. KILDEE.

H.R. 1085: Mr. SCHROCK and Mr. BAKER.

H.R. 1115: Mr. COBLE, Mr. CUNNINGHAM, Mr. CANNON, and Ms. HART.

H.R. 1118: Mr. UDALL of Colorado and Mr. GERLACH.

H.R. 1120: Mr. FROST.

H.R. 1125: Mr. RAHALL, Ms. KILPATRICK, Mr. MEEHAN, Mr. MURPHY, and Mr. BLUMENAUER.

H.R. 1137: Mr. CARSON of Oklahoma and Mr. MORAN of Kansas.

H.R. 1174: Mr. CUMMINGS.

H.R. 1207: Mr. SWEENEY.

H.R. 1209: Mr. HASTINGS of Florida, Mrs. MALONEY, Mr. ABERCROMBIE, Mr. BOYD, Ms. CORRINE BROWN of Florida, Mr. MCNULTY, Mr. DINGELL, Mr. GUTIERREZ, Mr. CLAY, Mr. MARKEY, Mr. HINCHEY, Ms. KAPTUR, Mr. HINOJOSA, Mr. FATTAH, Ms. CARSON of Indiana, Mrs. LOWEY, Mr. NADLER, Ms. LOFGREN, Mr. MOORE, Mr. BLUMENAUER, and Mr. COOPER.

H.R. 1222: Mr. ROSS.

H.R. 1257: Mr. SMITH of New Jersey.

H.R. 1276: Mr. NUNES and Mr. COOPER.

H.R. 1288: Mr. MARKEY, Mr. LANGEVIN, Mr. PAUL, Ms. MCCOLLUM, Mr. PASTOR, Mr. ENGEL, Mr. BEAUPREZ, Mr. DAVIS of Tennessee, Mr. PLATTS, Mr. RYUN of Kansas, Mr. ROGERS of Michigan, Mr. JENKINS, Mr. SWEENEY, Mr. DAVIS of Illinois, Mr. KILDEE, and Mr. EVANS.

H.R. 1301: Mr. PASTOR, Mr. FRELINGHUYSEN, Mr. KOLBE, Mr. LOBIONDO, Mr. KLINE, and Mr. SWEENEY.

H.R. 1305: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1309: Mr. MCGOVERN.

H.R. 1315: Mr. CUMMINGS, Ms. BERKLEY, and Mr. BROWN of Ohio.

H.R. 1322: Mr. OLVER, Mr. ANDREWS, Mr. ROTHMAN, Mr. FILNER, Mr. RYAN of Ohio, and Mrs. MCCARTHY of New York.

H.R. 1348: Mr. PETERSON of Minnesota and Mrs. MALONEY.

H.R. 1359: Ms. LINDA T. SÁNCHEZ of California and Ms. LOFGREN.

H.R. 1376: Mrs. JONES of Ohio.

H.R. 1421: Mr. GRIJALVA.

H.R. 1459: Mr. WOLF.

H.R. 1460: Ms. KILPATRICK, Mr. WILSON of South Carolina, and Mr. ACEVEDO-VILÁ.

H.R. 1462: Mr. SANDERS and Mr. MCGOVERN.

H.R. 1502: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1508: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1512: Mr. HOEKSTRA.

H.R. 1574: Mr. DAVIS of Tennessee and Mr. PUTNAM.

H.R. 1577: Mr. KOLBE, Mr. RENZI, Mr. STUPAK, and Mr. GRIJALVA.

H.R. 1615: Mr. HINCHEY.

H.R. 1621: Mr. FARR, Mr. RODRIGUEZ, Ms. LEE, Mr. LANTOS, and Mr. GRIJALVA.

H.R. 1628: Mr. GUTIERREZ.

H.R. 1659: Mr. FILNER.

H.R. 1677: Mr. MORAN of Virginia, Mr. JACKSON of Illinois, Mr. WAXMAN, and Ms. CORRINE BROWN of Florida.

H.R. 1683: Mr. WILSON of South Carolina and Mr. ACEVEDO-VILÁ.

H.R. 1693: Mr. EMANUEL.

H.R. 1698: Mr. RAMSTAD and Mr. RUSH.

H.R. 1700: Mr. WAXMAN, Ms. JACKSON-LEE of Texas, Mr. FALEOMAVAEGA, and Mr. DEUTSCH.

H.R. 1708: Ms. CARSON of Indiana, Mr. BUYER, Mr. DOOLEY of California, Mr. DOYLE, Mr. UPTON, Mr. DAVIS of Florida, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 1709: Ms. JACKSON-LEE of Texas and Ms. LEE.

H.R. 1713: Mr. LEVIN and Mr. SHERMAN.

H.R. 1721: Mr. CAMP.

H.R. 1736: Mrs. CHRISTENSEN, Mrs. JONES of Ohio, Mr. CAPUANO, Mr. RANGEL, Ms. KILPATRICK, Mr. BRADY of Texas, Mrs. MALONEY, Mr. PAYNE, Mr. OWENS, Mr. TOWNS, Ms. MILLENDER-MCDONALD, and Mr. JEFFERSON.

H.R. 1742: Mr. SMITH of Texas and Mr. BERMAN.

H.R. 1769: Mr. TERRY, Mr. GREEN of Wisconsin, Mrs. MYRICK, Mr. BARRETT of South Carolina, Mrs. JO ANN DAVIS of Virginia, and Mr. DOOLITTLE.

H.R. 1771: Mr. RENZI, Mr. JONES of North Carolina, Mr. REYES, Mrs. MILLER of Michigan, Mr. MCGOVERN, Mr. NEY, Mr. DUNCAN, Mr. UPTON, Mr. BUYER, and Mr. EHLERS.

H.R. 1784: Mr. DEUTSCH, Mr. POMEROY, Mr. MARKEY, Mr. SMITH of Washington, and Mr. ENGEL.

H.R. 1807: Mr. GILLMOR and Mr. MICHAUD.

H.R. 1814: Mr. RANGEL, Mr. HINOJOSA, and Ms. BORDALLO.

H.R. 1850: Mr. RANGEL.

H.R. 1886: Mr. ALLEN.

H.R. 1887: Ms. WATSON.

H.R. 1904: Mr. SAM JOHNSON of Texas.

H.R. 1910: Mr. KIND, Mr. RYUN of Kansas, Mrs. BONO, Ms. SOLIS, Mr. DAVIS of Illinois, Mr. EVANS, Ms. BALDWIN, and Mr. GREENWOOD.

H.R. 1931: Mr. MURTHA and Mr. GILLMOR.

H.R. 1933: Mr. HOLDEN and Ms. NORTON.

H.R. 1935: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1944: Mr. LEACH.

H.R. 1981: Ms. ROYBAL-ALLARD, Ms. DELAURO, Mr. BERMAN, and Mr. DEFAZIO.

H.R. 2012: Ms. BORDALLO, Mr. LANGEVIN, and Mr. LOBIONDO.

H.R. 2017: Mr. WEXLER and Mr. MCDERMOTT.

H.R. 2020: Mr. HOYER, Mr. MORAN of Kansas, Mr. TIAHRT, Mr. BOSWELL, Mr. BACHUS, Mr. HILL, Mr. ISRAEL, and Mr. BISHOP of New York.

H.R. 2028: Mr. SKELTON, Mr. TAYLOR of Mississippi, Mr. COSTELLO, Mr. HYDE, and Mr. COBLE.

H.R. 2047: Mr. LEWIS of Kentucky.

H.J. Res. 48: Mr. MARIO DIAZ-BALART of Florida.

H. Con. Res. 56: Ms. ROS-LEHTINEN.

H. Con. Res. 98: Mrs. MUSGRAVE, Mr. FALEOMAVAEGA, and Mr. BONNER.

H. Con. Res. 111: Mr. KIND and Mr. MORAN of Virginia.

H. Con. Res. 130: Ms. CARSON of Indiana.

H. Con. Res. 160: Mr. UPTON.

H. Con. Res. 161: Mr. BEAUPREZ, Mr. MOORE, and Mrs. MUSGRAVE.

H. Con. Res. 176: Mrs. CAPITO.

H. Res. 28: Mr. NADLER, Mr. BROWN of Ohio, Mr. MCGOVERN, Mr. JOHNSON of Illinois, Mr. LAMPSON, Mr. CROWLEY, and Mr. TANCREDO.

H. Res. 59: Mr. BURTON of Indiana.

H. Res. 66: Mr. PITTS.

H. Res. 136: Mr. STUPAK and Mr. PAUL.

H. Res. 140: Mr. ISRAEL, Mr. SHERMAN, Mr. WEINER, Mr. ENGEL, Mr. WEXLER, Mr. CARDOZA, Mr. MCNULTY, Mr. LIPINSKI, Ms. BERKLEY, Mr. FOLEY, and Mrs. JO ANN DAVIS of Virginia.

H. Res. 167: Ms. JACKSON-LEE of Texas and Mr. GRIJALVA.

H. Res. 199: Ms. SCHAKOWSKY, Ms. JACKSON-LEE of Texas, Ms. WATSON, and Mr. FARR.

H. Res. 214: Ms. SLAUGHTER, Mr. LANGEVIN, Mr. FROST, and Mr. CASE.

H. Res. 222: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BELL, Ms. JACKSON-LEE of Texas, Mr. MOORE, Mr. GORDON, Mr. WU, Mr. WEINER, Mr. DAVIS of Tennessee, Ms. LOFGREN, Mr. HENSARLING, Mr. UDALL of Colorado, and Mr. COMBEST.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 660: Mr. SOUDER.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

12. The SPEAKER presented a petition of the Common Council of the City of Michigan City, Indiana, relative to Resolution No. 4173 petitioning the United States Congress that the Council supports the men and women serving in the armed forces and honors their commitment to our Nation's safety, security and freedom; to the Committee on Armed Services.

13. Also, a petition of the Hennepin County Board of Commissioners, Minnesota, relative to Resolution No. 03-4-232S1R2 petitioning the United States Congress that the Board urges federal, state, and local government agencies, religious institutions, employers, schools, charitable organizations, and all of our citizens to do all that is humanly possible to assist the families and loved ones of our Armed Forces; to the Committee on Armed Services.

14. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 127 of 2003 petitioning the United States Congress to request that the United States Postal Service issue a stamp honoring Helen Hayes; to the Committee on Government Reform.

15. Also, a petition of the City Commission of the City of Hollywood, Florida, relative to Resolution No. R-2003-110 petitioning the United States Congress that the City Commission supports SCR1166, a concurrent resolution ratifying the proposed amendment to the Constitution of the United States relating to equal rights for men and women and encourages the Florida State Legislature to authorize the resolution; to the Committee on the Judiciary.

16. Also, a petition of the Orange County Fire Authority Board of Directors, California, relative to Resolution No. 2003-24 petitioning the United States Congress that the Board urges the Legislature of the State of California to reaffirm its commitment to strengthening our cities and counties as the first line of defense of our people; to the Committee on Transportation and Infrastructure.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1000

OFFERED BY: MR. SANDERS

AMENDMENT NO. 1: Insert after section 216 the following new sections (and conform the table of contents):

SEC. 217. PROPER ADMINISTRATION OF INTERNAL REVENUE LAWS AND NONDISCRIMINATION REQUIREMENTS.

(a) IN GENERAL.—The Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and the Age Discrimination in Employment Act of 1967 shall be applied and administered without regard to proposed regulations of the Secretary of the Treasury, included in proposed regulations published in the Federal Register on December 11, 2002 (relating to reductions of accruals and allocations because of the attainment of any age; application of nondiscrimination cross-testing rules to cash balance plans) (67 FR 76123), which pertain to plan amendments adopting a cash balance formula, and without regard to any other regulation which reaches the same or a similar result. The Secretary of the Treasury shall take no action in contravention of section 204(b)(1)(G), 204(b)(1)(H)(i), or 204(g) of the Employee Retirement Income Security Act of 1974, section 411(b)(1)(G), 411(b)(1)(H)(i), or 411(d)(6) of the Internal Revenue Code of 1986, or section 4(i)(1)(A) of the Age Discrimination in Employment Act of 1967.

(b) DIRECTIVE.—The Secretary of the Treasury shall apply section 411(b)(1)(H) of the Internal Revenue Code of 1986 without regard to the portion of the preamble to Treasury Decision 8360 (56 Fed. Reg. 47524–47603, September 19, 1991) which relates to the allocation of interest adjustments through normal retirement age under a cash balance plan, as such preamble is and has been since its adoption without the force of law.

SEC. 218. PROTECTION OF PARTICIPANTS FROM CONVERSIONS TO HYBRID DEFINED BENEFIT PLANS.

(a) ELECTION TO MAINTAIN RATE OF ACCRUAL IN EFFECT BEFORE PLAN AMENDMENT.—

(1) AMENDMENT TO ERISA.—Section 204(b)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(1)) is amended by adding at the end the following new subparagraph:

"(I)(i) Notwithstanding the preceding subparagraphs, in the case of a plan amendment to a defined benefit plan—

"(I) which has the effect of converting the plan to a plan under which the accrued benefit is expressed to participants and beneficiaries as an amount other than an annual benefit commencing at normal retirement age (or which has a similar effect as determined under regulations issued under clause (iv)), and

"(II) which has the effect of reducing the rate of future benefit accrual of 1 or more participants,

such plan shall be treated as not satisfying the requirements of this paragraph unless such plan meets the requirements of clause (ii).

"(ii) A plan meets the requirements of this clause if the plan provides each participant who has attained 40 years of age or 10 years of service (as determined under section 203) under the plan at the time such amendment takes effect with—

"(I) notice of the plan amendment indicating that it has such effect, including a comparison of the present and projected values of the accrued benefit determined both with and without regard to the plan amendment, and

"(II) an election upon retirement to either receive benefits under the terms of the plan as in effect at the time of retirement or to receive benefits under the terms of the plan as in effect immediately before the effective date of such plan amendment (taking into account all benefit accruals under such terms since such date).

"(iii) For purposes of clause (i), an accrued benefit shall include any early retirement benefit or retirement-type subsidy (within the meaning of subsection (g)(2)(A)), but only with respect to a participant who satisfies (either before or after the effective date of the amendment) the conditions for the benefit or subsidy under the terms of the plan as in effect immediately before such date.

"(iv) The Secretary shall issue regulations under which any plan amendment which has an effect similar to the effect described in clause (i)(I) shall be treated as a plan amendment described in clause (i)(I). Such regulations may provide that if a plan sponsor represents in communications to participants and beneficiaries that a plan amendment has an effect described in the preceding sentence, such plan amendment shall be treated as a plan amendment described in clause (i)(I).".

(2) AMENDMENT TO INTERNAL REVENUE CODE.—Section 411(b)(1) of the Internal Revenue Code of 1986 (relating to accrued benefit requirements for defined benefit plans) is amended by adding at the end the following new subparagraph:

"(I) ELECTION TO MAINTAIN RATE OF ACCRUAL IN EFFECT BEFORE CERTAIN PLAN AMENDMENTS.—

"(i) IN GENERAL.—Notwithstanding the preceding subparagraphs, in the case of a plan amendment to a defined benefit plan—

"(I) which has the effect of converting the plan to a plan under which the accrued benefit is expressed to participants and beneficiaries as an amount other than an annual benefit commencing at normal retirement age (or which has a similar effect as determined under regulations issued under clause (iv)), and

"(II) which has the effect of reducing the rate of future benefit accrual of 1 or more participants,

such plan shall be treated as not satisfying the requirements of this paragraph unless such plan meets the requirements of clause (ii).

"(ii) REQUIREMENTS.—A plan meets the requirements of this clause if the plan provides each participant who has attained 40 years of age or 10 years of service (as determined under subsection (a)) under the plan at the time such amendment takes effect with—

"(I) notice of the plan amendment indicating that it has such effect, including a comparison of the present and projected values of the accrued benefit determined both with and without regard to the plan amendment, and

"(II) an election upon retirement to either receive benefits under the terms of the plan as in effect at the time of retirement or to receive benefits under the terms of the plan as in effect immediately before the effective date of such plan amendment (taking into account all benefit accruals under such terms since such date).

"(iii) TREATMENT OF EARLY RETIREMENT BENEFITS AND RETIREMENT-TYPE SUBSIDIES.—For purposes of clause (i), an accrued benefit shall include any early retirement benefit or retirement-type subsidy (within the meaning of subsection (d)(6)(B)(i)), but only with respect to a participant who satisfies (either before or after the effective date of the amendment) the conditions for the benefit or subsidy under the terms of the plan as in effect immediately before such date.

"(iv) REGULATIONS.—The Secretary shall issue regulations under which any plan amendment which has an effect similar to the effect described in clause (i)(I) shall be treated as a plan amendment described in clause (i)(I). Such regulations may provide that if a plan sponsor represents in communications to participants and beneficiaries that a plan amendment has an effect described in the preceding sentence, such plan amendment shall be treated as a plan amendment described in clause (i)(I).".

(b) EFFECTIVE DATE AND RELATED RULES.—

(1) IN GENERAL.—The amendments made by this section apply to plan amendments taking effect before, on, or after the date of the enactment of this Act.

(2) SPECIAL RULE.—In the case of a plan amendment taking effect before 90 days after the date of the enactment of this Act, the requirements of section 204(b)(1)(I) of the Employee Retirement Income Security Act of 1974 (as added by this section) and section 411(b)(1)(I) of the Internal Revenue Code of 1986 (as added by this section) shall be treated as satisfied in connection with such plan amendment, in the case of any participant described in such sections 204(b)(1)(I) and 411(b)(1)(I) in connection with such plan amendment, if, as of the end of such 90-day period—

(A) the notice described in clause (i)(I) of such section 204(b)(1)(I) and clause (i)(I) of such section 411(b)(1)(I) in connection with such plan amendment has been provided to such participant, and

(B) the plan provides for the election described in clause (i)(II) of such section 204(b)(1)(I) and clause (i)(II) of such section 411(b)(1)(I) in connection with such participant's retirement under the plan.

SEC. 219. PREVENTION OF WEARING AWAY OF EMPLOYEE'S ACCRUED BENEFIT.

(a) AMENDMENT TO ERISA.—Section 204(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)) is amended by adding at the end the following new paragraph:

"(6)(A) For purposes of paragraph (1), an applicable plan amendment adopted by a large defined benefit plan shall be treated as reducing accrued benefits of a participant if, under the terms of the plan after the adoption of the amendment, the accrued benefit of the participant may at any time be less than the sum of—

"(i) the participant's accrued benefit for years of service before the effective date of the amendment, determined under the terms of the plan as in effect immediately before the effective date, plus

"(ii) the participant's accrued benefit determined under the formula applicable to benefit accruals under the current plan as applied to years of service after such effective date.

"(B) For purposes of this paragraph—

"(i) The term 'applicable plan amendment' means a plan amendment which has the effect of converting the plan to a plan under which the accrued benefit is expressed to participants and beneficiaries as an amount other than an annual benefit commencing at normal retirement age (or which has a similar effect as determined under regulations of the Secretary).

"(ii) The term 'large defined benefit plan' means any defined benefit plan which had 100 or more participants who had accrued a benefit under the plan (whether or not vested) as of the last day of the plan year preceding the plan year in which the plan amendment becomes effective.

"(iii) An accrued benefit shall include any early retirement benefit or retirement-type subsidy (within the meaning of paragraph (2)(A)), but only with respect to a participant who satisfies (either before or after the effective date of the amendment) the conditions for the benefit or subsidy under the terms of the plan as in effect immediately before such date.".

(b) AMENDMENT TO INTERNAL REVENUE CODE.—Section 411(d)(6) of the Internal Revenue Code of 1986 (relating to accrued benefit may not be decreased by amendment) is amended by adding at the end the following new subparagraph:

"(F) TREATMENT OF PLAN AMENDMENTS WEARING AWAY ACCRUED BENEFIT.—

"(i) IN GENERAL.—For purposes of subparagraph (A), an applicable plan amendment adopted by a large defined benefit plan shall be treated as reducing accrued benefits of a participant if, under the terms of the plan after the adoption of the amendment, the accrued benefit of the participant may at any time be less than the sum of—

"(I) the participant's accrued benefit for years of service before the effective date of the amendment, determined under the terms of the plan as in effect immediately before the effective date, plus

"(II) the participant's accrued benefit determined under the formula applicable to benefit accruals under the current plan as applied to years of service after such effective date.

"(ii) DEFINITIONS.—For purposes of this subparagraph—

"(I) APPLICABLE PLAN AMENDMENT.—The term 'applicable plan amendment' means a plan amendment which has the effect of converting the plan to a plan under which the accrued benefit is expressed to participants and beneficiaries as an amount other than an annual benefit commencing at normal retirement age (or which has a similar effect as determined under regulations of the Secretary).

"(II) LARGE DEFINED BENEFIT PLAN.—The term 'large defined benefit plan' means any defined benefit plan which had 100 or more participants who had accrued a benefit under the plan (whether or not vested) as of the last day of the plan year preceding the plan year in which the plan amendment becomes effective.

"(III) PROTECTED ACCRUED BENEFIT.—An accrued benefit shall include any early retirement benefit or retirement-type subsidy (within the meaning of subparagraph (B)(i)), but only with respect to a participant who satisfies (either before or after the effective date of the amendment) the conditions for the benefit or subsidy under the terms of the plan as in effect immediately before such date.".

(c) EFFECTIVE DATE AND RELATED RULES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section apply to plan amendments taking effect before, on, or after the date of the enactment of this Act.

(2) SPECIAL RULE.—Notwithstanding paragraph (1), the amendments made by this section shall not apply in connection with any participant with respect to any plan amendment which has taken effect before 90 days after the date of the enactment of this Act if, as of the end of such 90-day period, the plan provides that the participant's accrued benefit shall at no time be less than the sum described in section 204(g)(6)(A) of the Employee Retirement Income Security Act of 1974 (as added by this section) or section 411(d)(6)(F)(i) of the Internal Revenue Code of 1986 (as added by this section) in connection with such plan amendment.

H.R. 1000

OFFERED BY: MR. SANDERS

AMENDMENT NO. 2: Insert after section 216 the following new section (and conform the table of contents):

SEC. 217. CONVERSON OF RETIREMENT PLANS APPLICABLE TO MEMBERS OF CONGRESS TO CASH BALANCE PLANS UPON FINAL ISSUANCE OF CERTAIN REGULATIONS RELATING TO CASH BALANCE PLANS.

(a) RECOMMENDATIONS BY OFFICE OF PERSONNEL MANAGEMENT PROVIDING FOR CONVERSION OF RETIREMENT PLANS FOR MEMBERS OF CONGRESS TO CASH BALANCE PLANS.—Not later than 30 days after the date of the enactment of this Act, the Director of the Office of Personnel Management shall transmit to each House of the Congress draft legislative language and related regulations necessary to provide for conversion of the defined benefit portions of the retirement plans applicable to Members of Congress under chapters 83 and 84 of title 5, United States Code, to cash balance plans.

(b) ENACTMENT OF RECOMMENDATIONS UPON ISSUANCE OF FINAL REGULATIONS ON CASH BALANCE PLANS.—Effective on the later of—

(1) the date of the issuance by the Secretary of the Treasury in final form of proposed regulations published in the Federal Register on December 11, 2002 (relating to reductions of accruals and allocations because of the attainment of any age; application of nondiscrimination cross-testing rules to cash balance plans) (67 FR 76123), which pertain to plan amendments adopting a cash balance formula, or any other regulation which reaches the same or a similar result, or

(2) 30 days after the date of the enactment of this Act,

the draft legislative language transmitted pursuant to subsection (a) shall take effect as positive law, and the related regulations transmitted pursuant to subsection (a) shall take effect as final regulations thereunder.

(c) CASH BALANCE PLAN.—For purposes of this section, the term "cash balance plan" means a plan under which—

(1) the normal form of benefit is an immediate payment of the balance in a hypothetical account (without regard to whether such an immediate payment is actually made available), and

(2) the employer regularly credits the employer contributions as a percentage of pay, plus interest at a specified rate, into such hypothetical account which is nevertheless commingled with the hypothetical accounts for all participants and remains subject to investment decisions made solely by the employer.

H.R. 1527

OFFERED BY MR. UDALL OF COLORADO

AMENDMENT NO. 1: Page 2, after line 3, insert the following:

TITLE I—NATIONAL TRANSPORTATION SAFETY BOARD

Page 2, line 4, strike "2" and insert "101".

Page 3, line 3, strike "3" and insert "102".

Page 3, line 20, strike "4" and insert "103".

Page 5, line 6, strike "5" and insert "104".

Page 6, line 13, strike "6" and insert "105".

Page 6, after line 16, add the following:

TITLE II—APPLICABILITY OF SCHOOL BUS SAFETY STANDARDS

SEC. 201. PROHIBITION ON PURCHASE, RENTAL, OR LEASE OF NONCOMPLYING 15-PASSENGER VANS FOR USE AS SCHOOLBUSES.

(a) PROHIBITION.—Section 30112(a) of title 49, United States Code, is amended—

(1) by inserting "(1)" before "Except as provided in this section"; and

(2) by adding at the end the following:

"(2) Except as provided in this section, sections 30113 and 30114 of this title, and subchapter III of this chapter, a person may not purchase, rent, or lease any motor vehicle designed or used to transport 9 to 15 passengers that the person knows or reasonably should know will be used significantly to transport children from child care and preprimary, primary, and secondary school students to or from child care facilities, school, or an event related to school, unless the motor vehicle complies with the motor vehicle standards prescribed for schoolbuses under section 30125 of this title.".

(b) LIMITATION ON APPLICATION.—Subsection (a) shall not apply to any purchase, rental, or lease of a motor vehicle required under a contract entered into before the date of enactment of this Act.

SEC. 202. PENALTY.

Section 30165(a)(1) of title 49, United States Code, is amended—

(1) by striking "A" before "person" and inserting "(A) Except as provided in subparagraph (B) of this paragraph, a"; and

(2) by adding at the end the following:

"(B) The maximum amount of a civil penalty under this paragraph shall be $25,000, in the case of—

"(i) the manufacture, sale, offer for sale, introduction or delivery for introduction into interstate commerce, or importation of a schoolbus or schoolbus equipment (as those terms are defined in section 30125(a) of this title) in violation of section 30112(a)(1) of this title; or

"(ii) a violation of section 30112(a)(2) of this title.

"(C) Subparagraph (B) does not affect the maximum penalty that may be imposed under subparagraph (A) for a related series of violations.

"(D) Notwithstanding section 3302(b) of title 31, penalties collected under subparagraph (B)—

"(i) shall be credited as offsetting collections to the account that funds the enforcement of subparagraph (B);

"(ii) shall be available for expenditure only to pay the costs of such enforcement; and

"(iii) shall remain available until expended.".

H.R. 1527

OFFERED BY MR. UDALL OF COLORADO

AMENDMENT NO. 2: Page 2, after line 3, insert the following:

TITLE I—NATIONAL TRANSPORTATION SAFETY BOARD

Page 2, line 4, strike "2" and insert "101".
Page 3, line 3, strike "3" and insert "102".
Page 3, line 20, strike "4" and insert "103".
Page 5, line 6, strike "5" and insert "104".
Page 6, line 13, strike "6" and insert "105".

Page 6, after line 16, add the following:

TITLE II—ENHANCED VAN SAFETY

SEC. 201. DYNAMIC ROLLOVER TESTING PROGRAM.

(a) REQUIREMENT FOR ROLLOVER TESTING.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation, under section 30117(c) of title 49, United States Code, shall—

(1) develop a dynamic test on rollovers by 15-passenger vans for the purposes of a consumer information program; and

(2) carry out a program of conducting such tests.

(b) AMENDMENT.—Section 30117(c) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking "Not later than 2 years from the date of the enactment of this subsection,"; and

(2) in paragraph (3) by inserting after "or less" the following: ", and to vans designed or used to carry 9 to 15 passengers, including the driver, irrespective of gross vehicle weight rating".

SEC. 202. NEW CAR ASSESSMENT PROGRAM.

The Secretary of Transportation shall require the testing of 15-passenger vans at various load condition levels as part of the rollover resistance program of the National Highway Traffic Safety Administration's new car assessment program.

SEC. 203. TESTING AND EVALUATION OF VAN STABILITY TECHNOLOGICAL SYSTEMS.

(a) REQUIREMENT FOR TESTING AND EVALUATION.—The Secretary of Transportation shall test and evaluate various technological systems to determine the effectiveness of such systems in assisting drivers of 15-passenger vans to control the vans under conditions that cause vehicle rollover.

(b) SYSTEMS TESTED.—The technological systems tested and evaluated under this section shall include electronic stability control systems, rear-view mirror-based rollover warning systems, traction systems, lane departure systems, and antilock brakes.

(c) CONSULTATION.—The Secretary of Transportation shall consult with manufacturers of 15-passenger vans in the testing and evaluation of technological systems under this section.

SEC. 204. APPLICATION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall issue a final rule initiated pursuant to the proposed rulemaking published in the Federal Register on January 11, 2001, Docket No. FMCSA-2000-7017, relating to the application of Federal motor carrier safety regulations to the commercial operation of 15-passenger vans.

SEC. 205. DEFINITION.

In this title, the term "15-passenger van" means a van designed or used to carry 9 to 15 passengers, including the driver.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

H.R. 1527

OFFERED BY: MR. UDALL OF COLORADO

Amendment No. 3: Page 2, after line 3, insert the following:

TITLE I—NATIONAL TRANSPORTATION SAFETY BOARD

Page 2, line 4, strike "2" and insert "101".
Page 3, line 3, strike "3" and insert "102".
Page 3, line 20, strike "4" and insert "103".
Page 5, line 6, strike "5" and insert "104".
Page 6, line 13, strike "6" and insert "105".

Page 6, after line 16, add the following:

TITLE II—ENHANCED VAN SAFETY

SEC. 201. DYNAMIC ROLLOVER TESTING PROGRAM.

(a) REQUIREMENT FOR ROLLOVER TESTING.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation, under section 30117(c) of title 49, United States Code, shall—

(1) develop a dynamic test on rollovers by 15-passenger vans for the purposes of a consumer information program; and

(2) carry out a program of conducting such tests.

(b) AMENDMENT.—Section 30117(c) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking "Not later than 2 years from the date of the enactment of this subsection,"; and

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SEC. 205. DEFINITION.

In this title, the term "15-passenger van" means a van designed or used to carry 9 to 15 passengers, including the driver.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

TITLE III—APPLICABILITY OF SCHOOL BUS SAFETY STANDARDS

SEC. 301. PROHIBITION ON PURCHASE, RENTAL, OR LEASE OF NONCOMPLYING 15-PASSENGER VANS FOR USE AS SCHOOLBUSES.

(a) PROHIBITION.—Section 30112(a) of title 49, United States Code, is amended—

(1) by inserting "(1)" before "Except as provided in this section"; and

(2) by adding at the end the following:

"(2) Except as provided in this section, sections 30113 and 30114 of this title, and subchapter III of this chapter, a person may not purchase, rent, or lease any motor vehicle designed or used to transport 9 to 15 passengers that the person knows or reasonably should know will be used significantly to transport children from child care and preprimary, primary, and secondary school students to or from a child care facility, school, or an event related to school, unless the motor vehicle complies with the motor vehicle standards prescribed for schoolbuses under section 30125 of this title.".

(b) LIMITATION ON APPLICATION.—Subsection (a) shall not apply to any purchase, rental, or lease of a motor vehicle required under a contract entered into before the date of enactment of this Act.

SEC. 302. PENALTY.

Section 30165(a)(1) of title 49, United States Code, is amended—

(1) by striking "A" before "person" and inserting "(A) Except as provided in subparagraph (B) of this paragraph, a"; and

(2) by adding at the end the following:

"(B) The maximum amount of a civil penalty under this paragraph shall be $25,000, in the case of—

"(i) the manufacture, sale, offer for sale, introduction or delivery for introduction into interstate commerce, or importation of a schoolbus or schoolbus equipment (as those terms are defined in section 30125(a) of this title) in violation of section 30112(a)(1) of this title; or

"(ii) a violation of section 30112(a)(2) of this title.

"(C) Subparagraph (B) does not affect the maximum penalty that may be imposed under subparagraph (A) for a related series of violations.

"(D) Notwithstanding section 3302(b) of title 31, penalties collected under subparagraph (B)—

"(i) shall be credited as offsetting collections to the account that funds the enforcement of subparagraph (B);

"(ii) shall be available for expenditure only to pay the costs of such enforcement; and

"(iii) shall remain available until expended.".

SENATE—*Tuesday, May 13, 2003*

The Senate met at 10:01 a.m. and was called to order by the Honorable JOHN ENSIGN, a Senator from the State of Nevada.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. Charles V. Antonicelli, of St. Joseph's Catholic Church on Capitol Hill.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Almighty God, we glorify Your Name as we ask You to hear our prayers. With the Psalmist we say, "To my words give ear, O Lord, give heed to my groaning. Attend to the sound of my cries, my King and my God.

"It is You whom I invoke, O Lord. In the morning You hear me; in the morning I offer You my prayer; watching and waiting."

In a special way today we pray for those killed in a senseless act of terror in Saudi Arabia yesterday. Grant us Your peace, Lord, which we so desperately desire.

Bless Your faithful servants today, Lord, as they come together in this Senate to deliberate and discern. Give them a spirit of compromise and consensus so that their decisions may benefit all in their care.

We ask this in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN ENSIGN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 13, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN ENSIGN, a Senator from the State of Nevada, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ENSIGN thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will be in a period of morning business to allow speakers to discuss and introduce legislation or to speak on the topic of their choice. It had been our expectation that the amendment process on the jobs/growth bill would begin this morning; however, that will be delayed until later today.

Today, we do have a Senate delegation out of town attending the funeral of former Senator Russell Long, and that delegation will not return until early this evening. In addition, the Finance Committee will need to meet this evening to report out the reconciliation measure. The Senate will then immediately begin its consideration. This will allow us to begin to use time under the statutory time limit as well as begin the consideration of germane amendments this evening.

I say to my colleagues, we will have to work late each night this week. At the end of last week I mentioned it was going to be a very busy week, and due to the delays which we are experiencing, it means we will be working late each night this week and through Friday.

Following morning business today, we will resume consideration of the energy bill. Pending to the energy bill is the bipartisan Frist-Daschle ethanol amendment. I understand there are additional speakers on that amendment.

Also, as I mentioned last week, there are a number of pressing issues that the Senate must address prior to the Memorial Day recess. First, we will finish the jobs/growth package this week. We have the statutory time interval of 20 hours of debate which will begin as soon as the Finance Committee reports out the reconciliation bill tonight.

Also; as I mentioned last week, this week the Senate will consider the bipartisan global HIV/AIDS legislation. This measure has broad support across both sides of the aisle, and it is my hope that we will be able to work out an agreement this morning or over the course of the day that will allow the Senate to pass this bill after a reasonable period of consideration later this week.

Third, we also have an order to consider the debt limit extension bill with a limited number of amendments. My colleagues on the other side of the aisle have indicated they would not delay this bill once we bring it up. I hope it will not be necessary for all of the 12 Democratic amendments to be offered once we do bring up that bill. I believe everyone does understand the need for fiscal continuity and the importance of getting a debt limit bill to the President's desk before the Memorial Day recess.

As for next week, we will be considering the Department of Defense authorization. The chairman and the ranking member of the Armed Services Committee have done yeoman's work to get the Department of Defense authorization bill ready for floor action. We will proceed to full Senate consideration of that bill early next week.

Needless to say, again, as I mentioned at the end of last week, we have a very busy 2 weeks really with 9 legislative days prior to the recess. I do ask for all Members' cooperation in the coming weeks as we move through these important issues.

The ACTING PRESIDENT pro tempore. The assistant minority whip.

Mr. REID. Mr. President, if I could. I know the distinguished majority leader has a statement to make on an important subject. While he is here, as we begin today's session, I have a couple of questions.

First, with the order that was entered last night, we are in morning business until 12:30; is that what the leader intends to do?

Mr. FRIST. Mr. President, it was not specified last night, but our intent was to do morning business for an hour and at 11 o'clock to come back to the energy bill to continue the opening statements and comments and discussion on the ethanol amendment that was offered last week.

Mr. REID. Mr. President, I say to the leader, we would be happy to cooperate in any way that will make things move more quickly. We do have a number of Senators—Senator CONRAD, Senator STABENOW—who wish to speak, and so I am not sure they can complete everything by then, but we will enter into an agreement that we can get to the energy bill as quickly as possible.

I am not going to do this in the form of a unanimous consent request because I did this yesterday—and there is no need to do this again—other than to say. I think it would be in the best interest of the Senate if today we immediately move to the debt limit bill. The leader has indicated what he wishes to finish this week. We believe it would be good to do this prior to the tax bill. We could finish it today. We could be in a position where we could complete the votes even tonight when the people return from the Long funeral.

So I would hope the majority leader would consider allowing us, rather than going to the energy bill, which we are not going to make much progress on—and my personal feeling is we will not finish that bill until the leader gives us a lump of time that says we are going to finish the bill. So, anyway, I hope we can move to the debt limit bill as expeditiously as possible. That is why we have this agreement which is standing dealing with H.J. Res. 51, that we have a limited number of amendments. We have indicated there would be no filibuster. So I would hope we could move to this as quickly as possible.

Mr. FRIST. Mr. President, I appreciate the assistant Democratic leader making the request and stressing the importance of dealing with the extension of the debt ceiling. It is an issue we have to address. We have a number of issues that are pending, that are underway, and one is the energy bill introduced last week, with an amendment that is currently on the floor that I would like to come to this morning and continue. It is business that is underway.

Secondly, the jobs and growth package is an issue that, at the end of last week, we committed to go to very early. I very much want to get this out of the Congress before the recess, if at all possible. That means we do need to go to that as soon as possible.

The third priority I have set and laid out last week is the HIV/AIDS bill. I will make a few comments on that shortly, why I believe it is urgent for us to pass that particular legislation. Then, in this order, the fourth is the debt ceiling which has to be dealt with before we leave. I will be in consultation with the Department of the Treasury in terms of the exact timing of that. The sequence of events will be as I outlined as we go forward.

Mr. REID. Mr. President, we understand the importance of each one of these measures. We understand the importance of global AIDS. I think it is important that we have a bipartisan approach, and the majority leader, as a physician, has helped us move into that position. Keep in mind, this is an authorization bill. We have to do authorizations before we do appropriations. With regard to its urgency, it is important we get it done so that during the appropriations process we can give some money to the programs that are authorized. As far as it being as urgent as the tax bill or the debt ceiling is concerned, it is down the list in that regard.

Senator FEINGOLD wishes to speak. I will work with the floor staff as soon as the majority leader completes his statement to try to figure out how much time we need on this side. While it is the decision of the leader to move to energy, we think we should move to the debt limit. But the leader makes that decision. We will work out with the floor staff as to how much time we need for this side.

HIV/AIDS

Mr. FRIST. Mr. President, the sequence we just walked through is very important. The sense of urgency for the HIV/AIDS legislation, for me, really boils down to the fact that every 10 seconds somebody is dying from this little virus, and that is something that is going to take leadership from the United States—the President, the Senate, and the House of Representatives—to act upon. Indeed, the President has acted; the House of Representatives has acted. The last hurdle to the reality of the United States being the true world leader in fighting HIV/AIDS is this body. When every 10 seconds a person is dying and we can make a difference, it becomes urgent, not just to this physician but to the Congress and to the United States.

Following the jobs and growth package this week, we will immediately turn to H.R. 1298, which is the bipartisan United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. I plan to bring that to the floor as soon as we complete the jobs and growth package and to complete it this week. It is my hope we will have good debate. We will have good debate. There are people on both sides of the aisle who have participated aggressively in the discussion and, indeed, have moved legislation—not successfully—but moved legislation forward in this body. We will have the debate. We will dispose of the amendments and proceed to final passage by the end of this week on this urgent issue.

For the past 5 years, I have worked with Senators on both sides of the aisle, and House Members, all of whom are devoted to the idea that the United States can and, even more importantly, must play a leading role in our response to this global health crisis. It has taken a long time for people throughout the world, indeed the United States and—maybe a little bit longer than I and others would like—for the Congress to realize what a moral crisis, what a public health crisis this pandemic is, all caused by a virus, an infection which emerged in this country about 22 years ago—in 1981, not that long ago.

In previous Congresses, we passed legislation at the committee level. Sweeping legislation to accomplish the establishment of the U.S. leadership on the virus has been considered, but it has never made it into law. Now we have that opportunity. Indeed, I am committed to see that we seize that opportunity this week with no delays because it is such a huge global issue, an issue which I regard as one of the greatest moral challenges we have seen in this country in the last 100 years.

I have chosen to begin our debate with H.R. 1298 because it is the bill that offers us the best hope that we can get the job done in an expeditious fashion and one that best assimilates the thoughts and ideas and works of past legislation from this body, on both sides of the aisle, as well as in the House of Representatives.

What is making it possible now, after 5 years of working on this issue personally, again with colleagues from both sides of the aisle—it is very clear—is the leadership of the President of the United States. It was his statement in the State of the Union Address this year where the President didn't just use rhetoric or give lip service to the fight against this virus, but he made an unprecedented commitment to this public health challenge in a 5-year, $15 billion effort to combat HIV/AIDS globally. It was unprecedented. The President has claimed for our Nation the leading role in fighting this aggressive virus, this destructive virus, a virus that daily continues to take the lives of thousands of innocents, resulting in about 13 to 14 million young children today as orphans, and even that number will go to 30 to 40 million over the next 15 years.

It should be recognized that the bipartisan bill we will consider is a product of a lot of work. People say it is a House-written bill. If you look at it, first, it is overwhelmingly bipartisan; secondly, if you read through the legislation, you see that it draws upon much of the effort from this body, on both sides of the aisle, from the various committees, that have addressed emerging infections in the past—from this body as well as the House.

In the pages of that legislation, we will find much that is familiar in the proposals we have tried to pass before. Thus, Democrats and Republicans, once they read the bill, can claim satisfaction by finding that many of the provisions have been authored from Members on both sides of the aisle. That is the bill that is so close to becoming law. That is the bill we will be debating.

The consensus on the legislation to fight global HIV/AIDS is deep, but I have to say it is very narrow. I don't reveal any secrets in acknowledging that there are very strong differences around the margins of this debate. But what is truly remarkable—people will see this as they look at the legislation itself, and I find it very encouraging—is that we have come to this point of consensus that will permit us to get this bill through this last hurdle, through the Congress, and to the President of the United States.

The bill we bring to the floor does offer a 5-year plan, $15 billion to combat HIV/AIDS on a global scale. The bipartisan support is reflected in the fact that only one House Democrat voted against this bipartisan compromise bill. Thus, it is not a Republican bill; it is not a Democrat bill; it is a bipartisan bill.

The vote in the House of Representatives was 375 to 41. The President and White House staff have reviewed the House bill, and the White House has informed me that the President would sign this bill as it currently stands. This means that Senate passage is the only remaining hurdle in the way of this 5-year, $15 billion commitment by the United States of America in the global fight against HIV/AIDS.

We must pass this bill. We must pass this bill this week. I know some of my colleagues would change the legislation and tweak it, given the opportunity. I know some would add a little here and take away some there, change the language as it is written. In a perfect world, I would like to make several changes in the bill that I think have some merit. But as someone who has invested years of my own life, in terms of developing the legislation in this fight against AIDS and in educating others about this issue, and as a physician and someone who is familiar with infectious disease and has experience in treating this virus very directly, I have reflected on ultimately what is most important.

My conclusion is that it is important for us to pass this legislation now and get this program established without further delay—not 6 months from now, not 3 months from now, not a month from now. It is a moral issue, and history will ultimately judge how this body responds to this devastating virus. There is no change I could personally propose to this legislation that is so significant that it would cause a delay in getting this bill to the President. Therefore, when we bring up the bill, I intend to offer no amendments. I will argue against any amendments. It is my hope that other Senators will reach that conclusion as well.

The bill is a 5-year authorization and it is important for us to remember that no matter what final shape this bill takes as we pass it, this is the first major step. We still have a lot of work to do, but this is the first major step. We will have the ability in future authorizations and in the appropriations process to make other changes, to take the next step as they prove necessary. But now is the time for us to get the job done, create the capacity for that global response, and to give the President of the United States the leverage he needs to attract similar leadership from the world's other wealthy nations.

With this legislation, the United States of America will clearly be leading this fight and will become an example for the other wealthy nations to participate. Simply put, too many innocent children and men and women and young people have been infected by this terrible virus. Too many have died. We have failed to act in the past. We have had good intentions, but we have failed to act in the past. We must not fail these people again. This is our opportunity.

In closing, I appeal to my colleagues on both sides that we join together in passing this bipartisan bill. I acknowledge that it is not a perfect bill, but my conscience does not permit me to let the perfect be the enemy of the good. This is, without a doubt, one moment to put the global interests of others above our own differences and to do our work, to do good, and to reaffirm that which makes the United States of America not just a powerful Nation but indeed a great Nation.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, it is my understanding that the majority wants to move to the energy bill as quickly as possible. We have two speakers. Senator FEINGOLD wishes to speak for 25 minutes and Senator STABENOW wishes to have 15 minutes. That would be a total of 40 minutes. If there are no intervening speeches, we can move to the energy bill at approximately 11:10.

Mr. ENZI. Mr. President, I have also asked for some time to speak to introduce a bill.

Mr. FRIST. Mr. President, I suggest that we have a speaker for whatever time on that side and then come back to Senator ENZI and then back to his side.

Mr. REID. Mr. President, I received a note that Senator MIKULSKI also wishes to speak for 10 minutes. If there are intervening Republicans who wish to speak, we certainly understand that.

I ask unanimous consent that before we move to the energy bill, Senator FEINGOLD be recognized for 25 minutes, Senator STABENOW for 15 minutes, and Senator MIKULSKI for 10 minutes. Also, Senator ENZI wishes to speak for 20 minutes.

Mr. FRIST. Mr. President, why don't we see what speakers we have. I have a general understanding. Let's begin the speeches now and we will alternate back and forth.

Mr. REID. Then we can go to the energy bill.

Mr. FRIST. As soon as we complete the list, we will go to the energy bill.

Mr. REID. Mr. President, I ask unanimous consent that that be the case.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

THE FIGHT AGAINST TERRORISM

Mr. FEINGOLD. Mr. President, last week, some of our colleagues came to the floor to discuss the President's recent appearance on the USS *Abraham Lincoln* and the propriety of that appearance. I, however, come to the floor today to discuss some of what the President said on the *Lincoln*, especially with regard to the fight against terrorism.

Mr. President, I rise today to talk about the fight against global terrorism—an effort that is surely our highest national security priority. I want to spend a few minutes talking about the fight against terrorism today because it is not at all clear to me that we are as focused on this mission as we should be. I fear that our mission has become obscured and our approach unfocused. I also fear that this confused approach will undermine our goal rather than enhance our security.

I had planned to make these remarks even before yesterday's terrible terrorist attacks in Saudi Arabia. Early reports indicate that those deplorable attacks killed several, including at least 10 Americans. Many more innocent people were wounded. Al-Qaida is strongly suspected to be responsible. Of course, my heart and all of our hearts go out to all of the families who are grieving today and to those who are left with the terrible uncertainty as they wait to hear news of loved ones.

More information will surely be emerging shortly, but Secretary Powell has already pointed out one of the most important conclusions that can be drawn from this incident in Saudi Arabia, and that is that those forces who would have us live in fear have not been destroyed.

I have no doubt that everyone in this Chamber was gratified to hear the recent better news about Pakistan's arrest of several members of an important al-Qaida cell, including a Yemeni man believed to be involved in the October 2000 attack on the U.S. warship *Cole* in Yemen. I look forward to more information about this development. But I also look forward to more information about another related matter.

The President reminded us on the USS *Lincoln* that he has pledged that terrorists who attacked America "would not escape the patient justice of the United States." I think the country expects nothing less. But how many people noticed when, according to reports, 10 men escaped from a prison in Yemen on April 11—10 men who apparently were being held on charges of involvement in the terrorist attack on the USS *Cole* that killed 17 American sailors, including one from my home State of Wisconsin?

I want to know—is this so? If so, how did they escape? Did they have assistance? Critically, why are we not hearing more about this? This escape occurred, apparently, just as our brave troops were entering Baghdad—at least in part in the name of stopping the threat of terrorism. But no one seems to be discussing at all this potentially dangerous lapse in Yemen. Did the perpetrators of the murder of 17 Americans on the USS *Cole* escape or not? And what does this mean? Americans pledge every day to never forget September 11, 2001. We pledge this to ourselves, to each other, and to the rest of the world, but I fear that the administration and the Congress are losing sight of our most important goals and priorities.

September 11 is invoked in some surprising and, I think, largely unrelated contexts. Sometimes the very idea of terrorism is used by some on the right and some on the left as a politically convenient attack on whomever or whatever they do not agree with. Rhetoric about September 11 and the fight against terrorism seems to be everywhere, and our distinguished colleague, the senior Senator from West Virginia, raised this very same issue in his remarks last week.

In many ways, the actual business of combating the terrorist organizations or organization responsible for the attacks on our embassies in Kenya and Tanzania, for the attack on the USS *Cole*, for the horror of September 11, and now possibly for last night's attacks in Riyadh, seems to be lost in the shuffle.

A few days ago, from the deck of the USS *Lincoln*, our President told the American people that "the battle of Iraq is one victory in a war on terror that began on September 11, 2001." And polls indicate a majority of the American people believe the Saddam Hussein regime was involved in the September 11 attacks. But I have never—I have never—not in hearings, not in classified briefings, I have never heard once our officials assert we have intelligence indicating this is the case.

President Bush was, of course, right to praise our dedicated service men and women during that speech for they have performed their duties with skill and bravery and superb professionalism. I enthusiastically join the President in thanking them and in welcoming those who are now coming home.

But I cannot and will not join in any attempt to blur what must be the necessary and principal focus on the international terrorist threat by too easily merging it with different issues, including the issue of Iraq.

Last October, I was not able to support the resolution authorizing the President to use force in Iraq. I felt that in terms of the constantly shifting justifications for an invasion and in terms of the mission and the plan for the engagement's aftermath, I felt the administration had not made a sufficiently compelling case for Congress to grant war powers to the President.

I had no problem granting such power to the President to make war on those who attacked this country on September 11, but Iraq was a different issue which, of course, is why it required its own resolution authorizing force. If, in fact, there was a connection in planning together for the 9/11 attack by Saddam Hussein and his agents and the perpetrators of 9/11 and al-Qaida, then I believe there was no need for additional authority and resolution.

The administration had and continues to have all the authority required to go after the perpetrators of 9/11, but Iraq was and is a different issue. In fact, many of us feared it would be a distraction from the urgent task of fighting terrorism. I said on the floor in October, right after the President's famous speech in Cincinnati, the administration's arguments regarding Iraq did not add up to a coherent basis for a new major war in the middle of our current challenging fight against the terrorism of al-Qaida and related organizations.

Of course, a majority of my colleagues in this Chamber voted in favor of authorizing the President to use force in Iraq. We did proceed, and the brave men and women of the United States military answered the call to service and performed brilliantly.

It is certainly my understanding when the Senate voted to authorize the use of force, and it remains my understanding today, that most Senators were convinced by the most compelling argument that the administration put forward. That is the one relating to Iraq's failures to comply with its obligations to verifiably dismantle and destroy its weapons of mass destruction program.

All of us recognize this as a serious issue, but now we are talking less and less about those weapons, it seems, and there is less and less clarity about this matter. So before returning to the principal issue of the fight against terrorism, let me spend a few minutes on the issue of WMD in Iraq.

I raise this issue not in an attempt to revisit the debate about our wisdom in the approach in Iraq and not because I am searching for a smoking gun. I raise it because it does matter whether or not we find WMD. Most importantly, it matters because if those materials were in the country in the first place and we cannot find them now, that is a security problem. Where did they go? Whose hands are they in? These are, obviously, very serious questions, and accounting for these materials cannot be written off as some sort of distraction or legalistic irrelevance.

Just yesterday the New York Times reported that the nuclear expert for the Army's Mobile Exploitation Team Alpha was unaware of any U.S. policy as to how to handle radioactive material that may be found in Iraq, material that could be used to make a dirty bomb. On Sunday, the Washington Post reported that the group directing the U.S. search for weapons of mass destruction in Iraq is "winding down operations" after a host of fruitless missions.

For months, I and others asked the administration: What is the plan for securing these weapons? We tried to understand how we would use the intelligence that was shared in the briefing room to quickly secure weapons of mass destruction and the means to make them. We asked the question for good reason. We were concerned that in the midst of the disorder and disarray likely to accompany military action and the fall of Saddam that WMD could be spirited out of the country or sold to the highest bidder, compounding the threat to the United States rather than eliminating it.

We were right to ask about this issue, and today it appears we either had a problem with our intelligence or we had an inadequate plan. Either way, we are talking about a serious problem that should be examined carefully and one that should not be repeated.

I also think the issue of weapons of mass destruction matters in terms of how the rest of the world and history will understand this undertaking in Iraq. Those perceptions and judgments do affect our security and global stability. We cannot afford to have the world believing the United States will conjure up pretexts to wage wars and overthrow governments around the world at will. That is not who we are, and it is not in our interest to be perceived in that fashion.

Do not misunderstand me, I am not suggesting at all this was conjured up. There is no doubt that Iraq was not in compliance with Security Council Resolution 1441 when this conflict began, but I think we need to continue to focus on disarmament to keep from muddying the waters with regard to our intentions, and I believe we should accept credible and qualified international assistance in this regard. Yes, what the rest of the world thinks surely matters.

Turning back to the paramount issue of the fight against terrorism, I believe we have to keep this truth about how we are perceived throughout the rest of the world in mind. Perhaps the most important form of American power projected over the last century has been the power of our ideas and our values. If we lose our capacity to lead in that sense, then all of us in Government will have presided over the greatest loss of power in American history, regardless of how much we spend on our mighty and admirable military forces. And we will have put ourselves at a great disadvantage, likely a decisive and crippling disadvantage, in the fight against terrorism, which is our first national priority, which is our first priority in terms of national security.

I recognize many issues are interlinked, that our approach to one policy issue may affect the course of the campaign against terrorism. There can be no doubt about our primary responsibility and our most important security concern. We should be having a more focused dialog and exercising our oversight responsibilities in a more focused way.

A tremendous number of questions came to the surface on September 11. How can we win a war against a shadowy network of nonstate actors? How can we define success? How will we know when we have been victorious? All of us, Democrats and Republicans, the Congress and the executive branch, waded through these questions recognizing that some answers would take time to take shape.

So today many questions remain. Where are we in this fight against terrorism? Our colleague Senator GRAHAM of Florida, one of the most respected Members of this body, suggested recently on the Today show that the war on terrorism has been "essentially abandoned over the past year," and that it is "a fundamental mischaracterization" to describe the war in Iraq as part of the fight against global terrorism." Both issues should be the subject of intense focus in Congress. How are we finding our way in this new kind of conflict? How stable and robust is the multilateral coalition committed to combating terrorism of global reach?

The task at hand is difficult enough without obscuring the issues. Recently when Secretary Powell testified before the Senate Foreign Relations Committee, he noted that Americans have concluded that terrorism must be eradicated. But, he said:

> Some in Europe see it differently. Some see terrorism as a regrettable but inevitable part of society and they want to keep it at arm-length and as low key as possible.

At this point, I am uncertain as to how to interpret this. Are our European partners really unconvinced of the need to fight terrorism? Which partners is he talking about? What steps are they unwilling to take to combat international terrorist organizations? These are real issues and the Secretary is quite right to raise them. But I am left uncertain. Are we conflating policy divergence on Iraq with divergence on international terrorism? Is that what we are talking about?

The President has asserted that:

> Any person involved in committing or planning terrorist attacks against the American people becomes an enemy of this country, and a target of American justice. . . . Any person, organization, or government that supports, protects, or harbors terrorists is complicit in the murder of the innocent, and equally guilty of terrorist crimes.

But if it is our policy to eradicate terrorist networks of global reach, then what does it mean when U.S. forces sign a cease-fire agreement with a designated foreign terrorist organization, as they did on April 15 with the Iraq-based Iranian organization known as the People's Mujahedeen or more formally as the Mujahedeen Khalq, the MEK? Are we making peace with terrorist organizations? For what purpose; to what end? Is there a question about the way we apply the terrorist organization designation? Now we read that the organization is surrendering weapons to U.S. forces in a reversal of the April 15 decision. What are the terms of this new agreement? The issues are difficult, but the elected representatives of the American people should be working on shaping the answers together, not picking up hints about ad-hoc decisions by scanning the wires.

Few would argue with the fact that this administration is intensely secretive. And, in this atmosphere of tightly controlled information, too often the elected representatives of the American people are stifled in our ability to fulfill Congress's very important oversight role. With only vague information at our disposal, it is difficult to assess progress or the wisdom of our policy course. The absence of clarity and the absence of data are dangerous. I think it endangers the American people.

The President was right when he said that we have not forgotten the victims of September 11. We have not, and we cannot. But in the same vein, we must not allow the mission that we accepted in the aftermath of that day to become an ever-shifting idea, one that we can never pin down in order to evaluate our performance and take stock of our needs. Let us hear less rhetoric and more about disturbing reports, such as the possible escape of the perpetrators of the dastardly attack on the USS *Cole*. That surely relates to the fight against terrorism. We certainly cannot permit the fight on terrorism, this most serious of issues, this horror that unites all Americans in resistance and resolve, to become a matter of rhetorical convenience. Our national security is at stake. We need clarity, we need focus, and we need candor. The American people deserve nothing less.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. I ask unanimous consent that during the period for morning business, the following Members be recognized to speak: Senator ENZI for 20 minutes, Senator STABENOW for 10 minutes, Senator MIKULSKI for 10 minutes.

I further ask consent that following those speakers, the Senate resume consideration of the energy bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. ENZI pertaining to the introduction of submission of S. 1044 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. COLEMAN). Under the previous order, the Senator from Michigan is recognized.

HELPING THE ECONOMY

Ms. STABENOW. Mr. President, I rise today as we are beginning the discussion in earnest about how to create jobs in our country, how to help the economy, how to be responsible as we do that and how to help the States. Certainly my home State of Michigan, as most States, is finding financial crisis.

As we do that, we hear a lot of words, a lot of rhetoric, a lot of slogans. One of those is that the President's proposal is a job and growth package and that colleagues on the other side of the aisle are involved in a job and growth package. Nothing could be further from the truth. In fact, we have 450 well-known economists in the country, 10 Nobel laureates, Chairman Greenspan, many around the country, saying this will not create jobs and it will not create growth. It is not a jobs program. It is not a growth program. We have 13 economists saying it is; 450 economists versus 13 economists.

I suggest the overwhelming opinion of those who have studied this question of how to create jobs, how to move the economy, and how to do it in a responsible manner, without creating a sea of red ink as far as the eye can see, the majority of those who have locked at this issue, the vast majority have said the plan by the White House and by the Republican majority does not do that.

In fact, it adds to what we unfortunately are on track to do, which is to see the worst job creation in 58 years. It is astounding what has happened in a very short time, going from budget surpluses, a boom in the economy in the 1990s, and now, in a very short time, to a turnaround where we are plummeting into debt. We are seeing close to the worst job creation in 58 years. What we are seeing from this record, over and over again, is the plan to give tax breaks for the privileged few will not create jobs. It did not create jobs in the 1980s when it was done.

The bill that was passed 2 years ago, in 2001, was the first round of the Bush tax breaks for the privileged few, and it has not created jobs. Now they are saying do it again.

In my home State just this last month, 17,700 workers lost their jobs. That is 17,700 families who lost income, possibly—probably losing health care, losing the opportunity to pay into a pension fund, losing the opportunity to buy that new home, that new car squeezing them in terms of being able to send their children to college.

Mr. President, that is 17,700 people in just 1 month in Michigan. In fact, we have had, since this administration came into power, over 178,000 people who have lost their jobs in my home State alone—178,000-plus people. Again, many of them lost their health care, lost the ability to care for their families and do what they need to do to create opportunity and security for their families.

In the last 2½ years we have seen an astounding 2.5 million private sector jobs lost. You have to go back over 50 years to see that kind of a record in this country. We certainly do not want to be going in that direction as a country.

What should we do? We do need to work together. We need to work across the aisle to do what is necessary to get the economy going, create jobs, and protect Social Security and Medicare for the long haul. Unfortunately, what we are seeing is a replay of the 1980s that put us into double digit unemployment, double digit interest rate increases, and tripled the national debt. We are seeing a replay of what was passed 2 years ago now that has caused us to plummet in terms of the budget situation and the economy and unemployment.

My question is, Why in the world are we going to do this again? Why in the world would we use the same policies that have not worked? We have this saying we use a lot in Michigan: The first step in getting out of a hole is to stop digging. What we are seeing is the digging of a deeper and deeper hole. In fact, we have seen a $7 trillion fiscal collapse in just the last 2 years. I find this most disturbing. It is extremely worrisome, and every single American I know shares this concern.

When we combine the tax policies 2 years ago, the tax cut for the privileged few passed 2 years ago—and by the way, I am all for putting money in people's pockets. The question is, Whose pockets? We want to make sure it goes into the pockets of the majority of Americans who will spend and drive this economy. That is not what happened 2 years ago.

But if we were to make that permanent and we were to take the other proposals that have come forward in some variation, certainly from the President, what we see as we look to the future is that $14.2 trillion is taken out of Federal resources. There is $14.2 trillion of projected loss or deficit.

Compare that to the projected Medicare and Social Security deficit over the same time. That is $10 trillion. So we are talking about a hole that is bigger than Social Security and Medicare combined, in terms of the deficit for the future.

I sit on the Budget Committee. We look at these numbers. We are seeing red ink proposed as far as the eye can see, red ink that is far greater than what is projected on Medicare and Social Security. We see the baby boomers retiring in just a few years in large numbers. Many of us ask the question: How in the world can this be justified? How in the world can anyone look at these numbers and say we are going to put our country in this huge debt, greater than the liability of Medicare and Social Security, and then meet our obligations to our seniors, to those retiring, those who have paid in throughout their working years into a system that has, in fact, brought people out of poverty and guaranteed health care once you are age 65 or are disabled?

The pattern I have heard back too many times, and it is extremely worrisome, is that you assume Medicare and Social Security will be there as we know it.

I do assume Medicare and Social Security will be there as we know it. Fundamental to this debate right now on this tax cut, when we know economists say overwhelmingly say it is not going to work, it is not going to create growth, it is going to give tax cuts to the privileged few in our country at the expense of everyone else—why in the world, then, would someone propose this? Why in the world would someone propose something that would create massive debt, jeopardize Social Security and Medicare, for a tax break for only a few people?

I believe the real purpose is to privatize Medicare and Social Security. We see over and over again disparaging comments being made, particularly now, about Medicare. Just recently Tom Skully, the administrator of the Center for Medicare and Medicaid Services, said when he was in Pennsylvania at a public meeting—this was quoted in the press and others who were there heard this and responded accordingly; many seniors were very upset and were disagreeing with this, but Mr. Scully said, when talking about the Medicare Program:

> It was an unbelievable disaster.

And:

> We think it's a dumb system.

So we have a situation now where we are seeing a setup to create this huge debt and then we are being told we can't afford Medicare and Social Security as we know it. We can't afford to provide real prescription drug coverage for our seniors on Medicare right now. That is too expensive to do. We can't afford it. We can't afford Medicare as we know it.

I believe what is fundamentally happening is a situation to set up the ability to eliminate Medicare as we know it because of a belief that it is "an unbelievable disaster" and "a dumb system."

I do not believe Medicare is a dumb system. I believe that Medicare and Social Security are great American success stories. They have brought the majority of seniors out of poverty in this country. They have created a safety net so when an Enron employee finds that his or her entire life savings are wiped out, there is at least a foundation on Social Security that they have paid into throughout their life.

I also believe that when we are seeing millions of Americans without health care, an explosion in prices on private sector health care for large and small businesses, Medicare seeing a smaller rate of growth—the only part of universal health care we have where you are guaranteed that when you reach age 65, you will have health care, or if you are disabled, you will have health care—this is not the time to be rolling back that system or eliminating that system.

When we hear the words "reform," "dumb system," it is a "disaster," it "doesn't work and we can't afford it," I would say to my colleagues that the only reason we will have to have a discussion about the financial viability and whether or not we can afford it is the tax proposals currently on this floor. If we choose as an American value to put the quality of life of all of our citizens first and access to health care first for seniors, prescription drug coverage, a foundation of Social Security that will be there for all of us—if we put that as a value first, we can make sure that it is there for the future.

I believe we need to modernize Medicare. I believe, as Secretary Thompson said in our Budget Committee, that we need to focus more on prevention. I share his belief that this is a system which needs to be moved and modified, focusing more on prevention; that there are ways to streamline it with less bureaucracy and paperwork for our doctors and hospitals and other providers. And it needs to be updated to cover medication. There is not a health care policy today that would be designed without prescription drugs coverage, if it is going to be a real health care policy. That is the major way we provide health care today.

There is no question, it needs to be updated. But it is not a "dumb" system, it is not an "unbelievable disaster," and it is not unaffordable if we make the right decision.

I ask my colleagues to consider what is really going on in the broadest sense as we debate the tax bill. We have an alternative. We don't have to set up a situation where we take $14.2 trillion out of Federal resources at a time when we will have a projected deficit in Medicare and Social Security of $10 trillion. We don't have to do that. We have an alternative.

I am proud to be supporting the Democratic alternative that in fact creates more jobs, gives a tax cut to every taxpayer—not just a privileged few—and that helps our States so they don't have to raise local taxes, creates a situation where we can help small business and help individuals in the short run but does it responsibly. We can create jobs, opportunity, and prosperity without creating a situation where Medicare and Social Security are jeopardized for the future.

That is what this is about. This tax bill cannot be debated in isolation. I know what is going to happen. If this tax bill passes, we will have another debate on Medicare, and we will be told we can't really provide prescription drug coverage to everybody, we don't have the money, and, by the way, we have to change Medicare, we have to reform Medicare, we have to privatize it, and we have to put it back in the private sector because we can't afford to provide Medicare as we know it anymore for our seniors. That debate will have been done after we have created this deep hole, which would be done on purpose.

I urge that we take another look. There is a way to create jobs. There is a way to create opportunity. There is a way to create prosperity. We would very much like to join with our colleagues on the other side of the aisle to do that. There is a way to do that which is fiscally responsible and which protects Medicare and Social Security.

I urge the support of all of my colleagues for that approach which will be put forward. I urge my colleagues to take another look at what is being suggested here and stand with us to protect the long-term solvency of Medicare and Social Security.

The PRESIDING OFFICER. Under the previous order, the Senator from Maryland is recognized for 10 minutes.

Ms. MIKULSKI. Thank you very much, Mr. President.

Mr. President, I understand that the Republicans introduced the wrong tax bill yesterday. I think they got it right. I think the tax bill is the wrong bill. I don't think it was a drafting problem. I think it is an economic problem. I don't think this tax bill is the right solution to what our economy is facing. The tax bill is the wrong bill. It is the wrong bill because it does not create jobs; it adds to our structural deficit; and it doesn't deal with the other economic issues facing our country.

I would like to have an economic package which clearly helps create jobs. If we are going to give tax breaks, they should be targeted to help families and small businesses. They should be temporary, such as aid to States and local communities that are reeling with their own problems. And they should not in any way weaken Social Security or weaken Medicare.

I think the tax bill is the wrong bill.

I believe if we put our heads together and think about targeted tax credits, we can help small business with health care and help families. Later on this week, I will offer an amendment to the tax bill to provide relief for family caregivers and help those who face the crushing consequences of caring for chronically ill family members.

Families are hurting. There is a weak economy. They worry about their jobs. They worry about their pension. They worry about skyrocketing health care. They are often holding down two jobs to make ends meet or are going into debt in order to put their children through college. They are finding it more difficult to be able to afford health insurance.

My targeted tax credit will give help to those who practice self-help. I think that should be a guiding principle. Let us give help to those who practice self-help.

My bill will provide a tax credit up to $5,000 for family caregivers who are caring for someone with a chronic condition.

Who would that be? Some families are facing extraordinary challenges—caring for loved ones with special needs, a child with autism or cerebral palsy, a parent with Alzheimer's or Parkinson's, or a spouse with multiple sclerosis. Those are just a few examples of what I mean by a chronic and severe condition.

My tax credit would help people pay for prescription drugs, home health care, specialized daycare, respite care, and specialized therapy, including occupational, physical, or rehabilitation therapy.

Family caregivers face so many stresses. There is the emotional and physical stress of caregiving. Then there is the financial stress of caregiving, and the long days of raising a family while caring for a loved one with a chronic disease such as cerebral palsy or Parkinson's. A dad would have to work two jobs to meet the cost of care for a handicapped child, or a dad and mom might be working to be able to afford the special care for grandma. It places incredible stress on the family checkbook, and it places great strains on the family marriage.

We need to give help to those families who are practicing self-help. If you took the total cost of caregiving, it would be $200 billion.

The first caregivers are the families—not government. But government should help the family with its responsibilities. They face high costs for prescription drugs, home health, adult daycare or specialized daycare for a handicapped child, physical therapy, durable medical equipment such as a wheelchair, and medical bills for care by specialists.

People who care for a chronically ill family member must often patch together whatever they can afford. They really go into debt. Many of them go into their college accounts or retirement savings or they go without in order to be able to care of their family.

Example one: Let's talk about a family in Baltimore who has a child named Jackson. These are real families. They gave me permission to talk about them on the Senate floor so that we would again be focusing on what a family is facing. Family responsibility, yes, but a family's stress needs to be helped.

This family has a 2-year-old son named Jackson. He was born with severe brain abnormalities. He has the motor skill development of a 4-month-old. This little guy has daily seizures, so he needs total, round-the-clock care. The emotional costs of caring for a severely disabled child are incalculable. The financial costs are also crushing.

It costs $650 a month for daycare for medically fragile children. His little wheelchair costs $1,400. Though his skills are not growing, he is growing, so they need to frequently replace his wheelchair. He even needs a special shower chair which costs $700. Then, of course, with all of those seizures and all the other complications, the cost of prescription drugs goes off the charts.

Let's talk about another family.

This is a family in Rockville. They have a 10-year-old girl named Rachel. She has autism. The mom does not work because the cost of specialized afterschool care would be so high; yet the family has very high costs, including $200 a month for medication, $150 a week for physical and speech therapy. That is $600 a month for physical and speech therapy. So that is $800 a month or $9,600 a year for just medication and physical and speech therapy.

This father works 70 hours a week to provide for his family and to meet Rachel's special needs but also to save for college for his three other children. This places great stress on the family.

Then there is a couple where the wife is in the advanced stages of Alzheimer's. She was a teacher and spoke five languages. Now she needs 24-hour-a-day care, but the husband will not put her in a nursing home, which, by the way, would cost over $60,000 a year. This family is spending $3,000 a month or $36,000 a year. They have gone through their savings, but they took a vow, "for richer or for poorer, and in sickness and in health," and that man intends to keep his vow to his wife.

What is the social contract that we have with those families? These are real families. This is why we need to have a real tax bill that also gives help to those who practice self-help. There are 26 million people in this country who face those situations.

My amendment has been backed by the Autism Society of America, the Cystic Fibrosis Foundation, Easter Seals, the National Organization for Rare Disorders, the United Cerebral Palsy Association, Arc of the United States, the National Health Council, the National Council on the Aging, Paralyzed Veterans of America, Family Voices, the National Respite Coalition, the National Family Caregivers Association, and the National Alliance for Caregiving.

Mr. President, one of my first milestones in the Senate was the enactment of something called the Spousal Anti-Impoverishment Act. That changed the cruel rules of Medicaid so families would not go bankrupt before they could get help for nursing home care.

I said: Family responsibility, yes, and always. Family bankruptcy due to the cruel rules of government, no.

That has helped over 1 million people. Now it is our turn to also help the caregivers. They are the backbone of our long-term care in this country.

I thank my colleagues, Senators CLINTON and SARBANES, and others, for supporting this amendment. If we really want to help the economy, let's start by helping the American family. I hope, when the Senate considers whatever is introduced, Senators will favorably consider my targeted tax credit to help family caregivers.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Thank you very much, Mr. President. I would like to take a few minutes today to discuss the state of the American economy and discuss why I believe new tax cuts are the wrong economic medicine right now.

I was one of the 12 Democrats who voted for a major tax cut in March of 2001. And I want to just bring to everybody's attention what the situation was then.

In March 2001 we were in our third year of surplus in the budget. We were projected to run a $5.6 trillion surplus through 2010. So it seemed an appropriate time to return some of that surplus to taxpayers, just as a business would do when that business was doing well. That is when a business would consider dividends for its investors or bonuses for its employees. That was 7 months before 9/11. Today we face cumulative deficits of approximately $2 trillion over 10 years. And that is the conservative estimate. Goldman Sachs estimates it at double that. We also face huge long-term shortfalls in the Medicare and Social Security trust funds.

Since late last year, the administration has been pushing for a second large tax cut, some $726 billion in tax breaks that would actually provide little upfront stimulus. The centerpiece of the President's proposal is a plan to eliminate taxes on corporate dividends.

Half of the benefits of that plan would be realized by taxpayers earning over $200,000 a year, and the plan would do nothing for the millions of Americans who hold stocks only through retirement plans that are already tax advantaged. At the same time, my State, California, would lose over $20 billion over the next 10 years as a result of lower direct tax revenue and higher interest rates on municipal bonds.

State budgets cannot afford to lose these costs, and neither can the Federal budget. The budget report which recently passed Congress locks us into deficits for the next 10 years, totaling some $2 trillion over that period.

In his State of the Union Message, the President stated:

> We will not deny, we will not ignore, we will not pass along our problems to other Congresses, to other presidents, and other generations.

I cannot agree with that sentiment more, but that is not what has happened. Exactly the opposite has happened.

Whether the tax cut ends up at $150 billion or $350 billion or $550 billion, it will all be financed by deficit spending. Every dollar in new tax cuts that passes this Chamber is a dollar we cannot afford to spend. We will not pay for it now, but our children are going to pay for it later.

Our current deficit is projected to be $347 billion this year, although many estimate the number will more likely be closer to $400 billion by the end of the fiscal year. And it is estimated to be $385 billion next year. These estimates do not include additional costs of rebuilding Iraq or new legislation not included in the President's budget.

The deficits now projected are neither small nor are they short term. Rather, they are the largest in history. The only way that the budget resolution which came out of conference committee achieves balance is by expecting unrealistic cuts to discretionary spending after 2008.

To put some perspective on the size of the deficits expected this year, it is useful to compare it to nondefense discretionary spending. This year we are projected to spend $385 billion for everything outside of entitlement programs and defense. That includes funding for education, law enforcement, transportation, environmental protection, and hundreds of other uses.

If the Federal Government were required to balance its budget each year, as do 49 of our 50 States, it could cut nondefense discretionary spending by 90 percent—by 90 percent—and only just manage to reach balance. Imagine the impact that would have on Government services that we rely on every day.

Let me explain that further. If you look at a pie chart for the year 2003, 64 percent of all of the expenditures, the outlays this year, is for interest on the debt and entitlement programs. Entitlement programs are Medicare, Medicaid, Social Security, veterans benefits, and welfare. If you are entitled to them, you get them. They cannot be cut in the budget process. So 64 percent of all of the expenditures cannot be controlled. Defense is 17 percent, and nondiscretionary—every other department—is 19 percent. That is why you could cut 90 percent of that 19 percent, and you can't really bring the budget into balance because of these other items in the expenditure area.

The only reason the Federal Government is not facing cuts in service is because it can take on new debt to cover the shortfall in tax revenue. When the occupant of the chair was mayor of a great city and I was mayor of a great city, we couldn't do this. We had to balance our budgets. The Federal Government can do this.

Should the President's proposed tax cuts be adopted in their entirety, our public debt would nearly double over the next 10 years, from $6.7 trillion today to $12 trillion in 2013.

Later this month, the Senate will take up a bill to increase the Federal debt ceiling by almost $1 trillion—$984 billion, to be precise. That is the largest increase in our Nation's history. That increase represents $3,400 in new debt for every American citizen, whether they pay taxes or not. That increase is shocking, but the unfortunate truth is that the $1 trillion in new debt Congress is set to authorize will cost Americans much more than $3,400 each because interest in our debt drives up interest rates, because there is a limited appetite for debt at home and abroad, and investors must be given incentives to take on new debt in the form of higher interest rates.

Those interest rates are not just paid by the Government; they are also paid by homeowners who take out a mortgage. Look at the low mortgage rates today and what they are worth to an individual. William Gale, senior fellow at the Brookings Institution, predicts that interest rates could rise by as much as four-tenths of a percent due to the effects of the President's proposal.

What does that do to the average citizen? I will tell you. An increase of that magnitude would add $800 to the cost of a $200,000 home mortgage in the first year alone. It would increase costs by thousands of dollars more over the life of the mortgage.

I have always believed for many Americans low interest rates are much more worthwhile than a tax cut that they may only see slightly. But when they refinance their house, they see it big time, or when they are able to draw out from the accrued equity of the house. So interest rates not only affect homeowners, but they also affect businesses seeking to make new capital investments in the cost of money they borrow. The effect is to crowd out private investment and stifle economic growth.

Let's talk for a moment about the 2001 tax cut that I voted for, that 12 of us on my side of the aisle voted for, when times were good, before 9/11, with a $5.6 trillion surplus and a surplus in our budget 3 years in a row.

At the same time that the administration pushes for new tax relief, it does little to acknowledge that tax relief already scheduled to occur is, in fact, taking place. I don't understand. If I were President of the United States, I would be out on the hustings saying: The Congress, in 2001, gave you tax relief, Mr. and Mrs. America, and this is what it looks like: In 2001, $41 billion was paid out to taxpayers. In 2002, $71 billion was paid out in tax cuts to taxpayers. In 2003, $90 billion is going to be paid out in tax cuts to taxpayers. That totals, Mr. and Mrs. America, $202 billion that you have already or are getting from the 2001 tax cut. And next year, 2004, you will get another $100 billion. That totals over $300 billion being paid out in tax cuts today from the 2001 tax cut.

Why, in our current fiscal circumstances, should we add on such a large amount of tax relief when that relief is now beginning to take effect from the 2001 tax cut? Next year, which is the earliest a new tax cut could reasonably take effect, we are already scheduled to see a 1-percent drop in marginal income tax rates, an increase in the individual estate tax exemption from $1 million to $1.5 million, and relief from the alternative minimum tax, or AMT. So these things are happening as a product of our 2001 tax cut. Why doesn't the President speak about them? That would reassure the American public, I believe.

Today I have heard two primary arguments in favor of this tax cut. I have found neither argument to be logical or persuasive. The first argument is that the tax cut will be stimulative. In fact, we know it will have little or no stimulative impact as it is currently structured. Let me mention a few of the reasons why.

Less than 20 percent of the tax cut can take effect within a year. Less than 20 percent of it can take effect within the next year. Economists agree that in order for tax cuts to be stimulative, they must be front loaded, and they must be large enough to make a meaningful impact.

The President's package fulfills neither requirement because its benefits largely accrue in the outyears. They would amount to a stimulus of less than 1 percent of GDP over the next 12 months.

A dynamic analysis of the effect of the package on the economy predicts it will generate little or no economic growth. The newly appointed head of the Congressional Budget Office, Douglas Holz-Eakin, recently conducted CBO's first foray into dynamic scoring. Dynamic scoring is a method of economic analysis that looks at the ripple effects of tax and spending bills on economic growth beyond their direct cost or benefit.

The results of the CBO study were eye opening. The President's tax cut proposal was projected to have little or no impact on economic growth and could actually reduce growth in the later years. The administration's own economic team released data indicating that over the long term, the plan creates few new jobs.

The tax cuts included in the plan provide very little bang for the buck.

The second argument in favor of the President's tax cut is that without the threat of large budget deficits, Congress will never act to rein in spending. Therefore, large budget deficits are actually a tool of responsible government. To me, this argument boggles the mind. Far from reining in spending, large deficits will actually increase spending by sending interest costs on our debt skyrocketing. Discretionary spending over the past several years has, in fact, been held tightly in check, and nearly all new discretionary spending is allocated to defense and homeland security.

Mr. President, the only way I believe we can return to the path of long-term growth is by balancing our budget and by proving our ability to act as long-term stewards of our economy. Right now, the biggest drags on this economy are uncertainty and distrust. Corporate leaders remain uncertain about geopolitical developments, such as the war against Iraq, North Korea, India/Pakistan, and what might happen next, and the risk of domestic terrorism. They are holding off investments until those concerns abate. Consumers share similar concerns and fear the loss of jobs or further deterioration in their retirement savings. Remember, large companies have crashed—Enron, Arthur Andersen, Global Crossings—and with them went retirement benefits. People have fear, and fear has entered the marketplace.

At the same time, small investors show little inclination to get back into the stock market as corporate scandals continue. So I believe the appropriate medicine for this uncertainty and distrust is strong regulatory action by agents such as the Securities and Exchange Commission and the Accounting Oversight Board, to increase accounting transparency and to stop corporate criminal behavior before it begins.

In the Senate, I have tried to push for corporate accountability in the energy sector. God knows it is necessary, and I hope to introduce an amendment on the energy bill.

The return of investor confidence will have a positive impact on our markets and our economy. Coupled with strong congressional leadership committed to keeping our budget in balance, I believe we can quickly return to healthy rates of economic growth.

What will not work, however, is further deficit spending for tax cuts we cannot afford. When I last voted for a tax cut in March of 2001, we were projected to run a $5.6 trillion surplus through 2010. Our economic outlook at that point could not be more different than our current circumstances.

Now we face cumulative deficits of approximately $2 trillion over 10 years, if interest costs are included. Those are unified deficits and do not reflect the one-time boost we are getting from surpluses in the Medicare and Social Security trust funds. If those surpluses were not included, our deficits over 10 years would add up to over $3 trillion.

Unfortunatey, Congress cannot ensure an immediate return to economic growth. What we can do, however, is prove to those Americans who contribute to the economy that Congress can properly manage the government's finances. Yet our current course is taking us in the opposite direction.

I urge my colleagues to oppose any new tax cuts, no matter what the size, and focus on laying the groundwork for a return to long-term economic growth.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ENERGY POLICY ACT OF 2003—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 14) to enhance the energy security of the United States, and for other purposes.

Pending:

Frist-Daschle amendment No. 539, to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I think the Senate now knows that S. 14, a comprehensive energy policy, is before the Senate. Obviously, we are going to have to take some time in this calendar of ours to get it done.

We always speak of a comprehensive energy bill and we tell the country we need one. We have one before us. There are many of us who think it is very good. We won't know how good the Senate thinks it is until we have had a chance to go through it and vote on it. I am very hopeful that those who have amendments will start thinking about coming down here to offer them.

The pending amendment is a major one—the so-called ethanol amendment. That is the bill which establishes a national goal of 5 billion barrels by the year 2012. It is a very important contribution to America's independence and a component of the bill, if adopted, when adopted, that will create diversification. It will be moving toward independence rather than dependence. Obviously, it has fantastic side effects for rural America, agricultural America, which those who have been working on it for years have already spoken to, and many more will.

Nonetheless, there are Senators who have concerns about the pending amendment. There are Senators who want to amend it. I urge and ask those Senators who have amendments to get them down here and let the Senate pass judgment on whether it wants the ethanol package that has been worked on for years, which is bipartisan and was introduced essentially by the majority and minority leaders, with cosponsors in ample numbers from both sides of the aisle as an indication of its support. I hope Senators who we understand have amendments will begin to bring them down so we can debate and vote on them.

I understand that at this point the distinguished Senator from Ohio, Mr. VOINOVICH, desires to speak in favor of the amendment. As manager of the bill, even though we are operating under no time agreements, I yield the floor at this point, assuming he will give his 15-minute address.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I thank the Senator from New Mexico for this opportunity to speak in favor of the ethanol amendment, No. 539.

This amendment has been offered by the distinguished majority leader and the distinguished minority leader. As I have often stated, it is about time this Nation had an energy policy. I have said that, I think, 3 years in a row. Last year, we worked very hard to come up with what we considered to be a decent package. Unfortunately, that package did not come out of conference committee and we are here today, this week, to see if we cannot resurrect part of that and enhance it with some of the improvements that were done in the Energy Committee under the chairmanship of Senator DOMENICI.

When the President released his national energy policy in May of 2001, he noted that America was too dependent upon foreign oil; that we needed to increase our use of renewable fuels, such as ethanol and biodiesel; and that we needed to protect the environment while producing the energy that drives our economy. President Bush was right about that 2 years ago and, quite frankly, the urgency is greater today than it was then.

The United States has a responsibility to develop a policy that harmonizes the needs of our economy and our environment. These are not competing needs and too often are looked upon as if they are. A sustainable environment is critical to a strong economy. A sustainable economy is critical to providing the funding necessary to improve our environment.

We need a policy that broadens our base of energy resources to create stability, guarantee reasonable prices, and protect America's security. It has to be a policy that will keep energy affordable. Finally, it has to be a policy that won't cripple the engines of commerce that fund the research that will yield environmental protection technologies for the future.

I believe that increasing our use of alternative and renewable fuels, such as ethanol and biodiesel, is a key element in our effort to construct a viable energy policy.

During the last Congress, I worked with a number of my colleagues, including Senators HAGEL, DASCHLE, JEFFORDS, INHOFE, GRASSLEY, BOND, and BINGAMAN, to develop an ethanol package that would not only increase the use of renewable fuels in America but would provide other tangible benefits for the American people. That package was included in the comprehensive energy bill passed by the Senate in an overwhelming bipartisan vote.

This year, thanks to the leadership of Chairman INHOFE, we were able to vote language out of the Environment and Public Works Committee that reflects that bipartisan agreement we reached last year on a bipartisan basis. Thanks to the leadership of our distinguished majority and minority leaders, as well as a large number of Senators, we again have the opportunity to pass legislation that contains a renewable fuels package.

Mr. President, passage of an ethanol bill will protect our national security, economy, and our environment. Amendment No. 539 contains the language in S. 791, the Renewable Fuels Act of 2003, which was introduced and shepherded through the EPW Committee by Chairman INHOFE. This language establishes a nationwide renewable fuels standard of 5 billion gallons by 2012, repeals the Clean Air Act's oxygenate requirement for reformulated gasoline, and phases down the use of MTBE over a 4-year period.

This language has strong, bipartisan support and is the result of long negotiation between the Renewable Fuels Association, the National Corn Growers Association, the Farm Bureau Federation, the American Petroleum Institute, the Northeast States for Coordinated Air Use Management, and the American Lung Association.

It is hard to get all those people together on any piece of legislation. I think it is wonderful.

I happen to come from a State that is an oil State. We have Ashland Marathon Oil in Ohio. I also come from a State that has a large number of people who belong to the Corn Growers Association. I think we are fifth or sixth in the Nation in producing corn.

I recall a couple of years ago them coming to me and asking me to take their cause on this particular issue. I suggested to them, rather than do that, I wanted them to go into a room and start to negotiate and start talking to each other.

I will never forget it. We were in the LBJ Room. I saw a bunch of people on stage at a big news conference. A year before, if anyone had said those people would stand on the same stage together, they had to say they had something wrong with their head.

My colleagues in the Senate should realize this is an unusual situation for all of these people to get together, and that is why it is so important that we do not allow any amendments to this very carefully put together compromise by all of these various organizations and groups.

In fact, I suggest we ought to be looking to do that in so many more instances around here where people just talk past each other instead of talking to each other.

It is with no small irony we are discussing issues affecting our gasoline supply so shortly after our troops were engaged in a war in the Middle East. As we know, they are still engaged and will be for a long time.

While our purpose in Iraq was to end a regime that sought to become the arsenal of terrorism and liberate the Iraqi people from oppression and violence, our mere presence in that part of the world highlights the fact that we are entirely too dependent on the oil we import from the Middle East.

The amendment the majority leader has offered, a compromise that will triple the amount of domestically produced ethanol used in America, is one essential tool in reducing our dependence on imported oil.

It is no secret we currently import over 58 percent of the oil we use. Last year, we imported an average of 4,558,000 barrels per day from OPEC countries and 442,000 barrels per day from Iraq. It is interesting; all during the last several years while we were bombing Iraq occasionally and maintaining the no-fly zone, we were getting an enormous amount of oil from Iraq. In some instances, almost 5 percent of our oil for this country was coming from Iraq.

Again, last year we imported nearly a half million barrels from Iraq. This dependence is not getting better. The Energy Information Administration estimates that our dependency on imported oil could grow to nearly 70 percent by 2020.

Although our troops were successful in the liberation of Iraq, our greatest energy challenge remains the need to reduce our reliance on foreign sources and to meet our energy needs.

President Bush has stated repeatedly that energy security is a cornerstone for national security, and I agree. It is crucial that we become less dependent on foreign sources of oil and look more to domestic sources to meet our energy needs, and ethanol is an excellent domestic source. It is a clean-burning, home-grown renewable fuel that we can rely on for generations to come. The renewable fuels standard in this language will displace 1.6 billion barrels of oil.

Ethanol is not only good for our Nation's economy, tripling the use of renewable fuels over the next decade will also reduce our national trade deficit by more than $34 billion. A lot of our trade deficit has to do with importing oil. It will increase the U.S. gross domestic product by $156 billion by 2012. It will create more than 214,000 new jobs. It will expand household income by an additional $51.7 billion. It will save taxpayers $2 billion annually in reduced Government subsidies due to the creation of new markets for corn.

The benefits for the farm economy are even more pronounced. Ohio is sixth in the Nation in terms of corn production and is among the highest in the Nation in putting ethanol into its gas tanks. Over 40 percent of all gasoline in Ohio sold contains ethanol.

An increase in the use of ethanol across the Nation means an economic boost to thousands of farm families across my State and across the States throughout this country.

Currently, ethanol production provides 192,000 jobs and $4.5 billion to net farm income nationwide. Passage of this amendment will increase net farm income by nearly $6 billion annually. Passage of this amendment will create $5.3 billion of new investment in renewable fuels production capacity.

Phasing out MTBE on a national basis will be good for our fuel supply because refiners are under tremendous strain from having to make several different gasoline blends to meet various clean air requirements. And no new refineries, as you know, Mr. President, have been built in the last 25 years.

The effects of various State responses to the threat of MTBE contamination, including bans and phaseouts on different schedules, will add a significant burden to existing refineries. That is why we have to get this bill done this year. States are banning it, and refiners are trying to figure out how they are going to deal with this new marketplace.

We went through this a couple of years ago when we had a shutdown of one of the oil supplies from Michigan and then from Texas. They were reformulating gas, and we saw the price of gasoline skyrocket at that time.

The MTBE phaseout provisions in this package will ensure that refiners will have less stress on their system and that gasoline will be more fungible nationwide. That is very important.

Expanding the use of ethanol will also protect our environment by reducing auto emissions, which will mean cleaner air and improved public health. Use of ethanol reduces emissions of carbon monoxide and hydrocarbons by 20 percent. Ethanol also reduces emissions of particulate by 40 percent. Use of ethanol reformulated gas helped move Chicago into attainment of the Federal ozone standard, the only RFG area to see such an improvement.

In 2002, ethanol use in the United States reduced greenhouse gas emissions by 4.3 million tons, the equivalent of removing more than 630,000 vehicles from the road.

It is my hope and expectation that the Senate will adopt this fuels package. These issues have been in front of us for far too long, and now that we have everybody in the same room at the same time agreeing to the same legislation, we need to move it. We need to get this amendment done. I urge my colleagues to support amendment No. 539.

Mr. DOMENICI. Mr. President, I ask the Senator from Ohio if he can remain in the Chamber for a few moments. An amendment is going to be offered to the bill, and I have to be elsewhere. Will the Senator do that for the Senator from New Mexico?

Mr. VOINOVICH. I will be happy to.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from California.

AMENDMENT NO. 542 TO AMENDMENT NO. 539

Mrs. FEINSTEIN. Mr. President, I very much respect the Senator from Ohio. He has been both a distinguished mayor and a distinguished Governor of his State. I hate to disagree with him, but in this case I find the ethanol mandate in this bill to be egregious, to be wrongheaded, to be just terrible public policy. I will go through my concerns about this mandate point by point, and then I will end by offering a second-degree amendment.

My first concern is this: Only 2.1 billion gallons of ethanol were produced in 2002. The ethanol mandate before us requires 5 billion gallons by 2012.

This fuel additive is not necessary to make clean-burning gasoline. Yet it is mandated into our fuel supply. Under the credit trading provisions of the ethanol mandate, States are going to be forced to pay for ethanol whether they use it or not. Let me repeat that. Under the credit trading provisions in this bill, States are going to be forced to pay for it, whether they use it or not.

Secondly, this is going to drive up the price of gasoline. It can only do so. The Council of Economic Advisers and the Federal Trade Commission have advised President Bush that the ethanol mandate is:

> Costly to both consumers and the Government and will provide little environmental benefit.

So this provision will force up prices. California's costs are already high. I just paid $50 for a tank of gasoline when I was home in California. Wait until this bill goes into operation.

Ninety-nine percent of all ethanol production is based in the Midwest. States outside the Corn Belt have severe infrastructure and ethanol supply problems. This, too, means higher gas prices.

Finally, we have a dangerously high market concentration in this bill. The ethanol industry today is highly concentrated, with the largest supplier, Archer Daniels Midland, controlling 46 percent of the market, and the top seven firms controlling 71 percent of the market. That is according to the GAO.

ADM admitted to price fixing in 1996. Its executives went to jail. Last year, ADM purchased its largest competitor, Minnesota Corn Processers, which controlled 5 percent of the ethanol market. I believe we are taking a great risk by allowing one firm to control such a large percentage of the ethanol market, and this shows it: 46 percent, ADM; Williams Bio-Energy, 6 percent; Cargill, 5 percent; High Plains Corporation, 4 percent; New Energy Corporation, 4 percent; Midwest Grain, 3 percent; Chief Ethanol, 3 percent. These are the top seven ethanol producers in the United States.

So you have a huge market concentration by a company that pled guilty to price fixing. It makes me, a Californian, very uneasy about what the future may bring under current law.

Gasoline is taxed by the Federal Government at 18.4 cents per gallon. Yet gasoline blended with ethanol is only taxed at 13.1 cents per gallon. The other 5.3 cents per gallon is credited to ethanol producers instead of funding the highway trust fund. According to the Congressional Research Service, over the past 20 years, this ethanol subsidy has cost the highway trust fund over $11 billion in foregone income.

Under the proposal in the Energy Tax Bill, these ethanol subsidies will be paid not from the highway trust fund, as was before us last year, but from the general fund, at the expense of taxpayers. So instead of spending money for education or Cops on the Beat, or parks, we are funding ethanol with billions in subsidies. It makes no sense to me.

The Congressional Research Service has indicated that the ethanol mandate will cost approximately $7 billion. This means $7 billion is diverted away from either the highway trust fund or the general fund, which means either we will have fewer jobs and roads or taxpayers will have to pick up the tab.

As I said, this future $7 billion loss is on top of the $11 billion in gas tax revenue that has already been lost by giving ethanol a partial exemption from the fuel tax.

My sixth reason is that ethanol has mixed environmental and health results. Evidence suggests that ethanol reduces carbon monoxide air pollution. However, evidence also suggests that mandating more ethanol will produce more smog in the summer months because ethanol produces nitrogen oxide (NO_X) emissions. Studies also show ethanol accelerates the ability of toxic gasoline additives, such as benzene, to break apart and seep into the ground water. Recently, the EPA disclosed that ethanol plants are emitting many more dangerous toxins than previously thought. I do not believe we should mandate so much use of something we know so little about.

One other thing on the benzene plumes, once they break away, they actually spread faster in water and soil than MTBE plumes. We know benzene is carcinogenic.

My seventh reason is that there is unprecedented liability protection. A safe harbor provision in the ethanol mandate will prevent legal redress if ethanol and other fuel additives harm the environment or public health. How will communities afford cleanup costs if there is liability protection for ethanol? I find this really egregious.

This reduces carbon monoxide but it increases nitrous oxide. The benzene plumes will break away. They spread more rapidly than MTBE. They can pollute our ground water but there is no remedy. There is no liability. They are liability-free. One of the reasons you now have the large oil companies going along with this bill is because they have liability protection.

So we are mandating something we do not know all of the results of in huge amounts, that are unnecessary in the first place, that may have adverse consequences, and then we are saying to the consumer, sorry, the damage is your problem, you cannot even go to court to get redress in the form of damages. What a sweetheart bill. My goodness, people should be embarrassed.

Ethanol already has a high tariff to keep imports out. If there is an ethanol shortage in the United States, States will not be able to import ethanol from countries abroad because of a high 54-cent-per-gallon tariff on foreign ethanol. So what are they doing? They already have a high tariff on foreign ethanol. Now we are mandating 5 billion gallons? That is egregious. It is wrong public policy.

My ninth reason is an ethanol mandate will strain the fuel supply. Using ethanol will constrict the overall gasoline supply because mixing MTBE with gasoline produces more fuel than mixing gasoline with ethanol. Consequently, in a State such as California where you have no extra refinery availability, you have to produce more than you did with MTBE because of the properties of ethanol which take more gasoline. That is going to be a real problem and that, too, will force up prices.

Tenth, ethanol is not a renewable fuel. According to many scientists and experts, including Cornell Professor David Pimentel, it takes more energy to make ethanol than we save by using it. So we can hardly call ethanol a renewable fuel.

Eleven, the ethanol mandate will largely benefit producers, not farmers. Ethanol subsidies pay more money to ethanol producers like ADM than farmers.

Twelve, the bottom line, this is a very bad deal. The ethanol mandate reflects a deal worked out behind closed doors, between ethanol lobbyists and oil interests that is going to harm consumers. Mandating 5 billion gallons by 2012 is terrible public policy. Since there are high costs for States like California to comply with any mandated Federal fuel requirement, these costs will only be passed on to drivers at the pump.

The ethanol mandate, as I have said, will drive up the price of gasoline. Instead of imposing a new mandate on our fuel supply, we should be lifting the one that already exists.

On July 29, 1999, the nonpartisan broad-based U.S. EPA blue ribbon panel on oxygenates and gasoline recommended that the 2 percent oxygenate requirement be removed in order to provide flexibility to blend adequate fuel supplies in a cost-effective manner while quickly reducing usage of MTBE and maintaining air quality benefits.

It is long past the time for Congress to act on that. Instead of mandating ethanol into our fuel supply, we should be lifting all mandates or at least allow States a choice. We need to provide flexibility to refiners to allow them to optimize how and what they blend instead of forcing them to blend gasoline with MTBE or ethanol.

California has long sought a waiver of the 2 percent oxygenate requirement. I have written and called former EPA Administrator Browner and the current Administrator, Christine Todd Whitman, both former President Clinton and President Bush, urging approval of the waiver for the State. Yet both the Clinton administration and the Bush administration have denied California's request. I know during the Clinton years an affirmative finding came from EPA to the White House. I also know that Members of both parties went to the White House to stop it from happening. I believe EPA would have no objection.

In the campaign, when I heard both Al Gore and George Bush say: We are for ethanol—I thought, oh boy, here it comes. And here it is today.

MTBE, methyl tertiary butyl ether, has been the oxygenate of choice by main refiners in their effort to comply with the Clean Air Act's reformulated gasoline requirements. Governor Davis of California has ordered a phaseout of MTBE in our State by the end of this year while the Federal law requiring 2 percent oxygenate remains, putting our State in an untenable position. This is because the most likely substitute for MTBE to meet the 2 percent requirement is ethanol, but it is tremendously costly to blend ethanol from the Midwest into the specially formulated California gasoline.

Without eliminating these mandates, we can expect disruptions and price spikes during the peak driving months of this summer on top of the high prices motorists are already paying. Just remember, you heard it here.

California has developed a gasoline formula that provides flexibility and provides clean air. Refiners use an approach called the predictive model which guarantees clean-burning RFG gas with oxygenates, with less than 2 percent oxygenates and with no oxygenates.

As Red Cavaney, president of the American Petroleum Institute, said in March before the Energy Committee:

> Refiners have been saying for years that they can produce gasoline meeting clean-burning fuels and federal reformulated gasoline requirements without the use of oxygenates. . . . In addition, reformulated blendstocks—the base into which oxygenates are added—typically meet RFG requirements before oxygenates are added.

So they are not necessary. These facts demonstrate oxygenates are not necessary.

I believe it is egregious to require this Nation to use more ethanol than we need in our fuel supply. Mandating 5 billion gallons into our fuel supply is terrible public policy. This amounts to a wealth transfer of billions of dollars from every State in the Nation to a handful of ethanol producers. It is families and businesses who will pay the higher costs that result from increased gas prices.

This sweeping policy will have long-term repercussions in our environment, on our health, our fuel supply, and the price of gasoline. Since ethanol production is subsidized by the Government with a credit from the Federal motor fuels tax, $1 for ethanol firms like ADM means $1 less to improve our Nation's roads and bridges.

The Congressional Research Service has indicated the ethanol mandate in this energy bill will divert $7 billion away from the highway trust fund. If the energy tax bill is passed into law, this money will no longer come from the highway trust fund. It will come from the general fund. As I said, it will be paid for by taxpayers.

This future $7 billion payout is on top of the $11 billion in gas tax revenue that has already been lost by giving ethanol a partial exemption from the fuel tax. Ethanol is a subsidized product. It is protected from foreign competition by high trade barriers. And now we are going to mandate a market for it. This is unconscionable. Forcing States to use ethanol we do not need, and forcing States to pay for ethanol we do not use amounts to a transfer of wealth from all States to Midwest corn States.

Under the credit trading provisions in this bill, if we do not use ethanol, we still have to pay for it.

Proponents of the ethanol mandate argue that gas price increases will be minimal, but the projections do not take into consideration the real-world infrastructure constraints and concentration in the market that can lead to price spikes. I believe everyone outside of the Midwest will have to grapple with how to bring ethanol to their States since the Midwest controls 99 percent of the production.

California has done more analysis than any other State on what it will take to get ethanol to the State. The bottom line is that it cannot happen without raising gasoline prices.

I am particularly concerned, as I pointed out, about the limited number of suppliers in the ethanol market. This leaves consumers vulnerable to price spikes as it did when electricity and natural gas prices soared in the West because a few out-of-State generating firms dominated the market. If we have learned anything from the recent western energy crisis, it is that when there is not ample supply and adequate competition in the market, prices soar and consumers pay.

I also mention that Archer Daniels Midland is the dominant producer in the highly concentrated ethanol market. It has purchased its largest competitor. It controls 46 percent of the market, and that is only what is now produced. The company has an even greater control over how ethanol is distributed and marketed.

I am also concerned about the long-term effects of mandating such a large amount of ethanol in our gasoline supply.

I mentioned the health effects about which we do not know much. I mentioned the environmental effects.

The scientific evidence is mixed. I believe it is bad public policy to mandate this amount before scientific and health experts can fully investigate the impact of ethanol on the air we breathe and the water we drink.

We made this mistake with MTBE and now we have learned that MTBE may well be a human carcinogen.

Ethanol is often made out to be an ideal renewable fuel, giving off fewer emissions. Yet, on balance, ethanol can be a cause of more air pollution because it produces smog in the summer months. Smog is a powerful respiratory irritant that affects large segments of the population, and it has an especially pernicious effect on the elderly, on children, and individuals with existing respiratory problems, as I mentioned, such as asthma.

Earlier this month, the American Lung Association named California the smoggiest State, by listing nine counties and six metropolitan areas as having the worst conditions. A 1999 report from the National Academy of Sciences found:

> The use of commonly available oxygenates [like ethanol] in reformulated gasoline has little impact on improving ozone air quality and has some disadvantages. Moreover, some data suggest that oxygenates can lead to higher Nitrogen Oxide emissions.

Nitrogen oxides, as we have said, cause smog.

The American Lung Association report also noted that half of Americans are living in counties with unhealthy smog levels. Why would we want to take the chance of increasing these unhealthy smog levels by mandating billions of unnecessary gallons of ethanol into our fuel supply?

Ethanol can be both good and bad for air quality. To me, it would make sense to maximize the advantages of ethanol while minimizing the disadvantages. This is exactly why States should have flexibility to decide what goes into their gasoline in order to meet clean air standards. All we should care about is if the clean air standards are met. Let the States have the flexibility. If we are mandating, why exempt manufacturers and refiners from their legal responsibility to provide a safe product?

Evidence also suggests that ethanol accelerates the ability of toxins found in gasoline to seep into our ground water supplies. The EPA Blue Ribbon Panel on Oxygenates found ethanol:

> . . . may retard biodegradation and increase movement of benzene and other hydrocarbons around leaking tanks.

According to a report by the State of California entitled "Health and Environmental Assessment of the Use of Ethanol as a Fuel Oxygenate," there are valid questions about the impact of ethanol on ground and surface water. An analysis in the report found that there will be a 20-percent increase in public drinking water wells contaminated with benzene if a significant amount of ethanol is used. Benzene is a known human carcinogen, and we are giving them liability protection.

At a hearing held on the House side last year, Professor Gordon Rausser of UC Berkeley commented on the potential harm of ethanol in the ground water. Professor Rausser testified:

> When gasoline that contains ethanol is released into ground water, the resulting benzene plumes can be longer and more persistent than plumes resulting from releases of conventional gasoline. Research suggests that the presence of ethanol in gasoline will delay the degradation of benzene and will lengthen the benzene plumes by between 25 percent and 100 percent.

This evidence on the potential harm of ethanol is extraordinarily troubling.

For these reasons, I cannot support the amendment offered by the majority leader. I would like to offer a second-degree amendment that would require the Governor of a State to opt into the ethanol mandate. If the ethanol mandate is such a great mandate, then Governors should want to include their States in it. Why are we forcing them to do it? Everybody who comes down here for ethanol says it is the best thing since sliced bread. If it is so good, let that case be made to the Governors of States and let them opt into the program.

The Senators from Alaska and Hawaii have worked it out so that their States are exempted from this mandate. I believe each and every State should have this choice, so I am sending an amendment to the desk at this time that would do the same thing that Alaska and Hawaii have achieved. The Governor is able to opt into the mandate. If this is so wonderful, Governors will opt in. If it is not, Governors will not.

I yield the floor.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

> The Senator from California (Mrs. FEINSTEIN) proposes an amendment numbered 542 to amendment No. 539.

Mrs. FEINSTEIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the Governors of the States to elect to participate in the renewable fuel program)

Section 211(o)(2) of the Clean Air Act (as added by the amendment) is amended by inserting after subparagraph (B) the following:

"(C) ELECTION BY STATES.—The renewable fuel program shall apply to a State only if the Governor of the state notifies the Administrator that the State elects to participate in the renewable fuel program.".

Mrs. FEINSTEIN. I ask the floor leader, the distinguished Senator from New Mexico, what is his pleasure? I understand there are no votes today. Shall I ask the amendment be set aside?

Mr. DOMENICI. No, I believe we will leave the amendment pending. The order is not that there will be no votes today but, rather, no votes until all Senators have returned. It could be this evening, but there is no order to do that or not to do it at this point, so it will remain the pending amendment.

Mrs. FEINSTEIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I am going to yield momentarily to the distinguished Senator from Ohio, Mr. VOINOVICH, who has worked for many years on this amendment. Suffice it to say, every argument the distinguished Senator from California made, and she made many of them, has been brought before the Committee on Environment and Public Works. They have been raised time and time again at many of the informal and formal hearings regarding this legislation. In the end, in the interest of getting something done that was uniform and that would work, they have all been denied. Efforts as she has put before us have been denied heretofore. I submit it is time for the Senate, at the earliest possible time, when we can, to vote. We should turn it down and leave in effect the national policy that is before us on ethanol, that has been so eloquently discussed on a number of occasions already in the Senate, and even today discussed by the distinguished Senator from the State of Ohio.

With that, I yield to the Senator from Ohio for further comments. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I thank the Senator from New Mexico.

I respectfully disagree with some of the information that was provided to us by the distinguished Senator from California. First, I would like to say this second-degree amendment would create more balkanization of the fuel supply. We need a national fuel policy. This amendment, in my opinion, would further constrain the fuel supply in this country.

The bipartisan agreement that was negotiated last year between various organizations was not done behind closed doors. It was relatively transparent. In spite of some of the comments made about the environmental threat of ethanol, that agreement was supported by the American Lung Association. I am sure if they had any concern that this was going to harm the environment, they certainly would not have signed on to the agreement that was entered into last year.

The fuels agreement passed by the Senate last year includes the establishment of a renewable fuels standard. The RFS would provide for greater refinery flexibility in the fuels marketplace and the existing clean air oxygenate requirement, particularly as MTBE is phased out of gasoline. It does not require that a single gallon of renewable fuels be used in any particular State or region. Rather, the requirement is on refiners.

The RFS will allow much greater flexibility in the use of oxygenates, which should reduce the chances that localized supply disruptions of gasoline or oxygenates will result in retail supply shortages and price spikes.

The additional flexibility provided by the RFS credit trading provisions in the House and Senate bills would result in much lower costs to refiners and thus to consumers. The credit trading system will ensure that renewable fuels are used when and where it is most cost effective to do so.

In California, according to the information I have, nearly all of the refiners have voluntarily switched from MTBE to ethanol in advance of the State's MTBE phaseout deadline of January 1, 2004. The results can only be described as seamless. There have been no ethanol shortages, transportation delays, or logistical problems associated with the increased use of ethanol in the State.

In fact, according to an April 2003 California Energy Commission report, the transition to ethanol, which began in January of 2003, is progressing without any major problems. Today, approximately 65 percent of all California gasoline is blended with ethanol, and it is estimated that 80 percent of the fuel will contain ethanol by the summer.

As a result, while only about 100 million gallons of ethanol were used in the State last year, California refiners will use between 600 and 700 million gallons in 2003. Thus, efforts to carve out California from the RFS, while unjustified, are also completely unnecessary.

I would also like to make the point that any State may petition EPA for a waiver of the renewable fuels requirement for any year. If EPA, in consultation with the Departments of Energy and Agriculture, finds that there would be substantial harm to the economy or environment of a State, region, or the United States, or that there would be an inadequate domestic supply for distribution capacity to meet the requirement, EPA may reduce the volume of renewable fuel required in whole or in part. Such a waiver would be good for 1 year but could be renewed. Under this circumstance, the overall renewable fuel volume requirement would be reduced nationwide.

In addition, I would like to point out that the use of ethanol significantly reduces the tailpipe emissions of carbon monoxide, an ozone precursor, and VOCs and fine particulates that pose a health threat to children, seniors, and those with respiratory ailments. Perhaps that is one of the reasons the American Lung Association is supporting this compromise.

Importantly, renewable fuels help to reduce greenhouse gases emitted from vehicles, including carbon dioxide, methane, and other gases that contribute to global warming—another answer to the problem of carbons.

The fuels agreement included protects against any backsliding on air quality. First, the agreement tightens the toxic requirements of reformulated gasoline by moving the baseline that refiners must meet to 1999–2000. Secondly, refiners have agreed to meet southern-tier RFG standards for VOC emissions.

Other adjustments to the existing mobile source air toxics rule will ensure additional environmental protections. The agreement allows States and the Ozone Transport Assessment Group—I have been dealing with that group for many years and have had some large disagreements with them, but the agreement allows them to opt into RFG whether the State is in attainment for ozone or not.

Finally, the bill allows EPA, as I mentioned before, to waive a State's volatility to tolerance for ethanol-blended fuels, if necessary, for air quality. In other words, if there is a problem with ethanol in a period of time, the State can waive out of the requirement during that period of time.

I could say many other things, but I think most of the issues raised can be answered very easily. The last thing I would like to point out deals with the issue of cost. The Department of Agriculture has concluded that the ethanol tax incentive program actually—actually—saves the Government money by reducing farm program costs and stimulating rural economies. This is a big deal for rural economies in the United States of America.

I will also say that there was some statement about Archer Daniels Midland being the big supplier. In my State, the farmers and cooperatives are in the process of going forward with building processing plants for ethanol. You are going to have a lot more people in the marketplace when this legislation passes.

The USDA has stated that the net impact of the tax incentive on farm programs is a net savings of more than $3 billion annually. I point out, just as I mentioned before, there are 11 new ethanol facilities or under construction in the United States. Twenty or more ethanol facilities are in the planning stages.

Last but not least, the concern that has been raised regarding the Federal ethanol tax incentive's impact on the highway trust fund has been addressed in legislation introduced by Senators GRASSLEY and BAUCUS. It is supported by a broad coalition of transportation, local government, business, and agricultural people. The proposal returns full funding to the highway trust fund while restructuring and preserving the Federal tax incentives for ethanol.

So on all of these points, this amendment that we have offered, that is being sponsored by the majority leader and the minority leader, and so many Members of the Senate, is good for America, is good for our economy, is good for our security, and is good for the environment. And the amendment from the Senator from California, I think, would certainly make it less effective, if it were agreed to by the Senate. I urge its defeat.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that I be allowed to address the Senate for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. NELSON of Florida pertaining to the introduction of the legislation are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Nevada.

Mr. REID. Mr. President, I know the Chair is anxious to close the Senate for our caucuses. I ask the patience of the Chair. The majority will be here shortly. We have a very important unanimous consent request that we have to enter before the recess.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—RECONCILIATION

Mr. McCONNELL. Mr. President, with regard to the reconciliation bill, we have reached agreement with the minority which I will now propound.

I ask unanimous consent that on Tuesday, May 13, at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of the Senate reconciliation bill, if properly reported, and that there then be 14 hours remaining equally divided under the statutory limit.

Mr. REID. Reserving the right to object, I want to make sure there is an understanding. It is my understanding that the leader sometime this evening, after the bill is reported out of the Finance Committee, would bring this to the floor, but that we would not work on the bill tonight. The 14 hours would start running actually tomorrow; is that right? I wanted to make sure that was the understanding.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. That is the understanding.

Mr. REID. We have been, for the last 24 hours, suggesting that we would be better moving to the debt ceiling sooner rather than later. We feel it should be done before this tax bill. We are working on that. I have worked with the distinguished Senator from Kentucky the last couple of hours. If we get a few breaks during the caucuses, we may be able to bring it up this afternoon. I have no objection to the request by the Senator from Kentucky.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:45 p.m., the Senate recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

THE ENERGY POLICY ACT OF 2003—Continued

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. DURBIN. Mr. President, this past weekend my wife and I met up with some life-long friends from my home area of East Saint Louis, IL. We had a good time together. We sat around and talked about our lives and some of the challenges we face.

My friends own a small business. It is a trucking company with about six or eight employees, and about the same number of trucks. It has been in their family for decades. They are very proud of it. They put their life work into it. We talk about business every time I see them. This time the conversation was not so much about business; it was about an issue which was clearly on their minds, and I believe the minds of small and large businessmen across America. The issue was health insurance.

Something they had taken for granted for so many years has now become a challenge not only to their business but to their personal lives. A few years ago, one of their employees' wives had a baby with some serious medical problems. As a result of that, when the health insurance for their small company came up for renewal the next year, they saw their premiums double.

This small company struggling to get by was faced with an impossible burden, how to continue to provide health insurance for the families and the workers in their employ at costs that were now out of reach. They tried for a year. When the rates continued to go up, in desperation they made a desperate decision. They called their employees in and said: We can no longer offer health insurance to you as an employee of this company. We will give you the amount of money we were paying monthly as a premium as an increase in your pay, but you have to go out in the open market and find health insurance.

The sad reality is one of the families, the one with the sick child, could not find health insurance, and still has not. The others found it with costs going up every year. But that was not the end of the story. They went on to tell me the insurance they now have to buy in the open market is almost worthless. If they should ever turn in a claim during the course of the year for any medical problem, they can count in the next year that that will be excluded from coverage and protection. If you have a problem with your foot, of any kind, in the next year the health insurance policy offered to you will exclude anything to deal with feet, either one of them, any condition.

The woman told me at this get-together: When I go to get a mammogram now and they ask me who my doctor is, I tell them I do not have one. Send the results to me personally. She said: I try to decide whether or not something serious has been found. I cannot let this get into my medical records because, frankly, I will find an exclusion to coverage if any question is raised.

This was a very startling conversation for me. It was an eye opener. What troubled me the most about this. I do this for a living. I am a Senator, and I am proud of it. I have devoted my life to public service and I hope I have done some good, but when my friends, family members, and businesses across my State all come to me with the same concern over and over again, I cannot explain the feeling of helplessness and frustration I have.

I think about that in the context of the debate in which we are engaged. Of all the debate in the last several years in Washington, DC, of all of the proposals from this administration and from the leaders in this Congress, why is it we can never get close to the issues that really count, the issues that are tearing families and businesses apart? The cost of health insurance is one of those issues. As a nation, is it expensive for us to try to come up with a new approach which says that every American, regardless of their wealth or poverty, will have a basic level of protection of health insurance? That cannot be beyond us.

This is a country and a society which took a look at its impoverished parents and grandparents over 50 years ago and said, we are going to create Social Security. We want these people whom we love to live in dignity. This is the same country and society which in the 1960s took a look at the same parents and grandparents and said, for goodness sakes, they ought to have basic health insurance. If they have retired, we are going to create Medicare. And we did. This is a country which stepped back and said we are no longer going to discriminate against people because of their disabilities or handicaps. We are going to provide them protection, and we did.

Time and time again, we have risen to the challenge. But what do we have before us now? A debate on the floor of the Senate about a tax cut, the range of the cost of this tax cut over a 10-year period, $420 billion to $550 billion, a significant sum of money, on top of a tax cut we just passed 2 years ago.

How will this tax cut benefit my friends who are struggling with the cost of health insurance? How will it benefit families across America who cannot find health insurance and cannot find work? The answer, sadly, is that it is not designed to help them at all.

President Bush comes before us with a tax cut proposal that is a nonstarter. It serves his political philosophy, which is to propose a tax cut whether we are in good times or bad, but it does not serve America and its needs. Our fear of government, our fear of working collectively to solve problems, has driven this Senate and this Congress away from the reality of the challenges of life in America.

We passed a bill called No Child Left Behind. The President said: This is my answer to education in America. And then the President comes back and refuses to fund it. It is an unfunded mandate on the schools of Illinois, Ohio, New Mexico, and Nevada, when these States are facing deficits.

When it comes to health care, this administration has no proposals or suggestions to help the families and businesses struggling to provide health insurance to cover their kids.

When it comes to prescription drugs, there is lip service—nothing that will provide real and meaningful relief from the cost of prescription drugs, particularly for senior citizens and disabled people.

Instead, what are we suggesting? We are discussing a tax cut with the Bush approach, a tax cut that will say to people making over a million dollars in income a year, this elite class will receive about $90,000 more in breaks from the Federal Government.

What is wrong with this picture? I will tell my colleagues what is wrong, from my point of view. It depends on one's outlook on the future of America. If they believe the future of America is driven and controlled by elite investors, the highest-income people in America, then they should sign on quickly to the Bush tax cut. That is what it is designed to do, to provide to those elite investors, those dividend earners, extra benefits so they can have a more comfortable life and perhaps spend their money in ways to help the economy. That is the Bush approach. For most Republicans—not all, but for most Republicans—that is their approach.

There are others, such as myself, who take a different approach. We believe the future of this country has always been based on hard-working families, those middle income working families which have made this country great. They have played by the rules. They paid their taxes. They have raised their families. They have been conscientious in making certain their schools and neighborhoods are strong and safe.

What do we give them in this tax cut? Not $90,000 a year, like the millionaires in the Bush tax cut, but around $400 or $500 a year. That is not fair and it is not right. It is what we face time and time again when it comes to dealing with the problems across America.

This week, the Senate will consider amendments to this tax bill. Republicans and Democrats will be given choices as to whether they want to cut taxes at the highest levels in the highest brackets or whether they want to provide real tax relief to working families and small businesses across America. The choices will be stark. They will contrast our attitude toward life and our attitude toward America's future.

Is it worth it to reduce the tax cuts of people making over $300,000 a year or give a tax credit to small businesses that offer health insurance to their employees? I would like to take that issue back to Illinois. In fact, I will take it back to any State, and I know what I will hear from small businesspeople and their workers: For goodness sakes, it does not make any sense to give a tax cut to people making over $300,000 a year. Give a helping hand to the families struggling to get by.

Senator SCHUMER of New York is going to offer his amendment, which goes to the heart of the future of America. It goes to the cost of education.

We now know what happens to young men and women, accepted to the best schools, finally graduate and find themselves deep in debt. Senator SCHUMER and others and I have joined to offer an amendment that says the cost of college education should be deductible so families wanting to give their kids the best, wanting their kids to achieve the most in their lives, will have a helping hand from this Government.

What makes more sense, a tax break for an individual already successful in America making over $300,000 a year or a tax deduction for a working family whose son or daughter has been accepted to the college of their dreams, the best school possible, who just need a helping hand from this country so they can be all that they can be, achieve greatness?

That is an easy call, too. I will take that home to Illinois, and I invite President Bush to come to Illinois and debate that. Pick the town, Mr. President. Whether he is going to be visiting Nebraska or Indiana, I would like the people in those environs to have the choice the Senate will face this week, choices that are meaningful.

I close on this point. We have lost more jobs under this President than anyone ever imagined. In the Clinton 8 years, 22 million new jobs were created in America. Under the Bush administration, with this recession, we have lost more than 2 million jobs. In fact, we have lost more than 2 million jobs since the President's last tax cut, that failed policy which took more than $1 trillion from the Treasury and did not create jobs in America. It was a failure then and this replacement, even if it is smaller, will fail as well.

Sadly, the unemployed people across America are reaching a level of desperation. They cannot find jobs in this economy with this recession.

My home State of Illinois announced last week an unemployment rate of 6.3 percent. We are in the top four States of unemployment across America.

I met some of the workers while I was back this weekend. One man who was in the communications industry lost his job last December after working more than 30 years. He is desperately looking for a job and does not know which way to turn.

Unemployed people like him across America, victims of this recession, cannot get a helping hand from this Bush administration. The helping hand is extended to the wealthy, to the millionaires, to those with all the dividends who want all the tax breaks, but no helping hand to the poor unemployed family member trying to keep it going.

During President Bush's father's recession in the early 1990s, we extended unemployment benefits five different times; three times under President Bush senior, twice under President Clinton. In this administration, with this terrible recession, we have extended them only twice. Individuals are falling off eligibility. What happens to a person unemployed, no longer eligible for unemployment compensation?

You can count on the following: First, they will find it difficult to pay their utility bills. Second, they will find they have to make real sacrifices on the basis of family, food, clothing. You will find many of them moving in with family and friends. You can count on one of the first items to go being health insurance. They have just enough money not to qualify for Medicaid for the poor but sadly not enough money to provide health insurance for their family.

Over the weekend, my friends talked about health insurance and said, we feel very badly for people who are poor, those who are unemployed, but it is the working families of America who are losing today. This tax break, this $400 to $500 billion tax bill, ignores those families, ignores that reality, and in ignoring that reality, it calls into question whether those who have dedicated our time to public service are really listening to the people we represent.

I hope during the course of this week as we debate this bill and we debate the debt limit, as we get into these important issues, some of my friends on both sides of the aisle will reflect on what they have heard at home from the real working families of America. They need help. The Bush tax program does not help. It is irresponsible. It is unfair. It will not move this economy forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I ask unanimous consent that I be permitted to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI and Mr. REID pertaining to the introduction of S. 1051 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. Mr. President, parliamentary inquiry: What is pending before the Senate?

The PRESIDING OFFICER. The Feinstein second-degree amendment.

Mr. DOMENICI. The Feinstein second-degree amendment to the ethanol amendment to S. 14, the comprehensive energy bill; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I might say, if anyone cares to speak on either the amendment or the underlying bill or, for that matter, the comprehensive energy bill, the floor is open for that purpose. I have asked the majority leader if it would be appropriate to have a vote on the Feinstein amendment, a vote on it or in respect to it, this evening. He has indicated that sometime after 7 o'clock that might be in order. I am not asking for that at this point, but I am just saying to Senators that probably will happen.

If there are no other Senators desiring to do so, I will myself move to table it sometime after 7 o'clock, when it is deemed appropriate by the majority and minority leaders.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COLEMAN. Mr. President, I ask unanimous consent that I be permitted to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF FOR TCHISOU THO

Mr. COLEMAN. Mr. President, I thank the distinguished Senator from Massachusetts for giving me this opportunity to make this presentation. I am very appreciative.

I wish to talk about a young man I read about in the Minneapolis Star Tribune last Friday. It was the story of Tchisou Tho, an 18-year-old currently facing two situations: in three weeks, high school graduation and, in one day, the threat of deportation.

Yesterday, I introduced legislation that would grant citizenship to Tchisou, a senior at Como Park High School in St. Paul, MN who would become the first member of his family to attain a high school diploma.

In 1975, Tchisou's parents fled Communist rule in Laos and settled their family in France. At age 5, with his parents having visitors' visas, Tchisou's family came to the United States, first settling in California before eventually moving to Minnesota in 1993, mainly for the quality schools and educational opportunities for their children. As Tchisou's mother commented, "We consider it a precious thing to wear the gown and receive the diploma with honor and applause."

The Bureau of Citizenship and Immigration Service states that the Tho family defied a judge's order to leave the United States voluntarily before March 26 of this year. Mr. and Mrs. Tho had been granted work authorizations, but a meeting with immigration officials to request modifications of their status resulted in knowledge of the March deadline and consequently the deportation order.

I have great respect for the folks of Immigration. They do their job, they do it well. They are following the law. Unfortunately, Tchisou is a good kid experiencing a bad situation.

The sins of the parents should not automatically fall upon the shoulders of the children. Actively involved in his church, Tchisou teaches Sunday school, belongs to the youth group, and sings in the choir. At Como Park High, he is registered for challenging courses such as advanced-placement calculus. Furthermore, Tchisou has been accepted by the University of Minnesota, where he plans on studying either aerospace engineering or natural resources.

The situation Tchisou faces is not all that uncommon. It is a circumstance that, I am sorry to say, many children have to experience. In response, it is my understanding that my good friend and colleague Senator HATCH reintroduce the Dream Act in the near future, a bill that will address tough circumstances such as this, in a comprehensive manner, and I look forward to working with Senator HATCH on this important legislation. However, Tchisou can't wait for the Dream Act to become law, and that is why I introduced private relief legislation for him last night.

Mr. President, good kids like Tchisou should not pay for the mistakes of others. Tchisou should graduate from high school with his friends, and I believe the bill I introduced last night will make that happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand we are speaking as in morning business.

The PRESIDING OFFICER. That is not the order of business. The Senate currently has before it the Feinstein amendment.

Mr. KENNEDY. I ask unanimous consent to be able to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE REAL CURE FOR OUR SICK ECONOMY

Mr. KENNEDY. Mr. President, the health of the American economy has been deteriorating for more than 2 years and the patient's vital signs are getting steadily worse.

President Bush's response has been to prescribe sugar pills—tax cuts for the wealthy that may taste good for a moment but do nothing to cure the patient's illness. Like a quack doctor who knows only one remedy, while the patient keeps getting worse despite the treatment, the President just keeps prescribing larger and larger doses of sugar pills. The Bush administration's policies will never revive this sick economy.

I am deeply concerned about the continued stagnation of the economy. Unemployment is still on the rise. We climbed to 6 percent in April. There are now 8.8 million men and women unemployed across the Nation. The economy has lost more than a half million jobs in just the past 3 months, and there is no end in sight. In the absence of an effective stimulus from the Federal Government, the economy is not likely to improve quickly.

Behind such disturbing statistics are people who need our help. A strong economy allows working men and women to have greater control over their lives and more opportunity to pursue their personal dreams. A stagnant economy takes much of that control out of their hands, leaving families vulnerable to circumstances they cannot control.

Across America in the last 2 years, workers have lost their job security. As layoffs mount, they live in fear of being the next to be let go. There are 2.7 million fewer private sector jobs in

America today than there were in January of 2001. Those looking for a job are finding it increasingly difficult to obtain one. The number of long-term unemployed has tripled.

The pain caused by this destructive wave of economic stagnation is not limited to those who have lost their jobs. Health insurance is becoming less and less affordable for workers and their families across the country. The Congressional Budget Office now estimates that over the course of a year, 60 million Americans go without health insurance. One in ten small businesses which offered their employees health insurance in 2000, no longer do so.

Nationally, the average cost of health insurance is rising at double digit rates, up by 11 percent in 2001, and another 12.7 percent in 2002 nearly 4 times the rate of inflation. The health care squeeze on working families is getting tighter and tighter.

Senior citizens who desperately need prescription drug coverage are suffering, too. While their incomes are stagnating because of low Social Security cost-of-living adjustments, the cost of prescription drugs is escalating at double digit rates, increasing an average of 16 percent each year. Children who are being asked to do more in school are receiving less support. School districts faced with declining tax receipts have increased class sizes, cut weeks from school calendars, and laid off teachers. Our economy's inability to support public education is setting up America's children to fail in the global marketplace.

There is a crisis in public higher education as well that has been created by a weak economy. States are being forced to sharply cut aid to public colleges. State and community colleges in turn have increased tuition to an unprecedented rate to cope with State budget cuts.

Nationally, the gap between the cost of college tuition and the tuition assistance provided by the Federal Government has grown by $1,900 in the last 2 years.

Millions of families have seen their retirement savings seriously eroded. The value of savings in 401(k) plans and other defined contribution plans has declined by $473 billion in the last 2 years.

These are the realities American families face today.

It is imperative that the National Government respond to the growing economic crisis. There is much the Government can do to stimulate economic growth in the near term without generating huge deficits that will undermine prosperity in the long term. Unfortunately, the Bush administration has consistently refused to follow such a course of action.

Historically, Republicans and Democrats have had fundamentally different views on how to strengthen the economy. Republicans believe if you give tax breaks to the wealthiest taxpayers, they will invest more and the economy will grow. It is called trickle-down economics. The problem with this theory is the wealthy may not immediately use the money to create jobs and expand production. If there is no demand because consumers are not buying, companies will not produce more. They will just wait until the economic climate improves.

Democrats believe that tax relief and public resources should go to America's working families. They are the ones who are struggling most in this brutal economy, and they will quickly spend the money. They will create the demand which is needed to get the economy moving again.

It is an old debate. We have very different approaches to stimulating the economy. Republicans keep making the same mistake. If trickle-down economics worked, the economy would not be stagnating today. In 2001, at President Bush's insistence, Congress passed one of the largest tax cuts in history, and wealthy taxpayers got the lion's share of the tax benefits. America has lost more than 2.5 million jobs since the first Bush tax cut passed. The Republican response is more of the same. But the American people want a new approach.

The President has repeatedly rejected the pragmatic advice of mainstream economists and opted instead for an ideologically rigid and ineffective strategy. His single-minded commitment to ever larger tax cuts for the wealthy as the cure to every economic ailment has made a bad situation worse. The administration has ignored remedies that would provide a significant stimulus this year, while implementing policies that will undermine our future economic strength. As a result, the economy continues to stagnate, and the number of families facing hardships continue to grow. The budget presented to Congress by President Bush this year calls for over $1.6 trillion in new tax cuts, in addition to the massive tax cuts already enacted in 2001. According to the Congressional Budget Office, if the President's budget is accepted, the on-budget deficit will grow to $4 trillion by 2013. More than three-quarters of that amount would be directly attributable to the Bush tax cuts. A deficit that large would make it impossible for the Federal Government to meet its most basic obligations to the American people in national security, in health care, in education, and in retirement security.

While imposing this enormous long-term burden on the economy, the President's economic growth plan would not even provide the immediate stimulus the economy needs. The economy needs a real stimulus plan. A genuine economic stimulus must meet three criteria. It must have an immediate impact. It must be temporary. And it must be fair in bringing the recovery to all Americans and not just the wealthy few.

The Bush proposal fails on all three counts. Only $40 billion of the $726 billion cost of the administration's plan would reach the economy in 2003, when it is needed to stimulate growth. Most of the revenue will be spent long after the recession has ended. Eighty percent of that total amount would not be spent until 2005 or later. What we need is just the reverse. We need to put much more money into the economy in 2003 and keep the long-term costs low. Temporary tax cuts to stimulate the economy are affordable, but the President's large, permanent, new tax cuts are not.

The Republican plan will not provide the timely and targeted stimulus that the economy needs.

Under the President's so-called economic growth package, households with annual incomes over $1 million would receive an average tax cut of $90,000 each year. They are not the ones who are struggling to make ends meet in this faltering economy. They are not the ones who need our help. Nor are they the ones who will quickly spend the money they receive.

In contrast to this windfall for the richest taxpayers, households in the middle of the income spectrum would receive an average of less than $300 per year in tax benefits.

The Bush plan is simply not an effective stimulus. A recent analysis of the administration's economic growth plan by a respected independent financial research firm, Economy.Com, determined that elimination of the income tax on corporate dividends, the centerpiece of the President's plan, is one of the least effective forms of stimulus, generating less than a dime of stimulus for every dollar of Federal revenue lost. By comparison, extending unemployment benefits and providing aid to State and local governments would produce substantially more than a dollar of stimulus for every dollar of Federal revenue spent.

The plans announced by House and Senate Republicans in the past few days both contain the same fundamental flaws as the Bush plan. They put far too little money in the economy this year and cost far too much in the long term. Only $60 billion of the House's $550 billion tax cut would go into the economy this year, and even less, just $33 billion of the Senate's $420 billion tax cut, would reach the economy in 2003, when it is needed to create jobs.

The Senate Republican bill reported out of the Finance Committee last week would give taxpayers who earn more than $1 million a year an average annual tax cut of $64,400, while middle-income taxpayers would only receive an average tax cut of $233. Sixty percent of all the tax benefits in the legislation would go to the wealthiest 10 percent of taxpayers.

This chart I have in the Chamber reflects that. This chart is the result of an analysis by the Urban-Brookings Tax Policy Center. The average tax cut for middle-income families is $233 a year, and for the millionaires, $64,400 a year.

While the Senate Republican bill is not as extreme as the Bush administration proposal, it still fails the test of an effective and immediate stimulus. It does not maximize the economic impact in 2003. We can create many more jobs much sooner by better targeting the resources provided in the legislation. Senate Republicans are still proposing to spend $80 billion on a permanent dividend tax cut and $35 billion on lowering the tax rate on the highest incomes. These cuts, which constitute one-third of the entire cost of the bill, do not provide the needed effective stimulus, and they take resources away from proposals that would.

It is incredible that Republicans could not find the dollars to extend unemployment benefits and to provide tax relief for low-income workers but they could find the money to pay for these tax breaks benefitting the wealthiest taxpayers. These priorities are all wrong for America.

Let me just point out that in their Republican tax proposal, there are virtually no provisions for unemployment compensation for American workers—either the almost 3 million American workers who have lost their jobs over the period of the last 2 years or those who have already seen their unemployment compensation expire because of the downturn in the economy, let alone the hundreds of thousands of part-time workers and low-income workers, who are primarily women. There is no proposal whatsoever in the Republican tax proposal to have an extension of unemployment compensation in spite of the fact that the unemployment compensation fund is in heavy surplus. At this time, it is well able to afford it.

A well-designed stimulus plan could generate far more economic activity at a small fraction of the cost of the Republican proposals. The Senate Democratic plan would inject $125 billion into the economy this year and is designed to maximize the stimulus effect of each dollar. There is twice as much stimulus effect in 2003 as the House Republican plan and three times as much as the administration's plan and the Senate Republican plan.

Three widely respected economic models all show that the Democratic plan would generate substantially more growth in 2003 and create a half million more jobs this year than the Republican plan.

In the Democratic plan, half of the total amount would be used to provide immediate tax relief to working families. It would provide tax relief to all those who pay either income tax or payroll tax and would provide additional tax cuts to families with children. The tax cuts are directed to hard-working families who need them most and are most likely to spend the dollars quickly.

The current installment of Federal unemployment benefits runs out at the end of this month, and the Democratic plan would extend those benefits.

An effective stimulus plan also needs to provide immediate, targeted tax relief for businesses to stimulate new investment. Accelerating depreciation to 50 percent for this year and tripling the amount small businesses can expense this year makes sense. The goal is to provide businesses with strong tax incentives to invest in new plants and equipment now, rather than postponing those expenditures until future years.

To be credible, a stimulus plan must recognize the dire fiscal problems that State and local governments across America are facing. The current fiscal crisis in the States is the most severe in decades. Collectively, States are facing budget deficits of nearly $100 billion and making up for it by cutting education programs.

Last Congress we passed a good bill, a bipartisan bill, in the No Child Left Behind Act, in order to ensure we had smaller classrooms, better trained teachers, improved curricula, and after school services. We had a whole range of commitments: improving literacy, and putting additional kinds of expectations on schools to perform. We did all of that.

But we have found now that the administration has backed out of that commitment at the same time we are finding the States are backing out. We have a golden opportunity to strengthen and enhance K through 12 education, but we are undermining that possibility with the cuts that are taking place at the State level as a result of the first Bush tax cut. And we know that this new tax request by this administration will permanently undermine our ability to fund these programs into the future.

It is important to remember that more people need to rely on State and local programs in an economic downturn. The number of people eligible for Medicaid grows substantially in times of recession, and many other costs rise as well. Without jobs and without health care, families have nowhere else to turn. They don't have the health insurance, so they have to go to the neighborhood health centers. Who do we think picks up the cost in terms of the neighborhood health centers? It is the local communities that are going to be required to do this. We should make certain that the needed resources are available for them.

Our stimulus plan would provide at least $40 billion to hard-pressed States and communities. It would provide additional dollars to maintain health care, education, and social services. It would also help with the substantial costs of dealing with the threat of terrorism. It is money well spent which will help stimulate the economy now. Unfortunately, the President's plan completely ignores this need.

We had the hearings in our human resources committee not long ago about the dangers associated with the outbreak of SARS and about how local, State, and public health services are so heavily burdened in responding to various kinds of inquiries and tension in local communities on this, and how they are stretched to the breaking point.

SARS is not the result of a terrorist activity, but if it had been or if we should have one now, we know our public health systems are stretched to their limit. And they are our first responders. We also know that the major hospitals now are overstretched because of the reductions in their budgets. They need to be ready to contain any kind of an outbreak of a major terrorist attack that is going to use chemical or biological agents. So we are talking about matters that involve the security of this Nation in terms of terrorism and the potential use of anthrax and other dangerous substances.

The best way to stimulate real economic growth is to make sound investments in our human capital and in our infrastructure.

That is what the Bush administration does not realize. That is the essential element missing from all their economic plans. If we deny the necessary resources now, we are jeopardizing the future well-being of our people. We are also jeopardizing our future prosperity. Today we need an economic growth plan that recognizes the real forces which drive our economy and invests in them. As President Kennedy said 43 years ago, at the time of another Republican recession: It is time to get America moving again.

As debate on the tax bill progresses, I intend to offer amendments to reverse the misguided priorities of the Republican bill. One of my amendments will eliminate the dividend tax cut and the accelerated reduction in the rate of the top brackets in order to provide the necessary funding for a Medicare prescription drug benefit that will effectively meet the needs of the elderly. The people's representatives will have a chance to say what is more important for the American people, a tax cut for the wealthy or a solid prescription drug program which was effectively left out of the Medicare program when we passed Medicare in 1965. We got the hospitalization. We got the physician services. But we left out prescription drugs. We made a commitment to American seniors: Work hard and your health care needs are taken care of. We didn't say they would be taken care of with the exception of prescription drugs, but that is exactly what has happened. Every day that we have Medicare without prescription drugs, it is a violation of that commitment.

We will have an opportunity tomorrow to make a decision whether we are going to as a nation place the funding of a good prescription drug program ahead of providing additional kinds of tax reductions for the wealthiest individuals in this country. It is an issue of choice. It is an issue of priorities. The Members of the Senate will be able to make that judgment and decision. One will take place; the other will not. Which way will the Senate go?

Too many of our elderly citizens choose between food on the table and the medicine their doctors prescribe. Too many elderly are taking half the drugs their doctors prescribe or none at all because they cannot afford them. The Republican budget shortchanges senior citizens who desperately need prescription drug coverage. Prescription drug spending for senior citizens will cost $1.8 trillion over the next decade, but the Republican budget allocates only $400 billion additional dollars for Medicare. This $400 billion is not even reserved just to pay for prescription drug coverage. The additional $115 billion my amendment provides will help us to enact a real drug benefit without coverage gaps and high deductibles and will meet the needs of all seniors. It is a statement by the Senate that mending the broken promise of Medicare and providing seniors with the lifesaving prescription drugs they need is far more important than additional tax breaks for millionaires.

The Republican budget also seriously underfunds education. I am planning to offer an amendment that would reduce the size of the tax cut and use the funds to make real the promise of No Child Left Behind.

We made a commitment to parents and children, with No Child Left Behind, that we were going to guarantee a well-qualified teacher in every classroom. We made a commitment that they would be in smaller classes. We made a commitment that parents would be informed as to the progress those children were making and the school was either making or not making. We made a commitment that we would hold schools accountable, and if the schools were not going to perform, they would be altered or changed. And if they still were not performing effectively, they would be completely reorganized. We made that commitment to parents. We made that commitment to the American people.

But we also made a commitment to the American people that we were going to do our share by providing the resources to get that done. We have failed them.

My amendment will also address the needs of college students caught up in the widening financial gulf between tuition assistance and the cost of higher education.

We make choices in the Senate. We are going to give the Members of the Senate the opportunity to make a choice about which is more important: Investing in our youngest children, and those children who are continuing their education into college as well who today are in many instances spending their time during the breaks, rather than talking about their books or the courses they are taking in school, are talking about when their next job will be and how much they will get paid and how much their student loan is going to take out of that. We know so many of the most talented and most gifted students come from hard-working, middle-income families and they turn down the opportunity to go on to school and college because they do not want to assume that debt or assume the debt for their families.

We are going to provide an opportunity for the Senate of the United States to make a choice. Do you want to provide more tax breaks for the wealthiest or do you want to invest in schools? They will have that chance tomorrow.

Unemployment benefits expire 2 weeks from now. My third amendment will extend the current program for 6 months and help the 1.1 million Americans who are long-term unemployed, and the hundreds of thousands of part-time, low-wage workers. These are men and women who have worked hard and paid into the fund. If they haven't paid into the fund, they are not eligible. Make no mistake. These are men and women who, through no fault of their own, because of the downturn in the economy, are thrown out of work. They are able to collect some unemployment compensation. But then after a period of time, that compensation expires.

Historically, in a nonpartisan way, Republicans and Democrats together have said: We will provide a helping hand to you until we get the economy back. And then, when they are on their own feet, they repay back into that fund. That is the way it has worked historically. But not under this Republican proposal. There isn't 5 cents in here, not one nickel for these fellow Americans who are trying to pay a mortgage, educate their children, and put food on the table. We will have a chance tomorrow to vote on this issue and to find out the decision of the Members.

The debate will only last for 2 days because of the rules of the Senate. We are limited to 25 hours under the process that was accepted a number of years ago, with which I have great difficulty when we have a situation such as this.

We know that national economic policy has a most dramatic and important impact in terms of the national economic well-being and welfare. In the early 1960s, sound fiscal policy led to a long period of economic growth and price stability. We did see a reduction in taxes under President Kennedy at that time, when taxes were up to 90 percent of income. Imagine that. They went down to 70 percent.

The distribution in that tax bill, which eventually was signed into law in 1964, was for middle income and low income working families, and over $3 billion went to reduce and close tax loopholes. We don't have that now. There are some provisions in here that raise the taxes on Americans who are working overseas. But I wish we had a committee that would review the tax expenditures the same way that we review the expenditures in terms of spending.

We hear a great deal about reduced spending, and there are areas where it should be reduced. But what we don't see is any call for reducing the tax expenditures that have been building up over years and years and benefit just the few, the privileged, in the Tax Code. They have been growing and growing and growing.

Make no mistake about it, the working families make that up every time we see another tax loophole created. If we are going to get back to a balanced budget, somebody has to fill it in, and it turns out to be the working families who are the ones filling that in. That is wrong.

When we saw a strong tax program in the early 1960s, we saw, as a result, economic growth and price stability. It continued for a number of years until we found additional expenditures as a result of the Vietnam war. Then we saw the same thing as the result of President Clinton's economic program in 1993. After that we had the longest period of economic growth and price stability in this country in years, with the creation of millions of jobs as a result of the economic policy decided on the floor of the Senate.

We are going to be debating how to recreate this success this week in the Senate. I believe that is the most important question that will be decided by this Congress this year—outside of the particular assurance of our own national security and defense and the battle against terror.

The challenge the American people should give to us is to make sure, one, that the economic policy is going to be fair and, two, it is going to be a stimulus to the economy and, three, it is going to be temporary. If we do that, whatever the program, Democrat or Republican, we will have met our responsibilities.

We should put an emphasis on meeting the Nation's priorities with respect to education, health care and unemployment insurance.

America should be watching this debate and paying close attention because the decisions that are going to be made in the next 36 hours will have a profound impact on our economy and what kind of country we are going to be over the period of these next several years.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

Mr. NELSON of Florida. I thank the Chair.

JUNK E-MAIL

Mr. NELSON of Florida. Mr. President, I take this opportunity to talk about what we are going to be considering for the next couple of days, which is the fiscal policy of this country. Before I do, I am compelled to share again with my colleagues the brief remarks I had made this morning about an experience I had yesterday in my Tampa office. Having opened up the office from the weekend, our employees in the Tampa office went into their e-mail account for the Senate. What they found was their e-mail mailbox was filled with unwanted junk, so much so that one of my employees in the Washington office talks about the unwanted e-mail junk, including pornography, that comes to the Senate office in Washington. In the course of the day's activities, it takes her some 45 minutes to clean up this unwanted e-mail.

We are already seeing the statistics that it is upwards of 45 and 50 percent now of an average person's e-mail that is unwanted. Therefore, the normal course of commerce of e-mail, this new and wonderful mechanism for instant and cost-effective communication, is being denied to our everyday consumers because their e-mail mailbox is so cluttered and, in fact, is imposed on them. Then they have to go through the process of deleting it.

I thought it was also instructive that the intern we have in our Tampa office happened to be gone for the last week and came back and checked on her own personal e-mail, and she had 321 unsolicited e-mail messages that had accumulated in the course of a week.

This is getting out of control and it needs to be addressed. In part, we addressed it last year in the Senate Commerce Committee, but legislation never flowed because there was so much of whose ox was going to get gored.

Various e-mail companies certainly do not want to impair their commerce, and so in the past they did not want any kind of check and balance on the ability to e-mail. But now we are seeing those companies such as AOL coming around and suddenly they are recognizing their ability to use their mechanism of e-mail is being impaired because there is so much unwanted junk.

As I was in the Tampa office yesterday, I happened to look through this single-spaced page of all the e-mail messages that had just come in that morning. The third one on the list was all about salacious sex pictures. Well, that is obviously not something that is appropriate and yet this kind of information is being forced on the consumers of America, and the American people are saying enough already.

What we are going to do in this session of Congress is stop it. There are only 20-some States that have addressed this issue, the most recent of which is the Commonwealth of Virginia. They have passed the most severe penalties for this kind of junk e-mail. As we address it in this Congress, what we should be doing is recognizing that if a State wants to adopt an even higher standard than the penalties we are going to set in law at the Federal level, then a State clearly ought to have the right to make it even more punitive.

The bill I introduce will basically have two parts. The first part of the legislation is going to set up criminal penalties, both financial and jail time, for unwanted e-mail.

Now, it is not going to catch the unsuspecting person whose post office you cannot trace—in other words, masking their identity because they did not intend it to. It is going to be intentional masking that we are going to stop or else they are going to get heavy fines and/or up to 5 years' jail time.

The second act we are going to prevent is we are not going to let bulk e-mails, which I think is defined in terms of over 10,000 e-mail, falsify information. If they do, they are going to suffer the consequences.

Third, we are going to try to work out some process so that normal commerce will not be impeded but that excessive junk that clutters your e-mail box will be stopped. That is the first part of the bill.

If you violate those three standards, you are going to be subject to prosecution, and the penalty is already in law for fines and/or jail time.

There is a second part to the legislation. We are going to make that first criminal act a component part of the RICO statute. That is the Racketeering Influence and Corruption Organizations Act. It was the statute passed some two decades ago giving prosecutors new tools to go after the criminal enterprise, the enterprise of many different criminal activities which had a pattern of criminal activity that became a criminal business. The prosecutors had a new tool to go after them because they could seize the assets of the criminal enterprise—not just the fine and the jail time.

If we want to be serious about stopping this, we need to get serious about fines and criminal penalties and giving prosecutors the additional tools to stop this terrible invasion of individual privacy by invading an individual's mailbox.

That is the bill I introduce today. Clearly, I have not seen a reaction like this. I mentioned this yesterday to some assembled press when I was in the Tampa office. I am getting all kinds of reaction.

The senior Senator from Virginia has arrived. I have been talking about the Senator's Commonwealth of Virginia. They just passed the strongest antispam legislation in the entire country. Virginia now has the strongest in penalties against those who clutter our consumers' e-mail boxes with unwanted mail, including pornographic stuff.

To the Senator from Virginia I tell of my personal experience in Tampa yesterday and in the Washington office today, the amount of time it takes our staff to delete this unwanted e-mail. It has become such a burden for our consumers.

I yield to the Senator from Virginia, my distinguished chairman of the Armed Services Committee.

Mr. WARNER. Madam President, I came on the floor to see my colleague. I was aware of the Governor's action. The Governor and I have the same name, although we are not related. He has shown great leadership on this issue. We hope for the best.

Virginia has often struck out and led America in the right direction to correct what is perceived as an invasion of privacy and a wrong. I thank the Senator for his remarks.

Mr. NELSON of Florida. I look forward to working with the Senator from Virginia. Clearly, his State will be protected. There are some 27 other States that do not have laws. They are begging the Federal Government to step in and establish a standard that will stop this obnoxious practice.

I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from New Jersey.

Mr. LAUTENBERG. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEBT EXTENSION AND THE TAX CUT

Mr. LAUTENBERG. Madam President, I rise to talk about the legislation we are scheduled to deal with this week, the debt limit extension bill and the tax cut.

The debate over the debt ceiling may seem esoteric to the folks back home, but it is actually a fairly simple issue. The President has decided to borrow more money on our Nation's credit card and now he is asking his credit be enlarged. The President's credit card is very clearly over the limit. He is asking the bankers in this room to approve his credit expansion.

So we are going to talk about it because we want to be sure he can afford to take on this much debt based on the fiscal management he is directing. By the end of this month, the President's card will be revoked because his balance will far exceed the credit card limit. What is that limit? The limit the President cannot comply with is $6.4 trillion. That is the amount of indebtedness we are currently permitted to have.

Now he is asking us, the bankers in this case, the 100 Senators, to extend his limit by another $984 billion. But the President does not have to pay that back. That debt is going to be deferred to future generations, about $3,400 for every man, woman, and child in America.

Right after he gets the extension of the debt limit, the President wants to charge at least another $350 billion on the credit card for a tax cut that goes primarily to the wealthy among us. The best part for the President is that he doesn't have to worry about paying the balance. He will hand the credit card off to someone else in a few years and say: You deal with this. All of us will be stuck with the bill—all of our children, all of our grandchildren. I personally was blessed with the birth of a ninth grandchild last Monday. I did not want to greet him with the news he might be inheriting a debt of $3,400 as he starts life. That will be his part of the deficit we are facing. At the rate President Bush is going, maybe our great grandchildren will participate as well.

The flawed economic budget policies have been nothing short of a disaster. It is a disaster of the administration's own making. Now the President wants to make the situation worse with another bloated, irresponsible tax cut.

I thought it was common knowledge when trapped in a hole you stop digging. Our President wants us to keep on digging and digging until we are in a budgetary canyon.

This chart tells a tale of three administrations and fiscal discipline, between the growing deficits of the two President Bushes, then the Clinton administration. We see the bars go from red deficit to a white surplus in the Clinton administration. And now we are headed back for deep deficits.

We see what has been happening with our fiscal conditioning in the last years. Under the first President Bush we had a fairly rapidly growing mass deficit. And then we had a new President come in with a different view of how we ought to manage our financial affairs. In 8 years, we see an amazing change. From 1992–1993 when President Clinton took over, we see it going rapidly into a surplus.

As a coauthor of the 1997 balanced budget agreement, I was proud to work with President Clinton to attain that surplus. At the signing of the agreement as the official Senate representative, I escorted President Clinton, along with Vice President Gore and Speaker Gingrich, across the White House lawn to permit the entire country to see this historic agreement put into effect—a balanced budget agreement. We made tough choices and they paid off and we put the country's fiscal health back on track.

But shortly after President George W. Bush took over, we saw the downward slide to fiscal irresponsibility. President Bush inherited Bill Clinton's surplus and it was squandered in short order. While there are many factors in such a slide, President Bush's irresponsible 2001 tax cut undid any hope of staying in surplus. Now the President—and this is just an honest policy disagreement—now the President's answer is to borrow more and more. That is why we are talking about expanding the debt with yet another tax cut.

We already passed an irresponsible, bloated tax cut in the last Congress and it has not helped the economy. Circumstances have gotten worse and worse.

Just look at the job situation in America: How people earn their living, pay their bills, take care of their families. Those folks get a heck of a tax cut. Half of the taxpayers of middle income get about $100 a year—basically nothing. If they should lose their jobs, heaven forbid, they will be darned lucky to find new work, and this administration is unwilling to expand their unemployment benefits.

I recently saw President Bush talking about this tax cut plan in front of a board that had written on it: Jobs, growth, jobs, growth—all over it. The White House staff made sure those words would be in every television image, every photograph of the President at that event. But simply printing the words "jobs" and "growth" on a board will not turn the President's irresponsible tax cut plan into a job creation plan.

No one seriously believes this program will do anything to create jobs anytime soon. Beyond the slogans, the reality is this administration has, unwittingly or otherwise, been a job eliminator. They have done nothing to stimulate the economy or create jobs. They say, "Trust us, and if we get more tax cuts, some will surely dribble down to the job market."

Look at this chart:

If You Want to Keep Your Job, Stay Out of the Bushes.

Unemployment rate grows rapidly under the Presidents Bush. The higher the bars go, the worse the situation is for thousands of working people. After the high unemployment rates of the first President Bush, we saw President Clinton bring the unemployment rate steadily down, all the way to 4 percent. Virtually no economist thought we could get to 4 percent, but we did. Now we look at how President Bush, George W. Bush, has handled employment. We see unemployment rising again. Just this month we hit 6 percent.

The first Bush tax cut was supposed to create jobs, but we haven't seen any. Since January of 2001, the number of unemployed has increased over 45 percent, with 8.8 million Americans out of work. Since the beginning of the Bush administration, 2.7 million private sector jobs have been lost—over 500,000 jobs have been lost in the last 3 months, with 48,000 lost in the month of April just past.

On top of that, the administration has indicated it would like to eliminate 850,000 Federal employee jobs. In historical context, President George W. Bush has had a rather grim picture, the worst job growth record since the Great Depression. What is growing is unemployment.

Just look at this chart: From the highest job growth to the worst job growth in 58 years. That is terrible.

The chart has a certain attractiveness about it. But if you look beyond the colors, you see a very grim picture. All of these people who are presently out of work are struggling—this shows it very graphically—with an almost impossible situation.

The chart shows President Truman on the left. We see job growth in all the administrations except one. That administration is the current Bush administration. This administration is in the red. It is not creating jobs. We are losing 74,000 jobs on average each month.

Compare this administration with either of the two terms of the Clinton administration. We averaged over 200,000 new jobs throughout the Clinton administration. We are losing jobs in this country. But President Bush's preference is to give more huge tax breaks that go primarily to the wealthiest among us. He is addressing the problem with symbols and signs that suggest a rosier future, but it does not happen, and that adds outrage to neglect. In almost every category, these economic policies are failing.

Real GDP growth is another example. Look at this chart. It shows the average annual percent change in real GDP in Clinton's two terms and so far in President Bush's tenure. It is a stark contrast, as you see—the Clinton first and second terms here and the present George W. Bush term. President Clinton had us above 4 percent real GDP growth, and President Bush's average is barely above 1 percent.

President Clinton practiced fiscal discipline and it paid off. Under President Clinton, we attained a budget surplus. Under President Bush, we are back in deficits as far as the eye can see. Just as a reminder, when President Clinton left office we were looking at the prospect of a $5 trillion surplus over a 10-year period. Now it is expected we will have a $2.2 trillion deficit. Look at the change—$7.2 trillion in a period of 10 years. Under President Clinton, tremendous job growth; under President Bush, losing jobs at a record pace.

President Bush's economic policies are not working the way we would like them. I am sure they are not working the way he would like them to either. Our economy and the Federal budget are in real trouble and it is my hope there will be a reexamination of the tax cut plan in front of us. The first Bush tax cut didn't stimulate anything except the wallets of some of the most wealthy among us. Are we going to make the same mistake twice? It seems as if we are on the verge of doing just that.

We should not have to increase our Nation's debt limit. We should not have to pass the irresponsible tax bill we are considering. But the reason we are going to have to increase that debt limit $984 billion is to accommodate another tax cut, a tax cut that will not stimulate the economy, will not reward those who are working hard to make a living, taking care of their families, providing for education and a roof over their heads, health care, all that is essential in this day and age to provide good, responsible leadership for a family. It will not help.

It is alleged that the tax cut will produce something like $2,000 for the middle class, but it is untrue. It is more like $100 or $200. When you get rid of or reduce the tax obligation for the wealthiest among us, there is not enough left to do more than $100, on average, for half of the taxpayers in the country.

So I hope we will take a second look at what we are doing and curb the expansion of debt that this country is going to have to suffer for many years, maybe decades, to come and not proceed with a tax cut that extends, again, the best benefits to the wealthiest among us, people who need it the least.

I have had many conversations with people, and we have heard from distinguished entrepreneurs such as Warren Buffett, who said he would rather not have a tax cut because he knows that if he pays more taxes, he is left with a higher result in his pocket. I think we have to look at it realistically.

With that, Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, for the remainder of this week we are going to be discussing some very important fiscal policy issues dealing with increasing Federal debt limits and proposals to reduce taxes in our country. We will have a substantial amount of debate about both of those issues. Both of them relate to the question of whether our country's economy is growing or whether it is stagnant, whether it is producing jobs or losing jobs. I want to talk just a bit about that.

In the last couple of weeks, we have heard all of the discussions about our country having lost some 2 million jobs over the last 2½ years. In fact, in the last week or so even Michael Jordan got laid off. It tells you a little something about the state of our economy, I guess.

Some while ago, I was reading about an opening for the Oscar Mayer Wienermobile driving position. They had an opening for a driver for the Oscar Mayer Wienermobile. Most people remember what that is because they have seen it in parades or on television. So they posted this in the newspaper: We have an opening for a driver for the Oscar Mayer Wienermobile. Eight hundred college graduates applied to be the driver for the Wienermobile. That also says a little something about the state of our economy and the state of jobs.

As we discuss these issues of jobs and economic expansion, I think the first place to start is with this understanding: Both political parties in the Senate want the same thing for our country. We want an economy that expands, that provides opportunity and jobs and growth and hope for the American people. That is what we all want. There is no disagreement about the goal here. The question is, What is the menu of policies we can implement in the Congress that might help achieve this goal?

I recall, going back 10 years to the year 1993, when our economy was at that point stagnant, in deep trouble. We had the largest deficits in this country's history at that point.

President Clinton came to office, and he said: I want to put this economy of ours on a different track. I want to change some policies. And they were controversial. They passed the Senate by one vote, and passed the House by one vote, were signed into law by the President, and put this country on a different track altogether. They were not easy to vote for. I voted for them. But the easiest vote was simply to say no.

In the 1990s—as a result of fiscal policy that the American people, that Wall Street, that Main Street, that the bond market could look at and say: This is a sound policy. It puts the country on the right track. It gets rid of these Federal budget deficits. It makes tough choices—but people had confidence, and that confidence was manifested by doing the things you might not otherwise do.

If you are confident about your job, about your family, about the future, about your security, then you buy a home, buy a car, take a trip, make a purchase, and do the kinds of things that manifest that confidence you have in the future for yourself and your family and your country. And that is the expansion side of the American economy.

In the 1990s, this economy grew and grew and grew. Millions and millions of new jobs were created in the private sector in this economy. But things have changed. We have run into some tough sledding these days. Let me describe some of the circumstances that occurred.

We began to run into an economic slowdown which then became a recession. On top of that recession, we had the terrorist attack in this country on 9/11. We had the bursting of the technology bubble and the pancaking of values in the stock market. We had the largest corporate scandals in American history. Companies such as Enron, Arthur Andersen, Tyco, and others were splashed across the front pages of America's newspapers. We saw some of America's best known executives led away in handcuffs. And we had a range of other circumstances that caused great uncertainty in this country.

As a result, instead of gaining jobs, in the last couple of years we have lost jobs. At the start of this period, President Bush was elected and came to town and said: My policy is, I want a $1.7 trillion tax cut over 10 years. And the reason I want that tax cut, he said, is because I can see surpluses as far as the eye can see. This money belongs to the American people, and we ought to give it back. If we are going to have surpluses for 10 years, let's put in place permanent, deep tax cuts for 10 years.

Some of us said: Well, we support tax cuts, but perhaps we ought to be a bit conservative. What if something happens? What if we run into some tough times? What if we find some white water on these economic waters of ours? What if we find some difficult circumstances?

No, never mind about that, they said. This is about tax cuts right now that are permanent. And they won—by one vote. And the result is long-term, permanent tax cuts. Very shortly thereafter we discovered that we had a recession, and then the terrorist attack, then the war on terrorism, and corporate scandals. And guess what happened. Very quickly, those long-term, big-budget surpluses turned into large projected Federal budget deficits as far as the eye can see.

So things have changed dramatically. What do we do about that? The American people are concerned about the future. They lack the confidence that is necessary to provide a boost for the expansionary phase of the economy. What do we do about that? The President says: I have a recipe. My menu is, let's cut taxes once again.

Let me describe in economic terms where we find ourselves. In fiscal policy, we have this year a budget deficit of over $1 billion a day that we spend more than we take in—over $1 billion a day. That is our deficit, every day, 7 days a week, 365 days in the coming year. It is pretty hard to be more stimulative to the economy than that. You talk about Keynesian; that is Keynesian economics. Those are very large deficits. How can you be more stimulative than that to the economy? That is a huge fiscal policy stimulus.

Monetary policy: The Federal Reserve Board has driven short-term interest rates down about as far as they can go, a percent and a quarter. It is hard to see a monetary policy that is more stimulative than that.

So we have policies in place, both monetary and fiscal policies, that are stimulative. Yet our economy is barely moving. It is not producing new jobs; it is losing jobs. So what do we do about that? The President says: Let's cut taxes again.

What the President has said is that he wants to cut taxes at this moment. I want to show the consequences of that. On page 4 of the Budget Act, the concurrent resolution passed by both the House and the Senate, it says: Debt subject to limit. This is the Federal debt. It says, in fiscal year 2003, it will be $6.7 trillion.

The President says: If I get all that I want from you, Members of Congress, I propose we grow the Federal debt from just over $6 trillion to $12 trillion.

What he is saying is: Adopt my plan and double the Federal debt in 10 years.

I don't know. I come from a really small town, but that doesn't seem to me like it is moving forward. It seems to me like this is losing ground. We have lost 2 million jobs. We are proposing to double the Federal debt in the next 10 years. I just don't understand how this inspires confidence in the American people that we somehow have our fiscal house in order.

I don't understand where conservatives are hiding. I thought being a conservative was to say: Let's be a bit conservative in the way we deal with this. Let's make sure we will have a sound dollar in the future. Let's make sure we have our fundamentals right. Let's make sure we are moving towards some balance in the budget. And let's make sure we are investing in things that produce big dividends for the people.

Let me say what the President has talked about. He says his dividend for the American people is to cut taxes. That all sounds good. The easiest lifting in American politics by far is for any politician to say: My proposal is to cut taxes.

I guarantee you, that makes you popular.

How about the alternative that says: My proposal is to double the Federal debt? The President is not going to say that, but that is what he is proposing. He won't get on Air Force One and go to Indianapolis to say: I have a great proposal for the people; I propose we double the Federal debt to $12 trillion.

I would just like to hear it once because here it is. It is in black and white. It is not me saying it. It is the President proposing it here on this document. That is the end result of this fiscal policy. Will that inspire confidence about the future? It will not.

So we will have a debate this week on these proposals, and these proposals will be to increase the Federal debt limit by nearly $1 trillion. Let's make sure we understand that. It is actually just $984 billion. It is hard to keep billions and trillions separate in the Congress some days. They have constructed this debt ceiling increase so that it is just under $1 trillion.

So let's understand what this means. We will vote this week to increase the debt ceiling by nearly $1 trillion. I want to tell you how many times we will do that again in order to meet what the President proposes to happen with this fiscal policy. We will increase it $1 trillion now, $1 trillion later, $1 trillion after that, another $1 trillion later, another $1 trillion, and finally another $1 trillion. Those debt ceiling increases will all be necessary in order to meet the President's objective with a fiscal policy that results in doubling the Federal debt from $6 trillion to $12 trillion.

Is that putting this country on track? Is that making tough choices? In McCullough's book I have mentioned previously, John Adams writes to Abigail frequently, as he is serving his country in France and England. He writes to Abigail plaintively asking, in different words: Where is the leadership going to come from? Where on Earth, he asks 200 years ago, will the leadership come from to help create this new country of ours? Who will provide it?

He laments: There is only us. There is myself, George Washington, Ben Franklin, Mason, Madison, Thomas Jefferson. There is only us.

Of course, we understand now, with the hindsight of two centuries, we had some of the greatest talent in human history thinking through how to put this country of ours together. But it seems to me that it is important to constantly ask the question: Where is the leadership going to come from?—in this case on fiscal policy.

We have good people on all sides of the political aisle. The President is a good person. Members of the Senate, Republican and Democrat, come here because they have a passion in their heart to want to do good things for the country. They all share the same goal. They want this country to expand and provide opportunity and jobs and prosperity.

The fact is, they have different visions about how to approach the goal. Some believe this economic engine runs because you put something in at the top and somehow it trickles down; that which is put in at the top one day will benefit everyone. There are others who believe you give everyone a little something to work with, jobs, especially for working people, and things percolate up, and this engine runs best that way. We have had plenty of opportunities to test those theories.

Let me submit that the test in recent years has been quite clear: Put your economic house in order. Give people some confidence that you are making tough choices, that you will carve out a future for their children and grandchildren that is one we can be proud of, and have them inherit a growing economy rather than be saddled with the burden of debt. If we do that, it is quite clear that people will do what is necessary to expand this economy. If we don't, the economy languishes and contracts.

I will offer some amendments to the tax bill. I don't intend to vote for a large permanent tax cut on top of what we did in 2001. I don't intend to vote for it because every single dollar that is used for this tax cut—most of which will go to upper income people—is going to come from the Social Security trust funds. Let me use Donald Trump's name because he doesn't mind. Donald Trump puts his name on everything, and I am sure he doesn't mind. He is a very successful American businessman. Assume that a successful American businessman makes $1 million a year in net income. My assumption is that Donald Trump does much better than that. But assume he made $1 million a year in income. Under the President's plan, he will get a $90,000-a-year tax cut. Now, I have just described to you that this process is going to double the Federal debt. You know and I know and everyone in the Chamber knows it is going to make it much more difficult to fund Medicare and Social Security. This plan is going to use the trust funds that we were supposed to save for Social Security. My Aunt Blanche is dependent upon Social Security. And Aunt Blanche is not going to like it when she discovers that Congress has decided to use the trust fund surpluses to provide a tax cut to people at the top of the income ladder. That is just not something she and many other senior citizens want to have happen in this country. It is not something they expect the Congress or the Government to do; yet, we are just hours away from making that mistake.

Let me try to describe a couple of amendments I am going to offer as we go through this process. There is a $323 million expenditure included in the large tax cut legislation that will be coming to us from the Senate Finance Committee that is interesting and troubling to me as well. Do you know what it is for? It is to have the IRS go out and hire private collection companies to collect Federal tax bills. I will say that again. In this bill is $323 million, I believe, to have the Internal Revenue Service go out and hire private collection agencies to collect taxes. That is quite a departure. We spend a lot of money on the IRS. They want to hire—the Finance Committee and those in Congress who support this—private collection agencies.

Let me give you an example of what happened. They did a pilot project of this in 1996, a test. I didn't support it then and I don't support it now. I will offer an amendment to strike this. They did a little test in which they hired private collection agencies to collect tax debt. The test was a failure. Among other things, an IRS internal audit found some collectors violated their contracts with the IRS by placing telephone calls outside the time frames specified by the Fair Debt Collection Practices Act. In this little test, there were 294 calls placed before 8 a.m., or after 9 p.m. The earliest call was received at 4:19 a.m. How would you like to get a call from a debt collection agency at 4:19 in the morning about a tax bill?

I don't support that at all. The IRS ought to collect their own receivables. They ought not turn them over to private collection agencies. This is, after all, the most sensitive of people's financial information. That test also discovered problems with the safeguarding of that information. I am going to offer an amendment that will strike that provision. I don't know whether it will prevail, but it is a terrible idea to suggest we ought to spend hundreds of millions of dollars turning some of the Internal Revenue Service collection rolls over to private collection agencies.

I will, with my colleague, Senator REID, offer an amendment dealing with the issue of concurrent receipt for retired military personnel. At the moment, as most in this Chamber know, if somebody served our country for 20 years in the armed services and they were disabled during that period, they cannot receive both their full military retirement pension as well as veterans' disability compensation. That is outrageous and that ought to be changed. Of all the things to do to disabled veterans, this makes no sense at all. We tried to fix this last year and the President blocked it by threatening to veto the Defense Authorization bill. I hope to offer an amendment with Senator REID to solve this problem.

I also intend to offer an amendment that will provide a trigger, and perhaps some other colleagues will. If they do, I will probably not offer this. But there needs to be an amendment that decides that we will have these tax cuts, provided we have the capability to offer them. If the on-budget deficit exceeds a certain amount, or the Secretary of the Treasury cannot certify that it such deficit doesn't exceed a certain amount, two things would happen: One, we would freeze some of the tax cuts and, two, we would identify the spending in Federal agencies that represents overhead burden and cut that spending by 5 percent at the same time. So you have a combination of both delaying a tax cut and also cutting some Federal spending.

I believe also the income tax increase on Social Security benefits that occurred in 1993 should be repealed. It seems to me the question is, what has more priority, dividend exclusion for those at the upper income level, or dealing with this Social Security tax increase? I will submit an amendment to repeal the 1993 income tax increase on Social Security payments. These and other things, I think, represent a number of approaches we ought to take.

Also, this week when we deal with the increase in the debt limit, we are going to increase that by nearly $1 trillion—but not with my vote, because I didn't vote for the fiscal policy that creates this. But for those who support it, have at it. You really ought to vote for this increased debt limit.

I am going to also propose an trade deficit amendment. The structure is not complete, but I will make this point. We have a debt limit with respect to fiscal policy in this country. When you reach that limit, bump up against it, you either have to extend it, or cut back in certain areas, or freeze spending. The fact is, there is no similar limit with respect to the trade debt.

The trade deficit on an annual basis is $470 billion at the moment and growing rapidly. It is Katie bar the door, whatever it is, it is; nobody has to approve it, nobody has to do anything about it. The President and the trade ambassador and the Congress can sleep through it and never utter a sentence, knowing that all their newspaper friends—the major daily newspapers, friends of the Republicans and Democrats who support this trade policy—will never say a critical word about the trade deficit threatening to undermine this country's economy as well. I will offer an amendment that deals with that.

I will finish by saying this. What most American families want from their Government is pretty simple. It is what they sit around the supper table and talk about. There are very simple questions they ask each other. The questions are: Do I have a decent job? Does my job pay well? Do I have job security? Do I have decent benefits on my job? Are we sending our kids to schools we are proud of? Do we live in a safe neighborhood? Do Grandpa and Grandma have access to good health care when they reach their limited income years? Are we treating our two uncles who served this country in the Second World War fairly on veterans' health care? All of these are issues families ask about every day. It is what matters to them. It is what makes a difference in their lives.

The answers to these questions, in many cases, are what has made this a great country. Just go around the globe and you will see the same green places where there are trees and grass, and you will see the same ground where there is sand and you will see a world that looks pretty much the same. But there is one spot that is dramatically different, and that is this great country of ours. We are lucky to be Americans and lucky to be alive now. We have inherited an obligation for us not to just think about today, but to think about our kids and about tomorrow. The one thing that has made this country, I think, really a remarkable, unique country is that we decided two centuries ago that every child in the country shall be able to become whatever their God-given talents allow them to become. We are not going to separate kids in the education process and say you are going to go to this school, or you will go to trade school and you will go to college. We don't do that. We say every kid who enters a classroom has the opportunity to be whatever their God-given talent allows. It is a wonderful thing. This notion of universal education is a wonderful thing for our country.

I told this story before. I will do it again. When I came to Congress, the oldest member was Claude Pepper from the State of Florida. He had, behind his desk, above his chair, two pictures I have never forgotten that were autographed to him. One picture was of Orville and Wilbur Wright making the first airplane flight. It was autographed to Congressman Claude Pepper with admiration from Orville Wright. Before he died, he apparently autographed a picture for Claude Pepper. And Claude Pepper had an autographed picture of Neil Armstrong setting foot on the Moon. One human being in a picture of the first person to fly and leave the Earth, and the first person to walk on the Moon.

What is the difference between those two autographed pictures in one person's lifetime? The distance is education—the science, the math, and the learning that allows us as a country to produce men and women who learned to fly and then take off and fly to the Moon. That is how important education is. It is about progress in this country.

The question for us, it seems to me, as we consider this issue of fiscal policy and tax cuts, is about choices. What is it in the choices we make in public policy in America that strengthens our country? What produces dividends, growth, opportunity, and hope in our country? What makes our country unique?

Those are the choices we have to make, and part of that, in my judgment, has always been we have been willing to choose the kinds of things that give people an opportunity. Education is about opportunity. Education, health care—one can think of a whole series of these policies that we have over many years said: Let's set these policies in place to give people opportunity.

The policies we see today coming from the Finance Committee and from the White House are to say the choice for us in every circumstance, whether it is tax cuts versus Medicare for the elderly, tax cuts versus Social Security, tax cuts versus education, tax cuts versus veterans' health care, you name it, the choice for us is tax cuts.

I know there are some in this country who say that is a pretty logical choice because, frankly, we pay too much in taxes. The fact is, with these tax cuts, we will inherit a deficit that will burden our children and their children.

The President often says: This is your money; people should be able to keep more of their money. That is certainly true. It is also the case that this is your debt, and when this $6 trillion debt turns to a $12 trillion debt, the question is, Isn't this debt something with which we are saddling America's children and grandchildren, and is that sound public policy? Is that the seedbed for economic growth? Does that produce and inspire confidence in the American people about the future of this economy?

The answer clearly is no. That is why my hope would be, in the coming days at least, that we could find some common ground. Perhaps there is an appetite for tax cuts that says we have to do this unabated under any circumstance, but there is perhaps another appetite by people who say: Let's do a series of things. Let's together both deal with Federal spending and Federal taxes and also the choices of investment in education, health care, and other issues. Let's do it in a way that represents sound thinking, sober thinking; in a way that gives people confidence and inspires them that we are going to have a better future.

I do not know how this is going to come out this week. I worry a great deal that we have a viewpoint that has been expressed that says: There is only one way and that is our way. It is tax cuts, tax cuts, tax cuts. You have big surpluses, then tax cuts. Big deficits, tax cuts. The economy is doing well, tax cuts. The economy is in the tank, tax cuts.

It seems to me that for every politician who ever has run for public office, the instinctive reaction to understanding how to be popular is to propose tax cuts. The American people, in my judgment, deserve better than that. They deserve an answer to the question John Adams kept asking: Where is the leadership going to come from to make tough choices; choices that may not be so popular, not so attractive in the short run but, in the long run, will produce opportunity, economic growth, and new jobs?

Those sometimes are choices that we are required to make in public service. I think this is one of those times.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

Mr. DASCHLE. Madam President, it is with a heavy heart that I stand before the Senate today to pay tribute to the life of CWO Hans Gukeisen.

Just before 8 p.m. on Friday, May 9, Hans was sitting in the copilot seat of an Army UH–60 air medical helicopter somewhere near Smarrah in northern Iraq. Gukeisen and his crewmembers were involved in the rescue of an Iraqi child injured by a landmine when they came upon hostile fire.

While the circumstances remain unclear, the helicopter crashed in the Tigris River killing three crewmembers. The wounded child was riding in another helicopter.

Chief Warrant Officer Gukeisen, 31, became the first South Dakota casualty of the war in Iraq, and he will be sorely missed. His mother Margaret of Hill City and his father, Terry of Lead remember their son as a considerate and easygoing young man who enjoyed hunting, fishing, and stock car racing. A member of a proud military family, Hans was dedicated to the military and had dreamed of becoming a warrant officer and helicopter pilot. He is survived by his brother Ray, a Special Forces instructor at Fort Bragg.

I offer my deepest condolences to the Gukeisens. Their son has made the supreme sacrifice while working to protect an innocent child.

I join with every South Dakotan and every American in expressing my heartfelt gratitude to Hans and his family for his years of brave and dedicated service on behalf of our country and its ideals. We grieve his death but celebrate the life he chose to lead.

DEBT LIMIT

Madam President, I come to the floor, in addition to speaking of this very tragic moment in the life of the Gukeisen family, to talk about an issue of great concern that will be the subject of significant debate later on this week. I will take a minute, while we are waiting for others to come to the Senate floor, to talk about the issue of the debt limit.

Last June, Congress was forced to raise the national debt limit by $450 billion to avoid defaulting on our loan obligations for the first time in American history.

Now the administration informs us that we must raise our Nation's debt limit again. House Republicans have already acted to raise the debt ceiling by nearly $1 trillion, the largest increase in debt in our Nation's history. If the Senate follows their lead, our national debt will increase by $1.4 trillion in less than 12 months, by far the largest 1-year increase in debt in our Nation's history.

The debt figures by themselves are shocking, but even more shocking is the fact that at the same time there are many who, while requesting the American people take on this record new debt, but also insist on another massive round of new tax breaks that would increase the national debt by another trillion dollars or more over the next decade.

Supporters of these new tax breaks insist that they will pay for themselves. The Republican request for another nearly $1 trillion increase in the Nation's debt limit shows that that is not so.

There are no free lunches. And there are no cost-free tax cuts.

War, recession, and terrorism have all taken a toll on America's economy over the last 2 years. But they are not the only reasons we are being forced to consider raising the national debt limit. Another major reason is the massive tax cut of 2001.

Republican economic policies are undermining the fiscal strength of the United States.

Before the 2001 tax cut, we had not had to raise the debt limit once in nearly 4 years. Now we are being asked to raise the debt limit twice in one year, for a total of $1.4 trillion in new debt.

In 2 years, we have gone from record surpluses to record deficits.

Late last week, the Congressional Budget Office announced that the deficit this year is likely to exceed $300 billion—an all-time high. That is without any new tax cuts, so the actual deficit this year is likely to be even higher. Many private economic forecasters warn that it could exceed $400 billion.

Deficits and debt do matter.

The national debt clock is in the Capitol today. It shows that every man, woman and child in America already owes more than $22,260 toward our national debt.

Last year, Americans paid $332,536,958,599.42 just in interest on the national debt. That is money that cannot be used to educate one child, cure one illness, build one tank, or make America one bit safer.

Bigger deficits and a larger national debt also hurt America's families by driving up interest rates, which will make it more expensive for consumers to buy homes and cars and pay their credit card bills.

Yet instead of reducing the deficit—or even just slowing its growth—the administration is insisting that the American people take on more debt.

The tax and spending plans proposed by the administration will add another $2.7 trillion in deficits to the national debt over the next decade. Just the interest on that new debt would cost taxpayers an extra $500 billion.

Actions have consequences. Tax cuts have costs. And those costs have a real impact on the fiscal strength of our Nation and on the economic well-being of working families in my State of South Dakota and all across America.

For that reason, we sought consent yesterday, and again today, that the Senate take up and consider the Republican request to raise America's debt limit by another nearly $1 trillion today—before we vote on the administration's request for another trillion-plus dollars in new tax breaks and additional debt.

America has lost more than 2.7 million jobs since January 2001, nearly 100,000 jobs a month. A half-million jobs were lost in the last 3 months alone.

We are proposing a plan to get America back to work and put the Federal Government back on the path to fiscal discipline.

Our plan will create jobs, opportunity and prosperity for all Americans. It will create twice as many jobs as the Republican plan, at a fraction of the cost. It will also provide a tax cut to every working American this year, when our economy needs the boost.

We look forward to making a strong case for our plan on the Senate floor.

Before we move to that debate, however, the Senate should level with the American people about the costs and consequences of the Republican economic policies. We should admit that the Republican plan for even more tax breaks for the elite will be paid for the same way the first round is being paid for: by heaping even more debt on America's families.

Mr. REID. Will the leader yield before he leaves the floor?

Mr. DASCHLE. I will be happy to yield.

Mr. REID. The distinguished Democratic leader, I am certain, is aware of the fact that during the last 3 years of the Clinton administration there was an actual paydown of the national debt. Is the leader aware of that?

Mr. DASCHLE. The Senator is absolutely right. The record is very clear. In those years, we had surpluses for the first time in almost 40 years. We were able to begin paying down the debt some $600 billion totally, and if the Senator will recall, there was even debate by those who were concerned we were paying down the debt too quickly. It sounds almost too hard to believe, but that indeed was part of the discussion.

Mr. REID. I ask the distinguished Senator from South Dakota if he is as concerned as I am about there being no concern as to the unbalanced budget we now have. I have in front of me statements made by Republican leaders in years past where they said, among other things:

> The real threat to Social Security is the national debt. If we do not act to balance the budget and stop adding to the debt, then we are truly placing the future of Social Security in jeopardy.

That is a direct quote from a Republican leader in 1997. I have several pages of quotes about the Republicans feeling the importance of balancing the budget. Is the Senator as concerned as I am that they no longer are concerned about balancing the budget?

Mr. DASCHLE. Well, there are those who appear to argue that not only do they not want a balanced budget but they are using the deficits to shrink the Government—a very crass, clumsy, and dangerous way of reducing Government expenditures. The majority leader in the House even argued a few weeks ago that tax cuts are the most important matter before the country, even more important than war, he argued. So clearly tax cuts have a special place in the minds of many on the other side, but as the Senator says, I do not think there is the same degree of interest or commitment to fiscal responsibility.

I was on Wall Street yesterday, and I was taken aback by the extraordinary concern expressed to me by so many people in the financial community, people who are concerned about what message we are sending about fiscal responsibility and what international investors are saying about our position. The euro continues to increase in strength against the dollar, in part because in some circles people have more confidence in the euro today than they do the dollar. Why is that the case? Because they are very concerned about the implications of U.S. fiscal policy today.

So I believe that whether it is our fiscal policy, our trade policy, our long-term circumstances with regard to the budget in particular, we are going to pay dearly for the consequences of what some have proposed in tax cuts this week.

Mr. REID. I listened to a speech just delivered, and the leader indicated we are going to be asked in the next few days to increase the national debt by almost a trillion dollars—not a billion, almost a trillion dollars. Is that what the leader said?

Mr. DASCHLE. Well, unfortunately, the request by the administration is to increase the debt by $984 billion. That is the single biggest increase in our Nation's history. Never before has there been a request of that kind.

I would add, as I did just a moment ago, that that is in addition to the $425 billion request that was made less than a year ago—last summer. We were told then that that increase in the debt limit would last for some time. Unfortunately, those predictions were erroneous. So now we are back again, in large measure because of the consequences of the tax cuts of 2001. So it is all the more ironic that in the very week we are going to be passing this increase in the debt limit by close to a trillion dollars, we are going to be passing the first installment of yet another trillion-dollar tax cut that will be enacted, if the Republicans have their way, before the end of this year.

Mr. REID. Mr. President, I ask unanimous consent that the statements of five Republican Senate leaders regarding their beliefs in years past about balancing the budget be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IN THEIR OWN WORDS—SENATE REPUBLICANS ON THE IMPORTANCE OF BALANCED BUDGET

SENATE MAJORITY LEADER BILL FRIST

We have a moral obligation to balance the budget . . . I'm very hopeful that we're going to see that.—[Chattanooga Free Press, 1/5/96]

SENATOR RICK SANTORUM

The American people are sick and tired of excuses for inaction to balance the budget. The public wants us to stay the course towards a balanced budget, and we take that obligation quite seriously.—[Pittsburgh Post Gazette, 11/15/95]

SENATOR TRENT LOTT

I think the most important thing really does involve the budget, keeping a balanced budget, not dipping into Social Security, and continuing to reduce the national debt.—[Chattanooga Free Press, 1/27/02]

SENATOR CHUCK HAGEL

The real threat to Social Security is the national debt. If we don't act to balance the budget and stop adding to the debt, then we are truly placing the future of Social Security in jeopardy.—[Omaha World Herald, 2/6/97]

SENATOR JUDD GREGG

As long as we have a Republican Congress, we're going to have a balanced budget, and if we can get a Republican President, we can start paying down the debt on the Federal government.—[New Hampshire Sunday News, 2/1/98]

Mr. DASCHLE. I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from California.

AMENDMENT NO. 542 WITHDRAWN

Mrs. FEINSTEIN. Earlier this morning I sent to the desk my amendment numbered 542. There is no unanimous consent agreement. I withdraw that amendment at this time because it is scheduled for a vote at 7:30 tonight and Members are not yet returned from the codel. Therefore, they would have no advance warning of the amendment. I will do it at another time. Therefore, I withdraw amendment No. 542.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING DON WILLIAMS

Mr. McCONNELL. Mr. President, I rise today to honor a great American: Retired Colonel Don Williams, who is stepping down as Executive Director of the CORE Committee of Fort Knox on May 31, 2003. Since retiring from the Army in 1990 as Chief of Staff at Fort Knox, Kentucky, Don has remained in Kentucky and tirelessly fought for that installation and the community surrounding Fort Knox.

For nearly as long as I have been a Senator, Don has been a valuable source of expertise for both me and my staff. I am grateful for his friendship and his tremendous assistance on Army and Fort Knox matters throughout the years. Although Don will be retiring from his position as Executive Director, I am heartened that he will remain an active member of the CORE Committee, and will continue to be an eloquent and influential advocate for Fort Knox.

Don's efforts as Executive Director of the Fort Knox CORE Committee, Vice Chairman of the Kentucky Commission on Military Affairs, Chairman for Legislative Affairs of the Fort Knox Chapter of AUSA, Vice President of the Board of Directors of the Patton Museum, and Executive Committee Member of the Armor and Cavalry Association illustrate the extent of his dedication to the Commonwealth of Kentucky. Don's contributions to Fort Knox and Kentucky are lasting, and I will continue to support federal funding for Fort Knox projects that live up to Don's vision of Fort Knox's central role in the future of the Army.

Many of the tremendous high-tech assets at Fort Knox for which I have worked to provide Federal funding came to my attention through the efforts of Don Williams. Don deserves credit for highlighting the importance of projects such as the Zussman Mounted Urban Combat Trainer site and the high-tech research at the Mounted Maneuver Battle Lab to the Congressional Delegation. These assets have allowed Fort Knox to play an important role in training our soldiers for urban combat and designing the requirements for the Army of the Future. I will always view these important assets as just a couple of Don's legacies.

INTELLIGENCE AUTHORIZATION

Mr. WYDEN. Mr. President, I wish to inform my colleagues about why I would object to a unanimous consent request to proceed to the intelligence authorization bill or any other legislation that may contain a provision undoing or modifying a straightforward law establishing congressional accountability for the Total Information Awareness Program.

Just this past February, as part of the fiscal year 2003 supplemental appropriations bill, the Senate considered, debated and adopted unanimously an amendment sponsored by myself and Senators FEINSTEIN, REID, BOXER, CORZINE, LEAHY, CANTWELL, HARKIN, LEVIN, DURBIN, BIDEN, DASCHLE, and CLINTON. That amendment requires specific congressional approval for any deployment of technology developed by the Defense Department's Total Information Awareness Program; the Defense Department must seek authorization and appropriation for any deployment of the TIA technology to another agency or department. DARPA may continue to research and develop TIA technology as long as it submits a report required by the amendment. The report is due May 20, 2003, and it requires an explanation of the intended and actual use of funds for each project and activity of the TIA Program, the schedule for proposed research and development of each project and activity and target dates for the deployment of each project and activity. The report will also address the efficacy of systems such as TIA in predictive assessments of terrorist capabilities and plans, the likely impact of the TIA Program on privacy and civil liberties, the laws that will require modification to use the TIA Program and recommendations for eliminating or minimizing the adverse effects of the TIA Program on privacy and other civil liberties.

The TIA technology will give the Federal Government the capability to operate the most massive domestic surveillance program in the history of our country. It will put the financial, medical and other details of America's private lives at the fingerprints of tens of thousands of bureaucrats. The American people have the right to know if the federal Government intends to deploy this technology against them, when it will do and how, and Congress should preserve its oversight over the program. The amendment enacted in February provides that accountability.

Just last week the American people got a painful reminder about the shameful abuse of power and secrecy in the McCarthy era, and are rightfully wary about the protection of their privacy. In fact, although some in the Defense Department and elsewhere claim they are only interested in mining "lawfully-collected" information, just about any piece of information about any U.S. citizen can be "lawfully" collected or obtained by the federal government. It is for these reasons that I will object to any motion to proceed to any legislation affecting the Total Information Awareness Program unless and until I have fully reviewed it to guarantee that the accountability in the TIA amendment is preserved.

CHANGES TO COMMITTEE ALLOCATIONS AND BUDGETARY AGGREGATES

Mr. NICKLES. Mr. President, section 310(c)(2) of the Congressional Budget Act, as amended, provides the chairman of the Senate Budget Committee with authority to revise committee allocations, functional levels, and budgetary aggregates for a reconciliation bill which fulfills an instruction with respect to both outlays and revenues. The chairman's authority under 310(c) may be exercised if the following conditions have been satisfied:

One, the reconciled committee reports a bill which changes the mix of the instructed revenue and outlay changes by not more than 20 percent of the sum of the components of the instruction, and,

Two, the reconciled committee still complies with the overall reconciliation instruction.

I find that the Jobs and Growth Tax Relief Reconciliation Act of 2003, as reported by the Senate Finance Committee on May 13, 2003, satisfies the two conditions above and, in addition, satisfies the condition imposed by section 202 of H. Con. Res. 95, which limits the cost of a reconciliation bill initially considered by the Senate to no more than $350 billion over the 2003–2013 period. Pursuant to my authority under section 310(c), I hereby submit revisions to H. Con. Res. 95, the 2004 Budget Resolution. The attached tables show the revised committee allocations and budgetary aggregates.

I ask unanimous consent they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Concurrent Resolution on the Budget for Fiscal Year 2004—H. Con. Res. 95 Revisions to the Conference Agreement Pursuant to Section 310(c)(2)(A) for the Jobs and Growth Tax Relief Reconciliation Act of 2003, as Reported

[In billions of dollars]

Section 101

(1)(A) Revenues (on-budget):

FY 2003	1313.806
FY 2004	1334.787
FY 2005	1494.144
FY 2006	1656.090
FY 2007	1788.688
FY 2008	1900.567
FY 2009	2053.762
FY 2010	2167.937
FY 2011	2270.540
FY 2012	2403.572
FY 2013	2547.546

(1)(B) Changes in Federal Revenues:

FY 2003	−46.028
FY 2004	−131.583
FY 2005	−122.882
FY 2006	−84.582
FY 2007	−64.478
FY 2008	−62.410
FY 2009	−24.568
FY 2010	−25.105
FY 2011	−156.956
FY 2012	−246.207
FY 2013	−256.664

(2) Budget Authority (on-budget):

FY 2003	1887.701
FY 2004	1861.333
FY 2005	1990.898
FY 2006	2121.349
FY 2007	2231.820
FY 2008	2348.223
FY 2009	2454.814
FY 2010	2555.986
FY 2011	2669.845
FY 2012	2748.409
FY 2013	2868.449

(3) Budget Outlays (on-budget):

FY 2003	1829.860
FY 2004	1893.615
FY 2005	1982.264
FY 2006	2088.471
FY 2007	2189.415
FY 2008	2306.360
FY 2009	2420.227
FY 2010	2528.260
FY 2011	2651.603
FY 2012	2718.337
FY 2013	2849.475

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT, BUDGET YEAR TOTAL 2003

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations:				
General Purpose Discretionary	843,550	808,891	0	0
Memo:				
on-budget	839,738	805,053		
off-budget	3,812	3,838		
Highways	0	31,264	0	0
Mass Transit	1,436	6,551	0	0
Mandatory	391,344	378,717	0	0
Total	1,236,330	1,225,423	0	0
Agriculture, Nutrition, and Forestry	19,359	14,964	52,763	40,712
Armed Services	73,996	73,473	275	233
Banking, Housing and Urban Affairs	12,558	1,599	118	16
Commerce, Science, and Transportation	10,590	7,255	885	814
Energy and Natural Resources	2,879	2,539	48	63
Environment and Public Works	30,830	2,372	0	0
Finance	780,419	774,190	286,512	286,509
Foreign Relations	13,595	11,366	183	183
Governmental Affairs	66,931	65,426	16,564	16,564
Judiciary	6,509	6,441	534	527
Health, Education, Labor, and Pensions	5,328	4,805	2,814	2,801
Rules and Administration	82	85	104	103
Intelligence	0	0	223	223
Veterans' Affairs	1,171	1,109	30,321	29,969
Indian Affairs	456	444	0	0
Small Business	864	769	0	0
Unassigned to Committee	(371,644)	(358,647)	0	0
Total	1,890,253	1,833,613	391,344	378,717

Revisions Pursuant to Section 310(c)(2)(A) of the Congressional Budget Act for the Jobs and Growth Tax Relief Reconciliation Act of 2003, as reported.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT, BUDGET YEAR TOTAL 2004

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations:				
General Purpose Discretionary	783,214	822,895	0	0
Memo:				
on-budget	778,957	818,688		
off-budget	4,257	4,207		
Highways	0	31,555	0	0
Mass Transit	1,461	6,634	0	0
Mandatory	426,949	410,619	0	0
Total	1,211,624	1,271,703	0	0
Agriculture, Nutrition, and Forestry	20,801	16,826	55,536	39,472
Armed Services	77,560	77,326	357	376
Banking, Housing and Urban Affairs	13,946	2,251	120	12
Commerce, Science, and Transportation	10,908	6,518	827	843
Energy and Natural Resources	2,669	2,390	64	70
Environment and Public Works	35,654	2,312	0	0
Finance	757,720	770,377	315,856	315,780
Foreign Relations	9,787	11,689	179	179
Governmental Affairs	68,533	67,000	17,362	17,362
Judiciary	7,883	7,230	511	523
Health, Education, Labor, and Pensions	5,232	4,439	2,888	2,872
Rules and Administration	82	246	109	109
Intelligence	0	0	226	226
Veterans' Affairs	1,311	1,260	32,914	32,795
Indian Affairs	475	472	0	0
Small Business	3	(23)	0	0
Unassigned to Committee	(371,280)	(355,315)	0	0
Total	1,852,908	1,886,701	426,949	410,619

Revisions Pursuant to Section 310(c)(2)(A) of the Congressional Budget Act for the Jobs and Growth Tax Reconciliation Act of 2003, as reported.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT, 5-YEAR TOTAL: 2004–2008

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations act	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	109,330	91,951	288,857	206,256
Armed Services	417,330	416,461	2,992	3,047
Banking, Housing and Urban Affairs	71,267	7,231	626	(104)
Commerce, Science, and Transportation	60,492	38,575	4,538	4,541
Energy and Natural Resources	11,991	10,905	320	333
Environment and Public Works	190,317	10,561	0	0
Finance	4,499,105	4,517,039	1,824,189	1,823,275
Foreign Relations	59,034	55,412	876	876
Governmental Affairs	372,971	365,695	93,701	93,701
Judiciary	25,585	25,756	2,629	2,640
Health, Education, Labor, and Pensions	32,738	29,056	15,226	15,126
Rules and Administration	408	574	588	588
Intelligence	0	0	1,330	1,230
Veterans' Affairs	6,561	6,382	176,815	176,196
Indian Affairs	2,587	2,569	0	0
Small Business	6	(59)	0	0

Revisions Pursuant to Section 310(c)(2)(A) of the Congressional Budget Act for the Jobs and Growth Tax Relief Reconciliation Act of 2003, as reported.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT, 10-YEAR TOTAL: 2004–2013,

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	209,130	178,892	600,618	446,118
Armed Services	919,879	909,159	7,129	7,273
Banking, Housing and Urban Affairs	141,433	1,859	1,318	(176)
Commerce, Science, and Transportation	113,446	69,687	10,252	10,232
Energy and Natural Resources	22,263	20,458	640	653
Environment and Public Works	393,698	19,403	0	0
Finance	10,579,414	10,604,048	4,487,111	4,485,223
Foreign Relations	127,160	116,399	1,733	1,733
Governmental Affairs	833,756	819,817	206,453	206,453
Judiciary	42,068	41,692	5,459	5,455
Health, Education, Labor, and Pensions	71,126	64,104	32,601	32,468
Rules and Administration	803	1,025	1,309	1,309
Intelligence	0	0	2,648	2,648
Veterans' Affairs	12,781	12,501	373,770	372,651
Indian Affairs	5,805	5,765	0	0
Small Business	6	(76)	0	0

Revisions Pursuant to Section 310(c)(2)(A) of the Congressional Budget Act for the Jobs and Growth Tax Relief Reconciliation Act of 2003, as reported.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred on September 15, 2001, in Houston, TX. Upon leaving a nightclub in southwest Houston, a Hispanic man was confronted by a group of nine men. The group assaulted and beat the man while shouting racial epithets and comments about Osama bin Laden.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

NATIONAL TEACHER APPRECIATION WEEK

Mr. SARBANES. Mr. President, in 1985 the National PTA and the National Education Association announced the creation of Teacher Appreciation Week to be celebrated during the first week of May. This year that celebration occurred from May 4 to 10. I want to add my voice to those who have come to the floor of the United States Senate to recognize this special occasion.

While every society places a premium on education in terms of developing a skilled and trained workforce in the next generation, education in America also represents a ladder of opportunity. We take great pride in being an open society in which people can move up and forward. Education provides a path by which our young people can improve themselves and develop their full potential. And, of course, teachers are at the forefront of this critical effort.

My own admiration and respect for the teaching profession began at an early age. Both of my parents were Greek immigrants and, while there were no diplomas on their walls at home, they understood the importance of hard work and the value of education. After putting in countless hours at our family restaurant in Salisbury, MD, my father would come home at night, tired and weary. Yet, I remember watching him night after night taking down books and reading them late into the evening, a lesson I have never forgotten.

And, of course, I have a deep personal connection to the teaching profession. My wife Christine was a teacher in Baltimore for many years and my brother Tony was a school administrator in Wicomico County, MD. His daughter Beth Sheller is currently a public school teacher in Wicomico County. Few other professionals are able to touch so many people in such a lasting way as do teachers. I have been privileged to witness this first hand through the experiences of my family members who have spent their careers in the education profession.

Today's teachers are in the midst of incredible struggles. Being a teacher has never been easy, but our modern society has only increased the challenges. Today, our teachers face the task of educating children with limited English skills, meeting the requirements of the recently enacted No Child Left Behind Act and the Individuals with Disabilities Education Act, staying abreast of new technology, and doing so in aging schools that are in need of extensive repairs and updating. With so many schoolchildren living in families with both parents working or in single-parent homes, our schools and teachers are being asked to assume much of the responsibility for after school care as well.

Compared with many professions, our Nation's teachers are overwhelmed and underpaid, shouldering major responsibilities that often go unappreciated. Our citizens are considered to be among the best educated in the world and for that we have our teachers to thank. While we frequently hear tales of failing schools, many success stories are overlooked. This week is a fitting time to tell the stories of the many caring, dedicated and talented educators who perform their jobs with excellence every day. Their successes motivate children and other teachers and increase our confidence in our education system. We need to hear more about teachers like Robin Nussbaum, this year's winner of the Agnes Meyer Outstanding Teacher Award for Howard County. Ms. Nussbaum is a special education teacher at Cedar Lane School in Columbia, MD. Her students and their families acknowledge it is her tireless work in and out of the classroom, coupled with her deep concern for student success that make her an extraordinary educator.

I would like to read for the RECORD a list of the 2002–2003 Maryland Teachers of the Year from all 23 Maryland counties and Baltimore City. These professionals have demonstrated incredibly high performance in their fields in a very challenging time.

2002–2003 MARYLAND TEACHERS OF THE YEAR

Allegany, Heather Michele Morgan, Parkside Elem., Kindergarten

Anne Arundel, Mattie A. Procaccini, Old Mill HS, English 9, 10

Baltimore City, Sara Lawlyes, Westport Academy, Kindergarten

Baltimore County, Cheryl Bost, Mars Estates Elem., Reading/Language

Calvert, James R. Seawell, Plum Point MS, Science 7, 8

Caroline, Catherine L. Knight, Lockerman MS, Science 8

Carroll, Susan H. Adami, Hampstead Elem., Grades 4, 5

Cecil, Charlotte E. Mehosky, Gilpin Manor Elem., Pre-primary/Special Education

Charles, Joan Withers, La Plata HS, English 10, 12

Dorchester, Terri Lynn Wright, North Dorchester HS, Phys. Ed./Health

Frederick, Darren Ray Hornbeck, Linganore HS, Social Studies 11, 12

Garrett, Elizabeth Rees Gilbert, Swan Meadow, Science/Lang./S.S.

Harford, Howard E. Eakes, Fountain Green Elem., Grade 5

Howard, Michele Zurad, Burleigh Manor MS, Math 6

Kent, Sue Dorsey, Millington Elem., Math, Science 3

Montgomery, Arlene Barte-Lowe, Takoma Park MS, Reading, Math 6

Prince George's, Vanessa Hill, Dwight D. Eisenhower MS

Queen Anne's, Darryl C. Calloway, Sudlersville MS, Social Studies 6

St. Mary's, Larry Brabec, James A. Forrest, Sheet Metal 10, 12 Career and Tech Center

Somerset, Glen N. Ennis, Greenwood MS, Grade 6 & Tech Ed.

Talbot, Thomas M. Callahan, Easton HS, Social Studies 9–12

Washington, Vicki Follett, Bester Elem., Grades 1, 2

Wicomico, Beth S. Sheller, West Salisbury Elem., Grades Pre-K - 2

Worcester, Sandy Coates, West Showell Elem., Grade 2

If you ask many people the name of the winner of the Academy Awards Best Picture Award 20 years ago, or the NBA Most Valuable Player from 10 years ago, few would be able to remember. However, ask any individual to name his or her favorite teacher, and it is usually an easy task. Not only can they recall the name, but also how that teacher positively affected their lives. Today, I want hard working teachers everywhere to know that they are appreciated. We know they make a difference and we should all thank them for their commitment and hard work.

HONORING THE MEMBERS OF THE 28th BOMB WING

Mr. JOHNSON. Mr. President, I rise today to welcome home the members of the 28th Bomb Wing stationed at Ellsworth Air Force Base.

The B–1 bombers and crews of the 28th Bomb Wing are returning home today, and over the next few weeks, from their service in Operation Iraqi Freedom. As they did in Kosovo and Afghanistan, the B–1 bombers performed superbly in the war in Iraq. They have once again demonstrated that they are the backbone of America's bomber fleet. The B–1's unique ability to linger over the battlefield and provide responsive firepower at the time and place required by military commanders was an integral part of our victory in Iraq.

I want to specifically honor four members of a B–1 crew stationed at Ellsworth Air Force Base who were acknowledged for their service during the war. CPT Chris Wachter, LTC Fred Swan, CPT Sloan Hollis, and 1LT Joe Runci were each awarded the Distinguished Flying Cross medal for their April 7 attack on a suspected hideout of Saddam Hussein.

While in the course of another assigned mission, this four-member B–1 crew was tasked with striking a building in which current intelligence indicated Saddam Hussein was meeting with top Iraqi officials. This information was relayed to the B–1 crew which confirmed the coordinates, flew to the target, and accurately released four 2,000-pound bunker-buster bombs. This all occurred within 12 minutes. Having successfully hit this leadership target, the B–1 and her crew went on to strike an additional 17 targets in two separate locations.

Although B–1s flew fewer than 2 percent of the combat sorties in Operation Iraqi Freedom, they dropped more than half the satellite-guided Air Force Joint Direct Attack Munitions, JDAMs. The B–1s were tasked against the full spectrum of potential targets in Iraq, including command and control facilities, bunkers, tanks, armored personnel carriers, and surface-to-air missile sites. They also provided close air support for U.S. forces engaged in the field. The bombers and crews accomplished all of this while maintaining over an 80 percent mission capable rate. This record of success proves B–1 is a vital, versatile, and potent component of our military force structure.

Like all South Dakotans, I am proud of the men and women who are stationed at Ellsworth Air Force Base. They are an essential part of our South Dakota community, and are doing their duty to keep our Nation safe. I am pleased CPT Wachter, LTC Swan, CPT Hollis, and 1LT Runci were each recognized for their remarkable actions during Operation Iraqi Freedom. But I want to take this opportunity to acknowledge all the men and women at Ellsworth who keep the B–1s in the air and ready to respond. It is the work of all the crews and all the support teams that keep the B–1 at the forefront of our military.

Once again, I want to welcome home the members of the 28th Bomb Wing, and thank them for their service to our Nation.

NOMINATION OF LEWIS J. BUCKLEY

Mr. DODD. Mr. President, last Friday, my Senate colleagues and I voted unanimously to confirm the nomination of Lewis J. Buckley to the rank of captain in the United States Coast Guard. This confirmation is well-deserved and bears a particular significance to the United States Coast Guard.

Captain-Select Buckley is the conductor of the Nation's Coast Guard Band. Since its formation in 1925, this organization has developed an international reputation as one of the finest professional concert bands in the world. And since 1965, the Coast Guard Band has been the permanent, official musical representative of the nation's oldest maritime service.

However, unlike its counterparts in the nation's four other military services, the Coast Guard Band has never been led by an officer over the military grade of O–5. Captain-Select Buckley's promotion demonstrates the ascendance of an institution with a laudable and grand tradition. Once regarded as the Coast Guard Academy's local music ensemble, the Coast Guard Band now routinely tours throughout the United States. It also often represents the Coast Guard around the world and will certainly promote a distinguished image of the country's new Department of Homeland Security.

The Coast Guard could not have found a finer leader to oversee the ongoing evolution of this important institution. Captain-Select Buckley is an accomplished jazz trumpeter as well as music composer, arranger, and director. He is the recipient of the American Legion's Distinguished Service Citation and two Meritorious Service Medals.

Since his appointment as conductor of the Band in 1975, Captain-Select Buckley has led the Coast Guard Band to play more concerts on air on National Public Radio than any other wind band, military or civilian—a fine testament to his able leadership and to the musical talent of the Coast Guard Band's men and women.

Mr. President, I am proud that my colleagues acted to confirm this nomination, to honor my constituent, Captain-Select Lewis J. Buckley, and to pay tribute to an historic musical institution, headquartered in New London, Connecticut.

PUBLIC SAFETY OFFICERS

Mr. KOHL. Mr. President, I rise today to recognize the dedication and sacrifice of the men and women who have lost their lives while serving as public safety officers.

Tonight, in a candlelight vigil, the names of 56 officers who lost their lives last year will be added to the National Law Enforcement Officers Memorial here in Washington, DC. This is a somber time to remember the perilous duties that law enforcement officers take on each and every day to protect our communities. The Memorial is a fitting tribute to honor those we have lost in the line of duty.

Sadly, Wisconsin owes three officers a special tribute for their service. I would like to honor them by placing their names in the RECORD along with the date of their untimely passing.

Officer Robert Etter, Hobart-Lawrence, July 22, 2002; Officer Stephanie Markins, Hobart-Lawrence, July 22, 2002; Deputy Melvin Sharpless of Waushara County, December 16, 2002.

I hope that these moments of recognition bring some solace to the officers' families and express our appreciation for their service. We are forever in their debt.

ADDITIONAL STATEMENTS

PLANNED PARENTHOOD: SHASTA-DIABLO'S 40TH ANNIVERSARY

• Mrs. BOXER. Mr. President, I take this opportunity to share with my colleagues my thoughts on the 40th anniversary of Planned Parenthood: Shasta-Diablo, located in my home State of California.

It is my great honor to recognize the extraordinary contributions of Planned Parenthood: Shasta-Diablo, PPSD, as it celebrates its 40th anniversary. The Planned Parenthood Federation of America was founded in 1916 by visionary social reformer Margaret Sanger. In 1962, PPSD began serving Contra Costa County and now provides essential reproductive health care and public education to more than 100,000 women, men, and teenagers in 13 northern California counties. During these 40 years, PPSD has shown an unwavering commitment to providing the highest quality reproductive health services, regardless of income. For many low-income residents in these 13 counties, PPSD may be their only source of health care.

PPSD's dedication and leadership place it at the cutting edge of Planned Parenthood affiliates. PPSD has the distinction of having the largest education department of any Planned Parenthood affiliate in the United States. PPSD has been at the forefront of the fight against the spread of HIV/AIDS because it was the first Planned Parenthood affiliate in the United States to provide HIV testing in 1987. In 1990, PPSD was also one of the first affiliates to begin providing prenatal services. PPSD recognized that it is critically important to the health of a woman and her baby that she receive health care as early as possible in the pregnancy.

In addition to providing services at traditional health centers, PPSD has the largest number of express sites in the United States. At these express sites, PPSD partners with a wide range community groups to provide birth control, including emergency contraception. Through the express sites, PPSD is able to serve high schools and colleges, homeless shelters, social service offices, and rural health departments. Underserved populations are able to get lifesaving services that might not otherwise be available to them. And high-risk youth are well served by PPSD's express sites and teen peer educators who offer advice that youth can really relate to.

Planned Parenthood: Shasta-Diablo would not have reached its 40th anniversary without the outstanding and exemplary leadership of two very special women. It is my pleasure to recognize Rosalie Ross, who served as executive director of PPSD for 10 years, and current president and CEO Heather Saunders Estes. Their dedication, foresight, and compassion are extraordinary and inspirational.

PPSD is "Celebrating Our Past, Protecting Our Future: 40 Years of Service, 30 Years of Choice" because this year we also commemorate the 30th anniversary of Roe v. Wade. The Roe decision saved countless lives by getting women out of the back alleys and into clean and safe facilities. The Roe decision has kept women from being forced to continue pregnancies that could endanger their health or render them infertile. The 30th anniversary of Roe commemorates not an isolated event, but a long and unending struggle for women's equality.

PPSD is an important part of that struggle. For the past 20 years, I have been fighting in Congress for reproductive rights. PPSD has stood by me, working hand in hands to protect a woman's right to choose. Planned Parenthood: Shasta-Diablo has been there for women, men, and teens for 40 years and I wish them another 40 years of success.•

HONORING DEVELOPMENT OF SISTER CITIES

• Mr. JOHNSON. Mr. President, I rise today to recognize two communities that will become "sister cities" on May 31, 2003. This association began in 1986, by chance, between the communities of Webster, SD and the borough of Dewangen Germany, in the town of Aalen. Their friendship arose when the Dewangen wrestling team and their coach, Tony Abele, visited the city of Webster for one week. This "match" has grown and flourished through the efforts of several members of the Webster community and their Mayor, Mike Grosek.

The Contract of Friendship will improve the mutual understanding between the people of these two nations, with the exchange of information to include sportive, cultural and municipal events. It will focus, above all, on the young people of both communities, imparting to them the understanding of each other's world view, problems and achievements and the importance of mutual responsibility for a peaceful coexistence.

Both communities and their elected representatives have entered into this contract of friendship in the name of their respective citizens. It is their request to accept and honor the joint responsibility for global peace and environment; to support exchanges in the field of culture, sports and economy, and to deepen the good relations based on friendship and common understanding.

I commend the city of Webster for its diligence in pursuing this contract of friendship, and I welcome the citizens of Dewangen, Germany to the great State of South Dakota.•

CONGRATULATING THE KAHUKU HIGH AND INTERMEDIATE SCHOOL

• Mr. AKAKA. Mr. President, I rise to congratulate the team of students from Kahuku High and Intermediate School of Kahuku, HI, on logging yet another bright performance for their school at the "We the People . . . the Citizen and the Constitution" national competition recently held here in our Nation's Capital. The team traveled over 5,000 miles to represent Hawaii in this competition, and won the Unit 3 award, "How the Values and Principles Embodied in the Constitution Shaped American Institutions and Practices," for the second consecutive year. On behalf of the people of Hawaii, I am proud to congratulate the Kahuku team.

As my colleagues are familiar, the We the People competition, administered by the Center for Civic Education, is a comprehensive program that assists students in understanding the history and principles of the U.S. Constitution and Bill of Rights. The academic competition simulates a congressional hearing where students, acting as expert witnesses, testify before a panel of prominent professionals from across the country to demonstrate their knowledge of constitutional issues. The program provides an excellent opportunity for students to gain an appreciation of the significance of our Constitution and its place in history and our lives today. As a former teacher, it heartens me to see our young people taking interest in learning about the sacred document which we in this Chamber work to uphold and defend, every day. It is only through the understanding of our Constitution and the Bill of Rights that we are able to perpetuate the democratic foundation upon which this great Nation was built. I applaud all students who participate in this competition for their hard work and dedication to civic education. We might well have future Senators and Members of Congress who are encouraged to enter public service because of their experiences in the We the People competition.

I am pleased to enter the names of the Kahuku team members for the record: Adriana Alghussein, Daniel Allen, Dexter Bacon, Nicole Cameron, Ariane Cameros, Li Shieh Chen, Anthony Ching, William Ellis, Brooke Jones, Shantel Kaululaau, April Kekaula, Helene Keys, Malia Love, Leilani Miller, Andrew Savini, Jessica Schiaretti, Kristen Sickler, Bethany Smith, Ericka Staples, and Elizabeth Torres. I also take this opportunity to recognize their teacher Sandra Cashman, State Coordinator Lyla Berg, and District Coordinator Sharon Kaohi for all of their contributions in helping the Kahuku team prepare for the national competition.

Again, I congratulate the students and the faculty of Kahuku High and Intermediate School for their outstanding achievements. I am pleased to note that a team from this school has represented Hawaii in 9 of the past 11 national competitions. I join the people of Hawaii in expressing my pride in their impressive achievement.●

GRUNDY CENTER RECEIVES PE4LIFE ACHIEVEMENT AWARD

● Mr. HARKIN. Mr. President, I rise today to congratulate the people of Grundy Center, Iowa for their hard work and success in developing one of the Nation's best-all around physical education programs, in their schools and in the entire community. As a result of their leadership and dedication to physical fitness, Grundy Center has been selected to receive the PE4LIFE Community Achievement Award. In addition, the community will now serve other Iowans and the rest of the Nation as the second PE4LIFE Institute.

This is a great achievement, thanks in large part to Beth Kirkpatrick and Rick Schupbach, who for 15 years have served this community and dedicated themselves to building an innovative physical education program. The PE4LIFE program effectively reaches and inspires every student, regardless of athletic ability or experience, to become physically active for a lifetime. It is the kind of inclusive approach that will make a difference in Iowa and throughout the country. The need for what Rick and Beth will do as codirectors of the new PE4LIFE Institute has never been greater.

Obesity has become our Nation's fastest rising public health threat. The number of overweight and obese Americans has more than doubled in the last 30 years. The problem is especially serious for children; the number of overweight children is growing at a rate faster than the number of adults. If we don't do something to halt and reverse the trend, we will face a significant health care crisis. If we don't do something, our children, as they grow into adults, will face greater threats from diabetes, heart disease and other serious maladies related to being out of shape and overweight. It is now estimated that the annual cost of treating obesity related diseases is over $100 billion per year.

Unfortunately, the solution is getting away from us. Physical education in our Nation's schools has declined. In 1991, only 42 percent of our Nation's students had daily physical education. Today that number is around 29 percent.

Physical education and daily physical activity go a long way to improving the overall health of our children. We need to improve on cardiovascular endurance, muscle strength, flexibility, help with weight regulation, bone development and posture. Teaching active lifestyle habits to children will go a long way to helping our children grow up to be active and healthy adults. An active lifestyle also promotes the constructive use of leisure time. Improving physical education in our schools is a sure way to influence these behavior patterns in our children.

Our kids are not in shape. They spend too much time in front of the TV, playing video games or working on their computers. The best way to get them back on their feet is to improve the physical education they receive while they are in school. Programs like the new PE4LIFE Institute in Grundy Center are critically important to tackling this problem.

Before he was inaugurated, President-elect John F. Kennedy wrote an article for Sports Illustrated entitled, "The Soft American." He wrote:

> For physical fitness is not only one of the most important keys to a healthy body: it is the basis of dynamic and creative intellectual activity. The relationship between the soundness of the body and the activities of the mind is subtle and complex. Much is not yet understood. But we do know what the Greeks know: that intelligence and skill can only function at the peak of their capacity when the body is healthy and strong: that hardy spirits and tough minds usually inhabit sound bodies.

President Kennedy would have been impressed by the people of Grundy Center. We are proud of their accomplishments, and we look forward to working with them in the future as they help Iowa and the rest of the Nation become more physically fit.●

TRIBUTE TO THOMAS SHEPARDSON

● Mrs. CLINTON. Mr. President, on February 18, New York lost one of its finest citizens. Thomas Shepardson was a Syracuse funeral director who helped change the way our Nation responds to incidents of mass fatality.

The Disaster Mortuary Operational Rescue Team, D-MORT, plan was created because Mr. Shepardson was disturbed by news reports of the exploitation of victims' families after a Texas air disaster in 1986. He convened a group of local morticians, first responders, and medical professionals to create a strategy that would be humane and team-oriented. Fortunately, the plan would never be used locally, but State officials would enlist Shepardson to devise a similar plan for the State of New York. He subsequently worked with FEMA and other government agencies to incorporate the D-MORT model into our national disaster medical system.

Tom Shepardson responded to the major disasters of the last decade including the Oklahoma City bombing. On September 11, 2001, he oversaw the national D-MORT response in New York, Pennsylvania and the Pentagon. Tom Shepardson was described by Gary Moore, deputy director of the Federal Office of Emergency Response, as "a man who spent his whole life working to help everyone. . . . He was a one-man show who brought so much energy and commitment to this that it now involves about 5,000 people nationwide and made him known all around the world." I am grateful for Tom Shepardson's legacy of personal sacrifice and leadership.●

TRIBUTE TO FRED TAYLOR

• Mr. LOTT. Mr. President, I would like to take this opportunity to recognize and honor an outstanding citizen of Mississippi. Mr. Fred Taylor of Oxford, MS has recently retired from the Board of Directors of First National Bank. Mr. Taylor and his wife of 70 years, Jewett, have served the Oxford and Lafayette County community for 45 years.

Fred Taylor has a history of outstanding achievements that can be traced back to his high school days in Gallman, MS. Mr. Taylor was a standout in football, basketball, and baseball at Copiah-Lincoln Agricultural High School and, for his ability, was inducted into the Copiah-Lincoln Athletic Hall of Fame in 1989. After high school Mr. Taylor attended Mississippi State University before transferring to Transylvania University in Lexington, KY, where he lettered in football and basketball and received a degree in economics.

In his professional career, Mr. Taylor has spent time in a variety of jobs, from coaching high school football and basketball, to selling insurance, to operating his 600-acre cattle farm in Oxford, Mississippi. He has also served as the Commissioner for the Lafayette County Soil and Water Conservation District, Director of the State Soil and Water Conservation Commissioners, President of the Mississippi Cattlemen's Association, Director of the Oxford/Lafayette County Chamber of Commerce, and numerous other prestigious positions of public service.

During these years, Mr. Taylor has been recognized numerous times by his colleagues and peers for excellence in his work and dedication to his community. In 1984 he was inducted into the Mississippi Agriculture and Forestry Museum Hall of Fame. He has also been the recipient of the Citizen of the Year Award given by the Oxford-Lafayette Chamber of Commerce, as well as numerous agricultural, soil, and conservation awards.

As I am sure you can see, Mr. Taylor has distinguished himself both personally and professionally, and he has been a valued asset to Mississippi. His record of service is not only a testament to his abilities, but also to the quality of his personal character. Oxford and Lafayette County have been well served by his commitment, guidance, and leadership and would not have been the same if it were not for his direction. It is for these reasons that I feel the need to pay tribute to him and to share his record of contributions to Mississippi with all of you here today.•

LETTER FROM DAVID A. HARRIS

• Mrs. CLINTON. Mr. President, I ask that the following letter be printed in the RECORD. The letter follows.

LETTER FROM AN ENDANGERED SPECIES, BY DAVID A. HARRIS, EXECUTIVE DIRECTOR, AMERICAN JEWISH COMMITTEE, JANUARY 10, 2003

Let me put my cards on the table right up front.

I consider myself a potentially endangered species. I am—gasp!—a committed transatlanticist. Until just a short time ago that was a rather unexceptional thing to be; most people I knew on both sides of the Atlantic were, to varying degrees, in the same club. Now, in some places, it could get my picture on a "Wanted" poster.

Seemingly overnight, significant swaths of European public opinion—most strikingly in Germany, but in other countries as well—appear to have concluded that the Bush administration is hell-bent on imposing its "imperialist" vision on the world, that the American "infatuation" with the use of force as a solution to global challenges is downright hazardous, and that America pays little more than lip service to its European allies, with the possible exception of Britain, while single-mindedly pursuing a unilateralist agenda.

According to this line of thinking—often promoted by opinion molders, including, in the recent German elections, a few leading politicians—America is run by a group of modern-day "cowboys," with precious little sophistication in the ways of the world, determined to use their unchallenged superpower status to get their way on everything, be it Iraq, global warming, the International Criminal Court, or genetically modified foods, and let the rest of the world be damned if they don't like it. In response, Europe must draw appropriate conclusions and rise up essentially as a counterweight to otherwise unchecked American global domination.

This disparaging and distrustful view extends beyond politics. A new American Jewish Committee survey in Germany found that only 36 percent of the respondents rated America's cultural achievement as "very substantial or substantial," while 48 percent thought it either "hardly substantial" or "insubstantial," and 16 percent had no opinion.

And a recent grisly case involving the Internet, cannibalism, and homicide in Germany produced a telling comment from the influential Munich newspaper Suddeutsche Zeitung, as reported in the International Herald Tribune (December 19): "It is all so unreal. So haunting that one thinks such a case would only happen in the movies, perhaps in America, but not in Germany. . . ." Yes, America, of course, is capable of such bestial violence, but Germany never, we are led to believe.

Meanwhile, new generations of Europeans, increasingly fed this diet of overtly or subtly anti-American thinking, too often lose sight of the larger picture. They cannot relate easily to the backdrop of history.

That America came to Europe's rescue in two world wars of Europe's making, that America became history's most benign occupier in postwar Germany, that the U.S.-funded Marshall Plan was a key to Western Europe's astonishing reconstruction efforts, that American-led resolve and strength prevailed in the Cold War and contributed to the unification not only of Germany but of all Europe, and that America prodded a largely paralyzed Europe into decisive action against ethnic cleansing (on European soil) in the Balkans, may at best have an abstract hold on younger people's thinking, but little more.

Like their American counterparts, younger Europeans are largely focused on the here and now. They may relate to American music, fashion, idiom, or, heaven forbid, fast food, but have an increasingly jaundiced view of America's larger place in global affairs.

At the same time, on too many levels, America largely ignores Europe, even as some voices emphasize the oceanic divide.

Perhaps the most talked-about recent essay on the subject was Robert Kagan's "Power and Weakness," which appeared in the June & July 2002 issue of Policy Review. It is a provocative piece well worth reading. Here's a brief excerpt:

"It is time to stop pretending that Europeans and Americans share a common view of the world, or even that they occupy the same world. On the all-important question of power—the efficacy of power, the morality of power, the desirability of power—American and European perspectives are diverging. Europe is turning away from power, or to put it a little differently, it is moving beyond power into a self-contained world of laws and rules and transnational negotiation and cooperation. It is entering a post-historical paradise of peace and relative prosperity, the realization of Kant's 'Perpetual Peace.'

"The United States, meanwhile, remains mired in history, exercising power in the anarchic Hobbesian world where international laws and rules are unreliable and where true security and the defense and promotion of a liberal order still depend on the possession and use of military might.

"That is why on major strategic and international questions today, Americans are from Mars and Europeans are from Venus."

And noting the wide gap in perceptions of America between Eastern and Western Europe, columnist Charles Krauthammer suggested jokingly—I think—in the Weekly Standard (August 26) that had America let Western Europe fall under the sway of the Kremlin for a few decades, perhaps, like the nations of Eastern Europe today, it would be far more appreciative of America's world role.

In essence, the caricatured image of America in Europe has its counterpart here.

Europeans are seen as sanctimonious, self-adulatory, and wobbly at the knees. Rather than display a willingness to confront evil—that is, if they can even recognize it these days—they all too frequently seek to engage it through rationalization, negotiation, and, if necessary, appeasement via one Faustian bargain or another, all in the name, however it may be packaged, of realpolitik.

Look, the critics point out, at the European Union's so-called "critical dialogue" with Iran, which has been much longer on dialogue than on criticism.

Or the French flirtation with Iraq, going back to the 1970s when Jacques Chirac, as prime minister, negotiated the Osirak nuclear deal with Baghdad. Apropos, according to the Wall Street Journal, the last foreign country Saddam Hussein visited was France, in 1979.

Or the quiet deals several European countries, most notably France and Italy, sought to make with Palestinian terrorist groups to avoid being targeted by them.

Or the EU's unwillingness, even post-9/11, to agree on classifying Hizballah as a terrorist organization on the ostensible grounds that the group is also a "legitimate" political party in Lebanon, but actually motivated by a desire to avoid offending Syria and its satellite, Lebanon.

Or the state visits accorded to the Syrian president in London last month, complete with an audience with Queen Elizabeth, no less, or previously in Paris, Madrid, and other European capitals, while Syria illegally occupies neighboring Lebanon and cossets terrorist groups bent on Israel's total destruction.

Or the EU's stance on Israel-related UN resolutions, almost always opting to work out "acceptable" final language with the Arab bloc rather than joining the United States in opposing outright those objectionable texts that inevitably end up condemning Israel, regardless of the facts on the ground.

Some Americans believe that, left to their own devices, many Europeans would, in Churchill's memorable words, be "resolved to be irresolute" when faced with the likes of Saddam Hussein, the mullahs of Tehran, or, for the matter, Slobodan Milosevic. And, ironically, the Europeans can get away with it because they know that, at the end of the day, there is an America that has both the will and capacity to lead the fight when no other option is available.

Observing these issues being played out from both sides of the Atlantic, I wouldn't for a moment underestimate the current chasm. It is real, if not always as wide as it may seem at first glance. Still, we can't ever afford to lose sight of what unites us.

Call me hopelessly, irredeemably naive, but I remain convinced that Americans and Europeans are umbilically bound by common foundational values and common existential threats, and thus, ipso facto, a common agenda.

Those common values emanate from the very essence of our respective societies: democracy, the rule of law, and respect for the dignity of the individual.

Even a brief glance at international socioeconomic indices reveals the striking fact that the democratic nations, as a group, rank highest in personal freedoms, per capita income, life expectancy, levels of educational attainment, and overall standards of living, and lowest in infant mortality and corruption rates.

No less importantly, the democratic nations have renounced war as an instrument of resolving policy disputes among themselves.

The ties that link this precious fraternity of kindred nations must never be permitted to fray, for they represent the best—indeed, I would argue that only—hope for the ultimate realization of a peaceful and prosperous world.

And the threats are transnational.

Just as democratic nations were at risk during World War II and again during the Cold War, today those democratic nations are in the crosshairs of the radical Islamic terrorist network.

True, some European countries initially convinced themselves that this threat was about America and not them.

But as Islamic terrorist cells have been uncovered in Britain, Spain, Italy, France, Belgium, the Netherlands, Germany, and elsewhere in Europe, there is a growing realization that we are all in this together. The targets are not just specific countries, but the overarching values of freedom, secularism, religious tolerance, pluralism, women's rights, and openness that are enshrined in every democratic society.

The threat from terrorist groups and their supporters operating in just about every Western country is heightened by the prospect of increasingly available weapons of mass destruction.

Even at the risk of stating the obvious, the United States and Europe need each other, as much now as ever, in the face of this worldwide, long-term menace.

We must maintain full cooperation in the gathering and sharing of intelligence and a hundred other fields if we are to emerge on tops in this daunting conflict.

We have to do a better job of coordinating policy, not only on terrorist groups, but also on those nations that help and harbor these groups. Can we afford to let such nations continue to play us off one against the other, as they so often have in the past?

And if I could be permitted to dream for just a moment, imagine our collaborating on developing alternative energy sources that would eventually wean us all off Middle East oil and gas—and, perhaps way down the road, fossil fuels in general—and do something good for Planet Earth in the process.

In the final analysis, this struggle against the radicals also entails strengthening the moderates in the Islamic world, and, here again, the United States and Europe, working together, increase the odds of success.

Put another way, we must win two epic battles, not one. We must win the war, and we must win the peace. Winning one without the other will eventually prove a Pyrrhic victory. The United States cannot go it alone on both fronts and hope to prevail. Nor can Europe.

Both of us have a profound stake in finding constructive ways to encourage the forces of democratization, civil society, and greater openness in countries that by and large have been remarkably resistant to the political and economic revolutions of recent times. Otherwise, further regression will take place, with still greater division between their world and ours, and all the attendant implications for conflict, terrorism, and the spread of fundamentalism.

Take, as an example, the case of Pakistan. Imagine for a moment the catastrophic global consequences if it descended into civil war or fell into the hands of the Islamists.

Here's a turbulent country of 150 million, twice the size of California, with 40 percent of its population under the age of 15. Not only does Pakistan have weapons of mass destruction, but the world was on edge recently when India and Pakistan engaged in nuclear brinkmanship.

Moreover, there are nearly one million youngsters studying full-time in Muslim religious schools, where the Koran and jihad, and not civics and biology, are the principal educational fare, and Osama bin Laden could win his share of popularity contests. What's the future for these young people, and how will their future impact on us?

The unraveling of Pakistan would hit the jackpot on the political Richter scale and send massive shock waves through its neighbors—Afghanistan, a country that has just been brought back from the edge but remains far from secure, China, India, and Iran. It would also have staggering geopolitical, strategic, and economic implications for both Europe and the United States.

Once again, therefore, we have a common agenda.

So, too, with Turkey.

Mustafa Kemal Ataturk was one of the most influential statesmen of the twentieth century. He established the modern Turkish Republic on the rubble of the collapsed Ottoman Empire, courageously separated religion from state, and recognized that the nation's future belonged squarely with Europe. Eighty years later, Turkey is closer to that goal than ever before, but the outcome is by no means certain.

Whether to admit Turkey to the European Union is a European, not an American, decision. While the United States has a profound interest in seeing this happen, it must exert its influence without overplaying its hand and infuriating the Europeans, as it managed to do last month in the run-up to the Copenhagen summit of EU leaders. Close cooperation between the United States and Europe can encourage Turkey to take the additional steps necessary to persuade Brussels that Ankara is a truly viable candidate for EU membership, and thereby outflank its European opponents.

(Valéry Giscard d'Estaing, the former French president, expressed this opposition most bluntly when, in November, he declared in the French daily Le Monde that Turkey "is not a European country" and inviting it into the EU would mean "the end of Europe.")

The challenges of integrating Turkey into the EU should not be minimized. At the time of accession, a decade or more from now, it would almost certainly be the single most populous—and, by far, poorest—EU member country. Further, it would extend the EU's boundaries to the turbulent Middle East. Turkey shares borders with, among others, Syria, Iran, and Iraq. And, in the process, Europe would inherit an unknown percentage of the Turkish population that is Muslim fundamentalist, adding to Europe's already considerable challenges in this regard.

Even so, the successful integration of Turkey into the European Union could create a powerful and perhaps contagious role model for other Muslim countries, beginning with those Central Asian nations in the Turkish sphere of interest, such as Azerbaijan and Uzbekistan, and extending far beyond.

The United States and Europe should have a similar interest in extending the reach of genuine democracy, especially in the Arab world, much of which is located practically at Europe's doorstep. Here, too, there's room for collaboration driven by the common overall objective of stabilizing the region and increasing prospects for peace and regional cooperation.

The United States, by dint of its size, influence, and global reach, has a great deal to offer. So does the European Union.

Let me digress for a moment. I am a longtime admirer of the European Union. The more I understand the inventive genius of Jean Monnet, the Frenchman called upon by Robert Schuman, the postwar French foreign minister, to conceptualize a structure that would prevent future wars with Germany, the more in awe I am and the more I appreciate the need for similarly bold thinking today.

(And it should be pointed out that such a structure, envisioned to fully integrate a rebuilding Germany, was a far cry from 1944 Morgenthau Plan, named after President Roosevelt's secretary of the treasury, which would have converted a defeated Germany into a primarily pastoral country.)

Indeed, following Monnet's recommendations, the six-nation European Coal and Steel Community was formally established in 1952, once the member countries—Belgium, France, Italy, Luxembourg, the Netherlands, and West Germany—ratified the Treaty of Paris. Along the way, on May 9, 1950, Schuman publicly declared:

"It is no longer a time for vain words, but for a bold, constructive act. France has acted, and the consequences of her action may be immense. We hope they will. She has acted essentially in the cause of peace. For peace to have a chance, there must first be a Europe. Nearly 5 years to the day after the unconditional surrender of Germany, France is now taking the first decisive step toward the construction of Europe and is associating Germany in this venture. It is something which must completely change things in Europe and permit other joint actions which were hitherto impossible. Out of all this will come forth Europe, a solid and united Europe. A Europe in which the standard of living will rise. . . ."

The European Union's evolution over the past 50 years has been nothing short of breathtaking.

It is a remarkable case study in the emergence of a democratic and ever-more prosperous grouping based on the vision of political giants, with the core objective of preventing future wars. A European Union of 15 nations, soon to be 25, with Bulgaria and Romania poised to join a few years hence, has much to teach other regions, most notably the Arab world, about institution-building and integration.

This sounds, I realize, like the stuff of distant, perhaps impossible, dreams. Many reasons can be offered why the European experience cannot take root in the Arab world. There are, needless to say, countless political, cultural, historic, and economic differences between Europe and the Arab bloc.

Still, I refuse to abandon hope because there is no more promising alternative, certainly not over the long term, and I am unwilling to accept the proposition that the Arab people have no choice for the future but to live under corrupt, autocratic, stifling filial dynasties.

Here, too, the United States and Europe, working in concert, can help lead the way and reap the benefits of their efforts.

And while it may seem far-fetched today, it is entirely conceivable that the United States and Europe could one day be talking about Israel's entry into the European Union, and perhaps even NATO, as part of a comprehensive solution to the Arab-Israeli conflict.

In short—and I've only skimmed the surface—leaders on both sides of the Atlantic Ocean need to stress constantly our common values, common threats, and common goals.

To be sure, there are, and inevitably will always be, differences between Europe and the United States rooted in political rivalry, economic competition, divergent interests, and the like. In the larger scheme of things, however, these differences however, ought to be quite manageable and, in any case, must never be permitted to overshadow the commonalities.

The American Jewish Committee has long been in the business of building bridges between Europe and the United States, precisely because it understands what is at stake. At turbulent moments such as this, the work becomes only more important.

For us, it means recognizing that Europe, given its size and significance, cannot easily be ignored or dismissed even when we don't like what we see; rather, it must be engaged with skill, sophistication, and sensitivity, with ever more points of contact established.

Moreover, it means never losing sight of the larger picture of Europe and America as the likeliest of strategic allies, even when we raise tough issues with our European interlocutors, as we at AJC do regularly in Berlin, Paris, Madrid, Brussels, and other centers of power.

Among these issues currently are: (a) the slow and stumbling reaction of too many Europeans to the indisputable rise in anti-Semitism during the past 2 years; (b) the unacceptable moral equivalence (or worse) with which a number of European governments view the Israeli-Palestinian conflict; (c) the political expediency all too evident in molding relations with dictatorial regimes in the Arab world (and Iran); (d) the rapidly declining impact of the Shoah on European attitudes toward Israel and the Jewish people; and (e) the growing anti-Americanism that too often goes unchecked.

On a lighter but related note, I had a good laugh when I saw a cartoon in the New Yorker (October 28, 2002) which showed a hostess at a cocktail party introducing two men to each other. The caption read: "Francophobe, meet Francophile." In my case, though, I sometimes feel that both individuals are living within me. No European country attracts me more culturally, or exasperates me more diplomatically, than France.

At the same time, I fully understand that generalizations can be dangerous.

Not all of Europe is anti-American, anti-Israel, or anti-Semitic, far from it. Britain, Denmark, Italy, and Spain are today very close to Washington; Germany, Britain, and the Netherlands are the EU countries most sympathetic to Israel; and there are some European nations that have experienced few, if any, anti-Semitic incidents in recent years.

Even in France, described by proche-orient.info (the principal French-language source for balanced Middle East coverage) as the country that "takes the lead in the European Union's anti-Israel policies," roughly 20 percent of the parliamentarians in the National Assembly belong to the France-Israel Caucus. That may not be a sufficient critical mass to sway a nation, but it's still a rather impressive number to work with.

Moreover, though often overlooked, the situation in Central and Eastern Europe is actually quite encouraging. By and large, these countries are pro-American—Poland, Bulgaria, and Romania being three outstanding examples; they have close links with Israel, and, for a variety of reasons, have reached out to world Jewry in the past decade in a way that offers real hope for the future.

To sum it up, it would be well to revisit the eloquent words expressed by President Bush at the NATO summit in Prague 6 weeks ago. The American head of state said:

"The trans-Atlantic ties of Europe and America have met every test of history, and we intend to again. U-boats could not divide us. The threats and standoffs of the Cold War did not make us weary. The commitment of my nation to Europe is found in the carefully tended graves of young Americans who died for this continent's freedom. That commitment is shown by the thousands in uniforms still serving here, from the Balkans to Bavaria, still willing to make the ultimate sacrifice for this continent's future.

"For a hundred years, place names of Europe have often stood for conflict and tragedy and loss. Single words evoke sad and bitter experience—Verdun, Munich, Stalingrad, Dresden, Nuremberg, and Yalta. We have no power to rewrite history. We do have the power to write a different story for our time. . . .

"In Prague, young democracies will gain new security, a grand alliance will gather strength and find new purpose, and America and Europe will renew the historic friendship that still keeps the peace of the world."

These stirring words—and their policy implications—deserve a long life span, as well as permanent top-priority status, on both sides of the Atlantic Ocean. The question, of course, is whether they will get it.

Given the global challenges piling up one on top of another, from Iraq to North Korea, it's safe to say that we should have a pretty good idea quite soon.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2318. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR 240.17a-4—Records to be preserved by certain exchange members, brokers and dealers (Interpretations)" received on May 7 , 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2319. A communication from the Chief Counsel, Bureau of Public Debt, Fiscal Service, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing Treasury Securities, New Treasury Direct System, amends 31 CFR Parts 315, 351, 353" received on May 5, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2320. A communication from the Executive Director, Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the 2002 Annual Report of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, received on May 6, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2321. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of a document that states that the U.S. Commission on Civil Rights' internal control systems are in compliance with provisions of the Federal Managers Financial Integrity Act; to the Committee on Governmental Affairs.

EC–2322. A communication from the Inspector General Liaison, Selective Service System, transmitting, pursuant to law, the semi-annual report submitted in accordance to the Inspector General Act of 1978, as amended; to the Committee on Governmental Affairs.

EC–2323. A communication from the Secretary, Postal Rate Commission, transmitting, pursuant to law, the report of the implementation of the Sunshine Act during the calendar year 2002; to the Committee on Governmental Affairs.

EC–2324. A communication from the Chairman, Federal Mine Safety & Health Review Commission, transmitting, pursuant to law, the Annual Performance Report for Fiscal Year 2004 and the Program Performance Report for FY 2002; to the Committee on Governmental Affairs.

EC–2325. A communication from the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the report of a document entitled "Help Wanted: A Review of Federal Vacancy Announcements", received on May 6, 2003; to the Committee on Governmental Affairs.

EC–2326. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, Department of Defense, transmitting, pursuant to law, the report relative to staff-years of technical effort to be allocated for each federally funded research and development center (FFRDC) during Fiscal Year 2004; to the Committee on Armed Services.

EC–2327. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–2328. A communication from the Deputy Secretary of Defense, Department of Defense, transmitting, pursuant to law, the report relative to the Government of Uzbekistan and the substantial military support it has provided to the U.S. in connection to the Global War on Terrorism; to the Committee on Armed Services.

EC–2329. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, Department of Defense, transmitting, pursuant to law, the report relative to a feasibility study on converting non-combat defense fleet to hybrid vehicles by 2009 and converting to an all-hybrid engine fleet for both non-combat and combat vehicles over a longer period; to the Committee on Armed Services.

EC–2330. A communication from the Director, Admissions liaison, Department of the Air Force, transmitting, pursuant to law, the report of a separation of a cadet from the Air Force Academy; to the Committee on Armed Services.

EC–2331. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Useful Life Facility Determination (0572–AB80)" received on May 6, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2332. A communication from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fees for Rice Inspection Services (0580–AA82)" received on May 6, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2333. A communication from the Acting Principal Deputy Associate Administrator, transmitting, pursuant to law, the report of a rule entitled "Indoxacard; Time Limited Pesticide Tolerance (7307–6)" received on May 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2334. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report relative to the launching of the Physician Group Practice (PGP) demonstration; to the Committee on Health, Education, Labor, and Pensions.

EC–2335. A communication from the Chairman, National Foundation on the Arts and the Humanities, transmitting, pursuant to law, the Twenty-Seventh Annual Report on the Arts and Artifacts Indemnity Program for fiscal year 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–2336. A communication from the Director, Workforce Compensation and Performance Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Locality-based Comparability Payments (3206–AJ62)" received on May 6, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–2337. A communication from the Director, Regulations, Policy and Management, transmitting, pursuant to law, the report of a rule entitled "Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the Counter Human Use; Monograph for Combination Products; CORRECTION (0910–AA01)" received on May 6, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–2338. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of nomination for the position of Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development; to the Committee on Health, Education, Labor, and Pensions.

EC–2339. A communication from the Assistant Secretary, Land and Minerals Management, Mineral Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS), Document Incorporated by Reference for Fixed Platforms (1010–AD03)" received on May 7, 2003; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WARNER, from the Committee on Armed Services, without amendment:

S. 1050. An original bill to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. No. 108–46).

S. 1047. An original bill to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 1048. An original bill to authorize appropriations for fiscal year 2004 for military construction, and for other purposes.

S. 1049. An original bill to authorize appropriations for fiscal year 2004 for defense activities of the Department of Energy, and for other purposes.

By Mr. GRASSLEY, from the Committee on Finance, without amendment:

S. 1054. An original bill to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ENZI (for himself, Mr. Dorgan, Mr. Johnson, Mr. Daschle, Mr. Thomas, and Mr. Conrad):

S. 1044. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. AKAKA (for himself and Mr. Bingaman):

S. 1045. A bill to strengthen United States capabilities to safely and securely dispose of all greater-than-Class C low-level radioactive waste; to the Committee on Energy and Natural Resources.

By Mr. STEVENS (for himself, Mr. Hollings, Mr. Burns, Mr. Lott, Mr. Dorgan, and Mr. Wyden):

S. 1046. A bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations; to the Committee on Commerce, Science, and Transportation.

By Mr. WARNER:

S. 1047. An original bill to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. WARNER:

S. 1048. An original bill to authorize appropriations for fiscal year 2004 for military construction, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. WARNER:

S. 1049. An original bill to authorize appropriations for fiscal year 2004 for defense activities of the Department of Energy, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. WARNER:

S. 1050. An original bill to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. DOMENICI (for himself, Mr. Reid, and Mr. Bingaman):

S. 1051. A bill to direct the Secretary of the Interior to carry out a demonstration program to assess potential water savings through control of Salt Cedar and Russian Olive; to the Committee on Environment and Public Works.

By Mr. NELSON of Florida:

S. 1052. A bill to ensure that recipients of unsolicited bulk commercial electronic mail can identify the sender of such electronic mail, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Mr. Frist, Mr. Jeffords, Mr. Enzi, Ms. Collins, Mr. Hagel, Mr. DeWine, and Mr. Gregg):

S. 1053. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY:

S. 1054. An original bill to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004; from the Committee on Finance; placed on the calendar.

By Mr. DURBIN:

S. 1055. A bill to amend the Internal Revenue Code of 1986 to provide physicians and other health care professionals with a tax credit for qualified expenditures for medical professional malpractice insurance, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself, Mr. Breaux, Ms. Landrieu, and Mr. Daschle):

S. Res. 142. A resolution relative to the death of Russell B. Long, former United

States Senator for the State of Louisiana; considered and agreed to.

ADDITIONAL COSPONSORS

S. 238

At the request of Mr. REED, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 238, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 281

At the request of Mr. CAMPBELL, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 281, a bill to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes, to provide for training and technical assistance to Native Americans who are interested in commercial vehicle driving careers, and for other purposes.

S. 285

At the request of Mr. CAMPBELL, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 285, a bill to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes.

S. 465

At the request of Mrs. MURRAY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 465, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 491

At the request of Mr. REID, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 491, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 575

At the request of Mr. INOUYE, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 575, a bill to amend the Native American Languages Act to provide for the support of Native American language survival schools, and for other purposes.

S. 590

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 590, a bill to amend title XVIII of the Social Security Act to provide for equitable reimbursement rates under the medicare program to Medicare+Choice organizations.

S. 596

At the request of Mr. ENSIGN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 596, a bill to amend the Internal Revenue Code of 1986 to encourage the investment of foreign earnings within the United States for productive business investments and job creation.

S. 651

At the request of Mr. ALLARD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 651, a bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes.

S. 661

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 724

At the request of Mr. ENZI, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 724, a bill to amend title 18, United States Code, to exempt certain rocket propellants from prohibitions under that title on explosive materials.

S. 725

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 725, a bill to amend the Transportation Equity Act for the 21st Century to provide from the Highway Trust Fund additional funding for Indian reservation roads, and for other purposes.

S. 741

At the request of Mr. SESSIONS, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S . 741, a bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 746

At the request of Mrs. FEINSTEIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 746, a bill to prevent and respond to terrorism and crime at or through ports.

S. 777

At the request of Mr. INHOFE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 777, a bill to amend the impact aid program under the Elementary and Secondary Education Act of 1965 to improve the delivery of payments under the program to local educational agencies.

S. 811

At the request of Mr. ALLARD, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 811, a bill to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnership Act, and for other purposes.

S. 818

At the request of Ms. SNOWE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 818, a bill to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration.

S. 822

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 822, a bill to create a 3-year pilot program that makes small, non-profit child care businesses eligible for SBA 504 loans.

S. 847

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 847, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low income individuals infected with HIV.

S. 852

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 852, a bill to amend title 10, United States Code, to provide limited TRICARE program eligibility for members of the Ready Reserve of the Armed Forces, to provide financial support for continuation of health insurance for mobilized members of reserve components of the Armed Forces, and for other purposes.

S. 874

At the request of Mr. TALENT, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 875

At the request of Mr. KERRY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 887

At the request of Mr. KYL, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 887, a bill to amend the Internal Revenue Code of 1986 to apply an excise tax to excessive attorneys fees for legal judgements, settlements, or agreements that operate as a tax.

S. 899

At the request of Mr. BAYH, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 899, a bill to amend title XVIII of the Social Security Act to restore the full market basket percentage increase applied to payments to hospitals for inpatient hospital services furnished to medicare beneficiaries, and for other purposes.

S. 950

At the request of Mr. ENZI, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 950, a bill to allow travel between the United States and Cuba.

S. 960

At the request of Mr. AKAKA, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 960, a bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii and to amend the Hawaii Water Resources Act of 2000 to modify the water resources study.

S. 982

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 990

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 990, a bill to amend title 32, United States Code, to increase the maximum Federal share of the costs of State programs under the National Guard Challenge Program, and for other purposes.

S. 1000

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1000, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to provide TRICARE eligibility for members of the Selected Reserve of the Ready Reserve and their families; to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserve components and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 1003

At the request of Mr. CRAIG, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1003, a bill to clarify the intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River.

S. 1015

At the request of Mr. GREGG, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1015, a bill to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes.

S. 1019

At the request of Mr. DEWINE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1019, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. RES. 133

At the request of Mr. DURBIN, the names of the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. Res. 133, a resolution condemning bigotry and violence against Arab Americans, Muslim, Americans, South-Asian Americans, and Sikh Americans.

AMENDMENT NO. 539

At the request of Mr. FRIST, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of amendment No. 539 proposed to S. 14, a bill to enhance the energy security of the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself, Mr. DORGAN, Mr. JOHNSON, Mr. DASCHLE, Mr. THOMAS, and Mr. CONRAD):

S. 1044. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ENZI. Mr. President, we are having a crisis in the West. Actually, we are having a crisis anywhere that there are people who raise livestock. The crisis comes about as a result of neither fair trade nor free trade—in fact, the elimination of both. This bill is designed to make a correction in that. It is a clarification. I do not think the clarification would be necessary if enforcement were done, but this bill will clearly set out that a part of the problem can be solved.

Part of the crisis that particularly the small farmers and ranchers who raise livestock have is the drought we are having in the West. We are in the fourth year of a drought right now. That is resulting in a lot of for sale and auction signs going up on ranches. This is partly because they are not getting the proper price for their product. It is a controlled market; it is not a free market.

To bring it to a level that more people would understand, imagine trying to sell a house where the U.S. tradition might have changed so that everybody worked through a realtor, or at least 80 percent of the people worked through a realtor, and the realtor did not really show the house to other people. The realtor bought the house and then put it on the market themselves. The realtor had the capability to set the market price because of the other houses they owned.

That is what is happening with captive supply. There are a lot of technicalities to it. I sincerely hope my colleagues will take a look at it and understand it a little bit. It is very difficult. It is very detailed. It is very complicated to understand, but it is very important to understand. It is important to understand on behalf of the ranchers and consumers.

Now, one would think that if the price were being driven down for the rancher, those of us buying meat at the supermarket would get it for less. But if one tracks the price the ranchers are getting and the price the consumers are paying when the price goes down for the rancher, everything stays level for the consumer. So where is the money going? It is staying in the middle somewhere. We know where it is staying, and we know why it is staying, and it is control of the market. We do not usually allow that in the United States, but in this instance we allow it.

So 80 percent of the market is controlled by four packers, and they set the price. They set it in a way that the rancher has no control over it whatsoever. So the ones suffering this drought and suffering all the risk are the ones receiving the least money from the entire process. We do not believe in that in America. My bill is designed to change that.

Packers who practice price discrimination toward some producers and provide undue preferences to other producers are clearly in violation of the current law, but this law is not being enforced. What we are left with is unenforced laws or no laws at all to protect the independent producer. Since the Packers and Stockyards Act is not being enforced, and the cost to enforcing the law on a case-by-case basis in the courts is expensive and time consuming, today I propose the Senate take action.

Most laws require enforcement. They are like speed limits on a country road.

No one pays attention to the sign unless the driver is sharing the road with an agent of the law who will enforce it—like a police car. This section of the Packers and Stockyards Act is like a sign on the road of commerce that no one is paying any attention to because the police are too busy doing something else.

The bill I am introducing today is not just another sign on the road, it is a speed bump. It does not just warn cars to go slower, it makes it more difficult for them to speed. Does it solve the whole problem? No, but it is one speed bump on the way to solving the problem.

My bill does two things to create the speed bump. It requires that livestock producers have a fixed base price in their contracts. It also puts these contracts up for bid in the open market where they belong. Under this bill, forward contracts and marketing agreements must contain a fixed base price on the day the contract is signed. Now, in other businesses, that sounds like how we already operate. But it is not the way the packer operates. Producers are only given a contract that says they will get a certain dollar above the average at the time of the slaughter. And then if the person who controls the market drives the price down, the average can be well below what they ever anticipated it would be.

Under this bill, forward contracts and marketing agreements must contain a fixed base price on the day the contract is signed. This prevents packers from manipulating the base price after the point of sale. You may hear allegations that this bill ends quality-driven production, but it does not prevent adjustments to the base price after slaughter for quality grade or other factors outside packer control. It prevents packers from changing the base price based on the factors they do control.

Contracts that are based on the futures market are also exempted from the bill's requirements. In an open market, buyers and sellers would have the opportunity to bid against each other for contracts and could witness bids that are made and accepted. That would be pretty unique if they knew what the prices were on the products, particularly when it is captive supply. Whether they take the opportunity to bid or not is their choice. The key is they have the access to do so.

I have worked on a number of bills and we have had success getting them through the Senate, and then the lobbying effort in conference knocks them out. That has sincerely convinced me there is a controlled market. Every attempt we make to provide a little speed bump is taken out and it is usually in conference. It usually passes the House, passes the Senate—not in identical form—but it has trouble in the conference committee. That is because there are a lot more lobbyists for the packers than there are for the small ranchers and livestock producers.

My bill also limits the size of the contracts to the rough equivalent of a load of livestock, meaning 40 cattle or 30 swine. It does not limit the number of contracts that will be offered by any individual. This key portion prevents small- and medium-sized livestock producers like those found in Wyoming from being shut out of deals containing thousands of livestock per contract. The more animals you have in the contract, the less likely it is that people can freely participate in the bidding process. It eliminates people.

We are sticking a small number of animals in each contract, but lots of contracts will help us to arrive at a more fair price for the livestock. Requiring a firm base price and an open and transparent market ends the potential for price discrimination, price manipulation, and undue preferences, the things mentioned in that 1921 act.

These are not the only benefits in my bill. It also preserves the very useful risk management tool that contracts provide to livestock producers. Contracts help producers plan and prepare for the future. My bill makes contracts and marketing agreements an even better risk management tool because it solidifies the base price for the producer. He is not guessing what he will sell it for; he has an exact price. Once the agreement is made, a producer can have confidence on shipping day in his ability to feed his family during the next year because he will know in advance how much he can expect to receive for his livestock.

This bill also encourages electronic trading. An open and public market would function much like the stock market where insider trading is prohibited. The stock market provides a solid example of how electronic livestock trading can work to the benefit of everyone involved. For example, price discovery in an open and electronic market is automatic. We tried a number of things to get price discovery so that the producers out there would have an idea what the true market is, whether it is being bought from other producers or being bought out of the captive supply. Every attempt we have made has been thwarted. They have found ways to put little loopholes in regulations so they do not have to report prices. That is not fair. It does not provide an open market.

Captive supply is still weighing on the minds and hurting the pocketbooks of ranchers in Wyoming and across the United States. Wyoming ranchers encourage me to keep up the good fight on this issue on every trip I make to my home State. I wish I had time to share some of the heartrending stories of the way they have been taken to the cleaners on these unique contracts they are forced to sign if they want to be able to sell their product.

The economic soul of Wyoming is built on the foundation of small towns and small businesses. All livestock producers, even small and medium ones, should have a fair chance to compete in an honest game that allows them to get the best price possible for their product. We must do everything we can to keep our small producers in business and protect the consumers. If there was a fluctuation out here on the other end where the consumer is, we might not have quite the same concern, but the consumer is not getting the benefit of this fixed market. So we need to change the fixed market.

We need to change captive supply. My bill removes one of the largest obstructions preventing livestock producers from competing, and that is formula price contracts. I ask my colleagues to assist me in giving their constituents and mine the chance to perform on a level playing field. It will help the economy of the entire United States. I ask for your help on this bill. We will be circulating some letters and further explanations so that we can have cosponsors; and pass the bill unanimously, I hope. I know that is a little difficult to obtain around here, but this is a very important issue and every State has livestock producers. It is time we took care of the livestock producers in a way that did not cost us a lot through enforcement.

I would love to see improved enforcement. I know there are other priority issues on enforcement, particularly since September 11, so I have tried to bring a little speed bump to provide accurate pricing. I ask for your help on the bill.

To reiterate:

Whenever there is a crisis the media has always served to focus the Nation's attention on the problem and who has been affected by it. Then it has been up to us, in the Congress, to review the problem and determine whether or not there was anything we could do to ease the suffering and repair the damage to someone's property and their livelihood.

Most of the time, when the media spots a crisis it is of such a magnitude that the pictures we see of the suffering are devastating and powerful. The images clearly cry out to us to take action and do what we can to restore, as much as possible, the lives of these people to normalcy.

We have all seen in these past few days the pictures of the devastating tornadoes that have wreaked havoc wherever they have touched down. Story after story has appeared in print and on television showing property destroyed, places of business torn in pieces, jobs in jeopardy and lives forever changed by the fury of a few moments of severe weather. Tornadoes do not last a long time, but they leave a path of devastation in their wake that leaves those affected by it forever changed.

Our thoughts and prayers go out to all of those who have been so affected and our hopes that they will be able to put their lives back together and go on as difficult as that will be to do.

As we view the devastation of those tornadoes, there are those in my State who have seen their livelihoods drastically affected by weather and unfair market policy, but they have not been so visible to us because we have not seen their faces on the nightly news or read their stories in the national newspapers. That is because not everyone who has seen their livelihood so drastically affected can be portrayed with quite the same kind of powerful images that depict those who have been touched by the ravages of severe weather patterns. Some problems that destroy livelihoods and weaken industries are far more subtle and more difficult to track.

Instead of being destroyed by a single blow, the industry I am referring to is being slowly put to death by the cruelest of methods—thousands of small cuts brought on by the lethal combination of several years of drought, ambiguous regulations that are too easily taken advantage of and the lax enforcement of existing law which has allowed for the manipulation of the system to one group's advantage.

Our Nation's ranching industry is in trouble, and, due to the slower pace with which it has been affected, the only stark images we will see of the intensity of the problem are the "for sale" or "up for auction" signs that acknowledge the closing of a family owned ranch and the end of a family's dream that lasted for generations as the land and the business was handed down for many, many years.

Right now, as I speak, if you are a rancher in the West, you have two major problems affecting your ability to earn a living and provide for your family. The first is the continuing drought which has made it so difficult for ranchers to tend their cattle and provide them with good, affordable grazing.

The second is a regulatory nightmare that has held livestock producers captive by the chains of unfair and manipulative contracts. It is this regulatory nightmare that must be addressed, and which brings me to the floor today as I offer legislation to break the chains and require livestock contracts to contain a fixed base price and be traded in open, public markets.

So, what is this regulation that is destroying the health of our family ranchers? It's a practice called "captive supply," a business practice not well known to those outside of the industry, but a practice that has had a tremendous impact on the ranchers of the West.

If you have not heard about the problem, I must point out that our ranchers have tried to bring it to our attention, but we have not fully focused on their needs. Whenever I travel to Wyoming, or hold a town meeting, or go over the week's mail that I receive from my constituents, I hear the cries for help from our ranchers in Wyoming, and throughout the West. One by one, and without exception, they are all clamoring for attention and relief so they can continue the work that so many in their family have done for so many years.

I could bring a stack of letters that come from people all across my State about the problems they face. But, in the interest of time, I will read a small excerpt from one that will give you an idea of how bad things are in the ranching industry as our ranchers try to deal with captive supply.

A letter I received from a rancher in Lingle said that the issue of captive supply needed to be reviewed and addressed because it was "slowly but surely putting small farmers/feeders out of business." He then added:

> Until the existing laws are enforced in this area of illegal activities, all other plans or laws will be of very little consequence.

So what is captive supply and how is it harming our Nation's ranchers to such an extent? Simply put, captive supply refers to the ownership by meat packers of cattle or the contracts they issue to purchase livestock. It is done to ensure that packers will always have a consistent supply of livestock for their slaughterlines.

The original goal of captive supply makes good business sense. All businesses want to maintain a steady supply of animals to ensure a constant stream of production and control costs.

But captive supply allows packers to go beyond good organization and business performance—to market manipulation—and this is where the problem lies.

The packing industry is highly concentrated. Four companies control more than half of all U.S. hog slaughter and more than 80 percent of U.S. fed cattle slaughter. Using captive supply and the market power of concentration, packers can purposefully drive down the prices by refusing to buy in the open market. This deflates all livestock prices and limits the market access of producers that have not aligned with specific packers.

We made an attempt to address the problem of captive supply on the Senate floor, but the amendment to ban packer ownership of livestock more than 14 days before slaughter did not survive the conference committee on the farm bill. However, the problems caused by captive supplies are alive and well, just as Wyoming producers have testified to me in the phone calls, letters, faxes and emails I receive from them. Although I supported the packer ban and still do, I do not think that banning packer ownership of livestock will solve the entire captive supply problem. Packers are using numerous methods beyond direct ownership to control cattle and other livestock.

Currently, packers maintain captive supply through various means including direct ownership, forward contracts, and marketing agreements. The difference between the three is subtle, so let me take a moment to describe how they differ. Direct ownership refers to livestock owned by the packer. In forward contracts, producers agree to the delivery of cattle one week or more before slaughter with the price determined before slaughter. Forward contracts are typically fixed, meaning the base price is set.

As with forward contracts, marketing agreements also call for the delivery of livestock more than one week before slaughter, but the price is determined at or after slaughter. A formula pricing method is commonly used for cattle sold under marketing agreements. In formula pricing, instead of a fixed base price, an external reference price, such as the average price paid for cattle at a certain packing plant during one week, is used to determine the base price of the cattle. I find this very disturbing because the packer has the ability to manipulate the weekly average at a packing plant by refusing to buy in the open market. Unfortunately, marketing agreements and formula pricing are much more common than forward contracts.

In fact, the data published by USDA's Agricultural Marketing Service indicates that in the first week of May 2003, 39,149 of the cattle slaughtered were sold through a forward contract. By comparison, 207,955 of the cattle slaughtered were marketed through formula pricing marketing agreements. Packers were using five times as many formula pricing marketing agreements as forward contracts to purchase their slaughter cattle. As we can see, packers use more marketing agreements because of the advantages those ambiguous contracts give them over producers.

In the same week, 36,899 of the cattle slaughtered were directly owned by packers. These numbers demonstrate that the problem of captive supply is far more extensive than just packer ownership. In the first week of May, packer owned cattle only comprised 13 percent of captive cattle slaughtered. This is why we must act to solve the entire captive supply problem.

I realize it may be difficult to grasp the seriousness of the situation if you are not familiar with the cattle market. Most of us have not signed a contract to sell a load of livestock, but many of us have sold a house. To illustrate the seriousness of the problem, let's explore how you would sell a house using a formula-priced contract in a market structured like the current livestock market.

It is May, and you know you will be selling your home in September. As a wise seller, you want to find a buyer for your home before that time. It turns out that other people do not really buy homes from each other anymore. In fact, four main companies have taken over 80 percent of all real estate transactions. You really have no choice but to deal with one of these companies.

One of them offers you a contract, stating you will receive $10,000 over the average price of what other, similar homes are selling for in your area in September. To manage your risk and ensure a buyer, you have just been practically forced to sign a contract that doesn't specify how much you will receive for your house.

That tingle of fear in the pit of your stomach becomes full-fledged panic when you close the deal in September. You see, the four real estate companies have been planning ahead. They decide to pull away from the market. All the homes selling in September that are not contracted to the companies flood the market and the price for homes in your area drops $12,000. By trying to manage your risk, you sold your home for $2,000 below average.

As a homeowner, you would be outraged, wouldn't you? You would want to know why anyone had the ability to legally take advantage of you. Livestock producers have the same questions when they lose to the market pressures applied by captive supply. Captive supply gives packers the ability to discriminate against some producers. And those producers pay for it with their bottom line. At the same time, packers use contracts and marketing agreements to give privileged access and premiums to other producers regardless of the quality of their product. These uses of captive supply should be illegal. In fact, they are.

Section 202 of the Packers and Stockyards Act states in (3) (a) and (b):

> It shall be unlawful for any packer with respect to livestock . . . to:
>
> (a) Engage in or use any unfair, unjustly discriminatory, or deceptive practice or device; or
>
> (b) Make or give any undue or unreasonable preference or advantage to any particular person or locality in any respect, or subject any particular person or locality to any undue or unreasonable prejudice or disadvantage in any respect.

Packers who practice price discrimination toward some producers and provide undue preferences to other producers are clearly in violation of the law. But this law is not being enforced. So what we are left with are unenforced laws or no laws at all to protect the independent producer. Since the Packers and Stockyards Act is not being enforced and the cost of enforcing the law on a case-by-case basis in the courts is expensive and time-consuming, today I propose that the Senate take action.

Most laws require enforcement. They are like speed limits on a country road. No one pays the sign any attention unless the driver is sharing the road with an agent of the law who will enforce it—like a police car. This section of the Packers and Stockyards Act is like a sign on the road of commerce that no one is paying attention to because the police are busy doing something else. The bill I am introducing today is not just another sign on the road. It is a speed bump. It does not just warn cars to go slower, it makes it much more difficult for them to speed.

My bill does two things to create the speed bump. It requires that livestock producers have a fixed base price in their contracts. It also puts these contracts up for bid in the open market where they belong.

Under this bill, forward contracts and marketing agreements must contain a fixed, base price on the day the contract is signed. This prevents packers from manipulating the base price after the point of sale. You may hear allegations that this bill ends quality-driven production, but it does not prevent adjustments to the base price after slaughter for quality, grade or other factors outside packer control. It prevents packers from changing the base price based on factors that they do control. Contracts that are based on the futures market are also exempted from the bill's requirements.

In an open market, buyers and sellers would have the opportunity to bid against each other for contracts and could witness bids that are made and accepted. Whether they take the opportunity to bid or not is their choice, the key here is that they have access to do so.

My bill also limits the size of contracts to the rough equivalent of a load of livestock, meaning 40 cattle or 30 swine. It does not limit the number of contracts that can be offered by an individual. This key portion prevents small and medium-sized livestock producers, like those found in Wyoming, from being shut out of deals that contain thousands of livestock per contract.

Requiring a firm base price and an open and transparent market ends the potential for price discrimination, price manipulation and undue preferences. These are not the only benefits of my bill. It also preserves the very useful risk management tool that contracts provide to livestock producers. Contracts help producers plan and prepare for the future. My bill makes contracts and marketing agreements an even better risk management tool because it solidifies the base price for the producer. Once the agreement is made, a producer can have confidence on shipping day in his ability to feed his family during the next year because he will know in advance how much he can expect to receive for his livestock.

This bill also encourages electronic trading. An open and public market would function much like the stock market, where insider trading is prohibited. The stock market provides a solid example of how electronic livestock trading can work to the benefit of everyone involved. For example, price discovery in an open and electronic market is automatic.

Captive supply is still weighing on the minds and hurting the pocketbooks of ranchers in Wyoming and across the United States. Wyoming ranchers encourage me to keep up the good fight on this issue on every trip I make to my home State. The economic soul of Wyoming is built on the foundation of small towns and small businesses. All livestock producers, even small and medium-sized ones, should have a fair chance to compete in an honest game that allows them to get the best price possible for their product. We must do everything we can to keep our small producers in business.

My bill removes one of the largest obstructions preventing livestock producers from competing—formula-priced contracts. I ask my colleagues to assist me in giving their constituents and mine the chance to perform on a level playing field.

I yield the floor.

By Mr. AKAKA (for himself and Mr. BINGAMAN):

S. 1045. A bill to strengthen United States capabilities to safely and securely dispose of all greater-than-Class C low-level radioactive waste; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, I rise to introduce the Low-Level Radioactive Waste Act of 2003. I am pleased that the Ranking Member of the Energy and Natural Resources Committee, Senator BINGAMAN, is a cosponsor of this important legislation. Our bill will address the efforts made by the Department of Energy, DOE, to recover and dispose of thousands of domestic Greater-than-Class-C, GTCC, radiological sources. These have the highest radiation levels and, in general, pose the greatest concern in terms of being used in a so-called "dirty bomb."

Since September 11, we have faced the possibility that a terrorist could use a dirty bomb in an attack in the United States. A dirty bomb combines conventional explosives with highly radioactive materials. When exploded, it would disperse the radioactive materials, reducing the impact from radiation. But, if set off in the downtown of a major city, it could still contaminate a wide area with radiation, cause death and destruction due to the explosion, and panic and substantial economic damage could result. It is not surprising that the Department of Homeland Security has chosen as one of its training scenarios a simulated "dirty bomb" attack on an American city.

Secretary of Energy Spencer Abraham told an International Atomic Energy Agency conference in March, "Radioactive sources can be found all over the world, and terrorist are seeking to acquire them." CIA Director George Tenet told Congress in February that he was concerned about Al Qaeda's attempts to build a dirty bomb. He said, "construction of such a device is well within Al Qaeda capabilities—if it can obtain the radiological material."

Radiological sources are used widely in industry, agriculture, medicine, and research. Appropriately, Secretary Abraham has made it priority for the Department of Energy to help other countries secure their radiological sources. But as the United States works internationally to secure dangerous radiological sources, we also must be sure our own house is in order.

As chairman of the International Security Subcommittee of the Senate Government Affairs Committee, I held hearings in the fall of 2001 that covered the threat posed by dirty bombs. I also requested that GAO examine U.S. efforts to secure radioactive sources within the United States.

GAO recently finished their inquiry, and I am sorry to report that GAO found our house is not in order. Many of you may have seen the report on NBC Nightly News last night that featured GAO's investigation.

GAO's report shows that not only the former Soviet Union, but also the United States does not keep track of or account for its radioactive sources in a reliable manner. There is not a precise count of GTCC sources in the United States. Some quarter to half a million are estimated to exist. Some 24,000 new GTCC sources are being produced each year.

A central issue is what is being done with unwanted radioactive devices. We don't have an accurate account of unwanted devices in this country, and the program for recovering and securing them is proceeding too slowly.

In 1985, Congress authorized DOE to provide a facility for disposing of GTCC waste, including GTCC sealed radiological sources that were no longer wanted by their owners. GAO found that after 18 years, DOE still has not developed a facility for storing GTCC wastes.

DOE assumes a facility for receiving GTCC sealed sources will be available by FY 2007. But DOE has not taken serious steps to insure this facility will be built.

Instead, DOE has an interim program for collecting and holding unwanted radiological sources. In 1999, DOE created an Off-site Source Recovery Project, or OSR, in the Office of Environmental Management for these purposes.

The OSR Project has recovered about 5,3000 sealed sources. Another 4,400 sources, held by 328 different owners across the United States, are known to be in need of recovery. DOE estimates a further 4,600 sources will need to be recovered by 2010, when the OSR Project is scheduled to end because the permanent storage facility should be operating.

Thousands more sources, however, will need to be recovered outside the OSR project once a depository opens.

Every State in the Union has radioactive sources that need to be recovered, according to the GAO report. States with more than a 100 sources to be recovered include Arizona, California, Illinois, Maryland, New York, and Texas. Another 25 States have between 10 and 100 sources to be recovered.

The GAO report notes that many of these are small sources with small amounts of radiation but hundreds are larger sources with large amounts of radioactivity.

Alarmingly, the question of dirty bombs aside, there are almost two nuclear bombs worth of unwanted plutonium-239 sources that DOE cannot recover because they lack storage space. GAO reports that universities that have this material want to give it up, but cannot, because the DOE does not have the space to store them.

We are concerned that the program to recover, secure, and store GTCC radiological sources is not receiving the priority it deserves. The disposal of thousands of radiological sources must be addressed. But DOE will not be prepared to dispose of these sources permanently in the next seven years because DOE has not identified the type of facility or provided a cost estimate and time-line for its construction.

This bill will address these concerns. To insure the permanent disposal program gets the attention it needs within DOE, our legislation requires DOE to designate a responsibility entity within DOE to develop a facility for disposal of GTCC wastes.

It also requires the DOE to report to Congress on the current situation and future plans for the disposal of GTCC radioactive waste. After the completion of this report, the DOE must submit to Congress a report on the cost and schedule to complete an environment impact statement and record of decision on a permanent disposal facility for GTCC radioactive wastes. Finally, before the year is out, DOE must deliver to Congress a plan to provide for the short-term recovery of the GTCC radioactive waste until a permanent facility is available.

I am also concerned that the short-term Offsite Source Recovery Project may lack the funding required to ensure that all designated radiological sources are safety and securely recovered in a timely manner. The program apparently will be funded adequately through the end of FY04. The FY02 emergency supplemental budget provided ten millions dollars, and the President requested about two millions dollars in his FY04 budget proposal. But I caution Congress to keep an eye on this program to guarantee sufficient funds are requested in the FY05 budget when it is submitted to Congress next year.

Thousands of sealed sources await disposal, some requiring security measures greater than those in place at current storage sites. The problem posed by these sources will not go away by itself. Universities and industry do not have the means or facilities to secure these materials and are asking the federal government for help.

When the United States began nonproliferation efforts in the former Soviet Union, one of the first jobs was to begin consolidating nuclear weapons and fissile materials in secure facilities to await disposal or destruction. As Secretary Abraham has said, due to worries about terrorists acquiring dirty bombs, the DOE now is working to secure radiological sources overseas.

I support these efforts. The bill Senator BINGAMAN and I have introduced will give radiological sources and waste on American soil the same consideration. Collecting and securing these sources was once a matter of public safety. It is now a national security concern that deserves the attention of Congress.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Low-Level Radioactive Waste Act of 2003".

SEC. 2. FINDINGS.

Congress finds that—

(1) section 3(b)(1)(D) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021c(b)(1)(D)) requires the Secretary of Energy to safely dispose of all greater-than-Class C low-level radioactive waste (as defined in section 61.55 of title 10, Code of Federal Regulations);

(2) the Offsite Source Recovery Program, established by the Department of Energy to recover and store sources of such waste, is scheduled to cease operation by September 30, 2010;

(3) the Department of Energy estimates that about 14,000 sealed sources of such waste will become unwanted and will have to be disposed of through the Offsite Source Recovery Program by that date;

(4)(A) in February 1987 the Secretary of Energy submitted to Congress a comprehensive report making recommendations for ensuring the safe disposal of all greater-than-Class C low-level radioactive waste; and

(B) 16 years later, it is likely that the information contained in the report is no longer current and does not reflect the new security threat environment;

(5) the Department of Energy—

(A) does not have the resources or storage facility to recover and store all unwanted sources of greater-than-Class C low-level radioactive waste; and

(B) has not identified a permanent disposal facility;

(6) it is unlikely that a permanent disposal facility will be operational by the time that the Offsite Source Recovery Program ceases operation;

(7) the initial steps in developing a disposal facility (including preparation of an environmental impact statement and issuance of a record of decision) could take several years and will require dedicated funding to complete; and

(8) before a final decision on the disposal alternative to be implemented is made, Congress must have an opportunity to review the alternatives under consideration and provide input.

SEC. 3. DEPARTMENT OF ENERGY RESPONSIBILITIES

(a) Designation of Responsibility.—The Secretary of Energy shall designate an entity within the Department of Energy to have the responsibility of completing activities needed to develop a facility for safely disposing of all greater-than-Class C low-level radioactive waste.

(b) Consultation With Congress.—In developing a plan for a permanent disposal facility for greater-than-Class C low-level radioactive waste (including preparation of an environmental impact statement and issuance of a record of decision), the Secretary of Energy shall consult with Congress.

SEC. 4. REPORTS.

(a) Update of 1987 Report.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall submit to Congress an update of the report referred to in section 2(4).

(2) Contents.—The update shall contain—

(A) an identification of the radioactive waste that is to be disposed of (including the source of the waste and the volume, concentration, and other relevant characteristics of the waste);

(B) an identification of the Federal and non-Federal options for disposal of the waste;

(C) a description of the actions proposed to ensure the safe disposal of the waste;

(D) an estimate of the costs of the proposed actions;

(E) an identification of the options for ensuring that the beneficiaries of the activities resulting in the generation of the radioactive waste bear all reasonable costs of disposing of the waste;

(F) an identification of any statutory authority required for disposal of the waste; and

(G) in coordination with the Environmental Protection Agency and the Nuclear Regulatory Commission, an identification of any regulatory guidance needed for the disposal of the waste.

(b) Report on Permanent Disposal Facility.—

(1) Report on cost and schedule for completion of EIS and ROD.—Not later than 180 days after the date of submission of the update under subsection (a), the Secretary of Energy shall submit to Congress a report containing an estimate of the cost and schedule to complete an environmental impact statement and record of decision for a permanent disposal facility for greater-than-Class C radioactive waste.

(2) Report on alternatives.—Before the Secretary of Energy makes a final decision on the disposal alternative to be implemented, the Secretary of Energy shall—

(A) submit to Congress a report that describes all alternatives under consideration; and

(B) await action by Congress.

(c) Report on Short-Term Plan.—

(1) In general.—Not later than December 31, 2003, the Secretary of Energy shall submit to Congress a plan to ensure the continued recovery and storage of greater-than-Class C low-level radioactive waste until a permanent disposal facility is available.

(2) Contents.—The plan shall contain estimated cost, resource, and facility needs.

By Mr. STEVENS (for himself, Mr. Hollings, Mr. Burns, Mr. Lott, Mr. Dorgan, and Mr. Wyden):

S. 1046. A bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 1046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preservation of Localism, Program Diversity, and Competition in Television Broadcast Service Act of 2003".

SEC. 2. FINDINGS; PURPOSES.

(a) Findings.—Congress makes the following findings:

(1) The principle of localism is embedded in the Communications Act in section 307(b) of the Communications Act of 1934 (47 U.S.C. 307(b)). It has been the pole star for regulation of the broadcast industry by the Federal Communications Commission for nearly 70 years.

(2) In the Telecommunications Act of 1996, Congress directed the Federal Communications Commission to increase the limitations on national multiple television ownership so that one party could not own or control television stations whose aggregate national audience reach exceeded 35 percent. Congress did so because it recognized that—

(A) further national concentration could not be undone;

(B) other regulatory changes, such as the repeal by the Commission of its financial and syndication regulations, would heighten the power of the national television networks; and

(C) the independence of non-network-owned stations would be threatened if network ownership exceeded 35 percent.

(3) If a limit to the national audience reach of television stations that one party may own or control is not codified at this time—

(A) further national concentration may occur whose pernicious effects may be difficult to eradicate; and

(B) the independence of non-network-owned stations will be threatened, placing local stations in danger of becoming mere passive conduits for network transmissions.

(4) A cap on national multiple television ownership will help preserve localism by limiting the networks' ability to dictate programming aired on local stations.

(5) The landscape of national ownership has changed dramatically over the past two decades since the time when the network were limited to owning just seven television stations nationwide:

(A) the Commission's financial and syndication regulations have been repealed;

(B) the networks can own more than one television station in many local markets;

(C) the networks' have embraced programming ventures from studios to syndication to foreign sales; and

(D) the networks own the most popular cable and Internet content businesses.

Together these changes have strengthened the networks' hands and given them strong incentives to override local interests.

(6) Unlike non-network-owned stations which are only concerned with local viewers, network-owned stations have multiple interests they must consider: national advertising interests, syndicated programming interests, foreign sales interests, cable programming interests, and, lastly, local station interests.

(7) The possibility of further nationalization threatens the current give-and-take between non-network-owned affiliates and networks which can result in programming being edited, scheduled, or promoted in ways that are more appropriate for local audiences.

(8) As network power has grown in recent years, the networks have forced affiliation agreements to tilt the balance of power even more in their favor. Contract provisions encroach on the ability of non-network-owned affiliates to reject programming that local stations determine not to be in the best interests of their local communities, and local stations are penalized for unauthorized preemptions (as determined by the network) and for exceeding preemption baskets.

(9) This Act will help to preserve localism in and to prevent the further nationalization of the television broadcast service.

(b) Purposes.—The purposes of this Act are—

(1) to promote the values of localism in the television broadcast service;

(2) to promote diversity of television programming and viewpoints;

(3) to promote competition; and

(4) to prevent excessive concentration of ownership by establishing a limit to the national audience reach of the television stations that any one party may own or control.

SEC. 3. NATIONAL TELEVISION MULTIPLE OWNERSHIP LIMITATIONS.

(a) Establishment of National Television Multiple Ownership Limitations.—Part I of Title III of the Communications Act of 1934 is amended by inserting after section 339 (47 U.S.C. 339) the following new section:

"SEC. 340. NATIONAL TELEVISION MULTIPLE OWNERSHIP LIMITATIONS.

"(a) National Audience Reach Limitation.—The Commission shall not permit any license for a commercial television broadcast station to be granted, transferred, or assigned to any party (including all parties under common control) if the grant, transfer, or assignment of such license would result in such party or any of its stockholders, partners, or members, officers, or directors, directly or indirectly, owning, operating or controlling, or having a cognizable interest in television stations which have an aggregate national audience reach exceeding 35 percent.

"(b) NO GRANDFATHERING.—The Commission shall require any party (including all parties under common control) that holds licenses for commercial television broadcast stations in excess of the limitation contained in subsection (a) to divest itself of such licenses as may be necessary to come into compliance with such limitation within one year after the date of enactment of this section.

"(c) SECTION NOT SUBJECT TO FORBEARANCE.—Section 10 of this Act shall not apply to the requirements of this section.

"(d) DEFINITIONS.—

"(1) NATIONAL AUDIENCE REACH.—The term 'national audience reach' means—

"(A) the total number of television households in the Nielsen Designated Market Area (DMA) markets in which the relevant stations are located, or as determined under a successor measure adopted by the Commission to delineate television markets for purposes of this section; divided by

"(B) the total national television households as measured by such DMA data (or such successor measure) at the time of a grant, transfer, or assignment of a license.

No market shall be counted more than once in making this calculation.

"(2) COGNIZABLE INTEREST.—Except as may otherwise be provided by regulation by the Commission, the term 'cognizable interest' means any partnership or direct ownership interest and any voting stock interest amounting to 5 percent or more of the outstanding voting stock of a licensee.".

(b) CONFORMING AMENDMENT.—Section 202(c)(1) of the Telecommunications Act of 1934 (P.L. 104-104; 110 Stat. 111) is amended—

(1) by striking "its regulations" and all that follows through "by eliminating" and inserting "its regulations (47 CFR 73.3555) by eliminating";

(2) by striking "; and" at the end of subparagraph (A) and inserting a period; and

(3) by striking subparagraph (B).

By Mr. WARNER

S. 1050. An original bill to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

Mr. WARNER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1050

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2004".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Defense Inspector General.
Sec. 106. Chemical agents and munitions destruction, Defense.
Sec. 107. Defense health programs.

Subtitle B—Army Programs

(reserved)

Subtitle C—Navy Programs

Sec. 121. Multiyear procurement authority for Navy programs.
Sec. 122. Pilot program for flexible funding of naval vessel conversions and overhauls.

Subtitle D—Air Force Programs

Sec. 131. Elimination of quantity limitations on multiyear procurement authority for C-130J aircraft.

Subtitle E—Other Matters

(reserved)

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for science and technology.
Sec. 203. Defense Inspector General.
Sec. 204. Defense health programs.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Prohibition on transfer of certain programs outside the Office of the Secretary of Defense.
Sec. 212. Objective force indirect fires program.

Subtitle C—Ballistic Missile Defense

Sec. 221. Fielding of ballistic missile defense capabilities.
Sec. 222. Repeal of requirement for certain program elements for Missile Defense Agency activities.
Sec. 223. Oversight of procurement of ballistic missile defense system elements.
Sec. 224. Renewal of authority to assist local communities impacted by ballistic missile defense system test bed.

Subtitle D—Other Matters

Sec. 231. Global Research Watch program in the Office of the Director of Defense Research and Engineering.
Sec. 232. Defense Advanced Research Projects Agency biennial strategic plan.
Sec. 233. Enhancement of authority of Secretary of Defense to support science, mathematics, engineering, and technology education.
Sec. 234. Department of Defense high-speed network-centric and bandwidth expansion program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 311. Armed Forces Emergency Services.
Sec. 312. Commercial imagery industrial base.

Subtitle C—Environmental Provisions

Sec. 321. General definitions applicable to facilities and operations.
Sec. 322. Military readiness and conservation of protected species.
Sec. 323. Arctic and Western Pacific Environmental Technology Cooperation Program.
Sec. 324. Participation in wetland mitigation banks in connection with military construction projects.
Sec. 325. Extension of authority to use environmental restoration account funds for relocation of a contaminated facility.
Sec. 326. Applicability of certain procedural and administrative requirements to restoration advisory boards.
Sec. 327. Expansion of authorities on use of vessels stricken from the Naval Vessel Register for experimental purposes.
Sec. 328. Transfer of vessels stricken from the Naval Vessel Register for use as artificial reefs.
Sec. 329. Salvage facilities.
Sec. 330. Task force on resolution of conflict between military training and endangered species protection at Barry M. Goldwater Range, Arizona.
Sec. 331. Public health assessment of exposure to perchlorate.

Subtitle D—Reimbursement Authorities

Sec. 341. Reimbursement of reserve component military personnel accounts for personnel costs of special operations reserve component personnel engaged in landmines clearance.
Sec. 342. Reimbursement of reserve component accounts for costs of intelligence activities support provided by reserve component personnel.
Sec. 343. Reimbursement rate for airlift services provided to the Department of State.

Subtitle E—Defense Dependents Education

Sec. 351. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 352. Impact aid for children with severe disabilities.

Subtitle F—Other Matters

Sec. 361. Sale of Defense Information Systems Agency services to contractors performing the Navy-Marine Corps Intranet contract.
Sec. 362. Use of the Defense Modernization Account for life cycle cost reduction initiatives.
Sec. 363. Exemption of certain firefighting service contracts from prohibition on contracts for performance of firefighting functions.

Sec. 364. Technical amendment relating to termination of Sacramento Army Depot, Sacramento, California.
Sec. 365. Exception to competition requirement for workloads previously performed by depot-level activities.
Sec. 366. Support for transfers of decommissioned vessels and shipboard equipment.
Sec. 367. Aircraft for performance of aerial refueling mission.
Sec. 368. Stability of certain existing military troop dining facilities contracts.
Sec. 369. Repeal of calendar year limitations on use of commissary stores by certain Reserves and others.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Increased maximum percentage of general and flag officers on active duty authorized to be serving in grades above brigadier general and rear admiral (lower half).
Sec. 403. Extension of certain authorities relating to management of numbers of general and flag officers in certain grades.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2004 limitations on nondual status technicians.

Subtitle C—Other Matters Relating to Personnel Strengths

Sec. 421. Revision of personnel strength authorization and accounting process.
Sec. 422. Exclusion of recalled retired members from certain strength limitations during period of war or national emergency.

Subtitle D—Authorization of Appropriations

Sec. 431. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Retention of health professions officers to fulfill active duty service obligations following failure of selection for promotion.
Sec. 502. Eligibility for appointment as Chief of Army Veterinary Corps.

Subtitle B—Reserve Component Personnel Policy

Sec. 511. Expanded authority for use of Ready Reserve in response to terrorism.
Sec. 512. Streamlined process for continuing officers on the reserve active-status list.
Sec. 513. National Guard officers on active duty in command of National Guard units.

Subtitle C—Revision of Retirement Authorities

Sec. 521. Permanent authority to reduce three-year time-in-grade requirement for retirement in grade for officers in grades above major and lieutenant commander.

Subtitle D—Education and Training

Sec. 531. Increased flexibility for management of senior level education and post-education assignments.
Sec. 532. Expanded educational assistance authority for cadets and midshipmen receiving ROTC scholarships.
Sec. 533. Eligibility and cost reimbursement requirements for personnel to receive instruction at the Naval Postgraduate School.
Sec. 534. Actions to address sexual misconduct at the service academies.

Subtitle E—Decorations, Awards, and Commendations

(reserved)

Subtitle F—Military Justice

Sec. 551. Extended limitation period for prosecution of child abuse cases in courts-martial.
Sec. 552. Clarification of blood alcohol content limit for the offense under the Uniform Code of Military Justice of drunken operation of a vehicle, aircraft, or vessel.

Subtitle G—Other Matters

Sec. 561. High-tempo personnel management and allowance.
Sec. 562. Alternate initial military service obligation for persons accessed under direct entry program.
Sec. 563. Policy on concurrent deployment to combat zones of both military spouses of military families with minor children.
Sec. 564. Enhancement of voting rights of members of the uniformed services.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay for fiscal year 2004.
Sec. 602. Revised annual pay adjustment process.
Sec. 603. Computation of basic pay rate for commissioned officers with prior enlisted or warrant officer service.
Sec. 604. Pilot program of monthly subsistence allowance for non-scholarship Senior ROTC members committing to continue ROTC participation -as sophomores.
Sec. 605. Basic allowance for housing for each member married to another member without dependents when both spouses are on sea duty.
Sec. 606. Increased rate of family separation allowance.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. One-year extension of certain bonus and special pay authorities for certain health care professionals.
Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
Sec. 614. One-year extension of other bonus and special pay authorities.
Sec. 615. Special pay for reserve officers holding positions of unusual responsibility and of critical nature.
Sec. 616. Assignment incentive pay for service in Korea.
Sec. 617. Increased maximum amount of reenlistment bonus for active members.
Sec. 618. Payment of Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized.
Sec. 619. Increased rate of hostile fire and imminent danger special pay.
Sec. 620. Availability of hostile fire and imminent danger special pay for reserve component members on inactive duty.
Sec. 621. Expansion of overseas tour extension incentive program to officers.
Sec. 622. Eligibility of warrant officers for accession bonus for new officers in critical skills.
Sec. 623. Incentive bonus for conversion to military occupational specialty to ease personnel shortage.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Shipment of privately owned motor vehicle within continental United States.
Sec. 632. Payment or reimbursement of student baggage storage costs for dependent children of members stationed overseas.
Sec. 633. Contracts for full replacement value for loss or damage to personal property transported at Government expense.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Special rule for computation of retired pay base for commanders of combatant commands.
Sec. 642. Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training.
Sec. 643. Increase in death gratuity payable with respect to deceased members of the Armed Forces.

Subtitle E—Other Matters

Sec. 651. Retention of accumulated leave.

TITLE VII—HEALTH CARE

Sec. 701. Medical and dental screening for members of Selected Reserve units alerted for mobilization.
Sec. 702. TRICARE beneficiary counseling and assistance coordinators for reserve component beneficiaries.
Sec. 703. Extension of authority to enter into personal services contracts for health care services to be performed at locations outside medical treatment facilities.
Sec. 704. Department of Defense Medicare-Eligible Retiree Health Care Fund valuations and contributions.
Sec. 705. Surveys on continued viability of TRICARE standard.
Sec. 706. Elimination of limitation on covered beneficiaries' eligibility to receive health care services from former Public Health Service treatment facilities.
Sec. 707. Modification of structure and duties of Department of Veterans Affairs-Department of Defense Health Executive Committee.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Temporary emergency procurement authority to facilitate defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack.
Sec. 802. Special temporary contract closeout authority.
Sec. 803. Defense acquisition program management for use of radio frequency spectrum.
Sec. 804. National Security Agency Modernization Program.
Sec. 805. Quality control in procurement of aviation critical safety items and related services.

Subtitle B—Procurement of Services

Sec. 811. Expansion and extension of incentive for use of performance-based contracts in procurements of services.
Sec. 812. Public-private competitions for the performance of Department of Defense functions.
Sec. 813. Authority to enter into personal services contracts.

Subtitle C—Major Defense Acquisition Programs

Sec. 821. Certain weapons-related prototype projects.
Sec. 822. Applicability of Clinger-Cohen Act policies and requirements to equipment integral to a weapon or weapon system.
Sec. 823. Applicability of requirement for reports on maturity of technology at initiation of major defense acquisition programs.

Subtitle D—Domestic Source Requirements

Sec. 831. Exceptions to Berry amendment for contingency operations and other urgent situations.
Sec. 832. Inapplicability of Berry amendment to procurements of waste and byproducts of cotton and wool fiber for use in the production of propellants and explosives.
Sec. 833. Waiver authority for domestic source or content requirements.
Sec. 834. Buy American exception for ball bearings and roller bearings used in foreign products.

Subtitle E—Defense Acquisition and Support Workforce

Sec. 841. Flexibility for management of the defense acquisition and support workforce.
Sec. 842. Limitation and reinvestment authority relating to reduction of the defense acquisition and support workforce.
Sec. 843. Clarification and revision of authority for demonstration project relating to certain acquisition personnel management policies and procedures.

Subtitle F—Federal Support for Procurement of Anti-Terrorism Technologies and Services by State and Local Governments

Sec. 851. Application of indemnification authority to State and local government contractors.
Sec. 852. Procurements of anti-terrorism technologies and anti-terrorism services by State and local governments through Federal contracts.
Sec. 853. Definitions.

Subtitle G—General Contracting Authorities, Procedures, and Limitations, and Other Matters

Sec. 861. Limited acquisition authority for Commander of United States Joint Forces Command.
Sec. 862. Operational test and evaluation.
Sec. 863. Multiyear task and delivery order contracts.
Sec. 864. Repeal of requirement for contractor assurances regarding the completeness, accuracy, and contractual sufficiency of technical data provided by the contractor.
Sec. 865. Reestablishment of authority for short-term leases of real or personal property across fiscal years.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department Officers and Agencies

Sec. 901. Clarification of responsibility of military departments to support combatant commands.
Sec. 902. Redesignation of National Imagery and Mapping Agency as National Geospatial-Intelligence Agency.
Sec. 903. Standards of conduct for members of the Defense Policy Board and the Defense Science Board.

Subtitle B—Space Activities

Sec. 911. Coordination of space science and technology activities of the Department of Defense.
Sec. 912. Space personnel cadre.
Sec. 913. Policy regarding assured access to space for United States national security payloads.
Sec. 914. Pilot program to provide space surveillance network services to entities outside the United States Government.
Sec. 915. Content of biennial global positioning system report.

Subtitle C—Other Matters

Sec. 921. Combatant Commander Initiative Fund.
Sec. 922. Authority for the Marine Corps University to award the degree of master of operational studies.
Sec. 923. Report on changing roles of United States Special Operations Command.
Sec. 924. Integration of Defense intelligence, surveillance, and reconnaissance capabilities.
Sec. 925. Establishment of the National Guard of the Northern Mariana Islands.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. United States contribution to NATO common-funded budgets in fiscal year 2004.
Sec. 1003. Authorization of supplemental appropriations for fiscal year 2003.

Subtitle B—Improvement of Travel Card Management

Sec. 1011. Mandatory disbursement of travel allowances directly to travel card creditors.
Sec. 1012. Determinations of creditworthiness for issuance of Defense travel card.
Sec. 1013. Disciplinary actions and assessing penalties for misuse of Defense travel cards.

Subtitle C—Reports

Sec. 1021. Elimination and revision of various reporting requirements applicable to the Department of Defense.
Sec. 1022. Global strike plan.
Sec. 1023. Report on the conduct of Operation Iraqi Freedom.
Sec. 1024. Report on mobilization of the reserves.

Subtitle D—Other Matters

Sec. 1031. Blue forces tracking initiative.
Sec. 1032. Loan, donation, or exchange of obsolete or surplus property.
Sec. 1033. Acceptance of gifts and donations for Asia-Pacific Center for Security Studies.
Sec. 1034. Provision of living quarters for certain students working at National Security Agency laboratory.
Sec. 1035. Protection of operational files of the National Security Agency.
Sec. 1036. Transfer of administration of National Security Education Program to Director of Central Intelligence.
Sec. 1037. Report on use of unmanned aerial vehicles for support of homeland security missions.
Sec. 1038. Conveyance of surplus T-37 aircraft to Air Force Aviation Heritage Foundation, Incorporated.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY

Sec. 1101. Authority to employ civilian faculty members at the Western Hemisphere Institute for Security Cooperation.
Sec. 1102. Pay authority for critical positions.
Sec. 1103. Extension, expansion, and revision of authority for experimental personnel program for scientific and technical personnel.
Sec. 1104. Transfer of personnel investigative functions and related personnel of the Department of Defense.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Sec. 1201. Authority to use funds for payment of costs of attendance of foreign visitors under Regional Defense Counterterrorism Fellowship Program.
Sec. 1202. Availability of funds to recognize superior noncombat achievements or performance of members of friendly foreign forces and other foreign nationals.
Sec. 1203. Check cashing and exchange transactions for foreign personnel in alliance or coalition forces.
Sec. 1204. Clarification and extension of authority to provide assistance for international nonproliferation activities.
Sec. 1205. Reimbursable costs relating to national security controls on satellite export licensing.
Sec. 1206. Annual report on the NATO Prague capabilities commitment and the NATO response force.

Sec. 1207. Expansion and extension of authority to provide additional support for counter-drug activities.
Sec. 1208. Use of funds for unified counterdrug and counterterrorism campaign in Colombia.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Annual certifications on use of facilities being constructed for Cooperative Threat Reduction projects or activities.
Sec. 1304. Authority to use Cooperative Threat Reduction funds outside the former Soviet Union.
Sec. 1305. One-year extension of inapplicability of certain conditions on use of funds for chemical weapons destruction.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Termination of authority to carry out certain fiscal year 2003 projects.
Sec. 2106. Modification of authority to carry out certain fiscal year 2003 projects.
Sec. 2107. Modification of authority to carry out certain fiscal year 2002 project.
Sec. 2108. Modification of authority to carry out certain fiscal year 2001 project.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Termination of authority to carry out certain fiscal year 2003 project.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Modification of fiscal year 2003 authority relating to improvement of military family housing units.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Family housing.
Sec. 2403. Improvements to military family housing units.
Sec. 2404. Energy conservation projects.
Sec. 2405. Authorization of appropriations, Defense Agencies.
Sec. 2406. Modification of authority to carry out certain fiscal year 2003 project.
Sec. 2407. Modification of authority to carry out certain fiscal year 2003 projects.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized guard and reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 2001 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 2000 projects.
Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Modification of general definitions relating to military construction.
Sec. 2802. Increase in number of family housing units in Italy authorized for lease by the Navy.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Increase in threshold for reports to Congress on real property transactions.
Sec. 2812. Acceptance of in-kind consideration for easements.
Sec. 2813. Expansion to military unaccompanied housing of authority to transfer property at military installations to be closed in exchange for military housing.
Sec. 2814. Exemption from screening and use requirements under McKinney-Vento Homeless Assistance Act of Department of Defense property in emergency support of homeland security.

Subtitle C—Land Conveyances

Sec. 2821. Transfer of land at Fort Campbell, Kentucky and Tennessee.
Sec. 2822. Land conveyance, Fort Knox, Kentucky.
Sec. 2823. Land conveyance, Marine Corps Logistics Base, Albany, Georgia.
Sec. 2824. Land conveyance, Air Force and Army Exchange Service property, Dallas, Texas.

Subtitle D—Review of Overseas Military Facility Structure

Sec. 2841. Short title.
Sec. 2842. Establishment of commission.
Sec. 2843. Duties of commission.
Sec. 2844. Powers of commission.
Sec. 2845. Commission personnel matters.
Sec. 2846. Security.
Sec. 2847. Termination of commission.
Sec. 2848. Funding.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental management.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.
Sec. 3105. Defense energy supply.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3131. Repeal of prohibition on research and development of low-yield nuclear weapons.
Sec. 3132. Readiness posture for resumption by the United States of underground nuclear weapons tests.
Sec. 3133. Technical base and facilities maintenance and recapitalization activities.
Sec. 3134. Continuation of processing, treatment, and disposition of legacy nuclear materials.

Subtitle C—Proliferation Matters

Sec. 3141. Expansion of International Materials Protection, Control, and Accounting program.
Sec. 3142. Semi-annual financial reports on defense nuclear nonproliferation program.
Sec. 3143. Report on reduction of excessive uncosted balances for defense nuclear nonproliferation activities.

Subtitle D—Other Matters

Sec. 3151. Modification of authorities on Department of Energy personnel security investigations.
Sec. 3152. Responsibilities of Environmental Management program and National Nuclear Security Administration of Department of Energy for environmental cleanup, decontamination and decommissioning, and waste management.
Sec. 3153. Update of report on stockpile stewardship criteria.
Sec. 3154. Progress reports on Energy Employees Occupational Illness Compensation Program.

Subtitle E—Consolidation of General Provisions on Department of Energy National Security Programs

Sec. 3161. Consolidation and assembly of recurring and general provisions on Department of Energy national security programs.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2004 for procurement for the Army as follows:

(1) For aircraft, $2,158,485,000.

(2) For missiles, $1,553,462,000.

(3) For weapons and tracked combat vehicles, $1,658,504,000.

(4) For ammunition, $1,363,305,000.

(5) For other procurement, $4,266,027,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2004 for procurement for the Navy as follows:

(1) For aircraft, $8,996,948,000.

(2) For weapons, including missiles and torpedoes, $2,046,821,000.

(3) For shipbuilding and conversion, $11,707,984,000.

(4) For other procurement, $4,744,443,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2004 for procurement for the Marine Corps in the amount of $1,089,599,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2004 for procurement of ammunition for the Navy and the Marine Corps in the amount of $924,355,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2004 for procurement for the Air Force as follows:

(1) For aircraft, $12,082,760,000.

(2) For ammunition, $1,284,725,000.

(3) For missiles, $4,394,439,000.

(4) For other procurement, $11,630,659,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2004 for Defense-wide procurement in the amount of $3,884,106,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2004 for procurement for the Inspector General of the Department of Defense in the amount of $2,100,000.

SEC. 106. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

There is hereby authorized to be appropriated for the Office of the Secretary of Defense for fiscal year 2004 the amount of $1,530,261,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 107. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 2004 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $327,826,000.

Subtitle B—Army Programs

(reserved)

Subtitle C—Navy Programs

SEC. 121. MULTIYEAR PROCUREMENT AUTHORITY FOR NAVY PROGRAMS.

(a) AUTHORITY.—Beginning with the fiscal year 2004 program year, the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract for procurement for the following programs:

(1) The F/A–18 aircraft program.

(2) The E–2C aircraft program.

(3) The Tactical Tomahawk Cruise Missile program, subject to subsection (b).

(4) The Virginia class submarine, subject to subsection (c).

(b) TACTICAL TOMAHAWK CRUISE MISSILES.—The Secretary may not enter into a multiyear contract for the procurement of Tactical Tomahawk Cruise Missiles under subsection (a)(3) until the Secretary determines on the basis of operational testing that the Tactical Tomahawk Cruise Missile is effective for fleet use.

(c) VIRGINIA CLASS SUBMARINES.—Paragraphs (2)(A), (3), and (4) of section 121(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1648) shall apply in the exercise of authority to enter into a multiyear contract for the procurement of Virginia class submarines under subsection (a)(4).

SEC. 122. PILOT PROGRAM FOR FLEXIBLE FUNDING OF NAVAL VESSEL CONVERSIONS AND OVERHAULS.

(a) ESTABLISHMENT.—The Secretary of the Navy may carry out a pilot program of flexible funding of conversions and overhauls of cruisers of the Navy in accordance with this section.

(b) AUTHORITY.—Under the pilot program the Secretary of the Navy may, subject to subsection (d), transfer appropriated funds described in subsection (c) to the appropriation for the Navy for procurement for shipbuilding and conversion for any fiscal year to continue to fund any conversion or overhaul of a cruiser of the Navy that was initially funded with the appropriation to which transferred.

(c) FUNDS AVAILABLE FOR TRANSFER.—The appropriations available for transfer under this section are the appropriations to the Navy for any fiscal year after fiscal year 2003 and before fiscal year 2013 for the following purposes:

(1) For procurement, as follows:

(A) For shipbuilding and conversion.

(B) For weapons procurement.

(C) For other procurement.

(2) For operation and maintenance.

(d) LIMITATIONS.—(1) A transfer may be made with respect to a cruiser under this section only to meet the following requirements:

(A) Any increase in the size of the workload for conversion or overhaul to meet existing requirements for the cruiser.

(B) Any new conversion or overhaul requirement resulting from a revision of the original baseline conversion or overhaul program for the cruiser.

(2) A transfer may not be made under this section before the date that is 30 days after the date on which the Secretary of the Navy transmits to the congressional defense committees a written notification of the intended transfer. The notification shall include the following matters:

(A) The purpose of the transfer.

(B) The amounts to be transferred.

(C) Each account from which the funds are to be transferred.

(D) Each program, project, or activity from which the funds are to be transferred.

(E) Each account to which the funds are to be transferred.

(F) A discussion of the implications of the transfer for the total cost of the cruiser conversion or overhaul program for which the transfer is to be made.

(e) MERGER OF FUNDS.—Amounts transferred to an appropriation with respect to the conversion or overhaul of a cruiser under this section shall be credited to and merged with other funds in the appropriation to which transferred and shall be available for the conversion or overhaul of such cruiser for the same period as the appropriation with which merged.

(f) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The authority to transfer funds under this section is in addition to any other authority provided by law to transfer appropriated funds and is not subject to any restriction, limitation, or procedure that is applicable to the exercise of any such other authority.

(g) FINAL REPORT.—Not later than October 1, 2011, the Secretary of the Navy shall submit to the congressional defense committees a report containing the Secretary's evaluation of the efficacy of the authority provided under this section.

(h) TERMINATION OF PROGRAM.—No transfer may be made under this section after September 30, 2012.

Subtitle D—Air Force Programs

SEC. 131. ELIMINATION OF QUANTITY LIMITATIONS ON MULTIYEAR PROCUREMENT AUTHORITY FOR C–130J AIRCRAFT.

Section 131(a) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2475) is amended by striking "up to 40 C-130J aircraft in the CC–130J configuration and up to 24 C–130J aircraft in the KC–130J configuration" and inserting "C–130J aircraft in the CC–130J and KC–130J configurations".

Subtitle E—Other Matters

(reserved)

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2004 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $9,012,500,000.

(2) For the Navy, $14,590,284,000.

(3) For the Air Force, $20,382,407,000.

(4) For Defense-wide activities, $19,135,679,000, of which $286,661,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR SCIENCE AND TECHNOLOGY.

(a) AMOUNT FOR PROJECTS.—Of the total amount authorized to be appropriated by section 201, $10,705,561,000 shall be available for science and technology projects.

(b) SCIENCE AND TECHNOLOGY DEFINED.—In this section, the term "science and technology project" means work funded in program elements for defense research, development, test, and evaluation under Department of Defense budget activities 1, 2, or 3.

SEC. 203. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2004 for research, development, test, and evaluation for the Inspector General of the Department of Defense in the amount of $300,000.

SEC. 204. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 2004 for the Department of Defense for research, development, test, and evaluation for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $65,796,000.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. PROHIBITION ON TRANSFER OF CERTAIN PROGRAMS OUTSIDE THE OFFICE OF THE SECRETARY OF DEFENSE.

The Secretary of Defense may not designate any official outside the Office of the Secretary of Defense to exercise authority for programming or budgeting for any of the following programs:

(1) Explosive demilitarization technology (program element 0603104D8Z).

(2) High energy laser research initiative (program element 0601108D8Z).

(3) High energy laser research (program element 0602890D8Z).

(4) High energy laser advanced development (program element 0603924D8Z).

(5) University research initiative (program element 0601103D8Z).

SEC. 212. OBJECTIVE FORCE INDIRECT FIRES PROGRAM.

(a) DISTINCT PROGRAM ELEMENT.—The Secretary of Defense shall ensure that, not later than October 1, 2003, the Objective Force Indirect Fires Program is being planned, programmed, and budgeted for as a distinct program element and that funds available for such program are being administered consistent with the budgetary status of the program as a distinct program element.

(b) PROHIBITION.—Effective on October 1, 2003, the Objective Force Indirect Fires Program may not be planned, programmed, and budgeted for, and funds available for such program may not be administered, in one program element in combination with the Armored Systems Modernization program.

(c) CERTIFICATION REQUIREMENT.—At the same time that the President submits the budget for fiscal year 2005 to Congress under section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a written certification that the Objective Force Indirect Fires Program is being planned, programmed, and budgeted for, and funds available for such program are being administered, in accordance with the requirement in subsection (a) and the prohibition in subsection (b).

Subtitle C—Ballistic Missile Defense

SEC. 221. FIELDING OF BALLISTIC MISSILE DEFENSE CAPABILITIES.

Funds authorized to be appropriated under section 201(4) for the Missile Defense Agency may be used for the development and fielding of an initial set of ballistic missile defense capabilities.

SEC. 222. REPEAL OF REQUIREMENT FOR CERTAIN PROGRAM ELEMENTS FOR MISSILE DEFENSE AGENCY ACTIVITIES.

Section 223 of title 10, United States Code is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsection (b), as so redesignated, by striking "specified in subsection (a)".

SEC. 223. OVERSIGHT OF PROCUREMENT OF BALLISTIC MISSILE DEFENSE SYSTEM ELEMENTS.

(a) OVERSIGHT REQUIREMENTS.—Chapter 9 of title 10, United States Code, is amended by inserting after section 223 the following new section:

"§ 223a. Ballistic missile defense programs: procurement

"(a) BUDGET JUSTIFICATION MATERIALS.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary of Defense shall specify, for each ballistic missile defense system element for which the Missile Defense Agency in engaged in planning for production and initial fielding, the following information:

"(1) The production rate capabilities of the production facilities planned to be used.

"(2) The potential date of availability of the element for initial fielding.

"(3) The expected costs of the initial production and fielding planned for the element.

"(4) The estimated date on which the administration of the acquisition of the element is to be transferred to the Secretary of a military department.

"(b) FUTURE-YEARS DEFENSE PROGRAM.—The future-years defense program submitted to Congress each year under section 221 of this title shall include an estimate of the amount necessary for procurement for each ballistic missile defense system element, together with a discussion of the underlying factors and reasoning justifying the estimate.".

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such chapter 9 is amended by inserting after the item relating to section 223 the following new item:

"223a. Ballistic missile defense programs: procurement.".

SEC. 224. RENEWAL OF AUTHORITY TO ASSIST LOCAL COMMUNITIES IMPACTED BY BALLISTIC MISSILE DEFENSE SYSTEM TEST BED.

Section 235(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1041) is amended—

(1) in paragraph (1), by inserting ", 2004, 2005, or 2006" after "for fiscal year 2002"; and

(2) by adding at the end the following new paragraph:

"(3) In the budget justification materials for the Department of Defense that the Secretary of Defense submits to Congress in connection with the submission of the budget for fiscal year 2004, the budget for fiscal year 2005, and the budget for fiscal year 2006 under section 1105(a) of title 31, United States Code, the Secretary shall include a description of the community assistance projects that are to be supported in such fiscal year under this subsection and an estimate of the total cost of each such project.".

Subtitle D—Other Matters

SEC. 231. GLOBAL RESEARCH WATCH PROGRAM IN THE OFFICE OF THE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.

Section 139a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) The Director shall carry out a Global Research Watch program.

"(2) The goals of the program are as follows:

"(A) To monitor and analyze the basic and applied research activities and capabilities of foreign nations in areas of military interest, including allies and competitors.

"(B) To provide standards for comparison and comparative analysis of research capabilities of foreign nations in relation to the research capabilities of the United States.

"(C) To assist Congress and Department of Defense officials in making investment decisions for research in technical areas where the United States may not be the global leader.

"(D) To identify areas where significant opportunities for cooperative research may exist.

"(E) To coordinate and promote the international cooperative research and analysis activities of each of the armed forces and Defense Agencies.

"(F) To establish and maintain an electronic database on international research capabilities, comparative assessments of capabilities, cooperative research opportunities, and ongoing cooperative programs.

"(3) The program shall be focused on research and technologies at a technical maturity level equivalent to Department of Defense basic and applied research programs.

"(4) The Director shall coordinate the program with the international cooperation and analysis activities of the military departments and Defense Agencies.

"(5) Information in electronic databases of the Global Research Watch program shall be maintained in unclassified form and, as determined necessary by the Director, in classified form in such databases.".

SEC. 232. DEFENSE ADVANCED RESEARCH PROJECTS AGENCY BIENNIAL STRATEGIC PLAN.

(a) REQUIREMENT FOR PLAN.—(1) Subchapter II of chapter 8 of title 10, United States Code, is amended by inserting after section 201 the following new section:

"§ 202. Defense Advanced Research Projects Agency: biennial strategic plan

"(a) REQUIREMENT FOR STRATEGIC PLAN.—(1) Every other year, and in time for submission to Congress under subsection (b), the Director of the Defense Advanced Research Projects Agency shall prepare a strategic plan for the activities of the agency.

"(2) The strategic plan shall include the following matters:

"(A) The long-term strategic goals of the agency.

"(B) Identification of the research programs that support—

"(i) achievement of the strategic goals; and

"(ii) exploitation of opportunities that hold the potential for yielding significant military benefits.

"(C) The connection of agency activities and programs to activities and missions of the armed forces.

"(D) A technology transition strategy for agency programs.

"(E) An assessment of agency policies on the management, organization, and personnel of the agency.

"(b) SUBMISSION OF PLAN TO CONGRESS.—The Secretary of Defense shall submit the latest biennial strategic plan of the Defense Advanced Research Projects Agency to Congress at the same time that the President submits the budget for an even-numbered year to Congress under section 1105(a) of title 31.

"(c) REVIEW PANEL.—(1) The Secretary of Defense shall establish a panel to advise the Director of the Defense Research Projects Agency on the preparation, content, and execution of the biennial strategic plan.

"(2) The panel shall be composed of members appointed by the Secretary of Defense from among persons who are experienced and knowledgeable in research activities of potential military value, as follows:

"(A) The principal staff assistant to the Director of the Defense Advanced Research Projects Agency, who shall serve as chairman of the panel.

"(B) Three senior officers of the armed forces.

"(C) Three persons who are representative of—

"(i) private industry;

"(ii) academia; and

"(iii) federally funded research and development centers or similar nongovernmental organizations.

"(3) The members appointed under subparagraphs (B) and (C) of paragraph (2) shall be appointed for a term of two years. The members may be reappointed, except that every two years the Secretary of Defense shall appoint a replacement for at least one of the members appointed under such subparagraph (B) and a replacement for at least one of the members appointed under such subparagraph (C). Any vacancy in the membership of the panel shall be filled in the same manner as the original appointment.

"(4) The panel shall meet at the call of the Chairman.

"(5) The panel shall provide the Director of the Defense Advanced Research Projects Agency with the following support:

"(A) Objective advice on—

"(i) the strategic plan; and

"(ii) the appropriate mix of agency supported research activities in technologies, including system-level technologies, to address new and evolving national security requirements and interests, and to fulfill the technology development mission of the agency.

"(B) An assessment of the extent to which the agency is successful in—

"(i) supporting missions of the armed forces; and

"(ii) achieving the transition of technologies into acquisition programs of the military departments.

"(C) An assessment of agency policies on the management, organization, and personnel of the agency, together with recommended modifications of such policies that could improve the mission performance of the agency.

"(D) Final approval of the biennial strategic plan.

"(6) Members of the panel who are not officers or employees of the United States shall serve without pay by reason of their work on the panel, and their services as members may be accepted without regard to section 1342 of title 31. However, such members shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of services for the panel.

"(7) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel.".

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 201 the following new item:

"202. Defense Advanced Research Projects Agency: biennial strategic plan.".

(b) INITIAL APPOINTMENTS TO REVIEW PANEL.—The Secretary of Defense shall appoint the panel under subsection (c) of section 202 of title 10, United States Code (as added by subsection (a)), not later than 60 days after the date of the enactment of this Act.

SEC. 233. ENHANCEMENT OF AUTHORITY OF SECRETARY OF DEFENSE TO SUPPORT SCIENCE, MATHEMATICS, ENGINEERING, AND TECHNOLOGY EDUCATION.

Section 2192 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

"(b)(1) In furtherance of the authority of the Secretary of Defense under this chapter or any other provision of law to support educational programs in science, mathematics, engineering, and technology, the Secretary of Defense may—

"(A) enter into contracts and cooperative agreements with eligible persons;

"(B) make grants of financial assistance to eligible persons;

"(C) provide cash awards and other items to eligible persons; and

"(D) accept voluntary services from eligible persons.

"(2) In this subsection:

"(A) The term 'eligible person' includes a department or agency of the Federal Government, a State, a political subdivision of a State, an individual, and a not-for-profit or other organization in the private sector.

"(B) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States.".

SEC. 234. DEPARTMENT OF DEFENSE HIGH-SPEED NETWORK-CENTRIC AND BANDWIDTH EXPANSION PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall carry out a program of research and development to promote greater bandwidth capability with high-speed network-centric communications.

(b) PURPOSES OF ACTIVITIES.—The purposes of activities required by subsection (a) are as follows:

(1) To facilitate the acceleration of the network-centric operational capabilities of the Armed Forces, including more extensive utilization of unmanned vehicles, satellite communications, and sensors, through the promotion of research and development, and the focused coordination of programs, to fully achieve high-bandwidth connectivity to military assets.

(2) To provide for the development of equipment and technologies for military high-bandwidth network-centric communications facilities.

(c) RESEARCH AND DEVELOPMENT PROGRAM.—(1) In carrying out the program of research and development required by subsection (a)(1), the Secretary shall—

(A) identify areas of advanced wireless communications in which research and development, or the leveraging of emerging technologies, has significant potential to improve the performance, efficiency, cost, and flexibility of advanced network-centric communications systems;

(B) develop a coordinated plan for research and development on—

(i) improved spectrum access through spectrum-efficient network-centric communications systems;

(ii) networks, including complex ad hoc adaptive network structures;

(iii) end user devices, including efficient receivers and transmitter devices;

(iv) applications, including robust security and encryption; and

(v) any other matters that the Secretary considers appropriate for purposes of this section;

(C) ensure joint research and development, and promote joint systems acquisition and deployment, among the various services and Defense Agencies, including the development of common cross-service technology requirements and doctrines, so as to enhance interoperability among the various services and Defense Agencies;

(D) conduct joint experimentation among the various Armed Forces, and coordinate with the Joint Forces Command, on experimentation to support network-centric warfare capabilities to small units of the Armed Forces; and

(E) develop, to the extent practicable and in consultation with other Federal entities and private industry, cooperative research and development efforts.

(2) The Secretary shall carry out the program of research and development through the Director of Defense Research and Engineering, in full coordination with the Secretaries of the military departments, the heads of appropriate Defense Agencies, and the heads of other appropriate elements of the Department of Defense.

(d) REPORT.—(1) The Secretary shall, acting through the Director of Defense Research and Engineering, submit to the congressional defense committees a report on the activities undertaken under this section as of the date of such report. The report shall be submitted together with the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2005 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code).

(2) The report under paragraph (1) shall include—

(A) a description of the research and development activities carried out under subsection (a), including particular activities under subsection (c)(1)(B);

(B) an assessment of current and proposed funding for the activities set forth in each of clauses (i) through (v) of subsection (c)(1)(B), including the adequacy of such funding to support such activities;

(C) an assessment of the extent and success of any joint research and development activities under subsection (c)(1)(C);

(D) a description of any joint experimentation activities under subsection (c)(1)(D);

(E) an assessment of the effects of limited communications bandwidth, and of limited access to electromagnetic spectrum, on recent military operations; and

(F) such recommendations for additional activities under this section as the Secretary considers appropriate to meet the purposes of this section.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2004 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $24,668,004,000.

(2) For the Navy, $28,051,390,000.

(3) For the Marine Corps, $3,416,356,000.

(4) For the Air Force, $26,975,231,000.

(5) For Defense-wide activities, $15,739,047,000.

(6) For the Army Reserve, $1,952,009,000.

(7) For the Naval Reserve, $1,170,421,000.

(8) For the Marine Corps Reserve, $173,452,000.

(9) For the Air Force Reserve, $2,178,688,000.

(10) For the Army National Guard, $4,227,331,000.

(11) For the Air National Guard, $4,405,646,000.

(12) For the Defense Inspector General, $160,049,000.

(13) For the United States Court of Appeals for the Armed Forces, $10,333,000.

(14) For Environmental Restoration, Army, $396,018,000.

(15) For Environmental Restoration, Navy, $256,153,000.

(16) For Environmental Restoration, Air Force, $384,307,000.

(17) For Environmental Restoration, Defense-wide, $24,081,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $252,619,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $59,000,000.

(20) For Drug Interdiction and Counter-drug Activities, Defense-wide, $817,371,000.

(21) For Defense Health Program, $14,862,900,000.

(22) For Cooperative Threat Reduction programs, $450,800,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2004 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $1,661,307,000.

(2) For the National Defense Sealift Fund, $1,062,762,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2004 from the Armed Forces Retirement Home Trust Fund the sum of $65,279,000 for the operation of the Armed Forces Retirement Home, including the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 311. ARMED FORCES EMERGENCY SERVICES.

Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be made available to the American Red Cross to fund the Armed Forces Emergency Services.

SEC. 312. COMMERCIAL IMAGERY INDUSTRIAL BASE.

(a) LIMITATION.—Not less than ninety percent of the total amount authorized to be appropriated under this title for the acquisition, processing, and licensing of commercial imagery, including amounts authorized to be appropriated under this title for experimentation related to commercial imagery, shall be used for the following purposes:

(1) To acquire space-based imagery from commercial sources.

(2) To support the development of next-generation commercial imagery satellites.

(b) REPORT.—(1) Not later than March 1, 2004, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions taken and to be taken by the Secretary to implement the President's commercial remote sensing policy. The Secretary shall consult with the Director of Central Intelligence in preparing the report.

(2) The report under paragraph (1) shall include an assessment of the following matters:

(A) The sufficiency of the policy, the funding for fiscal year 2004 for the procurement of imagery from commercial sources, and the funding planned in the future-years defense program for the procurement of imagery from commercial sources to sustain a viable commercial imagery industrial base in the United States.

(B) The extent to which the United States policy and programs relating to the procurement of imagery from commercial sources are sufficient to ensure that imagery is available to the Department of Defense from United States commercial firms to timely meet the needs of the Department of Defense for the imagery.

Subtitle C—Environmental Provisions

SEC. 321. GENERAL DEFINITIONS APPLICABLE TO FACILITIES AND OPERATIONS.

(a) GENERAL DEFINITIONS APPLICABLE TO FACILITIES AND OPERATIONS.—Section 101 of title 10, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) FACILITIES AND OPERATIONS.—The following definitions relating to facilities and operations shall apply in this title:

"(1)(A) The term 'military munitions' means all ammunition products and components produced for or used by the armed forces for national defense and security, including ammunition products or components under the control of the Department of Defense, the Coast Guard, the Department of Energy, and the National Guard. The term includes confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components thereof.

"(B) The term does not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components, except that the term does include nonnuclear components of nuclear devices that are managed under the nuclear weapons program of the Department of Energy after all required sanitization operations under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) have been completed.

"(2) The term 'operational range' means a range under the jurisdiction, custody, or control of the Secretary concerned that—

"(A) is used for range activities; or

"(B) is not currently used for range activities, but is still considered by the Secretary concerned to be a range and has not been put to a new use that is incompatible with range activities.

"(3) The term 'range' means a designated land or water area that is set aside, managed, and used for range activities. The term includes firing lines and positions, maneuver areas, firing lanes, test pads, detonation pads, impact areas, electronic scoring sites, and buffer zones with restricted access and exclusionary areas. The term also includes airspace areas designated for military use according to regulations and procedures established by the Federal Aviation Administration such as special use airspace areas, military training routes, and other associated airspace.

"(4) The term 'range activities' means—

"(A) research, development, testing, and evaluation of military munitions, other ordnance, and weapons systems; and

"(B) the training of military personnel in the use and handling of military munitions, other ordnance, and weapons systems.

"(5) The term 'unexploded ordnance' means military munitions that—

"(A) have been primed, fused, armed, or otherwise prepared for action;

"(B) have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installations, personnel, or material; and

"(C) remain unexploded either by malfunction, design, or any other cause.".

(b) CONFORMING AMENDMENTS.—Section 2710(e) of such title is amended by striking paragraphs (3), (5), and (9) and redesignating paragraphs (4), (6), (7), (8), and (10) as paragraphs (3), (4), (5), (6), and (7), respectively.

SEC. 322. MILITARY READINESS AND CONSERVATION OF PROTECTED SPECIES.

(a) IN GENERAL.—Part III of subtitle A of title 10, United States Code, is amended by inserting after chapter 101 the following new chapter:

"CHAPTER 101A—READINESS AND RANGE PRESERVATION

"Sec.
"2020. Military readiness and conservation of protected species.

"§ 2020. Military readiness and conservation of protected species

"(a) LIMITATION ON DESIGNATION OF CRITICAL HABITAT.—The Secretary of the Interior may not designate as critical habitat any lands or other geographical areas owned or controlled by the Department of Defense, or designated for its use, that are subject to an integrated natural resources management plan prepared under section 101 of the Sikes Act (16 U.S.C. 670a), if the Secretary determines that such plan addresses special management considerations or protection (as those terms are used in section 3(5)(A)(i) of the Endangered Species Act (16 U.S.C. 1532(5)(A)(i))).

"(b) CONSTRUCTION WITH CONSULTATION REQUIREMENT.—Nothing in subsection (a) may be construed to affect the requirement to consult under section 7(a)(2) of the Endangered Species Act (16 U.S.C. 1536(a)(2)) with respect to an agency action (as that term is defined in that section).".

(b) CLERICAL AMENDMENTS.—The table of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part III of such subtitle, are each amended by inserting after the item relating to chapter 101 the following new item:

"101A. Readiness and Range Preservation .... 2020".

SEC. 323. ARCTIC AND WESTERN PACIFIC ENVIRONMENTAL TECHNOLOGY COOPERATION PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2350m. Arctic and Western Pacific Environmental Technology Cooperation Program

"(a) AUTHORITY TO CONDUCT PROGRAM.—The Secretary of Defense may, with the concurrence of the Secretary of State, conduct on a cooperative basis with countries located in the Arctic and Western Pacific regions a program of environmental activities provided for in subsection (b) in such regions. The program shall be known as the 'Arctic and Western Pacific Environmental Technology Cooperation Program'.

"(b) PROGRAM ACTIVITIES.—(1) Except as provided in paragraph (3), activities under the program under subsection (a) may include cooperation and assistance among elements of the Department of Defense and military departments or relevant agencies of other countries on activities that contribute to the demonstration of environmental technology.

"(2) Activities under the program shall be consistent with the requirements of the Cooperative Threat Reduction program.

"(3) Activities under the program may not include activities for purposes prohibited under section 1403 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1960).

"(c) Limitation on Funding for Projects Other than Radiological Projects.—Not more than 10 percent of the amount made available for the program under subsection (a) in any fiscal year may be available for projects under the program other than projects on radiological matters.

"(d) Annual Report.—(1) Not later than March 1, 2004, and each year thereafter, the Secretary of Defense shall submit to Congress a report on activities under the program under subsection (a) during the preceding fiscal year.

"(2) The report on the program for a fiscal year under paragraph (1) shall include the following:

"(A) A description of the activities carried out under the program during that fiscal year, including a separate description of each project under the program.

"(B) A statement of the amounts obligated and expended for the program during that fiscal year, set forth in aggregate and by project.

"(C) A statement of the life cycle costs of each project, including the life cycle costs of such project as of the end of that fiscal year and an estimate of the total life cycle costs of such project upon completion of such project.

"(D) A statement of the participants in the activities carried out under the program during that fiscal year, including the elements of the Department of Defense and the military departments or agencies of other countries.

"(E) A description of the contributions of the military departments and agencies of other countries to the activities carried out under the program during that fiscal year, including any financial or other contributions to such activities.".

(b) Clerical Amendment.—The table of sections at the beginning of that subchapter is amended by adding at the end the following new item:

"2350m. Arctic and Western Pacific Environmental Technology Cooperation Program.".

SEC. 324. PARTICIPATION IN WETLAND MITIGATION BANKS IN CONNECTION WITH MILITARY CONSTRUCTION PROJECTS.

(a) Authority To Participate.—Chapter 159 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2697. Participation in wetland mitigation banks

"(a) Authority To Participate.—In the case of a military construction project that results, or may result, in the destruction of or impacts to wetlands, the Secretary concerned may make one or more payments to a wetland mitigation banking program or consolidated user site (also referred to as an 'in-lieu-fee' program) meeting the requirement of subsection (b) in lieu of creating a wetland on Federal property as mitigation for the project.

"(b) Approval of Program or Site Required.—The Secretary concerned may make a payment to a program or site under subsection (a) only if the program or site is approved in accordance with the Federal Guidance for the Establishment, Use, and Operation of Mitigation Banks or the Federal Guidance on the Use of In-Lieu-Fee Arrangements for Compensatory Mitigation under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) or section 10 of the Rivers and Harbors Appropriations Act of 1899 (33 U.S.C. 403).

"(c) Availability of Funds.—Amounts authorized to be appropriated for a military construction project for which a payment is authorized by subsection (a) may be utilized for purposes of making the payment.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2697. Participation in wetland mitigation banks.".

SEC. 325. EXTENSION OF AUTHORITY TO USE ENVIRONMENTAL RESTORATION ACCOUNT FUNDS FOR RELOCATION OF A CONTAMINATED FACILITY.

Section 2703(c)(2) of title 10, United States Code, is amended by striking "September 30, 2003" and inserting "September 30, 2006".

SEC. 326. APPLICABILITY OF CERTAIN PROCEDURAL AND ADMINISTRATIVE REQUIREMENTS TO RESTORATION ADVISORY BOARDS.

Section 2705(d)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(C)(i) Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), relating to publication in the Federal Register of notices of meetings of advisory committees, shall not apply to any meeting of a restoration advisory board under this subsection, but a restoration advisory board shall publish timely notice of each meeting of the restoration advisory board in a local newspaper of general circulation.

"(ii) No limitation under any provision of law or regulations on the total number of advisory committees (as that term is defined in section 3(2) of the Federal Advisory Committee Act) in existence at any one time shall operate to limit the number of restoration advisory boards in existence under this subsection at any one time.".

SEC. 327. EXPANSION OF AUTHORITIES ON USE OF VESSELS STRICKEN FROM THE NAVAL VESSEL REGISTER FOR EXPERIMENTAL PURPOSES.

(a) Expansion of Authorities.—Subsection (b) of section 7306a of title 10, United States Code, is amended to read as follows:

"(b) Stripping and Environmental Remediation of Vessels.—(1) Before using a vessel for experimental purposes pursuant to subsection (a), the Secretary shall carry out such stripping of the vessel as is practicable and such environmental remediation of the vessel as is required for the use of the vessel for experimental purposes.

"(2) Material and equipment stripped from a vessel under paragraph (1) may be sold by the contractor or by a sales agent approved by the Secretary.

"(3) Amounts received as proceeds from the stripping of a vessel pursuant to this subsection shall be credited to funds available for stripping and environmental remediation of other vessels for use for experimental purposes.".

(b) Inclusion of Certain Purposes in Use for Experimental Purposes.—That section is further amended by adding at the end the following new subsection:

"(c) Use for Experimental Purposes.—For purposes of this section, the term 'use for experimental purposes', in the case of a vessel, includes use of the vessel by the Navy in sink exercises and as a target.".

SEC. 328. TRANSFER OF VESSELS STRICKEN FROM THE NAVAL VESSEL REGISTER FOR USE AS ARTIFICIAL REEFS.

(a) Authority To Make Transfer.—Chapter 633 of title 10, United States Code, is amended by inserting after section 7306a the following new section:

"§ 7306b. Vessels stricken from Naval Vessel Register; transfer by gift or otherwise for use as artificial reefs

"(a) Authority To Make Transfer.—Subject to subsection (b), the Secretary of the Navy may transfer, by gift or otherwise, any vessel stricken from the Naval Vessel Register to any State, Commonwealth, or possession of the United States or any municipal corporation or political subdivision thereof.

"(b) Inapplicability to Certain Vessels.—The authority in subsection (a) shall not apply to vessels transferable to the Maritime Administration for disposal under section 548 of title 40.

"(c) Vessel To Be Used as Artificial Reef.—An agreement for the transfer of a vessel under subsection (a) shall require that—

"(1) the recipient use, site, construct, monitor, and manage the vessel only as an artificial reef in accordance with the requirements of the National Fishing Enhancement Act of 1984 (title II of Public Law 98–623; 33 U.S.C. 2101 et seq.), except that the recipient may use the artificial reef to enhance diving opportunities if such use does not have an adverse effect on fishery resources (as that term is defined in section 2(14) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(14)); and

"(2) the recipient obtain, and bear all responsibility for complying with, applicable Federal, State, interstate, and local permits for using, siting, constructing, monitoring, and managing the vessel as an artificial reef.

"(d) Preparation of Vessel for Use as Artificial Reef.—The Secretary shall ensure that the preparation of a vessel transferred under subsection (a) for use as an artificial reef is conducted in accordance with—

"(1) the environmental best management practices developed pursuant to section 3504(b) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 16 U.S.C, 1220 note); and

"(2) any applicable environmental laws.

"(e) Cost Sharing.—The Secretary may share with the recipient of a vessel transferred under subsection (a) any costs associated with transferring the vessel under that subsection, including costs of the preparation of the vessel under subsection (d).

"(f) No Limitation on Number of Vessels Transferable to Particular Recipient.—A State, Commonwealth, or possession of the United States, or any municipal corporation or political subdivision thereof, may be the recipient of more than one vessel transferred under subsection (a).

"(g) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with a transfer authorized by subsection (a) as the Secretary considers appropriate.

"(h) Construction.—Nothing in this section shall be construed to establish a preference for the use as artificial reefs of vessels stricken from the Naval Vessel Register in lieu of other authorized uses of such vessels, including the domestic scrapping of such vessels, or other disposals of such vessels, under this chapter or other applicable authority.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7306a the following new item:

"7306b. Vessels stricken from Naval Vessel Register; transfer by gift or otherwise for use as artificial reefs.".

SEC. 329. SALVAGE FACILITIES.

(a) Facilities To Include Environmental Protection Equipment.—Section 7361(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "The Secretary"; and

(2) by adding at the end the following new paragraph:

"(2) For purposes of this section, salvage facilities shall include equipment and gear utilized to prevent, abate, or minimize damage to the environment arising from salvage activities.".

(b) Claims To Include Compensation for Environmental Protection.—Section 7363 of such title is amended—

(1) by inserting "(a) Authority To Settle Claims.—" before "The Secretary"; and

(2) by adding at the end the following new subsection:

"(b) Environmental Protection Services.—A claim for salvage services covered by subsection (a) may include, in addition to a claim for such salvage services, a claim for compensation for services to prevent, abate, or minimize damage to the environment arising from such salvage services.".

SEC. 330. TASK FORCE ON RESOLUTION OF CONFLICT BETWEEN MILITARY TRAINING AND ENDANGERED SPECIES PROTECTION AT BARRY M. GOLDWATER RANGE, ARIZONA.

(a) Purpose.—The purpose of this section is to facilitate the determination of effective means of resolving the current conflict between the dual objectives at Barry M. Goldwater Range, Arizona, of the full utilization of live ordnance delivery areas for military training and the protection of endangered species.

(b) Task Force.—The Secretary of Defense shall establish a task force to determine and assess various means of enabling full use of the live ordnance delivery areas at Barry M. Goldwater Range while also protecting endangered species that are present at Barry M. Goldwater Range.

(c) Composition.—(1) The task force established under subsection (b) shall be composed of the following:

(A) The Air Force range officer, who shall serve as chair of the task force.

(B) The range officer at Barry M. Goldwater Range.

(C) The commander of Luke Air Force Base, Arizona.

(D) The commander of Marine Corps Air Station, Yuma, Arizona.

(E) The Director of the United States Fish and Wildlife Service.

(F) The manager of the Cabeza Prieta National Wildlife Refuge, Arizona.

(G) A representative of the Department of Game and Fish of the State of Arizona, as selected by the Secretary in consultation with the Governor of the State of Arizona.

(H) A representative of a wildlife interest group in the State of Arizona, as selected by the Secretary in consultation with wildlife interest groups in the State of Arizona.

(I) A representative of an environmental interest group (other than a wildlife interest group) in the State of Arizona, as selected by the Secretary in consultation with environmental interest groups in the State of Arizona.

(2) The chair of the task force may secure for the task force the services of such experts with respect to the duties of the task force under subsection (d) as the chair considers advisable to carry out such duties.

(d) Duties.—The task force established under subsection (b) shall—

(1) assess the effects of the presence of endangered species on military training activities in the live ordnance delivery areas at Barry M. Goldwater Range and in any other areas of the range that are adversely effected by the presence of endangered species;

(2) determine various means of addressing any significant adverse effects on military training activities on Barry M. Goldwater Range that are identified pursuant to paragraph (1); and

(3) determine the benefits and costs associated with the implementation of each means identified under paragraph (2).

(e) Report.—Not later than February 28, 2005, the task force under subsection (b) shall submit to Congress a report on its activities under this section. The report shall include—

(1) a description of the assessments and determinations made under subsection (d);

(2) such recommendations for legislative and administrative action as the task force considers appropriate; and

(3) an evaluation of the utility of task force proceedings as a means of resolving conflicts between military training objectives and protection of endangered species at other military training and testing ranges.

SEC. 331. PUBLIC HEALTH ASSESSMENT OF EXPOSURE TO PERCHLORATE.

(a) Epidemiological Study of Exposure to Perchlorate.—

(1) In general.—The Secretary of Defense shall provide for an independent epidemiological study of exposure to perchlorate in drinking water.

(2) Performance of study.—The Secretary shall provide for the performance of the study under this subsection through the Centers for Disease Control, the National Institutes of Health, or another Federal entity with experience in environmental toxicology selected by the Secretary for purposes of the study.

(3) Matters to be included in study.—In providing for the study under this subsection, the Secretary shall require the Federal entity conducting the study—

(A) to assess the incidence of thyroid disease and measurable effects of thyroid function in relation to exposure to perchlorate;

(B) to ensure that the study is of sufficient scope and scale to permit the making of meaningful conclusions of the measurable public health threat associated with exposure to perchlorate, especially the threat to sensitive subpopulations; and

(C) to study thyroid function, including measurements of urinary iodine and thyroid hormone levels, in a sufficient number of pregnant women, neonates, and infants exposed to perchlorate in drinking water and match measurements of perchlorate levels in the drinking water of each study participant in order to permit the development of meaningful conclusions on the public health threat to individuals exposed to perchlorate.

(4) Report on study.—The Secretary shall require the Federal entity conducting the study under this subsection to submit to the Secretary a report on the study not later than June 1, 2005.

(b) Review of Effects of Perchlorate on Endocrine System.—

(1) In general.—The Secretary shall provide for an independent review of the effects of perchlorate on the human endocrine system.

(2) Performance of review.—The Secretary shall provide for the performance of the review under this subsection through the Centers for Disease Control, the National Institutes of Health, or another appropriate Federal research entity with experience in human endocrinology selected by the Secretary for purposes of the review. The Secretary shall ensure that the panel conducting the review is composed of individuals with expertise in human endocrinology.

(3) Matters to be included in review.—In providing for the review under this subsection, the Secretary shall require the Federal entity conducting the review to assess—

(A) available data on human exposure to perchlorate, including clinical data and data on exposure of sensitive subpopulations, and the levels at which health effects were observed; and

(B) available data on other substances that have endocrine effects similar to perchlorate to which the public is frequently exposed.

(4) Report on review.—The Secretary shall require the Federal entity conducting the review under this subsection to submit to the Secretary a report on the review not later than June 1, 2005.

Subtitle D—Reimbursement Authorities

SEC. 341. REIMBURSEMENT OF RESERVE COMPONENT MILITARY PERSONNEL ACCOUNTS FOR PERSONNEL COSTS OF SPECIAL OPERATIONS RESERVE COMPONENT PERSONNEL ENGAGED IN LANDMINES CLEARANCE.

(a) Reimbursement.—Funds authorized to be appropriated under section 301 for Overseas Humanitarian, Disaster, and Civic Aid programs shall be available for transfer to reserve component military personnel accounts in reimbursement of such accounts for the pay and allowances paid to reserve component personnel under the United States Special Operations Command for duty performed by such personnel in connection with training and other activities relating to the clearing of landmines for humanitarian purposes.

(b) Maximum Amount.—Not more than $5,000,000 may be transferred under subsection (a).

(c) Merger of Transferred Funds.—Funds transferred to an account under this section shall be merged with other sums in the account and shall be available for the same period and purposes as the sums with which merged.

(d) Relationship to Other Transfer Authority.—The transfer authority under this section is in addition to the transfer authority provided under section 1001.

SEC. 342. REIMBURSEMENT OF RESERVE COMPONENT ACCOUNTS FOR COSTS OF INTELLIGENCE ACTIVITIES SUPPORT PROVIDED BY RESERVE COMPONENT PERSONNEL.

(a) In General.—Chapter 1805 of title 10, United States Code, is amended by inserting after section 18502 the following new section:

"§ 18503. Reserve components: reimbursement for costs of intelligence support provided by reserve component personnel

"(a) Reimbursement Requirement.—The Secretary of Defense or the Secretary concerned shall transfer to the appropriate reserve component military personnel account or operation and maintenance account the amount necessary to reimburse such account for the costs charged that account for military pay and allowances or operation and maintenance associated with the performance of duty described in subsection (b) by reserve component personnel.

"(b) Reimbursable Costs.—The transfer requirement under subsection (a) applies with respect to the performance of duty in providing intelligence support, counterintelligence support, or intelligence and counterintelligence support to a combatant command, Defense Agency, or joint intelligence activity, including any activity or program within the National Foreign Intelligence

Program, the Joint Military Intelligence Program, or the Tactical Intelligence and Related Activities Program.

"(c) SOURCES OF REIMBURSEMENTS.—Funds available for operation and maintenance for the Army, Navy, Air Force, or Marine Corps, for a combatant command, or for a Defense Agency shall be available for transfer under this section to military personnel accounts and operation and maintenance accounts of the reserve components.

"(d) DISTRIBUTION TO UNITS.—Amounts reimbursed to an account for duty performed by reserve component personnel shall be distributed to the lowest level unit or other organization of such personnel that administers and is accountable for the appropriated funds charged the costs that are being reimbursed.

"(e) MERGER OF TRANSFERRED FUNDS.—Funds transferred to an account under this section shall be merged with other sums in the account and shall be available for the same period and purposes as the sums with which merged.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended inserting after the item relating to section 18502 the following new item:

"18503. Reserve components: reimbursement for costs of intelligence support provided by reserve component personnel.".

SEC. 343. REIMBURSEMENT RATE FOR AIRLIFT SERVICES PROVIDED TO THE DEPARTMENT OF STATE.

(a) AUTHORITY.—Subsection (a) of section 2642 of title 10, United States Code, is amended—

(1) by striking "(a) AUTHORITY" and all that follows through "the Department of Defense" and inserting the following:

"(a) AUTHORITY.—The Secretary of Defense may authorize the use of the Department of Defense reimbursement rate for military airlift services provided by a component of the Department of Defense as follows:

"(1) Military airlift services provided"; and

(2) by adding at the end the following new paragraph:

"(2) Military airlift services provided to the Department of State for the transportation of armored motor vehicles to a foreign country to meet unfulfilled requirements of the Department of State for armored motor vehicles in such foreign country.".

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading for such section is amended to read as follows:

"§ 2642. Reimbursement rate for airlift services provided to Central Intelligence Agency or Department of State".

(2) The item relating to such section in the table of sections at the beginning of chapter 157 of such title is amended to read as follows:

"2642. Reimbursement rate for airlift services provided to Central Intelligence Agency or Department of State.".

Subtitle E—Defense Dependents Education

SEC. 351. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2004.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing educational agencies assistance to local educational agencies.

(b) NOTIFICATION.—Not later than June 30, 2004, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2004 of—

(1) that agency's eligibility for the assistance; and

(2) the amount of the assistance for which that agency is eligible.

(c) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term "educational agencies assistance" means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 20 U.S.C. 7703 note).

(2) The term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 352. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-77; 20 U.S.C. 7703a).

Subtitle F—Other Matters

SEC. 361. SALE OF DEFENSE INFORMATION SYSTEMS AGENCY SERVICES TO CONTRACTORS PERFORMING THE NAVY-MARINE CORPS INTRANET CONTRACT.

(a) AUTHORITY.—The Secretary of Defense may sell working-capital funded services of the Defense Information Systems Agency to a person outside the Department of Defense for use by that person in the performance of the Navy-Marine Corps Intranet contract.

(b) REIMBURSEMENT.—The Secretary shall require reimbursement of each working-capital fund for the costs of services sold under subsection (a) that were paid for out of such fund. The sources of the reimbursement shall be the appropriation or appropriations funding the Navy-Marine Corps Intranet contract or any cash payments received by the Secretary for the services.

(c) NAVY-MARINE CORPS INTRANET CONTRACT DEFINED.—In this section, the term "Navy-Marine Corps Intranet contract" has the meaning given such term in section 814 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398 (114 Stat. 1654A-217)).

SEC. 362. USE OF THE DEFENSE MODERNIZATION ACCOUNT FOR LIFE CYCLE COST REDUCTION INITIATIVES.

(a) FUNDS AVAILABLE FOR DEFENSE MODERNIZATION ACCOUNT.—Section 2216 of title 10, United States Code is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) FUNDS AVAILABLE FOR ACCOUNT.—The Defense Modernization Account shall consist of the following:

"(1) Amounts appropriated to the Defense Modernization Account for the costs of commencing projects described in subsection (d)(1), and amounts reimbursed to the Defense Modernization Account under subsections (c)(1)(B)(iii) out of savings derived from such projects.

"(2) Amounts transferred to the Defense Modernization Account under subsection (c).".

(b) START-UP FUNDING.—Subsection (d) of such section is amended—

(1) by striking "available from the Defense Modernization Account pursuant to subsection (f) or (g)" and inserting "in the Defense Modernization Account";

(2) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(3) by inserting after "purposes:" the following new paragraph (1):

"(1) For paying the costs of commencing any project that, in accordance with criteria prescribed by the Secretary of Defense, is undertaken by the Secretary of a military department or the head of a Defense Agency or other element of the Department of Defense to reduce the life cycle cost of a new or existing system.".

(c) REIMBURSEMENT OF ACCOUNT OUT OF SAVINGS.—(1) Paragraph (1)(B) of subsection (c) of such section, as redesignated by subsection (a)(2), is amended by adding at the end the following new clause:

"(iii) Unexpired funds in appropriations accounts that are available for procurement or operation and maintenance of a system, if and to the extent that savings are achieved for such accounts through reductions in life cycle costs of such system that result from one or more projects undertaken with respect to such systems with funds made available from the Defense Modernization Account under subsection (b)(1).".

(2) Paragraph (2) of such subsection is amended by inserting ", other than funds referred to in paragraph subparagraph (B)(iii) of such paragraph," after "Funds referred to in paragraph (1)".

(d) REGULATIONS.—Subsection (h) of such section is amended—

(1) by inserting "(1)" after "COMPTROLLER.—"; and

(2) by adding at the end the following new paragraph (2):

"(2) The regulations prescribed under paragraph (1) shall, at a minimum, provide for—

"(A) the submission of proposals by the Secretaries concerned or heads of Defense Agencies or other elements of the Department of Defense to the Comptroller for the use of Defense Modernization Account funds for purposes set forth in subsection (d);

"(B) the use of a competitive process for the evaluation of such proposals and the selection of programs, projects, and activities to be funded out of the Defense Modernization Account from among those proposed for such funding; and

"(C) the calculation of—

"(i) the savings to be derived from projects described in subsection (d)(1) that are to be funded out of the Defense Modernization Account; and

"(ii) the amounts to be reimbursed to the Defense Modernization Account out of such savings pursuant to subsection (c)(1)(B)(iii).".

(e) ANNUAL REPORT.—Subsection (i) of such section is amended—

(1) by striking "(i) QUARTERLY REPORTS.—(1) Not later than 15 days after the end of each calendar quarter," and inserting "(i) ANNUAL REPORT.—(1) Not later than 15 days after the end of each fiscal year"; and

(2) in paragraph (1), by striking "quarter" in subparagraphs (A), (B), and (C), and inserting "fiscal year".

(f) EXTENSION OF AUTHORITY.—Section 912(c)(1) of the National Defense Authorization Act for Fiscal Year 1996 is amended—

(1) by striking "section 2216(b)" and inserting "section 2216(c)"; and

(2) by striking "September 30, 2003" and inserting "September 30, 2006".

SEC. 363. EXEMPTION OF CERTAIN FIREFIGHTING SERVICE CONTRACTS FROM PROHIBITION ON CONTRACTS FOR PERFORMANCE OF FIREFIGHTING FUNCTIONS.

Section 2465(b) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(4) to a contract for the performance for firefighting functions if the contract is—

"(A) for a period of one year or less; and

"(B) for the performance of firefighting functions that would otherwise be performed by military firefighters who are otherwise deployed.".

SEC. 364. TECHNICAL AMENDMENT RELATING TO TERMINATION OF SACRAMENTO ARMY DEPOT, SACRAMENTO, CALIFORNIA.

Section 2466 of title 10, United States Code, is amended by striking subsection (d).

SEC. 365. EXCEPTION TO COMPETITION REQUIREMENT FOR WORKLOADS PREVIOUSLY PERFORMED BY DEPOT-LEVEL ACTIVITIES.

Section 2469 of title 10, United States Code, is amended—

(1) in subsection (b), by inserting ", except as provided in subsection (c)" before the period at the end;

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection (c):

"(c) EXCEPTION.—Subsection (a) does not apply to any depot-level maintenance and repair workload that is performed by a public-private partnership under section 2474(b) of this title consisting of a depot-level activity and a private entity.".

SEC. 366. SUPPORT FOR TRANSFERS OF DECOMMISSIONED VESSELS AND SHIPBOARD EQUIPMENT.

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

"§7316. Support for transfers of decommissioned vessels and shipboard equipment

"(a) AUTHORITY TO PROVIDE ASSISTANCE.—The Secretary of the Navy may provide an entity described in subsection (b) with assistance in support of a transfer of a vessel or shipboard equipment described in such subsection that is being executed under section 2572, 7306, 7307, or 7545 of this title, or under any other authority.

"(b) COVERED VESSELS AND EQUIPMENT.—The authority under this section applies—

"(1) in the case of a decommissioned vessel that—

"(A) is owned and maintained by the Navy, is located at a Navy facility, and is not in active use; and

"(B) is being transferred to an entity designated by the Secretary of the Navy or by law to receive transfer of the vessel; and

"(2) in the case of any shipboard equipment that—

"(A) is on a vessel described in paragraph (1)(A); and

"(B) is being transferred to an entity designated by the Secretary of the Navy or by law to receive transfer of the equipment.

"(c) REIMBURSEMENT.—The Secretary may require a recipient of assistance under subsection (a) to reimburse the Navy for amounts expended by the Navy in providing the assistance.

"(d) DEPOSIT OF FUNDS RECEIVED.—Funds received in a fiscal year under subsection (c) shall be credited to the appropriation available for such fiscal year for operation and maintenance for the office of the Navy managing inactive ships, shall be merged with other sums in the appropriation that are available for such office, and shall be available for the same purposes and period as the sums with which merged.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"7316. Support for transfers of decommissioned vessels and shipboard equipment.".

SEC. 367. AIRCRAFT FOR PERFORMANCE OF AERIAL REFUELING MISSION.

(a) RESTRICTION ON RETIREMENT OF KC-135E AIRCRAFT.—The Secretary of the Air Force shall ensure that the number of KC–135E aircraft of the Air Force that are retired in fiscal year 2004, if any, does not exceed 12 such aircraft.

(b) REQUIRED ANALYSIS.—Not later than March 1, 2004, the Secretary of the Air Force shall submit to the congressional defense committees an analysis of alternatives for meeting the aerial refueling requirements that the Air Force has the mission to meet. The Secretary shall provide for the analysis to be performed by a federally funded research and development center or another entity independent of the Department of Defense.

SEC. 368. STABILITY OF CERTAIN EXISTING MILITARY TROOP DINING FACILITIES CONTRACTS.

(a) INAPPLICABILITY OF RANDOLPH-SHEPPARD ACT.—The Randolph-Sheppard Act does not apply to any contract described in subsection (b) for so long as the contract is in effect, including for any period for which the contract is extended pursuant to an option provided in the contract.

(b) JAVITS-WAGNER-O'DAY CONTRACTS.—Subsection (a) applies to any contract for the operation of a Department of Defense facility described in subsection (c) that was entered into before the date of the enactment of this Act with a nonprofit agency for the blind or an agency for other severely handicapped in compliance with section 3 of the Javits-Wagner-O'Day Act (41 U.S.C. 48) and is in effect on such date.

(c) COVERED FACILITIES.—The Department of Defense facilities referred to in subsection (b) are as follows:

(1) A military troop dining facility.

(2) A military mess hall.

(3) Any similar dining facility operated for the purpose of providing meals to members of the Armed Forces.

(d) ENACTMENT OF POPULAR NAME AS SHORT TITLE.—The Act entitled "An Act to authorize the operation of stands in Federal buildings by blind persons, to enlarge the economic opportunities of the blind, and for other purposes", approved June 20, 1936 (commonly known as the "Randolph-Sheppard Act") (20 U.S.C. 107 et seq.), is amended by adding at the end the following new section:

"SEC. 11. This Act may be cited as the 'Randolph-Sheppard Act'.".

SEC. 369. REPEAL OF CALENDAR YEAR LIMITATIONS ON USE OF COMMISSARY STORES BY CERTAIN RESERVES AND OTHERS.

(a) MEMBERS OF THE READY RESERVE.—Section 1063(a) of title 10, United States Code, is amended by striking the period at the end of the first sentence and all that follows and inserting "in that calendar year.".

(b) CERTAIN OTHER PERSONS.—Section 1064 of such title is amended by striking "for 24 days each calendar year".

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2004, as follows:

(1) The Army, 480,000.

(2) The Navy, 373,800.

(3) The Marine Corps, 175,000.

(4) The Air Force, 359,300.

SEC. 402. INCREASED MAXIMUM PERCENTAGE OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY AUTHORIZED TO BE SERVING IN GRADES ABOVE BRIGADIER GENERAL AND REAR ADMIRAL (LOWER HALF).

Section 525(a) of title 10, United States Code, is amended by striking "50 percent" both places it appears and inserting "55 percent".

SEC. 403. EXTENSION OF CERTAIN AUTHORITIES RELATING TO MANAGEMENT OF NUMBERS OF GENERAL AND FLAG OFFICERS IN CERTAIN GRADES.

(a) SENIOR JOINT OFFICER POSITIONS.—Section 604(c) of title 10, United States Code, is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(b) DISTRIBUTION OF OFFICERS ON ACTIVE DUTY IN GENERAL AND FLAG OFFICER GRADES.—Section 525(b)(5)(C) of such title is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(c) AUTHORIZED STRENGTH FOR GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.—Section 526(b)(3) of such title is amended by striking "December 31, 2004" and inserting "December 31, 2005".

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2004, as follows:

(1) The Army National Guard of the United States, 350,000.

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 85,900.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 107,000.

(6) The Air Force Reserve, 75,800.

(7) The Coast Guard Reserve, 10,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2004, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 25,599.

(2) The Army Reserve, 14,374.

(3) The Naval Reserve, 14,384.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 12,191.

(6) The Air Force Reserve, 1,660.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2004 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 6,699.

(2) For the Army National Guard of the United States, 24,589.

(3) For the Air Force Reserve, 9,991.

(4) For the Air National Guard of the United States, 22,806.

SEC. 414. FISCAL YEAR 2004 LIMITATIONS ON NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—(1) Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2004, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) The number of non-dual status technicians employed by the Army Reserve as of September 30, 2004, may not exceed 895.

(3) The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2004, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term "non-dual status technician" has the meaning given the term in section 10217(a) of title 10, United States Code.

Subtitle C—Other Matters Relating to Personnel Strengths

SEC. 421. REVISION OF PERSONNEL STRENGTH AUTHORIZATION AND ACCOUNTING PROCESS.

(a) ANNUAL AUTHORIZATION OF STRENGTHS.—Subsection (a) of section 115 of title 10, United States Code, is amended to read as follows:

"(a) Congress shall authorize personnel strength levels for each fiscal year for each of the following:

"(1) The average strength for each of the armed forces (other than the Coast Guard) for active-duty personnel who are to be paid from funds appropriated for active-duty personnel.

"(2) The average strength for each of the armed forces (other than the Coast Guard) for active-duty personnel and full-time National Guard duty personnel who are to be paid from funds appropriated for reserve personnel.

"(3) The average strength for the Selected Reserve of each reserve component of the armed forces.".

(b) LIMITATION ON USE OF FUNDS.—Subsection (b) of such section is amended by striking "end strength" in paragraphs (1) and (2) and inserting "strength".

(c) AUTHORITY OF SECRETARY OF DEFENSE TO VARY STRENGTHS.—Subsection (c) of such section is amended—

(1) by striking "end strength" each place it appears and inserting "strength";

(2) in paragraph (1), by striking "subsection (a)(1)(A)" and inserting "subsection (a)(1)";

(3) in paragraph (2), by striking "subsection (a)(1)(B)" and inserting "subsection (a)(2)"; and

(4) in paragraph (3), by striking "subsection (a)(2)" and inserting "subsection (a)(3)".

(d) COUNTING PERSONNEL.—Subsection (d) of such section is amended—

(1) by striking "end-strengths authorized pursuant to subsection (a)(1)" and inserting "strengths authorized pursuant to paragraphs (1) and (2) of subsection (a)"; and

(2) in paragraph (9)(B), by striking "subsection (a)(1)(A)" and inserting "subsection (a)(1)".

(e) NAVY STRENGTH WHEN AUGMENTED BY COAST GUARD.—Subsection (e) of such section is amended by striking "subsection (a)(1)" and inserting "paragraphs (1) and (2) of subsection (a)".

(f) AUTHORITY OF SECRETARIES OF MILITARY DEPARTMENTS TO VARY STRENGTHS.—Subsection (f) of such section is amended—

(1) by striking "end strength" both places it appears and inserting "strength"; and

(2) by striking "subsection (a)(1)(A)" in the first sentence and inserting "subsection (a)(1)".

(g) AUTHORIZATION OF STRENGTHS FOR DUAL STATUS MILITARY TECHNICIANS.—Subsection (g) of such section is amended by striking "end strength" both places it appears and inserting "strength".

(h) CONFORMING AMENDMENTS.—(1) Section 168(f)(1)(A) of title 10, United States Code, is amended by striking "end strength for active-duty personnel authorized pursuant to section 115(a)(1)" and inserting "strengths for active-duty personnel authorized pursuant to paragraphs (1) and (2) of section 115(a)".

(2) Section 691(f) of such title is amended by striking "section 115(a)(1)" and inserting "paragraphs (1) and (2) of section 115(a)".

(3) Section 3201(b) of such title is amended by striking "section 115(a)(1)" and inserting "paragraphs (1) and (2) of section 115(a)".

(4)(A) Section 10216 of such title is amended—

(i) by striking "end strengths" in subsections (b)(1) and (c)(1) and inserting "strengths"; and

(ii) by striking "end strength" each place it appears in subsection (c)(2)(A) and inserting "strength".

(B) The heading for subsection (c) is amended by striking "END".

(5) Section 12310(c)(4) of such title is amended by striking "end strength authorizations required by section 115(a)(1)(B) and 115(a)(2)" and inserting "strength authorizations required by paragraphs (2) and (3) of section 115(a)".

(6) Section 16132(d) of such title is amended by striking "end strength required to be authorized each year by section 115(a)(1)(B)" in the second sentence and inserting "strength required to be authorized each year by section 115(a)(2)".

(7) Section 112 of title 32, United States Code, is amended—

(A) in subsection (e)—

(i) in the heading, by striking "END-STRENGTH" and inserting "STRENGTH"; and

(ii) by striking "end strength" and inserting "strength";

(B) in subsection (f)—

(i) in the heading, by striking "END STRENGTH" and inserting "STRENGTH"; and

(ii) in paragraph (2), by striking "end strength" and inserting "strength"; and

(C) in subsection (g)(1), by striking "end strengths" and inserting "strengths".

SEC. 422. EXCLUSION OF RECALLED RETIRED MEMBERS FROM CERTAIN STRENGTH LIMITATIONS DURING PERIOD OF WAR OR NATIONAL EMERGENCY.

(a) ANNUAL AUTHORIZED END STRENGTHS.—Section 115(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(12) Members of the armed forces ordered to active duty under section 688 of this title during any period of war declared by Congress or any period of national emergency declared by Congress or the President in which members of a reserve component are serving on active duty pursuant to an order to active duty under section 12301 or 12302 of this title, for so long as the members ordered to active duty under such section 688 continue to serve on active duty during the period of the war or national emergency and the one-year period beginning on the date of the termination of the war or national emergency, as the case may be."

(b) STRENGTH LIMITATIONS FOR OFFICERS IN PAY GRADES O-4 THROUGH O-6.—Section 523(b) of such title is amended by adding at the end the following new paragraph:

"(8) Officers ordered to active duty under section 688 of this title during any period of war declared by Congress or any period of national emergency declared by Congress or the President in which members of a reserve component are serving on active duty pursuant to an order to active duty under section 12301 or 12302 of this title, for so long as the members ordered to active duty under such section 688 continue to serve on active duty during the period of the war or national emergency and the one-year period beginning on the date of the termination of the war or national emergency, as the case may be.".

Subtitle D—Authorization of Appropriations

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2004 a total of $99,194,206,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2004.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. RETENTION OF HEALTH PROFESSIONS OFFICERS TO FULFILL ACTIVE DUTY SERVICE OBLIGATIONS FOLLOWING FAILURE OF SELECTION FOR PROMOTION.

(a) IN GENERAL.—Subsection (a) of section 632 of title 10, United States Code, is amended—

(1) by striking "or" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(4) if the officer is a health professions officer described in subsection (c) who, as of the date of discharge determined for the officer under paragraph (1), has not completed an active duty service obligation incurred by the officer under section 2005, 2114, 2123, or

2603 of this title, be retained on active duty until the officer completes the active duty service for which obligated, unless the Secretary concerned determines that the completion of the service obligation by the officer is not in the best interest of the Army, Navy, Air Force, or Marine Corps, as the case may be.".

(b) COVERED HEALTH PROFESSIONS OFFICERS.—Section 632 of such title is amended by adding at the end the following new subsection:

"(c) HEALTH PROFESSIONS OFFICERS.—Subsection (a)(4) applies to the following officers:

"(1) A medical officer.

"(2) A dental officer.

"(3) Any other officer appointed in a medical skill (as defined in regulations prescribed by the Secretary of Defense).".

(c) TECHNICAL AMENDMENT.—Subsection (a)(3) of such section is amended by striking "clause (1)" and inserting "paragraph (1)".

SEC. 502. ELIGIBILITY FOR APPOINTMENT AS CHIEF OF ARMY VETERINARY CORPS.

(a) APPOINTMENT FROM AMONG MEMBERS OF THE CORPS.—Section 3084 of title 10, United States Code, is amended by inserting after "The Chief of the Veterinary Corps of the Army" the following: "shall be appointed from among officers of the Veterinary Corps. The Chief of the Veterinary Corps".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to appointments of the Chief of the Veterinary Corps of the Army that are made on or after the date of the enactment of this Act.

Subtitle B—Reserve Component Personnel Policy

SEC. 511. EXPANDED AUTHORITY FOR USE OF READY RESERVE IN RESPONSE TO TERRORISM.

Section 12304(b)(2) of title 10, United States Code, is amended by striking "catastrophic".

SEC. 512. STREAMLINED PROCESS FOR CONTINUING OFFICERS ON THE RESERVE ACTIVE-STATUS LIST.

(a) CONTINUATION.—Section 14701 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "by a selection board convened under section 14101(b) of this title" and inserting "under regulations prescribed under subsection (b)";

(B) in paragraph (6), by striking "as a result of the convening of a selection board under section 14101(b) of this title";

(2) by striking subsections (b) and (c); and

(3) by redesignating subsection (d) as subsection (b).

(b) CONFORMING AMENDMENTS.—Subsection (b) of section 14101 of such title is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

SEC. 513. NATIONAL GUARD OFFICERS ON ACTIVE DUTY IN COMMAND OF NATIONAL GUARD UNITS.

(a) CONTINUATION IN STATE STATUS.—Subsection (a) of section 325 of title 32, United States Code, is amended—

(1) by striking "(a) Each" and inserting "(a) RELIEF REQUIRED.—(1) Except as provided in paragraph (2), each"; and

(2) by adding at the end the following new paragraph:

"(2) An officer of the Army National Guard of the United States or the Air National Guard of the United States is not relieved from duty in the National Guard of his State or Territory, or of Puerto Rico or the District of Columbia, under paragraph (1) while serving on active duty in command of a National Guard unit if—

"(A) the President authorizes such service in both duty statuses; and

"(B) the Governor of his State or Territory or Puerto Rico, or the Commanding General of the District of Columbia National Guard, as the case may be, consents to such service in both duty statuses.".

(b) FORMAT AMENDMENT.—Subsection (b) of such section is amended by inserting "RETURN TO STATE STATUS.—" after "(b)".

Subtitle C—Revision of Retirement Authorities

SEC. 521. PERMANENT AUTHORITY TO REDUCE THREE-YEAR TIME-IN-GRADE REQUIREMENT FOR RETIREMENT IN GRADE FOR OFFICERS IN GRADES ABOVE MAJOR AND LIEUTENANT COMMANDER.

Section 1370(a)(2)(A) of title 10, United States Code, is amended by striking "during the period beginning on October 1, 2002, and ending on December 31, 2003" and inserting "after September 30, 2002".

Subtitle D—Education and Training

SEC. 531. INCREASED FLEXIBILITY FOR MANAGEMENT OF SENIOR LEVEL EDUCATION AND POST-EDUCATION ASSIGNMENTS.

(a) REPEAL OF POST-EDUCATION JOINT DUTY ASSIGNMENTS REQUIREMENT.—Subsection (d) of section 663 of title 10, United States Code, is repealed.

(b) REPEAL OF MINIMUM DURATION REQUIREMENT FOR PRINCIPAL COURSE OF INSTRUCTION AT THE JOINT FORCES STAFF COLLEGE.—Subsection (e) of such section is repealed.

SEC. 532. EXPANDED EDUCATIONAL ASSISTANCE AUTHORITY FOR CADETS AND MIDSHIPMEN RECEIVING ROTC SCHOLARSHIPS.

(a) FINANCIAL ASSISTANCE PROGRAM FOR SERVICE ON ACTIVE DUTY.—Section 2107(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking the first sentence and inserting the following: "The Secretary concerned may provide financial assistance described in paragraph (3) for a student appointed as a cadet or midshipman by the Secretary under subsection (a).";

(2) in paragraph (2), by striking "as described in paragraph (1)" and inserting "as described in paragraph (3)"; and

(3) by adding at the end the following new paragraphs:

"(3)(A) The financial assistance provided for a student under this subsection shall be the payment of one of the two sets of expenses selected by the Secretary, as follows:

"(i) Tuition, fees, books, and laboratory expenses.

"(ii) Expenses for room and board and any other necessary expenses imposed by the student's educational institution for the academic program in which the student is enrolled, which may include any of the expenses described in clause (i).

"(B) The total amount of the financial assistance provided for a student for an academic year under clause (ii) of subparagraph (A) may not exceed the total amount of the financial assistance that would otherwise have been provided for the student for that academic year under clause (i) of such subparagraph.

"(4) The Secretary of the military department concerned may provide for the payment of all expenses in the Secretary's department of administering the financial assistance program under this section, including the payment of expenses described in paragraph (3).".

(b) FINANCIAL ASSISTANCE PROGRAM FOR SERVICE IN TROOP PROGRAM UNITS.—Section 2107a(c) of such title is amended to read as follows:

"(c)(1) The Secretary of the Army may provide financial assistance described in paragraph (2) for a student appointed as a cadet by the Secretary under subsection (a).

"(2)(A) The financial assistance provided for a student under this subsection shall be the payment of one of the two sets of expenses selected by the Secretary concerned, as follows:

"(i) Tuition, fees, books, and laboratory expenses.

"(ii) Expenses for room and board and any other necessary expenses imposed by the student's educational institution for the academic program in which the student is enrolled, which may include any of the expenses described in clause (i).

"(B) The total amount of the financial assistance provided for a student for an academic year under clause (ii) of subparagraph (A) may not exceed the total amount of the financial assistance that would otherwise have been provided for the student for that academic year under clause (i) of such subparagraph.

"(3) The Secretary may provide for the payment of all expenses in the Department of the Army for administering the financial assistance program under this section, including the payment of expenses described in paragraph (2).".

SEC. 533. ELIGIBILITY AND COST REIMBURSEMENT REQUIREMENTS FOR PERSONNEL TO RECEIVE INSTRUCTION AT THE NAVAL POSTGRADUATE SCHOOL.

(a) EXPANDED ELIGIBILITY FOR ENLISTED PERSONNEL.—Subsection (a)(2) of section 7045 of title 10, United States Code, is amended—

(1) by inserting "(A)" after "(2)";

(2) by striking "this paragraph" in the second sentence and inserting "this subparagraph"; and

(3) by adding at the end the following new subparagraphs:

"(B) The Secretary may permit an enlisted member of the armed forces to receive instruction in an executive level seminar at the Naval Postgraduate School.

"(C) The Secretary may permit an eligible enlisted member of the armed forces to receive instruction in connection with pursuit of a program of education in information assurance as a participant in the Information Security Scholarship program under chapter 112 of this title. To be eligible for instruction under this subparagraph, the enlisted member must have been awarded a baccalaureate degree by an institution of higher education.".

(b) PAYMENT OF COSTS FOR PARTICIPANTS IN INFORMATION SECURITY SCHOLARSHIP PROGRAM.—Subsection (b) of such section is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2) The requirements for payment of costs and fees under paragraph (1) shall be subject to such exceptions as the Secretary of Defense may prescribe for members of the armed forces who receive instruction at the Postgraduate School in connection with pursuit of a degree or certification as participants in the Information Security Scholarship program under chapter 112 of this title.".

(c) CONFORMING AMENDMENTS.—Paragraph (1) of such subsection (b), as redesignated by subsection (b)(1) of this section, is amended—

(A) in the first sentence, by striking "officers" and inserting "members of the armed forces who are"; and

(B) in the second sentence—

(i) by inserting "under subsection (a)(2)(A)" after "at the Postgraduate School"; and

(ii) by striking "(taking into consideration the admission of enlisted members on a space-available basis)".

SEC. 534. ACTIONS TO ADDRESS SEXUAL MISCONDUCT AT THE SERVICE ACADEMIES.

(a) POLICY ON SEXUAL MISCONDUCT.—(1) The Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall, under guidance prescribed by the Secretary of Defense, direct the Superintendent of the United States Military Academy, the Superintendent of the United States Naval Academy, and the Superintendent of the United States Air Force Academy, respectively, to prescribe a policy on sexual misconduct applicable to the personnel of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy, respectively.

(2) The policy on sexual misconduct prescribed for an academy shall specify the following:

(A) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve academy personnel.

(B) Procedures that a cadet or midshipman, as the case may be, should follow in the case of an occurrence of sexual misconduct, including—

(i) a specification of the person or persons to whom the alleged offense should be reported;

(ii) a specification of any other person whom the victim should contact; and

(iii) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

(C) Procedures for disciplinary action in cases of alleged criminal sexual assault involving academy personnel.

(D) Any other sanctions authorized to be imposed in a substantiated case of misconduct involving academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible.

(E) Required training on the policy for all academy personnel, including the specific training required for personnel who process allegations of sexual misconduct involving academy personnel.

(b) ANNUAL ASSESSMENT.—(1) The Secretary of Defense, through the Secretaries of the military departments, shall direct each Superintendent to conduct at the academy under the jurisdiction of the Superintendent an assessment in each academy program year to determine the effectiveness of the academy's policies, training, and procedures on sexual misconduct to prevent criminal sexual misconduct involving academy personnel.

(2) For the assessment for each of the 2004, 2005, 2006, 2007, and 2008 academy program years, the Superintendent of the academy shall conduct a survey of all academy personnel—

(A) to measure—

(i) the incidence, in such program year, of sexual misconduct events, on or off the academy reservation, that have been reported to officials of the academy; and

(ii) the incidence, in such program year, of sexual misconduct events, on or off the academy reservation, that have not been reported to officials of the academy; and

(B) to assess the perceptions of academy personnel on—

(i) the policies, training, and procedures on sexual misconduct involving academy personnel;

(ii) the enforcement of such policies;

(iii) the incidence of sexual misconduct involving academy personnel in such program year; and

(iv) any other issues relating to sexual misconduct involving academy personnel.

(c) ANNUAL REPORT.—(1) The Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall direct the Superintendent of the United States Military Academy, the Superintendent of the United States Naval Academy, and the Superintendent of the United States Air Force Academy, respectively, to submit to the Secretary a report on sexual misconduct involving academy personnel for each of the 2004, 2005, 2006, 2007, and 2008 academy program years.

(2) The annual report for an academy under paragraph (1) shall contain, for the academy program year covered by the report, the following matters:

(A) The number of sexual assaults, rapes, and other sexual offenses involving academy personnel that have been reported to academy officials during the program year, and the number of the reported cases that have been substantiated.

(B) The policies, procedures, and processes implemented by the Secretary of the military department concerned and the leadership of the academy in response to sexual misconduct involving academy personnel during the program year.

(C) In the report for the 2004 academy program year, a discussion of the survey conducted under subsection (b), together with an analysis of the results of the survey and a discussion of any initiatives undertaken on the basis of such results and analysis.

(D) In the report for each of the subsequent academy program years, the results of the annual survey conducted in such program year under subsection (b).

(E) A plan for the actions that are to be taken in the following academy program year regarding prevention of and response to sexual misconduct involving academy personnel.

(3) The Secretary of a military department shall transmit the annual report on an academy under this subsection, together with the Secretary's comments on the report, to the Secretary of Defense and the Board of Visitors of the academy.

(4) The Secretary of Defense shall transmit the annual report on each academy under this subsection, together with the Secretary's comments on the report to, the Committees on Armed Services of the Senate and the House of Representatives.

(5) The report for the 2004 academy program year for an academy shall be submitted to the Secretary of the military department concerned not later than one year after the date of the enactment of this Act.

(6) In this subsection, the term "academy program year" with respect to a year, means the academy program year that ends in that year.

Subtitle E—Decorations, Awards, and Commendations

(reserved)

Subtitle F—Military Justice

SEC. 551. EXTENDED LIMITATION PERIOD FOR PROSECUTION OF CHILD ABUSE CASES IN COURTS-MARTIAL.

Section 843(b) of title 10, United States Code (article 43 of the Uniform Code of Military Justice) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) A person charged with having committed a child abuse offense against a child is liable to be tried by court-martial if the sworn charges and specifications are received before the child reaches the age of 25 years by an officer exercising summary court-martial jurisdiction with respect to that person.

"(B) In subparagraph (A), the term 'child abuse offense' means an act that involves sexual or physical abuse of a person under 16 years of age and constitutes any of the following offenses:

"(i) Rape or carnal knowledge in violation of section 920 of this title (article 120).

"(ii) Maiming in violation of section 924 of this title (article 124).

"(iii) Sodomy in violation of section 925 of this title (article 126).

"(iv) Aggravated assault or assault consummated by a battery in violation of section 928 of this title (article 128).

"(v) Indecent assault, assault with intent to commit murder, voluntary manslaughter, rape, or sodomy, or indecent acts or liberties with a child in violation of section 934 of this title (article 134).".

SEC. 552. CLARIFICATION OF BLOOD ALCOHOL CONTENT LIMIT FOR THE OFFENSE UNDER THE UNIFORM CODE OF MILITARY JUSTICE OF DRUNKEN OPERATION OF A VEHICLE, AIRCRAFT, OR VESSEL.

Section 911 of title 10, United States Code (article 111 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)(2), by striking "is in excess of" and inserting "is equal to or exceeds"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following:

"(A) In the case of the operation or control of a vehicle, aircraft, or vessel in the United States, such limit is the lesser of—

"(i) the blood alcohol content limit under the law of the State in which the conduct occurred, except as may be provided under paragraph (2) for conduct on a military installation that is in more than one State; or

"(ii) the blood alcohol content limit specified in paragraph (3)."; and

(B) by striking "maximum" in paragraphs (1)(B) and (3).

Subtitle G—Other Matters

SEC. 561. HIGH-TEMPO PERSONNEL MANAGEMENT AND ALLOWANCE.

(a) DEPLOYMENT MANAGEMENT.—Section 991(a) of title 10, United States Code, is amended to read as follows:

"(a) MANAGEMENT RESPONSIBILITIES.—(1) The deployment (or potential deployment) of a member of the armed forces shall be managed to ensure that the member is not deployed, or continued in a deployment, on any day on which the total number of days on which the member has been deployed out of the preceding 365 days would exceed the maximum number of deployment days prescribed for the purposes of this section by the Under Secretary of Defense for Personnel and Readiness. The maximum number of deployment days so prescribed may not exceed 220 days.

"(2) A member may be deployed, or continued in a deployment, without regard to paragraph (1) if such deployment, or continued deployment, is approved by—

"(A) a member of the Senior Executive Service designated by the Secretary of Defense to do so; or

"(B) the first officer in the member's chain of command who is—

"(i) a general officer or, in the case of the Navy, an officer in a grade above captain; or

"(ii) a colonel or, in the case of the Navy, a captain who is recommended for promotion to brigadier general or rear admiral, respectively, in a report of a selection board convened under section 611(a) or 14101(a) of this title that has been approved by the President.".

(b) HIGH-TEMPO ALLOWANCE.—(1) Subsection (a) of section 436 of title 37, United States Code, is amended to read as follows:

"(a) MONTHLY ALLOWANCE.—The Secretary of the military department concerned shall pay a high-tempo allowance to a member of the armed forces under the Secretary's jurisdiction for the following months:

"(1) Each month during which the member is deployed and has, as of any day during that month, been deployed—

"(A) for at least the number of days out of the preceding 730 days that is prescribed for the purpose of this subparagraph by the Under Secretary of Defense for Personnel and Readiness, except that the number of days so prescribed may not be more than 401 days; or

"(B) at least the number of consecutive days that is prescribed for the purpose of this subparagraph by the Under Secretary of Defense for Personnel and Readiness, except that the number of days so prescribed may not be more than 191 days.

"(2) Each month that includes a day on which the member serves on active duty pursuant to a call or order to active duty for a period of more than 30 days under a provision of law referred to in section 101(a)(13)(B) of title 10, if such period begins within one year after the date on which the member was released from previous service on active duty for a period of more than 30 days under a call or order issued under such a provision of law.".

(2) Subsection (c) of such section is amended to read as follows:

"(c) MONTHLY AMOUNT.—The Secretary of Defense shall prescribe the amount of the monthly allowance payable to a member under this section. The amount may not exceed $1,000.".

(3) Such section is further amended by adding at the end the following new subsection:

"(g) SERVICE IN EXEMPTED DUTY POSITIONS.—(1) Except as provided in paragraph (2), a member is not eligible for the high-tempo allowance under this section while serving in a duty position designated as exempt for the purpose of this subsection by the Secretary concerned with the approval of the Under Secretary of Defense for Personnel and Readiness.

"(2) A designation of a duty position as exempt under paragraph (1) does not terminate the eligibility for the high-tempo allowance under this section of a member serving in the duty position at the time the designation is made.

"(h) PAYMENT FROM OPERATION AND MAINTENANCE FUNDS.—The monthly allowance payable to a member under this section shall be paid from appropriations available for operation and maintenance for the armed force in which the member serves.".

(4) Such section is further amended—

(A) in subsections (d) and (e), by striking "high-deployment per diem" and inserting "high-tempo allowance"; and

(B) in subsection (f)—

(i) by striking "per diem" and inserting "allowance"; and

(ii) by striking "day on which" and inserting "month during which".

(5)(A) The heading of such section is amended to read as follows:

"§ 436. High-tempo allowance: lengthy or numerous deployments; frequent mobilizations".

(B) The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

"436. High-tempo allowance: lengthy or numerous deployments; frequent mobilizations.".

(c) MODIFIED REPORTING REQUIREMENT.—Section 487(b)(5) of title 10, United States Code, is amended to read as follows:

"(5) For each of the armed forces, the description shall indicate the number of members who received the high-tempo allowance under section 436 of title 37, the total number of months for which the allowance was paid to members, and the total amount spent on the allowance.".

SEC. 562. ALTERNATE INITIAL MILITARY SERVICE OBLIGATION FOR PERSONS ACCESSED UNDER DIRECT ENTRY PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall carry out a direct entry program for persons with critical military skills who enter the Armed Forces for an initial period of service in the Armed Forces.

(b) ELIGIBLE PERSONS.—The Secretary shall prescribe the eligibility requirements for entering the Armed Forces under the direct entry program carried out under this section. The Secretary may limit eligibility as the Secretary determines appropriate to meet the needs of the Armed Forces.

(c) CRITICAL MILITARY SKILLS.—The Secretary shall designate the military skills that are critical military skills for the purposes of this section.

(d) INITIAL SERVICE OBLIGATION.—(1) The Secretary shall prescribe the period of initial service in the Armed Forces that is to be required of a person entering the Armed Forces under the direct entry program. The period may not be less than three years.

(2) Section 651(a) of title 10, United States Code, shall not apply to a person who enters the Armed Forces under the direct entry program.

(e) REPORTS.—(1) Not later than 30 days after the direct entry program commences under this section, the Secretary shall submit a report on the establishment of the program to the Committees on Armed Services of the Senate and the House of Representatives. The report shall include the following:

(A) A list of the military skills designated as critical military skills for the purposes of this section.

(B) The eligibility requirements for entering the Armed Forces under the program.

(C) A detailed discussion of the other features of the program.

(2) Whenever the list of critical military skills is revised, the Secretary shall promptly submit the revised list to the committees referred to in paragraph (1).

(3) The Secretary shall submit a final report on the program to Congress not later than 180 days after the date on which the direct entry program terminates under subsection (f). The report shall include the Secretary's assessment of the effectiveness of the direct entry program for recruiting personnel with critical military skills for the Armed Forces.

(f) PERIOD OF PROGRAM.—The direct entry program under this section shall commence on October 1, 2003, and shall terminate on September 30, 2005.

SEC. 563. POLICY ON CONCURRENT DEPLOYMENT TO COMBAT ZONES OF BOTH MILITARY SPOUSES OF MILITARY FAMILIES WITH MINOR CHILDREN.

(a) PUBLICATION OF POLICY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) prescribe the policy of the Department of Defense on concurrent deployment to a combat zone of both spouses of a dual-military family with one or more minor children; and

(2) transmit the policy to the Committees on Armed Services of the Senate and the House of Representatives.

(b) DUAL-MILITARY FAMILY DEFINED.—In this section, the term "dual-military family" means a family in which both spouses are members of the Armed Forces.

SEC. 564. ENHANCEMENT OF VOTING RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.—(1) Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(A) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(B) by inserting after subsection (b) the following new subsection (c):

"(c) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS.—

"(1) IN GENERAL.—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter—

"(A) solely on the grounds that the ballot lacked—

"(i) a notarized witness signature;

"(ii) an address (other than on a Federal write-in absentee ballot, commonly known as 'SF186');

"(iii) a postmark if there are any other indicia that the vote was cast in a timely manner; or

"(iv) an overseas postmark; or

"(B) solely on the basis of a comparison of signatures on ballots, envelopes, or registration forms unless there is a lack of reasonable similarity between the signatures.

"(2) NO EFFECT ON FILING DEADLINES UNDER STATE LAW.—Nothing in this subsection may be construed to affect the application to ballots submitted by absent uniformed services voters of any ballot submission deadline applicable under State law.".

(2) The amendments made by paragraph (1) shall apply with respect to ballots described in section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act, as added by paragraph (1), that are submitted with respect to elections that occur after the date of the enactment of this Act.

(b) MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.—(1) Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(6) in addition to using the postcard form for the purpose described in paragraph (4), accept and process any otherwise valid voter registration application submitted by a uniformed service voter for the purpose of voting in an election for Federal office; and

"(7) permit each recently separated uniformed services voter to vote in any election for which a voter registration application has been accepted and processed under this section if that voter—

"(A) has registered to vote under this section; and

"(B) is eligible to vote in that election under State law.".

(2) The amendments made by paragraph (1) shall apply with respect to elections for Federal office that occur after the date of the enactment of this Act.

(c) DEFINITIONS.—Section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (9) and (11), respectively;

(2) by inserting after paragraph (6) the following new paragraph:

"(7) 'recently separated uniformed services voter' means any individual who was a uniformed services voter on the date that is 60 days before the date on which the individual seeks to vote and who—

"(A) presents to the election official Department of Defense form 214 evidencing the individual's former status as such a voter, or any other official proof of such status;

"(B) is no longer such a voter; and

"(C) is otherwise qualified to vote in that election;"; and

(3) by inserting after paragraph (9), as so redesignated, the following new paragraph:

"(10) 'uniformed services voter' means—

"(A) a member of a uniformed service in active service;

"(B) a member of the merchant marine; and

"(C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote; and".

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2004.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2004 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2004, the rates of monthly basic pay for members of the uniformed services within each pay grade are as follows:

COMMISSIONED OFFICERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
0–10[2]	$0.00	$0.00	$0.00	$0.00	$0.00
0–9	0.00	0.00	0.00	0.00	0.00
0–8	7,751.10	8,004.90	8,173.20	8,220.60	8,430.30
0–7	6,440.70	6,739.80	6,878.40	6,988.50	7,187.40
0–6	4,773.60	5,244.30	5,588.40	5,588.40	5,609.70
0–5	3,979.50	4,482.90	4,793.40	4,851.60	5,044.80
0–4	3,433.50	3,974.70	4,239.90	4,299.00	4,545.30
0–3[3]	3,018.90	3,422.40	3,693.90	4,027.20	4,220.10
0–2[3]	2,608.20	2,970.60	3,421.50	3,537.00	3,609.90
0–1[3]	2,264.40	2,356.50	2,848.50	2,848.50	2,848.50
	Over 8	Over 10	Over 12	Over 14	Over 16
0–10[2]	$0.00	$0.00	$0.00	$0.00	$0.00
0–9	0.00	0.00	0.00	0.00	0.00
0–8	8,781.90	8,863.50	9,197.10	9,292.80	9,579.90
0–7	7,384.20	7,611.90	7,839.00	8,066.70	8,781.90
0–6	5,850.00	5,882.10	5,882.10	6,216.30	6,807.30
0–5	5,161.20	5,415.90	5,602.80	5,844.00	6,213.60
0–4	4,809.30	5,137.80	5,394.00	5,571.60	5,673.60
0–3[3]	4,431.60	4,568.70	4,794.30	4,911.30	4,911.30
0–2[3]	3,609.90	3,609.90	3,609.90	3,609.90	3,609.90
0–1[3]	2,848.50	2,848.50	2,848.50	2,848.50	2,848.50
	Over 18	Over 20	Over 22	Over 24	Over 26
0–10[2]	$0.00	$12,524.70	$12,586.20	$12,847.80	$13,303.80
0–9	0.00	10,954.50	11,112.30	11,340.30	11,738.40
0–8	9,995.70	10,379.10	10,635.30	10,635.30	10,635.30
0–7	9,386.10	9,386.10	9,386.10	9,386.10	9,433.50
0–6	7,154.10	7,500.90	7,698.30	7,897.80	8,285.40
0–5	6,389.70	6,563.40	6,760.80	6,760.80	6,760.80
0–4	5,733.00	5,733.00	5,733.00	5,733.00	5,733.00
0–3[3]	4,911.30	4,911.30	4,911.30	4,911.30	4,911.30
0–2[3]	3,609.50	3,609.50	3,609.50	3,609.50	3,609.50
0–1[3]	2,848.50	2,848.50	2,848.50	2,848.50	2,848.50

[1] Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers in pay grades 0–7 through 0–10 may not exceed the rate of pay for level III of the Executive Schedule and the actual rate of basic pay for all other officers may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, the rate of basic pay for an officer in this grade while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, Commandant of the Coast Guard, or commander of a unified or specified combatant command (as defined in section 161(c) of title 10, United States Code) is $14,634.20, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] This table does not apply to commissioned officers in pay grade 0–1, 0–2, or 0–3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
0–3E	$0.00	$0.00	$0.00	$4,027.20	$4,220.10
0–2E	0.00	0.00	0.00	3,537.00	3,609.90
0–1E	0.00	0.00	0.00	2,848.50	3,042.30
	Over 8	Over 10	Over 12	Over 14	Over 16
0–3E	$4,431.60	$4,568.70	$4,794.30	$4,984.20	$5,092.80
0–2E	3,724.80	3,918.60	4,068.60	4,180.20	4,180.20
0–1E	3,154.50	3,269.40	3,382.20	3,537.00	3,537.00

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER—Continued

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
	Over 18	Over 20	Over 22	Over 24	Over 26
O–3E	$5,241.30	$5,241.30	$5,241.30	$5,241.30	$5,241.30
O–2E	4,180.20	4,180.20	4,180.20	4,180.20	4,180.20
O–1E	3,537.00	3,537.00	3,537.00	3,537.00	3,537.00

WARRANT OFFICERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W–5	$0.00	$0.00	$0.00	$0.00	$0.00
W–4	3,119.40	3,355.80	3,452.40	3,547.20	3,710.40
W–3	2,848.80	2,967.90	3,089.40	3,129.30	3,257.10
W–2	2,505.90	2,649.00	2,774.10	2,865.30	2,943.30
W–1	2,212.80	2,394.00	2,515.20	2,593.50	2,802.30
	Over 8	Over 10	Over 12	Over 14	Over 16
W–5	$0.00	$0.00	$0.00	$0.00	$0.00
W–4	3,871.50	4,035.00	4,194.30	4,359.00	4,617.30
W–3	3,403.20	3,595.80	3,786.30	3,988.80	4,140.60
W–2	3,157.80	3,321.60	3,443.40	3,562.20	3,643.80
W–1	2,928.30	3,039.90	3,164.70	3,247.20	3,321.90
	Over 18	Over 20	Over 22	Over 24	Over 26
W–5	$0.00	$5,360.70	$5,544.30	$5,728.80	$5,914.20
W–4	4,782.60	4,944.30	5,112.00	5,277.00	5,445.90
W–3	4,291.80	4,356.90	4,424.10	4,570.20	4,716.30
W–2	3,712.50	3,843.00	3,972.60	4,103.70	4,103.70
W–1	3,443.70	3,535.80	3,535.80	3,535.80	3,535.80

[1] Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for warrant officers may not exceed the rate of pay for level V of the Executive Schedule.

ENLISTED MEMBERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E–9[2]	$0.00	$0.00	$0.00	$0.00	$0.00
E–8	0.00	0.00	0.00	0.00	0.00
E–7	2,145.00	2,341.20	2,430.60	2,549.70	2,642.10
E–6	1,855.50	2,041.20	2,131.20	2,218.80	2,310.00
E–5	1,700.10	1,813.50	1,901.10	1,991.10	2,130.60
E–4	1,558.20	1,638.30	1,726.80	1,814.10	1,891.50
E–3	1,407.00	1,495.50	1,585.50	1,585.50	1,585.50
E–2	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70
E–1[3]	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40
	Over 8	Over 10	Over 12	Over 14	Over 16
E–9[2]	$0.00	$3,769.20	$3,854.70	$3,962.40	$4,089.30
E–8	3,085.50	3,222.00	3,306.30	3,407.70	3,517.50
E–7	2,801.40	2,891.10	2,980.20	3,139.80	3,219.60
E–6	2,516.10	2,596.20	2,685.30	2,763.30	2,790.90
E–5	2,250.90	2,339.70	2,367.90	2,367.90	2,367.90
E–4	1,891.50	1,891.50	1,891.50	1,891.50	1,891.50
E–3	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50
E–2	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70
E–1[3]	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40
	Over 18	Over 20	Over 22	Over 24	Over 26
E–9[2]	$4,216.50	$4,421.10	$4,594.20	$4,776.60	$5,054.70
E–8	3,715.50	3,815.70	3,986.40	4,081.20	4,314.30
E–7	3,295.50	3,341.70	3,498.00	3,599.10	3,855.00
E–6	2,809.80	2,809.80	2,809.80	2,809.80	2,809.80
E–5	2,367.90	2,367.90	2,367.90	2,367.90	2,367.90
E–4	1,891.50	1,891.50	1,891.50	1,891.50	1,891.50
E–3	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50
E–2	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70
E–1[3]	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40

[1] Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, the rate of basic pay for an enlisted member in this grade while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, is $6,090.90, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] In the case of members in pay grade E–1 who have served less than 4 months on active duty, the rate of basic pay is $1,104.00.

SEC. 602. REVISED ANNUAL PAY ADJUSTMENT PROCESS.

(a) Requirement for Annual Adjustment.—Subsection (a) of section 1009 of title 37, United States Code, is amended to read as follows:

"(a) Requirement for Annual Adjustment.—Effective on January 1 of each year, the rates of basic pay for members of the uniformed services under section 203(a) of this title shall be increased under this section.".

(b) Effectiveness of Adjustment.—Subsection (b) of such section is amended by striking "shall—" and all that follows and inserting "shall have the force and effect of law.".

(c) Percentage of Adjustment.—Subsection (c) of such section is amended to read as follow:

"(c) Equal Percentage Increase for All Members.—(1) An adjustment made under this section in a year shall provide all eligible members with an increase in the monthly basic pay that is the percentage (rounded to the nearest one-tenth of 1 percent) by which the ECI for the base quarter of the year before the preceding year exceeds the ECI for the base quarter of the second year before the preceding calendar year (if at all).

"(2) Notwithstanding paragraph (1), but subject to subsection (d), the percentage of the adjustment taking effect under this section during each of fiscal years 2004, 2005, and 2006, shall be one-half of 1 percentage point higher than the percentage that would otherwise be applicable under such paragraph.".

(d) Repeal of Allocation Authority.—Such section is further amended—

(1) by striking subsections (d), (e), and (g); and

(2) redesignating subsection (f) as subsection (d).

(e) Presidential Determination of Need for Alternative Pay Adjustment.—Such section, as amended by subsection (d), is further amended adding at the end the following new subsection:

"(e) Presidential Determination of Need for Alternative Pay Adjustment.—(1) If, because of national emergency or serious economic conditions affecting the general welfare, the President considers the pay adjustment which would otherwise be required by this section in any year to be inappropriate, the President shall prepare and transmit to Congress before September 1 of the preceding year a plan for such alternative pay adjustments as the President considers appropriate, together with the reasons therefor.

"(2) In evaluating an economic condition affecting the general welfare under this subsection, the President shall consider pertinent economic measures including the Indexes of Leading Economic Indicators, the Gross National Product, the unemployment rate, the budget deficit, the Consumer Price Index, the Producer Price Index, the Employment Cost Index, and the Implicit Price Deflator for Personal Consumption Expenditures.

"(3) The President shall include in the plan submitted to Congress under paragraph (1) an assessment of the impact that the alternative pay adjustments proposed in the plan would have on the Government's ability to recruit and retain well-qualified persons for the uniformed services.".

(f) Definitions.—Such section, as amended by subsection (e), is further amended by adding at the end the following:

"(f) Definitions.—In this section:

"(1) The term 'ECI' means the Employment Cost Index (wages and salaries, private industry workers) published quarterly by the Bureau of Labor Statistics.

"(2) The term 'base quarter' for any year is the 3-month period ending on September 30 of such year.".

SEC. 603. COMPUTATION OF BASIC PAY RATE FOR COMMISSIONED OFFICERS WITH PRIOR ENLISTED OR WARRANT OFFICER SERVICE.

Section 203(d)(2) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking "enlisted member," and all that follows through the period and inserting "enlisted member."; and

(2) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) Service as a warrant officer, as an enlisted member, or as a warrant officer and an enlisted member, for which at least 1,460 points have been credited to the officer for the purposes of section 12732(a)(2) of title 10.".

SEC. 604. PILOT PROGRAM OF MONTHLY SUBSISTENCE ALLOWANCE FOR NON-SCHOLARSHIP SENIOR ROTC MEMBERS COMMITTING TO CONTINUE ROTC PARTICIPATION -AS SOPHOMORES.

(a) Authority.—Section 209 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(e) Non-Scholarship Senior ROTC Members Not in Advanced Training.—(1) A member of the Senior Reserve Officers' Training Corps described in subsection (b) is entitled to a monthly subsistence allowance at a rate prescribed under subsection (a).

"(2) To be entitled to receive a subsistence allowance under this subsection, a member must—

"(A) be a citizen of the United States;

"(B) enlist in an armed force under the jurisdiction of the Secretary of the military department concerned for the period prescribed by the Secretary;

"(C) contract, with the consent of his parent or guardian if he is a minor, with the Secretary of the military department concerned, or his designated representative, to serve for the period required by the program;

"(D) agree in writing that he will accept an appointment, if offered, as a commissioned officer in the Army, Navy, Air Force, or Marine Corps, as the case may be, and that he will serve in the armed forces for the period prescribed by the Secretary;

"(E) successfully complete the first year of a four-year Senior Reserve Officers' Training Corps course;

"(F) not be eligible for advanced training under section 2104 of title 10;

"(G) not be appointed under section 2107 of title 10; and

"(H) execute a certificate of loyalty in such form as the Secretary of Defense prescribes or take a loyalty oath as prescribed by the Secretary.

"(3) The first month for which a monthly subsistence allowance is payable to a member under this subsection shall be a month designated by the Secretary of the military department concerned that begins after the member satisfies the condition in subparagraph (E) of paragraph (2). Payment of the subsistence allowance shall continue for as long as the member continues to meet the conditions in such paragraph and the member's obligations under the enlistment, contract, and agreement entered into as described in such paragraph. In no event, however, may a member receive the monthly subsistence allowance for more than 20 months.

"(4) In this subsection, the term 'program' means the Senior Reserve Officers' Training Corps of an armed force.

"(5) No subsistence allowance may be paid under this subsection with respect to a contract that is entered into as described in paragraph (2)(C) after December 31, 2006.".

(b) Effective Date.—Subsection (e) of section 209 of title 37, United States Code (as added by subsection (a)), shall take effect on January 1, 2004.

SEC. 605. BASIC ALLOWANCE FOR HOUSING FOR EACH MEMBER MARRIED TO ANOTHER MEMBER WITHOUT DEPENDENTS WHEN BOTH SPOUSES ARE ON SEA DUTY.

(a) Entitlement.—Section 403(f)(2)(C) of title 37, United States Code, is amended—

(1) in the first sentence, by striking "are jointly entitled to one basic allowance for housing" and inserting "are each entitled to a basic allowance for housing"; and

(2) by striking "The amount of the allowance" and all that follows and inserting "The amount of the allowance payable to a member under the preceding sentence shall be based on the without dependents rate for the pay grade of the member.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 2003.

SEC. 606. INCREASED RATE OF FAMILY SEPARATION ALLOWANCE.

(a) Rate.—Section 427(a)(1) of title 37, United States Code, is amended by striking "$100" and inserting "$250".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2003.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) Selected Reserve Reenlistment Bonus.—Section 308b(f) of title 37, United States Code, is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(b) Selected Reserve Enlistment Bonus.—Section 308c(e) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(c) Special Pay for Enlisted Members Assigned to Certain High Priority Units.—Section 308d(c) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(d) Selected Reserve Affiliation Bonus.—Section 308e(e) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(e) Ready Reserve Enlistment and Reenlistment Bonus.—Section 308h(g) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(f) Prior Service Enlistment Bonus.—Section 308i(f) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR CERTAIN HEALTH CARE PROFESSIONALS.

(a) Nurse Officer Candidate Accession Program.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(b) Repayment of Education Loans for Certain Health Professionals Who Serve in the Selected Reserve.—Section 16302(d) of such title is amended by striking "January 1, 2004" and inserting "January 1, 2005".

(c) Accession Bonus for Registered Nurses.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(d) Incentive Special Pay for Nurse Anesthetists.—Section 302e(a)(1) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(e) Special Pay for Selected Reserve Health Professionals in Critically Short Wartime Specialties.—Section 302g(f) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(f) Accession Bonus for Dental Officers.—Section 302h(a)(1) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) Special Pay for Nuclear-Qualified Officers Extending Period of Active Service.—Section 312(e) of title 37, United States Code, is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(b) Nuclear Career Accession Bonus.—Section 312b(c) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(c) Nuclear Career Annual Incentive Bonus.—Section 312c(d) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUS AND SPECIAL PAY AUTHORITIES.

(a) Aviation Officer Retention Bonus.—Section 301b(a) of title 37, United States Code, is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(b) Reenlistment Bonus for Active Members.—Section 308(g) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(c) Enlistment Bonus for Active Members.—Section 309(e) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(d) Retention Bonus for Members With Critical Military Skills.—Section 323(i) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(e) Accession Bonus for New Officers in Critical Skills.—Section 324(g) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

SEC. 615. SPECIAL PAY FOR RESERVE OFFICERS HOLDING POSITIONS OF UNUSUAL RESPONSIBILITY AND OF CRITICAL NATURE.

(a) Eligibility.—Section 306 of title 37, United States Code, is amended—

(1) in subsection (a), by inserting "under section 201 of this title, or the compensation under section 206 of this title," after "is entitled to the basic pay";

(2) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) In the case of an officer who is a member of a reserve component, special pay under subsection (a) shall be paid at the rate of $\frac{1}{30}$ of the monthly rate authorized by that subsection for each day of the performance of duties described in that subsection.".

(b) Limitation.—Subsection (d) of such section, as redesignated by subsection (a)(2) of this section, is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following new paragraph:

"(2) Of the number of officers in the Selected Reserve of the Ready Reserve of an armed force who are not on active duty (other than for training), not more than 5 percent of the number of such officers in each of the pay grades O–3 and below, and not more than 10 percent of the number of such officers in pay grade O–4, O–5, or O–6, may be paid special pay under subsection (b).".

SEC. 616. ASSIGNMENT INCENTIVE PAY FOR SERVICE IN KOREA.

(a) Authority.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 307a the following new section:

"§ 307b. Special pay: Korea service incentive pay

"(a) Authority.—The Secretary concerned shall pay monthly incentive pay under this section to a member of a uniformed service for the period that the member performs service in Korea while entitled to basic pay.

"(b) Rate.—The monthly rate of incentive pay payable to a member under this section is $100.

"(c) Relationship to Other Pay and Allowances.—Incentive pay paid to a member under this section is in addition to any other pay and allowances to which the member is entitled.

"(d) Status Not Affected by Temporary Duty or Leave.—The service of a member in an assignment referred to in subsection (a) shall not be considered discontinued during any period that the member is not performing service in the assignment by reason of temporary duty performed by the member pursuant to orders or absence of the member for authorized leave.

"(e) Termination of Authority.—Special pay may not be paid under this section for months beginning after December 31, 2005.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 307a the following new item:

"307b. Special pay: Korea service incentive pay.".

(b) Effective Date.—Section 307(b) of title 37, United States Code (as added by subsection (a)), shall take effect on October 1, 2003.

SEC. 617. INCREASED MAXIMUM AMOUNT OF REENLISTMENT BONUS FOR ACTIVE MEMBERS.

(a) Maximum Amount.—Section 308(a)(2)(B) of title 37, United States Code, is amended by striking "$60,000" and inserting "$70,000".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2003, and shall apply with respect to reenlistments and extensions of enlistments that take effect on or after that date.

SEC. 618. PAYMENT OF SELECTED RESERVE REENLISTMENT BONUS TO MEMBERS OF SELECTED RESERVE WHO ARE MOBILIZED.

Section 308b of title 37, United States Code, is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) Payment to Mobilized Members.—In the case of a member entitled to a bonus under this section who is called or ordered to active duty, any amount of such bonus that is payable to the member during the period of active duty of the member shall be paid the member during that period of active duty without regard to the fact that the member is serving on active duty pursuant to such call or order to active duty.".

SEC. 619. INCREASED RATE OF HOSTILE FIRE AND IMMINENT DANGER SPECIAL PAY.

(a) Rate.—Section 310(a) of title 37, United States Code, is amended by striking "$150" and inserting "$225".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2003.

SEC. 620. AVAILABILITY OF HOSTILE FIRE AND IMMINENT DANGER SPECIAL PAY FOR RESERVE COMPONENT MEMBERS ON INACTIVE DUTY.

(a) Expansion and Clarification of Current Law.—Section 310 of title 37, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by striking subsection (a) and inserting the following new subsections:

"(a) Eligibility and Special Pay Amount.—Under regulations prescribed by the Secretary of Defense, a member of a uniformed service may be paid special pay at the rate of $150 for any month in which—

"(1) the member was entitled to basic pay or compensation under section 204 or 206 of this title; and

"(2) the member—

"(A) was subject to hostile fire or explosion of hostile mines;

"(B) was on duty in an area in which the member was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period the member was on duty in the area, other members of the uniformed services were subject to hostile fire or explosion of hostile mines;

"(C) was killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action; or

"(D) was on duty in a foreign area in which the member was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions.

"(b) Continuation During Hospitalization.—A member covered by subsection (a)(2)(C) who is hospitalized for the treatment of the injury or wound may be paid special pay under this section for not more than three additional months during which the member is so hospitalized.".

(b) Clerical Amendments.—Such section is further amended—

(1) in subsection (c), as redesignated by subsection (a)(1), by inserting "Limitations and Administration.—" before "(1)"; and

(2) in subsection (d), as redesignated by subsection (a)(1), by inserting "Determinations of Fact.—" before "Any".

(c) Effective Date.—Subsections (a) and (b) of section 310 of title 37, United States Code, as added by subsection (a)(2), shall take effect as of September 11, 2001.

SEC. 621. EXPANSION OF OVERSEAS TOUR EXTENSION INCENTIVE PROGRAM TO OFFICERS.

(a) Special Pay or Bonus for Extending Overseas Tour of Duty.—(1) Subsections (a) and (b) of section 314 of title 37, United States Code, are amended by striking "an enlisted member" and inserting "a member".

(2)(A) The heading of such section is amended to read as follows:

"§ 314. Special pay or bonus: qualified members extending duty at designated locations overseas".

(B) The item relating to such section in the table of sections at the beginning of chapter 5 of such title is amended to read as follows:

"314. Special pay or bonus: qualified members extending duty at designated locations overseas.".

(b) Rest and Recuperative Absence in Lieu of Pay or Bonus.—(1) Subsection (a) of section 705 of title 10, United States Code, is amended by striking "an enlisted member" and inserting "a member".

(2)(A) The heading of such section is amended to read as follows:

"§ 705. Rest and recuperation absence: qualified members extending duty at designated locations overseas".

(B) The item relating to such section in the table of sections at the beginning of chapter 40 of such title is amended to read as follows:

"705. Rest and recuperation absence: qualified members extending duty at designated locations overseas.".

SEC. 622. ELIGIBILITY OF WARRANT OFFICERS FOR ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.

(a) Eligibility.—Section 324 of title 37, United States Code, is amended in subsections (a) and (f)(1) by inserting "or an appointment" after "commission".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2003.

SEC. 623. INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.

(a) In General.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 326. Incentive bonus: conversion to military occupational specialty to ease personnel shortage

"(a) Incentive Bonus Authorized.—The Secretary concerned may pay a bonus under this section to an eligible member of the armed forces who executes a written agreement to convert to, and serve for a period of not less than four years in, a military occupational specialty for which there is a shortage of trained and qualified personnel.

"(b) Eligible Members.—A member is eligible for a bonus under this section if—

"(1) the member is entitled to basic pay; and

"(2) at the time the agreement under subsection (a) is executed, the member is serving in—

"(A) pay grade E-6 with not more than 10 years of service computed under section 205 of this title; or

"(B) pay grade E–5 or below, regardless of years of service.

"(c) Amount and Payment of Bonus.—(1) A bonus under this section may not exceed $4,000.

"(2) A bonus payable under this section shall be disbursed in one lump sum when the member's conversion to the military occupational specialty is approved by the chief personnel officer of the member's armed force.

"(d) Relationship to Other Pay and Allowances.—A bonus paid to a member under this section is in addition to any other pay and allowances to which the member is entitled.

"(e) Repayment of Bonus.—(1) A member who receives a bonus for conversion to a military occupational specialty under this section and who, voluntarily or because of misconduct, fails to serve in such military occupational specialty for the period specified in the agreement shall refund to the United States an amount that bears the same ratio to the bonus amount paid to the member as the unserved part of such period bears to the total period agreed to be served.

"(2) An obligation to reimburse the United States imposed under paragraph (1) is, for all purposes, a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of the agreement for which a bonus was paid under this section shall not discharge the person signing such agreement from the debt arising under paragraph (1).

"(4) Under regulations prescribed pursuant to subsection (f), the Secretary concerned may waive, in whole or in part, a refund required under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"(f) Regulations.—The Secretaries concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.

"(g) Termination of Authority.—No agreement under this section may be entered into after December 31, 2006.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"326. Incentive bonus: conversion to military occupational specialty to ease personnel shortage.".

Subtitle C—Travel and Transportation Allowances

SEC. 631. SHIPMENT OF PRIVATELY OWNED MOTOR VEHICLE WITHIN CONTINENTAL UNITED STATES.

(a) Authority To Procure Contract for Transportation of Motor Vehicle.—Section 2634 of title 10, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) In the case of a member's change of permanent station described in subparagraph (A) or (B) of subsection (i)(1), the Secretary concerned may authorize the member to arrange for the shipment of the motor vehicle in lieu of transportation at the expense of the United States under this section. The Secretary concerned may pay the member a monetary allowance in lieu of transportation, as established under section 404(d)(1) of title 37, and the member shall be responsible for any transportation costs in excess of such allowance.".

(b) Allowance for Self-Procurement of Transportation of Motor Vehicle.—Section 406(b)(1)(B) of title 37, United States Code, is amended by adding at the end the following new sentence: "In the case of the transportation of a motor vehicle arranged by the member under section 2634(h) of title 10, the Secretary concerned may pay the member, upon presentation of proof of shipment, a monetary allowance in lieu of transportation, as established under section 404(d)(1) of this title.".

SEC. 632. PAYMENT OR REIMBURSEMENT OF STUDENT BAGGAGE STORAGE COSTS FOR DEPENDENT CHILDREN OF MEMBERS STATIONED OVERSEAS.

Section 430(b)(2) of title 37, United States Code, is amended in the first sentence by inserting before the period at the end the following: "or during a different period in the same fiscal year selected by the member".

SEC. 633. CONTRACTS FOR FULL REPLACEMENT VALUE FOR LOSS OR DAMAGE TO PERSONAL PROPERTY TRANSPORTED AT GOVERNMENT EXPENSE.

(a) Authority.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2636 the following new section:

"§ 2636a. Loss or damage to personal property transported at Government expense: full replacement value; deduction from amounts due carriers

"(a) Procurement of Coverage.—The Secretary of Defense may include in a contract for the transportation of baggage and household effects for members of the armed forces at Government expense a clause that requires the carrier under the contract to pay the full replacement value for loss or damage to the baggage or household effects transported under the contract.

"(b) Deduction Upon Failure of Carrier To Settle.—In the case of a loss or damage of baggage or household effects transported under a contract with a carrier that includes a clause described in subsection (a), the amount equal to the full replacement value for the baggage or household effects may be deducted from the amount owed by the United States to the carrier under the contract upon a failure of the carrier to settle a claim for such loss or total damage within a reasonable time. The amount so deducted shall be remitted to the claimant, notwithstanding section 2636 of this title.

"(c) Inapplicability of Related Limits.—The limitations on amounts of claims that may be settled under section 3721(b) of title 31 do not apply to a carrier's contractual obligation to pay full replacement value under this section.

"(d) Regulations.—The Secretary of Defense shall prescribe regulations for administering this section. The regulations shall include policies and procedures for validating and evaluating claims, validating proper claimants, and determining reasonable time for settlement.

"(e) Transportation Defined.—In this section, the terms 'transportation' and 'transport', with respect to baggage or household effects, includes packing, crating, drayage, temporary storage, and unpacking of the baggage or household effects.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2636 the following new item:

"2636a. Loss or damage to personal property transported at Government expense: full replacement value; deduction from amounts due carriers.".

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. SPECIAL RULE FOR COMPUTATION OF RETIRED PAY BASE FOR COMMANDERS OF COMBATANT COMMANDS.

(a) Treatment Equivalent to Chiefs of Service.—Subsection (i) of section 1406 of title 10, United States Code, is amended by inserting "as a commander of a unified or specified combatant command (as defined in section 161(c) of this title)," after "Chief of Service,".

(b) Conforming Amendment.—The heading for such subsection is amended by inserting "COMMANDERS OF COMBATANT COMMANDS," after "CHIEFS OF SERVICE,".

(c) Effective Date and Applicability.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to officers who first become entitled to retired pay under title 10, United States Code, on or after such date.

SEC. 642. SURVIVOR BENEFIT PLAN ANNUITIES FOR SURVIVING SPOUSES OF RESERVES NOT ELIGIBLE FOR RETIREMENT WHO DIE FROM A CAUSE INCURRED OR AGGRAVATED WHILE ON INACTIVE-DUTY TRAINING.

(a) Surviving Spouse Annuity.—Paragraph (1) of section 1448(f) of title 10, United States Code, is amended to read as follows:

"(1) Surviving spouse annuity.—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of—

"(A) a person who is eligible to provide a reserve-component annuity and who dies—

"(i) before being notified under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay; or

"(ii) during the 90-day period beginning on the date he receives notification under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay if he had not made an election under subsection (a)(2)(B) to participate in the Plan; or

"(B) a member of a reserve component not described in subparagraph (A) who dies from an injury or illness incurred or aggravated in the line of duty during inactive-duty training.".

(b) Conforming Amendment.—The heading for subsection (f) of section 1448 of such title is amended by inserting "or Before" after "Dying When".

(c) Effective Date.—The amendments made by this section shall take effect as of September 10, 2001, and shall apply with respect to performance of inactive-duty training (as defined in section 101(d) of title 10, United States Code) on or after that date.

SEC. 643. INCREASE IN DEATH GRATUITY PAYABLE WITH RESPECT TO DECEASED MEMBERS OF THE ARMED FORCES.

(a) Amount of Death Gratuity.—Section 1478(a) of title 10, United States Code, is amended by striking "$6,000" and inserting "$12,000".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as of September 11, 2001, and shall apply with respect to deaths occurring on or after that date.

Subtitle E—Other Matters

SEC. 651. RETENTION OF ACCUMULATED LEAVE.

(a) Higher Maximum Limitation Associated With Certain Service.—Section 701(f) of title 10, United States Code, is amended to read as follows:

"(f)(1) The Secretary of Defense may authorize a member eligible under paragraph (2) to retain 120 days' leave accumulated by the end of the fiscal year described in such paragraph.

"(2) Paragraph (1) applies to a member who—

"(A) during a fiscal year—

"(i) serves on active duty for a continuous period of at least 120 days in an area in which the member is entitled to special pay under section 310(a) of title 37; or

"(ii) is assigned to a deployable ship, to a mobile unit, to duty in support of a contingency operation, or to other duty designated for the purpose of this section; and

"(B) except for paragraph (1), would lose any accumulated leave in excess of 60 days at the end of the fiscal year.

"(3) Leave in excess of 60 days accumulated under this subsection is lost unless it is used by the member before the end of the third fiscal year after the fiscal year in which the service described in paragraph (2) terminated.".

(b) Savings Provisions.—Regulations in effect under subsection (f) of section 701 of title 10, United States Code, on the day before the date of the enactment of this Act shall remain in effect until revised or superseded by regulations prescribed to implement the authority under the amendment made by subsection (a).

(c) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2003.

TITLE VII—HEALTH CARE

SEC. 701. MEDICAL AND DENTAL SCREENING FOR MEMBERS OF SELECTED RESERVE UNITS ALERTED FOR MOBILIZATION.

Section 1074a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) At any time after the Secretary concerned notifies the commander of a unit of the Selected Reserve of the Ready Reserve that members of the unit are to be called or ordered to active duty under a provision of law referred to in section 101(a)(13)(B) in support of an operational mission or contingency operation during a national emergency or in time of war, the administering Secretaries may provide to each such member any medical and dental screening and care that is necessary to ensure that the member meets the applicable medical and dental standards for deployment.

"(2) A member provided medical or dental screening or care under paragraph (1) may not be charged for the screening or care.".

SEC. 702. TRICARE BENEFICIARY COUNSELING AND ASSISTANCE COORDINATORS FOR RESERVE COMPONENT BENEFICIARIES.

Section 1095e(a)(1) of title 10, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) designate for each of the TRICARE program regions at least one person (other than a person designated under subparagraph (A)) to serve full-time as a beneficiary counseling and assistance coordinator solely for members of the reserve components and their dependents who are beneficiaries under the TRICARE program; and".

SEC. 703. EXTENSION OF AUTHORITY TO ENTER INTO PERSONAL SERVICES CONTRACTS FOR HEALTH CARE SERVICES TO BE PERFORMED AT LOCATIONS OUTSIDE MEDICAL TREATMENT FACILITIES.

Section 1091(a)(2) of title 10, United States Code, is amended by striking "December 31, 2003" and inserting "December 31, 2008".

SEC. 704. DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND VALUATIONS AND CONTRIBUTIONS.

(a) Separate Periodic Actuarial Valuation for Single Uniformed Service.— Section 1115(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6) The Secretary of Defense may determine a single level dollar amount under subparagraph (A) or (B) of paragraph (1) for each or any of the participating uniformed services separately from the other participating uniformed services if the Secretary determines that a more accurate and appropriate actuarial valuation under such subparagraph would be achieved by doing so.".

(b) Associated Calculations of Payments Into the Fund.—Section 1116 of such title is amended—

(1) in subsection (a), by striking "the amount that" in the matter preceding paragraph (1) and inserting "the amount that, subject to subsection (b),";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) If an actuarial valuation referred to in paragraph (1) or (2) of subsection (a) has been calculated in a single level dollar amount for a participating uniformed service separately from the other participating uniformed services under section 1115(c)(6) of this title, the administering Secretary for the department in which such uniformed service is operating shall calculate the amount under such paragraph separately for such uniformed service. If the administering Secretary is not the Secretary of Defense, the administering Secretary shall notify the Secretary of Defense of the amount so calculated. To determine a single amount for the purpose of paragraph (1) or (2) of subsection (a), as the case may be, the Secretary of Defense shall aggregate the amount calculated under this subsection for a uniformed service for the purpose of such paragraph with the amount or amounts calculated (whether separately or otherwise) for the other uniformed services for the purpose of such paragraph.".

(c) Technical Correction.—Section 1115(c)(1)(B) of such title is amended by striking "and other than members" and inserting "(other than members"

(d) Conforming Amendment.—Subsections (a) and (c)(5) of section 1115 of such title are amended by striking "section 1116(b) of this title" and inserting section "1116(c) of this title".

SEC. 705. SURVEYS ON CONTINUED VIABILITY OF TRICARE STANDARD.

(a) Requirement for Surveys.—(1) The Secretary of Defense shall conduct surveys in the TRICARE Standard market areas in the continental United States to determine how many health care providers are accepting new patients under TRICARE Standard in each such market area.

(2) The Secretary shall carry out the surveys in at least 20 TRICARE market areas in the continental United States each fiscal year after fiscal year 2003 until all such market areas in the continental United States have been surveyed. The Secretary shall complete six of the fiscal year 2004 surveys not later than March 31, 2004.

(3) In prioritizing the market areas for the sequence in which market areas are to be surveyed under this subsection, the Secretary shall consult with representatives of TRICARE beneficiaries and health care providers to identify locations where TRICARE Standard beneficiaries are experiencing significant levels of access-to-care problems under TRICARE Standard and shall give a high priority to surveying health care providers in such areas.

(b) Supervision.—(1) The Secretary shall designate a senior official of the Department of Defense to take the actions necessary for achieving and maintaining participation of health care providers in TRICARE Standard in each TRICARE market area in a number that is adequate to ensure the viability of TRICARE Standard for TRICARE beneficiaries in that market area.

(2) The official designated under paragraph (1) shall have the following duties:

(A) To educate health care providers about TRICARE Standard.

(B) To encourage health care providers to accept patients under TRICARE Standard.

(C) To ensure that TRICARE beneficiaries have the information necessary to locate TRICARE Standard providers readily.

(D) To recommend adjustments in TRICARE Standard provider payment rates that the official considers necessary to ensure adequate availability of TRICARE Standard providers for TRICARE Standard beneficiaries.

(c) GAO Review.—(1) The Comptroller General shall, on an ongoing basis, review—

(A) the processes, procedures, and analysis used by the Department of Defense to determine the adequacy of the number of health care providers accepting TRICARE Standard beneficiaries as patients under TRICARE Standard in each TRICARE market area; and

(B) the actions taken by the Department of Defense to ensure ready access of TRICARE Standard beneficiaries to health care under TRICARE Standard in each TRICARE market area.

(2)(A) The Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a semiannual report on the results of the review under paragraph (1). The first semiannual report shall be submitted not later than June 30, 2004.

(B) The semiannual report under subparagraph (A) shall include the following:

(i) An analysis of the adequacy of the surveys under subsection (a).

(ii) The adequacy of existing statutory authority to address inadequate levels of participation by health care providers in TRICARE Standard.

(iii) Identification of policy-based obstacles to achieving adequacy of availability of TRICARE Standard health care in the TRICARE Standard market areas.

(iv) An assessment of the adequacy of Department of Defense education programs to inform health care providers about TRICARE Standard.

(v) An assessment of the adequacy of Department of Defense initiatives to encourage health care providers to accept patients under TRICARE Standard.

(vi) An assessment of the adequacy of information to TRICARE Standard beneficiaries to facilitate access by such beneficiaries to health care under TRICARE Standard.

(vii) Any need for adjustment of health care provider payment rates to attract participation in TRICARE Standard by appropriate numbers of health care providers.

(d) Definition.—In this section, the term "TRICARE Standard" means the option of the TRICARE program that is also known as the Civilian Health and Medical Program of the Uniformed Services, as defined in section 1072(4) of title 10, United States Code.

SEC. 706. ELIMINATION OF LIMITATION ON COVERED BENEFICIARIES' ELIGIBILITY TO RECEIVE HEALTH CARE SERVICES FROM FORMER PUBLIC HEALTH SERVICE TREATMENT FACILITIES.

Section 724(d) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1073 note) is amended by striking "who—" and all that follows through "(2) are enrolled" and inserting "who are enrolled".

SEC. 707. MODIFICATION OF STRUCTURE AND DUTIES OF DEPARTMENT OF VETERANS AFFAIRS-DEPARTMENT OF DEFENSE HEALTH EXECUTIVE COMMITTEE.

(a) In General.—Subsection (c) of section 8111 of title 38, United States Code, is amended to read as follows:

"(c) DOD–VA Joint Executive Committee.—(1) There is established an interagency committee to be known as the Department of Veterans Affairs-Department of Defense Joint Executive Committee (hereinafter in this section referred to as the 'Committee').

"(2) The Committee shall be composed of—

"(A) the Deputy Secretary of Veterans Affairs and such other officers and employees of the Department as the Secretary may designate; and

"(B) the Under Secretary of Defense for Personnel and Readiness and such other officers and employees of the Department of Defense as the Secretary of Defense may designate.

"(3)(A) The Deputy Secretary and the Under Secretary shall determine the size and structure of the Committee, except that the Committee shall have subordinate committees as follows:

"(i) A Health Executive Committee.

"(ii) A Benefits Executive Committee.

"(iii) Such other subordinate committees as the Deputy Secretary and the Under Secretary consider appropriate.

"(B) The Deputy Secretary and the Under Secretary shall establish the administrative and procedural guidelines for the operation of the Committee.

"(C) The two Departments shall supply staff and resources to the Committee in order to provide such administrative support and services for the Committee as are necessary for the efficient operation of the Committee.

"(4) The Committee shall recommend to the Secretaries strategic direction for the joint coordination and sharing of efforts between and within the two Departments under this section, and shall oversee implementation of such coordination and efforts.

"(5) In order to enable the Committee to make recommendations under paragraph (4) in its annual report under paragraph (6), the Committee shall—

"(A) review existing policies, procedures, and practices relating to the coordination and sharing of health care resources and other resources between the two Departments;

"(B) identify changes in policies, procedures, and practices that, in the judgment of the Committee, would promote mutually beneficial coordination, use, or exchange of use of services and health care resources and other resources of the two Departments in order to achieve the goal of improving the quality, efficiency, and effectiveness of the delivery of benefits and services to veterans, members of the Armed Forces, military retirees, and their families through an enhanced partnership between the two Departments;

"(C) identify and assess further opportunities for coordination and collaboration between the two Departments that, in the judgment of the Committee, would not adversely affect the range of services, the quality of care, or the established priorities for benefits provided by either Department;

"(D) review the plans of both agencies for the acquisition of additional health care resources and other resources, especially new facilities and major equipment and technology, in order to assess the potential effect of such plans on further opportunities for the coordination and sharing of such resources; and

"(E) review the implementation of activities designed to promote the coordination and sharing of health care resources and other resources between the two Departments.

"(6) The Committee shall submit to the Secretaries, and to Congress, each year a report containing such recommendations as the Committee considers appropriate, including recommendations in light of activities under paragraph (5).".

(b) Conforming Amendments.—Subsection (e)(1) of such section is amended by striking "subsection (c)(2)" and inserting "subsection (c)(4)".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2003, as if included in the amendments to section 8111 of title 38, United States Code, made by section 721 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2589), to which the amendments made by this section relate.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

SEC. 801. TEMPORARY EMERGENCY PROCUREMENT AUTHORITY TO FACILITATE DEFENSE AGAINST OR RECOVERY FROM TERRORISM OR NUCLEAR, BIOLOGICAL, CHEMICAL, OR RADIOLOGICAL ATTACK.

(a) Extension of Authority.—Section 836(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1192; 10 U.S.C. 2302 note) is amended by striking "fiscal year 2002 and 2003" and inserting "fiscal years 2002, 2003, 2004, and 2005".

(b) Expanded Scope.—Such section 836(a) is further amended—

(1) in paragraph (1), by striking "the defense against terrorism or biological or chemical attack" and inserting "defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack"; and

(2) in paragraph (2), by striking "the defense against terrorism or biological attack" and inserting "defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack".

(c) Conforming Amendment.—The heading for such section is amended to read as follows:

"SEC. 836. TEMPORARY EMERGENCY PROCUREMENT AUTHORITY TO FACILITATE DEFENSE AGAINST OR RECOVERY FROM TERRORISM OR NUCLEAR, BIOLOGICAL, CHEMICAL, OR RADIOLOGICAL ATTACK.".

SEC. 802. SPECIAL TEMPORARY CONTRACT CLOSEOUT AUTHORITY.

(a) Authority.—The Secretary of Defense may settle any financial account for a contract entered into by the Secretary or the Secretary of a military department before October 1, 1996, that is administratively complete if the financial account has an unreconciled balance, either positive or negative, that is less than $100,000.

(b) Finality of Decision.—A settlement under this section shall be final and conclusive upon the accounting officers of the United States.

(c) Regulations.—The Secretary of Defense shall prescribe regulations for the administration of the authority under this section.

(d) Termination of Authority.—A financial account may not be settled under this section after September 30, 2006.

SEC. 803. DEFENSE ACQUISITION PROGRAM MANAGEMENT FOR USE OF RADIO FREQUENCY SPECTRUM.

(a) Revision of Department of Defense Directive.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall revise and reissue Department of Defense Directive 4650.1, relating to management and use of the radio frequency spectrum, last issued on June 24, 1987, to update the procedures applicable to Department of Defense management and use of the radio frequency spectrum.

(b) Acquisition Program Requirements.—The Secretary of Defense shall—

(1) require that each military department or Defense Agency carrying out a program for the acquisition of a system that is to use the radio frequency spectrum consult with the official or board designated under subsection (c) on the usage of the spectrum by the system as early as practicable during the concept exploration and technology development phases of the acquisition program;

(2) prohibit the program from proceeding into system development and demonstration, or otherwise obtaining production or procuring any unit of the system, until—

(A) an evaluation of the proposed radio frequency spectrum usage by the system is completed in accordance with requirements prescribed by the Secretary; and

(B) the designated official or board reviews and approves the proposed usage of the spectrum by the system; and

(3) prescribe a procedure for waiving the prohibition imposed under paragraph (2) in any case in which it is determined necessary to do so in the national security interests of the United States.

(c) Designation of Official or Board.—The Secretary of Defense shall designate an appropriate official or board of the Department of Defense to perform the functions described for the official or board in subsection (b).

SEC. 804. NATIONAL SECURITY AGENCY MODERNIZATION PROGRAM.

(a) Responsibilities of Under Secretary of Defense for Acquisition, Technology, and Logistics.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall—

(1) direct and manage the acquisitions under the National Security Agency Modernization Program; and

(2) designate the projects under such program as major defense acquisition programs.

(b) Projects Comprising Program.—The National Security Agency Modernization Program includes the following projects of the National Security Agency:

(1) The Trailblazer project.

(2) The Groundbreaker project.

(3) Each cryptological mission management project.

(4) Each other project that—

(A) meets either of the dollar threshold requirements set forth in subsection (a)(2) of section 2430 of title 10, United States Code (as adjusted under subsection (b) of such section); and

(B) is determined by the Under Secretary of Defense for Acquisition, Technology, and Logistics as being a modernization project of the National Security Agency.

(c) Milestone Decision Authority.—(1) In the administration of subsection (a), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall exercise the milestone decision authority for—

(A) each major defense acquisition program under the National Security Agency Modernization Program, as designated under subsection (a)(2); and

(B) the acquisition of each major system under the National Security Agency Modernization Program, as described in subsection (d).

(2) The Under Secretary may not delegate the milestone decision authority to any other official before October 1, 2006.

(3) The Under Secretary may delegate the milestone decision authority to the Director of the National Security Agency at any time after the later of September 30, 2006, or the date on which the following conditions are satisfied:

(A) The Under Secretary has determined that the Director has implemented acquisition management policies, procedures, and practices that are sufficiently mature to ensure that National Security Agency acquisitions are conducted in a manner consistent with a sound, efficient acquisition enterprise.

(B) The Under Secretary has consulted with the Under Secretary of Defense for Intelligence and the Deputy Director of Central Intelligence for Community Management on the delegation.

(C) The Secretary of Defense has approved the delegation.

(D) The Under Secretary has transmitted to the Committees on Armed Services of the Senate and the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a notification of the intention to delegate the authority, together with a detailed discussion of the justification for the delegation of authority.

(d) Major System Defined.—In this section, the term "major system" means a system that meets either of the dollar threshold requirements set forth in paragraph (1) or (2) of subsection (a) of section 2302d of title 10, United States Code (as adjusted under subsection (c) of such section).

SEC. 805. QUALITY CONTROL IN PROCUREMENT OF AVIATION CRITICAL SAFETY ITEMS AND RELATED SERVICES.

(a) Quality Control Policy.—The Secretary of Defense shall prescribe a quality control policy for the procurement of aviation critical safety items and the procurement of modifications, repair, and overhaul of such items.

(b) Content of Policy.—The policy shall include the following requirements:

(1) That the head of the design control activity for aviation critical safety items establish processes to identify and manage aviation critical safety items and modifications, repair, and overhaul of such items.

(2) That the head of the contracting activity for an aviation critical safety item enter into a contract for such item only with a source approved by the design control activity in accordance with section 2319 of title 10, United States Code.

(3) That the aviation critical safety items delivered, and the services performed with respect to aviation critical safety items, meet all technical and quality requirements specified by the design control activity, except for any requirement determined unnecessary by the Secretary of Defense in writing.

(c) Definitions.—In this section, the terms "aviation critical safety item" and "design control activity" have the meanings given such terms in section 2319(g) of title 10, United States Code, as amended by subsection (d).

(d) Conforming Amendment to Title 10.—Section 2319 of title 10, United States Code, is amended—

(1) in subsection (c)(3), by inserting after "the contracting officer" the following: "(or, in the case of a contract for the procurement of an aviation critical item, the head of the design control activity for such item)"; and

(2) by adding at the end the following new subsection:

"(g) Definitions.—In this section:

"(1) The term 'aviation critical safety item' means a part, an assembly, installation equipment, launch equipment, recovery equipment, or support equipment for an aircraft or aviation weapon system if the part, assembly, or equipment contains a characteristic, any failure, malfunction, or absence of which could cause a catastrophic or critical failure resulting in the loss of or serious damage to the aircraft or weapon system, an unacceptable risk of personal injury or loss of life, an uncommanded engine shutdown that jeopardizes safety, or the failure of a military mission.

"(2) The term 'design control activity', with respect to an aviation critical safety item, means the systems command of a military department that is specifically responsible for ensuring the airworthiness of an aviation system or equipment in which the item is to be used.".

Subtitle B—Procurement of Services

SEC. 811. EXPANSION AND EXTENSION OF INCENTIVE FOR USE OF PERFORMANCE-BASED CONTRACTS IN PROCUREMENTS OF SERVICES.

(a) Increased Maximum Amount of Procurement Eligible for Commercial Items Treatment.—Paragraph (1)(A) of section 821(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–218; 10 U.S.C. 2302 note) is amended by striking "$5,000,000" and inserting '$10,000,000".

(b) Extension of Authority.—Paragraph (4) of such section 821(b) is amended by striking "more than 3 years after the date of the enactment of this Act" and inserting "after October 30, 2006".

SEC. 812. PUBLIC-PRIVATE COMPETITIONS FOR THE PERFORMANCE OF DEPARTMENT OF DEFENSE FUNCTIONS.-

(a) Pilot Program for Best Value Source Selection for the Performance of Information Technology Services.—

(1) Authority.—The Secretary of Defense may carry out a pilot program for use of a best value criterion in the selection of sources for performance of information technology services for the Department of Defense.

(2) Conversion to Private Sector Performance.—(A) Under the pilot program, an analysis of the performance of an information technology services function for the Department of Defense under section 2461(b)(3) of title 10, United States Code, shall include an examination of the performance of the function by Department of Defense civilian employees and by one or more private contractors to demonstrate whether change to performance by the private sector will result in the best value to the Government over the life of the contract, including in the examination the following:

(i) The cost to the Government, estimated by the Secretary of Defense (based on offers received), for performance of the function by the private sector.

(ii) The estimated cost to the Government of Department of Defense civilian employees performing the function.

(iii) Benefits in addition to price that warrant performance of the function by a particular source at a cost higher than that of performance by Department of Defense civilian employees.

(iv) In addition to the cost referred to in clause (i), an estimate of all other costs and expenditures that the Government would incur because of the award of such a contract.

(B) Under the pilot program, subparagraph (A) of such section 2461(b)(3) shall not apply to an analysis of the performance of an information technology services function for the Department of Defense.

(3) CONTRACTING FOR INFORMATION TECHNOLOGY SERVICES.—(A) Under the pilot program, except as otherwise provided by law, the Secretary shall procure information technology services necessary for or beneficial to the accomplishment of the authorized functions of the Department of Defense (other than functions which the Secretary of Defense determines must be performed by military or Government personnel) from a source in the private sector if performance by that source represents the best value to the United States, determined in accordance with the competition requirements of Office of Management and Budget Circular A–76.

(B) Under the pilot program, section 2462(a) of title 10, United States Code, shall not apply to a procurement described in paragraph (1).

(4) DURATION OF PILOT PROGRAM.—(A) The period for which the pilot program may be carried out under this subsection shall be fiscal years 2004 through 2008.

(B) An analysis commenced under the pilot program in accordance with paragraph (2), and a procurement for which a solicitation has been issued in accordance with paragraph (3), before the end of the pilot program period may be continued in accordance with paragraph (2) or (3), respectively, after the end of such period.

(5) GAO REVIEW.—(A) The Comptroller General shall review the administration of any pilot program carried out under this subsection to assess the extent to which the program is effective and is equitable for the potential public sources and the potential private sources of information technology services for the Department of Defense.

(B) Not later than February 1, 2008, the Comptroller General shall submit to the congressional defense committees a report on the review of the program under subparagraph (A). The report shall include the Comptroller General's assessment of the matters required under that subparagraph and any other conclusions resulting from the review.

(6) INFORMATION TECHNOLOGY SERVICES DEFINED.—In this subsection, the term "information technology service" means any service performed in the operation or maintenance of information technology (as defined in section 11101 of title 40, United States Code).

(b) RESOURCES-BASED SCHEDULES FOR COMPLETION OF PUBLIC-PRIVATE COMPETITIONS.—

(1) APPLICATION OF TIMEFRAMES.—Any interim or final deadline or other schedule-related milestone for the completion of a Department of Defense public-private competition shall be established solely on the basis of considered research and sound analysis regarding the availability of sufficient personnel, training, and technical resources to the Department of Defense to carry out such competition in a timely manner.

(2) EXTENSION OF TIMEFRAMES.—Any interim or final deadline or other schedule-related milestone established (consistent with paragraph (1)) for the completion of a Department of Defense public-private competition shall be extended if the Department of Defense official responsible for managing the competition determines under procedures prescribed by the Secretary of Defense that the personnel, training, or technical resources available to the Department of Defense to carry out such competition timely are insufficient.

SEC. 813. AUTHORITY TO ENTER INTO PERSONAL SERVICES CONTRACTS.

(a) AUTHORITY.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2396 the following new section:

"§ 2397. Personal services: procurement by certain elements of the Department of Defense

"(a) AUTHORITY.—The head of an element of the Department of Defense referred to in subsection (b) may enter into a contract for the procurement of services described in section 3109 of title 5 that are necessary to carry out a mission of that element without regard to the limitations in such section if the head of that element determines in writing that the services to be procured are unique and that it would not be practicable to obtain such services by other means.

"(b) APPLICABILITY.—Subsection (a) applies to—

"(1) any element of the Department of Defense within the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)); and

"(2) the United States Special Operations Command, with respect to special operations activities described in paragraphs (1), (2), (3), and (4) of section 167(j) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2396 the following new item:

"2397. Personal services: procurement by certain elements of the Department of Defense.".

Subtitle C—Major Defense Acquisition Programs

SEC. 821. CERTAIN WEAPONS-RELATED PROTOTYPE PROJECTS.

(a) EXTENSION OF AUTHORITY.—Subsection (g) of section 845 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking "September 30, 2004" and inserting "September 30, 2007".

(b) INCREASED SCOPE OF AUTHORITY.—Subsection (a) of such section is amended by inserting before the period at the end the following: ", or to improvement of weapons or weapon systems in use by the Armed Forces".

(c) PILOT PROGRAM FOR TRANSITION TO FOLLOW-ON CONTRACTS.—Such section, as amended by subsection (a), is further amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) PILOT PROGRAM FOR TRANSITION TO FOLLOW-ON CONTRACTS.—(1) The Secretary of Defense is authorized to carry out a pilot program for follow-on contracting for the production of items or processes that are developed by nontraditional defense contractors under prototype projects carried out under this section.

"(2) Under the pilot program—

"(A) a qualifying contract for the procurement of such an item or process, or a qualifying subcontract under a contract for the procurement of such an item or process, may be treated as a contract or subcontract, respectively, for the procurement of commercial items, as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)); and

"(B) the item or process may be treated as an item or process, respectively, that is developed in part with Federal funds and in part at private expense for the purposes of section 2320 of title 10, United States Code.

"(3) For the purposes of the pilot program, a qualifying contract or subcontract is a contract or subcontract, respectively, with a nontraditional defense contractor that—

"(A) does not exceed $50,000,000; and

"(B) is either—

"(i) a firm, fixed-price contract or subcontract; or

"(ii) a fixed-price contract or subcontract with economic price adjustment.

"(4) The authority to conduct a pilot program under this subsection shall terminate on September 30, 2007. The termination of the authority shall not affect the validity of contracts or subcontracts that are awarded or modified during the period of the pilot program, without regard to whether the contracts or subcontracts are performed during the period.".

SEC. 822. APPLICABILITY OF CLINGER-COHEN ACT POLICIES AND REQUIREMENTS TO EQUIPMENT INTEGRAL TO A WEAPON OR WEAPON SYSTEM.

(a) IN GENERAL.—(1) Chapter 131 of title 10, United States Code, is amended by inserting after section 2223 the following:

"§ 2223a. Acquisition of equipment integral to a weapon or a weapon system: applicability of certain acquisition reform authorities and information technology-related requirements

"(a) BOARD OF SENIOR ACQUISITION OFFICIALS.—(1) The Secretary of Defense shall establish a board of senior acquisition officials to administer the implementation of the policies and requirements of chapter 113 of title 40 in procurements of information technology equipment determined by the Secretary as being an integral part of a weapon or a weapon system.

"(2) The Board shall be composed of the following officials:

"(A) Under Secretary of Defense for Acquisition, Technology, and Logistics, who shall be the Chairman.

"(B) The acquisition executive of each of the military departments.

"(C) The Chief Information Officer of the Department of Defense.

"(c) RESPONSIBILITIES OF BOARD.—The Board shall be responsible for ensuring that—

"(1) the acquisition of information technology equipment determined by the Secretary of Defense as being an integral part of a weapon or a weapon system is conducted in a manner that is consistent with the capital planning, investment control, and performance and results-based management processes and requirements provided under sections 11302, 11303, 11312, and 11313 of title 40, to the extent that such processes requirements are applicable to the acquisition of such equipment;

"(2) issues of spectrum availability, interoperability, and information security are appropriately addressed in the development of weapons and weapon systems; and

"(3) in the case of information technology equipment that is to be incorporated into a weapon or a weapon system under a major defense acquisition program, the information technology equipment is incorporated in a manner that is consistent with—

"(A) the planned approach to applying certain provisions of law to major defense acquisition programs following the evolutionary acquisition process that the Secretary of Defense reported to Congress under section 802 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2602);

"(B) the acquisition policies that apply to spiral development programs under section

803 of such Act (116 Stat. 2603; 10 U.S.C. 2430 note); and

"(C) the software acquisition processes of the military department or Defense Agency concerned under section 804 of such Act (116 Stat. 2604; 10 U.S.C. 2430 note).

"(d) INAPPLICABILITY OF OTHER LAWS.—The following provisions of law do not apply to information technology equipment that is determined by the Secretary of Defense as being an integral part of a weapon or a weapon system:

"(1) Section 11315 of title 40.

"(2) The policies and procedures established under section 11316 of title 40.

"(3) Subsections (d) and (e) of section 811 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-211), and the requirements and prohibitions that are imposed by Department of Defense Directive 5000.1 pursuant to subsections (b) and (c) of such section.

"(4) Section 351 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2516; 10 U.S.C. 221 note).

"(e) DEFINITIONS.—In this section:

"(1) The term 'acquisition executive', with respect to a military department, means the official who is designated as the senior procurement executive of the military department under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).

"(2) The term 'information technology' has the meaning given such term in section 11101 of title 40.

"(3) The term 'major defense acquisition program' has the meaning given such term in section 2430 of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2223 the following new item:

"2223a. Acquisition of equipment integral to a weapon or a weapon system: applicability of certain acquisition reform authorities and information technology-related requirements.".

(b) CONFORMING AMENDMENT.—Section 2223 of such title is amended by adding at the end the following new subsection:

"(c) EQUIPMENT INTEGRAL TO A WEAPON OR WEAPON SYSTEM.—(1) In the case of information technology equipment determined by the Secretary of Defense as being an integral part of a weapon or a weapon system, the responsibilities under this section shall be performed by the board of senior acquisition officials established pursuant to section 2223a of this title.

"(2) In this subsection, the term 'information technology' has the meaning given such term in section 11101 of title 40.".

SEC. 823. APPLICABILITY OF REQUIREMENT FOR REPORTS ON MATURITY OF TECHNOLOGY AT INITIATION OF MAJOR DEFENSE ACQUISITION PROGRAMS.

Section 804(a) of the National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-107; 115 Stat. 1180) is amended by striking ", as in effect on the date of enactment of this Act," and inserting "(as in effect on the date of the enactment of this Act), and the corresponding provision of any successor to such Instruction,".

Subtitle D—Domestic Source Requirements

SEC. 831. EXCEPTIONS TO BERRY AMENDMENT FOR CONTINGENCY OPERATIONS AND OTHER URGENT SITUATIONS.

Section 2533a(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting "or contingency operations" after "in support of combat operations"; and

(2) by adding at the end the following new paragraph:

"(4) Procurements for which the use of procedures other than competitive procedures has been approved on the basis of section 2304(c)(2) of this title, relating to unusual and compelling urgency of need.".

SEC. 832. INAPPLICABILITY OF BERRY AMENDMENT TO PROCUREMENTS OF WASTE AND BYPRODUCTS OF COTTON AND WOOL FIBER FOR USE IN THE PRODUCTION OF PROPELLANTS AND EXPLOSIVES.

Section 2533a(f) of title 10, United States Code, is amended—

(1) by striking "(f) EXCEPTION" and all that follows through "the procurement of" and inserting the following:

"(f) EXCEPTIONS FOR CERTAIN OTHER COMMODITIES AND ITEMS.—Subsection (a) does not preclude the procurement of the following:

"(1)";

(2) by capitalizing the initial letter of the word following "(1)", as added by paragraph (1); and

(3) by adding at the end the following new paragraph:

"(2) Waste and byproducts of cotton and wool fiber for use in the production of propellants and explosives.".

SEC. 833. WAIVER AUTHORITY FOR DOMESTIC SOURCE OR CONTENT REQUIREMENTS.

(a) AUTHORITY.—Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2539c. Waiver of domestic source or content requirements

"(a) AUTHORITY.—Except as provided in subsection (f), the Secretary of Defense may waive the application of any domestic source requirement or domestic content requirement referred to in subsection (b) and thereby authorize the procurement of items that are grown, reprocessed, reused, produced, or manufactured—

"(1) in a foreign country that has a reciprocal defense procurement memorandum of understanding or agreement with the United States;

"(2) in a foreign country that has a reciprocal defense procurement memorandum of understanding or agreement with the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a reciprocal defense procurement memorandum of understanding or agreement with the United States; or

"(3) in the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a reciprocal defense procurement memorandum of understanding or agreement with the United States.

"(b) COVERED REQUIREMENTS.—For purposes of this section:

"(1) A domestic source requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States or by a manufacturer that is a part of the national technology and industrial base (as defined in section 2500(1) of this title).

"(2) A domestic content requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item produced or manufactured partly or wholly from components and materials grown, reprocessed, reused, produced, or manufactured in the United States.

"(c) APPLICABILITY.—The authority of the Secretary to waive the application of a domestic source or content requirements under subsection (a) applies to the procurement of items for which the Secretary of Defense determines that—

"(1) application of the requirement would impede the reciprocal procurement of defense items under a memorandum of understanding providing for reciprocal procurement of defense items between a foreign country and the United States in accordance with section 2531 of this title; and

"(2) such country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

"(d) LIMITATION ON DELEGATION.—The authority of the Secretary to waive the application of domestic source or content requirements under subsection (a) may not be delegated to any officer or employee other than the Under Secretary of Defense for Acquisition, Technology and Logistics.

"(e) CONSULTATIONS.—The Secretary may grant a waiver of the application of a domestic source or content requirement under subsection (a) only after consultation with the United States Trade Representative, the Secretary of Commerce, and the Secretary of State.

"(f) LAWS NOT WAIVABLE.—The Secretary of Defense may not exercise the authority under subsection (a) to waive any domestic source or content requirement contained in any of the following laws:

"(1) The Small Business Act (15 U.S.C. 631 et seq.).

"(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

"(3) Sections 7309 and 7310 of this title.

"(4) Section 2533a of this title.

"(g) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.

"(h) CONSTRUCTION WITH RESPECT TO LATER ENACTED LAWS.—This section may not be construed as being inapplicable to a domestic source requirement or domestic content requirement that is set forth in a law enacted after the enactment of this section solely on the basis of the later enactment.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2539b the following new item:

"2539c. Waiver of domestic source or content requirements.".

SEC. 834. BUY AMERICAN EXCEPTION FOR BALL BEARINGS AND ROLLER BEARINGS USED IN FOREIGN PRODUCTS.

Section 2534(a)(5) of title 10, United States Code, is amended by inserting before the period at the end the following: ", except ball bearings and roller bearings being procured for use in an end product manufactured by a manufacturer that does not satisfy the requirements of subsection (b) or in a component part manufactured by such a manufacturer".

Subtitle E—Defense Acquisition and Support Workforce

SEC. 841. FLEXIBILITY FOR MANAGEMENT OF THE DEFENSE ACQUISITION AND SUPPORT WORKFORCE.

(a) Management Structure.—(1) Sections 1703, 1705, 1706, and 1707 of title 10, United States Code, are repealed.

(2) Section 1724(d) of such title is amended—

(A) in the first sentence, by striking "The acquisition career program board concerned" and all that follows through "if the board certifies" and inserting "The Secretary of Defense may waive any or all of the requirements of subsections (a) and (b) with respect to an employee of the Department of Defense or member of the armed forces if the Secretary determines";

(B) in the second sentence, by striking "the board" and inserting "the Secretary"; and

(C) by striking the third sentence.

(3) Section 1732(b) of such title is amended—

(A) in paragraph (1)(C), by striking ", as validated by the appropriate career program management board"; and

(B) in paragraph (2)(A)(ii), by striking "has been certified by the acquisition career program board of the employing military department as possessing" and inserting "possess".

(4) Section 1732(d) of such title is amended—

(A) in paragraph (1)—

(i) in the first sentence, by striking "the acquisition career program board of a military department" and all that follows through "if the board certifies" and inserting "The Secretary of Defense may waive any or all of the requirements of subsection (b) with respect to an employee if the Secretary determines";

(ii) in the second sentence, by striking "the board" and inserting "the Secretary"; and

(iii) by striking the third sentence; and

(B) in paragraph (2), by striking "The acquisition career program board of a military department" and inserting "The Secretary".

(5) Section 1734(d) of such title is amended—

(A) in subsection (d)—

(i) by striking paragraph (2); and

(ii) in paragraph (3), by striking the second sentence; and

(B) in subsection (e)(2), by striking ", by the acquisition career program board of the department concerned,".

(6) Section 1737(c) of such title is amended—

(A) by striking paragraph (2); and

(B) by striking "(1) The Secretary" and inserting "The Secretary".

(b) Elimination of Role of Office of Personnel Management.—(1) Section 1725 of such title is repealed.

(2) Section 1731 of such title is amended by striking subsection (c).

(3) Section 1732(c)(2) of such title is amended by striking the second and third sentences.

(4) Section 1734(g) of such title is amended—

(A) by striking paragraph (2); and

(B) in paragraph (1) by striking "(1) The Secretary" and inserting "The Secretary".

(5) Section 1737 of such title is amended by striking subsection (d).

(6) Section 1744(c)(3)(A)(i) of such title is amended by striking "and such other requirements as the Office of Personnel Management may prescribe".

(c) Single Acquisition Corps.—(1) Section 1731 of such title is amended—

(A) in subsection (a)—

(i) by striking "each of the military departments and one or more Corps, as he considers appropriate, for the other components of" in the first sentence; and

(ii) by striking the second sentence; and

(B) in subsection (b), by striking "an Acquisition Corps" and inserting "the Acquisition Corps".

(2) Sections 1732(a), 1732(e)(1), 1732(e)(2), 1733(a), 1734(e)(1), and 1737(a)(1) of such title are amended by striking "an Acquisition Corps" and inserting "the Acquisition Corps".

(3) Section 1734 of such title is amended—

(A) in subsection (g), by striking "each Acquisition Corps, a test program in which members of a Corps" and inserting "the Acquisition Corps, a test program in which members of the Corps"; and

(B) in subsection (h), by striking "making assignments of civilian and military members of the Acquisition Corps of that military department" and inserting "making assignments of civilian and military personnel of that military department who are members of the Acquisition Corps".

(d) Consolidation of Certain Education and Training Program Requirements.—(1) Section 1742 of such title is amended to read as follows:

"§ 1742. Internship, cooperative education, and scholarship programs

"The Secretary of Defense shall conduct the following education and training programs:

"(1) An intern program for purposes of providing highly qualified and talented individuals an opportunity for accelerated promotions, career broadening assignments, and specified training to prepare them for entry into the Acquisition Corps.

"(2) A cooperative education credit program under which the Secretary arranges, through cooperative arrangements entered into with one or more accredited institutions of higher education, for such institutions to grant undergraduate credit for work performed by students who are employed by the Department of Defense in acquisition positions.

"(3) A scholarship program for the purpose of qualifying personnel for acquisition positions in the Department of Defense.".

(2) Sections 1743 and 1744 of such title are repealed.

(e) General Management Provisions.—Subchapter V of chapter 87 of such title is amended—

(1) by striking section 1763; and

(2) by adding at the end the following new section 1764:

"§ 1764. Authority to establish different minimum requirements

"(a) Authority.—(1) The Secretary of Defense may prescribe a different minimum number of years of experience, different minimum education qualifications, and different tenure of service qualifications to be required for eligibility for appointment or advancement to an acquisition position referred to in subsection (b) than is required for such position under or pursuant to any provision of this chapter.

"(2) Any requirement prescribed under paragraph (1) for a position referred to in any paragraph of subsection (b) shall be applied uniformly to all positions referred to in such paragraph.

"(b) Applicability.—This section applies to the following acquisition positions in the Department of Defense:

"(1) Contracting officer, except a position referred to in paragraph (5).

"(2) Program executive officer.

"(3) Senior contracting official.

"(4) Program manager.

"(5) A position in the contract contingency force of an armed force that is filled by a member of that armed force.

"(c) Definition.—In this section, the term 'contract contingency force', with respect to an armed force, has the meaning given such term in regulations prescribed by the Secretary concerned.".

(f) Clerical Amendments.—(1) The table of sections at the beginning of subchapter I of chapter 87 of title 10, United States Code, is amended by striking the items relating to sections 1703, 1705, 1706, and 1707.

(2) The table of sections at the beginning of subchapter II of such chapter is amended by striking the item relating to section 1725.

(3) The table of sections at the beginning of subchapter IV of such chapter is amended by striking the items relating to sections 1742, 1743, and 1744 and inserting the following:

"1742. Internship, cooperative education, and scholarship programs.".

(3) The table of sections at the beginning of subchapter V of such chapter is amended by striking the item relating to section 1763 and inserting the following:

"1764. Authority to establish different minimum requirements.".

SEC. 842. LIMITATION AND REINVESTMENT AUTHORITY RELATING TO REDUCTION OF THE DEFENSE ACQUISITION AND SUPPORT WORKFORCE.

(a) Limitation.—Notwithstanding any other provision of law, the defense acquisition and support workforce may not be reduced, during fiscal years 2004, 2005, and 2006, below the level of that workforce as of September 30, 2002, determined on the basis of full-time equivalent positions, except as may be necessary to strengthen the defense acquisition and support workforce in higher priority positions in accordance with this section.

(b) Workforce Flexibility.—During fiscal years 2004, 2005, and 2006, the Secretary of Defense may realign any part of the defense acquisition and support workforce to support reinvestment in other, higher priority positions in such workforce.

(c) Higher Priority Positions.—For the purposes of this section, higher priority positions in the defense acquisition and support workforce include the following positions:

(1) Positions the responsibilities of which include drafting performance-based work statements for services contracts and overseeing the performance of contracts awarded pursuant to such work statements.

(2) Positions the responsibilities of which include conducting spending analyses, negotiating company-wide pricing agreements, and taking other measures to reduce contract costs.

(3) Positions the responsibilities of which include reviewing contractor quality control systems, assessing and analyzing quality deficiency reports, and taking other measures to improve product quality.

(4) Positions the responsibilities of which include effectively conducting public-private competitions in accordance with Office of Management and Budget Circular A-76.

(5) Any other positions in the defense acquisition and support workforce that the Secretary identifies as being higher priority positions that are staffed at levels not likely to ensure efficient and effective performance of all of the responsibilities of those positions.

(d) DEFENSE ACQUISITION AND SUPPORT WORKFORCE DEFINED.—In this section, the term "defense acquisition and support workforce" means members of the Armed Forces and civilian personnel who are assigned to, or are employed in, an organization of the Department of Defense that has acquisition as its predominant mission, as determined by the Secretary of Defense.

SEC. 843. CLARIFICATION AND REVISION OF AUTHORITY FOR DEMONSTRATION PROJECT RELATING TO CERTAIN ACQUISITION PERSONNEL MANAGEMENT POLICIES AND PROCEDURES.

Section 4308 of the National Defense Authorization Act for Fiscal Year 1996 (10 U.S.C. 1701 note) is amended—

(1) in subsection (b), by striking paragraph (3) and inserting the following:

"(3) CONDITIONS.—Paragraph (2) shall not apply with respect to a demonstration project unless—

"(A) for each organization or team participating in the demonstration project—

"(i) at least one-third of the workforce participating in the demonstration project consists of members of the acquisition workforce; and

"(ii) at least two-thirds of the workforce participating in the demonstration project consists of members of the acquisition workforce and supporting personnel assigned to work directly with the acquisition workforce; and

"(B) the demonstration project commences before October 1, 2007.";

(2) in subsection (d), by striking "95,000" in subsection (d) and inserting "120,000";

(3) by redesignating subsection (e) as subsection (f); and

(4) by inserting after subsection (d) the following:

"(e) EFFECT OF REORGANIZATIONS.—The applicability of paragraph (2) of subsection (b) to an organization or team shall not terminate by reason that the organization or team, after having satisfied the conditions in paragraph (3) of such subsection when it began to participate in a demonstration project under this section, ceases to meet one or both of the conditions set forth in subparagraph (A) of such paragraph (3) as a result of a reorganization, restructuring, realignment, consolidation, or other organizational change.".

Subtitle F—Federal Support for Procurement of Anti-Terrorism Technologies and Services by State and Local Governments

SEC. 851. APPLICATION OF INDEMNIFICATION AUTHORITY TO STATE AND LOCAL GOVERNMENT CONTRACTORS.

(a) AUTHORITY.—Subject to the limitations of subsection (b), the President may exercise the discretionary authority under Public Law 85–804 (50 U.S.C. 1431 et seq.) so as to provide under such law for indemnification of contractors and subcontractors in procurements by States or units of local government of an anti-terrorism technology or an anti-terrorism service for the purpose of preventing, detecting, identifying, otherwise deterring, or recovering from acts of terrorism.

(b) LIMITATIONS.—Any authority that is delegated by the President under subsection (a) to the head of a Federal agency to provide for the indemnification of contractors and subcontractors under Public Law 85–804 (50 U.S.C. 1431 et seq.) for procurements by States or units of local government may be exercised only—

(1) in the case of a procurement by a State or unit of local government that—

(A) is made under a contract awarded pursuant to section 852; and

(B) is approved, in writing, for the provision of indemnification by the President or the official designated by the President under section 852(a); and

(2) with respect to—

(A) amounts of losses or damages not fully covered by private liability insurance and State or local government-provided indemnification; and

(B) liabilities of a contractor or subcontractor not arising out of willful misconduct or lack of good faith on the part of the contractor or subcontractor, respectively.

SEC. 852. PROCUREMENTS OF ANTI-TERRORISM TECHNOLOGIES AND ANTI-TERRORISM SERVICES BY STATE AND LOCAL GOVERNMENTS THROUGH FEDERAL CONTRACTS.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF PROGRAM.—The President shall designate an officer or employee of the United States to establish, and the designated official shall establish, a program under which States and units of local government may procure through contracts entered into by the designated official anti-terrorism technologies or anti-terrorism services for the purpose of preventing, detecting, identifying, otherwise deterring, or recovering from acts of terrorism.

(2) DESIGNATED FEDERAL PROCUREMENT OFFICIAL FOR PROGRAM.—In this section, the officer or employee designated by the President under paragraph (1) shall be referred to as the "designated Federal procurement official".

(3) AUTHORITIES.—Under the program, the designated Federal procurement official may, but shall not be required to, award contracts using the same authorities as are provided to the Administrator of General Services under section 309(b)(3) of the Federal Property and Administrative Services Act (41 U.S.C. 259(b)(3)).

(4) OFFERS NOT REQUIRED TO STATE AND LOCAL GOVERNMENTS.—A contractor that sells anti-terrorism technology or anti-terrorism services to the Federal Government may not be required to offer such technology or services to a State or unit of local government under the program.

(b) RESPONSIBILITIES OF THE CONTRACTING OFFICIAL.—In carrying out the program established under this section, the designated Federal procurement official shall—

(1) produce and maintain a catalog of anti-terrorism technologies and anti-terrorism services suitable for procurement by States and units of local government under this program; and

(2) establish procedures in accordance with subsection (c) to address the procurement of anti-terrorism technologies and anti-terrorism services by States and units of local government under contracts awarded by the designated official.

(c) REQUIRED PROCEDURES.—The procedures required by subsection (b)(2) shall implement the following requirements and authorities:

(1) SUBMISSIONS BY STATES.—

(A) REQUESTS AND PAYMENTS.—Except as provided in subparagraph (B), each State desiring to participate in a procurement of anti-terrorism technologies or anti-terrorism services through a contract entered into by the designated Federal procurement official under this section shall submit to that official in such form and manner and at such times as such official prescribes, the following:

(i) REQUEST.—A request consisting of an enumeration of the technologies or services, respectively, that are desired by the State and units of local government within the State.

(ii) PAYMENT.—Advance payment for each requested technology or service in an amount determined by the designated official based on estimated or actual costs of the technology or service and administrative costs incurred by such official.

(B) OTHER CONTRACTS.—The designated Federal procurement official may award and designate contracts under which States and units of local government may procure anti-terrorism technologies and anti-terrorism services directly from the contractors. No indemnification may be provided under Public Law 85–804 pursuant to an exercise of authority under section 851 for procurements that are made directly between contractors and States or units of local government.

(2) PERMITTED CATALOG TECHNOLOGIES AND SERVICES.—A State may include in a request submitted under paragraph (1) only a technology or service listed in the catalog produced under subsection (b)(1).

(3) COORDINATION OF LOCAL REQUESTS WITHIN STATE.—The Governor of a State may establish such procedures as the Governor considers appropriate for administering and coordinating 'requests for anti-terrorism technologies or anti-terrorism services from units of local government within the State.

(4) SHIPMENT AND TRANSPORTATION COSTS.—A State requesting anti-terrorism technologies or anti-terrorism services shall be responsible for arranging and paying for any shipment or transportation of the technologies or services, respectively, to the State and localities within the State.

(d) REIMBURSEMENT OF ACTUAL COSTS.—In the case of a procurement made by or for a State or unit of local government under the procedures established under this section, the designated Federal procurement official shall require the State or unit of local government to reimburse the Department for the actual costs it has incurred for such procurement.

(e) TIME FOR IMPLEMENTATION.—The catalog and procedures required by subsection (b) of this section shall be completed as soon as practicable and no later than 210 days after the enactment of this Act.

SEC. 853. DEFINITIONS.

In this subtitle:

(1) ANTI-TERRORISM TECHNOLOGY AND SERVICE.—The terms "anti-terrorism technology" and "anti-terrorism service" mean any product, equipment, or device, including information technology, and any service, system integration, or other kind of service (including a support service), respectively, that is related to technology and is designed, developed, modified, or procured for the purpose of preventing, detecting, identifying, otherwise deterring, or recovering from acts of terrorism.

(2) INFORMATION TECHNOLOGY.—The term "information technology" has the meaning given such term in section 11101(6) of title 40, United States Code.

(3) STATE.—The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

(4) UNIT OF LOCAL GOVERNMENT.—The term "unit of local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State; an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior; or any agency of the District of Columbia Government or the United States Government performing law enforcement functions in and for the District of Columbia or the Trust Territory of the Pacific Islands.

Subtitle G—General Contracting Authorities, Procedures, and Limitations, and Other Matters

SEC. 861. LIMITED ACQUISITION AUTHORITY FOR COMMANDER OF UNITED STATES JOINT FORCES COMMAND.

Section 164 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) LIMITED ACQUISITION AUTHORITY FOR COMMANDER OF CERTAIN UNIFIED COMBATANT COMMAND.—(1) The Secretary of Defense shall delegate to the commander of the unified combatant command referred to in paragraph (2) authority of the Secretary under chapter 137 of this title sufficient to enable the commander to develop and acquire equipment described in paragraph (3). The exercise of authority so delegated is subject to the authority, direction, and control of the Secretary.

"(2) The commander to which authority is delegated under paragraph (1) is the commander of the unified combatant command that has the mission for joint warfighting experimentation, as assigned by the Secretary of Defense.

"(3) The equipment referred to in paragraph (1) is as follows:

"(A) Battlefield command, control, communications, and intelligence equipment.

"(B) Any other equipment that the commander referred to in that paragraph determines necessary and appropriate for—

"(i) facilitating the use of joint forces in military operations; or

"(ii) enhancing the interoperability of equipment used by the various components of joint forces on the battlefield.

"(4) The authority delegated under paragraph (1) does not apply to the development or acquisition of a system for which—

"(A) the total expenditure for research, development, test, and evaluation is estimated to be $10,000,000 or more; or

"(B) the total expenditure for procurement of the system is estimated to be $50,000,000 or more.

"(5) The commander of the unified combatant command referred to in paragraph (1) shall require the inspector general of the command to conduct internal audits and inspections of purchasing and contracting administered by the commander under the authority delegated under subsection (a).".

SEC. 862. OPERATIONAL TEST AND EVALUATION.

(a) LEADERSHIP AND DUTIES OF DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER.—(1) Subsection (b)(1) of section 196 of title 10, United States Code, is amended—

(A) by striking "on active duty. The Director" and inserting "on active duty or from among senior civilian officers and employees of the Department of Defense. A commissioned officer serving as the Director"; and

(B) by adding at the end the following: "A civilian officer or employee serving as the Director shall serve in a pay level equivalent in rank to lieutenant general.".

(2)(A) Subsection (c)(1)(B) of such section is amended by inserting after "Department of Defense" the following: "other than budgets and expenditures for activities described in section 139(i) of this title".

(B) Subsection (e)(1) of such section is amended—

(i) by striking ", the Director of Operational Test and Evaluation,"; and

(ii) by striking ", Director's".

(b) DEPLOYMENT BEFORE COMPLETION OF OT&E.—Section 806(c) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2607; 10 U.S.C. 2302 note) is amended by adding at the end the following new paragraph:

"(3) If items are deployed under the rapid acquisition and deployment procedures prescribed pursuant to this section, or under any other authority, before the completion of operational test and evaluation of the items, the Director of Operational Test and Evaluation shall have access to operational records and data relevant to such items in accordance with section 139(e)(3) of title 10, United States Code, for the purpose of completing operational test and evaluation of the items. The access to the operational records and data shall be provided in a time and manner determined by the Secretary of Defense consistent with requirements of operational security and other relevant operational requirements.".

SEC. 863. MULTIYEAR TASK AND DELIVERY ORDER CONTRACTS.

(a) REPEAL OF APPLICABILITY OF EXISTING AUTHORITY AND LIMITATIONS.—Section 2306c of title 10, United States Code, is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(b) MULTIYEAR CONTRACTING AUTHORITY.—Section 2304a of such title is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) MULTIYEAR CONTRACTS.—The head of an agency entering into a task or delivery order contract under this section may provide for the contract to cover any period up to five years and may extend the contract period for one or more successive periods pursuant to an option provided in the contract or a modification of the contract. In no event, however, may the total contract period as extended exceed eight years.".

SEC. 864. REPEAL OF REQUIREMENT FOR CONTRACTOR ASSURANCES REGARDING THE COMPLETENESS, ACCURACY, AND CONTRACTUAL SUFFICIENCY OF TECHNICAL DATA PROVIDED BY THE CONTRACTOR.

Section 2320(b) of title 10, United States Code, is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

SEC. 865. REESTABLISHMENT OF AUTHORITY FOR SHORT-TERM LEASES OF REAL OR PERSONAL PROPERTY ACROSS FISCAL YEARS.

(a) REESTABLISHMENT OF AUTHORITY.—Subsection (a) of section 2410a of title 10, United States Code, is amended—

(1) by inserting "(1)" before "The Secretary of Defense";

(2) by striking "for procurement of severable services" and inserting "for a purpose described in paragraph (2)"; and

(3) by adding at the end the following new paragraph:

"(2) The purpose of a contract described in this paragraph is as follows:

"(A) The procurement of severable services.

"(B) The lease of real or personal property, including the maintenance of such property when contracted for as part of the lease agreement.".

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§2410a. Contracts for periods crossing fiscal years: severable service contracts; leases of real or personal property".

(2) The table of sections at the beginning of chapter 141 of such title is amended by striking the item relating to section 2410a and inserting the following new item:

"2410a. Contracts for periods crossing fiscal years: severable service contracts: leases of real or personal property.".

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department Officers and Agencies

SEC. 901. CLARIFICATION OF RESPONSIBILITY OF MILITARY DEPARTMENTS TO SUPPORT COMBATANT COMMANDS.

Sections 3013(c)(4), 5013(c)(4), and 8013(3)(c)(4) of title 10, United States Code, are amended by striking "(to the maximum extent practicable)".

SEC. 902. REDESIGNATION OF NATIONAL IMAGERY AND MAPPING AGENCY AS NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) REDESIGNATION.—The National Imagery and Mapping Agency (NIMA) is hereby redesignated as the National Geospatial-Intelligence Agency (NGA).

(b) CONFORMING AMENDMENTS.—

(1) TITLE 10, UNITED STATES CODE.—(A) Chapter 22 of title 10, United States Code, is amended by striking "National Imagery and Mapping Agency" each place it appears (other than the penultimate place it appears in section 461(b) of such title) and inserting "National Geospatial-Intelligence Agency".

(B) Section 453(b) of such title is amended by striking "NIMA" each place it appears and inserting "NGA".

(C)(i) Subsection (b)(3) of section 424 of such title is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(ii) The heading for such section is amended to read as follows:

"§424. Disclosure of organizational and personnel information: exemption for Defense Intelligence Agency, National Reconnaissance Office, and National Geospatial Intelligence Agency".

(iii) The table of sections at the beginning of subchapter I of chapter 21 of such title is amended in the item relating to section 424 by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(D) Section 425(a) of such title is amended—

(i) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(ii) by inserting after paragraph (2) the following new paragraph (3):

"(3) The words 'National Geospatial-Intelligence Agency', the initials 'NGA', or the seal of the National Geospatial-Intelligence Agency.".

(E) Section 1614(2)(C) of such title is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(F)(i) The heading for chapter 22 of such title is amended to read as follows:

"CHAPTER 22—NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY".

(ii) The table of chapters at the beginning of subtitle A of such title, and at the beginning of part I of such subtitle, are each amended by striking the item relating to chapter 22 and inserting the following new item:

"22. National Geospatial-Intelligence Agency .... 441".

(2) NATIONAL SECURITY ACT OF 1947.—(A) Section 3(4)(E) of the National Security Act of 1947 (50 U.S.C. 401a(4)(E)) is amended by

striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(B) That Act is further amended by striking "National Imagery and Mapping Agency" each place it appears in sections 105, 105A, 105C, 106, and 110 (50 U.S.C. 403-5, 403-5a, 403-5c, 403-6, 404e) and inserting "National Geospatial-Intelligence Agency".

(C) Section 105C of that Act (50 U.S.C. 403-5c) is further amended—

(i) by striking "NIMA" each place it appears and inserting "NGA"; and

(ii) in subsection (a)(6)(B)(iv)(II), by striking "NIMA's" and inserting "NGA's".

(D) The heading for section 105C of that Act (50 U.S.C. 403-5c) is amended to read as follows:

"PROTECTION OF OPERATIONAL FILES OF THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY".

(E) The heading for section 110 of that Act (50 U.S.C. 404e) is amended to read as follows:

"NATIONAL MISSION OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY".

(F) The table of contents for that Act is amended—

(i) by striking the item relating to section 105C and inserting the following new item:

"Sec. 105C. Protection of operational files of the National Geospatial-Intelligence Agency."; and

(ii) by striking the item relating to section 110 and inserting the following new item:

"Sec. 110. National mission of National Geospatial-Intelligence Agency.".

(c) References.—Any reference to the National Imagery and Mapping Agency or NIMA in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the National Geospatial-Intelligence Agency or NGA, respectively.

(d) Matters Relating to Geospatial Intelligence.—(1) Section 442(a)(2) of title 10, United States Code, is amended by striking "Imagery, intelligence, and information" and inserting "Geospatial intelligence".

(2) Section 467 of such title is amended by adding at the end the following new paragraph:

"(5) The term 'geospatial intelligence' means the exploitation and analysis of imagery and geospatial information to describe, assess, and visually depict physical features and geographically referenced activities on the earth, and includes imagery, imagery intelligence, and geospatial information.".

(3) Section 110(a) of the National Security Act of 1947 (50 U.S.C. 404e(a)) is amended by striking "imagery requirements" and inserting "geospatial intelligence requirements".

SEC. 903. STANDARDS OF CONDUCT FOR MEMBERS OF THE DEFENSE POLICY BOARD AND THE DEFENSE SCIENCE BOARD.

(a) Standards Required.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall promulgate standards of conduct for members of the Defense Policy Board and the Defense Science Board. The purpose of the standards of conduct shall be to ensure public confidence in the Defense Policy Board and the Defense Science Board.

(b) Issues To Be Addressed.—The standards of conduct promulgated pursuant to subsection (a) shall address, at a minimum, the following:

(1) Conditions governing the access of Board members to classified information and other confidential information about the plans and operations of the Department of Defense and appropriate limitations on any use of such information for private gain.

(2) Guidelines for addressing conflicting financial interests and recusal from participation in matters affecting such interests.

(3) Guidelines regarding the lobbying of Department of Defense officials or other contacts with Department of Defense officials regarding matters in which Board members may have financial interests.

(c) Report to Congress.—The Secretary of Defense shall provide the Committees on Armed Services of the Senate and the House of Representatives with a copy of the standards of conduct promulgated pursuant to subsection (a) immediately upon promulgation of the standards.

Subtitle B—Space Activities

SEC. 911. COORDINATION OF SPACE SCIENCE AND TECHNOLOGY ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) Space Science and Technology Strategy.—(1) The Under Secretary of the Air Force, in consultation with the Director of Defense Research and Engineering, shall develop a space science and technology strategy and shall review and, as appropriate, revise the strategy annually.

(2) The strategy shall, at a minimum, address the following issues:

(A) Short-term and long-term goals of the space science and technology programs of the Department of Defense.

(B) The process for achieving the goals, including an implementation plan.

(C) The process for assessing progress made toward achieving the goals.

(3) Not later than March 15, 2004, the Under Secretary shall submit a report on the space science and technology strategy to the Committees on Armed Services of the Senate and the House of Representatives.

(b) Required Coordination.—In executing the space science and technology strategy, the directors of the research laboratories of the Department of Defense, the heads of other Department of Defense research components, and the heads of all other appropriate organizations identified jointly by the Under Secretary of the Air Force and the Director of Defense Research and Engineering—

(1) shall identify research laboratory projects that make contributions pertaining directly and uniquely to the development of space technology; and

(2) may execute the identified projects only with the concurrence of the Under Secretary of the Air Force.

(c) General Accounting Office Review.—(1) The Comptroller General shall review and assess the space science and technology strategy developed under subsection (a) and the effectiveness of the coordination process required under subsection (b).

(2) Not later than September 1, 2004, the Comptroller General shall submit a report containing the findings and assessment under paragraph (1) to the committees on Armed Services of the Senate and the House of Representatives.

(d) Definitions.—In this section:

(1) The term "research laboratory of the Department of Defense" means the following:

(A) The Air Force Research Laboratory.

(B) The Naval Research Laboratory.

(C) The Office of Naval Research.

(D) The Army Research Laboratory.

(2) The term "other Department of Defense research component" means the following:

(A) The Defense Advanced Research Projects Agency.

(B) The National Reconnaissance Office.

SEC. 912. SPACE PERSONNEL CADRE.

(a) Strategy Required.—(1) The Secretary of Defense shall develop a human capital resources strategy for space personnel of the Department of Defense.

(2) The strategy shall be designed to ensure that the space career fields of the military departments are integrated to the maximum extent practicable.

(b) Report.—Not later than February 1, 2004, the Secretary shall submit a report on the strategy to the Committees on Armed Services of the Senate and the House of Representatives. The report shall contain the following information:

(1) The strategy.

(2) An assessment of the progress made in integrating the space career fields of the military departments.

(3) A comprehensive assessment of the adequacy of the establishment of the Air Force officer career field for space under section 8084 of title 10, United States Code, as a solution for correcting deficiencies identified by the Commission To Assess United States National Security Space Management and Organization (established under section 1621 of Public Law 106-65; 113 Stat. 813; 10 U.S.C. 111 note).

(c) General Accounting Office Review.—(1) The Comptroller General shall review the strategy developed under subsection (a) the space career fields of the military departments and the plans of the military departments for developing space career fields. The review shall include an assessment of how effective the strategy and the space career fields and plans, when implemented, are likely to be for developing the necessary cadre of personnel who are expert in space systems development and space systems operations.

(2) Not later than June 15, 2004, the Comptroller General shall submit to the Committees referred to in subsection (a)(2) a report on the results of the review under paragraph (1), including the assessment required by such paragraph.

SEC. 913. POLICY REGARDING ASSURED ACCESS TO SPACE FOR UNITED STATES NATIONAL SECURITY PAYLOADS.

(a) Policy.—It is the policy of the United States for the President to undertake actions appropriate to ensure, to the maximum extent practicable, that the United States has the capabilities necessary to launch and insert United States national security payloads into space whenever such payloads are needed in space.

(b) Included Actions.—The appropriate actions referred to in subsection (a) shall include, at a minimum, providing resources and policy guidance to sustain—

(1) the availability of at least two space launch vehicles or families of space launch vehicles capable of delivering into space all payloads designated as national security payloads by the Secretary of Defense and the Director of Central Intelligence; and

(2) a robust space launch infrastructure and industrial base.

(c) Coordination.—The Secretary of Defense shall, to the maximum extent practicable, pursue the attainment of the capabilities described in subsection (a) in coordination with the Administrator of the National Space and Aeronautics Administration.

SEC. 914. PILOT PROGRAM TO PROVIDE SPACE SURVEILLANCE NETWORK SERVICES TO ENTITIES OUTSIDE THE UNITED STATES GOVERNMENT.

(a) Establishment.—The Secretary of Defense shall carry out a pilot program to provide eligible entities outside the Federal

Government with satellite tracking services using assets owned or controlled by the Department of Defense.

(b) Eligible Entities.—The Secretary shall prescribe the requirements for eligibility to obtain services under the pilot program. The requirements shall, at a minimum, provide eligibility for the following entities:

(1) The governments of States.

(2) The governments of political subdivisions of States.

(3) United States commercial entities.

(4) The governments of foreign countries.

(5) Foreign commercial entities.

(c) Sale of Services.—Services under the pilot program may be provided by sale, except in the case of services provided to a government described in paragraph (1) or (2) of subsection (b).

(d) Contractor Intermediaries.—Services under the pilot program may be provided either directly to an eligible entity or through a contractor of the United States or a contractor of an eligible entity.

(e) Satellite Data and Related Analyses.—The services provided under the pilot program may include satellite tracking data or any analysis of satellite data if the Secretary determines that it is in the national security interests of the United States for the services to include such data or analysis, respectively.

(f) Reimbursement of Costs.—The Secretary may require an entity purchasing services under the pilot program to reimburse the Department of Defense for the costs incurred by the Department in entering into the sale.

(g) Crediting to Charged Accounts.—(1) The proceeds of a sale of services under the pilot program, together with any amounts reimbursed under subsection (f) in connection with the sale, shall be credited to the appropriation for the fiscal year in which collected that is or corresponds to the appropriation charged the costs of such services.

(2) Amounts credited to an appropriation under paragraph (1) shall be merged with other sums in the appropriation and shall be available for the same period and the same purposes as the sums with which merged.

(h) Nontransferability Agreement.—The Secretary shall require a recipient of services under the pilot program to enter into an agreement not to transfer any data or technical information, including any analysis of satellite tracking data, to any other entity without the expressed approval of the Secretary.

(i) Prohibition Concerning Intelligence Assets or Data.—Services and information concerning, or derived from, United States intelligence assets or data may not be provided under the pilot program.

(j) Definitions.—In this section:

(1) The term "United States commercial entity" means an entity that is involved in commerce and is organized under laws of a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, or American Samoa.

(2) The term "foreign commercial entity" means an entity that is involved in commerce and is organized under laws of a foreign country.

(k) Duration of Pilot Program.—The pilot program under this section shall be conducted for three years beginning on a date designated by the Secretary of Defense, but not later than 180 days after the date of the enactment of this Act.

SEC. 915. CONTENT OF BIENNIAL GLOBAL POSITIONING SYSTEM REPORT.

(a) Revised Content.—Paragraph (1) of section 2281(d) of title 10, United States Code, is amended—

(1) by striking subparagraph (C);

(2) in subparagraph (E), by striking "Any progress made toward" and inserting "Progress and challenges in";

(3) by striking subparagraph (F), and inserting the following:

"(F) Progress and challenges in protecting GPS from jamming, disruption, and interference.";

(4) by redesignating subparagraphs (D), (E), and (F), as subparagraphs (C), (D), and (E), respectively; and

(5) by inserting after subparagraph (E), as so redesignated, the following new subparagraph (F):

"(F) Progress and challenges in developing the enhanced Global Positioning System required by section 218(b) of Public Law 105–261 (112 Stat. 1951; 10 U.S.C. 2281 note).".

(b) Conforming Amendment.—Paragraph (2) of such section 2281(d) is amended by inserting "(C)," after "under subparagraphs".

Subtitle C—Other Matters

SEC. 921. COMBATANT COMMANDER INITIATIVE FUND.

(a) Redesignation of CINC Initiative Fund.—(1) The CINC Initiative Fund administered under section 166a of title 10, United States Code, is redesignated as the "Combatant Commander Initiative Fund".

(2) Section 166a of title 10, United States Code, is amended—

(A) by striking the heading for subsection (a) and inserting "Combatant Commander Initiative Fund.—"; and

(B) by striking "CINC Initiative Fund" in subsections (a), (c), and (d), and inserting "Combatant Commander Initiative Fund".

(3) Any reference to the CINC Initiative Fund in any other provision of law or in any regulation, document, record, or other paper of the United States shall be considered to be a reference to the Combatant Commander Initiative Fund.

(b) Authorized Activities.—Subsection (b) of section 166a of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(10) Joint warfighting capabilities.".

(c) Increased Maximum Amounts Authorized for Use.—Subsection (e)(1) of such section is amended—

(1) in subparagraph (A), by striking "$7,000,000" and inserting "$15,000,000";

(2) in subparagraph (B), by striking "$1,000,000" and inserting "$10,000,000"; and

(3) in subparagraph (C), by striking "$2,000,000" and inserting "$10,000,000".

SEC. 922. AUTHORITY FOR THE MARINE CORPS UNIVERSITY TO AWARD THE DEGREE OF MASTER OF OPERATIONAL STUDIES.

Section 7102(b) of title 10, United States Code, is amended—

(1) by striking "Marine Corps War College.—" and inserting "Awarding of Degrees.—(1)"; and

(2) by adding at the end the following new paragraph:

"(2) Upon the recommendation of the Director and faculty of the Command and Staff College of the Marine Corps University, the President of the Marine Corps University may confer the degree of master of operational studies upon graduates of the School of Advanced Warfighting of the Command and Staff College who fulfill the requirements for that degree.".

SEC. 923. REPORT ON CHANGING ROLES OF UNITED STATES SPECIAL OPERATIONS COMMAND.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the changing roles of the United States Special Operations Command.

(b) Content of Report.—(1) The report shall specifically discuss in detail the following matters:

(A) The expanded role of the United States Special Operations Command in the global war on terrorism.

(B) The reorganization of the United States Special Operations Command to function as a supported combatant command for planning and executing operations.

(C) The role of the United States Special Operations Command as a supporting combatant command.

(2) The report shall also include, in addition to the matters discussed pursuant to paragraph (1), a discussion of the following matters:

(A) The military strategy to employ the United States Special Operations Command to fight the war on terrorism and how that strategy contributes to the overall national security strategy with regard to the global war on terrorism.

(B) The scope of the authority granted to the commander of the United States Special Operations Command to act as a supported commander and to prosecute the global war on terrorism.

(C) The operational and legal parameters within which the commander of the United States Special Operations Command is to exercise command authority in foreign countries when taking action against foreign and United States citizens engaged in terrorist activities.

(D) The decisionmaking procedures for authorizing, planning, and conducting individual missions, including procedures for consultation with Congress.

(E) The procedures for the commander of the United States Special Operations Command to use to coordinate with commanders of other combatant commands, especially geographic commands.

(F) Future organization plans and resource requirements for conducting the global counterterrorism mission.

(G) The impact of the changing role of the United States Special Operations Command on other special operations missions, including foreign internal defense, psychological operations, civil affairs, unconventional warfare, counterdrug activities, and humanitarian activities.

(c) Forms of Report.—The report shall be submitted in unclassified form and, as necessary, in classified form.

SEC. 924. INTEGRATION OF DEFENSE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE CAPABILITIES

(a) Findings.—Congress makes the following findings:

(1) As part of transformation efforts within the Department of Defense, each of the Armed Forces is developing intelligence, surveillance, and reconnaissance capabilities that best support future war fighting as envisioned by the leadership of the military department concerned.

(2) Concurrently, intelligence agencies of the Department of Defense outside the military departments are developing transformation roadmaps to best support the future decisionmaking and war fighting needs of their principal customers, but are not always closely coordinating those efforts with the intelligence, surveillance, and reconnaissance development efforts of the military departments.

(3) A senior official of each military department has been designated as the integrator of intelligence, surveillance, and reconnaissance for each of the Armed Forces in such military department, but there is not currently a well-defined forum where the integrators of intelligence, surveillance, and reconnaissance capabilities for each of the Armed Forces can routinely interact with each other and with senior representatives of Department of Defense intelligence agencies, as well as with other members of the intelligence community, to ensure unity of effort and to preclude unnecessary duplication of effort.

(4) The current funding structure of a National Foreign Intelligence Program (NFIP), Joint Military Intelligence Program (JMIP), and Tactical Intelligence and Related Activities Program (TIARA) might not be the best approach for supporting the development of an intelligence, surveillance, and reconnaissance structure that is integrated to meet the national security requirements of the United States in the 21st century.

(5) The position of Under Secretary of Defense for Intelligence was established in 2002 by Public Law 107–314 in order to facilitate resolution of the challenges to achieving an integrated intelligence, surveillance, and reconnaissance structure in the Department of Defense to meet such 21st century requirements.

(b) GOAL.—It shall be a goal of the Department of Defense to fully coordinate and integrate the intelligence, surveillance, and reconnaissance capabilities and developmental activities of the military departments, intelligence agencies of the Department of Defense, and relevant combatant commands as those departments, agencies, and commands transform their intelligence, surveillance, and reconnaissance systems to meet current and future needs.

(c) REQUIREMENT.—(1) The Under Secretary of Defense for Intelligence shall establish an Intelligence, Surveillance, and Reconnaissance Integration Council to provide a permanent forum for the discussion and arbitration of issues relating to the integration of intelligence, surveillance, and reconnaissance capabilities.

(2) The Council shall be composed of the senior intelligence officers of the Armed Forces and the United States Special Operations Command, the Director of Operations of the Joint Staff, and the directors of the intelligence agencies of the Department of Defense.

(3) The Under Secretary of Defense for Intelligence shall invite the participation of the Director of Central Intelligence or his representative in the proceedings of the Council.

(d) ISR INTEGRATION ROADMAP.—The Under Secretary of Defense for Intelligence, in consultation with the Intelligence, Surveillance, and Reconnaissance Integration Council and the Director of Central Intelligence, shall develop a comprehensive Defense Intelligence, Surveillance, and Reconnaissance Integration Roadmap to guide the development and integration of the Department of Defense intelligence, surveillance, and reconnaissance capabilities for 15 years.

(e) REPORT.—(1) Not later than September 30, 2004, the Under Secretary of Defense for Intelligence shall submit to the committees of Congress specified in paragraph (2) a report on the Defense Intelligence, Surveillance, and Reconnaissance Integration Roadmap developed under subsection (d). The report shall include the following matters:

(A) The fundamental goals established in the roadmap.

(B) An overview of the intelligence, surveillance, and reconnaissance integration activities of the military departments and the intelligence agencies of the Department of Defense.

(C) An investment strategy for achieving—

(i) an integration of Department of Defense intelligence, surveillance, and reconnaissance capabilities that ensures sustainment of needed tactical and operational efforts; and

(ii) efficient investment in new intelligence, surveillance, and reconnaissance capabilities.

(D) A discussion of how intelligence gathered and analyzed by the Department of Defense can enhance the role of the Department of Defense in fulfilling its homeland security responsibilities.

(E) A discussion of how counterintelligence activities of the Armed Forces and the Department of Defense intelligence agencies can be better integrated.

(F) Recommendations on how annual funding authorizations and appropriations can be optimally structured to best support the development of a fully integrated Department of Defense intelligence, surveillance, and reconnaissance architecture.

(2) The committees of Congress referred to in paragraph (1) are as follows:

(A) The Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 925. ESTABLISHMENT OF THE NATIONAL GUARD OF THE NORTHERN MARIANA ISLANDS.

(a) ESTABLISHMENT.—The Secretary of Defense may cooperate with the Governor of the Northern Mariana Islands to establish the National Guard of the Northern Mariana Islands, and may integrate into the Army National Guard of the United States and the Air National Guard of the United States the members of the National Guard of the Northern Mariana Islands who are granted Federal recognition under title 32, United States Code.

(b) AMENDMENTS TO TITLE 10.—(1) Section 101 of title 10, United States Code, is amended—

(A) in subsection (c), by inserting "the Northern Mariana Islands," after "Puerto Rico," in paragraphs (2) and (4); and

(B) in subsection (d)(5), by inserting "the Commonwealth of the Northern Mariana Islands," after "the Commonwealth of Puerto Rico,".

(2) Section 10001 of such title is amended by inserting "the Commonwealth of the Northern Mariana Islands," after "the Commonwealth of Puerto Rico,".

(c) AMENDMENTS TO TITLE 32.—Title 32, United States Code, is amended as follows:

(1) Section 101 is amended—

(A) in paragraphs (4) and (6), by inserting ", the Northern Mariana Islands," after "Puerto Rico"; and

(B) in paragraph (19), by inserting "the Commonwealth of the Northern Mariana Islands," after "the Commonwealth of Puerto Rico,".

(2) Section 103 is amended by inserting ", the Northern Mariana Islands," after "Puerto Rico".

(3) Section 104 is amended—

(A) in subsection (a), by striking "and Puerto Rico" and inserting ", Puerto Rico, and the Northern Mariana Islands"; and

(B) in subsections (c) and (d), by inserting ", the Northern Mariana Islands," after "Puerto Rico".

(4) Section 107(b) is amended by inserting ", the Northern Mariana Islands," after "Puerto Rico".

(5) Section 109 is amended by inserting "the Northern Mariana Islands" in subsections (a), (b), and (c) after "Puerto Rico,".

(6) Section 112(i)(3) is amended by inserting "the Commonwealth of the Northern Mariana Islands," after "the Commonwealth of Puerto Rico,".

(7) Section 304 is amended by inserting ", the Northern Mariana Islands," after "or of Puerto Rico" in the sentence following the oath.

(8) Section 314 is amended by inserting ", the Northern Mariana Islands," after "Puerto Rico" in subsections (a) and (d).

(9) Section 315 is amended by inserting ", the Northern Mariana Islands," after "Puerto Rico" each place it appears.

(10) Section 325(a) is amended by inserting ", the Northern Mariana Islands," after "Puerto Rico".

(11) Section 501(b) is amended by inserting ", the Northern Mariana Islands," after "Puerto Rico".

(12) Section 503(b) is amended by inserting ", the Northern Mariana Islands," after "Puerto Rico".

(13) Section 504(b) is amended by inserting ", the Northern Mariana Islands," after "Puerto Rico".

(14) Section 505 is amended by inserting "or the Northern Mariana Islands," after "Puerto Rico," in the first sentence.

(15) Section 509(l)(1) is amended by inserting "the Commonwealth of the Northern Mariana Islands," after "the Commonwealth of Puerto Rico,".

(16) Section 702 is amended—

(A) in subsection (a), by inserting ", or the Northern Mariana Islands," after "Puerto Rico"; and

(B) in subsections (b), (c), and (d), by inserting ", the Northern Mariana Islands," after "Puerto Rico".

(17) Section 703 is amended by inserting ", the Northern Mariana Islands," after "Puerto Rico" in subsections (a) and (b).

(18) Section 704 is amended by inserting ", the Northern Mariana Islands," after "Puerto Rico" in subsections (a) and (b).

(19) Section 708 is amended—

(A) in subsection (a), by striking "and Puerto Rico," and inserting "Puerto Rico, and the Northern Mariana Islands,"; and

(B) in subsection (d), by inserting ", the Northern Mariana Islands," after "Puerto Rico".

(20) Section 710 is amended by inserting ", the Northern Mariana Islands," after "Puerto Rico" each place it appears in subsections (c), (d)(3), (e), and (f)(1).

(21) Section 711 is amended by inserting ", the Northern Mariana Islands," after "Puerto Rico".

(22) Section 712(1) is amended by inserting ", the Northern Mariana Islands," after "Puerto Rico".

(23) Section 715(c) is amended by striking "or the District of Columbia or Puerto Rico," and inserting ", the District of Columbia, Puerto Rico, or the Northern Mariana Islands".

(d) AMENDMENTS TO TITLE 37.—Section 101 of title 37, United States Code, is amended by striking "the Canal Zone," in paragraphs (7) and (9) and inserting "the Northern Mariana Islands,".

(e) OTHER REFERENCES.—Any reference that is made in any other provision of law or in any regulation of the United States to a State, or to the Governor of a State, in relation to the National Guard (as defined in section 101(3) of title 32, United States Code) shall be considered to include a reference to the Commonwealth of the Northern Mariana Islands or to the Governor of the Northern Mariana Islands, respectively.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) Authority To Transfer Authorizations.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2004 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,000,000,000.

(b) Limitations.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) Effect on Authorization Amounts.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) Notice to Congress.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2004.

(a) Fiscal Year 2004 Limitation.—The total amount contributed by the Secretary of Defense in fiscal year 2004 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) Total Amount.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2003, of funds appropriated for fiscal years before fiscal year 2004 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) Authorized Amounts.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $853,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $207,125,000 for the Military Budget.

(d) Definitions.—For purposes of this section:

(1) Common-funded budgets of NATO.—The term "common-funded budgets of NATO" means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) Fiscal year 1998 baseline limitation.—The term "fiscal year 1998 baseline limitation" means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

SEC. 1003. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2003.

(a) DOD and DOE Authorizations.—Amounts authorized to be appropriated to the Department of Defense and the Department of Energy for fiscal year 2003 in the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased (by a supplemental appropriation) or decreased (by a rescission), or both, or are increased by a transfer of funds, pursuant to title I of Public Law 108–11.

(b) Report on Fiscal Year 2003 Transfers.—Not later than 30 days after the end of each fiscal quarter for which unexpended balances of funds appropriated under title I of Public Law 108–11 are available for the Department of Defense, the Secretary of Defense shall submit to the congressional defense committees a report stating, for each transfer of such funds during such fiscal quarter of an amount provided for the Department of Defense through a so-called "transfer account", including the Iraqi Freedom Fund or any other similar account—

(1) the amount of the transfer;

(2) the appropriation account to which the transfer was made; and

(3) the specific purpose for which the transferred funds were used or are to be used.

Subtitle B—Improvement of Travel Card Management

SEC. 1011. MANDATORY DISBURSEMENT OF TRAVEL ALLOWANCES DIRECTLY TO TRAVEL CARD CREDITORS.

Section 2784a(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "The Secretary of Defense may require" and inserting "The Secretary of Defense shall require";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Secretary of Defense may waive the requirement for a direct payment to a travel care issuer under paragraph (1) in any case in which it is determined under regulations prescribed by the Secretary that the direct payment would be against equity and good conscience or would be contrary to the best interests of the United States.".

SEC. 1012. DETERMINATIONS OF CREDITWORTHINESS FOR ISSUANCE OF DEFENSE TRAVEL CARD.

Section 2784a of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) Determinations of Creditworthiness for Issuance of Defense Travel Card.—(1) The Secretary of Defense shall require that the creditworthiness of an individual be evaluated before a Defense travel card is issued to the individual. The evaluation may include an examination of the individual's credit history in available credit records.

"(2) An individual may not be issued a Defense travel card if the individual is found not creditworthy as a result of the evaluation required under paragraph (1).".

SEC. 1013. DISCIPLINARY ACTIONS AND ASSESSING PENALTIES FOR MISUSE OF DEFENSE TRAVEL CARDS.

(a) Requirement for Guidance.—The Secretary of Defense shall prescribe guidelines and procedures for making determinations regarding the taking of disciplinary action, including assessment of penalties, against Department of Defense personnel for improper, fraudulent, or abusive use of Defense travel cards by such personnel.

(b) Actions Covered.—The disciplinary actions and penalties covered by the guidance and procedures prescribed under subsection (a) may include the following:

(1) Civil actions for false claims under sections 3729 through 3731 of title 31, United States Code.

(2) Administrative remedies for false claims and statements provided under chapter 38 of title 31, United States Code.

(3) In the case of civilian personnel, adverse personnel actions under chapter 75 of title 5, United States Code, and any other disciplinary actions available under law for employees of the United States.

(4) In the case of members of the Armed Forces, disciplinary actions and penalties under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

(c) Report.—Not later than February 1, 2004, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the guidelines and penalties prescribed under subsection (a). The report shall include the following:

(1) The guidelines and penalties.

(2) A discussion of the implementation of the guidelines and penalties.

(3) A discussion of any additional administrative action, or any recommended legislation, that the Secretary considers necessary to effectively take disciplinary action against and penalize Department of Defense personnel for improper, fraudulent, or abusive use of Defense travel cards by such personnel.

(d) Defense Travel Card Defined.—In this section, the term "Defense travel card" has the meaning given such term in section 2784a(d)(1) of title 10, United States Code.

Subtitle C—Reports

SEC. 1021. ELIMINATION AND REVISION OF VARIOUS REPORTING REQUIREMENTS APPLICABLE TO THE DEPARTMENT OF DEFENSE.

(a) Provisions of Title 10.—Title 10, United States Code, is amended as follows:

(1) Section 128 is amended by striking subsection (d).

(2) Section 437 is amended—

(A) by striking subsection (b); and

(B) in subsection (c)—

(i) by striking "and" at the end of paragraph (2);

(ii) by striking the period at the end of paragraph (3) and inserting "; and"; and

(iii) by adding at the end the following new paragraph:

"(4) a description of each corporation, partnership, and other legal entity that was established during such fiscal year.".

(3)(A) Section 520c is amended—

(i) by striking subsection (b);

(ii) by striking "(a) Provision of Meals and Refreshments."; and

(iii) by striking the heading for such section and inserting the following:

"§ 520c. Provision of meals and refreshments for recruiting purposes".

(B) The item relating to such section in the table of sections at the beginning of chapter 31 of such title is amended to read as follow:

"520c. Provision of meals and refreshments for recruiting purposes.".

(4) Section 986 is amended by striking subsection (e).

(5) Section 1060 is amended by striking subsection (d).

(6) Section 2212 is amended by striking subsections (d) and (e).

(7) Section 2224 is amended by striking subsection (e).

(8) Section 2255(b) is amended—

(A) by striking paragraph (2);

(B) by striking "(b) Exception.—(1)" and inserting "(b) Exception.—";

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(D) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively.

(9) Section 2323(i) is amended by striking paragraph (3).

(10) Section 2350a is amended by striking subsection (f).

(11) Section 2350b(d) is amended—

(A) by striking paragraphs (1) and (2) and inserting the following new paragraph:

"(1) Not later than 90 days after the end of each fiscal year in which the Secretary of Defense has authority delegated as described in subsection (a), the Secretary shall submit to Congress a report on the administration of such authority under this section. The report for a fiscal year shall include the following information:

"(A) Each prime contract that the Secretary required to be awarded to a particular prime contractor during such fiscal year, and each subcontract that the Secretary required be awarded to a particular subcontractor during such fiscal year, to comply with a cooperative agreement, together with the reasons that the Secretary exercised authority to designate a particular contractor or subcontractor, as the case may be.

"(B) Each exercise of the waiver authority under subsection (c) during such fiscal year, including the particular provision or provisions of law that were waived."; and

(B) by redesignating paragraph (3) as paragraph (2).

(12) Section 2371(h) is amended by adding at the end the following new paragraph:

"(3) No report is required under this section for fiscal years after fiscal year 2006.".

(13) Section 2515(d) is amended—

(A) by striking "Annual Report.—" and inserting "Biennial Report.—"; and

(B) in paragraph (1)—

(i) in the second sentence, by striking "each year" and inserting "each even-numbered year"; and

(ii) in the third sentence, by striking "during the fiscal year" and inserting "during the two fiscal years".

(14) Section 2541d is amended—

(A) by striking subsection (b); and

(B) by striking "(a) Report by Commercial Firms to Secretary of Defense.—".

(15) Section 2645(d) is amended—

(A) by striking "to Congress" and all that follows through "notification of the loss" in paragraph (1) and inserting "to Congress notification of the loss";

(B) by striking "loss; and" and inserting "loss."; and

(C) by striking paragraph (2).

(16) Section 2680 is amended by striking subsection (e).

(17) Section 2688(e) is amended to read as follows:

"(e) Quarterly Report.—(1) Not later than 30 days after the end of each quarter of a fiscal year, the Secretary shall submit to the congressional defense committees a report on the conveyances made under subsection (a) during such fiscal quarter. The report shall include, for each such conveyance, an economic analysis (based upon accepted life-cycle costing procedures approved by the Secretary of Defense) demonstrating that—

"(A) the long-term economic benefit of the conveyance to the United States exceeds the long-term economic cost of the conveyance to the United States; and

"(B) the conveyance will reduce the long-term costs of the United States for utility services provided by the utility system concerned.

"(2) In this section, the term 'congressional defense committees' means the following:

"(A) The Committee on Armed Services and the Committee on Appropriations of the Senate.

"(B) The Committee on Armed Services and the Committee on Appropriations of the House of Representatives.".

(18) Section 2807(b) is amended by striking "$500,000" and inserting "$1,000,000".

(19) Section 2827 is amended—

(A) by striking subsection (b); and

(B) by striking "(a) Subject to subsection (b), the Secretary" and inserting "The Secretary".

(20) Section 2902(g) is amended—

(A) by striking paragraph (2); and

(B) by striking "(g)(1)" and inserting "(g)".

(21) Section 9514 is amended—

(A) in subsection (c)—

(i) by striking "to Congress" and all that follows through "notification of the loss" in paragraph (1) and inserting "to Congress notification of the loss";

(ii) by striking "loss; and" and inserting "loss."; and

(iii) by striking paragraph (2); and

(B) by striking subsection (f).

(b) National Defense Authorization Act for Fiscal Years 1992 and 1993.—Section 734 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1411; 10 U.S.C. 1074 note) is amended by striking subsection (c).

(c) National Defense Authorization Act for Fiscal Year 1993.—Section 324 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2367; 10 U.S.C. 2701 note) is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking "(a) Sense of Congress.—".

(d) National Defense Authorization Act for Fiscal Year 1995.—Section 721 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2804; 10 U.S.C. 1074 note) is amended by striking subsection (h).

(e) National Defense Authorization Act for Fiscal Year 1997.—Section 324(c) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2480; 10 U.S.C. 2706 note) is amended by inserting "before 2006" after "submitted to Congress".

(f) Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.—The Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261) is amended—

(1) in section 745(e) (112 Stat. 2078; 10 U.S.C. 1071 note)—

(A) by striking paragraph (2); and

(B) by striking "TRICARE.—(1) The" and inserting "TRICARE.—The" ; and

(2) effective on January 1, 2004, by striking section 1223 (112 Stat. 2154; 22 U.S.C. 1928 note).

(g) National Defense Authorization Act for Fiscal Year 2000.—The National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) is amended—

(1) by striking section 1025 (113 Stat. 748; 10 U.S.C. 113 note);

(2) in section 1039 (113 Stat. 756; 10 U.S.C. 113 note), by striking subsection (b); and

(3) in section 1201 (113 Stat. 779; 10 U.S.C. 168 note) by striking subsection (d).

(h) Department of Defense and Emergency Supplemental Appropriations for Recovery From and Response to Terrorist Attacks on the United States Act, 2002.—Section 8009 of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–117; 115 Stat. 2249) is amended by striking ", and these obligations shall be reported to the Congress as of September 30 of each year".

SEC. 1022. GLOBAL STRIKE PLAN.

(a) Integrated Plan for Prompt Global Strike.—The Secretary of Defense shall prescribe an integrated plan for developing, deploying, and sustaining a prompt global strike capability in the Armed Forces. The Secretary shall update the plan annually.

(b) Reports Required.—(1) Not later than April 1 of each of 2004, 2005, and 2006, the Secretary shall submit to the congressional defense committees a report on the plan prescribed under subsection (a).

(2) Each report required under paragraph (1) shall include the following:

(A) A description and assessment of the targets against which long-range strike assets might be directed and the conditions under which the assets might be used.

(B) The role of, and plans for ensuring, sustainment and modernization of current long-range strike assets, including bombers, intercontinental ballistic missiles, and submarine launched ballistic missiles.

(C) A description of the capabilities desired for advanced long-range strike assets and plans to achieve those capabilities.

(D) A description of the capabilities desired for advanced conventional munitions and the plans to achieve those capabilities.

(E) An assessment of advanced nuclear concepts that could contribute to the prompt global strike mission.

(F) An assessment of the command, control, and communications capabilities necessary to support prompt global strike capabilities.

(G) An assessment of intelligence, surveillance, and reconnaissance capabilities necessary to support prompt global strike capabilities.

(H) A description of how prompt global strike capabilities are to be integrated with theater strike capabilities.

(I) An estimated schedule for achieving the desired prompt global strike capabilities.

(J) The estimated cost of achieving the desired prompt global strike capabilities.

(K) A description of ongoing and future studies necessary for updating the plan appropriately.

SEC. 1023. REPORT ON THE CONDUCT OF OPERATION IRAQI FREEDOM.

(a) Report Required.—(1) The Secretary of Defense shall summit to the congressional defense committees, not later than March 31, 2004, a report on the conduct of military operations under Operation Iraqi Freedom.

(2) The report shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff, the Commander of the United States Central Command, and such other officials as the Secretary considers appropriate.

(b) Content.—(1) The report shall include a discussion of the matters described in paragraph (2), with a particular emphasis on accomplishments and shortcomings and on near-term and long-term corrective actions to address the shortcomings.

(2) The matters to be discussed in the report are as follows:

(A) The military objectives of the international coalition conducting Operation Iraqi Freedom, the military strategy selected to achieve the objectives, and an assessment of the execution of the military strategy.

(B) The deployment process, including the adaptability of the process to unforeseen contingencies and changing requirements.

(C) The reserve component mobilization process, including the timeliness of notification, training, and subsequent demobilization.

(D) The use and performance of major items of United States military equipment, weapon systems, and munitions (including items classified under special access procedures and items drawn from prepositioned stocks) and any expected effects of the experience with the use and performance of those items on the doctrinal and tactical employment of such items and on plans for continuing the acquisition of such items.

(E) Any additional identified requirements for military equipment, weapon systems, and munitions, including mix and quantity for future contingencies.

(F) The effectiveness of joint air operations, including the doctrine for the employment of close air support in the varied environments of Operation Iraqi Freedom, and the effectiveness of attack helicopter operations.

(G) The use of special operations forces, including operational and intelligence uses.

(H) The scope of logistics support, including support from other nations.

(I) The incidents of accidental fratricide, together with a discussion of the effectiveness of the tracking of friendly forces and of the combat identification systems in mitigating friendly fire incidents.

(J) The adequacy of spectrum and bandwidth to transmit all necessary information to operational forces and assets, including unmanned aerial vehicles, ground vehicles, and individual soldiers.

(K) The effectiveness of information operations, including the effectiveness of Commando Solo and other psychological operations assets, in achieving established objectives, together with a description of technological and other restrictions on the use of psychological operations capabilities.

(L) The effectiveness of the reserve component forces used in Operation Iraqi Freedom.

(M) The adequacy of intelligence support to the warfighter before, during, and after combat operations, including the adequacy of such support to facilitate searches for weapons of mass destruction.

(N) The rapid insertion and integration, if any, of developmental but mission-essential equipment during all phases of the operation.

(O) The most critical lessons learned that could lead to long-term doctrinal, organizational, and technological changes, and the probable effects that an implementation of those changes would have on current visions, goals, and plans for transformation of the Armed Forces.

(c) Forms of Report.—The report shall be submitted in unclassified form, but may also be submitted in classified form if necessary.

SEC. 1024. REPORT ON MOBILIZATION OF THE RESERVES.

(a) Requirement for Report.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the mobilization of reserve component forces during fiscal years 2002 and 2003.

(b) Content.—The report under subsection (a) shall include, for the period covered by the report, the following information:

(1) The number of Reserves who were called or ordered to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

(2) The number of such Reserves who were called or ordered to active duty for one year or more, including any extensions on active duty.

(3) The military specialties of the Reserves counted under paragraph (2).

(4) The number of Reserves who were called or ordered to active duty more than once under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

(5) The military specialties of the Reserves counted under paragraph (4).

(6) The known effects on the reserve components, including the effects on recruitment and retention of personnel for the reserve components, that have resulted from—

(A) the calls and orders of Reserves to active duty; and

(B) the tempo of the service of the Reserves on the active duty to which called or ordered.

(7) The changes in the Armed Forces, including any changes in the allocation of roles and missions between the active components and the reserve components of the Armed Forces, that are envisioned by the Secretary of Defense on the basis of—

(A) the effects discussed under paragraph (6); or

(B) the experienced need for calling and ordering Reserves to active duty during the period.

(8) An assessment of how necessary it would be to call or order Reserves to active duty in the event of a war or contingency operation (as defined in section 101(a)(13) of title 10, United States Code) if such changes were implemented.

(9) On the basis of the experience of calling and ordering Reserves to active duty during the period, an assessment of the process for calling and ordering Reserves to active duty, preparing such Reserves for the active duty, processing the Reserves into the force upon entry onto active duty, and deploying the Reserves, including an assessment of the adequacy of the alert and notification process from the perspectives of the individual Reserves, reserve component units, and employers of Reserves.

Subtitle D—Other Matters

SEC. 1031. BLUE FORCES TRACKING INITIATIVE.

(a) Findings.—Congress makes the following findings:

(1) For military commanders, a principal purpose of technology is to enable the commanders to ascertain the location of the units in their commands in near real time.

(2) Each of the Armed Forces is developing and testing a variety of technologies for tracking friendly forces (known as "blue forces").

(3) Situational awareness of blue forces has been much improved since the 1991 Persian Gulf War, but blue forces tracking remains a complex problem characterized by information that is incomplete, not fully accurate, or untimely.

(4) Casualties in recent warfare have declined, but casualties associated with friendly fire incidents have remained relatively constant.

(5) Despite significant investment, a coordinated, interoperable plan for tracking blue forces throughout a United States or coalition forces theater of operations has not been developed.

(b) Goal.—It shall be a goal of the Department of Defense to fully coordinate the various efforts of the Joint Staff, the commanders of the combatant commands, and the military departments to develop an effective blue forces tracking system.

(c) Joint Blue Forces Tracking Experiment.—(1) The Secretary of Defense, through the Commander of the United States Joint Forces Command, shall carry out a joint experiment in fiscal year 2004 to demonstrate and evaluate available joint blue forces tracking technologies.

(2) The objectives of the experiment are as follows:

(A) To explore various options for tracking United States and other friendly forces during combat operations.

(B) To determine an optimal, achievable, and ungradable solution for the development, acquisition, and fielding of a system for tracking all United States military forces that is coordinated and interoperable and also accommodates the participation of military forces of allied nations with United States forces in combat operations.

(d) Report.—Not later than 60 days after the conclusion of the experiment under subsection (c), but not later than December 1, 2004, the Secretary shall submit to the congressional defense committees a report on the results of the experiment, together with a comprehensive plan for the development, acquisition, and fielding of a functional, near real time blue forces tracking system.

SEC. 1032. LOAN, DONATION, OR EXCHANGE OF OBSOLETE OR SURPLUS PROPERTY.

During fiscal years 2004 and 2005, the Secretary of the military department concerned may exchange for an historical artifact any obsolete or surplus property held by such military department in accordance with section 2572 of title 10, United States Code, without regard to whether the property is described in subsection (c) of such section.

SEC. 1033. ACCEPTANCE OF GIFTS AND DONATIONS FOR ASIA-PACIFIC CENTER FOR SECURITY STUDIES.

(a) Authorized Sources of Gifts and Donations.—Subsection (a) of section 2611 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "foreign gifts and donations" and inserting "gifts and donations from sources described in paragraph (2)";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) The sources from which gifts and donations may be accepted under paragraph (1) are as follows:

"(A) A department or agency of the Federal Government.

"(B) The government of a State or of a political subdivision of a State.

"(C) The government of a foreign country.

"(D) A foundation or other charitable organization, including a foundation or charitable organization that is organized or operates under the laws of a foreign country.

"(E) Any source in the private sector of the United States or a foreign country.".

(b) Conforming Amendments.—(1) The headings for subsections (a) and (f) of such section are amended by striking "Foreign".

(2) Subsection (c) is amended by striking "foreign".

(3) Subsection (f) is amended—

(A) by striking "foreign"; and

(B) by striking "faculty services)" and all that follows and inserting "faculty services).".

(4)(A) The heading of such section is amended to read as follows:

"§2611. Asia-Pacific Center for Security Studies: acceptance of gifts and donations".

(B) The item relating to such section in the table of sections at the beginning of chapter 155 is amended to read as follows:

"2611. Asia-Pacific Center for Security Studies: acceptance of gifts and donations.".

SEC. 1034. PROVISION OF LIVING QUARTERS FOR CERTAIN STUDENTS WORKING AT NATIONAL SECURITY AGENCY LABORATORY.

Section 2195 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) The Director of the National Security Agency may provide living quarters to a student in the Student Educational Employment Program or similar program (as prescribed by the Office of Personnel Management) while the student is employed at the laboratory of the Agency.

"(2) Notwithstanding section 5911(c) of title 5, living quarters may be provided under paragraph (1) without charge, or at rates or charges specified in regulations prescribed by the Director.".

SEC. 1035. PROTECTION OF OPERATIONAL FILES OF THE NATIONAL SECURITY AGENCY.

(a) In General.—Subchapter II of chapter 8 of title 10, United States Code, is amended by adding at the end the following new section:

"§204. Operational files of the National Security Agency: authority to withhold from public disclosure

"(a) Authority.—The Secretary of Defense may withhold from public disclosure operational files of the National Security Agency to the same extent that operational files may be withheld under section 701 of the National Security Act of 1947 (50 U.S.C. 431).

"(b) Operational Files Defined.—In this section, the term 'operational files' means files of the National Security Agency that document the means by which foreign intelligence or counterintelligence is collected through technical systems. Files that contain disseminated intelligence are not operational files.".

(b) Clerical Amendment.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"204. Operational files of the National Security Agency: authority to withhold from public disclosure.".

SEC. 1036. TRANSFER OF ADMINISTRATION OF NATIONAL SECURITY EDUCATION PROGRAM TO DIRECTOR OF CENTRAL INTELLIGENCE.

(a) In General.—Section 802 of the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1902) is amended—

(1) in subsection (a), by striking "Secretary of Defense" and inserting "Director of Central Intelligence"; and

(2) by striking "Secretary" each place it appears (other than in subsection (h)) and inserting "Director".

(b) Awards To Attend Foreign Language Center.—Section 802(h) of such Act (50 U.S.C. 1902(h)) is amended by inserting "of Defense" after "Secretary" each place it appears.

(c) National Security Education Board.—(1) Section 803 of such Act (50 U.S.C. 1903) is amended—

(A) in subsection (a), by striking "Secretary of Defense" and inserting "Director";

(B) in subsection (b)—

(i) in paragraph (1), by striking "Secretary of Defense" and inserting "Director";

(ii) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(iii) by inserting after paragraph (1), as so amended, the following new paragraph (2):

"(2) The Secretary of Defense.";

(C) in subsection (c), by striking "subsection (b)(6)" and inserting "subsection (b)(8)"; and

(D) in subsection (d), by striking "Secretary" each place it appears and inserting "Director".

(2) Section 806(d) of such Act (50 U.S.C. 1906(d)) is amended by striking "paragraphs (1) through (7)" and inserting "paragraphs (2) through (8)".

(d) Administrative Provisions.—Section 805 of such Act (50 U.S.C. 1905) is amended by striking "Secretary" each place it appears and inserting "Director".

(e) Annual Report.—Section 806 of such Act (50 U.S.C. 1906) is amended by striking "Secretary" each place it appears and inserting "Director".

(f) Audits.—Section 807 of such Act (50 U.S.C. 1907) is amended by striking "Department of Defense" and inserting "Central Intelligence Agency".

(g) Definition.—Section 808 of such Act (50 U.S.C. 1908) is amended—

(1) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively; and

(2) by inserting before paragraph (2) the following new paragraph (1):

"(1) The term 'Director' means the Director of Central Intelligence.".

(h) Matters Relating to National Flagship Language Initiative.—(1) Effective as if included therein as enacted by section 333(a) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2396), section 802(i)(1) of the David L. Boren National Security Education Act of 1991 is amended by striking "Secretary" and inserting "Director".

(2) Effective as if included therein as enacted by section 333(b) of the Intelligence Authorization Act for Fiscal Year 2003 (116 Stat. 2397), section 811(a) of the David L. Boren National Security Education Act of 1991 is amended by striking "Secretary" each place it appears and inserting "Director".

(i) Effect of Transfer of Administration on Service Agreements.—(1) The transfer to the Director of Central Intelligence of the administration of the National Security Education Program as a result of the amendments made by this section shall not affect the force, validity, or terms of any service agreement entered into under section 802(b) of the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1902(b)) before the date of the enactment of this Act that is in force as of that date, except that the Director shall administer such service agreement in lieu of the Secretary of Defense.

(2) Notwithstanding any other provision of law, the Director of Central Intelligence may, for purposes of the implementation of any service agreement referred to in paragraph (1), adopt regulations for the implementation of such service agreement that were prescribed by the Secretary of Defense under the David L. Boren National Security Education Act of 1991 before the date of the enactment of this Act.

(j) Repeal of Satisfied Requirements.—Section 802(g) of the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1902(g)) is amended—

(1) in paragraph (1)—

(A) by striking "(1)"; and

(B) by striking the second sentence; and

(2) by striking paragraph (2).

(k) Technical Amendment.—Paragraph (5)(A) of section 808 of such Act, as redesignated by subsection (g)(1) of this section, is further amended by striking "a agency" and inserting "an agency".

SEC. 1037. REPORT ON USE OF UNMANNED AERIAL VEHICLES FOR SUPPORT OF HOMELAND SECURITY MISSIONS.

(a) Requirement for Report.—Not later than April 1, 2004, the President shall submit to Congress a report on the potential uses of unmanned aerial vehicles for support of the performance of homeland security missions.

(b) Content.—The report shall, at a minimum, include the following matters:

(1) An assessment of the potential for using unmanned aerial vehicles for monitoring activities in remote areas along the northern and southern borders of the United States.

(2) An assessment of the potential for using long-endurance, land-based unmanned aerial vehicles for supporting the Coast Guard in the performance of its homeland security missions, drug interdiction missions, and other maritime missions along the approximately 95,000 miles of inland waterways in the United States.

(3) An assessment of the potential for using unmanned aerial vehicles for monitoring the safety and integrity of critical infrastructure within the territory of the United States, including the following:

(A) Oil and gas pipelines.

(B) Dams.

(C) Hydroelectric power plants.

(D) Nuclear power plants.

(E) Drinking water utilities.

(F) Long-distance power transmission lines.

(4) An assessment of the potential for using unmanned aerial vehicles for monitoring the transportation of hazardous cargo.

(5) A discussion of the safety issues involved in—

(A) the use of unmanned aerial vehicles by agencies other than the Department of Defense; and

(B) the operation of unmanned aerial vehicles over populated areas of the United States.

(6) A discussion of—

(A) the effects on privacy and civil liberties that could result from the monitoring uses of unmanned aerial vehicles operated over the territory of the United States; and

(B) any restrictions on the domestic use of unmanned aerial vehicles that should be imposed, or any other actions that should be taken, to prevent any adverse effect of such a use of unmanned aerial vehicles on privacy or civil liberties.

(7) A discussion of what, if any, legislation and organizational changes may be necessary to accommodate the use of unmanned aerial vehicles of the Department of Defense in support of the performance of homeland security missions, including any amendment of section 1385 of title 18, United States Code (popularly referred to as the "Posse Comitatus Act").

(8) An evaluation of the capabilities of manufacturers of unmanned aerial vehicles to produce such vehicles at higher rates if necessary to meet any increased requirements for homeland security and homeland defense missions.

(c) REFERRAL TO COMMITTEES.—The report under subsection (a) shall be referred—

(1) upon receipt in the Senate, to the Committee on Armed Services of the Senate; and

(2) upon receipt in the House of Representatives, to the Committee on Armed Services of the House of Representatives.

SEC. 1038. CONVEYANCE OF SURPLUS T-37 AIRCRAFT TO AIR FORCE AVIATION HERITAGE FOUNDATION, INCORPORATED.

(a) AUTHORITY.—The Secretary of the Air Force may convey, without consideration, to the Air Force Aviation Heritage Foundation, Incorporated, of Georgia (in this section referred to as the "Foundation"), all right, title, and interest of the United States in and to one surplus T–37 "Tweet" aircraft. The conveyance shall be made by means of a conditional deed of gift.

(b) CONDITION OF AIRCRAFT.—The Secretary may not convey ownership of the aircraft under subsection (a) until the Secretary determines that the Foundation has altered the aircraft in such manner as the Secretary determines necessary to ensure that the aircraft does not have any capability for use as a platform for launching or releasing munitions or any other combat capability that it was designed to have. The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) CONDITIONS FOR CONVEYANCE.—(1) The conveyance of a T–37 aircraft under this section shall be subject to the following conditions:

(A) That the Foundation not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the prior approval of the Secretary of the Air Force.

(B) That the operation and maintenance of the aircraft comply with all applicable limitations and maintenance requirements imposed by the Administrator of the Federal Aviation Administration.

(C) That if the Secretary of the Air Force determines at any time that the Foundation has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the prior approval of the Secretary, or has failed to comply with the condition set forth in subparagraph (B), all right, title, and interest in and to the aircraft, including any repair or alteration of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(2) The Secretary shall include the conditions under paragraph (1) in the instrument of conveyance of the T–37 aircraft.

(d) CONVEYANCE AT NO COST TO THE UNITED STATES.—Any conveyance of a T–37 aircraft under this section shall be made at no cost to the United States. Any costs associated with such conveyance, costs of determining compliance by the Foundation with the conditions in subsection (b), and costs of operation and maintenance of the aircraft conveyed shall be borne by the Foundation.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(f) CLARIFICATION OF LIABILITY.—Notwithstanding any other provision of law, upon the conveyance of ownership of a T–37 aircraft to the Foundation under subsection (a), the United States shall not be liable for any death, injury, loss, or damage that results from any use of that aircraft by any person other than the United States.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY

SEC. 1101. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEMBERS AT THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

Section 1595(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6) The Western Hemisphere Institute for Security Cooperation.".

SEC. 1102. PAY AUTHORITY FOR CRITICAL POSITIONS.

(a) AUTHORITY.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1599e. Pay authority for critical positions

"(a) AUTHORITY GENERALLY.—(1) When the Secretary of Defense seeks a grant of authority under section 5377 of title 5 for critical pay for one or more positions within the Department of Defense, the Director of the Office of Management and Budget may fix the rate of basic pay, notwithstanding sections 5377(d)(2) and 5307 of such title, at any rate up to the salary set in accordance with section 104 of title 3.

"(2) Notwithstanding section 5307 of title 5, no allowance, differential, bonus, award, or similar cash payment may be paid to any employee receiving critical pay at a rate fixed under paragraph (1), in any calendar year if, or to the extent that, the employee's total annual compensation will exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3.

"(b) TEMPORARY STREAMLINED CRITICAL PAY AUTHORITY.—(1) The Secretary of Defense may establish, fix the compensation of, and appoint persons to positions designated as critical administrative, technical, or professional positions needed to carry out the functions of the Department of Defense, subject to paragraph (2).

"(2) The authority under paragraph (1) may be exercised with respect to a position only if—

"(A) the position—

"(i) requires expertise of an extremely high level in an administrative, technical, or professional field; and

"(ii) is critical to the successful accomplishment of an important mission by the Department of Defense;

"(B) the exercise of the authority is necessary to recruit or retain a person exceptionally well qualified for the position;

"(C) the number of all positions covered by the exercise of the authority does not exceed 40 at any one time;

"(D) in the case of a position designated as a critical administrative, technical, or professional position by an official other than the Secretary of Defense, the designation is approved by the Secretary;

"(E) the term of appointment to the position is limited to not more than four years;

"(F) the appointee to the position was not a Department of Defense employee before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004;

"(G) the total annual compensation for the appointee to the position does not exceed the highest total annual compensation payable at the rate determined under section 104 of title 3; and

"(H) the position is excluded from collective bargaining units.

"(3) The authority under this subsection may be exercised without regard to—

"(A) subsection (a);

"(B) the provisions of title 5 governing appointments in the competitive service or the Senior Executive Service; and

"(C) chapters 51 and 53 of title 5, relating to classification and pay rates.

"(4) The authority under this subsection may not be exercised after the date that is 10 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004.

"(5) For so long as a person continues to serve without a break in service in a position to which appointed under this subsection, the expiration of authority under this subsection does not terminate the position, terminate the person's appointment in the position before the end of the term for which appointed under this subsection, or affect the compensation fixed for the person's service in the position under this subsection during such term of appointment.

"(6) Subchapter II of chapter 75 of title 5 does not apply to an employee during a term of service in a critical administrative, technical, or professional position to which the employee is appointed under this subsection.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1599e. Pay authority for critical positions.".

SEC. 1103. EXTENSION, EXPANSION, AND REVISION OF AUTHORITY FOR EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

(a) EXTENSION OF PROGRAM.—Subsection (e)(1) of section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2139; 5 U.S.C. 3104 note) is amended by striking "October 16, 2005" and inserting "September 30, 2008".

(b) INCREASED LIMITATION ON NUMBER OF APPOINTMENTS.—Subsection (b)(1)(A) of such section is amended by striking "40" and inserting "50".

(c) COMMENSURATE EXTENSION OF REQUIREMENT FOR ANNUAL REPORT.—Subsection (g) of such section is amended by striking "2006" and inserting "2009".

SEC. 1104. TRANSFER OF PERSONNEL INVESTIGATIVE FUNCTIONS AND RELATED PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) TRANSFER OF FUNCTIONS.—(1) With the consent of the Director of the Office of Personnel Management, the Secretary of Defense may transfer to the Office of Personnel Management the personnel security investigations functions that, as of the date of the enactment of this Act, are performed by the Defense Security Service of the Department of Defense.

(2) The Director of the Office of Personnel Management may accept a transfer of functions under paragraph (1).

(3) Any transfer of a function under this subsection is a transfer of function within the meaning of section 3503 of title 5, United States Code.

(b) TRANSFER OF PERSONNEL.—(1) If the Director of the Office of Personnel Management accepts a transfer of functions under subsection (a), the Secretary of Defense shall also transfer to the Office of Personnel Management, and the Director shall accept—

(A) the Defense Security Service employees who perform those functions immediately before the transfer of functions; and

(B) the Defense Security Service employees who, as of such time, are first level supervisors of employees transferred under subparagraph (A).

(2) The Secretary may also transfer to the Office of Personnel Management any Defense Security Service employees (including higher level supervisors) who provide support services for the performance of the functions transferred under subsection (a) or for the personnel (including supervisors) transferred under paragraph (1) if the Director—

(A) determines that the transfer of such additional employees and the positions of such employees to the Office of Personnel Management is necessary in the interest of effective performance of the transferred functions; and

(B) accepts the transfer of the additional employees.

(3) In the case of an employee transferred to the Office of Personnel Management under paragraph (1) or (2), whether a full-time or part-time employee—

(A) subsections (b) and (c) of section 5362 of title 5, United States Code, relating to grade retention, shall apply to the employee, except that—

(i) the grade retention period shall be the one-year period beginning on the date of the transfer; and

(ii) paragraphs (1), (2), and (3) of such subsection (c) shall not apply to the employee; and

(B) the employee may not be separated, other than pursuant to chapter 75 of title 5, United States Code, during such one-year period.

(c) ACTIONS AFTER TRANSFER.—(1) Not later than one year after a transfer of functions to the Office of Personnel Management under subsection (a), the Secretary of Defense shall review all functions performed by personnel of the Defense Security Service at the time of the transfer and make a written determination regarding whether each such function is inherently governmental or is otherwise inappropriate for performance by contractor personnel.

(2) A function performed by Defense Security Service employees as of the date of the enactment of this Act may not be converted to contractor performance by the Director of the Office of Personnel Management until—

(A) the Secretary of Defense reviews the function in accordance with the requirements of paragraph (1) and makes a written determination that the function is not inherently governmental and is not otherwise inappropriate for contractor performance; and

(B) the Director conducts a public-private competition regarding the performance of that function in accordance with the requirements of the Office of Management and Budget Circular A-76.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

SEC. 1201. AUTHORITY TO USE FUNDS FOR PAYMENT OF COSTS OF ATTENDANCE OF FOREIGN VISITORS UNDER REGIONAL DEFENSE COUNTERTERRORISM FELLOWSHIP PROGRAM.

(a) AUTHORITY TO USE FUNDS.—(1) Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2249c. Authority to use appropriated funds for costs of attendance of foreign visitors under Regional Defense Counterterrorism Fellowship Program

"(a) AUTHORITY TO USE FUNDS.—Under regulations prescribed by the Secretary of Defense, funds appropriated to the Department of Defense may be used to pay any costs associated with the attendance of foreign military officers, ministry of defense officials, or security officials at United States military educational institutions, regional centers, conferences, seminars, or other training programs conducted under the Regional Defense Counterterrorism Fellowship Program, including costs of transportation and travel and subsistence costs.

"(b) LIMITATION.—The total amount of funds used under the authority in subsection (a) in any fiscal year may not exceed $20,000,000.

"(c) ANNUAL REPORT.—Not later than December 1 of each year, the Secretary of Defense shall submit to Congress a report on the administration of this section during the fiscal year ended in such year. The report shall include the following matters:

"(1) A complete accounting of the expenditure of appropriated funds for purposes authorized under subsection (a), including—

"(A) the countries of the foreign officers and officials for whom costs were paid; and

"(B) for each such country, the total amount of the costs paid.

"(2) The training courses attended by the foreign officers and officials, including a specification of which, if any, courses were conducted in foreign countries.

"(3) An assessment of the effectiveness of the Regional Defense Counterterrorism Fellowship Program in increasing the cooperation of the governments of foreign countries with the United States in the global war on terrorism.

"(4) A discussion of any actions being taken to improve the program.".

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2249c. Authority to use appropriated funds for costs of attendance of foreign visitors under Regional Defense Counterterrorism Fellowship Program.".

(b) NOTIFICATION OF CONGRESS.—Not later than December 1, 2003, the Secretary of Defense shall—

(1) promulgate the final regulations for carrying out section 2249c of title 10, United States Code, as added by subsection (a); and

(2) notify the congressional defense committees of the promulgation of such regulations.

SEC. 1202. AVAILABILITY OF FUNDS TO RECOGNIZE SUPERIOR NONCOMBAT ACHIEVEMENTS OR PERFORMANCE OF MEMBERS OF FRIENDLY FOREIGN FORCES AND OTHER FOREIGN NATIONALS.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting the following new section:

"§ 1051a. Bilateral or regional cooperation programs: availability of funds to recognize superior noncombat achievements or performance

"(a) IN GENERAL.—The Secretary of Defense may expend amounts available to the Department of Defense or the military departments for operation and maintenance for the purpose of recognizing superior noncombat achievements or performance of members of friendly foreign forces, or other foreign nationals, that significantly enhance or support the national security strategy of the United States.

"(b) COVERED ACHIEVEMENTS OR PERFORMANCE.—The achievements or performance that may be recognized under subsection (a) include achievements or performance that—

"(1) play a crucial role in shaping the international security environment in a manner that protects and promotes the interests of the United States;

"(2) support or enhance the United States presence overseas or support or enhance United States peacetime engagement activities such as defense cooperation initiatives, security assistance training and programs, or training and exercises with the armed forces of the United States;

"(3) help deter aggression and coercion, build coalitions, or promote regional stability; or

"(4) serve as models for appropriate conduct for military forces in emerging democracies.

"(c) LIMITATION ON VALUE OF MEMENTOS.—The value of any memento procured or produced under subsection (a) may not exceed the minimal value in effect under section 7342(a)(5) of title 5.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1051 the following new item:

"1051a. Bilateral or regional cooperation programs: availability of funds to recognize superior noncombat achievements or performance.".

SEC. 1203. CHECK CASHING AND EXCHANGE TRANSACTIONS FOR FOREIGN PERSONNEL IN ALLIANCE OR COALITION FORCES.

Section 3342(b) of title 31, United States Code, is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(8) a member of the armed forces of a foreign nation who is participating in a combined operation, combined exercise, or combined humanitarian or peacekeeping mission that is carried out with armed forces of the United States pursuant to an alliance or coalition of the foreign nation with the United States if—

"(A) the senior commander of the armed forces of the United States participating in the operation, exercise, or mission has authorized the action under paragraph (1) or (2) of subsection (a);

"(B) the government of the foreign nation has guaranteed payment for any deficiency resulting from such action; and

"(C) in the case of an action on a negotiable instrument, the negotiable instrument is drawn on a financial institution located in the United States or on a foreign branch of such an institution.".

SEC. 1204. CLARIFICATION AND EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE FOR INTERNATIONAL NONPROLIFERATION ACTIVITIES.

(a) Limitation on Amount of Assistance in Fiscal Year 2004.—The total amount of the assistance for fiscal year 2004 that is provided by the Secretary of Defense under section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a), including funds used for activities of the Department of Defense in support of the United Nations Monitoring, Verification and Inspection Commission, shall not exceed $15,000,000.

(b) Extension of Authority To Provide Assistance.—Subsection (f) of section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) is amended by striking "fiscal year 2003" and inserting "fiscal year 2004".

(c) References to United Nations Special Commission on Iraq.—Section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) is further amended—

(1) in subsection (b)(2), by striking "United Nations Special Commission on Iraq (or any successor organization)" and inserting "United Nations Monitoring, Verification and Inspection Commission"; and

(2) in subsection (d)(4)(A), by striking "United Nations Special Commission on Iraq (or any successor organization)" and inserting "United Nations Monitoring, Verification and Inspection Commission".

SEC. 1205. REIMBURSABLE COSTS RELATING TO NATIONAL SECURITY CONTROLS ON SATELLITE EXPORT LICENSING.

(a) Direct Costs of Monitoring Foreign Launches of Satellites.—Section 1514(a)(1)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 22 U.S.C. 2778 note) is amended by striking "The costs of such monitoring services" in the second sentence and inserting the following: "The Department of Defense costs that are directly related to monitoring the launch, including transportation and per diem costs,".

(b) GAO Study.—(1) The Comptroller General shall conduct a study of the Department of Defense costs of monitoring launches of satellites in a foreign country under section 1514 of Public Law 105–261.

(2) Not later than April 1, 2004, the Comptroller General shall submit a report on the study to the Committees on Armed Services of the Senate and the House of Representatives. The report shall include the following:

(A) An assessment of the Department of Defense costs of monitoring the satellite launches described in paragraph (1).

(B) A review of the costs reimbursed to the Department of Defense by each person or entity receiving the satellite launch monitoring services, including the extent to which indirect costs have been included.

SEC. 1206. ANNUAL REPORT ON THE NATO PRAGUE CAPABILITIES COMMITMENT AND THE NATO RESPONSE FORCE.

(a) Findings.—Congress makes the following findings:

(1) At the meeting of the North Atlantic Council held in Prague in November 2002, the heads of states and governments of the North Atlantic Treaty Organization (NATO) launched a Prague Capabilities Commitment and decided to create a NATO Response Force.

(2) The Prague Capabilities Commitment is part of the continuing NATO effort to improve and develop new military capabilities for modern warfare in a high-threat environment. As part of this commitment, individual NATO allies have made firm and specific political commitments to improve their capabilities in the areas of—

(A) chemical, biological, radiological, and nuclear defense;

(B) intelligence, surveillance, and target acquisition;

(C) air-to-ground surveillance;

(D) command, control, and communications;

(E) combat effectiveness, including precision guided munitions and suppression of enemy air defenses;

(F) strategic air and sea lift;

(G) air-to-air refueling; and

(H) deployable combat support and combat service support units.

(3) The NATO Response Force is envisioned to be a technologically advanced, flexible, deployable, interoperable, and sustainable force that includes land, sea, and air elements ready to move quickly to wherever needed, as determined by the North Atlantic Council. The NATO Response Force is also intended to be a catalyst for focusing and promoting improvements in NATO's military capabilities. It is expected to have initial operational capability by October 2004, and full operational capability by October 2006.

(b) Annual Report.—(1) Not later than January 31 of each year, the Secretary of Defense shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives a report, to be prepared in consultation with the Secretary of State, on implementation of the Prague Capabilities Commitment and development of the NATO Response Force by the member nations of NATO. The report shall include the following matters:

(A) A description of the actions taken by NATO as a whole and by each member nation of NATO other than the United States to further the Prague Capabilities Commitment, including any actions taken to improve capability shortfalls in the areas identified for improvement.

(B) A description of the actions taken by NATO as a whole and by each member nation of NATO, including the United States, to create the NATO Response Force.

(C) A discussion of the relationship between NATO's efforts to improve capabilities through the Prague Capabilities Commitment and those of the European Union to enhance European capabilities through the European Capabilities Action Plan, including the extent to which they are mutually reinforcing.

(2) The report shall be submitted in unclassified form, but may also be submitted in classified form if necessary.

SEC. 1207. EXPANSION AND EXTENSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES.

(a) General Extension of Authority.—Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as amended by section 1021 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–255), is further amended—

(1) in subsection (a)—

(A) by inserting after "subsection (f)," the following: "during fiscal years 1998 through 2006 in the case of the foreign governments named in paragraphs (1) and (2) of subsection (b), and fiscal years 2004 through 2006 in the case of the foreign governments named in paragraphs (3) through (9) of subsection (b),"; and

(B) by striking "either or both" and inserting "any"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ", for fiscal years 1998 through 2002"; and

(B) in paragraph (2), by striking ", for fiscal years 1998 through 2006".

(b) Additional Governments Eligible To Receive Support.—Subsection (b) of such section 1033 is further amended by adding at the end the following new paragraphs:

"(3) The Government of Afghanistan.

"(4) The Government of Bolivia.

"(5) The Government of Ecuador.

"(6) The Government of Pakistan.

"(7) The Government of Tajikistan.

"(8) The Government of Turkmenistan.

"(9) The Government of Uzbekistan.".

(c) Types of Support.—Subsection (c) of such section 1033 is amended—

(1) in paragraph (2), by striking "riverine"; and

(2) in paragraph (3), by inserting "or upgrade" after "maintenance and repair".

(d) Maximum Annual Amount of Support.—Subsection (e)(2) of such section 1033, as amended by such section 1021, is further amended by striking "$20,000,000 during any of the fiscal years 1999 through 2006" and inserting "$20,000,000 during any of fiscal years 1999 through 2003, or $40,000,000 during any of fiscal years 2004 through 2006".

(e) Counter-Drug Plan.—(1) Subsection (h) of such section 1033 is amended—

(A) in the subsection caption, by striking "Riverine";

(B) in the matter preceding paragraph (1)—

(i) by inserting "in the case of the governments named in paragraphs (1) and (2) of subsection (b) and for fiscal year 2004 in the case of the governments named in paragraphs (3) through (9) of subsection (b)"; and

(ii) by striking "riverine"; and

(C) by striking "riverine" each place it appears in paragraphs (2), (7), (8), and (9).

(2) Subsection (f)(2)(A) of such section 1033 is amended by striking "riverine".

(f) Clerical Amendment.—The heading for such section 1033 is amended by striking "**PERU AND COLOMBIA**" and inserting "**OTHER COUNTRIES**".

SEC. 1208. USE OF FUNDS FOR UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

(a) Authority.—(1) In fiscal years 2004 and 2005, the Secretary of Defense may use funds available for assistance to the Government of Colombia to support a unified campaign against narcotics trafficking and against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC).

(2) The authority to provide assistance for a campaign under this subsection includes authority to take actions to protect human health and welfare in emergency circumstances, including the undertaking of rescue operations.

(b) Applicability of Certain Laws and Limitations.—The use of funds pursuant to the authority in subsection (a) shall be subject to the following:

(1) Sections 556, 567, and 568 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Public Law 107–115; 115 Stat. 2160, 2165, and 2166).

(2) Section 8093 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117; 115 Stat. 2267).

(3) The numerical limitations on the number of United States military personnel and

United States individual civilian contractors in section 3204(b)(1) of the Emergency Supplemental Act, 2000 (division B of Public Law 106–246; 114 Stat. 575).

(c) LIMITATION ON PARTICIPATION OF UNITED STATES PERSONNEL.—No United States Armed Forces personnel or United States civilian contractor personnel employed by the United States may participate in any combat operation in connection with assistance using funds pursuant to the authority in subsection (a), except for the purpose of acting in self defense or of rescuing any United States citizen (including any United States Armed Forces personnel, United States civilian employee, or civilian contractor employed by the United States).

(d) CONSTRUCTION WITH OTHER AUTHORITY.—The authority in subsection (a) to use funds to provide assistance to the Government of Colombia is in addition to any other authority in law to provide assistance to the Government of Colombia.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1[illegible]1(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2004 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term "fiscal year 2004 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $450,800,000 authorized to be appropriated to the Department of Defense for fiscal year 2004 in section 301(22) for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $57,600,000.

(2) For strategic nuclear arms elimination in Ukraine, $3,900,000.

(3) For nuclear weapons transportation security in Russia, $23,200,000.

(4) For weapons storage security in Russia, $48,000,000.

(5) For weapons of mass destruction proliferation prevention activities in the states of the former Soviet Union, $39,400,000.

(6) For chemical weapons destruction in Russia, $200,300,000.

(7) For biological weapons proliferation prevention activities in the former Soviet Union, $54,200,000.

(8) For defense and military contacts, $11,000,000.

(9) For activities designated as Other Assessments/Administrative Support, $13,100,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2004 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (9) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2004 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2004 for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for a purpose stated in any of paragraphs (6) through (9) of subsection (a) in excess of 125 percent of the specific amount authorized for such purpose.

SEC. 1303. ANNUAL CERTIFICATIONS ON USE OF FACILITIES BEING CONSTRUCTED FOR COOPERATIVE THREAT REDUCTION PROJECTS OR ACTIVITIES.

(a) CERTIFICATION ON USE OF FACILITIES BEING CONSTRUCTED.—Not later than the first Monday of February each year, the Secretary of Defense shall submit to the congressional defense committees a certification for each facility for a Cooperative Threat Reduction project or activity for which construction occurred during the preceding fiscal year on matters as follows:

(1) Whether or not such facility will be used for its intended purpose by the country in which the facility is constructed.

(2) Whether or not the country remains committed to the use of such facility for its intended purpose.

(b) APPLICABILITY.—Subsection (a) shall apply to—

(1) any facility the construction of which commences on or after the date of the enactment of this Act; and

(2) any facility the construction of which is ongoing as of that date.

SEC. 1304. AUTHORITY TO USE COOPERATIVE THREAT REDUCTION FUNDS OUTSIDE THE FORMER SOVIET UNION.

(a) AUTHORITY.—The President may obligate and expend Cooperative Threat Reduction funds for a fiscal year, and any Cooperative Threat Reduction funds for a fiscal year before such fiscal year that remain available for obligation, for a proliferation threat reduction project or activity outside the states of the former Soviet Union if the President determines that such project or activity will—

(1) assist the United States in the resolution of a critical emerging proliferation threat; or

(2) permit the United States to take advantage of opportunities to achieve long-standing nonproliferation goals.

(b) SCOPE OF AUTHORITY.—The authority in subsection (a) to obligate and expend funds for a project or activity includes authority to provide equipment, goods, and services for the project or activity utilizing such funds, but does not include authority to provide cash directly to the project or activity.

(c) LIMITATION.—The amount that may be obligated in a fiscal year under the authority in subsection (a) may not exceed $50,000,000.

(d) ADDITIONAL LIMITATIONS AND REQUIREMENTS.—Except as otherwise provided in subsections (a) and (b), the exercise of the authority in subsection (a) shall be subject to any requirement or limitation under another provision of law as follows:

(1) Any requirement for prior notice or other reports to Congress on the use of Cooperative Threat Reduction funds or on Cooperative Threat Reduction projects or activities.

(2) Any limitation on the obligation or expenditure of Cooperative Threat Reduction funds.

(3) Any limitation on Cooperative Threat Reduction projects or activities.

SEC. 1305. ONE-YEAR EXTENSION OF INAPPLICABILITY OF CERTAIN CONDITIONS ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION.

Section 8144 of Public Law 107–248 (116 Stat. 1571) is amended—

(1) in subsection (a), by striking "and 2003" and inserting "2003, and 2004"; and

(2) in subsection (b), by striking "September 30, 2003" and inserting "September 30, 2004".

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2004".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

ARMY: INSIDE THE UNITED STATES

State	Installation or location	Amount
Alabama	Redstone Arsenal	$5,500,000
	Fort Richardson	$10,700,000
Alaska	Fort Wainwright	$138,800,000
Georgia	Fort Benning	$30,000,000
	Fort Stewart/Hunter Army Air Field	$138,550,000

ARMY: INSIDE THE UNITED STATES—Continued

State	Installation or location	Amount
	Fort Gordon	$4,350,000
Hawaii	Helemano Military Reservation	$20,800,000
	Schofield Barracks	$100,000,000
Kansas	Fort Leavenworth	$115,000,000
	Fort Riley	$40,000,000
Kentucky	Fort Knox	$13,500,000
Louisiana	Fort Polk	$72,000,000
Maryland	Aberdeen Proving Ground	$13,000,000
	Fort Meade	$9,600,000
New York	Fort Drum	$125,500,000
North Carolina	Fort Bragg	$152,000,000
Oklahoma	Fort Sill	$3,500,000
Texas	Fort Hood	$49,800,000
Virginia	Fort Myer	$9,000,000
Washington	Fort Lewis	$3,900,000
	Total	$1,055,500,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

ARMY: OUTSIDE THE UNITED STATES

Country	Installation or location	Amount
Italy	Aviano Air Base	$15,500,000
	Livorno	$22,000,000
Korea	Camp Humphreys	$105,000,000
Kwajalein Atoll	Kwajalein Atoll	$9,400,000
	Total	$151,900,000

(c) UNSPECIFIED WORLDWIDE.—(1) Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(3) and amounts, not to exceed $150,000,000, provided under Public Law 107–38 (115 Stat. 220), the Secretary of the Army may acquire personal services and real property, and may provide for the operation and construction of critical infrastructure and allied systems to ensure essential governmental functions for the installation or location, and in the amount, set forth in the following table:

ARMY: UNSPECIFIED WORLDWIDE

Location	Installation	Amount
Worldwide Unspecified	Unspecified Worldwide	$663,900,000
	Total	$663,900,000

(2) Military construction projects, including those funded in whole or in part using amounts made available under Public Law 107–38, containing national security classified information and carried out for the purpose of preventing, responding to, or countering the effects of, terrorist attacks shall comply, to the extent practical, with applicable Federal, State, and local laws and other orders regarding regulatory compliance, consultation, coordination and inspection, except that in carrying out such a project—

(A) no such compliance, consultation, coordination, or inspection may expose, endanger, or otherwise compromise national security; and

(B) any anticipated exception to such compliance, consultation, coordination or inspection shall be addressed in project documentation submitted to Congress under paragraph (3).

(3) When applicable, project documentation submitted to the congressional defense committees with respect to a military construction project described in paragraph (2) shall satisfy the requirements of section 1001 of Public Law 107–117 (115 Stat. 2326) and address any exception to compliance, consultation, coordination, or inspection anticipated under subparagraph (A) of paragraph (2).

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

ARMY: FAMILY HOUSING

State	Installation or location	Purpose	Amount
Alaska	Fort Wainwright	140 Units	$64,000,000
Arizona	Fort Huachuca	220 Units	$41,000,000
Kansas	Fort Riley	72 Units	$16,700,000
Kentucky	Fort Knox	178 Units	$41,000,000
New Mexico	White Sands Missile Range	58 Units	$14,600,000
Oklahoma	Fort Sill	120 Units	$25,373,000
Virginia	Fort Lee	90 Units	$18,000,000
		Total	$220,673,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $34,488,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $156,030,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2003, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,980,454,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $843,500,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $151,900,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2101(c), $178,700,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $20,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $122,710,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $409,191,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,031,853,000.

(7) For the construction of phase 3 of Saddle Access Road, Pohakoula Training Facility, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–389)), as amended by section 2107 of this Act, $17,000,000.

(8) For the construction of phase 3 of a barracks complex, D Street, at Fort Richardson, Alaska, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1280), as amended by section 2107 of this Act, $33,000,000.

(9) For the construction of phase 3 of a barracks complex, 17th and B Streets, at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1280), $48,000,000.

(10) For the construction of phase 2 of a barracks complex, Capron Road, at Schofield Barracks, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2681), $49,000,000.

(11) For the construction of phase 2 of a combined arms collective training facility at Fort Riley, Kansas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2681), $13,600,000.

(12) For the construction of phase 2 of a barracks complex, Range Road, at Fort Campbell, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2681), $49,000,000.

(13) For the construction of phase 2 of a maintenance complex at Fort Sill, Oklahoma, authorized by section 2101(a) of, the Military Construction Authorization Act for Fiscal year 2003 (division B of Public Law 107–314; 116 Stat. 2681) $13,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of—

(1) the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a);

(2) $32,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks, Fort Stewart, Georgia);

(3) $87,000,000 (the balance of the amount authorized under section 2101(a) for construction of a Lewis and Clark instructional facility, Fort Leavenworth, Kansas);

(4) $43,000,000 (the balance of the amount authorized under section 2101(a) for the construction of a barracks complex, Wheeler-Sack Army Airfield, Fort Drum, New York); and

(5) $50,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, Bastogne Drive, Fort Bragg, North Carolina).

SEC. 2105. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2003 PROJECTS.

(a) MILITARY CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.—The table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2682) is amended—

(1) by striking the item relating to Area Support Group, Bamberg, Germany;

(2) by striking the item relating to Coleman Barracks, Germany;

(3) by striking the item relating to Darmstadt, Germany;

(4) by striking the item relating to Mannheim, Germany;

(5) by striking the item relating to Schweinfurt, Germany; and

(6) by striking the amount identified as the total in the amount column and inserting "$288,066,000".

(b) FAMILY HOUSING OUTSIDE THE UNITED STATES.—The table in section 2102(a) of that Act (116 Stat. 2683) is amended—

(1) by striking the item relating to Yongsan, Korea; and

(2) by striking the amount identified as the total in the amount column and inserting "$23,852,000".

(c) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Section 2103 of that Act (116 Stat. 2683) is amended by striking "$239,751,000" and inserting "$190,551,000".

(d) CONFORMING AMENDMENTS.—Section 2104(a) of that Act (116 Stat. 2683) is amended—

(1) in the matter preceding paragraph (1), by striking "$3,104,176,000" and inserting "$2,985,826,000";

(2) in paragraph (2), by striking "$354,116,000" and inserting "$288,066,000"; and

(3) in paragraph (6)(A), by striking "$282,356,000" and inserting "$230,056,000".

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2003 PROJECTS.

(a) MILITARY CONSTRUCTION INSIDE THE UNITED STATES.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2681) is amended—

(1) in the item relating to Fort Riley, Kansas, by striking "$81,095,000" in the amount column and inserting "$81,495,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$1,156,167,000".

(b) MILITARY CONSTRUCTION OUTSIDE THE UNITED STATES.—The table in section 2101(b) of that Act (116 Stat. 2682) is amended—

(1) by striking the item relating to Camp Castle, Korea;

(2) by striking the item relating to Camp Hovey, Korea;

(3) in the item relating to Camp Humphreys, Korea, by striking "$36,000,000" in the amount column and inserting "$107,800,000" ; and

(4) by striking the item relating to K16 Airfield, Korea.

(c) CONFORMING AMENDMENT.—Section 2104(b)(4) of that Act (116 Stat. 2684) is amended by striking "$13,200,000" and inserting "$13,600,000".

SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2002 PROJECT.

(a) MODIFICATION.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1281), as amended by section 2105 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2689), is further amended—

(1) in the item relating to Fort Richardson, Alaska, by striking "$115,000,000" in the amount column and inserting "$117,000,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$1,364,750,000".

(b) CONFORMING AMENDMENT.—Section 2104(b)(2) of that Act (115 Stat. 1284) is amended by striking "$52,000,000" and inserting "$54,000,000".

SEC. 2108. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECT.

(a) IN GENERAL.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–389)), as amended by section 2105 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1285), is further amended—

(1) in the item relating to Pohakoula Training Facility, Hawaii, by striking "$32,000,000" in the amount column and inserting "$42,000,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$636,374,000".

(b) CONFORMING AMENDMENT.—Section 2104(b)(7) of the Military Construction Authorization Act for Fiscal Year 2001 (114 Stat. 1654A–392) is amended by striking "$20,000,000" and inserting "$30,000,000".

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

NAVY: INSIDE THE UNITED STATES

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	$22,230,000
California	Marine Corps Base, Camp Pendleton	$73,580,000
	Naval Air Station, Lemoore	$34,510,000
	Marine Corps Air Station, Miramar	$4,740,000
	Naval Air Station, North Island	$49,240,000
	Naval Air Warfare Center, China Lake	$12,890,000
	Naval Air Warfare Center, Point Mugu, San Nicholas Island	$9,150,000
	Naval Air Facility, San Clemente Island	$18,940,000
	Naval Postgraduate School, Monterey	$35,550,000
	Naval Station, San Diego	$42,710,000
	Marine Air Ground Task Force Training Center, Twentynine Palms	$28,390,000
Connecticut	New London	$3,000,000
District of Columbia	Marine Corps Barracks	$1,550,000
Florida	Naval Air Station, Jacksonville	$3,190,000
	Naval Air Station, Whiting Field, Milton	$4,830,000
	Naval Surface Warfare Center, Coastal Systems Station, Panama City	$9,550,000
	Blount Island (Jacksonville)	$115,711,000
Georgia	Strategic Weapons Facility Atlantic, Kings Bay	$11,510,000
Hawaii	Fleet and Industrial Supply Center, Pearl Harbor	$32,180,000
	Naval Magazine, Lualualei	$6,320,000
	Naval Shipyard, Pearl Harbor	$7,010,000
Illinois	Naval Training Center, Great Lakes	$137,120,000
Maryland	Naval Air Warfare Center, Patuxent River	$24,370,000
	Naval Surface Warfare Center, Indian Head	$14,850,000
Mississippi	Naval Air Station, Meridian	$4,570,000
Nevada	Naval Air Station, Fallon	$4,700,000
New Jersey	Naval Air Warfare Center, Lakehurst	$20,681,000
	Naval Weapons Station, Earle	$123,720,000
North Carolina	Marine Corps Air Station, Cherry Point	$1,270,000
	Marine Corps Air Station, New River	$6,240,000
	Marine Corps Base, Camp Lejeune	$29,450,000
Pennsylvania	Philadelphia Foundry	$10,200,000
Rhode Island	Naval Station, Newport	$18,690,000
	Naval Undersea Warfare Center, Newport	$10,890,000
Texas	Naval Station, Ingleside	$7,070,000
Virginia	Henderson Hall, Arlington	$1,970,000
	Marine Corps Combat Development Command, Quantico	$18,120,000
	Naval Amphibious Base, Little Creek	$3,810,000
	Naval Station, Norfolk	$182,240,000
	Naval Space Command Center, Dahlgren	$24,020,000
	Norfolk Naval Shipyard, Portsmouth	$17,770,000
Washington	Naval Magazine, Indian Island	$2,240,000
	Naval Submarine Base, Bangor	$33,820,000
	Strategic Weapons Facility Pacific, Bangor	$6,530,000
Various Locations	Various Locations, CONUS	$56,360,000
	Total	$1,287,482,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

NAVY: OUTSIDE THE UNITED STATES

Country	Installation or location	Amount
Bahrain	Naval Support Activity, Bahrain	$18,030,000
Italy	Naval Support Activity, La Madalena	$39,020,000
	Naval Air Station, Sigonella	$34,070,000
United Kingdom	Joint Maritime Facility, St. Mawgan	$7,070,000
	Total	$98,190,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

NAVY: FAMILY HOUSING

State or Country	Installation or location	Purpose	Amount
California	Naval Air Station, Lemoore	187 Units	$41,585,000
Florida	Naval Air Station, Pensacola	25 Units	$3,197,000
North Carolina	Marine Corps Base, Camp Lejeune	519 Units	$67,781,000
	Marine Corps Air Station, Cherry Point	339 Units	$42,803,000
		Total	$155,366,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriation in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $8,381,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $20,446,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2003, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,179,919,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $959,702,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $98,190,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $12,334,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $65,612,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $184,193,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $813,158,000.

(6) For construction of phase 2 of a bachelor enlisted quarters shipboard ashore at Naval Shipyard Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2687), $46,730,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $25,690,000 (the balance of the amount authorized under section 2201(a) for the construction of a tertiary sewage treatment complex, Marine Corps Base, Camp Pendleton, California);

(3) $58,190,000 (the balance of the amount authorized under section 2201(a) for the construction of a battle station training facility, Naval Training Center, Great Lakes, Illinois);

(4) $96,980,000 (the balance of the amount authorized under section 2201(a) for replacement of a general purpose berthing pier, Naval Weapons Station, Earle, New Jersey);

(5) $118,170,000 (the balance of the amount authorized under section 2201(a) for replacement of pier 11, Naval Station, Norfolk, Virginia); and

(6) $28,750,000 (the balance of the amount authorized under section 2201(a) for the construction of an outlying landing field and facilities at a location to be determined).

SEC. 2205. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2003 PROJECT.

(a) TERMINATION.—The table in section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2687) is amended—

(1) by striking the item relating to Naval Air Station, Keflavik, Iceland; and

(2) by striking the amount identified as the total in the amount column and inserting "$135,900,000".

(b) CONFORMING AMENDMENTS.—Section 2204(a) of that Act (116 Stat. 2688) is amended—

(1) in the matter preceding paragraph (1), by striking "$2,576,381,000" and inserting "$2,561,461,000"; and

(2) in paragraph (2), by striking "$148,250,000" and inserting "$133,330,000".

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

AIR FORCE: INSIDE THE UNITED STATES

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$13,400,000
Alaska	Eielson Air Force Base	$48,774,000
	Elmendorf Air Force Base	$2,000,000
Arizona	Davis-Monthan Air Force Base	$9,864,000
	Luke Air Force Base	$14,300,000
Arkansas	Little Rock Air Force Base	$7,372,000
California	Beale Air Force Base	$22,300,000
	Edwards Air Force Base	$19,060,000
	Los Angeles Air Force Base	$5,000,000
	Vandenberg Air Force Base	$16,500,000
Colorado	Buckley Air Force Base	$6,957,000
	Peterson Air Force Base	$10,200,000
Delaware	Dover Air Force Base	$8,500,000
District of Columbia	Bolling Air Force Base	$9,300,000
Florida	Hurlburt Field	$27,200,000
	Patrick Air Force Base	$8,800,000
	Tyndall Air Force Base	$6,195,000
Georgia	Moody Air Force Base	$7,600,000
	Robins Air Force Base	$28,685,000
Hawaii	Hickam Air Force Base	$78,276,000
Idaho	Mountain Home Air Force Base	$15,137,000
Illinois	Scott Air Force Base	$1,900,000
Mississippi	Columbus Air Force Base	$5,500,000
	Keesler Air Force Base	$2,900,000
Nevada	Nellis Air Force Base	$11,800,000
New Jersey	McGuire Air Force Base	$11,627,000
New Mexico	Cannon Air Force Base	$9,000,000
	Kirtland Air Force Base	$6,957,000
	Tularosa Radar Test Site	$3,600,000
North Carolina	Pope Air Force Base	$24,015,000
	Seymour Johnson Air Force Base	$22,430,000
North Dakota	Minot Air Force Base	$12,550,000
Ohio	Wright-Patterson Air Force Base	$10,500,000
Oklahoma	Altus Air Force Base	$1,144,000
	Tinker Air Force Base	$25,560,000
	Vance Air Force Base	$15,000,000
South Carolina	Charleston Air Force Base	$8,863,000
	Shaw Air Force Base	$8,500,000
South Dakota	Ellsworth Air Force Base	$9,300,000
Texas	Goodfellow Air Force Base	$19,970,000
	Lackland Air Force Base	$64,926,000
	Randolph Air Force Base	$13,600,000
	Sheppard Air Force Base	$28,590,000
Utah	Hill Air Force Base	$21,711,000
Virginia	Langley Air Force Base	$24,969,000
Washington	McChord Air Force Base	$19,000,000
Wyoming	F.E. Warren Air Force Base	$10,000,000
	Total	$740,909,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

AIR FORCE: OUTSIDE THE UNITED STATES

Country	Installation or location	Amount
Germany	Ramstein Air Base	$35,616,000
	Spangdahlem Air Base	$5,411,000
Italy	Aviano Air Base	$14,025,000
Korea	Kunsan Air Base	$7,059,000
	Osan Air Base	$16,638,000
Portugal	Lajes Field, Azores	$4,086,000
United Kingdom	Royal Air Force, Lakenheath	$42,487,000
	Royal Air Force, Mildenhall	$10,558,000
Wake Island	Wake Island	$24,000,000
	Total	$159,880,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installation and location, and in the amount, set forth in the following table:

AIR FORCE: UNSPECIFIED WORLDWIDE

Location	Installation or location	Amount
Unspecified Worldwide	Classified Location	$28,981,000
	Total	$28,981,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

AIR FORCE: FAMILY HOUSING

State or Country	Installation or location	Purpose	Amount
Arizona	Davis-Monthan Air Force Base	93 Units	$19,357,000
California	Travis Air Force Base	56 Units	$12,723,000
Delaware	Dover Air Force Base	112 Units	$19,601,000
Florida	Eglin Air Force Base	279 Units	$32,166,000
Idaho	Mountain Home Air Force Base	186 Units	$37,126,000
Maryland	Andrews Air Force Base	50 Units	$20,233,000
Missouri	Whiteman Air Force Base	100 Units	$18,221,000
Montana	Malmstrom Air Force Base	94 Units	$19,368,000
North Carolina	Seymour Johnson Air Force Base	138 Units	$18,336,000
North Dakota	Grand Forks Air Force Base	144 Units	$29,550,000
	Minot Air Force Base	200 Units	$41,117,000
South Dakota	Ellsworth Air Force Base	75 Units	$16,240,000
Texas	Dyess Air Force Base	116 Units	$19,973,000
	Randolph Air Force Base	96 Units	$13,754,000
Korea	Osan Air Base	111 Units	$44,765,000
Portugal	Lajes Field, Azores	42 Units	$13,428,000
United Kingdom	Royal Air Force, Lakenheath	89 Units	$23,640,000
		Total	$399,598,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $33,488,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $223,979,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2003, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,505,373,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $760,332,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $159,880,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2301(c), $28,981,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $12,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $74,345,000.

(6) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $657,065,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $812,770,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

SEC. 2305. MODIFICATION OF FISCAL YEAR 2003 AUTHORITY RELATING TO IMPROVEMENT OF MILITARY FAMILY HOUSING UNITS.

(a) MODIFICATION.—Section 2303 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2693) is amended by striking "$226,068,000" and inserting "$206,721,000".

(b) CONFORMING AMENDMENTS.—Section 2304(a) of that Act (116 Stat. 2693) is amended—

(1) in the matter preceding paragraph (1), by striking "$2,633,738,000" and inserting "$2,614,391,000"; and

(2) in paragraph (6)(A), by striking "$689,824,000" and inserting "$670,477,000".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Education Activity	Marine Corps Base, Camp Lejeune, North Carolina	$15,259,000
Defense Logistics Agency	Defense Distribution Depot, New Cumberland, Pennsylvania	$27,000,000
	Eglin Air Force Base, Florida	$4,800,000
	Eielson Air Force Base, Alaska	$17,000,000
	Hickam Air Force Base, Hawaii	$14,100,000
	Hurlburt Field, Florida	$3,500,000
	Langley Air Force Base, Virginia	$13,000,000
	Laughlin Air Force Base, Texas	$4,688,000
	McChord Air Force Base, Washington	$8,100,000
	Nellis Air Force Base, Nevada	$12,800,000
	Offutt Air Force Base, Nebraska	$13,400,000
National Security Agency	Fort Meade, Maryland	$1,842,000
Special Operations Command	Dam Neck, Virginia	$15,281,000
	Fort Benning, Georgia	$2,100,000
	Fort Bragg, North Carolina	$36,300,000
	Fort Campbell, Kentucky	$7,800,000
	Harrisburg International Airport, Pennsylvania	$3,000,000
	Hurlburt Field, Florida	$6,000,000
	Little Creek, Virginia	$9,000,000
	MacDill Air Force Base, Florida	$25,500,000
Tri-Care Management Activity	Naval Station, Anacostia, District of Columbia	$15,714,000
	Naval Submarine Base, New London, Connecticut	$6,400,000
	United States Air Force Academy, Colorado	$21,500,000
	Walter Reed Medical Center, District of Columbia	$9,000,000
Washington Headquarters Services	Arlington, Virginia	$38,086,000
	Total	$331,170,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Education Agency	Grafenwoehr, Germany	$36,247,000
	Heidelberg, Germany	$3,086,000
	Sigonella, Italy	$30,234,000
	Vicenza, Italy	$16,374,000
	Vilseck, Germany	$1,773,000
Special Operations Command	Stuttgart, Germany	$11,400,000
Tri-Care Management Activity	Andersen Air Force Base, Guam	$24,900,000
	Grafenwoehr, Germany	$12,585,000
	Total	$136,599,000

SEC. 2402. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(8)(A), the Secretary of Defense may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $300,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(8)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $50,000.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $69,500,000.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2003, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,154,402,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $331,170,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $102,703,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $16,153,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $8,960,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $59,884,000.

(6) For energy conservation projects authorized by section 2404, $69,500,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $370,427,000.

(8) For military family housing functions:

(A) For planning, design, and improvement of military family housing and facilities, $350,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $49,440,000.

(C) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $300,000.

(9) For construction of the Defense Threat Reduction Center at Fort Belvoir, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2695), $25,700,000.

(10) For construction of phase 5 of an ammunition demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $88,388,000.

(11) For construction of phase 6 of an ammunition demilitarization facility at Newport Army Depot, Indiana, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division

B of Public Law 105–261; 112 Stat. 2193), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1299) and section 2406 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $15,207,000.

(12) For construction of phase 4 of an ammunition demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $16,220,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of—

(1) the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a);

(2) $16,265,000 (the balance of the amount authorized under section 2401(b) for the renovation and construction of an elementary and high school, Naval Station Sigonella, Italy); and

(3) $17,631,000 (the balance of the amount authorized under section 2401(b) for the construction of an elementary and middle school, Grafenwoehr, Germany).

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2003 PROJECT.

The table in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2695) is amended in the matter relating to Department of Defense Dependent Schools by striking "Seoul, Korea" in the installation or location column and inserting "Camp Humphreys, Korea".

SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2003 PROJECTS.

(a) MODIFICATION.—The table in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2695) is amended—

(1) in the matter relating to Department of Defense Dependent Schools—

(A) by striking "Seoul, Korea" in the installation or location column and inserting "Camp Humphreys, Korea"; and

(B) by striking the item relating to Spangdahlem Air Base, Germany; and

(2) by striking the amount identified as the total in the amount column and inserting "$205,586,000".

(b) CONFORMING AMENDMENTS.—Section 2404(a) of that Act (116 Stat. 2696) is amended—

(1) in the matter preceding paragraph (1), by striking $1,434,795,000" and inserting "$1,433,798,000"; and

(2) in paragraph (2), by striking "$206,583,000" and inserting "$205,586,000".

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2003, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $169,300,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 2003, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $276,779,000; and

(B) for the Army Reserve, $74,478,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $34,132,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $208,530,000; and

(B) for the Air Force Reserve, $53,912,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2006; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2007.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects, and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) for which appropriated funds have been obligated before the later of—

(1) October 1, 2006; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2007 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2001 PROJECTS.

(a) EXTENSION OF CERTAIN PROJECTS.—Notwithstanding section 2701 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–407), authorizations set forth in the tables in subsection (b), as provided in section 2102, 2201, 2401, or 2601 of that Act, shall remain in effect until October 1, 2004, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2005, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 2001 Project Authorization

State	Installation or location	Project	Amount
South Carolina	Fort Jackson	New Construction—Family Housing (1 Unit)	$250,000

Navy: Extension of 2001 Project Authorization

State	Installation or location	Project	Amount
Pennsylvania	Naval Surface Warfare Center Shipyard Systems Engineering Station, Philadelphia	Gas Turbine Test Facility	$10,680,000

Defense Agencies: Extension of 2001 Project Authorizations

State or country	Installation or location	Project	Amount
Defense Education Activity	Seoul, Korea	Elementary School Full Day Kindergarten Classroom Addition	$2,317,000
	Taegu, Korea	Elementary/High School Full Day Kindergarten Classroom Addition	$762,000

Army National Guard: Extension of 2001 Project Authorizations

State	Installation or location	Project	Amount
Arizona	Papago Park	Add/Alter Readiness Center	$2,265,000
Pennsylvania	Mansfield	Readiness Center	$3,100,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2000 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 841), authorizations set forth in the tables in subsection (b), as provided in section 2302 or 2601 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2700), shall remain in effect until October 1, 2004, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2005, whichever is later.

(b) TABLES.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2000 Project Authorization

State	Installation or location	Project	Amount
Oklahoma	Tinker Air Force Base	Replace Family Housing (41 Units)	$6,000,000

Army National Guard: Extension of 2000 Project Authorization

State	Installation or location	Project	Amount
Virginia	Fort Pickett	Multi-purpose Range-Heavy	$13,500,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI of this Act shall take effect on the later of—

(1) October 1, 2003; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. MODIFICATION OF GENERAL DEFINITIONS RELATING TO MILITARY CONSTRUCTION.

(a) MILITARY CONSTRUCTION.—Subsection (a) of section 2801 of title 10, United States Code, is amended by inserting before the period the following: ", whether to satisfy temporary or permanent requirements".

(b) MILITARY INSTALLATION.—Subsection (c)(2) of such section is amended by inserting before the period the following: ", without regard to the duration of operational control".

SEC. 2802. INCREASE IN NUMBER OF FAMILY HOUSING UNITS IN ITALY AUTHORIZED FOR LEASE BY THE NAVY.

Section 2828(e)(2) of title 10, United States Code, is amended by striking "2,000" and inserting "2,800".

Subtitle B—Real Property and Facilities Administration

SEC. 2811. INCREASE IN THRESHOLD FOR REPORTS TO CONGRESS ON REAL PROPERTY TRANSACTIONS.

Section 2662 of title 10, United States Code, is amended by striking "$500,000" each place it appears and inserting "$750,000".

SEC. 2812. ACCEPTANCE OF IN-KIND CONSIDERATION FOR EASEMENTS.

(a) EASEMENTS FOR RIGHTS-OF-WAY.—Section 2668 of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) Subsection (c) of section 2667 of this title shall apply with respect to in-kind consideration received by the Secretary of a military department in connection with an easement granted under this section in the same manner as such subsection applies to in-kind consideration received pursuant to leases entered into by that Secretary under such section.".

(b) EASEMENTS FOR UTILITY LINES.—Section 2669 of such title is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) Subsection (c) of section 2667 of this title shall apply with respect to in-kind consideration received by the Secretary of a military department in connection with an easement granted under this section in the same manner as such subsection applies to in-kind consideration received pursuant to leases entered into by that Secretary under such section.".

SEC. 2813. EXPANSION TO MILITARY UNACCOMPANIED HOUSING OF AUTHORITY TO TRANSFER PROPERTY AT MILITARY INSTALLATIONS TO BE CLOSED IN EXCHANGE FOR MILITARY HOUSING.

Section 2905(f)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by inserting "unaccompanied members of the Armed Forces or" before "members of the Armed Forces and their dependents"; and

(2) by striking "FAMILY" in the subsection heading.

SEC. 2814. EXEMPTION FROM SCREENING AND USE REQUIREMENTS UNDER MCKINNEY-VENTO HOMELESS ASSISTANCE ACT OF DEPARTMENT OF DEFENSE PROPERTY IN EMERGENCY SUPPORT OF HOMELAND SECURITY.

Section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

"(i) APPLICABILITY TO DEPARTMENT OF DEFENSE PROPERTY IN EMERGENCY SUPPORT OF HOMELAND SECURITY.—The provisions of this section shall not apply to a building or property under the jurisdiction of the Department of Defense that the Secretary of Defense determines should be made available for use by a State or local government, or private entity, on a temporary basis, for emergency activities in support of homeland security.".

Subtitle C—Land Conveyances

SEC. 2821. TRANSFER OF LAND AT FORT CAMPBELL, KENTUCKY AND TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the State of Tennessee, all right, title, and interest of the United States in and to a parcel of real property (right-of-way), including improvements thereon, located at Fort Campbell, Kentucky and Tennessee, for the purpose of realigning and upgrading United States Highway 79 from a 2-lane highway to a 4-lane highway.

(b) CONSIDERATION.—

(1) PAYMENT.—As consideration for the conveyance of the right-of-way parcel to be conveyed by subsection (a), the State of Tennessee shall pay from any source (including Federal funds made available to the State from the Highway Trust Fund) all of the Secretary's costs associated with the following:

(A) COSTS OF CONVEYANCE.—The conveyance of the right-of-way parcel, including the preparation of documents under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), surveys (including surveys under subsection (c)), appraisals, cultural reviews, administrative expenses, cemetery relocation, and other expenses necessary to transfer the property.

(B) ACQUISITION OF REPLACEMENT LAND.—The acquisition of approximately 200 acres of mission-essential replacement land required to support the training mission at Fort Campbell.

(C) DISPOSAL OF RESIDUAL PROPERTY.—The disposal of residual land located south of the realigned highway.

(2) ACCEPTANCE AND CREDIT.—The Secretary may accept funds under this subsection from the Federal Highway Administration or the State of Tennessee to pay the costs described in paragraph (1) and shall credit the funds to the appropriate Department of the Army accounts for the purpose of paying such costs.

(3) PERIOD OF AVAILABILITY.—All funds accepted by the Secretary under this subsection shall remain available until expended.

(c) DESCRIPTION OF PROPERTY.—The acreage of the real property to be conveyed, acquired, and disposed of under this section shall be determined by surveys satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2822. LAND CONVEYANCE, FORT KNOX, KENTUCKY.

(a) Conveyance Authorized.—The Secretary of the Army may convey, without consideration, to the Department of Veterans Affairs of the Commonwealth of Kentucky (in this section referred to as the "Department"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 93 acres at Fort Knox, Kentucky, for the purpose of permitting the Department to establish and operate a State-run cemetery for veterans of the Armed Forces.

(b) Reimbursement for Costs of Conveyance.—(1) The Department shall reimburse the Secretary for any costs incurred by the Secretary in making the conveyance authorized by subsection (a), including costs related to environmental documentation and other administrative costs. This paragraph does not apply to costs associated with the environmental remediation of the real property to be conveyed under such subsection.

(2) Any reimbursements received under paragraph (1) for costs described in that paragraph shall be deposited into the accounts from which the costs were paid, and amounts so deposited shall be merged with amounts in such accounts and available for the same purposes, and subject to the same conditions and limitations, as the amounts in such accounts with which merged.

(c) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Department.

(d) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2823. LAND CONVEYANCE, MARINE CORPS LOGISTICS BASE, ALBANY, GEORGIA.

(a) Conveyance Authorized.—The Secretary of the Navy may convey through negotiated sale to the Preferred Development Group Corporation, a corporation incorporated in the State of Georgia and authorized to do business in the State of Georgia (referred to in this section as the "Corporation"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 10.44 acres located at Boyett Village/Turner Field and McAdams Road in Albany, Georgia, for the purpose of permitting the Corporation to use the property for economic development.

(b) Conditions of Conveyance.—The conveyance authorized under subsection (a) shall be subject to the following conditions:

(1) That the Corporation accept the real property conveyed under subsection (a) as is.

(2) That the Corporation bear all costs related to the use and redevelopment of the real property.

(c) Consideration.—As consideration for the conveyance authorized by subsection (a), the Corporation shall pay the United States an amount, determined pursuant to negotiations between the Secretary and the Corporation and based upon the fair market value of the property (as determined pursuant to an appraisal acceptable to the Secretary), that is appropriate for the property.

(d) Reimbursement for Costs of Conveyance.—The Secretary may require the Corporation to reimburse the Secretary for any costs incurred by the Secretary in making the conveyance authorized by subsection (a).

(e) Deposit of Amounts.—(1) The consideration received under subsection (c) shall be deposited in the Department of Defense Base Closure Account 1990 established by section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) Any reimbursements received under subsection (d) for costs described in that subsection shall be deposited into the accounts from which the costs were paid, and amounts so deposited shall be merged with amounts in such accounts and available for the same purposes, and subject to the same conditions and limitations, as the amounts in such accounts with which merged.

(f) Exemption.—The conveyance authorized by subsection (a) shall be exempt from the requirement in section 2696 of title 10, United States Code, to screen the property for further Federal use.

(g) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(h) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2824. LAND CONVEYANCE, AIR FORCE AND ARMY EXCHANGE SERVICE PROPERTY, DALLAS, TEXAS.

(a) Conveyance Authorized.—The Secretary of Defense may authorize the Army and Air Force Exchange Service to convey through negotiated sale all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 7.5 acres located at 1515 Roundtable Drive in Dallas, Texas.

(b) Consideration.—As consideration for the conveyance authorized by subsection (a), the purchaser shall pay the United States a single payment equal to the fair market value of the real property, as determined pursuant to an appraisal acceptable to the Secretary.

(c) Deposit of Amounts.—Section 574 of title 40, United States Code, shall apply to the consideration received under subsection (b), except that in the application of such section, all of the proceeds shall be returned to the Army and Air Force Exchange Service.

(d) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the purchaser.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle D—Review of Overseas Military Facility Structure

SEC. 2841. SHORT TITLE.

This subtitle may be cited as the "Overseas Military Facility and Range Structure Review Act of 2003".

SEC. 2842. ESTABLISHMENT OF COMMISSION.

(a) Establishment.—There is established the Commission on the Review of the Overseas Military Facility and Range Structure of the United States (in this subtitle referred to as the "Commission").

(b) Membership.—(1) The Commission shall be composed of 9 members of whom—

(A) one shall be appointed by the Secretary of Defense;

(B) two shall be appointed by the Majority Leader of the Senate, in consultation with the Chairman of the Committee on Armed Services of the Senate and the Chairman of the Subcommittee on Defense of the Committee on Appropriations of the Senate;

(C) two shall be appointed by the Minority Leader of the Senate, in consultation with the Ranking Member of the Committee on Armed Services of the Senate and the Ranking Member of the Subcommittee on Defense of the Committee on Appropriations of the Senate;

(D) two shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairman of the Committee on Armed Services of the House of Representatives and the Chairman of the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives; and

(E) two shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Member of the Committee on Armed Services of the House of Representatives and the Ranking Member of the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(2) Individuals appointed to the Commission shall have significant experience in the national security or foreign policy of the United States.

(3) Appointments of the members of the Commission shall be made not later than 45 days after the date of the enactment of this Act.

(c) Period of Appointment; Vacancies.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) Initial Meeting.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) Meetings.—The Commission shall meet at the call of the Chairman.

(f) Quorum.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) Chairman and Vice Chairman.—The Commission shall select a Chairman and Vice Chairman from among its members.

SEC. 2843. DUTIES OF COMMISSION.

(a) Study.—The Commission shall conduct a thorough study of matters relating to the military facility and range structure of the United States overseas.

(b) Matters To Be Studied.—In conducting the study, the Commission shall—

(1) assess the number of military personnel of the United States required to be based outside the United States;

(2) examine the current state of the military facilities and training ranges of the United States overseas for all permanent stations and deployed locations, including the condition of land and improvements at such facilities and ranges and the availability of additional land, if required, for such facilities and ranges;

(3) identify the amounts received by the United States, whether in direct payments, in-kind contributions, or otherwise, from foreign countries by reason of military facilities of the United States overseas;

(4) assess whether or not the current military basing and training range structure of the United States overseas is adequate to meet the current and future mission of the

Department of Defense, including contingency, mobilization, and future force requirements;

(5) assess the feasibility and advisability of the closure or realignment of military facilities of the United States overseas, or the establishment of new military facilities of the United States overseas, to meet the requirements of the Department of Defense to provide for the national security of the United States; and

(6) consider or assess any other issue relating to military facilities and ranges of the United States overseas that the Commission considers appropriate.

(c) Report.—(1) Not later than August 30, 2004, the Commission shall submit to the President and Congress a report which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(2) In addition to the matters specified in paragraph (1), the report shall also include a proposal by the Commission for an overseas basing strategy for the Department of Defense in order to meet the current and future mission of the Department.

SEC. 2844. POWERS OF COMMISSION.

(a) Hearings.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this subtitle.

(b) Information From Federal Agencies.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this subtitle. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) Administrative Support Services.—Upon request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support necessary for the Commission to carry out its duties under this subtitle.

(d) Postal Services.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) Gifts.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 2845. COMMISSION PERSONNEL MATTERS.

(a) Compensation of Members.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission under this subtitle. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) Travel.—(1) Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission under this subtitle.

(2) Members and staff of the Commission may receive transportation on aircraft of the Military Airlift Command to and from the United States, and overseas, for purposes of the performance of the duties of the Commission to the extent that such transportation will not interfere with the requirements of military operations.

(c) Staff.—(1) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties under this subtitle. The employment of an executive director shall be subject to confirmation by the Commission.

(2) The Commission may employ a staff to assist the Commission in carrying out its duties. The total number of the staff of the Commission, including an executive director under paragraph (1), may not exceed 12.

(3) The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) Detail of Government Employees.—Any employee of the Department of Defense, the Department of State, or the General Accounting Office may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) Procurement of Temporary and Intermittent Services.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 2846. SECURITY.

(a) Security Clearances.—Members and staff of the Commission, and any experts and consultants to the Commission, shall possess security clearances appropriate for their duties with the Commission under this subtitle.

(b) In General.—The Secretary of Defense shall assume responsibility for the handling and disposition of any information relating to the national security of the United States that is received, considered, or used by the Commission under this subtitle.

SEC. 2847. TERMINATION OF COMMISSION.

The Commission shall terminate 45 days after the date on which the Commission submits its report under section 2843(c).

SEC. 2848. FUNDING.

(a) In General.—Of the amount authorized to be appropriated by section 301(5) for the Department of Defense for operation and maintenance, Defense-wide, $3,000,000 shall be available to the Commission to carry out this subtitle.

(b) Availability.—The amount authorized to be appropriated by subsection (a) shall remain available, without fiscal year limitation, until September 30, 2005.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $8,933,847,000, to be allocated as follows:

(1) For weapons activities, $6,457,272,000.

(2) For defense nuclear nonproliferation activities, $1,340,195,000.

(3) For naval reactors, $788,400,000.

(4) For the Office of the Administrator for Nuclear Security, $347,980,000.

(b) Authorization of New Plant Projects.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for weapons activities, as follows:

(1) Project 04–D–101, test capabilities revitalization, phase I, Sandia National Laboratories, Albuquerque, New Mexico, $36,450,000.

(2) Project 04–D–102, exterior communications infrastructure modernization, Sandia National Laboratories, Albuquerque, New Mexico, $20,000,000.

(3) Project 04–D–103, project engineering and design, various locations, $2,000,000.

(4) Project 04–D–125, chemistry and metallurgy research (CMR) facility replacement, Los Alamos National Laboratory, Los Alamos, New Mexico, $20,500,000.

(5) Project 04–D–126, building 12–44 production cells upgrade, Pantex Plant, Amarillo, Texas, $8,780,000.

(6) Project 04–D–127, cleaning and loading modifications (CALM), Savannah River Site, Aiken, South Carolina, $2,750,000.

(7) Project 04–D–128, TA–18 mission relocation project, Los Alamos National Laboratory, Los Alamos, New Mexico, $8,820,000.

(8) Project 04–D–203, project engineering and design, facilities and infrastructure recapitalization program, various locations, $3,719,000.

(9) Project 03–D–102, sm.43 replacement administration building, Los Alamos National Laboratory, Los Alamos, New Mexico, $50,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL MANAGEMENT.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for environmental management activities in carrying out programs necessary for national security in the amount of $6,809,814,000, to be allocated as follows:

(1) For defense site acceleration completion, $5,814,635,000.

(2) For defense environmental services in carrying out environmental restoration and waste management activities necessary for national security programs, $995,179,000.

(b) Authorization of New Plant Projects.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for defense site acceleration completion activities, as follows:

(1) Project 04–D–408, glass waste storage building #2, Savannah River Site, Aiken, South Carolina, $20,259,000.

(2) Project 04–D–414, project engineering and design, various locations, $23,500,000.

(3) Project 04–D–423, 3013 container surveillance capability in 235–F, Savannah River Site, Aiken, South Carolina, $1,134,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for other defense activities in carrying out programs necessary for national security in the amount of $465,059,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $360,000,000.

SEC. 3105. DEFENSE ENERGY SUPPLY.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for defense energy supply in carrying out programs necessary for national security in the amount of $110,473,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3131. REPEAL OF PROHIBITION ON RESEARCH AND DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS.

(a) REPEAL.—Section 3136 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1946; 42 U.S.C. 2121 note) is repealed.

(b) CONSTRUCTION.—Nothing in the repeal made by subsection (a) shall be construed as authorizing the testing, acquisition, or deployment of a low-yield nuclear weapon.

SEC. 3132. READINESS POSTURE FOR RESUMPTION BY THE UNITED STATES OF UNDERGROUND NUCLEAR WEAPONS TESTS.

(a) 18-MONTH READINESS POSTURE REQUIRED.—Commencing not later than October 1, 2006, the Secretary of Energy shall achieve, and thereafter maintain, a readiness posture of 18 months for resumption by the United States of underground nuclear tests, subject to subsection (b).

(b) ALTERNATIVE READINESS POSTURE.—If as a result of the review conducted by the Secretary for purposes of the report required by section 3142(c) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2733) the Secretary, in consultation with the Administrator for Nuclear Security, determines that the optimal, advisable, and preferred readiness posture for resumption by the United States of underground nuclear tests is a number of months other than 18 months, the Secretary may, and is encouraged to, achieve and thereafter maintain under subsection (a) such optimal, advisable, and preferred readiness posture instead of the readiness posture of 18 months.

(c) REPORT ON DETERMINATION.—(1) The Secretary shall submit to the congressional defense committees a report on a determination described in subsection (b) if the determination leads to the achievement by the Secretary of a readiness posture of other than 18 months under that subsection.

(2) The report under paragraph (1) shall set forth—

(A) the determination described in that paragraph, including the reasons for the determination; and

(B) the number of months of the readiness posture to be achieved and maintained under subsection (b) as a result of the determination.

(3) The requirement for a report, if any, under paragraph (1) is in addition to the requirement for a report under section 3142(c) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, and the requirement in that paragraph shall not be construed as terminating, modifying, or otherwise affecting the requirement for a report under such section.

(d) READINESS POSTURE.—For purposes of this section, a readiness posture of a specified number of months for resumption by the United States of underground nuclear weapons tests is achieved when the Department of Energy has the capability to resume such tests, if directed by the President to resume such tests, not later than the specified number of months after the date on which the President so directs.

SEC. 3133. TECHNICAL BASE AND FACILITIES MAINTENANCE AND RECAPITALIZATION ACTIVITIES.

(a) DEADLINE FOR INCLUSION OF PROJECTS IN FACILITIES AND INFRASTRUCTURE RECAPITALIZATION PROGRAM.—(1) The Administrator for Nuclear Security shall complete the selection of projects for inclusion in the Facilities and Infrastructure Recapitalization Program (FIRP) of the National Nuclear Security Administration not later than September 30, 2004.

(2) No project may be included in the Facilities and Infrastructure Recapitalization Program after September 30, 2004, unless such project has been selected for inclusion in that program as of that date.

(b) TERMINATION OF FACILITIES AND INFRASTRUCTURE RECAPITALIZATION PROGRAM.—The Administrator shall terminate the Facilities and Infrastructure Recapitalization Program not later than September 30, 2011.

(c) READINESS IN TECHNICAL BASE AND FACILITIES PROGRAM.—(1) Not later than September 30, 2004, the Administrator shall submit to the congressional defense committees a report setting forth guidelines on the conduct of the Readiness in Technical Base and Facilities (RTBF) program of the National Nuclear Security Administration.

(2) The guidelines on the Readiness in Technical Base and Facilities program shall include the following:

(A) Criteria for the inclusion of projects in the program, and for establishing priorities among projects included in the program.

(B) Mechanisms for the management of facilities under the program, including maintenance as provided pursuant to subparagraph (C).

(C) A description of the scope of maintenance activities under the program, including recurring maintenance, construction of facilities, recapitalization of facilities, and decontamination and decommissioning of facilities.

(3) The guidelines on the Readiness in Technical Base and Facilities program shall ensure that the maintenance activities provided for under paragraph (2)(C) are carried out in a timely and efficient manner designed to avoid maintenance backlogs.

(d) OPERATIONS OF FACILITIES PROGRAM.—(1) The Administration shall provide for the administration of the Operations of Facilities Program of the National Nuclear Security Administration as a program independent of the Readiness in Technical Base and Facilities Program and of any other programs that the Operations of Facilities Program is intended to support.

(2) The Operations of Facilities Program shall be managed by the Associate Administrator of the National Nuclear Security Administration for Facilities and Operations, or by such other official within the National Nuclear Security Administration as the Administrator shall designate for that purpose.

SEC. 3134. CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSITION OF LEGACY NUCLEAR MATERIALS.

(a) CONTINUATION OF H–CANYON FACILITY.—Subsection (a) of section 3137 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–460) is amended by striking "F–canyon and H–canyon facilities" and inserting "H–canyon facility".

(b) MODIFICATION OF LIMITATION ON USE OF FUNDS FOR DECOMMISSIONING F–CANYON FACILITY.—Subsection (b) of such section is amended—

(1) by striking "and the Defense Nuclear Facilities Safety Board" and all that follows through "House of Representatives" and inserting "submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, and the Defense Nuclear Facilities Safety Board,"; and

(2) by striking "the following:" and all that follows and inserting "a report setting forth—

"(1) an assessment whether or not all materials present in the F–canyon facility as of the date of the report that required stabilization have been safely stabilized as of that date;

"(2) an assessment whether or not the requirements applicable to the F–canyon facility to meet the future needs of the United States for fissile materials disposition can be met through full use of the H–canyon facility at the Savannah River Site; and

"(3) if it appears that one or more of the requirements described in paragraph (2) cannot be met through full use of the H–canyon facility—

"(A) an identification by the Secretary of each such requirement that cannot be met through full use of the H–canyon facility; and

"(B) for each requirement so identified, the reasons why such requirement cannot be met through full use of the H–canyon facility and a description of the alternative capability for fissile materials disposition that is needed to meet such requirement.".

(c) REPEAL OF SUPERSEDED PLAN REQUIREMENT.—Subsection (c) of such section is repealed.

Subtitle C—Proliferation Matters

SEC. 3141. EXPANSION OF INTERNATIONAL MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM.

(a) EXPANSION OF PROGRAM TO ADDITIONAL COUNTRIES.—The Secretary of Energy may expand the International Materials, Protection, Control, and Accounting Program to carry out nuclear nonproliferation threat reduction activities and projects outside the states of the former Soviet Union.

(b) NOTICE TO CONGRESS OF USE OF FUNDS.—Not later than 15 days before the Secretary obligates funds for the International Materials Protection, Control, and Accounting Program for a project or activity in or with respect to a country outside the former Soviet Union pursuant to the authority in subsection (a), the Secretary shall submit to the congressional defense committees a notice on the obligation of such funds for the project or activity that shall specify—

(1) the project or activity, and forms of assistance, for which the Secretary proposes to obligate such funds;

(2) the amount of the proposed obligation; and

(3) the projected involvement (if any) of any United States department or agency (other than the Department of Energy), or

the private sector, in the project, activity, or assistance for which the Secretary proposes to obligate such funds.

SEC. 3142. SEMI-ANNUAL FINANCIAL REPORTS ON DEFENSE NUCLEAR NONPROLIFERATION PROGRAM.

(a) SEMIANNUAL REPORTS REQUIRED.—Not later than April 30 and October 30 each year, the Administrator for Nuclear Security shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the financial status during the half fiscal year ending at the end of the preceding month of all Department of Energy defense nuclear nonproliferation programs for which funds were authorized to be appropriated for the fiscal year in which such half fiscal year falls.

(b) CONTENTS.—Each report on a half fiscal year under subsection (a) shall set forth for each Department of Energy defense nuclear nonproliferation program for which funds were authorized to be appropriated for the fiscal year in which such half fiscal year falls—

(1) the aggregate amount appropriated for such fiscal year for such program; and

(2) of the aggregate amount appropriated for such fiscal year for such program—

(A) the amounts obligated for such program as of the end of the half fiscal year;

(B) the amounts committed for such program as of the end of the half fiscal year;

(C) the amounts disbursed for such program as of the end of the half fiscal year; and

(D) the amounts that remain available for obligation for such program as of the end of the half fiscal year.

(c) APPLICABILITY.—This section shall apply with respect to fiscal years after fiscal year 2003.

SEC. 3143. REPORT ON REDUCTION OF EXCESSIVE UNCOSTED BALANCES FOR DEFENSE NUCLEAR NONPROLIFERATION ACTIVITIES.

(a) CONTINGENT REQUIREMENT FOR REPORT.—If as of September 30, 2004, the aggregate amount obligated but not expended for defense nuclear nonproliferation activities from amounts authorized to be appropriated for such activities in fiscal year 2004 exceeds an amount equal to 20 percent of the aggregate amount so obligated for such activities, the Administrator for Nuclear Security shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing an aggressive plan to provide for the timely expenditure of amounts so obligated but not expended.

(b) SUBMITTAL DATE.—If required to be submitted under subsection (a), the submittal date for the report under that subsection shall be November 30, 2004.

Subtitle D—Other Matters

SEC. 3151. MODIFICATION OF AUTHORITIES ON DEPARTMENT OF ENERGY PERSONNEL SECURITY INVESTIGATIONS.

(a) IN GENERAL.—Subsection e. of section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165) is amended by striking paragraph (2) and inserting the following new paragraph (2):

"(2) In the case of any program designated by the Secretary of Energy as sensitive, the Secretary may require that any investigation required by subsections a., b., and c. of an individual employed in the program be made by the Federal Bureau of Investigation.".

(b) CONFORMING AMENDMENT.—Subsection f. of such section is amended by striking "a majority of the members of the Commission shall certify those specific positions" and inserting "the Secretary of Energy may certify specific positions (in addition to positions in programs designated as sensitive under subsection e.)".

SEC. 3152. RESPONSIBILITIES OF ENVIRONMENTAL MANAGEMENT PROGRAM AND NATIONAL NUCLEAR SECURITY ADMINISTRATION OF DEPARTMENT OF ENERGY FOR ENVIRONMENTAL CLEANUP, DECONTAMINATION AND DECOMMISSIONING, AND WASTE MANAGEMENT.

(a) DELINEATION OF RESPONSIBILITIES.—The Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for fiscal year 2005 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report setting forth a delineation of responsibilities between and among the Environmental Management (EM) program and the National Nuclear Security Administration (NNSA) of the Department of Energy for activities on each of the following:

(1) Environmental cleanup.

(2) Decontamination and decommissioning (D&D).

(3) Waste management.

(b) PLAN FOR IMPLEMENTATION OF DELINEATED RESPONSIBILITIES.—(1) The Secretary shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for fiscal year 2006 (as so submitted) a report setting forth a plan to implement among the Environmental Management program and the National Nuclear Security Administration the responsibilities for activities referred to in subsection (a) as delineated under that subsection.

(2) The report under paragraph (1) shall include such recommendations for legislative action as the Secretary considers appropriate in order to—

(A) clarify in law the responsibilities delineated under subsection (a); and

(B) facilitate the implementation of the plan set forth in the report.

(c) CONSULTATION.—The Secretary shall carry out this section in consultation with the Administrator for Nuclear Security and the Under Secretary of Energy for Energy, Science, and Environment.

SEC. 3153. UPDATE OF REPORT ON STOCKPILE STEWARDSHIP CRITERIA.

(a) UPDATE OF REPORT.—Not later than March 1, 2005, the Secretary of Energy shall submit to the committees referred to in subsection (c) of section 4202 of the Atomic Energy Defense Act a report updating the report submitted under subsection (a) of such section.

(b) ELEMENTS.—The report under subsection (a) of this section shall—

(1) update any information or criteria described in the report submitted under such section 4202;

(2) describe any additional information identified, or criteria established, on matters covered by such section 4202 during the period beginning on the date of the submittal of the report under such section 4202 and ending on the date of the submittal of the report under subsection (a) of this section; and

(3) for each science-based tool developed by the Department of Energy during such period—

(A) a description of the relationship of such science-based tool to the collection of information needed to determine that the nuclear weapons stockpile is safe and reliable; and

(B) a description of the criteria for judging whether or not such science-based tool provides for the collection of such information.

SEC. 3154. PROGRESS REPORTS ON ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) REPORT ON ACCESS TO INFORMATION FOR PERFORMANCE OF RADIATION DOSE RECONSTRUCTIONS.—(1) Not later than 90 days after the date of the enactment of this Act, the National Institute for Occupational Safety and Health shall submit to Congress a report on the ability of the Institute to obtain, in a timely, accurate, and complete manner, information necessary for the purpose of carrying out radiation dose reconstructions under the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.), including information requested from any element of the Department of Energy.

(2) The report shall include the following:

(A) An identification of each matter adversely affecting the ability of the Institute to obtain information described in paragraph (1) in a timely, accurate, and complete manner.

(B) For each facility with respect to which the Institute is carrying out one or more dose reconstructions described in paragraph (1)—

(i) a specification of the total number of claims requiring dose reconstruction;

(ii) a specification of the number of claims for which dose reconstruction has been adversely affected by any matter identified under paragraph (1); and

(iii) a specification of the number of claims requiring dose reconstruction for which, because of any matter identified under paragraph (1), dose reconstruction has not been completed within 150 days after the date on which the Secretary of Labor submitted the claim to the Secretary of Health and Human Services.

(b) REPORT ON DENIAL OF CLAIMS.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress a report on the denial of claims under the Energy Employees Occupational Illness Compensation Program Act of 2000 as of the date of such report.

(2) The report shall include for each facility with respect to which the Secretary has received one or more claims under that Act the following:

(A) The number of claims received with respect to such facility that have been denied, including the percentage of total number of claims received with respect to such facility that have been denied.

(B) The reasons for the denial of such claims, including the number of claims denied for each such reason.

Subtitle E—Consolidation of General Provisions on Department of Energy National Security Programs

SEC. 3161. CONSOLIDATION AND ASSEMBLY OF RECURRING AND GENERAL PROVISIONS ON DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

(a) PURPOSE.—

(1) IN GENERAL.—The purpose of this section is to assemble together, without substantive amendment but with technical and conforming amendments of a non-substantive nature, recurring and general provisions of law on Department of Energy national security programs that remain in force in order to consolidate and organize such provisions of law into a single Act intended to comprise general provisions of law on such programs.

(2) CONSTRUCTION OF TRANSFERS.—The transfer of a provision of law by this section

shall not be construed as amending, altering, or otherwise modifying the substantive effect of such provision.

(3) TREATMENT OF SATISFIED REQUIREMENTS.—Any requirement in a provision of law transferred under this section that has been fully satisfied in accordance with the terms of such provision of law as of the date of transfer under this section shall be treated as so fully satisfied, and shall not be treated as being revived solely by reason of transfer under this section.

(4) CLASSIFICATION.—The provisions of the Atomic Energy Defense Act, as amended by this section, shall be classified to the United States Code as a new chapter of title 50, United States Code.

(b) DIVISION HEADING.—The Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314) is amended by adding at the end the following new division heading:

"DIVISION D—ATOMIC ENERGY DEFENSE PROVISIONS".

(c) SHORT TITLE; DEFINITION.—

(1) SHORT TITLE.—Section 3601 of the Atomic Energy Defense Act (title XXXVI of Public Law 107–314; 116 Stat. 2756) is—

(A) transferred to the end of the Bob Stump National Defense Authorization Act for Fiscal Year 2003;

(B) redesignated as section 4001;

(C) inserted after the heading for division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by subsection (b); and

(D) amended by striking "title" and inserting "division".

(2) DEFINITION.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new section:

"SEC. 4002. DEFINITION.

"In this division, the term 'congressional defense committees' means—

"(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.".

(d) ORGANIZATIONAL MATTERS.—

(1) TITLE HEADING.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following:

"TITLE XLI—ORGANIZATIONAL MATTERS".

(2) NAVAL NUCLEAR PROPULSION PROGRAM.—Section 1634 of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 98 Stat. 2649) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1);

(B) inserted after the title heading for such title, as so added; and

(C) amended—

(i) by striking the section heading and inserting the following new section heading:

"SEC. 4101. NAVAL NUCLEAR PROPULSION PROGRAM.";

and

(ii) by striking "SEC. 1634.".

(3) MANAGEMENT STRUCTURE FOR FACILITIES AND LABORATORIES.—Section 3140 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2833) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4102;

(C) inserted after section 4101, as added by paragraph (2); and

(D) amended in subsection (d)(2), by striking "120 days after the date of the enactment of this Act," and inserting "January 21, 1997,".

(4) RESTRICTION ON LICENSING REQUIREMENTS FOR CERTAIN ACTIVITIES AND FACILITIES.—Section 210 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (Public Law 96–540; 94 Stat. 3202) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4102, as added by paragraph (3); and

(C) amended—

(i) by striking the section heading and inserting the following new section heading:

"SEC. 4103. RESTRICTION ON LICENSING REQUIREMENT FOR CERTAIN DEFENSE ACTIVITIES AND FACILITIES.";

(ii) by striking "SEC. 210."; and

(iii) by striking "this or any other Act" and inserting "the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (Public Law 96–540) or any other Act".

(e) NUCLEAR WEAPONS STOCKPILE MATTERS.—

(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

"TITLE XLII—NUCLEAR WEAPONS STOCKPILE MATTERS

"Subtitle A—Stockpile Stewardship and Weapons Production".

(2) STOCKPILE STEWARDSHIP PROGRAM.—Section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1946), as amended by section 3152(e) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2042), is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1);

(B) redesignated as section 4201; and

(C) inserted after the heading for subtitle A of such title, as so added.

(3) STOCKPILE STEWARDSHIP CRITERIA.—Section 3158 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2257), as amended, is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4202; and

(C) inserted after section 4201, as added by paragraph (2).

(4) PLAN FOR STEWARDSHIP, MANAGEMENT, AND CERTIFICATION OF WARHEADS IN STOCKPILE.—Section 3151 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2041) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4203; and

(C) inserted after section 4202, as added by paragraph (3).

(5) STOCKPILE LIFE EXTENSION PROGRAM.—Section 3133 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 926) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4204;

(C) inserted after section 4203, as added by paragraph (4); and

(D) amended in subsection (c)(1) by striking "the date of the enactment of this Act" and inserting "October 5, 1999".

(6) ANNUAL ASSESSMENTS AND REPORTS ON CONDITION OF STOCKPILE.—Section 3141 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2730) is—

(A) transferred to title XLII of division D of such Act, as amended by this subsection;

(B) redesignated as section 4205;

(C) inserted after section 4204, as added by paragraph (5); and

(D) amended in subsection (d)(3)(B) by striking "section 3137 of the National Defense Authorization Act for Fiscal Year 1996 (42 U.S.C. 2121 note)" and inserting "section 4213".

(7) FORM OF CERTAIN CERTIFICATIONS REGARDING STOCKPILE.—Section 3194 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–481) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4206; and

(C) inserted after section 4205, as added by paragraph (6).

(8) NUCLEAR TEST BAN READINESS PROGRAM.—Section 1436 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2075) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4207;

(C) inserted after section 4206, as added by paragraph (7); and

(D) amended in the section heading by adding a period at the end.

(9) STUDY ON NUCLEAR TEST READINESS POSTURES.—Section 3152 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 623), as amended by section 3192 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–480), is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4208; and

(C) inserted after section 4207, as added by paragraph (8).

(10) REQUIREMENTS FOR REQUESTS FOR NEW OR MODIFIED NUCLEAR WEAPONS.—Section 3143 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2733) is—

(A) transferred to title XLII of division D of such Act, as amended by this subsection;

(B) redesignated as section 4209; and

(C) inserted after section 4208, as added by paragraph (9).

(11) LIMITATION ON UNDERGROUND NUCLEAR WEAPONS TESTS.—Subsection (f) of section 507 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102–337; 106 Stat. 1345) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4209, as added by paragraph (10); and

(C) amended—

(i) by inserting before the text the following new section heading:

"SEC. 4210. LIMITATION ON UNDERGROUND NUCLEAR WEAPONS TESTS.";

and

(ii) by striking "(f)".

(12) PROHIBITION ON RESEARCH AND DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS.—Section 3136 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1946) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4211;

(C) inserted after section 4210, as added by paragraph (11); and

(D) amended in subsection (b) by striking "the date of the enactment of this Act," and inserting "November 30, 1993,".

(13) TESTING OF NUCLEAR WEAPONS.—Section 3137 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1946) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4212;

(C) inserted after section 4211, as added by paragraph (12); and

(D) amended—

(i) in subsection (a), by inserting "of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160)" after "section 3101(a)(2)"; and

(ii) in subsection (b), by striking "this Act" and inserting "the National Defense Authorization Act for Fiscal Year 1994".

(14) MANUFACTURING INFRASTRUCTURE FOR STOCKPILE.—Section 3137 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 620), as amended by section 3132 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2829), is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4213;

(C) inserted after section 4212, as added by paragraph (13); and

(D) amended in subsection (d) by inserting "of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106)" after "section 3101(b)".

(15) REPORTS ON CRITICAL DIFFICULTIES AT LABORATORIES AND PLANTS.—Section 3159 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2842), as amended by section 1305 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1954) and section 3163 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 944), is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4214; and

(C) inserted after section 4213, as added by paragraph (14).

(16) SUBTITLE HEADING ON TRITIUM.—Title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle B—Tritium".

(17) TRITIUM PRODUCTION PROGRAM.—Section 3133 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 618) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4231;

(C) inserted after the heading for subtitle B of such title XLII, as added by paragraph (16); and

(D) amended—

(i) by striking "the date of the enactment of this Act" each place it appears and inserting "February 10, 1996"; and

(ii) in subsection (b), by inserting "of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106)" after "section 3101".

(18) TRITIUM RECYCLING.—Section 3136 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 620) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4232; and

(C) inserted after section 4231, as added by paragraph (17).

(19) TRITIUM PRODUCTION.—Subsections (c) and (d) of section 3133 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2830) are—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4232, as added by paragraph (18); and

(C) amended—

(i) by inserting before the text the following new section heading:

"SEC. 4233. TRITIUM PRODUCTION.";

(ii) by redesignating such subsections as subsections (a) and (b), respectively; and

(iii) in subsection (a), as so redesignated, by inserting "of Energy" after "The Secretary".

(20) MODERNIZATION AND CONSOLIDATION OF TRITIUM RECYCLING FACILITIES.—Section 3134 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2830) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4234;

(C) inserted after section 4233, as added by paragraph (19); and

(D) amended in subsection (b) by inserting "of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201)" after "section 3101".

(21) PROCEDURES FOR MEETING TRITIUM PRODUCTION REQUIREMENTS.—Section 3134 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 927) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4235; and

(C) inserted after section 4234, as added by paragraph (20).

(f) PROLIFERATION MATTERS.—

(1) TITLE HEADING.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new title heading:

"TITLE XLIII—PROLIFERATION MATTERS".

(2) INTERNATIONAL COOPERATIVE STOCKPILE STEWARDSHIP.—Section 3133 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2036), as amended by sections 1069 and 3131 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2136, 2246), is—

(A) transferred to title XLIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1);

(B) redesignated as section 4301;

(C) inserted after the heading for such title, as so added; and

(D) amended in subsection (b)(3) by striking "of this Act" and inserting "of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85)".

(3) NONPROLIFERATION INITIATIVES AND ACTIVITIES.—Section 3136 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 927) is—

(A) transferred to title XLIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4302;

(C) inserted after section 4301, as added by paragraph (2); and

(D) amended in subsection (b)(1) by striking "this title" and inserting "title XXXI of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65)".

(4) ANNUAL REPORT ON MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM.—Section 3171 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1645A–475) is—

(A) transferred to title XLIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4303;

(C) inserted after section 4302, as added by paragraph (3); and

(D) amended in subsection (c)(1) by striking "this Act" and inserting "the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398)".

(5) NUCLEAR CITIES INITIATIVE.—Section 3172 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1645A–476) is—

(A) transferred to title XLIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4304; and

(C) inserted after section 4303, as added by paragraph (4).

(6) PROGRAMS ON FISSILE MATERIALS.—Section 3131 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 617), as amended by section 3152 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2738), is—

(A) transferred to title XLIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4305; and

(C) inserted after section 4304, as added by paragraph (5).

(7) DISPOSITION OF WEAPONS USABLE PLUTONIUM.—Section 3182 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2747) is—

(A) transferred to title XLIII of division D of such Act, as amended by this subsection;

(B) redesignated as section 4306; and

(C) inserted after section 4305, as added by paragraph (7).

(8) DISPOSITION OF SURPLUS DEFENSE PLUTONIUM.—Section 3155 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1378) is—

(A) transferred to title XLIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4307; and

(C) inserted after section 4306, as added by paragraph (7).

(g) ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT MATTERS.—

(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

"TITLE XLIV—ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT MATTERS

"Subtitle A—Environmental Restoration and Waste Management".

(2) DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT ACCOUNT.—Section 3134 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1575) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1);

(B) redesignated as section 4401; and

(C) inserted after the heading for subtitle A of such title, as so added.

(3) FUTURE USE PLANS FOR ENVIRONMENTAL MANAGEMENT PROGRAM.—Section 3153 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2839) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4402;

(C) inserted after section 4401, as added by paragraph (2); and

(D) amended—

(i) in subsection (d), by striking "the date of the enactment of this Act" and inserting "September 23, 1996,"; and

(ii) in subsection (h)(1), by striking "the date of the enactment of this Act" and inserting "September 23, 1996".

(4) INTEGRATED FISSILE MATERIALS MANAGEMENT PLAN.—Section 3172 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 948) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4403; and

(C) inserted after section 4402, as added by paragraph (3).

(5) BASELINE ENVIRONMENTAL MANAGEMENT REPORTS.—Section 3153 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1950), as amended by section 3160 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3094), section 3152 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2839), and section 3160 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2048), is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4404; and

(C) inserted after section 4403, as added by paragraph (4).

(6) ACCELERATED SCHEDULE FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.—Section 3156 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 625) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4405;

(C) inserted after section 4404, as added by paragraph (5); and

(D) amended in subsection (b)(2) by inserting before the period the following: ", the predecessor provision to section 4404 of this Act".

(7) DEFENSE WASTE CLEANUP TECHNOLOGY PROGRAM.—Section 3141 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1679) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4406;

(C) inserted after section 4405, as added by paragraph (6); and

(D) amended in the section heading by adding a period at the end.

(8) REPORT ON ENVIRONMENTAL RESTORATION EXPENDITURES.—Section 3134 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1833) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4407;

(C) inserted after section 4406, as added by paragraph (7); and

(D) amended in the section heading by adding a period at the end.

(9) PUBLIC PARTICIPATION IN PLANNING FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.—Subsection (e) of section 3160 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3095) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4407, as added by paragraph (8); and

(C) amended—

(i) by inserting before the text the following new section heading:

"SEC. 4408. PUBLIC PARTICIPATION IN PLANNING FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT AT DEFENSE NUCLEAR FACILITIES.";

and

(ii) by striking "(e) PUBLIC PARTICIPATION IN PLANNING.—".

(10) SUBTITLE HEADING ON CLOSURE OF FACILITIES.—Title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle B—Closure of Facilities".

(11) PROJECTS TO ACCELERATE CLOSURE ACTIVITIES AT DEFENSE NUCLEAR FACILITIES.—Section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2836) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4421;

(C) inserted after the heading for subtitle B of such title, as added by paragraph (10); and

(D) amended in subsection (i), by striking "the expiration of the 15-year period beginning on the date of the enactment of this Act" and inserting "September 23, 2011".

(12) REPORTS IN CONNECTION WITH PERMANENT CLOSURE OF DEFENSE NUCLEAR FACILITIES.—Section 3156 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1683) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4422;

(C) inserted after section 4421, as added by paragraph (11); and

(D) amended in the section heading by adding a period at the end.

(13) SUBTITLE HEADING ON PRIVATIZATION.—Title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle C—Privatization".

(14) DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION PROJECTS.—Section 3132 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4431;

(C) inserted after the heading for subtitle C of such title, as added by paragraph (13); and

(D) amended—

(i) in subsections (a), (c)(1)(B)(i), and (d), by inserting "of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85)" after "section 3102(i)"; and

(ii) in subsections (c)(1)(B)(ii) and (f), by striking "the date of enactment of this Act" and inserting "November 18, 1997".

(h) SAFEGUARDS AND SECURITY MATTERS.—

(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

"TITLE XLV—SAFEGUARDS AND SECURITY MATTERS

"Subtitle A—Safeguards and Security".

(2) PROHIBITION ON INTERNATIONAL INSPECTIONS OF FACILITIES WITHOUT PROTECTION OF RESTRICTED DATA.—Section 3154 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 624) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1);

(B) redesignated as section 4501;

(C) inserted after the heading for subtitle A of such title, as so added; and

(D) amended—

(i) by striking "(1) The" and inserting "The"; and

(ii) by striking "(2) For purposes of paragraph (1)," and inserting "(c) RESTRICTED DATA DEFINED.—In this section,".

(3) RESTRICTIONS ON ACCESS TO LABORATORIES BY FOREIGN VISITORS FROM SENSITIVE COUNTRIES.—Section 3146 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 935) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4502;

(C) inserted after section 4501, as added by paragraph (2); and

(D) amended—

(i) in subsection (b)(2)—

(I) in the matter preceding subparagraph (A), by striking "30 days after the date of the enactment of this Act" and inserting "on November 4, 1999,"; and

(II) in subparagraph (A), by striking "The date that is 90 days after the date of the enactment of this Act" and inserting "January 3, 2000";

(ii) in subsection (d)(1), by striking "the date of the enactment of this Act," and inserting "October 5, 1999,"; and

(iii) in subsection (g), by adding at the end the following new paragraphs:

"(3) The term 'national laboratory' means any of the following:

"(A) Lawrence Livermore National Laboratory, Livermore, California.

"(B) Los Alamos National Laboratory, Los Alamos, New Mexico.

"(C) Sandia National Laboratories, Albuquerque, New Mexico and Livermore, California.

"(4) The term 'Restricted Data' has the meaning given that term in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).".

(4) BACKGROUND INVESTIGATIONS ON CERTAIN PERSONNEL.—Section 3143 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 934) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4503;

(C) inserted after section 4502, as added by paragraph (3); and

(D) amended—

(i) in subsection (b), by striking "the date of the enactment of this Act" and inserting "October 5, 1999,"; and

(ii) by adding at the end the following new subsection:

"(c) DEFINITIONS.—In this section, the terms 'national laboratory' and 'Restricted Data' have the meanings given such terms in section 4502(g).".

(5) COUNTERINTELLIGENCE POLYGRAPH PROGRAM.—

(A) DEPARTMENT OF ENERGY COUNTERINTELLIGENCE POLYGRAPH PROGRAM.—Section 3152 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1376) is—

(i) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) redesignated as section 4504;

(iii) inserted after section 4503, as added by paragraph (4); and

(iv) amended in subsection (c) by striking "section 3154 of the Department of Energy Facilities Safeguards, Security, and Counterintelligence Enhancement Act of 1999 (subtitle D of title XXXI of Public Law 106–65; 42 U.S.C. 7383h)" and inserting "section 4504A".

(B) COUNTERINTELLIGENCE POLYGRAPH PROGRAM.—Section 3154 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 941), as amended by section 3135 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–456), is—

(i) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) redesignated as section 4504A;

(iii) inserted after section 4504, as added by subparagraph (A); and

(iv) amended in subsection (h) by striking "180 days after the date of the enactment of this Act," and inserting "April 5, 2000,".

(6) NOTICE OF SECURITY AND COUNTERINTELLIGENCE FAILURES.—Section 3150 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 939) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4505;

(C) inserted after section 4504A, as added by paragraph (5)(B).

(7) ANNUAL REPORT ON SECURITY FUNCTIONS AT NUCLEAR WEAPONS FACILITIES.—Section 3162 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2049) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4506;

(C) inserted after section 4505, as added by paragraph (6); and

(D) amended in subsection (b) by inserting "of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2048; 42 U.S.C. 7251 note)" after "section 3161".

(8) REPORT ON COUNTERINTELLIGENCE AND SECURITY PRACTICES AT LABORATORIES.—Section 3152 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 940) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4507;

(C) inserted after section 4506, as added by paragraph (7); and

(D) amended by adding at the end the following new subsection:

"(c) NATIONAL LABORATORY DEFINED.—In this section, the term 'national laboratory' has the meaning given that term in section 4502(g)(3).".

(9) REPORT ON SECURITY VULNERABILITIES OF NATIONAL LABORATORY COMPUTERS.—Section 3153 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 940) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4508;

(C) inserted after section 4507, as added by paragraph (8); and

(D) amended by adding at the end the following new subsection:

"(f) NATIONAL LABORATORY DEFINED.—In this section, the term 'national laboratory' has the meaning given that term in section 4502(g)(3).".

(10) SUBTITLE HEADING ON CLASSIFIED INFORMATION.—Title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle B—Classified Information".

(11) REVIEW OF CERTAIN DOCUMENTS BEFORE DECLASSIFICATION AND RELEASE.—Section 3155 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 625) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4521; and

(C) inserted after the heading for subtitle B of such title, as added by paragraph (10).

(12) PROTECTION AGAINST INADVERTENT RELEASE OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.—Section 3161 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2259), as amended by section 1067(3) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 774) and section 3193 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–480), is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4522;

(C) inserted after section 4521, as added by paragraph (11); and

(D) amended—

(i) in subsection (c)(1), by striking "the date of the enactment of this Act" and inserting "October 17, 1998,";

(ii) in subsection (f)(1), by striking "the date of the enactment of this Act" and inserting "October 17, 1998"; and

(iii) in subsection (f)(2), by striking "The Secretary" and inserting "Commencing with inadvertent releases discovered on or after October 30, 2000, the Secretary".

(13) SUPPLEMENT TO PLAN FOR DECLASSIFICATION OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.—Section 3149 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 938) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4523;

(C) inserted after section 4522, as added by paragraph (12); and

(D) amended—

(i) in subsection (a), by striking "subsection (a) of section 3161 of the Strom Thurmond National Defense Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2260; 50 U.S.C. 435 note)" and inserting "subsection (a) of section 4522";

(ii) in subsection (b)—

(I) by striking "section 3161(b)(1) of that Act" and inserting "subsection (b)(1) of section 4522"; and

(II) by striking "the date of the enactment of that Act" and inserting "October 17, 1998,";

(iii) in subsection (c)—

(I) by striking "section 3161(c) of that Act" and inserting "subsection (c) of section 4522"; and

(II) by striking "section 3161(a) of that Act" and inserting "subsection (a) of such section"; and

(iv) in subsection (d), by striking "section 3161(d) of that Act" and inserting "subsection (d) of section 4522".

(14) PROTECTION OF CLASSIFIED INFORMATION DURING LABORATORY-TO-LABORATORY EXCHANGES.—Section 3145 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 935) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4524; and

(C) inserted after section 4523, as added by paragraph (13).

(15) IDENTIFICATION IN BUDGETS OF AMOUNT FOR DECLASSIFICATION ACTIVITIES.—Section 3173 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 949) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4525;

(C) inserted after section 4524, as added by paragraph (14); and

(D) amended in subsection (b) by striking "the date of the enactment of this Act" and inserting "October 5, 1999,".

(16) SUBTITLE HEADING ON EMERGENCY RESPONSE.—Title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle C—Emergency Response".

(17) RESPONSIBILITY FOR DEFENSE PROGRAMS EMERGENCY RESPONSE PROGRAM.—Section 3158 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 626) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4541; and

(C) inserted after the heading for subtitle C of such title, as added by paragraph (16).

(i) PERSONNEL MATTERS.—

(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

"TITLE XLVI—PERSONNEL MATTERS

"Subtitle A—Personnel Management".

(2) AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.—Section 3161 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3095), as amended by section 3139 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2040), sections 3152 and 3155 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2253, 2257), and section 3191 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–480), is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1);

(B) redesignated as section 4601; and

(C) inserted after the heading for subtitle A of such title, as so added.

(3) WHISTLEBLOWER PROTECTION PROGRAM.—Section 3164 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 946) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4602;

(C) inserted after section 4601, as added by paragraph (2); and

(D) amended in subsection (n) by striking "60 days after the date of the enactment of this Act," and inserting "December 5, 1999,".

(4) EMPLOYEE INCENTIVES FOR WORKERS AT CLOSURE PROJECT FACILITIES.—Section 3136 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–458) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4603;

(C) inserted after section 4602, as added by paragraph (3); and

(D) amended—

(i) in subsections (c) and (i)(1)(A), by striking "section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7274n)" and inserting "section 4421"; and

(ii) in subsection (g), by striking "section 3143(h) of the National Defense Authorization Act for Fiscal Year 1997" and inserting "section 4421(h)".

(5) DEFENSE NUCLEAR FACILITY WORKFORCE RESTRUCTURING PLAN.—Section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644), as amended by section 1070(c)(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2857), Public Law 105–277 (112 Stat. 2681–419, 2681–430), and section 1048(h)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1229), is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4604;

(C) inserted after section 4603, as added by paragraph (4); and

(D) amended—

(i) in subsection (a), by striking "(hereinafter in this subtitle referred to as the 'Secretary')"; and

(ii) by adding at the end the following new subsection:

"(g) DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITY DEFINED.—In this section, the term 'Department of Energy defense nuclear facility' means—

"(1) a production facility or utilization facility (as those terms are defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)) that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the tritium loading facility at Savannah River, South Carolina, the 236 H facility at Savannah River, South Carolina; and the Mound Laboratory, Ohio), but the term does not include any facility that does not conduct atomic energy defense activities and does not include any facility or activity covered by Executive Order Number 12344, dated February 1, 1982, pertaining to the naval nuclear propulsion program;

"(2) a nuclear waste storage or disposal facility that is under the control or jurisdiction of the Secretary;

"(3) a testing and assembly facility that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the Nevada Test Site, Nevada; the Pinnellas Plant, Florida; and the Pantex facility, Texas);

"(4) an atomic weapons research facility that is under the control or jurisdiction of the Secretary (including Lawrence Livermore, Los Alamos, and Sandia National Laboratories); or

"(5) any facility described in paragraphs (1) through (4) that—

"(A) is no longer in operation;

"(B) was under the control or jurisdiction of the Department of Defense, the Atomic Energy Commission, or the Energy Research and Development Administration; and

"(C) was operated for national security purposes.".

(6) AUTHORITY TO PROVIDE CERTIFICATE OF COMMENDATION TO EMPLOYEES.—Section 3195 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–481) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4605; and

(C) inserted after section 4604, as added by paragraph (5).

(7) SUBTITLE HEADING ON TRAINING AND EDUCATION.—Title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle B—Education and Training".

(8) EXECUTIVE MANAGEMENT TRAINING.—Section 3142 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1680) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4621;

(C) inserted after the heading for subtitle B of such title, as added by paragraph (7); and

(D) amended in the section heading by adding a period at the end.

(9) STOCKPILE STEWARDSHIP RECRUITMENT AND TRAINING PROGRAM.—Section 3131 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3085) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4622;

(C) inserted after section 4621, as added by paragraph (8); and

(D) amended—

(i) in subsection (a)(1), by striking "section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1946; 42 U.S.C. 2121 note)" and inserting "section 4201"; and

(ii) in subsection (b)(2), by inserting "of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337)" after "section 3101(a)(1)".

(10) FELLOWSHIP PROGRAM FOR DEVELOPMENT OF SKILLS CRITICAL TO NUCLEAR WEAPONS COMPLEX.—Section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat 621), as amended by section 3162 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 943), is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4623; and

(C) inserted after section 4622, as added by paragraph (9).

(11) SUBTITLE HEADING ON WORKER SAFETY.—Title XLVI of division D of the Bob

Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle C—Worker Safety".

(12) WORKER PROTECTION AT NUCLEAR WEAPONS FACILITIES.—Section 3131 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1571) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4641;

(C) inserted after the heading for subtitle C of such title, as added by paragraph (11); and

(D) amended in subsection (e) by inserting "of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190)" after "section 3101(9)(A)".

(13) SAFETY OVERSIGHT AND ENFORCEMENT AT DEFENSE NUCLEAR FACILITIES.—Section 3163 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3097) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4642;

(C) inserted after section 4641, as added by paragraph (12); and

(D) amended in subsection (b) by striking "90 days after the date of the enactment of this Act," and inserting "January 5, 1995,".

(14) PROGRAM TO MONITOR WORKERS AT DEFENSE NUCLEAR FACILITIES EXPOSED TO HAZARDOUS AND RADIOACTIVE SUBSTANCES.—Section 3162 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2646) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4643;

(C) inserted after section 4642, as added by paragraph (13); and

(D) amended—

(i) in subsection (b)(6), by striking "1 year after the date of the enactment of this Act" and inserting "October 23, 1993";

(ii) in subsection (c), by striking "180 days after the date of the enactment of this Act," and inserting "April 23, 1993,"; and

(iii) by adding at the end the following new subsection:

"(c) DEFINITIONS.—In this section:

"(1) The term 'Department of Energy defense nuclear facility' has the meaning given that term in section 4604(g).

"(2) The term 'Department of Energy employee' means any employee of the Department of Energy employed at a Department of Energy defense nuclear facility, including any employee of a contractor of subcontractor of the Department of Energy employed at such a facility.".

(j) BUDGET AND FINANCIAL MANAGEMENT MATTERS.—

(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

"TITLE XLVII—BUDGET AND FINANCIAL MANAGEMENT MATTERS

"Subtitle A—Recurring National Security Authorization Provisions".

(2) RECURRING NATIONAL SECURITY AUTHORIZATION PROVISIONS.—Sections 3620 through 3631 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2756) are—

(A) transferred to title XLVII of division D of such Act, as added by paragraph (1);

(B) redesignated as sections 4701 through 4712, respectively;

(C) inserted after the heading for subtitle A of such title, as so added; and

(D) amended—

(i) in section 4702, as so redesignated, by striking "sections 3629 and 3630" and inserting "sections 4710 and 4711";

(ii) in section 4706(a)(3)(B), as so redesignated, by striking "section 3626" and inserting "section 4707";

(iii) in section 4707(c), as so redesignated, by striking "section 3625(b)(2)" and inserting "section 4706(b)(2)";

(iv) in section 4710(c), as so redesignated, by striking "section 3621" and inserting "section 4702";

(v) in section 4711(c), as so redesignated, by striking "section 3621" and inserting "section 4702"; and

(vi) in section 4712, as so redesignated, by striking "section 3621" and inserting "section 4702".

(3) SUBTITLE HEADING ON PENALTIES.—Title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle B—Penalties".

(4) RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER ENVIRONMENTAL LAWS.—Section 3132 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 4063) is—

(A) transferred to title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4721;

(C) inserted after the heading for subtitle B of such title, as added by paragraph (3); and

(D) amended in the section heading by adding a period at the end.

(5) RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER CLEAN AIR ACT.—Section 211 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (Public Law 96–540; 94 Stat. 3203) is—

(A) transferred to title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4721, as added by paragraph (4); and

(C) amended—

(i) by striking the section heading and inserting the following new section heading:

"SEC. 4722. RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER CLEAN AIR ACT.";

(ii) by striking SEC. 211."; and

(iii) by striking "this or any other Act" and inserting "the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (Public Law 96–540) or any other Act".

(6) SUBTITLE HEADING ON OTHER MATTERS.—Title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle C—Other Matters".

(7) SINGLE REQUEST FOR AUTHORIZATION OF APPROPRIATIONS FOR COMMON DEFENSE AND SECURITY PROGRAMS.—Section 208 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1979 (Public Law 95–509; 92 Stat. 1779) is—

(A) transferred to title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after the heading for subtitle C of such title, as added by paragraph (6); and

(C) amended—

(i) by striking the section heading and inserting the following new section heading:

"SEC. 4731. SINGLE REQUEST FOR AUTHORIZATION OF APPROPRIATIONS FOR COMMON DEFENSE AND SECURITY PROGRAMS."; and

(ii) by striking "SEC. 208.".

(k) ADMINISTRATIVE MATTERS.—

(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

"TITLE XLVIII—ADMINISTRATIVE MATTERS

"Subtitle A—Contracts".

(2) COSTS NOT ALLOWED UNDER CERTAIN CONTRACTS.—Section 1534 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 774), as amended by section 3131 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1238), is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1);

(B) redesignated as section 4801;

(C) inserted after the heading for subtitle A of such title, as so added; and

(D) amended—

(i) in the section heading, by adding a period at the end; and

(ii) in subsection (b)(1), by striking "the date of the enactment of this Act," and inserting "November 8, 1985,".

(3) PROHIBITION ON BONUSES TO CONTRACTORS OPERATING DEFENSE NUCLEAR FACILITIES.—Section 3151 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1682) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4802;

(C) inserted after section 4801, as added by paragraph (2); and

(D) amended—

(i) in the section heading, by adding a period at the end;

(ii) in subsection (a), by striking "the date of the.enactment of this Act" and inserting "November 29, 1989";

(iii) in subsection (b), by striking "6 months after the date of the enactment of this Act," and inserting "May 29, 1990,"; and

(iv) in subsection (d), by striking "90 days after the date of the enactment of this Act" and inserting "March 1, 1990".

(4) CONTRACTOR LIABILITY FOR INJURY OR LOSS OF PROPERTY ARISING FROM ATOMIC WEAPONS TESTING PROGRAMS.—Section 3141 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1837) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4803;

(C) inserted after section 4802, as added by paragraph (3); and

(D) amended—

(i) in the section heading, by adding a period at the end; and

(ii) in subsection (d), by striking "the date of the enactment of this Act" each place it appears and inserting "November 5, 1990,".

(5) SUBTITLE HEADING ON RESEARCH AND DEVELOPMENT.—Title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle B—Research and Development".

(6) LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT.—Section 3132 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1832) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4811;

(C) inserted after the heading for subtitle B of such title, as added by paragraph (5); and

(D) amended in the section heading by adding a period at the end.

(7) LIMITATIONS ON USE OF FUNDS FOR LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—

(A) LIMITATIONS ON USE OF FUNDS FOR LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—Section 3137 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2038) is—

(i) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) redesignated as section 4812;

(iii) inserted after section 4811, as added by paragraph (6); and

(iv) amended—

(I) in subsection (b), by striking "section 3136(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2831; 42 U.S.C. 7257b)" and inserting "section 4812A(b)";

(II) in subsection (d)—

(aa) by striking "section 3136(b)(1)" and inserting "section 4812A(b)(1)"; and

(bb) by striking "section 3132(c) of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 7257a(c))" and inserting "section 4811(c)"; and

(III) in subsection (e), by striking "section 3132(d) of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 7257a(d))" and inserting "section 4811(d)".

(B) LIMITATION ON USE OF FUNDS FOR CERTAIN RESEARCH AND DEVELOPMENT PURPOSES.—Section 3136 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2830), as amended by section 3137 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2038), is—

(i) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) redesignated as section 4812A;

(iii) inserted after section 4812, as added by paragraph (7); and

(iv) amended in subsection (a) by inserting "of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201)" after "section 3101".

(8) CRITICAL TECHNOLOGY PARTNERSHIPS.—Section 3136 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1577), as amended by section 203(b)(3) of Public Law 103–35 (107 Stat. 102), is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4813; and

(C) inserted after section 4812A, as added by paragraph (7)(B).

(9) UNIVERSITY-BASED RESEARCH COLLABORATION PROGRAM.—Section 3155 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2044) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4814;

(C) inserted after section 4813, as added by paragraph (8); and

(D) amended in subsection (c) by striking "this title" and inserting "title XXXI of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85)".

(10) SUBTITLE HEADING ON FACILITIES MANAGEMENT.—Title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle C—Facilities Management".

(11) TRANSFERS OF REAL PROPERTY AT CERTAIN FACILITIES.—Section 3158 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2046) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4831; and

(C) inserted after the heading for subtitle C of such title, as added by paragraph (10).

(12) ENGINEERING AND MANUFACTURING RESEARCH, DEVELOPMENT, AND DEMONSTRATION AT CERTAIN NUCLEAR WEAPONS PRODUCTION PLANTS.—Section 3156 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–467) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4832; and

(C) inserted after section 4831, as added by paragraph (11).

(13) PILOT PROGRAM ON USE OF PROCEEDS OF DISPOSAL OR UTILIZATION OF CERTAIN ASSETS.—Section 3138 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2039) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4833;

(C) inserted after section 4832, as added by paragraph (12); and

(D) amended in subsection (d) by striking "sections 202 and 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483 and 484(j))" and inserting "subchapter II of chapter 5 and section 549 of title 40, United States Code,".

(14) SUBTITLE HEADING ON OTHER MATTERS.—Title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle D—Other Matters".

(15) SEMIANNUAL REPORTS ON LOCAL IMPACT ASSISTANCE.—Subsection (f) of section 3153 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2044) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after the heading for subtitle D of such title, as added by paragraph (14); and

(C) amended—

(i) by inserting before the text the following new section heading:

"SEC. 4851. SEMIANNUAL REPORTS ON LOCAL IMPACT ASSISTANCE.";

(ii) by striking "(f) SEMIANNUAL REPORTS ON LOCAL IMPACT ASSISTANCE.—"; and

(iii) by striking "section 3161(c)(6) of the National Defense Authorization Act of Fisca Year 1993 (42 U.S.C. 7274h(c)(6))" and inserting "section 4604(c)(6)".

(l) MATTERS RELATING TO PARTICULAR FACILITIES.—

(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

"TITLE XLIX—MATTERS RELATING TO PARTICULAR FACILITIES

"Subtitle A—Hanford Reservation, Washington".

(2) SAFETY MEASURES FOR WASTE TANKS.—Section 3137 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1833) is—

(A) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1);

(B) redesignated as section 4901;

(C) inserted after the heading for subtitle A of such title, as so added; and

(D) amended—

(i) in the section heading, by adding a period at the end;

(ii) in subsection (a), by striking "Within 90 days after the date of the enactment of this Act," and inserting "Not later than February 3, 1991,";

(iii) in subsection (b), by striking "Within 120 days after the date of the enactment of this Act," and inserting "Not later than March 5, 1991,";

(iv) in subsection (c), by striking "Beginning 120 days after the date of the enactment of this Act," and inserting "Beginning March 5, 1991,"; and

(v) in subsection (d), by striking "Within six months of the date of the enactment of this Act," and inserting "Not later than May 5, 1991,".

(3) PROGRAMS FOR PERSONS WHO MAY HAVE BEEN EXPOSED TO RADIATION RELEASED FROM HANFORD RESERVATION.—Section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1834), as amended by section 3138 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3087), is—

(A) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4902;

(C) inserted after section 4901, as added by paragraph (2); and

(D) amended—

(i) in the section heading, by adding a period at the end;

(ii) in subsection (a), by striking "this title" and inserting "title XXXI of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510)"; and

(iii) in subsection (c)—

(I) in paragraph (2), by striking "six months after the date of the enactment of this Act," and inserting "May 5, 1991,"; and

(II) in paragraph (3), by striking "18 months after the date of the enactment of this Act," and inserting "May 5, 1992,".

(4) WASTE TANK CLEANUP PROGRAM.—Section 3139 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2250), as amended by section 3141 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-463) and section 3135 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1368), is—

(A) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4903;

(C) inserted after section 4902, as added by paragraph (3); and

(D) amended in subsection (d) by striking "30 days after the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001." and inserting "November 29, 2000,".

(5) RIVER PROTECTION PROJECT.—Subsection (a) of section 3141 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-462) is—

(A) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4903, as added by paragraph (4); and

(C) amended—

(i) by inserting before the text the following new section heading:

"SEC. 4904. RIVER PROTECTION PROJECT."; and

(ii) by striking "(a) REDESIGNATION OF PROJECT.—".

(6) FUNDING FOR TERMINATION COSTS OF RIVER PROTECTION PROJECT.—Section 3131 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-454) is—

(A) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4905;

(C) inserted after section 4904, as added by paragraph (5); and

(D) amended—

(i) by striking "section 3141" and inserting "section 4904"; and

(ii) by striking "the date of the enactment of this Act" and inserting "October 30, 2000".

(7) SUBTITLE HEADING ON SAVANNAH RIVER SITE, SOUTH CAROLINA.—Title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle B—Savannah River Site, South Carolina".

(8) ACCELERATED SCHEDULE FOR ISOLATING HIGH-LEVEL NUCLEAR WASTE AT DEFENSE WASTE PROCESSING FACILITY.—Section 3141 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2834) is—

(A) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4911; and

(C) inserted after the heading for subtitle B of such title, as added by paragraph (7).

(9) MULTI-YEAR PLAN FOR CLEAN-UP.—Subsection (e) of section 3142 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2834) is—

(A) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4911, as added by paragraph (8); and

(C) amended—

(i) by inserting before the text the following new section heading:

"SEC. 4912. MULTI-YEAR PLAN FOR CLEAN-UP."; and

(ii) by striking "(e) MULTI-YEAR PLAN FOR CLEAN-UP AT SAVANNAH RIVER SITE.—The Secretary" and inserting "The Secretary of Energy".

(10) CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSAL OF LEGACY NUCLEAR MATERIALS.—

(A) FISCAL YEAR 2001.—Subsection (a) of section 3137 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat 1654A-460) is—

(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) inserted after section 4912, as added by paragraph (9); and

(iii) amended—

(I) by inserting before the text the following new section heading:

"SEC. 4913. CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSAL OF LEGACY NUCLEAR MATERIALS."; and

(II) by striking "(a) CONTINUATION.—".

(B) FISCAL YEAR 2000.—Section 3132 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 924) is—

(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) redesignated as section 4913A; and

(iii) inserted after section 4913, as added by subparagraph (A).

(C) FISCAL YEAR 1999.—Section 3135 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2248) is—

(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) redesignated as section 4913B; and

(iii) inserted after section 4913A, as added by subparagraph (B).

(D) FISCAL YEAR 1998.—Subsection (b) of section 3136 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2038) is—

(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) inserted after section 4913B, as added by subparagraph (C); and

(iii) amended—

(I) by inserting before the text the following new section heading:

"SEC. 4913C. CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSAL OF LEGACY NUCLEAR MATERIALS."; and

(II) by striking "(b) REQUIREMENT FOR CONTINUING OPERATIONS AT SAVANNAH RIVER SITE.—".

(E) FISCAL YEAR 1997.—Subsection (f) of section 3142 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2836) is—

(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) inserted after section 4913C, as added by subparagraph (D); and

(iii) amended—

(I) by inserting before the text the following new section heading:

"SEC. 4913D. CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSAL OF LEGACY NUCLEAR MATERIALS.";

(II) by striking "(f) REQUIREMENT FOR CONTINUING OPERATIONS AT SAVANNAH RIVER SITE.—The Secretary" and inserting "The Secretary of Energy"; and

(III) by striking "subsection (e)" and inserting "section 4912".

(11) LIMITATION ON USE OF FUNDS FOR DECOMMISSIONING F-CANYON FACILITY.—Subsection (b) of section 3137 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-460) is—

(A) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4913D, as added by paragraph (10)(E); and

(C) amended—

(i) by inserting before the text the following new section heading:

"SEC. 4914. LIMITATION ON USE OF FUNDS FOR DECOMMISSIONING F-CANYON FACILITY.";

(ii) by striking "(b) LIMITATION ON USE OF FUNDS FOR DECOMMISSIONING F-CANYON FACILITY.—";

(iii) by striking "this or any other Act" and inserting "the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398) or any other Act"; and

(iv) by striking "the Secretary" in the matter preceding paragraph (1) and inserting "the Secretary of Energy".

(12) SUBTITLE HEADING ON OTHER FACILITIES.—Title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle C—Other Facilities".

(13) PAYMENT OF COSTS OF OPERATION AND MAINTENANCE OF INFRASTRUCTURE AT NEVADA TEST SITE.—Section 3144 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2838) is—

(A) transferred to title XLIX of division D of such Act, as amended by this subsection;

(B) redesignated as section 4921; and

(C) inserted after the heading for subtitle C of such title, as added by paragraph (12).

(m) CONFORMING AMENDMENTS.—(1) Title XXXVI of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 1756) is repealed.

(2) Subtitle E of title XXXI of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 42 U.S.C. 7274h et seq.) is repealed.

(3) Section 8905a(d)(5)(A) of title 5, United States Code, is amended by striking "section

3143 of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7274n)" and inserting "section 4421 of the Atomic Energy Defense Act".

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2004, $19,559,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

By Mr. DOMENICI (for himself, Mr. REID, and Mr. BINGAMAN):

S. 1051. A bill to direct the Secretary of the Interior to carry out a demonstration program to assess potential water savings through control of Salt Cedar and Russian Olive; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, I rise today to introduce a piece of legislation that is of paramount importance to the State of New Mexico and many other Western States. This bill will address the mounting pressures brought on by the growing demands throughout the West of a diminishing water supply.

A water crisis has ravaged the West for 4 years. Drought conditions are expected to expand into the upper Midwest this year. Last year snow packs were abnormally low, causing severe drought conditions. Snow pack conditions this year are still low, but marginally better in the Southwest. The rest of the West does not look any more promising.

I know that the seriousness of the water situation in New Mexico becomes more acute every single day. This drought has affected every New Mexican and nearly everyone in the West in some way. Wells are running dry, farmers are being forced to sell livestock, many of our cities are in various stages of conservation and many, many acres have been charred by catastrophic wildfires.

The drought conditions also have other consequences. For example, the lack of stream flow makes it very difficult for New Mexico to meet its compact delivery obligations to the State of Texas.

The bill that I am introducing today deals more specifically with the issue of in-stream water flows. To compound the drought situation, New Mexico is home to a vast amount of salt cedar. Salt cedar is a water-thirsty non-native tree that continually strips massive amounts of water out of New Mexico's two predominant water supplies—the Pecos and the Rio Grande rivers.

Estimates show that one mature salt cedar tree can consume as much as 200 gallons of water per day; over the growing season that's 7 acre feet of water for each acre of salt cedar. In addition to the excessive water consumption, salt cedars increase fire, increase river channelization and flood frequency, decrease water flow and increase water and soil salinity along the river. Studies indicate that eradication of the salt cedars could increase river flows. Increasing river flows could help alleviate mounting pressure to meet compact delivery obligations—both on the Pecos and the Rio Grande.

The drought and the mounting legal requirements on both the Pecos and Rio Grande rivers are forcing us toward a severe water crisis. Every river in the intermountain West seems to be facing these same problems. Solving such water problems has become one of my top priorities.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

Mr. REID. Will the Senator yield?

Mr. DOMENICI. I am happy to yield.

Mr. REID. I apologize for interrupting the Senator. I applaud and commend the author of this legislation, with whom I joined, in presenting this legislation.

For the State of Nevada, with the limited agriculture we have, and the very few rivers we have, the tamarisk is removing our agricultural possibilities, our recreational possibilities. If we can figure out a way to get rid of this salt cedar that has been ruining Nevada's rivers for decades now, it will do as much to help the State of Nevada and the environment as any one thing we can do. This will actually improve the environment of the State of Nevada.

I want the record to reflect how much I, on behalf of the State of Nevada, applaud the Senator from New Mexico for offering this legislation.

Mr. DOMENICI. This map which we just showed indicates that your problem is not just yours, my problem is not just mine. All the States that are green on the chart have tamarisk or one of these foreign plants such as salt cedar, that have infested the area, sucking up their water for no good use.

Estimates show that a mature salt cedar tree can consume as much as 200 gallons of water a day over the growing season or 7 acre feet of water for each acre of salt cedar.

In addition to the excessive water consumption, the salt cedar increases fire, increases river channelization, flood frequency, decreases water flow, increases water and soil salinity over the various river basins.

Mr. REID. If I could just say one more thing to my friend from New Mexico, in addition to that, they are not good for shade.

Mr. DOMENICI. They are good for nothing.

Mr. REID. They are not good for birds to nest in. They are just an ugly blight on Nevada's environment.

Mr. DOMENICI. I thank the Senator for joining me.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1051

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "Salt Cedar Control Demonstration Act".

SEC. 2. DEMONSTRATION PROGRAM.

(a) ASSESSMENT.—Not later than 1 year after the date when funds are made available to carry out this section, the Secretary of the Interior ("Secretary") shall complete an assessment of the extent of Salt Cedar and Russian Olive invasion in the Western United States, past and on-going research on tested and innovative methods to control these phreatophytes, the feasibility of reducing water consumption, methods and challenges in land restoration, estimated costs for all aspects of destruction, biomass removal, land restoration and maintenance, and shall identify long-term management and funding strategies that could be implemented by Federal, State and private land managers.

(b) DEMONSTRATION.—The Secretary will initiate a program of not fewer than 3 projects to demonstrate and evaluate the most effective control methods including at least one project primarily using airborne application of herbicides, at least one project using mechanical removal and at least one project using biocontrol such as goats or insects or any combination thereof. Each demonstration project shall be designed and carried out over timeframes and spatial scales large enough to—

(1) monitor and fully document the water saved due to control of Salt Cedar and Russian Oliver infestation and what portions of the saved water returns to surface water supplies and at what rates;

(2) assess the optimum application approach and tools for an array of control methods;

(3) assess all costs and benefits associated with the control methods, land restoration and maintenance;

(4) determine what conditions indicate the need to remove biomass and the optimal methods for disposal or use of biomass;

(5) define appropriate final vegetative states, optimal re-vegetation methods, and methods to prevent regrowth and reintroduction of the invasive species.

(c) COSTS.—The total cost of each project may not exceed 7.000.000 dollars including costs of planning, design, implementation, maintenance and monitoring. The Federal share of the costs of any activity funded under this program shall be no more than 65 percent of the total cost. The Secretary may apply the value of in-kind contributions including State agency-provided services to the non-Federal share of the costs.

(d) COOPERATION.—The Secretary shall use the expertise of institutions of higher education, state agencies, and soil and water conservation districts that are actively conducting research on or implementing Salt Cedar and Russian Olive control activities and shall cooperate with other federal agencies including the Department of Agriculture, Corp of Engineers, affected states, local units of government, and Indian-Tribes.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the provisions of this Act $50.000.000 for fiscal year 2004, and such sums as are necessary for each fiscal year thereafter.

By Mr. NELSON of Florida:

S. 1052. A bill to ensure that recipients of unsolicited bulk commercial electronic mail can identify the sender of such electronic mail, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, unwanted e-mail has become a problem of such gargantuan proportions that today's consumers find it difficult to engage in the normal commerce of e-mail because their e-mail screen is so cluttered with so many unwanted messages.

Commercially, clearly there is a desirable reason to have commercial messages, but a consumer ought to be able to opt out if that consumer does not want to continue to get those commercial messages. A consumer, particularly, should not have to endure the affront of messages that are clearly inappropriate, including pornographic messages.

It is unbelievable. Yesterday, I was in my Tampa office, and in just one day, in the Tampa office, a U.S. Senate office, we had an e-mail sheet filled with unwanted messages, including pornographic messages. You can imagine if it is happening to a U.S. Senator's e-mail account what is happening across the land.

So today I am introducing legislation that will give the consumer the opportunity to opt out, that will create penalties, both in jail time and fines, for deceptive and untruthful messages, as well as messages that do not have a return address where somebody is masking their identity.

And, Mr. President, we are going to put some teeth in this legislation because we are going to make the infraction of this particular onerous activity of unwanted e-mail an element of the Racketeer Influenced and Corrupt Organizations Act, the RICO Act, which will give prosecutors the tools to go after the criminal enterprise and take the assets of that criminal enterprise that has become such a plague upon the consumers of this Nation who want and desire and, in fact, use a new kind of communication, e-mail.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1052

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ``Ban on Deceptive Unsolicited Bulk Electronic Mail Act of 2003''.

SEC. 2. DECEPTIVE UNSOLICITED ELECTRONIC MAIL.

(a) VIOLATIONS.—It shall be unlawful for any person to knowingly and intentionally use a computer or computer network to—

(1) falsify or forge electronic mail transmission information or other source, destination, routing, or subject heading information in any manner in connection with the transmission of unsolicited bulk commercial electronic mail through, or into, the computer network of an electronic mail service provider or its subscribers;

(2) transmit an electronic mail message to a recipient who requests not to receive unsolicited bulk commercial electronic mail; or

(3) collect electronic mail addresses from public and private spaces for the purpose of transmitting unsolicited bulk commercial electronic mail.

(b) PENALTY.—Any violation of subsection (a) shall be—

(1) considered a predicate offense for the purposes of applying the Racketeering Influenced and Corrupt Organization Act (RICO) (18 U.S.C. 1961 et seq.);

(2) constitute an unfair or deceptive act or practice in violation of section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)); and

(3) punishable by—

(A) a civil penalty; and

(B) a fine in accordance with title 18, United States Code, or imprisonment for not more than 5 years, or both.

(c) OPPORTUNITY TO OPTION OUT OF RECEIVING UNSOLICITED MAIL.—Any person sending unsolicited bulk commercial electronic mail shall provide recipients of such electronic mail a clear and conspicuous opportunity to request not to receive future unsolicited electronic mail.

(d) DEFINITIONS.—In this section:

(1) ELECTRONIC MAIL MESSAGE.—The term ``electronic mail message'' means a message sent to an electronic mail address.

(2) ELECTRONIC MAIL ADDRESS.—The term ``electronic mail address'' means a destination, commonly expressed as a string of characters, consisting of a unique user name or mailbox (commonly referred to as the ``local part'') and a reference to an Internet domain (commonly referred to as the ``domain part'') to which an electronic mail message can be sent or delivered.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 142—RELATIVE TO THE DEATH OF RUSSELL B. LONG, FORMER UNITED STATES SENATOR FOR THE STATE OF LOUISIANA

Mr. FRIST (for himself, Mr. BREAUX, Ms. LANDRIEU, and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 142

Whereas Russell B. Long served in the United States Navy from 1942 to 1945;

Whereas Russell B. Long succeeded both his parents as members of the United States Senate;

Whereas Russell B. Long served the people of Louisiana with distinction for 38 years in the United States Senate;

Whereas Russell B. Long served as Chairman of the Committee on Finance of the United States Senate from 1965 to 1981; and

Whereas Russell B. Long was a tireless and effective champion for the poor, the disabled, and the elderly: Now, therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Russell B. Long, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Russell B. Long.

AMENDMENTS SUBMITTED AND PROPOSED

SA 542. Mrs. FEINSTEIN proposed an amendment to amendment SA 539 proposed by Mr. FRIST (for himself, Mr. DASCHLE, Mr. INHOFE, Mr. DORGAN, Mr. LUGAR, Mr. JOHNSON, Mr. GRASSLEY, Mr. HARKIN, Mr. HAGEL, Mr. DURBIN, Mr. VOINOVICH, Mr. NELSON of Nebraska, Mr. TALENT, Mr. DAYTON, Mr. COLEMAN, Mr. EDWARDS, Mr. CRAPO, Mr. CONRAD, Mr. DEWINE, and Mr. BAUCUS) to the bill S. 14, to enhance the energy security of the United States, and for other purposes.

SA 543. Mr. SMITH submitted an amendment intended to be proposed by him to the bill S. 1054, to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 542. Mrs. FEINSTEIN proposed an amendment to amendment SA 539 proposed by Mr. FRIST (for himself, Mr. DASCHLE, Mr. INHOFE, Mr. DORGAN, Mr. LUGAR, Mr. JOHNSON, Mr. GRASSLEY, Mr. HARKIN, Mr. HAGEL, Mr. DURBIN, Mr. VOINOVICH, Mr. NELSON of Nebraska, Mr. TALENT, Mr. DAYTON, Mr. COLEMAN, Mr. EDWARDS, Mr. CRAPO, Mr. CONRAD, Mr. DEWINE, and Mr. BAUCUS) to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

Section 211(o)(2) of the Clean Air Act (as added by the amendment) is amended by inserting after subparagraph (B) the following:

``(C) ELECTION BY STATES.—The renewable fuel program shall apply to a State only if the Governor of the State notifies the Administrator that the State elects to participate in the renewable fuel program.''.

SA 543. Mr. SMITH submitted an amendment intended to be proposed by him to the bill S. 1054, to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004; which was ordered to lie on the table; as follows:

Insert after section 107 the following:

SEC. . CLARIFICATION OF PLACED IN SERVICE RULE FOR BONUS DEPRECIATION PROPERTY.

(a) IN GENERAL.—Section 168(k)(2)(D) (relating to special rules) is amended by adding at the end the following new clause:

``(iii) SYNDICATION.—For purposes of subparagraph (A)(ii), if—

``(I) property is originally placed in service after September 10, 2001, by the lessor of such property,

``(II) such property is sold by such lessor or any subsequent purchaser within 3 months after the date so placed in service (or, in the case of multiple units of property subject to the same lease, within 3 months after the date the final unit is placed in service, so long as the period between the time the first unit is placed in service and the time the last unit is placed in service does not exceed 12 months), and

"(III) the user of such property after the last sale during such 3-month period remains the same as when such property was originally placed in service, such property shall be treated as originally placed in service not earlier than the date of such last sale, so long as no previous owner of such property elects the application of this subsection with respect to such property.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales on or after the date of the enactment of this Act.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, May 14, 2003 at 9:30 a.m. in Room 216 of the Hart Senate Office Building to conduct a business meeting on S. 285, the Native American Alcohol and Substance Abuse Program Consolidation Act of 2003; S. 555, the Native American Health and Wellness Foundation Act of 2003; S. 558, a bill to elevate the Position of Director of the Indian Health Service to Assistant Secretary; S. 344, a bill to express the policy of the United States regarding the United States, relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; and S. 702, a bill to reauthorize the Native Hawaiian Health Care Improvement Act, to be followed immediately by an oversight hearing on the Role and Funding of the Federal National Indian Gaming Commission, NIGC.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, May 14, 2003 at 10 a.m. in Room 216 of the Hart Senate Office Building to conduct an oversight hearing on the Role and Funding of the Federal National Indian Gaming Commission, NIGC.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, May 15, 2003 at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 575, a bill to amend the Native American Languages Act to provide for the support of Native American language survival schools, and for other purposes.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., Tuesday, May 20, 2003, in Room SR–301, Russell Senate Office Building, to conduct an oversight hearing on the operations of the John F. Kennedy Center for the Performing Arts and the Smithsonian Institution.

For further information concerning this meeting, please contact Susan Wells at 202–224–6352.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold a hearing entitled "SARS: How Effective Is The State And Local Response?" The Subcommittee intends to examine the coordination of response to individual SARS outbreaks among local, State, and Federal officials as well as between government officials and the private sector. Additionally, the Subcommittee will examine what State and local officials are doing to anticipate and respond to the disease.

The hearing will take place on Wednesday, May 21, 2003, at 9 a.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Joseph V. Kennedy of the Subcommittee staff at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, be authorized to meeting during the session of the Senate on May 13, 2003, at 10 a.m. to conduct a hearing the nominations of Mr. Nicholas Gregory Mankiw, of Massachusetts, to be a member of the Council of Economic Advisors, Executive Office of the President: Mr. Steven B. Nesmith, of Pennsylvania, to be Assistant Secretary for Congressional and Intergovernmental Relations, U.S. Department of Housing and Urban Development; and Mr. Jose Teran, of Florida, Mr. James Broaddus, of Texas, Mr. Lane Carson, of Louisiana, and Mr. Paul Pate, of Iowa, to be members of the Board of Directors, National Institute of Building Sciences.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 13, 2003, at 9:30 a.m., on Media Ownership in SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, May 13, 2003, at 2 p.m., to hear testimony on Status of the Free Miami Ministerial.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Tuesday, May 13, 2003, at 7 p.m., to mark up an original bill, the text of which was reported by the Committee on Finance on May 8, 2003, for the purpose of meeting Finance Committee reconciliation instructions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Project Safe Neighborhoods: America's Network Against Gun Violence" on Tuesday, May 13, 2003, at 9:30 a.m., in the Dirksen Senate Office Building, Room 226.

Panel I: The Honorable Paul M. Warner, United States Attorney for the District of Utah, Salt Lake City, UT; The Honorable Paul J. McNulty, United States Attorney for the Eastern District of Virginia, Alexandria, VA; The Honorable Todd P. Graves, United States Attorney for the Western District of Missouri, Kansas City, MO; The Honorable Patrick L. Meehan, United States Attorney for the Eastern District of Pennsylvania, Philadelphia, PA.

Panel II: Mr. Russell Edward Spann, Captain, West Valley Police Department, Utah, West Valley, UT; Mr. Dennis A. Mook, Chief of Police, Newport News Police Department, Newport News, VA; The Honorable Donald R. Totaro, District Attorney, Lancaster County, Lancaster, PA; Mr. Charles L. Curtis, President, Kansas City Metropolitan Crime Commission, Kansas City, MO; Professor Jens Ludwig, Georgetown Public Policy Institute, Georgetown University, Washington, DC; Professor Alfred Blumstein, Carnegie Mellon University, Pittsburgh, PA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, May 13, at 10:00 a.m., to receive testimony regarding S. 452, to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold

War, and for other purposes; S. 500, to direct the Secretary of the Interior to study certain sites in the Historic District of Beaufort, South Carolina, relating to the Reconstruction Era; S. 601, to authorize the Secretary to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, for inclusion in the Fort Vancouver National Historic Site, and for other purposes; S. 612, and H.R. 788, to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona; and S. 630, and H.R. 519, to authorize the Secretary to conduct a study of the San Gabriel River Watershed and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, May 13, at 2:30 p.m., to receive testimony regarding S. 520, a bill to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho; S. 625, a bill to authorize the Bureau of Reclamation to conduct certain feasibility studies in the Tualatin River Basin in Oregon, and for other purposes; S. 960, a bill to amend the Reclamation Wasterwater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii and to amend the Hawaii Water Resources Act of 2000 to modify the Water Resources Study; S. 649, a bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in projects within the San Diego Creek Watershed, California, and for other purposes; and S. 993, a bill to amend the Small Reclamation Projects Act of 1956, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. DOMENICI. I ask unanimous consent that Mr. Kris Schafer, a fellow from the Army Corps of Engineers who was detailed to my personal office and worked on the relevant legislation, be allowed the privilege of the Senate floor that he already was allowed as we did discuss this, and during further discussion of this bill at any time during this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING RUSSELL B. LONG, FORMER UNITED STATES SENATOR FOR THE STATE OF LOUISIANA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 142, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 142) relative to the death of Russell B. Long, former United States Senator for the State of Louisiana.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. Mr. President, I rise to pay tribute to former U.S. Senator Russell Long, who is being laid to rest today in his home State of Louisiana.

The U.S. Senate has a long history that is highlighted by public service careers of a few highly talented legislative geniuses. I consider Russell Long to be one of those Senators. I had the privilege of serving with Senator Long during my first terms in this Chamber. He was undoubtedly as formidable a Senator as any who have served here.

For those freshmen Senators who paid attention, Russell Long provided us with example after example of how to serve as an effective public servant. His place in history is secure because he was so dynamic and productive.

As a freshman Senator, I quickly learned to consider him one of the kindest and most considerate Senators. We were not of the same party or ideology on many issues. But on more than one occasion, he went out of his way to help me when I truly needed his help on the floor. He will never be forgotten, not only for his leadership skills as a Senator, but also for his kindness and generosity.

I extend my condolences to his wife Carolyn and the rest of the Russell Long family. He was a wonderful man.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 142) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 142

Whereas Russell B. Long served in the United States Navy from 1942 to 1945;

Whereas Russell B. Long succeeded both his parents as members of the United States Senate;

Whereas Russell B. Long served the people of Louisiana with distinction for 38 years in the United States Senate;

Whereas Russell B. Long served as Chairman of the Committee on Finance of the United States Senate from 1965 to 1981; and

Whereas Russell B. Long was a tireless and effective champion for the poor, the disabled, and the elderly: Now, therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Russell B. Long, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Russell B. Long.

ORDERS FOR WEDNESDAY, MAY 14, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:15 a.m., Wednesday, May 14. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that the Senate then immediately proceed to the consideration of Calendar No. 97, S. 1054, the jobs and economic growth bill, as provided under the previous order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, tomorrow morning the Senate will begin consideration of the jobs and economic growth bill. Under the previous order, 14 hours remain for debate under the statutory time limit. Amendments are expected throughout the day and, therefore, rollcall votes will occur during Wednesday's session.

At this time, I remind my colleagues that reconciliation procedures limit debate time on both the underlying measure and all amendments. I encourage all Senators who wish to participate in the economic growth debate to contact the Finance Committee so that we may ensure an orderly, disciplined, and efficient process.

We will complete action—we will complete action—on the jobs and economic growth bill this week. Following the jobs bill, the Senate will consider the bipartisan global HIV/AIDS bill. In order for the Senate to complete action on these measures, late nights and rollcall votes will occur throughout the week. I, therefore, advise my colleagues to make the necessary scheduling arrangements.

Mr. President, does the assistant minority leader have any comments?

Mr. REID. No.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of S. Res. 142, as a mark of further respect of the life and accomplishments of Senator Russell Long.

There being no objection, the Senate, at 7:57 p.m., adjourned until Wednesday, May 14, 2003, at 9:15 a.m.

EXTENSIONS OF REMARKS

HONORING 2003 RN OF THE YEAR AWARD RECIPIENT BRENDA STARK

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Brenda Stark on the occasion of her reception for the Central Valley Coalition of Nursing Organizations' 2003 RN of the Year Award for Outstanding Education. The banquet honoring her and the three other award winners will be held Friday, May 9, at the Radisson Hotel in Downtown Fresno, CA.

Brenda Stark is undoubtedly dedicated to the nursing profession. Early in her nursing career, Brenda discovered a love for teaching. She has taught in a variety of healthcare, academic, and community settings. She is now very active in mentoring and educating vocational nursing students in the largest school district in the area. Brenda is experienced as a nursing manager with extensive managerial skills in community health ambulatory care setting. She works with numerous agencies, churches, and schools in developing and planning health related programs to meet community needs.

Ms. Stark is Vice-President of the Central Valley Black Nurses Association. She is very concerned about the health care needs of all people, and volunteers to provide health care screening for churches in the Fresno area. Her lifelong achievements are reflective in her love for the profession and for the welfare of all people.

Mr. Speaker, I rise today to recognize Brenda Stark for her excellence in the field of Outstanding Education. I invite my colleagues to join me in wishing Brenda many years of continued success.

HONORING ALAMEDA COUNTY 2003 UNIONIST OF THE YEAR DOROTHY FORTIER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. STARK. Mr. Speaker, I rise today to honor Dorothy Fortier for receiving the 2003 Unionist of the Year award from the Central Labor Council of Alameda County, AFL–CIO. Ms. Fortier will be honored at the Council's Unionist of the Year Dinner on May 15.

Ms. Fortier will be honored for her life-long dedication to the labor movement and her community. She currently serves as President and on the Executive Board of the Central Labor Council.

In addition to her responsibilities on the Central Labor Council, she serves as Secretary-Treasurer of the International Brotherhood of Electrical Workers (IBEW) Minority Caucus, and on the National Executive Board of the Coalition of Labor Union Women.

Ms. Fortier began her involvement in the labor movement in 1975 as a member of IBEW Local Union 1245. She has served as the union's Assistant Business Manager since 1987.

Ms. Fortier has gone beyond what is required as President of the Central Labor Council to successfully complete numerous labor studies courses. She participates as an instructor and moderator in a wide range of union programs on the local, State, national and international levels.

Ms. Fortier has also been active in raising a new generation of labor activists at home. Her three children, Rhonda R. Fortier-Bourne, Alfred W. Fortier II and Richelle B. Fortier-Phillips are union activists in OPEIU, IBEW and CWA respectively.

I am honored to commend Dorothy Fortier for her commitment to improving the labor movement and her community.

HONORING THE MEMORY OF CAPTAIN ARMANDO ARIEL GONZALEZ

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today with a saddened heart for the untimely death of a South Florida resident who paid the ultimate sacrifice in the name of freedom. Captain Armando Ariel Gonzalez was killed on April 14, 2003 in a non-hostile accident when a commercial refueler collapsed at a supply area in Southern Iraq. I wish to express my deepest condolences to Captain Gonzalez' wife, and the entire Gonzalez family. Equally, I offer all my support and prayers.

I believe that a person's life is not measured by the time spent on this earth, but by what is accomplished while here. With this in mind, Captain Gonzalez will always be considered a hero. The ultimate passing of any true hero is a tragedy.

This tragedy only crystallizes the great risk and danger these brave men and women experience in the name of the people of the United States. All of America mourns the loss of our military men and women, though we cannot feel the depth of the families' pain. We must never forget that the peace and prosperity that we enjoy today are founded on the ultimate sacrifices made by those who have lost their lives in war throughout our Nation's history. They have earned our gratitude and respect.

Mr. Speaker, because of the very high regard in which I hold all members of the United States armed services, it is especially disturbing to me when one of these fine young men or women is killed. By any measure, their contributions, in terms of human sacrifice, are immense. As a nation we share the sense of loss that the Gonzalez family is experiencing. Though sorrow runs deep, our pride for Captain Gonzalez shines brightly.

HONORING 2003 RN OF THE YEAR AWARD RECIPIENT AMY R. TOBIN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Amy R. Tobin on the occasion of her reception for the Central Valley Coalition of Nursing Organizations' 2003 RN of the Year Award for Outstanding Administration. The banquet honoring her and the three other award winners was held Friday, May 9, at the Radisson Hotel in Downtown Fresno, CA.

Amy Tobin has been a strong leader in the health care community. She has developed a Nursing Ethics Forum to educate and provide a means for nurses to discuss ethical issues at the unit level. She became a resource for clinical responses and a consultant for guiding discussions on ethical issues for both nursing and medical staff. Amy also served as the nursing liaison to the medical staff ethics committee.

Amy has shown her care for humanity in several ways. First, through the development and holding of quarterly classes for the public in the Wellness Center at Community Hospital, she taught on such topics as hypertension, cholesterol control and osteoporosis. Secondly, she taught Nursing Management curriculum through California State University, Fresno's Extended Education program and has instructed professional courses in the clinical, regulatory and organizational development areas. Ms. Tobin has established the first official voting status for a nurse on a medical staff committee and accomplished this in an academic environment by lobbying for collegiality and teamwork. Amy strives to improve the conditions and standards of the medical profession and takes every chance she can to teach others about health awareness.

Mr. Speaker, I rise today to recognize Amy R. Tobin for her excellence in the field of Outstanding Administration. I invite my colleagues in wishing her many years of continued success.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING ALAMEDA COUNTY UNION LEADER JIM PROLA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. STARK. Mr. Speaker, I rise today to honor Jim Prola for receiving the COPE Award from the Central Labor Council of Alameda County, AFL–CIO. Mr. Prola will be honored at the Council's Unionist of the Year Dinner on May 15.

Mr. Prola, a member of the Central Labor Council's Executive Board, will receive the award to honor his dedication to the labor movement and to his community. Before being elected to the Executive Board, Mr. Prola served as a delegate for over 20 years to the Labor Council representing the American Federation of State, County, and Municipal Employees (AFSCME) Local Union 2019.

He began his labor career as a member of AFSCME Local Union 444, where he started the Health and Safety Committee and served as the local union's Vice-President. As a member of AFSCME Local 2019, Mr. Prola worked with his local union to build a Labor and Environmental Coalition which now involves the majority of the East Bay Municipal Utilities District Board of Directors.

In addition to his work with the Central Labor Council, Mr. Prola currently serves as Political Action Chair for AFSCME District Council 57, Region 3 of the San Francisco Bay Area, and as representative to the AFSCME Statewide Steering Committee.

Mr. Prola has been instrumental in engaging AFSCME participation in the political process and in helping labor to build political power to win social and economic justice. He has contributed to the COPE Program of the Central Labor Council of Alameda County AFL–CIO through his consistent participation and volunteer work to further labor's political programs.

In addition to his outstanding efforts in the labor movement, Mr. Prola serves his community as a volunteer coach for youth basketball in Oakland schools, as a volunteer coach for youth soccer in San Leandro, and as a volunteer coach for the Babe Ruth Baseball League.

I am honored to commend Jim Prola for his commitment to community service and his diligent work to further political involvement by unions.

HONORING THE COURAGE OF ARMY STAFF SERGEANT TARIK JACKSON

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. HASTINGS of Florida. Mr. Speaker, Army Staff Sergeant, Tarik Jackson, a graduate of Miami Springs High School, is a pride to the Florida Community. During an ambush on March 23 near Nasiriyah, Southern Iraq, he was shot while trying to get several injured soldiers out of the way of enemy fire. Motivated by his indescribable bravery, Sergeant Jackson walked for a mile after he had been shot in the arm, hip and thigh, and encouraged others to keep going.

The Purple Heart Staff Sergeant Jackson was awarded correctly recognizes his exemplary character and great courage.

I am glad to hear that the doctors expect Army Staff Sergeant Tarik Jackson to fully recover, although I understand that he will need months of rehabilitation.

Mr. Speaker, Sergeant Jackson's injury only crystallizes the great risk and danger these brave men and women experience in the name of the people of the United States. We never forget that the peace and prosperity that we enjoy are founded on the sacrifices made by those who have been maimed or killed in war throughout our nation's history. They have earned our gratitude and respect.

HONORING 2003 RN OF THE YEAR AWARD RECIPIENT IRENE HEETEBRY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Irene Heetebry on the occasion of her reception for the Central Valley Coalition of Nursing Organizations' 2003 RN of the Year Award for Advanced Practice. The banquet honoring her and the three other award winners will be held Friday, May 9 at the Radisson Hotel in Downtown Fresno, California.

Irene Heetebry is a skilled, experienced nurse practitioner who provides exemplary care. She encourages open communication with her patients and cares about what is going on in their lives. Irene is a genuinely thoughtful person who is not only doing her job to help others, but also to make an impact on their lives.

Ms. Heetebry displays a positive approach that allows patients to make the best decisions in choosing the type of life they want to lead. Irene facilitates preventative health maintenance, life style change, diabetic care, cholesterol, asthma, hypertension, and weight management services for her patients. She has taught classes on diabetes diagnosis and prevention, utilizing the knowledge she gained from her correlation study on self-care and the diabetic patient.

Irene encourages people to pursue their nursing careers and frequently receives accolades from those whom she has helped support over the years. She excels in all attributes which are needed to be a successful nurse.

Mr. Speaker, I rise today to recognize Irene Heetebry for her excellence in the field of Advanced Practice. I invite my colleagues to join me in wishing Irene many years of continued success.

PERSONAL EXPLANATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. COLE. Mr. Speaker, on May 9, 2003 for rollcall vote Nos. 177 through 182, I was in Oklahoma due to the devastating tornado that struck my District. If I had been present, on rollcall vote No. 177, I would have voted "yea." On rollcall vote No. 178, I would have voted "yea." On rollcall vote No. 179, I would have voted "yea." On rollcall vote No. 180, I would have voted "yea." On rollcall vote No. 181, I would have voted "no." And on rollcall vote No. 182, I would have voted "yea."

IN MEMORY OF LANCE CORPORAL JOSEPH BASIL MAGLIONE III

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today with great sadness and tremendous gratitude to honor the life of a brave young man, Lance Cpl. Joseph Basil Maglione III, who made the ultimate sacrifice for our country. Lance Cpl. Maglione was just 22 years old. He died Tuesday, April 1, 2003, in Camp Coyote, Kuwait. Joe was serving with the Bridge Company Bravo, 6th Engineering Support Battalion, 4th FSSG (Force Service Support Group) of Folsom, Pennsylvania.

Joseph was a Marine Corps Reservist and a full time Architectural Engineering student at Drexel University. He was about to start his senior year. Joe attended boot camp at Parris Island, S.C. in June 2000. He served in Camp Lejeune, North Carolina, Fort Lee, Virginia, Folsom, Pennsylvania, and Camp Coyote, Kuwait.

Born in Abington, Pennsylvania, he was the son of Joseph B. Maglione II of York, Pennsylvania and Rosemary Corr of Audubon, Pennsylvania. He was the grandson of Mary and Jim Corr of Lansdale and the late Joe and Anne Maglione.

Joe was a 1999 graduate of North Penn Senior High School in Lansdale. He attended Council Rock High School in Holland from 1997 until 1998. He also attended Holland Junior High School from 1994 until 1996. In Lansdale, Joe attended Pennbrook Middle School and Gwyn Nor Elementary School from 1987 until 1993.

Joe began his studies at Drexel University in 1999 in the Mechanical Engineering area. He changed his major to architectural Engineering last year.

Joe worked for Northampton Township Water Authority and AV Weber in North Wales as credit for his Drexel Co-op Program. Joe loved sports. In North Penn he was on the rugby team and track team. In Council Rock he played football, was on the track team, ran the hurdles and was on the wrestling team. Joe was also a student of Tae Kwon Do in Bong Pil Yang's Martial Arts School in Lansdale from 1987 until 1993. Joe attended art classes offered by Michener Art Museum in Doylestown. He was a talented artist.

Mr. Speaker, Lance Cpl. Joseph Maglione III exemplified the spirit of service that has made this country great. It is proper to remember and honor a man of such worth and character with great respect for what he stood for. Our pride in Joe shall certainly live on—his life, his courage, his sacrifice and strength of character. The example of his citizenship and dedication to duty will be his enduring legacy. Mr. Speaker, at this time I ask you and my other distinguished colleagues join me in honoring the memory, life and service of Lance Cpl. Joseph Maglione III, and in sending our heartfelt condolences to his family, his friends and community.

HONORING 2003 RN OF THE YEAR AWARD RECIPIENT DAVID D. CROSS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize David D. Cross on the occasion of his reception for the Central Valley Coalition of Nursing Organizations' 2003 RN of the Year Award for Clinical Practice. The banquet honoring him and the other three award winners was held Friday, May 9 at the Radisson Hotel in Downtown Fresno, CA.

David Cross is an accomplished pediatric transport RN at Children's Hospital Central California. He consistently provides the highest quality care to all of his patients. Mr. Cross is a genuine humanitarian. He cares for ailing children, ranging from the most complex congenital heart problems, to life threatening traumatic injuries. David truly cares for every patient he tends to and does so with courage and poise that only a leader in the field of nursing could possess.

David takes on tasks and duties that occupy most of his time. He provides instruction to nurses from all over the San Joaquin Valley. Additionally, he teaches many classes at Children's Hospital Central California including the Cardiac Core Program and Hospital Orientation. David also pays for books, tuition, and fees for prospective nursing students out of his own pocket.

Mr. Speaker, I rise today to recognize David D. Cross for his excellence in the field of Clinical Practice. I invite my colleagues to join me in wishing David many years of continued success.

CONGRATULATING TAIWAN PRESIDENT FOR HIS THIRD YEAR OF SERVICE AND TAIWAN'S MANY ACCOMPLISHMENTS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. PAYNE. Mr. Speaker, Chen Shui-bian, President of Taiwan, is nearing the end of his third year of service as its leader. I wish to take this opportunity to congratulate him, and to note several of Taiwan's accomplishments.

Taiwan, our eighth largest trading partner, has maintained friendly ties with the United States for more than half a century. We appreciate Taiwan's support for the war against terrorism, and its pledge of humanitarian assistance to post-war Iraq, a generous measure of support for its reconstruction.

Over the past several decades, Taiwan has become a successful model of rapid political reform and a true democracy. The people of Taiwan enjoy one of the highest levels standards of living in Asia, including universal education and medical care for people of all ages.

We look forward to Taiwan strengthening its bilateral relations with the United States, and wish it good luck as Taiwan seeks to join the World Health Organization and the International Civil Aviation Organization. Taiwan's participation in worldwide organizations and activities would be a positive step worthy of commendation.

ASIAN AND PACIFIC AMERICAN HERITAGE MONTH

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Ms. McCOLLUM. Mr. Speaker, I rise today to join many of my colleagues in observing this month as Asian and Pacific American Heritage Month.

I was proud to celebrate Asian and Pacific American Heritage Month by joining members of the Asian community in my Congressional district at their annual banquet on May 10, 2003. Asian Americans and Pacific Islanders are part of our long-standing tradition, enriching, strengthening and enhancing the fabric of our community through many talents, skills, and hard work. This month provides an opportunity for us to recognize and celebrate the daily contributions of Asian and Pacific Americans that make our community, our state, and our Nation a better place to live in.

Asian and Pacific Americans have made great contributions to our Nation in all sectors, including the arts, academia, business, economy, sciences, law and government. Often Asian and Pacific Americans have achieved successes in the face of extreme hardships such as language and cultural barriers, stereotypes, discrimination and prejudice. To honor the Asian and Pacific American's sacrifices, achievements and contributions to our society, the United States Congress passed Public Law 102–450 that designates the month of May as Asian and Pacific American Heritage Month.

I am proud to submit this statement for the RECORD observing this month as Asian and Pacific Heritage Month.

CONGRATULATING MAJOR GENERAL FRED FORSTER UPON HIS RETIREMENT AS ASSISTANT ADJUTANT GENERAL OF THE TENNESSEE AIR NATIONAL GUARD

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. DUNCAN. Mr. Speaker, I rise today to congratulate one of East Tennessee's finest citizens on his recent retirement as Assistant Adjutant General for the Tennessee Air National Guard. Major General Fred Forster has served his community, State and Nation in a manner that can only be described as remarkable. I know each Member of this Body joins me today in thanking him for a job well done and wishing him the absolute best in all his future endeavors.

I have said many times that the men and women who wear the uniform of this great Country's military are following one of America's highest callings. Each person who serves this Nation is to be commended and thanked. There are those however who stand out even amongst this crowded field of heroes.

General Fred Forster is such a man. He has himself described a leader as someone willing to act and act consistently. I have had the privilege of knowing Fred Forster for many years and can say that he is such a man. His ability to lead large numbers of military personnel is matched only by his genuine concern for the individual. General Forster offers those around him a unique glimpse into what it truly means to be a leader of men.

General Forster has been awarded numerous medals and decorations for his military service including the Legion of Merit, the Bronze Star Medal and the Meritorious Service Medal to name only three. I do not believe, however, that if he were here with us today he would say these are the best measures of his service. I believe that General Forster would say that his career should be measured by the simple fact that he gave his very best to his Country and to those under his command.

Fred Forster joined the United States Air Force in 1968 after graduating from the University of the South at Sewanee with a degree in English. He began his military career during one of our Nation's most turbulent military conflicts. Following completion of his own pilot training, Fred served as an instructor pilot. He later served as an Air Operations Plans Officer in Thailand. In each responsibility he was given he quickly proved his leadership abilities and profound dedication to our Country's military men and women.

Following the Vietnam War and completion of his Masters degree General Forster joined the Tennessee Air National Guard in 1976. He again demonstrated natural leadership and commitment to those under his command. In 1987 he was assigned command of the 134th Air Refueling Group at the McGhee-Tyson Airbase in Blount County, Tennessee.

For the next ten years, then-Colonel Forster led the 134th as it grew to its current designation as an Air Refueling Wing. The men and women of the 134th were called to active duty during the Persian Gulf War and flew under

Colonel Forster's command as part of the 1713th Air Refueling Wing. During the conflict the 1713th played a critical role in supporting the countless combat missions that led to the liberation of Kuwait.

On July 15, 2002, Forster was promoted to Assistant Adjutant General for the Tennessee Air National Guard and in this capacity served as the second highest ranking officer in the State's Air Guard. In addition to his recent work with the Tennessee Air National Guard, General Forster continues to serve as the President and CEO of the Blount County Chamber of Commerce where he has offered his service and leadership to the betterment of the community around him. Although he has now retired as Assistant Adjutant General, I am confident he will continue to offer himself to the service of Blount County and the State of Tennessee.

Through both his professional and personal example, General Forster has set a standard of excellence few will fully reach but each of us would be better for trying. I want to personally thank General Forster for his service and congratulate him on his recent retirement. I also want to thank him for his friendship.

HONORING IRVING B. HARRIS FOR HIS INVALUABLE CONTRIBUTIONS IN PUBLIC SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Ms. DELAURO. Mr. Speaker, I am honored to rise today to join the Center for Human Potential and Public Policy and the many who have gathered at the University of Chicago to honor and celebrate the contributions of an outstanding American—a man who is my dear friend, Irving B. Harris. Today's Festschrift is a fitting tribute to a man who has spent a lifetime in the service of others.

As I look over the course of Irving's life, I am struck by his countless acts of generosity and compassion. As an advocate, a philanthropist, and a leading voice for children, his achievements have left an indelible mark on our society. Irving Harris recognized early on that the key to our children's success lay in their most formative years, birth to three. He inspired, developed and supported scores of programs and organizations dedicated to improving the lives of disadvantaged youngsters across the nation. He founded the Erikson Institute, a child development graduate school, and the Ounce of Prevention Fund, a public/private partnership that created and promoted community-based initiatives to improve early childhood development. He was a leader in development of Zero to Three: The National Center for Infants, Toddlers, and Families whose work to support families and promote the healthy development of babies and toddlers had a tremendous impact in communities across the nation. His work brought him national recognition as a leading voice for the betterment of children across the country.

Irving Harris is one of those rare individuals with roots in the world of business and finance who has used his hard-won wealth and influence to help others less fortunate. And his work and diligence and dedication is not only remarkable but unceasing. It is a reflection of all that we strive to be. His sincerity is marked by the principles he instilled in his own family—in his children and grandchildren, who today carry on his work on behalf of the other children of America.

Through education, public policy development, grant-making and advocacy, Irving Harris' vision and leadership has earned him recognition and many honors and awards over the years. He has served many organizations including the National Commission on Children and the Carnegie Corporation's New York Task Force on Meeting the Needs of Young Children.

It has been an enormous privilege for me to work with Irving over the years, and I look forward to continuing our collaboration. Irving knows that our young people represent the future and we as a community and nation must give them the tools to succeed. He recognized this simple fact many years ago, and dedicated his life to fulfilling that important goal.

Irving Harris continues his work today, as I hope he will for many more years to come. Thank you, Irving for the difference you have made in this country, and the millions of lives you have made better through your vision, your passion, and your generous spirit of mind. You are an inspiration to all of us.

CONGRATULATIONS TO SAINT JOHNSBURY ACADEMY FROM ST. JOHNSBURY, VERMONT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. SANDERS. Mr. Speaker, I would like to congratulate the outstanding performance of Saint Johnsbury Academy from St. Johnsbury, VT in the We the People . . . The Citizen and the Constitution national finals held in Washington, DC, April 26–28, 2003. These outstanding young people competed against 48 other classes from thoughout the Nation and demonstrated a remarkable understanding of the fundamental ideals and values of American constitutional government.

Administered by the Center for Civic Education, the program is the most extensive of its kind, reaching more than 26 million students at elementary, middle, and high schools. The national finals competition simulates a congressional hearing whereby high school students testify as constitutional experts before a panel of judges, and the students from Saint Johnsbury Academy performed brilliantly.

I would like to recognize Mr. Henry Eaton, the moderator for this outstanding group from St. Johnsbury Academy, and the students themselves: Ingrid Bengtson, Merril Bent, Alex Camelio, Brent Clayton, Simon Darling, Dave Goreau, John Limberakis, Ross Marklein, Caroline Milne, Monica Montany, Eric Rowe, Susannah Roy, Kelsey Stavseth, Alex Tausanovitch, and Ashley Ward.

STUDENTS FROM CATHERINE McAULEY HIGH SCHOOL IN PORTLAND, MAINE WIN CIVIC EDUCATION AWARD

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. ALLEN. Mr. Speaker, last month, students from around the country competed in the national finals of the U.S. Department of Education program, "We the People . . . The Citizen and the Constitution." Administered by the Center for Civic Education, the program reaches more than 26 million elementary, middle and high school students. The national finals simulate a congressional hearing in which students testify as constitutional experts before a panel of judges.

I am pleased that the following students from Catherine McAuley High School in Portland, Maine, under the supervision of their teacher, Joseph Wagner, and State Coordinator, Julia Underwood, won an award in the finals for their expertise on "Foundations of Democracy": Michelle Baldwin, Amanda Clements, Jessica Croteau, Katie D'Alessandro, Adrienne D'Ascanio, Kara Ebrahim, Katie Foster, Sara Marion, Brigid McGovern, Gulia Muca, Erika Poulin, Jackie Roy, Kate Sawyer, Laura Shortill, Becca Wagner, and Beth Witting.

Competing against 48 classes, these students demonstrated a remarkable understanding of the fundamental ideals and values of American constitutional government. I commend these students and hope that they will continue their interest in and commitment to these principles, which have never been more important.

HONORING SOUTH SUBURBAN MAYORS AND MANAGERS ASSOCIATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. WELLER. Mr. Speaker, I rise today to honor the South Suburban Mayors and Managers Association. The South Suburban Mayors and Managers Association (SSMMA) was incorporated in 1978 and is celebrating its 25th Anniversary during the year 2003.

SSMMA currently represents 43 municipalities and 650,000 residents in southern Cook and Will counties. Mayors, Village Presidents, and Village Managers take an active role within SSMMA and work in a cooperative effort to serve the southland communities and its residents. The leadership exhibited by SSMMA through its member municipalities has greatly benefited the Chicago Southland.

SSMMA has been critical in its support to the region in areas such as transportation, economic development, open space preservation, and stormwater issues. They have also offered finance and municipal administrative support and training. SSMMA helped start the recycling efforts throughout the Chicago

Southland. They also support the region with housing and diversity issues, public safety, education funding and property tax reform.

On May 16, 2003 the South Suburban Mayors and Managers Association will formally recognize its past and current leaders and the achievements of the organization at a dinner to be held at the Villa de Bruno in Lynwood, Illinois. I offer my congratulations to the South Suburban Mayors and Managers Association for its 25 years of service to the Southland region. I commend the mayors, village presidents, city and village managers who have served the region so well.

Mr. Speaker, I urge this body to identify and recognize other associations in their own districts whose actions have so greatly benefitted and strengthened America's families and communities.

HONORING THE JO ANN DAVIDSON OHIO LEADERSHIP INSTITUTE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. NEY. Mr. Speaker, on the occasion of their trip to Washington, we rise to recognize the new members of the Jo Ann Davidson Ohio Leadership Institute.

The Jo Ann Davidson Ohio Leadership Institute is a nine-month program dedicated to providing Ohio women business and civic leaders with the training and encouragement necessary to assume appointed or electorate roles in government and the Republican Party. Under the leadership of Betty D. Montgomery and Jo Ann Davidson, the Institute is focused on fulfilling three critical goals: introduce students to the tools they need to succeed as leaders, teach students to adapt their leadership skills to government and politics, and inspire students to define their own political aspirations.

On behalf of the entire House community, we extend congratulations to Class Members Nancy Nix, Concepcion Reyna, Laverne Jones Gore, Judy Sonner, Lorri Bates, Michelle Griffiths, Marsha Hall, Suzanne McLeod, Lora Miller, Holly Pendell, Chris Pirik, Julia Stautberg, Shannon Donnelly, Jennifer Chesrown, Billie Fiore, Angie King and Stephanie Elliott Hess for their successful matriculation. As new Members of the Institute they are in a unique position to serve as resources for each other and mentors to a new generation of Republican women. We wish them the best of luck in their endeavors and their continued public service.

HONORING JUDGE JOHN CONOVER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. KILDEE. Mr. Speaker, I rise before you today on behalf of the Baden Powell District of the Tall Pine Council, Boy Scouts of America. On May 13, friends and family will join the Davison, Michigan Area Good Scout Committee to honor 67th District Court Judge John L. Conover, the 2003 recipient of the Davison Good Scout Award.

John Conover was born in Danville, Illinois, and later moved to Davison with his wife Karen, where they have been upstanding members of the area for over 30 years. As 67th District Court Judge for more than ten years, Judge Conover has presided over many felony matters, criminal and traffic cases, and civil and small claims issues. His courts have resulted in hundreds of thousands of dollars in delinquent fines and costs collected, and his courtroom has been a favorite field trip and first-hand civics lesson for many teachers and students.

Judge Conover's success on the bench is matched and complemented by his unparalleled commitment to community service. An active supporter of the DARE program, John is frequently called on to address elementary and middle school DARE graduations throughout the county, and sponsors the DARE homecoming float in area parades. He also speaks to many students on the dangers and consequences of alcohol and drug abuse. In addition, he has founded and directs a program for youth offenders needing guidance in correcting their behavior. His dedication to helping the next generation goes so far that he will often place young people on probation to himself so he may personally mentor them and steer them on the right track.

John has sponsored and sometimes coaches area sports teams, from T-ball to bowling leagues. He not only teaches the fundamentals of the sport, he stresses sportsmanship, and provides lessons his teams are able to use in their everyday life. Each day he serves as a positive role model and shining example of the best our society has to offer.

Mr. Speaker, Judge John Conover is being recognized for his dedication, unselfishness, and commitment to the Davison community, and for truly exemplifying the traditions of scouting. He is a symbol of excellence not only to Scouts, but to everyone he comes into contact with, and I am honored to call him my colleague and my friend. I ask my colleagues in the 108th Congress to please join me in congratulating Judge John L. Conover.

TRIBUTE TO JACK CONNORS, JR.

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. MEEHAN. Mr. Speaker, I rise today to congratulate Jack Connors, Jr., founding partner, Chairman and CEO, and all of the employees at Hill, Holliday, Connors, Cosmopulos, Inc. on 35 years of excellence in the advertising and communications business.

Thirty-five years ago today, May 13, 1968, Jack Connors and his three partners, Jay Hill, Alan Holliday and Steve Cosmopulos, officially opened Hill, Holliday, Connors, Cosmopulos, Inc. for business. With 1,500 square feet of office space on the top floor of 143 Newbury Street in Boston's Back Bay, the business had no clients and no billings, and in the early going, the four partners used an outside pay phone to make calls to prospects.

Today, Hill Holliday is a nationally recognized advertising agency that produces internationally-acclaimed creative work, and is widely recognized as one of Boston's most successful businesses. Hill Holliday's list of clients includes some of the biggest and most well-known brands in the world including Anheuser-Busch, John Hancock Financial Services, FleetBoston Financial, Dunkin' Donuts, CVS Pharmacy, PricewaterhouseCoopers, Verizon Wireless, and The Boston Globe.

While leading Hill Holliday from a one-room shop to a national force is impressive, Jack's commitment to serving his community is what makes him and Hill Holliday extraordinary. Jack has used the talent and resources of Hill Holliday to make a difference in the Greater Boston community through pro bono work for dozens of non-profit and charitable organizations. Under Jack's direction, Hill Holliday donated more than $1 million in cash and $4.5 million in in-kind services to various community-based organizations last year.

Over the past 2 years, our nation has become far too familiar with the unethical and corrupt dealings of some in the business world. Today, I rise to congratulate Jack Connors and Hill Holliday on 35 years of success and for setting a positive example that future generations of American businessmen and women should follow.

HONORING GREGORY CAMPBELL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. KILDEE. Mr. Speaker, I stand before you today to recognize the accomplishments of a man who has made it his life's work to protect and defend human dignity, and to ensure the safety of our streets for our citizens and our children. On May 16, friends and family will join the Police Memorial Association-Michigan to honor the career of Trooper Gregory Campbell, who is retiring after 25 years in law enforcement.

Gregory Campbell was born March 27, 1954 in Philadelphia. He later moved to Michigan, where he graduated in 1975 from the University of Detroit. Three years later, he graduated from the Academy as a member of the 93rd Recruit School, and began his career with the Michigan State Police. Originally assigned to the Post in my hometown of Flint, MI, he remained there for three years. He later worked in Detroit and Bridgeport, and returned to Flint in 1992, where he remained. During that time, Trooper Campbell served as a Post Representative in Detroit and Flint, and in 1999 served as 3rd District Representative, a position he held until his retirement.

Through the years, Trooper Campbell has constantly put his own safety at risk in order to keep others from harm, however he has always found time to be a devoted husband and father of two sons, and a faithful community volunteer. He has been recognized many times for his civic work, such as being named the 1993 City of Flint's Man of the Year, Flint

Kiwanis Exchange Club Officer of the Year in 1994, and most recently, the Police Memorial Association's Community Service Award in 2002 and their Princess Program Award for Community Service with the Youth this year.

Mr. Speaker, many people in the Flint area, myself included, have benefited greatly from Gregory Campbell's experience and dedication. He has truly made Genesee County a safer place in which to live. I ask my colleagues in the 108th Congress to join me in congratulating him for his unwavering commitment to justice, and wishing him the best in his retirement.

A TRIBUTE TO HENRY "HANK" CARTER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Henry "Hank" Carter in recognition of his dedication to improving the care for the disabled population and ensuring their access to wide ranging opportunities in his communities.

In 1972, Hank Carter founded Wheelchair Charities, Inc. Hank's lifelong commitment to improving the lives of disabled people began when his best friend, Tjader, became disabled from a bullet that shattered Tjader's spinal cord. Hank's friend was sent to Goldwater Memorial Hospital to recuperate through a rehabilitation program where Hank often visited him and in the process, made new friends. Through his daily visits to the hospital, Hank came to realize that his friends, although physically challenged, still longed for their American Dream. These young patients, many in their teens and early twenties, wanted to participate in the same type of daily activities in which able bodied people engaged. Hank knew this would be impossible without financial support.

Creating a financial support system to enhance the quality of life for his new friends quickly became his passion. As a young leader in Queens Bridge Houses, Hank organized playground sports; musical shows and block activities. His crowning achievement has been an annual neighborhood fundraising basketball tournament to help support activities for inpatients and outpatients of Goldwater Memorial. Today, the Wheelchair Basketball Clinic is a citywide competition with a boys and girls division.

These neighborhood tournaments provided the foundation for Wheelchair Charities, Inc. Over the years, this non-profit, all volunteer organization has raised over $7 million for people with disabilities. Some of the items that the funds have paid for include 184 motorized wheelchairs; 20 manual wheel chairs for the wheelchair basketball teams; three buses to transport wheelchair bound patients; a computer laboratory; and an equipment room.

Mr. Speaker, Hank Carter is committed to improving the lives of the disabled population in his community. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

HONORING LINDEN CITIZENS OF THE YEAR

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. KILDEE. Mr. Speaker, thank you for allowing me to rise before you today on behalf of the citizens of Linden, MI. On May 19, friends and family will join community and business leaders to honor Ms. Jean Sarginson-DeMayer and Ms. Judy Pieczynski as the 2003 Linden Citizens of the Year.

Jean Sarginson-DeMayer was appointed to the Linden City Council in December 1996, after she moved to Linden from my hometown of Flint, where she worked for 25 years as a supervisor for the City of Flint. She was subsequently reelected to two more terms, where she also served as the city's representative on the Grace Loose Senior Citizen Center executive board.

Judy Pieczynski has been a resident of Linden since 1983. A local business owner for 26 years, Judy served on the Linden Charter Commission and was elected one of Linden's first Councilors when it became a city in 1988. She has served on the Council ever since, and is a member of such groups as Zonta, and the Linden-Argentine Chamber of Commerce.

As members of the Linden City Council, both Jean and Judy have worked tirelessly and selflessly to promote, protect, enhance, and defend the quality of life for their constituents, which include their wonderful families. Their civic loyalty and dedication to improving their community serves as a shining example of the best our society has to offer.

Mr. Speaker, after decades of public service, both Jean Sarginson-DeMayer and Judy Pieczynski have decided to not seek reelection to the Linden City Council, following the end of their respective terms. For many years, the residents of Linden have benefited from their insight and wisdom, and they are truly deserving of being named Citizens of the Year. I ask my colleagues in the 108th Congress to please join me in congratulating Jean Sarginson-DeMayer and Judy Pieczynski.

A TRIBUTE TO ERNESTA G. PROCOPE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Ernesta Bowman in recognition of the 50th anniversary of the company she founded and for her commitment to providing financial services to underserved communities.

Ernesta G. Procope, formerly Ernesta Bowman founded E.G. Bowman Co. Inc., a commercial insurance brokerage firm, in the early 1950s soon after the death of her first husband. The company began as a homeowners and auto insurance agency in front of a storefront in Bedford-Stuyvesant, Brooklyn. It is now grown to be a large commercial lines brokerage on Wall Street and the largest minority-owned and woman-owned insurance brokerage firm in the U.S., celebrating its 50th Anniversary. Procope is still the CEO and president of the agency.

In addition to servicing churches, colleges and social agencies, the firm's clients have included several of the Fortune 500 companies such as Tiffany & Co., Avon Products, American Express, IBM, Philip Morris, PepsiCo Inc. and General Motors. Among Bowman and its president's notable achievements include fighting to implement the New York State Property Fair Plan, which created an insurance pool to cover properties in previously redlined areas, and winning a bid solicited by the U.S. Information Agency to write insurance worldwide for Fulbright Scholars. The firm also became the insurance broker of record for the U.S. portion of the Alaskan Pipeline.

Procope was named Woman of the Year by former First Lady Patricia Nixon in 1972 and was also appointed Special Ambassador to The Gambia by President Ford. Often referred to as the First Lady of Wall Street, Procope has been recognized by Business Insurance magazine as one of the 100 leading women in the insurance industry and by Crain's as one of the 100 Leading Women in business. Procope holds honorary doctor of law degrees from Howard University, Adelphi, Marymount Manhattan College and a doctor of humane letters from Morgan State University.

Mr. Speaker, Ernesta G. Procope has served an exemplary role model for women and minorities in the business world and has worked to ensure that all communities are treated fairly by insurance firms. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable woman.

HONORING FLINT NORTHERN HIGH SCHOOL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. KILDEE. Mr. Speaker, I am happy to rise before you today on behalf of the students, faculty, and alumni of Northern High School in my hometown of Flint, Michigan. This week Flint Northern will celebrate its 75th anniversary.

On January 30, 1928, Flint Northern High School was established as the city's second high school, located on McClellan Street on the city's north side. In the early years, many of the school's population came from immigrant children, whose families had come to the New World to find work in the city's booming auto industry. In the fall of 1971, the school was replaced by a new building on Mackin Road, where it stands to this day, providing opportunities for students of all races and walks of life to obtain the knowledge and skills needed to survive and succeed, and to become positive, contributing members of society.

For the past 75 years, Northern High has maintained a tradition of academic and athletic excellence, as well as alumni loyalty. The

Northern Vikings have won 38 state Championships, bringing athletic honors back to their city and their school. It is estimated that Viking athletes have competed in more Class A Regional and District State and City tournaments in men's and women's sports than any other school in the State of Michigan. Vikings have also excelled in other competitive areas such as Speech, Debate, Music, and Choir, to name a few.

In 1987, a group of Northern graduates, seeking to preserve the accomplishments of past and present alumni, and to further instill school pride, created the Distinguished Alumni Program of Flint Northern. This program, the first known of its kind around the nation, raises scholarship funds and honors those graduates who have gone on to excel in professions such Medicine, Law, Education, and Military Service, among many others. The school's Viking Room is decorated with photos of 82 such alumni from throughout the country. As of this date, the Alumni Club Endowment Fund has provided 503 scholarships, totaling more than $300,000. This year, 35 members of the Class of 2003 will benefit from these scholarships.

Mr. Speaker, as a former teacher, I applaud the many men and women who have helped Flint Northern High School set the highest standards of scholastic success for 75 years. I ask my colleagues in the 108th Congress to please join me in commending the efforts of Northern's alumni, and wishing their future alumni the best in all their endeavors.

TRIBUTE TO STEVE HORN

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Ms. HARMAN. Mr. Speaker, I rise today to honor our former colleague Congressman Stephen Horn and his wife, Nini upon the occasion of tomorrow's dedication of the Steve and Nini Horn Center at California State University Long Beach.

As a member of Congress for 10 years and Chairman of the Subcommittee on Government Management, Information, and Technology, Steve distinguished himself in Congress by improving accountability and management practices in the federal government. Each year, the Debt Collection Improvement Act and the Travel Reform and Savings Act of 1996 that Steve authored save the taxpayer millions of dollars.

My association with Steve began in the 103rd Congress, when we co-lead the bi-partisan coalition that saved the McDonnell Douglas/Boeing C–17 program, which employs 9,000 workers in our area through 2008. Our efforts led to the Air Force's multi-year purchase of what has proven to be one of the most versatile cargo aircraft in the military's inventory.

A long time resident of Long Beach, Steve Horn has contributed to the community in many other ways; as President of Cal State Long Beach, Chairman of a successful $6 million United Way Campaign Fund, Vice Chairman of the Long Beach Chamber of Commerce, and as a Founding Member and Secretary of the Long Beach Economic Development Corporation.

I have known Steve and his wife, Nini, to be long-time passionate supporters of the arts. I can recall Steve's strong defense of the National Endowment for the Arts and the National Endowment for the Humanities as co-chair of the bipartisan Congressional Arts Caucus. So it is more than fitting that the Steve and Nini Horn Center should house a museum, and equally appropriate that it should include a vast computer lab, since the Chairman successfully led the effort to prepare government and industry to make the year 2000 computer conversion.

Mr. Speaker, never one to falter in his congressional duties or to toe the party line, Steve Horn served in Congress with courage and independence, and I am proud to have served with him.

IN HONOR OF MYRON BLUMENFELD, FOUNDER AND CHAIRMAN OF RESIDENTS FOR A MORE BEAUTIFUL PORT WASHINGTON

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. ACKERMAN. Mr. Speaker, I rise today to honor the 35th Anniversary of Residents for a More Beautiful Port Washington and its Chairman, Myron Blumenfeld, for his strong leadership, dedication and commitment in making Port Washington a more beautiful town.

In 1968, Myron and a group of concerned citizens founded Residents for a More Beautiful Port Washington with the simple plan to plant a tree by a gas station. Soon, the people of Port Washington began to organize daily for environmental action and Myron's organization slowly grew from a handful of members to a prestigious and influential non-profit action group. Today, Residents for a More Beautiful Port Washington boasts more than 2,000 active members who cross political, racial, religious, ethnic and economic divides to preserve and enhance the environment of Port Washington and the surrounding communities.

Among the major projects the group has spearheaded are: protecting drinking water, building waterfront trails, contributing thousands of dollars to the Port Washington Board of Education to fund projects which helps students to learn about our ecosystem, planning the Main Street Park and Town Dock, and of course, planting hundreds of trees throughout Port Washington.

As the founder and chairman of Residents for a More Beautiful Port Washington, Myron Blumenfeld has consistently displayed his lifelong passion and spirit to improve our environment and our quality of life. A graduate of Syracuse University with a Masters Degree in Business from New York University, Myron was vice president of Bloomingdales for 34 years where he routinely answered his phone with "Save Hempstead Harbor". Myron's commitment to the environment was quickly recognized by then Governor Cuomo who appointed Myron as Chairman of the Long Island Parks Commission. As Chairman, Myron initiated the first Long Island Parks environmental education program. Myron also served as Chair of the Sierra Club's Atlantic Chapter and formed the Sierra Club's first Long Island Chapter. In addition, Myron served on the boards of the Environmental Planning Lobby and American Friends of Neot Kedumin. In November of 2002, Myron and the Residents for a More Beautiful Port Washington received the well deserved Environmental Advocates of New York State Award.

Mr. Speaker, I am proud to represent such an exceptional individual and commend Myron Blumenfeld for his dedication to preserving and working for the beautification of Port Washington. On May 18, 2003, Residents for a More Beautiful Port Washington will recognize Myron's important contributions at its 35th Annual Gala. I ask my colleagues in the House of Representatives to please join me in wishing Myron Blumenfeld and the Residents for a More Beautiful Port Washington many more years of success as they celebrate their 35th Anniversary.

CONGRATULATIONS TO THE DALLAS JUNIOR TEXANS JUNIOR VARSITY WHEELCHAIR BASKETBALL TEAM

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. FROST. Mr. Speaker, I want to recognize and applaud the remarkable Dallas Junior Texans Wheelchair Basketball Team of Grand Prairie. This team has shown great strength and determination throughout the past season.

Last year, the Dallas Junior Texans placed 9th overall in the Nation and finished the National Junior Wheelchair Basketball Tournament with a record of 3–1. This was truly an awesome accomplishment for the young players on the Dallas Junior Texans.

The Dallas Junior Texans owe their success to their competitive spirit and remarkable sportsmanship. I applaud their skilled teamwork and hope that next year's season will bring them another national placement in the top ten.

Mr. Speaker, the member of the Dallas Junior Texans Wheelchair Basketball Team know that playing their sport is about so much more than basketball—it's about teamwork, friendships, and determination. I know my colleagues will join me today to honor them for living up to the true spirit of sport.

A TRIBUTE TO RUSSELL J. CUNNINGHAM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. LANTOS. Mr. Speaker, I would like to ask my colleagues to join me in honoring the memory of Russell J. Cunningham, a man who devoted his life to serving his community. For four decades, Cunningham represented the San Bruno Police Department with courage and dignity, retiring in 1978 as the city's police chief. He passed away last month at the age of 87. Mr. Speaker, Chief Cunningham will be missed by his colleagues, neighbors, friends, and, most of all, by the thousands of men and women whose safety he protected.

Russell Cunningham's devotion to his city was rooted in his understanding of its people. A native of the Bay Area, he grew up in San Bruno. In 1938, at the age of 23, Cunningham responded to a newspaper ad seeking the San Bruno Police Department's fifth employee. Mr. Speaker, this chance event launched a noteworthy law enforcement career.

Cunningham's forty years in the department were marked by numerous successes. In 1961, his efforts aided the capture the notorious "hat gang," which robbed banks and supermarkets throughout the country wearing topcoats and pork pie hats. The following year, in recognition of this and other achievements, Cunningham was named Chief of Police. He served with distinction until his retirement in 1978.

Chief Cunningham's community involvement extended well beyond his law enforcement career. He was active in the St. Robert's Men's Club, the St. Vincent de Paul Society, Meals on Wheels, Rancho Canada Dons and Players Club, the Carmel Orchid Society, the Optimists Club, Wally Byam Caravan Club, and the Elks Lodge #2091.

The San Bruno City Council recently adopted a resolution naming the main police department conference room after Chief Cunningham. Indeed, no man better embodied the Council's mission statement: "The City of San Bruno exists to provide exemplary services for our community that enhance and protect the quality of life."

Mr. Speaker, I ask my colleagues to join me in offering condolences to the family of Chief Cunningham: Rose, his wife of 66 years, as well as his two children, four grandchildren, and three great-grandchildren. They grieve the loss of an extraordinary man.

TRIBUTE HONORING 2003 LEGRAND SMITH SCHOLARSHIP FINALISTS: GRAIG BROOKS OF TEKONSHA, MI, MICHELLE MARVIN, OF COLDWATER, MI, AND SARA BOWER, OF COLDWATER, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. SMITH of Michigan. Mr. Speaker, It is a sincere pleasure to recognize the finalists of the 2002 LeGrand Smith Congressional Scholarship Program. This special honor is an appropriate tribute to the academic accomplishment, demonstration of leadership and responsibility, and commitment to social involvement, demonstration of leadership and responsibility, and commitment to social involvement displayed by these remarkable young adults. We all have reason to celebrate their success, for it is in their promising and capable hands that our future rests.

The finalists of the LeGrand Smith Congressional Scholarship Program are being honored for showing that same generosity of spirit, depth of intelligence, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan. They are young men and women of character, ambition, and initiative, who have already learned well the value of hard work, discipline and commitment.

These exceptional students have consistently displayed their dedication, intelligence and concern throughout their high school experience. They stand out among their peers due to their many achievements and the disciplined manner in which they meet challengers. While they have already accomplished a great deal, these young people possess unlimited potential, for they have learned the keys to success in any endeavor.

As a Member of Congress of the United States of America, I am proud to join their many admirers in extending our highest praise and congratulations to the finalists of the 2002 LeGrand Smith Congressional Scholarship program.

A PROCLAMATION HONORING EDITH K. SHARP

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. NEY. Mr. Speaker, whereas, Edith K. Sharp was born near Sugarcreek on May 13, 1903; and

Whereas, Edith K. Sharp is celebrating her 100th Birthday today; and

Whereas, Edith K. Sharp must be commended for her years of service in the WW I Veterans Organization and her dedication to family and community; and

Whereas, Edith K. Sharp has exemplified a love of life and service to God as a member of the United Church of Christ in Dover, Ohio;

Therefore, I join with the residents of Dover and the entire 18th Congressional District of Ohio in congratulating Edith K. Sharp as she celebrates her 100th Birthday.

TRIBUTE HONORING KASEE STRATTON OF PITTSFORD, MI, 2003 LEGRAND SMITH SCHOLARSHIP WINNER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. SMITH of Michigan. Mr. Speaker, it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Kasee Stratton, winner of the 2003 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future. As a winner of the LeGrand Smith Scholarship, Kasee is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Kasee is an exceptional student at Pittsford High School, and possesses an outstanding record of achievement in high school. Kasee has received numerous awards for her excellence in academics, as well as volunteering her time as the Youth Chair on the Hillsdale County Community Foundation's Board of Trustees. Kasee has won the Optimist Club's Community Service Award and the Historical Society Academic Award, among others.

Therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Kasee Stratton for her selection as winner of a LeGrand Smith Scholarship. This honor is a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

IN MEMORY OF HENRY KARL REDEKER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. NEY. Mr. Speaker, I hereby offer my heartfelt condolences to the family and friends of Henry Karl Redeker upon the death of this outstanding person.

Henry Karl Redeker was born March 31,1960. His ability to touch lives in the most kind and sincere way will continue to bless his wife Susie, his family, friends, and community.

Mr. Redeker will certainly be remembered by all those who knew him for his love of life and his devotion to all those he loved. The understanding and kindness which he gave to others will stand as a monument to a truly fine person. His life and love gave joy to all who knew him.

I offer this token of profound sympathy to Susie Redeker, along with the family and friends of Henry Karl Redeker.

IN SUPPORT OF AOPA

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today in support of the Aircraft Owners & Pilots Association's (AOPA) Airport Support Network to save general aviation public use airports in California and across the entire United States. AOPA is the world's largest civil aviation organization, representing over 395,000 members who own or fly general aviation aircraft—more than half of all pilots in the United States.

Public and privately owned general aviation airports across the nation have fallen victim to mounting pressures for closure and restrictions; California airports are no exception. These community airports play a critical role to provide general aviation access to the San Diego community and the entire national air transportation system.

AOPA has pioneered two critical programs that work to protect and preserve safe and secure access of general aviation pilots to the nation's airspace and airports—the Airport Support Network and the Airport Watch Program.

The AOPA Airport Support Network provides a vehicle for pilots to communicate with AOPA. The program establishes an early warning system to alert AOPA and local communities of any efforts that may threaten airport viability. AOPA's Airport Support Network uses pilots as the "eyes and ears" at every public use airport, to preserve general aviation airports and their role in the national air transportation system.

The Airport Support Network has been very successful in my home state of California. AOPA efforts have produced successful steps toward the preservation of two very important California general aviation airports—Oceanside Municipal and Montgomery Field. The Airport Support Network encourages communication and activity that most recently resulted in the city council of Oceanside supporting an airport master plan that will ensure continued operations at the airport. I am encouraged by these efforts and believe that the Airport Support Network will help ensure that our system of general aviation airports remains protected and viable.

Airport Watch Program, formed out of a partnership between AOPA and TSA, was created to keep these viable airports safe and secure. Pilots and members of the general aviation community are being instructed in what to look for in the manner of suspicious activity at their airports. Educational materials have disseminated throughout the aviation community. Pilots are instructed to either contact local authorities or report suspicious activity to a nationwide toll free hotline—1–866–GA–SECURE.

Airport Watch is a great example of AOPA's efforts to promote security while preserving the freedom of the skies.

Again, I want to commend the AOPA and the over 49,000 members residing in the great state of California. I strongly support keeping general aviation airports open and will continue work with them in their efforts towards this end.

TRIBUTE TO COMMANDER JEFFREY D. VOLTZ

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. KNOLLENBERG. Mr. Speaker, I rise today to recognize an outstanding Naval Officer, Commander Jeff Voltz, who has served with distinction and dedication for almost two years for the Secretary of the Navy, as the Congressional Liaison Officer for Civil Engineering, Appropriations Matters Office under the Assistant Secretary of the Navy (Financial Management and Comptroller). It is a privilege for me to recognize his many outstanding achievements and commend him for the superb service he has provided to the Department of the Navy, the Congress, and our great Nation as a whole.

During his tenure in the Appropriations Matters Office, which began in July of 2001, Commander Voltz has provided members of the House Appropriations Committee, Subcommittee on Military Construction as well as our professional and personal staffs with timely and accurate support regarding Department of Navy plans, programs and budget decisions. His valuable contributions have enabled the Subcommittee on Military Construction and the Department of the Navy to strengthen its close working relationship and to ensure the most modern, well trained and well equipped naval forces attainable for the defense of our great nation.

Mr. Speaker, Jeff Voltz and his wife Teri have made many sacrifices during his career in the Navy. His distinguished service has exemplified honor, courage and commitment. As they depart the Appropriations Matters Office to embark on yet another Navy assignment in the service of a grateful nation, I call upon my colleagues to wish them both every success and the traditional Navy send-off "fair winds and following seas."

JOBS AND GROWTH RECONCILIATION TAX ACT OF 2003

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2003

Mr. TIAHRT. Mr. Speaker, I rise today in strong support of the Jobs and Growth Tax Act of 2003 (H.R. 2). I am supporting this jobs and growth package because that is exactly what my district in Kansas needs right now: new jobs and economic growth.

While most of the United States continues to feel the economic after-effects of the September 2001 terrorist attacks, southcentral Kansas is especially struggling to rebound. Wichita is known as the "Air Capital of the World," but with the dramatic drop in demand for new aircraft, many companies have had to ground production work, causing massive layoffs. More than 12,000 aviation workers are out of work in the Wichita area, and several thousand more have been laid off in what has been a trickle-down effect. The local economy is desperate for new growth.

The jobs and growth package the House of Representatives is considering today will provide a real boost to the Kansas job market. According to estimates, the Jobs and Growth Tax Act of 2003 is estimated to bring an average of 5,700 new jobs every year to the State of Kansas, over the next five years. More than 8,000 new Kansas jobs would be created in 2004 alone.

H.R. 2 is a job-friendly package that will benefit people looking for work. By providing businesses the tools they need to grow, we will see new jobs created in southcentral Kansas. One of the stimulus tools I have strongly supported increases the bonus depreciation rate from 30 to 50 percent, which will allow businesses to recover more costs involved in the expansion of their production capabilities. Companies that have held off purchasing aircraft will now have a strong incentive to buy while the 50 percent bonus depreciation option is available. Companies that purchase new aircraft from Wichita would be allowed to depreciate 66 percent of the aircraft's value the first year. This incentive for companies to buy aircraft now translates to more jobs for Wichita.

Another tool H.R. 2 provides is the increase in the amount a small business can deduct from its taxes when it purchases new capital. This economic growth bill will increase the amount a small business can expense from $25,000 to $100,000, and it expands the definition of a small business from $200,000 of capital purchases to $400,000.

Another significant element in this jobs and growth package is the reduction of the personal income tax rate on long-term capital gains and dividends. Taxpayers in the lowest two brackets will have their rate on capital gains and dividends lowered to five percent; taxpayers in all other brackets will have their rates lowered to 10 percent for long-term capital gains and dividends.

By lowering these rates, investors will be more willing to invest because they will be taxed less on their profits. Businesses will see their costs decline when they invest in new projects. These new investments will boost our economy and create more jobs.

Businesses will also benefit from the extension of the net operating loss carryback. This provision will allow small businesses more flexibility in choosing when they can carry back net operating losses to a previous tax year. Generally, these businesses will receive a refund of Federal income tax for that year. Again, this is just another way we can free up resources to help spark the economy. If we expect businesses to create more jobs, we need to help them free up cash flows to expand their production capabilities.

H.R. 2 is also pro-family. It increases the child tax credit, expands the lowest 10 percent personal income tax bracket, accelerates marriage penalty relief, accelerates the individual tax rate schedule for millions of American families and small businesses, and saves nearly 10 million taxpayers from having to deal with the alternative minimum tax.

By accelerating the increase in the basic standard deduction amount for married joint tax filers, we will bring parity to that of single tax filers. Those who decide to get married should not be taxed more than they would if they were still single. With the enactment of President Bush's 2001 tax cut, we provided a phase-out of the marriage penalty over several years. H.R. 2 immediately phases it out for the next three years.

Millions of families will benefit from the child tax credit this year as it is increased from $600 to $1,000 for the next three years. By accelerating the phase-in of this provision from the 2001 tax cuts, we will be providing families with more cash to help pay for things like school supplies, clothes or summer vacations.

H.R. 2 is good for seniors. An estimated 10 million American senior citizens who receive dividend income will be able to make their golden years more secure by keeping a larger percent of these payments. Seniors who have worked hard all their lives and have invested for the future will see more money staying in their pockets instead of being sent to Washington.

Today I urge my colleagues to join me in sending a positive message to the American people by voting for passage of H.R. 2. This bill will pump an estimated $200 billion into the economy and create 1.2 million new jobs by the end of 2004. The tax rate cut on both dividend income and capital gains will provide relief for the 50 percent of Americans who are invested in the market, as well as the 70 million Americans who own their homes. This is the kind of economic relief America needs.

PERSONAL EXPLANATION

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. McINTYRE. Mr. Speaker, on Thursday, April 3, 2003, I was unavoidably absent for rollcall vote 104, on Sustaining the Ruling of the Chair, as I was visiting the Marines and their families at Camp LeJeune with the President. Had I been present I would have voted "no".

THE EMPLOYEES' PENSION EQUITY ACT OF 2003

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. OSE. Mr. Speaker, I rise today to introduce The Employees' Pension Equity Act of 2003, a bill that will prevent executives from walking away with "golden parachutes" while employees are left holding the bag.

We've all heard the stories: a company goes under leaving the employees unemployed and without the promised returns on their pension investments while, at the same time, the company's executives walk away with millions of dollars in their pockets.

How does it happen that the "highly compensated individuals," an actual legal term, don't suffer when their decisions leave a business floundering while the footsoldiers of the business are left unemployed and facing financial hardships?

This bill seeks to right that wrong.

The Employees' Pension Equity Act requires that the employee funds be just as sound as executive funds. Employees need to know that their pensions will not be left to "wither on the vine" while executives walk away with big, guaranteed checks in their pockets.

This Act requires the annual comparison of employees' and executives' plans, and an annual additional donation to the employees' fund when they are not in the same fiscal shape as their executives' counterparts.

It's that simple.

The American worker deserves equal treatment and the guarantee that they will be taken care of before their bosses walk off with the company assets.

This bill takes a stand for the American worker and for equality and justice for all.

TRIBUTE TO THE SALFORD HILLS ELEMENTARY SCHOOL

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. HOEFFEL. Mr. Speaker, I rise today to recognize the Salford Hills Elementary School of Montgomery County, Pennsylvania, which is celebrating its 50th anniversary on May 20, 2003.

Since it was created out of five one-room schoolhouses in 1953, Salford Hills Elementary School has been constantly growing. Its teachers and staff have done a remarkable job of molding students into outstanding citizens in the community. In 1993, the school was named as a National Blue Ribbon School of Excellence by the United States Department of Education, the highest honor that a school can receive.

Salford Hills Elementary School provides an excellent educational environment in which students are encouraged to achieve and develop responsibility for their own educations through hard work and reflection. Salford Hills Elementary prides itself on ensuring that all students receive the positive support and attention that they need to learn and achieve.

I commend Salford Hills Elementary School on its 50 years of service to its students and to the greater Montgomery County community.

JOBS AND GROWTH RECONCILIATION TAX ACT OF 2003

SPEECH OF

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2003

Mr. TIERNEY. Mr. Speaker, for the past 2½ years the Bush administration, with help from a Republican majority in Congress, has pursued a policy of shifting this country's tax burden from corporate giants and their superwealthy friends onto average Americans. Each tax cut proposed had a minimum of relief for families that masked huge breaks for the favored few.

The results of earlier such cuts are in: 2,200,000 jobs lost and a downward spiraling economy. This administration has had the worst private-sector job growth performance of the 14 administrations since World War II. Besides the current occupant, no White House except that of the second Eisenhower term lost jobs.

Now as concern for the economy rises, the President has again proposed huge cuts for a narrow few, with small cuts for families sprinkled in for "cover." Given the past failure of this approach, and the seemingly endless bleeding of jobs from our economy, the Bush tax cut plan has been re-titled the "Jobs and Economic Growth" Plan. Let's pray it doesn't repeat the damage done by the last initiative.

By mentioning the word jobs with every breath and having the media breathlessly repeat such pronouncements, the President believes people will think the problem is being addressed. He claims his plan will create 1.4 million jobs. Unfortunately for him, and us, Alan Greenspan of the Fed disagrees, as does the former Presidential Economic Advisory Council member and now Director of the Congressional Budget Office. Neither would or could tout this de ja vu, his father called it voo doo, economic policy.

There is a better way to respond to the obvious needs of America's families; a previously tried and successful path that would address the painful situations too many are now experiencing. The President and Congress can provide help, and do so without raising taxes.

We must, however, forego those tax cuts that the President is trying to direct almost exclusively to the already extremely well-off, i.e., the reduction of taxes on Corporate dividends. It's not too much to ask. At every other juncture when this nation has met simultaneous foreign and domestic challenges, we have asked for, and received, shared sacrifices. This circumstance calls for the same response.

With common sense, fairness and decency as our guide, we can implement a plan far less costly than the President's that actually will create over a million jobs this year alone, and grow the economy. Taking this course will not saddle our children with hundreds of billion or trillions of dollars in debt, as would the President's plan.

We should forego the President's special tax favors, and instead:

Provide a decent extension of unemployment insurance benefits for those still out of work and those expected to lose their jobs in the coming months.

Provide states with funds to avoid their cuts in local aid that are resulting in teacher, fire and police lay offs and losses of other critical services. Also, by providing assistance with a larger federal share of Medicaid to stop plans to end coverage for thousands.

Fulfill the federal government's promises to states and local governments to fund homeland security, road and bridge repair and construction, disability education and "No Child Left Behind" mandates, and with one-time assistance to help those hurt most by unemployment and a stagnant economy.

Focus any tax relief on families that work—not just those benefiting from "coupon clipping" and toward small business incentives for new investments and jobs actually created in 2003.

Finally, as the World Trade Organization forces the United States to end its tax subsidies to Corporations that manufacture overseas, we should defeat the Republican effort to repackage that same idea and stop policies that move jobs off-shore.

Stopping the economic slide and easing workers' and small business' pain in this economy is entirely possible if we do the sensible, fair things.

It is ironic that those looking to give money primarily to the very well-off expect to spend billions building Iraqi schools and roads, providing health care for Iraqi citizens, and rebuilding that country, but somehow lack the will and common sense to build America and help its struggling families. We are morally obligated to assist in Iraq, where so much devastation was caused. Still, I believe we are morally bound—and guided by fair play and common sense—to do the right thing for our citizens and economy as well.

It is my hope that the Senate will refocus attention on the needs of the American people and craft a Jobs and Growth Act worthy of its name.

MINOR USE AND MINOR SPECIES ANIMAL HEALTH ACT OF 2003 (MUMS)

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. PICKERING. Mr. Speaker, I rise today in order to bring attention to a problem faced by livestock and food animal producers, animal and pet owners, zoo and wildlife biologists, and the animals themselves, which unfortunately goes largely unnoticed except by those who are directly affected.

There currently exists a severe shortage of approved animal drugs for use in minor animal species. These minor animal species include animals other than cattle, horses, chickens, turkeys, dogs, and cats. In addition, there also exists a similar shortage of drugs and medicines for major animal species for diseases that occur infrequently or which occur in limited geographic areas. Due to the lack of availability of these minor use drugs, millions of animals go either untreated or treatment is delayed. This results not only in unnecessary animal physical and human emotional suffering but may threaten human health as well.

Without access to these necessary pharmaceutical tools, farmers and ranchers also suffer. A diseased animal left untreated can quickly spread disease throughout an entire herd of its fellow species. The result is economic hardship to farmers and ranchers who are already struggling to make their operations' cash flow. For example, the sheep industry lost nearly $42 million worth of livestock alone in 2002. The industry estimates that if it had access to effective drugs to treat disease, production costs for their animals would be cut by 15 percent. In addition, feedlot deaths would be cut by up to 2 percent. Perhaps that seems like an insignificant loss, but it translates into $8 million in revenue to the industry.

The catfish industry is by far the largest livestock industry in my home state of Mississippi. It provides jobs for tens of thousands of Mississippians and is a key component of my state's economy. The industry attributes $60 million per year in losses to diseases for which drugs are not available. Of the entire food and ornamental fish industry, only 6 drugs are approved and available for treating the hundreds of aquaculture diseases which affect it. The losses associated with the lack of necessary pharmaceutical tools can be crippling to anyone involved in the industry.

Because of limited market opportunities, low returns, and enormous capital investment required, it is generally not economically feasible for drug manufacturers to pursue research and development, and then approval, for drugs used in treating minor species and infrequent conditions and diseases. Mr. Speaker, with a number of our colleagues from both sides of the aisle who recognize the urgency of this matter, Mr. JOHN and I are today introducing legislation to help mitigate the shortage of minor species drugs. The Minor Use and Minor Species Animal Health Act of 2003 will provide manufacturers the opportunity to develop and approve minor use drugs which are vitally needed by a plethora of animal industries.

Our legislation incorporates the major proposals of the Food and Drug Administration's (FDA) Center for Veterinary Medicine to increase the availability of drugs for minor animal species and rare diseases in all animals. The Animal Drug Availability Act of 1996 required the FDA to provide Congress with a report, describing administrative and legislative proposals to improve and enhance the animal drug approval process for minor uses and minor species of new animal drugs. This report by FDA, delivered to Congress in December 1998, laid out nine proposals. Eight of FDA's proposals required statutory changes. The bill my colleagues and I are introducing today reflects the changes called for in FDA's minor species/minor use report while maintaining and ensuring public health.

The MUMS legislation outlines two new ways to lawfully market new animal drugs:

(1) It establishes a conditional approval mechanism for new animal drugs for minor uses and minor species. Conditionally approved new animal drugs must meet the same safety requirements as new animal drugs approved under Section 512 in that a 'reasonable expectation of effectiveness' as opposed to 'substantial evidence of effectiveness' must be demonstrated. If conditional approval is granted by the Food and Drug Administration, the approval will be effective for one year and renewable for a maximum of four additional years. This process will allow drug sponsors to recapture some development costs through marketing the product prior to full, unconditional approval.

(2) MUMS establishes an index of legally marketed unapproved new animal drugs for non-food minor species. The index will provide a mechanism to lawfully market minor species drugs for which there is unlikely to be sufficient financial incentives to seek full or conditional approvals. If the FDA determines that a new drug is eligible for an index listing, it will be included in the index if benefits outweigh perceived risks. Additionally, the harm caused by the absence of an approved or conditionally approved drug will be taken into account when making this determination. An independent expert panel will be largely responsible for determining whether or not the drug may be allowed to be included in the index.

None of the provisions outlined in the Minor Use and Minor Species Animal Health Act will weaken the FDA's responsibilities of ensuring the safety of animal drugs to the public. The FDA Center for Veterinary Medicine currently evaluates new animal drug products prior to approval and use. The rigorous review and testing process provides consumers with the confidence that animal drugs are safe for animals and consumers of products derived from those animals. Currently, FDA guidelines include requirements to prevent harmful residues and evaluations to examine the potential for the selection of resistant pathogens. Any animal drug considered for approval under this legislation will be subject to the same requirements.

The Minor Use and Minor Species Animal Health Act is supported by the Food and Drug Administration, the American Farm Bureau Federation, the Animal Health Institute, the American Veterinary Medical Association, and virtually every organization representing all genres of minor animal species. Mr. Speaker, this is vital legislation which is needed now. This Act will alleviate much animal suffering, it will promote the health of minor animal species while protecting and promoting human health, it will benefit pets and promote the emotional security of their owners, benefit various endangered species of aquatic animals, and will reduce economic risks and hardships to farmers and ranchers.

This is common-sense legislation which will benefit millions of Americans from farmers and ranchers to pet owners and wildlife biologists, in addition to the animals themselves. I call on all my colleagues in the House to support the Minor Use and Minor Species Animal Health Act of 2003.

TRIBUTE TO DAVID J. ROBERTS ON THE OCCASION OF HIS RETIREMENT AS MARQUETTE COUNTY CLERK

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. STUPAK. Mr. Speaker, I rise today to recognize the work and achievements of David Roberts, who since 1986 has served the people of Marquette County, Michigan, as Marquette County Clerk.

Dave Roberts is taking a well-earned retirement from public service after more than seventeen years of conscientious and devoted work for the people of Marquette County.

Those of us in government office know that public officials at the local level are on the true front lines of government service. Even if the County Clerk is not the person who created a law, engineered a road fix or streamlined a County budget, he or she is the face that most members of the public know and turn to when they have questions, complaints or, less often, compliments. The County Clerk is also the person that other elected officials look to for answers about County government issues.

Dave Roberts, as County Clerk has the lives of County residents in his keeping, in the form of public records such as birth, marriage, death and real estate filings. He acts as clerk of the County Board and, in Marquette County, as clerk of the circuit court.

Dave held this hot seat in Marquette County government with great dedication, composure and his ever present sense of humor. He filled his Clerk's responsibilities in a highly capable fashion, always keeping at the forefront his concern for others. Dave's way of dealing with people, whether they came to the Clerk's office on the warpath, or with a simple question, will be a great example and legacy for his successor. He leaves big shoes to fill.

Dave Roberts is a native of the Marquette area and graduated in 1965 from Negaunee high school. He earned his bachelor's degree from Northern Michigan University in 1974 and then worked toward a master's degree in creative writing. He also worked for Cleveland-Cliffs, Inc. for twelve years before being appointed County Clerk in 1985 following the retirement of previous clerk Henry A. Skewis.

Dave served as president of the Michigan Association of County Clerks in 1995 and 1996. He was active in that association during his years as Marquette County Clerk, and in 2000 received the well-deserved honor of being named Michigan County Clerk of the Year by his fellow association members.

Congratulations also are due to Dave's wife Patricia and their four children, Sheri, Debi, Andrew and Jessica, who have supported Dave in his work and at home over the years. Pat herself is a big part of the community and has been a corrections officer at the Marquette Branch Prison for 18 years.

Mr. Speaker, I ask you and my colleagues to join me in congratulating Dave Roberts on his accomplishments and service as Marquette County Clerk, and to join me in wishing him great success in his writing, his travel, and even in improving his golf game—three things that he said he intends to spend some time on in retirement.

I hope that Marquette County has not seen the last of his contributions to civic life as well.

TO HONOR MAYOR GEORGE VAN DUSEN ON HIS 60TH BIRTHDAY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to honor my friend and colleague, the Mayor of Skokie, Illinois, George Van Dusen on his 60th birthday. Mayor Van Dusen has faithfully served the people of the Village of Skokie since 1984, first in the role of Trustee, and since 1999 as Mayor. Over the last several years, I have had the distinct pleasure of working with him on behalf of the people of Skokie.

During his tenure as Mayor, Skokie has been recognized for excellence in education and public services. Skokie's Niles North High School was recently cited as one of the country's best high schools by both Newsweek and U.S. News & World Report magazine. In 2002, the Village was awarded the Governor's Hometown Award for municipal excellence and received an "All American City" finalist distinction from the National Civic League. Skokie is the first town in the United States to have nationally accredited Fire, Police and Public Works Departments.

I am proud of Mayor Van Dusen and the Village of Skokie for all of their impressive accomplishments. I know there will be more achievements and milestones for the Village of Skokie to celebrate in the time to come. I look forward to joining Mayor Van Dusen to mark those meaningful dates as well.

HELP SHED LIGHT ON INTERNATIONAL WIRE TRANSFERS

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. GUTIERREZ. Mr. Speaker, today I am introducing the "International Money Transfer Disclosure Act of 2003," a bill to require disclosures involving international money wire transactions.

Immigrants throughout the United States work hard, save money and send billions of dollars to relatives living in foreign countries. The money sent home helps finance basic needs ranging from food and medicine to education and new homes. Unfortunately, customers wiring money abroad are often losing millions of dollars to undisclosed "currency conversion fees" charged by giant firms, such as Western Union and MoneyGram.

Wire transfer companies aggressively target audiences in immigrant communities with ads promising low rates for international transfers. However, such promises are grossly misleading particularly for those with ties to Mexico or other Latin American countries, since companies do not always clearly disclose extra fees charged for converting dollars into Mexican pesos. While large wire service companies typically obtain pesos at bulk bargain rates, they charge a significant currency conversion fee to their U.S. customers. The exchange rate charged to customers sending U.S. dollars to Mexico routinely varies from the benchmark rates by as much as 15 percent. The profits from these hidden currency conversion fees are staggering, allowing companies to reap millions of dollars more than they make from service fees.

To address these problems, the International Money Transfer Disclosure Act of 2003 requires that any financial institution or money transmitting business which initiates an international money transfer on behalf of a consumer, whether or not the consumer maintains an account at such institution or business, shall provide full disclosure of all fees involved in all money-wiring transactions, including the exact amount of foreign currency received by the recipient of the transfer.

Consumers will also be provided a final itemization of all costs dealing with the remittance at the time of the transaction. The disclosures will be provided to the consumer in both English and the language used by the financial institution to advertise, solicit, or negotiate the money transfer.

Mr. Speaker, I urge my colleagues to support this sensible pro-consumer legislation.

JOBS AND GROWTH RECONCILIATION TAX ACT OF 2003

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. ETHERIDGE. Mr. Speaker, I rise today in strong opposition to the Republican bill that will increase our national debt by hundreds of billions of dollars but will produce no stimulus for our economy.

In my state of North Carolina, people are hurting. As a result of this Administration's tax policies, more than 128,900 workers have lost their jobs in the past two years. We desperately need a fiscally responsible plan to jump-start our economy, pay down the debt, invest in our people and produce economic growth for long-term prosperity. Unfortunately, this Republican bill will blow a hole in the federal budget, drive up interest rates, eliminate millions of jobs and leave our children and grandchildren with a massive national debt to pay off.

It's really very simple. The first step to get out of a hole is to quit digging. The national debt today is $6.4 trillion. This bill would continue to add to that national debt as far as the eye can see. We can do better.

I join my Democratic colleagues in support of the "Rebuilding America Through Jobs Act." This fiscally responsible bill will provide real help to those who have lost their jobs, help families weather this economic storm and jump-start the economy to create new jobs and generate greater prosperity for all Americans.

Specifically, the Democratic bill will continue and expand extended unemployment benefits (that expire on May 31) for nine months, providing 26 weeks of federal benefits for dislocated workers. It expands the work opportunity tax credit to give up to $2400 credit to employers for hiring long-term unemployed workers. It increases the child tax credit to $800 in 2003 and expands the number of families receiving the child credit. It accelerates marriage penalty relief and the widening of the 10 percent tax-rate bracket to allow more taxpayers to pay at the lowest rate.

The Democratic bill provides $18 billion in assistance to the states for Medicaid and provides $26 billion for homeland security, transportation infrastructure and education. It expands to $75,000 for two years the amount of new investments small businesses can deduct from their taxes, allows all firms an accelerated bonus depreciation of 50 percent for 12 months and reduces the corporate tax rate by 3.5 percentage points. And the Democratic bill maintains fiscal responsibility by suspending future tax cuts for the richest people in this country.

In conclusion Mr. Speaker, I urge my colleagues to defeat the debt-laden Republican bill and pass a real economic stimulus package for the American people.

ALLOW TAIWAN A SEAT AT THE GLOBAL HEALTH TABLE

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. BROWN of Ohio. Mr. Speaker, Taiwan—along with nations across the globe—has been struck by Severe Acute Respiratory Syndrome (SARS). On April 26, the first Taiwanese citizen died from the virus. SARS has resulted in hundreds of deaths worldwide and hospitalized thousands. WHO measures have been critical to containing the spread of SARS, and to providing nations with accurate and timely information to better combat this world health threat.

Despite the dangers SARS poses to 23 million Taiwanese citizens, the WHO delayed Taiwan's effort to contain the spread of SARS, placing the health of the entire nation in jeopardy. This crisis highlights the urgency surrounding Taiwan's obtaining observer status in the WHO at the World Health Assembly in Geneva, Switzerland beginning next week.

I urge my colleagues to read the following op-ed by President Chen Shui-bian that recently appeared in the Washington Post.

[From the Washington Post, May 9, 2003]

HELP TAIWAN FIGHT SARS

(By Chen Shui-bian)

The outbreak and spread of severe acute respiratory syndrome, or SARS, has brought illness, death and economic peril to Asia and the rest of the world. It has also drawn attention to Taiwan's exclusion from the World Health Organization. If there was ever a time for my country to be allowed to join the WHO, it is now.

As Taiwan's democratically elected president, my first and foremost obligation is to the people of Taiwan. When SARS first appeared in Taiwan in March, our health system responded quickly and effectively. As a result, Taiwan initially achieved a record of zero mortality, zero community transmission and zero transmission abroad of SARS. But despite our efforts, another outbreak occurred in late April. We have taken strict measures in response, and are working day and night to contain the disease.

Throughout this health crisis, my government has acted in the best interest of our people and of foreign nationals living in and visiting Taiwan. At no time has my administration suppressed information about the disease. Our press has reported freely on SARS. More important, our officials know that they are accountable to the people, both morally and at the ballot box. Whatever problems arise for Taiwan, we will solve them according to the highest standards of medicine, government accountability and human compassion.

I also have an obligation to the world. Taiwan is a nation of 23 million people and a major trading partner for many countries. What happens in Taiwan affects many millions more around the world. For that reason, Taiwan immediately offered to work with the WHO in combating SARS. Unfortunately, we were rebuffed. However, in response to the most recent rise in the number of cases, and for the first time in decades, two experts from the WHO arrived in Taiwan last week. I welcome this assistance and have directed my government and called on my people to cooperate fully with them.

The WHO's decision to send these experts to Taiwan has great significance. It demonstrates that Taiwan is indispensable to international public health. But it also suggests that cooperation between the WHO and Taiwan should not be left to ad hoc arrangements.

Despite my country's advanced health system, staffed by doctors and nurses educated in highly respected institutions at home and abroad, and despite a strong desire to participate in the WHO, Taiwan is denied membership or even observer status in the organization. As a consequence, our epidemiologists are still unable to gain prompt access to information, such as samples of the virus, that could help our scientists learn about the disease and treat patients. Nevertheless, we have tried to provide information to international organizations to ensure that Taiwan can make the maximum contribution to solving this health problem.

The effort to understand and control SARS continues. Viral experts seek answers to important questions. Doctors and health professionals on the front line of the battle against SARS need as much information as possible to be able to deal with the disease. Moreover, like the WHO, international health officials need as much data as possible about SARS and the way it behaves in different environments and among different populations.

Taiwan, with a population larger than those of three-quarters of the countries of the world, is a piece of a global puzzle that experts need to understand to cope with the virus. Taiwan has long wanted not only to benefit from the WHO's expertise but also to share the responsibility that all countries have to global public health. Many health care professionals around the world have expressed their support for Taiwan's admission to the WHO as an observer. We are grateful.

We hope that at the WHO meeting on May 19, this important organization will invite Taiwan to be an observer. Taiwan's people should not be excluded from efforts to defeat SARS. Nor should the rest of the world be denied the important contribution Taiwan can and wants to make to global health.

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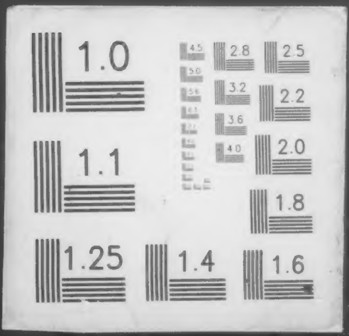
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